



## RailCom – News No 8

Bern, November 2022

### Editorial

Dear Reader

In recent months, we have been working intensively on the requirements for fair and transparent slot and capacity management at intermodal freight terminals that are co-financed by the Confederation. In order to help the owners or operators of these facilities to comply with the legal requirements, we have created a template for publishing the principles and rules of slot allocation and capacity planning. The aim is to ensure that all current and future clients are aware of these rules and are treated equally. You will find more information about this on the following pages.



I hope you enjoy reading this newsletter.

Patrizia Danioth Halter, President

## Slot and capacity management at intermodal freight terminals in the context of non-discriminatory access

Throughout Switzerland, there are around 30 intermodal freight terminals co-financed by the Confederation. The owners or operators are required to grant non-discriminatory access to these facilities. This non-discrimination requirement also applies to slot and capacity management. RailCom is responsible for law enforcement in this area and, as part of its supervisory activities, has developed uniform [standards](#) for the industry.

### RailCom defines standards for the industry

Slot and capacity management is about allocating time slots for the use of intermodal freight terminals and dealing with conflicts over the allocation of handling capacities at the facility. RailCom conducted a survey on this issue among the intermodal freight terminals co-financed by the Confederation. The analysis showed that the quality and maturity of slot and capacity management and publications on this issue differ widely among the various facilities. Some facilities only have implicit regulations and control the processes ad hoc. Such an approach is insufficiently transparent. In order to prevent discrimination, RailCom has drawn up a set of uniform [standards](#), which are explained in the following sections.

### RailCom responsibilities

Article 6 of the Goods Carriage Ordinance requires owners and operators of intermodal freight terminals co-financed by the Confederation to grant third parties non-discriminatory access to the terminals. In accordance with Article 40<sup>ter</sup> of the Railway Act (RailA), RailCom monitors the granting of non-discriminatory access, decides over any disputes that occur and can launch investigations *ex officio*. In our supervisory activities, in 2022 we are placing a focus on slot and capacity management.

### Publication template for slot allocation rules

In order to help the owners or operators of these facilities to comply with the legal requirements, RailCom has created a [publication template](#). This contains the principles and rules for planning and allocating slots in normal and exceptional cases or in the event of a delay. This is to ensure that all current and future clients are aware of the applicable rules and are treated equally. Slot and capacity management should be transparent, comprehensible to third parties and non-discriminatory.

### Further standards

In addition to the template mentioned above, RailCom's [standards](#) require the owners or operators of intermodal freight terminals co-financed by the Confederation to...

- ... report annually to RailCom on requests received from track users and provide reasons for any request refusals;
- ... disclose if they also act as operator or logistician in addition to running the intermodal freight terminal;
- ... document internally which persons in their company have access to confidential data, raise awareness accordingly and ensure confidentiality;
- ... periodically review multi-year contracts and re-evaluate the slots on a recurring basis.

## Outlook

At our symposium to be held on Friday 04.11.2022, we will discuss these standards with the industry. A summary of the symposium outcomes will be available on our website [here](#) from mid-November (not available in English). The industry is required to implement the standards thereafter. Please contact us if you have any questions or suggestions.

## System managers

**RailCom oversees the non-discriminatory execution of what are known as 'system tasks'. It supports the companies and organisations concerned in implementing their legal obligations.**

### Superordinate tasks in rail transport

FOT may appoint a system manager (infrastructure manager or third party) to conduct superordinate tasks in rail transport or indeed the entire public transport system (so-called 'system tasks') on its behalf. There are currently seven system tasks:

System task	System manager
Customer information	SBB AG
ETCS	
Railway radio communications	
TAF/TAP TSI	
16.7 Hz traction current	
ZBMS (train control metre gauge)	RhB AG
Vehicle/track metre gauge	RAILplus AG (cooperation platform for metre-gauge railways)

RailCom's task is to ensure that the system managers perform their tasks in a non-discriminatory manner. It works to ensure that the requirements of Article 37 paras 5 and 6 of the Railway Act are implemented, namely...

- ... that the stakeholder companies participate and have a say in system tasks;
- ... that the stakeholder companies receive regular information; and
- ... that they are included in any further developments.

### Implementation in written agreements

Once a written agreement on the system task has been concluded between the FOT and the system manager, the latter must conclude an agreement with the stakeholder companies. This agreement regulates the system task, the inclusion of the companies in further developments and the sharing of costs. What stage are these agreements at?

- For the system tasks ETCS, traction current 16.7 Hz and customer information, the system manager SBB has already drawn up draft agreements on cooperation with the stakeholder companies.
- For the smallest system task, TAF/TAP TSI (telematics applications for freight/for passengers), agreements are not practicable. However, in order to keep the stakeholder companies regularly informed and to involve them appropriately in the development of system tasks, the Association of Public Transport (APT) sends out a newsletter to all transport companies in Switzerland (TAF) and Alliance SwissPass sends one to all transport companies involved in the National Direct Service (TAP). The latest newsletter reports on the ongoing revision of both TAF TSI and TAP TSI, and on other developments in this area.

- The requirements of Article 37 paragraphs 5 and 6 RailA have not yet been implemented for system task radio telecommunications as the system task agreement between the FOT and the system manager SBB has not yet been concluded.

Further information can be found at [factsheet \(in German\)](#)

## Other topics in brief

### Participation rights

Railway undertakings and owners of private sidings have the right to participate in the infrastructure managers' short and medium-term investment planning (Article 37a RailA). This means that they must be informed by the IM in good time about any planned investments, whereupon they can comment on these and submit proposals.

The responsibilities of RailCom and the FOT are regulated as follows:

- RailCom is responsible for enforcing the right of participation and thus for ensuring the proper functioning of the participation process.
- The FOT has the authority to decide on the *content* of investment planning and the material concerns of the RUs and siding owners.

In the course of the past year, an APT working group was formed to draw up an industry standard on the right of participation in the form of recommendations. These have not yet been published, but are available in draft form. Independently of this, compliance is required with the article on the right of participation, in force since 01.01.2021. The RU is responsible for ensuring that the right to participate is observed. RailCom checks that this is the case with individual infrastructure managers.

Further information can be found at [factsheet \(in German\)](#)

### New member of secretariat staff

Ms Ana Dettwiler joined RailCom's secretariat in September 2022. As a lawyer, she is responsible for all legal matters at RailCom, especially with regard to its administrative and supervisory activities. Ms Dettwiler is also employed as a judge at the Cantonal Court of Basel-Landschaft in Constitutional and Administrative Law section. Ms Dettwiler studied law at the University of Heidelberg and worked as a self-employed lawyer in Liestal for 17 years.

