

South Africa

Disaster Management Act, 2002

## Preventative Measures in the Railway Operations (COVID-19 Control Measures on the Operations by Rail) Regulations, 2020

Government Notice 414 of 2020

Legislation as at 26 March 2020

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### Disaster Management Act, 2002

# Preventative Measures in the Railway Operations (COVID-19 Control Measures on the Operations by Rail) Regulations, 2020

## Government Notice 414 of 2020

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I, Fikile Mbalula, MP, Minister of Transport, in terms of regulation 10(7) of the Regulations issued in terms of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) hereby issue the directions set out in the Schedule hereto to address, prevent and combat the spread of the COVID-19.

### 1. Definitions

In these directions, any other word or expression to which a meaning has been assigned in the Act shall have that meaning assigned to it in the Act, and unless the context requires otherwise -

"**the Act**" means the National Railway Safety Regulator Act, 2002 ([Act No. 16 of 2002](#));

"**COVID-19**", means the Novel Coronavirus (2019-nCov) which is an infectious disease caused by a virus, which emerged during 2019 and was declared a global pandemic by the WHO during the year 2020 that has previously not been scientifically identified in humans;

"**isolation**" means separating a sick individual with a contagious disease from healthy individuals without that contagious disease in such a manner as to prevent the spread of infection or contamination;

"**Minister**" means the Minister as defined in the Act;

"**National Institute of Communicable Diseases**" means a specialised national public health institute established under the National Health Laboratory Services to provide reference microbiology, virology, epidemiology, surveillance and public health research to support the government's response to communicable disease threats.

"**national state of disaster**" means the national state of disaster declared by Government Notice No. R. 312 of 15 March 2020; and

"**Railway Safety Regulator**" means the Regulator as defined in the Act;

### 2. Authority

- (1) COVID-19 was declared a global pandemic by the World Health Organisation and following related developments within the Republic, the government of the Republic declared a national state of disaster relating to the virus in terms of the Disaster Management Act, 2002.
- (2) On 15 February 2020 the President of the Republic of South Africa made a pronouncement detailing urgent and immediate measures to be undertaken in order to manage COVID-19, and the measures included, amongst others, the imposition of travel ban in respect of nationals from

High Risk countries and Medium Risk countries. On 23 March 2020 the President of the Republic of South Africa further made a pronouncement on the 21-day lockdown which will begin at midnight Thursday 26 March 2020 calling on the country to urgently and dramatically escalate its response.

- (3) Section 26(2)(b) of the Disaster Management Act, 2002 provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements as amplified by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act, 2002.
- (4) These directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act, 2002 and specifically in terms of Regulation 10(7) of the Disaster Management Regulations 2020 to provide for measures necessary to manage COVID-19. These directions are valid for the duration of the declared national state of disaster.

### **3. Purpose of Directions**

- (1) The purpose of the directions is to provide for measures to prevent and mitigate the risks associated with COVID-19 relating to :
  - (a) Facilities at the stations, exchange yards, depots, sidings, rail terminals, loading facilities, hand-over points and railway maintenance depots;
  - (b) Rail passengers, contractors, commuters customers and;
  - (c) Railway staff that interact with railway users and responsible for safe railway operations.

### **4. Application of the Directions**

These directions are applicable to all rail operators issued with a safety permit in terms of the Act.

### **5. Development of COVID-19 Management Plan**

- (1) All Operators must develop a plan in response to the COVID-19 as declared a National Disaster in terms of Government Gazette Notice No. R. 312 of 15 March 2020.
- (2) The plan must be submitted to the Railway Safety Regulator within 72 hours of the date of publication of these regulations.
- (3) The Operators must prepare detailed plans aligned to their approved Business Continuity Management and Safety Improvement Plans.
- (4) The plan must be continuously updated to accommodate developments, the risk of infections and challenges experienced related to COVID-19.
- (5) Operators must establish clear protocols to deal with management of suspected infected passengers, staff and contractors on railway premises, such as designating an area for isolation in line with health authority prescripts.

### **6. Health and awareness**

- (1) Operators must implement health and awareness campaign on the COVID-19 to rail passengers, Contractors, Commuters and Customers within their operational jurisdiction.

### **7. Procedures at hand-over points, loading points and terminals depots**

- (1) Train crews involved in Cross Border Rail Operations may undergo medical screening for COVID-19 at hand-over points.

- (2) Enhanced cleaning protocols should be followed at depots and terminal facilities.

## **8. Provision of hygiene, screening equipment and disinfection control at the train stations, terminals and hand-over facilities**

- (1) Stations operators must provide adequate sanitation supplies for washing of hands for passengers at station, yards, rail terminals and depots.
- (2) Operators must put in place procedures for cleaning and disinfection of railway assets.
- (3) Station, yards, depots, rail terminals and railway maintenance workshops personnel shall be provided with appropriate personnel protective equipment by their respective employers.
- (4) Operators may make provision for medical equipment to conduct random medical testing of passengers or personnel for COVID-19 infections.
- (5) Fitness for duty assessments for safety critical staff to include medical screening for COVID-19.
- (6) Tourism and heritage railway operators that provide restaurant services must implement adequate hygiene measures to avoid contamination of food and equipment.

## **9. Prohibition of overcrowding and overloading of trains**

- (1) Train operators must ensure marshals or security personnel on board are available for management of crowds and overloading.

## **10. Reporting to the Railway Safety Regulator and the relevant authorities**

- (1) Operators must provide regular reports to the Regulator regarding suspected and confirmed cases of COVID-19 infections together with implemented measures for each reported case within their railway operations;
- (2) Operators must immediately report suspected cases of COVID-19 within their railway operations to the National Institute of Communicable Disease and the Regulator for information.

## **11. Oversight responsibilities by Railway Safety Regulator**

- (1) The Railway Safety Regulator shall continue to monitor implementation of this regulations and Operator's management plans in terms of regulations 4.
- (2) The Regulator must provide regular reports to the Minister on the implementation of this direction or at any time Minister Requests.

## **12. Ceasing of passenger and commuter rail operations**

- (1) All long-distance rail services, both public and private, must stop operations for the duration of the lockdown.
- (2) Services of Shosholozza Meyl, Premier Class and Blue Train operated by PRASA and Transnet have been suspended.
- (3) The private rail operators such as Rovos Rail must cease operation.
- (4) All commuter rail services must stop operations for the duration of the lockdown including all Metrorail and Gautrain.

### **13. Offences**

- (1) A rail operator who contravenes a provision of these directions shall be guilty of an offence and on conviction be liable to a fine, or imprisonment not exceeding 6 months or both fine and imprisonment.

### **14. Short title and commencement**

- (1) These Directions are called Preventative Measures in the Railway Operations (COVID-19 Control Measures on the Operations by Rail) Regulations, 2020, and comes in to operation on the date of publication by the Minister in the Gazette.