

# **TRANSPORT AND WORKS ACT 1992**

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

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

#### **ORDER**

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**DANIEL FISK**

## **SUPPLEMENTARY PROOF OF EVIDENCE**

Document Reference	NR31/5
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## **Network Rail (Essex and Others Level Crossing Reduction) Order**

1. My main proof NR31/1 sets out the risk score for each level crossing contained in the Proposed Order.
2. In respect of several of the crossings, there has been a new risk assessment carried out since the Proof of Evidence was submitted. In some most cases this was as its routine Risk Assessment had fallen due but for a couple of crossings the ALCRM score has been revised to M13 as a result of the crossing being temporarily closed. I explain in section 3 of my Proof of Evidence how often a crossing needs to be subject to a risk assessment, depending on its risk score.
3. In some cases, there has been a change to the crossing on the ground and where that is the case I set out that information below.
4. The Inspector had also asked for information about the history of incidents at all crossings, which I set out below. Where I stated in my Proof of Evidence that there has been no history of past incidents at a crossing, and there has been no change since I submitted my Proof of Evidence, I do not repeat the evidence set out in my original Proof.
5. I would like to make clear that the fact there is no record of incidents at a crossing does not necessarily mean that there has not been poor user behaviour or a 'near miss' incident at the crossing. As the crossings in this Order are passive crossings, an incident, or misuse, must be reported for it to be recorded, as stated in my Proof of Evidence at paragraph 5.3.
6. Optioneering and the associated CBA costs are based on generic costs available at the time of carrying out the risk assessment; the diversion costs shown are not based on any specific diversions linked to this Order.
7. This Supplementary Proof of Evidence sets out, where applicable, updated risk score information, any changes to a crossing and information about historic incidents referred to in my Proof of Evidence or which have occurred since my original Proof was submitted.

### **E05 Fullers End**

8. A revised routine risk assessment was carried out on 15/11/2017. The ALCRM risk score has increased from a C6 to a C5 with an increase in FWI from 0.000251401 to 0.000848479.

### **E07 Ugley Lane private user worked level crossing**

9. A revised routine risk assessment was carried out on 12/10/2017. The ALCRM risk score has remained as a C8 with a slight decrease in FWI from 0.000015669 to 0.000015611.

### **E08 Henham public footpath level crossing**

10. A revised routine risk assessment was carried out on 07/06/2018. The ALCRM risk score has remained as a C6 with a slight decrease in FWI from 0.000246844 to 0.000122851.

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### **E09 Elephants public footpath level crossing**

11. There has been no change to the status of the crossing as it remains closed under a TTRO. We have, however, removed the whistle boards, so they no longer cause a noise disturbance to nearby residents.

### **E10 Dixies public footpath level crossing**

12. There has been no change to the status of the crossing as it remains closed under a TTRO. We have, however, removed the whistle boards, so they no longer cause a noise disturbance to nearby residents.

### **E11 Windmills public footpath level crossing**

13. A revised routine risk assessment was carried out on 09/02/2018. The ALCRM risk score has increased from a C7 to a C6 with an increase in FWI from 0.000082390 to 0.000164781.

### **E12 Wallaces public footpath level crossing**

14. A revised routine risk assessment was carried out on 22/11/2017. The ALCRM risk score has remained a C10 with an increase in FWI from 0.000002156 to 0.000003218.

### **E13 Littlebury Gate House public footpath level crossing**

15. A revised routine risk assessment was carried out on 24/11/2017. The ALCRM risk score has increased from a C5 to a C4, with an increase in FWI from 0.000658249 to 0.001398780.
16. There has been one reported incident at the crossing in February 2018, this was reported as:-  
*'At 13:37 it was reported that the driver of 2B83 (13:24 Cambridge -Stansted AP) reported a trespass at Littlebury Gate House FPW (Peggy's walk) crossing, as he approached the crossing he had seen a person duck behind a signal and some bushes, the following train 2N67 was cautioned through who then reported someone walk across the crossing as he approached, neither of the drivers reported a near miss but both applied the brakes'.*

### **E15 Margaretting / Parsonage Lane public footpath level crossing**

17. A revised routine risk assessment was carried out on 30/01/2018. The ALCRM risk score has remained a C4 with a reduction in FWI from 0.002612582 to 0.001012513.

### **E16 Maldon Road public footpath level crossing**

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18. There has been a revision in ALCRM and the crossing has been updated as temporarily closed. This has resulted in the risk score change from a C4 to M13 the FWI remains at 0.0.
19. The crossing surface has been removed from this crossing, this was due to it being in a poor condition and posing a risk to the passage of trains.

### **E17 Boreham public footpath level crossing**

20. This crossing has been closed under a TTRO from the 9<sup>th</sup> August 2017, the crossing panels have been removed (in storage to re-install if the crossing re-opens). This has resulted in the risk score change from a B9 to an M13 and a reduction in the FWI from 0.000005955 to 0.0.

### **E19 Potters public footpath level crossing**

21. A revised routine risk assessment was carried out on 11/07/2018. The ALCRM risk score has increased from a C5 to a C4 with an increase in FWI from 0.000623046 to 0.001220450.

### **E21 Hill House 1 public footpath level crossing**

22. A revised routine risk assessment was carried out on 16/02/2018. The ALCRM risk score has remained as a C10 with an increase in FWI from 0.000004088 to 0.000004174.

### **E22 Great Domsey public footpath level crossing**

23. A revised routine risk assessment was carried out on 09/02/2018. The ALCRM risk score has reduced from a C4 to a C10 with a decrease in FWI from 0.003769571 to 0.000004172.
24. There has been a slight change to the crossing layout with a new crossing surface and a type 1 walkway installed, this has created a new smoother crossing traverse.

### **E26 Barbara Close public footpath level crossing**

25. A revised routine risk assessment was carried out on 29/09/2017. The ALCRM risk score has increased from a C6 to a C4, with an increase in FWI from 0.000451785 to 0.001473047.

### **E29 Brown & Tawse public footpath level crossing**

26. The ALCRM risk score was shown as a C8 on my Proof of evidence 29.1, this was incorrect and should have been a C9. The FWI of 0.000006327 is reported correctly in my Proof of Evidence.
27. There was a gate to gate enhancement carried out in 2017, this consisted of a new crossing surface, new type 1 walkways, fencing installed to the decision point and a clearly marked decision point.

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### **E30 Ferry Road public footpath level crossing**

28. There has been a revision in ALCRM and the crossing has been updated as temporarily closed, the TTRO is in place as was recorded in my Proof of Evidence 30.7. The crossing panels have been removed (they are in storage to re-install if the crossing re-opens). This has resulted in the risk score change from a C2 to an M13 the FWI reduces from 0.022847347 to 0.0.

### **E31 Brickyard Farm public footpath level crossing**

29. On the 6<sup>th</sup> August 2018 the crossing was assessed and found to have very limited sighting, this was caused by third party vegetation. We are unable to clear the vegetation due to site specific restrictions which would only allow minor hand cutting which makes this unpracticable. Therefore, the crossing is temporally closed under a TTRO which was submitted on 7<sup>th</sup> August 2018. The ALCRM risk score has therefore reduced to a M13 and 0.0 FWI.
30. There was a gate to gate enhancement carried out in July 2018, in the form of a new crossing surface, new type 1 walkways, fencing installed to the decision point and a clearly marked decision point. The crossing has also been moved slightly to enable us ensure members of public are in a position of danger for the least time possible. This has not been reflected in a revised ALCRM score, as it was overtaken by the temporary closure in August which reduced the ALCRM score to M13.
31. There have been no recent incidents at the crossing, however I state at paragraph 31.15 of my Proof that it has a history of poor user behaviour. The incidents which have been reported at the crossing consisted of -:
- March 2008 – A near miss with Children on the crossing
  - September 2012 – A Member of Public laying on the crossing.
  - March 2014 – A near miss at the crossing.
  - August 2017 – A near miss with 3 young children.

### **E32 Woodgrange Close public footpath level crossing**

32. Paragraph 32.16 of my Proof of Evidence stated there have been 30 incidents at this crossing since 2001. I set out the history of these incidents in a table below. Since the Proof of Evidence was submitted there have been 4 further incidents, this equates to 34 since 2001. The details of incidents are shown below-:
- June 2001 – Children lit fire near crossing a messing around on track
  - Apr 2003 – Person see lifting wooden planks from crossing surface
  - Jan 2004 – Youth ran in front of train
  - Nov 2005 – Children trespassing near crossing
  - Aug 2007 – 2 people sleeping next to the crossing
  - Sep 2008 – 3 Children playing on the crossing
  - July 2012 – Near miss with youths

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- Aug 2012 – Train hit object on the line
- Sep 2012 – Intoxicated member of public on crossing
- Nov 2012 – Shoeburyness -Train ran over ballast placed on the rail head
- Jan 2013 – Ballast placed on the line
- Jan 2013 – Children playing chicken on the crossing
- Feb 2013 – Train hit something metallic on the line
- Feb 2013 – Ballast placed on the line
- Mar 2013 – Trespasser near level crossing
- May 2013 – Trespasser near level crossing
- June 2013 – Ballast and wood placed on the line
- Sep 2013 – Ballast placed on the rail head
- Oct 2013 – Near miss with man running across crossing
- Oct 2013 – Children sitting on Level crossing
- Oct 2013 – Fatality train struck person
- Nov 2013 – Children playing chicken on the line
- Apr 2014 – Ballast placed on rail head
- May 2014 – Young girls playing chicken on the crossing
- Apr 2015 – Near miss with person
- Sep 2015 – Ballast placed on rail head
- Oct 2015 – Children on crossing
- Aug 2016 – Distressed person at crossing intervention by police
- Jan 2017 – Fatality Suspected suicide
- Feb 2017 – Youth loitering on the crossing
- Oct 2017 – Near miss with 3 school children
- April 2018 – Near miss with 2 school children
- April 2018 – Near miss with a group of school children
- July 2018 – Near miss with a female

### **E37 Essex Way public footpath level crossing**

33. A revised routine risk assessment was carried out on 17/11/2017. The ALCRM risk score has increased from a C8 to a C6, with an increase in FWI from 0.000041368 to 0.000202705.

### **E38 Battlesbridge public footpath level crossing**

34. A revised routine risk assessment was carried out on 1/5/2018. The ALCRM risk score has decreased from a D8 to a D11, with a decrease in FWI from 0.0000249388 to 0.000000792.

### **E45 Great Bentley public footpath level crossing**

35. A revised routine risk assessment was carried out on 10/4/2018. The ALCRM risk score has decreased from a C6 to a C7, with a decrease in FWI from 0.000344887 to 0.000091014.

**E47 Bluehouse public footpath level crossing**

36. A revised routine risk assessment was carried out on 11/6/2018. The ALCRM risk score has decreased from a D8 to a D10, with a decrease in FWI from 0.000026573 to 0.000003800.

**E49 Maria Street public footpath level crossing**

37. A revised routine risk assessment was carried out on 17/1/2018. The ALCRM risk score has remained the same, there is a slight decrease in FWI from 0.010473687 to 0.010069871.

**E52 Golden Square public footpath level crossing**

38. Golden Square is a crossing we have safety concerns with, we are in the process of applying for a TTRO to close the crossing for safety reasons. This TTRO is based on a rather large earthworks issue, this means there is not a safe walking route down the 9-meter-high cutting to the railway line.

**H01 Trinity Lane public footpath level crossing**

39. In my Proof of Evidence (NR31/1) I incorrectly describe this crossing as a footpath crossing. Trinity Lane that is affected by this order is in fact the vehicular element.
40. Trinity Lane vehicular crossing has an ALCRM score of D6 with an FWI of 0.00039507. The crossing has vehicular gates that are kept locked and controlled by a crossing keeper situated on site. Any user makes a request to cross from the crossing keeper who in turn finds a suitable slot between trains to protect any movement by turning the signal on approach to red, to stop all train movements.
41. The last census which was completed in April 2017 showed an average of 7 cars, 2 vans, 4 cycles and 23 pedestrians using the crossing in 24 hours.

**H04 Tednambury public footpath level crossing**

42. A revised routine risk assessment was carried out on 23/4/2018. The ALCRM risk score has increased from B5 to a B4, with an increase in FWI from 0.000684405 to 0.001197709.

**H05 Pattens public footpath level crossing**

43. A revised routine risk assessment was carried out on 30/5/2018. The ALCRM risk score has remained the same, but there has been a slight increase in FWI from 0.001560245 to 0.001985766.

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### **H06 Gilston public footpath level crossing**

44. A revised routine risk assessment was carried out on 18/4/2018. The ALCRM risk score has decreased from a C4 to a C5, the FWI has decrease from 0.001702085 to 0.000992883.

### **HA01 Butts Lane level public footpath level crossing**

45. Since submitting my Proof of Evidence there have been two reports of poor user behaviour:
- March 2018 – Near miss with group of children
  - April 2018 – Group of youths messing around on the crossing.

### **HA02 Woodhall Crescent public footpath level crossing**

46. There were no risk details recorded in my Proof of Evidence. The ALCRM risk score for this crossing is C5 with an FWI of 0.000608585.

### **HA04 Eve's public footpath level crossing**

47. A revised routine risk assessment was carried out on 7/6/2017. The ALCRM risk score has remained the same, however the FWI has decreased from 0.000056933 to 0.000001219.

### **T05 Howells Farm public footpath level crossing**

48. A revised routine risk assessment was carried out on 16/2/2018. The ALCRM risk score has remained the same, however the FWI has increased from 0.000101983 to 0.000182095.

### **49 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.

Signed: Daniel Fisk Route Level Crossing Manager

September 2018