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OFFICE OF RAIL AND ROAD

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Dear Linda,

Rosarie Level Crossing

Further to our discussion at our liaison meeting earlier this month, this letter sets out ORR's position in relation to the control of level crossing risk at Rosarie crossing in Moray.

Rosarie level crossing is of the Automatic Open Crossing Remotely Monitored (AOCR) type, and is the last such crossing on the national rail network. All others were removed or upgraded after a serious accident at the AOCR crossing at Lockington in 1986. The protective measures at AOCRs are road traffic signals and audible warnings activated by the approaching train, signs and carriageway markings. There are no crossing barriers, and once the crossing is activated a train is unlikely to be able to stop before reaching it.

ORR considers the AOCR crossing type to be obsolete, and the road:rail interface at Rosarie to be in need of improvement to ensure that crossing users, be they on foot, in a road vehicle or on board a train, are not exposed to risks to their health and safety, so far as is reasonably practicable. ORR accepts that although an AOCR appears to the user to be the same as the Automatic Open Crossing Locally Monitored type (AOCL), there are railway operational differences which meant that the crossing could not be added to the project which has recently completed the provision of barriers at all Network Rail AOCLs in Scotland.

Accordingly, ORR has challenged Network Rail to improve control of level crossing risk at Rosarie. Network Rail has kept ORR informed of its actions which have included engagement with Moray Council in their capacity as local traffic authority, risk assessment and design work. ORR considers that Network Rail is currently acting appropriately to secure the necessary improvement, and that at this stage formal enforcement using powers under the Health and Safety at Work etc. Act 1974 or the Level Crossings Act 1983 is not appropriate. This is without prejudice to future reconsideration.

Health and safety legislation prioritises reduction and control of risk through elimination over other means. In level crossing risk management, ORR expects all level crossing operators to assess options for crossing closure and act on those found to be reasonably practicable. Whilst ORR's role is to ensure appropriate levels of risk control whatever the format of the road:rail interface, ORR policy is to promote closure as a risk control option. ORR notes and supports Network Rail's action to facilitate closure of Rosarie crossing.

Furthermore ORR recognises that that the local characteristics which have led to the persistence of an AOCR at Rosarie (road and railway alignments, topography and watercourse) present substantial challenges to the provision of barriers and other upgrading actions. It is possible that a satisfactory design at Rosarie would require substantial and costly civil engineering work on the crossing approaches. ORR will continue to monitor Network Rail's action to secure risk control improvements at Rosarie level crossing, and act as necessary to secure improvements and legal compliance.

Yours faithfully,

David Whitmarsh
H.M. Inspector of Railways