

Assumptions for a Financing Model for Maintaining Railway Station Buildings in Poland

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Summary

The aim of this article is to present a potential financing model for the maintenance of railway stations (station buildings) with public funds. The article points out that this is an issue that needs to be solved due to the nature of the existing system of fees in the entire transport sector. This issue is also important in the context of the decisions made by the Polish Office of Rail Transport (ORT) with respect to the fees charged by infrastructure managers and operators of infrastructure facilities from railway carriers. The article also describes the current situation of railway station operators in relation to the sources of financing their activities, the ownership structure of operators, and the categories of trains commissioned by public transport organizers of different levels. The directions of the EU transport policy concerning the principles of creating a system of fees providing for a level playing field in terms of inter-branch competition are also presented. The article presents solutions in terms of financing the maintenance of station facilities (including station buildings) in the EU Member States with the longest railway networks (excluding the UK, i.e. Germany, Italy and France). The summary of the article highlights some suggestions of possible solutions to this problem within the framework of the Polish legal and financial system.

Keywords: railway station, station building, rail yard, maintenance of infrastructure facilities, public aid, organization of rail transport

1. Purpose of the article

The problem of ensuring public funds for the financing of railway station maintenance has not yet been solved in Poland. It should be emphasized that this issue needs to be dealt with since a continuation of the existing tendencies, intended to handle the situation by means of encumbering passenger transport companies with additional types of costs, will not be a step towards strengthening the competitive position of railway transport in Poland. For this reason, the purpose of this article is to present an outline of a potential model for making arrangements in this area, considering the experiences of foreign countries.

2. Current state of affairs

In the legal regulations concerning the financing of service infrastructure, a railway station building, as an

element of a railway station, is treated in a special way. Formally, the obligation to maintain railway stations rests with the entities managing such facilities, which in statutory regulations² are referred to as operators of passenger stations [4]. For this purpose, they are authorized to charge fees from railway carriers for access to a service infrastructure facility, i.e. a railway station [4]³. The Polish Law on Railway Transport states that these fees cannot exceed the costs incurred by the operator in connection with making the facility available plus a reasonable margin, specified as the return on equity specified by the operator, considering the potential risks, in particular those related to revenues, and the average rate of return for the given sector in recent years, but not more than 10% [4]⁴. In July 2019, the issue of charging fees for “using a railway station” was the subject of proceedings before the regulator of the Polish railway market, i.e. the President of the Office of Rail Transport [7]. For natural reasons, railway carriers offering passenger transport are not interested

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² Article 4(54). Hereinafter: the Law on Railway Transport.

³ Article 4(51) in conjunction with Article 53 of the Law on Railway Transport. A passenger station is a service infrastructure facility that covers a railway station and/or platforms and the related infrastructure allowing the passengers to reach the platforms, on foot or in a vehicle, from a public road or from the railway station building (Article 4(53) of the Law on Railway Transport).

⁴ Article 36e(2) of the Law on Railway Transport.

in incurring an additional (from their point of view) category of costs, as this decreases their financial results and worsens the competitive position of the sector versus road transport. Railway carriers justified their standpoint by pointing out that they already incur expenses on account of leasing facilities for ticket offices and floor area for other operations (e.g. the installation of ticket machines), they are paying infrastructure managers for the right to stop at stations and stops, and they are paying separate fees to the relevant operators for using railway platforms, which are treated as service infrastructure facilities [6].

However, the railway market operator did not share this standpoint and concluded that the fees incurred as a result of the permission for trains to stop at stations should result from a general system of fees for making railway infrastructure available. Notably, in the context of the judgment of the Court of Justice of the European Union (CJEU) of 10 July 2019, this system should take into account platforms as an integral element of railway infrastructure and should be covered by the minimum access offered to carriers. In turn, passengers use railway stations as elements of service infrastructure (e.g. waiting for trains, using passageways, toilets, and timetable boards, etc.). Therefore, the situation is not just purely about commercial agreements that specify the costs of leasing commercial space by carriers, as mentioned by them in their standpoint. The problem concerns the fees for the passengers of the given carrier being able to use the railway station of the given operator. The sole fact of passengers staying on the premises of the railway station confirms the need to regulate the relationship between the railway carriers and the railway station operator. Passengers have free access to passenger stations, but railway carriers should pay for services that go beyond the minimum access to railway infrastructure they are guaranteed to have under the applicable legal regulations [5]. For this reason, they should execute the relevant agreements with the operators of passenger railway stations, thus in a way paying for the right of their passengers to use these facilities.

It is worth noting that the entire railway network in Poland is dominated by passenger transport launched by the appropriate organizers as part of public utility services. According to data published by the President of the Polish Office of Rail Transport with respect to the functioning of the Polish railways market in 2018, 93% of passenger train runs qualify as public services [31]⁵. In Poland, nearly all passengers (98% of the total number) are transported by trains belonging to

this category of services [31]. Consequently, charging the carriers with additional fees will result in increased costs of the services they provide. Therefore, in order to maintain the existing level of transport services, it will be necessary to increase the expenses incurred by the organizers of public transport. An alternative solution would be to increase the prices of tickets. In practice, regardless of the adopted solution, the burden of maintaining the stations buildings will be placed mainly on the public entities, which ensure financing of public utility transport and perform public functions not related to transport (passengers, organizers). This could lead to a growing decrease in the competitiveness of railway passenger transport versus road transport, in particular in the case of individual transport. A situation where road transport becomes more popular as a result of the given Member State's transport policy is exactly opposite to what the Union is trying to achieve in this respect.

The "Roadmap to a single European transport area" [Plan utworzenia jednolitego 25], which is the current transport strategy of the entire European Union with a horizon of 2030, specifies the initiatives that should be taken up by Member States. This also concerns the fees paid by various sectors of transport. The White Paper says that (...): *Transport charges and taxes must be restructured in the direction of wider application of the "polluter pays" and "user pays" principles. They should underpin transport's role in promoting European competitiveness and cohesion objectives, while the overall burden for the sector should reflect the total costs of transport including infrastructure and external costs* [25, pp. 15–16]. (...) *The internalization of externalities, the elimination of tax distortions and unjustified subsidies and free and undistorted competition are therefore part of the effort to align market choices with sustainability needs* [25, p. 16]. *The cost of local externalities, such as noise, air pollution and congestion, could be internalized through charging for the use of infrastructure* [25]. *For passenger cars, road charges are increasingly considered as an alternative way to generate revenue and influence traffic and travel behavior* [25]. *The long-term goal is to apply user charges to all vehicles and on the whole network to reflect at least the maintenance cost of infrastructure, congestion, air and noise pollution* [25]. These statements mean that European Union authorities expect Member States, first of all, to display an active approach to managing the demand for transport by means of creating the need for its ecological (and resource-efficient) sectors. Therefore, this is not an issue left to be regulated by

⁵ Hereinafter: the ORT Report.

purely market factors. Moreover, the state should take steps in order to make all of the costs generated by the particular sectors of transport, including social costs, more realistic [21]⁶.

Therefore, transport companies should know which categories of costs they should consider in their profit and loss account, covering them as part of their day-to-day operations. On the other hand, the state should at the same time specify the fees to be incurred by transport companies. In other words, transport companies have to pay fees proportional to internalized costs. As a result of managing demand, the users of a transport system should have the option to choose the transport companies whose offer they find affordable and satisfactory in terms of connections and which, in their offers, reflect the costs of financing of the infrastructure they use. Such an approach to transport services, which is in line with the general model presented in the White Paper, should lead to channeling transport needs into sectors that generate relatively the lowest total costs and, at the same time, are the most accessible to customers. Theoretically, in the EU model, railway transport provides the best offer in this respect [21]. Naturally, this does not mean that all passengers and cargo shippers should immediately switch to railway transport. However, there is a need to ensure an equal framework for offering transport services taking into account the actual burdens (including social and infrastructural) generated by transport companies [20]. This is especially important in the context of Poland having to implement the Europe 2020 strategy [12]⁷, which, for a horizon of 2020, provides among others for a reduction in the emissions of greenhouse gases by 20% in comparison with 1990, simultaneously with a 20% increase in energy efficiency. Without ensuring proper conditions for fair competition between road and railway companies, achieving these numbers will be difficult [8]⁸.

At the same time, it is important to notice that the operations of railway carriers, both passenger and cargo runs, are fully paid-for (infrastructural and social costs). In this context, the decision of the Presi-

dent of the ORT concerning the payments for the use of railway stations for passenger transport is fully understandable. In turn, in Poland, the electronic system for collecting road fees (viaTOLL) is obligatory only for vehicles and combination vehicles with a GVM exceeding 3.5 tons and for buses, depending on their GVM (so-called heavy vehicles). The system covers the sections of motorways, expressways, and selected national roads managed by the General Directorate for National Roads and Motorways (GDDKiA), with a total length over 3,600 km. Additionally, fees are charged from so-called light vehicles (with a GVM below 3.5 tons) on sections of motorways, both those managed by the GDDKiA and those operated under a license (approx. 730 km) [15]. The total length of public roads on which fees are collected from users is therefore approx. 4,330 km. It should be pointed out that the length of all public roads in Poland is 420,236.10 km [15], which means that approx. 1% of these roads are toll roads. In turn, in 2018, the length of (normal gauge) railway lines in Poland amounted to 18,806 km [31, p. 106], with all of them being accessible against a fee.

Obliging railway carriers that offer passenger transport to incur additional fees on account of their passengers using railway stations is a consequence of the lack of a comprehensive approach that would allow railway stations to be maintained at the desired level. This is related to at least two aspects: ownership and functionality. As for the former, in Poland, there are more than 2,500 railway station buildings. Approx. 600 of them, owned by PKP S.A. (the state owned company), are still active, while since 2001, approx. 280 have been handed over to local governments at various levels [14]. This includes both active and defunct railway station buildings. Additionally, owners of railway station buildings include entities that engage in commercial business operations (e.g. Wrocław Nadodrze). The process of making some railway stations local-government-managed and the commercial sale of property left after the liquidation of the former state railways resulted in the ownership

⁶ This means all costs related to fees and the use of transport infrastructure, such as wear and tear of infrastructure, the costs of capital tied up in infrastructure, the costs of transport congestion, the costs of accidents, the costs of environmental degradation, and the costs of noise. Today, because of the development of electrically powered transport (both public and individual), the above catalog should be expanded to include the costs of disposal of electrical means of transport (batteries and power cells). For more on the social costs of transport, see [21].

⁷ The Europe 2020 strategy is the EU's agenda for growth and jobs in the current decade. It emphasizes smart, sustainable and inclusive growth as a way to overcome the structural weaknesses in Europe's economy, improve its competitiveness and productivity, and underpin a sustainable social market economy. Quoted from [12].

⁸ Assuming 1990 to be the base year, by 2018, Poland had reduced CO₂ emissions by 15%. This result is below the EU average (22.4%) and comparable to what France and Italy have achieved, but lower than the results of Bulgaria (a reduction by 43%), the Czech Republic (34%), Germany, and Denmark (both 26%) [8].

structure of railway station buildings (including those handling passenger traffic) becoming complicated and non-homogeneous. The diversity of this structure means that an attempt to manage it in a systemic manner may entail numerous problems.

The functional aspect is related to the fact that a railway station building owned by the given entity is used by various railway operators offering passengers transport, as regulated in the Polish Law of 16 December 2010 on Public Transport [3], and by other railway carriers. This is a consequence of the ownership issue, but is also related to the problem of incurring the costs of railway stations being used by passengers who take advantage of the services of various railway carriers. The ownership structure of railway station facilities does not overlap with their functional membership in the categories of transport they handle. As a result of this complex structure, a specific, non-homogeneous system has been developed:

- investments in PKP S.A. railway stations may be co-financed by public entities (the minister competent for transport, local government entities), but subsequent maintenance of these stations is a task of the operator;
- investments in railway stations owned by local government entities are financed by owners, who are also responsible by their maintenance;
- investments in and maintenance of other railway stations are the responsibility of their owners.

Consequently, there are active railway stations that remain outside of PKP S.A., being owned by local governments (e.g. Toruń Główny, Nowa Sól), but they have no access to funds assigned for investments, and their maintenance depends on the efficiency of the external entity that leases the building [17]. The same situation occurs in the case of railway station buildings owned by carriers. This type of station building (“local-government-owned” or “commercial”) is not covered by the public system of financing investment projects. This is even less understandable if one considers the fact that these facilities are used to offer connections that qualify as public utility services. The passengers themselves do not incur any direct fees on account of using the infrastructure of railway stations (e.g. buildings, platforms, roads, and access ways, etc.), which actually follows directly from statutory regulations (Article 36k(1) of the Polish Law on Railway Transport).

Therefore, even if public funds are spent on the modernization (redevelopment) of a given railway sta-

tion building, public authorities have no influence over subsequent maintenance, even though the station is used to handle traffic that largely qualifies as a public utility service. Maintenance is a problem of the operator and largely depends on its organizational efficiency, also being a consequence of the location of the railway station. For this reason, the scope of the services offered at railway stations is unlikely to be standardized. A commercial entity that has no public support will maintain a railway station to the extent and in a condition that generates as much profit as possible at a minimum cost. This is natural since this entity incurs business risks on its own and is fully dependent, in terms of its operation, on the market situation of its lessees. The situation is the same if the entity is forced to independently maintain a railway station that has been modernized with public funds. In that case, its risk may actually increase, since the cost of leasing modernized facilities increases, and it is more difficult to find lessees. This does not seem to be an optimum solution from the point of view of efficiency of investing public funds. Since public authorities have incurred the expenses related to the modernization, construction, or redevelopment of the railway station, they should also have some influence over its maintenance and enforce access to the desired scope of services. The goal is not to create a state-owned operator of railway stations, but to provide various operators with access to public sources of financing the maintenance of these facilities. This type of public offer, addressed to various categories of operator, may contribute to the standardization of passenger information at active railway stations and to categorizing stations, including the public services they offer. This solution would also be beneficial for railway carriers who would have to cover only limited costs of using railway station buildings.

3. Solutions used in selected European Union Member States

In order to better illustrate the problem, it is worth looking at the solutions to this problem used in the other European Union Member States⁹.

3.1. Germany

In Germany, the operations in terms of maintaining and developing the network of railway stations

⁹ The solutions used in selected EU Member States with the longest railway networks in the Union (except for Poland and the UK, which is no longer a Member State, these are, in descending order, Germany, France, and Italy) are presented.

(including railway station buildings) are carried out by DB Station&Service AG, an SPV functioning within the Deutsche Bahn AG Group. The company manages a total of 5,400 railway stations, including approx. 800 railway station buildings and 130,000 various devices located at railway stations. DB Station&Service AG also provides services in terms of the design, construction, and maintenance of railway stations that handle traffic in the DB Netz AG network [24, pp. 5–6]. The company is the main railway infrastructure manager in Germany [10]¹⁰. The operations of DB Station&Service AG also cover the commercial development of railway stations and ongoing provision of passenger information on the entire premises of railway stations. This structure is similar to the Polish one, except for the management of railway stations, which in Poland is usually (but not always) the task of the railway infrastructure manager. In Germany, a separate railway station operator designs and builds solutions that meet the needs of passengers and carriers, in accordance with the expectations of the railway infrastructure manager. As a result, the operator adjusts the technical and commercial aspects of the functioning of railway stations to specific needs and conditions. From the commercial point of view, independent management of railway stations makes it easier for the operator to shape the scope of the services offered at railway stations. What makes it even easier is that in Germany, railway stations (including station buildings) are divided into categories. These categories differ in terms of the railway traffic handled and the available facilities and devices.

For this reason, each of the railway stations has been standardized through assigning it to a specific category, which means that both passengers and carriers know the full scope of the services made available to them and the cost of these services. The standardization of railway stations and station buildings is the basis for charging fees. This concerns the fees charged from both carriers and commercial entities that lease railway station areas for commercial purposes [24, p. 9]. According to the estimates published by DB Station&Service AG, the structure of revenues from the fees intended for maintenance of entire railway stations is as follows: 67% of the revenues are fees charged from carriers on account of making the en-

tire railway station infrastructure available to them (including infrastructure intended for providing services to passengers), while 33% of the revenues are fees charged from the entities that lease commercial areas [24, p. 14]. This presentation of the structure of maintenance revenues for entire railway stations (and not just station buildings) is cross-sectional and simplified, but provides an overview of the sources of the funds used to maintain, among others, railway stations. The basis for the calculation is the standardization and categorization of railway stations and station buildings across the entire country. On this basis, fees are charged from each of the carriers using the station, including station buildings. Therefore, the German solution is related to the operator charging fees for making railway station infrastructure available (without a separate platform fee, which, until recently, used to be the case in Poland). The station operator uses some of these funds to maintain railway station facilities. Funds generated through commercial leases are an additional source of financing for the process of railway station building maintenance.

3.2. France

In France, the premises of passenger railway stations are currently managed by SNCF Gares&Connexions (Railway Stations and Connections), which is a part of SNCF Mobilités [28, p. 30]¹¹. The main functions of SNCF Gares&Connexions include developing and maintaining the network of railway stations, improving the quality of the services offered to carriers and passengers at railway stations, and preparing service infrastructure for opening up the market of railway transport of passengers and cargo [28].

In order to carry out these tasks, SNCF Gares&Connexions has even established a special educational center (*Institut Gares*, which trains personnel for the purposes of SNCF and professionally supports international infrastructural projects in which SNCF participates, such as the project concerning preparatory works and the construction of a high-speed train system between Tangier and Casablanca, Morocco) [28, p. 31]. As for the standards and the quality of the services offered at the railway stations and in station buildings, SNCF Gares&Connexions works with local

¹⁰ DB Netz AG manages railway lines with a combined length of 33,300 km (out of a total of 33,488 km of railway lines in operation in Germany); cf. [10].

¹¹ Since 2015, the structure of the formerly uniform *Société nationale des chemins de fer français* (National Society of French Railways) has consisted of three so-called EPICs (*établissement public industriel et commercial*), which are independent public commercial companies: SNCF EPIC (responsible for the coordination of the functioning of the entire SNCF Group), SNCF Réseau EPIC (responsible for managing French railway infrastructure, including the resources of the former *Réseau ferré de France*, i.e. the French Railways Network), and SNCF Mobilités EPIC (responsible for the organization of passenger and cargo transport). Cf. [28, p. 30].

authorities, adjusting the scope of the services to local conditions and financial capabilities. As a result, the financial funds of local governments are used in the process of financing the modernization and maintenance of passenger railway stations. This cooperation also includes railway carriers, as they partially cover the costs of railway station functioning, especially as their involvement is necessary primarily with respect to the services offered to passengers.

For this reason, in the revenue structure of the entire SNCF Mobilités, revenues on account of managing railway stations (EUR 260 million in H1 2019) are relatively low in comparison with the revenues generated on the entire business operations of SNCF Mobilités (EUR 16.960 billion in H1 2019) [29, p. 59], while revenues received from organizers of public transport clearly dominate (EUR 7.235 billion in H1 2019), which means that these organizers cover the costs of their carriers as regards access to railway station facilities. A separate and equally important element of the revenue structure are the funds acquired on account of handling purely commercial transport, i.e. runs launched at the carrier's own risk (EUR 3.661 billion in H1 2019) [29]. Nonetheless, the French model of managing railway station facilities is dominated by a solution based on the significant financial involvement of organizers of public transport in the financing of the maintenance and modernization of these facilities.

In view of the nature of French railway transport of passengers, most of which is handled by entities linked through capital to SNCF, meaning virtually no competition, the result is a situation where public entities (organizers) financially support the maintenance and development of state (public) property owned by SNCF Gares&Connexions. A benefit of this solution is that passengers pay relatively low fares for using the trains of the so-called public service, while a drawback is the need for the organizers to secure funds appropriate to the level of the desired services that are to be made available to passengers and carriers at railway stations. The French model is based on maintaining clear public (state) control over the financing of the property *de facto* owned by entities formed on the basis of previously existing state enterprises.

3.3. Italy

The management structure of railway transport in Italy was originally very close to what we have in Poland today, with the market dominated by entities created through the division of uniform state railways. The manager of railway infrastructure is Rete Ferroviaria Italiana (RFI), a company owned by Ferrovie dello Stato Italiane (FSI), which in turn is fully owned by the state. In 2000, RFI was granted a 60-year license by the Italian state to administer railway infrastruc-

ture in the entire country [27, p. 3]. The company manages all railway stations in the network, sometimes through smaller, local infrastructure managers. Originally, RFI was responsible for managing railway station devices of a purely technical nature used to organize traffic (station tracks, command, control and signaling devices, technical posts, and power supply devices, etc.) and it did not manage the real properties that were not directly related to carrying out the tasks of an infrastructure manager.

Until 2018, there were separate entities specializing in managing the particular categories of railway stations: Grandi Stazioni Rail and Centostazioni. Both these companies were members of the FSI holding company, which was their main shareholder. The former, originally under the name Grandi Stazioni, was formed in order to manage and maintain the 13 largest Italian railway stations (meaning those that handled the largest numbers of passengers in a year). This included railway stations handling the Italian system of high-speed trains. Since 2018, Grandi Stazioni Rail has been a fully-owned subsidiary of RFI, the manager of the Italian railway infrastructure, managing 14 key railway stations [11, 16]. The history of Centostazioni is similar. Originally, the company managed and maintained 103 so-called mid-size railway stations and station buildings across Italy. In 2018, the company, its tasks and assets were taken over by the railway infrastructure manager (RFI) [9]. Therefore, in the case of the Italian market, there has been a certain evolution (consolidation) of the management structure with respect to entire railway stations: from separate companies owned by the former state railways enterprise to the assets and competences of these companies being taken over by the licensed (state-owned) manager of railway infrastructure. This is different from Germany, where an independent entity has been retained to manage railway stations, functioning within a group based on a former state-owned enterprise. In Italy, the manager of the generally available railway infrastructure is also responsible for the maintenance of railway station buildings forming a part of the railway stations it manages. This is a significant simplification of the entire market structure and a facilitation in terms of financial support for the public-fund maintenance of and investment in public railway stations as service infrastructure facilities mostly owned by the manager of the railway infrastructure that is made publicly available. According to the available information, the sources of financing railway station buildings are similar to those in Germany. This means that they cover revenues on leasing commercial areas in railway stations and fees charged from carriers for access to railway station infrastructure (including railway station buildings as elements used to provide services to travelers) [13]. Like in Germany, the basis for charging

fees from carriers and the entities using commercial areas is the division of railway station facilities into categories (the available information points to four categories: platinum, gold, silver, and bronze), depending on the number of passengers serviced, the type of passenger traffic handled, and the number of station tracks [13]. Categorization allows the standard of the particular railway station (including the station building) which is made available to carriers to be determined as well as the scope of the services offered. In turn, the standard determines the fees, which allows the infrastructure manager to maintain, at the desired level, railway station facilities (including those located in the station building) from the fees.

3.4. Conclusions from the analyses of the particular European Union Member States

Considering the differences in terms of legal solutions and the nature of the particular transport markets, none of the described models of managing railway station buildings could be directly applied in Poland. This is because the Polish management model is based on this function being performed directly by an entity formed on the basis of the former dominating state-owned enterprise (i.e. PKP S.A.). However, they can be used as a benchmark. In the solutions outlined above, it is assumed that the said function should be carried out by a separate entity, which is however subordinated in terms of ownership to structures formed on the basis of a former dominating state enterprise (Germany and France) or an entity separated from the structures of the railway infrastructure manager, but also derived from such an enterprise (Italy). At the same time, they have been entrusted with maintaining the entire railway station infrastructure (station buildings, passageways, access ways, footbridges, elevators, and ramps, etc.), which means that the fees are directly related to the use of that infrastructure.

However, even in the German and French models, railway infrastructure managers are within the common holding structures of the former state enterprise (the so-called incumbent rail operator). This is not the case in Poland: even in spite of the capital links, PKP S.A. still owns 35% of the shares in PKP PLK S.A. [30, p. 8]. In the absence of domestic holding regulations (holding law), these entities are forced to carry out business activities separately [23, p. 40 et seq.]. Even though there is no prohibition of companies cooperating with one another (subject to the obligation of maintaining the independence of the railway infrastructure manager – Directive 2016/2370/EU) [1], the nature of this cooperation is different than in a holding structure (a vertically integrated enterprise, according to EU nomenclature). In such a structure, the

calculation, charging, payment, and settlement of the costs of maintaining entire railway stations (including station buildings) is formally “simpler” than in a relationship of two separate companies. This is because the funds circulate in a closed system, within a state (public) group of companies. In such a situation, the financial funds obtained through the lease of railway station areas to market entities may be an additional source of revenue for a service infrastructure operator. In Polish conditions, with no holding law that would allow a vast majority of railway station buildings to be grouped into one economic structure (while maintaining the independence of the infrastructure manager), the maintenance of railway station buildings is the task of its operator, which requires different proposals of solutions. Nonetheless, they should be available to as many entities as possible.

4. Proposals of solutions

For formal and legal reasons following, among others, from the Polish Law of 8 September 2000 on the Commercialization and Restructuring of the Polish State Railways [2], which allows the selling and handing over, free of charge, of assets of the former state enterprise, direct implementation of any of the foreign solutions presented above is not possible. In practice, this would require PKP PLK S.A. (or its subsidiary) to take over all railway station buildings, including those that have not yet been handed over to local governments or other entities, as an integral element of railway infrastructure. Theoretically, this could make it possible to eliminate the potential problem of public aid in financing of the maintenance of railway stations, increase the cohesion of investment and maintenance works, and prevent further fragmentation of the railway infrastructure among more and more entities. Furthermore, it would be possible to cover all railway stations and stops with a uniform, fixed, and dynamic passenger information system (standardization of marking), which is of crucial importance for travelers (especially those with limited mobility). However, this would not eliminate the occurrence of situations where some of the railway stations buildings (e.g. Bieruń, Goleniów, Dynów, Ustrzyki Dolne, Boguchwała, Czerwonak, Międzybórz Sycowski, and Dzierżoniów, etc.) made available to travelers would have operators independent of the railway infrastructure manager that would offer transport by means of trains launched as part of the requirement to satisfy public utility needs.

Potential public support should be available to each of the operators whose facilities are used by companies offering transport that qualifies as a public utility service. The intensity of the aid could be proportional to the gap in the revenues necessary to

maintain facilities in the desired condition and adequate to the number of trains handled. In turn, to specify this level, standardization of the categories of railway station buildings and the services provided would be necessary [22]. This is especially important in the context of the planned development of the railway network for the purpose of the Central Transport Hub, including the design of new stations and station buildings. As a result, the public organizer of transport would finance a specific standard of service and, at the same time, could enforce the maintenance of this standard from the operator of the service infrastructure facility. It also seems appropriate to adopt a general assumption that railway stations buildings handling smaller flows of traffic should receive more support than those located on frequently used routes; at the same time, railway stations buildings where the highest numbers of trains stop should be additionally rewarded. This should also concern the situations where they would handle smaller numbers of passengers, as this would confirm their financial non-profitability (problems with recruiting commercial lessees) combined with social (economic) efficiency.

Public support should serve not only the purpose of maintaining the desired condition of the railway stations buildings used in public utility transport, but should also increase the availability of railway transport to potential passengers who reside in smaller towns. All of this should be accompanied by rewarding those organizers of public transport (e.g. in the form of more aid, to the extent this is permitted in view of the nature of their operations) that take actions intended to improve the offer in terms of railway transport (both as to the frequency of train runs and as to travel times or information about the journey provided in real time). The standardization of marking at railway stations buildings, which could be implemented even today by means of secondary legislation to the Polish Law on Railway Transport (under Article 36m(1)), should be accompanied by their categorization, including a specification of the minimum functionalities required in each category, which the given railway station building should offer (this, however, would require changes at the level of statutory regulations). Only in such a situation would it be possible to develop generally applicable model solutions (diagrams, drawings, and plans) specifying the areas of railway stations buildings intended for the direct managing of passengers or for the provision of services to passengers that could be used (developed) commercially.

Furthermore, railway station buildings covered by the transport plans of organizers of public transport of different levels, regardless of who they are managed by, should have access to public funds distributed through contests by the particular organizers of public transport. According to the research carried

out by the ORT, in a situation where several public transport operators use the same railway station, it would be possible to determine the percentage share of the passengers of particular operators, thus specifying the potential contributions from such operators to the maintenance of the railway station [19]. Therefore, it seems reasonable to analyze the possibility of participation in contests by not only the representatives of organizers, but also the railway market regulator, which would increase the objectivity of the procedure. The implementation of this procedure would require a prior notification of the European Commission about the intention to grant public aid (including notifications from local governments) [18]. Perhaps, at the stage of the pre-notification procedure, it could be possible to agree with the Commission on the detailed principles of granting this type of aid as an element of sustainable mobility under the Green Deal, which is the program of Member States moving towards carbon neutrality [26, p. 12].

The proposals outlined in this article are not a ready solution to the complex issue of financing the maintenance of railway station buildings, but more of a set of suggestions for an in-depth analysis of this problem by the relevant authorities. Changes in the area presented in the article will require the adoption of a package of legislative changes, preceded by pre-notification. In the context of the CJEU judgment of 10 July 2019, as referred to at the beginning, it seems that the legal regulations concerning the definition of a “platform,” minimum access to railway infrastructure, and a system of collecting fees on that account are more likely to be amended first.

References

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