

The Network Rail (Suffolk Level Crossing Reduction) Order

Office of Rail and Road (ORR) and the Network Rail (Suffolk Level Crossing Reduction) Order.

1. The Network Rail (Suffolk Level Crossing Reduction) Order is funded, in part, by the £99m CP5 Level Crossing Risk Reduction Fund (LCRRF). This ring-fenced fund is constrained to CP5 timescales (April 2014 – March 2019) and must be used by Network Rail to maximise level crossing risk reduction within those timescales. This requirement is set out in “Periodic Review 2013: Final Determination of Network Rail’s Outputs and Funding for 2014-19” (NR-INQ-04, relating to Para. 5.9 of NR27/1 - Mark Brunnen’s PoE).
2. Network Rail interpreted the ORR’s requirements and recorded these in a briefing pack issued to each Route, (NR19). Page 4 sets out the type of work that can be funded by the LCRRF and provides qualification, at the bottom of the page, noting: “Other schemes may be included in the programme upon request, but only with ORR endorsement”.
3. The ORR does not instruct Network Rail to direct LCRRF towards specific level crossings but it does assure Network Rail’s use of the fund.
4. Network Rail meets with the ORR on an eight-weekly basis to discuss matters concerning level crossing safety. The LCRRF programme scope, progress of delivery, and realisation of benefits are all discussed at this regular NR/ORR Liaison Meeting. Example meeting agendas, as prepared by Michelle Travers (Principal Inspector, Level Crossings, ORR), are attached for reference; the relevant section is highlighted in each, (Appendix 1).
5. In 2015, Network Rail sought endorsement from the ORR for use of the LCRRF to pursue three Transport and Works Act Orders (TWAOs) in the Anglia Route, namely the Essex, Cambridgeshire and Suffolk Level Crossing Reduction Orders. Network Rail briefed the ORR on the proposal, as required by the governance processes set out in NR19, and explained the project’s place within the wider level crossing risk reduction strategy. Michelle Travers provided the ORR’s written support for this approach on 12 June 2015, (Appendix 2).
6. Ian Prosser (HM Chief Inspector of Railways, ORR) wrote to Richard Schofield (Route Managing Director, Anglia Route, Network Rail) on 11 July 2017 reiterating the ORR’s support for Network Rail’s use of the Transport and Works Act Orders to close level crossings in the Anglia Route. A copy of this letter is attached for reference (Appendix 3).
7. Within Network Rail’s organisational structure the Head of Level Crossings reports into the Head of Corporate Passenger and Public Safety. The latter is a position held by Allan Spence. Mr. Spence acts as the senior responsible owner of the LCRRF within Network Rail. As such, he is accountable to the ORR for the compliant allocation of the fund to specific projects, and for internal assurance of Network Rail’s management of the fund in accordance with wider strategy and policy.
8. During the summer of 2017, Mr. Spence highlighted to the ORR the possibility that the TWAOs work streams may extend beyond CP5 timescales (April 2014 – March 2019). All parties accept that the Level Crossing Risk Reduction Fund itself cannot rollover into CP6; on 31 March 2019, any unspent LCRRF will return to HM Treasury. However, the ORR confirmed to Mr. Spence that the LCRRF can specifically be used to support the TWAOs programme during CP5 despite the

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possibility that the associated benefits may not be achieved during the same control period. Mr. Spence's testimony to this effect is attached for reference, (Appendix 4).

9. Further, Anna O'Connor (Head of Projects, Network Rail Division, ORR) provided written endorsement of Mr Spence's statement on 15 February 2018, a copy of which is attached (Appendix 5).

Note prepared by:

Mark Brunnen

Head of Level Crossings, Network Rail

14 February 2018

From: Travers, Michelle [mailto:Michelle.Travers@orr.gsi.gov.uk]
Sent: 12 February 2016 13:22
To: Brunnen Mark; Furness Darren; Taylor James (STE); Smith, Simon; Rollings Edward
Cc: Spence Allan
Subject: FW: Draft agenda for liaison meeting on 18 February

All

Items to be included in the agenda for our liaison meeting on 18 February:

1. CP5 ring fenced funding –update on closures and route planned spend and monitoring arrangements - MB
2. Non compliant WB crossings – list required from Network Rail/progress with Route identification – DF
3. Progress with the level crossing Strategy & plans for embedding throughout all disciplines- DF
4. Progress with changes to NTQT – MB
5. Progress with approval and commissioning of Ebigate 200, Vamos, Covtec, POGO and RLEE – MB
6. Application of Covtec - ALCRM scores (FWI risk reduction) demonstrate risk scores at a WB crossing when the WB is removed how does this affect the risk score, will it be placed where line speed is 100mph+ (for 2 track NR state min crossing time 10sec or 11 sec if not decked which equates to WB at 470m from the crossing?) Volume of horn single horn via dual tone- MT &
7. What does Network Rail class as a long section, how and where are such locations recorded? – DF
8. Progress with Renewal & carryover from CP4. Copy of NR/L2/HAM/02201 required – JT
9. Vulnerable Users – SS
10. MCB-OD crossings, Signaller training on operation of the alarms – MT
11. Deliberate misuse terminology how is this being progressed through Network Rail and the rail industry – DF
12. Signal control warning systems for track worker safety – update on application for level crossings – ER
13. RAIB Recommendations
 - Jetty Avenue/Frampton – progress with guidance note measuring sighting distance
 - Athelney Rec 1 – need updated list of affected crossings and the engineering measures implemented/planned to address the issue. No list was provided in October was to be chased up by DF –List o be compared with the renewals list
 - MoL Rec 1 final update on phase 2 and Rec 4
 - Motts Lane recommendation 2 progress with SIN 133 and 137 and recommendation 4 waiting time research report.

Please add anything I may have missed

Regards

Michelle

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From: Travers, Michelle [mailto:Michelle.Travers@orr.gsi.gov.uk]
Sent: 01 March 2017 15:06
To: Spence Allan; Brunnen Mark; McNally Louise; Rollings Edward; Taylor James (STE); Cottrell Darren; Smith, Simon
Subject: ORR & Network Rail Liaison Meeting 10 March Draft Agenda

All

I have attached the draft agenda for next weeks' meeting, feel free to add items.

Do we have a room for the meeting?

Michelle

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Network Rail Liaison Meeting 10th March 2017 10:10 – 14:00

Agenda

Update on CP5 ring fenced fund expenditure	LM/MB
Update on CP5 renewals	JT
CP6 how does NR intend to further reduce level crossing risk	AS
Update on double check on compliance with MoL approach locking upgrades	AS
Machinery Guarding progress and compliance	SS/ER
Progress with HAZID report on POGOs	AS
ALCRM review how are CCT, NRA, changing FWI & risk profile to be managed	AS/MB
ORR 2017/18 inspection assignment/ UWC(T) in long sections	MT
Update on progress with the Law Commission review	MT
Progress with including OLE height and road profile in NRA	MT/MB
Training event at Cannock for NR IP staff	MT
OD solutions on Cambrian line	SS/ER
Use and limitations of predictor systems	SS/ER
Update on rewrite of the long term strategy	MB
Jetty Avenue Rec 1 update on proposed actions	MB
Hockham Road RAIB report info on:	AS/MB
<ul style="list-style-type: none">• Assurance of approval process• Review of product acceptance process• Review of long sections in modular signalling sections• Review of guidance given to signallers giving permission to cross• Recommendations	

From: Travers, Michelle [REDACTED]@orr.gsi.gov.uk]
Sent: 12 June 2015 11:45
To: Cronin Sean
Cc: Brunnen Mark; Kenning Andrew; Jee Rory; Aruxandei Georgina; O'Connor, Anna
Subject: RE: Anglia LX Strategy

Sean

Apologies I meant to do this straight after our meeting.

I found your presentation very useful and informative as it enabled me to understand what was being proposed by the Anglia Route. I am happy with the proposal as it was described which should enable more crossings to be closed in an efficient and timely manner. As long as Network Rail believe this will meet their own FWI criteria for expenditure I am content for these crossings to be included in the programme of closures using the £99m ring fenced funding.

If you need more from me to help with the case please let me know.

Regards

Michelle

From: Cronin Sean [REDACTED]@networkrail.co.uk]
Sent: 12 June 2015 11:11 AM
To: Travers, Michelle
Cc: Brunnen Mark; Kenning Andrew; Jee Rory; Aruxandei Georgina
Subject: FW: Anglia LX Strategy

Michelle,

Many thanks for your time last week with regards to the Anglia Level Crossings Strategy and the use of TWAO in your meeting with Mark.

I know that you are giving the proposal your full consideration.

With that in mind, the next Level Crossing Programme Board meet next Monday and I wanted to ask whether you might be in a position to provide a statement of support by then. Even if it is by E-mail correspondence prior to any formal response?

I am happy to report that NR legal will support the process and work with us throughout the project.

Your support would enable us to try this different methodology which I believe will radically change the speed and efficiency for closing level crossings, while giving each crossing the diligent consultation of all the interested parties that is required and in most cases provide an alternative, safer access across the railway.

Meanwhile if you have any further questions regarding the process then please do not hesitate to contact me.

Kind regards,

Sean Cronin
Commercial Scheme Sponsor

Ian Prosser
HM Chief Inspector of Railways
Railway Safety Directorate



E-mail: [REDACTED]@orr.gsi.gov.uk

11th July 2017

Richard Schofield
Route Managing Director (Anglia)
Network Rail
One Stratford Place
Montfitchet
London E20 1EJ

Dear Richard

Anglia Level Crossing Proposals

Thank you for your letter regarding Network Rail's Transport and Works Act initiative seeking level crossing downgrades and closures, the latter largely through diversion via existing non-grade crossing points. ORR supports all Network Rail's efforts to rationalize its level crossings portfolio wherever, taking into account local opinions and amenity, closures and restrictions can reasonably be achieved.

Please keep me posted on progress with this initiative.

Yours sincerely

Ian Prosser

HM Chief Inspector of Railways



From: Spence Allan
Sent: 15 February 2018 12:59
To: Brunnen Mark
Subject: Use of the CP5 LCRRF for the Anglia Route level crossing closure consent through TWAO

Mark

You asked for confirmation from me of the current position regarding use of the LCRRF for seeking consent to close level crossings where that closure may not itself be realised in CP5. In that regard, I make the following statement:

Network Rail is committed to reducing risks to passengers, workforce and members of the public wherever possible. Level crossings represent a significant risk on the railway, often dependant on humans performing reliably and behaving responsibly. Network Rail therefore continually strives for solutions that eliminate risk, consistent with its duties under the Management of Health and Safety at Work Regulations 1999 to use the hierarchy of risk control. A risk of user injury or fatality exists at all level crossings and in some cases, there is also risk to passengers and traincrew from train accidents. No level crossing is perfectly safe. Therefore Network Rail's focus on closure wherever that is feasible is consistent with its duties under health and safety law and the company's strategy for improving safety.

In the current five year financial framework for the railway (Control Period 5), the regulator – the Office of Rail and Road (ORR) – identified a ring-fenced fund to enable Network Rail to achieve maximum risk reduction at level crossings. The final determination which describes this fund is the legal document forming the basis for economic regulation of Network Rail in CP5. I am the Senior Responsible Owner for the fund within the business and chair the Level Crossing Programme Board that oversees use of the fund. The regulator maintains close scrutiny of how that money is being invested, ensuring the intentions and principles in the determination are met.

Network Rail identified the Transport and Works Act Order procedure as a suitable mechanism to help achieve the regulated output for improved level crossing safety. The procedure is being used in three separate tranches by the company's Anglia Route. Network Rail has demonstrated to the regulator's satisfaction that it is appropriate to use the ring-fenced fund to progress these three Orders. As the process has developed, and some costs for the associated Public Inquiries have increased, the regulator has regularly endorsed that it remains appropriate to invest the ring-fenced fund in progressing the Orders so that multiple level crossing closures can be achieved and risk progressively reduced.

The regulator understands the challenges faced in achieving improved safety through level crossing closures. In several instances Network Rail has successfully made the case for investment in future closures (for risk benefit that will be realised beyond the dates of CP5) using the fund. These have included examples of purchasing property to enable future bridge building and the three Orders in Anglia Route.

Allan Spence
Head of Corporate Passenger & Public Safety



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From: O'Connor, Anna [REDACTED]@orr.gov.uk
Sent: 15 February 2018 13:59
To: Spence Allan; O'Connor, Anna
Subject: Re: TWAO Public Inquiry - URGENT

Dear Allan

I am happy to support the position you outline below.

As you know, I manage the work of our specialist inspection teams for Network Rail - including our Level Crossing team. I am therefore familiar with Network Rail's approach to risk reduction at level crossings in general and the use of the dedicated fund in particular.

We have supported the use of TWAO to secure multiple crossing closures. As a matter of principle, crossing closure is self evidently the most effective way to remove risk. That is why it has been the main element of spending over the last two control periods - to measurably significant benefit in risk reduction.

Network Rail has, largely, targeted its efforts at locations with the highest risk; this is a perfectly natural prioritisation of funds. Equally, though, it is sensible to 'bundle' such work by geographical area, where possible, in order to secure more efficient and economic risk removal. That is why we have endorsed use of some of the ring-fenced fund to pursue the TWAO route for crossing closures.

I hope that explains ORR's approach.

Kind regards

Anna O'Connor
Head of Projects
Network Rail Division
ORR Railway Safety Directorate.

Sent from my BlackBerry 10 smartphone on the O2 network.

From: Spence Allan
Sent: Thursday, February 15, 2018 12:52
To: O'Connor, Anna
Subject: TWAO Public Inquiry - URGENT

Dear Anna

I am providing this afternoon a note as drafted below to the Inspector chairing the TWAO Public Inquiry in Suffolk. It would also be helpful to the Inquiry if you were able, on behalf of the regulator to comment on the same matters, whether by separate note or by endorsement/comment on the statement I am making.

With kind regards

Allan

Allan Spence
Head of Corporate Passenger & Public Safety



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