

ERFA Input Paper

Improving coordination of infrastructure works

Delegated Decision EU amending annex VII to Directive 2012/34/EU of the European Parliament and of the Council establishing a Single European Railway Area

June 2017

ERFA's position

Overview: The current draft is already a big step forward in improving the current poor planning of the IMs and the limited efforts made to minimise disruptions for RU services on national networks. The provisions that apply for capacity restrictions for cross border operations are also very helpful for improving the coordination work that is already supposed to happen on the RFCs, under Regulation 913/2010, but that does not take place/deliver any results.

ERFA proposed amendments

Where we see some room for improvement:

Paragraph 13 – The provision of 2 alternatives

RUs strongly support the obligation on the IMs to have to provide 2 alternatives of capacity restrictions and the conditions to be encountered under the 2 scenarios. This measure would have the most impact in forcing the IM to plan works that take into account the disruption to rail services.

However the latest draft severely weakens this proposal – it talks about a comparison of 2 alternatives related to the use of the restricted capacity, i.e alternatives on how to best handle the traffic, and not alternatives for how to plan infrastructure works. We strongly support the previous wording “the IM shall provide the interested applicants with a comparison of the conditions to be encountered under at least two alternatives of capacity restrictions”.

There is also a proposal to only make this a requirement for capacity restrictions affecting more than 50% of the estimated traffic volume for a duration of at least 30 days and if the capacity restrictions affect traffic on more than 10 railway lines. This we would also oppose, and prefer to stick to the original threshold of more than 7 days and affecting more than 30% of traffic.

Paragraph 8 – for traffic not limited to one network

We support the thresholds and processes proposed – IM coordination, IM mechanism for discussing and consulting with RUs. In particular the RUs like the option of a consultation period, where they can provide feedback, as they know that realistically they will not be able to necessarily attend each and every meeting organised by the IM.

Paragraph 9 – information on final offers of train paths

One of the major points raised by the RUs was the poor quality of the information they receive in the short-term, i.e the weeks leading up to the infrastructure works. This is just as big of a problem as not having an overview a long-time in advance.

The EC proposal for the IM to provide details on the offered train paths for passenger trains no later than 4 months in advance and for freight trains no later than one month before the beginning of the capacity restriction is going in the right direction. But should apply to all capacity restrictions, not just to the capacity restrictions that last less than 7 days.

Paragraph 8 and 9 – how to define estimated traffic volume? Must also include ad-hoc traffic

For the capacity restriction thresholds, we would suggest adding the word “total”, i.e more than seven days and affecting more than 30% of the **total** estimated traffic volume”

It would also be helpful to ensure that the estimated traffic volume is understood as the knowledge of traffic levels in previous years + any new services/ changes that are foreseen. It is important that trains reserved under ad-hoc train paths are counted in this figure.

Paragraph 9 - How to ensure effective consultation for infrastructure works that last less than 7 days?

RUs agree that even infrastructure works that last less than 7 days can also have a big impact on their services. We are not sure we fully understand paragraph 9 or that it would sufficiently ensure good planning

and information from the IM side. Why does the IM become aware of infrastructure works? Is the IM not the one planning the infrastructure works?!

There also appears to be a loophole in the thresholds – where would infrastructure works that take place every weekend for 8 weekends in a row fall under the provisions? This type of infrastructure works would have a huge impact on an RU that only runs trains on weekends

Paragraph 11 – creates loopholes and is open to abuse

We are concerned that the flexibility given to the IMs in paragraph 11 will be abused.

It creates disincentives for IMs to effectively plan their maintenance works if they have a get-out-clause for prolonging the works.

The IM always uses “safety”, regardless of whether this is the real reason or not.

We understand this is difficult to legislate for, but could envisage the introduction of some kind of reporting mechanism, where IMs need to make publicly available all infrastructure works that have been triggered under this “emergency provision”? If the information is in the public domain this could put pressure on IMs not to abuse it.

Could a bonus and malus scheme for the IM also help to incentivise better planning of works i.e no last-minute prolongations of works?

IM receives a bonus if it correctly estimates the time needed for works and a malus if doesn't. Could this somehow be included in the contract between the state and the IM?

Paragraph 8 - Definition of capacity restrictions – profile needs to be included!

Strong support for a definition that covers speed reductions and restrictions on train parameters. That must also include “profile” restrictions.

Paragraph 12 – how RUs receive the information on infrastructure works?

It would be helpful if IM published a map showing the infrastructure works planned and including all the relevant information related to the works.

As soon as the IM makes a change the RUs receive an email alert.

Open data was discussed in this context -IM should automatically publish all the relevant data and in real-time concerning infrastructure works, so that it is easily accessible, also for RUs wanting to set up new services and who want to understand the feasibility of doing so.

Paragraph 14 - transparency for which trains are diverted

This is overall a helpful provision. One point raised is that trains running on PAPs should be given priority. Is it possible to include such a requirement?

Paragraph 8 - Consultation can just be totally ignored.

We would suggest adding a further step to ensure that the IM consultation with RUs is not simply ignored and/or an appeal mechanism for the RU. Following the consultation the IM has to send a justification for the decisions it takes. Either that or the RU can appeal to the IM if its concerns have not been taken into account.