



Welcome to RIHSAC 98

Dilip Sinha, Secretary, RIHSAC
4 February 2015



RIHSAC: ORR European safety update

Oliver Stewart

4 February 2015

Introduction

- 4th Rail Package
- Cooperation arrangements between NSAs and ERA
- Revision of the CSM for Conformity Assessment and CSM Supervision
- Common Occurrence Reporting
- ERA railway indicators

4th Rail Package

- Trilogue – Commission, Parliament and Member States
- Latvian presidency keen on progressing the 4th Package – intend to complete Technical Pillar by summer
- Technical Pillar – safety, interoperability and ERA regulation directives
- Discussion now focused on the ‘market’ and ‘political’ pillars
- EC still planning to keep package together and not implement the technical pillar separately
- Some NSAs have raised the possibility of a graduated introduction of particular aspects of the technical pillar
- ORR working with other NSAs on future cooperation arrangements with ERA

Cooperation arrangements with ERA

- 4th package will require cooperation between NSAs and ERA around on certification/ supervision
- NSAs have been meeting to discuss and seeing what can be learned from the aviation industry
- Harmonisation of standards and processes has a long history in aviation
- NSAs arranging a meeting with representatives of EASA

Revision of the CSM for Conformity Assessment and CSM Supervision

- **CSM for Conformity Assessment:** common approach for the assessment of applications for safety certificates and authorisations
- **CSM Supervision:** common approach by NSAs to overseeing duty holder compliance with their safety certificates/ authorisation
- ERA want to simplify and harmonise NSA decision making
- The revision of the CSMs is partly to account of recent legislative changes
- Keep as separate CSMs
- Most of the work taking place in 2015
- The earliest the revision might be completed is early 2017

Common Occurrence Reporting

- UK has the NIR system
- Occurrence reporting is seen as taking a system-wide and data-driven approach to accident prevention
- A common EU approach to occurrence reporting and analysis has been in place in both aviation and maritime for several years
- ERA are exploring whether a similar system would be possible for railways
- ERA also looking into the reporting of suicides, particularly how they are distinguished from accidents involving an unauthorised person/ trespasser

ERA railway indicators

- ERA is developing a series of metrics (Railway Indicators) they will use to measure performance in delivering ERA-related activity
- There will be approximately 20 railway indicators divided into 4 operational activity areas:
 - Harmonised safety framework
 - Removal of technical barriers
 - Single EU train control and communication system
 - Simplified access for customers
- ORR and RSSB have been working to influence ERA to adopt suitable indicators

Summary

- Technical pillar of the 4th Rail Package nearly complete – but little progress on the market and political pillars
- ORR leading work on exploring cooperation arrangements between NSAs and ERA
- Revision of the CSM for Conformity Assessment and CSM Supervision
- Common Occurrence Reporting
- ERA railway indicators



Level crossings update for RIHSAC

Tracy Phillips

4 February 2015

Purpose

- Provide an update to RIHSAC members on level crossing policy issues discussed at 13 October meeting
- In particular, implementation of Law Commission proposals
- If time
 - remaining action from Transport Select Committee inquiry into level crossings
 - ORR guidance on ORR policy and approach re new level crossings



Implementation of the Law Commission proposals

Position as at Oct RIHSAC meeting

- Law Commissions had published their report including 86 specific recommendations (Sept 2013)
- Government was due to provide its final response (normally within 12 months of publication)
- Response actually sent 13 October, published next day
- Members of the original Law Commission Advisory Group were alerted by DfT and next steps explained

Content of Government response

In summary Baroness Kramer's 13 October letter to the Law Commission Chairman:

- accepted the case for reform of legislation and procedures governing management of level crossings
- gave a firm commitment to produce an action plan by the end of 2014 outlining the areas for further consideration/work and how this would be taken forward
- provided an “accept”, “modify” or “reject” position against each of the 86 recommendations
- made a commitment to consult stakeholders further on some of the detailed proposals

Development of action plan

- DfT, ORR, Law Commissions, Transport Scotland and Network Rail reps met 6 Dec to review Department's draft action plan
- Plan seen as firm commitment to do *something*
- Focuses on areas/recommendations where Department believes further thinking and/or stakeholder engagement is required
- These can be grouped into proposals covering
 - *Move to a HSWA based regime*
 - *Closure*
 - *Access*
 - *Improved co-operation*
 - *Disapplication of level crossing legal provisions*
 - *Signage*

Development of action plan continued

- *Working in partnership* strong theme of action plan
- Indicative timetable provided, described by DfT as “challenging”
- Not “published” but sent to original Advisory Group asking for their continued assistance

Policy areas DfT wish to explore

- Recommendations 3, 5, 6 , 7, 8, 12, 13 and 14 – safety at level crossings to be governed entirely by HSWA
 - how might this be implemented? are there particular issues for the heritage sector? how would highway authority duties be reflected? how would a duty to consider convenience work? if Orders go should anything replace them? should ORR be able to produce ACoPS?

- Recommendations 15 and 16 – improved co-operation
 - how would a duty to co-operate work? could the ROGS model be applied? how would you enforce it? how do road-rail partnerships work in practice?

- Recommendations 21, 22, 23 and 24 – disapplication of existing/conflicting provisions
 - need to understand how this would work

Policy areas DfT wish to explore continued

- Recommendation 26 – statutory system for closing crossings
 - is a bespoke system needed? could the TWA process deliver the intentions of the Law Commission proposals?
- Recommendation 72 to 83 – access
 - plan to discuss with Scottish Government
- Recommendation 86 – signage
 - will review results of RSSB research and consider whether changes to regime required

Moving forward

- DfT own the action plan but stakeholders will play a key role in ensuring its delivery
- ORR has offered assistance with the governance of the project and with helping prepare discussion papers (safety related recommendations)
- Lack of corporate memory at DfT – ORR, Law Commissions and members of the Advisory Group can help
- Opportunities to get involved in planned stakeholder workshops and through other mechanisms

Moving forward continued

- Wide range of stakeholders crucial to monitor progress, identify and explore areas of interest and hold Department to account
- Next meeting ??? but commitment to hold stakeholder workshop “in the spring”
- Wider public consultation may be needed
- Aim is to finalise proposals Dec 2015 and secure Parliamentary slot during 2016
- Please get involved/keep up the momentum



Transport Select Committee and ORR guidance on new crossings

Transport Select Committee inquiry

- Key remaining action from Oct 2013 inquiry –
 1. Rail industry, Government and ORR stop using the term “misuse” when referring to incidents
 2. Parties to work together to develop and adopt improved terminology
- The Level Crossings Strategy Group (involving NR, RSSB, Union representatives, LAs, TOCs, BTP, RAIB, DfT and ORR) has undertaken some work re 2.
- Further meeting this week to discuss draft text

New level crossings

- New Rail Guidance Document produced and published by ORR covering new level crossings
- Sets out our policy and approach to handling requests for new or re-instated crossings
- Provides clarity and transparency for applicants on how ORR's high level policy of "no new level crossings unless exceptional circumstances" will be interpreted and applied
- Ensures a consistent approach across ORR and the mainline and heritage networks
- Published on ORR website since early January; Ian Prosser shortly to write to stakeholders alerting them to its presence

Safer Trackside Working CP5 Programme

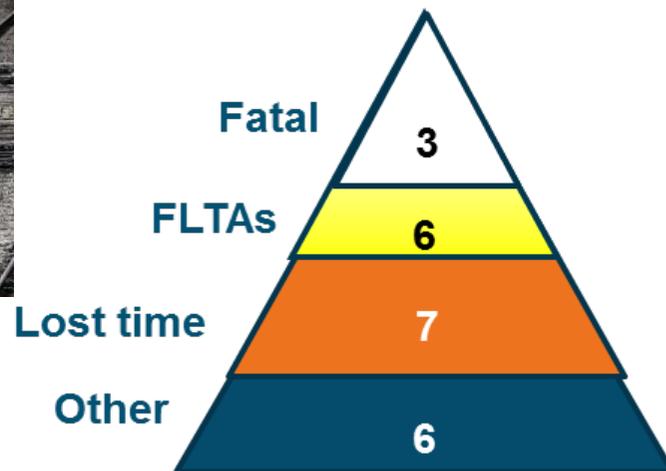
*Mark Prescott
Senior Programme Manager*

100 years of 'Tolerable' Track Worker Loss.



1907 UK Rail Companies reject the UK Board of Trade recommendation to issue whistles to track workers to warn of approaching trains.

1914 A UK Government debate on the need for action to reduce deaths was defeated despite 420 railwaymen killed in the previous year. **102** were track workers



Struck by train : 2009~2014

1985: **11** Track workers Fatalities

2009 ~ 2014 : **3** Track worker Fatalities

2014 ~ Network Rail Target :
Zero Fatalities & Zero Major Injuries

Transforming Safety Strategy

By 2014 develop a track work access strategy involving higher integrity systems of work than are captured in the current Red/Green Zone distinctions

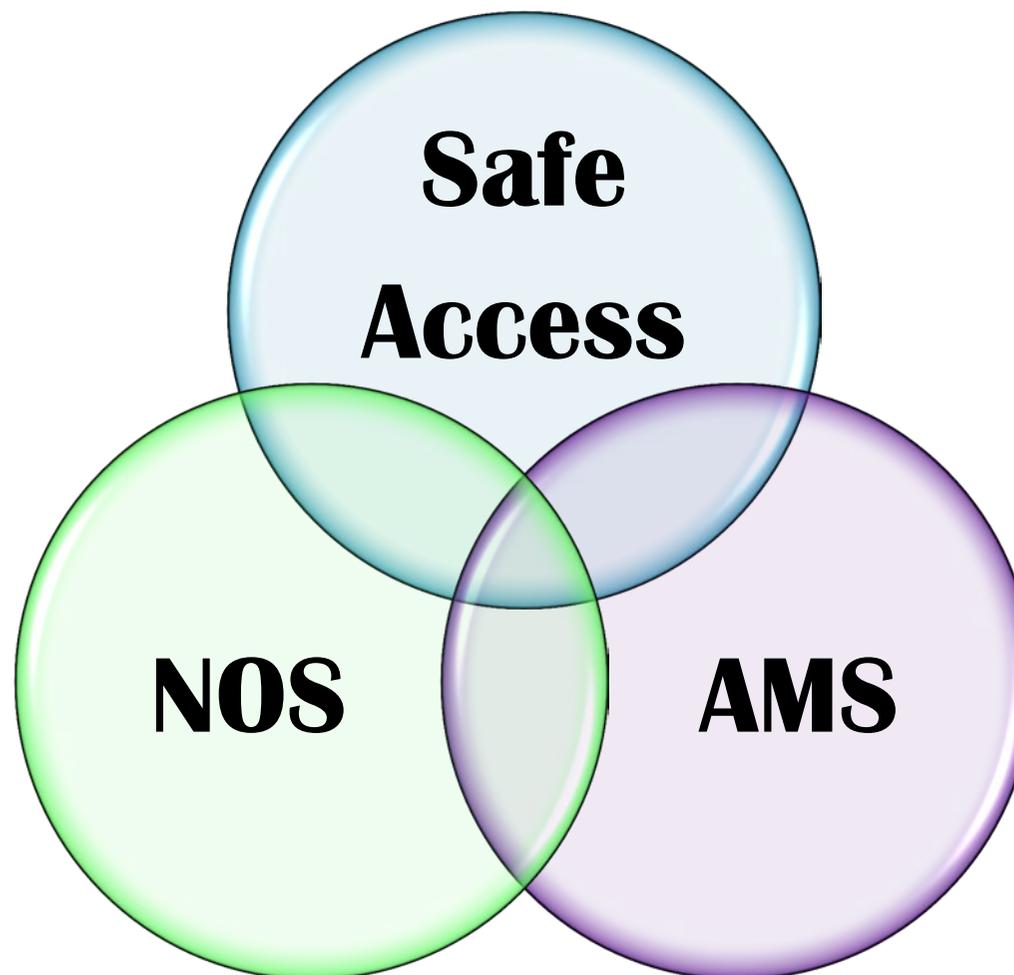
We will invest in new technology to make a step change in the safety of our people who work on the track. This will include providing additional protection when we need to undertake work whilst trains are still running

During CP5 we will develop and progressively deploy innovative technology such as warning systems integrated with signalling systems.

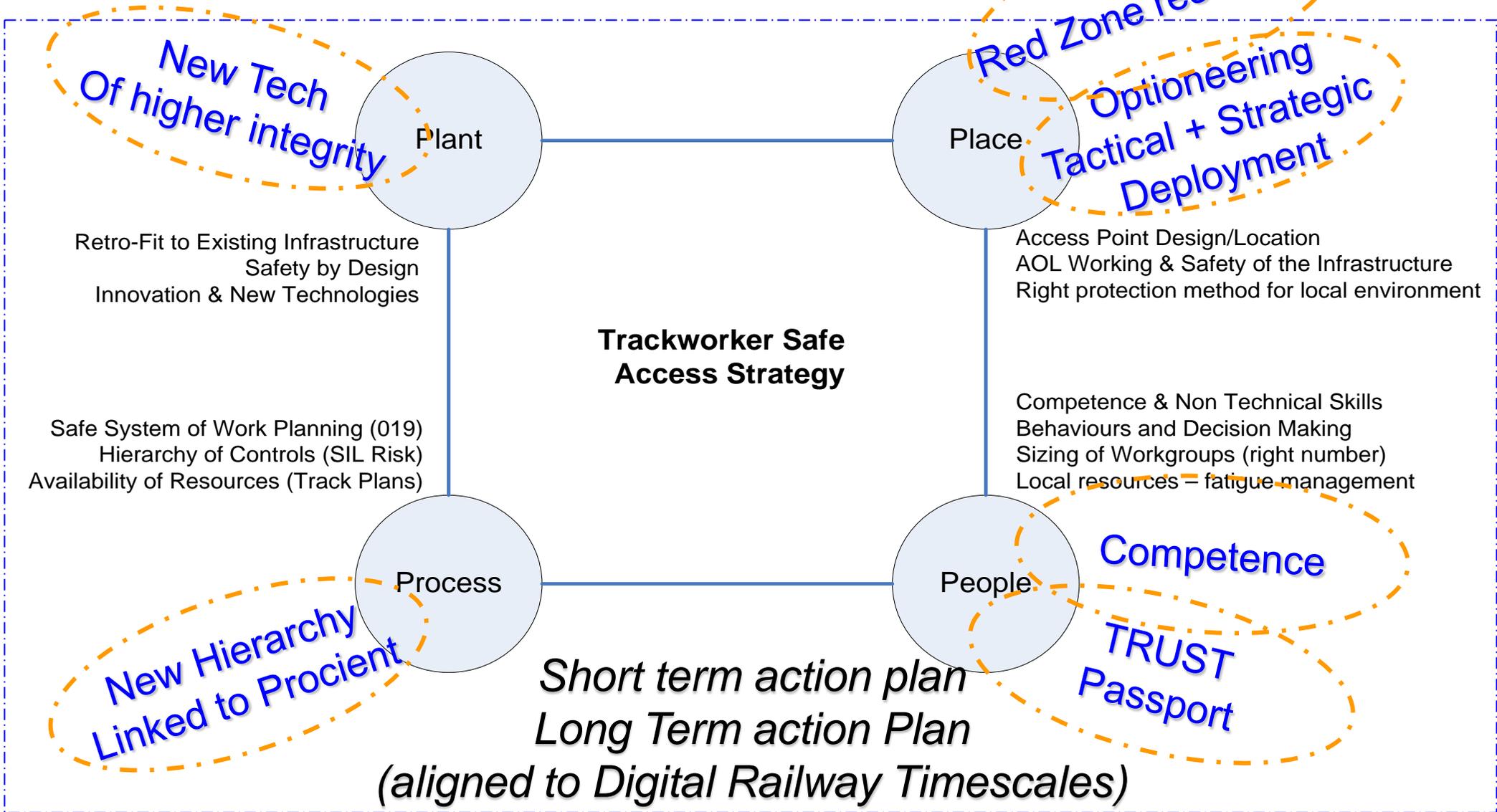


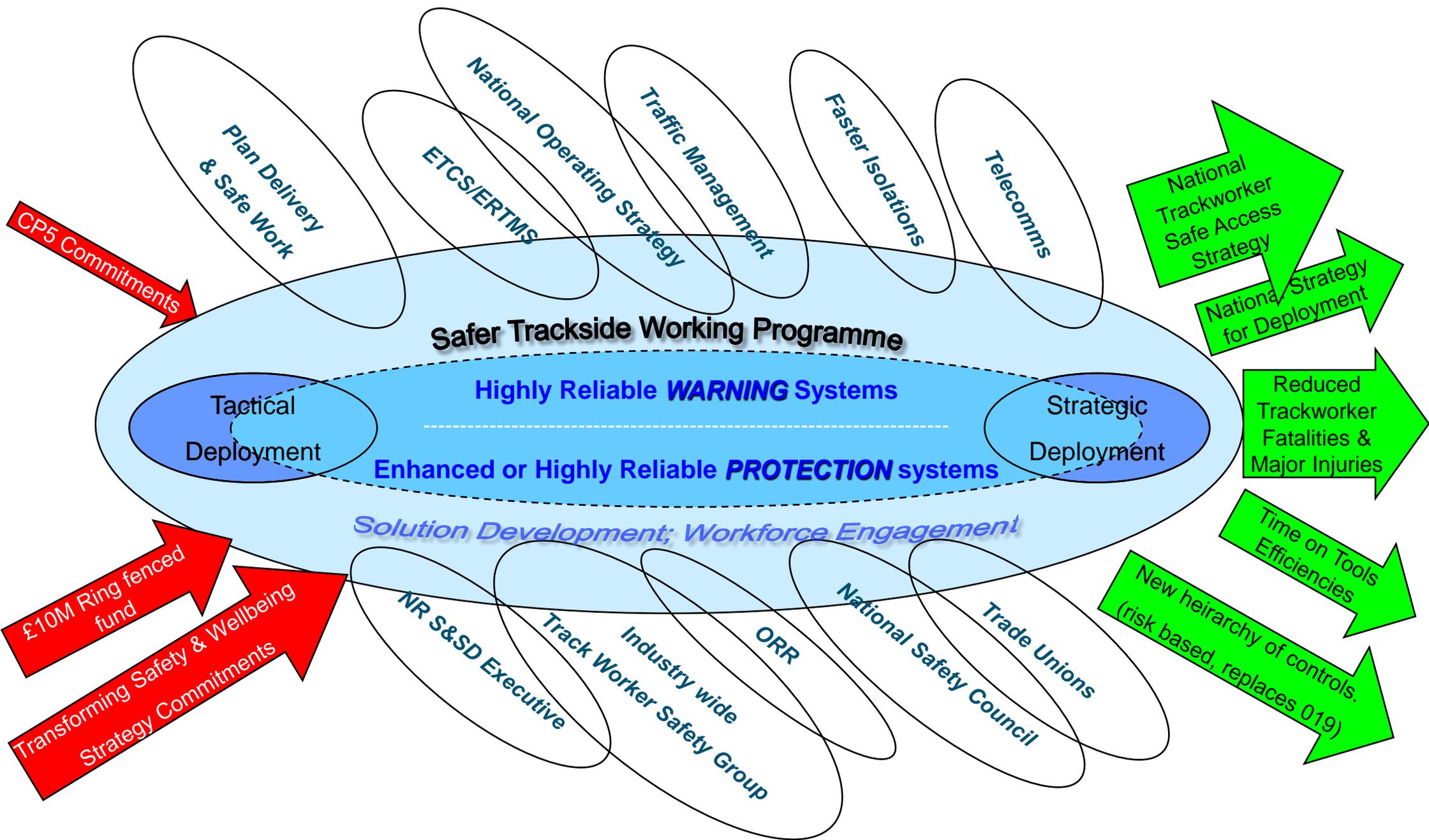
**everyone
home safe
every day**

Trackworker Safe Access Strategy



Trackworker Safe Access Strategy



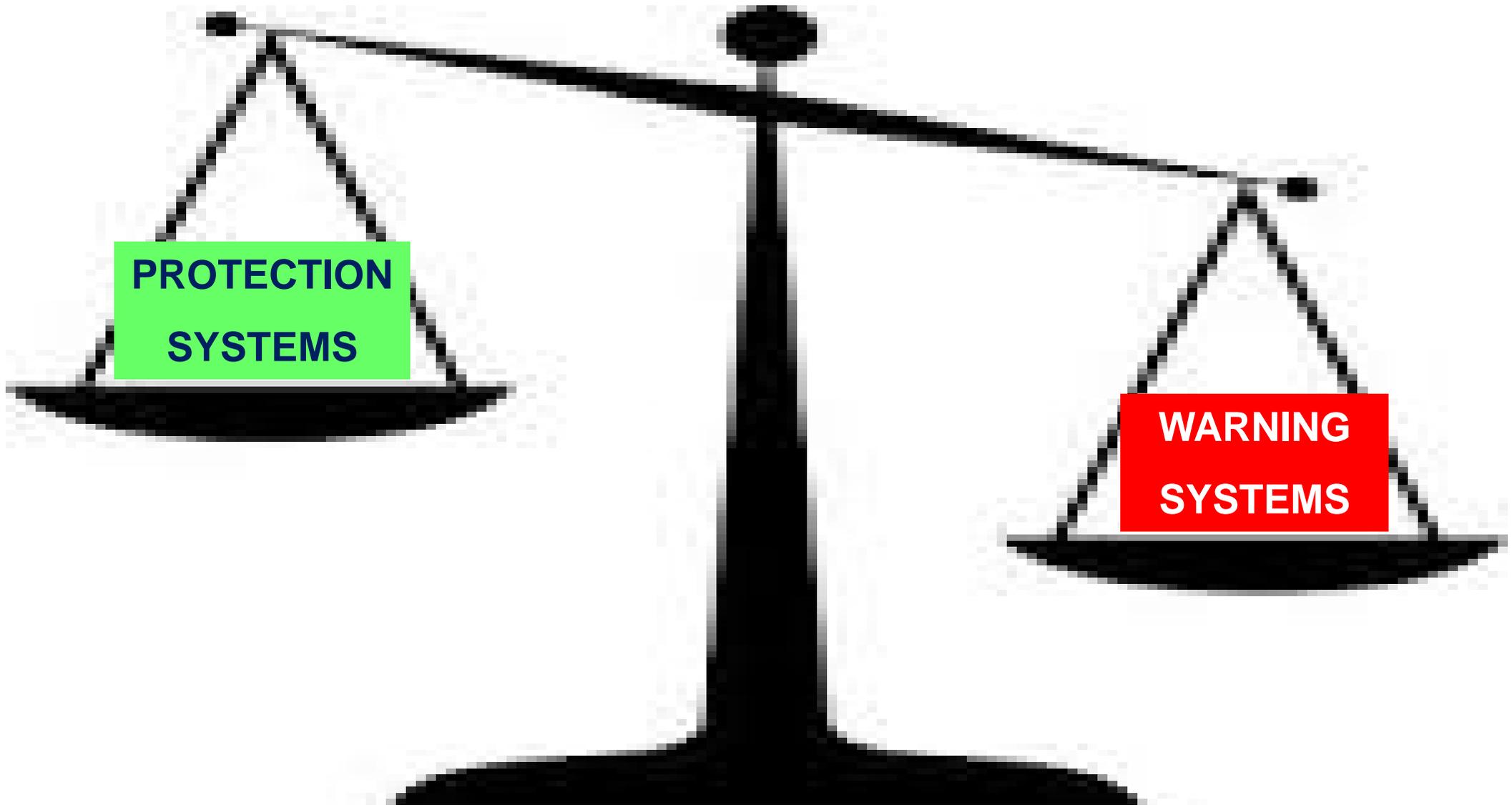


Safer Trackside Working Programme

Track work Hierarchy of Controls

Principals of Prevention

Programme	Enabler or Visit Reduction	Trackworker Safety as Primary or Secondary Benefit
Plain Line Pattern Recognition	Visit Reduction	Secondary
S&C Video Inspection Train	Visit Reduction	Secondary
Risk Based Maintenance	Visit Reduction	Secondary
Plan, Delivery of Safe Work	Enabler	Primary
Safer Trackside Working	Enabler	Primary
Safety Leadership & Culture Change	Enabler	Primary
NOS Traffic Management	Enabler	Secondary
ERTMS/ETCS	Visit Reduction	Secondary



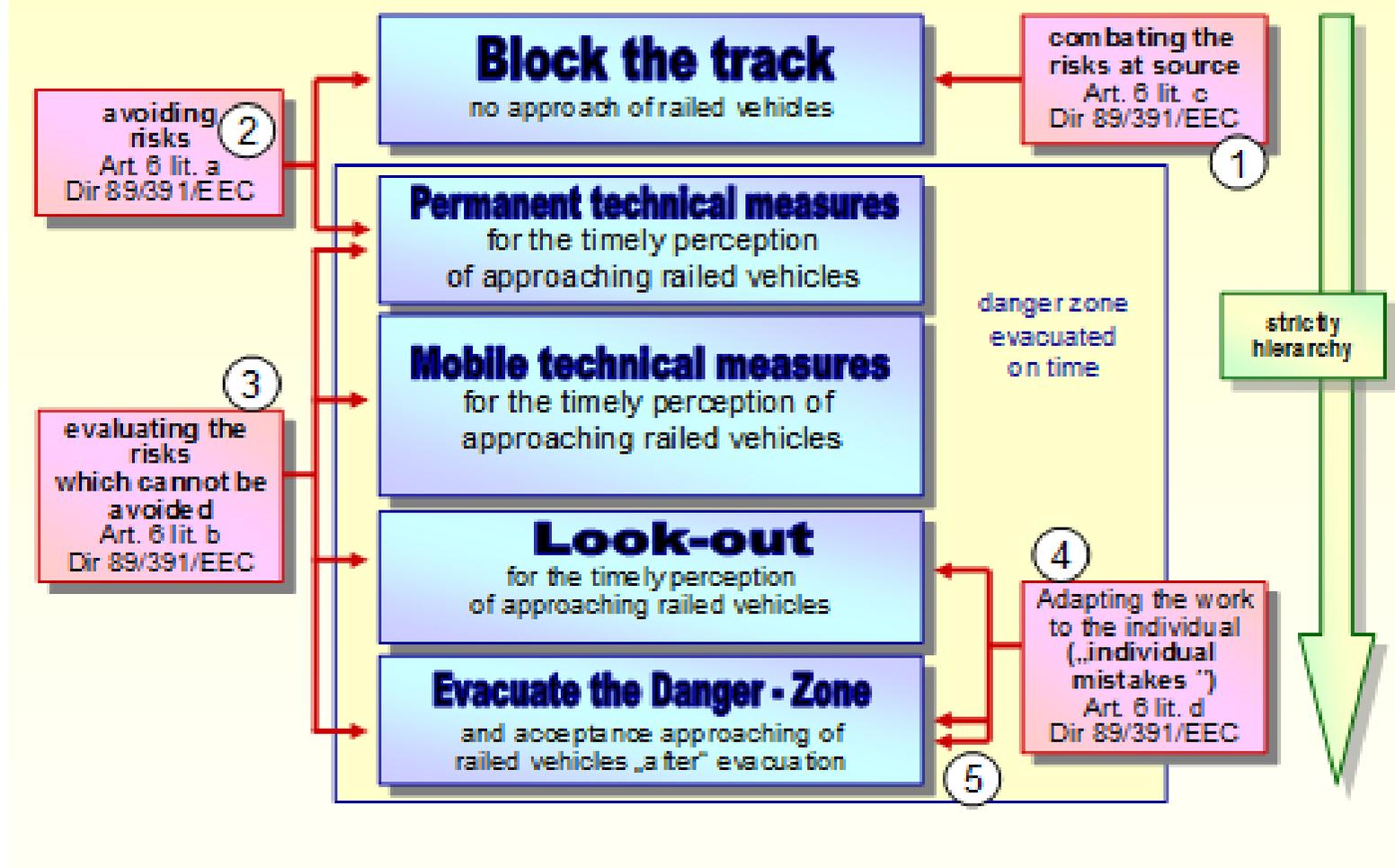
Hierarchy of Safe Systems of Work: Is Green Zone always better than Red???



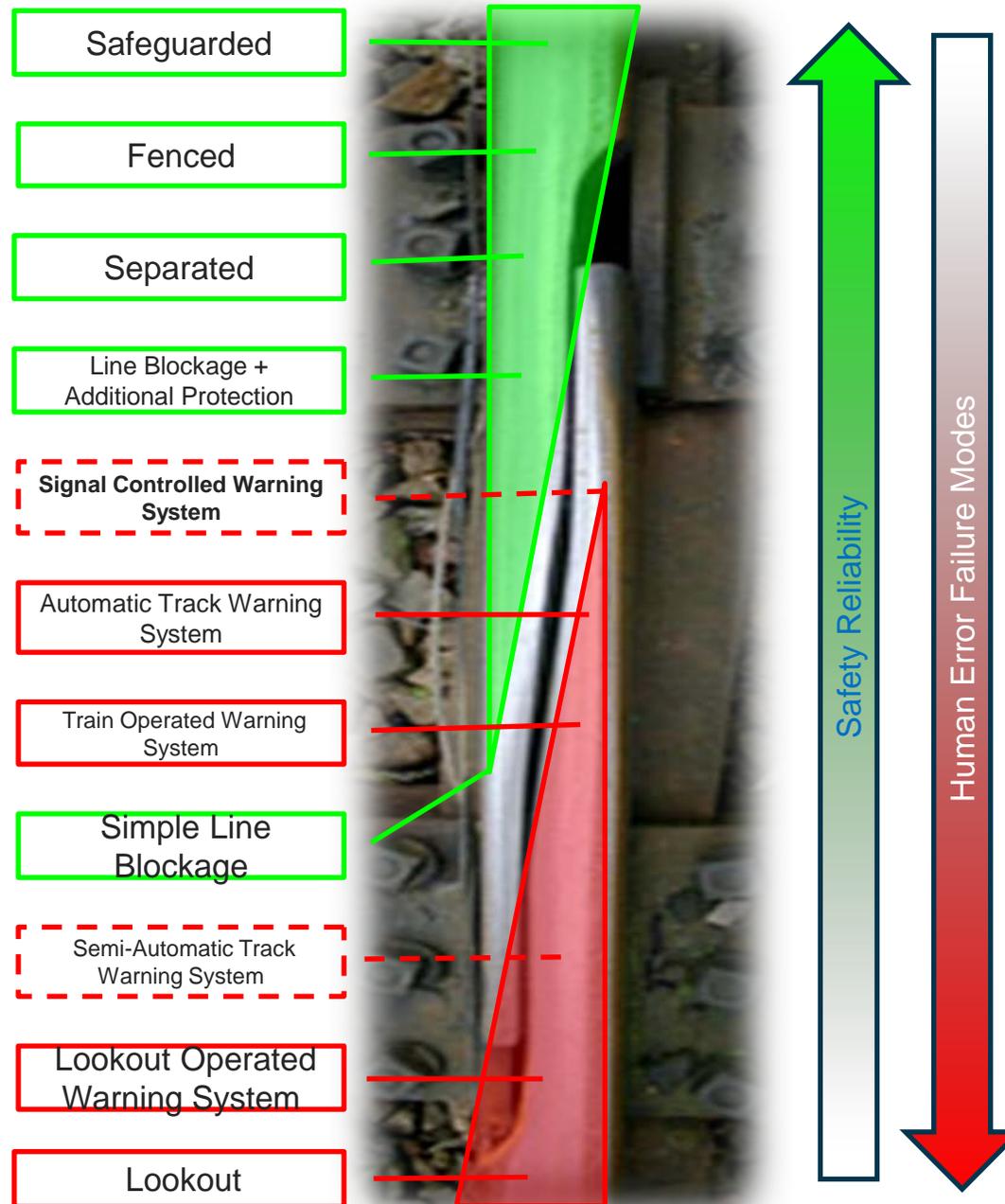
Draft European Hierarchy prEN 16704

Safeguard for the working track

(Hierarchy of measures for risk 1)



Hierarchy of Safe Systems of Work:
Is Green Zone always better than Red???



Risk based Hierarchy *(replaces 019)*

The new system under development is based on the following three categories,

- ▶ **DEPENDANT:** Warning (low integrity human system),
 - ▶ **INTERDEPENDANT:** Protection (medium integrity with human interaction)
 - ▶ **INDEPENDENT:** Protection (High Integrity System).
-
- Categories have an **overall system score**, (based on the integrity level, resilience, human factors & risk modifiers.)
 - System score is modified by a hazard weighting for each Risk Modifier
 - Risk Modifiers include:-
 - line speed, trains per hour, junctions, sighting distance, bidirectional lines, adjacent lines open, number of personnel, task type etc.
 - **Work system Score = System Risk X Risk Modifiers.**

Description	Factor	Description	Factor	Description	Factor	Description	Factor	Score	Dependency Weighting 1	Dependency Weighting 2	Worksafe	Workforce Exposure Score
No trains running	0	<60	10	60 to 80	100	>80	1000	1000	5000	10000	Workforce Exposure Risk	1
Not required	0	Greater than rule	10	As Rule Book	100	Less Than Rule Book	1000	1000	5000	10000		
None	0	Simple converging	10	Complex, multiple, through lines	100	Complex, multiple, throats	1000	1000	5000	10000		
None	0	Quiet	10	Busy	100	Terminal	1000	1000	2000	2000		
None	0	Disused	10	Quiet	100	Busy	1000	1000	1000	1000		
L (1 to 5ph)	1	M (6 to 10ph)	10	H (11 to 15ph)	100	VH (>15ph)	1000	1000	5000	10000		
None	0	1 man	10	2 man	100		1000	100	100	100		
None	0		10	Yes	100		1000	100	100	100		
Insignificant	0	Low	10	Medium	100	High	1000	1000	1000	1000		
>3m fenced	1	2 to 3 m	10	2 to 1.25m	100	on	1000	1000	1000	1000		
>3m fenced	1	2 to 3 m	10	3 to 1.25m	100	on	1000	1000	1000	1000		
None	0	>3m fenced	10	2 to 3 m	100	1.25 to 2	1000	1000	1000	1000		
None	0		10	>1	100	>1 bi-directional	1000	1000	1000	1000		
None	0		10	Yes =1	100	Yes >1	1000	1000	1000	1000		
None	0		10	Yes	100		1000	100	100	100		
None	0		10	Yes	100		1000	100	100	100		
Not required	0	>2m	10	1.25 to 2m or additional time requi	100	None	1000	1000	5000	5000		
No	0		10		100	Yes	1000	1000	1000	1000		
No	0		10	Yes	100		1000	100	100	100		
No	0		10	Yes	100		1000	100	100	100		
None	0	Remote	10	Yes >1.25	100	Yes <1.25	1000	1000	1000	1000		



Potential Tolerance Limit (TBA)

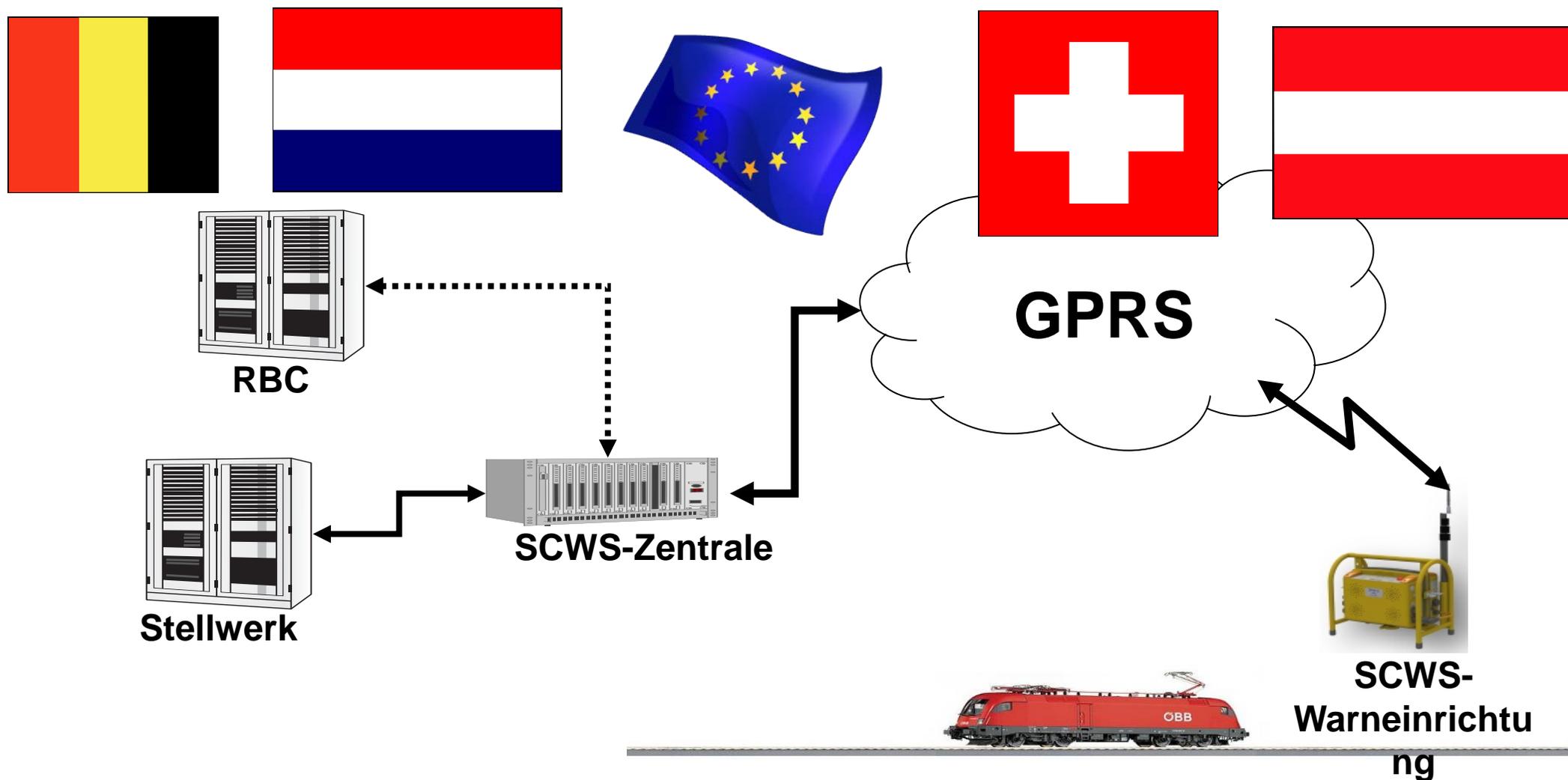
STW

Possible Solutions

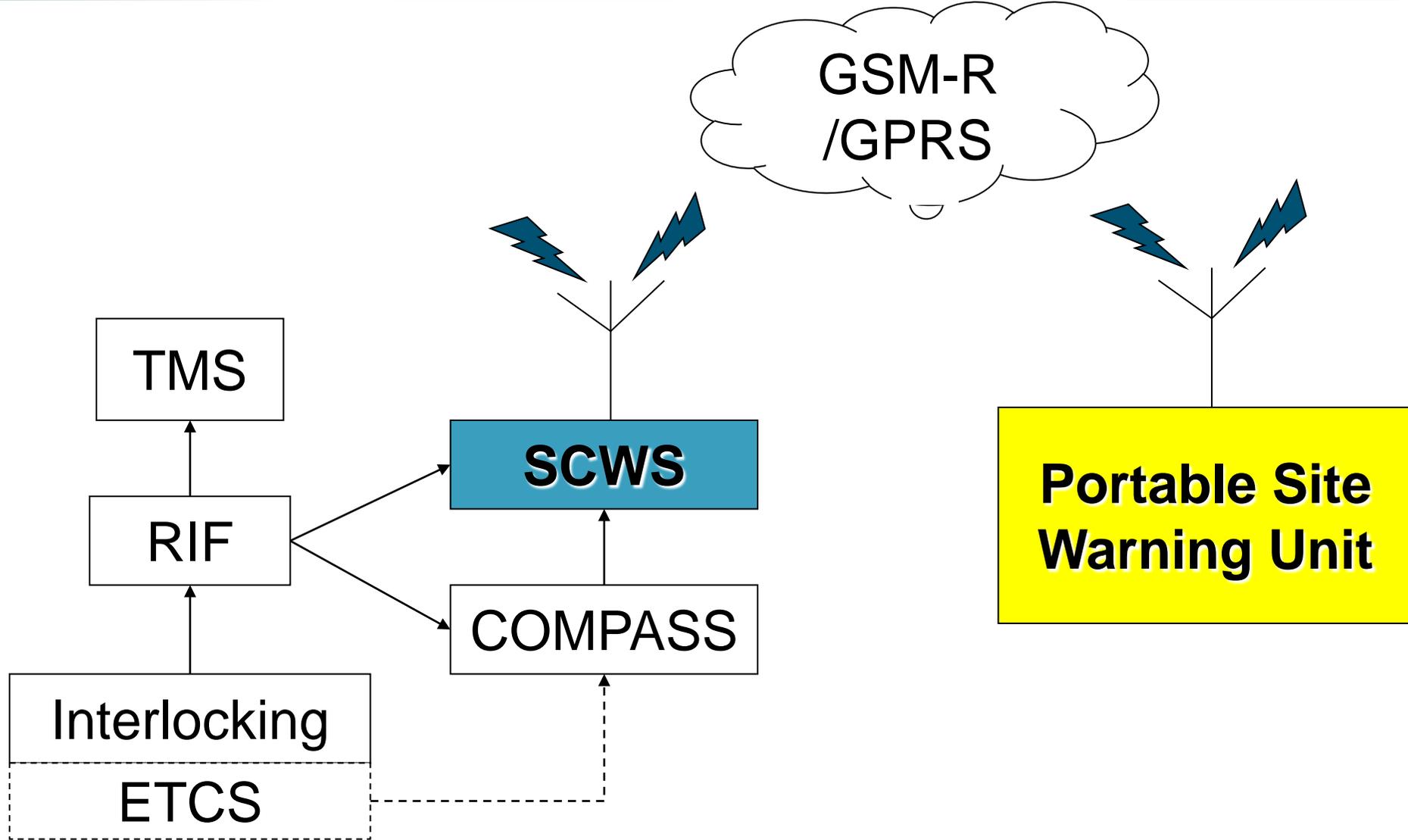
Protection & Warning

SCWS

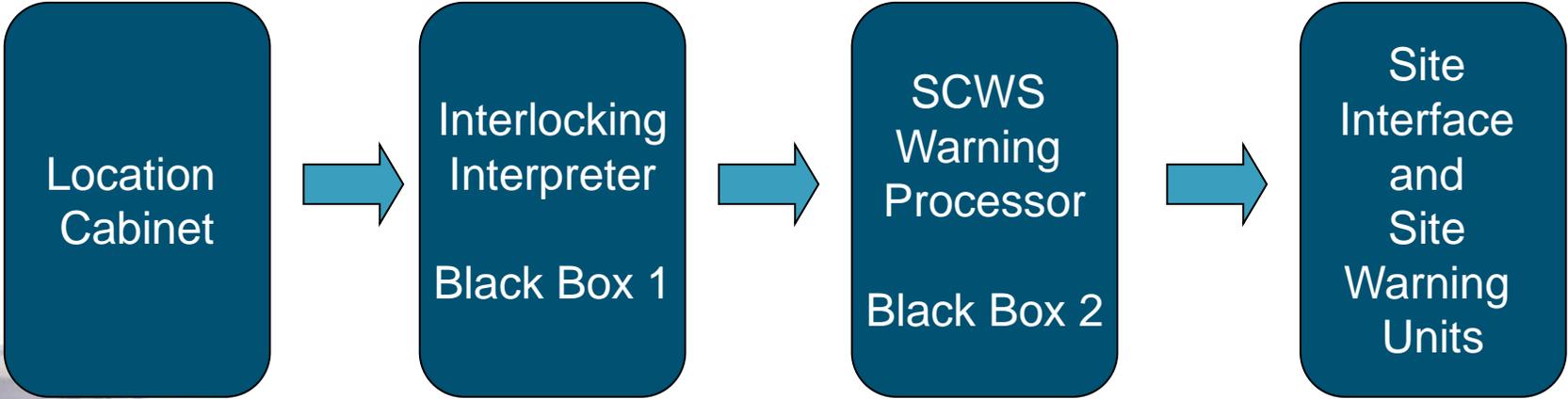
Signal Controlled Warning System (SCWS)



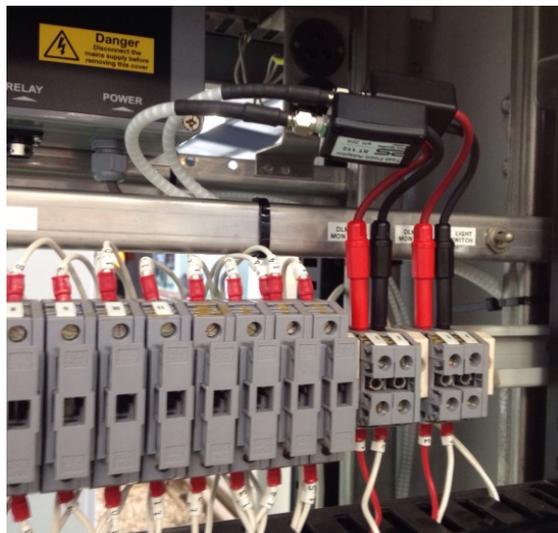
High Integrity Warning System: SCWS UK national solution



Signalling Controlled Warning System Retro-fit solution



Tactical: High integrity Warning

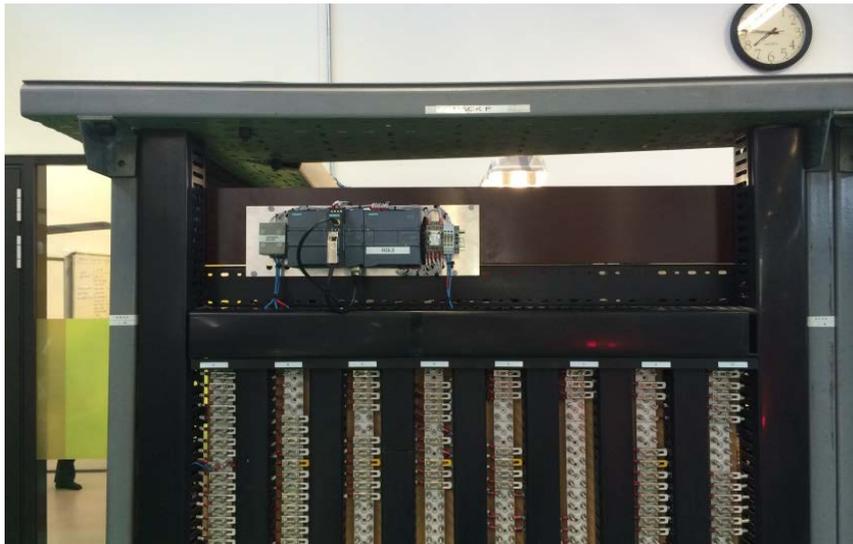


SCWS

SCWS Prototype currently installed at Paddock Wood training centre.

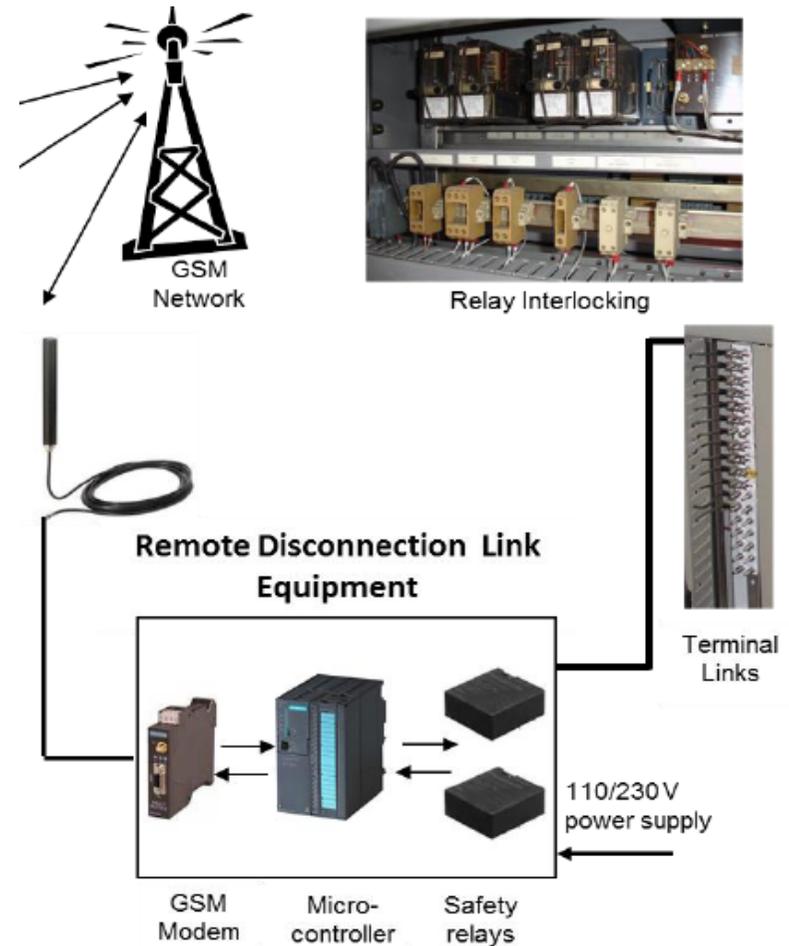
Remote Disconnection Device

Tactical: Enhanced Protection System



RDD

RDD Prototype currently installed at Paddock Wood training centre.



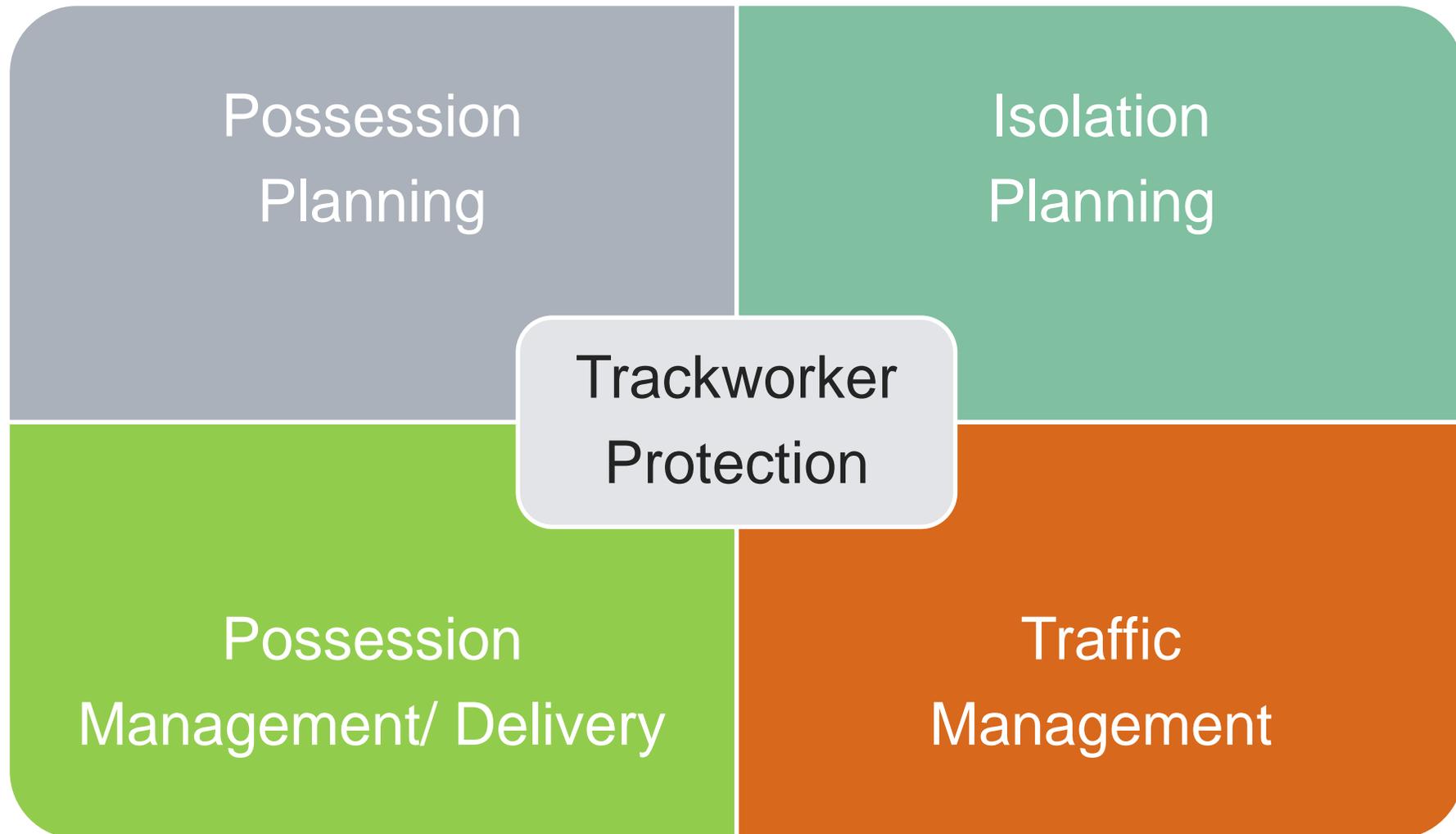
Traffic Management Protection Systems

Traffic Management: Protection Solutions

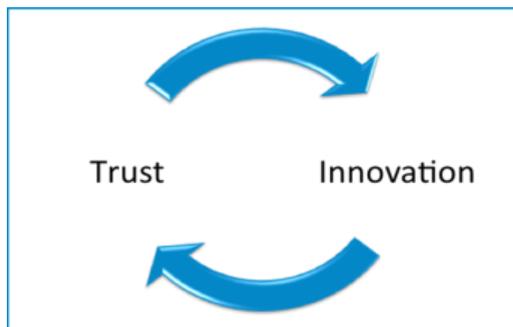
- Traffic Management is the new Signalling Control System of the future.
- *Remote Possession Management*
- provides the ability to deploy a protection system from a remote location, controlling the signals directly at site.



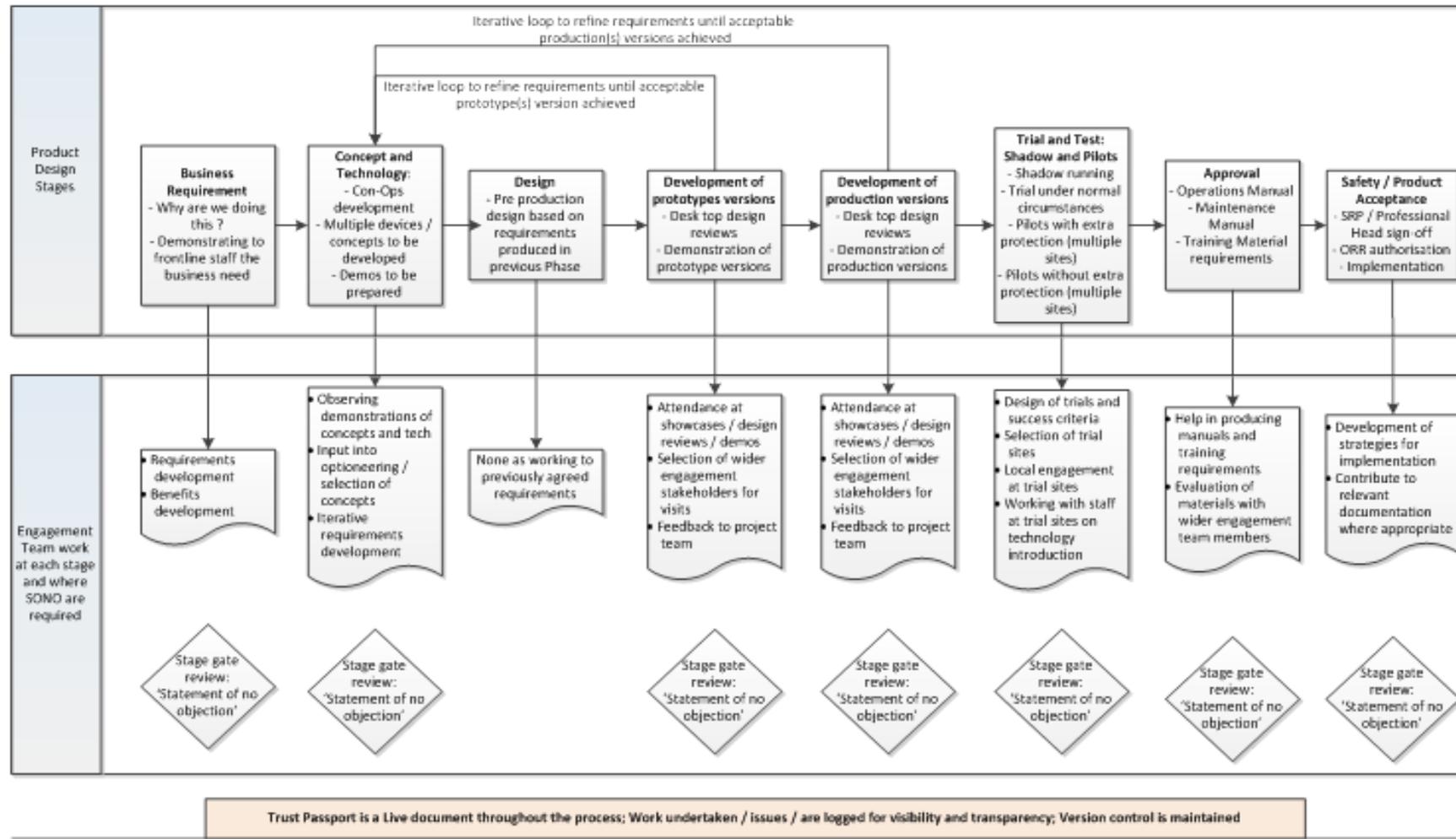
Possessions:- A new future?



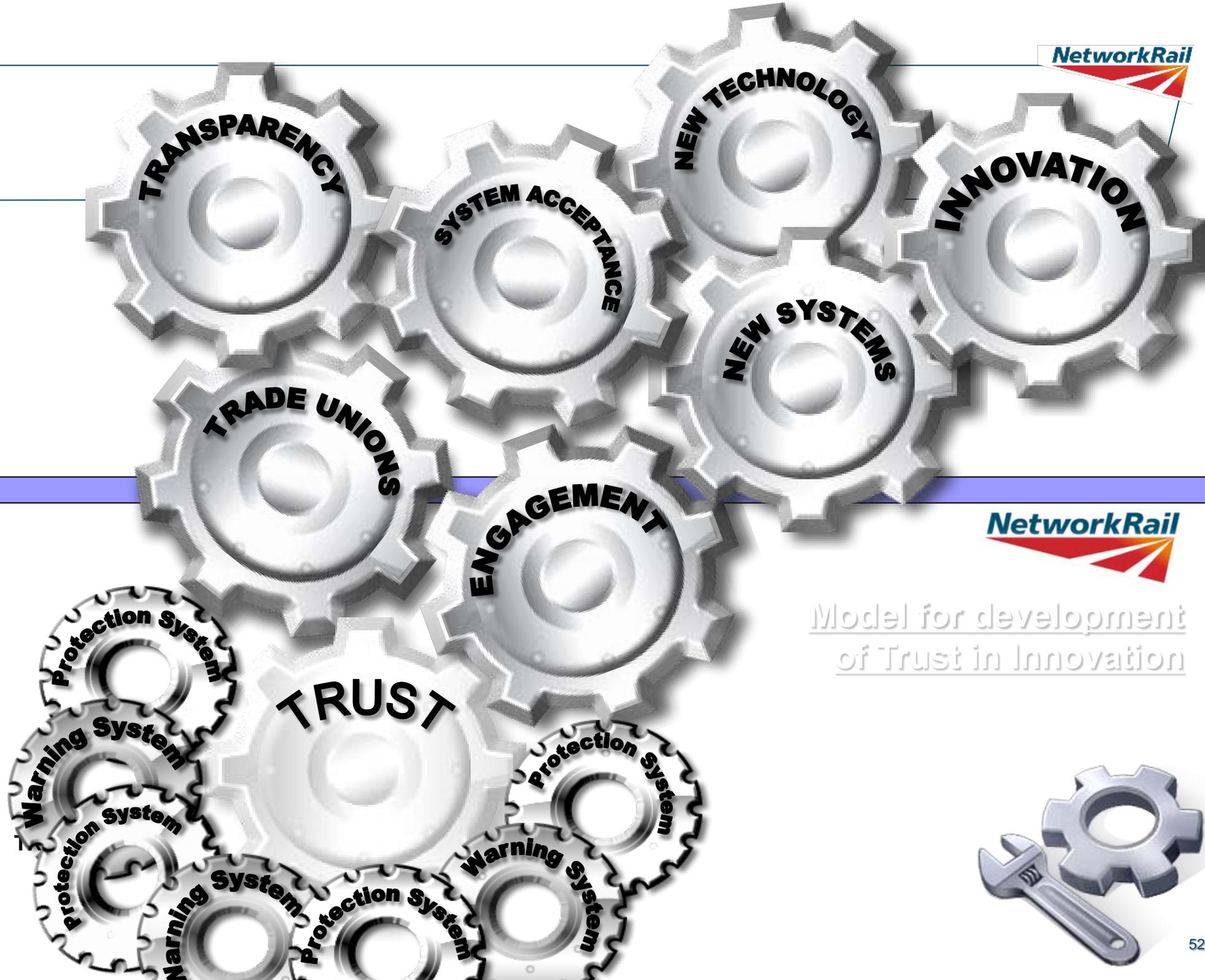
Workforce Engagement



Workforce Engagement and the Trust Passport Process



T
R
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T



Model for development
of Trust in Innovation



Systems for Trackworker Safety





ORR's health and safety priorities for 2015 - 16

Ian Prosser, HM Chief Inspector
4 February 2015

Our Goal is continuous reduction in harm...

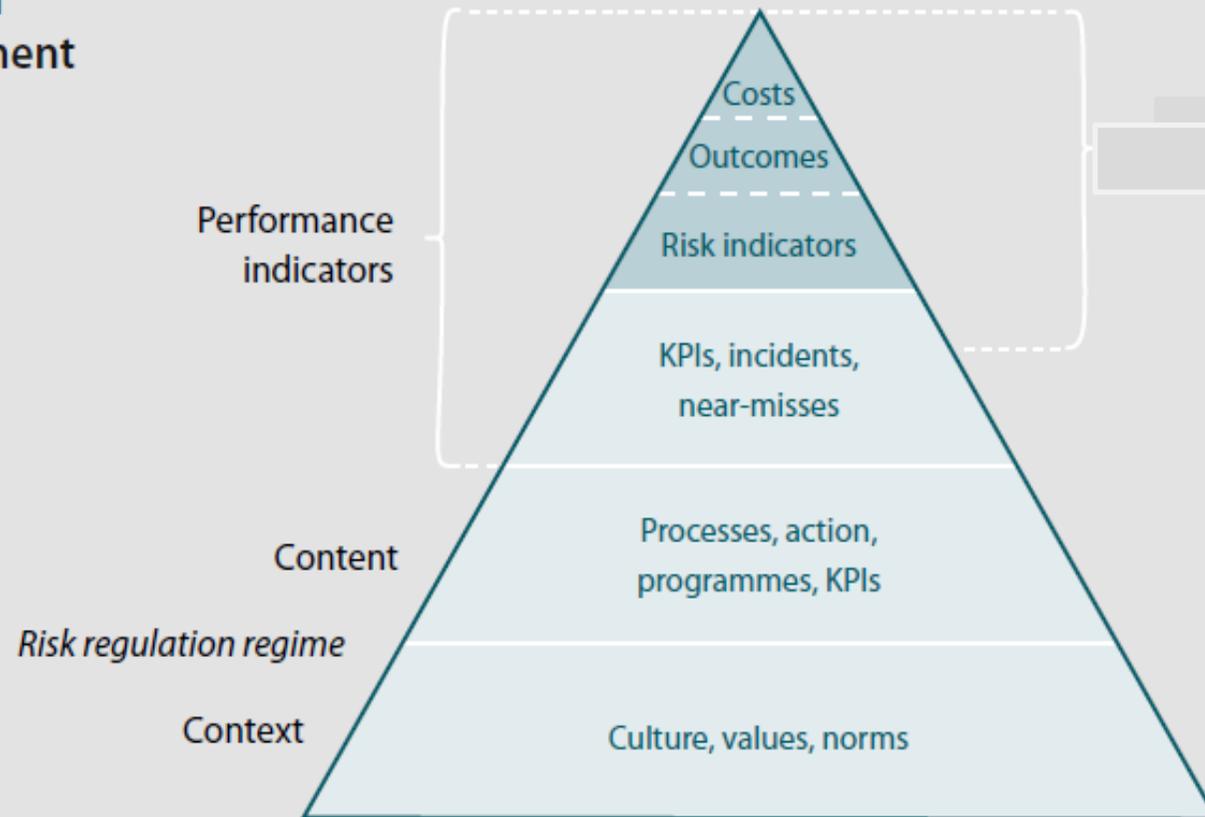
- **Vision:** Zero industry caused fatalities and ever-decreasing health and safety risk
- Through the industry achieving excellence in:
 - culture
 - health safety and asset management
- It is about continuous improvement for us and the industry

We check compliance and push excellence in management...

- Checking legal compliance
 - control of risks
 - every day
 - by businesses.
- Pushing for excellence in management, both by individual railway duty holders and across the system as a whole:
 - because excellent management means
 - more likelihood of compliance every day.
 - more likelihood of control of risks every day.

Assessing safety performance....

Figure 1 _ Pyramidal model for railway safety management



Revised risk priorities and enablers

Risk Areas & their work programmes
Level crossings
Train control / protection technologies
Infrastructure e.g. track, structures, drainage etc
Rolling Stock
Interface system safety e.g. platform train interface, signals passed at danger, adhesion
Workforce safety
Workforce occupational health
European policy

Enablers & their work programmes
Long term H&S vision
Leadership and Culture
Safety by design
H&S management systems
Management of change
Competence

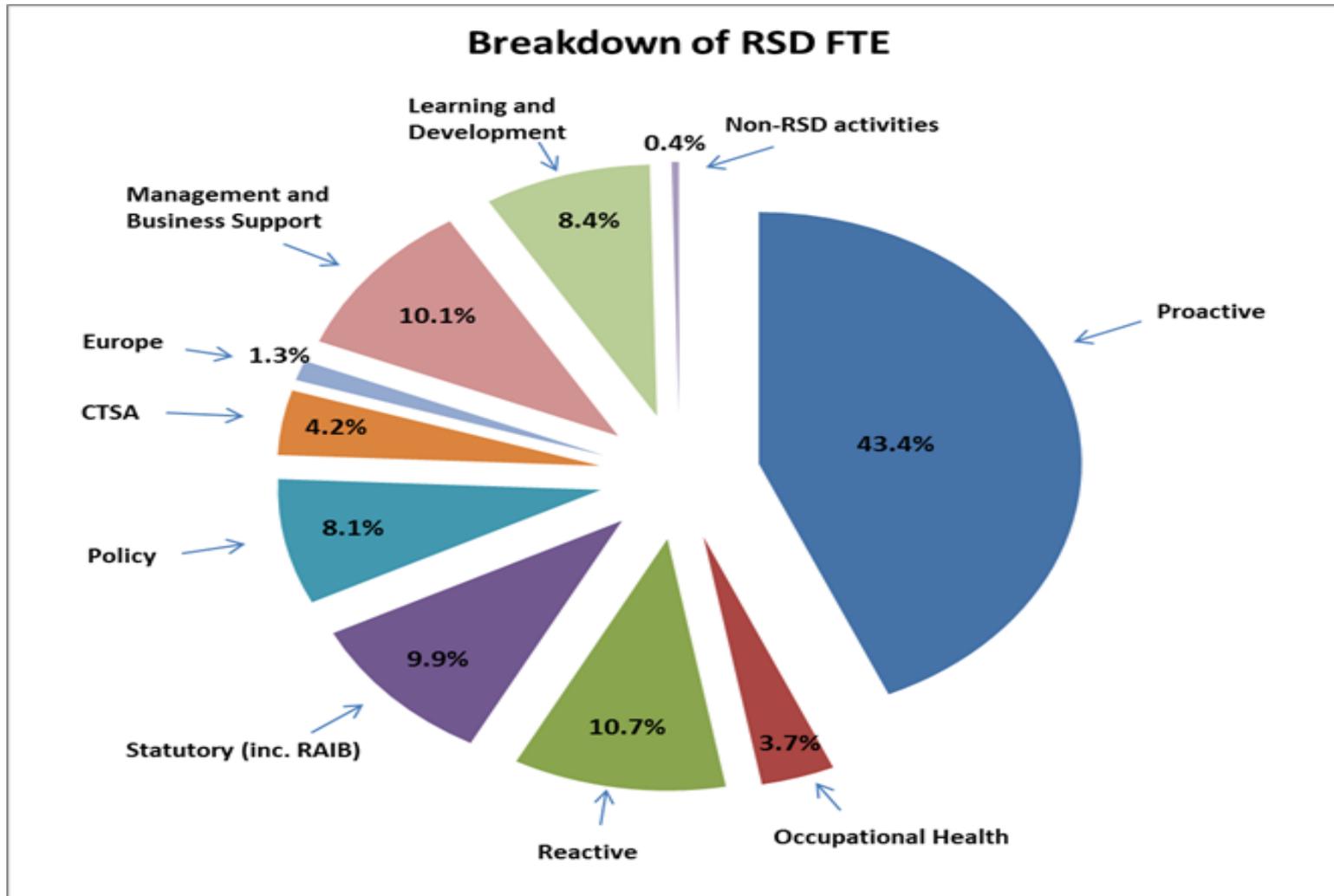
Note: new areas in green

Risk areas and enablers are analysed and described in the strategic document; and our resourcing is guided by the approach set out in the strategic document.

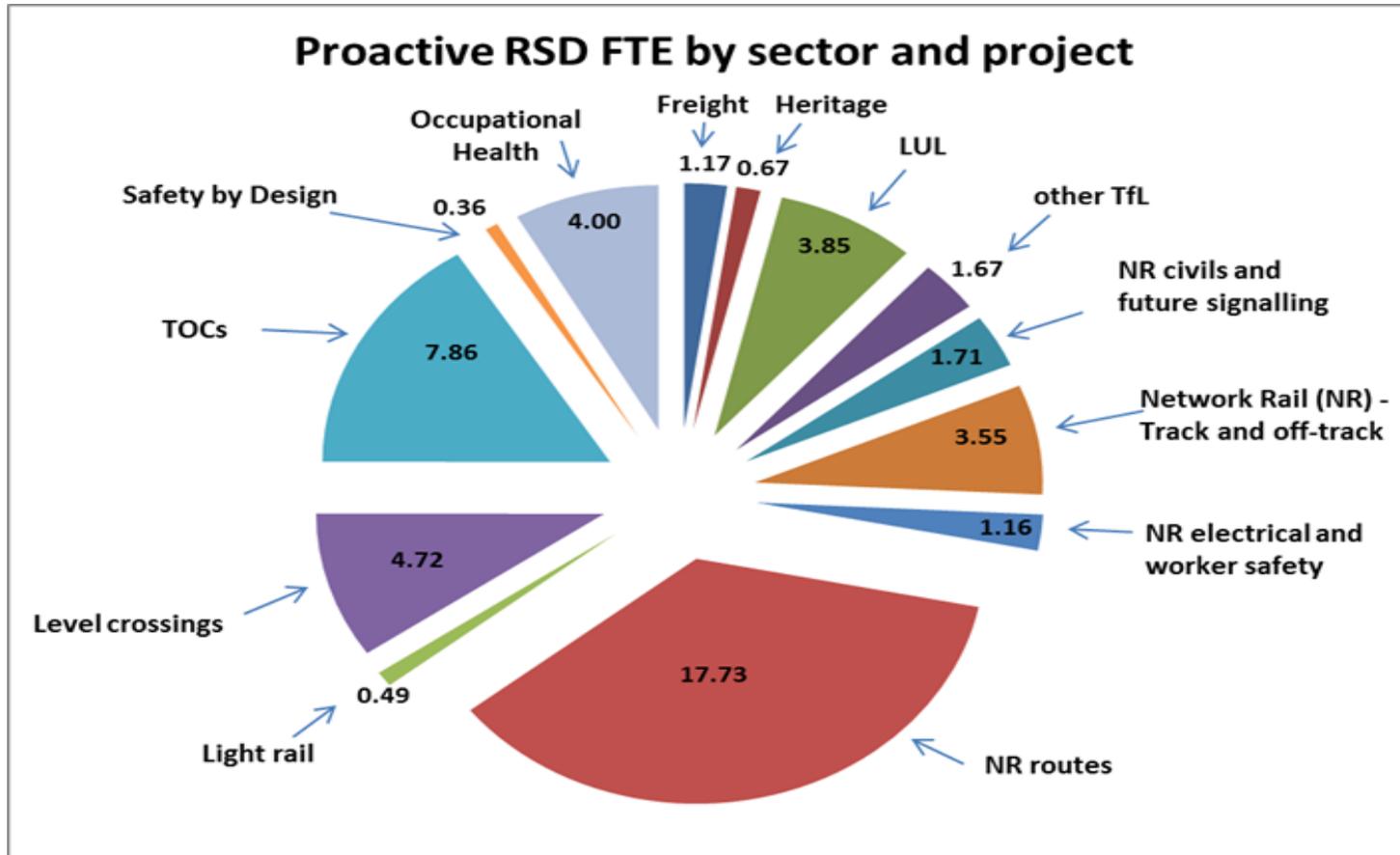
Business Plan – 2015-16 priorities

NR Project teams		NR route teams	
Level Crossings – passive crossing strategy; AHBs		Projects – safety by design, site discipline	
Track & Off-track (including drainage)		Maintenance – safer, sustainable, innovative	
Electrical and worker safety		Worker safety – SWL – embedded?	
Civils and future signalling (such as ERTMS jointly with RPP and Operators): Earthwork		NR HQ – emphasis monitoring & assurance	
Operators		Other	
SPADS / Driver management		PTI at stations (all duty holders)	
More on freight (Interaction / risk, Track & standards)		Channel Tunnel	
Less on Light rail / Heritage		Crossrail / HS2	
Help draw up scope of future signalling work		HSE MoU modifications	
		Change Management (BCR / SWL / New TOCs)	
		Ongoing policy work inc RSPG upgrades and	
BAU			
Statutory (TDL, LX orders, Certificates)		Reactive work	Safety management system maturity

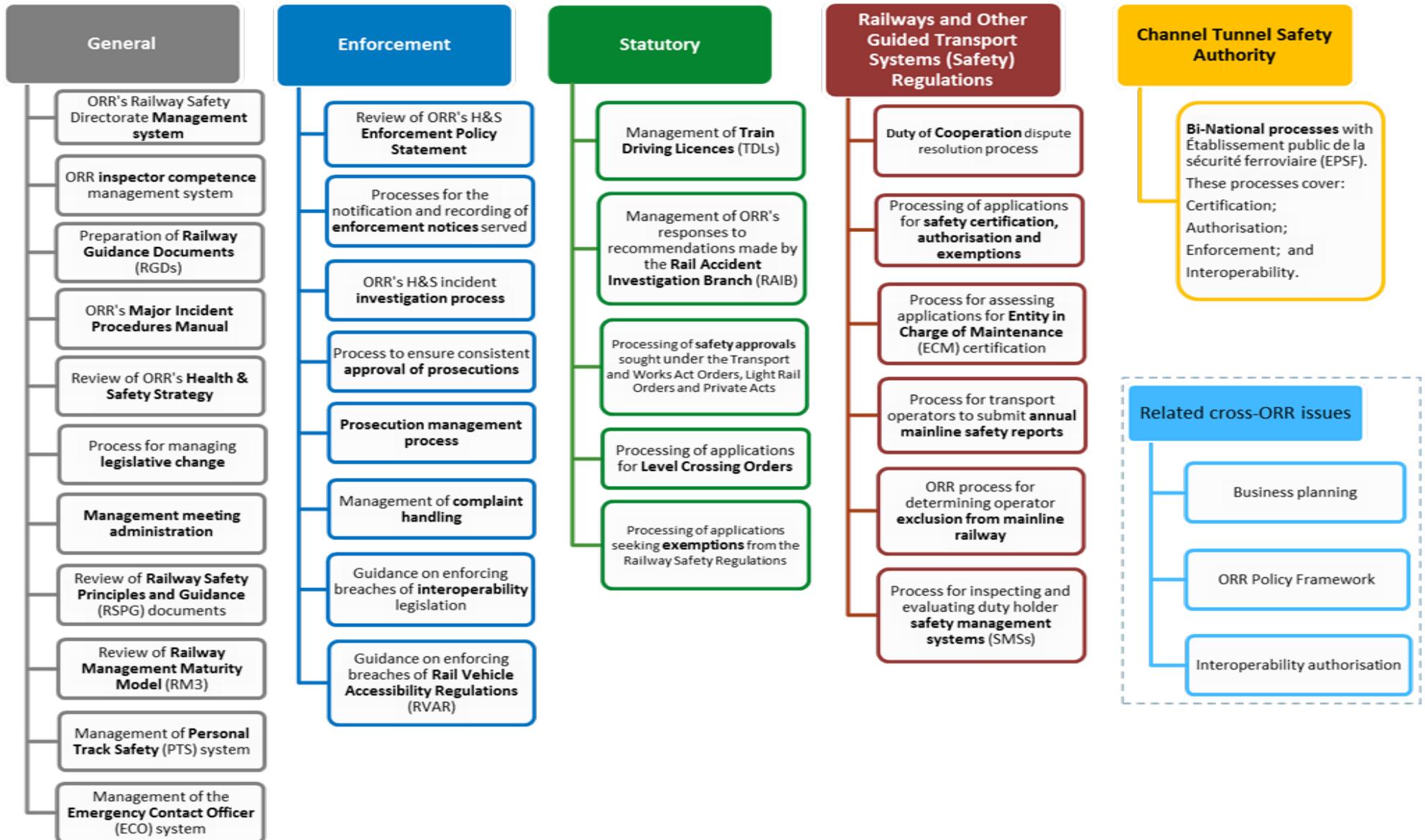
Our operational resources by sector for 2015-16



Proactive inspection by sector and project



RSD Management System Processes





Health and safety related prosecutions of individuals by ORR

ORR's enforcement policy as it affects
individual workers

What the law says about responsibilities of individuals

■ HSWA s37:

- When an offence committed by a body corporate is proved to have been committed with the consent, connivance... or negligence on the part of any director, manager, secretary... or similar officer, he is well as a body corporate, shall be guilty of that offence;

■ HSWA s 7:

- It shall be the duty of every employee while at work to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work and co-operate with his employer.... so far as is necessary to enable ...compliance with the law.

■ Therefore, individuals are duty holders under HSWA.

ORR's prosecution policy for individuals

- ORR will normally prosecute, or recommend prosecution where one or more of the following circumstances apply;
- Relevant circumstances for individuals, may include the following:
 - The gravity of an alleged health and safety offences, taken with the seriousness of any actual or potential harm warrants it;
 - There has been reckless disregard of legal requirements;
 - False information has been supplied wilfully, or there has been an intent to deceive in relation to a matter which gives rise to serious risk;
 - Inspectors have been intentionally obstructed by the duty holder in a way that prevents them from carrying out their lawful duties.

How often does ORR prosecute an individual?

- Since 1 April 2006, around **7%** of prosecutions taken by ORR for health and safety offences have been against individuals:
 - Two passenger train drivers;
 - One JCB excavator driver
 - One steam boiler inspector.
- The rest of our prosecutions have been corporate bodies for failings in the safety management system.

Summary

- There are legal duties on individuals of equal weight to those on companies;
- ORR seldom prosecutes individuals for health and safety offences;
- We will prosecute individuals where there has been a serious breach of the law due to that person's own actions or omissions whether as a senior officeholder in a company or as an individual worker.
- It is a very serious matter for any individual to deliberately mislead or to obstruct an inspector.



Disabled people's protection policy

John Trippier

Presentation to RIHSAC
meeting

4 February 2015

Brief History of DPPP

- ORR - 1994

- Strategic Rail Authority – 2002

Author of original ‘modern’ Guidance on what should be in a DPPP

- DfT - 2005

Reviewed Guidance in 2008 – with extensive industry consultation

- ORR - 2013

Took responsibility in October 2013 – approval and enforcement role unchanged from DfT’s Guidance

ORR’s policy objective is to use our role here to

“ ... help empower passengers to make confident journeys.”

How things have changed

“When I was younger boarding a train was a degrading and humiliating experience for me.

Due to lack of space and facilities etc I used to have to travel in the 'guards compartment' alone with just bikes and a cup of very questionable liquid in the corner on the floor for company, and for some reason there were always bars on the windows.

As well as this, I would sometimes miss my stop as I had no way of knowing which station I was at because I couldn't see through the window and had no interaction with anyone to ask them.

However, in the last few years since the introduction of both new disability access legislation and new trains, my experience in getting a train could not be more different since those days.

I still have to phone Assisted Travel prior to my journey, but I do not mind this as it is a small price to pay for the excellent service I receive.”

Eve Butcher – Kent and Sussex Courier

Featured on ATOC's 'Disability Onboard' website (<http://www.disability-onboard.co.uk/news/a-travel-service-for-the-disabled-thats-on-track/>)

What is DPPP

Part 1 – The Passenger document

■ What help can older and disabled passengers expect to receive?

- **Passenger Assist** – A scheme to allow passengers to book assistance for their journey.
Single point of contact
 - Planning journey – Buying tickets – help getting on and off trains – changing platforms – making connections
- Provision of **ramps** at staffed stations
- Maintain and make available up-to-date **information about the accessibility of facilities and services** at stations
- **Alternative Accessible Transport** – where stations are inaccessible to the individual passenger
- **Tickets and fares** – disabled passengers able to buy tickets on-board/at destination if they cannot access origin facilities
- Commitments to provide **aural and visual information at stations**
- Clear policies on the transport of mobility **scooters**
- Assistance with **luggage**

What is DPPP

Part 2 – The Policy document

- A more general policy document – aimed at ORR
- It should include:
 - operator’s strategy;
 - management arrangements;
 - monitoring and evaluation;
 - working with others; and,
 - communications strategy.

- Policies must convincingly demonstrate that the operator has embedded arrangements to deliver in the interests of disabled passengers

First 18 months with ORR

- **Getting to know our stakeholders**
 - TOCs and representative groups
- **Conference**
- **Regulatory Statement**
- **Review of policies (c. 50%)**
- **Open Letter – December 2014**

Issues:

- **Policies not reflecting all obligations of the 2009 Guidance**
- **Management arrangements not convincingly demonstrating policies are embedded**
- **Little evidence of active monitoring by operators**

Next steps

- Re-approval of all TOC DPPPs
- Monitoring of delivery
- Transparency through publication of monitoring data
- Increasing awareness of the available assistance

- John Trippier
- John.Trippier@orr.gsi.gov.uk, or 020 7282 2122

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