



Media relations
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Press Release

regarding judgment A-1216/2018 of 21 May 2019

Zurich's S-Bahn line S3 now able to operate a half-hourly service

The Swiss Federal Administrative Court has decided to safeguard the number of train paths required for the S3 to operate a half-hourly serviceduring rush hour in the interests of passenger traffic, ruling that these prevailed over the interests of freight transport.

In January and December 2018, the Swiss Federal Office of Transport (FOT) approved the network usage plans concerning rail infrastructure for the 2019 to 2024 timetable years. Among other things, these stipulate that a minimum train path capacity is to be reserved for freight transport on the line between Zurich Hardbrücke and Bülach during rush hour. This means that the half-hourly service envisaged for the S3 cannot be introduced. The Canton of Zurich, the Zürcher Verkehrsverbund (Zurich Regional Fare Network – ZVV) and the City of Bülach lodged an appeal against this approval with the Swiss Federal Administrative Court (FAC).

New network usage and capacity distribution system

With effect from 1 January 2017, the former network usage and capacity distribution system in rail transport underwent fundamental change. The previous priority rule, which favoured scheduled passenger transport, was revoked and replaced by the neutral model in the shape of the network usage concept and the network usage plans based on it. This action is intended to give equal weight to the further development of rail infrastructure for passenger and freight transport.

Incomplete assessment of interests

In this conflict over train paths, the FOT sees no scope for further driving freight transport out any further and feels that a minimum level of capacity needs to be secured during rush hour as well between Zurich Hardbrücke and Bülach in order to ensure fair treatment for freight transport.

The FAC has concluded that the criterion of minimum capacity cannot be understood in absolute terms. Rather, all the relevant interests need to be weighed up, which the FOT has neglected to do.

Passenger transport interests prevail

The ZVV has been transparent in its plans to introduce the half-hourly service for

many years, a move that the FOT also supported, while the regional network and the Canton of Zurich have already made investments in the infrastructure and rolling stock.

Furthermore, the ZVV has provided evidence of the capacity utilisation of the S-Bahn line in the section in question.

By contrast, freight transport usage data reveals that the train paths being contested have not been used either regularly or significantly to date. It has also emerged that, in the 2019 timetable year, only one of seven contentious train paths reserved for freight transport according to the network usage plan was actually used for that purpose, and this was to transport empty wagons.

Decision of the Federal Administrative Court

After weighing up all the relevant interests, the FAC found that those of the appellants in introducing a half-hourly service for the S3 during rush hour prevailed over the interests of freight transport in securing a minimum level of capacity.

The court has therefore upheld the appeal. The decision applies to the network usage plans for 2019 to 2024.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (305.5 FTE) and its 76 judges (68.4 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.