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12 June 2020

Reference: 161667-NWR-LTR-MAN-000001

Dear Mr Kent

**Application: Exemption under Regulation 6 of the Railway Safety Regulations 1999**

**Applicants: Network Rail Infrastructure Limited (Company Registration Number: 02904587) (“Network Rail”) and The Chiltern Railway Company Limited (Company Registration Number: 03007939)**

**Exemption sought: Running of The Chiltern Railway Company Limited (“Chiltern Railway”) trains (Class 165/0, Class 168/0/1/2 and Class 172/1) on the railway infrastructure known as ‘the Chiltern Route’ between Marylebone Station and Aynho Junction**

**Duration of exemption sought: 1 July 2020 to 31 December 2027**

1. Network Rail and Chiltern Railway believe an exemption is required to allow Chiltern Railway services to operate without the protection provided by an Automatic Train Protection (ATP) system until implementation of the European Train Control System (ETCS).
2. Accordingly, Network Rail hereby applies to the Office of Rail and Road to grant a certificate for temporary exemption under Regulation 6 of the Railway Safety Regulations 1999 in respect of the train protection requirements of those Regulations.

3. The exemption sought is to enable passenger operation of Chiltern Railway Class 165/0, Class 168/0/1/2 and Class 172/1 rolling stock from:
  - i. 1 July 2020 to 30 June 2024. - if the existing Thales manufactured SELCAB ATP system is not available due to an irreparable failure; and
  - ii. 1 January 2023 to 31 December 2027 - when enhanced Train Protection and Warning System (TPWS) is proposed rather than the then obsolete Thales manufactured SELCAB ATP.
  
4. This exemption will support continued railway operations in the area of Chiltern Route described below:
  - i. Marylebone Station to Aynho Junction (MCJ1 205m77ch to NAJ3 18m30ch Up Lines and 18m35ch Down Lines)
  - ii. Princes Risborough to Aylesbury (PRA 42m31ch to 49m 35ch Down & Up Aylesbury line)
  - iii. Neasden South Junction to LU/NR Boundary (MCJ1 197m 5ch to 200m 65ch Up & Down Harrow Lines)
  - iv. Aylesbury to LU/NR Boundary (MCJ2 38m 13ch to 25m 21ch Up & Down Mains)
  - v. Aylesbury Vale Parkway to Aylesbury (MCJ2 40m 38ch to 38m 13ch Up & Down Aylesbury Line)
  
5. In order to determine the most appropriate plan for operation of services during the time that the Thales manufactured SELCAB ATP is not available, Network Rail and Chiltern Railway have considered several options, with the primary objectives to:
  - i. maintain or improve upon the current overall safety risk to the railway;
  - ii. use a known, proven and reliable technology;
  - iii. support continued operation of Chiltern Railway services;
  - iv. enable use of a standard migration to ETCS; and
  - v. maintain or improve the reliability of the existing railway.
  
6. We enclose the following reports in support of our application for the exemption:
  - i. R363 SELCAB ATP Short Term Railway Safety Regulations 1999 Exemption Summary Report; and
  - ii. *Chiltern Route Train Protection – Railway Safety Regulations 1999 Exemption Application Report* (ref 161667-NWR-APP-SSD-000001).

7. We also enclose all the supporting documents referred to in the application reports.
8. It is our intention that these reports serve as a summary of the application. With this aim in mind we have included what we believe is sufficient background information in the report for an informed layperson to understand the application's subject matter and scope.
9. We have included a comprehensive narrative explaining our decision-making process which aims to serve as an introduction to the consultation, and sufficient background information on the tools used for an informed layperson to understand the process.
10. We have endeavoured to present the information in the report in a form that is accessible to the general public, and would welcome the benefit of the ORR's experience in similar matters.
11. We look forward to working with you to progress to a successful outcome of this application.

Yours sincerely,



Kamini Edgley  
Director of Engineering and Asset Management (NW&C Region)  
For Network Rail Infrastructure Limited

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