

LEICESTERSHIRE LOCAL ACCESS FORUM – SEPTEMBER 8TH 2010

**REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT
ON PUBLIC RIGHTS OF WAY AND RAILWAY CROSSINGS**

Purpose of Report

1. To inform Forum members of various current issues relating to public rights of way and railway crossings.

Background Information

2. The County Council has recently been contacted by Network Rail concerning a number of rights of way which cross railway lines at level.
3. There appear to be four broad schemes affecting the railway network in the area that are prompting this activity.

Leicester to Birmingham Line

4. This involves the widening of the track bed and signal improvements to enable improved rail freight movements on the line between Leicester and Birmingham. As part of this scheme the road bridge at Elmesthorpe is to be rebuilt. Network Rail have recently applied for the closure of a spur of Footpath T89 at Elmesthorpe so that they can erect road side crash barriers on the approach to the bridge, but have not applied to have the main spur of the footpath closed where it crosses the line at level. The Authority does not currently support this proposed closure.

Leicester to Melton Line

5. There is currently a proposal to upgrade the line for increased levels of freight traffic. The authority received a letter in mid August requesting that consideration be given to the closure of the Public Footpath 174 level crossing at Rearsby and its replacement with a diverted route along an access track avoiding the railway. The proposal has not as yet been considered by officers.
6. Discussions have also taken place concerning the possible diversions of footpaths in the Brooksby and Rotherby areas together with discussions concerning repair of existing crossing surfaces, but there are no actual proposals for orders on the table at present.

Safety Issues on the Midland Main Line

7. Members will be aware of the ongoing case of the Bridleway 120 Level Crossing at Barrow on Soar. It is proposed to close this route and replace it with a pedestrian bridge on grounds of public safety. Network Rail put forward proposals for a pedestrian bridge on the basis that there was insufficient land on which to build a bridleway bridge without serious implications for residents.

8. However during the planning process it became clear that the location of the bridge had shifted and officers considered that this did allow sufficient room for a bridleway bridge. Network Rail is now reconsidering their proposals in the light of objections from the authority and other parties, to a pedestrian only bridge. In the meantime the crossing remains closed.
9. An application for the extinguishment of part of Footpath I63 at Cossington where it crosses the Midland Mainline has also been received by the authority. The matter is currently out for preliminary consultations with local authorities, utility companies and user groups.

Midland Mainline Line – Proposed Train Speed Increases

10. There are two schemes currently in the pipeline. In the longer term Network Rail and East Midlands Trains are considering significantly increased speeds on the Midland Main Line using new rolling stock and or possible electrification. While the Barrow rail crossing is being considered on grounds of safety Network Rail has identified this crossing as one which would have had to have been addressed as part of these long term speed increases. However Network Rail has not approached the authority concerning any other rail crossings as part of these longer term aims.
11. In the short term East Midlands Trains have a target to shave off 8 minutes from the Sheffield/Loughborough to London timetable by 2012. This is planned to coincide with station improvements at Loughborough in preparation for the London Olympics. The company is investigating several options for closures of private occupation road rail crossings and footpath crossings in Leicestershire to enable the lifting of speed restrictions in order to achieve this target.
12. With regard to public rights of way Network Rail have contacted the authority concerning possible closures of crossings and diversions at the following locations:-
13. Footpath/Bridleway Z12 at Wigston: The Authority has recently received a letter regarding a proposal to divert this right of way. No detailed discussions have taken place and no application has as yet been received.
14. Footpath A48 at Great Bowden: Discussions have been held concerning the possible diversion of this footpath
15. Byway K51 (Allsopp's Lane) at Loughborough: Discussions have been held concerning the possible downgrading of this Byway to the status of Bridleway. This route already has a long term Traffic Regulation Order on it prohibiting motor vehicles so non motorised users would not be materially affected. Network Rail would be able to raise speed restrictions on the approach and departure to Loughborough stations if this route no longer had underlying vehicular rights. There has been no application so far.

Maintenance of Rail Crossings

The responsibility for maintaining rail crossings in a safe condition lies with the rail operator, Network Rail. This includes the maintenance of any crossing surface structures, signage and safety fencing.

If members of the public note problems with a level crossing they can report it to Network Rail's emergency team. (Contact details are included at the end of this report).

Legislative Background

16. Rail crossing extinguishment orders and rail crossing diversion orders are made under the provisions of Section 118A and 119A of the Highways Act 1980 respectively.
17. Before making an order, the authority must be satisfied that it is expedient to do so in the interests of the safety of members of the public who use, or are likely to use, the crossing. Before confirming an order the authority or Secretary of State must be satisfied that it is expedient to do so in all circumstances and particularly:
18. Whether it is reasonably practicable to make the crossing safe; and the arrangements that have been made (if the order is confirmed) for barriers and signs to be erected and maintained.
19. In considering the objections to an order, the Secretary of State may consult the Secretary of State for Transport on whether a bridge or tunnel should be provided at or reasonably near to the crossing as an alternative.
20. An order cannot be made just to facilitate increased line speeds. However, if increased speeds are desired and are likely to be implemented in line with national targets this may well lead to crossings becoming less safe than they were. It is likely that the authority will receive more applications for orders in the future as the rail industry modernises.

Processing Applications

21. Applications for rail crossing orders are made in a form specified by the Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (S.I. 1993/9) and the applicants are expected to provide a detailed assessment of the safety of the crossing, any measures which might otherwise make it safe and cogent reasons for diversion or closure.
22. The Authority deals with representations and requests relating to rail crossing orders in the same manner as it does those made under the provisions of Section 118 and 119 of the Highways Act.
23. This means full preliminary consultations will be carried out with user groups, utility companies and other local authorities.
24. The authority will take into account issues such as road safety if members of the public are obliged to use adjacent roads as an alternative to the crossing.

25. Although not specified under Sections 118A and 119A of the Act the authority will also take into account the effect the diversion or extinguishment will have on the public's use and enjoyment of the network and what effect it will have on public convenience. This is in line with Government Guidance Note; Rights of Way Circular (1/9).

Recommendation

The Forum is asked to note the contents of the report.

Officer to Contact

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Reporting Problems with Level Crossings

Network Rail - Emergency Team Tel 0845 711 4141

Background Papers

Section 118A and 119A, Highways Act 1980

Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (S.I. 1993/9)

Rights of Way Circular (1/9).

<http://www.defra.gov.uk/rural/documents/countryside/prow/rowcircular1-09.pdf>