

MINISTRY OF THE ENVIRONMENT
Ing. Vladimír Vlk
Director of Department of Sustainable Energy and Transportation

Prague, April 29 , 2009

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283/800/09, 314/830/09

Dear Lady, dear Sir,

enclosed please find the input of the Ministry of the Environment of the Czech Republic into your consultation on the Green Paper on TEN-T, as published on the webpage of the European Commission.

Yours Sincerely,



European Commission
DG Energy and Transport
TEN-T
B-1049 Bruxelles

Cc:

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P r a h a

Enclosures:

as mentioned in the letter

**Remarks of the Ministry of the Environment, Czech Republic,
on the Green Paper
TEN-T: A policy review TOWARDS A BETTER INTEGRATED TRANSEUROPEAN
TRANSPORT NETWORK AT THE SERVICE OF THE COMMON TRANSPORT
POLICY**

As the remarks below have been written on the Ministry of the Environment, they do not directly bother the financial aspects, but the planning procedure and the responsible bodies during the planning. However at the end, the planning process may have enormous financial impacts, especially what about the costs of the respective infrastructure building. It also has impacts on the overall economical and social efficiency of the planning process.

And as the remarks below are written on the Czech Ministry of the Environment, they talk about problems found in the Czech Republic in all modes of transport, with special care to:

- the competences of planning bodies,
- the way of planning the transport network both in central and border districts,
- the way of taking into account the protection of the environment; both nature and human,
- the technical standards and terminology,
- the questions 4 and 5 of the Green Paper.

National background

Before listing the specific problems, it is important to know the historical background of infrastructure planning in the Czech Republic.

Almost all of the motorway routes (especially those not crossing the state borders) have been outlined in the 1970-80's, based on the governmental plan from 1963. The route options have been assessed quite seriously on that time level of knowledge, i. e. (briefly) special interest has been focused on protecting the agricultural land, the industry needs, and then to water and nature protection. Of course no idea about the bird or habitat directives (Natura 2000) nor involving the public into the planning process (Århus Convention). The air pollution has been found very problematic from industry and power plants, but not from the traffic. Due to low traffic intensities, noise has been serious problem only on few places. Railways have been used primarily for freight transport of heavy industry's materials, and only then for passenger transport, which has not been focused on the travel time. So no new railway routes have been planned except for certain local cases caused by coal mining. Only at late 1980's, the first studies on high-speed railway network have occurred, based on idea that these will be used mostly for international traffic and almost not for the inland one.

After the political changes in 1989, the cross-border motorway sections have been quickly proposed in the governmental plan from 1993, with special focus to build cross-border motorways to Germany and Austria. The priorities of protection have changed from the agricultural land towards the nature protection. Still no idea about Natura 2000. Still the air protection focused not on traffic, but on power plants, whilst major part of the polluting heavy industry got bankrupt. During the 1990's, the cross-border motorways have been planned in detail. Although quite progressive EIA law has been valid since 1992, SEA has not been done on these route plans. They have been done on non-public base or in the regional land-use

planning proceedings with some public involvement, but without SEA. Already before mid 1990's, the environmental NGOs and local citizens had started to criticize prepared motorway routes, those had to pass through valuable nature areas or densely inhabited areas. What about the railways, since the 1990's the 4 transit railway routes ("corridors") are reconstructed, with expected finish until 2020. No. 1 and 2 railway "corridors" has been reconstructed without any significant route changes, leaving the track speed between 70 and 160 km/h, according to the curves. Later No. 3 and 4 "corridors" are done that way in some sections, but another sections are moved to new route with speed usually at 160 km/h. In the 1990', the high-speed railway routes have been copied from the past, and they have been put into the regional land-use plans still without much sense for inland transport.

As far as in 1998-99, the historically first SEA has been passed on the governmental Concept of Transport Network Development, and it told that some sections are not preferred from the environmental reasons. Nevertheless, the government passed the national plan without significant changes.

In the 2000's, the road traffic is rapidly growing, especially the lorry traffic after the Czech Republic became the part of EU in 2004. The tempo of both road and rail construction is about doubled by the EU funds, but it is still deep under the governmental wishlist, especially for the motorway construction, continuously requested by politicians of all the 13 regions. Several motorway constructions are slowed down by many years because of crossing nature or inhabited areas. By its proposers and planners, it is told that they are slowed down by the environmentalists. But often when a case is assessed by a court because of an indictment given by a NGO, it is realized, that the permitting authority did some formal mistakes in the process, or often did not take the public remarks into the account. Whatever, the Natura 2000 network is set over the Czech Republic and the level of protection of some natural areas grew up enormously with comparison to the pervious level of national protection, which is not low at all. Although the nature protection authorities warned the regional politicians (the land-use planning authorities) on serious conflict cases of motorways with Natura 2000 sites, they did not want to think about a solution, saying that "these routes are planned since 1970-80's and everybody agreed with". Some conflicts has been found not important, but some did so, and then there is already one serious case of Natura 2000 reproached by the Commission's infringement, which left the busy road traffic in about 10 populated villages for few years more, and warns into lose of EU funds to help to built that motorway. Furthermore, the railway "corridors" No. 1 and 2 are successfully reconstructed, except for some large hubs like Prague or Brno. No. 3 and 4 "corridors" and the hubs on all of them are under reconstruction until the 2010's. And successfully at the end of 2010's, the planning of high-speed railway network started to move towards including the national and regional usage.

Specific topics, regarding mostly Q4 and Q5 of the Green Paper

1. Insufficient competences of the Community in planning details of the TEN-T network by the member states

There is no authority on the EU level that would have the right to interrupt a wrong practice performed by a member state and to turn it into a good practice. It occurs especially during outlining certain links in the network by the member state. It is obvious, that particular interests of national and regional politicians sometimes remarkably violate the overall concept of the aimed network or its details, in the Czech Republic mostly towards:

- a) wasting public finances, e. g. by routing unnecessary links, or links with too many capacity, or by routing links in such territories, that they are more expensive than it is necessary, if they are projected several kilometers elsewhere,
- b) routing a TEN-T link between two bordering member states exactly straight, which is perfect for the two bordering states, but makes unreasonable long detour or/and bottlenecks on a frequented long-distance connection of other, non-bordering member states, although few kilometers detour of the bordering states' link may shorten the long-distance link by tens of kilometers,
- c) (surprisingly) establishing new bottlenecks in the TEN-T network,
- d) breaking EU directives, decisions and regulations on environment protection etc.

Finally, the TEN-T network is more like set of national wishlists, with not prior care about the European needs. The Community has not clear right to say to the member state about its works on certain part of the TEN-T network: *"The way you are doing that is wrong for the Community goals. Please, stop it, and do it in the way that the Community needs."* **It is most probably the Commission whom should be given the competence to interrupt wrong practice of a member state and to command the good practice instead. Now, the member state can be shorten financially by not getting the EU funds for the respective part of TEN-T network, but nobody may prevent the member state from building the wrong project with its national funds.**

For better understanding, some case studies of wrong practice in the Czech Republic are attached below.

2. Uneconomic technical norms on transport infrastructure

Although the European authorities try to unify technical standards in many fields, there are still various differences between the national technical norms that lead to complicated solutions and wasting money. It is connected with the previous topic. Some examples:

The AGN and the Czech legislation and norm on motorway and road design (ČSN 73 6301). The AGN knows 3 kinds of roads: "motorways", "express roads" and "(ordinary) roads". The Czech system also consists of "(ordinary) roads", "expressways" and "motorways", but the Czech "expressways" are not equal to the AGN "express roads", but to the "motorways" in AGN. I. e. Czech system knows "motorways", "motorways-expressways" and "(ordinary) roads". It has some historical reasons. An equivalent to the AGN "express roads" (a 2-lane road with multilevel crossings) is missing in the Czech system. That results in practical problem in the Czech Republic, that the "E roads" listed in the AGN are preferably planned as "motorway", even if the traffic density is much lower than the normal capacity of 2-lane road. It leads in problems in planning the route and in wasting money.

Allowed traffic density on a 2-lane road. In the norm ČSN 73 6301, it is given at level of only 12-14,000 vehicles per day, while the norms of other countries say 17-20,000 vehicles per day. Again, it leads in problems in planning the route and in wasting money, because motorway is planned instead of ordinary road or express road.

The maximum speed on railways with curves of small radius. The newest norm ČSN 73 6101 on projecting railways says, that if a radius of a curve is small (e. g. 200 m), then the rise of the outer track cannot be the maximum 150 mm, but may be much less, i. e. the speed must be lower than if the raise is the maximum one. In the previous norm, this was not included. Finally, this leads to absurd situations, that by reconstructing of a railway with curves of 170 m radius, the speed should be reduced from 50 km/h down to 45 km/h because of the raise of the outer track.

Many technical parameters of road railways that are disharmonic in the European and national norms. Some examples from railways: The maximum raise of outer track is 150 mm in the Czech norm, but the euro-norm allows 180 mm. The minimal radius at a newly-built platform is 600 m, but euro-norm allows 500 m. And many more like these.

All these differences often lead to problems in project works (routing of a motorway is more complicated than of a road) and to wasting finances, including on TEN-T networks. It is obvious that an action should be taken to harmonize the norms. Most probably more competences should be given to the European authorities to harmonize the norms.

3. Litigations between transport plans and environmental legislation

They do appear. For the Commission, the most known examples are those when the **Natura 2000** sites are violated. The protected nature areas that are protected only by the national legislation can be touched by new infrastructure much easily.

Generally, the road and rail projects that bother any Natura 2000 site, may be re-designed relatively easily by moving the route outside the site (e. g. Rospuda, Poland) or by putting the route into a tunnel in the site, whose roof becomes the biotope again (e. g. Bzenecká Doubrava, Czech Republic).

The very hard case is the inland waterways. On the one hand, the transport authority plans to arrange the navigability of the river, and on the other hand the nature protection authority must not pass a waterway building because of Natura 2000 legislation. Acceptable solution often cannot be found, because the damage to the Natura 2000 site is too huge and cannot be compensated (there are such kinds of biotopes that may not be compensated), and the waterway route cannot be moved out of the Natura 2000 site because of local topographical conditions and/or the danger of damaging the Natura 2000 site by removing the water from there to the new canal.

The Czech Republic is special case for waterways. It has navigable rivers, which unfortunately have not much water, because the country is on the peak of Europe (although the highest peak of 1,602 m does not look like) and all rivers are beginning in the country. Another problem for river navigation is loss of water due to the climate change. Both navigable Elbe and the Natura 2000 are part of the European plans and legislation, but the Děčín lock on Elbe must not be permitted due to sure huge damage to the Natura 2000 site in the river, that cannot be compensated. Both transport and nature protection authorities have their laws and they fight each other again and again. This is a never ending story. Whatever, the transport plans include the Danube – Oder – Elbe canal, which would cause remarkable damage to 17 Natura 2000 sites, where the nature protection authorities must not permit that.

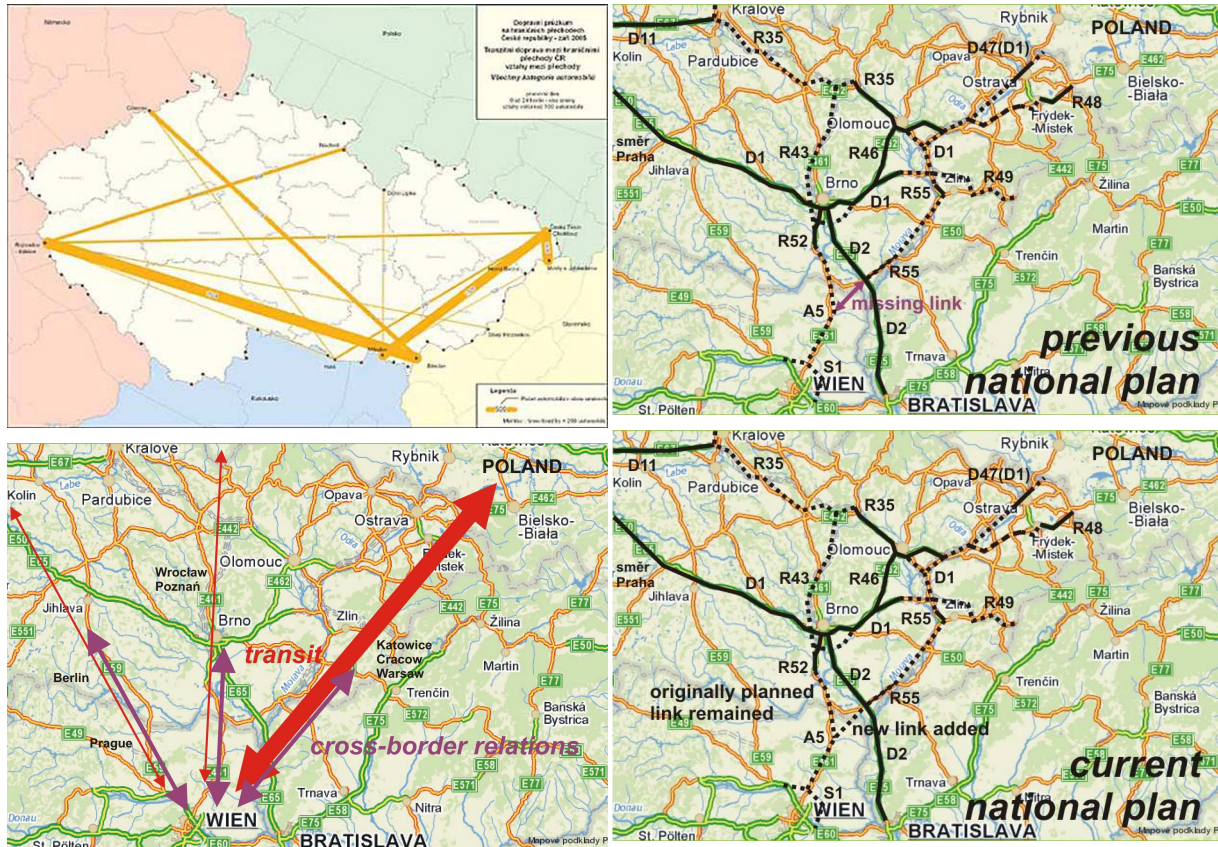
The never ending fights between the inland waterway authorities and the nature protection authorities lead to wasting money and time of these authorities. It is obvious, that there should be an authority (most probably the Commission) that should have the right to stop such wrong practice. As the Natura 2000 network is Europe-wide and as the river navigation is not the only one existing mode of transport, the authority should command to remove the unrealistic waterway plans out of the TEN-T network, the AGN and national transport plans. The planning and permitting resources should be rather moved to railway planning than to wasting time and money on planning locks and canals that may be never built due to the nature protection legislation. But it affects the whole concept, because some European ports are too crowded. **The activity should be turned into the topic how to get the goods to the ports that have free capacity and/or can be enlarged, of course by rail.** The problem is that some ports are crowded and the goods get onto a ship quickly, but in smaller ports the freight have to wait long time until a ship is the likely direction. This is something that must be assessed in a Europe-wide and multimodal view.

Another problem is the protection of people's health during motorway routing. The air and noise protection limits are heavily violated in many towns, cities and agglomerations. **It should be clarified in the EU legislation, that new motorways must not be put into such areas, if they do not clearly help to reduce the emissions at the respective site, possibly under the limit.**

Case studies of wrong practice in infrastructure planning in the Czech Republic

A) Case Road link Vienna – Brno

Wasting money onto an unnecessary link, enlarging the frequented link between Vienna and Poland).



In 1990's, the authorities planned the missing motorway between Vienna and the Czech Republic as a direct link R52/A5 to regional capital Brno (400,000 inhabitants), not taking into account the frequented link Italy – Vienna – Poland. This outline makes the AT-PL connection longer by ca 50 kms. The R52 has been planned along I/52 2-lane express road, newly built in the 1990's, with traffic intensity of 10,000 vehicles per day in 2005. The parallel motorway D2 is used by 17-20,000 vehicles per day, i. e. it has 65 % free capacity.

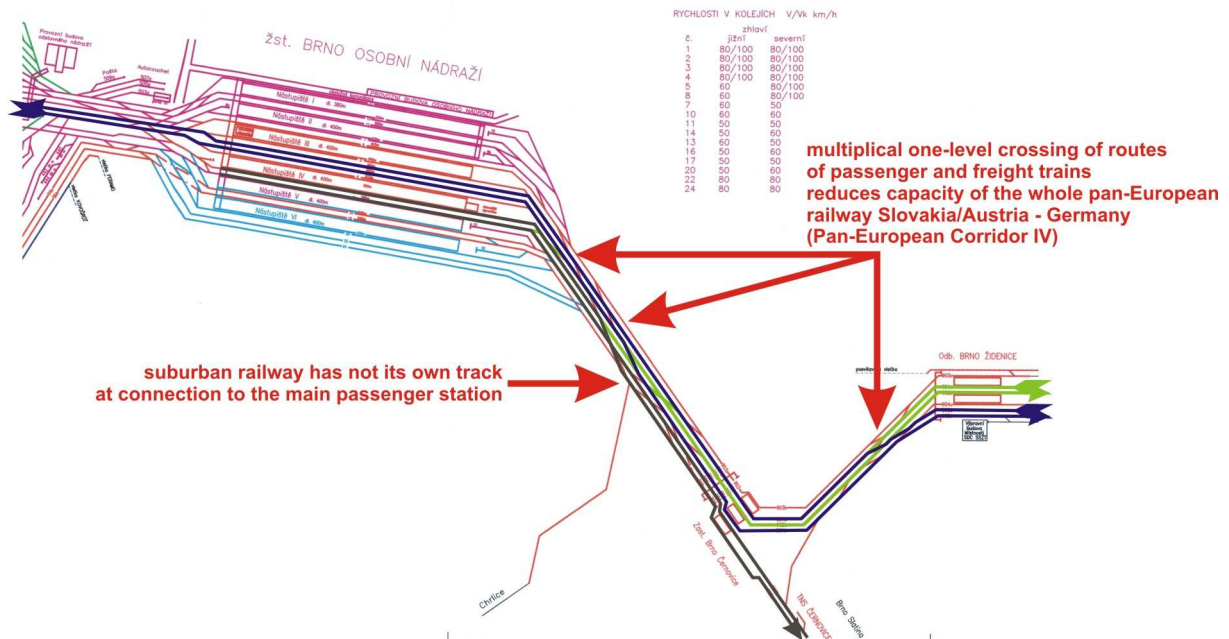
Municipalities, NGOs and nature protection authorities oppose the direct link R52 from both environmental and economic reasons, and they have lobbied towards the motorway goes more Eastwards to Břeclav, which is already big railway hub, to explore the existing parallel motorway D2 towards Brno and to use the planned motorway R55 which will be the shortest link AT-PL (minus ca 50 kms). Land-owner lobbyists have appeared along the both optional routes.

In 2008, it resulted into governmental decision to build both these options, although obviously only the newly added R55 is necessary. The original R52 remained in the plan, although became unnecessary. If this bi-optional plan will be really finished, est. € 0.6 billion will be wasted, 4 instead of 1 Natura 2000 sites will be (acceptably, but) involved, and the incomes from tourism in the sensitive area of UNESCO Biosphere Reserve and wine region Pálava shall decrease due to damage by the motorway to the countryside. The ombudsman realized that he does not like that practice.

Because of the opposition, Czech road authorities decided to not co-finance the R52 from the EU funds. **There is no authority that may stop wasting national funds on unnecessary parallel motorway R52, and to order to the Czech Republic and Austria to build the R55 option, which is suitable for both countries as well as for the overall EU needs.**

B) Case Europoint Brno – railway hub

Making new bottleneck on the Pan-European Corridor No. IV railway.



The reconstruction and modernisation of the Brno (400,000 inhabitants) railway hub is under preparation. The overall concept is based on moving the Brno main passenger station from the historical downtown about 1 km out, onto existing freight-railway bypass. This idea is lasting since 1920's, when Brno was Mekka of functionalist architecture. Since then, it became a collective paranoia of the city planners, so they kept it alive all the time, although it raised up strong public opposition whenever the chance to build it became closer. In spite this plan will lengthen the travel within the city to the passenger station by almost 10 minutes also for 50,000 daily commuters that may shift to cars and congest the city, and although the additional trams and buses will cost the city € 6 million per year, the authorities go on with the preparation. Building and land-owner lobbies for the station moving do exist there.

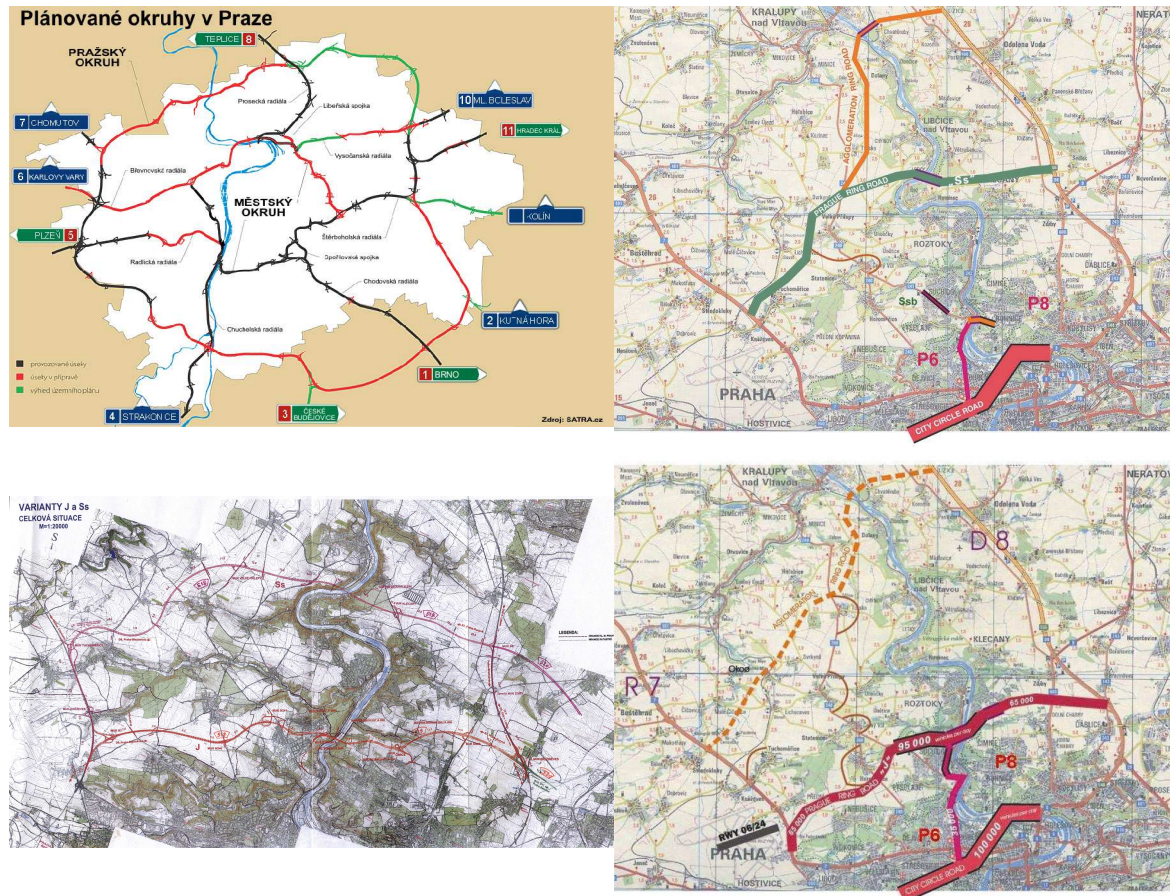
It would accord only to the national and municipal subsidiarity, if moving the passenger station bothers only to the city and the region. But this is not the case. **The passenger hub is going to move from a segregated position onto the frequented freight rail bypass.** Meanwhile now the freight trains turn from the common tracks of **Pan-European Corridor IV** in the outskirts, before the other 4 suburban railways come to the current passenger station, **in the plan, there is only one hub consisting of complicated one-level crossing of all 7 railways connected into it.** After 2000, at least 3 expert opinions have been worked out on the capacity of the hub, and all of them realized, that **the capacity of the railway hub is not sufficient for the planned traffic**, and these studies even do not include 3 high-speed railways that will come to the hub in the future. The capacity problem of the project is caused by the proposed position of the passenger station on the current freight bypass, that makes the project scheme of the whole hub very complicated, and it is sure that there is no solution available to make it sufficient. Therefore, **there is serious danger that the freight trains will not be able to pass through the Brno hub at least during peak hours.**

However, the authorities continue with preparing the project, and they do not hear to the experts. **There is no authority that may stop wasting national funds on building this new serious bottleneck on Pan-European Corridor 4.**

C) Case Prague Ring Motorway, Northwest Section

Making new bottleneck on TEN-T motorway.

Getting heavy transit traffic into a populated part of Prague.



In the Czech Republic, there are several similar cases, where the city authorities try to solve its urban traffic problem with a national road (that may be part of TEN-T). Such cases appear because the respective road sections are expensive, and the municipalities do not want to pay for it. This one is just a case of such practice, but the most known one.

North of Prague, the Vltava river made a deep valley. In Prague, there is the most Northern bridge as far as in the downtown, before the deep valley. The next bridge is as far as in nearest town of Kralupy, about 25 km far, behind the deep valley. Both of them are crowded with traffic. But North of the Prague most Northern bridge, there are two large urban districts, including two university campuses. Direct connection between them is missing, people need to travel 1 hour instead of 10-15 minutes if the connection does exist.

In the EIA, two principal options of the Prague Ring Motorway (**a part of TEN-T network**) were passed. The “Ss”, further from Prague, was preferred from environmental viewpoints, and the “J” was told acceptable as extreme solution in case the “Ss” is not technically possible (there is Nuclear Research Institute close to its route). Option “Ss” costs € 0.9 million including extra municipal bridge and roads in Northern Prague, option “J” costs €1.5 million because of expensive tunnels necessary to save the affected city quarter and of much more expensive land with some speculators as well. Whatever, it is obvious from a similar case at Southern Prague Mid-Ring Road, that **the Vltava bridge at the “J” option will become a serious bottleneck**, crowded by a mixture of transit and city traffic.

In spite of all expert opinions and strong public opposition, the City of Prague very wished to solve its problem of missing bridge without paying for that, i. e. to make the state to pay for the “J” option. So the “Ss” option has not been technically proved, and the “J” option is under preparation. Local citizens took the case to the court that realized (besides other results) that the article 9.1 of Decision 1692/96/EC is violated by the “J” option, because it is not a bypass of the main urban centre on the route identified by the network”, but it is going through a part of the city. I. e. only the court has the authority to say this is a violation of a law.

The building should not be financed with the EU funds. **There is no authority that may stop wasting national funds to make new bottleneck on TEN-T network nor violating the Decision 1692/96/EC.**