

### Level crossing condition-monitoring questions

No.	Question	The state of play in Kosovo	The state of play in Macedonia	The state of play in Albania
1	List the national legislation (Laws/Bylaws/Instructions/Decisions) connected to the railroad level crossing and please mention the articles in concrete act.	<p><b>1. Law No. 04/L-063 on Kosovo Railways</b>            Article 3, paragraph 1.21; Article 42, paragraph 1.4;            Article 43, paragraph 1, paragraph 2, paragraph 3 and paragraph 4; Article 123, paragraph 6; Article 143, paragraph 3/3.18 and paragraph 4.</p> <p><b>2. Law No. 05/L-088 on road Traffic Provisions</b>            Article 3, paragraph 1/1.96; Article 8, paragraph 3/3.4; Article 25, paragraph 1, paragraph 2, paragraph 3; Article 26, paragraph 1, paragraph 2, paragraph 3; Article 27, paragraph 1, paragraph 2, paragraph 3, paragraph 4; Article 28, paragraph 1, paragraph 2, paragraph 3, paragraph 4; Article 29, paragraph 1, paragraph 2, paragraph 3; Article 52, paragraph 4/4.2; Article 72, paragraph 1/1.2; Article 92, paragraph 1/1.3; Article 93, paragraph 1/1.3; Article 144, paragraph 1/1.3, paragraph 1/1.6, paragraph 1/1.7; Article 153, paragraph 1, paragraph 2, paragraph 3, paragraph 4, paragraph 5, paragraph 6; Article 154, paragraph 1, paragraph 2, paragraph 3;</p>	<p>Law on Railway System, articles 52, 53, 54, 55            Law on Public Roads, article 37            Rulebook for level crossing between railway line and road, from aspect of safe railway traffic regulation</p>	<p>Law No. 142/216, dated 22.12.2016, Railway Code of the Republic of Albania (Article 121 to Article 131).</p>

		Article 155, paragraph 1, paragraph 2, paragraph 3;		
2	Regarding the national legislation, beside the IM, who is in charge for the opening new LCs and termination of existing?	<p>Pursuant to Article 43 of the Law on Kosovo Railways No. 04 / L-063, the construction of new level crossings cannot be done without the permission of the Infrastructure Manager, while the financing of the construction of these level crossings is made by the investor of the new road that crosses the railway.</p> <p>Moreover based on the P. 4 of this article, construction of underpasses, overpasses and level crossings without permission from the Manager of the Railway Infrastructure will be eliminated automatically by the manager of Railway infrastructure and the expenses for elimination of such a underpasses, overpasses and level crossings will be paid by the institution who build them.</p> <p>The elimination (termination) of existing level crossings is not prescribed by law, but according to the logic of construction of new level crossings this should be done by the Infrastructure Manager and the owner of the level crossing, respectively the owner of the road that crosses the railway.</p> <p>This issue should be regulated by the Administrative Instruction (By Law) issued by Ministry of Infrastructure and Transport, by which will be clarified in details opening of new or termination of existing LCs.</p>	The national legislation does not provide detailed definition to this matter. Following the internal procedures of IM and the best practices, the opening of new and the termination of existing LCs is done jointly between the IM and the Ministry of Transport and Communications	Responsible for opening the railway level crossings is the Infrastructure Manager and the road administrator. Responsible for closing the railway crossings is the institution in charge of the law, the National Inspectorate for the Protection of the Territory (IKMT), upon request by the Infrastructure Manager.

3	Based on national legislation, who is responsible for the maintenance of LC?	<p>Based on the existing regulations in use the responsible entity for maintenance of the level crossings is Infrastructure Manager – INFRAKOS, except road warning signs for which is responsible the owner of the road.</p> <p>But based on the Law No. 04/L-063 on Kosovo Railways (Article 123, paragraph 6): “Expenses of the railway infrastructure manager for maintenance and operation of railway level crossings shall be reimbursed by the body responsible for the administration of the infrastructure crossed by a railway line”.</p>	The maintenance of LC is fully given to the IM	Maintenance of railway crossings up to 10 meters from the railway line axis, on both sides, is the responsibility of the Infrastructure Manager. The infrastructure manager is obliged to cover the cost of the level and road on both sides up to 10 meters from the railway line axis, while the rest of the road is maintained by the road maintenance manager.
4	Does rail IM share maintenance cost with road IM (state of municipality)?	Unfortunately till now the IMs maintenance costs was never covered by the state or municipalities.	In accordance with the Law in Railway System, the maintenance cost shall be equally divided between the IM and the municipalities. In practice, this approach is not implemented.	No, it does not share
5	Who is responsible for the cost estimation and is there are contract between rail IM and road IM?	Since there is no contract between road entities and IM for maintenance costs, then the responsible institution for cost calculation for LCs maintenance is Infrastructure Manager. This issue should be regulated through administrative instruction issued by the Ministry of Infrastructure and Transport.	The Rail IM is responsible about the cost estimation; there is no contract between the road IM and the rail IM.	There is no contract between the infrastructure manager and the road management manager. Each manager is obliged to implement the relevant legislation.
6	How many LCs are there on rail Core/Comprehensive Network?	In core network there are 107 Level Crossings, while in comprehensive network there are 32.	On the rail Core/Comprehensive Network, there are 283 registered LCs, from which 98 are with active signalization or equipped with signaling and safety devices, while 185 LCs are with passive signalization or equipped with traffic signs for road signalization.	There are 125 road-level crossings in the main Albanian railway network

7	How many LCs have “active” and “passive” signaling? (just on Core/Comprehensive network)	<p>From 107 LCs from the core network, 20 are protected with the active signaling, therefore 87 are protected with the passive signalling.</p> <p>From 32 LCs in Comprehensive Network all of them are protected only with passive signaling.</p>		86 LCs are passive, which have only train signboards, and 39 are active that have a mechanical system mounted with metal barriers lowered when the train crosses. There are also signboards at these crossings
8	When was the last time your organization changed legislation related to the LCs?	The last time when the legislation on LCs was changed was 2011 when the Law on Kosovo Railways is approved and 2016 when the Law on Road Traffic Provisions is approved.	In 2011	In 2018, with the entry into force of the new Law No. 142/2016, dated 22.12.2016 Railway Code of the Republic of Albania

No.	Question	The state of play in Serbia	The state of play in Bosnia	The state of play in Montenegro
1	List the national legislation (Laws/Bylaws/Instructions/Decisions) connected to the railroad level crossing and please mention the articles in concrete act.	<ul style="list-style-type: none"> <li>- Law on Railways („Official Gazette of the Republic of Serbia“, No. 41/2018), articles 61. to 70.</li> <li>- Law on Safety in Railway traffic („Official Gazette of the Republic of Serbia“, No. 41/2018), articles 96. and 97.</li> <li>- Rulebook on the method of crossing the railway and roads, hiking or cycling paths, place where crossing can be made and safety traffic measures („Official Gazette of the Republic of Serbia“, No. 89/2016)</li> <li>- Rulebook about technical condition and maintenance of railway substructure („Official Gazette of the Republic of Serbia“, No. 39/2016 and 74/2016), articles 6, 8, 11, 16. and 35.</li> <li>- Rulebook about technical condition and maintenance of railway superstructure („Official Gazette of the Republic of Serbia“, No. 39/2016 and 74/2016), article 37.</li> <li>- Rule-book about technical condition and maintenance of railway signalling and safety system („Official Gazette of the Republic of Serbia“, No. 18/2016), articles 17, 18. and 25. to 32.</li> </ul>	<ul style="list-style-type: none"> <li>- Law on Rail Transport Safety („Official Gazette of BiH“, No 33/95), Articles 91 to 105,</li> <li>- FBiH Rulebook on level crossings („Official Gazette of FBiH“ No 42/06),</li> <li>- FBiH Law on Roads („Official Gazette of FBiH“, No 12/10, 16/10 and 66/13), Article 65,</li> <li>- Law on Railways of the Republic of Srpska („Official Gazette of the Republic of Srpska“ No. 18/17, 28/17, 100/17), Articles 49-60.</li> <li>- Rulebook 322 on the manner of intersection between a railway and a road („Official Gazette of the Republic of Srpska“ No. 76/10)</li> </ul>	<p style="color: red;">Railway law, art. 44 - 51</p>

		<ul style="list-style-type: none"> <li>- Law on Roads („Official Gazette of the Republic of Serbia“, No. 41/2018 and 95/2018 – another law), articles 38. and 86.</li> <li>- Law on Safety in Road traffic („Official Gazette of the Republic of Serbia“, No. br. 41/2009, 53/2010, 101/2011, 32/2013 – decision US, 55/2014, 96/2015 – another law, 9/2016 decision US, 24/2018, 41/2018, 41/2018 – another law 87/2018 and 23/2019), article 153.</li> <li>- Rulebook about road traffic signalling system („Official Gazette of the Republic of Serbia“, No. 85/2017), articles 17. and 84.</li> </ul>		
2	Regarding the national legislation, beside the IM, who is in charge for the opening new LCs and termination of existing?	Beside the Railway IM, Road IM and Ministry of Construction, Transport and Infrastructure are in charge for the opening new LCs and termination of existing according to the Law on Railways, article 64.	<p>RS: According to the legislation on railways and spatial planning, the infrastructure manager as well as the owner of railway infrastructure is in charge for opening of new LCs and termination of the existing ones. However, there are no plans to open any new LCs, which is confirmed by the fact that we have no new LCs opened in last 10 years. In accordance with the legislation on railways, our plan is to reduce the number of LCs.</p> <p>FBiH:</p> <p>Rail Infrastructure Manager and road maintenance competent authorities, in</p>	<p>Article 49 of the Railway law: If a railway crossing is to be replaced by an underpass or an overpass or if a railway crossing is to be eliminated due to road routing, costs of such changes made to the infrastructure and road shall be covered by:</p> <ol style="list-style-type: none"> <li>1) Infrastructure manager, if the change results mainly from railway traffic needs;</li> <li>2) Road manager, if such change results mainly from road traffic needs, and in the case of an unclassified road used mainly by a specific entity, the costs of any change on infrastructure and road shall be completely covered by such entity.</li> </ol>

			<p>agreement with the FBiH Ministry of Transport and Communications, are in charge of terminating level crossings. Construction of new level crossings is forbidden on the main railroad, except in special cases if the number of the existing LCs is reduced by such construction.</p>	<p>In all other cases of changes related to crossings, including adjustment and improvement of safety and other devices, infrastructure and road change costs referred to in paragraph 1 of this Article shall be covered jointly by the infrastructure manager, road manager and entity that mainly uses an unclassified road, in proportion to the needs of railway and road traffic which led to such changes, unless they agree otherwise</p>
3	<p>Based on national legislation, who is responsible for the maintenance of LC?</p>	<p>Railway IM and Road IM are both responsible for the maintenance of LCs according to the Law on Railways, articles 62. and 69. Railway IM is in charge for the maintenance of the railway infrastructure, and Road IM is responsible for the maintenance of the road infrastructure.</p>	<p>Article 54. (Law on Railways of the Republic of Srpska)  (1) Infrastructure manager shall maintain level crossings and shall take all the necessary measures to enable safe traffic flow.</p> <p>Road on both sides of a level crossing referred to in Article 1 of this paragraph shall be maintained by the road manager in a manner that shall enable uninterrupted rail and road traffic flow.</p> <p>Article 55  (1) Expenses related to maintenance, renewal or reconstruction of level crossing and railway signal infrastructure shall be borne by the owner of the railway infrastructure.  (2) Road manager shall install and maintain road traffic signs at the level crossing warning participants in the road traffic about the level crossing.</p>	<p><b>Article 46</b> If infrastructure and road intersection is built at the same level, the railway crossing shall be considered as an integral part of the infrastructure on both track sides of three metre width measured from the ultimate track axis.</p> <p>The infrastructure manager shall ensure the maintenance of railway crossings referred to in paragraph 1 of this Article, as well as safe and unobstructed traffic at the railway crossings,</p> <p>Infrastructure Manager shall maintain the track on a railway crossing under paragraph 2 of this Article, to ensure safe and smooth road traffic.</p> <p>Other parts of the road on both sides of a track shall be maintained by the road manager, in a way which ensures safe and unobstructed railway traffic operations.</p>

			<p>FBiH:</p> <p>Pursuant to Article 99 of the BiH Law on Rail Transport Safety, rail IMs are responsible for the LCs maintenance, since they are capacitated to perform such work, whereas Article 65 of the FBiH Law on Roads provides for the Agreement on LCs maintenance between rail IMs and road IMs.</p>	
4	Does rail IM share maintenance cost with road IM (state of municipality)?	Railway IM shares maintenance with road IM in 50%:50% ratio.	<p>RS: No</p> <p>FBiH: YES</p>	<p><i>Article 47 The costs of maintaining a railway crossing and costs of ensuring safe and unobstructed traffic at a railway crossing shall be covered by:</i></p> <p><i>1) The infrastructure manager, for maintaining the track and other parts of infrastructure on a railway crossing, signalling equipment and signs that alert train crews about the crossing, railway telephone lines with the road crossing;</i></p> <p><i>2) The road manager, for maintaining road surface at a railway crossing and road signs that alert drivers about the railway crossing;</i></p> <p><i>3) The infrastructure manager and road manager, in equal parts, for:</i></p> <ul style="list-style-type: none"> <li><i>- Maintaining instruments for signalling drivers of trains approaching a railway crossing and equipment for closing the traffic at a railway crossing,</i></li> </ul>
5	Who is responsible for the cost estimation and is	Various departments of rail IM (traffic, civil works, signaling) are responsible for the cost estimation. There are contracts between rail IM and road IM which are updated yearly.	<p>RS: There is no contract</p> <p>FBiH: Rail IM in agreement with road IM</p>	Infrastructure manager



	there are contract between rail IM and road IM?			
6	How many LCs are there on rail Core/Comprehensive Network?	There are 1441 LCs on rail Core/Comprehensive Network (main and regional lines).	RS: Total number of LCs is 296. FBiH: There are 195 LCs in total on the railroads of Željeznice FBiH (the FBiH Railways)	<i>23 LCs in total</i>
7	How many LCs have “active” and “passive” signaling? (just on Core/Comprehensive network)	391 LCs have “active” signaling and 1.050 “passive” signaling.	RS: 36 LCs are secured with light signals and barriers, and 260 LCs are secured with traffic signs and visibility triangle.  FBiH: - 3 LCs protected by light and sound signals without half barriers - 13 LCs protected by mechanical barriers - 28 LCs protected by light and sound signals with half barriers - Other LCs (151) equipped with passive protection – a saltire (St. Andrew's Cross) and STOP sign.	<i>Total number 23 Passive 4 Active 19</i>
8	When was the last time your organization changed legislation related to the LCs?	New Law on Railways and new Law on Safety in Railway traffic were adopted in May 2018.	RS: In 2017.  FBiH: Since the issuance of the Rulebook on level crossings in 2006, the FBiH Ministry of Transport and Communications has not made any changes to the legislation related to the LCs, but it should be noted that in 2013 the BiH Railway Regulatory Board issued the Rulebook on the method of intersecting roads and railroads	<i>In 2014</i>