

# [Press release: Report 12/2018: Collision at Frogna1 Farm User Worked Crossing](#)

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## **Summary**

On 23 October 2017, a passenger train collided with a parcel delivery van at Frogna1 Farm user worked level crossing, near Teynham, in Kent. The train was travelling at 89 mph (143 km/h). It did not derail, and no-one on the train was hurt, but the train was damaged by the impact. The van was severely damaged and the van driver suffered serious injuries.

The van driver was delivering a parcel to a property on the far side of the crossing. He initially went to an incorrect address, where he was given directions which involved going over the crossing to reach the correct address. The level crossing was equipped with power-operated gates, controlled by a button at the side of the approach road, and a telephone which vehicle drivers were required to use to contact the signaller to obtain permission to cross. Being unfamiliar with user worked crossings, the van driver did not notice the telephone and pressed the button to operate the gates. They opened, and so he returned to his van to drive across the crossing, believing it was safe to cross.

There were multiple signs associated with the crossing which were placed in a way that meant they did not stand out to the van driver. The van driver had been told that he needed to press a green button to open the gates at the crossing, and he was focused on locating this button. The fact that the gate opened when the button was pressed, coupled with the van driver's previous experience of other types of level crossing, may have reinforced his view that it was safe to cross.

The RAIB has found that an underlying cause of the accident was that the system where authorised users are responsible for briefing visitors about the safe way to use private crossings, is unreasonable in present-day circumstances.

## **Recommendations**

The RAIB has made four recommendations, the first directed to Network Rail, the Department for Transport and the Office of Rail and Road to improve the

signage at private crossings and review the concept of authorised users. The second is directed to the Department for Transport and the Office of Rail and Road to change the law covering the signage at private crossings. The third is to Network Rail, to improve the safety of private crossings equipped with power operated gate opening equipment. The last is also directed to Network Rail, to review the way in which it collects and maintains data about regular users of private crossings, so that it can better communicate important information about crossing safety.

**Simon French, Chief Inspector of Rail Accidents said:**

“This accident, which came very close to killing a motorist, has shown up some significant weaknesses in the way that some level crossings have been managed over many years. User worked level crossings, where the user is responsible for operating gates themselves, are usually on rural, private roads. They are a legacy of agreements between railway companies and landowners, made at the time the railways were built in the nineteenth century. Today’s trains are more frequent and travel faster than the Victorian railway builders could ever dream of, and the risk to crossing users and people on trains at these level crossings is now one of the most significant that the railway has to manage.

“This type of crossing differs from public road crossings that many motorists are familiar with, in that the user is responsible for protecting themselves from being hit by a train while they cross. This is a concept which needs to be made very clear to the user, as the consequences of failing to understand it may be tragic. In this case, a green button labelled “press to operate crossing gates” created a belief that the gates would only open if it was safe. That was not the case, and the driver of the road vehicle was lucky to escape with his life. The signs that told him to telephone for permission before using the crossing were confusing and badly positioned. They included an unauthorised adaptation of a legally specified sign. This non-standard sign was created because the law has not kept up with technical developments, and there is no sign approved for use in connection with power operated gates. Fresh thinking is needed on how to tell an unfamiliar user what kind of crossing they have arrived at, what the hazards are, and what to do to be safe.

“The nineteenth-century approach to managing the use of private level crossings revolved round the concept of the authorised user, the person occupying the land or premises that the crossing gave access to. They were considered to be responsible for making sure that anyone who had a valid reason to visit them and needed to use the crossing was aware of how to cross safely. It’s doubtful whether this concept was ever really effective, and in today’s world of parcel deliveries by multiple couriers it just doesn’t work. We are recommending that, when reviewing the way it manages these crossings, Network Rail looks hard at how crossing users get information from the railway about how to cross safely.

“However, I believe that the vital lesson from this investigation is how important it is that each user worked crossing is managed in a way that takes into account the context in which it is used, and the needs and expectations

of the people who may encounter it in the course of their everyday business. It is time for a fresh approach to this problem, for the sake of crossing users, train passengers and railway staff, who are all at risk.”

#### **Notes to editors**

1. The sole purpose of RAIB investigations is to prevent future accidents and incidents and improve railway safety. RAIB does not establish blame, liability or carry out prosecutions.
2. RAIB operates, as far as possible, in an open and transparent manner. While our investigations are completely independent of the railway industry, we do maintain close liaison with railway companies and if we discover matters that may affect the safety of the railway, we make sure that information about them is circulated to the right people as soon as possible, and certainly long before publication of our final report.
3. For media enquiries, please call 01932 440015.

**Newsdate: 23 August 2018**