



**"GTC's in the new railway law"**

You may be surprised to discover the managing director of a competitor as guest columnist in the Wascosa customer newsletter. Nevertheless - the changes that will affect owners, rail transport

## New liability ruling for damage through freight cars

Guest columnist

The COTIF 1999 will come into effect with the reform of international railway law and replace the COTIF 1980 along with the regulation for the international rail transport of private cars (RIP) . At the same time the UIC bulletin 433 will be replaced by a "General Agreement on Use (AVV)".



*Rail accidents with private freight cars - what protection will there be in future?*

The AVV will take priority over the standardised statutory provisions CUV (Attachment D to COTIF 1999) in international rail traffic and possibly the applicable national regulations in national rail traffic, wherever permissible. The AVV not longer provides for the use of private freight cars by national railways. Following the unexpected delay in the ratification of the COTIF 1999 it is expected to come into force in the first six months of 2006. The liability agreement pursuant to the

UIC bulletin 433 becomes inapplicable with the switch to AVV. This means that rail transport companies are no longer obliged to assume the liability for damage caused by a car on payment of a "liability lump sum". The future liability principle according to art. 27.1, sentence 1 AVV provides for a central, cause-dependent liability of the owner or previous users of the car. At the same time section 2 prescribes a liability ex-

companies and shippers with the enactment of the new COTIF are themselves unusual compared to the otherwise very unhurried speed at which changes occur in our industry. I thus accepted the invitation to share some thoughts on an important topic - the effects of the General Agreement on Use (AVV) on the GTC's governing our business.

The GTC's of the individual hirers often differ significantly in their commercial content. This is a good thing and will remain so on account of the competitive situation. The set of rules in the RIP, RIV and UIC bulletins that are valid for all P-cars have up to now essentially synchronised the interaction between shippers-hirers-rail transport companies. This obviously dominated and also standardised the GTC's of all hirers in those areas that related to this interaction.

In tough negotiations for a reasonable AVV the UIP proved its worth in its efforts to ward off a negative impacts in the new railway world by shippers. A lot has been achieved - but changes are nonetheless inevitable. The current GTC's do not reflect the new realities. The shippers, up to now used to relatively standardised GTC's from the hirers, will be confronted with urgently needed changes. Coordination is what is needed! The national associations of the P-car pressure groups, who were familiar with local needs, set up teams to deal with the important adaptations and interfaces from the hirers-GTC's to the AVV. „AVV in GTC's" - this is a topic that will continue to affect us all in the new year - of that I'm certain!

Jürgen Bauer, KVG Hamburg Kesselwagen Vermietgesellschaft mbH

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emption in favour of the rail transport operator provided the latter is not to blame.

**Need for action for car owners**

Irrespective of existing, i.e. ongoing employment contracts and their remaining term, the car owner already has to observe special or temporary rulings with respect to liability. In some cases, rail transport companies already provide for



*Who can be held liable in future for damage caused by freight cars?*

a corresponding liability of the car owners along with a liability exemption for the rail transport companies. Car owners affected by this should ensure that the necessary (liability) insurance cover is in place.

The European insurance market also breaks new ground with the replacement of the UIC bulletin 433. This in particular with respect to the question of whether and to what extent the liability risk is increased through the abolition of the waiver of subrogation from the liability agreement. A general evaluation also appears impossible due to a lack of statistical records. The fact that this is a purely tortious liability will initially be of paramount importance.

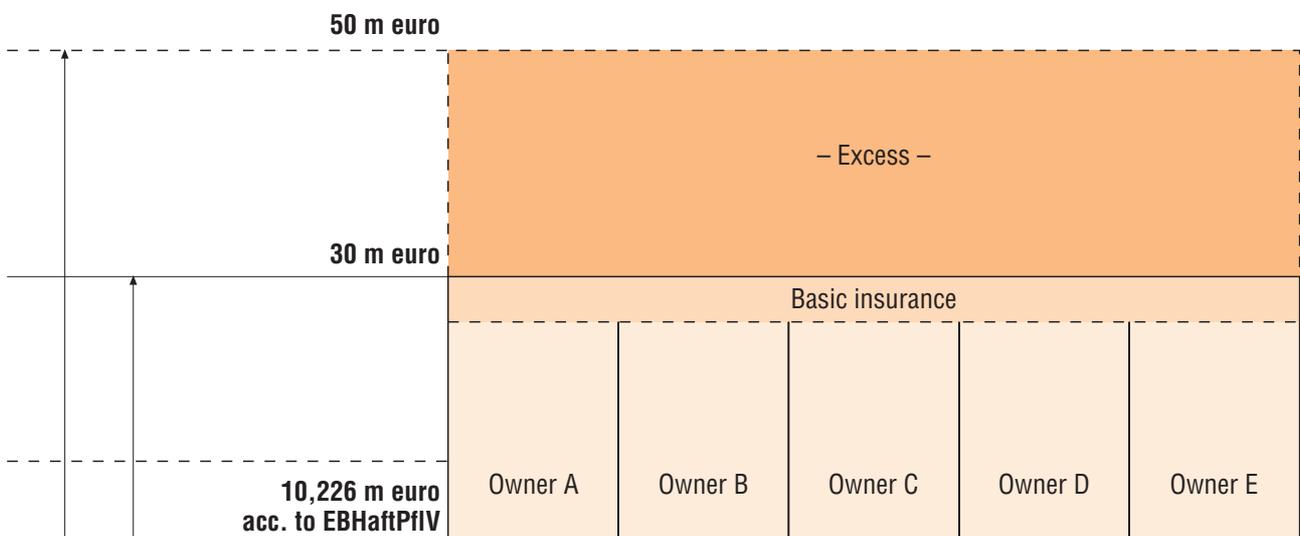
The problem remains for medium-sized car owners of obtaining high limits of indemnity at acceptable premiums. This is generally due to the fact that insurance companies demand minimum premiums. Even individual liability excesses (from the Latin *excedere* - "to go beyond something") do not really overcome this problem. This is why the creation of common, overlapping liability excess solutions will become increasingly important, particularly from an economic point of view. Excesses (subsequent coverage) are essentially attached in the so-called "following form" to the



*The originator will in future be liable for damage to the car.*

existing basic insurance and thus offer an ideal solution for a reasonable insurance - based on COTIF 1999 - for small and medium-sized car owners. Expert assistance would appear indispensable in such cases.

**Example of a joint, overlapping liability excess solution:**



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Latest News

# Markings on tank cars

## Tank codes and special regulations in columns 12 and 13 of table 3.2 RID

Since the reorganisation of the RID set of rules that came into force on 1st July 2000, not one meeting of the RID expert committee or advisory commission for the joint meeting RID/ADR has gone by without applications for amendments and adjustments to the tank coding and special regulations.

rected or rescinded almost immediately upon coming into effect.

We thus recommend that you download the overview of lettering for tank cars compiled by Mr. Winkler from [www.wascosa.ch](http://www.wascosa.ch).

The goal of the new regulation is to make the regulations simpler for users, a goal that has been achieved with the new terms themselves but not with the new wordings in the set of rules. Mr. Ernst Winkler from the GEFAG Gefahrgutausbildung und -Beratung AG has looked into these new regulations, which have been variously cor-

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*What will the obligatory tank codes look like in future?*

Traffic services

# Slight drop in volume of transport in 2005 in German freight traffic

Based on the available monthly figures for freight traffic in Germany, the Federal Office of Statistics expects the following results for 2005: the volume of transport for all carriers - measured in tonnes - probably dropped by 0.2 % in 2005 compared to the previous year.

dropped by 1.5 whereas the ton mile performances (89.3 billion tm) have risen by 3.4. The average transportation distance for railways increased

significantly to 292 kilometres (2004: 279 kilometres).

On the other hand, the ton mile performance, the product of the volume of transport and shipment distance, has risen by 2.9. This contradictory development is primarily due to the fact that the local traffic, which is significant in terms of weight but not distances, has returned to the roads. The development of freight traffic is as follows according to modes of transport:

Freight traffic 2005 in Germany						
Mode of transport	2005*)		2004		Change in 2005 compared to 2004	
	1,000 tonnes	tm mill.	1,000 tonnes	tm mill.	% tonnes	tm
Road	3 021 300	394 000	3 043 100	383 600	- 0,7	2,7
includes: domestic truck	2 716 200	270 700	2 750 000	266 700	- 1,2	1,5
Railway	305 600	89 340	310 261	86 409	- 1,5	3,4
Inland waterways	239 20	65 72	235 861	63 667	1,4	3,2
Ocean-going vessels	279 500	x	268 205	x	4,2	x
Pipeline (crude oil)	96 400	16 920	93 798	16 236	2,8	4,2
Aviation	2 900	x	2 677	x	8,6	x

\*) provisionals results. / Status 17.01.2006

the volume of freight traffic on railways (305.6 million tonnes in 2005) has

Source: [www.destatis.de](http://www.destatis.de)

**In practice**

# TSI noise - European regulation to limit rail vehicle noise, particularly from freight cars

Within the scope of the harmonisation of the European railway system, rail vehicles in future will only be allowed to "pollute" the environment with a limited amount of noise. Up to now there were either no or very different rulings on this aspect in the various member states. The standard limits and methods for their measurement will be described and published in a separate document by the European Commission. Compliance with the noise limits will be a key point in future freight car approval procedures.



*The majority of noise measurements are carried out at night.*

## Technical specification interoperability

Through the passing of the Directive 2001/16/EC, the member states of the European Union have agreed to a legal framework, to design a common railway network for conventional trans-European rail traffic in accordance with uniform standards. The concrete technical and operational specifications will be published in various, self-contained documents, the Technical Specifications Interoperability (TSI).

One of these specifications, the TSI Noise, deals with the standards for limiting the noise emissions from all types of rail vehicles. The TSI are decisions of the European Commission and are thus legally applicable in all member states. The TSI Noise was published on

8.02.2006 by the European Commission under number L 37 in the EU-Gazette on the following Internet page: <http://europa.eu.int/eur-lex>

## Scope

The whole purpose of the TSI Noise is to specify uniform noise limits, defined noise measurement methods and the certification procedure for all rail vehicles. The specifications also contain standards for noise emissions at standstill and during starting as well as the noise level in the driver's cab along with the limits for motor vehicles, track maintenance machines and motor coaches. The only limits for freight cars are the noise level during travel and a limit at standstill.

## Limits and measurements of the actual values

The limit level for noise during travel depends on the number of wheelsets per unit of length. For example, the limit per TSI Noise for the 4-axle, 17 m long Wascosa euro tank car® (standard chemicals/mineral oil tank car, 95 m<sup>3</sup>) is

- 83 dB(A) for a new car and
- 85 dB(A) for a renewed or converted car.

The permissible maximum value for the standard noise for all freight cars is a uniform 65 dB(A).

Proof of the noise emissions during travel is rendered through the measurement of a constant noise level. For this

purpose, at least two corresponding freight cars are coupled in a trainset with „acoustically similar“ vehicles and driven past the measuring point at 80 km/h and maximum speed. The freight car to be tested must be unladen. To smooth the running tread the wheelsets must have covered a distance of at least 1000 km and be free from irregularities such as flats.

A precise and reproducible recording of the measured values is very important. Very precise demands are thus made on the test infrastructure with respect to

- surface quality of the rail head,
- dynamic properties of the superstructure and
- ambient conditions.



Noise measurement point

### Possibilities for noise reduction

Noise during travel in freight cars is primarily generated by the running gear. The primary cause is the rolling movement of the wheel on the rail. The surface condition of the running tread on the wheels is thus very important. It can be significantly improved through the use of composite brake blocks (so-called K-blocks or LL-blocks).

Further reduction potential lies in the resonant design of the components in the area of the running gear, e.g. sound

absorbers on the wheel disks. Noise reduction in freight cars begins with retrofit brakes.



Noise reduction in freight cars begins with retrofit brakes.

### Implementation

The TSI Noise will come into force 6 months after its notification, i.e. on 23rd June 2006, and is then applicable for all new freight cars. The TSI Noise also applies for all freight cars that are to be renewed or converted wherever a commissioning approval is required on account of technical modifications. In these cases the TSI Noise will be deemed to be globally met if the vehicle is fitted with composite brake blocks and no additional noise sources are installed.

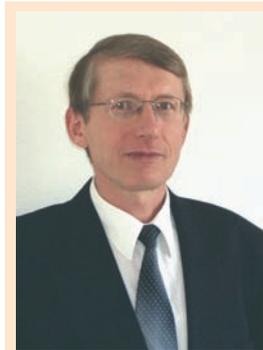
### Summary

It has to be proven that the travelling and static noise does not exceed certain limits according to uniform standards, in particular for freight cars that are to be used on the conventional trans-European railway network. For freight cars this proof in accordance with TSI Noise is a prerequisite for approval and thus admission to the network. Limits, measurement methods and the possible variants of the EC certification are described in the TSI Noise.

The client (e.g. the vehicle manufacturer or owner of the freight car) must engage the services of an authorised body

of his choice for the EC certification. Based on the EC test declarations in accordance with the TSI Noise and the TSI Freight Cars, the client can then apply for commissioning approval of the freight car from the approval authority of a member state.

This one commissioning approval is then recognised by all other member states.



Mr. Spiegel is head of the systems division "Vehicles" at Eisenbahn-Cert in Bonn.

Eisenbahn-Cert is an authorised office in accordance with the Directives 2001/16/EC and 96/48/EC.

Eisenbahn-Cert, Bonn,  
[www.eisenbahn-cert.de](http://www.eisenbahn-cert.de)

EISENBAHN-CERT (EBC) issues certificates for all components and subsystems in accordance with directives 96/48/EC and 2001/16/EC. EBC is now an authorised office for the certification of Class 2 pressure vessels in accordance with RID within the scope of the implementation of the directive on mobile pressure devices. This has the advantage that EBC can offer a one-stop test and certification of both the pressure vessel and the corresponding freight car of tank cars with no interfaces for the applicant.

EBC relies on its associated partners as well as other external offices and individual experts for the technical and professional assessment of components and subsystems within the scope of the EC tests.

SBB Cargo

# New network for Swiss inland traffic

SBB Cargo has completed its plans for a new inland traffic network. The new operational matrix has been fixed. The basic network can be supplemented with flexible solutions. Thanks to this new network, SBB Cargo remains a strong partner for the shippers and lays the foundation for continued growth in inland traffic.



© Photo SBB

The talks between SBB Cargo and customers on the implementation of the Focus project have now been concluded. As of 28th May 2006, SBB Cargo will serve 323 points in the basic network every day. An further 170 so-called customer solutions, in other words flexible operating concepts outside the basic network, have also been agreed. SBB Cargo will continue to be able to transport 5150 of the 5350 cars every day in Swiss carload traffic via the basis network and the additional flexible solutions. This corresponds to around 96 percent of today's volume of traffic.

«With Focus, SBB Cargo has repositioned the Swiss carload traffic and made it more flexible and competitive», explains Daniel Nordmann, Head of SBB Cargo. «Thanks to a much higher productivity, we can also operate carload traffic economically in the long term following the complete cessation of Federal grants. SBB Cargo remains a strong partner for shippers in Switzerland.» Inland traffic can continue to grow on the basis of this new network.

Source: [www.sbb.ch](http://www.sbb.ch)

### Focus project indicators

New network for carload traffic (as of 28th May 2006)

Basic network	323 service points
Private railways (KTU)	89 service points
Outside the basic network	170 customer solutions
No. of cars in basic network	4900 cars / day
No. of cars in flexible solutions	250 cars / day
Total no. of cars	5150 cars / day
Volume of carload traffic after Focus project	96 percent of today's volume (no. of cars) remain on the rails
Shift to road (estimate)	200 cars / day, corresponds to approx. 400 trucks / day

## Statement

### Statement by shippers on the cost-reduction measures in carload traffic of SBB Cargo

The shippers are happy with the results of the investigation of the serviced railway network. The intensive efforts of the shippers, cantons and associations have led to efficient solutions that allow significant cost reductions. This means that inland rail freight traffic can be safeguarded in the long term.

This positive appraisal, however, cannot hide the basic problem that hinders both inland traffic and the shift to transit traffic: the excessive and discriminative route prices for freight traffic.

One of the positive results of the debates in the Federal councils last December is that politicians are aware of this problem and will try and find a solution.

Source: [www.cargorail.ch](http://www.cargorail.ch)

## Feedback

### Pass it on

Would you like to recommend our infoletter for someone else? Simply forward the E-mail you receive. If this person wants to subscribe to the infoletter in future they can register at any time on our Homepage.

### Questions, suggestions, tips

Send your questions, suggestions, tips to [infoletter@wascosa.ch](mailto:infoletter@wascosa.ch).

### Change of address

Inform us of a change of address by sending an E-mail to [infoletter@wascosa.ch](mailto:infoletter@wascosa.ch).

## Calendar

### Exhibitions, trade fairs, congresses 2006 / 2007

03.-05.05.2006 Ostfildern-Nellingen (D)	Noise and vibration protection for railways (seminar)	Info: TAE Technische Akademie Esslingen E-mail: anmeldung@tae.de Internet: www.tae.de
16.-18.05.2006 Turin (I)	EXPO Ferroviaria 06 Forum for rail experts from all lines of industry	Info: Mack Brooks Exhibitions E-mail: expoferroviaria@mackbrooks.com Internet: www.expoferroviaria.com
30.-31.05.2006 Bochum (D)	VDV Annual Conference 2006	Info: Verband Deutscher Verkehrsunternehmen (VDV) Internet: www.vdv.de
30.05.-01.06.2006 Cologne (D)	EuroCARGO	Info: EUROEXPO Messe- und Kongress-GmbH, München E-mail: eurocargo@euroexpo.de Internet: www.eurocargo-messe.de
09.06.2006 Bamberg (D)	VPI Annual Members Meeting Association of Private Freight Car Interested Parties	E-mail: vpihamburg@t-online.de
30.05.-01.06.2006 Münster (D)	24th International Exhibition of Railway Technology - iaf	Info: VDEI Service GmbH E-mail: Service.GmbH@vdei.de, Internet: www.vdei.de
15.-18.06.2006 Bern (CH)	Suisstransport '06 - Trade fair for transport, equipment, maintenance	Info: BEA bern expo AG E-mail: suisstransport@beaexpo.ch Internet: www.suisstransport.ch
21.06.2006 Bern (CH)	VAP General Meeting	VAP Verband Schweizerischer Anschlussgeleise und Privatgüterwagenbesitzer E-mail: vap@cargorail.ch / Internet: www.cargorail.ch
15./16.09.2006 Lucerne (CH)	AKK Autumn Event Tank Car Study Group	Info: Organised by WASCOSA AG E-mail: 'Juergen.Mantke@vtg-rail.com'
19.-22.09.2006 Berlin (D)	InnoTrans 2006 International trade fair for traffic engineering, innovative components-vehicles-systems	E-mail: central@messe-berlin.de Internet: www.messe-berlin.de
04.-06.10.2006 Dresden (D)	8th International rail vehicle conference "Wheel-Rail"	Organiser: HTW Dresden in cooperation with the TU Dresden and Eurailpress E-mail: rad@mw.htw-dresden.de, www.rad-schiene.de
01.-03.11.2006 Moscow (RUS)	exporail 2006	Info: Mack Brooks Exhibitions Ltd. E-mail: exporail@mackbrooks.co.uk Internet: www.exporail2006.com
22.-24.11.2006 Warschau (PL)	6th International Railway Fair & International Conference	Info: Europoint b.v. Tel.: +31 (0)30 69 33 48 9, Fax: +31 (0)30 69 17 39 4 E-mail: cdevrij@europoint-bv.com Internet: www.europoint-bv.com/events/?interrailtech2006
<b>2007</b>		
20.-22.02.2007 London (GB)	Railtex 07	Info: Mack Brooks Exhibitions E-mail: railtex@mackbrooks.co.uk Internet: www.railtex.co.uk
15.-21.03.2007 Hannover (D)	CeBIT 2007	Info: Deutsche Messe AG Tel.: +49 (0)511 89-0, Fax: +49 (0)511 89-3 26 26 Internet: www.messe.de
27.-29.03.2007 Utrecht (NL)	Rail-Tech Europe 2007	Info: Europoint BV E-mail: exhibition@railtech.nl Internet: www.europoint-bv.com
21.-24.05.2007 Helsinki (FIN)	57th World Congress & Mobility and City Transport	Info: UITP E-mail: hicham.badran@uitp.com, Internet: www.uitp.com
12.-14.06.2007 Lille (F)	Sifer 07	Info: Mack Brooks Exhibitions Ltd. E-mail: sifer@mackbrooks.co.uk Internet: www.sifer2007.com
12.-15.06.2007 Munich (D)	transport logistic	Info: Messe München GmbH E-mail: newslines@messe-muenchen.de Internet: www.transportlogistic.de

