

**ORR CONSULTATION - REVISING RAILWAY SAFETY REGULATION
TRANSPORT FOR LONDON CONSOLIDATED RESPONSE**

Railway Safety (Miscellaneous Provisions) Regulations 1997

1. *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.*

Revocation of regulations 3 and 7 supported. However, the scope of ROGs does not cover work in depots and possessions, with the exception of Part 4 - Safety Critical Work. Therefore there should still be a specific statutory provision in place, in addition to the general duties under HSAW, to avoid collisions with people and assets as well as derailment in depots and possessions. The same applies for operating vehicles in depots and possessions without a suitable and sufficient braking system. Whilst train movements are generally slower in depots and possessions there is generally more staff on track in these locations.

2. *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.*

Items 3.13 and 3.16 concerning the proposed revision to Regulation 4 do not appear to adequately support the potential introduction of ATO systems where this is not necessarily a driver or person “in charge of the vehicle” on the train itself. Such support roles may be available for communication remotely and these have been in extensive use in many existing ATO heavy and light rail systems around the world for some years now (e.g. France, Hong Kong and Singapore). The proposed wording in Regulation 5 (1) may not necessarily preclude the arrangements for communications that a full ATO system would typically provide, but as written it could prove to be a matter of subjective opinion. To this end it would help if the regulation wording could account more accurately for such development in order to future proof it as much as possible.

Railway Safety Regulations 1999

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

Supported, however sections 4.9 and 4.10 in the discussion points address ATP, TPWS and ETRMS but there is no reference to tripcock systems. The definition in the draft regulations would cover it but greater clarity could be given for the tripcock system as a protection system.

4. *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?*

Many of the newer signalling systems in use on LU and elsewhere no longer demarcate stopping points with a physical trackside signal. It is suggested the definition of ‘stop signal’ could be

extended to include 'the target stopping point' associated with an automatic train control system or similar.

The addition of a specific requirement in the new regulation 3(2) for a Train Protection Management System implies that the regulator is expecting TOCs to have a separate system to the safety management system, for the management of the train protection system. The definition of a Train Protection Management System needs further description to allow Railway Undertakings to understand whether the regulator is expecting a separate badged system from the safety management system, a sub system or a fully integrated system. There would also need to be consideration of the PFI maintained fleets, where the information will be held by the contracted train maintainer.

The precedence of the 'or' & 'and' terms in relation to the sub clauses of draft Regulation 3(3) is unclear. It is suggested renumbering these sub-clauses (a)(i), (a)(ii), and (b) respectively might aid understanding (if this is consistent with the intended precedence).

In relation to draft Regulation 3(3)(b) there are a small number of areas of the network owned by LU over which LU does not operate a train service, e.g. Amersham to Mantles Wood, where the traditional LU trainstop/tripcock system is in use rather than a full train protection system. It is suggested therefore that 3(3)(b) is extended to read 'is used by London Underground Limited or forms part of the London Underground network'.

5. *In the proposed new definition of "relevant approach", should 60mph be converted to 95km/h or 100km/h?*

Whilst the proposed regulations may use metric terms it is not clear whether this should be construed as a mandated use of metric systems. If there is to be a conversion to kph, then it needs to be accurate. This raises concerns as we have an imperial railway and the change would require a lot of re-signing work; there would need to be a consistent application of metric speed indications on GB railways.

6. *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.*

Supported.

7. *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?*

Supported.

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

The proposal for the ORR to retain the power to grant exemptions under the regulation is supported. However, LU relies on its current exemptions to undertake certain activities (mainly engineering-related, taking place outside the hours of passenger service) and hence would be concerned if the proposed review were to revoke any of these. An alternative approach would be to amend the regulations to specifically allow non-compliance with the train protection requirements in engineering possessions or in non-passenger hours where there are appropriate and effective controls to ensure safety.

Railways Safety (Miscellaneous Amendments) Regulations 2001

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

Supported.

Impact Assessment

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

Overall assessment that the impact on costs arising from these changes will be small is supported. However, some of the labour rates used in the detailed analysis such as Table 5 in Annex B are considerably lower than we would expect to have to pay particularly in the London area.

5.1 (16) third paragraph contains the statement “There is therefore an ongoing need to preserve this important passenger safety provision which covers the mainline, non-mainline railways (for example LU) and tramways currently, particularly when driver-only operations are increasing on the network.” This does not seem to adequately account for ATO operations, indeed it doesn’t really account for systems such as some existing operations on LU as well as that which will be employed on parts of the Thameslink core route where ATO will be employed. This is more than just DOO. These comments follow on from response to question 2.

Enforcement Flexibility

11. *Do you have any views or evidence that would help inform our development of an enforcement flexibility proposal?*

Essentially, we would support any sensible enforcement flexibility proposal which is aimed at providing clarity and avoiding confusion.

Other Comments

The definition of vehicle - suggest this should also include vehicles used on platforms, as at the moment it seems to only be those of a rail mounted nature; it would benefit from clarification.

The definition of stop signal - LU uses signals for shunting and hand signals, both of which include stop signals.

In (2) on page 34 penultimate line there is a typographical error - there is a repetition of "in"; it should read "is in".