

Paul Carey
Office of Rail Regulation
1 Kemble Street
LONDON
WC2B 4AN

1 September 2014

Dear Mr. Carey,

RE: REVISING RAILWAY SAFETY REGULATIONS

Thank you for providing us with an opportunity to comment on the ORR's proposals to modernise the railway safety regulations.

We fully support the intention of simplifying and updating the regulations as part of the Government's Red Tape challenge.

Response to individual questions:

Q1: Do you agree that we should revoke regulations 3, 5, 6 and 7 of MPR 97? If you do not support the revocation, please tell us why.

Yes – we agree that regulations 3, 5, 6 and 7 of MPR 97 should be revoked.

Q2: Do you agree that regulation 4 (means of communication) should be retained in its modified form? If you do not support the retention of this provision, please say why.

As a mainline operator, we are covered by the requirements of the Railway Interoperability Regulations and as such, this is a duplication of legislation (see rationale within consultation document supporting decision to revoke regulations 3, 5, 6 and 7 of MPR 97). However, we recognise that there is an ongoing need to retain this regulation for non-mainline railways, as they are not covered by RIR. There is a case to be made for creating a separate set of regulations for mainline railways and for non-mainline railways to mirror the distinction made within ROGS.

Q3: Do you agree that we should retain a regulation to mandate the use of a train protection system? If not, why?

No – having an operational train protection system in place is now a fundamental safety requirement. As such, there is no difference to having measures in place to prevent collisions and derailments, where the specific requirement is being removed from the regulations as described in paragraphs 3.7 and 3.8 of the consultation document. In our view, there is no justification for including this new requirement, especially within the context of a review that is designed to reduce red tape.

Q4: What are your views on the proposed changes to the drafting of the regulation relating to train protection systems? Are there any further changes you feel we should make?

Should you choose to proceed with this regulation (see response to Q3), we would expect the regulation to cover equivalent requirements for the infrastructure manager. In particular, we see that the main opportunity to reduce system risk lies with the fitment of TPWS equipment to signals not currently fitted, especially automatic signals on plain lines that protected stopping trains in platforms where faster non-stop trains travel on the same line.

Q5: In the proposed new definition of “relevant approach”, should 60mph be converted to 95km/h or 100km/h?

We do not have any strong views on this, but suggest that 100km/h is consistent with the table of speed conversions contained within GI/GN7608.

Q6: Do you agree that we should retain the regulation to prohibit the use of Mark 1 rolling stock, with the proposed changes to the exemption system? If you do not support the retention, please tell us why?

Yes, we support the retention of this regulation.

Q7: Do you agree that regulation 5 (prohibition of hinged doors) should be revoked? If you do not support revocation, why do you think it should be retained?

No. East Midlands Trains still operates Mark 3 coaches on its HST fleet. These have hinged doors but are protected with a Central Door Locking system. We therefore believe that it is sensible to maintain the current wording of the Regulations.

Q8: Do you agree with our approach to issuing exemptions under the new Regulations? If not, please tell us why.

We believe that it is sensible to retain the ability to issue exemptions under the new Regulations.

Q 9: Do you agree that the remaining provision in force can be revoked? If not, please tell us why.

Yes, we agree that this provision can be revoked.

Q10: Do you agree with our assumptions in the impact assessment? If not please tell us why or if there are there any other factors that you think we should take into account.

No – we do not accept the arguments used in the impact assessment regarding the rationale not to revoke the existing regulations as it appears directly opposed to the arguments used to revoke regulations 3, 5, 6 and 7 of MPR 97. The assumption does not recognise that there are requirements within existing Railway Group Standards (GE/RT8075) regarding the fitment and upkeep of TPWS systems that require Train Operators to upgrade their system when a vehicle is subject to alteration and the nature of the alteration provides a reasonable opportunity to bring the vehicle into conformity. We believe that this should provide sufficient assurance that the intent of the proposed changes will be delivered, without the need to resort to regulation.

Q11: Do you have any views or evidence that would help inform our development of an enforcement flexibility proposal?

We do not have any strong views on this. However the approach outlined in Section 8 of the consultation document appears sensible.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ian Smith', written over a faint rectangular box.

Ian Smith
Safety & Operations Director