

12 December 2024

Nicole D'Rozario
Coroner's Register

BY EMAIL: cpuresponses@coronerscourt.vic.gov.au

Dear Ms D'Rozario

COR 2022 004069 - Investigation into the death of [REDACTED]

We refer to your letter to Metro Trains Melbourne (**MTM**) dated 20 September 2024 enclosing Coroner David Ryan's Findings into the death of Mr LM – COR 2022 004069.

At the outset, we wish to express our sincere condolences to the family and friends of Mr LM.

Pursuant to section 72(2) of the *Coroners Act 2008* (Vic), Coroner Ryan made the following recommendation:

That Metro Trains Melbourne review the condition of the Smeaton Avenue Pedestrian Crossing to determine whether it requires remedial works to ensure the safety of the public.

MTM confirms that it has completed the recommendation. Following receipt of the Coroner's Findings, MTM's Infrastructure Maintenance Team inspected Smeaton Avenue pedestrian crossing on the 4 October 2024. The inspection confirmed that:

- The Smeaton Avenue Pedestrian Crossing is shared between MTM and the Australian Rail Track Corporation Limited (**ARTC**);
- The surface of the pedestrian crossing is of an asphalt and rubber construction which includes tactile ground surface indicators (**TGSIs**) within the crossing; and
- The crossing is in a fair and safe condition consistent in configuration to other crossings of its period, and that apart from the replacement of TGSIs which was completed on 9 December 2024, there was no need for remedial works.

For completeness we note that MTM's investigator observed on the night of the incident (21 July 2022) that the path appeared to be in a satisfactory condition, had good lighting, and the path could be seen.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Duvel', written over a white rectangular area.

Robert Duvel
Executive Director – Safety & People
Metro Trains Melbourne Pty Ltd