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GENERAL NOTICE

NOTICE 663 OF 2015

DEPARTMENT OF TRANSPORT

DETERMINATION OF SAFETY PERMIT FEES UNDER SECTION 23(2) (a) OF THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002

I, Dipuo Peters, Minister of Transport, hereby in terms of section 23(2)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) read together with section 23(2)(b) of the Act determine fees that the Railway Safety Regulator must charge for safety permits as indicated in the Schedule. This safety permit fees determination shall come into operation on the date of publication in the Government Gazette.

The safety permit fees are published for compliance and general information.



Dipuo Peters, MP

Minister of Transport

Date: 24/06/2015

DRAFT SCHEDULE

PERMIT FEES PAYABLE TO THE RAILWAY SAFETY REGULATOR

DEFINITIONS

1. For purpose of calculating fees:

"Annual passengers" means the total number of passengers transported aboard railway operator's passenger and/or commuter rolling stock between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator's personnel, over the period of an operator's most recently completed financial year;

"Annual tons" means the total sum of the mass of dangerous and/or general goods hauled by a train operator in the preceding year, and transported along the portion along the portion of rail network as determined by all the applicable interface agreements;

"Cape gauge" means a railway track where the distance between the two rails of the railway track is 1,067 millimetres in length;

"General Freight or Passenger Operators" means network, train or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous and/or mining goods;

"Non-Rail Related Revenue" means revenue generated by a train operator, a network operator or a station operator whose railway operation is incidental to its main business;

"Passengers" means people transported by a train between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator's personnel;

"Rail-related Revenue" means the gross inflow of cash arising from rail operating activities of an operator;

"Relevant Risk Based Fee Rate" means the rand value equivalent of the risks attributable to rail activities. The units of measurement include R/Kilometre (for network operations), R/number of

stations (for station operator), R/passenger kilometres (for passenger operations), and R/ton kilometre (for freight operations);

“**Standard gauge**” means a railway track where the distance between the two rails of the railway track is 1,435 millimetres in length;

“**Tourist passengers**” means passengers transported aboard railway operator’s passenger and/or commuter rolling stock between two points (i.e. a station of boarding and of disembarkation) for recreational purposes, with the exception of a train operator’s personnel and commuter passengers.

APPLICATION FEES

2. A non-refundable application fee must accompany an application for a safety permit. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Table shall be payable in respect of the corresponding APPLICATION FEES FOR GENERAL SAFETY PERMIT that is applied for as specified in the first column of the Schedule indicated as follows:

APPLICATION FEES FOR GENERAL SAFETY PERMIT	OPERATOR CATEGORY AND AMOUNT (RANDS)		
	Transportation of Mining Goods	Transportation of Dangerous Goods	Transportation of passengers or general freight
Group A: Train, Network and Station operators Application Fee	R 44 000	R 44 000	R 44 000
Group B: Train, Network and Station Operators Application Fee	R 14 400	R 14 400	R 2 650
Group C: Train, Network and Station Operators Application Fee	R 6 000	R 6 000	R 2 650

OTHER SAFETY PERMIT FEES FOR RAILWAY OPERATIONS

3. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Schedule shall be payable in respect of the corresponding APPLICATION FEES FOR OTHER SAFETY PERMIT being applied for specified in the first column of the Schedule indicated as follows:

APPLICATION FEES	OPERATOR CATEGORY AND AMOUNT (RANDS)		
	Group A	Group B	Group C
Network, Station and Train Temporary Safety Permit Fee	R 100 000	R 80 000	R 11 000
Network, Station and Train Construction Train Safety Permit Fee	R 500 000	R 65 000	R 3 000
Network, Station and Train Test and Commissioning Safety Permit Fee	R 1 000 000	R 100 000	R 40 000

PERMIT FEE RATES FOR NON RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS

4.1 The fees payable shall be calculated by multiplying the unit specified in Column 3 with the relevant risk based fee rate specified in Column 4 in respect of the corresponding activities specified in Column 2 of the Schedule, except where a flat rate has been indicated.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4		
Operator Category	Rail Activities	Unit	Relevant Risk Based Fee Rate		
			Transportation of Mining Goods	Transportation of Dangerous Goods	Transportation of passengers or general freight
(a) Train	Running Lines for Tourist / Passengers	Total annual passenger number x Total length of running line (Km)	N/A	N/A	5.482630
	Private Siding Lines for General Freight/Goods	Annual Tons x Total length of siding (Km)	0.00000076718108	0.458009	0.000054
	Private Siding Lines for	Annual Tons x Total length of	Flat Rate:	Flat Rate:	Flat Rate:

	Dangerous Freight/Goods	siding (Km)	R50 000.00	R300 000.00	R7 420.00
	Private Siding Lines for Tourist / Passengers	Total annual passenger number x Total length of siding (Km)	N/A	N/A	Flat Rate: R7 420.00
(b)Network	Running Lines for Cape Gauge	Total length of Cape Gauge running line (Km)	N/A	N/A	N/A
	Siding Lines for Cape Gauge	Total length of Cape Gauge siding (Km)	27.472946	10159.549271	2543.12
(c) Station	On and off boarding sites/ zones for passengers	Number of stations	N/A	N/A	82 500.00

PERMIT FEE RATES FOR RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS

4.2 The Operators have been grouped as follows:

(a) **Group A: Train Operators, Network Operators and Station Operators**

Railway Operators who transport 500 000 tons or more of general goods, 50 000 tons or more of dangerous goods, and/or commuter passengers.

(b) **Group B: Train Operators, Network Operators and Station Operators**

Railway Operators who transport between 200 000 tons and 500 000 tons of general goods, less than 50 000 tons of dangerous goods and/or tourist passengers.

(c) **Group C: Train Operators, Network Operators and Station Operators**

Railway Operators who transport less than 200 000 tons of general goods.

4.3 (a) The table below is used as a basis to calculate Operators annual safety permit fee:

OPERATOR GROUP	BAND	PERMIT FEE PAYABLE (Proportionate revenue distribution)
GROUP A	Dangerous goods \geq 50 000t General goods \geq 500 000t All commuter passengers	$W = (Y-U-V) * X/Z$
GROUP B	Dangerous goods < 50 000t General goods \geq 200 000t and < 500 000t All tourist passengers	0.1% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue
GROUP C	General goods < 200 000t	Flat Rate: R7 420.00

Where:

U is the total amount of the railway safety levy payable by all Group C Operators for the most recently completed and audited financial year (R44 494.56);

V is the total amount of the railway safety levy payable by all Group B Operators for the most recently completed and audited financial year (R2 209 511.76);

W is the amount of railway safety levy payable by the relevant Group A Operators for the most recently completed and audited financial year (use formula to determine contribution);

X is the annual rail-related revenue of the relevant Group A Operators for the most recently completed and audited financial year;

Y is the total amount of the railway safety permit levies due to the Railway Safety Regulator for the 2015/16 financial year (R100 000 000.00); and

Z is the total annual rail-related revenue of all the Group A Operators for the most recently completed and audited financial year (R44 464 128 779.14).

APPLICATION OF NOTICE

5.1 The permit fee rates and formulae specified in sections 4.1 and 4.3 of this schedule do not apply to the following legal entities and their respective Operating Divisions:

- (a) Transnet SOC Ltd acting through its Operating Divisions: Transnet Freight Rail (TFR); Transnet Port Terminals; Transnet National Ports Authority; Transnet Engineering; and Transnet Pipelines
- (b) Passenger Rail Agency of South Africa (PRASA)
- (c) Bombela Operating Company
- (d) All registered non-South African train operators operating in the Republic of South Africa

5.2 The permit fee rates determined for the 2015/16 financial year shall apply to the following entities:

- (a) Transnet SOC Ltd acting through its Operating Divisions:
 - Transnet Freight Rail (TFR): R51 950 185.44
 - Transnet National Ports Authority: R233 200.00
 - Transnet Port Terminals: R235 950.00
 - Transnet Engineering: R1 089 044.00
 - Transnet Pipelines: R8 162.00
- (b) Passenger Rail Agency of South Africa (PRASA): R24 761 600.00
- (c) Bombela Operating Company: R3 100 000.00
- (d) Non-South African train operators operating in the Republic of South Africa will pay their 2014/15 permit fee amounts plus a 10% annual levy.

SHORT TITLE AND COMMENCEMENT

6. This notice is called the Determination of Safety Permit Fees and shall come into operation at a date of publication in the Government Gazette.

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