



Economic Regulation Authority

WESTERN AUSTRALIA

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NOTICE

DRAFT DETERMINATION

The Pilbara Infrastructure's Proposed Train Management Guidelines

The Economic Regulation Authority today issued its draft determination on the proposed Train Management Guidelines (TMG) submitted by The Pilbara Infrastructure (TPI) on 27 February 2009 for its Pilbara railway network.

TPI's proposed TMG of 27 February 2009 revised an earlier version submitted on 3 July 2008.

The Authority's draft determination was to approve TPI's proposed TMG subject to 20 amendments. The Authority's [draft determination](#), TPI's proposed Train Management Guidelines and the public submissions received on TPI's proposal are available on the Authority's [web site](#).

TPI's railway became subject to the *Railways (Access) Act 1998* and the *Railways (Access) Code 2000* on 1 July 2008, when Part Three of the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004* was proclaimed.

The Authority commissioned a consultant, PricewaterhouseCoopers (PwC), to provide advice on TPI's proposed TMG and the public submissions, to assist the Authority in preparing its draft determination. The PwC report is available on the Authority's [web site](#).

Key Issues

TPI's proposed TMG indicated that consideration would be given to its overall supply chain in the context of maximising the efficient utilisation of its railway network. Concerns were expressed in submissions about the appropriateness of TPI's proposed TMG including references to its overall supply chain and the potentially adverse impact which may occur to TPI's railway priorities in the event of TPI having conflicting priorities at its port. The Authority agreed that it was not appropriate for such references to be included in TPI's proposed TMG and required the removal of such references.

The draft determination also required that TPI make provision for fortnightly train plans and three-monthly preliminary train plans in place of the proposed weekly train plan. This amendment to TPI's proposed approach reflects comments in public submissions and will help ensure that TPI manages the provision of non-timetabled train paths more transparently.

Submissions also raised several matters which were not included in TPI's proposed TMG. These matters included performance monitoring, protocols for consultation with operators, and compliance and review issues. The Authority has dealt with these additional matters in its draft determination under the heading 'Additional Issues' and has required amendments to TPI's proposed TMG to deal with these matters.

The Authority has noted in its draft determination that in assessing TPI's proposed TMG it referred to WestNet Rail's current TMG which was approved by the Authority in 2006.

Public Submissions

Submissions on the Authority's draft determination are invited from interested parties. All submissions should be in both electronic and hard copy form and must be received **by 4:00pm WST, Thursday 11 June 2009.**

Written submissions should be mailed to:

Mr Jeremy Threlfall
Assistant Director Rail
Economic Regulation Authority
PO Box 8469
Perth BC WA 6849

Electronic submissions should be made to: 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 access 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:

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LYNDON ROWE
CHAIRMAN

30 April 2009