The assignment

On 8 May 2013, the Swedish Government appointed a Committee with the assignment to make a review of the organisation of the Swedish railway sector (Dir. 2013:46). On the same day, I, Dr. Gunnar Alexandersson, was appointed Head of Committee, leading the work and reporting to the Government. The Committee adopted the name Committee reviewing the organisation of the railway sector.

The assignment was divided into two steps. The first step was to produce a “current status” intermediary report, including an inventory of problems and potential areas of improvements, with suggested directions for the continued work. I delivered this intermediary report – ”En enkel till framtiden?” (SOU 2013:83) – on 2 December 2013.

In the second step I was supposed to present proposals aiming to improve the organisation of the railway sector. Based upon the intermediary report and the related feedback, the Government on 3 April 2014 adopted an additional directive to the Committee (Dir. 2014:52). This directive specified the work to be done in the second step, pointing at seven areas (each with a number of detailed issues to investigate):

1. The future development of the railway sector
2. Division of roles, responsibilities and cooperation in the industry

This text is a summary of the final report from the Committee reviewing the organisation of the railway sector, “En annan tägordning – bortom järnvägsknuten” (SOU 2015:110), published on 16 December 2015. It was prepared in January 2016 and consists of an English translation of the summary from the Swedish report as well as some elements from the introductory chapter.
3. High-quality transport services in an open market
4. Use of and allocation of capacity
5. Construction and maintenance of rail infrastructure
6. Access to rail-related services
7. Regulation, monitoring and follow-up

In a second additional directive (Dir. 2014:160), adopted on 19 December 2014, the Government highlighted construction and maintenance of infrastructure as an area of special concern. The delivery of proposals handling some issues related to this area was therefore to be brought forward by means of a second intermediary report. The Government also added some new questions to be considered at the same time. My intermediate report “Koll på anläggningen” (SOU 2015:42), delivered on 16 April 2015, handled this part of the assignment.

During the continued work on my final report, I have had to investigate a very large number of issues, with a broad range in terms of their scope and characteristics. Some issues have also turned out to be more time-consuming than originally projected. Considering the extensive assignment and the time-constraints, it has been necessary to prioritise between different parts of the assignment. In the final report at hand, I therefore only present a proposed direction for the handling of some issues, as well as some proposals for continued work by means of separate dedicated investigations.

Some initial observations and points of departure

During the past decades Sweden has implemented a number of reforms in the railway sector. These reforms have originated from national concerns as well as adaptations to the development of EU legislations. As a general observation, the outcome of a reform has often revealed a need for additional reforms or adjustments in the regulatory framework or organisation of the sector. There are also a number of areas with potential for improvements.

In several cases, there are issues that have not been handled despite being identified either before or after certain reforms. Sometimes they have been highlighted as necessary to address at a
later point in time. Some issues have been discussed for several years.

The resulting consequences in terms of lock-ins and other problems vary in terms of severity, but it is reasonable to assume that there are related inefficiencies and costs affecting individuals, companies and society at large.

Through its broad mandate, the Committee reviewing the organisation of the railway sector has been able to address both these neglected issues of concern as well as new issues. The ambition has been to analyse and identify the underlying problems and come up with proposals for solutions and improvements. Of particular importance are the general preconditions in the sector, the division of responsibilities and commitments of various actors. Addressing such issues will provide the necessary foundation for improved and developed cooperation between the actors.

The proposals should then lead to a better functioning of the railways, both for the actors and their customers.

The organisation and work of the Committee

The Committee has had a secretariat with the number of employees ranging from three to six during the different stages of the work. A group of 16 experts has assisted the Committee, meeting on a total of twelve occasions between September 2013 and November 2015. I also formed nine working groups, engaging a number of people in addition to these experts, in order to get a broad base of representation and knowledge for all the relevant issues. In total, more than 80 people have therefore been involved in the work of the Committee in one way or the other.

Every working group has had up to five meetings where issues and proposals for solutions have been discussed. The groups have also been used to initiate and coordinate the collection of relevant information and data. A total of nine background reports have been commissioned by the Committee in the course of the work on the final report. They are published as appendices in a separate volume.
I have also had a large number of bilateral meetings with specialists and persons from organisations with or without representation in the group of experts or the working groups.

In order to take relevant research and other developments into account, previous Committee reports and research papers have been collected. The Committee has also participated in several conferences where current Swedish and international research and practice have been presented, one example being the *International Conference Series on Competition and Ownership in Land Passenger Transport*. Furthermore, field trips have been made to Belgium, the Netherlands, Great Britain, Switzerland and Japan.

**The contents and structure of the final report**

The final report consists of five main chapters, covering different areas. In the first of these I handle the future development of the railway sector and important choices to be made, not least against the background of the projected investments in new high speed lines. In several regards this is a key chapter, since it presents the preconditions for handling a couple of other issues, both in the short and in the long term. I therefore return to some of these preconditions in subsequent chapters.

The second area is about general issues regarding division of responsibility, governance and roles in the railway sector, also covering the process of international and national development of the regulatory framework. I also touch upon the organisation of the public authorities Trafikverket (Swedish Transport Administration) and Transportstyrelsen (Swedish Transport Agency).

The third area is an in-depth analysis of cooperation and competition (and related interfaces) between commercial passenger traffic and the traffic organised (and procured by) by public transport authorities.

The fourth area handles facilities for rail-related services. The chapter also covers a number of highlighted issues related to the state-owned real-estate company Jernhusen AB.
The fifth and final area is about safety, regulation and supervision. In this chapter I go through the tasks, mandates and organisation of Transportstyrelsen.

In each of the five chapters I present proposals resulting from the assessments and considerations I have made in the process of the work of the Committee. They are all summarised below under their respective headlines.

The report ends with a chapter on impact assessments and a chapter with comments related to the legislative proposals. These chapters are not summarised in the text at hand. The individual summaries of the two intermediary reports are included as appendices to the final report.

The future development of the railways and identified important choices

**Proposals:** The Government should further consider and decide upon what the railway network of today and of the future should be used for. Following from this, decisions should be made on priorities for certain types of traffic on certain lines and/or at certain times of the day. The regulation in the Railway Law regarding priorities should be amended, eliminating the requirement for socio-economic efficiency.

The Government should, in particular considering the upcoming investments in new high-speed lines, further investigate a change in the model for access to the railway market. Such an investigation should focus on the conditions for and implementation of a model in which access for interregional passenger traffic is regulated by means of public procurement.

The State should not initiate negotiations with municipalities and regions regarding co-financing of high-speed lines and related infrastructure until there is a clear decision on what the future lines should be used for, as well as on which model for market access that is to be applied on these lines and on the rest of the network.
The Government should initiate a profound effort to improve the collection and compilation of statistics and other information. The Government should further investigate the long-term adequacy of upholding the State’s ownership in the companies SJ AB, Green Cargo AB, Jernhusen AB and Infranord AB. Such an investigation should be coordinated with an investigation of a change in the model for market access and include perspectives of competition as well as strategic preparedness.

The reasons for my proposals

During the past 25 years, transportation by rail has grown considerably in Sweden, but this growth is unevenly spread among different types of traffic. The largest increase, almost 200 per cent, has occurred in the regional passenger traffic (measured as passenger km) which to a very large extent is organised by the regional public transport authorities. Long-distance passenger services (above 100 km) have by the same metrics increased about 34 per cent, but have flattened out in recent years. Rail freight (in tonne km) has increased about 11 per cent over the period, although the trend since 2010 has been one of decline.

Most forecasts show that transportation by rail will continue to increase in the future, both in absolute terms and compared to other modes of transport. However, the development of different segments is dependent on the development of other conditions, not least regarding the infrastructure and the relative competitiveness of other modes.

The Swedish railway sector has for a long time suffered from a lack of good and reliable statistics and information about the sector, limiting the value of such data as a basis for important decisions. In order to overcome this obstacle, special efforts are needed.

Although rail infrastructure in many ways will determine both what type of traffic that will be possible to operate, and to what extent, the State has in general not made clear if any particular traffic should be prioritised, i.e. what the state-owned railway network should primarily be used for. In this absence of clear
national priorities, and with the current model for market access, it is the path allocation process of Trafikverket that determines how the network is used.

The path allocation process has been criticised both in terms of the underlying regulatory framework and its application. As a method of solving conflicts between different applicants, socio-economic priority criteria are used. In practice, these have turned out to be very difficult to apply as means to achieve an efficient path allocation process.

My assessment is that it is reasonable that the Government further considers and decides upon what the railway network of today and of the future should be used for. In several other EU member states such decisions on priority are made. In Sweden this would require a change in the Railway Law to make it more conformant with the current EU directive. This can be achieved by means of eliminating the requirement for socio-economic efficiency in the regulation on traffic priority.

The problems visible today when applying the mixed models for market access and organisation of traffic (competition for the tracks and competition on the tracks) can partially be attributed to the following factors: 1) a lack of well-defined interfaces (or their application) between, on the one hand, the passenger traffic organised by public transport authorities, and, on the other hand, the traffic organised by train operating companies on a commercial basis, 2) a lack of capacity (sometimes due to bottlenecks), 3) insufficient incentives for an efficient use of capacity, and 4) an inefficient path allocation process.

There is potential for improvements in all these areas, but my overall assessment is that the effects that can be achieved will only contribute to a better functioning of the railway sector in a relatively short-term perspective.

This does not imply that such improvements should not be undertaken, but in the long run I believe that more profound changes have to be made, affecting the model for market access and the State’s commitments in the sector. This is necessary in order to handle foreseen changes in the future conditions and the related requirements for an efficient railway sector.

The plans to invest in new high-speed lines between Stockholm and Gothenburg, and Stockholm and Malmö, respectively,
highlight the problems to come with today’s model for market access.

One main problem is that a passenger service with high-speed trains that fulfils the collected wishes is difficult to establish. Firstly, there are inherent contradictions between high-speed (and possibly also frequent) connections between the major cities, if the trains are also supposed to make additional stops along the lines, and furthermore if fast (but not high-speed) regional trains will run on these lines too. Secondly, there are no guarantees whatsoever that such high-speed train services will be established on strictly commercial terms through open access, due to the abundant uncertainties and risks.

With the current model for market access, it is highly probable that the regional public transport authorities are planning for, and will be ready with, a regional service of fast trains that would consume a considerable amount of the available capacity of the new lines, as soon as these have been completed. The commercial companies that are assumed to establish high-speed train services will have relatively weak incentives to have their train services ready in time. In a worst-case scenario, the commercial conditions necessary for such long-term commitments will not be present at all. In that case, there is a risk that a very important element of the intentions behind the new lines is thwarted.

My overall assessment is that the upcoming high-speed lines constitute such a profound change in the preconditions for railway services in comparison to the situation today that it becomes necessary to further consider what the model for market access should really look like in the future. Any changes have to be implemented at the very latest at the point in time when the new lines are completed and ready to open for traffic. I also believe that applying a special solution for the high-speed lines is not adequate, since they will not constitute a sufficiently isolated traffic system.

I therefore propose that a new investigation is launched to consider the need for changes in the model for market access. I recommend that such an investigation focuses on the conditions for introducing a model of public procurement also of interregional commercial passenger rail services, similar to the model used in Great Britain and now also in the works in Norway.
The model would make the conditions for commercial long-distance passenger traffic more similar to those for the regionally procured traffic and may therefore create a better balance between these market segments. It could also lead to more growth in long-distance traffic, similar to what has been achieved in Great Britain.

Although the word public procurement is used to describe this model, it is important to stress that this is not primarily intended to make the State protect commercially unviable inter-regional passenger services from being shut down. Instead the model is about applying a regulated form of competition for the right to get access to train paths that make it possible, during a contract period, to operate and develop a passenger train service that can be commercially viable. This right can also be linked to certain minimum requirements on the traffic. Furthermore, the model should not be misinterpreted as a return to a situation without competition or in which SJ AB could be directly awarded a national contract for all services (linked to some kind of extended obligations). I find such a change to be undesirable and not in compliance with the regulatory framework.

The conditions for and consequences following from a change in the model for market access must be investigated thoroughly, not least against the background of the limitations it could incur for current train operating companies. In this respect it is also necessary to take the EU regulatory framework into account as well as the implications for competing modes. In the report I point at a number of possible consequences and considerations that need to be addressed.

The Government Committee Sverigeförhandlingen (The National Negotiation on Housing and Infrastructure) will shortly (all in accordance to its directives) initiate negotiations with regions and municipalities regarding co-financing of the new lines for high-speed trains and adjacent infrastructure. This is to be done despite the fact that the conditions for the future traffic on these lines remain highly unclear. This may create lock-ins that could hinder e.g. a future procurement of the services. My assessment is also that the interest among regions and municipalities to co-finance infrastructure is highly dependent on the possibilities to influence the services of the high-speed trains (not least in which towns they will stop) and the conditions for operating additional
regional train services. With the current framework regarding market access and path allocation there are really no possibilities for the State to enter into agreements that include any of these things.

I would strongly recommend to first, and as quickly as possible, clarify the conditions regarding the future traffic on the lines. I therefore propose that the State does not initiate any negotiations regarding co-financing before there is a clear decision on what the new lines are to be used for, as well as on which model for market access that is to be applied on these lines and on the rest of the national network.

The more open the Swedish railway market has become, the more it can be questioned whether the State should still be the owner of companies such as the passenger train operator SJ AB and the freight operator Green Cargo AB. This is also relevant to ask against the background that the State controls Trafikverket as the dominant infrastructure manager, through Transportstyrelsen handles safety regulation, supervision and market monitoring, and last but not least also decides on the rules of the market.

If the model for market access is changed in accordance with what I have drafted above, the State would also, in a role as authority, take greater responsibility for the supply of passenger services on the national long-distance lines. Then, if not earlier, I find it reasonable that the State, as part of a streamlining of its different roles in the transportation sector, dismantles its ownership of SJ AB. In a more general sense, it becomes relevant to also look into the long-term ownership of the companies Green Cargo AB, Jernhusen AB and Infranord AB.

**Governance, division of responsibilities and roles**

*Proposals:* The Government Offices should implement a change in governance and management in order to secure its responsibility for strategic issues in the railway sector. This responsibility should not be delegated to other public authorities.

Trafikverket should continuously be watchful about the differences between the modes for road and railway
transportation, and make sure that this is acknowledged in the organisation.

A review of Trafikverket’s governance model should be undertaken and a new organisational structure be considered, allowing for increased clarity in the division of responsibilities, mandates and tasks.

The Government Offices should develop a long-term direction for its EU-related work and other international tasks of relevance to the railway sector. This should be based upon current routines but with the addition of an action plan. Such a plan should comprise of an overview of the regulatory framework, current arenas of discussion, reconciliation, access to competencies, planned use of resources and the continuous exchange of information between the Ministry, the permanent representation in Brussels and relevant public authorities.

The Government Offices should further develop the work methods used to get an impact for Swedish positions in the EU at an early stage and continuously during the different phases of regulatory development. The objective should also be to ensure that EU legislation and national legislation develop in a harmonised way.

Transportstyrelsen should further develop its work methods for analysis, preparation, follow-up and information efforts in the development of the regulatory framework in the railway sector.

Transportstyrelsen should take part in the ongoing development of the regulatory framework that takes place in the working groups of the European Railway Agency.

Trafikverket should further develop its work methods for participation in the development of the EU regulatory framework in the railway sector.

An amendment should be implemented in the Railway Law to clarify the requirement for risk management as part of a safe railway operating business.

A major review of the Swedish railway legislation should be undertaken. This may be suitable to perform when it is time to implement the changes following from the adoption of the Fourth Railway Package. The review should lead to improvements in overview and in conformity with the
development of EU legislation in the railway sector. At the same time, it may also be considered to clarify the task of market monitoring.

The provision of skilled staff in the railway sector should be investigated further in a dedicated manner, not least against the background of altered conditions and considerable upcoming infrastructure investments.

The reasons for my proposals

The need for comprehensive strategic governance in the Swedish railway sector has been highlighted in view of the vertical and horizontal separation that has taken place in the market. The market is now characterised by an increasing number of specialised actors with partly different interests. Another important factor is the EU membership and its consequences in the form of a shift in the regulatory framework development from the national to the EU level.

A pronounced case of a strategic issue is the plan to implement the new signalling system ERTMS, being a part of the striving to harmonise the railway sector within the EU. In principle, the issue affects all actors of the industry. They have also, to a substantial degree, become involved, although they face very different conditions for doing their share of the work, not least in economic terms and adjacent incentives. Since the issue has not been given the strategic treatment it deserves, several actors in the industry have been affected by costs that possibly could have been avoided.

The strategic responsibility is always a task for the Government, and there is a clear need for a change in order to safeguard that this responsibility is being properly addressed in the work of the Government Offices. I do not present any detailed proposals on how this should be organised, but it is a matter of internal work on governance and management. This responsibility should not be delegated to any other public authority, since such an authority would then have to govern other public authorities at the same hierarchical level under the Government.

My assessment is that the co-modal perspective of Trafikverket works fairly well when it comes to e.g. planning of infrastructure
measures, and in particular new investments, which was an important objective behind the merger of Vägverket (the National Road Administration) and Banverket (the National Rail Administration).

In some other areas it is more difficult to pinpoint the synergies between the tasks related to the railway sector with those of the road sector. This may incline that it is not always justified to bring together the administrative units for rail and road, even if they appear to handle similar tasks. Moreover, employees with specialist knowledge regarding one of the modes should be given the opportunity to focus their continued efforts there.

My overall assessment does not, however, lead to any proposal that Trafikverket should split its organisation across-the-board between the modes of rail and road. Consequently, I do not propose the reformation of separate public authorities either.

The examples of difficulties that I have continued to observe in the matrix organisation of Trafikverket, concerning division of responsibility, mandates and tasks, and the lack of a clear overall responsibility for various deliverables and functions, have strengthened my previous assessment of the governance and management in Trafikverket and the need for change. I believe that a change in the organisation model could lead to considerable efficiency gains within the authority.

I have found that Transportstyrelsen has difficulties when it comes to perceiving which tasks the authority has to address in the railway sector and what this implies in practice. Among other things, this becomes visible in its passive approach towards the other actors of the industry, e.g. in the role as market monitor. Furthermore, Transportstyrelsen has sometimes taken a cautious posture, as if the Government should give it more clear signals on what to do. Given its close relationship to the operative organisations in the sector, the authority should have a better understanding than the Government of the issues at hand. In my view there is also an exaggerated anxiety within the authority that its different roles may be conflict with one another, such as the normative and supervisory roles.

The work to develop the regulatory framework at the EU level has a profound impact on the conditions facing infrastructure managers, railway undertakings and other actors on the Swedish
and international railway markets. I have identified substantial deficiencies in the way this work is currently managed and carried out, with a bearing on the Government Offices, Transportstyrelsen and Trafikverket. Guidelines that exist are not followed, are formulated in too general terms, or are incomplete in other ways. The possibilities to actually influence the development are not fully utilised. The cooperation and exchange of information between e.g. Transportstyrelsen and Trafikverket is not working very well. There are good practices to learn from, from public authorities in other sectors as well as from other organisational units of Transportstyrelsen.

I have concluded that it is time to perform a review of the Swedish railway legislation with the purpose to make it more accessible. A more clear division between different areas would facilitate the understanding and the connections to the legislative acts of the EU. The appropriate timing for this is the review that in any case has to be done once the Fourth Railway Package is to be adopted by Sweden.

There is a need to adapt the legislative process of Sweden with that of the EU. As the EU legislation continues to grow and the scope for national regulations diminishes, more efforts are needed to make sure that these regulatory frameworks function as a united whole. This will require more specific considerations on how to adapt the Swedish legislation.

The regulatory reforms in the railway sector have created a new situation also for education and development of skills in the sector. Concerning the requirements ahead it is easy to point out that the vast investments in rail that are underway, for example regarding the deployment of ERTMS and the construction of new high-speed lines, will imply tough demands on appropriate skills. Getting a more detailed and comprehensive view on how the provision of skilled staff looks today compared to current and future needs, has turned out to be very difficult. My assessment is that the skill-related issues are so important to address that they deserve to be handled by means of a separate investigation.
Passenger services organised by commercial operators vs. public transport authorities

Proposals: The conditions for the passenger services that are organised by commercial operators should be strengthened in comparison to the traffic organised by public transport authorities. This should be done by means of enhanced requirements on consultation and transparency in the operations of the public transport authorities. This calls for several amendments in the Law on Public Transport.

The work to bring forward a traffic provision program must include certain actions. To begin with, the regional public transport authority must put forward a proposal for a traffic provision program. This proposal must then undergo a consultation process engaging, among others, commercial operators, passenger organisations, municipalities and trade and industry representatives. The regional public transport authority must present the result of the consultation process in a report. Once the consultation process has been finalised, the proposal is to be made publicly available for a period of review lasting at least two months. Finally, the authority must present a statement including a compilation of the collected views and a declaration of the amendments that these have incurred. After that, the authority shall adopt the traffic provision program.

A traffic provision program is to be established (or updated) at least every fourth year.

Those regional public transport authorities that intend to organise public transport services across their county borders, must bring forward a joint traffic provision program every fourth year in which common goals are defined. They must also perform a consultation process.

In decisions regarding public transport service obligations, the regional public transport authority must take already established commercial services into consideration.

The regional public transport authorities must produce and make public an annual account statement. In this, all traffic operations that have been the subject of monetary compensation must be declared. This must be done on a line-
by-line basis (with the exception of call-based traffic). The Government or a public authority appointed by the Government may communicate directives regarding accounting and bookkeeping.

The reasons for my proposals

The ambitions of the regional public transport authorities to develop the regional passenger train services have resulted in the emergence of several comprehensive regional train networks in Sweden. Since this traffic was subjected to competitive tendering early on, the development for several years played an important role in promoting market opening. The improved possibilities for travelling have contributed to a strong growth in patronage.

In recent years, a more pronounced effect of crowding out has occurred in some areas, both in terms of track capacity and passengers, between the passenger traffic organised by public transport authorities vs. the commercially operated services. Since the traffic organised by public transport authorities has already for a long time dominated local and regional transport, the effect of crowding out is primarily taking place at the cross-regional level and therefore affect commercial services for long-distance origin-destinations. The costs for transport services organised by public authorities, and thereby spending of taxpayers’ money, have increased substantially in Sweden in recent years.

My overall assessment is that the conditions for the commercial passenger train services are not satisfactory in comparison to the traffic organised by public transport authorities. Moreover, the development in recent years does not conform to the intentions behind the Law on Public Transport that came into force in 2012.

With the objective to establish a more distinct interface between the commercially provided services and those organised by public transport authorities, affecting competition as well as forming a foundation for better cooperation, I propose a number of amendments to the Law on Public Transport.

These amendments are justified to be implemented in order to improve conditions in the near term. In a longer perspective, with the upcoming new high-speed lines, I find it necessary to consider
a change in the model for market access, in accordance with what I have presented earlier above.

Important parts of the proposed amendments are directed at achieving better transparency in the operations of the regional public transport authorities, e.g. with the aim to give the actors of the market access to more information. Detailed information about the economy and usage of the traffic services organised by public transport authorities is also necessary for the authorities themselves if they are to manage their resources in an efficient manner. It is also a precondition for giving the public insight into the spending of taxpayers’ money.

I have not found any reasons to limit the application of these proposals only to railway services.

Facilities for rail-related services

**Proposals:** Trafikverket should take a collective responsibility for, and strengthen its efforts with, an appropriate management of its facilities for rail-related services. In the development of these facilities, Trafikverket should in particular consider the importance of efficient train route management. When needed, construction of new tracks for turning trains around is also Trafikverket’s responsibility.

Trafikverket should strengthen its efforts on pointing out and specifying what is to be considered of national interest for transport, and also take increased responsibility for localisation of facilities for rail-related services. A strategic plan should be produced as a basis for this work, to be updated regularly.

Trafikverket should take over the responsibility for operating the marshalling service at the marshalling yards currently administered by the authority. In preparation for a decision to take over this responsibility, Trafikverket should perform an impact assessment.

The Government should consider the organisational forms of the depots the State currently manages through the company Jernhusen AB. This should be based upon the principles for the State’s commitments and responsibilities. The facilities that are not considered to be a part of the State’s commitments should
gradually be taken over by other actors of the market. Those that are considered to remain a part of the State’s commitments, should be organised in the form of public authority, and thereby be taken over by Trafikverket. Before such a takeover can take place, it must be ensured that the authority has an appropriate management of facilities for rail-related services. A sustainable model of financing must also be decided upon.

The Government should initiate an investigation of the organisation of those stations and real estate assets that are currently handled by the State through the company Jernhusen AB. Such an investigation should include the issue on what is to be considered commitments and responsibilities of the State. The administration of real estate needs to be closely linked to the financing of stations and areas intended for passengers.

The Government should initiate an investigation of the organisation of assistance to disabled persons and persons with reduced mobility. Such an investigation should also consider the interfaces with other modes such as bus and taxi. Furthermore, it should discuss the implication of the concept station manager. The investigation should be coordinated with considerations regarding management and financing of stations.

The reasons for my proposals

The reforms following the vertical separation of the Swedish State Railways in 1988 have not included any collective investigations of the State’s commitments and responsibilities towards facilities for rail-related services. Thereby, this was not even done before the corporatisations of SJ in 2001, despite the fact that issues related to the handling of the State’s land properties and depots have implications for the efficiency of train operations. The result is that some issues have remained unsolved and, in some cases, that transfers of assets have taken place between e.g. Banverket/Trafikverket and the state-owned companies, without thorough considerations or political decisions.

I have found that ambiguities are considered to exist regarding the tasks and work of Trafikverket when it comes to its responsibility for facilities for rail-related services. In particular,
stabling tracks are affected. These ambiguities contribute to a state of uncertainty for other actors wishing to establish themselves on the market or further developing their operations. The uncertainty applies to what kind of rail-related services that are allowed to perform on trains when they are parked on Trafikverket’s tracks, the responsibility for the development of current facilities, and the responsibility of the authority (if any) when it comes to construction of new tracks, e.g. for stabling purposes.

In order to establish a state of greater clarity for the railway undertakings and the actors of the market for rail-related services, there is a need to first clarify the tasks and responsibilities of Trafikverket.

By means of previously undertaken considerations and decisions, Trafikverket has been given the responsibility for the infrastructure that is necessary for efficient operations of train services. This means that the main tracks, the train control function and also siding tracks for the turnaround of trains have all been considered to be a part of the State’s commitments and responsibilities. Stabling tracks are needed to relieve the pressure on the main lines, in order to avoid that trains are unnecessarily left standing on the tracks of these lines. This is a reasonable position which I do not find to be controversial.

In my view, the argument for new siding tracks is the same as for the current tracks. When the assessment has been made that stabling tracks are needed to relieve the pressure on the main tracks in an efficient way, and therefore need to be kept together with these, it is also justified that Trafikverket constructs new stabling tracks if they are necessary to turn trains around.

Localisation and the possibility to make a junction between a siding track and the tracks of Trafikverket by means of a switch, is crucial for the market entry of actors that are willing to build new depots outside of existing facilities. Trafikverket’s handling of localisation of depots and junction switches is considered as unclear by the actors.

In my view, Trafikverket should have the ultimate responsibility for localisation of depots. The localisation of a new switch or a new depot will have an impact upon the traffic flows of the main tracks. Only Trafikverket, in its role as infrastructure manager with responsibility for path allocation and train traffic control of the
main lines, is able to bear responsibility for the localisation of junctions of siding tracks, and the potential development of various related services and train movements, in such a way that any disturbance on the traffic of the main lines is minimised. In order to facilitate the overview necessary to handle this responsibility, Trafikverket needs to produce, and continuously update, a strategic plan. Such a plan is also needed to maintain Trafikverket’s role of pointing out facilities and real estate assets of national interest for transport.

The current order of Trafikverket and Jernhusen AB implies that two entities of the State, with different tasks and separate legal and economic conditions, may act within the very same facility for rail-related services. Even if Trafikverket would apply an at cost principle according to the Railway Law, its fees would not be the same as those of Jernhusen AB. In my view, clear motifs are needed for the State to continue having two different organisational forms of administration at the same place. Since no such motifs have been disclosed, I can see no reasons for keeping this order in the long run. I also consider the current order, together with the other uncertainties I have described, to be obstructive to further development.

Summing up, this stance imply that those of Jernhusen’s facilities for rail-related services that may not be considered as being a part of the State’s commitments and responsibilities, should gradually be transferred to other actors of the market. On the other hand, when commitments from the State are justified, the facilities should instead be transferred to Trafikverket. At the same time, measures should be taken to ensure that there is competition between providers of the actual services.

Trafikverket today seems to lack an appropriate management of its facilities for rail-related services. Therefore, before any transfer of assets to Trafikverket can take place, the authority must establish an efficient organisation for management of these facilities. This is of particular importance also against the background of the previously identified challenges the authority faces regarding knowledge about its assets and the handling of tasks that simultaneously affect several divisions.

Rail-related services that are used by several railway undertakings should be provided in a competition neutral manner.
Consequently, a railway undertaking should not be dependent on a potential competitor for such a service. Access to marshalling services has been highlighted as a problem in this regard.

Marshalling service at Trafikverket’s marshalling yards may be considered to be a part of the State’s commitment and responsibility in the same way as the train traffic control function. Trafikverket should therefore take over the responsibility for operating the marshalling service at the marshalling yards currently administered by the authority. In preparation for a decision to take over this responsibility, Trafikverket should perform an impact assessment. In this, the implication on costs for the railway undertakings and the safety aspects related to a takeover should be addressed.

The organisation of stations and the real estate assets that are currently handled by the State through the company Jernhusen AB, and related delimitations, has not been possible to include within the scope of the work leading to this final report. The issue should be addressed by means of a separate investigation, analysing what is to be considered as commitments and responsibilities of the State. The administration of real estate needs to be closely linked to the financing of stations and areas intended for passengers.

I have previously noted that there is a shortfall in the way assistance to disabled persons and persons with reduced mobility is working in practice. Since I have not been able to investigate this issue further, but consider it to be important and linked to other modes as well as the development of stations and related services, it should be investigated further in such a context.

Safety, regulation and supervision

Proposals: Transportstyrelsen should continue to administer the part of the national railway traffic safety regulations that may be considered as public law. The regulations should be divided into what belongs to public law, and company internal rules, respectively. Transportstyrelsen should not pass on the administration to the actors of the industry before such a division of today’s regulations has been made.
Transportstyrelsen should develop national rules for securing cargo during rail freight transport. Transportstyrelsen should also analyse how Swedish interests may best be represented in the related work at the international level.

The Government’s instruction to Transportstyrelsen should be amended in order to clarify that Transportstyrelsen shall promote safety in the transport sector.

Transportstyrelsen should make a review of its internal organisation and establish a unified responsibility for railway safety issues, as well as securing the appropriate analytical capacity and skills in the area.

The reasons for my proposals

Railway traffic safety in Sweden has for a long time shown a positive development. In comparison to other EU member states, Sweden is among the better performing states. In recent years, however, there have been tendencies to a stalled development. Furthermore, there is a pronounced need for improvements in the analyses of trends and causes regarding railway safety.

As is evident from the Government’s instructions to Transportstyrelsen, the main tasks of the authority is to handle regulations, licenses and supervision in the transport sector. These are the primary means or tools of the authority to achieve an improved railway safety.

My assessment is that the decision of Transportstyrelsen to repeal the national railway traffic safety regulations, and transfer the administration of this regulatory framework to the actors of the industry from 2016, has been made on an inadequate basis. There is also no adequate impact assessment, for example addressing the possibilities of the authority to perform supervision in the future.

Transportstyrelsen should therefore continue to administer the national railway traffic safety regulations. The authority should not pass on the administration to the actors of the industry or to another authority before the current regulations have been divided into what belongs to public law, and company internal rules, respectively.
It has been brought to my attention that the lack of regulations for securing cargo during rail freight transport is a big and growing problem, for example when considering that nowadays, a large number of new and smaller companies are active in railway transport operations.

I agree with the requests of the industry that there should be national regulations for securing cargo in rail freight transport. It is an important safety issue since cargo that has been loaded in the wrong way may cause serious accidents. The lack of regulations may also hinder or obstruct international transport of Swedish companies’ goods.

Since the issue is to a considerable extent a matter of particular relevance for cross-border traffic, it would be better in the long run if these regulations were produced at the EU level. Pending such a development, Transportstyrelsen should be responsible for producing national regulations.

I find that Transportstyrelsen in several cases has chosen to in particular let Trafikverket step in and take on roles and tasks that otherwise could have been considered natural for Transportstyrelsen to handle.

My overall assessment is that Transportstyrelsen should take a more active role in the safety area. In order to clarify the responsibility of Transportstyrelsen, I propose that the authority’s instructions are amended so that it becomes clear that Transportstyrelsen shall promote safety in the transport sector.

The division of safety issues between two separate units in Transportstyrelsen means that there is no collective responsibility for railway safety in the organisation. The situation is worsened by the fact that the analytical function is located in a third unit. It should be advantageous to have supervision and licensing of railway operations in the same unit, which should also possess an analytical capacity of its own. I also believe that a closer cooperation between employees working on rail-related matters with those working on aviation issues should lead to more opportunities for efficient learning and exchange of experiences.