

**CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)  
TWA ORDER RESPONSE TO QUESTIONS OF CLARIFICATION**

Objector Name and Reference: Jonathan Clark OBJ236/2

Date submitted: 7 October 2010

Date of Response: 12 October 2010

Response: Responses from CRCL are provided to the questions submitted. The Inspector in document X/6.3 issued on 7 October 2010 determined that certain questions were not questions of clarification and gave individual reasons for each one.

<b>Question Number</b>	<b>Response</b>
1	<p><i>Para 14: what does the national policy referred to define as “exceptional circumstances”?</i></p> <p>Exceptional circumstance is not defined in the Office of Rail Regulation’s “Policy on Level Crossings” (<b>CD/3.18</b>).</p>
2	<p><i>Para 25: ‘The ORR policy is that “decisions about level crossings must involve rail companies, highway authorities and other relevant organisations.”. Which bodies other than Network Rail and CRCL have been involved with the decision to close the Aristotle Lane level crossing?’</i></p> <p>Oxford City Council and Oxfordshire County Council have been consulted.</p>
3a	<p><i>What data was gathered with respect to the Aristotle Lane crossing (existing and hypothetical new) and how was it validated?</i></p> <p>Source data is held by Network Rail. Chiltern Railways has requested that this is provided within a week.</p>
3b	<p><i>What data was entered into the ALCM model?</i></p> <p>Network Rail holds this information. Chiltern Railways has requested that this is provided within a week.</p>
3c	Not QoC
3d	Not QoC
3e	<p><i>What is meant by individual risk?</i></p> <p>The risk to individual users of a level crossing</p>
3f	<p><i>What is meant by collective risk?</i></p> <p>The risk to all users of a level crossing, train crew and passengers.</p>

**Question Response**  
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3g *Can the risk model outputs (A – M, 1 – 13) be used to obtain a statistical probability of incidents per time period (e.g. deaths per annum)? If so what are the definitions of incidents, and what are the probabilities?*

The ALCRM alpha-numeric risk ranking outputs are generated in accordance with the tables shown below:

Ref: ALCRM User Guide  
Version: 1.0  
Date: 25/03/2008



Table 27: Individual Risk

Individual Risk Ranking	Upper Number	Lower Number	Upper Value Scientific Notation	Lower Value Scientific Notation
A	1 in 1	Greater than 1 in 1,000	1	1.00E-03
B	1 in 1,000	1 in 5,000	1.00E-03	2.00E-04
C	1 in 5,000	1 in 25,000	2.00E-04	4.00E-05
D	1 in 25,000	1 in 125,000	4.00E-05	8.00E-06
E	1 in 125,000	1 in 250,000	8.00E-06	4.00E-06
F	1 in 250,000	1 in 500,000	4.00E-06	2.00E-06
G	1 in 500,000	1 in 1,000,000	2.00E-06	1.00E-06
H	1 in 1,000,000	1 in 2,000,000	1.00E-06	5.00E-07
I	1 in 2,000,000	1 in 4,000,000	5.00E-07	2.50E-07
J	1 in 4,000,000	1 in 10,000,000	2.50E-07	1.00E-07
K	1 in 10,000,000	1 in 20,000,000	1.00E-07	5.00E-08
L	Less than 1 in 20,000,000	Greater than 0	5.00E-08	Greater than 0
M	0	0	0	0

Table 28: Collective Risk

Collective Risk Ranking	Predicted FWIs per year	Predicted FWIs per year	Upper spend per year	Lower spend per year
1	Theoretically infinite	Greater than 5.00E-02	Theoretically infinite	£78,650.00
2	5.00E-02	1.00E-02	£78,650.00	£15,730.00
3	1.00E-02	5.00E-03	£15,730.00	£7,865.00
4	5.00E-03	1.00E-03	£7,865.00	£1,573.00
5	1.00E-03	5.00E-04	£1,573.00	£786.50
6	5.00E-04	1.00E-04	£786.50	£157.30
7	1.00E-04	5.00E-05	£157.30	£78.65
8	5.00E-05	1.00E-05	£78.65	£15.73
9	1.00E-05	5.00E-06	£15.73	£7.87
10	5.00E-06	1.00E-06	£7.87	£1.57
11	1.00E-06	5.00E-07	£1.57	£0.79
12	Less than 5.00E-07	Greater than 0	£0.79	≈ £0.00
13	0	0	0	0

Question Number	Response
3h	<p><i>What are the uncertainties in the risk model inputs and calculations, and hence outputs, and how are these expressed? As an example, if an input was, say, an estimate of the number of pedestrian crossings made in a given time period, it might be claimed that there is 95% confidence that figure is accurate to +/- 20%. What are these uncertainties for the risk model and how do they affect the output?</i></p> <p>This information is held by Network Rail. Clarification has been requested. The risk ranking outputs of the risk model are not used in isolation and are an input to the application of structured professional judgment to determine those actions which may be necessary to reduce risk so far as is reasonably practicable.</p>
4	Not QoC
5	<p><i>Would the new means of vehicular access be available to all owners and occupiers of land affected by the closure of Aristotle Lane crossing? What is meant by "affected" and how is that definition established? How would the new means of vehicular access be controlled, and by whom? What effect would that have on traffic across the Meadow? What car parking arrangements would be provided?</i></p> <p>Open vehicular access cannot be given over Port Meadow, as this could lead to damage of this ecologically valuable area. The intention would be to grant limited rights to the Allotment Association, hoped to be as part of its leasehold rights to the allotments (see answer to Question 6). These rights could then be made available to those with mobility difficulties who would not be able to cross the bridge to reach the allotments. Chiltern Railways considers that the Allotment Association will appreciate this requirement and comply with it responsibly. Neither the Allotment Association nor the City Council, as freeholder, have mentioned the need for any parking provision within the allotments.</p>
6	<p><i>Could CRCL clarify who will be required to grant those additional rights, i.e. who currently holds the rights of access across the meadow, and how will the additional access rights be made?</i></p> <p>Chiltern Railways is seeking a new right for allotment holders across Port Meadows as Chiltern Railways has no understanding as to whether allotment holders do in reality use the track from time to time by right or through permissive use.</p> <p>As in response to Question 5, such rights will be granted to the Allotment Association, subject to conditions. It is hoped that this will be by agreement with the City Council and Allotment Association. Alternatively, Chiltern Railways is applying for powers to acquire such a right from the City Council for the benefit of the Association.</p>
7	<p><i>Could CRCL confirm that the current rights holder has agreed to grant the rights referred to in question 5 above?</i></p> <p>The rights will be created by agreement preferably, or by the powers of compulsory acquisition contained in the draft TWA Order.</p>

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<b>Question Number</b>	<b>Response</b>
8	<p><i>Could CRCL describe how they have ensured that the granting of the rights referred to in question 5 [across Port Meadow] above will be acceptable to the local community, including existing users of Port Meadow?</i></p> <p>The rights would need to comply with the City Council's requirements as day to day site managers and those of Natural England, which has been consulted on this proposal.</p>
9	Not QoC

Question Number	Response
10	<p data-bbox="518 183 1394 338"><i>Mr Nelson in para 15 states “This consideration of individual level crossings takes as its starting point the closures proposed by Chiltern Railways and does not address options considered in the development of the Order Scheme. These are addressed in Stephen Barker’s proof of evidence (CRCL/P/6/A).”</i></p> <p data-bbox="518 369 1406 501"><i>Mr Barker in 11.11 states “Matters relating to the level crossing itself and the proposal by the objectors that Chiltern Railways provide a new level crossing on the reinstated section of track are dealt with in the evidence of Mr Aidan Nelson (CRCL/P/7/A).”</i></p> <p data-bbox="518 537 1382 602"><i>The cross-references between the evidence of Mr Nelson and Mr Barker should be provided in full by Chiltern Rail.</i></p> <p data-bbox="518 638 1386 936">Stephen Barker in his proof of evidence (CRCL/P/6/A) describes in engineering terms the options that were considered at each crossing location. Aidan Nelson in his evidence addresses the suitability of the preferred options in safety terms. In paragraphs 4.456 to 4.478 of Stephen Barker’s evidence, he sets out the engineering and railway operational factors that led to the rejection of a reinstated crossing over the reinstated track at Aristotle Lane. Aidan Nelson in paragraphs 137 to 150 of his evidence addresses the safety issues that underpinned that decision.</p> <p data-bbox="518 972 1390 1104">A fuller description of the options considered in relation Aristotle Lane are set out in CD/2.5 “Evergreen 3 Bicester – Oxford Line Level Crossings Options Assessment Report”. The options considered at Aristotle Lane were:</p> <ol data-bbox="518 1140 1374 1308" style="list-style-type: none"> <li>1) Retain existing crossing and provide additional crossing of new track;</li> <li>2) Provide footbridge on same alignment;</li> <li>3) Provide access to allotments via adjacent existing Aristotle Lane footbridge; and</li> <li>4) Close existing crossing (with no mitigation).</li> </ol> <p data-bbox="518 1341 1406 1843">With regard to Option 1, although not explicitly set out in CD/2.5, the option of upgrading the retained crossing by fitting miniature warning lights was considered as a sub-option. This is not a practicable solution because the existing signalling system on the Didcot – Banbury line does not have sufficient capacity to control the additional equipment. Additional capacity cannot be provided due to the age and condition of the existing signalling system. The option of providing miniature warning lights would only be possible when the existing signalling on this route is renewed. However, it must be noted that the provision of miniature warning lights would not eliminate all of the risk associated with the crossing, something that is achieved by Option 3. It must also be remembered that the even if the fitting of miniature warning lights to the existing crossing were possible, this would not change the fact that a new crossing cannot be created on the reinstated section of railway without contravening Network Rail and ORR policies in respect of the provision of new level crossings.</p>