



**Alcoa World Alumina  
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Dr K Michael  
Acting Rail Access Regulator  
Office of the Rail Access Regulator  
Level 27, 197 St Georges Tce  
PERTH WA 6000

**PUBLIC SUBMISSION ON DRAFT DETERMINATION ON  
TRAIN MANAGEMENT GUIDELINES TO APPLY TO WESTNET RAIL**

Dear Dr. Michael,

**Response to Regulator on Train Management Guidelines from Alcoa World Alumina**

The following submission is provided by Alcoa World Alumina (Alcoa) in response to the Draft Determination on Train Management Guidelines to apply to WestNet Rail (WestNet) as issued by the Rail Access Regulator (the Regulator) on 15 August 2002.

**1. Application of the TMG for operators outside the regime**

Alcoa agrees with WestNet and the Regulator that the TMG should apply to all operators whether inside or outside the Code

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

We would suggest that WestNet adopt the definition of "Instructions" and "Train Control Directions" currently proposed in the Alcoa Draft Access Agreement. This redraft separates the definitions from the examples to provide greater clarity in the Access Agreement and may therefore prove useful in the TMG.

The comment in the Draft Determination to delete "considers upon the exercise of reasonable care" would still need to be actioned under the revised definition of Instructions in the Alcoa Draft Access Agreement.

### **3. Cost Recovery to operators where actions by WestNet materially affect operator performance and have a cost impact on the operator**

We agree with the Regulator that the obligations of parties in clearing blockages and the costs involved need to be explained in more detail in the TMG and the Standard Access Agreement.

In addition, it should be noted that Alcoa, in its negotiations with WestNet, suggested changes to the wording in the Standard Access Agreement (section 8.1) which had originally allowed WestNet to issue an instruction to an operator to use an operator's locomotive and its crew without consultation in an emergency to clear a blockage. Alcoa deleted this requirement and instead accepted an obligation to provide reasonable assistance when necessary to facilitate the clearing of a blockage caused by a failed train.

It is Alcoa's opinion that this concept should be incorporated within the TMG and WestNet should be required to consult with an operator prior to using their rollingstock. Alcoa considers that WestNet has an obligation to clear a blockage where infrastructure failure is the cause of the incident and it should also supervise and assist in the clearing of blockage where an operator is at fault. WestNet should not have the right to require a third party operator to assist in this process. Third party operators may offer to assist but the onus should be on the affected parties - the operator of the failed train and WestNet to resolve the problem.

### **4. Broad powers of WestNet in the management of trains due to the inclusion of "the exercise of reasonable care"**

Alcoa has suggested several changes of wording to WestNet of this clause as it appears in the Standard Access Agreement. We would suggest that the same changes be reflected in the TMG.

These changes included a requirement to provide as much notice as possible, to advise the operator of the anticipated or likely disruption to the operator's train paths, to take all reasonable steps to minimise the disruption and then, if appropriate, to provide alternative train paths.

We agree with the Regulator's comments that WestNet should provide all operators with advanced notice of scheduled track possessions where these affect operators' train paths. We intend to monitor these track possessions through a series of KPIs to ensure that possessions do not overrun or result in extended speed restrictions.

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

Alcoa acknowledges the inclusion of an updated train decision matrix, however, we consider that there are still two issues which require further discussion.

Firstly, we agree with the Regulator that WestNet needs to state any priorities that exist in regard to passenger trains. In addition, Alcoa would suggest that, once these priorities are determined by WestNet, they must also be incorporated in the train decision matrix.

Secondly, Alcoa suggests that the train decision matrix should incorporate a "Special Condition" procedure. Currently the TMG states that the train controller *shall* use the train decision matrix (presumably without exception). It is Alcoa's opinion that the TMG should allow the train controller to deviate from the defined Rules 1 to 4 and follow "Special Condition" rules outside the train decision matrix provided that specific authorisation from the relevant parties is obtained.

For example, if Alcoa has a late train due to loading problem at the refinery, it may be important to clear a route for that unhealthy train to make up as much time as possible to avoid a delay in ship departure time at the port. This movement could take precedence over another healthy Alcoa train operating on its scheduled path. Whilst these decisions are rare, they are usually directly related to minimising demurrage charges or other significant penalties associated with a delayed ship departure.

We would request that WestNet include additional wording in the TMG that allows the train controller to use alternative rules based on a one-off authorisation.

## **6. Need for a long range possession management process**

Alcoa has suggested to WestNet several changes of wording of this clause as it appears in the Standard Access Agreement. We would suggest that the same changes be reflected in the TMG. Alcoa would seek to have as much notice of a change to a scheduled train path as is reasonably practicable. Given the nature of track possessions and the planning required, we see no reason why WestNet should not be able to provide annual plans and monthly updates on any possessions which are likely to affect scheduled train paths.

If there were repeated instances of possession overruns or inadequate maintenance procedures leading to an increase in unscheduled maintenance possessions, then we would be concerned that there is no easy method of compensating operators and users for any costs incurred other than requesting a review of the ceiling assessment based on a degraded track specification.

A greater emphasis in the TMG on consultation with affected operators would provide Alcoa with a better understanding of the required maintenance possessions and enable us to plan stockpiles to minimise disruption to our business.

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

*Key Performance Indicators*

The TMG should clearly state that WestNet will develop a set of Network KPIs in consultation with the Regulator and publish these quarterly. These KPIs would be in addition to (but mostly likely based on) the individual KPIs which were agreed between WestNet and each operator in their Access Agreement. The Network KPIs should provide operators, users and the public with an overview of the performance of each major route on the network to show that WestNet is meeting its commitments on maintenance and track standards. The Network KPIs should also provide an indication that track standards are consistent with the standards used to determine the ceiling price under Schedule 4 of the Code.

Yours faithfully

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