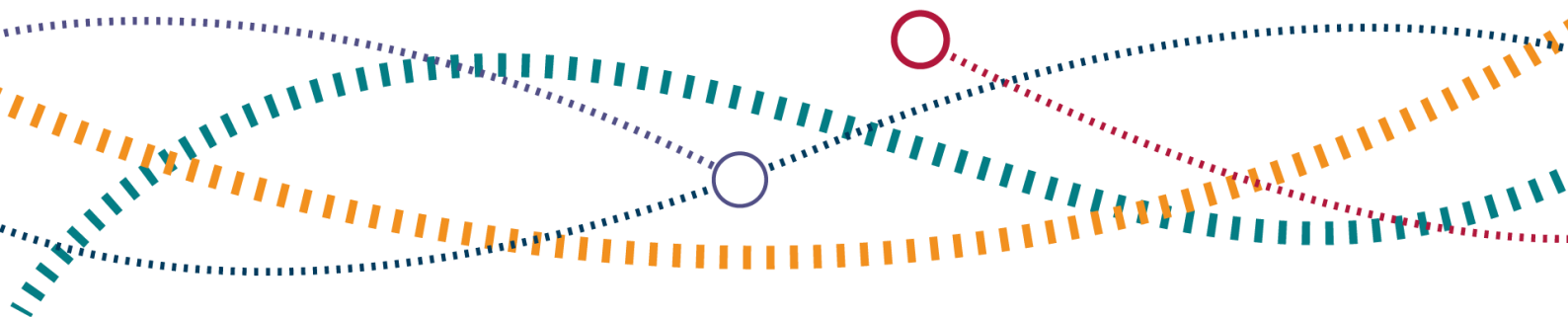




The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended)

Guidance on ROGS exemptions

16 December 2020



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Annex A: Exemption criteria and required information

Introduction

ORR has produced a range of information about The Railways and Other Guidance Transport Systems (Safety) Regulations (as amended) (ROGS) on our [website](#). This guidance document sets out the regulations in relation to exemptions from ROGS. It also sets out the process to apply for an exemption (including the exemption criteria and expected evidence at Annex A) and how ORR will assess applications.

Chapter 1: Exemption guiding principles

1. There are a number of transport undertakings that are excluded from ROGS requirement to hold a safety certificate or safety authorisation (more information on exclusions from the mainline railway requirements of ROGS can be found on our [website](#)). However, there may be circumstances where such a transport undertaking needs to undertake an activity that would normally require a safety certificate or safety authorisation.
2. Regulation 30 of ROGS does not allow ORR to exempt duty holders on the mainline railway from Parts 2 (safety management, certification and authorisation) and 3 (general duties) in relation to operations carried out on the mainline railway except in limited circumstances to an operator of last resort.
3. ORR will only consider an application for an exemption for non-mainline operations from the requirement to hold a non-mainline safety certificate or non-mainline safety authorisation and we would expect to grant any such exemption in exceptional circumstances.
4. Applications for an exemption must be made using **Annex A**: 'Exemption criteria and required information' and recorded (with evidence) as part of the exemption assessment.
5. If ORR decides not to grant an exemption, then the duty holder must apply for a non-mainline safety certificate or safety authorisation for its proposed operations..

Duration of an exemption

6. The Regulations require that any exemption granted may be subject to a time limit and conditions. It will therefore be ORR's policy that exemption should normally have a maximum validity of three months unless six months (or longer) is required by the application and has been considered as being appropriate by ORR.
7. Where an exemption is to be granted for a period in excess of three months then the exemption assessor shall set out the reasons as to why this is required (including examination of alternatives) and the assessment manager shall explain why an extended period is appropriate. If an exemption is recommended for longer than six months then the assessment manager shall set out the exceptional circumstances behind this recommendation.

8. The exemption assessor and assessment manager have discretion to vary the period of validity depending on specific and exceptional circumstances up to one year. However, if an exemption is granted for a time-limited activity (or series of activities) then the validity of the certificate should expire just after this activity has stopped.
9. Exemptions shall not be granted for any period longer than one year from the date of issue nor may the total length of multiple exemptions exceed one year either wholly or partially within any given five-year period.

Who can apply for an exemption?

10. ORR is not permitted by ROGS to grant exemptions for mainline railway operations and will reject any such applications.
11. Under ROGS, a railway is a 'mainline railway' unless:
 - (a) ORR determines under regulation 2A that it falls within one or more of these categories:
 - metros and other light rail systems;
 - networks that are functionally separate from the rest of the mainline railway system and intended only for the operation of local, urban or suburban passenger services, as well as transport undertakings operating solely on these networks;
 - heritage, museum or tourist railways that operate on their own networks; or
 - (b) ORR determines that heritage vehicles that operate on the mainline railway and comply with national safety rules are deemed not to operate on the mainline railway; or
 - (c) it is privately owned infrastructure that exists solely for use by the infrastructure owner for its own freight operations.
12. Railways that fall under (a) and (b) above are contained in [an Approved List on ORR's website](#). These railways are described as non-mainline railways.
13. Some heritage operators and other types of rail operation may have both a physical connection to the mainline railway and also undertake limited operations on part of the mainline but will, nevertheless, not necessarily be considered as mainline and therefore not automatically require a safety certificate or safety authorisation. The

prime consideration here is whether they are ‘functionally separate’. (Guidance on this term is given in Figure 1 below).

14. If a system is functionally separate, the options are as follows:

- (a) It will be required to have a safety certificate or safety authorisation on account of being a transport system other than a mainline railway (non-mainline railway) under ROGS regulations 4(1)(b) and 4(2)(b); or
- (b) It will not be required to have a safety certificate or safety authorisation as a non-mainline railway under regulations 4(1)(b) and 4(2)(b) of ROGS on account of having a maximum operating speed of 40 km/h or less, but will be required to have an SMS as defined by regulations 4(1)(a) and 4(2)(a) of ROGS; or
- (c) It may be permitted under Regulation 30 of ROGS to be exempted from the requirement to have a (non-mainline) safety certificate or safety authorisation.

Figure 1: “Functionally separate”

The following guidance is given on the term ‘functionally separate’ as used in the definition of ‘mainline railway’. It comprises a set of criteria to be applied in circumstances where there is no clear physical separation of an infrastructure from the mainline infrastructure.

Before applying the criteria there are two over-riding principles that infrastructure managers and train operators need to bear in mind:

- if a transport undertaking runs a service that crosses the main running line, it will require a safety certificate to do so, unless it establishes arrangements with an appropriately certified third party to carry out this task on its behalf; and
- arrangements should already be in place to effectively control the safe movement between systems, irrespective of whether they are ‘functionally separate’ or not

Criteria to apply:

1 can have a connection to the main running line; and

2a the main functions of the operation are distinct from a mainline; or

2b are intended for only local, urban or suburban passenger services; or

2c use an exchange siding as a means of transporting goods or materials to and from a harbour, harbour area, factory, mine, quarry, or a site used solely for the purposes of building, construction etc., goods or maintenance depot; or

2d the infrastructure is used solely for the purpose of the testing of rolling stock and/or traction vehicles.

15. Most minor, heritage and leisure railways are not required to have a safety certificate and/or safety authorisation on account of operating at a permitted maximum speed of 40 km/h or less. However these operations, as well as tramways, will still need to have an SMS which meets the requirements of ROGS. It is not generally envisaged that exemptions will be granted from this requirement, although there may be exceptions.

16. ROGS excludes all operators of vehicles within engineering possessions (whether on mainline or non-mainline infrastructure) from the requirement to hold a safety certificate. It also excludes the categories of operations listed below from needing a safety certificate or safety authorisation, unless forming part of the mainline railway. Consequently none need to apply for an exemption:

- Those operating on transport systems where the maximum permitted speed is 40 km/h or less;
- Tramways;
- Guided bus systems;
- Trolley vehicle systems;
- Any part of a transport system
 - within a harbour or harbour area;
 - which is part of a factory, mine or quarry;
 - used solely for the purpose of carrying out a building operation or work of engineering construction;
 - within a maintenance or goods depot;
 - within a siding except where ROGS Part 4 applies; or
 - which is within a military establishment;

- Any fairground equipment;
- Any cableway installation; or
- Any transport system where the track forms a gauge of less than 350 mm except where such a track crosses a carriageway (whether or not at the same level).

17. Since ROGS excludes many categories of operator from the scope of safety certification and safety authorisation requirements, it is anticipated that few exemption applications will be made. It is expected in general that most applications will arise from operations which are either limited in time and /or in extent (i.e. short-term testing operations).

Guiding principles

Principle 1: ORR shall not be obliged to grant an exemption.

18. Regulation 30(1) of ROGS states that; “*Subject to paragraphs (2) and (3), the Office of Rail Regulation (amended to Office of Rail & Road by the Office of Rail Regulation (Change of Name) Regulations 2015) may, by certificate in writing, exempt any person or class of persons or any transport system or part of a transport system from any requirement or prohibition imposed by these Regulations*”.

19. The decision on whether or not to grant an exemption is at ORR’s discretion.

Principle 2: The health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

20. This overall guiding principle arises from regulation 30(3) of ROGS. In applying this principle inspectors should be aware that many duty holders are required to establish and maintain a safety management system (SMS) (Regulations 3 and 4 of ROGS).

21. This SMS must meet the requirements of regulation 6 of ROGS regardless of whether the applicant needs to hold a safety certificate or safety authorisation.

22. An exemption from holding a safety certificate or safety authorisation does not exempt applicant from these requirements (unless this is explicitly applied for and granted).

Principle 3: Activities that involve significant interworking with other authorised infrastructure managers that are not functionally separate should not be exempted.

23. Interfaces with other operations particularly other infrastructures have the potential to increase risk. Activities that involve significant interworking with other infrastructure

managers who are required to have a safety authorisation (for example between Network Rail and a heritage operation) and which cannot be regarded as functionally separate should not be exempted.

Principle 4: ORR shall not be obliged to grant an exemption in accordance with the above principles, where the applicant has allowed insufficient time to allow his application to be properly considered.

24. Railway operators should recognise that ORR needs time to properly discharge its functions making the best use of its resources. ORR expects to process an application for exemption within three months. However, where conditions are likely to be attached to the granting of an exemption, additional time will be required by ORR to assess the risks involved (including the need for possible site inspections) in granting (or refusing) an exemption and to specify the conditions by which the operator must comply.
25. Operators must accept the commercial risks associated with the late submission of applications (i.e. under three months) or when additional time is required by ORR in order to assess the application.
26. ORR may at its discretion consider a late application if there is a special circumstances that made a timely submission impossible. However, bad planning (leading to late submission) is not regarded as being a special circumstance.
27. The applicant has to have sufficient time between the granting of the exemption and its coming into effect to ensure all the systems/procedures etc. on which it is based are in place.

Chapter 2: Exemption assessment

Timescales

28. Applications for exemption should normally be made at least three months before the exemption is required to take effect. ROGS does not place any time limit on ORR to come to a decision on exemptions, but if it is anticipated at any stage that the process may take longer than three months, the applicant should be informed in writing by the exemption assessor with an estimate of how much longer it might take.

Exemption for operator of last resort

29. The DfT, Transport Scotland or Transport for Wales may apply for an exemption under regulation 30 of ROGS if they are acting as the 'operator of last resort'. This gives ORR the discretion to allow an operator of last resort to be exempted from the requirement to consult affected parties when making its application for a safety certificate or safety authorisation. Further details on this exemption can be found on ORR's website [here](#).

Exemption applications - receipt and distribution

30. All applications for exemptions from the requirements for safety certification or safety authorisation should be submitted via to ORR at ROGS@orr.gov.uk. A case manager will be appointed. However, copies may also be provided by the applicant to the exemption assessor (i.e the person already nominated to assess the exemption application) or the account holder (i.e the person with primary interface with the applicant) if known.

31. In the event that the exemption assessor or the account holder receives the application, then it is incumbent on that individual to immediately forward the application to ROGS@orr.gov.uk.

32. The case manager will firstly consider whether the application is within scope of the exemption remit of Regulation 30 of ROGS and in doing so should consider:

- whether the operation is undertaken on the mainline railway (if it is, an exemption is not permitted); and

- whether the type of operation concerned falls within the scope of the regulations with respect to safety certification or safety authorisation; if it does not, an exemption is not needed.
33. If an exemption is not permitted, the case manager should inform the applicant that they must apply for a safety certificate or safety authorisation. If they do not require a safety certificate or safety authorisation, an exemption is not needed and the case manager should inform the applicant accordingly, but should advise them that they might be required to have an SMS which complies with ROGS, referring them to regulation 4 and the definition of transport system in regulation 2.
34. If the application is valid, the case manager should notify the relevant ORR assessment manager of the application and discuss the next steps. The assessment manager shall use the exemption planning form (E0) to assist with planning an assessment. This is particularly useful for more complex applications.
35. As an exemption is permitting a railway undertaking to undertake operations without recourse to a safety certificate or safety authorisation, the level of assessment must be to a high standard. On this basis the exemption assessor will ideally have experience in undertaking two or more safety certificate assessments at least one of which should have been within the past five-years; one of these should have included a safety authorisation. The roles of assessment manager and exemption assessor are mutually exclusive.
36. The case manager should ensure that the following steps are undertaken:
- (a) Set up a unique file on ORR's electronic file management system, 'Box'. They will be responsible for this and requests should be sent to them via ROGS@orr.gov.uk;
 - (b) Undertake an initial exemption screen;
 - (c) Acknowledge receipt of the application to the applicant, within three working days. This should be typed on formally headed paper but can be sent as an e-mail attachment. It should inform of:
 - the contact details for both exemption assessor and assessment manager; and
 - when they can expect to be notified of ORR's decision.

Consultation with the infrastructure manager and other parties

37. Whilst ORR does not need to consult the infrastructure manager (where separately owned or managed from the applicant's operation) ORR should ask them to comment as to whether undue risk may be brought onto the infrastructure if the exemption is granted. We would expect to see evidence in the exemption application that the applicant had consulted the infrastructure manager.
38. The exemption assessor should also consider whether other parties should be consulted, such as any relevant trade union or employees' representative(s), or any infrastructure manager (including third parties) with an interface to the infrastructure on which the proposed exempted operation is due to take place.
39. Regulation 30(3) of ROGS states that ORR shall not grant an exemption unless "*it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it*". These "*persons*" may not be limited to the railway and its passengers. The exemption assessor assessing the exemption and the assessment managers should be mindful of any potential impact of an exemption on third parties and those steps undertaken by the applicant in respect of the on-going safety of those third parties.

Assessment of application

40. In carrying out the assessment, the exemption assessor should consider whether the application conforms to the guiding principles for exemptions and satisfies the appropriate exemption criteria and required information (See **Annex A**: Exemption criteria and required information). The exemption assessor should record his or her findings on the exemption assessment form (E1) including identifying evidence submitted by the applicant and evidence examined.
41. Whilst considering the application, the exemption assessor may seek clarification or request further particulars from either the applicant, or colleagues elsewhere in ORR. Consideration may also involve site visits or consulting safety or other staff representatives. All requests for further information should be confirmed in writing (i.e formal letter or e-mail). A copy of the request and all responses (including particulars obtained) should be lodged in the unique electronic Box folder.
42. Once all things have been considered, the exemption assessor should record his or her recommendation on the exemption assessment form (E1) which must be recorded in the unique electronic Box folder.

43. Once the exemption assessor has made the recommendation, he or she should send the exemption assessment form (E1), supporting papers and, in the case of a recommendation to accept, a draft exemption certificate (stipulating any conditions on an attached schedule) to the assessment manager. The assessment manager must ensure that this documentation has been recorded in the unique electronic Box folder .
44. The draft exemption certificate should specify:
- the legal entity of the company to whom it is being granted (including the company number where applicable);
 - details of the exemption (including the section of railway upon which it applies); and
 - details (including unique numbers) of the railway vehicles to which it applies as well as the duration /timescale.
45. The assessment manager will review the application and the supporting evidence (particularly with respect to the safety of persons both on and off the railway) in order to determine whether this meets the criteria to allow ORR to issue an exemption. The assessment manager should sign either to approve the exemption assessor's recommendation, or indicate disagreement.
46. If the assessment manager disagrees, then the details must be recorded on the form and a course of action agreed to resolve it, such as seeking further information or undertaking a visit to the applicant. If the disagreement cannot be resolved even after further action, then the assessment manager must make the final decision on the recommendation, where necessary consulting with the senior ORR manager(s).
47. Once this stage has been concluded, the assessment manager should record this on the form and forward it to the case manager.
48. An assurance milestone follows (thus providing ORR with stage assurance) including any significant issues that may exist. This assurance milestone may be a brief telephone/video conference (or, in exceptional circumstances, a meeting in person) between the case manager and assessment manager.

Legal review of application

49. The case manager will submit the draft exemption certificate to ORR's legal services for their review of the validity of the application / assessment and the conditions proposed in respect of the exemption.

50. ORR's legal services may recommend changes to the exemption (or even identify significant issues surrounding the granting of an exemption). These recommendations will be provided to the case manager as well as being recorded in ORR's unique electronic Box folder.

Assurance of application

51. The case manager will review ORR's legal services recommendations (or even refusal) of the exemption and discuss the next course of action with the assessment manager and exemption assessor.

52. If there are no legal issues, the case manager will undertake an assurance check of the process and (if all is well) prepare the final letter, exemption certificate and certificate number.

Exemption certificate numbering

53. The number allocated to the certificate should have the following format

Sequential issue no.		Issue year (4 digits)			

For example 08/2020

Chief Inspector of Railways' exemption decision

54. The final decision over whether to grant an exemption should be made by the Chief Inspector of Railways (or nominated deputy). The case manager should arrange for the unique electronic Box folder to be provided for consideration along with the prepared exemption letter and certificate.

55. Where the Chief Inspector of Railways (or nominated deputy) disagrees with the exemption recommendation, the reasons for the differences of view should be discussed with the exemption assessor and the assessment manager before final decision is made. The Chief Inspector of Railways (or nominated deputy) will have the final say and if an exemption is to be issued and, if appropriate, sign the exemption letter and certificate. The date of the final decision should also be recorded in the unique electronic Box folder.

Notification of the decision

56. If the decision is to grant an exemption, the case manager should arrange to have the certificate issued, with any conditions detailed in the schedule. Where the Chief Inspector of Railways (or nominated deputy) decision is to refuse an exemption, the applicant should be informed in writing, detailing the reasons for the decision. The following letter templates are available:

- Exemption acceptance
- Exemption refusal

57. In both cases, a copy of the exemption certificate /schedule or letter of refusal should be saved in the unique electronic Box folder.

58. Unlike decisions concerning safety certificates and safety authorisations, ROGS does not place an obligation on ORR to notify affected parties of its decision regarding exemptions. However, the exemption assessor should at least notify the infrastructure manager (if separately managed from the exempted train /vehicle operations) and the relevant trade union, safety or employee representative(s).

59. As with the issue of safety certificates or safety authorisations, ORR's licensing & network regulation teams should also be informed of the outcome, as the issue of a licence or licence exemption may depend on it.

60. Once the exemption assessor is certain that all recordable tasks have been completed and recorded correctly, the exemption assessor should ask the case manager to close the case.

Openness

61. ORR is committed to placing all correspondence relating to exemption applications in the public domain subject to the Freedom of Information Act 2000. Any requests for such information, including ORR's decision and the reasons for any rejection should be directed internally to the assessment manager. We will publish the exemption certificate on our website.

Exemption revocation

62. An exemption granted pursuant to Regulation 30(1) or 30(2) of ROGS may be revoked by ORR at any time by a further certificate in writing.

Annex A: Exemption criteria and required information

With reference to the criteria set out below each applicant should provide information, as indicated. The exemption assessor is not constrained by the criteria and is free to exercise discretion to request further information should it be felt necessary to justify the case for exemption. However such requests should be reasonable and proportionate to the risks from the operation.

Criterion 1: The application should explain the nature of the proposed railway operations and why exemption from the safety certificate or safety authorisation requirements of ROGS is appropriate

Expected evidence:

(i) Executive summary

1. The application shall detail the activity for which the exemption is being sought, why it is being sought, why the operator(s) consider(s) the application is justified by virtue of the limited risks presented by its operations and the relative simplicity of exercising control over them and detail the specific points which the operator believes ORR will need to consider in coming to its decision as to whether to grant the exemption.

(ii) Legal entity

2. The application shall provide details of ownership of the company, the legal entity of the applicant(s) including company number (where applicable), their role(s), and a contact name within each applicant's organisation (including geographical telephone and e-mail address).

(iii) Need for an exemption

3. Exceptions should be granted by exception. ORR shall give due to consideration towards whether the requirement for the application to be granted an exemption is reasonable. For example:

- Has the applicant robustly demonstrated the need for an exemption?
In seeking an exemption from the requirement to hold a non-mainline safety certificate or safety authorisation should the applicant actually be making an application for a non-mainline safety certificate or safety authorisation?
- Has the applicant previously sought /obtained an exemption and if there was a foreseeable likelihood of seeking a further exemption (for example a repeat

activity) why hasn't a non-mainline safety certificate or safety authorisation been applied for?

- Is this a departure from the applicant's core business activity for which a non-mainline safety certificate or safety authorisation would normally be required within this (new) area of activity within the industry which would normally require a safety certificate or safety authorisation?
- Could the railway operating (in part or full) be reasonably undertaken by an organisation that already holds a safety certificate or safety authorisation?

(iii) The type and the extent of the operation

4. The description of the type and extent of the operation shall include a line diagram of the infrastructure on which the proposed exempted activity will operate showing all crossings of the line (highways, footpaths, accommodation, occupational) and all junctions and sidings showing ruling gradients. It shall also provide information (including an assessment where necessary) on the following:

- (a) Type of traffic, number of coaches, geographical boundaries;
- (b) Max. line speed;
- (c) The type of traction system and (if electrical) the power delivery arrangements and key parameters;
- (d) The unique identity numbers of the rolling stock to which the exemption will apply;
- (e) Timetabling or information on train /vehicle movements such as the expected number of operating days per year, trains /vehicles per hour etc. If it is just for a time limited number of movements then the dates of operation should be provided;
- (f) Details of multiple train /vehicle movements;
- (g) Any interfaces /interworking with other railway operators;
- (h) Any interfaces /interworking with non-railway persons;
- (i) Any issue of lineside /station access permits (for example issued to photographers);
- (j) Approximate numbers of total employees (including contractors), volunteers, and of safety critical staff;
- (k) Principal structures; and
- (l) Level crossings.

Criterion 2: The application should explain why the health and safety of persons likely to be affected by the application would not be prejudiced in consequence of it.

Expected evidence

5. There is no precise evidence for this, but the applicant should provide a statement, referring to the evidence provided for the other criteria on why ORR should have sufficient confidence in its systems and procedures to ensure that the health and safety of those affected are not prejudiced.

6. This shall include measures to protect (or restrict /prevent) staff working on or near the line (including station platforms etc) and will cover activities involving the use of lineside /station access permits (for example issued to photographers) along with third parties (for example the legal users of occupation or accommodation crossings).

Criterion 3: The application should state the duty holder's policy for the management of health and safety and outline the organisation and arrangements for implementing it.

Expected evidence

7. Each application shall provide an outline of health and safety management policy, organisation and arrangements. This should include a copy of the applicant's health and safety policy statement.

Criterion 4: Where more than one duty holder is involved, the application should explain the role and responsibility for health and safety of each.

Expected evidence

8. Where more than one operator is involved, the applicant shall describe the division of health and safety responsibility and details of the management of any additional risks created by interworking should be provided. It should state how its safety needs are communicated to the other parties and describe the liaison arrangements between them for managing interface risks.

9. A separate letter /exemption certificate will be provided to each legal entity (applicant).

Criterion 5: The application should outline the risk assessment processes that have been applied to the proposed railways operations. Where there is more than one duty holder, such information should be given for each.

10. Risk assessment to control risks is a fundamental requirement of the Management of Health and Safety at Work Regulations 1999 (MHSWR). Risk assessment is also required by ROGS regulation 19 which overlaps with the duty

under MHSWR but whose main purpose is to identify measures which ensure the safe operation of the transport system.

Expected evidence

11. The applicant shall show how it identifies risks associated with its operations and how it selects appropriate risk mitigation measures. A copy of the risk assessment will not normally be required but ORR might ask for it in particular circumstances such as where features new to the operation have been introduced; and

12. Where there is use of electric traction, the arrangements for assessing electrical safety risks should be outlined and the key risk assessment findings provided.

Criterion 6: The application should outline the control measures identified for any significant risks, and how they will be implemented and monitored.

Expected evidence

13. The applicant shall:

- (a) Describe the controls in place to prevent derailment and collision hazards;
- (b) Describe the processes for managing the risk from and maintenance of principal structures present on the railway /transport system;
- (c) Describe the assessment of the physical clearances to lineside structures (including the calculation of clearances to platforms and bridge girders) in respect of all the rolling stock that is to operate at increased line speed;
- (d) Describe the controls in place to prevent and identify trespass (including at public crossings and stations) and in the event of trespass, the method of stopping of trains;
- (e) Describe the controls in place in respect of lineside and station access while increased speeds are in operation including limitation to just those persons who are essential to the operation of the train(s). This will cover activities involving the use of lineside /station access permits (for example issued to photographers);
- (f) Describe the controls in place in respect of on-board train access while increased speeds are in operation including the limitation to just those persons who are essential to the operation of the train(s);
- (g) Provide an assessment (including risk assessment and robust assessment of alternatives) as to why it is necessary to operate at increased

line speed across any level crossings not protected by full gates or barriers which are under the immediate control of a signal box.

(h) Describe the types of crossings involved (public or otherwise), the associated traffic volumes, interfaces with users, train /vehicle approach speed, braking distance and both driver and crossing user visibility (time & distance) and how each have been accounted for in the risk assessment process, consultation with third parties (i.e. those with right of use at occupation crossings) and resulting controls. This shall include each type of level crossing involved (including occupation/accommodation crossings and footpath /bridle crossings), the types of barrier installed, emergency communication with the controlling signal box, requirements of level crossing orders and the method of operation including the use and competence of hand signalmen (at level crossings not protected by full gates or barriers which are under the immediate control of a signal box) and the stopping of trains;

(i) Describe the assessment of all the rolling stock that is to operate at any increased line speed (this shall include its braking capability);

(j) Describe the assessment of the track capability for operating at any increased line speed;

(k) Provide details (including driving history and evidence of competency) of the train crew operating the train(s) covered by the exemption.

(l) Where there is use of electric traction, state the specific risk control measures; and

(m) Summarise its arrangements for monitoring the effectiveness of its risk controls and management arrangements.

Criterion 7: The application should outline arrangements to ensure competence in any of the relevant safety critical tasks as defined by the safety critical work requirements of ROGS.

Expected evidence

14. The applicant shall:

(a) Identify the tasks with a safety element, including safety critical tasks;

(b) Outline the roles in the company with main responsibilities for ensuring training and maintenance of competence;

(c) Outline the arrangements for recruitment, training, assessment, competence monitoring and record-keeping;

(d) Describe the arrangements which ensure that staff comply with their training and work instructions.

Criterion 8: The application should describe the emergency plans. Where there is more than one duty holder, these should be described for each, with confirmation that participating duty holders have agreed them.

Expected evidence

15. The applicant shall:

- (a) List the types of emergency covered;
- (b) Provide an overview of the emergency plans and the roles and responsibilities within those plans;
- (c) Outline the procedures for liaison with the emergency services; and
- (d) Outline training provided for emergencies



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