

TRANSPORT AND WORKS ACT 1992
**Transport and Works (Applications and Objections
Procedure) (England and Wales) Rules 2006**
**THE NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) ORDER**

LEVEL CROSSINGS: POLICY AND STRATEGY

PROOF OF EVIDENCE

Of

Jerry Greenwood

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Author	Network Rail
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1. INTRODUCTION

1.1 My name is Jerry Greenwood, and I am the Head of Infrastructure Liability for Network Rail Infrastructure Limited (“Network Rail”).

1.2 My Proof of Evidence for this Inquiry includes consideration of the following matters:

- i. The support of Network Rail generally, for the making of this Transport & Works Order.
- ii. Relevant Network Rail statutory obligations, duties and responsibilities to public safety and operational efficiency under Health and Safety and related legislation, the Railways Act 1993 and the Network Licence.
- iii. Network Rail’s policy for level crossing safety, including evolving public safety standards, Network Rail’s Safety Strategy for Level Crossings, appropriate closures and the mitigation of level crossing risk so far as is reasonably practicable; and the requirement of our Regulator, the Office of Rail and Road (ORR’s) for Network Rail to reduce level crossing risk wherever possible.
- iv. Instructive comparatives from other level crossing sites, as relate to the consideration of general expediency and safety-related expediency issues, including general mitigation measures.
- v. Pedestrian behaviour nationally, as experienced on the railway network, and the fatalities and near miss incidents that this has given rise to, as investigated by the Rail Accident Investigation Board (RAIB).
- vi. Matters relevant to considering overall expediency, involving the risk to public safety in using the Level Crossings and in weighing the significance of public safety against any impact arising from the proposed closure of the Level Crossings under the Order, including balancing the transfer of risk onto the highway and an overall comparison of risk to all pedestrians along Oldham Road.
- vii. The optioneering process that Network Rail is required to follow and how this is managed, giving consideration to Network Rail’s core duties and in balancing public safety and operational inefficiency of the wider network against any level of inconvenience that optioneering selection may encumber on other parties and stakeholders.
- viii. Network Rail’s strategy in optioneering incorporating Cost Benefit Analysis and due consideration of Gross Disproportionality in determining whether the cost of implementing a control measure is grossly disproportionate against the reduction in risk that those measures might achieve, which is especially instructive where, as in the case of the two Level Crossings here, it is apparent from the body of objections when viewed as a whole, that there is no (argued) single ‘alternative’ to closure of any of the Level Crossings that is reasonable or practicable.
- ix. In regard of such relative costs, consideration has been given to Network Rail’s responsibility to adhere to HM Governments ‘Managing Public Money’ principles

and the need to justify expenditure in so far as it relates to the alternative measures.

2. STATUTORILY REINFORCED NETWORK LICENCE DUTIES AND RESPONSIBILITIES

- 2.1 As the owner and operator of the national rail infrastructure, and as a regulated statutory undertaker with a fundamental requirement to adhere to its operating Licence, Network Rail has a statutorily prescribed duty and key responsibility to promote safety, improve railway performance and promote efficiency.
- 2.2 Both the Department for Transport and our Regulator mandate, Network Rail's duty of care extends to promoting public user safety to those who enter railway land and that extends to level crossings, and to avoid unacceptable hazards to those who would use them.
- 2.3 If the TRU Project was brought forward without incorporating the closure of the level crossings, a higher level of risk to each would be imported due to the electrification of the line and the introduction of more services, with longer and quieter trains.
- 2.4 Public use of high-risk crossings like Moorgate Halt, leading to the occurrence of train strikes, near miss incidents and trespass, causes trains to be delayed or cancelled. Operational inefficiency may arise through the knock-on effect of wide-spread delays to other services as a consequence of trains delayed by either crossing – not just along the Order Route, but where the Order Route impacts on rail junctions serving the wider network, impacting on other commuter and freight services including Northern Trains, Freight, Cross-Country Services at Leeds, the East Coast Main Line, and consequential impacts much further afield, contrary to Network Rail's general duty and its requirements under its operating licence.
- 2.5 This can cause major timetable disruption especially where train running capacity is high, as here, and maintaining operational efficiency is dependent on trains running to time and keeping to the line-speed within their timetabled slots. Adherence to the timetable is critical in maintaining operational efficiency.

3. OFFICE OF RAIL AND ROAD

- 3.1 Our regulator, the ORR, endorses the closure of level crossings where there is Network Rail-assessed risk to public safety and where there is no other suitably viable option to adequately overcome or mitigate such risk. This is heavily promoted in its *"Principles for Managing Level Crossing safety."*

4. NETWORK RAIL'S SAFETY STRATEGY FOR LEVEL CROSSINGS

- 4.1 Network Rail's long-term strategy is to eliminate accidental fatalities across all its level crossing estate. Our long-term safety vision is *"No accidents at level crossings on Britain's main line rail network"*.

- 4.2 Our focus, through delivery of this level crossing safety strategy, is to prevent injuries and loss of life, so far as is reasonably practicable, by working to address legacy issues and to design out foreseeable future risks.
- 4.3 Closure of level crossings has been proven to be the most effective way of removing this risk from the network and for the 2 level crossings in the Order. Our proposal clearly meets one of our stated strategy objectives *“Wherever practicable and safe to do so, any diversions will seek to utilise conveniently located over-bridges or underpasses to assure public money is efficiently managed.”*.

5. THE EXPERT ASSESSMENT OF LEVEL CROSSINGS

- 5.1 The Order, if made, would give statutory authority for the level crossings to be closed, thereby promoting public safety of those who would otherwise use them as well as achieving the operational efficiencies that will enable the TRU Project to be implemented, without limitations.
- 5.2 Indeed, DfT mandates that where there is a change in railway operations, such as the proposed change to the current timetable, changes or enhancements in railway infrastructure and the introduction of longer and faster trains, that would all potentially have a negative impact on risk to users of a level crossing, that a new assessment is undertaken, to identify the increase in risk and how this can be mitigated against cost.
- 5.3 James Doodson’s expert analysis supports the finding that the risk to public use of the level crossings will considerably increase from the combined effects of the introduction of more train services against the likely vulnerable user profiles.

6. OPTIONEERING AND SITE-SPECIFIC EXPENDITURE

- 6.1 It is clear from Proofs provided by my colleagues that a suitable alternative option for each site was robustly considered and tested, before being accepted into the draft Order.
- 6.2 The options selected for the Order have since been further tested, giving due consideration of imported risk against risk mitigation and cost.
- 6.3 The optioneering that was ultimately undertaken when considering the final options as part of the Network Rail process, when Cost Business Analysis and Gross Disproportionality is applied, and specifically for Moorgate Halt, why the initial option for a stepped footbridge was rejected in favour of properly enhancing and upgrading the existing PFP244, to make that a safe and convenient alternative whilst delivering Value for Money to the public purse.

7. MANAGING PUBLIC MONEY AS TO COSTS

- 7.1 As a government funded organisation, the ‘Managing Public Money’ principles apply. Network Rail must therefore always ensure that it manages public money responsibly.

- 7.2 DfT has made it clear that Network Rail must comprehensively consider the cost of implementing risk control measures against the reduction in risk those measures might achieve.
- 7.3 Network Rail is not required to provide, at any cost, an alternative crossing solution in effective substitution for a level crossing. It is reasonable for Network Rail, as an ‘arms-length’ public authority, to properly scrutinise the cost-efficiency of any mitigation measures, especially where there are more cost-effective solutions that will effectively meet the requirements.

8. PEDESTRIAN BEHAVIOUR

- 8.1 Level crossings are giving rise to an increased potential for poor user behaviour that affects both public safety and train operations. Pedestrians are ultimately responsible for their own safety; but the level of deliberate misuse or accidental human error remains high.
- 8.2 Over 20% of pedestrians crossing a railway inadvertently place themselves in harm’s way. Around 5% fail to look for trains in either direction before crossing and a further 16% only looked in only one direction. Some cross in front of approaching trains trying to beat them; others walk into the path of a second train when crossing immediately after a first has passed.
- 8.3 Youths, alone or in groups, openly stand on level crossings, sit on the deck, walk along the rails, or chasing each other. Some play ‘chicken’ with approaching trains. All this behaviour had been seen at Moorgate Halt.

9. OTHER COMPARABLE ORDER DECISIONS

- 9.1.1 Safety is the key factor against the higher levels of imported risk that the Transpennine Upgrade will create, and the high importance of railway enhancement projects and improvements to the railway does have very considerable force in operational efficiency terms.
- 9.1.2 Whilst it is recognised the judgment on overall expediency to be reached for each crossing closure proposal is necessarily fact, and site, specific, the balance in favour of closure of the Crossings by implementing the proposed alternatives should weigh very heavily against their retention or for the need of additional infrastructure.
- 9.1.3 Against objections raised, I detail the approach consistently taken by other Inspectors during Inquiries, not least in the TRU TWAO Decision relating to the Leeds-Micklefield TRU in 2024, and other examples where Inspectors have also balanced the advantages and disadvantages, as promoted by all parties.
- 9.1.4 In having reviewed the evidence for their Order Decisions in each case, these Inspectors unilaterally found for confirmation, and consistently found, that significant weight should be given to ensuring safety of those who use or are likely

to use the level crossings together with promoting operational efficiency of the railway, whilst meeting DfT requirements in promoting cost effective spending of public money.

10. CONCLUSION

- 10.1 It is my clear opinion that the proper application of Network Rail's governing policy, legal duties and responsibilities, and licence, together with all other relevant standards advocated by ORR and by relevant rail industry bodies, together reinforce the case for the closure and removal of the Crossings.
- 10.2 The overview I set out in my Proof of governing strategic policy, viewed against the background of the relevant statutory framework, compliments Network Rail's assessment of the safety risk that is presented by the Level Crossings, when taking full account of all reasonably practicable mitigations.
- 10.3 For the reasons given above and across the evidence of my colleagues, Network Rail is strongly of the view that the circumstances at both Crossings, viewed both in safety-specific terms and in overall terms, is strongly supportive of the Order being made.
- 10.4 Accordingly, for all of the reasons given on behalf of Network Rail across all of its evidence, Network Rail respectfully invites the Inspector to make the Order.

11. WITNESS DECLARATION

- 11.1 My proof of evidence includes my declaration as an expert witness which also applies to my summary of my evidence.