

DEPARTMENT OF TRANSPORT

NO. 1394

24 DECEMBER 2020

NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO. 16 OF 2002)**DETERMINATION OF PERMIT FEES UNDER SECTION 23(2) OF THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002**

The Minister of Transport, hereby in terms of section 23(2) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) 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:

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SCHEDULE

1. Definitions

For the purpose of calculating fees:

“**activity**” means the activities undertaken by operators on a railway network;

“**annual passengers**” means the total number of passengers transported aboard railway operator’s passenger 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 or general goods loaded onto a locomotive 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**” means 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 or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous 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.

2. Application Fees

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	R61 575	R61 575	R61 575
Group B: Train, Network and Station Operators Application Fee	R20 176	R21 176	R 3 645
Group C: Train, Network and Station Operators Application Fee	R8 461	R8 461	R3 640

3. Other Safety Permit Fees For Railway Operations

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	OPERATORS CATEGORY AND AMOUNT		
	GROUP A	GROUP B	GROUP C
SAFETY PERMIT			
Temporary Safety Permit	R141 272	R113 017	R15 540
Construction Train Safety Permit	R706 361	R91 827	R4 238
Test and Commissioning Safety Permit	R1 412 723	R141 272	R56 510

4. Permit Fee Rates For Non-Rail-Related Revenue Generating Train Operators, Network Operators And Station Operators

4.1 The fees payable will be calculated as follows: -

OPERATOR CATEGORY		Transportation of Mining Goods by rail	Transportation of Dangerous Goods by rail	Transportation of passengers and /or General Freight by rail
NETWORK		Permit fee paid in 2019/20 FY + 4.2% (CPI)		
TRAIN	Private Siding Lines for General Freight/ Dangerous Goods	Flat Rate: R74 037	Flat Rate: R493 770	Flat Rate: R10 826.38
	Private Siding Lines for Tourist / Passengers	NOT APPLICABLE		Flat Rate: R10 826.38
STATION	On and off boarding sites/ zones for passengers	NOT APPLICABLE		Flat Rate: R120 379.13

5. Permit Fee Rates For Rail-Related Revenue Generating Train Operators, Network Operators And Station Operators

5.1 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 R10 826.38

5.2 Table below is used as a basis to calculate railway Operators annual safety permit fee:

OPERATOR GROUP	BAND	PERMIT FEE PAYABLE
GROUP A: Train Station Network	Dangerous goods \geq 50 000t General goods \geq 500 000t All passengers	Permit fee paid in 2020/21 FY + 4.2% (CPI)
GROUP B Train Station Network	Dangerous goods < 50 000t General goods \geq 200 000t and < 500 000t All tourists	Permit fee paid in 2020/21 FY + 4.2% (CPI)
GROUP C Train Station Network	General goods < 200 000t	Flat Rate: R10 826.38

Application of Notice

6.1 The permit fee rates determined for the 2021/22 financial year shall apply to the following entities:

- | | | |
|-----|--|------------------------|
| (a) | Transnet SOC Ltd | R114 630 293.00 |
| (b) | Passenger Rail Agency of South Africa (PRASA) | R34 170 032.00 |
| (c) | Bombela Operating Company | R2 896 604.00 |
| (d) | Non-South African train operators operating in the Republic of South Africa will pay the Permit Fee paid in 2020/21 FY + 4.2% (CPI). | |

Short Title

7. This notice is called the Determination of Safety Permit Fees for the 2021/22 financial year, and is published for public comments.