



AGH UNIVERSITY OF SCIENCE  
AND TECHNOLOGY

## Analysis of simplified mode of property acquisition for the purpose of road construction in Poland

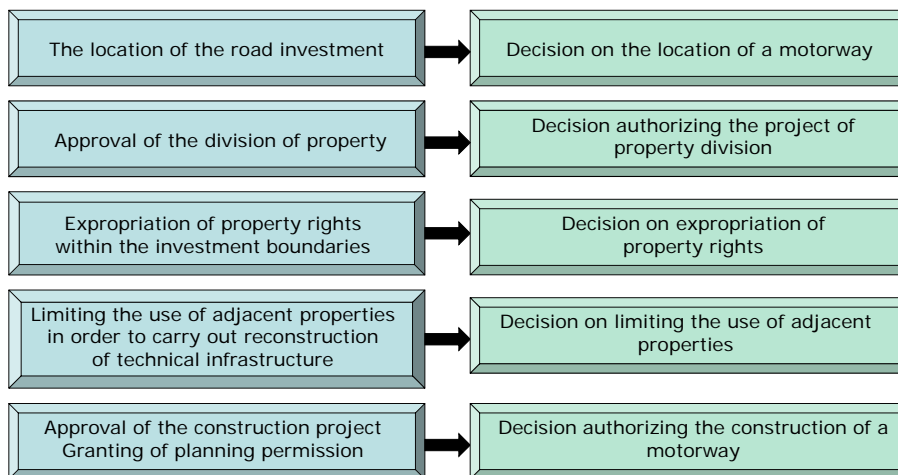
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FIG WORKING WEEK 2012  
6-10 May 2012, Rome, Italy

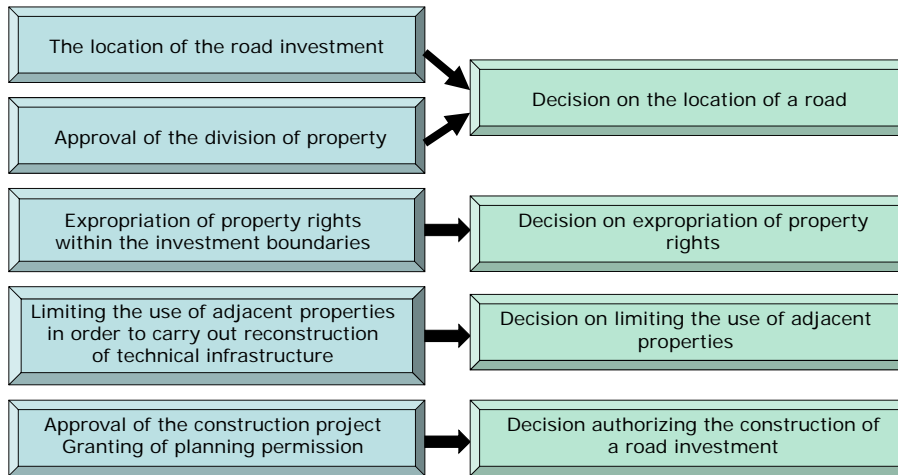


## The Act of 27th October 1994 on toll motorways

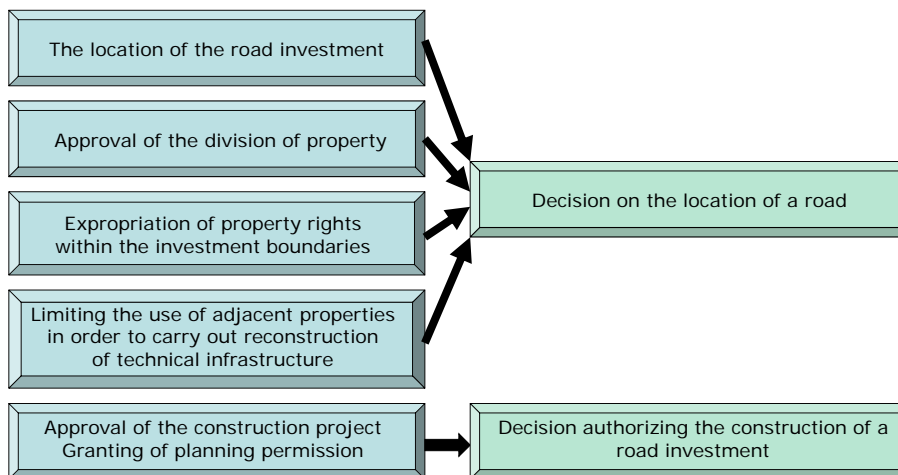




### The Act on 10th April 2003 on special rules for the preparation and implementation of investment in national roads

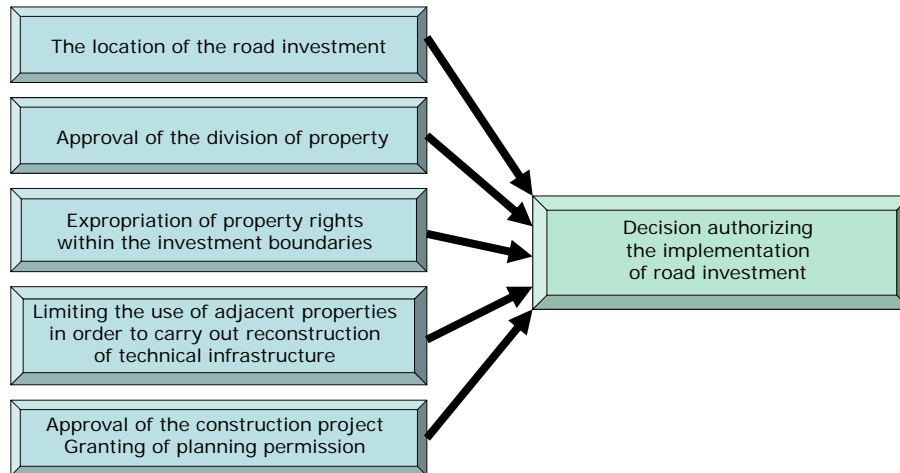


### The Act on 18th October 2006 on special rules for the preparation and implementation of investment in public roads





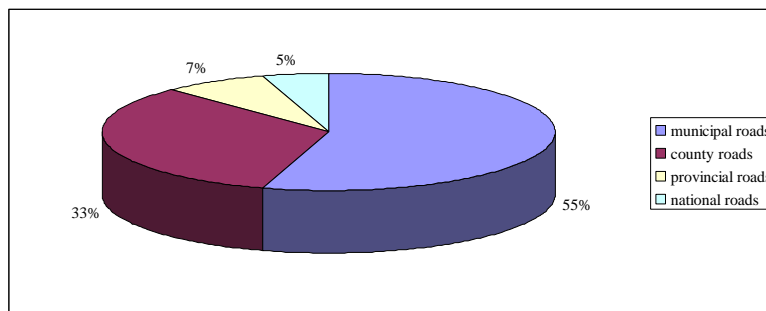
## The Act on 25th July 2008 on special rules for the preparation and implementation of investment in public roads



## The structure of public roads in Poland

Transport infrastructure in Poland is not satisfactory and requires undertaking actions to improve the situation.

The current structure of the road network in Poland is dominated by local roads - municipal and county roads, which are not adapted to the continuously increasing volume of traffic.



## Polish motorways and expressways

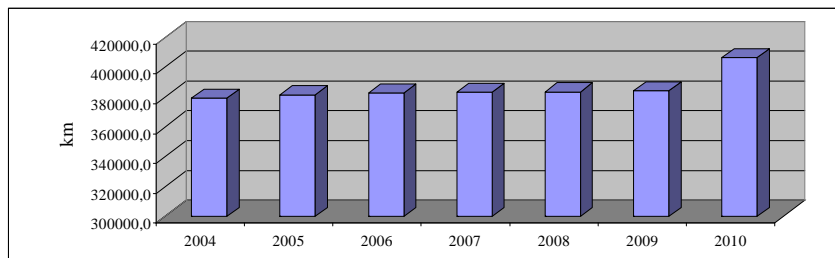


Source: Own work based on data of the General Directorate for National Roads and Motorways

## The length of public roads in Poland in the years 2004-2010

The entry into force in 2006 of the provisions of the amended Act on special rules for preparation and implementation of investment in public roads, which greatly simplified the mode of acquisition of properties for roads, resulted in a steady increase in the length of public roads in Poland.

However, only the simplification of the whole procedure of road construction in 2008 resulted in a significant increase in road investment in 2010.



Source: Own work based on CSO data



## The legal effects of the decision authorizing the implementation of road investment

Rights to the property covered by demarcating lines of road investment	Legal effects of the decision authorizing the implementation of road investment
Property	Acquisition by virtue of law by the State Treasury or a local government on the day of the decision becoming final
Perpetual usufruct	Expiration on the day of the decision becoming final
Limited rights in rem in immovable property of the State Treasury and local government	Expiration on the day of the decision becoming final
Permanent administration (does not apply to the road manager)	Final decision is the basis for the issue of the decision on termination
Rental agreement, leasing, lending aggravating the real estate of the State Treasury and local governments	Final decision is the basis for termination of contracts by the road manager with an immediate effect
Rental agreement, leasing, lending aggravating the property acquired by virtue of law	Expire after 3 months of the decision becoming final



## The components of the decision authorizing the implementation of road investment

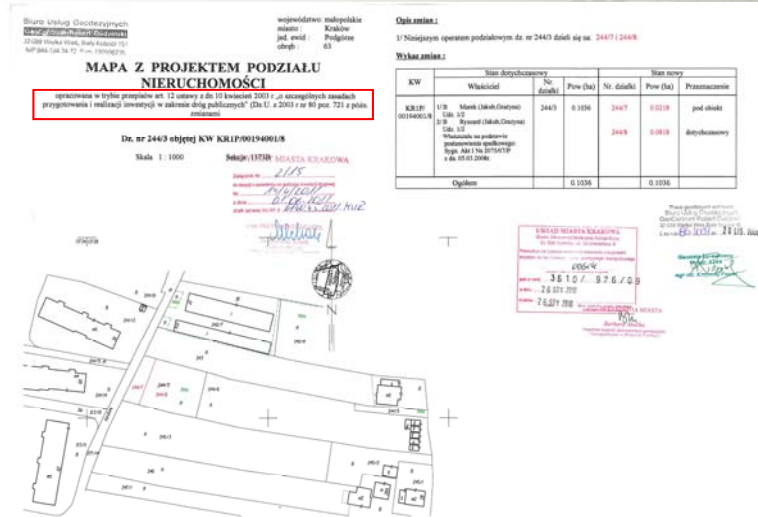
The decision authorizing the implementation of road investment includes in particular:

- 1) requirements for the road to be linked with other public roads, including their category;
- 2) determining area demarcation lines;
- 3) conditions resulting from the need for environmental protection, protection of historical monuments and contemporary cultural heritage, as well as defense needs of the state;
- 4) requirements for the protection of legitimate interests of third parties;
- 5) approval of the division of property;
- 6) designation of the property or part thereof, according to real estate cadastre, which will become the property of the State Treasury or appropriate local authorities;
- 7) approval of the construction project.

If necessary, the decision may contain other terms such as:

- a) obligation to rebuild the existing utilities,
- b) obligation to rebuild roads of other categories,
- c) determining the restrictions on the property use for the execution of the above obligations.

## Sample map with the draft division constituting enclosure to the decision authorizing the implementation of road investment



Source: Own work based on materials obtained from the City of Krakow

## SUMMARY

1. One of the most crucial effects of the implementation of the Act on special rules for preparation and implementation of investment in public roads is the acquisition of property rights for the construction of public roads by public entities by virtue of law on the date when the decision authorizing the implementation of road investment becomes final. Such regulation should be assessed as highly desirable in the context of the previously existing problems with the acquisition of property for investment.
2. Compilation of all the implementation conditions for the road investment into a single administrative decision resulted in the properly prepared surveying documentation becoming extremely important, as it is attached to the application for the issuance of the decision authorizing the implementation of road investment.
3. The surveyors' role in the preparation of the documentation for the purpose of obtaining the decision authorizing the implementation of road investment by the investor is essential. The proper preparation of surveying and legal documentation affects both the accuracy of determining the scope of the decision authorizing the implementation of road investment, as well as claims for indemnity.



**Thank you for your attention**

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