

Speaking Points ABP – Kevin O’Ceallaigh

Inspector,

Thank you for providing me with this opportunity to speak today regarding the draft rail order and for considering my submission to An Bord Pleanála.

I am mindful of the guidance that you provided at the start of the oral hearing to limit remarks to the applicant’s *Submission on Observations to the Draft Railway Order Application*. I am also conscious that all submissions will be fully examined regardless of the oral hearings. Therefore, I do not intend to address all the responses provided by the applicant, but to group a number of responses into particular themes and focus on one or two of the responses which I consider to be particularly inadequate.

I will begin by grouping together my Points 1, 2, 3, 4, 20, 21, and 25 relating to the efficiency of the level crossing under the new DART+ system versus the existing rail network in place now, including positioning of barriers, infrastructural upgrades and other measures to improve the efficiency of the level crossing. for which the applicant has used the same Section 2.2.5 for all responses.

It is noteworthy that a large number of submissions focus on these infrastructural improvements to the level crossing, and this is for good reason. It stems from the original Multi-Criteria Analysis (MCA) process that Irish rail engaged in.

During Stage 1 of the MCA process, Irish Rail provided a single ‘do nothing’ option and 10 ‘do something’ options for Coolmine Level Crossing, listed in the *Option Selection Report Volume 2, July 2021 Section 8.4 Level Crossings; Coolmine*.

8.4.3.2 Do Something Scenarios - Option Development

In addition to the Do-minimum and Do Nothing scenarios the Do Something Options assessed at the Stage 1 MCA are summarised in Table 8-9

As a result of the public consultation process, 2 new options have been developed and are assessed in Stage 1 MCA. The new options are Option 9 and 10 and are described in the sections below. All Do Something options except Option 8 include the closure of the existing level crossing

Table 8-9 Coolmine Level Crossing Do Something Options

Option	Description
Option 1	Closure of the level crossing with online overbridge
Option 2	Closure of the level crossing with online underbridge with opening canal bridge
Option 3	Closure of the level crossing with a new overbridge connecting St. Mochta's Grove to Luttrellpark Road with a footbridge at Coolmine Station
Option 4	Closure of the level crossing with a new underbridge with opening Canal Bridge Connecting St. Mochta's Grove to Luttrellpark Road.
Option 5	Closure of the level crossing with new underbridge connecting St. Mochta's Grove to Luttrellpark Road with diversion of Royal Canal over the proposed road
Option 6	Closure of the level crossing and overbridge to east of Coolmine Road and Carpenterstown Road.
Option 7	Closure of the level crossing and provision of a pedestrian/cycle overbridge
Option 8	Modifications to level crossing with online road bridge and Lowering of the railway vertical alignment
Option 9	Closure of the level crossing and upgrade to existing road network.
Option 10	Closure of the level crossing and online underbridge including droplock solution.

The “Do Nothing” option was the only one that retained the existing level crossing, but with no upgrade or improvement of infrastructure, signalling or electrification. In effect Do Nothing = No

DART+. The other options required closure of the level crossing. As Irish Rail's document itself said (*Option Selection Report Vol2 July 2021 Section 8.4 Level Crossings; Coolmine*) and I quote: *"This does nothing does not achieve the project objectives but has been included for comparative purposes."* In effect, there was no choice provided that retained the level crossing and the DART+ project, there was merely the illusion of choice. This is why so many submissions have tried to highlight the potential for infrastructural changes to the crossing.

In relation to the closure of level crossings in general, I was present at the Gresham Hotel for Senator Emer Currie's submission where she queried whether Irish Rail intended to close the crossings on the DART+ South project. The applicant's reply was to the effect that no such decision had been taken. For completeness, I would draw the Inspector's attention to Irish Rail's Option-Selection-Report-Volume-2-Technical-Report July 2021, which states on page 110, and I quote:

"It is the policy of both CIÉ and Iarnród Éireann to remove all level crossings in Ireland."

This was also stated by Irish Rail representatives during the Public Consultation Webinar on 24th September 2020. I requested, under the Freedom of Information Act 2014, a copy of a transcript of this webinar (both the aural content and the Q&A chat box). I was informed by Irish Rail that they had refused my request as and I quote *'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken'. The meeting of 24th September 2020 in relation to DART+ was not recorded so we are not in a position to provide the above.*" This response raises concerns about the meaningfulness of the public consultation process engaged in by Irish Rail when they did not consider it necessary to maintain an accurate record of the public's comments.

To address the substantive content of the applicant's response to my points 1, 2, 3, 4, 20, 21, and 25. They have used the same response of Section 2.2.5 which states, inter alia, and I quote:

In order to achieve the project objectives of significantly higher train frequencies it is not viable to retain the level crossings (i.e. increasing from 6 trains per hour per direction to 12 trains per hour per direction).

I would draw the Inspector's attention to the planning assumptions made by the applicant that informed this response to my query. In *Annex-8-1-Technical-Note-Need-for-DART-West-Level-Crossing-Closures* (note the term "need" in the title rather than "assessment" or "evaluation"), the consultants introduction noted the contextual guidance from Irish Rail which stated and I quote *"both CIÉ and IÉ have adopted a systematic approach to the removal level crossings in Ireland over the past 20 years"*.

These planning assumptions are reflected in the responses to me in the applicant's Section 2.2.5. The consultants, by their own admission, have selected three time periods to reflect the average closure times per hour for Coolmine level crossing. These times are weekday morning peak hour between 8-9am (14 trains), lunchtime (1-2pm 6 trains), and the weekday evening peak hour between 5-6pm (11 trains). This planning assumption results in a completely unrealistic estimate of the average activity at the level crossing throughout any given day, both in terms of closure times and trains per hour per direction (TPHPD).

All three periods were compared, and an average closure time was calculated for each one:

- During the morning peak hour (8:00 – 9:00), the LC was closed 9 times as 14 trains passed through it (in both directions), leading to a total closure time of 41 min 35 sec.
- Between 13:00 and 14:00 (off-peak) there were 6 trains in both directions, with a total closure time of 20 min 12 sec.
- In the afternoon peak period from 17:00 to 18:00, 11 trains passed through, and the gates were closed for a total time of 34 min 11 sec.

The same report, in *Section A.4.4.2 Assumptions*, states and I quote *"In each period, the level crossing will be closed 12 times, as it is foreseen 12 TPHPD. It was considered the same TPHPD in both peak and off-peak periods in order to study the worst-case scenario"*. While other scenarios were analysed in the consultant's report, only the 'worst-case scenario' data from the report was quoted by Irish Rail in their response to me in *Section 2.2.5*. In addition, their responses 2.2.8. and 2.2.15 to my submission both state that and I quote *"The project aims to cope with a maximum capacity of 12 trains per hour per direction, and this has been the basis of the model detailing the train movements during the peak hours [...] During off-peak hours, the timetable will be adjusted based on different aspects, rail census being one of them"*.

Irish Rail were asked by residents to provide this off-peak timetable, but this data was not provided. For perspective, last Friday 30th September, between 7-8pm, there were TWO trains per direction per hour at Coolmine. The same figure prevailed on the Sunday evening. Irish Rail are using data from 2 x peak hour weekday periods to justify the closure of the level crossing for 24 hours per day, seven days per week. I am reminded of the Taoiseach's submission to this hearing proposing the flexible closure of level crossings during peak times and reopening during off-peak times to maintain this amenity for the local community.

A. 4.4.2 Assumptions

4.4.2.1 Scenario 1

In order to estimate the total closure times for each period in the future situation, the following assumptions have been made for each case described in the previous section:

Case 1A

- In each period, the level crossing will be closed 12 times, as it is foreseen 12 TPHPD. It was considered the same TPHPD in both peak and off-peak periods in order to study the worst-case scenario.

The closure time for each passing train will be the average time calculated from the current situation.

I will move now to look at the subject of congestion around the local area as described by the applicant in their *Section 2.4.8* response, which states and I quote:

"By eliminating level crossings, the congestion at adjoining junctions due to level crossing barrier closures is removed, significantly improving air quality around those areas."

This answer which does not address my original submission to Irish Rail or An Bord Pleanála. In my submissions, I made the point that the Coolmine level crossing does not in fact cause significant congestion at the Carpenterstown roundabout. The congestion is caused mainly by traffic routing to the multiple schools south of the rail line, including St Patricks NS, Castleknock Community College, St. Vincents Castleknock College, Mount Sackville, Luttrellstown Community College). This crossing actually acts as a firewall or filter to metre traffic onto the junction. Closing this level crossing will divert traffic onto the other feeder roads to the roundabout, resulting in excessive congestion as 4 road's worth of cars jostle for the space now provided by 3 roads.



When I mentioned the additional pollution resulting from this additional congestion and travel distances each morning and evening particularly for residents of Luttrellpark, Irish Rail's response states that and I quote *"While there is an impact of longer car journeys in some areas due to level crossing closures, the impact of the change from diesel to electric trains far outweighs it."* This response completely misses the point that the comparison was between road congestion and pollution before and after closure of the crossing, and NOT a comparison between road and rail pollution.

Furthermore, residents of Luttrellpark will be prisoners in their own estate in the morning due to the closure of this level crossing and the redirection of vehicles doing the school run and travel to work.

The applicant's response to my observation No.26 remediation of these issues states and I quote *"The assessment of the operational phase concluded that the overall impact is neutral to slight negative."*

During the MCA1, Irish Rail's emerging preferred option from their original brochure was to build a 14m vehicular bridge that would span the canal west of Coolmine level crossing at the Luttrellpark/Riverwood estate junction and emerge in St Mochta's grove/ Station Court (DART+ West PUBLIC CONSULTATION BROCHURE EMERGING PREFERRED OPTION page 27). This bridge had been proposed and rejected many times over the years and it was difficult to understand the logic for the proposal, especially when described by Irish rail as the emerging preferred option. There were 947 submissions about this option according to Irish Rail figures (Public Consultation 1 Findings Report).



Given the considerable costs involved, the inclusion of this bridge as the preferred option served one of two possible purposes: either it was being used as a *'dead cat strategy'* to distract from the closure

of the level crossing, or it was a necessary requirement to ameliorate the significant vehicular traffic problems from closing the crossing.

It is remarkable how Irish Rail believed this bridge to be necessary to address vehicular traffic congestion, yet when rejected as an option, Irish Rail immediately pivoted to response 2.4.8 and I quote *"The new designs for junctions impacted provide for increased capacity to cater for the re-distribution of traffic"*.

I would also like to note Inspector that you asked Mr. Paul Carroll, Senior Engineer and Emelda Hickey with Fingal CoCo about the potential for congestion around Dublin 15, and their response was that Fingal would as per CMO24, and I quote *"Ensure that appropriate measures are put in place to mitigate the impacts of level crossing closures on the Maynooth rail line including protection measures for public transport and increased priority for cycling and walking."* For the avoidance of any doubt, this means bus lanes and cycle lanes. Anybody that has driven the North Quays here in Dublin before and after protection measures for public transport were put in place will know the effect this has on vehicular traffic.

Irish Rail have disassociated themselves with any responsibility for dealing with the congestion resulting from closing the level crossing at Coolmine. Fingal CoCo have provided NO mitigations for vehicular traffic, and the mitigations for public transport proposed in the Draft Development Plan 2023-2029 will significantly increase the congestion in the Dublin 15 area.

I would next like to address the repeated use of "safety" as a reason for closing level crossings. For example, responses in Sections 2.2.5 and 2.2.17 by Irish rail to my submission states, and I quote:

The removal of the level crossings will improve train efficiencies, will enhance safety...



The complete closure of the level crossings and provision of replacement infrastructure is expected to improve safety and reduce these incidents and safety issues occurring.

In the *Environmental Impact Assessment Report Chapter 6 Traffic and Transportation* (quoted in response my point 27 about ongoing traffic analysis surveys) it states that there were 21 incidents at Coolmine level crossing from 2015-2020. It notes that only nine involved vehicle collisions with the barrier, and the other 12 incidents were not associated with vehicles (Weather (2) Pedestrian near miss (2) Trespass (5) pedestrian interference (2) and other (1)). To quote from the report: *"At this location, the majority of incidents, between 2015 and 2020, involved vehicles colliding with the barriers, or crossing through when then should have stopped. This suggests that there is a lack of adherence to the signals or an issue with visibility of the signals."*

I should mention here that I have a post-graduate qualification in transport accident investigation from Cranfield University, a qualification in Operational Risk Management from the Southern California Safety Institute, and a qualification in Safety Management Systems and risk assessment from the Viterbi School of Engineering at the University of Southern California.

I have lived in this area for 32 years and remember the original manually operated barriers. In the 22 years since the enactment of S.I. No. 174/2001 - *Iarnród Éireann -Irish Rail (Dublin Connolly - Maynooth) (Coolmines Level Crossing) Order, 2001*, which mandated automatic barriers at Coolmine, there has not been a single incident at this crossing that has required the publication of an investigation report by the Rail Accident Investigation Unit. In terms of the risk assessment of low-level incidents as part of a functioning safety management system, using the principle of reducing the risk to as low as reasonably practicable (ALARP), there have been no substantive changes to the layout

and structure of the level crossing at Coolmine since 2001. Given that the consultant's report identifies a possible contributory factor to these incidents between 2015-2020 to be and I quote *"an issue with visibility of the signals"*, there appears to have been no attempt to mitigate this known hazard at the crossing. They could have used reduced speed limits, moving the barriers 10 metres back from the crossing, speed bumps leading up to the crossing, extra road markings, additional flashing lights etc, but no...nothing in 22 years. It is even more disappointing as a safety professional to see the concept of safety being used in such a manner to justify a policy position of an organisation to close level crossings while not addressing actual hazards identified by a consultant's report commissioned by Irish Rail for that purpose. I would welcome an indication from Irish Rail about what safety actions they have taken at Coolmine crossing to address and mitigate this signal visibility hazard to the public that has existed as a latent condition for up to eight years according to their own consultant's estimate.

services				
C	Coolmine Crossing	21	Vehicle collision with barrier/drives on line (9) Weather (2) Pedestrian near miss (2) Trespass (5)	At this location, the majority of incidents between 2015 and 2020, involved vehicles colliding with the barriers, or crossing through when they should have stopped. This suggests that there is a lack of adherence to the signals, or an issue with visibility of the signals. Removal
 				
Zone	Level / Bridge Crossing	Number of Incidents	Type of Incidence	Patterns
			Pedestrian interference (2) Other (1)	of this crossing would improve the flow of trains through Coolmine, therefore resulting in an improved service.

In my submission I proposed that Irish Rail *"Should Introduce revised safety measures at level crossings"*, the applicant's response was and I quote *"Safety measures at the level crossings and the junction upgrade works are embedded into the design of the proposed development"* which is meaningless given that the level crossing is being removed. It is akin to using a sledgehammer to crack a nut.

I now move to the matter of anti-social behaviour. I have serious concerns regarding the applicant's response in Section 2.2.1 to my observation (item 16) relating to anti-social behaviour at Coolmine, which talks about *passive surveillance of public spaces, design measures to reduce opportunities of anti-social behaviour and loitering at Spencer Dock Station, Connolly/ Preston Street, existing stations, Ashtown underpass*". There are also references to an SMS line to report incidents witnessed on board trains.



All Irish rail references relating to antisocial activity focuses on the immediate vicinity of stations or bridges. The response of Irish rail has ignored the fact that closing the crossing will create a 219m long cul de sac on the south side of the rail-line, and 251m cul de sac on the north side of the crossing with little or no overview by houses or residents on either side of the road, which will make this almost 500m long pedestrian route and bridge an ideal location for criminal behaviour such as drug use, muggings, and other violent crimes. It will also encourage significant antisocial behaviour for all the residents living adjacent to the road north of the Carpenterstown roundabout and south of the Delwood Road junction. The absence of vehicular traffic on this section of road will make it highly dangerous for schoolgirls and boys returning home on foot from the many schools in Carpenterstown to Delwood, Kirkpatrick, Stationwood and Glenville estates in the dark during winter evenings, or from St Francis Xaviers school to Luttrellpark or Bramley estates. Irish rail's suggestion that the presence of more trains and passengers will somehow reduce this isolation between the Carpenterstown Roundabout and the Delwood Road junction does not bear even rudimentary scrutiny.

In conclusion, the plan for DART+ West is a welcome and important step in the improvement of national infrastructure. It will provide considerable benefits to commuters to and from Dublin, and it is universally accepted that it should go ahead. However, the manner in which the applicant has chosen to ignore the wishes of the local community and manufacture the conditions to all-but mandate a pre-existing policy of closure of crossings is disappointing, unjustified and damaging to communities. My only request is that An Bord Pleanála direct that Coolmine Level Crossing remain open to vehicular traffic.

Thank you.

Table 2-2 IE Incident Records 2014 to 2019 Cookmine Level Crossing

Incident No	Incident Date & Time	Incident Title
INC-04186	26/04/2016 00:00	Road vehicle strikes level crossing gate or barrier at XG006 Cookmine LC
INC-04501	25/10/2016 15:58	Road vehicle strikes level crossing barrier at XG006
INC-06511	30/12/2016 12:00	Strong Wind impacts services at XG006
INC-11040	20/06/2018 09:20	Road vehicle strikes level crossing gate or barrier at Cookmine XG006

Technical Note: Road for DART+ Street Level Crossing Closures

IDOM
BROD C

Incident No	Incident Date & Time	Incident Title
INC-12070	15/06/2016 17:10	Road vehicle strikes level crossing gate or barrier XG006
INC-12121	13/06/2016 19:20	Cat 1 Near miss with pedestrian at level crossing XG006
INC-13763	09/10/2016 14:13	MUP Trespass onto cleared LX at XG006 Cookmine
INC-21118	28/07/2017 15:53	Person interferes with bar operation at XG006 Cookmine
INC-21092	24/07/2017 08:34	Vehicle strikes level crossing barrier at XG006 Cookmine
INC-21578	17/08/2017 08:48	Vehicle strikes gate line during lowering sequence at XG006
INC-23173	19/10/2017 09:56	Trespasser (XG006) Cookmine level crossing
INC-27483	20/04/2018 18:04	Poor visibility at Cookmine LC XG006
INC-28473	02/07/2018 09:00	Trespass on railway line at XG006 Cookmine LC
INC-30375	13/08/2018 17:57	MUP Trespass onto cleared LX at XG006
INC-30470	15/08/2018 08:27	Road vehicle struck LX XG006 - No damage to crossing
INC-30810	02/09/2018 12:30	LX Barrier closes on road vehicle - No damage crossing No XG006
INC-31214	19/06/2018 07:57	CCTV camera footage failure at crossing XG006 Cookmine
INC-32022	01/11/2018 19:23	MUP Trespass onto cleared LX at XG006
INC-36110	18/03/2019 18:00	LX Barrier closes on road vehicle - No damage - crossing No XG006
INC-37107	20/04/2019 13:31	Cat 1 Near miss with pedestrian at XG006 Cookmine
INC-40961	12/09/2019 19:21	Person interferes with XG006 Cookmine

In addition to incidents in the roadway, there is evidence of hazard in respect of level crossings¹ at road users and the public. The graph in Figure 2-8 is a snapshot of the Road Safety Authority Road Collision Statistics in respect of Cookmine. It illustrates the record of collisions in the vicinity of Cookmine Road between 2005 and 2016. It is evident that four of the incidents were either at the level crossing or on the immediate approach to it.



23rd October 2020

Mr. Kevin O'Ceallaigh

Email: [REDACTED]

Re: FOI request IE_FOI_414

Dear Kevin,

I refer to your request dated 22nd October 2020 made under the Freedom of Information Act 2014, which was received on by my office on that date, for records held by Iarnród Éireann.

Request:

Copy of the following from the public consultation webinar of DART+ of 24th September 2020:

- A transcript of the aural portion of the conference, including the presentation and Q&A session.
- A transcript of the online chat box that was used concurrently with the webinar.

Response:

I, Ms. Jane Cregan, Decision Maker have now made a final decision to refuse your request under Section 15(1)(a) on 23rd October 2020.

Under Section 15(1)(a) a request may be refused where 'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken'. The meeting of 24th September 2020 in relation to DART+ was not recorded so we are not in a position to provide the above.

Rights of appeal

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so by writing to the FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or by e-mail to foi@irishrail.ie. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact the FOI Officer on 87-2017267 or by email at foi@irishrail.ie

Yours sincerely,

PP

Ms. Jane Cregan, Decision Maker, Corporate Communications, Iarnród Éireann

Request for Access to Records under the Freedom of Information Act, 2014



FAO: FOI Officer, Corporate Communication, Iarnród Éireann,
Amiens Street, Dublin 1. Email: foi@irishrail.ie

Please complete all fields on
this form using BLOCK LETTERS

Applicant Information

Applicant Details			
Surname	O'CEALLAIGH	First Name	KEVIN
Postal Address	8 LUTTRELLPARK LAWN, CARPENTERSTOWN, CASTLEKNOCK, DUBLIN 15		
Contact Details			
Phone Number	[REDACTED]		
Email	[REDACTED]		

Form of Access

Iarnród Éireann Irish Rail will endeavour to grant specific access requests where possible.

Please tick the preferred form of access	
Post	
Email	<input checked="" type="checkbox"/>
Viewing	
Other (specify)	

Details of Request

In accordance with <u>Section 12 of the FOI Act 2014</u> , I request access to records which are			
Personal	YES	Non-Personal	YES
Details of Request – please provide as much detail as possible in the space below.			
I request the following records:			
Other (specify) On 24th September 2020, I was invited by Irish Rail to attend a Public Consultation Webinar with residents of Luttrellpark and Riverwood about the DART+ Maynooth project. Under the FOI Act, I am requesting two items: 1. A transcript of the aural portion of the conference, including the presentation and Q&A session. 2. A transcript of the online chat box that was used concurrently with the webinar. To avoid any GDPR conflicts, I will accept the transcript with names of participants redacted, or re-labelled as "resident 1, 2, 3 etc". However, I expect the names of Irish Rail staff who answered questions to remain visible as they were representing the Company. Irish Rail should have this data as it was to be used to inform Irish Rail's emerging preferred option for DART+ in the future.			
Signed: <i>Kevin O'Callaigh</i>			Date: 22 October 2020

AN BORD PLEANÁLA

06 OCT 2023

LTR DATED _____ FROM _____

LDC- _____

ABP- 31 4 2 3 2 - 2 2