



**H. Frère-Orbanlaan 570,
9000, Gent, Belgium.**

29th January, 2007

Dear Mr Verslype,

Recommendation for the methodology for the first set of CSTs

In response to your letter of 21st December 2007 I am writing to provide the European Passengers' Federation's (EPF's) comments on the overall impact of Version 4.0 of the Agency's draft recommendation for the first set of CSTs. We welcome the Agency's invitation to comment on its work in a way consistent with Article 5 of Regulation (EC) No.881/2004. EPF is a European federation of twenty-five public transport users' organisations in fourteen different states which, between them, account for more than 75% of the EU's population.

EPF supports the work of the Agency in seeking to promote a common approach to safety regulation. Appropriate safety standards have a significant bearing on passengers' perceptions of rail travel. Passengers expect to travel with the assurance of a high and appropriate level of safety. We therefore welcome those aspects of the Agency's work that will lead to greater transparency and provide for better comparability at European level.

We have two groups of comments with a bearing on Version 4.0 of the first set of CSTs:

1. **Article 3:** We have some concerns arising from the definitions that are to be applied in the Recommendation. However, we appreciate that the majority of these derive from existing *acquis*, particularly the definitions established by Article 1 of Regulation (EC) No. 1192/2003 on rail transport statistics. It occurs to us that the Agency and the other European institutions may wish to review these definitions at a suitable early opportunity. For example,
 - a. The definition of "significant accident" (1(p)) limits reporting entirely to fatalities and serious injuries associated with moving trains. We consider this inappropriate: a significant proportion of fatalities and serious injuries occur as a result of incidents on the railway in which no train may be moving – for example boarding or alighting from a stationary train.
 - b. The definition of "passengers" (1(e)) seems to exclude those on railway premises who may be intending to undertake, or have recently undertaken a journey on a train.

- c. The exclusion of “suicides” (1(b)) from the data; we consider that it may be difficult to distinguish between deaths on the railway caused by suicide (or serious injuries caused by attempted suicide) and deaths and serious injuries caused by unauthorised access or trespass. Both categories may reflect on the accessibility of railway assets and whether any reasonable safeguards are in place to protect against death or serious injury.
 - d. The approach to the definition “societal risk” (1(q)) where we believe that Version 4.0 may reflect a misreading of Article 7, section 3 of Directive 2004/49/EC. This provides that all draft and revised proposals for CSTs shall be accompanied by an assessment of the estimated costs and benefits, indicating their likely impact for all operators and economic agents involved *and their impact on the societal acceptance of risk* (our italics). In the absence of any other textual definition it would appear that the concept of “societal acceptance of risk in this section 3 of Article 7 is analogous with that of “societal risk” in the succeeding section 4 (b). “Societal risk” therefore would appear not to be a reference to the collective risk of all the parties mentioned in 4 (a). Instead, it appears to be a reference to all those stakeholders who are not covered by section 4 (a) – the wider group of stakeholders other than passengers, staff, contractors, level crossing users and others who might be affected by the external costs and benefits of any CST. (See the European Commission’s consultation on the *Preparation of an Impact Assessment on the Internalisation of External Costs*, in preparation for efficient and fair pricing of transport services:
http://ec.europa.eu/transport/white_paper/consultations/doc/2007_consultation_paper_en.pdf)
2. **Appendix 1:** We have some concern about the potential for confusion in some of the Scaling Bases for Fatalities and Weighted Serious Injuries (FWSI) enumerated in Appendix 1.
- a. Two Scaling Bases are proposed to evaluate the risk to passengers: NRV1.1 which is based simply on train kilometres (thereby failing to differentiate between a train with ten passengers and a train with one thousand passengers and consequently implying that performance is better in those countries with the most heavily used trains) and NRV1.2 which is based on passenger kilometres. We consider that FWSI based on passenger kilometres is likely to be of much greater significance for users, regulators and society more generally than a measurement based on train kilometres. However, we understand that not all member states may yet have adequate data to record passenger kilometres for the purpose of NRV1.2. We therefore think it vital that should a specific timeframe should be established within which national safety authorities would be obliged to establish the data collection necessary to enable use of a Scaling Base for FWSI reflecting passenger kilometres.
 - b. Two Scaling Bases are proposed in relation to the risk to level crossing users. Again, we are concerned by the potential for ambiguity and non-compatibility between the returns of member states. We cannot see that NRV3.1 would be a satisfactory measure since it appears to relate the Scaling Base solely to train kilometres as opposed to NRV3.2 which properly links train kilometres with the number of level crossings and the number of track kilometres. Presumably the algorithm should read: (Train km pa/N of LCs)/Track km.

- c. Our previous comments above and the general problems of definition may have implications for the NRVs. For example:
 - i. NRV5 would need to include the number of FWSIs to suicides and attempted suicides together with FWSIs attributable to unauthorised persons on railway premises.
 - ii. NRV6 fails to capture what we understand to be the correct concept of “societal risk”.

I hope these comments are helpful. They are intended in a constructive spirit and in no way are they intended to detract from the important task of delivering the first set of CSTs

Yours sincerely,

Christopher Irwin
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European Passengers' Federation

Mr Marcel Verslype,
Executive Director,
European Railway Agency