

Advice on Equestrian use of level crossings in Scotland

The guidance which follows has been produced by British Horse Society Scotland (BHSS) to help horse riders and carriage drivers clarify their rights of access in relation to level crossings on railways in Scotland, and offers advice on the safest way of using such formal crossings with a horse.

Some paths in Scotland involve a long tradition of walkers crossing the line where there is no formal crossing, for example to access hill ground, but BHSS advises horse riders and carriage drivers not to try and cross railway lines other than at level crossings.

Rights of public access in relation to level crossings

Level crossings in Scotland are classified as either;

'public' level crossings, usually where a railway line crosses a public road, usually (but not always) accompanied by warning signs, lights and either a gate or other barrier to regulate the flow of traffic or

'private' level crossings, which are generally on land in private ownership, usually on tracks used by farms and estates, which account for approximately 70% of Scotland's 600 level crossings.



Walkers, cyclists, horse riders and carriage drivers can all use public level crossings. The legal position regarding public access over private level crossings is not entirely clear. In general terms, statutory

rights of access under Part 1 of the Land Reform (Scotland) Act 2003 are independent of land ownership, and apply to most land and inland water, provided the access rights are exercised responsibly. However Section 6 (1)(a) states that access rights are not exercisable over land on which there is "a building or other structure or works, plant or fixed machinery". Page 6 of the Scottish Outdoor Access Code lists places where access rights do not apply includes railways, but fails to distinguish between members of the public walking along or across railway lines, and use of level crossings, which provide a physical installation to facilitate passage across the railway line. Until 2004, access by non-motorised users over 'private' level crossings was tolerated by Railtrack and its predecessors. Since then, Network Rail has insisted that only 'authorised' users (i.e. those with the explicit permission of the landowner) should use 'private' crossings, even where there is a long tradition of public access. In Network Rail's view, any member of the public using a 'private' level crossing is committing criminal trespass – although there are private level crossings throughout Scotland used regularly by horse riders without permission or incident.

In September 2013, the Law Commission and Scottish Law Commission published a joint report into a review of level crossings legislation. The report included recommendation that Section 6 of the Land Reform Act should be amended to confirm that access rights established by Part 1 of the Act are not exercisable across a railway track at track level unless the railway is disused or there is a core path over the railway. The National Access Forum's submission to the ministers in response to the report urged that public access should be confirmed across all private level crossings where there is a right of access to land on either side of the railway, and that transparent consultation procedures should be established to take into account public access rights when considering closure of 'unduly risky' level crossings. Responses to the report are currently being considered by Scottish Government. In the meantime, BHS' advice is that horse riders and carriage drivers who choose to use any public or private level crossing should follow the recommendations below.

Safety guidance for equestrian use of level crossings

Signs at level crossings usually warn all crossing users that they are entering a new environment where they need to exercise particular vigilance. Network Rail advise riders to dismount when using level crossings

<http://www.networkrail.co.uk/level-crossings/using-level-crossings/level-crossings-for-horse-riders.pdf>. British Horse Society generally advise that horses should be ridden across level crossings as the rider has more aids to control their mount and a led horse can easily jerk the reins free and put the person – and others – in danger. However, BHS recognises that in some instances getting off and leading may be more practical, particularly where dismounting is necessary to use a trackside telephone in advance of crossing, or where there are gates to be opened and closed either side of the level crossing.

- **Always follow any relevant notices and obey any warning lights or instructions from the signalman.**
- **Where a trackside telephone is provided, always contact the signalman to determine timing of any approaching trains and when the line will be safe to cross. You will be asked to use the phone on the opposite side of the track to phone back once you are clear of the line and all gates are closed so that the signalman knows that the line is free of any potential obstruction.** The location and short cable on most trackside telephones will require dismounting, but horse riders will need to decide for themselves whether they can safely control their horse whilst using the phone without dismounting, even if a train rushes past at high speed (and high volume).
- **Never mount or dismount on the railway line.**
- **For groups of two or more horses, especially if they are unable to talk to a signalman, one rider should dismount and open both gates for the group, let them cross, and then come back to close the gates.**
- **Regardless of signals or phoning ahead, all horse riders and carriage drivers should individually check any automatic signalling and in both directions (i.e. up and down the line) before stepping on to the crossing to ensure that there are no trains coming.**

Advice for level crossings on roads where the gates are open when trains are not going through

Road-side telephones at ungated crossings are usually aimed at long/slow vehicles rather than riders. Phones at such crossings are usually sited on the far (right-hand) side of the road so they can be easily seen by vehicle drivers, but a rider using a phone in this location would be at risk from oncoming traffic.

Ridden horses and single driven horses expected to behave as if they are a car, and cross without using the road side phone, obeying any signals or instructions. Pairs of driven horses, or 4-in-hand teams, should follow the advice below for carriage drivers.

Advice for level crossings where gates are normally closed across the highway

Where gates are provided for vehicles, equestrians have historically been expected to use the vehicular gate with a narrow side gate provided for those on foot, which may not be wide enough for a horse to pass.

Advice for carriage drivers

Carriage drivers using any gated route must be accompanied by a competent and active groom. Any carriage driver who attempts to use a level crossing without a groom is liable to have invalidated their insurance and laid themselves open to criminal charges if there is an accident.

Where there is a trackside telephone, the groom should contact the signalman to confirm proximity of any trains and when the crossing is safe to use. When the line is clear, the groom should then open the near and far sets of gates before the carriage is driven across. The groom should then close both gates and use the phone on the far side of the line to confirm to the signalman that the crossing is clear again.

Electrified Lines

In the past there have been reports of horses getting electric shocks at some crossings. It has been noted that voltage can increase as a train passes. You are therefore advised to delay for a minute or two before crossing to allow voltage to normalise after a train has passed.

The standard height for the contact wire is 4.7m. At level crossings this increases to 5.6m to allow for clearance of vehicles using the crossing. Riders and carriage drivers should take care not to hold up their whips whilst passing under the wires.

Any incidents attributable to electric shocks should be instantly reported to Network Rail *and* to the BHS incident reporting website at www.horseaccidents.org.uk

Reporting Difficulties

If you encounter any difficulty using a level crossing, or have concerns about a wide gap between board and rail, you should contact Network Rail immediately. A telephone number is usually provided at each crossing. BHS' experience is that issues such as slippery boards or damaged gates are promptly dealt with. Relocating or installing phones takes longer.

Suggestions for improving safety of level crossings for equestrian use

- **All gates should open away from the track**, with a minimum of 4m manoeuvring space clear of obstructions.
- **Side gates at level crossings** should be a minimum of 1.5m wide between the gate posts with 1.8m clear space for the horse's head and neck beyond the catch above any gate or fence line. Ideally gates should have sufficient room beyond the hinge for the horse to approach the gate from the hinge end and to stand parallel to the gate with the rider next to the clapping post, ready to pull the gate open. BHSS is happy to provide more detailed or site-specific advice on request.
- **Catches** on vehicular and side gates should be operable on horseback.
- Where livestock control is a particular concern, a double-gated corral should be constructed. A gate at least 1.5m wide between posts with stockproof catch should be erected opening one-way, into the field. To enable horses to manoeuvre, the corral should be at least 8m x 5m (more if space allows, particularly where the crossing may be used by groups, to enable everyone to get off the railway line quickly). A second gate, either catch-less or with easy-latch, should then be erected at the railway end of the corral.

- If there is a telephone but it's inconveniently situated, then Network Rail should be asked to relocate it so that it's easy and safe to use. The convenience of other users will also need to be taken into account, but from an equestrian perspective telephones should ideally be located at least 3 metres outside the gate/track boundary, at a height where it can be reached from horseback (e.g. immediately above a post & rail fence), with 4 square metres clearance in front of the phone. Modern weather-proof phones are ideal, but a phone on a cable inside a box with a door that needs holding open is not safe for equestrian use.
- Sightlines in each direction from the level crossing need to be as long as possible. If necessary ask for vegetation to be cut back if this would improve sightlines.
- At level crossings frequently used by horse riders which require dismounting to open gates or use trackside telephones to contact the signaller in advance of crossing, request may be made for mounting blocks to help riders re-mount. Mounting blocks should be built to the left-hand side of the track leading away from the crossing, according to the specification in the Society's advisory booklet on Gates
[:http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Access%20leaflets/Advice%20on%20Gates.ashx](http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Access%20leaflets/Advice%20on%20Gates.ashx)

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see www.bhsscotland.org.uk for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email Helene.Mauchlen@bhs.org.uk.

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email access@bhs.org.uk.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.