

Summary Statement

pursuant to Article 9 Federal Act on a Strategic Assessment in the Transport Sector (Bundesgesetz über die strategische Prüfung im Verkehrsbereich, SP-V Act)

on the proposed modification of the rail network

**Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) –
national border at Kittsee**

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1. Introduction

Based on the presentations to the Council of Ministers 157/11 in 2012, 191/27 in 2013, and 8/12 in 2018, the former Federal Ministry for Transport, Innovation and Technology (BMVIT) was called upon to move forward with the efforts to extend the trans-Siberian broad-gauge railway (1520 mm track gauge) from eastern Slovakia to the greater Vienna area and to connect it with the trans-European transport corridors (1435 mm track gauge) at the Vienna hub.

To this end, a strategic assessment in the transport sector (SP-V) was launched at the initiative of ÖBB Infrastruktur AG in November 2018 to formally evaluate the extension of the broad gauge railway from the Austrian border with Slovakia to the area east of Vienna to connect this line with the TEN corridors. The starting point for the initiation of the present strategic assessment in the transport sector (SP-V) was the premise that the 1520 mm rail network would be extended from the current terminus at Košice to the border between Austria and Slovakia at Bratislava/Kittsee, and that Austria thus had to decide whether to extend the line to the Vienna area and to connect it with the standard gauge network and build a corresponding freight terminal. Thus, the environmental report will investigate and present the zero option (extension of the 1520 mm gauge rail network from the current terminus at Košice to the border between Austria and Slovakia at Bratislava/Kittsee; no infrastructure to be built in Austria) as well as site options and their impacts on the environment, economy, and social development in the sense of a sustainability model. Transport impacts and related measures will also be analysed. The initiator ÖBB Infrastruktur AG ultimately recommends a connection point near Vienna close to the existing Kledering Central Marshalling Yard and thus proposes the modification of the rail network with the addition of the high-performance line “Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) – national border at Kittsee”.

The proposed network modification with the addition of a high-performance line is titled: “Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) – national border at Kittsee”.

The prepared environmental report was published during the SP-V (www.bmk.gv.at/spv), the public participation process was conducted, and the neighbouring states Slovakia and Hungary were consulted in accordance with the legal regulations (SP-V Act, SEA Protocol) and were given the opportunity to participate in the SP-V.

The summary statement represents the conclusion of the SP-V and concisely presents the conducted assessment and participation processes and the associated political deliberations on the collected information.

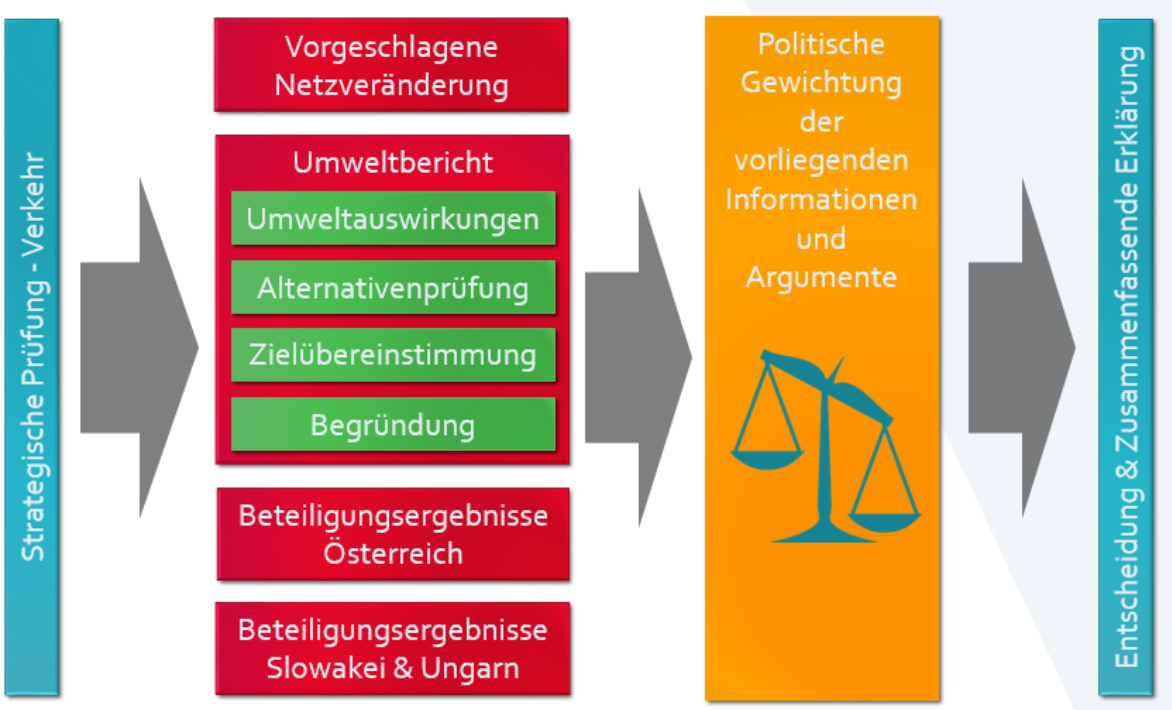


Figure 1: Final phase of the SP-V

Strategic assessment in the transport sector	Proposed network modification	Political weighting of the available information and arguments	Decision and summary statement
	Environmental report		
	Environmental effects		
	Evaluation of alternatives		
	Conformance with objectives		
	Rationale		
	Participation results in Austria		

	Participation results in Slovakia and Hungary		
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2. Draft legislation and introduction (Article 9 para. 1 number 1)

2.1. Draft legislation

The present strategic assessment in the transport sector was conducted for a proposed network modification in the area *national border at Kittsee – the Vienna area*.

The assessed proposal for the network modification that is based on this consists of a federal order of measures on the declaration of further rail lines as high-performance lines pursuant to Article 1 para. 1, High-Performance Lines Act to provide a legal basis for the proposed network modification:
The following rail lines (entire or partial lines including the necessary rail infrastructure) shall be declared high-performance lines:

Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) – national border at Kittsee

2.2. Legal basis

The strategic assessment was conducted on the basis of the Federal Act on Strategic Assessments in the Transport sector (SP-V Act). This creates a strategic planning instrument for the further conception of the federal transport network that implements the provisions of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment in national law. Directive 2001/42/EC stipulates that certain plans and programmes that are prepared by an authority for adoption through a legislative procedure must be subjected to a strategic assessment of the material environmental effects before adoption. In Austria, this pertains to changes to the registers to the Federal Roads Act, to official orders as per Article 1, High-Performance Lines Act (high-performance line orders), and to amendments to Article 15, Shipping Act. These laws and official orders designate the primary federal transport network in Austria.

2.3. Elements of a strategic assessment in the transport sector

- Assessment of the environmental effects (aspects such as biodiversity, the population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural

heritage including architecturally valuable structures and archaeological treasures, and the landscape) and the interplay between these factors.

- Multi-modal evaluation of alternatives
- Depiction of the benefits of the network modification
- Assessment of other negative and positive effects
- Involvement of the environmental bodies and general public
- Involvement of affected other countries
- Preparation of an environmental report pursuant to Article 6, SP-V Act
- Definition and declaration of monitoring measures and any other actions for later projects arising from the network modification

2.4. Initiator

ÖBB Infrastruktur AG is the initiator of the present network modification.

2.5. Evaluated draft plan for the proposed network modification

Based on the premise that the transcontinental 1520 mm track gauge rail network will be extended to the Austrian border at Kittsee, the initiator proposed a network modification to extend this line to the Vienna area to connect the 1520 mm network to the TEN rail network. To ensure an unbiased assessment, the network modification was initially described as “national border at Kittsee – Vienna area”. During the strategic assessment, multiple alternatives including five site options were developed. During the comparison of the alternatives, the initiator ultimately decided to propose the following addition to the high-performance line network:

- Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) – national border at Kittsee

2.6. Proposed network modification and alternatives

The network modification proposed by the initiator in the transport corridor between the Austrian/Slovak border at Kittsee and the Vienna area is believed to meet the overall societal objectives in the areas of transport, spatial planning, and environmental protection more than any other defined alternative. The network state to be created by this modification covers lines featuring the characteristics of a high-performance line pursuant to Article 1, Federal Act on High-Performance Rail Lines. For this reason, it was proposed to issue an

official order declaring the line sections that have not yet officially been declared as high-performance lines pursuant to Article 1, Federal Act on High-Performance Rail Lines as such.

The zero option and five site options were evaluated during the strategic assessment in the transport sector. The following figure from the environmental report shows the locations of the options:

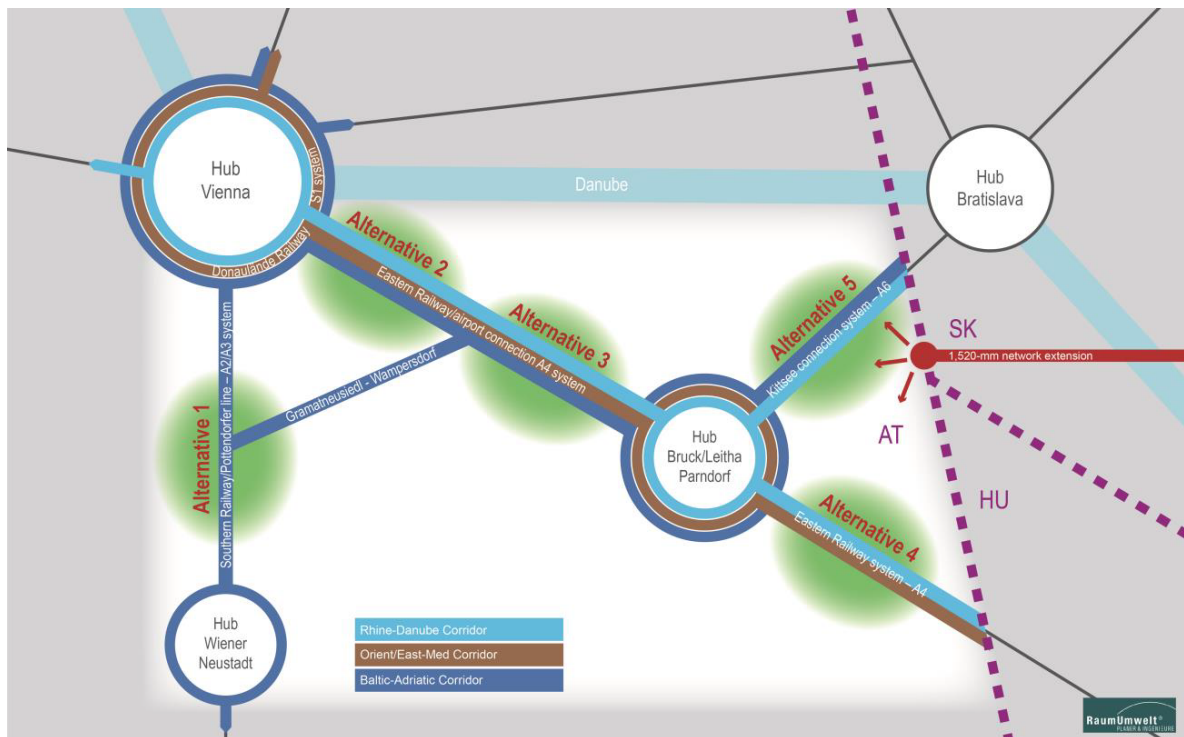


Figure 2: Site alternatives presentation in the narrow investigation area in the context of their functional location in the TEN-T core network

Alternatives involving road transport and shipping were not evaluated for justified reasons. Alternatives involving transition points between standard gauge and 1520 mm broad gauge in other countries were also precluded because first, they do not conform with the fundamental premise of the network in Slovakia being extended to the Austrian border at Kittsee, and second because such alternatives would not fall under the influence of the Austrian authorities for the declaration of high-performance rail lines.

The objective of the environmental report was to determine and depict which of the alternatives seems to be most suited to attaining the prescribed objectives.

Fulfilling the zero option is an absolute prerequisite for the proposed network modification in Austria. This means that a corresponding high-performance line order will only be issued if there are concrete signs that the line on the Slovakian side of the border is being realised. If this is not the case, no draft for a high-performance rail line order should be submitted to the federal government, and the proposed network modification should no longer be pursued.

2.7. Fundamental aspects of the strategic assessment in the transport sector

If an initiator identifies a need for network modification in its area of responsibility, this party must provide proof of the need and possible substantial effects to the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology in the form of an environmental report. Before the environmental report is drawn up, the provincial environmental bodies, other initiators that are affected by the proposed network modification, and the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology must be informed of the scope and depth of the evaluation. Once the environmental report is submitted to the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, this ministry publishes the report (including any annexes) and the proposed legislation and official order upon which the proposed network modification is to be based on the website of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology. Then, any interested person has the possibility to submit a statement on the environmental report within a period of 6 weeks. Afterwards, the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology draws up an updated version of the draft order on the basis of the received statements, if necessary, and a summary statement. Both texts are again published on the website of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology and can be viewed by the public.

It is important to note that the publication of the environmental report and the underlying proposed network modification does not necessarily mean that legislation will be adopted to implement the planned modification because the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology must also account for factors such as the results of the public participation process pursuant to Article 5 para. 4, SP-V Act in pursuing the network modification. This means that the proposed network modification that the environmental report is associated with can still be revised by the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, that requirements can be defined in the summary statement (Article 9 para. 1, SP-V Act) for any projects

arising from the network modification, or that no legal basis will be created for the proposed network modification due to the received statements or because an alternative is deemed to be more suited to attaining the objectives associated with a federal primary transport network (Article 5 para. 4 lit. a to j, SP-V Act).

The strategic assessment in the transport sector (SP-V) evaluates the potential significant negative and positive effects of planned network modifications in the federal transport network and describes the benefits to create a technical basis and decision-making aid for the addition of elements to the federal transport network. This federal transport network is defined in the annex to the Federal Roads Act 1971 (BStG) for the federal roads, in the official high-performance line orders issued for high-performance lines pursuant to Article 1, High-Performance Lines Act (HIG), and in Article 15, Shipping Act for inland waterways.

The findings gathered in the SP-V are made publicly available in the form of the environmental report and this summary statement in order to ensure transparency. The general public, environmental bodies, and authorised construction entities (such as ÖBB-Infrastruktur AG and ASFINAG) are given the opportunity to submit statements. Requirements are also defined for projects that serve to implement the network modification along with later monitoring measures.

2.8. Timeline and milestones

- 22.11.2018: Initiation of the consultation phase pursuant to Article 4, SP-V Act
- 14.01.2019: Information to the potentially affected countries Hungary and Slovakia
- 30.09.2019: Publication of the environmental report and public participation pursuant to Article 8, SP-V Act
- 12.11.2019: End of the participation phase in Austria
- 19.02.2020: Conclusion of the cross-border participation with Slovakia and Hungary
- 11.05.2021: Conclusion of the strategic assessment, completion of the proposed network modification, publication of the summary statement

3. Accounting for the environmental report (Article 9 para. 1 number 2 b) and the integrated multi-modal evaluation of alternatives (Article 9 para. 1 number 2 c), and the resulting inclusion of environmental considerations in the draft legislation (Article 9 para. 1 number 2 a)

3.1. Introduction

The initiator provided a rationale for the proposed network modification and submitted an environmental report on the modification. The comparative assessment of the efficacy of the alternatives in the environmental report revealed that the proposed network modification has the highest level of objective attainment of all alternatives, so further pursuit is recommended. To implement this alternative, a legal basis must be created for the proposed network modification.

The environmental report included proof of the characteristics of a high-performance line exhibited by the proposed network modification as required by Article 1, Federal Act on High-Performance Rail Lines.

3.2. Rationale for the network modification

Europe and Asia are home to some of the world's most important economies. China, Russia, and the European Union dominate global trade alongside the USA. There have been economic ties between Asia and Europe for centuries. Goods of all kinds were traded along the Silk Road into the late Middle Ages. The laborious overland transport of goods was replaced by ships as the colonial age began.

The exchange of goods is a fundamental prerequisite for the globalised world economy. The flow of goods between the individual countries is increasing steadily, as is the volume of global trade. The economic areas in Asia, especially China, have grown especially rapidly over the last decades and are gaining importance. China is already one of the most important trading partners of the EU today. Trade with Russia and a number of Central Asian countries is also a key economic factor for the EU.

Freight traffic plays a central role in this and is the backbone of economic globalisation. Economic areas can be said to be connected efficiently if the physical and legal barriers are

as low as possible. Suitable technical infrastructure that facilitates rapid, reliable, and cost-efficient freight transport over long distances is required to overcome physical barriers.

At present, goods are primarily transported between Europe and East Asia by ocean freight. This is comparatively inexpensive, but entails long transport times, significant environmental impacts, and some risks. Freight carriage by rail, truck, and air currently plays a smaller role in the exchange of goods between Asia and Europe. This is primarily due to the lack of end-to-end infrastructure (rail and truck) and very high costs (air).

Many of the goods that are currently exchanged between Asia, Russia, Ukraine, Europe, and China could be transported especially efficiently over long distances by train. These goods include ore, chemicals, machines and vehicles, consumer goods, and shoes and garments – and all of these goods have links with European growth and key industries. There is a general trend of transporting more and more types of goods by shipping container. If the Košice–Vienna rail corridor were implemented, the goods flows between the east and west would increase from 14.7 million tonnes in 2014 to 22.9 million tonnes per year in 2050.

There is considerable growth potential in rail freight traffic despite the need to transfer goods between different track gauges. At present, especially the inefficient connection of the Russian network with the Chinese and European rail network is a substantial problem.

Given this infrastructure situation, several countries are undertaking efforts to improve the land bridge between Europe and Asia and to create a more efficient connection between East Asia and Central Europe.

Connecting the rail systems will make rail freight traffic considerably more attractive. This will allow the system-specific strengths of rail as a mode of transport to be optimally leveraged. Rail transport has the lowest environmental effects of any transport mode. And it has the lowest greenhouse gas emissions per transported unit by far. Rail is also the lowest-cost mode of transport if the external costs are also included. This makes a valuable contribution to sustainability and mitigating global climate change.

The design of a modern freight terminal is essential for the best possible connection of the systems. This is planned in the Twin City Region. The location in the Vienna area is on three multi-modal TEN-T core network corridors – the Baltic-Adriatic Corridor, Rhine-Danube Corridor, and Orient/East-Med Corridor. This will allow the simple distribution of goods throughout the rest of Europe. The terminal also ensures the modern and highly efficient transfer of the goods between the systems.

Connecting the different systems will allow trade flows to be handled more efficiently by rail. Breitspur Planungsgesellschaft mbH plans to extend the 1520 mm rail network from the Ukrainian/Slovak border at Košice to the Vienna/Bratislava Twin City Region. The consortium consists of the state rail companies of Russia, Ukraine, Slovakia, and Austria that are responsible for infrastructure expansion and operation. The respective rail infrastructure operators are working together on the implementation of the rail corridor and terminal, and on projects related to the network extension.

The roughly 400 km extension of the 1520 mm rail network will create an end-to-end freight traffic corridor stretching 11000 km between East Asia and Central Europe. This will reduce the time required to transport goods from East Asia to Central Europe to 15 days by rail. By contrast, ship transport takes 35 days. This corridor can carry around 23 million tonnes of freight in containers per year (in 2050). The initiative is to be implemented and go into operation by 2033.

Because of the connection it would create with the planned primary transport network in Slovakia and its key importance for high-performance freight traffic with international connections, the proposed network modification possesses priority character pursuant to Article 1 para. 1, HIG. The proposed network modification also represents the continuation at the Austrian level of a previous planning process involving multiple countries. Thus, the declaration of the planned rail line as a high-performance line seems to be justified and necessary. Due to the functional independence of the planned rail line up to the planned freight terminal, the planned rail line should be designated as a new high-performance line.

The proposal for the network modification is based on the premise that the 1520 mm rail network will be extended to the national border in the Bratislava/Kittsee area. Austria must thus answer the question of whether to extend this primary rail infrastructure for freight traffic into the Vienna area to connect it effectively with the trans-European corridors.

3.3. Substantial effects and environmental considerations

The substantial effects associated with the proposed network modification, especially on the environment, and such effects that could arise from projects related to the realisation of the network modification were assessed and presented in detail in the environmental report. The substantial effects seem to be manageable at present. Insufficient environmental compatibility arising from the projects related to the implementation of the network modification is not expected at this time, but the environmental compatibility will need to

be proven in later planning and approval steps for projects arising from the proposed network modification. The following topics discussed in the environmental report are especially relevant and will require particular attention in later implementation steps:

- The existing **bird and nature conservation areas** in the narrow investigation area;
- The **existing spatial structure** and current and future space utilisation needs in the **Vienna area** and around **Vienna International Airport**;
- The aspects of **cumulative emissions** along currently used areas, especially existing transport routes;
- The sensitive areas around the **rivers** and the alluvial zones along the Leitha and Fischa;
- The existing **European wildlife corridor** in the investigation area;
- The existing **nature and landscape conservation areas** in terms of the function of the space as a recreational area;
- The **existing** uses in the investigation area, especially **wind power generation** and gravel extraction;
- The UNESCO World Heritage Site at **Lake Neusiedl**;
- The **Danube alluvial zones** at the northern boundary of the narrow investigation area;
- The existing **woodlands** considering the relatively limited forestation in the investigation area;
- The existing **agricultural use**, especially in terms of economic aspects and winegrowing;
- The existing and rapidly growing demands in terms of **town development** and use as a business location;

3.4. Objective attainment pursuant to Article 5, SP-V Act

The environmental report shows that the proposed network modification can contribute to attaining the objectives that are associated with a primary federal transport network. The following provides a summary of how the proposed network modification accounts for the objectives specified in Article 5 number 4, SP-V Act.

Ensuring sustainable passenger and freight traffic under as socially compatible and safety-oriented conditions as possible (lit. a)

The alternative upon which the present network modification is based ensures sustainable passenger and freight traffic because it generates the most positive effects of any of the assessed alternatives in terms of each of the three pillars of sustainability. Austrian

transport policy has always focused on measures that move the modal split in the direction of environmentally friendly means of transport. The proposed network modification can have a substantial effect here. Because the present network modification is associated with a significant expansion of rail infrastructure in the investigation area, it can be classified as especially socially compatible. The resulting increase in the attractiveness of rail freight traffic will lead to a shift in freight traffic from the road to rail and thus to an improved climate balance. In terms of road safety, freight transport by rail is also the best option.

The investigations show that the implementation of the zero option under which the extension of the 1520 mm rail network ends in Bratislava has a negative effect on this objective because the conditions for the onward transport of the goods are poorer than when the proposed network modification and a connection in the Vienna area are realised. As presented in the environmental report, site option 2 can make the greatest contribution to this objective because it offers the best connections to the trans-European rail network and thus a high share of the goods can be delivered and forwarded by rail.

Attainment of the objectives of the European Community, in particular in the creation of a European transport network and in competition (lit. b)

The recommended site option 2 for the proposed network modification makes the greatest contribution to attaining the objectives of the European Community compared with the other evaluated alternatives.

The proposed network modification will efficiently connect the 1435 mm track network with the 1520 mm track network at the intersection of three TEN-T core network corridors. The recommended site option 2 is also closer to the TEN-T core network hub Vienna than the other evaluated alternatives. The Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology notes that a high-performance rail line pursuant to the HIG does not have to be part of TEN-T because the HIG defines prerequisites for the declaration of rail lines as high-performance lines that differ from those for the declaration of a rail line as part of TEN-T (comprehensive network and core network). Rather, the proposed network modification will make a contribution to connecting both transport networks.

In terms of the competitive objectives of the European Community, the creation of a high-performance transshipment point between the 1435 mm and 1520 mm track networks makes a contribution to strengthening rail as a mode of transport. This will place the hub between the two networks in the geographical centre of the European Union. This makes a

contribution to increasing the competitiveness of the entire European Community and especially of the Central and Eastern European states and their particularly dynamic economies.

The European Union has also committed to building its own freight traffic corridors to increase the competitiveness of the rail system as a mode of freight transport. The proposed network modification is intended to create a freight transport line for transcontinental freight traffic to connect the continental networks.

Ensuring a high degree of environmental protection by accounting for environmental considerations (lit. c)

Compared with the implementation of the zero option, the implementation of the proposed network modification will provide for a high level of environmental protection because the continental rail networks can be connected seamlessly at the Vienna hub.

As presented in the environmental report, site option 2 entails no substantially greater negative effects on the environmental protection goals than the other evaluated alternatives while also offering the greatest benefits in functional terms. Thus, a high degree of environmental protection is ensured. This is based in particular on the shift in the modal split towards rail which will result from this significant expansion of the rail infrastructure in the investigation area, which will make a contribution to climate protection and to achieving higher energy efficiency. The environmental considerations that are associated with the proposed network modification were taken into account in detail in the investigations conducted for the environmental report.

Strengthening rail as a mode of transport will ultimately create better conditions for compact space utilisation and urban development that does not lead to excessive space utilisation, especially for freight traffic.

Strengthening economic and social cohesion in Austria and the Community (lit. d)

The alternative upon which the present network modification is based makes the greatest contribution to strengthening economic and social cohesion in Austria and the Community of all evaluated alternatives because it offers the greatest advance in connecting the continental rail and freight traffic networks.

Within the European Union, the improvement in accessibility that will result from the expansion of the rail infrastructure in the investigation area will strengthen the economic and social integration of the Central and Eastern European countries by reducing transport times and providing better access to sales markets.

The proposed network modification will strengthen the urban areas and improve the connections between the capital cities, and will also help to eliminate regional economic disparities. Site option 2 offers the greatest benefits by connecting the rail networks at the Vienna hub. It also provides for the connection of other transport modes such as freight terminals, the airport, and harbours in the close vicinity.

Provision of high quality transport infrastructure at as reasonable economic conditions as possible (lit. e)

The alternative upon which the present network modification is based aims at the provision of high quality transport infrastructure at as reasonable economic conditions as possible.

If the extension of the 1520 mm network were to end in Bratislava, this would result in a substantial qualitative deficit in the rail infrastructure in the investigation area due to the creation of a bottleneck, which would run counter to one of the central motivations of the expansion of the rail infrastructure that is associated with the present network modification.

As presented in the environmental report, the recommended site option 2 entails the lowest overall costs, including costs for related projects.

Preservation of the comparative advantages of all transport modes (lit. f)

The alternative upon which the present network modification is based makes the greatest contribution to preserving the comparative advantages of all transport modes of all evaluated alternatives. The comparative advantages of the rail system are the high capacity, high compatibility with container-based transport, and the particular suitability for the transport of goods over long distances. In addition, freight transport by rail is more environmentally and climate friendly than other transport modes overall.

Under the zero option where the freight line ends in Bratislava, instead of a relatively short line that would connect high-capacity rail corridors as would result from the realisation of the overall initiative, this short line would be missing. The rail hub of Vienna is the ideal

terminus of this network element due to the fact that three European rail corridors intersect here and due to the high-performance rail infrastructure on site thanks to the rail-friendly transport policy that has been pursued over the past years. Because of this, alternative 2 offers the highest degree of objective attainment in terms of preserving the comparative advantages of rail as a mode of transport.

Ensuring optimal use of the existing capacities (lit. g)

The alternative upon which the present network modification is based is based on ensuring the optimal use of the existing capacities, as these would not exist or would not be used to their full potential in the forecast period if the zero option were implemented because of the specific characteristics of the proposed network element (track gauge).

The proposed network modification will lead to the better utilisation of the rail capacities on the main Austrian corridors. Especially site option 2 limits the required related measures to the Vienna hub and has little effect on the road and rail axes that are located east of Vienna. As presented in the environmental report, the proposed alternative is thus the one that ensures the best network capacity utilisation and adds the least pressure to the elements that are already at their capacity limits.

Creating interoperability and intermodality within and between the different transport modes (lit. h)

The alternative upon which the present network modification is based makes the greatest contribution to creating interoperability and intermodality within and between the different transport modes of all evaluated alternatives.

The substantial expansion of rail infrastructure in the investigation area that is associated with the present network modification conforms with the European requirements in terms of connecting the core European network with the rail networks of neighbouring economic areas. This provides the infrastructural basis for interoperability in cross-border freight traffic in the investigation area, and will especially have a positive effect on the handling of freight traffic in a wide area.

The expansion of the rail infrastructure in the investigation area will allow high-performance connections to and the integration of existing transport infrastructure (such as air-

ports, harbours, and freight terminals). This will lead to significant improvements in intermodality, which will also result in more environmentally friendly goods transshipment overall.

The environmental report states that site option 2 can make the greatest contribution to reaching the intermodality objectives because of the proximity to other transport modes such as inland shipping and Vienna International Airport. The objective of interoperability is also met because the Vienna hub serves all transport modes and because the increasing use of transport containers for freight traffic, which will be advanced significantly by the proposed network modification, also offers a high degree of interoperability.

Attainment of the highest possible overall economic cost-benefit ratio (lit. i)

The comparison of the alternatives for the implementation of the proposed network modification also includes a cost-benefit analysis in the form of a qualitative evaluation. Empirical evidence suggests that investments in rail infrastructure will generate the highest tax returns relative to investments in other transport modes because a comparatively high share of the investment costs are for labour. It is also expected that the expansion of the rail infrastructure in the investigation area will meet with significant demand, while this is not expected in the event of expansions for other transport modes because of the already high quality of the respective infrastructure. The improvement of rail as a transport mode that will result from the network modification will ultimately reduce the environmental costs. Site option 2 with a terminus near the Vienna hub has the highest score in the impact assessment in terms of attaining the goals in the system of objectives.

Creation of a connection to the transport networks of neighbouring states and the concurrent promotion of interoperability and access to these networks (lit. j)

The proposed network modification uses and promotes the advantages of all transport modes in the best possible manner. Goods will be transported to and from the Vienna hub over the primary rail network. Distribution to and procurement from more distant destinations will also take place by rail. By contrast, regional distribution will take place largely by road. This makes the best possible use of the mode-specific benefits of each form of transport.

The recommended site option 2 enhances these benefits to an especially high degree because of its proximity to the well established transport hub of Vienna.

Because of the specific characteristics of the proposed network modification (concrete cross-border umbrella initiative, targeting of a specific product segment), the modes of shipping and air play a limited role in the present network modification.

3.5. Assessment and consideration

Based on the conducted investigations, the authors of the environmental report and the initiator come to the recommendation that the proposed network modification should be pursued, taking into consideration all gathered findings. The potential significant negative environmental effects of the proposed network modification can be managed or eliminated through compensatory measures, meaning that this alternative will likely be environmentally friendly. According to the information in the environmental report, the creation of a legal basis for the proposed network modification can also contribute to the attainment of the objectives that are associated with a primary federal transport network pursuant to Article 5, SP-V Act.

The Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology acknowledges these statements that appear to be well founded and states that it is in favour of the further pursuit of the proposed network modification. A prerequisite for the issuance of a corresponding high-performance line order (which represents the relevant legal basis) for the proposed network modification in Austria is, however, the realisation of the initiative to extend the broad gauge rail line from Košice to the Bratislava/Kittsee area. Should this initiative not be implemented in Slovakia, the network modification proposed by the initiator should no longer be pursued.

The consideration of the environmental report in the creation of the draft order pursuant to Article 9 para. 1 number 2 b, SP-V Act, the consideration of the results of the cross-modal evaluation of the alternatives in the creation of the draft order pursuant to Article 9 para. 1 number 2 c, SP-V Act, and accounting for environmental considerations in the creation of the draft order pursuant to Article 9 para. 1 number 2 a, SP-V Act could then take place.

4. Consideration of the statements (Article 9 para. 1 number 2 b)

4.1. Quantitative analysis

During the participation period, a total of 214 statements were received (some individual statements submitted multiple times and also submissions containing multiple statements).

This makes the participation in this evaluation disproportionately high compared with previous evaluations. Of these, roughly 70% were statements from private individuals (n=149).

Around 20% of the statements were submitted by municipal governments, mayors, or municipal representatives (n=45), 4% by stakeholders pursuant to the SP-V Act (n=7 or 9), and 5% by associations, NGOs, or political parties (n=11). The high level of participation by municipal governments is especially worth noting because this has not occurred in this form under any other SP-V to date. Seven statements were received from the stakeholders named in the SP-V Act (environmental bodies, initiators). Some 90% of the statements were received by e-mail, about one third of which included attached documents, and 10% were submitted using the provided online form. Roughly 40% of the statements were of short or moderate length (one to a few pages), and around 60% were long (at least 10 pages). The longest statement, from the provincial government of Burgenland, encompasses nearly 50 pages. The level of detail at which the environmental report was discussed and the length of the received statements is remarkable. However, some statements were copied verbatim and submitted multiple times. Roughly two thirds of the statements were received in the last three days. Seven statements were received after the end of the participation period including the awarded grace period (in some cases weeks later). Nevertheless, these statements were also reviewed but yielded no new aspects for consideration.

4.2. Content overview

Aside from the statement from the Vienna site advocate and a small number of private individuals and some neutral to slightly critical statements, the tone of the statements was predominantly negative and featured vehement sweeping objections to the initiative.

Especially the statement from the province of Burgenland (environmental office) and submissions from the municipal governments between Vienna and Kittsee and various citizen's initiatives and NGOs fundamentally reject the initiative.

It was evident in an above-average number of the statements that the authors seriously and intensively examined the environmental report. It was also clear, however, that there was coordination between municipal governments and also private individuals that resulted in identical or very similar statements, which suggests common authorship.

The majority of the statements, mostly those from private individuals, are dominated by subjective fears of enormous individual impacts from projects that may arise from the network modification. The fact that the present evaluation covers a network element and no concrete project was not taken into account.

In addition to the feared negative environmental effects, stakeholders and NGOs especially criticised what they feel to be insufficient justification for the initiative and the unclear handling of the additional traffic on the existing transport network in Austria.

Some statements also questioned the conformity of the SP-V Act and its execution with European law. The establishment of comprehensive environmental protection as a federal objective in the federal constitution is seen as justification in some statements to fundamentally call infrastructure development projects into question.

4.3. Summary consideration of the statements

The responses were predominantly critical overall. As there was some overlap in the content of the statements from environmental bodies, other affected initiators, and the general public, the issues that were raised will be discussed together in the following. The statements were assigned to groups and summarised based on their content. This provides a complete depiction of the submitted opinions, in which the articulated statements and comments are presented with the corresponding responses:

1. The prospective creation of jobs and regional value-add are welcomed.

This positive statement is acknowledged.

2. It is put forward that positive economic effects will only arise when a large number of businesses relocate to the area around a terminal. These positive and negative effects need to be depicted and evaluated in detail.

The high-performance rail line order covers a significant portion of the infrastructure that triggers the positive economic development. A logistics centre in the vicinity of the rail facility is not necessarily needed for a positive economic assessment.

3. It is criticised that the depiction of the economic effects is given more weight than the depiction of the environmental and social effects.

It is inherent to the system that economic effects lead to the positive assessment of an initiative. The three aspects of sustainability are covered equally in the evaluation of the effects. Due to scepticism about the economic feasibility of the initiative, special attention was paid to the economic aspect in the evaluation of the effects.

- 4. The recommendation of site option 2 is understandable, but the space is not all freely available (e.g. designations for green belts).**

The agreement is acknowledged. The issue of land and space availability is addressed in the environmental report. Necessary monitoring measures and requirements for land and space utilisation are laid out in the summary statement.
- 5. It is put forward that local and regional authorities must be involved in the further planning.**

This is intended for further planning steps and can also be recommended in the requirements in the summary statement.
- 6. A need is noted for the clarification of the relationships between the network modification and demands for regionality and sustainable economic activity.**

A general form of anti-globalisation sentiment can be acknowledged, but not taken specifically into account for the evaluation of the undertaking at hand.
- 7. It is criticised that there is no depiction of the volumes and types of goods flows.**

The depicted goods flows correspond to a breakdown appropriate for an SP-V. The capital commitment in the context of production and logistics chains is noted. This assessment also applies to future goods flows.
- 8. It is criticised that the explanation of why a relatively short extension of the broad gauge line (compared with the overall line length) is expected to increase the volume of goods exported by rail is not detailed enough.**

The network modification is generally justified based on the resulting jump in efficiency and the bridging function the initiative plays in connecting the rail networks. In addition, the present network modification is based on the premise that the network has already been built up to the national border.
- 9. It is criticised that the boundaries of the narrow investigation area are too limited, and that substantial effects are also likely outside of this narrow area as a result of the increased traffic volumes.**

The type of addressed effects are shown in the functional environmental report. The narrow investigation area is generally defined as the area in which the proposed network modification will be constructed.
- 10. It is put forward that the presented expected modal split shift towards rail that would result from this project is desirable, but that it is highly unlikely because the trend is going in the opposite direction, from the rail to the road.**

This is an innovative undertaking that effectively leverages the strengths of rail as a mode of transport. Rail planning is always supply-side planning, and long-haul freight transport is ideal for a shift to rail. The design of freight traffic corridors is anchored in Austria's government programmes and the EU's transport white paper.
- 11. It is criticised that the evidence provided for functional rail-to-rail transshipment does not seem to be plausible, as this would also require sufficient capacities in the destination countries (DE, IT, CH, FR).**

The initiative conforms with the objectives of the EU in the area of rail freight corridors and TEN-T. The correct implementation of projects that arise from the network modification can be defined as a monitoring measure. The number of full trains is relatively low and does not threaten to exceed the capacities of networks in neighbouring countries as distribution among multiple relationships is likely.

- 12. It is criticised that the environmental report does not depict what capacities would be needed to move the additional freight trains through Vienna to the west, and that this is a key deficiency in the report.**

This was analysed during the definition of the related measures and was determined to be feasible. It is thus ensured that the Vienna hub can handle this traffic.

- 13. It is put forward that there is no depiction of how the goods flows will be handled in the Vienna hub. This is particularly interesting in the context of planned local traffic network expansions and in relation to the junction line.**

The SP-V is too early of a planning stage to evaluate such questions in detail. The handling of the expected goods volumes has been determined to be feasible in general.

- 14. Statements note that the roughly 1000 additional truck trips in the Vienna area may need to be viewed very critically in terms of capacities and environmental and climate problems.**

From an overall perspective, the initiative strengthens rail as a mode of transport and thus offers advantages from an environmental and climate policy view. Local environmental problems are discussed in the environmental report and assessed critically. It is likely that road freight traffic will have undergone a considerable increase in efficiency by the forecast year (e.g. electric trucks, city logistics, etc.), and that the environmental impact will have to be newly evaluated and will be substantially lower than from the present perspective.

- 15. It is criticised that the exact handling of the rail freight traffic and the relationship with the existing freight terminals in Vienna have not been clarified.**

The exact handling of the goods flows depends on later project planning. The majority of the rail traffic will not be handled through further terminals.

- 16. It does not seem plausible that Slovakian freight terminals should only serve local distribution in Slovakia – there must also be value-add potential in Slovakia in order to justify the initiative.**

The function of the terminal in Nove Zamky will only be for local distribution in accordance with the location and overall project planning. The location advantages are only expected for an end terminal in Vienna; the competition between different freight traffic hubs leads to higher efficiency.

- 17. It is stated that a logistics centre as an integral part of the rail system should be part of the impact assessment.**

The high-performance rail line order covers a significant portion of the infrastructure that induces the positive economic development. The logistics centre in the vicinity of the rail system is not necessary for a positive economic assessment of the initiative.

- 18. It would be necessary to evaluate the goods types and quantities to assess the economic effects on the Vienna region. This would also allow negative economic effects to be depicted.**

The depicted goods flows correspond to a breakdown appropriate for an SP-V. The capital commitment in the context of production and logistics chains is noted. This assessment also applies to future goods flows. Transport costs and times between Asia and Europe also provide reference points for the expected composition of the goods, for example as follows for one container: air freight: EUR 30,000 and 3 days, rail freight: EUR 5,000 and 14 days, ocean freight: EUR 1,000–2,000 and 35 days.

- 19. It is criticised that the comparison with a standard gauge expansion (global zero option) was not included in the environmental report.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. The issuance or rejection of a legal basis for the construction of rail infrastructure on Slovakian soil is not within the powers of the Austrian authorities. Therefore, it is not possible to consider the frequently demanded global zero option (no steps whatsoever for the extension of the infrastructure from Košice).

- 20. It is criticised that an intermodal evaluation of alternatives, justification for the selection of the evaluated alternatives, and a description of how the environmental assessment was performed is missing.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava.

- 21. It is criticised that the evaluation of alternatives is limited to five site options, all of which are based on the installation of a broad gauge line. No genuine alternative with the expansion of the standard gauge infrastructure is included.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. Thus, the selected alternatives can be viewed as a suitable basis for an evaluation of alternatives.

- 22. It is put forward that the information and content provided in the report does not seem to indicate that an objective, holistic evaluation of alternatives was carried out.**

The purpose of the SP-V is to provide a basis and information for a political decision. The present documents in the form of the environmental report will be subject to a political decision.

- 23. It is criticised that there is no description of how the proposed network modification could affect the goals of the relevant plans and programmes.**

This involves the method by means of which the system of objectives is developed. The goals of relevant plans and programmes are aggregated in the form of a system of objectives, which is then evaluated.

- 24. It is put forward approvingly that the fundamental information was prepared comprehensively and the site options and their effects were examined in detail.**

The positive assessment is acknowledged.

- 25. It is criticised that multiple items of information from the scoping phase were not taken into account.**

There is no fundamental entitlement to the taking into account of all information from the scoping statements. How this was handled is shown on page 79 of the environmental report.

- 26. Many statements include support for sustainable mobility and for shifting transport from the road to rail.**

The positive assessment is acknowledged. The proposed network modification can be viewed as a measure that will strengthen rail as a mode of freight transport in particular.

- 27. It is criticised that the context of the initiative under the European legal framework, especially with regard to TEN-T, is not clarified. These questions need to be clarified before the network modification is implemented.**

Coordination at the European level will naturally be sought. This procedure is also explained in the monitoring measures specified in the summary statement. There is no fundamental regulation requiring that new lines be part of the TEN or meet certain technical specifications.

- 28. It is put forward that the selection of the recommended site option (no. 2) is contrary to earlier considerations and requirements of the federal government (presentations to the Council of Ministers) and also does not seem to be sufficiently justified in the environmental report. The county of Bruck an der Leitha is already past its transport capacities today.**

This criticism is evidence of the unbiased nature of the evaluation at hand. During the preparation of the environmental report, new information was discovered that clarified and optimised earlier statements and findings. This clearly demonstrates the benefits of the present evaluation of alternatives.

- 29. It is put forward that the expansion of the supply would also be possible by using and expanding the existing TEN-T core network corridors in Slovakia.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava.

- 30. It is criticised that it is unclear what traffic-controlling measures underly the assumed modal split at a terminal location in Austria.**

The modal split is based less on traffic-controlling government policies than on the technical characteristics of the continental rail connection, the terminal, and the transport chain, which can offer an attractive and competitive option for certain types of freight transport and which can enable integration into global transport chains.

- 31. It is put forward that the positive effects for the labour market in the field of logistics for the county of Bruck an der Leitha were deemed to be subordinate.**

This view is not shared. The effects of a freight terminal in terms of labour policy goes far beyond the field of logistics.

- 32. Some statements fundamentally question the sensibility of building two terminals in the Twin City Region.**

As defined in the overall initiative, the Slovakian terminal serves local distribution while the Austrian terminal is intended to provide the connection to the trans-European rail network.

- 33. Some statements indicate that the network modification is not an attractive alternative to ocean freight due to the comparatively low potential for a modal shift.**

The attractiveness in transport system terms does not depend on the quantitative capacity. This is an especially climate-friendly niche product between air freight and ocean freight.

- 34. It is criticised that the economic efficiency and practicality of the extension from Košice to Vienna seem to only be poorly justified in the environmental report. And a plausible transport function analysis to document the global zero option (the broad gauge line still ends in Košice/Cierna nad Tisou) is missing entirely. The presented traffic flows and their optimisation through the extension to Vienna do not seem to justify the entire infrastructure measure.**

The discussion of large-scale alternatives is not the object of the present evaluation as there is a political commitment by four national governments to this initiative and the intent is to increase the detail level of the planning. The present evaluation is one step in continuing the planning process – but it is also clear that the decision on realisation will not be made on the basis of this evaluation alone. The high-performance rail line order that follows an SP-V allows the planning to be continued to potentially attain implementation approval at a later point in time. Should it become apparent that the prerequisites for expansion on the Slovakian side of the border will not be met, the proposed network modification should not be pursued in Austria.

- 35. It is put forward that it seems crucial to evaluate the expansion of other transshipment points (such as Brest) in terms of economic efficiency and probability for the optimisation of the overland connection between East Asia and Europe before the network modification is implemented in Austria.**

The evaluation of the expansion of alternative transshipment points is not and legally cannot be the object of the present SP-V. However, the further pursuit of the initiative of course depends materially on subsequent developments in other countries.

- 36. It is put forward that capacity utilisation in the greater Vienna area and Lower Austria is already very high, and even beyond the nominal limits in some cases. The increased traffic volumes that would result from the network modification would substantially worsen the precarious infrastructure situation. At the same time, the rudimentary to deficient description of the related projects makes it difficult to assess whether these are of adequate design and scope to accept these additional volumes.**

Related measures for the road and rail infrastructure were examined. The results of the investigations point to sufficient capacity, and the ability to carry additional traffic was proven. In general, the contribution of the initiative is relatively minor compared with the generally projected increase in traffic.

- 37. Some statements claim that the environmental report is deficient in that land use planning programmes of the province of Lower Austria (extraction of mineral raw materials; maintenance of open landscape; wind power utilisation) were not taken into account even though they were pointed out in the scoping phase.**

The official order on a sectoral land use planning programme for the utilisation of wind power in Lower Austria is listed concretely in the objectives of the provincial government of Lower Austria (section 4.2.3.2) and is included as text and in a map as a separate subsection 7.2.1.4 on page 132 of the environmental report. The sectoral land use planning programme for the extraction of mineral raw materials (provincial law gazette 8000/83-0) is covered implicitly through the use of the suitability zones specified in the regional land use planning programmes for the Vienna area (as text and in a map, including section 4.2.3.2 and section 7.2.1). The specified official order itself contains no other zones in the narrow investigation area.

- 38. It is criticised that especially the positive effects of environmentally friendly freight traffic handling is stressed when reference is made to the Austrian space development concept. Conflicts with other objectives are not addressed.**

The focus of the analysis of the objectives was naturally placed on objectives that can be attained through the proposed network modification or to which the network modification can contribute.

- 39. It is criticised that the reference to objective documents of the province of Lower Austria was one-dimensional and focused on the economy and transport system.**

The focus of the analysis of the objectives was naturally placed on objectives that can be attained through the proposed network modification or to which the network modification can contribute.

- 40. It is put forward that not all documents used for the evaluation were examined in the latest versions.**

This is correct in a small number of cases because some documents were updated to their final versions during the preparation of the environmental report, but the initiator indicated that this would result in no differences in the overall statements or recommendations of the environmental report.

- 41. It is criticised that the depiction of the environmental conditions is very descriptive. The conclusions were infrequent and implausible in some cases.**

The depiction of the environmental conditions in and of itself does not include an assessment of the effects.

- 42. It is criticised that it is unclear which plans and programmes were taken into account in the overview of the environmental protection goals.**

As indicated in the statement, a summary of the environmental protection goals for the respective topic is included from various sources at the end of every section. These are structured as follows:

1.) Environmental goals from plans and programmes (each with a list of the concrete documents)

2.) Environmental goals on the basis of legal acts (each with a list of the concrete documents)

3.) Environmental goals that (additionally) arose from the concrete environmental conditions

in the narrow investigation area from a technical perspective on the basis of the prior descriptions within the section.

- 43. It is put forward that the pending environmental impact assessment in Slovakia is in the stage defined in Article 30 of law no. 24/2006 Slg and that the scope of the necessary assessment was announced on 6.2.2019. It can in no way be said that the initiative has yet been approved in this case.**

The forecast year was defined as 2040, so the implementation of further infrastructure elements that are relevant for the network modification was assumed (e.g. S1 Schwechat interchange – Raasdorf interchange, S8 Marchfeld expressway, etc.). The approval of the initiative by the Slovakian authorities is not stated. However, the forecast requires that a certain future network state be assumed as the basis for the present network modification. Before the federal government potentially approves the corresponding network modification in the form of a high-performance rail line order pursuant to the HIG, the officials should wait to see what progress is made in the ongoing preliminary proceedings for the line in Slovakia.

- 44. It is criticised that the present zero option is based on vague or fictitious premises. It would be methodologically correct to use a zero option that makes no such assumptions, or multiple zero options would have to be evaluated as specified for such cases in the BMVIT's guideline.**

The SP-V guideline contains multiple zero options as one possibility, but does not mandate it. This would especially make sense if the substantial expansion of an existing high-performance line in Austria would be an alternative. The starting point for the present investigation and environmental report is the presence of a connecting point to the 1520 mm network at the Austrian national border. Thus, the progress of planning and implementation in Slovakia must be taken into account before the network modification is implemented.

- 45. It is criticised that the postulated job creation effects are very low compared with the space utilisation.**

The estimates were very cautious and conservative to avoid the overestimation of the positive effects. There are many secondary employment effects in the transport sector in particular, but it is not the objective of the network modification to directly generate labour market effects.

- 46. It is criticised that no distinction was made between non-linear and linear rail infrastructure in the assessment of the effects.**

This point of criticism is not clear because exactly such a differentiation was made.

- 47. It is put forward that the recommendation of the environmental report in terms of selecting site option 2 is implausible because alternatives 3 and 5 would receive higher scores if the pillars of the environment and society were weighted more equally. The disproportionate weighting of the pillar "economy" seems to cause an unbalanced assessment. This calls into question whether the undertaking can be viewed positively at all from a holistic perspective.**

The recommended alternative best achieves the objectives of the network modification. The proposed site option is a recommendation of the initiator that can or will be confirmed by the subsequent weighting by the BMK.

- 48. Doubts are raised about whether the proposed network modification can meet the material requirements of the HIG for high-performance lines as it is lacking in a connecting function as a foreign element in the TEN-T core network. This is relevant for the high-performance rail line order in that a rail line that does not meet the requirements set forth in Article 1 para. 1, HIG would be unlawful and could be stricken down by the Constitutional Court.**

A high-performance line does not necessarily have to be part of the TEN-T network. The proposed network modification creates a connection between the TEN-T network and the 1520 mm network. The function for freight traffic is a key attribute of a high-performance line according to the High-Performance Lines Act. The proposed network modification is thus not in conflict with intentions at the European level. Coordination at the European level will naturally be sought. This procedure is also addressed in the monitoring measures discussed in the summary statement.

- 49. It is criticised that the crossing of the Alps-Carpathian Corridor would have a significant negative impact on the natural migration routes of fauna species that are protected throughout Europe. To minimise this negative impact to the greatest extent possible, green bridges would have to be built as a compensatory measure.**

This concern is acknowledged. Countermeasures can be taken during the implementation of the project and are also addressed in the monitoring measures in the summary statement.

- 50. It is put forward that a nature impact assessment will have to be conducted for the recommended alternatives 2 and 5 due to the significant effects on highly sensitive objects of protection. Compensatory measures will not likely be feasible because of the rarity and specific characteristics of the objects of protection in the area. It thus seems that approval under the nature conservation regulations would only be possible in compliance with the strict requirements in Article 10 (6) Lower Austrian Nature Conservation Act 2000, meaning that an assenting opinion may be required from the European Commission, and under the application of comprehensive and very cost-intensive compensatory measures.**

It goes without saying that the pertinent environmental laws will have to be followed in later planning steps. Critical nature conservation issues are discussed in the environmental report, including in relation to measures.

- 51. Some statements call into question the economic efficiency of the overall initiative in light of the high investment sum, current geopolitical conflicts, and the demand situation.**

Current geopolitical conflicts are of little relevance due to the long forecast horizon.

- 52. It is put forward that the potential effects of the network modification on the existing and future primary road infrastructure seem to be very far reaching.**

This is also discussed in detail in the environmental report.

- 53. It is criticised that only the traffic volumes resulting from the initiative that lead to a nominal exceedance of the capacities (> 100% capacity utilisation, LOS F) are discussed in the environmental report.**

This relationship is discussed in the environmental report. Related measures are defined from this threshold, so that capacity exceedance problems can be attributed to initiatives.

- 54. It is put forward that the actually required refurbishment measures in the primary road network are very difficult to estimate at the current stage of planning because the concrete possible connections to the primary road network have not yet been presented.**

This is why the inclusion of all modes of transport in subsequent planning steps for the concrete definition of projects is of such high importance. Problems of this nature do not fundamentally preclude the network modification and can be defined and addressed by means of monitoring measures.

- 55. It is put forward that the depicted costs for the “related measures for roads” are insufficient. The required refurbishment and expansion work will likely be far greater than the estimated costs and should be assessed in a further step. The necessary road construction work at the Vösendorf interchange is especially relevant here, as the significant environmental costs that are likely due to the complexity were not taken into account.**

The identified related measures are commensurate with the current knowledge and the scope that is possible in an SP-V. The Vösendorf interchange is addressed in the environmental report in the context of the entire road network to the south of Vienna, but without a concrete cost estimate because ASFINAG has indicated that this is not yet possible. This must be taken into account in subsequent process stages. Excerpt from the environmental report on the Vösendorf interchange: “Additional measures that will be needed in relation to the specific site options are difficult to quantify and difficult to bring solely into relation with the proposed modification due to the current capacity utilisation levels, and would have to be evaluated in the context of the entire road network to the south of Vienna. These potential measures increase the overall costs of the related measures to an indeterminate degree.”

- 56. It is criticised that the indicated number of containers transported per train does not correspond with the transport assessment on which the environmental report is based.**

No related figures were stated in the underlying transport assessment. There is a preceding evaluation from 2018 that states 70 40-foot containers per train. The environmental report states between 126 and 142 containers on page 14 (meaning TEU, i.e. 20-foot containers, as is clear from the preceding context). The discrepancy is thus the result of the different container sizes, but can also be clarified easily by converting from 40-foot to 20-foot containers.

- 57. ASFINAG requests to remain involved in this project so as to be able to provide information about potential capacity exceedances on motorway sections in good time, to coordinate measures, and to clarify the financing of these measures.**

This involvement will of course be necessary in the later process steps.

- 58. It is put forward that the traffic volumes resulting from the broad gauge line will represent a substantial burden on the ASFINAG network and cannot be successfully handled without**

a deterioration in the level of service unless substantial related measures are implemented. This applies not only to ramps, but also entire motorway sections.

The full retention of the level of service is not the objective in determining the related measures. These are only determined in an approximate manner. It goes without saying that the related measures must successively be coordinated and fleshed out with the affected road maintenance authorities in the subsequent planning steps.

- 59. It is feared that obtaining approvals for the necessary related projects and thus implementing these projects will be a challenge – without concrete reference to any one circumstance, but in light of the general trend in jurisprudence.**

This question will have to be evaluated on an ongoing basis in subsequent planning steps.

- 60. It is requested that the number of truck parking spaces indicated in the environmental report be coordinated with the ASFINAG parking space concept in the further course of the project.**

This can be ensured by involving ASFINAG in later process steps.

- 61. It is criticised that the costs estimated for the related projects are incomplete, implausible, and involve considerable uncertainty at present. The financing or co-financing of the related projects needs to be clarified.**

The identified related measures are commensurate with the current knowledge and the scope that is possible in an SP-V. Involvement in later process steps is also relevant here.

- 62. It is put forward that investments in rail infrastructure are generally positive from an environmental-policy perspective. They contribute to making the attainment of the carbon reduction targets (-30% by 2030) more likely at the European level. In this context, however, it would be important to ensure the onward transport on standard gauge rail lines after the broad gauge terminal.**

This statement is acknowledged. It supports the network modification because onward transport by rail is more likely when the freight terminal is located at the intersection of multiple high-performance axes of the TEN-T core network. Especially site option 2 supports this objective because all modes of transport can be reached in the vicinity of the Vienna hub – especially including inland shipping.

- 63. It is requested that the traffic volumes projected for 2050 be broken down further, for example by number of trains, so the emissions can be estimated more accurately. The overall contribution of the initiative to increasing the efficiency of freight traffic should be depicted more clearly. The traffic induced by the terminal (including service traffic and internal traffic) should also be depicted so the effects of the initiative can be assessed more thoroughly.**

The depiction provided in the environmental report corresponds to the strategic level of the SP-V. More detailed depictions could cause the impression of spurious accuracy. The goods quantities are contained in the environmental report, including allocation to European destinations and origins. The figures were provided for the terminal and logistics centre.

- 64. It is noted that the design of the target system appears to be plausible.**

This statement is acknowledged.

- 65. It is requested that the shift from road to rail resulting from the initiative be assessed and presented more clearly, as this is particularly relevant in terms of the carbon balance. The initiative should not result in a need to further expand the road network.**

The necessary changes to the road network are extremely limited, and there is less need for expansion especially compared with the zero option. In general, the projected increase in traffic as a result of the initiative is far less than the general level of growth that is being projected.

- 66. It is criticised that only very rudimentary quantifiable objectives and statements on traffic-specific indicators (lanes, volumes, space utilisation) are offered. These would be necessary for meaningful and continuous monitoring.**

The present information depth corresponds to the strategic level of the SP-V. The depiction of quantifiable indicators was integrated to the greatest degree possible, but omitted where they would only cause the impression of dubious accuracy.

- 67. It is requested that the 2019 national air quality programme and the national energy and climate plan be added.**

These plans were not named in the scoping, and there were no requests for their inclusion in the scoping statements. In addition, the air quality programme was not adopted until 31.07.2019. Taking the two documents into consideration is also not likely to result in any changes in the target system. The current energy and climate plan was also not published until after the environmental report was released.

- 68. It is criticised that traffic-relevant environmental effects are depicted, but there are no quantifiable statements about transport quantities due to the fact that the site has not yet been specified.**

The transport quantities are identical under all alternatives and were depicted (transport mode, destinations); a local breakdown was not performed due to the strategic level.

- 69. It is noted that the description of the framework conditions, traffic structures, and environmental conditions is comprehensive and prepared at an appropriate level of detail.**

This positive assessment is acknowledged. It speaks to the quality of the environmental report and the system of objectives defined on this basis.

- 70. The ability to direct the modal split through the chosen alternative was stressed. This should be used to ensure that an absolute minimum of the incoming goods volumes are transported onward by road.**

It is hardly possible to predict the transport policy conditions that will apply in 20 years. The network modification can only contribute to creating ideal infrastructural conditions for onward transport by rail.

- 71. It is requested that the calculations used by Breitspur-Planungs-Gesellschaft to determine the traffic volumes and the assumed framework conditions and parameters be presented in greater detail.**

The depicted traffic volumes and their breakdown correspond to the strategic character of the SP-V. Even if there were more detailed traffic figures, they would suggest a level of precision that does not exist in reality. The in some cases more detailed data in the raw model are

thus aggregated again at the end to reduce the forecast error and obtain more reliable results.

- 72. It is criticised that the indicated monitoring measures are only general in nature.**

This corresponds to the strategic character of the SP-V. The selected approach is justified in detail in the environmental report. In addition, the summary statement includes additional general and specific monitoring measures.

- 73. It is criticised that the definition and evaluation of the alternatives are deficient in multiple regards. The zero option was evaluated incorrectly, and no alternatives were offered to the north of Vienna.**

The premise of the SP-V, namely of a border crossing point at Kittsee, is also relevant here. The ability to cross the Danube in Austria is highly questionable, and onward transport to the south and west would also be impaired in this case because the Vienna hub would have to be crossed from north to south.

- 74. Some statements call the economic benefits into question, and claim that there is no apparent added economic value over the zero option. It is feared that big industry will be strengthened and the regional economy weakened.**

This question is covered in the environmental report (regional forms of business) and critically assessed.

- 75. Some statements strictly reject any additional traffic volumes in the already overstressed Vienna area.**

Related measures were defined to handle the additional traffic. The environmental compatibility of projects that could arise from the network modification must be proven in later process steps.

- 76. Some statements call into question the postulated onward transport by rail when the line is extended to Vienna.**

This is fundamentally a question of the transport policy framework in 20 years. The network modification will create better infrastructural conditions for onward transport by rail. Strengthening rail as a mode of transport is a constant focus of Austrian transport policy.

- 77. The evaluation of alternatives does not include a variant with a terminus to the north of Vienna.**

The premise of the SP-V, namely of a border crossing point at Kittsee, is also relevant here. The ability to cross the Danube in Austria is highly questionable, and onward transport to the south and west would also be impaired in this case because the Vienna hub would have to be crossed from north to south.

- 78. Some statements criticise the massive loss of valuable agricultural land, which is problematic in the context of food supply security at the regional level.**

Conflicting objectives that arise through the interplay of individual political goals (strengthening rail and maintaining agricultural land) can only be solved by political decisions based on a transparent evaluation. Should the high-performance line order be implemented – which seems unlikely at present – the track routes must be selected in compliance with the

necessary monitoring measures and preconditions for land and space utilisation in subsequent planning steps. These are explained in the summary statement.

- 79. The feasibility of the logistics centre and initiative is called into question in general in some statements because the governments of all suitable municipalities will object to the initiative.**

The initiative and the components that fall under railway law require no decisions that fall under the purview of the municipal governments. The depiction of rail infrastructure in the zoning plan is mandatory. The intended effect of the network modification will largely be achieved through rail infrastructure. A logistics centre is not part of the network modification; the type and scope ultimately depend on planning decisions by municipal and provincial governments.

- 80. Some statements express fears of significant environmental effects on Natura 2000 areas and other protected areas. Thus, the likelihood of approval being granted for projects that arise from the network modification is seriously called into question.**

The question of whether concrete projects will be approved does not fall under the scope of an SP-V. The addressed environmental effects are assessed appropriately at the strategic level in the environmental report and were taken into account in the evaluation of the alternatives. During the investigations, no impediments were found in general that would definitely preclude the implementation of projects to achieve the network modification. The construction of any infrastructure must of course be evaluated critically in the various proceedings during the subsequent process phases. The proof of environmental compatibility is the object of later project-specific environmental impact assessments.

- 81. It is criticised that the Alps-Carpathian Corridor and the green belt will be interrupted completely.**

The addressed environmental effects were assessed in the environmental report and also influenced the evaluation of alternatives (such as alternative 3). The network modification was found to be fundamentally feasible in the environmental report. Nevertheless, the environmental compatibility of concrete construction projects that serve to implement the network modification will have to be proven.

- 82. It is criticised that other evaluation criteria were applied for assessing the scenario of a track gauge switch in Slovakia than for assessing the effects of the other alternatives.**

The scenario of a track gauge switch in Slovakia was not handled as a full-fledged alternative or assessed in full in the evaluation of the effects due to the fundamental premise of the SP-V. The fundamental premise of the SP-V is the extension of the line in Slovakia to the Austrian border at Kittsee. If this extension is not completed, other alternatives will come to bear that are not under the influence of Austrian infrastructure development policy. The proposed network modification will create the basis for extending an existing line from the national border at Kittsee to the Vienna area. If no connection is possible at the border to Slovakia, the network modification will not be implemented.

- 83. Some statements rule out conformity with the UN Sustainable Development Goals (SDG) due to the massive negative effects.**

The SP-V does not postulate conformity with the SDG. The SDG is one of many strategic documents that were taken into consideration in the creation of the system of objectives.

- 84. It is criticised that the initiative has a substantial negative effect on the objectives of the Convention on Biological Diversity (negative effects on protected areas, ecosystems, habitats).**

The addressed environmental effects are discussed in the environmental report.

- 85. It is put forward that the initiative runs counter to the objectives of the province of Burgenland.**

The addressed effects are presented and discussed in the environmental report. The fact that the network modification does not entirely conform with all consulted objective documents is unavoidable.

- 86. Some statements claim that the evaluation of the alternatives is implausible; the zero option is felt to be the lesser evil.**

This determination now falls under the purview of the BMK. The zero option does not meet the objectives of the network modification.

- 87. Some statements reject the initiative on the whole due to the negative effects on the regional economy, day-to-day life, the landscape, and environment.**

The rejection is acknowledged, but the decision on the proposed network modification must take a wide variety of parameters into account. The environmental report states that the proposed network modification with the recommended site option has a better balance than then zero option, in other words allowing the extension of the 1520 mm network to end in Bratislava.

- 88. It is criticised that the comparison with a standard gauge extension (global zero option) is not presented in the environmental report, and that no other terminus in western or eastern Slovakia is presented.**

It is not the objective of the environmental report to investigate and evaluate alternatives in Slovakia or in other countries as these do not fall under the influence of Austrian infrastructure development policy and thus cannot be implemented by Austria. There is also a fundamental commitment from four national governments to continue this initiative and the planning and to ultimately implement it. However, should the implementation of the project prove to be impossible or no longer be pursued in one of the countries, a key premise that this assessment was based on would no longer apply, and the proposed network modification should no longer be pursued.

- 89. Some statements reject any additional traffic volumes in the already overstressed Vienna area. The area to the east of Vienna already features an excessive level of infrastructure, further projects have already been approved, and the burden on the population is already high.**

The level of infrastructure and burden in the investigation area was presented and analysed in detail in the environmental report. In the evaluation of alternatives, site option 2 with a terminus close to Vienna was identified as the best option.

- 90. It is criticised that the statements regarding related measures submitted during the consultation phase were not taken sufficiently into account.**

The environmental report presents the related measures for the SP-V in detail. The evaluation of the statements from the scoping phase is described in the environmental report, but it is not always possible to discuss all statements in detail in the environmental report.

- 91. It is put forward that the further pursuit of the project will entail high investments in infrastructure and long lead times for planning and construction.**

The statement is acknowledged. Past experience has shown that the SP-V can contribute to accelerating subsequent planning steps.

- 92. The initiative is rejected in some statements due to the substantial environmental effects and massive alterations to the investigation area, in particular the enormous use of especially valuable agricultural space.**

The current government programme contains the political objectives of strengthening rail infrastructure and of preserving agricultural land. The only way to come to a sensible decision is to weigh the benefits and disadvantages. The summary statement includes the specification of measures relating to land and space utilisation that must be taken into account in the further implementation of projects that arise from the network modification.

- 93. It is requested that the measures intended to prevent, mitigate, or compensate for substantial effects be taken into account in all administrative proceedings.**

The point is acknowledged. Monitoring measures are defined in the summary statement.

- 94. Some statements put forward that the environmental report in and of itself is implausible.**

This criticism, which was expressed frequently but rarely supported with concrete evidence, is acknowledged but the rationale behind it is not evident.

- 95. It is put forward that all government offices of the province of Burgenland (zoning, nature conservation, traffic planning) object to the initiative and that it will thus be impossible to gain official approval.**

The relevant government programmes contain the objectives of strengthening rail infrastructure and of preserving agricultural land. A comparison of the benefits and disadvantages with a weighting of the objective arguments must ultimately lead to a decision. The site option recommended by the initiator and the line corridor are not expected to result in any substantial impact to the province of Burgenland. The involvement of the province is specified for the further course of planning and when concrete projects are being developed.

- 96. It is criticised that the environmental report does not depict the binding protection standards under international law (Lake Neusiedl UNESCO area) and is thus deficient. The obligation under international law to protect the area also applies to Hungary, so an official order issued on the basis of the environmental report would be in violation of international law.**

Lake Neusiedl and the protection zone are not in the narrow investigation area. The UNESCO World Heritage Site was taken into account in the depiction of the environmental conditions in section 7.2.1.5 and rated as high or very high in terms of spatial vulnerability. Alternative 4 thus received a negative evaluation.

- 97. Some statements put forward that the land use planning powers of the provincial governments and the constitutionally mandated coordination between the federal and provincial governments was not taken into account in the environmental report; a high-performance rail line order issued on the basis of this environmental report would thus be unconstitutional.**

The coordination between the federal and provincial governments took place during the consultation phase in accordance with the requirements in Article 4, SP-V Act. The relevant objective documents were analysed and taken into account in accordance with the requirements in the SP-V guidelines. Explicit approval from potentially affected municipalities is not required for a draft high-performance rail line order. The municipal governments will be involved in the fleshing out of the plans in possible subsequent steps (e.g. route selection proceedings).

- 98. It is criticised that the definition of the zero option and thus the evaluation of the site options are deficient. In fact, the zero option is actually another site option.**

A premise for the present SP-V was a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. The area of application of the High-Performance Lines Act and the SP-V Act ends at the national border and cannot cover Slovakian territory or the territory of other countries. The zero option thus consists of not authorising a high-performance line in Austria, but cannot consist of dictating rail infrastructure in other countries.

- 99. It is put forward that the evaluation of the alternatives is implausible. Site option 5 and the zero option were evaluated very differently despite being in very close proximity.**

The two evaluated alternatives have very different infrastructural and economic prerequisites (e.g. crossing the Danube).

- 100. It is criticised that the comparison of alternatives is unlawful because a possible border crossing point north of Bratislava was basically ignored without comment.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. The issuance or rejection of a legal basis for the construction of rail infrastructure on Slovakian soil is not within the powers of the Austrian authorities. The present Slovakian planning documents ruled out a transfer point north of the Danube. A border crossing point north of the Danube was also not discussed in the cross-border consultations with Slovakia.

- 101. It is put forward that the narrow investigation area was demarcated incorrectly because the site of the zero option in Bratislava is outside of the investigation area and was thus not considered in the evaluation of effects.**

The zero option entails no network modification in the area of application of the High-Performance Lines Act and the SP-V Act, which only apply in Austrian territory. Thus, the effects of this option cannot be addressed in the narrow investigation area. Evaluating the significant effects in Slovakian territory and ascertaining the eligibility of initiatives for official approval

fall under the purview of the competent Slovakian authorities. The environmental compatibility of an infrastructure project must also of course be proven in accordance with the European regulations in the Slovak Republic.

- 102. It is criticised that the specification of the relevant environmental objectives is implausible and incomplete. Relevant programmes such as the framework concept for wind power utilisation and suitability zones, the 2016 Air Pollution Control Act (IG-L) measures list of the provincial governor of Burgenland, and the UNESCO Convention are noted in the text, but no environmental objectives that are to be taken into account are derived from them.**

A summary of the environmental protection goals for the respective topic is included from various sources at the end of every section. These are structured as follows:

1.) Environmental goals from plans and programmes (each with a list of the concrete documents)

2.) Environmental goals on the basis of legal acts (each with a list of the concrete documents)

3.) Environmental goals that (additionally) arose from the concrete environmental conditions in the narrow investigation area from a technical perspective on the basis of the prior descriptions within the section.

The IG-L and objectives that serve the protection of Lake Neusiedl are accounted for in section 7.2.1.6 of the environmental report. Wind power generation suitability zones are shown, but no relevant environmental protection goals can be derived from them.

- 103. It is criticised that it is unclear whether and to what extent the environmental objectives were actually taken into account in the evaluation of the effects.**

The documents contributed to the creation of the system of objectives and are taken into account in this manner in accordance with the applied method. This approach can also be found in the SP-V Act and in the SP-V guidelines. Such a transformation into a system of objectives is necessary to operationalise the large number of environmental goals from various documents and legal sources at the strategic level and to put them into relation with the objectives specified in the SP-V Act and to a proposed network modification and its alternatives.

- 104. It is criticised that the SP-V Act is in violation of Union law because the objective “Creation of a connection to the transport networks of neighbouring states and the concurrent promotion of interoperability and access to these networks” (see Article 5 number 4 lit j, SPVG) allows the arbitrary assumption of border crossing points and does not allow the required unbiased nature of the investigation. Thus, any high-performance rail line orders issued on this basis would be unlawful.**

The environmental report was created on the basis of the SP-V Act as currently amended and is thus lawful. Discussing potential criticisms of individual provisions of the SP-V Act is not within the scope of a concrete strategic assessment.

- 105. It is put forward that the zero option on which the environmental report and comparison of alternatives is based (terminus of the broad gauge line in Bratislava) does not equate to**

using the network status without a network modification (terminus in Košice) as a reference point and is thus deficient. The present environmental report is thus in violation of Austrian and Union law because it does not contain the material reference point for the mandatory comparison of alternatives, namely the zero option.

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. The issuance or rejection of a legal basis for the construction of rail infrastructure on Slovakian soil is not within the powers of the Austrian authorities.

- 106. It is criticised that the evidence provided for the modal split figures for the zero option and the site options is not clear. How the postulated differences in the modal split (road vs. rail, onward transport of the goods) can be explained is entirely unclear given that the two potential terminal locations are only a few kilometres apart.**

The rationale for the provided assessment of the development of traffic is presented in the environmental report (section 9.2.1). The Vienna hub offers the best potential for onward transport by rail due to its rail infrastructure. In addition, Austria has pursued a rail-friendly transport policy and measures to shift transport to rail for many years.

- 107. In addition to omitting the genuine zero option with a terminus in Košice, some statements also criticise the failure to take into account a genuine zero site option, namely a terminus in Bratislava or in the area of the border with a high-performance connection to the Austrian rail and road network.**

A premise for the present SP-V is a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. This premise was formed at the political level and led to the present strategic assessment in the transport sector. The issuance or rejection of a legal basis for the construction of rail infrastructure on Slovakian soil is not within the powers of the Austrian authorities.

- 108. It is criticised that additional alternatives such as the expansion of the hub in Košice or improving the connection in Brest and thus improving the state of the infrastructure were not taken into account. Thus, the environmental report is incomplete.**

These circumstances are discussed in section 3.1 of the environmental report. The HIG and SP-V Act cannot be used to implement site options that do not fall under the power of Austrian laws.

- 109. It is criticised that the incompleteness of the target documents from which the material environmental goals were derived and the resulting incompleteness of the objectives that were taken into account results in the present environmental report failing to comply with the legal requirements.**

The objective documents that were indicated as missing in the statements (wind power systems, UNESCO World Heritage, IG-L list of measures) were depicted in the environmental report. If relevant environmental protection goals for the network modification could be derived from the documents, they were integrated into the system of objectives.

- 110. It is put forward that the assignment of the environmental objectives to the individual spatial vulnerability classes is unlawful (for example relating to the UNESCO World Heritage), and in any case implausible throughout the report. This makes the present environmental report implausible and unclear in this respect.**

The methodological approach is presented in section 7.3.1 of the environmental report. The assignment of topics to spatial vulnerability classes broken down into non-linear and linear infrastructure is listed in detail. The method and spatial vulnerability-related depictions correspond to the current state of the art, conform with the SP-V Act and SP-V guidelines, and ease subsequent implementation steps and the fleshing out of projects that arise from a network modification.

- 111. It is criticised that the conducted evaluation of the effects (noise, airborne pollutants, regional economy) is implausible or incorrect in many respects because some alternatives were found to be at least partially in line with the objectives even though the rationale for this was not presented.**

The methodological approach for the evaluation of the effects is based on the requirements in the SP-V Act, follows the SP-V guidelines, and is explained in sections 5.3 and 9.1. The assignment of the effects to degrees of objective attainment is also described in the text (section 9.2.3). A degree of objective attainment can be determined on the basis of multiple contradictory effects and is a technical assessment. For example, global positive effects can offset or surpass local negative effects.

- 112. It is criticised that Burgenland land use planning law and plans and programmes drawn up on this basis (such as the 2011 provincial development plan and the provincial transport concept) were not taken into account in the evaluation of alternatives in the environmental report even though this would be required under constitutional law and the evaluation of the alternatives would be substantially influenced by the specified objectives. This makes it clear at this point already that the realisation of the proposed network modification would only be possible in violation of land use planning regulations of the province of Burgenland and the affected municipalities.**

The addressed objectives were taken into account in the creation of the system of objectives. The initiative in question is also included in the overall transport strategy of Burgenland, though it has not been assigned a high priority. Based on the recommendation of the initiator, the terminal will not be located in Burgenland. Only a small part of Burgenland will be crossed by the proposed network modification.

- 113. It is put forward that the proposed network modification will be impossible because the protection of the Lake Neusiedl World Heritage Site and bilateral, binding obligations under international law were not taken into account. This fact was not assigned sufficient weight in the environmental report.**

Lake Neusiedl and the related protection zone are not located in the narrow investigation area. The area is not affected by the proposed network modification. The UNESCO World Heritage Site is shown in the presentation of the environmental conditions in section 7.2.1.5

of the environmental report and the spatial vulnerability was categorised as high or very high.

- 114. It is put forward that the present initiative cannot be supported from the perspective of the local land use planning in Burgenland because the associated structural changes and the expected negative effects are in massive conflict with the defined development objectives of the province and the municipalities.**

This assessment played a part in the recommendation of site option 2 for further development, and to plan no terminal site in Burgenland. The proposed network modification will now only cross a small part of Burgenland and have its terminus near Vienna. Thus, no structural land use changes are likely in Burgenland. The statements were taken into account in the evaluation of the effects.

- 115. It is requested that the local development concepts and zoning plans of the Burgenland municipalities be used to depict the environmental conditions.**

The plot-based approach that this would entail does not correspond to the strategic character of the SP-V. Aggregated space use information, for example towns and their surrounding areas, were taken into account in the investigation and depiction of the environmental conditions and were classified as having high spatial vulnerability. It must also be noted in general that higher-level utilisation of national relevance must be depicted in zoning plans.

- 116. It is put forward that the freight terminal and logistics centre should be taken into account in the environmental report because these project elements will result in the most significant environmental effects in the functional and narrow investigation areas.**

The high-performance rail line order as a draft plan and object of evaluation covers a large portion of the infrastructure, namely all rail systems required for operation. The logistics centre itself is not part of the network modification. The type and size of the logistics centre and thus its effects, benefits, and disadvantages depend on later planning decisions under the purview of the municipal governments and the involved province. However, a logistics centre was taken into account in the evaluation of the effects on the road network.

- 117. It is requested that the framework concept for wind power systems and the framework programme for the extraction of sand and gravel on the Parndorf Plain be taken into account in the environmental report, along with the Austrian raw materials plan.**

The topics of wind power generation and gravel mining were addressed in sections 7.2.1.4 and 7.2.4.4 of the environmental report. The Austrian raw materials plan was not explicitly taken into account because the suitability zones were incorporated into the depiction of the environmental conditions.

- 118. It is put forward that the network modification would endanger the attainment of the objectives of the 2011 Burgenland provincial development plan.**

The associated objective documents contributed to the higher score assigned to site option 2. A terminal location in Burgenland is thus not being proposed, and the network modification only affects a small portion of Burgenland.

- 119. It is put forward that the provincial government of Burgenland can assign no priority to the initiative under its overall transport strategy, and that Burgenland would thus grant no consent to the network modification.**

The general opposition is acknowledged. The final recommendation of the environmental report specifies site option 2, which is located outside of Burgenland and only affects Burgenland marginally.

- 120. It is criticised that the planned network modification could have a serious detrimental impact on the future development of overall space quality, and on regional development in this part of Burgenland. The structural change resulting from the freight terminal and logistics centre run counter to the development goals of the affected municipalities in the region.**

The general opposition is acknowledged. The final recommendation of the environmental report specifies site option 2, which is located outside of Burgenland and only affects Burgenland marginally. This makes any deterioration of the space quality and regional development in Burgenland unlikely. In fact, improvements will result compared with the zero option.

- 121. It is put forward that the network modification will not be eligible for official approval under the regional land use planning regulations.**

The strategic assessment makes no decisions on the eligibility of the network modification for official approval or on such eligibility for projects that may arise from the network modification. The legal basis for the network modification is created by the federal government. The present investigation simply provides a basis for the decision on the legal act.

- 122. It is criticised that the points submitted on the scoping document from an environmental protection perspective were not taken into account.**

There is no fundamental entitlement to the taking into account of all information from the scoping statements. The SP-V Act also only refers to consultations. These are implemented in a transparent and inclusive manner in the respective proceedings. The environmental report also contains a statement on how what points were handled (page 79 in the environmental report).

- 123. It is put forward that a crucial weakness of the submitted environmental report is that the underlying Natura 2000 areas for Burgenland are grossly incomplete despite the provision of corresponding information during the consultation phase (protected area “AT1127119 Burgenland Leitha alluvial plains”, expansion of area “AT1125129 Parndorf Plain–Heideboden” (03/2019)). This means that the conclusions of the environmental report in terms of nature conservation are insufficient and inapplicable.**

This criticism is correct, but taking the two protected areas into account would not result in any changes to the evaluation of the effects or development of measures. The Leitha alluvial plains are already a protected area on the Lower Austrian side, and the part in Burgenland simply expands this area slightly. With regard to the Parndorf area, a proposed measure for the combination of infrastructure elements is discussed. If site option 5 is selected, this part would have to be expressly precluded from the network modification.

- 124. Some statements criticise the environmental protection evaluation of a network modification purely on the basis of the presence of protected areas, independent of the respective object of protection. Substantial negative impacts on the protection goals of adjacent Natura 2000 areas are likely in any case.**

The selected approach corresponds to the strategic character of the SP-V. A species evaluation is too detailed for the scope of the strategic assessment. A line route is not being legally defined down to the individual plots, and no decision is being made on its eligibility for official approval.

- 125. It is put forward that studies on bird protection in connection with the expansion of wind power on the Parndorf Plain could also serve as a data basis for the present initiative.**

The bird protection areas are depicted in the environmental report. The depiction of the local distribution of individual species does not conform with the strategic character of the SP-V. If a high-performance rail line order is passed, the proposed network modification is then only functionally defined, without determining the exact route. Because of this, local hot spots and approval hurdles cannot determine the fundamental feasibility of the network modification. The question of the route and ability to obtain approval under environmental law will be clarified in later planning steps once concrete construction projects have arisen for the implementation of the network modification.

- 126. It is put forward that the narrow investigation area contains not only designated protected areas, but also areas that are relevant for nature conservation such as wetlands and dry grasslands.**

Local circumstances that are relevant for nature conservation will be evaluated in subsequent project steps. The spatial vulnerabilities that are influenced by the protected areas were depicted for the narrow investigation area and had an effect the evaluation of the alternatives.

- 127. Some statements request that the course of the Alps-Carpathian Corridor be taken into account.**

The route was taken into account and had a direct effect on the score assigned to site option 3.

- 128. It is criticised that more detailed investigations were not conducted on the secondary road network.**

Taking the surface road network into consideration would not correspond to the strategic character of the SP-V and would over-inflate the environmental report while also obscuring the strategic issues. The exaggerated and unrealistic depth of the presented information would also quickly lead to spurious accuracy.

- 129. It is criticised that the long-term and sustainable proper functioning of the overall networks (federal roads, provincial roads) is not guaranteed with the implementation of the initiative.**

The related measures were presented in detail for the SP-V to ensure the functionality of the networks in the event that the project is implemented.

- 130. It is criticised that the detailed evaluation of the alternatives in the report in terms of the environment and climate protection exhibits a number of fundamental deficiencies and that some assessments are implausible.**

The methodological approach for the evaluation of the effects is based on the current requirements and is explained in sections 5.3 and 9.1.

- 131. It is put forward that the initiative is interesting from an economic perspective and would make the eastern part of Austria more attractive.**

The statement is acknowledged and speaks in favour of the proposed network modification.

- 132. It is put forward that the initiative is a prerequisite for shifting additional goods transport activities to the environmentally friendly rail system.**

The statement is acknowledged and speaks in favour of the proposed network modification.

- 133. It is put forward that should the zero option be realised; the majority of the goods would be transported through Austria by truck.**

The statement is acknowledged and speaks in favour of the proposed network modification.

- 134. It is requested that existing logistics facilities and infrastructure be used; proximity to existing businesses and industrial sites would be important for ensuring the greatest possible economic benefits.**

The statement is acknowledged and speaks in favour of the proposed network modification and site option 2.

- 135. The claims that the initiative will create jobs are welcomed.**

The statement is acknowledged and speaks in favour of the proposed network modification.

- 136. It is requested that the initiative be pursued further.**

The statement is acknowledged and speaks in favour of the proposed network modification.

- 137. It is criticised that the submitted project does not conform with the EU's expansion plans for the European rail network, as these are based on standard gauge tracks. This means that the project has no future potential.**

A high-performance rail line does not necessarily have to be part of the TEN-T network. The proposed network modification creates a connection between the TEN-T network and the 1520 mm network and is thus not in conflict with intentions at the European level because it would perform important functions in the European rail network. Coordination at the European level will be sought. This procedure is also specified in the monitoring measures discussed in the summary statement.

- 138. It is criticised that the submitted planning is not close to being fully developed. It is unclear whether the rail line in Austria will be 1 kilometre or 50 kilometres long. The location of the terminal is just as unclear, and this uncertainty is causing stress throughout an entire region.**

The SP-V and environmental report contribute to clarification and reduce uncertainty. The environmental report is an initial step towards greater precision to narrow down the boundaries of the initiative in a rapidly changing area, and the uncertainty has been reduced because site option 2 is being recommended. The terminal is expected to cover 150 ha, which is larger than the terminal in Linz but smaller than the terminal in Enns.

- 139. It is criticised that the financing of the project from tax revenue is not clarified.**
The SP-V contributes to clarification here because the costs of the initiative including the costs for related measures are presented. The clarification of the financing source does not fall under the scope of the SP-V and is not possible in this step. The question of cost coverage will need to be answered once concrete projects are developed in the context of the network modification.
- 140. It is put forward that the information about economic growth, value-add, and jobs is either implausible or much too high.**
The rationale behind the criticism is not clear as the assumptions made are generally conservative.
- 141. It is criticised that the traffic volumes in the regional road network will rise enormously in the eastern part of Austria due to the initiative including terminal and logistics centre, which will not make a contribution to protecting the climate.**
The network modification contributes to strengthening the rail system. In the event that the zero option were implemented, there would likely be more road traffic.
- 142. It is put forward that the area to the east of Vienna is an economically strong region with good transport and other infrastructure in which residential and recreational functions are increasing in importance. The initiative would represent a substantial risk to this.**
The topic of different competing uses in the area is depicted at the strategic level in the SP-V. The use of a region for residential purposes is also associated with negative environmental effects (e.g. commuter traffic and soil sealing).
- 143. It is put forward that eastern Austria has the best agricultural land and that the basic supply of local food to Austria must be secured.**
The issue of land use is addressed in the environmental report; the sparing use of resources when implementing projects is always a crucial requirement. The intended strengthening of the rail system is fundamentally a contribution to climate protection. Necessary monitoring measures and requirements for land and space usage are specified in the summary statement.
- 144. It is criticised that Lower Austria and Burgenland are already at the top of the list in terms of soil sealing. Considerably more importance should be attached to preserving undeveloped land and agricultural land and to climate protection.**
The issue of land use is addressed in the environmental report; the sparing use of resources when implementing projects is always a crucial requirement. The strengthening of the rail system is fundamentally a contribution to climate protection. Necessary monitoring measures and requirements for land and space usage are specified in the summary statement.
- 145. It is put forward that a great deal of undeveloped and agricultural land in the “Airport region” is being developed into logistics space. Supra-regional programmes for the preservation of agricultural and undeveloped space are not being taken into account.**
The issue of land use is addressed in the environmental report; the sparing use of resources when implementing projects is always a crucial requirement. The “Airport region” sees itself

as an economically independent site development area. The strengthening of the rail system is fundamentally a contribution to climate protection. Necessary monitoring measures and requirements for land and space usage are specified in the summary statement.

- 146. It is criticised that the region is missing holistic and transparent traffic planning in which the population at large participates. Bypass roads around towns are not subordinate in rank.**

Local traffic and land use planning falls under the purview of the provincial and municipal governments. There is overlap in later planning phases, but the selection of the line route is not part of the SP-V, as this occurs in subsequent planning processes.

- 147. It is put forward that the landscape appearance and environment in the region are already heavily disrupted by technical and transport infrastructure. Further separations and partitioning would hardly be responsible.**

The network modification is generally justified based on the resulting jump in efficiency and the bridging function the initiative plays in connecting the rail networks. In addition, the present network modification is based on the premise that the network has already been extended to the border to Slovakia.

- 148. It is put forward that the primarily agricultural region to the east of Vienna has few ecologically connected nature and landscape conservation areas. This makes it all the more important to preserve them.**

This concern is acknowledged. These comments can be addressed in later planning processes by placing a particular focus on nature and landscape conservation areas when selecting the line route.

- 149. It is put forward that the residents of the east region (Römerland-Carnuntum, northern Burgenland) are already subject to significantly elevated levels of fine dust and greenhouse gas emissions due to their proximity to Vienna, major industrial operations, air traffic, and the airport. Every additional negative health and climate-related effect is simply too much.**

Strengthening the rail system makes a contribution to reducing the additional adverse health and climate effects.

- 150. It is put forward that other giant projects were recently approved in the region – with far-reaching consequences for people, the climate, and environment. The cumulative effects were not assessed.**

The environmental report is based on the forecast year 2040, at which point it is currently expected that the indicated infrastructure projects will have already been implemented (e.g. S1 Lobau Tunnel, S8, third runway, airport rail line, etc.). The environmental report also addresses multiple instances of the high adverse effects and in some cases disproportionate level of technical infrastructure in the narrow investigation area (including planned and approved projects through to 2040). The accumulation is addressed at the strategic level; more detailed depictions of the cumulative effects are expected at the project level as planning proceeds. The mutual effects are also depicted in section 9.3 of the environmental report.

- 151. It is put forward that investments in a capable rail network would eliminate many flights and would make the unnecessary and non-climate-friendly expansion of the airport superfluous. It should be prevented that rail travel is subject to tax disadvantages.**
This statement is fundamental in nature and cannot be addressed at the level of a concrete SP-V. The proposed network modification aims to strengthen the rail system.
- 152. It is criticised that the lack of holistic traffic planning and the non-binding character of the presentation of new rail projects causes uncertainty among the region's population, for example the airport rail line project.**
The uncertainty is understandable, but is essentially dictated by the system as the sense and purpose of an SP-V is to present different alternatives to the public and to give the public the opportunity to discuss them. There is also no concrete traffic planning for a construction project at the end of the SP-V, but only an answer to the question of whether an initiative should be pursued further from a strategic perspective. Thus, there is no realisation approval for the initiative at the end of the SP-V, but only the order to carry out further planning.
- 153. It is put forward that the major infrastructure projects would require a large number of dispossessions and forced auctions. The fundamental right to property must also be respected for undeveloped and agricultural land.**
This statement is general in nature and cannot be addressed at the level of a concrete SP-V. This question would have to be discussed at the level of constitutional law.
- 154. It is criticised that the construction phases of the major transport infrastructure projects would be a burden to the population for well over a decade.**
Effects during the construction phase do not fall under the scope of the SP-V as effects in construction phases are generally not irreversible. The EU's SUP Directive speaks of significant effects when these are irreversible and permanent, for example.
- 155. It is put forward that the adverse health and environmental effects in the region are already very high. Measures must be taken for health promotion and sensible regional development, and further adverse effects must be precluded.**
Requests for concrete measures that go beyond the strategic character of the SP-V cannot be addressed in the proceedings. The question of regional character and the regional economy is addressed and examined directly in the environmental report, and resulted in some alternatives receiving a poor score (depiction of the mutual effects in section 9.3).
- 156. It is criticised that many questions remain unanswered. It is clear, however, that the initiative is no forward-looking economic project for Europe and will make no contribution to climate protection in Austria.**
The environmental report contributes to illustrating the contribution of the proposed network order and extensively addresses the stated criticisms. It must be noted that potential implementation projects arising from the network modification do not run counter to European intentions but strengthen the European rail network, and strengthening the rail system as a mode of freight transport makes a fundamental contribution to climate protection.

- 157. The lack of coordination with municipal governments in matters of land use planning and the disregard for land use planning frameworks and regulations in the potentially affected municipalities are criticised.**

The strategic assessment is one of many process steps that precede the official approval and implementation of projects. The type and intensity of municipal involvement increases in later planning stages. Provincial and municipal governments are involved in the relevant process steps as specified in the SP-V Act.

- 158. The failure to account for the logistics centre in the environmental report and in the evaluation of the effects is criticised.**

The logistics centre is not part of the network modification as neither its construction nor zoning fall under federal powers. Nevertheless, the environmental report contains some relevant assumptions. The type and scope depend on planning decisions at the municipal and provincial level, however. A logistics centre was taken into account in the evaluation of the effects on the road network.

- 159. The lack of consideration of the effects on land use in the environmental report is criticised.**

Especially critical (such as towns) and characteristic land uses for the region (such as wine-growing) were determined via CORINE land cover data and assigned corresponding spatial vulnerabilities. Land use is addressed in the environmental report. Necessary monitoring measures and requirements for land and space usage are specified in the summary statement.

- 160. The lack of the determination of a cost-benefit ratio for the alternatives despite this being explicitly required by the SP-V Act is criticised. The cost aspect of the initiative is not or only insufficiently addressed in the environmental report.**

The effect analysis is one method of cost-benefit analysis (see also the fundamental aspects in the guidelines and regulations for road traffic (RVS)). A conventional cost-benefit analysis is not generally used in a strategic assessment in the transport sector because this results in a trade-off between the arguments and individual effects can no longer be depicted clearly. The final assessment and weighting of the arguments falls under the purview of the BMK.

- 161. It is put forward that the growth potential of freight traffic as a justification for the initiative was not substantiated sufficiently in the environmental report. It is also questionable whether such growth in global freight traffic is even desirable.**

Participation in global goods exchange is a fact, and also an express objective at the European and Austrian level. The present initiative also works without additional growth because the network modification meets the demand of a very specific (existing) segment of the transport market.

- 162. It is criticised that the presented road traffic forecasts for the alternatives are misleading and that the significant increase on the secondary network was not taken sufficiently into account.**

The primary road network serves to carry inter-urban traffic. Additional traffic on the road network is not being refuted in and of itself. However, this will only affect the primary network. Specific limited effects on the secondary road network cannot be addressed until during the route selection process, which will also cover the concrete location of the terminal. The basis for the claim of misleading information is not clear.

- 163. The purely qualitative evaluation of the alternatives in the form of an effects analysis is criticised. The selected granularity of the evaluation of effects is felt to be insufficient.**

The methodological approach corresponds to the strategic view prescribed by the SP-V Act and the associated granularity. The applied seven-part scale is informative and allows objective differentiation in the evaluation of the effects.

- 164. It is criticised that the economic developments that could be provoked by the initiative and such traffic increases may result in impermissible exceedances of the airborne pollutant limits in the IG-L in the areas that are already subject to a high pollution burden. The environmental report contains no clear statements on this issue.**

Concrete calculations are not possible at the level of the SP-V. All alternatives scored better than the zero option in this regard, as depicted in the environmental report.

- 165. It is criticised that certain local objects of protection (e.g. mineral water springs near Edelstal) were not taken into account in the environmental report.**

The consideration of small-scale local objects of protection does not correspond to the perspective of the SP-V, but takes place in subsequent implementation steps, especially the route selection process.

- 166. It is criticised that the A6 will likely not be capable of handling the increase in traffic that will be induced by the initiative.**

The A6 is a federal road and has free capacity, especially compared with other primary roads in the narrow investigation area. The sufficient capacity for the additional volumes was proven (result of related measures). A capacity exceedance is unlikely especially in connection with the recommended site, as very little traffic will go back towards Slovakia and Hungary.

- 167. It is criticised that the primary water supply network could be at risk.**

The SP-V generally does not address pipe and line networks (especially subterranean). It would be sensible to identify, address, and account for these starting in the route selection process.

- 168. It is criticised that the extension of the broad gauge network could have a negative impact on certain aspects of the military defence of the country.**

A fundamental assumption for the environmental report is that existing agreements under international law will be complied with and that national borders will be maintained. Military policy aspects are not covered in the SP-V.

- 169. It is criticised that the environmental report was created by the initiator instead of by the Federal Ministry or another entity to ensure impartiality. This criticism is also supported by the Austrian Court of Audit.**

The SP-V Act expressly calls for the creation of an environmental report by the initiator of a network modification. This procedure was not questioned by the Court of Audit. In fact, recommendations of the Court of Audit were incorporated in the amendment of the SP-V guidelines.

- 170. It is criticised that the proposal for the network modification is based on a government programme from a preceding legislative term.**

The government programme in question was in force when the environmental report was prepared. The government programme for the current legislative term (2020–2024) also includes accounting for dedicated rail networks for freight traffic in the construction of the target network 2040+.

- 171. It is criticised that the environmental report makes numerous references to studies and investigations of Breitspur-Planungsgesellschaft that have not been published or only partially published.**

There are no references to studies in the environmental report. Rather, calculations and information were incorporated directly into the environmental report. The environmental report presents the view of the initiator, and the initiator is also a member of the consortium that collaborates with Breitspur-Planungsgesellschaft.

- 172. It is criticised that the planned freight traffic connection may carry both low-quality import goods from Asia and hazardous goods that would represent a risk for populated areas.**

The specified goods categories are not hazardous goods. Primary infrastructure is suitable for carrying all legally permitted types of goods. The high or low quality of goods is not a relevant decision-making criterion. Classification as hazardous goods also only applies to part of the goods categories, and the transport of hazardous goods is not automatically an exclusion criterion. The rail network is generally the safest mode of transport and is also best suited for the transport of hazardous goods. Machines and vehicles are primarily European export goods with high value-add, and would also be transported by rail to Asia.

- 173. It is feared that the large groundwater reservoir in the Mitterndorf Aquifer may be put at risk by the initiative.**

The water protection areas are depicted in the environmental report and assigned a corresponding weighting.

- 174. It is criticised that the requirements of the SUP Directive were not complied with in multiple respects. The SP-V Act is not a compliant implementation of the SUP Directive, and legal remedy would especially have to be allowed. Thus, the Directive must be applied directly.**

The existing laws were complied with during the present SP-V.

- 175. It is put forward that the environmental report does not indicate whether and to what extent the required cross-border participation of Slovakia took place.**

The participation took place in accordance with the requirements of the SP-V Act and was confirmed to be lawful by the Slovakian officials, which is also noted in the summary statement. The depiction of the participation processes does not fall under the scope of the environmental report.

- 176. It is criticised that the poor competitiveness of rail as a mode of transport in terms of energy efficiency compared with ocean freight was not addressed sufficiently in the environmental report. From an energy efficiency perspective, transport by ocean freight is much more attractive.**

The initiative is one specific measure that will contribute to improving the competitiveness of rail in the context of long-haul freight transport. The environmental report contains information on the energy usage of the transport modes. The proposal for the network modification is based on the creation of an alternative, attractive transport offering for a specific segment that is intrinsically environmentally and climate friendly. The environmental assessment of the overall initiative is not the object of the SP-V. For example, network modifications that are implemented to realise the TEN-T system also do not address the effects of the entire corridor or TEN-T system. A global assessment is not the purpose of an SP-V.

- 177. It is criticised that the present capacity exceedances in the area were not depicted or taken into account sufficiently at all in the environmental report.**

The traffic loads were depicted as part of the presentation of the environmental conditions.

- 178. It is put forward that the selected zero option was incorrect. This results in a fundamentally faulty evaluation of the network modification and all alternatives.**

A premise for the present SP-V was a border crossing point at Kittsee created by extending the rail infrastructure from the current terminus at Košice to the Austrian border near Bratislava. The area of application of the HIG and SP-V Act end at the national border. The terminal location near Bratislava is a necessary assumption for the zero option due to the scope of the SP-V Act.

- 179. It is criticised that no connection is planned with the existing Inzersdorf terminal and that this is thus also missing from the environmental report.**

A connection to the Inzersdorf terminal is not defined as a goal because entire trains travel from the terminal at the end of the network modification to their final destination without further transshipment. The connection with the terminal is open because the site has not yet been determined. This will be carried out during the route selection proceedings.

- 180. It is criticised that the initiative will further exacerbate the already unbearable commuter traffic situation.**

A site in an urban area but outside of Vienna strengthens the environmental alliance and creates jobs in the region.

- 181. It is criticised that the related measures for the road network (A/S and B network) will likely not obtain official approval and will be rejected by the road maintenance authorities.**

The identified related measures are commensurate with the current knowledge and the scope that is possible in an SP-V. Whether or not these measures will be approved cannot be

predicted in advance. This question will have to be evaluated on an ongoing basis in subsequent planning steps.

- 182. It is criticised that suspected contamination sites were not taken into account sufficiently in the environmental report (dump N65).**

All such sites in the narrow investigation area are small in size and will be taken into account in the route selection process.

- 183. It is put forward that the proposal of the network modification runs counter to TEN objectives and to the infrastructure-related transport policy strategy of the EU.**

The initiative conforms with the objectives of the EU with regard to rail freight corridors and TEN-T. The proposed network modification results in a connection between the TEN-T network and 1520 mm network, and does not conflict with intentions at the European level because it would perform important functions in the European rail network. Coordination at the European level will be sought. This procedure is also specified in the monitoring measures discussed in the summary statement.

- 184. The environmental report is claimed to be deficient and dominated by obvious bias and flaws; the authors are not objective.**

The environmental report is complete in accordance with the requirements of the SP-V Act and was created in coordination with the BMVIT/BMK. The presentation of a specific view of the network modification by the initiator is permissible and forms the basis for the final weighting of the arguments by the BMK.

- 185. It is criticised that developments in the environmental and climate balance of ocean freight through to 2040/2050 were not taken into account.**

A global evaluation of alternatives does not fall within the scope of an SP-V at the Austrian level. The presented argument is not a rationale for the view that the rail system is not environmentally and climate friendly. The proposal for the network modification is based on the creation of an alternative, attractive transport offering for a specific segment that is intrinsically environmentally and climate friendly. The environmental assessment of the overall initiative is not within the scope of an SP-V.

- 186. Some statements fundamentally reject the intended shifting of goods traffic from ocean freight and North Sea ports to the Vienna area from a transport policy perspective.**

The offer is targeted at a specific market segment. The SP-V relates to a primary federal transport network within Austria.

- 187. It is put forward that the environmental report does not offer proof of the economic viability. References to unpublished background studies are not sufficient.**

There are no references to studies in the environmental report. Rather, calculations and information were incorporated directly into the environmental report. The environmental report presents the view of the initiator, and the initiator is also a member of the consortium that collaborates with Breitspur-Planungsgesellschaft.

- 188. The lack of a comprehensive transport and land use planning concept that also takes the uses induced by the network modification into account is criticised.**

Such a concept does not fall within the legally defined scope of an SP-V. There is also no federal land use planning in Austria, as this planning falls under the purview of the provincial governments. This issue will be addressed in later process steps.

- 189. It is criticised that the postulated positive economic effects of the initiative, which contribute substantially to its justification, are based on land use planning conditions in the narrow investigation area that do not conform with those of the province and municipalities.**

The logistics centre is not part of the network modification; the network modification is also functional and meets the objectives without a logistics centre. Nevertheless, assumptions were made about a logistics centre to present fundamental aspects of expected developments in the context of the initiative. Negative and positive effects of the logistics centre were presented.

- 190. It is put forward that the investigation scope was not chosen correctly because subsequent uses should also be taken into account (roads, related project, logistics centre). The environmental report is incorrect for this reason.**

The related measures pertaining to the road and rail system and logistics centre were taken into account as far as possible.

- 191. Some statements put forward that the project is unconstitutional because Austria has committed to comprehensive environmental protection.**

The creation of an offer for shifting freight traffic to the rail system conforms with this.

- 192. Some statements make reference to the great bustard conservation area, in which substantial EU funds have been invested for over 20 years to maintain the population. The area affected by the network modification is also home to imperial eagles and kites and is a wildlife release area for scientific research. It also contains one of the last natural populations of grey partridge, hare, and ground squirrel.**

Species protection is an aspect that must be addressed during the route selection process because no concrete locations are known at this time. The existing protected areas were taken into account in the environmental report and influenced the evaluation of the alternatives.

- 193. It is criticised that the known imbalance of traffic between Europe and Asia would fundamentally hinder the functioning of the freight terminal.**

There is fundamental demand for transport services in both directions. This is a potential problem for all hubs that handle transport between the East and West.

- 194. It is put forward that the initiative puts the health of the population at risk. Even the announcement of the deliberations and planning for the initiative leads to a significant increase in anxiety among the population.**

This problem cannot stand in the way of deliberations on the further development of the area. The participation of the population in the planning process and the protection of their individual rights is ensured at all times beginning with the SP-V through to the final implementation of the project.

- 195. It is criticised that the participation of the population in the decision-making process is entirely insufficient.**

The strategic assessment is one of many process steps that precede the official approval and implementation of projects. The type and intensity of municipal and citizen participation increases in later planning stages. The public participates in the relevant process steps as specified in the SP-V Act. Participation is also legally required in potential subsequent planning steps and environmental impact assessments.

- 196. It is criticised that the construction of a standard gauge freight line from Košice to Vienna was not evaluated.**

A standard gauge line already exists between Košice and Vienna and is not part of an SP-V. New construction in 1435 mm track gauge is discussed in section 3.1 of the environmental report.

- 197. It is criticised that the initiative will result in additional light pollution.**

These are local effects that will be addressed during the route selection process.

- 198. It is criticised that freight traffic flows that currently reach Central Europe via the North Sea or Mediterranean are to be routed directly to the Vienna area in future and distributed from there. This will lead to an increase in transit traffic.**

Traffic from the North Sea ports to Central and Eastern Europe also qualifies as transit traffic. An explicit function of the federal network is to carry transit traffic.

- 199. It is feared that road freight traffic in Austria may increase significantly because goods currently transported by rail from the North Sea ports or current transshipment hubs in Eastern Europe to Austria may arrive in the Vienna area by rail with the proposed network modification, at which point the transport chain would be broken and the goods transported onward by road. There are no comments on this in the environmental report.**

The proposed network modification lays a good foundation for the (onward) transport of goods by rail. A terminus near the Vienna hub makes it easier to continue transport by rail. Effects on the road network were addressed during the determination of the related measures.

- 200. It is criticised that the narrow investigation area ends at the Vienna city limits even though substantial effects are also likely within the city of Vienna.**

The narrow investigation area is the area in which the proposed network modification will be constructed. Vienna is located in the functional investigation area and the effects are addressed correspondingly.

- 201. It is criticised that the environmental report does not address the objections to the initiative from agencies of the European Union.**

The proposed network modification conforms with the objectives of the EU in the shifting of freight traffic into the rail freight corridors and TEN-T, as it would perform important functions in the European rail network. The environmental report discusses the principles of the European Union as specified in the legal sources and its corresponding intentions. Coordination at the European level will be sought. This procedure is also specified in the monitoring measures discussed in the summary statement.

- 202. It is criticised that the zero option with a terminus near Bratislava was given too low of a score from a technical rail perspective. A connection with the Austrian rail network from a**

terminus of the broad gauge extension in Bratislava before the national border would be possible with less effort than the proposed network modification (e.g. simple installation of a second track between Parndorf and Petržalka).

This variant would not solve the problem because the Bratislava hub and especially the Danube crossing do not have sufficient capacity. None of the available information on the development of the Bratislava hub seems to indicate that the East-West permeability will be improved in the foreseeable future, especially for rail freight traffic. All known and recently communicated measures aim to upgrade the rail network in Bratislava with a nearly exclusive focus on regional passenger transport. The assumed modal split in the zero option is also based on these preconditions.

203. It is criticised that system alternatives are not addressed.

System alternatives in the context of the overall initiative are addressed (section 3). System alternatives for the area of application of the SP-V Act were described as impractical for justified reasons.

204. It is criticised that the Danube is mentioned as a means of transport, but is apparently not to be considered as a mode for the onward transport of goods because the modal split for onward transport is always only addresses as the relationship between road and rail in the environmental report.

The Danube waterway is part of the TEN-T core network and the primary federal transport network. The relationship is based on the proximity of all primary transport modes, which can result in impetus that goes beyond the pure functionality of the network modification. The possibility of short distances to further transport modes such as inland shipping speaks in favour of the recommended site option 2.

205. It is criticised that the city of Vienna was not included in the narrow investigation area.

The definition used to set the boundaries of the narrow investigation area is presented in the environmental report. The effects in the functional investigation area, including with related measures, were presented.

206. It is criticised that an assessment of the overall economic viability was deemed to be impossible.

To be more precise, a complete analysis of the economic viability is not possible. The corresponding effects are primarily discussed from a qualitative perspective in accordance with the requirements of the SP-V Act and the SP-V guidelines. This corresponds to the state of the art in strategic environmental assessments.

207. It is criticised that the secondary transport network was not discussed.

Inbound and outbound transport will take place solely via the primary network. The effects on the secondary network will be addressed in the route selection process.

208. It is criticised that the European Union's critical view of the "Silk Road project" was ignored in the environmental report.

This initiative is not part of the Silk Road project. Regardless of this, coordination at the European level will be sought. This procedure is also specified in the monitoring measures discussed in the summary statement.

- 209. It is criticised that the determination of the construction costs is implausible. In particular, it was not taken into account that construction close to Vienna will involve higher property prices.**

The cost estimates are well founded and reflect the following mechanism: The farther the terminal is located from the Vienna hub, the lower the need for more cost-intensive related measures. In comparison, the construction of a new single-track rail line with relatively simple route requirements can be completed at lower cost. The different land prices in the narrow investigation area were taken into account, but do not outweigh the cost-intensive related measures.

- 210. It is criticised that the complexity of connecting a terminal site in Bratislava in the event that the zero option is realised was exaggerated in the environmental report. The Kittsee line would be simple to upgrade and would make it easy to connect a freight terminal in the Bratislava area and bring the goods into the highly touted TEN node Vienna.**

This measure does not solve the problem because the Bratislava hub and especially the Danube crossing do not have sufficient capacity. None of the available information on the development of the Bratislava hub seems to indicate that the East-West permeability will be improved in the foreseeable future, especially for rail freight traffic. All known and recently communicated measures aim to upgrade the rail network in Bratislava with a nearly exclusive focus on regional passenger transport.

- 211. It is criticised that some related projects along the western axis (e.g. in the Tulln Basin) do not seem to be plausible.**

Related measures are required along the west axis for all site options to be able to carry the additional trains destined for the neighbouring countries to the west without causing conflicts.

- 212. It is criticised that the “rail friendly” infrastructure policy in Austria that is postulated in the environmental report is not credible.**

Past, ongoing, and planned investments in Austria point to a high affinity for rail in European comparison, at least in terms of infrastructure. The promotion of rail transport and the shifting of traffic from the road to rail also play a key role in the transport policy discourse. At the same time, the investment efforts in Slovakia show a definite focus on primary road infrastructure. In the specific context of the Bratislava hub, no measures are known that would substantially improve the east-west permeability for rail freight traffic.

- 213. It is criticised that the evaluation of the zero option from a regional economy perspective was overly negative.**

Goods transshipment, and in any case finishing and onward transport outside of Austria have no direct effects on the regional economy in Austria. In addition, few employment effects are likely in Austria due to the wage gap between Austria and its neighbouring countries to the east.

- 214. It is criticised that the environmental effects of the overall initiative and the electricity sources for rail operation (i.e. nuclear energy) on the overall line between Asia and Europe are not addressed in the environmental report.**

The consideration of the environmental effects and the energy sources used in an overall project does not fall under the scope of a strategic assessment in the transport sector because the draft plan for a network modification that follows an SP-V can only have an effect within the borders of Austria. Within these borders, the use of electricity from sustainable sources should be ensured to the greatest degree possible. This objective is specified in the monitoring measures and requirements in the summary statement.

215. It is criticised that there are unclear aspects about the crossing of the Fischa in the evaluation of the site options.

There is no need to cross the Fischa under site option 1, which was not recommended. Because of this, the comments relating to ST-1-Ö1 are inapplicable in this regard. In any case, this would result in a more positive score overall for this site option.

But it changes nothing in the assessment of the degree of objective attainment.

216. It is criticised that many effects, especially economic benefits, are only discussed in the subjunctive form and are presented with significant uncertainties and unclear likelihoods.

This type of secondary effects depends on the concrete implementation and thus on the associated inputs of third parties (e.g. the logistics centre). Potential is being discussed that can only be addressed in a very general way in an SP-V in terms of scope and the time of occurrence.

4.4. Statements of affected third countries

The countries that could potentially be affected by the proposed network modification, Hungary and the Slovak Republic, were informed of the proposed network modification in accordance with the legal requirements. Subsequently, Hungary and the Slovak Republic initiated participation processes in accordance with the applicable national regulations, collected statements, and forwarded the results to the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology.

In **Slovakia**, a total of 7 statements were submitted by public agencies:

- The general public and a legally specified qualified public had the opportunity to inspect the documents and submit statements (20.12.2019 to 31.01.2020).
- The legally required cross-border participation in the SP-V was confirmed. Thus, the cross-border consultations in the ongoing SP-V process are deemed to have been concluded successfully.
- The initiation and current status of the ongoing environmental impact assessment for the initiative to extend the 1520 mm network in Slovakia from Košice to the border at Kittsee was confirmed and explained in detail.

- It was noted that the initiative in question is currently not included in the land use planning at the municipal, county, or regional level in Slovakia (KURS or UPV VUC) and is thus in conflict with the officially adopted land use plans at this time. At the same time, it was noted that there may be a need to change these land use plans accordingly if an official order is issued in Austria or if the plans for the line in Slovakia become more concrete (conclusion of the environmental impact assessment).
- Some comments refer to the noise emissions in the southern part of Bratislava and Jarovce, and to protected zones in this area.
- In general, the environmental report and the recommended alternative (site of the broad gauge terminus near Vienna) are found to be plausible and clear.
- Involvement in any subsequent planning steps is requested.

Hungary submitted a single collective statement from the competent Ministry of Agriculture.

- The general public and a legally specified qualified public had the opportunity to inspect the documents and submit statements (16.12.2019 to 17.01.2020).
- The legally required cross-border participation in the SP-V was confirmed. Thus, the cross-border consultations in the ongoing SP-V process are deemed to have been concluded successfully.
- The high quality of the provided documents (including translation) and the professional handling of the consultations were praised.
- No significant environmental effects on Hungary are expected in general.
- Some comments referred to details on infrastructure expansion plans provided in the environmental report and suggest some points of clarification.

Thus, the cross-border participation can also be considered to have been completed successfully in this case.

After the consideration of all received negative and positive statements and in the context of the benefits and disadvantages of the proposed network modification investigated in the environmental report, the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology finds that, provided that the monitoring measures and requirements for projects arising from the proposed network modification in accordance with item 4 of the present summary statement are complied with, the opinions expressed on the proposed network modification and the environmental report in the statements were processed and taken into account to the greatest degree possible and do not give grounds to cease pursuit of the proposed network modification. If statements contain concrete proposals and criticisms that cannot be addressed at the current strategic level of

the network modification due to the constraints of the system, these must be evaluated at the project level in appropriate later process steps.

Thus, the statements were duly considered in the preparation of the draft order pursuant to Article 9 para. 1 number 2 b, SP-V Act.

5. Monitoring measures (Article 9 para. 1 number 2 d) and requirements for any projects arising from the network modification (Article 9 para. 1 number 2 e)

In light of the fact that no technical projects or detailed plans are yet available for concrete steps associated with the network modification, concrete measures that would then form an integral part of the projects can only be formulated in a general manner. Thus, the following measures are recommendations that can be required concretely in later planning steps and in official permits. Such an approach also corresponds to the strategic character of the present environmental report.

The following *general measures* are recommended:

- Preservation of the protected areas by not installing line sections in the protected areas during the expansion and improvement of existing lines, taking particular account of functional relationships in route selection and construction measures, and ensuring adequate compensatory measures if appropriate;
- Optimal incorporation of the projects in the landscape (vegetation planting measures, concealing vegetation), taking particular account of the landscape beauty, unique characteristics, and leisure functions in route selection and construction measures;
- Maintenance of crossings for bicycle, equestrian, and hiking paths;
- Sufficient creation of green bridges with guidance systems and a sufficient number of semi-natural passages in the vicinity of amphibian habitats and amphibian migration routes;
- Optimisation of bridges in terms of environmental functions;
- Coordination of projects arising from the network modification with the potentially affected countries Slovak Republic and Hungary;
- Optimisation of the design of river crossings;

- Forest improvement measures in existing woodlands (forest community conversion with suitable tree species, initiation of maintenance and thinning measures);
- Ensuring and providing proof of the economic efficiency of the projects arising from the network modification;
- The positive and negative effects should be presented in more detail in later planning steps in accordance with the increasing granularity;
- The strategic context of the initiative should be communicated and coordinated with the EC at the European level to ensure the highest possible degree of integration of projects arising from the network modification into the trans-European transport networks and the rail freight corridors pursuant to Regulation (EU) No 913/2010;
- For rail operation (and subsequent operation contracts) under projects arising from the proposed network modification, options should be sought and evaluated to ensure the use of electricity from sustainable sources at least for the Austrian section.

Based on the preceding spatial evaluations in the functional investigation area and in the narrow investigation area, the following special recommendations are being made for the subsequent planning steps for the proposed network modification in terms of the line route and the design and location of the terminal:

- ASFINAG, the provincial governments, and the potentially affected municipalities should be involved in subsequent planning and implementation steps.
- The implementation of projects arising from the network modification should be based on actual needs and market demand, especially in coordination with Slovakia and depending on the progress of the initiative in Slovakia.
- Should the work on the initiative in Slovakia fail or be terminated (for example because of a negative environmental impact assessment outcome), the proposed network modification should no longer be pursued.
- The results of the present SP-V should be taken into account in the preparation of the ÖBB target network 2040 if the high-performance line order specified in item 7 is issued by the federal government.
- The option of combining linear infrastructure should be evaluated in route selection.
- In the further development of the line route, due consideration should be given to the comparatively sparse forestation in the investigation area and to preserving this resource.

- Due to local topographical features and land uses such as winegrowing and the high level of existing line infrastructure, the further subdivision of the space should be kept to an absolute minimum.
- The framework concept for the extraction of sand and gravel on the Parndorf Plain should be taken into account as it is to be implemented in legally binding form. The suitability and conflict zones must be taken into account.
- The framework concepts for wind power systems that have been prepared in the provinces of Burgenland and Lower Austria and the associated wind power suitability zones must be taken into account in the further planning, especially potential exclusion zones for bird species but also in terms of the objectives that have been set for sustainable power generation.
- The UNESCO World Heritage Site Lake Neusiedl must be taken into account in the further planning.
- The botanical protection objects must be taken into account in the further planning, especially in the case of the expansion of existing infrastructure.
- Detailed analyses of the town structures and town developments, especially along the developed belts that must be crossed, are a prerequisite for as harmonious a line routing in these areas as possible.
- As individual rivers must be crossed in any case, in-depth investigations must be conducted into the sensitivity of the protected areas of the Natura 2000 network along the Fischa and Leitha to determine the sensitivity to rail projects.
- The objects of protection and associated protection goals of the European protection areas south of Bruck an der Leitha and in northern Burgenland must be evaluated in detail in relation to rail projects to determine whether these areas must absolutely be avoided.
- Options for crossing the Fischa must be developed and specified in close coordination between route planning, land use planning, nature conservation, and environmental protection.
- In-depth investigations must be conducted into wildlife movements as the new line elements will add a further crossing to the wildlife corridor. Existing wildlife crossings on linear infrastructure (A4 East Motorway, eastern rail line, etc.) must be documented and taken into account in the planning.
- The further planning of the high-performance line should be conducted in such a way that the zones that have been identified and marked on the map as having high and very high spatial vulnerability should be avoided or only skirted where possible. This should minimise negative impacts for the affected population and their surroundings (including nature and landscape) to the greatest degree possible. Unavoidable negative impacts must be reduced via suitable measures.

- In this context, the direct use of populated areas should be avoided in particular to protect living space for people.
- Negative impacts on towns such as noise must be reduced via suitable measures. In particular, sufficient distance to populated and recreational areas must be ensured.
- Existing technical infrastructure (high voltage lines, wind power systems, etc.) must be taken into account in the route selection.
- Wildlife trails and migration corridors must be taken into account. In order to maintain these, it is recommended to include sufficient green bridges and wildlife passages. This especially pertains to the areas that cross the Alps-Carpathian Corridor.
- A combination of the planned infrastructure with existing linear infrastructure should be sought to prevent the additional subdivision of the landscape.
- The function of existing protected areas and ecologically valuable habitats must be preserved. Sufficient compensatory measures must be implemented when natural assets are directly impacted.
- Valuable agricultural land should not be used if at all possible. Where this is absolutely necessary, the line should occupy as little space as possible with as little recessed and elevated structuring as possible.
- The water preservation area for the Mitterndorf Aquifer that is located in the area must especially be taken into account. If the area is used, expert opinions on risks to the groundwater must be obtained and taken into account. Special protective measures must be taken when crossing bodies of water (Fischa, Leitha).
- Suitable measures must be implemented to promote goods transshipment to rail. Suitable concepts for ensuring that as much of the transshipped goods are transported onward by rail should be developed in the following planning steps.

The following measures are recommended for the planning of the terminal:

- The connection of the terminal to the existing rail and road network should cover as short a distance as possible. The terminal should thus be located as close as possible to existing primary transport infrastructure.
- An attractive connection to public transport should be ensured for the terminal to limit the negative effects of commuter motor vehicle traffic to the greatest extent possible. Possible synergies with a further logistics centre should be used.
- If the terminal is located close to Kledering Central Marshalling Yard, synergies between this yard and the terminal should be explored in terms of the joint use of

infrastructure elements. This could limit space use and reduce the infrastructure costs.

Pursuant to Article 9, SP-V Act, it must be ensured that the indicated requirements for any projects arising from the network modification pursuant to Article 9 para. 1 number 2 e, SP-V Act are complied with and the specified monitoring measures pursuant to Article 9 para. 1 number 2 d, SP-V Act are implemented.

6. Information provision to an affected other country (Article 9 para. 2)

Hungary and the Slovak Republic as countries potentially affected by the network modification will be informed of the results of the strategic assessment.

Pursuant to Article 9 para. 2, SP-V Act, Hungary and the Slovak Republic as potentially affected countries and parties involved in the SP-V will be informed of the results of the present strategic assessment in the transport sector in a suitable manner through the ESPOO contact offices.

7. Results of the strategic assessment

Taking into account the environmental report submitted by the initiator pursuant to Article 6, SP-V Act, the goals associated with a primary transport network pursuant to Article 5 para. 4, SP-V Act, and the results of the participation of the public, the environmental bodies, and the initiators, and the results of the conducted consultations (Article 7 para. 3, SP-V Act) and subject to compliance with the requirements and monitoring measures contained in the present summary statement (pursuant to Article 9, SP-V Act), the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology concurs with the requirements and recommendations of the environmental report and the proposal of the initiator to seek the realisation of an additional high-performance line pursuant to the SP-V Act between the border at Kittsee and Vienna (Central Marshalling Yard with terminal), but subject to the provision that Slovakia has confirmed the financing and construction of a 1520 mm gauge rail line up to the Austrian border at Bratislava to the south of the Danube by the international partners Slovakia, Ukraine, and the Russian Federation, which is not likely at this time.

A corresponding official order of the federal government pursuant to Article 1 para. 1 High-Performance Lines Act can only be pursued if the above prerequisites are met:

The following rail lines (entire or partial lines including the necessary rail infrastructure) shall be declared high-performance lines:

Vienna (Central Marshalling Yard with 1435/1520 mm track gauge terminal) – national border at Kittsee

Before the federal government approves the corresponding network modification in the form of a high-performance rail line order pursuant to the HIG, the officials should wait to see what progress is made in the ongoing planning process for the line in Slovakia (Košice – Austrian/Slovak border at Kittsee). If this line is not realised by Slovakia, the above proposed network modification should no longer be pursued and no draft for a high-performance rail line order should be submitted to the federal government.