



D.T1.1.3

Review of policy level for rural and peripheral areas, including legal framework	Version 6 08 2019
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1. Introduction

Remote regions in central Europe share the same risks and issues related to being at the periphery of main transport networks. Inadequate and under-used services, excessive costs, lack of last-mile services and proper intermodality, poor communication and information to users and car commuting are the challenges that many central European regions face.

The SMACKER project addresses those disparities to promote public transport and mobility services that are demand-responsive and that connect local and regional systems to main corridors and transport nodes.

Within SMACKER mobility issues related to peripheral and rural areas, and main barriers are assessed and addressed by providing solutions that draw on the best international know-how. SMACKER promotes demand-responsive transport services to connect local and regional systems to main transport corridors and nodes: soft measures (e.g. behaviour change campaigns) and hard measures (e.g. mobility service pilots) are used to identify and promote eco-friendly solutions for public transport in rural and peripheral areas to achieve more liveable and sustainable environments, better integration of the population to main corridors and better feeding services. SMACKER helps local communities to re-design their transport services according to user needs, through a coordinated co-design process between local/regional partners and stakeholders; SMACKERS also encourages the use of new transport services through motivating and incentivizing campaigns. The direct beneficiaries of the actions are residents, commuters and tourists.

For implementation of SMACKER pilot actions on demand responsive transport, understanding of political and legal framework is essential. This report provides an overview of political and legal framework related to public transport of the European Union and into legislation of six SMACKER partner countries - Austria, Czech Republic, Hungary, Italy, Poland and Slovenia. Moreover, the regional specific are also depicted in order to provide the best possible basis for pilot action planning.

The report is divided into two parts - the first part depicts policies relevant for public transport in rural areas. In top-down approach, the policies on EU level are outlined, followed by national policies of six SMACKER countries. The report then analyses policies on regional level with emphasis on SMACKER pilot region. For each country, existing demand responsive transport practices are described in brief.

The same structure is used for legal framework - the most important EU regulations are outlined. More emphasis is on national legislations for these incorporate previously mentioned EU regulations. On regional level specifics are shown, however not much legislation on regional level exists.



2. Policy framework

2.1. EU level

Predominantly rural areas make up half of Europe and represent around 20 % of the population. Most of the rural areas are also among the least favoured regions in the EU, with a GDP per capita significantly below the European average [1]. This disparity is well recognized in EU and various policies are in place - from rural development policies, regional policies to policies dealing with transport and mobility.

The **EU's Rural Development policy 2014 -2020** [2] supports rural areas to meet the wide range of economic, environmental and social challenges of the 21st century. Rural Development policy is referred to as the 'second pillar' of the EU's Common Agricultural Policy (CAP), complementing the system of direct payments to farmers and measures to manage agricultural markets ('first pillar'). The Rural development policy aims to achieve the following strategic objectives:

- fostering the competitiveness of agriculture;
- ensuring the sustainable management of natural resources, and climate action;
- achieving a balanced territorial development of rural economies and communities, including the creation and maintenance of employment.

The broader Rural Development policy objectives are articulated in six priorities:

- Priority 1: Knowledge Transfer and Innovation
- Priority 2: Farm Viability and Competitiveness
- Priority 3: Food Chain Organisation and Risk Management
- Priority 4: Restoring, Preserving and Enhancing Ecosystems
- Priority 5: Resource-efficient, Climate-resilient Economy
- Priority 6: Social Inclusion and Economic Development.

European Regional Policy [3] is EU's main investment policy targeting all regions and cities in the European Union in order to support job creation, business competitiveness, economic growth, sustainable development, and improve citizens' quality of life. It has a strong impact in many fields for its investments help to deliver many EU policy objectives and complements EU policies. The Regional Policy provides the necessary investment framework to meet the goals of the Europe 2020 Strategy for smart, sustainable and inclusive growth in the European Union. The bulk of Cohesion Policy funding is concentrated on less developed European countries and regions in order to help them to catch up and to reduce the economic, social and territorial disparities that still exist in the EU.



The five targets for the EU in 2020 are:

- Employment: 75% of the 20-64 year-olds to be employed
- Research & Development: 3% of the EU's GDP to be invested in R&D
- Climate change and energy sustainability:
 - o Greenhouse gas emissions 20% (or even 30%, if the conditions are right)
 - o 20% of energy from renewables
 - o 20 % increase of energy efficiency
- Education:
 - o Reducing the rates of early school leavers below 10%
 - o At least 20 million fewer people in or at risk of poverty and social exclusion
- Fighting poverty and social exclusion: At least 20 million fewer people in or at risk of poverty and social exclusion

The **Regional Development and Cohesion Policy beyond 2020** specifies five main objectives to drive EU investments in 2021-2027:

- Smarter Europe, through innovation, digitisation, economic transformation and support to small and medium-sized businesses;
- **a Greener, carbon free Europe**, implementing the Paris Agreement and investing in energy transition, renewables and the fight against climate change;
- **a more Connected Europe**, with strategic transport and digital networks;
- a more Social Europe, delivering on the European Pillar of Social Rights and supporting quality employment, education, skills, social inclusion and equal access to healthcare;
- a Europe closer to citizens, by supporting locally-led development strategies and sustainable urban development across the EU.

The 'Cohesion policy' is the also policy behind the hundreds of thousands of projects all over Europe that receive funding from the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund. It is the policy under which Interreg cooperation projects also get funding to tackle specific challenges throughout the European Union

One of the fundamental documents defining European Union policies on transport and mobility is the **2011 White Paper "Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system"** [4]. The European Commission adopted a roadmap of 40 concrete initiatives to build a competitive transport system that will increase mobility, remove major barriers in key areas and fuel growth and employment. In this document, the European Commission has stressed the key role of the Public Transport sector and better modal choices as a crucial factor for tackling congestion and deteriorating living conditions in urban areas. The integration of all means of transport should facilitate multimodal travel.

The **Urban Mobility Package "Together towards competitive and resource-efficient urban mobility"** [5] of 2013 deals predominantly with urban mobility, need for adoption of Sustainable Urban Mobility Plans (SUMP), coordinated deployment of urban intelligent transport systems and emphasizes sharing of experiences, showcasing best-practices, and fostering cooperation. It does not specifically mentions rural areas but at the same time, this package has resulted in



development of SUMP for smaller urban centres that have impacted the rural areas in which these urban centres are located.

The 2016 Communication "A European Strategy for Low-Emission Mobility" [6] highlights the focus areas of Commission initiatives:

- digital mobility solutions;
- fair and efficient pricing in transport (to better reflect negative externalities of transport);
- promotion of multi-modality;
- an effective framework for low emission alternative energy;
- roll-out infrastructure for alternative fuels;
- interoperability and standardisation for electro mobility;
- improvements in vehicle testing;
- a post-2020 strategy for all means of road transport, supported by research efforts and investment.

European policies and directives are common to all EU members, at the same time countries' approaches to implementation of these policies on national and regional level differ. Along these lines national and regional specifics in SMACKER partners countries on rural and mobility policies are described below. This gives better insight into specific conditions in which SMACKER pilot actions are to be implemented.

The European policies are also reflected in EU macro-regional strategies - integrated frameworks endorsed by the European Council, which may be supported by the European Structural and Investment Funds (among others). Macro-regional strategies address common challenges faced by a defined geographical area relating to Member States and third countries located in the same geographical area that thereby benefit from strengthened cooperation contributing to achievement of economic, social and territorial cohesion. The four macro-regional strategies concern 19 EU member-states and 8 non-EU countries:

- The EU Strategy for the Baltic Sea Region (2009) - EUSBR
- The EU Strategy for the Danube Region (2010) - EUSDR
- The EU Strategy for the Adriatic and Ionian Region (2014) - EUSAIR
- The EU Strategy for the Alpine Region (2015) - EUSALP

All adopted macro-regional strategies are also accompanied by a rolling action plan to be regularly updated in light of new, emerging needs and changing contexts.



2.2. National level

2.2.1. Austria¹

Austria is a democratic republic comprised of nine Federal States, with territory of 83,879 km². It has population of around 8,800,000, with almost 2 million inhabitants living in Vienna, its capital city and one of nine states (Bundesländer). Austria has a predominantly rural character - over 80% of the territory are rural areas in which 66 percent of the total population lives. Yet rural depopulation is an increasing problem in Austria and regions are more and more facing the negative effects of this development [7]. Austria is governed by central federal government that holds administrative, legislative, and judicial authority about selected topics - including taxation, welfare, and police. The federal states (Bundesländer), which enjoy all residual powers, act as executors of federal authority, but do also have legislative and executive power of selected topics, including spatial planning and road planning (except national motorways and local municipal roads). Local self-government is vested in popularly elected communal councils of municipalities (Gemeinden) which, in turn, elect various local officers, including the mayor (Bürgermeister) and his deputies [8].

National level

The transport and mobility related policies are managed by different institutions of federal government, however the main responsibilities are done by Federal Ministry for Transport, Innovation and Technology (BMVIT). Other ministries deal with specific aspects of transport:

- Federal Ministry of Finance (BMF): taxation;
- Federal Ministry of the Interior (BMI): traffic controls, speed controls and for technical roadside inspections;
- Federal Ministry of Sustainability and Tourism: implementation of the legal framework conditions in the environmental area.

The Austrian transport strategy evolved over the last 40 years from a sectorial, demand-fulfilment-driven transport strategy towards an integrated multi-modal, demand-management-driven transport strategy including some environmental issues. In 1991, the Austrian Transport Masterplan 1991 was adopted only to be replaced 1996 by new document integrating mode-specific master plans. In 2013, the updated Transport Master Plan for Austria replaced the existing document. It details Austria's transport strategies, objectives and policies up to 2025 and beyond for all transport modes and operators. The transport plan is being implemented using a package of strategies, policies and programs. It addresses eight dimensions including modern infrastructure and the future of public transport and security. It assigns special priority to technology and innovation by supporting targeted research for development of new mobility solutions [9].

As Austria faces population decline in peripheral rural regions, the first **Austrian Master Plan for Rural Areas** was developed in 2017. It addresses topics of agriculture, forestry, economy, infrastructure and mobility, and the digital village. It states that reliable local public transport is indispensable for the sustainable development of rural areas as living and working places. The development of mobility networks between small and medium-sized rural centres is deemed very important - in rural areas, individual day-to-day mobility should be possible with combination of

¹ Adapted from SMARTA - RURAL SHARED MOBILITY [7]



different mobility options. The **Rural Development Programme 2014-2020** enhances the self-reliance of the regions with main priorities of environment and investment coupled with competence and innovation [10].

The coordination of the various public agencies whose work has an impact on spatial planning and development is the responsibility of the Federal Ministry for Transport, Innovation and Technology (BMVT) assisted by the office of the Austrian Conference on Spatial Planning (ÖROK).

In the area of infrastructure, some responsibilities of the Federal Ministries (national level) and the Federal States (regional level) are outsourced to public-sector companies:

- ÖBB-Infrastructure AG: maintenance, construction, modernisation and operation of most railway lines,
- ASFINAG: construction and maintenance of highways.

Regional level

The Federal States are responsible for a range of tasks from (state) road construction and maintenance to the implementation of environmental regulations. The province of Tyrol has established a harmonized public transport system in the whole state, which is managed by a transport umbrella organisation (Verkehrsverbund Tyrol). This organisation negotiates (mainly rail based supplies) or tenders and contracts services within their region. This includes demand responsive transport as well, if the Verkehrsverbund considers it as important for the whole public transport network (communities may go beyond this supply for internal or local traffic, but coordinated action is appreciated here). The Verkehrsverbund is additionally responsible for the fare system and the branding of the public transport system.

With regard to the regional level of the project partner in Austria, further policy instruments are addressing the region of East Tyrol:

- The spatial development program *ZukunftsRaum Tirol 2011* of the federal state Tyrol promotes the goal to implement flexible on-demand transport [11].
- *The mobility program of Tyrol (2013 to 2020)* states as one objective to increase the rate of the modal split for public transport up to 3%. Additionally, the establishment of a funding scheme for flexible transport systems in rural areas is planned [12].
- The “*Tyrolean Sustainability Strategy*” provides the measures regarding development and improvement of sustainable mobility and public transport in rural areas [13].



Local level

Management of mobility at local level is strongly dependent upon policies at the regional level. The Municipalities are particularly important for local transport, respectively, in their role of co-financers in transport networks and associations. Contracts between municipalities and public transport operators are in place in order to provide local public transport services (buses). Municipalities hold power in coordination with the federal states regarding local spatial planning (including local roads).

Local public transport and sustainable transport is funded usually one third by federal state level and the rest by municipalities, tourist associations or regional actors of tourism (i.e. ski area operator, national park). The railway is embedded into the national railway transport association ÖBB. In the case of school transport service, financial support is given by federal state level or finance authority. In the region, the regional/national transport association is responsible for the organization of public transport lines. For some transport services, especially for those to the remote hot spots, the municipality or a private operator is responsible for organization [14].

In 2017, the East Tyrolean municipalities have approved the regional action plan “*E-Mobility strategy East Tyrol*”. The E-Mobility Action Plan builds on coordination for expansion of e-mobility in East Tyrol. Concrete objectives and measures give recommendations how to increase e-mobility in the public, in the semi-public and in the private sector. The horizon of implementation is set for 2030 [15].



Examples of Demand Responsive Transport in Austria

In rural areas, call/dial systems are in place. Licenced bus services with predefined routing and defined stops are operating according to fixed schedule (and on fixed route), alternatively some services can be deployed to the requested destination only on request (a call). When request comes in, the “dial-in bus” may deviate from the route to the ‘requested stop’ and afterwards return to the original route. Additionally, hailed shared taxis (only appropriately labelled ones) operate on a fixed time-schedule and for a fixed price within a certain operation areas.

In East Tyrol the following DRT is available: e-car-sharing (‘Flugs’ in 7 municipalities), hailed shared taxi (i.e. defMobil, RegioTax, Virger Mobil, Assling Mobil, PRÄMobil, KALSMobil):

Hailed-shared taxi “defMobil”

Since 2010 three municipalities of Deferegggen Valley have been operating a hailed shared taxi service. Since December 2017 the defMobil is embedded in the regional transport umbrella association [15]. This service fills gaps within the existing public transport service and provides residents as well as tourists in the valley an improved range of mobility. The defMobil operates with a fixed timetable and certain bus stops. The operator is a local association of the three municipalities (St. Jakob, St. Veit and Hopfgarten). The service ensures the connectivity to important transportation nodes. This service is seen as best practice for flexible transport services in Austria. The defMobil has transported almost 42,898 passengers in 7 years [14].

Community busses as feeder service “Virger Mobil” and “Assling Mobil”

The municipalities Assling and Virgen offer their citizens a complementary, municipality owned, transport service. These services are designed as hailed shared taxis, which operate only on demand during the day (from 8 - 12 am and 13 - 17 pm). The operation area is limited within the municipality border. Depending on the municipality, the service costs between 1 and 2 € per trip. Bus drivers are volunteers and the municipality does not need to honour private operators or drivers. The municipalities received financial for the initial phase [17, 14].

Since 2017, the additional feeder service for the hailed-shared taxi defMobil, a community bus “e-defMobil 2.0” with volunteer drivers has been implemented to link the last mile within the municipal borders (house door to bus stops). This service is operated by electric cars [14, 15].

E-Carsharing “Flugs”

The e-carsharing system FLUGS has been operating in the region of East Tyrol since 2015. It is based on a car-sharing service and is located in 7 municipalities. It was created as part of social projects requested by residents. It is a complement to the current public transport offer and also connected with the service of the regional transport association [18].



2.2.2. Czech Republic²

Czech Republic is a landlocked country covering an area of 78,866 km² and has approximately 10.6 million inhabitants. The Czech Republic has a decentralized system of governance with national government as well as 14 self-governing regions (13 regions + capital city of Prague). Except for Prague, which is headed by a mayor, all other regions are led by a regional governor. The administrative units take charge of the development matters in their area including education, sanitation, healthcare and environmental matters. There are more than 6.250 municipalities, out of which the majority have population of less than 500 inhabitants.

National level

In 2013 **The Transport Policy of the Czech Republic or 2014 - 2020 with the Prospect of 2050** [20] was adopted. It sets objectives but more importantly it sets boundaries between the Ministry of Transport and regions in terms of competences and financing. The Ministry of Transport took over the role of coordinator and financer (to some extent), while the regions were delegated the responsibility for development of regional transport plans and for organisation of integrated regional public transport. Among others, the document states the recommendation of *“Introducing alternative systems for servicing sparsely populated areas (bus on demand and the like)”* to regional authorities

Regional level

Regional governments have full competence in regional transport together with local governments. There is an obligation to organise public transport at regional level but municipalities have the faculty to organise transport and mobility on their own territory. Public transport is operated on the basis of separate transport systems, with integrated transport systems (i.e., systems connected in terms of traffic, tariffs and information) being organized with limited functionalities only, without significant connections among regions.

The City of Prague is the Capital of the Czech Republic and simultaneously the regional public administration responsible for the development of the area. Prague is the main transport node in the CR and manages a wide network of public transport - metro, trams, buses, railways. The system of Prague Integrated Transport (PIT) is unique and operates 35 kilometres behind the City, providing services for approx. 300 municipalities in the neighbouring Central Bohemia Region. The transport infrastructure serves more than 1.27 million inhabitants and commuters.

In many cases differences persist in the opinion on how to organize public transport between the region and the core city, which hinders the creation of integrated transport systems. The approach to public transport organization (economic, spatial, modal, integrated) is very heterogeneous at the NUTS 3 level resulting in growth of regional disparities.

² Adapted from SMARTA - RURAL SHARED MOBILITY [1919]



Examples of Demand Responsive Transport in Czech Republic

Radiobus

Has operated across the country since 2004. Since 2011, it has been part of the general public transport system to supplement the existing system during times of low demand. It uses fixed timetables, but vehicles only operate on request. Radiobus is used in following municipalities and areas: Zbirozske, Milevsko, Liberec region, Semily, Orlicke mountains, Rychnov nad Kneznou, Tyniste.

DHD

Has operated since 2003. Its primary purpose was to provide transport to workers in sparsely-populated rural areas. DHD provides bookings and administrative support, however, the buses themselves are operated by several local transport companies. It is used e.g. in Pribram and Beroun region.

Non public Demand Responsive Transport

In Prague non-public transport is arranged for disabled people and operated by the transport company Societa o. p. s.



2.2.3. Hungary³

Hungary has almost 10 million inhabitants and covers an area of 93,028 km². Population is fairly evenly distributed throughout most of the country, with urban areas attracting larger and denser populations.

Hungary is a parliamentary republic with two main frameworks of the public administration, i.e. Central Government and Local Government. Administratively the country is divided into 19 counties, capital city Budapest, and 23 cities with county-level authority. Counties are further divided into 3,175 communities organised by settlements (which include 2,863 Municipalities, 265 Towns) while Budapest is further divided into 23 Districts. Local government units administer public affairs and exercise public power at the local level with no hierarchy between the two levels of local government (County and Municipality). The Counties are responsible for services that the Municipalities are unable to provide.

National level

On the State level transport, mobility and regional planning are coordinated by Ministry for Innovation and Technology (in Hungarian: Innovációs és Technológiai Minisztérium; ITM). ITM also manages air, road, railway, and water transport. Departments of ITM are the sole entity executing all administrative and supervision activities related to transport almost the whole country except Budapest and some Cities with county-level which manages transport company.

Several documents deal with national priorities for transport and mobility sector. In 2014 a long-term **National Transport and Infrastructure Development Strategy** was adopted, with focus on the future development of infrastructure and its economic and environmental sustainability.

Based on the Strategy, the **Integrated Transport Operational Programme (ITOP) 2014-2020** has been set-up. The Programme focuses on investments into main transport infrastructure (development of highways and railways), improving public transport services not only in and around the capital, but also in the main cities, and, in improving regional accessibility. It includes priority dedicated to the development of sustainable urban and suburban transport, and upgrade or development of local train lines in rural areas.

The **Territorial and Settlement Development Operational Programme (TSDOP) 2014-2020** supports regional, decentralised economic development. One of the development priorities is “friendly and population preserving urban development”, which includes support for sustainable urban transport development, expansion and development of public services and development of deprived urban areas. This includes demand-driven passenger transport services in the area of urban-rural (small town) and rural development, with the purpose of solving traffic problems in small villages and sparsely populated urban areas (i.e. suburbs).

In Hungary there are several documents that establish the national development priorities for the transport sector, regional and rural development. The rural mobility policy is mainly an extension of the urban mobility policy and focuses on rural settlements in connection to urban cores.

³ Adapted from SMARTA - RURAL SHARED MOBILITY [21]



Regional level

Policies are mainly centralised and implemented at national level. Still local transport infrastructure is under responsibility of local authorities (municipalities), while the main roads are operated by national road operator. The public transport is an optional task for municipalities, only some larger cities are operating an individual public transport system. As the resources are scarce at the local level, there appears to be little scope for decentralised actions.

Examples of Demand Responsive Transport in Hungary

Budapest

BKK is operating 6 Demand Responsive transport (DRT) lines in the outskirts of Budapest: 5 day bus lines (the first line has been launched in 2013) (Line 65, 157, 219, 297, 298) and 1 night bus line (since 2006) (Line 937).

BKK has operated DRT lines as replacement service during the: Reconstruction of H8 suburban railway and Reconstruction of cogwheel railway.

An additional line was operating as DRT line, which is now operating as a regular bus line because of the increased demand. (Line 260)

<http://www.bkk.hu>

Debrecen

DKV Zrt. operates the "Call the Bus!" Service on a certain section of the 46Y line.

After a first time registration passengers report their travel needs to the system control center over the phone or the Internet, select and specify travel times from pre-announced times, and where and when they want to travel on the demand-driven section of the route.

<http://hivomabuszt.dkv.hu/>

Miskolc

MVK Zrt. operates the "ZOO" Service on a certain part of the city.

Buses can be requested by phone from the driver prior to departure, or at the driver directly on the spot. The ZOO service can only be requested at announced times and must be booked by telephone. You must report your travel request by phone 30 minutes before the departure or by informing the driver on the spot before departure.

<http://mykzrt.hu/sites/default/files/menetrend/2019-06-12/zoo.pdf>

Pécs

Since November 2014, Demand Responsive Transport has been operating in Pécs.

Line 15 on public holidays from the Main Station at 22.50 is only available on request.

Line 21: On working days vehicles departing at 22.10, will serve also the main train station on request.

Night bus - Line 2, 913, 926 , 932, 940, 941, 973 - traveling on request.

http://www.tukebusz.hu/tartalmak/lgenyvezterelt_kozlekedes



Examples of Demand Responsive Transport in Hungary

Törökbálint

since May 2019, on weekdays - 1 line (286) serves a certain section only if passengers apply at the bus personally, or the bus was called by telephone 15-20 minutes before departure.

<https://www.torokbalint.hu/app/cms/Torokbalint/Informaciok/Kozlekedes/busz286.pdf>

Veszprém and Nyíregyháza

The service has been terminated due to a change of service provider.



2.2.4. Italy⁴

Italy is located on the Italian Peninsula in Southern Europe, and on the two largest islands in the Mediterranean Sea, Sicily and Sardinia. It covers land area of approximately 301,340 km² and 7,200 km² of sea with 7,600 kilometres of coastline. It has over 62 million inhabitants. It is strongly urbanized, still the rural areas represent a large part of the national territory. Territories characterised by an inadequate offer of/access to essential services, represent 60% of national territory and about 23% of the population.

Italy has a decentralised institutional structure articulated on different levels: the State (with several central Public Entities), the Regions, the Provinces/Metropolitan Cities, and the Municipalities (the basic local authorities).

National level

The central government is in charge of general matters on air transport services, maritime transport services, large infrastructural networks and international services. In 2013, the “Transport Regulation Authority” (Autorità di Regolazione dei Trasporti) has been established. It is responsible for establishing rules in the transport sector, for the definition of the key performances indicators of transport services, the criteria for setting rates, fees and tolls and the minimum contents of the users’ rights.

At the national level, the most relevant document on transport is the **General Plan for Transport and Logistics** (Ministry of Transports and Infrastructures, 2001). A process of updating and releasing a new plan started in 2017 with the document “**Connettere l’Italia**” (“**Connecting Italy**” - **Strategies for the transport and logistics infrastructures**) prepared by the Ministry of Transport and Infrastructure in order to start a debate on the objectives and strategies for the new “General Plan of Transports and Logistics”. The contents of this document are those of the **annex to the Economic and Finance Document (DEF) approved in April 2016**, which constitutes the strategic and programmatic framework within which this process of structural reform is inserted.

It introduced two important changes: SUMP must be developed covering the whole metropolitan area and not only the main city, local authorities can apply for funding for new mobility infrastructures only if they have adopted a SUMP (see below).

In the D.lgs. n. 257 of 16 December 2016 (which adopts at Italian level the Directive 2014/94/EU on the deployment of alternative fuels infrastructure), art. 3, paragraph 7, letter c), states a specific decree of the Minister of Infrastructure and Transport has to adopt guidelines for the preparation of Sustainable Urban Mobility Plans SUMP.

The European Union has then introduced with Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - COM 2009/490 (30/09/2009) - the Sustainable Urban Mobility Plans for cities and metropolitan areas. The European Commission, in January 2014, also commissioned ELTIS to draft the “Guidelines - Develop and implementing a Sustainable Urban Mobility Plan” that analytically traces the characteristics, methods, criteria and phases of the training and approval process of the PUMS.

With the Decree of the Ministry of Infrastructure and Transport 4/08/2017 the Guidelines for Sustainable Urban Mobility Plan are identified according to art. 3, c.7, Legislative Decree 16

⁴ Adapted from SMARTA - RURAL SHARED MOBILITY [2222]



December 2016, n. 257, and in accordance with what is defined in the annex to the 2017 Economic and Finance Document, the metropolitan cities proceed, making use of the guidelines adopted with the same decree, to the definition of the SUMP in order to access national funding for new infrastructures for rapid mass transport.

In 2014, the Government of Italy adopted a **National Strategy for Internal Areas (“Strategia Nazionale per le Aree interne - SNAI”)** to combat the demographic decline and relaunch the development and services of the “inner areas”. One of the main objectives of this Strategy is to improve the quantity and quality of education, health and mobility services. Regarding mobility, the Strategy aims to encourage the development of new policies that meet the needs of “inner” population and the restructuring of the organisation of the public transport services in inner areas introducing flexible and financially sustainable services

Regional level

The regional governments are in charge of planning and programming the public transport and mobility services at a regional and local level in terms of “minimum services”. Regional governments have the power of transferring all the functions that do not require a level of regional coordination to the local entities.

The transport services are planned and programmed in terms of basin or at overall region level. In all the cases, Public Transport services are defined at the level of urban and extra urban areas. For “low demand areas” dedicated resources are foreseen, and managed by the local communities or, in some cases, by the Provinces and/or the Metropolitan Cities. Often the tasks of mobility management are delegated to mobility agencies - the presence and the number of the mobility agencies varies from region to region. It can be that a Regional Mobility agency takes over the tasks or tasks are delegated to several mobility agencies within one region. In some Regions mobility agencies do not yet exist yet. In general, the scope of these agencies is to improve the sustainable mobility in the regional territory, optimizing the urban and peri-urban public transport services through the planning of mobility strategies and the management of the tariff system and of the information to citizens.

The organization of transport services is delegated to each region, that usually plans, manages and organizes on the basis of four planning instruments:

- **Regional Transport Plan** (Piano Regionale dei trasporti, PRT): General regional planning/programming document finalized to the realization of a sustainable and efficient/effective regional transport system - in line with the objectives of the other relevant national planning documents - in connection with the regional spatial and socio-economic development plans.
- **Basin Plan (Piano di Bacino)** : document prepared by the Provinces or by the Metropolitan Cities that defines in detail the transport network, the transport demand and the operating programmes for guaranteeing the minimum services (defined by the Law 422/97). The Basins Plans usually include also the special services (“Servizi Speciali”, e.g. target services for vulnerable users and Demand Responsive Transport Services) and the additional services (“Servizi Aggiuntivi”, i.e. services directly planned (and funded) by the local entities in addition to the minimum services).
- **Triennial Service Program** (Programma Triennale dei Servizi) : programming tool approved by the Regions for identification of the network and the service organization, tariff



integration, resources to be allocated and subsidies levels, modalities for the tariff determination, methods of implementation (and revision) of the public contract services, the service monitoring system and the criteria for congestion reduction and environmental pollution.

The organization of transport services in **Emilia-Romagna Region** follows a slightly different process [31]:

- the Regional Transport Plan is called **Integrated Regional Transport Plan** (Piano regionale integrato dei trasporti - PRIT2025) and is foreseen by the Regional Law 30/98 (Disciplina generale del trasporto pubblico regionale e locale). It has been adopted in July 2019. The targets set by the PRIT2025 are: -50% in traffic congestion of the regional road network and mortality on the roads; +20% of cycling in urban travel; from 30 to 50% increase of rail passengers; +10% of passengers on local public transport by road, +30% rail freight transport and -10% of motorization rates. All these goals would lead to a reduction in CO2 emissions related to transport by 30% in 2025.

On local public transport, the main actions are aimed at the renewal of the circulating fleet, also with the inclusion of alternative energy solutions, the evolution of the electronic ticket with web payments or on telephony, a strong role of public transport on the road outside the urban centres and major routes in connection with the railway system.

- Every three years the Emilia-Romagna Region defines the **Three-years Address Act** (Atto di indirizzo Triennale): it defines and schedules funding (both for train and for buses), it gives indication about governance and awarding system, quality standard levels, modal and fares integration, funding for new buses and trains, improvement of technological and infrastructural standards, environmental targets and also other matters like cycling mobility. This Act finances the provincial planning tools and mobility plans (SUMP).
- The Emilia-Romagna Region has signed in 2017 the **Agreement for regional and local public transport 2018 (Patto per il trasporto pubblico regionale e locale per il triennio 2018-2020)** together with representatives of public bodies, Metropolitan City of Bologna and other Provinces of the region, local Public Transport Authorities, PT operators and trade and labour unions. The agreement provides for commitments and investments for each signatory, in order to redesign both the railway sector and urban bus transport. Alongside the almost total renewal of railway rolling stock by 2019 and a further 20% of vehicles on the roads between now and 2025, the Agreement aims to achieve the bus-train fare integration and then electronic ticketing, in addition to a new project of governance reform both on rail and road, which aims to strengthen the service and reduce its costs.

At metropolitan level, the **Sustainable Urban Mobility Plan (SUMP) for Metropolitan City of Bologna** was adopted in November 2018. The SUMP is a strategic plan that addresses mobility in a sustainable way on a medium-long time horizon, but with checks and monitoring at predefined time intervals. It develops a vision of the mobility system, correlates and coordinates it with the sectoral and urban planning on a superordinate and municipal scale.

The inspiring principles of the SUMP are: integration, participation, evaluation and monitoring. The PUMS of the Metropolitan City of Bologna has impact on the whole metropolitan territory and deals with the relations among Municipalities, both transversal and radial, analysing with particular attention the movements to and from Bologna, the capital, in consideration of its high attractive power and on Imola, the second biggest city of the province. The SUMP is integrated



with three more plans: the Sulp - Sustainable Urban Logistics Plan, the BICIPLAN - Focus on the cycling mobility and the PGTU - Master Plan of the Urban Traffic at city level. These four integrated planning are developed at the same time.

With regard to public transport - the PUMS defines the Metropolitan Public Transport (MPT) network, a new main network able to overcome the capacity limits of the current Public Transport system. MPT has to offer a competitive alternative to private car both for home-school and home-work trips and for any other mobility need, with a single integrated metropolitan fare system and with a clear recognition of the public transport service as a basic element for citizens', city users' and tourists' mobility needs [32].

The PUMS structures the PT network in the three components:

- Main network - consisting of a 1st level network including the Metropolitan Rail System, the new Bologna tramway network and the high-traffic suburban lines.
- Complementary network - consisting of all 2nd and 3rd level urban buses of Bologna and Imola and suburban and extra-urban lines.
- Integrative network - consisting of the so-called "local services", i.e. low frequency or **flexible services/DRT service**.

Demand responsive transport services, where implemented, are planned and procured by the Provinces (or the Municipalities) addressing only the transport services in specific rural areas.

Examples of Demand Responsive Transport in Italy

Bologna - Prontobus

<https://www.tper.it/percorsi-orari/prontobus>

Prontobus is demand responsive transport service, with a schedule and a predefined route, which is operated in some areas of the Province of Bologna. The trip must be booked through a dedicated call-centre in advance (minimum of 30/60 minutes (depending on the area)).

Prontobus operates in five areas: Terre di Pianura (around the municipality of Bentivoglio), Terre d'acqua (around the municipality of San Giovanni in Persiceto), line 54 (in the neighbourhood of Borgo Panigale, with the city of Bologna), line 147 within the municipality of Dozza and line 689 within the municipality of Monte San Pietro. The service is operated with mini-buses, and fares are fully integrated with metropolitan fare system.

Modena - Prontobus

http://www.amo.mo.it/categoria_3/servizio_prontobus.aspx

The "ProntoBus" service is active in six municipalities in the province - Modena, Carpi, Castelfranco, Maranello, Mirandola and Pavullo. It gives supplements regular bus service, connecting poorly inhabited areas to the provincial capitals and to the stops for scheduled services. The service must be booked by telephone, within 30/60 minutes before the departure time; the trip is scheduled in accordance with the needs of the passenger. The service is entirely flexible and allows all possible transfers to and from the network stops. The Prontobus service is operated with small buses equipped for disabled passengers.



Examples of Demand Responsive Transport in Italy

Firenze - Nottetempo

<http://www.ataf.net/it/azienda/progetti-innovativi/servizi-flessibili/servizio-a-chiamata-nottetempo.aspx?idC=1180&LN=it-IT>

"Nottetempo" is DRT service launched in 2011 in the municipalities of Florence, Scandicci and Impruneta. The area served by Nottetempo is divided into 3 sectors: it is possible to move within the same sector and towards Florence Center. "Nottetempo" moves along the routes of the regular public transport network using existing stops: overall, in the three sectors of Nottetempo are around 800 stops can be used. The service can be booked by telephone with a minimum advance of 30 minutes before the departure time.

Padova - Night Bus

<http://www.fsbusitaliaveneto.it/index.php/offerta/news-in-tempo-reale/14-non-categorizzato/1220-night-bus-condizioni-di-utilizzo-del-servizio>

Night Bus is an experimental DRT service funded by the Municipality of Padua and the University of Padua. It operates in the municipality of Padua from Sunday to Monday from 9pm to midnight and on Friday and Saturday 9pm to 3am. It is possible to get on/off Night bus at any bus stop located in the municipality of Padua. The trip must be booked via the App Night Bus indicating the departure stop, the destination stop, the desired departure and/or arrival time and the number of passengers; the app provides immediate feedback to the request with the booking details (departure stop, transit time and bus number).

The trip can be booked in real time, i.e. up to 5 minutes before the desired departure time, and up to a week before. At the time of booking, the Night Bus platform checks the availability of buses (and seats) and immediately provides information on waiting times. Payment of the Night Bus service can be made on board by paying the driver in cash or by credit card via the App Night Bus at the time of booking.

Through the App Night Bus, the passenger can:

- monitor his trip from 30 minutes before departure;
- save the preferred movements;
- evaluate the service at the end of the trip.

Genova - Drinbus

<https://www.amt.genova.it/amt/trasporto-multimodale/drinbus/>

Drinbus is flexible transport service operating in some areas of the city of Genoa. The trip must be booked by phone at least 30 minutes before departure time, choosing the date, time and departure and destination stops. The service runs along a network of road that connects a series of stops on which the planned itineraries are built during the day. The service is performed with a mini-bus.



2.2.5. Poland⁵

Poland is, to a large extent, a rural state. It covers a land area of 304,255 km² out of which 90.7% is considered rural. It has 8,430 km² of sea and 440 km of coastline. It has an estimated 38.4 million inhabitants with almost 72% of inhabitants living in rural areas. The southern and western parts of the country are characterised by a higher degree of urbanization, with a larger number of cities, towns and suburbs, while the central and eastern parts have a higher degree of rurality.

The Republic of Poland comprises 16 Regions or Voivodships (Województwo), 379 Counties (powiat) and 2,479 Municipalities (gmina). In total 65 counties out of 379 are urban Municipalities with special status of a “city with county (powiat) rights”: their City Councils are responsible for both municipal and County competences). Capital city of Warsaw has a special status and is divided into 18 Districts.

Poland has retained much of the centralised control mechanisms and rigid planning processes. The administrative division of Poland is based on three levels of local administration: regions (voivodships), districts (powiats), and municipalities (gminas).

National level

On national level, the transport sector is under authority of two ministries, the Ministry of Investment and Development (MiR) in close cooperation with Ministry of Infrastructure (MI). The Ministry is the core government centre responsible policies in areas of regional development, transport, maritime economy, construction, local spatial planning and housing. It also defines the policies and regulations related to the absorption of the EU funds.

The main transport related document are the **National Transport Policy for 2006-2025** (it highlights the need for investment in public transport and the need to combat suburbanization) and the **Transport Development Strategy until 2020**. The Strategy sets national priorities for creation of an integrated transport system by investing in transport infrastructure, creating favourable conditions for the efficient functioning of transport markets and development of efficient transport systems. It mainly proposes measures related to local road infrastructure development and improvement of connections to national roads or infrastructure supporting intermodality adjacent to urban centres. Consultations on the Strategy for Sustainable Transport Development until 2030 were started in 2018, this strategy will amend the transport Development strategy.

In the 2013 Transport Development Strategy, Sustainable Urban Mobility Plans (SUMP) were not mentioned, but the measures proposed will help to achieve its objectives. In the **National Urban Policy**, adopted by the Council of Ministers in **October 2015**, sustainable urban mobility is one of 10 main areas. The **2017 Strategy for responsible development** among other goals indicates the way, in which changes in individual and collective mobility should be achieved in the perspective by 2020 and 2030. Actions should aim at increasing the efficiency and attractiveness of public transport, which will encourage residents to change the means of transport from individual to collective.

⁵ Adapted from SMARTA - RURAL SHARED MOBILITY [23]



Regional level

At the local level, the Joint Commission of Central Government and Local Government provides a forum to connect the national and district level governments. This group develops common positions on social and economic priorities and provides opinions on government acts, programmes and policies that relate to local government. At local level, the districts and municipalities are lead actors for development, yet, they are largely “policy takers” - their scope for action is highly shaped by rules, regulations and fiscal frameworks determined by national and regional governments. The county and municipal levels of local government provide infrastructure and services to citizens. Rural counties (are responsible for execution of programmes and services that municipalities cannot carry out individually, including most multi-municipality infrastructure. However, because of their limited finances, the role of districts in social and economic terms is not optimal.

Large cities in Poland and their surrounding functional areas are currently at the stage of creating or implementing metropolitan area development strategies. This is possible, first and foremost, thanks to the opportunity to receive financing for investment purposes from the European Union in the period 2014-2020. Structural funds play a key role in assisting sustainable development in metropolitan areas in Poland within the framework of Integrated Territorial Investment programs.

The **Public Transport Act from 2010** required local authorities to develop and implement a ‘Plan for Sustainable Public Transport’. Over 100 cities and communes were obliged to prepare Plans of Sustainable Public Transport (called Transport Plans) to March 2014. These are the very good basis for the elaboration of SUMP.

On 26th October 2016 SUMP for Gdynia for the period 2016-2025 (with the action plan for the period 2016-2018) was ratified by the City Council, as a result of EU project implementation-CIVITAS DYN@MO. The SUMP is currently being evaluated and updated. Also, Gdansk had adopted its SUMP in 2018 and the document was ratified by the City Council. In addition, urban mobility policy has been formulated in Wroclaw (2013). Draft of the Warsaw Mobility Policy is after consultations and is awaiting final approval.

Currently, Ministry of Investment and Development (MiR) together with European initiative JASPERS and Centre for European Union Transport Projects are implementing a pilot project aimed at supporting 5 functional urban areas in elaboration, update and/or evaluation of SUMP. The urban areas include: Rawicz, Konin, functional area of Bialystok, functional area of Gdansk-Gdynia-Sopot and central subregion of Silesian Voivodeship.

Additionally, Act on electromobility and alternative fuels from 11 January 2018 requires every city with 50,000 or more inhabitants is obliged to introduce electric vehicles in public transport fleet:

- 5% until 1st of January 2021
- 10% until 1st of January 2023
- 20% until 1st of January 2025
- 30% until 1st of January 2028.



Local government units fleet will have to be at least 30% electric until 1st of January 2025.

The strong impact of EU policy on the development of urban transport systems in Polish cities is visible. Regulations, the promotion of appropriate solutions/practices and the financing of research and development (R&D) and investment projects (infrastructure, rolling stock and ITS) are main areas of support.

Examples of Demand Responsive Transport in Poland

Tele-Bus

The first demand responsive transport scheme in the country, was developed in 2007 in Krakow and it provides service for the city and surrounding areas. The daily service operates during defined hours with fixed stop points but flexible routes and timetables. Clients contact dispatchers by phone using a special free line dedicated only to this services. Dispatchers collect the information from passengers and put data into the system. Then the system plans routes and output information is given to TELE-BUS drivers. The only limitation from the passengers' point of view is the fact that an order must be placed at least 30 minutes before the planned start of the trip [24].

The same system was also introduced in Szczecin, which became second Polish city with demand responsive transport operating.



2.2.6. Slovenia⁶

Slovenia is the fourth smallest EU member with 20,000 km² and about two million inhabitants. Slovenia is governed by central national government, local self-government is entrusted to 212 municipalities, there is no regional level of government. Slovenia has a predominantly rural character - over 70% of the territory are rural areas with 46% of the population living in these rural areas. The population density of Slovenia is below EU average (102.5 v. 117.5), while the population density of nine NUTS3 rural regions is on average 84, with one region reaching only 36.7. This is an important factor for rural mobility as sparse population translates into higher relative costs of providing public transport and other services.

National level

The topic of mobility is covered in various strategic policy documents. One of the key policy documents for mobility and public transport in general is **the Transport Development Strategy of the Republic of Slovenia Until 2030**, adopted in 2015. It includes a number of references to the development of sustainable mobility and public transport services while recognizing the unsatisfactory state of play regarding efficiency and coordination of public transport. This strategy reaffirms that special consideration must be given to public transport links between rural and urban settlements. Among opportunities for improvements, the strategy mentions the development of “Dial-a-Ride” options (i.e. public transport on demand) and the integration of arbitrary school buses with public bus lines to increase coverage and accessibility of public transport in rural areas. The former is also included in **the Resolution on the National Programme for the Development of Transport in the Republic of Slovenia until 2030** (adopted in 2015 as an implementation document of the strategy).

The most recent document, the **Slovenian Development Strategy 2030** (December 2017), identifies new concepts of mobility and development of public transport in the framework of low-carbon circular economy goals or generally in connection to environmental protection. The strategy establishes that goals in this area will be achieved also by fostering sustainable mobility, “including through the introduction of new concepts of mobility and increasing the share of public passenger transport”.

In addition, the **Rural Development Programme for the Period 2014-2020** has to be mentioned for it is important for general rural development and investments from EU funds. It includes the topic of accessibility of rural areas, which provides the eligibility of projects focused on the development of sustainable transport methods. However, such projects must be identified in local development strategies of local action groups that cover rural areas.

Lastly the **Spatial Development Strategy of Slovenia**, adopted in 2004 (and soon to be revised in the coming years), confirms the importance of the development of public transport with the assistance of the state, where “Special concern shall be devoted to good public transport links between the countryside and urban settlements”.

⁶ Adapted from SMARTA - RURAL SHARED MOBILITY [2525]



Regional level

In Slovenia, there is no regional level of government, the two NUTS2 and twelve NUTS3 regions are purely statistical. Therefore, no regional policies exist.

Local level

Management of mobility in individual areas is strongly dependent upon policies at the municipal level. In last few years, Slovenian municipalities have prepared local Integrated Transport Strategies (ITS) that stem from sustainable urban mobility plans (SUMP) but are modified to Slovenian circumstances. Integrated Transport Strategies include various actions to be implemented by municipalities in the field of mobility, both in urban and rural areas. For the most part, they also include policies and actions to improve public transport accessibility in rural areas.

Examples of Demand Responsive Transport in Slovenia

“Sopotniki” - free car transport for the elderly in rural areas

Non-profit association Sopotniki (translates to Fellow passengers) unites volunteers who offer free car rides to the elderly in rural areas of West Slovenia. Since 2014 they provide a valuable service that enables elderly population in small villages to participate in active social life. Rural areas in which they operate are divided in different sectors, each having a volunteer coordinator. Elderly users communicate in advance to the coordinator their needs for transport, and the association provides it.

On demand service in cities

In several Slovenian cities on demand service with micro electric buses are in operation - “Kavalir” in Ljubljana, “Maister” in Maribor and “Maestro” in Piran. These services are intended for transfers across the city centres for citizens, tourists and other visitors using special electric vehicles. The services can be requested in advance by phone or vehicles can be simply hailed on the street.



2.3. Conclusions

Mobility challenges of rural areas are quite different from those of urban areas. In past, urban centres were main focus of European and national mobility policies but this is changing. Understanding, that local mobility has a strong impact on local economy, territorial cohesion, social inclusion and environmental protection has expanded focus of mobility policies also on rural areas. If good mobility choices can improve quality of life and economic competitiveness, a lack of sustainable mobility schemes will be a barrier to any development strategy implemented in rural and mountainous areas. This is more and more recognized in policies on all levels. As EU policies are the same for all member countries, the differences are noticeable on national and regional levels of SMACKER countries.

On national levels, all countries deal with challenges of transport and mobility, where transport is mainly dealt with within one Ministry with cooperation of other ministries and/or public bodies on specific dimension (e.g. taxation). The approach is quite different on regional levels. Except Slovenia, all five other SMACKER countries have regional level of authority however their authority in transport varies. In Austria and Italy regions and provinces are responsible or strongly involved in planning and programming of public transport and mobility services. In Czech Republic regional governments have full competence in regional transport while municipalities have to organize transport and mobility on their own territory. Different views on organisation of transport, especially between urban cores and region, hinders creation of integrated transport systems and results in very heterogeneous public transport organization on local level. In Hungary and Poland policies are mainly centralised and implemented at national level. In Poland, Joint Commission of Central Government and Local Government provides a forum to connect the national and district level governments however local level authorities are predominately “policy takers” for their scope for action is highly shaped by rules, regulations and fiscal frameworks determined by national and regional governments. In Hungary local level of authorities is underfunded and there appears to be little scope for decentralised actions. In Slovenia management of mobility in individual areas is strongly dependent upon policies at the municipal level. As there is no regional level of government, harmonization on regional level depends of voluntary agreements between municipalities.

Despite differences between countries it is safe to say that all countries have policies enabling demand responsive transport in place and that in all countries some form of demand responsive public transport already exist. However, it is also worth mentioning that in some countries demand responsive transport is implemented in rural areas while in others it is practised only in urban centres. Nevertheless these cases demonstrate practical feasibility for implementation of demand responsive transport in SMACKER pilot actions.



3. Legal framework

3.1. EU level

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved democratically by its members. EU laws help to achieve the objectives of the EU treaties and put EU policies into practice. There are two main types of EU law - primary and secondary. Every action taken by the EU is founded on the treaties. These binding agreements between EU member countries set out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its members. Treaties are the starting point for EU law and are known in the EU as primary law. The body of law that comes from the principles and objectives of the treaties is known as secondary law; and includes regulations, directives, decisions, recommendations and opinions [26].

European Union (EU) transport policy aims to ensure the smooth, efficient, safe, and free movement of people and goods throughout the EU by means of integrated networks using all modes of transport (road, rail, water and air). EU policy also deals with issues as wide-ranging as climate change, passenger rights, clean fuels, and cutting customs-related red tape at ports. Governed by Title VI (Articles 90 to 100) of the Treaty on the Functioning of the EU, transport is one of the EU's most strategic common policies, largely based on a 2011 White Paper.

A number of EU directives deal with different aspects of transport, not all of them are relevant for passenger transport. Following legislation is of particular importance for public transport [27]:

- Regulation (EU) No 181/2011: [Bus and coach passengers' rights](#)
- Decision 2002/917/EC: [Interbus Agreement: the international occasional carriage of passengers by coach and bus](#)
- Regulation (EC) No 1073/2009: [Common rules for access to the international market for coach and bus services](#)
- Directive 2002/15/EC: [On the organisation of the working time of persons performing mobile road transport activities](#)
- Regulation (EC) No 1071/2009: [Road haulage and passenger transport companies: operating rules](#)
- Regulation (EC) No 1371/2007: [Rail passenger Rights](#)
- Directive 2009/33/EC: [On the promotion of clean and energy-efficient road transport vehicles](#)
- Directive 2014/25/EU: [On procurement by entities operating in the water, energy, transport and postal services sectors](#)



The Directive 2014/25/EU is of particular interest for it regulates transport services. The Directive defines “special or exclusive rights” allocated by the contracting authority to an undertaking as limiting the exercise of the market activities to one or more entities, thus substantially affecting the ability of other entities to enter the market. The provision of public service is either vested in the public transport authority (relevant municipality in urban transport) or delegated to a private sector operator via an open tendering procedure. The allocation of rights is done by a decision of a competent authority in a Member State. The creation of innovative partnerships is therefore completely within the discretion of the contracting entity, i.e. the authorities or public undertakings. In all EU member countries public transport is therefore contractually organised by means of public procurement procedures [28].

The list above is comprised of only the most relevant regulations however, this is by far not all of it. As all of the EU directives and regulations have to be transposed into national legislation of member states, the review national legislations on public transport and particular importance for demand responsive in each of the SMACKER country is shown in following subchapters.



3.2. National level

3.2.1. Austria⁷

National level

The Austrian Federal Law on the organisation of local and regional public transport (**Öffentlicher Personennah- und Regionalverkehrsgesetz 1999 - ÖPNRV-G 1999**) sets the legal basis and regulates financial basis for the operation of public transport (excluding infrastructure). Pursuant to Section 7 of the ÖPNRV G-1999, it is a basic function of the Federal Government to ensure that a basic range of public and regional transport is made available including flexible transport, if operated by a bus operator).

The **Bundesgesetz über die linienmäßige Beförderung von Personen mit Kraftfahrzeugen (Kraftfahrliniengesetz -KfllG)**, v.a. §§1, 38, 39 and **Bundesgesetz über die nichtlinienmäßige Beförderung von Personen mit Kraftfahrzeugen - Gelegenheitsverkehrs-Gesetz (GelverkG)**, v.a. §§1, 2, 3 are relevant for flexible transport in Austria. However, in case the flexible service has no elements of regularity, commercial and public nature, no clear legal definition is given in Austria. If flexible transport is provided by operators under private law, there is no clear legal framework [29].

Regional level

At regional level various integrated umbrella organisations (Verkehrsverbünde) offer the passenger (under the application of a uniform tariff system) the benefit of a joint ticket at a discounted rate covering all involved scheduled transport operators (rail; public and private bus operators; and municipal transport companies). The transport associations are cooperative institutions under private law contracts between the (alliance financing) authorities on the one hand, and the regional authorities and the individual transport companies on the other hand (based on the EU legislation for public services). The transport companies participating in the respective transport alliance may be organised into a cooperative association of transport companies, which is then responsible for the implementation of the alliance measures. Through the integrated transport association system, a comprehensive tariff system covering all public transport services is established in each of the states in Austria.

Overall, there are currently eight such integrated umbrella organisations in Austria that mostly align with the Federal States boundaries.

⁷ Adapted from SMARTA - RURAL SHARED MOBILITY [7]



3.2.2. Czech Republic⁸

National level

Public transport services are currently regulated by the Act on public services in passenger transport and by national and regional public transport plans. Further direction of the public transport system including the selection from among the options for system organization will be laid down in the Public Transport Conception, which will propose a new structure of public transport organization, the requisite amendments of national law and a proposal for the funding of the system.

Competitive tendering procedure needs to be applied as the basic method for the selection of a transport operator for public services with certain exemptions allowing the contracting authority to award a public services contract directly.

Demand responsive transport is not specifically regulated by the Czech legislation. The Act on Road Transport defines “occasional passenger road transport” (§ 2 part 10). Due to amendments to avoid unfair competition with taxi services, DRT is subject to several restrictions.

Restrictions in current legislation:

- It is not possible to use free capacity of transport paid from one public budget chapter for a different purpose
- It is difficult to combine different purposes of subsidized transport
- It is not allowed to collect fares in transport without fixed route schedules
- DRT can be legally operated only free of charge or based on prepaid fares.
- Bookings can be made only with the central dispatcher office (by phone, online, personally)
- DRT is subject to higher VAT than fixed-route transport
- Non compliance with traffic rules (e.g. speed and overtaking) is tolerated in individual transport
- Only fixed route-buses can stop at bus stops

While public transport is highly subsidized, standard taxi services keep high market prices. Difficulties with broader use of DRT are related to its positioning between these two opposite transport systems.

DRT operators and supporters seek more favourable conditions for DRT and its equalization with fixed-route public transport⁹.

⁸ Adapted from SMARTA - RURAL SHARED MOBILITY [1919]

⁹ https://cs.wikipedia.org/wiki/Popt%C3%A1vkov%C3%A1_doprava and <http://www.poptavkova-doprava.cz/>



Regional level

Regional governments guarantee transport services in regions through public transport. The transport services are implemented by: deciding on licenses within administrative proceedings; approving timetables; and the financial settlement of services of public interest.

Regional governments are responsible for provision of public transport services in the regions. This is stated in regional development documents, strategies and concepts. Regions are responsible for the communication with transport operators and public procurements for the public transport services provision.



3.2.3. Hungary¹⁰

National level

Under the Hungarian transport act, transport organisers (TOs) are responsible for ordering domestic and international scheduled passenger services; and operating ticketing and passenger information systems. Transport organisers are appointed by national or local governments, e.g. the transport organiser in Budapest is Centre for Budapest Transport (BKK).

The act establishes minimum level of service for transport modes :an important provision regarding connectivity establishes that each settlement needs to be able to reach the nearest regional centre with just one connection, or Budapest within two changes, and cities with county rights must have direct links to Budapest as well as their neighbours.

Currently, the public transport market is not open to market participants. Market liberalization of bus services is expected in 2020. The market liberalization of rail services is not clearly expected as the national rail provider (MAV Start) and the Hungarian State have a Public Service contract valid through 2023, with the possibility to extend it for another for 10 years.

Regional level

In Hungary the Ministry for Innovation and Technology orders the bus and rail services from public operators. This is quite an inflexible system that does not fully take into account local needs.

The national bus network is managed by seven regional companies, operators coordinate timetables in their own territory (i.e. regional level), but the regional companies do not always cooperate for the inter-regional coordination. The timetables of bus and railway services are partly coordinated, the Government is committed to coordinate these schedules through Ministry for Innovation and Technology.

¹⁰ Adapted from SMARTA - RURAL SHARED MOBILITY [2121]



3.2.4. Italy¹¹

National level

With laws No. 442/97 (“Decreto Burlando”) and the following No. 400/99 the financing of the Public Transport was transferred from central (State) to the local (regional) level. Consequently all Regions have adopted their own laws regarding the public transport sector; this has resulted in several different organizational structures for each Region, with a heterogeneity of the national regulatory framework.

With law No. 248/06 (“Bersani”) the matter of transporting people has been reconsidered in a more transversal manner compared to the current law and to the carrier involved, conferring additional autonomy related to special transport (art. 6) to municipalities and delegating a part of the matter of transport of regional competence (art. 12) to them.

Of particular importance on national level is law No.50/2017:

- it specifies awarding of public transport services via competitive tendering procedures, foreseeing penalties for those Regions which adopt other awarding process
- it introduces a complex mechanism for the subdivision of the National Fund allocated for the public transport services between each Region
- it removes the general obligation to ensure that traffic revenues cover at least 35 percent of operating costs, introducing a new threshold based on the singular contexts of each region.

The **Transport Regulation Authority** (Autorità di Regolazione dei Trasporti - ART) was established in accordance to art. 37 of the Law 201/2011 within the regulatory authorities of public utility services. It is responsible for the regulation in the transport sector and for accessing the relative infrastructures and accessory services. Its tasks also include defining the quality levels of transport services and the minimum contents of users’ rights, as foreseen in its Resolution n. 48/2017. The Authority is an independent administrative authority. It operates in full autonomy, in accordance with European legislation and in compliance with the principle of subsidiarity and the competences of the Regions and local authorities.

Regional level

In line with law No. 442/97 (“Decreto Burlando”), Regions have adopted regional laws with regard to public transport. These regional laws are applied for tendering procedures for service contracts, i.e. formal agreements based on which the responsible authority (Region/Province/City) gives to the operator the task (and the right) to operate the transport services in the reference area for a target period. They include including qualitative and quantitative parameters for services, e.g. quality, distribution of traffic revenues, subsidies and incentives. The assignment of regional and local public services is compliant with European regulation 1370/2007 and national legislation (Legislative Decree 422/1997, Article 61 of the Law 99/2009, art 4 bis Law 102/2002). It can be done either directly, through “in-house” awarding or through open tendering procedures.

¹¹ Adapted from SMARTA - RURAL SHARED MOBILITY [2222]



In the Emilia-Romagna Region, public transport service is regulated by the Regional Law No. 30/98 (“Disciplina generale del trasporto pubblico regionale e locale”). It was published in the Official Journal no. 124 dated 06.10.98, stating "General discipline of regional and local public transport", gives a complete definition of the public transport services, distinguishing the powers of authority of the regional departments and those of the provincial and municipal departments (Provinces - and now Metropolitan City - and Municipalities): it gives the provincial and municipal departments the legal powers of authorities related to:

- networks, tram and trolley bus services and express aboveground and underground rail-locked transport systems;
- intermodal urban and extra-urban systems for the management of mobility.



3.2.5. Poland¹²

National level

The main regulatory instrument for passenger transport services in Poland is the **Public Transport Act from 2010**. The law specifies statutory requirements on the organization of public transport markets, transport planning, and financing and management of public transport services. Public transport is organized by local government entities corresponding to the area where such transport is provided. Local transport is organized by municipalities and counties, regional transport by regions, while the responsibility for organizing national and international transport falls on the central government. The intention of the Public Transport Act was to devolve the organization of public transport to the lowest tier of the local administration.

The act requires local authorities to develop and implement a ‘Plan for Sustainable Public Transport’.

The Public Transport Act defines the requirements for the selection of the public transport operators and delegation of service provision through Public Service Contracts, based on the Polish public procurement law, and Concession for Construction Activities and Services Act. The legislation establishes requirements for permit distribution (for passenger transport drivers, as all permits are issued by competent local authority based on the type of transport). For the transport of more than 7 people, additional facts (i.e. financial situation of the company, insurance coverage and vehicle equipment) might be taken into account. Furthermore, an additional route permit is must be issued to the operator.

Regional level

Within the existing legal and organizational framework in Poland, the most common way of coordinating urban public transport services with suburban services is by entering into bilateral agreements between the city and its surrounding municipalities, transferring organizational competences from the latter to the former in exchange for covering the deficit of the sub-network that is subject to the agreement. An alternative is the establishment of unions, which creates a separate legal entity, whilst the involved local governments transfer specified competences to the union and commit to cover any deficit generated.

An important element that supports the development of rural or urban-rural public transport services is the inter-municipal cooperation framework. This currently consists of two legislative documents, i.e. **Act on Municipal Self Government** and the **Act on the Metropolitan Union in the Silesian Voivodship**. Even though the later covers only a limited geographical part of the country it enhances the initial regulation and establishes the framework for creating metropolitan unions (which was not provided for before).

For the Pomeranian region, in September 2011 the Metropolitan Area Gdansk-Gdynia-Sopot has been established to strengthen cooperation and to achieve even more harmonious development of the entire metropolitan area around Gdansk, by making the best possible use of the potential of the member cities and municipalities, while at the same time respecting their differences and particular characters.

¹² Adapted from SMARTA - RURAL SHARED MOBILITY [23]



It has responsibilities in the field of low carbon mobility, electromobility, bike-sharing system and car sharing system implementation and consulting.

Currently, 57 local governments operate within OMG-G-S, which covers a total area of nearly 6,700km², and is inhabited by 1.55 million inhabitants.

The Gdansk-Gdynia-Sopot Metropolitan Area is the fastest growing area of northern Poland. It is also a significant centre of integration processes in the Baltic Sea region as well as being an important link in the transport chain, linking the north and west of Europe with the central and southern part of the continent.

The Metropolitan Area Gdansk-Gdynia-Sopot was involved in numerous crucial projects in terms of sustainable transport, such as:

- low Carbon Action Plan - coordination of the plan for 30 municipalities in our Area,
- introduction of Metropolitan Bike System - the leader of the project, covering 4080 bikes (fully electric),
- signing the Letter of Support for the car sharing system in the Metropolitan Area,
- BYPAD audit for the Metropolitan Bike System
- Elaboration of the “Strategy for Transport and Mobility” (“Strategia Transportu i Mobilności”).



3.2.6. Slovenia¹³

National level

The **Road Transport Act** [30], last changed in 2016, sets the main regulatory framework. It defines public road transport as a service of general economic interest (i.e. in the public domain), where inter-city connections are provided by the state, while intra-city links are compulsory for municipalities with a population over 100.000 inhabitants, municipalities with less than 100.000 inhabitants may provide intra-city public transport voluntarily.

Exercise of official authority with regard to public transport is entrusted to two main institutional actors - (1) the state via the Ministry of Infrastructure and the Slovenian Infrastructure Agency body within the ministry, and (2) municipalities.

- 1) The **Ministry of Infrastructure** manages on behalf of the state all procedures relating to concessions, the selection of concessionaires and the conclusion of concession contracts for the public service of inter-city public road transport connections. Another body within the ministry, the Inspectorate of Infrastructure, implements the supervision of concessionaires. The Ministry of Infrastructure is also responsible for the public service of passenger rail transport, the project of the integrated ticket and the coordination of the entire public transport system. It has to be pointed out that the ministry also decides on proposals of municipalities for the establishment of new rural-urban lines within an individual municipality.
- 2) **Municipalities** may establish (obligatory for municipalities with over 100.000 inhabitants) a public service of urban public (bus) transport. If this is the case, the municipality takes over the responsibility for the selection of concessionaires and the conclusion of concession contracts, maintaining local infrastructure for public transport purposes, etc. Municipalities are autonomous in setting and providing urban public transport, while extra-urban transport within municipal territory is nevertheless categorized as inter-city transport and is thus under authority of the Ministry. Still municipalities may propose the establishment of public transport lines between different settlements (also urban-rural links) to the state, which takes the final decision. If approved, co-financing by the municipality may be requested by the state. The law defines as an exception a narrow possibility for municipalities to include some inter-city links in the public service of urban public transport, which is subject to state approval.

The state and municipalities generally provide public transport service via public tenders for the selection of providers to operate in the framework of a concession contract for service to be provided (including definition of lines, schedule, financing, ticket price and other aspects of the service).

Regulation on a mode of implementation of economic public service on passenger public line transport in inner road transport and about the concession of this public service (adopted in 2009) defines in more detail the implementation of the aforementioned act. It establishes the exclusive rights of individual concessionaires to operate on individual lines (with an exception for intra-municipal lines), the general validity of the concession contract of 3 years with a maximum possible extension of 2 years etc. Municipalities adopt own local regulation on provision of urban public transport service, where they define the main aspects of the concession relationship,

¹³ Adapted from SMARTA - RURAL SHARED MOBILITY [2525]



financing, sometimes also exact lines. Similarly to road transport, the Railway Transport Act defines public passenger rail transport as a public domain and public service. Interestingly, **the Elementary School Act** is also important for rural mobility, as it defines the rights of pupils to free transport to school, provided they reside at least 4 km from the school or if their route to school is deemed unsafe. This applies to a significant part of rural roads. Oftentimes school transport is the only public transport provided in some rural areas. The Road Transport Act defines transport services for special categories of passengers as special public transport, and since previous amendments in 2013 it offers the possibility of such transport to be used also by the general public.

The Road Transport Act also **allows for dial-a-ride services** that are differentiated from standard taxi services. “Dial-a-ride” is in this context defined as an advanced form of public transport service for up to eight passengers to be only implemented in areas where public transport is not organized or in areas with lower demand for public transport service. “Dial-a-ride” service can be performed according to a predetermined timetable that is subject to the “dial-a-ride” mode and is performed exclusively upon prior request for transport by the potential traveller. Alternatively, it can be performed under flexible timetable, where the time and relation of the journey are formed depending on the passenger’s need for transport.

Urban-rural or rural-rural links fall in the category of inter-city public transport and under state jurisdiction. It is generally acknowledged that rural mobility in Slovenia and the provision of rural public transport is not satisfactory. The existing institutional, regulatory and organizational framework are not conducive to improvements in this field. Centralised state jurisdiction in managing rural mobility, which is usually in its essence a local issue, is a possible obstruction to a more dynamic and efficient organisation of this public service, that must address specific needs of the rural population. The possibilities of integration of so-called special public transport, in theory meant only for an individual category of passengers (school pupils, students, workers), with general public transport, adopted in 2013 amendments of the Road Transport Act, are a step in the right direction. This kind of transport does not receive any state funds and is based on contractual relations (not concessions). In stark contrast to the abovementioned data, 169 municipalities (or 80%) financed special public transport, i.e. school transport. In 2014, only 23 of these municipalities included the possibility of general passengers using special public transport as general public transport, meanwhile in the majority of cases such integration, legally possible, was not implemented.

Regional level

In Slovenia, there is no regional level of government therefore no regional legislation exists.



3.3. Conclusions

EU laws help to achieve the objectives of the EU treaties and put EU policies into practice. Every action taken by the EU is founded on the treaties - binding agreements between EU member countries that set out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its members. Treaties are known in the EU as primary law while the body of law that comes from the principles and objectives of the treaties is known as secondary law; and includes regulations, directives, decisions, recommendations and opinions. The EU regulations and directives have to be transposed into national legislation of member states

Governed by Title VI (Articles 90 to 100) of the Treaty on the Functioning of the EU, transport is one of the EU's most strategic common policies, largely based on a 2011 White Paper aiming to ensure the smooth, efficient, safe, and free movement of people and goods throughout the EU by means of integrated networks using all modes of transport. EU legislation regarding public transport is rather considerable for it defines many aspects of transport of passengers and goods.

All this has been transposed into national legislation of EU members including six SMACKER countries. With exception of Italy, in other five SMACKER countries only national legislation exists, specifying legislative framework for public transport. In Italy Regions have adopted their own laws regarding the public transport sector; this has resulted in several different organizational structures for each Region, with a heterogeneity of the national regulatory framework. These regional laws are applied for tendering procedures for service contracts.

When it comes to legislation on demand responsive transport the situation is quite diverse - while in Slovenia the demand responsive public transport is defined in details, no clear legal definition or framework is given in Austria. However as in all six SMACKER countries some form of demand responsive transport is in operation, it is clear that legislation tolerates it. Still this is something to be specifically considered in planning of pilot actions.



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