

Briefing: Ben Alder level Crossing

Background to the decision

On 28 July 2021 the railway access gates at Ben Alder level crossing were closed by Network Rail to prevent public use of the crossing. This action was the result of a decision by our Director of Health, Safety and Environment and level crossing staff, to ensure the crossing can only be used by the authorised user and emergency services.

This is a private level crossing and there are no public rights at this level crossing. It is not a public right of way as has been suggested. The core path in the vicinity does not extend over the crossing.

As a private crossing there is no requirement on Network Rail to replace the crossing. The Office of Rail and Road (The ORR), our regulator, states that risk control at level crossings should, where practicable, be achieved through the elimination of level crossings in favour of bridges, underpasses, or diversions. The Scottish Government have also provided clear guidance and funding to support Network Rail, working with the industry and stakeholders, to close level crossings where appropriate.

Safety concerns

To help explain the safety concerns, this crossing has a minimum sighting distance of 55m and whistle boards at the maximum distance of 400m, which provides a 12.7 second warning for those using the crossing. The recommended crossing time is 8 seconds for a typical user however this crossing was identified as having vulnerable users, so the warning time was extended by 50% in accordance with Network Rail standards. This means that the crossing time is only safe for pedestrians who cross within 12 seconds.

On a routine visit to Ben Alder our level crossing manager observed a member of the public who took 30 seconds to cross, significantly more than the maximum 12 seconds. Having observed this, we needed to reconsider use of this crossing and any possible mitigation.

Discussions were immediately undertaken between the level crossing manager, route level crossing manager and head of operational safety, and a number of short, medium and long-term actions were identified.

However, on 14th July the route level crossing manager was advised that the short-term actions required were unable to be progressed and given the concerns at the crossing, this was escalated to

the operations manager and Director of Safety, Health and Environment. The decision was taken to ensure that the crossing was used as intended – by the authorised user and emergency services only by installation of a padlock and members of the public diverted via the nearby underbridge and a core path. The authorised user was briefed to telephone for every use of the crossing.

Notwithstanding the fact this is a private level crossing and Network Rail has no obligation to support public use, we do appreciate many people use it and we did consider whether it was possible to manage this but given the identification of vulnerable users and having considered the options available, we concluded the most appropriate response was to ensure the crossing was only used by the authorised user and emergency services.

We appreciate this has caused upset and we regret this. We should have communicated more with the local community and stakeholders and wish to address this going forward. However, this would not have changed our decisions, as this was driven by the safety issues we observed and our view on mitigations to manage this risk. Having made this decision our focus is now to work with affected parties to understand their concerns and to ensure people are aware of how to cross the railway safely and have this is communicated widely.

Communication with the local community

As the crossing is private, there is no requirement for us to inform anyone except the authorised user. It had always been our plan to inform local residents and take steps to raise awareness for members of the public who had intended to use the crossing, by placing signage on the crossing gate.

Having reviewed events, we could have improved this. I am very sorry that the community did not hear from us in a timely fashion and, as we have communicated to the community council, we are keen to work with the community council and other stakeholders to explore ways of improving signage at the station and on the alternative route so that people seeking access are aware of the appropriate walking route to use.

Car park

We are aware, given the proximity of the car park to the private user crossing and that it is referenced in guidebooks and walking websites, that visitors, outdoor enthusiasts and hillwalkers may plan to use it. Signage is currently in place to direct members of the public to a safe crossing at the underbridge. We are keen to work with the community and stakeholders to improve local and public knowledge of the restriction of the crossing and to communicate the access arrangements.

Alternatives proposed by the community

Network Rail's decision to ensure that only the authorised user and emergency services access Ben Alder level crossing was taken for safety reasons. This is a private crossing and there is no requirement on us to replace the crossing.

We are aware that the community has proposed some alternative options and we are looking at these to assess a possible way forward.

However, it is important to note that these options require land assembly and consents, would take time and funding would need to be identified – and Network Rail is not funded to deliver such schemes.

Next steps

We recognise that the local community and stakeholders are keen to engage with us on Ben Alder level crossing and it is our intention to arrange a joint session with the local community council, local authority, Ben Alder estate, Cairngorms National Park authority, ScotWays, BTP and the ORR, hopefully in the coming weeks.

In the meantime, if you have any questions following the session this evening or would like to share any thoughts or comments further to your discussion, we would be delighted to hear these.