



**ASECAP**

*Association Européenne des Concessionnaires  
d'Autoroutes et d'Ouvrages à Péage*

**AN ASECAP POSITION PAPER  
ON THE "PROPOSAL FOR A DIRECTIVE  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
ON ROAD INFRASTRUCTURE SAFETY MANAGEMENT"**



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Members	Countries	Companies	km
 <b>ASFINAG</b> Autobahnen - und Schnellstraßen Finanzierungs – Aktiengesellschaft	<b>Austria</b>	<b>3</b>	<b>2.035,0</b>
 <b>Huka</b> Hrvatska Udruga Koncesionara za Autoceste s naplatom cestarine	<b>Belgium</b>	<b>1</b>	<b>1,4</b>
 <b>Sund-Bælt</b> Sund & Baelt Holding A/S	<b>Denmark</b>	<b>2</b>	<b>34,0</b>
 <b>ASFA</b> - Association professionnelle des sociétés françaises concessionnaires ou exploitantes d'autoroutes et d'ouvrage routiers	<b>France</b>	<b>16</b>	<b>8.295,0</b>
 <b>Teo</b> Fonds Routier National Hellenique	<b>Greece</b>	<b>1</b>	<b>916,5</b>
 <b>Aka</b> Alföld Koncessziós Autópálya Zrt.	<b>Hungary</b>	<b>2</b>	<b>644,0</b>
 <b>Aiscat</b> Associazione Italiana Società Concessionarie Autostrade e Trafarti	<b>Italy</b>	<b>23</b>	<b>5.637,8</b>
 <b>N</b> Norvegfinans Norske Vegfinansieringsselskapers Forening	<b>Norway</b>	<b>37</b>	<b>787,6</b>
 <b>APCAP</b> Associação Portuguesa das Sociedades Concessionárias de Auto-Estradas ou Pontes com Portagens	<b>Portugal</b>	<b>5</b>	<b>1.401,1</b>
 <b>Public Enterprise "Roads of Serbia"</b>	<b>Serbia</b>	<b>1</b>	<b>603,3</b>
 <b>DARS</b> Družba za Avtoceste v Republiki Sloveniji d.d.	<b>Slovenia</b>	<b>1</b>	<b>453,0</b>
 <b>ASETA</b> Aseta - Asociación de Sociedades Españolas Concesionarias de Autopistas, Túneles, Puentes y Vías de Peaje	<b>Spain</b>	<b>30</b>	<b>2.842,3</b>
 <b>N.V.Westerscheldetunnel</b>	<b>The Netherlands</b>	<b>1</b>	<b>18,0</b>
 <b>M6toll</b> Midland Expressway Ltd	<b>United Kingdom</b>	<b>1</b>	<b>42,0</b>
<b>Total</b>		<b>128</b>	<b>24.731,05</b>

#### Associate members

 <b>TOLL COLLECT</b> service on the road	<b>Toll Collect</b>	<b>Germany</b>
	<b>ADM</b> Société Nationale des Autoroutes du Maroc	<b>Morocco</b>

Data as for 01.01.2006

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## **1- ASECAP, general mission and specific role in road safety**

ASECAP (*Association européenne des Concessionnaires d'Autoroutes et d'Ouvrages à Péage*) is the European professional Association of Operators of Toll Road Infrastructures. It gathers 16 members representing 127 organisations that manage a toll network of over 24,000 km and 2 associated members.

### **ASECAP mission**

ASECAP mission is to promote toll as the most efficient tool to finance the construction, operation and maintenance of motorways and other major road infrastructure.

ASECAP and its members are committed to:

- Exchanging information and experience, participating in research programmes and further developing and enhancing the direct “user payer” toll system as an instrument of a sustainable, safe and environmentally friendly transport policy;
- Strengthening the efficiency of their networks and permanently improving the level of service provided to the European citizens, by keeping up with the latest technology developments and the best operational practises.

### **ASECAP for Road Safety**

Safety is the main priority for Operators of the European toll infrastructures. They are committed to assist in achieving the goal fixed by the European Union to save 25.000 lives (ASECAP is signatory of the European Road Safety Charter) and to this end, make important efforts on investments and day-by-day motorway management. Since the planning and the design level, specific safety criteria are taken into account, respecting the most up-to-date requirements, in order to ensure high quality standards and excellent levels of service of the infrastructures.

Moreover, ASECAP members apply suitable maintenance services and procedures to preserve and maintain every motorway element in high-performance condition. To monitor and manage motorways and traffic flows, state-of-the-art technologies are implemented, improving road safety and efficiency.

All these elements make **toll motorways safer than any other type of road**, thanks also to the constant commitment of all the operators. Finally, the engagement of ASECAP members goes further and it regards continuous and considerable funding for road safety research and for the projects of new and more efficient systems to preserve citizens' life.

Among the ASECAP working bodies a major role is played by the **Permanent Committee on Safety and Environment**, composed of representatives from many European Countries and having a yearly planning including regular meetings and activities.

ASECAP is among the very first signatories of the **European Road Safety Charter**, to which is contributing with specific commitments, and follows closely EU Institutions activities in this field, providing them with information on the toll motorway sector performances and with reflection and position papers when appropriate.

## **2 - ASECAP reflection and comments**

### ***2.1 General considerations***

ASECAP's belief is that the SAFETY POLICY constitutes a full component of the Transport policy.

In general terms, ASECAP fully agrees on the opportunity of formalizing and even making to some extent mandatory the application of the engineering and administrative best practices to the trans-European road network.

ASECAP and its members welcome the work of the Commission, which underlined several fundamental aspects of the problem related to infrastructures, which have been not ever – or no more appropriately - taken into account by National Authorities.

The common application of a large number of the described practices all over the trans-European road network could undoubtedly bring strong benefits in terms of safety, following the way recommended by many technical experts of the sector, who, however, are often in conflict with costs and carelessness of the authorities in charge.

ASECAP stresses also that nearly all the described activities are already implemented along the motorways, even with different denominations, by the existing structures and organizations, also in the lack of a legally binding regulatory framework, structured as the proposed one.

**However, some simplifications have been carried out, some of which, in ASECAP opinion, are unacceptable as they would lead to wrong and altered results**

Concerning the main critical items of the proposal, ASECAP underlines the following:

- **Definition and identification of "high-risk road sections" in accordance with Annex III:** the definition takes into account "*at least the number of fatal and severe injury accidents that have occurred in previous years per unit of road length and, in case of intersections, the number of such accidents per location of intersections*". Even though the traffic volume and condition is mentioned many times in the text (Explanatory Memorandum, cap. 1, par. 2; Annex I, cap. 2, point (e)), in safety analysis the traffic flows travelling along the roads have not been considered, even if they are a fundamental feature in the understanding and in the analysis of accident rate and road safety policies.

Moreover there is not any characterization of traffic levels among accident report data in the proposed guidelines for data collection, thus disregarding an important element of the analysis.

It is just the case to highlight that even if the simplifying hypothesis relates to the lack of traffic volumes data (very often unavailable) this should not apply to the TERN.

Actually, traffic data are or would be available for many TERN sections and it would seem more than appropriate to obtain that, for the excellence European road network, traffic data will be regularly available.

Furthermore, the proposed practice would very likely lead to the conclusion that the roads subject to the higher traffic levels are the most dangerous, since accidents records grow in quasi-linear way following traffic patterns; this would bring to the conclusion that motorways are the most dangerous roads, while the contrary is true, and would lead to false priorities, thus spending money first where all the best infrastructural practices and solutions are already in place, overlooking actually dangerous situations with less traffic.

Moreover, we add that the use of the term “risk” is rather misleading since this word has very precise meaning in the technical field, where the “risk analysis” identifies a complex activity that is applied, for example, to dangerous goods transport or to tunnel analysis (we draw the attention on Directive 2004/54, where risk analysis has to be the basis and the guide for decisions). It would be advisable in this field to refer to the technically accepted wording and meaning, perhaps also through a glossary referencing the main internationally known bodies (e.g. ECMT, PIARC etc.).

- **Individuation and training of the personnel and auditing and inspections procedures:** with this respect, the proposal gives no uniform definition, nor any common criteria, methods and procedures which the Member States should conform to, of course always respecting their freedom and sovereignty. This could lead perhaps to different assessments and judgements (as result of specific experiences and different context). Moreover, there is no analysis of the responsibilities of professional figures or of the team that will have to work, as well as of the presence of “boards of arbitrators” in case of different opinions between, for example, managers or local communities and auditors or inspectors (safety features could also be subject sometimes of demagogic interpretations).
- **Use of data about “injured” or accidents involving injuries:** even in this case, we point out the preliminary necessity of a common definition that is not included at the moment, making all the data heterogeneous, often not comparable, with high uncertainty, with the risk of altering analysis and statistics; an internal ASECAP exercise showed that, due to the national different definitions and practices in classifying injuries data, the comparison between EU nations is highly misleading; these findings are confirmed also by other organizations researches (e.g. ECMT).
- **Financial consequences:** the Commission analysis, seem to lead to costs of nearly 6-10 billion of euro per year (for an average size country), not considering the obligation of drawing up complete accident report (also with pictures and diagrams); this kind of activity is not at all common in Europe and would of course represent an additional cost to be considered.

Furthermore, the application can be different depending on the Country, because according to the legal status and responsibilities of the ASECAP member operating companies some provisions could fall under their competence or under other organizations.

Then, in "cultural" terms and not only in formal terms, we have to distinguish between motorways and the other types of roads, highlighting the peculiarity of the motorway sector, concerning both design and construction and maintenance and exercise procedures. This kind of distinction would be also useful to answer in a more proper way to the above mentioned points, since it would guarantee:

- homogeneous comparisons;
- statistical consistence;
- a more appropriate context of the problems;
- a better definition of accidents causation.

## *2.2 A detailed analysis of the Proposal*

### **Art. 1: Subject manager and scope**

- 1.1 Nothing to comment.
- 1.2 Nothing to comment.

### **Art. 2: Definitions**

- Point (5) A) The word “*risk*” has a precise meaning in technical terms, linked to risk analysis and as such it is considered in the 2004/54 directive; an inappropriate use of this concept can lead to misunderstandings and to wrong messages to the EU citizens;
- B) one year only of operation is not enough to assess/understand the safety behaviour of a new infrastructure; figures are likely to be rather low or due to single casual and unfortunate events. A careful analysis on a number of years is needed before taking action (except, of course, in case of evident mistakes);
- C) “*Severe accident*” does not mean anything in technical terms; the only comparable data we have in EU are those on killed, the use of data about injured or other even less reliable data would lead to unbalanced choices throughout Europe, since no harmonization is available so far.
- Point (6) A) “*...accidents occurred more frequently*” is a qualitative only statement, useless in practical terms; better shared and technically proven definitions are needed in order to take action;
- B) “*...cost reduction potential...*” concept must be harmonized at EU level before its use, to prevent unbalanced application.

### **Art. 3: Road safety impact assessment**

- 3.1 the concept of applying the impact assessment to “any” project variant appears to be too heavy, since some solutions could be discarded in advance due to very good reasons. For cost-effectiveness motivations it seems reasonable to apply the impact assessment only on those design variants chosen for further development.
- 3.2 Nothing to comment
- 3.3 Nothing to comment

### **Art. 4: Road safety audits**

Nothing to comment

## **Art. 5: Safety development of the road network in operation**

5.1 “....*High Risk road sections...*”, please refer to our previous comment for Art. 2, point (5) – A).

In addition, the proposed practice would very likely lead to the conclusion that the roads subject to the higher traffic levels are the most dangerous, since accidents records grow in a quasi-linear way following traffic patterns; this would bring to the conclusion that motorways are the most dangerous roads, while the contrary is true, and would lead to false priorities, thus spending money first where all the best infrastructural practices and solutions are already in place, overlooking actually dangerous situations, although with less traffic. Traffic volumes should be taken into account when assessing the safety levels of the infrastructure.

5.2 please refer to our previous comment for Art. 2, point (6) – B.

5.3 the second paragraph seems to lead to very “discretionary” choices at national level, i.e. leaving the way to unbalanced application of the directive.

5.4 Theoretically the concept is good, but it would need sound definitions, reference parameters, shared at EU level; although such a practice could be highly desirable, it seems premature now to apply it Europe-wide.

5.5 This provision seems to be rather demagogic and there is no proof that additional signals would improve the users perception of the risk and influence their behaviour; on the contrary, real life analysis are showing that less density of signals and obligations is sometimes beneficial in safety terms. Furthermore, such a practice asks for a very sound definition of risk, risk levels, etc. etc. in open contrast with the weakness of the risk definition proposed so far.

## **Art. 6: Safety inspections**

6.1 “....*identify the road safety risk...*”, please refer to our comments to articles 2.5, 5.1, 5.5. It can be done only with a sound and fully shared methodology.

6.2 Nothing to comment

6.3 Nothing to comment

6.4 Nothing to comment

## **Art. 7: Data management and tools**

7.1 A) “....*severe...*”, “....*injuries...*”, please refer to our comments to Art. 2, point (5) – C). In absence of reliable data these concepts cannot be taken into account;

B) The accident detailed reporting activity can be very expensive (it includes pictures and diagrams and needs specialized personnel) and it is not properly dealt with in the financial assessment of the Directive.

7.2 Nothing to comment

## **Art. 8: Adoption and communication of guidelines**

Nothing to comment

## **Art. 9: Appointment and training of auditors and inspectors**

9.1 “....*training curricula....*” should be harmonized, e.g. linked to specific professionals (engineers, police officers, others?) The proposed definition is much too vague to work.

9.2 Nothing to comment

9.3-9.4 A) in the transitional period a problem could raise with the existing certificates.

B) it is not said or defined whether the Auditors should be physical or juridical persons, i.e. a firm can be a “Auditor”? If the CEO or corresponding chief is not certified, the firm can be certified for auditing? Who is responsible in case of misconduct, mistakes, failures etc.?

C) if there is team-work and in the team only one component is certified, does he have to be the team chief or could he depend from a non-certified team chief? Again, who is responsible in the latter case in the event of problems?

## **Art. 10: Reporting on the implementation**

10.1 5 years for the first implementation report seem to be too much

10.2 Nothing to comment

10.3 Nothing to comment

10.4 Nothing to comment

10.5 Nothing to comment

## **Art. 11: Committee procedure**

Nothing to comment

## **ANNEX I: Road Safety Impact Assessment**

1.f Sometimes there could be a range of solutions within which make a choice and not only a unique solution.

## **ANNEX II: Road Safety Audits**

On the whole, there is no reference about weather conditions which can condition design criteria (special pavements for ice/snow conditions, fog survey, etc.)

1. Also at the feasibility level, horizontal and vertical alignment has a specific role in the definition of some safety requirements
2. We think it could be appropriate to introduce in this point also the road equipment and the safety barriers, at least in terms of technical requirements
- 3.f Vegetation seems to be unsuitable for this context

#### **ANNEX III: Management of high-risk road sections, network safety management and safety inspection**

1. A) there is an unsuitable use of "risk" notion (please refer to our previous comments)  
B) It is not possible to use the "injured" figures (please refer to our previous comments)  
C) The number of accidents per unit of road length cannot be taken into account as the reference parameter. It would be an unsustainable technical choice which would lead to wrong and altered results (please refer to our previous comments)
2. A) We agree with this principle  
B) One could agree with the idea of a reference benchmark (although it is something complex which cannot be merely limited to the number of events per kilometre, as mentioned before) In any case, every check has to be done considering an appropriate number of years, since annual difference may be little and relatively fortuitous (e.g. an accident involving a bus can suddenly increase the number of deaths).
3. In general terms the circumstance of a contentious about inspection team's judgement has to be considered, since the management Authority could not accept this judgement or have not enough resources for the suggested interventions and so on. Does a "board of arbitrators" have to be instituted? It could be a serious problem since it involves human lives.
- 3.d It does not take into account the traffic rate, while it involves the injured number which, as mentioned before, cannot be used.
- 3.e The point concerning "rocks falling" seems not to be relevant in terms of road safety. Actually, in case of similar problem, the road could not pass its general technical test.

#### **ANNEX IV: Accident data contained in accident report**

On the whole, if the aim is having a comparable data base, the Police forces, or all the personnel charged with the drawing up of the accident report, should have a common form.

Trying to extract harmonized information from different forms would lead to distortions and misrepresentations.

As for the report, among the data useful to fill, to gain an actual knowledge on accidents, it would be useful to know about the presence of roadwork zones, the involvement of vehicles carrying dangerous materials and the consequences of the accident on the traffic.

Anyway, this practice seems not to be in general in place in many EU Member States, at least not in such a detailed manner, and it would introduce not negligible cost elements that do not seem correctly estimated in the impact assessment.

2. Which should be the report layout? Who should be charged with the drawing up of the report?

8. It seems to be very questionable, because it involves a judgement of the event that usually is not available if not after a long period (it is sufficient to think about the actions with the insurance companies). It does not seem to be appropriate to "force" the system in this way, even because it is difficult to imagine who could take the responsibility of giving such a judgement.