



RailCom – News No 11

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Editorial

Dear Reader

Three new members joined RailCom at the beginning of this year. On page 2 of this newsletter, Dr Barbara Furrer, Cesare Brand and Manfred Haller tell us a bit about their professional careers and their reasons for joining RailCom. We are delighted that they are now working for the Commission. The specialist skills and experience of our committee members are central to RailCom's interdisciplinary work.

One example of this interdisciplinary work is how data on mobility is handled. On page 3, we look back at our symposium on open data in the railway sector. A great deal of interest was shown in the topic, and an interesting discussion took place; we intend to continue this discussion with the industry. In this newsletter, we show how open data can be used to promote transparency, non-discrimination, efficiency and innovation.

Other articles in this newsletter are devoted to train path studies (page 4) and the right to participation of railway undertakings (RUs) and owners of private sidings when they are affected by a specific investment project run by an infrastructure manager (IM) (page 5). In its accompanying supervision activities, RailCom ensured that there is transparency in the way train path studies are drawn up. With regard to the right to participation, RailCom is committed to ensuring that RUs and owners of private siding can participate easily and efficiently in investment planning.

For more detailed information on these and other topics, I recommend our [2023 Activity Report](#).



I hope you enjoy reading this newsletter!

Patrizia Danioth Halter, President

Questions for our new commission members

➤ Why did you decide to work for RailCom?

- **Cesare Brand:** I believe that RailCom has an important role to play in ensuring fair competition in the increasingly liberalised rail sector. I am also attracted by the interdisciplinary work at RailCom: knowledge of the railways, economic expertise and legal know-how are indispensable when seeking appropriate solutions.
- **Mani Haller:** As a commission member, I would like to contribute to a fair public transport system on the railways. I wholeheartedly support RailCom's objectives. I look forward to contributing my many years of operational experience on the railways to RailCom, and to getting to know new aspects of the business.
- **Barbara Furrer:** It is a great pleasure to be able to contribute my expertise in transport and logistics law to RailCom. In the early days of my professional career, I realised that there was relatively little specialist literature on transport law in Switzerland, so I specialised in this area and produced various publications on the subject.

"I look forward to contributing my many years of operational experience on the railways to RailCom."

Mani Haller



➤ How did you become interested in rail transport?

"It is a great pleasure to be able to contribute my expertise in transport and logistics law to RailCom."

Dr Barbara Furrer



- **Barbara Furrer:** As a child, I was fascinated by the freight sector, especially container ships. I simply loved going to the Lucerne Museum of Transport on a day out. My legal interest in the freight sector was awakened by a case involving the settlement of claims for a lorry that had been raided.

- **Mani Haller:** I have worked for the railways my entire professional life because it has given me great satisfaction to be part of the Swiss public transport system.
- **Cesare Brand:** My interest in the railways came about more by chance when I was employed by the Federal Office of Transport in the 1990s; as head of the legal section I worked on the first railway reform. At that time, the Swiss railway system was reorganised from scratch, and a series of new laws and ordinances was drawn up. There was great pioneering spirit and a lot of flexibility when it came to finding solutions. It still makes me proud today that I was able to contribute back then. Throughout my career in the public transport sector, I always had the feeling that I was putting my energy into something exciting and meaningful, something worth fighting for.

➤ What is your professional background?

- **Mani Haller:** I have worked in various areas of SBB for over 40 years. I started my railway career as an apprenticed railway operations dispatcher. I then held various positions, including head of rolling stock management. Most recently, I was head of train operations at SBB Passenger Services for 10 years.
- **Cesare Brand:** I've been working for the railways in various roles for 30 years. After heading the legal section at the Federal Office of Transport, I switched to working directly for a railway company and became head of the group law and regulation section at SBB. I went on to be Secretary General of the International Rail Transport Committee (CIT) until I retired.
- **Barbara Furrer:** I am head of Legal Switzerland for the DHL Group. I am also a lecturer and head of the Legal and Insurance Commission at the Association of Swiss Freight Forwarding and Logistics Companies, SPEDLOGSWISS.

"I believe that RailCom has an important role to play in ensuring fair competition in the increasingly liberalised rail sector."

Cesare Brand



RailCom promotes open data in the railway sector

Data exchange is essential in the use of railway infrastructure. RailCom is committed to ensuring that the data required for network access is available to all users on a non-discriminatory basis. It also believes in making data available to the public as open data wherever possible. At its symposium on 17 November 2023, RailCom launched a discussion on how open data can promote transparency and non-discrimination as well as economic efficiency and innovation.

RailCom symposium

In November 2023, RailCom organised a [symposium on open data in the railway sector](#). The 70 or so participants were shown how open data can be used to counteract discrimination by facilitating access to information, creating transparency and enabling participation. This will not only ensure that all market participants have equal access to data, it will also encourage competition and innovation. Confidential data are nonetheless protected appropriately.

Having heard four presentations, the symposium attendees discussed the opportunities and risks of open data. They agreed that there is great potential in publishing data on network access, e.g. to achieve efficiency gains or establish new business models. They also identified the need to make existing open data portals better known (see below), improve the quality of the data they contain and ensure data format compatibility.

Federal mobility data infrastructure

In 2022, the Federal Council submitted for consultation a draft law establishing a federal mobility data infrastructure (MODI) which allows the various players to network more easily and provide and exchange data.

RailCom also sees great potential for Switzerland in improving the processing and accessibility of open data. A lot of data is already available or even published in the areas of network access, railway infrastructure and timetables, so this could be made accessible relatively easily via MODI in a central location. RailCom will continue to campaign for open data in the railway sector.

Here we list the primary open data portals that are relevant in the RailCom context:

- [opendata.swiss](#): esp. data on passenger services
- [opentransportdata.ch](#): esp. data on passenger services
- [www.rinf-ch.ch](#): Infrastructure register – Data with technical requirements for rolling stock in the subsystems infrastructure, energy and trackside control-command and signalling
- [railfacilitiesportal.eu](#): Data on a large number of rail facilities such as intermodal freight terminals and loading yards throughout Europe.



910 data records on transport issues were registered on [opendata.swiss](#) on 18.06.2024. This is 7.6% of all data records on this website. There are also 27 showcases published on the subject of transport – around a quarter of all showcases on the website.

Greater transparency in train path studies

As part of its market monitoring, RailCom analysed the processes involved in carrying out train path studies. It then agreed a range of measures with the Swiss Capacity Allocation Body (TVS) and SBB Infrastructure which are designed to increase transparency in how train path studies are drawn up and how their results are communicated. Data protection will also be improved.

Train path studies are feasibility studies

Train path studies involve technical and operational assessments of potential new or modified supply and production concepts. RUs, cantons and third parties can apply to SBB Infrastructure for train path studies to be carried out (contractors). The terms timetable studies, feasibility studies and test orders are used as synonyms for train path studies.

Train path studies affect timetabling

Train path studies are part of the timetabling process and therefore have a significant effect on train path allocation in the annual or interim timetable and on network access. For this reason, SBB Infrastructure is obliged to adhere to the principle of non-discrimination when preparing train path studies (in accordance with Art. 3 para. 1 let. b, Capacity Allocation Body Ordinance).

RailCom is responsible for ensuring that non-discrimination is observed in train path studies. As part of its market monitoring, it analysed this issue and agreed a range of measures with the TVS and SBB Infrastructure.

A transparent service: Clear differentiation between train path study categories

Train path studies can differ significantly in terms of time schedule, scope, complexity, deliverables and cost allocation. SBB Infrastructure applies different procedures, depending on whether the contractor requests a selective change to an existing transport service or a completely new service concept. As a result, there are various categories of train path study, and until now there has been no clear differentiation between them. In agreement with TVS and SBB Infrastructure, RailCom will compile and publish an overview of all categories of train path study with the aim of presenting the individual categories clearly and transparently to contractors in terms of designation, contracting process, handling process, participation and financing.

Improved data protection

Many relevant planning bases are consulted when train path studies are drawn up. These also contain confidential information on the service plans of the various RUs that use the train paths in question. On the initiative of RailCom, SBB Infrastructure will take steps to improve the protection of this data.

Greater transparency in planning bases and processes

In order to increase transparency in the planning of train path studies, SBB Infrastructure is now to document the standards and planning bases. This information makes it easier for contractors to understand and review the study results.

Greater transparency in results

In the case of train path studies with a short time horizon, in the past communication between contractors and SBB Infrastructure was often verbal only. All study results are now to be documented in writing and made available to the contractors or third parties in a clear form so that they can understand the planning arguments and reasons for the decisions made.

Publication of investment plans as a basis for participation

Since the beginning of 2023, IMs have been publishing their investment plans on the Federal Office of Transport's Webinterface Data Infrastructure (WDI). This is an important first step in ensuring that RUs and owners of private sidings are able to exercise their right to participation when affected by an investment project (see [RailCom factsheet, in German](#)). Further steps are needed to increase transparency and thus facilitate participation in the investment planning process.

Steps taken so far to implement the right to participation

Since 1 January 2021, RUs and owners of private sidings have had the right to participate in IM investment planning (Art. 37a, Railways Act). This right came into force as part of the bill on railway infrastructure organisation (OBI). IMs have been publishing their investment plans on the FOT's WDI since the beginning of 2023. Interested companies can apply to the FOT for access to these plans. If they are affected by a specific investment project, they may request information and give feedback.

Online event

In February 2024, the FOT, together with RailCom, the TVS and the Association of Public Transport (APT), organised an online event on the right to participation, which was attended by around 50 people. The aim of the event was to show RUs and owners of private sidings how they can make use of their right to participation and actively take part in the investment planning process. The TVS explained the purpose of investment plans and their legal basis. The FOT's presentation focused on the WDI, showing how to obtain information from it. RailCom explained what steps RUs can take if they suspect discrimination. The APT explained the participation process, saying that it intends to publish an information sheet containing a flow chart by the end of August 2024. All [presentations](#) given at the online event are published on our website (in German).

Further steps necessary

At the event it became clear that the right to participation has not yet been sufficiently implemented. RailCom sees a need for action on the following points in particular:

- **Route concepts:** A route concept contains the essential operational information for a specific route, such as the platform utilisation lengths or the actual and target status of the route capacity. This information helps the RUs and owners of private sidings affected to get an idea of the respective investment plan and to understand it. However, drawing up route concepts is time-consuming, so it cannot be expected that they will be published within a short timeframe.
- **Timing of the participation process:** IMs can make changes to their data on the WDI at any time. RUs and owners of private sidings should consult the WDI on a regular basis so as not to miss any changes relevant to them. A solution that requires RUs and owners of private sidings to check the WDI for changes as infrequently as possible would be useful.
- **Enquiry documentation:** Until now, IMs received some enquiries about investment plans in verbal form only, and so often only answered in a like manner, the information remaining among the parties directly involved. Since the revision of the Ordinance on the Award of Concessions for the Planning and Financing of Railway Infrastructure (CPFO), responses are now to be made available in writing to all companies concerned.

RailCom welcomes opinions, comments or suggestions for improving these issues and the processes involved. Apply for [access to the WDI](#) for an overview of IM investment plans (de, fr, it).