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Dear Mike

Thank you for the opportunity to write to you regarding the important matter of the future of Wareham level crossing. I am very sorry I am unable to be present at the cabinet meeting of the 4<sup>th</sup> April, and I wanted to set down in writing the Network Rail position in order to help inform the cabinet discussion and decision making.

#### ***ALARP risk management and Network Rail's Duty***

Network Rail holds a duty to protect the safety of members of the public, as well as users of the railway. This is particularly acute at level crossings, and we have a very thorough programme of risk assessment and optioneering to reduce risk and to demonstrate risk is as low as reasonably practicable (ALARP). The Office of Rail and Road, and indeed the Rail Accident Investigation Branch both expect Network Rail to be able to demonstrate that it has explored every option and reduced risk to ALARP.

The level crossing at Wareham is not a public right of way, and is subject to a lease between DCC and Network Rail. This arrangement came about after the public highway right of way was extinguished in 1973. The extinguishment effectively placed an obligation on DCC to provide a means of access for pedestrians. There is no obligation on Network Rail to provide any means of crossing the railway at that point, and indeed our operating licence prohibits granting rights which could bring an unacceptable level of risk to the railway. Dedication of a public path across the rails is an example of such grant.

The crossing was previously operated as an 'MSL' type – miniature stop light – which required users to adhere to the signage and lights which indicated whether it was safe to cross. It became apparent as data recording and risk assessments improved that Wareham was subject to very regular deliberate misuse, with crossing users ignoring the light sequence and crossing when it was not safe to do so. In response to the threat of enforcement action from our regulator and the Rail Accident Investigation Branch, Network Rail and DCC agreed to introduce crossing attendants, employed by DCC, whose role is to operate electromagnetically locked gates.

#### ***Alternative Solutions***

Network Rail was disappointed with the recent decision of PDC not to grant the listed building consent. As you know, Network Rail has worked closely with DCC over many years to evaluate options and we are very confident that ramps attached to the existing footbridge present the best and most feasible option as compared to an underpass or lifts – we have shared previously with you the work on these options and I do not propose to revisit this information here. We believe the public benefit here outweighs the harm to the curtilage of the listed station building, but of course we respect the right of the committee to form its own view.

I am also aware that there is a view held by some local stakeholders that there should instead be created some form of automatic barrier system for pedestrians and that Poole High Street is cited as a suitable and comparable alternative. Allan Spence, NR Head of Corporate Public and Passenger Safety, has written on this matter and his opinion is referred to in the cabinet paper. There are many factors which drive the high risk score at Poole High Street but most notable are the frequent deliberate misuse events, and the high volume of pedestrian users. This crossing is in fact is rated three times higher risk than any on our network in Wessex. Wareham will also have a very high level of pedestrian users and given the previous misuse of the Miniature Stop Light crossing here (which gave rise to the threat of enforcement action and the introduction of attendants), there is sadly every reason to expect the levels of deliberate misuse at Wareham to be comparable: because the vast majority of trains will call at Wareham station, we know that some users will determine for themselves whether they can 'beat the barrier' sequence, and ignore the light and barrier sequence. Furthermore, given the aspirations of the Swanage railway to ultimately run a connecting service, this will result in more train movements over the crossing, and potentially extended level crossing closure times. Again, our experience of level crossing user behaviour elsewhere on the network suggests we should expect to see high levels of deliberate misuse as users observe the speed of trains and that in some cases train movements will be at a stand whilst the barriers are down. It only takes one occasion for a train to run non-stop through the station (for example a set of empty coaches or a locomotive move) and the sequence that users believe they have come to 'expect' all of a sudden becomes very high risk. We are unequivocal on this point: there is no suitable alternative technology type for automating the level crossing at Wareham, and none in development. Installing a CCTV-type crossing, as in use at Poole High Street would be contrary to the principles of risk reduction or elimination which quite properly govern our decision making.

### ***Financial Considerations***

As referred to above and in the cabinet paper, the capital cost of installing any alternative crossing type would be estimated at between £1.5-£2.5m but this is without any consideration of the siting of lighting columns and CCTV camera columns, data transmission and creation of control panels. As well as recovering this cost from DCC, in line with the lease arrangements, Network Rail would also need to set up a means of recovering the new costs associated with maintenance and operation of this crossing. These costs are difficult to assess, since some of the duties might be carried out by existing personnel, but in common with other public bodies, Network Rail is expected to reduce its operating costs year on year and there would be no support for adding new workload and costs. In other words DCC might reduce its costs on provision of barrier attendants, but unfortunately this is highly likely to be offset, and probably exceeded by new costs which Network Rail would need to recover.

In summary, the option of automation is rejected by Network Rail because there is no technology type available for this deployment, and the risks associated with CCTV-style crossing operation (as at Poole High Street) would be higher than the current arrangements. Moreover, even if we were able to agree to develop and deploy this type of equipment, we would need to recover all costs from DCC and we do not believe this represents a value for money solution. Given these facts, Network Rail would be unable and unwilling to make any financial contribution toward the capital cost of such a scheme. The key point here though is not financial; even if all financial concerns were addressed the aspiration for an automated level crossing is unfortunately ill-conceived and represents an unacceptable and worsened level of risk.

### ***Funding Provision***

Network Rail has made a funding provision within the current Control Period to contribute towards a scheme with DCC to sustainably reduce the risk at Wareham. This funding does not rollover to our next Control Period and we therefore have no new funding identified beyond March 2019. We have sought to work jointly on this matter and would like to continue to do so, but we cannot support the current

arrangements ongoing indefinitely: we do not believe that settling for the status quo is a sustainable solution and nor do we believe we can claim the current arrangements are ALARP. Should a solution to the current situation not be clear, it may well be the case that DCC becomes the sole promoter of a long term solution.

***Conclusion***

We would like to be very clear that there is no 'alternative crossing' option which Network Rail can or will support. We have actively supported the development of several proposals to add ramps to the existing bridge structure at considerable cost but our support for further iteration of such schemes will soon expire. Financially we are tied to the current control period, and have worked with a legitimate expectation that by March 2019 the closure scheme will be well underway. As is evident from our continued involvement we would like to avoid a scenario in which the crossing is closed without alternative means of traversing the railway provided. However, as the cabinet is aware, the obligation to provide this alternative is not shared and we are keen to understand the next steps from the Cabinet's considerations in order that we can determine our position going forwards.

Yours sincerely



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