

IN THE MATTER OF THE TRANSPORT WORKS ACT 1992
AND THE APPLICATION BY CHILTERN RAILWAYS (BICESTER TO OXFORD
IMPROVEMENTS) ORDER

RE: THE PROPOSED CLOSURE OF THE PEDESTRIAN LEVEL-CROSSING
AT THE TRAP GROUNDS OFF ARISTOTLE LANE, OXFORD

Department of Transport Reference TWA/10/APP/01/OBJ/5

SUBMISSION TO PUBLIC LOCAL INQUIRY

REQUEST FOR FURTHER INFORMATION CONCERNING THE EVIDENCE
SUBMITTED BY CHILTERN RAILWAYS

Made by:

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Changes to the Draft Order

1 I refer to the proposed mitigation scheme shown on Atkins drawing 5083741-RLS-BOX-CBR-05132/P03, a copy of which I have included at Tab 6, sheet 1 of my Evidence dated 30 September. In paragraphs 144 to 150 of his Proof of Evidence (CRCL/P/7/A) Mr Nelson makes no mention of the mitigation plan. In paragraphs 11.10 to 11.16 of his Proof of Evidence (CRCL/P/6/A) Mr Barker makes no mention of the mitigation plan. At paragraph 6.10 of his Proof of Evidence (CRCL/P/12/A) Mr Gilder says “the proposed construction of a new bridged access ramp from the Aristotle Lane Bridge to the allotment site is no longer being pursued”.

1.1 Please say whether or not there has been any change in the Chiltern Railways Proposal with particular reference to the new low bridge shown on the Atkins drawing to take account of the evidence cited above which appears to contradict the Draft Order.

Mr T Hollander (OBJ/013/1) says in the “Response to Consultation...” attached to his Statement of Case: “During winter floods the western approach to the [Aristotle Lane] bridge is unusable”.

1.2 Please provide details including designs of any alternative mitigation proposal under consideration, including changes to the levels of the bridleway listed 320/12 by Oxfordshire County Council to overcome seasonal flooding.

At paragraph 4.3 of the Natura 2000 Standard Data Form, included in Appendix ASC2 of the Proof of Evidence (CRCL/P/10/A) of Mr Coates (referred to at paragraph 2.12), it is stated “...the site is very sensitive to changes in groundwater levels”.

1.3 Please confirm that any such proposals to alter the height of the bridleway have been approved by Natural England and other interested objectors.

Buried foul sewage pipe

2 I refer to the footnote number 15 on page 5 of my Evidence.

2.1 Please provide a plan showing the precise position of the sewer referred to.

2.2 Please confirm that Thames Water Utilities Ltd have been notified of the proposal to build a new railway in the vicinity of its sewer.

I understand that Thames Water have submitted an objection to the proposal that is dated 12 February 2010. I cannot find that representation on the list of objectors published at <http://www.chiltern-evergreen3.co.uk/index.php/objector-documents> .

2.3 Please confirm that Chiltern Railways are aware of the Thames Water objection.

2.4 Please provide a copy of any notice, given under Schedule 14 of the The Chiltern Railways (Bicester to Oxford Improvements) Order,

to Thames Water.

Evidence of Mr Aidan Nelson (CRCL/P/7/A)

3 Questions arising from Mr Nelson's evidence.

Re: paragraph 1:

3.1 Please explain what is meant by a "broad capability".

Re: paragraph 3:

3.2 Please confirm that "the Clapham Accident" referred to is the accident that took place in Clapham, London, at 08:10 on 12 December 1988 as a result of signalling wiring errors, not involving a level crossing.

Re: paragraph 4:

It is understood that Operation Lifesaver runs programs which seek to educate drivers and pedestrians "to make safe decisions at crossings and around railway tracks".

3.3 Please provide a copy of the Operation Lifesaver philosophy referred to.

3.4 Please provide a copy of, or web reference to the "blue book" and the Principals and Guidance referred to.

Re: paragraph 5:

3.5 Please provide a copy of the "risk based management system".

3.6 Please provide a copy of the "Red Runner" awareness and enforcement campaign in so far as that campaign relates to pedestrian (only) level crossings.

Re: paragraph 8:

3.7 Please confirm whether during the period in question the risk arising at level crossings increased or whether the enhancement of prominence arose merely because of the relative numerical effect of the reduction of risk of "signals passed at danger".

3.8 If the former, please state whether there is any statistically significant evidence relating to the increase.

Re: paragraph 14:

3.9 Please described the meaning of "modern form".

Re: paragraph 30:

3.10 Please confirm that the title of the document referred to is "Attitudes to, and processes and funding for crossing closures in other countries" and not "Attitudes to, and processes and funding for crossing closures".

Re: paragraph 39:

- 3.11 Please provide all the data used to assess the risk at the Aristotle Lane level crossing, for “as is today”, Phase One and Phase Two.
- 3.12 Please provide a copy of the risk assessment for the level crossing at Aristotle Lane made by trained Network Rail Staff , for “as is today”, Phase One and Phase Two.

Re: paragraph 40:

- 3.13 Please provide copies of the data for the Aristotle Lane Level Crossing gathered in “standard format”, for “as is today”, “Phase One” and “Phase Two”.

Re: paragraph 42:

- 3.14 Please describe the “components” mentioned in objective rather than relative terms.

Re: paragraph 43:

- 3.15 Please describe in precise numerical terms the perceived probability of a collision between a train and a pedestrian at the Aristotle Lane level crossing, discounting the probability of suicides and wilful abuse.

Re: paragraph 44:

- 3.16 Please provide copies of all ALCRM risk ranking inputs, calculations and outputs made for the level crossing at Aristotle Lane.
- 3.17 Please explain the process of ALCRM risk ranking in plain English.
- 3.18 Please objectively explain the ALCRM ranking system (both letters and numbers) in plain English by reference to the perceived absolute risk of an accident occurring.
- 3.19 Please explain how the ALCRM risk ranking outputs made for the level crossing at Aristotle Lane show that (a) leaving the crossing in situ, and (b) extending it across the new line with a refuge between the existing and extended crossing, is unacceptable when applied to the re-construction of the railway in modern form.

Re: paragraph 45:

- 3.20 If for exceptional reasons the level crossing at Aristotle Lane cannot be closed, but is directed to be extended across the new line, please describe the measures that might be put in place to control the risk at the crossing so far as is reasonably practicable, using ALCRM.
- 3.21 Please recalculate the ALCRM risk ranking with those measures included in the assessment.
- 3.22 Please say whether those measures include miniature warning lights.
- 3.23 Please those measures do not include miniature warning lights,

please also recalculate the ALCRM risk ranking with those measures together with miniature warning lights included in the assessment.

Re: paragraph 50:

3.24 Please confirm that there is negligible risk to passengers if a train impacts with a pedestrian at a pedestrian level crossing.

Re: paragraph 52:

3.25 Please provide comparative data for suicides and suspected suicides at pedestrian level crossings and station platforms.

Re: paragraph 53:

3.26 Please provide separate data for private pedestrian level crossings or, if this is not available, pedestrian level crossings.

Re: paragraph 55:

Concerning the number of deaths on footpath crossings over a period of 10 years of 38 (average 3.8 p.a.),

3.27 please say whether the figure of 38 relates to all parts of the United Kingdom and whether it includes tramways, London Underground Trains and other special cases apart from the public railway network.

3.28 please say how many of these fatalities occurred within the public railway network at pedestrian level crossings with private rather than public rights similar to the Aristotle Lane crossing, and

3.29 please say how many of this type of crossing there are on the railway network.

Re: paragraph 60:

3.30 Please provide a copy of the original data relating to the misuse of the Aristotle Lane crossing.

3.31 Bearing in mind that the gate on the east side of the track at Aristotle Lane crossing has a spring closer, and that there is a locked gate on the west side, please say whether, and if so justify with evidence, Mr Nelson's view that this data under-represents the true value of misuse at this crossing.

Re: paragraph 80:

3.32 Please confirm that any comparison with high-speed lines such as the Kent Eurostar line is irrelevant.

Re: paragraph 84:

3.33 Please explain the difference, by reference to objectively assessed risk and probability, between an "intolerable risk" and a "remaining risk".

3.34 Please explain what "step change opportunity" means.

3.35 Please explain whether “this requirement” refers to “intolerable risk” or “remaining risk”.

3.36 Please indicate, with reference to relevant documentation, when it would be considered impracticable to close a level crossing.

Re: paragraph 85:

3.37 In the design of the proposed new track at the Aristotle Lane level crossing, please indicate whether it would be necessary to reduce the train speed below the designed 75mph at the crossing, bearing in mind the present speed limit on the existing lines of 90mph.

Re: paragraph 137:

3.38 Please describe in objective terms (that is, by giving distances relative to permitted train speeds) precisely why this crossing is described as having “deficient sighting lines”.

Re: paragraph 138:

3.39 Please provide photocopies of the originals of the drivers’ incident reports in each of the cases cited showing not only the date but the time of each incident.

3.40 Please provide copies of the precise entry of each as shown in the SMIS database.

3.41 Please explain why none of these incidents was reported to the Office of Rail Regulation (or any predecessor organisations). NB the ORR “has no record of any incident at a level crossing named Aristotle Lane” (my Evidence, Tab 11).

Re: paragraph 143:

3.42 Please provide distances for the “restricted sighting” in every instance (up and down; new and existing lines). Please explain with reference to permitted train speeds why the sighting is “restricted”.

3.43 Please state the distance between a level crossing of the Aristotle Lane type and the requisite whistle boards, also describing any differences that arise depending upon permitted train speeds.

Evidence of Mr Stephen Barker (CRCL/P/6/B1)

4 Questions arising from Mr Barker’s evidence.

Mr Barker does not show in his evidence that any alternative to the proposed scheme has been considered. The plan at Tab 5 of my Evidence shows the line of the old down goods line, now removed. It occurs to me that if a short section of this line were to be reinstated, the same increase in track usage might be accommodated without building the proposed new line from the north Oxford junction to Oxford station and without increasing the railway traffic on any particular line. The level crossing and car park could be relocated some distance to the north, in consultation with the Trap Grounds Allotment Committee, with a refuge built over the ditch.

4.1 Please say what ALCRM assessment would result from this track configuration.

Mr Cross, in his evidence (CRCL/P/1/A) at paragraph 8.3 says that Chiltern Railways' proposed train services will not need a double track at Wolvercote tunnel, the only requirement for double track arising from the EWR project (paragraph 8.5). It is understood that the EWR project will involve only freight trains and that these trains will cross to and from the main lines at the North Oxford Junction. They will not use the new line to be laid from the North Oxford Junction to Oxford Station.

4.2 Given the ability to accommodate a single track only through Wolvercote Tunnel and a journey time from Oxford to Water Eaton of just a few minutes, please explain the necessity for any new track between Oxford and the North Oxford Junction. Please say whether or not the planned timetable could be accommodated on the existing lines, if necessary by adjusting the signalling provision.

4.3 Please confirm that the present Jericho Down line can be converted without loss of projected service to Chiltern Railways to Up and Down with a maximum speed limit of 75mph rather than 25mph.

Mr Barker does not mention the Thames Water sewer that I am informed lies under the path of the old Varsity line (see para 2 *ante*)

4.4 Please indicate whether Chiltern Railway would willingly build over such a sewer as lies in this place without removing it.

Re: paragraph 4.128:

4.5 Please state the distance between the centre-line of the Jericho down line and the new Bicester line, as currently proposed, at the Aristotle Lane level crossing.

Re: paragraph 11.12:

4.6 Please say which allotment holders will find the route across the footbridge to be shorter than the route across the level crossing.

Re: paragraph 11.13:

4.7 Please state over what length of each of the ramps the "average gradient" has been calculated.

4.8 Please state the gradient and length of each section of each ramp between the level rests. Please provide the gradient (if any) and length of each rest on each ramp.

Re: paragraph 11.14:

4.9 Please state how these ramps comply with the requirements of the Disability Discrimination Act.

Re: paragraph 11.16:

4.10 Please describe how the existing level crossing at Aristotle Lane, and an extension to that crossing over the new line with a refuge

following the guidance of the ORR April 2010 consultation document (my Evidence, Tab 16) would be “unsafe” bearing in mind that there is no known record of incidents reported to the ORR or predecessor organisations within the last 150 years.

- 5 If any question lies outside the expertise of any particular witness, please pass my question to a person who has the competency to answer it.

Ian Salisbury..... 3 October 2010