

## DEPARTMENT OF TRANSPORT

NO. 439

15 APRIL 2016

## NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO.16 OF 2002)

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

I, Dipuo Peters, Minister of Transport, in terms of section 23(2)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended, hereby determine as indicated in the Schedule, fees that the Railway Safety Regulator must charge for safety permits, with effect from 1 April 2016 to 31 March 2017.

The Safety Permit Fees are published for compliance and general information.



DIPUO PETERS, MP

MINISTER OF TRANSPORT

DATE: 31/03/2016

## SCHEDULE

### PERMIT FEES PAYABLE TO THE RAILWAY SAFETY REGULATOR

#### DEFINITIONS

1. For the purpose of calculating fees:-

**“annual passengers”** means the total number of passengers transported aboard railway operator’s passenger 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”** The total sum of the mass of dangerous or general goods loaded onto a locomotive 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”** 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/Kilometers (for network operations), R/number of stations (for station operator), R/passenger kilometers (for passenger operations), and R/ton kilometer (for freight operations);

**“standard gauge”** railway track where the distance between the two rails of the railway track is 1,435 millimetres in length; and

**“tourist passengers”** means passengers transported aboard railway operator’s 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 by mining operators	Transportation of Dangerous Goods	Transportation of passengers or General Freight
<b>Group A:</b> Train, Network and Station operators Application Fee	R 47 300	R 47 300	R 47 300
<b>Group B:</b> Train, Network and Station Operators Application Fee	R 15 500	R 15 500	R 2800
<b>Group C:</b> 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 1 075 000	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 or general freight
(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 Fee Rate: R50 000.00	Flat Fee Rate: R300 000.00	Flat Fee 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 Fee 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	Flat Fee Rate: R 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**

- All operators involved with the movement of passengers/commuters;
- All operators involved with the movement of dangerous goods exceeding 50 000 net tons per annum;
- All operators involved with the movement of general freight exceeding 500 000 net tons per annum; and
- Railway manufacturing and maintenance companies involved with the movement of locomotives, empty wagons/coaches and any other rail-bound maintenance vehicles exceeding 500 000 gross tons per annum

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

- All operators involved with the movement of tourists;
- All operators involved with the movement of dangerous goods less than or equal to 50 000 net tons per annum;
- All operators involved with the movement of general freight from 200 000 to 500 000 net tons per annum; and
- Railway manufacturing and maintenance companies involved with the movement of locomotives; and empty wagons/coaches and any other rail-bound maintenance vehicles between 200 000 to 500 000 gross tons per annum.

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

- All operators involved with the movement of general freight less than 200 000 net tons per annum;
- Railway manufacturing and maintenance companies involved with the movement of locomotives/empty wagons/coaches and any other rail-bound maintenance vehicles less than 200 000 gross tons per annum; and
- Group C operators are liable to pay a flat fee of R 7976.50.



4.3 (a) The formula below is used as a basis to calculate Group A

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; **(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 **(R 71 505 501 168.80)**.

(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)
<b>GROUP A</b> <ul style="list-style-type: none"> <li>• Train</li> <li>• Station</li> <li>• Network</li> </ul>	Dangerous goods ≥ 50 000t General goods ≥ 500 000t All passengers	<b><math>W = (Y - U - V) * X/Z</math></b>
<b>GROUP B</b> <ul style="list-style-type: none"> <li>• Train</li> <li>• Station</li> <li>• Network</li> </ul>	Dangerous goods < 50 000t General goods ≥ 200 000t and < 500 000t All tourists	<b>0.12% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue</b>
<b>GROUP C</b> <ul style="list-style-type: none"> <li>• Train</li> <li>• Station</li> <li>• Network</li> </ul>	General goods < 200 000t	<b>Flat Rate: R7 976.50</b>

## **APPLICATION OF NOTICE**

5.1. The permit fee rates and formulae specified in sections **4.1 and 4.3** of this schedule do not apply to the following legal entities:-

- (a) Transnet SOC Ltd : Acting through its operating division Transnet Freight Rail (TFR); Acting through its operating division Transnet Port Terminals; Acting through its operating division Transnet Engineering; Acting through its operating division Transnet National Ports Authority and Acting through its operating division 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 SOC Ltd:-
  - Acting through its operating division Transnet Freight Rail (TFR):  
**R 68,290,560.00;**
  - Acting through its operating division Transnet National Ports Authority:  
**R 247 192.00;**
  - Acting through its operating division Transnet Port Terminals:  
**R 250 107.00;**
  - Acting through its operating division Transnet Engineering:  
**R1 154 386.64;** and
  - Acting through its operating division Transnet Pipelines: **R 8 651.72.**
- (b) Passenger Rail Agency of South Africa (PRASA): **R 26 247 296.00;**
- (c) Bombela Operating Company: **R 3 100 000.00;** and
- (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.