

**Evaluation of the Railway Safety
Regulations 1999**

MAY 2007

Summary

Purpose of evaluation

1. Evaluation of the Railway Safety Regulations 1999 (RSR)¹ post-implementation is a formal part of the regulatory process. The aims of the evaluation are to:
 - assess the impact of the RSR against the policy objectives in terms of their effectiveness and value for money (i.e. cost to duty holders and stakeholders versus value of the benefits);
 - make recommendations either to keep the regulations as they are, review and revise them, or revoke them.

Requirements of the Regulations

2. The RSR required the installation of a form of train protection on the railway, and the staged withdrawal of Mark I rolling stock and of rolling stock with hinged doors. After specified dates, the Regulations prohibited train operators from operating, and infrastructure controllers from allowing the operation of:
 - (a) infrastructure and trains without a form of train protection;
 - (b) Mark I passenger rolling stock; and
 - (c) rolling stock with hinged doors used by passengers without central locking.
3. The provisions of the Regulations came into force at different times and required that:
 - Mark I rolling stock had to be withdrawn, rebodied or modified to improve its crashworthiness before 1 January 2003;
 - train protection had to be installed before 1 January 2004;

¹ [Background to the Regulations](#)

- any modified Mark I rolling stock had to be withdrawn or rebodied before 1 January 2005; and
- passenger rolling stock which has hinged doors without central locking had to be withdrawn or have central locking fitted before 1 January 2005.

Purpose and intended effect of the Regulations

4. The RSR were introduced to reduce the risks arising from incidents of signals passed at danger (SPADs) and over-speeding, from the poor crashworthiness of Mark I rolling stock, and from passengers falling from moving trains fitted with doors lacking central locking.

Exemption provision of the Regulations

5. The exemption provision in Regulation 6 provides the Office of Rail Regulation (ORR) with a wide-ranging power to consider all the circumstances of the case when considering whether to grant exemptions. This means that, in addition to considering existing health and safety risks and requirements, ORR can also take into account practicalities, costs, possible disruption to services, severe overcrowding, the transfer of risks to other modes of transport, and the possible introduction of new risks, etc.

Current position on Train Protection Systems and Mark I rolling stock

6. The industry's TPWS fitment programme was completed by the end of 2003, as required by the Regulations.
7. Most Mark I rolling stock was withdrawn from the network by November 2005. Long-term exemptions allowing continued use of Mark 1 stock have been granted to heritage/charter train companies and to South West Trains in respect of two 3-car units on the Lymington branch between Brockenhurst and Lymington. Data from RSSB confirm that the introduction of the train protection elements of the RSR has reduced SPAD risk by 90%.

Purpose of the consultation

8. We are seeking your views to help us determine if the Regulations have delivered their objectives, and to help us decide on the future of the RSR. The enclosed response sheet at Annex A has been developed to allow you to

have your say to influence the way forward. A list of organisations we are consulting is at Annex B.

9. Please send your response by 13 July 2007 to Mrs Chandrika Shah, Office of Rail Regulation, 1 Kemble Street, London WC2B 4AN.
Email: chandrika.shah@orr.gsi.gov.uk

Annex A

Your views

Organisation:

Contact Details: (optional)

Role in Organisation

Introducing the regulations

1. How was your organisation affected by the Railway Safety Regulations 1999, and on which elements (e.g. TPWS, Mark 1 rolling stock) of them did you take action?

2. What were the main challenges your organisation faced in meeting the requirements of the Railway Safety Regulations?

Outputs of the regulations

3. Do you think that the Regulations have achieved their purpose and intended effect, as described in paragraph 4 above?

Yes

No

If you have answered “No” above, in which respects and why not?

4. Do you think that the Regulations have achieved any other benefits?

Yes

No

If you have answered “Yes”, please provide details

5. Considering your organisation’s costs, how do you think the costs involved compare to the benefits achieved?

6. Given that the Health and Safety Commission saw regulations as the only way of tackling these issues, do you believe the same benefits could have been achieved by a non-regulatory approach?

Yes

No

If you have answered "Yes" above, please explain why.

Future of the regulations

7 Is your organisation/industry experiencing difficulties with the Regulations in their present form?

Yes

No

If you have answered "Yes", please explain why.

8. Do you think these Regulations should be retained?

Yes

No

9. If they are retained, can you suggest any ways in which the regulations could be improved?

10. If they are revoked, can you foresee any difficulties which would result?

Annex B - List of organisations to be consulted

Angel Trains	Midland Mainline Limited
Arriva Trains Plc	National Union of Rail, Maritime and Transport Workers (RMT)
ASLEF	Network Rail
Association of Train Operating Companies	Nexus Tyne & Wear PTE
BAA Rail	Northern Rail Ltd
Chair, Railway Industry Advisory Committee Freight Group	Parliamentary Advisory Council for Transport Safety (PACTS)
c2c Rail Ltd	Passenger Focus
Central Trains Limited	Passenger Transport Executive Group (PTEG)
Centro West Midlands PTE	Porterbrook Leasing
Chiltern Railways	Rail Freight Group
Confederation of Passenger Transport UK	Railway Forum
Department for Transport	Railway Industry Association
Direct Rail Services	Rail Safety and Standards Board
Eurostar (UK) Limited	Serco Metrolink
English, Welsh and Scottish Railway	Silverlink Train Services Ltd
First Capital Connect	Southern Railway
First Group plc	Southeastern Railway
First Great Western	Stagecoach South Western Trains
First ScotRail	South Yorkshire PTE
Freightliner Ltd	Strathclyde PTE
Gatwick Express Ltd	TransPennine Express
GB Railfreight	Transport and General Workers Union (TGWU)
Great North Eastern Railway (GNER)	Transport for London (TfL London Rail)
Greater Manchester PTE	Transport Salaried Staffs' Association (TSSA)
Heritage Railways Association	Transport Scotland
HSBC Rail UK	Trades Union Congress (TUC)
Hull Trains	Virgin Trains Ltd
London Eastern Railway Limited (trading as One Railway Ltd)	VTG Rail UK Ltd
London Travel Watch	West Coast Railway Company Ltd
London Underground	
Merseyrail	
Merseytravel PTE	