

DEPARTMENT OF TRANSPORT

NO. 171

14 FEBRUARY 2020

NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO.16 OF 2002)

**THE NATIONAL RAILWAY SAFETY STANDARDS DEVELOPMENT
REGULATIONS, 2020**

The Minister of Transport, in terms of section 50(3)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) , hereby publish for comments the draft Railway Safety Standards Development Regulations, 2020, made under section 29(1), of that Act, in the Schedule.

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

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SCHEDULE

Definitions

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

“existing standard” means a national, industry or local standard developed prior to the promulgation of these Regulations;

“industry standard” means a standard developed, adopted or accepted by a railway industry association in accordance with these regulations to meet specific industry requirements;

“interface” means an area, point either physical, organisational or location where two or more operators' activities meet and where the activities have the potential to affect one another;

“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;"

“intraface” means an area, point or location, either physical or organizational, where the activities or assets (or both) of two or more functional disciplines within a railway operator meet, and where the activities or assets (or both) interact or have potential to affect one another;

“local standard” means a standard developed, adopted or accepted by the relevant operator in accordance with these regulations to meet specific local, geographical, route, operational, and interface or intraface requirements;

“local standards committee” means the relevant operators committee established

in terms of regulation 8(2)(a) of these regulations and is responsible to develop local standards;

“national standards” means a standard approved and issued by the South African Bureau of Standards (SABS) under the Standards Act, 2008 (Act No. 8 of 2008)

“regulator standard” means a standard developed, accepted or adopted by the board in accordance with these regulations to meet the general technical and operational safety requirements of operators.;

“standard” means a document, compiled by a recognised standard body in terms of these regulations;

“technical committee” means a committee established by the board in terms of regulation 6(1)(a)(i) of these regulations and is responsible for the development and acceptance of standards to be adopted by the board;

“ the Act” means the National Railway Safety Regulator Act, 2002(Act No.16 of 2002).

Application

2. These regulations apply to the board and all persons authorised under the Act to conduct railway operations.

Factors to be considered in the development, adoption or acceptance of standards

3 (1) A Board or any other person in 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 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;
- (d) take into account the objections of affected operators in order to harmonise operations at interfaces;
- (e) take into account possible risks involved should a standard not be developed; and
- (f) ensure that introduction of new standards is staggered and reasonably spaced in order to allow for the structured absorption of its content into safety management systems.

(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 promote optimum safety.

(3) Any standard published by the Regulator or industry association will become valid at least 90 days after publication, or later as may be determined by the Regulator. In exceptional cases where a shorter period to validity is deemed justified (less than 90 days), the Regulator or industry association should obtain prior Railway Safety Regulator Board approval for such deviation.

Role of the Board of the Regulator

4. The board may develop new standards or adopt or accept existing standards in terms of these regulations.

Identification of need for a standard

5 (1) The need for the development, adoption or acceptance 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 regulation 6, the Regulator shall be consulted by any persons contemplated in regulation 5(1)(b)(c) and (d) for a need of a new standard to determine if the standard is to be categorized as a regulator standard or an industry or a local standard.

Procedure for adoption or acceptance of existing standards as regulator standard

6 (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) (i) The board must establish a technical committee responsible for development, adoption or acceptance.

(ii) A technical committee shall 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 may, where deemed necessary, appoint subcommittees or working groups comprising experts in the field to be covered by the standard;

(c) the technical committee must conduct the technical review and editing of the draft standard referred to in paragraph (b) and recommend the adoption of the draft standard by the board;

(d) the standard referred to in paragraph (b) must be published by the Regulator for a period not less than 60 days in the Government Gazette for comment by interested parties;

(e) after the collation and consideration of comments received as contemplated in paragraph (d), comments accepted by the technical committee may be incorporated into the regulator standard;

(f) the regulator standard must be submitted to the board for adoption; and

(g) Adopted regulator standards referred to in Annexure A are binding to the operators once published in the Government Gazette.

Procedure for the acceptance or adoption of national standards

7(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 No. 8 of 2008);

(b) The technical committee as contemplated in sub-regulation 6 (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 recommendations on the national standard to the board for acceptance or adoption; and

(d) The accepted and adopted standard referred to in Annexure A are binding to the operators once published in the Government Gazette.

Procedure for development, adoption or acceptance of industry standards

8 (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 or acceptance of an industry standard;

(b) the technical committee may, where deemed necessary, appoint subcommittees or working groups comprising experts in the field to be covered by the standard;

(c) the subcommittees or working groups are responsible for the development of a draft industry standard;

(d) the technical committee must conduct the technical review and editing of the draft industry standard referred to in paragraph (c) and approve the draft standard;

(e) 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 paragraph (a);

(f) the working group is responsible for the development of a draft industry standard;

(g) the technical committee must undertake a technical review and editing of the standard referred to in paragraph (d), before the railway industry association approves the standard;

(h) 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

(i) after the collation and consideration of comments received pursuant to the publication of the standard in terms of paragraph (h), relevant

comments may be incorporated and the standard approved by the railway industry association;

(j) the industry standard must be submitted to the railway industry association for approval and adoption;

(k) Approved railway industry standards must be communicated by the railway industry association to its members.

(l) Approved industry standards must be published in the Government Gazette by the railway industry association, after the Regulator is satisfied that all the due processes have been followed.

(3) The industry association shall inform the Regulator accordingly, demonstrating that due process has been followed in this regard.

Procedures for developing local standards

9. (1) An operator is required to develop local standards where local conditions or requirements necessitate deviation from or additions to regulator or industry standards 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 local standard committee must, in developing local standard, address specific local, geographical, route, operational, interface or intraface requirements;

(d) 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 adoption; and

(e) after approval and adoption of the local draft standard, by the local standards committee, the standard must be communicated to all interested and 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 6(1);

(5) (a) In circumstances which pose a threat to safe railway operations, an operator may implement a local standard prior to the adoption by a 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.

Responsibility, review and amendment of standards

10. (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 relevant externalities.

(2) When a standard has been found to be irrelevant, inapplicable or inconsistent with the current needs it must be amended or retracted.

Incorporation of existing standards

11 (1) Any existing standards adopted or accepted by the board, including standards on annexure "A", shall become binding and enforceable to all operators.

(2) Notwithstanding the provisions of any other law, the copyright in a regulator standard or a publication vests in the Regulator.

(3) No person may, without the authorization of the Regulator in any manner or form, publish, reproduce or record any document or part thereof.

(4) Sub-regulation (3) of this regulation does not prevent any person from making a copy of such a document for his or her own personal use.

Repeal of Regulations

12 The National Railway Safety Standards Development Regulation published in Government Gazette No. 30164 of 17 August 2007 is hereby repealed.

Short title

13 These regulations are called the Railway Safety Standards Development Regulations, 2020 and are published for comments.

Annexure A: List of existing Railway Safety Standards to be incorporated into the Railway Safety Standards Development Regulations, 2020

NO	STANDARD NO	TITLE	Year Published
1	SANS 3000-1	Railway Safety Management: General	2016
2	SANS 3000-2-1	Requirements for systemic engineering and operational safety standards - Electrical distribution and overhead traction systems	2017
3	SANS 3000-2-2	Requirements for systemic engineering and operational standards: Track and civil infrastructure	2016
4	SANS 3000-2-2-1	Technical requirements for engineering and operational standards: Track, civil and electrical infrastructure - Level Crossings	2012
5	SANS 3000-2-3	Requirements for systemic engineering and operational safety standards – Rolling Stock	2017
6	SANS 3000-2-4:	Technical requirements for engineering and operational standards: Train authorization and control, and telecommunication	2013
7	SANS 3000-2-5	Technical requirements for engineering and operational standards: Operational Principles for Safe Movement on Rail	2013
8	SANS 3000-2-6	Technical requirements for engineering and operational standards: Interoperability, interface and intraface management	2013
9	SANS 3000-4	Human Factors Management	2011
10	SANS 10405	Transportation of Dangerous Goods by Rail	2014
11	RSR 00-3	Occurrence Management	2016
12	RSR 00-4-1	Human Factors Management - Fatigue Management Standard	2016
13	RSR 00-2-3-1	Requirements for systemic engineering and operational safety standards – Rolling Stock - Wheels, axles and bearings Standard	2016
14	RSR 00-2-7	Requirements for systemic engineering and operational safety standards – Railway Stations	2016