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RID: 7th Session of the RID Committee of Experts' standing working group
(Prague, 22 to 24 November 2016)

Subject: Obligations of freight terminal operators as participants in the carriage of dangerous goods

Interpretation transmitted by Spain

Introduction

1. Within the process of transporting dangerous goods by rail, several different operations are carried out in freight terminals. In these facilities, different participants are involved, who must meet certain obligations to ensure safety in the whole process. Nevertheless, participants responsible for these actions sometimes do not identify themselves with the participants defined in RID 1.4 and do not therefore feel obliged to fulfil the obligations.
2. The aim of this document is to ask the RID Committee of Experts' standing working group for an interpretation regarding the safety obligations of the participants in the transport of dangerous goods in the specific case when the operations take place in rail freight terminals.

Approach

3. In rail freight terminals, the entity responsible for its operation mainly carries out activities such as coupling, the preparation and movement of wagons for composing trains, and the loading and unloading of containers.
4. These sidings are very often connected to other service facilities, such as ports, factories or private sidings.
5. In some cases, the movement of wagons from terminals to external service facilities is performed by the entity responsible for the operation of the terminal, which provides this service with its own locomotive.

Interpretation

6. In the case described above, clarification is required as to whether the entity responsible for the operation of the terminal must be considered within the definition of “Carrier”, and must therefore comply with all the safety obligations prescribed in RID 1.4.2.2.
7. The Competent Authority for RID in Spain is of the opinion that this entity should comply with the safety obligations that the RID prescribes for carriers.

Justification

8. It has been found that the entities responsible for the operation of some terminals consider that, in view of the definition included in RID, the carrier is the railway undertaking. According to the interpretation of these entities, they simply provide services as transport auxiliaries. On the other hand, the railway undertaking believes that these entities are the actual carrier, who must meet the obligations of the carrier within the facilities.
9. The Competent Authority is concerned, because neither of the parties (the railway undertaking and the entity responsible for the operation of the terminal) considers themselves responsible for that part of the carriage, and therefore, safety obligations in the transport of dangerous goods might be neglected.

Further Interpretations

10. If an accident or incident takes place within the rail network of a freight terminal or en route between a terminal and an external facility, which entity would be responsible? Who would be the carrier? Who would be required to submit a report conforming to the model prescribed in RID 1.8.5.4?
 11. In addition, clarification is required as to whether the entity responsible for the operation of the terminal should appoint one or more safety advisers conforming to RID 1.8.3.
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