

# Near miss with a pedestrian, Trinity Lane footpath crossing, Waltham Cross, Hertfordshire, 29 November 2016

## 1. Important safety messages

This incident demonstrates the importance of:

- ensuring that the effects on the safe operation of a level crossing from planned nearby lineside construction work are evaluated prior to work beginning, and that appropriate control measures are documented, briefed to the site staff, implemented and monitored
- making members of the public clearly aware of the operational status of a level crossing that is close to lineside construction work and, if it remains open, providing instructions on how it is to be used

## 2. Summary of the incident

At around 11:45 hrs on 29 November 2016, a construction worker asked two pedestrians to wait on the east side of Trinity Lane footpath crossing. A lorry was being unloaded on the west side and their exit was blocked. When the exit became clear, the worker allowed the pedestrians to pass and they both then started to cross. However, a northbound passenger train, the 11:25 hrs service from London Liverpool Street to Stansted Airport, was approaching. One of the pedestrians, who had a dog, continued over the footpath crossing, but then had to run to escape being struck by the train. The other pedestrian, who had been following, turned back. No-one was injured.

### 3. Cause of the incident

Trinity Lane footpath crossing is on the West Anglia main line, between Waltham Cross and Cheshunt. Here the railway is double track, and northbound trains can travel at up to 85 mph (137 km/h).

Pedestrians access the footpath crossing through self-closing wicket gates. They cross the railway on a path, marked on a rubber crossing deck, which is perpendicular to the railway. The deck is shared with an adjacent manually-controlled gated level crossing used by vehicles. Authority to use the vehicle crossing is given by a crossing keeper. However, users of the footpath crossing are expected to be vigilant and to look and satisfy themselves that no trains are approaching. Standard signs, as normally used at footpath crossings, are provided on both sides of the crossing to remind them.



Trinity Lane footpath and vehicle level crossings, from the east (image courtesy of Network Rail)



**Trinity Lane footpath crossing (image courtesy of Network Rail)**

Network Rail had previously recognised that Trinity Lane footpath crossing was one of its highest risk level crossings and was in the process of building a footbridge to replace it. The adjacent manually-controlled gated crossing will remain open for use by vehicles, horses and pedestrians with limited mobility. The construction work was planned so it mainly only affected the railway to the south of the two level crossings, and would be undertaken with both level crossings operating normally.

However, on 29 November 2016, a lorry delivering materials parked on the west side of the level crossings, rather than the designated location for deliveries, which was on another street on the west side of the railway, but to the south. The materials were needed for construction work in the immediate vicinity. The contractor decided to accept the delivery and to put an informal system in place to make the area secure. Staff placed a fence behind the lorry and, because trains were running normally, the footpath crossing was temporarily closed by positioning a worker on the east side to prevent pedestrians entering the wicket gate.

The incident occurred after this worker had received advice that the unloading was complete. On site CCTV footage shows that he then indicated to the two waiting pedestrians, standing nearby on the east side of the crossing, that they were now free to use the footpath crossing and turned away from the railway, moving from his position by the wicket gate. The two pedestrians then started to cross.



It is possible that the pedestrians had misunderstood the role and authority of the construction worker who had been by the gate. It is likely that they started to cross the line because they interpreted his actions as an indication that it was safe to do so.

The Construction (Design and Management) Regulations 2015 cover the management of health, safety and welfare when carrying out a construction project. They apply to the whole construction process, from concept to completion, and define the key roles of client, principal designer and principal contractor. In summary:

- The client (Network Rail), for whom the construction project is being carried out, needs to make sure that the principal designer and principal contractor are appointed, provided with relevant information and carry out their duties.
- The principal designer (also Network Rail) needs to manage health and safety in the pre-construction phase. Its duties include identifying and controlling foreseeable risks and providing relevant information to the principal contractor.
- The principal contractor (AMCO Rail) needs to manage health and safety in the construction phase. Its duties include liaising with the client and the principal contractor, and preparing the construction phase plan that sets out the arrangements for managing health and safety on site.

Network Rail used its standard form to compile the pre-construction information pack that it needed to give AMCO Rail. This included information relating to the site, hazards, rules and the local environment. In a section entitled 'traffic and pedestrian routes', Network Rail made specific reference to the fact that, although short term closures may be required for public safety, the level crossings would need to remain open for the majority of the construction work. The same section stated that 'site traffic management' arrangements needed to be detailed in the construction phase plan.

During early discussions, Network Rail and its contractors identified that it would be necessary to temporarily close the footpath crossing for short periods when the construction work also required the railway to be closed. While in these circumstances they decided that someone would need to be positioned to prevent access to the crossing wicket gates, such staff would not need any specific competence. This decision was made on the basis that the person was only there to prevent access to the footpath crossing when required by the engineering work. AMCO Rail told the workers on site not to give any instructions or advice to pedestrians on how to use the footpath crossing. The project team did not identify the need to manage the closure of the footpath crossing when the railway was operating normally.

However, the construction phase plan prepared by AMCO Rail did not identify any specific risks relating to use of the footpath crossing, nor describe any arrangements for its operation. It also made no reference to 'site traffic management' arrangements. A representative for Network Rail signed the construction phase plan indicating that it was content with the arrangements as described. AMCO Rail did not issue any other site health and safety documents that described the how the footpath crossing was to be operated during the construction of the bridge.

The risks associated with the use of the footpath crossing were not fully identified and evaluated when the construction work was planned, for instance as part of the 'site traffic management' arrangements mentioned in the pre-construction information pack. Had they been so, it is likely that appropriate operational arrangements for the level crossing would have been recorded, and then formally briefed, implemented and monitored.

## **4. Previous similar occurrence**

A near miss incident occurred on 4 July 2013 at Brooksby automatic half barrier crossing, near Melton Mowbray, Leicestershire. A contractor was carrying out work near the railway, and had cordoned off one side of the road and positioned stop-go boards on either side of the level crossing to control traffic. The incident occurred when the driver of a HGV had been signalled to pass one of the stop-go boards, but then noticed the level crossing lights start the closure sequence, which had been activated by an approaching train. Apparently unsure as to which signal to obey, the driver stopped on the crossing. He needed to be instructed to move clear.

The RAIB reviewed the investigation carried out by Network Rail and its contractor. It advised Network Rail that it had concerns about, among others things, the suitability of the arrangements used to manage the operation of the level crossing while highway work was taking place nearby.