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23rd November 2010

Balfour Beatty Rail Plant Ltd
Hither Green Depot
Manor Lane
London
SE1 0UA

For the attention of Mr Geoff Brown

Dear Mr Brown

**RAILWAY SAFETY REGULATIONS 1999 – APPLICATION FOR EXEMPTION FROM
REGULATION 3(1) – OPERATION IN POSSESSIONS WITHOUT A WORKING TRAIN
PROTECTION SYSTEM**

ORR has been reviewing the existing exemption from Regulation 3(1) of the Railway Safety Regulations 1999 for trains operating in possessions on the LUL network without a working train protection system.

A new exemption has been granted, which applies to Balfour Beatty Rail Plant Ltd. Please find enclosed a copy of the exemption certificate. A copy of the certificate and this letter will also be posted on the ORR website. The original certificate remains with ORR.

Please note the conditions imposed by the exemption and in particular the requirement to complete an 'operational safety plan' (as defined in the certificate).

In addition and until 31st July 2011, you should advise ORR of any operational safety plans which are prepared for new vehicles or activities which you intend to introduce and operate under this exemption, in order that ORR can be assured that you are operating within the terms of this exemption. ORR may request copies of these operational safety plans.

If you are in any doubt as to whether a proposed vehicle or operation falls outside the scope of this exemption you should make a full submission for an exemption in accordance with regulation 6(1) of the Regulations.



May I remind you that you should allow 8 weeks for such an application and this includes four to six weeks for ORR to 'consult such persons as it considers appropriate'.

Yours sincerely

A handwritten signature in black ink that reads "Matthew Farrell". The signature is written in a cursive style with a period at the end.

Matthew Farrell

The Railway Safety Regulations 1999 (S.I. 1999/2244)

Certificate of Exemption (Grant to train operator: Balfour Beatty Rail Plant Ltd)

Grant

1. The Office of Rail Regulation, in exercise of the power conferred on it by regulation 6(1) of the Railway Safety Regulations 1999 as amended (“the Regulations”), having had regard to the matters specified in regulation 6(3) of the Regulations, grants the following exemption.

Definitions

2. In this certificate-

“engineering train” means a non-passenger carrying train that operates for the purpose of engineering work and includes mechanised vehicles and on-track plant;

London Underground means London Underground Limited, the infrastructure manager (formerly the infrastructure controller) whose registered office is 55 Broadway, London, SW1H 0BD;

“LUL Rule Books” means the Rule Books and Appendices describing London Underground operating rules, prepared by London Underground;

“mechanised vehicle” shall have the same meaning it has in LUL Rule Book 18;

“on-track plant” shall have the same meaning it has in LUL Rule Book 18;

“operational safety plan” means the document which will be produced for each engineering train, test train and asset inspection train which will be operated under this exemption and include:

- a) the date planned to start this work;
- b) the scope of the work, describing the work activities involved;
- c) the location of the work;
- d) the approximate date for the finish of the work;
- e) the responsibilities of the different parties involved;
- f) the competency requirements for different persons;
- g) the means of communications;
- h) risk assessment covering the principal risks which are likely to result;
- i) a documented safe system of work which controls those risks, so far as is reasonably practicable.

“relevant procedures” means the following sections of the LUL Rule Books:

- a) Possessions – Rule Books 15 and 18
- b) Specified Areas – Rule Book 18
- c) Engineer’s Current Areas – Rule Book 18, and;
- d) The operation of engineering trains on the Victoria Line, including the Track Recording Vehicle – Appendix to Rule Book 18.

Exemption

3. Balfour Beatty Rail Plant Ltd is exempt from the prohibition contained in regulation 3(1) of the Regulations (prohibition on operating a train on a railway unless a train protection system is in service) in relation to engineering trains operating in relation to:

- a) engineering trains operating in:
 - i. possessions, as defined by Rule Book 15;
 - ii. specified areas, as defined by Rule Book 18;
 - iii. engineer’s current areas as defined by Rule Book 18:to the extent that such operations are covered by the relevant procedures and operational safety plans;
- b) any other engineering train operations to the extent that they are covered by operational safety plans which vary the relevant procedures.

Conditions

4. This exemption is subject to:

- a) Balfour Beatty Rail Plant Ltd completing an operational safety plan for each type of engineering train that is to be operated under this exemption and;
- b) the requirements of that operational safety plan and any applicable relevant procedures being met in full.

5. This Exemption comes into effect at 1200 hours on 24th November 2010. In accordance with section 6(1) of the Regulations, it may be revoked by ORR at anytime by a certificate in writing.

Signed by



Caroline Wake
[HM Deputy Chief Inspector of Railways]

On behalf of the Office of Rail Regulation
Date: 23rd November 2010