

CRR-S-001

Supervision Strategy

2022-2027

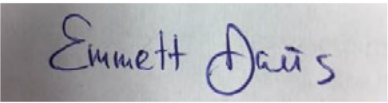
for the Commission for Railway Regulation




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Contents

- 1 Background 3**
 - 1.1 Introduction 3
 - 1.2 Purpose 3
 - 1.3 Scope 3

- 2 Objectives – Strategic Priorities 7**
 - 2.1 Track worker safety 7
 - 2.2 Level crossing safety 7
 - 2.3 Contractor management 7
 - 2.4 New & emerging risks 7
 - 2.5 How the objective will be achieved. 8
 - 2.6 Roles & Responsibilities 8

- 3 Supervision Principles 10**
 - 3.1 Proportionality 10
 - 3.2 Consistency 10
 - 3.3 Targeting 10
 - 3.4 Transparent 11
 - 3.5 Fair & Accountable 11
 - 3.6 Cooperative 12
 - 3.7 Informed 12

- 4 Arrangements for Supervision 13**
 - 4.1 Governance 13
 - 4.2 Staffing 13
 - 4.3 Conformity Assessment & Supervision 14

- 5 Risk levels in the member state 15**

- 6 Supervision Techniques 17**

- 7 How supervision plans are constructed 19**

- 8 Enforcement 20**
 - 8.1 Enforcement Powers 20

- 9 Competence Management 21**

- 10 Monitoring and Improvement. 22**

List of Figures

Figure 1: CRR Organisation 13
Figure 2: Risk Prioritisation Levels 15

List of Tables

Table 1 - RSC Approved SMSs for RUs and IMs 4

1 Background

Introduction

Directive (EU) 2016/798 of the European parliament and of the council otherwise known as the Railway Safety Directive, recast, (RSD) under Article 9 requires that every RU and IM (collectively referred to as Railway Organisations) has a documented Safety Management System (SMS).

A RU or IM having been awarded a Safety Certificate or Authorisation must be supervised by the safety authority. This is mandated in Directive (EU) 2016/798 under article 17, viz "National safety authorities shall oversee continued compliance with the legal obligation incumbent on railway undertakings and infrastructure managers to use a safety management system as referred to in Article 9."

Article 17 further mandates that national safety authorities shall apply the principles set out in the relevant CSMs for supervision (Commission Delegated Regulation (EU) 2018/761 on establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation).

In the republic of Ireland the Commission for Railway Regulation is the 'safety authority' with responsibility for the certification, authorisation and ongoing supervision of Railway Organisations operating in within the state.

To discharge its responsibilities in respect of the Commission Regulations, and in particular article 3 of the CSM for supervision, the CRR has prepared this overarching supervision strategy for the period 2022-2027, which provides a background to the railway sector in the Republic of Ireland and top-level goals of the strategy.

Purpose

This document describes the Commission for Railway Regulation's (CRR) supervision strategy for the period 2022-2027. Its goals shall be reviewed at least annually in conjunction with the CRR's Annual Supervision Workshop, held in Q4 of each calendar year. Changes to the supervision strategy will be documented and appended to this document.

Scope

The CRR supervision activities in respect of Railway Undertakings (RU) and Infrastructure Managers (IM) which have safety certificates or safety authorisation within the Republic of Ireland as defined in Table 2.

| Organisation | Type | ID | Validity |
|--|------------------------------|-----------------|-------------------------|
| Iarnród Éireann - RU | EU Single Safety Certificate | IE 11 2023 0057 | 23.03.2023 – 22.03.2028 |
| Iarnród Éireann - IM | EU Safety Authorisation | IE 21 2022 0001 | 24.03.2022 – 23.03.2027 |
| Railway Preservation Society of Ireland (RPSI) (as RU) | EU Safety Certificate Part A | IE 11 2019 0003 | 19.12.2019 – 18.12.2024 |

| | | | |
|--|------------------------------|-----------------|-------------------------|
| Railway Preservation Society of Ireland (RPSI) (as RU) | EU Safety Certificate Part B | IE 12 2019 0003 | 19.12.2019 – 18.12.2024 |
| Northern Ireland Railways Company Limited | EU Safety Certificate Part A | IE 11 2020 0001 | 29.10.2020 – 28.10.2025 |
| Northern Ireland Railways Company Limited | EU Safety Certificate Part B | IE 12 2020 0001 | 29.10.2020 – 28.10.2025 |
| Rhomberg Sersa Ireland | EU Single Safety Certificate | IE 10 2023 0173 | 08.07.2023 – 07.07.2028 |

Table 1 - CRR Approved SMSs for RUs and IMs

Additionally, the CRR supervises the following in accordance with the Railway Safety Act 2005, as amended.

| Organisation | Type | ID | Validity |
|--|-------------------------------|----------------------|-------------------------|
| Cavan & Leitrim Railway | Safety Management Certificate | C&L189SMS | 01.06.2019 – 31.05.2024 |
| Diffilin Light Railway | Safety Management Certificate | DLR188SMS | 01.05.2019 – 30.04.2024 |
| Fintown Heritage Railway | Safety Management Certificate | CTnGL185SMS | 16.04.2019 – 15.04.2024 |
| Irish Stream Preservation Society Narrow Gauge Railway | Safety Management Certificate | ISPS187SMS | 17.05.2019 – 16.05.2024 |
| Lartigue Mono Railway | Safety Management Certificate | LMR265SMS | 08.03.2024 – 30.11.2028 |
| Transdev Dublin Light Rail Limited | Safety Management Certificate | TDLR194SMS 2nd Issue | 28.02.2020 – 28.05.2025 |
| Waterford and Suir Valley Railway | Safety Management Certificate | WSVR135SMS-04 | 24.03.2021 – 23.03.2026 |

Table 2 - CRR Approved SMSs for National Operators (Non EU)

1.3.1 Asset profile

Iarnród Éireann – Infrastructure Manager

The Iarnród Éireann Network is the principal national railway in the Republic of Ireland and is by far the entity with which we engage the most in terms of supervision. In the IÉ Network Statement of 2021 it reports that there are 372 platforms, 144 stations and 13 tunnels: approximately 2,400km of operational track (1600mm track gauge), 4,440 bridges, 1,100 point ends, 970 level crossings, and more than 3,300 cuttings and embankments on the national railway network.

The network includes main line, Dublin suburban and commuter passenger routes, together with freight-only routes. There are two freight-only lines: Drogheda to Tara Mines and Waterford to Belview Port, in addition to three terminal and freight terminals/depots. There is one cross-border connection to the railway system in Northern Ireland between Dundalk and Newry.

The Dublin suburban rail system in the area bounded by Malahide, Howth and Greystones is electrified at 1,500V DC. About 53% of train kilometres are run with Train Protection Systems providing warning, with a further 11% providing warning and automatic stop and speed control.

Iarnród Éireann – Railway Undertaking

Iarnród Éireann provides passenger and freight rail services. Intercity rail passenger services operate between Dublin and Belfast, Sligo, Ballina, Westport, Galway, Limerick, Ennis, Tralee, Cork, Waterford and Rosslare Europort and Iarnród Éireann jointly operates the Dublin to Belfast Enterprise service with Northern Ireland Railways.

Regional services include the Limerick to Galway line, Cork commuter network including the Cork-Midleton line, Limerick Junction to Waterford, and the Limerick to Ballybrophy (via Nenagh) line.

In addition to the DART service, which operates between Greystones and Howth/Malahide, a commuter service in the Dublin area between Gorey, Drogheda, the M3 Parkway line and Maynooth, as well as the commuter service to Kildare is operated.

Iarnród Éireann operates several different fleets in provision of rail services. The IÉ-RU fleet include:

- Diesel Multiple Units (29000, 22000, 2800, 2600 classes),
- Electrical Multiple Units (8100, 8200, 8500 classes),
- Locomotives (201, 071 classes),
- Passenger Carriages (Mark IV and DeDietrich),
- Freight wagons (of various types).

There are five depots in the Republic of Ireland, at Inchicore, Fairview, Drogheda, Portlaoise, Limerick and one depot in Northern Ireland, at Belfast at which the DeDietrich fleet are maintained by Northern Ireland Railways (Translink).

Running maintenance is also carried out at Heuston, in Dublin, Connolly in Dublin and Cork.

Rhomberg Sersa Ireland

Rhomberg Sersa Ireland (RSIE) is currently contracted to operate and maintain Iarnród Éireann – Infrastructure Managers fleet of On-Track Machines. This fleet consists of;

- Plain Line & Points & Crossing Tampers
- A Ballast Regulator
- A Track recording Vehicle
- Inspection Cars
- A multi-purpose vehicle
- A Ballast Cleaner
- A Rail Crane

Rolling Stock maintenance is carried out at a depot in Kildare.

Railway Preservation Society of Ireland

The RPSI is a special case of heritage railway given they are not a self-contained heritage railway. They operate steam and diesel hauled heritage trains on the Iarnród Éireann rail network. Operated by volunteers but with IÉ-RU Train Drivers they operate passenger services across the majority of the IÉ-IM railway network. They include;

- The Midlander, Dublin Connolly to Maynooth
- Dublin-Drogheda; Drogheda-Dundalk excursions
- East to West, Dublin to Galway
- Seebreeze Tour, Dublin Connolly To Wicklow
- Santa express, Dublin Pearse to Maynooth

RPSI Rolling stock includes a variety of steam and diesel locomotives and various historic carriages. The operational fleet typically includes;

- Steam Locomotive No. 85 'Merlin' a "V" CLASS 4-4-0 COMPOUND
- Steam Locomotive No. 131 a "Q" CLASS 4-4-0
- Class 141 diesel locomotives
- Cravens, Sheffield, 1963-64

Transdev Dublin Light Rail

The Dublin light railway (LUAS) is a national operator and after IÉ is the next most significant railway organisation in terms of CRR Supervision resource. The light railway is double tracked throughout. The Red Line consists of 20km of double track running from Tallaght/Saggart to The Point/Connolly. There are 32 stops on the Red line.

The Green Line consists of 22km of track running from Brides Glen to Broombridge; approximately 20km of which is double track and 2km of which is single track. There are 35 stops on the Green Line.

There are three depots, at Red Cow, Sandyford and Broombridge. The rolling stock fleet, all Alstom Citadis trams consists of forty 40m trams, twenty-six 43.6m trams and seven 54.7m trams. There is a Central Control Room at the Red Cow Depot.

2 Objectives – Strategic Priorities

The overarching objective of the CRR's Supervision strategy is to foster and encourage railway safety with the goal being to improve safety management performance of the railway organisations we regulate. The following specific objectives are identified

Track worker safety

Competency of safety critical workers and safety critical communication when performing work whilst on or near the line. The CRR's work program will feature a renewed emphasis on track worker safety and will include an inspection regime that includes planned and unplanned supervision activities.

Success Measurements:

- Reduction in the number of reported near misses between railway staff and trains
- Increased awareness of risk at the front line

Level crossing safety

The Infrastructure Manager continues to take a leading role in addressing safety risks at level crossings to which the CRR will continue to provide its full support. To further ensure improvements in level crossing safety the CRR will work with other stakeholders including the Road Safety Authority and local authorities.

Success Measurements:

- Reduction in the number of reported near misses between road vehicles and trains

Contractor management

Regulatory activities have identified several concerns in relation to those who carry out railway maintenance activities. The CRR's work program will include auditing the IM's management of contractors and include an inspection regime that spans the duration of this strategy that focuses on checking contractor awareness of duties and requirements.

Success Measurements:

- Reduction in the number of reported dangerous occurrences involving contractors.

New & emerging risks

Areas warranting attention include change management and railway organisation oversight of third party works that impact on safe operations. We will also be mindful of new human factor risks emerging relating to automation and the digital railway when deciding what supervision activities to undertake over the lifetime of this Supervision Strategy.

The CRR are mindful of an increasing trend in antisocial behaviour on the heavy and light rail network. The CRR will monitor this trend going forward and challenge railway organisations to maintain and improve safety for their staff and passengers on their services.

Success Measurements:

- Evidence that HF is embedded in railway organisations SMSs and that training and awareness is provided to all identified staff.
- Evidence that railway organisation are being proactive in engaging with their staff / rail user groups and are taking all reasonable steps to keep their staff safe in the workplace and passengers safe in stations and on train/tram services.

How the objective will be achieved.

The CRR will employ the most appropriate supervision techniques to achieve our objectives. Supervision activities are those required to discharge its duty as the Irish National Safety Authority, as defined by the European Railway Safety Directive.

Supervision techniques will include:

- Auditing railway organisations approved SMSs checking compliance and effectiveness
- Inspecting assets, processes and procedures checking they are delivering on expectations
- Meeting with company executives to review and challenge their safety performance
- Investigating accidents checking the railway organisation has complied with its approved SMS

For further detail on CRR supervision techniques please refer to guidance document RSC-G-023-C and the CRR's Supervision Regime Manual Issue 5.

Roles & Responsibilities

The roles and responsibilities related to the management of the CRR's supervision programme that includes the preparation and implementation of this Supervision Strategy are as follows:

Commissioner Responsibilities

- ensuring that the supervision strategy is prepared, and that a supervision programme is established and maintained
- ensuring that the necessary resources to implement the supervision programme are made available
- approving the annual integrated supervision programme.

Principal Inspector Responsibilities

- Preparing a supervision strategy, having consulted with CRR Inspectors / others as may be necessary
- Communicating the strategy to the CRR Supervision Team and ensuring it is communicated to railway organisations.

- Developing and managing the supervision programme¹

Lead Inspectors

Every railway organisation is assigned a Lead Inspector and their responsibilities insofar as they relate to this Supervision Strategy are as following

- Communicating the CRR's Supervision Strategy to railway organisation for which they are the designated Lead Inspector.
- advising the Principal Inspector of any new emerging risks, delays or changes to supervision activities or plans with reasons for same being recorded on the Supervision Programme Change Log.

¹ For further details on responsibilities in relation to the preparation and execution of the supervision programme refer to the CRR's Supervision regime Manual

3 Supervision Principles

3.1 Proportionality

Proportionality means relating enforcement action to the risks.

Action taken by an NSA to achieve compliance or hold railway organisations to account for non-compliance should be proportionate to any risks to safety or to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the SMS or wider legal provisions. In practice, applying the principle of proportionality means that NSAs will take particular account of how far a railway organisation has fallen short of what the SMS or law requires and the extent of the risks to people arising from the breach. Some duties are specific and absolute whilst others require action as far as is reasonably practicable. The CRR need to apply the principle of proportionality in relation to both kinds of duty.

Deciding what is reasonably practicable to control risks involves the exercise of judgement by CRR inspectors. Where railway organisations must control risks in accordance with the provisions of Article 4 of Directive 2004/49/EC (RSD), the CRR will, when considering the protective measures taken, take account of the degree of risk on the one hand, and on the other the sacrifice, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the railway organisation must take measures and may incur costs to reduce the risk.

3.2 Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar results.

There are many variables, including the degree of risk, the attitude and competence of management, any history of incidents or breaches involving the railway organisation, previous enforcement actions and the seriousness of any breach, which includes any potential or actual harm arising from a breach of the SMS or wider legal provisions that make applying the principle difficult.

Decisions on enforcement action are discretionary, involving the judgment of individual CRR inspectors. The CRR has arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other NSAs through the NSA Network. To this end the CRR will conduct a peer review of prospective enforcement activity to ensure insofar as possible decisions made by its Inspectors are consistent.

3.3 Targeting

Targeting means making sure that supervision activities are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled and that action is focused on those railway organisations who are responsible for the risk and who are best placed to control it, whether employers, manufacturers, suppliers or others.

The CRR will use its discretion and engineering judgement in deciding which supervision techniques, e.g., audit, inspection, it employs in the course of its activities. Similarly, the CRR

will use its discretion and engineering judgement in deciding its prioritisation and frequency of its supervision activities. The CRR will take cognisance of the railway organisation's management competence, because a relatively low hazard activity poorly managed can entail greater risk to workers or the public than a higher hazard activity where proper and adequate risk control measures are in place.

When Inspectors issue Improvement or Prohibition Notices, or prosecute, the CRR will ensure that a senior officer of the railway organisation concerned, typically the CEO or Managing Director, is notified.

3.4 Transparent

Transparency means helping railway organisations to understand what is expected of them and what they should expect from the CRR. It also means making clear to railway organisations not only what they have to do, but where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

This guidance sets out the general framework within which the CRR will operate. Railway organisations, employees, their representatives and others also need to know what to expect when an Inspector visits and what rights of complaint are open to them. It may be expected that:

- when Inspectors offer railway organisations Information or explanation, face to face or in writing, they will explain where the law is not complied with, and why. Inspectors will, if asked, write to confirm any Information or Explanation and distinguish between legal requirements and best practice approach;
- in the case of Improvement Plans, the serving Inspector will ensure the letter requesting an Improvement Plan clearly states what is required, why and by when, and that in the opinion of the Inspector an activity being or likely to be carried on by or under the control or on behalf of a railway organisation or any other person on or near a railway poses a risk to the safety of persons involved in the operation of the railway or being carried on the railway;
- in the case of Improvement Notices, the serving Inspector will advise the railway organisation of its intent to serve the Notice and consider any representations made to it. If after considering any representations made to it, the serving Inspector will, if issuing a notice, clearly state what needs to be done, why and by when, and state the section of the "Act" or the RSD where in the opinion of the Inspector a breach of the law has been committed; and
- in the case of a Prohibition Notice, the Notice will explain why the Prohibition is necessary.

3.5 Fair & Accountable

The CRR is accountable to the Oireachtas for its actions. This means that the CRR has policies and processes against which it can be judged, and an effective and easily

accessible mechanism for dealing with comments and handling representations (complaints).

The CRR has a procedure for dealing with comments and handling complaints, including CRR decisions. These are explained on the CRR's website www.CRR.ie. Should you remain dissatisfied with our service, you may contact the Department of Transport, Tourism & Sport to re-investigate the concerns you have raised.

Ultimately, it is the duty of the Oireachtas and the Transport Committee to ensure that transport related public bodies comply with the terms of their complaints handling procedure, and ensure that customers receive the service to which they are entitled.

3.6 Cooperative

Regulators must co-operate with equivalent authorities such as other National Safety Authorities (in other countries) to ensure due process is achieved. This means that the CRR has procedures, e.g., memoranda of understanding with equivalent competent authorities to facilitate joint supervision investigation and enforcement.

The CRR's procedures for dealing with other competent authorities is such that it adopts the above principles and will endeavour to assist in whatever capacity necessary to ensure due process has been achieved. To that end the CRR has signed two memoranda of understanding, on each with;

- the Health & Safety Authority (HSA), and
- the Department for Infrastructure of Northern Ireland (DfI-NI) – the NSA for Northern Ireland

3.7 Informed

Informed means having or showing knowledge of a subject or situation.

The CRR aims to keep itself informed of changes to the regulatory environment, in technology etc by actively participating in European and international forums and proactively investing in educating our staff.

When making decisions, considering enforcement action CRR inspectors will consult peers / management before action is taken. The principle of escalation as explained in CRR guidance will be adopted.

CRR Inspectors will gain intelligence of RO safety performance from the sources listed below.

- Previous CRR supervision activities
- Accident / incident/ dangerous occurrences
- Safety Performance Indicator Data
- Public complaints / representations
- NIB reports
- Feedback from the CRR Conformity Assessment Team

4 Arrangements for Supervision

4.1 Governance

The Commission for Railway Regulation (CRR) is an independent regulatory body which reports to the Minister for Transport.

As the National Safety Authority, we are charged with the oversight of the heavy and light railway organisations and the associated infrastructure. Our principal functions as the NSA are to foster and encourage railway safety, to enforce the legislation relating to railway safety and to investigate and report on railway incidents with the purpose of determining compliance with approved safety management systems.

As the Regulatory Body we;

- o licence railway organisations,
- o monitor State funded expenditure on the network infrastructure,
- o oversee the Iarnród Éireann track access allocation and pricing regime and
- o adjudicate on appeals.

Similar to some other state bodies, the CRR does not have a non-executive board.

4.2 Staffing

The CRR consists of a Commissioner appointed by the Minister as a full-time employee under a fixed term contract. The organisation includes 2 principal inspectors, a head of corporate governance and regulation, 2 senior inspectors and 9 inspectors possessing a very broad knowledge of the heavy and light railway sectors and 2 administrative staff.

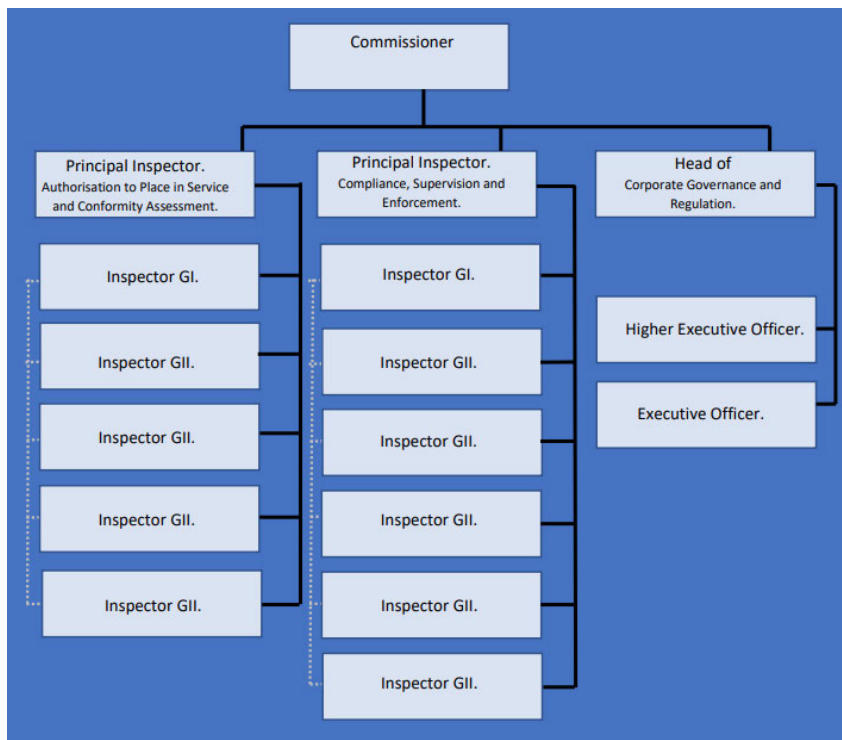


Figure 1: CRR Organisation

4.3 Conformity Assessment & Supervision

As illustrated above the CRR essentially has two discrete teams, the Authorisation & Conformity Assessment Team and the Supervision team.

The CRR is a very small NSA so in practice every inspector has a good level of awareness of what other inspectors are working on.

There are monthly management group meetings attended by the senior management team (Commissioner, Principal, Inspector – Approvals, Principal, Inspector – Supervision and the Head of Corporate Governance and Regulation) at which issues of concerns to the business are discussed with decisions and actions recorded.

Moreover, there are monthly team meetings attended by all staff at which the senior management team provide an overview of work in progress / recently completed work within their unit to the entire team.

4.3.1 Return of Experience

In terms of the Supervision to Conformity Assessment feedback, in advance of any recertification / authorisation short reports are compiled detailing the supervision activities conducted on the RU/IM during the life cycle, typically the previous 5 years. The report highlights identified weaknesses and gaps in the form of 'non-compliances' and 'Actions required'. These are areas where an Auditor (CRR Inspector) has identified gaps in the SMS or where in the opinion of the Inspector action is necessary. These reports are supplemented with a meeting attended by both Supervision and Conformity Assessment Inspectors when issues of relevance are discussed.

In terms of the Conformity Assessment to Supervision feedback loop, the CA team having concluded their assessment will provide the Supervision Team with a short report highlighting any areas for attention (Residual Concerns for Supervision) in accordance with article 12 of Commission Regulation (EU) 2018/763. If needed meetings are be held between the respective units to explain further any specific issues.

5 Risk levels in the member state

Every Railway Organisations supervised by the CRR is assigned a 'risk priority'. This is a rating between one and four, where 1 is assigned to railway organisations that pose a greater risk to the safety of passengers, the public and its staff and 4 is assigned to railway organisations that pose a negligible risk to those groups.

| Risk Prioritisation Categories | |
|--------------------------------|-----------------|
| Priority 4 | Negligible risk |
| Priority 3 | Low risk |
| Priority 2 | Medium risk |
| Priority 1 | High risk |

Figure 2: Risk Prioritisation Levels

Accordingly, priority 1 railway organisations can expect more supervision than a priority 2, 3 or 4 rated organisation and so on.

The initial baseline rating is based on the number of train km a railway organisation operates each year or in the case of an Infrastructure Manager, the number of train km travelled on their infrastructure. Thus a railway organisation who operates high train km or has infrastructure on which there is high usage will be assigned as a priority 1 railway organisation, whereas a railway organisation operating low train km will be assigned as a priority 4 railway organisation. This is done to reflect that the dominant factor in relation to exposure to risk is train km, i.e., the more they operate, the more maintenance is required, the more people are involved and thus there is a greater risk exposure.

Factors such as the size, nature and complexity of the railway organisation is taken into account, and these are in the form of risk adjustment factors. Applying these factors to an initial baseline risk priority determines a final risk prioritisation. Other adjustments may be made based on the following sources of information.

- Safety performance data including its accident and incident (occurrence) history
- CRR Supervision activity, e.g., previous audit and inspection findings and outcomes
- Feedback from the conformity assessment team
- Findings made by the National Investigation Body (RAIU) and safety recommendations
- Public or other complaints

The adjustment factors enable the CRR to target supervision activity on those railway organisations who pose a higher risk and means that, regardless of the train km it operates, a railway organisation may have its supervision regime enhanced or lessened.

A railway organisations risk priority is reviewed annually and depending on their overall performance a railway organisation may see a change in rating and an increase or decrease in the amount of supervision activity they can expect. This is based on reviewing their performance against several Common Safety Indicators as identified in Annex I of Directive (EU) 2016/798 on railway safety, namely.

| Common Safety Indicator | RU | IM |
|--------------------------------------|----|----|
| collision of train with rail vehicle | ✓ | |
| collision of train with obstacle | | ✓ |

| | | |
|---|---|---|
| derailment of train | ✓ | ✓ |
| level crossing accident | | ✓ |
| accident to persons involving rolling stock in motion, excl. suicides/ attempted suicides | | ✓ |
| fire (Smoke) in rolling stock | ✓ | |
| Wrong side failures | ✓ | ✓ |
| Broken wheel or axle on rolling stock | ✓ | |
| Signals Passed at danger/Stop | ✓ | ✓ |
| Overspeed's | ✓ | |
| Platform Train Interface occurrences | ✓ | |
| broken rail, | | ✓ |
| track buckle and other track misalignment | | ✓ |

To determine if performance has deteriorated the following methodology is used.

- The safety performance data in the categories stated above in the preceding year are compared to the previous 3-year average.
- If the preceding year figure is higher than the previous 3-year average, then this equates to a deterioration in safety performance.

If a deterioration in safety performance is identified in more than 2 safety indicator categories then an adjustment factor will be applied to that Railway organisations risk profile calculation. Similarly, if a safety indicator category deteriorates by >125% relative to the previous 3-year mean for any 1 safety indicator category, then an adjustment factor will be applied to that Railway organisations risk profile calculation, i.e., a +1 will be added to their Safety performance (category) which could in turn result in an increase in their overall risk prioritisation.

In summary, if a railway organisation has a deteriorating safety performance (more accidents/incidents/precursor events) or CRR Auditors are finding more non-compliances or the NIB makes safety recommendations etc. then that railway organisation can expect an increase in the number of supervision activities in the next year, irrespective of their rating.

6 Supervision Techniques

In accordance with Article 17 of Directive (EU) 2016/798 (Railway Safety Directive, recast) national safety authorities are mandated to oversee a railway organisations continued application and compliance with their approved SMS. The methods for supervision to be applied by the CRR are those prescribed in Commission Delegated Regulation (EU) 2018/761 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation.

Thus, the CRR's annual supervision plans include a mix of activities necessary to effectively oversee the railway organisations under its remit. These include many of those specific techniques listed in the European Union Agency for Railway's 'Supervision Guide', such as;

- Audit
 - Of the application and effectiveness of a company's SMS & Rule Book
 - Of the application and effectiveness of a company's Technical standards
 - Interviews with staff at all levels in a Railway Organisation to identify their understanding of how procedures and rules are delivered in practice
- Inspection
 - Of physical assets on site such as rolling stock or infrastructure elements
 - Inspection of safety management procedures and documentation to ensure that they are fit for purpose;
 - Task observation (e.g. cab rides to observe driver behaviour);
- Meetings
 - With railway company executives to review safety performance
 - With railway company executives to review their internal monitoring inc. accident investigation
 - With railway company executives to review implementation of preventative / corrective actions
- Post Occurrence Activities²
 - Inspection of accident/incident sites or of an activity or process
 - Document review and/or
 - Interviews with persons involved in accidents and/or management
- Data analysis
 - Reviewing key performance indicators, identifying trends
 - Preparing annual safety performance reports

The CRR's supervision of Railway Organisations is risk based. Risk means the frequency of occurrence of accidents and incidents resulting in harm (caused by a hazard) and the degree of severity of that harm.

The CRR develop annual supervision plans, one for each railway organisation and these include a variety of the supervision techniques listed above.

All planned supervision activities are classified as being a 'High', 'Medium' or 'Low' Priority bearing in mind that all activities identified and scheduled for any given year are considered a priority. That said there are often many unforeseen activities, e.g., reacting to accidents

² The CRR's post occurrence activities check compliance with legal and SMS requirements as per section 10(1)(c) of the Railway Safety Act 2005. It is not to determine 'cause' which is the role of the National Investigation Body.

and incidents, that require CRR Inspector time and consequently it is common that activities are delayed, postponed or cancelled.

High priority activities are typically those that must be completed as they are considered most important. Typically, these will be SMS audits or Inspections considered of particular merit, e.g., mini-audits / activities scheduled to last 10 days or more.

Medium priority activities are typically those that should be completed as they are considered important. Typically, these will be process audits or Inspections considered of merit, i.e., >3 days but <10 days.

Low priority activities are typically those that could be completed if no other unplanned work arises. Typically, these will be inspections of physical assets or task observation where risk is not considered high, 1-3 day inspections.

Every railway organisation is assigned a 'Lead Inspector' in the CRR and having concluded our annual supervision workshop (see section 7 for further detail) the Lead Inspector will review and assign a priority that is then discussed and agreed with the Head of Supervision.

7 How supervision plans are constructed

Individual supervision plans for each railway organisation are collated under an overall Annual Supervision Programme. To develop this supervision programme, in the 4th quarter of each calendar year, the Principal Inspector with responsibility for Supervision & Enforcement convenes and chairs a 'supervision team workshop' at which all CRR Inspectors are requested to attend.

The purpose of this workshop is to review previous planned supervision activities and propose possible future supervision activities. Using the intelligence gained from this workshop, the sources listed in section 5 and referring to the CRR's strategic priorities for supervision as presented in our Statement of Strategy, the Principal Inspector in conjunction with Lead Inspectors³ develop annual supervision plans for every Railway Organisation under its remit.

These supervision plans define the supervision activities (audits, inspections and meetings) to be conducted and the time schedule of those activities. In addition to the time schedule the supervision plan contains an estimate of effort (man-days) required and, through the allocation of the types of personnel to specific activities, a statement of the competence required for each supervision activity.

Finally, all activities are prioritised as being high, medium or low, as explained in section 6.

The annual supervision programme is then agreed with the Commissioner and communicated to the railway organisations either in writing at the start of the year or at the first supervision meeting of the year held with them.

³ Every railway organisation has assigned to it a principal point of contact from within the CRR Supervision Team. This individual is referred to as the 'Lead Inspector' for that railway organisation.

8 Enforcement

Part 7 of the Railway Safety Act 2005, as amended, (the "Act"), pertains to enforcement.

The purpose of the CRR's enforcement of the "Act" and any other legislation relating to railway safety is to ensure that railway organisations manage and control risks effectively, thus preventing harm.

8.1 Enforcement Powers

CRR Inspectors have a range of tools at their disposal to secure compliance with the "Act" / other relevant legislation. Inspectors may offer railway organisations and others bone fide advice information and explanation, both face-to-face and in writing. This may include advising a railway organisation or other party that, in the opinion of the Inspector, they are failing to comply with the "Act".

In such instances an Inspector will write to the railway organisation notifying them of their intention to serve an Improvement Notice, in accordance with sections 77

In instances where an Inspector considers that an activity poses a risk or danger to the safety to persons then they will write to the railway organisation and request an Improvement Plan in accordance with section 76 of the "Act". Where appropriate, Inspectors may also serve Improvement and Prohibition Notices, in accordance with sections 77 and 78 of the "Act".

In instances where an inspector is of the opinion that an activity involves an immediate and substantial risk to the safety of persons involved in the operation of the railway or being carried on the railway, or where a railway organisation or person fails to comply with a requirement of this Act, the inspector may serve on that railway undertaking or person a prohibition notice.

Giving information and explanation, requesting an 'Improvement Plan' and issuing 'Improvement or Prohibition Notices', are the main tools which Inspectors use to ensure railway organisations are compliant with the "Act".

CRR Inspectors will use discretion in deciding what enforcement action may be appropriate. The CRR has, in this guidance, (CRR-G-023), set down the decision-making process and principles that Inspectors will follow when deciding on enforcement action.

9 Competence Management

Integral to the success of the annual integrated supervision programme and individual supervision plans and activities are competent staff. To that end, all CRR Inspectors⁴ involved in undertaking supervision activities will:

In terms of audit activity;

- Have attended and passed an IRCA accredited 'Lead Auditor' training course, e.g., OHSAS 18001,
- Have participated in at least one audit or Post Occurrence Inspection in the role of 'supervision activity member' prior to their being assigned a 'supervision activity leader' role,
- Have their work, e.g., reports; peer reviewed by the Principal Inspector or Commissioner.
- Be monitored undertaking audit activity by another competent auditor annually and by the Principal Inspector at least once every three years.

In terms of inspection activity;

- Have been accompanied cab-riding at least once prior to being allowed to travel alone.
- Have been accompanied on station inspections at least once prior to being allowed to undertake such activities alone.
- Have their work, e.g., reports; peer reviewed by the Principal Inspector or Commissioner.
- Be monitored undertaking inspection activity by another competent CRR Inspector annually and by the Principal Inspector at least once every three years.

For both audit and inspection activity;

- Have the necessary, in date, safety competencies, e.g., Personal Track Safety (PTS), SafePass.

In terms of chairing supervision meetings;

- Typically periodic supervision meeting are attended by the Lead Inspector and Principal Inspector, however, a Lead Inspector may occasionally attend by themselves provided they have been accompanied by another more experienced Inspector at least once prior to attending alone.

⁴ To be employed as an CRR Inspector the minimum academic requirement is to hold an Honours Degree in a relevant discipline: e.g. Civil, mechanical, electrical engineering; Safety and risk management; Human Factors; etc and have a minimum of 3 years' post-graduate experience in the railway sector, or Equivalent experience in regulation of safety in other hazardous industries, e.g., aviation, oil & gas, construction etc

10 Monitoring and Improvement.

The principal objective of the supervision programme is to discharge CRR's duty to supervise the Railway Organisations' continued application of their SMSs for their activities as a Railway Undertaking and or a Infrastructure Manager.

The CRR will gauge the performance and effectiveness of its supervision programme by:

- defining and collecting appropriate metrics to be used to indicate the adequacy of the implementation of the programme and the effectiveness of the activities, these might include:
- delivery of activities against plan;
- the number of findings raised that are repeat instances of previously closed findings;
- causes of incidents that could reasonably be expected to have been identified by a supervision activity but were not;
- considering the effectiveness of individual supervision activity personnel in uncovering findings and the importance of findings that they uncover;
- considering the effectiveness of the reporting to the Railway Organisations of the findings, in particular the clarity with which findings are expressed, such that the underlying cause of problems can be determined and resolved by the Railway Organisations;
- canvassing feedback from the Railway Organisations on the effectiveness of the supervision activities and value they assign to them;
- the Commissioner and the Principal Inspector meeting every three months to review performance of the supervision programme, taking account the outputs from the mechanism discussed above.
- Action to improve the effectiveness of the supervision programme should be taken where necessary. Consideration should be given to achieving this improvement by refining the supervision activity schedules, the audit questions guidance, the defined competencies, and the style of the supervision activities.
- The changes in the Railway Organisations' assessed key risks should be taken into account with the maintenance of the supervision programme to ensure that sufficient importance is given to emerging high risks.