

Australian Rail Track Corporation Access Undertaking Application

1) APPLICANT DETAILS:

This application is submitted by:

Australian Rail Track Corporation Ltd (ARTC),
ACN: 081 455 754

2) ADDRESS FOR SERVICE OF DOCUMENTS:

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3) CONTACT DETAILS:

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4) ARTC BUSINESS

ARTC was established in 1998 to manage the infrastructure, and access to, the standard gauge rail network connecting the mainland capital cities between Brisbane and Perth.

ARTC currently has responsibility for the management of around 10,000 route kilometres of standard gauge track, in South Australia, Victoria, NSW and Western Australia. ARTC owns the following rail corridors:

- Adelaide – Wolseley
- Adelaide – Pt Augusta – Kalgoorlie
- Pt Augusta – Whyalla
- Broken Hill – Crystal Brook
- Tarcoola – Alice Springs (long term lease to Asia Pacific Transport, operators of the Alice Springs – Darwin Railway)
- Parts of the Adelaide metropolitan track between Dry Creek and Outer Harbour.

In Victoria, ARTC leases the two mainline interstate standard gauge corridors from the Victorian Government, being:

- Melbourne – Wolseley
- Melbourne – Albury

ARTC also manages access to the connection from the interstate mainline network to the Appleton Dock precinct in Melbourne.

ARTC has a 60 year lease of the following parts of the NSW rail network:

- Albury – Macarthur
- Woodville Junction (Newcastle) – Queensland Border
- Cootamundra – Broken Hill
- Parkes (Goobang Junction) – Werris Creek/Ulan
- Hunter Valley rail network (Newcastle ports – Werris Creek/Ulan)

Access management incorporates the planning, scheduling and transit of trains through the network and associated commercial arrangements with train operators.

5) FACILITY SUBJECT OF THIS APPLICATION

Infrastructure assets subject to this application include track and other facilities required to provide access to the track for mainline operations on the network described above, excluding infrastructure assets forming the following parts of the network.

- The Hunter Valley coal network, being coal lines in Newcastle from the Newcastle ports and extending through the Hunter Valley to Werris Creek and the Ulan coal mine.
- Parkes (Goobang Junction) to Werris Creek and the Ulan coal mine (via Gulgong).

6) SERVICES

This application covers the provision of rail access to all operators seeking train paths on the network which is the subject of the undertaking.

7) DECLARATION

None of the services covered by this application are currently declared under s.44H of the Act.

8) ACCESS REGIMES

The services outside of NSW were subject to the ARTC Access Undertaking approved by the ACCC in May 2002 and expiring on 31 May 2007.

The services within NSW are subject to the NSW Rail Access Undertaking pursuant to Schedule 6AA of the Transport Administration Act 1988 (NSW).

9) EXISTING CONTRACTS

A range of customers have access contracts with ARTC, both in NSW and outside of NSW. Contracts outside of NSW are largely consistent with ARTC's published Terms & Conditions. ARTC will seek to develop access terms and conditions with all customers that are consistent with this undertaking.

10) INDUSTRY SECTOR

ARTC competes in the intermodal and bulk freight transport markets. Both are in direct competition with road and sea.

There are currently eight primary rail operators, these are:

- Pacific National (PN)
- Specialised Container Transport (SCT)
- CountryLink (RailCorp)
- Queensland Rail
- Great Southern Railways
- Australian Western Railroad
- Australian Southern Railroad
- FreightLink

A number of smaller specialist rail companies and passenger services also access ARTC track, these include:

- Patrick PortLink
- GrainCorp Operations
- Southern Shorthaul Rail
- Lachlan Valley Rail Freight
- South Spur Rail

The services ARTC provides to many of these operators compete directly with road haulage companies too numerous to list.

ARTC is always in discussions with respect to granting access to a range of other companies.

11) AFFECTED PARTIES

All companies seeking new access to the network will be subject to the undertaking, including but not limited to those above. ARTC is seeking to develop access terms and conditions with all customers that are consistent with this undertaking.

12) TERM

This undertaking will apply for a period of ten years from twenty one days after acceptance by the ACCC.

13) UNDERTAKING TERMS

The full terms and conditions are contained in attached document, entitled "Access Undertaking".