

Position of ÖBB

to

Consultation on the draft of the limited revision of the TSI relating to the subsystem rolling stock - Noise (TSI Noise)

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Intro

The aim of the most efficient measure to reduce railway noise, like TSI NOI revision intends, is to speed up retrofitting of existing wagons. This is because of the ‘natural’ lifespan for freight wagons, which is too long for short-time noise reduction. Therefore, quieter wagons (freight trains) shall be operated as soon as possible, to overcome the ‘Achilles’ heel amongst environmental advantages of rail’, the noise issue (ERRAC).

ÖBB is highly interested in an environmental friendly railway and has invested millions of Euro in noise protection measures, has introduced NDTAC in 2017, and intends to retrofit its freight wagons within the next couple of years, depending on the availability of financial resources.

Yet, the additional measure ‘limited revision of TSI NOI’ (draft of December 2017) is for ÖBB not acceptable because of the following reasons:

General remarks:

- The proposed “limited revision” of the TSI NOISE is lacking a holistic system approach.
- As the IA is still not finalized, the financial and operational impacts of the revision are not yet fully evaluated and known.
- Without any further reasoning the possible approach of the revision of TSI NOI was limited only to the assessment of the “route based approach”.

#1: Unclear & many definitions still missing:

Numerous issues must be defined resp. clarified before set-into-force, e.g. coordinated connection and inter-dependencies with TSI OPE (1.1.2., 4.3. and 4.4.1.) exist but are not respected there; it is unclear, if “quieter routes” need to be included also in ‘Route compatibility check’; Europe-wide standardized measures for train operation when noisy wagons are identified/detected, etc.

#2: Impact assessment of all options is still missing:

A mature and comprehensive IA has to be enforced an essential base for every decision on the TSI NOI revision. IA must include - besides costs for refitting of wagons, operation of retrofitted wagons, administration of operation - also all costs to be spent by IM for train operation and monitoring issues. Nevertheless, at the moment a serious estimation of administrative / logistics costs of the implementation of quieter routes is not possible because of unclear respectively not defined rules for train operation in case noisy wagons were identified/detected.

#3: 100% funding is necessary:

Because one is crystal clear already now: instead of spending additional administrative/logistics costs in the implementation of quieter routes – like for train operation management and monitoring stations – these financial resources are better placed for a real retrofitting of the fleet in question. So the retrofitting and additional operating costs have to be funded by 100% - then there is no need for any monitoring and heavy-handed administration. The more so, because the retrofitting of existing wagons with silent brake blocks brings considerable costs to the railway industry without any advantages. The railways have to finance not only one-off retrofitting costs but additionally higher operational costs on an annual basis – so there is no financial incentive for them even in the long term perspective. The benefits from the noise reduction get along the citizens and health insurances. Therefore, it is a serious distortion to calculate societal benefits against the railway costs as “Overall Benefits/Costs ratio” – as it was done in the IA draft. Therefore, this case of changing the European provisions made to guarantee existing standards for investment protection has to be funded 100 % (e.g. half by EU, half by MS – so EU doesn't have to administrate it) in order not to weaken the competitive positions of Railway Undertakings and so to achieve the environmental goals. As such there are no ongoing comparable measures concerning the road system at the moment.

#4: Narrow minded point of view – actual several measures exist to speed-up retrofitting:

The IA draft for TSI NOI on existing wagons does not take into account the impacts of existing NDTAC schemes in some countries today (!) –The Regulation (EU) 2015/429 for NDTAC - specification is a more effective instrument for implementation. It is not efficient to ‘invent’ new measures when measures are already in place to speed up retrofitting. Therefore, TSI NOI rev. will be not necessary anymore,

In our view the IA shall also include an estimation of the effects on retrofitting from today up to 2025 of existing measures like NDTAC-scheme, CEF funding and existing Cast-iron-bans in two states of the European continent.

Finally, a complete IA shall be the basis for a decision which measure (or combination of measures) will be the most effective for the railway noise reduction.

#5: Other measures are existing and more efficient:

The CEF-funding for retrofitting (corresponding Regulation (EU) No 1316/2013) is more efficient because of (1) using an existing instrument and (2) earlier implementation than TSI NOI in force. For CEF-rules, a more realistic funding share (up to 100% of eligible cost) is welcomed. Therefore, all these additional measures shall be taken into account when estimating the effort, cost and impact of the limited revised of TSI NOI as one measure for rail freight transport to become silent.

#6: Existing CI-bans in Europe and resulting side-effects:

The limited revision of TSI NOI on existing wagons does also not take into account adequately that a cast-iron brake block-ban exist in two states (one non-EU, one EU) - which already show high effects on retrofitting of the existing fleet in other states, beginning from today up to their foreseen coming into force in 2020 (CH) and 2021 (DE).

It seems to be not adequately included in the IA draft because the gradient of the number of silent/noisy wagons is gently inclining /declining after 2020; if the same incline/decline is taken like in the period 2017-2020, than the goal of silent wagon is reached in 2027 (approx.)! Furthermore, the CI-ban of an EU member state as a single uncoordinated approach was taken

even as a “Baseline scenario” in the IA! – And this despite the stated “General objectives” – ‘to prevent national measures making detrimental effects of freight by rails’.

#7: Minimise bureaucracy, not generate ‘sustainable growth’ of bureaucracy:

The existing limited revision of TSI NOI with the quieter routes approach will generate additional bureaucracy (in particular for train operation with impact for IM and RU) while other (existing) measures are established and working. The wagon based approach seems still to be simpler, and for legal aspects (e.g. OTIF) solutions shall be identified.

#8: Not in line with EC-goals on transport 2030/2050:

Increasing costs for freight traffic operation are completely not in line with the goals of EC-“White paper of transport” where a modal shift towards environmental friendly transportation modes like the railway is addressed for 2030 and 2050. To introduce political motivated time-limits instead of limits like the lifespan of wagons will lead to a modal shift from rail to road. Such a modal shift will lead to more environmental ‘unfriendly’ impacts than railway transportation (beside noise) and these effects shall also be quantified and included.

#9: General inconsistency:

In practice under the quieter route approach nearly all vehicles have to be retrofitted from the very beginning as otherwise operation would be extremely limited. In conclusion if all wagons have to be retrofitted from the very beginning (=silent), it makes no sense to identify quieter routes and even update the maps ‘every 5 years’ (in particular in relation with 7.2.2. implementation date 20xx - 2024 in discussion)

#10: Rejection of wagon based approach is not comprehensible and doesn’t fulfil criteria of transparency:

Up to now there is no updated legal expertise document available why the wagon based approach was rejected. The argument of existing OTIF agreements is stated but not elaborated in detail (measures to avoid ‘register hopping’ – large scale and frequent transfers to make use of the most favourable conditions - were discussed with an positive result at the 29th and 30th OTIF meetings). Such an approach does not fulfil the requirements of transparency for essential decisions. The rejection without elaboration of arguments in detail is not in line with ToR: the objective of the limited revision is as follows: “Revise TSI NOI to include provisions effectively addressing rail freight noise **by retrofitting of existing freight wagons** with composite brake blocks, **or** via **other appropriate solutions** in accordance with art. 6.1 of the Delegated Decision and following the ‘quieter route’ implementation strategy defined in the report ERA-REP-155” – up to now only one approach is elaborated in detail.

Additionally, the current quieter route approach does not allow a non-EU wagon (e.g. from OTIF-states), which is a „loud“ one, to run on a quieter route in EU countries. There is no updated legal statement that the actual version of the quieter routes approach is in line with OTIF agreements and agreed by OTIF.

#11: Lack of system approach:

The whole work for the limited revision of TSI Noise doesn’t follow a railway system approach. This leads to a risk that the new approach will be not manageable in the practice.