

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER

SUMMARY OF LEVEL CROSSING POLICY & STRATEGY
PROOF OF EVIDENCE
OF
JERRY GREENWOOD

Document Reference	CD 7.19
Author	Jerry Greenwood
Date	06 February 2024

1. Introduction

1.1 My name is Jerry Greenwood and I am the Head of Liability Negotiation for Network Rail Infrastructure Limited.

1.2 My proof of evidence for this Public Inquiry includes consideration of the following matters:

- i. The support of NRIL generally, for the making of this Transport & Works Order.
- ii. Relevant NRIL statutory obligations, duties and responsibilities to public safety and operational efficiency under Health and Safety and related legislation, the Railways Act 1993 and the Network Licence.
- iii. Network Rail's policy for level crossing safety, including evolving public safety standards, NRILs Safety Strategy for Level Crossings, appropriate closures and the mitigation of level crossing risk so far is reasonably practical; and the requirement of our Regulator, the Office of Rail and Road (ORR's) for Network Rail to reduce level crossing risk wherever possible.
- iv. Instructive comparatives from other level crossing sites, as relate to the consideration of general expediency and safety-related expediency issues, including general mitigation measures.
- v. Pedestrian behaviour nationally, as experienced on the railway network, and the incidents that this has given rise to.
- vi. Matters relevant to considering overall expediency, involving the risk to public safety in using the Level Crossings and in weighing the significance of public safety against any impact arising from the proposed closure of the Level Crossings under the Order against.
- vii. The optioneering process that Network Rail is required to follow and how this is managed, giving consideration to Network Rail's core duties and in balancing public safety and operational inefficiency of the wider network against any level of inconvenience optioneering selection may encumber on other parties and stakeholders.
- viii. Network Rail's strategy in optioneering incorporating Cost benefit Analysis and due consideration of Gross Disproportionality in determining whether the cost of implementing a control measure is grossly disproportionate against the reduction in risk that those measures might achieve, which is especially instructive where, as in the case of the Level Crossings here, it is apparent from the body of objections when viewed as a whole, that there is no (argued) single 'alternative' to closure of any of the Level Crossings that is reasonable or practicable.
- ix. In regard of such relative costs, consideration has been given to Network Rail's responsibility to adhere to HM Governments 'Managing Public Money' principles and the need to justify expenditure in so far as it relates to the alternative measures.

2. Statutorily Reinforced Network Licence Duties and Responsibilities

- 2.1 Network Rail is a regulated statutory undertaker. As the operator and owner of the national rail infrastructure, Network Rail has a fundamental role to play in promoting railway safety and also improving railway performance and efficiency.
- 2.2 Safety is at the very heart of Network Rail's national operational strategy; as a regulated statutory undertaker, Network Rail has a statutorily prescribed duty and key responsibility to promote safety, which also encompasses all those who enter onto railway operational land, and that includes the management of level crossings.
- 2.3 If the TRU Project was brought forward without incorporating the closure of the level crossings, a higher level of risk to each would be imported due to the electrification of the line and the introduction of more services, with longer and quieter trains. As the Department of Transport and ORR mandate, Network Rail has a prescribed duty of care to promote public user safety of level crossings, and to avoid unacceptable hazards to those who would use them.
- 2.4 As operator and owner of the national rail infrastructure, and against a fundamental requirement for Network Rail to fully adhere to the Licence, Network Rail has an obvious and critical role to play in improving railway efficiency and a duty to enhance and improve the network in operational terms.
- 2.5 Furthermore, operational inefficiency may arise through a likelihood of delay being caused to other existing train services on both the adjoining East Coast Main Line to the route and for the Cross-Country Services that also occupy the Route travelling onwards to the ECML, Midlands Mail Line and the WCML, as well as other commuter services.
- 2.6 Wide-spread trains delays, as a consequence of trains delayed by the level crossings, can cause major timetable disruption especially where train running capacity is high, as here, and maintaining operational efficiency is dependent on trains running to time and keeping to the line-speed, within their timetabled slots. Adherence to the timetable is critical in maintaining operational efficiency.
- 2.7 The public use of high-risk level crossings leading to the occurrence of train strikes, near miss incidents and also trespass, can therefore significantly jeopardise the operational efficiency and capacity of the wider railway network, often with consequential impacts much further afield, contrary to Network Rail's general duty and its requirements under its operating licence.

3. Office of Rail and Road

- 3.1 As I explain in my proof by reference to Network Rail and ORR publications, ORR endorses the closure of level crossings where there is Network Rail-assessed risk to public safety and where there is no other suitably viable option to adequately overcome or mitigate such risk.

4. The Expert Assessment of Level Crossings

- 4.1 The Order, if made, would give statutory authority for the level crossings to be closed, thereby promoting public safety of those who would otherwise use them as well as achieving the operational efficiencies that will enable the TRU Project to be implemented, without limitations.
- 4.2 Indeed, DfT mandates that where there is a change in railway operations, such as the proposed change to the current timetable, changes or enhancements in railway infrastructure and the introduction of longer and faster trains, that would all potentially have an impact on the risk to public safety of users of a level crossing, that a new assessment is undertaken, to identify the increase in risk and how this can be mitigated against cost.
- 4.3 Andrew Cunningham’s expert analysis supports the finding that the risk to public use of the level crossings will considerably increase from the combined effects of the introduction of more train services against the likely vulnerable user profiles.
- 4.4 Assessment has also been made without factoring into account the impact of inevitable future residential development that will (or could) subsequently occur in later years in the vicinity of the level crossings – both in terms of the number of likely traverses and likely change in user profile.

5. Optioneering and Site-Specific Expenditure

- 5.1 It is clear from the proofs provided by my colleagues that suitable alternative options for each site were robustly considered and tested, before being accepted into the draft Order.
- 5.2 The options selected for the Order have since been further tested, giving due consideration of the imported risk against risk mitigation and cost, the optioneering that would be undertaken when considering options as part of the NRA process, when Cost Business Analysis and Gross Disproportionality is applied.

6. Managing Public Money as to Costs

- 6.1 As a government funded organisation, the ‘Managing Public Money’ principles apply. Network Rail must therefore always ensure that it manages public money responsibly.
- 6.2 DfT has made it clear that Network Rail must comprehensively consider the cost of implementing risk control measures against the reduction in risk those measures might achieve.
- 6.3 Network Rail is not required to provide, at any cost, an alternative crossing solution in effective substitution for a level crossing. It is reasonable for Network Rail, as an ‘arms-length’ public authority, to properly scrutinise the cost-efficiency of any mitigation measures, especially where there are more cost-effective solutions that will effectively meet the requirements.

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 7.19 – Summary of Level Crossing Policy and Strategy Proof of Evidence

7. Conclusion

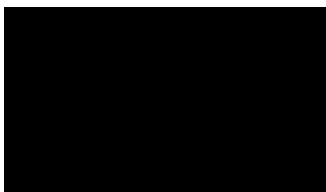
- 7.1 It is my clear opinion that the proper application of Network Rail's governing policy, legal duties and responsibilities, and licence, together with all other relevant standards advocated by ORR and by relevant rail industry bodies, together reinforce the case for the closure and removal of the level crossings.
- 7.2 The overview I set out in my proof of governing strategic policy, viewed against the background of the relevant statutory framework, compliments Network Rail's assessment of the safety risk that is presented by the Level Crossings, when taking full account of all reasonably practicable mitigations.
- 7.3 For the reasons given above and across the evidence of my colleagues, Network Rail is strongly of the view that the circumstances at each crossing, viewed both in safety-specific terms and in overall terms, is strongly supportive of the Order being made.
- 7.4 Accordingly, for all of the reasons given on behalf of Network Rail across all of its evidence, Network Rail will respectfully invite the Inspector to make the Order.

Witness Declaration

I have declared as follows:

- i. This Proof of Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- ii. I believe the facts that I have stated in this Proof of Evidence are true and that the opinions expressed are correct.
- iii. I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.

Signed:



Dated: 06 February 2024

Jerry Greenwood

Head of Liability Negotiation, Network Rail