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## HEALTH AND SAFETY COMMISSION

### RAIL SAFETY: WITHDRAWAL OF MARK 1 ROLLING STOCK

A Paper by Rene McTaggart

Agreed by Moira Jones, Rail Policy and Derek Hill, HMRI

Cleared by Giles Denham and Allan Sefton on 30 November 2005

#### Issue

1. Reporting progress on phasing out and replacement of the remaining Mark 1 rolling stock by three Train Operating Companies (TOCs).

#### Timing

2. Routine.

#### Recommendation

3. For information only.

#### Background

4. The Railway Safety Regulations (RSR) 1999 required the removal of Mark 1 rolling stock before 1 January 2005. (Additionally, the RSR required the installation of train protection systems before 1 January 2004 and provide a mechanism for allowing exemptions from certain aspects of the regulations). In July 2004 the Commission were formally consulted on an exemption application by three TOCs - Southern, South West Trains Ltd and South East Trains Ltd - to allow them to operate Mark 1 rolling stock beyond 31 December 2004.

5. In October 2004 HSE granted the exemption with conditions, allowing these TOCS to continue to run Mark 1 rolling stock until the end of November 2005. (Papers HSC/04/81 and Misc/04/24 provided further background information).

6. The TOCs have now completed the removal programme with the introduction of new trains – see the final report on progress at **Annex A**. The only exception is the continued operation of two 3-car units on the Lymington Branch line for which HSE has granted an exemption to South West Trains Ltd until 2013.

#### Argument

7. Under the stewardship of the Strategic Rail Authority (SRA), these TOCs have fully delivered their commitment to withdraw Mark 1 rolling stock and introduce the new trains. The aspects of RSR relating to Mark 1 rolling stock have successfully achieved their objective as, with the exception of the Lymington branch line, Mark 1 trains have been removed from scheduled services on the main line network.

8. It is normal to review regulations periodically, particularly when their provisions have achieved the desired outcome. While it would be possible to review RSR, their provisions have an ongoing effect all the time exemptions made under the regulations are still in force. In addition, there may be a need to amend existing exemptions from time to time. In view of this it is not considered to be an effective use of resources to review the regulations at this stage.

9 In the longer term, the objective should be to remove any redundant legislation that offers no health and safety benefits. However, any decision to review RSR should be deferred until after existing exemptions have expired.

### **Consultation**

10. This paper has been prepared in consultation with the Railway Inspectorate.

### **Presentation**

11. A joint HSE Press Release will be prepared with DfT, Network Rail, Train Operating Companies and the Rolling Stock Companies. An all-parties event to celebrate the completion of the Southern Region New Trains Programme (SRNTP) is being planned for December/January. Representatives from HSE will attend the event.

12. The railway specific press has shown some interest in the achievement of the three TOCs in removing Mark 1 rolling stock from the network. (Press articles by South West Trains and South East Trains are attached at **Annex B**. The removal of the Mark 1 rolling stock is seen as a success that will result in improved safety.

### **Costs and Benefits**

13. None from this paper. However, there are costs of withdrawing Mark 1 rolling stock and introducing new trains; these have been met by TOCs, ROSCOs, Network Rail and SRA.

According to the National Audit Report 2004, the new trains will provide:

- Improved safety
- A better travel environment
- Improved facilities for passengers with disabilities
- Improved security
- Reduced journey times and
- Reduced overcrowding

### **Financial/Resource Implications for HSE**

14. None from this paper.

### **Environmental/Other Implications**

15. None from this paper.

### **Action**

16. The Commission is asked to note the completion of Mark 1 withdrawal programme.