

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (INQUIRIES
PROCEDURE) RULES 2004**

**THE NETWORK RAIL
(ESSEX AND OTHERS
LEVEL CROSSING REDUCTION)
ORDER**

ANDREW KENNING

**REBUTTAL OF
PROOFS OF EVIDENCE SUBMITTED ON
BEHALF**

-OF-

RAMBLERS ASSOCIATION

Document Reference	NR/30/4/5 (Obj 148)
--------------------	---------------------

I have reviewed Proofs of Evidence submitted on behalf of the Ramblers in support of their objection to the Order (Obj/148). I have the following comments on the evidence as presented:

Proof of Evidence of Gordon Bird in respect of Crossing T-04 (Obj/148/W-002)

1. At paragraphs 8 – 9 of his Proof, Mr Bird states that when he inspected this level crossing, it was protected by metal gates and lights whereas Network Rail's Statement of Case refers to it being a 'passive' crossing.
2. Daniel Fisk addresses this crossing in section 63 of his Proof of Evidence (NR31/1) and makes clear that it is a protected crossing, but that the MSL system was not commissioned until the summer of 2017, due to previous technical issues with the equipment.

Proof of Evidence of Alan Goffee in respect of Crossing E-05 (Obj/148/W-005)

3. At paragraph 5 of his Proof, Mr Goffee questions why Network Rail was not prepared to upgrade and enhance this crossing, by providing locked gates and flashing lights.
4. Network Rail does not operate a locked gate arrangement unless there is a means of confirming that the level crossing is clear before trains approach. This is important so as to prevent the trapping of users within the confines of the level crossing, i.e. being 'locked in'. Safe spaces and run off areas have been examined previously by way of providing a safe standing area should this happen, but have been discounted due to risks which may be imported by their presence. Human factors studies support that people's behaviour is unpredictable and such areas may not provide their intended position of safety or may even promote and entice people onto the railway. This level crossing already has active warnings in the form of red / green lights and audible warnings, so I am not sure what flashing lights Mr Goffee is referring to.

Proof of Evidence of Jeffrey Coe in respect of Crossing E-56 (Obj/148/W-009)

5. At paragraphs 5-8 of his Proof, Mr Coe refers to other measures previously considered by Network Rail to manage this crossing. .
6. It is important that any technology provided at level crossings to warn users of approaching trains conforms not only to the required safety integrity levels expected, but performs consistently in its operation and train warning. Wavetrain was a trialed technology that 'listened' for approaching trains by sensing noise through vibrations in the rails. Anglia Route invested in the development of this solution and piloted the trials. Although it was later commissioned at another level crossing on the Route, it became apparent that it was not able to consistently deliver the safety benefits which had been anticipated; i.e. the warning time was inconsistent which could promote risk taking behaviour or user disregard for the system. It was not, therefore, installed at this level crossing. Network Rail did install an EBlgate overlay miniature stop light system at this crossing in 2014. However, this solution was to ultimately prove too ambitious for the layout given the proximity of railway signals which like Wavetrain, generated inconsistent user warnings.

Proofs of Evidence of Gordon Bird in respect of E30 and E31 (Obj/148/W-021 & Obj/148/W-022)

7. At paragraph 12 of his Proofs Mr Bird queries whether a post and rail fence is going to be installed to separate the footpath from the station car park. I confirm that a fence is to be provided, as shown on the Design Freeze Plans at Appendix F to Network Rail's Statement of Case (NR26).

Witness declaration

I hereby declare 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.