

Supplement 4 to the Network Statement 2022

ProRail has adopted the following supplements and/or changes to the Network Statement 2022, in accordance with the provisions of section 1.6 of this Network Statement.

1 New ancillary service NEO Simulation (section 5.5.2 and Appendix 23)

I. In section 5.5.2 Provision of supplementary information, after the application Provision of GeoData in *Table 5.3 Auxiliary services for the provisions of supplementary information, including charge*, the following row is inserted after the application FRISO:

NEO Simulation	Simulation for testing innovations for better train running.	On request (customisation)	Appendix 23, section 37
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II. In Appendix 23, the following row is inserted in the overview table after FRISO:

NEO Simulation	Simulation for testing innovations for better train running.	Appendix 23, section 37	5.5.2
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III. In Appendix 23, the following table is inserted as section 37:

37 Description of the service NEO Simulation

NEO Simulation		
1 General information		
1.1	Facility	NEO Simulation is a service under Category 4 of Annex II to EU Directive 2012/34.
1.2	Service provider	ProRail
1.3	Term of validity	The service is offered during the term of the Network Statement.
2. Function		
2	Description	<p>Railway undertakings can request ProRail to carry out a simulation for them using the NEO Simulator, Scenarios are programmed for this purpose, which are then loaded into the simulation environment for testing.</p> <p>ProRail and NS have jointly developed the NEO Simulator. The NEO Simulator can be used to carry out simulations to test, research and evaluate the (safety) effects of innovations on users. This particularly concerns innovations to improve train running. The NEO Simulator is not suitable as a simulator for the training of train drivers.</p>
3. Description of the facility		
3.1	Locations	The RailCenter in Amersfoort has a permanent facility that can be used to simulate the train driver's user-experience.
3.1.1	Availability	Availability on the basis of agreements made in advance, which are based on a tailor-made offer. A condition is that experts within ProRail with knowledge of the NEO Simulator are available.
3.1.2	Technical characteristics	Titleholders are offered the opportunity to carry out a simulation together. The simulation takes place at the fixed facility in the RailCenter.
3.1.3	Planned changes	The simulation core of the NEO Simulator will be renewed in the coming years.

4. User costs		
4.1	Information regarding user charge	On the basis of the wishes and the agreed project plan, ProRail will make an offer for the simulation.
4.2	Information regarding discount on the user charge	N/A
5. User conditions		
5.1	Legal requirements	Agreements concerning the service will be laid down in an agreement.
5.2	Technical requirements made of railway vehicles	N/A
5.3	Independent use	N/A
5.4	IT systems	
6. Capacity request		
6.1	Access request	Via ProRail Account Management (accountmanagement@prorail.nl).
6.2	Handling time	Requests will be processed within ten working days.
6.3	Information on capacity availability and temporary capacity restrictions	An internal employee of a titleholder is always required to set up and run the simulation. The titleholder is responsible for the result to be achieved.

2 Replacement ISVL-Buta (section 5.3.1 and Appendix 23)

I. In section 5.3.1 Train path, the application 'ISVL-Buta' is replaced with the application BUTA.

II. In section 5.3.1 Train path, footnote 110 in point 2.1 of the table is changed as follows:

"ISVL-Buta will be temporarily replaced by the emergency application Mendix-Buta in the course of 2022 and definitively by the application BUTA in the course of 2023."

III. In the summary table in Appendix 23, ISVL-Buta is replaced with BUTA:

BUTA	Application for communication relating to late requests (BUTA) < 36 hours.	Appendix 23, section 34	5.3.1
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IV. In Appendix 23, section 35 Description of the application ISVL-Buta will lapse. This is replaced with the following table:

34 Description of the application BUTA

BUTA		
1. General information		
1.1	Facility	BUTA is an application, included in the Train path service falling under category 1 of Annex II to Directive 2012/34/EU.
1.2	Service provider	ProRail
1.3	Term of validity	The service is offered during the term of the Network Statement.
2. Function		
2.1	Description	The BUTA application is used to record and thus communicate agreements about ProRail's plans to reduce the availability of the infrastructure if this is necessary to

		carry out repairs to the infrastructure in the short term. The initiative here lies with ProRail.
3. Description of the facility		
3.1	Locations	N/A
3.1.1	Availability	Availability of application: 7x24 hours (subject to fixed times for maintenance to be determined). Availability of ancillary services: working days between 08.00 and 18.00 hrs.
3.1.2	Technical characteristics	Access to the application via an external ProRail account.
3.1.3	Planned changes	Until May 2022, communication on BUTA will be via ISVL-Buta. From May 2022, ISVL-Buta will be replaced by the <u>temporary</u> Mendix-Buta application due to the fact that ISVL is at the end of its life cycle. In the course of 2023, ProRail will replace the temporary Mendix-Buta with the definitive BUTA application. BUTA will be part of the GMS portal, from which other applications such as WLIS and Order Portal are also accessible.
4. User costs		
4.1	Information related to the user charge	This application is provided as part of the Train path service, see section 5.3.1.
4.2	Information relating to discount on the user charge	N/A
5. User conditions		
5.1	Legal requirements	N/A
5.2	Technical requirements made of railway vehicles	N/A
5.3	Independent use	N/A
5.4	IT systems	The application is accessible from every computer with a browser and an Internet connection.
6. Capacity request		
6.1	Access request	Via Product Management Information & ICT Services (informatiediensten@prorail.nl).
6.2	Handling time	Requests will be processed within five working days.
6.3	Information on capacity availability and temporary capacity restrictions	N/A

3 Compensation in case of understaffing at ProRail Traffic Control (new section 5.6.9)

As a new section 5.6.9, the following text is inserted in Chapter 5:

5.6.9 Compensation in case of Traffic Control understaffing

If a traffic control centre is forced to close a signalman workplace due to understaffing, this may mean that one or more yards and/or route sections can temporarily no longer be operated. Trains that would have been running according to the current traffic plan will have to be fully or partially cancelled or rescheduled as a result. These closures can thus lead to damage/additional costs for railway undertakings. These include (additional) costs for replacement transport, locomotive and driver deployment, energy, rescheduling and additional stabling. Under certain conditions railway undertakings can claim compensation for these situations.

The starting points for the compensation scheme are:

- *ProRail offers compensation for extra costs as a result of a closed signalman workplace by means of a standardised scheme if:*
 - *there are at least five closures on the main railway infrastructure per year due to understaffing at Traffic Control;*
 - *whereby the workplace is closed for at least sixty minutes at a time;*
 - *and shunting and/or train runs cannot take place in the operating area of the closed workplace.*
- *This scheme does not apply in the event of force majeure as defined in Article 22.7 of the General Terms and Conditions.*
- *Unforeseen closures of a signalman workplace at the Kijfhoek yard as a result of understaffing are excluded from this scheme. For the Kijfhoek yard, these closures are counted/ considered as disruptions as long as the present compensation scheme is applicable; therefore the compensation is regulated via the Havenspoorlijn compensation scheme (see section 5.6.8).*
- *The amount of compensation (compensation for the additional costs resulting from a signalman shortage) depends on the number of times that a signalman workplace at a station (excluding the Kijfhoek yard) is closed in one calendar year. The more closures of one hour or longer there are in a year, the greater the loss and the higher the compensation. If few or no closures occur, there will be no or limited increase in costs and no compensation will be paid in that period.*
- *The compensation scheme is linked to the ProRail plan to prevent Traffic Control understaffing.¹ The present compensation scheme initially applies for the period 1 January 2022 - 31 December 2022. In the fourth quarter of 2022, the functioning and implementation of the scheme will be evaluated and it will be determined whether it will be continued after 31 December 2022.²*
- *The total number of signalman workplaces closures on the main railway infrastructure of at least sixty minutes is reported to the rail undertakings after the end of each month.*
- *The compensation table will be applied in the same way for all railway undertakings per segment. The level of compensation per individual railway undertaking depends on the total number of workplace closures on the main railway infrastructure in combination with the number of workplace closures that the individual railway undertaking is affected by.*
- *The compensation is determined and paid after payment of all ProRail's user fee invoices for the past calendar year.*
- *The compensation is paid to the party who is invoiced for and pays for the stabling minutes/train path kilometres.*
- *If use is made of this compensation scheme, the right to submit a request for compensation on the basis of the Access Agreement with the associated General Terms and Conditions due to non-performing shunting or train runs as a result of understaffing at Traffic Control is cancelled. If*

¹ Version 24 November 2021

² In the event of a decision to continue the scheme, the 2023 Network Statement will be amended accordingly.

the Railway Undertaking carries out work on the instructions of ProRail and use is made of this compensation scheme, any claim for compensation on the basis of the instruction issued by ProRail will lapse.

- If ProRail so desires, the railway undertaking must demonstrate that these additional costs have not already been reimbursed. ProRail may require this proof to be accompanied by an auditor's statement.
- The determination and payment of the compensation takes place after the end of that calendar year.. The cost of replacement transport for passenger transport is defined in line with Appendix 6 of the model Access Agreement 2022 as follows:
 - a) Bus costs (hours and kilometres)
 - b) Planning or preparation hours of the bus operator
 - c) Deployment of (bus) coordinators and traffic controllers by the bus operator
 - d) Required traffic measures or means of transport
 - e) Costs charged by other public transport operators for the use of their services as part of the replacement transport (such as public transport by bus, tram or metro).

Compensation scheme by market segment

1. Passenger transport under a public service contract

A railway undertaking from this segment can claim compensation for train runs that are cancelled due to the workplace closure. The compensation is a percentage of the replacement costs incurred by the railway undertaking. The railway undertaking has to substantiate the costs incurred with invoices.

The amount of the compensation for 2022 depends on the number of closures of at least 60 minutes on the main railway infrastructure in 2022. On the basis of this, the proportion of the costs incurred for replacement transport is determined according to the following graduated scale (see figure 5.9). The compensation for the railway undertaking is calculated by multiplying the costs of replacement transport for workplace closures affecting the individual railway undertaking by the percentage determined on the basis of the graduated scale.

The compensation as included in the graduated scale applies to all closures that a railway undertaking has experienced. Example: if in 2022 a total of eight closures have occurred and three of these closures have affected a railway undertaking, then 20% of the bus costs are reimbursed for these three closures.

Table 5.9 Compensation for passenger services in the event of traffic control understaffing

Total number of closures per year on the main railway infrastructure	Reimbursement of costs incurred for replacement transport
<5	0%
5-10	20%
11-15	55%
>15	80%

2. Private passenger transport

A railway undertaking from this segment can claim compensation for train runs that are cancelled due to a workplace closure and that are not rerouted via an alternative route. The compensation scheme offers two options for the compensation of damage or nuisance caused by a workplace closure:

- compensation per cancelled train run: the compensation is determined on the basis of the length of the originally planned route of the train path on the main railway infrastructure over which the cancelled train could not run due to the closure;
- reimbursement of costs incurred for replacement transport

The railway undertaking is requested to indicate for a specific closure which scheme it would like to qualify for. If the railway undertaking wants to claim the compensation for the costs of the replacement transport, the railway undertaking must substantiate the costs incurred by means of invoices.

The amount of the compensation for 2022 depends on the number of closures of at least 60 minutes on the main railway infrastructure in 2022. On this basis the following graduated scale (see table 5.10) is used to determine the part of the costs for replacement transport that is reimbursed or the amount reimbursed per cancelled train kilometre. The compensation for the railway undertaking is calculated by multiplying the costs for replacement transport for the workplace closures affecting the individual railway undertaking by the percentage determined on the basis of the graduated scale or by multiplying the number of train kilometres cancelled by the amount per kilometre as specified in the graduated scale. For the way in which the graduated scale is applied, see the calculation example for the passenger transport segment of a public service contract.

Table 5.10 Compensation for private passenger transport in the event of traffic control understaffing.

Total number of closures per year on the main railway infrastructure	Reimbursement of costs incurred for replacement transport	Compensation per cancelled train per km
<5	0%	€ 0.00
5-10	20%	€ 3.20
11-15	55%	€ 8.80
>15	80%	€ 12.80

3. Freight transport including transport contractors

A railway undertaking from this segment can claim compensation for train runs (including runs of work trains, light locomotives and empty running stock) and shunting runs that were cancelled due to workplace closure. The compensation consists of an amount for each closure that has affected the railway undertaking. The level of this amount is determined by the number of workplace closures of at least sixty minutes on the main railway infrastructure in 2022 according to the following graduated scale (see Table 5.11). For the way in which the graduated scale is applied, see the calculation example for the passenger transport segment of a public service contract.

Table 5.11 Compensation for freight transport including transport contractors in case of traffic control understaffing

Total number of closures per year on the main railway infrastructure	Compensation per relevant closure for the railway undertaking concerned
<5	€ 0
5-10	€ 545
11-15	€ 1,497
>15	€ 2,178

A railway undertaking operating in several market segments can claim under several schemes. For this purpose, the number of closures per year on the main railway infrastructure that the railway

undertaking in question has experienced is determined for each segment. The compensation for these closures is then determined according to the graduated scale applicable to that segment.

4 Change to description of the publication Temporary Speed Restrictions (TSB) (Appendix 23)

In Appendix 23, section 5 'Temporary Speed Restrictions (TSB)', the entire text behind the description at 2.1 lapses:

"The TSB provides information on temporary speed restrictions that:

- are shown by placed signs (L, A and E signs)
- are processed in the safety system and shown in the cabin on route sections equipped with ERTMS/ETCS.

The TSB is sent as a weekly and daily publication. The weekly publication contains all speed restrictions applicable during the relevant week. The day publication provide supplements and/or changes to the week publication."

The above passage is replaced with the following description:

"The publication IAM (information to drivers) includes information on temporary speed restrictions (TSB) displayed by placed (L, A and E) signs. The TSB is sent as a weekly and daily publication. The weekly publication contains all speed restrictions applicable during the relevant week. The day publication provide supplements and/or changes to the week publication."

5 Change to description of the application RouteLint (Appendix 23)

- I. In Appendix 23, section 23 "Description of the application RouteLint", the following text is added to row 4.1 "Information related to the user charge":

"The use of this service is subject to a charge of € 0.007818 per invoiced train kilometre."

is changed to:

"The use of this service is subject to a charge of € 0.007818 per forecast train kilometre."

- II. In Appendix 23, section 23 "Description of the application RouteLint", the following text is added to row 2.1 "Description":

"The timetable information shown in the app (the service card) represents only a limited part of the timetable of the displayed train. The complete timetable provided by the train driver remains leading."

6 Change to description of the application ORBIT (Appendix 23)

In Appendix 23, section 24 "Description of the application ORBIT", the following text is added to row 4.1 "Information related to the user charge":

"The use of this service is subject to a charge of € 0.006779 per invoiced train kilometre."

is changed to:

"The use of this service is subject to a charge of € 0.006779 per forecast train kilometre."

ProRail B.V.
Utrecht, 2 May 2022