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## **Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended)**

**Department for Transport/Office of Rail and Road**

**RPC rating: fit for purpose**

### **Description of proposal**

The Department explains that the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) (ROGs) were introduced to “*maintain national standards of rail safety in line with EU requirements and strive for continuous improvement*” (page 1). This PIR reviews the whole of ROGs.

### **Impacts of proposal**

The original IA estimated an annual cost to business of between £5 million and £9.4 million. The Department assumed there would be costs in moving from the safety case regime to the safety management system/safety certification/safety authorisation regime. However, because “*ROGs provide the flexibility for duty holders to manage their own safety risks appropriately for the size and complexity of the organisation*” (page 2), it was expected that over time there would be time savings to business as information requirements waned. The Department expected the safety standards to be maintained and that ROGs would generate additional health and safety benefits. Amendments made in 2011 and 2013 were expected to provide clarity and reduce time and cost in some areas, while maintaining or improving safety standards.

The Department based its PIR on an independent four year monitoring and evaluation of ROGs finalised in 2010, a stakeholder survey in 2015 to account for changes in 2011 and 2013 and contact with EU Member States. The Department explains that in some cases the ‘actual’ costs and benefits obtained from operators differ from the estimates. The evidence base (paragraphs 5.11 to 5.12) provides some possible explanations for these differences. The PIR explains that the majority view of respondents to the 2015 survey was that the costs of ROGs remain proportionate to the benefits and that ROGs should remain without amendment. The Department proposes that ROGs remain largely in place, with minor amendments suggested by respondents, for example clarifying terms and guidance.

### **Quality of submission**

The Department explains that “a medium to high level of evidence is considered to be proportionate for this PIR” and “to avoid duplication of effort, the majority of the requirements of this PIR have been delivered through the existing 2010 evaluation” (page 1). This appears a proportionate approach. The evidence provided by the Department supports their preferred option of making minor amendments to the regulations in line with suggestions from stakeholders. In particular, the evidence from stakeholders suggests that ROGs “have raised standards in safety management and record keeping among duty holders” (page 2).

The PIR provides a good discussion of implementation in other Member States. The Department concludes from this analysis that the UK’s approach to implementation does not gold-plate requirements.

There are two areas in which the PIR could be improved. Firstly, Section 2 of the PIR entitled “the objectives and intended effects of ROGs”, states the 14 objectives of ROGs. For clarity of presentation, this section would benefit from a summary of how the regulations as a whole were intended to alter the regulatory landscape in the sector and the outcomes they were intended to achieve. Secondly, the Department has not used the PIR template for the main body of the PIR. Instead, the PIR template is used to provide a very brief summary and the main body of the PIR is contained in a 45 page attachment. The PIR would benefit from being condensed into one shorter document that avoids repetition and explains the objectives, impacts and conclusions the Department have reached in response to the evidence collected.

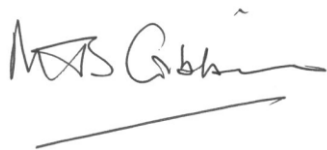
### Lessons for future IAs

The Department explains that future IAs should clearly discuss the factors that determine estimated costs in order to ensure the comparability of estimated and actual costs. This is a reasonable conclusion as the PIR would benefit from being able to provide a more extensive comparison of quantified estimates.

Departmental recommendation	Amend
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### **RPC assessment**

Is the evidence in the PIR sufficiently robust to support the departmental recommendation?	Yes
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**Michael Gibbons CBE, Chairman**