

ADIF TRACK ACCESS CHARGES LAW 38/2015 OF THE RAILWAY SECTOR

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Framework legislation

- **Law 38/2015 of the railway sector**
 - Full legal regulations for rail transport
 - Substantially modifies the regulation of TAC
 - Incorporates Spanish regulations into the RECAST Directive standards
- **Directive 2012/34/EU of the European Parliament (RECAST Directive)**
 - Financial equilibrium of the railway infrastructure manager
 - Billing of added charges to recover the total costs incurred whenever the market can accept it
 - Authorizes the European Commission to regulate the methods of calculating costs attributable directly to providing the railway service
- **Implementing Regulation (EU) 2015/909 of the Commission**
 - Direct network costs = costs of providing the railway service – ineligible costs
- **Law 3/2013, creation of the National Commission of Markets and Competition**
 - Supervision and control of the Railway Sector



Law 38/2015. New Track Access Charge structure

Article 97 – TAC for using railway lines forming part of the RFIG (General Interest Railway Network)

- Charge for Capacity Allocation (Type A)
- Charge for Using the Railway Lines (Type B)
- Charge for Using the Traction Power Transformers and Distribution Installations (Type C)

Article 98 – TAC for using the service facilities belonging to the general railway infrastructure managers

- Charge for Using Passenger Stations (Type A)
- Charge for Passing through Gauge Changers (Type B)
- Charge for Using Tracks with Platforms in Railyards to park trains for Commercial Passenger Services and other Operations (Type C)
- Charge for Using Tracks in other Service Facilities: sidings, formation and shunting, maintenance, washing, cleaning and fueling (Type D)
- Charge for using freight loading points (Type E)



Law 38/2015. New TAC structure

Art. 97. TAC for using railway lines forming part of the RFIG

TYPE	FEE APPLIES	FEE BASIS	ELEMENTS THAT DETERMINE FEE	ADDED CHARGES	DISCOUNTS (*)
Capacity Allocation (TYPE A)	Allocation of time slots for the circulation of trains between two points over a period of time	Train-Km allocated	Based on the type of line and type of service.	When the capacity used is less than that allocated	When a specific target traffic volume is obtained
Use of Railway Lines (TYPE B)	For the action and impact of using a railway line	Trains-Km circulated and, where relevant, seats per Train-Km	Based on the type of line and type of service	Use of high-performance networks, variable gauge services and situations of high traffic intensity	When a specific target traffic volume is obtained
Use of Power Transformer and Distribution	For the action and impact of using the electrical installations of a railway line	Trains-Km circulated on electrified lines	Based on the type of line and type of service		

(*) Discounts could be introduced to encourage implementation of ERTMS and to promote the use of the capacity available.



Law 38/2015. New TAC structure

Art. 98 TAC for using Service Facilities

TYPE	UNIT OF MEASUREMENT	ELEMENTS THAT DETERMINE FEE	ADDED CHARGES	DISCOUNTS
Use of Passenger Stations (TYPE A)	Stop in a station	Station category, type of stop, train type.	For the intensity that station facilities are used, calculated based on the number of passengers boarding and disembarking.	
Passing through gauge changeover (TYPE B)	Passing through a gauge changer	For each pass a train makes through a gauge changer.		
Use of tracks with platforms in railyards to park trains for commercial passenger services and other operations (TYPE C)	Time spent parking or conducting operations (cleaning, emptying WC, onboard service loading and unloading, etc.)	C1) Parking without operations C2) Parking for other operations		100% Discount for Public Service Operations
Use of Tracks in other Service Facilities: sidings, switching tracks, classification tracks, maintenance, washing and cleaning tracks, fueling station tracks (TYPE D)	Time service facility track used (track, catenary, railroad switches and additional equipment)	Based on the use of the entire authorized track, the fee associated with its equipment and the fee for any optional equipment requested.	a) reservations made for occasional use and b) for cancellation prior to the completion of the allotted period.	a) Discount for advance payment b) Discount for concurrency c) Discount for rolling stock stored for a long duration in specially suited tracks.
Use of freight loading points (TYPE E)	Time service facility track used	Based on the characteristics of the track and equipment	a) reservations made for occasional use and b) for cancellation prior to the completion of the allotted period.	a) Discount for advance payment b) Discount for concurrency c) Discount for rolling stock stored for a long duration in specially suited tracks.



Costs associated to each type of TAC

Article 97 – TAC for using railway lines forming part of the RFIG

TYPE	COSTS INCURRED
Capacity Allocation (Type A)	Costs pertaining to the capacity allocation process, traffic management, traffic safety, replacement of traffic control and safety installations, directly attributable to the operation of the railway service.
Use of Railway Lines (TYPE B)	Maintenance and upkeep costs for the railway infrastructure directly attributable to the operation of the railway service. No fee charged for using the power transformation and distribution installations. ADDED CHARGES will recover financial expenses, replacement costs, costs necessary for the reasonable development of the infrastructures and costs used to achieve economic sustainability.
Use of Power Transformer and Distribution Installations (TYPE C)	Maintenance and upkeep costs for electrical installations and their replacement costs. The electrical installations will take into account the substations, including the technical buildings, catenary, mobile substations and any other installation, equipment or element necessary to transform and distribute traction power.



Costs associated to each type of TAC

Art. 98 – TAC for using Service Facilities

TYPE	COSTS INCURRED
Use of Commuter train Stations (TYPE A)	Maintenance, upkeep and replacement costs for stations, costs of providing basic station services, financial expenses in the case of specific commuter trains, security services in stations and access control for passengers and their luggage.
Passing through gauge changers (TYPE B)	Maintenance and replacement costs for gauge changers
Use of tracks with platforms in railyards to park trains for commercial passenger services and other operations (TYPE C)	Maintenance and upkeep costs for the installations used.
Use of Tracks in other Service Facilities: sidings, switching tracks, classification tracks, maintenance, washing and cleaning tracks, fueling station tracks (TYPE D)	Maintenance and replacement costs for the facilities.
Use of freight loading points (TYPE E)	Maintenance and replacement costs for the facilities.



Discounts

- Discount to encourage the effective use of the infrastructure and to encourage new railway services. The IMs will apply a bonus for the annual traffic increases (train·km) given a target traffic.
- Discount to encourage the use of the available infrastructure capacity (train·km) applicable to certain time slots.
- Discount for gathering. Facility used by more than one tendered.
- Discount for rolling stock stored for a long period on specific tracks.

Thank you for your kind attention



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