

PROVINCIAL TECHNICAL COMMITTEES ON LEVEL CROSSINGS TERMS OF REFERENCE

1. BACKGROUND

1.1 The South African rail Industry will be changing rapidly over the next five years due to substantial investments in commuter, freight rail infrastructure and new rolling stock. The risks associated with the introduction of new infrastructure and rolling stock and infrastructure must receive attention to ensure that the safety of people in and around the railway environment is not compromised. A major areas of concern has been the interaction between road and rail operations, where a number of level crossing occurrences have led to fatalities, injuries and financial losses incurred.

1.2 During a 2014 Ministerial visit to a level crossing in Stellenbosch, Western Cape, the National Minister of Transport tasked the Railway Safety Regulator (RSR) to act as the custodian of provincial technical committees to ensure that all relevant rail and road stakeholders involved in the safeguarding of level crossings, come together and work in harmony to ensure safety on level crossings.

1.3 The Railway Safety Regulator derives its mandate from the National Railway Safety Regulator Act No 16 of 2002. More particularly, the applicable department tasked with the establishment and coordination of the said committees, the RSR Stakeholder Relations Department, takes its cue from the RSR's mandate, which is outlined in the National Railway Safety Regulator Act No 16 of 2002 (as amended), and is emphasised in the Preamble and in Chapter 2 as to (among others):

- Provide for and promote safe railway operations;
- Encourage the collaboration and participation of interested and affected parties in improving railway safety;
- Manage projects and conduct campaigns aimed at improving safety awareness;
- Consult stakeholders (external communication) and promote strategic partnerships aimed at promoting railway safety.

- 1.4 Upon receipt of the Minister of Transport Instruction to establish Provincial Technical Committees to address level crossings, the RSR conducted an analysis of the possible root causes of such occurrences. The findings of the study indicated that stronger alignment between road and rail operators, government and private entities who operate in the area adjacent to the rail reserve as well as increased focus on awareness of road users and law enforcement is required.
- 1.5 This Terms of Reference Document for the Provincial Technical Committees on Level Crossings aims to give thrust to the recommendations of the respective Committees so that a National Drive towards reduction of Level Crossing Occurrences could be established.

2. PREAMBLE

The Department of Transport Provincial Technical Committees on Level crossings are appointed by the Minister of Transport to co-ordinate the activities of the Railway Safety Regulator and relevant provincial road transport and other applicable departments in the development of collaborative and sustainable solutions to significantly decrease the number of level crossing occurrences in the South African railway transport environment.

3. NAME

The nine (9) committees will be referred to as the applicable Provincial Technical Committee on Level Crossings (PTLC), as per the province over which such committee will have jurisdiction.

4. PURPOSE AND SCOPE

- 4.1 The PTLC serves to uphold the objectives of the National Minister of Transport to decrease the number of level crossing occurrences by supporting the activities of the Railway Safety regulator as per the RSR Act and supportive legislative regulations and standards.
- 4.2 Provide an active channel of communication on regulatory matters between the PTLC stakeholders and partners on a provincial and local level.

- 4.3 To assist in properly addressing and reducing non-compliance in the road and rail industry through the activities of different stakeholders, other Government Departments and Law Enforcement agencies.
- 4.4 To provide or disseminate information promoting and encouraging compliance with SANS 3000-2-2-1:2012, the National Road Transport Act and other applicable legislation.
- 4.5 To identify areas of concerns and initiate joint measures to properly address and reduce level crossing occurrences through a co-operative approach between different stakeholders.
- 4.6 Track progress on mitigation actions as identified and ensure timely execution of such actions by the identified responsible entity.
- 4.7 To make recommendations on plans and policies regarding activities in close proximity to the rail reserve, safeguarding of level crossings and other road-rail related activities
- 4.8 To support and encourage investigation and research into problems relating to level crossings and other related areas as identified.
- 4.9 To initiate educational and awareness programmes for road users and members of the public, on matters pertaining to road-rail interface and level crossings in particular.
- 4.10 To improve performance by encouraging the organisation of training courses and seminars
- 4.11 Provide Quarterly feedback to the National Minister of Transport on progress made in the respective provincial forums, collective matters identified for attention of the Minister, as well as other matters as identified.
- 4.12 Review and amend Memorandums of Understanding with entities as identified (RTMC, COGTA, SAPS etc).

5. MEMBERSHIP OF THE FORUM

- 5.1 Members would include representatives of the following:
 - 5.1.1 Railway Safety Regulator (RSR)
 - 5.1.2 Provincial Departments (Roads and Related matters) :
 - 5.1.2.1 Eastern Cape Department of Roads & Public Works
 - 5.1.2.2 Free State Department of Police, Roads and Transport
 - 5.1.2.3 Gauteng Department of Roads and Transport
 - 5.1.2.4 KwaZulu Natal Department of Roads and Transport

- 5.1.2.5 Limpopo Department of Roads and Public Works
- 5.1.2.6 Mpumalanga Department of Roads and Transport
- 5.1.2.7 North West Department of Roads and Public Works
- 5.1.2.8 Northern Cape Department of Transport, Safety and Liaison
- 5.1.2.9 Western Cape Department of Transport and Public Works
- 5.1.3 Other National and Provincial Departments as identified, regarding matters not dealt with by the relevant provincial Road department as per section 5.2, such as Housing / Spatial development, Public works, Social development, Transport and Security.
- 5.1.4 Local Municipalities as identified by the applicable Provincial department
- 5.1.5 Applicable national, provincial and local law enforcement agencies as identified by the applicable provincial department
- 5.1.6 Transnet Freight Rail (TFR)
- 5.1.7 Passenger Rail Agency of South Africa (PRASA)
- 5.1.8 Other railway operators as identified by the RSR
- 5.1.9 Any other organisation / individual as identified by the committee in support of the objectives of the PTLC
- 5.2 Representatives of member organizations attending the PTLC meetings represent their organizations and are not attending the forum in their individual capacity.
- 5.3 A representative of member organisations must identify and appoint a proxy to represent the organisation in the case where he /she is unavailable.

6. CHAIRPERSON AND VICE CHAIRPERSON

- 6.1 The Chairperson will be a permanent staff member of the Railway Safety Regulator
- 6.2 The Vice-Chairperson will be elected from the members of the applicable PTLC and his/her appointment is subjected to remaining a representative of the organisation he/she represents.
- 6.3 The Chairperson of the PTLC must ensure effective governance and administration of the forum.

7. MEETINGS/PROCEDURES

- 7.1 The PTLC will meet on a quarterly basis on a date and at a venue determined by the RSR. Additional meetings might be organised if required.

- 7.2 Sound meeting procedures will be followed during a meeting.
- 7.3 Logistical support for the meetings will be provided by the relevant Provincial Roads Department.
- 7.4 The meetings shall be presided by the Chairman and in the case of his/her absence, by the vice Chairman.
- 7.5 The RSR will issue a formal notice of the meetings and determine the agenda in consensus with the members of the PTLC.
- 7.6 A quorum for any meeting of the PTLC is a simple majority of the member organizations and in terms of the member organisation represented in the particular provincial forum.
- 7.7 The PTLC is a stakeholder platform and not a statutory body and as a result its recommendations cannot be binding on the organisations represented or its management.
- 7.8 Members of the PTLC are expected to declare any conflicts of interest and excuse themselves from matters where they have a direct conflict.

8. SECRETARIAT

The Secretariat of the Forum shall be maintained by the RSR. The duties of the Secretariat are to:

- assist the Chairman in arranging meetings of the Forum;
- ensure the administrative functions of the Forum, e.g. circulation of documents;
- compile a Combined Quarterly report for submission to the National Minister of Transport;

9. MINUTES AND REGISTER

- 9.1 The RSR will provide secretarial support for the forum which includes minutes of meetings held.
- 9.2 Minutes of the meeting will be available prior to the meeting and circulated to all members of the PTLC within 7 days of the meeting held.
- 9.3 An attendance register will be kept for all PTLC meetings held and members and others attending will be required to sign the register.

10. DISCLOSURE OF INFORMATION AND CONFIDENTIALITY

- 10.1 Members of the PTLC are privy to information or to materials that may be confidential in nature. Where relevant, confidentiality needs to be maintained by members of the PTLC. This paragraph will not apply to public information made available by the RSR or a member of the PTLC.
- 10.2 On request, a representative's contributions or submissions in the meeting will be treated as confidential and so minuted.
- 10.3 Any submissions in respect of allegations of non-compliance to be investigated by a member organization must be supported by prima facie evidence.

11. OBSERVERS

- 11.1 Observers (including the media) may not attend the meetings of the PTLC unless written authorization was given by the Chairperson of the PTLC.
- 11.2 Authorised observers shall not participate in the discussions unless expressly invited by the Chairperson to do so.
- 11.3 Permanent observer status may be granted to particular organizations or individuals with an ongoing interest in the work of the PTLC. Permanent observer status must be requested in writing to the PTLC and such status may be granted and / or revoked.

12. COSTS

- 12.1 The costs of participation in the meeting of the PTLC will be borne by each individual member and / or his/her organization.

13. PUBLIC SERVICE VALUES

Members of the PTLC are expected to:

- 13.1 Observe the highest standards of impartiality, integrity, and objectivity in relation to the advice they provide;
- 13.2 Be accountable for the PTLC's activities and for the standard of advice they provide.
- 13.3 Comply with the terms of reference, and ensure they understand their duties, rights and responsibilities, and are familiar with the function and role of the PTLC and any relevant statements of Government policy.
- 13.4 Neither misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to

promote their private interests or those of connected persons, firms, businesses or other organisations.

13.5 Documents / decisions should never be disclosed to third parties.

14. DISPUTE RESOLUTIONS

14.1 Should any dispute, disagreement or claim arise between the member(s) (hereinafter referred to as “the dispute”) concerning this forum or it’s functioning, the disputing member(s) shall attempt to resolve the dispute by negotiation.

14.2 In such event and as and when the dispute arises, the member(s) may invite the other in writing to meet and to attempt to resolve the dispute within 14 (fourteen) days from date of the written invitation.

14.3 Should the procedure as described in clause 12.2 above fail and the dispute remain unresolved within 21 (twenty one) days of the date of either member(s) written invitation to meet in terms of 12.2, then in such event the matter shall be referred to the RSR Chief Executive Officer and the relevant executive officer of the other member organization (s) and a meeting shall take place between such persons with a view to resolving same. Such meeting must take place within 7 (seven) days after the expiry of the aforementioned 21 (twenty one) day period.