

## NOTICE

### Invitation for Public Submissions

## The Pilbara Infrastructure Pty Ltd – Segregation Arrangements, Train Management Guidelines and Train Path Policy

The Economic Regulation Authority is inviting public submissions on the [segregation arrangements](#), [train management guidelines](#) and [train path policy](#) that have been proposed by railway owner, The Pilbara Infrastructure Pty Ltd (TPI), for its recently-constructed railway in the Pilbara.

These documents are available on the Authority's [web site](#).

### Background

On 1 July 2008, the TPI railway was included in the State's rail access regime – consisting of the *Railways (Access) Act 1998* and the *Railways (Access) Code 2000* – which is administered by the Authority.

On that date, the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004* between the State Government and TPI (a subsidiary of Fortescue Metals Group Ltd (FMG)) amended both the Act and the Code to make the inclusion.

The Agreement Act required TPI to submit to the Authority segregation arrangements and four Part 5 Instruments (train management guidelines, statement of train path policy, costing principles and over-payment rules) no later than seven days after the Act and the Code applied to the company's railway.

On 3 July 2008, the Authority received the proposed segregation arrangements, train path policy and train management guidelines but, to date, has not received the proposed costing principles and over-payment rules. The Authority expects to receive the outstanding documents soon when they will be placed on its web site for public comment.

### Segregation Arrangements and Part 5 Instruments

The Act specifies that a railway owner must arrange to segregate its access functions from its other functions and that it must obtain the Authority's approval to the segregation arrangements. The Code sets out the Authority's approval functions for the four Part 5 Instruments.

The Part 5 Instruments and the segregation arrangements are to help provide access to monopoly infrastructure with reasonable quality of service at fair prices, and prevent below rail infrastructure owners from extracting monopoly rents from third party above rail operators. This is while recognising the need for infrastructure owners to achieve fair and reasonable returns on their investments.

## **Public submissions**

Under the Code, the Authority must undertake public consultation before approving the railway owner's proposed segregation arrangements, train management guidelines and train path policy. Public consultation is not required before the over-payment rules and the costing principles are approved. However, previously the Authority has decided that, in the interests of transparency and consistency, all four Part 5 Instruments should be subject to the same process.

The Authority invites submissions on the proposed segregation arrangements, train management guidelines and train path policy submitted by TPI on 3 July 2008.

All submissions should be in electronic and hard copy form and must be received by **4:00pm (Western Standard Time) on Tuesday 26 August 2008.**

Written submissions should be mailed to:

Mr Russell Dumas  
Director – Gas and Rail Access  
Economic Regulation Authority  
PO Box 8469  
Perth BC WA 6849

Electronic submissions should be made to: [railnetworks@era.wa.gov.au](mailto:railnetworks@era.wa.gov.au).

In general, submissions made to the Authority will be treated as in the public domain and placed on the Authority's web site.

Where an interested party wishes to make a submission in confidence, it should clearly indicate the parts of the submission for which confidentiality is claimed and specify in reasonable detail the basis for the claim. Any claim of confidentiality will be considered in accordance with the provisions of Section 50 of the Code.

The publication of a submission on the Authority's web site shall not be taken as indicating that the Authority has knowledge either actual or constructive of the contents of a particular submission and, in particular, whether the submission in whole or part contains information of a confidential nature and no duty of confidence will arise for the Authority.

For further information contact:

### **General Enquiries**

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### **Media Enquiries**

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LYNDON ROWE  
**CHAIRMAN**

14 July 2008