

Office of Rail Transport

<https://utk.gov.pl/en/market-regulation-and-l/access-to-railway-infra/infrastructure-manage/5123,Infrastructure-managers.html>
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Infrastructure managers

Infrastructure manager is an entity responsible for managing of railway infrastructure or, when it concerns construction of new infrastructure, an entity which acts as an investor. The tasks of an infrastructure manager can be performed by other entities.

An infrastructure manager which grants access to its infrastructure to other entities is not allowed to run other rail transport services than these which it performs for its own technical purposes. This restriction does not apply to infrastructure managers which grant access only to railway infrastructure belonging to a service facility.

This restriction does not apply to a situation when an entity performs both the functions of an infrastructure manager and those of a railway undertaking and operates only urban, suburban or regional rail transport services on local or regional stand-alone railway infrastructure.

Currently, the entities performing both the functions of an infrastructure manager and those of a railway undertaking are the following:

1. PKP Szybka Kolej Miejska Sp. z o.o.
2. PKP Linia Hutnicza Szerokotorowa Sp. z o.o.
3. Warszawska Kolej Dojazdowa Sp. z o.o.
4. Narrow gauge rail operators

The managers of standard gauge infrastructure (1435 mm) are obliged to grant access to their infrastructure on non-discriminatory basis.

Articles 29-35 of the *Rail Transport Act 2003* on the obligation of granting access to railway infrastructure do not apply when:

- an entity performing both the functions of an infrastructure manager and those of a railway undertaking does not grant access to its infrastructure to any other railway undertaking;
- an entity which manages or owns railway infrastructure uses it exclusively for its own purposes other than transport of passengers;
- the infrastructure serves only for transport inside company's site.

An infrastructure manager is allowed not to grant access to its railway infrastructure when this infrastructure is:

- used only to run regional or local rail transport services;
- a part of service facility;
- considered by the European Commission a local railway infrastructure of no strategic importance for the functioning of rail market.

The European Commission issued an Implementing Decision of 6th July 2016 on the strategic importance of local railway infrastructure pursuant to Article 2(4) of Directive 2012/34/EU. In its decision the Commission indicated which infrastructure managers and railway infrastructure are considered as such.

An infrastructure manager is allowed not to apply the provisions of Chapter 6 of the *Rail Transport Act 2003* if it manages:

- narrow gauge lines, or
- lines which are functionally separated from the railway system and used for local or regional rail transport, or
- lines which are considered historic sites, or
- lines which are used for touristic or occasional transport services, or
- lines which are private infrastructure, or
- lines which are railway sidings.

If such, the infrastructure manager is obliged to inform the President of UTK.

An infrastructure manager is required to present a safety certificate or safety authorization to be considered as such.