Message 001

Communication from the Commission - TRIS/(2025) 0735

Directive (EU) 2015/1535

Notification: 2025/0145/PL

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta’ dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250735.EN

1. MSG 001 IND 2025 0145 PL EN 14-03-2025 PL NOTIF

2. Poland

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4. 2025/0145/PL - T30T - Rail transport

5. Regulation of the Minister for Infrastructure of ... 2025 on the technical conditions to be met by intersections of railway lines and sidings with roads and their location as well as the technical conditions for their use

6. required technical conditions for other construction works, including technical conditions relating to their location, and technical conditions for the use of construction works

7.

8. The draft Regulation systematises regulatory provisions. A provision has been introduced stating that the design, construction, reconstruction and renovation of intersections of railway lines and sidings with roads, as well as their use, must take into account the risks associated with climate change, including the vulnerability of these intersections to climate change. An assessment of the vulnerability of investments (exposure and resilience) to accidents or disasters and the risk of their occurrence, as well as the likelihood of the occurrence of significant adverse effects on the environment was of crucial importance. The above assessment was taken into account in Article 66(1)(1)(g) of the Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws 2024, item 1112, as amended).
The project promoter has waived the provisions on the harmful effects of vibrations on buildings located in the immediate vicinity of intersections and vibrations and noise to which people staying in these buildings would be exposed due to the fact that intersections of railway lines and sidings with roads are subject to generally applicable regulations in this regard.
The list of terms has been supplemented with the definition of ‘forest road’ and ‘road of defensive importance’ due to the introduction of inclusions with regard to class F level crossings and pedestrian level crossings.
In order to ensure compliance with the provisions of the Road Traffic Act of 20 June 1997 (Journal of Laws 2024, item 1251), the definition of ‘pedestrian level crossing’, consisting of an extension of the catalogue of vehicles and persons, has been updated, and the definition of ‘traffic signal’ has been added.
In order to ensure compliance with the provisions of the Public Roads Act of 21 March 1985 (Journal of Laws 2024, item 320, as amended), the definition of ‘road prism’ has not been specified in the draft Regulation. At the same time, the term ‘level crossing width’ has been further specified.
In the provisions of the new draft Regulation, the project promoter decided to use the term ‘pedestrian path’ and not the term ‘pathway’, as has been the case so far.
In addition, the draft Regulation introduces provisions resulting from the recommendations of the State Commission for the Investigation of Railway Accidents [Państwowa Komisja Badania Wypadków Kolejowych], hereinafter referred to as ‘PKBWK’, the conclusions of the President of the Office of Rail Transportation, hereinafter referred to as ‘the President of the UTK’, and the demands of railway infrastructure managers and users of railway sidings.
In accordance with the draft Regulation, the provisions on technical and defence requirements for public roads of defensive importance shall apply to the process of construction or reconstruction of a railway track forming part of a level crossing on which a road of defensive importance or a section thereof runs, as well as to the technical conditions for road gauges under a railway viaduct. The provisions regarding roads of defensive importance can be found, in particular, in the Public Roads Act of 21 March 1985, the Regulation of the Minister for Infrastructure of 24 June 2022 on technical and construction regulations for public roads (Journal of Laws, item 1518), the Regulation of the Council of Ministers of 25 July 2023 on the conditions and method of preparing and using transport for state defence purposes as well as for state defence in time of war, and the competence of authorities in these matters (Journal of Laws, item 1660) and in Order No 21 of the Minister for Infrastructure of 4 June 2024 on the implementation of technical and defence requirements for public roads of defensive importance (Official Journal of the Ministry of Infrastructure, item 28).
Another difference to be pointed out between the existing provisions on the technical conditions to be met by intersections of railway lines and sidings with roads and their location and the provisions of the draft

Regulation is that the option of securing pedestrian level crossings with turnstiles has been abandoned because they do not meet the requirements for persons with disabilities. At the same time, the method for setting up safety mazes at pedestrian level crossings over railway tracks was determined and it was indicated when safety barriers at pedestrian level crossings may be used.
In the case of class C level crossings, it is possible to use non-automatic level crossing systems operated by authorised employees of the railway infrastructure manager, railway siding users or railway transport operators, and in the case of narrow-gauge rail lines also at class B level crossings.
Class E pedestrian level crossings need to be secured in a way that enables safe use by persons with disabilities or persons with reduced mobility. In addition, class E crossings must comply with the Community requirements set out in the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (PRM TSI).
With regard to class F level crossings, level crossings and pedestrian level crossings on narrow-gauge railway lines and sidings along forest roads and internal roads are excluded (Section 12).
In accordance with Section 14(3), measurements of road traffic and rail traffic volume shall be carried out at the request of competent authorities, the State Commission for the Investigation of Railway Accidents or the railway commission referred to in Article 28m of the Rail Transport Act of 28 March 2003, a road manager or a railway manager. It should be noted that the term 'competent authorities' is to be understood as the authorities conducting the investigation, i.e. the police, the public prosecution service. The President of the UTK also has the right to request that an inspection of road and rail traffic volume is carried out under their right of scrutiny pursuant to the Rail Transport Act of 28 March 2003.
Section 17 has been clarified by determining the extent of liability of road managers, railway infrastructure managers and users of railway sidings with regard to ensuring visibility conditions at level crossings and pedestrian level crossings indicated in Annex 3 to the Regulation.
According to the wording of Section 22, access to class B level crossings must be strictly secured in such a way as to prevent road users from going around a closed bar gate, either by using traffic islands or separators the construction of which makes it possible to pass through them in an emergency. The current regulations made the application of the above-mentioned safeguards dependent on local conditions.
The provisions of Section 23 have been supplemented by adding the obligation to verify the technical condition of a level crossing after incidents resulting from the malfunctioning of rail traffic control devices which fail to warn
and protect road users from a train approaching a level crossing or pedestrian level crossing equipped with a crossing system.
Section 25 introduces the possibility to leave crossings at a distance of less than 3 km when a new crossing that constitutes an intersection of the same track (tracks) with the same road but with better technical/safety conditions is being built next to an existing crossing.
Section 28 extends the crossing angles of the road axis with the track axis of a railway line or siding for level crossings of a class other than D. It also further specifies the condition for level crossings subject to reconstruction so that, where the crossing angle does not meet the requirements laid down in Section 28(1)-(3), it does not deteriorate as compared to the conditions prior to the reconstruction.
The introduction of regulations covered by Section 56 will enable the use of modern methods of detecting obstacles at level crossings, which include induction loops, a radar system, infrared thermal imaging and ultrasonic sensors. One of the solutions in the functioning of the monitoring subsystem is the transmission of a visual and alarm signal to local traffic control centres, whose staff decide whether or not to stop an oncoming train. Another solution is an alarm signal sent by the monitoring subsystem to the processing subsystem, which initiates the train stop procedure either by providing a stop signal on the semaphores

located within the crossing, or by sending an alarm message by radio to the desk of the driver who makes the decision to implement the train braking procedure. The level crossing obstacle detection system in this case is connected to the railway traffic control devices.
The amendment to Section 60, as regards the pre-warning time at class A level crossings with bar gates or pedestrian level crossings with bar gates, introduces a distinction in pre-warning times dependent on whether the level crossing or pedestrian level crossing is operated from its location or from a distance. The amendment is a recommendation of the PKBWK included in the report from the examination of a class A18 significant railway accident which took place on 2 August 2018 at a class A level crossing, located on the Pierzyska-Gniezno route, at 43.141 km of railway line No 353 Poznań Wschód – Skandawa (Report No PKBWK/04/2019).
In Section 71(2), the state of activation of traffic signals has been added to the states that are subject to dependence in station traffic control devices in automatic level crossing systems.
At the request of railway infrastructure managers and users of rail sidings, Section 79 now requires placing a T-7 information plate - under signs A-9 ‘railway crossing with a barrier’ and A-10 ‘railway crossing without a barrier’ at level crossings of class B and C - indicating the layout of the tracks and road at the crossing, which informs road users that the traffic signal at the crossing in question is automatic.
The draft Regulation contains a provision (Section 82) allowing road managers to additionally mark level crossings with active signs, variable-content signs or variable-content text boards and by using horizontal signs in the form of rumble strips, speed bumps and additional road surface colours. This provision was introduced at the request of the President of the UTK, who pointed out that the variable content of displayed messages attracts the attention of drivers, increases concentration and prevents driving from memory. In addition, the use of horizontal level crossing marking by means of traffic calming lines (rumble strips), speed bumps or additional colouring of the road surface may increase safety at level crossings. The presence of speed bumps and signs manufactured from materials causing an acoustic effect and vibration the moment they are driven on affects the driver's perception, increases their level of alertness and consequently causes them to drive through a level crossing more attentively. The use of special colours on road and pedestrian surfaces directly on level crossings may also contribute to improving safety.
Table 1 in Annex 3 to the Regulation supplements the visibility of level crossings for vehicle drivers at speeds of less than 60 km/h.
In addition, due to the emerging interpretation concerns regarding visibility triangles, issues related to visibility triangles at class D crossings have been clarified.
The regulatory provisions, which constitute new solutions or modify the existing solutions in this area, will allow for the application of higher technical standards, which will result in increased level of safety in rail transport, causing an improvement in the safety of rail traffic and road traffic at level crossings and pedestrian level crossings.
Pursuant to Section 91 of the draft Regulation, it will enter into force 14 days after its publication, in accordance with Article 4(1) of the Act of 20 July 2000 on the publication of normative acts and certain other legal acts (Journal of Laws 2019, item 1461).
In accordance with the transitional provisions laid down in the Regulation, the existing provisions will apply to intersections of railway lines or sidings with roads for which the following types of applications have been submitted before the entry into force of the Regulation: for a building permit, for a separate decision approving a plot or land development project or an architectural and construction project, for a change in a building permit, as well as where a decision on a building permit or a separate decision approving a plot or land development project or an architectural and construction project has been issued, and where a notification of construction or other construction works has been submitted when no construction permit

decision is required, or where a decision on legalisation, referred to in Article 49(4) of the Construction Law Act of 7 July 1994 and the decisions referred to in Article 51(4) of that Act, has been issued. However, the new provisions of the Regulation may be applied earlier at an investor's request submitted to the competent architectural and construction administration authority within 21 days of the date of entry into force of the Regulation.
The existing provisions shall apply in the case of railway investments involving the construction or reconstruction of intersections of railway lines or sidings with roads, for which the tender procedure for the award of a project or construction contract was completed before the entry into force of the draft Regulation. However, the provisions of the proposed Regulation will be applied earlier at an investor's request submitted to the competent architectural and construction administration authority within 21 days of the date of entry into force of the Regulation.
The project promoter also indicates that railway infrastructure managers, railway siding users and road managers shall adapt level crossings and pedestrian level crossings to the requirements set out in the draft Regulation within 7 years from the date of entry into force of the Regulation. The above time frame is justified by the fact that there are over ten thousand level crossings and pedestrian level crossings in Poland, and adapting them to the requirements of the draft Regulation will entail a significant organisational burden. It is estimated that it would be impossible to do it in a shorter time. It is permitted to leave road gradients existing on level crossings before the entry into force of the Regulation. For reused crossing systems that were built before the entry into force of the proposed Regulation, if they do not meet the requirements set out in Chapters 5 to 7 of the Regulation, in the event of a change of the location of systems, it is possible to apply the provisions in accordance with which they were built.

9. The need to enact the draft Regulation of the Minister for Infrastructure
on technical conditions to be met by intersections of railway lines and sidings with roads and their location as well as 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), hereinafter referred to as ‘the Accessibility Act’.
The said provision obliges the minister responsible for transport to issue,
in agreement with the minister responsible for construction, planning
and spatial development, and housing, implementing provisions enacted under Article 7(2)(2) and (3)(2) of the Construction Law Act of 7 July 1994 (Journal of Laws 2024, item 725, as amended) within 84 months of the day of entry into force of the Accessibility Act.

10. References to reference texts: 2023/0445/PL

Reference texts were submitted under the previous notification:
2023/0445/PL

11. No

12.

13. No

14. No

15. Yes

16.
TBT aspects: No

SPS aspects: No

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