



12 September 2002

Dr Ken Michael
Acting Rail Access Regulator
Office of Rail Access Regulation
197 St Georges Tce
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Worsley's submission re Draft Determination on the Train Management Guidelines to apply to WestNet Rail

Dear Dr Michael

Thank you for the opportunity to comment on the Draft Determination on the Train Management Guidelines (“**TMG**”) to apply to WestNet Rail. Worsley broadly endorses the Draft Determination but offers the following comments. In general terms, Worsley believes that there are a number of issues that you have proposed to be managed within individual access agreements which should be dealt with at a network level.

1. Application of the TMG for operators outside the regime

Worsley endorses the Regulator's view that the TMG should apply to all operators irrespective of whether their access agreements are under or outside of the Code.

2. Terms and definitions used and relationship of the WNR Network Rules

Worsley believes that the TMGs should be defined broadly enough so that daily issues (such as the imposition of temporary speed restrictions) can be managed in a consistent manner across all access rather than being managed in accordance with individual access agreements.

3. Cost recovery to operators where actions by WNR materially affect operator performance and have a cost impact on the operator

Worsley endorses the Regulator's view that this is a network management issue and the operational aspects should be addressed primarily in the TMG. Individual access agreements should address the obligations of parties, insurance and indemnity provisions in a uniform manner across all users. If operator assistance to WNR to clear network blockage is to be mandatory then cost recovery rules should apply at the network level ; otherwise cost recovery for assistance should be negotiable within individual access agreements.

4. Broad powers of WNR in the management of trains due to the inclusion of “the exercise of reasonable care”

Worsley endorses the Regulator's view that the objective is to ensure that the network is maintained to a standard that is safe and fit for purpose. Worsley believes that unplanned maintenance should only interfere with scheduled train paths in an emergency. WNR's performance should be monitored by KPIs measuring track possession or speed restrictions imposed by WNR and scheduled vs actual maintenance outage duration. These KPIs should be reported at a network level on a route section basis rather than under individual access agreements.

5. Lack of a completed train decision matrix within the TMG

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A train decision matrix for all train types must form part of the TMG. Worsley requests that WNR provide an illustration of how a priority conflict is resolved in the case of a train on a "Flexible Scheduled Train Path (Freight)". Ideally, a KPI measuring occasions when "special conditions" override the standard priority should be calculated at a network level to assure that access is provided in a non-discriminatory manner.

The definitions of "on-time", "late" and "ahead" and the definition of tolerances need to be consistent at a network level if access is to be non-discriminatory.

6. Need for a long range possession management process

Worsley believes that WNR should provide a rolling twelve month forecast of scheduled maintenance.

7. Key Performance Indicators and frequency at which the TMG will be reviewed

Worsley believes that KPIs at a network level should measure the extent to which that the network is maintained to a standard that is safe and fit for purpose; the practical operating capacity of the network relative to theoretical or required capacity; and a measure to confirm that access is provided in a non-discriminatory manner. Worsley agrees that this information should not only be available in an audit but also made available routinely to all access users or seekers.

Yours sincerely
B Gaynor
Commercial Administrator

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