

Transport Safety Commission Memorandum

Introduction

This memorandum to the Transport Safety Commission set up by the Parliamentary Advisory Council for Transport (PACTS) is submitted jointly from Passenger Focus and London TravelWatch. These two organisations are the statutory voice of consumers of much of the transport network. Passenger Focus covers the rail network in Great Britain and bus and coach passengers in England. London TravelWatch represents passengers of national rail in the London railway area and all users of Transport for London (TfL) services including the TLRN, cyclists and pedestrians. From the outset, it is important to note that, when asked, passengers expect a high level of safety when using public transport but that, unless specifically prompted, passengers also assume that the network will be safe to begin with.

The Legal Framework

It is helpful to recognise at the outset that the rail sector is governed by the Health and Safety at Work Act (HSWA) 1974. This places a general duty on all undertakings to manage risk and to reduce it to a level as low as reasonably practicable (ALARP). It also places a responsibility on employers and employees not to place additional risk on third parties and to behave in a way that will not be in breach of the Act.

This general duty is, in the case of rail, also supported by railway-specific legislation such as that governing level crossings and by directives arising from developments in Europe. The requirements, for example, covering technical standards for interoperability and train protection systems on high speed lines have both emerged from deliberations at a European level. In the longer term, it appears very likely that the European dimension will be increasingly important in the management of safety on the UK network.

Leadership, Responsibility and Coordination

There are three key bodies exercising different levels of leadership within the rail sector. First, the Office of Rail Regulation (ORR) acts as the regulator for both infrastructure and train operators, a role similar to that exercised by the Civil Aviation Authority. The ORR is responsible for regulating both the safety and economic aspects of the rail network. It offers advice to operators and infrastructure and acts as an enforcement authority if it considers this necessary. ORR incorporates the HM Inspectorate of Railways (HMRI) and is able to prosecute breaches of the HSWA. It is also able to issue improvement notices to encourage better performance within the industry.

Alongside ORR, the Rail Safety and Standards Board (RSSB) is an industry-led body maintaining railway standards and developing and promoting good practice within the industry. It has overall responsibility for the industry's research programme, largely funded by the Department for Transport.

RSSB also has a key role in monitoring the safety performance of the industry, publishing an annual assessment of the safety of the rail network and regular data on, for example, signals passed at danger. It undertakes analysis of the underlying risks on the network through its precursor index, enabling a greater understanding of the long-term level of improvement of safety.

Finally, further important work is undertaken by the Rail Accident Investigation Branch (RAIB). This body is comparable with the marine and air accident investigation bodies (MAIB and AAIB) and was established as a result of a recommendation from the Cullen Inquiry into the rail accidents at Southall and Ladbroke Grove. The role of the RAIB is to establish the underlying causes of accidents and to make recommendations to prevent their recurrence. It does not seek to apportion blame but to identify the causal factors for an incident. It publishes reports of specific events and also more generic reports such as the recent report looking at extreme weather events and the lessons to be learned by the railway from these. It has also investigated near misses such as that in Kentish Town, enabling the industry to learn from those incidents which did not result in injury but which might be avoided in the future.

Perceptions and Culture

Within the rail network in recent years, there has been growing support for a “Vision Zero” approach to safety, recognising that humans may make mistakes and that it is the responsibility of the system designer to ensure that such mistakes do not have fatal consequences for either the operator or for the passenger. Most notably, Crossrail has adopted a public commitment to zero fatalities in both the construction and operation of the Crossrail network. Other companies involved in the maintenance of railway infrastructure have also adopted this philosophy.

This approach is clearly easier to adopt in a closed system such as the railways. Unlike rail, the road sector has to deal with a multiplicity of actors with different purposes for accessing the network. Nevertheless, it is important that attempts are made to achieve similar approaches to risk reduction across the modes where possible.

The Importance of Enforcement

In this Memorandum, Passenger Focus and London TravelWatch have emphasised the need to investigate thoroughly the circumstances surrounding an incident and to learn lessons from it. At the same time, enforcement cannot be overlooked. This is a role filled in rail by both the ORR and the British Transport Police. London TravelWatch in its oversight of the TRLN would also wish to highlight the continuing relevance of roads policing, as evidenced by the effectiveness of both Operation Radar and the more recent Operation Safeway undertaken by the Metropolitan Police in the aftermath of a number of cyclist deaths on London’s roads. Both organisations would urge the Commission to consider the role of effective enforcement in ensuring a safe transport system.

Conclusion

A clear focus on safety and an understanding of risk management have led to significant improvements in railway safety over the last decade. It is right to recognise that the last passenger death on the rail network for which a railway operator was responsible took place at Grayrigg on February 23 2007. This is not to suggest that safety on the railway network cannot be improved: recent reports on safety at level crossings have identified that there is still more to be done. However, the underlying risk of passenger death on the network is lower today than at any time in the railways’ operation.

Both Passenger Focus and London Travel Watch would therefore urge the Commission to look at the potential lessons to be learned from better accident investigation and the application of the principles of ALARP to the road network.

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