



Genesee & Wyoming Australia Pty Ltd

14th July 2015

South Australian Rail Access Regime Review – Draft Report
Essential Services Commission of South Australia
GPO Box 2605
Adelaide SA 5001
By email to: escosa@escosa.sa.gov.au

Dear Sir/Madam

RE: SOUTH AUSTRALIAN RAIL ACCESS REGIME REVIEW – DRAFT REPORT

Genesee & Wyoming Australia Pty Ltd (GWA) has reviewed the South Australian Rail Access Regime Review Draft Report and welcomes the Commission's draft recommendation to continue the current state-based regime for a further 5 years.

One area that GWA would like to make comment on is the railway yards and sidings, especially on the East West Rail Corridor, that are controlled or owned by GWA. The yards and sidings were not referred to in the Issues Paper as being part of the Review, a fact that was noted in some review submissions and acknowledged in the Draft Report.

As a way of background GWA either owns track in these yards and or manages the track it does not own under long term management agreements. GWA also has responsibility for managing rail safety in these yards as part of its Rail Safety Accreditation.

Since Genesee & Wyoming's purchase of the SA intrastate rail network in 1997 GWA has managed the yards and sidings in accordance with the legislative requirements of the *Railways (Operations and Access) Act 1997 (the Act)*.

GWA's understanding of the inclusion of the yards and sidings under the Act comes from both practical and legal sources:

1. The yards that GWA controls or owns are used to store rollingstock, make up trains and while occasionally loading takes place in some yards, they cannot be characterised as freight terminals;
2. The sidings are open access and available for use by all accredited rail operators and cannot be characterised as private sidings;
3. The yards and sidings do not form part of the ARTC interstate network but rather are a distinct set of assets with their own operational and management requirements. Other such examples exist in other states.
4. GWA manages and controls access to these railway yards through our train control facilities;

5. The Act does not specifically exclude the SA yards and sidings;
6. Industry practice has been to operate under the Act when dealing with access for SA yards and sidings; and
7. GWA's yards and sidings have not been specifically excluded by proclamation.

As part of the Final Report GWA requests that ESCOSA provide confirmation that railway yards and sidings GWA owns or controls, come under the auspices of the Act.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Paul Hollitt', written over a horizontal line.

Paul Hollitt
Access & Property Manager