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D&RS GROUP SUPPORT

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APPENDIX 2



OFFICE OF RAIL REGULATION

G. Malcolm
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Case Ref: 4002857

1 June 2009

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Dear Sir,

Health and Safety at Work etc. Act 1974

Kirknewton Level Crossing

I have been asked to write to assist the Council's consideration of a Compulsory Purchase Order at Kirknewton by confirming the Office of Rail Regulation's (ORR) position in respect of the proposed replacement of the level crossing.

ORR is the combined railway safety and economic regulator and makes certain Level Crossing Orders on behalf of the Secretary of State for Transport. In managing level crossing risk, which remains the single greatest contributor to train accident risk, we expect railway operators to take all reasonable opportunities to remove or replace level crossings or make them safer. We believe that decisions about level crossings must involve rail companies, highway authorities and other relevant organisations as early as possible.

Our position on Kirknewton is unchanged from that discussed previously with officers from the Council in that we support Network Rail's proposal to replace the level crossing with a grade-separated alternative. The proposal will eliminate the level crossing risk, reduce operating and maintenance costs, and remove inconvenience to road users arising from level crossing operation.



INVESTOR IN PEOPLE



The existing level crossing equipment at Kirknewton is due for replacement, for which a new Order would be required. Since the automatic half-barrier (AHB) crossing was approved, both road and rail traffic has increased to levels where we consider that an essentially like-for-like replacement with a new AHB would not meet the requirement to reduce risk so far is reasonably practicable. As a result we would not make an Order that specifies continuation of an AHB crossing at Kirknewton.

Network Rail could upgrade the crossing to a manually controlled barrier type (MCB) that would offer sufficient protection to users at all levels of road or rail traffic. However, the signalling and operational requirements for MCB crossings mean they do not have the advantage of the short operating cycles associated with automatic crossings such as AHBs. The effect can be that the time for which a crossing is closed to road traffic increases from less than a minute to several minutes for the passage of each train, significantly disrupting traffic flow.

At Kirknewton, Network Rail have modelled the closure pattern for an MCB and established that during peak hours the crossing could be closed to road traffic for more than 45 minutes in an hour. We believe such a situation would present an unacceptable level of inconvenience to road users and may result in an increase in risk elsewhere on the road network as drivers seek alternative routes. ORR does not support the MCB option and would refer any decision on an application for such an Order to the Secretary of State for Transport to enable full consideration of user inconvenience (traffic management) issues as well as safety matters.

The crossing could potentially be closed without the provision of any vehicular alternative. However, whilst removing crossing risk, we believe such a proposal is undesirable as it would force traffic onto other, possibly less suitable routes and a footbridge or subway meeting disability legislation would be still be needed at the station.

The proposed closure and replacement by a road-under-rail bridge and new pedestrian subway on land west of the existing crossing eliminates level crossing risk at Kirknewton. In addition it removes the considerable ongoing maintenance and periodic replacement cost associated with the crossing and allows road and rail traffic to flow without mutual interference. For these reasons ORR supports the proposed option of a grade-separated replacement.

I hope this provides sufficient clarification, please contact me if you have any questions.

Yours sincerely,

A handwritten signature in black ink that reads 'David Whitmarsh'.

David Whitmarsh
HM Inspector of Railways (Scotland)