

Individual Decision

The attached report will be taken as an
Individual Portfolio Member Decision on:

23rd April 2009

Ref:	Title	Portfolio Member(s)	Page No.
ID1844	Safety of Railway Level Crossing by Kennet Heath Estate (Public Bridleway Thatcham 18)	Councillor Emma Webster	3 - 26

Individual Executive Member Decision

Title of Report:	Safety of Railway Level Crossing by Kennet Heath Estate (Public Bridleway Thatcham 18)
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	23 April 2009
Forward Plan Ref:	ID1844

Purpose of Report: To outline the various options open to address safety of public bridleway Thatcham 18 across the railway line alongside Kennet Heath Housing Estate

Recommended Action: That the Executive Member authorizes the making of a Permanent Traffic Regulation Order to prohibit all use of the level crossing

Reason for decision to be taken: To enable a proposed traffic regulation order to be progressed to implementation, prohibiting use of the crossing

Key background documentation: See Appendices A-H

Portfolio Member Details	
Name & Telephone No.:	Councillor Emma Webster - Tel (0118) 9411676
E-mail Address:	ewebster@westberks.gov.uk

Contact Officer Details	
Name:	Stuart Higgins
Job Title:	Definitive Map Officer
Tel. No.:	01635 503251
E-mail Address:	shiggins@westberks.gov.uk

Implications

Policy:	n/a
Financial:	<p>The initial principal costs are officer time. If a legal Order is made to permanently close the route (which will require another decision, following consultation) and objections are received the matter may go to appeal (judicial review) or to Secretary of State (DEFRA) for determination - legal representation would be needed. At the current stage there is no certainty this will occur, but the possibility should be recognized.</p> <p>Costs to improve accessibility or alternative safety measures on the crossing/bridge are not directly relevant to this report but may be longer term factors to consider separately at a later date.</p>
Personnel:	n/a
Legal/Procurement:	<p>The statutory consultation and advertisement of a proposed Legal Order will be undertaken by Legal Services. Further legal advice and support may be required if objections are received before a further decision is made on whether to make an Order. Continued objection may then lead to a Judicial Review appeal or to determination by the Secretary of State (DEFRA) in which case legal representation will be required.</p>
Environmental:	n/a
Partnering:	n/a
Property:	n/a
Risk Management:	<p>Safety measures were already in place on the crossing prior to the current temporary prohibition of use for safety reasons (13th March - 13th September 2009), but the likelihood of danger to the public is still considered to be too great. The most suitable safety measure is considered to be the recommendation outlined in this report.</p>
Community Safety:	<p>This report addresses safety concerns relating to the public bridleway/level crossing near a children's play area and the new Kennet Heath housing estate in Thatcham, and general public safety over a level crossing.</p>
Equalities:	<p>An Equality Impact Assessment will be carried out if the recommendation is followed as a part of the Consultation process, ready for consideration along with any other comments that are received before a further, final decision.</p>

Consultation Responses

Members:

Leader of Council:

**Overview & Scrutiny
Commission Chairman:** Brian Bedwell supports the recommendation that the level crossing be closed, with improvements to bridge accessibility in time, if the opportunity arises.

**Policy Development
Commission Chairman:**

Ward Members:

**Opposition
Spokesperson:**

Local Stakeholders: Will also be consulted on this specific matter as part of Statutory Consultation process

Local consultations relating to this crossing took place in 2002 and 2005, and correspondence highlighting important issues are available at appendix A.

Officers Consulted: Neil Stacey, Bob Bosely (Traffic and Road Safety), Liz Patient (Legal Team), Paul Hendry and Elaine L Cox (Countryside)

Trade Union: n/a

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by OSC or associated Task Groups within preceding 6 months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Supporting Information

1. Background (see Appendices G & H)

- 1.1 Public Bridleway Thatcham 18 runs for 2.8 kilometres from Bury's Bank Road by Crookham Common northwards through Chamberhouse Farm, over the Kennet & Avon Canal and across the main London-Cornwall railway line by means of an unmanned level crossing. It then continues through residential housing in Thatcham over estate roads and alleyways to St. Mary's Church, Thatcham.
- 1.2 The section of bridleway running over the level crossing lies on a bend in the track, in the line of oncoming trains of varying speeds. This is the section discussed in this report – **it is currently closed to the public until 13th September 2009, under a Temporary Traffic Regulation Order made by the Council due to the likelihood of danger to the public.** Signs at either side of the crossing read:
- 'This Public Bridleway Crosses the Railway Tracks To Ensure Your Safety You May Prefer to Use the Bridge' (West Berkshire Council)**
- 'Stop Look Listen Beware of Trains' (Network Rail)**
- 'Warning Do not Trespass on the Railway Penalty £1000' (Network Rail)**
- 'Always telephone before crossing with vehicles or animals to find out if there is time to cross' (Network Rail)**
- 1.3 In relation to this final notice, there is a telephone on either side that users can use to contact the nearest manned signal box for information on when it will be safe to cross the track.
- 1.4 Self-closing bridleway gates were in position at each side of the crossing until the recent temporary closure, when Network Rail fenced the crossing off.
- 1.5 The land north of the crossing used to be a Ministry of Defence depot but has been recently re-developed into the new Kennet Heath Housing Estate. As a part of the development a new surfaced route was created making it easy for all users to get directly from the estate to the railway. Prior to this access to the level-crossing was via the section of public bridleway Thatcham 18 to the north/west, which is a longer, narrower, un-surfaced route prone to muddiness. Accessibility along the route of the bridleway south of the level-crossing has also been improved in recent months.
- 1.6 In 2005 a bridge was built approximately 30 metres east of the level-crossing as an optional alternative, on the basis that a safer crossing option was needed because of the increased population in the vicinity and new accessible route to the railway.
- 1.7 Consultation up to 2005 indicated that walkers and cyclists were the chief users and that equestrian use was minimal at best – the continuation to the north runs through residential housing via roads and alleyways (see Appendix D summarising the situation in 2005). Combined with the prohibitive costs of a bridge with greater accessibility, the apparent low levels of equestrian use and unsuitability for wheelchairs/pushchairs resulted in the installation of a footbridge with a bicycle ramp.

1.8 The development (including new access route) has resulted in legitimate users with wheelchairs, prams or pushchairs now being able to reach the level-crossing (and footbridge) with relative ease, but as the bridge has approximately 72 steps (36 on each side) they are likely to find it hard or impossible to cross (narrow metal ramps on the steps enable cyclists to push their bikes over the bridge). The level-crossing is less safe for any of these users than for unaccompanied able-bodied users; it crosses coarse gravel and a small 'step' onto the raised wooden platform over the tracks.

2. Risk factors and reported incidents on the level-crossing

2.1 Trains of varying speeds cross the bridleway on a bend in the track – it is clear on site that faster approaching trains would be unable to stop in an emergency. **Key figures are available in Network Rail's 2006 safety report (Appendix B), which states that a pedestrian is expected to take 7.5 seconds to use the crossing, whereas the minimum time between seeing a train and it arriving at the crossing is 5.5 seconds.** It is expected that users with dogs, horses, children, bicycles, pushchairs or wheelchairs would take longer to cross, on average, and be more likely to encounter difficulty on the tracks due to the irregular surface.

2.2 The crossing lies approximately 100 metres from the houses on Kennet Heath Housing Estate, on what is now a well-used link from the estate to the Kennet & Avon Canal path and Crookham and Greenham Commons.

2.3 A large grass area lies between the crossing and housing estate, encompassing a children's playground, 80 metres from the entrance to the crossing along a surfaced path.

2.4 The Network Rail safety report (Appendix B) identifies the risk of accidents on the crossing being ten times higher than the national average for user-controlled level crossings. Network Rail have also provided a list of reported incidents on or near the crossing in recent years (see Appendix C).

2.5 The safety report states that most users choose to continue using the level-crossing in favour of the bridge, but site visits and comments received over recent months indicate that if this was the case, the reverse now seems to be true (e.g. see Appendix E).

2.6 The summary is that whilst the majority of users would now be expected to use the bridge in favour of the level-crossing, thus reducing overall safety risks, the reports of misuse/abuse, the increased population, the likelihood of unsupervised children in the area from the nearby estate, and the very small margin of error for legitimate users to ensure a safe crossing mean that the level-crossing is considered to present a danger to the public whilst it is open.

3. Options

3.1 There are a number of measures that may be implemented in relation to public safety on the crossing that are outlined below (please see Appendix F – Independent Consultant Report from 2006):

Do Nothing

- 3.2 The level crossing was well signed and gated at either side prior to the temporary closure but problems were reported leading up to the closure and clearly there is still scope for abuse and misuse on the crossing despite the safety measures. There are clear dangers for legitimate users, especially now use appears to have increased due to the new housing estate. As the safety concerns are valid then at the very least the various options should be examined and any necessary action taken.

Further Physical Safety Measures

- 3.3 Network Rail identified that a 'traffic light' system (MSL - Miniature Safety Lights) would cost an estimated £1 Million, which is too expensive considering there are other options to consider.

Safety Education

- 3.4 Network Rail has recently undertaken a well publicized national campaign to warn the public of the dangers at level-crossings. They have targeted schools near to this crossing to warn children of the dangers. Whilst this can only be seen as beneficial, there is no guarantee that this will eliminate risks of accidents due misuse, lapses in concentration or physical difficulties on the crossing. It is proposed that a physical closure combined with education will be the most effective safety option.

Existing section 118 Highways Act 1980 Extinguishment Order

- 3.5 A section 118 Highways Act 1980 Order was made by the Council on 30th September 2005 on the ground that the bridleway level crossing is 'not needed for public use'. Objections were received from the Ramblers' Association, British Horse Society and a local resident. The concerns were that horses, prams, pushchairs, disabled people and loaded bicycles would not be able to use the footbridge that would serve as the only nearby available route over the railway. The Ramblers were also concerned that the alternative footbridge route was not legally recorded as a public right of way.
- 3.6 As the extinguishment Order was opposed the Council cannot confirm it, but may submit it to the Secretary of State (c/o Planning Inspectorate) for determination. It seems unlikely that an Inspector would decide that the legal criterion of being 'not needed for public use' is met as things stand, making it imprudent to submit the case to the lengthy determination procedure (most likely via public inquiry). In addition, a determination would be unlikely to take place before the end of the temporary closure.
- 3.7 If the three objectors withdraw their objections then the Council will be able to confirm the Order immediately. Attempts to elicit these withdrawals have proved unsuccessful as none of the conditions that the objectors require have been met. These conditions are:
- 3.8 Converting (or replacing) the bridge for accessibility to horses, wheelchairs, pushchairs and then formally recording it as a public bridleway. This possibility has been examined but the costs have so far proved prohibitive, being in the region of £1 Million.

- 3.9 Provision of a completely different alternative route accessible to horses and wheelchairs. This has been examined but the relevant landowner is not in agreement, and a Creation Order is not a desirable option at this stage.
- 3.10 Formal recording of alternative route – the Council is currently seeking to do this.

Section 118A Highways Act 1980 Extinguishment Order

- 3.11 The Council has the power to make a section 118A Highways Act 1980 extinguishment order in the interests of the safety of members of the public on the level crossing. It is likely that objections would be received because such an Order would have a similar effect to the section 118 Highways Act 1980 Order that has already been made and objected to. The main difference would be that a section 118A Extinguishment Order would actually remove the public's rights, whereas the permanent closure recommended would 'freeze' the rights.
- 3.12 The legal criteria for 118A would be more clearly met than the 118 order as things stand, but there would still be no guarantee that the order would be confirmed. Any such case would be strengthened if the bridge were formally recorded as a public right of way and had greater accessibility.
- 3.13 The Council may wish to choose this option, but even if it is successful, it would be very unlikely to come into force before 13th September, the end of the temporary closure order.
- 3.14 It is recommended that no such Order should be made until, at the very least, the alternative bridge route is dedicated as a public footpath, bearing in mind that objections would still be likely and the matter would therefore be likely to go to a formal public inquiry.

Extend Temporary Traffic Regulation Order (TRO)

- 3.15 The temporary TRO can be extended beyond its end date of 13th September 2009 by getting prior permission from the Secretary of State (for DEFRA), who can extend it as he sees fit. An extension to the temporary closure should not be relied upon as an ongoing solution, but bearing in mind that the complexities of a longer-term solution may take some time to resolve this option may be necessary to avoid reopening the crossing in September. If the request is unsuccessful then a further temporary closure cannot be implemented until another three months has passed.

Downgrading status of public bridleway to public footpath and diverting over footbridge

- 3.16 If the bridleway were to be downgraded to public footpath status then considerations of equestrian and bicycle accessibility on the alternative bridge route would be negated. However, arguments about reduced accessibility for pedestrians, wheelchair users and less able-bodied users over the bridge would hold the same relevance, and as the route is known to be well-used by bicycles the required legal criteria of being 'unnecessary' or 'not needed for public use' would not be met.

Experimental TRO

- 3.17 Experimental TROs can be made to close a road for 18 months 'for the purposes of carrying out an experimental scheme of traffic control'. It is not proposed to use this in the current case as it is arguable whether it would fit the legislation, and a permanent TRO would seem to be a more straightforward option if a closure is required.

Permanent TRO

- 3.18 A permanent closure order can be made by the Council under section 1 of the Road Traffic Regulation Act 1984 to prohibit all use of the level-crossing. This would preserve the public access rights over the level crossing but would make it an offence for anyone to exercise them while the Order is in force.
- 3.19 This type of Order requires statutory consultation, including advertisement in a local paper and on-site. Any objections must be considered before the Council makes a final decision on whether to make an order. Any decision/Order could be challenged via judicial review.
- 3.20 An advantage of this procedure is that the closure could be lifted if circumstances changed, for example if an acceptable alternative route is arranged, or if the safety issues are addressed. In effect it would allow the Council to explore suitable long-term alternatives whilst preventing use of the existing level crossing to ensure safety.
- 3.21 In practice there would still be an alternative route via the existing footbridge for the majority of people, and nothing to prevent further consideration of the accessibility issues for disabled and equestrian users, and those with limited mobility.

Separate Issues not considered here

Bridge Improvements

- 3.22 The footbridge could be modified or replaced to allow horse and wheelchair access, but this is a major undertaking and the costs have proved to be prohibitive, being in the region of £1 Million (estimated November 2007 by Council Principal Projects Engineer). Such modifications would address some of the objections to closing the level crossing and would therefore open up further long-term options, but there are currently no plans to carry out the works due to lack of available funds.

Further public rights of way dedications

- 3.23 The alternative footbridge route is not recorded as a public right of way. The possibility of getting the alternative footbridge route and the surfaced path leading from Urquhart Road to the footbridge formally dedicated as public rights of way is being explored. This may open up further options for consideration if successful.

4. Conclusions

- 4.1 Trains running over the level crossing are a potential danger to legitimate users and also to the children and youths who are reported to misuse the crossing. The chief concern is that these risks, combined with the increased volume of use brought about by the proximity of the Kennet Heath Housing Estate and children's play area, will result in a serious and potentially fatal accident occurring.

- 4.2 Whilst it is recognized that an ideal solution would be to provide a safe alternative route to accommodate all legitimate users and then to close the subsequently unneeded level-crossing, efforts to do this have been unsuccessful due to prohibitive costs of bridge improvements and the lack of agreement from relevant landowner for creating alternative routes.
- 4.3 Whilst the majority of users (most walkers, dog walkers and cyclists) choose to use the footbridge as a safe alternative to the level-crossing, equestrians and wheelchair/pram users, or less able-bodied users will find it very hard, or impossible, to negotiate the bridge. Closing the level-crossing may result in these users having to use a long alternative route via roads and the level-crossing by Thatcham Station approximately one mile away in order to cross the railway.
- 4.4 The issue is whether the need to keep the level-crossing open for those who are unable to use the bridge outweighs the risk of someone being hit by a train because the level crossing is kept open.
- 4.5 It is submitted that safety is the more important consideration, especially bearing in mind that a closure order can be lifted if the accessibility or safety issues can be resolved.

5. Recommendation

- 5.1 In view of the above, it is recommended that:
- Statutory Consultation is undertaken on a proposed permanent Traffic Regulation Order (section 1 Road Traffic Regulation Act 1984) prohibiting all use of public bridleway Thatcham 18 as it crosses the railway level crossing alongside Kennet Heath Housing Estate, Thatcham (only between the railway fencing on either side of the track);
 - If no objections to the proposal are received, that the order be implemented;
 - Any objections to the proposal to be reported back to the Executive Member for a further Individual Executive Decision on how to proceed;
 - If it is apparent that the permanent traffic regulation order will not be in effect by the time the temporary closure ends (13th September 2009) then an application should be made to the Secretary of State to extend the current temporary closure for as long as he sees fit;
 - It is proposed that the recommended closure is to be reviewed if opportunity to improve access or safety over the crossing in the area arises.

Appendices

Appendix A – Summary of Comments received relating to proposals to close/extinguish the level crossing & footbridge accessibility

Appendix B - Safety Report from Network Rail

Appendix C – Reported Incidents on or near the level-crossing

Appendix D – 2005 Site Notice

Appendix E – Officer site visit observations

Appendix F – 2006 Independent Consultant report (Confidential)

Appendix G – Map of Level-Crossing and vicinity

Appendix H – Location Plan

**Appendix A – Public Comments relating to proposal to close/extinguish public
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

**Comments received in relation to the 2005 section 118 Highways Act 1980
Extinguishment Order**

Network Rail – support the closure of the at-grade crossing

Utility Companies – no objection to any proposal

Local residents responding to site notices

- 1) supports closure of at-grade crossing (with suitable alternative route)
- 2) supports closure of at-grade crossing (with suitable alternative)
- 3) supports closure of at-grade crossing with suitable alternative: concerns about vandalism and anti-social behaviour on new bridge requesting CCTV cameras and improved policing;

West Berkshire Liaison Group on Disability – objection to extinguishments of at-grade crossing until provision of a bridge that does not preclude pushchairs and wheelchairs;

Local Cycling Groups –

- 1) Objection to extinguishment of at-grade crossing until there is a suitable alternative available for cyclists, i.e. a ramped bridge;
- 2) Request for cycle friendly bridge ASAP;
- 3) No objection

Local British Horse Society representative, and 2 local horse riders – objection to extinguishments of at-grade crossing until there is a firm commitment by the Council to provide a definitive bridleway link to the east, south of the railway to prevent the “dead-end” route for equestrians which is currently proposed. If at-grade crossing is retained, north-south link between Urquart Road and the crossing should be given bridleway status;

Enterprise Hub Director, New Greenham Park Ltd. – long term plans to promote Thatcham 18 as a commuting route to/from Greenham Park. Objects to closure of at-grade crossing until a cycleable bridge is put in place;

Thatcham Town Council – initial consultation - informal view of Members is support for extinguishments of at-grade crossing and proposal A; consultation on final report – concur with recommendation (see Appendix 8)

Local resident of Bath Road, Thatcham

I object to the proposed closure on the grounds that the nearby bridge for alternative use cannot be used by:-

1. Horses
2. Prams
3. Pushchairs
4. Most disabled people
5. A loaded bicycle

**Appendix A – Public Comments relating to proposal to close/extinguish public
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

Local Ramblers' Association representative – the objection was made on the basis that whilst extinguishing the public bridleway level-crossing would leave walkers and cyclists access over the adjacent bridge, this bridge and the connecting paths is not formally recorded as a public right of way.

Local British Horse Society Access & Bridleways Officer '*Closure would result in Thatcham bridleway 18 becoming a dead-end bridleway on the southern side of the railway line. It would become unconnected to the rights of way network.*

The loss of access to bridleway 18 by closing the at grade railway line crossing to equestrians without incorporating bridleway 18 into a usable circuit for equestrians is not consistent with Rights of Way Improvement plans which aim to improve the network for all users.'

Other Comments relating to the level crossing and/or footbridge

Local mobility scooter user comments 13/05/06

'I am disabled with Muscular Dystrophy and one of the few pleasures in life is to go down to the canal towpath on my mobility scooter. In order to do this I have to travel over a mile to the level crossing in Thatcham to gain access. About 300 yards from my house is a footbridge crossing the railway line over to the towpath. However this bridge is inaccessible to me as there is no disabled access. This bridge has been there for almost a year paid for with my council tax money I feel that WBC is now showing discrimination against the disabled. Please advise me as to the timetable to providing disabled access.'

Local Horserider comments 08/08/08

'It does seem a terrible shame that the level crossing should be shut just as soon as a decent link is being opened on the north side to connect with the BW running north from the A4 opposite Colthrop Lane. I went and inspected the crossing last week and the local kids have been wrecking the existing gates to an amazing extent.'

Newbury Weekly News 26/03/09 letter extract from a resident of Bath Road, Thatcham

The closure... '*means a diversion of over a mile for cyclists with loaded bikes, prams, pushchairs, wheelchairs and others (not all dogs will use a bridge) and, in practical terms, this means that access is denied.*

There have been fast trains here for thirty years or more, and there will always be an element of danger, which is a bit ironic as the alternative route means using a narrow strip of un-kerbed footway beside the heavy traffic over the level-crossing at the station – just as dangerous.

Why can't miniature warning lights be installed on the bridleway as in other parts of the country?'

Walker with 3 dogs 06/03/09. He was very pleased the crossing is to be closed off as he cannot understand why it has been left open now that the new housing estate has been built with a children's play area so close to the crossing, and a footbridge in

**Appendix A – Public Comments relating to proposal to close/extinguish public
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

place as an alternative route. He understood the problems with accessibility for horses but said he had never seen a horse in the area and could see no reason why a horse rider would want to ride here. He said his dog (which was with him) got onto the track two years earlier and was hit and badly injured by a train. He said he was not using the level-crossing at the time, he had just been talking to someone at bottom of the bridge when the dog was 'spooked' and ran under gate and in front of train. He always uses the bridge and said that most people do use it.

Local Fisherman 16-03-09 phone call. He noted the level crossing had been closed. He said that he had trouble lugging his fishing equipment over the bridge – he carries his equipment in a trolley. He thought Thatcham Angling Club members may find it harder to carry their gear over the bridge than the level-crossing. He thought problems would increase in June (fishing season?). He said in the good weather more people were using the route at the weekend than usual. He saw some cyclists who were complaining to each other about having to wheel their bikes over the bridge. He also saw 2 buggy users on the bridge who were a bit out of breath and also commenting on the closure. He asked whether a ramp could be put in at least, but guessed that the route had been closed because of children messing around on the lines.

Anonymous 13-03-09 Officer went on to site and spoke at length with a local dog-walker on the bridge. He thought the closure was no surprise because of the local children, who he said had vandalised gates, fencing and newly planted saplings (uprooted). He said they sat on the bridge and were rude to passers by. He knew of a dog being killed a little way down the line. He seemed to accept that it was necessary to close the route for safety but was indignant about the behaviour of the children necessitating the closure. He said he had never seen a horse-rider or wheelchair user crossing the railway by any means, and that he walked his dog there every day.



**Thatcham, Bridleway no.18:
Submission in support of s.118A Highways Act 1980 Stop-Up
Order**

Ordnance Dépôt level crossing, on BHL at 50m 04ch

1. Network Rail strongly supports West Berkshire Council in diverting Thatcham Bridleway No. 18 such that the railway is no longer crossed on the level.
2. Network Rail is very concerned at the likely effect of the new housing estate, currently being built on behalf of Redrow, on the nearby level crossing over the West of England Main Line. Because of these concerns, Network Rail wishes to abolish Ordnance Dépôt level crossing on grounds of public safety.
3. The new development by Redrow comprises some 700 dwellings. This suggests a population increase of 1,500 or more in the immediate vicinity of the railway. Network Rail is also aware of pressure on the Council to promote Bridleway 18 as part of a through route between Bucklebury and Greenham Common.
4. As the railway marks the border between the Redrow development and the pleasant meadow/ river/ canal area, it is reasonable to assume that there will be a significant increase in user – by perhaps a factor of 3 or more not counting any possible take-up by horseriders. This could mean a daily user of 600 or more.
5. Network Rail was pleased to see the opening of the new bridge immediately adjacent. However, despite being an inherently safer way to cross the line, this bridge is little used due to the continued presence of the level crossing.
6. Network Rail believes that the most realistic way forward is to modify the bridge to enable all recognised categories of bridleway traffic to use it.
7. Network Rail would normally expect other parties to fund the work, as the increased user is not of its making, however in the circumstances Network Rail may be prepared to consider a contribution towards the cost.
8. Further details to support the closure case for Ordnance Dépôt level crossing are shown on the following pages.

Tim Mayo
Operations Risk Control Coordinator, Thames Valley
Reading

November 2006

Ordnance Depot level crossing - continued

Existing equipment

The crossing has equipment that is typical of most other public bridleway crossings on busy main line railways, viz:

- 'Stop-Look-Listen' and supplementary instruction signs
- Timber decked surface across the tracks
- Self-closing metal gates
- Direct-line telephone communication with the controlling signal box.

The prime safety measure for pedestrians is their own decision to cross (or not) by stopping, looking and listening out for any approaching trains. The user must first stop at the gate, or as far from the track as is practicable to get a good view, and check that it is safe before traversing the tracks.

The prime safety measure for persons with vehicles or animals is the lineside telephone. The user asks the signaller for permission to cross, and the user must follow his instructions. When permission is given, the user must telephone again from the other side to confirm that the crossing is clear.

User level and telephone calls

Current user level is moderate. A full day (0700-1900 hrs) census in April 1999 counted 171 persons. The census took place on a Sunday as weekday user is thought to be lower. The total included 26 bicycles, but no horses.

In the 12 months to 30th September 2006, requests to use the crossing were logged at Reading signalling centre on just 36 days - a total of 40 requests. Of the 40 requests, signallers declined 30 (75%) initially and instructed the user to call back due to trains being in the area. Of those 30 refusals, 5 users failed to call back, leading to train drivers being cautioned to check the crossing was clear.

It is not clear from the logs how many of the 40 callers were horseriders, but one was known to be a wheelchair user. Recent site visits by Thames Valley operations staff revealed **no evidence of use by horses**. It is likely that the calls are coming from people with buggies, bicycles or wheelchairs, or simply pedestrians 'playing safe'.

There are three further documented occasions of 'nuisance calls' (usually children) leading the signaller to doubt if the railway was still safe and having to send a mobile operations manager to site, which again meant train delays in the meantime. Empirical evidence from signallers and their managers suggests that calls of this type are far more common, on average once per month but more often in summer; however the log only shows those incidents that led to train drivers being cautioned. Total train delay caused in the 12 months was about 150 minutes.

Only about two requests per month are made during the winter, rising to seven or eight during June/ July/ August.

A comparison of the census count of 171 persons per day in 1999 with the above telephone call data, even after allowing a generous margin of error for persons who should be using the telephone but do not, strongly suggests that the overwhelming majority of level crossing users are physically capable of using the new bridge in its present (unmodified) state.

Periodic inspection and risk assessment

Network Rail's maintenance personnel inspect each crossing of this type every six months. Operations & Customer Service personnel perform a risk assessment at least every 3 years and as necessary after each serious incident.

The Company's standards recognise that it is usually impractical for old level crossings to meet all relevant requirements for new and modernised level crossings published in Her Majesty's Railway Inspectorate's Railway Safety Principles and Guidance (RSPG). When considering improvements to old crossings Network Rail aims to meet elements of RSPG 'whenever reasonably practicable'.

At crossings such as this one where the main safety control is user sighting, a key factor in a risk assessment is traverse time compared with available warning time.

Traverse time takes into account the distance across the tracks and the type of surface provided. The accepted speed of a pedestrian over a good surface (as here) is 2.6m/sec, which gives a traverse time of 7.5 seconds.

Warning time is actually four sets of measurements; from both sides of the line and looking in both directions. The crossing is located within a long sweeping curve. Worst warning time is viewed from the Up (Eastbound) track looking towards Up trains. This is assessed as 5.5 seconds.

Taken against the traverse time of 7.5 seconds, sighting is sub-optimal and measures should be taken to improve this if reasonably practicable to do so.

Hierarchy of measures to improve warning time

Network Rail starts from the principle that it is better to eliminate than to reduce the risk. **Therefore closure is the first option.**

The next option is **to reduce/remove obscuration**; when this is possible this usually means cutting back vegetation. Network Rail has identified that further cutback is possible here, and trees/ shrubs within the railway boundary have now been cleared.

Until 2004 warning time could be increased using '**whistle boards**', i.e. signs instructing train drivers to sound the horn. However in the wake of doubts about their effectiveness and of environmental noise nuisance objections being upheld, there is an embargo on new 'whistle boards' and they are unlikely to be permitted here.

Reducing the permissible speed of trains is rarely practicable on major routes as the performance disbenefit outweighs the safety benefit, but it can be resorted to as a temporary measure pending provision of telephones for persons with vehicles or animals. This option is not appropriate here as the crossing already has a telephone.

If sighting and/ or audibility of trains cannot be improved by other means, the only remaining option is to install a **miniature stop lights (MSL)** warning system which is automatically operated by each train. Currently the only approved method has to be linked with the signalling system and typical cost would be £750K-£1,000K.

In some locations it is possible to reduce the traverse time as well as, or instead of, increasing the warning time. However this is not an option here.

Ordnance Depot level crossing - continued

Justifying risk mitigation works

Network Rail takes into account 'reasonable practicality' and test for this using cost/benefit analysis (CBA). The rail industry value per fatality (VPF) figure in 2006 is £1.5M. Risk is measured in terms of Equivalent Fatalities per year (EF/yr) and the industry's accepted national average risk for this category of crossing is 0.000709.

Desktop tools are used to calculate the EF/yr for a particular crossing by inputting site-specific characteristics. In the case of proposed improvements, the 'before' and 'after' can be modelled. The change in risk level is calculated with the VPF and with the life (in years) of any proposed investment to give a £ value safety benefit. This safety benefit represents the maximum amount of funding that might be justified. Compared with the estimated cost of the works, a CBA ratio is produced. Providing the CBA ratio is positive (i.e. the benefits outweigh the costs) then a business case can be made.

Current risk level

Taking into account the site conditions at this crossing, notably the sub-optimal warning time, it has **3.9 times the national average risk**. This equates to an EF/yr of 0.002768.

Network Rail's judgement is that, while not ideal, existing risks are controlled so far as is reasonably practicable by lineside vegetation clearance bearing in mind a moderate level of use and the largely "rural" environment.

Predicted future risk level

A change to high user level and largely "urban" environment created by the Redrow development **increases the risk at this crossing to 10 times the national average level** for a user-worked crossing. This means an EF/yr of 0.00710.

Network Rail's judgement is that the significant increase in risk potential makes closure all the more desirable.

CBA was performed to test the reasonable practicality of installing MSL. The CBA shows that, even at this new level of risk, the maximum safety benefit (maximum £139K) falls far short of the estimated cost (£750K-£1,000K) of the work and therefore MSL cannot be justified.

Ordnance Depot level crossing - *continued*

Observations

- (i) Network Rail's assessment, using methods accepted by HMRI and the rail industry as a whole, estimates that the changes resulting from the housing development **would worsen the risk at Ordnance Depot level crossing to ten times the national average for user-worked level crossings.**
- (ii) At present the risk with moderate levels of use, although not ideal, can be controlled by vegetation cutback so as to maximise warning time at the crossing. Network Rail believes that this measure alone becomes less effective at crossings with high pedestrian user levels, especially in a built-up area.
- (iii) As other options are either impractical or inappropriate for this type of level crossing, Network Rail contends that, if user level was to increase as predicted, MSLs should be installed. However this would cost around £1,000K (one million pounds) and could not be justified from the company's own funds.
- (iv) It is reasonable to assume that the new housing adjacent to the line will include a high proportion of children, for whom railways tend to be an attraction. Being 'close to home', it is also assumed that there will be a lower-than-average likelihood of them being accompanied by an adult whilst in the area. Network Rail therefore believes that the continued existence of this level crossing could disproportionately increase potential for trespass- or error-related damage, injury and death, as well as performance losses such as train service disruption.
- (v) The overbridge is an inherently safer method of crossing the railway but few persons use it. Whilst the level crossing remains, there are no practicable means by which Network Rail or the Council can compel the 99% of capable users to cross the line via the footbridge instead.
- (vi) The proposed diversion of Bridleway 18 to go through rather than round the former MOD site is in itself an incentive for greater use. Despite no evidence of equestrian traffic, Network Rail is concerned at proposals to promote Bridleway 18 as part of an equestrian through route. For reasons stated above, it is not practicable to restrict use of a bridleway level crossing only to horseriders and mobility-impaired persons.
- (vii) The Council has informed Network Rail that the overbridge is capable of being modified to accept horses and mobility-impaired traffic, and that space is available to accommodate a modified structure. This work would cost significantly less than the estimated £1,000K (one million pounds) to upgrade the level crossing, and result in significantly greater safety benefits.

Recommendation

Network Rail strongly recommends that the overbridge is modified so that Bridleway 18 can be diverted and Ordnance Depot level crossing permanently closed on public safety grounds. This work should be carried out while the Developers are still on site.

Appendix C - Table of Reported Incidents

Network Rail Reported Incidents April 2003-October 2008
04/04/2003 – Children playing on line
25/06/2003 – Children playing on line
02/11/2003 – User rang for permission but failed to report clear
16/10/2004 - User rang for permission but failed to report clear
23/04/2005 - User rang for permission but failed to report clear
04/10/2005 - User rang for permission but then failed to report clear
31/08/2006 – Children playing on line/ nuisance call to signal box
04/09/2006 – Train ran into piles of stones placed on line
17/04/2007 - Train ran into piles of stones placed on line
01/07/2007 – Nuisance call to signal box, then train hit pile of stones on line
03/07/2007 – Nuisance call to signal box
27/07/2007 – Children placing stones (caught red-handed by TVP)
28/09/2007 - User rang for permission but failed to report clear
20/06/2008 – Nuisance call to signal box
16/08/2008 - Children playing on line/ nuisance call
26/08/2008 - Nuisance call to signal box
03/09/2008 - Nuisance call to signal box
11/10/2008 – Nuisance call to signal box
12/10/2008 – Nuisance call to signal box

Totals

Over 6 year period

4 incidents of children on line

4 of stones on track

11 of nuisance calls on signal box phone

Averages

6 years = 72months

children on line every 18 months

stones on line every 18 months

nuisance use of call box every 6 months

Additional Railway Incidents in vicinity of crossing

On 26th July 2000 a youth was reported lying face down by the track west of Thatcham station, apparently asleep. He had no injuries and it was likely to be drug/alevel-crossingohol related. It is possible that the youth used Ordnance level-crossing to gain access, but this was not a level-crossing related incident as such.

On 21st April 2007 a dog, recorded as a black Labrador, was killed by a train. It is possible that the dog entered via the level-crossing but this was not proved. There was no sign of the owner when the response man reached site about one hour later. The train involved was going relatively slowly as it calls at Thatcham.

On 12th Sept 2007 a man was reported lying half-dressed by the track in the area, with serious injuries. He had been dumped on the railway, having been badly assaulted on the canal towpath. Again this is not directly attributable to the level-crossing.

PROPOSED CHANGES TO PART OF BRIDLEWAY 18 THATCHAM

West Berkshire Council is proposing to make some changes to part of the above bridleway, following the development of the MoD Depot into the Kennet Heath housing estate. The bridleway is not physically affected by the new buildings but will be used by many more people when the development is complete.

The bridleway can legally be used by walkers, horse-riders and pedal cyclists. It currently crosses the mainline railway by way of an "at grade" crossing. This is completely unsuitable and potentially unsafe for anyone other than an able-bodied adult walker.

Following extensive enquiries, it would seem there is no equestrian use of the bridleway either across the railway (because of the dangerous crossing) or on the section of bridleway north of the railway (because of the urban nature of the route and the lack of links with other bridleways). It is well used by walkers and pedal cyclists. North of the railway, the bridleway is quite narrow and has the appearance and feel of an alleyway running between the railway fence and the old MoD chain-link fence. A new earth bund (2 metres in height, topped with a 2 metre high fence) is to be created as part of the development to reduce noise from the railway. This will run alongside the current chain-link fence and is likely to make this section of the route even more unattractive.

New footbridge across railway

Work to construct a new steel footbridge across the railway about 30 metres to the east of the at-grade crossing is just starting. The costs of providing a fully accessible bridge have unfortunately proved prohibitive. The bridge is therefore a simple up and over stepped design for pedestrian access only, although there is to be a narrow ramp adjacent to the steps to allow the wheeling of cycles up/down both sides of the proposed bridge. The design does however, allow for ramps to be added/the bridge to be upgraded in terms of its accessibility if/when additional funding becomes available. The southern end of the bridge will link to the public bridleway. The northern end of the bridge will enter the Public Open Space forming part of the Kennet Heath development and will be linked to a Footpath/Cycleway.

There are two separate proposals that are being considered. If you would like to be sent further details and maps of the proposals please telephone the contact number below giving your name and postal address, as soon as possible. All responses are required by the end of May 2005.

Rights of Way Officer 01635 519070

Appendix E

Thatcham 18 site visit notes – Observations made by Stuart Higgins, West Berkshire District Council Definitive Map Officer

23rd December 2008

15 users were seen crossing the railway over a twenty minute long visit, only one of whom chose to use the level crossing – the remaining 14 all chose to use the bridge:

The level-crossing user was an adult male on foot with 2 dogs

The bridge users included:

- adult male with a bicycle
- adult female with a bicycle
- adult male on crutches (photo from distance taken)
- nine other walkers including three children (accompanying an adult) with a total of nine dogs between them.
- Adult male and female (both elderly), each with a bicycle travelling together

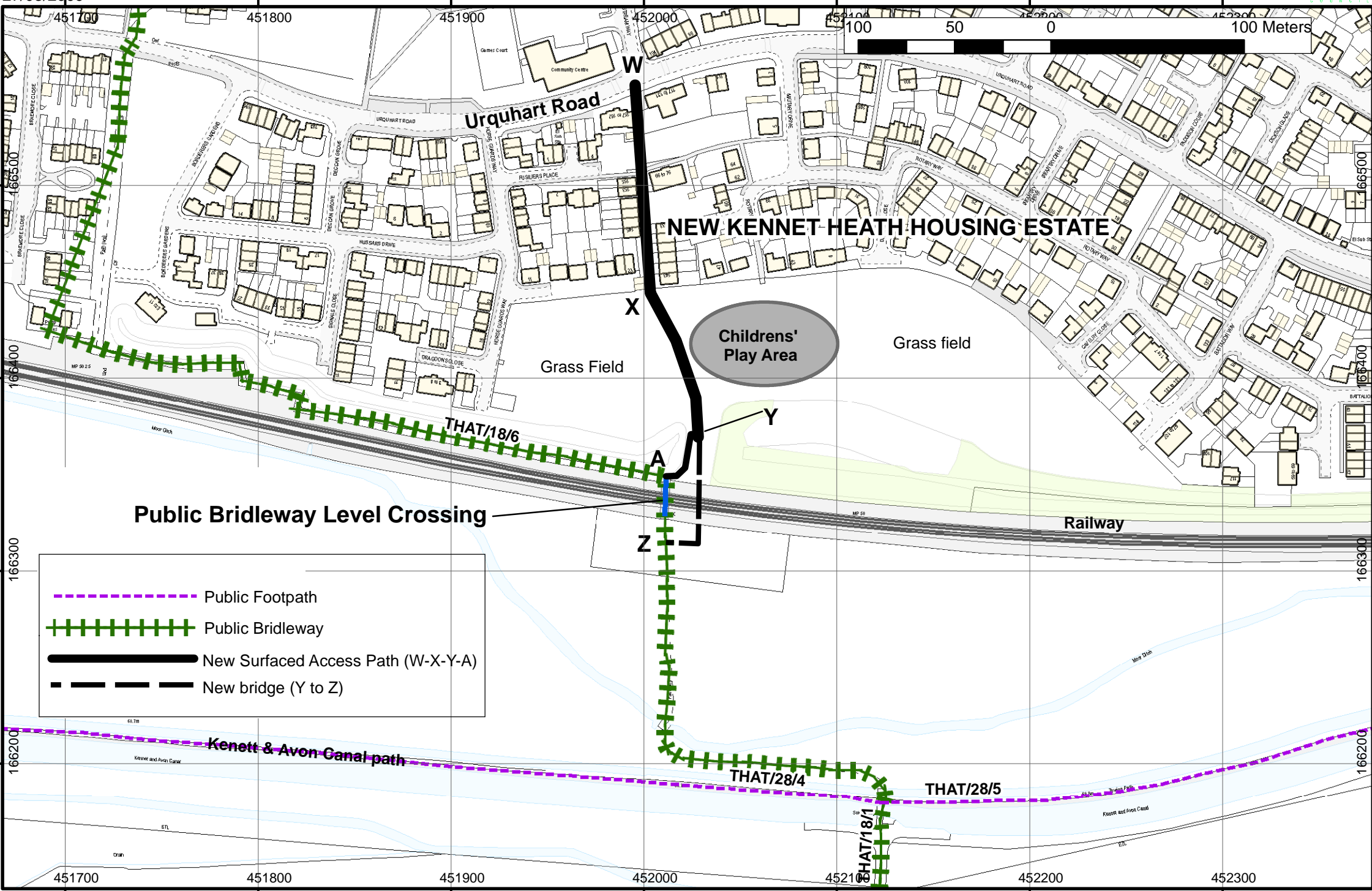
25th February 2009 – a quick visit in the early afternoon to check notices, I saw none at all

6th March 2009

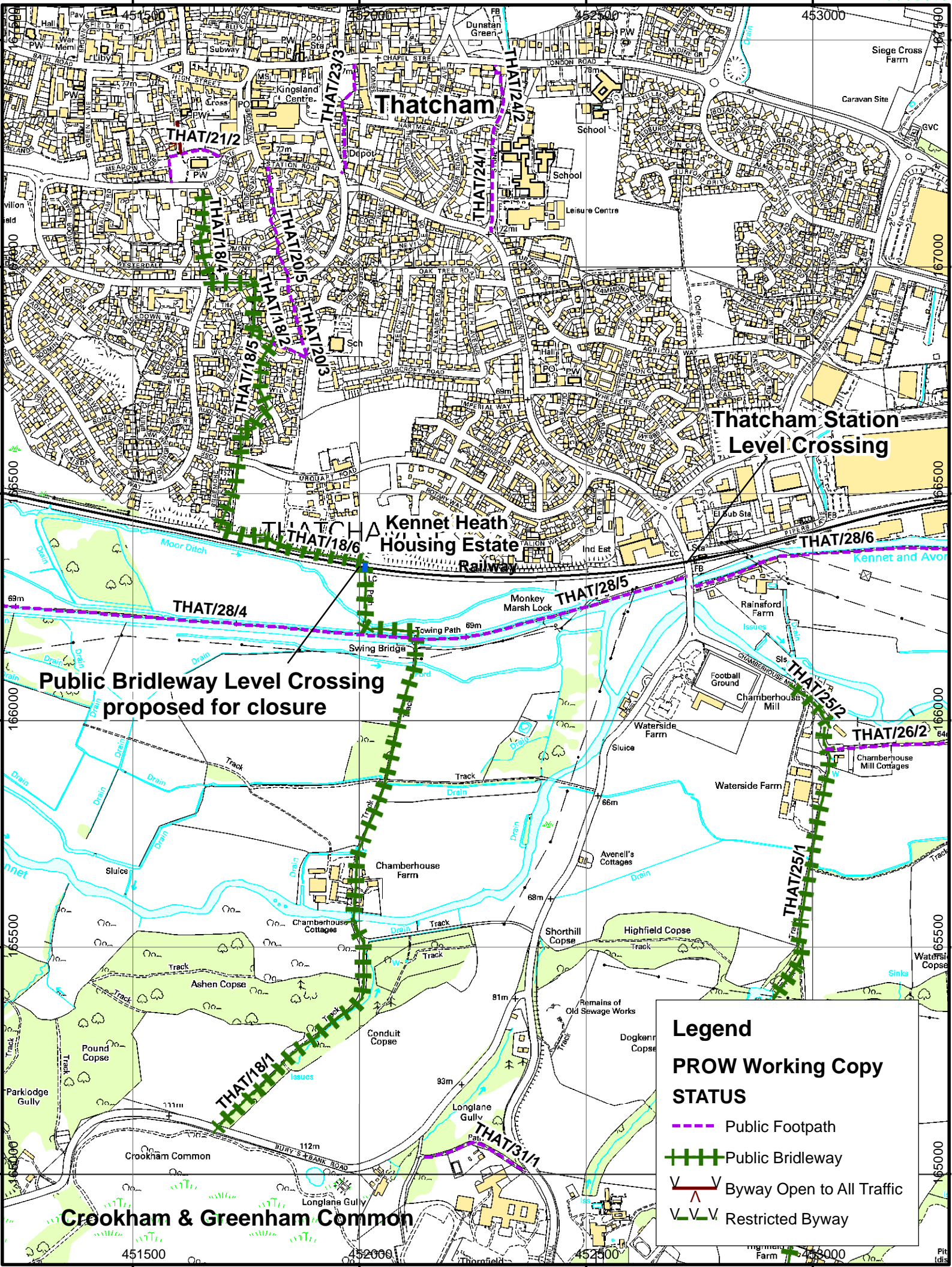
7 adult walkers covering a full range of ages and 7 dogs. Two of these walkers had no dogs and walked the level crossing. The remaining 5 walkers and all 7 dogs went over the bridge.

One of the walkers had 3 dogs and came to speak with me. He was very pleased the crossing is to be closed off as he cannot understand why it has been left open now that the new housing estate has been built with a children's play area so close to the crossing, and a footbridge in place as an alternative route. He understood the bridleway issue but said he had never seen a horse in the area and could see no reason why a horse rider would want to ride here. He said a couple of years ago his dog got under one of the kissing gates that did not have mesh at the bottom and was hit and badly injured by a train (but had recovered and was now with him). He said mesh was put on shortly afterwards. He said he never used the crossing, he had just been talking to someone at the bottom of the bridge when the dog was spooked and ran under gate and in front of train. He always uses the bridge in favour of the level-crossing and said that most people do the same. As we were talking 2 people walked over the level crossing but 4 others went over the bridge (with a total of 7 dogs).

13th March 2009 – level crossing closed – on the footbridge I saw two adult males with dogs, two adult males on bikes and an adult female with a dog.







- - - - - Public Footpath
- + + + + + Public Bridleway
- New Surfaced Access Path (W-X-Y-A)
- New bridge (Y to Z)



Legend

PROW Working Copy STATUS

-  Public Footpath
-  Public Bridleway
-  Byway Open to All Traffic
-  Restricted Byway