



MINISTRY OF TRANSPORT

RAILWAY ACCIDENTS

REPORT ON THE ACCIDENTS
which occurred on the
1st March and 16th October, 1948, at
CONINGTON NORTH
in the
EASTERN REGION
of the
BRITISH RAILWAYS

LONDON : HIS MAJESTY'S STATIONERY OFFICE

1948

SIXPENCE NET

14th October, 1948.

SIR,

I have the honour to report for the information of the Minister of Transport, in accordance with the Order of 2nd March, 1948, the result of my Inquiry into the accident which took place at 7.0 a.m. on Monday, 1st March 1948,* at Occupation Crossing No. 85, near Conington North signal box, 68½ miles from Kings Cross on the Eastern Region main line to Peterborough and the North.

In dense fog, ten minutes after sunrise, a light engine travelling at about 20 m.p.h. from north to south on the up line collided with a Fordson 2½-ton covered lorry crossing the line from west to east. Though damage to the engine, of the 0-6-0 type running tender first, was negligible, the lorry, owned by the Huntingdon War Agricultural Executive Committee, was completely wrecked. It was conveying ten German prisoners-of-war to their work at neighbouring farms and its driver was also a German prisoner. I regret to report that three of the prisoners were killed outright and that three others, including the driver, died soon after admission to hospital or on their way there; the remaining five were seriously injured.

First aid was given by members of the railway staff and others. Considering the density of the fog and the relatively isolated site, there was no unavoidable delay in obtaining medical assistance. A doctor and the medical officer of Sawtry prisoner-of-war camp arrived at about 7.45 a.m., also an ambulance from Peterborough. Six of the injured men left for hospital by about 8.0 a.m. and the remaining two at about 10.0 a.m.

DESCRIPTION OF SITE

2. The crossing is situated in the midst of level and treeless fenland, now drained and under cultivation, across which the railway is carried on a low embankment, about eight feet high at this point, running approximately north and south. The line is straight and level for a mile or more in each direction. There are three tracks over the crossing, namely a long siding, the down line, and the up line, in that order from west to east, the direction in which the lorry was travelling.

The road intersects the line almost at right angles. Outside the railway boundaries it runs level with the land on either side, and is straight for half a mile towards the west and for quarter of a mile towards the east. On both sides of the line the carriageway, maintained by the Huntingdon County Council, is metalled and tarred for a width of about 12 feet, between level grass verges. Where it passes through the railway fences, which are 223 feet apart, there are self-closing field gates, swinging away from the line; they have no locks, are operated by road users, and can be hooked back in the open position. The roadway is metalled between the gates and rises at about 1 in 20 from them to rail level; as the distance from the gate to the nearest track is 104 feet on the east of the line and 87 feet on the west side there is ample space for vehicles to stand clear of the line, inside the gates.

Each gate carries a notice warning users that omission to shut and fasten it renders them liable to a penalty of forty shillings, and outside the western gate there is an Automobile Association "No Through Road" notice facing west. The usual warning against trespass is given by a notice on each side of the line, close to the outermost track, and the posts carrying these also bear a warning "Beware of Trains. Look both up and down the line before you cross."

3. Conington North signal box is 80 yards south of the crossing, at the exit from a group of down marshalling sidings constructed on the west side of the line during the war. The entrance to these sidings is controlled from Conington South signal box, a mile away, south of which there are up and down goods loops. The down goods loop continues northwards to Conington North box, where its connection with the down main line is immediately south of the crossing; the siding which the road crosses is a prolongation of it. Conington North box is usually closed at weekends, from 6.0 a.m. Sunday to 6.0 a.m. Monday, and had opened shortly before the accident. Conington South is always open, as is the box at Holme station, a mile north of the crossing.

The up (colour light) home signal at Conington North, serving also as the up outer distant for Conington South, is 25 yards north of the crossing and hence invisible to road users. The down home (semaphore) signals, with distants for Holme beneath, are 217 yards south of the crossing; there are no starting signals for either direction.

4. The railway embankment is clearly visible from the road on both sides of the line at a considerable distance, but a road user coming from the west may find that wagons in the marshalling sidings south of the crossing, or on the long siding north of it, partly obscure his view of approaching trains till he has passed through the west gate. On the east side of the line conditions are better in this respect, and a road user coming from that direction can see approaching trains without difficulty. On either side of the actual crossing, just before reaching the outermost track, a clear view along the line can be obtained for almost a mile in each direction, though its straightness may make it difficult to judge at what speed a distant train is approaching.

*The accident on 16th October 1948, is dealt with in the Supplementary Report, on page 7.

5. According to Mr. W. S. Barnes, the Estate Surveyor for the Eastern Region, the crossing has existed since the Great Northern Railway was built, a hundred years ago ; the road over it is designated as an "Occupation Road" in the Book of Reference accompanying the plans deposited for the Great Northern Railway Act, 1846. Later, in 1898, the road outside the Great Northern Railway boundaries was described as a public road, owned by the Huntingdon Rural District Council, in the Book of Reference prepared for the Great Northern Railway Act, 1898, relating to a proposed widening of the line. No portion of this widening took place over the public road, however, as the Company already owned a sufficient width of land for it. Thus the status of the roadway lying on railway property, namely the portion between the railway fences, is unaltered ; it remains an occupation roadway, not dedicated to the public, although the road outside the railway boundary on either side of the line is now public.

Mr. Barnes also said that until about 25 years ago the road east of the crossing served three farms, having a total area of some 750 acres, but that the area served was then considerably increased, about 1,000 acres being added to it by the construction of a bridge over Monks Lode, a drainage channel about a mile east of the line. Subsequently, in 1928, the owners of this additional land were informed that the London and North Eastern Company did not recognise that they had any right to use the crossing, but the matter was not pressed further.

VOLUME OF TRAFFIC

6. A 48-hour census of road traffic a few days after the accident showed that between 6.0 a.m. on Thursday 4th March and 6.0 a.m. on Saturday 6th March 150 motor vehicles, 172 cyclists, and 34 pedestrians passed over the crossing ; of the motor vehicles, 22 passed between 3.0 p.m. and 5.0 p.m. on 4th March and 21 between 4.0 p.m. and 6.0 p.m. on 5th March.

Rail traffic over the crossing amounts to about 200 trains daily, actual figures being 201 on Friday, 27th February and 193 on Tuesday 23rd March ; of these totals 59 and 71 respectively were express passenger trains. Often 10 or 12 trains pass over the crossing in an hour, and on 23rd March 41 passed in four consecutive hours during the afternoon, when road movement tends to be heaviest.

NARRATIVE

7. The light engine was about to stop at Conington North box to cross to the down line there, as it was on its way from Peterborough to the marshalling yard. It was being driven by Passed Fireman Ingram, under the supervision of Driver Gallant, both stationed at Peterborough and well acquainted with the layout at Conington ; Guard Houghton and Yard Foreman Page were also on the footplate, travelling to their work at the yard. The engine has right-hand drive, and as it was running tender first Ingram was on the left of the footplate in the direction of travel. Gallant and Houghton were on the opposite side of the footplate, next to the down line, with Page in the middle.

According to their statements there was no conversation on the footplate, and all the men were keeping as good a look out as the fog permitted. They estimated visibility as about 15 yards, and when passing stationary wagons in the Holme sidings Houghton could see about two wagon lengths ahead. Ingram knew that he was to stop at Conington North box, just beyond the crossing, so shut off steam and braked slightly after passing Holme starting signal, a colour light, which he saw when 10 to 15 yards away. He thought that when he saw the double yellow light of Conington North home signal, also at a range of 10 to 15 yards, his speed had fallen to 15 or 20 m.p.h., and the other men on the engine gave a similar estimate. The collision took place immediately afterwards, but he saw nothing of the lorry beforehand. The whistle was not sounded, as there are no special instructions that this is to be done here.

Though Driver Gallant was looking out on the side from which the lorry approached he saw nothing of it through the fog. He thought that the tender must have struck it in the middle, for when the engine stopped, about 100 yards further on, the front wheels of the lorry were on one side of the tender and its rear wheels on the other. Similar evidence was given by Houghton and by Page.

8. The lorry was owned by the Huntingdon War Agricultural Executive Committee. Mr. McNab, the Labour Officer for Sawtry and Conington P.O.W. Camps and responsible for allocating prisoners to work on the farms requiring them, said he usually had eight or ten lorries at his disposal. The one concerned was fitted with a reconditioned engine less than a year ago so he did not think it would be unusually noisy when idling, though there might have been enough noise from it to drown the sound of an approaching locomotive, running relatively slowly and not under steam. He added that the dead lorry driver, Gustav Baehr, had been so employed in the German army and was most competent ; he had his pick of the available lorries and would probably choose the best of them to drive himself. Though Baehr was not regularly employed on the route leading over the crossing he was familiar with it and so could have acquainted himself in clear weather with the risks there. Mr. McNab said that the German drivers had had no special instructions about occupation crossings before the accident ; he added that one of his British drivers who knew the neighbourhood well had a narrow escape at the same place, also in fog, a couple of days later when an express which he had not heard passed just after he got clear of the line. Since the accident, however, instructions have been issued that the driver of a lorry, or the man with him, is to descend and look along the line before the lorry crosses.

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9. It was not possible to establish whether the west gate was already open when the lorry reached it or whether the lorry stopped just clear of the line before crossing it. Two of the surviving prisoners, Robert Eickenrodt and Artur Beck, who were unable to give evidence until 4th May, two months after the accident, thought that there had been no stop at the gate. They had been over the crossing several times previously and said that they were not paying attention to what was happening ; their recollection did not seem to be very clear, possibly on account of their injuries. But Eickenrodt was sure that none of the men travelling with him inside the lorry got down to attend to the gate and both he and Beck said that if the gates had to be opened this was always done by the man travelling with the driver ; the driver's companion on this occasion, Jacob Kuber, was one of those killed.

To the best of Eickenrodt's recollection, Baehr drove very slowly through the gateway and on to the line, without stopping at all. Though Beck said that this was not unusual, Signalman Cureton, at Conington North box, said that the German drivers seemed more cautious as a rule than others using the crossing, for he had often seen the driver of a lorry carrying prisoners, or his companion, walk forward and glance along the line in both directions before the lorry crossed it. Cureton added that in foggy weather lorry and car drivers sometimes came towards the box, 80 yards from the crossing, to ask if any train was near but that such enquiries were very rare.

10. Evidently it is not uncommon for the gates to be left open. Signalman Cureton said that this was the case, and so did Ganger Allen. Permanent Way Inspector (Acting) James agreed, adding that the permanent way staff had repeatedly told lorry drivers that it was their duty to shut the gates, although their warnings were often disregarded and sometimes led to recrimination. Inspector James, who has been employed in the neighbourhood for 29 years, said that the road to the west of the line had been given an improved surface, and tarred, at some time between 1920 and 1930, while on the east of the line the similar improvements had been made later, in 1939 or thereabouts. He thought the practice of keeping the gates locked had ended at least 20 years ago, when there was a change in the ownership of the land east of the line and the original bridge over Monks Lode was made, leading to an increase in the road traffic, now consisting in part of lorries not locally owned.

11. Mr. C. M. Haigh, Managing Director of Haigh Farms Ltd., Chatteris, attended the resumed Inquiry on 4th May at his own request, on behalf of the owners of the farms east of the line which depend on the crossing for access to main roads, with the object of urging that something should be done to make it safer. He explained that the total area of the farms is 1701½ acres, of which his firm owns 264½ acres ; 1,000 acres is reached by the Monks Lode bridge, referred to earlier. Before 1939 only about 100 acres were intensively farmed, the rest of the area being rough ground, largely used for shooting, but the war brought about a great change and the whole area is now closely cultivated. Mr. Haigh gave details of the various crops, mainly potatoes and other vegetables, and estimated that the output approached 11,000 tons a year, despatched chiefly between October and February ; there is also a considerable inwards traffic of seed, supplies, etc. He said that some of the lorry traffic is to and from Holme station but much of it goes further afield, to Covent Garden for instance, in vehicles under a wide range of ownership.

Mr. Haigh mentioned a previous accident at the crossing in December 1947, when a lorry from his farm was much damaged though its driver escaped injury, after which he suggested to the Eastern Region that some form of signalling apparatus should be provided. He also drew attention to the poorer view of approaching down trains now obtainable from the road west of the line, caused by the presence of the wartime marshalling yard, and referred in addition to the danger to school children from the six or seven families at the farms, which caused their parents considerable anxiety. But as he seemed to be under some misapprehension about the status of the crossing, and the responsibilities of the railway and of users in relation to it, Mr. Barnes, Estate Surveyor for the Region, explained the situation and pointed out that although the approach roads might be publicly maintained, there had been no dedication of the roadway over the actual crossing by the Railway Executive or its predecessors. The difficulties affecting the operation of signalling apparatus, and the possibility of a false sense of security being given by it, were also briefly explained.

CONCLUSION.

12. It is clear that this accident, which might well have had even more serious consequences if a fast passenger train had been involved, was in part due to misadventure, namely the combination of the dense fog and the comparatively silent approach of the engine. Possibly it would have been avoided if the engine whistle had been sounded, but I am disinclined to criticise the engineman for this, since there are no instructions that this occupation crossing is to be treated differently from others. The most that can be said on this point is that as the enginemen were well acquainted with the locality, and presumably with the extent to which the crossing is used, it would have been more prudent to use the whistle as a warning of their approach when visibility was so poor, even though it might have been mistaken for one sounded by an engine at work in the marshalling sidings.

The question whether the crossing gates had been left open or shut is not material in the present connection, having regard to the bad visibility and to their distance from the line. There were no independent witnesses of the accident, and I do not regard the evidence of the manner in which Baehr negotiated the crossing as particularly reliable, for Eickenrodt and Beck were paying little attention to what took place. But if Baehr drove on to the line without a preliminary stop close to it, as was suggested, he was acting incautiously under the prevailing conditions ; if he had waited clear of the line, while he listened for the approach of a train, stopping the lorry engine while he did so if necessary, the accident might have been avoided.

Nevertheless, this tentative criticism of Baehr's action does not alter the fact that a road vehicle driver who has to use any unguarded level crossing in dense fog is in an awkward position, especially if the line concerned is a busy one. The real point at issue is the risk to both rail and road traffic at a crossing such as this, where conditions have so materially altered since it was constructed.

REMARKS

(i) *General*

13. Before mentioning measures which might be taken to lessen the risk to rail and road traffic at this particular crossing, I may appropriately refer to some general considerations and to comparable accidents elsewhere, into which Inquiries were held. In these remarks the term "occupation crossing" is used in a general sense to denote an unattended crossing, having field gates opening outwards from the railway; it thus includes occupation crossings proper, namely those at which the railway intersects a track or roadway already in existence when it was built, and also accommodation crossings, provided to connect lands severed by the construction of the line.

Such accidents took place in October and November 1934 at occupation crossings near Formby and at Wharf Road, Wormley, followed by a more serious one at Hilgay in June 1939; the last two led to derailment of fast passenger trains, accompanied by loss of life. In each case the crossing, of the occupation type, was being used to all intents and purposes as a public level crossing, and was doubtless so regarded by road users unacquainted with the niceties of legal definition, also the roads on one or both sides of the line had been properly metalled and were maintained by the public at large though, as at Conington, the roadway over the crossing itself had not been dedicated to the public. At Wormley visibility was poor, through fog.

The reports of the Inquiries into these three accidents dealt fully with the problem of countering risks at occupation crossings where the conditions of use have altered materially with the passage of time. The remarks therein are equally applicable in the present case, and the considerations involved were dealt with at length in Sir Alan Mount's report on the Hilgay accident.

Briefly the position is that unless arrangements have been made to dedicate the roadway over such a crossing to the public, the British Transport Commission, as successors to the Company formerly owning the line, is not under any legal obligation to treat it otherwise than as an occupation crossing, users of which cross the line at their own risk. A remark made by Colonel Trench in his report on the Wormley accident may usefully be quoted in this connection, namely:—

"I also suggest, though I am afraid it is too late to be of value in many cases, that Local and Road Authorities should not adopt as public roads any occupation roads which approach a railway level crossing, until they have come to an agreement with the Railway Company as to the future status of the crossing, and the precautions which are necessary to permit of public user in safety."

In some cases, however, where the increased road traffic is not strictly "public", but has been caused by the activities of an industrial undertaking established on land only accessible by an occupation crossing, the Company has provided gatekeepers or installed warning apparatus by arrangement with the firm concerned.

14. As a result of the Formby and Wormley accidents, the Companies collected particulars in 1937 of the accommodation and occupation crossings then existing, classified according to the use made of them. The figures are given in full in Sir Alan Mount's report on the Hilgay accident, and it will suffice to say here that, out of a total of 22,656 such crossings, 746 carried road traffic greatly differing in volume or in character or both from that for which they were originally provided, also that 224 of these had become in substance, though not legally, public crossings. On the subject of dedication to the public of the roadway over occupation crossings, the report added that from the information available it appeared that in 388 of the 746 cases conversion of the crossing to the Public Road type, i.e. with gates arranged to close alternately across road and rail, demanded early consideration, unless bridging or diversion of the road could be economically justified.

It is reasonable to assume, too, that subsequent wartime developments, such as Government factories, Service installations, and intensified agriculture, have materially increased or altered the traffic at other occupation crossings. As an example, extension and improvement of the fenland roads near Hilgay, as part of the war agricultural programme, have resulted in a growth of the traffic over the crossing there but no improvement has been made yet.

15. But for the war it is possible that the interest aroused by the three accidents mentioned, and by previous ones of a similar nature, would have led to measures for greater safety, with any legislation needed to give effect to them. However, the present case has revived the question, and the British Transport Commission is considering the general issue afresh, at the request of the Ministry. The figures quoted give an idea of the extent of the problem, but as local conditions vary widely a solution capable of general application is hardly practicable, and each case will have to be judged on its merits.

Conditions at a busy or dangerous occupation crossing may be improved in a variety of ways. It may be abolished and replaced by a bridge, or road traffic over it may be diverted to an existing bridge or public level crossing. It may be dedicated to the public and an attendant provided to work the gates and signals interlocked with them, unless this can be done from an adjacent signal box, the outwardly opening gates being replaced by others of the standard public crossing type if conditions are suitable. Or, without alteration of its status, some form of warning apparatus or other safety equipment may be provided.

The capital cost of abolition, if a bridge is substituted for the crossing, is bound to be considerable, as is the recurrent cost of dedication with the provision of an attendant. In fact, whatever method of improvement is adopted, the financial question involved and the equitable distribution between the interested parties of the expenditure on new works or additional equipment is undoubtedly the main obstacle to be overcome, though outside the scope of this Report. As a rule the Railway Companies concerned (or their successor, the British Transport Commission) have been in no way responsible for developments or activities which have placed an additional burden on occupation crossings adequate for their original purpose. Consequently they have held that the cost of alterations needed to protect road and rail traffic against undue risks ought to be borne by those creating them. Nevertheless it must not be overlooked that with the passage of time there has been a change in the type of vehicle using all occupation crossings, whether the volume of traffic over them has grown or not. This change has increased the risk to rail traffic, for a collision with a lorry, tractor, or motor car is more likely to be followed by derailment than one with the horse-drawn carts and wagons of more fragile construction formerly using the crossings.

16. If the third course is adopted, namely retention of occupation crossing status, there is a choice of three forms of equipment to provide greater safety, namely :

- (a) Gates of the lifting barrier type worked from a signal box, if there is one near enough.
- (b) Some form of signalling device to give warning of the approach of a train,
- (c) A telephone to the nearest signal box, to enable users of the crossing to enquire if it is safe to cross.

With regard to the first of these, lifting barriers are widely used abroad, and can be worked manually over greater distances than the ordinary type of gate. They should be satisfactory if the signalman has a reasonably good view of the crossing, and if they are fixed far enough from the line to provide a sufficient safety bay on each side of it to accommodate a vehicle caught between them when they are lowered. Communication from the crossing to the box, to ask for the barriers to be raised, would be needed, as well as some audible or visual device at the crossing to indicate when they are about to be lowered.

17. After an accident of this nature adoption of the second course, namely the provision of road signalling apparatus at the crossing, is frequently urged ; this arrangement also is often used abroad, but has its limitations. The mere ringing of a bell or exhibition of a light by some switching device operated by an approaching train does not meet the case, for failure of current or of the circuit would lead to a false sense of security. In other words, the apparatus must be arranged to fail on the side of safety ; this is the more necessary as the present legal situation is that although in the absence of warning apparatus users of the crossing are responsible for their own safety, yet if such apparatus is provided to improve conditions but fails to operate on any occasion, liability for any resulting accident is transferred from the users of the crossing to the owners of the railway. As suggested by Sir Alan Mount in his report on the Hilgay accident, relief from this liability, provided the failure can be shown to be fortuitous, might well be considered in any legislation dealing with occupation crossings.

It will be realised from this that any form of signalling apparatus arranged to tell the road user to stop, such as the familiar traffic light signal, would be unacceptable : a failure would cause display of the Stop indication with no train near, so bringing the apparatus into disrepute and introducing the risk that a driver once needlessly delayed would disregard it when working properly. Hence the instructions given would have to be "No Train Approaching" displayed by an energised circuit, and "Exercise Special Caution—Train Approaching" appearing when the circuit is de-energised. The latter indication can be shown automatically by an approaching train, when a treadle actuated by it breaks a circuit or a track circuit is occupied, or could equally well be controlled by the block telegraph circuits. I refer later to difficulties in this respect at Conington, due to local conditions.

Though equipment of this nature, in the form of an electrically worked movable sign, has been installed at some industrial crossings in this country, it has the defect that if two trains are approaching in opposite directions a road user may think it safe to cross as soon as the first of them has passed, regarding the warning given by the apparatus as applying to that train only.

18. With regard to the third course, the provision of an unattended telephone is more suitable for occupation crossings used mainly or exclusively for their original purpose, and by relatively few individuals (e.g. herdsmen or other farm hands) who are familiar with the routine. Elsewhere it is doubtful if many road users would take the trouble to telephone in clear weather, especially if there is a good view along the line, as at Conington, though some might do so after dark or more probably in fog.

But there is always a risk of telephoned instructions being misunderstood, leading to a driver crossing the line after the passage of one train though told to wait for two, and a signalman might well be unable to attract the attention of a driver to alter the instructions given to him, for example if a second train approaches after he has been told to wait for one only to pass. There might also be a tendency on the part of signalmen to allow an undue margin of time before the passage of trains, or at any rate one appearing needlessly long, during which drivers would be advised not to cross the line. This practice, although a useful precaution against a sluggish start by a car or lorry, might easily lead to warnings being disregarded or treated lightly.

19. Reviewing the various alternatives in relation to local conditions at Conington, it would scarcely be practicable to close the crossing and to divert road traffic. There is no bridge near, and construction of one would be costly owing to the flatness of the surrounding fenland and possible foundation difficulties; though only three tracks exist now, a span long enough to cross four would be needed, to allow for future development. Connection of the area served by the crossing with the existing public level crossing at Holme station would entail construction of about a mile of road, or improvement of a farm road, north of New Dyke, a fair sized drainage channel, as well as of a bridge over it. This would add about a mile and a quarter to the present distance of roughly three miles between the centre of the area and the Great North Road, which runs parallel with and west of the line.

It is unfortunate that Conington North signal box, built during the war when the marshalling yard was constructed, was not placed at the crossing, as was at first proposed. Had this been done, control of the gates from the box would be easy, and dedication of the crossing would have been simplified. As it is, dedication would entail either the provision of a gatekeeper, and probably of living accommodation also, or replacement of the signal box by one at the crossing.

20. If the status of the crossing remains unaltered, it should be possible to work lifting barriers at it without difficulty from Conington North box in its present position, 80 yards away, and the signaller there has a reasonably good view of the crossing and its approaches. But the practicability of such an arrangement depends upon the box remaining open continuously; at present it usually closes for 24 hours a week, from Sunday morning to Monday morning. Though Conington South box is always open, on account of the connection between the main lines and the goods loops there, its distance of about a mile from the crossing is probably too great for the satisfactory operation of lifting barriers.

I have referred earlier (para. 17) to the limitations of road signalling devices, and in the present case these would be accentuated by local conditions. Rail speeds over the crossing vary widely, expresses passing at 80 m.p.h. or more, and heavy mineral trains at 15 or 20 m.p.h. A warning of the approach of the former, however operated, would have to be given when the train is at a considerable distance, but the view along the line in both directions is unusually good from the crossing itself, and it is hardly possible to estimate the speed at which a distant train is travelling from an end-on view of it by day, and impossible to do so by night. This introduces the possibility that a road user who has been warned that a train is approaching, and who has then waited for what seems to him to be an inordinate time for the arrival of a slow freight train, may on another occasion risk crossing when a fast train is at no great distance away, in other words acting exactly as he does today, despite the existence of the warning device.

A telephone at the crossing would be unaffected by the week-end closing of Conington North signal box, for it could be switched through to Conington South or to Holme when required. If conspicuously labelled to attract the attention of drivers it would improve conditions to some extent, depending on the use made of it, but, for the reasons given in paragraph 18, an unattended telephone cannot be regarded as an adequate remedy for the risks at a crossing used by the public at large, such as this. The most that can be said is that if one had existed, and if Baehr or Kuber had used it and had made himself understood, the accident might have been prevented.

RECOMMENDATION

21. I have dealt at some length with the various methods by which conditions might be improved to show that there are technical and legal as well as financial difficulties to be overcome. But this is no reason for the continuance of a "laissez faire" policy and the question is one deserving early attention. Though conditions elsewhere may be worse than at Conington, the situation there is highly unsatisfactory, and indeed dangerous after dark or when visibility is poor. The traffic particulars given earlier show that the crossing, with about 200 rail movements, several at high speed, and 75 road movements over it per day—ten of each per hour at times—is far busier than many public crossings over branch lines of small importance where speeds are not high and the train service is infrequent, which nevertheless have gatekeepers, standard gate equipment, and in many cases signals interlocked with the gates as well.

The safety value of the gates at Conington, set well back from the line, is negligible; in fact they merely serve to demarcate the boundary of railway property. Indeed I suspect that they, and the gates at many other crossings where conditions are similar, are frequently left open, for it is unrealistic to expect the unaccompanied driver of a car or lorry using such a crossing, who has already stopped to open the gates and to hook or prop them back, to stop a second time to close them again if he knows that he will shortly be returning over the crossing, or if he sees another vehicle approaching it. Indeed, in contrast to little used but fully equipped public crossings over branch lines, that at Conington is in effect scarcely distinguishable from the ungated and unattended crossings found where roads carrying little traffic cross light railways on which a few low-speed trains run; at such crossings, moreover, train speeds are further restricted and in some cases a stop immediately before crossing the road is prescribed.

22. The crossing at Conington requires a much higher standard of protection. The most satisfactory arrangement would be to dedicate it to the public, either by agreement or by legislation. But if the cost of this, entailing continuous attendance of a gatekeeper or transfer of Conington North signal box to the crossing, is regarded as unjustifiable, the provision of lifting barriers, etc., worked from the box in its present position, would be a cheaper but nevertheless effective remedy, deserving consideration.

A decision on the method of permanent improvement may take some time to reach, due to the general issues involved. While it is under consideration the risks at the crossing can be lessened by stationing an attendant there, in touch by telephone with the nearest open signal box, at any rate during farm working hours when the greater part of the road traffic passes. Although such part-time protection has its disadvantages and may even lead to a false sense of security when the attendant is not on duty, I recommend that the Region be asked to provide this at least, as a temporary expedient for increasing the safety of both road and rail traffic.

I have the honour to be, Sir,

Your obedient Servant.

E. WOODHOUSE,

Lieut.-Colonel.

The Secretary,
Ministry of Transport.

SUPPLEMENTARY REPORT

MINISTRY OF TRANSPORT,
Berkeley Square House,
London, W.1.

9th November, 1948.

SIR,

I have the honour to report for the information of the Minister of Transport, in accordance with the Order of 19th October 1948, the result of my Inquiry into a further accident, similar to that dealt with in the foregoing Report, which took place at the same occupation crossing at 5.26 p.m. on 16th October.

On this occasion a Chrysler saloon motorcar, crossing the line from east to west and driven by Colonel A. H. Mellows, a Peterborough solicitor, was struck and wrecked by an up empty coaching stock train travelling under clear signals at about 50 m.p.h. I regret to report that Colonel Mellows was killed instantly. His passenger, Mr. A. F. Percival, Clerk to the Peterborough magistrates, had alighted to open the gates: he was closing the east gate when the accident happened.

It was a very wet afternoon, with low cloud, and the light was beginning to fail. There was a breeze from the south west and visibility from the crossing towards the north was worse than in the other direction.

EVIDENCE

2. A down express, the 4.0 p.m. from Kings Cross to Leeds, passed over the crossing from south to north a minute before the accident; the southbound empty stock train passed Holme, a mile to the north, at about the same time. A down freight train was standing on the slow line at Conington North, waiting to follow the Leeds express.

After sending "Train entering Section" to Holme for the down express and receiving the same block signal for the up empty stock train Signalman D. J. Ward, at Conington North box, restored the signals behind the former train and set the road from the down slow to the down main line, so that the down freight train could go forward as soon as the express cleared the section: he received "Train out of Section" from Holme for the express either immediately before or just after the accident, but could not remember which. Ward next made some entries in his block register and then returned to the block instruments, ready to send "Train entering Section" to Conington South for the empty stock train. He heard it approaching, and then the sound of the collision, which he did not see as he had his back to the line.

With regard to visibility, Ward said that the smoke and steam left by the express cleared slowly, beating down and drifting away along the ground towards the east, the direction from which the car approached: otherwise, between trains and when their smoke had disappeared, visibility was reasonably good for a dull wet day.

3. The up empty coaching stock train, of 15 vehicles weighing about 350 tons, was drawn by a Pacific type engine with electric headlights, two of which, over the right buffer and in the middle of the buffer beam, were alight. Damage to the engine was negligible, namely scratches on the right guard iron and a bent headlamp bracket, also on the right side, suggesting that the car was almost clear of the track when its rear part was struck.

Driver A. Reynolds was seated on the left side, looking out round the cab side sheets, as he approached the crossing. The train was a light one for an engine of this class and it was running easily, with an early cut-off; the speedometer was showing a speed of 50 m.p.h. Reynolds had no difficulty in seeing the colour light signals at a range of 1,000 yards or so, although his view was interrupted at times by smoke and steam beating down. He estimated that under the prevailing conditions of rain, low cloud, and failing daylight, other objects could be seen about 200 yards away, but as he was looking out ahead he did not notice the car until it was practically on the line; he was then quite close to the crossing and estimated his distance from it as not more than 20 yards.

The fireman, J. M. Thorpe, had just finished firing at the time and saw nothing of the accident. In other respects his evidence agreed with that given by Reynolds, except that he said that later, when the steam and smoke had cleared away, he could see the wreckage of the car on the down line from alongside the engine, which came to a stand about 650 yards beyond the crossing.

4. Mr. Percival, the only eyewitness of the accident, had been shooting east of the line with Colonel Mellows; they were well acquainted with the crossing and had used it frequently for about 20 years. The gates were shut when they drove up. The car stopped close to the east gate, and the Leeds express passed just before he got out to open it. They had both seen the waiting freight train, and wondered if it would start before they crossed.

As to visibility, Mr. Percival could see the brake van of the freight train (about 580 yards from the crossing, as ascertained later) but said that it was more misty towards the north; he thought that visibility in that direction got worse after he alighted from the car, due to the steam and smoke from the down express. When opening the gate he neither saw nor heard the approaching train. He held the gate back and Colonel Mellows immediately drove slowly towards the line. As he was closing the gate Mr. Percival saw the train, perhaps 100 yards away, out of the corner of his eye as he put it; it seemed to him to be travelling rather silently, for he saw it before he heard it. He shouted, but doubted if Colonel Mellows heard him; he thought the car was momentarily checked, on the track, though it went on again and he wondered if it would get clear of the train, but it just failed to do so.

5. Mr. Percival also explained the practice followed for many years by Colonel Mellows and himself at this crossing. He said that when visibility was poor the passenger in the car always went forward to the line after opening the nearer gate, then signalling the car forward from there after seeing that no train was near; in clear weather it was customary for the driver to go forward across the line to the further gate if he thought it safe to do so, as soon as the nearer one had been opened for him. When he saw the car moving forward at once on the present occasion it did not strike him as unusual, for he concluded that Colonel Mellows was satisfied that it was safe to cross. The screen wiper of the car was working properly, and though the side windows were rather misty he was almost certain that the driver's off-side window was down.

Regarding the condition of the car, Mr. Percival said that its engine had been reconditioned recently and was fairly silent. He thought it unlikely that it stalled or faltered unexpectedly at the last moment, for it had been running well previously.

CONCLUSION AND REMARKS

6. This regrettable accident was entirely due to misadventure. It seems likely that Colonel Mellows was anxious to get across the line before the crossing was blocked by the down freight train, realising that it might start at any moment, and that his preoccupation with this diverted his attention from the possibility of the approach of an up train from the opposite direction, and from the temporarily worsening of visibility towards the north. The fact that the indications of the up colour light home signal, north of the crossing, are invisible from the road, whereas the backs of the arms of the down line semaphore signals can be seen easily, may have contributed to his failure to appreciate the situation.

7. There is little that I can usefully add to the remarks in my earlier Report. Mr. Percival suggested at the Inquiry that conditions for vehicle drivers would be improved if the gradient of the roadway were modified. At present the upward slope on each side of the line extends from the gate to the nearest line of rails, but he felt that a short level stretch close to the outermost track would make it easier for drivers to stop there while they look up and down the line. The present gradients of about 1 in 20 are not severe, but the alteration would be a simple one and the Region will consider making it.

The possibility of realigning the road, and of moving the crossing to a point close to Comington North signal box to enable the gates to be controlled by the signaller there, is also being investigated as an alternative to the methods of permanent improvement already suggested.

I have the honour to be, Sir,

Your obedient servant,

E. WOODHOUSE,
Lieut.-Colonel.

The Secretary,
Ministry of Transport.