



Mr Paul Carey
Office of Rail Regulation
1 Kemble Street
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29 August 2014

Dear Mr Carey

Proposed Train Protection Strategy Group (TPSG) response to ORR consultation on the RSR 99 regulations – August 2014

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

TPSG has been unable to obtain a consensus view on this question. However, we would like to make the following observations:

It was legitimate to include requirements pertaining to train protection systems in the Railway Safety Regulations 1999 as at the time such a system was not mandated, there was a requirement to introduce one in line with the recommendations contained within the Hidden Report and, under the accepted rules for undertaking SFAIRP assessment at the time, the fitment of TPWS was not reasonably practicable thereby requiring government intervention at the overall industry level to specifically address the issue of societal concern.

Installation of TPWS, which the ORR accepts constitutes such a system, was completed in 2003. It is accepted that having an operational train protection system in place is now a fundamental safety requirement and in this respect it is no different than having in place a functioning braking system which in this consultation is proposed to be removed from Regulation 6 of Railway Safety (Miscellaneous Provisions) Regulations 1997 on the basis that this is covered under Part 3 of ROGS.

We consider that the generic requirements contained in the HSWA, Safety Directive and ROGS, which operators must demonstrate they meet through their Safety Management Systems (SMS) in order to be certificated by the ORR, along with the specific Railway Group Standards¹ applicable to train protection systems, are sufficient to ensure the on-

¹ GE/RT8075 specifically mandates “requirements for the functional operation, performance and application of the Automatic Warning System (AWS) and the Train Protection and Warning System (TPWS)” the only exceptions to this being “certain lines which are fitted with mechanical trainstops, lines fitted with European Train Control System (ETCS), and trains which operate only over those lines”

going provision of a train protection system and hence that retaining a separate regulation would be an unnecessary duplication and could therefore be a missed opportunity to meet the Red Tape Challenge.

Separate to the above, we note that Clause 4.10 states that compliance with the (train protection system) legislation can be achieved by Automatic Train Protection (ATP) systems, including ERTMS and by TPWS. We presume that tripcocks (as fitted to a number of units operated by First Capital Connect, London Overground and Merseyrail) also qualify but believe this should be explicitly stated.

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

Even if the requirement for the provision of a train protection system is retained we do not believe that the additional requirement relating to the system being 'properly maintained' should be included in the regulations. This is no different to the existing requirement to maintain any other systems which are already covered under the requirements for safety management systems.

In considering the specific wording that has been proposed for the new regulation we have a number of comments, as follows:

- a. It is noted that Clause 4.11 refers to the system being "properly maintained." We believe that this should instead refer to it being "properly functioning", i.e. the requirement should be defined in terms of what must be achieved, not how it should be achieved.
- b. Of prime concern is that the ORR does not seem to recognise that achieving the aspiration of a properly functioning train protection system places equal reliance on both the infrastructure manager and the operator. There are several specific references to the arrangements that the operators must put in place, both in the consultation document (in sections 4.11 and 4.12) and the revised regulations, but equivalent requirements for the infrastructure manager appear to be wholly absent (other than a brief reference under 'Assumptions' on page 50). The correct operation of any train protection system is clearly reliant on the correct operation of both train-based and infrastructure-based equipment. The latter, being the responsibility of the infrastructure manager, is something over which the operator has no effective control. The absence of any requirements for the infrastructure manager is considered an omission which needs to be addressed.

It also states that "The TPWS train sub-system shall be provided on all trains that operate over lines fitted with the TPWS track sub-system, except for:

- a) Vehicles that operate solely in T3 possession.
- b) Shunting locomotives that are not fitted with AWS and that operate over a route which has been risk assessed to demonstrate that there is little or no risk from collision with trains on running lines.
- c) Vehicles fitted with alternative train protection system(s) providing a level of protection equivalent to or better than that provided by AWS and TPWS that operate only over tracks fitted with the appropriate system(s)."

- c. Also of concern is that the ORR seems to be suggesting that there are operators which do not have management systems in place in respect of train protection (as referred to in clause 4.11). Clause 4.12 states “In practice, many operators already have these arrangements in place...” with the implication that there are operators which do not have such systems in place. Related to this is the statement in the impact assessment on page 46 that “*Train Protection systems that were already installed would be at risk of poor maintenance and falling into states of disrepair rendering them unsafe potentially*”. What is the basis of this assertion?
- d. Referring again to the train protection management system discussed in Clause 4.11, we believe that the ORR needs to provide clarity with respect to its intent. What is it trying to fix that is not covered by existing regulations and general duties on those operating the system?
- e. Overall, our view is as stated in our answer to Q3, i.e. a train protection system is conceptually no different from the train braking system. As part of their SMS, operators have maintenance plans in place for the rolling stock they operate which are designed to ensure that all safety systems operate correctly. We see no justification for why the train protection system should be subject to specific regulation when other vehicle based systems – including those on which the train protection system relies, i.e. the braking system, are not singled out in this manner.
- f. In the definition “stop signal” means a signal conveying to the driver of the train an instruction that he should stop the train needs to be revised for ERTMS. In a no signals railway it should be also defined as the point where a movement authority ends which may or may not be marked on the trackside.
- g. In summary, our view is that the requirements proposed to be placed on operators for the “train protection management system” be discarded since:
 - i. what is meant by a “train protection management system” is far from apparent (where it is noted that the ORR has been unable to provide clarity, either in the consultation document)
 - ii. they only address half of the interface requirements of such a system
 - iii. operators are already required to maintain the train protection system equipment as part of their maintenance plans which in turn form part of their SMS (that is certificated by ORR) – the proposed requirements would duplicate this
 - iv. it should be up to the industry to determine how “a properly functioning train protection system” is achieved and it is not the place of legislation to dictate this.

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

It is not clear to us (and the consultation document does not adequately explain) why the imperial units are being replaced with their metric equivalent since the railway network

signage remains in the former. Beyond this, we note that RSSB Guidance Note GI/GN7608 - Guidance on the Conventional Rail and High Speed Infrastructure Technical Specifications for Interoperability includes a table of 'speed conversions' (Table G 1) which equates 100km/h to 60mph – we suggest that for consistency 100km/h should be used in the new definition.

We hope that you find this responses useful. If you require any clarifications on any of the points raised please contact either myself or Colin Dennis at RSSB.

Yours sincerely

Phil Barrett
Chairman of the Train Protection Strategy Group