4.1 INTRODUCTION

The allocation of infrastructure capacity is the allocation by the rail infrastructure manager of time periods defined in the network statement, to the corresponding applicants in order for a train or rail vehicle to run between two points over a period of time. Capacity allocation entitles to access allocated infrastructure and associated track points and junctions of the infrastructure manager owned network and to be provided with train traffic control, including signaling.

Order FOM/897/2005 of 7 April on NS and Rail Infrastructure Capacity Allocation process, determines that NS should detail:

- Procedures and deadlines for Capacity Allocation.
- Principles governing the coordination process.
- Procedures and criteria used in case of infrastructure congestion.
- Infrastructure constraints

4.2 DESCRIPTION OF THE CAPACITY REQUEST PROCESS

4.2.1. Applicants Requesting Capacity

Article 34 in Rail Sector Act and article 47.4 in Rail Sector Regulation provide that Capacity requests may be done to the infrastructure manager by the following Applicants:

- RUs with a license in force and International Collective Bodies set up by these undertakings.
- Likewise may request infrastructure capacity in the form and with the requirements as legally set up the consignees, loaders, and transport companies and operators that are not RUs but have commercial interest in acquiring capacity. In such cases, for the use of infrastructure capacity it shall be necessary that applicants appoint a railway undertaking and communicate that fact to the infrastructure manager.
- Public Authorities with powers in rail transport terms with a public service interest in capacity acquisition.

All companies that prove their interest in obtaining a license for railway undertaking may request to the manager, the capacity available at all times

4.2.2. Documentation for Capacity Requests

Rail infrastructure managers, as provided by regulation and in order to protect their legitimate expectations about future revenues and use of the infrastructure they manage, may impose applicants some requirements as specified in the network statement and shall refer exclusively to the suitability to prepare complying bids to obtain infrastructure capacity and to provide financial guarantees.

Every Applicant may request capacity under the terms stated in the Special Railway Register. For that purpose, requests for Capacity must be accompanied by the following data and documents:

Identification of Applicant and Representative

The Applicant making the request shall state duly accredited persons as proxy for this purpose, as well as the registered office to which the rail infrastructure manager will send timely notifications and submit a document certifying their registration in the Special Rail Register.
Safety Certificate

Railway Undertakings shall present a certified copy of the relevant Safety Certificate which they hold (Art. 66 of Rail Sector Act and Article 10 of Order FOM B97/2005).

Guarantees of Transport of Dangerous Goods

When the capacity requested by the Applicant is to be used to transport dangerous goods, it shall be so declared in the request, and the Applicant shall guarantee the fulfillment of all requirements and standards governing such transport, to safeguard the safety of others and of infrastructures.

Concrete Determination of a Request for Capacity

The request data shall be like the standard form set out in Annex C.

The Capacity Manager, hereinafter CM, shall provide Applicants with various IT applications such as SIPSOR, SIGES or PCS. Should any Applicant lack of adequate computer connection, or if systems are out of service, requests shall be addressed by email to Adif OSS (One Stop Shop).

For greater efficiency and better service to Applicants, Adif offers the possibility of establishing an agreement to simplify procedures for Capacity Request. Such agreement will specify the system established between both parties to process requests.

If Capacity Allocation is for an Applicant other than RUs, the former shall communicate to the rail infrastructure manager the data of the RU that will use this capacity at least five days prior to their actual use (Article 14.2 in Order FOM/897 / 2005, of 7 April).

Path Capacity Requests on International Rail Freight Corridors

International Rail Freight Corridors, RFC, Atlantic and Mediterranean have set for each of these Corridors a One Stop Shop body, for Applicants to request and receive responses at a single place and on a single operation, in relation to the capacity infrastructure for freight trains crossing at least one border along any European Freight Corridor.

Request, management and path capacity allocation for international freight trains running on Atlantic and Mediterranean corridors will be through the Path Coordination System (PCS) software tool and in accordance with the processes set out in the respective Corridor Information Documents (CID) and in accordance with international procedures agreed upon within RNE framework.

You can find the offer of capacity of corridors in the form of pre-established paths, on the following websites:

- www.railfreightcorridor6.eu

4.2.3. Types of Path Requests

Adif Managed Network has established different types of paths, as transport needs are generated.

A. Allocated Train Paths with reserve

If capacity requests are made on time and adequately, Applicant may reserve paths, obtaining appropriate quality characteristics, priority in traffic and punctuality commitments from the rail infrastructure manager. Requests shall generally be through SIPSOR computer application, via terminals authorized for such purpose, except for Applicants who do not have the appropriate computer connection, in which case they may send the data in the capacity request form or any other written mean that guarantees their receipt and registration and which will be addressed to the Department for Planning and Capacity Management reporting to the Department Office for Planning and Network Management.

/ A.1 Regular Train Paths (Servitren)

Paths requested for a significant traffic frequency within Timetable (about 40 days). These support trains running under a Transport Plan for each Applicant. The set of regular paths integrates the Timetable.

/ A.2 Occasional Train Paths (Trendía)

These train paths are programmed to meet the specific demands of the RUs and Qualified Applicants that based on their limited running days and short notice of their request (up to 24 hours before the requested train start), are not included in the Transport Plan, TP.
B. Train Paths with no reserve

If it is not possible for the Applicant to reserve capacity on time, Adif has two modes of special trains. These are allocated by the Network Management Centre H24, when the path affects more than one Traffic Area Department Office of the Department of Conventional Network Operation or Adif High Speed Traffic Management Department, or otherwise, by the Control Office affected.

/ B.1 Immediate Train Paths

These train paths are allocated upon specific request of RUs and Applicants as a result of unscheduled transport needs that normally arise less than one day in advance. Entry into service of trains on these paths must be exceptional and prompted by justified circumstances.

Requests shall be made generally through SIGES computer application, via authorized terminals, except for Applicants who do not have the appropriate computer connection, who may send Capacity request model data by any other written mean to ensure receipt and registration, addressed to the Traffic Area Department Office of the Department of Conventional Network Operation or Adif High Speed Traffic Management Department, on train origin, confirming by phone that the request is received.

Adif’s response to the request shall be made by the same means whereby the request was made, preferably through SIGES. This response may be negative in some cases, if the request is not technically feasible.

Trains generated under the concept of Immediate Paths shall run as trains without determined running. In addition, these shall be exempt from the regularity commitment of Adif.

/ B.2 Special Train Paths

These train paths are allocated as a result of incidents or breach of transport conditions programmed by RUs or Applicants, usually initiated by Traffic Areas of Conventional Network Operations Department or Traffic Department of Department of High Speed Traffic Management of Adif.

4.2.4. Timetabling

Timetabling integrates all data relating to all train and rolling-stock movements that are planned to take place on the relevant infrastructure in a predetermined time period, between the second Sunday in December and the second Saturday in December the following year.

Train paths are assigned to Applicants and RUs exclusively for use during Timetabling for which they were requested.

In order to offer to RUs and Applicants a proper agility responding to opportunities offered by the market, with acceptable path quality levels, irrespective of when these are requested, Timetabling modifications are foreseen during its term. Prior to the entry into force of Timetabling, the rail infrastructure manager may schedule adjustment dates for Applicants to make changes in their Transport Plan. To schedule these dates, various Applicants shall be consulted.

These adjustments may be of two kinds:

Agreed Adjustments

They are designed for Applicants to perform most of the changes to their transport plan during Timetabling. In these settings, the Capacity Manager, may make technical adjustments in the mesh, as appropriate, and Applicants shall assume and guarantee that the implementation of those changes are communicated in due time.

In Adif Manager functions are vested in the Planning Directorate and Network Management. Capacity Manager in these adjustments fully exercises the coordination capacity amongst Applicants if interference arises in the paths of an Applicant due to commercial requests of another Applicant.

Monthly Adjustments

It aims to facilitate a selective adaptation of the Transport Plan to each Applicant. Considering that the short periods of programming and the constrained framework of modifications of the mesh hinder the study of large variations in paths, the CM may refuse some requests for this reason, if planning deadlines are insufficient or requests involve a substantial change in the operation.
Modifications

Modifications generated by Applicants through their requests for paths of other Applicants will need to be agreed between each other, as a prerequisite to implementation, by giving written notice to the CM of the agreements reached. CM shall exercise, however, its coordination capacity to study possible technical solutions and, eventually, mediate between Applicants.

Owing to extraordinary and justified reasons, the rail infrastructure manager may authorize:

- Adjustments made on dates other than those agreed upon.
- Application of periods different from those set.
- Modification or removal of paths on certain lines, without any restrictions, in exceptional cases.

Train paths will not be considered to be changed towards Applicants, if:

- Conditions of path orders do not vary.
- Timetable of commercial stops for passenger trains is not altered.
- For freight trains, business hours do not vary more than 15 minutes, on any point along their route.

In such circumstances, the Capacity Manager, may alter the paths at any time without prior consultation to Applicants, but must communicate such change when it involves any path code change or Service Timetable on any point of its route.

4.2.5. Application Procedure and Allocation of Regular and Occasional Train Paths

- Capacity Allocation requests will be based on confirmed business need and technical feasibility. Otherwise, the Applicant will channel queries as a study mode via an email to the Capacity Manager.
- Applicants shall preferably use computer tools that Adif offers (SIPSOR and PCS). Those who request international train paths may also make their requests through Adif OSS or any One Stop Shop in the network of RNE and in the case of requests for freight they may also make them in OSS of European Freight Corridors.
- Requests made by Adif must be submitted at least five working days before the start of any path.
- Applicant is required to update the data in their requests. Particularly they shall communicate at the earliest, any suppression of paths or cancellation of a request.
- To facilitate the work to Applicants who agree with Adif in using SIPSOR, when the period of requests for new Hours of Service starts, the Capacity Manager will automatically generate a computer request in the system based on valid ordinary paths at given time. Applicants will be required to verify that in the system have been introduced all requests for paths for the new Timetabling and that all data is properly completed, and also have to be cancelled path requests that do not require new allocation.
- Capacity Manager shall timely notify in SIPSOR, or by their mean of request, allocated paths or path changes already allocated due to technical adjustments of the mesh. In the field “Remarks” those circumstances that condition the application of paths, shall be indicated.
- Applicants shall accept or refuse the movement of rail stock by the mean of request before the end of the claims period. Failing a receipt in due time of the Applicant acceptance of a path allocated, the Capacity Manager may freely dispose of the path.
- Upon movement acceptance, the regulatory documents will be drawn up as appropriate. Publishing these regulatory documents will in no way breach the principle of confidentiality.
- The Applicant shall communicate to Capacity Manager, in due time, the final announcement of these movements. The announcement of trains means that the Applicant formally states the specific days for train traffic. Regarding occasional paths (Trendía), we shall proceed to announce these in terms of dates requested, once the path has been accepted.
- With the announcement of the train disappears the path confidentiality and the information is considered public.
4.3 CAPACITY REQUEST TIMETABLE (PATHS)

Within the path allocation process, compliance with programmed schedules is essential to ensure the product quality and to allow planning the logistics of various participants in the process, as well as for Applicant group to have available their final schedules in due time.

To respond to requests submitted after the deadline, the Capacity Manager will evaluate their scope, timely communicating to Applicants his/her decision as to term and may even deal with these in subsequent changes, eventually allocating the residual capacities to such requests.

4.3.1. Path Reserve Schedule

Regular Train Paths (Servitren)

Adif offers Applicants a wide range of adjustments with appropriate deadlines to meet most transport needs.

However, if an Applicant intends to undertake changes in its Transport Plan that could substantially alter the existing exploitation schemes, it shall report it to the Capacity Manager in advance, who will evaluate whether to propose a broader programming timetable. Failing previous communication, Capacity Manager may refuse to implement it, proposing a date when it is technically feasible to study the adjustments proposed.

Schedules listed below include generically deadlines to publish the annual timetabling. Annex A includes the Capacity Allocation schedule with specific dates for Timetabling valid for 2016 and 2017.

<table>
<thead>
<tr>
<th>International Schedule</th>
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</thead>
<tbody>
<tr>
<td>Establish international train paths of catalogue</td>
<td>15 January</td>
</tr>
<tr>
<td>Capacity request deadline</td>
<td>15 April</td>
</tr>
<tr>
<td>Provisional Capacity Allocation</td>
<td>15 June</td>
</tr>
<tr>
<td>Communication of timetable project</td>
<td>15 September</td>
</tr>
<tr>
<td>Claims</td>
<td>15–30 September</td>
</tr>
<tr>
<td>Final communication of timetabling</td>
<td>2nd Sunday in October</td>
</tr>
<tr>
<td>Announcement communication</td>
<td>30 October</td>
</tr>
<tr>
<td>Start of timetabling</td>
<td>Midnight to 2nd Saturday in December</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National Schedule</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity request deadline</td>
<td>15 June</td>
</tr>
<tr>
<td>Provisional Capacity Allocation (Timetabling Project)</td>
<td>15 September</td>
</tr>
<tr>
<td>Claims</td>
<td>15–30 September</td>
</tr>
<tr>
<td>Final communication of timetabling</td>
<td>2nd Sunday in October</td>
</tr>
<tr>
<td>Announcement communication</td>
<td>1 November</td>
</tr>
<tr>
<td>Start of timetabling</td>
<td>Midnight to 2nd Saturday in December</td>
</tr>
</tbody>
</table>
/ Agreed Adjustments

Standard periods that shall be basic to develop a schedule will be determined by the following deadlines chart, where M is the month of the Agreed Adjustment date:

| Agreed Adjustments                  |  
|-------------------------------------|---|
| Receipt of Capacity requests        | M - 4 |
| Provisional Capacity Allocation     | M - 3 |
| Claims                              | M - 2 |
| Announcement communication          | M - 1 |
| Agreed Adjustment                   | M   |

Annex A shows specific dates for every Agreed Adjustment for 2016 and 2017.
Capacity Manager may set deadlines when extraordinary circumstances converge requiring to extend the programming period, for the entire network or only for certain axles or ratios.

/ Monthly Adjustments

Below are general implementation periods. D is adjustment day, and deadlines will be:

| Monthly Adjustments                  |  
|-------------------------------------|---|
| Receipt of Capacity proposals        | D - 21 days |
| Provisional Capacity Allocation     | D - 14 days |
| Claims                              | D -14 days to D - 10 days |
| Announcement communication          | D - 10 days |
| Monthly Adjustment                  | D   |

Annex A shows specific dates for every Agreed Adjustment for 2016 and 2017.
Regarding the schedule of Monthly Adjustments, generic deadlines listed above shall apply without requiring any explicit communication, except in specific cases where it is desirable to establish specific deadlines to match periods like holidays. These specific schedules will be reported in the meeting called for that purpose, or in written to the Capacity Manager in due time.

/ Occasional Train Paths (Trendía)

To be able to respond to requests of Applicants through the product Trendía, the request must be made with a minimum advance.

| Occasional Train Paths (Trendía) |  
|----------------------------------|---|
| Maximum response time            | 5 working days |

For international paths, given no available catalogue paths that conform to the request, the Applicant shall be informed of that circumstance in this same period of five working days, and there is a maximum period of 30 days to establish a path to fit.

The Capacity Manager will require different deadlines for requests with a high volume of paths, for example, in the case of campaigns, or when circumstances coincide requiring a larger programming period. Response may also be delayed, if advance to request a path TRENDÍA is so long that the Capacity Manager considers the regular train service is not sufficiently consolidated to study occasional trains.

For exceptional and justified reasons Applicants may request paths in less than five working days. This service will be provided only in working days (Monday to Friday), applications shall be filed not later than 12 hours the day before the requested train departure. Answer will be notified before 18 pm the same day.
4.4 CAPACITY ALLOCATION

4.4.1. Differential Use of Infrastructure

Adif essential tool to define general guidelines of a differentiated use of infrastructure establish an estimation of the paths for each section and time period and every type of service, and this information is included in the Capacity Manual. “Path availability” shall mean path availability planned by Adif for each type of service. For this purpose, the service types considered are:

- Long Distance Passenger Transport Services.
- Commuters and Regional Passenger Services (Medium Distance).
- Freight Services.

Capacity Manual provides greater transparency to the process of Capacity Allocation and simplifies trains mesh because, in its final design, it can decisively influence aspects such as requested stops, technical features of trains, requested loads, etc. Therefore, the Capacity Manual provides this information for guidance purposes only, leaving the capacity to allocate paths to the CM on a per case basis, whilst maintaining the general spirit of availability expressed in the Capacity Manual.

4.4.2. Capacity Allocation Process

In the process of Capacity Allocation the Capacity Manager should ensure an access based on the principles of objectivity, transparency and equality, while ensuring that the technical quality of the paths is adequate.

Capacity Manager therefore shall do his/her best to respond to requests of Applicants and set up the Timetable or changes to it, and also upon request for occasional paths, optimize travel times and track capacity.

Capacity Manager is legally empowered to reserve Capacity for operations of scheduled maintenance, replacement or extension of the network to solve problems of congested infrastructure and to provide rail services in the public interest, according to Article 48 of Rail Sector Regulation.

**Phases of the Capacity Allocation Process**

Capacity Allocation Process is divided into the following phases:

<table>
<thead>
<tr>
<th>Phases of Capacity Allocation Process</th>
<th>Description</th>
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<tbody>
<tr>
<td>I</td>
<td>Process of capacity allocation in the corresponding paths.</td>
</tr>
<tr>
<td>II</td>
<td>Phase of technical path change in the mesh.</td>
</tr>
<tr>
<td>III</td>
<td>Phase of Coordination.</td>
</tr>
<tr>
<td>IV</td>
<td>Phase of claims.</td>
</tr>
</tbody>
</table>
Capacity Allocation process to prepare the Timetable (and similarly, its changes) will thus be developed according to the following flowchart.

Changes after preparing Capacity Allocation Timetable will preferentially be solved depending on residual capacities and through a technical insertion of the paths in the mesh, trying not to affect the existing paths.

For occasional paths, the Capacity Manager shall be limited to the available Capacities, establishing the priority order of receipt of applications.

The Capacity Manager is authorized to admit small incompatibilities between paths if he/she considers that these do not disturb the traffic of other trains.

/ 1. Phase of Capacity Allocation to the Corresponding Paths

In this phase are assigned the requests that will obtain Capacity for the corresponding lines and time periods.

- This process will be initially based on the estimated capacities available each line, depending on the type of traffic, as set out in the Capacity Manual. This document may be requested to the Department of Planning and Capacity Management (Madrid Chamartin Station, Edificio 23 C / Hiedra, 9; 28036 Madrid) by applicants holding a valid license.

- Responding to demands by type of traffic, requests which did not obtain Capacity may get residual capacities of other traffic types, provided that this is technically feasible.

- When allocation of capacity is for an Applicant other than RU, the former must notify Adif the data of the RU that will be using this Capacity at least five days prior to its effective use (Article 14.2 Order FOM/897/2005, of 7 April).

**Allocation Priority Criteria**

Adif will allocate the requested infrastructure capacity as follows (Art.11 Order FOM / 897/2005, as amended by Order FOM 420/2014, of 7 March):

- a) If there is capacity available for all candidates, this will be allocated.

- b) If there is coincidence of requests for the same time period or the network is declared as congested, will be considered for their allocation, in descending order of priority, the following priorities for allocation:

1. If there are specialized infrastructures and the possibility to meet such requests in these infrastructures.

2. Services declared of public interest.
3. International services.
4. The possible existence of framework agreements providing for the allocation of the capacity requested.
5. The request by an applicant, of the same time period for several days of the week or in successive weeks.
6. The system efficiency.

Capacity Manager shall ensure a reasonable use of track Capacity. In this sense, some trains, due to their own technical features, could reduce the Capacity, or hinder operation. So Adif may restrict the movement of certain trains based solely on technical operating criteria (lack of certain equipment on board, running times inadequate to the line characteristics, etc.).

Likewise, upon request of a path by the Applicant if there is a less congested alternative route, the Capacity Manager may program the path to his initiative on the most appropriate route, in order to enable an increased availability of the Capacity for traffics that technically and economically need the saturated route. The Capacity Manager will reason in writing to the affected Applicant such situations.

Should these requirements be significant on a particular line, they shall be stated in the Capacity Manual.

/ II. Phase of Mesh Technical Change

After allocating capacity to orders starts the technical process of integration in the mesh. This process is subject to certain technical principles of path insertion and mesh adjustment.

The Capacity Manager is authorized to apply the following technical criteria:

**Technical Adaptation of Train Paths**

Capacity Manager may vary within reasonable parameters the schedule proposed by Applicants for technical reasons or to make compatible all requests from different Applicants. So may the Capacity Manager establish the running time or technical stops he/she deems appropriate to ensure the punctuality of trains, to reconcile different paths and to optimize track Capacity.

**Cadenced Services**

Requests made contemplating cadenced services may have a determined preference during the mesh technical change, in order to have an adequate cadenced service.

**Specialized Lines**

The Ministry of Public Works may declare as specialized line, certain sections, complete lines or time periods of Adif Managed Network. On these lines, the capacity allocation process by the Capacity Manager may be carried out giving a determined preference whereas mesh technical adjustment to prevailing services.

**Public Service Traffics**

The Capacity Manager can give preference to services covering certain public services during mesh technical changes, especially at rush hour.

**Long-Distance trains (Passenger or Freight)**

Given the special technical complexity in constructing train paths with great length because these run on a large number of lines - particularly international - the Capacity Manager may give preference in the mesh to trains with a longer route.

Capacity Manager will ensure that given no objection, paths allocated in the preceding Timetable that obtain capacity in the new Timetabling, basically maintain their essential characteristics.

At the end of this process, the Capacity Manager will allocate to Applicants the corresponding paths. In the case of regular paths, this assignment will be provisional until the completion of a coordination phase and the period of claims.
III. Coordination Phase

Coordination phase is designed to solve conflicts that may arise in infrastructure capacity requests and allocations.

To make Timetabling or Agreed Changes, Applicants will have ten calendar days from the date of the proposed Capacity Allocation to accept or reject it, as well as to make necessary comments to it. This period shall be three calendar days from the date of the proposed capacity allocation for the remaining cases.

During this phase of coordination, the Capacity Manager will promote studies of paths and appropriate negotiating actions with Applicants in order to meet the best possible way the received group of requests, and in some cases he/she may propose to Applicants different paths to the requested ones.

IV. Claims Phase

The deadline for submitting allegations is 15 calendar days from the communication of the Timetable Project to Applicants.

In the case of requests for Timetable submitted with delay or for paths allocated changing the Timetable, the claim period shall be five calendar days from Capacity Allocation and two calendar days for occasional train paths.

4.4.3. Coordination Process

This process is described in the previous section, Phase III Coordination, and Annex Q Dispute Resolution Procedure.

4.4.4. Claims Process

This process is described in the previous section, Phase IV of Claims and Annex Q Dispute Resolution Procedure.

4.4.5. Congested Infrastructure

Order FOM/897/2005 of 7 April on the Network Statement and Rail Infrastructure Capacity Allocation Process, as amended by Order FOM 420/2014 of 7 March, determines in article 17 the conditions and procedures of this process consequently applying the allocation priority criteria, already referred to, and their modulation possibility.

For congested infrastructures, Railway Infrastructure Manager may reduce reserved capacity over a period of at least one month, if it has been used less than the availability allocated to the Applicant.

Currently there is no infrastructure declared as congested in the network managed by Adif.
4.4.6. Framework Agreements between Adif and Applicants

Infrastructure managers and applicants may conclude framework agreements to reserve rail infrastructure capacity specifying the characteristics of the infrastructure capacity required and offered to the applicant for a period longer than one term of service hours.

Framework agreements will have a maximum term of five years, renewable for equal periods.

It may be decided, however, a period exceeding five years if justified by commercial contracts in force, specialized investments or risks. For services using specialized infrastructure that requires substantial and long-term investments, duly justified by the Applicant, framework agreements may be signed with a validity period of up to fifteen years.

Any period longer than fifteen years will be possible in exceptional cases and, in particular, in the event of large and long-term investments, especially when these are subject to contractual commitments including a multi-year repayment plan. In this case, Applicant needs may request an accurate definition of the capacity characteristics, including the frequency, volume and quality of paths, which will be awarded to the Applicant during the term of the framework agreement. In the case of congested infrastructure, rail infrastructure manager may reduce reserved capacity which, over a period of at least one month, it has been used less than the quota allocated to the applicant.

The rail infrastructure manager will communicate the framework agreements to the National Commission of Markets and Competition and, respecting the confidentiality of the data with commercial relevance, inform the interested parties upon request by them, of the outlines of every framework agreement. The National Framework Agreement model is available in Anexo P.

To 31 December 2015, no railway undertaking has resquested any Framework Agreement.

For more information on the National Framework Agreement please address:

DEPARTMENT OF CAPACITY PLANNING AND MANAGEMENT
Directorate of Network Management and Planning
Estación Madrid Chamartín, edificio 23
Calle Hiedra, 9.
28036 Madrid

4.5 MAINTENANCE AND WORKS ON ADIF OWNED NETWORK

Rail infrastructure manager has been entrusted with continuous efforts to preserve and invest in the lines that they managed, either by maintenance works on the infrastructure in service or carrying out works to improve and expand their network.

The completion of these works may entail inevitable traffic restrictions. When rail traffic is inevitably affected by these works, the rail infrastructure manager will strive to produce the minimum disruption and will promote infrastructure improvements that will result in a better service by the rail infrastructure manager.

/ TOC Committees

When it is impossible for rail traffic to avoid significant alterations, RUs and Applicants are entitled to receive in due time accurate information of the significant impact that may occur in the paths allocated. A program of actions on the infrastructure will be channeled through TOC Committees, made up of officials appointed by Adif Department of Maintenance and Operation of High Speed Network, Department of Maintenance and Operation of Conventional Network and Department Office of Network Management and Planning.

There is a Central Committee and other Regional Committees. In every session, Regional Committees shall be responsible for performing the preparatory studies for the Central Committee to reach the final agreements. TOC Committees may be ordinary or extraordinary. The decisions taken therein shall be communicated to the Applicants and RUs and any matter raised by any of them shall be forwarded for their analysis and resolution.

TOC Committees determine in the annual regular meeting permanent times for works to be considered in paths for the following year’s Timetable. In ordinary session are also programmed works on infrastructures permanently affecting train traffic. In particular, regular sessions establish or revise periods and conditions of Maintenance Bands. Works are considered to be permanent if these are relevant or if speed limitations have a continuous impact of three months or shorter, if consequences on traffic are significant. Programs will be set up to the end of the Timetable, drawing up a record of the meetings of every Committee.
Agreements will be announced to Applicants before the date of the official deadline to submit capacity requests for Timetable.

If during the Timetable are produced significant variations from the projections made in the ordinary annual session, it is foreseen to hold ordinary sessions of changes in January, July and October. Extraordinary sessions may be convened as well, for exceptional reasons, when it is necessary to agree works outside ordinary sessions.

Capacity Manager shall consider in the path allocation process the capacity orders arising in TOC Committees from programmed works. Applicants must assume in their trains the consequences (increased travel times, capacity reduction, etc.) when the rail infrastructure manager communicates these in good time, thus fixing a minimum period of two months. Adif head of operation may allow, for extraordinary reasons, implementing measures or different terms, without any right to compensation from Adif.

/ Maintenance Bands

Maintenance Bands is a capacity order the rail infrastructure manager for regular maintenance works of infrastructure and facilities.

Three to five hours per day shall be programmed per line, depending on characteristics and equipment. On double track, efforts will be made to make way for one of the two tracks except as otherwise provided by the rail infrastructure manager, for technical reasons. Therefore, the line capacity is restricted in the period of Maintenance Band when traffic is ensured only on one track.

Capacity Manual shall include the expected ranges for Maintenance Bands.

/ Extraordinary Works

If required to carry out works for an extended period on a range of works different to the Band of Maintenance, a record of the extraordinary range of works and normal maintenance interval shall be stated. These periods shall be programmed by TOC Committees.

Extra works with little relevance may be agreed upon directly by the rail infrastructure manager with RUs and Applicants concerned well in advance as deemed necessary.

4.6 PATH USE CONTROL

RUs and Applicants are required to use the capacity obtained under the conditions in which it was allocated. For congested infrastructure, non justified use of paths allocated may cause serious offense, if it is attributable to RU. (Art. 107 in Law 38/2015, of 29 September of the Railway Sector).

Capacity Manager shall monthly make an analysis of the use level of paths allocated. Without prejudice to the steps listed in Rail Sector Act and which the rail infrastructure manager may undertake in cases involving a significant breach to the efficient use of infrastructure, the Capacity Manager shall propose to RUs and Applicants the suppression or modification of paths when detecting the lack of systematic use, especially in the case of congested lines.

If the percentage of use is below 50% continuously in one month period, especially in the case of congested lines, the Capacity Manager shall also change the allocation of capacity, without time restrictions, communicating in writing of that fact and justifying the causes for the decision. There is a period of 10 days for claims in favor of the RU or Applicant.

4.7 EXCEPTIONAL TRANSPORT AND DANGEROUS GOODS

4.7.1. Exceptional Transport

A transport is considered exceptional when it presents special difficulties to perform it due to size, weight and/or packaging, taking into account the infrastructure or material to be used requiring special technical or operational conditions to run on the General Interest Rail Network managed by Adif in optimum safety.
The conditions that define when a transport is considered exceptional, are referred to in the General Instruction No. 66. If a transport involves two or more networks, the consideration of Exceptional transport shall be governed by international standards in force (UIC Leaflet 502-1).

The Committee of Prescription for Exceptional Consignment and Transport (hereinafter CPCTE) made up of different rail operators and chaired by Adif, is responsible for managing and processing authorizations for exceptional transport. See section 2.5 and Annex F to this document.

The procedure that governs handling such transport is covered by the General Instruction No. 2 (IG 02) of 24 July 2009. Pursuant thereto, RUs wishing to do an Exceptional Transport shall contact Adif Department of Traffic Safety for the Committee of Prescription for Exceptional Consignment and Transport (CPCTE) - after the relevant technical study - to issue the corresponding Authorization, if applicable. Said Committee shall communicate any restrictions included, as well as the conditions of transport, to the concerned Departments of Adif, Railway Undertaking and other concerned bodies.

As a result of the work to adapt traffic regulations following approval of Rail Traffic Regulations, some Presidency Circular Letters, General Instructions, NTC Traffic Technical Rules, Circular Letters which are Regulatory, Orders and Documentation of train timetable, shall be subject to review, and, even, derogation, during 2016.

For more information, consult the Office of Traffic Safety (Adif Directory paragraph 1.8).

4.7.2. Transport of Dangerous Goods

RUs and Applicants shall indicate in their requests for Capacity Allocation that it is to be used for transport of dangerous goods, apart from requesting the stops necessary to perform it, in order to get it adequately covered in the programming process, in accordance with Article 47.5 of Rail Sector Act.

In the case of adding rolling stock to transport Dangerous Goods with trains not referred to in the transport plan, it is compulsory to request the rail infrastructure manager authorization prior to consignment.

In order to authorize a train on a regulated track, RUs must report actual data of the wagons carrying Dangerous Goods, order number in the train composition, type of goods transported, ONU No, name, quantity, origin and destination of the goods.

RUs and Applicants shall ensure compliance with all regulations and standards governing such operations, to protect the safety of others and of the infrastructures.

4.8 DISTURBANCES AND TRAFFIC CONTROL

Traffic control will be performed by Adif with the purpose that actual train operations fit the assigned maximum capacities.

In order to carry out this task effectively, RUs will be required to provide all information required to the rail infrastructure manager on time and form, prior to train departure and during the journey. If the train technical features do not match those shown on the order that resulted in the capacity allocation, the rail infrastructure manager may adopt deregulation measures and even prevent its movement.

In particular, between the rail infrastructure manager and RUs a traffic agreement shall be established appointing authorized persons or organizations which are able to quickly take operational decisions, particularly with respect to operations and traffic interruptions.

4.8.1. Criteria for Traffic Control

Traffic control should be based on transparent and non-discriminatory principles. Since its main purpose is to ensure maximum punctuality according to the allocated capacity, the rail infrastructure manager may apply, as it deems appropriate, the following regulatory criteria:

- Preference for trains with allocated capacity versus trains which have not ordered capacity.
- Preference for trains running in their path against those running behind schedule, with the purpose of minimizing the spread of delays in the mesh (mesh contamination).
- Preference in the event of disruptions in rail traffic due to a technical failure, accident or any other incident. In this case, appropriate measures shall be taken to restore a normal situation, as required by Article 37 in Law 38/2015 of 29 September of the Railway Sector.
4.8.2. Applicable Standards for Traffic Control

Punctuality is not the sole responsibility of the rail infrastructure manager. RUs play an important role to move trains (own or of other RUs) without delay. For this reason, the rail infrastructure manager will promote quality agreements with different RUs, to establish service quality goals and action commitments to fulfill these.

According to Article 37 in Law 38/2015 of 29 September of the Railway Sector and Article B of Traffic Safety Regulation on the General Interest Railway Network, approved by Royal Decree 810/2007, of 22 June, in case of disturbance in the rail traffic due to a technical failure, accident or any other incident, the rail infrastructure manager shall take all appropriate measures to restore normality.

To this end, Adif, with the approval of the Ministry of Public Works has prepared the document “Contingency Plan”, which is a set of alternative procedures to normal operations, which purpose is to allow the operation, even in case functions or facilities due to an incident either internally or outside the organization; and with the mission is to create a comprehensive action plan to manage and resolve any contingency that disrupts the normal development of rail traffic on a preventive, predictive and corrective level. It contains, among others, the general action plan, the priority criteria in traffic regulation in case of contingencies, recommended actions, notice plans to Adif bodies and Public Administration agencies, risk maps, together with other plans and protocols that complement and expand the above Contingency Plan.

In order to complete their Safety Certificate, and according to the requirements of Annex II to Royal Decree 810/2007, RUs are required to establish a Contingency Plan agreed with Adif. For more information on this topic, refer to Adif Directory section 1.8.

In case of emergency, and where absolutely necessary due to temporary non use of infrastructure, the rail infrastructure manager may, without prior notice, cancel, divert or change the paths for a certain time as necessary to restore normality to the system and urgently perform the appropriate repairs, and report as soon as possible to RUs and Applicants for appropriate reasons. In this case, neither Applicants nor RUs will be entitled to any compensation or damages in accordance with Article 37 in Law 38/2015 of 29 September of the Railway Sector.

In accordance with Art. 34.3 of Rail Sector Act. railway undertakings shall make available to the rail infrastructure manager resources that they deem as appropriate and provide their cooperation upon request. In any case, the rail infrastructure manager as well as RUs shall act in mutual coordination and collaboration to ensure service and attention to customers in the most efficient way possible.

4.9 CAPACITY ALLOCATION AT SERVICE FACILITIES

The Ruled Process for processing capacity requests and their allocation at service facilities managed by Adif is described as follows, in accordance with transparent and non-discriminatory criteria; also specifying the conditions of access and use thereof.

The process shall apply in the field of service facilities managed by Adif, which are at passenger transport stations, at freight terminals and any other facility as determined by infrastructure managers outside the areas specified above.

The process shall apply to capacity allocation requests for using:

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Type of Clients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tracks with platform to stable trains for other operations. Tariff mode C2</td>
<td>Railways Undertakings</td>
</tr>
<tr>
<td>Sidings, train composition and shunting tracks, maintenance, washing, cleaning, and fuel supply tracks. Tariff Mode D</td>
<td>Railway undertakings and owners of rolling stock</td>
</tr>
<tr>
<td>Loading points. Tariff Mode E</td>
<td>Railway undertakings owners of railway rolling stock, freight forwarders, loaders and combined transport operators</td>
</tr>
</tbody>
</table>
The list of tracks offered at service premises owned by Adif is published in Annex T, Catalogue of Service facilities in this NS, and on the web: www.adif.es.

The catalogue specifies the types of service facilities, their characteristics and equipment.

Exceptionally capacity may be requested to use facilities, which are not included in said catalogue, and the Service Facility Manager, GIS, is not bound to any allocation. The GIS is authorized to adjust the capacity of a facility in order to perform scheduled maintenance operations, replacement or expansion of assets in it.

Any change at these facilities shall be promptly communicated to clients and shall be published on: www.adif.es and included in the corresponding updates of the Network Statement.

4.9.1. Types of Requests

Requests for capacity allocation shall be based on client needs and the technical viability of the facility. These may be linked to trains in their Transportation Plan, or not linked if there is no defined train specific list in their Transportation Plan, but nevertheless knows about the need to regularly use the service facility.

Infrastructure managers of service facilities may sign long-term agreements (over 4 years) in order to reserve capacity at a service facility, provided that these result from a framework agreement set under Art. 38.3 of Rail Sector Act on (path) linear infrastructure capacity reserve. These agreements shall have the same characteristics as the framework agreement on capacity reserve in the linear infrastructure originating it and listed in Arts. 38.4 and 38.5 of the Rail Sector Act.

When requesting capacity, clients may choose amongst the following types:

A. With Capacity Reserve

/ A.1. For Periods of Continuous Use
Capacity reserve in cases where the client demands, 24 hours a day, to use the same or more than a full calendar month and up to 4 years.

/ A.2. For Occasional Use Periods
Capacity reserve in cases where the client demands using for hours or full day (from 00:00 hours to 24:00 hours) the facility, for a period between two dates, for consecutive days, intermittent or cadenced.

These requests shall be linked to a train.

B. Without Capacity Reserve

/ B.1. For Occasional Use Periods
Capacity request in cases where the client demands an occasional use of the facility either for a full day from 00:00 hours to 24:00 hours, or for hours.

These requests shall be linked to a train.

4.9.2. Allocation Calendar

Requests made to the Service Facility Manager (GIS) shall be submitted in the following periods:

For Requests type A: with Capacity Reserve
The Service Facility Manager will make available to clients, every two months, service facilities available so that they can make this type of request.

In order to respond to requests submitted after the deadline and resulting in a substantial alteration by the client of the operating schemes, the Service Facility Manager shall assess the extent of the needs, informing in due time of any provisional capacity allocation and, in any case, it shall be necessary to make a new request on the next allocation period.
For Requests Type B.1: Without Capacity Reserve For Occasional Use

To be able to respond to these requests, it is necessary for clients to make the request at least seven calendar days in advance, so that the Service Facility Manager can study and conveniently respond to it.

For exceptional and justified reasons, clients may request capacity for a service facility with less than seven calendar days in advance. Such type of requests may be submitted only from Monday to Friday before 12 o'clock on the day before the train departs and must identify to the Service Facility Manager the train, which is linked to the request. The answer shall be notified before 6 pm on the same day.

Requests for capacity at service facilities for traction fuel supply through mobile points may be submitted, as a general rule, before 6 pm on the day before request for refueling, always within the opening hours of the terminal/station and adapting in any case to the conditions set by the owner of the facility.

In the case of fuel supply at fixed points, capacity allocation shall be implicit in the supply service provision.

Annex S in this NS is included in the schedule for capacity allocation.

4.9.3. Phases of the Process

The Service Facility Manager shall analyze client requests, optimizing response times and the capacity of the facility.

The capacity allocation process is divided into the following phases:

4.9.3.1. Request Phase and Capacity Study

The client shall request capacity through a computer application using the authorizations given for that purpose. Exceptionally, in cases where there is no computer connection, requests may be submitted by any other written mean to ensure receipt and registration.

Requests received shall be recorded by date and time of entry.

The Service Facility Manager shall study the requests received and according to the allocation criteria, there shall be an interim capacity allocation.

In advance to the official request, the client may query the Service Facility Manager, on capacity available by electronic means.

If there is a coincidence of requests for capacity reserve for the same period of use, either continuous or occasional, and for the same service facility, the allocation shall be addressed seeking the maximum utilization of the facilities and their technical characteristics, taking into account for the allocation, in descending order of priority, the following allocation criteria:

1. **Type of transport service.** The differentiated use of the facilities under the various types of transport services, for long distance passengers, commuters and medium distance or freight.

2. **Duration of use.** Priority shall be given to requests that encourage the continued use of the service facilities:
   
   - A1 type requests over A2, and within A1, the ones with the longest use period.
   - For A2, the ones with the most used requested period between two dates, taking into account the relationship between the number of days requested and the total days contained in the period.

3. **Funcionality.** Requested use compatibility with the facility functionality (training and shunting, siding, maintenance, …) and its equipment. In the case of loading points, the following is additionally taken into account as subcriteria for allocation:
   
   - Other logistical needs, giving priority to applications that require other spaces adjacent to the cargo area, in order to promote and ensure the comprehensive logistics of the transport operation.
   - Loaders priority in capacity allocation processes over freight forwarders, in order to promote freedom to choose a railway undertaking.

4. **Request Order.** In case of equality in the above criteria, it shall be allocated according to the request entry order.

4.9.3.2. Coordination Phase and Interim Allocation Proposal

If there is capacity available for all clients, this shall be provisionally allocated. If initially it is not possible to respond to requests, the GIS will offer alternatives with the capacity available to find a coordinated solution with the client and so resolve conflicts that may arise between requests and capacity allocation, provided it is technically feasible.
After the coordination process, the Service Facility Manager shall communicate the proposed provisional allocation of capacity to clients, and they are obliged to update the data in their requests. Clients shall communicate, as soon as possible, any waiver of the interim allocation of capacity.

4.9.3.3. Claims Phase

During this phase, clients may make claims to the interim capacity allocation communicated by the Service Facility Manager. Requests that have not been possible to respond to - after analyzing the arguments - shall be communicated and reasoned.

4.9.3.4. Communication and Acceptance Phase of Capacity Allocation

Finally, the Service Facility Manager shall communicate the final allocation of capacity, which the client must accept or decline within the stipulated period and using the same mean as for the request. After the deadline without receiving acceptance by the client of the allocated capacity, the Service Facility Manager may freely dispose thereof.

Client acceptance of the allocated capacity, means also accepting the conditions of use of service facilities specified in Annex R. The Service Facility Manager will publish the accepted capacity, which shall not breach at any time the principle of confidentiality.

4.9.4. Special Measures in Case of Rail Traffic Disruptions

If during the transport process it is necessary to segregate or isolate stock on grounds of supervening incidents, in order to prevent affecting rail traffic on Adif traffic area, it may exceptionally allocate capacity, and the client shall be obliged to standardize this allocation in the corresponding application as soon as possible.

4.9.5. Monitoring and Control of the Actual Use of Allocated Capacity

Clients are obliged to use the capacity obtained at service facilities under the terms of use accepted and making optimal use thereof.

The unjustified unuse or lack of systematic use, attributable to the client, of a service facility, involving an important breach of an efficient use, may be a reason to modify or delete the capacity allocated by the Service Facility Manager.

The Service Facility Manager may perform analysis of the level of use of the service facilities as deemed appropriate with the information given by clients or available by the Service Facility Manager.

In Annex R "Conditions of Use", are specified the use criteria of the allocated capacity.
4.9.6. Cancellation of the Capacity Allocation

Clients may cancel the capacity allocation made at service facilities subject to mode D and E Canons under the terms contained in Art. 98.4 of the Rail Sector Act:

For facilities with a capacity reserve for a period of continuous use, or either for an occasional period of full days, cancellations shall be made with a minimum of 30 calendar days and:

- When 50% of the allocated period has not been used, a minimum amount equivalent to 50% total tariff shall be paid.
- When over 50% of the allocated period has been used, no penalties shall be payable.

For facilities without reserved capacity which have been requested for an occasional use period of a full day or hours:

- Any cancellation made with more than 24 in advance of the use of the facility, shall not be penalised.
- Any cancellation made less than 24 hours in advance of the facility use shall entail the payment of 100% tariff

4.9.7. Maintenance and Exceptional Causes

Whenever required to perform maintenance work at service facilities, the Service Facility Manager may change on a temporary basis the allocated capacity prior communication with 30 days notice to the affected clients.

When for exceptional and duly justified reasons, some service facility has been temporarily unusable, the GIS reserves the right to a partial modification or cancellation of the allocated capacity, which will be communicated to the client with the alternatives that could be offered, derived from this circumstance. Affected clients shall not be entitled to claim compensation.