



INF. 10

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Subject: Follow up to the debate on proposals 3 and 4 of document
ECE/TRANS/WP.15/AC.1/2015/35 – Amendments to the Instructions in writing in
5.4.3.4

UIC observations on document OTIF/RID/CE/GTP/2015/8 submitted by Romania

Introduction

1. At the RID/ADR/ADN Joint Meeting in September 2015, UIC drew participants' attention to the risks of promoting harmonisation whose aim was to mandate common rules governing both the substance and the form of "instructions in writing" for road and rail transport. The proposal submitted to the standing working group by Romania stresses, for its part, that the proposal does not seek to "limit or impose a size for the document containing the Instructions in writing".
2. In work carried out in 2008 with a view to introducing the concept of "instructions in writing" into the RID (Document OTIF/RID/CE/2008/20 of the 46th session of the RID Committee, Hamburg), UIC made plain the particularities of rail transport and set out a number of arguments in favour of harmonising the content of written instructions with those of the ADR, whilst remaining opposed to the imposition of a single form for the instructions (Document OTIF/RID/CE/2008/22). At that time, UIC explained that the implementation of such instructions, the principle underpinning which already existed at most railway undertakings, was a "natural" part of the safety arrangements applied for the mode of transport concerned. UIC also stressed the core points of fundamental difference between road and rail transport.

3. The arguments made in 2008 remain substantially valid. UIC considers that allowance should also be made for the body of railway legislation in general, which has grown in Europe¹, in particular that relating to freight transport. The documents to be supplied to train drivers and the equipment to be made available in locomotive cabs are now covered by specific rules & regulations, and railway undertakings need to make the provisions necessary to their business within their safety management systems (SMS) in order to obtain a safety certificate. These provisions also depend on the vehicle type (for example), and we should remember that vehicles are rarely dedicated to any one traffic type. Most onboard and in-cab tools and equipment, as mandated by the current version of the instructions in writing, are also foreseen by railway regulations in order to ensure railway safety in general. The driver's warning vest is a general means of staff protection. National legislation may impose specific requirements (e.g. for health & safety at work or civil protection), as allowed for under the current model for instructions in writing.
4. Onboard tools, equipment and documents may be assigned to the locomotive cab, but may also be assigned to the driver personally, in which case he is responsible for them. In some countries or companies, such resources (e.g. warning vest, portable lighting apparatus, etc.) may be assigned to both driver and cab. This is not a coincidence. It is the result of the application of both the applicable regulations and the provisions voluntarily adopted by the railway undertaking under its safety management system (SMS).
5. The onboard equipment, tools and documents provided in the cab or assigned personally to drivers are inventoried and periodically verified by the RU. In addition, the competent authorities also perform spot checks during safety audits.
6. The content of the instructions in writing, as currently provided for by the RID, is actually fairly minimal in terms of regulatory content, and indeed railway undertakings may add to it at their own initiative in order to incorporate information which may be helpful to the driver during operation: internal emergency telephone number, provisions to be adopted in case of a security risk (RID 1.10). The content of the instructions in writing as they currently stand is also used as a basis for the safety instructions issued to other staff affected. This content is widely used in carrying out the training foreseen under Chapter 1.3. These safety instructions essentially reproduce the instructions in writing for drivers, but may also include instructions specific to job profiles and to the local particularities of railway operations.
7. Concerning the form of the written instructions, mandating a four-page format (the Romanian proposal changes the current version's "should" to "shall") will create difficulties for railway undertakings which have already adopted the RID provisions in a form adjusted to their corporate documentation. Where instructions in writing are provided to drivers in paper format, they may be included in his personal folder or be supplied to him as a 4, 6 or 8-page laminated leaflet. With more and more railway undertakings going paperless, they will supply this information electronically via a variety of portable IT devices. Mandating a single 4-page format will further complicate the design of the man/machine interface, particularly the ergonomic aspects thereof. These electronic devices are not used only for dangerous goods traffic, and it is therefore important that information be organised in homogeneous fashion.
8. The justification given at the end of the Romanian proposal also calls for discussion. The document foresees no downsides to the proposal, and asserts that the clarity of the text will improve safety. Is not the reason behind the proposal at root a desire to align the instructions in writing for rail with those for road? UIC is in favour of multimodal harmonisation in principle, with a view to fostering and boosting intermodality, but here there is no intermodal issue at stake since piggy-back transport has specific arrangements (instructions in writing for the road vehicle fall under the ADR).

¹ See in particular Regulation (EU) 1302/2014 concerning a technical specification for interoperability relating to the "rolling stock" subsystem, specifically 4.2.9.4 on onboard tools and portable equipment.

9. In making the points above, UIC's intention is not to reopen the debate from 2008, but rather to bring further clarity to the debate surrounding the Romanian proposal. Multimodal harmonisation must be striven for where relevant, but allowance must also be made for railway operating conditions in general and for the conveyance of goods in particular.

Proposals

10. Concerning the proposals submitted by Romania, UIC considers that:
- The modification proposed (proposal 3, paragraph 16) is not justified.
 - The addition of "for personal use" (proposal 4, paragraph 18) requires further explanation. As shown in the points made above, various onboard tools, equipment and documents are located in the driver's cab and their conditions of use largely fall under the scope of the driver's professional activity, in particular his assessment of risks in the work environment. Stressing that this equipment must be present in the cab for his personal use may seem logical, but this equipment is not necessarily personal per se. It may be personal to the driver, in which case it is not necessary to highlight that he must use it.
 - The alternative proposed at the end of the document, "for use in the event of an accident or incident" (proposal, paragraph 6), seems more realistic but is also questionable in terms of its actual usefulness. The equipment in question may also be used in the absence of an accident or incident. This is particularly the case for the warning vest, which the driver is obliged to wear, specifically when he has to walk on the railway. The same goes for portable lighting apparatus when it is dark.
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