

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

INF. 3

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(English only)

**RID: 51th Session of the Committee of Experts on the Transport of Dangerous Goods
(Berne, 30 and 31 May 2012)**

**Subject: New legislation in the Netherlands: Basisnet (Base transport network)
Perspective for transport of dangerous goods**

Transmitted by the Netherlands

Introduction

1. The Netherlands is a densely populated country. A continuous tension exists between the interests of transport of dangerous goods and spatial planning.
2. Rail transport of dangerous goods has grown substantially in recent years. Chemical industry is of course affected by the economic recession, but only temporary. Looking forward, a solid economic recovery is predicted. As a result, the growth of rail transport is expected to continue.
3. Many rail tracks in the Netherlands run directly through crowded areas. Due to development of station areas hotels, malls, offices and houses have been built closer and closer to rail infrastructure. As a result, the safety of people living and working along rail infrastructure is at stake.

Basisnet

4. The purpose of Basisnet is to guarantee the accessibility of the main industrial sites in the Netherlands and abroad, while ensuring important spatial developments. Last but not least Basisnet provides a basic level of safety for local residents.

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5. Basisnet applies to motorways, railways and waterways of national and international importance for the transport of dangerous goods. For each section of infrastructure a level of risk is accepted and margins of spatial development are determined.
6. As a result Basisnet will lower the tension between the interests of transport, spatial development and safety. It provides a balance between the transport of hazardous substances, spatial planning in residential areas and safety for its citizens. This balance is achieved for each modality (road, water and rail).
7. The maximum level of risk that will be accepted is based on the expected transport of dangerous goods in the year 2020 with current safety standards 2012. Further growth of transport is possible within that maximum risk level if additional safety measures are taken. For instance by measures that lower the probability of collision or derailment.
8. The margins of spatial development in Basisnet are twofold. In a zone with the highest risk alongside the Basisnet infrastructure the construction of new buildings is restricted. On routes where high volumes of flammable liquids are transported, additional building codes are prescribed within 30 meters around infrastructure to diminish the impact of pool fire. Complementary to these Basisnet conditions, most municipalities have defined distance requirements for certain categories of buildings like schools and hospitals.
9. Basisnet meets the ambitions of authorities as well as industry. For now and in the future. Basisnet for railways also preserves a higher level of safety for local residents. It provides a sustainable and cost effective balance between the interests of spatial planning, transport of dangerous goods and the safety of citizens. It will provide a long term investment perspective for shippers and carriers as well as for project developers.

Legislation

10. In August 2011 the Law to implement Basisnet has been sent to the Parliament. The Law is expected enter into force in the first half of 2013.
11. The Law contains the following components:
 - The purpose of Basisnet;
 - Rules to designate motorways, railways and waterways that are part of Basisnet;
 - Rules to prescribe the accepted level of risk;
 - Rules to monitor the actual transport of dangerous goods and the risk involved, in relation to the maximum accepted risk level;
 - Rules to make sure that measures are taken to prevent exceeding the accepted level of risk;
 - Rules when to consult or inform the Parliament, for instance in case of exceeding the accepted level of risk.
12. Risk is a product of probability and impact. This implies that risk is based on the transport of dangerous goods and the actual safety measures, given the number of local residents.
13. The accepted level of risk does not apply to the individual shipper or carrier. The Minister of Infrastructure and the Environment is responsible for compliance with and enforcement of the accepted level of risk.
14. The infrastructure managers monitor the actual transport of dangerous goods. For railways these are ProRail and KeyRail. Based on realised transports and market expectations they will inform the Minister of Infrastructure and the Environment. If the actual or predicted risk will exceed the accepted risk level on short or longer notice, measures have to be taken to meet the risk level.

15. Of course, these measures have to comply with international law, such as RID and European law, such as internal market regulations. Preferably the necessary effective measures are taken by the infrastructure manager or by the industry itself. Safety measures taken will increase the allowed volume of transport within the accepted level of risk. Because shippers and carriers benefit from this element of the Basisnet, it is expected they are more willing to take voluntary measures by themselves. Of course it is important to select the most cost efficient measures. For instance, measures that are concentrated on those dangerous goods or transports that contribute most for exceeding the risk level on a certain route.
16. As an ultimate remedy the Minister of Infrastructure and the Environment can prescribe routes. This will only be in the case that no other action can be taken in time. Routing can be a measure that may only apply for a certain period of time (e.g. a day, a year). Routing can also be restricted to the transport of a specific group of dangerous goods that contribute substantially to the amount of risk. Exemptions on routing are possible for local traffic that has no alternative route or for traffic that is willing to take additional measures to meet the risk level.

RID Committee of Experts meeting on 30-31 May 2012

17. In the RID meeting in Bern, Switzerland on 30-31 May 2012 we will be glad to explain Basisnet in more detail. We ask representatives to inform us about their views on our approach. Your questions will be highly appreciated.
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