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Richard Minter
Train Systems Engineer
Tube Lines Limited
15 Westferry Circus
Canary Wharf
London E14 4HD

Our Ref: Case Number 4155389

Dear Richard

**Railway Safety Regulations 1999: Application for an Exemption from Regulation 3(1):
Operation without a Train Protection System.**

I refer to your letter of 12 March 2009 and for the related information you provided in relation to your exemption request for TBTC testing work.

Following consultation on the application, ORR has granted the exemption. Please find enclosed a copy of the certificate which applies to Tube Lines Limited (operating as TransPlant). A copy of this certificate and of the certificate for London Underground Limited will be posted on the ORR's website. The original certificates remain with ORR.

For clarity and consistency of interpretation, I outline below our views on a number of the operational aspects of the exemption:

- The TBTC test trains must be operated at all times under the control of competent train drivers who have received sufficient information, instruction, training and supervision to enable them to operate safely under the test conditions.

ORR expects consistent levels of competence amongst the TBTC test train drivers, irrespective of their employment background.

Reference is made in the Operational Safety Plan for the testing, to the Tube Lines Training Needs & Human Error Analysis document TLL-VRS-N395-ASS-ANA-00003. This document specifies that train drivers who hold a '29c Safety Critical Licence' will drive the TBTC test trains and that the Metronet Test Train Drivers will be used. As the operations carried out under the exemption must be covered by the Operational Safety Plan, the drivers of the TBTC test trains will be limited, under this exemption, to the holders of '29c Safety Critical Licences'.

I stress that ORR must be consulted before any other drivers are used for the work. It is likely that an amendment to the exemptions would be required in order for other drivers to be used. In such case, ORR would require full details of how a train driver who is not a holder of '29c Safety Critical Licence' could acquire the same level of competence as the '29c Safety Critical Licensed Test Train Drivers'.

London Underground Limited must also be in full agreement with any such arrangements.

- In relation to the control of train movement during the TBTC testing, the train driver will be in control of train movements at all times and may only be requested, not instructed, by the Train Field Engineer, or the Lead Tester, to make a particular move, or to stop the train.

Please do not hesitate to call me should you have any queries

Yours sincerely

David Metson
HM Inspector of Railways