Section I

General definition, definition of terms, scope, targets and, local and regional transport planning

§ 1. This Federal Act defines the organisational and financial principles for the operation of the public local and regional transport of passengers subject to Regulation (EC) No. 1370/2007 on public passenger transport services by rail and by road and repealing Regulation (ECC) No. 1191/69 and (EEC) No. 1107/70 of the Council, Official Gazettes No. L 315 of 03rd December 2007 page 1 as well as the structure and tasks of integrated transport systems.

Definition of terms

§ 2. (1) Within the meaning of this Federal Act local passenger transport shall be transport services satisfying the transport needs within an urban territory (urban transport) or between an urban territory and its suburbs (suburban transports).

(2) Within the meaning of this Federal Act regional passenger transport shall be transport services not covered by the scope of paragraph (1) satisfying the transport needs of a region and /or the rural areas.

§ 3. (1) Transport services are services provided in the public transport of passengers by rail or in the public transport of passengers by road satisfying the transport needs of a region and /or the rural areas.

(2) Commercial transport services are services neither partly nor fully financed from compensation from public funds.

(3) Non-commercial transport services are services not covered by paragraph 2.
(4) Non-commercial transport services financed from fare compensation for granting special tariffs to all passengers or specific groups of passengers subject to the decision by the competent authority can also be defined in the form of a general provision as defined by Regulation (EC) No. 1370/2007.

§ 4. Integrated transport systems are cooperation forms of transport companies for optimising the total offer of public local and regional transport of passengers in the interest of securing the use of different types of public means of transport on the basis of a joint fare system. Cooperation with an integrated transport system organisation company as defined in § 17 is required to achieve these objectives.

Scope

§ 5. (1) The terms of this Federal Act shall apply to the operation of public local and regional transport of passengers by land.

(2) The terms of this Federal Act do not apply to transports pursuant to the Gelegenheitsverkehrs-Gesetz 1996 (Act on Occasional Transport 1996), Federal Law Gazette No 112, with the exception of alternative operational types established for the purposes of the public local or regional transport of passengers such as stand-by buses or call and collect taxi services as defined by § 38 of the Kraftfahrliniengesetz (Bus Line Transport Act), Federal Law Gazette I No 203/1999.

Tasks

Rail-bound transport of passengers

§ 7. Pursuant to this Federal Act the federal government is responsible for securing a basic offer for the public local and regional transport of passengers by rail in the extent of the services offered or rendered in the schedule 1999/2000. Excluded therefrom is the securing of the services provided for the preservation of the basic offer financed by funds from the provinces in the extent of the transport services contracts concluded prior to the coming into force of this Federal Act as well as the securing of a basic offer with respect to the transport companies providing transport services exclusively in the local transport of passengers.

§ 8. Non-customer oriented transport services as well as transport services in low demand can be rescheduled for the sake of optimising the transport offer.

§ 9. Other services not financed by the Federal Minister for Transport, Innovation, and Technology, the provinces, or the municipalities are not part of the basic offer as defined by § 7.
Scheduled bus transport

§ 10. (1) Wherever as at 1st June 1999 claims were launched by the state-owned scheduled transport companies to have their losses covered, such losses will be covered by the federal government regardless of whether the provinces have already concluded respective transport agreements.

(2) The amounts resulting from paragraph 1 shall be transferred to the integrated transport system organisation companies or until such companies will be set up to the respective integrated transport system management for mandatory use for ordering the demand-oriented services of scheduled transport subject to the plans to be established by the provinces and municipalities pursuant to § 11.

(3) The payments by the federal government mentioned under paragraph 1 will be reduced by one fifth per year as from 2001. The integrated transport system organisation companies shall submit annual reports to the Federal Ministry for Science and Transport on the orders placed pursuant to paragraph 2 indicating frequency figures as proof to be provided for the demand and customer orientation of the services ordered. The transport companies shall cooperate in this undertaking. The reports shall include proposals for the rescheduling of services or reductions on the basis of this evidence for the purpose of optimisation.

Local and regional transport planning

§ 11. It is the task of the provinces and the municipalities to plan a demand-oriented transport service (reduction, expansion, or rescheduling of transport services) pursuant to § 7 on the basis of the offer taking into account the criteria listed in § 31. The plans of the transport companies listed in § 16 shall be considered wherever possible.

§ 12. If local and regional transport planning pursuant to § 11 shows a reduction in the scheduled kilometers of the offer pursuant to § 7 the federal funds thus released shall still be provided for public local and regional rail transport preferably for quality assurance measures.

§ 13. Subject to the provisions of § 26 the provinces and municipalities shall have competence for concluding contracts on transport services in regional passenger transport exceeding the offer pursuant to § 7 or representing improvements of the offer of scheduled transport subject to sufficient budgets.

Section II

Integrated transport systems

§ 14 (1) The territorial scope of an integrated transport system is defined by the respective passenger flows and can also cover a cross-provincial or cross-national territory.

(2) The benefits of an integrated transport system shall be granted to all passenger groups with due consideration given to the provisions on the free transport for pupils and apprentices pursuant to § 29.
§ 15 With due consideration given to regional particularities the following objectives shall apply to integrated transport systems:

1. Borders of integrated transport systems are defined by passenger flows
2. Territory-wide uniform fare system
3. Compatible ticketing systems and ticket categories
4. Guaranteed quality criteria pursuant to § 31.

§ 16 As part of their cooperation in integrated transport the transport companies shall in particular cover the following tasks:

1. Define, develop, or further develop the regular transport tariff applicable within the integrated transport system in cooperation with the integrated transport system organisation company;
2. Company-specific transport planning
3. Scheduling
4. Clearing and allocating the proceeds from tariffs and other proceeds wherever this task does not fall into the competence of the integrated transport system organisation company.
5. Carrying out company-specific marketing and sales activities
6. Guaranteeing the transparency of transport services and their financial basis within the integrated transport system.
7. Transparent overview of the use of the funds provided by the respective orderers (with reference to routes and areas)
8. Cooperation in the reporting duty pursuant to § 10 para 3.

(2) The transport operators shall set up a cooperation society for the purpose of carrying out these tasks representing the interests of all license holders participating in the integrated transport system towards the integrated transport system organisation company and in which each transport company shall have a seat and a vote.

§ 17. (1) An integrated transport system organisation company shall be set up for every integrated transport system territory for the organisational implementation of the tasks of the regional authorities to be carried out in connection with the integrated transport systems as well as for the implementation of the tasks not or only insufficiently carried out by the transport companies as part of their cooperation.

(2) The company to be installed independently from the cooperation of the transport companies pursuant to para 1 can be organised:

1. as a company in which both territorial companies as well as orderers of transport services or exclusively regional authorities are represented as shareholders;
2. as a company in which neither territorial companies nor orderers of transport services or exclusively regional authorities are represented as shareholders;

§ 18. The tasks of the integrated transport system organisation company may in particular include the following:
1. Framework provisions for the definition, development, or further development as well as the implementation of the integrated transport system organisation company.

2. Coordination of the order (imposition) of transport services.

3. Compliance control of quality criteria pursuant to § 31 as well as the compliance with the provisions of transport service contracts.

4. Carrying out compound-specific marketing and sales activities.

5. Compound-specific customer information.

6. Mediation and clearing point for settling and allocating the proceeds including free transport for pupils and apprentices. Possibly by commission of the transport companies. Clearing of cross-company integrated transport system tariffs (orders) including cost and yield assessments.

7. Proposals to the regional authorities for local and regional transport planning pursuant to § 11.

8. By order of the territorial companies or third parties carry out individual planning to conclude transport service agreements (orders) including cost and yield assessments.

9. Management of transport service agreements, orders of transport services in scheduled transport as well as calls for tender by order of the regional authorities or third parties.

10. Hearings as part of license awards pursuant to § 5 para 1.8 Kraftfahrtliniengesetz (Bus Transport Act) and the Eisenbahngesetz (Railway Transport Act) 1957, Federal Law Gazette No. 60, wherever licenses regard specific routes.

11. Measures in connection with parallel transport services as defined by the provisions of Section III.

(2) Plannings as defined by para 1.7 and 1.8 shall be carried out in cooperation with the eligible transport companies wherever they are not conducted by them and shall take into account principles of transport policies.

§ 19. (1) The systems of a value adjusted old income guarantee existing at the time of the entry into force of this Federal Act shall be replaced by a new system geared towards the conclusion of transport service agreements no later than within five years from the effective date of this Federal Act at the latest.

(2) The federal funds specified by contract for the integrated transport systems in the basic and financing agreements at the time of the entry into force of this Federal Act shall be continued to be paid until the modification and/or revision of these contracts pursuant to para 1. As from the revision of these contracts these federal funds shall be further granted at least to the amount most recently provided including in connection with the funding of transport services agreements as defined in para 1 provided that the funds provided by the regional authorities and the municipalities or extra payments by third parties will be kept up in at least the same amount.

(3) (Note: revoked by virtue of Federal Law Gazette I No 59/2015)

Section III

Avoidance of parallel services, improved interlinking
§ 20. (1) Parallel routes of bus transport lines or of railway lines and bus transport lines not necessary for reasons of transport policy shall be avoided. Instead of such parallel transports consideration should be given to improved feed or servicing of other areas in particular areas not accessible or not sufficiently accessible by means of public transport.

(2) Participating bus transport companies shall pay a monthly levy for parallel lines or courses that are not cost-covering and for which integrated transport system related tariff compensation is granted, wherever such lines and courses are not required for reasons of transport policy.

(3) Transport policy necessity shall be assessed on the basis of the following criteria:

1. Customer benefit
2. Compliance with quality criteria pursuant to § 31.
3. Number of transported passengers.
4. Interlinking of stops.
5. Date of first operation of the parallel lines or courses.

(4) Competence for verifying whether or not parallel transport routes exist pursuant to § 20 in accordance with § 17 para 1 lies with the integrated transport system organisation company to be set up after hearing the transport companies concerned.

§ 21. (1) The integrated transport system organisation company is responsible for defining the amount of the levy which must in any case be oriented by the extent of the reduced yields generated by the affected transport company as a result of the parallel transports. The amount of the levy shall not exceed the payments for the compound-conditioned fee compensations for the respective line or the respective course.

(2) The payments shall be made to the respective integrated transport system organisation company and to be used for ordering additional transport services or measures pursuant to § 31. If this is not possible payments for compound-conditioned fee compensations shall be proportionally reduced.

(3) The payment obligation arises after one year calculated from the completion of the parallel transport. The transport company is given the opportunity to discontinue the line or the course or to reschedule it within the course of the year.

(4) If despite a double request by the integrated transport system organisation company a company fails to honour its obligation to pay the levy, payments for integrated transport system related fare compensation shall be discontinued.

§ 22. Road transport companies offering a link to existing public transport connections that make sense pursuant to transport policies are eligible for subsidies from the proceeds pursuant to § 21 with such subsidies to be paid annually in hindsight and determined by the integrated transport system organisation company.
§ 23. The provisions of this section shall lose validity upon the completed restructuring of the respective integrated transport systems as defined by this Federal Act, but not later than at 1st January 2004.

Section IV

Financing

Companies offering exclusively local passenger transport

§ 24. (1) For payment of the transport services the following federal funds are available:

1. Financial allocations from the financial equalisation scheme.
2. The payments for companies exclusively engaged in urban and suburban transports made in accordance with the basic and financing contracts for integrated transport systems at the time of the entrance into force of this Federal Act.
3. The proceeds contributed directly or by way of the integrated transport system organisation company for the purpose of free transport for pupils and apprentices pursuant to § 29 and from term tickets for students at the time of the entry into force of this Federal Act to companies exclusively running urban and suburban transport.

(2) In addition to the funds pursuant to para 1 subject to the budgetary possibilities a maximum of 50% of the financial allocations received by the municipalities for public local transport of passengers in 1999 pursuant to § 20 para 3.1 of the Financial Equalisation Scheme Act 1997, Federal Law Gazette No. 201/1996 by the federal government are provided subject to the condition that the respective municipality provides an equally high amount from funds not allocated by the federal government and that the financial allocations awarded for the respective year under the financial equalisation scheme are fully used for the earmarked purposes. As from the entry into force of this Federal Act the federal government shall provide an annual additional amount nationwide of a total of EUR 1 453 456.

§ 25. The specific amount of the federal funds provided to the individual municipalities for purposes as defined pursuant to § 24 para 2 in each case results from the allocation formula of the previous year under the financial equalisation scheme.

Companies operating both local and regional transport of passengers

§ 26. (1) For payment of the transport services the following federal funds are available:

1. Financial allocations under the financial equalisation scheme.
3. The payments provided for in the basic and financing contracts for integrated transport systems at the time of the entry into force of this Federal Act.

4. The proceeds received by the transport companies at the time of the entry into force of this Federal Act directly or via the integrated transport system organisation company for the free transport of pupils and apprentices pursuant to § 29 and term tickets for students.

   (2) Financial means pursuant to para 1.1, 1.3, and 1.4 are available in as far as they are not bound for transports pursuant to § 24.

(3) In addition to the funds pursuant to para 1 subject to the budgetary possibilities a maximum of 50% of the financial allocations received by the provinces for the public, local, and regional transport of passengers in 1999 pursuant to § 20 para 4 of the Financial Equalisation Scheme Act 1997 by the federal government are provided for additional transports under the condition that the respective province and/or the respective municipality in each case provides an equally high amount from funds not allocated by the federal government and that the financial allocations awarded under the financial equalisation scheme are fully used for the earmarked purposes. As from the entry into force of this Federal Act the federal government provides an annual additional amount nationwide of a total of EUR 5,813,826.

(4) A maximum of 10% of the funds as defined by para 3 can be earmarked in the respective province for transport services provided by companies operating only local transports of passengers.

§ 28. (1) The maximum funds expected to be paid in the individual provinces pursuant to § 26 para 3 shall be disclosed annually upon request by the Federal Minister for Transport, Innovation and Technology on the basis of a demand-oriented proposal by the provinces and municipalities taking into account the transport services contracts already concluded and/or expected to be concluded during the following year by the Federal Minister for Transport, Innovation and Technology. The proposal by the provinces shall include the comparative figures of the current year (draft) as well as the figures of the previous year (closing of accounts).

   (2) The federal government only subsidises the provision of transport services that can be used with integrated transport tickets.

Free transport for pupils and apprentices

§ 29. The amount of the financial means assumed by the Federal Minister for Transport, Innovation and Technology for the reimbursement of the fares for the free transport for pupils and apprentices as well as the clearing mode shall be determined on the basis of the following principles:

As from the school year 2000/2001, in reasonable exceptions as from the school year 2001/2002 a pupil clearing rate shall be established. This shall be based on the applications by pupils and apprentices as well as the fare reimbursements from the Family Burden Equalisation Fund for the school year 1997/98, in well-founded exceptions as well as for railway transport the school year 1998/99 pursuant to §§ 30f and 30j of the Family Burden Equalisation Fund Act 1967, Federal Law Gazette 1967, Federal Law Gazette No 376. This clearing tariff is value-adjusted on an annual
basis with the actual costs, however, not exceeding the consumer price index. The agreements made between the Federal Minister for Families and Youth, the regional authorities (provinces, municipalities), and the transport companies for the respective integrated transport area shall apply until the use of the clearing tariff.

Special tariffs for particular groups of travellers

§ 30. The funds required for granting special tariffs to particular groups of travellers must be provided by the institution requesting such special tariffs.

Transparency

§ 30a. (1) The provinces shall nominate a body responsible for all non-commercial transport services not within their local area of competence pursuant to § 3 para 3 no later than by 31st December 2015 recording all reimbursement payments and payment flows for these transport services and producing a transparent record.

(2) For ordering a non-commercial transport service pursuant to § 3 para 3 the orderers can file a written request for adequate information in connection with the provision of compensation payments by other financing entities for the respective transport service from the respective locally competent body for the public domain, if so required for duly calculating the compensation payments corresponding to the respective transport service.

§ 30b. (1) As from 2016 at the latest the provinces shall provide the Federal Minister for Transport, Innovation and Technology with an annual report on the transparent record of the reimbursement payments due and the corresponding payment flows of the non-commercial transport services in their public sphere pursuant to § r para 3.

(2) The respective annual report pursuant to para 1 shall be provided to the Federal Minister for Transport, Innovation and Technology no later than by 30th June of the following year.

§ 30c. The body to be nominated pursuant to §30a para 1 can be appointed to provide the non-commercial transport services pursuant to § 3 para 3 in the course of the award procedure of the reimbursement payments in the local domain of the respective province imposing publication duties pursuant to para 7.1 of Regulation (EC) No. 1370/2007 by the regional authorities financing the respective transport service.

Section V

Quality criteria

§ 31. Compliance with the following criteria to be assessed separately for each transport service is the prerequisite for the provision of federal funds pursuant to the provisions of §§ 24 para 2 and 26 para 3:
1. Accessibility of the systems through
   - consideration given to the needs of persons physically impaired in their mobility
   - user-friendly design of vehicles and ticketing machines, easy access to stops taking into
     account the shortest possible transfer routes and distances at stations/ stops,
   - user-friendly design of integrated transport tickets and passes,
   - integration of important destinations into the public regional and local transport system
   - optimal integration and linking of transports through coordinated schedules,
   - integration of rural areas and fringe areas also under the use of need-oriented
     alternative operating forms.

2. Personal and operational safety with special consideration to
   - technical and operational provisions,
   - lighting quality in stations,
   - qualifications of staff.

3. No severe infringements against provisions of labour and social legislation.

4. Travel comfort through
   - Minimisation of travel and transit times, reliability and frequency of rides,
   - Cleanliness and comfort of transport vehicles.

5. Country-wide uniform and intermodal information systems on ticket prices, schedules, choice
   of routes, and transit relations.

6. Positive environmental effects through reduction of pollutant emissions.

7. Possibility to use transport means with integrated transport passes.

Section VI
Transport integration levy

§ 32. (1) Municipalities are authorised to introduce a territory-related levy to cover the costs
occasioned by the linking of public means of transport to commercial settlements by virtue of a
decision by the municipal assembly.

(2) Commercial settlements as defined by this paragraph refers to commercial operating plants
(individual or holistic such as trade, business, technology, entertainment, office, shopping,
commercial, cinema, recreational, medical and health establishments and similar enterprises) with a
surface area (land and built surface) of more than 10,000 m² if due to the type and extent of their
company purpose they are fit to attract an essentially higher customer flow.

(3) Commercial operating plants as defined in para 2 include

a) operating plants of the commercial enterprise consisting of several building parts, but which due
to their company organisational or functional unity are in local proximity or

b) several operational plants of the commercial enterprise within one single building
§ 33. The levy shall be raised from both the companies existing at the time of the publication as well as from commercial settlements to be erected thereafter.

§ 34. The levy shall be raised on a monthly basis or as a one-off payment in an amount adequate to cover the estimated costs (including the financing costs)

a) for the establishment of the means of public transport to the operating plants,

b) for the additional operating vehicles required for this purpose.

In any case it shall, however, total at least EUR 0.07 per m2 of surface and calendar month.

§ 35. (1) The levy shall either be paid by the operators or by the owners of the operating plants under civil law.

(2) No levy must be paid if the plant operators or the owners of the operating plants under civil law establish and operate an adequate transport service with link to a public means of transport or have it established and operated.

§ 36. The transport link levy will benefit the municipality in whose local domain the respective operating plant is located. If the operating plant is located in the local domain of several municipalities tendering a levy pursuant to the provisions of § 33 or if the effects to be expected from not establishing a link affect municipalities other than the respective site municipality, the allocation of the means proceeding from the levy shall be solved amicably. The site municipality shall be entitled to raise the levy.

§ 37. The tasks of the municipalities specified in §§ 32 to 36 are tasks of their own sphere.

Section VII

Entry into force, references, and execution

§ 38. (1) This Federal Act enters into force on 1st January 2000.


§ 38a. Unless reference is made in this Federal Act to provisions of other federal acts they shall be applied in their respectively valid versions.

§ 39. Unless provided otherwise the Federal Minister for Transport, Innovation and Technology shall be responsible for the execution of this Federal Act with respect to §§ 7, 24 para 1.1 and para 2, 25, 26 para 1.1 and para 3 and 28 para 1 in accordance with the Federal Minister of Finance.

§ 40. The Federal Minister of Finance shall be responsible for the execution of the provisions of §§ 32 to 37.

§ 41 The Federal Minister for Families and Youth shall be responsible for the execution of the provision of § 29.