Railway operations
- Safety by technology and regulation

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Railway Safety: The way forward
Brussels, 08th September 2009
June 29th, 2009 is the date of a great tragedy for the European Railways Transport

The CER Chairman, on behalf of the European Railways and Ferrovie dello Stato, wants to express to the Families of the Victims the deepest condolences for the death of their loved ones.
CER – Representing the Railway Sector

Main activities

- Representing European rail sector in EU
- Pro-active shaping of EU agenda
- Own EU-level initiatives

- Members: 72 railway operators & infrastructure companies
- Members profile: Private / State-owned, small / big, East / West, separated / integrated, freight / passenger, cross-border / national, non-EU / EU
- Geographically: entire European area (incl. Switzerland, Norway, EU accession states and EU aspirants)
- Partnerships with railways beyond Europe
Railways CEOs Meeting in Berlin, 5/9/09

- 18 European Railways CEOs, CER and EIM, signed on September 5 2009 in Berlin a Joint Resolution on Rail Safety, addressing the rail operations and freight axle maintenance (copies available)

- The Joint Resolution of CER CEOs on Rail Safety invites the European Commission and the European Railway Agency to apply a consolidated harmonised approach to the current concerns

- This presentation is coherent with the principles of the Resolution
Railway Safety

- The existing (and upcoming) safety relevant legal instruments in the EU and in other European countries are appropriate. They cover all necessary aspects (material and process) of rail freight production.

- The legal framework and the railways’ operational and technical rules led to a long-standing safety record, despite of serious singular incidents

Rail safety record is much higher than road:
- Number of Freight Rail Accidents per ton-km is 44 times lower than Freight Road Accidents
- Number of Passenger Rail Casualties per pax-km is 30 times lower than Road Casualties

The Voice of European Railways
Safety at the Level of Infrastructure/Operations

The following principles should apply where not yet the case:

1. The Railway Undertaking RU carrying the wagon is liable for informing the Entity in Charge of Maintenance ECM about the use made of the wagon (distance covered, t-km, any operational event); ECM has to inform the RUs of any operational restriction regarding the wagon immediately.

2. The RU has the obligation of performing the operational checks before starting and, when necessary, during the travel.

3. The obligations of RU, IM, owner, keeper are clarified in the various appendices of COTIF; where necessary they should be further clarified and should include manufactures and third parties; mainly article 15 § 3 ATMF (Admission Technique de Matériel Ferroviaire) has to be revised.

4. Insurance obligations for all parties involved must be carefully and appropriately defined to cover possible damages.

5. The above principles and measures should be extended to all other rolling stock as soon as possible, and before the planned deadline (2018)
Safety Management to Involve All Stakeholders

• Licence, Safety Certificate and issuing procedures must be harmonized at EU level for all member countries

• The interfaces between RU - Keeper - ECM - Maintenance Workshop-Manufacturer should be standardized and the obligations clearly defined and checked

• Manufacturers should also comply to TSIs and be responsible to certify rolling stock

• The European Keeper-database should start soon and be maintained through the National Vehicle Register to link the wagon number to the keeper and the ECM.
Goods Transported – Liability of Consignors

The liabilities of consignors and third parties have to be clarified

- The consignor must be responsible and liable for cargo loading/positioning conform with the keeper and carriers instructions (see article 13 § 2 CIM)

- The consignor must bear full liability for an accident caused by an overload or cargo misplacing
Supervision and Investigation of Stakeholders

- The supervision by the National Safety Authority (NSA) and the corresponding criteria should be clearly defined and include all actors (RU-Keeper-ECM-Maintenance Workshop-Manufacturer), and all vehicles.

- Each NSA must be empowered to check the ECMs and the workshops operating on its territory.

- The criteria for supervision by the NSA must be transparent.

- Each NSA may request the NSA of another Member State about the work done in a workshop located out of its own territory.

- The certifications granted to ECMs and workshops, as well as potential restrictions or withdrawals, are published and available at European scale.
Safety by Applying Adequate Measures

The railway safety can only be kept and enhanced if measures apply on European level since today’s traffic is borderless

✓ imposition of specific measures at national level does not contribute to railway safety while it breaks up the EU single market and increases risk shifting traffic from rail to road, with its lower safety level

The most accurate criteria for wagon maintenance should be chosen. For some components, such as axles, switch from time to mileage dependent maintenance periods could reflect the wagon usage more accurately

✓ Precondition for the mileage based maintenance scheme is the implementation of Telematics Application for Freight TAF TSI
European Accessibility to Accidents Information

• An improvement of the existing procedures of notification and an ERA information system is required, including the identified causes and consequences of accidents – to be publicly accessible.

• The management of this information and an appropriate platform within the sector for the definition and implementation of potential counter-measures have to be defined.
Enhanced Role of ERA!

ERA has to play a leading role to apply European measures in a coordinated manner

- An enhanced role for ERA in the coordination, supervision and audit of the activities of the NSAs must be considered. Practices should be applied consistently and coherently all around Europe to guarantee each player can rely in an open and international market on safety obligations of the other players.
- ERA shall be responsible to audit NSAs to guarantee consistence.

→ ERA as the auditing and supervising entity of National Safety Authorities
Conclusions

- *European Rail Safety system, while much better than road, can and must be improved with an earlier implementation of the Entity in Charge of Maintenance and standardised rules gradually extended from transport of dangerous goods to all segments*

- *Rules to issue Licence and Safety certificate must be harmonised at EU/OTIF level*

- *ERA must become the auditing and supervising entity of National Safety Authorities*

- *European Rail Safety System must be optimised to preserve safety and to preserve the European Single Market with sustainable economic solutions*
Thank you!