

STATUTORY OBLIGATION

When the railway was first built, former railway companies were required to provide access across the railway for those affected. Where this resulted in the construction of a level crossing which was operated by the user, and unless the landowner has agreed to give up their rights to use it, it is still Network Rail's responsibility as owner of the crossings to maintain them for the benefit and use of the landowner or occupier of the land.

Such private, User Worked level crossings are commonly known as either 'occupation' or 'accommodation' crossings. They are defined below:



OCCUPATION CROSSINGS

Where a private road or track existed before the railway was constructed, a user worked level crossing of "occupation" status was provided. The owners of the land which is served by the private occupation road and those who also have a legitimate right to use the road, including their invitees, will all have a legal right to use the occupation crossing. There is, however, no obligation on Network Rail to allow use of its private level crossings by the general public or to give access to other lands which were not previously served by a crossing.

Note: Network Rail and its contractors are also entitled to use a landowners' private road leading up to an occupation crossing to gain access to railway property.

ACCOMMODATION CROSSINGS

User Worked crossings of "accommodation" status were provided to maintain access between lands severed by the railway where a roadway or track did not previously exist. The most common accommodation crossing is the standard field to field crossing. There is no obligation on Network Rail to allow use of its level crossings to give access to other lands which were not previously served by a crossing.

Note: Legislation states Network Rail doesn't have to improve any existing private crossing. Nor does the company have to improve a crossing to allow for a change of use where this would either impose unacceptable risk on the crossing or an increase in its maintenance. Network Rail's duty to provide and maintain an accommodation level crossing may also cease when the land on either side of the railway is sold into separate ownerships.

AUTHORISED USERS

An Authorised User is a landowner or occupier of land or property who is legally entitled to use a level crossing for accessing their land or property. These people can invite others to legitimately use the level crossing, giving them the same rights and responsibilities that the authorised user themselves enjoy.

CROSSING SAFETY

It is the responsibility of a user to establish whether it is safe to cross the railway and that their vehicle can safely pass between the gates and over the level crossing deck. All level crossing users must comply with all the signs and notices at a crossing and must use the telephones (where these are provided) when crossing with vehicles, animals or where pedestrians are specifically instructed. An authorised user is also responsible for the safety of their invitees and must brief all their invitees on the safe use of the crossing.

GATES

Legislation states private level crossing gates must enclose the railway when not in use and open away from the railway. Level crossing users must ensure gates are closed after use and comply with all signs and notices. Failure to do so can lead to prosecution and a penalty of up to £1,000.

LOCKING OF GATES

Where a user is prepared to have level crossing gates locked to prevent unauthorised use or trespass, Network Rail can provide chains, locks and keys, if requested.

WIDENING OF CROSSINGS

Although Network Rail isn't obliged to provide or allow a crossing to be widened, Network Rail may look at a crossing user's request where widening will improve safety and the user is prepared to accept the costs, including any additional protection that this may require. If the widening provides an opportunity to close another crossing then Network Rail would consider this at no cost.

CLOSURE OF CROSSINGS

Being user worked, private level crossings are generally not linked into Network Rail's signalling systems and invariably involve uncontrolled vehicle movements by members of the public. They therefore represent a potentially high risk for vehicle collisions with trains.



Network Rail seeks to permanently close and remove level crossings that are no longer required. Where private rights still exist, Network Rail may be prepared to buy-out the rights of a level crossing if the risk is considered high or there is financial justification in doing so.