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## **Ordinance on the Security Units of Public Transport Companies (PTSO)**

of 17 August 2011 (Status as of 1 January 2013)

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*The Swiss Federal Council,*

based on Articles 2 paragraph 7 and 7 paragraph 6 of the Federal Act of 18 June 2010<sup>1</sup> on the Security Units of Public Transport Companies (PTSA),  
*ordains:*

### **Art. 1**                      Subject matter

This Ordinance lays down requirements for the operation of public transport security units, for their training, equipment, arming and cooperation with police authorities, and for regulatory control by the Federal Office of Transport (FOT).

### **Art. 2**                      Definitions

In this Ordinance:

- a. *Security undertaking* means a private organisation under the Article 5 paragraph 3 PTSA;
- b. *Security personnel* means employees of a security or Transport Police service who perform security tasks.

### **Art. 3**                      Applicable law

The use of physical force, auxiliary equipment and arms is regulated by the Use of Force Act of 20 March 2008<sup>2</sup> and the Use of Force Ordinance of 12 November 2008<sup>3</sup>.

AS 2011 3967

<sup>1</sup> SR 745.2

<sup>2</sup> SR 364

<sup>3</sup> SR 364.3

**Art. 4** Permitted auxiliary equipment and arms

<sup>1</sup> Security personnel may employ the following auxiliary equipment and arms:

- a. restraints;
- b. natural and synthetic pepper sprays;
- c. service dogs;
- d. truncheons and defensive batons.

<sup>2</sup> The Transport Police may also use firearms.

**Art. 5** Security deposit

<sup>1</sup> Security personnel may demand the payment of a security deposit from any person in contravention of the conditions of carriage who is unable to provide satisfactory evidence of identity and address or who does not have a permanent address in Switzerland.

<sup>2</sup> The amount of the security deposit depends on the likely level of the fine, the costs, and the damages and expenses incurred.

<sup>3</sup> The security deposit may be provided in cash or by debit or credit card payment, by handing over an item of value or by presenting a guarantee from a bank or insurance company established in Switzerland.

<sup>4</sup> A receipt shall be issued in acknowledgment of the security deposit received.

<sup>5</sup> If a criminal complaint is filed against the person concerned, the security deposit shall be handed over to the prosecution authorities with the report of the offence. Any balance remaining shall be refunded.

**Art. 6** Costs of the transport police

<sup>1</sup> The Transport Police shall publish the prices of its services in a schedule of charges.

<sup>2</sup> Transport companies shall keep the accounts of the Transport Police separately.

<sup>3</sup> They shall offer their Transport Police services to other transport companies at comparable conditions.

**Art. 7** Delegation of security service duties to a security undertaking

<sup>1</sup> The FOT shall authorise a transport company to delegate security service tasks to a security undertaking if the transport company can show that the undertaking in question satisfies the conditions prescribed under Article 5 paragraph 1 of the Ordinance of 31 October 2007<sup>4</sup> on the Use of Private Security Companies and has been approved as a security undertaking in accordance with cantonal law, where cantonal law provides for such approval.

<sup>4</sup> SR 124

<sup>2</sup> The transport company shall enter into a written agreement with the security undertaking on the delegation of the security tasks. The agreement must be approved by the FOT.

<sup>3</sup> The agreement shall require the security undertaking to:

- a. report on the implementation of the delegated tasks at the request of the transport company or the FOT;
- b. disclose the identity of its security personnel to the transport company and to the FOT;
- c. immediately replace security personnel who do not possess the requisite skills or who are a hindrance to the fulfilment of the tasks;
- d. immediately inform the transport company and the police units concerned of any circumstances liable to hinder the fulfilment of the tasks;
- e. immediately report to the transport company if the requirements in respect of the security undertaking and in respect of training cease to be met;
- f. train the security personnel in accordance with Article 8 paragraph 1 below.

<sup>4</sup> The transport company shall monitor whether the security undertaking properly discharges its obligations under paragraph 3 above and the tasks delegated to it.

#### **Art. 8** Training

<sup>1</sup> The transport company or the security undertaking shall ensure that security personnel meet the requirements laid down in Article 6 of the Ordinance of 31 October 2007<sup>5</sup> on the Use of Private Security Companies.

<sup>2</sup> Transport Police personnel who perform security tasks require a police officer certificate issued by the State Secretariat for Education, Research and Innovation<sup>6</sup>.

<sup>3</sup> The transport company or the security undertaking shall ensure that the security personnel can attend appropriate training courses.

#### **Art. 9** Identification

<sup>1</sup> The transport company and the security undertaking shall ensure that security personnel are identifiable in the course of their duties and are not liable to be mistaken for police officers.

<sup>2</sup> The transport company or security undertaking shall ensure that the personnel of the security service who perform security tasks are identifiable when performing this function and cannot be confused with employees of the Transport Police or of the police authorities.

<sup>5</sup> SR 124

<sup>6</sup> The name of this administrative unit was amended in application of Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (SR 170.512.1) on 1 Jan. 2013.

**Art. 10** Agreement with the police authorities

The transport company or security undertaking shall set forth the arrangements for their cooperation with the cantonal or communal police authorities in a written agreement. A copy of this agreement must be sent to the FOT.

**Art. 11** Information and reports to be given to the FOT

<sup>1</sup> The transport company or the security undertaking shall submit the following documents to the FOT:

- a. the instructions issued to security personnel;
- b. other documents and information required by the FOT in the exercise of its regulatory role.

<sup>2</sup> The transport company or the security undertaking shall submit to the FOT by the end of March of each year a report on the activities of security units in the preceding year. The matters to be dealt with in such activity reports are set out in the annex hereto.

<sup>3</sup> The transport company and the security undertaking shall immediately notify the FOT of any events which significantly hinder the fulfilment of their tasks.

**Art. 12** Transitional provision

<sup>1</sup> The FOT may grant exceptions for personnel who have hitherto performed railway police tasks under the existing law that exempt them from the training requirements (Art. 8).

<sup>2</sup> By 30 June 2012 the transport companies shall:

- a. transfer the Transport Police tasks carried out under existing law by private organisations to a Transport Police service established in accordance with this Ordinance;
- b. transfer the Transport Police tasks carried out under existing law by transport company personnel to security personnel in accordance with this Ordinance;
- c. amend contracts with security undertakings entered into under existing law so as to bring them into line with this Ordinance.

**Art. 13** Commencement

This Ordinance comes into force on 1 October 2011.

*Annex*  
(Art. 11 para. 2)

## **Required content of activity reports**

The activity reports must include the following:

1. Report:
  - a. Priorities and challenges of the reporting year;
  - b. Cooperation between transport companies, police authorities and other security units;
  - c. Overall assessment.
2. Statistics:
  - a. Number of persons employed by security units;
  - b. Training qualifications of employees;
  - c. Staff fluctuations;
  - d. Number and type of interventions/cases;
  - e. Nature and type of criminal reports filed;
  - f. Number and type of cases where auxiliary instruments and arms were used;
  - g. Number of persons handed over to police authorities.

