



campaigning
by the
Railway Development
Society Limited

Policy Committee

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Dear Stefano,

Railfuture response to ORR Consultation on the ROGS (Miscellaneous Amendments) Regulations

We are pleased to submit this consolidated national response on behalf of Railfuture, which has been prepared by the Policy Committee.

Railfuture is an independent voluntary body (structured in England as twelve regional branches, and two national branches in Wales and Scotland) established for over 50 years, whose purpose is to encourage the use of railways and to campaign for their further development. This includes highlighting the disparities between road and rail regulations and encouraging developments that make the railway more affordable.

General Response

We recognise that the regulations on which this consultation is taking place result from changes in EU regulations and the need to transpose these into UK law.

We welcome the approach by ORR in using this opportunity to eliminate duplication and wherever possible, to simplify the rules to reduce the administrative burden, and so the costs imposed on the rail industry.

We believe that the opportunity should be taken to exempt local railways (whether light railways, community railways or heritage railways) from the requirements of European regulations where these are unnecessary, inappropriate or would discourage the provision of rail services. (See responses to Q3 Below.)

Specific questions

Question 1: Do you have any comments on ORR's role as certification body? If so, please state.

A1. ORR's primary role as an economic and safety regulator would not appear to fit well with taking on additional responsibilities as a certification body. The question arises of how ORR would manage a situation where an accident or incident arose partly as a result of a weakness in the certification process. However, in the absence of any other appropriate body to carry out this task, and the requirement of the EU regulation, ORR is probably well placed to carry out this responsibility in the limited way described in paragraph 3.13. However if, in the future, a national rail agency of some sort were established, consideration should be given to transferring this role away from that of the industry's regulator.

www.railfuture.org.uk www.railfuturescotland.org.uk www.railfuturewales.org.uk
www.railwatch.org.uk

Question 2: Do you have any comments on the proposed new regulation 4(4A) of EARR? If so, please state.

A2. We have no specific comment to offer on this question.

Question 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? Please explain your answer.

A3. Previous attempts to define local railways have depended on generic descriptions which have worked reasonably well, but left some uncertainty on the precise lines covered. We endorse this approach which aims to clarify the position, but note that listing lines individually brings its own problems as so many are involved, and the risk of errors or omissions is quite high. Care will need to be taken in verifying the list and updating it will be a continuous process which will require close attention to detail.

Question 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.

A4. No.

Question 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.

A5. We believe that the list should include all designated community rail routes, and not just the 16 shown in Appendix E. These should include all 32 lines shown as designated on the DfT website, as well as the Avocet Line (Exmouth Junction to Exmouth) which was designated last month.

We also endorse the proposal to include cliff lifts and funicular railways within the list of exemptions and to bring them back under ROGS, rather than leaving them under umbrella of mines and quarries legislation.

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

A6. Yes, this is logical and avoids duplication and unnecessary costs.

Question 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.

A7. This seems appropriate, given the safety verification already required under EU requirements for establishing a common safety method for risk assessment, and that the paper confirms that this is more comprehensive.

Question 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.

A8. We endorse this recommendation as a means to reduce the length of time taken to take forward proposals and to reduce the administrative burden on the industry.

Question 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.

A9. We are not in a position to answer this question.

Question 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.

A10. We have no particular comment to offer on this question.

Question 11: Do you have any other comments in relation to the issues raised in this consultation document (and annexes)?

A11. We endorse the proposal to exclude local and heritage railways from the requirement to introduce European train driver licences. (Para 4.23) It is important to keep the requirements simple and inexpensive to reduce the cost base of these lines and to encourage expansion and new entrants to the provision of local rail services, including heritage lines.

As a matter of principle, consultation on removal from scope of the main line requirements of ROGS should include the train operator concerned, and this should be overtly reflected in the wording of Appendix F.

We trust that you will find these comments of use.

Yours sincerely,

CAustin

Chris Austin OBE
Railfuture – Policy Committee