



PKP POLSKIE LINIE KOLEJOWE S.A.

**NETWORK STATEMENT
REGULATIONS ON TRAIN PATHS ALLOCATION
AND USE OF ALLOCATED TRAIN PATHS
BY LICENSED RAILWAY UNDERTAKINGS
WITHIN TIMETABLE 2016/2017**

Warszawa, December 2015

List of changes

No.	Basis of change introduction	Scope of introduced change	Valid from
1	Letter no. IUS9-741-35/15 of Sales Office in PLK Head Office of 18 December 2015	Table of contents, List of Annexes, § 1 rec. 3, § 4 rec. 2 item 31, § 5, § 10 rec. 11, § 24 rec. 1 item 6, § 35 rec. 1 item 1, § 36, § 37 rec. 7 and 8 Annexes 2.1, 2.6, 2.7, 2.8, 2.9, 2.11, 2.14, 2.18	1 January 2016
2	Letter no. IUS9b-741-3/16 of Sales Office in PLK Head Office of 02 February 2016	§ 32 rec. 1 item 13, item 13a Annexes 2.1, 2.2, 2.3, 2.4, 2.6, 2.7, 2.8, 2.9, 2.11, 3.2, 4.3	14 February 2016
3	Letter no. IUS9b-741-4/16 of Sales Office in PLK Head Office of 01 March 2016	Annexes 2.8, 2.9, 2.11, 4.3	13 March 2016
4	Letter no. IUS9b-741-6/16 of Sales Office in PLK Head Office of 05 April 2016	Annexes 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 3.2, 5.1	12 June 2016
5	Letter no. IUS9b-741-10/16 of Sales Office in PLK Head Office of 01 June 2016	§ 14 rec. 2 Annexes 1, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 4.4.	12 June 2016
6	Letter no. IUS9b-741-14/16 of Sales Office in PLK Head Office of 05 July 2016	Annexes 1, 2.1, 2.2, 2.3, 2.4, 2.6, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 4.1	15 July 2016
7	Letter no. IUS9b-741-17/16 of Sales Office in PLK Head Office of 09 August 2016	§ 6 rec. 1 item 3, § 9 rec. 1, § 32 rec. 1 item 14, § 36 rec. 1. Annexes 2.1, 2.6, 2.7, 2.8, 2.9, 2.11, 2.13, 3.1, 4.5	25 August 2016
8	Letter no. IUS9b-741-20/16 of Sales Office in PLK Head Office of 06 September 2016	Annexes 3.1, 3.2	17 September 2016
9	Letter no. IUS9b-741-24/16 of Sales Office in PLK Head Office of 07 October 2016	List of Annexes, § 4 rec. 2 item 31, § 6 rec. 5, § 14 rec. 17, § 18 rec. 4 § 32 rec. 1 item 28 Annexes 1, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11, 2.13, 2.15, 2.16, 3.1, 3.2, 6.1, 6.3, 12	21 October 2016
10	Letter no. IUS9a-741-25.1/16 of Sales Office in PLK Head Office of 29 November 2016	List of Annexes, § 7 rec. 4, § 9 rec. 14 first sentence, § 9 rec. 15 Annexes 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, 2.19, 12, 13	11 December 2016
11	Letter no. IUS9a-741-27.1/16 of Sales Office in PLK Head Office of 08 December 2016	Correction of the Annex 5.1	18 December 2016
12	Letter no. IUS9a-741-28-1/16 of Sales Office in PLK Head Office of 21 December 2016	Annexes 2.6, 2.7, 2.8, 2.9, 2.11, 2.13, 12	31 December 2016

13	Letter no. IUS9a-741-01.1/17 of Sales Office in PLK Head Office of 10 January 2017	List of Annexes, Annexes 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.11, 2.13, 2.14.	12 March 2017
14	Letter no. IUS9-741-4.1/17 of Sales Office in PLK Head Office of 08 March 2017	List of Annexes, § 4 rec. 2 item 5, § 15 rec. 19, § 31 rec. 1 item 1 h, Annexes 1., 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.7., 2.8., 2.9., 2.11., 2.13., 2.14., 3.1., 3.2., 4.1., 4.3., 5.2., 13.	18 March 2017
15	Letter no. IUS9-741-5.1/17 of Sales Office in PLK Head Office of 16 March 2017	§ 36 – title, rec. 1, Annexes 2.6., 2.7., 2.8., 2.11., 2.13., 2.14.	26 March 2017
16	Letter no. IUS9a-741-6.1/17 of Sales Office in PLK Head Office of 10 April 2017	List of Annexes, § 14 rec. 2, rec. 11, rec. 12, rec. 13, rec. 17, § 15 rec. 7, § 16 rec. 13, rec. 15, rec. 16, § 22 rec. 3, § 38 rec. 2, Annexes: 1., 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.8., 2.9., 2.11., 2.13., 2.14., 2.15., 2.16., 4.3., 4.4. (repealed), 6.2.	20 April 2017
17	Letter no. IUS9a-741-7.1/17 of Sales Office in PLK Head Office of 9 May 2017	Annexes: 3.2., 9.	19 May 2017
18	Letter no. IUS9a-741-8.1/17 of Sales Office in PLK Head Office of 31 May 2017	Annexes: 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.6., 2.7., 2.8., 2.9., 2.11., 3.1., 4.6., 7.	11 June 2017
19	Letter no. IUS9a-741-10.1/17 of Sales Office in PLK Head Office of 3 July 2017	§ 37 rec. 7 - 8, Annexes: 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.8., 2.9., 2.11., 2.14., 2.17., 3.1., 12.	10 July 2017
20	Letter no. IUS9a-741-12.1/17 of Sales Office in PLK Head Office of 17 July 2017	Annex: 2.9.	27 July 2017
21	Letter no. IUS9a-741-15.1/17 of Sales Office in PLK Head Office of 28 August 2017	Annexes: 1., 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.7., 2.8., 2.9., 2.11., 2.14.	3 September 2017
22	Letter no. IUS9a-741-16.1/17 of Sales Office in PLK Head Office of 13 September 2017	Annex: 3.2.	25 September 2017
23	Letter no. IUS9-741-18.1/17 of Sales Office in PLK Head Office of 6 October 2017	Annexes: 1, 2.1 (A), 2.1 (P), 2.1 (T), 2.2., 2.3., 2.4., 2.6., 2.7., 2.8., 2.9., 2.11., 2.13., 2.14., 2.15.	16 October 2017

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CHAPTER 1

GENERAL RESOLUTIONS

§ 1 Railway infrastructure manager – PKP Polskie Linie Kolejowe Spółka Akcyjna

1. PKP Polskie Linie Kolejowe S.A., thereafter named PLK, was entered into the Entrepreneur's Register with number: KRS: 0000037568 – registration of 22 August 2001 by legal decision of regional court for Warsaw city of 21 August 2001 (XIII Economic Department of State Court Register).
2. PLK acts - executing tasks of railway infrastructure manager on managed railway network in accordance with: given statues, Railway Act of 28 March 2003 on railway transport (Dziennik Ustaw – Polish Office Journal 2015, item 1297 as amended), thereafter named Act, Act of 15 September 2000 Statue Book of Commercial Companies (Dziennik Ustaw – Polish Office Journal 2013, item 1030 as amended), Act of 08 September 2000 on commercialisation, restructuring and privatisation of a state-owned company "Polskie Koleje Państwowe" (Dziennik Ustaw – Polish Office Journal 2014, item 1160 as amended) and other valid rules.
3. PLK possesses a safety authorisation¹ no. PL/31/0015/0010 valid from 30 December 2015 to 30 December 2020.

§ 2 General provisions

1. Requirements for railway undertakings and infrastructure managers are described by the regulations of Act, executive acts based on this Act and other generally binding law regulations, building commercial relations between business entities.
2. Principles of co-operation and essential requirements for obtaining access to railway infrastructure managed by PLK concerning all railway undertakings are included in Network Statement.
3. Detailed relations between railway undertaking and PLK are established by civil-legal contract for access to railway infrastructure, hereinafter named Contract, which describe rights and duties of the parties, commercial and formal-legal aspects concerning execution of mutual obligations.
4. The imperative principle for PLK is safe and efficient train operation as well as non-discriminatory treatment of all railway undertakings in the following range:
 - 1) granting access right to railway infrastructure;
 - 2) preparation of train timetable;
 - 3) concluding Contracts;
 - 4) use of railway infrastructure;
 - 5) settling accounts of train journeys, counting and billing of charges.
5. For truck gauge of 1520 mm different regulations are applied indicated in the document „Zasady udostępniania infrastruktury kolejowej o szerokości torów 1520 mm zarządzanej przez PKP Polskie Linie Kolejowe S.A.”, available on the website www.plk-sa.pl.
6. Complaints and petitions concerning PLK functioning are received by all organizational units of PLK, according to their area of activity, however for Contract execution, according to the Contract.

¹ in accordance with definition of safety authorization included in article 4 point 18b of the Act

§ 3 Status and structure of Network Statement, amendments, updating process, publication

1. Network Statement was developed by PLK on the basis of article 32 of Act and § 8 rec. 1 of decree of the Ministry of Infrastructure and Development on 5 June 2014 on conditions concerning access and use of railway infrastructure (Dziennik Ustaw – Polish Office Journal of 2014, item 788 as amended), thereafter named Decree.
2. Network Statement was consulted with railway undertakings according to § 8 rec. 2 of Decree, consultation results were discussed with Railway Undertaking's Advisory Board affiliated at PLK Management Board and applied by the resolution of PLK Management Board.
3. Network Statement is in force during whole period of preparation, development and duration of the timetable 2016/2017.
4. Network Statement consists with descriptive part specifying conditions of providing access and use of railway infrastructure as well as with annexes containing railway network characteristic, forms of documents, list of internal regulations applying to railway undertaking and contact data of PLK.
5. Descriptive part of Network Statement and annex 12 are amended in justified cases, after prior consultations with railway undertakings and discussion with Railway Undertaking's Advisory Board, provided that session of the Board is foreseen this time.

Updates of annexes 1, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.11, 2.12, 2.13, 2.14, 2.17, 2.18 having impact on train timetable preparation, shall be made at the latest before the deadline of sending of alternative timetable draft, included in annex 5.2.

Amendments to annex 5.1 are made before the deadline of entry into force of annual timetable at the latest.

Amendments resulting from general legal regulations are made according to deadlines included in these regulations.

If necessary, PLK updates contact data and data included in annexes 2.8, 2.9, 2.10, 2.15, 2.16.

Amendments are made not later than 10 calendar days prior the date of being in force.

6. Consultations with railway undertakings referred to in rec. 2 and 5 are made by e-mail.
E-mail addresses for correspondence concerning Network Statement must be sent to address contained in rec. 8.
7. Railway undertakings can raise comments by e-mail up to 14 calendar days from receiving Network Statement draft.
8. Comments and questions concerning Network Statement should be submitted to the following address:

PKP Polskie Linie Kolejowe S.A.
Centrala
Biuro Sprzedaży
03-734 Warszawa, ul. Targowa 74
e-mail: regulamin@plk-sa.pl
tel.: **(00 48) 22 473 30 80**; railway tel.: **(922) 473 30 80**
fax: **(00 48) 22 473 28 04**; railway fax: **(922) 473 28 04**

9. Full text of Network Statement with annexes is published on website www.plk-sa.pl.
10. PLK informs railway undertakings about announcement of Network Statement and on its amendments by e-mail. Changes are provided as comparison with previous version.

§ 4 Definitions and used abbreviations

1. Notions used in Network Statement concerning access to railway infrastructure are include in binding regulations, especially with the Act and its executive acts.
2. For the purposes of Network Statement definitions of the following notions are added:
 - 1) CID – document containing information on conditions of use of the freight corridor²;
 - 2) C-OSS – point for complex handling of applications on infrastructure capacity³;
 - 3) regular-interval timetable – timetable for group of trains having common characteristics⁴;
 - 4) IRJ – individual timetable of a train⁵;
 - 5) ISZTP - Train Paths Request Internet System “Request & Ride” - application enabling railway undertakings complex handling of applications for train path allocation;
 - 6) PLK Catalogue – offer of train paths with timetable prepared for the duration of annual timetable on the basis of parameters assumed by PLK;
 - 7) rail freight corridor – freight corridor⁶;
 - 8) conflict between submitted applications – a state, when at least two railway undertakings submitted applications for train paths allocation⁷ for parallel use of the same track of railway line/section;
 - 9) coordination – a process of solving problems with conflicting applications for train path allocation, by consultations between PLK and railway undertakings;
 - 10) international timetabling conferences – conferences aiming at agreement of international train paths, organized by FTE (Forum Train Europe), OSZD (Organizacja Sotrudniczestwa Żelaznych Drog) and RNE (RailNetEurope) and other co-organized by PLK;
 - 11) timetable construction area – specified operational area of timetabling unit set up by PLK;
 - 12) congestion period – a part of natural day, a natural day, or several days appointed by PLK when demand for capacity of railway line or its section cannot be fully satisfied taking into account train parameters requested by railway undertaking, even after coordination action;
 - 13) express train – passenger train in domestic (EX, EIC) or international (EC, EN) traffic with maximum speed >130km/h, linking agglomerations or tourist centres, with lack or little number of halts limited to big cities and significant railway nodes, and containing higher standard zone and separated catering zone in its composition;
 - 14) international train - train circulating within service passing state border, with exclusion of trans-boundary trains;
 - 15) interregional train - passenger train circulating within domestic service passing province border, other than regional train;
 - 16) fast train – passenger train circulating within domestic or international service with maximum speed ≥ 120 km/h, other than express train, providing regional or interregional service with halts limited to middle and bigger places, offering 1st and 2nd class sits;

² in accordance with term, referred to in Art. 18 of Regulation (EU) no 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight

³ in accordance with term, referred to in Art. 13 of aforementioned regulation

⁴ in accordance with definition included in § 2 point 1 of Decree

⁵ in accordance with **definition included** in § 2 point 2 of Decree

⁶ in understanding of Art. 2 rec. 2 item a of aforementioned Regulation (EU) no 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight

⁷ in accordance with definition included in article 4 point 11 of the Act



- 17) trans-boundary train – regional train circulating in trans-boundary zone, referred to in provisions of the Act of 16 December 2010 on public collective transport (Dziennik Ustaw – Polish Office Journal 2011 no. 5, item 13 as amended);
- 18) maintenance-repair train – train or subsidiary vehicle of PLK or railway undertaking, acting on PLK commission, having journey for the purpose of infrastructure maintenance, supervision, conducting tests or failure clearing;
- 19) regional train - passenger train circulating within administrative borders of province or to nearest station of neighbouring province, enabling passenger transfers to travel continuation or technical reverse of train direction as well as return train, other than interregional train;
- 20) PLK staff – PLK employees or other people who are used to execute Contract;
- 21) railway undertaking's staff – railway undertaking's employees or other people, who are used to execute Contract;
- 22) technological break – temporary restriction in providing access to railway infrastructure for railway undertakings, set out by infrastructure manager, used for carrying out investment, modernisation, repair and ongoing maintenance works;
- 23) railway undertaking – railway undertaking⁸;
- 24) occasional service – one-time passenger service⁹ executed within available capacity;
- 25) train route – a way of train journey between scheduled points of train start and destination, on condition that the point of train start is not the same as its destination point;
- 26) RRJ – annual train timetable¹⁰;
- 27) SEPE - Operational Work Record System;
- 28) SID – IT System of Rolling Stock Emergency Detection;
- 29) train timetable study – draft of train timetable, not to be base for execution of journey, being only the draft information about journey route and time, allowing to estimate costs of journey;
- 30) exceptional situation – sudden event, which arose regardless of the will of parties of contract for access to railway infrastructure and which causes disturbance of operation process or endanger of disturbance on PLK lines and does not allow to execute contractual obligations, and none of contract parties could not foresee or prevent this event, keeping due diligence.

Exceptional situation, may results from:

- a) introduction of exceptional state (state of natural disaster, state of emergency, martial law) in the whole country or its part;
 - b) social protests (e.g. strikes);
 - c) terrorist events or its prerequisites;
 - d) other unforeseen events like: flood, fire, hurricane, landslide, long-lasting precipitation, failure of external communications or external energy network etc., also events caused by decisions of public authorities (government or council administration), resulting in changes of traffic operations process;
- 31) potentially dangerous situations – operational situation or railway event, which is neither serious railway accident nor incident, causing slight increase of risk – up to controlled level not exceeding acceptable threshold of risk¹¹;
 - 32) WRJ – internal timetable for use of PLK's and railway undertaking's employees;

⁸ in accordance with definition included in article 4 point 9 of the Act

⁹ in accordance with definition included in article 4 point 22a of the Act

¹⁰ in accordance with definition included in § 2 point 4 of Decree

¹¹ in accordance with definition referred to in § 2 rec. 23 of Instruction Ir-8

- 33) pre-arranged international train path - train path¹²;
- 34) traffic diagram – graphic presentation of timetable by illustrating train paths in time and distance co-ordinates system;
- 35) crisis management team – team established within PLK structures composed with representatives of railway undertakings, other entities and PLK in cases of serious disturbances and potential disturbances, if ordinary measures are insufficient for eliminating or minimising of danger effects;
- 36) ZRJ – alternative timetable prepared by PLK and agreed with railway undertaking including changes resulting from planned investment, modernisation, repair works and from ongoing maintenance.

§ 5 Rail freight corridors

1. Two of nine international freight corridors (RFC), established by Regulation (EU) no 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight, run through the railway network managed by PLK:
 - 1) Freight corridor 5 Baltic – Adriatic: Świnoujście / Gdynia – Katowice – Ostrava / Žilina – Bratislava / Vienna - / Klagenfurt – Udine - (Venice – Bologna / Ravenna) / Trieste / - Graz – Maribor – Ljubljana – Koper / Trieste;
 - 2) Freight corridor 8 North Sea – Baltic: Wilhelmshaven / Bremerhaven / Hamburg / Amsterdam / Rotterdam / Antwerp – Aachen – Hannover / Berlin – Warsaw - Terespol (Poland-Belarus border) / Kaunas – Riga – Tallinn / Falkenberg – Praha / Wrocław – Katowice – Medyka (lengthening to Medyka is planned in 2020).List of railway lines belonging to aforementioned European Freight Corridors is included in annex 2.18.
2. Information on pre-arranged international train paths is published in English on websites: www.rfc5.eu and www.rfc8.eu .
3. Specific information on rail freight corridors is published in English on websites www.rfc5.eu and www.rfc8.eu. Conditions of use of rail freight corridors are included in CID documents published on aforementioned websites in English.

CHAPTER 2

CONDITIONS REGARDING ACCESS RIGHT TO RAILWAY LINES

§ 6 Requirements for obtaining access right

1. Railway undertaking who is going to start journeys on railway lines managed by PLK for the first time, obtains access right to PLK's railway infrastructure, if he submits:
 - 1) confirmed copy of valid license, referred to in article 43 of Act;
 - 2) confirmed copy of valid safety certificate, referred to in article 18 rec.1 point 2 of Act;
 - 3) statement, that for train journeys he will use rolling stock which meets conditions specified in Decree of Minister of Infrastructure of 12 October 2005 on general technical operational conditions for railway vehicles (Dziennik Ustaw – Polish Office Journal 2016, item 226);

¹² in accordance with term, referred to in Art. 13 rec. 3 of aforementioned Regulation (EU) no 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight

- 4) statement that he will notify about changes, suspension or withdrawal of licence and/or safety certificate;

to the Sales Office of PLK Headquarters: Biuro Sprzedaży, 03–734 Warszawa, ul. Targowa 74.

Documents shall be submitted in Polish language or in certified translation of their originals into Polish.

2. Railway undertaking who possess access right to PLK railway infrastructure obtained in previous timetables, is obliged at least 10 working days prior the date of submitting application for train path allocation within RRJ, referred to in § 15 rec. 1, to provide PLK with declaration that documents referred to in rec. 1, being the basis for obtaining access right, are still valid or if these documents were changed - he must submit notified copy of updated documents.

Documents shall be submitted to address of Sales Office referred to in rec. 1.

3. Railway undertaking using exclusively train paths within IRJ, from PLK Catalogue or paths introduced to RRJ as its update and possessing access right obtained in previous timetables, is obliged at least 10 working days prior the date of submitting the first application for train path allocation, to provide PLK with document, referred to in rec. 2.
4. Sales Office notifies railway undertaking within 5 working days about fulfilling required conditions, and in case when submitted documents are incomplete or have formal shortcomings (incl. those ones notified or signed by persons who are not legally accredited to his representation) – informs him about necessity of prompt completion.
5. After receiving information on obtaining access right to railway infrastructure, railway undertaking gains a right to submit applications for trains paths allocation in accordance with regulations specified in § 14.

Consideration of applications on train path allocation takes place according to regulations, referred to in § 14.

Submission of applications for train path allocation on railway passenger service is performed on the basis¹³:

- 1) public service contract;
- 2) decision to grant open access;
- 3) accepted application for occasional service.

In the moment of receiving notification of train path allocation, railway undertaking obtains reservation of access to railway infrastructure within and in accordance to conditions specified in this notification.

6. Access right to railway infrastructure retains its validity provided that documents referred to in rec. 1 have not lost their validity during timetable 2016/2017 or they have not been changed. In case when these documents were expired or have been changed, railway undertaking is promptly obliged to submit valid documents to Sales Office on the address pointed out in rec. 1.
7. Railway undertaking obtains right to use railway infrastructure after concluding Contract.

§ 7 Internal regulations

1. Railway undertaking's staff doing assignments directly connected with railway traffic safety has to comply with national safety regulations in, specified in annex 3.1.

¹³ According to coming into force the Act of 21 July 2016 on the amendment to the act on public collective transport (Dziennik Ustaw – Polish Office Journal 2016 item 342) and in accordance with the letter no. DRRK-WR.715.28.2016.1.MA. of the President of Office of Rail Transport: 'passenger railway undertakings providing regular passenger service are not obliged to submit to infrastructure manager neither a decision to grant open access nor public service contract for timetables valid to the end of 2017. In that case submitting applications for trains paths allocation for those timetables may be proceeded on the same basis as before'.

Railway undertaking using railway infrastructure managed by PLK has to comply with internal regulations in, specified in annex 3.2.

Rules on railway traffic operation regulated in separate commitments or statements are in force in border traffic as well.

2. PLK notifies railway undertakings on change of internal rules, pointed out in annex 3, agreements, rules or instructions valid in border traffic, referred to in rec. 1, within deadline enabling preparation to introduce changes, however not later than 15 calendar days prior coming changes into force.
3. New internal regulations and their amendments are announced in PLK Bulletin, about which edition PLK informs railway undertakings by e-mail.
PLK Bulletins are available on the website www.plk-sa.pl.
Sale of PLK Bulletin is done by railway lines plants of PLK (addresses are included in annex 4.1).
4. Commitments, regulations and instructions, referred to in rec. 1 and excerpts from valid technical regulations and schematic plans of operating control points and forwarding points are available on the website www.plk-sa.pl after prior login in ISZTP. When they are not available on the website, territorially relevant railway lines plant delivers them free of charge in electronic format.

§ 8 Personnel

1. Railway undertaking's employees, doing assignments directly connected with railway traffic operation as well as driving rail vehicles have to fulfil conditions specified in Act and in relevant executive acts issued on its base, including drivers in respect of working time and rest period as well as acquaintance with railway lines sections.
2. During execution of assignments following from the Contract – railway undertaking's employees have to be equipped – when it is required – with permit, issued according to § 33 and up to date timetables or relevant excerpts.
3. Railway undertaking's employees training on questions concerning use of PLK's railway infrastructure, in particular:
 - 1) railway traffic techniques;
 - 2) knowledge of excerpts from technical regulations of operating control points and sections with centralised traffic control on ordered train paths;may be conducted, at railway undertaking's request, by relevant PLK's employees.
4. A detailed range of questions, referred to in rec. 3, dates, number of training hours and payment for its conduction, is specified in separate contract or commission.

§ 9 Rolling stock, rolling stock devices co-operative with devices installed on tracks, radiotelephone devices

1. Railway vehicles of railway undertakings must meet technical requirements specified in Decree of Minister of Infrastructure of 12 October 2005 on general technical operational conditions for railway vehicles (Dziennik Ustaw – Polish Office Journal 2016, item 226).
2. An electric rolling stock must be equipped with current collectors (pantographs) with contact slipper profile B.3 or B.8 according to the PN-EN 50367 norm.

The working length of the slipper (contact strip) is:

- 1030 mm for B.3 profile,
- 1100 mm for B.8 profile.

Specification of materials allowed for pantograph contact strips of motive power unit to contact with PLK traction line is included in annex 9.

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3. Maximum unbalance load of bogies, wheels, axles and wheels of given axle of railway vehicle cannot exceed numbers specified in § 6 of Ir-10 (R-57) 'Instruction in carriage of exceptional transports', specified in annex 3.1.
 4. Wheel sets of rolling stock must ensure electric stretch of rails coupling – wheel sets resistance cannot be larger than 50 mΩ.
 5. Freight wagons, whose:
 - 1) internal wheel-base is larger than 13,8 m;
 - 2) the width of tyres or wheel rim of cast wheel rim is different from 135 ± 2 mm;should have marks according to 'Instruction on the techniques of shunting operations Ir-9', specified in annex 3.1, informing that the wagon cannot pass through rail brakes and other braking or shunting devices during their operation.

Any other restrictions in the field of acceptance for shunting of wagons not included in currently valid regulations and instructions, and resulting from specificity of a structure equipped with automatic control devices for shunting, including construction of rail brake, are included in the technical regulations.
 6. Railway vehicles equipped in radio – telephone devices can enter PLK's railway lines strictly with working and switched on devices, and in case of railway vehicles with 'Radio – Stop' system – with working system.

All motive power units which are used to operate trains must be equipped with "Radio – Stop" system.
 7. Motive power units executing journeys on railway lines equipped with train automatic braking devices should have working devices co-operative with devices installed on tracks.

Execution of journey by motive power units without automatic braking devices is possible if railway undertaking meets requirements concerning train manning specified in "Instruction on railway traffic control Ir-1 (R-1), specified in annex 3.1.
 8. Railway vehicles and railway undertaking's employees must be equipped with radiotelephone devices working in PLK's radiotelephone system according to rules and requirements included in 'Instruction on organisation and use of radiotelephone networks Ie-14 (E-36)' specified in annex 3.2.
 9. Railway undertaking cannot make operated radiotelephone devices available to other users, and is responsible for its efficiency and must use it in accordance with valid in PLK regulations and instructions, particularly with 'Regulation on use of radiotelephone networks in broadcast bands administrated by PKP Polskie Linie Kolejowe S.A. by railway undertakings using railway lines managed by PKP Polskie Linie Kolejowe S.A.'
 10. All information regarding PLK's radio-communication network and permissions are provided by PKP Polskie Linie Kolejowe S.A. Centrala – Biuro Automatyki i Telekomunikacji; 03-734 Warszawa, ul. Targowa 74.
 11. Railway undertakings, who will use PLK's railway infrastructure for the first time, fall within one time training concerning procedure for checking correct operation of radiotelephone and "Radio-Stop" system.

PLK's railway lines plants will carry out training on a motive power unit chosen by railway undertaking on the basis of separate contract or commission.

After carrying out the training, railway undertaking is obliged to train all staff operating motive power units.

Guidelines for checking correct operation of radiotelephone devices and "Radio-Stop" system are specified in Ir-5 (R-12) "Instruction in use of train radiotelephone equipment", specified in annex 3.1.

12. Railway undertakings are obliged to fit railway vehicle equipped with a coupling other than screw coupling with devices which enable to couple it with screw coupling, in order to remove damaged vehicle from line section.
13. Railway undertaking's vehicles must be marked according to requirements of Decree of Minister of Transport, Construction and Maritime Economy of 3 January 2013 on the method for keeping the register and the method for marking railway vehicles (Dziennik Ustaw – Polish Office Journal of 2013, item 211).
14. Passenger railway undertakings, who use line no. 1 Warszawa Zachodnia – Katowice on the section Skierniewice – Koluszki and line no. 17 Łódź Fabryczna – Koluszki on the section Łódź Widzew – Koluszki are obliged to successive development of rolling stock equipped with closed circulation toilets.
After 2017 applications for train path allocation anticipating rolling stock not equipped with closed circulation toilets and involving foregoing section of line no. 1 and 17 will not be considered.
15. Passenger railway undertakings, who use line no. 2 Warszawa Zachodnia – Terespol are obliged to close toilets with open circulation by train crew for the duration of train run on long distance service diametral line between Warszawa Zachodnia and Warszawa Wschodnia stations.
16. Passenger railway undertakings using railway lines between operating control points Wrocław Główny WGB, Wrocław Główny WGA and junction point Grabiszyn are obliged to close toilets with open circulation by train crew for the time of train platforming and during train stabling on Wrocław Główny station.
17. Passenger railway undertakings, who use line no. 440 Warszawa Służewiec – Warszawa Lotnisko Chopina are obliged to compose trains with passenger rolling stock equipped with closed circulation toilets.
18. After 2020 railway undertakings will be obliged to compose trains with passenger rolling stock equipped with closed circulation toilets.
19. In case when rolling stock and its devices cause emergency for railway traffic safety, including disruptions in railway traffic control and telecommunication devices, PLK after ineffective intervention reports on revealed incidents to the President of UTK .
20. Railway undertaking, after ineffective intervention, reports to the President of UTK on revealed incidents of railway infrastructure failures and faultiness causing emergency for railway traffic safety.

CHAPTER 3

RAILWAY INFRASTRUCTURE

§ 10 Available railway infrastructure

1. List of railway lines managed by PLK is included in annex 1.
The capacity of railway lines, including capacity needed for own technological journeys, is established – basically for 24-hour period - by means of software based on guidelines specified in UIC leaflet 406 R and on operational conditions of PLK.
2. A general characteristic of railway lines and tracks, essential for timetable construction, managed by PLK is included in 'Id-12 (D-29) Instruction – List of lines' available on website www.pl-sa.pl.
3. Maximum speed on lines managed by PLK for passenger and freight trains as well as rail buses is included in annex 2.1, maximum axle loads are included in annex 2.2, and maximum linear loads (per 1 running meter of a track) are included in annex 2.3, classification of railway line sections - in annex 2.4 and list of technical parameters on appointed international transit corridors in freight traffic – in annex 2.5, list of traction network parameters – in annex 2.13.

4. List of operating control points and forwarding points (stations and commercial points) on particular railway lines is included in annex 2.6, list of distances to railway freight terminals, refuelling facilities, storage sidings and maintenance points for railway vehicles – annex 2.8, list of open to the public loading tracks with adjacent loading yard or ramp managed by PLK - in annex 2.9, list of stations equipped with operative hump – in annex 2.10, and list of platforms – in annex 2.11.
5. Railway lines managed by PLK equipped with automatic train braking devices are specified in annex 2.14 whereas lines equipped with ETCS devices are specified in annex 2.17.
6. Technical-operational conditions of railway lines managed by PLK are included in Supplement 1 to WRJ. Supplement 1 to WRJ is prepared periodically.
Current Supplement 1 to WRJ is available by ISZTP.
7. Information concerning assignment of railway lines to particular PLK's railway lines plants is included in annex 2.15, and information on assignment of railway lines to timetable construction areas is included in annex 2.16.
8. List of railway lines with temporary use restrictions is included in annex 2.7, and list of restrictions resulting from exceeding of structure gauge of railway line – in annex 2.12.
9. Information included in annexes 1 and 2 reflects state of PLK's railway infrastructure on the day indicated in these annexes and it is valid until their possible change, what railway undertakings are informed about.
10. Detailed information, including latest update of Network Statement and its annexes, about railway lines such as:
 - 1) technical – operational parameters of lines and stations;
 - 2) technical parameters of platforms and other devices for baggage or people clearance,
 - 3) automatic train braking devices (shp);
 - 4) radio – telephone equipment of PLK's radio communication network, destined for traffic management or railway infrastructure maintenance;
 - 5) traction network parameters;is provided by PLK railway lines plants (addresses and telephone numbers are included in annex 4.1), whereas information concerning devices for detection of state of emergency in a rolling stock (dsat) is provided by Automatics and Telecommunication Office of PLK Head Office).
11. National infrastructure register (RINF) – maintained by the President of UTK in electronic form is available on the website <https://rinf.utk.gov.pl>.

§ 11 Modifications of technical-operational parameters of railway lines

1. Railway lines users are obliged to follow resolutions included in Supplement 2. to WRJ, comprising permanent restrictions list and list of line speeds on main tracks of junction stations.
2. Supplement 2. to WRJ is prepared periodically, however for the first time in parallel with starting validity of new RRJ.
Current Supplement 2 to WRJ is available by ISZTP.
3. PLK shall inform driver of a motive power unit, in a way specified in regulations, about changes which are consequence of sudden need to put some operational limitation concerning:
 - 1) technical and operational parameters of line where train journey is executed, therein of limitations relevant to repair works, speed limits and others operational restrictions;
 - 2) work of railway traffic control and connection devices as well as rolling stock diagnostic devices.

§ 12 Restrictions in use of railway infrastructure

1. Operational restrictions may follow, among the others, from:
 - 1) planned track closures resulting from investment, modernisation, repair and ongoing maintenance works;
 - 2) unplanned track closures resulting from damages of railway infrastructure and from track closures caused by additional investment and modernization tasks not included in long-term planning;
 - 3) temporal restrictions in use of parts of railway lines or in work of traffic posts listed in annex 2.7;
 - 4) rolling stock damages;
 - 5) exceptional or crisis situation;
 - 6) danger to traffic safety or people and goods transportation safety;
 - 7) national safety and defence needs;
 - 8) decision of President of Office of Rail Transport or other authorized state bodies.
2. Planning of track closures is divided as following:
 - 1) long-term;
 - 2) temporary.
3. List of planned long-term track closures is included in annex 5.1: "Network schedule of track closures planned within timetable 2016/2017".
4. Temporary planning concerns those of time periods when traffic organisation is changed.
Detailed schedule of train timetable changes is included in annex 5.2.

§ 13 Use of electrical energy for traction purpose

1. PLK within use of railway infrastructure on electrified lines enables energy consumption with 3 kV DC voltage.
2. The operator of energy distribution system supplying traction network 3 kV DC is PKP Energetyka S.A.
3. Railway undertakings who use electric energy for traction purpose are obliged to conclude contracts of electrical energy sale and contracts of providing distribution of electrical energy services or complex contract of sale and distribution of electrical energy with relevant energy supply companies.

CHAPTER 4

TRAIN PATHS ALLOCATION

§ 14 Procedure of submitting and considering applications for train path allocation

1. The application for train path allocation is submitted in electronic form by ISZTP on the website www.plk-sa.pl or by an interface developed by PLK according to the following principles.
2. An access to the system is obtained after submission of application form for access to ISZTP, according to annex 6.2, to:

**PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym**

03-734 Warszawa, ul. Targowa 74

e-mail: idoi@plk-sa.pl

tel.: **(00 48) 22 473 23 94** or **(00 48) 22 473 37 89**

railway tel.: **(922) 473 23 94** or **(922) 473 37 89**

fax: **(00 48) 22 473 23 59**; railway fax: **(922) 473 23 59**

3. It is required to fill in an application form referred to in rec. 2 with permanent IP address of computer, which will be used to login in the system. During trial of login, in case of lack of permanent IP, 'e-mail code' is sent to user, enabling him to log in the system.
4. After provision of access to ISZTP, railway undertaking receives information about first system start on the e-mail address given in application.
5. Login in the system must be done not later than 3 months after provision of access or last login. After this date new application for access to ISZTP system is required.
6. Railway undertaking is responsible for protection of password and data introduced to ISZTP.
7. The essential condition for acceptance of application for train path allocation is inclusion of information specified in application form included in annex 6.1.

In case of passenger service, it is required to choose the basis of service, due to instruction how to fill out the application. In case of passenger occasional service it is required to write down of the justification of train journey containing the need for occasional journey.

8. Train type distinction filled in submitted applications on train path allocation must be consistent with train classification included annex 6.1.

Halt time for passenger trains, requested by railway undertaking cannot be shorter than 0,5 min, except trains served by rail buses (composed with 1, 2 or 3 units) and traction units for which the halt time cannot be shorter than 0,3 min on stations with low passenger flows, appointed by railway undertaking and verified by PLK. For interregional fast trains composed with coaches, for which requested halt time cannot be shorter than 1,0 min. and also in case when sleeping coaches or couchettes are included in these trains – halt time on big nodes located in agglomerations cannot be shorter than 2,0 min.

9. For the need of trains connection, a railway undertaking indicates trains which have to be connected by ISZTP application, in the tab 'Skomunikowania'.
10. The date of submission of application for train path allocation is date of its handing-over to ISZTP by railway undertaking.
11. Railway undertaking shall submit an application for train path allocation within international IRJ for passenger and freight train journeys which needs agreement of foreign infrastructure managers, using ISZTP via regional branch of PLK Railway Traffic Management Centre relevant to border station, under supervision of One Stop Shop unit (OSS), within the following deadlines:
 - 1) for freight and non-commercial passenger trains (i.e. not providing passenger carriage) - 2 working days before planned journey when route runs across network of foreign, neighbouring infrastructure manager – member of RNE or 15 working days before planned journey when route runs across network of foreign, neighbouring infrastructure manager who is not RNE member,
 - 2) for freight trains - 2 working days before planned journey + 2 working days for each next infrastructure manager – member of RNE when route runs across network more than one of foreign infrastructure manager or 25 working days before planned journey when route runs across network of more than one foreign infrastructure manager who is not RNE member,
 - 3) for passenger trains – according to § 17 rec. 3 point 1 and 2.

12. In case of ISZTP failure, not caused by railway undertaking, application for train path allocation shall be submitted to timetabling unit territorially relevant to planned place where journey starts (contact data is given in annex 4.3).

Application for train path allocation for trains referred to in rec. 11, shall be submitted by fax or e-mail to:

**PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym
Stanowisko ds. One Stop Shop
03-734 Warszawa, ul. Targowa 74
e-mail: oss@plk-sa.pl**

tel.: **(00 48) 22 473 34 69**; railway tel.: **(922) 473 34 69**
fax: **(00 48) 22 473 23 59**; railway fax: **(922) 473 23 59**

This application shall be considered as submitted in due time with keeping the original submission date.

13. In case of planned use of new motive power unit, railway undertaking submits application for registration of motive power unit at least 7 calendar days prior planned submission of application for train path allocation according to the form included in annex 6.3 in electronic form to the following address:

id@plk-sa.pl

14. Introduction of alternative motive power unit to ISZTP is proceeded in accordance with principles, referred to in § 30 rec. 2.
15. PLK may refuse consideration of application for train path allocation in case when use of railway infrastructure is not possible, up to:
- 1) realisation of international agreements made between infrastructure managers;
 - 2) exclusion of railway line or its part from operation, for which maximum speed included in annex 2.1 is 0;
 - 3) initiation of liquidation procedure for railway line or its part, referred to in art. 9 of Act.
16. Applications on train path allocation for priority transports for needs of country's defences are received with sufficient advance which enable PLK to prepare and forward the timetable to railway undertaking.
17. For passenger service railway undertaking additionally submits notified copy of public service contract (or its part containing the scope of services) or decision on granting open access to:

**PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym
03-734 Warszawa, ul. Targowa 74
e-mail: id@plk-sa.pl**

Non-submission of aforementioned documents is the basis for return of applications for train path allocation to railway undertaking¹⁴.

18. Railway undertaking based outside the borders of the Republic of Poland, before submitting application for international passenger train path allocation, involving right to pick up passengers and set them down at stations located in PLK network, is obliged to submit decision of the President of UTK on the scope of access to railway infrastructure, to address pointed out in § 6 rec.1.
19. On lines included in rail freight corridors referred to in § 5, pre-arranged international train paths are allocated by C-OSS. Rules and procedures on train paths allocation by C-OSS are published in CID documents for each of corridor. Specific information is available in English on websites www.rfc5.eu and www.rfc8.eu.

¹⁴ According to coming into force the Act of 21 July 2016 on the amendment to the act on public collective transport (Dziennik Ustaw – Polish Office Journal 2016 item 342) and in accordance with the letter no. DRRK-WR.715.28.2016.1.MA. of the President of Office of Rail Transport: 'passenger railway undertakings providing regular passenger service are not obliged to submit to infrastructure manager neither a decision to grant open access nor public service contract for timetables valid to the end of 2017. In that case submitting applications for trains paths allocation for those timetables may be proceeded on the same basis as before'.

§ 15 Preparation and allocation of train paths within annual train timetable

1. PLK prepares RRJ draft on the basis of applications for train path allocation, submitted in accordance with principles defined in § 14, within the following deadlines:

Types of trains (acronyms according to annex 6.1)	Deadlines	
	from	to
PASSENGER		
international and domestic traffic	29.03.2016	11.04.2016
empty trainsets and light engines for passenger traffic (PC, PW, PX, LP, LW, PH)	30.05.2016	10.06.2016
FREIGHT		
international traffic	29.03.2016	11.04.2016
domestic traffic	30.05.2016	10.06.2016
light engines for freight traffic (LT, LM, LS, TH) ¹⁵	18.07.2016	22.07.2016

2. PLK prepares RRJ draft taking into account:
 - 1) obligation of respecting principles included in art. 30 rec.2 of Act;
 - 2) priority on preparation of those train paths which ensure better usage of capacity;
 - 3) priority on preparation of train paths for which railway undertaking requested in train path application that they have to run within interval timetable;;
 - 4) priority on preparation of those train paths for which more days of train run is foreseen.
3. Dealing with RRJ, PLK during consideration each of priorities, referred to in rec. 2, additionally takes into account the following grades of train priorities:
 - 1) passenger qualified trains (EC, EN, EI, EX) and international (MM, RM, AM);
 - 2) passenger inter-regional and regional trains providing morning commuter service i.e. trains with arrival to indicated station between 05:30 and 08:30 a.m.;
 - 3) other passenger inter-regional (MH, MP, MO);
 - 4) passenger regional trains providing evening commuter service i.e. trains with departure from indicated station between 02:30 and 05:30 p.m.;
 - 5) other regional passenger trains;
 - 6) freight priority trains for which priority over other freight trains during train path allocation and traffic regulation was requested by the applicant in train path application;
 - 7) other freight trains;
 - 8) empty passenger trains and light locos.
4. Specific workflow of RRJ preparation is included in annex 8 "Annual timetabling process schedule 2016/2017"
5. In case when during preparation of timetable according to submitted applications on train path allocation PLK states that applications are made against the rules, especially when maximum

¹⁵ deadline is lengthen for freight locomotives – in timetabling process they are considered as completion of applications submitted for freight trains

axle loads revealed during traction calculations are exceeded, notifies railway undertaking with providing him with alternative routes.

Railway undertaking is obliged to introduce necessary completions and amendments within 7 calendar days.

6. Information regarding dealing with applications for train path allocation is available under the following addresses:

- 1) applications for domestic passenger traffic:

e-mail: **wnioski.pas@plk-sa.pl**
tel.: **(00 48) 22 473 20 17**; railway tel.: **(922) 473 20 17**
fax: **(00 48) 22 473 23 59**

- 2) applications for international passenger traffic:

e-mail: **miedzynarodowe.pas@plk-sa.pl**
tel: **(00 48) 22 473 28 76**; railway tel.: **(922) 473 28 76**
fax: **(00 48) 22 473 23 59**

- 3) applications for freight traffic:

e-mail: **wnioski.tow@plk-sa.pl**
tel: **(00 48) 22 473 32 08**; railway tel.: **(922) 473 32 08**
fax: **(00 48) 22 473 23 59**

7. For the purpose of train paths coordination PLK organizes timetabling conferences with attendance of concerned passenger railway undertakings.

Arrangements from international conferences regarding timetables of international passenger and freight trains agreed with representative of PLK Railway Traffic Management Centre and representative of railway undertaking are binding.

Dates of timetabling conferences are given in annex 8.

8. In case of conflict occurred between submitted applications on train path allocation, PLK ensures realisation of applied needs as far as possible by carrying out consultation with interested railway undertakings, according to principles referred to in § 21.
9. If in spite of action, referred to in rec. 7, it is not possible to realise requirements included in the applications on train path allocation in accordance with railway undertaking's expectations – PLK promptly notifies the President of UTK and involved railway undertakings, that railway line or its section is congested, excluding the cases referred to in § 5 rec. 1 of Decree. PLK notifies also about railway line or its section where lack of capacity is expected in the next RRJ period.
10. PLK provides results of capacity analyses for congested railway lines or their sections to President of UTK as well as the scheme of capacity increase, according to principles referred to in Decree.
11. Train paths allocation on congested railway lines sections is executed on the basis of results of auction referred to in § 5 rec. 5 of Decree, carried out according to the principles included in annex 7.
12. PLK prepares draft of RRJ and forwards it to railway undertaking for agreement, in relevant part, within deadlines set in annex 8.
13. Railway undertaking, within 1 month from the date of receiving the RRJ draft, referred to in rec. 12, agrees it, raises comments or proposes changes to relevant part, up to the scope what does not meet requirement included in applications for train path allocation, submitted by him and received by PLK.

In case of lack of position within aforementioned deadline, it is regarded that the RRJ draft was accepted without any remarks.

14. PLK considers submitted comments or proposed changes to RRJ draft.

When PLK cannot respect comments or proposed changes referred to in rec. 13 - informs railway undertaking about that, not later than 14 working days after receiving comments or proposed changes of RRJ draft.

Railway undertaking may withdraw application on train path allocation, for which RRJ draft does not meet specific requirements, whereas PLK deals with not withdrawn applications as accepted.

If PLK respects comments or proposed changes referred to in rec. 13, PLK agrees the timetable with railway undertaking, not later than 14 working days after date of receiving.

15. PLK, on the basis of agreed timetable drafts, prepares RRJ.

PLK notifies railway undertaking of allocated train paths until 12 September 2016 at the latest. The condition for providing of Notification on allocated train paths is their acceptance as authorization made by railway undertaking by ISZTP system until 9 September 2016.

Train paths not accepted by railway undertaking shall not be included in Notification.

Notification of train path allocation contains mutually agreed changes inserted in RRJ draft as well as includes information according to pattern included in annex 6.1.

16. PLK enables downloading prepared train timetable for involved railway undertakings in electronic form from ISZTP on website www.plk-sa.pl from 12 September 2016.

PLK accepts the use of files delivered electronically by railway undertaking.

17. Final completion of offer is allowed from 29 to 31 August 2016 by submitting new applications on train path allocation for trains running within IRJ.

The number of submitted applications on train path allocation is dependent on number of allocated train paths within RRJ 2015/2016 listed in notification of train path allocation:

- 1) railway undertakings having no more than 500 paths can submit maximum 10 applications;
- 2) railway undertakings having from 500 to 1000 paths can submit maximum 20 applications;
- 3) railway undertakings having over 1000 train paths can submit maximum 30 applications.

During this period PLK receives also applications for occasional trains. Applications for occasional trains must be submitted as IRJ. They will be considered within 2 weeks after submitting notification of train path allocation in RRJ.

18. New railway undertaking, who started his activity within the period when submission of new applications on train path allocation to RRJ were not possible within deadline referred to in rec.1, may submit applications to RRJ within available capacity once, however not later than 40 calendar days before planned passenger trains run and then 10 calendar days prior freight trains run.

In case of applications on international train path allocation, railway undertaking has to envisage a time period, essential for agreements and confirmations by neighbouring infrastructure managers.

19. In case when PLK provides access to railway line its part, or passenger station, which has not been accessible so far – railway undertakings is allowed to submit applications to RRJ once, however not later than 40 calendar days before planned passenger trains run and then 10 calendar days prior freight trains run. In case of applications on international train path allocation, railway undertaking has to envisage a time period, essential for agreements and confirmations by neighbouring infrastructure managers.

20. PLK provides railway undertaking with on-line access to developed train timetable by SKRJ application. Railway undertaking obtains access to SKRJ application just when he concludes 'Contract on data access by SKRJ application'.

§ 16 Amendments to annual train timetable

1. PLK updates RRJ by introducing changes to RRJ, submitted by railway undertakings on the basis of application for train path allocation with the exception of path cancellation, which is possible only in a course of § 22.
2. PLK considers applications for train path allocation, submitted within deadlines included in rec. 6 and 7, by ISZTP according to principles defined in annex § 14.
3. Applications on train path allocation within RRJ update are considered by PLK taking into account:
 - 1) priority on applications which are correction of train paths already allocated;
 - 2) principles included in art. 30 rec. 2 of Act;
 - 3) priority on preparation of those train paths which ensure better usage of capacity;
 - 4) priority on preparation of train paths for which railway undertaking requested in train path application that they have to run within interval timetable;
 - 5) priority on preparation of those train paths for which more days of train run is foreseen;
 - 6) train priority grades pointed out in § 15 rec. 3.
4. Within updating of RRJ, PLK makes as far as possible the following changes in RRJ:
 - 1) shortening of train path on condition that 30% of original train path remains unchanged and its cancellation has not been submitted prior to date of update;
 - 2) lengthening of train path on condition that its cancellation has not been submitted prior to date of update;
 - 3) extending of journey dates;
 - 4) change of place and time of halts;
 - 5) change of train length and gross weight;
 - 6) change of series of motive power unit;
 - 7) change of declared braked weight;
 - 8) change of train speed;
 - 9) change of time of train departure and arrival;
 - 10) journey on partially different route on condition that 30% of original train path remains unchanged;
 - 11) receiving new applications on train path allocation within RRJ.
5. In case when changes within RRJ generate changes in timetables of other railway undertakings, timetable updating is realised on application of requesting railway undertaking after prior approval by all involved railway undertakings.
6. PLK introduces the RRJ update valid from 11 June 2017, according to the following schedule:

Item	Specification	Deadline
1	Date of submitting applications for train path allocation	16-23.01.2017
2	Preparation of timetable draft on the basis of submitted applications for train path allocation	24.01-15.02.2017
3	Delivering train timetable draft to railway undertakings	16.02.2017
4	Analysis and raising comments to train timetable draft	16-20.02.2017
5	Reflecting or refusal of comments and propositions of changes	21-28.02.2017

6	Acceptance of train timetable by railway undertakings	1-3.03.2017
7	Implementation of train timetable	6.03.2017
8	Duration of trains circulation	11.06.-09.12.2017

PLK shall enable generation from ISZTP a report on train timetable changes caused by changes of line parameters.

7. PLK introduces additional RRJ updates for freight trains within available capacity according to the following schedule:

Item	Specification	Deadlines		
1	Date of submitting applications for train path allocation	24-25.11.2016	18-19.05.2017	29-30.06.2017
2	Preparation of timetable draft on the basis of submitted applications for train path allocation	28.11-2.12.2016	22-26.05.2017	3-7.07.2017
3	Delivering train timetable draft to railway undertakings	5.12.2016	29.05.2017	10.07.2017
4	Analysis and raising comments to train timetable draft	6-7.12.2016	30-31.05.2017	11-12.07.2017
5	Reflecting or refusal of comments and propositions of changes	08-12.12.2016	1-5.06.2017	13-17.07.2017
6	Acceptance of train timetable by railway undertakings	13.12.2016	6.06.2017	18.07.2017
7	Implementation of train timetable	14.12.2016	7.06.2017	19.07.2017
8	Duration of trains circulation	12.03-9.12.2017	3.09-9.12.2017	15.10-9.12.2017

8. Railway undertaking, after receiving the timetable draft, agrees it, raises comments or proposes changes. Comments or proposed changes may not concern those elements which were not included in applications for train path allocation. In case of lack of railway undertaking's position within deadlines referred to in rec. 6 and 7, PLK regards that the draft of RRJ update was accepted without any remarks.
9. PLK enables downloading prepared train timetable for involved railway undertakings in electronic form by ISZTP on website www.plk-sa.pl – after implementation date pointed out in rec 6 and 7.
10. PLK during RRJ validity period, within the frame of existing available capacity, allows passenger railway undertakings to make the following changes, 40 calendar days prior planned day of train departure:
- 1) shortening of train path between operational points where train halt is fixed;
 - 2) merging of train paths;
 - 3) shortening of train path, in cases other than specified in point 1;
 - 4) adding new halts to existing train path;
 - 5) removing halts from existing train path.
11. PLK introduces changes in train timetable, resulting from investment, repair or maintenance of railway lines, within deadlines specified in annex 5.2.
- For this purpose PLK prepares ZRJ for relevant periods of changed traffic organisation, available by ISZTP. Prepared ZRJ is sent to railway undertakings by e-mail.
12. ZRJ is prepared on the basis of train parameters developed within RRJ.

13. In case of change of particular train timetable, caused by circumstances of alternative traffic organisation, on railway undertaking's request and on Railway Traffic Management Centre approval, timetable changing of other time-neighbouring trains (within the same service segment) is allowed, in order to improve service coordination and reduce aggravations for passengers, as following :
- 1) change of train departure hour no more than +/- 60 minutes, if it is impossible to meet this condition – train departure must take place in the first possible time of available capacity;
 - 2) change of train type, its length and gross weight;
 - 3) change of place and time of train halts;
 - 4) running additional non-commercial trains (i.e. not providing passenger carriage) or light locomotives, necessary for efficient turn-round of train sets;
 - 5) extending of journey dates, when cancelled train was running +/- 120 minutes or when interval between nearest trains was lengthened too much.
14. PLK before starting preparation of ZRJ projects, informs railway undertakings about beginning of works on alternative traffic organisation as well as about track closures, which will be considered in ZRJ within given time period.
15. In case of execution of planned works on railway line, causing timetable changes in domestic or international passenger traffic, Railway Traffic Management Centre sends ZRJ projects by ISZTP and e-mail, separately to each of concerned railway undertakings for agreement, not later than 60 calendar days prior to date of planned change of traffic organisation. Railway undertaking agrees this ZRJ project in time period not longer than 10 calendar days or proposes changes and prepares turn-rounds for rolling stock. Lack of response from railway undertaking is treated as acceptance of submitted draft as well as agreement of the timetable.
- In case when introducing of substitute transport is necessary, PLK after starting of ZRJ construction process notifies railway undertaking, and railway undertaking must announce information about routes, journey times and circulation periods of substitute transport means within 10 calendar days from receiving of this notification, however not less than within 6 working days.
- PLK prepares platform edge occupation plan and introduces possible corrections to ZRJ projects within 10 calendar days from receiving them from railway undertakings and orders ZRJ within 40 calendar days at the latest prior its coming into force.
16. In case of execution of planned works on railway line, causing freight timetable changes, Railway Traffic Management Centre sends ZRJ projects by ISZTP and e-mail, separately to each of concerned railway undertakings for agreement, not later than 35 calendar days prior to date of planned closure. Railway undertaking agrees ZRJ project in time period not longer than 10 calendar days or proposes changes. Lack of response from railway undertaking is treated as acceptance of submitted draft as well as agreement of the timetable.
- PLK within agreement of changed traffic organisation introduces corrections to freight ZRJ projects within 5 calendar days from receiving them from railway undertakings and runs ZRJ.
17. PLK proposes alternative routes, however in case of capacity shortage, after prior consultations with railway undertakings PLK cancels those of trains which cannot be passed by operative track or using alternative routes. In international traffic PLK agrees ZRJ with railway undertaking after prior agreement with neighbouring infrastructure manager.
18. In case when conflict between train paths with equal priority occurs, PLK chooses optimal solution taking into account utilization of line capacity, i.e. gives priority for this railway undertaking, whose train causes better use of railway line capacity.
19. If railway undertaking – without reasoned argument – will not agree on proposed changes or raise requirements impossible to meet due to technical or operational reasons, PLK has a right to treat ZRJ as a working one. Railway undertaking has a right to demand from PLK justified reasons for which his requirements were considered as unfeasible.

§ 17 Allocation of train paths within individual train timetable

1. Application for domestic train path allocation within IRJ should be submitted by ISZTP, according to principles referred to in § 14.
2. Applications on train path allocation within IRJ are considered taking into account planned date of journey and order of their submission.
3. Applications on train path allocation within IRJ must be submitted (with reservation of rec. 5) no later than:
 - 1) 40 calendar days before planned date of train journey, with the exception of train paths mentioned in points 2 and 3;
 - 2) 7 calendar days before planned journey for occasional passenger train paths;
 - 3) 12 hours before planned journey for domestic freight train paths and other passenger train paths (non-commercial i.e. not providing passenger carriage);
 - 4) 3 hours before journey of light locos.
4. In case when application for train path allocation within IRJ is submitted in at least 72 hour advance before planned train departure, PLK guarantees that prepared IRJ or information about impossibility of execution for submitted application will be forwarded to applicant within 36 hours from its submission.
5. Applications on train path allocation for freight and passenger train journeys within IRJ shall be received from 1 November 2016.
6. In case when it is not possible to prepare IRJ according to submitted application for train path allocation, PLK suggests railway undertaking substitute solutions enabling train journey (e.g. proposes different route, as short as possible and with parameters similar to desired, and with different time configuration) and prepares IRJ in consultation with railway undertaking.
7. In case of applications for train path allocation for domestic freight trains and not embarked passenger trains, with single change of train parameters, PLK provides railway undertaking with prepared IRJ no later than 6 hours before planned departure or informs him about lack of possibility of execution for submitted application.

In case of applications on train path allocation for other passenger trains, PLK provides railway undertaking with prepared IRJ no later than 4 calendar days after their submission or informs him about lack of possibility of execution for submitted application.
8. As far as possible PLK can receive application on train path allocation for single journey within IRJ after the date specified in rec. 3. However, the time period must be sufficient for PLK to provide prepared timetable to railway undertaking or notify him about impossibility of realisation of his application for train path allocation, but not later than 6 hours before planned time of train departure.
9. A train path constructed within IRJ has to be accepted within 2 working days. Lack of acceptance within indicated deadline causes automatic rejection of application for train path allocation by ISZTP. Railway undertaking receives valid train path automatically after its acceptance.
10. PLK does not introduce correction to IRJ.

§ 18 Exceptional transports

1. Journeys of trains with exceptional transports are executed by PLK within the frame of RRJ, IRJ as well as paths from PLK Catalogue after prior agreement of journey conditions for transport with exceptional good.
2. Railway undertaking submits application for exceptional journey consent to PLK Railway Traffic Management Centre:

- 1) for domestic journeys which are planned only on railway lines managed by PLK or any other domestic infrastructure managers, no later than 20 calendar days before planned journey or before deadline of submitting applications for train path allocation in the frame of RRJ or its update - to railway traffic management branch relevant to the place where journey starts (listed in annex 4.3);
- 2) for international journeys - no later than 40 calendar days before planned journey or before deadline of submitting applications for train path allocation within RRJ or its update – to the following address:

PKP Polskie Linie Kolejowe S.A.
Centrum Zarządzania Ruchem Kolejowym
Samodzielne wieloosobowe stanowisko pracy ds. Przewozu Przesyłek Nadzwyczajnych
03-734 Warszawa, ul. Targowa 74
e-mail: elzbieta.pawlowska@plk-sa.pl; id.nadzwyczajne@plk-sa.pl
tel.: (00 48) 22 473 35 67; (00 48) 22 473 27 00
railway tel.: (922) 473 35 67; (922) 473 27 00
fax: (00 48) 22 473 35 68; railway fax: (922) 473 35 68

3. Requirements on keeping term of submitting application for exceptional journey consent are not applied in case, when the carriage is justified by important reasons of country's defence or safety.
4. Detailed information included in application for exceptional journey consent, referred to in rec. 2, can be found in Chapter II § 11a, 12, 13 and 14 of "Instruction in carriage of exceptional transports Ir-10 (R-57)", specified in annex 3.1 and in annex 2.19.
5. PLK's consent for journey with exceptional transports includes conditions of its carriage on lines managed by PLK, in accordance with § 18 of instruction referred to in rec. For carriage of exceptional transports in international traffic within RRJ, railway undertaking is obliged to provide PLK with consent for journey with exceptional transports received from railway undertaking, infrastructure manager or railways neighbouring with PLK until 28 November 2016 at the latest.
6. PLK updates prior consents for journey with exceptional transports in case of planned track closures occurred on PLK network and caused by PLK.

§ 19 Allocation of train paths from PLK Catalogue

1. Timetable for domestic train paths from PLK Catalogue may be prepared and provided on railway undertaking's request by ISZTP on website: www.plk-sa.pl. Access to the system is admitted according to principles referred to in § 14.
2. Railway undertaking receives confirmation of submission of electronic application for train path allocation from PLK Catalogue by ISZTP.
3. Application for train path allocation from PLK Catalogue must be submitted exclusively by ISZTP.
4. (repealed).
5. Train journeys using train paths from PLK Catalogue are executed on the basis of § 30.

§ 20 Train timetable study

1. Application for preparation of train timetable study shall be submitted according to principles referred to in § 14.
2. Train timetable study does not guarantee of train path allocation.
3. PLK provides applicant with prepared timetable study, not later than 7 calendar days after submission of application for preparation of train timetable study by ISZTP or notifies him about impossibility of such solution.

§ 21 Train paths coordination and resolving conflicts

1. In case of conflict between train paths, a coordination process is carried out by PLK.

During coordination process, PLK provides involved railway undertakings with essential information (in paper or electronic version) on requested conflicting paths, without disclosing identity of all remaining railway undertakings unless they accept it, as well as on criteria applied in train paths allocation process.

PLK proposes solutions for resolving conflict, promptly after its revealing, respecting priorities in train paths allocation, included in § 15 rec. 2, which may consist in:

- 1) allocating another time system for requested train paths;
- 2) preparing timetable to run trains on different train path than indicated in application for train path allocation;
- 3) shortening time of journey through congested infrastructure section by decreasing a number of halts, their duration, decreasing total weight of train, using a motive power unit with better traction parameters;
- 4) applying:
 - a) variants of timetable for colliding train paths on the days when they occurs,
 - b) restrictions – for particular dates - on circulation of specified trains.

Proposed solutions are discussed during coordination process, whereas railway undertaking may bring up comments and propose possible modifications regarding submitted applications, which are considered by PLK up to technical-operational capabilities.

Lack of railway undertaking's response within 5 working days from receiving from PLK information on proposal of resolving conflict, shall be considered as the acceptance.

In case of conflict between train paths belonging to the same railway undertaking or when it is impossible to fix planned trains connections – railway undertaking's position is decisive.

As a result of coordination process, a compromise solution is developed.

2. Times for international trains admission and handover on border crossings are fixed on international conferences.

In case of occurring conflict between international and domestic train paths, PLK proposes solution respecting principles of coordination, referred to in rec. 1.

3. If process of coordination does not bring solution, which satisfies all parties of conflict, PLK allocates train path by taking into consideration technical-operational conditions and possibly best use of capacity on available railway lines.

Adopted solutions are submitted to railway undertakings, as timetable draft, for approval in accordance with § 15.

§ 22 Cancellation of allocated train path

1. Railway undertaking has a right to cancel allocated train path or its part. Cancellation of allocated train path is made by railway undertaking employees by ISZTP.

In this case, PLK levies a reservation charge according to § 27 rec. 16 for requested an allocated train path or its part which has been unused by railway undertaking.

2. PLK receives cancellation of allocated train path since the date of submitting notification of train path allocation referred to in § 15 rec. 15.
3. Confirmation of cancellation of allocated train path or its part is generated automatically by ISZTP and sent to railway undertaking's e-mail.

In case of ISZP failure, cancellation of whole or part of allocated train path must be submitted to timetabling unit territorially relevant to planned place where journey starts (contact data is given in annex 4.3) by e-mail according to template included in annex to Contract.

4. Filling a wrong data by railway undertaking causes rejection of cancellation.

CHAPTER 5

PLK'S SERVICES WITHIN THE FRAME OF PROVIDING ACCESS TO RAILWAY INFRASTRUCTURE

§ 23 Scope of services

1. PLK ensures execution of journeys of railway undertaking's trains in accordance with Contract, with application of principles and conditions specified in Network Statement and with internal rules specified in annex 3.
2. PLK provides the following services:
 - 1) minimum access to railway infrastructure involving services specified in § 24, rec. 1;
 - 2) access to facilities connected with train service and provide this service, involving services specified in § 24; rec. 2;
 - 3) additional and ancillary services, specified in § 25;
 - 4) other services, not included in Network Statement which are carried out and billed on the base of separate contracts and submissions.

§ 24 Services provided within the frame of basic charge

1. Minimum access to railway infrastructure includes:
 - 1) consideration of applications for train path allocation;
 - 2) preparation RRJ according to applications for train path allocation submitted and agreed by railway undertakings;
 - 3) right to use of railway infrastructure according to allocated train paths;
 - 4) use of railway infrastructure within the scope necessary to execution of train journey, according to allocated train path or on alternative path, appointed on account of technical-operational situation;
 - 5) access to traction network facilities, if they are available;
 - 6) traffic control and management, including use by railway undertaking the frequency of railway radio controls as well as basic information, at the request of railway undertaking, regarding railway traffic: time of departure from departure station; time of actual arrival at terminal or intermediate station, on which according to timetable wagons/cars are coupled/uncoupled or a changeover of locomotive takes place; time occurrences and potentially dangerous situations and interruptions on train route, having an influence on railway undertaking's train journey, arrival to intermediate station and giving command "STOP" by PLK and other infrastructure managers.
2. Access to facilities connected with train service and providing this service include:
 - 1) access (approach) to refuelling facilities not included in train timetable;
 - 2) access and use of passenger stations and stops, their buildings and other facilities, including:
 - a) use of Gdynia Postojowa station,
 - b) access and use of platforms;

- c) access (approach) to storage sidings for passenger trains and to rail vehicles maintenance points for passenger trains – distances are included in annex 2.8;
- 3) access (approach) to railway freight terminals not included in train timetable;
- 4) access and use of stations equipped with operative hump in a gravity yard;
- 5) access and use of tracks and facilities for train sets formation;
- 6) use of storage sidings;
- 7) use of loading tracks, ramps and yards.

§ 25 Additional and ancillary services

On the base of Contract, separate contracts or submissions, PLK provides the following services:

- 1) assistance in journey execution for trains with exceptional transports, including:
 - a) activities connected with development of journey conditions for trains with exceptional transports,
 - b) additional actions resulting from particular conditions of journey execution and supervision;
- 2) providing additional information on train journey, which are not included in basic charge, referred to in § 24, rec. 1, item 6;
- 3) preparation of individual train timetable draft;
- 4) additional activities for preparation of changed train timetable, resulting from using by railway undertaking another type of motive power unit or different train gross weight than it was stated in application for train path allocation;
- 5) providing excerpts from technical regulations and other documents in printed form required additional costs of PLK's side;
- 6) other, specified in contract or submission.

CHAPTER 6

TRACK ACCESS CHARGES FOR USE OF RAILWAY INFRASTRUCTURE

§ 26 Types of charges

1. Basic charge, including services, referred to in § 24 rec. 1, is collected for journeys executed in accordance with allocated train paths.
2. Basic charge, including services, referred to in § 24 rec. 2, is collected for executed services.
3. Additional charge is collected for executed additional and ancillary services, referred to in § 25.
4. Reservation charge is levied for ordered and allocated train path, which was not used by railway undertaking entirely or partially.
5. For use of railway lines or their sections declared to the President of UTK as congested, within congestion period referred to in art. 34 rec. 1a of Act, PLK starting from first day of RRJ validity, levies increased basic charge for minimum access to railway infrastructure, settled as a result of auction carried out respecting principles, referred to in annex 7.

§ 27 Method of charges calculation

1. Basic charge, referred to in § 26 rec. 1, is calculated as sum of products of train-kilometers, for train type according to allocated train path, and unit rates relevant for category assigned to railway lines sections and total gross weight of a train.
2. Unit rates of charge, referred to in rec. 1 are published on the website www.plk-sa.pl in accordance with art. 33 of Act.

Value of the component, related to type of provided service, which is a part of unit rate of basic charge for minimum access to railway infrastructure, referred to in § 7 rec. 3 of Decree, amounts 0 PLN for all types of services.

3. Method of line category determination for the purpose of calculation of unit rates of basic charge for minimum access to railway infrastructure was included in annex 11.
4. For stipulation of gross weight of a train the weight of locomotives is assumed according to allocated train path.
5. Basic charge, referred to in § 26 rec. 1, in case of journey using alternative route caused by PLK, is determined in accordance with a route planned in timetable or for alternative route if its cost is lower than cost of planned route.
6. In case when - in order to run exceptional transports carriage - PLK has to ban traffic on neighbouring track, railway undertaking pays a basic charge, referred to in § 26 rec. 1 for use of both tracks.
7. Basic charge, referred to in § 26 rec. 2 is calculated according to number of provided services and unit rates relevant to particular service, published on the website www.plk-sa.pl, according to art. 33 of Act.
8. A charge for services specified in § 24 rec. 2 point 1, 2 item 'c' and point 3 is calculated as product of sum of executed train-kilometres and relevant unit rate.

List of determined distances is included in annex 2.8.

9. Charge for service specified in § 24 rec. 2 point 2 item 'b', for every run train is calculated as sum of relevant unit rates assigned to passenger stations and stops for which railway undertaking requested halt, as well as departure and terminus stations, included in „Wykaz stacji i przystanków osobowych z przyporządkowaniem im stawek jednostkowych opłaty podstawowej za dostęp i korzystanie z peronów”, available on the website www.plk-sa.pl.
10. Charge for service specified in § 24 rec. 2 point 5 is calculated as product of number of composed trainsets with usage at least 2 tracks and the unit rate.
11. Charge for service specified in § 24 rec. 2 point 6 is calculated as product of sum of track occupation time by rolling stock and the unit rate.
12. Charge for service specified in § 24 rec. 2 point 2 item 'a' is calculated as product of sum of wagons entering Gdynia Postojowa station and the unit rate.
13. Charge for service specified in § 24 rec. 2 point 7 is calculated as product of sum of track occupation time for loading activities by rolling stock and the unit rate.

In case when standing time is lengthen over consecutive 12-hours period, the charge is multiplied by the following number of initiated 12-hours periods. Time spaces when - in accordance with field 71 of technical regulations - loading operations are not performed, are not included to these 12-hours periods.

List of open to the public loading tracks with adjacent loading yard or ramp for loading operations is annex 2.9.

14. Charge for service specified in § 24 rec. 2 point 4 is calculated as product of number of shunted wagons on stations equipped with operative hump and the unit rate.

List of stations equipped with operative hump containing posts appointed to leaving shunting list is annex 2.10.

15. Additional charges, referred to in § 26 rec. 3, are collected for executed services, defined in § 25, on the basis of charges relevant for particular service published on website www.plk-sa.pl including 10% margin of profit.

For specification of journey conditions within the exceptional journey consent, PLK levies additional charge from railway undertaking.

In case of exceptional transport with exceeded several different parameters (e.g. axle load and gauge) PLK levies only one the highest additional charge.

In case when - in order to run exceptional transport carriage - PLK must undertake additional activities resulting from traffic conditions, consisting in adapting its buildings, devices, systems for special railway operation conditions (e.g. dismantling of footbridges, viaducts, dismantling or lifting of contact line), railway undertaking must pay a charge for additional services defined on the basis of individual calculations.

In case when PLK bears aforementioned additional costs caused by preparation of train path for exceptional journey, railway undertaking has to pay these additional costs also in case when he cancelled this journey.

This organisational unit of PLK, which bears these additional costs charges railway undertaking concerned.

16. Reservation charge, referred to in § 26 rec. 4, is determined as:

- 1) 25% of basic charge, referred to in rec. 1, when cancellation of allocated train path is not submitted or it was submitted within deadline shorter than 12 hours prior to scheduled train departure;
- 2) 20% of basic charge, referred to in rec. 1, when cancellation of allocated train path was submitted within deadline longer than 12 hours and shorter than 36 hours prior to scheduled train departure;
- 3) 15% of basic charge, referred to in rec. 1, when cancellation of allocated train path was submitted within deadline longer than 36 hours and shorter than 72 hours prior to scheduled train departure;
- 4) 10% of basic charge, referred to in rec. 1, when cancellation of allocated train path was submitted within deadline longer than 72 hours and shorter than 30 calendar days prior to scheduled train departure;
- 5) 1% of basic charge, referred to in rec. 1, until the date of nearest train timetable update, included in annex 5.2, in case when cancellation of allocated train path was submitted more than 30 calendar days prior to scheduled train departure, excluding train journeys within IRJ.

Reservation charge is not levied when journey cancellation was caused by PLK or in case of exceptional situation.

17. VAT tax, on the basis of separate regulations, is added to charges referred to in this paragraph.
18. Basic charges for services, referred to in § 24 rec. 1, as well as reservation charges are paid by railway undertaking in accordance with detailed rules included in Contract.
19. Charges for services, referred to in § 24 rec. 2 and § 25, are paid by railway undertaking in accordance with detailed rules included in contracts involving them.
20. Billing is done regarding 14-days deadline of payments, counting from date of receiving of invoice.
21. For delays in paying receivables interest is accrued.

§ 28 Financial guarantees

1. PLK may demand from railway undertaking to submit financial guarantee, referred to in Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014.
2. Financial guarantee may be submitted exclusively as:
 - 1) advance payments to reduce and anticipate future obligations to pay track access charges;
 - 2) guarantees provided by financial institutions, who commits to ensure that such payments are effected once they are due. Only guarantees issued either by banks or insurance institutions supervised by Komisja Nadzoru Finansowego (KNF) or by branches of foreign credit institutions from KNF list (http://www.knf.gov.pl/szukaj_podmioty.jsp) will be accepted.
3. PLK bases his request for financial guarantee on credit rating of railway undertaking not older than two years provided by a credit rating agency or another professional rating or credit scoring entity.
4. PLK shall inform railway undertaking on request about credit score provided him by professional rating or credit scoring entity.
5. The level of financial guarantee required by PLK corresponds to the estimated amount of charges for requested services, referred to in § 24 rec. 1 for maximum two months period. The validity period of financial guarantee issued by financial institution must involve whole timetable period and two consequent months after its expiry.
6. In case of positive rating or credit rating of railway undertaking, PLK shall not demand submission of financial guarantee provided that current receivables for delivered services will be paid within 60 days from the date of being due.
7. In case of negative rating or credit rating of railway undertaking and when during the last 12 months the railway undertaking is not in arrears with payments over 30 days from the date of being due, PLK has the right to demand from this railway undertaking to submit financial guarantee, unless current receivables for delivered services are paid within 30 days from the date of being due.
8. In case of negative rating or credit rating of railway undertaking and when during the last 12 months the railway undertaking is in arrears with payments over 30 days from the date of being due at least once, PLK has the right to demand from this railway undertaking to submit financial guarantee securing future receivables for provided services within 10 days prior to provision of planned train services.
9. PLK has the right to demand complement/issuing additional financial guarantee in the following cases:
 - 1) when during 2 months the amount of payments for requested services, referred to in rec. 5, exceeds estimated values;
 - 2) when PLK uses part or whole financial guarantee for collateral of receivables.
10. In case when railway undertaking does not submit or complement the financial guarantee within deadline set by PLK, he is called to submit guarantee of financial institution within 10 days deadline or to make advance payment within 7 days from the date of receiving of the summons. The lack of submission or complement of the financial guarantee required from railway undertaking by the summons (understood as advance payment or guarantee of financial institution) shall result in PLK's application to the President of UTK for termination of Contract.
11. Guarantee of financial institution should be submitted according to template attached to Contract. PLK allows guarantees which provisions differ from the template after prior approval of their content.
12. Details of submission, complement and payment of guarantees of financial institutions are included in Contract.

§ 29 Compensations, accounts for defaulting on commitments

1. Defaulting on commitments, resulting from Contract, results in responsibility for damage done to the other party.
2. Responsibility for damage, referred to in rec. 1, does not concern:
 - 1) costs borne as a result of accounting for other contracts signed by the party, if these contracts were signed without prior agreement with the other party of Contract in the field of possible claims (particularly including those borne by the party by way of conventional penalties and compensations);
 - 2) lost benefits with the exception of claims resulting from Contracts with other railway undertakings if this condition was included in Contract with the given railway undertaking.
3. Responsibility for damage, referred to in rec. 1, concerns particularly compensations for damages in consignments or damages and delays during journey, resulting from PLK faults and paid by railway undertaking on the basis of transport law, contracts and UE regulations in particular the Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (Official Journal of the European Union L 315/14 of 03 December 2007).
4. PLK's responsibility for not fulfilling commitments resulting from Contract is excluded when railway undertaking does not adhere to the parameters of journey, which are elements of timetable.
5. Responsibility of the parties for not fulfilling commitments resulting from Contract is excluded in case of exceptional situations.
6. If, due to not executed or improperly carried out Contract, damage was experienced by the third party, the party who compensated the damage to the third party may enforce right of recourse completely or in a relevant part from the other party.
7. In case of pollution of the environment in a degree exceeding quality standards specified by law, railway undertaking is obliged to cover costs of bringing the environment back to required standards.

CHAPTER 7

PROCEDURE DURING EXECUTION OF CONTRACT

§ 30 Organisation and execution of train journeys

1. Railway traffic on PLK's lines is executed according to timetable prepared by PLK – on the basis of railway undertaking's applications on train path allocation.

All train paths allocated by PLK to railway undertaking at railway undertaking's request are in his disposal within RRJ duration.
2. In case when it is necessary to run passenger or freight train with other type of motive power unit and/or with changed train gross weight (for freight trains no more than 500 tonnes) the following principles are applied:
 - 1) change of mentioned above train parameters is possible only after prior ordering by ISZTP by the tab "Zmiana parametrów pociągu";
 - 2) change of train parameters causing change of journey times will be introduced only within available capacity;
 - 3) change not affecting journey times will be introduced automatically and railway undertaking will promptly receive train timetable disposition including changed parameters;

- 4) in case of change of train parameters railway undertaking does not submit train path cancellation and PLK does not levy a reservation charge;
- 5) access charge for train journey is calculated for changed train gross weight and according to type of train timetable within original train path was requested (RRJ or IRJ);
- 6) applications for change of these parameters shall be received until 1 November 2016.

Another changes of train parameters are made according to § 16 rec. 4.

3. Journeys are preceded by dispatcher's planning of train movement. Railway undertaking is obliged to input information to IT application available for railway undertakings and designed for electronic planning.

Dispatcher's planning does not involve embarked passenger trains, except their cancellation.

For trains with dangerous goods of high risk (TWR) and for trains with exceptional transport, railway undertaking shall call to territorially relevant branch of Railway Traffic Management Centre (contacts in annex 4.3) with additional information about planned inclusion into trainset wagons with:

- 1) TWR, filling in:
 - a) number of wagons;
 - b) UN number of goods;
 - c) route of consignment with dangerous goods of high risk TWR in a train;
- 2) exceptional transports, filling in:
 - a) type of consignment e.g. exceeded loading gauge, exceeded axle load,
 - b) route of exceptional consignment,
 - c) number of consent for journey with exceptional transports in international traffic and order on exceptional good carriage (address four) or number of consent for journey with exceptional transports in domestic traffic and order on exceptional good carriage (address four) or number of order on exceptional good carriage (address four).

Moreover, for trains with TWR and trains with dangerous goods of high risk (TWR) railway undertaking has to provide above information by phone to relevant traffic management branch (contact according to annex 4.3).

4. Information, referred to in rec. 3, must be submitted no later than:
 - 1) between 9:00 p.m. and 10:00 p.m. on the day before planned journey, if journey starts between 0:01 a.m. and 6 a.m.,
 - 2) between 3:00 a.m. and 4 a.m. if journey starts between 6:01 a.m. and noon,
 - 3) between 9:00 a.m. and 10:00 a.m. if journey starts between noon and 6 p.m.,
 - 4) between 3:00 p.m. and 4:00 p.m. if journey starts between 6:01 p.m. and midnight.

In justified cases, PLK allows announcing additional information about incorporation of wagons with dangerous goods of high risk (TWR) and wagons with exceptional transports in a train apart from dispatcher's planning process, however not later than 60 minutes before train departure.

5. In case when - by technical-operational reasons or effective use of railway lines - traffic organisation must be adjusted to new circumstances revealed during use of railway line/sections, PLK notifies railway undertakings about respective changes.

These notifications are sent during whole process of submitting applications on train path allocation and timetable preparation and execution, however railway undertaking must always be capable to adjust his service organisation to necessary changes.

6. In case of train timetable deviations during train operation - priority grades pointed out in § 15 rec. 3 are applied reflecting capacity utilization and minimisation of delays.
7. Dispatcher from regional branch of Railway Traffic Management Centre, territorially relevant for the place of train journey starts, may allow running train for which railway undertaking announced readiness to departure with delay no longer than 12 hour if the reason of delay is exclusively on the railway undertaking's side.

PLK allows announced late journey without 12-hour time limit only if the reason of delay is on PLK's side.

Delayed train is run according to journey time taken from timetable prepared for this train.

8. When train halt caused by railway undertaking and not included in timetable lasts over 36 hours – it is necessary for him to apply for new train path.
9. Train sets using loading tracks, ramps and yards are supplied firstly in order of their arrival, unless concerned railway undertaking will agree other sequence of supplying own wagons.

§ 31 Inspection proceedings carried out by authorized personnel of PLK

1. PLK employees having personal authorizations issued by the Director of Safety Office of PLK Headquarters, are entitled to carry out inspection proceedings, including:
 - 1) equipment of railway undertaking's staff and railway vehicle with the following documents and tackle:
 - a) permit on driving of railway vehicle or driver's licence and certificate,
 - b) permit issued according to § 33 of Network Statement,
 - c) valid internal train timetable and supplement 2 to WRJ,
 - d) breaking and pneumatic devices sheet,
 - e) forms of written cautions running orders,
 - f) vehicle dispatch card,
 - g) operative radiotelephone,
 - h) signal tackle (i.e. horn or whistle, yellow signal flag, white and red light lamp);
 - i) technical efficiency certificate;
 - j) written instruction for loco driver handling dangerous goods transport – according to chapter 5.4.3.1 RID;
 - 2) train composition consistent with allocated train path parameters.

These actions shall not trespass on safety rules.

2. PLK notifies railway undertaking on results of inspection proceedings within 14 calendar days after their completion.

§ 32 Obligations and rights of the parties

1. Within the frame of providing access to railway infrastructure PLK:
 - 1) executes journey of trains, according to the agreed railway undertaking's train timetable and in accordance with terms and conditions of traffic management on railway lines specified in Decree of Minister of Infrastructure of 18 July 2005 on general conditions concerning railway traffic operations and signalling (Dziennik Ustaw – Polish Office Journal 2015, item 360) and in internal regulations specified in annexes 3 and 3A, with application of additional conditions included in Contract;

- 2) is responsible for condition and efficiency of railway line elements, available within the scope of Contract;
- 3) executes all necessary actions for journey movement on PLK's technical posts, which are organised and controlled according to binding technical regulations;
- 4) executes operations connected with carriage of exceptional transports and dangerous goods of high risk (TWR) according to internal rules referred to in annex 3.1;
- 5) enables railway undertaking's employees to enter railway area of PLK; in order to enter this area railway undertaking's employees must have a personal permit issued by PLK in accordance with principles specified in § 33;
- 6) provides documentation of railway undertaking's trains operations using SEPE. A railway undertaking who has access to SEPE confirms executed journeys after their prior checking and clearing possible doubts, during 24 hours after journey execution. Railway undertakings who have not access to SEPE are provided by PLK with data from SEPE concerning executed journeys by e-mail. After checking and clearing possible doubts, railway undertaking confirm his data during 24 hours;
- 7) immediately notifies railway undertaking of occurrences, referred to in § 36 rec. 1, directly related to its train, railway vehicle or employee;
- 8) immediately notifies railway undertaking of situations which may disrupt execution of journeys, particularly of:
 - a) ad hoc traffic restrictions which have influence over planned execution of journeys – electronically,
 - b) situations, of which PLK had been warned but could not prevent them – e.g. strike, blockade, demonstration,
 - c) disallow to run or halt train (railway vehicle) because of not meeting requirements specified in specific rules, by this train (railway vehicle) or by people who service it;
- 9) notifies railway undertaking of necessity to introduce traffic restrictions, not foreseen in the timetable, in particular those which result from sudden need to execute works on the railway line by PLK or on its order; in this case PLK agrees with railway undertaking on the ZRJ;
- 10) in case of reporting by railway undertaking readiness for departure, according to the principles and procedure specified in § 34, PLK dispatches on time railway undertaking's train from departure or intermediate station and guides it, according to the train timetable, to terminal station;
- 11) at railway undertaking's request, arranges and carries out – according to the procedure and principles specified in a separate contract – necessary training and exams for railway undertaking's employees;
- 12) cooperates – according to the conditions specified in separate contracts – within the scope of journeys on railway lines/part railway lines connecting to contact point;
- 13) notifies railway undertakings about changes introduced to internal regulations indicated in annex 3, as well as to agreements, rules and instructions obliging in border traffic, referred to in § 7 rec. 1 within the deadline, referred to in § 7 rec. 2;
- 13a) immediately notifies railway undertakings by e-mail about amendments introduced to relevant parts of technical regulations related to railway undertakings and provides updated excerpts by ISZTP;
- 14) executes inspection proceedings concerning trains, railway vehicles and employees of railway undertaking for the purpose of ensuring safe, and in accordance with the rules, traffic operations as well as to carry out coherent control of common risk resulting from Decree of Minister of Transport of 19 March 2007 on safety management system in rail transport

(Dziennik Ustaw – Polish Office Journal 2016, item 328), according to principles defined in § 31;

- 15) has a right to disallow to run or halt railway undertaking's train (railway vehicle) in case of not meeting by the train or people servicing it, requirements specified in a rules;
- 16) stops or limits railway traffic and make decisions on modification of traffic process in exceptional or/and crisis situations in particular resulting from national safety and defence needs;
- 17) has a right to demand from railway undertaking to appoint its employees to crisis management teams, created within PLK structure during exceptional or crisis situations,
- 18) executes – in special cases, justified by circumstances – journey of railway undertaking's train on a different (than in the timetable) train path; in this situation, PLK is obliged to suggest possibly the shortest route and to agree with railway undertaking necessary changes before execution of journey;
- 19) stops run of a train included in the train timetable if it is not possible to run this train on alternative route or if exceptional or crisis situation occurs; PLK is obliged to inform immediately railway undertaking about train run stop and its reason;
- 20) has a right to remove remains after loading operations, on railway undertaking's cost, if railway undertaking did not do it, despite prior call;
- 21) has a right to add PLK's inspection vehicles to railway undertaking's trains and execute journeys according to detailed principles specified separately for each case by authorised representatives of the parties; procedure for adding and journey execution of PLK's inspection vehicles is specified in § 39;
- 22) gives orders, to people who drive motorized railway vehicles, regarding safety assurance and traffic management on PLK's railway lines; to give these orders, PLK authorises his employees who provide railway traffic operations;
- 23) has a right to remove at railway undertaking's expense and risk – in case of terminating Contract and not removing by railway undertaking within 15 calendar days from the date of termination – railway undertaking's railway vehicles, equipment and machines from PLK's railway lines;
- 24) checks compliance with order regulations in PLK's railway area, on trains and railway vehicles of railway undertaking;
- 25) has a right to demand from railway undertaking explanations concerning a way of execution of Contract, when there is a fear of its violation or people, property or environment safety might be in danger;
- 26) has a right to fix technological brakes, causing temporary traffic restrictions resulting from carried by PLK investment, modernisation, repair and ongoing maintenance works, respecting train movement and train occupation, after consultations with railway undertakings of time spans, as following:
 - a) 4 hours on single-track lines during night period,
 - b) 6 hours on one track of double-track lines during night period,
 - c) from 4 to 6 hours on one track of double-track lines on Saturdays and Sundays;
- 27) provides access to SID, according to principles referred to in § 37 rec. 12;
- 28) performs assignments related to megaphone announcements or megaphone announcements with handling of visual information facilities. Guidelines on megaphone announcements constitute annex 12;
- 29) recommends, in case of carriage of goods peculiarly exposed to the theft, using by railway undertaking additional protection of freight wagons involving doors, window shutters or roof

hatches, top fillers and drain valves as well as drain flaps and chuting devices by means protecting them from opening by outside persons.

Subject to reports and information from railway undertakings, local SOK units undertake measures to protect railway vehicles in particularly endangered locations whenever possible. Reports and information on sites and occurrences of robbery, hooliganism and vandalism are received by Regional Department of SOK territorially relevant to the occurrence location (addresses and phone numbers are included in annex 4.5).

2. Within use of railway infrastructure railway undertaking:
 - 1) is not allowed to transfer allocated train path to other railway undertaking or to assign other railway undertaking to execute journeys within the scope of allocated train paths;
 - 2) bears responsibility for condition of used trains and for railway vehicles efficiency;
 - 3) obeys terms and conditions of traffic management on railway lines, specified in Decree of Minister of Infrastructure of 18 July 2005 on general conditions concerning railway traffic operations and signalling (Dziennik Ustaw – Polish Office Journal 2015 item 360) and in internal regulations indicated in annex 3;
 - 4) meets legal requirements in respect of driver's working time and rest period as well as acquaintance with operated railway lines sections;
 - 5) closely co-operates and obeys decisions taken by PLK in case of exceptional or/and crisis situation, concerning modification of traffic process;
 - 6) appoints his employees to crisis management teams set up and created within PLK structure;
 - 7) has a right to demand from PLK additional explanations and justifications concerned changes occurred as a result of situations described in rec. 1 points 15,16 and 18;
 - 8) executes exceptional journeys, dangerous goods, dangerous goods of high risk (TWR) in accordance with internal regulations indicated in annex 3.1;
 - 9) provides commercial data about passenger trains by ISZTP within deadlines defined in annex 5.2;
 - 10) ensures that railway undertaking's employees will follow orders given by authorised PLK's employees within the scope of safety assurance and traffic management on railway lines and in case of exceptional and crisis situations;
 - 11) provides railway undertaking's employees, taking part in the traffic process, with all necessary documents and accessories described a rules; railway undertaking's employees are obliged to possess these documents and accessories during actions connected with execution of journeys;
 - 12) is obliged to prevent runaway of stabling wagons, trainsets or other railway vehicles, according to field 42 of technical regulations;
 - 13) immediately notifies PLK of occurrences, referred to in § 36 rec. 1, connected directly with railway undertaking's train (railway vehicle) or employees, which took place in PLK's railway area in accordance with principles included in § 36;
 - 14) immediately notifies PLK of all others than stated in point 13 occurrences and other situations which take place in PLK's railway area, which danger or can danger to safety and continuity of traffic management and also to safety of people, property or environment;
 - 15) presents, on PLK's demand, documents concerning qualifications and rights of railway undertaking's employees and documentation confirming technical efficiency of railway vehicles used for transportation;
 - 16) in case of termination of Contract, removes within 15 calendar days all railway vehicles, machines and equipment from PLK's railway lines; in case of not fulfilling this obligation,

railway undertaking shall cover costs of removing these vehicles, machines and equipment by PLK;

- 17) notifies traffic controller of the departure or intermediate station of readiness for departure according to terms and conditions specified in § 34;
- 18) leaves 1 copy of vehicle dispatch card pursuant to provisions of Contract;
- 19) leaves 1 copy of shunting list at selected PLK's traffic posts located in stations equipped with hump, specified in annex 2.10;
- 20) obeys regulations included in WRJ, concerning permissible gross weight of a train as well as parameters of train path included in this train timetable;
- 21) limits possibility of theft and other interference in rolling stock and carriage condition through:
 - a) disallowing improper secure of goods taken for carriage,
 - b) attaching wagon with valuable goods as close to locomotive as it is possible;
- 22) bears responsibility for removing remains after loading operations;
- 23) ensures an effective protection for carried goods, particularly from displacement, dusting, blowing away, spilling out, leaking, liberating and energy emission during their carriage as well as bears responsibility for it;
- 24) in case of direct danger of environmental damage or occurrence of environmental damage, takes preventing and remedial actions, referred to in Act of 13 April 2007 on prevention and remedying of environmental damages (Dziennik Ustaw – Polish Office Journal of 2014, item 1789 as amended) on own cost; if these actions involve PLK infrastructure – he prepares schedule and action plan in agreement with PLK;
- 25) in case of unplanned change of driving or train crew, agrees station for this change with traffic controller located in PLK's relevant traffic management branch;
- 26) provides PLK in accordance with Regulation concerning the Carriage of Dangerous Goods by Rail (RID) with the following data:
 - a) train composition, by specifying every wagon number and its type, if wagon type is not included in wagon number,
 - b) UN identification numbers of dangerous goods carried out into/on every wagon or information on carriage of dangerous goods, packed in limited quantities according to chapter 3.4 RID, if only such goods are conveyed, and marking of wagon or big container is required in accordance with chapter 3.4 RID,
 - c) location of each of wagon in train set (train composition);
- 27) has a right to demand from PLK explanations regarding a way of execution of Contract, when there is a fear of contract violation or danger to people, property or environment;
- 28) has a right to use of frequency of railway radio controls according to 'Regulation on use of radiotelephone networks in broadcast bands administrated by PKP Polskie Linie Kolejowe S.A.';
- 29) can permit admission and journey of PLK workers employed on positions specified in annex 10 in operative driver's cab pursuant to permits issued on the basis of agreed Contract provisions;
- 30) is obliged to trace emergency events permanently by SID.

§ 33 Permits for railway undertaking's employees

1. PLK, at the request of railway undertaking, issues for railway undertaking's employees, on the basis of 'Rules on entrance on railway area managed by PKP Polskie Linie Kolejowe S.A. (Id-



- 21)', indicated in annex 3.2, for the purposes of activities connected with execution of Contract - personal permits to stay in PLK's railway area.
2. Permits entitles entry on railway area or its clearly specified part and they are valid only with ID card of holder.
 3. Permits, referred to in rec. 1 are valid for specified period (no longer than one year), with possibility of its prolongation for next years.
Prolongation of permit is made by the issuer.
 4. Railway undertaking submits application for permits to the following organisational units of PLK:
 - 1) Rail Protection Guard Headquarters, for the whole railway area or its part, bigger than area of one PLK's regional department

PKP Polskie Linie Kolejowe S.A.
Komenda Główna Straży Ochrony Kolei
00-801 Warszawa, ul. Chmielna 73A

e-mail: sok.komenda@plk-sa.pl
tel.: (00 48) 22 474 41 62; railway tel.: (922) 474 41 62
fax: (00 48) 22 474 41 57; railway fax: (922) 474 41 57

- 2) regional departments of Rail Protection Guard Headquarters – for the area equal to one regional department or smaller.
List of regional departments of Rail Protection Guard is included in annex 4.5.
5. Applications for issue of permit must include:
 - 1) first and last name, date of birth and official position of the person for whom a document will be issued,
 - 2) description of the railway area, to which application relates,
 - 3) permit's validity period,
 - 4) purpose of issue,
 - 5) statement that railway undertaking's employee for whom railway undertaking applies for permit, meets requirements to enter railway area.
6. A net fee of 8,20 PLN is charged for issuing every single permit referred to in rec. 1, or its duplicate.
For prolongation of permit the issuer levies the following net fee:
 - 1) 2,00 PLN for every single document for train crew,
 - 2) 4,10 PLN for every single document for other railway undertaking's employees.
7. Issuer can refuse issuing or limit scope of permit for the purposes of traffic safety, protection of secret information or personal data, or because of other important reasons.
8. Railway undertaking is obliged to return permit to issuing body when reason for its issue has ceased.
9. In case of permit's loss, railway undertaking informs in a written form of its circumstances and applies for issuing of duplicate.
10. In case of not submitting written explanation concerning loss of permit, issuing body can refuse issuing of duplicate.

§ 34 Announcing readiness for departure by railway undertaking

1. Readiness for departure of railway undertaking's train from departure or intermediate station, on which according to timetable the following actions take place:

- 1) adding/detaching of cars/wagons or group of cars/wagons;
- 2) changeover of locomotive or driving crew;
- 3) brake test;
- 4) inspection of train

is reported to traffic controller by driver of the train, in case of passenger trains – after agreement with train conductor.

2. Report is made with use of train radio-communication equipment and includes:
 - 1) train number;
 - 2) driver's name, motive power unit number and series;
 - 3) train's total weight and length (in metres);
 - 4) information about wagons with dangerous goods located in train set and/or wagons with dangerous goods of high risk (TWR), giving their quantity and identification number of carried good (UN) and/or exceptional good, giving number of received consent for journey with exceptional transports being thereby an order on exceptional good carriage (address four) or number of consent for journey with exceptional transports in international or domestic traffic or number of order on exceptional good carriage (address four);
 - 5) time of report.
3. Report on readiness for departure is written down by traffic controller in R-138 telephone calls register, together with information reported by driver.
4. Driver's report, referred to in rec. 2, is confirmed by traffic controller together with information including:
 - 1) traffic controller's name,
 - 2) time of receiving the report,
 - 3) number, under which report was registered in R-138 telephone calls register.
5. Readiness for departure is regarded as accomplished in a date obliging PLK to execute journey according to Contract, only when it was reported before scheduled train departure, on time set in technical regulations, except of driving crew changeover, after which readiness for departure should follow during sufficient time for scheduled train departure.
6. In case of breach of the deadline for report on readiness for departure, according to principles specified above, railway undertaking has no right to claim about punctuality of journey.
7. It is allowed to submit information of readiness to departure in a different way than specified in rec.s 1-5, if such a way is specified in technical regulations of operating control point and centralized traffic operation sections (zpr).

§ 35 Notifications principles

1. The following notification principles have been established:
 - 1) in case of events concerning safety and management of traffic, and also safety of people, property or environment, therein of occurrences referred to in § 36 rec. 1, properly notified are:
 - a) PLK – the nearest operating control point,
 - b) railway undertaking – units/people/positions listed in Contract;
 - 2) in case of disruptions concerning timetable implementation, units/people/positions who make notifications and receive information are listed in Contract,

- 3) in other cases, including forwarding other information concerning execution of Contract, units/people/positions that should be informed are listed in Contract, both on PLK as on railway undertaking's side.
2. If notifications are made in a written form, they are aimed to units/people/positions listed in Contract.
3. Documentation records confirming fact of notification have to be stored for 5 years.

§ 36 Procedure in case of occurrences or potentially dangerous situations in railway transport

1. In case of occurrences (serious accident, accident, incident) or potentially dangerous situation in railway transport - participants of traffic process are obliged to act in accordance with Decree of Minister of Infrastructure and Construction of 16 March 2016 on serious accidents, accidents and incidents in railway transport (Dziennik Ustaw – Polish Office Journal 2016, item 369) and internal regulations specified in annex 3.
2. Each employee of railway undertaking who noticed railway event that can appear or it has been appeared (i.e. occurrence or potentially dangerous situation, referred to in rec. 1) in railway area should:
 - 1) use all possible and available measures to eliminate danger and prevent its increase as well as reduce its effects;
 - 2) inform about it employee of the nearest PLK's operating control point.
3. When as a result of occurrence or potentially dangerous situation referred to in rec. 1 direct danger of environmental damage or environmental damage appeared or can appear as well as pollution of infrastructure elements or risk of explosion, fire or other danger took place or might take place then railway undertaking's employee is obliged to notify immediately about it an employee of the nearest PLK's operating control point that makes notifications, in accordance with decree, referred to in rec. 1 and undertake all possible measures eliminating and preventing danger.
4. PLK and railway undertaking are obliged to:
 - 1) help all the injured;
 - 2) co-operate to minimise negative effects of occurrences or potentially dangerous situations, referred to in rec. 1.;
 - 3) co-operate during removing damages and bringing railway traffic back into operation;
 - 4) co-operate during establishing reasons of occurrence or potentially dangerous situation, referred to in rec. 1.
5. After finishing proceedings on occurrence or potentially dangerous situation that caused losses for one of parties of Contract, director of railway plant relevant geographically to the place where occurrence or potentially dangerous situation appeared, appoints special team for estimation of losses and for establishing of responsibility for it. The team can be appointed also by railway undertaking, unless it was appointed by a director of railway lines plant within 7 days from the date of finishing works of railway commission, or in case of potentially dangerous situation - from completion of final report.

In the team are included representatives of PLK and authorized representatives of railway undertakings. Director of railway plant relevant geographically to the place where occurrence or potentially dangerous situation appeared, is entitled to issuing authorizations from PLK side, and from railway undertakings side it is person appointed in Contract.

The basis for works of the team is: for occurrences - the final protocol of findings of railway commission or report of State Railway Accidents Investigation Commission, however in case of potentially dangerous situation – final proceeding report.

6. Findings of the team referred to in rec. 5 in form of protocol signed by all team members are binding for all parties of the proceeding.

In case when parties are incapable to agree the amount of losses and range of responsibility of parties – its establishing is executed by legal means.

7. Interested parties enforce claims for occurrences or potentially dangerous situations referred to in rec. 1, not caused by PLK's fault, separately.
8. When as a result of occurrence or potentially dangerous situation referred to in rec. 1 PLK's railway infrastructure has been damaged, repair of damaged elements is executed by PLK or on its order.
9. For journeys executed by PLK or railway undertaking in order to elimination of after-effects of occurrences or potentially dangerous situations referred to in rec. 1, occurred on railway lines managed by PLK, timetable is not worked out. The journey is realised according to internal rules pointed out in annex 3.

§ 37 Procedure in case of operational disruptions, exceptional and crisis situations

1. When train timetable deviations faulted by Contract parties occur (incl. cases referred to in § 36 rec. 1), both Contract parties bear mutual responsibility for difficulties in operation of railway lines against themselves and toward another users of railway lines .
2. In accordance with regulations of Act, in case of danger to traffic safety or people and goods transportation safety PLK is obliged to suspend or restrict traffic on the line (or its part).
3. PLK notifies railway undertakings concerned of operational disruptions affecting their operational activity.
4. In case of operational disruptions, PLK shall take actions (regarding interests of involved railway undertakings and after consultation with them) to restore normal operational conditions.

For this purpose, PLK may particularly enforce: decrease of train speed, alternative route, use of alternative motive power units, train cancellation, shortening train route, merging trains, moving passengers from trains cancelled on the route to nearest coming trains in given direction (even if they belong to other railway undertaking) together with ordering additional train halts, etc.

After moving passengers to another train the first one is running as empty passenger trainset to station agreed with railway undertaking.

5. PLK has a right to – in case of sudden operational difficulties, i.e. necessity to remove damaged rolling stock or rolling stock with misplaced consignment in order to clear tracks – to use railway undertaking's motive power unit or to order employee of railway undertaking (driver, examiner) having required qualifications to remove damaged vehicle of this or another railway undertaking.

It concerns necessity of withdrawal of damaged rolling stock from the train, which because of that failure, was halted on running line at the station or when halted train blocks or limits station capacity as well.

Use by PLK of railway undertaking's motive power unit or order railway undertaking's employee is allowed only to haul damaged vehicle to the nearest station, which provides conditions necessary for its parking or for replacing damaged rolling stock from main track to secondary station track as well as for assistance with making brake test, required after withdrawal vehicles from a train.

When through railway undertaking's fault it is necessary to use additional motive power unit, costs borne in this virtue will be accounted according to Contract provisions and respecting provisions included in § 29.

6. PLK has a right to use railway technical rescue units to unblock main line or station track – in cases specified in rec. 5.

PLK charges railway undertaking for costs of aforementioned railway technical rescue units operation. Before this charge, PLK provides railway undertaking with calculation of railway technical rescue unit operation.

7. Railway undertaking is obliged to cover costs of special actions to provide safety and continuity of railway traffic taken in order to eliminate effects of occurrences or potentially dangerous situations that were caused through its fault.
8. Repayments, charging by way of costs of liquidation of occurrence implications or potentially dangerous situations effects, use of railway undertaking's motive power unit to eliminate operating disruptions, referred to in rec. 5, including those caused by PLK, and other accounts, are appropriately made both by PLK and railway undertaking with meeting of payment deadlines according to mutual contract, on PLK or railway undertaking's account.
9. Within crisis management, in case of necessity of train cancellation within operation area of regional branch of PLK Traffic Management Centre - relevant decisions are made by chairman of regional crisis management team, if this team was not appointed – the chief of regional branch of PLK Traffic Management Centre after prior agreement with relevant railway undertakings.

PLK and railway undertakings within the crisis management bear all relevant costs resulting from undertaken actions towards holding possibility or technical protection of railway line, in proportion to scope of activity.

10. Within crisis management, in case of necessity of traffic ban over whole railway network, decision is made by the Chairman of Railway Crisis Management Team in PLK or by his Deputy and also by the Chairman of Railway Crisis Management Centre or by his Deputy.

Proceedings in case of detecting state of emergency in a rolling stock during traffic operations,

11. In order to detect state of emergency in operating rolling stock, resulting from overheated axle-bearings and brakes or deformation of running surface, railway lines are equipped with devices for detection of state of emergency in a rolling stock (dsat).
12. Current tracing of emergency events in a rolling stock related with running gear failures as well as with loading irregularities, is done by SID system. Railway undertaking obtains access to the system after submission of access application to the following address:

PKP Polskie Linie Kolejowe S.A.
Biuro Automatyki i Telekomunikacji
03-734 Warszawa, ul. Targowa 74
e-mail: iat@plk-sa.pl

tel.: **(00 48) 22 473 20 50**; railway tel.: **(922) 473 20 50**

13. In case of operational disruptions caused by detection a failure of pair of wheels and other elements of running gear in a rolling stock by dsat devices, railway undertaking is obliged to respect their indications and to follow after-detection procedure specified in Ie-3 'Guidelines for technical-operational devices for detection of state of emergency in a rolling stock', specified in annex 3.2.
14. Threshold values for dsat devices are specified in Ie-3 'Technical and operational guidelines for devices for detection of state of emergency in a rolling stock'.
15. Rolling stock being out of operation because of pair of wheels failure, stated by dsat devices, is subject to technical service of railway undertaking.
16. In case when failure of rolling stock, detected by dsat devices and stated by employees of infrastructure manager and confirmed by employees of railway undertaking, results in additional actions of staff then his costs are borne by railway undertaking.

PLK charges railway undertaking in accordance with rules defined in § 29.

When dsat detects rolling stock failures that will not be confirmed by railway undertaking's and PLK commission – cost connected with withdrawal of operative rolling stock is born by PLK.

Proceedings in case of detecting of: exceeding of maximum axle-load, exceeding of maximum linear loads (per 1 running meter of track) and unbalance of load distribution

17. In case when dsat devices detect exceeding by rail vehicle maximum: axle-load, linear loads or unbalance of load distribution – traffic controller communicates with driver of motorized railway vehicle by transceiver, informing him about type of exceeding and its localisation.

Traffic controller disposes of journey continuation with limited speed, determined on the basis of “Regulations on handling of devices terminal for detection of state of emergency in running rolling stock”, to station of exclusion, where railway vehicle with detected exceeding has to be excluded from a train and left to railway undertakings disposal.

18. After excluding of his vehicle, rail undertaking makes it ready to further journey so as not to exceed permissible parameters or he carries out the proceeding of regarding his consignment as an exceptional good, according to “Instruction in carriage of special loads’ Ir-10 (R-57), specified in annex 3.1. Railway undertaking’s employee confirms the fact of adjusting of excluded vehicle parameters to permissible line parameters as well as the purpose of its inclusion to service, throughout affirmation on the stage of dispatcher’s planning (contact data according to annex 4.3.). Written declaration on adjusting of vehicle to permissible line parameters and the purpose of its inclusion to service should contain the name of railway undertaking, vehicle number, train number and circulation date as well as railway undertaking’s employee signature.

Proceedings in case of detecting of exceeded dynamic overload

19. Dynamic overload is an additional force of wheel load occurring during run of railway vehicle, caused by inefficiency of running elements of rolling stock. It is measured by dsat devices as a dynamic component of vertical force of wheel load. Critical value of wheel dynamic overloads occurred in welded track and registered by dsat devices is $Q_{STOP} \geq 350$ kN.

20. In case when dsat devices detect exceeding critical value of dynamic overload by rail vehicle – traffic controller communicates with driver of railway vehicle (with drive) by transceiver, informing him about type of exceeding and its localisation.

Traffic controller disposes of journey continuation with limited speed, determined on the basis of “Regulations on handling of devices terminal for detection of state of emergency in running rolling stock”, to station of exclusion, where railway vehicle with detected exceeding has to be excluded from a train and left to railway undertakings disposal.

21. After excluding of his vehicle, rail undertaking carries out the proceeding of regarding his consignment as an exceptional good, according to “Instruction in carriage of special loads’ Ir-10 (R-57), specified in annex 3.1.
22. In case when dsat devices detect warning state of dynamic overload of wheel $Q_{OSTR} = 200$ kN, traffic controller communicates with driver of railway vehicle (with drive) by transceiver, informing him about type of exceeding.

§ 38 Substitute transport

1. In case of restrictions in use of railway infrastructure by the reasons laying on PLK side, railway undertaking may provide passenger service using means of road transport, suited to number of passengers, provided by road carrier who has a licence for domestic road transport or by a contractor having taxi licence.
2. Introducing of substitute transport caused by track possessions is done within the process of preparation and agreeing of ZRJ, referred to in § 16 rec. 16.

Territorially relevant PLK regional branch of Railway Traffic Management Centre appoints organizational unit of PLK, which are burdened by railway undertaking with the cost referred to in rec. 3.

3. PLK is obliged to incur additional costs of railway undertaking for run of substitute transport, if the need to use it was caused by PLK.

Mentioned above additional costs are understood as a difference between costs of minimum access to railway infrastructure which would be borne by railway undertaking for execution of train journey without any traffic restrictions in use of railway infrastructure caused by PLK and total amount of invoiced cost born by railway undertaking for providing of substitute transport service by its provider.

4. Accounts of costs for substitute transport are made in accordance with Contract provisions.
5. Run of substitute transport by railway undertaking, caused by reasons referred to in § 36 rec. 1 as well as unplanned track closures, not included in ZRJ, is executed by operational coordination with relevant regional branch of PLK's Railway Traffic Management Centre (according to annex 4.3). Before run of substitute transport the railway undertaking must inform relevant regional branch of Railway Traffic Management Centre giving the following information:
 - 1) day and hour of substitute transport introduction;
 - 2) specification of trains replaced by substitute transport;
 - 3) route of substitute transport.

Mentioned above information should be also submitted in written form.

§ 39 Incorporation of PLK's inspection vehicles to railway undertaking's trains

1. Railway undertaking, at separate request of PLK, will add – within operational-technical capabilities – single wagon of PLK to the train (included in Contract), to execute by PLK's employees control and diagnostic actions concerning managed railway network.
2. Request, referred to in rec. 1, must be submitted to railway undertaking at least 5 working days before planned journey.
3. Request, referred to in rec. 1, signed by the applicant must include:
 - 1) name of recipient railway undertaking;
 - 2) address of PLK's organisational unit submitting request;
 - 3) date and record number;
 - 4) reference to specific train in Contract;
 - 5) purpose of journey (detailed justification);
 - 6) series, number, max. speed, total weight and braked weight of the adding wagon, requested by applicant;
 - 7) schedule of journey, including:
 - a) date of journey,
 - b) traffic relations,
 - c) numbers of trains to which wagons will be added;
 - 8) desired position of the wagon in the train;
 - 9) information concerning wagon's personnel and name and position of the managing person;
 - 10) notified copy of technical efficiency certificate.
4. At least 2 calendar days before planned journey, railway undertaking shall notify PLK on decision regarding request, or together with PLK shall correct schedule of journey.
5. Journey is executed in accordance with railway undertaking's own regulations.

6. After execution of journey, PLK is obliged to cover additional cost born by railway undertaking for including and run of PLK's control and inspection wagons.

§ 40 Use of lines/line sections for which timetable is not prepared

1. Use of lines/line sections, on which, timetable is not prepared because of technical conditions, is executed according to the principles included in rec. 2-7.
2. Railway undertaking applies to relevant PLK's railway lines plant for use of lines/sections, referred to in rec. 1 and this plant is obliged to consider application within period no longer than 5 calendar days from the submission date, provided that applicant meets requirements described in rec. 3.

Written application, which does not meet requirement, referred to in rec. 3, gives no right to any claims to PLK concerning journeys preparation on lines/line section listed in the application.

3. Application for use of lines/line sections, on which, timetable is not prepared because of technical conditions, must include in particular:
 - 1) indication on railway lines plant to which line/line section belongs; when line/line section belongs to two or more railway lines plants, application can be submitted to any of them;
 - 2) name, headquarters and address of the applicant (railway undertaking);
 - 3) date of preparing application;
 - 4) specification of lines/line sections requested by railway undertaking to be used;
 - 5) time period of use of lines/line sections for train journeys;
 - 6) description of type of goods;
 - 7) declaration of volume of operational performance in gross-tonne-kilometres (btkm) and train-kilometres (pockm) on requested by railway undertaking line/line section;
 - 8) parameters of railway undertaking's trains, in particular: train type, traction, expected parameters i.e. average gross weight, number of wagons and train length, axle load, maximum speed;
 - 9) suggestion of traffic schedule, allowing execution of journeys at the requested lines/line sections or on adjacent line sections.
4. After processing of technical, organisational, operational and economic aspects – in agreement with railway undertaking on technical and operational conditions and coverage of expenses connected with it – PLK, i.e. relevant railway lines plant, prepares regulations concerning traffic management on line/line section for which timetable is not prepared. Above-mentioned regulations will be prepared in accordance with rules and conditions of railway traffic management specified in Decree of Minister of Infrastructure of 18 July 2005 on general conditions concerning railway traffic management and signalling (Dziennik Ustaw – Polish Office Journal 2015, item 360), as well as PLK's internal regulations indicated in annex 3.
5. Preparation costs of regulations concerning traffic management on line/line section for which timetable is not prepared are borne by applicant (railway undertaking).
6. Regulations concerning traffic management on line/line section for which timetable is not prepared – developed in a way described above and approved according to PLK's internal regulations – are the base for preparing access contract for use of line/line section for which timetable is not prepared.
7. In contract, referred to in rec. 6, an access charge for use of line/line section for which timetable is not prepared, is determined on the basis of separate calculation, including:
 - 1) necessary costs of adaptation line/line section to traffic operations;



- 2) operational and maintenance costs of line/line section in part that is recognized as direct result of particular train journey.

In case of line/line section where timetable preparation was possible during the last timetable period, the unit rates for minimum access to railway infrastructure are applied.