

## GUIDANCE DOCUMENT

# document for new entrants to the rail passenger transport market



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Issue



## A WORD FROM THE PRESIDENT OF ART

Opening up the markets for rail passenger transport services to competition, although theoretical and even hypothetical until not long ago, is now upon us, with its specificities becoming plainly visible. There was no radical overnight change when the opening to competition became a fact. However, based on our understanding of experiences by foreign entities, and on the technical and economic issues raised by the confirmed or potential arrival of new entrants, we appreciate the full scope of what is at stake, i.e. the challenges, tasks, obstacles and uncertainties that characterise the rail industry in France at this crucial stage in its history.

This opening up to competition is not an end in itself. It is one of the ways to stimulate the rail transport industry, prompting all stakeholders who take part in the production of rail transport services, to supply these services efficiently and with efficacy. It will benefit passengers and clients of these services by offering quality transport to both users of public service rail transport operators – PSOs (TERs, Transiliens or InterCity Express trains) and customers of non-PSO services (high speed lines or services running on conventional line).

A successful opening up to competition also affords all players who have the possibility of offering rail transport services, an access to state-of-the-art rail service infrastructures and facilities, doing so in transparent, fair and non-discriminatory conditions, at an access rate that will allow them to conduct their business under normal economic conditions.

Given this context, it appeared important that the Authority produce detailed guidance for all stakeholders of the rail industry. Although this document is aimed more specifically at the new players accessing the French market, it should also prove useful to every already established player.

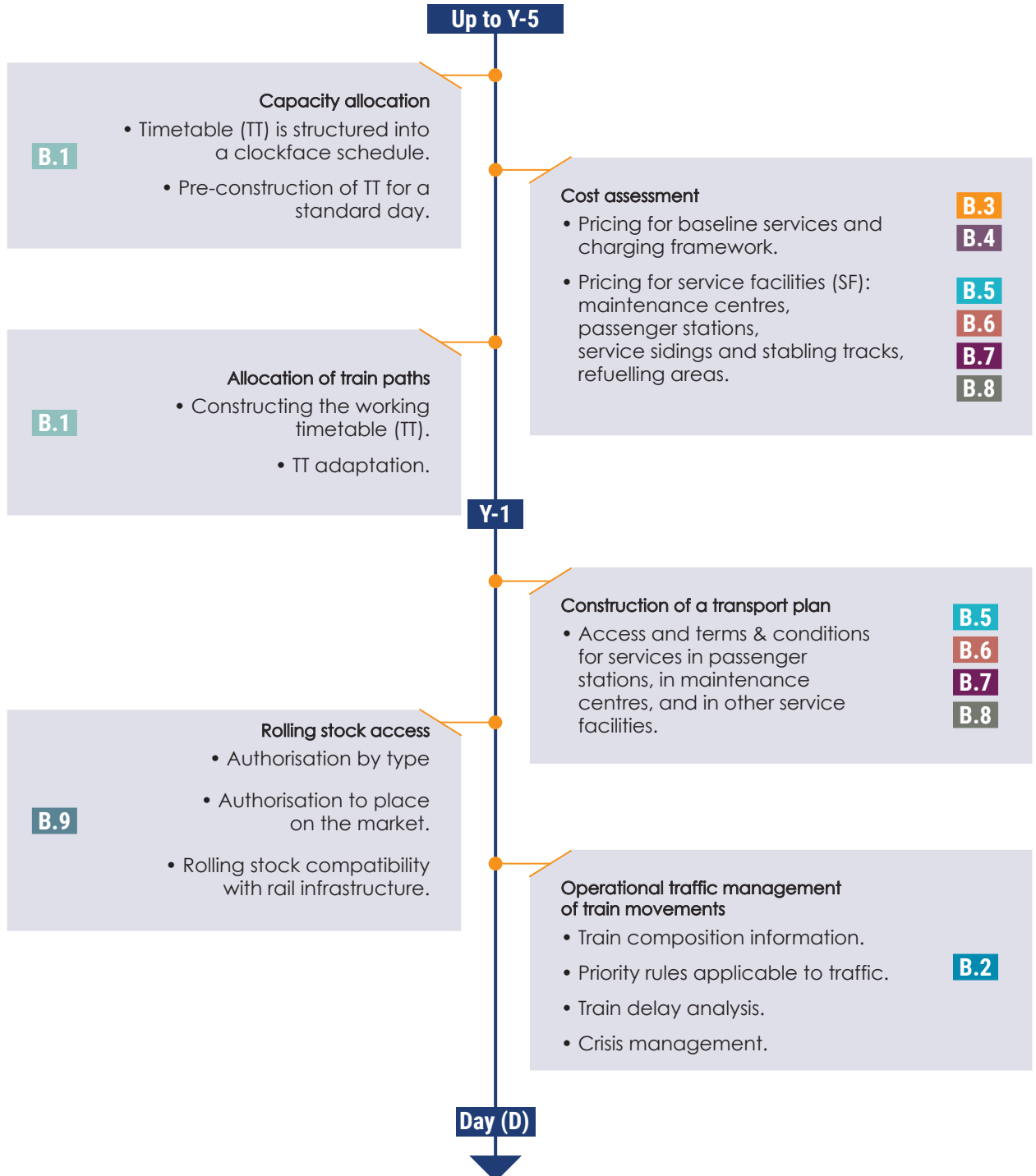
For the first time, this document will offer all professionals of the rail industry, comprehensive and detailed guidance on all regulation themes identified by ART as important for the launching of a new rail service.

**Bernard Roman**

*President of ART – the French Transport Regulatory Authority*

# THE SETTING UP OF A NON-PSO TRANSPORT SERVICE

An entire chain of actions is required to create a commercial passenger train service, from initial exploration to active commercial service, including all intermediary technical needs and issues related to train maintenance and access to service facilities. This chain of actions is summarized by the timeline below:



## 1 APPLYING FOR CAPACITY

- How to proceed when applying for commercial capacity?
- Which vital checkpoints should be monitored to obtain the targeted train paths?

## 2 OPERATIONAL TRAFFIC MANAGEMENT (GOC)

- How is train traffic managed in France?
- With which rules must railway undertakings comply?
- How is compliance with applicable rules verified?

## 3 CHARGING PRINCIPLES APPLICABLE TO BASELINE SERVICES WHEN USING THE INFRASTRUCTURE

- Which rules apply to determine charges?
- Which calculation and estimation methods of applicable charges are to be used for a potential service on the French National Rail Network?
- How is ART involved in these issues?

## 4 SPECIFIC STEPS FOR THE SUPPLY OF NON-PUBLIC SERVICE OBLIGATION RAIL PASSENGER TRANSPORT SERVICES, I.E. NON-PSO SERVICES

- What actions should non-PSO transport services implement to prepare a rail passenger transport service offer?

## 5 ACCESS TO SERVICE FACILITIES

- What rules apply and what steps must be taken to gain access to service facilities and to the services offered in these facilities?
- What are the rights and duties of an applicant requesting access?
- Who are the main service facility managers in France?

## 6 USE OF RAIL PASSENGER STATIONS

- Which stations are accessible?
- Which services are available at passenger stations and when must they be booked?
- Is it compulsory to purchase certain given services?
- Where can the price list be found?

## 7 SIDINGS FOR MARSHALLING, SHUNTING AND STABLING TRAINS

- Where are sidings located in France?
- Where can trains be stabled?
- What is the procedure to book sidings?
- What are the applicable rates?

## 8 ACCESSING ROLLING STOCK MAINTENANCE FACILITIES

- Which maintenance centres in France are dedicated to passenger trains?
- How can their service providers be contacted?
- How has SNCF Mobilités structured the Maintenance Reference Portfolio (ORM) of services offered at its maintenance facilities for rail passenger vehicles?

## 9 PROCEDURE FOR ROLLING STOCK ACCESS

- What is the access procedure to the infrastructure for the rolling stock?
- Who are the key players?

# ROLE OF ART AND PROCEDURES FOR REFERRAL

**Which regulation and control actions undertaken by the ART on the French rail transport system benefit both users and clients of rail transport services?**

**In the context of opening up the market of domestic rail passenger transport services to competition, one of the ART's major objectives is to ensure, in particular, that access conditions to the French rail network and rail service facilities are fair, non-discriminatory and transparent. ART has therefore organised its missions around four main strands:**

## 1. ART has an impact on the operating rules governing the rail system.

Within this framework and in line with the applicable principles and rules governing charges, ART renders, among other rulings, binding opinions on the setting of infrastructure charges for the use of the French national railway system, on the setting of access charges to passenger rail terminals and service facilities, as well as on the regulated services available there.



ART also renders a reasoned opinion about the French National Rail Network Statement and, more specifically, about the non-tariff conditions for access (a) to the infrastructure managed by SNCF Réseau and LISEA, and (b) to SNCF Réseau service facilities. Furthermore, and still within the context of delivering an opinion, ART gives its view on the draft contract and draft updated performance contracts

drawn up between the French State and SNCF Réseau, as well as on any other draft regulatory text relating to access to the French National Railway Network and to the design, development and use of infrastructure and rail transport equipment.

## 2. ART verifies that the rules on the separation of accounts are implemented.



ART approves the rules governing the separation of accounts of companies operating as infrastructure managers, or operators of service facility or railway undertakings; ART clarifies the legal framework applicable to obligations relating to the separation of accounts.

## 3. ART regulates the exercise by new private independent rail passenger transport services, of their right of access to the French railway network.

ART is tasked with receiving, examining, and publishing applicant notifications of their wish to undertake a new rail transport service operation.

Upon referral either of the following – a PTA, a company in charge of implementing a PSO Public Service Obligation contract, the State, or the infrastructure manager – and depending on the outcome of an economic equilibrium test, ART may limit or deny the new rail passenger transport services their right of access to the French railway network where it appears that exercising this right would jeopardize the economic equilibrium of one or more public service obligation contracts (PSOs) covering the same journey or an alternate route.



## 4. ART monitors the rail service markets and informs the industry.

To this end, ART has the right to access all requisite economic, financial and social information from infrastructure managers, service facility operators, railway undertakings and other applicants. Once collected, this data is used to inform the industry by way of reports and assessments on railways, which include aggregate indicators and data previously edited to protect all confidential business information.

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