

# Private Sidings – obligations under the Rail Safety Act 2008

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# Overview

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- Preliminary concepts and definitions
- Exemption from accreditation
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- Further information and questions



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# Background

- National Model Legislation (NML)
- Rail Safety Act 2008 (RSA 2008) and Regulations commenced 1 January 2009
  - Adopts NML with some local variations
  - Retains exemptions from accreditation for rail infrastructure managers (RIMs) of private sidings
  - Introduces requirements for registration of private sidings (Note: 2-year transition)



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# Background (cont.)

- Key differences between RSA 2002 and RSA 2008
  - New terms e.g. ‘rail transport operator’, ‘rail infrastructure manager’, ‘interface agreement’
  - Changes to definitions e.g. ‘private siding’
  - New provisions e.g. private siding registration



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# Preliminary Concepts & Definitions

- Rail Transport Operator
- Rail Infrastructure Manager (RIM)
- Rolling Stock Operator (RSO)
- Effective Management and Control



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# Preliminary Concepts & Definitions (cont.)

- Siding
  - a portion of railway track, connected by points to a running line or another siding, on which rolling stock can be placed clear of the running line
- Private Siding
  - a siding that is managed, owned or controlled by a person other than the person who manages the rail infrastructure with which the siding connects or to which it has access, but not including a:
    - marshalling yard
    - crossing loop
    - passenger terminal or
    - freight terminal



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# Exemption from Accreditation

- Railway operations must be carried out by or on behalf of an accredited or exempt rail transport operator (section 35)
- Automatic exemption from accreditation for private siding RIMs, subject to conditions (section 60)
- General duties still apply to private siding RIMs (section 8)
- No exemption from accreditation for RSOs on private sidings. RSOs must be accredited.



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# Conditions of Exemption

- Registration with ITSRR
- Pay annual fee (\$150) by 31 March each year
- Comply with conditions in regulations
- Interface management
- Give notice to interested parties regarding activities affecting the siding and safety of operations on the siding
- NB: General duties still apply



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# Conditions of Exemption (cont.)

- Private siding RIMs must:
  - have systems and procedures for ensuring SFAIRP safety of operations
  - keep and maintain a risk register
  - have systems and procedures for keeping the risk register up to date
  - have a document that sets out how infrastructure will be maintained and
  - submit an activity statement to ITSRR by 31 March each year.

(Cl 18 of the Rail Safety (General) Regulation 2008)



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# Transitional Arrangements

- Registration of private sidings is required by 1 January 2011
- Application for registration form available soon on the ITSRR website
- Annual fee (\$150) does not apply up to 1 January 2011
- Other sidings treated as private sidings under RSA 2002 will be considered for exemption from accreditation, subject to conditions



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# Compliance & Enforcement

- Failure to comply with general duties (section 8) is an offence
- Failure to comply with section 60 is an offence
- ITSRR approach to compliance and enforcement



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# Need more information?

- See the ITSRR website  
<http://www.transportregulator.nsw.gov.au>
  - Rail Safety Legislation
  - Private Sidings Fact Sheet
  - Application for Registration Form – coming soon
- Email [contact@transportregulator.nsw.gov.au](mailto:contact@transportregulator.nsw.gov.au) if you have further questions



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# Questions?



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