

THE RAILWAYS ACT
ACT NO 4 OF 2002

REGULATIONS
Made Under Section 28

THE RAILWAYS (AUTOMATIC BRAKE, PASSENGER COMMUNICATION UNIT
AND AUTOMATIC COUPLER) REGULATIONS, 2008.

THE RAILWAYS ACT
Act No. 2 of 2002

REGULATIONS
Made Under Section 28

THE RAILWAYS (AUTOMATIC BRAKE, PASSENGER COMMUNICATION UNIT
AND AUTOMATIC COUPLER) REGULATIONS, 2008.

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THE RAILWAYS ACT
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THE RAILWAYS (AUTOMATIC BRAKE, PASSENGER COMMUNICATION UNIT
AND AUTOMATIC COUPLER) REGULATIONS, 2008.

Citation and Commencement	1. These Regulations may be cited as the Railways (Automatic Brake, Passenger Communication Unit and Automatic Coupler) Regulations, 2008, and shall come into force on the day of their publication in the Gazette
Application	2. (1) These Regulations apply to Railway Networks of Tanzania on which the Railways Act, 2002 applies. (2) The regulations do not apply to the undertaking of the Tanzania Zambia Railway Authority.
Interpretation	3. In these Regulations, unless the context otherwise requires: “authority” means the Surface and Marine Transport Regulatory Authority, established under section 4 of the Surface and Marine Transport Regulatory Authority Act; “Chief Inspector of Railway Safety” means the person appointed under section 32 of the Railways Act (Act No 4 of 2002); “coach” means a railway carriage primarily used for the carriage of people and includes a restaurant car and a luggage van; “ecp brake” means electronically controlled pneumatic brake; “RAHCO” means Reli Assets Holding Company Limited; “railway operator” means any person managing railway infrastructure or providing rail transport services; "rolling stock" means a vehicle that operates on or uses the rail track and includes a locomotive, rail car, motor trolley, rail carriage, light rail vehicle, train light inspection vehicle, road-rail vehicle, or wagon; "running line" means a railway line which is not a siding and is ordinarily used for the passage of trains; “SUMATRA” means the Surface and Marine Transport Regulatory

Authority, established under section 4 of the Surface and Marine Transport Regulatory Authority Act;

“train” means:

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive, or
- (b) a locomotive not coupled to any other rolling stock;
- (c) or motor trolley

“vehicle” means a wheeled conveyance used on railway track for carrying people or goods.

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| Trains to be fitted Automatic Brakes | 4. (1) All trains moving on the running line in the railway network of Tanzania shall be fitted with continuous automatic brakes operated with pressure air and capable of being applied by the driver and train guard;

(2) automatic brake means the brake is self-applying in the event of any loss of air pressure in the train pipe;

(3) the brakes of not less than eighty-five per centum (85%) of the wheel pairs in the train shall be in good working order. |
| Brakes on rolling stock | 5. (1) Brake systems of rolling stock attached to any train shall be shall be capable of graduated release;

(2) Each locomotive on the train shall have a functioning dynamic brake, an independent locomotive brake, and a mechanical parking brake in addition to the air automatic brake; |
| ECP Brakes | 6. Any train designed to run at a speed of more than one hundred and twenty kilometers per hour or having a length of more than 1.5 km shall be equipped with Electronically Controlled Pneumatic Brakes capable of braking all vehicles simultaneously without depleting the brake train pipe pressure. |
| Brake vans | 7. All trains with more than five wagon lengths shall run with a brake van coupled at the rear and manned by a train guard, unless:

(a) a suitable end-of-train device is attached to the rear of the train and

(b) trackside train protection equipment has been installed

and the Chief Inspector of Railway Safety has approved that the system provides sufficient protection to replace the Brake Van. |

- Internal rules and procedures 8. The Railway Operator shall formulate own rules and procedures on operation of the braking systems of vehicles and trains for the guidance of operating and maintenance staff.
- Passenger Communication Unit 9. (1) Coaches and brake vans shall be fitted with a passenger communication unit comprising of a red handle which when operated actuates a pneumatic valve to slightly reduce train pipe pressure as an emergency signal to the train driver and after a set time delay with no action from the driver emergency brakes shall automatically apply.
- (2) One or more passenger communication units shall be fitted at a convenient location at each end inside the coach.
- Automatic Coupler 10. Subject to regulation 11, a rail operator shall not haul or allow to be used on its railway a vehicle which is not:
- (1) equipped with couplers capable of being coupled automatically by impact and being uncoupled without the necessity of individuals going between the ends of the vehicles;
- (2) provided with secure grab irons or handholds on the ends and sides for greater security to individuals coupling and uncoupling the vehicles;
- (3) compliant with the standard height of draft gear prescribed in the railway's standard specifications;
- (4) provided with secure sill steps and efficient hand brakes.
- Transition Arrangements 11. Within a period of one year after coming into force of these regulations RAHCO and the Railway Operator shall agree with SUMATRA on a timeline for the change-over to automatic couplers during which time non-automatic couplers shall continue to be tolerated, provided that such transition time shall not exceed ten years.
- Appeal against decision of the Authority 12. Any person who is aggrieved by a decision of the Authority made under these regulations may appeal to the Fair Competition Tribunal and the decision of the Fair Competition Tribunal shall be final.
- Offences and penalties 13. (1) Any unauthorized person who applies the passenger communication unit or emergency brake valve without reasonable cause commits an offence and shall be liable on conviction to a fine not exceeding four million shillings or to an imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.
- (2) Any railway operator who contravenes any of the provisions of

these regulations commits an offence and shall be liable on conviction to a fine not exceeding four million shillings or to revocation of railway operator's licence or to both fine and revocation of Railway Operator's Licence.

Power to
compound offence

14. (1) Notwithstanding the provisions of these regulations relating to penalty, where a person has committed an offence under these regulations the Authority may, at any time prior to commencement of the hearing by any court in relation thereto, compound such offence and order such person to pay such amount of money, not exceeding one half of the amount of fine which such person would otherwise have been liable if he had been convicted of such offence.

Provided that the Authority shall not exercise its power under this regulation unless the person concerned admits in writing that he has committed such offence and requests that it be compounded.

- (2) Where the Authority compounds an offence under this regulation, the order referred to in sub-regulation (1)
- (a) Shall be reduced to writing and there shall be attached to it the admission and request referred to in the proviso to the said sub-regulation and a copy of such order shall be given to the person who committed the offence if he so requests;
 - (b) Shall specify the offence committed, the sum of money ordered to be paid and the date or dates on which payment is to be settled;
 - (c) Shall be final and shall not be subject to any appeal to any court;
 - (d) May be enforced in the manner as a decree of a court for payment of the amount of money stated in the order.

Dar es Salaam,
Date:

Hon. Shukuru Kawambwa
Minister for Infrastructure Development