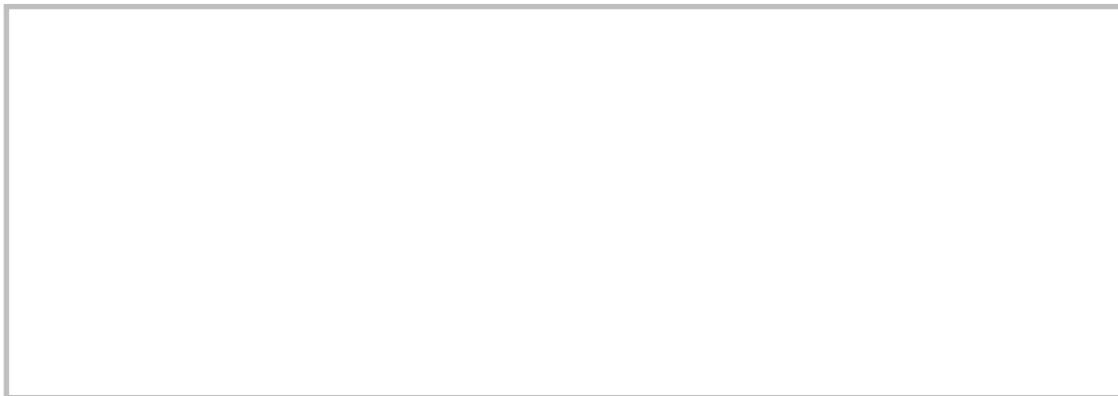


Technical note 1

SIMPLE TEMPLATE ON ROAD SAFETY AUDIT POLICY AND PROPOSAL OF LEGAL CHANGES TO MAKE RSA MANDATORY AT NATIONAL LEVEL



TRACECA Regional Road Safety Project Safety Engineering Team

March 2015

**EU funded road safety project
For
Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova,
Tajikistan, Turkmenistan, Ukraine, Uzbekistan**

PREFACE
TO THE TEMPLATE ON ROAD SAFETY AUDIT
POLICY
AND
PROPOSAL OF LEGAL CHANGES TO MAKE RSA
MANDATORY AT NATIONAL LEVEL

With EU Directive no. 2008/96 on road infrastructure safety management, published in 2008, the European Union has made a clear decision that the Road Safety Audit (RSA) will be mandatory for the Trans-European Road Network in forthcoming years. It is well known fact that RSA is highly effective and cost effective engineering tool for improvement of safety on roads.

Unfortunately, in reality there is little application of RSA at present in TRACECA Region. RSAs that are implemented are mostly pushed by IFIs and implemented by foreign consulting companies. Even when RSAs are undertaken the RSA recommendations are not always implemented by the road authorities.

This is why the Project was requested to develop capacity in each country (at National level) for undertaking of RSA. The Project team in cooperation/consultation with concerned stakeholders on Workshops have produced this, simple template on Road Safety Audit Policy and proposal of legal changes to make RSA mandatory at National level.

RSA Policy has been developed for all TRACECA countries to address the common road safety problems related of planning, design and operation of road infrastructure and therefore some localization should be done (empty places should be fulfilled with local specific national data from each specific country).

Similar situation is with proposed legal changes that should be undertaken for full implementation of RSA at National level.

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A) TEMPLATE ON ROAD SAFETY AUDIT POLICY

1. PURPOSE OF ROAD SAFETY AUDIT POLICY

This Policy sets out how the (*name of the country*) and responsible Ministry (*name of the responsible Ministry*) or Road Administration (*name of Road Administration*) will organize and implemented Road Safety Audits (RSA) as a regular procedure for increasing the road safety of infrastructure.

2. WHAT IS ROAD SAFETY AUDIT

RSA is a well known term used internationally to describe an independent review of a project to identify road or traffic safety deficiencies. It is a formal examination of a road or a traffic project and can be regarded as part of a comprehensive quality management system.

RSA is a pro-active approach with the primary aim of identifying potential safety problems as early as possible in the process so that decisions can be made about eliminating or reducing the problems, preferably before a scheme is implemented or accidents occur.

The most common definition of RSA is: “A formal road safety examination of the road or traffic project, or any other type of project which affects road users, carried out by an independent, qualified auditor or team of auditors who reports on the project accident potential and safety performance for all kinds of road users”.

3. AREA OF APPLICATION

A RSA should be undertaken on a wide range of projects varying in size, location, type, and classification. The types of projects that can be audited are categorized under the following headings:

- function in the network
(International roads, Magisterial roads, Regional and Local roads)
- traffic
(motor vehicles only or mixed traffic with non motorized or slow agricultural traffic)
- position - locality
(outside or inside built up areas).

A RSA is recommended to be taken for any design of new roads.

In nearby future, RSA could be extended on any proposal for changes in existing roads or road environment which are likely to alter interactions between different road users, or between road users and their environment. It is recommended in the Regional Road Safety Audit Manual for TRACECA Countries (2014) that **RSA should be undertaken for all projects that have the value of technical documentation more than 30.000 Euro.**

Therefore, RSA could be conducted on:

- new roads, motorways, highways and other road traffic facilities,
- reconstruction and rehabilitation,
- inside and outside built-up areas.

The types of projects to be mandatorily audited will be defined according to the legal (law or by-law, or Ministry decree) regulations.

4. STAGES OF ROAD SAFETY AUDIT

According to the International best practice and Regional Road Safety Audit Manual for TRACECA Countries, RSA should be conducted in four different stages:

Stage 1: draft (or preliminary) design,

Stage 2: detailed design,

Stage 3: pre-opening of the road and

Stage 4: early operation, when the road is some time in operation.

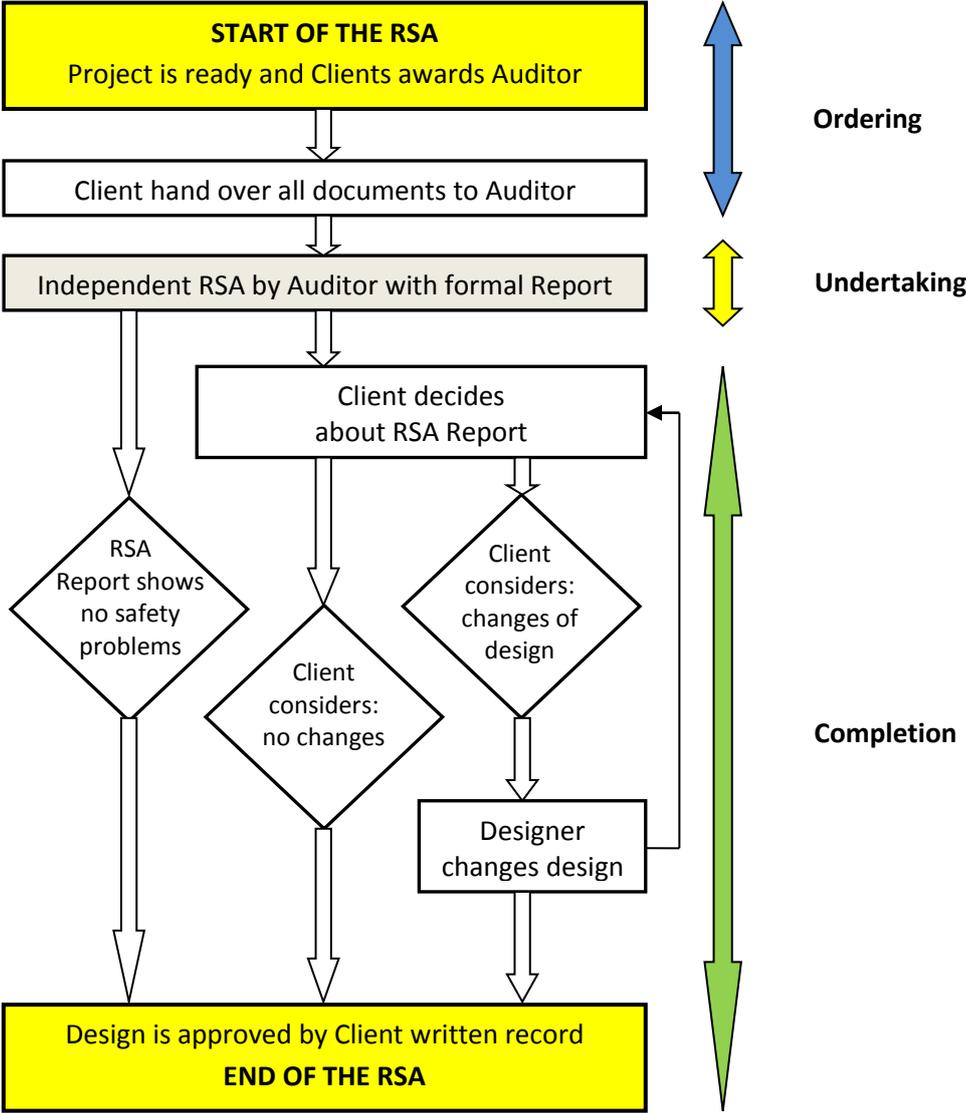
5. ROAD SAFETY AUDIT PROCESS

As a relatively new road safety procedure, RSA has to be organized with an effective structure and with clear responsibilities.

The general RSA procedure will include three main phases:

- ordering,
- undertaking and
- completion.

The following picture (Figure A.5.1.) describes the typical RSA process.



Financing for RSA should be provided from the different resources:

- for Internationally financed road project, RSA costs should be calculated and integrated in whole project costs,
- for National road projects, RSA costs should be provided from local Road Administration budget.

Road Administration* (*specify exact unit. E.g. Road Safety Audit Unit*), are responsible for implementation of RSA procedures on all roads under their responsibility.

* or equivalent organization

6. QUALIFICATION OF ROAD SAFETY AUDITORS

It is important that the auditor has extensive experience in road safety issues.

Proposal is that RSA team leader (TL) should have completed relevant university education preferably with Master degree and have significant experience in road safety engineering (design) and/or road traffic crash investigation. About three years of working with RSA and more than 3 RSA Reports produced would be minimal requirement for an RSA Team Leader.

RSA Team Members (TM) should have at least a bachelor education and about three years of experience in road safety engineering (design) and/or road traffic crash investigation.

Auditors should possess driving licenses and have good knowledge about Road Design Standard, the Traffic Safety Law and the Law for roads. The knowledge of other road standards is highly desirable.

To ensure the quality of the audit, auditors should undergo initial training, resulting in the award of a certificate of competence and should then take part in additional periodic training courses. Where audits are undertaken by teams, at least one member of the team shall hold a certificate of competence.

The content of training should include road safety related topics like crash investigation, road safety network management, road safety engineering and design.

Road Safety Audits are required to be carried out generally in accordance with the Regional Road Safety Audit Manual for TRACECA Countries (2014), which is developed within TRACECA Road Safety II Project.

7. ACCREDITATION PROCESS

Responsible Ministry (*name of Ministry*) is encouraged to support the accreditation process for Road Safety Auditors.

The National accreditation of Road Safety Auditors should be implemented preferably in accordance with the model provided by TRACECA Road Safety II Project.

In _____

Date: _____

Signed by: _____

Annex 1: Road Safety Audit Policy Statement

ANNEX 1:

ROAD SAFETY AUDIT POLICY STATEMENT

The following Road Safety Audit Policy has been developed with the aim of having adopted it as a formal Policy of main road safety stakeholders in each TRACECA country.

ROAD SAFETY AUDITS POLICY

Policy Objective

To strengthen the usage and implementation of a Road Safety Audit procedures inside the (Name of the country).

Policy Statement

RSA policy requires that the following actions will be adopted as part of a increasing the road safety level within the (Name of the country).

- a) Ministry of Transport (*or equivalent*) will include Road Safety Audit goals and objectives in its business (financial) plans.
- b) Adopted RSA procedures shall be in accordance with the TRACECA Road Safety Audit Manual and accompanying Checklists (2014).
- c) Ministry of Transport (*or equivalent*) will initiate amendment to the legalisation which will makes Road Safety Audit obligatory (e.g. Law amendment or Ministry Decree for mandatory usage of Road Safety Audit).
- d) Ministry of Transport (*or equivalent*) acknowledges that all new road projects that have the value of technical documentation more than 30.000 Euro will be subject to a Road Safety Audit.
- e) Sections of existing state owned road network with high risk of road accidents will be subject to audit within a defined timeframe (every 5 years).
- f) Ensure that appropriately trained, experienced and independent Road Safety Auditors are used in undertaking of Road Safety Audits.
- g) Ministry of Transport (*or equivalent*) will push and stimulate the local municipalities to undertake the Road Safety Audit for the roads under their responsibility.

**B) PROPOSAL OF LEGAL CHANGES TO MAKE RSA MANDATORY
AT NATIONAL LEVEL**

**1. INTRODUCTION TO LEGAL CHANGES FOR
MAKING RSA MANDATORY**

Having in mind different situations regarding the road safety legislations in TRACECA countries Project team discussed on workshops possible and efficient ways of implementing the Road Safety Audit as mandatory procedure at national levels and comes to the following solution - proposal of three way approach.

Proposal for Law and Regulation for implementing mandatory RSA was prepared in accordance with EU Directive 2008/96/EC, fact findings in TRACECA countries and best practice worldwide.

Main goal of this proposal is to support all TRACECA Countries in implementing the RSA as mandatory routine via legislation system.

Three way approach, for implementing the RSA as mandatory routine is presented at Figure B.1.1.

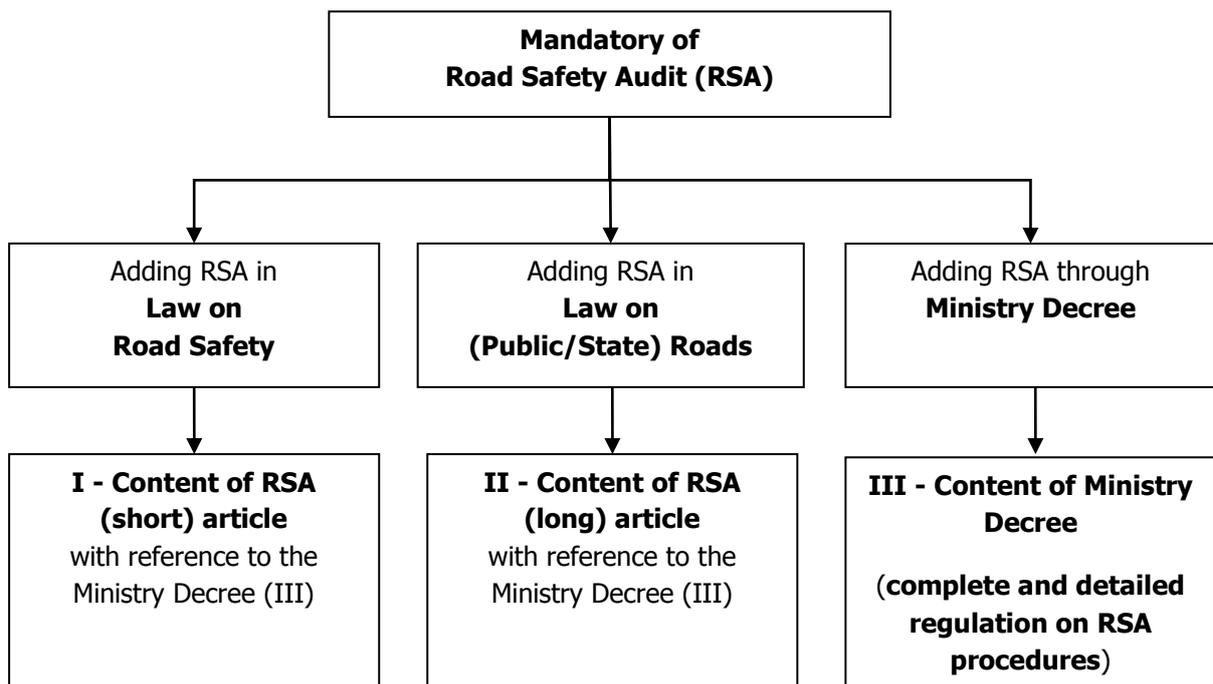


Figure B.1.1. Possible approach for implementing mandatory RSA

Road Safety Audit is concentrated on the improvements of the safety of road infrastructure. RSA concerns all four stages of road design and operation, e.g. preliminary (draft) design, detailed design, pre-opening of the road and the road being in early operation.

Project team in cooperation with national experts at workshops find out that most efficient ways of implementing the RSA as a mandatory routine at national levels could be adding the specific article into the concerning laws (Law on Road Safety or Law on Roads) with a full description of RSA procedure in responsible Ministry (most usual Ministry of Transport or equivalent) Decree.

Note: This is just a proposal how implementation of mandatory RSA at National level could look like. If decided, this proposal should be reviewed and improved (localised) by national legal experts.

2. PROPOSAL OF LEGAL CHANGES (3 Way Approach)

2.1. Amendment to the Law on Road Safety (short) article - (I)

Art. No. ____

In order to improve infrastructure road safety there shall be established and implemented a mandatory Road Safety Audit system (RSA). The details of RSA procedure are regulated by Ministerial Decree.

2.2. Amendment to the Law on Roads (long) article - (II)

Art. No. ____

- (1) In order to improve road safety of infrastructure there shall be established and implemented a systematic and independent assessment of the safety performance of a road infrastructure project on TRACECA Core Network. In the stage of design, construction including reconstruction, rehabilitation and major maintenance of the road infrastructure, a certified auditor shall verify independently whether the infrastructure requirements in relation to the road safety were met (this procedure is called Road Safety Audit-RSA). RSA is restricted on projects that have the value of technical documentation more than **30.000 Euro**.
- (2) The MoT (or equivalent) shall adjust the application of Article 1 in Ministerial Decrees, and RSA Manuals. The MoT (or equivalent) is entitled to extent by Ministerial Decree the application of this law also for cases of design and construction work on other roads than those of the TRACECA Core Network.
- (3) There shall be installed a Road Safety Audit (RSAU) in the Road Administration (or equivalent organisation). The RSAU shall be in charge for RSA procedures which are applied by the MoT (or equivalent). Overall control of RSA process implementation should be under MoT (or equivalent). The RSAU, under the control of MoT, shall form the model of contract which should be used for contracts concerning the performing the RSA. The RSAU can impose fees for the audit activities.
- (4) RSA auditors can get the certificate of competence as an auditor in compliance with

the following conditions:

- (a) Relevant experience or training in road design, road safety engineering and accident analysis;
 - (b) Undergoing an initial training course, passing successfully a final and examination course.
 - (c) To keep his certificate of competence the auditor has to take part in periodic further training courses.
- (5) Certificates on national, regional and international level awarded before the entry into force of this law shall be recognized, if they meet the requirements for the new auditors. The certificates shall be organized in accordance to the requirements of RSA Law (and upon the manuals). National, regional and international experts can be auditors if they meet the requirements. Certificates can be organized at the different ways (by Governmental organization, Universities or Engineer associations).
- (6) For the purpose of the road project audited the auditor shall not at the time of the audit be involved in the conception or operation of the relevant road constructing project. There shall be a continuous improvement of safety management practices and the improvement of the road safety regulations, standards and norms. Regarding this aim there shall be a constant exchange of best practices in the Region.
- (7) Infringements against this Article by the members of the auditors of the RSAU and MoT, if not petty have to follow sanctions. Infringements by the investor, designer or contractor, if not petty have to be fined up to 5 % of the total sum of the contract.
- (8) A contract concerning all sorts of road design or construction shall be void if it doesn't contain a regulation about a mandatory road safety audit in the sense of this law, the Ministry Decrees and Road Safety Audit Manuals there from.
- (9) The details of RSA procedure are regulated by Ministerial Decree.

2.3. Proposal for a Ministerial Decree (MoT or equivalent) regarding the Road Safety Audit - (III)

Based on the article _____ of the *Law on Road Safety* or *Law on Roads* the Minister of Transport (or equivalent) gives the following decree:

Chapter I - General provisions

Art.1

Scope and Subject matter

- (1) The application of this decree concerns exclusively improvement of road safety in design, construction and operation of TRACECA Core Road Network, including the National roads which are the part of the TRACECA Core Network.
- (2) Based on the *Law on Road Safety* or *Law on Roads*, this decree
 - establishes the procedures for the road safety audit activities,
 - determines the conditions for acting as an auditor,
 - enables to impose fees for the audit activities and for the training courses and examinations and
 - establishes responsible bodies in the field of road safety audit.

Art. 2

Definitions

For the purposes of this decree, the following definitions shall apply:

a) *Audit (Road Safety Audit - RSA)*

means an independent detailed systematic and technical safety check of design characteristics of a road infrastructure project covering the four stages draft design, detailed-design, pre-opening of the road and early operation of roads.

b) *Auditor (Road Safety Auditor)*

is a natural person who is certified in accordance with this decree and who discharges his functions according to this decree independently;

c) *Audit Report*

is a written report which contains the results of the audit with identified safety deficiencies and recommendations;

d) *Client*

is the road Road Authority or the private road operating company which constructs the road on own account, and who orders the project work from the designer resp. from the contractor. This body is the natural or legal person who is obligated by law or by contract to overtake the responsibility for the construction or the maintenance of a road on a defined quality level also concerning road safety;

e) *Contractor*

is a natural or a legal person who is obligated by law or by contract (i.e. building contractor) to build a road or an engineering structure on a defined level also concerning road safety;

f) *Core Network*

means the national core network (national roads) including the Core Network described in the TRACECA official road map

g) *Designer*

is the natural or legal person who is obligated by law or by contract to plan or design a road or an engineering structure on a defined quality level also concerning road safety;

h) *Guidelines or Manuals*

means measures, which lay down the steps to be followed and the elements to be considered in applying the road safety audit procedures set out in this decree;

i) *Road Safety Audit Unit - RSAU*

is the unit in the Road Administration (or equivalent) designated by *Law on Roads* (alternative: by decision based on this decree) to be in charge for RSA procedures;

Chapter II - Road Safety Audit

Art. 3

Mandatory Execution, Nullity of a contract

(1) The audit is an integral part of a comprehensive quality management system during the flowing of the draft design, detailed design, pre-opening of the road and of the road being in early operation.

(2) The execution of the audit corresponding to this decree is mandatory.

(3) According to **Art. No. ___ Para (1) of the Law on Roads**, a contract on design/construction and execution of a projects that have the value of technical documentation more than 30.000 Euro, between the client on one side and any other contracting party on the other side is void if it does not contain an explicit term about the implementation of an audit according to this decree.

Art. 4

Principles and Aims of the Road Safety Audit - RSA

The principles governing the audit are:

- a) Preventing human and material damages resulting from traffic accidents on the assessed road
- a) Avoiding a later necessary reconstruction of newly built public roads due to the noncompliance with traffic safety regulations.
- b) The audit shall be carried out exclusively by certified auditors. In general the audit shall be carried out by at least two auditors; at least one member of this team shall hold a certificate of competence as referred to in **Art. 11**.
- c) The selecting and contracting of the performing auditors by the RSAU shall be carried out without any discrimination.
- d) The auditors shall be independent in relation to the client, the designer and the contractor. They shall be independent in relation to the RSAU and to the road administration as far as the audit is concerned.
- e) The audit will be carried out in compliance with the regulations and the best practice in the field, on national and international level, in what regards the training and the certification of the auditors and the execution of the audit. When carrying out an audit, the auditors shall endeavour to meet the criteria set out in ministerial decrees, manuals and guidelines.
- f) The auditors shall set out safety critical design elements in an audit report for each stage of the road construction project.
- g) The auditors shall give the results to no other person and to no other institution than to their client, to the road administration, to the RSAU (**Art. 5**). They have to observe absolutely confidentiality to third parties.
- h) On demand of the RSAU the auditors shall support the road administration to develop and propose guidelines and regulations in the field of road safety aspects; this is a subject to possible additional payment.

Art 5

Road Safety Audit and Inspection Unit - RSAU

- (1) There is established at the **XX.XX.XXXX**, the RSAU as a special unit of the Road Administration (alternative: RSAU can be installed differently in accordance with local conditions)
- (2) The RSAU shall be the only competent institution in the field of audits for national roads (alternative: and local roads) and private roads open for public traffic.
- (3) The tasks of the RSAU are in particular
 - a) To verify the requirements to a person who wants to become an auditor / inspector (**art.10**)
 - b) To elaborate its own procedures of designation of the road safety auditors together with the MoT (or equivalent); the procedure of designation shall be published on the internet site of the MoT (or equivalent);
 - c) To designate the auditor;
 - d) To keep the register (**Art.13**). The registry of road safety auditors shall be published on the internet site page of the MoT (or equivalent);
 - e) To regulate the contractual aspects with the clients, to contract and to pay the road safety auditors for having performed the road safety audit, to regulate the

information and documents flow between the parties involved in the process of audit;

- f) To supervise the performing of the audits inclusive the independence of the auditor according to this decree;
 - g) To organize meetings for auditors regarding the results of research and practice in this field;
 - h) To make proposals on the updating of the legislation, norms, standards and technical guidelines in accordance with UN Resolutions, EU Directives and International best practice;
 - i) To participate in specific activities at national and international level;
- (4) The RSAU may offer its services to entities outside Country.
- (5) The RSAU is endorsed for these tasks by the MoT (or equivalent).
- (6) The RSAU gives a yearly progress report inclusive the situation of the annual budget to the MoT (or equivalent) on every 1. March of the year (or another nationally accepted day).
- (7) The RSAU should be supervised by MoT (or equivalent).

Art. 6

Controlling function inside MoT (or equivalent)

The Controlling function inside MoT (or equivalent) shall get the full responsibility for monitoring and controlling the whole auditing process.

Art. 7

Guidelines and Manuals

- (1) In order to support the competent entities in the application of this law the MoT (or equivalent) will adopt guidelines and manuals by 2 month after the publishing of the law in the official journal.
- (2) These guidelines should be in compliance with Regional Road Safety Audit Manual develop for the TRACECA Region.

Art. 8

Audit part of implementation period

The client shall calculate the time period necessary for performing the audit as being part of the project's implementation period. The costs of the performance of the audit shall be paid by the road administration (in the case of national financing) or out of the project budget (in the case of international projects).

Chapter III - Road Safety Auditors

Art. 9

Members of the road administration or or private organizations

- (1) Auditors may be
- a) members of the staff of the road administration, or
 - b) members of a university charged with audits, or
 - c) Consultants experienced in audits.
- (2) As far as auditors are members of the staff of a state authority or of a local authority they have to carry out the audit in special units charged with audits; they shall not be involved in the further planning, designing and execution work concerning the road which is to be audited by them. As much as their audit work is concerned they are independent.
- (3) Auditors shall not be members of the staff of the designer and of the contractor.

Art. 10

Requirements for the Auditor

(1) Any person who wants to become an auditor has to meet the following requirements cumulatively:

- a) A university degree in the field of traffic/road engineering;
- b) Professional experience in the field of road design, road safety engineering and accident analysis for at least three years;
- c) A graduation of the training courses for auditors (**Art.11**) and successful examination with a certificate as auditor under conditions laid down in this decree;
- d) Physical ability to execute the task ;
- e) Full capacity to exercise the civil rights;
- f) No legal prohibition on practicing an audit.

Art. 11

Training Courses; Examination; Certificate

(1) A person who wants to become an auditor and who fulfils the requirements (**Art. 10**), has to undergo an initial training. The person has to pass successfully an examination to get a certificate of competence as an auditor. The auditor has to take part in periodic further training courses (**minimum one per two years**).

(2) The MoT (or equivalent) in co-operation with the RSAU, Universities and Engineers Associations lay down the requirements for the training courses (e.g. the number of days of the training courses; the number of teachers; the teaching material, fees), for the examination and for publishing the results within 45 days since the publication date of this decree; these requirements are content of the RSA manuals. The procedure of designation of the auditors shall be published on the internet site of the MoT (or equivalent).

(3) Certificates awarded before the entry into force of this decree shall be recognized provided the person fulfils the requirements of this decree.

Art. 12

Trainer, Collaboration

(1) A person granted with the quality of auditor under the conditions of this decree may also fulfil the position of a trainer for training courses and improvement in the field of audits.

(2) The MoT (or equivalent) shall collaborate with accredited universities, institutions and professional bodies that are experienced and authorized in the field of professional training of adults for carrying out the training courses and improvement programs in the field of audits. The list of institutions provided for cooperation in the field of audits shall be made available to the public at the head quarters of MoT (or equivalent) and on MoT internet sides, for being consulted by any interested person.

Art. 13

Register of Road Safety Auditors

(1) The MoT (or equivalent) in accordance with the RSAU records the name and identification dates of persons graduating the examination provided in the “Register of Road Safety Auditors part 1”.

(2) The dates of a person that has been granted the quality of auditor abroad and that wishes to perform the audit activity in this country are recorded in the “Register of Road Safety Auditors part 2” on conditions that he presents the documents that prove the quality of an auditor.

(3) The MoT (or equivalent) in accordance with the RSAU records the name and identification dates of persons who work as trainers in the “Register of Road Safety Auditors part 3”.

Art. 14

Frame Contract; No refusal

- (1) Between the RSAU and the auditors shall be made a frame contract about the expected performances.
- (2) The RSAU decides on every performance of the auditor.
- (3) Auditors cannot refuse the designation by the RSAU to perform an audit within a construction contract but only for objective reasons or for incompatibility situations.

Art. 15

Termination

- (1) The capacity of auditor shall terminate:
 - a) by request of the auditor; the auditor shall send a letter to the RSAU in which he declares his resignation;
 - b) by decision of the RSAU in the case that the conditions mentioned in **Art. 10** are no longer met;
 - c) by notice because of contract breaching

In case of termination of the capacity of auditor the dates of the respective person shall be radiated from the register of auditors.

- (2) Para. 1 is applicable analogously to the termination of the capacity of the trainer.

Chapter IV

The Road Safety Audit’s field of Application and Performance

Art. 16

Contract with a client

- (1) The client on one side and the RSAU on the other side shall make a contract to ensure the involvement of an auditor in concrete terms.
- (2) The RSAU shall nominate the auditors within 5 working days from signature date of the contract according to Para. 1.

Art. 17

Technical documentations to the auditor

- (1) The client shall submit to the RSAU the documentation of the project to be audited within maximum 10 working days from the signature date of the contract and notify accordingly the designated auditors.
- (2) The client, the designer and the contractor shall submit to the RSAU, at request, the further technical documentation of the project, containing written and drawn pieces, as well as any information, documents, schemes, maps or graphics necessary for performing the audit under good conditions. The RSAU shall give the documents as fast as possible to the auditors.
- (3) The auditors shall keep the confidentiality over the information acknowledged during the activity of performing the audit, as well as over the documents elaborated, or documents he was handed-over, even after terminating the assignment, except for such cases in which the law provides otherwise.
- (4) For the RSA stage 4 the RSAU shall deliver to the auditor the accident data and data about the traffic volume.

Art. 18

Incompatibility and arbitration

(1) The auditor shall inform the RSAU of any circumstance that may prejudice the principle of the auditor's independence in relation with the client, designer or contractor involved in the project subject to the audit, as soon as he acknowledged existence of such a case.

(2) In cases the rejection of the audit requirements by the client with serious disadvantages for the road safety, the auditor shall inform the RSAU in a written way and can ask MoT (or equivalent) for arbitration.

Art. 19

Audit Report

The results of the audit shall be presented by the auditors in a written and hand signed audit report, at the end of each project stage, in compliance with the time periods stipulated in the methodology for the audit performance. The audit report gives hints on identified safety deficiencies and gives recommendations.

Art. 20

Conclusions of the audit report

(1) It is the obligation of the client to undertake the necessary actions out of the report's results, in relation with the designer and the contractor, in order to ensure the necessary implementation before completion of the respective stage of the project subject.

(2) In case the client does not contest the demands and recommendations of the audit report he has to give an immediately written justification to every single argument.

(3) The road safety audit report and written justification of the client have to be given within 10 days to the MoT (or equivalent). These documents shall make part of the project documentation.

Chapter V

Costs

(Art. 21 - 23 on request!)

Art. 21

Levy for the Audit / Inspection

(1) For performing the audit for the big-seized projects (over 100.000 Euro), a tariff of 1‰ from the total value of investment shall be levied for the projects for constructing public roads and, of 2‰ from the total value of investment for the projects for rehabilitation and/or modernization of the public roads. The levy for RSA should not be less than the equivalent of 800 EURO per stage.

(2) For performing the audit for the small-sized projects (bellow 100.000 Euro), a fix tariff of 3‰ from the total value of the investment shall be levied, but not less than the equivalent of 800 EURO per stage.

(3) The afferent percentages of the tariffs requested for each project stage shall be established through the contract signed by the client and the RSAU according to provisions.

(4) The terms and the modality of tariff payment by the client shall be established through the contract signed by the client and the institution responsible in the field of audit according to provisions.

Art. 22

Auditor's claims

The amounts collected under the provisions of art. 21 shall be spent by the Client in order to pay the auditors for the activities developed and to finance its own activities established by this decree in the field of the audit.

Art. 23

Auditors' honorarium

- (1) For the activities developed under the contract concluded with the decree the auditor has the right to a honorarium and to be reimbursed for the expenditures made to fulfil the respective activities.
- (2) The honorarium of the auditors shall be of 80% from the tariff levied by the RSAU in accordance with the provisions of art. 21.
- (3) The honorarium amount and the conditions of payment shall be established in the contract concluded between the auditor and the RSAU.

Chapter VI

The responsibility of the client, designer and contractor

Art. 24

Petty offences

- (1) The following deeds shall represent petty offences:
 - a) non-compliance with the provisions of art. 9 by the client;
 - b) non-compliance with the provisions of art. 12 para. (2), by the client, designer and contractor.
- (2) The petty offences provided under para. 1 shall be sanctioned as follows:
 - a) with fine between 10.000 € for the deed provided under let. a)
 - b) with fine between 20.000 € for the deed provided under let. b).
- (3) The ascertaining of the petty offences provided under para 1 and applying the sanctions provided under para. 2 shall be made by the authorized personnel of the Road Authority, State Inspection in constructions, public works, urbanism and land-use planning, and of the MoI (or equivalent).
- (4) The provisions of the penal code shall be applicable to petty offences.

Chapter VII – The road safety auditor's/inspector's responsibility

Art. 25

Breach of contract

The contractual responsibility of the road safety auditor is drawn by the following infringements :

- a) infringement of the obligation of confidentiality
- b) performance of the road safety audit in non-compliance with the obligation provided
- c) performance of the road safety audit in non-compliance with the methodology for the road safety audit performance

There can be contractual penalties.

Chapter VIII– Final and transitory provisions

Art. 26

Regulations for the RSAU

- (1) The MoT (or equivalent) and the Road Authority shall take all the necessary measures in order to ensure the budget, personnel and office space necessary for the Controlling function

at the MoT (or equivalent) and the RSAU to perform its activities, in accordance with provisions of this decree.

(2) The persons who attended training courses for road safety auditors with a duration specified in RSA Manual, in the country or abroad, until commencement date of this decree, and who meet the conditions provided under **Art. 10** can require the certification of the capacity of road safety auditor quality and for registration in the registry of road safety auditors.

(2) The application shall be submitted in written form to the RSAU within 60 days from commencement date of the Ministerial Order together with the documents that certify fulfilment of conditions.

(3) The RSAU shall verify the fulfilment of the conditions and shall decide upon awarding the certification of the capacity of road safety auditor, within 15 working days from registration date of the application.

Art. 27

Endorsement

The award of the endorsement provided under **Art. ____** by the MoT (or equivalent) shall become applicable on commencement date of the ministerial order provided under **Art. 5 para. 5.**

Art. 28

Enter into force

This law shall enter into force within 90 days from date of publication in the Official Journal of _____ date _____ .

ANNEX 2:

PROPOSAL OF RSA ACCREDITATION SYSTEM AND RSA TRAINING CURRICULUM

A. PROPOSAL OF RSA ACCREDITATION SYSTEM

The most common way for establishing road safety audit accreditation system is to use existing or slightly changed organizations and institutions within country, such as: University, Association of Engineers, Ministry of Transport (MoT) or equivalent, National Council for Road Safety if exists, Institutes, etc.

MoT (or equivalent) should accept Road Safety Audit Policy (document developed TRACECA Road Safety II Project) and become the main road safety audit stakeholder. After that, MoT (or equivalent) could use or build the necessary RSA institutions.

- TRAINING for road safety auditors

At the beginning of establishment of RSA system, trainings of auditors could be done by using external resources (International consultants). The professors from relevant Universities, Institutes (or similar institution) should be between the first one who pass this training courses. After that Universities/Institutes, by itself or in cooperation with some international RSA experts should establish its own program of RSA training courses. With this, sustainable system for education of road safety auditors will be established within country.

- ACCREDITATION (CERTIFICATION) of road safety auditors

Accreditation (certification) could be done at few different ways, depending on available country resources and existing practice with similar licenses (for example, if similar certifications exist for road designers, road work supervisors, etc.).

The certification of auditors could be done, by the same institutions which provide the training, or by other institution which is authorised for providing licences and which will define all necessary documentation for getting RSA licence (E.g. certification of passed exam on RSA training course + another prescribed documents).

Certified auditors should be accepted and recognized by Ministry of Transport (or equivalent) and Road Administration, as major users of road safety auditors.

- DATABASE OF AUDITORS

It is most logical to develop database of auditors by the main user of their services - Road Administration, which are most usual under MOT (or equivalent)

B. PROPOSED RSA TRAINING CURRICULUM

For best results on RSA Training specific Curriculum is proposed. Training Curriculum is based on different training modules aiming to provide trainees with relevant road safety knowledge necessary for undertaking the Road Safety Audits.

In the following figure training concept is presented.

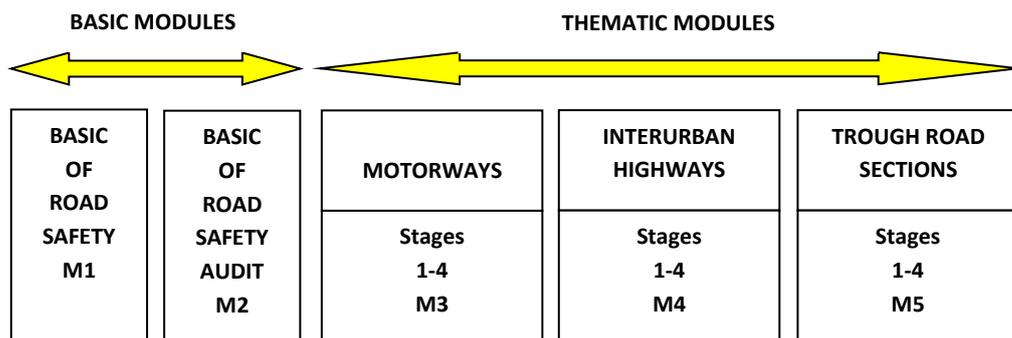


Figure A2-B.1. Modular training procedure for RSA

In this concept, training is performed in two time separate training blocks - workshops combined with additional time for homework.

Trainees are obliged to present 2 of their own RSA reports, (one after the first training block M1+M2+M3 and another after second training block M4+M5), as a part of the homework and pre-requirements for getting the Certificate.

Only candidates who take the classes and successfully finished all two RSA Reports will have an opportunity to pass the final exam and get the Certificates of basic RSA competence.

Having in mind that RSA training suppose to be extension of all previously knowledge collected by candidates, there are some of preconditions that trainees are must satisfy:

- they need to posses basic knowledge in the design of roads and road safety (usually a University degree in traffic engineering or in civil engineering of road traffic) and
- some professional practice in road design or in the field of accident analysis (e.g. as court expert for accident analysis, etc.) is needed.

Figure A2-B.2. shows the general workflow of the proposed training procedure.

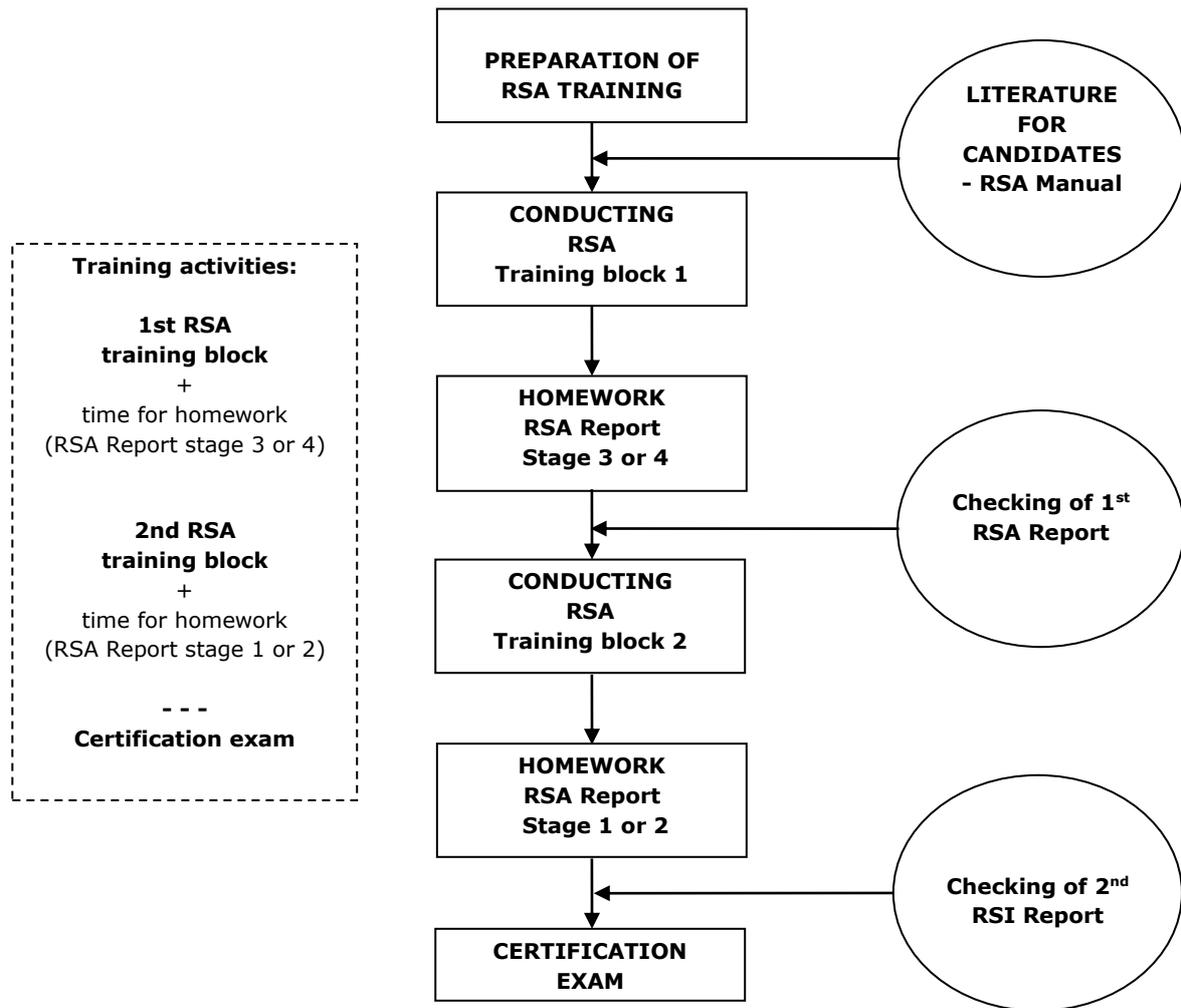


Figure A2-B.2. General workflow of the proposed training curriculum

DETAILS OF PROPOSED RSA TRAINING

In Table A2-B.3. Basic RSA course is presented with two week (10 working days) of intensive training and additional two weeks for homework.

Table A2-B.3. Basic RSA Training details

Module	Duration	Core topics (subjects)
Block 1		
M1 Basics of road safety	2 days	<ul style="list-style-type: none"> - Basics about road safety and road safety engineering, - Phases of road safety, - Road Safety Indicators, - Global approach to road safety (road safety factors), - William Headon’s matrix, - Road Safety Procedures for improving the road (EU Directive 96/2008), - Speed influence on road accidents,

		<ul style="list-style-type: none"> - Roadside hazard management, - Safety barriers, - Accident records and collision diagrams and - Potential Crash Savings. <p>-----</p> <p>Principles of Road Safety Engineering. Analysis and discussion of road safety problems and solutions inside following sections:</p> <ul style="list-style-type: none"> - Function, - Cross Section, - Alignment, - Intersections, - Public and Private Services, - Vulnerable Road Users, - Traffic Signing, Markings, Lighting and - Roadside Features.
M2 Basics of Road Safety Audit	1 day	<ul style="list-style-type: none"> - What is Road Safety Audit? (Definition), - Why do we need Road Safety Audit?, - Area of Application (Types of projects), - Value and Costs of Road Safety Audit, - Stages of RSA, - Road Safety Audit process (How to perform a RSA?) - Checklists, - Reporting, - Models of RSA Report - Typical road safety deficiencies (safe road design), etc.
M3 Motorways	2 days + homework: finalization of 1 st RSA	<p>Training with lecture about safety issues of the motorway design and most usual RS deficiencies:</p> <ul style="list-style-type: none"> - Function of the road (Design and operating elements), - Cross section, - Alignment, - Intersections (Interchanges, Traffic signals and ITS measures, ...), - Public and Private Services (Rest areas, Toll stations, Public transport stops, ...), - Vulnerable Road Users, - Traffic Signing, Marking, Lighting, - Road side features and passive safety installations. <p>-----</p> <ul style="list-style-type: none"> - Practical training of a RSA (stage 1 or 2) in team work, - Case Study with preparing of 1st RSA Report.
Block 2		
M4 Interurban highways	2 days	<p>Training with lecture about safety issues of the Interurban highway design and most usual RS deficiencies:</p> <ul style="list-style-type: none"> - Function of the road (Design and operating elements),

		<ul style="list-style-type: none"> - Cross section, - Alignment, - Intersections (Roundabouts, Traffic signals, Railway crossings , ...), - Public and Private Services, access control (Public Transport stops, Other needs of Pedestrian, Bicyclists, ...), - Vulnerable Road Users, - Traffic Signing, Marking, Lighting, - Road side features and passive safety installations - - - - - - Practical training of a RSA in team work
M5 Through road sections of interurban highways	2 days + homework: finalization of 2 nd RSA	<p>Training with lecture about safety issues of the through road sections design and most usual RS deficiencies:</p> <ul style="list-style-type: none"> - Function of the road (Design and operating elements), - Cross section, - Alignment, - Intersections (Roundabouts, Traffic signals, Railway crossings , ...), - Public and Private Services, access control (Public Transport stops, Other needs of Pedestrian, Bicyclists, ...), - Vulnerable Road Users, - Traffic Signing, Marking, Lighting, - Road side features and passive safety installations - - - - - - Field study, - - - - - - Practical training of a RSA (stage 3 or 4) in team work, - Case Study with preparing of 2nd RSA Report.
1 day		Certification exam

This kind of training is adjusted to be run at the University (or similar institution) level, which means that it could be easily implemented as one of after graduate programs or as specialization courses.

Note: PowerPoint presentations, for all modules, used in RSA Trainings are attached on accompanying CD ROM