



## **Memorandum of Understanding Between the Health and Safety Authority and the Commission for Railway Regulation**

### **1. Background**

The Commission for Railway Regulation is the National Safety Authority in Ireland for securing railway safety. It was established under the Railway Safety Act 2005 and its main functions are the approval of safety management systems, new infrastructure and new or modified rolling stock, and to regulate and enforce railway safety through its supervision activities. The safety of passengers, persons who interface with the railway, the permanent way and the movement of rolling stock all come within the remit of the Commission. The transport of dangerous goods by rail also comes within the CRR's remit.

The Health and Safety Authority is the national Authority in Ireland for securing health and safety at work. It was established under the Safety, Health and Welfare at Work Act 1989 which was replaced by the Safety, Health and Welfare at Work Act 2005. Under the 2005 Act operators of the railways, as employers, have a duty to ensure the health and safety of their employees and provide safe workplaces. If chemicals are used at or around the railways, the Chemicals Acts 2008 and 2010 may apply. In particular these would apply if dangerous chemicals could affect the health and safety of workers and the general public as well as the greater environment.

### **2. Objective of the Memorandum of Understanding**

The objective of this Memorandum of Understanding between the Authority and the Commission is to facilitate cooperation between both regulators in discharging their respective statutory responsibilities for the regulation of the railways with respect to safety in order to enhance the actions of both regulators and to avoid duplication of effort by both regulators and the imposition of an unnecessary regulatory burden on the operators of the railways. Railway Organisations that are subject to this MoU are listed in Annex 1.

### **3. Areas of Shared or Overlapping Safety Responsibility**

In acknowledging each other's respective statutory responsibilities and obligations and the recognising of the statutory constraints that apply, both the Authority and the Commission shall endeavour to liaise closely particularly in relation to the areas set out below. Where concerns regarding the movement of trains or safety of the permanent way are brought to the attention of the Authority or an obvious shortcoming is observed by an inspector of the Authority, the inspector or the Authority shall pass that information to the Commission for investigation. Likewise, where concerns regarding unsafe work practices are brought to the attention of the Commission or observed by an inspector of the Commission, the Commission or the inspector shall pass that information to the Authority for investigation. Such information will be shared by both organisations in compliance with our data protection obligations as set out at e) below.

#### **a. Interface between the operation of the railways and work activities carried out by the operators of the railways.**

The operation and maintenance of the permanent way, the movement of rolling stock and the safety of passengers come within the remit of the Commission. The Commission also has a role in relation to safety of the public such as those who interface with the railway for example at level crossings or at bridges.

The Authority's remit includes work activities such as engineering and maintenance works as well as work activities at the railway stations. The Authority also has a role where there is a risk to members of the public from the work activity being undertaken. Employers have a duty of care to persons other than their employees under Sections 12, 15 and 19 of the Safety, Health and Welfare at Work Act, 2005 which the Authority enforce.

#### **b. Interface with external work activities**

External work activities which may have an interface with the railways include, for example, a construction project adjacent to the railway or a privately operated level crossing used mainly for farm animals.

#### **c. Private/industrial railways**

There are a small number of privately operated industrial railways, the most notable being that operated by Bord na Mona. The operation of such railways is outside the remit of the Commission except when there is an interface with a public road or other public areas.

Where such railways are used as part of an industrial or other work activity which comes within the scope of the Safety, Health and Welfare at Work Act 2005 then they come within the remit of the Authority.

**d. Accident and incident investigations**

The Authority and the Commission agree that incident investigations will be treated on a case by case basis. In addition, it is agreed that communication should be established between identified individuals in the Commission and the Authority where a role for both agencies arises as soon as practicable after such an incident occurs. This is in order to ensure mutual cooperation and assistance where agreed as necessary with regard to the investigation.

**e. Disclosure of information**

The Authority and the Commission agree to cooperate on matters regarding disclosure of safety-related information on a case by case basis recognising that there are restrictions on disclosure of confidential information that are set out in the Safety, Health and Welfare at Work Act 2005, the Chemicals Act 2008 & 2010 and the General Data Protection Regulations (EU2016/679).

**4. Annual Review of MOU**

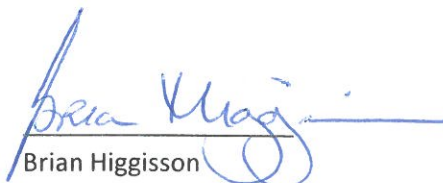
A meeting between senior representatives of both Agencies will be held at least annually where activities in the areas of shared or overlapping safety responsibility and cooperative measures will be reviewed. In addition, the content of this MOU will be reviewed to ensure that it remains relevant.

**5. Contact points**

Key contact points:

CRR: Principal Inspector – Compliance Supervision & Enforcement

HSA: Programme Manager, OCP Division;



Brian Higginson  
Commissioner  
Commission for Railway Regulation

Date: 12 June 19



Dr. Sharon McGuinness  
Chief Executive Officer  
Health and Safety Authority

Date: 12 June 2019

## Annex 1

Railway Organisations operating in the Republic of Ireland that are subject to this MoU are:

### Infrastructure Manager (IM)

- Iarnród Éireann (Irish Rail) – Infrastructure Manager

### Railway Undertakings (RU)

- Iarnród Éireann (Irish Rail) – Railway Undertaking
- Translink (Northern Ireland Railways)
- Railway Preservation Society of Ireland (mainline heritage operator)
- Balfour Beatty Ireland Ltd (Irish Rail IM subcontractor)
- Rhomburg Sersa Ltd (Irish Rail IM subcontractor)

### Light Railway Organisation (LRO)

- Transdev (Dublin LUAS Operator)

### Self-contained Heritage Railways

- Cavan & Leitrim Railway
- Diffin Lake Railway
- Finntown Railway
- Irish Steam Preservation Society, Stradbally
- Listowel Lartigue Monorail
- Lullymore Heritage & Discovery Park Railway
- Tralee & Blennerville Railway
- Waterford & Suit Valley Railway
- West Clare Railway

Additionally, the following industrial railway operator is also subject to this MoU, but only in respect of interfaces with public highways or Railway Organisations

- Bord na Móna