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By email to: paul.carey@orr.gsi.gov.uk

Mr Paul Carey
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

Dear Mr Carey

Response to Consultation 'Revising Railway Safety Regulations'

The Verderers of the New Forest strongly object to the proposal to revoke Regulation 3 of the Railway Safety (Miscellaneous Provisions) Regulations 1997.

Regulation 3-(1) states that 'So far as is reasonably practicable, a person in control of any infrastructure of a transport system to which this regulation applies shall ensure, where and to the extent necessary for safety, that unauthorised access to that infrastructure is prevented'.

Regulation 3-(2) states 'In paragraph (1) "access" means access by any person not at work on the transport system or by any animal'.

The Railways and Other Guided Transport Systems (Safety) Regulations 2006, do not specifically mention 'access by persons not at work on the transport system or animals' and the Verderers believe this to be a serious omission.

Whilst ROGS requires railway operators to prepare a safety management system and to obtain a safety certificate, the Verderers are very concerned that in the New Forest, the lack of a specific requirement to prevent animals (and the general public) from gaining access to railway lines could lead to a serious accident as a result of inadequate fencing.

Many miles of railway traverse the New Forest where large animals graze land immediately abutting the railway lines. Even with the current legislation in place, as well as the specific legally binding agreements which are supposed to ensure the railway lines are effectively fenced, defective railway fencing has always been a problem.

The Verderers can provide evidence of problems, past and present, and examples of when large animals, specifically cattle and pigs, have gained access to the railway infrastructure as a result of badly maintained bridges, gates and fences.

The Verderers feel very strongly that future legislation must not weaken the present specific legally binding obligation on railway operators to maintain railway bridges, fences and other infrastructure essential to prevent large animals from gaining access to railway property.

If you require any further information please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink that reads "Sue Westwood". The signature is written in a cursive, flowing style.

Sue Westwood
Clerk to the Verderers