

EPF position paper

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Towards a performance regime between infrastructure managers and railway undertakings

The role of Infrastructure Managers (IM) should be taken into account in the assessment of the service quality delivered to customers. Involving IM in the bonus-penalty system included in public service contracts would foster an attitude that is more focused on the interests of the customer, says EPF. This is key to a reliable and attractive railway system.

Quality of service is a strong argument for the railway to win new customers and play its full part in responding to the climate emergency and road traffic congestion. In many European countries, public service contracts concluded between transport authorities and railway companies in charge of a public service, as well as operators' commercial initiatives, reinforced by European provisions on passengers' rights transposed into national law, provide for compensation to passengers in the event of delays or service disruption. In addition, for contracted services, there are bonus-malus systems based on the performance of operators in relation to the objectives set by the public service delegation contract. The prospect of opening up rail systems to competition, whether regulated for contracted public services or purely commercial for open access services, makes it even more important for railway undertakings to provide high quality services.

Bonus-malus systems are useful incentives, because they encourage railway undertakings to improve their services. However, such systems do not take into account the responsibility of infrastructure managers. This is particularly unfair, as it is obvious that the quality of the infrastructure (tracks, structures, signaling, traffic management, etc.) must be improved as a basic prerequisite for a quality service provided to passengers.

It would therefore seem desirable to set up a system of performance regime between operators and infrastructure managers, specifying the role of both the infrastructure manager and the railway undertakings operating on the network, in terms of the quality of the service provided to passengers. It is equally desirable for this procedure to be concluded between operators and infrastructure managers without the passenger being involved at any time. The objective remains the quality of service, and this is to be achieved without any harmful consequences for passengers. In other words, any delay or malfunction, whatever the cause and whoever is responsible - railway company or infrastructure manager - will be compensated to the passenger by the railway company transporting him/her at the time of the disturbance. If the disturbance is attributable to the infrastructure manager (faulty signaling, incident affecting the track, etc.) the railway company will still compensate the passenger. However, it will then be able to turn to the infrastructure manager to request to reimburse it for the sums it has paid to passengers as compensation or penalties. An amicable and rapid consultation procedure between both parties should be able to allocate responsibilities in the event of difficulties on a case-by-case basis.

The compensation to the passenger should proceed without requiring further effort and preferably be paid out automatically.

The Performance regime was introduced in Great Britain with the Railway Reform from 1993. Since 2018, it is possible for train operators in Sweden to be compensated from the Infrastructure Manager if passengers suffered delays whose cause can be attributed to the Infrastructure Manager.

For the sake of completeness, mention should be made of the other "reverse" aspect of the Performance regime as instituted in Great Britain by the 1993 rail reform. Thus, a railway company wishing to benefit from infrastructure improvements to increase its quality of service, in particular the speed of its trains, may be required to participate in the financing of the necessary infrastructure works.