

HIGHWAYS ACT 1980 – SECTION 118A
RAIL CROSSING EXTINGUISHMENT ORDER 2018
KENT COUNTY COUNCIL PUBLIC FOOTPATH CW80 & CWX40, WHITSTABLE
(GLEBE WAY LEVEL CROSSING)

PINS REFERENCE: ROW/3226477

Summary Proof of Evidence of Jerry Greenwood on Behalf of
Network Rail Infrastructure Limited

1. My name is Jerry Greenwood and I am the Head of Liability Negotiation for Network Rail Infrastructure Limited (“NRIL”).
2. My proof of evidence for this Public Inquiry includes consideration of the following matters:
 - i. The support of NRIL generally for the Rail Crossing Extinguishment Order 2018 (“the Order”).
 - ii. Relevant NRIL statutory obligations, duties and responsibilities under Health and Safety and related legislation, the Railways Act 1993, operational efficiency and the Network Licence.
 - iii. Network Rail’s policy for level crossing safety, including appropriate closures and the mitigation of level crossing risk to as low as reasonably practical; and the Office of Rail and Road (ORR’s) requirement 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 network, and the railway incidents this has given rise to.
 - vi. Section 118A of the Highways Act 1980 and matters relevant to considering overall expediency, involving the risk to public safety in using the Crossing and weighing the significance of public safety against any impact arising from the proposed closure of the Crossing, the implementation of possible alternative measures such as the construction of a bridge or tunnel and the relative cost of such alternative measures.
 - vii. 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, which is especially instructive where, as in the case of the Crossing, it is apparent from the body of objections when viewed as a whole, that there is no (argued) single ‘alternative’ to continued closure that is reasonable or practicable.

- viii. In light of the evidenced risk presented by existing users, future users, and the future profile of use (including from new residential development), which encompasses vulnerable users, the encumbered, and those incapacitated with protected characteristics under the Equalities Act 2010, Network Rail is strongly of the view that 'expediency' – viewed both in the terms of safety, and more generally – is highly supportive of confirmation of the Order for the purposes of section 118A.
- ix. Observing calls for the Crossing to remain open and upon consideration of existing alternative routes, Network Rail remains firmly of the view that the evident public safety risk (and also, separately, the operational efficiency impact) weigh heavily against matters of basic inconvenience to existing use, especially when having regard to the wider PRow network and relative safety and accessibility.
- x. In Network Rail's view, the merits of closure – viewed broadly and in overall terms – are considered to be more than sufficiently strong to justify confirmation of the Order. Indeed, with respect to those objecting, Network Rail does not see in this instance how the overall 'merits' discussion may even *rationaly* support their invitation for the Crossing to remain open.
- xi. Accordingly, for all of the reasons given on behalf of Network Rail across all of its evidence, Network Rail will respectfully invite the Inspector to confirm the Order.