

## Network Rail's Response

### **ORR Consultation on the ROGS (Miscellaneous Amendments) Regulations**

**Question 1:** Do you have any comments on ORR's role as certification body? If so, please state.

*No comment*

**Question 2:** Do you have any comments on the proposed new regulation 4(4A) of EARR? If so, please state.

*No comment*

**Question 3:** 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.

*Yes; we agree in principle that such a list is helpful in providing clarity on applicability and consistency with the Interoperability regulations; however, we believe there are some inconsistencies in the proposed Article 2(2)(b) list; namely:*

- *Some of the lines listed may carry freight*
- *While the passenger services on some of the lines listed are entirely self contained and therefore might be considered functionally separate from the mainline railway, other services on the list also operate over sections of mainline railway.*

**Question 4:** 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 – we would be happy to work with you on the list*

**Question 5:** 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.

*Other lines that might reasonably be added to the Approved List by a process of extrapolating its draft content include, inter alia: the Central Wales line, the Conway Valley line, the Cambrian line (from Dovey Junction to Pwllheli), the Hastings to Ashford line, the East Suffolk line (from Outten Broad junction to Westerfield junction) and the Exmouth line all of which are operated by local (stopping) passenger services. It might even be arguable that the Far North, Kyle and Oban (west of Crianlarich) lines might be added to the Approved List as they are served. We would be happy to work with you on the list*

**Question 6:** Do you agree with the proposal to issue one safety certificate instead of two? If not, please explain why.

*No comment*

**Question 7:** Do you agree with the proposal to remove from ROGS the requirement for mainline operators to carry out safety verification? Please explain your answer.

*Yes. However, we would welcome clarification on some points:*

*The ORR's guidance on the CSM states "3.65 Issues relating to the role, competence and accreditation of Assessment Bodies are being debated by an ERA task force, expected to report in mid 2011". We understand that accreditation and recognition of assessment bodies is still being discussed by ERA in the context of a revision to the CSM regulation. We believe the current position is that proposers (of change) may appoint their own assessment body, which may be an internal department, provided the body meets the criteria of Annex II to the Regulation. Is this correct and is there any proposal to change this position? Is there any intention to update the ORR's guidance on the CSM?*

*The regulations retain the safety verification process for non-mainline railways (regulation 6 (4), etc). This implies that a transport operator that operates in both the mainline and non-mainline environment must manage separate processes for each: CSM and safety verification respectively; potentially causing additional administration. Could such an operator choose to apply the CSM to non-mainline infrastructure and thus satisfy the requirements for safety verification? If so, it would be helpful if such an option was included in the regulations*

**Question 8:** 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.

Yes

**Question 9:** 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.

*No comment*

**Question 10:** 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.

Yes

**Question 11:** Do you have any other comments in relation to the issues raised in this consultation document (and annexes)?

*The definition of a "transport system" contained in regulation 2: 'Interpretation and application' would benefit from minor re-drafting. As currently constructed there is a danger that the significance of the second 'other' contained in the first sentence might be overlooked and the sentence being read as defining the transport system as comprising only those railways, tramways and guided transport systems that are used wholly or mainly for the carriage of passengers.*

*Will the ORR's Guide to ROGS be updated?*