

Office of Rail Transport

<https://utk.gov.pl/en/market-regulation-and-l/public-transport/6778,Public-transport.html>
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Public transport

The organisation of the public transport market, transport service management on that market and public transport financing for public service obligation in the Republic of Poland and cross-border areas is governed by *the Public Transport Act of 16 December 2010 (Journal of Laws of 2011 No 5, item 13 and of 2011 No 228, item 1368)*.

Public transport means commonly available regular passenger transport services provided in specific time intervals and along a specific transport line(s) or within a specific transport network.

Public transport organiser means the relevant local government unit or the Minister in charge of transport, ensuring the operation of public transport across a given area.

Public transport organisers are responsible for planning transport development, organising and managing public transport.

Local government units and the Minister in charge of transport, as public transport organisers, are required to prepare, adopt and revise plans for sustainable development of public transport, known as transport plans, which have the status of local laws.

Transport plans for public service obligation are prepared by:

- communes with at least 50,000 residents,
- districts with at least 80,000 residents,
- associations and alliances between communes encompassing at least 80,000 residents,
- associations and alliances between districts encompassing at least 120,000 residents,
- regions,
- Minister in charge of transport.

When preparing public transport plans, organisers are required to hold public consultations (i.e. to consult local residents).

Transport plans specify in particular:

- transport network where public service obligation is to be provided,
- assessments and forecasts of transport needs,
- expected financing for transport services,
- preferences regarding the choice of means of transport,
- organisational principles for the transport market,
- desired standard of transport services provided under public service obligation,
- expected procedures for the organisation of the passenger information system.

On the basis of Article 28 (1)-(3) of the *Rail Transport Act*, the President of UTK assesses draft transport plans in terms of passenger transport by rail. The public transport organiser provides the President of UTK with a draft transport plan before it is adopted, together with documents serving as the basis for the assessment of conditions in the following fields: spatial development, socio-economic situation in the area, the impact of transport on the environment, public transport sustainable development needs (in particular the needs of the disabled and persons with reduced mobility) regarding transport services.

Within 21 days of the date the draft transport plan is submitted, the President of UTK assesses it in terms of passenger transport by rail. Failure to provide opinion on time is by default regarded as the positive opinion on the draft transport plan.

The Public Transport Act also employs the term public transport operator. This covers local government budget divisions and entrepreneurs authorised to operate in passenger transport, who entered into public service contracts with public transport organisers to provide public transport services on the transport line defined in the contract.

The transport organiser selects a public transport operator under *the Public Procurement Law of 29 January 2004, the Act of 9 January 2009 on licences for construction works or services*, or by directly concluding the public service contract.

Public service contract is an agreement between the public transport organiser and public transport operator, which grants the operator the right and obligation to provide specific services associated with the provision of public service requirements.

Public service contracts are concluded by public rail transport organisers only on the basis of and in the range of the applicable transport plans.

In rail transport, public service contracts are to be concluded for fixed terms of up to 15 years.

Transport of public service requirement – a commonly available public transport service

provided by a public transport operator to continuously meet transport needs of the community on specified area.

In terms of rail transport regulation, the President of UTK is also responsible for assessing draft public service contracts for passenger transport by rail. *The Rail Transport Act* particularises this responsibility by stipulating that the President of UTK is to assess draft public service contracts for passenger transport by rail, against their compliance with transport plans, within 21 days from the date they are submitted. Moreover, public transport organiser is required to provide draft public service contract to the President of UTK 30 days before the procurement procedure is initiated under *the Public Procurement Law* or before the licensing agreement procedure is initiated under *the Act on licences for construction works or services* or before the agreement is concluded directly. Failure to provide opinion within the above-mentioned deadline is by default regarded as the positive opinion on the draft public service contract for passenger transport by rail.

The President of UTK can proceed to assessing public service contracts when public transport organisers publish their transport plans.

Public transport organisers are also required to provide the President of UTK with certified copies of public service contracts for passenger transport by rail within 7 days of the date they are concluded.