The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) (ROGS)

Findings and conclusions from the stakeholder survey as part of the post implementation review of ROGS

March 2016

Contents

1. Introduction

Purpose of the document

1.1 The Office of Rail and Road (ORR) is carrying out a post implementation review (PIR) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) (ROGS) on behalf of the Secretary of State to:

- analyse whether ROGS provides an appropriate level of regulation; and

- check that any regulatory burdens or costs on business remain proportionate to the objectives.

1.2 From the PIR ORR aims to collect sufficient evidence to establish whether, and to what extent, ROGS:

- have achieved their original objectives;

- have objectives which are still valid;

- are still required and remain the best option for achieving those objectives; and

- can be improved to reduce the burden on business and overall costs.

1.3 ORR commissioned a four-year monitoring evaluation study of ROGS and a final report was published in 2010 (the 2010 report). This found that most of the objectives of ROGS were met or were on their way to being met.

1.4 ORR published a consultation document on 21 August 2015, which set out the background to the PIR and asked stakeholders to complete a survey (the 2015 survey) and provide comments by 13 October 2015. As well as asking questions on the impact of changes made to ROGS since 2011, the 2015 survey seeks general feedback from stakeholders on their views and experience of ROGS to supplement the work undertaken in the 2010 report.

1.5 This document sets out the findings and conclusions from the 2015 survey.

Structure of the document

1.6 Chapter 2 sets outs the methodology for the survey. Chapter 3 provides a summary of all the findings and Chapter 4 sets out the conclusions and next steps. Annex A contains the detailed findings from the survey.

Confidentiality

1.7 Some stakeholder have expressed that they wish their name to be withheld or their response to remain confidential. We have therefore not identified the names of

respondents in this document. However, we have identified the type of respondent that replied (for example "a train operating company").

2. Methodology

2.1 The survey was sent by email to around 600 individuals representing 426 organisations, who were given seven weeks to respond. There were 56 responses, distributed as shown in Table 1.

Table 1: Types of respondents to the 2015 survey	
Type of respondent	**Number of responses**
Train Operating Company (TOC)	13
Other	12
Operator under 40 km/h	11
Light railway	9
Freight Operating Company (FOC)	3
Metro system	3
Entity in charge of maintenance (ECM)	2
Infrastructure manager	1
Maintainer of vehicles or infrastructure	1
Trade union	1
On-Track Machine (OTM) operation	0
Possession-only operation	0
Rolling stock manufacturer or company	0
Tramway	0
Passenger group	0
Total number of respondents	56

2.2 Further details of the 'Other' types of respondents can be found in Annex A.

2.3 In addition to asking specific questions relating to the implementation of amendments to ROGS since 2011, the survey asked for general feedback from stakeholders on their views and experience of ROGS.

2.4 The different sizes of the organisations that responded are shown in Table 2.

Table 2. Size of organisation	
Size	**Number**
Fewer than 10 employees	4
Between 11 and 50 employees	12
Between 51 and 250 employees	14
More than 250 employees	26

3. Summary of the findings

General feedback on ROGS

Are ROGS working well?

3.1 There was strong support for the statement "*I think that ROGS are working well*' from both external stakeholders (around 71%). So generally stakeholders think that ROGS are working well. This positive view was well represented across most different types of external stakeholders:

- TOCS;
- Light railway;
- Operators < 40km/h;
- FOCs;
- ECMs;
- Metro systems;
- Trade unions; and
- OTM operators.

3.2 Those that neither agreed nor disagreed (22%) still had positive comments to make. The 4% that did not agree that ROGS are working well were operators below 40km/h (mainly heritage railway operators). These commented that there is still ignorance of the Regulations are, a lack of clarity about what they mean and a belief that they are too onerous.

3.3 Despite operators < 40km/h being the main stakeholder type among the small percentage of all respondents that did not think that ROGS are working well, it should be noted that the majority of <40km/h operators who responded to the survey thought that ROGS are working well.

3.4 Comments from respondents indicate that ROGS provide the flexibility to manage safety appropriately for the size and complexity of the organisation within a structured framework. They provide the right balance of engagement/checks by ORR compared to the Railways (Safety Case) Regulations 2000, which were more prescriptive.

Impact of ROGS

3.5 ROGS have a positive impact on around 70% of respondents. Comments from respondents indicate that they provide a common framework for duty holders to manage their own risks and work with each other on common areas to continuously improve through shared knowledge and experience. They have raised standards in

safety management and record keeping among duty holders. Around 9% were not sure and 21% thought ROGS had a neutral impact.

Unintended effects from ROGS

3.6   Most respondents (53%) indicated that there were no unintended effects from ROGS. A small minority (about 10%) thought that there have been unintended effects. This belief was mainly expressed by operators < 40km/h and light railways. Some said that their costs had increased in order to comply with ROGS and more paperwork has been generated. Around 36% were not sure. (Note that the 2006 impact assessment envisaged that there would be a minor increase in costs for many of these operators, so while this point is important it is not necessarily an "unintended" or unanticipated effect.)

Cost of ROGS

3.7   Just over half of respondents (55%) agreed with the statement "***From experience, I think that the cost of ROGS has been proportionate to the benefits***". Around 27% neither agreed nor disagreed and 14% had no opinion.

What should happen to ROGS?

3.8   Over half of respondents (59%) thought that ROGS should remain without amendment. But around one-fifth (21%) thought that ROGS should remain but with some changes made.

3.9   So on the whole, respondents think that ROGS are fit-for-purpose and should largely remain the same, but some specific amendments have been proposed as set out in Table 3.

3.10 The survey responses seem to indicate that there are still some uncertainties among duty holders about what parts of ROGS apply to them. ORR therefore proposes a 'ROGS toolkit' which will help duty holders to pin-point what parts of the Regulations apply to them depending on where they operate and the type of operation they have. In addition ORR proposes to provide better clarity of ROGS through improved guidance.

3.11 The European Commission has proposed a recast of the Railway Safety Directive as part of the Fourth Railway Package. This will provide an opportunity to clarify and simplify existing provisions, consolidate previous amendments to ROGS and update the Regulations. The UK's obligation to implement the Directive accurately will also constrain our ability to adopt some of the proposed changes. Assuming the recast safety Directive is adopted as planned in 2016, ROGS will need to be amended by 2019 in order to transpose the Directive's new requirements. Therefore the proposed regulatory changes below will be taken forward at that time.

3.12 As indicated above, in the context of a set of regulations that have been found to be working well, ORR will **not** propose that any regulatory amendments are taken forward separately to implementation of the revised safety Directive (i.e. we do not propose that ROGS are amended before 2019). Where the survey has identified a need for us to improve our guidance, we will make the necessary changes by March 2017.

Table 3: Amendments suggested by respondents	
Amendment proposed	**ORR's response**
Clarify that the term "mainline railway" concerns the management and operation of the mainline railway as a whole; and improve coherence between ROGS and the Railways (Interoperability) Regulations 2011 (as amended) (RIR)	Accept. Proposals for this will be taken forward in guidance and, if possible, in future revisions to ROGS.
Clarification of the national 'Part B' requirements of the safety management system in relation to standards – should refer to national technical rules as well as Technical Specifications for Interoperability (TSIs) and national safety rules.	Accept in principle. ROGS will need to be amended to reflect that the Fourth Railway Package now brings together *national technical rules* and *national safety rules* as "*national rules*". (However, because the Fourth Package removes the concept of "Part B" certificates it will not be possible to make the precise proposed amendment.)
Common safety targets – where regulation 5(1)(a)(i) of ROGS requires the safety management system (SMS) to be established to ensure that the mainline railway system can achieve the CSTs, the best that can be asked for is that an SMS is established to ensure that the relevant part of the mainline railway system can achieve any CSTs established for that part of the mainline railway system.	Accept in principle. ORR accepts the general thrust of this proposal, and we believe that it is recognised in the recast Safety Directive.
The term "placed in service" should be replaced by "put into use" to align the RIR.	Accept in principle. ORR will propose that this be taken forward during implementation of the recast interoperability and safety Directives (noting that the former introduces the new concept of "placed on the market").
ECM/transport undertaking – given that the responsibility for ensuring a vehicle is in a safe state of running now lies with the ECM (and not with the transport undertaking), it would be logical to recognise this in the requirement for a transport undertaking's SMS:	Reject. ORR will provide guidance to clarify the ECM's responsibility but does not accept the rationale that is inferred by the proposed change. We also note that the proposed change is not consistent with the Railway Safety Directive or the recast Safety Directive.

Proposal: 5.—(2) The requirements in paragraphs (1)(a) and (d) shall be met where the safety management system of a transport operator or of an applicant for a safety certificate or a safety authorisation ("the first operator") taken with—
    (a) the safety management system of any relevant transport operator; and
    (b) the system of maintenance of any relevant entity in charge of maintenance,
is capable of meeting the requirements of the paragraph in question.	

Infrastructure manager – there needs to better clarity in ROGS in relation to who has overall responsibility when there are more than one safety authorisation holder at a particular station, e.g. Stratford.	Accept in principle. ORR agrees that there needs to be better clarity in this area and will provide improved guidance, but we do not plan to propose any regulatory change (noting that no specific regulatory amendments were suggested in the survey responses).
Duty of cooperation – better clarity about who is obliged to initiate the necessary cooperation and take responsibility in 'common areas' where two or more parties interface;	Accept in principle. ORR will provide guidance on this.
Common safety method (CSM) for risk evaluation and assessment – Regulation 6(4) on safety verification (SV) should be amended to allow non-mainline duty holders to use the CSM as an alternative to SV;	Accept. ORR will propose that this be taken forward when the recast safety Directive is implemented.
Independent approval of significant changes to operations and procedures by ORR inspectors before these are brought into use.	Reject. This looks similar to an approval role that ORR had under the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 (ROTS), which were repealed and replaced by safety verification (SV) under ROGS. The purpose of SV is to provide a flexible process to make sure projects that could significantly increase risk are safe. This is achieved by appointing an 'independent competent person' - this person can come from inside or outside the organisation. ORR is therefore not proposing to take on this role.
The annual safety reports should cover the rail year rather than the calendar year.	Reject. The period that the annual safety report covers is set down in the Railway Safety Directive as being the

	calendar year. Therefore ORR is not proposing any changes in relation to this.
ROGS should be split into parts that apply separately to mainline and non-mainline duty holders.	Reject. ORR is not proposing any regulatory change in relation to this. However, the proposed 'ROGS toolkit' and improved guidance should help to provide better clarity on what parts of ROGS apply to mainline and non-mainline duty holders.

Businesses with fewer than 50 employees

3.13 Just under half (46%) of respondents thought that a disproportionate impact on businesses with fewer than 50 employees was not a concern for ROGS. Almost as many (39%) were either not sure or did not provide a response to this question.

3.14 Around 14% of all respondents, including 25% of the 16 respondents from businesses with 50 or fewer employees, thought that there was a disproportionate impact from ROGS on smaller businesses. Comments from the four respondents from businesses with fewer than 50 employees who were concerned about this were that:

- there is a disproportionate effect on costs of re-training staff to meet the new regulations;

- the amount of paperwork is disproportionate to the benefits; and

- it is hard to comply with the Regulations when management teams are also 'hands on'.

3.15 Half of the smaller businesses who responded said that there was not a disproportionate impact on them from ROGS and 25% were not sure.

3.16 It is ORR's view that while some businesses may have a small number of employees every rail business has the same duty to protect the workforce and the public. A minimum standard of safety management is necessary for businesses to carry out this duty. The regulatory demand on businesses should be proportionate to the level of risk that the business creates. ROGS recognises this by requiring all railway and tramway duty holders to have a written safety management system (SMS), adapted to the character and extent of their operation.

3.17 Reflecting the need for regulation to be proportionate, ROGS does not require generally lower-risk sectors (tramways and transport systems that do not run at speeds above 40 kilometres per hour) to obtain safety certificates or safety authorisations from ORR. We have also implemented ROGS in a way that ensures we exclude all operations we are able to (such as metro and light rail systems) from the specific demands of EU legislation, and we propose to continue so to do when

we propose revisions ROGS to implement the recast safety Directive. We believe the responses to this survey illustrate that the impact of ROGS on businesses with fewer than 50 employees is not disproportionate.

Implementation of amendments to ROGS

Entities in charge of maintenance

3.18 The requirements relating to entities in charge of maintenance (ECMs), which were inserted into ROGS in 2011 and 2013, applies to almost two-fifths (39%) of respondents. Of these:

- 45% have assigned an ECM to a vehicle;

- 59% have registered a vehicle in the National Vehicle Register;

- 68% have carried out a system of maintenance to ensure a rail vehicle is safe to run on the rail network;

- 9% have obtained an ECM certificate; and

- 14% have other performed other activities (including being the process of becoming an accredited certification body).

3.19 None of these required a completely new set of processes to implement the new requirements. Around 4% required major changes to their existing set of processes but 68% only required minor changes. Nearly a quarter (23%) said that their existing set of processes was suitable in its current.

3.20 Just over half (around 54%) said that the costs relating to vehicle maintenance since ECMs were introduced into ROGS are about the same as they were before. Nearly one-fifth (18%) said that there are more costs, but we have treated this figure with caution given half of these are operators under 40km/h (mainly heritage operators) to whom the ECM requirements in ROGS do not apply. Just over a quarter (27%) were not sure about the cost impact of ECM requirements..

3.21 Just over half (59%) thought that the ECM regime provides greater assurance that the maintenance of rail vehicles is controlled to an acceptable level in terms of risk and cost. Nearly a quarter neither agreed nor disagreed (23%).

3.22 Just over a third (36%) thought that an ECM certificate provides assurance that an ECM is able to safely maintain the freight wagons for which it has responsibility. Just over half (55%) had no opinion on this.

3.23 Just over a quarter (27%) thought that an ECM certificate reduces a transport undertaking's time and cost spent ensuring that freight wagons have been properly and safely maintained. Just over half (54%) had no opinion on this.

3.24 Just over one-third (36%) thought that the ECM regime improved safety. The same proportion thought that there was no change and just over a quarter (27%) were not sure.

3.25 Overall, therefore, the ECM regime appears to have gone some way to improve stakeholder perceptions of safety while the impact on cost overall had been neutral. The ECM regime provides some stakeholders with assurance that the maintenance of rail vehicles is controlled to an acceptable level in terms of risk and cost. An ECM certificate has gone some way in providing assurance that an ECM is able to safely maintain the freight wagons for which it has responsibility. It has also gone some way in reducing a transport undertaking's time and cost spent ensuring that freight wagons have been properly and safely maintained.

3.26 Train Operating Companies (TOC) have expressed their view that they see no benefit of extending the certification of ECMs (which currently only exist for freight wagons) to other vehicles.

Annual safety reports

3.27 The removal from ROGS of the requirement for non-mainline transport operators to send an annual safety report (ASR) to ORR in 2013 applied to almost one-fifth (18%) of respondents. Three-fifths (60%) of these said that as a result of the removal, the costs relating to safety reporting was about the same as it was before. Nearly one-third (30%) thought that costs were lower and one respondent thought that costs were higher.

3.28 Half (50%) said the removal had a neutral impact on them and two-fifths (40%) thought that it had a positive effect on them.

3.29 On the whole, therefore, there has been a neutral impact on cost by the removal of this requirement from the non-mainline sector.

Safety verification

3.30 The removal from ROGS of the requirement for mainline transport operators to carry out safety verification (SV) in 2013 applied to around one-fifth (21%) of respondents. Around four-fifths (83%) of these said that the cost and time spent on assessing and managing risks associated with safety-related significant changes are about the same as they were before.

3.31 Three-quarters (75%) said that the removal had a neutral impact on them and 17% said that it had a positive impact.

3.32 Overall, therefore, the SV removal has had a neutral impact on transport operators and costs have been about the same as they were before. This is in line with ORR expectations, given that the SV requirements have been replaced by the very similar

requirements in the CSM for risk evaluation and assessment (Commission Regulation (EU) 402/2013).

Definition of "mainline railway"

3.33 Around two-thirds (68%) of respondents thought that the definition of "mainline railway" inserted into ROGS in 2013 provides better clarity on what systems are excluded from the mainline railway.

3.34 Around 70% thought that a determination by ORR and publication of a list of systems provided better clarity that they are excluded from the mainline railway.

3.35 Around two-thirds of respondents said that the change of the definition of "mainline railway" had a neutral impact on them and 12% said that there was a positive or very positive impact.

3.36 Overall, therefore, amending the definition has created better clarity with neutral impact.

Safety critical work

Fatigue

3.37 Just over two-thirds (70%) of respondents said that their organisation was responsible for controlling the work of safety critical workers. Of these the following use these measures to control the risk of fatigue for safety critical workers:

- nearly four-fifths (79%) use 'number of hours worked';

- just under three-quarters (74%) review other factors, such as shift patterns, frequency of breaks, commute time, etc. which may influence worker fatigue;

- just under three-quarters (72%) follow the ORR guidance '*Managing Rail Staff Fatigue*'; and

- around three-fifths (about 61%) follow Health and Safety Executive guidance.

3.38 Other measures used include following Heritage Railway Association guidance; introducing self-reporting arrangements; and working with other industries to learn from them.

3.39 Overall, therefore, respondents responsible for controlling the work of safety critical workers use factors other than the number of hours to control the risk of fatigue for safety critical workers.

Definition of "work" in 'safety critical work'

3.40 Just over three-fifths (around 62%) of respondents thought that the 2011 amendment of the definition of "work" in 'safety critical work' to include volunteers has now provided greater clarity about who the safety critical work requirements apply to.

3.41 Almost two-thirds (64%) said that the change had a neutral impact and around 14% said that it had a positive or very positive impact.

3.42 Overall, therefore, the amendment has had a neutral impact on businesses. It has now provided greater clarity about who the safety critical work requirements apply to in most cases.

Monitoring arrangements for safety critical workers

3.43 Half of respondents (50%) thought that the insertion of the words '*suitable and sufficient*' in relation to having arrangements for monitoring the competence and fitness of safety critical workers has provided better clarity on what is required. Nearly a quarter (23%) said they were not sure about this.

3.44 Almost three-fifths (61%) said that inserting "*suitable and sufficient*" had a neutral impact. Around 12% said that it had a positive or very positive impact.

3.45 Overall, therefore, the insertion of "*suitable and sufficient*" has made a neutral impact on businesses and has gone some way in providing better clarity on what is required.

'Affected party' 28-day consultation period

3.46 The amendment in 2013 to make the 28-day 'affected party' consultation period run concurrently with the four-month assessment period (instead of consecutively) had a neutral impact on just over half (55%) of respondents. Around 16% said that it had a positive or very positive impact on them. This is because the change speeds up the process for applicants.

3.47 Overall, therefore, the amendment created a neutral impact.

Common safety indicators

3.48 The replacement of Schedule 3 of ROGS in 2011 with a new one to improve reporting and data quality and improve consistency with Eurostat data had a neutral impact on around two-thirds (68%) of respondents.

4. Conclusions and next steps

4.1 The conclusions and proposals set out below will be put to Ministers for consideration as part of the PIR.

4.2 The responses to the 2015 survey build on the positive findings of ORR's evaluation of ROGS in the 2010 report.

4.3 The survey found that ROGS continue to work well and they continue to support ORR's objectives for a safer railway. Amendments made to ROGS since 2010 have improved clarity while having a neutral to positive impact.

4.4 The survey did not identify that ROGS create a significant cost burden on the industry; in particular there is little evidence of a disproportionate impact on smaller businesses.

4.5 We will therefore not propose any significant changes to the Regulations or to the scope of their application as a result of the survey.

4.6 We propose to invite Ministers to consider the following improvements to the clarity of the Regulations when they are revised in 2019 to implement the recast safety Directive:

- clarifying that the term "mainline railway" represents the *management and operation* of the mainline railway;

- replacing the term "placed in service" (and cognate expressions) with "put in use" to align with the Railways (Interoperability) Regulations 2011;

- modernising requirements in regulation 21 of ROGS relating to making documents available to the public so that they can be made available online; and

- making the CSM for risk evaluation and assessment (Commission Regulation (EU) 4012/2013) voluntary for non-mainline operators as an alternative to carrying out safety verification (this follows the removal of safety verification for mainline operators in 2013 because the CSM applies in a similar way)

4.7 We propose to improve ORR's guidance on ROGS to clarify the following issues by March 2017:

- the responsibility of the ECM;

- who has overall responsibility when there are more than one safety authorisation holder at a particular station;

- who is obliged to initiate the necessary cooperation and take responsibility in 'common areas' where two or more parties interface;

- ◼ what parts of ROGS apply to mainline and non-mainline duty holders; and

- ◼ develop a 'ROGS toolkit' to help duty holders pin-point what parts of the Regulations apply to them depending on where they operate and the type of operation they have.

4.8 We do not propose any amendments to the provisions of Part IV of ROGS, nor do we suggest further amendment to the provisions around ECMs, SV, CSIs or the affected parties consultation arrangements.

Annex A: Detailed findings

Respondents

1. There were 56 responses to the survey. The types of respondents were broken down as follows with the names removed:

No.	Type
1	Other - Trade body representing the UK heritage and tramway sector
2	TOC
3	Trade union
4	TOC
5	Railway (or other system) operating under 40 km/h)
6	Light railway
7	Other - Body representing the rail industry in Great Britain
8	Railway (or other system) operating under 40 km/h
9	FOC
10	Other - Notified Body, Designated Body and CSM Assessment Body
11	FOC
12	Other - Owning Group
13	Other - Supplier of legal services to the rail industry
14	Railway (or other system) operating under 40 km/h
15	Railway (or other system) operating under 40 km/h
16	Railway (or other system) operating under 40 km/h
17	ECM
18	Railway (or other system) operating under 40 km/h
19	TOC
20	TOC
21	TOC
22	Light railway
23	Other - Trade association for the UK's train operating companies
24	TOC
25	Railway (or other system) operating under 40 km/h
26	TOC
27	Other - Local Government organisation
28	Metro system
29	FOC
30	Railway (or other system) operating under 40 km/h
31	Metro system
32	Metro system
33	TOC
34	Light railway
35	Light railway
36	Other - FOC, OTM, possession-only on certain contracts and ECM

37	Railway (or other system) operating under 40 km/h
38	TOC
39	ECM
40	TOC
41	Other - A health and safety professional with between 51 and 250 employees
42	Light railway
43	Railway (or other system) operating under 40 km/h
44	Railway (or other system) operating under 40 km/h
45	Infrastructure Manager
46	Other - Coroner's office
47	TOC
48	Light railway
49	Light railway
50	Other - Certification body reviewing compliance of railway vehicles to applicable standards (to include CSM and ECM assessment
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway
52	TOC
53	Light railway, but also the Infrastructure Manager (excluding stations)
54	Railway (or other system) operating under 40 km/h
55	TOC
56	Other - Maintainer of vehicles or infrastructure

Questions 1 to 4

2.   Questions 1 to 4 of the survey asked for contact and organisational details.

Question 5: "I think that ROGS are working well"

3.   Stakeholders were asked for their opinions on the statement: "*I think that ROGS are working well*". The responses were:

Strongly agree	3	5.4%	
Agree	37	66.0%	71.4%
Neither agree nor disagree	12	21.8%	21.8%
Disagree	2	3.6%	3.6%
Strongly disagree	0	0%	0%
No opinion	2	3.6%	3.6%

4.   Around 4% of respondents (two) disagreed with the statement and around 5% (three) strongly agreed with the statement. Around two-thirds agreed.

5.   Figure 1 shows the types of respondents that selected 'Agree'. Of those, most (32%) were TOCs, followed by around one-fifth (19%) Light railway.

Figure 1: Types of respondents that selected 'Agree'
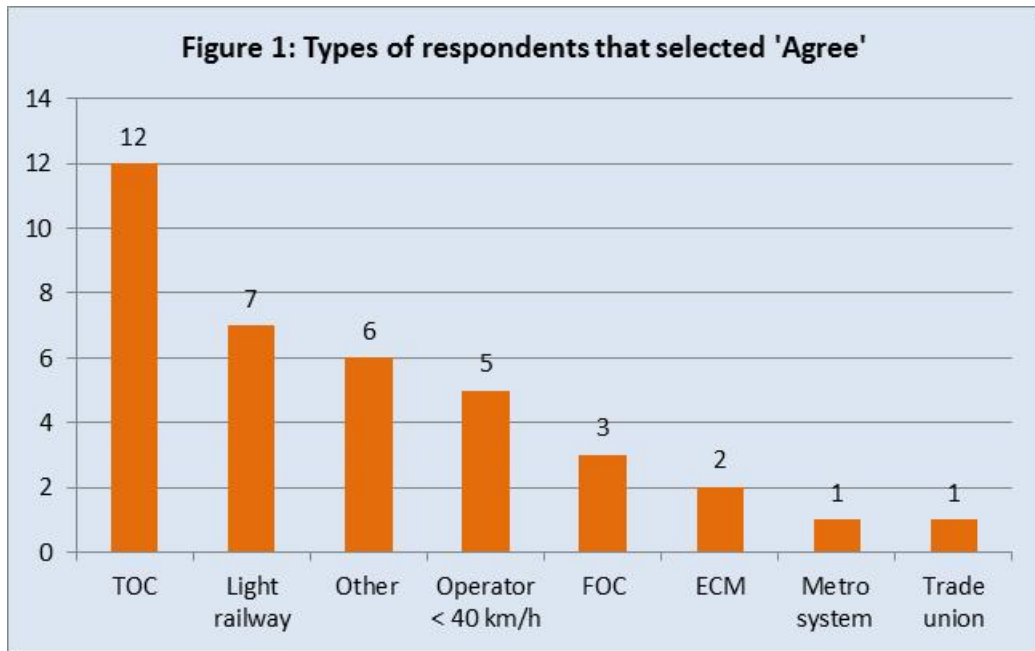
Question 6: What impacts do ROGS have on your organisation?

6.   Stakeholders were asked: "*What impacts do ROGS have on your organisation?*"
The responses were:

Very positive impact	3	5.3%	
Positive impact	36	64.3%	69.6%
Neutral impact	12	21.4%	21.4%
Negative impact	0	0%	0%
Very negative impact	0	0%	0%
Not sure	5	8.9%	8.9%

Figure 2: Types of respondents that selected 'Positive impact'
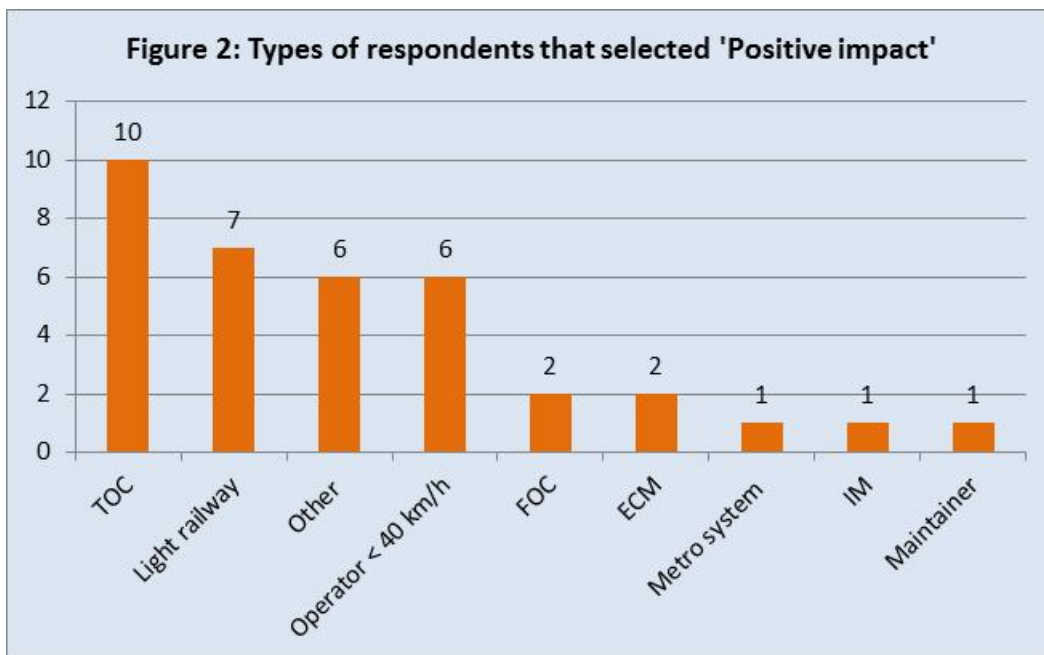
7. Just over three-fifths of respondents thought that ROGS have had either a positive or very positive impact.

8. Figure 2 shows the types of respondents that selected 'Positive impact'. Most (28%) were TOCS, followed by almost one-fifth (19%) Light railway.

Question 7: From your experience, have there been any unintended effects from ROGS?

9. Stakeholders were asked: "From your experience, have there been any unintended effects from ROGS?" The responses were:

Yes	6	10.7%
No	30	53.6%
Not sure	20	35.7%

10. Just over half of respondents thought that there had not been any unintended effects of ROGS. But a small minority (around 10%) thought that there had been unintended effects.

11. Figure 3 shows the types of respondents that answered "Yes".

Figure 3: Types of respondents that answered 'Yes'
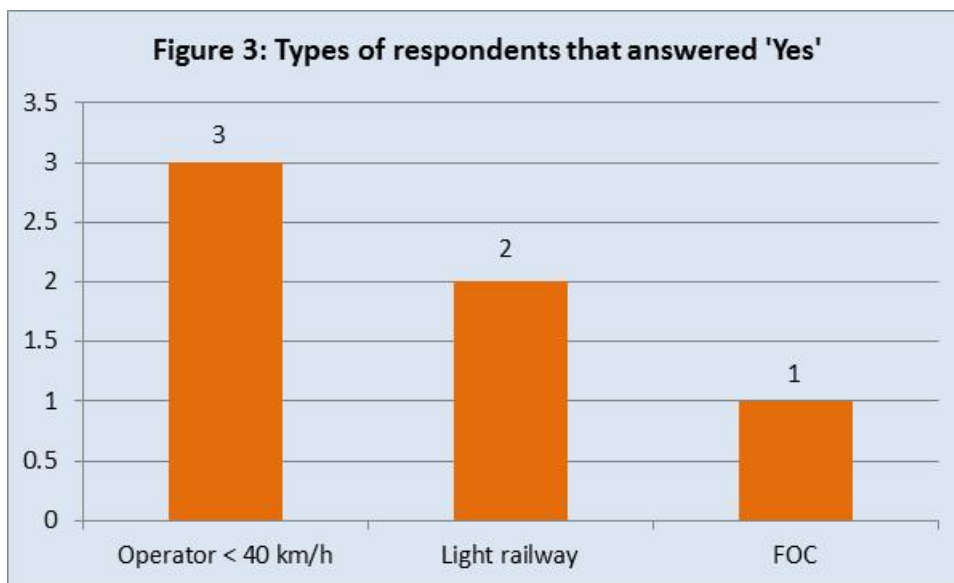
Question 8: "From experience, I believe that the costs of ROGS have been proportionate to the benefits"

12. Stakeholders were asked for their opinion on the statement: "From experience, I believe that the costs of ROGS have been proportionate to the benefits".

13. The responses were:

Strongly agree	2	3.5%
Agree	29	51.8%
Neither agree nor disagree	15	26.8%
Disagree	1	1.8%
Strongly disagree	1	1.8%
No opinion	8	14.3%

14. Just over half of respondents agreed or strongly agreed that the cost of ROGS have been proportionate to the benefits. About 3% disagreed or strongly disagreed.

Questions 9 to 12: Which of the following do you think should apply to ROGS?

15. Stakeholders were asked to choose which of the following they thought should apply to ROGS:

Option	No. of responses	%
ROGS should remain without amendment	33	58.9%
ROGS should remain but with some changes made	12	21.4%
ROGS should be removed and not be replaced	1	1.8%
ROGS should be replaced or redesigned	1	1.8%
Other	5	8.9%
No response	4	7.1%

16. Just over half of respondents (59%) said that *ROGS should remain without amendment*. Around one-fifth (21%) said that *ROGS should remain but with some changes made*. Comments indicate that there should be better clarity and further guidance.

Question 13: Disproportionate impact on businesses fewer than 50 employees

17. When reviewing Regulations it is standard practice to assess if these have had a disproportionate impact on businesses with fewer than 50 employees (including volunteers). Stakeholders were asked "*Do you think that this is an issue of concern for ROGS?*"

4.9 The responses were:

Yes	8	14.3%
No	26	46.4%
Not sure	17	30.4%
No response	5	8.9%

18. Nearly half of respondents (46%) thought that a disproportionate impact on businesses with fewer than 50 employees was not a concern for ROGS. Almost a

third (30%) of respondents were not sure whether there was a concern for ROGS but 14% of respondents thought that there was.

Figure 4: Size of businesses responding to the survey

29%

71%

■ 50 employees or less
■ More than 50 employees
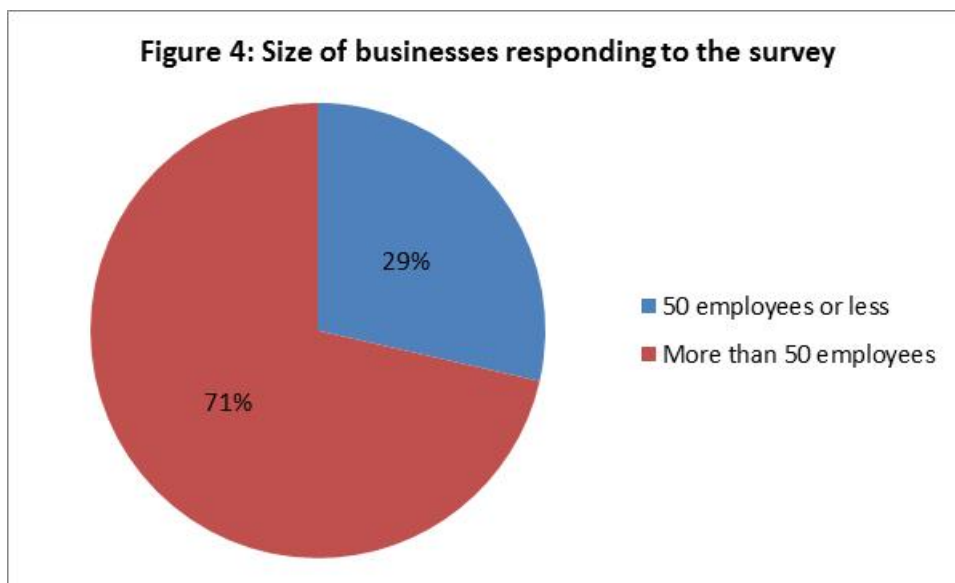
Businesses with 50 employees or less		
Yes	4	25%
No	8	50%
Not sure	8	25%

19. Of the 56 respondents to the 2015 survey, 16 (29%) were from businesses with 50 or fewer employees. Of these, a quarter (25%) said that there was a concern for ROGS. Comments from these indicate that:

■ there is a disproportionate effect on costs of re-training staff to meet the new regulations;

■ the amount of paperwork is disproportionate to the benefits; and

■ it's hard to comply with the Regulations when management teams are also 'hands on'.

20. Half (50%) said that there was not a concern for ROGS and 25% were not sure.

21. Of the 16 responses from business with 50 or fewer employees the types of respondents are as follows

Railway (or other system) operating under 40 km/h	4	25.0%
Other	4	25.0%
ECM	2	12.5%
Light railway	4	25.0%
FOC	2	12.5%

Question 14: Entity in charge of maintenance' (ECM)

22. Stakeholders were asked "Do the 'entity in charge of maintenance' (ECM) requirements in ROGS apply to you or your organisation?" The responses were:

Yes	22	39.3%
No	20	35.7%
Not sure	8	14.3%
No response	6	10.7%

23. Almost two-fifth (39%) of respondents said that the ECM requirements applied to them. These were:

No.	Type
4	TOC
5	Railway (or other system) operating under 40 km/h
6	Light railway
9	FOC
10	Other - Notified Body, Designated Body and CSM Assessment Body
11	FOC
18	Railway (or other system) operating under 40 km/h
20	TOC
21	TOC
27	Other - Local Government organisation
31	Metro system
32	Metro system
33	TOC
36	Other - FOC, OTM, possession-only on certain contracts and ECM
38	TOC
39	ECM
40	TOC
43	Railway (or other system) operating under 40 km/h
47	TOC
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway
55	TOC
56	Other - Maintainer of vehicles or infrastructure

24. It is interesting to see that some of the types of respondents that have indicated that the ECM requirements apply to them are not required by ROGS to comply with those requirements. These would be:

■ railway (or other system) operating under 40 km/h

■ light railway; and

■ metro system.

Question 15: Activities in relation to an ECM or a vehicle

25. Those that said the ECM requirements applied them were asked: "Which of the following activities have you performed in relation to an ECM or a vehicle?" The responses were:

No.	Name	Assign an ECM to a vehicle	Register a vehicle in the NVR	Carry out a system of maintenance to ensure a vehicle is safe to run on the rail network	Obtained an ECM certificate for freight wagons	Other (Please specify)
4	TOC	✔	✔	✔		
5	Railway (or other system) operating under 40 km/h	✔	✔	✔		
6	Light railway			✔		
9	FOC	✔	✔	✔	✔	
10	Other - Notified Body, Designated Body and CSM Assessment Body					*"None, but we are in the process of becoming an accredited ECM Certification Body".*
11	FOC					*"We do not act as keeper, owner, maintainer or ECM for the vehicles that we operate. We do, however, have to confirm that there is an ECM allocated and that this ECM is certificated for wagons".*
18	Railway (or other system) operating under 40 km/h			✔		
20	TOC		✔			
21	TOC		✔	✔		
27	Other - Local Government organisation		✔			
31	Metro system	✔		✔		
32	Metro system					
33	TOC			✔		
36	Other - FOC, OTM, possession-only on certain contracts and ECM		✔	✔		
38	TOC	✔	✔	✔		
39	ECM	✔	✔	✔	✔	
40	TOC	✔	✔	✔		

No.	Name					
43	Railway (or other system) operating under 40 km/h			✓		
47	TOC	✓	✓	✓		
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway					*"Undertake vehicle maintenance in accordance with an SMS".*
55	TOC	✓	✓	✓		
56	Other - Maintainer of vehicles or infrastructure	✓	✓			
Total		10	13	15	2	3
		45.6%	59.1%	68.2%	9.1%	13.6%

Question 16: Revising arrangements for the ECM requirements

26. Those that said the ECM requirements applied them were asked: "***To what extent have the ECM requirements caused you to revise your arrangements?***" The responses were:

No.	Name	A completely new set of processes was required	Our existing set of processes required major changes	Our existing set of processes required minor changes	Our existing set of processes was suitable in its current format	Not applicable
4	TOC				✓	
5	Railway (or other system) operating under 40 km/h				✓	
6	Light railway			✓		
9	FOC			✓		
10	Other - Notified Body, Designated Body and CSM Assessment Body			✓		
11	FOC			✓		
18	Railway (or other system) operating under 40 km/h				✓	
20	TOC				✓	

No.	Name					
21	TOC			✓		
27	Other - Local Government organisation					✓
31	Metro system			✓		
32	Metro system				✓	
33	TOC			✓		
36	Other - FOC, OTM, possession-only on certain contracts and ECM			✓		
38	TOC			✓		
39	ECM		✓			
40	TOC			✓		
43	Railway (or other system) operating under 40 km/h			✓		
47	TOC			✓		
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway			✓		
55	TOC			✓		
56	Other - Maintainer of vehicles or infrastructure			✓		
Total		0	1	15	5	1
Percentage		0%	4.5%	68.2%	22.7%	4.6%

Question 17: Cost relating to vehicle maintenance

27. Those that said the ECM requirements applied to them were asked whether, compared to the time before ECMs were introduced into ROGS in 2011, the cost relating to rail vehicle maintenance is: '*More*'; '*Less*'; '*About the same*' or whether they are '*Not sure*'. The responses were:

No.	Name	More	Less	About the same	Not sure
4	TOC			✓	
5	Railway (or other system) operating under 40 km/h			✓	
6	Light railway	✓			

No.	Name				
9	FOC	✓			
10	Other - Notified Body, Designated Body and CSM Assessment Body				✓
11	FOC				✓
18	Railway (or other system) operating under 40 km/h	✓			
20	TOC			✓	
21	TOC			✓	
27	Other - Local Government organisation				✓
31	Metro system				✓
32	Metro system			✓	
33	TOC				✓
36	Other - FOC, OTM, possession-only on certain contracts and ECM			✓	
38	TOC			✓	
39	ECM	✓			
40	TOC			✓	
43	Railway (or other system) operating under 40 km/h			✓	
47	TOC				✓
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway			✓	
55	TOC			✓	
56	Other - Maintainer of vehicles or infrastructure			✓	
Total		4	0	12	6
Percentage		18.2%	0%	54.6%	27.2%

28. Nearly one-fifth (18%) of those that said the ECM requirements applied to them said that there were more costs relating to vehicle maintenance since ECMs were introduced into ROGS. Just over half (about 54%) thought that the costs were about the same and just over a quarter (27%) were not sure.

Question 18A: ECM regime

29. Those that said the ECM requirements applied to them were asked for their view on the statement "The ECM regime provides greater assurance that the maintenance of rail vehicles is controlled to an acceptable level in terms of risk and cost". The responses were:

No.	Name	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
4	TOC		✓				
5	Railway (or other system) operating under 40 km/h			✓			
6	Light railway	✓					
9	FOC		✓				

10	Other - Notified Body, Designated Body and CSM Assessment Body		✓				
11	FOC			✓			
18	Railway (or other system) operating under 40 km/h		✓				
20	TOC		✓				
21	TOC				✓		
27	Other - Local Government organisation						✓
31	Metro system	✓					
32	Metro system						✓
33	TOC						✓
36	Other - FOC, OTM, possession-only on certain contracts and ECM		✓				
38	TOC						
39	ECM		✓				
40	TOC		✓				
43	Railway (or other system) operating under 40 km/h		✓				
47	TOC	✓					
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway	✓					
55	TOC			✓			
56	Other - Maintainer of vehicles or infrastructure		✓				
Total		4	9	5	1	0	3
Percentage		18.2%	40.9%	22.7%	4.6%	0%	13.6%
		59.1%					

30. Just over half (59%) either agreed or strongly agreed that that the ECM regime provides greater assurance that the maintenance of rail vehicles is controlled to an acceptable level in terms of risk and cost. Nearly a quarter (23%) neither agreed nor disagreed. Around 14% had no opinion. One respondent disagreed.

Question 18B: ECM certificate

31. Those that said the ECM requirements applied to them were asked for their view on the statement "An ECM certificate provides assurance that an ECM is able to safely maintain the freight wagons for which it has responsibility". The responses were:

No.	Name	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
4	TOC						✓
5	Railway (or other system) operating under 40 km/h						✓
6	Light railway						✓
9	FOC		✓				
10	Other - Notified Body, Designated Body and CSM Assessment Body		✓				
11	FOC		✓				
18	Railway (or other system) operating under 40 km/h			✓			
20	TOC						✓
21	TOC						✓
27	Other - Local Government organisation						✓
31	Metro system	✓					
32	Metro system						✓
33	TOC						✓
36	Other - FOC, OTM, possession-only on certain contracts and ECM		✓				
38	TOC		✓				
39	ECM		✓				
40	TOC						✓
43	Railway (or other system) operating under 40 km/h			✓			
47	TOC		✓				
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway						✓
55	TOC						✓
56	Other - Maintainer of vehicles or infrastructure						✓
Total		1	7	2	0	0	12
Percentage		4.6%	31.8%	9.1%	0%	0%	54.6%
			36.4%				

32. Just over half (55%) had no opinion on whether an ECM certificate provides assurance that an ECM is able to safely maintain the freight wagons for which it has responsibility. Just over a third (36%) either agreed or strongly agreed with the statement. Around 9% neither agreed nor disagreed.

Question 18C: ECM certificate and TU's time and cost

33. Those that said the ECM requirements applied to them were asked for their view on the statement "An ECM certificate reduces a transport undertaking's (TOC's or FOC's) time and cost spent ensuring that freight wagons have been properly and safely maintained". The responses were:

No.	Name	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	No opinion
4	TOC						✓
5	Railway (or other system) operating under 40 km/h						✓
6	Light railway						✓
9	FOC			✓			
10	Other - Notified Body, Designated Body and CSM Assessment Body			✓			
11	FOC	✓					
18	Railway (or other system) operating under 40 km/h			✓			
20	TOC						✓
21	TOC				✓		
27	Other - Local Government organisation						✓
31	Metro system			✓			
32	Metro system						✓
33	TOC						✓
36	Other - FOC, OTM, possession-only on certain contracts and ECM			✓			
38	TOC						✓
39	ECM		✓				
40	TOC						✓
43	Railway (or other system) operating under 40 km/h		✓				
47	TOC			✓			
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway						✓
55	TOC						✓
56	Other - Maintainer of vehicles or infrastructure						✓
Total		1	2	6	1	0	12
Percentage		4.6%	9.1%	27.3%	4.6%	0%	54.6%

		13.6%				

34. Just over half (around 54%) had no opinion on the statement "*An ECM certificate reduces a transport undertaking's (TOC or FOC) time and cost spent ensuring that freight wagons have been properly and safely maintained*". About a quarter (27%) neither agreed nor disagreed and around 14% either agreed or strongly agreed.

Question 19: The ECM regime and safety

35. Those that said the ECM requirements applied to them were asked: "*To what extent do you think the ECM regime has affected safety?* The responses were:

No.	Name	Improved safety	Hindered safety	No change	Not sure	Other
4	TOC				✓	
5	Railway (or other system) operating under 40 km/h)				✓	
6	Light railway	✓				
9	FOC	✓		✓		
10	Other - Notified Body, Designated Body and CSM Assessment Body			✓		
11	FOC					
18	Railway (or other system) operating under 40 km/h	✓		✓		
20	TOC				✓	
21	TOC				✓	
27	Other - Local Government organisation					
31	Metro system	✓		✓		
32	Metro system					
33	TOC					
36	Other - FOC, OTM, possession-only on certain contracts and ECM			✓	✓	
38	TOC				✓	
39	ECM	✓				
40	TOC					
43	Railway (or other system) operating under 40 km/h	✓				
47	TOC	✓		✓		
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway	✓				
55	TOC				✓	
56	Other - Maintainer of vehicles or infrastructure				✓	

Total	8	0	8	6	0
Percentage	36.4%	0%	36.4%	27.3%	0%

36. Just over one-third (36%) said that the ECM regime improved safety. The same proportion said that there was no change to safety and just over a quarter (27%) were not sure.

Question 20: Annual safety reports

37. The requirement for non-mainline transport operators to send an annual safety report (ASR) to ORR was removed from ROGS in 2013 and stakeholders were asked: "***Did this removal apply to you or your organisation as a duty holder?***" The responses were:

Yes	10	17.9%
No	34	60.7%
Not sure	4	7.1%
No response	8	14.3%

38. Almost one-fifth (18%) of respondents said that the removal of the ASR requirement from ROGS applied to them or their organisation. These were:

No.	Type
5	Railway (or other system) operating under 40 km/h)
8	Railway (or other system) operating under 40 km/h
14	Railway (or other system) operating under 40 km/h
16	Railway (or other system) operating under 40 km/h
28	Metro system
33	TOC
44	Railway (or other system) operating under 40 km/h
45	Infrastructure Manager
53	Light railway, but also the Infrastructure Manager (excluding stations)
54	Railway (or other system) operating under 40 km/h

Question 21: Cost and time spent on safety reporting

39. Those that said that the removal of the ASR requirement applied to them or their organisation were asked to choose whether, since the removal of the ASR requirement, the cost and time spent on safety reporting is "***More***"; "***Less***"; "***About the same***"; or whether they are "***Not sure***". The responses were

No.	Name	More	Less	About the same	Not sure
5	Railway (or other system) operating under 40 km/h)			✓	
8	Railway (or other system) operating under 40 km/h	✓			
14	Railway (or other system) operating under 40 km/h		✓		
16	Railway (or other system) operating under 40 km/h			✓	

No.	Name			
28	Metro system		✓		
33	TOC			✓	
44	Railway (or other system) operating under 40 km/h			✓	
45	Infrastructure Manager			✓	
53	Light railway, but also the Infrastructure Manager (excluding stations)		✓		
54	Railway (or other system) operating under 40 km/h			✓	
Total		1	3	6	0
Percentage		10%	30%	60%	0%

40. Three-fifths (60%) of those that said the removal of the ASR requirement applied to them thought that the cost relating to safety reporting was about the same since the requirement was removed from ROGS. Nearly one-third (30%) thought that there were less costs and 10% (one respondent) thought that there were more costs.

Question 22: Annual safety report removal impact

41. Those that said that the removal of the ASR requirement applied to them or their organisation were asked: "***What impacts did the removal of the annual safety report requirement have on you or your organisation?***" The responses were:

No.	Name	Very positive impact	Positive impact	Neutral impact	Negative impact	Very negative impact	Not sure
5	Railway (or other system) operating under 40 km/h			✓			
8	Railway (or other system) operating under 40 km/h		✓				
14	Railway (or other system) operating under 40 km/h		✓				
16	Railway (or other system) operating under 40 km/h			✓			
28	Metro system		✓				
33	TOC			✓			
44	Railway (or other system) operating under 40 km/h			✓			
45	Infrastructure Manager						✓
53	Light railway, but also the Infrastructure Manager (excluding stations)		✓				
54	Railway (or other system) operating under 40 km/h			✓			
Total		0	4	5	0	0	1
Percentage		0%	40%	50%	0%	0%	10%

42. Half (50%) of those that said the removal of the ASR requirement applied to them thought that the removal had a neutral impact on them. Two-fifths (40%) thought that the removal had a positive impact on them. One respondent (10%) was not sure.

Question 23: Comments on annual safety report removal

43. Stakeholders were asked for comments on the ASR removal if the removal **did not** apply to them as a duty holder. Comments received were:

No.	Name	Comment
39	ECM	*"My annual report is sent to my certificate accreditation body".*
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway	*"I think this was a mistake, the submission and review of this data was beneficial".*

Question 24: Safety verification

44. The requirement for mainline transport operators to carry out safety verification (SV) was removed from ROGS in 2013. Stakeholders were asked "***Did this removal apply to you or your organisation as a duty holder?***" The responses were:

Yes	12	21.4%
No	29	51.8%
Not sure	8	14.3%
No response	7	12.5%

45. Around one-fifth (21%) of respondents said that the removal of the SV requirement applied to them or their organisation as a duty holder. These were:

No.	Type
5	Railway (or other system) operating under 40 km/h)
20	TOC
21	TOC
24	TOC
29	FOC
31	Metro system
33	TOC
38	TOC
40	TOC
47	TOC
52	TOC
55	TOC

Question 25: Cost and time spent on assessing and managing risks

46. Those that said that the removal of SV applied to them or their organisation were asked to choose whether, since the removal of SV, the cost and time spent on assessing and managing risks associated with safety-related significant changes is "***More***"; "***Less***"; "***About the same***"; or whether they are "***Not sure***". The responses were

No.	Name	More	Less	About the same	Not sure
5	Railway (or other system) operating under 40 km/h			✓	
20	TOC			✓	
21	TOC		✓		
24	TOC			✓	
29	FOC			✓	
31	Metro system			✓	
33	TOC			✓	
38	TOC			✓	
40	TOC				✓
47	TOC			✓	
52	TOC			✓	
55	TOC			✓	
Total			1	10	1
Percentage		0%	8.3%	83.3%	8.3%

47. Around four-fifths (83%) of those that said the removal of SV applied to them thought that the cost and time spent on assessing and managing risks associated with safety-related significant changes were about the same.

Question 26: Safety verification removal impact

48. Those that said that the removal of SV applied to them were asked: "***What impacts did the removal of safety verification have on you or your organisation?***" The responses were:

No.	Name	Very positive impact	Positive impact	Neutral impact	Negative impact	Very negative impact	Not sure
5	Railway (or other system) operating under 40 km/h			✓			
20	TOC			✓			
21	TOC		✓				
24	TOC			✓			
29	FOC			✓			
31	Metro system			✓			
33	TOC			✓			
38	TOC			✓			
40	TOC						✓
47	TOC			✓			
52	TOC		✓				
55	TOC			✓			
Total		0	2	9	0	0	1
Percentage		0%	16.7%	75.0%	0%	0%	8.3%

49. Three-quarters (75%) of those that said the removal of SV applied to them thought that the removal had a neutral impact on them. Almost two-fifths (17%) thought that it had a positive effect.

Question 27: Comments on safety verification removal

50. Stakeholders were asked for comments on the SV removal if the removal **did not** apply to them as a duty holder. Comments received were:

No.	Name	Comment
10	Other - Notified Body, Designated Body and CSM Assessment Body	*"It took 7 years before it could be said that Safety Verification was embedded within Network Rail, and then it was removed as a requirement. It is likely that it will take another 7".*
11	FOC	*"Removal was necessary to avoid duplication but the CSM Risk Assessment requirements are potentially significantly more onerous, confusing and open to interpretation than the previous arrangements".*
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway	*"Again, I think this was a beneficial exercise in terms of assurance".*

Question 28: Definition of "mainline railway"

51. Stakeholders were asked: "***Do you think that the definition of "mainline railway" inserted into ROGS in 2013 provides better clarity on what systems (such as metros, light rail, heritage, functionally separate) are excluded from the mainline railway?***" The responses were:

Yes	38	67.9%
No	2	3.6%
Not sure	9	16.1%
No response	7	12.5%

52. Around two-thirds (68%) of respondents thought that the definition of mainline railway inserted into ROGS in 2013 provides better clarity on what systems are excluded from the mainline railway. Around 3% didn't' think that it did and 16% were not sure.

Question 29: ORR determination

53. Stakeholders were asked: "***Do you think that a determination by ORR and publication of a list of systems (such as metros, light rail, heritage, functionally separate) provides better clarity that they are excluded from the mainline railway?***" The responses were:

Yes	39	69.6%
No	1	1.8%
Not sure	9	16.1%
No response	7	12.5%

54. Just over two-thirds (70%) of respondents thought that a determination by ORR and publication of a list of systems provided better clarity that they are excluded from the mainline railway. Around 2% (one respondent) thought that it did not and 16% were not sure.

Question 30: Impact of changing the definition of "mainline railway"

55. Stakeholders were asked: "***What impacts did the change of the definition of "mainline railway" have on you or your organisation?***" The responses were:

Very positive impact	2	3.57%	
Positive impact	5	8.93%	12.50%
Neutral impact	38	67.86%	67.86%
Negative impact	1	1.79%	1.79%
Very negative impact	0	0%	0%
Not sure	3	5.36%	5.36%
No response	7	12.50%	12.50%

56. Around two-thirds of respondents (68%) said that the change of the definition of "mainline railway" had a neutral impact on them. Around one-tenth (about 12%) thought that the impact was either positive of very positive. Around 2% (one respondent) thought that there was a negative impact and 5% were not sure.

Question 31: Safety critical work

57. Stakeholders were asked: "***Is your organisation responsible for controlling the work of safety critical workers?***" The responses were:

Yes	39	69.64%
No	1	1.79%
Not sure	9	16.07%
No response	7	12.50%

58. Just over two-thirds (70%) of respondents said that their organisation was responsible for controlling the work of safety critical workers. These were from:
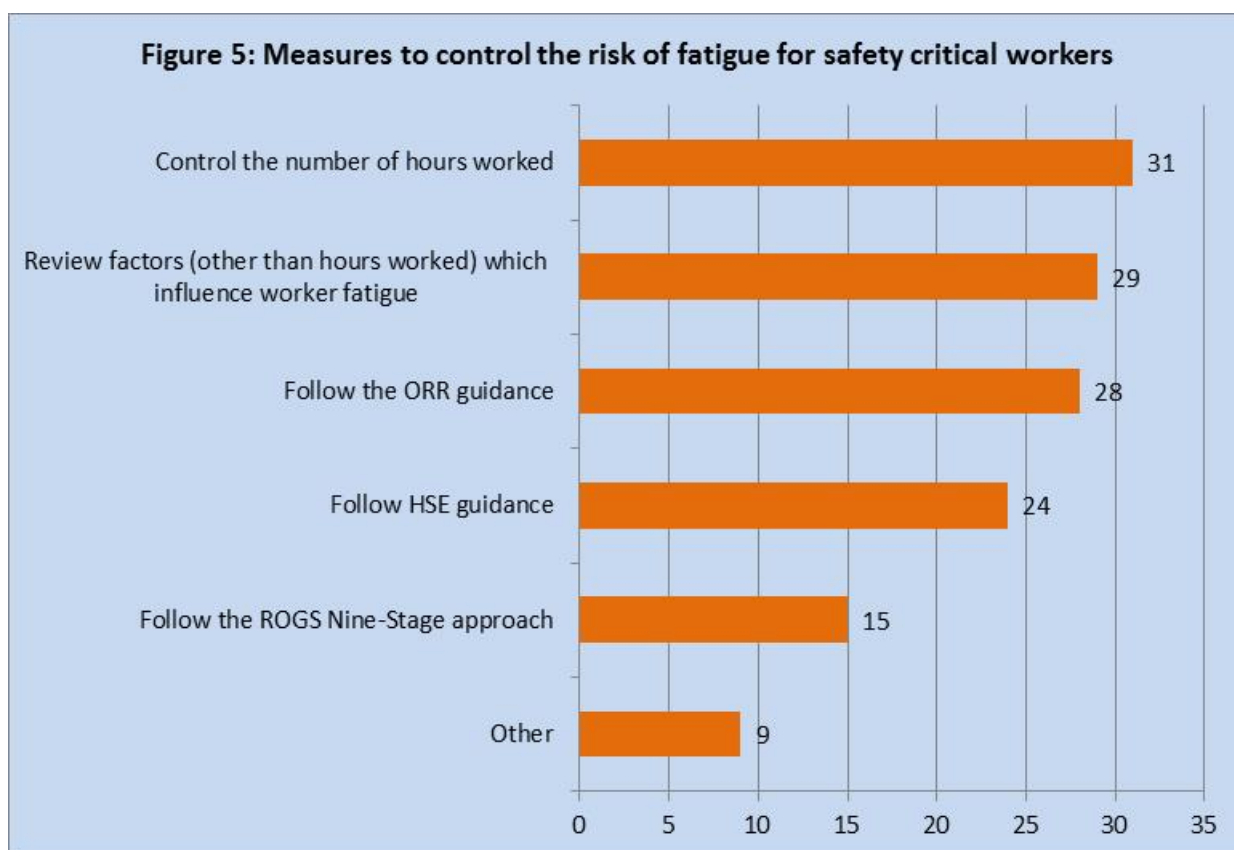
No.	Type
1	Other - Trade body representing the UK heritage and tramway sector
2	TOC
4	TOC
5	Railway (or other system) operating under 40 km/h)
6	Light railway

8	Railway (or other system) operating under 40 km/h
9	FOC
11	FOC
12	Other - Owning Group
14	Railway (or other system) operating under 40 km/h
15	Railway (or other system) operating under 40 km/h
16	Railway (or other system) operating under 40 km/h
17	ECM
18	Railway (or other system) operating under 40 km/h
20	TOC
21	TOC
22	Light railway
24	TOC
25	Railway (or other system) operating under 40 km/h
28	Metro system
29	FOC
30	Railway (or other system) operating under 40 km/h
31	Metro system
32	Metro system
33	TOC
36	Other - FOC, OTM, possession-only on certain contracts and ECM
38	TOC
39	ECM
40	TOC
43	Railway (or other system) operating under 40 km/h
44	Railway (or other system) operating under 40 km/h
47	TOC
49	Light railway
50	Other - Certification body reviewing compliance of railway vehicles to applicable standards (to include CSM and ECM assessment
51	Other - Heavy rail infrastructure owner, but not infrastructure manager. Owner, operator and maintainer of system operating under 40kph and light railway
52	TOC
54	Railway (or other system) operating under 40 km/h
55	TOC
56	Other - Maintainer of vehicles or infrastructure

Question 32: Measures to control the risk of fatigue

59. Those that said that their organisation was responsible for controlling the work of safety critical workers were asked: "*What measures are taken in your organisation to control the risk of fatigue for safety critical workers?*" The responses were:

Measures	Number	Respondent	Percentage
Control the number of hours worked	31	2, 4, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 29, 30, 31, 33, 36, 38, 39, 40, 43, 44, 47, 51, 52, 54, 55, 56	79.5%
Review factors (other than hours worked) which influence worker fatigue (e.g. shift patterns, frequency of breaks, commute time, etc.)	29	2, 4, 5, 8, 9, 11, 12, 15, 16, 17, 20, 21, 24, 25, 29, 30, 31, 33, 36, 38, 39, 40, 44, 47, 51, 52, 54, 55, 56	74.4%
Follow the ROGS Nine-Stage approach	15	2, 4, 8, 11, 12, 15, 20, 21, 24, 29, 39, 47, 51, 52, 55	38.5%
Follow the ORR guidance: *Managing Rail Staff Fatigue*	28	2, 4, 5, 8, 11, 12, 15, 16, 20, 21, 22, 24, 28, 29, 30, 31, 32, 36, 38, 39, 43, 44, 47, 49, 51, 52, 54, 55	71.8%
Follow Health and Safety Executive guidance	24	2, 8, 9, 12, 15, 16, 17, 21, 22, 24, 28, 29, 30, 33, 36, 39, 40, 43, 44, 47, 51, 52, 55, 56	61.5%
Other	9	See below	23.1%

Figure 5: Measures to control the risk of fatigue for safety critical workers

60. Nearly four-fifths of respondents (79%) whose organisation has safety critical workers use 'number of hours worked' as a factor for controlling the risk of fatigue for safety critical workers. Just under three-quarters (74%) review other factors, such as shift patterns, frequency of breaks, commute time, etc. which may influence worker fatigue and almost the same amount (72%) follow the ORR guidance '*Managing Rail Staff Fatigue*'. Around three-fifths (about 61%) follow Health and Safety Executive guidance. A small proportion (around 8%) use 'number of hours worked' **only**.

61. Those that said they use 'Other' measures made the following comments:

No.	Name	Comment
1	Other - Trade body representing the UK heritage and tramway sector	*"The sector follows HRA Guidance, as agreed with HMRI, which is proportionate to the risks encountered and takes into account the items listed above".*
8	Railway (or other system) operating under 40 km/h	*"XXX who are the owners of the railway have extensive measures in place through their own health and safety team. Monitoring audits and check".*
15	Railway (or other system) operating under 40 km/h	*"Common sense".*
16	Railway (or other system) operating under 40 km/h	*"We have members who work on the main network and other railways including myself so we take account of fatigue / shift patterns".*
24	TOC	*"Work with other industries to learn from them".*
25	Railway (or other system) operating under 40 km/h	*"Working towards 9 stage approach and ORR guidance".*
30	Railway (or other system) operating under 40 km/h	*"Staff and volunteer shift patterns, within parameters of the Museum opening hours and complying with our own rules on working hours/fatigue management essentially place us well within any guidelines for operating hours for safety critical workers. Any additional (evening events etc.) is very carefully managed to ensure that rules are obeyed before additional operating hours are offered to the overall Museum operating departments. This is well respected as a result and adhered to throughout".*
54	Railway (or other system) operating under 40 km/h	*"HRA guidance".*

Question 33: Definition of "work" in 'safety critical work'

62. In 2011 ROGS were amended to clarify that the definition of "work" in 'safety critical work' includes volunteers. Stakeholders were asked: "***Do you think there is now greater clarity about who the safety critical work requirements apply to?***" Responses were:

Yes	35	62.5%
No	5	8.9%
Not sure	9	16.1%
No response	7	12.5%

63. Just over three-fifths of respondents (around 62%) thought that there is now greater clarity about who the safety critical work requirements apply to.

64. About 9% of respondents did not think there is better clarity and around 16% were not sure.

Question 34: Impact of changing the definition of "work"

65. Stakeholders were asked: "*What impacts did the change of the definition of "work" have on you or your organisation?*" The responses were:

Very positive impact	1	1.79%	14.29%
Positive impact	7	12.50%	
Neutral impact	36	64.29%	64.29%
Negative impact	1	1.79%	1.79%
Very negative impact	0	0%	0%
Not sure	4	7.14%	7.14%
No response	7	12.50%	12.50%

66. Almost two-thirds of respondents (64%) said that that there was a neutral impact of the change to the definition of "work" in 'safety critical work'.

67. Around 14% of respondents thought that the change had either a positive or very positive impact. Around 7% of respondents were not sure and around 2% said that there was a negative impact.

Question 35: Competence and fitness of safety critical workers

68. ROGS were amended in 2013 to require '*suitable and sufficient*' arrangements for monitoring the competence and fitness of safety critical workers. Stakeholders were asked: "*Do you think that this change has provided better clarity on what is required?*" The responses were:

Yes	28	50.00%
No	8	14.29%
Not sure	13	23.21%
No response	7	12.50%

69. Half of respondents (50%) thought that the insertion of the words '*suitable and sufficient*' has provided better clarity on what is required in relation to having arrangements for monitoring the competence and fitness of safety critical workers.

70. Nearly a quarter of respondents (23%) were not sure and around 14% thought that the change had not provided better clarity.

Question 36: Impact of inserting '*suitable and sufficient*'

71. Stakeholders were asked: "*What impacts did the insertion of 'suitable and sufficient' have on you or your organisation?*" The responses were:

Very positive impact	1	1.79%	12.50%
Positive impact	6	10.71%	
Neutral impact	34	60.71%	60.71%
Negative impact	1	1.79%	3.58%
Very negative impact	1	1.79%	
Not sure	6	10.71%	10.71%
No response	7	12.50%	12.50%

72. Three-fifths of respondents (61%) thought that inserting '**suitable and sufficient**' had a neutral impact. Around 12% thought that the insertion either had a very positive impact or a positive impact.

73. Around 10% of respondents were not sure and around 3% thought that the insertion had very negative effect or a negative effect.

Question 37: 'Affected party' 28-day consultation period

74. In 2013 the 'affected party' 28-day consultation period was amended in ROGS to run concurrently with the four-month assessment period. Stakeholders were asked: "**What impacts did this have on you or your organisation?**" The responses were:

Very positive impact	1	1.79%	16.07%
Positive impact	8	14.29%	
Neutral impact	31	55.36%	55.36%
Negative impact	0	0%	0%
Very negative impact	0	0%	0%
Not sure	9	16.07%	16.07%
No response	7	12.50%	12.50%

75. Just over half of respondents (55%) thought that changing the 'affected-party' 28-day consultation period to run concurrently with the four-month assessment period had a neutral impact.

76. Around 16% thought that the change had either a very positive impact or a positive impact and the same proportion were not sure. Comments received indicate that this change has helped to speed up the assessment process.

Question 38: Common safety indicators

77. In 2011 Schedule 3 of ROGS (common safety indicators) was replaced with a new one to improve reporting and data quality and improve consistency with Eurostat data. Stakeholders were asked "**What impacts did this have on you or your organisation?**" The responses were:

Very positive impact	0	0%
Positive impact	1	1.79%
Neutral impact	38	67.86%
Negative impact	2	3.57%
Very negative impact	0	0%
Not sure	7	12.50%
No response	8	14.29%

78. Around two-thirds (68%) of respondents thought that there was a neutral impact in replacing Schedule 3 of ROGS with a new one. Around 2% (one respondent) thought that it had a positive impact and around 4% (two respondents) thought that it had a negative impact.