



Mr Graeme Malcolm  
Transportation Manager  
County Buildings  
West Lothian  
EH49 7EZ

Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0LQ  
Tel: +44 (0) 141 555 4000  
Fax: +44 (0) 141 555 4951

02 June 2009

W.L.C.  
D&R8 GROUP SUPPORT  
- 3 JUN 2009

Dear Mr Malcolm,

#### **KIRKNEWTON LEVEL CROSSING**

I am writing to explain the background and reasons why Network Rail is proposing the closure of the existing level crossing at Kirknewton and why the compulsory purchase of a section of land owned by Mr R. Miller of Ormiston Mains farm, Kirknewton may be required to allow these works to progress.

Misuse of level crossings represents the single greatest risk to rail safety and it is Network Rail's policy to close them where reasonably practicable. The level crossing at Kirknewton has a history of incidents involving both pedestrians and road vehicle users. The equipment at the current crossing is fast approaching the date where it will need to be renewed and this presents an opportunity to invest the funding required to renew the equipment in a safer alternative that results in its closure.

While closure is the preferred option, Network Rail has considered the option to replace the existing crossing. In doing so, we are obliged to risk assess the current usage of the crossing so that the correct form of crossing is installed to match the risk that exists at the time. Our risk assessments have confirmed that due to increases in the amount of both road and rail traffic using this crossing, the existing automatic half barrier equipment would need to be upgraded to full barrier equipment. A full barrier crossing operates differently to one with half barriers and having modelled the normal operating barrier closure pattern, we have established that the barrier down time would increase significantly from the current regime, with the road closed for approximately 30 minutes per hour, rising to over 45 minutes per hour during the rush hour. This information has been shared with the Office of Rail Regulation (ORR) and West Lothian Council (WLC) and we have been informed by both parties that this proposal will not be supported, principally due to the considerable inconvenience to road users, who may seek to find alternative routes, which could import additional risk elsewhere on the road network. Given these facts, Network Rail has discussed the options with representatives of the transportation team within WLC and agreed that a joint road/rail approach to delivering the closure

of this crossing, would best meet the needs of both the rail and road user and achieve the reduction in risk that closure will bring.

A number of studies have been undertaken to determine the options available for closure and this work is summarised in the document produced by WYG Engineering, entitled, "Kirknewton Level Crossing Elimination: Roads Design Considerations", dated 21<sup>st</sup> May 09. This report concluded that the best option was to provide a rail over road bridge west of the existing crossing and a pedestrian subway adjacent to the station. This option was initially assessed as requiring an area of land of approximately 34,000 sq m, however following discussions with Mr R Miller, the landowner, the design was refined and subsequently the land take was reduced to an area of 15,300 sq m. We believe this represents the minimum amount of land required to accommodate these works.

We have been in discussion with Mr R Miller about this land for some considerable time now and while we are keen to reach a negotiated settlement with him for the land, time is moving on and given the limited remaining serviceable life of the existing equipment at the crossing, it is important that certainty is brought to bear on these discussions.

I would therefore confirm that Network Rail needs to proceed with the option to close the crossing as quickly as possible and I can confirm that if a negotiated settlement cannot be concluded with Mr Miller by the end of July 2009 then we will require WLC to use its powers to purchase the land necessary to achieve this objective.

I hope this letter clarifies this matter. If you require any further information please do not hesitate to contact me at this office.

Yours sincerely,



**Ron McAulay**  
**Director, Scotland**