

PROSECUTION

Summary	<p>A signaller at a Manually Controlled Gated Crossing was struck by the gate when a car failed to stop as he was closing the gate to traffic. He suffered life-changing injuries. The investigation found that it was a common occurrence for cars to attempt to swerve around the gates but that it was seen as “part of the job.” The ALCRM risk assessment conducted did not assess the risk to signallers. In addition, the wrong traffic census figures were inputted leading to an inaccurate risk score. ALCRM alone did not constitute a suitable and sufficient risk assessment and no further risk assessment was carried out. The risks to the signallers operating the gates at crossings should have been included in the risk assessment undertaken by NR. It was foreseeable that deliberate misuse or human error by car drivers traversing the crossing could result in the signaller either being struck by a car or being struck by the gate which had itself been struck by a car. This risk was not assessed by Network Rail, nor was it included in the algorithms in ALCRM. Network Rail was convicted after a three-week trial of the first count on the indictment. A jury failed to reach a verdict on a second s.2 HSWA count and that was ordered to lie on the file.</p>
Company	Network Rail Infrastructure
Breaches involved	s.2(1) Health and safety act 1974 Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations 1999
Date(s) of offence	23.02.14 – 25.04.15
Plea	Not Guilty
Result	Jury found Defendant guilty of contravention of Regulation 3(1)(a) Jury found Defendant not guilty of s2(1) offence
Court	Maidstone Crown Court

Sentencing date 13.12.2018

Penalty Network Rail Infrastructure Limited – Fine £200,000

Costs Total £86,389.21

Location of offence

Address

ORR details

ORR Team

ORR Directorate Railway Safety Directorate