OBJ/148/Rebuttal

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

PUBLIC INQUIRY, 18 OCTOBER 2017

DEPARTMENT FOR TRANSPORT REFERENCE: TWA/17/APP/05

REBUTTAL PROOF BY **THE RAMBLERS**

INTRODUCTION

1. The Ramblers has prepared this rebuttal to address some points of dispute with the proofs of evidence which have been submitted on behalf of Network Rail (NR).

2. The Ramblers is an organisation that works through volunteers. Due to the limited time to assess NR's proofs of evidence, this rebuttal only addresses a few points of dispute and we have not sought to provide comment on every paragraph of the evidence or appendices or other information provided by NR. Any failure to comment should not be taken as meaning that we agree with the views expressed.

POINTS RELATING TO NETWORK RAIL'S OVERALL CASE FOR THE CLOSURE OF RIGHTS OF WAY LEVEL CROSSINGS IN THE PRESENT SCHEME

Mark Brunnen (Head of Level Crossings): Summary proof of evidence (NR27/3)

3. At paragraph 11 it is stated that 'Collectively, level crossings form the largest contributor to train accident risk on the railway network'. However, Network Rail has not provided sufficient evidence to support this statement.

4. What is more, paragraph 3.7 of ORR's Annual Health and Safety Report of Performance on Britain's Railways: 2015-16 July 2016[1] says, under the heading 'Putting the common causes of harm into context'

> 'Using the 2014 SRM (the last time it was done), the two biggest harm-causing events are from passenger and worker slip, trip and fall events – a typically high frequency, but mainly low consequence events which represent 20 % of the overall system risk. Public trespass, a relatively low frequency but potentially very high consequence event, accounts for 24% of the overall system risk. Together, public trespass and slip, trip and fall events represent nearly half of the overall harm caused on Britain's mainline railways.

5. Neither Joanna Whittington Chief Executive of the Office of Rail and Road (ORR) nor Ian Prosser, Director of Railway Safety ORR, in their introduction to that report, or the report itself, refers to level crossings being the 'largest contributor to train accident risk'.

6. Furthermore, under the heading Level Crossings - Overview it states 'the harm posed by and from level crossings to their users and railway operations represents about 8% of overall system harm (excluding railways suicides)'. The ORR report thus conflicts with Mark Brunnen's statement, which appears to put far more emphasis on the risks associated with level crossings than the evidence warrants.

Susan Tilbrook (Projects Director Mott MacDonald): Proof of evidence (NR32/2; Tab1: Traffic Survey ATC data)

7. This proof contains valuable traffic survey data collected in July 2016. It was available for dissemination some months ago. Access to this information should have been provided to all participants in this inquiry as soon as possible since it

[1] Extract attached at Appendix 1

has a direct bearing on the safety aspects of proposed diversions. Objectors have had only a very short time to review this important survey data. Furthermore, the report is not easily referenced as it does not use the same level crossing sequence as other NR documents.

8. Specifically, for HA3 Manor Farm and HA4 Eves, NR propose a diversion that uses the Ockendon Road railway bridge. The Safety Audit identified this bridge as dangerous for pedestrians however no traffic survey data has been presented in the Susan Tilbrook POE. Proposing a diversion with a known danger to pedestrians without supporting traffic data is, in the Ramblers' view, unacceptable.

9. Of particular note, from the brief analysis of the data which we have been able to undertake in the time available, are the extremely high volumes of vehicle movements, including a large number of HGVs, at the following crossings:

E28 Whipps Farmers (Warley Street) – 10,000 to 16,000 vehicles per day
E27 Puddle Dock (St Marys Lane) – 7,500 to 11,000 vehicles per day
E33 Motorbike (Pitsea Mount) – 3,500 to 4,000 vehicles per day
T01 No 131 (A1306 Arterial Road) 25,000 to 27,000 vehicles per day

10. With these traffic flow rates, Pedestrians using these routes will be subject to continual vehicle noise.

COMMENTS RELATING TO SPECIFIC CROSSINGS

Crossing: E28 Whipps Farmers

Proof of evidence of Daniel Fisk (NR31-1)

11. Paragraph 28.8 shows that the sight lines are compliant. Paragraph 28.13 confirms this, stating 'As can been from the table above, E28 Whipps Farm Road crossing has sufficient sighting to meet industry standards in all directions.'

12. This is a low risk level crossing. There is no reason to close it.

Crossing: E29 Brown & Tawse

Daniel Fisk's Proof of evidence (NR31-1)

13. Paragraph 29.8 shows that the sight lines to be compliant. Paragraph 29.13 states 'As can been from the table above, E29 Brown & Tawse Road (sic) crossing does have sufficient sighting to meet industry standards in all directions. However, if vulnerable users were found to be using the crossing there would be insufficient sighting for up direction trains from both the up and down side of the track.' No evidence is provided by Network Rail to support that this crossing is used by 'vulnerable users'. Furthermore gates have been introduced to reduce the risk at this crossing. This is a low risk level crossing. There is no reason to close it.

HO5 Pattens

Susan Tillrook's POE (NR32-1)

14. The relevance of paragraph 2.47.3 is unclear. Our understanding is that NR are not proposing to change the stiles for kissing gates as part of their proposed diversion therefore stiles will be part of their scheme as well. Additionally, we don't see the relevance of the reference to wheelchair access. NR are not proposing to remove stiles and the surface they propose is unmade. Maybe it is a statement of fact but it is irrelevant as it is common to the current route and proposed diversion.

15. 2.47.19. In our experience the route does not have to flood to become unusable. (See paragraph 18 of Ramblers proof of evidence148/003.)

16. 2.47.25. and 2.47.35. "...use of the underpass...". As we explain in proof 148/003 (paragraph 12), the underpass is of reduced height (6' 3") which will be reduced even more by NR's proposal. (Note that the limited detail provided by NR on

the underpass design is in NR12, para 3.5. See Figure 60.) In our view, NR should have provided detailed drawings showing the minimum height of the underpass post mesh and raised ground profile.

Daniel Fisk's POE (NR 31-1)

17. 54.7. Sightlines. The table on page 241 shows the sightlines for H05 are compliant with the minimum sighting distance required. They also say in 54.15 that" There has been no reported misuse or user error at this crossing in the last 5 years."

18. These facts indicate that more consideration should be given to alternative means of improving safety (e.g. using other equipment as shown in NR26, Appendix C.) rather than proposing closure.

Crossing: HA04 Eves

Susan Tillrook's POE (NR32-1)

19. Paragraph 2.51.3 states 'The crossing is not accessible for people with mobility issues, or those with wheelchairs/pushchairs as it requires the use of stiles. The approach to the crossing is also uneven with overgrown vegetation.' It is my understanding that the stiles are the responsibility of Network Rail. They could improve conditions for people with mobility problems by removing the stiles and installing gates as they have done at other level crossings. When the crossing was inspected on 1st September 2017 the crossing was easily accessible - the vegetation had been cleared and the ground surface was similar to other countryside public footpaths.

20. Paragraph 2.51.11 states 'Following a scoping study a DIA was not considered necessary at this crossing ---- due to the current restricted accessibility of the existing crossing route at HA04.' As explained above the crossing is easily accessible and removal by Network Rail of the stiles and replacement with gates

would improve accessibility further for people with mobility issues. The DIA should have been undertaken.

21. Paragraphs 2.51.16 to 2.51.19 clearly recognise the dangers to pedestrians and groups of pedestrians including children and those with mobility issues, however no firm plans exist to reduce the risks of accidents between pedestrians and vehicles using Ockendon Road bridge. Discussions with the highway authorities to enforce speed limits and improve sign-age will have minimal impact on reducing the risk of accidents.

22. Paragraph 2.51.22 says 'I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route'. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the author's conclusions as to the suitability and convenience of the route.

Daniel Fisk's Proof of evidence (NR31-1)

23. Paragraph 61.10 shows the sight lines to be compliant even though the upside sight line is coded incorrectly as none compliant. It states the minimum sighting distance required is 185m and the measured sighting distance is 425m. It is therefore compliant. This is a low risk level crossing. There is no reason to close it.

Crossing: T01 – 131

Susan Tillrook's POE (NR32-1)

24. Paragraph 2.52.2: We disagree with the comment 'The accessibility of this crossing is poor since it includes several stiles.' Inspection of the site on 7th August 2017 showed the condition of this path to be typical of a countryside PROW, with just two stiles, one on each side of the railway line. These could, if

appropriate, be replaced by gates making access easier for people with mobility issues.

25. Paragraph 2.52.10 states 'a DIA was not considered necessary at this level crossing due to the current restricted accessibility of the existing crossing route'. Surely two stiles and some mud – a common feature of footpaths – is not a justifiable reason for not undertaking a DIA.

26. Paragaph2.52.14 states 'The proposals were considered appropriate when the traffic data was considered on this route.' What does this mean? The A1306 is an extremely busy trunk route with a high proportion of heavy goods vehicles. This is supported by the Mott MacDonald traffic survey which recorded between 25,658 and 27,585 vehicles per work day. It must be one of the busiest roads in Thurrock.

27. Paragraph 2.52.18 says: 'I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route'. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the author's conclusions as to the suitability and convenience of the route.

Daniel Fisk's Proof of evidence (NR31-1)

28. Paragraph 62.8 states 'Given the line speed of 50MPH in this area and the distance to cross the crossing of 9 metres, the crossing would require sightlines of 170 metres but impaired users were observed on the census so 50% has been added to the traverse, the required sightlines required is 254 metres. This is not achievable on the up side looking towards an up direction train approach due to track curvature blocking the sightlines'

29. No evidence or data is presented on the impaired users. What are the observations and how was the impairment quantified? It appears a judgement

has been reached by NR to increase the required sight lines by 50% without providing the supporting evidence.

30. Further more, the measured sight lines were downside 278m and 312m while the upside were 280m and 127m. Three of the four sight lines are compliant. The reason being given by Network Rail for the non compliant upside sight line of 127m appears to be 'this crossing has insufficient sighting to meet industry standards. This crossing is in the middle of a curve , as can be seen from the second aerial photograph: this means the sighting for a user to see an approaching train is very poor.' (see paragraph 62.14). The crossing was inspected on 7th August 2017 by the Ramblers witness dealing with the crossing and his observation was that that the sight lines between the two upsides were not significantly different and definitely not 163m (280m - 127m = 163m).

CrossingT04 Jefferies

Susan Tillrook's POE (NR32-1)

31. Paragraph 2.53.2: Inspection on 10th August 2017 showed the both sides of the approach to be no different from many footpaths and not 'somewhat limited by uneven pathways'.

32. Paragraph 2.53.11: The DIA does not review the impact on pedestrians with mobility problems having to climb or descend the steep embankments onto the A1014 Manorway. The present footpath does not have steep gradients.

33. Paragraph 2.53.18 says: 'I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route'. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the author's conclusions as to the suitability and convenience of the route.

Daniel Fisk's Proof of evidence (NR31-1)

34. Paragraph 63.14 states 'The only way we could ensure a compliant crossing was to install the MSL overlay system.' The MSL system has been installed and is working therefore the level crossing is compliant and there is no reason to close it.

Crossing T05 Howells Farm

Susan Tillrook's POE (NR32-1)

35. 2.54.11: The DIA does not review the impact on pedestrians with mobility problems having to climb or descend the steep embankments onto the Southend Road. The present footpath does not have steep gradients.

36. 2.54.11: The DIA does not consider the impact and/or risks to pedestrians or groups of pedestrians including children having limited sight lines when crossing the railway bridge on the Southend Road, using a narrow footway.

37. 2.54.11: The DIA states ' ---- means the proposals will result is (sic) significantly less use of Southend Road than is currently the case. The provision of an extended footway is therefore not considered to be appropriate.' We disagree, low pedestrian usage of verges on Southend Road does not mitigate the need for a proper footway. In fact, reduced usage will lead to more growth on the verge resulting in pedestrians favouring road walking (due to the restriction on the available verge) thereby increasing the risk of accidents with vehicles and cyclists. (See Mott MacDonald Road Safety Audit NR16 para 2.73.2.)

38. 2.54.21 says: 'I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route'. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the author's conclusions as to the suitability and convenience of the route.

39. Paragraph 64.10 shows the sight lines to be compliant. This is a low risk level crossing. There is no reason to close it.

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modelled risk, which uses historic mainline data to periodically quantify the frequency and potential average consequence from a particular set of circumstances that could lead to a safety incident. The Safety Model (SRM) periodically takes a snapshot of all significant risks on the mainline and the monthly Precursor Indicator Model (PIM) tracks trends in key catastrophic precursor train accident risk.

3.5 However, these measures rely on and are limited by being outcome-based incident indicators: they measure harm-causing incidents to quantify current catastrophic train accident risk trends, but are not necessarily good as future predictive or underlying risk indicators. We overcome this through use of our RM3 assessment to 'triangulate' our view of industry performance using a broad range of data and intelligence sources, such as performance indicators: for example, near-miss events, which had the potential to cause harm; content indicators, such as asset management performance and context indicators, *such* as measures of safety management culture and duty holders' risk management values.

Putting the common causes of harm into context

3.6 Britain's railways are now commonly characterised by having high frequency but low consequence events; train accidents have become increasingly infrequent. Most common are high frequency and relatively low consequence events, such as passenger slip, trip and fall injuries. While annual reports such as these tend to over-focus on year-on-year comparisons, it's important to keep in mind how trends in individual harm-causing events fit into the overall level of system harm.

3.7 Using the 2014 SRM (the last time it was done), the two biggest harm-causing events are from passenger and worker slip, trip and fall events – a typically high frequency, but mainly low consequence events which represent 20% of the overall system risk. Public trespass, a relatively low frequency but potentially very high consequence event, accounts for 24% of the overall system risk. Together, public trespass and slip, trip and fall events represent nearly half of the overall harm caused on Britain's mainline railways.

Our safety statistical release

3.8 The collection of good data from across Britain's railways is critical in identifying trends and quantifying risk, and in setting the correct risk control priorities and measuring performance. This report uses final and some provisional railway data. Confirmed 2015-16 safety data from mainline, LUL and non-mainline operators will be issued in our key safety statistics release on 22 September 2016[21]. It will contain finalised numbers from both mainline and non-mainline operators.

[21] http://orr.gov.uk/statistics/published-stats/statistical-releases