

Giles Turner

Senior Engineer, Rail Vehicles
Railway Performance & Planning Directorate

Email: giles.turner@orr.gsi.gov.uk

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To whom it may concern

Railways (Interoperability) Regulations 2011 as amended

Application of Notified National Technical Rules for Rail Vehicle Authorisation

This letter serves as clarification of the way in which Notified National Technical Rules (NNTRs) should be applied to rail vehicle projects. ORR is developing a Rail Guidance Document in relation to all interoperable subsystem types; this process may take a little time.

A National Technical Rule that is notified for interoperability purposes may have one of the following roles in relation to Technical Specifications for Interoperability (TSIs):

- To define the national approach to an Open Point
- To define the requirements of a Specific Case
- To deliver network compatibility

This means that the choice of NNTRs to apply to a project is made on the basis of the applicable TSIs. The DfT publishes a list of current NNTRs on its website; these align with the TSIs that are currently in force. The project should identify the appropriate TSIs, taking into account transitional arrangements and other provisions. This may permit a project to use a TSI that is not the latest published version. It is therefore necessary to apply the NNTRs that are associated with the version of the TSI that is being used. If a National Technical Rule has been notified in the past and does not appear on the latest DfT list of NNTRs a project may nonetheless continue to use it.

The starting point for the project's choice of NNTRs should be those applicable to the chosen TSIs at the time of appointment of the NoBo. Once the applicable NTRs have been identified then the transitional arrangements and other provisions in the TSI also apply to the identified NNTRs. As the project progresses it may be that some of these rules are revised. The project should consider whether the changes bring benefits. Safety benefits should be incorporated so far as is reasonably practicable. The choice of whether to realise other benefits falls to the project. When choosing to apply a more recent NNTR the

project should ensure that the chosen standards continue to fulfil the requirements arising from applicable Open Points, Specific Cases and network compatibility.

The annex below may help to clarify the approach. Please do get in touch if you would like to discuss the requirements of individual projects. For preference your first point of contact should be the ORR inspector who is dealing with your rail vehicle authorisation.

This letter is being sent to industry representatives on the Rolling Stock Standards Committee for them to share with their constituents, and to individual rail vehicle projects where ORR is aware that this point is of particular interest. It is intended to be freely circulated, although may be superseded by guidance published on the ORR website www.orr.gov.uk.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Giles Turner', with a stylized flourish at the end.

Giles Turner
HM Inspector of Railways

Annex 1

The diagram overleaf depicts the evolution of TSIs and NNTRs over time, with the hypothetical vehicle project appointing a NoBo before TSI2 comes into force and authorisation being granted before the end of the TSI transition period. It does not represent the full range of potential circumstances, and should be read in conjunction with these notes.

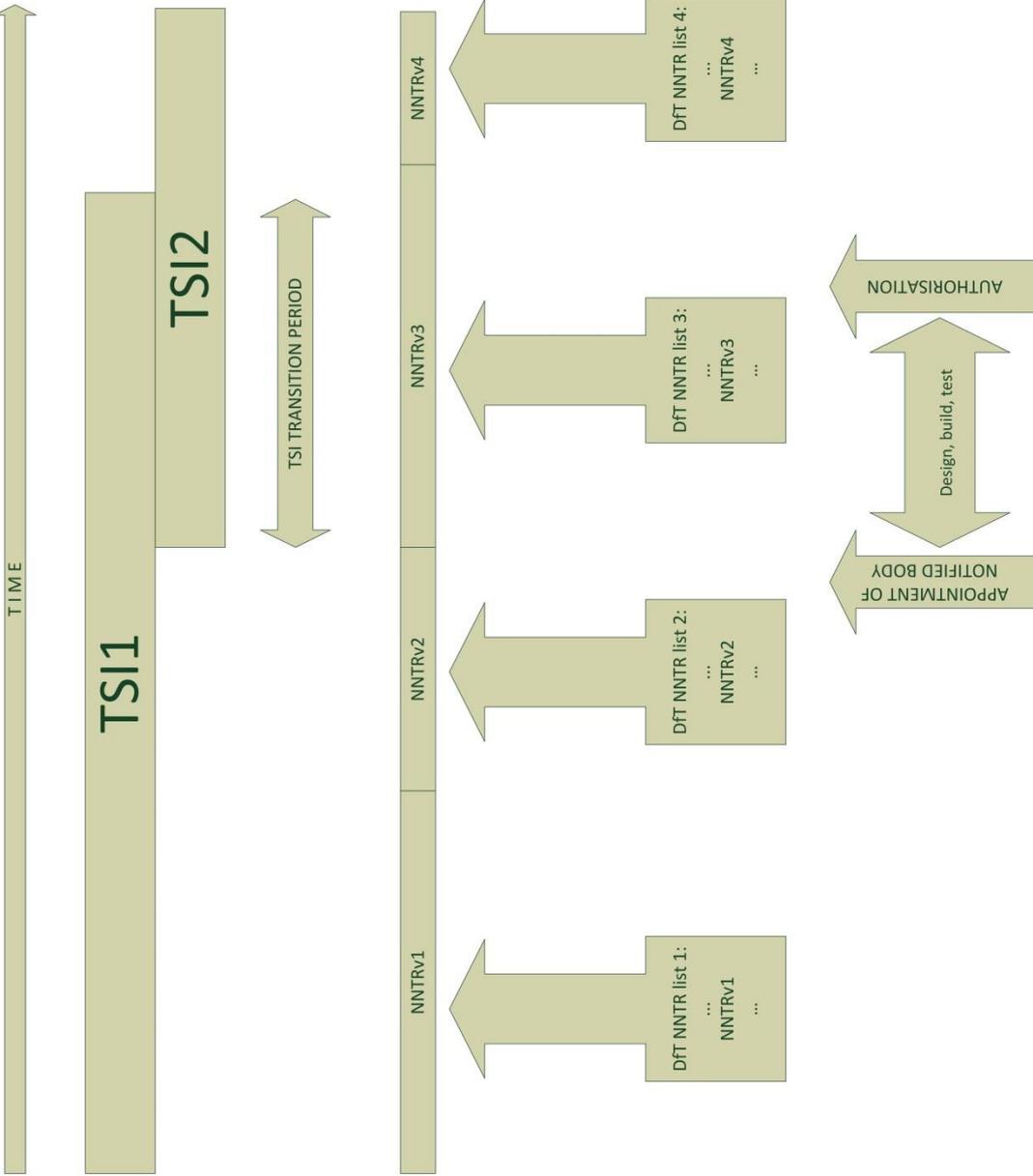
In this example at the time of appointment of the NoBo the project applies TSI1. Although TSI2 comes into force shortly afterwards the transition arrangements permit TSI1 to continue to be applied. At this point the applicable NNTRs are as listed in DfT NNTR list 2. If the project wishes to use an earlier NNTR (ie NNTRv1 in place of NNTRv2) then the project will need to apply to the relevant standards issuing body for a deviation, demonstrating why it is unreasonable to comply with latest NNTR and why the older NNTR is a reasonable alternative. A deviation might not be required if the project is developing vehicles which are conforming to a vehicle type that is already authorised and for which the registered type is still valid. It is advisable to check the specific circumstances with ORR and the relevant standards issuing body at an early stage of such a project.

As the project proceeds DfT may publish an updated NNTR list. The project is not automatically required to change its chosen standards, but it is expected to be aware of any emerging safety hazards that are controlled by the revised NNTRs. Measures to control such hazards remain necessary to meet the essential requirements for interoperability including those relating to “safety” at the time of authorisation.

Where compliance is not required on safety grounds the project may choose to comply with the revised standards, but in doing so should satisfy itself that any standard chosen fulfils the necessary role in dealing with Open Points, Specific Cases and network compatibility. For example, DfT NNTR list 3 in the diagram is aligned with TSI2. NNTRv2 has been superseded by NNTRv3 which is specifically applicable to TSI2, but as the project is using TSI1 it continues to use NNTRv2.

When NNTRs cease to appear on the DfT NNTR list they may still be used, but care must be taken when using older NNTRs that they do align with the TSIs in use.

The project could use new standards that appear on subsequent DfT lists during the lifetime of the project. Here NNTRv3 could be used if the scope of the standard aligns with TSI1 – this is for the project to assess. Where a project wishes to use a standard that has been published by RSSB but at the point of authorisation has not yet been notified (such as NNTRv4 in the diagram) it should contact ORR. In principle the use of this standard is appropriate but care is needed to ensure that it will in fact be notified.



Time

Technical Specifications for Interoperability (TSIs)
 Revised TSIs are published by the European Commission for use in all Member States. They include transition arrangements that define the dates and circumstances for their use. Here we assume that the transition arrangements for TSI2 permit TSI1 to be used for a project that was already under way before the coming into force of TSI2, provided authorisation occurs within a defined period.

Notified National Technical Rules (NNTR)
 Technical rules applicable in a single Member State that are required to fill an Open Point, to define a Specific Case, or to provide for Network Compatibility. There are many NNTRs and they often evolve more rapidly than the TSIs, so there may be several iterations of a particular NNTR during the lifetime of one version of a TSI. Here a single NNTR illustrates how new versions of a rule may be published within the period of development of a project.

Department for Transport list of NNTR
 DfT notifies the current applicable National Technical Rules to the Commission and publishes details on its website. These are the rules that align with the current suite of TSIs. The list is updated by reissuing the whole document when necessary to reflect changes to the rules. Where a project is using an older TSI the rules on the current NNTR list may not be appropriate for use.

Project
 In this example the project appoints the NoBo before TSI2 comes into force and is permitted by the transitional arrangements to continue to apply TSI1, provided authorisation occurs within a defined time scale.