CER POSITION PAPER

Access to transportation data

May 2015

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 members - European railway undertakings, their national associations as well as infrastructure companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises. CER members represent about 61% of the rail network length, more than 84% of the rail freight business and about 99% of rail passenger operations in EU, EFTA and EU accession countries. CER would like to contribute to the ongoing discussions on access to transportation data for the transport of passengers through this position paper.

1. SERVING PASSENGERS' NEEDS THROUGH EVER-BETTER INFORMATION SERVICES

Technology has started a revolution in the world of mobility, and has radically modified passengers' expectations. Modern passengers expect personalised, user-friendly and accurate information services to plan their itineraries and make decisions in only a few clicks. **The railways are aware of these expectations and are keen to embrace technological and societal changes in order to meet the needs of modern customers.** They already collaborate both with each other and with a wide range of third parties (such as application developers, search engines, GDSs or travel agencies) to serve their customers. This increasing diversity allows railways to reach new customers, such as travellers from overseas or passengers who do not usually travel by train. It also provides **more choice to customers**, in terms of sources of information.

The potential of exchange in the field of transport information is clear, and well understood by railway operators as both providers and users of data and information. **Past experiences in both roles have shown the railways what works well for the benefit of the passenger and have highlighted the opportunities and challenges surrounding the concept of data and information exchange.**

Sharing information can ultimately benefit passengers, the economy and transport operators, including railway operators. For this, quality, choice, access conditions and competition should be adequately regulated. **Openness should therefore be encouraged, with the necessary framework conditions in place.**

2. SCOPE OF OPEN DATA POLICY: FOCUSING ON MISSING DOTS

Exchange of data and information for the rail sector is already regulated by **TAP TSI**, which sets a number of obligations for rail operators. **The interaction between existing regulatory provisions and any new regulation on transport data – including multimodal - should be handled carefully**, to avoid creating overlaps or a lack of legal clarity for rail operators. This is in the interest of the passenger, who is the ultimate beneficiary of transport information.

TAP TSI **already foresees** making rail timetable data broadly available, including for third parties and public bodies. This will be implemented approximately by the end of 2016. TAP TSI also stipulates that other modes should have access to rail data. On the contrary, **other modes are not subject to such obligations**, neither regarding the availability of their data for third parties nor regarding their availability

for other modes. **In order to establish a level-playing field between modes of transport, these obligations should be extended to other modes, in order to ensure access to the type of data which is missing today.** This would be particularly useful for data on urban transport services and bus services, for which there are currently no legal obligation to share timetable or other transport data with third parties. This obligation should be placed on **data owners**, rather than operators, since for services under PSO (Public Service Obligation), data owners are often the contracting authorities rather than the operator.

Certain categories of data, such as **fare structures and pricing models**, relate to commercially confidential information, particularly for services under open access. It would not be appropriate for operators to be forced to share their entire fare structures, including foreseen (i.e. future) promotional offers, as this would distort competition. This was recognised by TAP TSI, whereby each railway undertaking shall only make available its tariffs to railway undertakings and third parties to which it grants authorisation to sell, and to authorised public bodies. This principle should be respected in any future legislation on access to transportation data.

Finally, the decision to share **real-time information** with commercial users should be encouraged, but how this is done in practice should remain up to individual transport operators. Strong quality safeguards should be in place to avoid the spread of misleading information. It would for instance not be appropriate for third parties to try to calculate an estimated arrival time based on the train location, but information on estimated delay and arrival time should be based on the operator's official estimate.

3. CONDITIONS FOR USE AND RE-USE & LIABILITY ISSUES

As a first step, data owners should retain the **full ownership** of their data when shared with third parties: third parties should only get the right to use the data. **License agreements, many examples of which are already in place and compatible with open data policies, could help guarantee the quality of information displayed and prevent any data misuse or mis-processing.** The PSI Directive and its guidelines allow and foresee the use of licenses in an open data environment. This is also an **approach adopted by the Commission** for the re-use of its own documents[1]. Our preferred option would therefore be for these licenses to continue to be allowed.

Minimum criteria to ensure that the opening of datasets takes place in the best possible conditions and that quality is guaranteed include the following, as a minimum:

- A strong emphasis should be placed on guaranteeing a **neutral** and **accurate** display of the information by third parties.
- Strict framework conditions should be in place to guarantee the **quality** of the data displayed. Who is responsible for the display of information and where a complaint can be made in case of erroneous displays should be clearly stated on all medium where transport information is displayed. Customer complaints – if any – should be transmitted to data owners for information. Data users

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[1] Commission Decision 2011/833/EU on the re-use of Commission documents

should have an obligation to remedy the issue in a prompt manner, and failure to do so should result in a suspension of the access rights. Data owners should also retain the right to conduct quality audits and to terminate a given collaboration in case of data mis-management.

- **Data protection rules** should be respected and in case data are displayed on a website or application, this medium should not contain any criminal or illegal content.
- Data owners, such as operators, should be free to decide on the **best technical way** to share their data in a dialogue with data users to ensure that only quality information is provided to passengers. Data owners should be able to decide with data users whether they prefer to provide access to "raw data", for instance for static data, or to exchange data through APIs (Applications Programming Interfaces), which might be more appropriate for the exchange of dynamic or frequently updated data.

All these rules could be 'automated' via the interfaces used to share information between data providers and users.

Cost elements would also need to be taken into account. Indeed, one of the common myths with 'open data' is that sharing data and information is cost-neutral, including for the end user (in this case, passenger). Data generation and processing have a **very tangible cost** for all data producers. Technical adaptations to make the timetable and real-time data usable in an open environment are complex and adapting exchange processes to a wider number of users also has a cost, as the robustness of the underlying IT infrastructure and interfaces need to be reinforced to support an increasing number of queries. The associated financial burden should not be placed on operators, but rather on data users (in particular commercial data users) and operators should retain the right to charge them to cover the cost of data sharing. While respecting these basic principles, data owners should retain the right to adapt their charging policies to fit their specific constraints, or to offer incentives to newcomers or smaller players in the field of information provision.

4. INTEROPERABILITY ISSUES

New advances in journey planning algorithms require a fundamental shift away from the conventional mechanism of making data available to the concept of open distributed system architecture. In the past, much focus has been placed on data format standardisation. Formats imposed as part of these standardisation efforts often date back to pre-internet days, and might not be fully adapted to new trends and developments, both from a technical and business point of view. Adaptation to these formats requires extensive work both from data owners and data users, and is not well adapted to a new business context where a web of providers might coexist.

Efforts should now be focused on IT architectures and on semantics, rather than data format: data should be designed for an open environment, rather than reformatted to be shared. The result should be 'linked data', related in a flexible manner through standardised interfaces, without the need for system re-design or centralisation of data.

The rail sector, together with ticket vendors, is driving a **joint initiative** called the **'Full Service Model'** (FSM) with the aim of designing such IT architecture including interfaces in order to seize the opportunities of the web and to address the shortcomings of existing technical standards (such as TAP TSI). FSM was launched to enhance the capabilities of both railway undertakings and their commercial partners in the field of distribution. It concentrates on the functional requirements and specifications for an open, interoperable IT framework designed to be used by a **wide number** of applications and software developers. These requirements and specifications will be **shared widely** with technology and service providers, so that they may be used by a wide diversity of parties to develop new applications and tools. **Multimodal aspects** are considered to ensure that FSM outputs remain compatible with other developments. Representatives from other modes, such as IATA and UITP have also been invited to join the FSM Sounding Board to secure synergies (as well as DG MOVE, ERA and EPF). **This voluntary business initiative should be supported, as it will help reach the objectives of the 2011 EU Transport White Paper.** Standardisation and regulatory efforts should be carefully considered to avoid putting the work of this important initiative at risk.

The Commission should continue supporting positive business and technological developments through EU funding for research and innovation, and act as an innovation enabler. These efforts could help the move towards smart and efficient information services for transport, while helping to create growth and jobs, opportunities for transport operators and better services for passengers.

Disclaimer

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