

PURPOSE OF THIS GUIDE

This guide provides high-level information and guidance on obligations under the *Rail Safety National Law* (RSNL) specifically relating to the use of road rail vehicles (RRVs) in railway operations.

MORE INFORMATION

If you require more detailed technical guidance on what to look for in developing and reviewing RRV-related elements of a safety management system to achieve compliance with the RSNL, please look at the Road Rail Vehicle Management & Operations Guidance available on the ONRSR website at www.onrsr.com.au. The website offers further information on compliance with the RSNL, plus guidance material and forms.

Alternatively you can contact ONRSR on (08) 8406 1500 or contact@onrsr.com.au for more assistance.

Additional information regarding requirements for the design, manufacture and modification of road rail vehicles can also be accessed via AS 7502:2016 – Road Rail Vehicles.



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For more information, or to get a copy of the *Rail Safety National Law*, visit the ONRSR website at www.onrsr.com.au or email contact@onrsr.com.au

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A guide to ROAD RAIL VEHICLES AND THE LAW



WHAT IS A ROAD RAIL VEHICLE (RRV)?

A road rail vehicle, or RRV, is a vehicle which can operate on rail tracks and a conventional road. They are also known as 'hi-rail'. Some vehicles are converted road vehicles which keep their normal rubber tyres and are also fitted with steel rail wheels that can be lowered and raised as required.

WHEN IS AN RRV 'ROLLING STOCK'?

An RRV will be considered 'rolling stock' for the purposes of the *Rail Safety National Law* (RSNL) when it operates on a railway.

WHEN IS ACCREDITATION REQUIRED?

Operation of an RRV on a railway constitutes railway operations, and therefore requires accreditation under RSNL. Accreditation is required for construction, commissioning, use, modification, maintenance, repair and decommissioning of an RRV, as well as:

- > modifying, monitoring, inspecting or testing the RRV for the purposes of operating on the railway (generally with regards to components affecting the vehicle's railway operations as opposed to the road requirements – but in some cases it may not be possible to separate the two)
- > installation of components relating to rolling stock which would include installation of rail guidance equipment Type I (9A), Type II (9B) and Type III (9C)
- > work involving certification as to the safety of rolling stock or any part or component of the rolling stock.

Accreditation (or variation to accreditation) will be assessed in accordance with the requirements of the RSNL, and an operator must ensure that their safety management system appropriately covers elements relating to the particular risks that arise from their specific RRV operations.

WHAT IS THE ROLE OF THE ACCREDITED ROLLING STOCK OPERATOR (RSO)?

Accredited RSOs have a wide range of obligations under RSNL. One is to ensure they undertake specific duties set out in section 52, but they must also:

- > ensure maintenance is delivered safely
- > ensure any design, construction, commissioning, use, modification, maintenance, repair or decommissioning of the operator's rolling stock is done or carried out safely
- > ensure compliance with the rules and procedures for the scheduling, control and monitoring of rolling stock

- > ensure that equipment, procedures and systems are established and maintained so as to minimise risks to the safety of the operator's railway operations
- > ensure that communications systems and procedures are established and maintained so as to ensure the safety of the operator's railway operations.

This does not disregard any obligations that a rail infrastructure manager has with respect to the infrastructure RRVs operate on.

WHAT MUST AN RSO DO IF THEY USE CONTRACTORS FOR RRV OPERATIONS?

If an accredited operator engages a third party to undertake railway operations on their behalf, the operator must ensure:

- > tender documents and contracts confirm that safety requirements under the operator's safety management system are adequately documented and defined
- > any terms of the contract do not lead to unsafe work or adversely affect the safety of railway operations
- > rail safety workers employed by the contractor have the competence to carry out the work
- > a process for auditing of the contractor's performance exists and that safety duties are being met
- > that goods and services provided under the contract meet the standards and specifications required for the safety of railway operation (including that the RRV is certified to that standard and fit for service).

As part of an RSO's safety management system, there must be clear engineering standards and procedures, including safety standards and procedures, to manage the RSO's railway operations. There must also be procedures for ensuring compliance with those standards and procedures.

An RSO may develop its own standards and procedures, including adopting procedures and standards from contractors. In such cases, the RSO must have a documented process on how they determined the appropriateness of those standards to their railway operation, with consideration given to current industry standards.

WHAT MUST CONTRACTORS DO?

Contractors must ensure compliance with rail safety requirements set out by the RSO in their contract. Additionally, section 133 of the RSNL allows the Regulator to audit third parties engaged by a rail transport operator to undertake railway

operations on their behalf. The contractor's employees who are engaged in rail safety work will have obligations under RSNL, as may the contractor itself.

Contractors will also need to ensure compliance with the RSO's requirements in relation to fatigue management, health and fitness, and drug and alcohol management, in addition to any internal process they may have.

WHAT MUST OTHER DUTY HOLDERS DO?

Section 53 of RSNL sets out the duties of those people who design, commission, manufacture, supply, install or erect anything related to rail infrastructure or rolling stock.

This means that appropriate documentation must be maintained to ensure that a designer, manufacturer etc. can demonstrate they have exercised this duty. This includes the design, installation and commissioning of the kit installed on road vehicles to allow them to operate as an RRV.

Work involving certification (or re-certification) as to the safety of rolling stock or any part or component of rolling stock is rail safety work in accordance with section 8(1)(h) of the RSNL. Any person undertaking certification must be accredited, or work for or on behalf of an accredited rail transport operator.

WHAT ABOUT PRIVATE SIDINGS?

Operation of an RRV on a private siding must meet the same requirements as operating an RRV in any other part of a railway. Private sidings are specifically included in the definition of 'railway', and the operation of rolling stock on a railway requires accreditation. Of course, the railway operations undertaken and the level of documentation and management will be commensurate with the level of risk at each railway and how that can be managed, so far as is reasonably practicable.

