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Track Access and Haulage Agreements

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Track access agreements are contracts between an infrastructure manager and the beneficiary (usually a railway operator). The railway operator is granted the right to use the railway infrastructure with its own rolling stock for passenger and/or freight services. In turn it has to pay an access charge to the infrastructure manager. The right to use rail infrastructure is often specified in a schedule (referred to for example as “working timetable” or “scheduled train paths”).

Track access agreements typically specify the content of the access right, the services to be provided by the infrastructure manager and the obligations of both parties regarding the access. They also contain rules on access charges, liability, indemnity, insurance requirements and dispute resolution.

The content of track access agreements depends heavily on the underlying regulatory track access regime:

- **Mandated track access regimes** typically specify in detail the information that needs to be provided to all prospective applicants for track access and/or the regulatory authority as well as the form and content of track access agreements.
- **Voluntary track access regimes** -Where no or few mandatory legal provisions on track access exist, parties have greater flexibility to negotiate the content of track access agreements and are usually only constrained by general laws (including competition and antitrust law).

Haulage agreements are used for a variety of contractual relationships. In general, a haulage agreement determines the conditions under which the infrastructure manager (or principal operator) undertakes to haul third-party wagons and/or freight. Where shared track use is considered in a PPP railway project, a haulage

regime may be preferable to an access regime in cases where the owner or main operator of the tracks wants to retain control over the operation of trains and the maintenance of the rolling stock.

For examples of track access and haulage agreements from different regions click below:

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