

NOTICE 258 OF 2014**DEPARTMENT OF TRANSPORT****NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002****RAILWAY SAFETY STANDARDS DEVELOPMENT REGULATIONS, 2014**

I, Dipuo Peters, Minister of Transport, in terms of section 50(3)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended, hereby publish for comments the draft amendments to the Railway Safety Standards Regulations, 2014, made under section 29(1), read with section 2(1), of that Act, in the Schedule .

Interested persons are invited to submit written comments on these draft amendment Regulations to the Acting Director-General, Department of Transport, within 60 days after the date of publication of this notice, for the attention of:

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SCHEDULE

1. In these regulations any word or expression to which a meaning has been assigned in the Act have the meaning so assigned and, unless the context otherwise indicates---

- (a) “ **Board**” means the board as defined in the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended.”
- (b) “**existing standard**” means a national, industry, local or international standard developed prior to the promulgation of these Regulations”;
- (c) ““**industry standard**” means a standard developed, adopted or accepted **and approved** by a railway industry association in accordance with **these regulations** to meet specific industry requirements”;
- (d) “ **Interface**” means an area, point, or location where two or more operators’ activities meet and where the activities have the potential to effect one another;
- (e) “**international standard**” means a standard that is relevant to safe railway operations that is developed by a competent body outside the Republic of South Africa;”
- (f) “**local standard**” means a standard developed, adopted or accepted **and approved** by the relevant operator in accordance with **these regulations** to meet specific local, geographical, route, operational, and interface or intraface requirements”;
- (g) “**local standards committee**” means a group of operators who are tasked with the responsibility to develop local standards to address specific local geographical, route, operational, interface or intraface requirements ”;
- (h) “**national standard**” means a standard approved and issued by the South African Bureau of Standards (SABS) under the Standards Act, 2008 (Act No. 8 of 2008);”
- (i) ““**regulator standard**” means a standard developed, accepted or adopted **and approved** by the board in accordance with **these regulations** to meet the general technical and operational safety requirements of operators nationally”;

- (j) “ **standard**” means a document, compiled by a recognised body, that provides for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context and includes vocabularies, methods, specifications, codes of practice guides and recommendations”;
- (k) “**technical committee**” means a group of representatives that is concerned with standardisation, that is responsible for identifying the need for, and the preparation of standards in a defined field and that reflects the industry interests within that field;
- (l) “**the Act**” means the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended.”

2. “Factors to be considered in development, adoption or acceptance of standards

- (1) The board, when developing, adopting or accepting a standard, must—
 - (a) take into account the practicality of its application and its affordability;
 - (b) ensure that an investigation is conducted as to the suitability of existing or international or other standards that may be adopted or accepted for the required purpose;
 - (c) take into account general technical and operational safety requirements of railway operators; and
 - (d) take into account the needs of affected operators in order to harmonise operations at interfaces.
- (2) Any standard developed, adopted or accepted in terms of these Regulations, should be based on consolidated results of science, technology, engineering and experience with the view to promoting optimum safety”.

3. Identification of need for a standard

- (1) The need for the development of a standard may be identified by-
 - (a) the Regulator;
 - (b) an industry association;
 - (c) an operator; or

- (d) any other person;
- (2) Except for the provisions contemplated in sub-regulation 6(5), the Regulator shall be consulted by the body desirous of a new standard to determine if the standard is to be categorized as a regulator standard or an industry or a local standard.

4. Procedure for acceptance or adoption of existing standards as regulator standards

- (1) The procedure to be followed by the board for the adoption or acceptance of existing standards as regulator standards and the amendment of existing regulator standards is the following:
 - (a) the board must establish a technical committee which is comprised of representatives of relevant parties such as organs of state, industry associations, consumer organisations, non-governmental organisations, organized labour and operators;
 - (b) the technical committee is responsible for the development, acceptance or adoption of standards to be approved by the board;
 - (c) the technical committee may, where deemed necessary, appoint subcommittees or working groups comprising experts in the field to be covered by the standard;
 - (d) the subcommittees or working groups are responsible for the development of draft standards;
 - (e) the technical committee must conduct the technical review and editing of the draft standard referred to in paragraph (c) and recommend for approval the draft standard by the board;
 - (f) the standard referred to in paragraph (b) must be published for a period not less than 60 days in the Government Gazette for comment by interested parties; and
 - (g) after the collation and consideration of comments received as contemplated in paragraph (f), comments accepted by the technical committee may be incorporated in the regulator standard;
 - (h) the regulator standard must be submitted to the board for approval and adoption;
 - (i) approved regulator standards must be published in the Government Gazette.

5. Procedure for the acceptance or adoption of national standards

- (1) The procedure to be followed by the board for the adoption or acceptance of national standards is the following

- (a) The Board may adopt or accept a national standard as developed in terms of the Standards Act, 2008 (Act 8 of 2008).
- (b) The technical committee as contemplated in sub-regulation (1) (a) must review and consider the national standard for adoption and acceptance by the board.
- (c) After consideration of the national standard the Technical Committee may submit its recommendation on the national standard to the board for acceptance and adoption.
- (d) The accepted and adopted standard must be published in the Government Gazette.

6. Procedure for development, adoption and acceptance of industry standards

- (1) A railway industry association may develop, adopt and accept standards for safe railway operations.
- (2) The procedure to be followed by a railway industry association for the development, adoption and acceptance of standards as industry standards or the amendment of existing industry standards is the following:
 - (a) A technical committee must be appointed by the railway industry association for the development, adoption and acceptance or amendment of an industry standard; the technical committee is responsible for the development, acceptance or adoption of a standard(s);
 - (c) the technical committee may, where deemed necessary, appoint subcommittees or working groups comprising experts in the field to be covered by the standard;
 - (d) the subcommittees or working groups are responsible for the development of a draft standard ;
 - (e) the technical committee must conduct the technical review and editing of the draft standard referred to in paragraph (d) and approve the draft standard;
 - (f) a working group comprising experts in the field to be covered by the industry standard must be formed by the technical committee referred to in (a);
 - (g) the working group is responsible for the development of a draft industry standard;
 - (h) the technical committee must undertake a technical review and editing of the standard referred to in paragraph (c), before the railway industry association approves the standard;
 - (i) after approval in terms of paragraph (d), the standard must be published in the Government Gazette for no less than 60 days for comment by interested parties; and

- (j) after the collation and consideration of comments received pursuant to the publication of the standard in terms of paragraph (e), relevant comments may be incorporated and the standard approved by the railway industry association;
- (3) The industry standard must be submitted to the industry association for approval and adoption;
- (4) Approved industry standards must be published in the Government Gazette for compliance.
- (5) The industry association shall inform the Regulator accordingly, demonstrating that due process has been followed in this regard.

7. Procedures for developing industry standards

- (1) An operator is required to develop local standards where local conditions or requirements necessitate deviation from or additions to regulator or industry standards in order to ensure safe railway operations.
- (2) The following procedure applies to the development of local standards and the amendment of existing local standards to ensure safe railway operations:
 - (a) the operator must establish a local standards committee for the development of local standards;
 - (b) the local standards committee referred to in paragraph (a) must make use of relevant local expertise to develop local standards;
 - (c) the developed local standards must be reviewed and edited by the local standards committee and submitted to the operator's representative who has the relevant authority and responsibility for approval; and
 - (d) after approval of the local standard, by the local standards committee, the standard must be communicated to all affected parties for implementation .".
- (3) An operator who has developed a standard in accordance with the procedure contemplated in sub-regulation (1) must be able to demonstrate to the regulator that-
 - (a) The proposed local standard is based on appropriate practice;
 - (b) due process has been followed in the development of the standard;
- (4) An operator may approach a railway industry association to assist with the development of a local standard in accordance with the procedure contemplated in sub- regulation 7(1);

- (5) (a) Notwithstanding the provisions sub contemplated in 7.2, 7.3 and 7.4, in circumstances which pose a threat to safe railway operations an operator may implement a local standard prior to the approval of the local standards committee;
- (b) The standard contemplated in sub-regulations 5(a) shall be reviewed and approved by the local standard committee within 5 working days after coming into effect.

8. Responsibility, review and amendment of standards

- (1) The party responsible for a standard must review that standard for relevance and consistency whenever there is a change in process, technology, structure, legislation or any other externalities.
- (2) When a standard has been found to be irrelevant, inapplicable or inconsistent with the current needs it must be amended or retracted.

9. Incorporation of existing standards

Any existing standards adopted and accepted by the board shall become binding and enforceable to all operators.

10. Repeal of Regulations

The Railway Safety Standards Development Regulations published in Government Gazette No. 30164, Notice No. 718 of the 17th August 2007 are hereby repealed.

11. Short title

These regulations are called the Railway Safety Standards Development Regulations, 2014 and shall come into operation on the date of publication thereof in the *Gazette*.

Annexure A: List of existing National Standards to be incorporated in to the Railway Safety Standards Development Amendment Regulations, 2014

Standard Number	Name of Standard	Date published
SANS 3000-1	Railway Safety Management: General	14/10/2009
SANS 3000-2-1	Technical requirements for engineering and operational standards: Electrical	08/04/2008
SANS 3000-2-2	Technical requirements for engineering and operational standards: Track and, civil Infrastructure	23/05/2008
SANS 3000-2-2-1	Level Crossings	23/04/2012
SANS 3000-2-3	Technical requirements for engineering and operational standards: Rolling Stock	23/05/2008
SANS 3000-2-4:	Technical requirements for engineering and operational standards: Train authorization and control, and telecommunication	20/05/2013
SANS 3000-2-5	Technical requirements for engineering and operational standards: Operational Principals for Safe Movement on Rail	28/03/2013
SANS 3000-2-6	Technical requirements for engineering and operational standards: Interoperability, interface and intraface management	08/10/2013
SANS 3000-4	Human Factors Management	22/02/2011
ARP 84-1	Platform clearance for Ballastless Track (1 065 track gauge)	1 /11/2009
SANS 10405	Transportation of Dangerous Goods by Rail	12/05/2009