

Safety on European Heritage and Tourist Railways

Summary

When railways were built in different European countries during the 19th and 20th Century they were largely developed in isolation. As the need for safety regulation was recognised, a plethora of regulations and enforcement were introduced by their Governments for the protection of the public.

The setting up of the European Union after the Second World War with quasi-governmental powers, it quickly recognised that, if trains were to be truly operable over national borders, there need to be some harmonisation of safety rules. This of course was more easily said than done.

2. As the European Union developed, its bureaucrats started to undertake the oversight of safety with undisguised zeal. We set up **FEDECRAIL** (the European Federation of Museum & Tourist Railways) as a result of many countries attending the 150th anniversary of Dutch Railways in 1989 and the King of the Belgians officially approved our existence in 1994.

Regulatory Environment / Infrastructure / People

As though they had been awaiting our arrival, the Commissioner responsible for safety pounced with a draft directive (or should I say daft directive) which quickly became known as the **"hot surfaces"** directive. This directive would have required every hot surface in "the workplace on the means of transport" (i.e. the driver's cab) to be lagged. Every protruding pipe was to be painted yellow. All cabs were to be provided with doors so that the driver and fireman did not fall off. You can imagine the impact that this would have on our operations. For that reason I travelled to Luxembourg with my French Vice President, Jean Arrivetz, to Luxembourg to meet the Commissioner responsible for safety regulation, then Senor Briosca.

On arrival we were invited in and afforded the usual courtesies. I told him why we were there, and in particular that it could devastate our activities. He rather played down any damage the new rules would do and in exasperation I said to him that I was surprised that he had not made a directive requiring every mountain to have a handrail to the summit. "Why should I do that?" he asked.

"So that you could pass another law requiring every climber to attach a safety harness to it" I replied.

"But that is different. Climbers do not have to do that they are volunteers, whereas your drivers have to put their lives in danger to earn a salary". He commented.

“And that is where you are wrong.” I said. “My footplate crew do not get paid”. He was completely thrown. I then pointed out that what he envisaged was inherently dangerous. The reason why pipes are not lagged is to allow the crew to feel the pipes, protecting their hands with an oily rag, to check that there was not an airlock; to paint protruding pipes would seriously impact on the image of our heritage rolling stock. And having doors on the side of steam locomotive cabs could impede escape should there be a burst pipe or scalding steam in the cab. I asked him why he was so intent in increasing the danger to our footplate crews.

Two days later we were told that the directive was being withdrawn! I subsequently had a surprise visit from the managing director of Scania in Sweden to tell me that they had been trying to defeat this directive for two years (more in relation to the exhaust stacks on their trucks without success! We were congratulated.

Customers / People / Safe Operations

Of course we have no desire to create a dangerous system whether on board the trains or along the tracks we ran over. Indeed I have concerns for other people's operations as, for example, on the main line where there is always a risk of reputational damage. In 1996 there was a very unfortunate accident on a Belgian tourist railway when the driver climbed off the engine to pee against the wheels of his locomotive. To his horror, as he was doing it, the train started to drift away down the slope heading towards the mouth of a tunnel into a mine which was the purpose of the tour. The train gathered momentum and smacked into the tunnel mouth, killing 8 people on board the train. Quite apart from the reputational damage and the fact all other operators went quickly to look at their safety procedures, the fact that railway never reopened is hardly surprising!

Regulatory Environment

Reverting to the national networks, there have been some serious accidents, particularly in the UK, which highlighted failings in their safety systems. It was of course recognised that our railways for the most part operated over “stand alone” networks and operated at much slower speeds a different regime was clearly proper.

At the same time the EU was keen to encourage cross-border competition particularly with international trains and with the development of high-speed lines particularly with the opening of the Channel Tunnel linking Britain with Continental Europe. No longer would our newspapers be able to publish headlines (which I remember as a child) proclaiming that Europe had been isolated by fog.

Infrastructure - impact of Modernisation

Ironically with the electrification of railways and the modernisation of signalling, uniformity became even more difficult, exacerbated by the separation of track provider from train operator and the division of a national system amongst several operators made this even more difficult.

Regulatory Environment - Impact of EC

The European Commission decided to introduce interoperability of trains between countries stage by stage, initially concentrating on the high speed rail network. A number of European directives have been passed which require to be implemented by national governments who are indeed compelled to adopt them although their implementation is somewhat varied. These directives formed the basis of a more uniform safety regulation and these have been supported by a raft of regulations. Further problems have emerged as the European Commission decided to introduce a requirement that all member states should make the adoption of the European Rail Traffic Management System (ERTMS) which involves the installation of very high cost computer equipment on every locomotive or motor power unit. We feared that this sounded the death knell of main line steam. Indeed, we in FEDECRAIL set up a working group to address the problem. Furthermore, on 12th September, I met MPs representing the Government coalition partners and the opposition in the Swedish Parliament followed by a meeting with the senior officials responsible for its implementation in their Ministry of Enterprise, Energy and Communication (which includes transport). What was encouraging was that they were all, without exception, very supportive of our position, no doubt helped by the fact that not even the commercial operators can afford ERTMS. The Germans have asked for a moratorium and the Swedes gave a strong indication that they would support such a move.

Regulatory Environment - Enforcement

However, the enforcement of these regulations is carried out by a variety of agencies. As you have already heard, in the United Kingdom there was a special inspectorate set up, known as HM Railway Inspectorate, who now form part of the Office of Rail Regulation. In Belgium the National Railways seem to regulate themselves; in France the national system regulates itself and those outside the national system are regulated by the same organisation as regulates cable cars, which is part of the French Transport Ministry.

In Germany matters are much more complex. While the Eisenbahn-Bundesamt (EBA) is responsible for the federal networks and those companies operating trains over it the Landeseisenbahnaufsicht (LBA) is responsible for local networks within that state but often they remit the task to the EBA this results in several inconsistencies but the main problems appear to be largely administrative and can become a major burden.

As mentioned above, for those organisations wishing to operate for example steam trains over the national network there are even more complications most such networks are introducing a harmonised train control system (ETCS) together with the European Rail Traffic Management System (ERTMS). All these systems are extremely expensive and Fedecrail is currently trying to negotiate a less costly or alternative for heritage train operators, but naturally any alternatives have to be compatible.

In particular the Swedish Government had attempted to impose through its agencies highly bureaucratic requirements for registration and inspection of vehicles which would make the cost of such operations prohibitive, which was another reason why I went in person to Stockholm on Monday 12th September in an effort to persuade the politicians that this was an overkill.

People Who Work on Our Infrastructure

Another complication arises from the fact that many of the staff working on our locomotives, rolling stock and other equipment as well as those operating the trains are unpaid volunteers with whom there are no contracts of employment. Much of the relevant safety legislation is made under work orientated legislation and therefore is not applicable to volunteers. We ourselves are keen to introduce the same level of safety requirements for staff, whether they are paid or unpaid, and attention to safety is recognised as highly important by all those who work on our railways. Indeed, the lack of commercialism means that they are even less likely to cut corners. However there is a problem inherent in the fact that attendance to railway work may be at best irregular and the importance of appropriate training has never been more important. To that end, I have been holding a series of meetings with training providers and Government Ministers over the summer months to see how best we can ensure that we pass on traditional skills to the next generation. Last month, for example, I became a Trustee of the Boiler Engineering Skills Training Trust (BESTT) whose very title is largely self-explanatory.

Regulatory Environment - Special treatment of Heritage & Tourist railways

This brings me to my third point which is that Heritage Railways may be exempted by their national governance from the standard regulatory regime as we were fortunate to have a champion in the European Parliament, Brian Simpson MEP, who is now Chairman of the Transport and Tourism Committee who is one of the Vice Presidents of the Heritage Railway Association. He was able to persuade his colleagues that "One size does not fit all" and that recognition should be given to the fact of the reduced risks to low speed and self-contained railways, particularly those operating more traditional locomotives and rolling stock.

David Morgan, MBE, TD
President, WATTRAIN
(World Association of Tourist Trams & Trains)