

The Track Access Charges 2021 of DB Netz AG

Valid from 13 December 2020
through 11 December 2021



Foreword

DB Netz AG independently operates the largest railway network in Europe, which encompasses over 33,000 kilometres of track. This railway network is freely available to all access parties and railway undertakings (RUs) in a non-discriminatory manner.

As a railway infrastructure undertaking (RIU), DB Netz AG is responsible for providing, developing and advancing, and operating its railway network. DB Netz AG's mission is to provision a high-quality railway network tailored to meeting the needs of RUs in order to lay the foundation for safe and reliable railway operations. DB Netz AG creates timetables and markets train paths along with the associated services to both domestic and international customers.

In 1994, DB Netz AG became the first RIU in Europe to establish a train path pricing system for the use of its railway infrastructure. In the ensuing years, this system has been continually improved to meet the requirements of regulators and the market.

The current train path pricing system has been in place since the 2018 working timetable period. It reflects the requirements which currently apply to train path pricing systems.

The train path pricing system



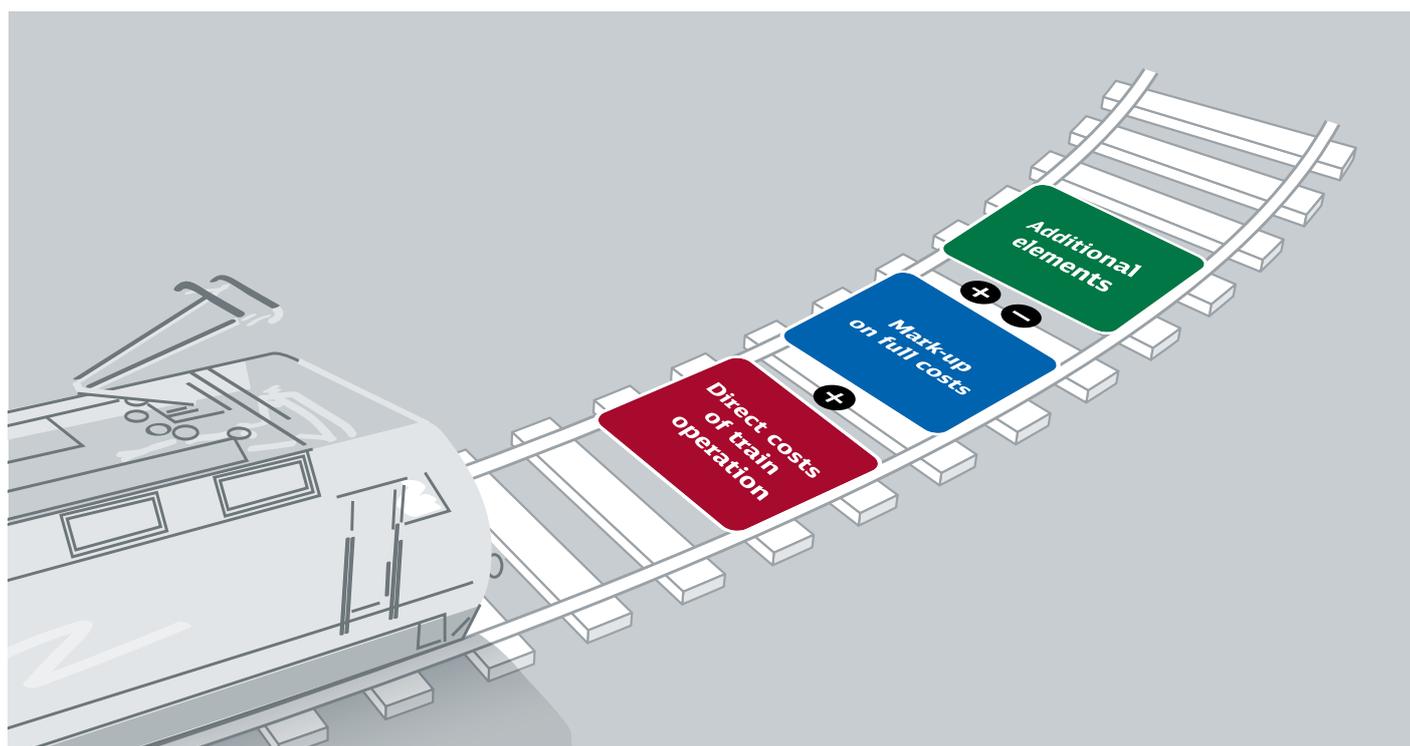
The train path pricing system of DB Netz AG

When the current train path pricing system was introduced, DB Netz AG also unveiled new logic for charges. Whereas TPS 2001 focussed on the infrastructure equipment on the respective route when calculating charges, TPS 2021 focusses on the train travelling on that route. In order to calculate charges, the market segment for a given train must first be identified. The first pricing component, i.e. the direct costs incurred in connection with a train journey, is then calculated accordingly. Since these costs are only a small portion of the total costs for provisioning the railway infrastructure maintained by DB Netz AG, the company may, under German law, levy surcharges in an amount corresponding to the remainder of the costs. In this context, a distinction must be made among the individual transport types and among their market segments, and the operative capacity of these separate markets must be taken into account accordingly. Surcharges and discounts may be used for various purposes,

including as incentives to generate additional traffic, or to offset the impact which railway operations have on the environment or the effects of overloaded railway infrastructure.

These changes represent a shift in the basic logic underlying the way charges are calculated. Under TPS 2001, charges were largely calculated with a view to infrastructure, while in the current TPS, charges are primarily calculated with a view to demand in a manner which accounts for the relative market viability of the individual transport types and market segments.

Train path usage charges are collected from each access party and RU in an identical manner. The following pages outline the policy underlying the system for track access charges for mandatory services in the 2020/2021 working timetable period.





Minimum access package and charging principles

The following minimum access package for customers is covered by the train path charge:

- processing requests for the allocation of infrastructure capacity,
- the right to use allocated railway infrastructure capacity,
- the use of railway infrastructure, including switches and rail junctions,
- the train control including signalling, regulation, and the communication and provision of information on train movement; the manning of signal boxes for ad-hoc services outside of line operating hours pursuant to section 3.5.5 of the Network Statement 2021 is subject to a special charge provision of section 6.2.1.8.3 of the Network Statement 2021; see page 15,
- the use of facilities for line-related supply of traction current, where available,
- all other information required to implement or operate the service for which capacity has been granted

The charge for the minimum access package per market segment comprises the direct costs of train operation per market segment, and a surcharge to cover the full costs (full-cost surcharge) according to the relative viability of the relevant market segment as well as potential additional elements. The charge is generally calculated based on the contractually agreed train-path kilometres.

**Train path charge =
charge for minimum access package ×
train path kilometres**

A detailed description of how the direct costs of train operation were derived as well as the way in which the full-cost surcharges were calculated can be found in appendix 6.1 of the Network Statement 2021. The extent of the direct costs of train operation and the full-cost surcharges for each market segment can be found in the list of charges (appendix 6.2 of the Network Statement 2021).

Note

All charges are net charges and invoiced to the applicant plus the then valid statutory VAT. The exact scope of usage in time and place results from the respective individual usage agreement for a train path. All information provided in regard to charges is valid from 13 December 2020 to 11 December 2021. The Network Statement 2021 in conjunction with the list of charges (appendix 6.2 of the Network Statement 2021) has sole validity. You can find them online at: www.dbnetze.com/snb2021.

The following describes the market segmentation, the charges and additional components of the train path pricing system in greater detail.



Basic principles of market segmentation

The three transport types of rail freight transport, rail passenger transport and long-distance rail passenger transport, and unique segmentation criteria, are correlated to derive market segments. Detailed information on market segmentation can be found in appendix 6.1 of the Network Statement 2021.

Differentiation between the transport types

Rail freight transport

For the purposes of this Network Statement, freight rail services are all services that exclusively transport freight nationally and/or internationally. Freight Lokfahrts, measurement runs and construction machinery runs are allocated to freight rail services as well as military trains involving passenger transport and accompanying combined service trains (rollingroad).

Rail passenger transport

For the purposes of this Network Statement, passenger rail services are all services that, at a minimum, also transport passengers nationally and/or internationally or fulfil a preliminary function therefor. Passenger rail services are to be broken down into long-distance passenger rail services and local passenger rail services.

Local rail passenger transport

Local passenger rail services for the purposes of this Network Statement predominantly convey passengers on urban, suburban or regional services. Services connecting two metropolitan stations with an average speed of at least 130 kph are not providing urban, suburban or regional services. In cases of doubt, transport on all other stopping sections is providing an urban, suburban or regional service if a train is mainly conveying passengers whose journey distance does not exceed 50km or whose journey time does not exceed an hour. Additionally, train paths of public passenger rail services, which are ordered by other federal governments, are allocated to local passenger rail services. If there is doubt whether the journey distance of 50 kilometres or the journey time of one hour is being exceeded in the majority of cases, then DB Netz AG is entitled to request evidence from a competent authority of local

passenger rail services within the meaning of section 1(2) of the Regionalisation Act of entrustment with public passenger services that are subject to publicsector obligations or to ask for the submission of a representative survey, paid for by the applicant and satisfying recognised economic standards, of journey distances on the basis of tickets or duration of the instances of conveyance on the basis of traffic-flow monitoring per stopping section. For new services, an appropriate market study may be submitted in place of a survey of journey distances.

Long-distance rail passenger transport

For the purposes of this Network Statement, long-distance passenger rail services include train paths used for the conveyance of passengers and which are not local passenger rail services. Additionally, all train paths in the Charter/Nostalgia market segment are allocated to long-distance passenger rail services, regardless of their length.

Assignment of train paths to modes of transport and market segments

The decisive factor for market-segment allocation is the target timetable¹. The final segment allocation, including all of the train path allocated to the train number, only occurs on the account statement. In this case, only the allocation on the account statement is relevant.

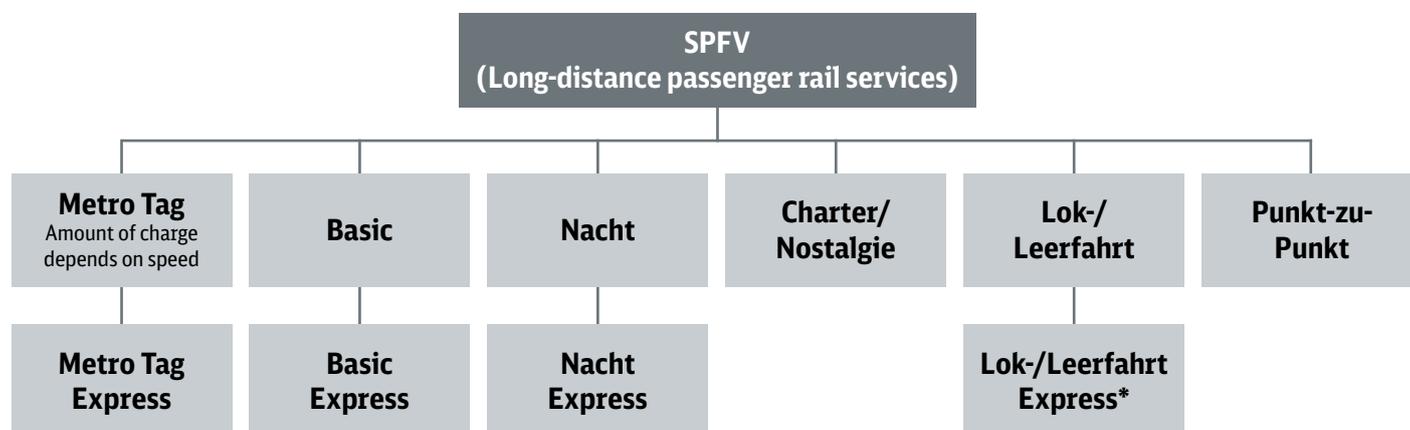
If features of the train path ordered do not match the features of the type of transport ordered or that of the market segment ordered, DB Netz AG will immediately request that the persons or entities named by the applicant or involved RU provide a plausible explanation for the information in the application. The deadlines under sections 4.2.1.1 and 4.2.2.2 of the Network Statement 2021 apply accordingly to submission of the explanation, with DB Netz AG entitled, in the event that a plausible explanation is not provided within the deadlines specified therein, to allocate the train paths to a type of transport or a market segment on the basis of the timetable information and to provide the applicant with a corresponding offer, taking this allocation into consideration.

¹ The target timetable refers to the geographical and temporal position of the train path as agreed between DB Netz AG and the applicants pursuant to section 20 (1) ERegG.

Market segments in long-distance passenger rail services



Market segments in long-distance passenger rail services



* Only as part of a train path of the market segments “Metro Tag Express”, “Basic Express” or “Nacht Express”.

“Metro Tag” segment

The “Metro Tag” market segment covers all load runs in the long-distance passenger rail services which run between at least two metropolitan stations¹ and/or high-volume border points² and run from Monday to Friday with the exception of national holidays in the period from 6am to 8pm and from Saturday to Sunday and on national holidays from 9am to 8pm.

“Basic” segment

The “Basic” market segment covers all load runs in the long-distance passenger rail services which either

- do not run between two metropolitan stations and/or high-volume border points and run from Monday to Sunday including national holidays in the period from 6am to 11pm, or
- run as long-distance passenger rail service trains from Monday to Sunday including national holidays in the period from 8pm to 11pm and on Saturdays and Sundays and national holidays in the period from 6am to 9am.

“Nacht” segment

The market segment “Nacht” comprises all long-distance passenger rail services which either

- run in the period between 11pm and 6am or
- run completely, including any non-German sections of the train run, during the period between 11pm and 6am without commercial stop, extended by the first stop prior to the night period and after the night period

unless these involve the market segments Charter-/Nostalgie (charter/nostalgia) or Lok-/Leerfahrt (locomotive and empty runs).

If the path is subject to the second alternative of the first sentence, it has also to be allocated to the night market segment (priority criterion) if it fulfills the criteria of other time-related market segments.

¹ Metropolitan stations include all stations that saw a minimum daily passenger volume of 50,000 travellers in the public rail passenger transportation network in 2015. See appendix 6.0 of the Network Statement 2021 for a list of these stations.

² High-volume transit points include all transit points of DB Netz AG to foreign countries that are passed through by in excess of 5,250 trains in the long-distance rail passenger transport network. See appendix 6.0 of the Network Statement 2021 for a list of these transit points.

Market segments in long-distance passenger rail services



Segment change

A segment change is possible within an existing train path for the aforementioned market segments. In the event that a train path fulfils the criteria of different market segments in sectional units, the train path will be proportionately assigned to the respective market segments in accordance with the geographical and time criteria (for example, a change within an existing train path from “basic” segment to “Metro Tag” segment) except where the special precedence given to the time criterion for the “Nacht” segment determines otherwise.

“Punkt-zu-Punkt-Verkehr” segment

The market segment “Punkt-zu-Punkt-Verkehr” comprises all load runs in the long-distance passenger rail services between 6am and 11pm that satisfy the following criteria:

- No ordered connections.
- Allotment of time flexibility with respect to the timetable planning window within the meaning of section 4.2.1.6 of the Network Statement 2021 of +/- 30 minutes in reference to the departure and arrival time, i. e. a total timetable planning tolerance of 60 minutes.
- When running between metropolitan stations, they may only travel in line sections linking two adjacent metropolitan stations at an average speed of less than 130 kph, pursuant to the target timetable. Line sections linking two adjacent metropolitan stations at an average speed of at least 130 kph, pursuant to the target timetable, have to be allocated to other market segments of the SPfV (long-distance passenger rail service). Where no metropolitan stations are being linked, no average speed is stipulated for the market segment Punkt-zu-Punkt.
- A maximum of 4 runs may be operated per day of service and direction in each of the stopping sections.

All criteria must apply to the entirety of the route. Otherwise, this service must be allocated to the other market segments in the long-distance passenger rail services sector. An order on the working timetable and ad-hoc services is possible.

The train-path application must state whether the long-distance passenger rail service ordered is a “Punkt-zu-Punkt-Verkehr” service. If this does not occur, the service is allocated to the market segments of the long-distance passenger rail services sector pursuant to the geographical and temporal criteria.

“Charter-/Nostalgieverkehre” segment

“Charterverkehre” are load runs in the long-distance passenger rail services that are offered for a particular purpose that is the same for and commonly pursued by all participants. Interim stops are for only either boarding (OB (NE)) or leaving (OL (NA)) the train or those which occur due to driver recuperation (DR (LE)) or a change of personnel (CP (PW)). It is not a charter service if the relation is served by the applicant more than 30 times in the timetable period. The offer for a charter service is subject to this condition. If the relation is in fact served more than 30 times, the train paths concerned and the train paths previously assigned to this service will be retroactively assigned on the timetable to other market segments in the long-distance passenger rail services segment in accordance with the applicable provisions. The corresponding train path charge will subsequently be requested.

“Nostalgieverkehre” are load runs in the long-distance passenger rail services that are serviced using historical vehicles such as steam locomotives.

The market segment “Charter-/Nostalgieverkehre” in the long-distance passenger rail services sector may only be registered under ad-hoc services, observing the deadlines for particularly extensive processing pursuant to section 4.2.2.4 of the Network Statement 2021. If there is a working timetable application, this is first processed in ad-hoc services.

The train-path application must state whether the long-distance passenger rail service ordered is a Charter-/Nostalgieverkehr. If this does not occur, the service is allocated to the market segments of the long-distance passenger rail services sector pursuant to the geographical and temporal criteria.

Market segments in long-distance passenger rail services



“Lok-/Leerfahrt” segment

Irrespective of temporal and geographical criteria, the market segment “Lok-/Leerfahrt” comprises all train path usage in the long-distance passenger rail services sector which is not approved for use by passengers (not a load run).

The train-path application must state whether the long-distance passenger rail service ordered is a “Lok- und Leerfahrt”. If this does not occur, the service is allocated to the market segments of the long-distance passenger rail services sector pursuant to the geographical and temporal criteria.

Market segments with the suffix “Express”

If customers require special operational handling in the event of a fault or malfunction, in the long-distance passenger rail services for the segments “Metro Tag”, “Basic”, “Nacht” and “Lok-/Leerfahrt”, they can choose the suffix “Express”. This is designated accordingly in the train path request. An assignment can only be made for the entire train path.

In market segments with the suffix “Express”, trains of the long-distance passenger rail services sector are generally given priority in traffic management over all trains pursuant to Guideline 420.0201 (see Annex 2.4.2 of the Network Statement 2021) with the exception of urgent rescue trains and other trains in the long-distance passenger rail services sector with the suffix “Express”.

The following charges apply:

For the “Metro Tag” market segment, charges for travel speeds between 101 km/h and 160 km/h increase linearly with speed.

Market segments for long-distance passenger rail services	Charges for long-distance passenger rail services, in EUR, per train-path kilometre
Metro Tag min ($v \leq 100$ km/h)	5.49
Metro Tag max ($v \geq 160$ km/h)	12.44
Basic	4.88
Nacht	2.68
Lok-/Leerfahrt	2.68
Charter/Nostalgie	2.71
Punkt-zu-Punkt	3.37

The relevant charges for market segments with the suffix “Express” is **increased by Euro 2.00 per train path km as compared to the charge for the corresponding market segment without that suffix.**

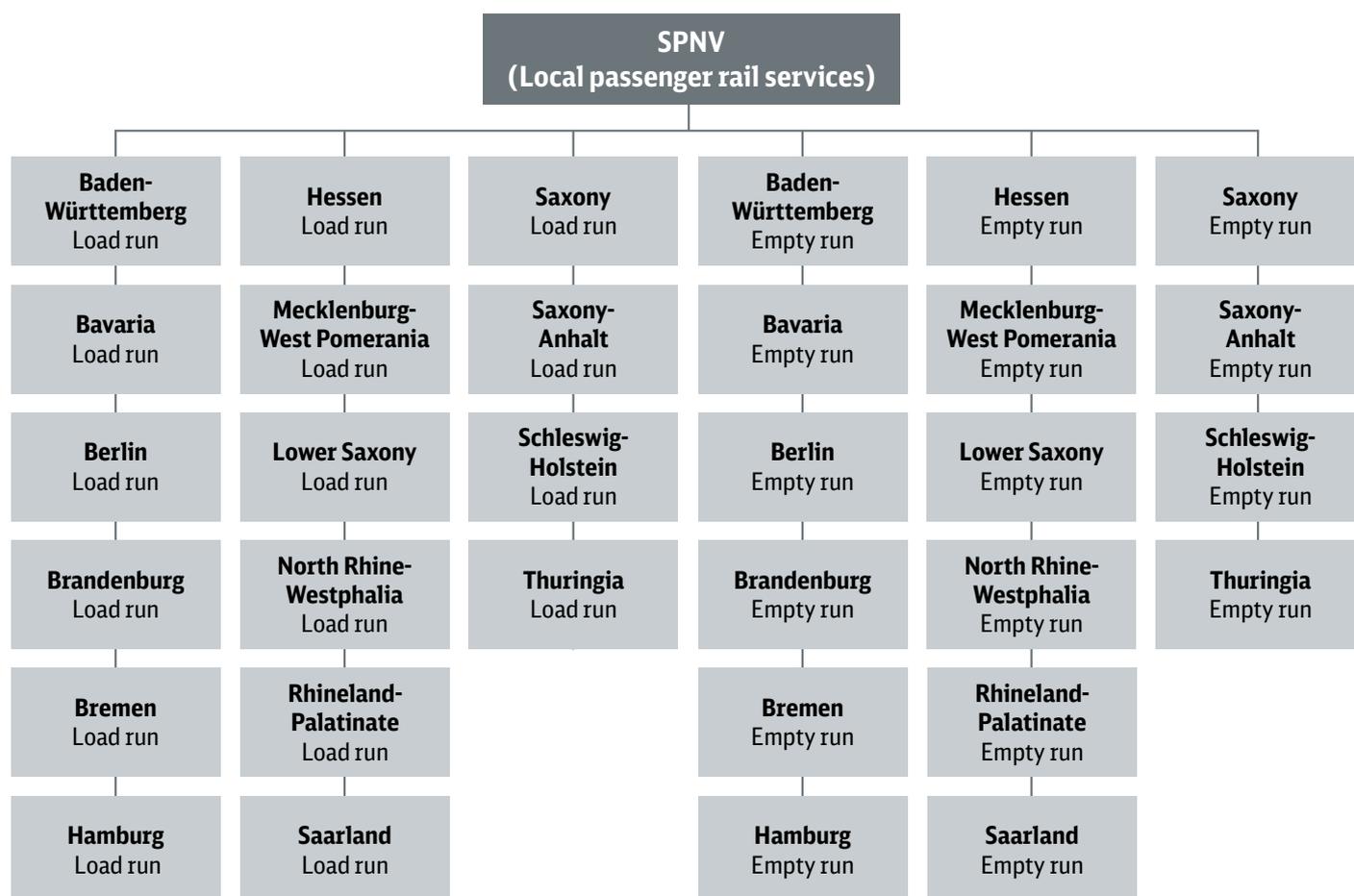
Market segments in local passenger rail services



Market segments in local passenger rail services

Segmentation for local passenger rail service is made pursuant to § 37 of the German railway regulation act (ERegG) and resolution BK 10-16-0008 E of the Federal Network Agency (BNetzA) by German federal state. Every federal state has its own load run and empty run segment.

The market segment “Lok/Leerfahrt” comprises all train path usage in the local passenger rail services sector which is not planned and approved for use by passengers (not a load run). The train-path application must state the extent to which the local passenger rail service ordered is a “Lok-/Leerfahrt”. If this does not occur, the service is allocated to the market segments of the local passenger rail services sector as a load run pursuant to the geographical criteria.



Market segments in local passenger rail services



The average train path charges per market segment were calculated in accordance with § 37 of the German railway regulation act (ERegG).

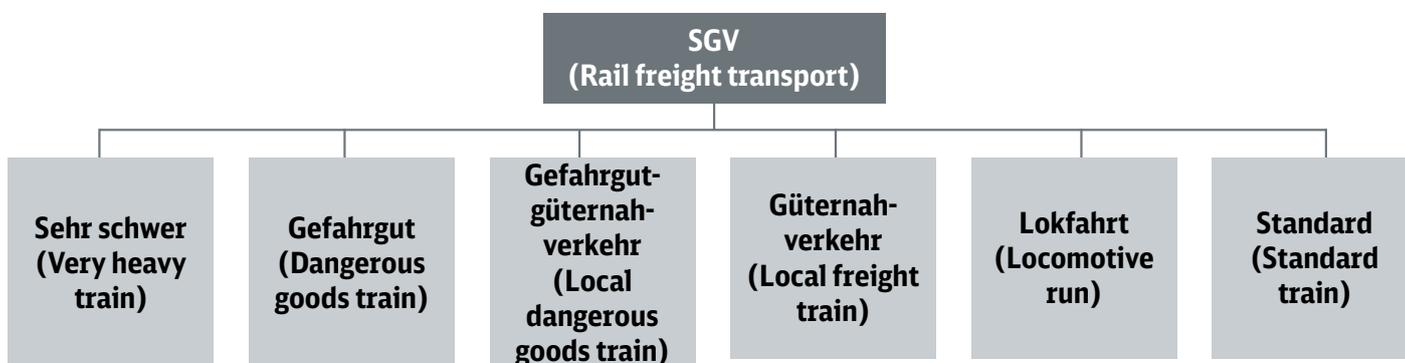
The following charges apply:

Market segments for local passenger rail services	Charges for local passenger rail services, in EUR, per train-path kilometre	
	Load run	Empty run
Baden-Württemberg	5.395	3.121
Bavaria	5.264	3.120
Berlin	5.711	3.221
Brandenburg	5.836	3.396
Bremen	5.743	3.348
Hamburg	5.039	3.083
Hessen	5.151	3.158
Mecklenburg-West Pomerania	5.696	3.263
Lower Saxony	5.472	3.403
North Rhine-Westphalia	5.249	3.128
Rhineland-Palatinate	5.441	3.101
Saarland	5.568	2.647
Saxony	5.503	3.146
Saxony-Anhalt	5.460	3.206
Schleswig-Holstein	5.566	3.169
Thuringia	5.513	3.211

Market segments in rail freight transport



Market segments in rail freight transport



“Sehr schwer” segment (Very heavy train)

The “Sehr schwer” market segment comprises all train-path uses where the wagon-train weight exceeds 3000 tonnes.

“Gefahrgut” segment (Dangerous goods train)

The “Gefahrgut” segment comprises all train-path usage where the relevant train is transporting only dangerous goods according to the Dangerous Goods Conveyance Act and the regulation GGVSEB based thereon (including the RID) – see Guideline 402.0202A1 and Annex 2.4.2 of the Network Statement – and if the train travels further than 75 km on a train path or has a rake of more than 370 metres, or the wagon-train weight of up to 3000 tonnes is not exceeded.

“Gefahrgutgüternahtverkehr” segment (Local dangerous goods train)

The “Gefahrgutgüternahtverkehr” market segment comprises all train path usage where the relevant train travels no further than 75 km on a train path, has a maximum rake of 370 metres, weighs no more than 3000 tonnes and transports exclusively dangerous goods.

Train paths for local dangerous goods block-trains may not be ordered geographically adjacently within four hours of one another, unless this involves a return run on the identical route to the original starting point or “comprehensive train-handling” has taken place.

“Güternahtverkehr” segment (Local freight train)

The “Güternahtverkehr” market segment comprises all train path usage where the relevant train travels no further than 75 km on a train path, has a maximum rake of 370 metres, weighs no more than 3000 tonnes and does not exclusively transport dangerous goods.

Train paths for local freight services may not be ordered geographically adjacently within four hours of one another, unless this involves a return run on the identical route to the original starting point or “comprehensive train-handling” has taken place.

“Lokfahrt” segment (Locomotive run)

The “Lokfahrt” market segment comprises train path usage with locomotives; the train configuration may not consist of any detachable wagons. Furthermore, construction machinery, including operationally integral, non-detachable components thereof as ancillary vehicles (eg tamping machines, but not with additional wagons) are covered by the market segment if they too are run without detachable wagons.

The train-path application must state whether the freight rail service ordered is a Lokfahrt. If this does not occur, the service is allocated to the other market segments of the freight rail services sector pursuant to the segmentation criteria.



“Standard” segment (Standard train)

All train path usage instances of the rail freight transport system that are not assigned to the “Sehr schwer”, “Gefahrgut”, “Gefahrgutgüternahverkehr”, “Güternahverkehr” or “Lokfahrt” market segments are assigned to the “Standard” market segment.

Additional market segments in the rail freight transport sector arise from combining the aforementioned segments with further planning or operational characteristics.

The customer decides whether to make use of the further planning or operational characteristics. This is designated accordingly in the train path request. The characteristics can only be used and ordered for an entire train path.

Planning characteristics

Z-Flex

R-Flex

Planning characteristics include the “Z-Flex” time flexibility and “R-Flex” spatial/geographical flexibility options available to all freight rail transport activities in the working timetable, except for the segment “Lokfahrt”. Train-path applications with the suffix “Z-Flex” or “R-Flex” cannot be registered with reference to capacity agreed under a framework agreement.

“Z-Flex”

In market segments with the suffix “Z-Flex”, temporal design-tolerance flexibility within the meaning of section 4.2.1.6 of the Network Statement of +/- 120 minutes will be granted for rail freight train paths in relation to the departure and arrival time and the time of every stop ordered by the customer ie total timetable construction of 240 minutes.

“R-Flex”

In market segments with the suffix “R-Flex”, temporal design-tolerance flexibility within the meaning of section 4.2.1.6 of the Network Statement of +/- 120 minutes will be granted for rail freight train paths in relation to the departure and arrival time ie total design tolerance of 240 minutes, as well as flexibility with regards all possible itineraries when the

starting and end point are retained. The only binding geographical factors for constructing the train path are the starting and end points.

If the train-path application contains scheduled stops for path construction, there is no geographical flexibility. By way of derogation, registering scheduled stops for path construction does not impair geographical flexibility under the following conditions:

- the train path exceeds a running time of four hours;
- a maximum of one scheduled stop is registered for every complete four-hour running time period, without providing a specific time; and
- the sole reason given for the stop is a change of personnel (CP) or driver recuperation (DR) (see Directive 402.0202A01, Annex 2.4.2 of the Network Statement).

Operational characteristics

Express

Schnell (Fast)

If the applicant requires special operational handling in the event of a fault or malfunction, he can choose either “Express” or “Schnell” in the freight rail transport system. The operational characteristics “Express” and „Schnell“ can be combined with each of the aforementioned segments except for “Lokfahrt” and „Sehr schwer“ and are available on both the working timetable and ad-hoc services.

“Express”

In market segments with the suffix “Express”, trains of the freight rail services sector are generally given priority in traffic management over all trains pursuant to Guideline 420.0201 (see Annex 2.4.2 of the Network Statement) with the exception of urgent rescue trains and trains in the long-distance passenger rail services sector with the suffix “Express” as well as other freight rail service trains with the suffix “Express”. The performance of “Qualified Estimates” (QE) and “Conceptual Estimates” (CE) in construction operations management is governed by Guideline 402.0305 (see Annex 2.4.2 of the Network Statement).

Market segments in rail freight transport



“Schnell” (Fast)

In market segments with the suffix „Schnell” (Fast), trains of the freight rail services sector are generally given priority in traffic management over all trains in the freight rail services sector pursuant to Guideline 420.0201 (see Annex 2.4.2 of the Network Statement) with the exception of urgent rescue trains and other trains with the suffix “Express” or “Schnell”. The performance of “Qualified Estimates” (QE) and “Conceptional Estimates” (CE) in construction operations management is governed by Guideline 402.0305 (see Annex 2.4.2 of the Network Statement).

The following charges apply:

Market segments for rail freight transport services	Charges for rail freight transport, in EUR, per train-path kilometre
Standard (Standard train)	3.05
Sehr schwer (Very heavy train)	4.30
Gefahrgut (Dangerous goods train)	3.71
Gefahrgutgüternahverkehr (Local dangerous goods train)	2.04
Güternahverkehr (Local freight train)	1.82
Lokfahrt (Locomotive run)	1.82

The relevant charges for market segments with the suffix “Z-Flex” and “R-Flex” are reduced by Euro 0.10 per train path km as compared to the charge for the corresponding market segment without those suffixes. For market segments with the suffix “R-Flex”, the length of the shortest route in kilometres for the agreed relation is used as a basis for the train-path kilometres pursuant to section 6.2.1.4.9 of the Network Statement.

The relevant charge for market segments with the suffix “Schnell” (Fast) is increased by Euro 0.50 per train path km as compared to the charge for the corresponding market segment without that suffix.

The relevant charge for market segments with the suffix “Express” is increased by Euro 2.00 per train path km as compared to the charge for the corresponding market segment without that suffix.

Federal funding for track access by rail freight transport (TraFoeG)

Since 1 July 2018 rail freight transport (SGV) receives a proportional funding for track access charges given by the German Federal Government. This funding should provide sufficient incentive to secure the existing environmentally friendly SGV and to transfer freight traffic onto the railways.

The German Federal Government provides annually 350 million Euro for this funding. All train paths which are accessed by rail freight transport are funded – with the exception of construction machinery runs, construction trains, measurement runs and rescue trains.

DB Netz AG supports the process according to the federal funding, for example the application for funding, the requests for the release of funding amounts or the allocation of funding amounts.

All information about the federal funding for track access by rail freight transport (TraFoeG), especially about the funding amounts or the application for funding, are published on the following web page: www.dbnetze.com/trafoeg.



Other charge components

New sector discount

In order to promote the development of new rail transport connections, DB Netz AG grants all access parties price reductions in the form of a **20 % discount on the train access charge**. The new sector discount is not granted for train access charges which arose in the highest bidder procedure pursuant to section 4.2.1.11 of the Network Statement.

In order to receive the discount, the applicant must apply to DB Netz AG for the reduction no later than when registering the train path. For a service to be considered new, the applicant must set out in writing that it is a service that has been newly acquired for rail in intermodal competition, or is completely new, and runs on at least 10 train paths in a 12-month period upon the commencement of operations.

There is no justification of new rail service for the purpose of obtaining the new sector discount if:

- the route has been changed;
- existing itineraries are extended on the section that was already in use previously;
- existing itineraries are shortened;
- there is a quantitative exchange between rail transport market segments;
- locomotive and empty runs take place which are not the necessary consequence of a train path for which the discount for promoting new train services has been granted;
- there is a quantitative exchange between applicants (intramodal acquisition).

The discount is granted for a period of 12 months from the commencement of operations.

Charge for issuing an offer

The costs involved in processing requests for the allocation of train paths are contained in the train-path charge. Therefore, failure to take up a train path once an application has been submitted will result in a processing charge being levied for issuing the offer. This provision does not apply in case of a coordination procedure according to 4.2.1.7.1 of the Network Statement and if the Applicant raises reasonable objections according to 4.2.1.12.3 of the Network Statement.

The charge for issuing an offer is calculated on the basis of the timetable costs within the scope of the directly train-related cost multiplied by train-path kilometres of the constructed train paths multiplied by the number of days of service applied for.

$$\text{Charge for issuing an offer} = \text{Timetable costs} \times \text{Train path km} \times \text{Number of days of service}$$

The timetable costs per market segment that form the basis for determining the charge for issuing an offer are specified in Annex 6.2 of the Network Statement 2021 (list of charges). The maximum fee amounts to 654 Euro for long-distance rail passenger transport, 425 Euro for local rail passenger transport and 507 Euro for rail freight transport.

Other charge components



NDTAC and German Railway Noise Mitigation Act

When DB Netz AG changed over its timetable on 9 December 2012, the company introduced noise-based train-access charges (NDTAC) for rail freight transport, thereby fully committing to permanently reducing railway traffic noise.

In unveiling NDTAC, DB Netz AG showed its support for the German Federal Ministry of Transport and Digital Infrastructure's subsidy programme targeting wagon keepers, creating an additional financial incentive to make upgrades and use low-noise freight wagons. The company's aim continues to be substantially and permanently reducing railway noise by the end of 2020.

The NDTAC's eight-year term will expire as scheduled at the end of the 2019/2020 working timetable period. Bonuses will be paid out for the last time in 2021 for matters which arose in the 2019/2020 working timetable period. After bonuses are paid out, any funds remaining in the NDTAC pot will be reimbursed to RUs in an amount commensurate with the amount of their penalty payments.

The NDTAC's subsidy term will expire, and the German Railway Noise Mitigation Act (Schienenlärmschutzgesetz, SchlärmschG) will subsequently take effect on 13 December 2020. The SchlärmschG will heavily restrict the use of freight wagons equipped with composite brakes on the German rail network.

For more information about the NDTAC, visit www.dbnetze.com/ndtac.

For more information about the SchlärmschG, visit www.dbnetze.com/schienenlaermschutzgesetz (in German).

Movements outside line operating hours

Signal-box occupancy is paid for with the train-path charge if the order falls under the working timetable or the signal box is already occupied for ad-hoc services. There is an additional charge if signal-box occupancy for ad-hoc services exceeds the line operating hours specified in section 3.5.5 of the Network Statement.

There is only a claim to service if the applicant registers the service at least two weeks prior to the intended train run.

The charge amounts to 30 euros/30 minutes or part thereof.

At least three man-hours shall be charged for each shift or part thereof. This refers to those cases where unscheduled line operation cannot be covered by a legally permissible extension of a shift that is already in progress. If several applicants or involved RUs simultaneously use a line outside the regular line operating hours, the additional charges for staffing the operating control points shall be shared out equally between the corresponding applicants or involved RUs.

If it is necessary to extend line operating hours in relation to existing single-use agreements due to rerouting arising from engineering works, no special charge is levied. Equally, no special charge is levied if movement occurs outside of line operating hours and DB Netz AG is accountable for this.



Incentives and penalty payments

Compensation for additional train path costs for work-related rail freight transport diversions in the working timetable

Under the following conditions, rail freight transport train paths registered in the working timetable pursuant to section 4.2.1 Network Statement (except for “Lokfahrt”) are treated like train paths attributed to the “R-Flex” market segment pursuant to section 6.2.1.4.9, 6.3.1 in conjunction with Annex 6.2 Network Statement with regard to **the calculation of the charges** levied for the days of service concerned:

- The train path was ordered for the working timetable pursuant to section 4.2.1 Network Statement.
- Due to construction work published in the planning parameters (pursuant to Guideline 402.0305) and considered in the working timetable, at least one registered route point (operating control points) in the individual infrastructure utilisation contract cannot be implemented, or due to such construction work, an application by the applicant via a diversion was stipulated between the applicant and DB Netz AG prior to the preparation of the working timetable, or the applicant applied for the train path via a diversion route due to a total closure as a result of such construction work.

Incentive system to minimise incidents and increase the performance of the railway network

When the 2020/2021 timetable took effect, DB Netz AG adopted a newly developed incentive system for rail passenger and rail freight transport. The incentive system aims to effect positive change by reducing the number of incidents and improving the performance of the railway network. The performance-based track access charging system applies to all train movements within the scope of the DB Netz AG Network Statement, with the exception of paths used by or on behalf of DB Netz AG.

The incentive system is based on incentive-relevant codings of additional delays as specified in Guideline 420.9001 (Annex 6.5.1) of the Network Statement. The incentive system takes into account the following codes:

Incentives and penalty payments



DB Netz AG responsible:

Delay code No.	Delay coding
10	Timetable compilation (DB Netz AG Sales)
10	Running times for construction work fully incorporated into the working timetable wrong
12	Mistakes in operations procedures
13	Preparation (operations)
18	DB operational staff
19	Other operations by DB Netz
20	Power supply equipment (traction power)
21	Telecommunications installations
22	Structures
23	Track
24	Installations at level crossings
25	Command/control systems
26	Points
27	IM vehicles
28	DB Netz AG technical staff
29	DB Netz AG other technical issues
30	Temporary speed restriction for repairs
31	Engineering or other works
32	Irregularities in engineering or other works

RU responsible:

Delay code No.	Delay coding
50	Exceeding the stop time
51	Request of the RU
52	Loading operations
53	Loading irregularities
54	Train preparation (transport-related aspects)
57	Not reported by RU
58	RU's traffic staff
59	Other transport-related reasons attributable to the RU
60	Roster/deployment planning
61	Formation of train by RU
62	Passenger coaches
63	Freight wagons
64	Traction units
68	RU technical staff
69	Other vehicle-related reasons attributable to the RU

All other codes that are not listed in the table above are not taken into account in the calculation of incentive charges.

The data on which the incentive system is based is collected in accordance with Guideline 420.9001 (Annex 6.5.1) of the Network Statement. See section 6.5.1.2 of the Network Statement for provisions on the procedure for correcting codings.



Requirements for incentive-relevant delays

For additional delay minutes to be incentive-relevant, the following requirements must be met:

- The traffic type-dependent threshold value has been reached or exceeded
- The code is incentive-relevant (see table)
- In rail freight transport, the relevant final punctuality was exceeded.

Traffic type-specific thresholds

The following traffic type-specific thresholds apply:

Type of traffic	Threshold values in minutes
Laden journeys (regional/local and long-distance rail passenger transport)	3:30
Locomotive/empty runs (regional/local and long-distance rail passenger transport)	30:30
Rail freight traffic sensitive to punctuality	5:30
Rail freight traffic not sensitive to punctuality	30:30

If the threshold value is reached or exceeded, the total number of additional delay minutes at the operating location is taken into account in the settlement. For the settlement of incentive charges, additional delay minutes are commercially rounded to full minutes.

The additional delay minutes resulting from the deviation between the target time according to the timetable and the actual time are recorded at the first operating location at which a coded additional delay occurs. Further additional delays in train running occur when a train between two operating locations increases its delay further.

Even these additional delay minutes are only taken into account if they exceed the threshold value on their own. If a delay is reduced or remains unchanged, no new additional delays occur.

Final punctuality in rail freight transport

For additional delay minutes in rail freight transport to affect incentives, the services must exceed a certain final punctuality. The final punctuality is measured according to the deviation between target time and actual time at the last operating location of the train run.

The access parties shall notify DB Netz AG with the train path application whether the ordered train runs of the rail freight transport are sensitive to punctuality or not. If no notification is provided, DB Netz AG classifies the relevant train runs as not sensitive to punctuality. The notification is binding and can no longer be changed. When ordering the addition Express or Schnell (fast), the train run is classified obligatorily as sensitive to punctuality.

The threshold values of the relevant final punctualities differ according to the classification of a train run as sensitive to punctuality or not sensitive to punctuality.

The following threshold values apply to final punctuality in rail freight transport:

Type of traffic	Threshold values in minutes
Rail freight traffic sensitive to punctuality	30:59
Rail freight traffic not sensitive to punctuality	120:59

Incentives and penalty payments



The amount of the incentive charges to be paid by DB Netz AG and the respective RU is calculated as follows:

$$\text{Incentive charge} = \text{incentive-relevant additional delay minutes} \times \text{monetary valuation per additional delay minute}$$

The following table shows the monetary valuation (in EUR per additional delay minute), differentiated by type of traffic and cause of delay:

Code	Cause of delay	Regional and local rail passenger transport (laden)	Long-distance rail passenger transport (laden)	Rail passenger transport (loco/empty)	Rail freight traffic sensitive to punctuality	Rail freight traffic not sensitive to punctuality
10	Running times for construction work fully incorporated into the working timetable wrong	16.00	51.00	5.00	5.00	1.00
31	Engineering or other works	16.00	51.00	5.00	5.00	1.00
32	Irregularities in engineering or other works	16.00	51.00	5.00	5.00	1.00
All other incentive-relevant codes		1.00	1.00	0.20	0.50	0.10

Settlement shall take place on a monthly basis. The incentive charges to be paid by DB Netz AG and the respective RU are offset against each other.



Reduced charges for non-contractual condition/reduction upon request

Notwithstanding any reduction demand from the applicant, DB Netz AG itself reduces the payable usage charge in the case of the faults listed below if these, due to a disruption, have resulted in additional delay minutes as per Guideline 420.9001 (Annex 6.5.1 Network Statement 2021) coded at least in the amount stated below. For the purposes of this procedure, disruption shall mean the sum of additional delays at the measuring points that are attributed to a disruption or an event. Reduction shall take place independently of whether DB Netz AG is responsible for such fault.

Codings for delay reasons

- a) Faults with the infrastructure:
 - VU 22 (structures)
 - VU 23 (track)
 - VU 30 (temporary speed restriction for repairs)
 - VU 31 (engineering work)
 - VU 32 (irregularities in engineering work)
 - VU 83 (grease film)
- b) Faults with the command and control system:
 - VU 21 (telecommunication systems)
 - VU 24 (level crossing safety systems)
 - VU 25 (command/control system)
 - VU 26 (points)
- c) Faults in providing traction current:
 - VU 20 (catenary systems)
- d) Staff-related faults:
 - VU 12 (scheduling faults)
 - VU 18 (DB Netz AG operational staff)
 - VU 28 (DB Netz AG technical staff)

Automatic reduction takes place where the additional delay minutes due to a disruption (sum of additional delay minutes at the measuring points attributed to a disruption) exceed a specific threshold value for that type of transport. This threshold value is 6 minutes for long-distance rail passenger

transport and regional and local rail passenger transport as well as for the “Schnell” (Fast) and “Express” market segments of rail freight transport; for all other rail freight transport market segments, the corresponding threshold value is 31 minutes.

The following reduction amounts are to be applied to each type of transport:

- 3.00 EUR per additional minute of delay for long-distance rail passenger trains
- 2.00 EUR per additional minute of delay for local rail passenger trains
- 1.00 EUR per additional minute of delay for rail freight trains

The reduction amounts will be awarded up to the full total of the track access charge in question.

Faults that are not listed or referenced in section 6.4.3.1 of the Network Statement 2021 can be claimed in line with the general provisions of civil law. The same likewise applies to faults listed under section 6.4.3.1 if and to the extent any claims asserted due to such faults are based on the values specified therein.

Charging arrangement for diversions due to construction work after conclusion of the individual usage agreement (ENV)

If the route of a contractually agreed train path deviates from the ENV (diversion) due to construction work not taken into consideration for such train path in the ENV, only the train path charge for the route to which the ENV relates is invoiced. In case the diversion results in a lower train path charge, the lower charge will be applied.

This provision does not apply to train paths where the applicant or the involved RU was already aware of the amended route at the time of accepting the train path offer. In this case, the train-path charge is billed for the route actually used.

Incentives and penalty payments



No train path charge is to be paid for additional train paths that become necessary due to construction work not included in the ENV. These train paths include, among others, feeder and collection runs to rail replacement services, turning runs due to construction-related restrictions, feeder and collection runs to stabling or refuelling facilities other than those normally used, feeder and collection runs of traction units or additional traffic due to a change to the train characteristics (e.g. unloading due to lower tonnage rating of a diversion route).

The train path request form for construction-specific additional train paths and a guide to be completed can be found online at www.dbnetze.com/formulare.

Charging arrangements for rail replacement services or emergency bus services

In cases where the railway infrastructure cannot be used for a specific period of time as a result of planned measures such as construction, unforeseen faults or reasons that the RU must account for from a vehicle equipment and/or personnel perspective, the rules and regulations defined for rail replacement services (cf. Network Statement 2021, section 3.5.6.1) or emergency bus services (cf. Network Statement 2021, section 3.5.6.2) go into effect.

If rail replacement services need to be set up due to planned implementation measures, the organisational efforts behind the rail replacement services are the responsibility of the respective RU. No usage charges shall be levied for the train path for as long as the work continues. The costs for the rail replacement services are borne entirely by the applicant or the involved RU.

Setup and organisation of the emergency bus services are also the responsibility of the respective RU. The costs for the emergency bus service shall be paid by the party accountable for the temporary non-availability.

If DB Netz AG is deemed accountable for the temporary non-availability, DB Netz AG will bear the costs of emergency bus services on the basis of market rates only. In addition, DB Netz AG will waive the train path charge for the line section which cannot be used. A credit of delay minutes according to the incentive system to reduce disruption (cf. section 6.5 of the Network Statement 2021) or claims to reduced charges for non-contractual condition (section 6.4.3 of the Network Statement 2021) are excluded.

If the applicant or the involved RU is accountable for the cause of the temporary non-availability, such party must bear the costs of emergency bus services.

The same applies if neither DB Netz AG nor an applicant or involved RU is deemed accountable for the cause of the non-availability.



Amendments and cancellation

Amendments

An amendment by the applicant after conclusion of the contract is only possible up to the scheduled departure. An amendment fee is charged depending on the expense associated therewith. The following issues constitute amendments for which an amendment fee is charged.

- Amended speed without amendment to the day of service
- Amended time of day without amendment to the day of service
- Amended routing with same origin and destination

The amendment fee corresponds to the share of costs that are incurred as a direct result of train operation for the processing of requests for the allocation of train paths (timetable costs).

The amendment fee is calculated by multiplying the timetable costs according to the working timetable by the number of train-path kilometres affected by the amendment, multiplied by the number of amended days of service (linearly up to a cap for each type of transport).

**Amendment fee per day of service =
timetable costs × affected train path km**

Type of traffic	Upper limit, amendment fee in EUR
Long-distance rail passenger transport	654
Local rail passenger transport	425
Rail freight transport	507

The timetable costs per market segment that form the basis for determining the amendment fee are specified in the list of charges (Annex 6.2 of the Network Statement 2021).

Amendments to types of transport are not permitted. In addition, an amendment of the total train path from load runs to empty runs is also not permitted, i.e. an amendment from load runs to empty runs is permitted for parts of a train path only.

If the applicant can change the market segment while maintaining the train path, i.e. none of the above issues is fulfilled, DB Netz AG charges no separate amendment fee for such market segment change. Whether or not a market segment change is permitted results from the market segment description in section 6.2.1.1 of the Network Statement.

Cancellation rules

The cancellation rules should provide sufficient incentive to cancel assigned capacities early on in order to use the railway infrastructure as efficiently as possible.

Cancellation by the applicant after conclusion of the contract has already been concluded is only possible up to the scheduled departure. Whether or not cancellation fees are levied depends on the cancellation issue and the time of cancellation.

The following issues constitute cancellations for which a cancellation fee is charged:

- Amended starting and/or end point;
- route shortening;
- amended speed provided that the amendment also results in an amended day of service;
- amended time of day provided that the amendment also results in an amended day of service;
- cancellation of a train path or part of a train path on one or several days of service; and/or
- amended day of service.

Amendments and cancellation



Minimum cancellation fee

For cancellations up to the 31st day prior to the departure of the train, a minimum cancellation fee will be charged for the day of service cancelled depending on the expense associated therewith.

The minimum cancellation fee corresponds to the share of costs that are incurred as a direct result of train operation for the processing of requests for the allocation of train paths (timetable costs).

The minimum cancellation fee is calculated by multiplying the timetable costs according to the working timetable by the number of train-path kilometres affected by the amendment, multiplied by the number of amended days of service.

**Minimum cancellation fee per day of service =
timetable costs × affected train path km**

Type of traffic	Upper limit, minimum cancellation fee in EUR
Long-distance rail passenger transport	654
Local rail passenger transport	425
Rail freight transport	507

The timetable costs per market segment that form the basis for determining the minimum cancellation fee are specified in the list of charges (Annex 6.2. of the Network Statement 2021).

Increased cancellation fee

For cancellations within the space of 30 days prior to departure of the train, an increased cancellation fee will be charged for every cancelled day of service in connection with the cancelled train path charge and the time of the cancellation. A minimum cancellation fee will not be charged on days of service for which an increased cancellation fee is incurred.

The share of direct costs of train operation that is saved due to the cancellation is deducted when determining the increased cancellation fee. To this end, the saved direct costs of train operation for maintenance and depreciation are deducted from the charge for the cancelled train path.

This results in the calculation basis for the cancellation fee. The resulting cancellation fee is a staggered percentage share of this calculation basis. DB Netz AG used the following percentages as a basis to create incentives for an efficient use of rail infrastructure capacity:

Time of cancellation	Percentage of calculation basis
Between 30 days and 5 days (including) before departure	15%
Between 4 days and 24 hours before departure	30%
24 hours or less before departure	80%

This results in the cancellation fees per train-path kilometre cancelled as specified in the list of charges (Annex 6.2. of the Network Statement 2021).

The increased cancellation fee per day of service and per market segment is calculated as follows:

**Increased cancellation fee per day of service =
train path km × applicable cancellation fee**

If the applicant cancels several days of service, the relevant increased cancellation fee is determined for each day of service and added up for the affected days of service. If a train path is cancelled and/or amended on different days of service, the relevant increased cancellation fee per day of service and the relevant minimum cancellation charge per day of service are added up.

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