

		RSD Internal Guidance		RIG-2004 - 07	
THE CARRIAGE OF DANGEROUS GOODS BY RAIL					
Date of issue/ last review		August 2012		Date of next review	
				August 2014	
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RGD type			Policy_____ <input type="checkbox"/> Information_____ <input checked="" type="checkbox"/> Procedure_____ <input type="checkbox"/>		
Target audience		RSD_____ <input checked="" type="checkbox"/>		Policy_____ <input checked="" type="checkbox"/>	
		RPP_____ <input checked="" type="checkbox"/>		Inspectors_____ <input checked="" type="checkbox"/>	
				Admin_____ <input checked="" type="checkbox"/>	
Keywords		CDG; carriage of dangerous goods transportable pressure equipment; RID; Class 7 radioactive materials			
Summary		This RIG advises about legislation to deal with the risks that arise from the carriage of dangerous goods by rail and the interface with HSE.			
Original consultation					
Subsequent consultation (reviews only)		John Gillespie, Head of Safety Policy and Central Regulation; David Keay, Head of Railway Operators Division; Stephen Poole, Freight Operators Team; Keith Shepherd, Specialist Inspector Railway Operations; Chris Simms, Legal; Dawn Russell, Railway Safety Policy; John Price, Policy ONR (HSE)			

Detail

1. The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations, 2006 (EARR) set out the health and safety enforcing arrangements that apply to the operation of a railway at the interface between ORR and the Health and Safety Executive (HSE). Essentially, we deal with all operational heavy rail, light rail, metros, trams, heritage and other guided transport systems, except at certain rail locations, such as licensed nuclear sites, which are enforced by HSE. Therefore, we enforce the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I.2009/1348), as amended, (CDG 2009) in so far as they relate to the operation of a railway for which we are the enforcing authority, except that CDG 2009 does not apply to the Channel Tunnel.
2. Previously, there were separate arrangements for the transport of Class 7 radioactive materials where there was shared enforcement between ORR and the Department for Transport's Radioactive Materials Transport (RMT) Team. As of 24 October 2011, RMT transferred to the Office for Nuclear Regulation (ONR), an agency of HSE (as part of a wider transfer of Class 7 responsibilities from the Secretary of State for Transport to the Secretary of State for Energy and Climate Change). The ONR (RMT) now regulates the carriage of radioactive materials by rail, including the enforcement aspects (To the extent that the ORR is not the enforcing authority) and the approval of packages used to transport such materials. The ORR/HSE Memorandum of Understanding will be amended in due course to reflect the changes.

CDG 2009 and the international agreement

3. There is an international agreement concerning the carriage of dangerous goods by rail, commonly known by its acronym RID: *Règlement Concernant le Transport International Ferroviaire des Marchandises Dangereuses* (RID). It forms Annex 1 to the 'Convention concerning International Carriage by Rail (COTIF) Appendix B. Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM). RID can be found at the link below, however it runs to 1000 pages.
<http://www.otif.org/en/publications/rid-2011.html>
4. Regulation 5 of CDG 2009 sets out the general duty to comply with RID when carrying dangerous goods by rail. Therefore the requirements of RID apply to GB railways.
5. It is our view is that ORR is the enforcing authority for matters relating to the operation of the railway including, for example:
 - general duties on parties involved in the carriage of dangerous goods to:
 - train persons involved the carriage of dangerous goods including specific safety training;

- notify certain occurrences involving dangerous goods to the competent authority;
 - appoint a safety advisor for the carriage of dangerous goods
 - additional duties on the carrier to:
 - carry dangerous goods in compliance with RID;
 - ensure the rolling stock is safe and not overloaded;
 - apply the appropriate hazard warning panels to the load;
 - ensure the prescribed safety equipment is carried in the driver's cab or other area accessible to the train crew;
 - prepare emergency arrangements in relation to the load and inform the infrastructure manager of these;
 - certain duties on the loader and unloader;
 - duties on those who undertake marshalling to have an internal emergency plan;
 - duties on the Infrastructure Manager to ensure that:
 - traffic controllers, signal box personnel and control centre personal are trained to deal with critical situations in the event of irregularities;
 - an internal emergency plan is in place for the marshalling yard;
 - ensure it has rapid access to information about the composition of the train and the nature of its load;
6. HSE/ONR will be the enforcing authority for all other activities relating to the carriage of dangerous goods.

Action Inspectors should be aware of the application of CDG 2009 to the operations of a railway and also the exceptions and limitations that apply.