

Tracy Phillips
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14 July 2011

To: See attached list

Dear Sir/Madam

Railway Safety Regulations 1999 – Follow up to ORR’s review of policy on the use of Mark 1 passenger rolling stock operated at speeds exceeding 40 kilometres per hour

1. Thanks to those of you who commented on ORR’s recent consultation on a review of policy on Mark 1 passenger rolling stock operated at speeds exceeding 40 kilometres per hour. Thanks also to those who attended the 23 June meeting at ORR to discuss the consultation responses and for the constructive contributions made.

2. At the meeting ORR clarified and expanded upon its reasons for reviewing the policy. Primarily the review was undertaken in the spirit of better regulation:

- to ensure that exemptions and their conditions are consistent as far as possible (currently there are a raft of exemptions with differing conditions and styles);
- to ensure that exemptions and their conditions are proportionate to the risks;
- to ascertain a more accurate picture about who holds exemptions (some original holders are no longer trading), where the relevant rolling stock is etc.;
- to respond proactively to a direct request from operators to reconsider the policy in order to increase operational flexibility; and
- to draw upon practical experiences since the exemptions were granted to make sure they remain current and fit for purpose.

3. Since the regulations came into force, the introduction of TPWS has significantly reduced the risk of collisions between trains. This can be seen in the Safety Risk Model produced by RSSB. It is ORR’s opinion that with the reduction in risk, it is appropriate and proportionate to review the requirements for running Mk1 coaches on the mainline infrastructure.

4. There was consensus amongst those at the meeting that exemption conditions should be consistent across all operators. The conditions proposed within the consultation letter were discussed and reviewed.

5. The outcome was an agreed list of relevant and proportionate conditions to permit train operators to operate unmodified (as defined by the regulations) MK1 rolling stock on the national network, including MK1 passenger stock without barrier vehicles and with passengers permitted to travel in leading vehicles, as follows:

- provision by the operator of a suitable and sufficient risk assessment to ORR;
- each exempt vehicle that could be coupled in a rake of coaches is identified by a unique number;
- all vehicles are coupled with buck eye couplers fitted with shelf brackets (except when coupled to a locomotive not fitted with buckeye couplers); and
- all vehicles are verified by the operator to have crash pillars of an equivalent or greater strength than the original BR design. Owners or operators should provide an engineers report of the condition of the crash pillars and body structure in general together with any evidence of structural repair or modification.

6. The covering letter to the exemption will, in addition, advise that all vehicles in the rake have the same buffing height (within maintenance limits) and that the maximum speed limit of a rake of MK1 vehicles should not exceed 75 miles per hour (120 kilometres per hour) for steam operation. For electric or diesel operation the maximum speed would be that of the plated speed of the coach.

7. You are now asked (where appropriate) to:

- review your live exemptions to satisfy yourselves fully that these standardised conditions are acceptable (we recognise that not all exemption holders were represented at the 23 June meeting, though believe the vast majority were);
- review your operations to ensure that all relevant exemptions are in place;
- confirm to ORR which exemptions will need to be revoked and replaced with the new certificates; and
- confirm to ORR that there are no gaps *or* apply for exemptions for vehicles not covered currently.

8. As agreed at the meeting we will also take the opportunity afforded by this review to issue exemptions valid until March 2023.

9. Please send your responses by 30 September 2011 by post or email to:

Chandrika Shah
Executive
Rail Safety Policy Team, 3rd Floor
Railway Safety Directorate
Office of Rail Regulation
1 Kemble Street
London WC2B 4AN

Email: chandrika.shah@orr.gsi.gov.uk

10. We will endeavour to issue revised Certificates of Exemption as soon as possible after receipt of all the relevant information.

11. Finally, representatives at the 23 June meeting sought clarification as to where exemption certificates should be held. There is no definitive answer to this but operators need to be in a position whereby they could satisfy an ORR inspector that a vehicle was exempt. It has been suggested that the best approach would be for the original certificate to be held by the owner with a certified copy held by the current operator of the exempted rolling stock (where different).

12. We look forward to hearing from you. If you have any queries regarding this exercise please contact David Keay (tel: 0845 301 3555) or Mike Holmes (tel: 0845 301 3566) for operational/technical matters or me for any issues relating to policy or processes.

Yours sincerely

Tracy Phillips

Recipient list:

Dartmoor Railway

DB Schenker Rail (UK) Ltd

Fragonset Railways

**The Great Scottish and Western
Railway Company**

Hastings Diesels

Heritage Railway Association

**Merchant Navy Locomotive
Preservation Society Ltd**

Network Rail Infrastructure Ltd

North Yorkshire Moors Railway

**Princess Royal Class Locomotive
Trust Ltd**

Rail Express System

Railfilms Ltd

Riley and Sons

Riviera Trains Ltd

RSSB

**Scottish Highland Railway Company
Ltd**

**Scottish Railway Preservation Society
Railtours**

Stagecoach South Western Trains Ltd

**Venice Simplon-Orient-Express Ltd
(VSOE), Northern Belle Fleet**

Wessex Trains Ltd

West Coast Railway Co Ltd