

**HEALTH AND SAFETY COMMISSION
RAILWAY INDUSTRY ADVISORY COMMITTEE (RIAC)**

**Minutes of the 70th RIAC meeting
Thursday 16 June 2005
HSE Globe Room Rose Court London**

Present:

Margaret Burns	Independent, Chair
Maurice Hemingway	Network Rail
Chris Wadey	ROSCOS
Steve Bence	Assoc. Train Operating Companies
John Cartledge	London Transport Users Committee/RPC
Phil Dee	National Union of Rail, Maritime & Transport Workers
Manuel Cortes	TSSA
Dave Bennett	ASLEF
Bill Pigram	AMICUS
Richard Gostling	Railway Industry Assoc.
David Madden	Heritage Railway Association
Mike Lunan	Rail Passenger Council
Aidan Nelson	Rail Safety and Standards Board
Mike Strzelecki	London Underground
Steve Guthrie	Light Rail
Mike Harvie	Office of Rail Regulation
Bob Kenwick	British Transport Police
Rob Andrews	SRA
Mike Biskup	Department for Transport
Garry McKenna	Dept. for Regional Development (NI)
Alan Penter	Rail Safety and Standards Board
Michael Woods	Rail Safety and Standards Board
Derek Chapman	Strategic Rail Authority (item 4)
Rupert Walker	Strategic Rail Authority (item 4)
Stephen Williams	HSE, Rail Policy
Ravi Govin	HSE, RIAC Assist. Secretary
Shirley Williams	HSE (item 4)
Chandrika Shah	HSE Observer (item 4)
Philip Purkis	HSE Observer
Calum Webster	HSE Observer
Ami Badmus	HSE Observer
Aarti Thakeria	HSE Observer

1. Welcome, introductions and apologies for absence

- 1.1 Margaret Burns (Chair) welcomed everyone to the meeting. She informed members that there had been a trackside fatality on 11th June. RIAC members noted that this was the third such fatality since RIAC last met in February 2005. Margaret Burns extended the sympathy of RIAC members to the families of those who had died.
- 1.2 Margaret Burns introduced Mike Harvie deputising for Paul Hadley (ORR); Steve Guthrie deputising for Helen Goulding (Light Rail); Manuel Cortes deputising for Dave Chalkley (TSSA); Bill Pigram deputising for Paul Reuter (Amicus); Bob Kenwick deputising for Peter Hilton (BTP); Stephen Williams

Head of Railways Policy; Ami Badmus a new recruit to RIAC Secretariat and Aarti Thakeria newly recruited to HSE Rail Policy attending as an observer.

- 1.3 She also introduced Alan Penter and Michael Woods (RSSB) attending for item three; and Shirley Williams (HSE), Chandrika Shah (HSE), Derek Chapman and Rupert Walker (SRA) for item four of the agenda.
- 1.4 Apologies for absence were received from; Dave Chalkley (TSSA – represented by Manuel Cortes); Paul Reuter (Amicus – represented by Bill Pigram), Peter Hilton (BTP-represented by Bob Kenwick); Mick Cash (RMT); John Balmforth (RPI); Jeane Anderson (RIAC Secretary - represented by Stephen Williams); Allan Sefton (HMRI – represented by Stephen Williams).

2. Minutes of 69th meeting held on 10 February 2005

- 2.1 Richard Gostling suggested an amendment to paragraph 4.10 adding very considerable between “industry’s” and “concerns” to read:

“Aidan Nelson noted industry’s very considerable concerns about completeness of the RIA and expressed the industry’s view that the Commission should not forward the new safety regulations to the Secretary of State after their meeting on 8 March. David Madden noted that HRA, although happy with safety management and safety critical work requirements in the new regulations, had concerns about the costs of safety verification.”

- 2.2 Steve Bence suggested an amendment to paragraph 6.5 adding “an” between “to” and “advisory committee” to read:

“Steve Bence did not think the sub groups should continue since they didn’t seem relevant to an advisory committee structure.”

- 2.3 There were no matters arising.

3. Health and Safety Effects of Crowding – Hazard Identification (RIAC/05/07)

- 3.1 Margaret Burns introduced Alan Penter (RSSB) who gave a presentation on RSSB’s research report on the health and safety effects of crowding. The main findings of the report were:

- Broad definition of crowding
- Assessment of risks have been identified
- Hazard groups have been identified
- Recommendations have been made on management and research issues

The main points of discussion were as follows:

- 3.2 Members agreed that the research work was very good and asked how the recommendations were being taken forward. Alan Penter confirmed that RSSB and its stakeholders are considering how best to take this work forward.
- 3.3 Some members considered that little is known about the long-term health and safety effects of crowding and more research is now required. Without properly considered research on this issue public concerns are likely to remain high.

Health complaints such as asthma attacks would only appear on medical practitioners' records and not captured by industry accident data, therefore research would need to take account of records held by medical practitioners.

- 3.4 Maurice Hemingway confirmed that crowding issues were a part of Network Rail's railway safety case and that Network Rail is working with Michael Woods on this issue. Michael Woods agreed that it was important to work together on research into crowding on trains. He hoped that Transport for London (TFL) would also get involved.
- 3.5 Mike Strzelecki said that London Underground would continue to contribute to the work on crowding issues. He disagreed with the view that crowding does not contribute to risk and said that London Underground plans and works with crowding models every week and had modelled the contribution of crowding to major incidents. He considered that risks from crowding are low frequency but high consequence.
- 3.6 Members considered that crowding can be a major contributor to incidents and that the transport infrastructure is sometimes unable to cope with overcrowding. Members agreed that better planning and more 'joined-up' working in the assessment of risk, including those on the transport infrastructure, in the building of new stadia and organising major sporting events, could improve the situation.
- 3.7 Margaret Burns asked members for their views on whether: the research should cover incidents where crowding is a factor, and if HSC/E should alter its strategy on crowding. Members agreed that a key output from this research should be clear guidelines for duty holders. Until guidelines are available HMRI inspectors should be encouraged to work with station operators in finding solutions to crowding situations when they arise whilst research continues.
- 3.8 Margaret Burns informed members that RSSB were seeking stakeholder involvement in the next stages of the research. She said this was an important report that would inform any strategic discussion on railway safety.

4. Publication of National European Rail Traffic Management System Programme Third Year Report (RIAC/05/06)

- 4.1 Margaret Burns introduced Shirley Williams presenting the paper and Derek Chapman and Rupert Walker from SRA who would respond to technical questions on the report. Margaret Burns reminded members that the report was embargoed until its publication on 23rd June.
- 4.2 Shirley Williams outlined the main points of the report:
 - The report stated that the 2015 implementation date for ERTMS was not viable.
 - Industry advised that implementation over a longer period past 2040 was the favoured option for economic reasons.
 - The Cambrian pilot is currently 8 months behind schedule which suggests that ERTMS may not be delivered across the network within the required timescale.

- The delay in implementing ERTMS will require Train Protection and Warning System (TPWS) and TPWS+ to remain in operation for longer than envisaged.

4.3 Shirley Williams asked RIAC members to consider paragraph 23 of the paper and advise HSC on the implications of the extended deadline implementing ERTMS given that a residual risk of approximately one fatality a year remains.

4.4 Derek Chapman advised members that an updated version of the report would be published on 23 June but assured members that the changes were editorial and not changes of substance. He informed members that the reference (paragraph 17 of the paper) to insufficient funding for implementation by 2015 was incorrect. He confirmed that £150 million was available for the Cambrian pilot and for roll out beyond this scheme. He concluded by saying that the SRA is keen to have agreement on the way forward before leadership of the programme transfers to DfT

Members discussed the main points of the paper including:

4.5 TPWS and TPWS+

Margaret Burns asked for clarification on how much protection was provided by TPWS+ at speeds up to 100 miles per hour. Derek Chapman replied that TPWS+ was as effective as TPWS up to 100 miles per hour but it was not as good as having full ATP.

4.6 ERTMS level 1 and level 2 implementation

John Cartledge asked why some countries had opted for level 1 ERTMS implementation when level 2 ERTMS is the better option. Derek Chapman said that EU member states differed in their preference of options. Level 1 ERTMS uses simple technology and is the preferred option in countries such as Austria where there is currently very little train protection.

4.7 Residual risk

Margaret Burns considered that a better understanding of residual risk was required. Aidan Nelson said that residual risk was covered in RSSB reports and would be content to provide advice on this to RIAC.

Action: Aidan Nelson

4.8 Role of the ERTMS Programme Team

Members discussed the role of the ERTMS Programme Team and whether it would continue to perform the same role once responsibility for industry leadership and programme direction is transferred to Network Rail. Rupert Walker confirmed this and said it would also retain its executive position.

4.9 Key milestones

Margaret Burns asked members if they thought the report offered a clear and credible path to the implementation of ERTMS. She pointed out that the report contained few milestones and asked if milestones could be developed for the natural implementation plan that could be prioritised to deliver ATP on the UK high speed lines earlier – by around 2025. Derek Chapman said that

milestones could be produced for the signalling of the East Coast Main Line in addition to overlaying ERTMS on the recently re-signalled section of the West Coast Main Line. This would deliver ATP by the earliest date but would entail a greater level of upfront investment and represented increased risk when compared to the natural implementation plan.

4.10 Public reaction to the report

Some members considered that the report could receive a negative public reaction with the delay in implementing ERTMS perceived as “backsliding” and driven by economic and shareholders’ concerns. They referred to the West Coast Line where trains were travelling at 125 miles per hour with only TPWS installed and considered that there would be concerns amongst survivors groups that there was no ATP on high-speed lines. Members suggested that HSC might wish to consider an extension to TPWS and TPWS+. Derek Chapman said that the Vehicle Train Control System Interface Committee was considering a life extension of TPWS and TPWS+ and examining improvements in driver interface.

4.11 Members agreed that the report was a realistic and practical assessment of ERTMS implementation. Some members preferred the “accelerated natural” implementation plan and others considered the “natural” implementation plan as the most practicable. Although it was preferable to have ERTMS by 2015 members appreciated that sufficient technical progress had not been made to implement it without creating greater risk. Members recommended:

- Dealing with the significant risk earlier and give priority to ERTMS on 100 plus miles per hour lines. ERTMS should be implemented as soon as technically feasible with government funding made available. Industry representatives suggested that “natural” implementation was the practical way forward and hoped that the Commission would wholeheartedly accept the report as a realistic assessment.
- Supporting the Cambrian line pilot project.
- Endorsing the need for strong support by industry when the leadership of the work leaves the SRA.

4.12 Lines to take

Members suggested the following amendments: Paragraph 2 line 1- “HSC recognises that the implementation of ERTMS across the network is not *primarily* about safety and that a sensible and realistic business case needs to support such a major investment on the network.”

Paragraph 2 line 3 - delete “concerned”. Some members agreed that HSC should send a clear message of support for the report.

Some members agreed that paragraph 4 is a key statement and that HSC would need to be prepared to answer how the residual risk can be mitigated.

4.13 Margaret Burns thanked RIAC members for their constructive comments and said their views would be reflected in a paper to the Commission for consideration at the meeting on 26 July. She agreed that the paper and subsequent Commission minutes could be circulated to RIAC members. Finally, Margaret reminded members that public perception of the delay in

implementation was not likely to be positive and industry should be prepared for this.

Action: Secretariat to circulate the Commission paper and minutes to RIAC members

5. Future of RIAC (below the line paper RIAC/05/10)

5.1 Margaret Burns brought this item above the line to allow a discussion on the format of the final meeting of RIAC. She brought members up-to-date on the timetable for the transfer of HSE Rail to ORR and referred them to Jim O'Sullivan's (ORR) letter setting out his views on the future of RIAC.

5.2 Margaret Burns asked members to consider the following options for a final RIAC meeting:

- Final meeting to be held in November 2005
- Opportunity to take stock of the work done and future challenges on health and safety
- Provide ORR with an overarching view of the strategic issues on the horizon

5.3 Members were content with above approach to the final meeting and agreed that RIAC should go out on a high note.

6. Discussion and decision on public meeting for 2005 – the future of RIAC public meetings (RIAC/05/08)

6.1 Margaret Burns opened the discussion with her views on the usefulness of public meetings. She said the public meetings provide a forum for discussion of specific issues, such as level crossings, that are of interest to the members of the public. It was also her view that the public meetings were in line with the general commitment to be open and transparent.

6.2 Members agreed the discussion topics that generated public interest were those that the public could relate to. RIAC must provide a positive message about what it is doing and the areas of work that remain outstanding. RIAC should consider the best mechanisms of communication with the public and ensure that the resource spent on organising the public meeting is commensurate with its usefulness.

6.3 Members agreed that an early decision on the discussion topics with publicity on the website would give members of the public advance notice of the meeting and the topics for discussion. Margaret Burns commented that station leaflets with a link to the website had been successful in generating interest.

6.4 It was agreed that Secretariat would circulate a list of possible discussion topics for members' comments.

Action: Secretariat

7. Update on Rail transition issues (RIAC/05/09)

7.1 Stephen Williams gave an update of progress on rail transition. He said that the transfer of HSE Rail to ORR would take place around the end of the year

(but not during the holiday period). He asked members to note the main points of the Railways Act set out in paragraph 5 of the paper and the activities that will transfer to ORR (at Annex 1).

- 7.2 Stephen Williams informed members that draft regulations and a formal consultation document are being prepared, although informal consultation has already begun. Members considered that it was important have adequate consultation which took into consideration the summer holiday period.
- 7.3 Stephen Williams referred Members to the ORR Bulletin “Combining Safety and Economic Regulation that can be found on the ORR website. The Bulletin informs stakeholders of ORR’s current thinking regarding the transfer of responsibility for railway health and safety regulation from HSC/E to ORR.
- 7.4 Mike Lunan asked which organisation would be responsible for the Cairngorm Funicular Railway following the transfer of responsibility for railways health and safety to ORR. Stephen Williams said that the transition team would look into this.

Action: Transition Team

- 7.5 Aidan Nelson referred to item 11 of Annex 1 - application of the new ROGS regulation - and requested the transition team review the qualification of “(unlikely)” in the column headed “Will new ROGSⁱ Regs apply?”.

Action: Transition Team

- 7.6 Stephen Williams confirmed that were a number of areas of work with interfaces between FOD/HMRI. The Transition Team were currently examining these interfaces and considering what areas of responsibility may need to transfer to HMRI.

Action: Transition Team

8. Working Group Reports

Occupational Health

- 8.1 Steve Bence gave an outline of the recent work of the Working Group and that the group was overseeing the research projects of HSE and RSSB.
- 8.2 Margaret Burns said that the new advisory body would need to examine the purpose of the working group and how it would take forward occupational health issues in relation to the rail industry.

Freight

- 8.3 Margaret Burns informed members that since Paul Abbot’s retirement the group had met once under a rotational Chair system. Arne Bale chaired the last meeting.

Human Factors

- 8.4 Aidan Nelson informed members of the launch of the human factors web pages and congratulated the members of the human factors sub group for delivering this work. Members noted that a formal press launch would take place on 21 June.

- 8.5 Aidan Nelson reported that the group worked well, took a broad view of human factors and has received good support in particular from RPC.
- 8.6 Mike Lunan said that the restructure of RPC should be finalised by 21 July. The restructure will include a new Board of 16 people: 13 members of the Board will be announced shortly and a new Chair will also be appointed. He hoped that RPC would continue to input to RIAC and its working groups. He announced that he would no longer represent RPC at RIAC but John Cartledge would continue to perform this role. He considered that a letter from the RIAC Chair to RPC expressing a strong view on RPC participation would provide a steer to the new Board on continued RPC representation at RIAC and its working groups.

Action: Margaret Burns/Secretariat

- 8.7 Margaret Burns noted Members concerns about future RPC representation on RIAC's Working Groups and would take this up direct with RPC. She also congratulated the Human Factors sub group for their work on the web pages.

Worker Involvement

- 8.8 Working groups members have provided comments on the latest draft of the Worker involvement Best Practice document, amendments have been included and circulated for further comment.

9. HMRI Annual Report

- 9.1 Stephen Williams gave an oral update on the latest HMRI annual report. He asked members to note that the report covers a nine-month period to bring it in line with the requirements of the e Railway Safety Directive (RSD). The main points of the report are:

- Steady, positive progress on safety
- Concerns about track worker safety
- More focus on the management of risk
- Enforcement statistics – there has been a drop in the number of prosecutions and notices.

- 9.2 Aidan Nelson considered that "trackside" risk is the real issue not just track worker safety. He said that people other than trackside workers have been involved in incidents.

10. Any other business

- 10.1 Members noted the update paper (RIAC/05/11) and the delay in RAIB becoming operational.
- 10.2 Margaret Burns, on behalf of RIAC members, thanked Mike Lunan for his contribution to RIAC and wished him well for the future.

ⁱ The Railways and Other Guided Transport Systems (Safety) Regulations 2005 (these regs are with DfT Ministers but have not yet been made)