

On approval of the Rules for inclusion and exclusion of main, station tracks and other structures of the main railway network from the list of main, station tracks and other structures technologically necessary for the functioning of the main railway network

Unofficial translation

Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated May 28, 2020 No. 319. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 1, 2020 № 20796.

Unofficial translation

In accordance with Article 14, paragraph 2, subparagraph 19-1, “On Railway Transport” Law of the Republic of Kazakhstan dated December 8, 2001, **I hereby ORDER:**

1. To approve the attached Rules for inclusion and exclusion of main, station tracks and other structures of the main railway network from the list of main, station tracks and other structures technologically necessary for the functioning of the main railway network.

2. In accordance with the procedure established by law, the Transport Committee of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan shall:

1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) place this order on the Internet resource of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan.

3. Control over the execution of this order shall be entrusted to the Supervising Vice-Minister of Industry and Infrastructure Development of the Republic of Kazakhstan.

4. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Industry and
Infrastructure Development
of the Republic of Kazakhstan*

B. Atamkulov

"AGREED"

Ministry of National Economy
of the Republic of Kazakhstan

_____ "___", 20 ____

Approved
by order of the Minister
of Industry and Infrastructure
Development of the
Republic of Kazakhstan
dated May 28, 2020 № 319

Rules for inclusion and exclusion of main, station tracks and other structures of the main railway network from the list of main, station tracks and other structures technologically necessary for the functioning of the main railway network

Chapter 1. General provisions

1. These Rules for inclusion and exclusion of main, station tracks and other structures of the main railway network from the list of main, station tracks and other structures technologically necessary for the functioning of the main railway network (hereinafter referred to as the Rules) shall be developed in accordance with Article 14, paragraph 2, subparagraph 19-1, of the Law of the Republic of Kazakhstan dated December 8, 2001 "On Railway Transport" and shall determine the procedure for inclusion and exclusion of main, station and other structures of the main railway network from the list of main, station and other structures technologically necessary for the functioning of the main railway network.

2. The following concepts shall be used in these Rules:

1) the main railway system - the system of the main and station ways and also the structures of power supply, heat supply, water supply, the alarm system, communication, devices, the equipment, buildings, facilities, constructions, stations and other objects technologically necessary for their functioning providing the international and intra republican rail services connected among themselves;

2) main tracks - railway tracks intended for the operation of railway transport throughout the territory of the Republic of Kazakhstan and ensuring railway communication with other states, consisting of the main tracks (tracks between railway stations, tracks within the boundaries of stations, which shall be a direct continuation of the tracks of adjacent sections and, as a rule, do not have deviations on railroad switches) as well as acceptance tracks (tracks intended for reception, departure, overtaking, crossing and passing trains within the boundaries of the station);

3) the structures constructed at the expense of means of individuals and legal entities - railway tracks, including structures of power supply, the alarm system, communication, the device, the equipment, the buildings, facilities, constructions and other structures technologically necessary for functioning of the main railway system;

4) station tracks - railway tracks within the boundaries of the station: sorting, loading and unloading, exhaust, engine, connecting, special, with the exception of main tracks within the boundaries of the stations;

5) the authorized body - the central executive body, which exercises leadership in the field of railway transport, as well as within the limits stipulated by the legislation of the Republic of Kazakhstan – cross-sector coordination;

6) The National Railway Company shall be a joint-stock company established by the decision of the Government of the Republic of Kazakhstan, the controlling stake of which

shall belong to the national management holding, which determines the general directions of development and ensures coordination of the activities of the national infrastructure operator, national carriers and other affiliated legal entities operating in the field of railway transport, including comprehensive provision of military transportation.

Chapter 2. Procedure for inclusion and exclusion of main, station tracks and other structures of the main railway network from the list of main, station tracks and other structures technologically necessary for the functioning of the main railway network

3. In order to include and exclude the main, station and other structures of the main railway network from the list of main, station and other objects technologically necessary for the functioning of the main railway network included in the property complex of the National infrastructure operator, the National railway company shall apply in writing to the authorized body with the Annex of the corresponding proposal, in accordance with the Annex to these Rules.

The proposal shall be prepared taking into account the functional purpose of the equipment, subject to the following conditions:

- 1) the need to ensure the safety of the transportation process, train movement and shunting at stations;
- 2) providing an increase in the throughput and processing capacity of separate points of the main railway network;
- 3) ensuring the development of the junction station;
- 4) use of facilities (railway tracks) to carry out supply-cleaning to access roads, overtaking and crossing operations of passenger and freight trains;
- 5) the need to ensure the maintenance of facilities in a technically serviceable state and the production of timely maintenance and major repairs.

Footnote. An amendment made in the Kazakh language in paragraph 3, the text in the Russian language is not amended by the order of the Acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 16.05.2023 № 362 (shall be enforced ten calendar days after the date of its first official publication).

4. The inclusion of structures in the list of main tracks shall be carried out in accordance with the Rules for the transfer of objects to the main railway network of structures built at the expense of individuals and legal entities approved by order of the Minister for Investment and Development of the Republic of Kazakhstan dated January 30, 2015 № 82 (registered in the Register of State Registration of Regulatory Legal Acts № 11198).

5. To include and exclude station tracks and other facilities technologically necessary for the functioning of the main railway network in the list of station tracks and other facilities technologically necessary for the functioning of the main railway network, individuals and legal entities shall contact the National Railway Company in writing.

6. Within seven working days from the moment of receipt of the application, the National Railway Company shall inspect and test the station tracks and facilities for compliance with the requirements of the railway safety Rules approved by order of the Acting Minister for Investment and Development of the Republic of Kazakhstan dated March 26, 2015 № 334 (registered in the Register of State Registration of Regulatory Legal Acts № 11602) and Rules for technical operation of railway transport, approved by order of the Minister for Investment and Development of the Republic of Kazakhstan dated April 30, 2015 № 544 (registered in the Register of State Registration of Regulatory Legal Acts № 11897).

Based on the results of inspection of the station tracks of the facilities, the National Railway Company within three working days shall prepare a proposal to transfer the station tracks and other facilities to the list of station tracks and other facilities technologically necessary for the functioning of the main railway network in accordance with the form in accordance with the Annex to these Rules and shall send to the authorized body.

The proposal shall be prepared taking into account the functional purpose of the equipment, subject to the following conditions:

- 1) the need to ensure the safety of the transportation process, train movement and shunting at stations;
- 2) providing an increase in the throughput and processing capacity of separate points of the main railway network;
- 3) ensuring the development of the junction station;
- 4) use of facilities (railway tracks) to carry out supply-cleaning to access roads, overtaking and crossing operations of passenger and freight trains; the need to ensure the maintenance of facilities in a technically serviceable state and the production of timely maintenance and major repairs;
- 5) availability of title establishing documents for immovable property objects (land use act, technical passport, state registration with territorial justice bodies);

7. The exclusion of structures from the lists of main, station and other objects of technological necessity shall be carried out in case of write-off of structures in unsatisfactory condition and not subject to restoration and repair, as well as in case of absence of technological necessity of main, station and other structures for the functioning of the main railway network. It is not allowed to exclude objects from the list of main, station tracks and other objects technologically necessary for the functioning of the main railway network, in the absence of a competitive railway track for the contragent.

8. To consider the proposal of the National Railway Company, a commission shall be created by the authorized body. The composition of the commission shall be approved by order of the authorized body.

9. The Commission shall consider the proposal of the National Railway Company within seven working days from the date of receipt and make recommendations on the inclusion and exclusion of the main, station and other facilities of the main railway network from the list of

main, station and other facilities technologically necessary for the operation of the main railway network.

10. On the basis of the positive recommendation of the commission, the authorized body, jointly with the department of the state body providing leadership in the areas of natural monopolies, in accordance with the Law of the Republic of Kazakhstan dated December 27, 2018 "On natural monopolies," shall take measures to include and exclude of main, station tracks and other facilities of the main railway network from the list of station tracks and other facilities technologically necessary for the functioning of the main railway network.

Annex
to Rules for inclusions and
exclusions of main, station tracks,
other structures of main railway
networks from the list of main,
station tracks and other structures,
technologically necessary for
functioning main railway network
Form

Proposal on the need to include to the list or exclude from the list of structures to the list or exclusion of structures from the list of structures of the main, station tracks and other structures, technologically necessary for the functioning of the main railway network

1.	Name of the structure
2.	Description of the structure (technical and technological characteristics of the structure, documents for the structure confirming legal capacity)
3.	Proposals

Head of structural subdivision
of the National Railway Company
responsible for inclusions (exclusions)
railway infrastructure facilities
in (from) the composition of the main railway network

_____ (signature) (initials)