

REF: TWA/17/APP/03/SUPP/4

TRANSPORT AND WORKS ACT 1992N(TWA): APPLICATION FOR THE
PROPOSED NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING REDUCTION
ORDER

STATEMENT OF CASE/Proof of Evidence – LYNN PARNELL

I am writing this statement of case in support of Network Rails proposal to close several crossings in the Cambridge region but in particular crossing C02 – Nairns No 117 (Stretham Parish), Cambridgeshire at postcode CB6 3LG.

This TWA was submitted on 3rd March 2017, Under section 6 of the transport and works act 1992 for an order under sections 1 and 5 of that act.

I know most people presenting to this enquiry will be users of the level crossings whose lives will be inconvenienced if the crossings are closed and they need to spend time walking or driving further. But I think it is essential that we accept preventing potential loss of life or serious injury is more important than losing a few minutes per journey. I am therefore here presenting as someone who has been involved in one of the incidents where serious injury occurred. I am not an expert in the rail injury, although I do now have an interest in ensuring when I purchase a ticket for a train Network Rail have done all they can to ensure the safety of rail crew, rail passengers and crossing users. All of my information has come from personal research of the incident I was involved in and others either at the same crossing or other similar crossings. I have been stunned to find out there were previous issues at the crossing and accidents with injuries at other similar crossings. In my statement I am giving an example of what happened at one crossing, but any crossing with a similar manual safety mechanism has the potential to have a similar incident.

As the Network Rail submission states C02 – Nairns No 117 level crossing is on private land used for commercial use. The current crossing has no automatic barriers and relies on crossing users calling to check that the track is clear; therefore this only requires a lapse of judgement from a crossing user and there is an incident between a passenger train and a vehicle or pedestrian.

Network Rails own data shows that there have been several incidents at this particular crossing.

The last Network Rail assessment of the crossing was in August 2016 and this reported there have been 7 incidents at this crossing in the year from August 2015 to August 2016, and a further 2 incidents since August 2016. These incidents include 6 reports of misuse, 2 Near misses and 1 Accident.

(reference attached Appendix 1 and found at

<http://archive.nr.co.uk/Transparency/LevelCrossingItemDetail.aspx?lcid=8935&name=Nairns%20No.%20117&View=onList&postcode=CB6%203LG&radius=20>)

These 9 incidents in less than 2 years are on a crossing that has an average of only 2 vehicles and 3 pedestrian or cyclists per day. But these individuals are crossing a line with 186 trains a day travelling at 75 miles per hour. As the land adjacent to the crossing is a commercial premises, then there will be additional pressures for individuals to avoid waiting too long at the crossing and delaying commercial activities. In most commercial environments you would expect the

management to have a duty of care to prevent a lapse in judgement at work being able to result in injury to the employee or other individuals and property.

I think it is important that the inquiry are aware that the statistics above all include real people being put at danger by the level crossing. The accident or crash mentioned in the statistics took place on August 12th 2016. It was a hot sunny day and I was on that train along with my husband and about 153 other passengers. I was in the front carriage heading for a night out at the Royal Albert Hall Proms, and we were relying on Network rail and Great Northern trains to get us there safely. This was not achieved through no fault of either company.

Our train was hit by a Land Rover on Nairns No 117 level crossing, and the car hit the side of the train and damaged the train so it just careered along the track to a stop quite a distance away from the accident. It was one of the most terrifying moments of my life, and I would prefer not to go into too much detail of the moments after hitting the land rover and the train eventually sliding to a halt. I will never forget the shaken face of the driver as he came out of his cab to tell us a car had hit the train on a crossing. It is amazing how fast he managed to recover and act to ensure trains were stopped on both tracks to prevent further accidents. The air ambulance landed to treat and transport the land rover driver to hospital, but all passengers had to remain on the train for several hours, on a very hot day, for an investigation to take place and for another train to be provided for us to be taken to the next station.

After the incident I was informed, by the British Transport Police, that this crash was not an accident but was caused by the car driver deciding not to call ahead and driving across the line unauthorised. The car driver was taken to court and on the 28th July the British Transport Police issued a press release stating Dimitar Vaclinov, had pleaded guilty to endangering the safety of persons on the railway.

(Reference attached Appendix 2 and found at

http://media.btp.police.uk/r/14438/man_sentenced_to_ten_months_in_prison_for_endangering)

Dimitar had suffered serious injuries in the crash, but was still sentenced to 10 months in prison, due to the seriousness of the crash. The press release stated the train driver suffered shock and post traumatic stress disorder. The BTP investigation officer stated "It was extremely lucky that no one else was injured, however the incident was extremely traumatic for the train driver and passengers."

Cambridge News also reported on the sentencing.

(Reference attached Appendix 3 and found at <http://www.cambridge-news.co.uk/news/cambridge-news/ely-level-crossing-crash-13402184>)

Their report shows harrowing images of the damage done to the Land Rover. But also reports that 105 trains were delayed, 34 cancelled and 38 part cancelled. These delays cost £290,000. Also there was more than £100,000 worth of damage to the train.

Luckily the train was not full and the cars impact did not de-rail the train, otherwise the crash could have been much worse.

But the result was still a severely injured driver of the land rover, a very shaken and distressed train driver, 155 passengers considerably shaken with plans ruined and an impact on thousands of commuters whose journeys were disrupted. We were lucky we only missed a night at the Proms and were not hospitalised, but you can't help thinking what could have happened if the train arrived a few seconds earlier or later with the Land Rover in the middle of the crossing.

If we are to have a safe and reliable railway, it should not be possible for people to easily cross a railway line with a train approaching, at risk not only to their own lives but to all of those travelling on the railway. Dimitar Valclinov had stated to police he knew the procedure for the crossing (appendix 3), but for reasons unknown he chose not to follow them.

The horrible crash we were involved in has clearly shown that manual procedures are not a fail safe way to ensure the safety of passengers, rail employees or farm workers. Network Rail had already identified this crossing for closure before the crash happened. If only the process had been shorter the train driver, train passengers and Dimitar would have been saved injury and trauma.

I know the landowner is opposing this closure but surely the lives of his workers, friends, rail passengers and staff are more important than the time taken to drive to the next crossing which has barriers? No commercial pressure to get produce to customers should come higher than the safety of people. Also commercial time pressure and manual safety procedures are a dangerous mix.

Please help Network Rail maintain the safety of the railway by upholding their request and closing this crossing and any others like this. We only had an evening ruined but allowing this crossing to remain open puts all rail users, on this line, and Nairn 117 crossing users, at risk of serious injury and possible fatalities. This risk can be removed by closing the crossing and the crossing users driving or walking to the next gated crossing. No commercial pressure should be accepted as making this risk acceptable when the solution is so simple.

Nairns No. 117

Private User worked Crossing with Telephone no whistleboard

Ranging from full barrier crossings to ones that have no barriers at all. Our [online guides \(/level-crossings/using-level-crossings/\)](#) cover the potential dangers such as distraction when using a crossing and explain the safety warnings.

[Back to results \(/Transparency/Level-crossings/?View=onList&postcode=CB6 3LG&radius=20\)](#)



Location (#)	Use and mis-use (#)	Managing the risk (#)
Crossing name	Nairns No. 117	
Crossing type	Private User worked Crossing with Telephone no whistleboard	
Latitude co-ordinates	52.32426	
Longitude co-ordinates	0.233499	
Location	Stretham CP	
Nearest postcode	CB6 3LG	

Related information

Network Rail helpline

If you would like to report a mis-use incident or damage to a crossing, please contact our [National Helpline \(/aspx/2709.aspx\)](#).

We are improving the presentation of level crossing risk information and will make narrative risk assessments available in due course. In the meantime if you have a request for level crossing risk information please send this to the [Freedom of Information \(FOI\) Team \(/FOI/\)](#)

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Location (#)	Use and mis-use (#)	Managing the risk (#)
Types of trains		
Passenger & Freight		
Line speed		
75 mph		
Approx no of trains per day		
186		
Census results per day		
2 Vehicles 3 Pedestrians or Cyclists		
Recorded incidents		
Misuse		
5 incidents in year prior to assessment date (Aug-2016), - 1 incident since.		
Near misses		
1 incident in year prior to assessment date (Aug-2016), - 1 incident since.		
Accidents		
1 incident in year prior to assessment date (Aug-2016), - Nil incidents since.		



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[Back to results \(/Transparency/Level-crossings/?View=onList&postcode=CB6 3LG&radius=20\)](#)



Location (#)	Use and mis-use (#)	Managing the risk (#)
Current assessment date	August 2016	
Next assessment due date	November 2017	
Individual risk letter	<u>B</u>	
Collective risk number	<u>2</u>	
Key risk drivers	Large Numbers of Users Sun Glare Frequent Trains	
Risk Control Plan	contact us for details using submit suggestions link (/transparency/suggestions/)	



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Man sentenced to ten months in prison for endangering safety on the railway - Cambridgeshire

28 Jul 2017 12:51

A farm worker who drove onto a level crossing and was struck by a train has today been sentenced to ten months in prison.

Dimitar Vaclinov, aged 34, of Cambridge Road, Ely, was sentenced at Cambridge Crown Court today (28/7) after pleading guilty at an earlier hearing to endangering the safety of persons on the railway.

On 12 August last year, Vaclinov drove a Land Rover Discovery onto Nairns Level Crossing, in Stretham, without contacting the railway signal box to get permission.

He was immediately struck by a passenger train travelling at 70mph.

Vaclinov's car was thrown off the tracks and landed in a ditch to the side of the tracks several yards from the crossing.

Vaclinov was thrown from the vehicle and sustained serious injuries including a broken collar bone and fractured skull.

He was taken by air ambulance to Addenbrooke's Hospital, Cambridge where he remained under treatment for two weeks.

The train driver suffered from shock and post-traumatic stress disorder as a result of the collision.

Vaclinov, who had worked on the farm where the level crossing was for years, told police that he did know the procedure for using the level crossing.

Investigating officer, Det Sgt Alan Bardlsey, said: "This case highlights the

need to comply with safety instructions whilst crossing the railway. Not only did Mr Vaklinov suffer serious life-threatening injuries in the collision but he also ended up in court facing a serious allegation.

“It was extremely lucky that no one else was injured, however the incident was extremely traumatic for the train driver and passengers.”

http://media.btp.police.uk/r/14438/man_sentenced_to_ten_months_in_prison_for_endange

Farm worker with broken leg caused delays costing £290,000 when his Land Rover was hit by a train at 70mph

Dimitar Vaclinov also had a broken leg at the time of driving his Land Rover over the level crossing

A farm worker who was struck by a train while driving over a level crossing near Ely caused delays costing £290,000 and more than £100,000 of damage, the *News* can reveal.

Dimitar Vaclinov was driving a Land Rover onto Nairns Level Crossing in Stretham in August last year when he was immediately struck by a passenger train travelling at 70mph.

The farm worker had not contacted the railway signal box to get permission. His Land Rover Discovery was thrown off the tracks and landed in a ditch to the side of the tracks several yards from the crossing.

Vaclinov was catapulted from the vehicle and was seriously hurt, with a broken collar bone and fractured skull among his injuries.

Photos showing the shocking wreckage of his Land Rover were released by British Transport Police after Vaclinov was jailed at Cambridge Crown Court today (Friday, July 28).

The 34-year-old, of Cambridge Road, Ely, was jailed for ten months after pleading guilty at an earlier hearing to endangering the safety of persons on the railway.

Farm worker seen opening gates with broken leg

In a previous hearing at Cambridge Magistrates' Court, it was revealed that

Vaclinov had a broken leg at the time of driving his Land Rover over the level crossing.

He was seen walking across the crossing with a broken leg to open both gates before attempting to drive his Land Rover across.



The remains of Dimitar Vaclinov's Land Rover after he drove over a level crossing in Stretham without permission

Magistrates at the previous hearing back in April were told it was lucky that the train did not derail from the tracks.

As a result of the collision, there were travel delays costing £290,000 - with 34 cancellations and 38 part cancellations of services.

A total of 105 trains were delayed, equating to a total delay time of more than 1,100 minutes.

The cost of damage to the train was more than £100,000. The level crossing sees 30 to 40 trains cross every day.

And as of April this year, the level crossing in question had five cases of

misuse since 2016, and one near-miss incident in 2015.

'Extremely lucky' that no-one else was injured

Investigating officer, Det Sgt Alan Bardlsey, said: "This case highlights the need to comply with safety instructions whilst crossing the railway.

"Not only did Mr Vaclinov suffer serious life-threatening injuries in the collision but he also ended up in court facing a serious allegation.

"It was extremely lucky that no one else was injured, however the incident was extremely traumatic for the train driver and passengers."



The remains of Dimitar Vaclinov's Land Rover after he drove over a level crossing in Stretham without permission

After the horrific crash, Vaclinov was taken by air ambulance to Addenbrooke's Hospital where he had two weeks of treatment.

The train driver suffered from shock and post-traumatic stress disorder as a result of the crash.

Vaclinov had worked on the farm where the level crossing was for four years before the accident, at roughly 2.30pm on August 12 last year.

He told police that he did know the procedure for using the level crossing.

Cambridge News - Tara Cox , 28th July 2017 -

<http://www.cambridge-news.co.uk/news/cambridge-news/ely-level-crossing-crash-13402184>