

Angel Trains Ltd 18<sup>th</sup> October 2012.

ORR Consultation on the Railways and Other Guided Transport Systems (Miscellaneous Amendments) Regulations July 2012 responses

[Certification of entities in charge of maintenance of freight wagons](#)

Q1 - Do you have any comments on ORR's role as certification body? If so, please state?

Given the certification requirement will initially apply to Freight Wagon ECMs, Angel Trains is not directly affected by this change yet. However, Angel Trains would not support any continuation of the ORR (beyond the initial 2 years) being sole certification body. It is assumed the ORR plans to allow other certification bodies to 'enter the market' for this service; thus introducing a level of competition for this work.

Angel Trains understands that the ORR will charge for their certification services and would like to know what the effect of new entrants (certification bodies) would have on the pricing arrangements post the initial 2 years operation of the ORR.

Angel Trains acknowledges that the ORR has produced Engineering inspection Plans (EIPs), to use as part of the certification process and would like to know if these EIPs are based solely on the scope laid out in Annex III of EC Regulation 445/2011, and does not introduce any further criteria which would not be harmonised across Europe? It is important that consistency across Europe for this process of certification of ECMs is accepted and transferrable across Europe.

[Amendments to the Health and Safety \(Enforcing Authority for Railways and Other Guided Transport Systems\) Regulations 2006](#)

Q2 - Do you have any comments on the proposed new regulation 4(4A) of EARR? If so, please state.

Angel Trains supports the proposed new regulation 4(4A) of EARR

[Amendments to the Railways and Other Guided Transport Systems \(Safety\) Regulations 2006 \("ROGS"\)](#)

Q3 - Do you agree with the proposed approach for carving out specific railway systems from the mainline railway requirements in ROGS through the use of an Approved List? Please explain your answer

In principle Angel Trains agrees with the proposed approach for carving out specific railway systems in ROGS through the use of an Approved List. This brings the exclusions in line with those exclusions under the Interoperability regulations. However, the Railways Interoperability Regulations (RIR) has a different scope to ROGS. Angel Trains is not convinced that the list of proposed exclusions under the heading; 'infrastructure only', covering a number of branch lines is appropriate to be excluded from ROGS, given that the vehicles operating over these lines will not be excluded. Angel Trains would like to know what rules will be in force for Infrastructure over these routes to ensure that:

- processes for the assessment of technical compatibility between vehicles and infrastructure are compatible and consistent;

- the duty of co-operation between infrastructure operator and vehicle operator are compatible and consistent;
- the requirement to apply Commission Regulation 352/2009 (CSM for Risk Evaluation and Assessment) applies consistently across both Infrastructure and vehicles?

Q4 - Are there any systems that should not be on the Approved List? Please identify them if so and explain why they should not be exempted.

See response to Question 3

Q5 - Are there any systems that are not on the Approved List that should be? Please identify them if so and explain why they should be included.

No comment

Q6 - Do you agree with the proposal to issue one safety certificate instead of two? If not, please explain why.

Angel Trains supports the proposal to issue one safety certificate instead of two. This support is based on the ERAs recommendation ERA/REC/10/2011 on a migration to a single EU safety certificate.

Q7 - Do you agree with the proposal to remove from ROGS the requirement for mainline operators to carry out safety verification? Please explain your answer.

Angel Trains agrees with proposal to remove from ROGS the requirement for mainline operators to carry out safety verification. In place of this requirement, Angel Trains supports the requirement to apply Commission Regulation 352/2009 (CSM for Risk Evaluation and Assessment. This will avoid duplication and confusion regarding which process should be applied against which set of Regulations when assessing safety risk in relation to significant changes.

Q8 - Do you agree with the proposal to make the 28-day consultation period run concurrently with ORR's four month processing time? Please explain your answer.

Angel Trains welcomes the proposal to make the 28-day consultation period run concurrently with ORR's four month processing time. Any changes to measures that improve the response time relating to applications to the ORR should be supported.

Q9 - Do you agree with the proposal to remove the requirement for non-mainline operators to submit annual safety reports to ORR? Please explain your answer.

Angel Trains agrees with the proposal to remove the requirement for non-mainline operators to submit annual safety reports to ORR. However, the consultation document (4.57) suggests the '*information relating to non-mainline operators is available in other ways*'. These '*other ways*' are not explained in the consultation and it is not clear how, or if they are enforced. Furthermore, if the proposal is to remove the requirement for non-mainline operators to submit annual safety reports to ORR, it is not understood why there remains a need for the information to be available in the first place?

Q10 - Do you agree with the proposal to clarify that the monitoring arrangements of the controller of 'safety-critical work' have to be suitable and sufficient? Please explain your answer.

Angel Trains agrees with the proposal to clarify that the monitoring arrangements of the controller of 'safety-critical work' have to be *suitable and sufficient*. If from the operational experience gained to date relating to the provisions of Regulation 24(1)d, these are not clear to duty holders and in addition difficult for the ORR to enforce, then further clarification in line with the way this is being proposed is supported.

Q11 - Do you have any other comments in relation to the issues raised in this consultation document (and annexes)?

No further comments, including the Impact Assessment in Annex G of the Consultation document.