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ORGANISATION OF PUBLIC TRANSPORT IN METROPOLITAN AREAS

Abstract

The article discusses the problem of organisation of public transport in metropolitan areas as a task of self-government units. The comparative analysis of the manners of organising and integrating public transport in selected metropolitan areas in Poland shows weaknesses and strengths of these applied manners, especially organizational solutions used in the analyzed examples concerning unified tariffs and coordination of various means of transport. The Polish law provides for three types of models for public transport organisation – metropolitan unions, communal unions and communal agreements. At this moment no metropolitan unions have been established so there are no practical experiences in this matter. Two existing conurbations (Silesia Metropolitan Area and Gdańsk Metropolitan Area) organise public transport on the basis of a communal union, whereas in other Polish metropolitan cities (i.e. Warsaw) the instrument of communal agreements is being used. On the other hand the example of London shows that also other legal entities (regional authorities) may be responsible for organising public transport. The size of a metropolitan area and the applied legal model should not influence the functioning of public transport. Nevertheless, the organizational solutions used in the presented transport systems show that the legal framework can make a difference. This article can contribute to an in-depth study on the organization of public transport in metropolitan areas which could lead to the use of good practices in various cities and changes in the Polish law.

Keywords: public transport, metropolitan areas, communal unions, communal agreements, local self-government

Introduction

The organisation of public transport in metropolitan areas is an important task of self-government units because the efficacy of transport systems in highly urbanised areas translates directly into the rate of their economic development or level of investment attractiveness. The quality of public transport depends on the degree to which basic transport demands expressed by passengers are met. These demands regard the journey time (e.g. speed, punctuality, regularity, frequency), the transported object (e.g. safety, comprehensiveness of service, adequate transport costs) and spatial distance (e.g. access to transport network, directness, capacity) (Kozłak, 2008). The degree to which the abovementioned postulates are met is based on the manner in which public transport is organised. In order that it meets passenger demands as much as possible, public transport should be arranged in line with the specific characteristics of a given metropolitan area, taking into consideration the local legal conditions.

As noted in the “National Spatial Development Concept 2030”, an appendix to Resolution No. 239 of the Council of Ministers of 13 December 2011 on the adoption of the National Spatial Development Concept 2030 (Monitor Polski of 2012, item 252), the metropolitan functions include: transport, higher education, control and decision-making, administrative, tourist and industrial functions. The organisation and administration of public transport should therefore be treated not only as an important task, but also as one of the pillars supporting the functioning of metropolitan areas.

In the era of intensive development of individual car transport and the resulting aggravation of traffic congestion in functional areas of large urban centres, transport issues are considered material barriers to development. The lack of an appropriate transport policy and public transport organised accordingly leads to uncontrolled suburbanisation or limitations to the spatial development of labour markets. It is therefore worthwhile from the viewpoint of local authorities to conduct comparative analyses which may help identify the imperfections of individual public transport systems and gain knowledge of possible solutions based on the examples of good practices in other metropolitan areas presented in those analyses.

1. Statutory conditions underlying the organisation of public transport in metropolitan areas in Poland

Public transport duties are carried out in metropolitan areas on the basis of different legal models. The basic entity that should be established for the performance of such duties is a metropolitan union which is the most obvious form of collaboration for self-government units in functional areas of large urban centres. However, there are currently no metropolitan unions in the Republic of Poland due to the fact that the Council of Ministers, which is competent to issue the respective implementing regulations, has not taken any organisational steps to this aim. Thus,

it is hard to refer to any experience in the organisation of public transport by this category of entities.

The area which currently seems closest to establishing a metropolitan union is the Upper Silesia Agglomeration. For this purpose, the Sejm¹ has passed the Act on the Metropolitan Union in the Śląskie Voivodeship on 9 March 2017 (Journal of Laws, item 730). However, the said Act at the same time repealed the Act on Metropolitan Unions of 9 October 2015 (Journal of Laws, item 1890), in force since January 2016, which for the time being prevents other large Polish cities from establishing this form of collaboration in their metropolitan areas. The third legal act dealing with metropolitan matters which has recently been developed in the Parliament is the currently considered draft Act on the Organisation of the Capital City of Warsaw, which was submitted to the Parliament on the initiative of a group of deputies from the Law and Justice (Prawo i Sprawiedliwość) Parliamentary Club on 30 January 2017.

All of the three described statutes (drafts) stipulate that public transport activities fall into the category of public duties entrusted to the metropolitan union (a metropolitan self-government unit – see Art. 1(1) the draft Act on the Organisation of the Capital City of Warsaw). However, there are certain material differences between the solutions applied in each of the legal acts.

In the Act on Metropolitan Unions, the first to be adopted, Art. 12(1)(3) entrusted unions with the performance of public duties in the scope of public transport on their territory. At the same time, the legislator amended Art. 7 of the Act on Commune Self-Government of 8 March 1990 (Journal of Laws of 2016, item 446) by adding sec. 1a, excluding the performance of duties in the scope of local public transport by communes participating in a metropolitan union. This means that – if a union was established on the basis of the 2015 Act – the associated communes which would be organisers of public transport within the meaning of Art. 7 of the Public Transport Act of 16 December 2010 (Journal of Laws of 2016, item 1867) would cease to perform this function and would be replaced in this field by the metropolitan union.

The Act on the Metropolitan Union in the Śląskie Voivodeship departs from this solution by limiting the union's duties in the field of public transport to planning, coordination, integration and development of public transport, including road, rail and other track-based transport, as well as sustainable urban mobility. On the one hand, this clarifies the set of matters to be dealt with by the metropolitan union in the sphere of public transport. On the other hand, the union may not take actions of an organiser of public transport on its territory. The grounds of the draft Act on the Metropolitan Union in the Śląskie Voivodeship noted that the repealed 2015 Act contained a dysfunctional construction allowing the metropolitan union to abruptly take over the transport duties, without giving transport administrators time to prepare for a potential reform in that scope (Sejm document No. 1211). The document even indicated that a lack of adequate regulation “prevents the provision of undisturbed continuity of public transport in metropolitan areas”. Therefore, the Act of March 2017 not only repealed the 2015 Act, but also eliminated Art. 7(1a) of the Act on Commune Self-Government which prohibited the simultaneous

¹ Sejm – the lower house of the Polish parliament.

performance of transport duties by the metropolitan union and by an associated commune (Szlachetko, 2016). Further in the grounds, the authors of the draft Act indicate that such model of union provides an opportunity for the union's evolutionary transformation into the transport organiser in a voluntary manner, on the basis of agreements concluded between the metropolitan union and individual organisers of public transport. It may also be worth noting that the original draft Act stipulated that the metropolitan union in the Śląskie Voivodeship would perform the function of an organiser of public transport in the metropolitan area. However, as a result of lobbying of the President of Jaworzno, the draft was modified during works in the Ministry (Dziennik Zachodni, 2016).

A legal arrangement close to the construction presented in the Act on Metropolitan Unions was adopted in the draft Act on the Organisation of the Capital City of Warsaw (Sejm document No. 1259). In accordance with Art. 12(1)(5) of the draft Act, the capital city of Warsaw as a metropolitan self-government unit (not a metropolitan union) shall perform the duties of communes in the scope of public transport. However, the authors of the draft Act have not provided for a construct similar to Art. 7(1a) of the Act on Commune Self-Government. Therefore, it is not clear whether the performance of communal duties in the scope of public transport by the capital city of Warsaw should exclude individual communes from performing the function of an organiser of transport. While Art. 12(2) of the draft Act provides for an identical mechanism excluding the simultaneous performance of duties by the capital city of Warsaw and communes on its territory, it refers to Art. 12(1)(4), i.e. duties in the scope of social and economic development of the capital city of Warsaw on the basis of the development strategy for the capital city of Warsaw, and not duties in the field of local public transport. A separable model of public transport is also provided for in the Public Transport Act which differentiates between communal and metropolitan passenger transport.

The examples above indicate that the performance of duties in the field of public transport in functional areas of large cities based on collaboration within metropolitan unions is still a hypothetical model which may become a standard in the Polish legal conditions only in the (near of more distant) future.

Taking into account the existing status of the construct of a metropolitan union, it should be noted that transport duties in metropolitan areas are performed directly by communes located within the metropolis territory. However, due to the fact that transport services have to be integrated in the whole metropolitan area, they are not organised independently by individual communes, but by means of legal forms of cooperation. The Act on Commune Self-Government of 8 March 1990 and the Public Transport Act distinguish communal agreements and communal unions.

Agreements between communes are concluded on the basis of Art. 74 of the Act on Commune Self-Government. They may concern the performance of public duties falling within the scope of responsibilities of commune self-government units. The catalogue of a commune's own duties contained in Art. 7 of the Act includes e.g. meeting the collective demands of the self-government community in the scope of local public transport. In accordance with Art. 74(2) of the Act, a commune

performing public duties subject to an agreement assumes the rights and responsibilities of the other communes related to the duties it is entrusted with, and the other communes are obliged to participate in the costs of implementing the entrusted duty. Agreements may also be concluded with poviats and voivodeships; under such documents communes assume the performance of duties within the remit of the larger units. On the one hand, it should be noted that Art. 7 of the Public Transport Act does not allow a commune to perform the function of an organiser of public transport on the territory of a poviat on the basis of an agreement with a poviat self-government unit. On the other, the legislator has imposed an obligation on some of the Polish communes to perform the duties of a poviat (cities with poviat rights, the so-called municipal poviats²). There are currently 66 such poviats on the territory of Poland. Poviats' own duties in light of Art. 4(1)(6) of the Act on Poviat Self-Government include the performance of supracommunal public duties in the scope of public transport. Therefore, the scarce cases where a commune performs the tasks of the organiser of transport on the territory of the poviat (with which it has concluded an agreement) refer precisely to cities with poviat rights. This means that formal cooperation takes place between two self-government units performing the duties of a poviat, i.e. on the basis of Art. 7(1)(3) of the Public Transport Act which stipulates that one of the poviats subject to an agreement may be the organiser of transport on the territory of those poviats.

The second currently applied legal model for performing public transport duties in metropolitan areas, albeit less popular in practice than administrative agreements between communes or poviats, consists in entrusting the function of the organiser of public transport to a communal union. Such entities are established on a voluntary basis by communes interested in performing public duties together (e.g. the local public transport duty). A union is established on the basis of concordant resolutions adopted by the councils of individual communes. Moreover, the newly-founded union has to be registered by the minister of public administration. A union has its own bodies: the assembly composed of the representatives of the associated communes and a collegial executive body – the management board. The detailed solution determining the union's organisational structure is provided for in its Articles of Association which also require approval by member communes. The union is a body corporate and therefore may – contrary to the model based on an agreement – enter into civil-law relationships on its own behalf and account, including executing civil-law contracts for the provision of services in the scope of public transport with public transport operators (carriers).

The Public Transport Act also provides for the option that the duties of the organiser of transport are fulfilled by poviat unions, poviat and commune unions and voivodeships; however, the legislator clearly distinguishes communal and metropolitan passenger transport from poviat, poviat and commune, and voivodeship transport. Hence, it is currently not possible in legal terms to completely replace

² In accordance with Art. 91 of the Act on Poviat Self-Government of 5 June 1998 (Journal of Laws of 2016, item 814), poviat rights are granted to cities which on 31 December 1998 had more than 100 000 residents, and cities which on that date ceased to be seats of voivodes, unless at the motion of the relevant City Council a city was not granted poviat rights, and those which were granted the status of cities with poviat rights during the first administrative division of the country into poviats.

communes, poviats or metropolitan unions in the provision of public transport within a metropolitan area (unless on the basis of agreements concluded between relevant organisers). It would in any case require regulations excluding the performance of transport duties by individual self-government units in statutes determining their organisation³.

2. Organisation of public transport in selected metropolitan areas – a comparative study

After determining the statutory conditions for the organisation of public transport in Polish metropolitan areas, it is worth focusing on the examples of metropolitan areas which have decided to implement various forms of communal cooperation in the scope of organising public transport. A comparison of the Gdańsk Metropolitan Area, the Upper Silesia Agglomeration and Warsaw may help highlight the advantages and disadvantages of individual solutions, especially since each of the abovementioned areas has been integrating public transport for at least a decade, which is enough to make a fair review. Moreover, the three Polish metropolitan areas will be compared to London which in the view of public transport users is an example of very good practices in terms of integration of urban transport services in a large metropolis. This comparison is aimed to incline the authorities to learn some ideas for solving the existing problems related to the organisation of public transport in Polish cities which, in turn, should lead to full coherence and integration within transport systems. Table 1 presents a comparison of key information regarding the manner of organising and integrating public transport services in several selected metropolitan areas (Gdańsk, Upper Silesia, Warsaw, London).

The process of integrating the public transport system is not at a very advanced stage in the Gdańsk metropolitan area, despite the introduction of one metropolitan ticket. The authority responsible for implementing the common transport policy in that area is the Metropolitan Transport Association of the Gdańsk Bay (MZKZG), which comprises 14 communes and has been functioning for a decade. Slow integration may be hinted at by the fact that there are three organisers of urban public transport in the metropolitan area (in Gdańsk, Gdynia and Wejherowo), and PKP Szybka Kolej Miejska w Trójmieście Sp. z o.o. (PKP SKM), a company providing passenger transport services using urban and suburban rail. MZKZG, lacking the status of an organiser of public transport, cannot effectively influence the integration of the transport system in the metropolitan area. The said organisers of public transport in the Gdańsk and its vicinity issue their own tickets, and the fares of MZKZG serve solely as an alternative. This situation seems chaotic and incoherent to passengers advocating for comprehensive services. It should also be noted that although Gdańsk and Gdynia have introduced uniform fares as part of preparations for the integration of communes participating in MZKZG, the Association has not managed to level the differences between the time-based

³ In a similar manner as in Art. 7(1a) of the Act on Commune Self-Government.

Table 1. Comparative analysis of the manners of organising and integrating public transport in selected metropolitan areas

Metropolitan area	Organiser of public transport	Collaboration form	Beginning of collaboration (year)	Number of collaborating communes	Number of residents covered by collaboration	Integrated transport branches and other actions within public transport management, if any
Gdańsk Metropolitan Area	Metropolitan Transport Association of the Gdańsk Bay (the union is not the organiser of transport in the area of its operation)	Communal union	2007	14	ca. 1 million	<ul style="list-style-type: none"> - buses - trams - trolleybuses - urban and suburban rail - water trams
Upper Silesia Agglomeration	Municipal Transport Association of the Upper Silesian Industrial Region	Communal union	1991	29	ca. 2 million	<ul style="list-style-type: none"> - buses - trams - urban and suburban rail
Warsaw	Public Transport Authority (ZTM)	Communal agreements	1991 (ZTM) 2004 (agreements with communes and the woloński powiat)	34	ca. 2.7 million	<ul style="list-style-type: none"> - buses - trams - metro - urban and suburban rail - city bike - park & ride - kiss & ride
London	Transport for London	TfL is an organisational unit of Greater London (a regional-level self-government unit in England)	2000	33	above 8.17 million	<ul style="list-style-type: none"> - buses - trams - metro - urban and suburban rail - water trams - city bike - on-demand transport services for the disabled - taxi licences - management of road infrastructure (including collection of the congestion charge) - other tasks related to passenger and pedestrian safety, and coordination of e.g. freight transport in the city

Source: (own elaboration)

tickets in those cities and the kilometre-based tickets in PKP SKM during the ten years of its existence. Although the competence of the Metropolitan Transport Association of the Gdańsk Bay primarily includes issuing and distributing tickets, settling revenue from the sale thereof or cooperating with operators, organisers and carriers, the Association does not have a direct impact on the coordination of timetables, prices and manner of distribution of tickets issued by urban organisers and does not develop a coherent (and single) system for funding the public transport in the Gdańsk and the adjacent communes. As it does not have the function of the organiser of transport, it does not conclude agreements for the provision of transport services with carriers. MZKZG is thus only an external entity for the organisers, one that makes futile attempts (due to the lack of adequate duties and competence) to introduce full integration of the fragmented transport systems (Metropolitalny Związek Komunikacyjny Zatoki Gdańskiej, 2017).

In the metropolitan area of the Upper Silesia Agglomeration, the Municipal Transport Association of the Upper Silesian Industrial Region (KZK GOP) forms the same type of communal cooperation as MZKZG. It has been functioning longer than the Gdańsk association – it was established in 1991. However, the progress of integration within the metropolitan public transport system is completely different here, mostly due to the fact that the Association acts as the organiser of public transport in that metropolitan area. As a consequence, the agglomeration has a unified fare system, a particularly important fact from the passengers' viewpoint. What is more, KZK GOP has concluded a number of agreements with organisers of transport (e.g. with Koleje Śląskie, PKM Jaworzno, MZK Tychy, "Communal Transport" Municipal Union) which result in the acceptance of KZK GOP tickets (on a reciprocal basis) also in other means of public transport operating within the metropolis. The Association also coordinates timetables, administers transport duties and develops a coherent system for funding public transport in the communes subject to integration (Komunikacyjny Związek Komunalny Górnośląskiego Okręgu Przemysłowego, 2017).

The function of the organiser of transport in the so-called Warsaw agglomeration, integrating the capital with 33 adjacent communes (and the wołomiński powiat) is performed by the Public Transport Authority which is an organisational unit of the capital city of Warsaw. In contrast to the two areas described above, the largest Polish metropolis decided for a form of collaboration based on communal agreements. A solution of this kind allowed the integration of public transport, e.g. in the scope of unified fares. Tickets issued by ZTM are accepted in all means of urban transport and on territories of communes integrated with Warsaw under the agreements. Moreover, ZTM concluded separate agreements with railway companies (WKD, Koleje Mazowieckie and PKP Intercity), what led to the integration of fares with individual organisers. The agreements also allow the passengers of long-distance rail to use transport services within Warsaw. ZTM also boasts membership in the European Metropolitan Transport Authorities (EMTA) and the International Association of Public Transport (UITP). Cooperation with organisations managing public transport in the largest European metropolises helps ZTM to constantly develop and improve its public transport offer

in the metropolitan area of the capital of Poland (Zarząd Transportu Miejskiego w Warszawie).

The electronic ticket is one of the instruments for fare integration, especially important in terms of the passengers' convenience of use of public transport. This function may be performed by different data carriers (e.g. city cards, student cards, credit and debit cards), but they only guarantee ease of use in conjunction with unified fares. Organisers have introduced an e-ticket functionality in all the discussed metropolises. However, its scope differs in each case. Metropolitan Transport Association of the Gdańsk Bay has not yet worked out a uniform electronic instrument. Each organiser of transport (ZTM Gdańsk, ZKM Gdynia, MZK Wejherowo) issues electronic city cards with an option to encode season metropolitan tickets. A similar solution has been implemented in the Warsaw metropolis. Due to the uniform fares functioning in the capital, the city card can record a wider array of season tickets, and it allows the user to rent city bikes. The most multifunctional system has been implemented in the Upper Silesia Agglomeration. The Silesian Public Services Card (ŚKUP) is a platform allowing holders to use public transport and city car parks, as well as services in the spheres of culture, sports and recreation. It also serves as a library card and an identity card when dealing with certain official matters, including a carrier of the electronic signature. It is worth noting that the passengers of public transport may use ŚKUP to carry seasonal tickets and charge a prepaid virtual purse which may serve to pay for single rides.

It functions in a similar manner as Oyster, the electronic payment system for public transport services introduced in the London metropolitan area. The organiser of transport in the capital of the United Kingdom, Transport for London, which is an organisational unit of Greater London⁴, integrates a whole range of transport branches in one administration system. Table 1 indicates that it covers not only every available means of transport in the metropolitan area, but also accompanying services, such as granting licences to taxi drivers, managing the road infrastructure or coordinating on-demand transport services for people with disabilities. Moreover, Transport for London deals in charging ecological fees for entry into the city centre (the congestion charge), carrying out ticket inspections in means of urban public transport, ensuring passenger safety, or verifying the observance of traffic and parking regulations on roads it administers. The abovementioned duties are not within the competence of authorities organising public transport in Polish metropolitan areas, although it seems that such a solution leads to a more coherent metropolitan transport system (Transport for London, 2017).

Conclusions – recommendations on how to improve the organisation of public transport in metropolitan areas

In summary, it should be noted that the two discussed forms of communal cooperation in the scope of organising public transport applied in Poland do

⁴ Greater London – an administrative region covering the City of London; the highest level of self-government units on the territory of England.

not guarantee that there are only two models which transport systems in metropolitan areas can follow. The comparison of MZKZG and KZK GOP brings us to the conclusion that a communal union is not a form of collaboration which ensures a strictly defined model of integration of public transport. In the case of the Gdańsk metropolitan area, barriers to integration include in particular the lack of political decisions to entrust the union with the function of an organiser of public transport, which results primarily from the lack of a system, common for all associated communes, for funding urban transport and the lack of a fair system whereby communes may account for public transport subsidies. Furthermore, the metropolis has not currently got an integrated and modern electronic ticket system which would encourage people to use transport services. The key element ensuring the improvement of transport organisation in a model assuming voluntary cooperation of self-government units is the profitability criterion, both from the viewpoint of the associated communes and that of the passenger.

The fact that public transport in London, which is several times bigger than Polish cities, functions at a high level of integration of transport services leads to the conclusion that the size of a metropolitan area does not have a big impact on the quality of the public transport system. This results primarily from the selection of an appropriate organisational model which assumes that decision-making is transferred to an authority at a level which guarantees comprehensive management of the transport system in the whole functional area of a large urban centre. The examples of London (United Kingdom) and certain other European metropolises (e.g. Madrid) indicate that it proves efficient to place the body organising public transport at the level of regional self-government. In Polish legal conditions, it would be most beneficial to establish metropolitan unions and clearly empower them as organisers of public transport.

The comparative analysis regarding the forms of cooperation of communes and other self-government units in Poland and in other countries in the scope of organising public transport in metropolitan areas may be deemed a valuable source of knowledge on good practice and solutions which may often be transferred and applied when solving transport issues of individual metropolises. Despite the differences in administrative and legal conditions, it is possible to draw on the experience of metropolises in Europe and around the world which boast better integration of transport systems.

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