

WHISTLE BOARDS POLICY and the 20mph SPEED LIMIT – NEW INFO

At our main appearance in October, I produced an only-just-discovered Rail Standards and Safety Board document of 2009 which appeared to show clearly that NR had then just agreed a change to its practices, in that it would no longer be compulsory for whistle boards to be provided in both directions, especially in cases where there was a horn noise nuisance to residents in adjacent built up areas. Whilst copies were given to the Inspector and NR, it has not got onto the website documents, so I am attaching it here (Att. A). The section marked in marker pen in l/h margin is clearly a direct quote from an NR document (author/sender Steve Constantine) announcing the new policy. The section marked in ordinary pen in the l/h margin is a submission from the RSSB itself to the ORR formally requesting the ORR to alter the wording on whistle boards in a forthcoming new edition of their 'Guide', to meet the new policy (which, as we will see below, resulted from research carried out by the RSSB in combination with NR and ORR in 2006-7).

I asked at the inquiry in October how it was that all the NR evidence at the inquiry was that, under current instructions, whistle boards always have to be provided in both directions (if provided at all), given that that had been the pre-2009 policy, which had clearly been *altered* then. As what NR were saying on current instructions was presumably correct, the policy had seemingly been altered back again afterwards? Not unreasonably, the NR witnesses were unable to answer this off the top of their head, and I asked if NR could pursue the seeming conflict for the inquiry's benefit, also undertaking to try to pursue it further myself. It would appear (?) that NR have not come back to you on this, however following communications with the very helpful Chief Operating Officer RSSB, I am now able to add more myself.

The relevance of all this to the inquiry, in respect of Paget Rd, is re NR's argument that the 20mph down line restriction, which they say cannot be removed so long as the crossing is open, is a handicap to train running and thereby contrary to national policy (this 'delays' point being of course one of their main pillars of argument on crossings at large). NR witnesses did confirm in October that (a) there would be no need for a down whistle board here were it not for their being an up board, as per the above 'current instructions' nationally, and (b) that the 20mph limit could be immediately increased to 30mph were it not for having to have a down whistle board for this reason. [And the latter would in fact be 45mph, not delaying trains starting from the station at all, if the 50% increase for vulnerable persons had not been so oddly applied].

To which must be added that the whole point of whistle boards is to give crossing users a horn warning *in advance* of the train becoming visible. At Paget Rd the down trains' horn is only sounded *after* the train has become visible, vitiating the whole purpose of why whistle boards were invented in the first place!

The whole Paget Rd case from NR on this 'delaying trains' front, now that the more significant up speed limit has been removed, is therefore dependent entirely on their rigid adherence to the 'if there is one, there must be two' policy. So if that policy can be shown to be unreasonable, the case evaporates.

What I have been able to discover, in historical date order, is as follows. In the early 2000s there was a great and quite unprecedented outburst of public complaint about train horn noise, principally owing to new trains that had been built elsewhere in Europe (a new thing at that date) having louder horns than the established UK practice. In response to this, the RSSB in 2006 set up a cross-rail-industry Train Horns Steering Group, on which ORR and NR were of course represented. This resulted in three research reports T668, T680, and T681 (summaries available online – search by the numbers). The conclusions of these reports on the matters here relevant were:

- There was no definite evidence that the sounding of horns at foot crossings did actually provide any significant safety benefit to crossing users. ('There is significant uncertainty over the level of safety benefit provided by whistle boards')
- In so far as there *was* any evidence that any possible safety benefit to crossing users might accrue, this was outweighed or at least equalled by the harmful impact of excessive horn noise on local residents. ('The cost valuations assigned to a modest impact on the health of railway neighbours counter, and generally outweigh, the safety benefits to crossing users').

Clearly the only rational response to such conclusions would have been to abandon horn soundings at many/most foot crossings, at least in well populated areas.

The RSSB commissioned further research in 2007 into the most appropriate policy for whistle boards henceforth, in the light of the initial conclusions. **This resulted in a definite rejection of the 'if there is one there must be two' policy, as noted in the RSSB document attached (Att. B).**

It now becomes clear why NR, rationally, altered their policy on whistle boards in 2009 as set out in the S. Constantine quote at Att.A.

How then did this change end up being so quickly reversed? Nobody amongst the current RSSB staff can offer any explanation on that. (Sadly, staff ephemerality in post is a major cause of ignorance of why things are as they are, in the present day rail industry). But the Att. A document assists further on this. It reveals that in 2010 ORR (as noted above) were consulting on an intended revision of their 'Managing Level Crossings' document, which is a prime background to NR policy. RSSB were naturally pointing out the need to amend it to meet the new standards on whistle boards which had been agreed with NR (and seemingly ORR) after the research project. **But when the revised version came out in 2011 [which is still the current version in 2018] it had reverted to the pre-2009 'if there is one there must be two' policy!**

As NR themselves 'don't know', we must work out for ourselves what had happened. It is not difficult to guess. Clearly the ORR and NR people who were actually *involved* with the research Steering Group had themselves been persuaded of the sense of the conclusions and so had implemented them. But when it came to revising the 'Guide' the matter had come to the attention of other ORR (and NR?) people who had not been involved, and had no interest in balancing the needs of crossing users and affected residents, but only in seeing the continuation of the previous 'safety safety and more safety, and damn the impact on the public' policy. (The UK extreme

rail safety obsession is not paralleled in any other country, *per contra* the provision of a reliable service every day to rail users, now low down the agenda in the UK, is a major priority in other 'advanced' countries).

Thus the only research work on the issue ever conducted by the rail industry, which had been done in a rational and unprejudiced fashion, was within a couple of years overturned by others who had no such rational concerns.

On top of that, NR, at some unknown date subsequent to the research, has imposed the 'three second blast' instead of the previous short sounding of the horn.

(It seems to be impossible to find anyone still in post who can explain how this happened either, but obviously it is another piece of ORR/NR 'safety extremism' imposed without any concern for the public, and making the perceived noise level *worse* than it was before the 2006 research was commissioned. It might be noted that another conclusion of the research reports was that more noise from horns did not appear to offer any extra safety benefit to crossing users than the previous quieter noise).

The RSSB did (at their own suggestion) forward my questions to Mr Allan Spence, Head of Corporate Passenger and Public Safety at NR. It was specifically sent to him at 'HQ' in the hope that there might be someone there able to give a proper explanation. However Mr Spence instead merely forwarded the communication to the NR Anglia offices at Stratford, whence came a reply from a 'Community Relations Manager'. He was (not surprisingly) 'not able to state' why the recommendation for a revised whistle boards policy had 'not been taken forward', and merely quoted the policy wording in the 2011 'Guide'. He did not respond at all re the introduction of the three-second blast. It is evident that we are not likely to ever be usefully assisted by NR themselves as to their own history!

In conclusion then, NR is now relying on a policy that was radically rejected by the only rail industry group that has ever studied the subject properly (or at all). In these circumstances the SoS could scarcely make a post-inquiry decision on the basis that current ORR/NR policy is deemed to be an unchallengeable thing.

If the research conclusions had not been kyboshed by the hardliners of the 'safety establishment, the down speed limit here would now be 30 [or 45] mph, not 20, and 50% of the 'noise harrassment' that has afflicted Wivenhoe for the last years could be eliminated overnight.

In addition to all the above, the up whistle board - which is the only reason for there being a down whistle board - is itself only provided on the basis of the very challengeable NR claim that up trains cannot be seen until they are 83m away.

MANAGING LEVEL CROSSINGS: GUIDE FOR MANAGERS, DESIGNERS AND OPERATORS

RSSB'S RESPONSE TO ORR'S CONSULTATION: JULY 2010

GENERAL

Note

In reviewing the new draft against the existing guidance the opportunity has been taken to comment on issues in the original document which have been transferred unchanged to the new version but which do not seem to be appropriate either because they may have been wrong or arguable in the first place, or because of new information or research.

There are many cross-references to paragraph or section numbers which appear to be taken from the old guidance but which have not been updated. In general this response has not listed all these discrepancies.

In general the requirements of DDA legislation do not seem to have been taken fully into account and it should be noted that research project T650 'Improving safety and accessibility at level crossings for disabled pedestrians' is expected to provide evidence based guidance in this area later in 2010.

WHISTLE BOARDS and TRAIN HORNS

NB

We suggest that some words are inserted into the text to explain whistle boards – which have been installed at locations where there is limited sighting. The generic Rule Book requirement relating to Whistle Boards is to sound the train horn routinely when passing all WBs between the hours of 23.00 and 07.00, and where the technology in the train permits, to sound the low tone only. However, the Rule Book also states that where the driver of a train sees people on or about the track at any time, then a full application of the train horn should be made.

Where horns are routinely used at WBs, there is a possibility that the harm that will be caused to neighbours from the regular sounding of horns will be greater than the potential safety benefit of sounding the horns every time a train passes. Therefore, the decision to install a Whistle Board should not be taken lightly. Although WBs should always be present where there is limited sighting time, the previous RSPG requirement to have WBs in both directions at footpath crossings should be modified to take account of the research and subsequent revised policy adopted by the industry. That is to say that where there is sufficient sighting time, it should not generally be the case that WBs are provided. In light of the research, (results published by RSSB under Research brief T668) Network Rail has adopted the following approach:

- when undertaking level crossing risk assessments, consider the possibility/value of:
 - removing the WBs
 - removing one WB where there are two WBs but good visibility in one direction: ONLY WHERE PEOPLE LIVING WITHIN EARSHOT
 - re-instating/installing a new WB in the single direction where there is good visibility and where there is a WB for the other direction: ONLY WHERE NO PEOPLE LIVING WITHIN EARSHOT
 - repositioning WBs in situ that are ineffective in their current location
 - removing WBs that cannot be made effective by repositioning

- removing other redundant WBs
- installing a new WB: as an absolute last resort, where no practicable alternatives exist AND where a site-specific risk assessment identifies the need - requires HQ approval (based on review of the risk assessment)
- NB: For each possibility above, and aside from rail safety aspects, detailed consideration is required of the costs and practicability of any alternatives, and principally, the impact upon lineside neighbours.

[Source – Steve Constantine, Network Rail, 23 June 2009]

In paragraph 132 the reference to drivers sounding their horns is so general as to be unhelpful. We would suggest that it is deleted.

Paragraph 161 is helpful but we feel should be aligned to the NR approach outlined above. In paragraph 162 we would suggest that the first and second lines be reworded to:

Where WB's are provided on more than one railway approach, the difference in warning times should be 3 seconds or less.

If the NR approach is identified in 161 then the final sentence of 162 is not necessary.

EMERGENCY TELEPHONES

Section 17: Telephones and telephone signs

Paragraphs 248 – 261

This section does not appear to have taken cognisance of the findings of research project T818 'Optimising public communication with signallers in emergencies at level crossings' which did originally include representatives from ORR but who were not replaced when they retired. The research was commissioned as a direct result of recommendations following the accidents at Ufton Nervet (2004) and Marston-on-Dove (2008). Rather than spell out the details, it is suggested that the report be read and then discussed further with RSSB and Network Rail. It can be found on the RSSB website at <http://www.rssb.co.uk/Search/Results.aspx?k=T818>.

INCONSISTENCIES

Page 3 indicates that the guide is intended for authorised operators of user-operated crossings but does not highlight their duties under the Health and Safety at Work Act on page 7. See later note on specific points – page 3.

The term 'authorised operators of user-worked crossings' is an unusual term, 'authorised user' being more usual, and could cause confusion since it tends to imply in paragraph 8 that 'such operators' would have responsibility to ensure that crossing orders for private roads are complied with. Is this the intention?

Pages 18 and 19

Red/green light crossings are mentioned in section 11 (footpath and bridleway) of table 1 but not in section 10 (User-worked). In the current guidance (page 8) the equivalent table has a paragraph which appears to have been omitted from the new table.



The reports are:

T688 - Train horns risk review - main report

T688 - Assessment of Safety Implications of Removing Whistle Boards where Sight Times are Adequate

T680 - Train Horn Noise Mapping - Lingfield

T680 - Train Horn Noise Mapping - Horsham

T680 - Train Horn Noise Mapping - Canterbury

T681 - Impact of Train Horn Noise - Results from Lingfield Survey

T681 - Impact of Train Horn Noise - Results from Horsham Survey

T681 - Impact of Train Horn Noise - Results from Canterbury Survey

T681 - Train Horn Impact Survey Overview

Next Steps

Taking account of the results of these reports, and other work undertaken in support of the steering group, it made recommendations to the industry in December 2006. These recommendations are published on the RSSB website at

<http://www.rssb.co.uk/connections.asp>

*This is just the webpage
updating date
(subsequent)*

(Updated in July 2009) The results from the additional phase of work concerning the implications of removing a whistle board where the sight line is restricted only in one direction were considered at a senior level with Network Rail. RSSB advised that on the basis of the evidence of the further research that Network Rail augments its level crossing risk assessment process for level crossings that have whistle boards to take account of the findings and the specific local circumstances. This would include Network Rail considering :

- a Re-instating or installing a new whistle board in the single direction where there is good visibility, where there are no people living within the vicinity and where there is a whistle board for the other direction.
- b Removing one whistle board at crossings which have two whistle boards where there is good visibility in one direction where there are people living within the vicinity.

= in 2007/8

*('good visibility' = adequate visibility under the rules)
in relation to train speeds*