

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**



1 August 2024

Mr Andy Lewis  
Deputy Chief Inspector of Rail Accidents

Dear Andy,

**RAIB Report: Road vehicle incursion onto the railway at Aspatria, Cumbria on 26 October 2013**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 2 addressed to ORR in the above report, published on 26 June 2014.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 2 is **'Closed'**.

We do not propose to take any further action in respect of the recommendation, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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<sup>1</sup> In accordance with Regulation 12(2)(b) of the Railways (Accident Investigation and Reporting) Regulations 2005

## Recommendation 2

*The intent of the recommendation is to provide additional mitigation against road vehicle incursions from side roads, including where vehicles may run downhill onto the railway.*

Following the completion of Recommendation 1 above, railway infrastructure managers, with highway authorities, should use the new guidance to implement a time-bound plan to review the risk ranking scores for sites where there is a significant risk from side roads, in particular with respect to road vehicles running downhill onto a railway. Additional risk mitigation measures justified by increased risk ranking scores should be considered and implemented.

## Previously reported to RAIB

1. On 4 June 2015 ORR reported the following:

Recommendation 2 clearly requires recommendation 1 to be completed before infrastructure managers can begin work on implementing their time bound plans. The responses we have received to date have confirmed that this is the case. ORR therefore awaits completion of recommendation 1 before pursuing this matter further.

## ORR decision – Network Rail

2. DfT published updated guidance on managing the risk from Road Vehicle Incursion (RVI) onto the railway in 2022. Although recommendation 1 was not for ORR to manage (as it was addressed to another government body), we concluded that publication of the updated guidance document closed the recommendation.

3. To address recommendation 2, Network Rail published NR/L3/CIV/00012 Issue 2 *Road vehicle incursions: risk assessment of public and non-public bridge and neighbouring sites*. The standard includes a methodology for calculating the level of risk at a potential RVI site, taking greater account of vehicles beaching the railway boundary having rolled away from a side road, which was the causal factor at Aspatria Road. The revised methodology was used by each Network Rail region to review the scores for existing high-risk RVI sites and where appropriate mitigation measures planned. We are monitoring delivery of the planned work.

4. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail have:

- taken the recommendation into consideration; and
- taken action to close it

**Status: Closed.**

## Update

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<sup>2</sup> [Managing the accidental obstruction of the railway by road vehicles \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

5. On 17 May 2022 Network Rail provided the following closure statement:



[N200-05] Aspatia  
RAIB Rec 2.docm

### **ORR decision – Nexus**

6. Nexus has reviewed potential RVI sites using the new DfT methodology, but did not identify any that were high risk.

7. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Nexus have:

- taken the recommendation into consideration; and
- taken action to close it

### **Status: Closed.**

8. On 7 July 2023 Nexus provided the following response:

*Nexus reviewed this report back in 2013 where both recommendations were considered. With regards to recommendation two, works were undertaken across the Infrastructure to identify any actions required where there was a risk of similar incidents.*

*Please see attached documents*



Network Road Check  
(Rev.1).pdf

9. On 11 January 2024 Nexus provided the following Road Vehicle Incursion Systemwide Assessment:



2024 - Road Vehicle  
Incursion (V1) (1).pd

### **ORR decision – HS1**

10. HS1 conducted a review of higher risk RVI sites using the principles in the Network Rail standard NR/L3/CIV/00012. The re-evaluation work did not identify any sites without appropriate mitigation to control the risk of RVI.

11. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, HS1 have:

- taken the recommendation into consideration; and

- taken action to close it

**Status: Closed.**

12. On 7 July 2023 HS1 Ltd provided the following response:

*In 2015 an investigation was undertaken to identify and assess sites where there may be a risk of vehicle incursion onto High Speed 1 infrastructure. A desktop study was carried out to assess an initial list of 169 identified sites in accordance with the Department for Transport standard “Managing the accidental obstruction of the railway by road vehicles”. Where sufficient information was not available from the sources listed above a site visit and visual inspection was carried out to verify allocated risk scoring.*

*In addition to the planned site-based assessments, several additional sites were assessed such as adjacent roads, and complex sites such as the Stratford box.*

*The sites that were deemed to be higher risk from the study were individually reassessed to validate the risk scoring which included site visits where appropriate, following principles adopted by Network Rail within NR/L3/CIV/00012. The reevaluation identified that certain scoring factors were skewing the risk score which included line speed, rail line traffic and the type of rail traffic.*

*The re-evaluation confirmed that amongst the sites that were scored as higher risk, the vast majority of these already had suitable and sufficient vehicle mitigation designed and installed at construction. The second assessment identified two sites at Stratford that required further temporary mitigations. However, new developments in these locations have since negated the need to implement any permanent mitigation measures.*

*In conclusion, there are not any unmitigated sites in scope at present, and we are carrying out regular inspections and patrols of the infrastructure to provide visibility of any emerging risks.*

**ORR decision – TfL**

13. The rail-based transport modes owned or operated by TfL have reviewed existing RVI sites using the revised DfT guidance. There were no significant changes in risk scores that would have prompted additional mitigation measures.

14. TfL have clarified that there are other sites on the capital programme prioritisation list due to other vehicle incursion risk issues, which aren’t specifically related to the points raised in the Aspatria report.

15. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, TfL have:

- taken the recommendation into consideration; and
- taken action to close it

**Status: Closed.**

16. On 13 July 2023 Transport for London provided the following update:

*I refer to your letter dated 17 April which requested my response by 9 June, and you kindly granted an extension for reply until 14 July. I note that Recommendation 2 relates to the updated DfT guidance “Managing the accidental obstruction of the railway by road vehicles” published in September 2020. I have consulted with the TfL Engineering and Asset Strategy Infrastructure Protection team to enable me to reply to your enquiry. The updated guidance has been followed by TfL for all re-reviews of Vehicle Incursion site risk assessments and for the identification and risk assessments of new Vehicle Incursion sites. I am able to advise you that various transport modes of TfL have considered the recommendation as follows:*

**London Underground (LU)**

*The re-review of LU sites at risk of Vehicle Incursion was completed in April 2022 and followed the 2020 published version of the DfT guidance.*

**London Trams (LT)**

*Potential Vehicle Incursion sites for London Trams have been reviewed and assessed following the 2020 published version of the DfT guidance. This work was completed in August 2022.*

**Elizabeth Line (EL)**

*Elizabeth Line (sections that TfL are responsible for from Custom House to Abbey Wood) vehicle incursion risk has been reviewed in line with the 2020 published version of the DfT guidance. This work was completed in March 2022.*

**DLR**

*All potential Vehicle Incursion sites that could affect the Docklands Light Railway (DLR) were risk assessed in line with the 2020 published version of the DfT guidance in April 2023.*

*In all cases there was no significant change in the risk scores that required any additional safety measures or urgent action. Should any risk scores for sites require intervention they are incorporated into a wider capital and safety works prioritisation process used by TfL.*

## **Previously reported to RAIB**

### **Recommendation 2**

*The intent of the recommendation is to provide additional mitigation against road vehicle incursions from side roads, including where vehicles may run downhill onto the railway.*

Following the completion of Recommendation 1 above, railway infrastructure managers, with highway authorities, should use the new guidance to implement a time-bound plan to review the risk ranking scores for sites where there is a significant risk from side roads, in particular with respect to road vehicles running downhill onto a railway. Additional risk mitigation measures justified by increased risk ranking scores should be considered and implemented

### **Steps taken or being taken to address the recommendation**

1. Recommendation 2 clearly requires recommendation 1 to be completed before infrastructure managers can begin work on implementing their time bound plans. The responses we have received to date have confirmed that this is the case. ORR therefore awaits completion of recommendation 1 before pursuing this matter further.

### **ORR decision**

**Status: We await confirmation from either DfT or RAIB that the guidance 'Managing the accidental obstruction of the railway by road vehicles' has been updated at which time we will review the status of recommendation 2.**