

Network Rail to plead guilty over crossing

Charlotte Thompson and Olivia Bazlinton PA

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Network Rail is to plead guilty tomorrow to health and safety breaches which caused the deaths of two teenage girls at a village level crossing in Essex, *The Times* has learnt.

A district judge is to hear the opening of the case at Basildon magistrates' court and is expected to pass it to Crown Court for sentencing.

A 15-year-old girl died on a footpath rail crossing on Saturday, only five miles from Elsenham where Olivia Bazlinton, 14, and Charlotte Thompson, 13, were killed as they set out on a Christmas shopping trip in 2005.

Police said that the latest victim, named by friends as Katie Littlewood, from Bishop's Stortford, Hertfordshire, and was killed at the Johnson's Footpath Crossing, where a pensioner died in 2002. An elderly pedestrian was also killed at the Elsenham crossing years before the deaths of the two girls. Their families hope that the prosecution will bring about reform of a company whose inner workings

are rarely made public. They also hope Network Rail will improve safety at level crossings.

Olivia's mother, Tina Hughes, said: "Let's hope that this is the start of a sea-change at Network Rail." After news of the latest death, she added: "I feel sick because had Network Rail come clean about what was wrong at Elsenham at the inquest, then the regulator would have forced through changes to risk management. That crossing might have been replaced with a footbridge, and another young life saved. What a tragedy."

Martin Gallagher, Network Rail's head of level crossings, contacted the families last week to tell them that the company planned to indicate a guilty plea. He said Sir David Higgins, the chief executive, was to invite them to a meeting after the trial.

Olivia's father, Chris Bazlinton, believes that there may have been a cover-up to prevent the full facts emerging at an earlier stage. "I am glad that they will plead guilty but I still have not got the answers I want about who knew what and when," he said.

The rail regulator reopened its investigation into the accident in February last year after *The Times* reported the existence of a risk assessment document that had been withheld from the girls' inquests and investigators.

The document recorded an inspection of Elsenham crossing in May 2002 that recommended consideration should be given to locking the pedestrian gates when trains approach. No action was taken and the risk assessment was not put before the Essex Coroner. Nor was it sent to government investigators after the accident.

During the course of its investigation last year, the Office of Rail Regulation uncovered another report written in 2001 which warned of the potential for disaster at Elsenham. Again no preventive action was taken.

The ORR said that its criminal charges relate to "Network Rail's failure to carry out proper assessments of the risks to the safety of the public using the footpath crossing or to have in place adequate arrangements to underpin these assessments". They include two charges under The Management of Health and Safety at Work Regulations 1999 and one charge under the Health and Safety at Work Act 1974.

Mr Bazlinton questioned the benefits of fining the state-funded organisation. "It is symbolic rather than anything else because we will be paying it like every other taxpayer."

Network Rail has consistently denied that any information was wilfully withheld and insists that safety is its primary concern.



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