



ERA ANNUAL REPORT 2009

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Scope of the Report

Article 18 of the Railway Safety Directive requires the National Safety Authority (NSA) to publish an annual report. This report covers the UK's National Safety Authorities' activities from 1 January to 31 December 2009.

In the UK, the role of National Safety Authority is shared between the Office of Rail Regulation (ORR) and the Department for Regional Development in Northern Ireland (DRDNI). ORR is responsible for England, Scotland and Wales, collectively known as Great Britain (GB), and DRDNI is responsible for Northern Ireland (NI). Since ORR represent DRDNI in relations with the European Railway Agency (ERA), therefore this report covers the UK as a whole. Part 1 relates to the activities of ORR and part 2 to DRDNI. However, the Common Safety Indicator data have been aggregated at a UK level, and include data relating to both Great Britain and Northern Ireland.

The scope of this report is the entire UK mainline railway system, and covers both 1435mm (GB) and 1600mm (NI) networks. Mirroring the scope of UK implementation of the Railway Safety Directive, the report does not cover metros, tramways and other light rail systems, or infrastructure that is functionally separate from the rest of the UK network.

Summary of the Report

Railway safety continued to improve during 2009, with reductions in the number of fatalities and serious injuries being observed.

During 2009 there were no passenger fatalities as a result of train accidents. One member of the workforce was unfortunately killed after being struck by a train whilst carrying out track maintenance duties. 13 people lost their lives as a result of accidents at level crossings, and three members of the public died in accidents at railway stations.

In Northern Ireland there was one fatality as a result of a member of the public being struck by a train at a level crossing.

During 2009 ORR's Railway Safety Directorate was restructured to provide more focused inspection of the mainline railway undertakings and infrastructure managers. ORR inspectors carried out planned and reactive inspection work of railway undertakings and infrastructure managers throughout 2009.

1. Part 1: Great Britain

Introduction to the Report

Article 18 of the Railway Safety Directive states:

Each year the safety authority shall publish an annual report concerning its activities in the preceding year and send it to the agency by 30 September at the latest. The report shall contain information on;

- *The development of railway safety including an aggregation at member state level of the CSIs laid down in Annex 1;*
- *Important changes in legislation and regulation concerning railway safety;*
- *The development of safety certification and safety authorisation;*
- *Results of and experience relating to the supervision of infrastructure managers and railway undertakings.*

This is the fourth Annual Report from ORR to the European Railway Agency.

The report will be published on the ORR and ERA websites, and will contribute to the next ERA biennial report on safety performance in Member States. The information contained in the report will mainly be of interest to ERA and other NSAs. ORR also produces an annual report and from July 2010, an annual Health and Safety report for the benefit of the Department for Transport, infrastructure managers, railway undertakings and other interested stakeholders. Copies of previous reports can be obtained from the ORR website or by contacting the European Policy Team at ORR.

ERA has developed a template and accompanying guidance document for NSAs to use when producing the annual report. In 2009 the guidance document for using the template was revised to include reporting on application of the Common Safety Method on Risk Evaluation and Assessment. This report substantively reflects the ERA template, although certain sections have been abbreviated or combined for editorial purposes. Where we have been unable to provide the required information, an explanation has been given as to the reasons why this has not been possible.

2. Railway Structure Information

Railway Network

2.1 In Great Britain the rail network consists of 15,814 km of track, of which 5,250 km is electrified¹. A map showing the main routes can be found in Annex A.

Railway Undertakings and Infrastructure Managers

2.2 In Great Britain a mixture of franchised and open-access train operating companies (TOCs) operate passenger services. In addition, there are a small number of freight operating companies (FOCs). Details of railway undertakings and infrastructure managers that operate in GB can be found in Annex A.

2.3 ORR is also responsible for the UK's six tramway systems, over 200 heritage railways, and the London Underground, Glasgow Subway and Tyne and Wear metro. These railway undertakings are considered to be outside the remit of this report.

¹ ORR *National Rail Trends Yearbook 2009-2010*

3. Summary: General trend analysis

Development of Railway Safety

- 3.1 Railway safety continued to improve during 2009, with reductions in the number of fatalities and serious injuries to all categories of users. There was a slight increase in the number of accidents, attributed to an increase in train-obstacle collisions and rolling stock fires.
- 3.2 Despite a reduction in the number of accidents at level crossings, ORR is still concerned about the number of fatalities to crossing users. The safety of track workers also remains a priority area for the ORR.

Safety Certification

- 3.3 There have been no significant changes to the certification scheme that was introduced in 2006. ORR inspectors continue to provide support to railway undertakings and infrastructure managers throughout the application process, including applications for amendments and revisions. During 2009 no applications were rejected by ORR.

4. The Railway Safety Directive

- 4.1 The Railway Safety Directive has been implemented into national law by the following legislation;
- a) The Railways and Other Guided Transport Systems (Safety) (ROGS) Regulations, 2006 implement chapters II, III (except article 13) and IV of the Railway Safety Directive.
 - b) The Railways (Access to Training Services) Regulations, 2006 implement chapter III, Article 13.
 - c) The Railways (Accident Investigation and Reporting) Regulations, 2005 and the subsequent Railways (Accident Investigation and Reporting) (Amendment) Regulations, 2005 implement chapter V into UK law.

5. Organisation

Who we are

5.1 ORR is the combined, independent safety and economic regulator of Britain's railways. We are independent of Government and of the rail industry but accountable to the UK Parliament and the Courts for the achievement of objectives set out in UK and European Union law. These objectives require us to promote continuous improvement in:

- the health and safety performance of the railways; and
- the value the railways offer to users and funders, including meeting the needs of passengers and of freight users, and the wider needs of society and the economy.

5.2 In summary, we promote safety and value in Britain's railways.

What we do

5.3 We have extensive powers of direction to ensure compliance with statutory requirements. As the national safety authority, we regulate health and safety for all railways in Britain (including London Underground, light rail, trams and the heritage sector as well as the mainline railway). We are a competition authority for all railways and related supply markets and also have powers to enforce some consumer law in the railway sector. We have a wide range of economic regulatory functions for the mainline railway, in particular setting Network Rail's funding and outputs as the monopoly operator of the network, enforcing delivery of those outputs and ensuring fair access to the network.

5.4 Our responsibilities do not, however, give us the authority to set or enforce the terms of franchises by which governments buy passenger services from the private sector and regulate fares charged to passengers.

Our vision

5.5 Our vision for Britain's railways has three key dimensions.

- Zero workforce and industry-caused passenger fatalities, with an ever decreasing overall safety risk.

- Satisfaction levels of passenger and freight customers equivalent to the best in railways and other forms of transport.
- Efficiency equivalent to that achieved by the best comparable railways across the world.

5.6 We acknowledge and applaud the progress that the railway industry has made in recent years and to a large extent the improvements have continued throughout 2009. However, there is still considerable progress needed before Britain's railways achieve our vision.

5.7 We need to articulate the scale of the gaps between current industry performance and the benchmarks implied by our vision. For health, safety and efficiency, we will do this using existing measures, together with some planned international benchmarking work on economic efficiency, supported by a comparison of CSI data.

Our 2009 – 2014 strategy

5.8 In the light of our vision, our past experience, and the challenges the industry faces, our strategy sets out two principal roles – securing delivery by the industry of its regulatory obligations and helping the mainline railway meet the long-term challenges.

5.9 We have identified seven strategic themes in order to categorise our work. We judge our own performance by how effectively the industry addresses them.

- Excellence in health and safety culture and risk control.
- Excellence in safety management.
- Improved industry planning and timely and efficient delivery of major projects.
- Efficient use of capacity on the mainline network.
- Development by the industry of the capabilities of its people.
- High quality data and information for key decisions.
- Focus on passenger and freight customers.

Our organisation

- 5.10 We are a non-ministerial Government department with around 300 staff and an annual budget of around £31 million overseeing a sector whose turnover is £18 billion. Around 58% of our costs relate to our safety roles, 37% to economic regulation and the balance to our work on HS1 and the Channel Tunnel.
- 5.11 Our health and safety activities are funded through a railway safety levy on the railway industry. The levy is proportionate to the turnover of each organisation.
- 5.12 ORR is led by a Board appointed by the Secretary of State for Transport. In July 2009 Anna Walker replaced Chris Bolt as ORR chair. Our chief executive is Bill Emery.
- 5.13 Our headquarters are in London and we are currently implementing a plan to rationalise our regional accommodation. This will reduce the number of our offices from 15 to six by 2012. The offices are to be located in London, Glasgow, Birmingham, Bristol, Manchester and York.

ORR 2009 re-organisation

- 5.14 2009 was a year of significant organisational change for ORR. Our corporate strategy for 2009 – 14 provided us with a new focus and priorities. We remained credible, confident and unified in promoting safety and value in Britain's railways.
- 5.15 Our Railway Safety Directorate (RSD) was restructured in line with the main duty holder groups – Network Rail, train operators, metros, trams and heritage railways. The changes to RSD sought to:
- enable us to have a clear focus on Network Rail's delivery and give our inspectors a wider intelligence-gathering role;
 - ensure that we focus on identifying systemic issues for duty holders;
 - enable a more audit-based inspection model to influence duty holders to improve their safety culture; and

- ensure that our processes and tools are consistent, add value and can be externally recognised as best practice.

ORR structure chart

5.16 Organisational structure charts for ORR and ORR's Railway Safety Directorate can be found in Annex B.

6. The development of railway safety

Initiatives to maintain / improve safety performances

6.1 The Office of Rail Regulation restructured during 2009 creating the Railway Safety Directorate with groups of inspectors dedicated to inspection of:

- the mainline infrastructure manager(s) and contractors
- train operating companies
- freight operating companies
- other railway transport systems (e.g. Metros, trams and heritage systems)

6.2 Throughout 2009 we worked to successfully develop and trial the railway Management Maturity Model (RM3). This is an assessment tool which considers a range of factors relating to safety culture and the effectiveness of the safety management system (SMS). It is based around established approaches to safety management systems and reviews six key aspects of a railway organisation's SMS

- Policy, Governance and Leadership;
- Securing cooperation;
- Competence and development of employees at all levels;
- Organising for control and communication;
- Planning and implementing risk controls through coordinated management arrangements; and
- Monitoring, Audit and Review.

6.3 Early work implementing the process indicates that the management maturity model is effective in identifying areas for improvement / refinement / further development of a railway organisation's implementation of its SMS.

- 6.4 Future years will see more widespread use of this tool by the Office of Rail Regulation to evaluate the progress of railway companies in further developing, improving and refining their safety management systems.
- 6.5 In addition, we strengthened our approach to system audit with the introduction of TEMS (Techniques for the Evaluation of Management Systems) and subsequent training of our inspectors in its use.
- 6.6 We also made major contributions to a fundamental review of GB legislation relating to level crossings, which was initiated by the Law Commission for England and Wales in association with the Scottish Law Commission. The report and draft proposals are due for publication in 2010, and at the time of writing are currently out for consultation.

Detailed data trend analysis

- 6.7 CSI data has now been collected for four years. The scope of the statistics, the definitions applied and the data on CSIs can be found in Annex C.
- 6.8 The UK Rail network remains one of the safest in Europe. Health and safety on the rail network continued to improve throughout 2009, with a notable reduction in the number of fatalities and serious injuries.
- 6.9 *Number of Accidents:* During 2009 fatal accidents reduced, although the overall number of accidents remained the same. This is due to an increase in the number of rolling stock fires and in the number of collisions, particularly to collisions with obstacles that had fallen, or been deliberately placed, on railway lines.
- 6.10 *Number of Fatalities:* 2009 saw a reduction in the number of fatalities. There were no passenger fatalities as a result of train accidents, although three members of the public died as a result of accidents at stations. Workforce safety continues to improve, with no fatalities to shunters or ground staff reported during 2009. However, ORR still has concerns regarding the safety of staff working on the railway after a track maintenance worker was killed after being hit by a train.
- 6.11 The number of level crossing users killed dropped slightly to 13 during 2009. Level crossing safety remains an area of concern for ORR.

- 6.12 The number of unauthorised users killed in 2009 decreased. This is still an area of concern to ORR.
- 6.13 *Number of Injuries:* The number of reported serious injuries continued to fall across all categories, with the exception of unauthorised users, which increased from 6 in 2008, to 7 in 2009. They remain the largest category.
- 6.14 *Costs of all accidents / hours worked on safety:* Costs of accidents have continued to decline in line with the reductions in the number of fatalities and serious injuries.
- 6.15 *Technical Safety of Infrastructure and its implementation, Management of Safety:* Total track km increased slightly in 2009 with a corresponding decline in the percentage of track km fitted with automatic train protection. The number of level crossings has declined to the lowest number to date, as a result of the Infrastructure Manager's crossing closure programme.
- 6.16 *Precursors:* There has been a reduction in CSI precursors in 2009. All categories showed a decrease except for track buckles.

Results of Safety Recommendations

- 6.17 The Rail Accident Investigation Branch (RAIB) is the UK's National Investigation Body for the purposes of the Railway Safety Directive.
- 6.18 In 2009 RAIB produced 33 reports and issued 200 recommendations. 185 recommendations were addressed to ORR. During 2009, ORR closed 259 recommendations, including some from the previous year.
- 6.19 ORR holds regular meetings with RAIB at all organisational levels. These range from investigation site liaison meetings to high level discussions to resolve issues. In 2009 ORR began a programme of work to improve the process of following up RAIB recommendations. This has proved to be successful.

7. Important changes in legislation and regulation

- 7.1 The Railway Safety Directive (2004/49/EC) was implemented in Great Britain primarily by the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (known as ROGS). Having the right legislation in place is the foundation for our work in helping the railway industry to improve its health and safety culture and risk controls. ROGS were designed to incentivise the right actions and behaviour within the industry and, to assess their effectiveness, we commissioned an independent review of the impact of the regulations on stakeholders. The second year report of this three year study, published in 2009, showed that the main objectives of the regulations are being met and that levels of rail safety have been maintained, or improved, during the early years of the regulations². In addition, the report has shown that costs have not increased.
- 7.2 In 2009, we also carried out preparatory work for the transposition into GB law of amendments to the Railway Safety Directive, mainly concerning the introduction of a safety certification scheme for 'entities in charge of maintenance'. In doing so, we worked closely with the Department for Transport, the relevant UK Ministry, who are preparing to implement revised interoperability directive 2008/57/EC.
- 7.3 Details of legislative changes that took place during 2009 can be found in Annex D.

² Details of the study can be found on the ORR website
<http://www.rail-reg.gov.uk/server/show/nav.2075>

8. The development of safety certification and authorisation

National legislation – starting dates and availability

8.1 *Starting date for issuing Safety Certificates according to Article 10 of Directive 2004/49/EC.*

Directive 2004/49/EC was transposed into UK law via the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS). ROGS came into force in 2006. All UK mainline railway undertakings (RUs) have been required to hold a ROGS safety certificates since 2006.

8.2 *Starting date for issuing Safety Authorisations according to Article 11 of Directive 2004/49/EC.*

All UK infrastructure managers (IMs) have been required to hold ROGS safety authorisations since 2006.

8.3 *Availability of national safety rules or other relevant national legislation to Railway Undertakings and Infrastructure Managers.*

ORR published guidance for the GB rail industry in July 2009. This document can be found on our website.³ ORR is waiting for confirmation that our national safety rules have been accepted by the ERA, before publishing the rules on our website.

Numerical Data

8.4 See Annex E

Procedural Aspects

Safety Certificates Part A & Part B

8.5 *Reasons for updating / amending Part A & Part B Certificates*

³ <http://www.rail-reg.gov.uk/server/show/category.1511>

During 2009, ORR amended or updated six Part A and four Part B mainline safety certificates. Reasons for amendments included changes in company names and RUs expanding operations to include the transport of passengers and / or dangerous goods.

8.6 Main reasons if the mean issuing time for Part A and Part B Certificates (restricted to those mentioned in Annex E and after having reviewed all necessary information) was more than the 4 months foreseen in Article 12(1) of the Safety Directive

The average issuing time for Part A and Part B certificates was within the four month timescale laid down in Article 12(1) of 2004/49/EC. No applications exceeded the timescales set out in ROGS. ORR provides informal advice to RUs in order to support applications for safety certificates. This ensures that applicants submit the correct documentation in the required format, reducing the administrative burdens for both the applicant and ORR.

8.7 Overview of requests from other NSAs to verify/ access information relating to the Part A certificate of a Railway Undertaking that has been certified in your country, but applies for a Part B certificate in another Member State

During 2009, ORR did not receive any requests from other NSAs to verify or access information relating to the Part A certificate of an RU that had been certified in the UK, but applied for a Part B certificate in another Member State.

8.8 Summary of the problems with the mutual acceptance of the Community wide valid Part A certificate

As part of the assessment process for issuing a Part B certificate, ORR requires that the original Part A safety certificate must be submitted in the ERA-specified format. In 2009, ORR had difficulty awarding a Part B certificate to a RU who was only able to produce a letter from the originating NSA, rather than a Part A certificate. Working with the originating NSA, ORR resolved the issue and awarded the necessary Part B.

8.9 NSA Charging fee for Part A & Part B certificates

ORR does not charge a fee for the issue of Part A or Part B certificates.

8.10 Summary of problems with using the harmonised formats for Part A or Part B certificates

ORR encountered no major problems using the harmonised format for Part A or Part B certificates during 2009.

8.11 Summary of the common problems/ difficulties for the NSA in the application procedures for Part A or Part B certificates

ORR finds the application procedures for Part A and Part B certificates to be straightforward⁴. We encourage RUs to submit applications well in advance to avoid any unnecessary delays. However, in previous years ORR has provided considerable support to a RU during the application process. In this case the RU was a new organisation and did not have the support of a more experienced parent company.

8.12 Summary of the problems mentioned by Railway Undertakings when applying for a Part A or Part B certificate

In general, the feedback ORR has received from RUs is that the application process is straightforward. We actively engage with applicants to ensure that they understand what they are required to include in their certificate application. The ORR ROGs guidance document provides a step by step description of the application process.

8.13 Feedback procedure (e.g. questionnaire) that allows Railway Undertakings to express their opinion on issuing procedures/ practices or to file complaints

We hold regular formal liaison meetings with RUs. These provide an opportunity for RUs to raise any problems they may be having, including issues relating to safety certification⁵. In addition, ORR assessors maintain an issues log, detailing any problems with an application and what actions are necessary to rectify them. This document is shared with the applicant. On some occasions, we will meet with the applicant to outline the content of the issues log, especially if there are major issues; and explain what is required

⁴ ORR engaged consultants to conduct surveys on the performance and impact of ROGs as part of a monitoring and evaluation exercise in 2007, 2008 and 2009. Details can be found on the ORR website: <http://www.rail-reg.gov.uk/server/show/nav.2075>

⁵ See ROGs review, above. <http://www.rail-reg.gov.uk/server/show/nav.2075>

from the RU to resolve any problems. In some cases, this can be achieved at the meeting.

Safety Authorisations

8.14 Reasons for amending/ updating safety authorisations

In 2009 ORR amended three safety authorisations. Reasons included the introduction of ERTMS onto part of the GB rail network and the inclusion of a number of new sections of infrastructure.

8.15 Main reasons if the main issuing time for Safety Authorisations (restricted to those mentioned in Annex E and after having received all necessary information), was more than the 4 months foreseen in Article 12(1) of the Safety Directive

The average issuing time for safety authorisations during 2009 was under four months. No applications exceeded the timescales set out in ROGS. ORR provides informal advice to IMs in order to support applications for safety certificates. This ensures that applicants submit the correct documentation in the required format, reducing the administrative burdens for both the applicant and ORR.

8.16 Summary of problems / difficulties in the application procedures for Safety Authorisations

ORR finds the application procedures for safety authorisations to be relatively straightforward. However we believe that a question could be added to the Safety Certificate application form to allow applicants to state whether or not they wish to apply for a safety authorisation at the same time. This is particularly relevant for RUs who operate passenger services and also manage stations.

8.17 Summary of the problems mentioned by Infrastructure Managers when applying for a safety authorisation

In general, the feedback received from IMs is that the application process is straightforward. As highlighted in 3.2.3, above, IMs have highlighted the lack of a question relating to safety authorisations on the safety certificate application form. Some applicants currently state in their covering letter for a safety certificate application that they also wish to apply for a safety

authorisation. ORR, IMs and RUs are of the opinion that a formal approach would better reflect industry practice.

8.18 Feedback procedure (e.g. questionnaire) that allows Infrastructure Managers to express their opinion on issuing procedures/ practices or to file complaints

We meet regularly with IMs. This provides an opportunity for them to raise any problems they have been experiencing, including issues relating to safety authorisations.

8.19 NSA Charging fee for issuing a Safety Authorisation

ORR does not charge for issuing Safety Authorisations.

9. Supervision of railway undertakings and infrastructure managers

Inspections & Audits

9.1 In addition to statutory and reactive inspection work, ORR undertakes inspection and audits based on our Corporate Strategy and Business Plan. ORR aims to assess all areas of a railway undertaking or infrastructure manager's SMS over a five year period⁶. In 2009 ORR's railway safety directorate allocated just over 50% of staff resource to inspection activities. .

Summary of Experiences

9.2 During 2009 ORR developed a new approach to help us supervise railway undertakings (RUs) and infrastructure managers (IMs). The Railway Management Maturity Model sets out the criteria that ORR will use to assess RUs and IMs ability to manage and control health and safety risks. The ability to manage is assessed against a 5 point scale ranging from ad-hoc control to excellence in health and safety management, which is ORR's ultimate goal for the UK rail industry.

Train Operating Companies (TOCs)

9.3 This year, the train operating company teams focused their activities on the management of drivers, maintenance of passenger rolling stock and train dispatch. The teams also looked at the management of occupational health by passenger RUs and gave some attention to shunting operations.

9.4 *Management of Drivers:* Most RUs inspected appeared to hold safety in high regard. Inspectors identified good examples of management techniques being used by driver managers and improved relations between managers and drivers. A rigorous approach to managing signals passed at danger (SPADs) and associated risks was also seen at most RUs. However, inspectors did identify some issues with record keeping and competence management

⁶ See ORR Inspection Manual- Validation of ROGS safety management systems <http://www.rail-reg.gov.uk/server/show/nav.1520#related>

systems, as well as a need for driver managers to work closely with training schools in order to address any post qualification issues.

- 9.5 *Maintenance of Rolling Stock:* During 2009 we inspected the rolling stock maintenance activities of a number of RUs. In the majority of cases, maintenance was specified and implemented satisfactorily. Examples of identified good practice included the use of riding inspectors to identify defects prior to planned maintenance, and strong emphasis being placed on cleanliness and housekeeping in maintenance facilities. Inspectors raised concerns over the control of contracted maintenance by one RU, and on poor standards of archiving and record keeping by another. The over-reliance on custom and practice by maintenance staff, particularly where vehicle maintenance instructions had not been updated, was also a cause for concern.
- 9.6 *Train Dispatch:* Our inspections found that recruitment and training for train dispatch staff was satisfactory. Unobtrusive monitoring of staff performing dispatch duties, train crew and train drivers identified high levels of professionalism and competence. However, inspectors identified inconsistencies in risk assessment techniques used by some RUs. Concerns were also raised about the lack of communication between operators at locations where dispatch duties were shared by more than one RU.
- 9.7 *Management of Occupational Health:* The aim of this activity was to understand the safety management systems that RUs have in place to manage occupational health risks. RUs were initially asked to complete a questionnaire, which was followed up with meetings and site visits. All RUs inspected recognised their obligations and had procedures in place to manage risks. However, inspectors also identified a number of problems, particularly with regards to Control of Substances Hazardous to Health (COSHH) assessments.
- 9.8 *Shunting:* Shunting, the preparation and manoeuvring of trains before and after service remains a significant risk activity, particularly with regards to individual risks to shunters. A review of shunting activities was undertaken at two RUs during 2009. Due to the high levels of risk involved, shunting will remain a core inspection topic during 2010.

Freight Operating Companies (FOCs)

- 9.9 Following its creation in April 2009, ORR's dedicated freight operating company team focused its efforts on the following risk areas considered to be a priority:
- 9.10 *Competence of train preparers and shunters (groundstaff):* ORR inspectors found that there were high standards of training and robust competence management systems in operation for groundstaff. Recruitment and selection techniques were found to be acceptable, although there were some concerns about over-reliance on paper records; and
- 9.11 *Maintenance of Rail Vehicles:* All RUs had appropriate policies and procedures in place to ensure that vehicles were properly maintained. Freight and passenger vehicle maintenance standards tend to be based on industry-agreed standards. As a result ORR inspectors identified a high degree of consistency in the quality of maintenance plans and approaches to maintenance across RUs. One RU was served with an improvement notice for becoming too reliant on contractors to maintain safety critical competencies.

During 2009 the team also audited the Safety Management Systems of three freight RUs. A serious incident was investigated in December 2009, where cold weather conditions are thought to have interfered with the operation of the brakes of a freight train⁷.

Infrastructure Managers

- 9.12 ORR's railway safety directorate has a dedicated section that supervises the activities of GB's mainline Infrastructure Managers. The section consists of seven route teams that are aligned to geographical regions, and a team that provides national coordination. In each team inspectors are allocated to individual maintenance delivery units. During 2009 ORR focused their activities on the following areas;
- 9.13 *Workforce Safety:* A programme of work to test the effectiveness of the management of risks to track workers from rail traffic found too many

⁷ RAIB are currently investigating the circumstances surrounding this incident, further details can be found on the RAIB website;
http://www.raib.gov.uk/publications/current_investigations_register/091222_carstairs.cfm

examples where procedures intended to protect members of the workforce had not been implemented properly. In early 2009 a track maintenance worker was struck and killed by a passenger train.

- 9.14 *Track and Structures:* Inspectors looked at the implementation of key changes that were introduced after the Grayrigg derailment in 2007. ORR was disappointed to find that there were inconsistencies in how these changes had been implemented throughout GB.

As a result of a number of bridge failures, including one that resulted in the derailment of a freight train carrying petroleum products, ORR examined the effectiveness of the infrastructure manager's inspection regime for structures. Inspectors found inconsistencies in the application of the risk-based inspection approach. In one part of the UK, inspectors used enforcement action after a significant backlog of structure inspections was identified.

- 9.15 *Level Crossings:* This year, inspection work focused on pedestrian footpath and user-worked crossings. Inspectors reviewed the infrastructure manager's arrangements for risk assessment, suitable controls and effective maintenance. ORR was pleased to see efforts being made to improve the effectiveness of the level crossing closure process.

13 level crossing users were killed during 2009, this included an incident in September where three people were killed after their car was hit by a train at an automatic open crossing in the Scottish highlands.

- 9.16 *Signalling & Telecommunications:* Inspectors identified serious shortcomings in the application of an infrastructure manager's process for ensuring that new or altered infrastructure is safe for use. This has resulted in risks from new and changed equipment being inadequately controlled. ORR proposes to undertake an audit or inspection of this area in 2010 to ensure that the necessary improvements have been made.

- 9.17 *Maintenance Restructuring:* During 2009 the mainline infrastructure manager started a major restructuring programme of its in-house maintenance teams. Although ORR considered the change management process to be robust, a number of areas of concern were identified. Inspectors highlighted increased workloads and a reduction in support staff as having the potential to increase fatigue levels amongst safety critical staff. Whilst the infrastructure manager is currently addressing these issues, ORR is still concerned that current fatigue

management systems focus heavily on working hours rather than managing fatigue risks.

Summary of Relevant Corrective Measures / Actions relating to Safety Aspects

- 9.18 ORR has a number enforcement powers at its disposal. These range from providing information and advice to RUs and IMs to prosecution under GB health and safety legislation⁸.
- 9.19 *Improvement Notices:* Improvement notices require an improvement in activity within a set timescale. In 2009, ORR inspectors served 22 improvement notices. Notices were issued for a variety of reasons, including an infrastructure manager failing to implement systems to specify track inspection work and ensure that it had been conducted. Improvement notices were also issued to a railway undertaking for failing to prevent unauthorised access to railway infrastructure, and to an infrastructure manager for failing to implement and maintain a safe system of work for track maintenance workers⁹.
- 9.20 *Prohibition Notices:* Prohibition notices require an activity to stop completely until health and safety issues have been addressed. 10 prohibition notices were issued in 2009 to a variety of parties, including infrastructure managers, maintenance contractors and heritage railways. Reasons for issuing prohibition notices included the failure of an infrastructure manager to provide an adequate place of safety for track patrollers inspecting railway lines when trains were running¹⁰.
- 9.21 *Prosecutions:* ORR also has the ability to use GB health and safety legislation to bring prosecutions against organisations and individuals. Three separate prosecutions were concluded during 2009, one of which involved an infrastructure manager failing to maintain a level crossing subsequently leading to the derailment of a train. There were also two cases where members of the workforce were seriously injured after receiving an electric

⁸ The statutory basis for ORR's enforcement powers is the Health and Safety at Work Act, 1974 <http://www.opsi.gov.uk/si/si2006/20060397.htm>.

⁹ <http://www.rail-reg.gov.uk/server/show/nav.2424>

¹⁰ <http://www.rail-reg.gov.uk/server/show/nav.1585>

shock. One accident took place at a train maintenance depot, the other whilst track maintenance work was being carried out¹¹.

Summary of Complaints from IMs concerning RUs related to conditions in the Part A/ Part B certificate

Summary of Complaints from RUs concerning IMs related to conditions in their authorisation

9.22 No complaints of this nature were received from either railway undertakings or infrastructure managers during 2009. ORR encourages RUs and IMs to resolve any issues through regular meetings and other dialogue.

¹¹ <http://www.rail-reg.gov.uk/server/show/nav.1643>

10. Reporting on the application of the CSM on risk evaluation and assessment

- 10.1 The application of the CSM on risk evaluation and assessment remains voluntary with respect to:
- Significant technical changes affecting vehicles or significant changes concerning structural subsystems where required by Article 15(1) of Directive 2008/57/EC or by a Technical Specification for Interoperability (TSI) until 19 July 2010; and
 - Operational or organisational significant changes until 1 July 2012
- 10.2 During 2009 the CSM on risk evaluation and assessment was not applied on a voluntary basis in the UK.
- 10.3 The Railway and Other Guided Transport Systems (Safety) Regulations, 2006 (ROGS) establishes provisions for the management of risk by RUs and IMs. RUs and IMs are required to include details of how the introduction of new or altered vehicles or infrastructure and change management will be managed in their SMS.
- 10.4 Safety verification is the term given to the process for introducing new or altered vehicles or infrastructure onto the GB rail network. Under the safety verification process the IM or RU is required to appoint an independent competent person (ICP) to oversee the project. The ICP is responsible for, amongst other things, conducting an assessment of the project to ensure that risk levels do not increase as a result of the proposed changes .
- 10.5 Safety verification is only applicable when an RU or IM seeks to introduce new or altered vehicles or infrastructure that is both novel to the RU or IM, and would be capable of significantly increasing existing risks or creating significant new risks. In all other cases the RU/ IMs' change management procedures should be used.

11. NSA Conclusions on the reporting year- Priorities

- 11.1 Safety performance on the UK rail network continued to improve throughout 2009. The UK remained one of the safest railway networks in the European Union. Nonetheless, ORR remains committed to achieving its ultimate vision of zero workforce and industry-caused passenger fatalities, together with an ever decreasing safety risk.
- 11.2 Our vision for Britain's railways remains as published in our corporate strategy for 2009-2014. Our goal for all parts of the railway is to have excellent health and safety culture and risk control processes. To achieve this we will:
- Drive forward our programme of inspection and systematic audit of dutyholders' management systems;
 - Make optimal use of our influence and powers to ensure that duty holders measure their safety culture and identify and address weaknesses using our management maturity model to benchmark progress;
 - Continue to investigate incidents and take action on recommendations in line with our processes;
 - Promote good practice among railway dutyholders for managing occupational health by progressively implementing our occupational health programme including a national event during 2011 for employee health and safety representatives; and
 - Further develop our approach to system safety and use our influence, and if necessary take regulatory action, to ensure the industry manages system safety in an effective way such that the safety of the railway system as a whole is maintained and improved.

12. Sources of Information

ORR Health and Safety Report, July 2010

<http://www.rail-reg.gov.uk/server/show/nav.2457>

ORR National Rail Trends Yearbook 2009-2010

<http://www.rail-reg.gov.uk/server/show/nav.2026>

ORR Inspection Manual- Validation of ROGS Safety Management Systems

<http://www.rail-reg.gov.uk/server/show/nav.1520#related>

Railway Management Maturity Model (RM3)

<http://www.rail-reg.gov.uk/server/show/nav.1098>

Techniques for the evaluation of management systems- user manual

<http://www.rail-reg.gov.uk/server/show/ConWebDoc.7771>

13. Part 2: Northern Ireland

Scope of the Report

- 13.1 This section of the report covers the railway system in Northern Ireland for the period 1 January 2009 to 31 December 2009. There are no metros, trams or other light rail systems in Northern Ireland.

Introductory Section

- 13.2 Translink is the brand name of the integrated public transport operation of Citybus, NI Railways (NIR), and Ulsterbus. NIR operates a fully integrated system, acting as both infrastructure manager (IM) and train operator (railway undertaking- RU). The Department for Regional Development assists Northern Ireland Railways to operate rail services. Funding helps maintain and develop the rail infrastructure, (track, stations, bridges, level crossings) and rolling stock, which includes trains, equipment and associated plant machinery.
- 13.3 A map of the Northern Ireland railway network can be found in Annex A1(a).
- 13.4 Heritage and tourist railways in Northern Ireland are privately owned and run, for the most part on dedicated track. They do not provide passenger services for the travelling public and are not funded by the Department. They are however a valuable tourist and heritage amenity.

All railway operators in Northern Ireland heritage railways are required to comply with regulations introduced by the Department to further improve railway safety. In some circumstances heritage railways operating on their own tracks and at a line speed that does not exceed 25mph/40km may be exempted from some regulations where the Department is satisfied that the safety of passengers and the general public is not compromised.

14. The Safety Authority for Northern Ireland

14.1 In Northern Ireland the Safety Authority for the purpose of implementing the Railway Safety Management Regulations (Northern Ireland) 2006, is the Department for Regional Development, established by article 3(1) of the Departments (Northern Ireland) Order 1999.

14.2 The Department's key responsibilities as Safety Authority are:

- to ensure that Northern Ireland Railways, the operator of the public railway service in Northern Ireland, manages the network efficiently and in a way that meets the needs of its users;
- to encourage continuous improvement in health and safety performance;
- to secure compliance with relevant health and safety law, including taking enforcement action as necessary;
- to develop policy and enhance relevant railway health and safety legislation; and
- to issue or refuse safety certificates to railway operators in accordance with the "Safety Management Regulations".

14.3 The Safety Authority duties are managed by the Department's Ports and Public Transport Division, 3rd Floor Clarence Court 10-18 Adelaide Street, Belfast BT2 8GB.

14.4 The Department's role as Safety Authority for Northern Ireland is to:

- provide the appropriate regulatory framework so that railway safety is generally maintained and, where reasonably practicable, continuously improved;
- assess each duty holder's application for safety certificates and authorisations, including its co-operation arrangements; and

- assess whether safety is being achieved by inspecting duty holders' safety management systems (SMSs) and assessing available safety information and data.
- authorise the placing into service of structural subsystems in Northern Ireland on the UK trans-European network; and check that they are operated and maintained in accordance with the essential requirements.

15. Development of Railway Safety in Northern Ireland

15.1 The Railway Safety Management Regulations (Northern Ireland) 2006 are aimed at harmonising safety standards on the NI Railway Network. These Regulations impose prohibitions and requirements in relation to safety on Northern Ireland railways.

- Part 2 and regulation 18 of the Regulations implement, in Northern Ireland, Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of transport undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for use of infrastructure and safety certification ("the Rail Safety Directive"), except in relation to access to training facilities, placing in service of in-use rolling stock and accident and incident investigation.
- Part 2 of the Regulations contains prohibitions in relation to the operation of trains or vehicles on any railways in Northern Ireland and the management and use of infrastructure unless a person has established and is maintaining a safety management system and in specified cases has a safety certificate in relation to the operation of vehicles or a safety authorisation in relation to the management and use of infrastructure. Part 2 also makes provision in relation to the requirements for a safety management system and the issuing, amendment and revocation of safety certificates and authorisations and for the giving of notices to the Department.
- Part 3 provides for general duties on any railway operators subject to the duties in Part 2 to carry out risk assessment, co-operate with each other and certain other persons and to prepare an annual safety report to the Department. It makes provision in relation to annual reports to the European Railway Agency and for the issuing, keeping and public inspection of documents.
- Part 4 makes provision in relation to the carrying out of safety critical work on any railways. It imposes obligations on those controlling the carrying

out of such work to ensure that it is only carried out by fit and competent persons, that safety critical workers do not carry out work when fatigued and related co-operation requirements

- Part 5 makes provision for appeals in relation to decisions relating to safety certificates and authorisations, for transitional provisions in relation to compliance with the provisions of regulations (3)(1) and (2), for the granting of exemptions and for a defence in relation to the safety verification requirements in regulation 4.

Common Safety Indicators (CSIs)

15.2 CSI data have been collected. The data are broadly similar to that for 2008 and there are therefore insufficient historical data for comparisons or the identification of trends. This area will continue to remain under consideration to determine trends in future years.

Rail Accident Investigation Branch

15.3 The Rail Accident Investigation Branch (RAIB) established by the Railways and Transport Safety Act 2003 is established on a UK-wide basis and had only one incident to consider for full investigation in NI in 2009.

15.4 The incident occurred on 30 January 2009 when a teenage boy was struck by a Northern Ireland Railways train at a user worked crossing near Portrush, County Antrim. The line was immediately closed and emergency services called to attend. Bus substitution arrangements were introduced and passengers transferred accordingly. Neither the driver nor passengers were injured during the incident. It was understood that the boy was fleeing following an altercation with another party. In view of the circumstances, the Police Service of Northern Ireland (PSNI) investigated and regarded the matter as criminal. RAIB was advised immediately following the incident but given the PSNI view of the death as suspicious, declined to take part in the investigation.

Important legislative changes since the last report

15.5 The Department introduced the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations (NI) 2009 on 2 June 2009. These Regulations implement the provisions of Council Directive 2007/58/EC of 23 October 2007 amending Council Directive

91/440/EC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure

- 15.6 The Regulations also amend the provisions of The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005 (S.R.2005/537) ("the 2005 Regulations") to liberalise international passenger services and also amend the requirements for framework agreements. They mirror similar regulations introduced in GB and ensure UK compliance with this Directive

Procedural Issues

- 15.7 No specific procedural issues were raised by NIR during the period covered by this report. This is partly due to the fact that the Department continues to work closely with NIR on all aspects of railway safety on the NI rail network.
- 15.8 The main route for NIR to express opinion on issuing procedures and practices or to file complaints is through the on-going contact between them and the Department. .

Safety Authorisations

- 15.9 No updated or amended part A or part B authorisations have been issued in this period.

Supervision of Railway Undertakings and Infrastructure Managers

- 15.10 In Northern Ireland, the day to day supervision of the health and safety performance of the railway industry is undertaken through the Railway Safety Management Regulations (Northern Ireland) 2006 where the Safety Authority is DRD

General

- 15.11 The Department also continues to work closely with its counterpart in the Republic and the two railway operators on the island, NIR and Irish Rail, on all EU issues and mutual railway safety matters as they impact on the shared service between Belfast and Dublin.

Conclusions

15.12 Northern Ireland has historically a low level of serious rail incidents. This situation has been maintained during 2009.

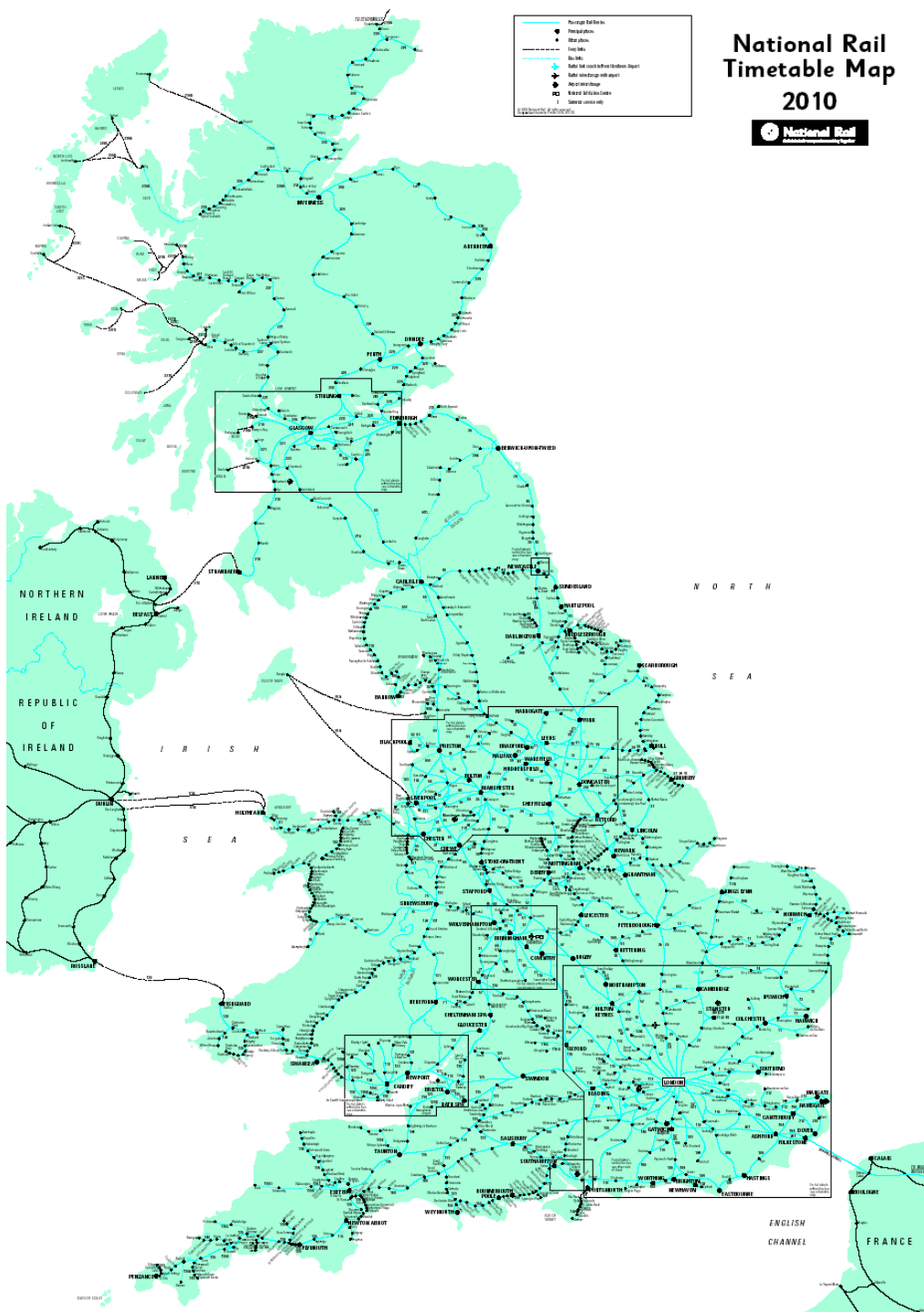
The Railway Safety Management Regulations (Northern Ireland) 2006 which came into effect on 30 June 2006 provide an adequate legislative framework for the Department to continue to work with NIR to ensure smooth implementation of its safety management system.

During 2010-11 we will continue to press for improved safety, performance and efficiency on the Northern Ireland Railway Network and we will take action on under performance as necessary.

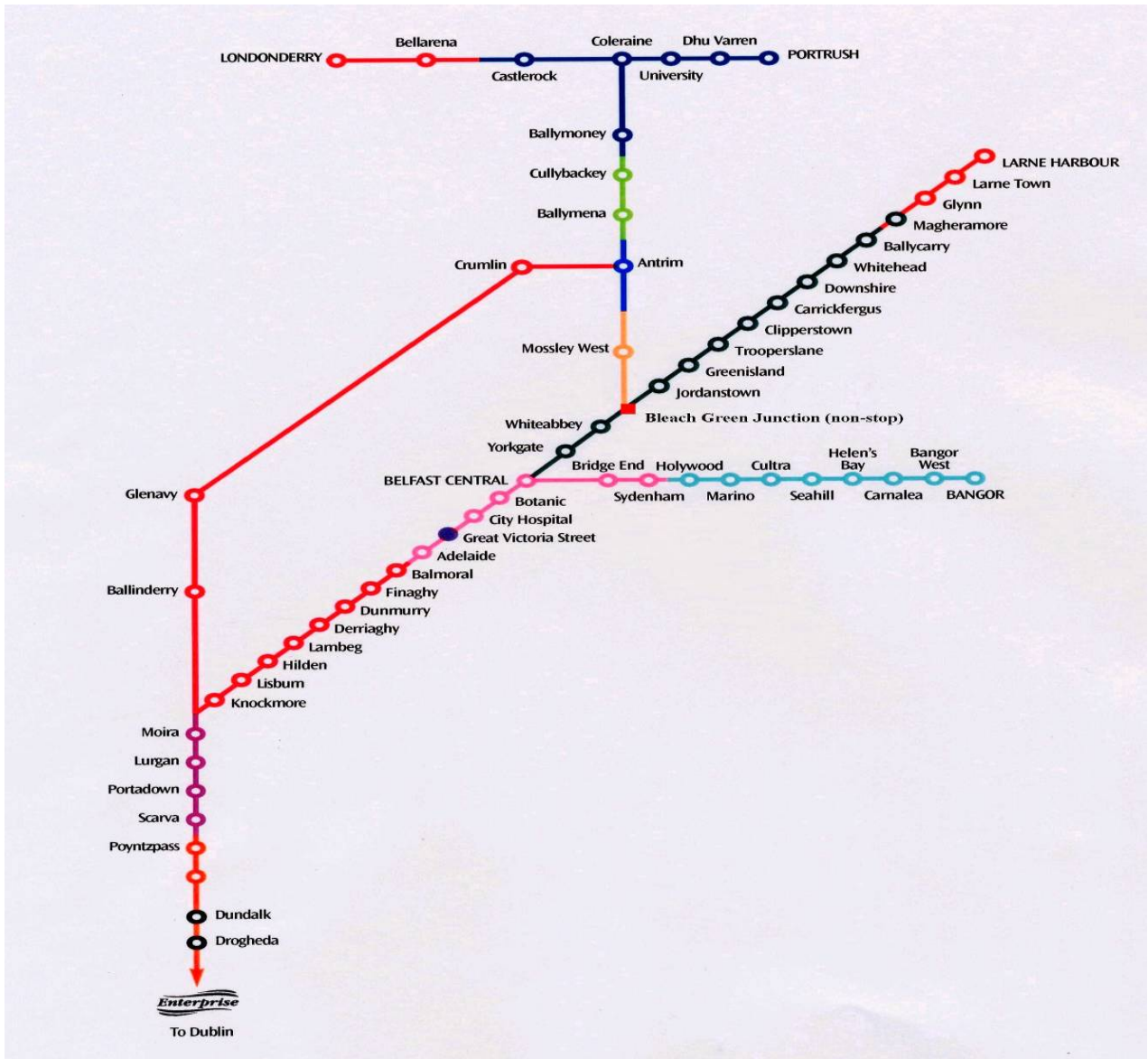
ERA Annual Report Annex

Annex A: Railway Structure Information

Map of GB Rail Network



Map of Northern Ireland Rail Network



Annex A2: List of Railway Undertakings and Infrastructure Managers

Infrastructure Manager(s)

Name	Address	Website/Network Statement Link	Safety Authorisation (Number/Date)	Start date commercial activity	Total Track Length/Gauge
Network Rail Infrastructure Ltd	Kings Place, 90 York Way, London, N1 9AG.	http://www.networkrail.co.uk/aspx/3645.aspx	UK2120070029 Expires: 24/05/2012	October 2002	Track Length: 15,815 km Gauge: 1,435mm (4ft 8.5in) Standard gauge
Network Rail (CTRL) Ltd	Kings Place, 90 York Way, London, N1 9AG.	http://www.networkrail.co.uk/aspx/3645.aspx	UK2120090004 Expires: 18/04/2012	November 2007	Track Length: 108 km Gauge: 1,435mm (4ft 8.5in) Standard gauge

A.2.2. Railway Undertaking(s) operating on the mainline network

Name	Address	Website	Safety Certificate A-B 2004/49/EC (Number/Date)	Start date commercial activity	Traffic Type (Freight,...)
Arriva Trains Wales/ Trenau Arriva Cymru Ltd	Arrive Trains Wales, St Mary's House, 47 Penarth Rd, Cardiff, CF10 5DJ UK	www.arrivatrainswales.co.uk	A- UK1120070004 B- UK1220070004 Exp 15/02/12	Current franchise began 08/12/2003	Franchised passenger operator
c2c Rail Ltd	C2c Rail Ltd FREEPOST ADM3968 Southend SS1 1ZS UK	www.c2c-online.co.uk	A- UK1120070036 B- UK1220070036 Exp. 14/12/12	Current franchise began 26/05/1996	Franchised passenger operator
The Chiltern Railway Company Ltd	Chiltern Railways Marylebone Station London NW1 6JJ UK	www.chilternrailways.co.uk	A- UK1120080052 B- UK1220080052 Exp. 23/06/13	Current franchise began 2002	Franchised passenger operator
East Coast Mainline Company Ltd	East Coast Freepost RRZG-ZZZX- LKXK Newcastle upon Tyne NE1 5DN UK	www.eastcoast.co.uk	A- UK1120090080 B- UK1220090080 Exp. 23/09/14	Started operations 14/11/2009	Franchised passenger operator

East Midlands Trains Ltd	East Midlands Trains Freepost RSAK-GATK- BSJX, Nottingham, NG2 3DQ UK	www.eastmidlandstrains.co.uk	A- UK1120070035 B- UK1220070035 Exp. 10/11/12	Current franchise began 11/11/2007	Franchised passenger operator
First Capital Connect Ltd	First Capital Connect PO Box 443 Plymouth PL4 6WP UK	www.firstcapitalconnect.co.uk	A- UK1120070018 B- UK1220070018 Exp 31/03/12	Current franchise began 01/04/2006	Franchised passenger operator
First Great Western Ltd	First Great Western Freepost SWB40576 Plymouth PL4 6ZZ UK	www.firstgreatwestern.co.uk	A- UK1120080063 B- UK1220080063 Exp 30/09/2013	Current franchise began 01/04/2006	Franchised passenger operator
First ScotRail Ltd	ScotRail PO Box 7030 Fort William PH33 6WX UK	www.scotrail.co.uk	A- UK1120080055 B- UK1220080055 Exp. 30/09/13	Current franchise began 17/10/2004	Franchised passenger operator
Keolis/ First Transpennine Express Ltd	First TransPennine Express Freepost ADMAIL 3878 Manchester M1 9YB UK	www.tpexpress.co.uk	A- UK1120070006 B- UK1220070006 Exp. 20/02/12	Current franchise began February 2004	Franchised passenger operator

London & Birmingham Railway Ltd	London Midland PO Box 4323 Birmingham B2 4JB UK	www.londonmidland.com	A- UK1120070037 B- UK1220070037 Exp. 10/11/12	Current franchise began 11/11/2007	Franchised passenger operator
London & South Eastern Railway Ltd	Southeastern PO box 63428, London SE1P 5FD UK	www.southeasternrailway.co.uk	A- UK1120070005 B- UK1220070005 A (high speed)- UK1120070042 B (high speed)- UK1220070042 Exp. 30/04/12	Current franchise began 04/01/06	Franchised passenger operator
National Express East Anglia	5th Floor, Baron House Neville Street Newcastle upon Tyne NE99 1PE	www.nationalexpresseastanglia.com	A- UK1120070002 B- UK1220070002 Exp. 10/01/12	Current franchise began 10/12/04	Franchised passenger operator
London Overground Rail Operations Ltd	LOROL Great Central House Marylebone Station Melcombe Place London NW1 6JJ	www.lorol.co.uk	A- UK1120070034 B- UK1220070034 Exp. 10/11/12	Current franchise began 09/11/07	Franchised passenger operator

Merseyrail Electrics 2002 Ltd	Rail House, Lord Nelson Street, Liverpool, L1 1JF	www.merseyrail.org	A- UK1120080045 B- UK1220080045 Exp. 23/05/13	Current franchise began 17/07/03	Franchised passenger operator
Northern Rail Ltd	Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY	www.northernrail.org	A- UK1120080047 B- UK1220080047 Exp. 22 June 2013	Current franchise began 4/02/05	Franchised passenger operator
Southern Railway Ltd	3 rd Floor 41-51 Grey St, Newcastle Upon Tyne, Tyne and Wear, NE1 6EE	www.southernrailway.com	A- UK1120090076 B- UK1220090076 Exp. 19/09/14	Current franchise began 19/05/10	Franchised passenger operator
Stagecoach South Western Trains Ltd	South West Trains, Overline House, Southampton, SO15 1GW	www.southwesttrains.co.uk	A- UK112007003 B- UK122007003 Exp. 03/02/12	Current franchise began 20/05/04	Franchised passenger operator
West Coast Trains Ltd (Virgin Rail Group)	The School House, 50 Brook Green, London, W6 7RR	www.virgintrains.co.uk	A- UK1120080058 B- UK1220080058 Exp. 30/09/13	Current franchise began 10/12/08	Franchised passenger operator
XC Trains Ltd (Cross Country)	Admiral Way, Doxford International Business Park,	www.crosscountrytrains.co.uk	A- UK1120070040 B-	Current franchise began 11/11/07	Franchised passenger

	Sunderland, SR3 3XP		UK1220070040 Exp. 01/11/12		operator
DB Regio Tyne and Wear Ltd	Nexus House St James Boulevard Newcastle upon Tyne NE1 4AX	www.nexus.org.uk/metro	A- UK1120090082 B- UK1220090082 Exp: 31/03/15	Current track access contract began 22/12/99	Open access passenger operator
Eurostar UK Ltd	158-162 Tooting High St., London SW17 0RT	www.eurostar.com	A- UK1120090083 B- UK1220090083 Exp: 18/04/12	14/11/1994	Open access passenger operator
Grand Central Railway Company Ltd	2 Temple Back East, Temple Quay, Bristol, BS1 6EG.	www.grandcentralrail.co.uk	A- UK1120090074 B- UK1220090074 Exp: 30/06/14	Current track access contract began 18/01/07	Open access passenger operator
Heathrow Express Operating Company Ltd	The Compass Centre, Nelson Rd., Hounslow, Middlesex, TW6 2GW	www.heathrowexpress.com	A- UK1120070019 B- UK1220070019 Exp: 31/03/12	Current track access contract began 27/05/05	Open access passenger operator

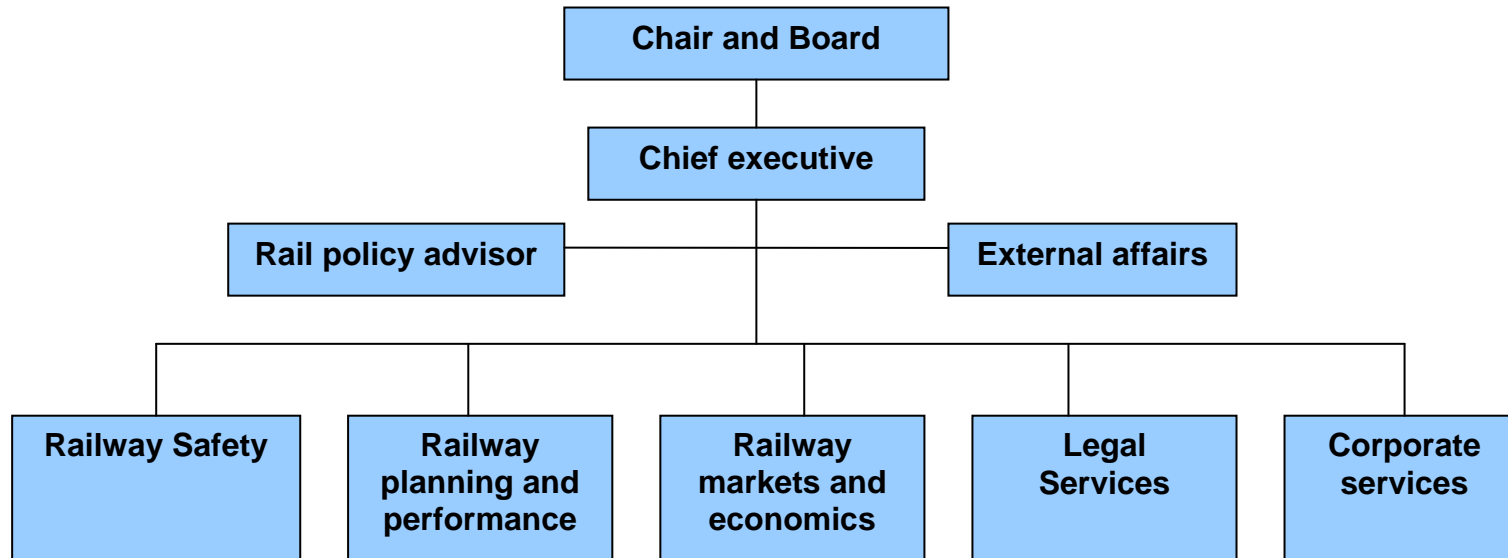
Hull Trains Company Ltd	4 th Floor Europa House, 184 Ferensway, Hull, HU1 3UT.	www.hulltrains.co.uk	A-UK1120070021 B-UK1220070021 Exp: 01/04/12	Current track access contract began 22/09/00	Open access passenger operator
North Yorkshire Moors Railway Enterprises plc	Pickering Station, Pickering, North Yorkshire, YO18 7AJ	www.nymr.co.uk	A-UK1120080067 B-UK1220080067 Exp: 30/09/13	Current track access contract began 17/01/07	Open access passenger operator
Wrexham, Shropshire & Marylebone Railway Company Ltd	Great Central House Marylebone Station, Melcombe Place London NW1 6JJ	www.wrexhamandshropshire.co.uk	A-UK1120080046 B-UK1220080046 Exp: 17/03/13	Current track access contract began 31/01/08	Open access passenger operator
Colas Rail Ltd	Dacre House 19 Dacre Street London SW1H 0DJ	www.colasrail.co.uk	A-UK1120090078 B-UK1220090078 Exp: 02/09/12	Current track access contract began 21/12/06	Freight operator
Direct Rail Services Ltd	Herdus House, Ingwell Drive, Westlakes Science and Technology Park, Moor Row, Cumbria, CA24 3HU	www.directrailservices.com	A-UK1120070030 B-UK1220070030 Exp: 20/05/12	Current track access contract began 30/08/09	Freight operator
DB Schenker Rail (UK) Ltd	Lakeside Business Park, Carolina Way,	www.rail.dbschenker.co.uk	A-UK1120070015 B-	Current track access contract	Freight operator

	Doncaster, South Yorkshire, DN4 5PN		UK1220070015 Exp 19/03/12	began 01/06/07	
Freightliner Ltd	3 rd Floor, The Podium, 1 Eversholt Street, London NW1 2FL	www.freightliner.co.uk	A- UK1120080061 B- UK1220080061 Exp 30/09/13	Current track access contract began 01/04/09	Freight operator
Freightliner Heavy Haul Ltd	3 rd Floor, The Podium, 1 Eversholt Street, London NW1 2FL	www.freightliner.co.uk	A- UK1120080062 B- UK1220080062 Exp: 30/09/13	Current track access contract began 26/09/07	Freight operator
GB Railfreight Ltd	15-25 Artillery Lane, London E1 7HA	www.gbrailfreight.com	A- UK1120080056 B- UK1220080056 Exp: 06/08/13	Current track access contract began 18/06/08	Freight operator
Jarvis Fastline Ltd	Meridian House The Crescent York YO24 1AW	www.fastline-group.com	A- UK1120070027 B- UK1220070027	Track access contract began 24/01/05 Withdrawn 29/03/10	Freight operator Note: Entered administration 29/03/10

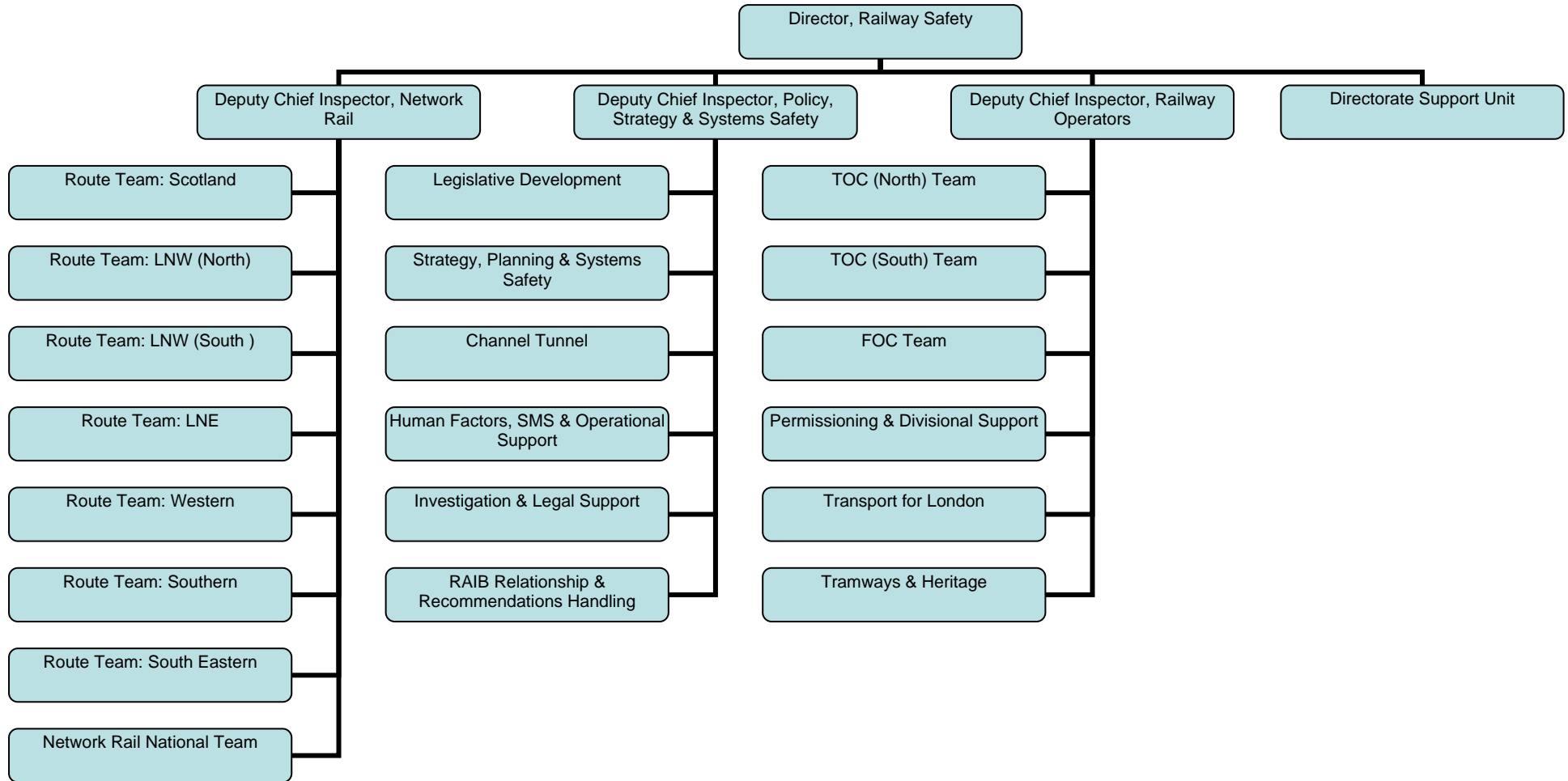
Serco Ltd	Serco House, 16 Bartley Wood BP Bartley Way Hook Hampshire RG27 9UY	www.serco.com	A- UK11200714 B- UK12200714 Exp: 30/09/12	Current track access contract began September 2008	Freight operator
West Coast Railway Company Ltd	Off Jesson Way Cragbank Carnforth Lancashire LA5 9UR	www.westcoastrailways.co.uk	A- UK1120080064 B- UK1220080064 Exp: 30/09/13	Current track access contract began 07/12/05	Freight operator

Annex B: Organisation

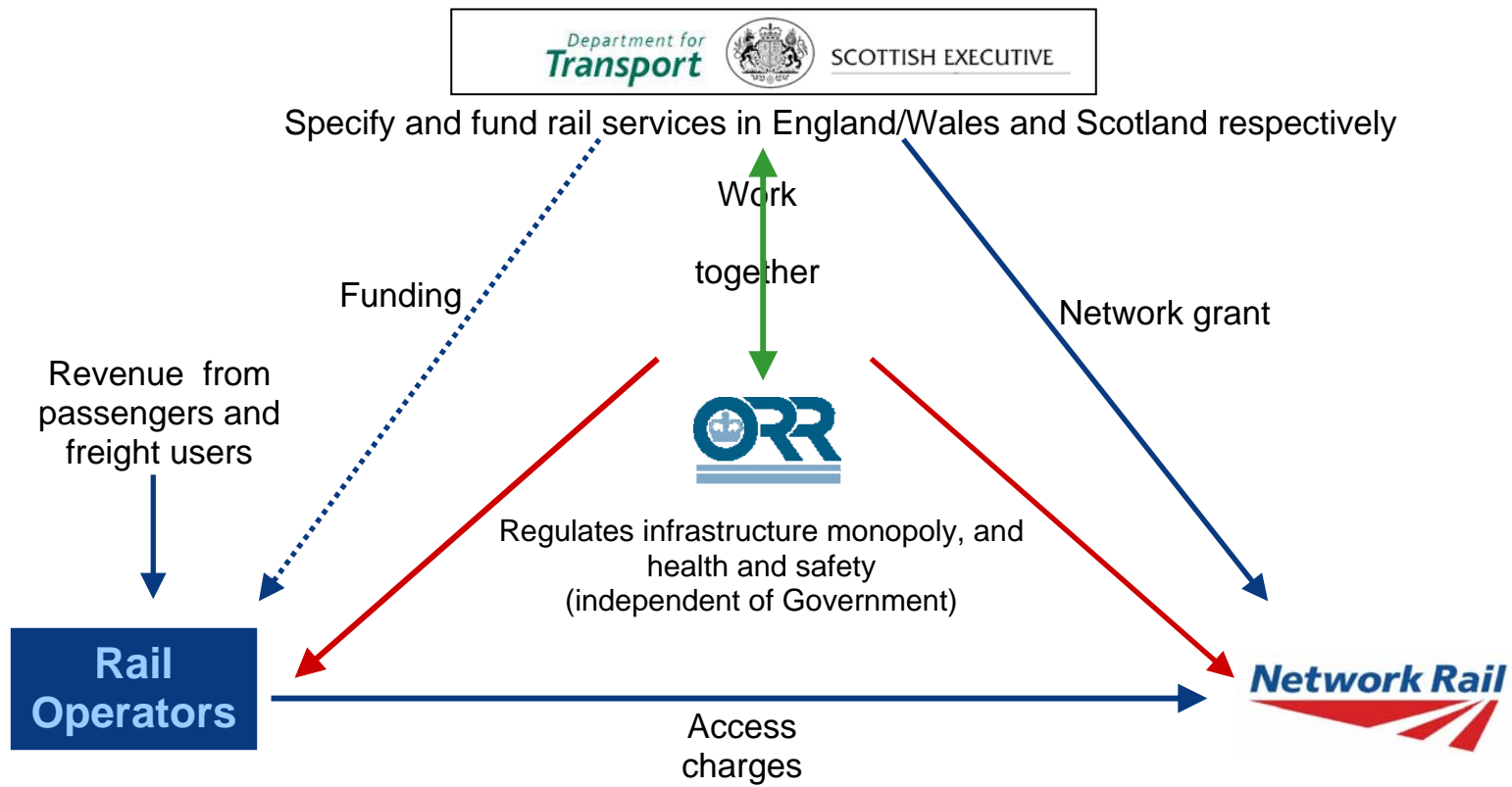
ORR Organisation



ORR Railway Safety Directorate (at 31 December 2009)



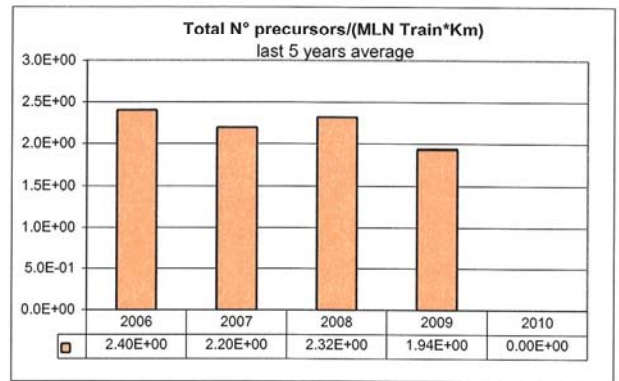
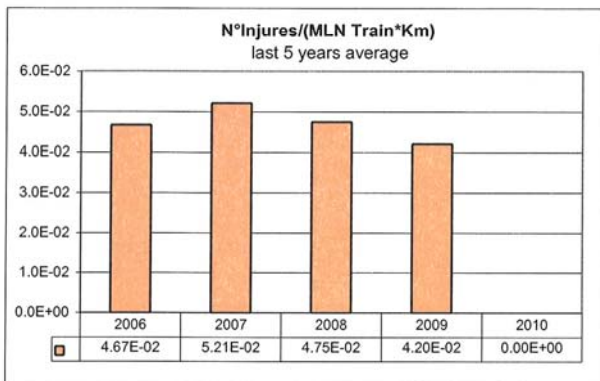
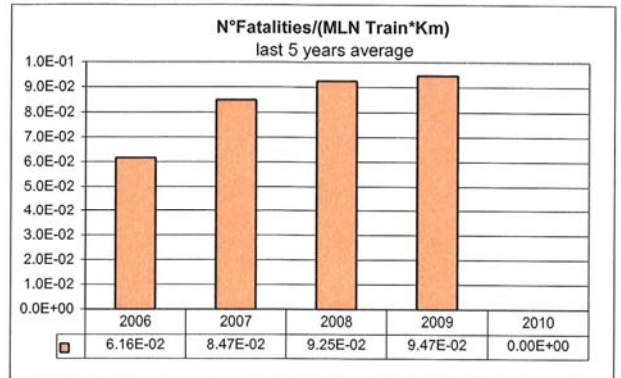
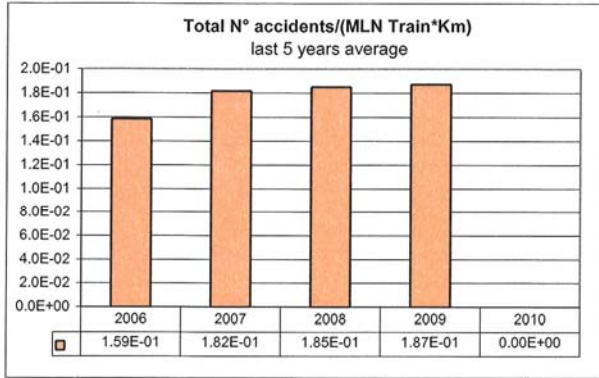
Annex B.2 : Organisational Flow Chart



Annex C1: CSIs Data – Definitions Applied

CSIs data

Performances at glance



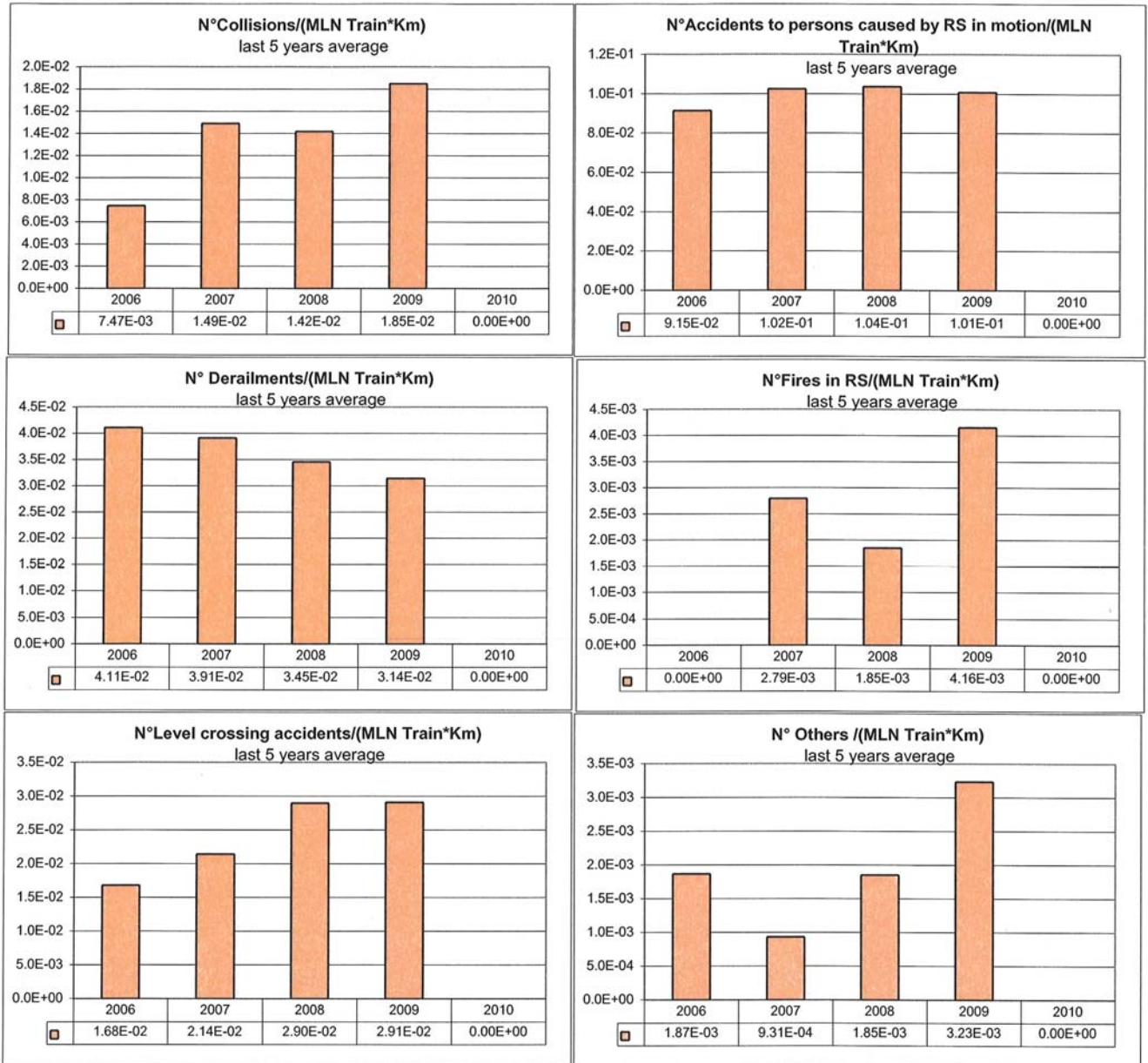
2007 report: values related to 2006.

2008 report: values related to the average between 2006 and 2007.

2008 report: values related to the average among 2006, 2007 and 2008.

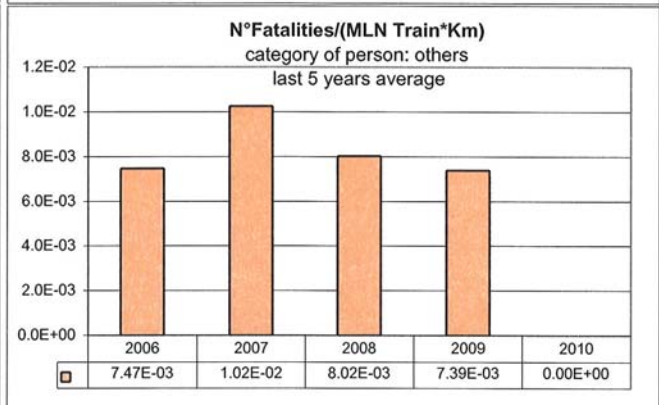
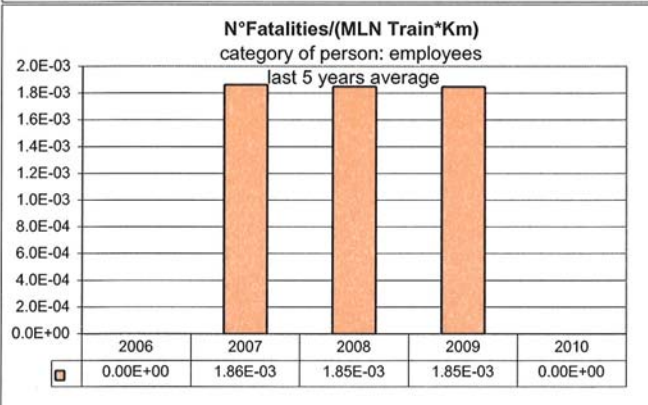
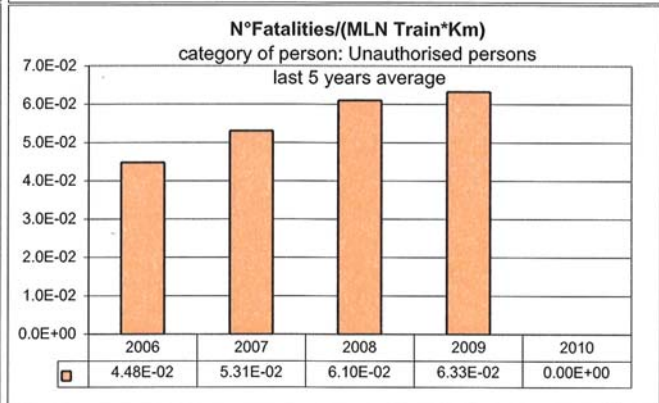
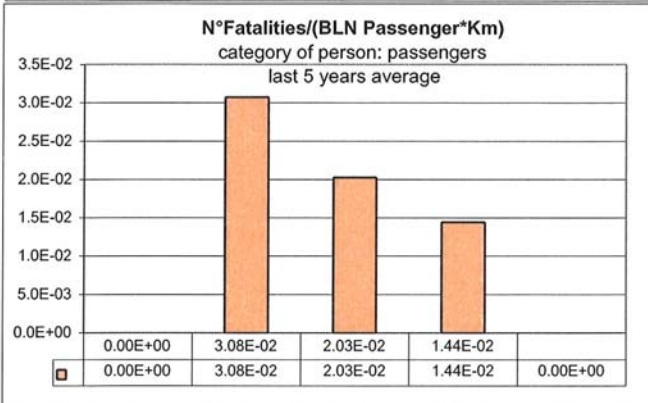
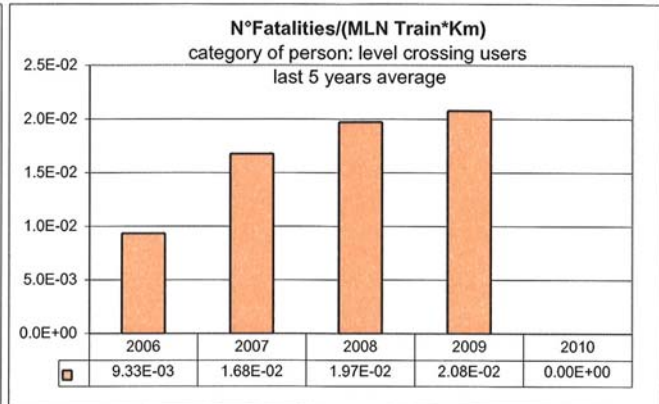
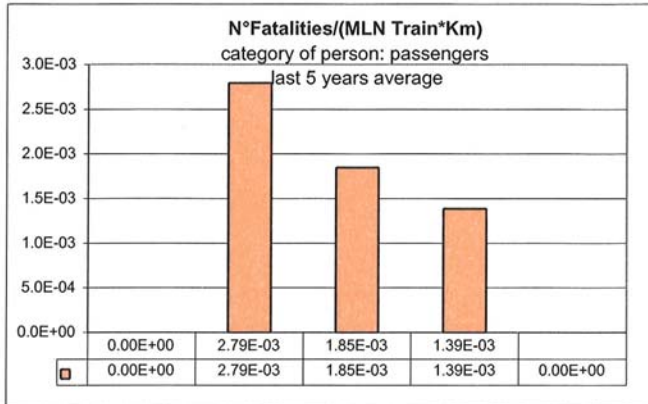
2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Accidents divided by type



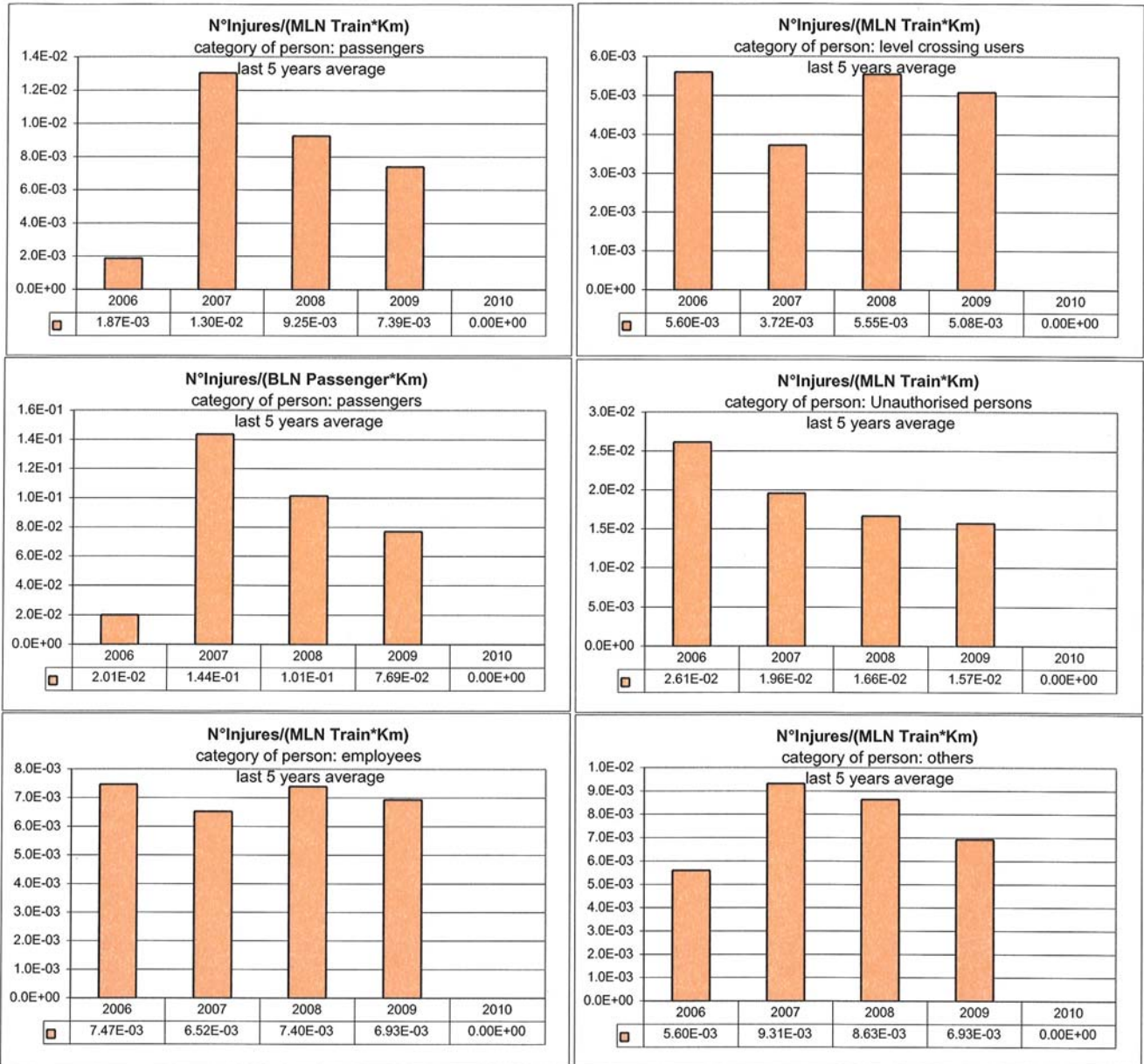
2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Fatalities divided by category of people involved



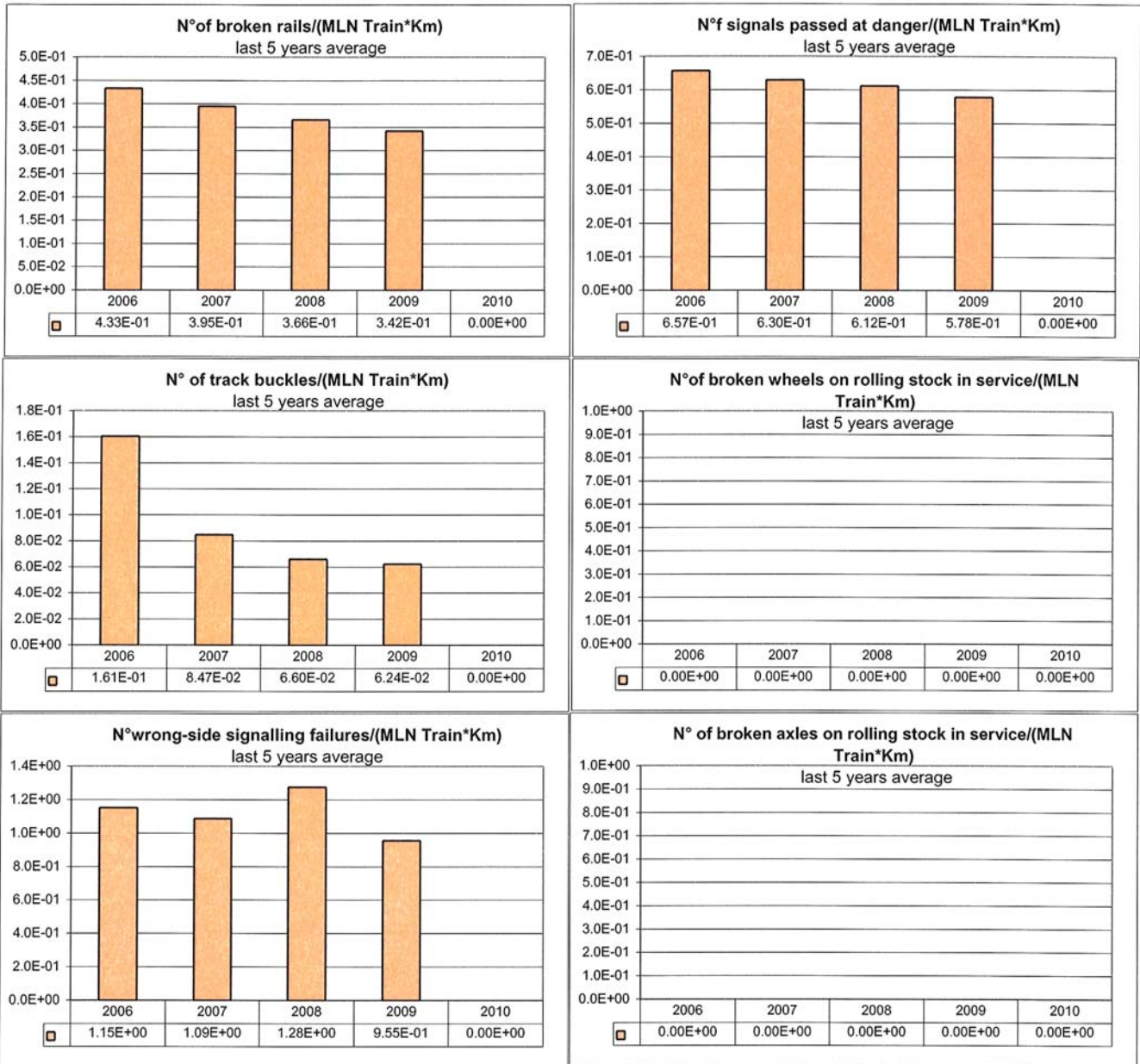
2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Injuries divided by category of people involved



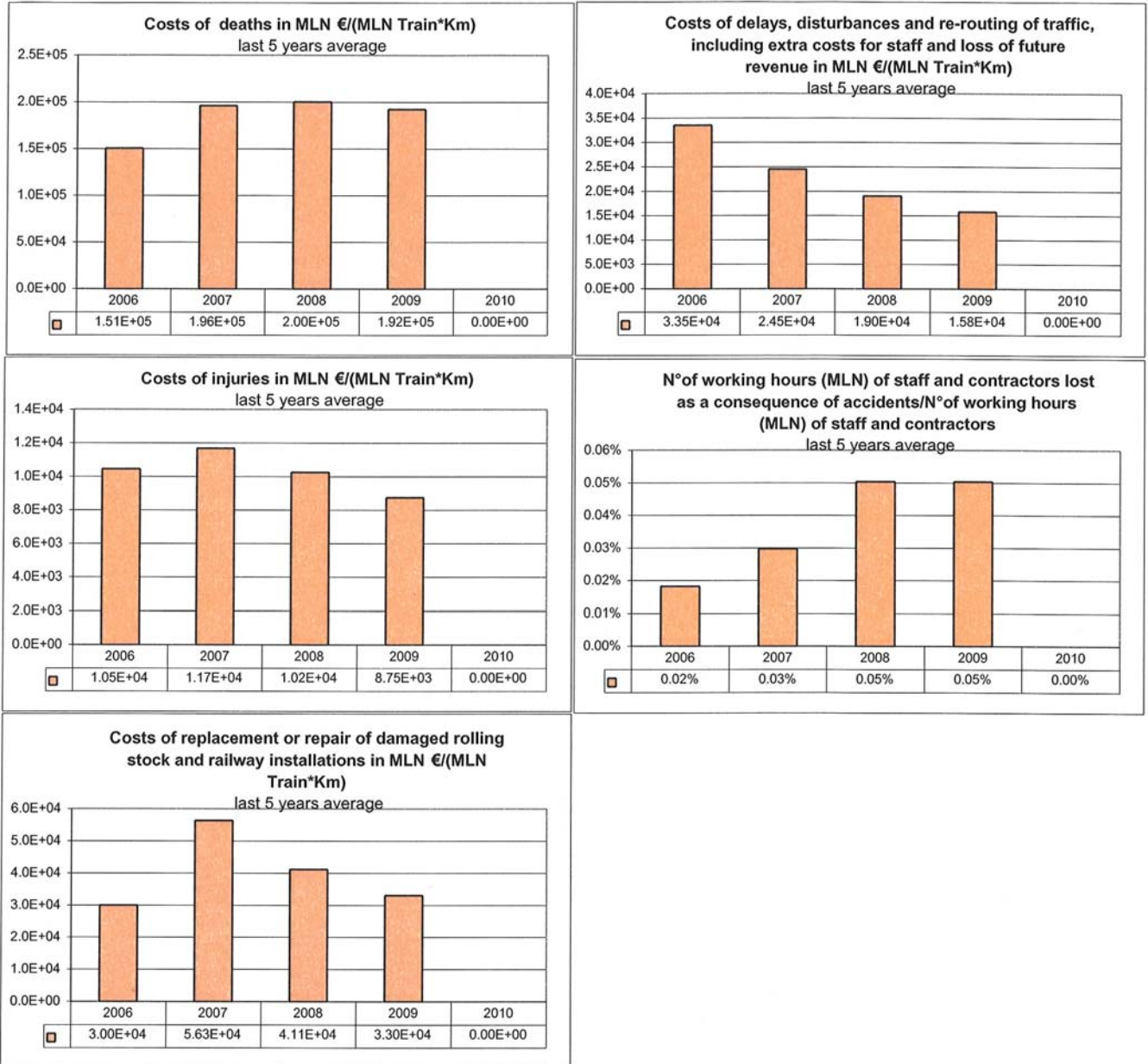
2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Precursors to accidents



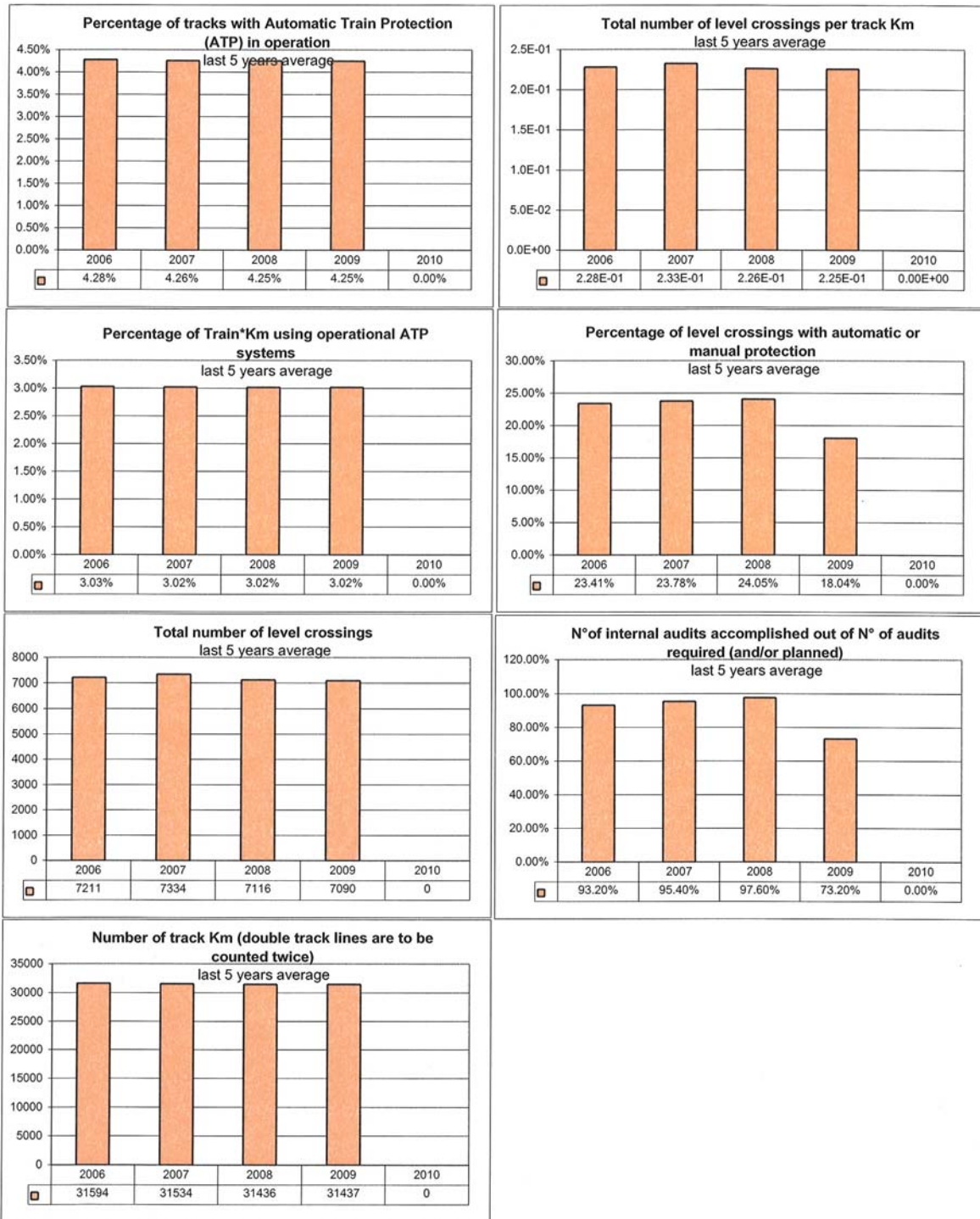
2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Cost of all accidents, number of working hours of staff and contractors lost as a consequence of accidents



2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Technical safety of infrastructure and its implementation, management of safety



2007 report: values related to 2006.
 2008 report: values related to the average between 2006 and 2007.
 2008 report: values related to the average among 2006, 2007 and 2008.
 2009 report: values related to the average among 2006, 2007, 2008 and 2009.

Definitions used in the annual report

Definitions in Regulation 91/03 to be applied:

Deaths (killed person)

Means any person killed immediately or dying within 30 days as a result of an injury incident, excluding suicides.

Injuries (seriously injured person)

Means any person injured who was hospitalized for more than 24 hours as a result of an accident, excluding attempted suicides.

Passenger-km

Means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account.

Rail passenger

Means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/ disembark onto/ from a moving train are included.

Suicide

Means an act to deliberately injure oneself resulting in death, as recorded and classified by the competent national authority.

Significant accident

Means any accident involving at least one rail vehicle in motion, resulting in at least one killed or seriously injured person, or in significant damage to stock, track, other installations, or extensive disruptions to traffic. Accidents in workshops, warehouses and depots are excluded.

Train

Means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation

from an initial fixed point to a terminal fixed point. A light engine, i.e. a locomotive travelling on its own, is not considered to be a train.

Train-Km

Means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used. Only the distance on the national territory of the reporting country shall be taken into account.

National Definitions

Directive 2004/49/EC lays down in Annex 1, point 6:

“Definitions

The reporting authorities may use nationally applied definitions of the indicators and methods for calculation of costs when data according to this Annex are submitted. All definitions and calculation methods in use shall be explained in an Annex to the annual report described in Article 18.”

Abbreviations

CSI	Common Safety Indicator
ERA	European Railway Agency
LC	Level Crossing
MLN	106
BLN	109
RS	Rolling Stock
RU	Railway Undertaking
IM	Infrastructure Manager

Annex D: Important changes in legislation and regulation

1. No new legislation was introduced during 2009.

Annex E: Development of safety certification and authorisation

Numerical Data

Safety Certificates according to Directive 2001/14/EC

Number of Safety Certificates issued according to Directive 2001/14/EC, held by Railway Undertakings in year 2009 being licensed	in your Member State	n/a
	in another Member State	n/a

Safety Certificates according to Directive 2004/49/EC

		New	Updated/ amended	Renewed
Number of valid Safety Certificates Part A held by Railway Undertakings in the year 2009 being registered	in your Member State	49	7	2
	in another Member State	-	-	-

		New	Updated/ amended	Renewed
Number of valid Safety Certificates Part B held by Railway Undertakings in the year 2009 being registered	in your Member State	47	9	2
	in another Member State	1	-	-

			A	R	P
Number of applications for Safety Certificates Part A	in your Member State	New certificates	6	-	-
		Updated/ amended certificates	6	-	-
		Renewed certificates	1	-	-

submitted by Railway Undertakings in year 2009 being registered	in another Member State	New certificates	-	-	-
		Updated/ amended certificates	-	-	-
		Renewed certificates	-	-	-

			A	R	P
Number of applications for Safety Certificates Part B submitted by Railway Undertakings in year 2009 being registered	in your Member State	New certificates	4	-	-
		Updated/ amended certificates	4	-	-
		Renewed certificates	1	-	-
	in another Member State	New certificates	-	-	-
		Updated/ amended certificates	1	-	-
		Renewed certificates	-	-	-

A = Accepted application, certificate is already issued
R = Rejected application, no certificate was issued
P = Case is still pending, no certificate was issued so far

2.5

A single Part B certificate has been issued to an RU from outside the UK. This was to a freight RU, whose Part A certificate originates from another MS.

Safety Authorisations according to Directive 2004/49/EC

	New	Updated/ amended	Renewed
Number of valid Safety Authorisations held by Infrastructure Managers in the year 2009 being registered in your Member State	28	3	0

		A	R	P
Number of applications for Safety Authorisations submitted by Infrastructure Managers in the year 2009 being registered in your Member State	New authorisations	2	-	-
	Updated/ amended authorisations	3	-	-
	Renewed authorisations	-	-	-

Procedural aspects – Safety Certificates part A

		New	Updated/ amended	Renewed
Mean time after having received all necessary information between the receipt of an application and the final delivery of a Safety Certificate Part A in year 2009 for Railway Undertakings holding	a licence released by your Member State	80.5 days	27 days	16 days
	a licence released by another Member State	-	-	-

Procedural aspects – Safety Certificates part B

		New	Updated/ amended	Renewed
Mean time after having received all necessary information between the receipt of an application and the final delivery of a Safety Certificate Part B in year 2009 for Railway Undertakings holding	a licence released by your Member State	53 days	36.25 days	16 days
	a licence released by another Member State	-	28 days	-

E.6. Procedural aspects – Safety Authorisations

		New	Updated/ amended	Renewed
Mean time after having received all necessary information between the receipt of an application and the final delivery of a Safety Authorisation in year 2009 for Infrastructure Managers holding	a licence released by your Member State	47.5 days	3.7 days	-
	a licence released by another Member State	-	-	-