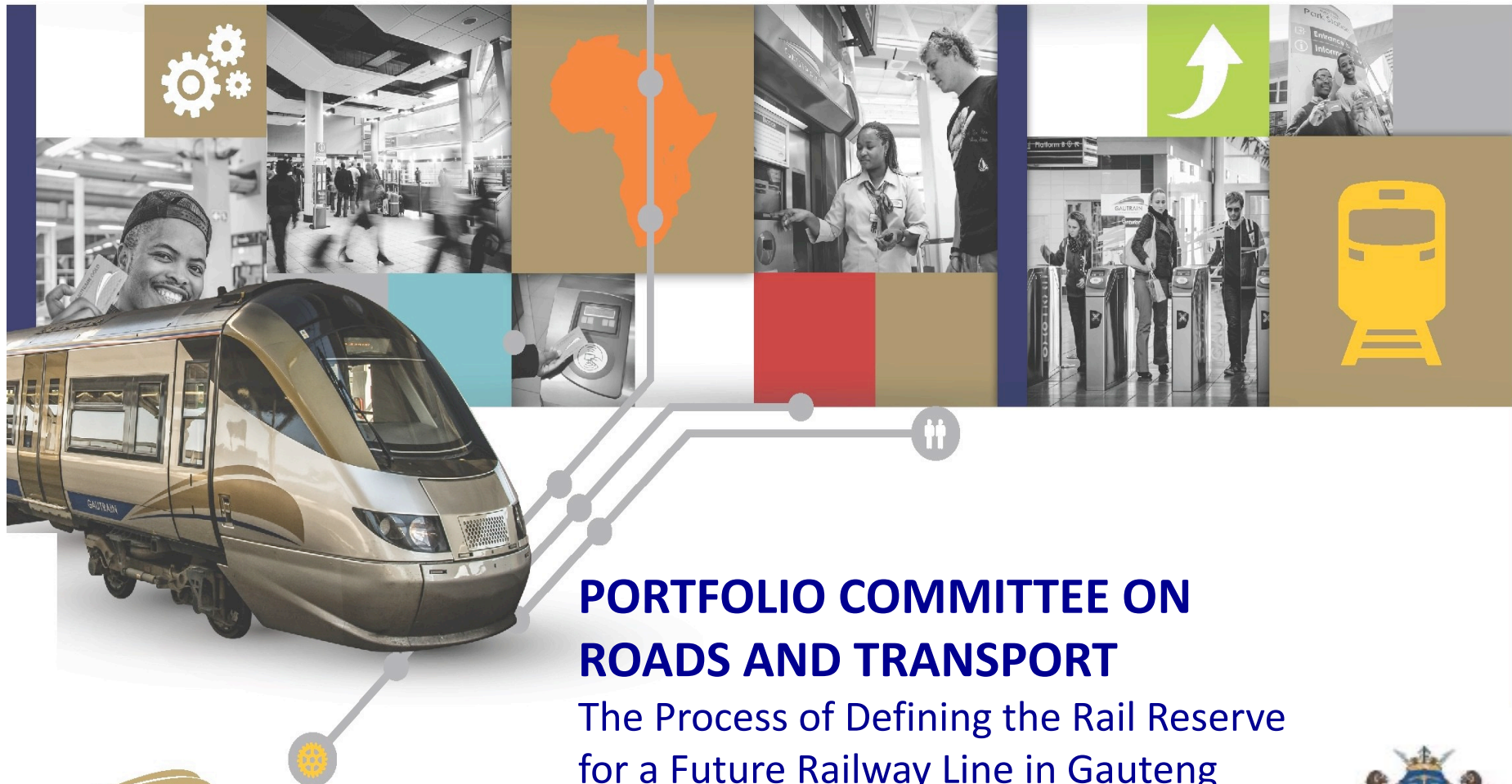


OUR JOURNEY TO A BETTER GAUTENG



PORTFOLIO COMMITTEE ON ROADS AND TRANSPORT

The Process of Defining the Rail Reserve
for a Future Railway Line in Gauteng
16 August 2021

Contents

1. GRRIN Extensions Project Overview
2. Route Determination
3. Next Steps of Defining a Provincial Railway Line
 - i. Preliminary Design
 - ii. Proclamation
 - iii. Expropriation



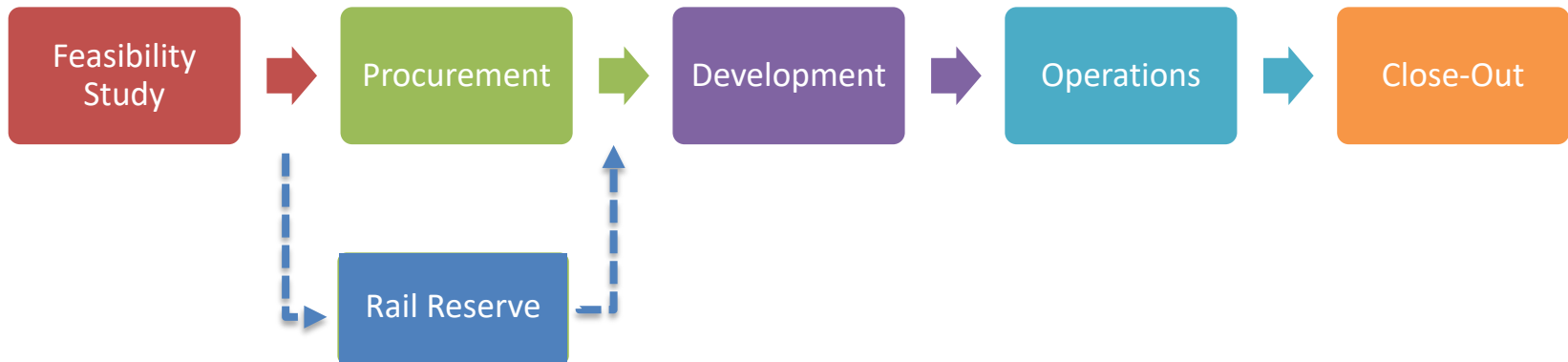
GRRIN Extensions Project Overview

GRRIN Extensions Project Overview

Developing A Provincial Railway In Gauteng

Gauteng Rapid Rail Integrated Network (GRRIN) Extensions Project

Public Finance Management Act (PFMA)



Gauteng Transport Infrastructure Act (GTIA)

GRRIN Extensions Project Overview

Developing A Provincial Railway In Gauteng

Proposed GRRIN Extensions



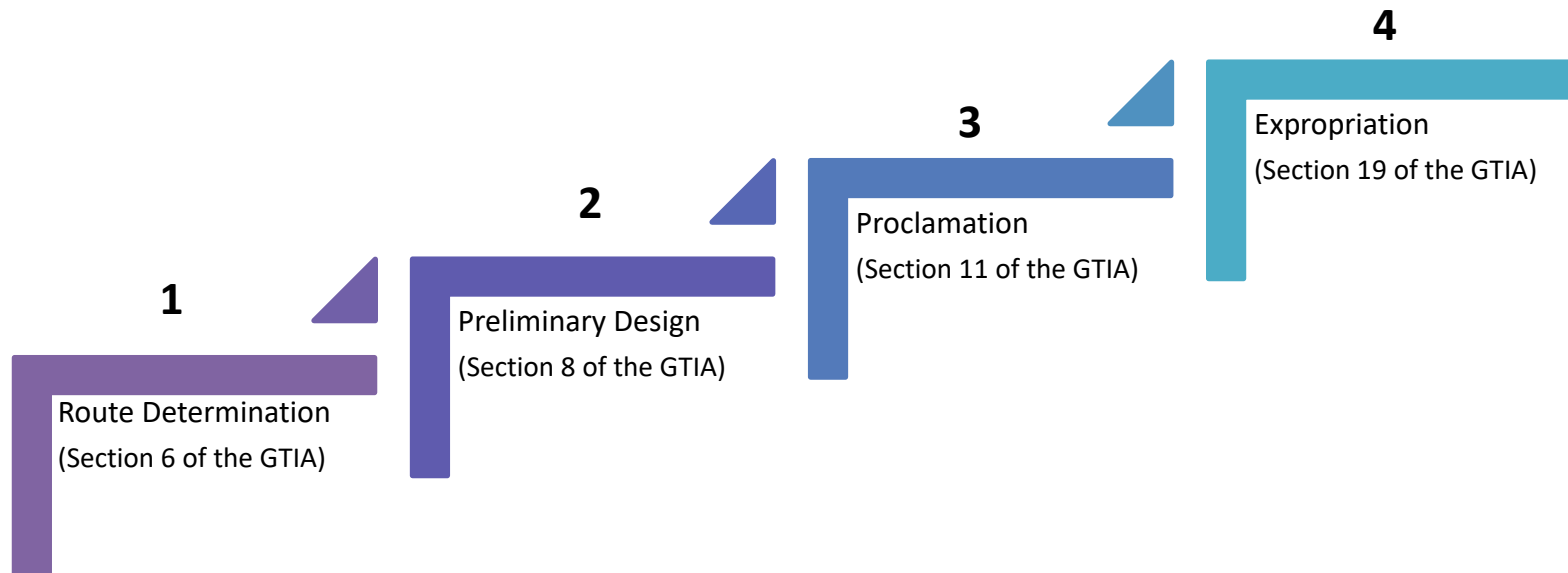


Route Determination

Route Determination

The Process of Defining a Provincial Railway Line in Gauteng

Legislated Through the Gauteng Transport Infrastructure Act of 2001 as amended (GTIA)



Route Determination Overview

Legislated through Section 6 of the Gauteng Transport Infrastructure act of 2001 as amended (GTIA) and enables the following:

- i. The first step in the process of defining the future railway reserve
- ii. Determines a 400m-wide land corridor in which the future railway reserve may be located
- iii. Enables the MEC to have rights to comment on any land-use changes within this corridor
- iv. Prevents land speculation over the location of the future rail reserve (as is the practice with roads master planning)
- v. Provides a basis for Preliminary Design which aims to define the cadastral boundaries of the railway line, enables proclamation, expropriation, and procurement

Route Determination

Legislated Requirements

Section 6 of the GTIA

6(1) In determining the route of a provincial road or railway line,...the MEC must cause a preliminary route alignment to be done, in the form of a written report...containing recommendations with respect to the route and the MEC must thereafter...:

- a. Cause an environmental investigation and report in respect of the recommended route - **6(2)**
- b. Cause a notice to be published in the prescribed form and manner containing: - **6(3)**
 - i. A broad description of the proposed route;
 - ii. particulars of the times and places at which the preliminary route report and environmental report can be inspected, and copies be made;
 - iii. an invitation to all interested and affected parties to comment in writing before a date, not less than 30 days after publication of the notice, on the recommended route; and
 - iv. a reference to the regulatory measures which take effect on the publication of the route....

Route Determination

Legislated Requirements

Section 6 of the GTIA

6(4) The MEC must also consult with all municipalities in whose area the route will be situated...

6(5) After the time for comments...the MEC must consider the preliminary route report and environmental report as well as written comments, if any...and may thereafter:

- a. Determine the route for the provincial road or railway line; or
- b. ...refer a specific issue or issues arising from the said reports or comments to a commission to hold a public inquiry advising on those specific issues...after having considered such advice, determine the route for the provincial road or railway line.

6(6) The commission...shall consist of not more than 12 suitably qualified members...

6(7) The MEC must thereafter cause a notice to be published in the prescribed form and manner...

6(8) On the date mentioned...the commission must hold and conduct a public enquiry...

Route Determination

Legislated Requirements

Section 6 of the GTIA

6(9) After having conducted the public enquiry, the commission must compile a written report on the inquiry ...

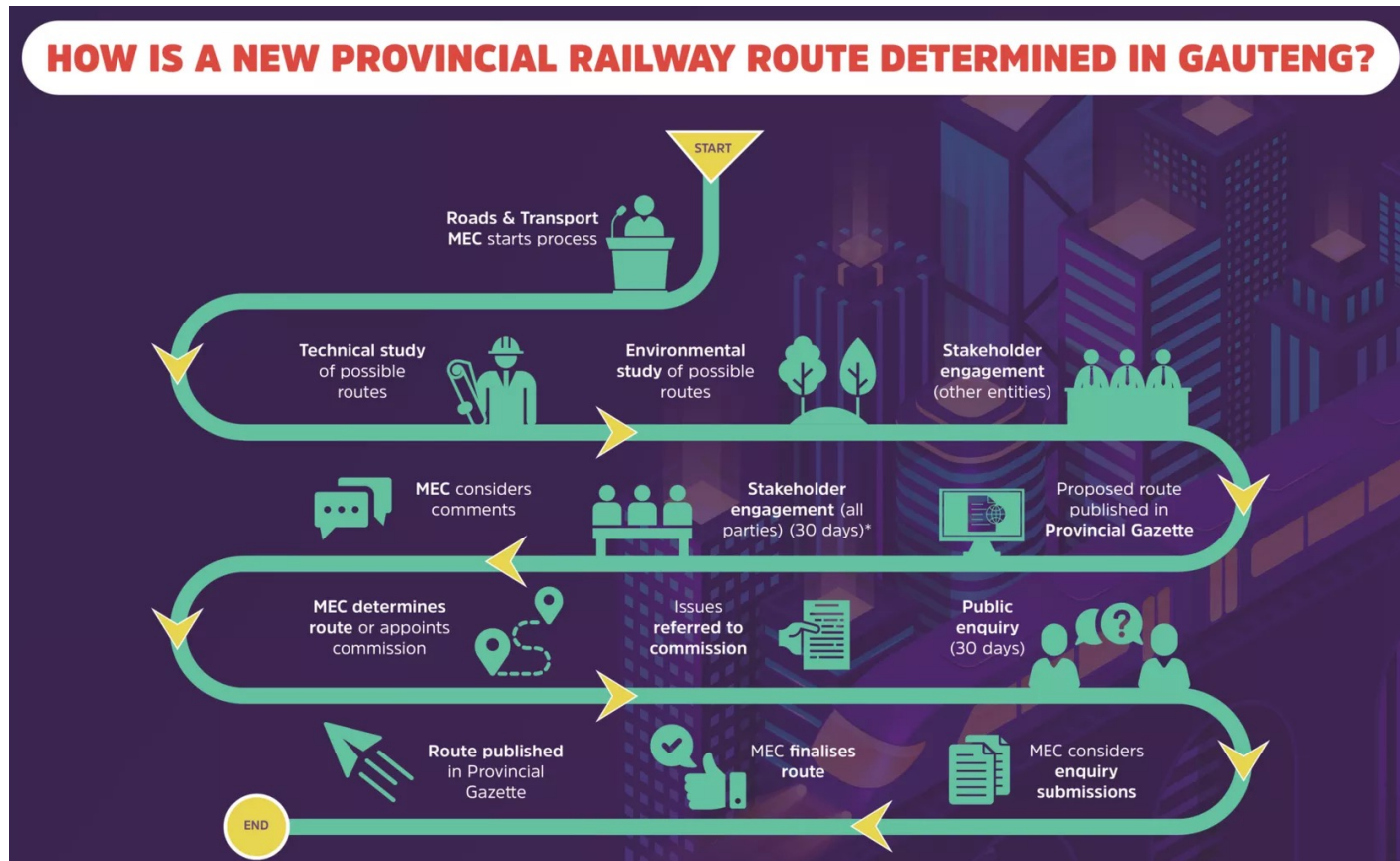
6(10) The MEC, in consultation with the MEC responsible for development planning, must ensure that the route determination...is aligned as far as possible with any spatial framework or other strategic provincial development planning...

6(11) After having determined a route for the provincial road or railway line...the MEC must publish the said route by reference to the center line thereof, by notice in the *Provincial Gazette*, notice must contain-

- a. Such information, whether by way of a sketch plan, reference to a plan available for inspection at a given address, or otherwise, as the MEC may deem sufficient to indicate the center line of the route;
- b. A notification that reasons for the decision of the MEC with respect to the determination of the route, may be requested by interested and affected parties within 30 days of the date of publication of the notice.

Route Determination

Summary Section 6 of the GTIA



Route Determination

Route Determination for Phase 1 of the GRRIN Extensions

Route Determination Process for Phase 1

- i. MEC initiates process - October 2018
- ii. Route Alignment Options – July 2019
- iii. Environmental Investigation of Route Alignment Options – November 2019
- iv. Stakeholder Consultation – October 2019-July 2021
- v. Public Participation (Pre-Gazetting)– July 2021-August 2021
- Vi. Review and consideration of submissions received through the Public Participation Process – August 2021-November 2021
- vii. Technical Paper: Independent Assessment of the Economic and Financial Impact of the Gauteng Rapid Rail Integrated Network Extensions – September 2021-January 2022
- viii. determination of the route for Phase 1 - 25 May 2022

Stakeholder Consultation

- i. MEC for Public Transport and Roads Infrastructure
- ii. MEC for Economics, Environment, Agriculture, and Rural Development
- iii. Provincial EXCO
- iv. SANRAL
- v. Rand Water
- vi. Telkom/Open Serve
- vii. ESKOM
- viii. Johannesburg Roads Agency
- ix. City Power
- x. Johannesburg Water
- xi. City of Johannesburg

Route Determination

Route Determination for Phase 1 of the GRRIN Extensions

Public Participation (Pre-Gazetting)

i. Notice of Proposed Route Determination placed in Provincial Gazette on 13 July 2021

ii. Further Publications in Newspapers:

The Sowetan on 09 July 2021

The Star on 09 July 2021

Die Beeld on 09 July 2021

Randburg Sun on 15 July 2021

Sandton Chronicle on 14 July 2021

GMA Website on 13 July 2021

iii. Copies of documentation provided on GMA website

iv. Copies of documentation provided on memory sticks on request

iv. Various campaigns on GMA/Gautrain digital platforms (13 July 2021-15 August 2021)

PROVINSIALE KOERANT, BUITENGEWOON 13 JULIE 2021

No. 222 3

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

GENERAL NOTICE 751 OF 2021

GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001), AS
AMENDED BY GAUTENG TRANSPORT INFRASTRUCTURE AMENDMENT ACT, 2003 (ACT
NO.6 OF 2003)

GAUTENG DEPARTMENT OF ROADS AND TRANSPORT

NOTICE OF PROPOSED ROUTE DETERMINATION FOR PHASE 1 OF THE GAUTENG
RAPID RAIL INTEGRATED NETWORK EXTENSIONS

Route Determination

Route Determination for Phase 1 of the GRRIN Extensions

Public Participation (Pre-Gazetting)

Summary of Submission Received			
Category	No.	Action	Next Step
EIA-Related	6	Responded to and considered as part of the decision to determine the route	Full EIA will be undertaken as part of Preliminary Design
Request for Further Information	11	Information Provided	
General Comment	7	Responded to and considered as part of the decision to determine the route	Preliminary Design process will provide more detail on affected properties and will further be subjected to a public participation process
Objection to Alignments	17	Responded to and considered as part of the decision to determine the route	Preliminary Design process will provide more detail on affected properties, mitigations measures, and will further be subjected to a public participation process
Objection to the GRRIN Project	12	Responded to and considered as part of the decision to determine the route after the undertaking of a Technical Paper: Independent Assessment of the Economic and Financial Impact of the Gauteng Rapid Rail Integrated Network Extensions	Technical Paper recommended the continuation of the process to determine the future route of proposed extensions to the GRRIN to safeguard space as early as possible (as is the practice with roads master planning).
Registration as I&AP	100*	Responded to	I&AP Database to be applied during Preliminary Design and EIA processes
No Objection	2	Responded to and considered as part of the decision to determine the route	

Route Determination

Route Determination for Phase 1 of the GRRIN Extensions

Determined Route for Phase 1 of the GRRIN Extensions



Route Determination

Route Determination for Phase 1 of the GRRIN Extensions

Public Participation (Post-Gazetting)

i. Notice of Route Determination placed in Provincial Gazette on 25 May 2022

ii. Further Publications in Newspapers:

The Sowetan on 25 May 2022

The Star on 25 May 2022

Die Beeld on 25 May 2022

Randburg Sun on 27 May 2022

Sandton Chronicle on 27 May 2022

GMA Website on 25 May 2022

76 No. 173

PROVINCIAL GAZETTE, 25 MAY 2022

PROVINCIAL NOTICE 380 OF 2022

**NOTICE OF ROUTE DETERMINATION OF A RAILWAY LINE IN TERMS OF THE GAUTENG
TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001) AS AMENDED BY
GAUTENG TRANSPORT INFRASTRUCTURE AMENDMENT ACT, 2003 (ACT NO. 6 OF 2003)**

GAUTENG DEPARTMENT OF ROADS AND TRANSPORT

Phase 1 of the Gauteng Rapid Rail Integrated Network between Little Falls Station and
Marlboro Station (30.3km of new rail)

Notice is hereby given of the route determination of the provincial rail line, Phase 1 of the Gauteng Rapid Rail Integrated
Network in terms of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) as amended by the Gauteng
Transport Infrastructure Amendment Act, 2003 (Act No. 6 of 2003)

iii. Copies of documentation provided on GMA website

iv. Copies of documentation provided on memory sticks on request

v. 30-day period for requests for reasons for the MEC's decision to determine the route- from 25 May 2022

[6(11)(c) of the GTIA]

vi. Follow-up Engagements

Route Determination

Regulatory Measures in Respect of the Routes

Requirements of Section 7 of the GTIA

7(1) After the publication...and in addition to any law, every application for the establishment of a township, for subdivision of land, for any change in land..., as well as for any authorisations contemplated in the ECA and NEMA...must be accompanied by a written report by a consulting engineering firm specializing in road design and transportation engineering, reporting on the following matters:

- a. The effect and impact which the granting of such application may have in respect of
 - i. The route...
 - ii. The future preliminary design...; and
 - iii. Any other route...
- b. The feasibility of amending the said route and the costs in respect; should the application be granted;
- c. The additional cost in respect of future preliminary design if an amended route should be found to be feasible, should the application be granted;
- d. any other relevant matter pertaining to the said route, design and construction of the provincial road or railway line which may be relevant should the application be granted

Route Determination

Regulatory Measures in Respect of the Routes

Requirements of Section 7 of the GTIA

7(3) The application accompanied by the report in addition to the provisions of any other must be forwarded to the MEC by:

- a. The municipality, or
- b. The authority or body to which such application has been made; or
- c. The applicant, provided that the applicant must-
 - i. Obtain the consent of the authorities...; and
 - ii. submit proof to the satisfaction of the relevant authority that the applicant has forwarded the application to the MEC

7(4) The MEC may comment in writing on the application and accompanying report to the municipality..., or body to whom the application has been made, within a period of 60 days...or shorter period as may be prescribed in terms of any other law

Route Determination

Regulatory Measures in Respect of the Routes

Requirements of Section 7 of the GTIA

7(8) After the publication...no service provider may...lay, construct, alter or add any pipeline, electricity line, or cable, telephone line or cable, or any other structure on, over, or under the areas described in Section **8(1)**...except

- a. If written permission of the MEC has been obtained...or
- b. in terms of an existing registered servitude



Next Steps of Defining a Provincial Railway Line

Next Steps of Defining a Provincial Railway Line

Preliminary Design

Legislated through Section 8 of the Gauteng Transport Infrastructure act of 2001 as amended (GTIA) and enables the following:

- i. The second step in the process of defining the future railway reserve
- ii. Provides the preliminary design of the future provincial railway line within the 400m-wide land corridor that is identified and published during Route Determination
- iii. Enables the identification of properties that are directly or indirectly affected by the future railway line
- iv. Process is carried out with extensive consultation and due regard to the interests of registered owners, holders of registered rights, municipalities, service providers, and the environment in respect of properties that are directly or indirectly affected by the preliminary design
- v. Includes a full Environmental Impact Assessment as per the NEMA legislation
- vi. Provides a basis for proclamation, expropriation, and procurement
- vii. Provides more certainty on the possible location of the future rail reserve

Next Steps of Defining a Provincial Railway Line Preliminary Design

Requirements of Section 8 of the GTIA

8(1) After publication...the MEC may cause the design of preliminary design of the future provincial road or railway line to be carried out...

8(2) ...the preliminary design may deviate from a route published...provided...:

- a. Only one of the road or rail reserve boundaries of the preliminary design falls outside..., the MEC may decide not to amend the said route; or
- b. Both road or rail reserve boundaries of the preliminary design fall outside...a route determination...must be done to the extent that...boundaries of the preliminary design fall outside...

8(3) The preliminary design process must be carried out with due regard to-

- a. In respect of properties which will be directly affected by the preliminary design, the interests of the registered owners, and holders of registered rights in respect thereof;
- b. In respect of properties that will be indirectly affected by the preliminary design...
 - i. accesses to and from such properties
 - ii. existing or future services; and
 - iii. interests of the registered owners, and holders of registered rights in respect thereto
- c. The interests and functions of municipalities and service providers...

Next Steps of Defining a Provincial Railway Line Preliminary Design

Requirements of Section 8 of the GTIA

8(4) The MEC must cause-

- a. A draft preliminary design with a written report to be prepared, and
- b. Such environmental investigation and written report thereof...

8(5) The MEC must take such steps as may be prescribed, within the prescribed periods, to notify the interested persons...of-

- a. The draft preliminary design...
- b. The environmental report...
- c. The MEC's intent to decide on the preliminary design
- d. The regulatory measures which take effect...on the publication of the acceptance of the preliminary design...; and
- e. The opportunity, in the prescribed time and manner, to submit comments with regard to the draft preliminary design and environmental report.

8(6) The MEC must thereafter consider the draft preliminary design with due regard to-

- a. The environmental report...
- b. Such comments on interested and affected parties...and may then accept the preliminary design for implementation with such amendments as the MEC may deem necessary

Next Steps of Defining a Provincial Railway Line Preliminary Design

Requirements of Section 8 of the GTIA

8(7) The MEC must thereafter publish for general information, his or her acceptance of the preliminary design for implementation by notice in the *Provincial Gazette* containing-

- a. an address where the preliminary design is available for inspection;
- b. such information...to indicate the direction and alignment of the provincial road or railway line according to the preliminary design
- c. a notification that the regulatory measures provided for in Section 7...cease to apply...
- d. a notification that the regulatory measures contained in section 9 apply...; and
- e. A notification that the reasons for the acceptance may be requested by interested and affected parties within the prescribed period after the date of publication of the notice

8(8) A preliminary design...or sections thereof may be amended by the MEC...the provisions of 1-7 apply...where such amendment deviates...to the extent that both...boundaries fall outside...a route determination...must first be done...

8(9) The power of the MEC contemplated in subsection (8) may be exercised on written application by anyone who desires that such preliminary design be amended...accompanied by a payment of a prescribed fee...

8(10) On publication...any notice published in terms of section 6(9)...shall be deemed to have been revoked...

Next Steps of Defining a Provincial Railway Line Preliminary Design

Determined Route for Phase 1 of the GRRIN Extensions



Next Steps of Defining a Provincial Railway Line

Regulatory Measures in Respect of Accepted Preliminary Designs

Requirements of Section 9 of the GTIA

9(1) As from the publication of the notice in respect of the acceptance of the route...-

- a. No application for the establishment of a township, for subdivision of land, for any land use change,...or any authorization contemplated in the ECA or NEMA may be granted-
 - i. In respect of an area within the road or rail reserve boundaries of the preliminary design, provided that the MEC may on written application...relax the provisions...in respect of an access road...
 - ii. On the basis of future access to the provincial road...
- b. sections 46, 48 and 49 apply, with the necessary changes, to a building restriction area which exists in respect of the road and rail reserve boundaries...; and
- c. no application for a change in land use in respect of a portion of land adjacent to the road reserve boundary of a preliminary design in an urban area may be granted without the written comments of the MEC...

9(2) After the publication...no service provider may...lay, construct, alter or add any pipeline, electricity line, or cable, telephone line or cable, or any other structure on, over, or under the area within the road or rail reserve boundaries shown in the preliminary design or may construct...except-

- a. If written permission of the MEC has been obtained...or
- b. in terms of an existing registered

Next Steps of Defining a Provincial Railway Line Proclamation

Legislative requirement as per Section 11 of the GTIA and enables the following:

- i. The third step in the process of defining the future railway reserve
- ii. Provides certainty on extent of the future rail reserve and thus the properties that are directly or indirectly affected
- iii. Follows Route Determination, and Preliminary Design Processes
- iv. Owners and occupiers of land that will be affected, as well as interested and affected parties are notified and are afforded a further opportunity to make further comments/representations
- v. Provides a basis for expropriation of land or rights over land
- vi. Prevents land speculation over the location of the future rail reserve

Next Steps of Defining a Provincial Railway Line Proclamation

Requirements of Section 11 of the GTIA

11(1) The MEC may, by notice in the *Provincial Gazette* after investigation and report by the Department and, subject to **section 15** ...-

- a. Proclaim a road to be a provincial road or railway line;
- b. Proclaim that a provincial road or railway line shall exist on any land of a width that the MEC deems sufficient;
- c. Alter the status of a provincial road or railway line;
- d. Close or deviate a provincial road or railway line

11(8) Where a road or railway line is proclaimed over land..., the rights the rights to precious metals, precious stones, base minerals and natural oil shall continue to vest in the person (including the state) in whom they vested prior to the date of proclamation

Next Steps of Defining a Provincial Railway Line Proclamation

Requirements of Section 15 of the GTIA

15(1) Within the prescribed time before taking an action listed in in subsection (3), the MEC must-

- a. notify the owners and occupiers of land that will be affected and interested and affected parties, and as prescribed in writing or by publication in the prescribed manner, of the nature and purpose of the proposed action with a clear statement thereof, and the reasons for such action;
- b. afford such persons not less than 21 days to make comments and representations with regard thereto;
- c. take such other steps as may be prescribed; and
- d. otherwise comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)

15(2) The MEC must give due consideration to any comments or representations so received before deciding to proceed with the action

Next Steps of Defining a Provincial Railway Line Proclamation

Requirements of Section 15 of the GTIA

15(3) The actions to which subsections (1) and (2) apply are the following-

- a. Proclaiming provincial roads or railway lines, or altering closing or deviating them...or cancelling or amending a notice in that regard...;
- b. proclaiming an access road..., or cancelling or amending a notice in that regard...;
- c. closing or deviating a provincial road... ;
- d. expropriating land or right in land...;
- e. Acquiring material...;
- f. diverting storm water onto property...; or
- g. Issuing a written order to deviate an access road or exit...

23(1) Where the MEC-

- a. Proclaims a provincial road or railway line...

the MEC must within 60 days of the proclamation inform the owner or owners of the land affected by the proclamation by means of a notice served on the owner or owners by hand or registered mail

Next Steps of Defining a Provincial Railway Line Expropriation

Legislative requirement as per Section 19 of the Gauteng Transport Infrastructure Act (GTIA) and enables the following:

- i. The fourth step in the process of defining the future railway reserve
- ii. Owners of land that will be affected are notified following the undertaking of the Route Determination, Preliminary Design, and Proclamation Processes
- iii. MEC must pay, in the event where the owner has not already been paid in respect of expropriated land when the relevant railway line was declared or proclaimed:
 - a. surveying and transfer costs
 - b. compensation as may be mutually agreed upon based on the amount the property would have realised if sold on the date of expropriation in the open market by a willing seller to a willing buyer
 - c. An amount to make good any actual financial loss caused by the expropriation
- iv. The owner remains responsible for the rates and taxes and maintenance of the property if they remain in the property after its expropriation
- v. The MEC takes occupation of the property on a date to be agreed upon between the parties

Next Steps of Defining a Provincial Railway Line Expropriation

Requirements of Section 19 of the GTIA

19(1) The MEC may by notice to the owner, expropriate land or a right in land and cause it to be registered in the name of the Province, for the construction or maintenance of any transport infrastructure, or a purpose directly related to the interests of the Province in connection therewith.

19(2) Where a provincial road, railway line or access road traverses a piece of land, or the MEC-

- a. Expropriates land...;
- b. Proclaims a provincial road, railway line or access road or proclaims that such a road or railway line or closes or deviates such a road or railway line...; and the MEC is of the opinion that that the remainder of the land...has become useless to the owner...or that fairness to the owner requires it or that it is in the interest of the Province, the MEC may expropriate the remainder or portion thereof by notice to the owner

19(3) Where land is expropriated under subsection (1) and (2), the MEC must pay, subject to subsection (4)-

- a. The surveying, and transfer costs; and
- b. To the owner such compensation as may be mutually agreed upon or; failing agreement as determined

in this Act, provided that such compensation may not exceed the amounts contemplated in section 28(1), subject to that section

Next Steps of Defining a Provincial Railway Line Expropriation

Requirements of Section 19 of the GTIA

19(4) An owner shall not be entitled to compensation to the extent that compensation has already been paid in respect of the expropriated land...

23(2) Where the MEC expropriates land or a right in land..., the MEC must issue a notice of expropriation and serve it the owner by means of a notice served on the owner or owners by hand or registered mail

23(3) A notice contained in subsection (1) or (2) must-

- a. Contain a clear and full description of the property or right in question...;
- b. State the date of expropriation and where applicable the date that the Province will take possession of the property;
- c. Draw the owner to attention to sections 26(1) and 28(4)(a)(ii)

Next Steps of Defining a Provincial Railway Line Expropriation

Requirements of Section 19 of the GTIA

26(1) An owner whose property has been expropriated in terms of this act...must within 60 days from the date of the notice deliver to the MEC a written statement indicating-

- a. if compensation was offered in the notice of expropriation, whether or not the offer is accepted and if no amount was so offered or the offer is not accepted, the amount claimed and full particulars of how the amount is made up and full particulars of improvements which, in the owner's opinion, affect the value of such land;
- b. If the property is land-
 - i. Which prior to the date of the notice was leased...under an unregistered lease, the name and address of the lessee and enclosing the lease or a copy of thereof, or full particulars thereof if it is not in writing
 - ii. Which was sold prior to the date of the notice, the name and address of the buyer and the contract concerned or a copy thereof
 - iii. On which a building has been erected subject to a builder's lien (right of retention) by virtue of a written building contract, the name and address of the builder and enclosing the contract or a copy thereof
 - iv. In respect of which occupiers have obtained rights under the Extension of Security Tenure Act 1997...full particulars relating to such occupiers
- c. The address to which the owner desires documents in connection with the expropriation to be sent

Next Steps of Defining a Provincial Railway Line Expropriation

Requirements of Section 19 of the GTIA

28(1) ...the amount of compensation payable to an owner in terms of this Act shall not exceed-

- a. in the case of property other than a right, the total of -
 - i. The amount which the property would have realised if sold on the date of expropriation in the open market by a willing seller to a willing buyer; and
 - ii. An amount to make good any actual financial loss caused by the expropriation; or
- b. in the case of a right, an amount to make good any actual financial loss caused by the expropriation or the taking of the right.

28(2) Where there is no open market for the property, compensation may be determined on the basis of the amount that it would cost to replace the improvements on the property, having regard to the depreciation thereof for any reason, as determined on the date of expropriation, or in any other suitable manner.

Next Steps of Defining a Provincial Railway Line Expropriation

Requirements of Section 19 of the GTIA

28(3) Despite anything to the contrary in this Act there shall be added to the total amount of compensation an amount equal to-

- a. Ten percent thereof or, if it exceeds R100 000, on the first R100 000 thereof; plus
- b. Five percent of the amount that exceeds R100 000 but does not exceed R500 000; plus
- c. Three percent of the amount by which it exceeds R500 000 but does not exceed R1000 000; plus
- d. One percent of the amount by which it exceeds R1 000 000 (to a maximum of R10 000)

28(4) (a) Interest at the rate determined under section 8(1)(a) of the PFMA shall...be payable 60 days after the date on which the Province takes possession of the property on any outstanding portion of the compensation payable, provided that-

- i. Where there is doubt as to the identity of the person or persons who must receive compensation, interest will not be payable until the doubt is resolved to the satisfaction of the MEC
- ii. if the owner does not comply with section 26(1), interest will not be payable until the date on which the subsection is complied with

Next Steps of Defining a Provincial Railway Line

Summary of Sections 8, 11, and 19 of the GTIA





The End