

Position paper

Prise de Position – Stellungnahme

JULY 2013

Position on proposed Regulation COM (2013)147 on “measures to reduce the cost of deploying high-speed electronic communications networks”

UITP (Union Internationale des Transports Publics) is the international organisation of public transport, it is based in Brussels and covers all urban, suburban and regional public transport modes (bus, metro, light rail, regional rail and waterborne public transport). It gathers over 3.100 members worldwide, public transport operators, their authorities and suppliers.

In the European Union, the UITP EU Committee (EUC) represents the views of the public transport undertakings of the 27 member countries. It is closely following and participating in the elaboration of the different European policies and initiatives that have an impact on urban, suburban and regional public passenger transport.

Key facts for public transport in the EU 27:

Passenger journeys: 60 billion/year, more or less equally shared between road modes (mainly bus) and rail modes (urban, suburban and regional rail)

Economic value of public transport services: € 130 - 150 billion/year or 1 – 1.2% of GDP

Employment: direct employment 1.2 million and indirect employment 2 - 2.5 indirect jobs for each direct job on average

Introduction

On 26 March 2013 the European Commission has made new proposals to cut broadband installation costs. The proposed regulation COM (2013)147 on “measures to reduce the cost of deploying high-speed electronic communications networks” contains as a major element the requirement for owners of physical infrastructure, such as electricity, gas, water and sewage, heating and transport services, to open up their networks for the deployment of “electronic communications network elements”.

1. Use of public transport infrastructures by third parties to install/run broadband communication systems can have serious implications on safety and security

Public transport infrastructures such as tracks, tunnels and energy supply lines usually have an extensive coverage in their respective cities. Many public transport operators running infrastructure have for many years carried telecommunication cables e.g. through their tunnels.

As such public transport infrastructure could be of interest to further deploy broadband infrastructure.

UITP is supportive of the proposed Regulation’s objective of encouraging transport undertakings to facilitate broadband roll out. However, we have serious concerns on two key aspects:

Article 3: Access to existing physical infrastructure

There may be legitimate reasons why access to infrastructure has to be denied for the reasons outlined later in this position paper. Although such refusal is provided for in Article 3(3), UITP is concerned that such a refusal could be overridden by a national dispute settlement body which could also determine the price at which access could be granted. In the case of public transport rail networks where the regulatory requirement already exists that the rail network shall be run safely and where there is an expectation on the part of the city that the rail service should be reliable, decisions about access to the infrastructure, timing of works and the charges to be levied for that access and support to the network provider should rest with the rail network operator.

Particularly within a rail environment third party deployment of cables is problematical. Rail tunnels and other infrastructure are highly regulated environments in order to maintain the safe and secure running of the transport network for both the public and employees. Granting access to third parties could potentially impact on the safety and operationally critical networks that they house. This could result in the compromise of the core objective of our public transport operating members of the safe and timely movement of people in cities and regions.

Article 4: Transparency concerning the physical infrastructure

The obligations in Article 4(1) to provide information on the location and route of underground tunnels has important security implications and potentially increase the exposure of the network to criminal attacks. Article 4(10) should be strengthened to include reasons of national security as grounds for an exemption to provide such information.

2. UITP supports a voluntary approach to use existing public transport infrastructures for the deployment of electronic communications network and asks for exclusion of public transport in article 2

As a summary of the above mentioned points, UITP would like to state that public transport networks can have an important role to play in the deployment of high speed electronic communication networks. At the same time the unique characteristics of public transport infrastructures do not lend themselves to the same regulatory approach as other network industries. Whilst they should be encouraged to make their networks available, the ultimate decision on access and price should be left with the public transport operators themselves.

As a consequence, UITP objects any mandatory requirements to open public transport infrastructures for deployment of broadband networks and asks for an exclusion of public transport in the definition of "network operator" in article 2.