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Date 14 October 2014  
Re Package of measures for construction period  
of third track on Betuweroute

Dear President,

In the Betuweroute Progress Letter of 13 January 2014<sup>1</sup> I promised to inform your House about the package of measures that has been developed in view of the construction of the third track on the Betuweroute, from Zevenaar/Emmerich to Oberhausen. This letter aims to provide further details on this promise. In addition, I hereby send you a progress memo on the Betuweroute (annex 1).

On 26 July 2013 the federal state of Nordrhein-Westfalen, the Bundes Verkehrsministerium and Deutsche Bahn signed the definitive financing agreement for a third track on the section from Emmerich to Oberhausen (a €1.5 billion investment). This is a very important step for the Betuweroute, as well as for the Dutch and German economies. It will allow for major growth in capacity on the freight corridors and can facilitate and stimulate rail freight transport. The capacity of the entire Betuweroute will increase from 110 trains (in 2013) to 160 trains (in 2022) per day.

But before this becomes reality the Netherlands is facing reduced capacity on the Betuweroute from 2015 to 2022. The construction of the third track is complex work, which will require many and lengthy periods of limited service. DB Netze, the German infrastructure manager, drew up a construction plan which in outline is as follows:

- 2015: for 7 consecutive weeks and 10 consecutive weeks the capacity will be reduced to 40 trains a day (this concerns preliminary work).
- 2016: for six months the capacity will be reduced to 40 trains a day.
- From 2017 to 2022: during one week of each month the capacity will be reduced to 25 trains a day. In the remaining three weeks of each month there will be no capacity restrictions. In addition, during a number of weekends there will be no or only limited capacity.

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<sup>1</sup> Parliamentary Paper 22 589, no. 319 dated 13-01-2014

The objective is to prevent these capacity restrictions from making rail freight transport less attractive, which would result in loss of market share or less freight via the Dutch ports. Rail freight transport makes an important contribution to the business climate and the overall economy of the Netherlands and we want to keep it that way. In addition, we want to minimize the environmental impact on the surroundings caused by increased use of other routes than the Betuweroute.

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A steering committee was established to analyse the possible consequences of the temporary capacity restrictions and come up with solutions. This steering committee, presided over by my Ministry, consists of representatives of ProRail, Keyrail, the Port of Rotterdam, the Port of Amsterdam, local and regional authorities, operators, shippers and the *Strategisch Platform Logistiek*. In the past months an analysis has been made of where capacity problems may arise and what their consequences would be. Subsequently a broad range of possible solutions was considered. A package of measures was developed based on the problem-solving capacity of the solutions, their effects and the support for them. This was done in close consultation with the parties represented by the steering committees. At various moments meetings were held with port authorities, shippers, terminals, operators and the municipalities and provinces involved. And of course there was regular contact with the German partners.

Please find the steering committee's advice on the measures, their consequences and the follow-up process enclosed (annex 2 and 3). I largely agree with this advice. The reasons for this are explained below.

### **Package of measures**

The steering committee has been looking for a package of measures that strikes a balance between economic and social interests. This balance is evident in the advice. The package of measures places demands on the parties on the track as well as the parties along the track. Rail freight transport can only keep functioning properly, and the extra hindrance for neighbouring residents can only be minimized, if all parties make a joint effort. The members of the steering committee expressed their willingness to make every effort to achieve this.

The package of measures consists of different categories:

1. Rerouting;
2. Preconditional measures;
3. Measures to improve the capacity utilization;
4. Other measures.

An explanation of these measures can be found in the steering committee's advice and the corresponding annex, both of which are enclosed.

#### 1) and 2) Rerouting and measures regarding constraints

Rerouting the flows of goods on the railways is an essential part of the package of measures. This means that during the periods of limited track capacity via Zevenaar, the freight operators must make more use of the other border crossings, namely Venlo and Oldenzaal.

## *Amendment to Main Railway Infrastructure Capacity Allocation Decree*

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To make this rerouting possible, I will, in accordance with the steering committee's advice, amend the Main Railway Infrastructure Capacity Allocation Decree (*Besluit capaciteitsverdeling hoofdspoorweginfrastructuur*). This will enable sufficient capacity for freight trains to be reserved on the railway routes to the border crossings (Brabant Route and Deventer-Oldenzaal section). This House will be informed shortly on the amendment to this Decree.

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However, this amendment alone is insufficient to make the proposed rerouting possible. The Main Railway Infrastructure Capacity Allocation Decree guarantees the minimum capacity required for freight transport, but it does not allow for adjustments beforehand to the capacity allocation according to a specific flow of goods and/or type of goods (such as dangerous goods, coal, ore, etc.) The statutory instruments of the Railways Act do not provide for such a specific control of railway transport. As the steering committee also indicates, this would require a cooperation agreement with all parties involved.

### *Transport of dangerous goods*

The steering committee indicates that the statutory framework for noise (*'Samen Werken in de Uitvoering van Nieuw Geluidbeleid'* - SWUNG) and dangerous goods (Wet Basisnet) are preconditional to the rerouting, which is in accordance with what was communicated to your House earlier. After all, the extra nuisance for neighbouring residents as a result of diverted goods transports must be kept to a minimum. Other starting points for the steering committee were the Van Tongeren/Van Veldhoven motion<sup>2</sup> and De Boer/Hoogland motion<sup>3</sup>, which request that the transport of dangerous goods preferably be routed via the Betuweroute (and the IJssel Line and Brabant Route be spared as much as possible).

The Basic Transportnetwork (wet Basisnet) has not entered into force yet. The entry into force depends on this House's opinion on the External Safety of Transportation Routes Decree (*Besluit externe veiligheid transport* - Bevt), which regulates the spatial aspects (rules for building) of the Basic Transportnetwork in relation to the municipalities along the railways. When compiling the package of measures for the construction period, the steering committee assumed that the Basic Transportnetwork will have entered into force. It may be necessary to use the instruments provided by this Act to shift the transport of dangerous goods to the Betuweroute, as was also requested by your House. To effectuate this, it is vital that the Bevt be adopted quickly, so that the Basic Transportnetwork may then enter into force.

The measures for complying with the statutory framework (risk ceilings) of the Transportnetwork require a great effort from the freight operators and shippers of dangerous goods. Within the Basic Transportnetwork, the Betuweroute offers the best risk margin for transport of dangerous goods, and it is precisely this route that has reduced availability in the construction period. The freight operators and shippers of dangerous goods are required to adjust their logistics system, so that the flows of goods are grouped in such a way, that a maximum amount of dangerous goods may still be transported on the Betuweroute. The freight operators and shippers of dangerous goods by rail have said that they will endeavour to achieve this.

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<sup>2</sup> Parliamentary Paper 29 984, no. 449 of 13-01-2014

<sup>3</sup> Parliamentary Paper 29 984, no. 455 of 13-01-2014

By means of quarterly reports by ProRail, the statutory instruments of the Basic Transportnetwork will make it possible to monitor this and if necessary make adjustments.

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### 3) Measures to improve the utilization

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As I indicated in the above-mentioned Betuweroute Progress Letter, the need to take (temporary) measures during the construction period also offers opportunities. Some of the measures may lead to structural improvements across the entire rail freight transport sector. This is evident in the steering committee's advice by way of the measures to increase capacity utilization of the track. In future these measures may also help to deal with other major disruptions and/or works. The steering committee notes that this is far from simple and requires a great effort from the entire sector, but that it wishes to seize this opportunity to realize a permanent improvement. This is in line with the ambitions of the Long-Term Rail Agenda ( *Lange Termijn Spooragenda* - LTSa) and the Plan of Attack for Rail Freight Transport ( *Aanvalsplan Spoorgoederenvervoer* - annex to the LTSa)<sup>4</sup>.

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### 4) Other measures

In addition to the measures described above, the steering committee advises me to talk with German colleagues about the deployment of alternative transport modalities or capacity-increasing measures for the Venlo-Viersen-Hamm connection during the period of construction. This concerns the German contracting authority and concessionaire. My Ministry will start discussions about this, but this will require the cooperation of the contracting authority and concessionaire. The steering committee indicates that this measure will result in a substantial capacity increase and thus will contribute greatly to solving the capacity restrictions. In this context it is important that a good alternative is offered to passengers. Accordingly, this will be discussed with the German authorities.

## **Consequences**

### *Environmental effects*

The temporary and scheduled increase in goods transport on the diversion routes may have effects on the surroundings, for instance with regard to noise, vibrations and level crossings. The steering committee indicates that it wants to keep the nuisance for neighbouring residents to a minimum. The freight operators will increase the share of low-noise rolling stock. Where possible, I will also endeavour to limit the effects as much as possible. As indicated above the standard is provided by the statutory frameworks and their enforcement. In addition I will investigate the possibilities of giving priority under the Long-Term Noise Programme (MJPG) to those track locations that will suffer extra nuisance because of the temporary rerouting of the freight transport. In accordance with the Van Veldhoven/De Rouwe motion<sup>5</sup>, and in collaboration with ProRail, the possible consequences of a temporary increase in vibrations will be analysed. Such a study is complex and therefore requires some time. I expect the results of this at the end of the year. Level crossings that are given priority by the region may, under the conditions of the National Level Crossings Improvement Programme (LVO), be included in the LVO for the benefit of measures to improve safety and traffic flow.

<sup>4</sup> Parliamentary Paper 29 984, no. 474 dated 28-03-2014

<sup>5</sup> Parliamentary Paper 29 984, no. 462 (was 457) dated 04-02-2014

### *Financial and economic impact*

Together with the Ministry of Economic Affairs the financial and economic impact of the construction period was examined, considering both a situation with and a situation without a package of measures. It turns out that the impact in the situation with measures may amount to tens of millions of euros for the entire period. The freight operators face an increase in their costs due to the adjustments in their logistics system and the use of different, longer routes. If no measures are taken, this financial and economic impact may be substantially greater. The steering committee advises me to mitigate the financial and economic impact of this package of measures. I will enter into discussions on this subject, primarily with the freight operators. Any temporary compensation in any case will depend on the options for cover within the budget, and I will only consider a form of temporary compensation if parties cooperate with the package of measures and are willing to bear the total (extra) costs together.

### **Continuation**

This package of measures is an important step toward solving the consequences of the capacity restrictions as much as possible within the rail freight sector itself. As a result, the position of rail freight transport as a good and accessible connection to the hinterland in the 2015 – 2022 period is safeguarded as much as possible. But, as the steering committee also indicates, this is only the beginning and the measures will have to be worked out down to operational level. Integrated monitoring and control during the implementation and operation will be necessary. The steering committee continues to be responsible for this. The environmental effects of noise and external safety are being monitored already (and if necessary further measures can be taken) on the basis of the statutory regulations laid down for that purpose (in SWUNG and Basic Transportnetwork respectively). In the end, there must be room for making adjustments where necessary. In this context, regular contact with the German partners is necessary to maintain a clear picture of the progress and planning. The steering committee must monitor proactively whether additional measures are needed. The steering committee has more measures available, which at the moment are not necessary or advisable, but might be considered if the measures currently planned are less effective than expected. An example of this is that the shippers use inland shipping for part of their freight. I will inform you of progress in the first Betuweroute Progress Letter in 2015.

For the package of measures now proposed all parties involved must make a contribution. For this reason I think it is necessary to clearly communicate what is expected from the various parties. This is an important task of the steering committee and essential for making this package of measures a success. The communications will have to emphasize time and again that, although diversions are necessary once a month for one week in the period 2017 - 2022, it will be business as usual in the remaining three weeks of the month.

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Finally, I want to emphasize that we must not forget what all these efforts aim to achieve. Of course, it will be a long, albeit temporary period of inconvenience and possible nuisance, but there is also the prospect of a third track on the German Betuweroute, which will benefit the Dutch economy for a long time.

Yours sincerely,

THE STATE SECRETARY OF INFRASTRUCTURE AND THE ENVIRONMENT,

Wilma J. Mansveld

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