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David T Morgan MBE TD
Chairman
Heritage Railway Association
9 Grays Inn Square
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Dear Mr Morgan

The application of safety verification in the heritage railway sector

ORR wrote to you in March 2006 about the safety verification requirements under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) and the extended transitional period that Ministers had agreed for the sector.

In that letter we committed to work with representatives of the heritage railway industry, the insurance industry and other interested parties, to address and resolve issues relating to the implementation of safety verification in the sector. As you know ORR has worked with the HRA over the last 18 months to understand and address your concerns.

Our Board recently considered the application of safety verification in the heritage railway sector and a number of options for next steps.

Having carefully considered the issues, our view is that safety verification is the most appropriate way to ensure the initial integrity of new and/or altered vehicles and infrastructure on heritage railways. Therefore we believe that the ROGS regulations should come fully into force in the heritage railway sector in October 2008 as was intended when the regulations were written.

I appreciate that your preferred option would be to retain an approval process similar to that contained in the Railways and Other Transport Systems Regulations 1994 (ROTS), and that you have concerns relating to the application of safety verification, as specified in ROGS, in the sector.

We do not believe the application of safety verification will impose unreasonable, unexpected or inappropriate costs upon the industry, especially as the need for formal safety verification is likely to be low. The regulations only require safety verification if an



operator chooses to make a change that is both novel and introduces significant risk. We estimate the process would need to be applied perhaps 20 times a year in the heritage railway sector and could therefore easily be factored into project planning.

We believe that the sector can and should become aligned with other parts of the rail and other industries and take responsibility for managing any risks arising from the introduction of new or altered equipment, with our role as safety regulator being to ensure that proper arrangements are in place and adhered to. The approach set out in ROGS is consistent with the way health and safety law is applied in the rest of the railway industry, and also in other industries where the underlying assumption is that those who create risk are best placed to manage it.

We remain committed to working with you to help the industry successfully implement the safety verification requirements of ROGS, and aim to continue the constructive dialogue that has taken place over the last 18 months.

I have written in similar terms to representatives of the tramway sector, and Tom Harris the Parliamentary Under Secretary of State for Transport. A copy of the letter to Tom Harris is enclosed, and all the letters will be published on our website.

Yours sincerely

A handwritten signature in black ink that reads 'Chris Bolt'. The signature is written in a cursive style with a horizontal line underneath the name.

Chris Bolt