

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

**Minutes of the 96th RIHSAC Meeting**  
**Tuesday 10 June 2014**  
**Rooms 1 & 2, One Kemble Street, London**

**Present:**

Tracey Barlow	Chair, ORR non-executive director
Dave Bennett	ASLEF
John Cartledge	Co-opted member
Paul Clyndes	RMT
Steve Coe	TSSA
Jill Collis	London Underground Limited
Gary Cooper	ATOC
David Davies	PACTS
Peter Davies	British Transport Police
Colin Dennis	RSSB
Chris Ford	Rail Accident Investigation Branch
Robert Gifford	London Travel Watch/Passenger Focus
Francis How	RIA
Bill Hillier	Heritage Railway Association
Mike Lunan	Passenger representative
Gary McKenna	DRDNI
Allan Spence	Network Rail
Alastair Young	Transport Scotland
Dilip Sinha	ORR, RIHSAC secretary
John Gillespie	ORR
Oliver Stewart	ORR) item 3

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

1. Tracey Barlow welcomed everyone to the meeting. She reported that apologies for absence had been received from Ian Prosser, the Chief Inspector, who was attending a Network Rail Board committee; Sue Johnston, deputy chief inspector, who was ill; Richard Sharp of ISLG; John Collins of Angel Trains; Susan Murray of Unite the union; and Stephen Chamberlain from the Welsh Government. Tracey welcomed Chris Ford from RAIB, who would be giving a presentation on his class investigation into landslips on Network Rail infrastructure.
2. The committee reviewed the minutes from the February 2014 meeting. It accepted these as a correct record.

**Item two: Chief Inspector's update**

3. In Ian Prosser's absence, John Gillespie reported on developments since the last meeting. He reported that ORR held its third workshop on the [long term regulatory statement](#) (LTRS), published in July last year, on 4 March. The workshops have brought together senior industry colleagues; other regulators; government officials and leading academics to debate the medium to long term future for the rail industry.

4. The latest event focused on consumer, competition and markets and was chaired by Anna Walker. Our new director of railway markets and economics Joanna Whittington led one of the sessions, which encouraged people to consider the role of the regulator in creating markets and competition to benefit consumers. Over twenty people participated in the discussion including Passenger Focus, the Competition and Markets Authority (CMA), train operating companies, other regulators and leading lawyers in this field.
5. The Secretary of State, the Rt Hon Patrick McLoughlin MP, visited One Kemble Street on 26 March to get an insight into ORR's work and meet ORR teams. Anna Walker, Richard Price and directors gave the Secretary of State a general overview of ORR priorities before he walked round the offices to meet people and hear about their current projects. This was followed by a visit yesterday by the rail minister, Stephen Hammond MP, which had been a success.
6. ORR has written to Network Rail (NR) to confirm that we accept it's delivery plan as a baseline for control period five (2014-19). The delivery plan sets out in detail the outputs Network Rail must meet and the milestones which ORR will regulate. We will monitor Network Rail's performance against these published targets.
7. ORR has approved a [five-year plan](#) for High Speed 1 (HS1), which sets out a long term investment programme and reduced charges to run passenger and freight services on the line. The HS1 plan, which will run from 2015-2020, has been developed through a collaborative consultation process with HS1, Network Rail High Speed and the train operators.
8. Concluding, John noted that ORR would lay its annual report and account before Parliament on 13 June. It would also publish its annual health and safety report in July.
9. A brief discussion followed. Responding to John Cartledge, ORR noted that it had identified three possible sets of regulations that could be replaced with one set, as part of the government's red tape review. We are awaiting ministerial approval to begin a consultation on the draft new regulations, which focus on train protection systems. ORR is also working with HSE to ensure that railway issues are taken into account in its work to review health and safety regulations that apply to all sectors of the economy.
10. Responding to Mike Lunan, John Gillespie said ORR still hoped to see the Law Commission's proposed level crossing legislation enacted in this Parliament, but we await developments.

**ACTION: secretariat to circulate draft regulations (para 9) when consulting**

**ACTION: October level crossing item to include an update on Select Committee and Law Commission issues**

### **Item three: European developments**

11. Oliver Stewart from ORR's European team introduced this presentation. He noted that a paper had been circulated to the committee when the agenda and minutes had been sent out, but wanted to take the opportunity to provide an up-to-date

assessment of issues relating to the European Parliament elections and the Fourth Railway Package.

12. Discussing the elections, Oliver noted that there had been changes in the make-up of the Parliament. There would also be a new President of the Commission, Commissioner for Transport and chair and members of the Parliament's Transport and Tourism Committee. All these changes are likely to be in position by the autumn
13. The Fourth Railway Package is concerned with opening the passenger railways market to new entrants and services from December 2019; making rail more competitive with other transport modes; and simplifying the processes for running cross border services. It is made up of "pillars", and a "general approach" in respect of the 'technical' (ie safety) pillar was agreed in October 2013.
14. Oliver explained the principles behind the proposed single safety certificate and how it was expected to work. The current working plan assumes that the system will be introduced three years from now.
15. Discussing the next steps for the Fourth Railway Package, Oliver said there would be a trilogue involving the Commission, member states and the European Parliament. ORR is working with other NSAs on future cooperation arrangements with ERA, and discussion now focused on the 'market' and 'political' pillars.
16. Oliver then briefly explained the background to the revision of the common safety methods (CSM) for conformity assessment and for supervision; before concluding his presentation with a look at possible changes to procedures relating to entities in charge of maintenance to cover passenger vehicles.
17. Tracey Barlow thanked Oliver for the presentation. In discussion, Garry McKenna noted that although ORR negotiated in Europe on behalf of the whole UK, ORR is not the safety authority for Northern Ireland. The province has one international operator (Translink), and so the split normally existing in the safety certificate between parts A and B cannot apply. The Northern Ireland authorities would discuss how to deal with 'area of operation' issues with their colleagues in Eire, and would keep ORR fully informed.
18. Responding to a question, John Gillespie said that ORR had not taken a policy decision yet on whether to be a certifying body for all vehicles, as opposed to just freight wagons (as currently) if in due course the ECM requirements were extended to passenger carrying vehicles.
19. Rob Gifford reported that Chris Carr, Head of Safety at the European Rail Agency, had recently given a presentation to the PACTS rail safety working party on ERA's safety priorities.

**ACTION: secretariat to circulate the presentation recently given to PACTS by Chris Carr of ERA**

#### **Item four – RAIB class investigation report: landslips on Network Rail**

20. Chris Ford, Principal Inspector at the Rail Accident investigation Branch, introduced this presentation. In response to several landslips on Network Rail infrastructure between June 2012 and February 2013, RAIB decided to undertake a class

investigation into some themes related to these. It published the [findings](#) of that investigation on 2 April this year. Chris had led this investigation.

21. Chris explained that the investigation had started following six accidents involving landslips in 2012-13. It had concentrated on two themes: effects on the railway from neighbouring land and responses to unusual weather conditions. It was difficult to predict landslips. Although usually triggered by rainfall, prediction was difficult as they could be influenced by factors including natural weakening of the ground due to weathering processes and changes in land use. The steep slopes of some cuttings and embankments increased the likelihood of instability.
22. The committee heard a detail explanation of the process Chris and his team had used to conduct the investigation. It had identified the two major themes mentioned above, and explored them in detail. Chris illustrated his explanation with detailed photos of the scene of each accident and the land adjacent to it.
23. Chris explained that his report had made a series of recommendations covering:
  - improvements to managing neighbouring land - obtaining data not visible from railway (not seen by examiners); using modern technology;
  - obtaining information about unusual rain/flooding from emergency services, etc;
  - prompt updating of list of areas where operational mitigation should be applied during heavy rainfall; and
  - correcting an anomaly which means NR do not always consider some safety critical information provided by examiners
24. Tracey Barlow thanked Chris for the presentation. Allan Spence then responded on behalf of Network Rail. He commended the quality of the RAIB investigation, and noted the need to put the risk into correct context. He explained that Network Rail has been doing 'deep dive' investigations into train accident risks for 12 months. Earthworks failure accounted for 0.25% of total railway risk, but 10% of train accident risk.
25. A spring 2013 deep dive had concentrated on earthworks failure. Network Rail has identified serious issues in managing the risk to trains from failure of embankments, soil and rock cuttings, and mining areas. Key to this is the amount of rain received. There had been a steady fall in the number of incidents from 2008 to 2012, but a very large increase during the poor winter of 2013.
26. Network Rail is looking at how it can use new technology to help it identify areas at risk. These include using drones to allow sight of areas otherwise inaccessible, and fibre optic cable and listening devices which could identify the sounds made by landslips. This could provide real time alerts of incidents taking place.

#### **Item five – Looking after customers when it all goes wrong: lessons from Gatwick**

27. Rob Gifford of PACTS introduced this item. He explained that he and John Gillespie had discussed the problems that arose at Gatwick airport around Christmas 2013, when flooding caused a failure in the power supply and consequent severe delays for airline passengers. They had agreed that it would be worthwhile bringing the issue to this meeting for discussion, to review how the railway would cope if equivalent circumstances arose.

28. Rob noted that the two modes of transport were not likely to give rise to identical problems. Gatwick airport was likely to have significantly higher numbers of people involved in an event; external forces were involved, with planes from overseas; there would be far more luggage to deal with.
29. But there are similarities. There are a number of TOCS at the station, as is usually the case for airlines; problems are caused by bad weather; there are similar command structures for people handling incidents; and there would be high public and media interest in any major disruption.
30. Rob explained the sequence of events that had happened at Gatwick, and that there had been two subsequent inquiries – an internal one by Gatwick airport, run by a senior non-executive, and one by the Transport Select Committee. These had raised issues such as:
- poor and inconsistent provision of information;
  - lack of clarity over who was in charge;
  - lack of basic facilities; and
  - confusion over which expenses stranded passengers could claim for.
31. The two reports had set out lessons to be learned in flood control; provision of information to stranded passengers; the role of the police and the need for contingency planning. All of these themes were already familiar to railway companies.
32. Concluding, Rob suggested that the railway needed to ensure that it had the right plans and procedures in place. Network Rail needs to ensure it takes responsibility for the condition of assets; it and TOCs need to consider the follow-on effects of disruption in other locations; passenger advisory groups could have an important role; and thought needs to be given to procedures for getting people home from wherever they have become stranded.
33. Gary Cooper then gave a presentation setting out how ATOC has been working to address these issues. He believed that the railway could learn from the Gatwick events, and that it should be open to good practice from any source. He noted that he had reviewed more than thirteen documents which dealt with various issues to do with similar events on the railway, in preparation for this meeting.
34. The most serious problems are likely to be caused when trains are stranded between stations. Problems at stations are likely to be easier to handle than had been the case at Gatwick, but proper plans still need to be in place.
35. Gary took the committee through the recommendations of the Select Committee and Gatwick management investigation reports, explaining which findings are relevant to rail travel and how each relevant recommendation is implemented on the railway – or could be, if it isn't already.
36. Concluding, Gary explained that ATOC is looking at specific problems for particular stations, with industry partners. However, train companies and NR need to continue to work on softer issues to ensure that customers know managers understand their problems and frustration when there are delays; and that railway organisations can demonstrate they are in control – providing reassurance and reducing the likelihood of passengers taking matters into their own hands, with possible safety implications and further delays.

## **Item six – ORR’s new occupational health programme: what it means in practice**

37. John Gillespie, who chairs the occupational health programme, introduced this very brief presentation. He explained that it followed on from the first part of the programme, which had been running from 2010 to 2014. The new programme runs to 2019.
38. John explained that the cost of absenteeism is £320M per annum, if coupled with “presenteeism” this becomes £790M per annum. A 10% cut in overall impaired health costs would realise a saving of £79M (RSSB, 2014)
39. ORR’s PR13 final determination has set a target for NR to achieve £20M savings in 2019 by introducing better health management. John explained that ORR’s vision is an industry that consistently achieves best practice in occupational health. Its health programme aims to change how health is led and managed by organisations in the rail industry and improve how health is regulated by ORR.
40. John explained the priorities that the programme will target over the next five years – these are set out in the slide deck that accompanies these minutes. He concluded with a review of planned next steps in the programme.

## **Item seven – meeting review**

41. Members explored possible agenda items for the next meeting. They agreed that the secretariat should seek presentations on the Samaritans work on suicides (an update on a presentation we had from BTP a while ago), with a Network Rail representative contributing; if a new representative from the Disabled Persons Transport Advisory Committee (DPTAC) is appointed and able to present one, a short item on the main issues affecting them from their standpoint, with particular reference to people other than the mobility impaired; a short item on drugs/alcohol and passenger/pedestrian safety – common lessons; and an update on level crossings, with information relating to the Transport Select Committee and Law Commissions reports and activities.

## **Next Meeting**

Tuesday 14 October 2014, from 1230-1600 at One Kemble Street.

Dilip Sinha

RIHSAC Secretary

June 2014