A guide to ROGS requirements for duty of cooperation between transport operators
<table>
<thead>
<tr>
<th>Issue No</th>
<th>Date</th>
<th>Comments</th>
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<tr>
<td>Issue 1</td>
<td>October 2007</td>
<td>• Minor changes</td>
</tr>
<tr>
<td>Issue 2</td>
<td>July 2009</td>
<td>• Updated to reflect developments in the industry since October 2007, in particular:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Issues raised during RSSB stakeholder visits</td>
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<td>2. Outputs from RSSB’s SMS Programme Task 5 Subject Areas review for gaps in the documentation of safety cooperation</td>
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<td>3. Collation of industry survey on <em>A guide to ROGS requirements for duty of cooperation between transport operators</em> (DoC1) responses and other measures of effectiveness of DoC1</td>
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<tr>
<td></td>
<td></td>
<td>4. Inclusion of information relating to non-mainline stakeholders, eg heritage railways (section C)</td>
</tr>
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</table>

**Note:**
In addition to the information above, amendments are highlighted with a vertical black line in the margin.

**Superseded documents**
This guide supersedes Issue 1, entitled *A guide to ROGS requirements for duty of cooperation between transport operators, October 2007*.

**Supply**
This guide can be viewed and downloaded from the RSSB website [www.rssb.co.uk/national_programmes/sms_programme.asp](http://www.rssb.co.uk/national_programmes/sms_programme.asp)

**Production and approval of the document**
This guide supersedes Issue 1, entitled *A guide to ROGS requirements for duty of cooperation between transport operators, October 2007*. 
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## Glossary

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<th>Description</th>
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<tr>
<td>ATOC</td>
<td>Association of Train Operating Companies</td>
</tr>
<tr>
<td>CIRAS</td>
<td>Confidential Incident Reporting and Analysis System</td>
</tr>
<tr>
<td>CSI</td>
<td>Common Safety Indicator</td>
</tr>
<tr>
<td>CSSG</td>
<td>Community Safety Strategy Group</td>
</tr>
<tr>
<td>CST</td>
<td>Common Safety Target</td>
</tr>
<tr>
<td>ERA</td>
<td>European Rail Agency</td>
</tr>
<tr>
<td>FOC</td>
<td>Freight Operating Company</td>
</tr>
<tr>
<td>GN</td>
<td>Guidance Note</td>
</tr>
<tr>
<td>HLOS</td>
<td>High Level Output Specification</td>
</tr>
<tr>
<td>IM</td>
<td>Infrastructure Manager</td>
</tr>
<tr>
<td>ISRD</td>
<td>Industry Shared Risk Database</td>
</tr>
<tr>
<td>NEPACC</td>
<td>National Emergency Planning and Coordination Committee</td>
</tr>
<tr>
<td>NIR</td>
<td>National Incident Report</td>
</tr>
<tr>
<td>ORR</td>
<td>Office of Rail Regulation</td>
</tr>
<tr>
<td>PIM</td>
<td>Precursor Indicator Model</td>
</tr>
<tr>
<td>RAIB</td>
<td>Rail Accident Investigation Branch</td>
</tr>
<tr>
<td>REPACC</td>
<td>Route Emergency Planning and Coordination Committee</td>
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<tr>
<td>RGS</td>
<td>Railway Group Standard</td>
</tr>
<tr>
<td>RISAS</td>
<td>Railway Industry Supplier Approval Scheme</td>
</tr>
<tr>
<td>RRISG</td>
<td>Road Rail Interface Safety Group</td>
</tr>
<tr>
<td>ROGS</td>
<td>Railways and Other Guided Transport Systems (Safety) Regulations 2006</td>
</tr>
<tr>
<td>RPB</td>
<td>Risk Profile Bulletin</td>
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<td>RPSG</td>
<td>Rail Personal Security Group</td>
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<tr>
<td>RSC</td>
<td>Railway Safety Case</td>
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<tr>
<td>RSSB</td>
<td>Rail Safety and Standards Board</td>
</tr>
<tr>
<td>RU</td>
<td>Railway Undertaking</td>
</tr>
<tr>
<td>SFAIRP</td>
<td>So far as is reasonably practicable</td>
</tr>
<tr>
<td>SIC</td>
<td>Systems Interface Committee</td>
</tr>
<tr>
<td>SMIS</td>
<td>Safety Management Information System</td>
</tr>
<tr>
<td>SMS</td>
<td>Safety Management System</td>
</tr>
<tr>
<td>SPAD</td>
<td>Signal Passed at Danger</td>
</tr>
<tr>
<td>SRM</td>
<td>Safety Risk Model</td>
</tr>
<tr>
<td>SSP</td>
<td>Strategic Safety Plan</td>
</tr>
<tr>
<td>TEN</td>
<td>Trans-European Network</td>
</tr>
<tr>
<td>TOC</td>
<td>Train Operating Company</td>
</tr>
<tr>
<td>TPWS</td>
<td>Train Protection and Warning System</td>
</tr>
<tr>
<td>TSI</td>
<td>Technical Specification for Interoperability</td>
</tr>
</tbody>
</table>
Foreword

from the Director of Rail Safety, Office of Rail Regulation

This guide to the ROGS duty of cooperation was first developed by RSSB in 2007, in conjunction with ORR and the industry, and has recently been updated and expanded. It contains guidance on the ROGS Regulations themselves, and a range of mainline industry good practice, which RSSB recommends and ORR supports. Part 1 of the guide is colour coded to show the distinction between these two aspects.

Effective cooperation is essential to the safety of the railway system as a whole, and the process for identifying and controlling interface risks is described in some detail in this guide. ORR recommends that all Railway Group transport operators follow this guidance.

Section B6 describes an industry escalation process for resolving disputes. This is for use where one transport operator considers that another is not cooperating and, as a result, is putting the safety of the system at risk. Industry processes will normally resolve such cases but, as a last resort, transport operators have the option of escalating disputes to ORR.

Ian Prosser
Director of Rail Safety, Office of Rail Regulation
The introduction of ROGS (Railways and Other Guided Transport Systems (Safety) Regulations 2006) changed the relationship between infrastructure managers and those that operate trains.

Regulation 22 (hereafter referred to as the ‘duty of cooperation’) places an obligation on transport operators to cooperate, so far as is reasonable, with other transport operators to achieve safe operation of the railway system. This requirement to cooperate is not new but is now more formal under the duty of cooperation, requiring documentation in the SMS. The arrangements for the practical implementation of the duty of cooperation should also be evident in the submission for certification/authorisation that is required under ROGS.

It is recommended that those developing an SMS should work through Part 1, the summary document, and where more information is needed, should refer to the relevant sections of, Part 2, which are hyperlinked from Part 1. Part 2 Sections A and B include some duplication of the content of Part 1 but this has been kept to a minimum. Together, Parts 1 and 2 form the Duty of Cooperation Guide.

Transport operators should either demonstrate a commitment to cooperation via adoption of the processes contained in this guide or state in their SMS the alternative methods used to meet the duty of cooperation.

This version 2 of the Duty of Cooperation guide is an update, issued approximately 18 months after the first version. There are several sources for the changes, the main ones being:

- Stakeholder engagement feedback
- Survey in Oct 2008 into version 1 of the guide
- RSSB review of gaps in industry documentation of safety cooperation
- RSSB review of the effectiveness of version 1 of the guide

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or

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SMS Specialist
andy.bain@rssb.co.uk
The purpose of this document is to support Part 1 of the duty of cooperation guide by providing further guidance to transport operators on inter-company managerial cooperative arrangements to facilitate compliance with Regulation 22 of ROGS.

It is not the purpose of this document to:

1. Replicate the contents of Railway Group Standards which may require inter-company cooperation to deliver a safe railway system, or
2. Specify in detail new processes for inter-company safety management cooperation.

This guide aims to provide a collation of principles and requirements with both current and developing processes and activities for safety management cooperation on the British mainline rail network, which is designed to enable companies to understand and implement the requirements of ROGS through the design and application of their Safety Management Systems. It has been developed in conjunction with key industry stakeholders (including ORR) in order to assist the transport operators in meeting their duty of cooperation.

**Obligations for Parties to Cooperate**

Transport Operators

<table>
<thead>
<tr>
<th>Symmetric Obligations</th>
<th>Railway Undertakings</th>
<th>Infrastructure Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statute Law</td>
<td>Both are required to comply with the Law</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment &amp; Mitigation</td>
<td>Both have a legal obligation to identify and manage risks SFAIRP</td>
<td></td>
</tr>
<tr>
<td>Duty to Cooperate</td>
<td>Both have an obligation to cooperate and respond to reasonable requests</td>
<td></td>
</tr>
</tbody>
</table>

Collaboratively deliver system safety
Arrangements for the practical implementation of the duty of cooperation must be set out in the Safety Management Systems (SMSs) of each transport operator. They should also be evident in the submission for certification/authorisation that is required under ROGS. The submission for certification and authorisation should ‘signpost’ the SMS and, in particular, the arrangements for implementing the duty of cooperation. The facility for consultation with, and scrutiny by, other affected transport operators on the submission documentation is required before certification/authorisation by the ORR and the start of service operation. The purpose of the consultation and scrutiny stage is to establish that there are adequate and compatible processes in place for the safe management of the railway system.

In addition to Regulation 22, arrangements for ROGS implementation by transport operators on the mainline railway are required to address interface risk issues referred to in Regulations 5(1) (e) and 19. This guide also covers issues relating to safety critical work detailed in Regulation 26.

The industry has developed a variety of managerial safety cooperation processes since privatisation, some written and some not. Between April 2008 and February 2009 RSSB systematically reviewed industry wide documentation of safety cooperation for any gaps and the exercise also considered effectiveness. The outputs included provision of new guidance and information and these are referred to, as appropriate, in this version 2 of the Duty of Cooperation Guide.

This Part 2 of the guide is a transition document that provides an initial guide to the ROGS duty of cooperation. It is likely to evolve over time as industry guidance, other documents and systems, and information on the RSSB website, are developed.
The safe running of the system relies on transport operators sharing information and cooperating as necessary, with the ORR taking an overview as to whether the system is being run safely (see ORR statement ‘Our role as safety authority in line with ROGS ‘Duty of Cooperation’, issued on 18 July 2007).

http://www.rail-reg.gov.uk/server/show/nav.1509

The duty of cooperation processes and activities described in section B1-5 of this guide is, in practical terms, described through the organisational interface between mainline Infrastructure Managers (IMs) and Railway Undertakings (RU), which may also be Infrastructure Manager Stations (IMSs).

However, there are also other interfaces which require cooperation to deliver and maintain a safe railway system. These are shown below and are described in Section B7:

• Cooperation between railway undertakings (including infrastructure manager stations).
• Cooperation between IMs and other transport systems.
• Cooperation between mainline railway undertakings and other transport systems.

Others, including contractors, operating on or in relation to premises (or plant) owned or controlled by a transport operator, are also bound by a general duty of cooperation with other affected transport operators and this should be discharged through the processes and activities described here. Transport operators should consider how best to secure compliance by their contractors and others carrying out work.

The diagram below illustrates the various relationships between the different parties who are required to cooperate (see definitions in A5):
Regulation 6 also places a commitment on non-mainline operators (e.g., light rail operators, heritage rail operators etc) to understand and put in place interface risk control measures with other affected transport operators (including the mainline IM and railway undertakings). These arrangements should also be documented in their SMS. The submission to the ORR, which must, as a minimum, be a ‘signpost’ document to the SMS, will be subject to consultation and scrutiny before authorisation/certification by the ORR.

Under the Railways (Safety Case) Regulations 2000, train and station operators and infrastructure controllers had specific and general duties to cooperate. In many areas, however, the infrastructure controller was required to take the lead in network safety management. The ROGS Regulations changed the relationship between the operators and Network Rail to create a level playing field in respect to safety; this is underpinned by a reinforced requirement, the duty of cooperation (Regulation 22), for SMS holders to cooperate to achieve safe operation of the railway system.

The duty of cooperation is underpinned by other industry arrangements. For example, train operator licences issued by ORR under the Railways Act 1993 require membership of RSSB, and the Network Code imposes requirements in respect of vehicle changes and adherence to the Railway Operational Code.

This code outlines how the whole industry will work to the objective to “sustain, and, where necessary, restore expeditiously the operation of Services in accordance with the Working Timetable”.

RSSB supports transport operators in undertaking cooperative safety activities and membership of RSSB is a licence condition requirement for mainline transport operators. These transport operators oversee and support the activities of RSSB in accordance with a constitution and governance arrangements defined by the ORR.
This guide contains references to existing Railway Group Standards, other RSSB produced documentation and company standards. Further documentation will be required to describe how IMs and/or mainline railway undertakings shall cooperate to develop and implement common approaches to safety management in order to comply with the duty of cooperation.

This guide sets out, through section B, a structure for managerial cooperation which is derived from plan-do-review type management systems commonly used in the railway industry including HSG 65 Successful Health and Safety Management.

The guide’s sections reflect the elements of the SMS cycle and the continuous application of risk management. But the reality for all transport operators, unless completely new, is that the SMS cycle is already in place and proposed new actions added to an existing SMS at any stage should lead to a cycle of continuous improvement.

The structure, (Sections B1-5) facilitating the maintenance and improvement of safety, is as follows:

1. Assess risks and develop Safety Management Systems
2. Safety improvement planning
3. Manage safety
4. Monitor and review
5. Improve Safety Management Systems

Section B6 covers the escalation of safety concerns and B7 covers the various interfaces including those with other transport systems.
In the various subject areas that make up Safety Management Systems, there will be processes that are cooperative at some stages and at other stages companies will act purely individually. This individual action will often be reliant on previous cooperative agreements, eg on data. Take for example safety planning:

<table>
<thead>
<tr>
<th>Subject area</th>
<th>Early stage of cooperation</th>
<th>Processing by RSSB/other</th>
<th>Use by transport operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning from accidents</td>
<td>Submit data (to set criteria)</td>
<td>Analyse and use in SRM</td>
<td>Use to build own risk profile</td>
</tr>
<tr>
<td>Management of standards</td>
<td>Consult on proposed change</td>
<td>Redrafting and consulting</td>
<td>Comply with new RGS</td>
</tr>
<tr>
<td>Competence</td>
<td>Input into industry guidance</td>
<td>Consultation and publication of guidance</td>
<td>Develop competence systems partly based on guidance</td>
</tr>
</tbody>
</table>

This guide should assist both transport operators who have already been granted certification or authorisation by the ORR – to review their SMS etc and new transport operators - to develop their new SMS etc.

This should ensure that the SMS and supporting company procedures are aligned with the ROGS requirements on the duty of cooperation.
1. SECTION A

A.4 Other useful publications

This guide is complemented by the RSSB documents listed below:

<table>
<thead>
<tr>
<th>Guidance to ROGS</th>
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<tbody>
<tr>
<td><strong>Title of Guides</strong></td>
</tr>
<tr>
<td>Guidance on the production of Annual Safety Reports under ROGS</td>
</tr>
<tr>
<td>SMS – A guide to RSSB activities Ref GN/NPD/001</td>
</tr>
<tr>
<td>Taking safe decisions</td>
</tr>
<tr>
<td>Writing Safety Plans – A guide for Operators</td>
</tr>
<tr>
<td>ATOC GPG018 Railway Undertaking Input to Railway Strategic Safety Plan 2009-2014</td>
</tr>
<tr>
<td>Yellow Book Application Note 7: The Yellow Book, Safety Management Systems and the ROGS Regulations</td>
</tr>
</tbody>
</table>

References are also made in this guide to various Railway Group Standards, in particular: GE/GN8561 to be superseded in 2009 and GE/RT8270.
The following definitions used in this guide are aimed at assisting transport operators on the mainline railway.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>transport operator</td>
<td>Any infrastructure manager or railway undertaking.</td>
</tr>
<tr>
<td>railway undertaking</td>
<td>This is a subset of ‘transport undertaking’ but applies to the mainline railway only, as does this guide. The reference is from the Railways (Licensing of Railway Undertakings) Regulations 2005.</td>
</tr>
<tr>
<td>mainline railway</td>
<td>Any railway except for any railway or part of a railway-(a) the infrastructure and rolling stock of which are reserved strictly for- (i) a local use; or (ii) the operating of a heritage railway; or (iii) the purposes of tourism; or (b) the infrastructure of which is functionally separate from any other railway which does not fall within sub-paragraph (a)</td>
</tr>
<tr>
<td>infrastructure</td>
<td>Fixed assets used for the operation of a transport system, (eg permanent way, signalling, electrical supply equipment and stations).</td>
</tr>
<tr>
<td>infrastructure manager (IM)</td>
<td>The person who: a) in relation to infrastructure, other than a station, is responsible for developing and maintaining that infrastructure, or in relation to a station, except that it shall not include any person solely on the basis that he/she carries out the construction of that infrastructure/station or its maintenance, repair or alteration; and b) manages and uses that infrastructure or station, or permits it to be used, for the operation of a vehicle.</td>
</tr>
<tr>
<td>infrastructure manager stations (IMS)</td>
<td>The person who is responsible for managing and operating [a] station and manages and uses that station, or permits it to be used, for the operation of a vehicle.</td>
</tr>
<tr>
<td>(other) transport system</td>
<td>A railway, tramway or any other guided transport system which is wholly or mainly used for the carriage of passengers, with some exceptions (such as guided buses).</td>
</tr>
</tbody>
</table>
B1.1 Introduction

Understanding risk is integral to the development of an SMS and is necessary in order to plan for the future. This section covers the consideration of existing risks and the development or improvement of the SMS to control these risks adequately.

B1.2 SMS risk assessments

ROGS Regulation 19 requires that a suitable and sufficient risk assessment be carried out in order to identify safety measures needed to control the risks arising from transport operators’ operations, covering employees and others (such as passengers, the public and contractors). This risk assessment does not have to be part of the application for a safety certificate or authorisation, but it may be requested as additional evidence during the acceptance process. It will also need to be available for inspection after the certificate or authorisation has been issued.

The requirement goes beyond the general requirements of the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). Paragraph 146 (c) of the ORR’s *The Railways and Other Transport Systems (Safety) Regulations, Guidance on Regulations*, November 2007 states: ‘The purpose of the risk assessment is to identify the measures the transport operator needs to take to ensure the “safe operation of the transport system insofar as this is affected by his operation,” which emphasises the importance of examining risks that arise at the interface between different operators’.

The risk assessment will therefore need to take account of risks arising from others, thus requiring effective cooperation. The duty of cooperation (Reg 22) applies the general duty to cooperate on risk assessment and risk control measures and specifies, in particular, access to premises and rolling stock by transport operators to facilitate such assessment and controls. Holders of certificates or authorisation are required to retain records relating to risk assessments. In summary, a suitable and sufficient risk assessment is required and effective cooperation on risk assessment is now made more explicit than it was under the safety case regulations. Further detailed guidance can be found in the new ORR guidance: *The Railways and Other Transport Systems (Safety) Regulations, A guide to ROGS*, July 2009, Chapter 7, at [http://www.rail-reg.gov.uk/upload/pdf/rogs-gdnce_270709.pdf](http://www.rail-reg.gov.uk/upload/pdf/rogs-gdnce_270709.pdf)
More information on how transport operators can prepare and maintain suitable and sufficient risk assessments for their operation is provided in *Guidance on the Preparation of Risk Assessments for Transport Operators* (GE/GN8561 which is due for re-issue after significant changes in late 2009). This guidance note will contain useful advice on which types of risk assessment technique are most suitable for different situations.

### B1.3 Risk assessment data

The GB rail industry cooperates in understanding and evaluating industry-wide risk through the following process:

a) All transport operators enter their accident and incident data into the Safety Management Information System (SMIS).

b) RSSB compiles and analyses the data in SMIS, it then shares these with the industry through publication of
   - Half year and annual safety performance reports covering the profile of safety performance and risk for the mainline railway
   - Regular specific topic-based safety performance reports looking at areas such as level crossings and stations in more detail
   - The Safety Risk Model (SRM), which gives an estimate of the industry-wide residual risk
   - The Precursor Indicator Model (PIM)

c) SMS holders use SMIS, intelligence from the safety performance reports, the SRM and the PIM to assist in monitoring and reviewing their own systems.

The Rail Industry Safety Information Flow Diagram on the opposite page is an overview of the key safety information sources in the rail industry and how the data flows from source, via analysis, to safety reporting, safety intelligence and safety planning.

The Risk Profile Bulletin (RPB) is a significant output from the SRM. It provides comprehensive information on the frequency, consequence and risk associated with each of 120 hazardous events and their causes. This enables the dominant railway risk contributors to be identified and the safety benefits associated with safety improvements to be evaluated. This information assists the railway industry (and other interested parties) in developing and managing safety strategies. The RPB covers all running lines, rolling stock types, locations and stations currently in use on the mainline infrastructure.

The SRM is updated regularly by RSSB. The different versions can be compared to see how the risk profile has changed over time; this allows the effectiveness of management effort in different areas to be reviewed and kept up to date.

The SRM will also be used to monitor industry’s performance against the Department for Transport’s High Level Output Specification safety metrics over the period 2009 to 2014.

The SRM is a valuable resource, as a guide, for transport operators in helping them develop their own company risk assessments and risk profiles. To facilitate this process, RSSB has developed the SRM Templates. Transport operators can use the templates in conjunction with their own data and operational characteristics to develop their company risk assessments and risk profiles.

RSSB offers support and guidance to the transport operators on the use of the SRM and the associated templates.

RSSB produces safety data profiles for transport operators. With the current commitment to improving the data quality in SMIS, improved benchmarking between transport operators will be possible.

For more information on the Safety Risk Model and Risk Profile Bulletin, plus data collection and safety performance reporting, contact the RSSB Risk Team www.rssb.co.uk/safety/spr/index.asp.

One example of a significant railway industry risk is signals passed at danger (SPADs) and all category A SPADs are recorded in SMIS. In 2002, in line with the industry’s changes to the Railway Group Safety Plan to adopt risk based targets for the reduction of potential consequences of SPADs, the Risk Ranking Tool was developed. This tool was enhanced in December 2008 and in early 2009, on behalf of the Operations Focus Group, RSSB issued a briefing note *SPAD Risk Ranking v2 changes* to the industry.

### B1.4 Industry Shared Risk Database (ISRD)

Transport operators are responsible for the proactive management of risk on the railway system; however some risk areas require a joint approach between operators for their successful control.

The objective of the ISRD is to provide user friendly support and guidance to SMS holders when developing...
and reviewing the adequacy of processes which involve the management of shared risks by:

a) Identifying shared risk areas (contained within the Safety Risk Model) which require a collaborative approach to risk control;
b) Clarifying the types of SMS holder involved; and
c) Suggesting the likely most appropriate lead player for main risk areas (as agreed by industry)

In addition, the ISRD documents a number of likely high level control measures utilised by transport operators may wish to consider to control shared risks across the following 3 key stages of accident causation and loss mitigation:

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Control Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Precursor Prevention</td>
<td>High level preventative type control measures</td>
<td>ASPR, Half year SPR, Monthly summary, Risk Profile Bulletin, R&amp;D support</td>
</tr>
<tr>
<td>2) Hazardous Event Prevention</td>
<td>Day to day management type control measures</td>
<td>SPAEs, SPADs, Profiles, Benchmarking, Ad hoc analysis</td>
</tr>
<tr>
<td>3) Loss Mitigation</td>
<td>Post accident/incident response type control measure</td>
<td>National programme packs, Topic reports, Common Safety Indicators, Data to ORR</td>
</tr>
</tbody>
</table>

Each control measure also contains links to relevant products and services (Railway Group Standards, Guidance and Good practice) to further assist the user. The Industry Shared Risk database is currently under development and will be accessible to RSSB members via the RSSB website from November 2009.
B1.5 SMS development

Transport operators are required to develop SMSs that set out the practical arrangements for safe operation of their respective parts of the railway system, delivery of obligations under ROGS and other relevant legislation/regulations including The Railways (Interoperability) Regulations 2006.

The SMS should demonstrate suitable and sufficient assessment of the safety risks arising from the transport operator’s own operation, as well as recognising those imported risks from other transport operators and third parties. In addition to defining the risks, the SMS must summarise the processes in place to manage these safety risks to a level that is as low as is reasonably practicable.

These control processes should include a description of how IM and RUs will work together to understand, review and control interface safety risk. In the case of existing transport operators who previously had an accepted Railway Safety Case many cooperative processes will already be in place. For new operators, however, it is important that detailed discussions are held with other transport operators that they will interface with, so that their SMS contains evidence of adequate specification of interface controls.

The SMS should describe the process for liaison on the transport operator’s initial submission for certification/authorisation with ‘affected parties’.

The SMS of each mainline transport operator should also contain the following elements:

a) Explanation of the SMS development process, including recognition of interface risk.

b) Explanation of how information from the Safety Risk Model will be used in the development of their company risk assessment including the assessment of interface safety risk (the common currency).

c) Processes, or reference to processes, that are in place to control interface risk, to apply the duty of cooperation and review safety performance. These processes should include the transport operator’s arrangements for:

• Systematically scrutinising the new or modified submissions or SMSs of interfacing transport operators (if made available) and informing the ORR of the outcome.

• The making of reasonable requests to another transport operator in respect of the interface risk concerns arising from the transport operator’s management of its part of the mainline railway.

• Responding to reasonable requests received from another transport operator in respect of the interface risk concerns arising from the management of its part of the mainline railway.

• Participation in the industry’s process for escalation of safety concerns (see section B6)

• Responding to feedback from ORR concerning issues raised about a transport operator.

• Internal change control including relevant briefing to facilitate safe introduction of a new transport operator or changes in scope to an existing transport operator.

Transport operators must liaise where new or significantly changed submissions for safety certificates/authorisations or SMSs are proposed, and where these may introduce new risks to others.

The transport operator should either demonstrate a commitment to cooperation via adoption of this guide or state in the SMS alternative methods to meet the duty of cooperation.

B1.6 Risk Informed Planning and review

The RSSB Board has agreed on the following nine key areas of national level safety risk (which account for over 95% of the total residual risk on the railways) and are used as the basis for the SSP:

**Passenger Behaviour**
1. At Stations
2. On Trains

**Workforce Behaviour**
3. Train Crew
4. Track Workers
5. Station Staff

**Engineering**
6. Infrastructure
7. Trains

**Public Behaviour**
8. Crime
9. Level Crossing

This categorisation should inform the overall risk assessment process and therefore be important when planning, specifically the Safety Plan, as referred to in the next section. Individual transport operators can use the above to assist in determining their own key risks. Performance in these risk areas will also be important in the review of risk assessments when updating the SMS.
Transport operators have a duty under ROGS to plan for reaching qualitative and quantitative targets for the maintenance and enhancement of safety (Sch 1(2)(b)). Transport operators are also required to send annual reports to the ORR including the results achieved through putting their safety plans into effect.

The Duty of Cooperation - Regulation 22 requires SMS holders to cooperate to achieve safe operation of the railway system. It also requires contractors and others engaged by transport operators to cooperate with other transport operators.

Common Safety Targets (CSTs) are set at member state level and are limited to significant accidents associated with rolling stock in motion. With regard to cooperation on safety planning, ROGS Reg 5 (in particular) requires that the transport operator’s SMS is established to ensure the mainline railway system can achieve the CSTs. Since the introduction of ROGS the industry development work on CSTs has progressed and it is now accepted that approved SMSs, in themselves, will be accepted as contributing towards ensuring that CSTs are achieved at the national level.

The guidance (para 63(a)) states that ‘an individual transport operator cannot achieve this in isolation… In effect this requires interfacing transport operators to cooperate and ensure their SMSs fit together so that there is no gap in safety protection’.


B2.2 Safety planning and the Strategic Safety Plan

The Railway Strategic Safety Plan (SSP) 2008-2010 states that one of the four key principles underpinning the approach to safety management in the railway is – ‘Industry stakeholder commitment to cooperation in the management of safety risk’. Publication of the next SSP for 2009-2014 was published in summer 2009.
The Safety Policy Group is the cross-industry group responsible for overseeing safety planning and it makes recommendations to the RSSB Board on the industry’s safety planning issues. One example of this is the new arrangements for cooperation between duty holders in the development of their respective safety plans. These were endorsed by the RSSB Board in February 2009 and are summarised below:

- The SSP will play a role in setting out the implications of both HLOS and the CSTs. The 2009 – 2014 SSP will include a section explaining that CSTs are set at Member State level whilst the HLOS is set at industry level and that RSSB will monitor progress against them both.
- The development of the SSP relies on duty holders providing RSSB with details of their actions to address their risks and local trajectories for each of those risks, including interface risks. Arrangements and guidance are in place to support duty holders in the development of their safety plans.
- Network Rail hosts route based Operational Risk Reduction and Mitigation (OPSRAM) Groups where operators on that route can share with each other details of actions they are taking to address interface risks and the commitments they will be making in their company safety plans. Network Rail and TOCs/FOCs also discuss safety planning issues, where appropriate, at one-to-one liaison meetings.
- Network Rail provides risk reduction information covering the 5 year period of its Strategic Business Plan. The ATOC Safety Group has issued an ATOC Guidance Note detailing the information that TOCs are required to supply to RSSB to facilitate production of the industry 5 year trajectories.
- The Infrastructure Safety Liaison Group (ISLG) is also used to ensure that the contractor community is kept informed of industry requirements for the SSP although the majority of their risks are managed through their arrangements with Network Rail.

RSSB has produced guidance* for duty holders and detailed safety data profiles for TOCs to assist in the development of company safety plans and this has been supplemented by additional guidance produced by the RSSB National Programmes team aimed specifically at operational risk and community safety which has been promulgated through the OPSRAM and the Community Safety Partnership Groups.

* Note RSSB’s *Writing Safety Plans – A guide for Operators*, Spring 2008, referred to in section A4 and available on the RSSB website. This is due for revision during 2009.

In summary, the production of the SSP is a cooperative process and the main source material will be taken from transport operators’ plans with additional input from relevant elements of the plans produced by RSSB National Programmes and a review of R&D topic strategies. With the SSP now taking an overview of transport operator safety plans, the creation of this national document is critically dependent on transport operators having decided on their own actions and making these available for aggregation. The ability to generate quantified safety trajectories against the key risk areas is dependent on quantified forecasts being provided by transport operators.

**Comment on benefits and how to cooperate:**

Well targeted safety plans, geared to specific company risks, and where contribution to whole industry risk is understood, should improve the safety planning process throughout the industry. Active liaison via RSSB, OPSRAM and Network Rail to TOC/FOC one-to-one meetings, should assist in the improvement of this important aspect of railway safety planning and consequently industry safety performance.
B2.3 Cooperative review of risk – role of industry meetings

Overall railway system safety is delivered by individual companies controlling risk in their respective parts of the system, in accordance with controls specified in their SMS; however the nature of the system means that the manner used to control risks by one party has the potential to affect other transport operators.

To help understand these risks and develop improvement measures, initiatives, plans and strategies, transport operators and RSSB have established a structure of national and geographic meetings. These meetings all have formal remits, are populated by competent representatives and have suitable governance arrangements. Some of this information is already on the RSSB website and it is intended that details for all these groups will be included.

a) National Groups

The range of national safety strategy and risk review groups facilitated by RSSB (unless where stated) on behalf of the mainline transport operators is listed below:
- CIRAS Committee
- Community Safety Steering Group
- Industry Standards Coordination Committee
- National Emergency Planning and Coordinating Committee (facilitated by Network Rail)
- NIR System Management Group
- Operations Focus Group
- PIM Practitioners Working Group
- Rail Personal Security Group
- Rail Sustainable Development Group
- Railway Industry Supplier Approval Scheme Board
- Research and Development Advisory Group
- Risk Management Forum Steering Group
- Road Rail Interface Safety Group
- RSSB Simulation Group
- RSSB Board
- RSSB Safety Legislation Committee
- Safety Policy Group
- SMIS Programme Board
- SRM Practitioners Working Group
- Standards committees and subgroups of standards committees
- Sustainable Development Steering Group
- Systems interface committees
- Technical Strategy Advisory Group
- TPWS Reset and Continue Stakeholder Group (facilitated by ATOC)
- Train Horns Steering Group
- Yellow Book Steering Group
- Workforce Development and Competence Advisory Group

In addition, there are other meetings hosted/facilitated by railway undertakings and these are referred to in section B7.2.

b) Geographic Groups

The range of geographic (local) safety risk review groups between Network Rail and railway undertakings is listed below:
- Community Safety Partnership Groups (and equivalents)
- Road/Rail Partnership Groups
- Route Emergency Planning and Coordinating Committee (REPACC)
- Signal Sighting Committees
- Operations Safety Remediation and Mitigation Groups (OPSRAMs)

These geographic groups are also supported by regular bilateral safety reviews between Network Rail and each railway undertaking.

In addition to the standing groups, specific project teams, user groups, forums or working groups can be established to address specific tasks, activities or change projects.

B2.4 Emergency planning

Transport operators are required to prepare, exercise and update emergency plans and response arrangements in respect of any reasonably foreseeable incident that may affect their operation. In practical terms, the following is required:

- Network Rail is responsible for emergency planning and response arrangements for all incidents that may occur on its infrastructure including engineering possessions and directly managed stations.
- Railway undertakings are responsible for emergency planning and response arrangements for incidents which may occur on board the passenger and freight trains, and in the depots and stations, that they manage.
- Network Rail is also responsible for the coordination of all transport operator emergency and incident

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response plans, thereby ensuring an integrated approach.

The SMSs of railway undertakings are required to specify their emergency planning and incident management arrangements, including how the development, exercising, updating and practical implementation of such plans will take account of, and be integrated with, the plans of other operators and Network Rail. Such arrangements will require the close cooperation of transport operators including support for the following groups:
- Route Emergency Planning and Coordination Committee (REPACC) meetings organised by Network Rail and attended by geographic line of route railway undertakings.
- National Emergency Planning and Coordination Committee (NEPACC) meetings also organised by Network Rail and attended by railway undertakings and other agencies.

When an incident arises which requires the implementation of emergency plans and incident response, command and control arrangements, a very high degree of real time cooperation will be required between the affected transport operators. To test the effectiveness of these arrangements, operators are required to work together to plan and undertake table top and on site exercises and also participate in post-incident reviews to learn lessons and specify improvements to existing plans.

A particular aspect of emergency response concerns humanitarian assistance (essentially emotional and practical support) for those directly affected by incidents. The lives of those seriously injured (either physically or psychologically) in a rail incident will be materially changed as a result, as potentially will be the lives of their family members and friends. The same clearly applies to the bereaved. This element of the emergency response is provided through the Incident Care Team initiative. Co-ordinated through the ATOC-led Incident Care Team Management Group, this involves each passenger TOC having in place a specially trained and prepared team of volunteers who are activated as and when necessary. A key principle is that teams of different TOCs should be able to work together in mutual support should the nature, scale or location of the incident be such that it could overwhelm the resources available to the TOC whose train is involved. In responding to a major incident, Incident Care Teams supplement and complement the efforts of the Police Family Liaison Team, Local Authority Crisis Support Teams, the voluntary sector, faith communities, etc. as part of the wider multi-agency humanitarian response.

### B2.5 Standards

An essential element of cooperation across the industry is the management of standards. RSSB’s May 2007 publication *Safety Management Systems – A Guide to RSSB Activities* [www.rssb.co.uk/docs/SMS_a_guide_to_RSSB_activities_Issue_2.doc](www.rssb.co.uk/docs/SMS_a_guide_to_RSSB_activities_Issue_2.doc) contains details of the management of this cooperative aspect of rail safety management. It includes descriptions of:
- The Standards Framework
- Legislation
- Technical Specifications for Interoperability
- Notified National Technical Rules
- Railway Group Standards and other standards

**Comment on benefits and how to cooperate:**

SMS holders manage their risks through a combination of bespoke management activity and compliance with agreed industry standards. The main cooperative aspects of the Standards Framework, in addition to compliance with these standards, are:
- Providing suitably competent personnel to sit on Standards Committees and other working and drafting groups managed by RSSB.
- Responding to consultation by considering the implications of proposed changes.
- Making considered responses to the proposals.
B3.1 Introduction

This section focuses on the cooperation requirements necessary to support the safe day to day management of the mainline railway system.

B3.2 Competence and training

ROGS Schedule 1 on the SMS (para 194(e)) requires arrangements to manage the competence of – in addition to front-line staff – contractors, consultants and suppliers of health and safety related services and management personnel. Industry cooperation is therefore required in order to maintain appropriate industry-wide competencies.

Reg 26 Cooperation Requirements for Safety Critical Work (guidance para 173) states that: operators or controllers of safety critical work may need cooperation from another to enable them to carry out their work. This may involve the provision of information or the coordination of procedures.

The safety critical competences required often relate to the application of industry standards and so cooperation is needed to apply these standards consistently across the industry.

Consistent levels of competence have been an industry requirement for several years, as detailed in previous RGSs. Current RGSs no longer contain any requirements concerning competence management as this is considered a single duty holder’s responsibility but they do contain details on staff suitability and fitness:

- GO/RT3451 Train movement – Staff suitability and fitness requirements
- GO/RC3561 Recommendations for train movement – staff suitability and fitness requirements
RSSB has also published the two guidance documents:
• RS/701 Good practice guide on competence review and assessment
• RS/702 Good practice guide for driver assessment.

Use of such RSSB guides and the ORR’s Developing and Maintaining Staff Competence. Railway Safety Principles and Guidance: Part 3 Section A (2007) will assist the industry to reach consistent and compatible levels of competence.

Article 24 of ROGS specifically requires competent management personnel. Appropriate managers are required to understand the risks to safety and where, and how, cooperation is necessary to control these risks. This applies to the whole range of cooperation issues described in this guide.

The Rail Industry Skills Forum is a cross-industry body that was set up in 2006 to take a holistic approach to providing strategic advice on future skills requirements for the industry. It provides a cooperative forum and a focal point for relationships with other bodies such as sector skills councils, Government departments and trade unions. It also assists in the strategic direction of RSSB's Research and Development programme in workforce development. Industry cooperates through representation from ATOC, Network Rail, RSSB, the Rail Freight Group, the Railway Industry Association, London Underground, and Light Rail Operators working with the Skills for Business Network and the DfT.

B3.3 Safety critical work

The following is based on the wording in the ORR’s The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) - A guide to ROGS November 2007:

The cooperation requirement in ROGS builds on the existing requirement (in the Management of Health & Safety at Work Regulations 1999) for employers and the self-employed, who share a workplace, to coordinate their safety measures.

Controllers of safety critical work (ie any person controlling the carrying out of safety critical work on a transport system or in relation to a vehicle used on a transport system) and safety critical workers must all cooperate with each other to ensure that controllers can comply with their requirements under ROGS Regulations 22 to 26. There are two elements to the cooperation requirement:
• Controllers must cooperate with other controllers or operators whose activities their work affects,
• Anyone carrying out safety critical tasks must cooperate with affected controller(s) of safety critical work.

The nature of this cooperation would include things like sharing information, or co-ordinating and following agreed procedures.


B3.4 Supplier Qualification and Certification

The SMS of each operator is required to specify the assurance arrangements for the safe assessment, appointment and management of contractors and suppliers.

Recognising that there is largely a common supply base, operators have cooperated to develop and operate a number of schemes to supply the efficient qualification, certification and audit of contractors and suppliers.

These schemes and their arrangements are described in Rail Industry – Supplier Qualification and Assurance Guidance, which is due for issue by RSSB in late summer 2009. This document is intended to guide new and existing participants in the rail market through common agreements for supplier assurance and, in particular, the operation of industry specific supplier qualification and supplier certification schemes.

In order to assist the GB mainline rail industry in the consistent use of terms with a common vocabulary in relation to supplier management and assurance, RSSB has recently published Rail Industry Supplier Assurance Vocabulary.

The Railway Industry Supplier Approval Scheme (RISAS) aims to provide economies of scale to the railway industry by reducing duplication in the auditing and assessment of suppliers of critical materials and services. For further information on RISAS see the website www.risas.org.uk.
B3.5 Safety decision taking

*Taking safe decisions* was published by RSSB on behalf of the rail industry in 2008. It describes the industry consensus view of how commercially sound decisions should be taken that result in proper protection of the safety of rail industry staff, passengers and others, satisfy the law, respect the interests of stakeholders. The industry has agreed that *Taking safe decisions* should be referenced in operators’ SMSs.

A key principle is that decisions are taken for both commercial and legal reasons in the GB railway industry. The document distinguishes between these reasons as they have implications for whether or not a decision is mandatory, and how the impact of that decision is subsequently managed and perceived. If it is judged that a measure is legally required it must be undertaken. However, often in the railway industry decisions are taken which impact upon safety that are not legally mandated. A company might choose to implement measures that go beyond what is reasonably practicable for commercial, reputational or other reasons but it is not legally obliged to do so and is therefore not committing a crime if it chooses not to implement them. These principles apply directly to the decisions of a single railway company and when two or more companies work together to manage a hazard that they share.

Cooperation via consultation is an important part of the process. The decision making framework includes a section on engagement which gives two main reasons why stakeholders should be consulted:

- to understand others’ perspectives in order to assess the full scope of issues and
- to assist with preparation for implementation.

It also describes a clear framework of activities to put the principles described into practice and provides a compendium of case studies to help explain the approach.

The framework and principles provide a basis for railway undertakings and infrastructure managers to work together to jointly take decisions which impact upon the safety and/or the commercial aspects of their respective businesses. Taking safe decisions is available from the RSSB website at: [www.rssb.co.uk/safety/safety_strategies/sdmoukr.asp](http://www.rssb.co.uk/safety/safety_strategies/sdmoukr.asp)

B3.6 National Programmes

To help operators understand and manage specific safety risks and work together to improve safety management, RSSB facilitates a range of National Programmes. The current range and brief scope of National Programmes is summarised below:

- **Operations Focus Group (OFG)** facilitates the progressive improvement of operational safety through the identification, discussion, development and promotion of justifiable and potentially effective campaigns, programmes and tools on the mainline railway. The group also facilitates operational safety risk dialogue with other railway systems. It has no statutory responsibilities. Operational safety includes issues relating to SPADs, station over-runs, voice communications, degraded working, etc.

- **Community Safety Strategy Group** – The main purpose of the CSSG is to agree national priorities and strategies aimed at reducing the risks and costs posed by crime, disorder and other forms of inappropriate public behaviour - including trespass, vandalism, graffiti, assaults, suicides and level crossing misuse.

- **Rail Personal Security Group** - The RPSG is a cross-industry tasking group set up to raise the profile of personal security on the railway and to reduce the impact of assaults on passengers and all those who work on the railway. The group reports to the CSSG.

- **Road Rail Interface Safety Group** - The purpose of the RRISG is to raise the awareness of safety matters at level crossings. In particular, the RRISG seeks to improve the behaviour of pedestrians, motorists and other users at level crossings and examines public policy making recommendations to simplify and consolidate regulatory matters.

- **Rail Industry Supplier Approval Scheme** – The aim of RISAS is to provide economies of scale to the railway industry by reducing duplication in the auditing and assessment of suppliers of critical materials and services in the market for the overhaul of assets and components initially for trains. It sets out to ensure that suppliers of critical products to the railway industry have the appropriate systems, processes, competence, resources and procedures.

- **National Incident Report: NIR Online** – This is a web based system for the rapid sharing of information about safety related defects on trains and plant.

- **Safety Management System** – The emphasis of this programme is on developing SMSs containing common elements. The introduction of ROGS and other legislation provides an opportunity to develop
coordinated safety processes for industry to: challenge existing practices; simplify existing regime; develop more efficient methods, systems and processes.

- Sustainable Development - Through the Sustainable Rail Programme, the industry and government are working together to embed the Rail Industry Sustainable Development Principles within the industry’s culture and decision making processes, with the goal that by 2014 sustainability will be core to the UK rail industry’s business activity and decision making.

**B3.7 Real time operation based on cooperation**

The real time operation of the mainline railway is undertaken by the competent workforces of operators in accordance with TSIs, Railway Group Standards (including the Rule Book), company standards/procedures/instructions and the Railway Operational Code). The very nature of railway operation requires the continuous interaction between appropriate employees of Network Rail and railway undertakings. Arrangements for this are set out in the SMS of each transport operator.

From time to time, the operation of the network may generate a safety risk that requires real time management intervention to control hazards and risks which, if not mitigated, could otherwise affect the safety of another operator and the system as a whole. Such management interventions are likely to require the active cooperation of more than one operator and are likely to be the subject of standardised processes. These processes should be summarised in the SMSs of operators.

The SMSs of operators should specify arrangements for management of the following, where appropriate:

- Failure of safety critical equipment.
- Exceedance detected by infrastructure condition monitoring equipment, eg HABD.
- Loading irregularities/out-of-gauge loads.
- Technical failure of infrastructure.
- Weather management controls.
- Implementation of incident management and emergency plans.
- Immediate post incident response arrangements (including alcohol and drugs screening and initial evidence capture).
- Generation, distribution and action on existing systems for urgent advice and safety information, eg Urgent Operating Advice and NIR Online.
- Generation, distribution and action of RAIB Urgent Safety Advices.

The above are covered by a number of current Railway Group Standards (including the Rule Book), the Railway Operational Code and Network Rail’s Control Manual.

In addition to the cooperation that is required to deliver the safe day-to-day operation of the railway system, operators are required to engage and work together collaboratively at national and local level to maintain the foundation of safety management on which the day-to-day operation depends. This cooperative structure includes activities such as (most of which are referred to elsewhere in this document):

- Development and maintenance of the Safety Risk Model.
- Risk based safety improvement planning including development, publication, implementation and monitoring of the annual Strategic Safety Plan.
- Development of Railway Group Standards, codes of practice and good practice guidance.
- Research and development.
- Targeted campaigns and risk based improvement programmes.
- Development of new technology and systems.
- Provision and operation of a confidential safety reporting system.
- Coordination of European developments.

**B3.8 Incident reporting**

Operators on the mainline railway have established, through Railway Group Standards (including the Rule Book) and individual company procedures, robust arrangements for the reporting, investigation and follow up of incidents. The structure of the mainline industry requires a high degree of cooperation to operate these arrangements which should be reflected in the SMS and company procedures of each operator. The following relates to incident reporting:

- As soon as possible after the incident, details must be entered into the Safety Management Information System (SMIS) which should be regularly updated when further information becomes available.
- Details of incidents which may have implications for and require action by other operators should be shared with them as soon as possible using either the NIR Online system (related to GE/RT8250) or other available systems such as GO/RT3350 and workforce safety bulletins.
See also B4.4 Incident Investigation and Analysis.

**B3.9  Spoken Safety Communications**

Network Rail has arrangements in place for the joint monitoring of spoken safety communications between itself and RUs. Relevant railway undertakings are invited to attend such joint monitoring sessions.

The purpose of the joint monitoring sessions is to enable attendees to take appropriate actions to improve the standards of spoken safety communications of their staff, to monitor and develop strategies for improvement, to set and agree targets for improvement, to analyse trends, and to identify and share good practice.

The results of joint communications monitoring may be discussed Network Rail/railway undertaking safety liaison meetings.

Network Rail publishes the arrangements whereby railway undertakings can gain access to voice recordings, for the purpose of collection of evidence to contribute to their competence assessment process. Voice recordings are also made available to railway undertakings following incidents and accidents, so that they may be reviewed, to assist in the investigation.

Transport operators should cooperate in the provision of, and attendance at, joint training / briefing sessions on spoken safety communications. This will help achieve a mutual understanding of roles and responsibilities, and give participants the opportunity to practice and improve their spoken safety communications. To facilitate this process, the joint use of simulators (ie, for signalling and train driving) should be encouraged.

**B3.10  CIRAS**

Transport operators are required to support CIRAS, the Confidential Incident Reporting and Analysis System, which provides employees of any company in the railway industry with a confidential and independent way to report safety-related concerns without fear of recrimination, or where they feel unable to report through normal company channels.

Safety concerns may be reported to CIRAS, either via a dedicated telephone number, or in writing. The CIRAS unit will respond and produce a report which is allocated to relevant SMS holders who are required to investigate and confirm to CIRAS any action to be taken. CIRAS periodically publishes a summary of selected safety concerns raised and the associated responses received allowing the transport operators to learn from the collective intelligence of CIRAS.

**B3.11 Management of change**

This sub-section covers change management in general, but mainly deals with significant change to rolling stock or infrastructure and the required verification. Sub-Section B5.2 deals with the management of change proposed as a result of the review of the SMS and its effectiveness.

The SMS of each transport operator should set out the arrangements for the safe implementation of changes, as these can impact significantly across the industry. New technology and processes provide the opportunity to enhance railway safety but such changes should be subject to disciplined risk management procedures which should include assessment of the impact on other transport operators. Such a change control discipline will provide for a competent understanding of the existing and future risk, along with any new or revised control measures necessary to control railway system safety.

Regulation 5 requires that the SMS for each mainline transport operator should contain the definition of arrangements to understand and control new and existing safety risks associated with the operation (supply and maintenance of materials, use of contractors, placing in service of new or altered vehicles).

Projects deemed as requiring safety verification under ROGS will require the appointment of a competent person to undertake an independent assessment of risk before action can be taken by the sponsoring transport operator to place new or amended assets into service. Note - the external verification by a Notified Body under the Interoperability Regulations satisfies this requirement (see ROGS Regulation 5(5)).

Where safety verification is not required the change can be approved in accordance with an internal company SMS procedure.

An integral feature of both the interoperability and internal verification processes is the demonstration of technical compatibility between the new/ altered asset and existing rolling stock or infrastructure. This process is known as compatibility assessment and it is specified in GE/RT8270.
The verification and compatibility assessment regime should be supported by an evaluation of the management system controls necessary to safely operate new rolling stock or infrastructure assets. Such controls will need to address:

- Asset operation (procedures, instructions)
- Competence of operatives
- Maintenance regime
- Degraded mode operation including responsibility of other transport operators or affected parties.

Again, the transport operators will be required to engage with their affected parties in the development of these controls where appropriate.

The SMS should also contain a definition of arrangements to control the risk associated with operational change, including significant timetable changes, deployment of trains onto new routes, organisation and management change, and introduction of new and amended rules/standards. Such arrangements should identify the impact on other transport operators and thereby engage with them to address any identified safety risks.

An explanation of arrangements to understand the implication of external legislation/regulation changes which may affect operation of the duty of cooperation and shared risk control processes with other transport operators should be included in the SMS.

The above process(es) will enable a transport operator to demonstrate:

- An understanding of risk generated by change to their own operation and need for additional or different control measures.
- The interface risk posed to other transport operators and/or other persons, quantification of this risk, where appropriate, and agreement over the need for additional or different control measures by the respective parties.

One useful tool in project and change management is the Yellow Book which provides guidelines at [http://www.yellowbook-rail.org.uk](http://www.yellowbook-rail.org.uk) for transport operators when placing requirements on their contractors for safety management and presentation of safety evidence.
2. SECTION B

B.4 Monitor and review safety management

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### B4.1 Introduction

This section covers issues relating to the monitoring and review of the management of safety. Transport operators cooperate via their production of annual safety reports for the ORR, for example. There are several key areas where the industry does, and should continue to, cooperate and these are described below.

### B4.2 Annual Safety Reports

To aid the ORR in compiling an annual report on the British mainline railway to the ERA by 30 September each year, all transport operators are required to submit an annual safety report to the ORR by 30 June. These should contain information relating to the cooperative management of industry risks (ROGS Regulation 20, Annual Safety Reports), as follows:

- Information on how the transport operator’s safety targets are met.
- Results achieved through putting the safety plan into effect.
- The findings of internal audits of the SMS.
- Comments on problems relating to the operation of vehicles or the management of the infrastructure that may be relevant to the safety of the transport system.
- Relevant statistics relating to common safety indicators (CSIs).

RSSB collates the CSI data in a consistent and structured manner on behalf of all mainline transport operators and provides the collated information to the ORR.

Transport operators are required to cooperate with RSSB in the review and approval of the data relating to their organisation to be submitted to the ORR.
B4.3 RSSB Strategic Board Agenda

The RSSB Board constitutes formally nominated representatives of each category of transport operator in the mainline industry. In addition, it also comprises a number of independent experts from other industries.

As such the RSSB Board is both constituted and competent to undertake the systematic review of key safety risks and developments. It undertakes this principally through the review of prepared papers provided by RSSB with the support of its members and other stakeholders.

The Board also oversees the functioning of the industry groups which regularly report on their work.

The Board sponsors this annual risk review programme which is facilitated by RSSB. In 2009 the Board is also to commence the hosting of a wider meeting of senior industry leaders to consider topical system safety issues.

The cooperation of all transport operators is required to help input into these papers and where appropriate present those to the RSSB Board to enable a comprehensive topic review to be held. In turn, RSSB will publish these papers to help inform the work of National Programmes, other industry groups, transport operators and any other RSSB members.

B4.4 Incident investigation and analysis

Transport operators on the mainline rail network have established through Railway Group Standards, (including the Rule Book) and individual company procedures, robust arrangements for the reporting, investigation and follow up of incidents. The structure of the mainline industry requires a high degree of cooperation to operate these arrangements which should be reflected in the SMS and company procedures of each transport operator. The following relates to the stages in the process after the reporting of incidents (see B3.8).

Investigation

In the case of major incidents Network Rail will take the lead but for all others:

- Immediately after an incident, transport operators should work together to preserve evidence, make relevant staff available for witness statements and determine forward responsibilities for any subsequent investigation.

- Through discussion, the relevant transport operators should agree on which organisation will lead the investigation (usually the IM), the type of investigation to be undertaken and a suitable remit to determine root cause (including full consideration of underlying human factor issues). The investigation should then be undertaken in accordance with the remit. All transport operators are required to make relevant staff available to support the investigation.

- After completion of the investigation, the draft report should be circulated for review and comment by affected transport operators before completion and publication.

Recommendations

- Investigation reports may contain recommendations on one or more transport operators to prevent reoccurrence. These operators will be required to review the recommendation(s) and develop a suitable response, which should then be communicated to the lead investigation body and input to SMIS.

Monitoring of Recommendations

- All operators are required to monitor implementation progress with recommendations and record status and progress on SMIS.

- Some recommendations relating to industry wide systems and cooperation may be referred to RSSB; in this case, RSSB will monitor progress and record this on SMIS.

- In the case of investigations undertaken by RAIB, RSSB records progress in SMIS, which the ORR uses in order to monitor progress until close-out.

- New franchise operators have an expectation that they will take on the liabilities and duties of the outgoing operator as part of due diligence. Included in the assessment criteria for ROGS applications in the ROGS Safety Certification and Authorisation Assessment Manual www.rail-reg.gov.uk/server/show/nav.1520 April 2006, MTU Criterion 9) is the requirement that duty holders have procedures for:

  - Implementing actions required by HMRI following an official (RAIB and/or HMRI) investigation;
  - Reviewing reports of accidents, incidents, near misses and dangerous occurrences received from all other sources, including employees, other transport operators, members of the public.

Therefore if the recommendation is still open when the
new franchise holder takes over, the ORR generally expects cooperation to facilitate continuation of implementation and this also applies to old Formal Inquiry recommendations.

Learning

- The establishment of a learning culture is a vital component in improving safety performance and transport operators should collaboratively review and identify the lessons from accidents / incidents which can be learned from to prevent recurrence and to reduce future risks
- Investigation reports may contain recommendations on one or more transport operators to prevent reoccurrence. These operators will be required to review the recommendations and develop a suitable response which should then be communicated to the lead investigation body
- There should be clear and demonstrable commitment to learning lessons and also willingness to share learning points between transport operators. As such, ‘lessons learned’ should be discussed and considered regularly between organisations
- RSSB is facilitating good practices and shared learning from incident investigations and data as part of its Learning from Operational Experience Programme

For more information on the Learning from Operational Experience programme, please visit the RSSB Website at http://www.rssb.co.uk/learning_from_accidents/index.asp

B4.5 Monitor and review

Transport operators are required to record, monitor and review their safety performance and document the arrangements for this in their SMS. The structure of the mainline rail system means individual transport operators may be responsible for controlling risks which could affect the safety of others (the concept of exported and imported risk).

Meaningful review of overall system safety performance will require Network Rail and railway undertakings to mutually review and understand their performance (including incidents and underlying causal trends), thereby demonstrating the effectiveness of interface safety controls or identifying specific deficiencies or concerns which require corrective action. The IM and each railway undertaking should review mutual safety risk performance at routine industry meetings.

The mechanism for undertaking the structured review of system safety performance between mainline transport operators is also referred to in section B6, Escalation of Safety Concerns as the output from review may lead to escalation of concerns.

B4.6 Assurance

Confidence that the industry’s SMSs together achieve safe operation of the railway system is dependant on effective cooperation as described in this guide. There are, however, some specific requirements relating to assurance:

- Transport operators are required to undertake regular internal audits of their SMS and to include the findings from these in the annual safety report to the ORR.
- The ORR undertakes inspections of transport operators to ensure compliance with the SMS supporting the safety certificate/authorisation. In order to assist with this process the ORR has issued SMS validation guidance for inspectors on its website.
- In December 2008 the ORR issued *Our strategy for 2009-14* which will introduce ‘more systematic audit, as well as inspection, of duty holders’ management systems’.
B5.1 Introduction

This short section covers the last stage of the cycle and focuses on the changes to improve the SMS, while noting the benefits of cooperation. Sub-section 3.11 deals with safe management of changes as a result of significant alterations to organisation, operations, rolling stock, or infrastructure.

B5.2 Management of change

Improvements in the SMS and its application should lead to improved safety performance to the benefit of the railway network as a whole. The application of earlier sections of this guide on cooperation should give a cycle of improvement:

Having…
1. developed the SMS to manage identified current engineering, operational and human factor risks (some of these being joint risks)
2. and then planned the management of safety including continual improvement so far as is reasonably practicable,
3. and then applied the SMS for a period of time,
4. and then monitored results and reviewed progress,
Then…
5. Improvements can be agreed and if necessary the SMS and supporting procedures changed.

The above types of changes are unlikely to be substantial, as defined in the ROGS Regulations (see section B3.11 for rolling stock and infrastructure change), but where they could have an impact on other transport operators then new risks should be communicated to those affected. In this cooperative way all the appropriate risks can be managed by all the affected transport operators.

B5.3 Research and development

ROGS includes research and development as an area requiring cooperation. This is largely facilitated by RSSB, which manages research and development (R&D) on behalf of government and the railway industry, in support of short, medium and long term objectives.

Research is focused on industry-wide and strategic research that no individual company or sector of the industry can address on its own. It therefore includes research covering ‘systems’ issues across the whole railway, and the
engineering interfaces within the railway, as well as the interfaces with other parts of the community. The research is also instrumental in supporting the development of a future vision for the railways and assessing how that vision can best be delivered.

RSSB's research capability brings together programme management, project management, technical knowledge, client support services, communications and supply chain expertise from within RSSB, to deliver a range of solutions to the rail industry.

This programme is managed under 12 topics:

- Safety Policy and Risk Management
- Workforce Development and Competence
- Sustainable Development
- Road/Rail Interface
- Operations
- Public Behaviour
- Health
- Vehicle/Track Interaction
- Infrastructure
- Rolling Stock
- Energy
- Command Control and Signalling

The Rail Industry Strategic Research programme is a new enterprise launched in September 2008, funded by the Department for Transport. The new programme aims to support industry and its stakeholders in the delivery of “step changes” in industry strategy in 10, 20 and 30 years time – as outlined in the Rail Technical Strategy.

The Technical Strategy Advisory Group (TSAG) has recently been established to support the development, challenge, communication and delivery of the Rail Technical Strategy. TSAG is a cross-industry group facilitated by RSSB and the industry client group for this new research. Strategic research, or the research that is necessary to realise long-term direction as set out in the Rail Technical Strategy, can be characterised as:

- Concentrating on defined but broad-ranging subjects where it is possible to identify a need for improvement, but not necessarily the specific solutions
- Addressing complex, multi-facetted problems
- Likely to require innovative approaches
- Areas where implementation may be many years ahead
- Likely to involve complex modelling and/or proof of concept
- Typically requiring strong industry collaboration

Each of these topics has one or more established cross-industry group acting as clients for, and sometimes participants in, the research in order to achieve cooperation between industry parties for the direction of the research and a path to implementation for the research outputs. For example, the primary client group for the topic ‘Safety Policy and Risk Management’ is the Safety Policy Group. Safety issues (including human factors) run through all of the topics. The research managed as part of this programme is the primary means by which the required industry-wide cooperation can be met.

The involvement of all parties assists in its effectiveness and therefore brings improved safety to the system. Other cooperative research is also undertaken through universities or consultancies supporting individual cooperative partnerships on specific issues.
The framework for escalating of safety issues of concern between transport operators is illustrated overleaf. The process routinely starts with the mutual sharing of safety performance information and is followed by review at the appropriate interface meetings. The IM and each railway undertaking should review mutual safety risk performance at routine industry meetings.

Safety concerns which are not resolved by routine interface meetings should be formally escalated between transport operators through the preparation and issue of a formal escalation request letter (see Appendix 1). A description of the specified safety concern should be specified in a template letter by the relevant transport operator and submitted to the company secretary of the responsible company. The recipient of an escalation request letter is required to respond to the concerned party within the timescale specified in the formal letter.

The safety review process outlined above should be suitable to address routine safety issues and concerns. Urgent issues, however, will require immediate escalation between transport operators. Urgent safety concerns must be clearly communicated and understood between the transport operators and agreement reached on short term action necessary to be addressed. Failure to reach adequate agreement should trigger the formal escalation letter.

Safety concerns which remain unresolved through the above framework should be formally escalated by the appropriate transport operator to the ORR for investigation and possible action.

This should clearly be seen as a last resort. ORR has developed a template, Escalating serious disputes to ORR under ROGS Duty of cooperation, and process for handling such concerns, which are posted on its website: http://www.rail-reg.gov.uk/server/show/nav.2078

In the meantime, it remains the responsibility of the relevant transport operator(s) to continue to operate a safe rail system; this may necessitate the employment of additional control measures or even suspension of certain operations, activities or services.

Note:

GE/RT8270 – Assessment of Compatibility of Rolling Stock and Infrastructure - mandates requirements and responsibilities for the assessment of compatibility between infrastructure and rolling stock, the arrangements by which the assessment of compatibility is undertaken and identifies those responsible for managing the assessment.
GE/RT8270 is also applicable when assessing compatibility between rolling stock and rolling stock, or infrastructure and infrastructure, where the assets concerned are the responsibility of different railway undertakings or infrastructure managers.

GE/RT8270 requires affected parties to review Statements of Compatibility produced by the proposer of change.

The proposer is to take account of comments received from affected parties before authorising and issuing the Statement of Compatibility.

The review process is to be conducted with the objective of achieving a consensus that the proposed change is compatible with the assets of the affected parties, given the identified limitations, restrictions or requirements on which the compatibility depends.

It may not always be possible to reach a consensus. If it is apparent that there is no consensus, or if an affected party considers that its comments have not been fully taken into account, GE/RT8270 sets out the steps to be taken to resolve any outstanding issues. In this context, GE/RT8270 refers to escalation using the rail industry’s accepted processes.

The term ‘the railway industry’s accepted processes’ principally refers to the process set out in Section B6 of this guide. However, the term ‘the railway industry’s accepted processes’ was chosen to be deliberately accommodating of other processes which might, in certain circumstances, be an appropriate method of resolving issues about compatibility - for example, using Standards Committees or System Interface Committees

Escalation to and Resolution by National Rail Safety Authority (ORR)

National Rail Safety Authority (ORR)

Certification; Intervention; Inspection and Enforcement

Railway Undertaking

Infrastructure Manager

Each is required to comply with the law.

Each has a legal obligation to identify and manage risks SFAIRP

Each has an obligation to cooperate and respond to reasonable requests

ORR response

Note: Transport operators are required to maintain a safe railway system at all times even after escalation of formal safety concerns and where necessary may have to deploy additional controls or suspend certain activities.
2. SECTION B

B.7 Different types of interfaces and interactions

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B7.1 Introduction

Sections B1-5 examine cooperation in the context of the interface: mainline infrastructure managers / railway undertakings (train operators who may also be an IM, in respect of station operators). This section covers the other types of interface and the different cooperation issues that apply.

B7.2 Interfaces between railway undertakings, including IM (stations)

When preparing or reviewing their SMSs, railway undertakings (passenger, freight and plant operators, as referred to below) should include within their duty of cooperation arrangements the relationship and safety interactions with other transport operators, particularly with regard to the following:

- Passenger station operations
- Others’ rolling stock and maintenance depots
- Others’ yards, sidings, stabling points and train crew depots
- Cross hiring of rolling stock and train crew

ATOC supports its members, the passenger train operators, to cooperate through the provision of a structured meeting network to share good practice, lessons learned and identify improvement opportunities. These include:

- Engineering council
- Operations council
- Safety Coordination Group
- Train operators safety group

Railway undertakings should make appropriate reference to this instrument of cooperation in their SMSs.
The SMSs of freight railway undertakings should address the following interactions between companies where cooperation is required to ensure safety:

- Loading and unloading of wagon operations in yards, depots and terminals
- Maintenance of rolling stock in depots managed by others
- Operation of wagons owned by third-party wagon owners
- Cross-hiring of locomotives and train crew
- Operation within the possession management control regime of an IM

The Rail Freight Operations Group (RFOG) was set up in 2008 to provide a forum to discuss items of mutual interest with regards to freight operations in Britain.

To support the development of freight railway undertaking safety controls, the Freight Technical Committee has been established as an instrument of cooperation.

Plant operating railway undertakings should also make reference to specific instruments of cooperation in respect of safety interactions in their SMS between companies for:

- Safe loading and unloading of plant
- Operations in yards, sidings and maintenance depots
- Cross hiring of plant and plant operators
- Operation within the possession management control regime of IM

To support the development of good practice, improvement initiatives and controls, plant-operating railway undertakings have established a number of groups to address and improve safety interactions as an instrument of cooperation. These groups include:

- Infrastructure Safety Liaison Group
- Mechanical and Electrical Engineering Group
- Rail Plant Association

**B7.4 Interfaces between mainline railway undertakings and other transport systems**

When preparing or reviewing their SMS, transport undertakings should first identify all relevant interfaces with other railway systems and then ensure that the duty of cooperation arrangements addresses the relationship and safety interactions with these other systems, particularly in respect of:

- Passenger station operations
- Through running and communication arrangements
- Management of change in respect of new or modified rolling stock
- Development of emergency plans and incident response arrangements

Having identified the operational interfaces and risks with other transport systems, the infrastructure manager should ensure that it establishes suitable monitoring, review and escalation arrangements with each system.

**B7.3 Interfaces between infrastructure managers and other transport systems**

When preparing or reviewing their SMS, the infrastructure managers should ensure that their duty of cooperation arrangements also addresses the relationship and safety interactions with other transport systems, particularly in respect of the following:
Many railway undertakings will operate both on the mainline (where the bulk of the ROGS Regulations apply) and off the mainline e.g:

- TOCs, FOCs and plant operators in their and others’ depots, yards and sidings
- A few heritage railways (e.g. North Yorkshire Moors Railway)
- Contractors who operate inside and outside possessions
- Local self contained railways that also operate on the mainline, (e.g. NEXUS and LUL)

All these transport operators require an SMS and the Duty of Cooperation, Regulation 22, applies and so this guide should be of use in the development of SMSs and cooperation procedures.

This section C gives guidance on the duty of cooperation to operators of other transport systems and other organisations not defined under ROGS as mainline transport systems but which interface with the mainline railway. It does not deal with other transport systems with no interfaces with the mainline railway.

The table below lists examples of such interfaces and comments on the duty of cooperation, which applies in all these examples. The wider management systems relating to these comments are expanded upon in this guide, Section C, under the appropriate heading.

The following list of examples and comments is not an exhaustive list:
<table>
<thead>
<tr>
<th>Types of interface</th>
<th>Comment on Duty of Cooperation</th>
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<tr>
<td><strong>Heritage Railways</strong></td>
<td>Note the ORR’s  <em>A guide to safety verification for Heritage Railways, 2008</em></td>
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<tr>
<td>• Runs at 6ft from the mainline</td>
<td>Cooperate on maintenance of boundary, emergency arrangements and access across other’s infrastructure</td>
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<tr>
<td>• Shared platforms</td>
<td>Cooperate on emergency arrangements, communication between control rooms, control of overcrowding, passenger information, access and despatch arrangements</td>
</tr>
<tr>
<td>• Shared signalling systems</td>
<td>Cooperate on maintenance, incident management, driver training, communications with signaller and control arrangements</td>
</tr>
<tr>
<td>• Stable mainline rolling stock</td>
<td>Cooperate on access/egress arrangements, track quality and maintenance</td>
</tr>
<tr>
<td>• Operation of the same type of rolling stock that operates on the mainline</td>
<td>Cooperate on reporting and sharing information on faults eg via NIRs</td>
</tr>
<tr>
<td><strong>Tramways, eg Metrolink (Manchester) and Croydon Tramlink</strong></td>
<td>Note the ORR’s  <em>A guide to safety verification for Tramways, 2008</em></td>
</tr>
<tr>
<td>• Sharing island platforms</td>
<td>Cooperate on emergency arrangements, communication between control rooms, control of overcrowding, passenger information, access and despatch arrangements</td>
</tr>
<tr>
<td>• Isolated operation on part of Network Rail infrastructure</td>
<td>Cooperate on infrastructure maintenance, communication between control rooms, control of access, communication with signaller and incident management</td>
</tr>
<tr>
<td><strong>Light Railways, eg Docklands Light Railway and Glasgow Underground</strong></td>
<td></td>
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<tr>
<td>• Runs at 6ft from the mainline</td>
<td>Cooperate on maintenance of boundary, emergency arrangements and access across other’s infrastructure</td>
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<tr>
<td>• Sharing island platforms</td>
<td>Cooperate on emergency arrangements, communication between control rooms, control of overcrowding, passenger information, access and despatch arrangements</td>
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<tr>
<td>Freight Locations: sidings, docks, depots and factories, eg Associated British Ports Hull</td>
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<tr>
<td>• Access by others to and egress from mainline</td>
<td>Cooperate on signalling controls and training of own and others’ staff on procedures within the location</td>
</tr>
<tr>
<td>• Runs at 6ft from the mainline</td>
<td>Cooperate on maintenance of boundary, emergency arrangements and access across other’s infrastructure</td>
</tr>
<tr>
<td>• Shared emergency arrangements</td>
<td>Cooperate on developing arrangements, review of arrangements and exercises</td>
</tr>
</tbody>
</table>

**Railway maintenance and other depots, eg ROSCO locations**

| • Operation of plant that could impact on adjacent lines | Cooperate on controls of plant movements in relation adjacent train movements |
| • Sharing of safety critical information on maintenance and faults | Cooperate on reporting and sharing information on faults, eg via NIRs and sharing of good practices via rolling stock user groups |

**Contractors and suppliers operating inside possessions**

| • Operation of plant that could impact on adjacent lines | Cooperate on controls of plant movements in relation adjacent train movements |
| • Access to and egress from possessions | Cooperate on access/egress arrangements, sharing of appropriate possession management information with appropriate staff |

**Airports, eg Manchester**

| • Access to and egress from possessions | Cooperate on access/egress arrangements, sharing of appropriate possession management information with appropriate staff |
| • Access to and egress from possessions | Cooperate on access/egress arrangements, sharing of appropriate possession management information with appropriate staff |

In summary, the content of this guide is aimed at mainline transport operators. However, much of it should also be of assistance to non-mainline operators. If more assistance is required contact:

Stuart Parsons, SMS Programme Manager
stuart.parsons@rssb.co.uk
or Andy Bain, SMS Specialist
andy.bain@rssb.co.uk
To: Company Secretary

**Escalation request letter (from Senior Manager to Company Secretary in addressee organisation)**

I am writing to you concerning [insert outline summary of safety concern using bullet points].

The ROGS Regulations require transport operators to cooperate in order to achieve safe operation of the system. A guide, *Duty of Cooperation*, has been published by RSSB describing the relationships between transport operators. It is intended to facilitate compliance with the duty of cooperation and so help achieve safe operation.

The issue of [insert simple description of safety concern] has been [insert briefly how the matter has been addressed to date].

Unfortunately the issue(s) remain(s) unresolved and it is appropriate for me now to write to you formally by reference to the RSSB *Duty of Cooperation Guide*, Part 2 section B6, to request that [insert simple description of safety concern] is addressed as a matter of urgency.

As a short term measure to maintain the safety of the railway system, the following additional control measures have been implemented until further notice [insert outline summary of additional control measures].

Please can you immediately inform me of the measures you intend taking in response to this letter and confirm in writing within a timescale that is reasonable for the complexity of the issue of concern.