The Parliament of the Republic of Latvia

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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Saeima\(^1\) has adopted and the President has proclaimed the following Law:

**Railway Law**

**Chapter I General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **safety certificate** – a document which gives a railway undertaking the access right to the railway infrastructure;

2) **railway operation** – an activity that ensures the functioning of a railway, as well as the use, maintenance and development of the railway infrastructure, and use of the rolling stock;

3) **development of railway infrastructure** – the complex of activities which, in accordance with the national programme on transport development, is carried out in order to substantially increase the speed of carriage and improve the safety, quality and other technical capabilities of the railway;

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4) **capacity of railway infrastructure** – the technical capability of the railway infrastructure to ensure the provision of carriage of a specific type, frequency, regularity and capacity;

5) **use of railway infrastructure** – services which are provided by the railway infrastructure manager to another person, on a contractual basis, granting the right to use the railway infrastructure;

6) **maintenance of railway infrastructure** – the complex of activities continually carried out by the railway infrastructure manager in order to ensure that use of the railway infrastructure facilities is in compliance with the railway technical operations regulations;

7) **carriage by rail** – services, which are provided for passenger or freight carriage, on a contractual basis, for inland or international traffic by railway;

8) **public procurement of carriage by rail** – railway passenger and freight carriage and associated other services which are paid for fully or in part by State or local government funds;

9) **railway specialist** – a person whose work is directly related to railway traffic, who has special education or who is specially trained and who in order to be entitled to work in the relevant profession has according to specified procedures submitted documents certifying qualifications (a railway specialist certificate or professional competence certificate);

10) **railway technical operations regulations** – regulations issued by the Cabinet and which govern the basic railway technical operations requirements;

11) **railway right of way** – an area of land, which is an integral part of the railway infrastructure and which is intended for the placement of railway infrastructure facilities, in order to ensure the development of the railway infrastructure and the safe operations, as well as to protect people and the environment from harmful effects of the railway;

12) **railway infrastructure manager** – a capital company or institution, which manages the railway infrastructure (maintenance and development of the railway infrastructure), plans, organises and supervises the movement of trains and other rolling stock over the railway infrastructure tracks under its management, as well as is responsible for the management of the infrastructure control and safety system and, in cases where the law does not provide for restrictions, performs the essential functions of the railway infrastructure manager. Separate functions of the railway infrastructure manager may be performed by various institutions or capital companies;

13) **route** – a pre-selected path of movement of rolling stock between two end points in a specified time period;

14) **railway undertaking** – a commercial company, which has received a railway undertaking licence to conduct carriage by rail (passengers or freight) between stations and for this purpose ensures traction, or also a commercial company, which has received a railway undertaking licence and provides only traction services between stations;

15) **access right to railway infrastructure** – the rights of a railway undertaking to use the public-use railway infrastructure after a safety certificate has been obtained and a contract has been entered into with the railway infrastructure manager;

16) **rolling stock** – locomotives, cars, multiple units, power cars, drivable self-propelled cars, track repair equipment, cranes, and other machinery and devices which because of their technical features are able to or do move by rail;

17) **means of traction** – locomotives, power cars and similar rolling stock by means of which the primary energy (electrical, mechanical or hydraulic energy) is converted into the mechanical energy of train movement;

18) **train** – an assembly of cars or other rolling stock coupled with one or more means of traction, which assembly has been assigned a train number and equipped with special signalling devices;

19) **tariff** – a system of rates by means of which the charges for carriage by rail or for other services offered by the railway are determined;
20) safety permit – a document, which certifies the capacity of a concrete commercial company to operate in the relevant commercial activity sphere in the railways sector, taking into account safety requirements;

21) earth structure – an earthen construction complex, which is acquired in working the surface of the ground and which is intended for the locating of a superstructure, ensuring the solidity of tracks and the protection thereof against atmospheric waters and ground water;

22) safety management system – a total package of organisation measures, which shall be implemented by a railway infrastructure manager and railway undertaking in order to guarantee the safe management of their activities; and

23) essential functions of the railway infrastructure manager – decision-making regarding charges for the use of railway infrastructure, allocation of the capacity of railway infrastructure, as well as decision-making regarding the designation of trains to a specific railway undertaking.

[4 March 2004; 24 May 2007; 23 September 2010]

Section 2. Purpose of the Law

This Law governs the principles of railway operation and traffic safety, as well as the railway management procedures.

Section 3. Characteristics of Railways

A railway is a system of transport which, as an organisational and technical whole, comprises:

1) the railway infrastructure;
2) the rolling stock and buildings and structures necessary for its functioning;
3) railway undertakings;
4) railway infrastructure managers;
5) persons who, on assignment from a railway undertaking or a railway infrastructure manager, ensure the relevant technical processes (the construction, repairs and technical maintenance of the railway infrastructure technical equipment, the construction, repairs and technical maintenance of railway rolling stock and shunting operations).

[4 March 2004; 6 October 2005]

Chapter II Railway Infrastructure

Section 4. Railway Infrastructure

(1) The railway infrastructure is a complex engineering installation, which comprises:
   1) railway superstructure [rails (tracks), switches, cross-ties, ballast, and other components of the superstructure], level crossings and crossings;
   2) ground beneath tracks (earth structures and railway right of way), and engineered structures and installations (bridges, road crossings, culverts, drainage installations, communication line conduits, retaining walls and protective walls and the like);
   3) boundary markings and protective plantings;
   4) railway signalling, central control and interlocking communications systems, facilities to ensure the safe movement of trains and the regulation of switch positions and signals, signal lights, signal indicators, and fixed signals;
   5) railway telecommunications networks;
   6) aerial and underground railway electric supply cables, catenary, transformer and traction substations;
   7) railway stations, passing and stopping places;
Section 5. Classification, Use and Ownership of the Railway Infrastructure

(1) The railway infrastructure shall be classified according to its use as follows:

1) public-use railway infrastructure. It is for ensuring of the open carriage of freight and passengers or technological processes, observing the principle of equality, and it is registered in the railway infrastructure register as a public-use railway infrastructure. Public-use railway infrastructure status shall be granted by a Cabinet order;

2) private-use railway infrastructure. Its tracks are used by its owner or other persons on behalf of the owner or with the permission of the owner for ensuring carriage or a commercial company’s technological processes, and it is registered in the railway infrastructure register as a private-use railway infrastructure.

(2) The railway infrastructure as a whole, or separate facilities within the infrastructure, may belong to the State, local government, or to another legal or natural person.

(21) A railway infrastructure manager shall determine the procedures for the use of the railway infrastructure in accordance with the requirements of laws and regulations governing the field of railways and the equipment and special features of the railway infrastructure.

(3) An owner of private-use railway infrastructure is prohibited from misusing the location of his or her railway infrastructure in order to hinder a railway undertaking from accessing railway infrastructure belonging to another owner, which in its relation to its use and closing conditions is comparable to a public-use railway infrastructure. If the owner does not maintain such infrastructure in accordance with the requirements of technical operation regulations, on the basis of an interested person’s request, a court with its adjudication may appoint over the manager thereof, another railway infrastructure manager.

Section 6. State Public-use Railway Infrastructure

(1) The State public-use railway infrastructure (railway infrastructure belonging to the State) shall be developed to meet the needs of the economy and its development, the interests of stable transportation, and the requirements of environmental protection.

(2) The State public-use railway infrastructure manager, except the performance of the essential functions of the infrastructure manager in the cases referred to in Section 13.1, Paragraph one of this Law, shall be a State stock company. By a Cabinet order individual facilities of the State public-use railway infrastructure manager may be handed over into the management of another person.

Section 7. Classification of the Public-use Railway Infrastructure According to its Functional Role and Technical Capabilities

(1) The public-use railway infrastructure shall be classified according to its functional role as follows:

1) railway infrastructure of strategic (State) importance (services the main passenger and freight traffic flow);

2) railway infrastructure of regional importance (significant locally).
In strategically and regionally important railway infrastructure shall be included also station tracks adjacent thereto or associated with it, tracks of special importance, sidings, buffer stops and other tracks.

(2) Strategically and regionally important railway infrastructure shall be classified according to its technical capabilities. The draft system for classifying the railway infrastructure shall be prepared by the Ministry of Transport and approved by the Cabinet.

(3) The Cabinet shall determine what railway infrastructure has strategic and regional importance.

[4 March 2004]

Section 7. Heritage Railway

(1) Heritage railway is the railway tracks, engineering installations, equipment, buildings, rolling stock of the narrow-gauge railway line Gulbene-Alūksne. Railway right of way shall also be part of heritage railway.

(2) Objects of heritage railway shall be managed by their owners (possessors).

(3) In order to preserve heritage railway and to promote its use according to the functions, as well as co-operation of State and local government institutions, owners (possessors) of objects of heritage railway and non-governmental organisations, implementing the best practice of museum railways possible, the Advisory Council for Heritage Railway shall be established, including representatives of the Ministry of Transport, the Ministry of Culture, the State Railway Administration, the State Railway Technical Inspectorate, the State Inspection for Heritage Protection, Gulbene Municipality Council, Alūksne Municipality Council, the persons involved in the management of objects of heritage railway and interested associations and foundations, the objective of which according to the articles of association is the preservation of the respective cultural and historical heritage. The by-law of the Council shall be approved by the Cabinet, but the personnel – by the Minister for Transport. The rights, functions and operational procedures, as well as the procedures by which the persons referred to in this Section shall delegate representatives for work in the Council shall be determined in the by-law.

(4) The heritage railway infrastructure shall hold the status of public-use railway infrastructure of regional significance.

(5) The requirements of Section 43 of this Law shall not apply to heritage railway.

(6) The State Railway Administration, on the basis of proposals of the Council referred to in Paragraph three of this Section, shall decide on assigning the funding resources referred to in Paragraph eight of this Section to owners (possessors) of objects of heritage railway. Funding resources shall be assigned for the following purposes only:

1) preservation and popularisation of the heritage railway referred to in Paragraph one of this Section;
2) educating the public regarding the railway sector and popularisation of the railway sector;
3) purchase and restoration of historic rolling stock and other machinery related to heritage railway;
4) use of the narrow-gauge railway line for carriage.

(7) Each year by 1 September the Council referred to in Paragraph three of this Section shall prepare proposals regarding distribution of funding resources among owners (possessors) of objects of heritage railway for the subsequent year and submit such proposals to the State Railway Administration for taking of a decision to assign funding resources.

(8) Each year the public-use railway infrastructure manager shall provide for funding for carrying out the decision of the State Railway Administration referred to in Paragraph seven of this Section in the amount of 0.25 per cent from the total amount of the railway
infrastructure funding referred to in Section 10, Paragraph two, Clauses 1 and 2 of this Law for the previous year.
(9) The public-use railway infrastructure manager shall assign the funding provided for in Paragraph eight of this Section each quarter, transferring a part of the funding provided for in Paragraph eight of this Section to the respective recipient of the funding by 10th date of the first month of the respective quarter according to the decision of the State Railway Administration. A fourth part of the planned funding shall be transferred in each of the first three quarters. The total amount of such funding is updated upon performing the last payment in the respective year.
(10) Recipients of the funding shall prepare a report on its utilisation and shall submit for review to the Council referred to in Paragraph three of this Section not later than by 30 April of the year following the reporting year. The submitted reports on utilisation of the funding shall be approved by the State Railway Administration on the basis of recommendations of the Council.
[6 November 2013]

Section 8. Registration and Inventory

(1) The railway infrastructure in Latvia shall be subject to State registration and inventory.
(2) The creation of the railway infrastructure register and the establishment of inventorisation in conformity with the appropriate infrastructure classification shall be in accordance with procedures stipulated by the Cabinet.
(3) Use of unregistered infrastructure and granting for use is prohibited.
[4 March 2004]

Section 9. Maintenance and Development of the Railway Infrastructure

(1) The maintenance and development of the public-use railway infrastructure shall be financed in correspondence with its functional role and category, and in accordance with the Railway Technical Operations Regulations.
(2) A public-use railway infrastructure manager shall perform the duties referred to in Section 1, Clause 12 of this Law in a way so that the infrastructure is optimally developed and effectively used. The railway infrastructure manager shall operate in accordance with a commercial activity plan in, which is included investments and financial programmes, preserving commercial activity equilibrium (commercial activities without losses).
(3) A State stock company (State public-use railway infrastructure manager) shall be responsible for the maintenance and development of the State public-use railway infrastructure in accordance with this Law.
(4) The State public-use railway infrastructure manager shall balance income from charges for the use of such infrastructure, income from other commercial activities and State funding with expenditures for the maintenance of the relevant infrastructure. If the railway infrastructure is not discriminated in relation to other means of transport infrastructure, the State may request that the State public-use railway infrastructure manager receive State funding in conformity with the State investment programme, and for the use of such funds the relevant infrastructure manager shall enter into a contract with the State (in the person of the Ministry of Transport). The time period of the contract shall not be less than for three years. In the contract a stimulus for the infrastructure manager may be provided for, taking into account the requirements for the maintenance and improvement of the necessary safety and infrastructure service quality, the necessity to reduce if possible the costs of infrastructure maintenance and not to increase the costs for infrastructure maintenance, as well as the procedures by which the income of such infrastructure manager is used.
(5) The Ministry of Transport shall submit a request for granting of the funds from the State budget for the maintenance of the State public-use railway infrastructure.
(6) The maintenance and development of railway infrastructure belonging to local governments, commercial companies and other legal or natural persons shall be financed by the owners thereof.

[4 March 2004; 1 December 2009; 23 September 2010]

Section 10. Funding of the Public-Use Railway Infrastructure

(1) The funds for the maintenance and development of the State public-use railway infrastructure, as well as the funds for other payments provided for in this Law shall form the funding of the railway infrastructure to be managed by the public-use railway infrastructure manager.
(2) The funding of the railway infrastructure shall be formed by:
   1) payment for the use of the public-use railway infrastructure;
   2) revenue from leasing the land belonging to the State on which the public-use railway infrastructure is located (Section 15, Paragraph two);
   3) credits;
   4) funds from the State budget (Section 9, Paragraphs four and five).

[1 December 2009]

Section 11. Determination of Charges for Use of the Public-Use Railway Infrastructure

(1) The charge for the use of the public-use railway infrastructure shall be determined by the performer of the essential functions of the public-use railway infrastructure manager. The decision in question shall be taken by officials (institutions) specified in the laws and regulations governing the activities of the performer of the essential functions of the public-use railway infrastructure manager, informing the Public Utilities Commission thereof.
(2) The charge for the use of the public-use railway infrastructure for carriage shall be determined based on the method of calculating the charge for the use of the public-use railway infrastructure referred to in Section 12 of this Law.
(3) Rail passenger railway undertakings shall be compensated the charge for the use of the railway infrastructure for carriage performed on inland routes from the State basic budget.
(4) It is prohibited to request differing charges for the use of the public-use railway infrastructure from railway undertakings which provide equivalent carriage by rail services with the same conditions.

[30 October 2003; 4 March 2004; 23 September 2010; 14 April 2011]

Section 12. Methods for the Calculation of the Charges for the Use of the Public-use Railway Infrastructure and the Specification of Charges for Railway Undertakings

(1) Methods for calculation of the charges for the use of the public-use railway infrastructure for carriage shall be determined by the Public Utilities Commission after consultation with the public-use railway infrastructure managers.
(2) In formulating the methods for the calculation of the charges for the use of the public-use railway infrastructure, the following basic criteria shall be observed:
   1) the situation in the transport market, the optimum requirements for the use of the railway infrastructure, track stage capacity, improvement in the quality of the service for the use of the railway infrastructure and the promotion of competition between transport modes;
   2) the nature, time frame, frequency and speed of the carriage services;
   3) the particular technical and physical properties of the relevant infrastructure;
4) the technical indicators for the rolling stock, and also its speed, gross weight, and load on one axle;
5) the type of energy used by the means of traction;
6) the category of train, weight and length;
7) the degree of wear and tear of the railway infrastructure;
8) the volume of operations in the stations;
9) the services rendered by, and the costs of, the railway infrastructure manager;
10) the additional costs pertaining to the work of the railway infrastructure manager and the management of the infrastructure;
11) expenditures for the maintenance and development of the railway infrastructure;
12) expenditures for the maintenance and development of the organisation of train movements;
13) expenditures for the guarding of infrastructure facilities;
14) environmental protection requirements for the railway infrastructure and rolling stock, which are used by the railway undertaking.
(2) The procedures for applying charges for the use of the public-use railway infrastructure in the cases referred to in Paragraphs four and five of this Section, as well as the procedures for settling charges for the use of the public-use railway infrastructure shall be determined by the Public Utilities Commission after consultation with the public-use railway infrastructure managers and the railway undertakings. These procedures shall be binding on the public-use railway infrastructure manager, the performer of the essential functions of the public-use railway infrastructure manager and on railway undertakings.
(3) In determining charges for the use of the public-use railway infrastructure, the cross-subsidisation of the carriage of passengers by rail from income, which is formed by railway freight railway undertaking charges for the use of the infrastructure is not permitted.
(4) The performer of the essential functions of the public-use railway infrastructure manager, based on the procedures for the application of charge for the use of the public-use railway infrastructure, is entitled to specify an elevated charge for the use of the public-use railway infrastructure for specific stages thereof during a period of time when such infrastructure is congested.
(5) The performer of the essential functions of the public-use railway infrastructure manager, based on the procedures for the application of charge for the use of the public-use railway infrastructure, is entitled to apply a rebate of the charge for the use of the public-use railway infrastructure. The performer of the essential functions of the public-use railway infrastructure manager may apply a rebate for limited periods of time to the charge for the use of the public-use railway infrastructure, which promotes optimal use of the capacity of the relevant infrastructure. Rebates may be applied to specific railway infrastructure stages, determining similar rebates for similar services.
(5¹) The decisions referred to in Paragraphs four and five of this Section shall be taken by officials (institutions) specified in the laws and regulations governing the activities of the performer of the essential functions of the public-use railway infrastructure manager, informing the Public Utilities Commission thereof.
(6) The railway infrastructure manager has the right to specify financial and other types of legal penalties in order to promote the optimal use of the infrastructure.
(7) In determining charges for the use of the public-use railway infrastructure for carriage, the State budget funds provided for the maintenance of such infrastructure shall be taken into account.
(8) The State stock company referred to in Section 6, Paragraph two of this Law shall collect the charges for the use of the public-use railway infrastructure.
(9) [1 December 2009]
(10) [23 September 2010]
(11) A railway infrastructure manager and a railway undertaking may be compensated such environmental protection, accident and infrastructure costs, which are not covered by competitive transport modes. In each specific case, the Cabinet shall take a decision to grant compensation, on the amount and the procedures for paying them.

(12) Railway undertakings have the right to receive compensation for losses, which have been caused them due to interruptions to the operation of the railway infrastructure.

(13) Disputes between the owner of a public-use railway infrastructure, a public-use railway infrastructure manager who does not perform the essential functions of the manager or a railway undertaking regarding the compliance of the charges for the use of the public-use railway infrastructure with the methodology laid down in Paragraph one of this Section or regarding the applied increase in the charge for the use of the public-use railway infrastructure or rebates in the charge shall be examined by the Public Utilities Commission, informing the State Railway Administration accordingly. A complaint regarding the compliance of the charges for the use of the public-use railway infrastructure with the methodology laid down in Paragraph one of this Section may be submitted not later than within one month from the day when the charge for the use of the public-use railway infrastructure was published. A complaint regarding the applied increase in the charge for the use of the public-use railway infrastructure or rebates in the charge may be submitted not later than within one month from the day when the decision to apply this charge was notified.

(14) The Public Utilities Commission shall examine complaints and, within two months from the receipt thereof, take a decision with which it shall confirm that the charge for the use of the public-use railway infrastructure complies with the methodology laid down in Paragraph one of this Section, and that the increased charge or charge rebate complies with the procedures laid down in Paragraph 2 of this Section, or shall request the amendment of the charge in question according to the instructions of the Commission. The decision of the Public Utilities Commission taken when examining the complaint on compliance of the charges for the use of the public-use railway infrastructure with the methodology laid down in Paragraph one of this Section or on the increased charge or charge rebate applied for the use of the public-use railway infrastructure, is binding to the owner of the public-use railway infrastructure, the public-use railway infrastructure manager, the performer of the essential functions of the public-use railway infrastructure manager and railway undertakings.

(15) The decision of the Public Utilities Commission taken after examination of the complaint on compliance of the charges for the use of the public-use railway infrastructure with the methodology laid down in Paragraph one of this Section or on the increased charge or charge rebate applied for the use of the public-use railway infrastructure may be appealed by the owner of the public-use railway infrastructure, the public-use railway infrastructure manager, the performer of the essential functions of the public-use railway infrastructure manager and railway undertakings in the Administrative Regional Court. The appeal of the decision of the Public Utilities Commission shall not suspend the operation thereof.


Section 12.1 Railway Infrastructure Manager Services

(1) A railway infrastructure manager shall provide use of railway infrastructure basic services, as well as other services, which are associated with access to railway infrastructure.

(2) Use of railway infrastructure basic services includes:
1) examination of an application for infrastructure capacity;
2) the right to use the granted infrastructure capacity;
3) use of existing switches and tracks;
4) train traffic management, which includes the organisation and co-ordination of traffic, signalling systems, communications, traffic co-ordination, as well as informing regarding traffic;
5) ensuring with information, which is necessary in order to introduce or provide services in which railway infrastructure capacity has been allocated.

(3) Access to railway infrastructure includes the right to access the following railway infrastructure equipment and services:
1) use of electricity supply equipment for the acquisition of traction current, where such is accessible;
2) fuel supply equipment;
3) passenger stations, the buildings and equipment thereof;
4) freight yards;
5) marshalling areas;
6) train formation equipment;
7) special purpose sidings;
8) maintenance and other technical equipment.

(4) A railway infrastructure manager may provide also the following additional services:
1) supply of traction current;
2) heating of passenger trains;
3) supply of fuel, performance of shunting work and with the equipment referred to in Paragraph three of this Section provide security of services;
4) entering into of order contracts regarding the control of carriage of dangerous freight and regarding assistance in the control of non-standard trains;
5) performance of technical examination of rolling stock;
6) access to telecommunications networks;
7) ensuring of additional information;
8) as well as other services.

[24 May 2007]

Section 13. Separation of the Functions of an Infrastructure Manager

(1) If a public-use railway infrastructure manager who does not perform the essential functions of a railway infrastructure manager is also a railway undertaking, then it shall ensure a separate accounting system (financial report) and publication thereof, as well as the opening and management of separate current accounts. The funds allocated by the State or local governments to the relevant public-use railway infrastructure manager may not be transferred to the railway undertaking and vice versa.

(2) If a public-use railway infrastructure manager who does not perform the essential functions of a railway infrastructure manager is also a railway undertaking, then it shall ensure that separate structural units perform such types of commercial activity.

(3) [23 September 2010]
[4 March 2004; 24 November 2005; 23 September 2010; 28 February 2013]

Section 13.1 Independence in Ensuring the Activities of the Performer of the Essential Functions of the Public-Use Railway Infrastructure Manager

(1) The essential functions of a public-use railway infrastructure manager may not be performed by:
1) a public-use railway infrastructure manager which is also a railway undertaking;
2) a public-use railway infrastructure manager in cases where the railway undertaking is a company dependent on a group of companies, but the managing company of this group of companies (capital company) is the public-use railway infrastructure manager;
3) a public-use railway infrastructure manager in cases where it is a company dependent on a group of companies but the managing company of this group of companies (capital company) is the railway undertaking;
4) State institutions to which the performance of regulatory functions in the sector of rail transport has been entrusted.

(2) If the managing company of any group of companies (capital company) is a public-use railway infrastructure manager, but the company dependent on a group of companies is a railway undertaking, the essential functions of the public-use railway infrastructure manager shall be performed by another company included in this group of companies (capital company), which is not a railway undertaking itself and in accordance with the requirements laid down in this Section is independent in the performance of the essential functions of the public-use railway infrastructure manager. If there is no company dependent on a group of companies (capital company), other capital company or institution, which complies with the requirements of independence laid down in this Section, the Cabinet shall determine the performer of the essential functions of the public-use railway infrastructure manager.

(3) The performer of the essential functions of a public-use railway infrastructure manager shall be financed from the funds of the public-use railway infrastructure manager and the amount of funds required thereby shall be taken into account when determining the charge for the use of the public-use railway infrastructure.

(4) If the performer of the essential functions of a railway infrastructure manager is not included in the same group of companies as the railway undertaking, the independence of the performer of the essential functions of the public-use railway infrastructure shall be ensured by complying with the following conditions:

1) members of the board and executive employees of the performer of the essential functions of the public-use railway infrastructure manager, whose competence includes decision-making regarding the performance of the essential functions of the public-use railway infrastructure manager, may not be participants (shareholders) of any capital company which provides services of a railway undertaking, and may not take up office or otherwise be involved in any of the structures of the railway undertaking. This prohibition in respect of any office in the structures of any railway undertaking shall remain in effect for two years after a member of the board or a manager whose competence includes decision-making regarding the performance of the essential functions of the public-use railway infrastructure manager has left office;

2) the personnel of the performer of the essential functions of the public-use railway infrastructure manager shall be provided with separate premises with protected access. The internal rules or contracts shall include requirements which anticipate that the contact by personnel with the railway undertakings in relation to the performance of the essential functions of the public-use railway infrastructure manager shall only be performed within the scope of official communication;

3) the performer of the essential functions of the public-use railway infrastructure manager shall ensure data confidentiality and confidentiality of the commercial information thereof which it has received from railway undertakings when performing its functions.

(5) If the performer of the essential functions of the public-use railway infrastructure manager is included in the same group of companies as the railway undertaking in which neither one of them is the managing company (capital company) of the group of companies, the independence of the performer of the essential functions of the public-use railway infrastructure shall be ensured in addition to the conditions referred to in Paragraph four of this Section, complying with the following conditions:

1) members of the board and executive employees of the performer of the essential functions of the public-use railway infrastructure manager, whose competence includes decision-making regarding the performance of the essential functions of the public-use railway infrastructure manager, may not be participants (shareholders) of any managing company (capital company), which provides services of a railway undertaking, and may not take up office or otherwise be involved in any of the structures of the railway undertaking. This prohibition in respect of any office in the structures of any managing company (capital company), which provides services of a railway undertaking, and may not take up office or otherwise be involved in any of the structures of the railway undertaking.
company) shall remain in effect for two years after a member of the board or a manager whose competence includes decision-making regarding the performance of the essential functions of the public-use railway infrastructure manager has left office;

2) members of the board of the performer of the essential functions of a public-use railway infrastructure manager shall be ensured with the rights to take decisions independently from the railway undertaking and the managing company (capital company) in respect of the essential functions of the public-use railway infrastructure manager. The managing company (capital company) is allowed to approve the annual financial plan of the performer of the essential functions of the public-use railway infrastructure manager or financial planning documents similar thereto and to determine general restrictions in respect of debt liabilities but is not permitted to perform any activities in respect of the performance of the essential functions of the public-use railway infrastructure manager;

3) there are no justified suspicions regarding the professional independence of a board member of the performer of the essential functions of the public-use railway infrastructure manager;

4) the performer of the essential functions of the public-use railway infrastructure manager shall formulate a programme for requirements of independence, in which the duties and measures of specific employees shall be determined, to be performed in order to prevent an unequal attitude towards railway undertakings and to ensure adequate control over the compliance therewith. Each year until 1 April the performer of the essential functions of the public-use railway infrastructure manager shall submit a notification to the State Railway Administration regarding the measures performed. The State Railway Administration shall publish this notification on the website thereof. After evaluation of the notification the State Railway Administration shall provide an opinion regarding the sufficiency of measures performed to ensure independence and indicate the shortcomings, if any, as well as the time periods within which these shortcomings should be rectified;

5) the performer of the essential functions of the public-use railway infrastructure manager has the required personnel at the disposal thereof;

6) the performer of the essential functions of the public-use railway infrastructure manager shall ensure the confidentiality of its commercial information which it has received from the managing company (commercial company), when performing its functions.

(6) The State Railway Administration shall monitor the compliance with the requirements of independence by the performer of the essential functions of the public-use railway infrastructure manager provided for in Paragraphs four and five of this Section and examine the complaints of railway undertakings regarding violations of these requirements of independence. In such cases the State Railway Administration may take a decision to perform measures for ensuring the relevant requirements for independence, determining a reasonable time period for the implementation thereof.

(7) If the performer of the essential functions of the public-use railway infrastructure manager is included in the same group of companies as the railway undertaking, in which neither one of them is the managing company (capital company) of the group of companies, the State Railway Administration shall monitor the professional independence of the board members of the performer of the essential functions of the public-use railway infrastructure manager. The following measures shall be performed to ensure monitoring:

1) prior to the anticipated election of a member of the board of the performer of the essential functions of the public-use railway infrastructure manager the candidate for the member of the board shall submit a statement to the meeting of the State Railway Administration and participants (shareholders) of the performer of the essential functions of the public-use railway infrastructure manager that he or she complies with the criteria referred to in Paragraph four, Clause 1 and Paragraph five, Clauses 1 and 3 of this Section. If the State Railway Administration has a reason to believe that the information provided in the statement is false, i.e., the candidate for a member of the board does not comply with any of the criteria...
laid down in this Law, then it shall, within three weeks from the day of receipt of the statement, take a decision on non-compliance of the candidate for a member of the board with the criteria in question and submit it without delay to the meeting of the participants (shareholders) of the performer of the essential functions of the public-use railway infrastructure manager and issue it to the candidate for a member of the board. The decision of the State Railway Administration, with which the non-compliance of a candidate for a member of the board has been determined and which accordingly prevents the meeting of participants from electing this person to the board, may be appealed in court within one month in accordance with the procedures laid down in laws and regulations. The appeal of the decision of the State Railway Administration shall not suspend the operation thereof;

2) a member of the board of the performer of the essential functions of the public-use railway infrastructure manager shall immediately inform the State Railway Administration regarding any attempts to influence him or her in respect of the performance of the essential functions of the public-use railway infrastructure manager;

3) if a member of the board of the performer of the essential functions of the public-use railway infrastructure manager no longer complies with the criteria laid down in Paragraph four, Clause 1 and Paragraph five, Clauses 1 and 3 of this Section, this member of the board has a duty to leave the office of a member of the board voluntarily. If he or she does not do so or if the relevant member of the board is not removed from office at the meeting of participants of the performer of the essential functions of the public-use railway infrastructure manager at its own initiative, the State Railway Administration has a duty to request that the participant (shareholder) of the performer of the essential functions of the public-use railway infrastructure manager that such member of the board is removed from office without delay. The participant (shareholder) and the removed member of the board may appeal this decision of the State Railway Administration in court in accordance with the procedures laid down in laws and regulations. The appeal of the decision of the State Railway Administration shall not suspend the operation thereof;

4) if it is intended to remove a member of the board from office before expiry of the term of office, prior to the meeting of participants (shareholders) at which it is planned to remove the member of the board from office, the participant (shareholder) of the performer of the essential functions of the public-use railway infrastructure manager shall provide the State Railway Administration with a detailed explanation of the reasons for removal. A member of the board may only be removed due to an important reason, which is considered to be a gross violation of authorisation, non-performance or inadequate performance of duties, the inability to manage a capital company, a loss of trust or the obstructions specified by law for holding or combining office. The State Railway Administration shall, without delay, but not later than within three weeks from the day of receipt of the justification from the participant (shareholder) of the performer of the essential functions of the public-use railway infrastructure manager, submit the decision of the meeting of participants (shareholders) of the performer of the essential functions of the public-use railway infrastructure manager, with which a consent or dissent is given for the planned removal of the member of the board from office, if there are justified doubts regarding the adequacy of the submitted reason for removal. The public-use railway infrastructure manager and the performer of the essential functions of the public-use railway infrastructure manager may appeal this decision of the State Railway Administration in court in accordance with the procedures laid down in laws and regulations. The appeal of the decision of the State Railway Administration shall not suspend the operation thereof;

5) it is not necessary for the participant (shareholder) of the performer of the essential functions of the public-use railway infrastructure manager to receive consent from the State Railway Administration if it is intended to remove a member of the board before expiry of the term of office who has had security measures imposed in the form of arrest or prohibition from a specific employment, preventing him or her from performing the duties of a member
of the board of the performer of the essential functions of the public-use railway infrastructure manager, or if this member of the board, based on an adjudication made during criminal proceedings or administrative violation procedures, has had the rights removed or restricted to engage in specific or all types of commercial activities or to take up office in the administrative institutions of commercial companies. The participant (shareholder) of the performer of the essential functions of the public-use railway infrastructure manager shall without delay submit to the State Railway Administration the relevant justifying document regarding the security measures applied to the member of the board or removal or restriction of rights, which it shall take note of.

[23 September 2010]

Section 13.2 Rights of the Performer of the Essential Functions of the Public-Use Railway Infrastructure Manager to Request Information

(1) The performer of the essential functions of the public-use railway infrastructure manager, when fulfilling the functions laid down in the law, is entitled to request and receive from the public-use railway infrastructure manager who does not perform the essential functions of the manager, and from railway undertakings, the information required for the performance of the functions thereof irrespective of the status of accessibility to this information.

(2) The officials and employees of the performer of the essential functions of the public-use railway infrastructure manager, as well as persons invited to the activities of the performer of the essential functions of the public-use railway infrastructure manager, are prohibited from publicly or otherwise disclosing information or information with restricted accessibility related to the performance of the functions thereof, which has become known to them when fulfilling the duties of service or otherwise regarding the public-use railway infrastructure manager who does not perform the essential functions of the manager, or the activities of railway undertakings, including the commercial activities, except in cases specifically laid down in laws and regulations.

[14 April 2011]

Section 14. Suspension of Train Movement and Closing Lines

(1) In situations where, due to non-compliance with the Railway Technical Operations Regulations or other technical regulations, traffic safety, human life, health or the environment could be endangered or is endangered, the public-use railway infrastructure manager shall have the right to temporarily suspend the movement of trains along the tracks as well as the operations of a station, or to reduce the railway capacity of the tracks in order to perform technical engineering work (restoration and repair) and to resume regular traffic as soon as possible. The infrastructure manager shall notify the railway undertakings, the State Railway Administration, the Public Utilities Commission, the State Railway Technical Inspectorate (Section 33), and the immediate local governments of the suspension of train movement.

(2) If a private-use railway infrastructure manager fails to observe the Railway Technical Operations Regulations, the public-use railway infrastructure manager, on the basis of a directive of the State Railway Technical Inspectorate, shall disconnect the tracks directly connected to the relevant private-use railway infrastructure.

(3) If the public-use State railway infrastructure manager considers it necessary to close an economically disadvantageous line, or a line whose technical condition cannot be maintained in compliance with the Railway Technical Operations Regulations due to insufficient resources and on which traffic safety cannot be guaranteed, the manager shall submit a substantiated proposal regarding the closing of this line to the Ministry of Transport, with the findings of the State Railway Technical Inspectorate attached.
(4) If the closing of a public-use line is recommended, the Ministry of Transport shall request that the State Railway Administration, the Public Utilities Commission, the relevant territorial local governments and the Ministry of Environmental Protection and Regional Development within two months provide an opinion regarding this. After receipt of the opinions, the Ministry of Transport shall prepare the necessary documents for the Cabinet to take a decision to close the line.

[4 March 2004; 17 July 2008; 16 December 2010]

Section 15. Public-Use Railway Infrastructure Lands

(1) Land in the public-use State railway infrastructure right of way is the property of the State. Such State land shall be assigned to the control of the public-use State railway infrastructure manager by the Minister for Transport.

(2) The public-use State railway infrastructure manager may lease the land owned by the State or encumber it with easements for the purpose of constructing buildings and structures, surface and underground communications systems, or in order to accomplish other financial undertakings. The railway infrastructure manager shall act in the name of the State in these transactions.

(3) The public-use State railway infrastructure manager shall have easement rights over land owned by other legal and natural persons, on which railway infrastructure facilities are located. If agreement is not attained with the owner of the land, in each separate instance the Cabinet shall decide about the creation of an easement. The user of the land shall pay compensation to its owner for the easement in accordance with their agreement, but not more than five percent annually of the cadastral value of the land.

(4) The public-use State railway infrastructure manager, when observing the laws and other legislation enacted regarding land matters, has the right to cross an area of land, which is adjacent to the right of way in order to have access to the infrastructure facilities.

Section 16. Railway Right of Way

(1) The boundaries of the railway right of way in spatial plans shall be determined in compliance with current building standards in effect for the relevant construction facility.

(2) The draft regulations for use of the railway right of way shall be prepared by the Ministry of Transport and approved by the Cabinet.

(3) In cases where the railway right of way overlaps with another type of restricted zone or a protective zone, the most stringent requirements and the greatest minimal width shall be in effect. All types of activity in these areas shall be harmonised by the interested institutions.

(4) A railway infrastructure manager is entitled to change (reduce) the boundaries of the railway right of way and to waive the right to use of the land taking into account the relevant laws and regulations and building standards.

[4 March 2004]

Section 17. Restrictions on Activities in the Railway Right of Way

(1) Other legal and natural persons may carry on any type of activity within the railway right of way, only with the permission of and under the supervision of the railway infrastructure manager.

(2) If in connection with permitted construction work, renovations and repairs or other activities by legal and natural persons, the reconstruction of railway infrastructure facilities becomes necessary, this shall be performed and financed by the interested party.
(3) Any placement, transfer, and renovation of communications facilities in the railway right of way must not diminish the operational quality of the railway infrastructure facilities or traffic safety.
(4) Communications facilities existing in the railway right of way shall be maintained by their owner.

Section 18. Railway Protective Zones

(1) In accordance with the Law on Protective Zones, railway protective zones shall be formed in order to protect the railway from undesirable external effects, safeguard people and the environment from harmful effects of the railway and ensure effective and safe railway operation and opportunities for development.
(2) The railway protective zone shall be maintained by the relevant railway infrastructure manager from his own resources, but if the rights for the use of this land have been transferred to another person – by the land user.
(3) The maintenance of the railway infrastructure and the actions of the owner of the land in the protective zone must not deteriorate the hydrological conditions in the protective zone, nor disturb the functioning of the protective or land amelioration systems or structures that adjoin or intersect it.
(4) The owner or the user of the protective zone must not deny the use of roads or access ways to the railway infrastructure manager, in order that specialised railway infrastructure maintenance vehicles may have access to the railway infrastructure facilities in order so that maintenance work may be carried out and supervised. In exercising rights to access railway infrastructure facilities, the obligation of the railway infrastructure manager shall be to do so, as much as possible, with care and not damaging planted fields or cutting down trees.
(5) The relevant railway infrastructure manager shall compensate for all losses, which have been incurred by the property owner due to actions of a railway infrastructure manager.

Section 19. Stations, Passing and Stopping Places

(1) The station is an aggregate of railway infrastructure facilities, which occupies a designated part of the railway right of way and ensures the performance of carriage by rail operations.
(2) Passing places are technological switching places in one-way lines, at which location of the track the railway line to increase train throughput capacity is intended for the needs of crossing and overtaking of trains.
(3) Stopping places are locations where a train stops. They have no track spread and they are intended only for the boarding and alighting of passengers.
(4) [6 October 2005]
(5) Stations, passing and stopping places, which are public-use railway infrastructure facilities, shall be opened, closed and their names assigned in accordance with the procedures laid down in the Cabinet.
[4 March 2004; 6 October 2005]

Section 20. Level Crossings and Crossings

(1) A level crossing is the intersection of a rail line with a motor road on one level equipped with such devices as are required to guarantee the safety of railway and motor vehicle traffic.
(2) Level crossings shall be classified depending on the characteristics of the motor roads that intersect them, as follows:
1) public-use level crossings (State motor roads, local government roads or city streets intersect the tracks);
2) individual user level crossings (roads belonging to other persons intersect the tracks, and such level crossing is used in accordance with an agreement entered into with the relevant railway infrastructure manager).

(3) A crossing is a specially constructed and equipped location where pedestrians or livestock cross tracks.

(4) Crossings shall be classified as follows:

1) public-use crossings (installed to satisfy community needs, by which pedestrians and livestock cross tracks);

2) individual user crossings (installed for private use after a request is made by an individual person and used in accordance with an agreement entered into with the relevant railway infrastructure manager).

(5) Installation and equipping of new individual service level crossings and crossings shall be carried out at the expense of the interested party.

(6) Installation and maintenance of public-use level crossings and crossings shall be financed from the funds of the funding of the railway infrastructure and the State motor vehicle road fund.

(7) The Cabinet shall determine the procedures for installing, equipping, servicing and closing of level crossings and crossings.

[4 March 2004; 17 July 2008; 1 December 2009]

Section 21. Obligation to Verify Compliance

The construction of engineered structures and communication systems, which intersect tracks at various levels, shall be verified to be in compliance with the railway construction regulations as issued by the Cabinet, in accordance with the procedures laid down therein.

Section 22. Construction Procedures of Railway Infrastructure Facilities.

Railway infrastructure facilities are specialised structures in accordance with the Law On Construction. The procedures for design and construction of railway infrastructure facilities, as well as the procedures by which they shall be accepted for service shall be determined by the Cabinet.

[14 June 2007]

Chapter III Railway Undertakings

Section 23. Principles of Operation for Railway Undertakings

(1) Railway undertakings shall carry on their operations in accordance with this Law, other laws and laws and regulations.

(2) Railway undertakings shall be administratively and economically independent in their operations, and in their determination of carriage by rail services and charges in their offers to provide services.

(3) A railway undertaking has a duty to organise separate passenger and freight carriage financial reports, as well as to ensure the public accessibility thereof in accordance with the relevant laws and regulations.

[23 November 2000; 4 March 2004; 14 June 2007]

Section 24. Procedures for Entering into Contracts for Public Procurement of Carriage by Rail with the State or Local Governments
(1) State or local government contracts for public procurement of carriage by rail shall be entered into in accordance with the requirements of this Law and other laws and regulations.

(2) The State or the local government (hereinafter, also ordering party) shall, in the interests of the community, have the right to require that the railway undertaking, in the fulfilment of contracts for public procurement of carriage by rail, ensures that:
   1) carriage by rail service shall comply with the ordering party’s required criteria regarding speed, regularity, frequency, volume and other specifications;
   2) [12 June 2008];
   3) the provision of services be adjusted to actual market demand and other factors.

(3) Railway undertakings shall fulfil contracts for public procurement of carriage by rail on a contractual basis.

(4) [12 June 2008]

(5) Draft contracts for public procurement of carriage by rail shall be prepared by the ordering party in agreement with a railway undertaking, interested ministries and institutions or with relevant local government.

(6) Draft contracts for freight public procurement of carriage by rail shall be submitted for coordination to the State Railway Administration.

(7) [12 June 2008]

(8) [4 March 2004]

(9) In the event a contract for public procurement of carriage by rail is entered into, the railway undertaking shall open a separate current account for payments for the fulfilment of the public procurement of carriage by rail and such funds shall be shown separately in accounting documents. The railway undertaking is not entitled to use funds, which have been paid for public procurement of carriage by rail for other transport services, which he or she provides or other types of commercial activities, which he or she performs.

(10) Contracts for public procurement of freight carriage by rail as have been entered into shall be registered and their fulfilment shall be controlled by the State Railway Administration.

(11) [14 June 2007]

Section 25. Content of Contracts for Public Procurement of Carriage by Rail

(1) A contract for public procurement of carriage by rail, which is entered into in accordance with Section 24 of this Law, shall specify:
   1) type of services to be rendered and their technical specifications;
   2) arrangements regarding the provision of services to be rendered;
   3) payment to the railway undertaking for services rendered and compensation for losses incurred in connection with the services rendered;
   4) arrangements regarding payments and compensation;
   5) responsibility for the performance of the contract;
   6) carriage charges (railway tariff) determined by the ordering party and discounts for such.

(2) A contract for public procurement of carriage by rail may include provisions about State or local government investments and railway undertaking loan guarantees, the obligations of the railway undertaking, as a result of investments, to reduce the cost of services provided, to improve the quality of services and to renew rolling stock, and also other rights and obligations of the parties.

Section 25.¹ Organisation of Carriage by Rail for Military Freight
(1) Prior to the entering into a contract regarding carriage by rail of military freight intended for the support of foreign armed forces, or in cases where the ordering party of carriage by rail for military freight intended for the support of the National Armed Forces is not the National Armed Forces or the Ministry of Defence, the ordering party shall be required to receive authorisation from the Ministry of Defence. The ordering party has a duty to submit a copy of the document from the Ministry of Defence certifying authorisation to the railway undertaking prior to the entering into the contract in question.

(2) The Ministry of Defence is entitled to request that the railway undertaking when fulfilling the order for carriage by rail of military freight and the public-use railway infrastructure manager, within the competence thereof, ensures the compliance of the carriage by rail services with the criteria specified by the ordering party.

[23 September 2010]

Section 25.2 Carriage of Railway Passenger Services, the Main Purpose of which is to Carry Passengers between Stations Located in Different European Union Member States

(1) A railway undertaking, the main purpose of the provided carriage of railway passenger services of which is to carry passengers between stations located in different European Union Member States, when performing such carriage, has the right to pick up and set down passengers along the relevant route in the territory of Latvia at any station or stopping place. These rights of the railway undertaking may be restricted if the economic equilibrium of contracts for public procurement of carriage by rail entered into by the State or local government is compromised.

(2) The State Railway Administration shall evaluate whether the main purpose of a carriage of railway passenger service provided by a railway undertaking is to carry passengers between stations located in different European Union Member States, as well as the potential economic impact on contracts for public procurement of carriage by rail entered into by the State or local government and determine the restrictions.

(3) The Cabinet shall determine the procedures for evaluation and the criteria for recognition of a carriage by rail service as one the main purpose of which is to carry passengers between stations located in different European Union Member States and with which the economic equilibrium of contracts for public procurement of carriage by rail entered into by the State or local government is compromised.

[10 September 2009]

Chapter IV Co-ordination of the Movement of Rolling Stock and Allocation of the Railway Infrastructure Capacity

[4 March 2004]

Section 26. Co-ordination of the Movement of Rolling Stock

(1) Public-use railway infrastructure managers shall co-ordinate the movement of trains and other rolling stock over their public-use tracks, and also in the junctions with railway infrastructure tracks, which belong to other persons.

(2) If a railway undertaking performs carriage over the tracks belonging to two or more railway infrastructure managers, the relevant railway infrastructure managers have a duty to co-operate.

Section 27. Allocation of Public-Use Railway Infrastructure Capacity
(1) The performer of the essential functions of the public-use railway infrastructure manager is responsible for allocating the railway infrastructure capacity among railway undertakings.

(2) The railway infrastructure capacity of public-use railway infrastructure shall be allocated so that in relation to railway undertakings the principle of equality is observed, as well as the optimal use of the railway infrastructure is ensured.

(3) The priority of the allocation of the public-use railway infrastructure is to those carriage by rail services that are provided on the basis of State or local government carriage by rail order contracts, as well as for the support of foreign armed forces or National Armed Forces, and to services which fully or in part are provided by using public-use railway infrastructure intended or constructed for special purposes (express, freight and similar carriage). A railway infrastructure manager may request compensation for such losses as are incurred by him or her in observing specified carriage priorities.

(4) Public-use railway infrastructure capacity shall be allocated on the basis of applications, submitted to the performer of the essential functions of the public-use railway infrastructure manager for the performance of carriage, using the relevant railway infrastructure. Applications shall be submitted by railway undertakings to the infrastructure manager.

(5) [23 September 2010]

(6) Applications shall be examined in conformity with the procedures laid down in the Cabinet referred to in Paragraph twelve of this Section, as well as the available and in conformity with the priorities laid down in law, the already allocated public-use railway infrastructure capacity.

(7) In respect of the use of public-use railway infrastructure in conformity with the allocated capacity, the relevant infrastructure manager and railway undertaking shall enter into a contract, which regulates administrative and financial issues. If the operation of the contract time period exceeds one in effect traffic time reference period, an agreement shall be entered into regarding the long-term use of railway infrastructure taking into account the commercial needs of the railway undertaking.

(8) A railway undertaking, which has been allocated a specific capacity, does not have the right to transfer or sell such capacity to other railway undertakings. If a railway undertaking violates this prohibition, it may be prohibited further public-use railway infrastructure use rights.

(9) In order to promote the optimal use of public-use railway infrastructure, such infrastructure managers, if it is provided for in contracts entered into with railway undertakings regarding the use of public-use railway infrastructure, have the right to request and receive a charge regarding railway infrastructure capacity if it is requested, but not used. The performer of the essential functions of the public-use railway infrastructure manager shall allocate the capacity not used, which the railway undertaking has given up to other railway undertakings, taking into account the procedures stipulated by the Cabinet referred to in Paragraph twelve of this Section.

(10) In accordance with Section 12, Paragraph four of this Law, the performer of the essential functions of the public-use railway infrastructure manager has the right to increase charges for the use of congested railway infrastructure. Charges may be increased only after an increase in capacity plan has been prepared and discussed with the users of the congested railway infrastructure.

(11) A public-use railway infrastructure shall be deemed to be congested if the rolling stock throughput capacity thereof is used in an amount of at least 75 per cent.

(12) The procedures by which the capacity of public-use railway infrastructure shall be allocated (as well as the actions of the manager of such infrastructure if the infrastructure is congested), the content of the application for the performance of carriage by rail, the documents to be appended thereto, financial and other guarantees, the procedures for the examination of applications, as well as actions after the granting of capacity shall be determined by the Cabinet.
(13) The State Railway Administration shall examine disputes between an owner of a public-use railway infrastructure, a public-use railway infrastructure manager, a performer of the essential functions of the public-use railway infrastructure manager and a railway undertaking regarding allocation of the capacity of a public-use railway infrastructure, as well as regarding the decision of a performer of the essential functions of the public-use railway infrastructure manager to designate trains to a specific railway undertaking, to refuse to allocate infrastructure capacity or on the regulations of capacity offers, and take decisions binding to the parties, informing the Public Utilities Commission thereof. Complaints regarding the allocation of public-use railway infrastructure capacity or regarding refusal to allocate infrastructure capacity may be submitted not later than within one month after publication of the capacity allocation plan or notification of the refusal to allocate infrastructure capacity.

(14) The State Railway Administration shall take a decision on a dispute in relation to the allocation of infrastructure capacity, regarding refusal to allocate infrastructure capacity or regarding the regulations of capacity offers within two months and the owner of a public-use railway infrastructure, the public-use railway infrastructure manager, the performer of the essential functions of the public-use railway infrastructure manager and the railway undertaking may appeal it in court in accordance with the procedures laid down in law. The State Railway Administration shall take a decision with which it confirms that the decision of the performer of the essential functions of the public-use railway infrastructure manager does not need amending, or shall request the amendment of the decision in accordance with its instructions, but in respect of discriminatory measures shall decide which measures should be performed in order to prevent the recurrence of such violations.


Section 28. Public-use Railway Infrastructure Statement

Public-use railway infrastructure managers shall prepare a public-use railway infrastructure statement (network statement) the content and procedures for publication of which shall be determined by the Cabinet.

[6 October 2005]

Chapter V State Administration in the Railway Transport Sector

Section 29. Authority of the Ministry of Transport and the Public Services Regulatory Commission with Respect to Railway Transport

(1) The State policy with respect to railway transport shall be implemented by the Ministry of Transport in conformity with the transport policy planning documents.

(2) Railway transport services, the regulation of which has been prescribed by the Cabinet in accordance with the Law On Regulators of Public Services, shall be regulated by the Public Services Regulatory Commission within the area of authority prescribed by this Law and the Law on Regulators of Public Services.


(4) The Public Utilities Commission, in co-operation with other State authorities, regulators of other countries and European Union institutions, shall monitor the rail passenger services market, promote competition in the field of carriage of passengers by rail and promote the development of the public-use railway infrastructure.

[23 November 2000; 23 September 2010; 28 February 2013]

Section 30. State Railway Administration
(1) State administration of railway transport shall be implemented by the State Railway Administration.

(2) The State Railway Administration is subordinate to the Ministry of Transport, which is realised in the form of supervision.

(21) Each year the State Railway Administration shall grant funding from the funding resources specified in Section 10, Paragraph two, Clauses 1 and 2 of this Law in the amount of 0.26% from the total amount of the funding of the railway infrastructure referred to in Section 10, Paragraph two, Clauses 1 and 2 of this Law for the previous year.

(22) The public-use railway infrastructure manager shall allocate the funding provided for in Paragraph 2.1 of this Section in parts – once per quarter until the 10th date of the first month of the quarter in question, transferring part of the funding provided for in Section 2.1 of this Law to the account of the State Railway Administration. One-quarter of the planned funding provided for in Paragraph 2.1 of this Section shall be transferred for each of the first three quarters. The total amount of this funding shall be clarified when performing the final payment in the relevant year.

(3) [4 March 2004]

(4) The State Railway Administration shall be managed by a Director, who shall be nominated by the Minister for Transport and appointed and released from his or her position by the Cabinet.

(5) The regulatory functions of the State Railway Administration and the functions of examination of the disputed administrative acts and actual actions shall be performed by separate structural units.


Section 31. Functions of the State Railway Administration

(1) The State Railway Administration shall fulfil the following functions:

1) [23 November 2000];

2) co-ordination of draft contracts for public procurement of carriage by rail;

3) after contracts for public procurement of freight carriage by rail have been entered into, registering them and controlling the implementation of such contracts;

4) [23 November 2000];

5) provide to the Minister for Transport information requested about the activities of and decisions taken by the Administration;

6) within the scope of its competence, promote effective and rational operations by railway undertakings;

7) [23 November 2000];

8) upon informing the Public Utilities Commission, examine disputes between public-use railway infrastructure managers and railway undertakings concerning allocation of infrastructure capacity and access to public-use railway infrastructure, regarding the network statement and the criteria contained therein, as well as discriminatory conditions in the use of the infrastructure and take decisions that are binding on both parties;

9) monitor the carriage of railway freight market and promote competition in the field of carriage by rail. On the basis of a complaint or, where necessary, on its own initiative decide which measures are to be performed in order to prevent undesirable trends in the carriage of railway freight market in respect of ensuring the principle of equality of all railway undertakings;

10) develop railway environmental protection policy, which shall be approved by the Minister for Transport, develop and approve action programmes, and maintain a self-operating system for regulation of environmental protection;
11) evaluate risks that the railway infrastructure poses to the health of people and the environment, and carry out initiatives required to reduce such risks;
12) perform the registration of infrastructure;
13) perform the registration of rolling stock in accordance with the procedures prescribed by the Cabinet;
14) issue railway undertaking licences for the performance of carriage of railway freight;
15) provide opinions regarding separate public-use railway sections or the closing of lines in accordance with Section 14, Paragraph four of this Law;
16) publish all the decisions taken in respect of market regulation;
17) exchange information regarding its work and decision-making principles and practices with the relevant institutions of other European Union Member States;
18) monitor the compliance with the requirements of independence of the public-use railway infrastructure manager provided for in Section 13.1, Paragraphs four and five of this Law in implementation of the essential functions, examine the complaints of railway undertakings referred to in Paragraph six of this Section regarding violations of the requirements of independence and take appropriate decisions;
19) in the cases and in accordance with the procedures laid down in Section 13.1, Paragraph seven of this Law monitor changes in the composition of the board of the performer of the essential functions of the public-use railway infrastructure manager;
20) take decisions to divide the funding resources provided for heritage railway and to approve reports on utilisation of the funding, and control the utilisation of such funding resources for the intended purpose.

(2) The State Railway Administration, in carrying out its functions in accordance with this Law and other laws, shall observe the State policy in the field of railway transport and the national transport development programme.

(3) A decision of the State Railway Administration may be appealed to the Court in accordance with the procedures laid down in laws and other legislation. A decision of the State Railway Administration to issue a licence for the performance of carriage of railway freight, a decision to register a railway infrastructure (tracks), a decision to register railway rolling stock, a decision to distribute public-use railway infrastructure capacity or to allocate capacity, to refuse to allocate capacity or on the conditions of capacity offers, a decision to ensure the independence of the performer of the essential functions of the public-use railway infrastructure manager, including members of the board and executive employees thereof, whose competence includes taking of decisions to perform the essential functions of the public-use railway infrastructure manager, a decision to divide the funding resources provided for heritage railway, as well as an appeal regarding a decision to examine a dispute and prevent discrimination shall not suspend its operation.


Section 32. Right of the State Railway Administration to Request Information

The State Railway Administration is entitled to request and receive from the public-use railway infrastructure manager and from railway undertakings the information necessary to fulfil its functions.
[4 March 2004]

Section 33. Agency for Control and Supervision of Railway Technical Operations

(1) In Latvia control and supervision of railway technical operations shall be performed by the State Railway Technical Inspectorate, which is organisationally and legally independent and
independent in decision-making from railway undertakings, railway infrastructure managers, persons who make requests on issues that are within the competence of the State Railway Technical Inspectorate, and persons carrying out railway public procurements.

(2) The State Railway Technical Inspectorate is subordinate to the Ministry of Transport, which is realised in the form of supervision.

(3) The main functions of the State Railway Technical Inspectorate are:

1) to control compliance with the requirements laid down in laws and other legislation concerning railway operations and safety issues;
2) to control the performance of civil defence measures in the operations of railways (including measures on prevention, reaction and liquidation of consequences);
3) to investigate railway traffic accidents and perform the registration thereof;
4) to control the organisation and performance of works related to the elimination of consequences of rolling stock accidents;
5) to examine railway infrastructure building designs and to take decisions in respect of them, issue building permits and control how participants in the construction of railway infrastructure comply with the requirements of this Law and other laws and regulations governing construction;
6) to issue, suspend and cancel safety certificates and to check how the recipient of the safety certificate complies with the conditions included therein and the requirements of the laws and regulations in the field of rail transport;
7) to issue, suspend and cancel safety permits and to check how the recipient of the safety permit complies with the conditions included therein and the requirements of the laws and regulations in the field of rail transport;
8) issue professional competence certificates in the regulated sphere in accordance with laws and regulations;
9) exchange information regarding its work and decision-making principles and practices with the relevant institutions of other European Union Member States;
10) issue train driver’s licences;
11) keep the register of train drivers’ licences;
12) decide on acceptance of the rolling stock in service.

(4) The State Railway Technical Inspectorate, within its area of authority, has the right:

1) to verify observance of the Railway Technical Operations Regulations regardless of ownership of the facilities to be inspected;
2) to temporarily suspend train traffic, reduce traffic speed and prohibit the operation of technical equipment if the lives or health of people, the safety of traffic, or the environment are endangered;
3) to prohibit the use of rolling stock or track until deficiencies are fully eliminated, if their use can or does endanger the lives or health of people, the safety of traffic, or the environment;
4) to give binding instructions regarding compliance with the Railway Technical Operations regulations to all natural and legal persons operating within the railway system;
5) to verify whether commission members of a commercial company and the persons who are responsible for the performance of the knowledge examination of railway specialists of the entity comply with the qualification requirements.

(5) Each year the State Railway Technical Inspectorate shall be granted funding from the funding resources specified in Section 10, Paragraph two, Clauses 1 and 2 of this Law in the amount of 0.39% from the total amount of the funding of the railway infrastructure referred to in Section 10, Paragraph two, Clauses 1 and 2 of this Law for the previous year.

(6) The public-use railway infrastructure manager shall allocate the funding provided for in Paragraph 5 of this Section in parts – once per quarter until the 10th date of the first month of the quarter in question, transferring part of the funding provided for in Paragraph 5 of this Section to the account of the State Railway Technical Inspectorate. One-quarter of the
planned funding provided for in Paragraph five of this Section shall be transferred for each of the first three quarters. The total amount of this funding shall be adjusted when performing the final payment in the relevant year.


Section 33. The Transport Accident and Incident Investigation Bureau shall:

(1) In the case of serious railway accidents, investigatory activities shall be organised, performed and controlled by the Transport Accident and Incident Investigation Bureau – a direct State administration institution under the supervision of the Ministry of Transport.

(2) Organisationally, legally and in the taking of its decisions the Transport Accident and Incident Investigation Bureau is independent from the railway infrastructure manager, railway undertaking and railway technical operations control and supervision institutions, as well as from institutions, which are responsible for the specification and collection of railway infrastructure charges, the allocation of railway infrastructure capacity or the realisation of State administration in the field of railway transport, and from persons whose interests may be in contradiction with the tasks of the Transport Accident and Incident Investigation Bureau.

(3) In performing an investigation of a railway accident, an investigator of the Transport Accident and Incident Investigation Bureau has the right to:

1) freely access the site of the railway accident, the rolling stock involved in the accident, the relevant railway infrastructure, the traffic control-command and signalling equipment;

2) without delay commence the collection for examination or analysis of direct evidence, the wreck and fragments of the rolling stock, and the railway infrastructure equipment or the components thereof;

3) have access to the content of rolling stock data registration devices, voice communications recording devices, and the control-command and signalling equipment registration devices and to use them;

4) become acquainted with the mortal remains of the victims and the results of examinations of injured persons;

5) become acquainted with the railway specialists involved in the railway accident, other persons involved in the accident, as well as the results of the interrogation and questioning of witnesses and testimonies;

6) question the railway specialists involved in the railway accident, other persons involved in the accident, as well as witnesses;

7) have access to the information and documentation of the State Railway Technical Inspectorate, railway infrastructure manager and railway undertaking involved in the accident;

8) specify when the rolling stock, its parts or fragments, wrecks, freight and other appurtenances may be removed from the site of the incident, as well as to destroy in accordance the procedures laid down in laws and regulations;

9) invite police officers to determine whether the railway specialists involved in the railway accident are under the influence of alcoholic, narcotic, psychotropic or toxic substances or to escort these persons to a medical treatment institution for the determination of the influence of the substances in question.

(4) Investigators of the Transport Accident and Incident Investigation Bureau, within the scope of their competence, also have the right to perform operations specified in other laws and regulations.

(5) The Transport Accident and Incident Investigation Bureau shall be granted funding for the investigation of transport accidents from the funding resources specified in Section 10, Paragraph two, Clauses 1 and 2 of this Law in the amount of 0.12% from the total amount of funding provided for in Paragraph five of this Section.
the funding of the railway infrastructure referred to in Section 10, Paragraph two, Clauses 1 and 2 of this Law for the previous year.

(6) The public-use railway infrastructure manager shall allocate the funding provided for in Paragraph 5 of this Section in parts – once per quarter until the 10th date of the first month of the quarter in question, transferring part of the funding provided for in Paragraph 5 of this Section to the account of the Transport Accident and Incident Investigation Bureau. One-quarter of the planned funding provided for in Paragraph five of this Section shall be transferred for each of the first three quarters. The total amount of this funding shall be clarified when performing the final payment in the relevant year.

(7) Investigators of the Transport Accident and Incident Investigation Bureau have service identification documents. Sample service identification document and the procedures for issuing and cancelling a service identification document shall be approved by the Cabinet.


Chapter VI Railway Undertaking Licences, Safety Certificates and Safety Permits

[4 March 2004]

Section 34. Railway Undertaking Licences

(1) Commercial companies, that are able to ensure compliance with the basic requirements for carriage by rail and the participation of appropriate railway specialists, shall have the right to receive a special licence to engage in carriage by rail (hereinafter – railway undertaking licence).

(2) A railway undertaking licence attests to the right of the railway undertaking to engage in the indicated type of commercial activity. A railway undertaking licence for the conduct of carriage by rail does not give the access right to the railway infrastructure.

(3) A railway undertaking licence shall be issued, observing the principle of equality and without discrimination, to a commercial company, that has submitted an application to receive a railway undertaking licence (hereinafter – applicant) and that has an unimpeachable reputation and stable financial status, verifying in regard to this:

1) the sufficiency of its funding resources;
2) its operations and management plans;
3) its previous activities, appropriateness of professional qualifications and experience.

(4) Applicants must prove the appropriateness of their professional qualifications, showing that:

1) employees have the necessary knowledge and experience to ensure the safety of the operations set out in the railway undertaking licence; and
2) there are appropriately trained and qualified railway specialists who can guarantee a high level of safety and quality regarding the services to be provided;
3) the rolling stock to be used, and especially the means of traction, are safe.

(5) The reputation of the applicant shall meet the requirements for good reputation if:

1) the applicant has not been found, according to a judgement, which has come into legal effect, to be insolvent;
2) the executive employees thereof have not been convicted of committing a crime;
3) the applicant or its executive employees within a period of one year have not been repeatedly administratively convicted for serious violations of laws and regulations in respect of labour, labour protection, tax, customs, commercial activity and other activities thereof;
4) [4 March 2004].

(6) The Cabinet shall determine the procedures for issuing and revoking a railway undertaking licence. The Cabinet may impose supplementary conditions for the issuing of a railway undertaking licence.
(7) Railway undertaking licences for the performance of carriage of railway freight shall be issued by the State Railway Administration and the Public Utilities Commission shall issue railway undertaking licences for the performance of carriage of railway passengers if the requirements laid down in this Law have been carried out and after payment of the State charge. The Cabinet shall determine the amount of the State charge.

(8) A railway undertaking licence shall be valid while the recipient thereof fulfils the obligations provided for in this Law and complies with the conditions indicated in the licence. The term of the validity of the railway undertaking licence shall be reviewed every five years. If conditions are determined for termination of the term of validity of the licence, the State Railway Administration shall revoke the railway undertaking licence for the performance of carriage of railway freight or the Public Utilities Commission shall revoke the railway undertaking licence for the performance of carriage of railway passengers. A temporary licence may be issued to a railway undertaking, which is valid for not longer than six months from the day of issue thereof and which shall be issued only once.

(9) [23 November 2000]

(10) Licences issued by relevant institutions of the Member States of the European Union shall also be valid in Latvia.


Section 35. Safety Certificates

(1) In order to acquire the access right to the public-use railway infrastructure and to guarantee the provision of safe services in the relevant infrastructure line sections, the railway undertaking, before commencing carriage must obtain a safety certificate, which consists of a Part A and a Part B.

(2) Safety certificate Part A shall be issued by the State Railway Technical Inspectorate or the relevant institution of a Member State of the European Union to a railway undertaking, which has established and maintains a safety management system.

(3) Safety certificate Part B shall be issued by the State Railway Technical Inspectorate to railway undertakings that conform to the requirements laid down in the field of technical operations and the safety requirements in respect of personnel, rolling stock and internal structure of the commercial company, and which have a valid safety certificate Part A.

(4) The Cabinet shall determine the procedures for issuing, suspending or revoking safety certificate Part A and Part B, as well as the criteria for such issue, suspension and revocation.

(5) The contesting and appeal of a decision to issue, suspend or revoke a safety certificate shall not suspend the operation thereof.

[24 May 2007; 7 May 2009]

Section 35.1 Safety Permits

(1) Railway infrastructure managers and persons who are engaged in the commercial activities referred to in Section 3, Clause 5 of this Law must obtain a safety permit.

(2) The Cabinet shall determine the criteria and procedures for issuing, suspending the operation and revoking a safety permit.

(3) The contesting and appeal of a decision to issue, suspend or revoke a safety permit shall not suspend the operation thereof.


Chapter VII Traffic Safety

Section 36. Binding Effect of the Railway Technical Operations Regulations
A commercial company, as well as other legal persons and natural persons involved in railway activities shall ensure conformity with the Railway Technical Operations Regulations and shall guarantee traffic safety. The railway traffic safety requirements are also binding upon other legal persons and natural persons the activities of which occur directly near railways and may endanger railway traffic safety.

[4 March 2004]

Section 36.1 Rolling Stock and Operation thereof

(1) An owner or user of the rolling stock shall, in conformity with the Railway Technical Operations Regulations, ensure the maintenance of the rolling stock and the operation thereof so that it does not endanger human life and health, railway traffic safety and the environment.
(2) The Cabinet shall determine the procedures for constructing, upgrading, renewal repairs and conformity assessment of the rolling stock, as well as the procedures by which rolling stock shall be accepted in service.
(3) The European standards and technical specifications for interoperability shall not be applied to the construction and upgrading of the rolling stock to be used on a track gauge of 1520 mm which is used or intended to be used for carriage to and from countries which are not European Union Member States.
(4) Upon acceptance in service the rolling stock shall be identified by allocating a European rolling stock number thereto. If the rolling stock to be used on a track gauge of 1520 mm is used not only in the European Union but is used or intended to be used for carriage to and from countries which are not European Union Member States and where different numbering systems are used, the rolling stock shall be allocated a number which is compatible with the numbering system used in the relevant countries.

[17 June 2010]

Section 36.2 Liability of the Manufacturer, Performer of Repair Work, Owner or User of the Rolling Stock, Supplier of Goods and Provider of Services

The manufacturer, performer of repair work, owner or user of the rolling stock, supplier of goods and provider of services shall ensure that the rolling stock, equipment, accessories and installations supplied and services provided thereby conform to the respective requirements and conditions for use in the field of rail transport so that the railway undertaking and railway infrastructure manager could use them safely.

[18 September 2014]

Section 37. Railway Specialists

(1) In order that safe operation of the railway and traffic safety are guaranteed, all railway specialists involved in railway operations shall have knowledge of sufficient breadth and depth about work organisation relevant to the carrying on of operations and the Railway Technical Operations Regulations.
(2) The Cabinet shall determine the lists of railway specialist professions, the pertinent qualifications requirements and criteria for railway specialists, procedures for the examination of knowledge or skills, the procedures for issuing, renewing and revoking railway specialist certificates and professional competence certificates, requirements relating to persons who train the specialists, as well as training programs and lists of technical resources. The contesting and appeal of a decision to issue, suspend or revoke a professional competence certificate shall not suspend the operation thereof.
(3) [7 May 2009]
(4) A railway specialist is liable to be disciplined in accordance with the procedures set out in laws and other legislation.

(5) The conditions of Paragraph two of this Section shall not be applied in respect of train drivers, but Section 37.¹ of this Law shall be applicable.

Section 37.¹ Train Driver

(1) Train driver’s licence shall allow a person, assigned by a railway undertaking, infrastructure manager or such person who is engaged in the commercial activities referred to in Section 3, Clause 5 of this Law, to responsibly and safely drive trains or separate means of traction corresponding with the relevant category of the driving licence, to train persons in driving trains or separate means of traction and to perform other activities permitted in laws and regulations when participating in railway traffic.

(2) The rights of a person to drive a train or means of traction in a railway line shall be certified by a valid driver’s licence issued by a European Union Member State, the relevant entry in the register of train drivers’ licences and a harmonised complementary certificate.

(3) The driver’s licence specified in Paragraph one of this Section shall not be necessary when driving means of traction which are being operated in the tramway system and in railway networks whose operation is separated from the rest of the railway system and which are only used by railway infrastructure owners for ensuring carriage of their freight or for ensuring carriage of passengers and only with aims related to history and tourism.

(4) The harmonised complementary certificate shall be issued by the employer of a train driver – the railway infrastructure manager, railway undertaking or a person engaged in the commercial activities referred to in Section 3, Clause 5 of this Law. The railway lines where the train driver is permitted to drive and the rolling stock that he or she is permitted to operate shall be indicated therein. The harmonised complementary certificate shall be drawn up in compliance with the requirements of Article 2 of Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences (hereinafter – Regulation No 36/2010).

(5) A train driver’s licence is evidence that a driver complies with the mandatory medical requirements, he or she has basic education and general vocational skills. The institution which issued the driver’s licence and the period of validity of the licence shall be indicated in the licence. Driver’s licence shall be drawn up in accordance with the requirements of Article 1 of Regulation No 36/2010.

(6) The harmonised complementary certificate shall not be necessary for a driver who drives a train or means of traction together with a driver who has a harmonised complementary certificate, if the railway infrastructure manager has been notified thereof.

(7) The issuer of the harmonised complementary certificates has the following duties:

1) to keep the register of harmonised complementary certificates or ensure the keeping thereof. The Cabinet shall determine the procedures and extent for keeping the register of harmonised complementary certificates;

2) to co-operate with the State Railway Technical Inspectorate in order to ensure access to information regarding driver licences and the exchange of this information.

(8) The Cabinet shall determine the conditions and procedures for obtaining of the driver’s qualification, for acquiring and renewing driver’s licences, as well as the conditions and procedures for issuing, suspending, revoking and renewing driver’s licences and harmonised complementary certificates.

(9) The dispute or appeal of a decision to issue, suspend, revoke or renew a driver’s licence shall not suspend the operation thereof.
[13 May 2010]
Section 38. Increased Danger Zone

(1) The territory where rail traffic takes place and where shunting, loading and unloading operations are carried on is an increased danger zone.
(2) Only railway staff performing their duties shall be allowed in increased danger zones, except in specially indicated locations (crossings and level crossings, platforms, etc.).

Section 39. Guarding of Railway Property

(1) Guarding of railway property that is owned by or within the control of legal or natural persons, including during carriage, shall be the responsibility of the owner.
(2) Railway property includes freight and other valuables, territory of the railway commercial companies, structures, buildings, premises, rolling stock and equipment.
(3) Guarding of the State public-use railway infrastructure facilities shall be mandatory. The Cabinet shall determine the list of State public-use railway infrastructure facilities, which it is mandatory to guard and the procedures for the guarding of such facilities.
(4) Persons guarding railway property shall have uniforms, identifying insignia and identification cards.
(5) Persons guarding railway property shall have the right to:
   1) require persons to cease violations of the law and observe procedures applicable to the facility being guarded;
   2) detain and deliver over to police custody without delay any violators of the law or persons trespassing on the facility being guarded;
   3) check passes or other identification documents, as is required in accordance with any guarding instructions the observance of which is controlled by the person guarding the railway facility;
   4) inspect the transport and freight at checkpoints of the facility being guarded.
(6) If a violation of the law has taken place, which involves the endangerment of the facility being guarded or other property or the violation of transport procedures or safety regulations, and so creates actual danger to the life or health of people, the facility being guarded or persons who guard railway facilities, railway specialists shall have the right to require that persons cease the violations and observe the procedures applicable to the facility being guarded, and, in cases of non-compliance, to deliver the violator to the police without delay, in order to determine his or her identity and to make a report.

[4 March 2004]

Section 40. Investigation of Railway Accidents

(1) A railway accident is an accident of railway traffic, which involves at least one railway means of transport and as a result of which an individual has died or has been caused physical injury, or damage to a legal or natural person or to the environment has been caused.
(1\textsuperscript{1}) A serious railway accident is an accident of railway traffic in which as a result of the collision of trains or in relation to a train derailment at least one person has died or bodily injury has been made to at least five persons who have been hospitalised for more than 24 hours due to this accident, or great harm has been done to rolling stock, railway infrastructure or the environment, as well as other similar railway traffic accidents, which obviously have an undesirable impact on the regulation of railway safety or safety management. As great harm shall be deemed to be such losses, which the Transport Accident and Incident Investigation Bureau has immediately assessed as in total equivalent to at least 2 million euros.
(2) The Cabinet shall determine the procedures for the classification, investigation and registration of railway traffic accidents.
2. In investigating railway traffic accidents, persons who perform such investigations have the right to become acquainted with the opinions of medical treatment institutions and to receive from them information regarding the health condition of persons injured in a railway traffic accident.
3. A railway infrastructure manager has the right to request that a railway undertaking transfers resources at his or her disposal, which are necessary so that normal traffic can be renewed as soon as possible after a railway accident. The Cabinet shall determine the procedures for the transfer of resources and compensation of the value thereof.


Section 41. Actions in Emergency Situations on Railways

1. Private persons who are involved in railway operations, in emergency situations (fires, natural disasters, accidents and other emergency situations) shall act in accordance with the Law On Civil Defence and other laws and regulations.
2. The railway infrastructure manager and the railway undertaking, in situations where accidents result from railway operations, shall, without delay, rectify the consequences of the accident.

[6 October 2005]

Section 42. International Agreements

1. If in an international agreement, which the Saeima has ratified, provides for different regulations than are in the laws of the Republic of Latvia, the regulations in the international agreements shall be applied. In performing international carriage, international agreements binding upon the Republic of Latvia shall be observed in relation to international railway transportation.
2. Railway undertakings and railway infrastructure managers shall have the right to represent themselves and to enter into agreements with international railway organisations, foreign commercial companies and the associations thereof.
3. The right of foreign commercial companies to be railway undertakings shall be determined by the laws and regulations of the relevant state. The right of border state railway undertakings to access public-use railway infrastructure, not taking into account Section 35 of this Law shall be determined on the basis of a contract, which is entered into between the border state railway undertaking and the public-use railway infrastructure manager and railway undertaking. Documents, which certify the competence of the railway undertaking and the border state railway undertaking and the conformity of the equipment thereof, shall be mutually recognised on the basis of international agreements.

[4 March 2004]

Section 43. Interoperability of the Trans-European Rail System

1. In constructing a new European high-speed rail line infrastructure, a train speed, which is not less than 250 kilometres per hour, shall be ensured. In adapting the existing railway infrastructure for high-speed traffic, it shall be equipped in conformity with the speed of the train – approximately 200 kilometres per hour.
2. In constructing new conventional railway infrastructure, which conforms to the European standard gauge, the European standards and technical specifications for interoperability (TSIs) shall be applied in order to ensure the inclusion of such infrastructure in the European conventional railway infrastructure system. In constructing new or modernising existing (1520-mm gauge) conventional railway infrastructure, the European standards and technical
specifications for interoperability shall be applied, taking into account the specific features of a railway infrastructure with a track gauge of 1520 mm.

(2) The technical specifications for interoperability which have been issued in the field of the European Union Transport Policy and based on Articles 91 and 171 of the Treaty on the Functioning of the European Union, and published in the Official Journal of the European Union, shall be applied to railway lines included in the Trans-European rail system, as well as to the rolling stock to be used in these lines.

(3) The Cabinet shall issue regulations regarding interoperability with the Trans-European Rail system.

(4) The State Railway Administration in supplementing and publishing the records of the railway infrastructure and the rolling stock register shall indicate the conformity of each subsystem or the parts thereof included to the specified requirements for the applicability of technical specifications for interoperability.

(5) A decision to put into service the subsystems of European high-speed and conventional railway system shall be taken by the State Railway Technical Inspectorate.

(6) If the cross-border carriage of passengers or freight is taking place to another European Union Member State more than 15 kilometres from the border of the relevant country, also provisions referred to in the Agreement between the Community of European Railways (CER) and the European Transport Workers’ Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector, or more favourable provisions for the legal condition of employees shall be included in the collective work agreement or employment contract.


**Transitional Provisions**

1. Sections 10, 30, 31, 32, 33 and 34 of this Law are applicable as of 1 July 1999.
   [4 February 1999]

2. The requirement to receive railway undertaking licences (Section 34) by 1 September 1999 shall not apply to undertakings (companies) which, in accordance with their Articles of Association have in fact begun carriage by rail prior to the adoption of this Law.
   [4 February 1999]

3. Prior to the issuing of regulations by the Cabinet, the provisions of this Law shall be fulfilled in accordance with legislation as is in force, insofar as it is not in conflict with this Law.


5. The methods for the calculation of the public-use railway infrastructure user charges up until they are determined in accordance with this Law (Section 12) shall be approved by the Minister for Transport.
   [4 February 1999]

6. The Cabinet shall, by 1 December 2003, determine the procedures by which State or local government contracts for carriage by rail orders shall be organised and co-ordinated, as well as the procedures by which contracts for public procurement of carriage by rail shall be co-ordinated and entered into.
   [6 February 2003]
7. In order to prevent cross-subsidisation in railway transportation, in 2004 the charge for the compensation of railway passenger railway undertakings for the use of the railway infrastructure may not be less than the 2003 railway infrastructure fund provided for levies from the excise tax on petroleum products for diesel fuel used for carriage by rail.

[30 October 2003]

8. Section 13, Paragraph three and Section 27, Paragraph four of this Law shall come into force on 1 May 2004.

[4 March 2004]

9. Within six months after the coming into force of this Law, the Cabinet shall issue the regulations provided for in Section 7, Paragraph two; Section 16, Paragraph two; Section 35.1, Paragraph two; Section 39, Paragraph three and Section 40, Paragraph three of the Law.

[4 March 2004]

10. [24 May 2007]

11. Until the day of the coming into force of the relevant Cabinet Regulations, but not later than by 1 June 2004, Cabinet Regulation No. 410 of 20 October 1998, Methodology for Subdivision of Strategic and Regionally Important Railway Infrastructures into Categories, shall be applied insofar as it is not in contradiction with this Law.

[4 March 2004]

12. Until the day of the coming into force of the relevant Cabinet Regulations, but not later than by 1 January 2005, the following Cabinet Regulations shall be applied insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 111 of 23 March 1999, Railway Administration By-laws; and


[4 March 2004]

13. The term “commercial company” and “merchant” in this Law shall be understood also as undertaking or company, but the term “commercial activity” – also as entrepreneurial activity within the meaning of the Law On Entrepreneurial Activity.

[4 March 2004]

14. The Cabinet shall, within six months after the coming into force of this Law, issue the Regulations provided for in Section 19, Paragraph five of this Law.

[6 October 2005]

15. The Cabinet shall by 1 January 2006 issue the Regulations provided for in Section 27, Paragraph twelve; Section 28; Section 31, Paragraph one, Clause 13; Section 36.1, Paragraphs three and four and Section 37, Paragraph two of this Law.

[6 October 2005]

16. Up to the day of the coming into force of the Cabinet Regulations referred to in Section 27, Paragraph twelve; Section 31, Paragraph one, Clause 13 four and Section 37, Paragraph two of this Law, but not later than by 1 January 2006, the following Ministry of Transport Regulations shall be applied insofar as they are not in contradiction with this Law:

1) Ministry of Transport Regulation No. 21 of 4 August 2004, Procedures for the Allocation of Public-use Railway Infrastructure Capacity;
2) Ministry of Transport Regulation No. 25 of 13 September 2001, Procedures for the Registration of Railway Rolling Stock;

3) Ministry of Transport Regulation No. 1 of 6 January 2005, Regulations regarding the Issuing of Means of Traction Driver (Machinist) Instructor, Means of Traction Driver (Machinist), Means of Traction Assistant Driver (Machinist) Certificates, the Extension and Cancellation of the Period of Validity thereof; and

4) Ministry of Transport Regulation No. 2 of 6 January 2005, Regulations regarding the Railway Specialist Vocational Qualification.

[6 October 2005]

17. The Cabinet shall by 1 July 2006 issue the regulations provided for in Section 25, Paragraph four of this Law.
[24 November 2005]

18. [24 May 2007]

19. The new text of Section 35 of this Law shall come into force on 1 January 2008. The Cabinet shall issue by 1 January 2008 the regulations referred to in Section 35, Paragraph four (new text) of this Law.
[24 May 2007]

20. Safety certificates, which have been issued up to the day of the coming into force of the amendments referred to in Paragraph 19 of the Transitional Provisions of this Law, shall be valid up to the term of validity indicated therein.
[24 May 2007]

21. The Cabinet shall issue by 1 November 2007 the regulations referred to in Section 43, Paragraph three of this Law regarding the mutual interoperability of the Trans-European Rail System. Up to the day of the coming into force of the relevant regulation, but not later than by 1 November 2007, Cabinet Regulation No. 1025 of 19 December 2006, Regulations regarding the Interoperability of Trans-European Rail Systems, shall be applied insofar as it is not in contradiction with this Law.
[24 May 2007]

22. The new text of Section 33, Paragraph one of this Law and amendments to Section 40, Paragraph one of this Law shall come into force on 1 July 2007.
[24 May 2007]

23. The Cabinet shall issue by 1 January 2008 the Regulations referred to in Section 22, Paragraph two of this Law regarding the procedures for design and construction of railway infrastructure facilities, as well as the procedures by which they shall be accepted for service. Up to the day of the coming into force of the relevant Regulations, but not later than by 1 January 2008, Cabinet Regulation No. 394 of 2 December 1997, Railway Building Regulations, shall be applied insofar as it is not in contradiction with this Law.
[14 June 2007]

24. Amendments to Section 23 of this Law regarding the deletion of the second sentence of Paragraph two and amendments to Section 33 of this Law regarding the expression of Clause 5 of Paragraph three in a new text shall come into force on 1 January 2008.
25. Amendment to Section 14, Paragraph one of this Law regarding deletion of the word “and regional” and amendment to Paragraph four regarding replacement of the words “relevant district local government” with the words “relevant local government” shall come into force on 1 July 2009.
[17 July 2008]

26. The Cabinet shall issue by 1 January 2010 the regulations provided for in Section 25.2, Paragraph three of this Law.
[10 September 2009]

27. Until the day of the coming into force of the regulations referred to in Section 35.1, Paragraph two of this Law, which regulate the criteria and procedures for the issue, suspension and revocation of a safety certificate, but not later than by 1 December 2010, Cabinet Regulation No. 616 of 23 August 2005, Procedures for the Issue, Revocation and Suspension of Safety Certificates, shall be applicable insofar as it is not in contradiction with this Law.
[13 May 2010]

28. The amendment to Section 37 of this Law regarding the addition of Paragraph five thereto shall come into force on 1 November 2011.
[13 May 2010]

29. Section 37.1, Paragraphs two, three, four, five, six, seven, eight and nine of this Law shall be applicable from 1 November 2011 and until this time Section 37, Paragraph two of this Law shall regulate the conditions for the acquisition, suspension and loss of a driver’s licence.
[13 May 2010]

30. Driver’s licences and certificates which, in compliance with Paragraph 29 of these Transitional Provisions and the conditions of Section 37, Paragraph two of this Law, have been issued until 31 October 2011 shall be in effect until expiry of the period of validity thereof and shall certify the driver’s rights specified in Section 37.1 of this Law.
[13 May 2010]

31. The register of harmonised complementary certificates referred to in Section 37.1, Paragraph seven, Clause 1 of this Law shall be established until 31 October 2011.
[13 May 2010]

32. The Cabinet shall issue by 1 September 2010 the regulations referred to in Section 37.1, Paragraph seven, Clause 1 and Paragraph eight of this Law.
[13 May 2010]

33. The Cabinet shall issue by 1 January 2011 the regulation referred to in Section 36.1, Paragraph two regarding the procedures for the construction, upgrading, renewal repair and conformity assessment of the rolling stock, as well as the procedures by which rolling stock shall be accepted in service. Up to the day of the coming into force of the relevant regulation but not later than until 1 November 2010 Cabinet Regulation No. 610 of 25 July 2006, Procedures for the Renewal Repair and Upgrading of Rolling Stock, and Cabinet Regulation No. 713 of 29 August 2006, Procedures by which Newly Constructed Rolling Stock or Rolling Stock which has had Renewal Repair or Upgrading Shall be Accepted in Service, shall be in force insofar as they are not in contradiction with this Law.
[17 June 2010; 23 September 2010]
34. The amendments to this Law which provide for a new wording of Section 1, Clause 12, the first sentence of Section 6, Paragraph two, Section 11, Paragraph one, Section 12, Paragraphs four, five, eight and thirteen, Section 13, Paragraphs one and two, Section 27, Paragraphs one and four and the second sentence of Paragraph nine, and the second sentence of Section 31, Paragraph three, the deletion of Section 12, Paragraph ten, Section 13, Paragraph three and Section 27, Paragraph five, and amendments which provide for supplementing the Law with Section 13, supplementing Section 1 with Clause 23, supplementing Section 12 with Paragraphs 2, 5, fourteen and fifteen, supplementing Section 27 with Paragraphs thirteen and fourteen, supplementing Section 31, Paragraph one with Clauses 18 and 19, as well as the amendments which provide for the replacement of the words “the infrastructure manager” in Section 27, Paragraph ten with the words and figure “In accordance with Section 12, Paragraph four of this Law, the performer of the essential functions of a public-use railway infrastructure manager”, shall come into force on 1 January 2011.

[23 September 2010]

35. The State stock company referred to in Section 6, Paragraph two of this Law shall establish a capital company in the form of a joint stock company, which shall start performing the essential functions of a railway infrastructure manager from 1 January 2011 – taking of decisions on the charge for the use of railway infrastructure, the allocation of capacity of the railway infrastructure, as well as taking of decisions to designate trains of a particular railway undertaking. The requirements of Section 7, Paragraph two and Section 98, Paragraph three of the Law On State and Local Government Capital Shares and Capital Companies shall not be applicable to the establishment of this joint stock company.

[23 September 2010]

36. Until 30 June 2011 the Public Utilities Commission shall determine the procedures referred to in Section 12, Paragraph 2 of this Law for applying charges for the use of railway infrastructure and the procedures for settling accounts for charges for the use of railway infrastructure.

[23 September 2010]

37. The Cabinet shall issue by 1 January 2011 the regulation referred to in Section 40, Paragraph two of this Law regarding the procedures for the classification, investigation and registration of railway traffic accidents. Until the day of coming into force of the relevant regulation, but not later than until 1 January 2011 Cabinet Regulation No. 393 of 6 October 1998, Procedures for the Investigation of Railway Traffic Accidents, shall be applicable, insofar as it is not in contradiction with this Law.

[23 September 2010]

38. The procedures for settling accounts in relation to charges for the use of the public-use railway infrastructure referred to in Section 12, Paragraph 2 of this Law until 31 December 2015 shall not apply to the services of carrying railway passengers, which are provided on the basis of a State or local government contract for railway carriage orders, if the railway undertaking, public-use railway infrastructure manager and the State or local government enter into an agreement regarding such conditions for settlement of accounts, which ensure that the revenue of the public-use railway infrastructure manager from charges for the use of the public-use railway infrastructure at least conform to the costs for maintaining the public-use railway infrastructure and other costs, which are taken into account for determination of the charges for the use of the public-use railway infrastructure. For such purpose the contract may provide for the way in which the State or local government shall cover the charges for
the use of the public-use railway infrastructure in the amount of such costs, which are related to capital investments.

[6 November 2013]

39. Amendments to this Law, which provide for supplementing the title of Chapter VII and supplementation of Section 37 with Paragraphs six and seven, shall come into force on 1 December 2015. The Cabinet shall issue the regulations referred to in Section 37, Paragraph six of this Law regarding such professions of railway specialists, the persons employed in which are ensured the creation of supplementary pension savings in private pension funds or in life insurance with accumulation of funds.

[16 October 2014 / The abovementioned amendments shall be included in the wording of the Law on 1 December 2015]

Informative Reference to the European Union Directives


This Law contains legal norms arising from:


This Law shall come into force on 1 November 1998.

This Law has been adopted by the Saeima on 1 April 1998.

President

G. Ulmanis

Rīga, 17 April 1998