Portuguese Rail Security and Safety Framework

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**Portuguese Rail
Security and
Safety Framework**

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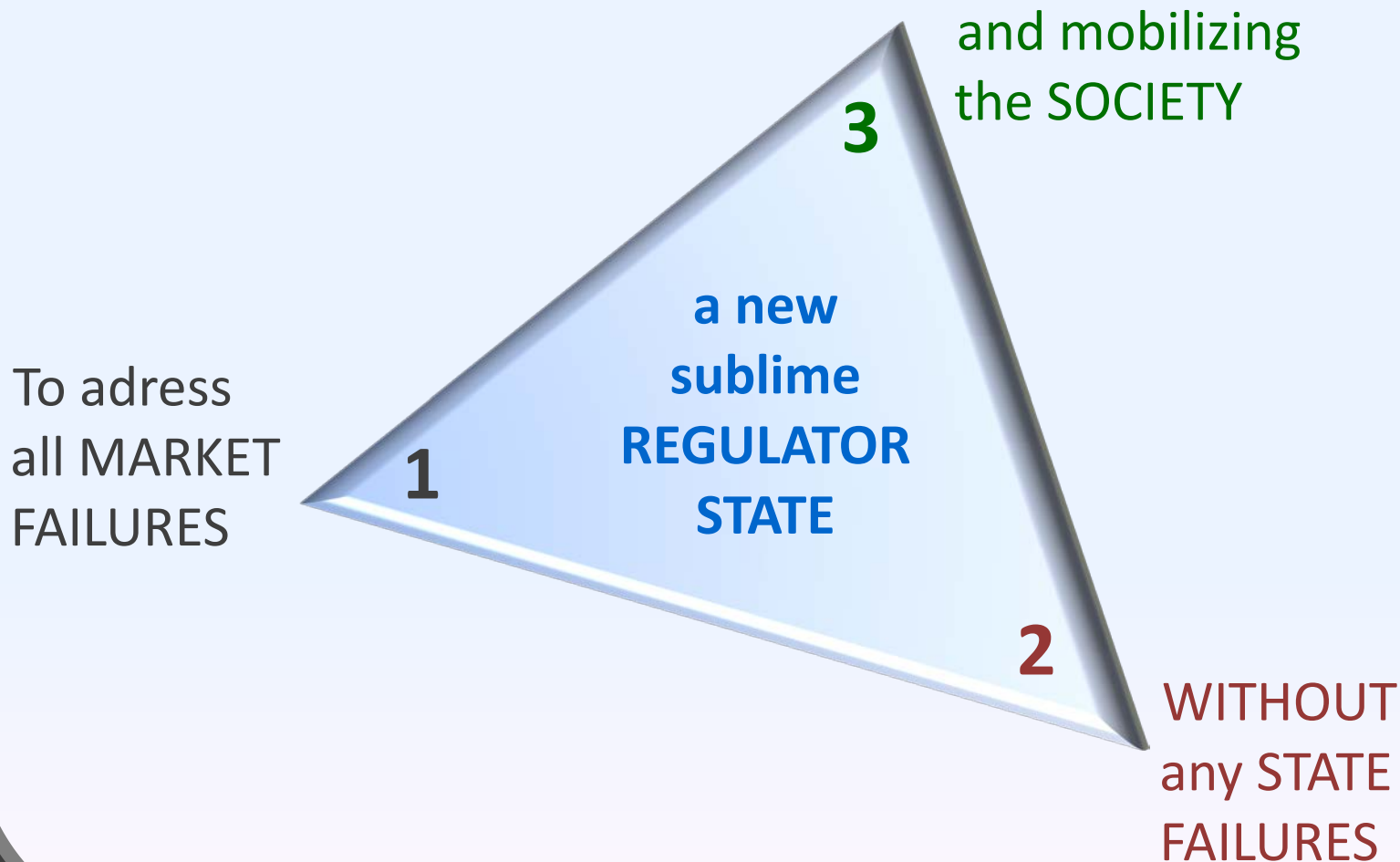
About MOBILITY REGULATION PORTUGUESE POLICY **its PRIORITIES FOCUS**

there are

- PERSONS, each and every

- INVESTORS, CONSUMERS and TAX PAYERS

- FREEDOM of CHOICE

- MULTIDIMENSIONAL REQUESTS

    - REAL and update KNOWLEDGE of the SOCIETY and its relevant mobility ecosystem

    - SAFETY

    - SECURITY, and its comprehensive approach (UIC)

    - ENGINEERING

    - ECONOMICAL

MOBILITY REGULATION POLICY, in PORTUGAL

PRO COMPETITION REGULATION POLICY in all markets, transport modes, and logistic platforms

and mobilizing the SOCIETY

3

a new sublime REGULATOR STATE

To adress all MARKET FAILURES

1

2

WITHOUT any STATE FAILURES

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4

FAILURES

MARKET	STATE
•Market Power	➤ Void of any classic STATES FUNCTIONS
•Size	➤ Population
•Cartel's behaviors	➤ Territory
•Asymmetrical Information	➤ Government
•Moral Risk	➤ Short life cycle rules
•Monopolies	➤ Discrimination and Exclusion
•Dominant Position	➤ Fiscal Differentiation zig zag
•Abuses	➤ Rule of the Power
•Scarcity of Public Goods	
•etc	

ENDOGENOUS COMMITMENTS

- High level of SAFETY and SECURITY
- Effective and efficient Communication System
- Connected with the World
- Pro Competition
- Fairness, Transparency and accountability

PRO COMPETITION REGULATION,
with sound, inclusive and long life cycle rules,
in all markets, does improve

- The Quality of DEMOCRACY

- The Scale of PRODUCTIVE INVESTMENT

- The ambition of companies to become faster INNOVATIVE, EFFICIENT, and SOCIAL accountable

- The resilience of the ECONOMICAL GROWTH and JOBS of more and more VALUE

In the railway mode
Portugal, like all the European Union,
historically characterized by national rail
monopolies
has been pursuing
a POLICY of MARKET OPENING
aimed at introducing COMPETITION
among railway undertakings
over the same rail infrastructure

EUROPEAN GOALS

- A SINGLE EUROPEAN RAIL AREA with high interoperability

  and with high standards of SAFETY and of SECURITY

- TEN-T POLICY

  ➤ High ambition of connecting Europe with others continents

  ➤ Multimodal corridors and trans national

  [EC (Reg) 1315 and 1316 / 11 dec 2013]

- The previous European Rail Ecosystem has a high degree of fragmentation due to all kinds of barriers, not only technical, but also political, due to the protectionism of Member States

- These economy was too different vis-a-vis the rail ecosystem of some countries that host the world's leading railways outside European Union, in terms of size, scale, maturity and efficiency

- Perhaps we may find here the rationale for the different approaches that have been taken in terms of organization of the rail market:

VERTICAL SEPARATED COMPANIES, accompanied by INTEROPERABILITY

or

Co existence of VERTICALLY INTEGRATED COMPANIES, each serving a specific part of the Network

- The Heterogeneous nature of Domestic Rail markets, and its reduced size, even in the major European countries, has started beeing overcome by an ex ante regulatory framework

The Known Three railway package since 2001

FIRST, 2001

- Enable rail operators to have access to the trans-European network, on a non discriminatory basis

- In order to improve Europe's rail freight options the Commission proposed the creation of a one-stop-shop to market freeways

It underlines the need to improve

> (1) the distribution of train PATHS;
>
> (2) establish a tariff structure which reflects relevant costs;
>
> (3) reduce delays at borders;
>
> (4) and introduce Quality Criteria.

SECOND, 2004

- Has accelerated the liberalization of Rail freight services by fully opening it to competition as from 1st January 2007

- Has created the European Railway Agency (ERA) responsible for providing technical support for the safety and interoperability work, has introduced common procedures for accident investigation, and established SAFETY AUTHORITIES in each Member SATE

THIRD, 2007

- Has introduced OPEN ACCESS RIGHTS for international rail passenger services including CABOTAGE, by 2010

➡ 13/14 years after the First Rail Package remains some doubts on the cost-beneffit of these technicalities politics

ex-ante regulatory dimensions

Which links between

ex-post competition

?

— The degree of market openness

— Independence of the infrastructure manager

— Market share of the incumbent

MARKET OPENNESS

1992 – Target date for the conclusion of European Internal Market in all sectors, as it was forecasted in Rome Treaty (1957) and the Single European Act (1986)

2014 – A real and effective EU internal market rail doesn't exist yet

During the last 20/25 years

European Policy has been focalized in European rail transport market, strengthening the position of railways vis-a-vis other transport modes:

(1) opening of the rail market to domestic and foreign competition

(2) Improving the interoperability and safety of national network

(3) Developing rail transport infrastructure

INCUMBENT's ROLE

Its market shares are still high
in both passenger and freight segments

➡ 2012 recast of the First Railway Package is expected to improve transparency of the rail market access conditions and to strengthen the independence of National Rail Regulators

➡ Clear unbundling rules foreseen by the legislation would reinforce the non-discriminatory access to infrastructure

SAFETY and SECURITY - a COMPREHENSIVE STRUCTURE

IMT, IP is deeply committed with this process and strongly supports all the measures that contribute to improve safety and security in railways.

Specific competences in the field of the enforcement of law

IMT, I.P. – Safety Regulation of all guided transport systems

Railways

- **Railway Undertakings**
- **Infrastructure Manager**
- **Contractors**
- **Rolling Stock Maintenance Workshops**

Integrated Systems

- **Metro**
- **Light Rail**
- **Mini Trains**
- **Tramways**

Cableways

- **Funicular Railways**
- **Aerial Ropeways**
- **Drag lifts**

Portuguese Railway Sector:
Industry Development

| 1996 | 1997 | 1999 | 2008 | 2009 |

RU & IM

IM

Public RU
(Passengers + Freight)

Private RU
(Passengers)
Concession

Private RU
(Freight)
(open access regime)

Public RU´s

(Passengers)   **(Freight)**

Private RU (Spain)
(freight)
(open access regime)
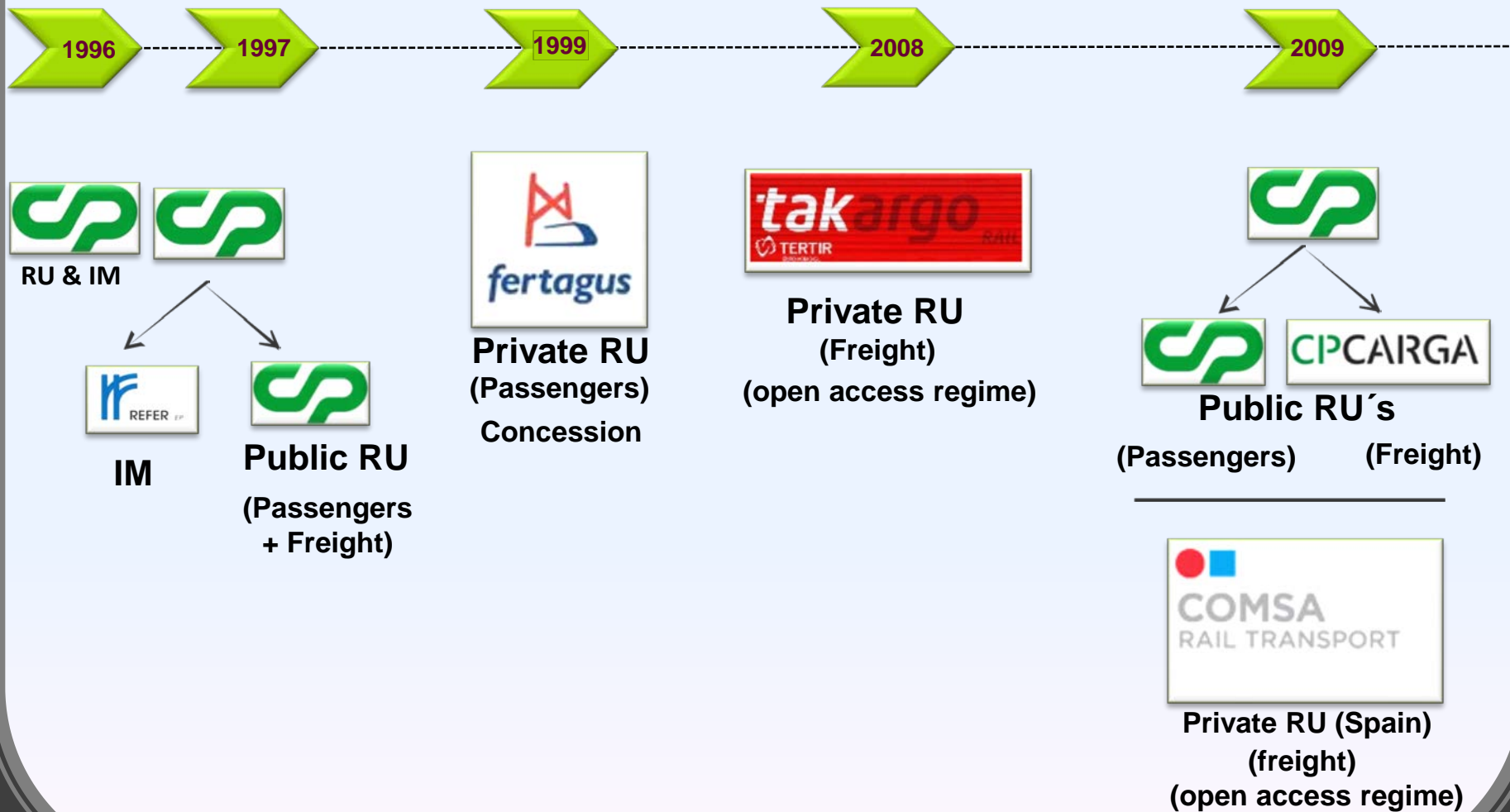
Portuguese Railway Security and Safety Framework

Safety, Licensing, and interfaces with Security

Security

Institute for Mobility and Transports (IMT. IP)

-Judicial Police **(PJ)**
-Public Security Police **(PSP)**
-National Republican Guard **(GNR)**

Authority for Mobility and Transports (AMT)

Cabinet for Accident Investigation (GISAF)

Railway market Regulation

Authority for Work Conditions (ACT)

National Authority for Civil Protection (ANPC)

Accident Investigation

Occupational Health and Safety

Civil Protection

IMT, I.P. SAFETY AUTHORITY CORE FUNCTIONS

SAFETY CERTIFICATION AND AUTHORISATION *

SUPERVISION OF RAILWAY UNDERTAKINGS and INFRASTRUCTURE MANAGER *

AUTHORISATION TO PUT INTO SERVICE SUBSYSTEMS
(Rolling Stock, Infrastructure, Energy, Control-Command and Signalling, etc.)

SAFETY RULES MANAGEMENT *

ROLLING STOCK REGISTER

SAFETY CERTIFICATION AND AUTHORISATION

✓ In the context of safety certification / authorization Railway Undertakings and Infrastructure Manager have developed "Safety Management Systems"

✓ In Portugal undertakings´s Safety Managements Systems give the assurance that measures and the right procedures have been developed and implemented to deal and liaise with the relevant public authorities in case of threats to security and safety as:

➢ Vandalism

➢ Terrorist acts
➢ Thefts
➢ Public disorders

➢ Accidents
➢ Fires
➢ Extreme weather conditions and natural catastrophes

SAFETY CERTIFICATION AND AUTHORISATION

✓ Events with some scale related with safety / security / civil protection, are specially addressed in "**Emergency Plans**"

✓ There is a request that "**Emergency Plans**" of railways undertakings have to be compatible and coordinated with "**Emergency Plans**" of Infrastructure Manager

✓ Presently REFER, the Infrastructure Manager, is reviewing its Emergency Plans for several sections of the network, with the objective to recast them into a single "**General Emergency Plan**" for the entire network

✓ Railway Undertakings have been involved in this reviewing process as they are directly affected.

SAFETY RULES MANAGEMENT

- ✓ "**Emergency Plans**", either of Railway Undertakings or Infrastructure Manager are subject to approval by IMT, I.P. in the framework of the process of publication and enforcement of National Safety Rules

- ✓ There is an ongoing process, lead by IMT, I.P. and with the involvement of all railway undertakings and infrastructure manager, to review the National Safety Rules legacy.

- ✓ This review is being done also in the context of ERA and Comission's guidelines to reduce the number of National Safety Rules by Member States, with the aim to facilitate the establishment of a "Single European Railway Area".

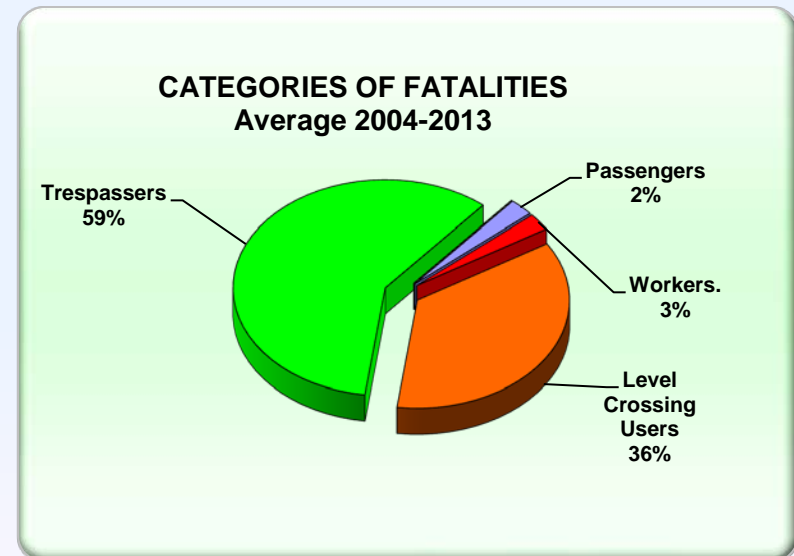**SUPERVISION OF RAILWAY UNDERTAKINGS and INFRASTRUCTURE MANAGER**

✓ Two external major factors of disturbance of railways operations are accidents with trespassers and suicides,

✓ Suicides have the biggest weight in the total fatalities in railway premises and its rate is particular high in Portugal
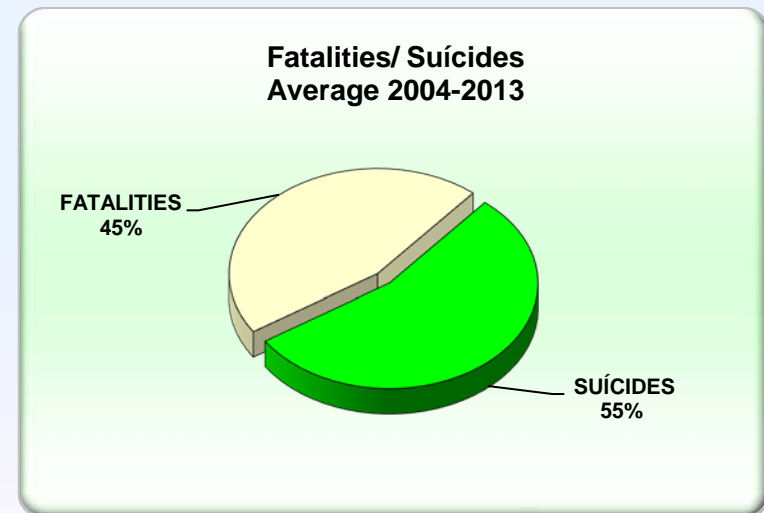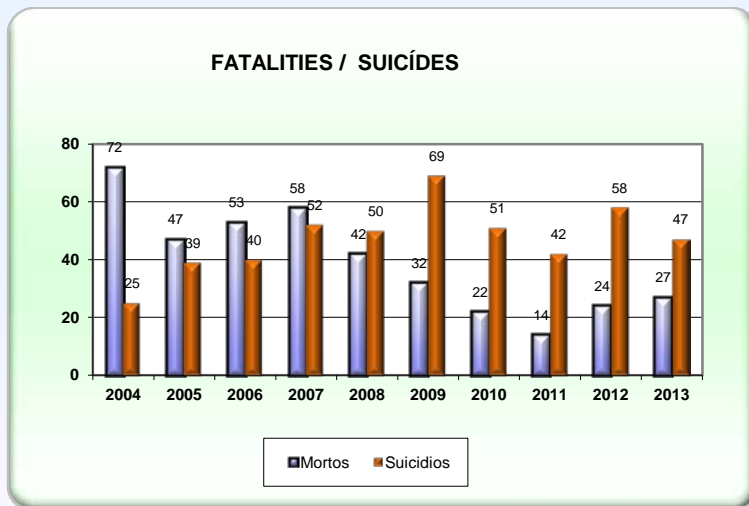
SOURCE: IMT Safety Report 2013

SUPERVISION OF RAILWAY UNDERTAKINGS and INFRASTRUCTURE MANAGER

✓ There is a trend of reduction in the amount of trespassers fatalities over the last years. Even though, among the significant accidents, trespassers are still the largest fatality category

SOURCE: IMT Safety Report 2013

SUPERVISION OF RAILWAY UNDERTAKINGS and INFRASTRUCTURE MANAGER

- ✓ To clearly identify the "hot spots" where these events occur in the network, a systematic data collection and analysis is being performed by infrastructure manager

- ✓ After a clear identification of these "hot spots", mitigation measures should be developed and implemented, as for instance:

  - Reinforcement of awareness of train crew and signalers
  - CCTV vigilance
  - Education campaigns
  - Fencing

- ✓ IMT, IP regarding the forthcoming challenges that rail security will face in coming years deeply committed to study and to contribute for the implementation of the "Comprehensive Railway System Protection".

Thank you for your attention!

Douro vineyards from the train window

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