

SPI PROCESS nº 021.00000891/2024-87
INTERNATIONAL COMPETITION No. 02/2024
PPP LOTE ALTO TIETÊ

EXHIBIT III.E – CONCESSION REGULATION

REGULATION OF THE CONCESSION OF THE PUBLIC PASSENGER TRANSPORT SERVICE ON RAILS OF LINES 11 – CORAL, 12 – SAFIRA, AND 13 – JADE OF THE METROPOLITAN TRAIN NETWORK OF THE STATE OF SÃO PAULO, INCLUDING THE AIRPORT EXPRESS SERVICE

CHAPTER I

Objective

Article 1 - The purpose of this regulation is to regulate, in addition to the agreement and its exhibits, the provision of public passenger transportation service on rails of Lines 11-Coral, 12-Sapphire and 13-Jade of the Metropolitan Train Network of the State of São Paulo.

Sole Paragraph - Among the services object to the sponsored concession is the "Airport Express" service, which uses the infrastructure of the concession lines and is integrated with the metro-rail system, connecting the Palmeiras-Barra Funda and Aeroporto-Guarulhos Stations.

CHAPTER II

Concession

Article 2 - The object of the concession comprises:

I – the implementation of the projects comprising the activities of construction, requalification, expansion, adaptation and modernization of the infrastructure of the concession lines;

II – the commercial operation of the public passenger transport service on rails of the concession lines, including the "Airport Express" service, the assets associated with the provision of the service, as well as any extensions and incorporations;

III – the maintenance and conservation of all assets that are part of the concession, including its extensions and incorporations, in accordance with the specifications and standards defined in the agreement and its exhibits;

IV – the implementation of improvements in the assets that are part of the concession, aiming to maintain their quality levels, ensure compliance with performance indicators and, also, ensure their permanent timeliness and modernity, under the terms of the agreement;

V – the realization of additional investments and contingent investments, including interventions foreseen as transferable charges, under the terms defined in the agreement, subject to the formalization of the respective amendment(s);

VI – the exploitation of businesses of a different nature that may constitute a source of ancillary revenues;

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VII – obtaining, applying and managing all financial resources necessary for the execution of the object of the concession;

VIII – the preparation of the necessary projects, obtaining authorizations, environmental licenses and/or permits required for the execution of the activities provided for in the object of the concession.

Article 3 - The term of the concession shall be twenty-five (25) years, counted from the effectiveness date, to occur according to the events defined in the agreement.

CHAPTER III
Obligations of the Concessionaire

Article 4 - The duties of the Concessionaire, during the term of the concession, are among others provided for in the agreement and in the relevant legislation

I - to provide adequate service to all users;

II - to comply with and enforce the regulatory and contractual provisions of the services;

III - to ensure the integrity of the assets that are part of the concession and the environment;

IV - to obtain in a timely and regular manner all licenses, authorizations, permissions, among other necessary requirements described in the agreement;

V - to keep up to date the inventory and registration of the assets that are part of the concession;

VI – to provide the Granting Authority and ARTESP with any and all documents and information pertinent to the concession, including agreements and agreements of any nature signed with third parties, granting broad and unrestricted access to inspection and auditing;

VII - to keep its books and accounting records regularly booked and to organize the files, documents and notes; and

VIII - to cooperate and support the development of the monitoring and inspection activities of the Granting Authority and ARTESP, under the terms of the agreement.

CHAPTER IV
Rights and Obligations of the Granting Authority

Article 5 – It is incumbent upon the Granting Authority, among other rights and obligations contractually provided for, subject to the attributions conferred on ARTESP, under the terms of the agreement and the applicable legislation:

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- I - to regulate the service granted and to permanently supervise its provision;
- II - unilaterally modifying the regulatory provisions of the service, in order to better adapt to the public interest, respecting the economic and financial balance of the contract;
- III – to set and review public tariffs;
- IV - to comply with and enforce the regulatory provisions of the services and the clauses of the agreement;
- V - to stimulate the efficiency of the service and the modesty of the fares;
- VI - to ensure the good quality of the service, to receive and investigate complaints and claims from users;
- VII – to encourage the association of users for the defense of their interests related to the services, including for their inspection;
- VIII – to intervene in the provision of services, to resume them and to terminate the concession, in the cases and under the conditions provided for by law and in the agreement;
- IX – to ensure the fulfillment of contractual obligations, preserving the rights of the Concessionaire and the users;
- X - to apply legal and contractual penalties.

CHAPTER V
Rights and Obligations of Passengers

Article 6 - Passengers have the right to adequate provision of services, and the Concessionaire and its agents must observe the following guidelines:

- I - urbanity, respect, accessibility and courtesy in the service to passengers;
- II - presumption of good faith of passengers;
- III - service on a first-come, first-served basis, ensuring legal priorities for people with disabilities, the elderly, pregnant women, breastfeeding women and people with infants, under the terms of the legislation in force, except in cases of urgency;
- IV - adequacy between means and ends, prohibiting the imposition of requirements, obligations, restrictions and sanctions not provided for in the legislation;
- V – equal treatment of passengers, with any type of discrimination being prohibited;

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VI - compliance with deadlines and procedural rules;

VII – definition, publicity and observance of schedules and rules compatible with the good service to passengers;

VIII – adoption of measures aimed at protecting the health and safety of passengers;

IX – authentication of documents by the public agent himself, in view of the originals presented by the passenger, the requirement of notarization of signature is prohibited, except in case of doubt of authenticity;

X – maintenance of healthy, safe, signposted, accessible and adequate facilities for service and care;

XI – elimination of formalities and requirements whose economic or social cost is greater than the risk involved in the concession;

XII – observance of the codes of ethics or conduct applicable to all categories of agents involved in the provision of services;

XIII – application of technological solutions aimed at simplifying passenger service processes and procedures and providing better conditions for sharing information, under the terms of the agreement;

XIV – use of simple and understandable language, avoiding the use of acronyms, jargon and foreign words; and

XV - prohibition of the requirement of new proof on a fact already proven in valid documentation presented.

Article 7 - The basic rights of passengers are:

I – to receive adequate service;

II - to receive from the Granting Authority, ARTESP and the Concessionaire information for the defense of individual and collective interests related to the services provided;

III - to inform the Granting Authority, ARTESP and the Concessionaire of the irregularities of which they are aware, regarding the services rendered;

IV - to communicate to the competent authorities the unlawful acts practiced by the Concessionaire in the provision of services;

V - to participate in the monitoring of the provision and evaluation of services, pursuant to Federal Law No. 13,460, of June 26, 2017, these Regulations and the agreement;

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VI – to obtain and use the services with freedom of choice among the means offered and without discrimination, observing the rules established by the Granting Authority;

VII – to access, through the ombudsman's office, information related to his/her person, observing the provisions of item X of article 5 of the Federal Constitution and Federal Law No. 12,527, of November 18, 2011;

VIII - to have safeguarded the protection of their personal information, under the terms of Federal Law No. 13,709, of August 14, 2018, and the agreement; and

IX – to obtain accurate and easily accessible information at the places where the services are provided, as well as its availability on the internet, especially on:

- a) opening hours of the provision of services;
- b) access to the ombudsman's office; and
- c) value of the tariffs charged for the provision of services.

Article 8 - The passenger's duties are:

I - to use the services properly, with politeness and good faith;

II - to provide information deemed necessary and relevant to the services, when requested;

III - to collaborate for the adequate provision of services;

IV - to contribute to the conservation of the good conditions of the affected public assets through which the services are rendered; and

V – to pay the fare.

Article 9 - The Granting Authority, as well as ARTESP and the Concessionaire, shall encourage the participation of the community in matters of interest to the services.

Article 10 - Without prejudice to other forms provided for in the legislation, the participation of passengers in the monitoring of the provision and evaluation of services shall be made through User Councils, in accordance with article 18 of Federal Law No. 13,460, of June 26, 2017, and the agreement.

CHAPTER VI
Supervision of Services and Compliance with the Regulation

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Article 11 - The provision of services and compliance with the provisions of this regulation shall be subject to the supervision, control and regulation of ARTESP, under the terms of the agreement, subject to the provisions of article 5 of the Transitory Provisions of Complementary Law No. 1,413, of September 23, 2024.

Article 12 - Within ninety (90) days from the date of publication of these regulations, the commission referred to in Article 36 of State Law No. 7,835, of May 8, 1992, shall be constituted.

Paragraph 1 - The Secretariat for Investment Partnerships of the State of São Paulo shall designate the representatives of the Executive Branch and the users who will participate in the commission.

Paragraph 2 - A representative of the Legislature Branch shall be invited to participate in the committee referred to in the "caput" of this article.

CHAPTER VII

Remuneration

Article 13 - The following shall constitute the remuneration of the Concessionaire, under the terms of the agreement and exhibits:

I - pecuniary consideration;

II - contribution, due as a result of investments actually made, pursuant to article 6, paragraph 2, of Federal Law No. 11,079, of December 30, 2004;

III - other sources from alternative, complementary, ancillary revenues, or associated projects, including the exploitation of the licensing of the right to assign commercial names added to the names of the stations.

CHAPTER VIII

Provision of the Service Granted

SECTION I

General Provisions

Article 14 - The public passenger transport service shall be provided in accordance with the policies of the Granting Authority relating to metro-rail public transport.

SECTION II

Transportation Service

Article 15 - The public passenger transport service shall be provided, as established in these regulations, to passengers holding valid travel permits and who have passed through the blockades, in compliance with the provisions of the agreement and these regulations.

Article 16 - The Concessionaire shall maintain, at the stations, written information, including Braille, and auditory communication for the guidance of passengers, in accordance with the legislation in force.

Article 17 - The public address system shall be used to issue exclusively operational messages, of an informative or educational nature or safety guidelines, or even for the dissemination of information related to the public interest, disclosed by the Concessionaire by determination of the Granting Authority or ARTESP, prohibiting promotion of brands, products and people.

Article 18 - As provided for in the agreement and in the legislation in force at the time of the provision of services, the Concessionaire shall offer passengers services in integration with those provided by other transport operators.

Article 19 - The Concessionaire shall keep the services open to the public during the schedules established in the agreement, with the stop of trains at all operational stations, keeping visible the information on schedules and circulation of the trains and observing the determinations of the Granting Authority and ARTESP.

Article 20 - The Concessionaire shall establish special operating hours to meet, in the Municipalities covered by the concession lines, events that generate high demand, whether scheduled or occasional, as well as when establishing the operational schedule of special schedules of the metro-rail network, resulting from similar situations determined by the Granting Authority.

SECTION III

Use of the Transportation Service

Article 21 - The Concessionaire shall maintain relationship channels with passengers, as well as maintain in a visible place the respective modes of access, including those made available by the Granting Authority and ARTESP.

Article 22 - The Concessionaire shall establish, maintain and disclose to the public the existence of a lost and found service, which shall not be integrated into the service of the other concessionaires of the metro-rail network.

Article 23 - The objects found on the trains and facilities linked to the provision of the service granted, or delivered to employees of the Concessionaire, shall be the responsibility of the Concessionaire, which shall arrange for their storage, control, return to the passenger, or destination to the Social Solidarity Fund, or to the social assistance and development entity recognized by the Granting Authority.

Article 24 - Children and adolescents under sixteen (16) years of age may use the services only when accompanied by a person responsible for their safety, among those designated by the governing legislation, or upon express judicial authorization.

SECTION IV
Passenger

Article 25 - Entry or permanence in the premises of the provision of services shall be prohibited to persons who may cause danger, nuisance or damage to the continuity of services, such as:

I - bearers of firearms, loaded or not, or bladed weapons, except military personnel, police officers on duty or persons with a license to carry weapons;

II - carriers of flammable or explosive, radioactive or corrosive materials; and

III - drunk or intoxicated by alcohol or other substances.

Article 26 - It is forbidden for passengers, on trains and other facilities linked to the provision of services:

I - to perform any act that results in hindrance to the services, or that may cause danger or accident;

II - embarking or disembarking after the beginning of the audible signaling of imminent closing of the doors, preventing the opening or closing of the doors, parking or leaning on them;

III - to activate or use, improperly, any equipment on the premises of the stations and inside the trains;

IV - to trigger an alarm, with or without the use of emergency devices, except in justifiable situations;

V - to operate radios or other devices that may emit sounds;

VI – to infringe the signage;

VII - to prevent or attempt to prevent the action of an employee of the Concessionaire, in the fulfillment of his functional duties;

VIII – to enter, without authorization, in places not open to passengers;

IX - to travel in a place not intended for passengers;

X – to smoke, keep cigarette or similar lighting, as well as matches or lighters;

XI – to place the feet on the walls of the stations, benches and sides of the cars;

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XII – to break, damage, dirty, write, draw in the facilities and equipment linked to the provision of services;

XIII – to spit or throw debris of any nature on the tracks, trains and stations;

XIV – to transport objects with dimensions greater than 1.5 x 0.6 x 0.30 meters or that require more than one person to carry out the transport;

XV - to transport bicycles, regardless of their dimensions, except on the days, times and places allowed, or, in the case of folding bicycles, at any time, as transported volumes, when in packages/covers;

XVI – to make use of skateboards, skates, scooters or similar, being, however, allowed to transport them as a volume, provided that it is packed, in hands or in a backpack;

XVII – to place posters, advertisements and notices, advertise, exhibit or sell any kind of merchandise or services, except when authorized by the concessionaire, and in places previously determined by the concessionaire;

XVIII – to throw objects of any nature;

XIX - to use licentious, disrespectful or offensive language to any person;

XX - to act inappropriately or in such a way as to harass, sexually harass, or to disturb or harm the peace and tranquility of passengers;

XXI - transporting animals in disagreement with the provisions of State Law No. 16,930, of January 24, 2019, except for guide dogs in training or accompanying a visually impaired person; and

XXII - to ask for alms.

CHAPTER IX

Travel Titles

SECTION I

Entrance to the Paid Area of the Stations

Article 27 - In all stations there shall be at least one point of sale of travel tickets, open during the entire period of operation of the services, where information regarding the fares practiced shall be displayed.

Article 28 - A travel ticket that cannot be identified by the equipment or other means existing for this purpose shall be considered worthless.

Article 29 - The travel permit considered to be worthless shall be treated in accordance with the instructions of the Granting Authority and ARTESP.

Article 30 - In the event of a refused travel ticket, the Concessionaire shall direct the passenger for replacement at his place of purchase, or another form that may be established for the sale of the travel ticket.

Article 31 - In the event of the seizure of a false travel permit, the Concessionaire shall take the appropriate legal measures against the bearer.

SECTION II

Exemptions

Article 32 - The Concessionaire shall guarantee access to the public passenger transportation service to those who are entitled to free transportation, under the terms of the legislation and regulations in force.

SECTION III

Release of Blockades

Article 33 - When there are reasons that compromise public safety, the Concessionaire shall release the blockades for the entry of passengers and shall provide the appropriate records of the occurrence

CHAPTER X

Semigration Security

SECTION I

Public Security

Article 34 - The Concessionaire shall organize and maintain its own Operational Safety Corps, with the mission of complying with the operational provisions contained in the rules referring to the metro-rail system and in the exhibits to the agreement, which shall operate in all stations, substations, tracks, yards and trains used for the provision of services, adopting measures of a technical, administrative, security and educational nature aimed at:

- I - preserving the assets linked to the services;
- II - ensuring the regularity and normality of traffic;
- III - safeguarding the safety and comfort of passengers;
- IV - preventing accidents;

V - conserving and maintain hygiene conditions; and

VI - ensuring compliance with the order on its premises.

SECTION II

Security Corps and its Attributions

Article 35 - For the exercise of its functions, the Operational Security Corps shall receive a basic qualification course and specific training for operational updating.

Article 36 - The Operational Safety Corps shall act in all service areas and dependencies that are part of the concession area, especially in its stations, substations, tracks, yards, workshops and trains directly and indirectly managed by the Concessionaire.

Article 37 - The equipment used by the Operational Security Corps, whose basic purpose is to ensure the safety of passengers and employees in the provision of services, shall be approved by the Granting Authority, directly or through specially designated representatives.

CHAPTER X

Final Provisions

Article 38 - The Concessionaire may only operate in non-compliance with these regulations in emergencies resulting from force majeure or unforeseeable circumstances, under the terms defined in the agreement, duly identified and justified, without prejudice to the adoption of measures to mitigate extraordinary events.

Article 38 - The Concessionaire may propose to the Granting Authority, after hearing ARTESP, the revision of the rules and procedures referred to in this regulation.

Article 40 - Upon termination of the concession object of this regulation, all reversible assets, rights and privileges linked to the exploitation of the services granted, transferred to the Concessionaire or implemented by it, within the scope of the concession, shall return to the Granting Authority, in the manner provided for by law and in the agreement.

Article 41 - The Secretariat for Investment Partnerships is hereby delegated the competence to regulate, as applicable, the application of these regulations and to detail its specific guidelines, subject to the attributions conferred on ARTESP, under the terms of the agreement and the applicable legislation.