

THE RAILWAYS ACT

[NO. 4 OF 2002]

REGULATIONS

Made under section 28

THE RAILWAYS (SAFETY PLAN) REGULATIONS, 2006

THE RAILWAYS ACT**[NO. 4 OF 2002]****REGULATIONS****Made under section 28****THE RAILWAYS (SAFETY PLAN) REGULATIONS, 2006**

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PART I

PRELIMINARY PROVISIONS

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|-----------------------|----|---|
| <i>Citation</i> | 1. | These Regulations may be cited as the Railways (Safety Plan) Regulations, 2006. |
| <i>Commencement</i> | 2. | The Regulations shall come into effect on the date of publication in the Gazette. |
| <i>Interpretation</i> | 3. | In these Regulations, unless the context requires otherwise –

“accident” means an unwanted or unintended sudden event or specific chain of events which have harmful consequences

“Chief Inspector of Railway Safety” means any person designated as such under section 32 of the Railways Act 2002.

“Chief Executive Officer” means the person for the time being responsible for the overall management of the railway undertaking.

“death” ; for the purposes of accident reporting and statistics, a death shall be deemed to arise from the accident if it occurs instantaneously or within thirty days as a result of an injury arising from the accident.

“employee representative” refers to an employee who does not exercise managerial |

functions; where employees are represented by a trade union, it refers to the person nominated by the trade union.

“hazard” means any material, condition or action which can have harmful effects or has the potential to result in an accident.

“human factors” means applying human psychological, social, physical and biological characteristics in the design, operation or use of products or systems.

“minor injury” means any injury requiring first aid or minor medical treatment.

“reportable railway accident” means an accidents which must be immediately reported to the Chief Inspector of Railway Safety by the quickest means.

“risk” means the chance of injury or loss measured as the probability and severity of an adverse effect on health, property, the environment or other things of value.

“section” means that part of a railway track which is between two adjacent stations.

“safety initiative” – a proposed plan, project or course of action designed to achieve a specific safety target.

“safety plan” means a document prepared by a railway operator describing the components of its safety management system.

“serious accident” means an accident which has an obvious impact on railway safety regulation or management of safety and includes such an accident that results in:

- (a) the death of a person,
- (b) serious injuries to five or more persons,
- (c) extensive damage to rolling stock, the infrastructure or the environment.
- (d) interruption of through communication for more than twenty four hours.

“**serious injury**” means any injury requiring hospitalization for more than 24 hours.

“**SUMATRA**” means the Surface and Marine Transport Regulatory Authority established under section 4 of the Surface and Marine Transport Regulatory Authority Act, 2001.

“**train**” means a rail mounted power propelled unit with or without vehicles attached, working with a planned schedule.

*Scope of
Application*

4. These Regulations shall apply in relation to railway operators in Mainland Tanzania.

PART II

SAFETY PLAN

*Components of
a safety plan*

5. Any person who intends to provide or is providing rail transport services shall implement and maintain a comprehensive Safety Plan that includes the following components:
- (a) the name, address and position of the person responsible for the safety plan,
 - (b) a description of the railway operator’s operations and rail network,
 - (c) railway operator’s safety policy and annual safety performance targets and the associated safety initiatives to achieve the targets, approved by Chief Executive Officer and communicated to employees,
 - (d) Clear authorities, responsibilities and accountabilities for safety at all levels in the railway operations,
 - (e) a system for involving employees and their representatives in the development and implementation of the railway operator’s safety plan,
 - (f) systems for identifying applicable
 - i) railway safety regulations, rules, standards, and orders, and the procedures for demonstrating

- compliance with them, and
 - ii) exemptions and the procedures for demonstrating compliance with the terms or conditions specified in the notice of exemption,
- (g) a process for
- i) identifying safety issues and concerns, including those associated with human factors, third parties and significant changes to railway operations, and
 - ii) evaluating and classifying risks by means of a risk assessment,
- (h) systems for accident and incident reporting, investigation, analysis and corrective action,
- (i) systems for ensuring that employees and any other persons to whom the railway company grants access to its property, have appropriate skills and training and adequate supervision to ensure that they comply with all safety requirements,
- (j) procedures for the collection and analysis of data for assessing the safety performance of the railway operator,
- (k) procedures for periodic internal safety audits, reviews by management, monitoring and evaluations of the safety plan,
- (l) systems for monitoring management-approved corrective actions resulting from the systems and processes required under sub-regulations 5(f) to (k),
- (m) an emergency plan which shall elaborate how the railway plans to deal with emergency situations, including accidents, security threats and epidemics. This shall include, but not limited to:
- (i) identification of emergency response personnel and their contact telephones,
 - (ii) procedure for raising of alarm and responding to alarm,
 - (iii) reporting relationships and responsibilities,
 - (iv) site management, and

(v) when and how to seek external assistance, and

(n) consolidated documentation describing the systems for each component of the safety plan.

*Initial Submission
of Safety Plan
To Sumatra*

6. The initial submission of the Safety Plan to SUMATRA shall be made at least 60 days before starting operations.

*Safety
Performance
Assessment*

7. For the purpose of assessing a railway's safety performance the railway operator shall collect, maintain and submit to SUMATRA records of the following information:

(a) accident and incident investigation reports and a description of corrective actions taken for accidents and incidents that meet reporting criteria.

(b) accident rates expressed as follows:

i) employee deaths, serious injuries and minor injuries, per 200,000 hours worked by the employees of the railway company;

ii) passenger deaths, serious injuries per million passenger-kilometer; and

iii) train accidents that meet the reporting criteria, per million train-kilometer or per ten billion ton-kilometer.

(c) any other performance data requested by SUMATRA.

*Periodical
Reporting
Requirements*

8. (1) The railway operator shall periodically report to SUMATRA the following information:

(a) any revisions made to the safety plan referred to in regulation 5;

(b) its safety performance relative to its safety targets; and

(c) its accident rates expressed as required in sub-regulation 7(b).

(2) The railway operator shall include in the report its safety targets for the financial year in which the submission is made.

(3) The report periods and deadlines for submitting

the respective reports shall be:

- (a) For each of the quarter years July to September, October to December and January to March the report shall be submitted within 40 days after the last day of the quarter,
- (b) For the year July to June and the quarter year April to June of the same year the reports shall be submitted by 1st September of the following year.

*Revision of
safety plan*

9. The Safety plan shall be revised in circumstances where:

- (a) Chief Inspector of Railway Safety issues a notice in writing to the Railway operator to do so.
- (b) new infrastructure works or new rolling stock are accepted by the Chief Inspector of Railway Safety.
- (c) a railway operator considers it appropriate to do so.
- (d) A railway operator transfers its business activities to another organization.

Documents

10 For purposes of monitoring compliance with these Regulations by the Chief Inspector of Railway Safety, a railway operator shall keep readily available all documents that are mentioned in his safety plan, including, but not limited to, documents dealing with the following subjects:

- (a) organization chart and job description of staff involved in safety critical work,
- (b) train working regulations and station working regulations,
- (c) standards, manuals and rules for the operation and maintenance of locomotives and rolling stock,
- (d) standards, manuals and rules for construction, inspection and maintenance of permanent way,
- (e) standards, manuals and rules for the operation, inspection and maintenance of signaling system,

- (f) internal safety audit reports,
- (g) safety performance data and analysis, and
- (h) emergency plan.

*Offences***11.** (1) Any person who:

- (a) furnishes any return, report, written information or explanation containing any particulars which to his knowledge are false or incorrect, or
- (b) acts in contravention of any provisions of these regulations, or
- (c) fails to rectify any condition or to stop any activity when ordered to do so by the Chief Inspector of Railway Safety or an officer acting on his behalf, or
- (d) hinders the Chief Inspector of Railway Safety or any person appointed under these regulations from carrying out his duties,

commits an offence and is liable to a fine of not less than US\$ one hundred or its equivalent in Tanzanian shillings and not more than US\$ fifty thousand or its equivalent in Tanzanian shillings and/or revocation of railway operator's licence.

(2) The Authority shall issue a thirty days written notice with reasons of the intended sanction during which the person shall have an opportunity to make representations

(3) Where the Authority is satisfied that the reasons are not sufficient it shall impose the fine or other sanction on the offender.

Appeals

12. Any person who is aggrieved by a decision of the Authority made under these regulations may seek a review or appeal in accordance with part IV of the Surface and Marine Transport Regulatory Authority Act, 2001.

Dar es Salaam,

....., 2006

Andrew Chenge (MP)

Minister for Infrastructure Development

