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8 June 2007

Mr Robin Gisby
Director Operations and Customer services
Network Rail Infrastructure Limited
40 Melton Street
London
NW1 2EE

Dear *Robin*

Application for an exemption in respect of removal of TPWS at specified permanent speed restrictions

I refer to Network Rail's request for exemption, dated 10 November 2005, from the Railway Safety Regulations 1999 and the subsequent consultation exercise we undertook between 19 January and 2 March 2007. This is to let you know that we have now formally signed an exemption, with conditions, as described in the attached certificate.

Outcome of the consultation exercise

We received seventeen responses to the consultation, including your own. Fourteen consultees agreed an exemption should be granted, two had no comments and one consisted of generalised comments on the whole issue of speed control on curves rather than specific application of TPWS to PSRs.

Following careful consideration of the consultation responses, we have concluded that no new technical issues or evidence on risk emerged to alter substantially our preliminary assessment of the case made for exemption.

Exemption conditions

The exemption certificates requires that the cant deficiency at the particular PSR site satisfies the requirements set out in section C5 of the Railway Group Standard GC/RT 5021, "Track System Requirements", Issue 2 dated October 2003. It also requires that Network Rail maintain records of any removals or modifications to TPWS equipment carried out in consequence of this exemption and make those records available to us on request.





I would emphasise that Network Rail is responsible for managing any risks arising from removals or modifications to TPWS equipment. Network Rail should monitor the change to ensure that the benefits claimed in the application actually accrue in practice. We also expect Network Rail to carry out audits and checks to ensure proper implementation.

Finally, you should note that a copy of the certificate and the letter setting out the decision will be published on ORR website.

Yours sincerely

A handwritten signature in black ink that reads "David Morris". The signature is fluid and cursive, with a period at the end.

David Morris

Deputy Chief Inspector of Railways

CC: Warrick Dent, Network Rail

THE RAILWAY SAFETY REGULATIONS 1999(S.I. 1999/2244)
Certificate of Exemption

Grant to Infrastructure Controller: Network Rail

Grant

1. The Office of Rail Regulation, in exercise of the power conferred on it by regulation 6(1) of the Regulations, having consulted those persons it considers appropriate in accordance with regulation 6(2) of the Regulations and having had regard to the matters specified in regulation 6(3) of the Regulations, grants the following exemption.

Definitions

2. In this exemption -

“Network Rail” means Network Rail Infrastructure Limited whose registered office is at 40 Melton Street, London NW1 2EE;

“the Regulations” means The Railway Safety Regulations 1999, SI 1999/2244 as amended;

“TPWS” means a train protection system defined by regulation 2 of the Regulations;

“the relevant Railway Group Standard “ means Railway Group Standard GC/RT 5021, “Track System Requirements”, Issue 2 dated October 2003.

Terms used in this exemption, which are used in the relevant Railway Group Standard, have the meaning that they have in that document.

Exemption and Conditions

3. Network Rail is exempt from the prohibition contained in regulation 3(1) of the Regulations (prohibition on permitting the operation of a train on a railway unless a train protection system is in service) in relation to a site on the railway where there is a permanent speed restriction at a plain line curve, subject to the conditions that:
 - (a) the cant deficiency at that site satisfies the requirements set out in section C5 of the relevant Railway Group Standard, “Track System Requirements”; and
 - (b) Network Rail maintains records of any removals of or modifications to TPWS equipment carried out in consequence of this exemption, and makes those records available to ORR at its request.

4. This exemption comes into effect at 00:01 hour on 1 July 2007. In accordance with regulation 6(1) of the Regulations, it may be revoked by ORR at any time by a certificate in writing.

Signed by David Rowi

Deputy Chief Inspector of Railways

On behalf of the Office of Rail Regulation

Date 8 June 2007