

**Office of Rail Regulation  
Railway Industry Health and Safety Advisory Committee (RIHSAC)**

**Minutes of the 94th RIHSAC Meeting  
Tuesday 15 October 2013  
Rooms 1 & 2, One Kemble Street, London**

**Present:**

Mike Lloyd	Chair, ORR Non-Executive Director
Dave Bennett	ASLEF
Iain Boardman	Network Rail
David Canham	London Underground Limited
John Cartledge	London Travel Watch/Passenger Focus
Paul Clyndes	RMT
John Collins	Angel Trains (ROSCO representative)
Jill Collis	London Underground Limited
Gary Cooper	ATOC
Paul Coote	London Underground Limited
Colin Dennis	RSSB
Miles Flood	British Transport Police
Robert Gifford	London Travel Watch/Passenger Focus
Bill Hillier	Heritage Railway Association
Mike Lunan	Passenger representative
Richard Sharp	Murphy (ISLG representative)
Alastair Young	Transport Scotland
Ian Prosser	Director, Railway Safety, ORR; HM Chief Inspector of Railways
Dilip Sinha	ORR, RIAC secretary
John Gillespie	ORR
Alan Bell	ORR) item 5

**Item 1: Welcome, introductions and apologies for absence**

1. Mike Lloyd welcomed everyone to the meeting. He reported that apologies for absence had been received from Chris Angell of DfT, Allan Spence of Network Rail; David Davies of PACTS; and Garry McKenna of DRDNI. Iain Boardman was attending on behalf of Network Rail. In addition, John Cartledge was being shadowed at this meeting by Rob Gifford, and Paul Coote and David Canham were present from London Underground to participate in the discussion on the platform / train interface.
2. Mike drew members attention to the changes that have taken place on the second floor at Kemble Street. He explained that these were designed to help ORR make better use of the space, and that there were no changes to the routes that members would normally take on a visit to ORR.

**Item 2: Chief Inspector's Update**

3. Ian Prosser reported on developments since the last meeting. He noted that ORR has been busy with the Periodic Review process since the last meeting, following publication of ORR's draft determination in June. The next milestone in the process is publication of the final determination on 31 October. Ian said he would talk more about this during a later item.
4. John Gillespie and Ian will be appearing before the House of Commons Transport Select Committee on 4 November to give evidence to its enquiry into level crossings. ORR has submitted written evidence, and this will be available on the committee's website.
5. Ian noted that the Rail Accidents Investigation Branch has recently published its annual report. This focuses on level crossings and trackworker safety.
6. In June, ORR published a document setting out the approach it will take to the 2014 periodic review of HS1, the existing high speed railway link ("PR14"). It sets out the conclusions ORR reached as a result of its PR14 initial consultation document and the responses received to the questions asked in that document, both through stakeholder sessions and formal written responses.
7. Cathryn Ross, Director of railway markets and economics, left ORR on 10 October to go back to her former employer, OfWat. Cathryn is taking up the post of chief executive.
8. The London and North East (LNE) route team hosted a workshop in ORR's York offices on 23 August to improve monitoring of safety performance. Inspectors Phil Green and Neil Anderson led the workshop to explore how industry can achieve improved monitoring of safety performance indicators – both outcome and activity indicators. The day included a number of practical sessions to help attendees devise improved measures of performance for their own part of the industry.
9. We had a good turnout with people from Network Rail and train operating companies as well as an observer from the Rail Safety and Standards Board. The feedback was very positive, and we had many expressions of gratitude for running the event. It's one of a number of ways of building the expertise of our industry safety partners.
10. We published ORR's [annual efficiency and finance assessment of Network Rail \(2012-13\)](#) last month. It examines the amount of money the company has spent and what it provided in return for the funds received from train operators and governments. We also published the latest analysis on rail performance last Thursday. The Network Rail Monitor, which assesses rail performance from 1 April 2013 – 20 July 2013, shows that the company remains short of key targets.

### **Item 3: The platform / train interface**

11. Mike Lloyd noted that John Cartledge and other members had requested that RIHSAC have a detailed discussion on this issue. As John was unavoidable delayed arriving at the meeting, Mike asked Paul Coote and David Canham of London Underground to take RIHSAC through LUL's views on the issue.
12. The London Underground team opened by explaining that the platform / train interface is the biggest risk it faces, contributing 26% of network risk. Unauthorised access to track, and stairs / assaults were next in order of risk. LUL had developed

a framework for reducing risk, which included a rule book; staff training; engineering assurance; PTI groups; and daily checks of PTI cctv equipment.

13. LUL has analysed its 'S' class trains to determine how to meet the 'ALARP' requirements and comply with the accessibility regulations. The idea is to reduce any step or gap between train and platform as much as possible. Laser measuring tools have been used to analyse the current gaps.
14. The Underground has also paid particular attention to curved platforms, and tried to optimise trains' stopping position so as to reduce overall risk. LUL is developing a suite of solutions that it can use to address the 'gap problem', including
  - platform, track and train based solutions based on optimised stopping position;
  - Track maintained/Tamped/Replaced to nominal 950mm height
  - More intelligent door systems/safeguards
  - In cab CCTV better quality images
  - Platform humps
  - Barriers to slow runners
  - Under platform lighting and reflective strips
  - Signage; and
  - Mechanical & fixed perishable gap fillers
15. The Underground is also taking steps to raise passenger awareness of gaps, including adverts on stations and in newspapers as well as specially trained staff.
16. Mike Lloyd thanked the London Underground team for their presentation. In the discussion which followed, the LUL team noted that it had feedback from customers on the number of grab poles available in the train, and had taken steps to put in strap handles. There had been no concerns expressed about a poorer quality ride.
17. John Cartledge had arrived at the meeting at this stage, and Mike Lloyd invited him to give his presentation. John apologised that he had not been present earlier.
18. John said that his presentation would seek to make the point that the railway is not yet doing enough to address the issue, even though it is well aware of the problem and the risks it causes. He welcomed the fact that the problem had attracted mention in the recent annual reports from both ORR and RAIB.
19. John presented statistics showing that PTI represented the greatest risk to passengers after slips and trips, and the largest source of fatality risk. There were some places, like Clapham Junction, where it was obvious that the gap between platform and train would be unmanageable for certain groups of passengers. It was also worth noting that the 'compensation culture' was beginning to creep in, with law firms particularly targeting people who had 'fallen down the gap'.

20. John drew attention to various RSSB reports which had looked at the issue, including a railway industry standard for train dispatch. He noted that the RSSB's *Learning from operational experience* report had recommended that 'Stepping distances should be checked to see if they are within safe limits.' But RSSB research suggested that only seven percent of platforms on the network met the safety target in the relevant railway group standard, and that this was only mandatory for new infrastructure.
21. DfT had done some research with various groups of passengers with disabilities or encumbrances to identify the ideal safe gap size. It had found that the acceptable gap is far less than that set out in the railway standard – and yet only seven percent of platforms even meet that standard, never mind the one recommended by this research.
22. The result of this lack of action in addressing the issues was that railway staff are still forced to use manual boarding ramps to assist mobility impaired passengers in boarding trains. These can be heavy, large ramps which are connected between the platform and train to allow (e.g.) wheelchair users to board. John Cartledge agreed with Dave Bennett that these give rise to the risk of manual handling injuries for railway staff.
23. Network Rail has looked at the gap issue in its stations 'RUS', but only identified the possibility of a delay to services as a cause for action rather than any safety consideration. But any reason for action is welcome, although no specific proposals were contained in the document.
24. Following the fatal accident at Liverpool's James Street station, RAIB had issued a report recommending that the issue of gaps be addressed, using equipment to mitigate the gap where appropriate. It also suggested action be taken to remove the issue when infrastructure and/or trains is/are replaced or updated.
25. Mike Lloyd thanked John for his presentation and a short discussion followed. In it, London Underground agreed that there can be different risks from regular or irregular users – e.g. commuters and the elderly. LU considers different passengers in its risk assessment and mitigation measures. It is also taking steps to provide PTI trained staff at risk locations.
26. Colin Dennis noted that ORR and RSSB had hosted a well-attended workshop on the gap issue earlier this year. As a result, RSSB's board had considered a paper in May suggesting that there be a co-ordinated industry approach on PTI issues. A further paper was presented to its September meeting recommending the setting up of a PTI strategy group, to be chaired by a Network Rail delegate. Meetings will be arranged in the near future, and the plan is to try and devise a strategy within the next nine months.
27. Ian Prosser noted that he had raised the issue with the Network Rail board last month. He believes it now understands the issue much better, and the company's safety, health and environment committee will discuss the issue at its next meeting.

#### **Item four – PR13: feedback from the draft determination consultation**

28. Ian Prosser opened this presentation, noting that the committee had heard about the preparations for publication of the draft determination at the June meeting. He noted that this was the first Periodic Review (PR) process with significant numbers

of safety staff involved – around 15 members of his teams had participated in a significant way.

29. Ian explained the process involved in the PR. Policy decisions were set out in the draft determination – published on 10 June. This was a consultation document. Network Rail, funders and others, including railway operators and trade unions, responded by 4 September. Responses were considered and the ORR Board made final policy decisions on 1 October. The final determination will be published on 31 October.
30. After that, Network Rail produces its draft delivery plan, setting out how it will meet the outputs required in the determination (December). This is a consultation document. The company will then produce its final delivery plan in March. If all goes without any issues, the next control period (CP5, 2014-19) will begin on 1 April
31. Safety staff had brought knowledge of the key risks to the discussion within ORR. They also brought understanding of the workforce issues and management and leadership challenges, and could draw attention to areas where targeted spending could make the biggest difference to control of risk.
32. There are a number of areas where Network Rail will face health and safety challenges in implementing the determination. These include delivery of track maintenance and renewals (includes off-track in CP5); train performance targets; structures and earthworks maintenance; safety and wellbeing / health and wellness strategies; level crossings safety; and enhancements delivery.
33. Ian summarised the safety issues for the committee. Health and safety thinking has been integral to the process of making the determination: in advice to Ministers on targeted spend; in the detail of the draft determination; and in Board decisions leading to the final determination. As a result, ORR believes its final decisions represent the right way forward for Network Rail and the industry.
34. A short discussion followed. Dave Bennett asked for more information about a system that Ian had mentioned, which could provide workers with more warning of approaching trains. Ian said that the draft determination suggested that £10m should be used to trial new technology from around the world that could achieve this. Responding to Paul Clydes, he said that he believes that the Network Rail board is aware of the need to engage its staff to deliver the outputs needed. It is important to manage change well, and the company's SHE committee had said that the timescale for change should be extended if needed.

## **Item 5 – Recent European and Canadian accidents**

35. John Gillespie opened this presentation. He explained that it would look at some accidents that had taken place, and the investigations into them, to see if there were any legitimate concerns for safety on the UK railway.
36. John explained he would look at four incidents:
  - **6 July - Lac-Mégantic in Quebec** – a runaway 72-car crude oil-laden freight train part derailed causing an explosion and fire that destroyed 40-buildings and killed 47-locals.

- **12 July - Breigny-sur-Orge, France** – a passenger train derailed at high-speed on a fishplate jammed in a crossing and came to rest under the station canopy, killing six and injuring 62.
- **25 July - Santiago de Compostela, Spain** – an overspeeding passenger train derailed at high-speed killing 79 and injuring 94 passengers
- **29 July - Granges-pres-Marnand, Switzerland** -two passenger trains collided head-on after a SPAD killing one driver and injuring 35-passengers.

37. John took the committee through the facts of each incident and the currently identified causes. He then looked at the current structure and operation of the UK's railway to see if a similar incident could take place here.

38. Summarising, John suggested that the evidence indicated that industry and ORR must focus on the risk controls and their efficacy with crashes in mind. A 'Swiss cheese' model may be one way to identify whether or not there is a likelihood of enough 'gaps' in safety controls lining up to allow a clear line of sight from potential accident to real incident.

39. In the discussion that followed, John Gillespie said there had been more than one similar incident to the Swiss accident in Switzerland during 2013. The investigation is ongoing – but may indicate a competence issue. Replying to Dave Bennett, John undertook that ORR will consider whether there is a risk of common driver licensing leading to a risk of people driving into the UK with only limited training. John Cartledge pointed out that the victims of the Canadian accident were neither workers on nor users of the railway, and was a salutary reminder of the wider societal risks which could be posed by lapses in the industry's safety management systems.

## **Item 6 – European policy issues**

40. Alan Bell opened this presentation. He explained that his main priority was to brief members on the fourth railway package, but he would also talk about other issues briefly.

41. Alan explained that the European Commission believes the package is necessary for several reasons. It believes that "rail markets are stagnating or declining"; there are few new rail services; and that as a result measures needed to encourage innovation and open markets.

42. The 'Technical Pillar' of the package covers safety and interoperability. On the latter, the issue being addressed is delays in vehicle authorisations & costs for industry. Alan explained the EU's proposals and their consequences in some detail.

43. On safety, delays in safety certification are seen as a problem. The EU has come up with proposals for a single safety certificate, which Alan again covered in detail.

44. There are also other changes proposed in the safety area, including: extension of duties to other actors such as loaders and consignors of freight; proposed extension of mandatory certification to ECMs for other vehicles, and to maintenance workshops; restrictions on ability of states to introduce new national rules; and removal of many existing national rules and transparency of remaining ones.

45. Finally, Alan briefly explained some other changes taking place: a revised Common Safety Method for risk evaluation and assessment [in force but only applies from 21 May 2015]; CSMs for supervision & monitoring; and introduction of train driver licensing to new domestic services from 29 October 2013 (all drivers from 29 October 2018).
46. A discussion took place, in which Alan confirmed that ERA would need extra resource to implement the proposals and would also need to charge for authorisation or safety certificates. It will take time to build up the competence it will require. There are still issues to think through – including conflict of interest, liability, and responsibility.
47. Members asked whether the Commission would be willing to split the four pillars if necessary, in order to ensure the agreed elements passed the European Parliament before the election next year. Alan said he thought this a possibility. He noted that it would be very important for UK unions, industry and government to influence the proposals as they developed, to try and obtain the best possible outcome.

### **Item seven – The railway in Parliament**

48. John Gillespie introduced this presentation. He said he would talk about the House of Commons Transport Select Committee inquiry into level crossings and the forthcoming consultation document on revised regulations on train protection & other matters.
49. John gave the committee an outline of the main points ORR plans to make to the Select Committee. ORR will point out that more people need to cross an increasingly busy railway, and that people crossing the line have a different lifestyle than was the case when the lines were designed. The regulator is looking to help closures happen where appropriate, and to ensure that Network Rail continues to improve its risk assessment.
50. ORR will also say that it will encourage innovation and new technology; oversee NR's ring-fenced level crossing fund; and seek to implement the Law Commission proposals for improvements to the law.
51. Finally, John explained that ORR intends to consult on reducing three sets of prescriptive regulations (on train protection; miscellaneous provisions (brakes, fencing, communication chords etc); and metrication to one set (on train protection). This consultation is likely to take place around December. John undertook to make the consultation period as long as possible, but could not guarantee it would be twelve weeks.

### **Any other business**

52. John Cartledge said he was sure that the Committee would wish to place its thanks to Mike Lloyd for his services as chair on record. Mike said he was grateful for this. He explained that Tracey Barlow, another ORR non-executive Board member, will chair the committee until his successor is appointed or it is decided that Tracey will be the permanent chair.

*(Secretariat post-meeting note: This was John Cartledge's final meeting as London TravelWatch/Passenger Focus representative. He is being replaced in that role by Rob*

*Gifford. Nonetheless, ORR has co-opted John back on to the committee for a period of three years, in view of his wide expertise).*

**Next Meeting**

Thursday 27 February 2014, from 1230-1600 at One Kemble Street.

Dilip Sinha

RIHSAC Secretary

October 2013