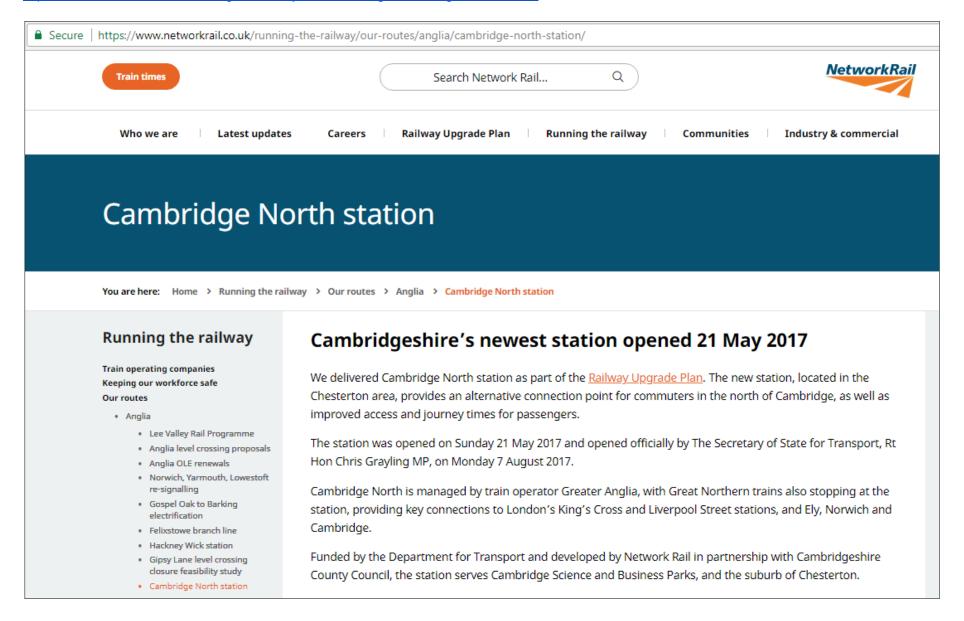
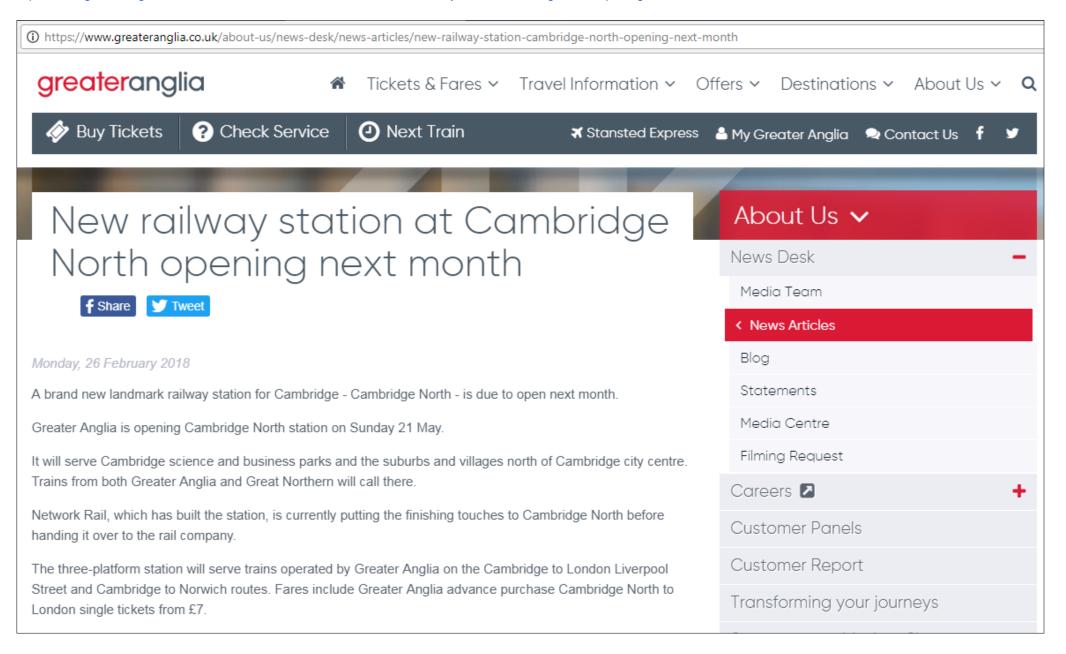
## Evidence to show Network Rail is capacitated to build infrastructure assets and bridges.

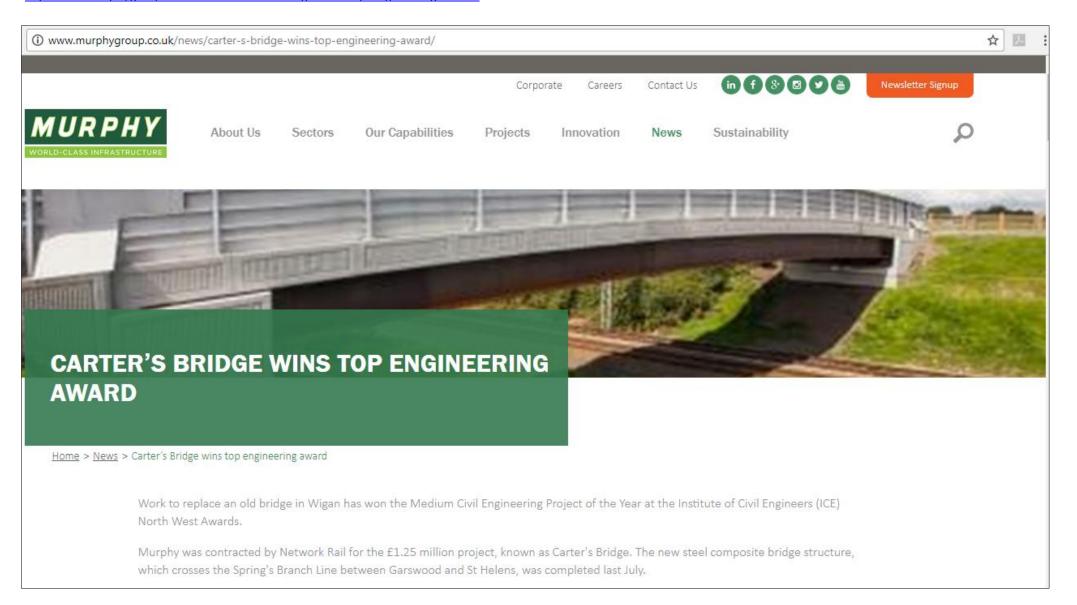
https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/cambridge-north-station/





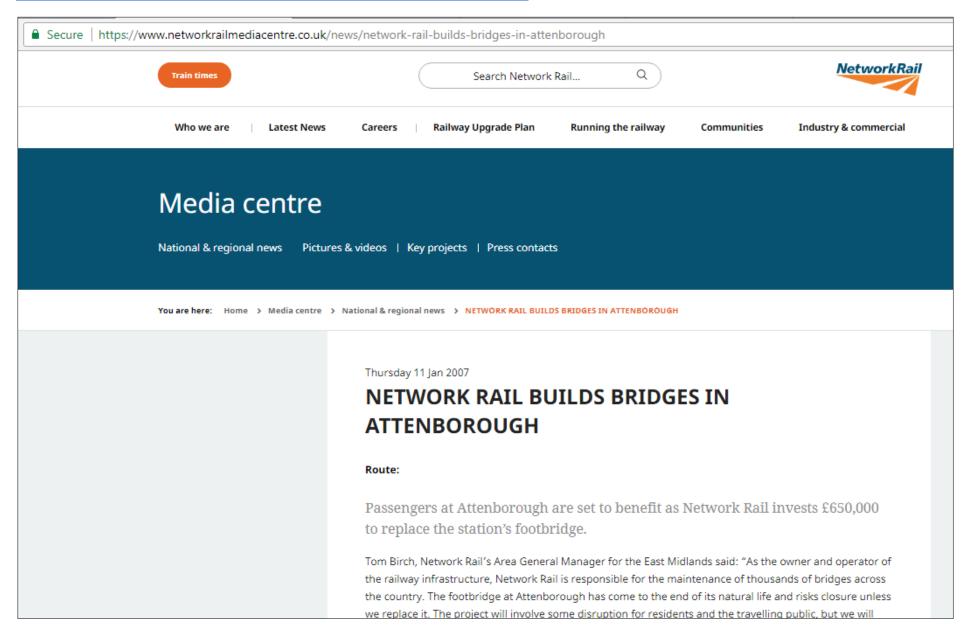
## Carter's Bridge Lancashire, commissioned by Network Rail.

http://www.murphygroup.co.uk/news/carter-s-bridge-wins-top-engineering-award/



## New bridge at Attenborough:

https://www.networkrailmediacentre.co.uk/news/network-rail-builds-bridges-in-attenborough



The above examples are submitted to show that Network Rail is capacitated to build infrastructure assets including pedestrian footbridges, and that Network Rail actively takes part in such projects.

In the High Court Judgement of Mr Justice Dove between the Ramblers Association and the Secretary of State for Environment, Food and Rural Affairs dated 07/04/2017, it was ruled that Network Rail is incapacitated to dedicate s new public right of way on the basis that dedication would be inconsistent with its obligations to operate a safe and efficient railway network (at "Zulus Crossing").

However, Network Rail's duties are not limited to ensuring public safety.

With respect to the Zulu Crossing case:- That the matter of not including Network Rail's additional licence duties, namely to ensure the efficient maintenance, repair and renewal of the assets and infrastructure, together with not mentioning the evident capacity of Network Rail to engage in new building works occurring in places such as Cambridge in 2016/2017, specifically, the building of North Cambridge Station, Carter's Bridge in Wigan and a footbridge in Attenborough in the Midlands as **referenced above**, the judgement which I refer-to as the "Zulus Crossing" case, is faulty because it does not consider how Network Rail has capacity to provide right of way within its statutory duties. Therefore, I submit "Zulus Crossing" case should not be applied in the case of the Weatherby Crossing.

As we have just established, in fulfilling its role, Network Rail's activities also includes provision of new assets – the building of new stations, pedestrian bridges and so-on. The duty of safety, which confers incapacity to provide pedestrian facility to cross live rails may be considered to conflict with duty to provide infrastructure which permits crossing. However, when fulfilling these apparently conflicting duties, Network Rail does have capacity to designate rights of way, because it <u>can</u> create infrastructure which separates the public wholly from the railway.

So, to clarify my position on this matter, I am submitting that while Network Rail has duty to ensure the safety of the public and passengers, it also has duty to provide infrastructure assets relating to railway use which are of service to the public. Such an asset may be a path across a live railway, the path being variously in the form of a tunnel or a bridge. Insomuch that Network Rail has this duty to provide the necessary infrastructure, Network Rail does have capacity to dedicate a public right of way across the operational railway.

Philip Hodson. OBJ 13.