

## SCREENING CHAPTER 21

### Trans-European Networks

29 SEPTEMBER 2006 – TRANSEUROPEAN NETWORKS – TRANSPORT

#### Master plans and national strategies for the different modes for transport infrastructure

- Short description of the current master plans and national strategies for the different modes for transport infrastructure.

9<sup>th</sup> Development Plan (2007-2013) is published on 1<sup>st</sup> of July 2006 in Official Gazette No. 26215. While former 8 Development Plans covered 5 years period, 9<sup>th</sup> Development Plan is prepared for 7 years in order to comply with the EU budgeting and IPA programming.

The Plan sets out five development axes:

- Increasing Competitive Power
  - Transport
- Increasing Employment
- Empowering Human Resources and Social Solidarity
- Obtaining Regional Development
- Increasing Quality and Efficiency in Public Services

9<sup>th</sup> Development Plan reflects a new approach differing from previous development plans. It is a framework document with focus on basic development axes. Furthermore, 9<sup>th</sup> Development Plan also introduces a monitoring and appraisal mechanism as a novelty.

Transport is assessed in the development axis ‘Increasing Competitive Power’. The strategic goal for transport sector is defined as:

*‘Establishment of rapid and safe transport infrastructure that will increase the competitive power of the country’*

In line with this strategic goal, 9<sup>th</sup> Development Plan puts forward four thematic subjects for transport policy:

- Establishment of an Efficient Transport System.
- Improved Safety and Security.
- Integration with Europe and Neighbouring Economies
- Environmental and Financial Sustainability

For each thematic subject, priorities are identified:

**1. Establishment of an Efficient Transport System:**

- Building of a homogenous transport data base system that includes externalities.
- Performance criteria set up for all public sector organizations for monitoring and evaluation.
- An intermodal transport system for provision of cost effective movement of people and goods
- Integrated approach to project selection – feasibility studies carried out on a corridor basis
- Modal shift of freight transport from roads to railways and/or maritime transport

**2. Improved Safety and Security:** Under this thematic subject, the priority is given to roads;

- Increased traffic safety in all modes of transport
- Preservation and efficient usage of existing transport infrastructure.

**3. Integration with Europe and Neighbouring Economies:** Under this thematic subject;

- The priority is given to projects that will integrate Turkish network with TEN-T. On the other hand, projects that strengthen the connections with Caucasian, Central Asian and Middle Eastern economies will also be carried out.

**4. Environmental and Financial Sustainability:**

- For large infrastructure projects' finance, priority is given to Public-Private Partnership (PPP) models
- Energy efficient modes of transport will be promoted.

9<sup>th</sup> Development Plan includes sectoral priorities, as well:

**Railway Transport Priorities**

- Improvement of private sector train operations to make freight transport predominantly by railway. (Serves for Objective : Efficient transport system)
- Restructuring TCDD to decrease its financial burden on public sector. (Serves for Objective : Financial sustainability)
- Realisation of railway connections by PPP models and private sector vehicle investments. (Serves for Objectives: Financial sustainability and Efficient transport system)
- Realisation of high-speed train passenger transport on the railway network whose center will be Ankara (İstanbul-Ankara-Sivas, Ankara-Afyonkarahisar-İzmir, Ankara-Konya) (Serves for Objective: Efficient transport system)
- Utilisation of PPP models in construction and operation of the lines on high-speed train network. (Serves for Objectives: Financial sustainability and Efficient Transport System)

## **Maritime Transport Priorities**

- Improvement of port capacities within EU transport networks (especially in surroundings of İzmir, Marmara and Mediterranean regions) (Serves for Objective: Efficient Transport system)
- Completion of road and rail links of main ports in line with the aim of making the ports logistic centres. Turkey's Mediterranean Region is supported to be an important logistic centre of Eastern Mediterranean. (Serves for Objective: Efficient Transport system)
- Increasing investments for ports and ships to improve transport in Short Sea Shipping (Serves for Objective: Efficient Transport system)
- Improvement of Flag and Port State control. (Serves for Objective: Safety and Security)

## **Air Transport Priorities**

- Improvement of capacity of terminals and airside structures in major airports. (Serves for Objectives: Efficient Transport system, Safety and Security)
- Modernization and Harmonisation of ATC (Systematic Modernisation of ATM Resources in Turkey-SMART). (Serves for Objectives Efficient Transport system, Safety and Security)
- Improvement of safety and security measures
- Development of regional air transport (Serves for Objective: Efficient Transport system)

## **Road Transport Priorities**

- Traffic Safety (Serves for Objective: Safety and Security)  
Traffic Safety is given utmost priority. Among projects and programmes, priority is given to:
  - Elimination of “black spots” at which traffic accidents are concentrated.
  - Installation of guardrails, traffic signs, horizontal road markings with thermoplastic paint, improvement of peripheral roads.
  - Dual carriageway construction on major axis and establishing ring roads around city centres.
  - Improvement of mobile traffic controls and performing traffic safety audits of the existing roads.
  - Development of educational programs in association with the NGOs.
  - More efficient overloading controls through state-of-the-art weight control stations.
- Improved Mobility and Accessibility (Serves for Objective: Efficient Transport System)
  - Asphalt pavement of all State and provincial roads
  - Increasing the percentage of roads with Asphaltic Concrete Pavement from 14% up to 25% within 7 years

- Establishment of an environmentally sound sector (Serves for Objective: Environmental and Financial Sustainability)
  - Diversion of a greater share of passenger and goods transport to “cleaner” modes such as railways. (highways account for more than 90% of the total transports)
  - Basing all new highway projects on sound environmental impact assessments.
  - Conforming average age and technical characteristics of the truck fleet’s with the EU norms.
  - Improvement of road maintenance and repair activities that are carried out exclusively in-force by the state highways authority through more involvement of the private sector.
  
- A sustainable competitive market structure. (Serves for the objectives: Efficient Transport System and Financial Sustainability)
  - Priority given to the establishment of a market structure with fewer but stronger and more institutionalized transport firms following fair competition rules & standards and personnel policies in line with EU norms
  - Adoption of the Acquis Communautaire and other pending international conventions.
  - Monitoring all transport activities with the new database system being set up at the Ministry of Transport.

For the preparation of sectoral analyses, 9<sup>th</sup> Development Plan **Ad Hoc Committee** reports have principally been used. Ad Hoc Committees meet for the discussion of the specific sectors and produce inputs for the preparation of Development Plans. In 2006, Ad Hoc Committees were established for 57 different sectors and sub-sectors. All public, private and other stakeholders were largely included within these Committees and had the opportunity to come together. Five Ad Hoc Committees covered the transport modes: Railway Transport, Maritime Transport, Air Transport, Road Transport, Urban Transport. Furthermore, for manufacturing industry analyses, Shipbuilding Industry, Rolling Stock Industry, Aerospace Industry Ad Hoc Committees were established.

As principle, development plans are split into three years **Medium-Term Programme** every year. Medium-Term Programme is 3 years rolling documents and sets out priorities for medium term objectives. Medium-Term Programme for 2006-2008 will be replaced by Medium-Term Programme for 2007-2009. Accordingly, Medium-Term Programme contains a main objective, macroeconomic policies and goals (Growth and Employment, Financial Policies, Balance of Payments), development axes in the programming period and sectoral policies.

Objectives of Medium-Term Programme (2007-2009):

1. Financing models that increase the participation of the private sector will be developed.
2. Efforts for integrating Turkey’s transport network, which links EU countries with Caucasian countries, the Central Asia, South Asia and the Middle East Countries, to TEN-T Network will be accelerated.

3. The existing highway infrastructure will be improved by the completion of the ongoing dual carriageway projects and by upgrading their standards.
4. Traffic safety in highways will be increased.
5. In freight transport, the share of maritime and railways will be increased.
6. High-speed passenger trains will be put into service.
7. Turkish State Railways will be restructured in order to increase the quality of service and railways' share in the sector and to reduce its financial burden on the Public.
8. Ports will be developed as logistics centres where combined transport is realised and port capacities will also be increased.
9. Capacity will be increased in congested airports.
10. Regional air transport will be improved.

In the 7<sup>th</sup> and 8<sup>th</sup> Five Year Development Plans, the necessity of a transport master plan was emphasized and MoT was stated as the responsible institutions. Ministry of Transport contracted Istanbul Technical University to prepare a **Transport Master Plan Strategy** to serve as a basis for future Transport Master Plan. Final Report was issued in February 2005. The Strategy discusses transport policies in the EU and the World and Turkish transport policy. A SWOT analysis is also included in the Transport Master Plan Strategy. Development scenarios are identified and modes of transport are discussed in detail in terms of objective and policy, sectoral SWOT analysis, infrastructure, safety and security, personnel, planned investments, adoption of the EU Acquis, financing, legislative and institutional structure.

Transport Master Plan Strategy contains a cost analysis for transport modes, financing models and method for collection of data.

#### **Urgent Action Plan (3 January 2004)**

Under the transport chapter, the Urgent Action Plan identified four actions:

- Construction of 15.000 km dual carriageway with a view to improve road infrastructure
- Completion of Transport Master Plan
- New financing models will be developed for important transport projects
- Restructuring of TCDD will be completed

There are also sectoral strategy documents:

- **Ports Master Plan:** Nationwide Ports Master Plan was conducted within Japanese Technical Cooperation Programme in 1999 and completed in 2000 under the supervision of MoT (DLH). This study puts forward future port development plans indicating priority corridors and related investment projects for Turkey and also proposals for the improvement of the administrative capacity for public ports.
- **Railway Action Plan (2003-2008)**
- **General Study Air for Transport**

Furthermore, technical studies for following strategy documents are underway:

➤ **Highway Strategic Plan:**

Five strategic purposes are identified:

- to increase traffic safety in the road network,
- to improve comfort, to minimize the time and money loss in the transport of passenger and goods,
- to form a continually developing institutional structure depending on education, technology, research and development, to assure personnel development and satisfaction,
- to integrate developments and improvements, to improve mobility for the national safety in the highway system into the other transport substructures,
- to increase living quality through decreasing environmental side effects of highway transport system,

➤ **Shipyards Master Plan**

➤ **Development of Cabotage Transport**

➤ **Development of Turkish Coaster Fleet**

**Public expenditure and investments**

- Data on public expenditure and investments for all transport modes should be provided for the period 2007-2013.

The table below gives public and private investment figures in the last four years:

<b>Investment in Transport Sector</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006*</b>
Public	2.787	3.422	4.550	5.056
Private	3.997	6.461	8.522	10.055
<b>Total</b>	<b>6.784</b>	<b>9.884</b>	<b>13.072</b>	<b>15.111</b>
Euro/YTL	1,687	1,767	1,669	1,65

\*Projections

(mill. Euro, current prices)

Source: Main Economic Indicators: SPO

Transport figures include transport and communication sectors

The shares of transport sector in public and private sectors in investment in the last four year are given below:

<b>% Share of Transport Sector in Investment</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Public</b>	<b>27</b>	<b>34</b>	<b>31</b>	<b>31</b>
<b>Private</b>	<b>17</b>	<b>19</b>	<b>19</b>	<b>19</b>
<b>Total</b>	<b>20</b>	<b>22</b>	<b>22</b>	<b>22</b>

As can be inferred from the table below, dependency of investments on foreign funding is above public sector's average in the transport sector:

	<b>%</b>
<b>Share of transport in public sector's total project cost</b>	<b>31,9</b>
<b>Share of transport sector in 2006 budget allocations</b>	<b>30,8</b>

Transport figures include road, rail, air, maritime and pipelines sectors.

The table below gives the figures for transport sector in the Annual Public Investment Program 2006:

	<b>No. of Projects</b>	<b>Project Cost</b>		<b>Allocation for 2006</b>	
		<b>Foreign funds</b>	<b>Total</b>	<b>Foreign funds</b>	<b>Total</b>
<b>Railways</b>	33	5606	11914	593	807
<b>Maritime</b>	41	147	492	15	51
<b>Air</b>	44	1993	2343	432	529
<b>Road</b>	197	6583	21165	742	1592
<b>Pipelines</b>	21	2127	2802	232	291
<b>Transport Total</b>	336	16455	38717	2013	3270
<b>Public Sector Total</b>	2525	39454	121442	3583	10802

(Million Euro) Euro=1.6501 YTL

From the above table it can be inferred that:

- In the public investment program, road and railway sector investments receive the majority of budget allocations.
- Foreign funding is extensively used in railway sector.

Annual Public Investment Programme 2006:

% Share	Railways	Maritime	Air	Road	Pipelines
<b>Total Cost of Transport projects</b>	<b>31</b>	<b>1</b>	<b>6</b>	<b>55</b>	<b>7</b>
<b>Total Annual Allocation for Transport projects (2006)</b>	<b>25</b>	<b>1</b>	<b>16</b>	<b>49</b>	<b>9</b>

The table below gives investment figures 2007-2013 period:

Sectors	2006 (Current Prices)		2013 (Current Prices)		2007-2013 (2006 Prices)	
	Mil. Euro	% Share	Mil. Euro	% Share	Mil. Euro	% Share
<b>Agriculture</b>	<b>833</b>	<b>7,7</b>	<b>3.054</b>	<b>11,8</b>	<b>10.471</b>	<b>10,2</b>
<b>Mining</b>	<b>388</b>	<b>3,6</b>	<b>691</b>	<b>2,7</b>	<b>3.342</b>	<b>3,3</b>
<b>Manufacturing</b>	<b>270</b>	<b>2,5</b>	<b>102</b>	<b>0,4</b>	<b>919</b>	<b>0,9</b>
<b>Energy</b>	<b>1.533</b>	<b>14,2</b>	<b>1.571</b>	<b>6</b>	<b>10.757</b>	<b>10,5</b>
<b>Transport-Communication</b>	<b>3.439</b>	<b>31,8</b>	<b>6.657</b>	<b>25,6</b>	<b>26.679</b>	<b>26</b>
<b>Tourism</b>	<b>29</b>	<b>0,3</b>	<b>120</b>	<b>0,5</b>	<b>465</b>	<b>0,5</b>
<b>Housing</b>	<b>66</b>	<b>0,6</b>	<b>236</b>	<b>0,9</b>	<b>794</b>	<b>0,8</b>
<b>Education</b>	<b>1.511</b>	<b>14</b>	<b>5.696</b>	<b>21,9</b>	<b>19.638</b>	<b>19,1</b>
<b>Health</b>	<b>768</b>	<b>7,1</b>	<b>2.244</b>	<b>8,6</b>	<b>8.662</b>	<b>8,4</b>
<b>Other Services</b>	<b>1.965</b>	<b>18,2</b>	<b>5.599</b>	<b>21,6</b>	<b>20.990</b>	<b>20,4</b>
<b>-Economic</b>	<b>1.047</b>	<b>9,7</b>	<b>2.542</b>	<b>9,8</b>	<b>9.469</b>	<b>9,2</b>
<b>-Social</b>	<b>918</b>	<b>8,5</b>	<b>3.057</b>	<b>11,8</b>	<b>11.522</b>	<b>11,2</b>
<b>Total</b>	<b>10.802</b>	<b>100</b>	<b>25.971</b>	<b>100</b>	<b>102.717</b>	<b>100</b>
<b>1 Euro=1.6501 YTL</b>						

In order to achieve the strategic goal i.e. establishment of rapid and safe transport infrastructure that will increase the competitive power of the country, 9<sup>th</sup> Development Plan defines sectoral objectives in terms of investment for the period 2007-2013:

**Objectives:**

	<b>2006</b>	<b>2013</b>	<b>2007-2013</b>
<b>Railway Mainline Length (km.)</b>	<b>8257</b>	<b>9195</b>	<b>938</b>
<b>Total Length of Dual carriage Highways (km.)</b>	<b>9441</b>	<b>15000</b>	<b>5559</b>
<b>Asphaltic concrete pavement state and provincial roads (km.)</b>	<b>7500</b>	<b>14500</b>	<b>7000</b>
<b>Air Transport Passenger Traffic (million passenger)</b>	<b>60</b>	<b>110</b>	<b>50</b>

### **Transport Infrastructure Need Assessment Study**

How the Transport Infrastructure Need Assessment Study for Turkey is progressing?  
Can you briefly describe the provisional results? Can you provide with the final schedule of implementation?

#### **Overall objective of the project:**

- TINA study aims to initiate the development of a multi-modal transport network within Turkey for the extension of the European Union's TEN-T to Turkey to enable sustainable transport mobility across Europe.
- TINA project is considered as an important input for the negotiations between Turkey and the EU in defining the future Trans-European Transport Networks in Turkey.
- TINA Project will also provide an important input in drafting the Transport Operational Programme for IPA (Instrument for Pre-Accession, 2007-2013).

#### **Following results will be achieved by the Consultant:**

- A transport databank using GIS technology
- A traffic forecasting model
- Transport network analysis, transportation infrastructure needs assessment and project prioritization
- Assessment of administrative infrastructure and recommendations for necessary changes regarding the implementation of TINA study

## **Project Progress:**

- Kick-off meeting was held on 2 December 2005.
- Reporting:

### **1. Inception Report: (Delivered)**

- The overall approach, methodology,
- Implementation program and timetable of the study,

### **2) Interim Report 1: (Delivered)**

- Assessment and evaluation of the existing situation
- Revising and analysis of existing data and data related to the scope of the project
- Identification of data gaps and a work plan for provision of missing data

### **3) Interim Report 2 (Delivered)**

- TINA Information System (TIS) including textual and geographical database and related software application
- Traffic Forecast Modelling – base year and scenarios

### **4) Draft Interim report 3 (Delivered)**

- Traffic forecast and scenarios 2020
- Network assignment for the multimodal transport

### **5) Interim Report 4**

- Assessment of the infrastructure projects according the TINA Methodology (TINA 13.98)
- Project prioritisation

### **6) Draft Final Report**

- Analysis and conclusions of the results of the Interim Reports 1 – 4
- Recommendation on the implementation of the TINA Network and related infrastructure projects
- Recommendations on the administrative and legal structure of the Turkish transport sector

### **7) Final Report**

- Amendments on the Draft Final Report
  - Comments from the SC and the Final Conference (Workshop 3) on the Draft Final Report
- Project closure is scheduled for the end of November 2006.
  - Preliminary Network for Railways and Roads including ports and airports has been identified in the Study.
  - TINA project is in the last quarter of implementation and Interim Report 3 was delivered in August 2006, which gives the preliminary results of traffic forecasts for 2020. The results of the Interim Report 3 are provisional. Turkish side is currently evaluating the Interim Report 3 and its results.

- Final Report shall be valid only after the approval of the Steering Committee on behalf of Turkey, European Commission and CFCU.
- The ultimate decision-maker of the study on behalf of Turkish side will be the High Planning Council.

### **Legal framework**

- What are the procedures applicable to the development of a transport infrastructure project? Are there differences according to the mode of transport concerned?
- What is the project cycle? How are local and / or regional authorities / relevant NGOs / citizens associated in transport infrastructure projects?
- What is the existing legislation (if any) on environmental impact assessment, rules of competition, public procurement?

### **Public Investment Process in Turkey:**

The same public investment process is applicable for all projects independent of sectoral variations.

- Development Plan is prepared for 7 years period rather than 5 years in order to comply with the EU budgeting. Development Plan explains the sectoral priorities in general according to the Development Plan Strategy and makes projections concerning macro indicators. Ad Hoc Committee reports, Sectoral Strategies, Master Plans etc. constitute the basis for Development Plan.
- Development Plan is split into 3 years Medium-Term Programme every year. Medium-Term Programme is a 3 years rolling document, which sets out priorities for medium-term objectives. According to the Medium Term Programme, Medium Term Financial Plan is prepared that contains indicative investment ceilings and income and expenditure forecasts.
- Annual Programme is prepared according to the Medium-Term Programme on annual basis. Development Plan is implemented through annual programmes and budgets and work plans of public institutions are prepared in accordance with them. Three years 'objectives' of Medium-Term Programme are elaborated as 'measures' in annual programmes.
- Investment Circular is issued with its annex 'Investment Programme Preparation Guide'. Investment Circular includes investment proposal ceilings, sectoral and regional priorities, and priorities on project basis, also the parameters. Investing institutions become acquainted with their own indicative budget ceilings.

- Project proposals are gathered from regional and local administrations, public authorities, NGOs and citizens etc. by the institutions. Proposals complying with the above mentioned documents are sent to State Planning Organisation (SPO).
- SPO analyzes the projects submitted by the investing institutions through Financial, Economic, Social, Institutional, Environmental, and Regional Analyses.
- SPO submits a budget investment proposal to High Planning Council (HPC) after having analysed the project proposals and compromised with the institutions on them in cooperation with Undersecretariat of Treasury and Ministry of Finance.
- Draft Budget approved by the HPC is sent to Turkish Grand National Assembly (TBMM)
- Budget ceilings are discussed in the TBMM Planning & Budgeting Commission
- Budget is approved by latest the end of the year and the budgets of the institutions are finalised after the budget becomes law.
- Projects are included in investment programme according to the final budget ceilings and investment programme is issued until 15<sup>th</sup> of January.
- Investment Programme shows the projects' following characteristics:
  - annual allocations and their sources (budget type),
  - cumulative expenditure until that year,
  - costs,
  - locations,
  - characteristics,
  - start-end dates,

which are listed on sectoral and institutional basis.

- Projects are realised by investing institutions; however, there is no effective monitoring mechanism. Only,
  - Investing public institutions sending the financial realisation status of the projects on three-month basis to SPO
  - Promulgation of these financial realisation by SPO through 'Public Investments Report'
- Local and regional authorities, relevant NGOs, citizens are involved in many phases of the public investment process mainly in:
  - Project proposal
  - Approval of settlement plans (If required)
  - Approval of Environmental Impact Studies (EIA)

- In order to develop a project, following technical studies and stages are carried out:
  - Feasibility study
  - Environmental impact assessment study
  - Settlement plan
  - Allocation of land by the Ministry of Finance (for mainly coastal infrastructure projects)
  - Detailed engineering survey
  - Detailed designs
  - Bidding
  - Supervision of works
  - After completion of works, transfer of the facility to the Operating Body (If the contract is not on BOT)

### **Environmental Impact Assessment (EIA):**

#### ➤ **By-Law on Environmental Impact Assessment**

The By-Law on EIA (Official Gazette: 16 December 2003, no 25318) is the main national legislation regarding the assessment of the effects of public and private projects on the environment.

Article 4 of the By-Law includes the definitions and abbreviations of Ministry, environment, impact, impact area, project, environmental impact assessment (EIA), environmental impact assessment process, owner of the project, general format for introducing project, EIA report special format, commission and EIA positive decision and so on.

The Article 7 of the By-Law on EIA states that it is mandatory to prepare an Environmental Impact Assessment Report for all projects which are listed in Annex I and those projects listed in Annex II for which a decision is taken as “Environmental Impact Assessment is required.”

Transport projects are existing in Annex I and Annex II.

#### **Related Projects in Transport Sector in Annex I:**

1. Roads, railways and airports
  - a) Intercity railways lines,
  - b) Airports having a runway length of 2100 m and above,
  - c) Construction of highways, express roads and state roads.
2. Waterways, harbours and shipyards

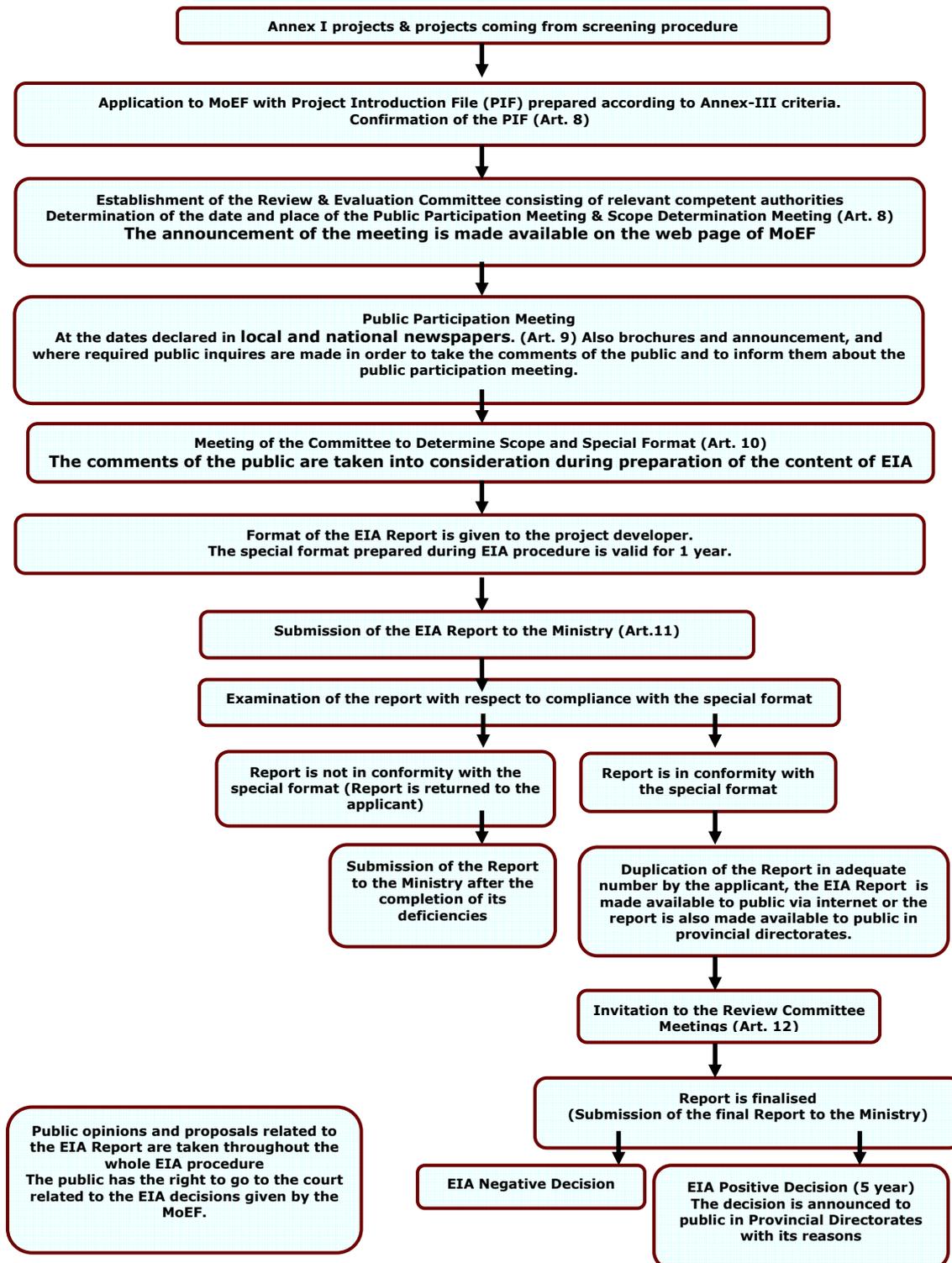
#### **Related Projects in Transport Sector in Annex II**

1. Infrastructure facilities

- a) Construction of inland waterways (Those not listed in Annex-I),
- b) Harbors, ports, quays (those not listed in Annex-I),
- c) Fisherman shelters, tugboat shelters,
- d) Works on shores to prevent erosion and works on shores which cause changes on shore; breakwater, spur, mole, etc (except for maintenance and repair works),
- e) Railways lines (those not listed in Annex-I),
- f) Construction of transfer-purpose facilities used in railway transport, railway terminals,
- g) Streetcars, lifted and underground railways, similar lines used to transport passengers (subway, light-rail transport systems, etc.),
- h) Airports (those not listed in Annex-I),
- i) Provincial roads,
- j) Enlargement of two or more lane roads into four or more lanes, with a continuous length of 10 km,
- k) Slip places (those facilities offering services such as pulling yachts and boats onto land, maintenance, repair, accommodation, launch and/or boat manufacture facilities),
- l) Bottom dredging projects.

EIA procedure in Turkey is summarised below:

## EIA PROCEDURE OF TURKISH EIA REGULATION



## Public Procurement Procedure of Turkey

There is no a specific law in Turkey coordinating the rules and principles relating to works, goods and services procurements awarded by public entities operating in energy, water, transport, telecommunication and postal sectors which falls within the scope of utilities directive no 2004\17\EEC.

The utility sectors procurements are carried out according to the Article 2nd, 3rd/g, 5th and interim article 4th of Public Procurement Law No:4734.

➤ According to Article 2, the enterprises, undertakings and corporations operating in “energy, water, transport and telecommunication” sectors are out of the scope of the Law.

➤ It has been regulated by temporary Article 4 that the enterprises, undertakings and corporations operating in energy, water, transport and telecommunication sectors are to be subject to subparagraph (g) of Article 3 of this Law until the specific Law comes into effect, and are to be subject to other provisions of the Law for the procurements of works, goods and services which are not in the scope of said subparagraph.

State Economic Enterprises, any institutions, organizations, associations, enterprises and corporations which more than half of their capitals, directly or indirectly, together or separately are owned by SEE’s, enterprises, undertakings and corporations operating in energy, water, transport and telecommunication sectors are in the scope of Article 3rd/g of Law No:4734.

### **There are two reasons for utilities to be included in 3/g. These are;**

1. Absence of a specific law coordinating the procurements by entities operating in utility sectors,

2. The necessity of being subject to more flexible rules for the entities covered in the scope of 3/g, since their commercial activities are governed by the principles of special law.

The activities under the scope of 3rd/g of Law are goods or service procurements by the entities in the scope to be made in order to cover the needs relating to direct production of goods and services or principal activities, within their commercial and industrial activities. But, the procurement of goods and services, those financed by treasury guarantee or by means of transferring directly from the transfer order of budget are in the scope of Law No:4734.

The procurements whose estimated cost and contract price is below 3,968,935.- New Turkish Liras (2.000.000 Euro) are exceptional from the Law according to 3/g. The procurements above this limit is under the scope of the Law.

The most public entities and institutions operating in energy, water, transport and postal sectors are organized as SEE’s. State Economic Enterprises are economic operators established by the Decision of Council of Ministers and have legal personalities. Their capitals belong to State in whole and liabilities are limited with their capitals.

State public enterprises are incorporated bodies and operate in commercial rules, i.e. special law provisions, with a view to public interest. Since they have to operate by consideration of

the principles of profitability and efficiency, they have to act according to commercial rules and procedures, in other words to special law provisions in external affairs.

However, the fact that the state economic enterprise operates in accordance with special law provisions does not alternate its public nature. SEE's are subject to administrative law with respect to their internal structures and relations.

**The procedure to be followed by utility sectors for procurements under the scope of 3/g.**

1) The legal procedure related to exceptions, which requested by the entities subject to 3/g, has been regulated through a communiqué published by Public Procurement Authority.

2) Related entities dispatch their lists which are prepared according to said communiqué to PPA for assessment.

3) The exceptional goods and services are determined by PPA as it is indicated in interim article 4 of Law No:4734.

4) Tender Regulations concerning the exceptional goods and services are prepared by related entities and published in Official Gazette.

Consequently, the procedure seems simplified in this field, but procurements should be awarded in line with basic principles and the same announcement procedures. In other words these regulations are in line with the basic principles covered by European Treaty.

In addition, information about the scope of article 3/g and its procedure is given above, in this respect, it deems to be useful to present some information regarding how the system works and comprehended by all parties in equal terms. The procurements below 3,968,935.- YTL. (2.000.000 Euro) are outside the scope of the Law. The procurements above this limit (3.968.935.- YTL. ; 2.000.000 Euro) is under the scope of the Law.

Taking into account the level of monetary extend of each procurement, especially by those State Economic Enterprise such as energy sector, it could be established that the procurements outside the scope of the Law are quite limited.

Other legislation related to the public procurement of transport projects:

- Public-Private Partnership (Existing Situation in Turkey): PPP model has a variety of sub models. For example, Build-Operate-Transfer (BOT) model is used for transport infrastructure projects under the Law 3996 issued in 1994.
- Motorway service facilities are tendered according to the Law 3465.

### ***Transport research***

- Are there any research programmes existing?
- Does research in the field of transport benefit from public and/or private funding, and if yes, what level of funding is allocated to transport related research?
- What are the national priorities for transport related research?

- Since DLH (General Directorate of Railways, Ports and Airports Construction) is mainly responsible for engineering work, and Turkey lies in an area where seismic activity is severe, preparation of Seismic Code of engineering for transport infrastructure works is now being realised under a contract signed on Feb, 2006 which will be completed in 12 months. Also in the Hydraulic Centre Laboratory, a unit established within DLH, a variety of research work related to achieving optimum designs and sustainable protection of coast, is being implemented in cooperation with the related universities.
- Two projects are present in this highway sector :
  - Ripcord-Iserest Project
  - GIS Based Highway Information System

### **Ripcord-Iserest Project**

The General Directorate of Highways is participating in the Ripcord- Iserest Project which involves 16 highway institutions of 14 countries under the EU Sixth Frame Research Programme ( RIPCORDER: Highway Infrastructure Safety and Research and Development of Highway Safety, ISEREST: Increasing the Use of Secondary Roads for Sustained Land Transport Through Traffic Safety).

This Project under Ripcord includes the decreasing of traffic accidents 50 per cent within the period of ten years, standardization and generalization of highway safety engineering controls, conducting cooperation in scientific research on the analysis and improvement of black points, function, design and safety of highway, development of engineering solutions for some accident types.

This Project under Iserest studies envisages that present traffic accidents will be reduced 50 percent on the Highways of Secondary Importance, studies on what can be developed for these highways.

Above mentioned Project comprises 13 different work packages;

- Work Package 1: Project Management
- Work Package 2: Highway Safety Effect Evaluation
- Work Package 3: Design of Highway and Best Practical Guide for Road Surrounding
- Work Package 4: Best Practical Guide for Highway Safety Inspections
- Work Package 5: Best Practical Guide for Safety Controls

- Work Package 6: Black Point Management and Best Practical Guide for Highway Networks
- Work Package 7: Future Aspects
- Work Package 8: Behavioural Model of Highway User.
- Work Package 9: Best Practice Safety Information System
- Work Package 10: Safety Performance Function
- Work Package 11: Decision Support Safety Instrument Based on Geographic Information System
- Work Package 12: Demonstration
- Work Package 13: Safety Book of Secondary Highway.

Turkey is the participator in the Work Package 11 and Work Package 13 and Project Leader of Work Package 12. The subcontractor for Work Package 12 is Atılım University.

### **GIS Based Highway Information System**

The studies related with formation of “Highway Geographic Base” were tendered and are continuing within the framework of the establishment of Highway Information System based on Geographic Information System. After completing these studies, works to form Geographical Based Highway Management Systems for the studies conducted by the Technical Departments of the General Directorate of Highways will begin (for example Pavement, Bridge, Maintenance, Traffic Management Systems).

(KGM) Ripcord-Iserest Project is financed by EU fund (Total budget=84.400 €) and GIS Based Highway Information System is financed by national budget (total budget=1.725.000 \$).

For research in road transport sector, priorities are:

- Improvement of road safety
- Development of decision support system
  - Pavement management system
  - Bridge management system
  - Maintenance management system
  - Traffic management system
  - Environmental management system