



Economic Regulation Authority

Public Transport Authority

Train Management Guidelines – Approval decision

05 August 2025

Acknowledgement of Country

At the ERA we value our cultural diversity and respect the traditional custodians of the land and waters on which we live and work.

We acknowledge their continuing connection to culture and community, their traditions and stories. We commit to listening, continuously improving our performance and building a brighter future together.

Economic Regulation Authority

Level 4, Albert Facey House

469 Wellington Street, Perth WA 6000

Telephone 08 6557 7900

Email info@erawa.com.au

Website www.erawa.com.au

This document can also be made available in alternative formats on request.

National Relay Service TTY: 13 36 77

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Decision

On 30 April 2025, the Public Transport Authority (PTA) has submitted revised Train Management Guidelines, along with its other four Part 5 regulatory instruments, for approval by the ERA. All Part 5 instruments were published for public comment on the ERA website on 8 May 2025. The initial consultation period of four weeks was extended by two additional weeks at the request of stakeholders.

Two submissions were received at the end of the six weeks consultation period, from Co-operative Bulk Handling Group (CBH) and Aurizon.

These submissions have been published on the ERA's website.

This decision applies to the PTA's Train Management Guidelines.

The ERA has considered PTA's Train Management Guidelines in conjunction with comments made by public submission and has made this decision as a final decision.

The ERA's decision is to approved PTA's train management guidelines, with six amendments.

Summary of Required Amendments

Required amendment 1

In Section 5.1:

Add the following wording at the end of the third paragraph: “, consistent with the requirements of its accreditation and Access Agreement.”

Required amendment 2

In section 5.2.1, replace the wording “Train Path” with the wording “Scheduled Train Path” in the second paragraph.

In section 5.2.2:

- a. in the second paragraph include provision for providing notification of the possession to the Access Seeker as soon as reasonably practicable, in accordance with the current train management guidelines
- b. in the second paragraph, second dot point, replace the wording “reasonable endeavour” with “best endeavour”,
- c. Amend the sixth paragraph to provide 6 months' notice period for possessions longer than 48 hours,
- d. replace the wording “Train Path” with the wording “Scheduled Train Path” throughout this section.

Required amendment 3

In section 5.3.2:

- a. replace the wording “reasonable endeavour” with “best endeavour” throughout this sub-section

- b. replace the wording “Train Path” with the wording “Scheduled Train Path” throughout this section

In section 5.3.3:

- a. include a new paragraph stating the following: “An Access Holder will not be required to provide assistance if it will incur cost and risk unless agreement is reached on how the cost and risk will be allocated. Agreement on the terms and conditions for providing assistance may be negotiated within the Access Agreement”
- b. in the first paragraph, fifth dot point, replace the wording “Train Path” with the wording “Scheduled Train Path” throughout this section.

Required amendment 4

In section 5.4.2, replace the wording “Train Path” with the wording “Scheduled Train Path” in the title of the section, in the first and second dot points and in the first row of the second paragraph, replace the wording “Train Path” with the wording “Scheduled Train Path”.

Required amendment 5

In section 7:

- a. replace the title of this section with the title “Compliance and Review”, and
- b. add the following wording:

“Where a party is seeking access to the PTA’s Network under the Code, the ERA may require that PTA’s compliance with the Train Management Guidelines may be subject to an independent external audit. The costs of such an audit would be the responsibility of PTA. The ERA will approve the scope of the audit and may select and manage the auditor. The final audit report will be made available to the ERA. The ERA may place the audit report, excluding any confidential component, on its website. The ERA also has the power to commission special purpose compliance audits on any issue arising under the Train Management Guidelines as considered necessary.”

Required amendment 6

In section 8:

- a. in the definition for Access Holder, replace the word “described” with “assigned to access holder”.
- b. in the definitions for Access Seeker, replace the word “described” with “assigned to access seeker”.
- c. in the definitions for Network/Railway Network replace the word “described” with “assigned to railway networks”.
- d. in the definitions for Railway Owner replace the word “described” with “assigned to railway owner”.
- e. include a definition for the term Access-Related Functions which coincides with the definition of the term in section 3 of the Code
- f. amend the definition of Force Majeure by replacing of the wording “this Agreement” with the wording “an Access Agreement”.

Executive summary

Background

The ERA administers the Western Australian *Railways (Access) Act 1998* (Act) and the *Railways (Access) Code 2000* (Code).

The Code is a requirement of the Act, and both became effective in September 2001. The rail network and types of infrastructure subject to the regime are defined in Schedule 1 of the Code and include the regional freight network in the south-west of the State and the urban passenger network.

Section 3 of the Act defines a 'railway owner' to mean the person having the management and control of the use of the railway infrastructure. In this context, the Public Transport Authority (PTA) is considered to be the owner of the urban passenger network, comprising routes listed under 'Urban Network' in Schedule 1 to the Code. Arc Infrastructure is the owner of the freight network.

The Urban Network described in Schedule 1 to the Code does not encompass the entire PTA network. Routes which are part of the PTA network and not included in Schedule 1 are:

- Claremont to High Wycombe (Airport line)
- Bayswater to Ellenbrook (Ellenbrook line)
- Thornlie to Cockburn
- Armadale to Byford

The PTA is a government owned enterprise with vertical integration of the above- and below-rail parts of the business and provides management and delivery of public passenger metropolitan and regional rail services in Western Australia. Transperth is the metropolitan passenger train operating division and uses the PTA urban network, and Transwa operates regional passenger train services which use both the PTA and Arc networks.

There are five regulatory requirements on railway owners defined in Part 5 of the Code which are referred to collectively as the 'Part 5 Instruments'. The railway owner must prepare documents outlining their proposed arrangements for each of these instruments with the Code requirements and submit these to the ERA for approval.

Part 5 Instruments

The purpose of the Part 5 instruments is to establish access to infrastructure on reasonable terms and reasonable quality of service at fair prices, and to prevent recovery of monopoly rents. The instruments ensure that railway owners can facilitate operations on their networks and achieve fair and reasonable returns.

The five Part 5 instruments set out in the Code are:

- Train Management Guidelines (section 43)
- train path policy (section 44)
- over-payment rules (section 47)
- costing principles (section 47H) and

- the applicable depreciation schedule section 47K(3)

The Train Management Guidelines relate to the management of trains on the railway network. This document sets out principles, rules and practices that will be applied in the real-time management of train services. These practices must apply in a non-discriminatory manner between all operators on the railway network.¹

The Train Management Guidelines is more detailed than the train path policy, which is a high-level statement of policy relating to the allocation of train paths and the provision of access to train paths that have ceased to be used.

Train Management Guidelines

The Code requires that each railway owner prepares and submits to the ERA a statement of the principles, rules and practices (Train Management Guidelines) that will apply:

- a. in the performance of the functions in relation to a part of the railway network and associated infrastructure to which the Code applies; and
- b. only so far as that performance relates to the requirements imposed on the railway owner by or under the Act or the Code.

The purpose of the Train Management Guidelines is to provide a framework for the real time management of Services to be operated on the network in order to:

- ensure that railway owner's contractual obligations to access holders are fulfilled,
- maximize the efficient utilisation of railway,
- ensure that all services are operated in a way which does not unfairly discriminate between the rail operations of the access holder and the rail operations of railway owner, or an associate of the railway owner, and
- provide for the safe and reliable use of the railway.

The main function of the Train Management Guidelines is to:

- govern the day-to-day scheduling and management of train paths, including temporary reallocations of paths and the ad hoc allocation of additional paths,
- provide a framework to resolve conflicts in an equitable manner and in a way which does not unfairly discriminate between the operations of access holders and the railway owner,
- manage interruptions to network availability due to circumstances beyond the railway owner's control,
- manage possessions of the railway network by the railway owner (usually for maintenance work), and
- manage incidents and emergencies.

Section 43(5) of the Code states that a statement of policy may be amended or replaced by the railway owner with the approval of the ERA.

¹ Section 16 (b) of the Code.

Code clarifications

1. Some comments in submissions related to the applicability of Part 5 Instruments to agreements for access made outside the Code and proposed that the ERA should ensure that these instruments apply to all agreements, inside and outside the Code. These comments are addressed below. The ERA's railway-related functions are defined by the Act and the Code. PTA's Train Management Guidelines is a requirement of section 43 of the Code. Section 4A(1)(b) of the Code provides that nothing in the Code applies to the negotiation or any resulting agreement made otherwise than under the Code.

Aurizon submission

2. Aurizon considers that the application of Train Management Guidelines only to agreements for access made under the Code is not appropriate, and that the Train Management Guidelines should be applied to all trains operating on the network in order for the PTA to comply with its non-discrimination obligations under the Code (section 16). Aurizon recommends that several sections of the PTA's Train Management Guidelines are amended to apply to all agreements for access, whether or not they are provided under the Code.
3. The ERA considers that Aurizon's recommendation to amend PTA's Train Management Guidelines so that they apply to agreements for access made outside the Code is inconsistent with the WA rail access regime as nothing in the Code applies to agreements made otherwise than under the Code.² The ERA will not be requiring the change requested by Aurizon.

CBH Submission

4. CBH submitted that they are not currently using the PTA's network and that their submission was provided on the basis that PTA's Train Management Guidelines might set a precedent for other railway network owners that submit Part 5 instruments. CBH has provided submissions relating to PTA's other Part 5 instruments on the same basis.
5. CBH has submitted that their comments on PTA's Part 5 instruments are high level and relate to:
 - a. the requirement for consistency across all railway owners' Part 5 instruments, and
 - b. the requirement for ERA to consider the matters mentioned in section 20(4) of the Act which the Regulator must take into account when approving Part 5 instruments. CBH submitted that ERA decisions must encourage the efficient use of, and investment in, railway facilities by facilitating a contestable market for rail operations.
6. CBH commented that Part 5 instruments must be reasonable and appropriately balanced, and consistent with the matters the ERA must take into account.
7. The Code does not require consistency across all railway owners' Part 5 instruments.
8. The ERA has approved railway owners' Part 5 instruments on the basis of its requirement to consider the matters in section 20(4) of the Act.

² The application of capacity management protocols network-wide is at the railway owner's discretion. It is normal practice to do this. Other railway owners' Train Management Guidelines include a statement that they apply capacity management protocols in this way.

PTA defined terms

9. The PTA has generally capitalised terms which appear uncapitalised in the Code. Some of these capitalisations relate to whether a relevant agreement is made inside or outside the Code. Train control activities which are described in industry standard terms are capitalised. The PTA has adequately referred to the relevant Code definition in all cases (Section 8 Definitions). The Train Management Guidelines is a document which does not belong to the ERA, and the ERA accepts the PTA's capitalisation convention.

PTA's Train Management Guidelines (by section)

Section 1 - Introduction

10. Section 1 of the proposed Train Management Guidelines outlines the ownership responsibilities and the PTA's management structure relevant to the provision of its access services.
11. Section 1.1 states that the PTA has established a new division – Transperth Train Operations (TTO) – which is responsible for all operational activities associated with the provision of urban rail services, including Train Control.³ Section 1.1 states that the PTA is responsible for the provision of public transport services and for development of, and compliance with the train management guidelines.
12. The Network and Infrastructure division which was previously responsible for access-related functions, is now responsible solely for network maintenance and safety. The PTA CEO now has direct oversight of approvals and dispute resolution associated with access-related functions.

Public Submissions

Aurizon

13. Aurizon noted that the current version of PTA's Train Management Guidelines referenced the role of the Network and Infrastructure Division (N&I) in having control of the access-related functions and that these references have been removed from the proposed train management guidelines.
14. Aurizon stated that there needs to be a clear statement on how the relevant access functions are provided within PTA.

ERA considerations

15. The ERA considers that the PTA has appropriately adjusted its Train Management Guidelines to reflect the current associated responsibilities. The ERA does not consider that further amendment to section 1 of the Train Management Guidelines is required.

Section 2 - Associated Reference Documents

16. Section 2 of the proposed Train Management Guidelines provides a list of reference documents which relate to the operation of the Train Management Guidelines. The documents are public documents.

³ Train Control is a defined term in section 8 "Definitions" of the train management guidelines

Public Submissions

Aurizon

17. Aurizon recommend that all documents listed in this section are made available by PTA on their website to improve efficiency of accessing the documents and to help operators easily confirm that they are referring to the correct and current documents at all times.

ERA considerations

18. The ERA does not consider that amendments to this section are necessary as it is stated that these are publicly available documents and may be obtained from PTA, or from the ERA.

Section 3 - Priority of Urban Rail Public Transport Services

19. This section has been renamed from Principle Governing the Use of PTA Rail Network and amended by the addition of two new paragraphs to clarify the primary purpose of the urban rail network.
20. The clarification is to assert primacy of urban passenger services over freight services in the context of PTA's purpose. This section states that the primary purpose of the urban rail network is to provide a safe reliable and efficient urban passenger service, and that train paths are not available to access seekers for freight services during peak periods.

Public Submissions

Aurizon

21. Aurizon commented that PTA has introduced a period which Aurizon has termed the "peak blackout period" in this section, and Aurizon considers that PTA should clearly define the times applicable to this period and publish this information on their website.
22. Aurizon also considers that the priority of Urban Rail Public Transport Services cannot be absolute and needs to be balanced with providing reasonable access for freight services.

ERA considerations

23. The ERA does not agree that PTA's Train Path Allocation Policy introduced a peak blackout period as suggested by Aurizon.
24. Section 2 of PTA's proposed Train Management Guidelines references Peak Periods, and this term is clearly defined in Section 8 Definition of the document.⁴
25. The ERA also notes that first paragraph of Section 3 of PTA's Train Management Guidelines highlights that the purpose of the PTA urban rail network is to provide a safe, reliable and efficient rail-based public transport service.
26. The ERA considers that prioritising the passenger service does not preclude reasonable access to the urban network for the freight services.

⁴ Peak Period is defined in section 8 as "Means weekday morning and evening time windows reflecting peak operational demands for passenger services, as reasonably determined by TTO."

27. The ERA does not consider that this section requires further amendment.

Section 4 - Prerequisites

28. Section 4 of the proposed Train Management Guidelines outlines the mandatory prerequisites for access holders to operate on the PTA network. Prerequisites include appropriate access holder accreditations, fulfillment of terms and conditions of the access agreement and also rollingstock compliance (clearance envelopes, maintenance regimes). This section has not been amended.

Public Submissions

29. There were no comments in public submission relating to this section.

ERA considerations

30. The ERA considers the provisions of Section 4 of the proposed Train Management Guidelines reflects common industry practice. The ERA does not consider that section 4 requires amendment.

Section 5 - Principles of Train Management

31. Section 5 sets out the principles, rules and practices of typical daily train operation, including instances of service interruptions due to events outside the control of the PTA. The section has been amended to include a clarification of the PTA's duties in managing Train Control to impose any necessary requirements in relation to operating standards, and to not unfairly discriminate between rail operators.

Section 5.1 - General Principles

32. This section outlines the overall responsibilities of the railway owner and the access holder in everyday management of the trains on PTA's network. This section has not been amended substantially.

Public Submissions

Aurizon

33. Aurizon submitted that the section should be amended to replace the wording "Access Holder must ensure operating integrity." with "Access Holder must safely manage operating integrity", and to add the wording "consistent with the requirements of its accreditation and Access Agreement" at the end of the paragraph.

ERA considerations

34. The ERA considers that the term "must ensure" implies that the Access Holder must ensure that operating integrity is complied with in a way consistent with the requirements of its accreditation and the Access Agreement. The wording "must ensure" is the wording used in the current Train Management Guidelines approved in 2018.

35. The ERA agrees with the addition of the wording “consistent with the requirements of its accreditation and Access Agreement” to add clarity to this section. The ERA does not consider that the words “must ensure” should be replaced with “safely managing” in this section.

Required amendment 1

In Section 5.1:

Add the following wording at the end of the third paragraph: “, consistent with the requirements of its accreditation and Access Agreement.”

Section 5.2 - Infrastructure Issues

36. This section has been amended by the introduction of the term Scheduled Train Path. Section 8 of the proposed Train Path Policy defines Scheduled Train Path as the Access Holder’s entitlement to use a Train Path on the network between the times and locations set out in the access agreement, and Train Paths as the entitlement of an Access Holder to use the PTA network between the times and locations set in the Access Agreement.
37. The definition of Scheduled Train Path in section 8 provides for a specific Train Path that is pre-determined and published in an official timetable (the Master Control Diagram), providing specific points of entry and exit and specified date, departure and arrival times.

5.2.1 - Access Holder and the PTA consultation protocols

38. Section 5.2.1 refers to communication protocols established in access agreements, and the requirement to establish a 24-hour communications link.

5.2.2 - Possession management

39. Section 5.2.2 outlines protocols for PTA possession of the network in circumstances not involved with safety or natural events.
40. The section is amended to include a statement that PTA may take possession of any part of the network at any time.
41. “ Possession” is defined in Section 8 of the Train Management Guidelines as “closure of the relevant part of the Network to all traffic for the purpose of effecting repairs, maintenance or upgrading of the Network.”
42. The section has been amended to remove the provision for providing notification of possession to access holders as soon as reasonably practicable and replaced the wording “best endeavours” with “reasonable endeavours”.
43. The section has been amended to include “but is not obliged to give prior notice to the Access Holder before taking Possession”, which relates to notification when possession of the network is required for emergency or force majeure events.
44. The sixth paragraph of section 5.2.2 describes PTA’s possession management as following:

- “• if Possession can occur without affecting use of Train Paths, no notice is required;
- if the PTA has to take Possession because of emergencies related to safety or natural events such as fire or flood, the PTA will notify affected Access Holders as soon as practicable of:
 - o the circumstances,
 - o the likely impact on Train Paths, and
 - o the likely duration of the Possession;
- if the PTA requires Possession other than because of emergencies related to safety or natural events:
 - o and the Possession will affect Train Paths for a continuous period of less than 6 hours, it will give 2 Business Days’ prior notice;
 - o and the Possession will affect Train Paths for a continuous period of 6 hours but less than 48 hours, it will provide a minimum of 10 Business Day’s prior notice and will consult with any affected the Access Holder in relation to temporary adjustments or changes to Train Paths to facilitate the Possession; and
 - o and the Possession will affect Train Paths for a continuous period of 48 hours or more, the PTA will give at least 30 business days’ prior notice of the work. The PTA will also commence consultation with any affected Access Holder from the date of the notice for alternative arrangements”.

45. The 30 business days’ notice for Possession that will affect Train Paths for longer than 48 hours was reduced from the 6 months set out in the current version of the Train Management Guidelines, approved by ERA in 2018. PTA did not provide a reason for this reduction in its proposal.

5.2.3 - Management of Emergencies

46. Section 5.2.3 details the procedure the PTA follows in the event of an emergency, which includes notifying all affected Access Holders as soon as practicable of the nature of the incident and the likely effect on Train Paths and the estimated duration of the incident and develop a recovery plan. This section has not been amended.

Public Submissions

Aurizon

- 47. Aurizon commented that PTA has reduced its commitment to consult and work with access holders to reduce the impact of possessions, and that it should retain their best endeavours obligation to provide a suitable alternate train path if PTA is required to take possession of a section of its network.
- 48. Aurizon also commented that PTA should consult with the adjacent railway networks when taking possession of parts of its network, to minimise the impact on the access holders’ services.
- 49. To this effect, Aurizon proposed that the second paragraph of sub-section 2.2.2 is amended to provide for consultation with adjoining network owners to co-ordinate possessions, provide notice to the access holders as soon as practicable and use best endeavours to provide

alternative train path that is “usable in respect of other elements of the Access Holder’s logistics chain.”

50. Aurizon commented on the reduction of the notice period for possessions affecting scheduled train paths for a continuous period of 48 hours or more, from 6 months to 30 business days and proposed that all notice periods, other than because of emergencies, described in the sixth paragraph of sub-section 5.2.2 should be amended as following:
 - a. 30 days, for possessions lasting for up to 6 hours’ (up from 2 business days currently approved by ERA),
 - b. 3 months, for possessions longer than 6 hours, but less than 24 hours (up from 2 weeks currently approved by the ERA),
 - c. 6 months, for possession longer than 48 hours (up from 30 business days proposed by the PTA).
51. Aurizon argued that PTA’s notification periods should be extended to “reflect contemporary views of best practice possession management principles”.⁵ Aurizon did not document “contemporary views of best practice possession management principles”.

CBH

52. CBH also commented that the reduction of the notice period for possessions longer than 48 hours, from 6 months to 30 business days is not reasonable and adequate notice of “planned possessions” is of critical importance to access holders.

ERA considerations

53. The ERA notes that this section refers to Train Path and Scheduled Train Path interchangeably, and in a manner inconsistent with the definitions provided in section 8 of the proposed Train Management Guidelines. Section 5.2.1 includes an instance where the PTA has used the term Train Path in place of Scheduled Train Path (in paragraph two).
54. Section 8 (‘Definitions’) defines Train Paths as the entitlement of an access holder to use the PTA network between the times and locations set in the access agreement. Section 8 defines Scheduled Train Path as the access holder’s entitlement to use a Train Path on the network between the times and locations set out in the access agreement.
55. The definition of Scheduled Train Path in section 8 provides for a specific Train Path that is pre-determined and published in an official timetable (the Master Control Diagram) providing specific points of entry and exit and specified date, departure and arrival times.
56. The ERA requires that PTA replaces the wording “Train Path” with “Scheduled Train Path” in this section. This is to ensure the correct use of terms as defined in section 8 of PTA’s Train Management Guidelines and to be consistent with the terms used in PTA’s train path policy.
57. The ERA has noted Aurizon’s submission that PTA should retain the former best endeavours obligation to provide a suitable alternate train path if it is required to take possession of a section of the network. The best endeavour obligation is consistent with the best endeavour

⁵ Aurizon cited Queensland Cross River Rail Project, which included a review of best practice possession management. The description of best practice does not include time frames for notification.

obligation concept applying to the other railway networks subject to the WA railway access regime.

58. The ERA agrees that the PTA should retain a 6 months' notice period for possessions exceeding 48 hours. This period is necessary to provide access holders an opportunity to align affected services with train services across adjoining networks, in order to mitigate operating impacts.
59. The ERA considers that all notice periods listed in PTA's proposed Train Management Guidelines should be consistent with those previously approved by the ERA and those provided for by other railway owners' approved train management guidelines. The approved notice periods reflect established stakeholder expectations, and industry practice.
60. The ERA considers that it is not feasible for the PTA to be required to co-ordinate possessions with adjoining railway networks to ensure usable logistic chains for all PTA access holders. This must be managed by each access holder in accordance with their specific requirements, contingent on PTA providing sufficient notice for the possession⁶. This is also consistent with other Train Management Guidelines approved by the ERA.
61. The ERA requires that PTA replaces the wording "Train Path" with "Scheduled Train Path" in this section to ensure consistent use of terms within the Train Management Guidelines and with the Train Path Allocation Policy.

Required amendment 2

In section 5.2.1, replace the wording "Train Path" with the wording "Scheduled Train Path" in the second paragraph.

In section 5.2.2:

- a. in the second paragraph include provision for providing notification of the possession to the Access Seeker as soon as reasonably practicable, in accordance with the current train management guidelines
- b. in the second paragraph, second dot point, replace the wording "reasonable endeavour" with "best endeavour",
- c. amend the sixth paragraph to provide a 6 months' notice period for possessions longer than 48 hours,
- d. replace the wording "Train Path" with the wording "Scheduled Train Path" throughout this section.

Section 5.3 - Operational Issues

5.3.1 - Management of daily issues related to Train operations

62. This section provides for principles, rules and practices to be applied when managing train operation issues. PTA updated reference from the now obsolete PTA's Safeworking Rules and Procedures, to the (current) PTA's Network Rules.

⁶ The ERA recognises that the only network adjoining the PTA network is the Arc network, and the principal operators likely to be adversely affected by possession are Arc customers using the PTA network.

5.3.2 - Use of the Network in accordance with Train Paths

63. This section establishes PTA's rules and practices to ensure that Services enter and exit the Network on time.
64. The section has been amended by a new paragraph stating that the PTA's primary function is to provide public transport services and to provide on-time running targets. PTA states that this will allow for limited flexibility in accommodating deviation from scheduled services and it is reflected in the principles and procedures to be applied in managing operational issues.
65. Throughout section 5.3.2, PTA replaced the wording "best endeavours" with "reasonable endeavours" in relation to ensuring that trains run on time, late trains recover the lost time, and early trains depart no later than the scheduled time. PTA did not provide a reasoning for this change.
66. In the second paragraph, PTA increased the period for advice from the Access Holder that the Service will be ready for departure on time from 3 minutes to 15 minutes.
67. In the fifth paragraph, PTA introduced a new dot point stipulating actions required, by both PTA and the Access Holder, to mitigate the effects of any liability, loss or damage arising from a service running late.

5.3.3 - Network Blockage

68. This section establishes the rules and practices for PTA and the Access Holders for the management of a Train⁷ failure that blocks the Network.
69. The PTA amended the wording of the first the network paragraph to clarify that a Train failure that blocks the network will be managed in accordance with these train management and the Access Holder's approved response plan to manage blockages.
70. This paragraph also states that the Access Holder must co-operate with PTA in order to determine and implement a strategy to:
 - a. minimise the time the network is blocked;
 - b. clear the blockage using alternative locomotives and crews arranged by the Access Holder or PTA, at the Access Holder's cost;
 - c. plan repairs to the Failed Train; and
 - d. Use alternative Train Paths.

5.3.4 - Access Holder's Recovery Plan

71. This section establishes the rules and practices for PTA and the Access Holders for the management of a Train failure that blocks the Network. This section has not been amended.

⁷ Train is defined as a locomotive used to operate Services. Service is defined as a train run by an Access Holder under an Access Agreement.

5.3.5 - Management of Emergencies and Incidents

72. This section establishes that all operational emergencies must be managed in accordance with PTA's Emergency Management Manual. This section has not been amended.

Public Submissions

Aurizon

73. Aurizon submitted that the PTA should maintain a best endeavours obligation to manage trains in accordance with their schedule and to accommodate early and late trains.
74. Aurizon acknowledges that there might be instances where the most efficient way for clearing a network blockage is by using locomotives and crew of another Access Holder, but the existing requirement that the allocation of costs and risks of such assistance be addressed in the access agreement should be retained.
75. Aurizon proposed that this section should be amended by including a statement saying that the Access Holder should not be required to provide assistance if it will incur cost or risk, unless the allocation or cost and risk is negotiated within the Access Agreement.

ERA considerations

76. The ERA agrees with comments made by Aurizon that the PTA should retain a best endeavours obligation to manage trains in accordance with their schedule and to accommodate early and late trains. PTA did not provide a rationale for this change. The practical difference between best and reasonable endeavours is not substantial. Best endeavours in this context is limited by the contractual obligation of the railway owner to make endeavours consistent with the terms specified in an access agreement.
77. The ERA has noted that the PTA has proposed to increase the period for advice allowed for Access Holder to notify that the Service will be ready for departure on time from 3 minutes to 15 minutes. The ERA notes that the increase period is in line with operating protocols used by other railway owners in WA.
78. The ERA notes that in this section PTA uses the wording Train Paths and Scheduled Train Paths interchangeably.
79. The ERA requires that PTA replaces the wording "Train Path" with "Scheduled Train Path" in this section to ensure correct use of terms and consistency with the terms used in PTA's Train Path Allocation Policy.
80. The ERA notes that the provisions for temporary Train Path variations are now addressed in section 5 "Operational Issues".
81. The ERA agrees that the existing provision for allocation of cost and risk be negotiated in the Access Agreement should be retained in PTA's proposed train management guidelines. This is consistent with provisions previously approved by the ERA and in line with the provisions made by the other railway owners regulated by the WA railways access regime.

Required amendment 3

In section 5.3.2:

- a. replace the wording “*reasonable endeavour*” with “*best endeavour*” throughout this section
- b. replace the wording “Train Path” with the wording “Scheduled Train Path” throughout this section

In section 5.3.3:

- a. include a new paragraph stating the following: “An Access Holder will not be required to provide assistance if it will incur cost and risk unless agreement is reached on how the cost and risk will be allocated. Agreement on the terms and conditions for providing assistance may be negotiated within the Access Agreement”
- b. in the first paragraph, fifth dot point, replace the wording “Train Path” with the wording “Scheduled Train Path”

Section 5.4 - Operations conflict resolution procedures and protocol

5.4.1 - Real-time allocation of Train Paths

82. This section establishes how the Train Paths negotiated in an Access Agreement are reflected by Trains running on PTA’s Network in real time. This is notified to operators in Working Timetables – for permanently scheduled Train Paths, or in Special Train Notices – for ad-hoc Train Paths.
83. This section is amended by replacing the wording “PTA will take into consideration the need to ensure that established urban passenger Train schedules are maintained on the Network” with the wording “PTA will take many factors in consideration, including the need to ensure that established urban passenger Train schedules are maintained on the Network” in the second paragraph. The second paragraph is also amended by deletion of the last sentence which refers to the Network and Infrastructure Division.

5.4.2 - Resolution of Train Path Priority in the event of conflict

84. This section provides a mechanism for prioritising Scheduled Train Paths in the event that there is a conflict due to a Service entering the Network after its scheduled time and/or losing time en-route. PTA will use a Train Path Priority Matrix to determine which Train is given preference to enter the Network or to continue its journey.
85. This section has been amended with the change in title, from “Resolution of Train Path Priority due to unhealthy Service” to “Resolution of Train Path Priority in the event of conflict”.
86. The wording of the third paragraph has been amended to remove the Healthy/Unhealthy Train terminology (i.e. Trains that enter/ exit the Network less / more than three minutes early/ late).
87. The term Train Controller has been replaced with Network Control Officer in this section.

Public Submissions

Aurizon

88. Aurizon submitted that it is “inappropriate that PTA could withhold its consent in its absolute discretion (as implied by this drafting), and this gives customers and operators no confidence in the PTA applying this right in a consistent or non-discriminatory way.”
89. Aurizon submitted that the PTA should only be able to withhold its consent on a reasonable basis and proposed that this paragraph is amended to say that “PTA may withhold its consent to the request on Reasonable Grounds”.

ERA considerations

90. ERA does not consider that the amendments made by PTA to this section implies that PTA will withhold its consent to the request in its absolute discretion. The new wording proposed by PTA clarifies that consideration is given not only to the urban passenger train schedules, but other factors will also be considered. This indicates that Access Holders’ schedules will also be considered before making a decision.
91. ERA notes that the term Train Path is used in error in lieu of Scheduled Train Path.

ERA considerations

Required amendment 4

In section 5.4.2, replace the wording “Train Path” with the wording “Scheduled Train Path” in the title of the section, in the first and second dot points and in the first row of the second paragraph.

Section 6 - Disputes

92. This section provides a procedure for managing disputes relating to compliance with the train management guidelines.
93. The section is amended to include a paragraph clarifying that it will make decisions relating to train management in accordance with this train management guidelines, and relevant statutory obligations, including the Act and the Code.
94. The section is amended by removal of the last three paragraphs detailing the process to be followed if a dispute resolution that has been managed in good faith and in accordance with the process set out in the Access Agreement is not achieved. This means that, in that circumstance, the parties must notify ERA of the dispute and proceed in accordance with the requirements of the Code.

Public Submissions

Aurizon

95. Aurizon agrees that disputes should be addressed through the provisions of the Code or the Access Agreement and noted that an "...access agreement will need to include a clear obligation for the parties to comply with the TMG."

ERA considerations

96. Referring to Aurizon's submission, the ERA considers that an explicit requirement for access agreements to refer to the Train Management Guidelines is not required. The Code requires that Train Management Guidelines apply to all access agreements. The PTA is required by the Code to comply with its Train Management Guidelines and an access agreement under the Code is subject to compliance with the railway owner's train management guidelines.

Section 7 - Review

97. This section outlines the procedure for the review of the train management guidelines.
98. The section is amended by change of title from Review and Consultation to Review.
99. The wording in this section is amended from stating that "the ERA may require that the Train Management Guidelines be reviewed" if requested by an access seeker or Access Holders to stating that "the Train Management Guidelines may be amended or replaced by the PTA with the approval of the ERA or at the request of the ERA, in accordance with the Code".

Public Submissions

Aurizon

100. Aurizon did not comment on the changes made to this section.
101. However, Aurizon noted that PTA has deleted section 7 "Compliance Monitoring" of the current Train Management Guidelines and recommends that the compliance monitoring obligations should be retained.

ERA considerations

102. ERA agrees with Aurizon's recommendations for PTA to reinstate the compliance monitoring obligations in its proposed Train Management Guidelines. This is consistent with the monitoring provisions previously approved by the ERA for all railway owners. Compliance monitoring is not mandatory and may be requested by operators or the ERA.

Required amendment 5

In section 7:

- a. replace the title of this section with the title “Compliance and Review”, and
- b. add the following wording:

“Where a party is seeking access to the PTA's Network under the Code, the ERA may require that PTA's compliance with the Train Management Guidelines may be subject to an independent external audit. The costs of such an audit would be the responsibility of PTA. The ERA will approve the scope of the audit and may select and manage the auditor. The final audit report will be made available to the ERA. The ERA may place the audit report, excluding any confidential component, on its website. The ERA also has the power to commission special purpose compliance audits on any issue arising under the Train Management Guidelines as considered necessary.”

Section 8 - Definitions

103. PTA amended the following definitions:

- a. Access Agreement – assigned the meaning given in Section 3 of the Code
- b. Access Holder – new definition to align with the wording of the Code, as amended in 2023; it has the meaning described in section 3 of the Code
- c. Access Seeker – new definition to align with the wording of the Code, as amended in 2023; it has the meaning described in section 3 of the Code
- d. Deleted the definition for Code
- e. Deleted the definition for Dangerous Goods Code
- f. Failed Train – deleted the wording “and is therefore rendered unhealthy”
- g. Force Majeure – reworded the definition to clarify the instances in which an event constitutes force majeure, the meaning of Affected Party, and the examples of force majeure.
- h. Deleted the definition for Healthy Train – the term is not used anymore
- i. Instruction – added explanation that Instruction does not include instructions and directions that are given for the purpose only of achieving the PTA's commercial objectives unrelated to the valid objectives of the PTA as set out in the first two paragraphs of this definition
- j. Late – amended to specify that it means where a Train arrives for entry any time after the scheduled departure time as stated in the Working Timetables or Special Train Notes, as opposed to “late when compared with the Working Timetables or Special Train Notes”, as stated in the current version

- k. Network, Railway Network – amended to give the meaning provided in section 3 of the Code
- l. Deleted the definition for Operator – this term has been replaced by Access Seeker following the amendment of the Code in 2023
- m. Deleted the definition for PTA
- n. Included definitions for the following terms: Network Control Direction, Peak Period, Possession, Railway Owner, Regulator
- o. Scheduled Train Path – replaced the wording “to use the Network” with “to use a Train Path on the Network”
- p. Service – added the wording “under an Access Agreement” to clarify that the term refers to a service regulated by the Code
- q. Deleted the definition for Train Control Centre and Train Controller
- r. Train Manifest – added requirement for Track Access Permit for each of the Train Crew, axle load, length of the Train and the number of wagons, and rollingstock specifications
- s. Train Path – amended the wording to clarify that a Train Path represents the entitlement of the Access Holder to use the Network between the times and locations set out in an Access Agreement, and it includes Scheduled Train Paths, ad-hoc Services and any other ad-hoc entitlements provided by PTA to the Access Holder
- t. Included definition for Train Path Allocation Policy

Public Submissions

Aurizon

- 104. Aurizon submitted that the following definitions are amended to include all operators and all agreements for access, whether or not negotiated under the Code: Access Agreement, Access Holder, Access Seeker, Force Majeure.
- 105. Aurizon submitted that new definitions are included for the following terms: Access-Related Functions, and Reasonable Grounds.
- 106. Aurizon submitted that point (b) of the Force Majeure definition is amended by replacing the wording “this Agreement” with the wording “an Access Agreement” and by deleting the wording “other than any flood which should have been reasonably anticipated”.
- 107. Aurizon submitted that the Peak Period definition is amended to include publication of the Peak Periods on the PTA’s website.

ERA considerations

- 108. As detailed in the Code Clarifications section of this determination, the ERA does not accept Aurizon’s recommendation to make changes to section 8 of these Train Management Guidelines to include agreements for access made outside the Code.

109. The ERA notes that the PTA has referred appropriately to both the Code-defined term and definition in the case of its definition of Access Agreement, which is defined as follows:
- “Has the meaning assigned to “access agreement” in Section 3 of the Code, which is as follows:
- “means an agreement in writing under the Code between the railway owner and an entity for access by that entity” “.
110. The ERA notes that the definitions for Access Holder, Access Seeker, Network/Railway Network and Railway Owner are capitalised in Section 8 of the Train Management Guidelines, however these definitions are not complete, as they refer only to the definition in the Code and do not refer directly to the relevant term defined in those cases.
111. The ERA agrees with Aurizon’s recommendation to include a definition for the term Access-Related Functions as provided in the Code but does not consider it necessary to define the term Reasonable Grounds as this is a term in common usage.
112. The ERA considers it appropriate to replace the wording “this Agreement” with the wording “an Access Agreement” to enhance the clarity of the Force Majeure definition.
113. The ERA does not agree with the deletion of the wording “other than any flood which should have been reasonably anticipated”. Force majeure is by definition an unforeseeable circumstance and the ERA agrees that any flood that can be reasonably anticipated should be discounted as force majeure.
114. The ERA notes that Aurizon did not provide a rationale why the Peak Periods, as defined in this section, should be published in PTA’s website. The ERA considers that it would not be reasonable to require the PTA to list two intervals of peak periods for 260 weekdays per year.

Required amendment 6

In section 8:

- a. in the definition for Access Holder, replace the word “described” with “assigned to access holder”.
- b. in the definitions for Access Seeker, replace the word “described” with “assigned to access seeker”.
- c. in the definitions for Network/Railway Network replace the word “described” with “assigned to railway network”.
- d. in the definitions for Railway Owner replace the word “described” with “assigned to railway owner”.
- e. include a definition for the term Access-Related Functions which coincides with the definition of the term in section 3 of the Code
- f. amend the definition of Force Majeure by replacing of the wording “this Agreement” with the wording “an Access Agreement”