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Dear Mr Valentino

Re: The Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010: Consultaion.

I am writing to you jointly on behalf of London Tramlink and Tram Operations Limited, the Infrastructure Manager and Transport Undertaking respectively for the Croydon Tramlink network. We have reviewed the consultation document and would comment as follows.

Question 1: Do you agree that we should not change the current position on the exclusions from ROGS? If you do not agree, please explain why.

Response: In your consultation document you refer only to the exclusion of Heritage Railways from the scope of certification and authorisation requirements within ROGS. You appear to have overlooked the provisions of section 4(3)(a) of the ROGS Regulations which explicitly provide tramways with an equivalent level of exclusion as that applied to Heritage Railways.

On the basis that there is no intention to change the existing exclusion of Tramways from the regulations we have no further comment on question 1. If however the ORR is proposing to increase the scope of ROGS as applied to tramways then we strongly represent that the tramway industry should be formally consulted on such a proposal.

Tramtrack Croydon Limited
trading as London Tramlink
whose registered office is
Windsor House, 42-50 Victoria Street
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Registered in England and Wales
Company number 3092613

VAT number 756 2770 08

Tramtrack Croydon Limited is
a company controlled by a local
authority within the meaning of
Part V Local Government and
Housing Act 1989. The controlling
authority is Transport for London.

In the event that tramways are proposed to be included within the scope of the vehicle registration and maintenance requirements of the 2010 Regulations we would argue that a derogation should be provided to all tramways pending formal consultation with the industry regarding the scope of the registration requirements and the international, national and industry standards etc that the regulator expects to be applied to the maintenance of tramcars by the vehicle maintainer.

Questions 2: Do you know of any circumstances in which vehicles registered and maintained according to the laws of a non EU Member State enter Great Britain? If so please explain.

Response: No circumstances known.

Question 3: Do you know of any circumstances in which vehicles with track gauges other than standard gauge enter Great Britain? If so, please explain.

Response: It is conceivable that second hand tramcars could be brought into Great Britain for conversion for use on one of the UK's commercial tramways. Such cars would only be operated once they had been modified to standard gauge.

Question 4: No comment.

Question 5: Do you know of any circumstances in which those vehicles that are excluded from the mainline railway, as defined in ROGS, may require an ad hoc permit to be delivered prior to being placed in service in Great Britain? If so, please explain.

Response: The UK's second generation tramways generally require, under the terms of the enabling Act or Order, the Secretary of State to issue an authorisation prior to any new vehicle being placed into service. For example, before any new vehicle can be used on the Tramlink network it must be approved by the Secretary of State pursuant to section 14 of the Croydon Tramlink Act 1994. It is our understanding that such approval will be given by the ORR pursuant to an agency agreement between the DfT and ORR made in 2008.

Question 6: Do you agree that RAIB should be the investigating body for accidents on tramways in Scotland?

Response: Yes this would appear to maximise the opportunities for sharing of knowledge between the RAIB and tramway sector and would appear to offer significant efficiencies when compared to the alternative of setting up a separate body for Scotland.

Question 7: Do you have any comments on the new definitions? If you have any objections, please could you explain why and suggest an alternative.

Response: The commentary suggests that the definition of a vehicle at a) has been re-written explicitly to include trams. We do not believe this to be the case and note that the part a) wording mirrors that currently in the ROGS regulations.

Question 8: Do you agree that these regulations should contain the date by which vehicles used domestically have to be registered in the NVR? Please give reasons for your answer.

The commentary in the consultation document regarding regulation 4.3 is unclear with regards to tramways. If as we believe, tramways are excluded by virtue of section 4(3)(a) of ROGS then this section does not apply to trams. However the commentary at paragraph 4.16 and 4.17 suggests that tramcars, and their maintainer would have to be registered in the National Vehicle Register by 9 November 2010. Clarification on this point is sought from the ORR.

We note that the requirements for the NVR are derived from RGS GM/RT 2453 and that this document is currently under review. We note that with the exception of Metrolink, whose trams run on national rail infrastructure, the group standard is not applicable to the tramway industry. If it is intended that tramcars are to be included in this register we would expect the tramway industry to be formally consulted on the content of the revised Group Standard.


Question 9: Do you have any comments on the proposal to extend the meaning of work to include voluntary work.

Response: We agree with the proposal.

Finally we note that in the draft of the 2010 regulations at section 4(2)(e) reference is made to "regulation 40 of the Interoperability Regulations". We would question whether this should in fact read "regulation 33 of the Interoperability Regulations".

We trust the above comments will be of assistance to you and we would ask that you urgently respond to us on the question regarding the exclusion of tramways from the requirements of Regulation 4(3) of the 2010 regulations pursuant to section 4(3)(a) of the ROGS Regulations 2006. We confirm that we have no objection to the publication of our comments.

Yours sincerely



Phil Hewitt,
Director, London Tramlink