#### Draft name

Regulation of the Minister for Infrastructure on the technical conditions to be met by intersections of railway lines and sidings with roads, their location, and the technical conditions for their use

#### Lead ministry and cooperating ministries

Ministry of Infrastructure

Ministry of Development and Technology

# Person responsible for the draft: Minister, Secretary of State or Undersecretary of State

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#### **Date of preparation**

Source:

Article 7(2)(2) and (3)(2) of the Construction Law Act of 7 July 1994 (Journal of Laws [Dziennik Ustaw] of 2024, item 725, as amended)

Number on the list of legislative works of the Minister for Infrastructure 80

## RECULATORY IMPACT ASSESSMENT

## 1. What issue is being addressed?

The Regulation of the Minister for Infrastructure on the technical conditions to be met by intersections of railway lines and sidings with roads, their location, and the technical conditions for their use follows from the wording of Article 66 of the Act of 19 July 2019 on ensuring accessibility for persons with special needs (Journal of Laws 2024, item 1411). The provision obliges the minister responsible for transport to issue, within 84 months of the entry into force of the Accessibility Act, the implementing rules issued on the basis of Article 7(2) and (3) of the Construction Law Act of 7 July 1994.

The draft Regulation also takes into account the recommendations received by the Ministry of Infrastructure from the State Commission for the Investigation of Railway Accidents, as well as the conclusions of the President of the Office for Rail Transport, railway infrastructure operators and users of railway sidings.

#### 2. The recommended solution, including planned intervention tools and expected impact

In order to ensure safety at level crossings, where the responsibility for around 95 % of the incidents lies with road users, a number of proposals have been made that could significantly improve safety at the crossings. One of the most important actions is to enable the introduction of modern solutions at level crossings, such as radar systems or induction loops, enabling the detection of obstacles at level crossings, as well making it possible for road operators to introduce additional marking of level crossings by using horizontal marking in the form of rumble strips or speed bumps, and additional marking of level crossings with signs or boards with variable content. Furthermore, the draft Regulation introduces the possibility to keep level crossings at a distance of less than 3 km when a new level crossing is being built next to an existing level crossing, constituting an intersection between the same track(s) and the same road, but providing better technical/safety conditions.

Section 28 extends the angles of intersection of the road axis with the track axis of the railway line for crossings of categories other than D. It also adds a condition for level crossings to be reconstructed so that, when the angle of the intersection does not meet the conditions set out in paragraph 1-3 of this provision, it cannot worsen compared to the conditions before reconstruction. Section 60 introduces a condition relating to the distinction between early warning times and whether the travel or crossing is operated from a given place or remotely.

Notwithstanding the above, it is worth noting that the Act on ensuring accessibility for persons with special needs sets the minimum and alternative requirements for ensuring accessibility for persons with special needs in terms of architectural accessibility in buildings, digital accessibility and information and communications accessibility. Level crossings and pedestrian crossings are works which do not fall within the scope of the Accessibility Act, whose Article 6 sets as minimum requirements for accessibility the architectural accessibility of buildings, digital accessibility (accessibility of websites and mobile applications) and information and communication accessibility. However, in order to increase the accessibility of level crossings and crossings in the broad sense, the draft Regulation contains a provision of Section 41 facilitating the design of new multi-level intersections, according to which the provisions of Section 28(1)–(3), which contain restrictions on the angle of intersection between the road and the railway line or railway siding, do not apply. Thanks to the provision of Section 41, designers of new high-speed railway lines will have much more freedom in designing new multi-level intersections, which will translate into a much greater number and availability of such intersections for residents of the areas that will be bisected by the new high-speed railway line. In this way, the new high-speed railway line will not become an accessibility barrier for residents of the areas located on the other side of the railway line.

It is not possible to achieve the objective of the draft by means other than the adoption of this Regulation.

# 3. How has this problem been solved in other countries, in particular in OECD/EU Member States?

In the EU Member States, the average distance between level crossings is 2 km, compared to 1.4 km in Poland. Therefore, despite the use of state-of-the-art equipment and technology (ballastless surfaces, automatic signalling system for three-track crossings), it is not possible to guarantee a reduction in the number of level crossing accidents.

In the EU countries, the lower number of accidents at level crossings has been achieved through social factors: raising awareness of the safety risks for road users and high financial penalties on drivers who break road traffic rules. For example:

- a fine of between EUR 180 and EUR 3000 is provided for in the Netherlands, Germany, France and Belgium for running the red light (as for the C category);
- in addition, four penalty points are assigned in Belgium, France and Germany;
- moreover, German and French legislation provides for a driving ban of one month and, in the case of recidivism, for a 100 % increase in the penalty.

#### 4. Entities affected by the draft

Group	Size	Data source	Impact
Rail operators	approx. 1100	Office for Rail Transport	Possibility of using modern solutions at level crossings; visibility at level crossings and pedestrian crossings; change of equipment for D category level crossings within a railway station, on tracks on which trains run in compliance with technical conditions, as for A or B category level crossings or E category pedestrian crossings; possibility of using the S-1 signaller; change of the initial warning time at A category level crossings; visibility of the front of the train.
Road managers	approx. 2875	Central Statistical Office	Visibility at level crossings and pedestrian crossings; information plate accompanying the A-9 ('railway crossing with barriers') and A-10 ('railway crossing without barriers') signs; additional marking of level crossings.
Road traffic management authorities	approx. 397	Central Statistical Office	Safety at level crossings and pedestrian crossings.
Railway operators	127	Office for Rail Transport	Safety at level crossings and pedestrian crossings.

# 5. Information on the scope, duration, and summary of consultation results

The first public consultation was held in 2022.

As a result of comments submitted to the draft Regulation at the reconciliation, public consultation and opinion-seeking stage, a new version of the draft Regulation was drawn up and was again subject to consultation in accordance with the procedure provided for in the Cabinet Resolution No 190 of 29 October 2013 — Regulations on the work of the Council of Ministers (Polish Official Gazette [Monitor Polski] of 2024, item 806). The draft was made available in the Public Information Bulletin on the Government Legislation Centre website on the Government Legislative Process page and submitted for consultation with the following entities:

- 1. PKP S.A.,
- 2. PKP Polskie Linie Kolejowe S.A.,
- 3. PKP Energetyka S.A.,
- 4. PKP Intercity S.A.;
- 5. PKP Cargo S.A.,

- 6. PKP Szybka Kolej Miejska w Trójmieście sp. z o.o.;
- 7. PKP Linia Hutnicza Szerokotorowa Sp. z o.o.,
- 8. ABB Sp. z o.o.,
- 9. DUON Dystrybucja Sp. z o.o.
- 10. Szybka Kolej Miejska Sp. z o.o.;
- 11. Koleje Mazowieckie KM Sp. z o.o.,
- 12. DUON Dystrybucja Sp. z o.o.
- 13. DUON Dystrybucja Sp. z o.o.
- 14. Koleje Dolnoślaskie S.A.;
- 15. Koleje Śląskie Sp. z o.o.,
- 16. Łódzka Kolej Aglomeracyjna Sp. z o.o.,
- 17. Warszawska Kolej Dojazdowa Sp. z o.o.,
- 18. Pomorska Kolej Metropolitalna S.A.,
- 19. CARGOTOR sp. z o.o.
- 20. Instytut Kolejnictwa [Railway Research Institute],
- 21. Forum Kolejowe [Railway Forum] Railway Business Forum,
- 22. Związek Niezależnych Przewoźników Kolejowych [Union of Independent Rail Operators],
- 23. Związek Pracodawców Kolejowych [Association of Railroad Employers],
- 24. Izba Gospodarcza Transportu Lądowego [Land Transport Chamber of Commerce],
- 25. Związek Zawodowy Maszynistów Kolejowych w Polsce [Trade Union of Railway Train Drivers in Poland],
- 26. Związek Zawodowy Dyżurnych Ruchu PKP [Trade Union of Polish State Railways Traffic Dispatchers],
- 27. Sekcja Krajowa Kolejarzy NSZZ "Solidarność" ['Solidarity' Trade Union Railway Employees Section],
- 28. Federacja Związków Zawodowych Kolejarzy [Federation of Railwat Employees Trade Unions],
- 29. Krajowy Sekretariat Kolejarzy NSZZ "Solidarność 80" [National Secretariat of Railway Employees of the 'Solidarność 80' Trade Union],
- 30. Związek Samorządowych Przewoźników Kolejowych [Union of Local Government Railway Carriers],
- 31. Ogólnopolskie Porozumienie Związków Zawodowych [National Alliance of Trade Unions];
- 32. Związek Przedsiębiorców i Pracodawców [Union of Entrepreneurs and Employers];
- 33. Konfederacja Lewiatan ['Lewiatan' Confederation];
- 34. Fundacja Pro Kolej ['Pro Kolej' Foundation],
- 35. Klaster "Luxtorpeda 2.0" ['Klaster Luxtorpeda 2.0' Union],
- 36. Zespół Doradców Gospodarczych TOR Sp. z o.o.,
- 37. Stowarzyszenie Ekspertów i Menedżerów Transportu Szynowego [Association of Rail Transport Experts and Managers];
- 38. PERN S.A.;
- 39. Piaseczyńsko-Grójeckie Towarzystwo Kolei Wąskotorowej [Piaseczno–Grójec Narrow-Gauge Railway Association],
- 40. MPK Poznań Sp. z o.o.,
- 41. Pomorskie Towarzystwo Miłośników Kolei Żelaznych [Pomeranian Association of Railway Aficionados],
- 42. Towarzystwo Koszalińskiej Kolei Wąskotorowej [Koszalin Narrow-Gauge Railway Association],
- 43. Dolnośląska Służba Dróg i Kolei we Wrocławiu [Lower-Silesian Road and Rail Service in Wrocław],
- 44. Obywatel RS,
- 45. Towarzystwo Przyjaciół Kolejki Średzkiej "BANA" [Association of Friends of the Średzka Railroad 'BANA'],
- 46. Związek Pracodawców Business Centre Club ['Business Centre Club' Union of Employers];
- 47. Związek Pracodawców 'Polska Miedź' ['Polska Miedź' Employers' Association]

The entities had 10 days after being informed about the draft's being published in the Public Information Bulletin to submit their comments.

The discussion of the outcome of the consultation can be found in the Public Consultation Report.

6. Impact on the public finance sector												
(fixed prices for [year])	Impact over 10 years from implementing the amendments [PLN million]											
	0	1	2	3	4	5	6	7	8	9	10	Total (0–10)
Total revenue												
state budget												
local government units												
other units (separately)												
Total expenditure												

state budget																	
local government units																	
other units (separately)																	
Total balance																	
state budget																	
local government	units																
other units (separa	ately)																
Sources of finance																	
Additional information, including the identification of data sources and assumptions made in the calculation  It is assumed that railway infrastructure operators and siding users will not have to bear the corresponding to the proposed Regulation due to the transitional provision contained therein. In addition, level crossings and pedestrian crossings investments are most of part of larger investment projects concerning the modernisation of a section of the railway line.								ons									
7. Impact on t							entrep	reneur	ship, i	includ	ing th	e func	tionin	g of enterpri	ises		
and impact	on tam	ines, citiz	ens and	1 Hous	senora		nact										
Time in years sind	ce entry	into force	of the		0	1111	pact	2		3	5		10	Total (0–2	10)		
amendments	,																
In monetary		enterprises ·, small- an	d	The	o coluti	one co	ntaino	d in the	draft E	Pogulat	ion wil	l not h	2270 2 d	iroct impact o	n n		
terms (PLN million,		m-sized	ıu		The solutions contained in the draft Regulation will not have a direct impact on the activity of micro-, small- or medium-sized enterprises.												
fixed prices for	enterp																
[year])	familio housel	lies, citizens and			Not applicable												
In non-		enterprises															
monetary terms	micro-	o-, small- and ium-sized			Not applicable												
	familie	amilies, citizens and			Increasing the level of safety at level crossings and pedestrian crossings and consequently increasing the protection of human life and health.												
Unmeasurable	1 1 0 1																
Additional information, including the identification of data sources and assumptions made in the calculation  No impact on the economic or social position of families, persons with disabilities or elderly.								the									
8. Change in t		llatory bu	rdens (	(inclu	ding d	isclosı	ure ob	ligatio	ns) res	ulting	from	the dr	aft				
not applicable																	
Burdens are placed outside those strictly required by yes																	
the EU (see the inverted compatibility table for details).						applical	plicable										
reduction in the number of documents increase in the number of documents																	
reduction in the number of procedures						increase in the number of procedures											
shortening of the time to settle the matter other:					extension of the time to settle the matter other:												

The introduced burdens		<u> </u>		yes no not applicable					
Comment: Facilitation has been introduced railway infrastructure operators and users of sidings for narrow-gauge railway lines by excluding the use of F category level crossings on narrow-gauge railway lines and allowing the use of non-automatic level crossing devices on B and C category level crossings.									
9. Impact on the labour market									
No impact									
10. Impact on other as	pects								
□ natural environment □ regional standing and development □ ordinary, administrative or military courts □ demograp state prop ○ other: rail			y	l road safety	computerisation health				
Discussion of the impact	9								
11.Planned implementation of the provisions of the Act									
From the date of entry into force of the draft Regulation.									
12. How and when will the impact of the draft be assessed, and what measures will be applied?									
No evaluation of the effects of the draft Regulation is foreseen.									
13. Annexes (important source documents, research, analyses, etc.)									
None									