



**Health & Safety Commission's (HSC)
Railway Industry Advisory Committee (RIAC)**

**REPORT OF PUBLIC MEETING – WEDNESDAY 7 JULY
CARLTON HOTEL, EDINBURGH**

Introduction

James King facilitator of this meeting and member of the Rail Passengers Committee (RPC) Scotland welcomed an audience of approx 80 people to RIAC's fourth public meeting. He opened the meeting by introducing the topics that were to be discussed "Controlling risks at level crossings" and "Are the railways safe enough?". He explained the evening would be run in two sessions with opportunities for questions after the presentations in each session.

What is RIAC?

Margaret Burns, Health and Safety Commissioner, and Chair of RIAC, explained that the HSC advises Ministers on policy on health and safety, is responsible for producing regulations, codes of practice and guidance and setting the strategy for the Health and Safety Executive (HSE). RIAC's role is to advise the HSC on health and safety strategy in the railway industry. This includes ensuring the Committee represents the public's views when formulating its advice. She stressed the importance of the public meetings for RIAC as they give the committee an excellent opportunity to listen to what members of the public have to say about important safety issues.

Controlling risks at level crossings

Ron McAulay, Route Director of Network Rail Scotland, told the meeting level crossings are now the biggest safety risk on the railways. Most of the risk is caused by external factors such as vehicle drivers. Approximately 30% of all collisions involving trains occur on level crossings where the risk of a fatality in a collision involving a train and a car is 40 – 45 times higher than a normal road accident.

Ron outlined the difference between public and private level crossings. Public crossings have a reserved right of vehicle or pedestrian access, while private crossings are ones where the people authorised to use them are identified in legislation. Normally these users will be landowners and their descendants.

One of the major risks is motor vehicle driver indiscipline or abuse, ie, cars running red lights and endangering the lives of the occupants of the car and those travelling on the railway. Network Rail have installed 8 red light cameras in Scotland that caught 607 people jumping the lights at level crossings in 2003. Risk assessments are carried out yearly at public crossings and every 3 years at private crossings. Inspections of public



crossings are carried out every 4 weeks, and private crossings every 6 months. There are a number of actions Network Rail can take if the risk assessment shows they are necessary. These range from trimming vegetation to improve sightlines to building underpasses or bridges. In some instances closure is considered. In the case of public crossings this would only happen after a great deal of consultation. Private crossings however were never intended to be used by members of the public and have in some cases, notably East Haven and Kilchurn Castle, been secured. Ron stressed that these crossings were available to authorised users and not closed, and by locking them Network Rail are reaffirming their legal status. They are effectively stopping people using the crossing illegally. Measures taken to mitigate risks at private level crossings include, improved signage, installing direct phone lines to signallers and issuing mobile phones to those authorised to use the crossings.

Network Rail's interpretation of the legislation governing access to the railways is that they have a duty to prevent unauthorised access to the infrastructure. Ron however, also added that in rural areas there must be a pragmatic solution to allow people to cross the railway, but this would require a change in the legislation. Ron would welcome the opportunity to discuss how to review the legislation in order to facilitate this.

Mark Whitham, Inspector of Railways, HMRI echoed Ron McAulay's comments on level crossings representing the highest risk of a major train accident. In Scotland in 2003 there were 363 level crossings incidents reported from 700 crossings. The bulk of these incidents were misuse of the crossing, with trespass and vandalism also figuring highly in the figures. The other significant factor was equipment failure, though the risk in this is mitigated by the fact the equipment is designed so that if it fails, it automatically defaults to a position ensuring safety. For example, if the equipment fails at an automatic level crossing, the gates come down denying access to the tracks.

There were 17 fatalities in the UK in 2003, 2 of them in Scotland. Mark described these 2 incidents, and outlined other misuses with the aid of slides in his presentation. Ongoing areas of work to control risks at level crossings include; raising awareness of crossings through better signage and road markings. The cost of upgrading crossings is significant and Mark said Network Rail could not be expected to upgrade every crossing to the best possible level and so have to make decisions based on the usage of the line.

Broadly HMRI's long-term strategy is not to permit new level crossings on the infrastructure, and to support the rail industry in taking all reasonably practical measures it can to reduce the risks at level crossings. HMRI want to work together with the rail industry and users of level crossings in order to achieve a solution that allows sensible, safe use of level crossings.



Although fatalities and incidents at level crossings are always traumatic and often avoidable they should be looked at in context. The estimated figures for one year show that there will be 680 million vehicle, 660 million pedestrian and 109 million train traverses over level crossings in the UK. The percentage of incidents is not high, but improvements are still necessary.

Questions and comments from the audience

Comments

Dave Morris, Director of the Ramblers Association in Scotland, expressed frustration at the lack of dialogue from Network Rail in relation to the closure of crossings and asked the panel where he could turn given that his organisation had held unsatisfactory meetings with Network Rail? Mr Morris said that as the Outdoor Access Code did not provide a solution the Ramblers Association was considering producing its own advice on how to cross the railways.

A. Ron McAulay, questioned the wisdom of the writing of a unilateral code by the ramblers and thought that further dialogue might be helpful. He offered apologies if Network Rail response times had been unsatisfactory. It was suggested by Margaret Burns that dialogue will offer the best chance of success in finding a solution. Planning authorities and the Highways Agency have a role to play in this, but if HSC could do anything to facilitate a pragmatic solution they would be happy to do so. Allan Sefton suggested the setting up of a Scottish sub committee of the National Level Crossing Safety Group (NLCSG) and Mike Lunan offered to raise this issue at the next meeting of the group.

Q. Can HSC give us an assurance that in any of these new railways or any existing railways there won't be any new level crossings to compound the existing problems?

A. There are going to be some level crossings re-opened on the new Stirling- Kincardine line. These are not in use at the moment, but will be upgraded for use when the line opens.

Q. Cyclists and horse riders use level crossings and were not included in the presentations. Are the needs of these groups being considered?

A. The National Level Crossings Safety Group has representatives from the British Horse Society as well as rambling and cycling associations and these bodies are present when these matters are discussed annually.



Are the railways safe enough?

Mike Lunan, Convener of the Rail Passengers Committee - Scotland, presented a series of graphs showing a downward trend in significant train accidents, fatal train accidents, workforce deaths and movements accidents. These have come about due to a number of factors. For example, technological advances have made the signalling system safer, and the actual design of the carriages has led to fewer fatalities when accidents do occur.

Almost 57% of the railway fatality risk comes from people trespassing on the railways. There has been a lot of work done by Network Rail to address this but there are still many points of access to the tracks that cannot be controlled. Mike suggested that overall the railway is safe and that accident figures needed to be considered in the light of incidents of trespass, suicide, etc.

Mike closed by saying that everyone who uses the railway, including passengers, has a great responsibility to control their actions and not endanger others.

Allan Sefton, Director of Rail Safety, HSE, told the meeting he wanted to assure the public that the risk on the railways is well managed and that the regulator is tough and robust. Allan's talk was focussed on what is being done to improve risk management.

The fundamental principle of the Health and Safety at Work Act is that those who create risks are best able to manage them. In order to do this the industry must have competent managers and workers who are capable of taking sensible decisions about risk. The rail industry has come a long way in managing risks and is continuing to move in the right direction with help from the regulator and a degree of public pressure.

Since HMRI took control of rail safety in 1990 there have been substantial reductions in the number of accidents to passengers, fatal accidents to passengers and railway staff. The industry and all those who contribute to rail safety should be extremely proud of these improvements. Trespass and suicide has not improved to the same degree, but society cannot be changed as readily as the management of business.

The risks from travelling on the railway are about 6 times less than travelling on the road in a private car. Rail, bus and air travel all carry roughly the same level of risk and the railways in the UK are about average in comparison to the rest of Europe.

HMRI are concentrating their efforts in helping the industry to reduce the precursors to major accidents, such as level crossing misuse, signals passed at danger, track faults, etc. This does not mean that industry should not take into account all their other responsibilities in terms of health and safety that might lead to individual accidents like slips, trips and falls in stations.



There is a cycle of major accidents on the railway every two or three years which has not yet been broken. The public expect that risks are effectively managed and that is what sensible health and safety is about – managing risks not eliminating them. No one expects any public transport to be risk free, but what the public needs is assurance that all risks are properly assessed and managed, with systems in place that will be robust enough to withstand pressures placed them. The key to modern risk control on the railways is good co-operation.

Examples of questions and comments from the audience

Comment. Technological fixes such as TPWS and AWS have done as much as can be expected and the onus must now be on management in the rail industry to lower the accident rate by dealing with fatigue in Safety Critical Workers.

A. RIAC is considering a whole new set of Safety Critical Worker Regulations that are going to reform the existing regulations to make them more sensible and expand their range. Fatigue is not just about hours of work, but shift patterns, rest breaks etc and all these areas will be addressed.

Q. What useful part, if any, do the speakers feel criminal law could, or should, play in raising railway safety standards?

A. Research shows that the prospect of enforcement is one of the major things that make employers take health and safety seriously; however it is not the main reason. By and large most employers want to do the right thing, but this has to be backed up by the possibility of enforcement. When action is taken under criminal law HSE take the view that this should be targeted towards employers as dutyholders.

Q. The meeting was very much about rail safety and the management of risk within the rail industry. Can there be some assurance given that consideration is given to the transfer of risks from the railway to other forms of transport ie. stopping people using level crossings and forcing them onto roads where the risk is 6 times higher?

A. This issue can only be addressed by people getting together and working together to achieve solutions. This may mean that legislation is required, but ultimately progress will only be made if the will of the Government is such that the separate bodies involved have to work together.

Q. An audience member stated that some shift patterns mean drivers are driving trains for over 6 hours without a break and he feels this is not safe. The questioner felt the regulators are not doing enough to address this issue and asked if Allan Sefton had ever seen a risk assessment of hours of work of safety critical workers?

A. The Railway Inspectorate would never turn a blind eye to legal requirements, but there are occasions where there is disappointment as to what the legal requirements actually are. There is a formal complaints procedure in HSE if anyone feels the correct procedures have not been



followed, and the Railway Inspectorate do look very closely at the mechanisms that are put in place to handle the work of safety critical workers in risk assessments.

Conclusion

Margaret Burns concluded by saying that the view of those attending seemed to be that rail is a safe means of transport, but there are doubts that risks relating to safety are being managed as effectively as they could be. The best way for improvements to be made is for risk to be managed holistically with all parties working together for pragmatic solutions. She said the meeting had been very helpful in giving a range of views and opinions for RIAC to consider.

Since the meeting talks have been held between Network Rail and other stakeholders involved in the level crossings issue. There is now a common understanding that walkers and others use private level crossings to access the countryside. Talks are to continue regarding assessing the risks at level crossings and introducing appropriate measures that will allow people to cross the railway in a safe manner.

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