

MEASURES FOR A 'RAIL NETWORK GIVING PRIORITY to FREIGHT'

This questionnaire forms part of the impact assessment and public consultation that the European Commission, notably the Directorate General for Energy and Transport (DG TREN), are carrying out in the follow up of its Communication of 18 October 2007 entitled "Towards a rail network giving priority to freight".

In its Communication, the European Commission considers that two main elements should be developed to improve the quality of rail freight transport and ensure it has sufficient capacity: fair competition in the provision of all rail services and adequate infrastructure capacity, in terms of path availability.

The services of the Commission have identified problems that rail freight is experiencing and has elaborated possible measures to address them in collaboration with a Strategic Group of experts.

They considered it necessary to improve the existing situation/practices through a better coordination between infrastructure managers and Member States as far as the management of the infrastructures and the ancillary services are concerned, as well as the priority given to freight.

To this end it is considered that a corridor approach, which first targets few strategic international axes, by implementing measures to improve operations, capacity, transparency of the information and non- discriminatory access should be pursued.

The following questionnaire includes possible measures which could be incorporated into strengthened legislation at European level.

Interested parties are requested to give their opinion on the solutions presented **before 5 August 2008** via the questions which are posed in this online questionnaire.

PRELIMINARY INFORMATION

Your profile (compulsory)



Citizen



Organisation

CLECAT



Associations/non-governmental organisation



International organisation



European institution or body



National government



Regional/local government



Parliament



Chamber of commerce



Trade union & staff organisation



Public sector body (Regulators ...)



Industry, business



Private company



University/research institute



OTHER



Policy and legislation



Public transport services



Rail operator



Port



Terminal



Infrastructure

- Logistics/forwarders
- Transport equipment
- Customer
- OTHER

Region (compulsory)

- European Union
- Europe outside European Union
- Other

1. THE PROBLEMS OF INTERNATIONAL RAIL FREIGHT

Rail freight transport has to increase its performance and its competitiveness. It still faces some drawbacks related to the quality of its services, in particular on international routes. Many obstacles hinder the development of rail freight.

1.1 Rank the obstacles to the development of rail freight (1= principal obstacle, 8= lowest obstacle)

	1	2	3	4	5	6	7	8
A. Intramodal competition underdeveloped (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
B. Infrastructure not adapted to freight (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Charging of infrastructure use by different modes/lack of internalisation of external costs (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
D. Too costly (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Non adaptation to actual logistic needs (compulsory)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Unsatisfactory customer approach (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Insufficient reliability (on time) (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
H. Others (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

1.2. If other obstacles, please specify (maximum 800 characters) (optional)

The main weakness of rail freight consists in its lack of overall quality, which encompasses several aspects (efficiency, reliability, flexibility, customer-oriented attitude...). Whereas infrastructure and interoperability elements may partially explain some of rail freight difficulties, CLECAT believes that competition has not yet produced all its effects. The current heterogeneous situation throughout Europe as regards market opening makes it difficult to obtain performing international rail freight transport. Therefore, and although the concept of rail freight-oriented network is supported, the EU must not slacken its efforts in ensuring the full implementation and application of the existing legislative framework. Additional effort is needed to allow for full interoperability, cross border operations and innovation in operations (e.g. resolving the problem of sidings and overtaking points by using small hybrid units).

1.3. Rank the areas of improvement for rail freight(1= principal area, 7= lowest area)

Rail freight, especially international rail traffic, faces problems related to rail infrastructure availability and access.

	1	2	3	4	5	6	7
A. Non-discriminatory access (compulsory)	<input type="radio"/>						
B. Availability of intermodal services (terminals...) (compulsory)	<input type="radio"/>						
C. Cooperation between Infrastructure Managers (operations and investments) (compulsory)	<input type="radio"/>						
D. Management of mixed traffic (passengers and freight) on numerous axes (compulsory)	<input type="radio"/>						
E. Removal of physical bottlenecks by investments (compulsory)	<input type="radio"/>						
F. Interoperability of rolling stock and staff (compulsory)	<input type="radio"/>						
G. Others (compulsory)	<input type="radio"/>						

1.4. If other areas, please specify? (maximum 800 characters) (optional)

In addition to the areas mentioned, one could add :

- opening of access to rail infrastructure for customers (authorised applicants)
- availability of unused equipment, such as wagons
- mandatory presence of quality clauses in contracts RU-customers, whilst leaving the contractual parties free to negotiate the content of such clauses

Furthermore the removal of bottlenecks is not an exercise that can rely on infrastructure investments alone. A lot can be done by tackling each individual bottleneck with appropriate action.

Another important action is the upgrading and restoring into service of obsolete or abandoned tracks and stations (quite abundant all over Europe), if these are then devoted exclusively or predominantly to rail freight.

Finally, railways have not reaped the benefits of their independence from increasing oil prices and turned it into a competitive advantage by reducing the price of their service. The price offered keeps increasing whereas the reliability of the service does not follow the same trend.

1.5. Do you think that the Community actions launched to date have addressed these issues?

	Strongly agree	(somewhat) agree	(somewhat) disagree	Strongly disagree	No opinion
A. Political action (compulsory)	<input type="radio"/>				
B. Legislative action (compulsory)	<input type="radio"/>				
C. Financial action (compulsory)	<input type="radio"/>				

2. CREATION OF CORRIDORS

In order to create a rail freight oriented network, the Commission considers that a corridor approach, which will first target several strategic international axes, should be pursued. The definition of corridors could either be left up to the initiative of Member States who would have to apply some minimum criteria (such as, for example, at least one corridor per Member State) for their selection, or established by the Commission.

2.1. Do you think that the creation of corridors should be (compulsory)

- Voluntary
- Mandatory
- No Opinion

2.2. Which criteria should be used for the definition of corridors? (compulsory)

- A. ERTMS corridors
- B. All TEN network
- C. At least one corridor per MS, on proposal by MS

- D. Market needs
- E. Existing and projected freight volume, share of freight...
- F. No opinion
- G. Others

2.3. If other criteria, please specify (maximum 800 characters) (optional)

It is obvious that freight corridors should not only feature priority rules for freight but also necessary capacity, technical interoperability etc., in other words all the elements that would ensure seamless flow of rail freight traffic. It is however essential to involve customers in the choice of corridors, since they are those who set current and future market needs.

Whilst the idea of corridors is to be favoured, the risk is that this action will eventually become completely sterile for freight if the incoming and outgoing legs into the corridor are not properly fed. Cargo does not have legs and cannot move to a farther station just to get into a corridor. It would just use an alternative means of transport (road).

3. THE CORRIDOR GOVERNANCE

The governance structure of corridors is essential to facilitate the cooperation necessary to ensure interoperability and competitiveness. It should bring together different actors: ministries, infrastructure managers, rail undertakings, safety authorities, regulatory bodies, notified bodies, system suppliers, testing centres or laboratories etc. An example of an operational corridor governance structure can be seen in the ERTMS Corridors.

3.1. Mention your position concerning the following issues of the corridor governance

	Yes	No	No opinion
A. Is the ERTMS corridor structure sufficient to ensure good management? (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Is an external/independent 'Corridor Coordinator' needed to coordinate the setting up of a corridor? (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Does the Corridor Structure need a 'manager' to coordinate/instruct/follow the decisions when the Corridor has been set up? (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Do customers have to be consulted systematically before all decisions are taken? (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

E. Should the Corridor Governance be able to impose its decisions on individual members? (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Others (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3.2. If other issues, please specify (maximum 800 characters) (optional)

CLECAT believes that the success of a rail freight corridor would depend on the joint presence of a few conditions:

- the capacity to coordinate efficiently all the participants' involvement
- the capacity to set clear objectives and related actions that participants must take
- the active involvement of customers in order to ensure that the corridor's development is in line with their requirements
- the local coordination with incoming and outgoing legs is maintained

4. Terminals (marshalling yards, cross border stations, intermodal, inland and sealand terminals)

Terminals, access lines and corridors form one system. The development of terminals should be coordinated along the corridor and the adequacy between corridors and marshalling and shunting yards, ensured.

4.1. Please indicate whether you or your organisation consider that

	Yes	No	No opinion
A. Private initiative is sufficient to develop terminals (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. It is necessary to plan and coordinate the development of a strategic network of terminals along a corridor (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. It is necessary to coordinate path allocation between the terminals and the network (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. It is necessary to coordinate traffic management between the terminals and the network (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

CLECAT would like to complement point 4.1-A: the utility of a corridor may be reduced if the terminals (including sidings and equipment) are controlled by incumbent operators. A solution may consist in the provision of sidings with hard-made areas along a corridor whilst leaving it up to the market to develop the corridor structure.

Moreover, CLECAT wishes to draw attention on the issue of the making up of trains: it is necessary to think proactively in this connection. In order to secure a more flexible paradigm of operation in coupling and decoupling wagons, thus securing more flexible wagon distribution one may wish to contemplate alternatives to existing locomotives and marshalling yard operation. Siding and network operations should be combined with marshalling yard operation by means of flexible smaller hybrid units that could relieve last mile operations, which are at the moment too costly and burdensome. Such units should make dispersed distribution of wagons to sidings possible without imperatively using marshalling yards. There are studies in this sense.

5. PATH ALLOCATION RULES

To satisfy operational market needs, freight needs a sufficient share of capacity, with good (journey time and adequate timetable), reliable (no change) paths, including flexibility (for short-term requests). Capacity has to be shared and balanced between different types of rail traffic. There are no international rules for capacity sharing and rules differ from one MS to another. Paths are constructed at national level and joined at the border, which is insufficient and unsatisfactory for freight.

5.1. Please indicate the impact you or your organisation consider the following measures would have

	Positive impact	Somewhat positive impact	Somewhat negative impact	Negative impact	No opinion
A. Shape capacity to define shares for passengers, freight and track maintenance (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Timetabling system more responsive to freight needs. (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Build international freight paths which are more coordinated at the border (optional)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Prepare an "ad hoc catalogue" which includes sufficient freight paths for short term-term requests. (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Cancellation or modification of freight paths only possible in exceptional cases. (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Apply different levels of track access charges relating to the level of quality of paths. (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Other measures (compulsory)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5.2. If other measures, please specify (maximum 800 characters) (optional)

Coordination at borders is an extremely important element, since many disruptions occur at border-crossing points. Other accompanying measures one could mention include:

- mutual recognition of brake tests and inspections so that wagons do not undergo the same checks at each border-crossing point
- making one rail operator responsible towards the customer for the entire international journey
- identifying obsolete tracks that can be devoted to freight entirely and mandate their sale by public auction to interested third parties for private operation.

Moreover, should different track quality levels exist, both access charges and penalties for non-respect of contractual requirements be proportional (i.e. the higher the track quality, the higher the penalty)

6. PATH ALLOCATION REQUESTS

The RNE One Stop Shops (OSS), where a leading IM coordinates allocation from start to end, are rarely used. IMs have to respect the timing at the border. RNE provides international answers to international requests but does no allocation itself. 95% of the requests are made nationally by each IM. The path requests at national level should reflect the fact that freight traffic is becoming more and more international.

6.1. Please indicate the impact you or your organisation consider the following measures would have

	Positive impact	Somewhat positive impact	Somewhat negative impact	Negative impact	No opinion
A. Mandatory requirement to set up a OSS for international path allocation (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Impose the use of a OSS for the request of international path allocation (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Encourage the use of existing tools, such as Pathfinder... (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Allow authorized applicants to apply for the whole corridor (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. TRAFFIC MANAGEMENT IN CASE OF DISTURBANCES

Rules to manage delayed freight trains constitute a major issue which gives a bad quality image to the customers. Delays of few minutes can become delays of several hours upon arrival. It is necessary to implement appropriate measures to ensure that a delayed train can revert to the greatest degree possible to its originally allocated path.

7.1. Please indicate the impact you or your organisation consider the following measures would have

	Positive impact	Somewhat positive impact	Somewhat negative impact	Negative impact	No opinion
A. Define and publish rules about reallocation of paths in case of disturbances along the corridor (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Increase coordination between national dispatching centres (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Train 'on time' remains 'on time' (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Define two or three types of classes of trains subject to different priority rules. (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. TRANSPARENCY/QUALITY

European legislation imposes a Network Statement at national level, but information, including on terminals, is also needed at corridor level.

8.1. Please indicate the Impact you or your organisation consider the following measures would have

	Positive impact	Somewhat positive impact	Somewhat negative impact	Negative impact	No opinion
A. Set up a unique 'Corridor Document' assembling information from all Network Statements (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Include in the Corridor Document information (or mention a reference) about modalities/conditions of use of terminals (compulsory)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Provide, at least weekly, updated and transparent information relating to the capacity of the corridor, taking into account the works. (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Publish capacity share (or the number of available paths) for each hour of the year. (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Harmonise Performance Regimes (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Publication of KPI at corridor level (compulsory)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. REGULATORY BODIES

More integrated management may also imply the need for more coordinated regulation at corridor level. It would be appropriate to have a group of RBs monitoring each corridor and dealing with the complaints. Access to all information is the basis of cooperation.

9.1. Which kind of cooperation between Regulatory Bodies (RB) is necessary for international Corridors? (maximum 800 characters),
for example:

- RBs should exchange (communicate and answer) and have access to all information;
- In case of Cross Border complaints, all the RBs concerned have to be consulted and/or take part to the decision;
- A RB for the corridor treats all the Cross Border issues, with corresponding powers and competences as a RB. (optional)

As far as customers are concerned, the cooperation of RB should allow for a transparent and quick management of traffic disruptions on the corridor. This obviously implies a permanent exchange of information and general communication between the various RBs.

As for cross-border issues, one could imagine a system whereby each cross-border point is under the responsibility of one RB with the participation of all other RBs concerned.

9.2. Which other kind of cooperation? (maximum 800 characters) (optional)

- To avoid congestions and traffic disruptions at border-crossing points, permanent cooperation between RB and terminals managements as well as direct contacts with biggest railway users/forwarder
- For security traffic reasons assign the rules of cooperation and coordination for carriage of dangerous goods in international corridors

10. ADDITIONAL QUESTIONS

10.1. What is in your view the right level of action for the measures identified in previous issues 4 to 9 the national level, corridor level or supranational level? (maximum 800 characters) (optional)

CLECAT believes that the following levels are appropriate:

- Terminals: corridor
- Path allocation rules: supranational (EU)
- Path allocation request: corridor (even purely national paths should be allocated within a corridor perspective)
- traffic management in case of disturbances: rules should be set at supranational level and implemented at corridor level
- Transparency/quality: rules should be set at supranational (EU) level
- regulatory bodies: rules should be set at supranational (EU) level and implemented at corridor level
- obsolete or abandoned rail track should be brought to the market for private operation as soon as possible

10.2 Other comments (maximum 800 characters) (optional)

If a rail freight-oriented set of corridors eventually sees the light, its success will be proportional to the quality of service provided.

Indeed, priority rules in favour of freight, interoperability, uniform and transparent rules for the allocation of paths and traffic management in case of disturbances, and clear rules on the role of Regulatory Bodies will provide a fair framework for the provision of high quality rail freight services. This, in turn, will raise customers' expectations.

In other words, the implementation of a rail freight-oriented network may be a turning point for the future of European rail freight and the corresponding confidence of customers.

Their coordination with the local incoming and outgoing legs will be the most delicate aspect, which everyone hopes will not result in a pitfall.