

## **1. TRAIN PRIORITIES FOLLOWING A MAJOR DELAY**

The draft determination included the need to establish a framework for the resumption of operations after a major delay.

The principles WestNet Rail proposed to include in the Train Management Guidelines with respect to priority of operations resuming after a major delay after the blockage has been cleared or the infrastructure repaired sufficient to resume safe train operations are;

- (i) All affected Operators will be consulted as to their positions and needs including factors such as crewing arrangements; sensitive freight; and shipping or production requirements.
- (ii) Passenger trains will be given priority if passengers are stranded en-route.
- (iii) Otherwise the trains will resume service in the order that they were scheduled to run prior to the blockage if practical and taking account of issues raised in (i).

## **2. CLEARANCE OF NETWORK BLOCKAGES – COST RECOVERY**

The public consultation process raised the issue of costs and indemnities if an Operator was forced by the terms of the access agreement to assist in clearing a network blockage.

This provision of the access agreement has now been amended by WestNet after negotiations with some access seekers to remove the obligation to assist as it becomes very difficult to determine applicable rules and to establish cross indemnities.

Therefore, the proposed clause in the Access Agreement will read;

‘provide reasonable assistance to WestNet when necessary to facilitate the clearing of a blockage of the Network caused by a failed train’.

This would not prevent WestNet and an Operator (not the Operator causing the blockage) reaching agreement on how they might assist in clearing the blockage.

The Access Agreement contains an obligation of the Operator who is causing the network blockage to clear the blockage.

## **3. POSSESSION MANAGEMENT POLICY**

WestNet Rail is aware that other track owners have extensive possession management policies and processes and notes for example that in NSW it is a very complicated process.

This is largely driven by the fact that traffic density is high and there is no available windows for maintenance.

WestNet proposes a possession management policy as follows;

### **Possession Management for Maintenance and Upgrades**

- (i) where the maintenance can be carried out without affecting use of train paths no notice is required.
- (ii) where WestNet has to take possession because of emergencies related to safety or natural events such as fire or flood WestNet will advise affected Operators as soon as practicable of;
  - the circumstances
  - the likely impact on train paths
  - the likely duration of the possession
- (iii) where WestNet requires possession for maintenance activities which will effect train paths for periods less than 48 hours it will provide a minimum of 2 weeks notice and will negotiate with the Operator(s) for temporary adjustments or changes to train paths to facilitate the possession.
- (iv) where WestNet requires possession for either major maintenance activities extending beyond 48 hours or where an upgrading will require changes over a long period of time WestNet Rail will give at least six months notice of the works. WestNet will also commence negotiations with affected Operators from the date of the notice to ensure alternative arrangements are made.
- (v) Any notice given under this policy will describe;
  - (a) the extent and nature of the works;
  - (b) the potential effect on train paths;
  - (c) what alternative arrangements are proposed.

WestNet notes that in recent major upgrades including the Brunswick Junction / Worsley and Koolyanobbing / Kalgoorlie upgrades discussions with Operators allowed services to operate with minimal effect whilst allowing adequate possession for the work.