

DEPARTMENT OF TRANSPORT

NO. 166

24 FEBRUARY 2017

**DETERMINATION OF 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 Director-General, Department of Transport, within 30 days after the date of publication of this notice, for the attention of:

Director-General: Transport

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DRAFT SCHEDULE**DETERMINATION OF PERMIT FEES UNDER SECTION 23(2) (a) OF THE
NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002****DEFINITIONS****1. For the 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” 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;

“general freight or passenger operators” means network, train and/or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous and/or mining goods;

“mine 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 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 all 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/Kilometres (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**” railway track where the distance between the two rails of the railway track is 1,435 millimetres in length; and

“**tourist passengers**” means passengers transported aboard railway operator’s 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 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)		
	Transportation of Mining Goods	Transportation of Dangerous Goods	Transportation of passengers or General Freight
Group A: Train, Network and Station operators Application Fee	R 50 374.50	R 50 374.50	R 50 374.50
Group B: Train, Network and Station Operators Application Fee	R 16 507.50	R 16 507.50	R 2 982.00
Group C: Train, Network and Station Operators Application Fee	R 6 922.50	R 6 992.50	R 2 982.00

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	OPERATORS CATEGORY AND AMOUNT		
	GROUP A	GROUP B	GROUP C
Temporary Safety Permit	R 114 487.50	R 91 590.00	R 12 594.00
Construction Train Safety Permit	R 572 437.50	R 74 417.00	R 3 435.00
Test and Commissioning Safety Permit	R 1 144 875	R 114 487.50	R 45 795.00

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 Operator Category	COLUMN 2 Rail Activities	COLUMN 3 Unit	COLUMN 4 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	N/A
	Private Siding Lines for General Freight/ Dangerous Goods	Annual Tons x Total length of siding (Km)	Flat Rate: R60 000.00	Flat Rate: R400 000.00	Flat Rate: R8 774.15
	Private Siding Lines for Tourist / Passengers	Total annual passenger number x Total length of siding (Km)	N/A	N/A	Flat Rate: R8 774.15
(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)	32.033452	11 846.03	2965.278
(c) Station	On and off boarding sites/ zones for passengers	Number of stations	N/A	N/A	Flat Rate: R97 556.25

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 R8 774.15

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

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

Where:

U is the total amount of the railway safety permit fees payable by all Group C Operators for the most recently completed and audited financial year; **(R 51 880.65)**

V is the total amount of the railway safety permit fees payable by all Group B Operators for the most recently completed and audited financial year; **(R 2 576 290.64)**

W is the amount of railway safety fees payable by the relevant Group A Operators. (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 fees due to the Railway Safety Regulator for the 2017/18 financial year; **(R 158 362 541.40)** and

Z is the total annual rail-related revenue of all the Group A Operators for the most recently completed and audited financial year **(R 93 027 135 824.56)**

- (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: Train Station Network	Dangerous goods \geq 50 000t General goods \geq 500 000t All passengers	 $W = (Y-U-V) * X/Z$
GROUP B Train Station Network	Dangerous goods < 50 000t General goods \geq 200 000t and < 500 000t All tourists	0.15% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue
GROUP C Train Station Network	General goods < 200 000t	 Flat Rate: R 8 774.15

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 SOC Ltd.
- (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 2017/18 financial year shall apply to the following entities:

- (a) Transnet SOC Ltd: **R 85 282 291.20**
- (b) Passenger Rail Agency of South Africa (PRASA): **R 60 986 320.66**
- (c) Bombela Operating Company: **R 2 900 000.00**
- (d) Non-South African train operators operating in the Republic of South Africa will pay their 2016/17 permit fee amounts plus a **10%** annual increase;
 - CFM Mozambique Railways: **R 2 930 532.51**
 - Swaziland Railways: **R 128 502.34**
 - Botswana Railways: **R 1 064 800.00**

SHORT TITLE AND COMMENCEMENT

6. This notice is called the Determination of Permits Fees for the 2017/18 financial year, and will come into operation at a date to be determined by the Minister.