

From: John Cartledge [mailto:John.Cartledge@londontravelwatch.org.uk]
Sent: 01 April 2010 23:57
To: Valentino, Stefano
Subject: Consultation on the Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010

Dear Mr Valentino

Consultation on the Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010

I am writing on the joint behalf of Passenger Focus and London TravelWatch in response to the Office of Rail Regulation's invitation to us to contribute to its consultation on the content and purpose of the proposed Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010. We are grateful for this opportunity, and our replies to your questions are as follows.

Question 1: Do you agree that we should not change the current position on the exclusions from ROGS? If you do not agree, please explain why.

As far as we are aware, nothing in the EU's revised legislation affects the criteria by which such exemptions are granted, and we are not aware of any arguments having been advanced for modifying them. So we are content that the position should remain as it is.

Question 2: Do you know of any circumstances in which vehicles registered and maintained according to the laws of a non-EU Member State enter Great Britain? If so, please explain.

Not normally. There have, historically, been very rare instances in which (say) locomotives from the USA have made guest visits to Britain on special occasions. Given the enthusiasm of Japanese and Chinese manufacturers to enter the British rolling stock market, it is conceivable that trains from these and other non-EU countries might be temporarily imported into Great Britain for test running by prospective purchasers.

Question 3: Do you know of any circumstances in which vehicles with track gauges other than standard gauge enter Great Britain? If so, please explain.

A number of narrow gauge railways run rolling stock imported from overseas, but as far as we are aware all of the systems concerned are exempt under the existing ROGS regulations, and these vehicles cannot be run on the mainline network (and are usually moved by road).

Question 4: Do you know of any circumstances in which military equipment or special transport will require an ad hoc permit to be delivered prior to being in service? If so, please explain.

No.

Question 5: Do you know of any circumstances in which those vehicles that are excluded from the mainline railway, as defined in ROGS, may require an ad hoc permit to be delivered prior to being placed in service in Great Britain? If so, please explain.

It is not impossible that standard gauge stock destined for an excluded railway might be moved on the main line network, although we think that this is unlikely to happen often because of the difficulty of obtaining clearance from Network Rail. But stock from (or destined for) excluded systems is sometimes moved by rail, e.g. London Underground trains hauled by rail to/from manufacturers for delivery or repair.

Question 6: Do you agree that RAIB should be the investigating body for accidents on tramways in Scotland?

Yes.

Question 7: Do you have any comments on the new definitions? If you have any objections, please could you explain why and suggest an alternative.

No.

Question 8: Do you agree that these regulations should contain the date by which domestic vehicles should have been registered in the NVR?

Yes. If, as stated, it is a requirement of the EU Decision that this action must be taken by a date or dates it prescribes, there appears to be no scope for flexibility in the matter.

Question 9: Do you have any comments on the proposal to extend the meaning of work to include voluntary work?

As far as we are aware, no safety-critical voluntary work is carried out on any of the railway or tramway systems with which we have a statutory connection. But the regulatory requirement should be determined by the type of work being undertaken and the nature of the risks arising, not by the employment status of the person carrying it out. So in principle we favour the proposal.

Question 10: Do you have any other comments to make in relation to this consultation document?

The amendments to the CSIs are mandatory and have already been determined by the European Rail Agency, so whatever their merits or demerits, Britain has no discretion in their implementation and this is not, therefore, the time or place in which they can usefully be debated.

Yours sincerely

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