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22th August 2012

Ms Monica Monti
Trans Plant Operations Manager
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Fulham
London
SW6 1TP

Cc: Steve Crofts
Tube Lines Ltd, 15 Westferry Circus, Canary Wharf, London E14 4hD

Dear Monica

Railway Safety Regulations 1999
Application for an exemption from Regulation 3(1) – use of a train protection system

I refer to your letter dated 17th August 2012 in which you apply for an exemption to the prohibition imposed under the above regulation which will replace your current exemption issued on 27 March 2012.

I have noted in our regular project meetings the extensive work undertaken by London Underground Limited and Tube Lines Limited towards the fitment of compatible train protection systems on asset inspections trains and engineer's trains;

1. Engineer's trains are now fitted with a train protection system compatible with the TBTC system currently in use on the Jubilee Line and to be introduced, shortly, on the Northern line;
2. The asset inspection train will be fitted with all train protection systems (except DTG) and will be in use from early 2013;
3. You are committed to having engineer's trains fitted with the DTG system for use on the Victoria line and Tube Lines will support the project to achieve this;
4. Tube Lines and London Underground Limited are looking at developing a common interface with all train protection systems to address the human factors issues around the train operators using multiple in cab systems and displays. This will allow all remaining engineer's trains and asset inspection trains to be fitted with a compatible train protection system for the lines they are used on.



INVESTOR IN PEOPLE



Where fitment has not been possible by 31st August 2012, I note your intention to comply with the new Rule Book 23, 'Incompatible Train Operations'. This will, through supporting procedures, require you to identify the risks associated with moving a train which does not have a train protection system compatible with the signalling system on the line it is operating, and define and implement suitable risk mitigation measures to achieve safe separation of trains. Operational safety plans will no longer be permitted in relation to exemptions from the above regulations.

Therefore, a new exemption, reflecting the requirements of Rule Book 23 and existing procedures, has been granted which applies to Tube Lines Ltd (operating trains as Transplant) as an operator on London Underground Limited infrastructure, in relation to the prohibition imposed under regulation 3.1 of the Railway Safety Regulations 1999.

Consultation

You have outlined in your letter the arrangements to consult with safety representatives and service control personnel on Rule Book 23.

Notwithstanding the above, if you are in any doubt as to whether a proposed vehicle or operation falls outside the scope of this exemption you should make a full submission for an exemption in accordance with regulation 6(1) of the Regulations. May I remind you that you should allow at least 9 weeks for such an exemption.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Farrell', is positioned below the 'Yours sincerely' text.

Matthew Farrell

The Railway Safety Regulations 1999 (S.I. 1999/2244)

Certificate of Exemption

Grant to Train Operator: Tube Lines Limited (operating trains as Transplant)

Grant

1. The office of Rail Regulation, in exercise of the power conferred on it by regulation 6(1) of the Railway Safety Regulations 1999 as amended¹ (“the Regulations”), having had regard to the matters specified in regulation 6(3) of the Regulations, grants the following exemption.

Definitions

2. In this certificate –

“asset inspection train” means a non-passenger carrying train that operates for the purpose of measuring and recording information about the London Underground infrastructure and includes track recording trains;

“engineering train” means a non-passenger carrying train that operates for the purpose of engineering work and includes mechanised vehicles and on-track plant;

“London Underground” and “LUL” mean London Underground Limited, the infrastructure manager (formerly the infrastructure controller) whose registered office is 55 Broadway, London, SW1 0BD;

“LUL Rule Books” means the Rule Books and their Appendices which are prepared by London Underground and describe London Underground’s operating rules;

“mechanised vehicle” shall have the same meaning as in LUL Rule Book 18;

“on-track plant” shall have the same meaning as in LUL Rule Book 18;

“relevant procedures” means the following sections of the LUL Rule Books:

- a) Possessions – Rule Books 15 and 18
- b) Specified Areas – Rule Book 18
- c) Engineer’s Current Areas – Rule Book 18
- d) Incompatible Train Operations – Rule Book 23.

“test train” shall have the same meaning as in LUL Rule Book 18.

¹ Amended by paragraph 8 of the Schedule to the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006

Exemption

3. Tube Lines Limited (operating as Transplant) is exempt from the prohibition contained in regulation 3(1) of the Regulations (prohibition on operating a train on a railway unless a train protection system is in service) in relation to the operation of asset inspection trains, engineering trains and test trains to the extent that such operations are carried out on any LUL infrastructure in accordance with any of the relevant procedures.

Commencement

4. This exemption comes into force at 00.01 hours on 1 September 2012.

Revocation

5. This exemption may be revoked by ORR at any time by a certificate in writing.
6. Pursuant to regulation 6(1) of the Regulations, the exemption granted by ORR in favour of Tube Lines Limited on 27 March 2012 is revoked on commencement of this exemption.

Signed by

A handwritten signature in black ink, appearing to read 'D. Keay', with a stylized flourish at the end.

David Keay
(Head of Inspection, Railway Operators)

On behalf of the Office of Rail Regulation
Issue date: 22 August 2012