

Open Report on behalf of Richard Wills - Executive Director - Communities

Report to: **Mid-Lincolnshire Local Access Forum**
Date: **23rd April 2013**
Subject: **Review of County Council approach to Rail Crossings within Lincolnshire and its Relationship with Network Rail.**

Summary:

A report for discussion regarding the relationship between Lincolnshire County Council and Network Rail regarding rail crossings across the County.

Recommendation(s):

That the report is noted and advice to the County Council formulated by the Local Access Forum.

1. Background

There are 93 rights of way that cross the rail network in some fashion throughout Lincolnshire. Some of these are provided for by grade separated crossings such as a bridge or an underpass however a significant majority are at grade crossings with no control measures other than a stile/gate at the lineside and infill boarding between rails to avoid trip hazards.

Network Rail's responsibility for rights of way crossing railways is generally derived from the Railway Clauses Consolidation Act 1845 however alternative or additional duties may be encompassed in other statutes authorising the construction of any given line.

Network rail are, through the 1865 Act, expected to make and maintain convenient approaches to the line and good and sufficient gates and stiles in lineside fences. They have a statutory and common law obligation to ensure that they remain in good repair.

For bridges and underpasses Network Rail will generally be responsible for the structure although the County Council remains responsible for the surface of the highway. (See case example for Ruskington below).

2. Opportunities for Alterations or Improvements.

Path Furniture

Like all service providers Network Rail have a duty to make reasonable adjustments to improve access opportunities for the less able (Equalities Act 2010). In such circumstances where the County Council has inspected a route and found that a stile is in poor condition or missing it will request that Network Rail adopt an approach of fitting appropriate hand or kissing gates.

Route Alignment

Network Rail may also apply to divert or extinguish a public right of way (but not a BOAT) on safety grounds using Highways Act 1980 s.118A or s.119A. Assessments must be made as to the relative safety of the crossing and all other available options must have been considered and found to be inappropriate.

At present across the nation Network Rail are reviewing all at grade crossings where there is a perceived safety issue or if there is an ongoing or proposed alteration to the speed and/or frequency of train movements on a line.

Two such applications on safety grounds have been made recently in Lincolnshire. Firstly, at Tallington near Stamford, an application to divert two footpaths crossing a number of lines including the East Coast Main Line to utilise a nearby road crossing has been made and the Council had publicised an order. This order was subject to objections which would require submission of the order to the Secretary of State. Subsequently the proposal has been revised and a fresh consultation recently undertaken.

The second application was to divert the footpath crossing at Ballast Hole on the Lincoln to Newark line. After consideration of the application as presented by Network Rail the Planning and Regulation Committee determined that the application did not meet the tests of the legislation as regards the safety of the route and declined to make an order. The path remains on its historic alignment.

When Network Rail make such approaches for extinguishment or diversion the County Council will not only review the merits of such an application but will also review how such an alteration will affect the wider rights of way network. One example of this is a recently made approach to replace one of the 6 crossings on a 1 mile stretch of line north of Metheringham with a footbridge. Officers reviewed the network and requested that Network Rail put forward a "package" to alter the alignment of the rest of the network so that the number of crossings will be rationalised.

Bridges

As noted above Network Rail is generally responsible for the bridge structure whilst the Council remains responsible for the surface of the highway, which under most circumstances, will include the decking. The Council has successfully worked with

Network Rail regarding a footbridge at Ruskington which was becoming dangerous due to the rotting of the timber decking affixed to the steel superstructure. As Network Rail also needed to undertake repairs to the steel work agreement was made to replace the timber decking with new crenelated and treated anti-slip boards which on vey well used path and recognised route to the adjacent primary school have been well received.

Access Assessments

In 2009-2010 The Council's Access Development Team undertook a survey of crossings as part of a Statement of Action in the RoWIP. Officers recorded the current availability of routes as well as the requirements believed to be needed to bring a crossing to a basic safety standard including appropriate furniture and any need for infill boarding. This information was sent to Network Rail for their action as appropriate. It is not known what works have been undertaken as a result of this access audit

3. Officer Recommendations

That the Mid-Lincolnshire Local Access Forum considers the report regarding the management and alterations to rights of way crossing rail lines and provides advice to the County Council as appropriate.

4. Background Papers

No background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

This report was written by Chris Miller, Countryside Access Manager, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk

