حكومة دبي
GOVERNMENT OF DUBAI

هيئة الطرق والمواصلات
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RTA

القانون رقم 5 لسنة 2009 بشأن

تنظيم السكك الحديدية في دبي

والوثائق الاخرى المتعلقة به

Regulation No (5) for the year 2009 On the regulation of

Railways in the Emirate of Dubai

and related documents

باللغتين العربية والانجليزية

In Arabic & English

يحتوي هذا المستند على نص القانون رقم 5 لسنة 2009 بشأن تنظيم السكك الحديدية في دبي والوثائق الاخرى المتعلقة به. يتضمن المستندات في صفحاته التالية الوثائق باللغتين العربية والانجليزية معاً الواحد تلو الاخر.	This PDF document includes the Regulation No (5) for the year 2009 On the regulation of railways in the Emirate of Dubai and related documents ... This file lists, inside it in the below pages, all the documents in both languages Arabic and English one after another.

نظام رقم (٥) لسنة ٢٠٠٩
بشأن
تنظيم السكك الحديدية في إمارة دبي

نحن حمدان بن محمد بن راشد آل مكتوم ولي عهد دبي رئيس المجلس التنفيذي

بعد الإطلاع على القانون رقم (٣) لسنة ٢٠٠٣م بإنشاء المجلس التنفيذي لإمارة دبي،
وعلى القانون رقم (١٧) لسنة ٢٠٠٥م بإنشاء هيئة الطرق والمواصلات،
وعلى القانون رقم (١٨) لسنة ٢٠٠٦م بشأن إدارة وتحقيق الأموال العامة لحكومة دبي،
وعلى المرسوم رقم (٤١) لسنة ٢٠٠٨م بشأن قوة أمن قطاع النقل والمواصلات في إمارة دبي،
وعلى قرار المجلس التنفيذي رقم (٨) لسنة ٢٠٠٦م بإنشاء المؤسسات التابعة للهيئة واعتماد هيكلها المؤسسي والتنظيمي،

نصدر النظام الآتي:

المادة (١)

يُسمى هذا النظام "**نظام تنظيم السكك الحديدية في إمارة دبي رقم (٥) لسنة ٢٠٠٩**".

المادة (٢)

في تطبيق أحكام هذا النظام، يكون للكلمات والعبارات التالية المعاني المبيّنة إزاء كل منها، ما لم يدل سياق النص على خلاف ذلك:

الإمارة:	إمارة دبي.
الهيئة:	هيئة الطرق والمواصلات.
رئيس مجلس الإدارة:	رئيس مجلس الإدارة والمدير التنفيذي للهيئة.
المؤسسة:	مؤسسة القطارات التابعة للهيئة.
جهة تنظيم السلامة:	إدارة تخطيط وتنظيم السلامة بالهيئة.
السكك الحديدية:	أنظمة النقل الحديدية المخصصة لنقل الركاب والبضائع والمحكومة بمسارات محددة مصممة للسير عليها إما بشكل أحادي أو مزدوج أو أي نظام توجيه آخر، وتشمل السكك الحديدية الثقيلة والخفيفة وأحادية الخدمة وثنائيتها والمائلة وخطوط الترام وكذلك السكك المخصصة للصيانة أو التحويلات الجانبية.
البنية التحتية:	كافة المنشآت والمرافق والأنظمة والبرمجيات اللازمة لتشغيل السكك الحديدية وتمكينها من العمل بأمان، وتشمل على سبيل المثال لا الحصر خطوط السكك الحديدية وهياكلها، وطرق الخدمة، ونُظم

	الإشارات، والاتصالات، والسيطرة، والإشارات، والعلامات، ومصادر الطاقة الكهربائية، ونُظم القاطرات الكهربائية، والمباني، والمحطات، والمستودعات، والآلات، والمعدات، والهياكل، والممرات، والتحويلات، والأنفاق، والجسور، والأرصفة، والحواجز الحديدية، والأعمال المساندة لها، وأعمال الصرف الصحي، وأية إنشاءات أو أعمال مرتبطة بالسكك الحديدية.
عربات السكك الحديدية:	أية عربة تستخدم البنية التحتية للسكك الحديدية، ومن بينها القاطرات، والمحركات، والقطارات، والترام، وعربات التفتيش الخفيفة، وعربات الصيانة ذاتية الدفع، وعربات الشحن، والعربات أحادية الخط.
عمليات التشغيل:	تشغيل وتحريك أو التسبب في تشغيل وتحريك عربات السكك الحديدية المخصصة للنقل أو للقيام بأعمال الصيانة وتعديل وتطوير البنية التحتية وعربات السكك الحديدية.
المالك:	أية جهة عامة أو خاصة تمتلك البنية التحتية للسكك الحديدية أو عربات السكك الحديدية أو كلاهما لأغراض النقل.
المُشغل:	الجهة المصرّح لها بتشغيل أو صيانة البنية التحتية للسكك الحديدية أو عربات السكك الحديدية أو كلاهما لأغراض النقل.
المقاول:	الشخص الطبيعي أو الاعتباري المكلّف من قبل المالك أو المشغل بأعمال تتعلق بالسكك الحديدية، أو المنفذ لأية أعمال تتطلب الحصول على تصاريح أو شهادات عدم ممانعة من المؤسسة أو جهة تنظيم السلامة.
الاستشاري:	الشخص الطبيعي أو الاعتباري الذي يتولى تقديم الاستشارات الهندسية أو الفنيّة بشأن أي أمر يتعلق بالسكك الحديدية.
أدلة السلامة:	الوثائق والمستندات التي تثبت بأن البنية التحتية للسكك الحديدية وعربات السكك الحديدية وكذلك نظام إدارة السلامة المطبق في أنظمة إدارة التشغيل والنقل صالحة للتشغيل الآمن.
شروط السلامة:	مجموعة الضوابط والمعايير التي يجب الالتزام بها في تصميم البنية التحتية للسكك الحديدية وعربات السكك الحديدية ونظام إدارة السلامة والتي تهدف إلى إزالة الخطر أو التقليل من معدل وقوع الحوادث ضمن الحدود المعتمدة دولياً في هذا الشأن.
شهادة وضع السلامة:	الوثيقة الصادرة عن جهة تنظيم السلامة للمالك والتي تثبت سلامة البنية التحتية للسكك الحديدية أو عربات السكك الحديدية أو كلاهما.
شهادة السلامة التشغيلية:	الوثيقة الصادرة عن جهة تنظيم السلامة للمشغل والتي تتضمن موافقتها على تشغيل خدمة النقل بالسكك الحديدية إستناداً لأدلة السلامة.
الحادث:	حدث غير متوقع وغير مرغوب فيه يرتبط مباشرة بعمليات تشغيل السكك الحديدية أو ببنيتها التحتية ينجم أو قد ينجم عنه إصابات بشرية أو أضرار بالممتلكات.
التحقيق الفني:	إجراء فني يهدف إلى تحديد أسباب الحادث والآثار الناجمة عنه، وتحديد الوسائل الكفيلة بمعالجته وضمان عدم تكراره.

المفتش: موظف الهيئة المخول صلاحية التحقق من سلامة تشغيل السكك الحديدية وبنيتها التحتية وعربات السكك الحديدية، وإجراء التحقيق الفني في الحوادث، وضبط الأفعال التي تقع بالمخالفة لأحكام هذا النظام، والتوصية باتخاذ الإجراءات اللازمة والعاجلة لمعالجة أي إجراء أو وضع أو أمر قد يؤثر أو يشكل خطراً على سلامة إستخدام السكك الحديدية.

المادة (٣)

يهدف هذا النظام إلى تحقيق ما يلي:

١- تنظيم إنشاء وتشغيل السكك الحديدية في الإمارة بما في ذلك المناطق الحرة، وفقا لمتطلبات السلامة والجودة، وطبقا لأفضل المعايير والممارسات العالمية المطبقة في هذا الشأن لضمان صلاحيتها للغاية التي أنشئت من أجلها.

٢- فصل مهام التصريح بإنشاء السكك الحديدية، عن مهام تنظيم السلامة المتعلقة بتشغيلها، نظراً لأهمية جانب السلامة وضمان استقلاليته لتوفير أقصى درجات السلامة والتشغيل الآمن للنقل بواسطة السكك الحديدية.

المادة (٤)

لغايات هذا النظام، تتولى الهيئة القيام بما يلي:

١- تخطيط وتطوير شبكات السكك الحديدية في الإمارة، والإشراف على تخطيطها وتطويرها داخل المناطق الحرة، وضمان تحقيق التكامل بين أنظمة النقل المختلفة في الإمارة.

٢- التأكد من أن عمليات منح التصاريح الصادرة عن المؤسسة أو الشهادات الصادرة عن جهة تنظيم السلامة أو التحقيق الفني في الحوادث خالية من وجود أي تعارض في المصالح، وأنها تؤدى باستقلال تام عن مالكي ومشغلي ومقاولي السكك الحديدية وغيرها من الجهات التي لها علاقة في هذا المجال.

٣- إبرام العقود والاتفاقيات مع أية جهة داخل الإمارة وخارجها لمشاركتها والمساهمة معها في كل ما يتعلق بنقل البضائع والركاب بواسطة السكك الحديدية.

المادة (٥)

تتولى المؤسسة القيام بالمهام والاختصاصات التالية:

١- اقتراح السياسات والخطط اللازمة لتخطيط وتطوير شبكات السكك الحديدية في الإمارة والإشراف عليها.

٢- إصدار التصاريح اللازمة لإنشاء البنية التحتية للسكك الحديدية وتوفير عربات السكك الحديدية وأية أعمال تتعلق بتطوير وصيانة أنظمة السكك الحديدية في الإمارة.

٣- اعتماد المواصفات والمتطلبات الفنية ومعايير الأداء لأنظمة وشبكات السكك الحديدية وبنيتها التحتية في الإمارة.

٤- اعتماد أسس ومعايير تأهيل واعتماد مقاولي السكك الحديدية ومستشاريها ومشغليها، ومراقبة الالتزام بها، وإصدار شهادات عدم الممانعة اللازمة لمنحهم الرخص التجارية.
٥- التعاون والتنسيق مع الجهات المعنيّة داخل الإمارة وخارجها لتحقيق التكامل بين أنظمة السكك الحديدية وغيرها من وسائل النقل الأخرى.
٦- إصدار شهادات عدم الممانعة للقيام بأعمال البناء والهدم والحفر للمنشآت المحيطة بالسكك الحديدية أو ببنيتها التحتية.
٧- تحديد المنشآت والأنشطة التي يحظر إقامتها أو مزاولتها داخل مواقع البنية التحتية للسكك الحديدية أو المناطق المحيطة بها، وذلك بالتنسيق مع الجهات المعنيّة في الإمارة.
٨- تحديد الأنشطة المقيدة التي يجوز مزاولتها داخل مواقع البنية التحتية للسكك الحديدية أو المناطق المحيطة بها بالتنسيق مع الجهات المعنيّة في الإمارة، وإصدار شهادات عدم الممانعة بشأنها.
٩- أية مهام أو اختصاصات أخرى تتعلق بتنفيذ هذا النظام أو القرارات الصادرة بموجبه.

المادة (٦)

تتولى جهة تنظيم السلامة القيام بالمهام والاختصاصات التالية:

١- إصدار شهادة وضع السلامة لمالكي البنية التحتية للسكك الحديدية ولعربات السكك الحديدية.
٢- إصدار شهادة السلامة التشغيلية للمشغلين، والتحقق من التزامهم بمتطلبات هذه الشهادة.
٣- التحقق من التزام كافة الجهات بالتشريعات المتعلقة بضمان سلامة تشغيل السكك الحديدية.
٤- مراجعة أدلة السلامة وحماية العاملين في مجال المواصلات العامة والركاب والجمهور من المخاطر التي تهدد الصحة والسلامة الناجمة عن عمليات السكك الحديدية.
٥- القيام بعمليات التقييم والتحليل والبحث لأنظمة السكك الحديدية بهدف تحقيق نظام نقل أكثر أمنا.
٦- وضع وتنفيذ الخطط والبرامج اللازمة للتفتيش على شبكات السكك الحديدية وبنيتها التحتية وعربات السكك الحديدية للتحقق من سلامة تشغيلها.
٧- التحقيق الفني في الحوادث بشكل مستقل عن التحقيق الأمني والجنائي، وإعادة فتح التحقيق إذا ما توفرت أدلة جديدة.
٨- تقديم التوصيات اللازمة لتحسين مستوى السلامة في أعقاب الحوادث لمنع تكرارها مستقبلا.
٩- أية مهام واختصاصات أخرى تتعلق بتنفيذ هذا النظام أو القرارات الصادرة بموجبه.

المادة (٧)

يُحظر على أية جهة إنشاء شبكة للسكك الحديدية في الإمارة، أو تطويرها، أو صيانتها، أو القيام بأي عمل ضمن المنطقة المخصصة للسكك الحديدية أو المحيطة بها أو أي نشاط خارجها قد يؤثر على تشغيلها، إلا بعد الحصول على تصريح بذلك من المؤسسة.

وتحدد اللائحة التنفيذية لهذا النظام متطلبات الحصول على هذا التصريح والوثائق والمستندات الواجب توفرها لإصداره، وكذلك حدود ومساحة المنطقة المخصصة للسكك الحديدية والمنطقة المحيطة بها، والأنشطة التي قد تؤثر على سلامة تشغيلها.

المادة (٨)

يشترط لمنح التصريح المشار إليه في المادة (٧) من هذا النظام، أن تكون أنظمة السكك الحديدية مؤمنا عليها تأمينا شاملا لدى إحدى شركات التأمين المرخص لها بالعمل في الإمارة.

المادة (٩)

لا يجوز لأية جهة مزاولة نشاط مشغل أو استشاري أو مقاول لأعمال تتعلق بالسكك الحديدية أو ببنيتها التحتية إلا إذا كان مؤهلاً ومصنفاً من قبل المؤسسة.

وتحدد اللائحة التنفيذية لهذا النظام شروط ومتطلبات تأهيل وتصنيف هذه الأنشطة.

المادة (١٠)

١- يجب على المالك أو المقاول وبمجرد انتهائه من كافة الأعمال المصرّح له بها من المؤسسة، التقدم إلى جهة تنظيم السلامة للحصول على شهادة وضع السلامة، وتكون هذه الشهادة صالحة للعمل بموجبها ما لم يتم إجراء أية تعديلات جوهرية على أنظمة السكك الحديدية أو بنيتها التحتية أو عربات السكك الحديدية.
٢- يجب على المشغل وقبل المباشرة بتشغيل السكك الحديدية التقدم إلى جهة تنظيم السلامة للحصول على شهادة السلامة التشغيلية، وتكون مدة صلاحية هذه الشهادة خمسة سنوات، ما لم يتم إنهائها قبل ذلك لأي من الأسباب الواردة في هذا النظام أو لائحته التنفيذية.
٣- تُحدد اللائحة التنفيذية لهذا النظام إجراءات وشروط الحصول على الشهادات المشار إليها في البندين (١) و(٢) من هذه المادة والوثائق والمستندات والمتطلبات الواجب توافرها لإصدارها.

المادة (١١)

يجب على الجهة المصرح لها بأية أعمال تتعلق بالسكك الحديدية التقيد بما يلي:

١- الشروط والضوابط الفنيّة والمدد الزمنية المحددة لها في التصريح.
٢- الالتزام بالاشتراطات والمواصفات المنصوص عليها في الأدلة المعتمدة لدى المؤسسة عند تنفيذ الأعمال المصرّح لها بها.
٣- الالتزام بكافة متطلبات السلامة ومن بينها أدلة السلامة المعتمدة من قبل جهة تنظيم السلامة.

٤- أن تتم الأعمال المصرّح بها بشكل متعاقب دون وجود فترات انقطاع عن العمل.
٥- إعادة الحال إلى ما كان عليه - بمجرد الانتهاء من العمل - حسب الشروط والمواصفات الفنية المعتمدة لدى المؤسسة والجهات الحكومية المعنيّة في الإمارة.

المادة (١٢)

مع عدم الإخلال باشتراطات ومتطلبات السلامة العامة المنصوص عليها في التشريعات السارية، يجب على المالك والمشغل والمقاول الالتزام بما يلي:-

١- اتخاذ كافة التدابير اللازمة للحد من المخاطر الناجمة عن مزاولتهم لأعمالهم.
٢- تشغيل السكك الحديدية بشكل آمن وسليم وذلك من خلال المحافظة على مقتضيات السلامة العامة أثناء تشغيل السكك الحديدية طبقاً للتشريعات السارية في مجال السلامة والصحة المهنية وأدلة السلامة المعتمدة في هذا الخصوص لدى جهة تنظيم السلامة.
٣- تزويد جهة تنظيم السلامة بالمعلومات التالية:
- الحوادث والوقائع التي تحدث أثناء الإنشاء والتشغيل والصيانة.
- التدابير المُتخذة لتعزيز السلامة العامة على السكك الحديدية.
- التفاصيل المتعلقة بالتأمين الشامل.
- أية بيانات أو معلومات إحصائية يتم طلبها من قبل المؤسسة أو جهة تنظيم السلامة.

٤- عدم القيام بأي عمل من شأنه تعريض سلامة الآخرين للخطر أثناء استخدامهم للسكك الحديدية أو تواجدهم بالقرب منها.
٥- المحافظة على السكك الحديدية وفقاً لمتطلبات منح شهادة وضع السلامة.
٦- إخطار جهة تنظيم السلامة مسبقاً بأي تغيير جوهري ينوي إجراؤه في أنظمة وعمليات السكك الحديدية أو ببنيتها التحتية.

المادة (١٣)

في حال عدم التزام المالك أو المشغل أو المقاول - حسب الأحوال - بإزالة أسباب المخالفة المرتكبة من قبله خلافاً لأحكام هذا النظام أو القرارات الصادرة بمقتضاه خلال المهلة المحددة له، فإنه يكون للهيئة القيام بذلك بأجهزتها الذاتية أو الاستعانة بأية جهة أخرى مختصة مع تحميل الجهة المخالفة تكاليف هذا الإجراء مضافاً إليه ما نسبته (٢٥%) من قيمة التكاليف كمصاريف إدارية وإشرافية.

ويعتبر تقدير الهيئة لتلك التكاليف تقديراً نهائياً.

المادة (١٤)

يتحمل المالك أو المشغل أو المقاول - حسب الأحوال - مسؤولية التعويض عن أية أضرار قد تلحق بالممتلكات العامة أو الخاصة.

المادة (١٥)

يُستوفى على إصدار الشهادات الواردة في الجدول رقم (١) المُلحق بهذا النظام الرسوم المبيّنة إزاء كل منها.

المادة (١٦)

في حال وقوع أي حادث يتعلق بالسكك الحديدية، تتولى جهة تنظيم السلامة إجراء التحقيق الفني فيه.
وتحدد اللائحة التنفيذية لهذا النظام إجراءات التحقيق ووسائله وكيفيته والصلاحيات والتدابير التي يمكن اتخاذها من قبل الجهة التي تقوم به، وواجبات الجهات الخاضعة له.

المادة (١٧)

يحظر على أية جهة القيام بأي عمل أو الامتناع عن عمل من شأنه تعريض السكك الحديدية وبنيتها التحتية وعربات السكك الحديدية للخطر أو العبث بها بأي صورة من الصور أو بأي شكل من الأشكال.
وتحدد اللائحة التنفيذية لهذا النظام التدابير الواجب اتخاذها لحماية السكك الحديدية وبنيتها التحتية وعربات السكك الحديدية والأفعال التي يحظر القيام بها.

المادة (١٨)

مع عدم الإخلال بأية عقوبة أشد ينص عليها أي تشريع آخر، يُعاقب كل من يرتكب أي من المخالفات المنصوص عليها في الجدول رقم (٢) المُلحق بهذا النظام بالغرامة المالية المبيّنة إزاء كل منها.
وبالإضافة إلى عقوبة الغرامة، فإنه يجوز لجهة تنظيم السلامة أو المؤسسة – بحسب الأحوال – اتخاذ أي من التدابير التالية بحق الجهة المخالفة:

١- إيقاف العمل لحين إزالة أسباب المخالفة.
٢- إلغاء التصريح الممنوح لها.
٣- إلغاء شهادة وضع السلامة أو شهادة السلامة التشغيلية.

المادة (١٩)

تكون لموظفي ومفتشي الهيئة الذين يصدر بتسميتهم قرار من رئيس مجلس الإدارة صفة مأموري الضبط القضائي في إثبات الأفعال التي تقع بالمخالفة لأحكام هذا النظام ولائحته التنفيذية والقرارات الصادرة بمقتضاه.
وتحدد اللائحة التنفيذية لهذا النظام مهام وصلاحيات المفتش في إجراء التفتيش وضبط المخالفات وإجراء التحقيق الفني في الحوادث، وضبط المخالفات وتحرير محاضر الضبط.

المادة (٢٠)

يجوز لكل ذي مصلحة التظلم خطياً للهيئة على أي من القرارات أو التدابير الصادرة بحقه من المؤسسة أو جهة تنظيم السلامة وذلك خلال ٣٠ يوماً من تاريخ إخطاره بالقرار أو التدبير المتخذ بحقه.

ويتم النظر في هذا التظلم من قبل لجنة يتم تشكيلها لهذا الغرض بقرار يصدر عن رئيس مجلس الإدارة، وعلى اللجنة البت في التظلم خلال (١٥) يوماً من تاريخ تقديمه، وتكون القرارات الصادرة عن اللجنة في هذه التظلمات نهائية.

المادة (٢١)

يكون للهيئة الاستعانة بالدوائر الحكومية والمؤسسات والهيئات العامة بما في ذلك أفراد رجال الشرطة لمعاونتها في تطبيق أحكام هذا النظام، وعلى هذه الجهات تقديم العون لها متى طُلب منها ذلك.

المادة (٢٢)

يصدر رئيس مجلس الإدارة القرارات واللوائح اللازمة لتنفيذ هذا النظام.

المادة (٢٣)

يُنشر هذا النظام في الجريدة الرسمية، ويعمل به من تاريخ نشره.

حمدان بن محمد بن راشد آل مكتوم
ولي عهد دبي
رئيس المجلس التنفيذي

صدر في دبي بتاريخ ٩ يونيو ٢٠٠٩م
الموافق ١٦ جمادى الثانية ١٤٣٠ هـ

جدول رقم (١)

رسوم إصدار التصاريح وتقديم الخدمات

م	البيان	الرسم/ بالدرهم
١-	إصدار شهادة وضع السلامة.	٢٠٠٠٠٠٠ رسم ثابت
	إصدار شهادة وضع السلامة لكل نوع من عربات السكك الحديدية.	٢٠٠٠٠٠٠
	إصدار شهادة وضع السلامة لكل مستودع.	٢٠٠٠٠٠
	إصدار شهادة وضع السلامة لكل محطة.	٧٥٠٠٠
	إصدار شهادة وضع السلامة لكل مركز مراقبة تشغيل.	٤٠٠٠٠
	إصدار شهادة وضع السلامة لكل كيلو متر من المسار.	٢٠,٠٠٠
٢-	إصدار شهادة السلامة التشغيلية.	٢٠٠٠٠٠٠ رسم ثابت
	إصدار شهادة السلامة التشغيلية لكل مستودع.	٤٠٠٠٠٠
	إصدار شهادة السلامة التشغيلية لكل مركز مراقبة تشغيل.	٢٠٠٠٠٠
	إصدار شهادة السلامة التشغيلية لكل عربة سكك حديدية.	٤٠٠٠٠
	إصدار شهادة السلامة التشغيلية لكل كيلو متر من المسار.	٢٠٠٠
	إصدار شهادة السلامة التشغيلية لكل محطة.	٢٠٠٠

- يُضاف إلى الرسوم المقررة بموجب هذا الجدول رسم إصدار سنوي لشهادة السلامة التشغيلية قدره (٢٥%) من إجمالي الرسوم المقررة بموجب البند رقم (٢)، ويتم استيفاء هذا الرسم سنوياً.

جدول رقم (٢)

المخالفات والعقوبات

م	بيان المخالفة	الغرامة/ بالدرهم
١-	العمل في مناطق السكك الحديدية أو في خطوط السكك الحديدية سواء المخطط لها أو المتواجدة فعلا قبل الحصول على تصريح مسبق بذلك من المؤسسة.	٥٠٠٠٠٠
٢-	عدم الإخطار عن الحوادث والوقائع التي يجب الإبلاغ عنها.	٥٠٠٠٠٠
٣-	عدم اتخاذ الإجراءات اللازمة لإزالة أسباب المخالفة ضمن المهلة المحددة.	٥٠٠٠٠٠
٤-	عدم إخطار جهة تنظيم السلامة بالتغييرات الجوهرية التي تتم على أنظمة السكة الحديدية.	٥٠٠٠٠٠
٥-	عدم تقديم المعلومات المطلوبة لجهة تنظيم السلامة بما في ذلك التدابير المتخذة لتعزيز سلامة السكك الحديدية.	٥٠٠٠٠٠
٦-	عدم توفير التأمين الشامل المطلوب لتشغيل أنظمة السكك الحديدية.	٥٠٠٠٠٠
٧-	عدم التزام المالك أو المشغل أو المقاول بأي التزام مفروض عليه بشأن مراعاة أدلة وشروط السلامة.	٥٠٠٠٠٠
٨-	التسبب بوقوع أي حادث.	٢٠٠٠٠٠
٩-	منع أو محاولة منع المفتش أو أي شخص آخر يعمل تحت إشرافه المفتش من تلقي أو تنفيذ التعليمات الموجهة.	٢٠٠٠٠٠

Regulation No (5) for the year 2009
On
the regulation of railways in the Emirate of Dubai

We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai - President of the Executive Board,

Following the Law No. 3/ 2003 on the establishment of the Dubai Executive Council,
the law No. 17/ 2005 on the establishment of the Roads and Transport Authority,
the law No. 18/2006 on managing and ensuring the public funds of the Government of Dubai,
Decree No. 41/2008 on the security force for transportation sector in the Emirate of Dubai,
And the Executive Council Resolution No 8/ 2006 on the establishment of RTA Agencies and adoption of it's corporate and organizational structure,

issue the following regulation: --

Article (1)

This regulation shall hereinafter be called " Dubai Railway Regulation No. 5/2009."

Article (2)

The following words and phrases shall carry the meanings set forth, unless the context indicates otherwise:

Emirate:	Emirate of Dubai.
Authority:	Roads and Transport Authority.
Chairman of the Board of Directors:	Chairman of the Board and CEO of RTA
Agency:	Rail Agency of the body.
Safety Regulation Authority:	Planning and Safety regulation department RTA.

Railway: railway transportation systems designed to transport passengers and goods, guided by specific tracks designed for the movement of the rails either a single or dual track system or any other direction system, including the heavy railways, light railways, mono rail service, tramway and railway for maintenance or freight terminals .

Infrastructure: all establishments, facilities, systems and software necessary to operate railways and to enable them to work safely, including but not limited to rail way tracks and associated track structures, service roads, signaling systems, communications systems, rail controlling systems , signaling systems, notices and signs, the electric power supply, electric traction systems, the associated buildings, stations, warehouses, machinery, equipment, structures, corridors, pass ways, tunnels, bridges, sidewalks, barriers (iron gates), associated works, the work of sanitation, and any construction or rail-related work.

Railway vehicle: any vehicle that uses the infrastructure of the railway, including locomotives, engines, trains, trams, and light inspection vehicle, self-propelled maintenance vehicle, freight wagons, monorail vehicle.

Operations: the operation, movement or cause the operation or the movement of railway vehicles designed for transportation or for carrying out maintenance, modification works and development of infrastructure or railway vehicles.

Owner: any public or private company/ authority that owns the infrastructure of the railway or railway vehicles, or both for the purposes of transportation.

Operator: the authorized party for the operation or maintenance of the railway infrastructure or railway vehicles, or both for the purposes of transportation.

Contractor: the natural or legal person designated by the owner or the operator for the purpose of carrying out the works related to railways, or execution of any work that requires obtaining of permits or no objection certificates from the agency or safety regulation authority.

Consultant: the natural or legal person who is offering advices/consultations on engineering, technical, or any other matter related to railways.

Demonstration or Evidence of safety: the documents which prove that the railway infrastructure and railway vehicles, as well as safety management system applied in the operation and transportation systems are suitable for safe operation.

Safety requirements: the set of rules and standards that needs to be adhered while designing of the railway infrastructure, railway vehicles and safety management system which aims to eliminate or minimize the risk of the accidents frequency within the internationally adopted limits in this regard.

Safety certificate: the certificate issued by the Safety regulation authority of the owner, which demonstrate the safety of the railway infrastructure or railway vehicles, or both.

Operational Safety certificate: the certificate issued by the safety regulation authority of the operator, which includes the consent/ approval to commence the rail transport service operation based on the evidence of safety.

Accident: the unexpected and undesirable occurrence directly associated with railway operations, its railway infrastructure, which result or may result in human casualties or damage to property.

Technical Investigation: a technical investigation aims to identify the root cause of the accident and its consequences, identify the means to handle/address them and ensure the non-recurrence of the same.

Inspector: the RTA staff authorized to verify the safety of railway infrastructure and railway vehicles operation, carry out technical investigation of accidents, check the acts that are in contravention of the provisions of this regulation, and to recommend necessary and urgent actions to address any action or development or matter that may affect or pose a threat to the safety of the use of railways.

Article (3)

This regulation shall aim to achieve the following: --
1 - organize the establishment and operation of railways in the Emirate, including the Free Zone areas, in accordance with the safety and quality requirements, and pursuant to the best international standards and practices applicable in this regard to ensure the suitability of the purpose which it was established for.

2 - separate the functions of authorizing the establishment of the railways and the functions of safety regulation related to it's operation, given the importance of its safety aspects and assurance of its self-determination to provide maximum safety levels and safe transport operation by railways.

Article (4)

For the purposes of this regulation/ order, RTA shall undertake the following: --
1 - Plan and develop railway networks in the Emirate, and supervise its planning and development within the free zones and ensure the integration of different transport systems in the Emirate.
2 - Make sure that the permits, issued by the agency or the certificates issued by the safety regulation authority or the technical investigation of accidents, are free of any conflict of interest, and that they are carried out with complete independence from the owners and operators and rail contractors and other entities that have a relation in this area.
3 - Conclude contracts and agreements with any party/ authority within or outside the Emirate to participate and contribute in every matter related to transportation of goods and passengers by railways.

Article (5)

The agency shall undertake to carry out the roles and responsibilities as follow: --

1 – Provide proposals of policies and plans deemed necessary in respect to planning and development of railway networks in the emirate and supervise on it.
2 - Issue permits for the establishment of the railway infrastructure, the provision of railway vehicles, and any other work in relation to the development and maintenance of railway systems in the Emirate.
3 - Adopt the specifications, technical requirements and performance standards for systems and railway networks and infrastructure in the Emirate.
4 – Adopt the bases and criteria for qualification and approval of railway contractors, consultants and operators, monitor their compliance, and issue no-objection certificates for their commercial/business licenses.
5 - Cooperate and coordinate with the concerned authorities within or outside the Emirate to achieve integration between the railway systems and other means of transportation.
6 - Issue NOCs for construction, demolition and excavation of the railway surroundings or the railway infrastructure.
7 – Define the construction establishments and activities that are prohibited within the railway infrastructure sites or the surrounding areas, in coordination with the concerned authorities in the Emirate.
8 - Identify restricted activities that may be conducted within the railway vicinity or

railway infrastructure in coordination with the concerned authorities in the Emirate, and issue NOCs to them.
9 - any other roles or functions related to the implementation of this regulation or decisions issued under it.

Article (6)

The safety regulation authority undertakes to carry out the following: --

1 – Issue safety certificates to the railway infrastructure and railway vehicles owners.
2 - Issue operational safety certificate to the operators, and verify their compliance to the requirements of this certificate.
3 - Check the compliance of legislations, by all parties, related to ensuring the railways operation safety.
4 - Review the evidences of safety and protection of workers in the field of public transports, passengers and the public from the risks that threaten the health and safety arising from railway operations.
5 - Carry out the evaluation, analysis and research on the railway systems in order to achieve a more secure/safe transport system.
6 - Develop and implement plans and programs to carry out inspection of the railway networks and infrastructure, and railway vehicles to verify its operational safety.
7 – Carry out technical investigation into the incidents separately from the security and criminal investigation, and reopen the investigation if there are new evidences.
8 - Provide necessary recommendations to improve the safety level in the aftermath of incidents in order to prevent future recurrences.
9 - Any other functions and powers relating to the implementation of this regulation or decision issued under it.

Article (7)

No party shall be allowed to establish a railway network in the Emirate, develop, maintain, or perform any work within the area allocated to the railway or its surrounding or any outside activity that may affect the railway operation, unless a prior permission obtained from the agency.

The By-laws of this regulation shall define the requirements for obtaining this permit and necessary related documents to be produced at the time of issuance of the permit, as well as the limits and the size of the area allocated to the railway and surrounding area, and activities that may affect the safety of operation.

Article (8)

In order to grant the permit referred to in Article (7) of this regulation, the railway systems shall be insured with a comprehensive insurance by any insurance company authorized to operate in the Emirate.

Article (9)

No party shall engage in any activity that falls under the operator, consultant or contractor’s jurisdiction and are related to railway infrastructure work unless qualified and classified by the agency.

The By-laws of this regulation shall define the conditions and the requirements for qualification and classification of these activities.

Article (10)

1 - The owner or the contractor shall, upon the completion of all work authorized by the agency, proceed to the safety regulation authority to obtain the safety certificate; this certificate shall be deemed valid for the work unless substantive changes to the railway regulations, the railway infrastructure, or to the railway vehicles are made.
2 - The operator shall, prior to commencement of railway operation, proceed to safety regulation authority to obtain the operational safety certificate, and the validity period of this certificate shall be (5) years, unless terminated earlier for any of the reasons set forth in this regulation or its by-laws.

3 - The by-laws of this regulation shall define the procedures and conditions for obtaining the certificates referred to in clause (1) and (2) of this article and the documents requirements shall also be met for the issuance of these certificates.

Article (11)

The party authorized for railway related works must comply with the following: --

1 – The technical terms and conditions and time-limit specified in the permit.
2 - Comply with the requirements and the specifications set forth in the evidence approved by the agency in the implementation of the works authorized to them.
3 - Compliance with all safety requirements, including evidence of safety approved by the safety regulation authority.
4 – the works authorized to them shall be completed in one go without any break.
5 – Return the condition- upon completion of the work - back where it was, in accordance with the technical conditions and specifications approved by the agency and concerned government entities in the Emirate.

Article (12)

Without prejudice to the provisions and the requirements of public safety set forth in the current legislation, the owner, the operator and the contractor must comply with the following:

1 - Take all necessary measures to reduce the risks arising from their engagement in their work.
2 - Operate the railways in safe and sound way and that, by maintaining the requirements of public/general safety during the railway operation in accordance with the legislation in force in the area of safety and occupational health and safety evidence/demonstration adopted by the safety regulation authority in this regard.
3 – Provide the safety regulation authority with the following information:
- Incidents and events that occur during the construction, operation and maintenance.
- Measures taken to strengthen public safety on the railways.
- Details on the comprehensive insurance.
- any data or statistical information required by the safety regulation authority.
4 – Avoid any action that would endanger the safety of others at risk during the use of

the railways or their vicinity.
5 – Maintain / protect the railways in accordance with the requirements of the safety certification.
6 – Notify the safety regulations authority in advance of any substantive change intended to take place in the systems and processes of the railways or its infrastructure.

Article (13)

In case the owner, the operator or the contractor fails to abide - as per the situations - in eliminating/ removing the causes of the offense committed by him, contrary to the provisions of this regulation or decision issued pursuant to it, within the given time limit, the RTA shall carry out the work by using its own resources or seeking help from any other competent body/ company and shall make the offending party bear the expenses of this procedure in addition to a (25%) of the costs value as an administrative and supervisory expenses.

RTA's estimate of the cost shall be final.

Article (14)

The owner or operator or contractor shall - as always - bear the responsibility of compensation for any damage caused to public or private property.

Article (15)

The certification fees, stipulated in the schedule (1) attached to this regulation, shall be paid as set out against each of them in the schedule.

Article (16)

In case of any accident involving the railways, the safety regulation authority has the right to conduct technical investigation in it.
The By-laws of this regulation shall define the procedures and methods of the investigation. In addition to the powers and measures that can be taken by the party in charge, and the duties of those subject to it.

Article (17)

Any party shall not be allowed to carry out any work or refrain from it which could jeopardize the railway infrastructure and railway vehicles and could pose a threat of risk or tampering by any mean and in any way.

The By-laws of this regulation shall define the measures to be taken to protect the railway infrastructure and railway vehicles, and acts which are prohibited to do.

Article (18)

Without prejudice to any greater penalty stipulated by any other legislation, anyone

who commits any of the offenses set forth in schedule No. (2) attached to this regulation shall be penalized as set forth against each other in the schedule (2)

In addition to the penalty, the safety regulation authority has right to - as per the case - take any of the following measures against the offender:
1 – stop the work until the causes of the violation is removed.
2 – Terminate or cancel the license granted to them.
3 – Terminate or cancel the safety certificate or the operational safety certificate.

Article (19)

RTA officers or inspectors, in whose name a decision/ resolution by the Chairman of the Board has been made, shall have the status of law enforcement officers to prove the acts which are in contravention of the provisions of this Regulation, its by-laws and resolutions issued thereunder.
The by-laws shall define the functions and powers of the Inspectors in carrying out the inspection and control of irregularities and technical investigation of accidents, irregularities, custody and writing the reports /records.

Article (20)

Any stake holder has right to grievance appeal in writing on any of the decisions or measures taken against him by the safety regulation authority or the agency during the 30 days from the date of notification of the decision or measure taken against him.

And this complaint shall be taken into consideration by the Committee constituted for this purpose by a decision of the Chairman/president of the Board, and the Committee shall decide on the appeal within (15) days from the date of submission, and the decisions of the Grievance Committee shall be last & final.

Article (21)

RTA has right to seek help from government departments, agencies and public bodies/authorities including the police personnel to assist in the application of the provisions of this regulation, and these bodies/authorities shall assist them when requested to do so.

Article (23)

The Chairman of the Board issues resolutions and regulations necessary to implement this regulation.

Article (24)

This regulation shall be published in the Official Gazette and shall take effect from the date of its publication.

Schedule (1)

Provision of services and certification fees

S.N	Description	Fee (in AED)
1	Issuance of Safety certificate	**2,000,000/- fixed**
	Issuance of safety certificate to all types of railway vehicles	**2,000,000/-**
	Issuance of safety certificate for every storehouse/warehouse	**200,000/-**
	Issuance of safety certificate for every station	**75,000/-**
	Issuance of safety certificate for each operation control center	**40,000/-**
	Issuance of safety certificate for each Kilo meter of the railway track	**20,000/-**
2	Issuance of operational safety certificate	**2,000,000/- fixed**
	Issuance of operational safety certificate for each storehouse / warehouse	**400,000/-**
	Issuance of operational safety certificate for each operation control center	**200,000/-**
	Issuance of operational safety certificate for railway vehicle	**40,000/-**
	Issuance of operational safety certificate for each kilo meter of railway track	**2000/-**
	Issuance of operational safety certificate for each station	**2000/-**

- An annual operational safety fee, which is (25%) of the total fees under this schedule, shall be added as per the schedule (2) and shall be paid on yearly basis.

Schedule (2)
Violations and Fines

S.N	Violation	Fine (in AED)
1	Work in the railway areas, whether planned or already existing prior to obtaining a permit from the agency	**500,000/-**
2	Failure to notify/ report about the incidents or accidents that are necessary to be reported	**500,000/-**
3	Failure to take necessary actions to remove the cause of the offense within given period	**500,000/-**
4	Failure to notify the safety regulation authority on substantive changes made to railways systems	**500,000/-**
5	Failure to provide required information to the safety regulation authority including the measures taken to enhance railway safety	**500,000/-**
6	Failure to provide a complete insurance required for the operation of railways systems	**500,000/-**
7	Failure of the owner, the operator or the contractor to abide by any commitment obligatory on him in relation to the safety demonstration and provisions	**500,000/-**
8	Causing the occurrence of any accident	**200,000/-**
9	Stop or try to stop the inspector or any other person acting under the supervision of the inspector from receiving or executing of the instructions	**200,000/-**

قرار إداري رقم (68) لسنة 2010

بشأن إلغاء القرار الإداري رقم (457) لسنة 2009

- بعد الاطلاع على الصلاحيات المخولة لنا قانونا بموجب قانون إنشاء هيئة الطرق والمواصلات رقم (17) لسنة 2005.
- وعلى النظام رقم (5) لسنة 2009 بشأن تنظيم السكك الحديدية في إمارة دبي.

قررنا ما يلي:

أولاً:

يلغى القرار الإداري رقم (457) لسنة 2009 على أن يحل محله القرار الإداري رقم (68) لسنة 2010 في شأن إصدار اللائحة التنفيذية للنظام رقم (5) لسنة 2009 بشأن تنظيم السكك الحديدية في إمارة دبي.

ثانياً:

يعمل بهذا القرار اعتبارا من تاريخه.

مطر الطاير
رئيس مجلس الإدارة
والمدير التنفيذي

صدر بتاريخ: 21/ / 1431 هـ
الموافق : 01/ 04 /2010 م

قرار إداري رقم (68) لسنة 2010

بشأن إصدار اللائحة التنفيذية

للنظام رقم (5) لسنة 2009 بشأن تنظيم السكك الحديدية في إمارة دبي

رئيس مجلس الإدارة والمدير التنفيذي لهيئة الطرق والمواصلات:

بعد الإطلاع على القانون رقم (17) لسنة 2005 بإنشاء هيئة الطرق والمواصلات،

وعلى النظام رقم (5) لسنة 2009 بشأن تنظيم السكك الحديدية في إمارة دبي، ويشار إليه فيما بعد بـ **"النظام"**،

قررنا ما يلي:

التعريفات

المادة (1)

يكون للكلمات والعبارات الواردة في هذا القرار المعاني الموضحة في المادة (2) من النظام، ويكون للكلمات والعبارات التالية المعاني المبينة إزاء كل منها ما لم يدل سياق النص على خلاف ذلك:

الخط الفرعي:	المساحة والبنية التحتية وعربات السكك الحديدية المستخدمة والتي يتم إدارتها أو امتلاكها أو السيطرة عليها من قبل شخص خلاف الشخص الذي يعمل على تشغيل خط السكك الحديدية المتصل بالخط الفرعي.
السلامة:	خلو السكك الحديدية وعرباتها والبنية التحتية من مخاطر الضرر أو التلف غير المقبولة لدى جهة تنظيم السلامة.
الإنشاء:	إقامة أية مباني أو إنشاءات جديدة أو عمل تعديلات على منشآت البنية التحتية أو عربات السكك الحديدية.

إشعار التحسين:	خطاب يوجهه المفتش للشخص الذي يخالف أحكام النظام أو لائحته التنفيذية يطلب فيه اتخاذ الإجراءات اللازمة لتلافي أسباب المخالفة خلال مهلة محددة.
إشعار الحظر:	خطاب يوجهه المفتش للمالك/المشغل/المقاول/الاستشاري يتضمن إيقاف العمل والمباشرة في اتخاذ التدابير اللازمة لإدارة المخاطر المحتملة.
الشخص:	الشخص الطبيعي أو الاعتباري العام أو الخاص.
السلطة المختصة:	دائرة التنمية الاقتصادية أو أية جهة مختصة بإصدار الرخص التجارية في الإمارة أو الدولة.
لائحة القواعد الإجرائية لحماية البنية التحتية:	اللائحة التي تصدرها المؤسسة والتي تحدد فيها المواقع والمناطق والمعايير والإجراءات والشروط اللازمة لحماية البنية التحتية.
إرشادات لائحة القواعد الإجرائية لحماية البنية التحتية:	التعليمات التي تصدرها المؤسسة وتوضح فيها كيفية تطبيق لائحة القواعد الإجرائية لحماية البنية التحتية.
المعايير الفنية للسكك الحديدية:	قواعد ومتطلبات ومعايير التخطيط والأمور الفنية والهندسية الصادرة عن المؤسسة.
منطقة حماية البنية التحتية:	مواقع البنية التحتية والمناطق المحيطة بها المحددة وفقا للائحة القواعد الإجرائية لحماية البنية التحتية.
النشاط المقيد:	النشاط الذي يعرض أو يحتمل أن يعرض البنية التحتية للخطر أو يؤثر على أدائها.
شهادة عدم الممانعة للتأهيل:	وثيقة تصدرها المؤسسة تسمح بموجبها للشخص بالتقدم للجهات المختصة للحصول على رخصة تجارية للعمل في مجال السكك الحديدية.
شهادة عدم الممانعة للقيام بأنشطة مقيدة:	وثيقة تصدرها المؤسسة تسمح بموجبها للشخص بالقيام بنشاط مقيد ضمن منطقة حماية البنية التحتية.
التصريح:	موافقة خطية تصدرها المؤسسة لإنشاء البنية التحتية للسكك الحديدية وتوفير عربات السكك الحديدية وأية أعمال تتعلق بتطوير وصيانة أنظمة السكك الحديدية في الإمارة.

أهداف القرار

المادة (2)

يهدف هذا القرار إلى تحقيق ما يلي:

(1) التأكد من أن السكك الحديدية في الإمارة يتم بناؤها وتشغيلها بالطريقة التي تجعلها آمنة وصالحة للغرض الذي أنشئت من أجله.

(2) تحديد الاحتياجات اللازمة لإصدار شهادة وضع السلامة وشهادة السلامة التشغيلية والتصاريح.

(3) تنظيم إجراءات السيطرة على المخاطر المرتبطة بتشغيل السكك الحديدية.

(4) تنظيم مراقبة خاصة ومستمرة للسيطرة على المخاطر الناجمة عن عمليات التشغيل.

الأعمال المتعلقة بسلامة السكك الحديدية

المادة (3)

تشمل الأعمال المتعلقة بسلامة السكك الحديدية – دونما حصر – الأنشطة التالية:

(1) تصميم وإنشاء وتعديل وصيانة وتفتيش واختبار خدمة النقل وما يرتبط بها من أعمال البنية التحتية وعربات السكك الحديدية والمعدات، والتحقق من أن البنية التحتية تعمل بشكل صحيح .

(2) تطوير وتشغيل وصيانة وإدارة ومراقبة نظم عمل سلامة الركاب وخدمة النقل.

(3) قيادة وإرسال عربات السكك الحديدية أو أية أنشطة أخرى لها القدرة والسيطرة والتأثير على حركة أية عربة من عربات السكك الحديدية.

(4) تركيب الإشارات وتشغيلها وتلقي البلاغات وإرسالها.

(5) اقتران أو فصل عربات السكك الحديدية.

(6) تركيب وصيانة:

(أ) نظام الاتصالات عن بُعد المستخدم في البنية التحتية.

(ب) الطاقة الكهربائية وتوفيرها بشكل مباشر للبنية التحتية ولأية عربة من عربات السكك الحديدية.

(7) ترخيص سلامة البنية التحتية لخدمة النقل وعربات السكك الحديدية.

شهادات السلامة

المادة (4)

يحظر تشغيل البنية التحتية وكذلك عربات السكك الحديدية في أي نشاط يتضمن نقل الركاب أو أي نشاط تجاري إلا بعد حصول المالك على شهادة وضع السلامة، وقيام المشغل بالحصول على شهادة السلامة التشغيلية.

المادة (5)

(1) يقدم طلب الحصول على "شهادة وضع السلامة" لجهة تنظيم السلامة من قِبل المالك أو وكيله.

(2) يقدم طلب الحصول على "شهادة السلامة التشغيلية" لجهة تنظيم السلامة من قِبل المُشغل أو وكيله.

(3) تقدم الطلبات المشار إليها في الفقرتين (1) و (2) من هذه المادة طبقا للأنموذج والإجراءات التي تقرها جهة تنظيم السلامة في هذا الشأن ووفقا للاشتراطات التالية:

(أ) أن يحدد في الطلب نطاق وطبيعة عمليات التشغيل.

(ب) أن يرفق بالطلب أدلة السلامة.

(ج) إقرار خطي من مقدم الطلب يتضمن تفهمه وإدراكه للمخاطر التي تهدد شروط السلامة وكيفية التحكم في تلك المخاطر لأدنى حد معقول من الناحية العملية.

(د) سداد الرسوم المقررة.

(ه) أية مستندات أو متطلبات أخرى ترى جهة تنظيم السلامة توفيرها.

المادة (6)

إذا تسلمت جهة تنظيم السلامة طلبات الحصول على "شهادة وضع السلامة" و"شهادة السلامة التشغيلية" من اثنين أو أكثر، ورأت أن التنسيق لإعداد تلك الطلبات ضروري لضمان أن عمليات التشغيل الخاصة بجميع مقدمي الطلبات تتم في أمان، يجوز لها أن توجه مقدمي تلك الطلبات إلى التعاون والتنسيق فيما بينهم.

المادة (7)

يجوز لجهة تنظيم السلامة أن تلغي أو توقف مؤقتا "شهادة وضع السلامة" أو "شهادة السلامة التشغيلية" إذا توافر واحد أو أكثر من الحالات التالية:

(1) وجود أو احتمال وجود خطر مباشر وجسيم على شروط السلامة.

(2) عدم توافق البنية التحتية للسكك الحديدية أو عربات السكك الحديدية مع شروط الشهادات المشار إليها في هذه المادة .

(3) مخالفة المالك أو المشغل أحكام النظام أو لائحته التنفيذية أو القرارات أو التعليمات الصادرة عن الهيئة.

المادة (8)

إذا طلب المالك أو المشغل إجراء تغيير جوهري في أي من المعدات أو الأنشطة التي يقوم بها، فيجب عليه التقدم لجهة تنظيم السلامة من أجل تقييم هذه التغييرات وإصدار الشهادة اللازمة بشأنها في حال موافقتها على إجراء تلك التغييرات.

المادة (9)

(1) تلتزم جهة تنظيم السلامة الاحتفاظ بسجل دقيق ومُحدّث لكلٍ من طلبات وإصدارات "شهادة السلامة التشغيلية" و"شهادة وضع السلامة"، على أن يتضمن السجل البيانات التالية:

(أ) نوع الشهادة الصادرة.

(ب) نطاق الشهادة الصادرة وقيودها وموانعها.

(ج) التطابق بين البنية التحتية وعربات السكك الحديدية.

(د) اسم الشخص المُسجل باسمه الشهادة.

(ه) تاريخ تقديم طلب الحصول على الشهادة وتاريخ إصدارها.

(و) تفاصيل الرخصة التجارية ذات الصلة بالنشاط المرخص له.

(ز) التعديلات الصادرة على الشهادة، كالإلغاء أو الإيقاف، أو النقل، أو التعديل وغيرها من التعديلات.

(ح) أية بيانات أخرى ذات علاقة.

(2) تلتزم جهة تنظيم السلامة بتبليغ السلطة المختصة في حال إجراء أية تعديلات صادرة على "شهادة وضع السلامة" أو "شهادة السلامة التشغيلية".

المادة (10)

يجوز نقل ملكية "شهادة وضع السلامة" و "شهادة السلامة التشغيلية" من مالكها الأصلي إلى شخص آخر بشرط موافقة جهة تنظيم السلامة على ذلك.

التزامات المشغل

المادة (11)

يشترط لقيام المشغل بأية عملية من عمليات التشغيل أن يكون:

(1) مُسجلا وحاصلا على رخصة تجارية لتشغيل السكك الحديدية في الإمارة.

(2) حاصلا على "شهادة السلامة التشغيلية".

(3) حاصلا على "شهادة وضع السلامة".

المادة (12)

(1) إذا لم يعد المشغل قادرا على الاستمرار في العمل لأي سبب، فيجوز للمالك أن يعين مشغلا مؤقتا.

(2) يجوز للمشغل المؤقت أن يعمل وفقا لشروط شهادة السلامة التشغيلية القائمة لفترة لا تجاوز ستة أشهر وبعد ذلك يلتزم بالحصول على شهادة جديدة تبعا للإجراءات المعتمدة في هذا الشأن لدى جهة تنظيم السلامة.

(3) يجوز لجهة تنظيم السلامة أن تضع شروط وقيود جديدة على عمليات التشغيل أثناء عمل المشغل المؤقت بموجب شهادة السلامة التشغيلية القائمة.

المادة (13)

يلتزم مشغل الخط الفرعي بالحصول على:

(1) موافقة المؤسسة في حال الربط بين الخط الفرعي وشبكة السكة الحديدية العامة للإمارة.

(2) شهادة وضع السلامة وفقا للمعايير والاشتراطات المعتمدة في هذا الشأن.

(3) شهادة السلامة التشغيلية وفقا للمعايير والاشتراطات المعتمدة في هذا الشأن.

المادة (14)

يلتزم المشغل بإعداد نظام إدارة للسلامة وفقا للاشتراطات التالية:

(1) أن يكون وفقا للشكل الذي توافق عليه جهة تنظيم السلامة.

(2) أن يكون متوافقا مع متطلبات ومبادئ وأساليب وإجراءات إدارة المخاطر المعتمدة من جهة تنظيم السلامة.

(3) أن يحدد ويُقيم أي مخاطر على شروط السلامة قد تنشأ عن تنفيذ عمليات التشغيل،أو تلك المتعلقة بالمشغل.

(4) أن يُحدد الضوابط التي تُستخدم من قبله لإدارة المخاطر التي تم تحديدها, ومراقبة السلامة والأمن فيما يتعلق بعمليات التشغيل أثناء الظروف العادية وغير العادية والطارئة.

(5) أن يُحدد الإجراءات اللازمة لرصد واستعراض ومراجعة مدى كفاية الضوابط المشار إليها في الفقرة (4) من هذه المادة.

(6) أن يقدم لجهة تنظيم السلامة تقريرا يشتمل على ما يلي:

(أ) خطة تنسيق التداخلات – إن وجدت – المشار إليها في المادة (18) من هذا القرار.

(ب) خطة إدارة الطوارئ المشار إليها في المادة (19) من هذا القرار.

(ج) برنامج إدارة الصحة والسلامة.

(د) أية معلومات أخرى تطلبها جهة تنظيم السلامة.

المادة (15)

يلتزم المشغل قبل إعداد نظام إدارة السلامة المشار إليه في المادة (14) من هذا القرار بالتعاون والتنسيق مع:

(1) الأشخاص المرجح أن يتأثروا بشروط السلامة أو بمراجعتها أو بتغييرها.

(2) الأشخاص الذين يعملون من أجل المحافظة على الصحة والسلامة المهنية.

(3) مشغلي السكك الحديدية الآخرين.

(4) الجمهور حسب الحاجة.

المادة (16)

يلتزم المشغل بما يلي:

(1) مراجعة نظام إدارة السلامة المعد من قبله مرة واحدة على الأقل كل سنة، وفي أي وقت يتم الاتفاق عليه بينه وبين جهة تنظيم السلامة.

(2) إخطار جهة تنظيم السلامة بأي تغيير في النظام المشار إليه في الفقرة (1) من هذه المادة.

المادة (17)

يلتزم المشغل تزويد جهة تنظيم السلامة بتقارير دورية سنوية عن نظام إدارة السلامة بحيث يشتمل التقرير على ما يلي:

(1) أن يكون وفقا للشكل المعتمد من جهة تنظيم السلامة.

(2) أن يكون وفقا للمتطلبات التي يحددها النظام ولائحته التنفيذية.

(3) أن يكون مشتملا على المعلومات التالية:

(أ) وصفاً وتقييماً لنظام إدارة السلامة الخاص بعمليات التشغيل.

(ب) تعليقات بمدى أوجه القصور أو أية مخالفة في عمليات التشغيل المتعلقة بسلامة السكك الحديدية.

(ج) اقتراحات تحسين عمليات التشغيل.

(د) أية معلومات أخرى تتعلق بشروط السلامة المنصوص عليها بموجب النظام ولائحته التنفيذية.

المادة (18)

عند تداخل عمليتين أو أكثر من عمليات التشغيل بطريقة تزيد من مخاطر السلامة، يلتزم كل مشغل بالتنسيق مع المشغلين الآخرين لعمل "خطة تنسيق التداخلات" يتم تطبيقها عند الضرورة وذلك للحد من المخاطر.

المادة (19)

يلتزم المشغل بأن يكون لديه خطة لإدارة الطوارئ توضح الإجراءات التي سيتم اتخاذها في تلك الحالات، كما يلتزم بأن تكون مقاييس الاستجابة لتلك الطوارئ مناسبة ومفهومة لجميع الأشخاص ويمكن تطبيقها.

المادة (20)

يجب أن يتم إعداد وتطوير الخطة المشار إليها في المادة (19) من هذا القرار بالاشتراك مع الجهات ذات العلاقة بتقديم خدمات الطوارئ، كما يجب مراجعتها والاحتفاظ بها وتوفيرها لتلك الجهات.

المادة (21)

يلتزم المشغل بأن يكون كل عامل يعمل في السكك الحديدية والبنية التحتية لديه الكفاءة والتدريب اللازمين للقيام بهذا العمل.

المادة (22)

يلتزم المُشغل الذي يرغب بالتنازل عن شهادة السلامة التشغيلية، أن يُوجه إشعارا خطيا إلى جهة تنظيم السلامة قبل ستة أشهر من التاريخ المزمع تنازله عن هذه الشهادة.

المادة (23)

يلتزم المشغل بتوفير بطاقة توضح هوية الشخص الذي يشارك في أنشطة تتعلق بسلامة البنية التحتية للسكك الحديدية وعرباتها.

المادة (24)

يلتزم الشخص الذي يشارك في أنشطة تتعلق بسلامة البنية التحتية للسكك الحديدية وعرباتها بما يلي:

(1) الاحتفاظ ببطاقة الهوية المشار إليها في المادة (23) من هذا القرار، وإبرازها عند طلبها من المفتش.

(2) الأحكام والقواعد المنصوص عليها في النظام ولائحته التنفيذية.

(3) قواعد السلامة الخاصة بصاحب العمل.

(4) اتخاذ جميع الاحتياطات اللازمة لسلامته الشخصية.

(5) اتخاذ جميع الاحتياطات اللازمة لضمان سلامة الأشخاص الذين يمكن أن يتأثروا بتصرفاته.

(6) التعاون مع المشغل لتحقيق متطلبات السلامة.

المادة (25)

يلتزم المشغل بأن أي شخص يعمل في البنية التحتية أو عربات السكك الحديدية لديه نظام إدارة سلامة يتوافق مع نظام إدارة السلامة الخاص بالمشغل أو يمتثل لنظام إدارة السلامة الخاص بالمشغل.

المادة (26)

تلتزم جهة تنظيم السلامة بما يلي:

(1) إعداد وتنفيذ برنامج تفتيش ومراجعة لأنشطة المشغلين.

(2) إجراء التفتيش المفاجئ على عمليات التشغيل.

(3) الطلب من المشغل تجديد شهادة السلامة التشغيلية في حال قيامه بتعديل نظام إدارة السلامة الخاص به.

المفتشين وصلاحياتهم

المادة (27)

تعتبر المهام والصلاحيات الممنوحة لمفتشي المؤسسة منفصلة عن مهام وصلاحيات مفتشي جهة تنظيم السلامة.

المادة (28)

يكون لمفتش جهة تنظيم السلامة القيام بالمهام والصلاحيات التالية:

(1) إجراء عمليات البحث والتفتيش على السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

(2) دخول أي جزء من أجزاء السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

(3) إصدار الأوامر التي تتعلق بإيقاف أو تحريك أية عربة من عربات السكك الحديدية.

(4) إجراء أي اختبارات أو تحاليل أو قياسات أو إحصاءات ضرورية باستخدام أي معدات تراها جهة تنظيم السلامة مناسبة لأي جزء من أجزاء السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

(5) إعداد أي نسخ صوتية أو فوتوغرافية أو فيديو لأي جزء من أجزاء السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

(6) الاستعانة بأي شخص لمساعدته في تنفيذ مهامه وصلاحياته المحددة في هذا القرار.

(7) أخذ نسخة من أي مستند يُقدم إليه.

(8) مقابلة وسؤال أي شخص يرى أنه قادر على مساعدته في أداء مهامه.

(9) طلب ترجمة أي مستند إلى لغة مقبولة له.

(10) الطلب من أية جهة أو أي شخص تقديم أية مستندات يراها ضرورية سواء كانت مطبوعة أو إلكترونية.

(11) حماية موقع الحادث بهدف حماية الأدلة.

(12) إصدار إذن دخول الأشخاص إلى موقع الحادث، ومع ذلك يجوز لأي شخص دخول موقع الحادث دون إذن مفتش جهة تنظيم السلامة في الحالات التالية:

(أ) ضمان سلامة الأشخاص.

(ب) نقل الأشخاص المصابين والمتوفين من موقع الحادث.

(ج) نقل الحيوانات من موقع الحادث.

(د) حماية البيئة من التلوث أو أية أضرار كبيرة قد تحدث.

(13) توجيه إشعارات التحسين وإشعارات الحظر.

(14) جمع البيانات والوصول إليها بالوسائل الإلكترونية وغيرها.

(15) حجز المواد والعينات والأدلة التي تشكل خطرا على السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

(16) القيام بأي عمل آخر في سبيل حماية السكك الحديدية والبنية التحتية وعربات السكك الحديدية.

المادة (29)

يكون لمفتشي المؤسسة القيام بالمهام والصلاحيات التالية:

(1) القيام بأعمال التفتيش لضمان الالتزام بلائحة وإرشادات القواعد الإجرائية لحماية البنية التحتية والمعايير الفنية للسكك الحديدية.

(2) مراقبة الالتزام بشروط ومتطلبات شهادة عدم الممانعة الصادرة عن المؤسسة.

(3) مراقبة الالتزام بكافة السياسات والتصاريح والمواصفات والمعايير والقيود، وأية إجراءات أو تدابير تفرضها المؤسسة فيما يتعلق بأية منطقة من مناطق حماية البنية التحتية.

(4) توجيه إشعارات التحسين وإشعارات الحظر.

(5) إجراء أية اختبارات أو تحاليل أو قياسات أو إحصاءات يراها ضرورية باستخدام أي معدات تراها المؤسسة مناسبة لأي جزء من منطقة حماية البنية التحتية وعربات السكك الحديدية.

(6) إعداد أي نسخ صوتية أو فوتوغرافية أو فيديو لأي جزء من أجزاء منطقة حماية البنية التحتية وعربات السكك الحديدية.

(7) حجز المواد والعينات والأدلة التي تشكل خطرا على البنية التحتية وعربات السكك الحديدية.

(8) الاستعانة بأي شخص لمساعدته في تنفيذ مهامه وصلاحياته المحددة في هذا القرار.

(9) الطلب من أية جهة أو أي شخص تقديم أية مستندات يراها ضرورية سواء كانت مطبوعة أو إلكترونية.

(10) أخذ نسخة من أي مستند يُقدم إليه.

(11) مقابلة وسؤال أي شخص يرى مفتش المؤسسة أنه قادر على مساعدته على أداء مهامه.

(12) طلب ترجمة أي مستند إلى لغة مقبولة له.

(13) جمع البيانات والوصول إليها بالوسائل الإلكترونية وغيرها.

(14) إصدار توجيهات إلى أي شخص لتمكينه من تنفيذ مهامه وصلاحياته.

(15) اتخاذ جميع الإجراءات اللازمة لتنفيذ مهامه وصلاحياته الممنوحة له بموجب النظام ولائحته التنفيذية.

المادة (30)

(1) يلتزم المفتش عند حجز الأدلة أن يقدم وصل استلام لمالك تلك الأدلة.

(2) يلتزم المفتش بالسماح لمالك الأدلة التي يتم حجزها أن يتفحصها وإذا كانت وثيقة أن يأخذ نسخة عنها إلى أن يتم إرجاع المادة أو الوثيقة المحجوزة.

(3) يلتزم المفتش عند حجز أي دليل بما في ذلك الوثائق، إعادتها لمالكها في أقرب وقت ممكن إلا في الحالات التالية:

(أ) إذا كان للدليل صلة بوقوع جريمة.

(ب) أن يكون مصرح له قانونا أو بأمر من المحكمة استمرارية احتجاز تلك الأدلة.

(4) في حال إعادة الأدلة لمالكها يلتزم الشخص الذي يملك أو يحوز تلك الأدلة بشروط وتعليمات المفتش في هذا الشأن.

المادة (31)

يجوز للمفتش توجيه إشعار التحسين وإشعار الحظر لأي شخص في أي من الحالات التالية:

(1) مخالفة أي حكم من أحكام النظام أو لائحته التنفيذية.

(2) حدوث نشاط في السكك الحديدية أو في عمليات التشغيل قد يؤدي إلى مخاطر تهدد السلامة.

(3) حدوث نشاط في البنية التحية أو في محيطها أو في عربات السكك الحديدية قد يؤدي إلى مخاطر تهدد السلامة.

(3) صعوبة حجز أو إزالة المواد المخالفة.

المادة (32)

يلتزم المفتش الذي يوجه إشعار التحسين وإشعار الحظر بالإجراءات التالية:

(1) أن يحدد الأماكن التي يحظر فيها تنفيذ النشاط، والمواد التي يحظر استخدامها، والإجراءات والأنشطة التي يحظر ممارستها.

(2) تقديم نسخة من الإشعار إلى الجهات المخالفة.

(3) إلصاق نسخة من الإشعار على المواد المخالفة في حال عدم العثور على الشخص المخالف.

المادة (33)

يجوز للمفتش وبغرض أدائه لعمله وفي حدود الصلاحيات الممنوحة له دخول الأماكن التالية:

(1) المباني والمنشآت التابعة للسكك الحديدية.

(2) الأماكن المغلقة بمنطقة حماية البنية التحتية والتي تظهر حاجة للدخول والتحقيق في ظروف واقعة تتعلق بالسكك الحديدية تم الإبلاغ عنها في أي وقت تكون عمليات تشغيل السكك الحديدية يجري تنفيذها.

(3) الأماكن الخاصة بشرط الحصول على إذن من النيابة العامة بذلك وحضور أفراد الشرطة.

المادة (34)

يلتزم المفتش بعدم الكشف عن أية معلومات تم الحصول عليها بسبب أدائه لعمله ما لم تكن بناء على:

(1) تعليمات من رئيس مجلس الإدارة.

(2) تعليمات من المدير التنفيذي للإستراتيجية والحوكمة المؤسسية فيما يخص جهة تنظيم السلامة.

(3) تعليمات من المدير التنفيذي للمؤسسة فيما يخص حماية البنية التحتية.

(4) أمر قضائي.

التزام الشخص الموجه إليه إشعار التحسين

المادة (35)

يلتزم الشخص الذي وجه إليه إشعار التحسين أن يقوم خلال المهلة المحددة له في الإشعار(وبما لا يقل عن 28 يوم من تاريخ تبليغه بالإشعار) بما يلي:

(1) معالجة أسباب المخالفة المحددة في إشعار التحسين.

(2) تشغيل السكك الحديدية بالطريقة التي لا تهدد السلامة.

المادة (36)

يحظر على أي شخص وجه إليه إشعار الحظر استخدام أو تحريك أو بيع أو نقل أو إلغاء أية معلومات أو أي جزء آخر من المواد دون موافقة خطية من المفتش أو جهة تنظيم السلامة، حسب مقتضى الحال.

التحقيق في حوادث السكك الحديدية

المادة (37)

يلتزم المالك والمشغل والمقاول إبلاغ جهة تنظيم السلامة ورفع تقرير لها عن الحوادث التي تقع أثناء الإنشاء أو التشغيل أو الصيانة، ومنها:

(1) خروج عربات السكك الحديدية عن مسارها أو انفصالها أو اصطدامها أو احتراقها أو سقوطها.

(2) حدوث أضرار بعربات السكك الحديدية ناجمة عن حادث خطير حتى في حالة عدم وجود خسائر.

(3) أي حادث ينتج عنه تعطل في خدمات الركاب لمدة ساعة على الأقل.

(4) أي حادث بسبب فك أو احتراق بضائع خطرة بعربات السكك الحديدية يستلزم إخلاء السكك الحديدية من المـــوظفين والجمهور من مكان الحادث.

(5) أي حادث يتعلق بعربات السكك الحديدية التي تحمل بضائع أو مواد خطرة.

(6) أي حادث ينتج عنه وفاة أو إصابة أحد الركاب.

(7) أي حادث وفاة أو إصابات خطيرة لموظفي السكك الحديدية أثناء العمل.

(8) الحوادث الناتجة عن جرائم القتل والانتحار والإصابات التي تحدث في السكك الحديدية.

(9) حوادث سقوط أو انهيار الرافعات أو السقالات أو الجسور أو الأنفاق أو هياكل السكك الحديدية.

(10) سقوط أي من المواد على طريق السكك الحديدية يؤدي إلى إغلاق الطرق أمام عربات السكك الحديدية.

المادة (38)

(1) يلتزم المالك والمشغل والمقاول في حال وقوع حادث بتحديد شخص مؤهل يكون مسؤولا عن موقع الحادث.

(2) يلتزم الشخص المسؤول عن موقع الحادث بما يلي:

(أ) اتخاذ الإجراءات اللازمة لتطبيق الخطة المعدة من قبل المالك والمشغل والمقاول حسب مقتضى الحال.

(ب) التأكد من سلامة موقع الحادث.

(ج) أن يقوم بحماية الأدلة إلى أن يتم تسليم مسؤولية التحقيق إلى المُفتش أو أن يُصرّح له المُفتش بترك الموقع.

التزامات جهة تنظيم السلامة

المادة (39)

(1) تلتزم جهة تنظيم السلامة بإصدار بطاقة هوية لكل مفتش تحدد فيها الصلاحيات المخولة له بموجب النظام و لائحته التنفيذية.

(2) يلتزم المفتش بحمل بطاقة الهوية المشار إليها في الفقرة (1) من هذه المادة وإبرازها عند الطلب من قبل أي شخص.

(3) يلتزم المفتش بتسليم بطاقة الهوية المشار إليها في الفقرة (1) من هذه المادة إلى الهيئة في حال إنهاء خدماته لديها.

تقرير التحقيق

المادة (40)

(1) تلتزم جهة تنظيم السلامة بإجراء تحقيق فني في الحوادث المرتبطة مباشرة بعمليات تشغيل السكك الحديدية أو ببنيتها التحتية التي ينجم عنها إصابات بشرية أو أضرار بالممتلكات.

(2) يحق لجهة تنظيم السلامة في حالة إجراء التحقيق الفني أن تستدعي مُحققي نُظم السلامة أو أي أشخاص آخرين لجمع الأدلة وغيرها من الأمور التي تساعد على إجراء التحقيق.

(3) تلتزم جهة تنظيم السلامة بالعمل بأقصى سرعة ممكنة وأقل مستوى ممكن من الرسميات و التعاملات التقنية، ويجوز لها استخدام أية أدلة أو معلومات للإطلاع على أية مسألة يكون في اعتقادها أنها مناسبة في التحقيق.

(4) يلتزم الشخص الذي أجرى التحقيق أن يقوم بكتابة تقرير نهائي يتضمن توصياته وغير ذلك من المسائل ذات الصلة التي يرى المحقق أنها تعمل على الحد من المخاطر وتحسين أداء السلامة، وأن يقدم نسخة من التقرير إلى جهة تنظيم السلامة.

(5) تلتزم جهة تنظيم السلامة أن تقوم عند استلام التقرير بوضع توصياتها عليه ورفعه إلى المدير التنفيذي للإستراتيجية والحوكمة المؤسسية.

(6) يجوز للمدير التنفيذي للإستراتيجية والحوكمة المؤسسية القيام بما يلي:

(أ) تقديم نسخة من التقرير أو جزء منه لأية جهة يَراها مناسبة.

(ب) نشر نسخة من التقرير أو جزء منه بالطريقة التي يراها مناسبة.

المادة (41)

(1) يجوز لجهة تنظيم السلامة أن تكلف المُشّغل بإجراء التحقيق في أية واقعة يتم الإبلاغ عنها أو أية واقعة أخرى من شأنها أن تُعرّض سلامة عمليات خدمة النقل باستخدام السكك الحديدية التي يقوم بها المشغل للخطر، وذلك وفقا للإجراءات التي تعتمدها في ذلك.

(2) يلتزم المحقق بتحديد الأسباب والعوامل التي أدت إلى وقوع الحادث.

(3) يجب رفع نتائج التحقيق إلى جهة تنظيم السلامة خلال الفترة الزمنية التي تُحَدّدها.

المادة (42)

تلتزم جهة تنظيم السلامة عند إعداد التوصيات التي تلي التحقيق أن تأخذ في الاعتبار ما يلي:

(1) تحديد المخاطر التي تتعرض لها البنية التحتية أو عربات السكك الحديدية أو عمليات التشغيل.

(2) تقديم التوصيات اللازمة لتحسين مستوى السلامة بقطاع النقل والمواصلات في الإمارة، لمنع تكرار الحوادث مستقبلا.

(3) تحديد العوامل التي أدت إلى وقوع الحوادث وبيان ما إذا كانت تلك العوامل سببها مشاكل في النظام أو عوامل بشرية.

المادة (43)

تنتهج المؤسسة في جميع الأوقات منهجاً قائماً على المبادرة و تفادي المخاطر في تنفيذ مهامها بهدف تطوير وإقامة نظام للسكك الحديدية بالإمارة يتسم بالسلامة والكفاءة.

المادة (44)

(1) يلتزم الشخص الذي يؤدي أي من النشاطات التالية تقديم رخصة تجارية إلى المؤسسة سارية المفعول وصادرة عن السلطة المختصة:

(أ) تصميم وتصنيع وتعديل وتوريد وتركيب وإنشاء أو إلغاء البنية التحتية للسكك الحديدية أو منشآت أو معدات أو عربات السكك الحديدية.

(ب) تشغيل السكك الحديدية.

(2) يستلزم الحصول على رخصة تجارية من السلطة المختصة في أي من الأنشطة المحددة في الفقرة (1) من هذه المادة، الحصول على شهادة عدم ممانعة من المؤسسة.

المادة (45)

مع مراعاة الفقرة (2) من المادة (44) من هذا القرار تلتزم المؤسسة بالتنسيق مع جهة تنظيم السلامة قبل إصدار أي شهادة عدم الممانعة، كما تلتزم المؤسسة بالاحتفاظ بسجل طلبات الرخص التجارية وتفاصيل الطلبات الواردة من السلطة المختصة.

المادة (46)

(1) تقوم المؤسسة بتقديم المقترحات اللازمة لتخطيط وتطوير السكك الحديدية ورفعها لرئيس مجلس الإدارة.

(2) تلتزم المؤسسة عند رفع مقترحاتها المشار إليها في الفقرة (1) من هذه المادة إتباع ما يلي:

(أ) تقييم ومراقبة الالتزام بالمعايير والمتطلبات الخاصة بتشغيل السكك الحديدية في الإمارة.

(ب) طلب وتلقي مقترحات من جهات التشغيل أو التطوير أو أي شخص آخر بخصوص تطوير وتخطيط شبكة السكك الحديدية بالإمارة.

(3) يجوز للمؤسسة أن تخضع المقترحات المشار إليها في الفقرة (ب) من هذه المادة للدراسة والتحليل على النحو الذي تراه مناسباً مع إجراء كافة الاستفسارات الأخرى المطلوبة بما يضمن سلامة تقييم صلاحية هذه المقترحات وفي حال تم اعتماد المقترح، تقوم المؤسسة بإصدار التصريح اللازم للقيام بالعمل الذي تم تقديم المقترح بشأنه.

(4) تقوم المؤسسة بالتعاون والتنسيق مع الجهات المعنية داخل الإمارة وخارجها حسب توجيهات الهيئة لتحقيق التكامل بين شبكة السكك الحديدية وغيرها من وسائط النقل الأخرى.

شهادة عدم الممانعة للتأهيل

المادة (47)

(1) تمنح "شهادة عدم الممانعة للتأهيل" للقيام بأي من الأنشطة التالية:

(أ) مشغل سكك حديدية.

(ب) مقاول سكك حديدية.

(ج) استشاري سكك حديدية.

(د) خدمات الصيانة أو الإصلاح أو التصنيع أو التعديل أو التوريد أو التركيبات أو أي نشاط آخر يتعلق بتشغيل السكك الحديدية أو البنية التحتية للسكك الحديدية أو عربات السكك الحديدية.

(2) يحظر على أي شخص الحصول على رخصة تجارية من السلطة المختصة لممارسة أي من الأنشطة المنصوص عليها في الفقرة (1) من هذه المادة دون الحصول على شهادة عدم الممانعة للتأهيل.

(3) يتم إصدار شهادة عدم الممانعة للتأهيل وفقا للمعايير الفنية للسكك الحديدية.

(4) يجوز أن تتضمن شهادة عدم الممانعة للتأهيل المتطلبات والشروط التي يجب الالتزام بها، و تحدد هذه الشهادة نطاق الأعمال المرخص بممارستها.

(5) تحتفظ المؤسسة بسجل خاص لجميع طلبات شهادات عدم الممانعة للتأهيل مع تفاصيل هذه الطلبات والقرار النهائي بشأنها.

(6) يعد مخالفا قيام أي شخص بممارسة أي من الأنشطة المشار إليها في الفقرة (1) من هذه المادة دون الحصول على شهادة عدم الممانعة للتأهيل صحيحة وسارية المفعول، أو في حال لم يلتزم ذلك الشخص بأي من المتطلبات والشروط الواردة في هذه الشهادة.

(7) إذا لم يلتزم الشخص الحاصل على شهادة عدم الممانعة للتأهيل بالمتطلبات والشروط الواردة في هذه الشهادة أو تعذر عليه الالتزام بأي اشتراط فني أو معيار أو أداء معين منصوص عليه في أدلة المعايير و المواصفات المعتمدة لدى المؤسسة، فيجوز لها وفقا لتقديرها تعديل هذه الشهادة، أو مراجعة بنودها، أو إلغاءها وتلتزم المؤسسة بإخطار ذلك الشخص بقرارها وتزويده بنسخة من الشهادة المعدلة.

(8) تلتزم المؤسسة بإعداد تقرير نصف سنوي يتضمن تقييماً لأداء الأشخاص الذين حصلوا على شهادة عدم ممانعة للتأهيل والذين قاموا بأعمال متعلقة بالسكك الحديدية بالإمارة، ويجب أن يتم تقييم هؤلاء وتصنيفهم وفقاً لمدى التزام كل منهم بالمتطلبات الواردة في هذه المادة.

(9) تقوم المؤسسة بتزويد جهة تنظيم السلامة بنسخة من التقرير المشار إليه بالفقرة (8) من هذه المادة.

المتطلبات الفنية ومعايير الأداء

المادة (48)

(1) تقوم المؤسسة وبشكل دوري بتحديث المواصفات والمتطلبات الفنية ومعايير الأداء للسكك الحديدية وعرباتها وبنيتها التحتية.

(2) يتعين على الهيئة تزويد أي شخص يتقدم للحصول على شهادة عدم ممانعة بنسخة من المعايير المعتمدة للسكك الحديدية.

لائحة القواعد الإجرائية لحماية البنية التحتية

المادة (49)

(1) تلتزم الهيئة بإصدار وتحديث لائحة القواعد الإجرائية لحماية البنية التحتية بشكل دوري والتي تشتمل على ما يلي:

(أ) المعايير والإجراءات والشروط الإلزامية وغيرها من الاشتراطات التي تتعلق بحماية البنية التحتية.

(ب) مناطق حماية السكك الحديدية.

(ج) إجراءات تقديم الطلبات والشروط الواجب إتباعها للحصول على شهادة عدم الممانعة لممارسة الأنشطة المقيدة بأية منطقة من مناطق حماية السكك الحديدية.

(د) الاشتراطات الفنية للالتزام ببنود اللائحة المشار إليها في الفقرة (1) من هذه المادة عند القيام بالأنشطة المقيدة في أية منطقة من مناطق حماية السكك الحديدية.

(ه) أية إجراءات أو تدابير أخرى تراها الهيئة مناسبة لحماية البنية التحتية.

(2) تقوم الهيئة بتزويد نسخة من القواعد الإجرائية الحالية لحماية البنية التحتية لمقدمي طلبات الحصول على شهادة عدم الممانعة للقيام بأنشطة مقيدة.

الأنشطة المقيدة التي تتطلب الحصول على شهادة عدم ممانعة

المادة (50)

يتطلب القيام بأي من الأنشطة التالية الحصول على شهادة عدم ممانعة:

(1) تخزين البضائع.

(2) تحريك أو تشغيل وحدات الرفع الآلية وغيرها من معدات الرفع الميكانيكية.

(3) أعمال الحفر وعمل الآبار.

(4) تجريف قاع البحر أو القنوات والآبار والترع.

(5) إنشاء الأنفاق والآبار الجوفية.

(6) أعمال حفر الخنادق وتجريف التربة السطحية.

(7) أعمال التدمير والهدم.

(8) استخدام المتفجرات والألعاب النارية وإشعال النيران.

(9) إقامة السقالات وغيرها من الإنشاءات المؤقتة.

(10) تركيب واستبدال خطوط نقل الطاقة.

(11) الأنشطة التي ترى المؤسسة خضوعها للرقابة داخل منطقة حماية البنية التحتية.

شهادة عدم الممانعة للقيام بأنشطة مقيدة

المادة (51)

(1) يتعين على أي شخص قبل القيام بأي نشاط مقيد التقدم بطلب للحصول على شهادة عدم الممانعة من المؤسسة.

(2) يتعين على أي شخص قبل القيام بأي من أعمال التطوير/ التصميم/ بناء مباني/ أو أي عمل يتعلق بالبنية التحتية (خلاف البنية التحتية للسكك الحديدية) التقدم بطلب للحصول على شهادة عدم الممانعة للقيام بأنشطة مقيدة.

(3) يجب تضمين شهادة عدم الممانعة الممنوحة بموجب هذه المادة الاشتراطات والمتطلبات المحددة في لائحة القواعد الإجرائية لحماية البنية التحتية.

(4) تلتزم المؤسسة بالتنسيق واستشارة المشغل قبل إصدار شهادة عدم الممانعة بموجب أحكام هذه المادة.

(5) يتم تقديم طلب شهادة عدم الممانعة بموجب هذه المادة وفقا للائحة القواعد الإجرائية لحماية البنية التحتية.

إيقاف ممارسة الأنشطة المقيدة

المادة (52)

(1) لمفتشي المؤسسة صلاحية إصدار أمر إيقاف أي شخص عن مزاولة أي نشاط مقيد بإحدى مناطق حماية البنية التحتية دون الحصول على شهادة عدم الممانعة، أو مخالفة أي من المتطلبات والشروط المنصوص عليها في هذه الشهادة.

(2) يلتزم المفتش عند إصدار أمر الإيقاف المشار إليه في الفقرة (1) من هذه المادة إبراز البطاقة التي تثبت عمله كمفتش.

(3) يكون أمر الإيقاف الذي يصدره المفتش شفوياً أو كتابياً، وإذا كان شفوياً يجب أن يتبعه تأكيد كتابي صادر من قبل المؤسسة.

المادة (53)

تلتزم جهة تنظيم السلامة التنسيق مع الدوائر الحكومية والمؤسسات والهيئات العامة بما في ذلك أفراد الشرطة في سبيل تحقيق أهداف النظام ولائحته التنفيذية.

المادة (54)

يلتزم المشغل/ المقاول/ المالك القائم بالعمل قبل صدور هذا القرار بتصويب وضعه وفقا لأحكامه وذلك خلال ستة أشهر من تاريخ العمل به.

المادة (55)

يصدر المدير التنفيذي للمؤسسة التعليمات اللازمة لتنفيذ أحكام هذا القرار.

المادة (56)

يعمل بهذا القرار من تاريخ صدوره، وينشر في الجريدة الرسمية.

مطر محمد الطاير

رئيس مجلس الإدارة

والمدير التنفيذي

صدر بتاريخ / / 1431 هـ

الموافق ١/٢/ 2010 م

Administrative Decision No. (68) of 2010 Issuing the Implementing By-law of Regulation No. (5) of 2009 Concerning Railways in the Emirate of Dubai[1]

We, the Chairman of the Board of Directors and Chief Executive Officer of the Roads and Transport Authority,

After perusal of Law No. (17) of 2005 Establishing the Roads and Transport Authority, and
Regulation No. (5) of 2009 Concerning Railways in the Emirate of Dubai (hereinafter referred to as the "Regulation"),

do hereby issue the following Decision:

Definitions
Article (1)

The words and expressions set forth in this Decision shall have the meanings indicated in Article (2) of the Regulation. The following words and expressions shall have the meaning indicated opposite each of them, unless the context implies otherwise:

Branch Line:	The area of Railway, Infrastructure and the Railway Vehicles operating in it that is managed, owned or controlled by a Person other than the one who operates the Railway line connected to the Branch Line.
Safety:	The absence of any risk of harm or damage to the Railway, Railway Vehicles and Infrastructure, that is deemed unacceptable to the Safety Regulation Authority.
Construction:	The erection of any new buildings or structures, or the variations to the Infrastructure facilities or Railway Vehicles.
Improvement Notice:	A letter addressed by the Inspector to a Person who is in breach of the provisions of the Regulation or its Implementing By-law requesting him to take the necessary action to remedy that breach within a specific time limit.

1. Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict the Arabic text shall prevail.

Prohibition Notice:	A letter addressed by the Inspector to the Owner, Operator, Contractor or Consultant demanding the suspension of works and implementation of the necessary measures to manage potential risks.
Person:	A natural Person, or a public or private legal Person.
Competent Authority:	The Department of Economic Development or any other entity authorised to issue trade licences in the Emirate or in the UAE.
Infrastructure Protection Code of Practice:	The code issued by the Agency which specifies the sites, areas, standards, procedures and requirements for the protection of the Infrastructure.
Infrastructure Protection Code of Practice Guidelines:	Instructions issued by the Agency to indicate how the Infrastructure Protection Code of Practice should be implemented.
Railway Technical Standards:	The planning, engineering and technical rules, requirements and standards issued by the Agency.
Infrastructure Protection Zone:	The Infrastructure sites and the surrounding areas designated as such by the Infrastructure Protection Code of Practice.
Restricted Activity:	Any activity that may jeopardise the safety of Infrastructure or affect its performance.
Prequalification No Objection Certificate:	A document issued by the Agency authorising a Person to apply to the Competent Authorities to obtain a trade licence to conduct business in relation to Railways.
Restricted Activities No Objection Certificate:	A document issued by the Agency authorising a Person to carry out a Restricted Activity within the Infrastructure Protection Zone.
Permit:	Written permission issued by the Agency for the construction of Railway Infrastructure, supply of Railway Vehicles and any other works related to the development and maintenance of Railway systems in the Emirate.

Objectives
Article (2)

This Decision aims to achieve the following:

1. To ensure that the Railway in the Emirate is built and operated in a safe way and that it serves the intended purpose;
2. To determine the requirements for issuing Safety Certificates, the Operational Safety Certificates and Permits;
3. To lay down risk control measures related to Operation of the Railway;
4. To develop specific and permanent risk control monitoring mechanisms for the Operation of the Railway.

Railway Safety Activities
Article (3)

Railway safety activities shall include, without limitation:

1. The design, establishment, modification, maintenance, inspection and test of transport services and all activities related to Infrastructure, Railway Vehicles and equipment, and verification that the Infrastructure is working properly;
2. The development, operation, maintenance, management and monitoring of the transport service and passenger safety systems;
3. Driving or dispatching a Railway Vehicle, or performing any other activities intended to control or affect the movement of any Railway Vehicle;
4. The installation and operation of signalling systems, and receiving and sending notifications;
5. The coupling or decoupling of Railway Vehicles;
6. The installation and maintenance of:

    a) Telecommunication systems used in the Infrastructure;
    b) Direct electricity supply to the Infrastructure and all Railway Vehicles.

7. The granting of licences to Railway Vehicles and licences for the safety of transport service Infrastructure.

Safety Certificates
Article (4)

Infrastructure and Railway Vehicles may not be operated for the transport of passengers or any other commercial activity unless the Owner obtains a Safety Certificate and the Operator obtains the Operational Safety Certificate.

Article (5)

1. Application for a Safety Certificate shall be submitted by the Owner, or his representative, to the Safety Regulation Authority.
2. Application for an Operational Safety Certificate shall be submitted by the Operator, or his representative, to the Safety Regulation Authority.

3. The applications referred to in Paragraphs (1) and (2) of this Article shall be submitted on special forms and in accordance with the procedures approved by the Safety Regulation Authority in this regard, subject to the following conditions:

    a. The application must include the scope and nature of the Operation activities;
    b. Evidence of safety must be attached to the application;
    c. The applicant must submit a written acknowledgment in which he declares understanding and awareness of the safety risks and how to control and minimize them as practically as possible;

    d. Payment of the prescribed fees;
    e. Submission of any other documents and fulfillment of any requirements stipulated by the Safety Regulation Authority.

Article (6)

If the Safety Regulation Authority receives applications for a Safety Certificate or Operational Safety Certificate from two or more applicants, and finds that coordination is necessary for such applications to ensure safety of the Operation activities of all applicants, the Safety Regulation Authority may instruct those applicants to cooperate and coordinate their efforts.

Article (7)

The Safety Regulation Authority may revoke or suspend the Safety Certificate or Operational Safety Certificate under one or more of the following circumstances:

1. If there is actual or potential direct and serious threat to Safety;
2. If the Railway Infrastructure or Railway Vehicles are not in compliance with the terms of the certificates referred to in this Article;
3. If the Owner or Operator violates the provisions of the Regulation, its Implementing By-law, or the decisions or instructions issued by the Authority.

Article (8)

If the Owner or Operator requests to make material changes to any of the equipment or activities, he must apply to the Safety Regulation Authority that assesses the changes and issues the relevant certificate in case such changes are approved.

Article (9)

1. The Safety Regulation Authority shall maintain an accurate and up to date record of all applications and Safety Certificates and Operational Safety Certificates issued. The record shall include the following particulars:

    a. Type of the certificate issued;

b. Scope, limitations and restrictions of the certificate issued;
c. Compatibility of the Infrastructure with Railway Vehicles;
d. The Person in whose name the certificate is registered;
e. Date of submission of the request for the certificate and the date on which it is issued;
f. Particulars of the relevant trade licence in respect of the licensed activity;
g. Any amendments to the certificate, such as cancellations, suspensions, transfers, alterations or any other changes;
h. Any other relevant particulars.

2. The Safety Regulation Authority shall notify the competent authorities of any amendments to the Safety Certificate or Operational Safety Certificate.

Article (10)

A Safety Certificate or Operational Safety Certificate may be transferred from the original Owner to another Person subject to approval of the transfer by the Safety Regulation Authority.

Obligations of the Operator
Article (11)

To conduct any Operation activity, an Operator must:

1. Be registered and hold a trade licence to operate the Railway in the Emirate;
2. Hold a Safety Certificate;
3. Hold an Operational Safety Certificate.

Article (12)

1. Should the Operator cease to be able to operate for any reason, the Owner may appoint a third party as temporary Operator.
2. The temporary Operator may operate pursuant to the existing Operational Safety Certificate for a maximum period of six (6) months, after which period the Operator must obtain a new certificate in accordance with the procedures adopted in this regard by the Safety Regulation Authority.
3. The Safety Regulation Authority may impose new conditions and restrictions on the Operation activities during the period in which the Operator operates under the existing Operational Safety Certificate.

Article (13)

An Operator of a Branch Line must obtain the following:

1. The Agency's approval, in case the Branch Line is to be connected to the main Railway network of the Emirate;

2. A Safety Certificate issued in accordance with the standards and requirements stipulated in this regard;
3. An Operational Safety Certificate issued in accordance with the standards and requirements in force.

Article (14)

The Operator must design a safety management system in accordance with the following criteria:

1. The system must follow the design approved by the Safety Regulation Authority;
2. The system must meet to the risk management requirements, standards, techniques and procedures approved by the Safety Regulation Authority;
3. The system must identify and assess any safety risks that may arise from the Operation activities, or any activities related to the Operator;
4. The system must specify the measures adopted to manage any identified risks and control safety and security in relation to the Operation activities under ordinary, extraordinary and emergency conditions;
5. The system must state the procedures required to monitor, review and revise the extent of its efficiency measures referred to in Paragraph (4) of this Article;
6. The Operator shall submit to the Safety Regulation Authority a report that includes the following:

    a. An overlap coordination plan, if any, referred to in Article (18) of this Decision;
    b. An emergency management plan referred to in Article (19) of this Decision;
    c. A health and safety management programme;
    d. Any other information as may be required by the Safety Regulation Authority.

Article (15)

Prior to designing the safety management system referred to in Article (14) of this Decision, the Operator must cooperate and coordinate with:

1. The Persons who might be affected by the safety requirements or by revising or changing such requirements;
2. The Persons engaged in the protection of health and occupational safety;
3. Other Railway Operators;
4. Members of the public when necessary.

Article (16)

The Operator must satisfy the following conditions:

1. To revise the safety management system designed by it at least once every year, at such date as may be agreed with the Safety Regulation Authority;

2. To notify the Safety Regulation Authority of any changes to the system referred to in Paragraph (1) of this Article.

Article (17)

The Operator must provide the Safety Regulation Authority with regular annual reports on the safety management system. The report must meet the following conditions:

1. To be submitted on the form approved by the Safety Regulation Authority;

2. To meet the requirements stipulated by the Regulation and its Implementing By-law.
3. To include the following information:

    a. Description and assessment of the safety management system related to the Operation activities;
    b. Comments on the shortcomings or violations during the Operation activities in relation to the safety of the Railway;
    c. Suggestions to improve the Operation activities;
    d. Any other information related to the safety requirements stipulated by the Regulation and its Implementing By-law.

Article (18)

In case of overlap of two or more Operation activities in such a way that safety risks are increased, each Operator shall coordinate with all other Operators to develop an overlap coordination plan to be implemented as necessary in order to minimise risks.

Article (19)

Each Operator must have an emergency management plan that indicates the measures to be implemented in emergency situations, and must ensure that all emergency response procedures are suitable and clear to all Persons and are practically applicable.

Article (20)

The emergency management plan referred to in Article (19) of this Decision shall be prepared and developed in coordination with the entities engaged in providing emergency services, and shall be reviewed, maintained and made available to such entities.

Article (21)

The Operator shall ensure that all employees working on the Railway and Infrastructure are adequately qualified and trained to perform their duties.

Article (22)

An Operator who wishes to assign the Operational Safety Certificate must notify the Safety Regulation Authority in writing six (6) months prior to the date on which it intends to assign such certificate.

Article (23)

The Operator must provide identity cards to all Persons involved in activities related to the safety of the Railway Infrastructure and Railway Vehicles.

Article (24)

Persons involved in activities related to safety of the Railway Infrastructure and Railway Vehicles must satisfy the following conditions:

1. Carry the identity card referred to in Article (23) of this Decision and present it to the Inspector upon request;
2. Comply with the provisions and rules stipulated by the Regulation and its Implementing By-law;
3. Comply with the safety rules imposed by the Owner;
4. To take all necessary precautions to ensure their Personal safety;
5. Take all necessary precautions to ensure the safety of Persons who might be affected by their actions;
6. Cooperate with the Operator to fulfill the safety requirements.

Article (25)

The Operator shall ensure that any Person working on the Infrastructure or Railway Vehicles follows a safety management system which is compatible with the safety management system adopted by the Operator.

Article (26)

The Safety Regulation Authority shall undertake the following:

1. To prepare and implement a programme to inspect and review the Operators' activities;
2. To conduct spot checks on Operation activities;
3. To instruct Operators to renew their Operational Safety Certificates if they modify the safety management system.

Powers of Inspectors
Article (27)

The duties and powers conferred upon the Agency Inspectors shall be deemed independent from the powers and duties of the Safety Regulation Authority Inspectors.

Article (28)

The Safety Regulation Authority Inspector shall have the following duties and powers:

1. To conduct examinations and inspections of the Railway, Infrastructure and Railway Vehicles;
2. To access any part of the Railway, Infrastructure and Railway Vehicles;
3. To issue orders to stop or move any Railway Vehicle;
4. To conduct any necessary tests, analyses, measurements or surveys using any equipment the Safety Regulation Authority deems appropriate, on any part of the Railway, Infrastructure and Railway Vehicles;
5. To make any audio, video or photographic reproduction of any part of the Railway, Infrastructure and Railway Vehicles;
6. To seek the assistance of any Person for the purpose of carrying out his duties and powers as set forth in this Decision;
7. To keep copy of any document submitted to him;
8. To interview and question any Person who might be of assistance to him in performing his duties;
9. To request the translation of any document into a language acceptable to him;
10. To request any entity or Person to submit any documents he deems necessary whether in printed or electronic format;
11. To preserve accident sites in order to protect evidence;
12. To issue permission for Persons to access accident sites. Nevertheless, any Person may access the accident site without the Safety Regulation Authority Inspector's permission in the following cases:

    a. To guarantee the safety of Persons;
    b. To move injured or deceased Persons from the accident site;
    c. To move animals from the accident site;
    d. To protect the environment from pollution or any potential large-scale damage.

13. To serve Improvement Notices or Prohibition Notices;
14. To gather and access information through electronic and other means;
15. To seize any materials, samples and evidence that pose risk to the Infrastructure and Railway Vehicles;
16. To take any other action to protect the Railway, Infrastructure and Railway Vehicles.

Article (29)

The Agency Inspector shall have the following duties and powers:

1. To conduct inspections to ensure compliance with the Infrastructure Protection Code of Practice, the Infrastructure Protection Code of Practice Guidelines and the Railway Technical Standards;
2. To monitor compliance with the conditions and requirements of No Objection Certificates issued by the Agency;
3. To monitor compliance with all policies, permits, specifications, standards and restrictions, as well as any measures or procedures imposed by the Agency in relation to any Infrastructure Protection Zone;
4. To serve Improvement Notices or Prohibition Notices;
5. To conduct any tests, analyses, measurements or surveys he deems necessary, using any equipment the Agency deems appropriate, on any part of the Infrastructure Protection Zone or Railway Vehicles;
6. To make any audio, video or photographic reproduction of any part of the Infrastructure Protection Zone or Railway Vehicles;
7. To seize any materials, samples or evidence that pose risk to the Infrastructure and Railway Vehicles;
8. To seek the assistance of any Person for the purpose of carrying out his duties and powers as set forth in this Decision;
9. To request any party or Person to produce any documents he deems necessary, whether in printed or electronic format;
10. To keep copy of any document submitted to him;
11. To interview and question any Person who might be of assistance to him in performing his duties;
12. To request the translation of any document into a language acceptable to him;
13. To gather and access information through electronic and other means;
14. To issue instructions to any Person to assist him in performing his duties and powers;
15. To take any other measures required to exercise the duties and powers conferred upon him pursuant to the Regulation and its Implementing By-law.

Article (30)

1. Upon the seizure of any evidence, the Inspector must provide the owner of the evidence with a receipt.
2. The Inspector must allow the owner of the seized evidence to examine it and take a copy thereof if it is a document, until such time as the seized material or document is returned.
3. After seizure of any evidence, including documents, the Inspector shall return such evidence to the owner as soon as practicable, except in the following situations:

    a. If the evidence is linked to a crime;

b. If the Inspector is entitled, by law or by a court order, to retain such evidence.

4. If the evidence is returned to the owner, the holder or possessor of such evidence must comply with any conditions and instructions issued by the Inspector in this regard.

Article (31)

The Inspector may serve an Improvement Notice or a Prohibition Notice to any Person in any of the following cases:

1. Breach of any provision of the Regulation or its Implementing By-law;
2. Any activity on the Railway or in Operation activities that could lead to risks that endanger safety;
3. Any activity on the Infrastructure, its surrounding areas or Railway Vehicles that could lead to risks that endanger safety;
4. Difficulty in seizing or removing prohibited materials.

Article (32)

The Inspector, who serves an Improvement Notice or Prohibition Notice, shall take the following measures:

1. Identify the areas where the activity is prohibited, the materials that may not be used, and the procedures and activities that are prohibited;
2. Serve a copy of the notice to the defaulting parties;
3. Affix a copy of the notice of the prohibited materials if the defaulting Person cannot be identified.

Article (33)

The Inspector, within the scope of the powers conferred upon him, may enter the following places to perform his duties:

1. Railway buildings and facilities;
2. Restricted areas in the Infrastructure Protection Zone, if the need arises to enter and investigate the circumstances of an incident related to the Railway and reported at any time when the Railway is in Operation;
3. Private premises, subject to the condition of obtaining the permission of the Public Prosecution and the presence of police personnel.

Article (34)

The Inspector shall not disclose any information obtained during the exercise of his duties, unless pursuant to:

1. Instructions of the Chairman of the Board of Directors;

2. Instructions of the Chief Executive Officer of Strategy and Corporate Governance, in matters related to the Safety Regulation Authority;
3. The Chief Executive Officer of the Agency, in matters related to Infrastructure protection;
4. A Court order.

Obligations of the Person Served with an Improvement Notice
Article (35)

The Person served with an Improvement Notice shall, within the period stipulated in the notice (which may not be less than twenty eight (28) days from the date such notice is served):

1. Remedy the breach indicated in the Improvement Notice;
2. Operate the Railway in a manner that does not endanger safety.

Article (36)

Any Person, served with a Prohibition Notice, may not use, move, sell, remove or destroy any information or other materials without written approval from the Inspector or the Safety Regulation Authority, as the case may be.

Railway Accident Investigations
Article (37)

The Owner, Operator and Contractor shall inform and submit a report to the Safety Regulation Authority about accidents occurring during construction, operation or maintenance, including:

1. Derailing, decoupling, collision, fire or breakdown of Railway Vehicles;
2. Damage sustained by a Railway Vehicle due to any dangerous incident, even if there are no casualties;
3. Any accident causing the suspension of passenger services for a period of one hour or more;
4. Any accident resulting from dangerous goods coming loose or catching fire in a Railway Vehicle, and requiring staff and the general public to be evacuated from the accident site;
5. Any accident involving Railway Vehicles carrying dangerous goods or materials;
6. Any accident resulting in the death or injury of a passenger;
7. Any accident resulting in the death or serious injury of a Railway employee while on duty;
8. Accidents resulting from murders, suicides or injuries occurring on the Railway;
9. Accidents involving the fall or collapse of cranes, scaffolding, bridges, tunnels or Railway structures;

10. Any materials falling on the Railway tracks thus obstructing the track in front of Railway Vehicles.

Article (38)

1. If an accident occurs, the Owner, Operator and Contractor must appoint a qualified Person to take responsibility for the accident site.
2. The Person responsible for the accident site must:

    a. Take the necessary measures to implement the plan prepared by the Owner, Operator and Contractor, as the case may be;
    b. Guarantee the safety of the accident site;
    c. Protect the evidence until responsibility for the investigation is passed to the Inspector or the Inspector allows him to leave the site.

Obligations of the Safety Regulation Authority
Article (39)

1. The Safety Regulation Authority must issue an identity card for each Inspector on which the powers conferred upon the Inspector pursuant to the Regulation and its Implementing By-law are stated.
2. The Inspector must carry the identity card referred to in Paragraph (1) of this Article and present it upon the request of any Person.
3. The Inspector must return the identity card referred to in Paragraph (1) of this Article to the Authority at the end of his service.

Investigation Report
Article (40)

1. The Safety Regulation Authority must conduct a technical investigation of accidents linked directly to Operation activities on the Railway or its Infrastructure that result in Personal injuries or damage to property.
2. In the course of its technical investigation, the Safety Regulation Authority may resort to safety investigators or any other Persons to collect evidence and other matters that assist in the investigation.
3. The Safety Regulation Authority must work as quickly as possible, with the least possible amount of bureaucracy and technical dealings, and may use any evidence or information to look into any issue that it deems relevant to the investigation.
4. The Person running the investigation must draft a final report including his recommendations and any other relevant measures that he believes will act to reduce risks and improve safety performance. A copy of that report must be submitted to the Safety Regulation Authority.

5. Upon receiving the report, the Safety Regulation Authority must add its recommendations and submit it to the Chief Executive Officer of Strategy and Corporate Governance.
6. The Chief Executive Officer of Strategy and Corporate Governance may:

    a. Submit a copy of the report, or part thereof, to any party he deems appropriate;
    b. Publish a copy of the report, or part thereof by any means as he deems appropriate.

Article (41)

1. The Safety Regulation Authority may instruct the Operator to investigate any reported incident, or any other incident that may endanger the safety of transport service activities carried out by the Operator on the Railway, in accordance with the applicable procedures.
2. The investigator shall identify the causes and factors that led to such incident.
3. The results of the investigation shall be submitted to the Safety Regulation Authority within the time limit specified.

Article (42)

In preparing its recommendations following the investigation, the Safety Regulation Authority must take the following into consideration:

1. Identification of the risks to which the Infrastructure, Railway Vehicles or Operation activities are exposed;
2. Provision of the necessary recommendations to improve the level of safety in the transportation and communication sector in the Emirate, in order to prevent recurrence of incidents in the future;
3. To identify the factors that led to the incidents and state whether these factors were due to system error or human error.

Article (43)

The Agency shall, at all times, take an initiative-based and risk-free approach in performing its duties with a view to develop and maintain a safe and efficient Railway system in the Emirate.

Article (44)

1. Persons who perform any of the activities listed below shall present to the Agency a valid trade licence issued by the Competent Authority:

    a. Designing, manufacturing, modifying, supplying, installing, constructing or removing Infrastructure, Railway facilities or equipment, or Railway Vehicles;

b. Operating the Railway.

2. In order to obtain a trade licence from the Competent Authority for any of the activities listed in Paragraph (1) of this Article, the Person must first obtain a No Objection Certificate from the Agency.

Article (45)

For the purposes of Paragraph (2) of Article (44) the Agency shall coordinate with the Safety Regulation Authority before issuing any No Objection Certificate, and shall maintain a record of trade licence applications and particulars of the applications received from the Competent Authority.

Article (46)

1. The Agency shall submit the necessary proposals for planning and development of the Railway and submit these to the Chairman of the Board of Directors.
2. When submitting the proposals referred to in Paragraph (1) of this Article, the Agency must:

    a. Assess and monitor compliance with the standards and requirements of Railway Operation in the Emirate;
    b. Seek and receive proposals from Operators, Developers or any other Person in relation to the planning and development of the Railway network in the Emirate.

3. The Agency may give the proposals referred to in Paragraph (2b) of this Article due consideration as it may deem appropriate, making all such further enquiries that are reasonably required to assess such proposals. In the event that a proposal is approved, the Agency must issue the necessary Permit for carrying out the works for which the proposal is submitted.
4. In order to achieve integration between the Railway network and other means of transport, the Agency shall cooperate and coordinate with the relevant authorities within or outside the Emirate according to the Roads and Transport Authority guidelines.

Prequalification No Objection Certificates
Article (47)

1. A Prequalification No Objection Certificate is granted to perform any of the following activities:

    a. Railway Operator activities;
    b. Railway Contractor activities;
    c. Railway Consultant activities;

d. Maintenance, repair, manufacture, modification, supply, installation, or any other activity related to Railway Operations, Infrastructure or Railway Vehicles.

2. No Person may obtain a trade licence from the Competent Authority to carry out any of the activities listed under Paragraph (1) of this Article unless he has been issued a Prequalification No Objection Certificate.
3. Prequalification No Objection Certificates shall be issued in accordance with the Railway Technical Standards.
4. Prequalification No Objection Certificates may include requirements and conditions which must be satisfied, and may specify the scope of licensed activities.
5. The Agency shall maintain a record of all Prequalification No Objection Certificate applications, including the details and final decisions regarding such applications.
6. Any Person who carries out any of the activities listed in Paragraph (1) of this Article without obtaining a valid Prequalification No Objection Certificate, or who fails to satisfy any of the requirements or conditions set forth in such certificate, shall be deemed in breach of the provisions of this Decision.
7. If a Person holding a Prequalification No Objection Certificate fails to satisfy the requirements or conditions set forth in such certificate, or fails to satisfy any technical requirements or specific performance standards prescribed in the standards and specifications guidelines approved by the Agency, the latter may, at its discretion, amend such certificate, review its terms or revoke it. The Agency shall notify such Person of its decision and provide him with a copy of the amended certificate.
8. The Agency must prepare bi-annual reports that contain assessments of the performance of Persons holding Prequalification No Objection Certificates who have carried out works on the Railways in the Emirate, and each such Person must be assessed and graded according to the extent to which they have complied with the requirements set forth in this Article.
9. The Agency shall provide the Safety Regulation Authority with a copy of the report referred to in Paragraph (8) of this Article.

Technical Requirements and Performance Standards
Article (48)

1. The Agency shall update the specifications, technical requirements and performance standards for the Railway, Railway Vehicles and Infrastructure on a regular basis.
2. The Agency shall provide any Person who applies for a No Objection Certificate with a copy of the approved Railway standards.

Infrastructure Protection Code of Practice
Article (49)

1. The Agency shall issue and regularly update the Infrastructure Protection Code of Practice, which includes:

    a. Mandatory standards, procedures, conditions and other requirements related to the protection of the Infrastructure;
    b. Infrastructure Protection Zones;
    c. Application submission procedures and requirements that must be followed in order to obtain Restricted Activities No Objection Certificate in any Infrastructure Protection Zone;
    d. Technical requirements for compliance with the Code referred to in Paragraph (1) of this Article when carrying out Restricted Activities in any Infrastructure Protection Zone;
    e. Any other measures and procedures that the Agency deems appropriate for protection of the Infrastructure.

2. The Agency shall provide applicants for Restricted Activities No Objection Certificate with a copy of the current Infrastructure Protection Code of Practice.

Restricted Activities Requiring No Objection Certificates
Article (50)

A No Objection Certificate is required in order to perform any of the following activities:

1. Storage of goods;
2. Moving or operating cranes and other mechanical lifting equipment;
3. Drilling and digging wells;
4. Dredging of sea-beds, canals, wells and waterways;
5. Construction of tunnels and artesian wells;
6. Excavation of trenches and removal of the topsoil;
7. Demolition;
8. Use of explosives and fireworks and igniting fires;
9. Erection of scaffolding and other temporary structures;
10. Installation or replacement of power transmission lines;
11. Activities performed in the Infrastructure Protection Zone that should be monitored by the Agency.

Restricted Activities No Objection Certificates
Article (51)

1. All Persons must request a No Objection Certificate from the Agency prior to commencing any Restricted Activity.
2. All Persons must request a Restricted Activities No Objection Certificate prior to commencing any development, design or construction works or other infrastructure works (other than those related to the Railway Infrastructure).
3. A No Objection Certificate, granted under this Article, must include the conditions and requirements laid down in the Infrastructure Protection Code of Practice.
4. The Agency shall coordinate and consult with the Operator prior to issuing the No Objection Certificate in accordance with the provisions of this Article.
5. Any request for a No Objection Certificate under this article shall be made in accordance with the Infrastructure Protection Code of Practice.

Suspension of Restricted Activities
Article (52)

1. Agency Inspectors are authorised to prevent any Person from carrying out any Restricted Activity in an Infrastructure Protection Zone without obtaining a prior No Objection Certificate or in case of breach of any requirements or conditions stipulated in such certificate.
2. Upon issuing the suspension order referred to in Paragraph (1) of this Article, the Inspector must present his identity card to prove his capacity as Inspector.
3. A suspension order issued by an Inspector may be verbal or written. In the event of a verbal order, a written order from the Agency must ensue.

Article (53)

The Safety Regulation Authority shall coordinate with Government departments and public entities and authorities, including the police personnel, to fulfill the objectives of the Regulation and its Implementing By-law.

Article (54)

Operators, Contractors and Owners who have commenced work before this Decision is issued, must adjust their situation in accordance with its provisions within six (6) months from the date on which it comes into force.

Article (55)

The Chief Executive Officer of the Agency shall issue the instructions necessary for the implementation of the provisions of this Decision.

Article (56)

This Decision shall come into force on the day on which it is issued and shall be published in the Official Gazette.

Mattar Mohammed Al Tayer
Chairman of the Board of Directors and
Chief Executive Officer

Issued in Dubai on 31 January 2010
Corresponding to 16 Safar 1431 AH

GOVERNMENT OF DUBAI

هيئة الطرق والمواصلات
ROADS & TRANSPORT AUTHORITY
RTA

RAILWAY PROTECTION ADVISORY NOTES FOR THE EMIRATE OF DUBAI

First Edition

April 2010

Contents

1 Introduction

1.1 These Railway Protection Advisory Notes outline the potential risks that may be posed by third parties undertaking any Restricted Activity, development, design and/or construction within the Railway Protection Zone and the recommended Control Measures to ensure the safe and uninterrupted operation of Railway systems. These Advisory Notes should be used by any party (hereafter called 'the Applicant') intending to carry out any Restricted Activity, development,design and/or construction of buildings or other infrastructure within the Railway Protection Zone.

1.2 Restricted Activity, as defined in Administrative Decision No. 68/2010 (hereafter referred to as By-laws) means any activity considered by the Agency to (or to have potential to) jeopardise or otherwise adversely affect any Railway, Railway Infrastructure and/or Railway Vehicles and/or to pose a threat of risk or interference in any way in each case with any Railway, Railway Infrastructure and/or Railway Vehicles.

1.3 These Advisory Notes should be read in conjunction with the Railway Protection Code of Practice for the Emirate of Dubai.

1.4 These Advisory Notes will assist Applicants to control common risks associated with various activities when carried out within the Railway Protection Zone, as well as in the preparation of a risk assessment report, which is required to be submitted as part of No Objection Certificate (NOC) applications.

1.5 Applicants are strongly recommended to read and follow these Advisory Notes, whenever any work defined as a Restricted Activity or construction works are planned within the Railway Protection Zone. Applicants may provide in their NOC applications alternative control measures, provided that the risks posed by the works are mitigated to an extent equivalent to, or better than, when the recommended control measures are applied.

2 Definitions

Agency	Rail Agency
Applicant	Any party applying for No Objection Certificate
Authority	Roads and Transport Authority
By-laws	Administrative Decision No. 68/2010 regarding Issuing, Implementation and Regulation of Order No. 5/2009 Governing Railway Regulation in the Emirate of Dubai
Contractor	The natural or legal person designated by the owner or the operator for the purpose of carrying out the works related to Railways, or execution of any work that requires obtaining of permits or No Objection Certificates from the Agency or Safety Regulation Authority
Control Measures	Provisions to reduce identified risks
Critical Zone	A zone within the Railway Protection Zone, which requires more stringent Control Measures than the remainder of the Railway Protection Zone
Emirate	Emirate of Dubai
NOC	A No Objection Certificate issued in accordance with the policies and procedures of the Authority
Operations	The operation, movement or cause of movement of Railway vehicles designed for transportation or for carrying out maintenance, modification works and development of infrastructure or Railway vehicles
Operator	The authorised party for the operation or maintenance of the Railway Infrastructure or Railway vehicles, or both for the purposes of public transportation
Owner	Any public or private company or authority that owns the infrastructure of the Railway or Railway vehicles, or both, for the purposes of public transportation
Person	Natural person, public or private corporate body
Railway Infrastructure	All establishments, facilities, systems and software necessary to operate Railways and to enable them to work safely, including but not limited to, Railway tracks and associated track structures, service roads, signalling systems, communications systems, rail controlling systems , notices and signs, the electric power supply, electric traction systems, the associated buildings, stations, warehouses, machinery, equipment, structures, corridors, pass ways, tunnels, bridges, sidewalks, barriers (iron gates), associated works, the work of sanitation, and any construction or rail-related work

Railway	Railway transportation systems designed to transport passengers and goods, guided by specific tracks, designed for the movement of the rails either a single or dual track system or any other direction system, including heavy and light rail, monorail services, tramways or Railways for maintenance or freight terminals
Railway Protection Code of Practice	The document issued by the Agency setting out standards, procedures, conditions and other requirements to comply with the By-laws, as may be amended by the Agency from time to time
Railway Protection Advisory Notes	The document issued by the Agency (as amended from time to time) to provide guidance on complying with the Railway Protection Code of Practice
Railway Protection Zone	The Railway Infrastructure sites and the surrounding areas designated as such by the Agency in the Railway Protection Code of Practice
Railway Vehicle	Any vehicle that uses the infrastructure of the Railway, including locomotives, engines, trains, trams, light inspection vehicles, self-propelled maintenance vehicles, freight wagons or monorail vehicles
Restricted Activity	Any activity considered by the Agency to (or to have potential to) jeopardise or otherwise adversely affect any Railway, Railway Infrastructure and / or Railway Vehicles and / or to pose a threat of risk or interference in any way with any Railway, Railway Infrastructure and / or Railway Vehicles as further described in the By-laws and / or in the Railway Protection Code of Practice
Risk Assessment Report	A report prepared by an Applicant seeking Railway Protection NOCs identifying potential risks and mitigation measures involved in carrying out any Restricted Activity, development and building proposals within the Railway Protection Zone
Structure Gauge	The boundary enclosing the clearances required outside the swept envelope to enable the Railway to be operated in safety. The structure gauge includes provision for staff safety, where staff are permitted on the Railway while Railway Vehicles are running
Zone of Influence	The Zone of Influence of a Railway structure below ground is the area over which applied external loads are likely to affect the Railway structure

3 Railway Protection Zone

3.1 Railway Protection Zones are defined in the Railway Protection Code of Practice and are grouped into seven different types of Railway structures, as described in table below.

3.2 The classification of each zone is based on the shape and function of each Railway Infrastructure and facility.

Table 3-1 Railway Protection Zones

Zone No.	Applicable Zones	Alignment Type
Zone-1A	Applies to Railway viaduct sections (Railway guide-way located on elevated structures) above ground level. The Railway Protection Zone is defined as 30m as measured from the outermost edge of any structural element of the viaduct.	Viaduct or Bridge Section
Zone-1B	Applies to Railway viaduct sections (Railway guide-way located on elevated structures) above water level. The Railway Protection Zone is defined as 30m as measured from the outermost edge of any structural element of the viaduct.	
Zone-2A	Applies to Railway tunnel sections (Railway guide-way located inside tunnel) below ground level. The Railway Protection Zone is defined as the greater of, the boundary as formed by the Zone of Influence, or 30m as measured from the outermost edge of external tunnel construction.	Tunnel Section
Zone-2B	Applies to Railway tunnel sections (Railway guide-way located inside tunnel) directly under a canal or sea bed. The Railway Protection Zone is defined as the greater of, the boundary as formed by the Zone of Influence, or 30m as measured from the outermost edge of external tunnel construction.	
Zone-3A	Applies to at-grade Railway sections. The Railway Protection Zone is defined as the surrounding area of 30m as measured from the outermost edge of any structural element of the guide-way.	At-grade, embankment and cut sections
Zone-3B	Applies to Railway sections with engineered embankments. The Railway Protection Zone is defined as 30m as measured from the outermost edge of the embankment section.	
Zone-3C	Applies to Railway sections with engineered cut sections. The Railway Protection Zone is defined as 30m as measured from the outermost edge of the cut section.	
Zone-4A	Applies to stations. The Railway Protection Zone is defined as 30m as measured from the outermost edge of the station finishing.	Stations
Zone-5A	Applies to street running tramways. The Railway Protection Zone is defined as 30m as measured from the Structure Gauge.	Tramway
Zone-6A	Applies to elevated monorail guide-ways. The Railway Protection Zone is defined as 30m as measured from the Structure Gauge.	Monorail
Zone-7A	Applies to other Railway Infrastructure. The Railway Protection Zone is defined as 30m as measured from the outermost edge of the finishing.	Supporting Facilities (e.g. entrance/exits, footbridges, ancillary buildings, depot, etc.)
Zone-7B	Applies to Railway depots. The Railway Protection Zone is defined as 30m as measured from the security or perimeter fence around the depot.	

4 Risks and Control Measures

4.1 The By-Laws define the Restricted Activity as any activity likely to take place within the Railway Protection Zone. For ease of reference, an Activity number is given to each Restricted Activity as listed in the table below.

Table 4-1 List of Restricted Activities

Activity No.	Restricted Activity
RA1	Storage of goods
RA2	Movement or operation of cranes, hoists and other lifting equipment
RA3	Installation of boreholes and wells
RA4	Dredging of sea-beds and canal-beds
RA5	Construction of underground passageways
RA6	Excavation of trenches and earth movement
RA7	Demolition
RA8	Use of explosives and fireworks and the lighting of fires
RA9	Erection of scaffolding and other temporary structures
RA10	Installation or replacement of conduits for any utilities
RA11	Other activities to be controlled

5 No Objection Certificate Requirements

5.1 Applicants are required to comply with the NOC process outlined in the Railway Protection Code of Practice.

5.2 The Agency will coordinate and liaise with the Operator of the relevant Railway likely to be affected by the Restricted Activity, prior to the issue of any NOC; where a Restricted Activity is proposed within the defined Railway Protection Zone of an operational Railway, one condition of the NOC will be that the Applicant will be required to comply with the Operator's specific requirements and any relevant Permit to Work requirements and systems.

5.3 As part of NOC requirements, Applicants are required to submit a Risk Assessment Report. This report should demonstrate that an appropriate assessment of risk has been undertaken. Further guidance is given in Section 11 and Appendix A of these Notes.

5.4 These Advisory Notes include many common risks, but do not necessarily identify all risks. One of the purposes of a risk assessment is to identify the risks specific to a proposed Restricted Activity, development, design and/or construction of buildings or other infrastructure within the Railway Protection Zone.

6 Risks and Control Measures

The storing or placing, or causing or allowing the storage or placement of, any goods, material or item or any solid, liquid or gaseous matter or substance

Risks

- The load of material, heavy machinery or equipment placed directly above the underground Railway infrastructure may be higher than the design load for the Railway structure.
- Storage or placing of combustible materials, including flammable liquid and gas, could pose a risk of fire and explosion.
- Vehicles carrying dangerous goods (as defined in the UAE regulations), e.g. tankers carrying flammable materials, parked adjacent to the Railway Infrastructure may catch fire or explode.
- Improper use of electrical equipment could pose a risk of electrical fire.
- Blocking of station entrances or emergency egress points could cause injuries to people and could prevent people from exiting the Railway in case of emergency.
- Blocking vents could affect the ventilation of underground facilities.

Control Measures

- The total load of equipment and materials imposed on underground Railway structures and ground bearing capacity should be checked against the designer's requirements to confirm the safety of underground Railway structures.
- Combustible materials should not be stored or placed in the Critical Zone.
- Underground storage tanks and pipework for any flammable and combustible fluids or gases should be non-pressurised and located outside the Critical Zone. The surface around the dispensing area should be graded such that any spills will be directed away from the Railway Infrastructure.
- Underground storage tanks for any flammable and combustible fluids or gases within the Railway Protection Zone should be of double wall construction and provided with a leakage detection and monitoring system.
- Any pipework carrying flammable and combustible fluids or gases within the Railway Protection Zone should be provided with leakage detection and monitoring systems.
- Surface storage tanks for flammable fluids or gases should be provided with high strength fire protection walls, in accordance with best industrial practice, to isolate them from elevated and at grade Railway Infrastructure.
- Anti-corrosion materials should be used for storage tanks and pipework.
- All vehicles carrying dangerous goods, e.g. tankers carrying flammable materials, should remain outside the Critical Zone at all times.

- All powered equipment should be electrically safe and working within the safe load capacity. All equipment should be checked on a regular basis.
- Equipment should be positioned so that station entrances, emergency egress points, and ventilation inlets and outlets are always kept clear.

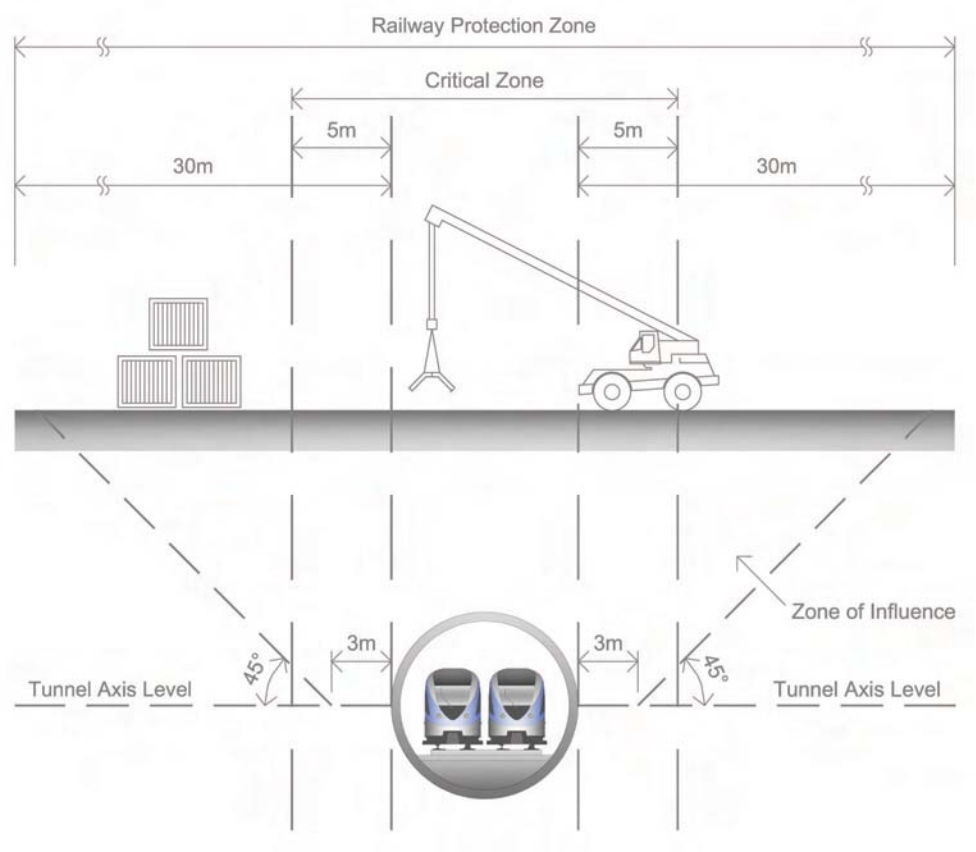


Figure RA1-1 Loads imposed by placing or using heavy machinery or goods above Railway structures should be checked against the allowable limits

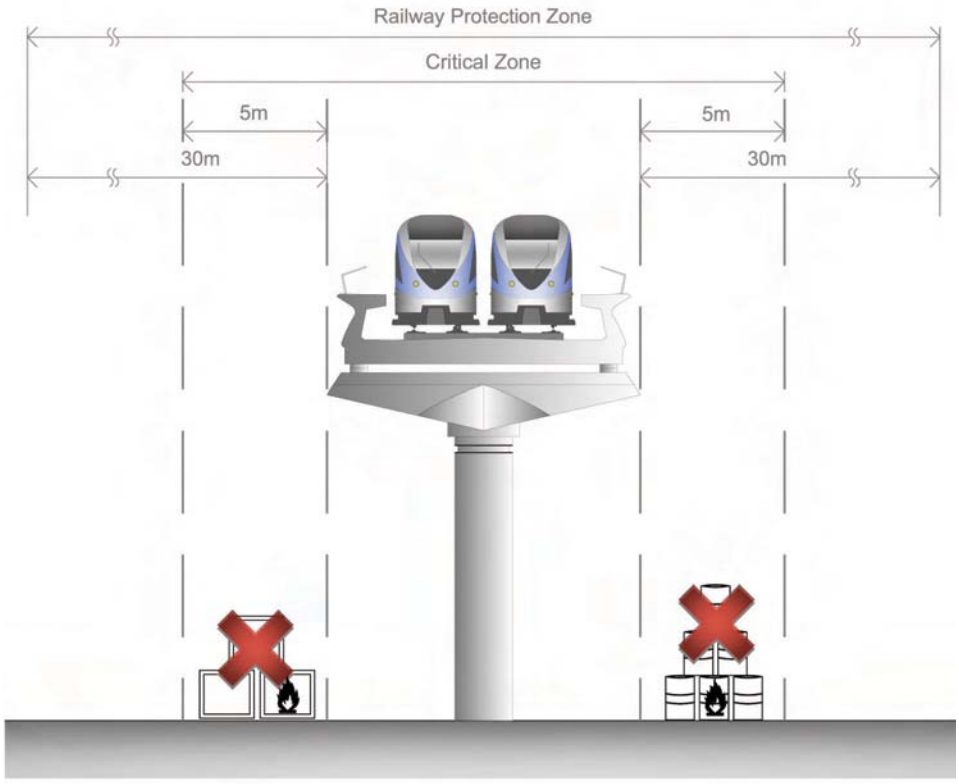


Figure RA1-2 All flammable, combustible or explosive goods such as tankers, fuel containers, and gas cylinders should be kept outside the Critical Zone

Movement or operation of any crane, whether fixed or mobile, hoists, ladder, drilling or piling equipment, excavator or any other mechanical equipment or vehicle

Risks

- Equipment could topple and hit the Railway infrastructure and/or Railway Vehicles.
- Equipment booms could slew and hit the Railway infrastructure and/or Railway Vehicles.
- Materials being lifted could impact the Railway infrastructure and/or swing into the path of Railway Vehicles.

Control Measures

- Equipment should be positioned such that any boom or extension, whilst stationary, in movement or operation, will not encroach on the area directly adjacent to the Railway Infrastructure; alternatively slew restrictors should be provided. (refer to figure RA2-1) Physical barriers should be provided at the boundary limit to control the movement of equipment.
- Operation of equipment directly below Railway viaducts is only allowed subject to space constraints under close site supervision during operation. (refer to figure RA2-2)
- Selection of equipment should consider all safety aspects of equipment operation.
- All equipment should have necessary valid inspection certificates.
- Materials and equipment should not be lifted in or over the area directly adjacent to the Railway structure.
- Location and fixing details of all heavy equipment should be included in the Applicant's NOC application.
- Outriggers of equipment should be fully extended and supported on solid plates over firm ground under supervision of a competent engineer.
- All equipment should be operated by competent and qualified personnel.
- Daily safety checklists and records should be maintained at site.
- Machines operating near station ventilation shafts and entrances should be positioned so that the fumes and exhaust gases are directed away from the air circulation shafts for underground Railway facilities and station entrances.
- Dust and debris created by activities near stations should be controlled and minimised.
- If it is unavoidable that activities involving lifting of loads directly above or adjacent to the elevated or at-grade Railway occur then a temporary protection structure should be provided. The protection structure should be designed to withstand the impact of the heaviest loads expected.

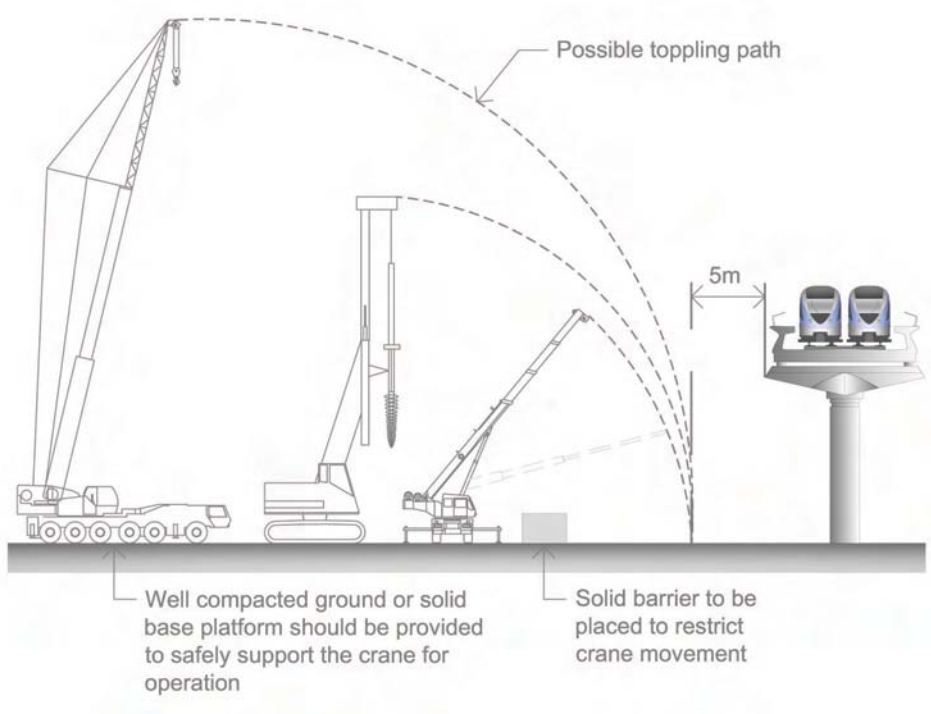


Figure RA2-1 Equipment should not operate within, or be able to collapse into, the area directly adjacent to the Railway structure

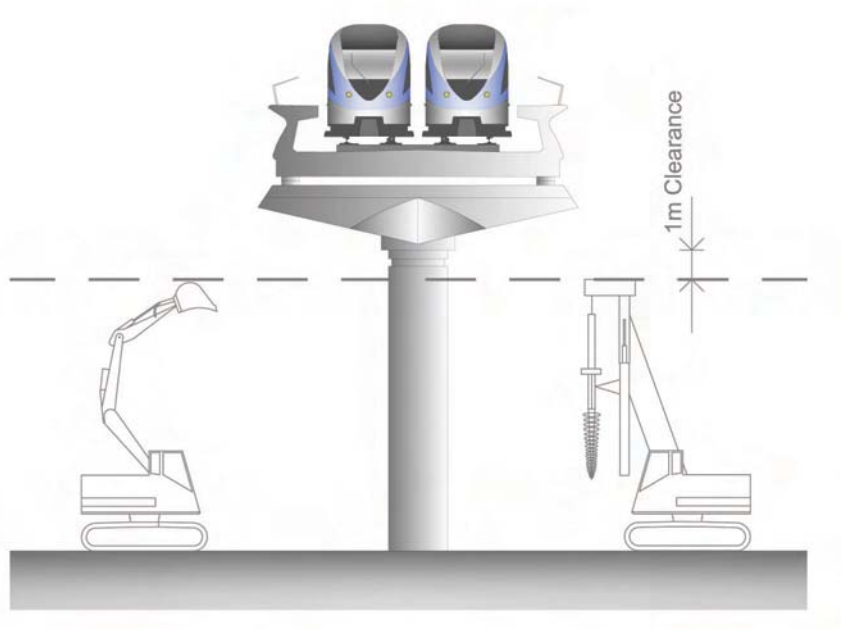


Figure RA2-2 Operation of equipment directly below Railway viaducts should keep minimum clearance from the structure

Control Measures for Tower Cranes

- All d t ils o to r r n op r tions nd ip nt s o ld in l d d in ppli tions s d s ri d in il rot tion od o r ti
- o r r n s s o ld pr r l position d ind t ildin nd r onstr tion ro t Railway Infrastructure and adequately tied back to the building structure. (Refer to figure RA2-3)
- Free standing tower cranes should be erected at a sufficient distance from the Railway so that the jib cannot topple into the Critical Zone of the Railway Infrastructure. (Refer to figure RA2-4)
- Tower cranes should be tested before operation and a copy of the relevant inspection certificates should d il l or t o n nt o op r tions

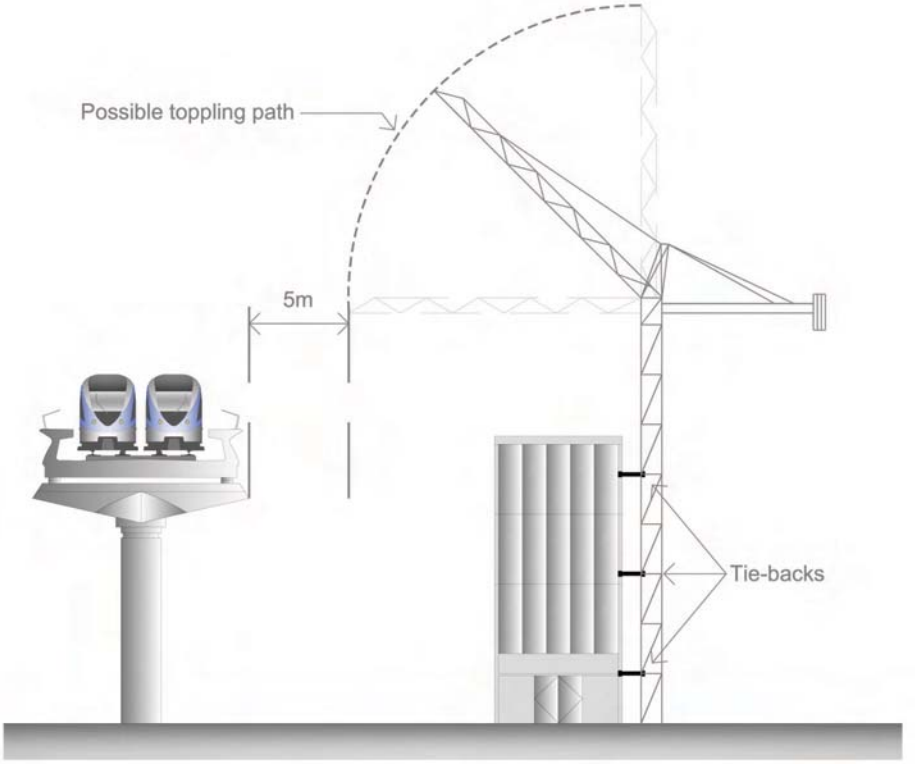


Figure RA2-3 Tower crane and its parts erected behind building and tied back, should topple outside the Critical Zone

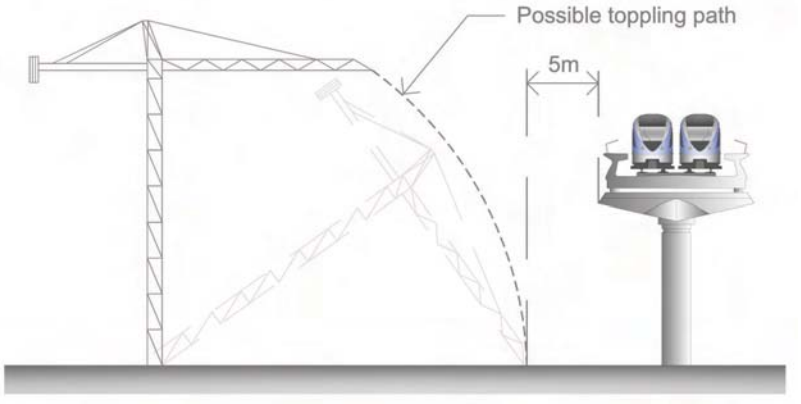
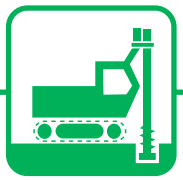


Figure RA2-4 Free standing tower crane or its parts should not topple inside the Critical Zone



The installation of boreholes, wells, piles, ground anchors and horizontal tie-backs

Risks

- Drilling, boring or ground anchoring could damage the Railway Infrastructure, including tunnels, station str t r s pil s nd o nd tions
- i r tion o ld d t il n r str t r
- Drilling, boring or driving piles or the installation of wells could pose a risk due to lowering of groundwater l ls

Control Measures

- Boreholes and piles should be outside the Critical Zone and the effect on Railway Infrastructure should be confirmed by a competent geotechnical engineer.
- The location of the Railway Infrastructure should be clearly identified on site, before any works o n on n or ol s in t il rot tion on positions o t propos d or s it in the Railway Protection Zone should be set out by a qualified surveyor.
- The Applicant's NOC Design Report should include a thorough study of groundwater conditions and detail n ontrol nd or prot tion s r s to t n
- ro nd t r onditions nd i r tion s o ld onitor d ntil t o pl tion o t or
- Consider using cast-in-situ piles instead of driven piles, where possible.
- Cement-bentonite mixture or equivalent materials should be used for grouting of soil investigation bore ol s
- Dust generated from the activities should be controlled and kept to a minimum level near stations and r s r t r is r nt o nt o p opl
- The designer should consider cast in-situ piles instead of driven piles, if the vibration limits are unlikely to o pli d it
- Location of underground structures, utilities and groundwater level should be checked before installation o ro nd n ors

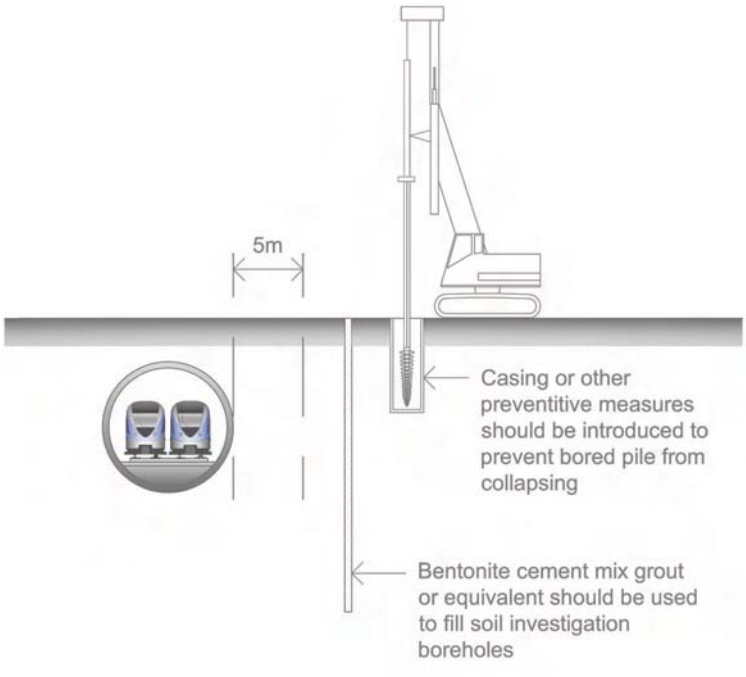


Figure RA3-1 Boreholes and piles should be outside the Critical Zone and should be checked for potential impacts on Railway structures

The dredging of sea beds or canal beds and the anchoring of vessels

Risks

- nn l str t r s o ld d d ro dr d in sin t r in r ss nd str t r l il r
- Tunnel waterproofing systems could be damaged from dredging activities above the Railway tunnels.
- Dredging near piles under the water could damage the structural system of the piles causing settlement.
- An orin o ss ls d t il n r str t r

Control Measures

- Dredging should not be carried out within the Railway Protection Zone.
- ss ls s o ld not n or insid t il rot tion on o rid s tions nd t riti l on o t nn l s tions

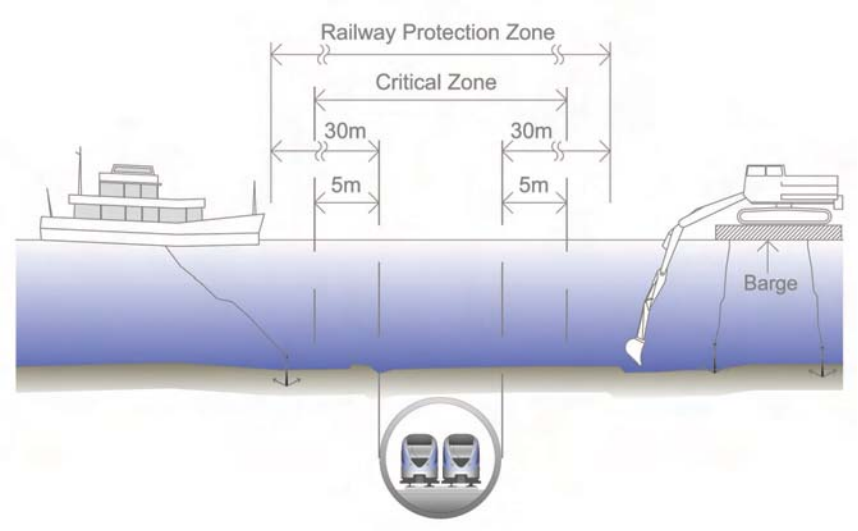


Figure RA4-1 Anchoring of vessels should be outside the Critical Zone and dredging should be outside the Railway Protection Zone for tunnels

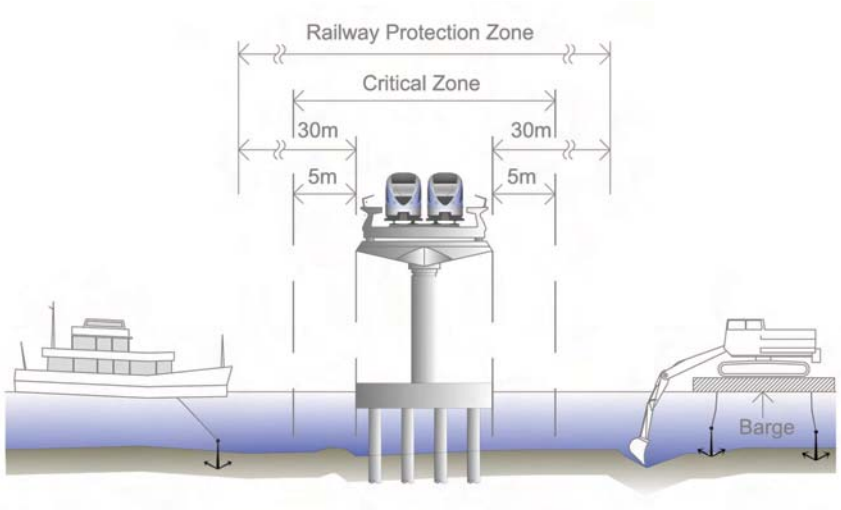


Figure RA4-2 Anchoring of vessels and dredging should be outside the Railway Protection Zone for bridges

The construction of an underground passageway to serve as a conduit for utilities; to provide access for people, vehicles or equipment to an underground work site

Risks

- nn llin nd tion or s s n s to t ori in l ro nd onditions s s ssi ro nd loss or n in ro nd t r onditions o nt nd i r tion t t il n r str t r

Control Measures

- Best engineering practice, standards and procedures should be implemented in the design and onstr tion o p ss s to ns r st ilit o t s rro ndin il n r str t r
- F ll d t il d or t odolo nd is Ass ss nt port s p rt o ppli tion s o ld l rl indi t pot nti l ris s in ol d in t onstr tion t ods os n nd t ontrol s r s to iti t t
- onitorin pl ns n d to ll d lop d s p rt o t ppli tion p
- rop rl n in r d ro nd s pport s st s s o ld pro id d to pr nt ssi ro nd loss nd failure. Details of proposed support systems should be included in the method statements.
- A t oro st d o ro nd t r onditions is r ir d possi ilit o lo rin o ro nd t r l ls s o ld ll st di d nd iti tion s r s s o ld pro id d in t ppli tion
- t od st t nts s o ld in l d ontin n pl n so t t n pot nti l ris or si ns o i p ndin failure of the support system could be rectified immediately.
- n l tion n ss r or tions los to t il n r str t r nd tiliti s
- A qualified surveyor should check the location of underground Railway Infrastructure and utilities before o n in n nd r ro nd or s

The excavation of trenches or pits, earthworks and backfilling, or the shifting or pushing of earth or soil from one area to another, whether or not such activities are carried out manually or by mechanical means

Risks

- op r tion o tion ip nt it in t riti l on d t il n r str t r
- E ssi i r tion n r t d in r s d or tion or rt o in it in t riti l on s d to t il n r str t r
- n in ro nd t r onditions
- E tion d nt to t il n r str t r n istin stor t r onditions

Control Measures

- Best engineering practice, standards and procedures should be implemented in design and construction. pl nn d or s s o ld d si n d to ini is disr ption to il n r str t r
- A t oro st d o ro nd t r onditions is r ir d possi ilit o lo rin o ro nd t r l ls s o ld ll st di d nd d t ils o t propos d iti tion s r s s o ld pro id d in t ppli tion
- onitorin pl ns n d to ll d lop d s p rt o t ppli tion p
- rti l lo it pp s o ld li it d to 1 s or ontin o s i r tion nd 0 s or int r itt nt i r tion
- Trenches should be backfilled and compacted immediately after completion of underground works such s l in o tiliti s or pip s
- s o ip nt or in r s o ld stri tl ontroll d n r t il tilit lin s
- A qualified surveyor should check the location of underground Railway Infrastructure and utilities before o n in n nd r ro nd or s
- E tions n t to n op nin s l din to il nd r ro nd str t r s or iliti s in l din st tions s o ld in l d t pro ision o t rti t lls to pr nt t r in r ss into nd r ro nd Railway Infrastructure. Sufficient stormwater drainage facilities should be provided for at-grade Railways such that stormwater flows are directed away from the Railway Infrastructure.

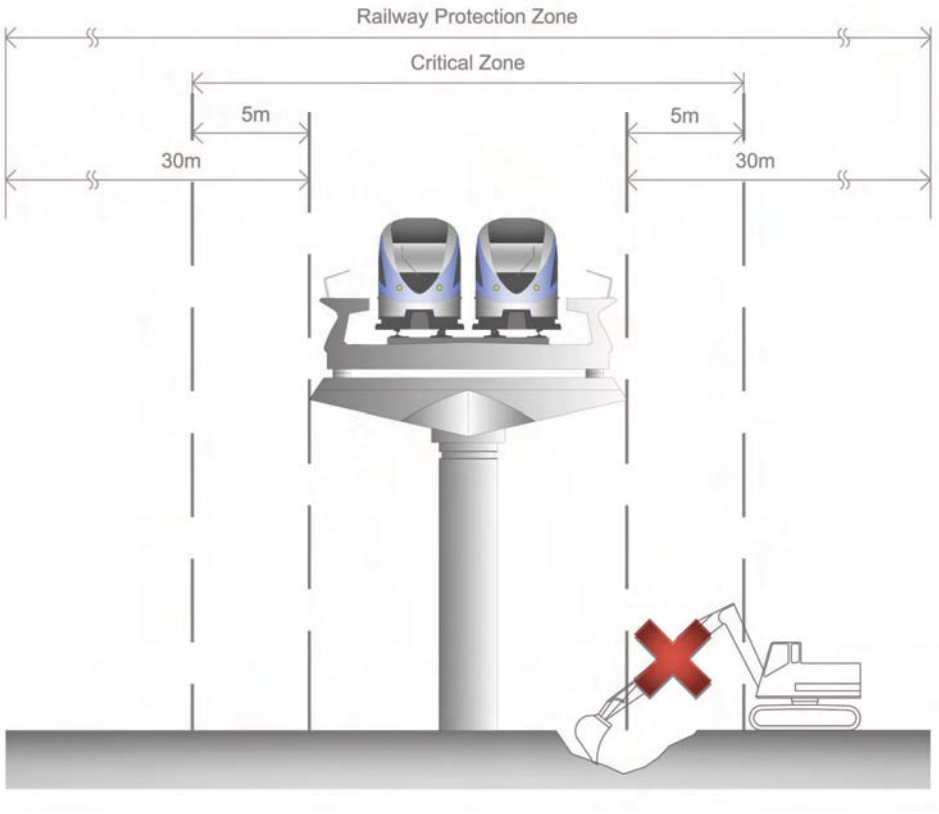


Figure RA6-1 Excavation or earthmoving activities within the Critical Zone should not be carried out before engineering analysis has been undertaken

The tearing-down of buildings and other structures manually or using hydraulic equipment, wrecking ball, or blasting method

Risks

- E ssi i r tion n r t d d olition or s sin t l stin t od o ld d t il n r str t r
- Demolition works could generate debris or objects that could be projected on to the Railway Infrastructure sin d

Control Measures

- Best engineering practice, standards and procedures should be implemented in design and site works.
- rti l lo it pp s o ld li it d to 1 s or ontin o s i r tion nd 0 s or int r itt nt i r tion
- Blasting using explosives is not permitted within all Railway Protection Zones whether for elevated, underground or at-grade Railways.
- n sin dr li ip nt or r in lls prop r s i lds or prot tion s r ns s o ld pro id d to ns r no d ris or o ts r pro t d on to t il n r str t r

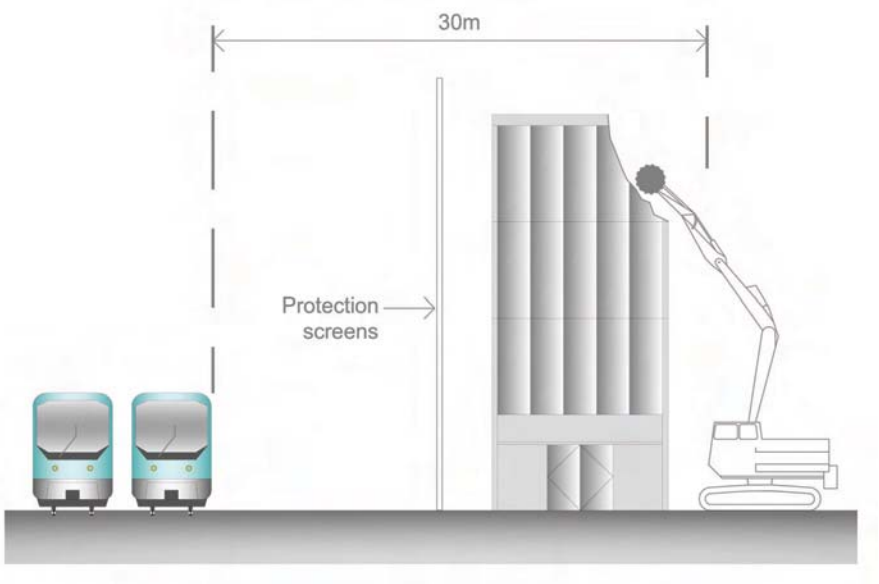


Figure RA7-1 Robust safety protection screens should be provided during demolition works within the Railway Protection Zone

The use of explosive material, fireworks and lighting of fire for any purpose including blasting, demolition, removal of rocks, or construction

Risks

- An explosion or a fire within the Railway Protection Zone could damage the Railway Infrastructure and disr pt il p r tions
- i r tion n r t d ro t s o plosi s o ld d t il n r str t r nd disr pt il p r tions

Control Measures

- s o plosi s is not p r itt d it in t il rot tion on pt in r ption l ir st n s
- Use of fireworks or lighting of fires is not permitted within the Critical Zone.
- Depending on the purpose and scale of the fireworks, they may be permitted within the Railway Protection Zone providing that sufficient precautionary measures are in place.

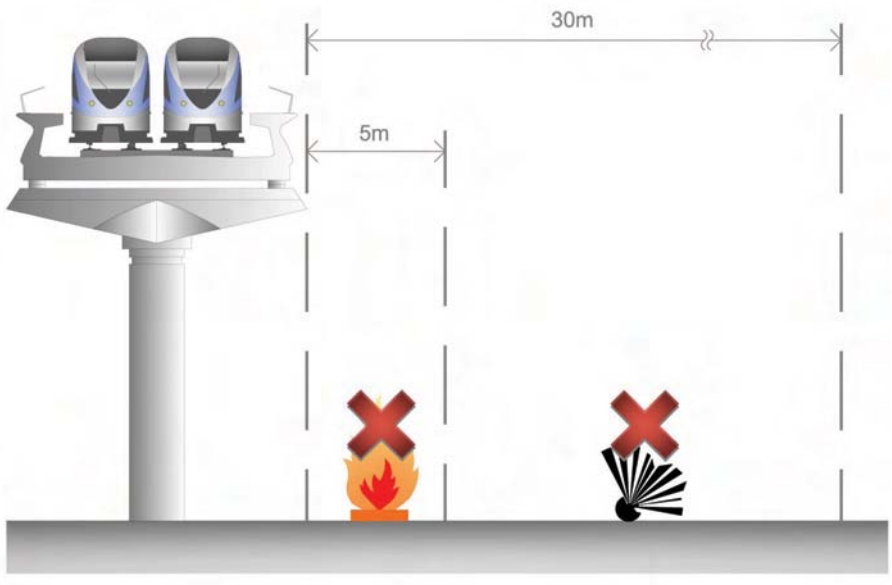
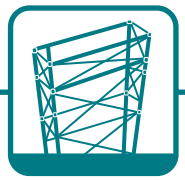


Figure RA8-1 Fires should not be lit in the Critical Zone / Explosives should not be used in the Railway Protection Zone



The erection of sheds, shelters, tents, scaffolding, temporary maintenance towers, ladders, hoardings and other structures for any purpose

Risks

- oldin nd ot r t por r str t r s o ld ll onto t il n r str t r
- oldin nd ot r t por r str t r s o ld pro id n t oris d ss to t il n r str t r
- Tents, shelters and temporary structures using combustible materials could pose a fire risk to the Railway n r str t r
- lo tion nd l o t o t nts s lt rs nd t por r str t r s o ld o str t or int r r it Railway safety provisions such as emergency egress points, ventilation shafts and fire fighting facilities.

Control Measures

- por r str t r s s o ld not r t d it in t riti l on o l t d or t r d il s tions
- por r str t r s s o ld d si n d nd d o p t nt n in r or st ilit nd s t
- Er tion o s oldin nd to r str t r s s o ld nd rt n o p t nt p rson nd r ll s p r ision in ord n it t d si n r s r ir nts
- por r str t r s s o ld so position d to ns r t t t ird p rti s nnot in ss to t il n r str t r
- Materials used for the temporary structures should be flame resistant.
- Adequate fire protection measures should be provided for temporary structures in compliance with the r l nt r l tions
- Temporary structures should be positioned such that fire fighting facilities, emergency egress points and ntil tion s ts r pt l r o ll o st l s
- t n ts or s r ns s o ld s r l inst ll d on s oldin or to rs in t il to pr nt materials or objects from falling onto the elevated and at-grade Railway Infrastructure.

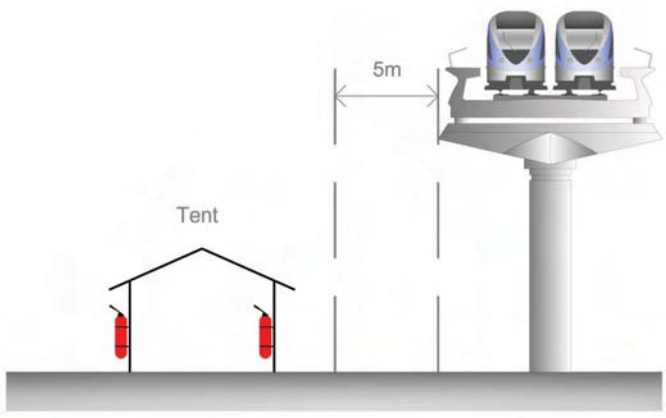


Figure RA9-1 Tents or sheds should have appropriate fire protection measures

The installation or replacement of conduits for any telecommunications, electrical and mechanical utilities, including power transmission lines and associated structures

Risks

- nst ll tion o n tr ns ission or po r lin s in t il rot tion on o ld t t s t o riti l il s st s nd ip nt
- nst ll tion or r pl nt o ond its nd sso i t d or s it in t il rot tion on o ld also pose the risks identified in Restricted Activity RA2, RA6 and RA9.

Control Measures

- Fully trained and qualified personnel should operate the equipment and machinery.
- is Ass ss nt port in l d d in t Appli nt s p s o ld in l d n l sis o t possible generation of electromagnetic fields by the power lines or associated facilities such as sub-st tions iti tion s r s or t is s o ld in l d d in r ports pr p r d r l nt sp i lists
- Risks which are identical to those in Restricted Activity RA2, RA6 and RA9 should follow the orr spondin ontrol s r s or stri t d A ti it

Further Restricted Activity may be added in future revisions of the Railway Protection Advisory Notes.

7 Design Considerations

7.1 General

7.1.1 This section provides specific design considerations that should be adopted by the Appli nts o int nd to rr o t d si n or s or d lop nts ildin s or ot r in r str t r in t il rot tion on

7.1.2 Appli nt propos ot r ontrol s r s i r t l st s ro st s t r o nd d s r s i n in t is s tion

7.2 Design of Development and Building Proposals in the Railway Protection Zone

7.2.1 Developments planned in the Railway Protection Zone should be designed to ensure that the Railway n r str t r s llo l lo din s nd o nt onditions r not d d

7.2.2 Design of buildings or similar structures within the Railway Protection Zone, which will require regular int n n or l nin o d s in t il s o ld ppropri t s t s r s in pl s t t no o ts n dropp d onto t il in r str t r

7.2.3 Design of buildings or similar structures within the Railway Protection Zone should avoid having op nin s in onto t il in r str t r it is n oid l to s op nin s permanent protective screens should be fixed around the openings.

7.2.4 Design of buildings should comply with setback requirements in accordance with the relevant building codes and regulations, as well as applicable fire safety codes in Dubai.

7.2.5 The design of developments directly under or above elevated or at-grade Railways, should be such t t t do not d rs i p ts on il s t p r or n o it s in l din t not li it d to t str t r E o r d t n r l r n s nd ot r l tri l po r nd o ni tion r l t d iliti s top o str t r s nd r i d t should have a minimum of one metre clearance to the deck soffit and recommended Control Measures for RA1 - Storage of Goods should be followed.

7.2.6 Design of developments directly under or above elevated or at-grade Railways, should provide sufficient fire fighting facilities in accordance with relevant fire safety codes and regulations in Dubai.

7.3 Design of Overbridge Vehicular Parapets

7.3.1 Design and construction of overbridge vehicular parapets should, as minimum, comply with the Bridge Barrier Performance Criteria TL-6, 'Roadside Design Guide for Dubai' issued by the Traffic Department of the RTA.

8 Construction Considerations

8.1 General

8.1.1 This section provides specific recommendations that should be adopted by Applicants who intend to rr o t onstr tion or or d lop nts ildin s or ot r in r str t r in t il rot tion on

8.1.2 Construction works may include more than one Restricted Activity as listed in Table 3-1. Recommended Control Measures for each Restricted Activity are provided in Section 6 and these s o ld ollo d s ini Appli nts propos ot r pr nt ti s r s i r t l st s ro st s t r o nd d s r s

8.2 Site Preparation

8.2.1 Contractors should carry out regular training of their workforce regarding Control Measures in relation to prot tin t il n r str t r

8.2.2 Before carrying out construction works adequate protection should be provided for the Railway n r str t r pl in o prot ti o rdin s

8.2.3 If a temporary traffic access is required under a Railway viaduct, where the clearance between the deck soffit and the ground is less than 6 m, height control gantries at both sides with minimum gap of 1m between the deck soffit and top of gantry should be erected.

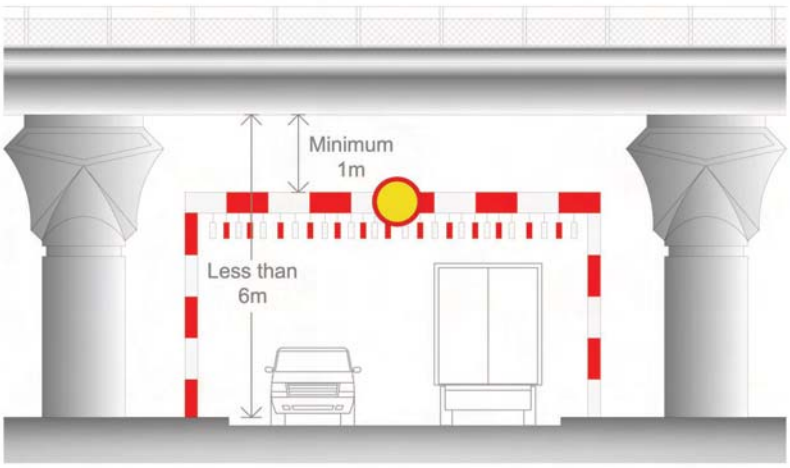


Figure 8-1 Site Preparation – Temporary Traffic Access

8.2.4 Flags or distinctive markers, such as warning tapes, should be provided at the boundary points of the il riti l on nd rot tion on or n int nd d or s

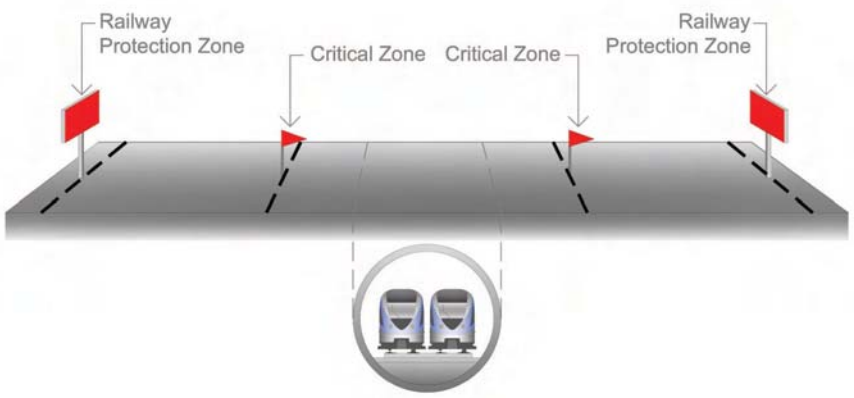


Figure 8-2 Site Preparation – Above Railway Tunnels

8.2.5 Buoys with flags or distinctive marks should be provided at the boundary points of the Railway Critical on nd rot tion on in oordin tion it A rin A n or rin or s

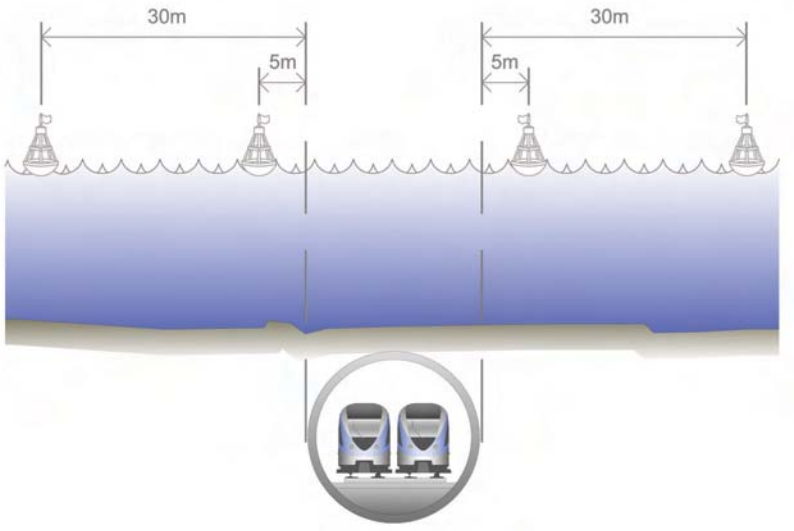


Figure 8-3 Site Preparation – Marine Works Site above Railway Tunnels

8.2.6 Any construction works above the Railway such as building works or overbridges for any purpose s o ld pro id ll prot tion s lt r i o rs ll o t t d r o r t il n r str t r s lt r s o ld d si n d to it st nd t i p t o t i st o t to s d in t onstr tion or nd l r no not to dist r t str t r

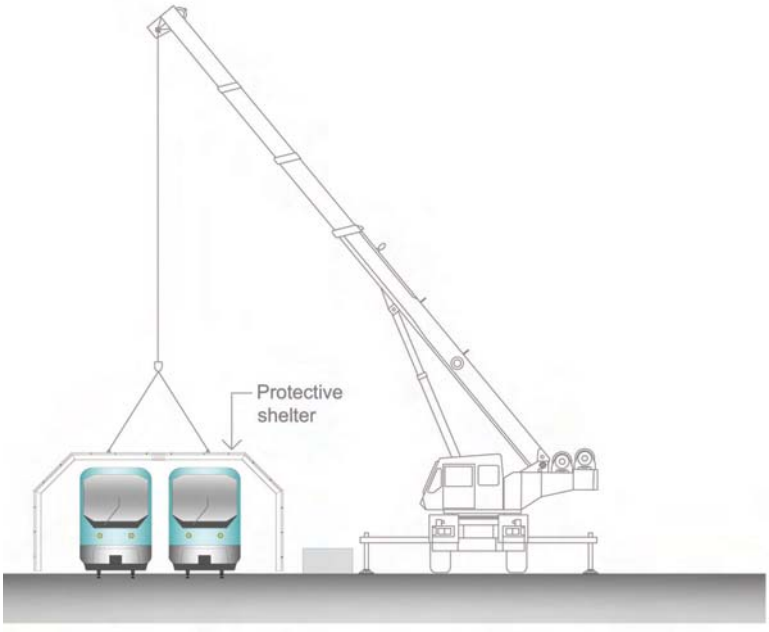


Figure 8-4 Site Preparation – Protection Shelter over Railway

8.3 Excavation Works

8.3.1 Excavation of hard strata using conventional blasting methods is not permitted in the Railway rot tion on

8.3.2 If any excessive movements or changes are detected during excavation, excavation should be stopped and immediate rectification measures should be implemented.

8.3.3 Ground Anchors used in excavation works should be checked for location and required anchor length. No part of the Railway Infrastructure should be disturbed by the anchors. (Refer to figure 8-5)

8.3.4 The Contractor should ensure that groundwater levels are not affected by drilling for ground anchor inst ll tions

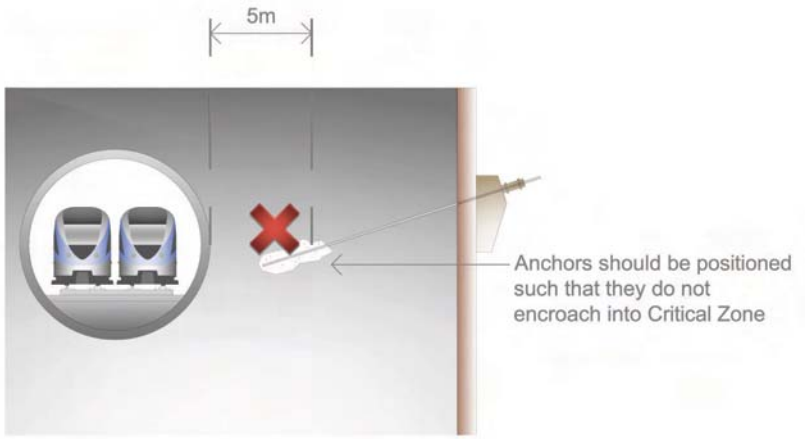


Figure 8-5 Ground Anchor Restrictions

9 Development / Building Works

9.1 Development / Building Works Adjoining Railway Stations

9.1.1 Any construction works adjoining Railway stations should provide appropriate fire fighting facilities, including fire shutters, smoke barriers, sprinkler systems, fire alarms and ventilation in accordance with the relevant codes and regulations, such that the original fire safety design intent of the Railway st tion is not t d t onstr tion

9.1.2 Other systems including the air-conditioning system, public address, CCTV, safety signs and lighting, li tnin prot tion s nit r s st nd r ss r ir nts s o ld o pl it t r l nt od s nd r l tions

1 An d lop nts int ndin to oin it nd r ro nd il st tions s o ld t ro nd l l entrances and exits leading to underground stations sufficiently higher or provide water ingress protection walls with a robust waterproofing system to prevent rainwater ingress into the underground station. The entrance level to the station should be above the flood threshold level or at least 1m o ro nd l l i r is i r

9.2 Demolition

2 1 For d olition ti iti s t ontr tors s o ld s l t d olition ip nt i ini is s vibration and noise levels. A list of equipment with specifications and detailed methods of demolition s o ld in l d d in t ppli tion

2 2 s o plosi s is not p r itt d in t il rot tion on nd d olition r l s o ld not stored within the Railway Protection Zone or Zone of Influence.

2 i r tion s nsors s o ld inst ll d on il str t r s or i r tion onitorin s r o nd d in tion 10 o t s Ad isor ot s

10 Monitoring Requirements

10.1 General

10.1.1 A major factor in the control of construction activities involves confirmation of whether work activities r sin o nt to t istin il n r str t r itin ntil o nt n o s r d t r sponsi l n in r is s ll too l t to pr nt d nd t r is n d to observe small changes before they become significant.

10 1 2 t is o on pr ti ro nd t orld to onitor possi l o nts o t ro nd nd il tr t r s d rin onstr tion ti iti s nd rt n in t i init o t il n r str t r to li in t pot nti l d rs i p ts on t il n r str t r ns rin s nd nint rr pt d il op r tions is s tion o t Ad isor ot s pro id s n r l id n in rr in o t rio s onitorin ti iti s r ir d or t prot tion o t il n r str t r d rin i pl nt tion o t ppro d onstr tion or s nd stri t d A ti it

10 1 pi l onitorin instr nts id l s d r list d in t t l lo

Table 10-1 Typical Monitoring Instruments

Purpose	Instruments
ro nd t r onitorin	• Water standpipe • Piezometer
ro nd o nt	• Inclinometer (slope change) • Extensometer (change in length) • Settlement marker • Theodolite • Load cell
tr t r l nd r o nt	• Tiltmeter • Theodolite • Crack meter • Tape extensometer • Electronic leveller
i r tion	• Vibration sensor

10.1.4 Depending on the scale and nature of excavations, the Contractor may choose either mechanical or l troni instr nts ni l instr nts r s l or tions o s ort d r tion i do not r ir r nt r din s nd r din points El troni instr nts it r ot r din nd to ti l r t r s s o ld s d or t tions o r l ti l lon d r tions r irin or r nt r din s it n r din points

10 1 instr nts s o ld int in d in ord n it t n t r rs n ls nd s o ld pt ro oist r nd ot r ont in nts pro idin ppropri t prot tion o rs

10.1.6 The instruments to be installed at site should have valid calibration certificates and should be tested or inst ll tion A t r inst ll tion t ontr tor s o ld s r t t ll instr nts r properly protected with warning signs to prevent unauthorised access. Labels showing the name of the instrument, company, responsible engineer and a contact phone number should be fixed on instr nt

10.1.7 The location of each instrument and the size of any protection boxes should not interfere with any part of the Railway operations and should be specified in the 'Monitoring Plan' submitted with the ppli tion

10.1.8 The battery condition should be checked on a regular basis for battery powered instruments. The instr nts s o ld lso d on d il sis nd n l n tionin instr nts s o ld r pl d i di t l

10 1 t is r o nd d t t t r din s r t n t t s ti o t d t ro o t t onitorin p riod to ini is n possi l dis r p n i s in r din s i s d t p r t r di r n s t ro o t t d

10 1 10 All instr nts s o ld t p r t r orr tion t r s or llo or l l tion s d t p r t r orr tions

10.2 Monitoring of the Railway Infrastructure

10 2 1 ontr tor rr in o t or s sin dist r n s to t istin ro nd onditions s s n s o str ss or ro nd t r l l nd n r tion o i r tion it in t il rot tion on s o ld onitor n possi l o nts o t il n r str t r

10.2.2 The use of remote monitoring systems such as electro-levels (electronic leveller) and automatic otoris d t odolit s r stron l r o nd d sp i ll or t s rin o t nn l linin displ nts in ord r to oid r nt ss to t il n r str t r nd to ir ontin o s onitorin d t on ntion l n l onitorin t ods s d to pro id measurements during limited times of the day and under non-operational conditions.

10 2 l tion o instr nt t p s n rs nd inst ll tion lo tions s o ld nd rt n t ontr tor onsid rin t n t r si nd o pl it o t onstr tion or s n t to t il

10 2 i r tion n r t d rio s onstr tion ti iti s n s r d sin i r tion s nsor i s ll displ s nd n l s s t lin r lo it o t i r tions s nsors n r s nsin l nts p d tr nsd rs or s nsor s st or instr nt in orpor tin t r s s s tot lisin lo l or r ot displ nd d t r ordin r t propos d onstr tion activities are likely to generate intensive vibration for significant periods of time, the Contractor should pro id ll s nsor s st it tot lisin t r s in l din to ti d t r ordin

10 2 rti l lo it pp n r t d n onstr tion or s or ti iti s it in t il rot tion on s o ld li it d to 1 s or ontin o s i r tion nd 0 s or int r itt nt i r tion

10.2.6 For the operational Railway, the track distortion or twist can be measured using electro-levels or other on ntion l s r instr nts

10.3 Monitoring of Construction Activities

10 1 An ildin d lop nt or nd r ro nd inst ll tion or s r irin tion d t rin or rt o in ti iti s in t i init o t il n r str t r r ir o pr nsi onitorin pl ns to ns r t t t r is ini l i p t on t il n r str t r ontr tor s o ld ns r t t t propos d onitorin pl n onsid rs sit r t ris tion n l sis in l din but not limited to, soil investigation, hydro-geology studies, and groundwater flow.

10.3.2 Following the site specific study, the Contractor should propose the types, locations and number of onitorin instr nts to inst ll d

10 n n s r propos d to t inst ll tion lo tion or n r o instr nts in t ppro d pl n d to n p t d sit onditions t ontr tor s o ld in or t A n or in s n s

10 onitorin s o ld p r or d in ord n it t ppro d pl ns n n p t d or ssi o nts or ro nd io r r d t t d t ont tor s o ld stop t or s i di t l t ppropri t s r s nd r port to t A n

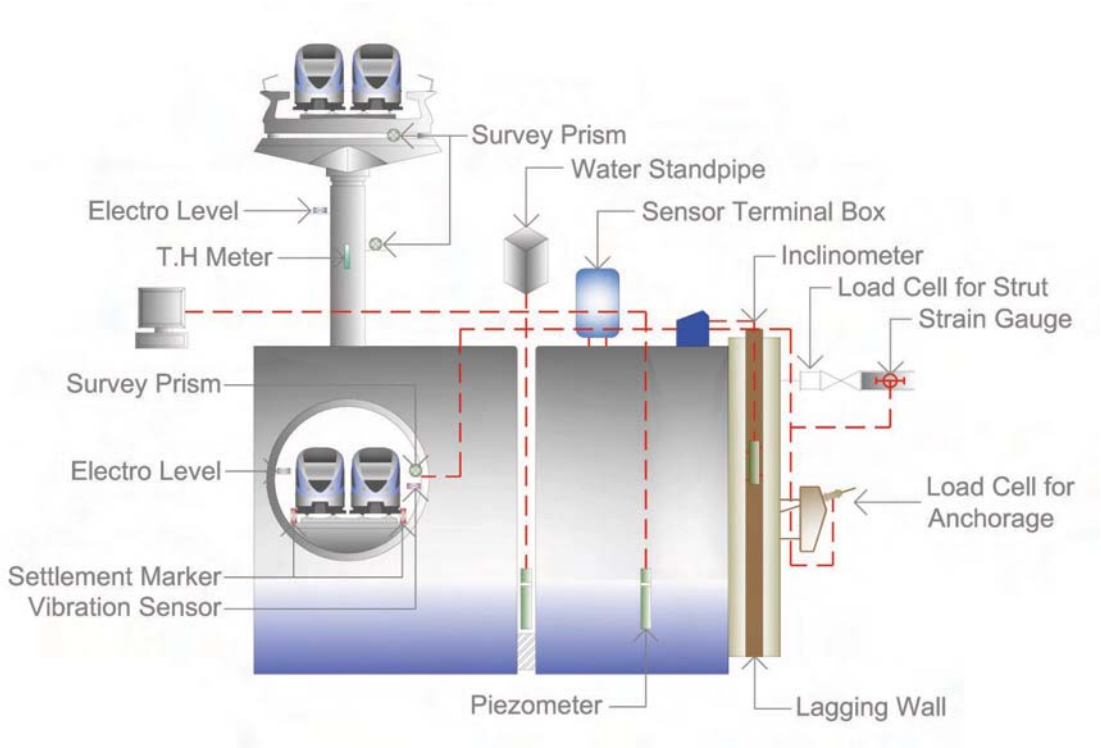


Figure 10-1 Typical Monitoring Scheme

10.3.5 An overall summary of monitoring location, purpose and instruments is outlined in table 10-2 below.

Table 10-2 Summary of Monitoring Locations, Instruments and Purposes

Location	Measurement	Instrument	Visual Observation	Purpose
t inin ll	E rt pr ss r Hydro-static pr ss r	r ss r ll t r pr ss r ll	ll ndin ll r ontin it t r l ro nd r	o p r t l s r nt inst d si n l s d nti r l tions ips t n s rro ndin t r l l por t r pr ss r nd t r pr ss r on lls
	ori ont l displ nt	Electro-level, ilt t r n lino t r		inst llo l d si n li it
	ll str ss	tr in		Find str ss distri tion nd o p r it str ss s d in rt pr ss r l l tions st ilit o p rin s r d str ss nd llo l d si n str ss
tr t ro nd n or	A i l or Displacement	Load cell, tr in	tr t onn tion Bolt fastening	rt pr ss r proportions on str t nd ro nd n or o p r it llo l d si n i l or or st ilit
E t d ro nd rro ndin ro nd	Displacement t di r nt tion l l or t r pr ss r ori ont l displ nt	i o t r n lino t r ins rtion t p E t nso t r	ro nd t r in r ss o d r id nin o ps t n str t r s	o nt o s rro ndin ro nds nd d or tion o t d ro nds s d str ss r li d nti r l tions ips t n displ nts o ro nd ind t ll r t inin ll nd lo r l l o t d ro nd o p r t l s r nts it llo l d si n li its or st ilit t o nt nd r n o s ttl nt o s rro ndin ro nd s d tion nd d t rin
il str t r s in t i init	rti l nd ori ont l displ nt rti lit	E t nso t r ilt t r Electro-level, n lino t r odolit	r s on str t r s	s ttl nts d or tion nd displ nt o str t r s in t i init o tion

11 Risk Assessment

11.1 General

11.1.1 The Risk Assessment Report to be included in NOC applications should be based on the ALARP risk analysis approach, as outlined in EN 50126 'Railway applications — The specification and demonstration of Reliability, Availability, Maintainability and Safety (RAMS) — Part 1: Basic r ir nts nd n ri pro ss r t pro ilit or r n o o rr n o n nt or nts l din to rd nd t ons n o t rd r sti t d to d t r in t ris l l

11.1.2 'ALARP' means 'as low as reasonably practicable', and involves weighing the risk against the trouble, time and money needed to control it. Thus, ALARP describes the level to which risks can be p t d to ontroll d

11 1 A rd is so t in n o t prop rt o s st n p no non or n ti it t t n s d rs ts

11.2 Measuring Hazards

11.2.1 The table below defines the frequency category for identified hazardous events.

Table 11-1 Frequency of occurrence of hazardous events

Category	Description
Fr nt	Likely to occur Frequently. The hazard will be continually experienced.
ro l	ill o r s r l ti s rd n p t d to o r o t n
sion l	Likely to occur several times. The hazard can be expected to occur s r l ti s
ot	Likely to occur sometime in the system life cycle. The hazard can r son l p t d to o r
pro l	nli l to o r t possi l t n ss d t t t rd ption ll o r
n r di l	E tr l nli l to o r t n ss d t t t rd not o r

11 2 2 s rit l ls nd t ons n s sso i t d it s rit l l n onsid r d s in the table below:

Table 11-2 Hazard Severity Level

Category	Description	Consequences to Service
t strop i	F t liti s nd or ltipl s r in ri s nd or or d to t n iron nt	
riti l	in l t lit nd or s r in r nd or significant damage to the environment.	Loss of a major system
r in l	Minor injury and/or significant threat to the n iron nt	r s st s d
Insignificant	ossi l inor in r	inor s st d

11 2 onsid rin ot t r n o o rr n inst t s rit o t possi l o t o sin t following ALARP matrix, provides an initial risk category, i.e 'intolerable', 'undesirable', 'tolerable or n li i l

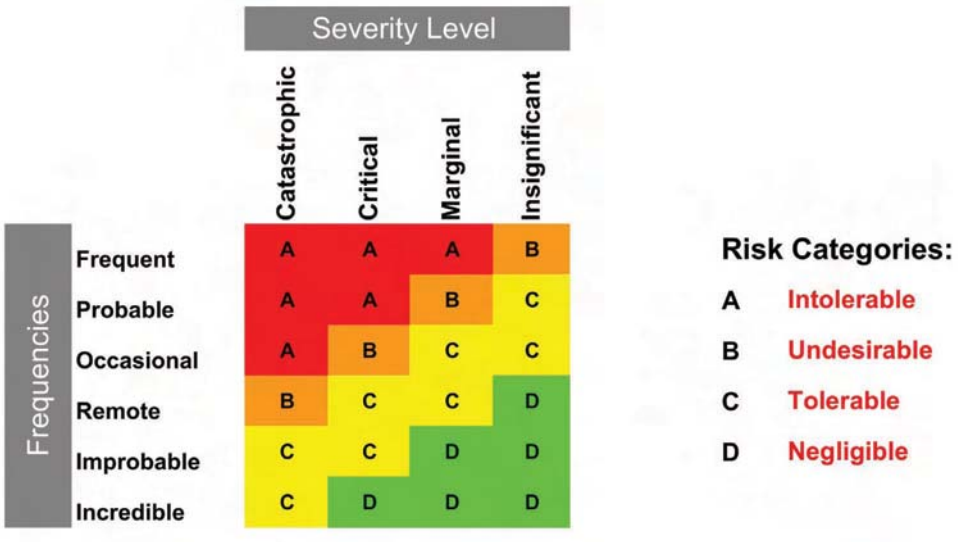


Figure 11-1 Risk Matrix

11.2.4 Where initial risks are identified as ‘intolerable, ‘undesirable’ and ‘tolerable’, control measures should be introduced to reduce the risk to a level that is as low as reasonably practicable (ALARP).

11 2 ntol r l ris s st li in t d

11.2.6 ‘Undesirable’ risks shall only be accepted when risk reduction is impracticable and with the r nt o t A n

11.2.7 ‘Tolerable’ risks are acceptable with adequate control measures and the agreement of the Agency.

11.2.8 ‘Negligible’ risks are acceptable with or without Agency agreement.

11.3 Process

11.3.1 Achieving ALARP involves four basic steps as shown below:

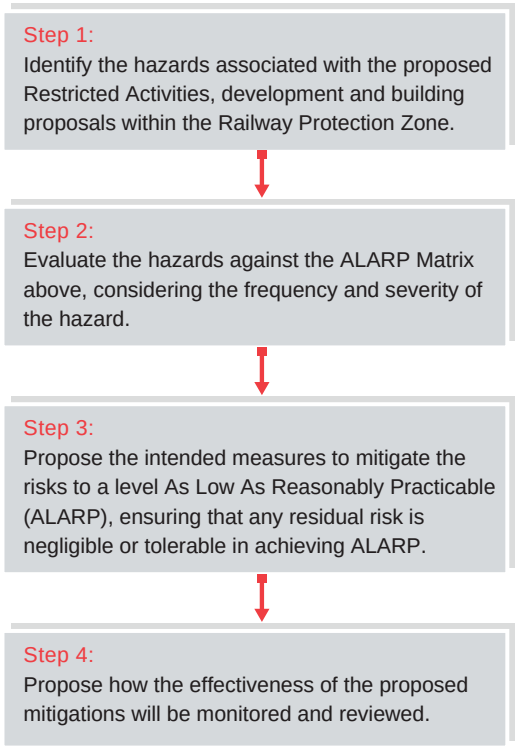


Figure 11-2 Steps to achieve ALARP

11.3.2 Throughout the ALARP process, the findings should be recorded in a formal Risk Register document.

11 A is ist r is li in do nt t t s o ld ontin o sl r i d nd pd t d t ro o t any project or activity life-cycle, to ensure that all accepted risks remain ALARP.

11 A s pl is ist r For is in l d d App ndi A to t s Ad isor ot s ll is Ass ss nt ports s o ld in l d o pl t d is ist r

Appendix A

Risk Register Form

Sample Risk Register Form

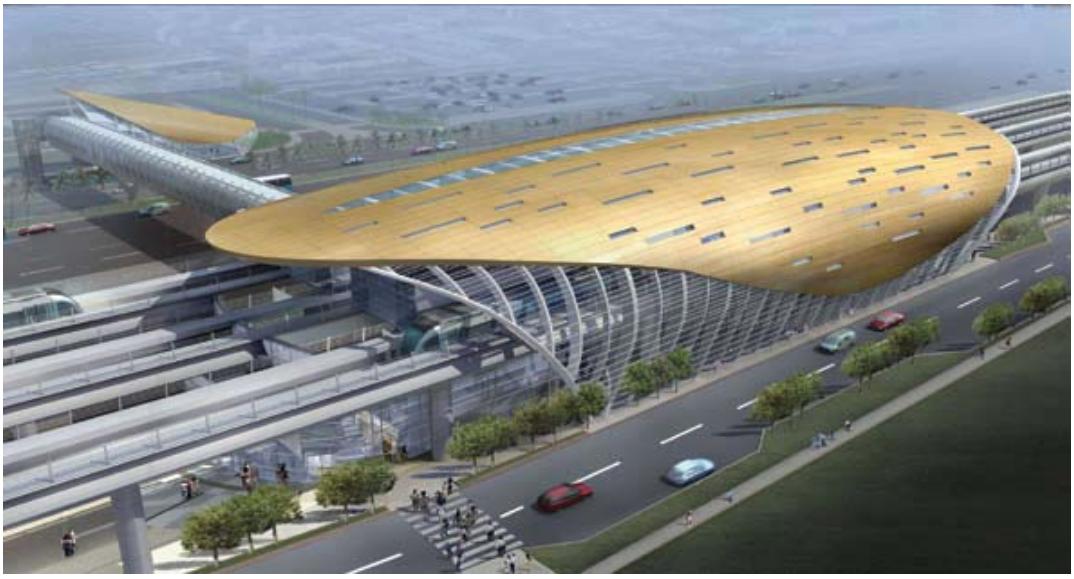
ROADS & TRANSPORT AUTHORITY
Together we build the future of Dubai
Facebook: (Roads and Transport Authority Dubai - Group)
Youtube: www.youtube.com/rtadubaigov
call center 800 90 90 | www.rta.ae
ask@rta.ae

GOVERNMENT OF DUBAI

هيئة الطرق والمواصلات
ROADS & TRANSPORT AUTHORITY

RTA

RAILWAY PROTECTION CODE OF PRACTICE FOR THE EMIRATE OF DUBAI



First Edition

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Contents

Preface

This document identifies the Railway Protection Zone and Restricted Activity within the Zone, for all Railways in the Emirate of Dubai. It defines procedures to be followed prior to carrying out Restricted Activity and other construction-related activities planned by any public or private entities in the vicinity of Railway Infrastructure.

It is part of the Roads and Transport Authority's (RTA) initiative to ensure safe and reliable rail operation in Dubai. With the opening of Railway lines in Dubai, Railways will become the major mass transportation mode in Dubai, forming an integral part of the public transport system and attracting a significant number of passengers.

In order to ensure that the safe operation of the Railway system is maintained, it is necessary to regulate by law in order to protect the Railway operations, staff and the travelling public.

The Code of Practice will assist in achieving the RTA's vision of safe and smooth transport for all.

Mr. Adnan Alhammadi

Chief Executive Officer
Rail Agency
Roads and Transport Authority, Dubai
United Arab Emirates

1 Introduction

1.1 General

1.1.1 This Railway Protection Code of Practice is issued by the Agency to set out procedures, conditions and other requirements to comply with Administrative Decision No. 68/2010 with regard to the issuing, implementation and regulation of Order No. 5/2009 Governing Railway Regulation in the Emirate of Dubai.

1.1.2 The Agency at all times takes a risk-based approach to carrying out its duties and co-operates with the Safety Regulation Authority in the spirit of developing and maintaining a safe and efficient Railway system in the Emirate.

1.1.3 This Railway Protection Code of Practice provides mandatory requirements for any external party who intends to carry out Restricted Activity and other construction-related activities in the vicinity of Railway lines or facilities.

1.1.4 The Railway Protection Code of Practice identifies the Railway Protection Zone for all Railways in the Emirate of Dubai, which shall be controlled and must not be misused at any time, in order to ensure uninterrupted safe Railway operations and protection of Railway Infrastructure and people.

1.2 Scope

1.2.1 This Railway Protection Code of Practice is applicable to all Railways (under planning, under construction or in the operation and maintenance phases) in the Emirate of Dubai.

1.2.2 This Code defines:

(a) the mandatory procedures, conditions and other requirements that must be complied with in relation to the protection of Railways, Railway Infrastructure and Railway Vehicles;

(b) Railway Protection Zone; and

(c) Restricted Activity.

1.2.3 This Code outlines the submission procedures and requirements that must be followed in order to obtain No Objection Certificates (NOC's) for conducting Restricted Activity and/or for development, building and construction proposals in any Railway Protection Zone.

1.3 Definitions

Accident	The unexpected and undesirable occurrence directly associated with railway operations, its railway infrastructure, which result or may result in human casualties or damage to property
Agency	Rail Agency
Authority	Roads and Transport Authority
Authority Railway Standards	The planning, engineering and technical rules, requirements and standards issued by the Agency as may be amended by the Agency from time to time.
By-laws	Administrative Decision No. 68/2010 regarding Issuing, Implementation and Regulation of Order No. 5/2009 Governing Railway Regulation in the Emirate of Dubai
Critical Zone	A zone within the Railway Protection Zone, which requires more stringent control measures than the remainder of the Railway Protection Zone
Emirate	Emirate of Dubai
Incident	An occurrence which affects or could affect the safety of people or the Railway Infrastructure
Inspector	The RTA staff authorized to verify the safety of Railway Infrastructure and Railway vehicle operation, carry out technical investigation of accidents, check the acts that are in contravention of the provisions of this Regulation, and to recommend necessary and urgent actions to address any action or development, or matter that may affect or pose a threat to the safety of the use of railways
NOC	A No Objection Certificate issued in accordance with the policies and procedures of the Authority
Operations	The operation, movement or cause of movement of Railway vehicles designed for transportation or for carrying out maintenance, modification works and development of infrastructure or Railway vehicles
Operator	The authorized party for the operation or maintenance of the Railway Infrastructure or Railway vehicles, or both for the purposes of public transportation
Owner	Any public or private company or authority that owns the infrastructure of the Railway or Railway vehicles, or both for the purposes of public transportation
Permit	A formal written approval granted by the Agency in respect of a proposal for works relating to Railways in the Emirate
Person	Natural person, public or private corporate body

Railway Infrastructure	All establishments, facilities, systems and software necessary to operate Railways and to enable them to work safely, including but not limited to, Railway tracks and associated track structures, service roads, signalling systems, communications systems, rail controlling systems, notices and signs, the electric power supply, electric traction systems, the associated buildings, stations, warehouses, machinery, equipment, structures, corridors, pass ways, tunnels, bridges, sidewalks, barriers (iron gates), associated works, the work of sanitation, and any construction or rail-related work
Rail Regulation	Regulation No. 5 of 2009 on the Regulation of Railways in the Emirate of Dubai
Railway	Railway transportation systems designed to transport passengers and goods, guided by specific tracks, designed for the movement of the rails either a single or dual track system or any other direction system, including heavy and light rail, monorail services, tramways or Railways for maintenance or freight terminals
Railway Protection Advisory Notes	The document issued by the Agency (as amended from time to time) to provide guidance on complying with the Railway Protection Code of Practice
Railway Protection Zone	The Railway Infrastructure sites and the surrounding areas designated as such by the Agency in this Railway Protection Code of Practice
Railway Vehicle	Any vehicle that uses the infrastructure of the Railway, including locomotives, engines, trains, trams, light inspection vehicles, self-propelled maintenance vehicles, freight wagons or monorail vehicles
Restricted Activity	Any activity considered by the Agency to (or to have potential to) jeopardise or otherwise adversely affect any Railway, Railway Infrastructure and / or Railway Vehicles and / or to pose a threat of risk or interference in any way with any Railway, Railway Infrastructure and / or Railway Vehicles as further described in the By-laws and / or in this Railway Protection Code of Practice
Safety	Free from unacceptable risks of loss or damage
Safety Regulation Authority	Planning and Safety Regulation Department which the RTA established under the Rail Regulation to ensure the safety of all Railways, Railway Infrastructure and Railway Vehicles in the Emirate (as further set out in the Rail Regulation)
Structure Gauge	The boundary enclosing the clearances required outside the swept envelope to enable the Railway to be operated in safety. The structure gauge includes provision for staff safety, where staff are permitted on the Railway while trains are running
Zone of Influence	The Zone of Influence of a Railway structure below ground is the area over which applied external loads are likely to affect the Railway structure

1.4 Associated Documents

1.4.1 The associated documents include:

(a) Regulation No. 5 for the year 2009 on the Regulation of Railways in the Emirate of Dubai;

(b) Administrative Decision No. 68/2010 (hereinafter referred to as the By-laws);

(c) Railway Protection Advisory Notes; and

(d) Authority Railway Standards.

2 Railway Protection Zone

2.1 General

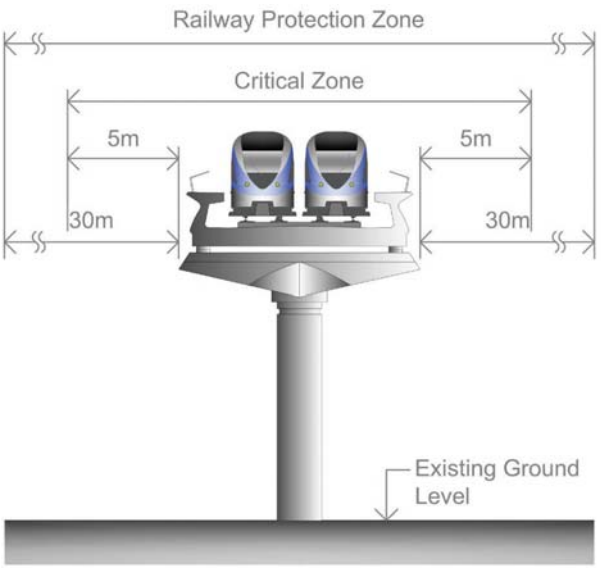
2.1.1 In principle, the Railway Protection Zone shall be kept clear of any disturbances or activities in order to ensure the safe operation of the Railway and protection of the Railway Infrastructure. All associated risks and mitigation measures for any potential disturbances to the Railway arising from Restricted Activity within the Railway Protection Zone shall be identified before carrying out such activities. The Railway Protection Zone is defined in the following sections for each type of Railway alignment.

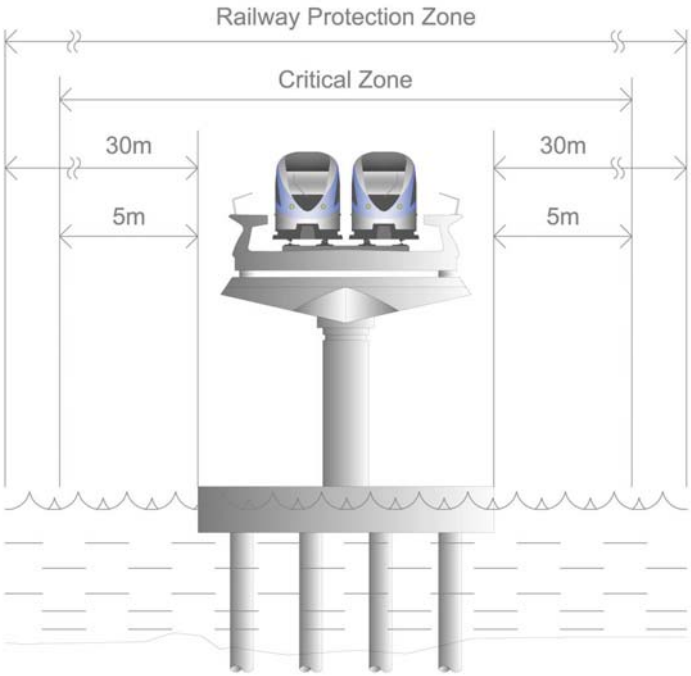
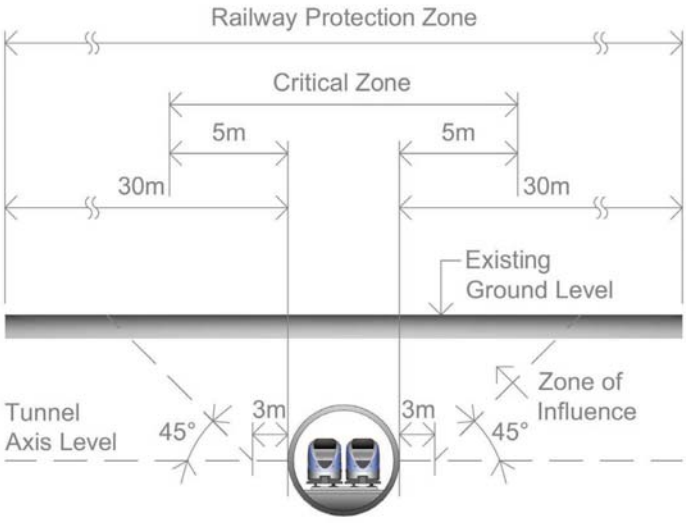
2.2 Railway Protection Zones

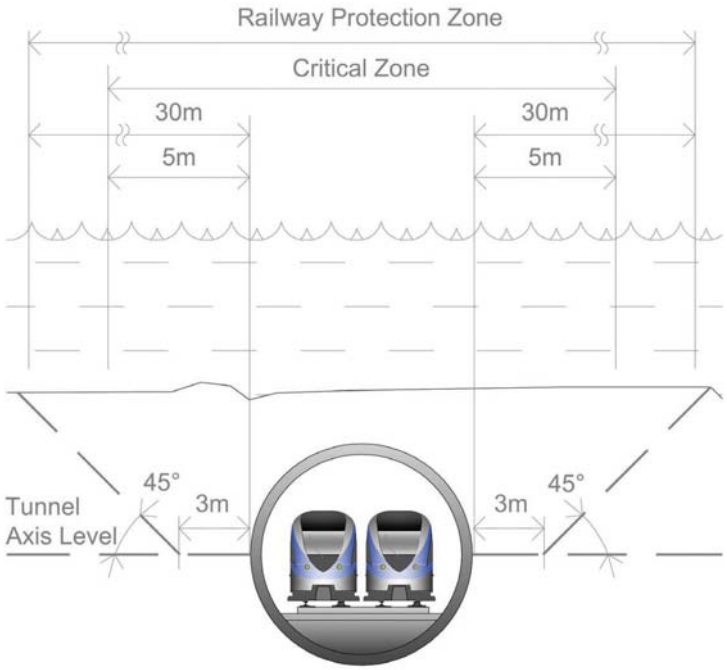
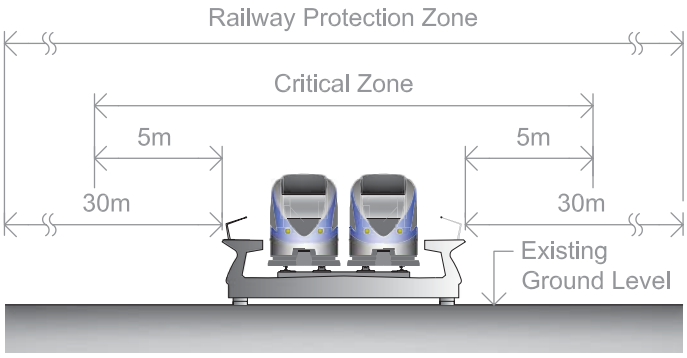
2.2.1 The Railway Protection Zone generally contains a Critical Zone, which normally requires more stringent control measures than the remainder of the Railway Protection Zone.

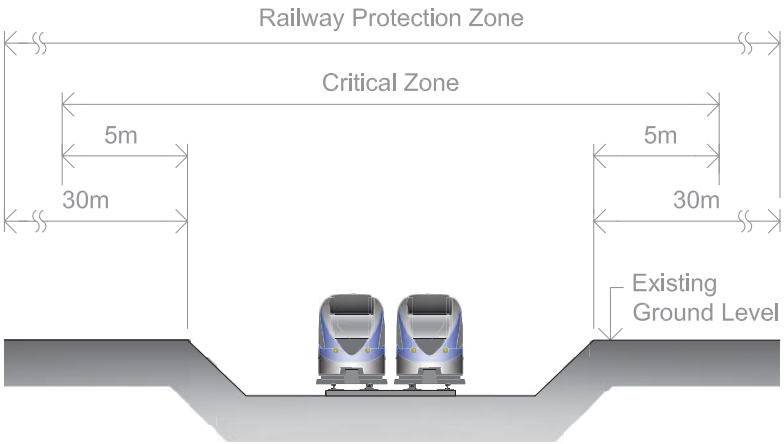
2.2.2 The Railway Protection Zone is shown in Table 2-1 below:

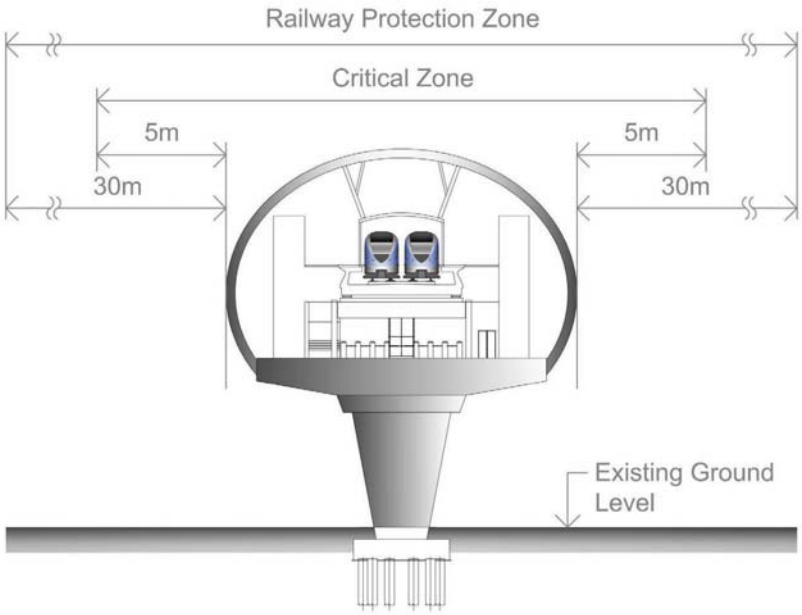
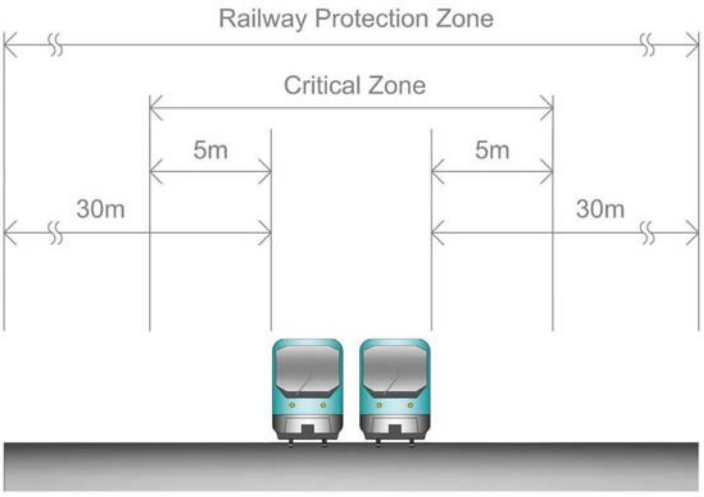
Table 2-1 Summary Railway Protection Zone

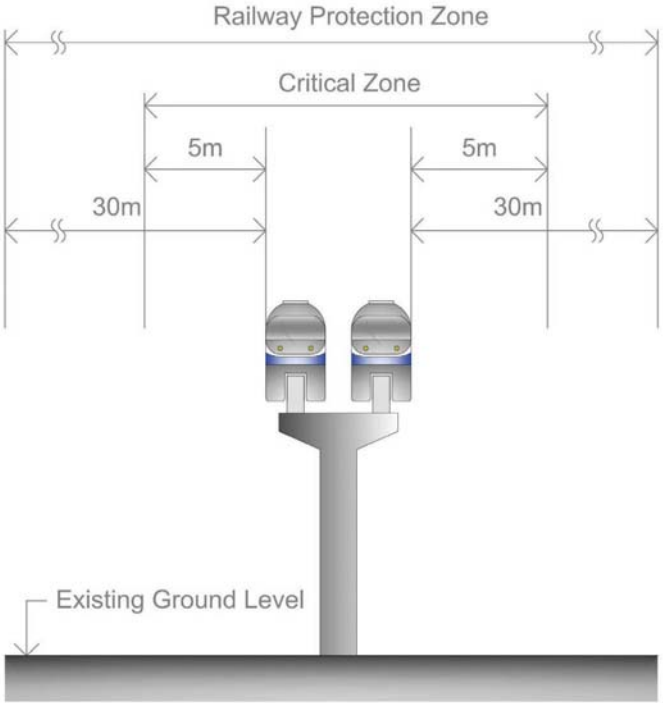
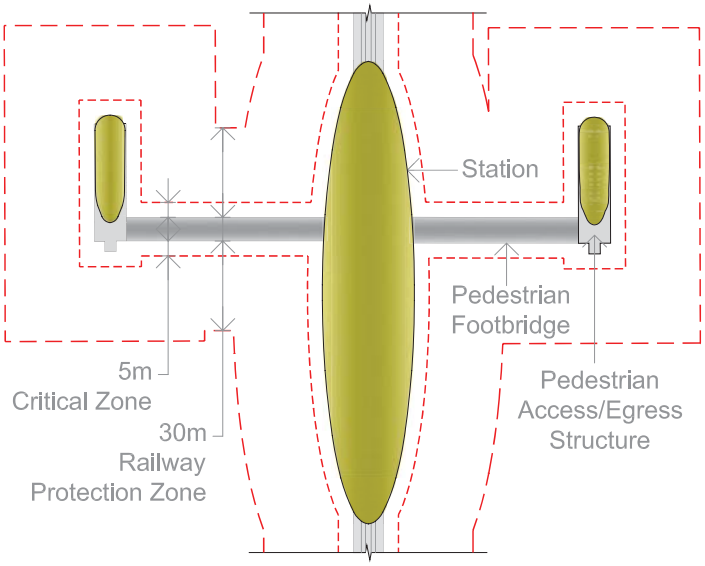
Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-1	Viaduct (Type A)	 Zone-1A applies to Railway viaduct sections (Railway guide-way located on elevated structures) above ground level. The Railway Protection Zone is defined as 30m measured from the outermost edge of any structural element of the viaduct.

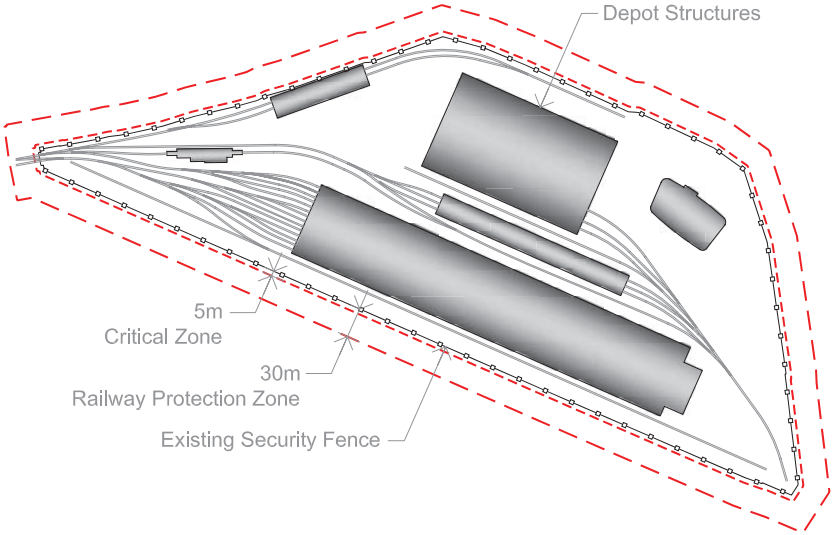
Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-1	Viaduct (Type B)	 Zone-1B applies to Railway viaduct sections (Railway guide-way located on elevated structures) above water level. The Railway Protection Zone is defined as 30m measured from the outermost edge of any structural element of the viaduct.
Railway Protection Zone-2	Tunnel (Type A)	 Zone-2A applies to Railway tunnel sections (Railway guide-way located inside tunnel) below ground level. The Railway Protection Zone is defined as the greater of the boundary formed by the Zone of Influence or 30m measured from the outermost edge of external tunnel construction.

Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-2	Tunnel (Type B)	 Zone-2B applies to Railway tunnel sections (Railway guide-way located inside tunnel) directly under a canal or sea bed. The Railway Protection Zone is defined as the greater of the boundary formed by the Zone of Influence or 30m measured from the outermost edge of external tunnel construction.
Railway Protection Zone-3	At-Grade (Type A)	 Zone-3A applies to at-grade Railway sections. The Railway Protection Zone is defined as the surrounding area of 30m measured from the outermost edge of any structural element of the guide-way.

Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-3	At-Grade (Type B)	 Zone-3B applies to Railway sections with engineered embankments. The Railway Protection Zone is defined as 30m measured from the outermost edge of the embankment section.
Railway Protection Zone-3	At-Grade (Type C)	 Zone-3C applies to Railway sections with engineered cut sections. The Railway Protection Zone is defined as 30m measured from the outermost edge of the cut section.

Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-4	Stations (Type A)	 Zone-4A applies to stations. The Railway Protection Zone is defined as 30m measured from the outermost edge of the station finishing.
Railway Protection Zone-5	Street running Tramway (Type A)	 Zone-5A applies to street running tramways. The Railway Protection Zone is defined as 30m measured from the Structure Gauge, which is the boundary enclosing the clearances required outside the Structure Gauge to enable the Railway to be operated in safety.

Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-6	Monorail (Type A)	 Zone-6A applies to elevated monorail guide-ways. The Railway Protection Zone is defined as 30m measured from the Structure Gauge, which is the boundary enclosing the clearances required outside the Structure Gauge to enable the Railway to be operated in safety.
Railway Protection Zone-7	Other Railway Infra-structure (Type A)	 Zone-7A applies to other Railway Infrastructure. The Railway Protection Zone is defined as 30m measured from the outermost edge of the finishing.

Zone No.	Alignment Sections	Railway Protection Zone
Railway Protection Zone-7	Depot (Type B)	 Zone-7B applies to Railway depots. The Railway Protection Zone is defined as 30m measured from the security or perimeter fence around the depot.

3 Restricted Activity

3.1 General

3.1.1 Restricted Activity means any activity considered by the Agency to (or to have potential to) jeopardise or otherwise adversely affect any Railway, Railway Infrastructure and / or Railway Vehicles and / or to pose a threat of risk or interference in any way in each case with any Railway, Railway Infrastructure and/or Railway Vehicles.

Table 3-1 List of Restricted Activity

Zone No.	Restricted Activity
RA1	Storage of goods
RA2	Movement or operation of cranes, hoists and other lifting equipment
RA3	Installation of boreholes and wells
RA4	Dredging of sea-beds and canal-beds
RA5	Construction of underground passageways
RA6	Excavation of trenches and earth movement
RA7	Demolition
RA8	Use of explosives and fireworks and the lighting of fires
RA9	Erection of scaffolding and other temporary structures
RA10	Installation or replacement of conduits for any utilities
RA11	Other activities to be controlled

3.2 Description of Restricted Activity

3.2.1 RA1 - Storage of goods

3.2.1.1 The storing or placing, or causing or allowing the storage or placement of, any goods, material or item or any solid, liquid or gaseous matter or substance.

3.2.2 RA2 - Movement or operation of cranes, hoists and other lifting equipment

3.2.2.1 The movement or operation of any crane, whether fixed machinery or mobile, hoist, ladder, drilling or piling equipment, excavator or any other mechanical equipment or vehicle.

3.2.3 RA3 - Installation of boreholes and wells

3.2.3.1 The installation of boreholes, wells, piles, ground anchors and horizontal tie-backs.

3.2.4 RA4 - Dredging of sea-beds and canal-beds

3.2.4.1 The dredging of sea beds or river beds by any means and the anchoring of vessels.

3.2.5 RA5 - Construction of underground passageways

3.2.5.1 The construction of an underground passageway designed for use as a street or railway; to serve as a passageway, conduit for utilities, or to provide access for people, vehicles or equipment to an underground work site.

3.2.6 RA6 - Excavation of trenches and earth movement

3.2.6.1 The digging or excavation of trenches or pits, the carrying out of earthworks and backfilling, or the shifting or pushing of earth or soil from one area to another, whether or not such activities are carried out manually or by mechanical means.

3.2.7 RA7 - Demolition

3.2.7.1 The tearing-down of buildings and other structures manually or using hydraulic equipment, a wrecking ball, or a blasting method.

3.2.8 RA8 - Use of explosives and fireworks and the lighting of fires

3.2.8.1 The use of explosive material, fireworks and lighting of fires for any purpose, including blasting, demolition, removal of rocks, or construction.

3.2.9 RA9 - Erection of scaffolding and other temporary structures

3.2.9.1 The erection of sheds, shelters, tents, scaffolding, temporary maintenance towers, ladders, hoardings and other similar temporary structures for any purpose, including trade fairs, fun fairs, exhibitions, entertainment and commercial markets.

3.2.10 RA10 - Installation or replacement of of conduits for any utilities

3.2.10.1 The installation or replacement of conduits for any telecommunication, electrical and mechanical utilities, including power transmission lines and associated structures.

3.2.11 RA11 – Other activities to be controlled

3.2.11.1 Further Restricted Activity may be added in future revisions of the Railway Protection Advisory Notes.

4 No Objection Certificate Requirements

4.1 General

4.1.1 Any party (hereafter called 'the applicant') intending to carry out Restricted Activity within any Railway Protection Zone shall apply to obtain a No Objection Certificate (NOC) from the Agency prior to commencing any such Restricted Activities. Additionally, any party intending to develop, design and / or construct buildings or other infrastructure for any purpose within any part of the Railway Protection Zone shall apply to obtain an NOC from the Agency prior to commencing such works (for the avoidance of doubt, 'other infrastructure' here does not include Railway Infrastructure which requires a separate permit and is not within the scope of this document).

4.1.2 An NOC may include requirements and / or conditions, which may differ depending on the status of the affected Railway, whether it is planned, under construction or operational.

4.1.3 The Agency shall coordinate and liaise with the Operator of the relevant Railway likely to be affected by the Restricted Activity, prior to the issue of any NOC under the By-Laws. Where Restricted Activity is proposed within the defined Railway Protection Zone of an operational Railway, one condition of the NOC will be that the applicant will be required to comply with the Operator's specific requirements and any relevant Permit to Work systems.

4.1.4 It is the applicants' responsibility to obtain any other NOC's which may be required from authorities and utility companies other than the Agency.

4.1.5 Each NOC application will need to have different types of supporting documents, showing the details of the particular Restricted Activity, development, design, construction works or activities.

4.1.6 All design drawings, specifications and reports for NOC applications shall be prepared and endorsed by a Dubai Municipality registered engineering office.

4.1.7 All survey works for NOC applications shall be performed and endorsed by a Dubai Municipality registered survey office.

4.2 Application and Approval Process

4.2.1 The following steps are involved in the NOC application and approval process:

- Applicants may register to use the RTA e-NOC system;
- Following registration, applicants submit an application via the RTA website e-NOC portal or Customer Service Centre;
- The Agency's Rail Right of Way Office will receive the NOC application and assess its potential impact upon any Railways (including all Railways that are planned, under construction or operational);
- The Rail Right of Way Office may request further information or meetings as part of the evaluation process;
- The Rail Right of Way Office will either issue the NOC or issue an objection; and
- Applicants may revise and resubmit NOC application via the RTA Customer Service Centre or e-NOC portal if an objection is given to the original application.

4.3 NOC Application Details

4.3.1 All applicants applying for NOC's to carry out Restricted Activity, design and construction works for development and buildings within any Railway Protection Zone shall submit the required supporting documents as listed herein.

4.3.2 Documents listed in the following tables shall be included in NOC applications.

Table 4-1 Supporting Documents for Preliminary Design NOC Application

- Preliminary Design drawings showing interfaces with the Railway Infrastructure;
- Site photographs clearly showing the Zone between the proposed work and the Railway Infrastructure;
- Survey plans;
- Design reports (geotechnical, structural reports).

Table 4-2 Supporting Documents for Detail Design NOC Applications

- Risk Assessment Report;
- Detail design drawings showing interfaces with the Railway Infrastructure;
- Site photographs clearly showing the Zone between the planned work and Railway Infrastructure;
- Survey plans;
- Design reports (geotechnical, structural reports)

Table 4-3 Supporting Documents for Construction Works NOC Applications

- Risk Assessment Report;
- Detail design drawings showing interfaces with the Railway Infrastructure;
- Site photographs clearly showing the Zone between the planned work and the Railway Infrastructure;
- Survey Plans;
- Drawings for temporary facilities (earthwork, retaining wall system, etc.);
- Design reports (geotechnical, structural reports);
- Monitoring plan;
- Method statement;
- Traffic control plan;
- Drainage control plan;
- Emergency plan;
- Insurance policy.

Table 4-4 Summary of Required Documents for Design and Construction Works NOC Application

Documents	Prelim. Design	Detail Design	Construction
Risk Assessment Report		X	X
Preliminary Design Drawings	X		
Detail Design Drawings		X	X
Design Reports	X	X	X
Site Photographs	X	X	X
Survey Plans	X	X	X
Monitoring Plans			X
Method Statement			X
Traffic Control Plan			X
Drainage Control Plan			X
Emergency Plan			X
Insurance Policy			X

Table 4-5 Summary of Required Documents for Restricted Activity NOC Application

Documents	Restricted Activity									
	RA1	RA2	RA3	RA4	RA5	RA6	RA7	RA8	RA9	RA10
Risk Assessment Report	X	X	X	X	X	X	X	X	X	X**
Preliminary Design Drawings			X							
Detail Design Drawings				X	X	X			X*	X
Design Reports			X	X	X	X			X*	
Site Photographs	X	X	X	X	X	X	X	X	X	X
Survey Plans			X	X	X	X	X		X*	X
Monitoring Plans					X	X	X	X		X**
Method Statement	X	X	X	X	X	X	X	X	X*	X
Traffic Control Plan		X	X	X	X	X	X		X	
Drainage Control Plan					X	X				
Emergency Plan	X	X	X	X	X	X	X	X	X	X
Insurance Policy				X	X	X	X	X		

* Erection of simple scaffolding not higher than 2m or tent area not larger than 25 square metres do not need to include these documents.

** Activities relating to generation of electromagnetic fields or stray current, which may have impacts on railway systems should include appropriate monitoring plans and associated potential risks and mitigation measures.

Note: The required documents for RA11 "Other Activities to be Controlled" are intentionally excluded from the table, as these activities will be dealt with on a case by case basis.

Table 4-6 Descriptions of Supporting Documents

Risk Assessment Report prepared and endorsed by the responsible engineers and planners, this needs to clearly show how the proposed works may impact the Railway Operations and Railway Infrastructure during its pre-construction, construction and post-construction stages. A risk analysis approach shall be used to assess the degree of impact on the Railway Infrastructure in cases where proposed methodology and equipments fail. All potential risks arising from the proposed works that may impact the Railway Infrastructure whether it is under construction, operation or planning, shall require appropriate mitigation measures for each identified risk. The Report shall also explain the purpose and usage of the developments, buildings, infrastructure, construction or Restricted Activity. The risk assessment should demonstrate that they have carried out an appropriate assessment of the risks to the planned or operational Railway and associated infrastructure and systems, as a result of the intended works or activities, and that these risks have been mitigated to ensure ALARP is achieved. ALARP means that risks have been controlled to a tolerable level, and are 'As Low As Reasonably Practicable'.

Preliminary / Detail Design Drawings prepared and endorsed by the responsible engineers and planners showing the applicants' project plan. The plans shall be drawn to a legible scale. The Agency may request plans or drawings in a specific scale depending on the nature of the works proposed. The plans shall clearly show the location indicating the Railway Protection Zone, Critical Zone of the existing or planned Railways and how the planned works interfere with those zones. Sufficient section plans shall also be provided showing elevations and clearance distances between the planned works and the Railway Protection boundary lines.

Site Photographs showing concerned project areas in relation to the Railway Protection Zone. The photographs should be anotated with simple arrows, callouts or explanatory notes.

Design Reports prepared and endorsed by the responsible engineers shall justify that the geotechnical, structural, E&M (if applicable) designs have been performed in accordance with local and other applicable international standards. The report shall include a section showing engineering justification on safety and integrity of the existing or planned railway lines.

Survey Plans prepared and endorsed by a responsible surveyor shall be submitted. The survey plans, as minimum shall show boundary lines of planned works, existing structures, coordinates, chainages, and boundary lines of Railway Protection Zone and Critical Zone.

Monitoring Plan shall explain in detail how the ground movements, ground water, railway structures and tracks will be monitored during construction. The monitoring plan shall have a full list of monitoring devices and instruments to be used with their location, purpose, frequency and method of monitoring. The Agency has the right to impose any additional requirements deemed necessary to protect the Railway Infrastructure at the applicant's cost. Applicants shall comply with the general monitoring requirements outlined in Section 5.3.

Method Statement shall explain how the construction work will be executed showing full details of construction programme, sequence, methods and man-power. The statement shall also include a full list of equipment and machinery to be used during construction.

Traffic Control Plan shall explain temporary traffic diversions during the construction ensuring the safety of Railway users. The applicants shall provide schematic drawings showing the road diversion plans, list of signage and schedule.

Drainage Control Plan is required to protect the Railway Infrastructure from excessive stormwater runoff caused by the construction works. The applicants shall carry out studies on how much stormwater runoff is expected to be generated based on current rainfall data and explain how the stormwater runoff will be controlled.

Emergency Plan shall be prepared focusing on any potential incidents which may relate to the Railway Infrastructure. The emergency plan should be based on the incidents identified in the risk based Risk Assessment Report and how the incidents will be managed shall be clearly outlined in the document.

Insurance Policy including third party property damage insurance and other insurance policies required by the government.

4.4 Site Inspection before NOC

4.4.1 The Agency may require a site inspection as part of the NOC approval process, before making a decision on an NOC application.

4.4.2 This inspection is a site verification process to ensure that the NOC application is not different from the actual site conditions. Depending on the conditions at site with respect to the Railway Infrastructure, the Agency may request for specific provisions, as deemed necessary, to protect the Railway Infrastructure and operations.

4.4.3 Costs associated with the specific provisions requested by the Agency shall be borne by the applicant.

4.5 Agency Review

4.5.1 If the application is rejected for any reason of non-compliance, it may be revised and resubmitted in accordance with comments provided by the Agency.

4.5.2 Should the application be accepted, the Agency will review the application based on the general requirements stipulated in this Code of Practice and other applicable design criteria and operational requirements, if required.

4.5.3 After full review of the application, the Agency will notify the applicant of the result. The application may be approved with conditions imposing the Operators' specific requirements, allowing the applicant to proceed.

4.5.4 The applicant should allow for the overall approval process to take not more than 30 calendar days from the date of application. However exceptional cases may take more than 30 calendar days.

4.5.5 The applicant should note that in the event of any conflict between the program of works related to the approved NOC and any works carried out by the Agency, the Agency's program of works shall have priority at all times, unless otherwise granted by the Agency.

4.5.6 Any potential interface issues including work program shall be discussed with the Agency or the Agency's contractor in advance and the applicant's work program should allow for such interfaces so that the works carried out by the Agency are not delayed.

4.6 Deviation from Approved Plan

4.6.1 Should an applicant intend to change or deviate from the conditions of any NOC which has been issued, then the applicant shall immediately notify the Agency in writing with details of the changes in activities and the Agency will decide if a new NOC application is required.

4.6.2 Applicants are not permitted carry out any works, which deviate from the approved plan until such works have been approved by the Agency.

4.7 Violations and Fines

4.7.1 The Agency, through its Rail Right of Way Office has the authority to stop any work not authorised under the NOC process. The Agency may impose fines in accordance with the applicable Regulations and By-laws.

5 Works in Railway Protection Zone

5.1 General

5.1.1 This Section provides requirements relating to technical issues and precautionary measures, to be taken by applicants during the implementation of approved works.

5.1.2 The applicants shall be responsible for complying with all safety legislation published by other Government authorities in the Emirate of Dubai.

5.1.3 In case of any discrepancies in criteria or standards between this Code of Practice and other Government requirements, the most conservative criteria shall be adopted.

5.2 Construction Works and Restricted Activity

5.2.1 The term 'Construction Works' refers to physical construction of new buildings, modification or extension of existing buildings, roads, railways, utility works, marine works, landscaping and all other associated civil and structural related works.

5.2.2 The construction works may include more than one Restricted Activity as listed in Table 3-1 above. Recommended control measures are provided in the Railway Protection Advisory Notes for the Restricted Activity, which should be followed as minimum. The applicants may propose other precautionary measures which are at least as robust as the recommended measures.

5.3 Monitoring Requirements

5.3.1 Applicants shall provide plans and details of how they will monitor potential changes to the ground conditions and Railway tracks, which may result from the proposed activities.

5.3.2 Competent geotechnical and structural engineers shall review the potential impacts on the Railway Infrastructure in the vicinity of the proposed activities. Based on the nature and scale of the proposed activities, the geotechnical and structural engineers shall develop a monitoring plan indicating the proposed monitoring instruments, locations and frequencies together with alert and action levels and method and frequency of reporting.

5.3.3 The Agency shall have the right to instruct changes to the proposed monitoring plan or any additional requirements deemed necessary to protect the Railway Infrastructure. Costs associated with the specific provisions requested by the Agency shall be borne by the applicant.

5.3.4 All monitoring instruments to be used shall have valid calibration certificates from recognised bodies. The calibration frequency of the instruments shall comply with the manufacturers' recommendations.

5.3.5 Appropriate monitoring instruments shall be used where applicable. Table 5-1 below illustrates typical monitoring instruments.

Table 5-1 Typical Monitoring Instruments

Purpose	Instruments
Ground water monitoring	• Water standpipe • Piezometer
Ground movement	• Inclinometer (slope change) • Extensometer (change in length) • Settlement marker • Theodolite
Structural and Track Movement	• Tiltmeter • Theodolite • Vibration sensor • Crack meter • Tape extensometer • Electronic leveller

5.3.6 If any monitoring results show signs of exceeding the allowable limits, the applicants must stop their works and provide immediate rectification measures to prevent any damage to the Railway Infrastructure.

5.3.7 Computer generated outputs or manual records of monitoring data shall be analysed and endorsed by the responsible engineer. The conclusions drawn from the data shall be included in the periodic reports.

5.3.8 All installed monitoring instruments shall not be removed until the Agency gives approval to do so, even after substantial stabilisation of the ground or structures have been observed.

5.4 Reporting

5.4.1 Any changes to the approved plans or applications under review shall be notified to the Rail Right of Way Office of the Agency before implementation.

5.4.2 Depending on the nature of the construction and engineering works planned, the Agency may request for periodic reports on a regular basis. Usually, periodic reports will be requested for works that require continuous monitoring activities on Railway Infrastructure or ground movement monitoring. The applicants shall ensure that all excessive movements (earth settlement) are detected and recorded and proper actions put in place. A periodic report shall typically include monitoring data and analysis, safety records, results of any corrective action request issued by the Agency, safety certificates and operators' names and qualifications for heavy equipment and machines.

5.4.3 All applicants shall submit their completion reports within seven working days from the completion date. The report shall include clear photographs showing the comparison of the site areas marked 'Before' and 'After'. All site areas within the Railway Protection Zone shall be reinstated to their original status or completed according to the approved plan. Any damage or defects to the Railway Infrastructure caused by the applicants shall be rectified at their own cost and clear photographs shall be shown in the report as evidence of rectification work carried out.

5.4.4 The Agency may conduct a completion inspection to confirm the status of completion and general condition of the Railway Infrastructure. The completion report shall also include a summary of the monitoring data and analysis if applicable. Instrumentation shall not be removed until the stability of the structures or ground has been confirmed.

5.5 Site Inspections by the Agency

5.5.1 The Agency, or any other party designated by the Agency, has the right to access the site for inspections at any time during the execution of approved activities within the Railway Protection Zone. The inspections will be focused on any deviations from the approved works. Any deviations from the approved works may be subject to an immediate Stop Work Order and possible penalties.

5.5.2 A final completion inspection may be conducted by the Agency or any other party designated by the Agency. The final inspection will identify defects or damage to the Railway Infrastructure caused by the works as well as the overall condition of the Railway Infrastructure.

5.6 Incident / Accident Management

5.6.1 The Agency and the Operator shall be notified immediately should any incidents or accidents take place which affects or could affect the safety of people or the Railway Infrastructure.

5.6.2 All works must be stopped and the Agency and the Operator shall be notified immediately, when any railway safety concerns are observed.

5.6.3 It is the applicant's responsibility to report to the relevant Government authorities and agencies any incidents or accidents resulting in personal injuries, death or damage to properties, which do not belong to the Agency.

5.6.4 The applicants shall submit a formal incident report within five working days from the date of an incident or an accident, summarising the nature of the incident, cause, its effect and the recovery measures taken.

6 Enquiries

All technical enquiries or comments on this Railway Protection Code of Practice should be sent in writing to:

Rail Right of Way Services Office
RTA Rail Agency
RTA Offices
Marrakech Road,
P.O. Box 118899
Dubai, U.A.E

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