



Statement of Strategy 2012- 2014

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1 Foreword

On behalf of the Railway Safety Commission, I am pleased to present this third Statement of Strategy of the Railway Safety Commission, which covers the period 2012 to 2014. In undertaking its duties the Commission will be guided by this Statement of Strategy

The Commission is responsible for oversight of the safety those railways that provide passenger and freight services or otherwise interface with the public. Regulation is performed in conformity with the requirements of Directive 2004/49/EC and the Railway Safety Act 2005 (as amended).

Safety authorisation for Iarnród Éireann's infrastructure manager activities and safety certification as a railway undertaking was granted in conformity with European requirements in January 2011. Both Translink (Northern Ireland Railways) and the Railway Preservation Society of Ireland (RPSI) have also been awarded safety certification to operate over the Iarnród Éireann infrastructure.

The Railway Safety Commission engages pro-actively with all railway sector participants to ensure that they meet their statutory obligations as duty holders with regard to safety of the travelling public, employees, and those who otherwise work on the railway.

It is recognised that Government policies are shaped by the fiscal circumstance that pertain, and the Commission will respond to any challenges that emerge whilst at the same time ensuring that regulatory oversight of railway safety is not compromised.

The Railway Safety Commission is committed to a continuing delivery on its mission **“To advance the safety of railways in Ireland through diligent supervision and enforcement.”**

Gerald Beesley

Railway Safety Commissioner

2 Introduction

This document is the triennial Statement of Strategy of the Railway Safety Commission (RSC) for the years 2012 to 2014. Its purpose is to present management, staff, stakeholders, and the public with a clear understanding of the strategic direction that the RSC is adopting to meet its statutory duties and achieve its business objectives. The activities of the Railway Accident Investigation Unit (RAIU) are not covered by this document, as it is planned that the RAIU will be legally separated from the RSC as soon as possible in order to comply with EU requirements.

2.1 Mission

A business review conducted in late 2010 resulted in the RSC adopting a new Mission Statement:-

To advance the safety of railways in Ireland through diligent supervision and enforcement

Our Policy is:

- To engage with all railway sector participants in an informed, professional and business-like manner.

Our Objective is:

- To ensure that railway activities throughout the State are conducted with primary regard to safety.

2.2 Legal Status

The Railway Safety Commission (RSC) is a statutory body that was established on 1st January 2006 in accordance with the provisions of the Railway Safety Act, 2005 (RSA). In the context of European Directive 2004/49/EC (Railway Safety Directive – RSD), the RSC is the National Safety Authority for the railway sector in the Republic of Ireland. It is the independent regulatory agency charged with oversight of the safety of all railway activities in the State.

The RSC is independent in its organisation, legal structure, and decision-making from any Railway Undertaking, Infrastructure Manager, and railway procurement entity. Furthermore, the tasks with which it is entrusted may not be transferred or sub-contracted to any Infrastructure Manager, Railway Undertaking or railway procurement entity. These tasks include:

- a) authorising the bringing into service of structural subsystems and checking that they are operated and maintained in accordance with the relevant essential requirements;
- b) supervising that the interoperability constituents are in compliance with the essential requirements;
- c) authorising the placing in service of new and substantially altered rolling stock;
- d) the issue, renewal, amendment and revocation of relevant parts of Safety Certificates and of Safety Authorisations granted in accordance with Articles 10 and 11 of the RSD and checking that conditions and requirements laid down in them are met, and that Infrastructure Managers and Railway Undertakings operate under the requirements of Community and national law;

- e) monitoring, promoting, and, where appropriate, enforcing and developing the safety regulatory framework, including the system of national safety rules; and
- f) supervising that rolling stock is duly registered and that safety-related information in the national register is accurate and kept up-to-date.

In accordance with the requirements of the Railway Safety Directive, the RSC is free to carry out all inspections and investigations that are needed for accomplishment of its tasks and is granted access to all relevant documents and to premises, installations and equipment of Infrastructure Managers and Railway Undertakings. These measures are given legal force by the powers of enforcement conferred by Section 76 of the Railway Safety Act, 2005.

3 Business Environment

This section describes the functional, corporate, and statutory responsibilities that shape the RSC's strategic direction. It also outlines those domestic and international relationships that determine the scope of activities that the RSC must be capable of handling in order to fully deliver on its regulatory duty to supervise railway safety in Ireland.

Railway safety, particularly when it involves the transport of passengers, is a public interest issue, and it is therefore not only a political imperative to establish the necessary legislative framework, but also to ensure that capacity for adequate regulatory oversight is not impaired by other priorities.

The objective of the RSC's human resource strategy is to build and maintain a corporate capability for the regulation of railway safety. This strategy is designed to ensure that a cadre of professional staff, with railway-specific technical knowledge and experience, is available to meet the business needs of the organisation.

3.1 Functional Responsibilities

As the independent regulatory agency charged with oversight of the safety of all railway activities in the State, the RSC is required to ensure that each railway organisation operating within the State understands and effectively manages the risk to safety associated with its activities. This is achieved in three key process areas, viz.:

Conformity Assessment - Assessing Safety Management Systems (SMS) to ensure that they conform to all requirements prior to awarding safety authorisation or safety certificates, and assessment of new or substantially altered railway infrastructure and rolling stock to ensure safety compliance prior to placing in service;

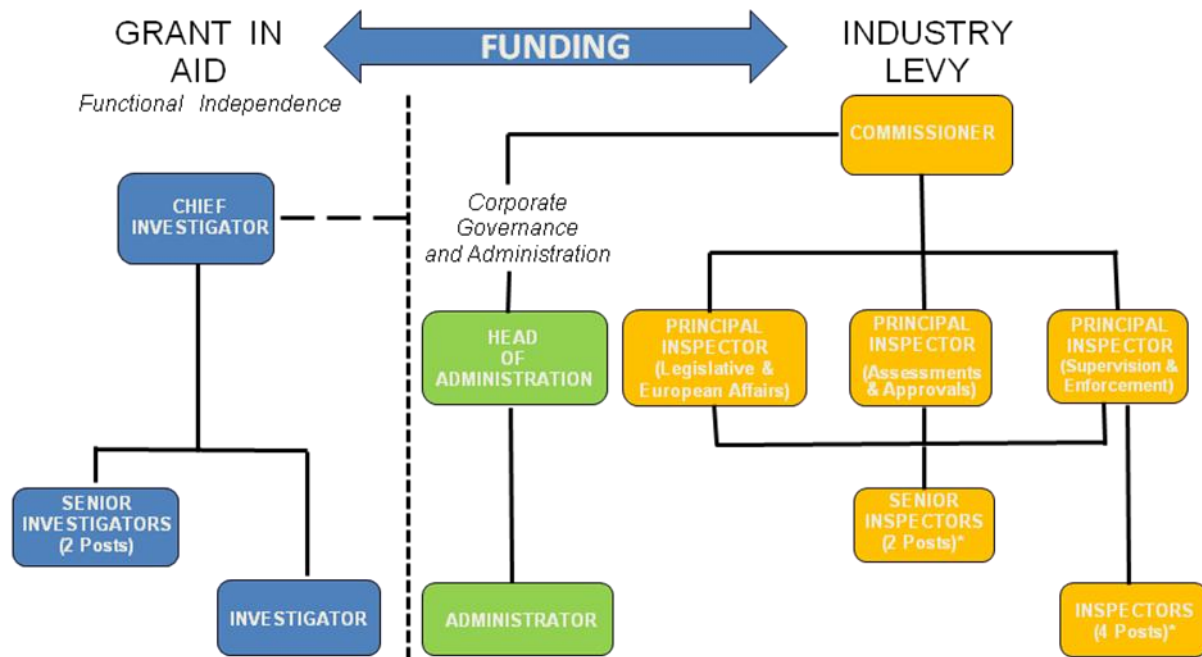
Compliance Supervision & Enforcement – Auditing compliance with the procedures and standards prescribed in each approved SMS, and inspection of railway assets to assess compliance with fitness for purpose criteria. Compliance with safety recommendations is assured through the monitoring of implementation plans and by taking enforcement proceedings where necessary; and

European & Legislative Harmonisation – Supporting the harmonisation of legislation with European Directives and Regulations, and ensuring that the consequent implementation of related technical and procedural measures conforms to mandatory European requirements.

EU Common Safety Methods (CSMs) dictate the precise manner in which Infrastructure Managers and Railway Undertakings are to be supervised to ensure that they implement and adhere to their respective approved SMS. Similarly, processes for authorising the bringing into service of structural subsystems and the placing in service of new and substantially altered rolling stock are laid down in CSMs, as are the requirements for ensuring conformity of SMSs.

3.1.1 Human Resources

In order to deliver on its functional obligations outlined in 3.1.1, above, the RSC has identified the organisational structure and staff level required, which is illustrated in the following diagram



NOTE: Although the RAIU is currently within the RSC corporate structure and shares administrative resources, it has functional independence for the investigation of railway accidents and serious incidents. It is planned that the RAIU will be legally separated from the RSC as soon as possible in order to comply with EU requirements.

Under the current Employment Control Framework (ECF) the approved level of staffing provides for only seven technical posts in the RSC once the RAIU and administrative requirements are deducted; the Commissioner plus six inspectors – a shortfall of three. Furthermore, under the current embargo on public sector recruitment it has not been possible to fill two of the permanent positions to bring the number of specialist technical human resources up to the approved staffing level under the ECF.

As this staff shortfall presents a very significant risk to the RSC’s ability to carry out its functions and deliver on its regulatory duty, the RSC resorted to the engagement of consultant specialists under framework arrangements as a short-term, but immediate remedial measure. However, such contract arrangements are less than satisfactory in that their administration demands management resource, and they do not satisfy the fundamental need to develop and retain knowledge within the RSC.

To overcome this deficiency, and to provide for the longer-term mitigation of the risk, a strategy of bespoke human resource development has been adopted. The RSC has entered into an agreement with Engineers Ireland whereby two recently graduated engineers have been placed with the RSC on a four-year training programme aimed at developing them to Chartered Engineer status. Steps to

further reduce dependency on external resources will be implemented during 2012 with a view to ensuring that adequate railway-specific technical knowledge and experience is available to meet the business needs of the organisation by the end of 2014.

3.1.2 Continuous Professional Development

Regulation of railway safety can only be effectively carried out by technical specialists - professional railway engineers with appropriate experience in the sector. In particular, it is necessary for the RSC to have in-house expertise in the areas of track and structures, traction and rolling stock, railway signalling, and train working.

Technical specialists with a very broad knowledge of the railway industry are required - narrowly focussed experts are not be suitable. In the past, recruitment of experienced railway engineers with such qualities has proven quite problematic for the RSC. To avoid this difficulty a bespoke graduate development programme has been designed in collaboration with Engineers Ireland as a key component of the RSC human resource strategy.

The RSC development programme is designed to equip graduate engineers with the necessary skills, ability, knowledge, and experience to satisfy the railway safety inspector competency requirements. The RSC continuous professional development (CPD) policy provides for career progression within the organisation, and is based on the levels of qualification and experience expected for each grade of railway safety Inspector, as outlined in the following competency matrix.

Position	Qualifications	Knowledge & Industry Experience
Commissioner	Level 8 qualification in a relevant engineering discipline; Chartered Engineer, and Fellow of at least one professional engineering institution.	A comprehensive understanding of railway engineering and train working principles, and 20+ years railway experience of which at least 10 is at a senior management level.
Principal Inspector	Level 8 qualification in a relevant engineering discipline; Chartered Engineer, and Member of at least one professional engineering institution.	Broad understanding of railway engineering and train working principles, and 12 years railway experience including 4 years in a junior management role.
Senior Inspector	Level 8 qualification in a relevant engineering discipline, Chartered Engineer, and Member of at least one professional engineering institution.	An in-depth knowledge of the application of railway engineering and train working principles and 8 years railway experience.
Inspector	Level 8 qualification in a relevant engineering discipline, and Associate / Graduate Member of at least one professional engineering institution.	A good all round knowledge of railway engineering and train working principles, and at least 4 years railway experience.

Table 1 - Competency Matrix

3.1.3 Effective Regulation

Events in recent years have demonstrated that ‘light touch’ regulation is an inadequate approach for many sectors of the national economy, and this is equally true when it comes to railway safety. Since late 2010 the RSC has embraced a ‘right touch’ philosophy in the regulation of railway safety. This strategy involves a ‘hands on’ approach that focuses on a railway organisation’s adherence to the standards, methods, competencies, and controls that are prescribed in its Safety Management System (SMS).

This is a far more rigorous process than heretofore, as the SMS regime is designed to ensure that the risk of a chain of unanticipated errors and misunderstood events, which could lead to a catastrophic event, can be prevented at the earliest opportunity.

3.1.4 ISO Accreditation

The RSC has adopted a strategy of achieving ISO 17020 accreditation to guarantee a consistent method of inspection throughout the organisation. This standard requires documentation of all processes from the highest to the lowest level. The documentation process is described in the Quality Manual, which also defines the methods of carrying out work and gives repeatable direction to all official RSC activities. ISO accreditation will ensure that standardisation and consistency of RSC processes and procedures are guaranteed through internal quality monitoring and audit combined with external review by the national accreditation body.

3.2 Corporate Responsibilities

The RSC aims to be informed, innovative, efficient and cost-effective. A flat reporting structure promotes and facilitates the free-flow of information and ideas, encouraging consultation and creative thinking. Not only does this enable the RSC to meet the requirements of the work programme set out in its business plan, but it also provides the flexibility needed to respond effectively to immediate and unforeseen work demands.

3.2.1 Corporate Governance

RSC corporate governance policy is guided by the Code of Practice for the Governance of State Bodies, as published by the Department of Finance. This ensures that the systems and procedures by which the organisation is directed and controlled are in accordance with good practice.

3.2.2 Code of Conduct

The RSC has in operation a Code of Business Conduct, which includes employee's duty, avoidance of conflict of interest, limits on external activities, rules regarding the acceptance of gifts, etc. This Code of Conduct applies to the Commissioner and employees of the RSC. In addition, all professional engineering staff are expected to abide by the Institution of Engineers of Ireland Code of Ethics.

3.2.3 Financial Management

Under both EU and national legislation, the RSC is charged with delivering regulatory services in an open and transparent manner. The RSC is committed to maintaining appropriate and effective financial management controls. RSC annual accounts are subject to internal audit by independent auditors and also to an external audit by the Comptroller & Auditor General.

RSC revenue is a combination of Grant-in-Aid from the Department of Transport, Tourism & Sport, and a levy that is imposed on railway sector participants by means of a Statutory Instrument that is published on an annual basis. The greater part of the Grant-in-Aid is used to fund the activities of the RAIU, but the regulatory activities of the RSC are financed through the industry levy.

3.2.4 Risk Management

The RSC *Procedure for Management of Business Risk* ensures that foreseeable risks to the business are identified, assessed, and that the level of risk is controlled to a tolerable level by effective measures that cannot be bettered without incurring disproportionate expenditure. The RSC risk

register is a 'live' document that is subject to formal review on an annual basis, so as to ensure that risks identified are not exceeding the specified upper boundary criteria for exposure.

The most serious risk identified is that posed by inadequate specialist technical resources, for which mitigation measure have been put in place, as per the strategy described in sub-sections 3.1.1 and 3.1.2, above.

3.3 Statutory Responsibilities

3.3.1 Health & Safety at Work

The RSC is bound by the Safety, Health & Welfare at Work Act, 2005, and Safety, Health & Welfare at Work (General Application) Regulations, 2007. Workplace risk is continually monitored and the RSC Safety Statement is regularly updated accordingly. Where training needs are identified, the RSC arranges provision of the same to ensure compliance with best practice.

Specific to the rail industry, RSC personnel have been trained in the procedures for Personal Track Safety and certification is always maintained in date. Where necessary, the requirements for Safe Pass certification have also been met.

3.3.2 Data Protection

As a data controller, the RSC is fully committed to comply with the Data Protection Act 1988 (as amended). The EU Driver Licensing Regulations involve the maintenance of personal data, and the RSC also holds private information on persons who have been interviewed during audits carried out in relation to Safety Management System compliance.

3.3.3 Freedom of Information

The Freedom of Information Act, 1997 (as amended) asserts the rights of members of the public to obtain access to official information to the greatest extent possible, consistent with public interest and the right to privacy of individuals.

In regard to its role under the Railway Safety Act 2005 the RSC, as a law enforcement agency, may take evidence under oath in the pursuit of a prosecution. The RSC shall ensure that any responses to information requests do not inhibit law enforcement or introduce any risk to due process.

During the exercise of its functions the RSC inevitably becomes aware of a considerable amount of business information pertaining to the sector participants. In accordance with the provisions of the RSA, the RSC will always endeavour to ensure that responses to information requests do not disclose commercially sensitive data, particularly where it relates to competitive rail market participants.

3.3.4 Irish and European Languages

The RSC complies with the relevant parts of the Official Languages Act 2003, and official publications such as Annual Reports and Statements of Strategy are produced in both Irish and English. The Irish language capability of the RSC will be maintained so that queries can be responded to in either Irish or English.

As the European Commission (and by extension, the European Railway Agency) employs English, French and German as procedural languages, the RSC encourages the development of linguistic diversity to facilitate communication with the national safety authorities of the EU Member States.

3.4 Domestic Relationships

Working relationships exist with domestic stakeholders comprising Government departments; State agencies; railway Infrastructure Managers; Railway Undertakings; the travelling public; and those whose activities can otherwise affect railway safety.

3.4.1 Government Departments and State Agencies

Although the RSC operates an independent regulatory body, a practical working relationship must be maintained with the Department of Transport, Tourism and Sport. This is important in the context of harmonisation of legislation with emerging European requirements and the technical application of the same to the railway sector in Ireland. There is also on-going engagement with the Department in regard to progress with deliverables under the *Railway Safety Programme*.

While the RSC has primary responsibility for the enforcement of the Railway Safety Act 2005, it is appropriate for to liaise with other State agencies and law enforcement agencies in carrying out this duty. In this regard the RSC has established a memorandum of understanding with the Health & Safety Authority. We also co-operate with:

- Road Safety Authority
- An Garda Síochána
- Emergency Services
- The Coroner Service

Road-Rail Interfaces

The Road Rail Safety Working Group (RRSWG) is chaired by the RSC, and representation includes the Department of Transport Tourism & Sport, railway undertakings, road authorities, road hauliers and the Gardaí. In addition to meeting annually the group will continue to host awareness meetings around the country to communicate with engineers and managers from the local authorities regarding road rail interfaces, and to discuss particular areas of concern at the locations visited.

In 2012 the RSC published a study into the suitability of user-worked level crossings on public roads, a risk area that continues to be of concern. The RSC will continue to encourage investment in this area under the *Railway Safety Programme* and through other relevant channels.

3.4.2 Infrastructure Managers and Railway Undertakings

There is only one railway Infrastructure Manager in the State – Iarnród Éireann – which has been granted a Safety Authorisation in accordance with the requirements of the RSD.

At present, there are three Railway Undertakings that have been issued with Safety Certificates in compliance with Regulation EC 653/2007 and the RSD to permit operation on the Iarnród Éireann network:

- Iarnród Éireann (IE), which operates Inter-city; regional and commuter services, including the DART electrified commuter service in the greater Dublin area;
- Northern Ireland Railways (NIR), which operates the Enterprise service between Dublin and Belfast jointly with Iarnród Éireann; and
- Railway Preservation Society of Ireland (RPSI), which operates occasional steam and diesel hauled heritage trains.

The LUAS Light Rail network in Dublin is also subject to regulatory oversight by the RSC. In addition, there are eight narrow-gauge heritage railways operating on their own self-contained infrastructure. The safety certification process for these railways is based on safety case approval as defined in the RSA. The RSC has adopted a strategy to extend the application of safety management principles, as described in the RSD, to both the LUAS and heritage sub-sectors. The heritage lines that will be covered are:

- Cavan & Leitrim Railway, Dromod, Co. Leitrim
- Diffin Lake Railway, Raphoe, Co. Donegal
- Fintown Railway, Fintown, Co. Donegal
- Irish Steam Preservation Society, Stradbally, Co. Laois
- Lartigue Monorailway, Listowel, Co. Kerry
- Tralee & Blennerville Railway, Tralee, Co. Kerry
- Waterford & Suir Valley Railway, Kilmeadan, Co. Waterford
- West Clare Railway, Moyasta, Co. Clare

The RSC also supervises the safety of industrial railway interfaces with public roadways. Currently there is only one organisation that meets this criteria; Bord na Móna which operates an extensive network of narrow-gauge railways across the boglands.

3.4.3 Railway Safety Advisory Council

The Railway Safety Advisory Council was established under the terms of the RSA to provide a forum for the various stakeholder organisations. It is independent of the RSC and may present the Minister for Transport Tourism & Sport or the RSC with recommendations in regard to railway safety matters. The RSC is strongly committed to supporting this body and appreciates the independent perspective that it brings to railway safety matters.

3.5 International Relationships

3.5.1 Northern Ireland and Great Britain

The RSC maintains liaison with the relevant authorities involved with the railway safety regulatory process in Northern Ireland and Great Britain. In relation to the cross-border rail services, the RSC is committed to work closely with the Department of Transport, Tourism & Sport and the Department of Regional Development in Northern Ireland. Although the networks North and South are very similar, there are differences in legislation, practices, specifications, equipment and infrastructure that have to be considered in promoting rail interoperability between the two jurisdictions.

In line with regional co-operation strategies, the RSC is committed to participation at various fora in relation to the cross-border railway operations. Depending on the subject matter under discussion, participants may include representatives from the Department of Transport, Tourism & Sport, the Department of Regional Development in Northern Ireland, the Department for Transport (U.K.), the Office of the Rail Regulator (the independent safety and economic regulator for Britain's railways); Iarnród Éireann and Translink (Northern Ireland Railways).

3.5.2 Europe

Within the context of the European Union (EU) the RSC engages with the European Railway Agency and the national safety authorities of other Member States in the development and implementation

of a harmonised approach to the regulation of railways. The regulatory framework is governed by EU Directives on safety, interoperability, licensing of train drivers, and certification of entities in charge of maintenance, which are aimed at promoting efficiency and market competition and facilitating the mobility of labour.

The RSC is also a member of the International Liaison Group of Government Railway Inspectors (ILGGRI) and actively participates in the exchange of information and views at meetings of this pan-European group. In association with the Department for Transport, Tourism & Sport the RSC attends and participates in meetings of the Railway Interoperability and Safety Committee of the European Commission.

Continued participation in the development and implementation of the European railway regulatory framework is a key component of RSC strategy, and closer co-operation with European counterparts is an on-going objective.

3.5.3 Worldwide

The regulation of railway safety is a worldwide activity, and the RSC maintains active contact with regulators in many countries, including Australia and Canada. The RSC is a member of the core group of the International Railway Safety Conference (IRSC) and continued participation at the annual conference is a strategy that yields considerable benefit for the RSC through networking and exposure to wider perspectives on railway safety.

4 Strategic Objectives and Priorities

The top objective for the RSC is to ensure that adequate railway-specific technical knowledge and experience is available to meet the business needs of the organisation by the end of 2014. A strategy of bespoke human resource development has been adopted and this will also deliver the objective of minimising dependency on external specialist resources.

In order to comply with EU Directive 2004/49/EC (the Railway Safety Directive) there is a need to legally separate the RAIU from the RSC corporate structure, and the RSC is supportive of steps being taken in regard to achieving this objective.

In addition to dealing with the separation of the RAIU, a number of anomalies and inconsistencies in the current railway safety legislation need to be addressed. The objective is to ensure that there is no ambiguity between national legislation and European law. The RSC is committed to working with the Department of Transport Tourism & Sport in implementing a strategy to achieve this result.

The RSC is working with the railway sector participants to develop a better understanding of the importance of knowledge management and the significant role that human behaviour plays in contributing to risk. The objective is to improve the control of risk at the person-technology interface in railway operations and maintenance.

A strategy has been put in place for the purpose of extending SMS principles to both the Light Rail and Heritage railway sub-sectors. The objective is to achieve standardisation of RSC processes as a key component of the drive towards ISO 17020 accreditation.

The RSC is ever conscious of the need to deliver value for money and reduce dependence on central funding. With these objectives in mind a strategy has been developed for working towards zero dependence on Grant-in-Aid whilst maintaining industry levies at current levels.

5 Performance Monitoring

The basis of monitoring regulatory performance, particularly where safety is concerned, is not simple. A multitude of factors can influence the workload of the RSC including, *inter alia*, changing risk profiles of the sector participants as a result of internal and external influences, the random nature of capital investment projects, developments in the European framework for the regulation of railway safety, etc. However, there are a number of key performance indicators that are used to monitor RSC performance.

Activities of the national (railway) safety authorities are prescribed in the Railway Safety Directive and precise methods for their execution are laid down in Regulations made under the Directive. The RSC is subject to cross-audit by the European Railway Agency to monitor compliance with these requirements.

The Common Safety Method for supervision requires that all elements of duty holders' SMSs are audited over the validity period of their safety authorisation and safety certification. The RSC Supervision Programme has been developed to meet this requirement and delivery is monitored on an on-going basis

Budgets, based on work programme requirements, are set on an annual basis, and work activity and expenditure are monitored on a monthly basis. RSC annual accounts are subject to internal audit by independent auditors and also to an external audit by the Comptroller & Auditor General.