

<p>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</p> <p>Lead ministry and cooperating ministries Ministry of Infrastructure Ministry of Development and Technology</p> <p>Person responsible for the draft: Minister, Secretary of State or Undersecretary of State Mr Piotr Malepszak — Undersecretary of State at the Ministry of Infrastructure [MI]</p> <p>Contact details for the draft supervisor Mr Tomasz Rurka — Deputy Director of the Railways Department at the MI, tel. (022) 630 13 00, Tomasz.Rurka@mi.gov.pl, Mr Maciej Sofiński, Railways Department at the MI tel. (022) 630 14 98, Maciej.Sofiński@mi.gov.pl, Ms Anna Górka, Railways Department at the MI tel. (022) 630 15 91, Anna.Gorka@mi.gov.pl</p>	<p>Date of preparation .</p> <p>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)</p> <p>Number on the list of legislative works of the Minister for Infrastructure 80</p>
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REGULATORY 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.,

state budget																				
local government units																				
other units (separately)																				
Total balance																				
state budget																				
local government units																				
other units (separately)																				

Sources of financing	
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 costs resulting from the entry into force of the proposed Regulation due to the transitional provisions contained therein. In addition, level crossings and pedestrian crossings investments are most often part of larger investment projects concerning the modernisation of a section of the railway line.

7. Impact on the competitiveness of the economy and entrepreneurship, including the functioning of enterprises and impact on families, citizens and households

		Impact						
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0–10)
In monetary terms (PLN million, fixed prices for [year])	large enterprises							
	micro-, small- and medium-sized enterprises	The solutions contained in the draft Regulation will not have a direct impact on the activity of micro-, small- or medium-sized enterprises.						
	families, citizens and households	Not applicable						
In non-monetary terms	large enterprises							
	micro-, small- and medium-sized enterprises	Not applicable						
	families, citizens and households	Increasing the level of safety at level crossings and pedestrian crossings and consequently increasing the protection of human life and health.						
Unmeasurable	Not applicable							

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 the elderly.
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8. Change in the regulatory burdens (including disclosure obligations) resulting from the draft

<input type="checkbox"/> not applicable	
Burdens are placed outside those strictly required by the EU (see the inverted compatibility table for details).	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> not applicable
<input type="checkbox"/> reduction in the number of documents <input checked="" type="checkbox"/> reduction in the number of procedures <input type="checkbox"/> shortening of the time to settle the matter <input type="checkbox"/> other:	<input type="checkbox"/> increase in the number of documents <input type="checkbox"/> increase in the number of procedures <input type="checkbox"/> extension of the time to settle the matter <input type="checkbox"/> other:

The introduced burdens are suitable for digitisation.	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> 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 aspects	
<input type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development <input type="checkbox"/> ordinary, administrative or military courts	<input type="checkbox"/> demography <input type="checkbox"/> state property <input checked="" type="checkbox"/> other: railway and road safety
<input type="checkbox"/> computerisation <input type="checkbox"/> health	
Discussion of the impact	The possibility of using modern solutions at level crossings and pedestrian crossings will increase the safety of their users.
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	