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## TRANSPORTATION SECURITY AS A FACTOR OF ENSURING NATIONAL SECURITY OF THE RUSSIAN FEDERATION: THEORETICAL AND GEOPOLITICAL ASPECTS

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The lack of definition of “transportation security” in the Strategy of National Security of the Russian Federation is noted in the article and the author suggests its own definition. Here is emphasized strategic significance of Russian railways and importance of transport infrastructure to eliminate the threat to territorial unity of Russia and its turning into raw material appendage of the West.

Here are listed deficiencies in the transport sector, including the issue of legal regulation of ensuring transport security.

**Keywords:** transportation security, national security, threats to transportation security, system of public safety in transportation, transport infrastructure.

In accordance with the Federal Law No. 16-FL (as amended on 18.07.2011) “On Transport Safety” transport safety - this is condition of protection of transport infrastructure facilities and transport vehicles against acts of unlawful interference.

The objectives of ensuring transport safety are stable and safe operation of transport system, protection of the interests of an individual, society and the state in transport industry against acts of unlawful interference.

The main objectives of ensuring transport safety are: 1) normative legal regulation in the area of ensuring transport security [1; 2; 3; 4; 5; 6; 8]; 2) identification of threats of committing acts of unlawful interference [11]; 3) assessment of the vulnerability of transport infrastructure and vehicles [12 ]; 4) categorization

of objects of transport infrastructure and vehicles [18]; 5) development and implementation of requirements to ensure transport safety [15; 16; 17; 19]; 6) development and implementation of measures to ensure transport safety; 7) training of professionals in the area of ensuring transport safety; 8) implementation of the federal state control (supervision) in the field of ensuring transport safety [10; 20; 21]; 9) information, logistical and scientifically-technical support of transport safety.

It should be noted that the statutory definition of transport safety refers only to protection of vehicles against acts of unlawful interference, that is, from terrorist acts. But in practice, much more damage to life and health of citizens is inflicted in accident caused by a variety of technical defects of vehicles (failure of brake systems, engine, etc.), as well as the “human factor”, i.e., any violation by drivers the rules of safe operation of vehicles. Let’s remember the catastrophe of motor ship “Bulgaria” and other incidents. Hardly a day goes by without a report of MEDIA about just another vehicle accident with fatalities caused by fault of drivers or due to technical defects of vehicles.

Every day in transport accidents in Russia nearly 100 people die (predominantly in road transport) and few hundred are injured of varying severity. But for a year die up to 40 thousand people. MEDIA gives close attention to air crashes and, as yet, thankfully, rare, accidents on ships [33, 5-9].

Therefore, the leadership of the country has set out a list of effective measures that should ensure a positive effect in the near future [8; 9; 14]. At the same time, however, it should be noted that the increase in transport accidents has been brewing up for many years and is the result of inefficient public administration in the sector.

Transport safety issues have been the subject of research of many scientists [22; 24; 27; 31, 87]. In scientific studies, the term of “transport safety” is interpreted more broadly in comparison with its legislative definition. So, S. V. Protsenko [29, 40-43], qualifying transportation safety threats, offers their classification according to the sources of occurrence (threat of natural, technological and social nature). Under common types of threats the author considers the physical deterioration and moral “fatigue” of vehicles, routes, the lack of training of the crew, transportation facilities personnel and etc.

B. N. Dudyshkin [25] speaks about the need of separation of ensuring transport security into two blocks of threat protection: ensuring of safe operation of transport and ensuring security against acts of unlawful interference in the objects of transport infrastructure and vehicles.

A. M. Skrynnik [30, 58-63] also concludes that the Federal Law No. 16-FL “nowadays recognizes transport safety only as anti-terrorist security, that is, social security”. He correctly notes that for some reason the Law ignores two more types of threats of natural and man-made nature, and rightly says that “any component of the transport safety must not be ignored, that the state must provide a comprehensive (systemic) protection against all types of threats, and above all – by the method of legal regulation”.

At the same time, the order of the Government of the Russian Federation No. 1285-o from 30.07.2010 “On the Establishment of a Comprehensive System to Ensure Public Safety in Transport” also defines other threats to transport safety in addition to the commission of acts of unlawful interference, namely the threat of natural and man-made nature, and provides for the adoption of security measures to ensure transport safety separately by the mode of transport.

In addition, you can support the suggestion of A. M. Skrynnik that “it is necessary to come to a common understanding of transport safety in relation to other modes of transport in order to avoid simultaneous use in normative legal acts of apparently similar concepts, such as “transport security”, “safety of transport complex”, “safety in maritime transport”, “safety of maritime activity”, “railway safety”, etc.

S. M. Ziryanov and V. I. Kuznetsov define “transport security as a state of protection from the threats caused by: 1) the technical condition of vehicles and transport infrastructure; 2) the violations of traffic rules and operation of vehicles by drivers; 3) interference in the operation of transportation facilities from the outside. The first two types of security they call technical safety (statics ) and safety of traffic and operation of vehicles, or technological safety (dynamics) respectively, the latter one– transport safety” [26, 5-12].

In our opinion, the terms of “transportation security” and “transport safety” are identical concepts. It is necessary to expand the content of the legislative notion of “transport safety” taking into account the above threats to its ensuring. Can be offered such variant of the notion of “transport safety” – it is a state of protection of transport infrastructure and vehicles from the threats posed by acts of unlawful interference; various technical defects (depreciation) of these facilities, as well as violations the rules of their safe operation.

RF Presidential Decree No. 537 from May 12, 2009 [7] approved the Strategy of national security of the Russian Federation up to 2020. It gives a new definition of national security, as a state of protection of an individual, society and the state from internal and external threats, which allows guaranteeing constitutional rights,

freedom, decent quality and standard of living of citizens, sovereignty, territorial integrity and sustainable development of the Russian Federation, defense and security of the state.

National defense, state and public security are named the main priorities of national security (p. 23). Other priorities of sustainable development include: improving the quality of life of Russian citizens through ensuring personal safety, as well as high standards of life support; economic growth, which is primarily achieved through the development of the national innovation system and investment in human capital; science, technology, education, health and culture, which are developed through strengthening the role of the state and improvement of public-private partnership; ecology of living systems and environmental management, the maintenance of which is achieved through a balanced consumption, the development of advanced technologies and expedient reproduction of natural-resource potential of the country; strategic stability and equal strategic partnership, which are strengthened on the basis of Russia's active participation in the development of the multipolar model of world order.

The absence of the term of "transport safety" in the text of the document astonishes. In three clauses, 31, 52 and 62, apply the term "transport infrastructure" in the context of the need of improvement and development of transport infrastructure to combat threats to national security.

After all, transport safety is primarily designed to satisfy state and public needs for transportation, sustainable and harmonious development of society, protection of its national interests and ensuring national security.

It should be noted that the significance of the transport safety for ensuring national security is shown in the Transport strategy of the Russian Federation for the period up to 2030 [13].

Transport plays an important role in the socio-economic development of the country. Transport system ensures the conditions for economic growth, increasing of the competitiveness of the national economy and quality of people's life. Development of regions, their economic growth, and preservation of the territorial integrity of Russia can be implemented only when there is a developed transport infrastructure.

Advantageous geographical position allows Russia to receive significant revenues from exports of transport services, including the implementation of transit traffic through its transport system.

An important role in the socio-economic development of the country is the safety and environmental friendliness of transport system.

The role of transport in the defense and national security of Russia is due to the increasing requirements of mobility of the Armed Forces of the Russian Federation. Safety of transport system determines the effective performance of emergency services, civil defense and special services, and thus determines the conditions of enhancing national security and reducing the risk of terrorism.

Strategic importance of Russian Railways, as well as the Northern Sea Route lays in their impact on the change in the political landscape of Eurasia due to the integration of states within the framework of various inter-state political associations, including Shanghai Cooperation Organization (SCO), the Euro-Asian Economic Community (EAEC), CIS, and on the elimination of threats to the territorial integrity of Russia and its transformation into a raw materials appendage of the West.

Yu. F. Goliusov rightly emphasizes the important “role of Central Asia, the territory of which in the past included the main transport and trade communications of the Eurasian continent, including the Silk Road, which supported continual exchange of goods, knowledge, ideas, and spiritual values”.

We stand in solidarity with his opinion that the “revival of “Silk Road” as a kind of symbol of readiness for peaceful cooperation and economic ties between the people, the establishment within the CIS of the EAEC in the interests of economic integration of participating countries: Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and Russia, the formation on the initiative of Kazakhstan the Central Asian Commonwealth (CAC), which includes Kyrgyzstan, Kazakhstan, Uzbekistan and Tajikistan, the formation of the SCO as an international structure are designed to address political and economic issues, a significant role of which lies in the transport integration” [23, 17].

However, the transport complex has serious shortcomings. First, has not been finished the formation of a backbone network of federal highways linking all the regions of Russia, particularly in the regions of the Far North, the Republic of Sakha (Yakutia), Magadan region, Chukotka autonomous district, etc.

Second, the federal highways have exhausted their capacity.

Thirdly, many regions of the Russian Federation have almost completely lost both their network of local airlines, and airports of regional airlines. Reduction of local transportation, the closure of airlines, and the collapse of air transport infrastructure.

There is an enormous lag of infrastructure and airports’ equipment from the level of development of international civil aviation.

Fourth, the development of Russian ports and related transport infrastructure is uneven. Considerable differences have been accumulated in the levels of



technological effectiveness and capitalization of port hubs. There is a shortage of port facilities oriented to transshipment of import cargoes (containers and rolling cargoes), which is caused by the faster growth, in recent years, of port facilities oriented to transshipment of export cargoes.

Fifth, there is a technical and technological backwardness of the Russian transport system compared to developed countries. It is not ready for widespread use of modern technologies, especially of containers. The growing demand for freight transportation is being hampered by poor transport and logistics system of the country. Freight forwarding service of population and economy remains at low level. The country does not have high-speed railway service.

The innovative component in the development of the parks of rolling stock and technical means of transport, especially in the implementation of internal transportation, remains at a low level. There is also a significant backlog in respect of environmental parameters of transport.

Sixth, urban public transport, including its modern high-speed types, which could significantly reduce the problem of transport development of big cities, does not receive proper development.

Seventh, the tendency of aging of fixed assets and their inefficient use retains in all sectors of the transport complex. Many technical means of transport have come to a critical level. A considerable part of them is operated beyond the normative period of mechanical life, the other is coming closer to that date. As a consequence, the safety performance and economic efficiency of transport are significantly getting worse [13].

From the noted can be concluded that currently there is an imbalance in the development of a unified transport system of Russia. Transport Strategy of the RF defines particular measures to eliminate this situation

There are significant shortcomings in the legal regulation of ensuring transport safety. Dwell only on some of them. So, S. V. Trofimov correctly notes that there is no such concept as “calendar period of operational life” of a river ship in “Code of Inland Water Transport” from March 07, 2001 No. 24-FL (as amended on 23.04.2012). And the existing Rules of operation of inland water vessels actually allow exploiting them up to the full depreciation. Document sufficient to certify technical suitability of a vessel for operation is a certificate of annual technical inspection. By the way, the same rules, by default, act regarding the exploitation of cars” [33].

There are also shortcomings in the legal regulation of issues of compulsory insurance of life and health of passengers. So, article 98 “Life and Health Insurance

of Passengers” has been deleted from the Code of Inland Water Transport since January 01, 2013. Also there is no such article in the “Charter of Road Transport and Urban Electric Surface Transport” from November 08, 2007 No. 259-FL (as amended on 28.07.2012).

Nowadays, only the Air Code of the Russian Federation from March 19, 1997 No. 60-FL (as amended on 28.07.2012) provides a more or less acceptable level of insurance benefits (up to 2 million rubles) of the carrier for damage to life or health inflicted during air transportation of a passenger. Note that this amount is significantly less than the amount of insurance benefits for damage inflicted in air crashes in most countries of the world.

Thus, in all transport charters and codes should be made appropriate additions establishing obligations of carriers to enter into contracts of compulsory insurance of life, health and property of passengers by analogy with the Air Code of the Russian Federation.

Currently, in accordance with the provisions of the Federal Law No. 14-FL from December 08, 1998 “On Limited Liability Companies” (as amended on 29.12.2012), one can register a company carrying out transportation at the declared amount of authorized capital just 10000 RUR. In that connection it is necessary to legislatively increase its amount for carrier companies, bearing in mind that transportation activity involves the use of sources of increased danger.

Yu. V. Stepanenko correctly noted that article 5 of the Federal Law “On Transport Safety” also qualifies bodies of internal affairs as subjects performing vulnerability assessment of transport infrastructure objects and vehicles against acts of unlawful interference in their activities. At present, however, there are no such organizations in the MIA RF [32, 39].

Federal Law No. 195-FL from 27.07.2010 introduced article 11.15.1, which provided for responsibility for failure to comply with requirements of ensuring transport safety of transport infrastructure objects and vehicles, into the Code on Administrative Offences of the RF (CAO RF).

The article establishes responsibility for two compositions of an administrative offence, one of which is the main (part 1) and the second is a composition with aggravating circumstances (part 2). The law considers repetition of an offence as a circumstance aggravating administrative responsibility.

The composition of an offence embodied in article 11.15.1 is general and applies to all modes of transport. At the same time the CAO RF also contains special compositions of offenses that provide for responsibility for non-compliance with requirements of ensuring safe operation of certain modes of transport (for example,

articles 11.3.1, 11.6, 11.10, 11.16, etc.). N. G. Salishcheva rightly notes that “in the competition of general and special norms of the CAO RF, responsibility should occur according to a norm containing special composition of an administrative offence” [28, 234].

Thus, strengthening of the national security of the Russian Federation is interrelated and interdependent with transport safety.

Significance of transport safety should be considered as a feature of the transport system of the RF, which allows dynamic development, integration into world transport space, realization of transit potential of the country and becoming a leading world power.

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