

Safety Alert – Independent Competent Persons (ICPs) that certify rolling stock

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1 Subject

ONRSR is highlighting the need for Independent Competent Persons (ICPs) that certify rolling stock (including road rail vehicles) to be truly independent and to stress the requirement for rail transport operators to undertake appropriate due diligence in their selection and acceptance of an ICP.

AS 7501:2019, *Rolling stock compliance certification*, defines an ICP as a person accepted by rail transport operators as having practical and theoretical knowledge and experience in specified areas to critically and capably examine, determine and record compliance of new or modified rolling stock against reference standards.

2 Issue

A recent activity undertaken by ONRSR has uncovered a significant concern regarding the independence of an ICP that was used to certify rolling stock for a rail transport operator.

Findings indicate that the ICP who certified the rolling stock as being safe for service appears to have been the same engineer involved in the design and modification of the rolling stock that was then “*independently*” certified.

AS 7501:2019, *Rolling stock compliance certification* defines the mandatory requirements for an ICP. These requirements are that an ICP:

- *shall have experience in assessing rolling stock against standards;*
- *shall have demonstrated experience and knowledge of the referenced standards;*
- *shall have demonstrated experience and knowledge of rail safety national law;*
- *shall have demonstrated experience and knowledge of the requirements of relevant rail safety legislation;*
- *shall have demonstrated experience and knowledge of the requirements of AS 4292;*
- *shall declare any conflicts of interest¹;*
- *shall have the ability to demonstrate that they are removed from the rolling stock acquisition, design and construction process to verify their independence¹;*
- *shall have knowledge of risk management;*
- *shall have knowledge and experience in the testing of rolling stock; and*
- *shall have knowledge and experience in the rail interfaces which the RSO has deemed relevant at the time of the ICP’s appointment.*

¹ Requirements underlined to emphasise the key message for this Safety Alert.

ONRSR expects all rail transport operators who utilise an ICP to undertake appropriate due diligence to ensure the independence requirements of AS 7501:2019 (or equivalent) are met. This process should be documented with all evidence retained.

Both rolling stock operators and rail infrastructure managers have responsibilities for ensuring these expectations are met. Rolling stock operators discharge this responsibility when appointing the ICP whilst the rail infrastructure manager discharges this responsibility when reviewing and accepting the ICP.

ONRSR will be focusing on this area as part of our regulatory work program and expects all rail transport operators to be able to evidence the independence of any ICP's utilised.

This advice is effective immediately

Peter Doggett

Chief Operating Officer