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MailOnline

Network Rail fined £450,000 for health and safety breaches over 'entirely preventable' death of level crossing victim

- Jane Harding was killed at a crossing in Hertfordshire in 2010
- Court found a locking system would have saved her life
- Signalman who raised barrier onto crossing also fined

By [Sam Webb](#)

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Network Rail has been fined £450,000 for health and safety breaches over the 'entirely preventable' death of a woman who was killed at a level crossing in Herefordshire.

A judge at Birmingham Crown Court also fined signalman Adrian Maund £1,750 for his part in the death of Jane Harding, of Leominster, Herefordshire, whose car was struck by a train in in 2010.

Network Rail, which was found guilty of breaching the Health and Safety at Work Act by failing to install an automatic barrier locking system, was also ordered to pay £33,000 in prosecution costs.





Train signalman Adrian Maund leaving Birmingham Crown Court. Both Maund and Network Rail were fined for the death of Jane Harding at a level crossing in Herefordshire

Mrs Harding, 52, died when the car she was a passenger in was hit by a train in the village of Moreton-on-Lugg in Herefordshire in January 2010.

Her husband Mark, who was driving the car, suffered serious injuries in the collision, which happened seconds after Maund raised the crossing's barriers in the mistaken belief that the train had already passed.

A two-week trial heard that Network Rail had opted not to fit a safety system at the crossing which would have prevented the barriers being lifted when a train was approaching.

Maund, 43, was convicted in February of failing to take reasonable care for the safety of people using the crossing.



Accident: Jane Harding's black VW after the crash. The train that hit it can be seen in the distance



Horror: The car was struck by the passenger train at 60mph and dragged 150 yards down the track

Passing sentence on both defendants, Judge Melbourne Inman QC said the death would not have happened if the 'approach locking' barriers had been installed.

Weighing up the culpability of the defendants with the consequence of their actions, the judge said: 'Obviously the harm caused is extremely high - a life has been needlessly lost.'

'This tragedy could have been avoided if Network Rail had installed an approach locking system (at the crossing) which would have rendered it impossible for a signalman to raise the barrier.'



Jane Harding was killed when Adrian Maund accidentally lifted the barriers because he thought the train passed



The signal box at the crossing which was manned at the time of the incident



The judge said: 'This tragedy could have been avoided if Network Rail had installed an approach locking system which would have rendered it impossible for a signalman to raise the barrier'



Mrs Harding was a passenger in the car that was hit by a train in the village of Moreton-on-Lugg. Her husband was injured in the smash

Addressing Maund, described in court as a thorough employee who had been commended during 19 years of exemplary service, the judge added: 'Clearly something caused you to take the terrible decision to raise the barrier.'

'I accept that you obviously did not intend what happened and admitted to having made a terrible error immediately after it had occurred, after you had contacted the emergency services and whilst you were awaiting them.'

Maund, whose trial heard that he was distracted by a telephone call from a farmer using a nearby unmanned crossing, was also ordered to complete 275 hours of unpaid community work.



Tragic: Emergency services and engineers at the scene

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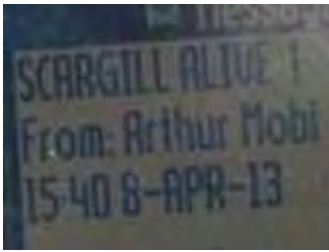
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The signalman has suffered enough with the death of the car driver. I think it's unjust for the law to punish him further. He made a simple error, there was no malice in what happened.

- [psk1956](#) , orpington, 11/4/2013 17:51

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Network Rail is a private company that has a mandate from the government to run the British railway system. It is a private-sector entity who is accountable to a body of Members and is regulated by the Office of Rail Regulation. It isn't a government organisation and the fine won't go to the Treasury. Are all these comments just another excuse for people to have a go at the Government? What should happen is that Network Rail is made to install automatic barrier locking systems at every Level Crossing in the UK or lose their mandate. As someone else said here, even with the barriers up

they look repeatedly before crossing and is something I do on the rare occasion I come to such a crossing. It shouldn't though be necessary to do that nor should barriers be manually controlled.

- [Miranda](#) , London, 11/4/2013 14:59

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A tragic accident occurred. The safety device was not fitted because the chances of this happening is incredibly rare, it was a momentary lapse of concentration. If the money had been spent on this, you would all be complaining about it not being spent on other things. The poor signaller is no doubt distraught and can you imagine returning to such a job after you had made such a mistake?

- [Eviscera](#) , UK, United Kingdom, 11/4/2013 14:33

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Seems the DM doesn't know the difference between Herefordshire and Hertfordshire.

- [cambtone](#) , cambridge, United Kingdom, 11/4/2013 13:25

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Maund raised the crossing's barriers in the mistaken belief that the train had already passed. Although I feel sorry for the signalman who was distracted, and thereby caused this tragedy. But is he still a signalman with Network Rail?

- [Old Chap](#) , St Georges Grenada WI, 11/4/2013 13:24

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Is there no end to this farce of a government body fining another government body and be paid out of the taxpayers' funds ? Why can't they just fire the people involved and end this passing of money out of one pocket into another ?

- [Ishkandar](#) , London, 11/4/2013 12:57

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Even with the barriers up I have always looked right, left, right and crossings...

- [Rusty](#) , England, United Kingdom, 11/4/2013 12:30

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The train hit 2 cars, Luckily the mother and her young daughter survived with minor injuries.

- [indigo](#) , sheffield, 11/4/2013 10:39

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Where, or to Whom, does this money (£450,000), go...? I (and, I'm sure, many others) would be interested to know.- uncool phil , Bristol, 10/4/2013 19:29 ### As you well know, it goes to the Treasury and ends up in the same pool as general taxation. It is indeed somewhat bizarre when the state prosecutes an (essentially) Nationalised company and

then ends up fining itself, Putting the proceeds into the treasury, and getting the Taxpayer to foot the bill! Nice little back door tax innit! Kerching! (And, of course, the politicians friends in the legal industry get their cut too!)

- [Anubis](#) , In the Dog house, 10/4/2013 23:02

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So where do the proceeds of this fine end up? Are they paid to the family of Jane Harding? I have a suspicion that this family will see nothing of this fine - and I guess that the money will go directly into Osborne's coffers - if that is the case, all it becomes is another form of stealth tax - but in this case (if that's what happens to the money) it would be a disgrace to the lady and her family.....

- [Dr Richard Ames](#) , Cambridge MA, United States, 10/4/2013 22:38

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