



Literature Review of Template Agreements/Practice Notes on Tariffs, Customer Feedback, Cross-Border Processes, and Safety and Security

1. Template agreements/practice notes on tariffs

OSJD agreements

There are three tariffs-related agreements concluded within the framework of OSJD:

1. Agreement on the International Passenger Tariff (MPT);

http://www.osjd.org/dbmm/download?vp=51&load=y&col_id=2066&id=2616

2. Agreement on the International Railway Transit Tariff (MTT);

http://www.osjd.org/dbmm/download?vp=51&load=y&col_id=2066&id=2908

3. Agreement on the Uniform Transit Tariff (ETT);

http://www.osjd.org/dbmm/download?vp=51&load=y&col_id=2066&id=2907

4. Tariff agreement of railway administrations (railways) of the Member States of the Commonwealth of Independent States

Signed on 17 February 1993, the parties to the Agreement undertake to apply:

- The Common CIS Tariff policy;
- The common rules for through tariff scales; and
- The common rules of accounting among the railways. The Agreement establishes the mechanism of amending the Common Tariff Policy and arrangements for its implementation by the contracting parties at national level.

<https://www.lawmix.ru/abro/9333>

Australia

5. Queensland Rail's Draft Access Undertaking – Reference Tariffs, Reference Train Services and Rate Regulation, October 1999

<http://www.qca.org.au/getattachment/9686a379-1027-4e29-84ec-d66719ed6ac1/Reference-Tariffs,-Reference-Train-Services-and-Ra.aspx>

Poland

6. FREIGHT TARIFF DB SCHENKER RAIL POLSKA S.A.

https://pl.dbcargo.com/file/rail-polska-en/7434084/WFGChh_QSxqQgGUXXP2Dfnerb8/8970532/data/freight_tariff_march.pdf

7. EXISTING LEGAL INSTRUMENTS RELATED TO THE FACILITATION OF INTERNATIONAL RAILWAY TRANSPORT. Chapter 4. The study on regional railway facilitation. Enhancing the operationalization of the Trans-Asian Railway- Costing, marketing and facilitation of railway services

http://www.unescap.org/sites/default/files/pub_2681_ch4.pdf

8. Mansur Pour Rafsendjani and Christian-Thomas Stempfle. STUDY OF COMPLIANCE REGARDING EU-RAILWAY LAW AND OSJD-RAILWAY LAW FOR EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT DIRECTORATE, 12 March 2007

Draft

https://ec.europa.eu/transport/sites/transport/files/modes/rail/studies/doc/2007_03_compliance_railway_law.pdf

9. Managing for development results: Rail infrastructure tariffs—Enabling private sector development in Mongolia’s railway sector. Mandaluyong City, Philippines: Asian Development Bank, 2014

<https://www.adb.org/sites/default/files/publication/31216/rail-infrastructure-tariffs-mongolia.pdf>

USA

10. FREIGHT RAIL PRICING. United States Government Accountability Office. Report to Congressional Committees, December 2016

<https://www.gao.gov/assets/690/681454.pdf>

2. Template agreements/practice notes on customer feedback

Australia

1. QUEENSLAND RAIL CUSTOMER SERVICE ENTERPRISE AGREEMENT 2011

http://www.qirc.qld.gov.au/resources/pdf/agreement_award/qc_agreements/customer_service.pdf

2. Customer feedback policy. Queensland Rail Limited

[https://www.queenslandrail.com.au/about%20us/Right%20to%20Information/Documents/Customer%20Feedback%20Policy%20\(PDF\).pdf](https://www.queenslandrail.com.au/about%20us/Right%20to%20Information/Documents/Customer%20Feedback%20Policy%20(PDF).pdf)

3. Customer Feedback Statement. Sydney Trains

http://www.sydneytrains.info/contact_us/feedback_statement

United Kingdom

4. Office of Rail and Road Complaints Handling Procedures: Consultation on guidance Response by Transport Focus, July 2015

http://orr.gov.uk/_data/assets/pdf_file/0007/19357/complaints-handling-procedures-transport-focus.pdf

5. Complaints Handling Procedure for Passengers. Network Rail. July 2016

<https://cdn.networkrail.co.uk/wp-content/uploads/2017/01/Network-Rail-Complaints-Handling-Procedure-for-Passengers.pdf>

6. Our complaints handling procedure. CrossCountry Trains

<https://www.crosscountrytrains.co.uk/customer-service/contact-us/complaints-and-comments>

7. Making a complaint. Virginia Trains

https://www.virgintrains.co.uk/~/_media/84ae12610fe04ab4a92b3bc90bc4b012.ashx

Germany

8. TRAVELLING BY TRAIN: Passenger rights in Germany Guideline for European consumers

https://www.evz.de/fileadmin/user_upload/eu-verbraucher/PDF_Englisch/Brochures/TRAVELING_BY_TRAIN_EN.pdf

EU

9. Rail passenger rights

https://europa.eu/youreurope/citizens/travel/passenger-rights/rail/index_en.htm

3. Template agreements/practice notes on cross-border processes

The list is prepared by Public-Private-Partnership In Infrastructure Resource Center¹.

Europe and Central Asia

1. Model Framework Border-Crossing Agreement

<http://siteresources.worldbank.org/ECAEXT/Resources/258598-1256842123621/6525333-1306937865933/annex4.pdf>

Annex 4 of Railway Reform in South East Europe and Turkey - On the Right Track? by Carolina Monsalve, World Bank Report No. 60223-ECA, March 2011.

The framework agreement has been developed for South East Europe/Turkey and the European Union (EU). It aims to implement EU legislation. EU member states must ensure that the provisions contained in cross-border agreements do not discriminate between railway undertakings, or restrict the freedom of railway undertakings to operate cross-border services. The framework agreement introduces the concept of a joint border zone. Authorities of both states can carry out their controls in both national territories. Border dispatching of passenger trains can either take place on moving passenger trains or at border stations. Border dispatching and checking of freight trains can be performed either in a joint border station or in hinterland terminals. All railway undertakings that are licensed in either country are allowed to enter the border zones. The framework agreement sets out principles for open-access border-crossing by rail between the parties. It is the basis for subsequent agreements that implement the framework agreement (for instance agreements on customs, sanitary or veterinary controls or interconnection of networks).

2. MODEL AGREEMENT ON INFRASTRUCTURE INTERCONNECTION

<http://siteresources.worldbank.org/ECAEXT/Resources/258598-1256842123621/6525333-1306937865933/annex5.pdf>

East Asia and Pacific

3. Intergovernmental Agreement on the Trans-Asian Railway Network

¹ Public-Private-Partnership In Infrastructure Resource Center - Cross-Border Railway Traffic
<https://ppp.worldbank.org/public-private-partnership/ppp-sector/transportation/railways/railway-laws-and-regulations/cross-border-traffic/cross-border-ra>

http://www.unescap.org/sites/default/files/TAR%20Agreement-Consolidated-14June2017-En_0.pdf

The agreement was negotiated under the auspices of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). It has been developed to promote and develop international rail transport in Asia and with neighboring regions. The agreement sets out the framework for the development of a Trans-Asian railway network that consists of defined railway lines of international importance. The agreement lays down standards to be taken into account for modernizing of old and construction of new railway lines of international importance with regard to capacity, vehicle loading gauge, interoperability and container terminals. It entered into force June 11, 2009.

EU Legislation on Interoperability

The European Union (EU) has established specific legislation to promote interoperability of the different national railway systems across the EU's railway network.

Below are links to the central EU Directive with regard to interoperability and sample legislation from some EU countries:

EU

4. Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the Interoperability of the Rail System within the Community.

<https://ppp.worldbank.org/public-private-partnership/library/directive-200857ec-european-parliament-and-council-17-june-2008-interoperability-rail-system>

France

5. Décret n° 2006-1279 du 19 Octobre 2006 Modifié Relatif à la Sécurité des Circulations Ferroviaires et à l'Interopérabilité du Système Ferroviaire - Decree No. 2006-1279 of October 19, 2006 (amended) Concerning the Safety of Train Movements and the Interoperability of the Railway System (French).

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006054559>

6. Arrêté du 19 Mars 2012 Fixant les Objectifs, les Méthodes, les Indicateurs de Sécurité et la Réglementation Technique de Sécurité et d'Interopérabilité Applicables sur le Réseau Ferré National - Decree of March 19, 2012 Defining the Objectives, Methods, Safety Indicators and Technical Regulations Applicable for the Safety and Interoperability of the National Rail Network (French).

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025582663>

Germany

7. Trans-European Railway Interoperability Regulation (Transeuropäische-Eisenbahn-Interoperabilitätsverordnung - TEIV) (German).

<http://www.gesetze-im-internet.de/teiv/BJNR130510007.html>

Spain

8. Real Decreto 1434/2010 de 5 de Noviembre, sobre Interoperabilidad del Sistema Ferroviario de la Red Ferroviaria de Interés General - Royal Decree 1434/2010 on the Interoperability of the Main Railway Network in Spain (Spanish).

<http://www.fomento.gob.es/NR/rdonlyres/34B31E9B-E92F-423B-B452-D3FE384B2BE5/112650/rd14342010.pdf>

United Kingdom

9. The Railways (Interoperability) Regulations 2011

http://www.legislation.gov.uk/uksi/2011/3066/pdfs/uksi_20113066_en.pdf

Canada-USA

10. Improving and Expanding Cross Border Rail Passenger Service through the Implementation of Pre-clearance (including THE CANADA-U.S. PRECLEARANCE AGREEMENT)

<http://ebtc.info/wp-content/uploads/2016/05/EBTC-White-Paper-Cross-Border-Rail-Passenger-Service-.pdf>

Greater Mekong Subregion Countries

11. Greater Mekong Subregion Cross-Border Transport Facilitation Agreement

<https://www.adb.org/sites/default/files/publication/29294/gms-cbta-instruments-history.pdf>

International UNECE Transport Agreements and Conventions

<http://www.unece.org/trans/conventn/legalinst.html>

The UN Economic Commission for Europe (UNECE) guides the process of harmonizing and simplifying border crossing procedures for the various modes of inland transport and provides an overview of international UNECE Transport Agreements on its website.

12. Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954

<http://www.unece.org/fileadmin/DAM/trans/conventn/Touring-1954e.pdf>

13. Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, signed in New York on 4 June 1954

<http://www.unece.org/fileadmin/DAM/trans/conventn/touring-protocol-e.pdf>

14. Customs Convention on the Temporary Importation of Private Road Vehicles, signed in New York on 4 June 1954

http://www.unece.org/fileadmin/DAM/trans/conventn/imppriv_En.pdf

15. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959

http://www.unece.org/fileadmin/DAM/trans/conventn/TIR_Convention_1959_FR_EN.pdf

16. Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975

<http://www.unece.org/fileadmin/DAM/tir/handbook/TIRConventionENFRRU.pdf>

17. Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, of 18 May 1956

<http://www.unece.org/fileadmin/DAM/trans/conventn/aire.pdf>

18. Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956

<http://www.unece.org/fileadmin/DAM/trans/conventn/impcom-e.pdf>

<http://www.unece.org/fileadmin/DAM/trans/conventn/annexes.pdf>

19. International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952

<http://www.unece.org/fileadmin/DAM/trans/conventn/passraile.pdf>

20. International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952

<http://www.unece.org/fileadmin/DAM/trans/conventn/goodsraile.pdf>

21. Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958

<http://www.unece.org/fileadmin/DAM/trans/conventn/sparee.pdf>

22. Customs Convention on Containers, of 2 December 1972

http://www.unece.org/fileadmin/DAM/trans/conventn/ccc_1972e.pdf

23. European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960

<http://www.unece.org/fileadmin/DAM/trans/conventn/palette.pdf>

24. International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982

<http://www.unece.org/fileadmin/DAM/trans/conventn/ECE-TRANS-55r2e.pdf>

25. Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994

<http://www.unece.org/fileadmin/DAM/trans/conventn/poolcon.pdf>

26. Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006

<http://www.unece.org/fileadmin/DAM/trans/conventn/2007SMGS-e.pdf>

Other Resources

27. A Review of International Legal Instruments - Facilitation of Transport and Trade in Africa (Les instruments juridiques internationaux de facilitation du transport et du commerce en Afrique), second edition, Jean Grosdidier de Matons, Sub-Saharan Africa Transport Program (SSATP), March 2014

<https://ppp.worldbank.org/public-private-partnership/library/review-international-legal-instruments-facilitation-transport-and-trade-africa>

28. A Framework to Approach Shared Use of Mining-Related Infrastructure by Perrine Toledano, Sophie Thomashausen, Nicolas Maennling, and Alpa Shah, Vale Columbia Center on Sustainable International Investment, Columbia University, 2014.

<https://ppp.worldbank.org/public-private-partnership/library/framework-approach-shared-use-mining-related-infrastructure>

The publication presents an economically, legally and operationally rational framework to enable shared use of mining-related infrastructure, including rail, ports, power, water, and internet and telecommunications (ICT) and contains information on cross border infrastructure sharing.

29. Efficient Cross-Border Transport Models, United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), 2012 – Report on cross-border freight and passenger transport by road and rail in the Asia-Pacific region.

<https://ppp.worldbank.org/public-private-partnership/library/efficient-cross-border-transport-models>

The report analyzes possible solutions for efficient cross-border transport in terms of improving operations, lowering operating costs and reducing the time spent at the border. It provides suggestions for private sector operators and recommendations for the public sector on how private business arrangements can be supported.

4. Template agreements/practice notes on safety and security

Australia, The Office of the National Rail Safety Regulator

<https://www.onrsr.com.au/>

The Office of the National Rail Safety Regulator (ONRSR)'s key functions which are to:

- improve rail safety for the Australian community
- decrease the regulatory burden on the rail industry
- provide seamless national safety regulation
- enforce regulatory compliance.

Safety improvement

Safety and safety improvement in the Australian rail transport industry is a fundamental objective of ONRSR.

ONRSR will encourage, enable and support the national rail industry by:

- working with industry stakeholders to develop an industry owned national rail safety risk model
- identifying risk-based safety improvement initiatives which build industry capacity
- supporting safety research and identifying best practice in safety risk management and assurance
- conducting dedicated forums
- working with industry on the development and adoption of Rail Industry Safety and Standards Board (RISSB) standards
- supporting industry stakeholders to develop and implement safety improvement initiatives
- supplementing industry and other standards with ONRSR guidance or approved codes of practice
- recommending changes to legislation to improve the functioning of the *Rail Safety National Law*
- providing a consistent and clear regulatory platform.

In doing so, ONRSR will continue to work with industry to identify local and national risk and develop safety improvement tools and guidance material.

Guidelines

The ONRSR provides further guidance for duty holders on legislative requirements and ONRSR policies.

1. The ONRSR Way, 23 February 2018

https://www.onrsr.com.au/_data/assets/pdf_file/0014/20822/The-ONRSR-Way-web.pdf

The ONRSR Way offers regulated parties and rail safety stakeholders clarity around how ONRSR regulates rail safety across Australia.

2. Reporting Requirements for Notifiable Occurrences, 8 June 2017

https://www.onrsr.com.au/_data/assets/pdf_file/0004/19516/Reporting-Requirements-for-Notifiable-Occurrences-June-2017.pdf

This document sets out the legal requirements imposed on rail transport operators by the Regulator under Regulation 57(4) of the National Regulations.

3. Investigation Reports by Rail Transport Operators Guideline, 1 May 2017

https://www.onrsr.com.au/_data/assets/pdf_file/0003/19362/Guideline-Investigation-reports-by-rail-transport-operators-January-2017.pdf

Outlines ONRSR's expectations of investigation reports prepared by, or for, Australian rail operators into a rail occurrence.

4. Identifying rail safety work under the RSNL, 5 December 2016

https://www.onrsr.com.au/_data/assets/pdf_file/0004/18652/Guideline-Identifying-Rail-Safety-Work-Under-the-RSNL.pdf

This rail safety worker guideline provides guidance on the term rail safety work, and outlines how RTOs can identify rail safety workers as part of their risk management processes.

5. Small isolated line heritage operations – safety management system (SMS) guideline, 7 September 2016

https://www.onrsr.com.au/_data/assets/pdf_file/0004/17986/Guideline-Small-Isolated-Line-Heritage-Operators.pdf

Provides practical guidance to small isolated line heritage operators on meeting the requirements of the Rail Safety National Law (RSNL) for implementing a safety management system.

6. Major projects guideline, 5 July 2016

https://www.onrsr.com.au/_data/assets/pdf_file/0016/10465/Guideline-Major-Projects.pdf

The Office of the National Rail Safety Regulator (ONRSR) has prepared this guideline in order to promote the safe and timely delivery of rail infrastructure and rolling stock assets through major projects.

7. Effective control and management of railway operations guideline, 5 July 2016

https://www.onrsr.com.au/_data/assets/pdf_file/0012/1920/Guideline-Effective-Control-and-Management-of-Railway-Operations.pdf

Guideline to provide a framework for an approach to identifying who has effective control and management of railway infrastructure and/or the operation or movement of rolling stock, including in contracting arrangements.

8. Using the template interface agreement for rail or road crossings guideline, 18 March 2016

https://www.onrsr.com.au/_data/assets/pdf_file/0019/3907/Guideline-Using-the-Template-Interface-Agreement-for-Rail-or-Road-Crossings.pdf

Provides guidance to rail infrastructure managers and road managers in meeting their obligations to enter into interface agreements for rail or road crossings on public and private roads under Part 3, Division 6 of the Rail Safety National Law (RSNL).

9. Safety performance reporting guideline, 15 December 2015

https://www.onrsr.com.au/_data/assets/pdf_file/0012/7050/Guideline-Safety-Performance-Reporting.pdf

The purpose of this document is to provide guidance to Rail Transport Operators on the preparation and submission of safety performance reports as required under the Rail Safety National Law (RSNL).

10. Annual activity statement guideline, 30 June 2015

https://www.onrsr.com.au/_data/assets/pdf_file/0004/7483/Guideline-Annual-Activity-Statement.pdf

The purpose of this document is to provide guidance to rail transport operators on the preparation and submission of Registration Annual Activity Statements as required under the Rail Safety National Law (RSNL).

11. Asset management guideline, 15 April 2015

https://www.onrsr.com.au/_data/assets/pdf_file/0020/10379/Guideline-Asset-Management.pdf

The Office of the National Rail Safety Regulator (the ONRSR) has prepared this guideline to promote the ongoing safety of rail infrastructure and rolling stock assets.

12. Road/Rail Vehicle Management & Operations guidance, 19 February 2015

https://www.onrsr.com.au/_data/assets/pdf_file/0020/10874/Guideline-Road-Rail-Vehicle-Management-and-Operations-Guidance-For-Industry-Use.pdf

The purpose of this guidance is to provide guidance on what to look for in developing and reviewing RRV related elements of a safety management system to achieve compliance with the Rail Safety National Law (RSNL).

13. Rail resource management guideline, 8 August 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0003/2973/Guideline-Rail-Resource-Management-2007.pdf

Guidelines designed to provide information to Accredited Rail Organisations (AROs) on the process for implementing and supporting Rail Resource Management training.

14. Meaning of duty to ensure safety so far as is reasonably practicable guideline, 13 February 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0009/2412/Guideline-Meaning-of-Duty-to-Ensure-Safety-SFAIRP.pdf

Guideline regarding the interpretation and application of the term 'so far as is reasonably practicable' in considering the standard that a duty holder is expected to meet under the RSNL and National Regulations.

15. Competence and capacity guideline, 11 January 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0017/1925/Guideline-Competence-and-Capacity.pdf

Guideline of accreditation to attest that the rail transport operator has demonstrated to the National Rail Safety Regulator (NRSR) the competence and capacity to manage risks to safety associated with those railway operations (refer to s61 of the RSNL).

16. Loaders and unloaders of freight guideline, 11 January 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0016/1924/Guideline-Loaders-and-Unloaders-of-Freight.pdf

Guidelines to provide guidance on the requirements of the RSNL with regards to Loaders and Unloaders of freight.

17. Preparation of a Rail Safety Management System guideline, 11 January 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0015/1923/Guideline-Preparation-of-a-Rail-Safety-Management-System.pdf

Guideline to provide accredited rail transport operators, and those seeking accreditation, with guidance on the legislative requirements for safety management and what the National Rail Safety Regulator (NRSR) looks for when assessing the safety management system, and how to prepare a safety management system that complies with the legislative requirements.

18. Duty holders on transition to the Rail Safety National Law guideline, 11 January 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0014/1922/Guideline-for-Duty-Holders-on-Transition-to-the-RSNL.pdf

Guideline to provide rail transport operators and other duty holders with general guidance on transitioning from existing jurisdictional rail safety legislation to the RSNL and National Regulations.

19. Data loggers code of practice guideline, 8 January 2013

https://www.onrsr.com.au/_data/assets/pdf_file/0013/5260/Data_loggers_rail_safety_compliance_code_2011-3-May-2013-2.pdf

This compliance code was originally approved by the NSW Minister for Transport under Section 167 of the NSW Rail Safety Act 2008. Under Clause 34(1) of the NSW Rail Safety (Adoption of National Law) Regulation 2012, this compliance code continues to have effect and section 167 of the former NSW Act continues to apply. In addition, under Clause 34(2) of the NSW Rail Safety (Adoption of National Law) Regulation 2012 sections 168 and 169 of the former NSW Act continue to apply to this code. A failure by a person to comply with a compliance code may be used as evidence that a person has failed to comply with their duty in section 52 of Rail Safety National Law (NSW) No.82a to ensure, so far as is reasonably practicable, the safety of their railway operations.

20. Rail Safety National Law (South Australia) Act 2012

[https://www.legislation.sa.gov.au/LZ/C/A/RAIL%20SAFETY%20NATIONAL%20LAW%20\(SOUTH%20AUSTRALIA\)%20ACT%202012/CURRENT/2012.14.AUTH.PDF](https://www.legislation.sa.gov.au/LZ/C/A/RAIL%20SAFETY%20NATIONAL%20LAW%20(SOUTH%20AUSTRALIA)%20ACT%202012/CURRENT/2012.14.AUTH.PDF)

21. Memorandum of Understanding - Safety in the rail industry, Queensland Government, July 2012

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0016/83041/mou-rail-safety.pdf

22. Guideline. Using the template interface agreement for rail or road crossings guideline

https://www.onrsr.com.au/_data/assets/pdf_file/0019/3907/Guideline-Using-the-Template-Interface-Agreement-for-Rail-or-Road-Crossings.pdf

23. Interface Agreement “Interface Coordination – Rail or Road Crossings” Between Rail Infrastructure Manager and Road Manager

https://www.onrsr.com.au/_data/assets/word_doc/0003/3909/Template-Interface-Agreement-for-Rail-or-Road-Crossings.doc

24. Safety Interface Agreement between John Holland Rail Pty Ltd and Rolling Stock Operator (Template)

<http://www.jhrcrn.com.au/media/1559/sia-rolling-stock-master-template-v3.pdf>

Canada - The Transportation Safety Board of Canada (TSB)

The TSB is an independent agency, created by an Act of Parliament (the *Canadian Transportation Accident Investigation and Safety Board Act*), that came into force on 29 March 1990. The TSB consists of up to five Board members, including a chairperson, and has approximately 220 employees. The Head Office is located in Gatineau, Quebec; however, most investigation staff are located in various regional and field offices across Canada where they are better able to respond quickly to transportation occurrences anywhere in the country.

The Transportation Safety Board of Canada (TSB) is responsible for advancing transportation safety. One of the ways it does this is by making recommendations to federal departments and other organizations to eliminate or reduce safety deficiencies.

Under our Act, federal ministers must formally respond to TSB recommendations and explain how they have addressed or will address the safety deficiencies. The Board evaluates the responses and their overall effectiveness, assessing them as Fully Satisfactory, Satisfactory Intent, Satisfactory in Part or Unsatisfactory, and assigning them a status of Active, Dormant, or Closed (see the definitions in the [Assessment Rating Guide](#)). Progress made to address TSB recommendations is assessed by the Board on an ongoing basis.

Responses to recommendations assessed to be Fully Satisfactory are assigned Closed status. Before 2014, the term Inactive was used instead of Closed. Although the index below has been changed to reflect the use of the new terminology, the underlying reassessment documents may not have been.

25. Railway Safety Act (R.S.C., 1985, c. 32 (4th Supp.))

<http://laws-lois.justice.gc.ca/PDF/R-4.2.pdf>

26. Canadian Transportation Accident Investigation and Safety Board Act (S.C. 1989, c. 3)

<http://laws-lois.justice.gc.ca/PDF/C-23.4.pdf>

The Norwegian Railway Directorate

Railways are one of the safest forms of transport we have, and Norwegian railways are some of the safest in Europe. The Norwegian Railway Directorate monitors the overall efforts of the sector in respect of safety and emergency response so that the safety level is maintained and reinforced.

Each individual stakeholder is responsible for safety as part of their own activities. At the same time, there are what are known as shared risks, and this is why interaction among stakeholders is fundamental in order to maintain control over all risks.

Railways as a system can be grouped as follows:

- Train operation, i.e. the running of passenger trains, freight trains or machinery. There are currently some ten rail companies that have licences to operate trains on the national rail network. There are also their suppliers:
 - an enterprise offering rolling stock
 - an enterprise offering maintenance of the rolling stock
- Administration of the railway infrastructure (tracks, rails, signalling systems, power supply, etc.) and properties (stations, terminals, etc.).
- Traffic management

Bane NOR holds ownership responsibility for administration of the state railway infrastructure and traffic management on it. This is achieved through extensive use of suppliers.

In Norway, only Bane NOR holds a safety certificate as a railway infrastructure administrator. There is also railway infrastructure which is not state-owned (significantly sidings), as well as museum and hobby-related activities which include railway infrastructure.

Coordination and interaction

The Norwegian Railway Directorate holds overall responsibility for ensuring that interaction works within the sector. The Norwegian Railway Directorate has delegated primary responsibility for coordinating safety and emergency response work to Bane NOR. Coordination requires active interaction and information exchange among stakeholders, including cooperation on systematic learning and improvement. Typically, this may include involvement in analyses of risks and emergency response, contingency plans and exercises, and following up unwanted incidents.

This interaction is rooted in the agreement on track access between Bane NOR and the train companies.

Mutually agreed risk profile

Coordination and interaction assume that there is a mutually agreed risk profile for which Bane NOR is responsible.

This risk profile must reflect the type of hazard and location and be based on risk assessment and incidents. It must be up to date, mutually agreed and accessible for railway sector stakeholders for their work with safety and emergency response.

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Roles

Norwegian Railway Authority, SJT

SJT administers laws and regulations in respect of railways and follows up compliance with these through licences, certificates and inspections.

In addition, the sector is subject to inspections from a number of other supervisory authorities such as the Norwegian Labour Inspection Authority, the Norwegian Directorate for Civil Protection (DSB) with subordinate supervisory authorities (local fire services, electrical safety inspection), as well as authorities working with information security and protection.

The Norwegian Railway Directorate's responsibilities must not overlap the roles and responsibilities of the supervisory authorities. Clarifications and specifications will be issued if necessary.

Accident Investigation Board Norway (SHT)

Following unforeseen incidents, all stakeholders themselves are responsible for investigating what has happened and learning from it, including joint learning in relation to shared risks.

The Accident Investigation Board Norway (SHT) is an investigative commission for transport accidents, which works fully independently with a view to preventing transport accidents by reviewing causes and other conditions that may be of significance.

The Norwegian Railway Directorate's responsibilities

The Norwegian Railway Directorate holds overall responsibility for the overall safety level of the sector.

General coordination of safety and emergency response is followed up through the Directorate's work with

- General long-term development of train services and competitive situation for rail traffic
- Agreements on the purchase of rail transport services
- Agreements on the purchase of infrastructure services for operation and maintenance and investment in the rail network

If necessary, the Ministry of Transport and Communications is assisted in relation to its corporate governance of railway companies.

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