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**The role of voivodship in organizing bus transport against the background of the Act on the Public Utility Bus Transport Development Fund**

**Abstract:** Transport exclusion is one of the phenomena constituting a barrier to the functioning of local communities. The proposed legal solutions did not always bring the desired effect, therefore it was advisable to look for new mechanisms. One of them is co-financing of the reactivated communication lines from the special purpose fund. Transport exclusion primarily affects residents of smaller towns, for whom the lack of access to public transport may make it impossible to reach a doctor, school or workplace. This study analyzes the activity of voivodship self-governments in organizing public collective transport in the field of bus transport. Until the establishment of the Fund for the development of public utility bus transport, it was insignificant. Significant changes in this respect took place after 2019, although not all voivodeships have yet undertaken to organize bus connections.

**Keywords:** Mobility; Transport exclusion; Local community; Voivodeship

**Introduction**

The phenomenon of transport exclusion is a nationwide and widely known problem with which both residents of large agglomerations and those of smaller centers struggle. While in the first case the possibilities for counteracting it are much greater, in the latter one can observe places on the map of Poland to which no bus connections reach. Moreover, it seems unwarranted to claim that county or even voivodeship cities are unaffected by this problem.

The Act of December 16, 2010 on Public Collective Transport (hereinafter u.p.t.z.) [6], although it significantly changed the principles of organizing public collective transport in Poland, has, to this day, failed—using the tools proposed therein—to effectively combat the phenomenon of transport exclusion. Hence, further searches for solutions have become necessary, ultimately leading to minimizing the ever-intensifying process of disconnecting residents of individual regions of Poland from public collective transport. In times of rising costs for organizing and maintaining connections, finances have become a significant problem. The obligation to organize public collective transport was, in accordance with the provisions of the Act on Public Collective Transport, largely transferred to local government units. In a rather specific and difficult situation, voivodeship governments found themselves having taken on the burden of organizing rail transport. The limited financial capacities of individual voivodeships resulted in their ceasing to organize bus transport.

An additional complication was the mass collapse of PKS companies, most of which ended their operations at the beginning of the 20th century, and although this process is still ongoing, it is not as intense now—due to the small number of enterprises still operating in the market [4, p. 14]. The Act on Public Collective Transport also created the possibility of conducting commercial transport services. It should be noted, however, that their implementation will be of interest primarily to private entities, and only on those routes that are profitable. Thus, carriers—according to the definition formulated in Article 4, point 11 of u.p.t.z. as entrepreneurs authorized to engage in business activities in the field of passenger transport on the basis of a confirmation of transport registration (in other words, on

commercial terms)—do not see any interest in operating loss-making routes. The services they provide are, by nature, profit-oriented and are generally not subsidized.

In this study the situation of individual voivodeship governments has been analyzed following the entry into force of the Act of May 16, 2019 on the Development Fund for Bus Transport of Public Utility (hereinafter u.f.r.p.a.) [7].

### **Organization of Public Collective Transport**

According to the Act on Public Collective Transport, the organizer of public collective transport is the appropriate local government unit or the minister responsible for transport (Article 4, point 9 of u.p.t.z.). It should be noted, however, that only local government units can implement this with regard to bus transport. In fact, according to Article 7, paragraph 2, point 6 of u.p.t.z., the minister responsible for transport performs the function of organizer of public collective transport only on a route or network in inter-voivodeship and international passenger rail transport. Thus, the legislator excluded this authority from the possibility of organizing public collective transport in the field of bus transport.

Organizing public collective transport is an inherent task of each of the aforementioned entities. According to Article 14, paragraph 1, point 10 of the Act on the Self-Government of the Voivodeship, the voivodeship government carries out tasks of a regional nature as defined by law, in particular in the field of collective transport and public roads. Consequently, this should lead to the conclusion of a contract with the public collective transport operator for the provision of public collective transport services, which, in accordance with Article 4, point 24 of u.p.t.z., grants it the right and obligates it to perform certain services related to providing transport of public utility. The signing of such a contract by the voivodeship government may concern voivodeship passenger transport, with regard to bus transport, constituting the transport of persons within the framework of public collective transport carried out within the administrative boundaries of at least two counties and not extending beyond the borders of a single voivodeship (Article 4, point 25 of u.p.t.z.).

With the entry into force of the Act on the Development Fund for Bus Transport of Public Utility, new opportunities have been created for local governments to obtain funding for individual transport routes. A necessary condition for receiving financial support from the fund is that the transport services have the character of public utility transport, i.e., in accordance with Article 4, point 12 of u.p.t.z., a universally accessible service in the field of public collective transport, performed by a public collective transport operator for the purpose of continuously and uninterruptedly satisfying the transport needs of the community in a given area [1, pp. 56–57], in this case that of the respective voivodeship.

### **New Model for Subsidizing Bus Transport**

The Act on the Development Fund for Bus Transport of Public Utility has introduced changes in the financing of passenger transport by creating support mechanisms for the organizers of public collective transport, which—in these specific cases—are local government units. Thanks to the funding from the Fund, local governments are to be supported in carrying out their own tasks related to ensuring the functioning of public collective transport in the area of bus transport of public utility [2].

This legal act has essentially established a hierarchy of entities to which the funding is granted. According to Article 25, paragraph 2 of the u.f.r.p.a., priority in receiving subsidies is granted to the organizers in the following order:

1. municipalities,
2. inter-municipal associations,
3. county-municipal associations,
4. counties,

5. associations of counties,
6. voivodeships.

Thus, it should be assumed that voivodeship governments receive subsidies only when these funds have not been allocated to the remaining lower-level local government units. It is also worth emphasizing that the organizer of public collective transport has been endowed with specific competencies that affect the nature of the transport routes it operates. In principle, therefore, the activities of voivodeship governments in this field should begin where the activities of county governments end. The legislator has entrusted them with the organization of public collective transport on voivodeship routes, as mentioned in Article 4, point 25 of the u.p.t.z. These transports are to be carried out within the territory of a single voivodeship, without crossing its borders, and their coverage should include at least two (or more) counties. It should be borne in mind that the possibility for lower-level local governments to conclude agreements or to form associations creates an opportunity for them to organize transport services on routes that cross the boundary of a given county [1, p. 52]. Additionally, this does not affect the entity serving as the public collective transport organizer in such a situation—which will be either the county or an association of counties. Consequently, it should be assumed that the task of voivodeship governments is to organize public collective transport on routes that complement the network of connections organized by lower-level local governments. Accordingly, before launching a specific connection, it is advisable to conduct an analysis to determine whether other transport routes, which meet the needs of the residents, are already in operation in the area. This should be of significant importance, especially in the context of applying for a subsidy from the Development Fund for Bus Transport of Public Utility.

It should also be assumed that, in the case of voivodeship governments, these transports may also include inter-voivodeship services, as mentioned in Article 4, point 7 of the u.p.t.z., i.e., the transport of persons within the framework of public collective transport carried out by crossing the voivodeship border; different from municipal, county, county-municipal, metropolitan, and voivodeship transports, in the event that two (or more) voivodeship governments conclude an appropriate agreement.

### **Activity of Voivodeship Governments in Organizing Bus Transport**

Even before the Act on the Development Fund for Bus Transport of Public Utility came into force, voivodeship governments focused primarily on organizing public collective transport in the area of rail transport. Despite being placed at the bottom of the list of entities eligible to apply for funds from the Development Fund for Bus Transport of Public Utility in 2019, some of them managed to begin implementing this task also with respect to bus transport. The use of funds from the Fund by voivodeship governments is facilitated by the fact that the legislator has excluded the possibility of supporting transports carried out as part of urban public transport (Article 1, paragraph 2 of the u.f.r.p.a.). These are, according to Article 4, point 4 of the u.p.t.z., municipal passenger transports performed within the administrative boundaries of a city or:

- a) a city and municipality,
- b) cities, or
- c) cities and neighboring municipalities—provided that an agreement has been concluded or an inter-municipal association has been formed for the joint implementation of public collective transport, as well as metropolitan passenger transports.

It should be noted that a significant part of the collective transport organized by municipal governments is precisely local transport. Under these legal conditions, the burden of ensuring transport services other than those mentioned above—especially in the context of

the possibility of obtaining funding—also falls on local government units of other tiers, including voivodeship governments.

As an aside to the above considerations, it is worth noting that among the entities entitled to apply for funds from the Fund, the metropolitan association has been excluded, as it only provides transport services within the framework of urban public transport. As already indicated, such services are not covered by the provisions of the Act on the Development Fund for Bus Transport of Public Utility.

The idea guiding the legislator in creating the provisions of the aforementioned legal act was to enable the reactivation of transport routes that had not been in operation for at least three months prior to its entry into force. Article 22, paragraph 1 of the u.f.r.p.a. states that only such routes can be eligible for subsidies from the Fund. However, the contracts for the provision of transport services on these routes must be concluded after the act comes into force.

Bearing the above considerations in mind, it is important to emphasize that the desired effect of local governments using funds from the Fund is to increase the number of transport routes, thereby reducing the transport exclusion of residents in a given region. In the case of voivodeship governments, the implementation of this task—given the circumstances mentioned earlier—should not be reduced to merely ensuring some connection. This task primarily falls to municipalities, and subsequently to counties. Also, considering that all voivodeship governments are organizers of public collective transport in the area of rail transport, it should be taken into account that bus routes should serve a supplementary function or operate in areas that do not have access to rail, while ensuring access to the voivodeship capital, or at least to the county seat. This, in turn, is intended to result in providing residents of individual localities—through which the transport route would pass—with access to employment, schools, healthcare facilities, and cultural institutions, or in stimulating the labor market by enabling employment in centers to which access has hitherto been difficult [8, p. 27].

This general characterization allows us to move on to a somewhat more detailed analysis presenting individual voivodeship governments as organizers of public collective transport in the field of bus transport. Right at the beginning, it should be noted that the entry into force of the Act on the Development Fund for Bus Transport of Public Utility has led the individual voivodeship governments to demonstrate somewhat greater activity in organizing bus connections. Undoubtedly, the key issue turned out to be the possibility of obtaining funds from the Fund for this purpose. Previously, local governments had to finance the bus connections for which they were the organizers on their own, which resulted in the voivodeship governments' activity in this area being negligible before the entry into force of the aforementioned legal act.

Analysis was carried out on the activity of individual voivodeship governments – with regard to bus routes in bus transportation – in the years 2019–2022 [3].

**Lower Silesian Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

#### **Kuyavian-Pomeranian Voivodeship**

In 2019, the Kuyavian-Pomeranian Voivodeship government launched 18 bus routes in bus transportation, in 2020 – 52 bus routes, in 2021 – 68 bus routes, and in 2022 – 67 bus routes. All were subsidized under the Public Utility Bus Transport Development Fund. In 2021, the Kuyavian-Pomeranian Voivodeship also launched 3 bus routes in bus transportation that were not subsidized from the aforementioned Fund (Włocławek – Kutno, Bydgoszcz – Chełmża, and Wierzchucin – Tleń).

**Lublin Voivodeship**

In 2019, the Lublin Voivodeship launched 4 bus routes in bus transportation, in 2020 – 2 bus routes, in 2021 – 7 bus routes, and in 2022 – 6 bus routes. The Lublin Voivodeship government used funds from the Public Utility Bus Transport Development Fund, and all the above-mentioned bus routes received subsidies.

**Lubusz Voivodeship**

The Lubusz Voivodeship government launched bus services from 1 February 2022, operating on 8 bus routes. All were subsidized from the Public Utility Bus Transport Development Fund.

**Łódź Voivodeship**

The Łódź Voivodeship government launched public utility bus services starting from 1 September 2019. In 2019, this amounted to 29 bus routes, in 2020 – 36 bus routes, in 2021 – 39 bus routes, and in 2022 – 40 bus routes. All bus routes were subsidized by the Public Utility Bus Transport Development Fund.

**Lesser Poland Voivodeship**

The Lesser Poland Voivodeship government organized public utility bus routes in the years 2019–2022. In 2019, there were 3 bus routes, in 2020 – 9 bus routes, in 2021 – 17 bus routes, and in 2022 – 23 bus routes. All were subsidized under the Public Utility Bus Transport Development Fund.

**Mazovian Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**Opole Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**Subcarpathian Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**Podlaskie Voivodeship**

The Podlaskie Voivodeship government organized public utility bus services starting from 1 July 2020. In 2020, there were 21 bus routes, in 2021 – 44 bus routes, and in 2022 – 45 bus routes. The Podlaskie Voivodeship utilized funds from the Public Utility Bus Transport Development Fund for all the routes launched.

**Pomeranian Voivodeship**

The Pomeranian Voivodeship government has been the organizer of public utility bus services since November 2019, when 15 bus routes were launched. In 2020, there were 36 routes, in 2021 – 33 routes, and in 2022 – 37 routes. All were financed with the involvement of funds from the Public Utility Bus Transport Development Fund.

**Świętokrzyskie Voivodeship**

The Świętokrzyskie Voivodeship government launched 6 public utility routes, which have been in operation since 1 July 2022. Their financing comes from funds of the Public Utility Bus Transport Development Fund as well as the voivodeship government's budget.

**Silesian Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**Warmian-Masurian Voivodeship**

The Warmian-Masurian Voivodeship organized public utility bus connections starting from 2021, when 4 bus routes were launched. In 2022, the government launched 9 bus routes. All connections were financed from funds originating from the Public Utility Bus Transport Development Fund.

**Greater Poland Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**West Pomeranian Voivodeship** – in the years 2019–2022, did not operate public mass transportation in the form of bus connections.

**Summary**

The above analysis indicates that in 2022, 9 out of 16 voivodeship governments organized public mass transportation on bus routes as part of bus transport services. Undoubtedly, the entry into force of the Act on the Public Utility Bus Transport Development Fund had an impact on increasing their activity in this area. As recently as 2018, none of the voivodeship governments had launched bus routes in public utility bus transport. As previously noted, all voivodeships fulfilled their statutory obligations by organizing regional public utility passenger transport solely through rail transport. In most cases, it was assumed that rail transport should constitute the main backbone of the network of transport connections within each voivodeship. Although the entry into force of the Act on the Public Utility Bus Transport Development Fund did not change this assumption, there is a noticeable trend: the greatest activity in launching bus routes with funding from the fund was observed in those voivodeships where the rail network is poorly developed. This is primarily the case in the Lublin and Podlaskie voivodeships. On the other hand, considerable activity was also noted in the Łódź, Lesser Poland, and Kuyavian-Pomeranian voivodeships. The analysis of these specific cases indicates that bus connections can serve as a good complement to the rail network. It should be emphasized, however, that they should not replace rail connections—a situation that was observed, for example, in the Kuyavian-Pomeranian voivodeship—and such cases should be viewed negatively.

Further analysis of the specific bus routes launched by the individual voivodeships indicates that, in principle, they were designed to enable access to both voivodeship capitals and county towns. For example, in 2022, for 21 out of 45 bus routes launched by the Podlaskie Voivodeship government, Białystok served as the starting/ending point. For another 4 routes, the voivodeship capital was an intermediate stop. Only one bus route (Czyżew – Kruszyniany) both began and ended in towns that are not the capitals of a county or voivodeship. It should be noted, however, that its route was arranged in such a way that it included either Białystok (the voivodeship capital) or Wysokie Mazowieckie (the county capital).

Adopting such an approach appears entirely appropriate and is in line with the responsibilities of the voivodeship government, which is tasked with ensuring connections on regional bus routes—that is, routes running through areas covering at least two counties. The possibility for voivodeship governments to launch such bus routes follows directly from the provisions of the Public Mass Transportation Act. Therefore, although the legislator placed voivodeship governments at the very end of the list of entities entitled to benefit from the

subsidy under the Fund, in practice this does not constitute an obstacle to their accessing these subsidies.

The analysis of the aforementioned factual state also shows that, over successive years starting from 2019, voivodeship governments have increasingly participated in the restoration of bus routes in bus transport. In 2019, such routes were launched in 5 voivodeships; in 2020 – in 6; in 2021 – in 7; and in 2022 – in 9. Equally important, the number of bus routes in bus transport within individual voivodeships generally increased.

It is therefore not excluded that in the coming years the number of voivodeship governments launching bus routes in bus transport will grow. For example, the Mazovian Voivodeship government has declared that so-called “white spots” have been identified, including, among others, in the areas of the following counties: Sokołowski, Węgrowski, Przysuski, Szydłowiecki, Żuromiński, and Mławski. Consequently, it was decided to designate transport corridors for transversal bus services that would serve as feeder lines, enabling a convenient and well-coordinated transfer from bus to train and from train to bus. Thus, the update of the sustainable development plan for public mass transportation in the Mazovian Voivodeship, regarding the so-called white spots, would take into account the assumptions of the pilot program adopted by the Mazovian Voivodeship Board for launching transversal bus routes to railway lines operated by Koleje Mazowieckie. At present, no concrete decisions have yet been made regarding the design of public utility bus routes in bus transport—routes that are intended to be launched primarily in areas of transport exclusion for residents of the Mazovian Voivodeship. Nevertheless, this approach indicates an interest in launching voivodeship bus routes also by those voivodeship governments that have not previously undertaken such actions. It can be assumed with a high degree of probability that they are also considering the possibility of applying for funding from the Public Utility Bus Transport Development Fund. This makes it all the more appropriate to undertake legislative work aimed at enabling the conclusion of subsidy agreements for a fixed period, not exceeding 10 years [9].

A key factor in the further development of bus routes may be the integration of rail and bus transport. The literature indicates that achieving the desired effect will be brought about by the introduction of solutions such as unified fares, transparent passenger information, coordinated timetables and planned interconnections, as well as architectural, digital, and communication/information accessibility of services for persons with disabilities and those with limited mobility [5, p. 9].

In conclusion, it is also worth recalling that the marshals of the individual voivodeships issue permits to entrepreneurs operating regular and regular special passenger transport in national road transport, based on the applications they submit, authorizing them to carry out such services. Transport services performed on the basis of these permits are not considered public utility transport and, as such, are not subject to the subsidies provided for in the Act on the Public Utility Bus Transport Development Fund. They are, therefore, commercial services carried out on a risk-based basis by the individual entrepreneurs [10].

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