

# THE METROLINK PROJECT

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## BRIEFING NOTE ON REGULATORY REQUIREMENTS AND ENGAGING WITH THE CRR

#### Version control

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Reference:	TB26-001
Version:	1.0
Date:	07/01/2026

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## 1 Background

The Commission for Railway Regulation (CRR) is the independent statutory body, which has responsibility for the regulation of Railway Organisations in the State.

The CRR operates within an extensive legislative framework. This framework includes national primary legislation and associated statutory instruments as well European legislation based on Directives and Regulations.

It should be noted that the legislative framework relevant to light rail and metro in Ireland is based on national primary legislation, namely the Railway Safety Act 2005, as amended.

The CRR's oversight in relation to regulatory compliance by Railway Organisations, as per the 2005 Act covers all aspects of operation from the authorisation (acceptance) of new works/ infrastructure and rolling stock, the acceptance of the Safety Management System (SMS), the issuing of a Safety Management Certificate (SMC) and the continued oversight of its implementation through supervision.

The CRR has, in line with the 2005 Act, published a range of relevant guidelines to assist Railway Organisations in meeting their duties under the Act, which are referenced in this note.

To fulfil its mandate in relation to new works, rolling stock and safety management acceptance and continued supervision the CRR has two separate divisions. One division is responsible for the conformity assessment of safety management systems and the authorisation to place in service new infrastructure and rolling stock. The second division is responsible for undertaking compliance supervision which is an ongoing activity in the life cycle of the SMS.

### 1.1 Role of the CRR in the context of Metrolink

As stated above the CRR has several functions, all of which are directed to ensure that a 'Railway Organisation' is fulfilling its general duty to ensure, so far as is reasonably practicable, the safety of persons in the operation of its railway.

In the context of a metro, the CRR will have a role in:

- The acceptance to build and operate new railway infrastructure and rolling stock.
- The acceptance of the metro railway organisation's Safety Management System.
- The ongoing supervision of compliance with the metro railway organisations approved SMS.

## 1.2 Overview of applicable legislation, associated requirements and guidelines

The Railway Safety Act 2005, as amended, is the primary legislation that applies to a metro in the State. The following key sections are brought to the attention of any potential metro Railway Organisation. This is not an exhaustive overview and 'Railway Organisations' should ensure they inform themselves of the 2005 Act and any associated Statutory Instruments more thoroughly and not just the sections referenced here.

While there are railway specific European Directives, Common Safety Methods and numerous Regulations in existence they do not apply to light railways or metros. It should be noted that the CRR has adopted several aspects of these as best practice, e.g., Commission Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements, in relation to the guidelines that it has published applicable to light rail and metro.

The CRR welcome and encourage early engagement with railway organisations as applicants, to discuss submissions relation to new works, rolling stock and safety management systems. This engagement assists in the development of agreed strategy for the range of applications that will have to be made to the CRR and indicative timelines for same.

### Section 39 – Safety Management Systems

Section 39 of the Railway Safety Act requires that a 'Railway Organisation' have and implement a safety management system to demonstrate its compliance on the general duty to ensure the safety of persons.

For clarity, the definition of a 'Railway Organisation' under the Railway Safety Act 2005, as it relates to metro is:

A 'railway organisation' means—

- a) an organisation with responsibility in operating:
  - i) a metro, tram or other light railway system.

It is the responsibility of any entity involved in any metro project to determine if it is a 'Railway Organisation' as per the 2005 Act and therefore subject to the related responsibilities. The CRR as part of its functions will, in any case, review and determine whether the entities assessment is valid.

Following a successful conformity assessment of a safety management system submitted to the CRR by a 'Railway Organisation' the CRR issues a 'Safety Management Certificate'.

The SMS must ensure that it demonstrates the railway organisation's ability to properly assess and effectively control risk to the safety of persons and the supply of material and contracting of services in compliance with its general duty under Section 36 of the Act (General Duty of Care), and that it is properly implemented and continues to be maintained.

A more detailed description on the requirements for obtaining a SMC and the application process is available for railway organisations in CRR Guideline 30 Application Guide for Single Safety Certificates, Safety Authorisations and Safety Management Certificates which is published on our website ([CRR Guideline 30](#)).

Under section 45(2) of the Act a 'Railway Organisation' is required to engage a suitably qualified person to undertake an independent assessment, and the report of such person should be submitted to the CRR at the same time as its SMS submission.

## Section 42 –Safety assessment of new works

Section 42 of the Act directs that a 'Railway Organisation' shall not commence construction, installation or assembly of new works unless it has submitted a safety assessment (a 'new works assessment') to the CRR for review and approval.

Additionally, a 'Railway Organisation' shall not commence commissioning of a new railway line or an addition to an existing railway line until it has provided such information to the CRR and received consent in the form of a 'Letter of Acceptance' from the CRR.

*As per Section 42(15) 'New Works' means new or material changes to railway infrastructure of operational significance, including, for the avoidance of doubt, railway lines or additions to existing railway lines, bridges and structures, stations or other buildings required to operate or maintain railways, level crossings and signalling systems or such other works as may, by order, be specified by the Minister, after consultation with the Commission and railway organisations.'*

The CRR adopts a staged process for the acceptance of new works. There are 6 stages, these are:

- Stage 1** – Concept;
- Stage 2** – Preliminary design;
- Stage 3** – Detailed design;
- Stage 4** – Testing;
- Stage 5** – Interim operation; and
- Stage 6** – Full service.

A more detailed description on the requirements for the safety assessment of new works process is available for railway organisations in CRR Guidelines 32 and 33, which are published on our website ([CRR Guideline 32](#), [CRR Guideline 33](#)).

## Section 43 – Safety assessment of new rolling stock

Section 43 of the Act is similar to Section 42 but is focused on rolling stock. Section 43 directs that a 'Railway Organisation' shall not bring into operation new rolling stock unless it has submitted a safety assessment (referred to in this section as a 'new rolling stock assessment') to the CRR and the CRR has issued a Letter of Acceptance.

The CRR adopts a staged process for the acceptance of rolling stock. There are 6 stages, these are:

- Stage 1** – Concept;
- Stage 2** – Preliminary design;
- Stage 3** – Detailed design;
- Stage 4** – Testing;
- Stage 5** – Interim operation; and
- Stage 6** – Full service.

As stated above, the CRR welcome and encourage early engagement with applicants to discuss projects and applications. It is beneficial to all involved if the approval strategy can be discussed and agreed as early in the project as possible.

A more detailed description on the requirements for the safety assessment of new rolling stock process is available for railway organisations in CRR Guidelines 32 and 16, which are published on our website ([CRR Guideline 32](#), [CRR Guideline 16](#)).

Guideline 32 is the overarching document which is supported by guidelines 16 and 33 which contain generic listings of those parameters the CRR consider are of relevance.

### 1.3 Engaging with the CRR

The CRR encourage early engagement in relation to all applications.

As soon as an entity considers it is a 'Railway Organisation' under the Railway Safety Act it should commence engagement with the CRR. In the case of **SMS conformity assessment**, it is the CRR's experience that this process can take at least six months.

In the case of **new infrastructure**, legislation currently provides that the CRR will respond to the submission of a new works assessment within 28 days. However, it should be noted that the CRR may request clarifications or additional information in relation to any project and should the CRR do so this extends the duration of the assessment.

In the case of **new rolling stock**, legislation currently provides that the CRR will respond to the submission of a new works assessment within 28 days. However, it should be noted that the CRR may request clarifications or additional information in relation to any project and should the CRR do so this extends the duration of the assessment.

### 1.4 Communication

Any further clarification or queries on the regulatory framework should be initially raised to TII who then liaise with the CRR.

Once an entity is confirmed as being a 'Railway Organisation', all communications relating to new works or new rolling stock assessments or SMS conformity assessment will be directly with the CRR.

### 1.5 Fees and charges

Railway Organisations requiring new works or new rolling stock assessments or SMS conformity assessments are subject to an annual levy as provided for under section 26 of the Railway Safety Act 2005. The amount a 'Railway Organisation' is levied is calculated based on the estimated expenses the CRR will incur in discharge of its functions against that Railway Organisation.

The current Statutory Instrument detailing the most recent Levy Order [can be seen here](#).

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