

Recommendation(s) Status: Fatal accident at Mexico footpath crossing (near Penzance)




This report is based on information provided to the RAIB by the relevant safety authority or public body.

The status of implementation of the recommendations, as reported to us, has been divided into six categories:

Key to Recommendation Status

Implemented:	All actions to deliver the recommendation have been completed.
Implemented by alternative means:	The intent of the recommendation has been satisfied in a way that was not identified by the RAIB during the investigation.
Implementation ongoing:	Work to deliver the intent of the recommendation has been agreed and is in the process of being delivered.
In-progress:	The relevant safety authority has yet to be satisfied that an appropriate plan, with timescales, is in place to implement the recommendation; and work is in progress to provide this.
Non-implementation:	Regulation 12(2)(b)(iii) = recommendation considered and no implementation action to be taken.
Awaiting response:	Awaiting initial report from the relevant safety authority or public body on the status of the recommendation.

RAIB concerns on actions taken by organisations in response to recommendations are reflected in this report and are indicated by one of the following.

-  The red triangle shows recommendations where the RAIB has concerns that no actions have been taken in response to a recommendation.
-  The blue triangle shows recommendations where the RAIB has concerns that the actions taken, or proposed, are inappropriate or insufficient to address the risk identified during the investigation.
-  The white triangle shows recommendations where the RAIB notes substantive actions have been reported, but the RAIB still has concerns.

Note: The tables which follow, report the status of recommendations on 31 December 2015. In some other cases the end implementer has already sent information to the relevant safety authority about the actions it has taken, or proposes to take and the safety authority is considering whether it is satisfied that those actions and the associated timescales are accepted.

Number/ Date/ Report No/ Inv Title / Current Status	Safety Recommendation	Summary of current status (based on ORR's report to RAIB)
<p>1 03/10/2011 10/2012</p> <p>Fatal accident at Mexico footpath crossing (near Penzance)</p> <p>Status: Implemented</p>	<p>The intent of this recommendation is for Network Rail to improve safety for all users at Mexico footpath crossing by considering whether improvements can be made to sighting for pedestrians at the crossing and also by considering whether it is possible to move the whistle boards closer to the crossing, taking account of factors that affect audibility (such as local topography) and any other effects that might arise from changing the location of the whistle boards.</p> <p>Taking account of the deficiency in sighting time for vulnerable users, Network Rail should:</p> <p>a. Consider whether improvements can be made to sighting towards the east for pedestrians on the south side of Mexico footpath crossing (paragraph 128a).</p> <p>b. Determine the optimum position of the whistle boards at Mexico footpath crossing and make any required adjustments. The assessment should identify a better location for the boards that will improve the audibility of train horns at the crossing, taking account of the need to provide adequate warning for all users and including consideration of any local factors which may have a bearing on the decision (paragraphs 129a, 129b and 129c)</p>	<p>Network Rail have carried out a review in response to this recommendation and has concluded that it is not practical to move sighting or whistle boards. However Network Rail are proposing to close the crossing therefore mitigating the risk. In February 2015 Cornwall Council informed the RAIB that the right of way across Mexico pedestrian crossing has been extinguished following the coming into force of a Public Path Order.</p>
<p>2 03/10/2011 10/2012</p> <p>Fatal accident at Mexico footpath crossing (near Penzance)</p> <p>Status: Implemented</p>	<p>The intent of this recommendation is for RSSB to consider what additional data needs to be captured within SMIS to allow a full evaluation of risk at level crossings and to use it, together with any other relevant data, to enhance its current processes for reviewing the effect of the change made in April 2007 to sounding only the low tone of the train horn for passive crossings between 07:00 hrs and 23:00 hrs.</p> <p>RSSB should:</p> <p>a. identify any additional data that should be captured within SMIS from accidents and near-miss incidents to inform future safety decision-making about level crossings and make the necessary arrangements for that data to be collected by duty holders; and</p> <p>b. using the data obtained from implementing part a of this recommendation and any further intelligence contained within SMIS or other sources, enhance its current approach to reviewing the impact of the change to sounding only the low tone of the warning horn for whistle boards at level crossings between 07:00 hrs and 23:00 hrs and take actions, if</p>	<p>ORR has reported that RSSB has reported that it has taken actions in response to this recommendation. ORR proposes to take no further action unless they become aware that the information provided becomes inaccurate.</p>

appropriate (paragraph 129b).

Number/ Date/ Report No/ Inv Title / Current Status	Safety Recommendation	Summary of current status (based on ORR's report to RAIB)
<p>3 03/10/2011 10/2012</p> <p>Fatal accident at Mexico footpath crossing (near Penzance)</p> <p>Status: In-progress</p>	<p>The intent of this recommendation is for Network Rail to undertake a project to develop and implement a national approach to the location and marking of decision points and the measuring of sighting distances at level crossings. This work should be expedited and undertaken as a discrete exercise rather than as part of the three-yearly crossing risk assessment cycle and take account of the emerging findings from RSSB research project T-984 'Research into the causes of pedestrian accidents at level crossings and potential solutions' where relevant.</p> <p>Network Rail, in conjunction with RSSB where appropriate, should undertake a project to develop a standard national approach to:</p> <ul style="list-style-type: none"> • Identifying the optimum decision point at each footpath and user worked crossing used by pedestrians; • Marking and signing the optimum decision point at each crossing; • Using that decision point in estimates of sighting distance at footpath and other crossings; and • Briefing staff involved in crossing risk assessment with regard to the approach. <p>When addressing issues in relation to the marking of decision points, Network Rail should liaise with RSSB on emerging findings from research project T984 'Research into the causes of pedestrian accidents at level crossings and potential solutions', and give consideration to the need to draw upon relevant elements of that research project to inform the development of the national approach. In this context RSSB should prioritise those elements of research project T984 that deal specifically with the marking of decision points, so that they are completed at an early stage in the programme. Once the approach has been developed, Network Rail should implement a programme to review and modify crossings accordingly (paragraphs 130a and 130b).</p>	<p>ORR reports that NR, along with other industry partners has been working collaboratively with the RSSB (under RSSB research project T984 'Research into the causes of pedestrian accidents at level crossings and potential solutions') in order to develop a standard national approach to;</p> <ul style="list-style-type: none"> • Identify the optimum decision point at footpath and user worked crossings used by pedestrians; and • Marking and signing the optimum decision point. <p>The RSSB research project prioritised those elements of T984 that deal specifically with the marking of decision points. As a consequence of this it is proposed that Network Rail carry out a trial of marking the danger zone at footpath or bridleway crossings instead and report the results to the Level Crossing Strategy Group (LCSG), including associated costs, for the LCSG to decide on the way forward. The aim is to report back to the LCSG on 27 March 2014.</p> <p>Network Rail will continue to use the methodology of identifying decision points to support safety design purposes i.e. in order to provide sufficient sighting distances at passive level crossings, allowing users to safely traverse the level crossing.</p>
<p>4 03/10/2011 10/2012</p> <p>Fatal accident at Mexico footpath crossing (near Penzance)</p> <p>Status: Implemented</p>	<p>The intent of this recommendation is for First Great Western to propose changes to Railway Group Standards so that an objective train horn testing regime is mandated after a train has been involved in certain types of accident or incident.</p> <p>First Great Western should make a proposal to RSSB to modify relevant Railway Group Standards to mandate the requirement to test train horns in an objective manner when a train has been involved in any accident or incident involving circumstances where the sounding of the train horn was either required by the</p>	<p>ORR has reported that First Great Western has made a proposal for a standards change in response to the recommendation. Revised standard GM/RT2273 (issued in June 2014) now includes a requirement for measuring the audibility of train horns where evidence from initial investigations indicates that the sounding of the warning horn could be a factor.</p> <p>ORR proposes to take no further action.</p>

rule book or employed by the driver during the event (paragraph 130d).

5 03/10/2011 10/2012
Fatal accident at Mexico footpath crossing
(near Penzance)
Status: In-progress

The intent of this recommendation is for Network Rail to conduct a network-wide project to optimise warnings for pedestrians at level crossings equipped with whistle boards, taking account of emerging technology and the ability to generate local warnings audibly or visually.

Network Rail should conduct a review of the arrangements for providing warnings for pedestrians at level crossings currently equipped with whistle boards. The review should address:

a. the costs and benefits at each crossing of providing audible or visual warnings at the crossing itself rather than by approaching trains (taking account of the possibility of the significantly reduced costs of visual warnings referred to in paragraph 120); and

b. at crossings where whistle boards will remain, whether the position of the board at each crossing has been optimised taking account of all relevant local factors including (but not limited to) prevailing wind, local topography, sources of noise and the traverse time for crossing users and the positive and negative effects on railway neighbours (paragraph 130e).

ORR reports that Network Rail is developing alternative methods of providing visual and / or audible warnings at crossings. It has also reviewed circa 1600 crossings fitted with whistle boards to identify candidate sites for;

- installation of new visual and / or audible aids of warning;
- optimising positions of existing whistle boards i.e. moving them;
- it will also identify sites where no action is required due to there being no business case or when the position of whistle boards is already optimised.

Work is ongoing and an update is awaited.