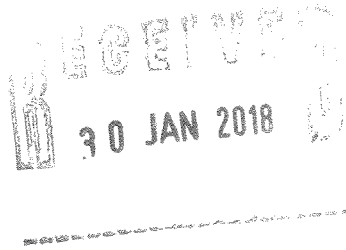




Mr Zafar Siddique  
HM Senior Coroner  
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25th January 2018

Dear Sir

**Regulation 28: Report to Prevent Future Deaths – Sarah Athersmith (Deceased)**

I refer to your report dated 30 November 2017 made under paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013 in relation to the inquest into the very sad death of Sarah Athersmith.

As noted in your report, Sarah Athersmith died on 26 September 2017 as a result of fatal injuries sustained when she was struck by a train at Wallows Lane footpath level crossing. The conclusion of the inquest held on 28 November 2017 was accidental death.

**Application to close Wallows Lane level crossing**

Your report identifies at Section 6 the following action that you consider should be taken to prevent future deaths:

*“Walsall Local Authority may wish to consider urgently reviewing any application to close the crossing made by Network Rail or converting it into a controlled crossing using suitable methods.”*

We confirm that Network Rail's preferred option is permanent closure of Wallows Lane level crossing. The crossing was closed to members of the public on 26 September 2017 via temporary order granted by Walsall Local Authority and remains closed today.

Network Rail has not received nor been made aware of any complaints relating to the temporary closure of the level crossing.

It should be noted that, regrettably, is not within Network Rail's power to simply close a level crossing that carries a public right of way. Even when a clear safety case exists for closure of a crossing, Network Rail requires the relevant local authority to first support and then to progress the necessary statutory process.

An application for permanent closure was submitted by Network Rail to Walsall Local Authority on 30 November 2017. Network Rail is working closely with the local authority to follow the due formal processes for closure of Wallows Lane level crossing.

## **Matters of concern identified in your report**

Your report also identifies a number of matters of concern. I have detailed below Network Rail's considered responses to the matters raised in your report.

### **Method of protection at Wallows Lane level crossing**

All level crossings on Network Rail's infrastructure are risk assessed to determine the level of protection that is required to reduce the risk associated with that crossing so far as is reasonably practicable.

Wallows Lane level crossing is an unprotected or "passive" crossing. There are approximately 2,200 such passive footpath and bridleway crossings on Network Rail's infrastructure, including 200 on the London North Western Route. To place this into context, Network Rail's national level crossing estate extends to approximately 6,000 level crossings in total.

In accordance with the risk assessment of the crossing, the protection measures at Wallows Lane level crossing rely on users actively stopping, looking and listening for approaching trains before deciding if it is safe to cross. These instructions are provided to crossing users via signs installed at the crossing.

Further protection has been installed at Wallows Lane level crossing in the form of whistle boards. Train drivers are required to sound their horn at the whistle boards to warn users of an approaching train. The sound of the horn is intended to be a further warning to any user who is actively assessing whether it is safe to cross.

To supplement these measures, Network Rail's Level Crossing Managers undertake safety awareness events in the local community and regularly stop crossing users to promote and encourage safe behaviours.

### **Ways to mitigate the risk of trains passing at crossings**

Trains (passenger and freight) pass frequently at Wallows Lane, as they do at many level crossings. There is currently no known product that may be installed at passive level crossings to show users which line an approaching train is travelling on.

Freight trains on the network are limited to one container in height and are a similar maximum height to passenger vehicles. The height of any proximate passing train does not impact on the way in which a train driver will proceed across a crossing.

The risk assessment for Wallows Lane level crossing has considered if any existing technology may be used to warn of approaching trains at this location. Due to the close proximity of signals and junctions in both upside and downside directions, options to use technology are very limited and the evaluation concluded that risk at the crossing is reduced so far as is reasonably practicable.

To eliminate the risk entirely, Network Rail agrees that the best solution is closure of the level crossing. Formal avenues to pursue closure are considered wherever possible and are discussed with relevant local authorities – as has been the case for Wallows Lane. Whilst a crossing remains open Network Rail periodically reviews its risk assessments; we consider whether further mitigation is appropriate and/or if alternative technical solutions have become available.

#### **Near miss at Wallows Lane level crossing in 2011**

We have record of a near miss reported by a Driver in 2011 involving a young girl in school uniform who was at Wallows Lane level crossing with three other school children. The young girl was stood in the space between the rails and jumped clear of an approaching train at the last moment. A Network Rail Mobile Operations Manager attended the level crossing immediately after this report to confirm that the crossing remained safe.

As part of Network Rail's continuous improvement to level crossing safety, in 2016 a number of enhancements were made at Wallow Lane level crossing to encourage safer user behaviours. These included:

- Extending the crossing deck and painting with a "stop" marking to create a defined decision point;
- Installing low level solar lighting studs along the edges of the crossing deck;
- Undertaking extensive de-vegetation works;
- Painting pedestrian gates yellow to warn a user that they are entering a different environment; and
- Painting signage posts white and highlighting with yellow tape to draw a user's attention to safety signage.

Census cameras have also been installed to gather further information about the usage of the crossing. There was no reported misuse at this location between November 2015 and September 2017.

I hope this response answers your concerns but if I can be of further assistance, or if you would like further clarification, please do not hesitate to contact me.

Finally, on behalf of all at Network Rail, I would like to take this opportunity to express my sincere condolences to the family of Miss Athersmith.

Yours faithfully



Martin Frobisher  
Route Managing Director  
London North Western

