

ANGUS COUNCIL**ROADS COMMITTEE****30 APRIL 1998****ASSESSMENT OF ROAD BRIDGES IN THE OWNERSHIP OF
RAILTRACK AND THE BRITISH RAIL PROPERTY BOARD****REPORT BY THE DIRECTOR OF ROADS****ABSTRACT**

The legal responsibility for the assessment of 41 bridges within Angus, in private ownership, remains unclear. However with the 40 tonne vehicle being permitted in 8 months time it is deemed necessary, in order to ensure that the safe carrying capacity of the main road network in Angus can be quantified, that the Council enter into agreement with the private owners to carry out the work.

1 RECOMMENDATIONS

It is recommended that the Committee agree to:-

- (i) Enter into discussions with Railtrack and British Rail Property Board (BRPB) with a view to identifying bridges which require priority assessment.
- (ii) Enter into agreements with Railtrack and British Rail Property Board to carry out these assessments such that the safe carrying capacity of the structures can be established in a prioritised manner as detailed in Appendix A.
- (iii) Agree the virement of £100,000 contained within the Capital Budget for 1998/99 under the heading of Bridge Assessments for the assessments of Railtrack and BRPB bridges to the repair of the Council's own bridge stock.

- (iv) Continue in parallel to vigorously pursue the Scottish Office for a decision on the legal responsibility for the assessment and strengthening of bridges in private ownership.

2 INTRODUCTION

Report No. 878/97, Angus Council Roads Committee - 5 June 1997, updated the Committee regarding the legal challenge by South Lanarkshire Council in respect of the responsibility for assessment and strengthening of bridges in private ownership, prior to the introduction of the 40 tonne heavy goods vehicle from 1 January 1999.

South Lanarkshire Council had sought Legal Counsel opinion which concluded:-

- Scottish Local Councils have no legal obligation to assess or strengthen private bridges;
- The Secretary of State would require to introduce primary legislation to make local authorities responsible for private bridges carrying public roads.

It is understood that this Counsel's opinion was passed to the Scottish Office in November 1997, but no response has yet been made.

There are a total of 41 bridges known to be in private ownership within the Angus Council area. Nineteen of these are owned by Railtrack carrying public roads over live railways, and the remaining 22 are owned by British Rail Property Board (BRPB) carrying public roads over disused railways.

Railtrack and BRPB's responsibility for their bridges is limited by The Transport Act 1968, which requires them to assess and maintain their bridges to carry 24 tonne vehicles only.

Angus Council own 291 bridges, and the assessment programme for these structures is now complete, although strengthening works to bring some of the bridges up to the required standard will continue beyond January 1999.

The Scottish Office maintain that funding for the assessment of private bridges has been part of individual Council capital allocation.

3 DETAILS

No formal decision on South Lanarkshire Council's legal opinion has been made by the Scottish Office to date, but all indications from the Scottish Office are that they consider that Local Authorities remain responsible for the assessment and strengthening of private bridges.

It therefore remains unclear where the responsibility for assessing the 41 bridges in Angus lies.

These matters have been the subject of much discussion at the Society of Chief Officers of Transportation in Scotland (SCOTS) Bridges Working Group. In October 1997, SCOTS issued a questionnaire to all Scottish Local Authorities on the subject. Of the 25 Councils that replied, 3 had entered into agreements with Railtrack to carry out assessments, 14 intended to do so and 8 (including Angus Council) were awaiting clarification of the legal position. SCOTS intend to update the survey in the near future. It is noted that many other authorities have not yet completed the assessment programme of their own bridges.

There is no formal recommendation from SCOTS as to what course of action should be taken. Similarly, COSLA's stance on the issue is that "..... individual Councils will have to make their own minds up about what approach they take".

Without adequate assessment information it is not possible to determine the safety of private bridges following the introduction of the 40 tonne vehicle which is due in 8 months time.

It is unclear as to where the legal responsibility for assessment lies and, therefore, it is unclear as to where the legal liability would lie if a situation arose from this issue.

It is also unclear of how the bridge owners will react to protect their interests prior to the introduction of the 40 tonne vehicle. There is some speculation that there may be requests for 24 tonne weight limits to be imposed. Such restrictions would have a dramatic effect on the road network in Angus.

Of the 41 bridges in private ownership, priorities have been identified as to those bridges which have a strategic importance for Angus roads network in terms of the traffic loading, volume, route, and alternative routes.

Railtrack are also understood to have prioritised their bridges in terms of how vulnerable the structure may be to damage in light of the forthcoming increased loading, based on their knowledge of the individual bridge construction and condition.

It is therefore proposed that whilst the legal situation remains unclear, Railtrack and BRPB be approached to identify those bridges which they consider to be at risk. Following this and based on the Council's priorities, agreements should be entered into, to have these limited numbers of bridges assessed prior to January 1999 if possible. The agreement would be without prejudice to the outcome of the legal debate and would allow either the Council's own staff to carry out the work, or for the Council to finance the assessments. This would be dependent on the complexity of the task which could include rail possessions, and the resources available.

Appendix A highlights those bridges which the Director of Roads considers to be high priority within Angus.

If the assessments indicate that strengthening works were necessary, this would be subject to a separate report to this Committee.

4 FINANCIAL IMPLICATIONS

(i) Capital Budget

The block heading for Bridge Assessments for the financial year 1998/99 has a budget of £195,000. This budget was the estimated costs of assessing all 41 private bridges assuming the legal position was clarified. Under the above proposals, and the likely timescale of entering into agreements with Railtrack and BRPB, assessments on only a limited number of the 41 bridges would be carried out in this financial year.

It is therefore recommended that £100,000 of this budget be vired to the block heading Bridge Repair for work on Council owned bridges. The £95,000 remainder of the 1998/99 Capital Budget would be adequate to finance the current proposals for private bridges.

(ii) Revenue Budget

There are no implications on the Revenue Budget arising from this report.

5 CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

6 CONCLUSION

Despite the lack of legal clarification, given the timescale of January 1999 for the introduction of the new 40 tonne vehicle, it is deemed necessary to enter into agreement with the private bridge owners to carry out assessments on a limited number of bridges, to ensure that the safe carrying capacity of the main road network in Angus can be quantified.

Dr Bob McLellan
DIRECTOR OF ROADS

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

Report No 878 - Angus Council Roads Committee - 5 June 1997.

SCOTS Bridges Working Group Minutes of Meeting - 9 October 1997.

IC/JSG
20 April 1998
REPORTS/road.br.assess

**Angus Council, Roads Department - Consultancy Unit
RAIL TRACK BRIDGES
19 No.**

ELR	Railtrack Reference		Angus Council Reference			Assessment Financial Year			
	Bridge Number	Local Name	Reference Zone	Reference Number	Name		Material	Form	Grid Reference
ECN4	274	Craig	RTSC	C45/001	Barns of Craig Rly	Concrete	Beam/Slab	708564	1998/99
ECN4	263	Lunan Bay	RTSC	C45/002	Braehead Rly	Masonry	Arch	689523	1998/99
ECN4	251	Inverkeilor	RTSC	C46/001	Inverkeilor Rly	Masonry	Arch	667491	1998/99
ECN4	247	Letham Grange	RTSC	C48/001	Letham Grange	Masonry	Arch	634454	1998/99
ECN5	269	Craigo	RTSC	U437/001	Craigo Rly	Masonry	Arch	689643	1998/99
ECN4	268	Boddin	RTSC	U478/002	Boddin Rly	Masonry	Arch	707536	1998/99
ECN3	222	Camoustie	RTSC	MA/016	West Haven	Concrete	Beam/Slab	572348	1998/99
ECN5	266	Logie	RTSC	U438/001	Logie Rly	Masonry	Arch	699635	1998/99
ECN5	264	Denhead	RTSC	U438/002	Mains of Logie Rly	Masonry	Arch	704628	1998/99
ECN4	273	Inchbrayock	RTSC	U476/001	Inchbrayock	Masonry	Arch	716562	1998/99
ECN4	271	Usan	RTSC	U477/001	Mains of Usan	Masonry	Arch	717556	1998/99
ECN4	270	Usan	RTSC	U478/001	Fishtown of Usan Rly	Masonry	Arch	718547	1998/99
ECN4	253	Inverkeilor	RTSC	U481/001	Ironshill Rly	Masonry	Arch	670497	1998/99
ECN3	232	Arbroath	RTSC	MA/005	Alexandra Place	Masonry	Arch	636405	1998/99
ECN3	233	Arbroath	RTSC	MA/006	Colvil Place	Masonry	Arch	637407	1998/99

Angus Council, Roads Department

BRITISH RAIL PROPERTY BOARD BRIDGES

22 No.

British Rail Property Board Reference				Angus Council Reference				Grid Reference	
Engineers Line Ref.	Bridge Number	Type	Status	Local Name	Reference Number	Name	Material		Form
DDF	36	Overbridge	Public Road	Kirkbuddo Road	B9127/002	Rosekinghall Rly	Masonry	Arch	497439
DDF	22	Overbridge	Public Road	Lovehall Road	B978/003	Saddlestone Rly	Masonry	Arch	478382
DDF	35	Overbridge	Public Road	Dundee Road	B978/005	Kemphill Rly	Masonry	Arch	502427
KMB	1	Overbridge	Public Road	Ballindarg	C22/003	Ballindarg Rly	Masonry	Arch	409513
FBL	4	Overbridge	Public Road	Overboe	C29/002	Quilkoe Rly	Steel	Beam/Trough	442533
FBL	25	Overbridge	Public Road	Carestow Station	C33/001	Careston Rly	Steel/Brick	Jack Arch	538610
KAS	254	Overbridge	Public Road	Pugeston	C39/001	Pugeston Rly	Masonry	Arch	690599
KAS	217	Overbridge	Public Road	Auldbar Station	C44/001	Auldbar Station Rly	Masonry	Arch	538509
DDF	42	Overbridge	Public Road	Mossie Road	C55/001	Mossie Rly	Steel/Brick	Jack Arch	488477
DDF	39	Overbridge	Public Road	Craichie Mill Road	C58/001	East Main Rly	Concrete	Beam/Slab	493463
DDN	30	Overbridge	Public Road	Auchterhouse Road	C6/003	Auchterhouse	Masonry	Arch	332377
DJM	5	Overbridge	Public Road	Marine Avenue	MA/017	Marine Drive, Montrose	Masonry	Arch	722575
DDN	31	Overbridge	Public Road	Davidson Road	U339/002	Davidson Rly	Masonry	Arch	315395
KAS	197	Overbridge	Public Road	Drumgley	U364/001	Drumgley	Masonry	Arch	420510
KAS	203	Overbridge	Public Road	Whitehills	U368/001	Suttieside Road Rly	Concrete	Beam/Slab	463516
KAS	200	Overbridge	Public Road	Forfar, Kirriemuir Road	U374/001	Turbeg	Masonry	Arch	443517
EDB	6	Overbridge	Public Road	Newton Farm	U429/002	Newton Farm Rly	Masonry	Arch	597645
EDB	2	Overbridge	Public Road	North Keithock	U430/001	North Keithock Rly	Masonry	Arch	598629
KAS	234	Overbridge	Public Road	Kinnell	U470/001	Kinnell Rly	Masonry	Arch	605526
DDF	43	Overbridge	Public Road	Kingsmuir Station	U518/001	Lownie Moor	Masonry	Arch	486485