

DEPARTMENT OF TRANSPORT

NO. 1293

31 DECEMBER 2015

**THE DETERMINATION OF PERMIT FEES UNDER SECTION 23(2)(a) OF THE
NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002**

The Minister of Transport, hereby in terms of section 23(2)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) read together with section 23(2)(b) of the Act publishes for comments the determination of the fees that the Railway Safety Regulator must charge for safety permits as indicated in the Schedule.

Interested persons are invited to submit written comments to the Director-General, Department of Transport, within 30 days of publication of this notice, for the attention of:-

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DRAFT SCHEDULE**DETERMINATION OF PERMIT FEES UNDER SECTION 23(2)(a) OF THE
NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002****DEFINITIONS****1. For the purpose of calculating fees:-**

“Annual passengers” means the total number of passengers transported aboard railway operator’s passenger and/or commuter rolling stock between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator’s personnel, over the period of an operator’s most recently completed financial year;

“Annual tons” means the total sum of the mass of dangerous and/or general goods loaded onto a wagon by a train operator in the preceding financial year, and transported along the portion of a rail network for which the train operator has a permit to traverse.

“Cape gauge” A type of railway track where the distance between the two rails of the track is 1,067 millimetres in length;

“General Freight or passenger Operators” means network, train or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous and/or mining goods;

“Non-Rail Related Revenue” means revenue generated by Train Operators, Network Operators or Station Operators whose railway operation is incidental to its main business;

“Passengers” means people transported by a train between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator’s personnel;

“Rail-related Revenue” means the gross inflow of cash arising from all rail operating activities of an operator;

“Relevant Risk Based Fee Rate” means the rand value equivalent of the risks attributable to rail activities. The units of measurement include R/Kilometre (for network operations), R/number of stations (for station operator), R/passenger kilometres (for passenger operations), and R/ton kilometre (for freight operations);

“Standard gauge” A type of railway track where the distance between the two rails of the railway track is 1,435 millimetres in length;

“Tourist passengers” means passengers transported aboard railway operator’s passenger and /or commuter rolling stock between two points (i.e. a station of boarding and of disembarkation) for recreational purposes, with the exception of a train operator’s personnel and commuter passengers.

APPLICATION FEES

2. A non-refundable application fee must accompany an application for a safety permit. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Schedule shall be payable in respect of the corresponding APPLICATION FEES FOR GENERAL SAFETY PERMIT that is applied for as specified in the first column of the Schedule indicated as follows:

APPLICATION FEES FOR GENERAL SAFETY PERMIT	OPERATOR CATEGORY AND AMOUNT (RANDS)		
	Transportation of Mining Goods	Transportation of Dangerous Goods	Transportation of passengers or General Freight
Group A: Train, Network and Station operators Application Fee	R 47 300	R 47 300	R 47 300
Group B: Train, Network and Station Operators Application Fee	R 15 500	R 15 500	R 2800
Group C: Train, Network and Station Operators Application Fee	R 6500	R 6500	R 2800

OTHER SAFETY PERMITS FEES FOR RAILWAY OPERATIONS

3. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Schedule shall be payable in respect of the corresponding APPLICATION FEES FOR OTHER SAFETY PERMIT being applied for specified in the first column of the Schedule indicated as follows:

APPLICATION FEES FOR OTHER SAFETY PERMITS	OPERATORS CATEGORY AND AMOUNT		
	GROUP A	GROUP B	GROUP C
Temporary Safety Permit	R 107 500	R 86 000	R 11 825
Construction Train Safety Permit	R 537 500	R 69 875	R 3225
Test and Commissioning Safety Permit	R 107 500	R 107 500	R 43 000

PERMIT FEE RATES FOR NON RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS

4.1 The fees payable shall be calculated by multiplying the unit specified in Column 3 with the relevant risk based fee rate specified in Column 4 in respect of the corresponding activities specified in Column 2 of the Schedule, except where a flat rate has been indicated.

COLUMN 1 Operator Category	COLUMN 2 Rail Activities	COLUMN 3 Unit	COLUMN 4 Relevant Risk Based Fee Rate		
			Mine Operations	Dangerous Goods Operations	Transportation of Passenger Operations
(a) Train	Running Lines for Tourist / Passengers	Total annual passenger number x Total length of running line (Km)	N/A	N/A	5.8115878
	Private Siding Lines for General Freight/ Dangerous Goods	Annual Tons x Total length of siding (Km)	Flat Rate: R50 000.00	Flat Rate: R300 000.00	Flat Rate: R7 976.50
	Private Siding Lines for Tourist / Passengers	Total annual passenger number x Total length of siding (Km)	N/A	N/A	Flat Rate: R7 976.50
(b) Network	Running Lines for Cape Gauge	Total length of Cape Gauge running line (Km)	N/A	N/A	N/A
	Siding Lines for Cape Gauge	Total length of Cape Gauge siding (Km)	29.12132	10769.12	2695.707
(c) Station	On and off boarding sites/ zones for passengers	Number of stations	N/A	N/A	88 687.50

PERMIT FEE RATES FOR RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS

4.2 The Operators have been grouped as follows:-

(a) Group A: Train Operators, Network Operators and Station Operators

Railway Operators who transport 500 000 tons or more of general goods, 50 000 tons or more of dangerous goods, or passengers are liable to pay railway safety permit fees determined in accordance with the formula below.

(b) Group B: Train Operators, Network Operators and Station Operators

Railway Operators who transport between 200 000 tons and 500 000 tons of general goods, less than 50 000 tons of dangerous goods or tourists are liable to pay railway safety permit fees determined in accordance with the formula below.

(c) Group C: Train Operators, Network Operators and Station Operators

Railway Operators who transport less than 200 000 tons of general goods are liable to pay a flat fee of R7 976.50

- 4.3 (a) The formula below is used as a basis to calculate Operators annual safety permit fee:

$$W = (Y - U - V) * X/Z$$

Where:-

- i. **U** is the total amount of the railway safety levy payable by all Group C Operators for the most recently completed and audited financial year (**R 47 164.23**);
- ii. **V** is the total amount of the railway safety levy payable by all Group B Operators for the most recently completed and audited financial year (**R 2 342 082.40**);
- iii. **W** is the amount of railway safety levy payable by the relevant Group A Operators for the most recently completed and audited financial year (use formula to determine contribution);
- iv. **X** is the annual rail-related revenue of the relevant Group A Operators for the most recently completed and audited financial year;
- v. **Y** is the total amount of the railway safety permit levies due to the Railway Safety Regulator for the 2016/17 financial year; and (**R 123 000 000.00**) and
- vi. **Z** is the total annual rail-related revenue of all the Group A Operators for the most recently completed and audited financial year (**R71 505 501 168.80**).

(b) Table below is used as a basis to calculate railway Operators annual safety permit fee:-

OPERATOR GROUP	BAND	PERMIT FEE PAYABLE (Proportionate revenue distribution)
GROUP A: <ul style="list-style-type: none"> • Train • Station • Network 	Dangerous goods ≥ 50 000t General goods ≥ 500 000t All passengers	W = (Y-U-V) * X/Z
GROUP B <ul style="list-style-type: none"> • Train • Station • Network 	Dangerous goods < 50 000t General goods ≥ 200 000t and < 500 000t All tourists	0.12% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue

GROUP C	General goods < 200 000t	Flat Rate: R7 976.50
<ul style="list-style-type: none"> • Train • Station • Network 		

APPLICATION OF NOTICE

5.1 The permit fee rates and formulae specified in sections 4.1 and 5.2 of this schedule do not apply to the following legal entities:-

- (a) Transnet Group: Transnet Freight Rail (TFR); Transnet LTD T/A Transnet Port Terminals; Transnet Soc T/A Transnet Engineering; and Transnet Soc LTD T/A Transnet Pipelines;
- (b) Passenger Rail Agency of South Africa (PRASA) ;
- (c) Bombela Operating Company;
- (d) All registered non-South African train operators operating in the Republic of South Africa.

5.2 The permit fee rates determined for the 2016/17 financial year shall apply to the following entities:-

- (a) Transnet Group;
 - Transnet Freight Rail (TFR): **R 68,290,560.00;**
 - Transnet LTD T/A Transnet National Ports Authority: **R247 192.00;**
 - Transnet LTD T/A Transnet Port Terminals: **R250 107.00;**
 - Transnet Soc T/A Transnet Engineering: **R1 154 386.64;**
 - Transnet Soc LTD T/A Transnet Pipelines: **R8 651.72;**
- (b) Passenger Rail Agency of South Africa (PRASA): **R26 247 296.00;**
- (c) Bombela Operating Company: **R3 100 000.00;**
- (d) Non-South African train operators operating in the Republic of South Africa will pay their 2015/16 permit fee amounts plus a 10% annual levy.

SHORT TITLE AND COMMENCEMENT

6. This notice is called the Determination of Permit Fees for the 2016/17 financial year, and will come into operation at a date to be determined by the Minister.