

PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)

TWA ORDER

OUTLINE OF STATUTORY FRAMEWORK GOVERNING RAILWAY STANDARDS ON
CHILTERN RAILWAY LINES**1 Introduction**

- 1.1 This note responds to the Inspector's request on Day 30 for an outline of the statutory regime governing railway standards.
- 1.2 The railway industry is governed by complex matrix of regulation which includes detailed rules governing the specification and maintenance of the rail infrastructure in including track and rolling stock. The domestic system of regulation is overlaid by EU requirements.
- 1.3 The purpose of this note is to provide a brief overview of the framework governing railway standards so copies of the legislation and regulations referred to have not been annexed.

2 The UK regime for regulating rail standards

- 2.1 The UK system of regulating rail standards derives from the Railway Act 1993 ("the 1993 Act")(**CD/5.10**). Section 6 of the 1993 Act makes it an offence (subject to some exemptions not relevant here) to act as the operator of a railway asset without holding a licence granted under the 1993 Act. Licences are granted by the Office of Rail Regulation ("the ORR").
- 2.2 All licences granted under the 1993 Act by the ORR are subject to conditions requiring the holders to comply with the Railway Group Standards ("RGSs") that apply to their operations.
- 2.3 The Railway Safety and Standards Board ("RSSB"), a not for profit company established for this purpose, is responsible for setting and managing the RGSs.
- 2.4 The network licence held by Network Rail and the licences held by CRCL under the 1993 Act are, as mentioned above, subject to conditions requiring compliance with the RGSs. See e.g. Condition 9 of CRCL's passenger train service licence (**CD/2.1**).
- 2.5 The RGSs set detailed specifications and requirements relating to the provision and operation of railway infrastructure and services. These include requirements relating to the design and maintenance of railway lines and

rolling stock. For example, RGS/GMRT/2004 governs train maintenance standards.

3 EU requirements: interoperability

- 3.1 There are a series of EU Directives aimed at securing railway interoperability throughout the EU which have the purpose of establishing conditions for the inter-working of the trans-European rail system achieved by imposing common standards on the relevant rail systems. The relevant Directive for present purposes is Directive 2001/16/EC, as amended, on the interoperability of the trans-European conventional rail system.
- 3.2 The effect of 2001/16/EC is that the EU rail system must meet common standards in relation to the following "essential requirements" as identified in 2001/16/EC :-
- safety
 - reliability and availability
 - health
 - environmental protection
 - technical compatibility.
- 3.3 These standards are set out in Technical Specifications for Interoperability (TSIs") which prescribe for each sub-system (as defined in the Directive and the 2006 Regulations referred to in paragraph 3.5 below), including infrastructure and rolling stock, the standards to be met and how compliance is to be assessed and verified.
- 3.4 There are numerous TSIs one of which is TSI C2005/5666 relating to noise for the rolling stock sub-system.
- 3.5 The Interoperability Directives including 2001/16/EC have been transposed into UK law in a number of stages - most recently by the Railways (Interoperability) Regulations ("the 2006 Regulations and the Railways (Interoperability) Regulations 2010.
- 3.6 The 2006 Regulations apply to the trans-European conventional rail system "TECRS". The existing Birmingham to Marylebone line over which CRCL's existing services are operated forms part of the TECRS and the 2006 Regulations therefore apply. The 2006 Regulations also apply to all rolling stock which is likely to travel on all or part of the TECRS (see paragraph 2 of Schedule 2 to the 2006 Regulations). Accordingly, the 2006 Regulations and the TSIs apply to rolling stock to be used on the Oxford to Bicester Line since they will also travel over the whole or part of the Birmingham to Marylebone Line.

3.7 In addition the RGSs are legally required to be consistent with the TSIs so far as regards the TECRS. However, the RGSs are applicable to all parts of the national rail network. No distinction is made between those parts that form part of the TECRS and those that do not. In practice therefore the TSIs, including the TSI relating to noise, apply throughout the whole of the national rail network. Those standards are included in the conditions which need to be complied with to secure vehicle acceptance encompassing the design and build of new or modified vehicles.

4 Conclusion

4.1 The 1993 Act and the matrix of regulation made under it regulate all matters relating to the provision and operation of rail infrastructure and services. In addition there are EU requirements. The statutory matrix includes requirements relating to the design, construction and maintenance of the track and rolling stock and there is a specific TSI which is directed at regulating noise.

4.2 A chart showing the statutory framework described above is annexed.

Statutory Framework governing railway standards on Chiltern Railways lines

