

THE 2001 CAPE TOWN CONVENTION
ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT



INSIDE TRACK



"Inside Track" keeps RWG members and colleagues up to date on the progress of the Luxembourg Protocol. You can be added onto the mailing list by clicking on "subscribe" at the bottom of the newsletter.

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[Supporting Regulation of regional railways](#)

At the East AfricaRail Conference 2018, which took place on 21/22 November in Nairobi, Kenya, RWG chairman, Howard Rosen, gave a detailed presentation on the way that the Luxembourg Rail Protocol could assist regulators in monitoring the operation of rolling stock within a regional rail network such as is gradually emerging in East Africa. In particular, he said, the common system of uniquely identifying rolling stock crossing borders and the role of the registrar in issuing unique numbers, will not just assist national and regional regulators but also create material benefits for insurers, maintenance companies as well as financiers in the rail sector.

Export Credits Forum in Paris

The Rail Working Group was invited to attend the annual meeting of Export Credit Agencies (ECAs) which took place at the OECD Conference Centre in Paris on 14 November. Its delegation, led by Bruno Mouchet, pressed the case for better financial terms for customers of exporters once the Protocol was in place. ECAs discount their risk premia by 10% when the equivalent aircraft protocol to the Cape Town Convention is in place and the RWG has strongly argued that, at the minimum, the same benefit should be offered for the rail sector.

Railway Rolling Stock Financing – A new solution for Africa

Soteri Gatera, Chief, Industrialisation & Infrastructure at the UN Economic Commission for Africa made a detailed presentation on the Luxembourg Rail Protocol at the PIDA Week conference which took place in Victoria Falls, Zimbabwe on 26th November. In particular, he focused on the benefits of operating leasing and the Protocol will make such transactions easier in the future.

Topic of the month: Can Buses be assets covered by the Luxembourg Rail Protocol?

Most people would argue that a conventional bus, which is free to navigate around a road system, would not be covered by the Protocol as it did not meet the definition of "railway rolling stock". Indeed in Inside Track Issue 2 it was noted that trolley buses, being vehicles picking up power from a fixed line but able to navigate autonomously are not within the definition.

However, the definition of "railway rolling stock" used in the Protocol refers to "vehicles, moveable on a fixed railway track or directly on, above or below a guideway". The Oxford English Dictionary defines a guideway as "a groove or track along which something moves". There is no requirement for a rail, so a concrete groove or track is sufficient, and that brings us to the guided busway. Often the route of a guided busway consists of a concrete track which is built up at the sides to stop the buses veering off and with limited entry and exit points on the guideway. The buses are generally able to travel along it faster as it is a dedicated route and often in a semi-autonomous or autonomous mode as there is limited expectation of having to interact with any other vehicles. It can therefore be argued that buses that have been adapted to operate along a guided busway should be classified as railway rolling stock for the purposes of the Protocol. This is similar to diggers which have both road and rail wheels and in one mode are able to fit within the requirements of the Protocol.

What then of buses which need no adaption to run along a simple guided busway? The trough that the bus runs along can be wide enough to allow the bus to be driven manually without any additional aid and it performs as a simple bus when it is no longer on the guided busway, such as in a city centre. The bus is being guided in so far as it cannot travel in a direction except where permitted by the edges of the busway. But it is also the same as a bus which will never go near to a guided busway in its life. As has been noted at the beginning of this article, a regular bus is not an item of railway rolling stock. So how to

square the circle? One argument is that in order to obtain the benefit of the Protocol, it would be necessary to actually operate on the guideway, rather than simply being able to. At this time there is no definitive view on this, but it appears that the range of vehicles to which the Protocol applies could be even bigger than originally thought.

Save the date – Middle East Rail Conference, Dubai, 26th-27th February 2019

The largest Rail Conference and Exhibition across the Middle East, North Africa, South Asia & Central Asia is taking place on 26th/27th February 2019. - Dubai International Convention & Exhibition Centre, UAE. A special rate is available for RWG members. For more information contact the organisers or info@railworkinggroup.org



Save the date – Vietnam's Hanoi, HCMC & Danang Metro Rail Projects Conference 2019

Vietnam's Hanoi, HCMC & Danang Metro Rail Projects Conference 2019 will be taking place next year in Ho Chi Minh City on 28th/29th March 2019. The RWG negotiated a 20% discount for our members. For more information, please email to: info@events-actually.com.sg.



“The Railway Market in Africa and the Middle East” – special offer for members

SCI Verkehr, has just published a new study on the market for railway technology products and services in Africa and the Middle East. Rail Working Group members are entitled to purchase the study at a 10% discount if you announce your membership during the order process. To place an order click [here](#).

Official Commentary – consultation

The next edition of Professor Goode's official commentary on the Luxembourg Protocol is already being prepared. The RWG has been invited to submit comments. If you would like to suggest changes or additions to the commentary or, as an RWG member, would like to be part of our team evaluating the commentary, please contact [Professor Benjamin von Bodungen](#).

Official Commentary - special deal for RWG members

Rail Working Group members are entitled to purchase Professor Goode's official commentary on the Luxembourg Protocol at a 15% discount. If you wish to use this facility, please use the official form which you can find [here](#).

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