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**The activities of local governments units in the field of a development of local railway transport**

**Abstract:** Recently, the representatives of local governments units are becoming interested in a development of local railway transport. The authorities of the local governments units perceive in the advancement of railway infrastructure an opportunity for the development of local public transport. At the same time, the growth of railway infrastructure entails further, suitable investments in the region. The local and regional authorities, using EU funds, plan in the direct vicinity of railway infrastructure, a number of investments resulting in the improvement of its quality, accessibility and convenience. Thus, the development of the local railway transport has a positive effect on the dynamic development of the region and increase its investment attractiveness.

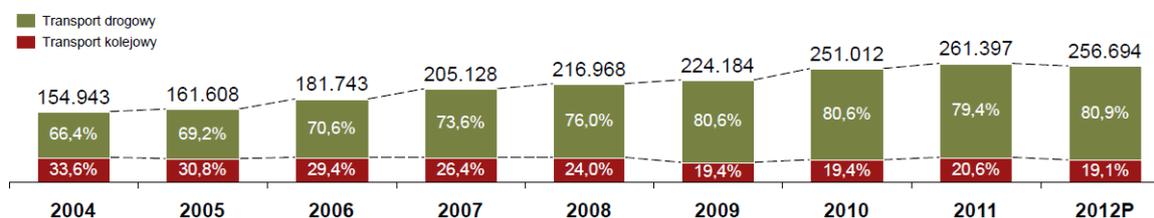
**Keywords:** Local government unit; Railway transport; Railway; Law

At present, local government units are increasingly interested in the development of local public transport, including in particular - local rail transport. In general, issues related to rail transport are the responsibility of the state - central administration, however, recently tasks related to the maintenance and development of local rail transport are transferred into the hands of local government. The direction of local rail transport development - from state to local government, territorial - began to change since Poland's accession to the European Union and changed the policy of thinking about railways as a means of local transport. What's more, in the future local governments will, in fact, take over completely tasks related to the development, development, operation, and organization of local railways as public transport in a given territory.

National authorities are increasingly interested in the development of collective public transport in Poland, including rail transport. Although the expansion and modernization of broadly understood public transport was not at the turn of the last few decades in the mainstream of government's interest, this trend changed after Poland's accession to the European Union. Due to the inflow of a significant amount of funds for the development of infrastructure, mainly from European Union assistance programs, public authorities also began to be interested in the development of rail transport. It should be noted that despite the fact that in recent years the share of rail transport in the share of road transport in freight

transport has decreased by nearly 1/3, the share of rail transport has not yet fallen and for several years has remained at a relatively stable level. In the future, with a constantly growing economy, this may mean an increase in the demand for transport services (Fig 1).

### Wzajemny udział środków transportu kolejowego i drogowego w Polsce (mln tkm)



Źródło: GUS, Eurostat, UTK, Analiza A.T. Kearney

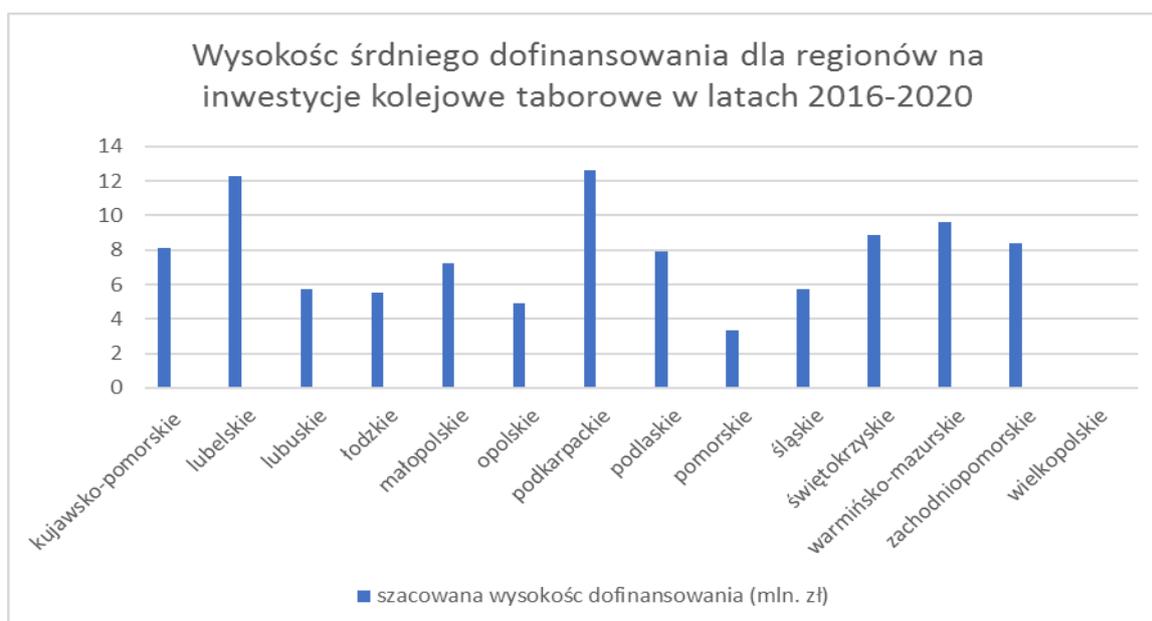
#### 1. Mutual share of means of rail and road transport in Poland (million tkm). Source: GUS, Eurostat, UTK, A.T. Kearney, Freight transport in Poland, Report Rail freight transport in Poland - growth in conditional mode

Interestingly, the development of rail transport is not only in the area of interest of central authorities and government administration authorities. Recently, representatives of territorial government units of various levels are becoming increasingly interested in the development of local rail transport in particular. A well-organized and efficient railway network in the area of operation of a given local government unit is an opportunity for dynamic development of the region.

In principle, the central authorities, in particular the government and the Minister of Infrastructure and Construction, are responsible for organizing the railway transport. The central authorities are also responsible for the maintenance and development of the most important rail routes in Poland. In this respect, the main central public administration body is the Minister of Infrastructure and Construction, who, together with his department, is responsible for transport.

The government also subsidizes planning activities that are aimed at the development of rail infrastructure throughout the country or concern freight transport. A perfect example here is even prepared for the central authorities in 2013, the report on "Railway freight transport in Poland - growth in conditional mode". Until recently, the "Multi-Year Railway Investment Program" was implemented, which defined the directions of investment in the national railway infrastructure. He pointed to activities related to the modernization of existing lines and the construction of new sections, in order to increase the availability and improve the quality of rail transport [17]. The current program adopted by the government is the "National Railway Program until 2023" (hereinafter: NCP), which includes investments on railway lines, which are co-financed by the minister responsible for transport.

Funds for further rolling stock investments in regions in the years 2016-2020 are also to be provided by the amendment to the Act of 16 December 2005 on the Railway Fund [10]. Support for investments, including for each voivodship, the level of 110 million zlotych was specified annually, and the largest beneficiaries of these funds will be the economically worst and the most populated voivodships (Figure 2). This means that voivodships such as Dolnośląskie and Mazowieckie will not receive co-financing from the Railway Fund.



2. Funds in millions złotych to be allocated from the state budget for further rolling stock investments for individual regions of the country in 2016-2020. Report - analysis of the passenger transport market **Błąd! Nie można odnaleźć źródła odwołania..**

It should be noted that currently the largest funds are spent on the railway for years. According to the NFP, the central authorities indicate that Poland has received support declarations (allocation of funds) from the EU budget for the 2014-2020 perspective in the amount of 42.8 billion złotych for railway investments [16], while the vast majority of these funds will be absorbed by investments implemented from the budget central. The main administrator of most of these funds remains PKP Polskie Linie Kolejowe S.A., which is the main manager of railway lines in Poland [34].

However, the development and expansion of railway infrastructure, in recent years, is the subject of interest not only for central authorities and subordinate entities but also for local government units. It is the local government units of various levels that are responsible for planning and development planning to serve the prosperity of local rail transport. Local government authorities, in particular voivodships, but also some municipalities (or inter-municipal associations) see the development of railway infrastructure as a chance for the development of local public transport and the possibility of faster, economic, ecological and safe communication of their region.

### **Municipality as an organizer of public rail transport**

According to art. 6 section 1 of the Act of 28 March 2003 on railway transport (hereinafter: u.t.k.) [3] railway lines are divided into lines of national significance and other lines. It should be pointed out that from the state budget as well as other funds from central public administration bodies, mainly investments that result from international agreements, investments, repairs, operation and maintenance of railway lines of exclusively defensive importance and preparation and implementation of investments involving railway lines of national importance. However, other investments involving railway lines, as referred to in art. 6 par. 1 point 2 u.t.k (which do not have the status of "state importance"), are financed by their manager, or they can also be co-financed from the budget of local government units and other sources.

The municipality as the basic unit of territorial self-government has imposed by the legislator a number of duties related to the performance of specific public tasks for its residents. According to art. 7 paragraph 1 point 4 of the Act of 8 March 1990 on municipal self-government [9] satisfying the collective needs of the community belongs to the municipality's own tasks. The concept of own task was developed by the legislator as referring to its implementation in accordance with the content of special acts [30]. In addition, it is a task that is local in nature and directly implements the needs of the community living in the area of a given commune [29]. In the light of the presented legal status and views of the science of administrative law, the own tasks of the basic local government unit, which is the commune, also include issues of local public transport, including rail transport. Municipal duties in the field of local public transport, in particular regulating the organization and functioning of public public transport on a local scale (in the municipal, urban-rural, rural communes), are specified in the Act of 16 December 2010 on public transport [11], and the Act of 20 June 1997 Traffic Law [13], or the Act of 15 November 1984, transport law [8]. The main duty of the local government in this area is to organize public transport, which involves the competence to coordinate the schedules of carriers, establish the law on the carriage of luggage, fees for driving without a ticket and determining the amount of charges for transport [31]. In accordance with the legislator's assumptions, the new regulations were aimed at reforming the model of organization and operation of transport in public transport, including by introducing the institution of the organizer and the operator of public mass transport as well as the plan of sustainable development of public mass transport. The regulation of issues related to public mass transport was also important due to the growing importance and promotion of this form of communication (including in the context of environmental protection and sustainable development policy) and the dynamically developing market of private entrepreneurs providing transport services [2].

Rail transport is used as public transport. Local government units in connection with the performance of public tasks, and more specifically in the field of providing residents with access to public services in the field of collective transport, perform the role of the so-called organizers of public transport. According to art. 28 p u.t.k organizers of public mass transport are obliged to conclude relevant public service contracts also with railway carriers. The contract for the provision of public mass transport services should be understood as a contract concluded between the organizer of public public transport and a collective transport operator, which grants this operator the right and obliges him to provide certain services related to the carriage of public transport [32]. The competence of the local government unit, which is also the organizer of collective transport in the field of rail transport, is to ensure its proper and efficient functioning in a given area by: planning the development of collective transport, i.e. the development of the so-called transport plan, organizing public public transport and managing public transport [27]. The operator of public transport may be a local government budget plant and an entrepreneur authorized to run a business in the field of transport of persons who concluded with the organizer of public collective transport an agreement for the provision of collective public transport services [28]. Most often, such agreements are concluded by the organizers of public rail transport in the form of provinces or the minister responsible for transport.

### **Other municipal activities in the field of railway transport development**

Apart from performing their own tasks related to local public transport, local government units also started to undertake activities related to the expansion, revitalization, and

modernization of railway infrastructure. According to art. 2 para. 1 of the Act of 9 October 2015 on revitalization [12], revitalization is a process of deriving from degraded areas, conducted in a comprehensive manner, through integrated activities for the local community, space and economy focused territorially, carried out by stakeholders of revitalization on the basis of the municipal revitalization program.

A good example here can be an initiative to take over territories, railway buildings and other railway infrastructure by local government units, in order to modernize them. This phenomenon has recently become more important because the main administrator of the railway infrastructure, namely PKP S.A. it has increasingly started to transfer gratuitously to local government units, including municipalities, real estate, in particular, land with railway lines on which local passenger transport will be implemented [24]. In addition, local governments intensively cooperate with PKP Polskie Linie Kolejowe S.A. in the implementation of many projects to improve the local railway infrastructure. An example of this is a joint venture implemented by PKP Polskie Linie Kolejowe S.A. and the city of Wrocław, consisting in the revitalization of the railway connection between the Wrocław Główny station and the Wrocław Wojnowo station, which is part of the planned larger investment consisting in the revitalization of the railway line on the section Wrocław Sołtysowice - Jelcz Miłoszyce. This project involves the construction of new stations and railway stops along with routes of access. The investment will enable connections to Wrocław from the east of the city, through Jelcz Laskowice and Wrocław Brochów [19]. Another example of joint activities for the development of local rail transport is the one signed by PKP Polskie Linie Kolejowe S.A. and the Capital City of Warsaw in November 2016, a contract for the construction of two tunnels and a viaduct on the line from Warsaw to Sulejówek. Three collision-free crossings over railway tracks will be built in Rembertów and Wesola thanks to the agreement of the Capital City of Warsaw and PKP Polskie Linie Kolejowe S.A. It will be safer and drivers will get a better connection between parts of districts separated by railway tracks [18].

Moreover, local governments - using EU funds - in the immediate vicinity of railway infrastructure facilities serving local collective transport, carry out a number of investments resulting in improved quality of the infrastructure, its accessibility and user convenience, such as construction of parking lots, bus shelters with roofed shelters, parking spaces bicycles near railway stations and stops. A great example here can be the commune of Wieliczka, where "there are two bus lines serving as transport to the railways. Buses serve passengers on routes: Wieliczka Rynek - Mine - Grajów - Wieliczka Rynek - Mine and Wieliczka Rynek - Mine - Byszyce - Wieliczka Rynek - Mine. The bus timetable is coordinated with the timetable of trains, and the journey is based on one ticket" [35].

### **Province as the operator of public rail transport**

It should be noted that local government not only performs tasks at the commune level in terms of public local rail transport. The province as a local government unit is also obliged to conclude contracts for the provision of public rail transport services.

According to art. 13 section 1 of the Act of 5 June 1998 on voivodship self-government (hereinafter: u.s.w.) [4] in the sphere of public utilities, the voivodship may establish limited liability companies, joint-stock companies or cooperatives, and may also join such companies or cooperatives. Thus, voivodship local governments can create local government companies (joint-stock companies) to carry out railway tasks. The pioneer in this field was the Lower Silesian Province, which "took over local railway lines, which were

abandoned by PKP SA, not interested in the operation of economically inefficient lines" [33] which resulted in the creation of Koleje Dolnośląskie in 2008. Koleje Dolnośląskie S.A. was created by the Lower Silesian Province Government to ensure an efficient regional rail system [6]. A dynamically operating organizer of railway transport is the Małopolskie Voivodeship, which in December 2014 launched a connection as part of the Fast Agglomeration Railway on the route Kraków Główny - Wieliczka Rynek - Mine. The transport is carried out by a company established for this purpose - Koleje Małopolskie sp. Z o.o. using modern rolling stock [22].

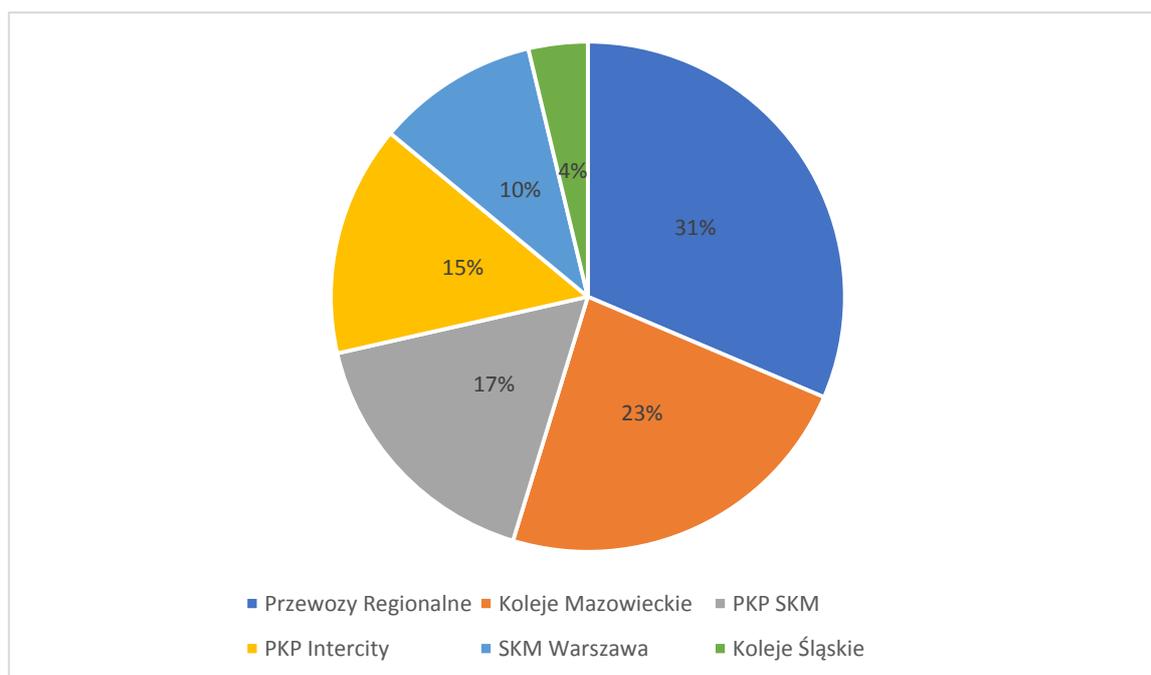
### **Other activities of province local government units in the field of railway transport development**

In addition to the creation of local government companies to develop railway transport, provincial governments also undertake other activities aimed at the development of local rail transport. It should be mentioned that it is mainly voivodship local governments as the above-discussed organizers of public rail transport, including the most important contracts for the provision of public services with rail carriers in the field of rail transport.

Moreover, it is the voivodship local governments which mainly take on the development and support of investments in the development of railway infrastructure. A great example may be the investments of the Marshal Office of the Lower Silesia Voivodeship into the Wrocław Zakrzów - Trzebnica railway line, which was taken over by the local government in 2007. Already in 2008, the local government began modernization of the unused by PKP Polskie Linie Kolejowe S.A. from the 1999 railway line. The taken over railway connection is to provide an efficient and safe means of transport between Wrocław and Trzebnica and allows the more efficient use of existing transport infrastructure. The merger also strengthened public transport in the area of the Wrocław agglomeration, facilitating communication for the inhabitants of Trzebnica and intermediate stations with Wrocław [7].

### **Summary**

Undoubtedly, the activity of local government units in the field of local rail transport development is extremely important. It is the local government, often undertaking the implementation of investments and projects that are unprofitable or of no strategic importance for the state, meets the expectations of residents of a given territory by creating, revitalizing or launching strategic rail connections for public transport. Both experts' calculations and statistics clearly show that the share of local governments increases not only in the implementation of investments serving the development of local collective transport, but also the share of local government railway carriers in total (also by an increase of 5.03% compared to 2015) the number of passenger transport [5] (fig. 3).



3. The share of individual carriers in the total number of passengers transported in the first half of 2016. Source: Passenger market analysis report

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