

## 2. Access conditions

### 2.1 Introduction

Cf. the Railway Regulations, Ch. 2.

Other relevant regulations can be found at [www.lovdatab.no](http://www.lovdatab.no) and the NRA website at <https://www.sjt.no/andre-valg/regelverk/> cf. section 1.3.

#### 2.1.1 Access provisions by section

##### 2.1.1.1 COTIF

Norway is affiliated to the Convention concerning International Carriage by Rail (COTIF), cf.

##### **CIM lines:**

- All railway lines in the Norwegian rail network

##### **CIV lines:**

- All railway lines in the Norwegian rail network.

OTIF ([www.otif.org](http://www.otif.org)) has updated lists of all railway and ferry lines where CIM and CIV are applicable to international railway transport.

##### 2.1.1.2 TEN - the trans-European conventional railway system

Cf. the Interoperability Regulations, Annex 1. Range of application

The Norwegian part of the trans-European conventional rail network includes the following lines:

- The Østfold Line (Oslo - Moss - Kornsjø)
- The Vestfold Line (Oslo - Drammen - Skien)
- The Bratsberg Line (Nordagutu - Skien)
- The Kongsvinger Line (Oslo - Kongsvinger - Charlottenberg)
- The Sørlandet Line (Oslo - Hokksund - Stavanger)
- The Bergen Line (Oslo - Hokksund - Hønefoss - Bergen) (Oslo-Roa-Hønefoss)
- The Dovre Line (Oslo - Dombås - Trondheim)
- The Meråker Line (Trondheim - Storlien)
- The Nordland Line (Trondheim - Bodø)
- The Ofoten Line (Narvik - Vassijaure)

## 2.2 General access requirements

Cf. the Railway Regulations, Ch. 2.

### 2.2.1 Conditions for applying for capacity

The following enterprises meet the conditions to apply for infrastructure capacity in Norway:

- **1.** RUs which have access to service operation on the Norwegian rail network, provided that the company has a licence and a safety certificate for the type of transport and section in question.

Enterprises that may be given access to service operation on tracks that form part of the Norwegian rail network can also apply for infrastructure capacity. The intention is to help ensure that potential RUs that are in the process of acquiring licences and safety certificates are able to participate in the capacity allocation process. Bane NOR permits such enterprises to apply for train paths. For the application to be taken into account when the timetable is established, Bane NOR can require the enterprise to substantiate the fact that it will have received permission prior to the consultation deadline for proposals for the timetable, cf. Ch. 4.4.

- **2.** RUs and other applicants – an RU or an international Federation of RUs or physical or legal entities, such as competent authorities in accordance with Regulation (EC) no. 1370/2007 on public passenger transport services by rail and by road, which have a non-profit or business interest in being allocated infrastructure capacity, cf the Railway Regulations, § 1-3, letter j).

Such permission can be given either when the annual capacity allocation process begins or when applications for train paths have to be sent before which RU is to provide the services has been clarified.

Any applicant that is not an RU must appoint an RU that will run the services and that must conclude or have concluded an agreement with Bane NOR in accordance with the Railway Regulations, § 10-1. The deadline for appointing an RU is 30 days before the planned departure time from the departure station.

In accordance with the Railway Regulations, § 8-1 (2), transferring allocated capacity to others or another type of transport service is prohibited. When an RU provides a transport service on behalf of an applicant that is not an RU, this is not to be regarded as a transfer.

#### 2.2.1.1 Access to space in the driver's cab

Bane NOR staff must be given access to drivers' cabs to the necessary extent for inspection of sections. Bane NOR cannot demand such access if the RU has to reject this as a consequence of requirements in laws or regulations, or internal procedures that implement requirements in laws or regulations.

RUs must formulate their procedures for access to drivers' cabs in such a way that it is possible to conclude an agreement providing an inspector with space in a driver's cab at short notice (less than one hour).

For its part, Bane NOR is responsible for ensuring that the inspector does not disrupt the train crew unnecessarily.

The reason for this requirement is to avoid reserving more infrastructure capacity than necessary for inspection and maintenance, and also to ensure that Bane NOR has a realistic view of visibility conditions for the train crew.

### **2.2.1.2 Bane NOR's primary operating responsibility**

Cf. the Work Environment Act, Ch. 2.

When several employers operate at the same work site simultaneously, employees are generally subject to additional risk as a result of the activities being run by employers other than their own. Therefore, each employer must ensure that their own activities are arranged in such a manner that other employees are also protected in accordance with the rules stipulated in the Work Environment Act. Responsibility for coordination of protection and environmental work rests with the principal enterprise.

Primary operating responsibility relating to railway activities:

- When personnel employed by RUs perform tasks relating to sections administered by Bane NOR, Bane NOR is to be considered the principal enterprise. For example, Bane NOR carries out section inspections with RUs.
- The primary operating responsibility for parts of the Bane NOR rail network, which constitute a natural part of terminals, workshop areas and shunting areas and where no regular passenger and freight services operate, rests with the company responsible for the main activity in the area.
- The principal enterprise at freight terminals is the company with the most employees at the terminal, or the company that is responsible for the main activity on the terminal site. If there is any doubt, emphasis is also placed on which company has a right to manage, and on any relationship that may be established between superior and subordinate.

## **2.2.2 Conditions for access to the railway infrastructure**

Cf. the Railway Regulations, §§ 2-1 and 2-2.

### **A) RUs that have access to operate services on the rail network, cf. the Railway Regulations, § 2-1**

This is applicable to RUs that have access to service operation on routes that are part of the rail network, provided that the RU has a licence and a safety certificate pursuant to the Licensing Regulations. The Railway Regulations, § 2-1 (1), letters a) to e) state which RUs have access to operate services on the rail network.

To be able to exercise access rights to the rail network, RUs have to be affiliated to a joint trade association specified by the JDIR, cf. the Railway Regulations, § 2-1 (5).

This access also includes necessary transport of vehicles on the rail network, as well as test running

and running in connection with training, cf. the Railway Regulations, § 2-1 (2).

## **B) RUs that can apply to the MoT for access to operate services on the rail network in order to provide passenger transport, cf. the Railway Regulations, § 2-2**

The following RUs may, in special cases, be given access to service operation on routes that are part of the rail network beyond the instances referred to in section A, provided that the RU has a licence and a safety certificate pursuant to the Licensing Regulations for the activity to be performed.

- RUs that only provide passenger transport in towns and suburban areas or regional passenger transport using their own infrastructure
- RUs wishing to provide passenger transport on parts of the rail network where NSB has suspended such services
- RUs wishing to run museum train businesses or other limited passenger transport and that do not wish to compete with regular scheduled services

Access according to the first two points is given in instances where this will help to bring about appropriate traffic flow, cf. the Railway Regulations, § 2-2 (2).

### **2.2.3 Licenses**

Licences pursuant to the Licensing Regulations are issued by the NRA. See [www.sjt.no](http://www.sjt.no) for contact information for the NRA

### **2.2.4 Safety certificates**

Safety certificates pursuant to the Licensing Regulations are issued by the NRA. See [www.sjt.no](http://www.sjt.no) for contact information for the NRA

### **2.2.5 Cover of liabilities**

Cf. the Licensing Regulations, § 11.

RUs must have sufficient insurance or a sufficient guarantee to cover their liability to pay compensation as a consequence of their activities, including covering their liability to pay compensation in the event of accidents, particularly involving passengers, luggage, freight, post and third parties. The insurance policy or guarantee must as a minimum provide coverage of 4500 G (the national insurance basic amount) per claim.

Bane NOR requires the insurance policy or guarantee to be sufficient to cover the liability of the RU or others for whom the RU is responsible in respect of Bane NOR, including damage to infrastructure, cleanup after operational failures, requisition and rescue, and fire extinguishing.

Bane NOR is insured in the private insurance market.

## 2.3 General Business/Commercial conditions

### 2.3.1 Contracts with RUs

Cf. the Railway Regulations, § 10-1.

ATS (Agreement on Track Access and Use of Services) is the only agreement that RUs may conclude with Bane NOR for delivery of the basic service package, cf. the Railway Regulations, § 4-1 – cf. Ch. 6.1.1.

It is not necessary to have concluded an ATS before applying for routes, but it is necessary in order to be allocated routes.

An applicable ATS is available in Annex 2.3.1. A printout can also be ordered by sending an email to [oss@banenor.no](mailto:oss@banenor.no)

The format of ATSs may be amended and new ATSs may be concluded irrespective of the validity period for the Network Statement. There is no independent approval of ATSs.

The ATS gives RUs the right to use services which are provided by Bane NOR to RUs and are covered by the Railway Regulations, §§ 4-2, 4-4 and 4-5, along with the right to access up to these services. A separate agreement must be concluded with Bane NOR for the use of other services provided by Bane NOR and which fall outside the scope of the Railway Regulations and ATS.

RUs must consult the proprietor of the service facility in question for access to and services at other parties' service facilities. Access to tracks administered by Bane NOR up to other parties' service facilities forms part of the basic service package, cf. ATS, section 9.1.1.

### 2.3.2 Contracts with non-RU applicants

Applicants other than RUs applying for infrastructure capacity do not need to conclude contracts or similar with Bane NOR or others in order to apply for infrastructure capacity from Bane NOR, but they must follow the process established by Bane NOR and have access established in Bane NOR's systems, etc. before applying for infrastructure capacity. Bane NOR only provides access to applicants that meet application requirements in accordance with the Railway Regulations, § 1-3, letter j).

The following terms are applicable to applicants for the use of allocated train paths:

- To use allocated infrastructure capacity, the applicant must specify one or more railway undertakings that are to operate trains, cf. the Railway Regulations, § 8-2, first paragraph.
- The applicant must provide written information to Bane NOR within 30 days of train operation commencing to indicate which railway undertaking will be operating trains. If more than one railway undertaking is to operate trains, the applicant must also provide written notification to Bane NOR within the same deadline to indicate which railway undertaking(s) is (are) to operate trains linked with each individual train path (30 days before each individual train operation)
- If the applicant replaces railway undertakings, the applicant must provide written notification to Bane NOR on the replacement within 30 days of the replacement taking place
- Railway undertakings that are to operate trains must have concluded an Agreement on Track Access and Use of Services (ATS) with Bane NOR before commencing train operation and meet

other requirements specified for the operation of trains using Bane NOR infrastructure, cf. ATS, section 10.1.

- Infrastructure charges and charges for other railway-related services must be paid by the railway undertaking operating the trains.
- The railway undertaking that is to operate trains must pay a reservation charge in accordance with the Railway Regulations, § 6-7, for capacity allocated but not used. If the applicant fails to designate a railway undertaking to operate trains, the applicant must pay the reservation charge.
- The applicant bears joint and several liability for any claim Bane NOR makes against the railway undertaking designated to operate trains, including claims arising out of a breach of obligations in accordance with ATS or claims based on general compensation rules
- If the applicant fails to meet requirements pursuant to laws or regulations or fails to meet conditions defined by Bane NOR as a basis for allocation of the train path, Bane NOR may withdraw the train path. ATS, section 11, paragraphs 4, 5, 6 and 7 are similarly applicable to applicants.

Bane NOR may specify further conditions for applicants on the basis of the train operation in question. Such further conditions must be indicated in the decision on train path allocation that is communicated to the applicant.

### 2.3.3 Framework agreement

Cf. the Railway Regulations, Ch. 7.

RUs and other infrastructure capacity applicants can apply to conclude a framework agreement with Bane NOR concerning the use of infrastructure capacity for a period longer than a timetable period. Cf. the Railway Regulations, § 7-1. Any framework agreement must be compliant with the terms and conditions in the Railway Regulations, Ch. 7. Bane NOR has a restrictive practice with regard to conclusion of such framework agreements with a view to ensuring efficient utilisation of rail network capacity.

A template agreement for conclusion of a framework agreement between Bane NOR and an applicant will be provided as an annex to the Network Statement as a link to the agreement template at RNE.

## 2.4 Operational rules

In a letter dated 9 April 2018, the NRA has stated that the Train Operation Regulations and the ERTMS Train Operation Regulations will be repealed as of 16 June 2019. TSI-Ope version 2015 will be implemented and be applicable as a regulation as of that time. Bane NOR has devised new traffic rules for the rail network (TJN) that will apply from this date onwards. These can be accessed here:

[http://orv.jbv.no/orv/doku.php?id=tjn:tjn\\_2019](http://orv.jbv.no/orv/doku.php?id=tjn:tjn_2019)

A description of the infrastructure as a basis for the RU's line book can be accessed at Route description for the rail network:

<http://orv.jbv.no/orv/doku.php>

The description of the infrastructure will be gradually incorporated in a new electronic system; TRASÉ

### **2.4.1 RUs' obligation to apply TJN**

RUs are obliged to comply with Bane NOR's applicable traffic rules and other operating rules applicable to the rail network.

#### **2.4.1.1 Amendment of traffic rules issued by Bane NOR**

Cf. the assessment instruction.

Bane NOR uses the assessment instruction as a basis when preparing Bane NOR's traffic rules, but the assessment instruction does not limit Bane NOR's right to decide on amendments in accordance with authority granted by laws and regulations.

Amendments to the traffic rules that are made as a necessary consequence of implementation of regulatory requirements, such as the common European rules in TSI-Ope, will not normally be subject to consultation under the auspices of Bane NOR. In such instances, a consultation will be held by the authority which establishes the regulation.

Descriptions of technical facilities, local procedures or installations will not normally be subject to consultation. The same is true of amendments to these.

### **2.4.2 Requirements for permanently available transport management**

Bane NOR requires RUs to have transport management which is immediately available at the times of the day when trains operate.

The transport management must have all authorisations allowing them to make decisions for the purpose of being able to bring abnormal situations to a close so that any negative effects of the abnormality are as minor and as short-lived as possible.

RUs must provide Bane NOR with necessary contact information for their own transport management. RUs are responsible for ensuring that this contact information is kept up to date at all times.

Any changes to contact information will be reported to sirkulaerer@banenor.no. Changes will be updated within 14 days of being reported.

## **2.5 Exceptional transports**

Exceptional transport is defined in the same way as in UIC brochure 502-1, article 1.3. Bane NOR uses the UIC definition.

Bane NOR decides on whether exceptional transport may be permitted, and if so under which conditions. Handling of exceptional transport arrangements is described in Ch. 4.7.

## 2.6 Dangerous goods

The transportation of dangerous goods by rail is regulated in the following laws and regulations:

**OTIF:** RID 2015

**JBD:** Regulation on land transport of dangerous goods

**DSB:** ADR/RID 2015

**UIC:** Publication 502-1

Handling of dangerous goods is described in further detail in Ch. 4.7.

## 2.7 Rolling Stock Acceptance Process Guidelines

The NRA gives permission to commission vehicles, cf. the Interoperability Regulations.

National technical requirements for vehicles are specified in the Vehicle Regulations.

Information on the process is available from the NRA. See [www.sjt.no](http://www.sjt.no) for contact information for the NRA

Vehicles used by Bane NOR, be they their own vehicles or hired machines used in connection with assignments being carried out for Bane NOR, must also have Bane NOR wagon labels with a valid JBV technical inspection deadline (BN TKF) issued by Bane NOR.

More information: <http://www.banenor.no/Marked/Leverandorinfo/Godkjenning-av-arbeidsmaskiner/>

### 2.7.1 Requirements for equipment in traction units

For drivers to have access to various control cabinets, such as crank boxes and control cabinets for level crossing barriers, all traction units must be equipped with «CTC keys».

Keys are ordered from Bane NOR; send an email to [IFJ\\_ordre@banenor.no](mailto:IFJ_ordre@banenor.no)

The order must include the following information:

- Ordering of CTC keys - «F no. 708 690 840»
- The orderer's company name
- The orderer's customer number at Bane NOR (or «new customer»)
- The orderer's reference
- Contact person (name and telephone number)
- Number of keys
- Invoice address
- Delivery address

The keys can be collected at: Bane NOR Sentrallager Grorud, Østre Aker vei 256, Oslo.



The orderer must acknowledge receipt of CTC keys and is obliged to return these when they are no longer needed. Lost keys are reported to Bane NOR.

## 2.7.2 Gas and smoke protection equipment on trains

To be able to move trains safely away from a hazardous area in the event of a fire, hazardous gas container leakage, etc., it is recommended that all trains be equipped with gas masks to provide gas and smoke protection. Passenger trains should be equipped with two sets of gas and smoke protection equipment, one being placed in the traction unit for the train driver to use and the other being placed together with the train's other emergency response equipment for other train attendants to use. In trains with two drivers' cabs, there should be one set of equipment provided for each of the drivers' cabs.

## 2.8 Staff acceptance process

Drivers must have a driving licence issued by a national safety authority and a certificate issued by the RU. The IM is not responsible for training or approval of drivers, train attendants or shunting personnel.

Requirements of relevance to drivers are specified in the Driver Regulations. Information on this can be found at the NRA website at <https://lovdata.no/dokument/SF/forskrift/2009-11-27-1414>

Requirements of relevance to train attendants and shunters are specified in the Training Regulations, the Train Operation Regulations and ERTMS Train Operation Regulations.

## 2.9 Emergency response plan for accidents

Pursuant to the Safety Management Systems Regulations, § 4-7, fifth paragraph, the IM is responsible for ensuring that its own emergency response plans and the emergency response plans of other RUs operating on the rail network are coordinated; and pursuant to the fourth paragraph, for ensuring that the emergency response measures are coordinated with relevant public authorities.

Emergency response analyses for objects and routes provide central guidelines for emergency response analyses/plans by the railway undertakings.

Bane NOR has described its emergency response system linked with unwanted incidents in accordance with the Safety Management Systems Regulations. This description indicates Bane NOR's principles for dimensioning and prioritisation.

Bane NOR has an emergency response portal (Bane NOR Emergency Response) containing information about emergency response, and this can be accessed at <http://orv.jbv.no/beredskap/doku.php?id=start>

A password is required to log in to the Emergency Response Portal. To receive a password, send an email to [beredskap@banenor.no](mailto:beredskap@banenor.no)

## 2.10 Logging and storage of communications in the Bane NOR train radio network

In accordance with the Railway Infrastructure Regulations, § 3-11, third paragraph, Bane NOR must store communications in connection with traffic management securely and for a sufficient time in relation to the need for any potential investigation of railway accidents, serious railway incidents and railway incidents.

Bane NOR logs and stores all such communications. This is applicable to all communication on the train radio network.

These communications will be played back in the following instances:

- in the event of railway accidents and serious railway incidents requiring review
- in order to check communication discipline

The purpose of storing these communications is linked to safety management in order to help clarify accidents and incidents.

Everyone involved in must show caution in respect of confidentiality and maintaining privacy.

Separate administrative procedures have been prepared for playback in connection with railway accidents and serious railway incidents.

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Last update: **2018/12/07 07:38**