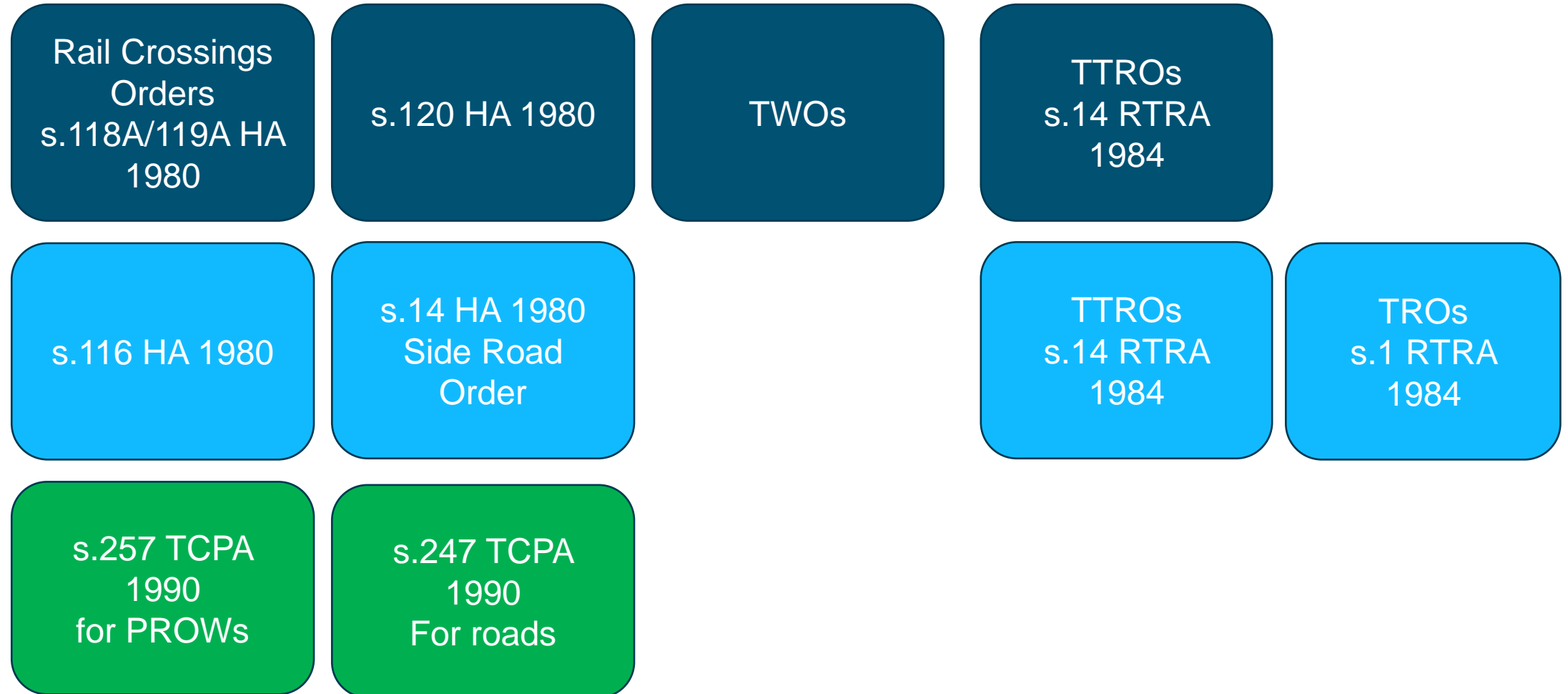




Level crossings



Level Crossings Closures – legal routes



Rail Crossing Orders

s118A – extinguishment; s119A – diversion

2 stage process:

- Order making – is it **expedient in the interests of the safety** of members of the public using it or likely to use the crossing?
- Order confirmation - it is **expedient to do so having regard to all the circumstances**, especially;
 - whether it is reasonably practicable to make the crossing safe

s.120 HA 1980

Where a Rail Crossing Order;

- not made or
- not confirmed or
- not submitted to SoS for confirmation

What legal test applies?

Defra Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099145/escalating-closure-diversion-level-crossing-applications.pdf

ss. 257, 247 TCPA

Necessity - Stopping up required to:

- *Enable a development to be carried out, and;*
- A conflict between highway and planning application

Merits – public/other legitimate interest

- *see NRIL v SoSEFRA (2017)*

OMA – s257 (two stage) – LPA, s247 – SoS (single stage, no confirmation)

Introduction to level crossings

How many level crossings are there on the GB rail network?

Around 6,000.

What are the main types of level crossing?

Protected:

Automatic half barriers, full barrier.

Unprotected:

User-worked crossings, footpath crossings.

Protected



Ashtead MCB CCTV

Unprotected



Lady Howard FPG



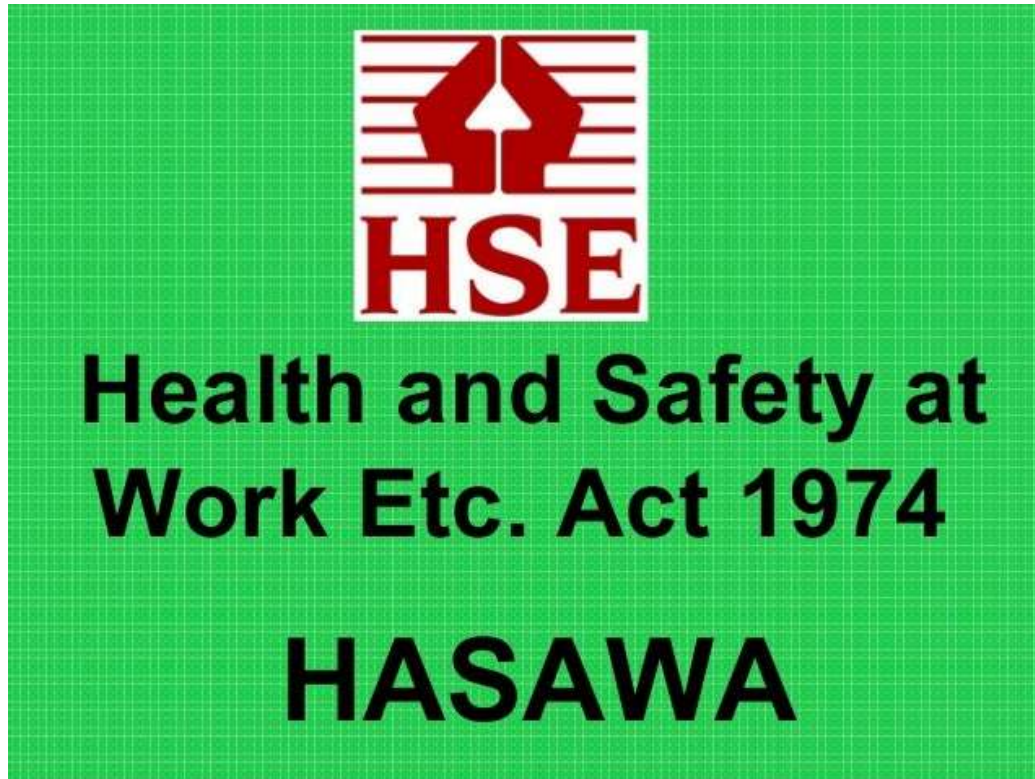
The great 'close *all* level crossings' conspiracy

6000 crossings on the network

How many Network Rail proposes to close?

- Majority see mitigations deployed
- Typically, less than 5% are considered for closure
- Majority of these are private lcs
- Majority of (public lc) closures are diversions;
 - Simple, on the ground, or;
 - Bridges/tunnels
- Extinguishment a last resort option

Legislation and policy



How do we identify and assess risk at LCs?

- ALCRM
 - 200-factor algorithm
 - Output – quantitative risk score, expressed as:
 - Risk per traverse: A to M;
 - Collective: 1 to 13;
 - Fatality Weighted Index (FWI)
 - Narrative Risk Assessment (NRA)

How do we Identify and assess risk at level crossings?

Team of trained Level Crossing Managers who not only inspect level crossings, but risk assess each one.

Key risk factors:

- Trains
- Number of users
- Sighting of trains
- Type of user
- Misuse
- Environment
- Weather conditions
- Vulnerability
- What protection is already provided?
- Other e.g. second train coming

How do we identify closure candidates?

- Risk
- Option assessment
- Function and importance of the prowl
 - Accessibility and interconnectivity with prowl network
 - Access to amenities, attractions
 - Popularity
 - Attractiveness
- Early (pre-app) local consultations critical

What does risk mitigation look like?



Should risk elimination look like this?



Or this?!



What does risk elimination look like?



What does risk elimination look like?



What does (the future of) risk elimination look like?



What does risk elimination look like?



Case study – Moor Lane level crossing

- Busy railway line
- Severe sighting issue
- Multiple instances of misuse and trespass



2013



2019



2013



2019

Case study – Moor Lane level crossing



Three fatalities:

- Suicide
- Adult walker falling onto the deck and not able to recover oneself
- Child electrocution

s118A case study – Moor Lane level crossing

FP18 Staines

Main function:

Recreational;

Access to the Moor.



Case study – Moor Lane level crossing

- s118A application made, supported by OMA officers
- OMA refused to make an order as safety case not made out and crossing considered safe

ALTERNATIVE PATH



A - junction of Moor Lane and Footpath 18
 B - junction of Bridleway 50 and Footpath 17
 C - junction of Footpath 17 and Footpath 18/ Footpath 19