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Document Review – Comment Sheet

Document commented: Common Safety Methods on the assessment of Safety Level and Safety Performance of railway operators at national and Union level (CSM ASLP)

<i>Requestor:</i>	Consultation.ERA1219@era.europa.eu
<i>Deadline for submitting comments:</i>	17 March 2021

	<i>Reviewer 1</i>	<i>Reviewer 2</i>	<i>Reviewer 3</i>	<i>Reviewer 4</i>	<i>Reviewer 5</i>
<i>Date:</i>	24/02/2021	26/02/2021	26/02/2021	02/03/2021	
<i>Name:</i>	Stefano Valentino	Marcus Dacre	Vaibhav Puri	Ben Watkins	
<i>Organisation:</i>	RSSB	RSSB	RSSB	Office of Rail and Road (ORR)	
<i>Email:</i>	stefano.valentino@rssb.co.uk	marcus.dacre@rssb.co.uk	vaibhav.puri@rssb.co.uk	ben.watkins@orr.gov.uk	

Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1		
0.2		
0.3		

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Conventions:

<i>Type of Comment</i>		<i>Reply by requestor</i>	
<i>G</i>	General	<i>R</i>	Rejected
<i>M</i>	Mistake	<i>A</i>	Accepted
<i>U</i>	Understanding	<i>D</i>	Discussion necessary
<i>P</i>	Proposal	<i>NWC</i>	Noted without need to change

Review Comments <if necessary add extra lines in the table>

<i>N°</i>	<i>Reference (e.g. Art, §)</i>	<i>Type</i>	<i>Reviewer</i>	<i>Reviewer's Comments, Questions, Proposals</i>	<i>Reply</i>	<i>Proposal for the correction or justification for the rejection</i>
1.	Article 11(3)	M	1	The text says, "This Regulation shall apply from [date] with the exclusion of Article 4(1)(b) and Article 5, which shall not be implemented before the date referred to in Article 11(10)." However, there is no Article 11 (10).	A	Corrected into 'Article 11(7)'

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
2.	(16) / general	G	2	<p>Blurring of roles: management and supervision.</p> <p>The scope of the CSM risks blurring roles and responsibilities, particularly the boundary between regulatory supervision and safety management.</p> <p>For example, (16) states on p3 states “<u>all</u> potentially available data ... on safety occurrences and on SMS” should be accessible to all operators and regulators. I believe that the information required for effective supervision should be much less (and higher level) than operators need to manage safety effectively.</p> <p>In practice, the extent to which this is an issue depends on the agreed reporting scope.</p>	NWC	<p>The CSM ASLP does change the roles and responsibilities allocated by existing legislation.</p> <p>It is organising sharing of information between stakeholders in accordance with applicable EU legislation on the protection of personal and specific interest data.</p>
3.	(25) / general	G	2	<p>Safety culture</p> <p>It is positive that the document emphasises the importance of a just safety culture. What’s less clear is how this will be achieved across all operators, or how it will be assessed that safety cultures are sufficiently mature to introduce the more extensive reporting requirements.</p>	NWC	<p>The CSM ASLP is actively establishing the processes and requirements that are necessary for an improved learning curve of railways stakeholders.</p>

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4.	Annex 1	G	2	<p>Reporting scope</p> <p>My reading of draft regulation implies the scope of mandatory reporting extends significantly beyond the current scope of CSIs – for example, many of the precursor events (Category B in Annex Part B). Even though these are only subject to simple reporting, it will impose a significant burden on operators.</p> <p>However, the Impact Assessment proposes a more pragmatic approach of limiting the scope to Cat A significant consequence events and additional selected events for smart reporting. This seems sensible and in line with the emerging consensus in earlier discussions on the new CSM. It would be a positive development, which would improve CSI data quality and enable better learning from a richer dataset.</p> <p>I don't think extending scope beyond CSIs is currently justified but am concerned that the conclusion of the Impact Assessment doesn't seem to be reflected in the regulation.</p>	NWC	<p>The CSI system is recognised by many WP members as not allowing safety improvement and development but only monitoring of safety at high level.</p> <p>The CSM ASLP is establishing EU level processes necessary to establish shared improvement and development of EU railways.</p>

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5.	Art 11 para 3	G	2	<p>Staged implementation</p> <p>I support the proposal to stagger implementation. The first stage, cat A events with serious consequences, seems like a good place to start. I think further stages should follow. Reflecting comment 4, I think a next step could be Cat A events with significant consequences. And this could be followed by a stage gate review to determine whether further extension is beneficial (see comment 4).</p>	NWC	<p>The staged implementation is already containing 2 phases.</p> <p>Further developments are possible and controlled by the process of the CSM improvements, starting for example with GoA proposals.</p>
6.	Art 5 para 4 / general	G	2	<p>Resource requirements</p> <p>The agency will require significant resource to manage the system, the quality of information in it, assess safety levels, manage the group of analysts and act on the identified improvement needs. Is this secured?</p> <p>The informative <i>Ex-post evaluation CSM-CST</i> EUAR report highlighted issues such as not updating the NRVs and low-key responses / follow-ups to possible or probable deteriorations in performance. A concern is that if this was in part due to lack of resource then the issues will be magnified with introduction of the CSM ASLP.</p>	NWC	<p>Yes the IA is determining clearly the required resource. The adoption of the CSM takes into account these needs.</p>

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7	Annex VII, Annex IV	G	2	<p>Group of analysts</p> <p>The group of analysts is an interesting and potentially useful concept.</p> <p>The group has a lot of work to do – for example, to develop the formula for estimating safety levels.</p>	NWC	Noted
8	Whole document	G	3	<p>I think the approach the Agency has taken on safety levels and reporting at operator level suffers from the following issues:</p> <ul style="list-style-type: none"> • It does not fully recognise the issue of reasonable practicability of individual changes at an operator level which will be driven by their unique constraints and pressures. This variability and the inability to address/account for in any simple way will make this unworkable. • This approach will encourage underreporting or poor data input with different interpretations and views. If it was considered variable at MS level, then at operator level the number of unique interpretations increase exponentially. Central control and regulation/moderation will get overwhelmed or forced to accept bad 	NWC	<p>We have another reading as, in primary instance, the CSMALSP is building on already required provisions for the operators (monitoring, risk analysis, SMS...). The application of these requirement will easily allow fulfilling the requirements of the CSM ASLP, which mainly requires a structuration of these elements at EU level.</p> <p>Underreporting is existing today. The CSM ASLP will not increase the risk of underreporting, on the contrary it is enabling better identification of the root causes and it establishes information inputs that can be used by the relevant stakeholders within already existing roles and responsibility.</p>

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				<p>data and then build interventions on bad or ill-conceived information.</p> <ul style="list-style-type: none"> • Centralising data moderation and regulation is not always a good thing. The objective is not on just better and more reporting or holding operators to account. The objective should be to form a general picture of trends. This is an admirable attempt but what is the purpose <ul style="list-style-type: none"> ○ Capture micro data to assess micro actions? ○ Capture micro data to assess macro actions at NSA or MS level? ○ Capture macro data as NSA or MS level and then understand micro actions? <p>It is not entirely clear.</p> <ul style="list-style-type: none"> • The use of macro data via NSA or MS allows for them to be contextualised, and the focus of discussion then is on the national rail network and associated national interventions and not individual operators. Harmonising data categorisation and approaches in a generic sense so that there is a 		<p>Every stakeholder level can benefit for their role of the use of structured data, they can easily share and discuss.</p> <p>Every level from operator to EU through National level is addressed.</p> <p>Every stakeholder level can benefit for their role of the use of structured data, they can easily share and discuss.</p> <p>Every level from operator to EU through National level is addressed.</p>

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				<p>harmonised approach works. If harmonisation becomes too detailed and tries to establish a taxonomy and structure for all aspects of the railway then it becomes unwieldy and unworkable. If there is further overlay with a need for centralised data capture; centralised IT system; and direct operator interactions, it essentially makes a difficult job triply difficult and complex.</p> <ul style="list-style-type: none"> • Harmonisation of how safety levels can be assessed (a method) which is generic enough to work across many incident types; and can then be embedded in MS level approaches to safety performance reporting is a useful exercise but doing anything more than that which tries to focus on individual operator performance with no context of costs and other extraneous factors is fundamentally flawed. 		<p>Every stakeholder level can benefit for their role of the use of structured data, they can easily share and discuss.</p> <p>Every level from operator to EU through National level is addressed.</p>

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9.	Annex I - Collection of data and information	G	4	<p>Annex I – Collection of data and information</p> <p>The breakdown of reporting requirements in the proposed CSM is complex and we have concerns that duty holders are likely to be confused by what they are required to report and when. Historically, confusion and fear of getting it wrong have discouraged reporting. We are currently supporting an RSSB initiative to simplify reporting in the Safety Management Intelligence System (SMIS) managed by RSSB, in order to improve reporting levels so this added complexity would be a retrograde step.</p> <p>Detailed Reporting (Annex I – (5))</p> <p>The level of detail proposed for duty holders to submit under the Detailed Reporting category, in many cases, considerably exceeds the current requirements in SMIS. Although access to more detail is welcome we are mindful that the burden on duty holders must be justified. It appears that in many scenarios duty holders will be obliged to submit data that is unlikely to be used including routine collection of data on environmental impact. We would need to carry out a more in-</p>	NWC	<p>No complexity is added and the implementation will be supported by the ISS.</p> <p>Further simplification/correction will be possible collectively with GoA activities.</p> <p>The Impact Assessment provides a detailed analysis per element of the CSM ASLP incl. on the provisions re. Detailed Reporting. It should be noted that the recommendation clearly limits the Detailed Reporting to at most significant consequence events (and in particular only a subset of LC and accident to persons would involve Detailed Reporting).</p>

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				depth cost benefit analysis to fully understand the significance of this.		
10.	Whole document	G	4	<p>We welcome the recognition of the value of data, particularly standardised data, in building an accurate understanding safety performance. RSSB is currently undertaking a similar initiative to standardise reporting across GB industry which we anticipate will reduce error and improve confidence in analysis. The harmonisation across the EU as proposed in the CSM would, of course, only be of value to the UK if we were able to share data as envisaged.</p> <p>Notwithstanding our concern about the potential for unjustified burden and the importance of understanding the value of the cost and benefit of increasing data collection, in principle we support the concept of improving available data to inform safety analysis. Modern data mining and analytical capabilities enable advanced analysis that identifies patterns and relationships in data that would otherwise be invisible to human analysis.</p>	NWC	We agree that the CSM ASLP structuration and sharing of information will have a strong positive impact on safety analyses and risk based approaches.

Note: This table could be changed according to the requestor's needs

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