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Item 6 (b) of the provisional agenda

Proposals for amendments to Annexes A and B of ADR: miscellaneous proposals

Tunnel restrictions

Transmitted by the Government of Switzerland¹

Summary

Executive summary:	The exemption from tunnel restrictions for entries with “(-)” in Column (15) of Table A in Chapter 3.2 should be rendered applicable.
Action to be taken:	Add this indication in 1.9.5.3.6.
Related documents:	ECE/TRANS/WP.1/119/Rev.2; informal document INF.4 (May session of Working Party WP.15).

¹ The present document is submitted in accordance with paragraph 1 (c) of the terms of reference of the Working Party, as contained in document ECE/TRANS/WP.15/190/Add.1, which provides a mandate to “develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)”.

Introduction

1. The matter below was discussed on the basis of a late-submission informal document (INF.4) at the Working Party's meeting of May 2013. Following that meeting Switzerland contacted the delegations of Belgium, France, Sweden and the United Kingdom by email as they had expressed doubts as to the need to add anything to ADR. They all acknowledged that ADR did in fact need amending and that paragraph 1.9.5.3.6 was the appropriate place for such an amendment. The delegations put forward various proposals, all different but with the same thrust. We reproduce below the one that seems likely to meet with the least opposition from the delegations that expressed a view, and might even obtain a consensus. The discussions by email could not be continued further for lack of time.

2. Our aim is to bring to the Working Party's notice a paradoxical situation that we have discovered in relation to entries under UN Nos. 2919, 3291 and 3331, for which no tunnel restriction code is assigned in Column (15) of Table A of Chapter 3.2. For entries under UN Nos. 3359 and 3373 the problem does not arise because they never require orange-coloured plates.

3. Carriers find in 8.6.3.1 that "the restrictions for the transport of specific dangerous goods through tunnels are based on the tunnel restriction code of these goods, indicated in Column (15) of Table A of Chapter 3.2. The tunnel restriction codes are put between brackets at the bottom of the cell. When '(-)' is indicated instead of one of the tunnel restriction codes, the dangerous goods are not subject to any tunnel restriction."

4. However, according to the amendments adopted by the Working Party on Road Traffic Safety (WP.1) in September 2011 (ECE/TRANS/WP.1/133, annex) in the recommendations for the Consolidated Resolution on Road Signs and Signals (R.E.2), paragraph 1.11 (a) states "Sign C, 3h, "NO ENTRY FOR VEHICLES CARRYING DANGEROUS GOODS FOR WHICH SPECIAL SIGN PLATING IS PRESCRIBED", described in the 1968 Convention on Road Signs and Signals, should be used without an additional panel *to prohibit the entry* of all vehicles defined in Article 1 (a) of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) carrying dangerous goods defined in Article 1 (b) of ADR *for which orange-coloured plates according to section 5.3.2 of Annex A of ADR for marking of vehicles are required on the vehicles or, for tunnels, under the conditions for carriage which are specified in 1.9.5.3.6 of Annex A of ADR.*

5. The text "*or, for tunnels, under the conditions for carriage which are specified in 1.9.5.3.6 of Annex A of ADR*", which has been added, explains how to interpret sign C, 3h, and also signs D, 10a; D, 10b; and D, 10c "DIRECTIONS IN WHICH VEHICLES CARRYING DANGEROUS GOODS SHALL PROCEED".

6. The wording of 1.9.5.3.6 ADR is as follows:

"1.9.5.3.6 Tunnel restrictions shall apply to transport units for which an orange-coloured plate marking in accordance with 5.3.2 is required and, for tunnels of category E, they shall apply also to transport units for which a marking in accordance with 3.4.13 is required or carrying containers for which a marking in accordance with 3.4.13 is required."

7. For the entry UN No. 3291 an orange-coloured plate is obligatory when the loading exceeds 333 kg in accordance with 1.1.3.6.

8. Thus what is indicated in 8.6.3.1 concerning the non-applicability of tunnel restrictions when “(-)” is indicated in Column (15) of Table A is not correct for UN No. 3291, or for most entries of that kind, because according to R.E.2. — and to 1.9.5.3.6, referenced by R.E.2 — sign C, 3h and signs D, 10a; D, 10b and D, 10c apply to vehicles required to carry an orange-coloured plate marking according to 5.3.2. This will be the case for UN No. 3291 if the load exceeds 333 kg and for UN Nos. 2919 and 3331 regardless of the load carried. In spite of the fact that this waste and these radioactive products do not have a tunnel restriction code, the fact that they are transported with orange-coloured plates means they are covered by the tunnel restrictions but it is impossible to tell which tunnels they may not enter. This is likely to create difficulties over access to restricted tunnels.

9. The amendment made to R.E.2 by WP.1 in September 2011, which refers to 1.9.5.3.6 in order to address the applicability of the tunnel restrictions, allows us to resolve this paradox without the need to turn to WP.1 again to define the applicability of tunnel restrictions by making an appropriate amendment to 1.9.5.3.6.

10. The only provisions rendering tunnel restriction signs applicable are to be found in 1.9.5.3.6. The provisions in 8.6.3.1 do not deal with the applicability of road signs. They are addressed to those responsible for transport and the requirements contained there should be consistent with the provisions in 1.9.5.3.6, establishing the scope of application of the signs.

11. For the sake of completeness, in the following proposal we have also included an amendment relating to vehicles required to carry markings in accordance with 3.4.13, to cover the possibility of a mixed load including goods belonging to entries under UN Nos. 2919, 3291 or 3331.

Proposal

12. Amend the first paragraph of 1.9.5.3.6 as follows (the amended text is underlined):

“1.9.5.3.6 Tunnel restrictions shall apply to transport units for which an orange-coloured plate marking in accordance with 5.3.2 is required, except for the carriage of dangerous goods for which ‘(-)’ is marked in Column (15) of Table A of Chapter 3.2. and, for tunnels of category E, they shall apply also to transport units for which a marking in accordance with 3.4.13 is required or carrying containers for which a marking in accordance with 3.4.13 is required, except for the carriage of dangerous goods for which ‘(-)’ is marked in Column (15) of Table A of Chapter 3.2.”