

Reference number: NSI 054/2009
Nature of incident: Fatality

Date: Sunday 07 September 2008	Time: 10:03	Operator: London Central (Q)
Location: Park Lane, George Street, Croydon		Route: 468
Vehicles : Volvo B7L		Reg: LX06DYS Fleet: WVL212

A male was fatally injured following a collision which involved a Route 468 bus and a tram. The bus also damaged some street infrastructure and a parked car. The bus driver was taken to hospital for treatment.

A joint internal investigation will take place between Surface Transport and London Rail.

- | |
|--|
| <ul style="list-style-type: none">• Was the bus fitted with CCTV: Yes• The Bus Operator's Investigation and follow up will be monitored by: ST Safety Team |
|--|

September 2008: The operator reported that the bus was proceeding northbound along Park Lane, Croydon when it collided with a westbound tram which was travelling along George Street. As a result of the collision the bus has gone down the pavement in George Street, damaging shop fronts, projecting signs, canopies and lights as well as damaging street furniture. The bus then struck a parked vehicle in a loading bay. The vehicle has been pushed by the bus diagonally across the road and has come to a halt on the opposite side of the road on collision with a building.

The operator indicated that the fatality was a passenger on the upper deck (front off-side seat) who was ejected from the bus via the broken side upper deck window. They also indicate that it would appear that the passenger, a male in his 20s, was then struck by the tram and bus which resulted in the fatal injuries at the scene.

The bus driver was taken to hospital and treated for cuts and suspected broken arm. He was released from hospital and arrested by police and detained overnight. The operator has indicated that they have not been able to interview the driver at this stage.

The bus suffered significant front end and off-side damage to the cab area and was impounded by the police. The tram was derailed and suffered damage.

A joint investigation is underway between Surface Safety Team and London Rail. The Operator's investigation continues.

October 2008: Police continues to lead on this investigation and have spoken to both drivers. Despite formal requests, the TfL investigation panel has not been able to access any CCTV footage from the bus which was 'impounded' by the police at the time of the incident, nor has it been possible to interview either the bus or tram driver or obtain any technical report on the bus post incident. To this end the investigation has had to limit itself to available CCTV footage from the tram (which has subsequently been 'impounded' by the MP), visual examination of the site, photographic evidence taken by TfL staff at the time of the incident and logs maintained by CentreComm. As no definite conclusions as to the cause of the incident may be reached, recommendations are limited.

As part of TfL's investigation an independent traffic and tram signalling consultant was engaged to undertake a review of the operation of traffic signals at the junction. They have submitted a report which concluded that signal operation at the junction did not contribute to

the incident given "proper driver behaviour". A draft TfL investigation report has been submitted to Peter Brown, Mike Weston, Philip Hewitt and Martin Brown.

November 2008: Ken Davidson met with the investigating police officer on the 12/11/08 where it was confirmed that there were no defects on the bus or the tram. The Met has agreed to release the bus CCTV to the operator but advised them not to share the CCTV footage. However, Operator has agreed to view the footage with Ken in attendance- possibly at the operator's premises. The investigating officer will also be in attendance. The CCTV from the tram shows the tram crossing the junction of the incident correctly at green lights.

The Met has indicated that there are issues with the traffic lights but they feel this could be a red herring. They have also indicated that the investigation is unlikely to be a corporate manslaughter case. They are preparing a file for the CPS in the next two to three weeks. Investigation continues.

February 2009: Ken Davidson viewed the CCTV with the bus operator at their premises to verify what is known about the incident. It is alleged that the bus driver went against red lights.

The Rail Accident Investigation Branch (RAIB) has issued an advisory bulleting to tram operators on the incident after consulting with London Buses but they will not be investigating the incident. As part of their review of the incident, the RAIB issued three learning points, they are:

1. The need to carry out regular checking, maintenance and timely repair of road traffic lights and in particular ones with fitted louvers.
2. The need to brief relevant staff on roles of the RAIB and in particular the need to preserve evidence and not to undertake testing until permission is given.
3. Although not directly related to the incident, it is observed that there is a need to ensure effective liaison between the tram operator, the tram infrastructure manager and the traffic authority on matters related to road junction operational changes and alteration to traffic controllers.

The third action, which directly affects London Buses, has been acted on. Internal investigation report is complete and available to the SCM.

The RAIB has written to the DfT and TfL to express its concern with the side window on the upper deck of the bus which they noted to have offered little protection to person sitting on the front seat in case of collision of this type.

The police investigation continues.

March 2009: The operator has reported that their former driver has been charged by the police with 'causing death by dangerous driving'. He has been bailed and is due to appear at Croydon Crown Court on 22 May 2009. There has been no date fixed as yet for the inquest as this will not be held until criminal proceedings have been completed.

It was decided at the last SCM that this meeting will monitor the completion of all actions recommended by the RAIB. Mike Weston is liaising with London Rail and Richard Stephenson on responding to the RAIB on their letter in which they raised the following actions/areas of concern:

1. Regular checking of road traffic signals, especially louvered ones

2. To ensure effective liaison between tram operator, tram infrastructure manager and traffic management on matters related to road junction operational changes and alterations to traffic controllers
3. To brief relevant staff on role of RAIB and in particular need to preserve evidence and not undertake testing until permission given
4. Side windows at front upper deck appeared to offer little protection in collisions of this type

June 2009: Following the Rail Accident Investigation Branch (RAIB) concerns regarding the window offering little protection, the DfT wrote to the RAIB stating that in their assessment, it is unlikely that any regulation was contravened in the design and fixing of the window. The police investigation continues.

Update 2010: The driver was sentenced to four years imprisonment for causing death by dangerous driving after being tracked down whilst on the run in his native France.

May 2011: The operator reported that they have not been advised of the Coroner's hearing date as yet.

November 2011: Coroner's Court was contacted to ascertain if additional Coroner's Inquest was necessary for this case but no reply was received and they were unable to assist on the phone when we were unable to provide the full name of the deceased. Where cases have been extensively reviewed through criminal hearing proceedings and all the facts are disclosed through that process, Coroners hearings tend not to be required.

Recommend for closure

CLOSED AT THE LAST SGM ON 08 NOVEMBER 2011