

## **ORR Proposed amendments to Railway Safety Regs 2014-08-13**

### **Chiltern Railways & Arriva UK Trains Response**

**Q1: Do you agree that we should revoke regulations 3, 5, 6 and 7 of MPR 97? If you do not support the revocation, please tell us why.**

Yes, we agree with the Revocation of Regulations 3, 5, 6 and 7 of MPR 97.

**Q2: Do you agree that regulation 4 (means of communication) should be retained in its modified form? If you do not support the retention of this provision, please say why.**

We agree that a form of communication between passengers and those in charge of the vehicle is required but do not have a strong view on how this is implemented.

**Q3: Do you agree that we should retain a regulation to mandate the use of a train protection system? If not, why?**

We believe that the requirement for compatible train protection systems is mandated through standards, track access agreements, operating licenses, Safety Certificates and does not need to be mandated through a further regulation.

**Q4: What are your views on the proposed changes to the drafting of the regulation on train protection systems? Are there any further changes you feel we should make?**

Our overarching response is that the requirement for a train protection system is not required (as above). However, if it is decided to take these regulations forward then our comments are as follows:

1. It is unclear from the drafting as to what is meant by a “train protection management system”. Mainline train protection systems are by their nature the responsibility of more than 1 party and it is unclear as to whether each party needs its own “train protection management system” or whether this can be collectively managed through organisations such as RSSB.
2. Similar to the above comment – the term “operator” in the definition for “train protection management system” itself needs to be defined as Train Protection Systems involve both Infrastructure Managers and Railway Undertakings and it is unclear as to whether this is applicable to just one or both.
3. We suggest that 3b) is amended to state for infrastructure that “London Underground is the Infrastructure Manager for”. There are a few signals that are tripcock fitted that are not used by London Underground trains but solely by our trains.
4. Para 2 largely duplicates obligations that exist elsewhere in legislation or in our Safety License.
5. We suggest that the term “line speed” is replaced by “maximum permissible speed”.

6. We suggest that “permitted speed” is replaced by “permissible speed”. Permissible Speed is the term used in the mainline railway rule book and varies dependant on train type.
7. We suggest that the term “stop signal” is replaced defined as “end of authority” for train protection systems without colour light signals. This then caters for ETCS roll out on national infrastructure and other in-cab signalling.
8. We suggest that the term “train” is defined as “Light locomotive, self-propelled rail vehicle or road-rail vehicle in rail mode” as defined in the national rail rule book . We and other train operators have single vehicle multiple units in use over the national network.

**Q5: In the proposed new definition of “relevant approach”, should 60mph be converted to 95km/h or 100km/h?**

We do not have a strong view on this.

**Q6: Do you agree that we should retain the regulation to prohibit the use of Mark 1 rolling stock, with the proposed changes to the exemption system? If you do not support the retention, please tell us why?**

We do not have a view on this question as we do not operate Mk1 Rolling Stock.

**Q7: Do you agree that regulation 5 (prohibition of hinged doors) should be revoked? If you do not support revocation, why do you think it should be retained?**

We are supportive of this revocation.

**Q8: Do you agree with our approach to issuing exemptions under the new Regulations? If not, please tell us why?**

We are supportive of your approach.

**Q 9: Do you agree that the remaining provision in force can be revoked? If not, please tell us why?**

We agree that they can be revoked.

**Q10: Do you agree with our assumptions in the impact assessments? If not, please tell us why or if there are there any other factors that you think we should take into account?**

The main costs arising from these new regulations will be the requirement for a “train protection management system”. Unfortunately as this is not yet defined and there is no guidance, we cannot see how you are able to evaluate its impact.

**Q11: Do you have any views or evidence that would help inform our development of an enforcement flexibility proposal?**

We do not have a view on this.