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GENERAL NOTICE

NOTICE 181 OF 2015

DEPARTMENT OF TRANSPORT

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

The 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 publishes for comments the determination of the fees that the Railway Safety Regulator must charge for safety permits as indicated in the Schedule.

Interested persons are invited to submit written comments to the Acting Director-General, Department of Transport, within 30 days after the date of publication of this notice, for the attention of:

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Department of Transport
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PRETORIA
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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 a train operator’s coaches between a station of boarding and of disembarkation, over the period of the operator’s most recently completed financial year.

“Annual tons” means the total sum of the mass of dangerous and/or general goods loaded onto a wagon by a train operator in the preceding financial year, and transported along the portion of a rail network for which the train operator has a permit to traverse.

“Cape gauge” A type of railway track where the distance between the two rails of the track is 1,067 millimetres in length;

“Transportation of Passenger and General Freight Operations” means those networks, train or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous and/or mining goods;

“Mines operations” means the operations undertaken above surface by train, network, and station operators to support mining activities;

“Non-Rail Related Revenue” means revenue generated by Train Operators, Network Operators or Station Operators who depend on or use rail for their operations but derive revenue from non-rail related activities;

“Passengers” means people transported by a train between two points on a railway line;

“Rail-related Revenue” means the gross inflow of economic benefits (cash, receivables, and other assets) arising from rail operating activities of an entity, such as the sales of tickets and rail goods, sales of transport and maintenance services, interest, royalties, and dividends;

“Relevant Risk Based Fee Rate” means the rand value equivalent of the risks attributable to rail activities;

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

“Tourist passengers” mean passengers transported by a train along a railway line excluding commuters.

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 Schedule 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)		
	Mines operations	Transportation of Dangerous Goods	Transportation of passengers and General Freight Operations
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	R6 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 FOR OTHER SAFETY PERMIT	OPERATOR CATEGORY AND AMOUNT (RANDS)		
	Group A	Group B	Group C
Temporary Safety Permit	R 100 000	R 80 000	R 11 000
Construction Train Safety Permit	R 500 000	R 65 000	R 3 000
Test and Commissioning Safety Permit	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		
			Mine Operations	Dangerous Goods Operations	Transportation of Passenger Operations
(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)	0,00000076718 108	0.458009	0.000054
	Private Siding Lines for Dangerous Freight/Goods	Annual Tons x Total length of siding (Km)	Flat Rate: R50 000.00	Flat Rate: R300 000.00	Flat Rate: 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, or passengers are liable to pay railway safety permit fees determined in accordance with the formula below.

(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 or tourists are liable to pay railway safety permit fees determined in accordance with the formula below.

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

Railway Operators who transport less than 200 000 tons of general goods are liable to pay a flat fee of R7, 420.00.

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

$$W = (Y - U - V) * X/Z$$

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;(R 100 000 000,00); 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).

(b) Table below is used as a basis to calculate railway Operators annual safety permit fee

OPERATOR GROUP	BAND	PERMIT FEE PAYABLE (Proportionate revenue distribution)
GROUP A: <ul style="list-style-type: none"> • Train • Station • Network 	Dangerous goods \geq 50 000t General goods \geq 500 000t All passengers	$W = (Y-U-V) * X/Z$
GROUP B <ul style="list-style-type: none"> • Train • Station • Network 	Dangerous goods < 50 000t General goods \geq 200 000t and < 500 000t All tourists	0.01% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue
GROUP C <ul style="list-style-type: none"> • Train • Station • Network 	General goods < 200 000t	Flat Rate: R7 420.00

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:

- (a) Transnet Group: Transnet Freight Rail (TFR); Transnet LTD T/A Transnet Port Terminals; Transnet Soc T/A Transnet Engineering; and Transnet Soc LTD T/A 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 Group
 - Transnet Freight Rail (TFR): R51 950 185.44
 - Transnet LTD T/A Transnet Port Terminals: R235 950.00

- Transnet Soc T/A Transnet Engineering: R1 089 044.00
 - Transnet Soc LTD T/A 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 for the 2015/16 financial year, and will come into operation at a date to be determined by the Minister.
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info.egazette@gpw.gov.za (only for queries).

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