

Redesign of the International Timetabling Process (TTR)

TTR Legal Task Force Recommendation: Guidance on design of capacity models

version 1.0

Please, note that this TTR document is a working document and might be subject to changes based on the experience gathered by the pilots and outputs of the TTR working groups

RailNetEurope
Ölzeltgasse 3/9
AT-1030 Vienna

Phone: +43 1 907 62 72 00

mailbox@rne.eu
www.rne.eu

Forum Train Europe
Hilfikerstrasse 3
CH-3000 Bern 65

Phone: +41 51 285 07 45

info@forumtraineurope.eu
www.forumtraineurope.eu

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1. Introduction

The process of design of capacity models must be non-discriminatory, transparent and fair. Thus, the models must be developed in a way where the needs of all types of rail transport are equally taken into consideration. The models should not be purely theoretical but based on known or experienced applicants' wishes and operational needs. The following elements/steps should be implemented:

- Involvement of applicants in the design of the capacity model
- Transparent information about the process in the network statement
- Coordination in case of conflicting capacity needs
- Documentation of the process

2. Involvement of applicants in the design of the capacity model

Involvement of all interested applicants (known AND potential applicants) in the process of design of the capacity model is key to ensure non-discriminatory design of such models. Thus, the involvement of applicants should be organized in a way that does not only allow applicants invited by the infrastructure manager but also all other interested applicants (including potential applicants) to participate in the process. One way of doing so would be to e.g. announce in the network statement the envisaged timing for capacity needs announcements and to include information on how interested applicants/customers can participate in this capacity needs announcement. As an additional channel of communication, a dedicated announcement on the company website of the IM or a newsletter sent to all IM customers and RU-customer information events can be used as well.

In addition, the draft capacity model established by the infrastructure manager should be consulted with applicants, which should be given a chance to provide comments on the draft. The IM should take into account any such comments. That way, the infrastructure manager's final decision, in order to definitively allocate rail infrastructure capacity, is more likely to be based on the applications submitted by the operators and the preferences indicated by them.

3. Transparent information about the process in the network statement

The network statement should contain:

- transparent information about the process of preparing the capacity model
- a description of the procedure and timing for involving applicants in order to ensure predictability for the applicants
- indication that the model can be adapted according to the feedback of the applicant

- the criteria for deciding which capacity needs are taken into consideration in the capacity model, including the process for deciding in case of conflicting capacity needs
- the final capacity model (for the upcoming TT)
- a link to an IT tool (if any) handling the capacity model

4. Coordination in case of conflicting capacity needs

In case the infrastructure manager identifies conflicting capacity needs during the design of the capacity model, it should follow the same principles as the ones outlined in Article 46 of the Directive for the coordination process for path requests and attempt to solve such conflicts via coordination.

This way the IMs should make sure to allow the entry of as many operators as possible, in line with the purpose of the liberalization process of the railway market.

5. Documentation of the process

While respecting commercial confidentiality requirements, the entire process should be documented/digitalized in such a way that infrastructure managers are at any time in a position to explain and justify based on understandable evidence to applicants and regulatory bodies all parameters and considerations taken into account when deciding on the final capacity split (e.g. why were certain requests of applicants taken/not taken into account?). It is recommended that IMs keep a stable basis of data and considerations allowing them to explain, how they have ensured that the needs of all applicants were taken into consideration in a well-balanced way.