

## **NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002**

### **DRAFT DETERMINATION ON THE VERBAL SAFETY CRITICAL COMMUNICATION PROTOCOL**

The Railway Safety Regulator (“RSR”) has published for comments the determination on the Verbal Safety Critical Communication Protocol. (**GN 497, GG 42337, 29 March 2019, p247**)

Interested and affected Railway Stakeholders are invited to submit their written comments within 30 days from the date of publication of this Protocol in the Government Gazette.

#### **Purpose**

The determination is intended to:

- provide a communication framework for effective verbal safety critical communication (“VSCC”) during railway operations;
- clarify what safety critical communication is, the procedure for using it and to ensure a safe and seamless railway operations;
- contribute to the reduction of railway occurrences attributable to communication errors; and
- provide a standardised approach to VSCC within the railway operations in South Africa.

#### **Verbal Safety-Critical Communication Requirements**

In terms of the determination the verbal safety-critical communication requirements are as follows:

##### 1. Risk Management

- Operators<sup>1</sup> are required to identify all activities that require VSCC under normal, degraded, abnormal and emergency situations.
- Operators are required to develop processes and procedures to ensure that risks related to VSCC are identified and effective control measures are developed and implemented.
- Operator must ensure that the implementation of control measures does not result in additional risks which may require further mitigation.
- When VSCC is used under abnormal or degraded mode of train operations, the railway operators must ensure that the risks associated with the equipment and tools used in VSCC are adequately identified and mitigated.

---

<sup>1</sup> In terms of the definitions section of the National Safety Regulator Act 16 of 2002 an “operator” means a network operator, train operator or station operator or a combination of two or three of them.

- Operators must ensure that the functional tools used, and the method of working is appropriate for the mode of working.
- When VSCC is used under abnormal or degraded mode, the operator must develop processes and procedures to stipulate and manage reasonable time frames for the use of VSCC under abnormal or degraded mode of train operation.
- Operators must also ensure that VSCC risk assessments are effective and communicated to all relevant structures within the organization.

## 2. Regulatory and Compliance Review

- The determination provides that operators must develop processes and procedures to identify and ensure compliance with regulatory requirements related to VSCC rules and operating requirements.

## 3. Interoperability<sup>2</sup>, interfaces<sup>3</sup> and intrafaces<sup>4</sup>

- Operators are required to develop processes and procedures to implement and manage VSCC at interfaces and intrafaces according to applicable Safety Management System requirements, and in line with the provisions of this protocol or determination.
- In addition, the protocol requires operators to ensure that equipment supporting or used for VSCC are aligned, interoperable and functional.

## 4. Requirements for Safety-Related Personnel

The determination requires safety personal to be cognizance of the following to ensure that the VSCC is effective:

- availability, functionality and/or effectiveness of the system, tool and/or equipment used;
- train working rules and/or general operating instructions;
- standard operating procedures;
- description of the line and the relevant line-side equipment associated with route;

---

<sup>2</sup> **Interoperability** is defined by the protocol as the “*ability of network, train and station operators to allow the safe and uninterrupted movement of rolling stock (at interfaces and intrafaces), between and on different networks as defined in the relevant national legislation (see foreword) to accomplish the required levels of safety(passengers, freight, public and the environment) and performance for those operations*”.

<sup>3</sup> **Interface** is defined by protocol as the “*area, point, or location, either physical or organizational, where the activities or assets of two (or both) or more railway operators or a railway operator and another organization meet, and where the activities or assets interact (or both) or have the potential to affect one another (or both)*”.

<sup>4</sup> **Intraface** is defined by the protocol as “*area, point, or location, either physical or organizational, where the activities assets (or both) of two or more functional disciplines within a railway operator meet, and where the activities or assets or both interact or have the potential to affect one another*”.

- timetables or scheduling; and
- any other relevant documentation for VSCC.

#### 5. Competencies requirement:

The determination prescribes, inter alia the following requirements to support VSCC in a railway operation:

- The operator must establish, develop or adopt, document, implement and maintain policies, processes and procedures to ensure competencies of employees undertaking safety related work in terms of the requirements of SANS 3000-4.
- The operator must develop processes and procedures for conducting VSCC supervision in accordance with the provisions of SANS 3000-4.
- The operator must develop or adopt, document, implement and maintain a formal language policy that makes provision for VSCC.
- Operators are also required to ensure that all the information necessary for VSCC amongst safety critical and safety related personnel is set out in appropriate documentation.

#### **Communication and Procedure During Emergencies**

Emergency situations must be reported in accordance with the provisions of this determination. According to the determination an emergency call must have absolute priority over all other transmissions. Which means that employees using the channel must immediately cease any transmission that may interfere with the emergency call unless they are also dealing with an emergency.

The provisions of this determination provide that the employee initiating the call must say the word "EMERGENCY" three times. This call must be repeated at intervals until an answer is received. The intervals between repetitions of an emergency call must be sufficiently long to allow time for the person, who has received the message, to reply.

As soon as the emergency call is responded to, the employee initiating the call is required to identify himself/herself and state exactly where he or the train is, also the nature of distress and the kind of assistance required.

#### **Recording, Principles and Communication Barriers**

The determination provides that all radio or telephonic conversations between safety-critical personnel must be recorded. The protocol also prescribes how personnel should converse by prescribing procedures and principles that must follow to ensure an effective VSCC.

Operators are required to ensure that communication barriers such as noise or environmental challenges and/or equipment related difficulties are eliminated in the workplace to ensure that the VSCC is effective.

For any queries please contact our EHS team:

**Ian Sampson (Head of Environmental & Clean Energy Law)**

+27 31 575 7202

sampson@wylie.co.za

Or

**Siya Mkhize (Partner)**

+27 31 575 7224

smkhize@wylie.co.za

Or

**Ayanda Msimang (Associate)**

+27 31 575 7212

amsimang@wylie.co.za