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28 April 2009

Jill Collis,
General Manager SQE Operations
London Underground Ltd
5th Floor, Albany House
London Sw1H 0BD

Cc: Simon Howlett LUL
Our Ref: Case Number 4155389

Dear Jill

**Railway Safety Regulations 1999: Application for an Exemption from Regulation 3(1):
Operation without a Train Protection System.**

I refer to your letter of 10 March 2009 requesting an exemption for TBTC ML3 testing work on the Jubilee Line.

Following consultation on the application, ORR has now signed the certificate thereby granting the exemption. Please find enclosed a copy of the certificate which applies to London Underground Limited. A copy of this certificate and of the certificate for TransPlant will be posted on the ORR's website. The original certificates remain with ORR.

For clarity and consistency of interpretation, I outline below our views on a number of the operational aspects of the exemption:

- The TBTC test trains must be operated at all times under the control of competent train drivers who have received sufficient information, instruction, training and supervision to enable them to operate safely under the test conditions.

ORR expects consistent levels of competence amongst the TBTC test train drivers, irrespective of their employment background.

Reference is made in the Operational Safety Plan for the testing, to the Tube Lines Training Needs & Human Error Analysis document TLL-VRS-N395-ASS-ANA-00003. This document specifies that train drivers who hold a '29c Safety Critical Licence' will drive the TBTC test trains and that the Metronet Test Train drivers will be used. As the operations carried out under the exemption must be covered by the Operational Safety Plan, the drivers of the TBTC test trains will be limited, under this exemption, to the holders of '29c Safety Critical Licences'.

I stress that ORR must be consulted before any other drivers are used for the work. It is likely that an amendment to the exemptions would be required in order for other drivers to

be used. In such case, ORR would require full details of how a train driver who is not a holder of '29c Safety Critical Licence' could acquire the same level of competence as the '29c Safety Critical Licensed Test Train Drivers'.

London Underground Limited must be in full agreement with any such arrangements.

- In relation to the control of train movement during the TBTC testing, the train driver will be in control of train movements at all times and may only be requested, not instructed, by the Train Field Engineer, or the Lead Tester, to make a particular move, or to stop the train.

Please do not hesitate to call me should you have any queries

Yours sincerely

David Metson
HM Inspector of Railways