

## Proposed Approach for New Regulations on Rail Safety Management

1. Our starting point is the Railway Safety Directive, which sets core requirements that we would wish to apply to all operators of rail transport systems. This core comprises requirements that are proportionate to the nature and extent of the rail transport activity, in particular:
  - General duties, e.g. to control risk, and to cooperate with other railway undertakings and infrastructure managers as appropriate
  - Requirement to establish a safety management system (SMS).
2. The Railway Safety Directive also includes provisions to issue, amend and revoke safety certificates and authorisations, and for holders of certificates and authorisations to report annually on safety performance. Holders of certificates also have to notify major changes that do not require amendment of their certificates.
3. In addition the Railway Safety Directive provides for the future establishment of Common Safety Targets (CSTs), which are supported by Common Safety Methods (CSMs) and Common Safety Indicators (CSIs). The CSTs are not directly binding on individual operators, but they provide a benchmark for what operators safety management systems are expected to achieve<sup>1</sup>.
4. In line with the Directive we would also wish to introduce 'national safety rules' that build on the requirements of the SMS in regard to risk assessment and competence.
5. On risk assessment we propose to continue and expand on the existing requirements for operators to do a risk assessment to identify the risks from and to their operation and the control measures needed. We would also wish to include some provisions on sharing of information, cooperation and coordination to reflect the fact that operators have to work together to achieve a safe railway system. The provisions on risk assessment would complement the requirement in the Directive<sup>2</sup> that the SMS should include procedures and methods for risk evaluation and implementation of risk control measures where a change of operating condition or new material introduces new risks.
6. On competence we note that the Directive envisages that Member States may have national rules for staff carrying out safety critical tasks<sup>3</sup>. Such rules would complement the core requirement in the SMS for systems to ensure that staff are trained and that staff competence is maintained<sup>4</sup>. We would wish to have provisions that require employers and those in control

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<sup>1</sup> Article 9.1.

<sup>2</sup> Annex III, paragraph 2(d)

<sup>3</sup> Annex II paragraph 6

<sup>4</sup> Annex III paragraph 2(e)

of staff undertaking safety critical tasks to have systems to manage fitness and the risks from fatigue.

7. We would also want to impose provisions that would replace the present ROTS requirements for 'non-interoperable' railways. HSC policy is now not to formally 'approve' to establish conformity with standards. Further, ROTS is not well targeted to risk. We are, therefore, seeking to develop a successor to ROTS based on design verification (not necessarily 3<sup>rd</sup> party) by duty holders. This scheme would be better targeted to risk and would not require formal HSE approval, in line with HSC policy.
8. To complete the overall picture we note that further European requirements on driver licensing are planned and a formal proposal from the EC is expected soon. However, this is still at a very early stage and HSC has made clear it does not intend to regulate in advance of an agreed Directive.
9. Figure 1 shows this overall picture, and indicates which of the elements are based on European requirements and which are national.

## Rail Safety Management - General Picture

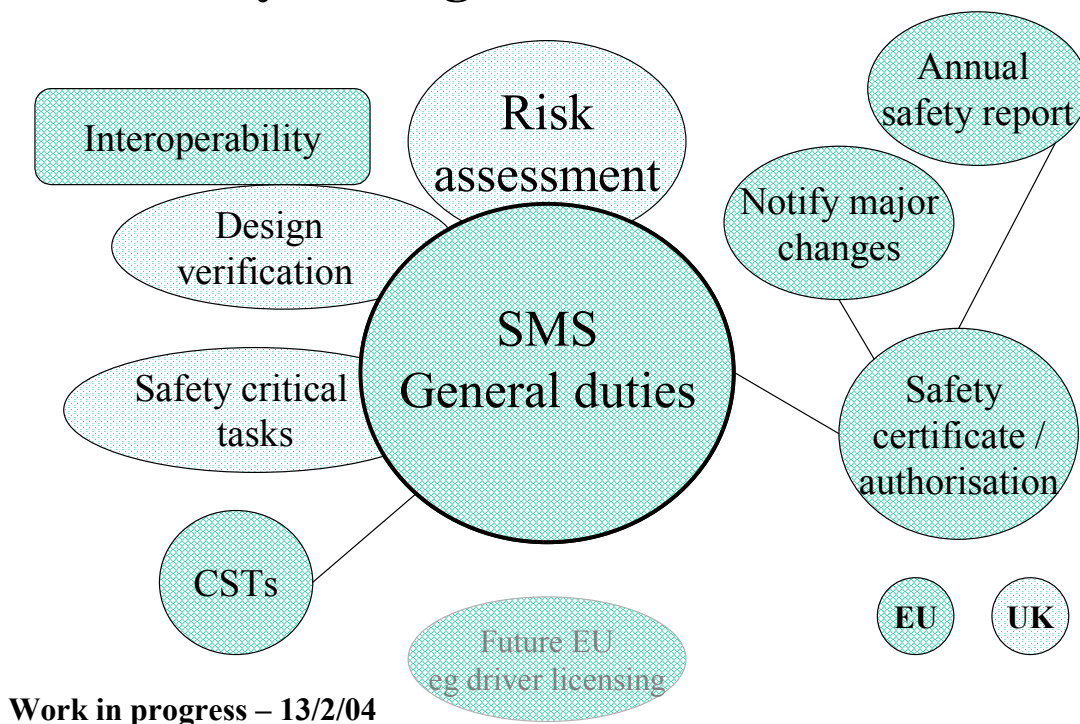


Figure 1

10. In applying this general picture we intend to take advantage of the discretion given to Member States in the Railway Safety Directive to exclude:
  - metros, trams and other light rail systems;
  - networks that are functionally separate from the rest of the railway system and intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks.
11. This discretion enables us to develop our own requirements for rail systems that do not operate on the main line. However, we would wish to make these requirements both proportionate to risk and coherent with the requirements for the mainline railway. Our approach is to:
  - draw selectively from the ‘ingredients’ above depending on hazard and risk; but
  - apply the core requirements to all operators of rail transport systems.
12. Following this approach we presently envisage three ‘tiers’ of requirements as indicated in Figures 2, 3 and 4.
13. For operation on the mainline (Figure 2) all the ‘ingredients’ apply. Interoperability, of course, is applicable and replaces ROTs - the necessary provisions for both the high-speed and conventional networks are, or will be, set out in separate requirements (on which DfT lead). Provisions for the management of competence, fitness and risks from fatigue for safety critical tasks would become a ‘national safety rule’ under the Safety Directive.
14. The regime depicted in Figure 2 streamlines the existing arrangements under the safety case regulations because a certificate or authorisation is issued on the basis of capability to control risk. Operators no longer have to seek formal permission from HSE if they make material changes to their organisation and arrangements for safety. There will also be a clearer focus on the management of competence, fitness and the risks from fatigue which will help duty holders to streamline arrangements with their existing safety management systems.
15. For metros (Figure 3) we envisage a similar regulatory regime but with new design verification requirements as applied to metros. We believe the CSTs may not be appropriate for metros but the SMS required by the general duties specifies that the SMS should include “qualitative and quantitative targets of the organisation for the maintenance and enhancement of safety, and plans and procedures for reaching these targets”. The scheme in Figure 3 would also apply to other rail transport systems that, for example, carry passengers and operate at speeds greater than 40kph.

## Safety Management – Main Line

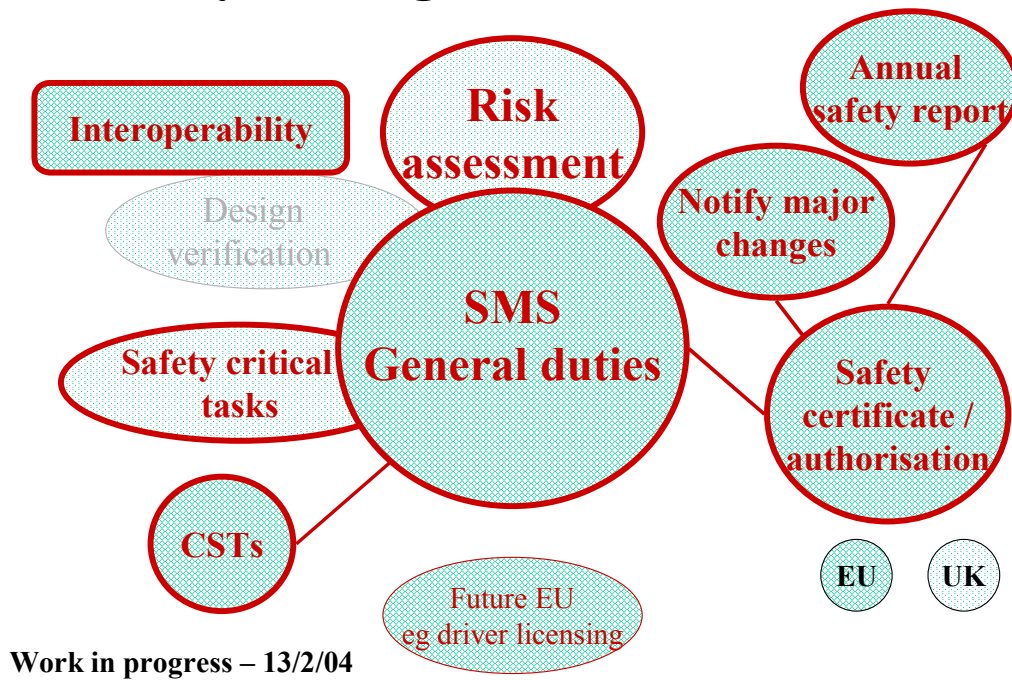


Figure 2

## Safety Management – Metros, etc

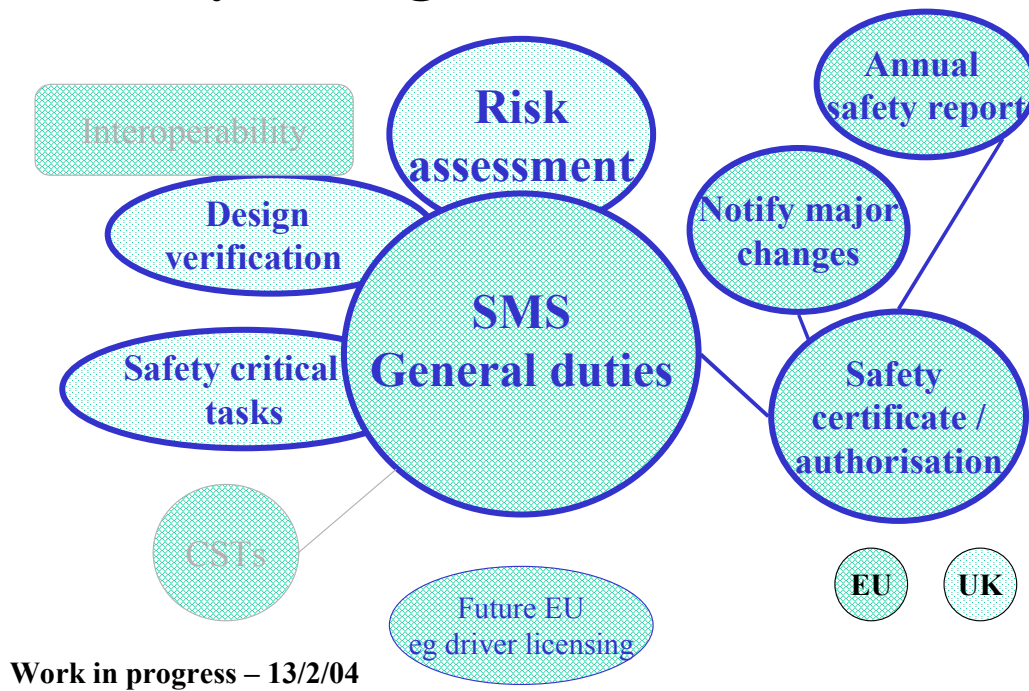


Figure 3

16. A third tier (Figure 4) would apply to trams and other transport systems. This would include heritage lines where speeds do not exceed 40kph. Here we consider that the core set of duties continue to apply but, in line with HSC's statement on permissioning regimes, the potential for harm and the relatively low levels of societal concern do not warrant the higher level of regulatory control associated with formal certification / authorisation. We also envisage that for these rail transport systems the core duties may be sufficient to deal with competence (though we will explore this further). We are also considering whether, in these circumstances there is any need for separate consideration of design integrity, i.e. whether ROTs or its successor is needed given the potential for harm, and the general requirements on operators in the SMS to assess and manage new risks arising from changes of operation or material.

## Safety Management – Trams, etc

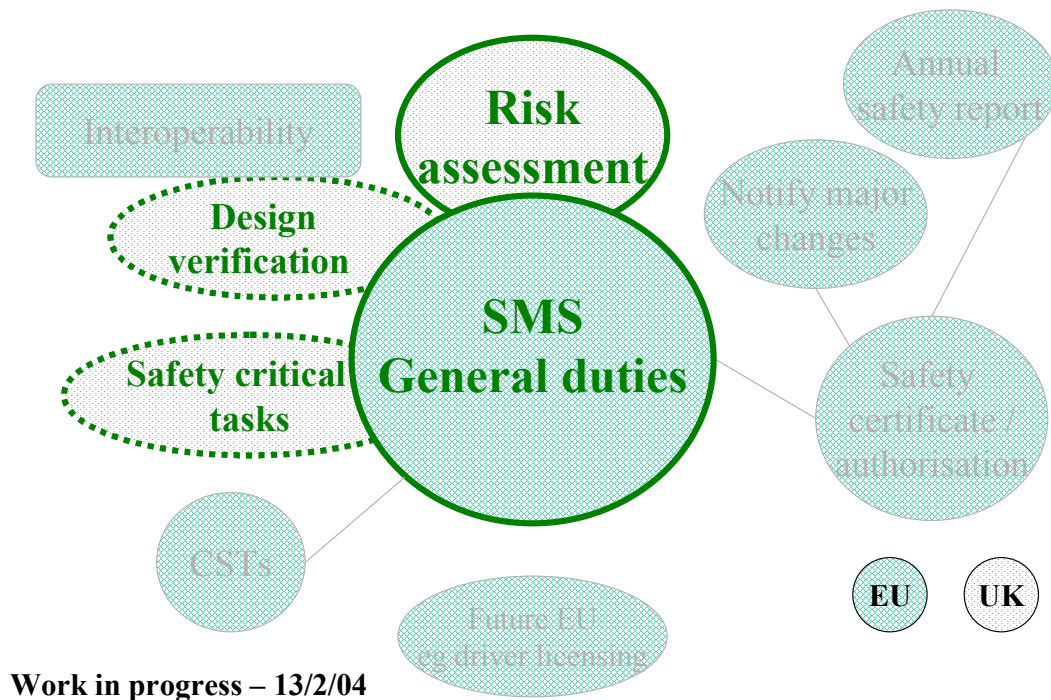


Figure 4

17. Comparing Figure 4 with the present position for tramways and heritage lines shows that:

- Operation of trams would continue not to require 'permissioning' by HSE, except for operation on the mainline (i.e. no safety certificate or authorisation required). However, there would be a new requirement for operators of trams to have a documented SMS, which would include arrangements for staff competence and

for risk assessment and management of change. Presently trams are not within scope of the present railway safety case regulations (unless the greater part is on a railway), but tramways are within scope of the Railways (Safety Critical Work) Regulations. We will explore whether the new requirement for a documented SMS is sufficient to replace existing requirements for safety critical work and under ROTS.

- Heritage lines that are functionally separate from the mainline and on which speeds were restricted to less than 40 kph would also not require 'permissioning', but they would be required to have a documented SMS. Presently such lines are within scope of the Railways (Safety Case) Regulations, but in practice HMRI exempts them from the requirement to have an accepted safety case if they produce an adequate risk assessment.