Public Transport Authority

Train Management Guidelines

Public Transport Authority of Western Australia

Train Management Guidelines

Contents

1 INTRODUCTION

1.1 Background

The purpose of the *Railways (Access) Act 1998* (the Act) and the *Railways (Access) Code 2000* (the Code) is to establish a rail access regime that encourages the efficient use of, and investment in, railway facilities by facilitating a contestable market for rail operations.

The Act requires nominated parts of the rail network managed by the Public Transport Authority of Western Australia (PTA) to be made available for access by third party rail operators. Schedule 1 of the Code lists the sections of the PTA rail network covered by the Code.

PTA is established under the *Public Transport Authority Act 2003* to direct, manage, maintain and control the Government Railways in Western Australia.

The Economic Regulation Authority (ERA) was established on 1 January 2004 and became responsible for the administration of the Act and the Code which were previously the responsibility of the Office of the Rail Access Regulator.

PTA has established a Network and Infrastructure Division and a Transperth Train Operations Division. These Divisions are organisationally separate. They are physically situated in different geographical locations. PTA staff are separately allocated to each Division.

The Transperth Train Operations Division has responsibility for operational aspects of the urban rail passenger Service. The Network and Infrastructure Division (NETIND) is responsible for management of the rail system using the Network and Infrastructure which is under the control of PTA.

Applications for access are managed, and negotiations undertaken, by the General Manager, NETIND and persons authorised and reporting to him. The rail operating divisions are asked for advice on the potential impact on passenger services timetables when an application for access to a specific train path is received. However, they do not have the power to affect access-related decisions.

For reasons of efficiency and safety, the Transperth Train Operations Division, as the primary user of the Network, has been requested by NETIND to carry out the Train Control function. However, this function is performed by Transperth Train Operations Division within the policies and procedures defined by NETIND who have ultimate control over the way in which the function is performed. The policy and guidelines associated with that Train Control function are consistent with PTA's Train Management Guidelines.

The Job Description Form for a Train Controller includes compliance with the Train Management Guidelines as a principal responsibility, and includes as an essential criterion a sound knowledge of the Train Management Guidelines.

Within PTA responsibility for the formulation and implementation of these Train Management Guidelines rests with NETIND.

Specifically, the function to which these Guidelines apply is the real-time management of Services operating under Access Agreements between Operators and PTA. The principles, rules and practices for real-time management are developed by NETIND, and their application undertaken by PTA Train Controllers.

1.2 Relevance of the Train Management Guidelines

Section 43(3) of the Code requires each railway owner to prepare and submit to the ERA a statement of the principles, rules and practices (the train management guidelines) that are to be applied and followed by the railway owner in the performance of the functions in relation to a part of the railways network and associated infrastructure to which the Code applies.

The purpose of these Guidelines is to establish a common understanding between the Operator and PTA, through NETIND, on the obligations required from both parties to ensure that the management of Trains is undertaken in the mutual interest of all users of the PTA railway Network.

An access seeker may engage a third party as its agent or contractor in relation to the acquisition of rights and the acceptance of obligations under these Train Management Guidelines.

These Train Management Guidelines are submitted to the ERA under section 43 of the Code. Under that section, the ERA may approve these guidelines as submitted by PTA either with or without amendments, or may reject these guidelines and determine what are to constitute the Train Management Guidelines. The ERA is required by section 45 of the Code to seek public comment before approving these Train Management Guidelines submitted by PTA. The Train Management Guidelines may be amended or replaced by the railway owner with the approval of the ERA. The ERA may direct PTA to amend these Train Management Guidelines or to replace them with other Guidelines determined by the ERA.

These Train Management Guidelines will form a schedule to all future Access Agreements. Although the Code only requires the Train Management Guidelines to apply to Access Agreements negotiated under the Code PTA will apply the Train Management Guidelines to all Operators regardless of whether access arrangements are negotiated under the Code or otherwise.

Because the Train Management Guidelines relate closely to the Statement of Policy and provisions of the Access Agreement, PTA will use the following order of precedence of the documents:

(a) Statement of Policy;

(b) Train Management Guidelines; and

(c) Access Agreements.

It is also noted that, should it ever become apparent that there is another operator seeking access in the same competitive market as PTA, then the ERA may review the Train Management Guidelines and may require changes to them.

2 ASSOCIATED REFERENCE DOCUMENTS, INCLUDING PROCEDURES, RULES, STANDARDS, ACTS AND REGULATIONS

These Train Management Guidelines must be read in conjunction with the following associated reference documents, all of which are publicly available and may be obtained from PTA, through NETIND.

- PTA Network Rules;
- Appendix to the PTA Network Rules;
- PTA Rail Infrastructure Codes of Practice and Procedures;
- PTA Operating Procedure for Traffic Management (4010-409-001);
- PTA Statement of Policy relating to the allocation of Train Paths (8102-200-001)
- PTA Emergency Management Manual (9000-000-011);
- PTA Working Timetables;
- Rail Safety Act 1998 (WA);
- Rail Safety Regulations 1999 (WA);
- Railways (Access) Act 1998 (WA);
- Railways (Access) Code 2000 (WA);
- Australian Standard – Railway Safety Management (AS4292.1 (Part 1));
- Australian Dangerous Goods Code (Volume 1) (Requirements and Recommendations) comprising:
- The Australian Code for Transport of Dangerous Goods by Rail and Road;
- Dangerous Goods – Initial Response Guide (SAA/NZS HB76:1997);
- Dangerous Goods (Transport) (Road and Rail) Regulations.

PTA is aware of and undertakes to comply with the requirements of all the above referenced and associated documents. All Operators seeking to run Trains on the PTA Network must also be aware of and undertake to comply with the requirements of the above referenced and associated documents.

3 PRINCIPLE GOVERNING THE USE OF THE PTA RAIL NETWORK

The reason for the existence of the PTA urban rail Network, and its essential function, is to provide a safe, reliable and efficient rail-based public transport Service within metropolitan Perth. Certain performance standards for the provision of that public transport Service are required by Government, which funds the urban rail Network and the public transport Service. PTA currently operates a rail-based public transport Service that is close to world best practice in terms of on-time running (within three minutes of schedule) and the use of safe systems such as Automatic Train Protection. The Government and the users of the system have a right to expect that these standards will be maintained.

The State rail access regime requires that third party Operators be permitted to negotiate agreements to use the PTA Network and PTA, through NETIND, is committed to facilitating such use. However, PTA maintains that the safe and reliable operation of the rail-based urban public transport Service is paramount and must not be compromised as a result of the presence of other Operators on the Network. This principle underlies PTA's approach to Train management.

4 PREREQUISITES

The following essential criteria must be met before a Service will be permitted to operate on the Network:

(a) The Operator must hold an appropriate current accreditation under the Rail Safety Act 1998.

(b) The Operator must have an Access Agreement and have fulfilled all the terms and conditions in that agreement, including those related to insurance and current driver accreditation.

(c) The rollingstock must meet PTA's specifications for operation on the Network. This includes, but is not limited to, compliance with the clearance envelope, a requirement to ensure passenger car windows can not be opened by passengers on some lines because of limited side clearances, and a requirement that toilet waste is kept within the Train and not permitted to be released on to the track. Certain Train paths, eg during peak periods, may be available only to Trains fitted with Automatic Train Protection devices.

(d) The Operator, in accordance with the Access Agreement, must provide PTA with the information required for a Train Manifest.

When these conditions are satisfied the Service will be admitted to the Network and managed in accordance with these Train Management Guidelines.

5 PRINCIPLES OF TRAIN MANAGEMENT

Set out below are the principles, rules and practices of normal Train management. These include the principles to be applied in circumstances where Services become interrupted due to matters which occur outside of the control of PTA, necessitating a need to resolve the competing interests of users of the Network. The principles, including any amendments, will be applied in a non-discriminatory manner between all users of the Network in order to maintain, as near as possible, the order of priority of Scheduled Train Paths.

5.1 General principles of Train Management

It is the responsibility of PTA, through NETIND, to provide a safe and fit for purpose railway Network and infrastructure, in accordance with its accreditation requirements under the Rail Safety Act 1998 and in accordance with the requirements of the associated reference documents listed in section 2 of these Guidelines. It is the responsibility of PTA, through NETIND, to provide the appropriate access and running rights to allow the Operator to conduct business, and to manage the Network on agreed entry/exit times. This includes the provision of suitably trained and experienced Train controllers.

It is the responsibility of the Operator to manage and carry out its Train running operations in accordance with the appropriate rules and relevant procedures as specified in the associated reference documents listed in section 2 of these Guidelines, as well as utilise its rollingstock in accordance with its accreditation requirements under the Rail Safety Act 1998. The Operator must ensure operating integrity, including Train crewing, locomotives, railcars, other rollingstock and loading, in order for Train schedules to be met. This includes the provision of suitably trained, experienced and accredited Train crews, and the provision of rollingstock which meets PTA's specifications for operation on the Network.

It is the responsibility of both PTA and the Operator to ensure that operational safety is maintained through compliance with safeworking rules, regulations and procedures.

PTA and the Operator are required at all times to comply with:

- all applicable safety standards and laws dealing with safety;
- the requirements contained in the associated reference documents listed in section 2 of these Guidelines;
- all other applicable statutes and regulations; and
- the terms and conditions set out in the Access Agreement for Railway Access governing the Operator's access to the Network.

5.2 Infrastructure Issues

5.2.1 Operator and PTA consultation protocols

The Operator and PTA will comply with the coordination protocols agreed in the Access Agreement.

Should PTA become aware of an infrastructure failure on its Network which may have the potential to cause a deviation from Scheduled Train Paths, resulting in the predicted exit time from the Network to vary from the scheduled exit time, PTA will advise the Operator as early as possible of the magnitude of the failure and the estimated revised time of the Service's exit from the Network. This advice will take into account the magnitude of the deviation from schedule and the duration of the remaining journey on the Network.

Should the Operator become aware of an infrastructure failure on the Network, or a potential deviation from the schedule, the Operator must advise PTA at the earliest possible time of the event and the magnitude of the deviation.

In order to fulfill the above consultation process, unless otherwise agreed, the Operator and PTA will establish a 24 hour communication link within the context of the Access Agreement.

5.2.2 Maintenance provisions

PTA, through NETIND, has the right to effect repairs, maintenance or upgrading of the Network, or take possession of any part of the Network, at any time.

In doing so, if there is there likely to be an effect on Scheduled Train Paths, NETIND will, prior to commencement of any works:

- take all reasonable steps to minimise disruptions to scheduled Train paths;
- provide notification of the works to the Operator as soon as reasonably practicable; and
- use its best endeavours to provide an alternative Train Path but need not obtain the Operator's consent to such repairs, maintenance ot upgrading, or possession of the Network. (Possession of the Network means closure of the relevant part of the Network to all traffic for the purpose of effecting repairs, maintenance or upgrading)..

NETIND will at all times consult with Operators affected by the proposed possession of the Network for repairs and maintenance and provide a time profile of the proposed works and the estimated length of any disruption to access. If circumstances change and the time profile or estimated length of disruption which has been provided is affected, PTA will provide a revised time profile or estimate to Operators. NETIND will notify Operators when possession of the Network is required for emergency or Force Majeure events.

PTA, through NETIND, recognises its responsibilities to treat all Operators fairly in the application of its possession management policy and acknowledges the ERA's powers if the ERA believes PTA's conduct could be construed as hindering or preventing access in breach of section 34A of the Railways (Access) Act.

The policy PTA, through NETIND, will apply to possession management is as follows:

(a) if the maintenance can be carried out without affecting use of Train Paths no notice is required;

(b) if PTA has to take possession because of emergencies related to safety or natural events such as fire or flood PTA will notify affected Operators as soon as practicable of:

- the circumstances,
- the likely impact on Train Paths, and
- the likely duration of the possession;

(c) if PTA requires possession for maintenance activities for periods less than 6 hours it will give 2 days notice;

(d) if PTA requires possession for maintenance activities which will affect Train Paths for periods greater than 6 hours but less than 48 hours, it will provide a minimum of 2 weeks notice and will negotiate with any affected Operators for temporary adjustments or changes to Train Paths to facilitate the possession; and

(e) if PTA requires possession for either major maintenance activities extending beyond 48 hours or if an upgrading will require changes over a long period of time PTA will give at least 6 months notice of the work. PTA will also commence negotiations with affected Operators from the date of the notice to ensure alternative arrangements are made.

Any notice given under this policy will describe:

(a) the extent and nature of the works;

(b) the potential effect on Train Paths; and

(c) what alternative arrangements are proposed.

5.2.3 Management of Emergencies

In the event of an emergency which requires PTA to close all or part of the Network, PTA will, in accordance with the PTA Emergency Management Manual:

(a) notify all affected Operators as soon as practicable of the nature of the incident;

(b) notify all affected Operators as soon as practicable of the likely effect on Scheduled Train Paths and the estimated duration of the incident; and

(c) develop with the Operator(s) a recovery plan in accordance with the provisions of the relevant Access Agreement(s).

5.3 Operational Issues

5.3.1 Management of daily issues related to Train operations

Daily issues (such as the imposition of temporary speed restrictions) will be managed in accordance with:

(a) the PTA's Network Rules; and

(b) the relevant Access Agreement.

5.3.2 Use of the Network in accordance with Scheduled Train Paths

PTA will ensure that Services operate according to Scheduled Train Paths so that a Service which enters the Network on-time will exit the Network on- time, subject to:

(a) safety considerations;

(b) matters outside the reasonable control of PTA, which affect the ability of PTA to provide the Scheduled Train Paths;

(c) advice from the Operator 3 minutes prior to the scheduled departure time that the Service will be ready for departure on-time;

(d) presentation of Operator's Train on time; and

(e) any other emergencies that may affect the operation of Services.

A Train which is late entering the Network or is delayed within the Network will be managed with reasonable endeavour by PTA to make up time dependent upon:

(a) the degree of lateness;

(b) conformance to the Network operating requirements;

(c) how the Train has performed in relation to the section running times as it proceeds; and

(d) the obligations PTA has in relation to the operation of other Trains on the Network.

PTA will use its best endeavours to accommodate a Service which is running early or late, is presented at the point of entry to the Network late or is presented at the point of entry to the Network more than 3 minutes early by providing a Train path for that Service at PTA's first available opportunity.

Both PTA and the Operator will use their best endeavours to:

(a) ensure that such Services which are running or presented late recover the lost time; and

(b) ensure that such Services which are presented more than 3 minutes early depart the Network no later than the scheduled time.

In the case of an actual or potential conflict of train paths, section 6.4.2 will apply

PTA may issue Instructions to the Operator and these Instructions may include but are not limited to Instructions or directions:

(a) to cease use of a Scheduled Train Path by the Service and for the Service to proceed over such path on the Network as PTA nominates;

(b) to continue use by the Service of the Network subject to such variation of the applicable Scheduled Train Path or the Service or the composition or quality of Trains as PTA nominates;

(c) to cause the Service to proceed to a point on the Network and stand there until PTA issues a further instruction or direction in relation to the Service; or if the Service operates outside of its Scheduled Train Path, to delay or redirect the Service to allow access to the Network by another Operator of a Train (including, if relevant, PTA) whose Service would, but for the delay or redirection of the Operator's Service, be delayed or further delayed.

(d) to change the entry and exit time of a Scheduled Train Path;

(e) to issue notification of a temporary speed restriction on a section of track;

(f) to cancel a Scheduled Train Path; or

(g) to amend and clarify application of the PTA's Network Rules.

In these circumstances PTA will:

(a) in giving any Instruction endeavour to minimise disruption to the Operator's Services;

(b) other than in an emergency, consult with the Operator in giving an Instruction concerning the use of an Operator's locomotive and its crew for the purpose of assisting in the clearing of a Network blockage;

(c) if an Instruction which varies the Operator's Train Paths is intended by PTA, through NETIND, to be permanent, such permanent effect of the Instructions will not take effect until the appropriate procedures for permanent variation of a Train Path has been satisfied. Until the procedure had been satisfied such Instruction will have a temporary effect; and

(d) as soon as is reasonably practicable and in any event before an Instruction becomes effective, PTA must give to the Operator a written copy of the Instruction if such Instruction is ordinarily given in writing by PTA to Operators.

The Operator will comply with all Instructions and will promptly inform all relevant Train crew of those Instructions and any changes to them. The Operator will also generally inform all relevant Train crew of PTA's Network Rules and any general notices and other information notified to the Operator by PTA and will promptly inform the Operator of any changes made by PTA. If

an Instruction is a Train Control Direction, it must be complied with immediately. Unless the Train Control Centre gives an Instruction that is a Train Control Direction, the Operator need only comply with an Instruction if is given a reasonable time before the required time for compliance.

The Operator must comply with all Instructions in such a way as to reasonably minimise disruption to any other Operator's use of the Network. PTA is not responsible for any delay suffered or cost incurred by the Operator in complying with a proper Instruction of PTA, and the Operator releases PTA from any claim arising from such compliance.

The Operator is not responsible for any delay suffered or cost incurred by PTA in the Operator complying with a proper Instruction of PTA, and PTA releases the Operator form any such claim arising from such compliance.

Depending on the particular circumstances of the need for an Instruction requiring the variation of a Train Path, the Instruction could be issued by either NETIND or through a Train Controller. In relation to foreseen circumstances, eg. to enable PTA's planned maintenance program to be carried out, NETIND would directly negotiate any required variation to affected Train Paths.

All Instructions issued will be in accordance with the Train Management Guidelines.

5.3.3 Network Blockage

A Train failure which blocks the Network, and therefore the passage of other Trains, will be cleared using alternative locomotives and crews at the discretion of PTA. PTA will adopt and implement a strategy in each situation which will minimise the time the Network will be blocked. Operators, other than the Operator whose train has failed, will be required to provide reasonable assistance to PTA when necessary to facilitate the clearing of a blockage of the Network caused by a failed Train. As an example, assisting locomotives and crews may be sourced from:

(a) other Trains near the vicinity which are being delayed by the failure; or

(b) the nearest locomotive depot.

The actual source will be dependent on the location of the failure and the logistics involved in achieving the minimum disruption to other Services using the Network.

An Operator 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.

A failed Train will be cleared from the main line to the nearest location where it will not impact on train-running. The Train's Operator will then be responsible for undertaking repairs and liaising with PTA to arrange an alternative Train Path.

5.3.4 Operator's recovery plan

In clearing a failed Operator's Train from the Network, the Operator will be consulted to consider alternatives, which may include:

(a) a reduction of loading; or

(b) continuation of the Service at reduced speed; or

(c) arrangements for an alternative locomotive to be used to continue the Service; or

(d) amalgamation with another Service.

5.3.5 Management of Emergencies and Incidents

All operational emergencies are to be managed in accordance with PTA's Emergency Management Manual.

All operational incidents, including Category A and Category B notifiable occurrences as defined under the Rail Safety Act 1998, are to be managed in accordance with the Access Agreement, PTA's Network Rules and such other legislation as may apply. This includes incidents resulting in environmental pollution or public health risks.

5.4 Operations conflict resolution procedures and protocol

5.4.1 Real-time allocation of Train Paths

Scheduled Train paths will have been established under an Access Agreement and will be promulgated by:

(a) the issue of Working Timetables; and

(b) the issue of special Train Notices where the Train Path is not permanently scheduled.

If an Operator requests an adhoc or alternative Train Path, in determining such a Train Path, PTA will take into consideration the need to ensure that established urban passenger Train schedules are maintained on the Network. In these circumstances, an ad-hoc or alternative Train Path will be issued by PTA under the authority of its General Manager NETIND, by a Train Controller or another person authorised by PTA.

5.4.2 Resolution of Train Path priority due to unhealthy Services

General Principles for Train Management

All - To ensure operational safety is maintained through compliance with all applicable rules, regulations and procedures.

PTA - To ensure the integrity of the Network so that the Train Paths can be followed.

To manage the Network based on agreed entry/exit times.

Operator - To ensure operating integrity, including Train crewing and proper operating of Trains, so that the Train Paths can be followed.

In the event of a conflict of Train Paths resulting from an Unhealthy Train, the PTA Train Controller will use the following matrix:

TRAIN PLAN	Train A ↓				
Train B →	TRAIN RUN	Actual Performance	On Time running	Running ahead	Late Running
AGREED NETWORK ENTRY/EXIT TIMES	Actual Performance	Train Control Objective	On Time Exit	On Time Exit	1. No more time lost 2. Make up time 3. Hold the gain
	On Time running	On Time Exit	Scheduled Cross	A or B Rule 2	B Rule 3
	Running ahead	On Time Exit	A or B Rule 2	A or B Rule 2	B Rule 3
	Late Running	1. No more time lost 2. Make up time 3. Hold the gain	A Rule 1	A Rule 1	A or B Rule 4

Rule 1 – Train B may be given preference on condition Train A will still meet On Time exit objective. In the event that giving preference to Train B will cause Train A not to meet its On Time objective, then Train A is given preference.

Rule 2 – Both Trains must meet their On Time exit objective.

Rule 3 – Train A may be given preference on condition Train B will still meet On Time exit objective. In the event that giving preference to Train A will cause Train B not to meet its On Time objective, then Train B is given preference.

Rule 4 – Give priority to Train where performance indicates it will lose least or no more time and even make up time and hold the gain.

Notes: - The matrix assumes:

- Train “A” and Train “B” are competing for priority in relation to Traffic management decision by Train Control, for example, for Network entry, or a cross or pass with another Train in single line territory.
- The Train Controller compares the current “status” or performance of both Trains in terms of running “on time”, “ahead” or “late” when compared with the Working Timetables.
- The decision is given to the Train and rule indicated at the point of intersection.

The primary objective in resolving conflicts is that Healthy Trains should stay healthy. PTA will use best endeavours to ensure that Unhealthy Trains are managed so that where possible they still achieve an on time exit from the Network. With Late running Trains, this includes trying to ensure they lose no more time, where possible make up time and then hold the gain throughout their journey.

In considering whether to apply rules 1 or 3, a Train Controller, or another person authorised by the General Manager, NETIND, may give consideration to the operational characteristics of the two Trains concerned, for example a through Train (eg. an express, a freight Train or a country passenger Train)

may be given precedence over a Train that will stop at all stations, since this action is likely to minimise the duration of the conflict. A Train capable of rapid acceleration may be given precedence over a slower Train, since this is also likely to minimise the duration of the conflict. Such precedence will only be given if it does not unreasonably delay the other Train.

When making judgments with respect to the rules, a Train Controller, or another person authorised by the General Manager, NETIND, will give priority to minimising disruptions to the urban passenger Train timetables and use all reasonable endeavours to maintain the on-time running of the public transport system.

However, the nature of the urban rail Network is such that Trains can rarely be directed off the main line to allow a following Train to pass. Thus if a Late Train enters a section behind a Train that it would, had it not been Late, have preceded, it is likely to have to remain behind that Train for the duration of its journey. Given the relatively short section running times on the urban Network, this will rarely result in major delays.

The personnel concerned with the application of the matrix are Train Controllers who manage real time application of Train Paths.

The General Manager, NETIND, is responsible for compliance with the TMG and training will be provided to Train Controllers in the application of the matrix.

Apart from the rules in the matrix no one Train has priority over another except for:

(a) trains operating on a Scheduled Train Path where the Train Controller must take account of the fixed intervals for passenger stops en route between exit and entry; and

(b) where the 2 Trains concerned are operated by the same Operator who has indicated a specific priority between the Trains but only if it does not interfere with the Train Paths allocated to another Operator.

If the infrastructure layout of the Network does not permit the planned operation (such as a Train crossing passenger trains which must stop at the passenger facility) the Train Controller will achieve the best crossing possible given the constraint.

If there is some constraint that means the matrix cannot be applied the Train Controller will refer the issue to the General Manager, NETIND, who will decide the course of action to be taken. The decision will take into account the need to treat all Operators fairly; the safe operation of the railway; and the on-time running objective of all trains.

6 DISPUTES

If an Operator has reason to believe that a Train Controller has not complied with these principles, rules and procedures, the Operator will notify the General Manager, NETIND, in writing, as soon as practicable after the incident, with such evidence as supports the Operator's belief. The General Manager, NETIND, will investigate the allegation and provide a written response to the Operator within 10 days, advising the outcome of the investigation and what, if any, remedial action is proposed to be taken.

If an Access Agreement has been entered into, the agreement should make provision for the means by which PTA, through NETIND, and the Operator will resolve disputes between them.

As a general rule, Access Agreements will provide for resolution of disputes by:

(a) first – negotiation by senior representatives of each party;

(b) second – mediation by an agreed means; and

(c) third – by any other means available.

If a dispute related to Train management arises between the parties to an Access Agreement they must use reasonable endeavours and act in good faith to settle the dispute as soon as practicable in accordance with the dispute resolution procedures set out in the Access Agreement.

If such resolution is not achievable within the contractual framework of the Access Agreement, either party or both parties will notify the ERA of a dispute under the Code.

Under section 25 of the Code a dispute may arise if:

(d) there is a proposal for access;

(e) the proposal complies, and the entity making the proposal has complied, with the Code;

(f) any of the following situations exits:

i. PTA has refused to negotiate;

ii. the entity has given notice to PTA that there is a dispute between them;

iii. negotiations between the entity and PTA have commenced but agreement has not been reached.

7 COMPLIANCE MONITORING

7.1 Key Performance Indicators

Where a party approaches the ERA seeking access to PTA's rail network under the Code the ERA may require that Key Performance Indicators (KPI) be developed with relevant stakeholders. The ERA may require the PTA to submit these KPIs on a regular basis as determined by the ERA in order to assess the effectiveness of the Train Management Guidelines.

Access agreements will also make provision for the identification and implementation of KPI's in the context of the individual Access Agreement.

7.2 Compliance Audits

Where a party approaches the ERA seeking access to PTA's rail network under the Code the ERA may require that PTA's compliance with the Train Management Guidelines be subject to an annual 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 supervise the auditor. The final audit report will be made available to the ERA. The ERA will place the audit report, excluding any confidential components, on its web site.

The ERA also has the power to commission special purpose compliance audits on any issue arising under the train Management Guidelines as considered necessary.

8 REVIEW AND CONSULTATION

Where a party approaches the ERA seeking access to PTA's rail network under the Code the ERA may require that the Train Management Guidelines be reviewed.

The ERA has power under the Code to require that the Train Management Guidelines be amended at any time. Access seekers or operators may request the ERA at any time to consider amendments to these Guidelines.

9 DEFINITIONS

Access Agreement	means the railway access agreement entered into under the Railways (Access) Code 2000, between the railway owner (PTA) and an Operator, for access to the railway Network by that Operator.
Accredited Operator	means an Operator who is Accredited or taken to be Accredited under the Rail Safety Act 1998.
Act	means the Railways (Access) Act 1998.
Automatic Train Protection	means an on-board electronic system which monitors the Train speed and the status of signals, applying warnings and automatic braking to

	prevent the Train going past a signal at danger or exceeding the speed limit.
Code	means the Railways (Access) Code 2000 established under the Act.
Dangerous Goods Code	means the Australian Code for the Transport of Dangerous Goods by Road and Rail prepared by the National Road Transport Commission (or successor body) from time to time.
Economic Regulation Authority	means the Western Australian Independent Rail Access Regulator under Section 13 of the Act.
Failed Train	means an Operator's Train that fails (cannot continue its journey) due to a breakdown or some other mishap and is therefore rendered "unhealthy".
Force Majeure	means any circumstances beyond the reasonable control of a party which occur without the negligence of that party and includes inevitable accident, storm, flood, fire, earthquake, explosion, peril of navigation, hostility, war (declared or undeclared), insurrection, sabotage, executive or administrative order or act of either general or particular application of any government prohibition or restriction by domestic or foreign laws, regulations or policies (other than laws specifically for that purpose passed by the Commonwealth), quarantine or customs restrictions, strike, lockout or industrial dispute, break-down or damage to or confiscation of property but does not include breakdown or delay of any Trains or Rolling Stock operated by the Operator.
Healthy Train	means an Operator's Train which enters the Network within three minutes of the scheduled entry time.
Instructions	means all instructions and directions, issued by PTA from time to time which: (a) ensure, facilitate or encourage the proper, efficient, safe and lawful: i) use of land and access to the Network by all Network users; and ii) management of the Network by PTA, (b) are consistent with the Train Management Guidelines; and (c) are given with a view to minimising the disruption to the Operator in a manner

which is reasonable in the circumstances and taking into account the valid objectives of PTA in issuing the instruction or direction,

but does not include Instructions and directions which:

(d) derogate from the Train Paths;

(e) prevent the Operator from running a Service of the nature of the Services contemplated or as agreed between the parties from time to time;

unless the Instructions or directions:

(f) are Train Control Directions properly given;

(g) relate to safety;

(h) are given to implement or support the Train Management Guidelines;

(i) are necessary to prevent or to minimise the effect of a material breach of an Access Agreement (such as an Instruction resulting from the Operator's loss or suspension of accreditation, or the Operator not providing evidence of insurance or the Operator failing to comply with a prior Instruction); or

(j) are otherwise authorised by an Access Agreement.

Late	means late when compared with the Working Timetables or Special Train Notices.
Network	means that part of the urban railway network in Western Australia owned by or under the control of PTA, which is delineated, described or defined in Schedule 1 of the Railways (Access) Code 2000.
Operator	means a person to whom access is provided to the Network under an Access Agreement, whether or not that agreement is made under the Railways (Access) Code 2000, for the purpose of running Trains.
PTA	means the Public Transport Authority of Western Australia established by the Public Transport Authority Act 2003 section 5.
PTA's Network Rules	means PTA's rules (including the Appendix to the Rules and Working Timetables) issued in accordance with PTA's Safety Management Plan approved under section 10 of the Rail Safety Act 1998 together with any amendments, deletions or additions made in accordance with the Safety

	Management Plan and all policies and notices issued by PTA for the purpose of ensuring the safe use of the Network.
Scheduled Train Paths	means the entitlements of the Operator to use the Network between the times and locations set out in the Access Agreement, and as amended, or varied permanently in accordance with that agreement.
Service	means a Train operated by the Operator using the Network by which the Operator provides railway freight or passenger Services.
Special Train Notices	means Train Control Directions which for the purpose of giving notice of alterations to Working Timetables, alterations to speed limits and other operating conditions and alterations to other rules, regulations or requirements.
Standards	means the Australian Standard AS4292- Rail Safety Management (Part 1: General and Interstate Requirements), and any other principles and standards prepared, approved and published by the Standards Association of Australia in relation to rail safety.
Train	means one or more units of rollingstock coupled together, at least one of which is a locomotive or other self-propelled unit.
Train Control	means the control of Trains by PTA or its agents on the Network.
Train Control Centre	means the facility or facilities maintained and operated by PTA or its agents at any geographic location for the purpose of communication with Train Crew in order to exercise the control of Trains.
Train Control Directions	means all Instructions issued by PTA relating to management, continuity and safe operation of Train movements on the Network, including Instructions concerning the actual movement, deployment or placement of Trains, but only to the extent such Instructions: (a) are consistent with these Train Management Guidelines; and (b) are reasonably made with a view to minimising the disruption to the Operator in a manner which is reasonable in the circumstances and taking into account the valid objectives of PTA in issuing the Instruction.

Train Controller	means a qualified person authorised to regulate and control Train movements over prescribed sections of the Network in accordance with PTA's Network Rules.
Train Manifest	means a written notice (including, if agreed, in electronic form) prepared by the Operator in relation to a Service and containing the following details in relation to that Service: (a) the date the Service will commence operation on the Network; (b) the identification number of the locomotive or locomotives that will operate the Service and in the order in which they are marshalled on the Train; (c) the number of vehicles in the Train; (d) the gross mass of the Train; (e) the passenger capacity of the Train, if applicable; (f) such detail in relation to the identification of dangerous goods as is required by the Dangerous Goods Code and as is otherwise reasonably required by PTA (on terms not inconsistent with the Dangerous Goods Code); and (g) the designated Train identification number for the Service and its origin and destination.
Train Path	means an entitlement to operate a Service on the Network and consists of departure, transit and arrival times between the entry and exit points on the Network. A Train Path is described in the relevant Access Agreement and may be published in the Working Timetables, in graphical form on a Master Control Diagram or electronically or in other printed form.
Unhealthy Train	means an Operator's Train which enters the Network more than three minutes outside of the scheduled time of entry or during transit becomes three minutes or more later than scheduled.
Working Timetables	means the Train timetables and operating data for all or part of the Network issued as part of PTA's Network Rules and as amended from time to time.