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Federal Act on the Security Units of Public Transport Companies (PTSA)

of 18 June 2010 (Status as of 1 September 2023)

*The Federal Assembly of the Swiss Confederation,
based on Articles 57 paragraph 2, 87 and 92 of the Federal Constitution¹,
and having considered the report of the Transport and Telecommunications
Committee of the National Council of 3 November 2009²,
and the Federal Council report of 27 January 2010³,
decrees:*

Art. 1 Subject matter and scope

¹ This Act lays down the duties and powers of the security units of public transport companies.

² The transport companies governed by this Act are:

- a. railway companies holding a concession pursuant to Article 5 or a licence pursuant to Article 9 of the Railways Act of 20 December 1957⁴;
- b. railway, cable car, trolleybus, bus and ship companies holding a concession pursuant to Article 6 of the Carriage of Persons Act of 20 March 2009⁵.

Art. 2 Security units

¹ Transport companies shall operate security units where necessary to protect passengers, employees, freight, infrastructure and vehicles, and to ensure the proper operation of their services.

² There are two types of security unit: a security service and transport police.

³ Transport police differ from a security service in the following respects:

- a. they have additional tasks (Art. 3 para. 2);

AS 2011 3961

¹ SR 101

² BBl 2010 891

³ BBl 2010 915

⁴ SR 742.101

⁵ SR 745.1

- b. they have additional powers (Art. 4 para. 2);
 - c. its staff are public officials (para. 5); and
 - d. its staff are required to wear a uniform (para. 6).
- ⁴ Transport companies shall deploy security units in the light of the risks involved.
- ⁵ Transport police personnel shall swear an oath of public office.
- ⁶ Transport police personnel shall carry out their duties in uniform.
- ⁷ The Federal Council shall regulate the initial and continuous training, equipping and arming of security units.

Art. 3 Tasks of security units

¹ Security units shall:

- a. ensure observance of the conditions of carriage and use; and
- b. assist the competent authorities in the enforcement of federal criminal law in relation to offences potentially affecting the security of passengers, employees, freight, infrastructure or vehicles, or the proper operation of services.

² Transport police shall also, as a second priority, assist the competent authorities at their request in the enforcement of federal criminal law in relation to other offences, insofar as resources permit.

³ The transport companies that have a transport police unit may carry out air policing duties on behalf of the Federal Office of Police. In such an event, their personnel shall be deployed in accordance with the regulations on aviation law. Liability is governed by Articles 1–18 of the Government Liability Act of 14 March 1958.^{6,7}

Art. 4 Powers of security units

¹ Security services and the transport police shall have power to:

- a. question persons and check their identity papers;
- b. stop, check and eject persons who have contravened the conditions of carriage;
- c. require persons who have contravened the conditions of carriage to pay a security deposit.

² Transport police shall, in addition, have the power to:

- a. arrest persons stopped;
- b. confiscate items.

⁶ SR 170.32

⁷ Inserted by Annex No 3 of the FA of 16 June 2017, in force since 1 Jan. 2018 (AS 2017 5607; BBl 2016 7133).

³ Confiscated items and arrested persons shall be handed over to the police without delay.

⁴ Persons unlawfully using a transport service may be arrested only if they are unable to furnish either proof of their identity or the security deposit required.

⁵ Police control and restraint techniques may be exercised only insofar as necessary for the purposes of stopping, checking, ejecting or arresting persons. Handcuffs or restraints may be used where a person has been arrested for a felony or misdemeanour with a view to being handed over to the police.

⁶ Any use of police control and restraint techniques under this Act is governed by the Use of Force Act of 20 March 2008⁸.

Art. 5 Organisation

¹ Transport companies may set up joint security units by way of an operating agreement.

² A transport company that has its own transport police unit must offer its services to another transport company on similar terms. In the event of a disagreement on price, the Federal Office of Transport shall adjudicate.

³ Transport companies may, if authorised by the Federal Office of Transport, delegate their security service tasks to a private organisation domiciled in Switzerland and majority Swiss-owned. Such authorisation will be granted if the private organisation can ensure compliance with the relevant provisions. The transport company shall remain responsible for the fulfilment of tasks so delegated.

Art. 6 Data processing

¹ Security units may process the following data for the purposes of carrying out their tasks:

- a. particulars establishing a person's identity;
- b. particulars relating to breaches by a person of rules for the safety of passengers, employees, freight, infrastructure and vehicles and for the proper operation of the transport companies' services.

² Where security service tasks have been delegated to a private organisation pursuant to Article 5 paragraph 3 above, the data processing systems must be physically and logically separated from that organisation's other data processing systems.

³ The provisions of the Data Protection Act of 19 25 September 2020⁹, in particular Articles 33–42 and 49–53 apply.¹⁰

⁸ SR 364

⁹ SR 235.1

¹⁰ Amended by Annex 1 No II 63 of the Data Protection Act of 25 Sept. 2020, in force since 1 Sept. 2023 (AS 2022 491; BBl 2017 6941).

Art. 7 Cooperation with police authorities

¹ Police authorities may disclose personal data to the transport police if such disclosure is in the interest of the person concerned and if that person has consented to the disclosure or if consent can be implied from the circumstances.

² The police authorities may also disclose personal data to the transport police without the consent of the person concerned in order to avert an imminent and serious threat.

^{2bis} The police authorities shall disclose personal data to the transport police if the person concerned was required to disclose his or her identity.¹¹

³ The police authorities shall inform the transport police at their request as to whether a specified person is to be handed over to them.

⁴ If requesting assistance from security units, they shall disclose to them all information necessary for the purpose.

⁵ Security units shall forward to the competent federal and cantonal police authorities all information in their possession relating to criminal offences.

⁶ The Federal Council shall issue detailed rules regulating cooperation with police authorities.

Art. 8 Regulatory authority

The regulatory authority for security units shall be the Federal Office of Transport.

Art. 9 Failure to obey

¹ Any person failing to heed an order given by a person manifestly carrying out security tasks shall be liable to a fine not exceeding CHF 10,000.

² The prosecution and trial of such offences is a cantonal matter.

Art. 10 *Ex officio* prosecution

Offences contrary to the Swiss Criminal Code¹² committed against security personnel acting in the course of their duties shall be prosecuted *ex officio*.

Art. 11 Repeal and amendment of existing law

¹ The Federal Act of 18 February 1878¹³ on the Administration of the Railways Police is repealed.

² ...¹⁴

¹¹ Inserted by Annex No 5 of the FA of 26 Sept. 2014, in force since 1 Jan. 2016 (AS **2015** 3205; BBl **2013** 7185).

¹² SR **311.0**

¹³ [BS 7 27; AS **1958** 335 Art. 96 para. 1 No 8 and para. 3, **1986** 1974 Art. 53 No 5; **2010** 1881 Annex 1 No II 23]

¹⁴ The amendments may be consulted under AS **2011** 3961.

Art. 12 Referendum and commencement

¹ This Act is subject to the optional referendum.

² The Federal Council shall determine the commencement date.

Commencement date: 1 October 2011¹⁵

¹⁵ FCD of 17 Aug. 2011.

