

Network Rail found guilty over level crossing death

Track operator, which decided not to install automated safety device at crossing where Jane Harding died, could be fined £1m

Gwyn Topham, transport correspondent
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Jane Harding, who died after the car she was travelling in was struck by a passenger train at a level crossing in Moreton-on-Lugg, Herefordshire. Photograph: British transport police/PA

Network Rail has been found guilty of breaching health and safety laws after a train killed a car passenger at a level crossing where the track operator had decided not to install an automated safety device.

A signalman who mistakenly raised the barriers was also found guilty for his part in an incident that led to the death of Jane Harding, 52, in Moreton-on-Lugg, Herefordshire, in January 2010, and caused serious injuries to her husband Mark, who was driving the car hit by the train.

Network Rail faces a possible fine in the region of £1m after the verdict at Birmingham crown court. Jurors were told that Network Rail had decided not to install a safety

device which would have detected the oncoming train and kept the barriers down.

The signaller, Adrian Maund, raised the level crossing barriers by mistake when the train, travelling from Manchester to Milford Haven, was approaching, believing it had already passed.

Both Maund, 42, from Leominster, Herefordshire, and Network Rail had denied breaching health and safety regulations. Maund was found guilty of failing to take reasonable care for the health and safety of other people likely to be affected by his actions or omissions at work.

Network Rail was found guilty of a charge under section 3 of the health and safety act for failing to ensure the Hardings were not exposed to risks to their health and safety, according to the Crown Prosecution Service.

They will be sentenced at Birmingham crown court in April.

Jayne Salt, of the West Midlands Crown Prosecution Service, said afterwards: "Adrian Maund and Network Rail both played very different parts in the tragic death of Jane Harding. Mr Maund made a mistake in raising the level crossing barriers when a train was approaching. Whilst his was a momentary error, his failure to follow procedures and checks, as he had been trained to do, has rightly resulted in his conviction.

"His employers, on the other hand, made a deliberate decision not to install a safety device which would have detected the oncoming train and kept the barriers down. That decision was based on cost.

"It is right that an organisation that holds the safety of the public in its hands on a daily basis has been held to account for its decision making. My thoughts are with Mrs Harding's family and I hope that this result gives them some small measure of comfort."

Network Rail was last year fined £1m for the deaths of two schoolgirls at a level crossing in Essex in 2005 and has embarked on a programme of closing crossings – although as recently as December a girl was killed in a car struck by a train at a crossing in Nottinghamshire.

In a statement released following the verdict, a Network Rail spokesman said: "Mrs Harding's death at Moreton-on-Lugg level crossing was a tragedy that has had a profound impact upon many families and railway staff. We are deeply sorry that through no fault of their own, the Hardings found themselves involved in a fatal train accident.

"Since the accident alterations have been made at Moreton, and other similar crossings, to prevent such a rare signaller error leading to tragic consequences. Over the past few years, Network Rail has adopted a policy of closing crossings wherever possible – to completely remove risk.

"So far nearly 700 have been closed and this, along with a £130m investment in improvements across the country, is making levels crossings even safer. This work remains a key focus for the company."

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