

**Response to Consultation by the ORR on  
The ROGS (Miscellaneous Amendments) Regulations (July 2012)**

**Response by:** Railway Industry Association (RIA)  
**Produced by:** Francis How, Technical Director, RIA  
**Date:** 8 October 2012

**1. Do you have any comments on ORR's role as a certification body?**

The introduction of ECMs for freight wagons has limited significance for RIA member companies, being of relevance principally to infrastructure contractors. We do not foresee any major issues so far as these companies are concerned with the ORR being the certification body. We would of course expect these companies to respond in their own right.

Given that the ORR intends to certify the complete ECM function (para 3.13), it may be necessary for the ORR actively to encourage the market to consider offering certification services, in particular for organisations wanting specific maintenance functions to be certified rather than the entire maintenance function.

**2. Do you have any comments on the proposed new regulation 4(4A) of EARR?**

No.

**3. Do you agree with the proposed approach for carving out specific railway systems from the mainline railway requirements in ROGS through the use of an Approved List?**

Yes, although we would be concerned if the proposed approach were at some stage in the future lead to a list different from that published by the DfT under RIR11.

**4. Are there any systems that should not be on the Approved List? Please identify them if so and explain why they should not be exempted.**

We have not checked the list in detail. Provided that the list corresponds with the DfT's in terms of systems, we believe this will be acceptable.

**5. Are there any systems that are not on the Approved List that should be? Please identify them if so and explain why they should be included.**

We have not checked the list in detail. Provided that the list corresponds with the DfT's in terms of systems, we believe this will be acceptable.

**6. Do you agree with the proposal to issue one safety certificate instead of two? If not, please explain why.**

Yes.

**7. Do you agree with the proposal to remove from ROGS the requirement for mainline operators to carry out safety verification? Please explain your answer.**

Yes. In common with other organisations involved in the GB railways, we cannot see any logic for perpetuating in national regulations a requirement that is dealt with more fully in the CSM on risk evaluation and assessment.

**8. Do you agree with the proposal to make the 28-day consultation period run concurrently with ORR's four month processing time? Please explain your answer.**

Yes. This would seem logical and we do not think it would detract from the rigour of the process.

**9. Do you agree with the proposal to remove the requirement for non-mainline operators to submit annual safety reports to ORR? Please explain your answer.**

This matter is of no direct interest to RIA, although it does seem a little strange that an operation the size of LUL would not need to provide you with an annual safety report. If you are genuinely satisfied that you receive all the safety information you require from the non-mainline operators via other mechanisms (as you state in the consultation document), then we see no reason to perpetuate the requirement.

**10. Do you agree with the proposal to clarify that the monitoring arrangements of the controller of 'safety-critical work' have to be suitable and sufficient? Please explain your answer.**

Yes. The amendment proposed appears to make it clearer both to the controller and the ORR that simply having monitoring arrangements in place does not necessarily deliver the intent behind this requirement.

**11. Do you have any other comments in relation to the issues raised in this consultation?**

- a) In Regulation 5.1(d)(iii) we think we understand why you have removed the reference to "placing into service" – presumably on the basis that this function is performed under RIR11, not under ROGS (which would also explain why the equivalent paragraph in 6.1(c) (iii) is retained). However, its complete removal carries the implication that there is no duty under ROGS for operators on the mainline railway to verify that a train or vehicle is fit to run. We do not believe this is true, and that there remains the duty to ensure compatibility at a route level between infrastructure and rolling stock. We think therefore that there is a case for suitably amended wording in 5.1(d) (iii) rather than removing the text entirely.
- b) In the definition of "national safety rules" you have retained the reference in (a) to indicate that the NSRs are applicable to the whole of Great Britain. Although collectively this is true, individual NSRs may apply only to specific networks (eg HS1 has a different set of NSRs to that of the rest of the mainline railway). Secondly, are you confident that all NSRs are always applicable to more than one transport undertaking?

c) In Regulation 18A(3)(c) do you need to add “and national rules” after “applicable TSIs” ?

END

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**RIA File note:** This is a response to the ORR Consultation that can be found via the following link: <http://www.rail-reg.gov.uk/upload/pdf/rogs-amendments-consultation-july-2012.pdf>