

Dorset Local Access Forum

Dorset County Council



Date of Meeting	21 October 2011
Officer	Miles Butler, Director for Environment
Subject of Report	Level Crossing Closures
Executive Summary	<p>The purpose of the report is to update the Dorset Local Access Forum about Network Rail's proposed level crossing closures in Dorset. In addition, to flag up new legislation expected around 2013.</p> <p>Of the ten affected crossings, it is proposed to close the pedestrian crossing at Wool. A six-month Temporary Traffic Regulation Order is in place.</p>
Impact Assessment: <i>How have the following contributed to the development of this report?*</i>	Equalities Impact Assessment: Not applicable, the level crossing closure was requested on public safety grounds.
	Use of Evidence: Not applicable.
	Budget/ Risk Assessment: There are no financial implications arising from the closure.
Recommendation	It is recommended that Members of the Dorset Local Access Forum note the content of the report.
Reason for Recommendation	<p>The Office of Rail Regulation is the correct body to make recommendation about matters of public safety in relation to level crossings.</p> <p>Should Network Rail pursue the option to extinguish the footpath at the Wool level crossing there will be an opportunity for the public to</p>

	make representations.
Appendices	1 - Proposed level crossing closures in Dorset
Background Papers	Draft diversion proposals for other affected level crossings.
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1. Discussion

- 1.1 Ten public footpath and bridleway level crossings were the subject of discussions between Network Rail, the Countryside Access team and the Dorset Ramblers Association. They have been assessed as having “deficient sighting” i.e. the time taken to cross the railway is greater than the available sighting time of approaching trains. Initially, there were fifteen such crossings on the list in Dorset, but these were whittled down to ten where there was thought to be reasonable potential for the affected paths to be diverted.
- 1.2 At present, these are merely aspirations on the part of Network Rail and there is a long way to go before the Company will be in a position to submit applications for the necessary diversion orders, not least because landowner support has still to be sought. In the meantime, mitigation measures such as vegetation clearance and whistle boards are in place to enable level crossing users to have sufficient warning of approaching trains, with the exception of Wool Footpath Level Crossing, where the whistle board for trains in the London direction i.e. not stopping at Wool Station, was found to be ineffective.
- 1.3 The problem at Wool was identified when an inspection by the ORR (Office of Rail Regulation) revealed that the whistle board providing warning of trains approaching at “line speed” from the London direction is located too close to the level crossing to provide sufficient audible warning of approaching trains. In order to provide adequate warning, the whistle board would need to be positioned halfway along the platform at Wool Station, which regulations do not permit. Temporary closure of the Footpath over the level crossing was therefore sought on the grounds of potential danger to the public, particularly those not familiar with the area. In the long term, Network Rail is considering submitting an application to permanently extinguish the footpath (on safety grounds) subject to further investigation of other options.
- 1.4 If a Rail Crossing Extinguishment Order is applied for under section 118A of the Highways Act 1980, and this is subsequently confirmed, a new footway will be provided on the railway side of East Burton Road by moving the railway boundary fence approx. 1.5m towards the track. This will extend from a point opposite the entrance to the caravan site to a point opposite where the existing footway on the other side of the road terminates. Network Rail would fund any work.
- 1.5 Appendix 1 shows proposed level crossing closures in Dorset. A copy of this schedule is being sent to Dorset Ramblers, with a request from Network Rail that they provide any intelligence regarding the extent of use of such crossings (in order to improve Network

Rail's risk analysis) and also to advise any other locations where a suitable alternative route already exists or could be created.

- 1.6 Details of proposed alternative routes (diversions) can be seen at Appendix 2. Network Rail and Wool Parish Council are engaged in a dialogue about the Wool crossing closure but it remains Network Rail's stated intention to extinguish the footpath.

2 Law

- 2.1 Traffic regulation orders are made by local traffic authorities under the Road Traffic Regulation Act 1984 to restrict or ban the use of certain highways, including public rights of way.
- 2.2 Temporary traffic regulation orders (for the avoidance of danger to the public) may last for up to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.
- 2.3 Section 118A of the Highways Act (1980) provides for stopping up of footpaths, bridleways and restricted byways crossing railways where it is expedient in the interests of the safety of members of the public.
- 2.4 Section 119A of the Highways Act (1980) provides for diversion of footpaths, bridleways and restricted byways crossing railways where it is expedient in the interests of the safety of members of the public.
- 2.5 The Department for Transport (DfT) and Office of Rail Regulation (ORR) proposed a project to review the law relating to level crossings as part of the Law Commission's Tenth Programme of Law Reform.
- 2.6 The Law Commission and the Scottish Law Commission started a review of level crossings on 22 July 2010, consultation ended on 30 November 2010, responses were reviewed and analysed and a final report is expected in autumn 2012. A draft Bill will be framed around the final report. The Law Commission and Scottish Law Commission joint project covers Scotland, England and Wales but not Northern Ireland.
- 2.7 Follow the links below for information about the background to the consultation and the proposed legislation:
<http://www.justice.gov.uk/lawcommission/areas/level-crossings.htm>
http://www.justice.gov.uk/lawcommission/docs/cp194_Level_Crossings_Consultation_Summary.pdf

3 Summary

- 3.1 The Office of Rail Regulation is the correct body to make recommendation about matters of public safety in relation to level crossings.
- 3.2 A rail crossing extinguishment cannot be confirmed unless the Secretary of State is satisfied that it is not "reasonably practicable to make the crossing safe for use by the public". This gives the public the opportunity to make representations should Network Rail decide to pursue extinguishment of the footpath at the Wool level crossing.

Miles Butler
Director for Environment
October 2011