

POSITION PAPER

Final Draft Report

Prevention and mitigation of freight train derailments at short and medium tracks

ERA/ REP/ 02-2012/ SAF - Version 0.3

06 February 2012

COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES - COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE - GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN



Contents

EXECUTIVE SUMMARY	3
DETAILED COMMENTS	3

Executive Summary

CER is pleased to note that ERA's focus is on the implementation of safety management systems and maintenance systems. Furthermore CER supports that ERA recommends short term and medium term measures on the basis of a judgement of their cost-effectiveness. CER comments concern:

- The effect of monitoring and supervision
- The missing mentioning of the role of keepers in maintenance issues
- The missing system view and the missing role of a European system authority, which could find optimum measures which individual actors (RU, IM, ECM) or individual member states would not be able to identify themselves
- The question raised about the effectiveness of the EVIC
- The scope and extent of the business case for each measure

Detailed comments

ERA statement in the executive summary: *"There is no need to amend the current EU legislation for implementing these actions as the corresponding basic requirements have already been introduced in the EU legislation"*

CER comment: To improve the implementation there is a need that all Members States have transposed the safety directive in their regulation.

It is not the SMS which is important but the whole certificate, thus also part B. The § 6.2.3 of this report takes examples that are related to part B certificate.

The role of the monitoring by the actors of their activities and the supervision by the NSA should be underlined here, as it is stated in § 6.2.1 and 6.3 a and b of this report. **Only monitoring and supervision will allow to detect the risks** and to take appropriate measures of mitigation or deletion.

The role of the NSA as responsible for the good working of the whole railway system should not be forgotten and pointed out, as long as the future role of the ERA as proposed by the CER-UNIFE position paper of 29/11/2011 has not been implemented.

ERA statement in the executive summary: *"...it is the objective of safety management systems to identify the priority measures for safety improvements and developments at company level, such measures not necessarily corresponding to the adoption of a new technical measure"*

CER comment: This is true, but this way of presenting the thing completely forgets the whole railway system and the managements of interfaces between the actors (NSA, RU, IM, ECM, and, where applicable, even if they have not to have a SMS, keepers, consignors, consignees, fillers and so on). For example the process to quickly stop series of potentially dangerous vehicles is essential for the safe running of trains, but today is not clearly managed in the European regulation.

In addition the **economical interest of each company** could be seen in such different manners that it could lead to develop risks if there is not a **formal European approach** to deal with these risks. So not only the certificate of the actors has to be considered but also the way how the railway system is regulated in each member state.

ERA statement: *"This is the reason why a new measure consisting to use even more hot axle box detectors at EU level is not assessed as the best achievable improvement, hot axle box detectors being already extensively used in EU for achieving the current safety level"*

CER comment: This remark is interesting as it recognises the importance of the HABD (the track side HABD) as currently implemented in Europe but it forgets that the EU regulation as OPE or CCS TSI doesn't oblige IM to maintain the use of HABD and even to continue to implement them. The CCS TSI introduces also the on-board HABD but without any risk analysis for the whole railway system. So the way how in the future the NSA, the IM and the RU in of a MS will deal with this question could completely change the efficiency of the current use of HABD.

ERA statement in the executive summary: *“The [technical] measures listed above should be considered at company level, together with any other potential measures which would be identified as the most efficient one through the correct implementation of the safety management system. In other words the correct use of safety management systems must target the most efficient risk reduction measures for each given Infrastructure Managers and Railway Undertakings under their respective responsibilities”*

CER comment:

Unfortunately this could not be true for all technical measures (e.g. HABD). If there is no risk analysis at the railway system level of a MS or of the Europe then the different measures could be inefficient and even lead to create discriminatory conditions of competition. This report itself supports this point of view as there has been a need for a European study before declaring mandatory or not the DDD.

Chapter 6.5.2 Supervision targeted on wagon maintenance

ERA statement

“DNV has suggested that a specific measure must be concerned with increased supervision of the maintenance by NSAs to avoid varying standards. A detailed description of the measure is available in the DNV reports.

The Agency reminds that RUs are responsible for managing risks arising from operation, including the arrangements with keepers and ECMs for maintenance supply, through use of their SMS. The NSA initially assesses whether the arrangements set out in the SMS show that an RU is capable of delivering safe operation prior to issuing a safety certificate. After issuing the certificate, the NSA checks whether these arrangements are consistently and effectively delivered in practice by undertaking supervision activity.*

*In addition, according to the ECM regulation the maintenance system of the ECMs is not supervised by the NSAs** but is under the surveillance regime of the certification body. The Agency has produced a guide concerning the surveillance tasks of the certification body in the framework of the ECMs accreditation scheme.”*

CER comments

*This is not completely true. The RU is not responsible for the vehicle maintenance other than the visual supervision before a train departure and tackling incidents during the travel, if it is not the ECM. The keeper has to provide the vehicle in a good state of maintenance and may have responsibilities in the safety information flow. Moreover the ECM “shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running. And the report forgets the case where IMs run infrastructure maintenance or inspection trains.

** This is not completely true. Article 9 of the regulation 2011-445-UE gives clearly responsibilities to the NSA in the field of supervision.

Chapter 6.5.4 European Visual Inspection Catalogue (EVIC)

CER underlines the importance of the ERA statements:

“c) It must also be noticed that initially the Task Force on Wagon Maintenance discussed the EVIC measure in collaboration with the JSG without justifying this measure by an impact assessment but as a swift reaction to the Viareggio accident.

d) Today this measure should be re-assessed by the sector in the light of findings on the cost-effectiveness of the measure in comparison with the risk reduction offered by other more efficient measures.”

We note that the sector is already working on a more detailed report which may also include the analysis from this report and address the cost-effectiveness question.

CER would appreciate that as a long term measure, operational procedures describing how the IM should manage stopped trains due to alarms should be developed by ERA with involvement of the sector.

Disclaimer

Community of European Railway and Infrastructure Companies (CER) AISBL

Avenue des Arts 53
B-1000 Brussels
Belgium

Tel +32 2 213 08 70
Fax +32 2 512 52 31
contact@cer.be

This CER document is for public information.

Although every effort is made to ensure the accuracy of the information in this document, CER cannot be held responsible for any information from external sources, technical inaccuracies, typographical errors or other errors herein. Information and links may have changed without notice.