



PKP POLSKIE LINIE KOLEJOWE S.A.

**NETWORK STATEMENT
2017/2018**

Warszawa, December 2016

Version control

No.	Basis of change introduction	Scope of introduced change	Valid from
1	Amendment No 1 of 10 January 2017	List of Annexes, Annexes 2.1, 2.6, 2.7, 2.8, 2.9, 2.11, 2.13, 2.14, 12, 14.	10 December 2017
2	Amendment No 2 of 07 March 2017	List of Annexes, Glossary – definitions of terms and abbreviations in the Network Statement: par. 2 point 5 Subchapter 2.1.1 par.1, Subchapter 4.2. par.16, Subchapter 4.3.1 par.14, Subchapter 7.2 point.1, item h, Annexes: 1., 2.1(P), 2.1(A), 2.1(T), 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., 2.18., 3.1., 3.2., 4.3., 5.2., 13.	18 March 2017
3	Amendment No 3 of 15 March 2017	Subchapter 4.8.2. – title, par. 1, Annexes: 2.6., 2.7., 2.8., 2.9., 2.11., 2.13., 2.14., 6.1.	26 March 2017
4	Amendment No 4 of 7 April 2017	List of Annexes, Subchapter 1.7 par. 4, Subchapter 4.2. par. 1, par. 10, par. 11, par. 12, par. 16, Subchapter 4.4.1. par. 1, Subchapter 4.5. par. 3, par. 5, par. 6, Subchapter 4.6. par. 2, Subchapter 4.7 par. 3, Annexes: 2.6., 2.7., 2.8., 2.8a, 2.9., 2.11., 2.13., 4.3., 4.4. (repealed), 6.2., 15., 16.	20 April 2017 r.
5	Amendment No 5 of 9 May 2017	Annexes: 3.2., 9.	19 May 2017
6	Amendment No 6 of 31 May 2017	Annexes: 2.1(P), 2.1(A), 2.1(T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.8., 2.9., 2.11.,3.1., 4.6., 7., 14.	11 June 2017
7	Amendment No 7 of 29 June 2017	Subchapter 4.8.3. par. 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
8	Amendment No 8 of 13 July 2017	Annex: 2.9.	27 July 2017
9	Amendment No 9 of 03 August 2017	Title, List of Annexes, Chapter 5, Chapter 6, Annexes: 2.8a, 11, 15, 16	14 August 2017
10	Amendment No 10 of 24 August 2017	Annexes: 1, 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.3., 2.4., 2.6., 2.7., 2.8., 2.9., 2.11., 2.14.	3 September 2017
11	Amendment No 11 of 12 September 2017	List of Annexes, Glossary – definitions of terms and abbreviations in the Network Statement, Chapter 1, 2, 3, Subchapter 7.1. Annexes: 3.2, 4.1(change of numbering), 4.6. (repealed), 5.2., 6.4 (adding annex)	25 September 2017
12	Amendment No 12 of 5 October 2017	List of Annexes, Subchapters: 2.4., 2.5., 2.6., 2.7., 2.8., 3.1., 4.1., 4.3.3.1., 4.3.3.2., 4.3.5., 4.3.6., 4.6., 4.7., 4.8., 4.8.2., 4.8.3., 4.8.4., 6.2., 6.3.4., 6.4.1., 6.5., 6.8., 7.2., 7.3.1., 7.3.2., 7.4., 7.5., 7.6., 7.7., Annexes: 1., 2.1 (P), 2.1 (A), 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., 6.5., 17.	15 October 2017

13	Amendment No 13 of 13 November 2017	List of Annexes, Subchapters: 3.2., 3.4., 3.5., 3.5.1., 3.5.2., 3.5.2.1., 3.5.3., 3.5.4., 3.5.5., 3.5.6., 3.5.7., 3.5.8., 4.2.1., 4.3.4., 4.9., 4.9.1., 4.9.2., 4.9.3., 4.10., 5.3., 5.3.1., 5.3.1.1., 5.3.1.2., 5.3.1.3., 5.3.1.4., 5.3.1.5., 5.3.1.6., 5.3.1.7., 5.3.1.8., 5.3.1.9., 5.3.2., 6.3.3., 7.1., Annexes: 2.11. (repealed), 3.1., 3.2., 4.3., 9., 12. (repealed), 14., 14.1., 14.2. (new).	23 November 2017
14	Amendment No 14 of 4 December 2017	List of Annexes, Subchapters: 3.2., 4.2.2., 4.9.5. (change of numbering), 6.3.1., Annexes: 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.3., 2.6., 2.7, 2.8. (repealed), 2.9. (repealed), 2.10. (repealed), 2.10. (new), 2.12-2.18 (change of numbering), 4.2., 6.1., 6.2., 6.3., 10., 13.	10 December 2017
15	Amendment No 15 of 5 January 2018	Annexes: 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.14., 2.16., 3.1., 3.2., 4.1., 6.1., 13.	10 January 2018
16	Amendment No 16 of 5 February 2018	List of Annexes, Annexes: 2.9 A and 2.9 B (new), 16.	5 February 2018
17	Amendment No 17 of 2 March 2018	Glossary – definitions of terms and abbreviations in the Network Statement: par. 1, par. 2 point 46, Subchapters: 2.5 par. 2, 4.2.2. par. 7, 6.5 par. 7 point 1, Annex: 16.	12 March 2018
18	Amendment No 18 of 9 March 2018	Annexes: 1, 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.4., 2.6., 2.7., 2.10. – part A, 2.11., 2.12., 2.14.	11 March 2018
19	Amendment No 19 of 9 April 2018	Annexes: 1, 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.9 A, 2.9 B, 2.10. – part A, 2.11., 2.13., 4.3.	9 April 2018
20	Amendment No 20 of 15 May 2018	Annexes: 1, 2.9 A, 2.9 B, 10.	15 May 2018
21	Amendment No 21 of 25 May 2018	Annex: 16.	10 June 2018
22	Amendment No 22 of 25 June 2018	Subchapter 6.3.1. par. 9.	7 July 2018
23	Amendment No 23 of 2 July 2018	Annexes: 1., 2.1 (P), 2.1 (A), 2.1 (T), 2.2., 2.3., 2.4., 2.5., 2.6., 2.7., 2.9 B, 2.10. – part A, 2.10. – part B, 2.13., 2.14., 2.15. 13.	2 July 2018
24	Amendment No 24 of 24 July 2018	Annex: 3.1.	24 July 2018
25	Amendment No 25 of 20 August 2018	Annexes: 2.1 (A), 2.1 (P), 2.1 (T), 2.2, 2.3, 2.4, 2.6, 2.7, 2.9 A, 2.9 B, 2.12, 3.1, 3.2, 6.3, 16.	20 August 2018
26	Amendment No 26 of 8 October 2018	Subchapters: 2.7., 4.2.2., 4.9.3., 7.1., 7.6. Annexes: 2.1 (P), 2.1 (A), 2.1 (T), 2.5, 2.6, 2.7, 2.10 - part A, 2.11, 2.14, 4.1, 4.4, 16.	21 October 2018
27	Amendment No 27 of 17 October 2018	Annexes: 2.1 (A), 2.1 (P), 2.1 (T), 2.2, 2.3, 2.4, 2.6, 2.7, 2.10 – part A, 2.11, 3.1, 16.	21 October 2018

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Glossary – definitions of terms and abbreviations in the Network Statement

1. This Network Statement contains terms relating to the procedure of granting access to the railway infrastructure, which are defined in the applicable regulations, in particular the Railway Transport Act of 28 March 2003 (consolidated text: Journal of Laws of 2017, item 2117) and related implementing regulations, including Regulation enacted by Minister of Infrastructure and Construction as of 7 April 2017 on the procedure of granting access to the railway infrastructure (Journal of Laws of 2017, item 755).
2. For the purposes of Network Statement definitions of the following terms and abbreviations shall be introduced:
 - 1) **Applicant** - railway undertaking or an international economic interest grouping of railway undertakings or other entity interested in gaining capacity, in particular public transport operator, shipper, freight forwarder or combined transport operator [as defined in Art. 4 point 9b of the Act]
 - 2) **CID** (*Corridor Information Document*) – document containing information on conditions of use of the freight corridor within the meaning of 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) **C-OSS** (*Corridor One-Stop Shop*) – point for complex handling of applications on infrastructure capacity within the meaning of Art. 13 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;
 - 4) **regular-interval timetable** – timetable for group of trains having common characteristics as defined in § 2 point 1 of Decree;
 - 5) **working days** - all weekdays from Monday to Friday except public holidays;
 - 6) **IRJ** – individual timetable of a train within the meaning of § 8 of Decree;
 - 7) **ISZTP** - Train Paths Request Internet System “Request & Ride” - application enabling applicants and railway undertakings complex handling of applications for train path allocation;
 - 8) **PLK Catalogue** – offer of train paths prepared and provided on the basis of repeated capacity demand for IRJ applications or at the applicant’s request;
 - 9) **rail freight corridor** – freight corridor within the meaning of Art. 2 par. 2 item a 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;
 - 10) **conflict between submitted applications** – a state, when at least two railway undertakings submitted applications for train paths allocation (as defined in Art. 4 par. 12 of the Act) for parallel use of the same track of railway line/section;
 - 11) **coordination** – a process of solving problems with conflicting applications for train path allocation, by consultations between PLK and railway undertakings;
 - 12) **international timetabling conferences** – conferences aiming at agreement of international train paths, organized by FTE (Forum Train Europe), OSJD (Organisation for Co-operation between Railways) and RNE (RailNetEurope) and other co-organized by PLK;
 - 13) **timetable construction area** – specified operational area of timetabling unit set up by PLK;
 - 14) **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;
 - 15) **PLK** - PKP Polskie Linie Kolejowe S.A. based in Warszawa;
 - 16) **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;

- 17) **international train** - train circulating within service passing state border, with exclusion of trans-boundary trains;
- 18) **interregional train** - passenger train circulating within domestic service passing province border, other than regional train;
- 19) **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 2016 item 1867 as amended);
- 20) **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;
- 21) **PLK staff** – PLK employees or other people who are used to execute Contract of allocation; Contract of use or Framework agreement;
- 22) **railway undertaking's staff** – railway undertaking's employees or other people he uses to perform Contract of use;
- 23) **President of UTK** – The President of The Office of Rail Transport;
- 24) **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;
- 25) **railway undertaking** – railway undertaking as defined in Art. 4 par. 9 of Act;
- 26) **occasional service** – one-time passenger service as defined in Art. 4 par. 22a of Act, provided within available capacity;
- 27) **framework capacity** – capacity reserved under Framework agreement;
- 28) **time frame** – the period of time specified in a framework agreement, within PLK reserves framework capacity for planned train path;
- 29) **Network Statement** – Network Statement 2017/2018;
- 30) **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;
- 31) **Decree** – Decree of Ministry of Infrastructure and Construction of 7 April 2017 on access to railway infrastructure (Dziennik Ustaw – Polish Office Journal 2017 item 755);
- 32) **RRJ** – annual train timetable within the meaning of Art. 29f of Act;
- 33) **SEPE** - Operational Work Record System;
- 34) **SID** – IT System of Rolling Stock Emergency Detection;
- 35) **rail network** - a system of interconnected railroads managed by an infrastructure manager;
- 36) **SKRJ** – Timetable Construction System;
- 37) **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;
- 38) **exceptional situation** – sudden event, which arose regardless of the will of parties of Contract of use 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 such as: flood, fire, hurricane, landslide, long-lasting precipitation, hitting of third parties, collision with animals/ trespassing railway gauge by animals, 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;
- 39) **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 risk as defined in Instruction Ir-8;
- 40) **one-network train path** – a train path not exceeding one rail network;
- 41) **international train path** – a train path running through more than one rail network and exceeding the borders of the Republic of Poland;
- 42) **multi-network train path** – a train path running through more than one rail network and not exceeding the borders of the Republic of Poland;
- 43) **Contract of allocation** – contract of capacity allocation concluded with applicant;
- 44) **Contract of use** – contract of capacity use concluded with railway undertaking;
- 45) **Framework agreement** – contract of capacity reservation extending beyond the duration of RRJ, without defining specific train paths to be concluded with railway undertaking;
- 46) **Act** – Railway Act of 28 March 2003 on railway transport (consolidated text: Journal of Laws of 2017, item 2117);
- 47) **competent authority** - any public authority or group of public authorities of a Member State or Member States which has the power to intervene in public passenger transport in a given geographical area or anybody vested with such authority – within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/69 and 1107/70;
- 48) **WRJ** – internal timetable for use of PLK's and railway undertaking's employees;
- 49) **pre-arranged international train path** - train path within the meaning of Art. 14 par. 3 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;
- 50) **traffic diagram** – graphic presentation of timetable by illustrating train paths in time and distance coordinates system;
- 51) **crisis management team** – an element of the railway crisis management system appointed within PLK structures;
- 52) **ZRJ** – alternative timetable prepared as a timetable update, in which applications for train path allocation are not considered, caused by planned investments, renewals or maintenance.

1. GENERAL INFORMATION

1.1. Introduction

1. PKP Polskie Linie Kolejowe S.A. 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 statutes, Act of 15 September 2000 Statute Book of Commercial Companies (Dziennik Ustaw – Polish Office Journal 2016, item 1578 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 2017, item 680) and other valid rules.
3. PLK possesses a safety authorisation no. PL/31/0015/0010 valid from 30 December 2015 to 30 December 2020.

1.2. Objective

Principles of co-operation and essential requirements for obtaining access and use of railway infrastructure managed by PLK concerning all applicants and railway undertakings are included in the Network Statement.

1.3. Legal framework

The basic legal conditions governing the operation of rail transport, including access to railway infrastructure, are laid down in the Act its implementing acts and other generally applicable laws, including commercial relations.

1.4. Legal status

1.4.1. General remarks

1. Network Statement was developed by PLK on the basis of the Act 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).
2. Network Statement draft was consulted with railway undertakings and the results of consultation were discussed with Railway Undertaking's Advisory Board affiliated at PLK Management Board.
3. Network Statement was adapted by the resolution of PLK Management Board.
4. The provisions of Network Statement have been adjusted to the provisions of the Act of 16 November 2016 amending the Railway Act and some other acts (Dziennik Ustaw – Polish Office Journal of 2016, item 1923) and the Decree of Ministry of Infrastructure and Construction of 7 April 2017 on access to railway infrastructure (Dziennik Ustaw – Polish Office Journal 2017 item 755).

1.4.2. Liability

1. PLK is responsible for the data published in Network Statement, monitors their correctness and updates as of the date of publication of the changes.
2. PLK is not responsible for the information published by other entities at the web addresses given in Network Statement, including data developed by other railway infrastructure managers and operators of service facilities.

1.4.3. Appeals Procedure

Complaints and petitions concerning PLK activities are accepted by all organizational units of PLK, according to their area of operation and in the scope of execution of Contract of allocation or Contract of use – in accordance with the given Contract.

1.5. Structure of Network Statement

Network Statement consists with two parts:

- 1) descriptive - specifying i.a. conditions of providing access to railway infrastructure, capacity allocation, use of allocated capacity, types of services provided and charging information;
- 2) annexes - containing i.a. rail network characteristic, lists of organizational units referred to in descriptive part of Network Statement, templates of documents, list of internal regulations applying to applicant/railway undertaking, schedules of track possessions and contact data of PLK.

1.6. Validity and updating process

1.6.1 Validity period

Network Statement is in force during whole period of preparation, development and duration of the timetable 2017/2018.

1.6.1. Updating process

1. Descriptive part of Network Statement is amended in justified cases, after prior consultations with applicants. These amendments come into force within 10 days of their introduction.
2. Amendments to **annex 5.1** are made before the deadline of entry into force of annual timetable at the latest.
3. Amendments resulting from general legal regulations are made according to deadlines included in these regulations.
4. PLK updates the data in the annexes characterizing the railway infrastructure affecting the development of train timetable, at the latest before the deadline of sending of alternative timetable draft, included in **annex 5.2**.
5. If necessary, PLK updates other annexes.
6. Consultations with railway undertakings referred to in subchapter 1.4.1 and in par. 1 above are made with applicants by e-mail. E-mail addresses for correspondence regarding Network Statement should be sent to the address **regulamin@plk-sa.pl**.
7. Applicants can raise comments by e-mail up to 14 calendar days from receipt of amendment draft.

1.7. Publishing

1. Full text of Network Statement with annexes is published on website www.plk-sa.pl in the tab Dla klientów i kontrahentów / Warunki udostępnienia infrastruktury i regulaminy / Regulaminy sieci.
2. PLK informs applicants about announcing of Network Statement and on its amendments and updates by e-mail provided that they forwarded their e-mail addresses to the address indicated in subchapter 1.8. par. 6.
3. The updating of the data in the annexes characterizing the railway infrastructure is published in the form of a comparison with the previous version.
4. English versions of Network Statements of RNE members are published at: http://www.rne.eu/members_ns.

1.8. Contacts

1. Contact details of PKP Polskie Linie Kolejowe S.A. employees providing detailed information regarding technical and operational parameters of railway lines, operating control points and forwarding points and information on the safety of rail transport of dangerous goods – are included in **annex 4.1**.

2. Contact data of environmental units in railway lines plants of PKP Polskie Linie Kolejowe S.A. providing detailed information regarding environmental protection on managed rail infrastructure – are included in **annex 4.2**.
3. Contact details to Railway Traffic Management branches of PKP Polskie Linie Kolejowe S.A.– are included in **annex 4.3**.
4. Contact details to Regional Departments of Rail Protection Guard – are included in **annex 4.4**.
5. Contact details to PLK organizational units are re given in the relevant thematic parts of Network Statement.
6. Comments and questions concerning Network Statement should be addressed to:

**PKP Polskie Linie Kolejowe S.A. Centrala
Biuro Sprzedaży**

03-734 Warszawa, ul. Targowa 74

e-mail: regulamin@plk-sa.pl

city phone.: (00 48) 22 473 30 80; railway phone.: (922) 473 30 80

city fax: (00 48) 22 473 28 04; railway fax: (922) 473 28 04

1.9. 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 (RFC5): 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 (Poland-Ukraine border) (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 about offer of freight corridors i.e. pre-arranged international train paths, reserve capacity and CID 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.

1.10. RailNetEurope – international cooperation between Infrastructure Managers

Information on international co-operation of infrastructure managers RNE members is published in English at:

<http://www.rne.eu/organisation>

1.10.1. One Stop Shop (OSS)

OSS (One Stop Shop) operating within international network of OSS points - RailNetEurope

**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

city phone.: (00 48) 22 473 34 69; railway phone: (922) 473 34 69

Working hours: **7.30 – 15.30 from Monday to Friday (except holidays)**

Information on the network of One Stop Shop points (OSS)

One Stop Shop in PKP PLK S.A. supervises the process of international journeys arrangements according to IRJ, and in close cooperation with other OSS units, especially from neighboring infrastructure managers, provides the following information:

- 1) on products and services offered by infrastructure managers,
- 2) on conditions to be met for gaining access to infrastructure of any infrastructure managers – RNE members,
- 3) on track access charges on networks of infrastructure managers – RNE members.

List of OSS contact points and detailed information on RNE IT tools are available at:

www.railneteuropa.com

Contact data of foreign OSS points is published in English at:

http://www.rne.eu/oss_network

1.10.2. RNE tools

Basic IT tools of RNE:

PCS	Path Coordination System	system koordynacji tras pociągów	http://pcs.rne.eu/
CIS	Charging Information System	system informacji o opłatach	http://cis.rne.eu/
TIS	Train Information System	system informacji o pociągach	http://tis.rne.eu/

More information on functionalities of particular tools is available on web sites indicated in above table.

2. ACCESS CONDITIONS

2.1. Introduction

Chapter 2 of Network Statement contains conditions and rules related to access to railway infrastructure managed by PLK. These terms and conditions also apply to rail freight corridors running through railway infrastructure managed by PLK.

2.2. General access requirements

Access conditions effective from 10 December 2017 are based on the provisions of the Act and the Regulation.

2.2.1. Conditions for applying for capacity

2.2.1.1. Conditions effective until 9 December 2017

1. After receiving information on obtaining access right to railway infrastructure, railway undertaking gains a right to submit applications for train path allocation in accordance with regulations specified in subchapters 4.1 – 4.2.

Consideration of applications for train path allocation takes place according to regulations, referred to in subchapters 4.1 – 4.2.

Submission of applications for train path allocation on railway passenger service, other than occasional service, is performed on the basis:

- 1) public service contract;
- 2) decision to grant open access;
- 3) declaration by the organizer of public rail transport of the intention to cover trains by public service contract.

Upon 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.

2. Access right to railway infrastructure retains its validity provided that documents referred to in subchapter 2.2.2.1 par. 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 subchapter 2.2.2.1 par. 1.
3. Railway undertaking obtains right to use railway infrastructure after concluding the Contract.

2.2.1.2. Conditions effective from 10 December 2017

1. The applicant is allowed to submit applications for capacity allocation provided that he concludes contract of allocation.
2. In order to conclude the contract of allocation, the applicant submits in writing the application for concluding the contract of allocation, at the address: PKP Polskie Linie Kolejowe S.A. Centrala, Biuro Sprzedaży, 03-734 Warszawa, ul. Targowa 74, e-mail: ius@plk-sa.pl.

In the application, the applicant determines in particular:

- 1) name, headquarters and address;
 - 2) data enabling explicit identification, i.a. NIP, Regon, KRS;
 - 3) planned scope of requested capacity;
 - 4) type of service for which the applicant will request capacity allocation: passenger service/ freight service/passenger and freight service.
3. In the case of applicants wishing to request capacity allocation for rail passenger services other than occasional, the applicant shall determine the planned scope of the contracted capacity to the extent

that he has entered into a public service contract, present a declaration of the organizer of public rail transport of the intention to cover trains by public service contract or obtaining a decision to grant open access.

4. Submitting applications for capacity allocation and their consideration takes place according to rules, referred to in subchapters 4.1 – 4.4.
5. The capacity allocated to the applicant cannot be transferred to another applicant.
6. The capacity allocated to the applicant may not be used for any other type of service than that indicated in the application for capacity allocation.
7. An applicant who is not a railway undertaking may indicate another railway undertakings entitled to use the capacity allocated on the basis of individual applications.
8. The applicant, who is the railway undertaking, may not indicate another railway undertaking to use the allocated capacity.
9. Conditions for submitting applications for RFCs are specified in Chapter 4.

2.2.2. Conditions for access to the railway infrastructure

2.2.2.1. Conditions effective until 9 December 2017

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, provided that 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 par.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);
 - 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 subchapter 4.3.1 par. 1, to provide PLK with declaration that documents referred to in par. 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 par. 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 par. 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.

2.2.2.2. Conditions effective from 10 December 2017

1. The condition for using the railway infrastructure is the conclusion of Contract of use.
2. Prior to conclusion of Contract of use a railway undertaking is obliged to submit:
 - 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 par.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);

- 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.

2.2.3. Licences

The President of UTK is competent authority to grant, refuse to grant, amend, suspend or revoke the license of an entrepreneur established in the Republic of Poland.

Urząd Transportu Kolejowego
Al. Jerozolimskie 134, 02-305 Warszawa

utk@utk.gov.pl

www.utk.gov.pl

2.2.4. Safety certificates

Issue, extension, change and revocation of safety certificates and the maintenance and updating of their register are the tasks of the President of UTK, within the scope of supervision of entities whose activity affects railway traffic safety and railway operation safety.

The contact details of the Office for Railway Transport are indicated in subchapter 2.2.3.

2.3. General business/commercial conditions

1. Specific relations applicant/railway undertaking - PLK are established by Contract of allocation or in Contract of use, which describe rights and duties of the parties, commercial and formal-legal aspects concerning execution of mutual obligations.
2. The imperative principle for PLK is safe and efficient train operation as well as non-discriminatory treatment of applicants/railway undertakings at the following stage:
 - 1) concluding of Contracts of allocation or Contracts of use;
 - 2) capacity allocation;
 - 3) preparation of train timetable;
 - 4) use of railway infrastructure;
 - 5) settling accounts of train journeys, counting and billing of charges.
3. 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 in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Zasady udostępniania infrastruktury kolejowej o szerokości torów 1520 mm:

<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/zasady-udostepniania-infrastruktury-kolejowej-o-szerokosci-torow-1520-mm/>

2.3.1. Framework agreement

1. PLK, on justified request of applicant, may conclude contract for capacity reservation for the period extending RRJ period.
2. Rules for framework capacity reservation are included in **annex 14**.
3. Applications for framework capacity for time period, referred to in par. 1, are received by the deadline included in **annex 14**.

Applications submitted out of the deadline will be considered within remaining capacity available for reservation. Application form for framework capacity constitutes **annex 14.1**.
4. The basis for submission by an applicant of application for framework capacity on specific lines/sections is:
 - 1) concluded commercial contract;

2) pending or planned investments in rolling stock.

Railway undertaking submits necessary information which is the ground for submission of application i.a.: excerpt from contract/contracts containing information about contract parties, subject and duration of the contract to the Sales Office of PLK Headquarters: Biuro Sprzedaży, 03-734 Warszawa, ul. Targowa 74.

5. Sales Office notifies the applicant within 10 working days about fulfilling required conditions regarding submission of documents, referred to in par. 4, confirming the validity period of contracts on given railway lines for framework capacity or about formal shortcomings in submitted documents.
6. PLK, considering applications for framework capacity, takes into account i.a. the following elements:
 - 1) securing optimum use of capacity of railway lines/sections available for reservation;
 - 2) the capacity requirements of international freight corridors, as provided for in Article 14 of Regulation (EU) No 913/2010;
 - 3) the priority criteria applying to train path allocation in the timetabling procedure, as referred to in subchapter 4.3.1, and notifications about congested infrastructure;
 - 4) previous failure to use framework capacity and the reasons for that failure.
7. PLK may refuse consideration of application for framework capacity or modify concluded framework agreement when use of railway infrastructure is impossible as a result:
 - 1) excluding railway line or its part from operation, for which maximum speed indicated in **annex 2.1** is 0;
 - 2) initiating liquidation procedure for railway line or its part, referred to in Article 38ba of Act.
8. Framework agreement is concluded with an applicant for time period exceeding RRJ period, no longer than 5 years. It may be prolonged for consecutive 5 years periods. The draft framework agreement, initialled by the parties, is submitted by PLK for approval to the President of UTK.
9. The framework agreement shall contain in particular:
 - 1) the period for which the contract was concluded;
 - 2) the rules and deadlines for submitting applications for train path allocation;
 - 3) capacity parameters booked by PLK to the applicant in subsequent annual timetables during the duration of the framework agreement;
 - 4) principles of modification of framework capacity enabling better use of railway infrastructure;
 - 5) condition of use the framework capacity;
 - 6) effects of failure to comply with the terms of the framework agreement;
 - 7) a fee for reservation of the framework capacity and payment date;
10. PLK, after obtaining the consent of the President of UTK, may not conclude framework contracts with respect to railway lines which have been reported as congested.

2.4. Operational rules

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**.

The applicant and the railway undertaking using railway infrastructure managed by PLK have 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 **annexes 3.1 and 3.2**, agreements, rules or instructions valid in border traffic, referred to in par. 1, within deadline enabling preparation to introduce changes, however not later than 30 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.
4. Commitments, regulations and instructions, referred to in par. 1 and excerpts from valid technical regulations, 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.

5. Basic information on conditions for using trans-boundary sections is available on PLK's website in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminu / Podstawowe informacje o warunkach korzystania z odcinków transgranicznych:

<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/podstawowe-informacje-o-warunkach-korzystania-z-odcinkow-transgranicznych/republika-czeska/>

2.5. 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. Before submitting an application for allocation of capacity for exceptional transports, the railway undertaking which is to perform the transport shall file an application for a permit for an exceptional transport to the 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: 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 par. 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**.
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 par. 4. 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 2017 at the latest.
6. On railway undertaking's request PLK updates previously issued consents for journey with exceptional transports, in case when track possessions were occurred on PLK network and were caused by PLK.

2.6. Dangerous goods

1. Dangerous goods means materials and objects which transportation is prohibited by the Regulations for the International Carriage of Dangerous Goods by Rail (RID) or permitted only under certain conditions. The carriage of dangerous goods by rail is any movement of dangerous goods by wagon, taking into account the halts required for this carriage and the activities related to that carriage.

2. The obligation to apply the RID also results from Directive 2008/68 / EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, which was implemented in the Polish legal system by the Dangerous Goods Act of 19 August 2011 (Dziennik Ustaw – Polish Office Journal 2011, No. 227, item 1367).
3. Regulations concerning the carriage of dangerous goods by rail are included in "Instrukcja o postępowaniu przy przewozie koleją towarów niebezpiecznych Ir-16" listed in **annex 3.1.** and in the legal acts listed on the website:

<http://mib.gov.pl/2-Przewoztowarowniebezpiecznych.htm>

2.7. Rolling stock acceptance rules

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. Electric rolling stock must be equipped with current collectors (pantographs) of B.2 or B.7 slider profile in accordance with PN-EN 50367.

The length of the working part of the slider (contact strip) is as follows:

- 1) 1030 mm for B.2 profile;
- 2) 1100 mm for B.7 profile.

The permissible static contact force of the pantograph on the contact wire shall be between 90 N and 120 N.

The width of the contact strip for each profile must not be less than 60 mm.

The thickness of the contact strip cannot be less than the minimum specified in the DTR (Technical Operating Documentation) for the pantograph type.

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

3. Maximum unbalance load of bogies, wheels, axles and wheels of given axle of railway vehicle cannot exceed numbers specified in § 6 of 'Instrukcja o przewozie przesyłek nadzwyczajnych Ir-10 (R-57)', listed 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 'Instrukcja o technice wykonywania manewrów 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 'Instrukcja o prowadzeniu ruchu pociągów Ir-1 (R-1)' listed 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 'Instrukcja o organizacji i użytkowaniu sieci radiotelefonicznych Ie-14 (E-36)' listed in **annex 3.2**.
9. Railway undertaking cannot make operated radiotelephone devices available to third persons, and is responsible for their efficiency and must use it in accordance with valid in PLK regulations and instructions, particularly with 'Regulamin wykorzystywania sieci radiołączności w pasmach radiowych administrowanych przez PKP Polskie Linie Kolejowe S.A. przez przewoźników kolejowych korzystających z linii kolejowych zarządzanych przez PKP Polskie Linie Kolejowe S.A.' available on the website www.plk-sa.pl in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Regulamin wykorzystywania sieci radiołączności w pasmach radiowych administrowanych przez PKP Polskie Linie Kolejowe S.A. przez przewoźników kolejowych:

<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/regulamin-wykorzystywania-sieci-radiolaczności-w-pasmach-radiowych-administrowanych-przez-ppk-polskie-linie-kolejowe-sa-przez-przewoźnikow-kolejowych/>

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 'Instrukcja o użytkowaniu urządzeń radiołączności pociągowej Ir-5 (R-12)', listed 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), in particular regarding proper equipment of passenger trains with correct direction boards.
14. Environmental restrictions on the operation of rolling stock equipped with closed circulation toilets on particular sections of railway lines are indicated in subchapter 3.3.1.
15. 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 .
16. 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.
17. In case of railway undertakings who are going to operate vehicles equipped with ERTMS/GSM-R and ERTMS/ETCS devices on lines equipped with operative ERTMS/GSM-R and ERTMS/ETCS systems
 - level 2, the railway undertaking must apply to PLK for assignment and providing cryptographic keys and SIM cards for each of those vehicles. In case when line is equipped exclusively with operative ERTMS/GSM-R system, the obligation of applying for assignment of cryptographic keys and SIM

cards concerns only SIM cards. Rules on assignment and providing cryptographic keys and SIM cards will be regulated in separate commitments between PLK and railway undertakings.

2.8. Staff acceptance process

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 of use – railway undertaking's employees have to be equipped – when it is required – with permit, issued according to subchapter 7.5 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 par. 3, dates, number of training hours and payment for its conduction, is specified in separate contract or commission.

3. INFRASTRUCTURE

3.1. Introduction

1. National infrastructure register (RINF) – maintained by the President of UTK in electronic form is available for registered users on the website <https://rinf.utk.gov.pl>.
2. The data characterizing the railway infrastructure, presented in the annexes to the Network Statement, as well as the data transmitted to the RINF referred to in par. 1, come from one data source: Running a Network Description (POS).

3.2. Network description

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 2.12**.
4. List of operating control points and forwarding points (stations and commercial points) on particular railway lines is included in **annex 2.6**.
5. Railway lines managed by PLK equipped with automatic train braking devices are specified in **annex 2.13** whereas lines equipped with ETCS devices are specified in **annex 2.16**.
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 2.14**, and information on assignment of railway lines to timetable construction areas is included in **annex 2.15**.
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 2.11**.
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).

3.2.1. Power supply

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.

3.3. Traffic restrictions

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.

3.3.1. Environmental restrictions

1. Passenger railway undertakings, who use line no. 1 Warszawa Centralna – Katowice on the section Skierniewice – Koluszki and line no. 17 Łódź Fabryczna – Koluszki on the section Łódź Fabryczna – Koluszki are obliged to introduce successively into operation a rolling stock equipped with closed circulation toilets.

After 2017 railway undertakings should compose trains with passenger rolling stock equipped with closed circulation toilets on aforementioned railway lines no. 1 and 17.

2. Passenger railway undertakings, who use line no. 1 Warszawa Centralna – Katowice and line no. 2 Warszawa Centralna – 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.
3. 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.
4. Passenger railway undertakings, who use line no. 440 Warszawa Stuzewiec – Warszawa Lotnisko Chopina are obliged to compose trains with passenger rolling stock equipped with closed circulation toilets.
5. After 2023 railway undertakings will be obliged to compose trains with passenger rolling stock equipped with closed circulation toilets.

3.4. Availability of the infrastructure

1. Operational restrictions may follow, among the others, from:
 - 1) planned track possessions resulting from investment, modernisation, repair and ongoing maintenance works;

- 2) unplanned track possessions resulting from damages of railway infrastructure and from track possessions 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. Procedures and entities responsible for development of repair schedule are set out in „Zasady organizacji i udzielania zamknięć torowych Ir-19”.
 3. Planning of track possessions, referred to in „Zasady organizacji i udzielania zamknięć torowych Ir-19” is divided i.a. as following:
 - 1) long-term;
 - 2) temporary.
 4. List of planned long-term track possessions is included in **annex 5.1**: “Network schedule of track possessions planned within timetable 2017/2018”.
 5. Temporary planning concerns those of time periods when traffic organisation is changed. Detailed schedule of train timetable changes is included in **annex 5.2**.
 6. On lines covered by planned track possessions, referred to in par. 1 item 1, PLK prepares RRJ on the basis of actual line capacity.

3.5. Service facilities

Information on service facilities is included in Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on the website www.plk-sa.pl, in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej. <http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/obiekty-infrastruktury-uslugowej/>

3.5.1. Passenger stations

Passenger stations - detailed technical conditions of access are included in annex 2 to Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.5.2. Freight terminals and loading tracks

Loading tracks - detailed technical conditions of access are included in annex 5 to Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.5.2.1. Marshalling yards and train formation facilities, including shunting facilities

Marshalling yards – detailed technical conditions of access are included in annex 3 to Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.5.3. Storage sidings

Storage sidings – detailed technical data is included in annex 4 to Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

3.5.4. Maintenance facilities

PLK does not offer railway vehicles maintenance facilities within service facilities.

3.5.5. Other technical facilities including cleaning and washing facilities

PLK does not offer rolling stock cleaning and washing facilities within service facilities.

3.5.6. Maritime and inland port facilities

PLK does not offer maritime and inland port facilities within service facilities.

3.5.7. Relief facilities

PLK does not offer relief facilities within service facilities.

3.5.8. Refuelling facilities

PLK does not offer refuelling facilities within service facilities.

4. CAPACITY ALLOCATION

4.1. Introduction

1. Capacity is allocated on the basis of applications submitted by applicants who concluded Contract of allocation.
2. Applications referred to in par. 1 may concern the allocation of train paths, the allocation of capacity for shunting or capacity for stabling of rail vehicles for the allocation of new capacity or the modification of allocated capacity.
3. In an application for capacity allocation for a train path, the applicant indicates related requests that are required to allocate the requested train path.
4. PLK does not allocate capacity for any of the related requests, if at least one of them has not allocated capacity.
5. The applicant may not apply for the allocation of capacity for different types of capacity unless they are related to the successive operations performed with the trainset.
6. The applicant in the application may indicate other applications for the allocation of capacity directly preceding that requested for the same trainset.
7. PLK accepts only applications that:
 - 1) were submitted by applicants who have Contract of allocation concluded with PLK;
 - 2) were submitted within the deadline specified in Network Statement;
 - 3) contain the information referred to in § 4 par. 1-4 and § 5 par. 1 of Decree.
8. Applications that do not meet the requirements referred to in par. 7, points 1 and 2, immediately return to the applicant with an indication of the reason for the return.
9. Applications that do not meet the requirements referred to in par. 7 point 3 PLK returns to the applicant to complete the application within 5 working days.
10. Lack of completion referred to in par. 9 is the basis for refusing to consider the application for capacity allocation.
11. The infrastructure manager in the communications available at ISZTP informs of the lack of availability of capacity as a result of unscheduled maintenance work on the railway infrastructure.

4.2. Description of process

4.2.1. Submitting applications for train path allocation

1. The application for train path allocation is submitted according to undermentioned principles in electronic form by ISZTP available on the website <https://skrj.plk-sa.pl> or by the interface SKRJ WebService, developed by PLK.
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 par. 1 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, the applicant 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. An applicant 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**.

The applicant who is not licensed railway undertaking is obliged to indicate in submitted application for train path allocation the railway undertaking who is appointed to provide the service.

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 in **annex 6.1**.

Halt time for passenger trains, requested by applicant cannot be shorter than indicated in § 19 par. 7 of Instruction Ir-11 on timetabling.

9. Train connections are set according to rules defined in § 22 of Instruction Ir-11 on timetabling. For the purpose of trains connection and exchange of wagons, an applicant indicates in ISZTP trains which have to be connected and for which wagons have to be exchanged. Only trains indicated in ISZTP are considered as connected and those for which wagons have to be exchanged. Train connections and exchange of wagons in ISZTP may be done by applicants since sending the draft of:

- 1) RRJ till the day indicated in **annex 8**;
- 2) ZRJ till 5 days after implementation of ZRJ.

10. The date of submission of application for train path allocation is date of its handing-over to ISZTP by an applicant.
11. In case of ISZTP failure, not caused by an applicant, 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 4.4**).

Application for train path allocation for trains referred to in par. 10, 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.

12. In case of planned use of new motive power unit, an applicant 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

13. 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.
14. 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 applicant.
15. For passenger service an applicant additionally submits notified copy of public service contract (or its part containing the scope of services) or copy of decision on granting open access or copy of declaration by the organizer of public rail transport of the intention to cover trains by public service contract 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 undertaking.

16. An applicant 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 subchapter 2.2.2.2. par.2.
17. On lines included in rail freight corridors referred to in subchapter 1.9, pre-arranged international train paths and reserve capacity 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 corridor's websites www.rfc5.eu and www.rfc8.eu.

4.2.2. Submitting applications for capacity allocation for shunting or stabling

1. A request for capacity for manoeuvring or parking shall be made electronically, as specified below, through the module for capacity requests regarding manoeuvres and stops ("Moduł do składania wniosków o przydzielenie zdolności przepustowej – manewry i postoje") of ISZTP.
2. Access to the module, referred to in par. 1 is obtained after submitting the application according to template included in **annex 6.2**. (Application form for access to Train Paths Request Internet System (ISZTP) – "Request & Ride"), to the following address:

**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. After provision of access to ISZTP, an applicant receives information about first system start on the e-mail address given in application.
4. 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.
5. The responsibility for securing a password and information uploaded to the ISZTP, including the module for capacity requests regarding manoeuvres and stops ("Moduł do składania wniosków o przydzielenie zdolności przepustowej – manewry i postoje"), lies with the applicant.
6. The condition for acceptance of application for capacity allocation for shunting or stabling is inclusion of information specified in description to **annex 6.4**, however for shunting application it is essential to fill in parts A, B and C, whereas for stabling application – parts A, B and D. It is allowed to submit one application for capacity allocation for shunting and stabling, if the application involves the same station.

7. The application referred to in section 6 should be submitted no later than 30 minutes before the execution of shunting or stabling operations.
8. In case of a system failure or due to operational conditions that could not have been foreseen earlier, the need for a particular shunting or stabling is reported directly to a traffic controller by railway undertaking's employee. This is done through a radio-telephone.
9. PLK may refuse application if capacity at given location is exhausted.
10. There is no need to apply for capacity allocation for shunting to change train direction or stabling if they result from a scheduled timetable or for reasons caused by PLK.
11. Aforementioned provisions shall apply accordingly to the submission of applications for capacity allocation in order to use services in service facilities.

4.3. Schedule for train path requests and allocation process

4.3.1. Schedule for working timetable

1. PLK prepares RRJ draft on the basis of applications for train path allocation, submitted in accordance with principles defined in subchapters 4.1 - 4.2 within the following deadlines:

Types of trains (acronyms according to annex 6.1)	Deadlines	
	from	to
PASSENGER		
international and domestic traffic	27.03.2017	10.04.2017
empty trainsets and light engines for passenger traffic (PC, PW, PX, LP, LW, PH)	29.05.2017	09.06.2017
FREIGHT		
international traffic	27.03.2017	10.04.2017
domestic traffic	29.05.2017	09.06.2017
light engines for freight traffic (LT, LM, LS, TH) ¹	17.07.2017	21.07.2017

2. PLK prepares RRJ draft taking into account:
 - 1) the following principles:
 - a) passenger service priority,
 - b) announced transport plans or public service contracts,
 - c) the obligation of carriage imposed by the transport law,
 - d) framework agreements concerning freight services;
 - 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 par. 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 arriving to indicated destination station or to another station on the train route indicated by railway undertaking between 05:30 and 08:30 a.m., as well as trains providing evening commuter service, i.e. trains departing from origin station or from another station on the train route indicated by railway undertaking between 02:30 and 05:30 p.m.;

¹ deadline is lengthen for freight locomotives – in timetabling process they are considered as completion of applications submitted for freight trains

- 3) other regional passenger trains;
- 4) freight trains;
- 5) empty passenger trains and light locos.
4. Specific workflow of RRJ preparation is included in **annex 8** "Annual timetabling process schedule 2017/2018"
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 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. PLK prepares draft of RRJ and forwards it to railway undertaking for agreement, in relevant part, within deadlines set in **annex 8**.
8. Railway undertaking, within 1 month from the date of receiving the RRJ draft, referred to in par. 7, 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. Comments to RRJ draft must be submitted in the table, according to template included in **annex 8.1** and sent also to in editable version (MS Excel) to the e-mail address: **ij@plk-sa.pl**.
In case of lack of position within aforementioned deadline, it is regarded that the RRJ draft was accepted without any remarks.
9. PLK considers submitted comments or proposed changes to RRJ draft.
When PLK cannot respect comments or proposed changes referred to in par. 8 - 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 par. 8, PLK agrees the timetable with railway undertaking, not later than 14 working days after date of receiving.
10. PLK, on the basis of agreed timetable drafts, prepares RRJ.
PLK notifies railway undertaking of allocated train paths until 11 September 2017 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 8 September 2017.
Train paths not accepted by railway undertaking shall not be included in Notification.
11. PLK enables downloading prepared train timetable for involved railway undertakings in electronic form from ISZTP on website **www.plk-sa.pl** from 11 September 2017.

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

12. Final completion of offer is allowed from 29 to 31 August 2017 by submitting new applications on train path allocation for trains running within IRJ.
13. 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 par.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.

14. 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.
15. PLK provides railway undertaking with on-line access to developed train timetable by SKRJ application. Railway undertaking obtains access to SKRJ just when he concludes 'Contract of data access by SKRJ'.

4.3.2. Schedule for train path requests outside the annual timetable - individual timetable

4.3.2.1. Principles applicable to applications submitted until 9 December 2017

1. Application for domestic train path allocation within IRJ should be submitted by ISZTP, according to principles referred to in subchapters 4.1 – 4.2.
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 par. 5) no later than:
 - 1) 40 calendar days before planned date of train journey, with the exception of train paths mentioned in points 2), 3) and 4;
 - 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 planned 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 30 October 2017.
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 and passenger service, except 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 receives application on train path allocation for single journey within IRJ after the date specified in par. 3 points 2), 3) and 4). 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, for which railway undertaking chose option of timetable acceptance, should be accepted within 4 calendar days. In case of lack of acceptance PLK may reject the application. Railway undertaking receives valid train path automatically after its acceptance.
10. PLK does not introduce correction to IRJ.

4.3.2.2. Principles applicable to applications submitted from 10 December 2017

1. Applications for train path allocation within IRJ shall be submitted from 10 December 2017:
 - 1) for domestic train paths not later than:
 - a) 40 calendar days before planned date of departure for passenger train paths;
 - b) 7 calendar days before planned date of departure for occasional passenger train paths;
 - c) 5 working days before planned departure for freight train paths, non-commercial passenger (i.e. not providing passenger carriage), light locomotives;
 - 2) for international train paths, which needs agreement of foreign infrastructure managers, an applicant is obliged to submit using ISZTP via regional branch of PLK Railway Traffic Management Centre relevant to border station, under supervision of One Stop Shop unit (OSS), not later than:
 - a) 40 calendar days before planned date of departure for passenger train paths;
 - b) for freight trains and non-commercial passenger trains (i.e. not providing passenger carriage):
 - 7 working days before planned date of departure for journey using network of foreign, neighbouring infrastructure manager – RNE member + 2 working days for each next infrastructure manager – RNE member;
 - 20 working days before planned date of departure for journey using network of foreign, neighbouring infrastructure manager, who is not RNE member or 25 working days before planned departure date for journey using network of more than one foreign infrastructure manager who is not RNE member.
2. When submitting the application, the applicant shall indicate the railway undertaking to carry out the journey and the railway undertaking is obliged to authorize the application. An application without the railway undertaking's authorization will not be forwarded to the timetable.
3. As far as possible PLK receives application for freight train path allocation or application for passenger train path allocation (not providing passenger service) for single journey within IRJ after the deadline specified in par. 1 point 1 c and point 2 b, however, the time period must be sufficient for PLK to provide prepared timetable to applicant or notify him about impossibility of realisation of submitted application for train path allocation, not later than 2 hours before planned time of train or light locomotive departure.
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 at the latest.
5. PLK does not allocate capacity at the IRJ request less than 8 hours before planned train run or 3 hours in the case of requests for light locomotives.
6. During the preparation of timetable changes i.e. between the dates indicated in **annex 5.2**, in the columns marked "CONSTRUCTION START" and "CONSTRUCTION END", there are restrictions on the allocation of capacity within IRJ requests.
7. Application for train path allocation within IRJ shall be submitted by ISZTP, according to principles referred to in subchapters 4.1. – 4.2.

8. When submitting an application for capacity allocation for a train path within IRJ, the applicant has the option of selecting the "project acceptance" of timetable. Non-marking of this option means automatic acceptance of the timetable draft and the timetable is introduced within 5 minutes after the timetable draft has been prepared.
9. Applications for train path allocation within IRJ are considered taking into account:
 - 1) the obligation of carriage imposed by the transport law;
 - 2) restrictions resulting from:
 - a) the need for capacity to maintain railway infrastructure,
 - b) the possibility of modification pre-arranged international train paths in freight corridor;
 - 3) the best use of capacity;
 - 4) the planned date of journey;
 - 5) the order of applications.
10. PLK prepares IRJ draft not later than 5 working days from the submission date of train path application;
11. The deadline indicated in rec. 10 may be extended:
 - 1) for international train paths applications and multi-network applications due to the time needed to agree connecting points between infrastructure managers;
 - 2) in agreement with the applicant, for paths requiring detailed arrangements (i.e. occasional trains for mass events);
 - 3) in case of necessity to agree secondary changes in train paths of other applicants.
12. IRJ draft is forwarded to the applicant at the time of final approval of train path in SKRJ application, by the information in ISZTP application.
13. For applications indicated in par. 1 and 11, PLK within 5 working days informs the applicant whether the application fulfills the formal requirements and determines the deadline for elaboration of IRJ draft.
14. In case when it is not possible to prepare IRJ according to submitted application for train path allocation, PLK suggests applicant 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 the applicant.
15. Timetable draft, for which applicant chose option of 'draft timetable acceptance', should be accepted within 4 calendar days. In case of lack of acceptance PLK shall reject the application and charge applicant for handling of application for capacity allocation. Applicant shall receive valid train path automatically after its acceptance.
16. On the basis of applications referred to in Art. 30 par. 10 of the Act, PLK allocates capacity in accordance with the above provisions.

4.3.3. Timetable changes

Timetable changes may involve:

- 1) preparation of proposals for changes of allocated train paths, which is necessary due to changes in railway infrastructure parameters;
- 2) consideration of applications for train path allocation concerning modifications of allocated train paths;
- 3) preparation of proposals for changes of allocated train paths, which are possible due to changes in railway infrastructure parameters or changes, referred to in point 1 and 2;
- 4) consideration of applications for train path allocation concerning allocation of new train paths.

4.3.3.1. Changes in which applications for train path allocation are considered (Timetable update)

1. PLK introduces the RRJ update valid from 10 June 2018, according to the following schedule:

Item	Specification	Deadline
1	Date of submitting applications for train path allocation	15-22.01.2018
2	Preparation of timetable draft on the basis of submitted applications for train path allocation	23.01-13.02.2018
3	Delivering train timetable draft to railway undertakings	14.02.2018
4	Analysis and raising comments to train timetable draft	15-19.02.2018
5	Reflecting or refusal of comments and propositions of changes	20-27.02.2018
6	Acceptance of train timetable by railway undertakings	28.02-2.03.2018
7	Implementation of train timetable	5.03.2018
8	Duration of trains circulation	10.06-08.12.2018

2. The update involves:

- 1) preparation of proposals for changes of allocated train paths, which is necessary due to changes in railway infrastructure parameters (PLK shall enable generation from ISZTP a report on train timetable changes caused by changes of line parameters);
- 2) consideration of applications for train path allocation concerning allocation of new train paths;
- 3) consideration of applications for train path allocation concerning modifications of allocated train paths within the scope:
 - a) 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
 - b) lengthening of train path on condition that its cancellation has not been submitted prior to date of update;
 - c) change of place and time of halts;
 - d) change of train length and gross weight;
 - e) change of series of motive power unit;
 - f) change of declared braked weight;
 - g) change of train speed;
 - h) journey on partially different route on condition that 30% of original train path remains unchanged.

3. 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	20-21.11.2017	10-11.05.2018	04-05.06.2018	11.12.2017 (*)
2	Preparation of timetable draft on the basis of submitted applications for train path allocation	22-28.11.2017	14-18.05.2018	06-11.06.2018	12-15.12.2017 (*)
3	Delivering train timetable draft to railway undertakings	29.11.2017	21.05.2018	12.06.2018	18.12.2017 (*)
4	Analysis and raising comments to train timetable draft	30.11-01.12.2017	22-23.05.2018	13-14.06.2018	19-20.12.2017 (*)
5	Reflecting or refusal of comments and propositions of changes	4-6.12.2017	24-28.05.2018	15-19.06.2018	21-22.12.2017 (*)

6	Acceptance of train timetable by railway undertakings	7.12.2017	29.05.2018	20.06.2018	27.12.2017 (*)
7	Implementation of train timetable	8.12.2017	30.05.2018	21.06.2018	28.12.2017 (*)
8	Duration of trains circulation	9.04-8.12.2018	3.09-8.12.2018	01.10-8.12.2018	05.02-08.12.2018 (*)

(*) Update made by IRJ requests

4. PLK enables modification of application for train path allocation except train path cancellation, which may be done exclusively according to subchapter 4.7.
5. PLK considers applications for train path allocation submitted by ISZTP within deadlines indicated in par. 1, according to principles referred to in subchapters 4.1. – 4.2.
6. Applications for train path allocation concerning timetable change are considered by PLK taking into account:
 - 1) priority of train paths allocated within RRJ;
 - 2) for train paths allocated within RRJ - principles defined in subchapter 4.3.1. par. 2;
 - 3) for train paths allocated within IRJ - principles defined in subchapter 4.3.2.;
 - 4) for new train paths - principles defined in subchapter 4.3.1. par. 2.
7. In case when changes within RRJ generate changes in timetables of other applicants, RRJ update is realised after prior acceptance by all involved applicants.
8. An applicant, 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 par. 1, PLK regards that the draft of RRJ update was accepted without any remarks.
9. In case when PLK cannot fully take into account comments or make changes as referred to in paragraph 8:
 - 1) PLK prepares the timetable, taking into account the applicant's comments as far as possible;
 - 2) PLK notifies the applicant;
 - 3) the applicant accepts the draft referred to in point 1, or resigns from the allocated capacity in whole or in part.
10. A refusal by the applicant to accept the timetable draft in the scope, referred to in par. 9 point 3 is equivalent to the applicant's resignation from the submitted applications.
11. PLK on the basis of the agreed parts of the draft timetable change, introduces the timetable change.
12. PLK enables downloading prepared train timetable for involved applicants in electronic form by ISZTP on website www.plk-sa.pl – after implementation date pointed out in par. 1 and 3.
13. IRJ applications with circulation date from 10.06.2018 to 08.12.2018 submitted after 23.01.2018 PLK considers after providing applicants with timetable change.

4.3.3.2. Changes in which applications for train path allocation are not considered

1. PLK introduces changes in train timetable, resulting from investment, repair or maintenance of railway lines, within deadlines specified in **annex 5.2**.
2. These changes involve the preparation of proposals for changes to allocated train paths necessary due to change of railway infrastructure parameters, concerning:
 - 1) secondary changes resulting from change of infrastructure parameters in agreement with the applicant and with the consent of Railway Traffic Management Centre (within the same type of service), to improve service coordination and eliminating obstacles for passengers;

- 2) during the preparation of ZRJ it is possible to remove or add commercial stops, and such action would allow the train journey instead canceling it.
3. PLK, before starting preparation of ZRJ draft, informs applicants about beginning of works on alternative traffic organisation as well as about track possessions, which will be considered in ZRJ within given time period, including those which require introducing of substitute transport.
4. 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 applicants for agreement, not later than 60 calendar days prior to date of planned change of traffic organisation, according to deadlines included in **annex 5.2** for given possession's cycle. The applicant agrees this ZRJ project for given possession's cycle according to deadlines included in **annex 5.2**, in time period not longer than 10 calendar days or proposes changes and prepares turn-rounds for rolling stock. Lack of response from the applicant is treated as acceptance of submitted draft as well as agreement of the timetable.
5. In case when PLK cannot fully take into account comments or make changes as referred to in par. 4:
 - 1) PLK prepares the timetable, taking into account the applicant's comments as far as possible;
 - 2) PLK notifies the applicant;
 - 3) the applicant accepts the draft referred to in point 1, as optimal solution in given circumstances or resigns from the allocated capacity in whole or in part.
6. In case when introducing of substitute transport is necessary, PLK after starting of ZRJ construction process notifies applicant, and the applicant must announce information about routes, journey times and circulation periods of substitute transport means within 14 calendar days from receiving of this notification, however not less than within 6 working days. In case when timekeeping of substitute transport was not delivered, PLK reserves the right to train cancellation without accommodation of substitute transport organised by the applicant.
7. PLK prepares platform edge occupation plan and introduces possible corrections to ZRJ projects within 10 calendar days from receiving them from applicants and introduces ZRJ within 40 calendar days at the latest prior its coming into force. PLK sends prepared ZRJ to applicants by e-mail.
8. In case of execution of planned works on railway line, causing freight timetable changes, Railway Traffic Management Centre sends ZRJ drafts by ISZTP and e-mail, separately to each of concerned applicants for agreement, not later than 35 calendar days prior to date of planned possession, according to **annex 5.2** for given possession's cycle. The applicant agrees ZRJ project in time period not longer than 10 calendar days or proposes changes. Lack of response from the applicant is considered as acceptance of submitted draft as well as agreement of the timetable.

In case when PLK cannot fully take into account comments or make changes – the procedure indicated in par. 5 is applied.
9. PLK introduces changes to freight ZRJ drafts requested by freight applicants within 5 calendar days from receiving them and introduces ZRJ. PLK sends prepared ZRJ to applicants by e-mail.
10. In case of capacity shortage, PLK proposes alternative routes, including alternative paths with exceptional transports which, after applicant's acceptance, will be automatically and free of charge changed by PLK, together with preparation of exceptional journey consent for new route, without necessity of applying for the consent by the applicant.
11. After consultations with applicants, PLK cancels those trains which cannot be run by operative track or diversionary routes.
12. 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 applicant, whose train causes better use of railway line capacity.
13. If applicant – 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. The applicant has a right to demand from PLK justified reasons for which his requirements were considered as unfeasible.
14. For international train paths PLK agrees ZRJ (including diversionary routes) with foreign infrastructure managers (DB, SZDC, ZSR, BC, UZ, LG, RŽD).

4.3.3.3. Modification of allocated capacity

1. PLK allows applicants to request a modification of allocated capacity.
2. Modification of allocated capacity is possible exclusively by submitting application through ISZTP by the tab „Modyfikacja przydzielonej zdolności przepustowej”.
3. In case of the application, referred to in par. 2 the applicant indicates the application to be modified and the scope of proposed modification.
4. PLK considers applications for train path allocation submitted within timetable changes, referred to in subchapter 4.3.3.1 to the extent and within the scope set therein.
5. In addition to the modification, referred to in par. 4, the modification may involve a change in the type of motive power unit or increase train gross weight (for freight trains no more than 500 tonnes).
6. The modification referred to in par. 5, causing changes in journey times, will be introduced within free capacity, or after concerned applicants' consent for introducing secondary changes to the train paths conflicting to the modified path.
7. Modification that does not change journey times will be automatically introduced and the applicant shall immediately receive a timetable for the changes made.
8. In case of modification of the allocated capacity, the applicant does not resign from the allocated train path and PLK does not levy a reservation charge.
9. Acceptance by the applicant of the capacity allocated on the basis of the application referred to in para. 2, is equivalent to the applicant's resignation from the previously allocated capacity within the scope of the original application.
10. Reduction of train weight does not require submission of application for train path modification, but PLK allows submitting application for such modification until the train runs.
11. PLK, during RRJ, if free capacity exists, allows applicants providing passenger service, whose scheduled timetable is to be published 40 calendar days prior to planned date of train departure, make the following modifications:
 - 1) merging train routes;
 - 2) adding halts in the existing train path;
 - 3) removing halts from the existing train path.
12. Applications for modification of allocated capacity shall be received from 1 November 2017.

4.3.4. Catalogue paths

1. PLK catalogue for domestic traffic may be prepared and provided on the website www.plk-sa.pl after logging in to ISZTP.
2. PLK catalogue for international traffic may be prepared in agreement with other interested infrastructure managers for the purpose of application for international train path allocation.
3. Access to ISZTP is provided in accordance with the principles specified in subchapter 4.2.
4. Application for train path allocation from PLK Catalogue applicant shall submit exclusively by ISZTP.
5. The applicant receives confirmation of submission of electronic application for train path allocation from PLK Catalogue by ISZTP.
6. Train journeys using train paths from PLK Catalogue are executed on the basis of subchapter 7.1 and subchapter 4.2.1.

4.3.5. Timetable study

1. Application for preparation of train timetable study shall be submitted according to principles referred to in subchapters 4.1 – 4.2.
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.

4.3.6. Use of lines/line sections for which timetable is not prepared

1. Use of lines/line sections, for which, timetable is not prepared due to technical condition of the line, is executed according to the principles included in par. 2-7.
2. Railway undertaking applies to relevant PLK's railway lines plant for use of lines/sections, for which maximum technical speed included in annex 2.1 is 0 km/h, 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 par. 3.

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

3. Railway undertaking's application for use of lines/line sections referred to in par. 1 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 annexes 3.1 and 3.2.
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 par. 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 of basic charge for minimum access to railway infrastructure are applied.

4.4. Allocation process

4.4.1. Coordination process

1. 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**.

2. 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 subchapter 4.4.2.

4.4.2. Dispute resolution process

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 subchapter 4.3.1 par. 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 par. 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 subchapter 4.3.1.

4.4.3. Congested infrastructure: definition, priority criteria and process

1. If in spite of action, referred to in subchapter 4.4.1 par. 2, 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 par. 1 of Decree. PLK notifies also about railway line or its section where lack of capacity is expected in the next RRJ period.

2. 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.
3. Train paths allocation on congested railway lines sections is executed on the basis of results of auction referred to in § 5 par. 5 of Decree, carried out according to the principles included in **annex 7**.

4.4.4. Impact of framework agreements

1. PLK carries out periodical consultations with the applicant twice a year i.e. in April and October for the purpose of revising the framework agreement and justify its maintaining .
PLK, in case when stated use is smaller than 70% of trains on particular railway lines during 3 consecutive calendar months periods: January – March – July – September, for which train paths were allocated within annual timetable on the basis of allocated framework capacity, reduces framework capacity for those lines for consecutive annual timetables in proportion to % of its non-usage.
If the applicant gives reasons for less use of the number of train paths, PLK with the applicant will determine the reduction of the frame capacity for those lines / sections.
2. Applicant informs PLK about permanent intention not to use of the framework capacity without undue delay.
3. PLK publishes the framework capacity statement not later than 3 months after concluding framework agreement, its amendment or termination, in a way which respects commercial confidentiality.

4.5. Allocation of capacity for maintenance, renewal and enhancements

1. Capacity allocation for the purpose of maintenance, renewal and enhancements shall be carried out in accordance with the rules set out in chapter 4.
2. Train journey for the needs referred to in par. 1, based on prepared train timetable or on regulations concerning traffic management on line/line section for which timetable is not prepared, is carried out by the railway undertakings who have Contract of use concluded with the PLK.
3. Application for train path allocation for the needs referred to in paragraph 1, is submitted by the applicant, however in the case of a request for capacity allocation for maintenance purposes, it is submitted by the applicant being railway undertaking and it shall be authorized by a competent employee of PLK territorially relevant organizational unit.
4. An application for capacity allocation for maintenance (maintenance-repair journey), in the section containing notes and instructions, must include:
 - 1) the name of territorially relevant organizational unit of PLK agreeing on the Application;
 - 2) number of maintenance-repair Contract, which is the basis for train journey (contract concluded by PLK with the contractor for maintenance, supervision, research or repair of railway infrastructure);
 - 3) consent number, name and surname, the abbreviation of the position and the telephone number of the designated person / person agreeing the application from the territorially relevant unit of PLK.
5. For train journey for maintenance purposes, commissioned by PLK, no fees are charged.

4.6. 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. Planning of substitute transport caused by track possessions is done within the process of preparation and agreeing of ZRJ, referred to in subchapter 4.3.3.2. par. 6.

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 par. 3.

Employees of PLK organizational units cooperate with the railway undertakings' employees in appointing the places of halts of the substitute transport within the railway area managed by the PLK.

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.

Aforementioned full costs relate to the amount of the invoice issued by the performer of the substitute transport, which is the cost of providing the road vehicle with a driver.

4. Costs of substitute transport are settled in accordance with Contract provisions.

In the case of performing investment works by PLK in the locations connected with the realisation of POIiŚ, CEF or POPW projects, the settlement of the costs of substitute communication will take place on the basis of a separate agreement.

5. In order to settle the costs of substitute transport, the railway undertaking will be required to submit a declaration on the effectiveness and rationality of the substitute transport organization and declaration on non-reimbursement of the additional costs of substitute transport by collective transport organizer.

6. Run of substitute transport by railway undertaking, caused by reasons referred to in subchapter 4.8.2 par. 1 as well as unplanned track possessions, 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.

Aforementioned information should be also submitted in written form.

4.7. Rules for cancellation of allocated capacity

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

In this case, PLK levies a reservation charge for whole requested and allocated train path or its unused part in the amount specified in subchapter 6.4.1, in accordance with the provisions set out in the Contract of allocation.

2. PLK receives cancellation of allocated train path since the date of submitting notification of train path allocation referred to in subchapter 4.3.1 par. 10.
3. Confirmation of cancellation of allocated train path or its part is generated automatically by ISZTP and sent to applicant's e-mail.

In case of ISZTP failure, cancelation of whole or part of allocated train path shall 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 application form included in **annex 6.5**.

4. Filling a wrong data in application for allocated capacity cancellation causes rejection of cancellation.

4.8. Exceptional transports and dangerous goods

Requirements and information concerning exceptional transports and dangerous goods were described in subchapter 2.5 [Exceptional transports] and in subchapter 2.6 [Dangerous goods].

4.8.2. 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.**
2. Each employee of railway undertaking and PLK who noticed railway event that can appear or it has been appeared (i.e. occurrence or potentially dangerous situation, referred to in par. 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 par. 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 each railway undertaking's and PLK'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 par. 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 par. 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 par. 1.
5. After finishing proceedings on occurrence or potentially dangerous situation that caused losses for one of parties of Contract of use, 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 of use.

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 par. 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 par. 1, not caused by PLK's fault, separately.

8. When as a result of occurrence or potentially dangerous situation referred to in par. 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 par. 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 3.2**.

4.9. Special measures to be taken in the event of disturbance

1. Specific rules for notification about occurrences or potentially dangerous situations, procedures for appointing and work of railway commissions, rules for qualification of occurrences and potentially dangerous and rules for documenting conducted investigations is defined in 'Instrukcja o postępowaniu w sprawach poważnych wypadków, wypadków i incydentów w transporcie kolejowym Ir-8', listed in **annex 3.2**.
2. Proceedings in the event of emergencies and crisis situations are included in the following documents:
 - 1) 'Zasady organizacji kolejowego systemu zarządzania kryzysowego w czasie wystąpienia zagrożeń oraz sytuacji kryzysowych na liniach kolejowych zarządzanych przez PKP Polskie Linie Kolejowe S.A. oraz w budynkach i budowlach przeznaczonych do obsługi osób i rzeczy' (hereinafter named 'Organisation rules'),
 - 2) 'Zasady monitorowania bieżącej pracy eksploatacyjno-przewozowej i postępowania w czasie wystąpienia zagrożeń, sytuacji kryzysowych, innych wydarzeń na liniach kolejowych zarządzanych przez PKP Polskie Linie Kolejowe S.A. oraz w budynkach i budowlach przeznaczonych do obsługi osób i rzeczy' (hereinafter named 'Monitoring rules'),
 - 3) 'Procedury działania na wypadek zaistnienia katastrof naturalnych, aktów terrorystycznych lub sabotażowych, w tym modułów zadaniowych na poszczególne stopnie alarmowe, stopnie alarmowe CRP, strajków i protestów połączonych z blokadą torów i obiektów kolejowych, awarii technicznych' (hereinafter named „procedurami reagowania kryzysowego”) developed on the basis of 'Organisation rules' and 'Monitoring rules' .

4.9.1. Notifications principles

Notifications principles in case of events important for the safety and continuity of traffic, as well as for the safety of persons, property or the environment, as well as in the event of timetable disruptions - determines Contract for use.

4.9.2. Operational rules

Specific regulations regarding special actions taken in the event of disruptions are included, i.a. in the provisions of: 'Instrukcja o postępowaniu w sprawach poważnych wypadków, wypadków i incydentów w transporcie kolejowym Ir-8', 'Wytyczne techniczno-eksploatacyjne urządzeń do wykrywania stanów awaryjnych taboru Ie-3', 'Instrukcja o przewozie przesyłek nadzwyczajnych Ir-10 (R-57)', 'Organization rules' and 'Monitoring rules'.

4.9.3. Foreseen problems

1. When train timetable deviations faulted by Contract of use parties occur (incl. cases referred to in subchapter 4.8.2. par. 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 of use provisions and respecting provisions included in subchapter 7.4.

6. PLK has a right to use railway technical rescue units to unblock main line or station track – in cases specified in par. 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 and PLK are obliged to cover reported direct costs (i.e. except overheads and profit margin) 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 their 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 par. 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.

- 8a. Where a freight carrier using:

- 1) Servicing Infrastructure Facility (OIU) Cargo tracks, referred to in Subsection 3.5.2;
- 2) Servicing Infrastructure Facility (OIU) Parking tracks, referred to in Subsection 3.5.3, within the scope of tracks located at yards, loading ramps or places, with the possibility of carrying out cargo works, not managed by PLK;

ends unloading activities and leaves an empty train, preventing other freight carrier from using these tracks to load or unload aggregates, the interested carrier shall report to the dispatcher of territorially competent branch office of PLK's Railway Traffic Management Centre, a proposal of shunting empty railway cars to another track and their protection.

The PLK's dispatcher, referred to above, shall agree with the carrier (by phone number and e-mail), whose empty train occupies the above-mentioned tracks, to shunt these train cars to another track, within the same train signalling circuit (in case of large stations) by the carrier interested in using the tracks.

The carrier carrying out manoeuvring works shall be fully liable towards the carrier whose rolling stock is shunted, for possible damage to the rolling stock or other damage to the rolling stock during the manoeuvring works.

The resulting costs shall be charged to the carrier, who has left the empty train, and shall be settled by PLK on the basis of the invoice issued by the carrier removing the train, according to the principles specified in subchapter 5.

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

9. 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).
10. 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

11. In case of operational disruptions caused by detection a failure of pair of wheels or 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 le-3 "Guidelines for technical-operational devices for detection of state of emergency in a rolling stock", specified in **annex 3.2**.
12. Threshold values for parameters controlled by dsat devices are specified in the technical and operational guidelines for devices for detection of state of emergency in a rolling stock ("Wytyczne techniczno-eksploatacyjne urządzeń do wykrywania stanów awaryjnych taboru le-3").
13. Rolling stock which is withdrawn from service as a result of equipment being found to be exceeding the prescribed thresholds shall be serviced by the railway undertaking.
14. 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.

When dsat indicates 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

15. 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.

16. 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

17. 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 $Q_{GRAN} \geq 350$ kN.

18. In the 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 abnormality and its location (axis number, counting from the train front).
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.
19. 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**.
20. When track-side equipment detects exceeding a dynamic wheel load warning threshold of $Q_{OSTR} \geq 200$ kN, the traffic controller communicates with driver of railway vehicle (with drive) by transceiver, informing him about type of abnormality and its location and requests confirmation of this message by the train driver giving his full name and name of the railway undertaking.

Proceedings in case of current collector (pantograph) damage

21. In case of irregularities or damages found by employees of technical posts or driver of a motive power unit, information shall be exchanged by transceiver between the traffic controller and the driver driving the motive power unit about the type of damage and its location.
In such case, the electric motive power unit is stopped and the driver shall follow the guidelines included in the instructions for the driver of the motive power unit.
22. Traffic controller upon receiving information from the driver of motive power unit about any damage or irregularities detected in the current collector (pantograph) follows the ‘Instrukcja o postępowaniu w sprawach poważnych wypadków, wypadków i incydentów na w transporcie kolejowym Ir-8” listed in **annex 3.2**.

4.9.4. Unforeseen problems

1. Within railway crisis management system, 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 railway crisis management system bear all relevant costs resulting from undertaken actions towards holding possibility or technical protection of railway line, in proportion to scope of activity.
2. Within railway crisis management system, 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.

4.10. Capacity allocation for service facilities

Capacity allocation for service facilities is based on the rules set out in Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on the website www.plk-sa.pl, in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej

<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/obiekty-infrastruktury-uslugowej/>

and according to principles included in subchapter 4.2.2.

5. SERVICES

5.1. Introduction

PLK provides the following services:

- 1) minimum access to railway infrastructure involving services specified in subchapter 5.2;
- 2) access to service facilities, which includes the services specified in par. 2 and 3 of annex 2 to Act, if they are supplied;
- 3) other services.

5.2. Minimum access to railway infrastructure

1. Minimum access to railway infrastructure comprises:
 - 1) handling of application for capacity allocation;
 - 2) enabling use of the railway infrastructure, including track points and junctions within allocated capacity;
 - 3) train control including signalling and provision of information on train movement;
 - 4) providing information required to implement or operate the service for which capacity has been allocated;
 - 5) access to electrical supply equipment for traction current, where available.

5.3. Access to services facilities and supplying the services

Access conditions to service facilities and providing the services are included in Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on the website www.plk-sa.pl, in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej

<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/obiekty-infrastruktury-uslugowej/>

5.3.1. Access to service facilities

The extend of providing access to facilities and the procedure for their provisioning is included in subchapter 2.1 and chapter 3 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.1. Passenger stations

Information on passenger stations is included in subchapter 2.1.1 and subchapter 2.2.1 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.2. Freight terminals and loading tracks

Information on loading tracks is included in subchapter 2.1.4 and subchapter 2.2.4 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.3. Marshalling yards and train formation facilities, including shunting facilities

Information on marshalling yards is included in subchapter 2.1.2 and subchapter 2.2.2 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.4. Storage sidings

Information on storage sidings is included in subchapter 2.1.3 and subchapter 2.2.3 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.3.1.5. Maintenance facilities

PLK does not provide access to maintenance facilities.

5.3.1.6. Other technical facilities including cleaning and washing facilities

PLK does not offer cleaning and washing services.

5.3.1.7. Maritime and inland port facilities

PLK does not offer services in maritime and inland port facilities.

5.3.1.8. Relief facilities

PLK does not offer services within relief facilities.

5.3.1.9. Refuelling facilities

PLK does not offer services within refuelling facilities.

5.3.2. Providing services within service facilities

In addition to the services provided in service facilities (OIU) listed in subchapter 5.3.1, PLK provides services within service facility for preparation of conditions and management of exceptional transports. Information on the provision of these services is provided in subchapter 2.1.5 of Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

5.4. Other services

Preparation of timetable study on the request of an applicant/railway undertaking.

6. CHARGES

6.1. Charging principles

1. Charges are set on the basis of price list included in **annex 15**.
2. As a consequence of *Decision No DRRK-WKL.730.3.2017.RK of President of Office of Rail Transport on 6 July 2017 on the refusal to approve the draft of price list of charges for using railway infrastructure with a track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. valid from 10 December 2017, in part concerning the method of setting unit rate of basic charge and shunting fee for railway infrastructure with a track gauge 1435 mm for timetable 2017/2018, submitted by PKP Polskie Linie Kolejowe S.A. based in Warsaw, PLK on the basis of art. 33 par. 18 of Act, made decision on applying during the timetabling period which the draft of price list was concerned the price list valid in previous timetabling period. According to the above PLK does not levy shunting fee for services provided within minimum access to railway infrastructure, related to completed shunting operations.*
3. PLK applies equal charging principles to all applicants/railway undertakings for entire managed railway network.
4. 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 (OJ L 3, 7.1.2015).
5. For use in the congestion period, referred to in art. 34 par. 1 of Act, railway lines or line sections declared to the President of UTK as congested, PLK levies from the auction winner, starting from the first day of RRJ validity, higher basic charge set as result of the auction carried out in accordance with the rules referred to in **annex 7**.

6.2. Charging systems

1. Basic charge, referred to in subchapter 6.3.1 is determined according to allocated train path.
2. Basic charge, referred to in subchapter 6.3.1 in case of train journey using alternative route and alternative timetable caused by PLK, is determined in accordance with a route planned in timetable or by alternative route if the cost of alternative route is lower than cost of planned one.
3. Basic charge, referred to in subchapter 6.3.1 in case of train journey using alternative route and individual timetable or PLK catalogue caused by PLK, is determined in accordance with document 'Procedura rozliczeń opłat za przejazdy pociągów towarowych realizowane drogami okrężnymi w związku z prowadzonymi inwestycjami na sieci PLK' available on website www.plk-sa.pl in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury kolejowej i regulaminy / Trasy modelowe*:
<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/trasy-modelowe/>.
4. In case of necessity to run exceptional transports carriage causing traffic suspension on neighbouring track, railway undertaking pays a basic charge, referred to in subchapter 6.3.1 for use of both tracks.

6.3. Tariffs

Price list of charges for using railway infrastructure with a track gauge 1435 mm is included in **annex 15**.

6.3.1. Minimum access to railway infrastructure

1. The charge for minimum access to railway infrastructure involves services referred to in subchapter 5.2.

2. The charge referred to in par. 1 includes:
 - 1) basic charge for services provided within minimum access to railway infrastructure related to completed train journey,
 - 2) charge for stabling of not less than 2 hours on non-service facilities tracks.
3. Basic charge is calculated as sum of products of train-kilometres, 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 included in **annex 16** [List of railway lines with track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories, valid from 10 December 2017].
4. 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 amounts 0 PLN for all types of services.
5. 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**.
6. For stipulation of gross weight of a train the weight of locomotives is assumed according to allocated train path.
7. Charge for rail vehicles stabling of not less than 2 hours on non-service facilities tracks is calculated as the product of the duration of the stoppage and the unit rate.
8. Charges for minimum access to railway infrastructure, referred to in subchapter 5.2, as well as reservation charges, referred to in subchapter 6.4, are paid by applicant/railway undertaking, according to specific rules included in Contract of allocation or in Contract of use.
9. In the event that a dispatcher notifies the competent local railway traffic management unit of a train at standstill on the mainline and additional tracks, which causes operational difficulties and the need to remove railway vehicles, the fee referred to in section 7, for the first 12 hours of standstill starting from the time specified in the notification, will be calculated based on a rate equal to three times the unit rate. For each consecutive 12-hour period of standstill, the fee will be increased by an amount equal to three times the unit rate. In the notification submitted by phone and by e-mail, the dispatcher will specify the date of removal of the railway vehicles and suggest a location to which they should be transferred.

6.3.2. Track access to service facilities

PLK does not levy shunting charge for train journey to service facilities, referred to in subchapter 5.3.

6.3.3. Supplying services, referred to in subchapter 5.3

List of services provided, referred to in subchapter 5.3, along with the charges for their provision is included in annex 7 to Regulations on access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

6.3.4. Other services

1. The charge for preparation of timetable study. The basic price is 57,92 PLN/hour of workload for the study.
2. Depending on the workload necessary to preparation of the study PLK levies the following charges:
 - 1) for preparation of train path study for which modification of POS database or development of special transport condition are required – according to individual calculation;
 - 2) for preparation of train path study for which modification of POS database or development of special transport condition are not required including:
 - a) calculation of train path for requested parameters of gross weight, axle load etc.,
 - b) preparation of train path according to the request.

The rate is:

20% of the hourly rate for a route of up to 50 km;

40% of the hourly rate for a route from 51 km to 100 km;

60% of the hourly rate for a route from 101 km to 200 km;

80% of the hourly rate for a route from 201 km to 300 km;

100% of the hourly rate for a route over 301 km.

6.4. Financial penalties

6.4.1. Non-usage/cancellation fees and charges

1. Reservation charge collected from applicants for non-usage of allocated capacity, if an applicant does not appoint railway undertaking who has to use allocated capacity or railway undertaking appointed by the applicant does not conclude with PLK Contract of use amounts 100% of basic charge for planned train journey, never less than 1000 PLN.
2. In case of non-usage by railway undertaking of train path allocated within annual timetable by reasons laying on his side entirely or partially, the reservation charge for unused part of allocated train path amounts:
 - 1) 25% of basic charge for planned train journey:
 - a) in case when allocated path cancellation was not submitted,
 - b) for the period from the date of submission of cancelation to the day of introduction of timetable update, for which the deadline for submitting applications has not yet expired;
 - 2) 5% of basic charge for planned train journey, in case when allocated path cancellation was submitted, for the period from the date of introduction of timetable update, for which the deadline for submitting applications has not yet expired to the end of annual timetabling period.
3. In case of non-usage by railway undertaking of train path allocated in a mode other than annual timetable by reasons laying on his side entirely or partially, the reservation charge for unused part of allocated train path amounts:
 - 1) 25% of basic charge for planned train journey 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 for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 12 hours and shorter than 36 hours prior to scheduled train departure;
 - 3) 15% of basic charge for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 36 hours and shorter than 72 hours prior to scheduled train departure;
 - 4) 10% of basic charge for planned train journey when cancellation of allocated train path was submitted within deadline not shorter than 72 hours and shorter than 30 days prior to scheduled train departure;
 - 5) 0% of basic charge for planned train journey in case when cancellation of allocated train path was submitted more than 30 calendar days prior to scheduled train departure.
4. Reservation charges, referred to in par. 2 and 3 amounts 0% of basic charge for planned train journey in case when non-usage of allocated train path results from application for train path allocation concerning modification of allocated train path, submitted within timetable update.
5. In case of non-usage of allocated capacity in part as a result of reduction of planned train weight by railway undertaking, the levied reservation charge will amount 50% of basic charge reduction resulting from train gross weight reduction for which any change of allocated train path is not required.
6. The charge for handling of application for capacity allocation levied from applicants amounts 100 PLN unless requested capacity was allocated, except situations when capacity was not allocated by the reasons laying on PLK side.

6.5. Performance scheme

1. All passenger and freight trains of railway undertaking intended for the carriage of passengers and goods that have completed their journey on a network managed by PLK or have been transferred to the area of other infrastructure managers with a delay of no more than 5 minutes in the case of passenger trains and 15 minutes in the case of freight trains are considered as scheduled.
2. During the annual timetable period, the percentage share of trains of the railway undertaking which is not delayed by its fault, in the total number of trains operated by it, so-called railway undertaking's qualified punctuality - is defined in Contract of use. Qualified punctuality must not be less than 90% for passenger trains and 70% for freight trains.
3. The amount of compensation due to the railway undertaking for the minute of train delay is determined on the basis of the average cost of providing access to railway infrastructure for passenger and freight trains, calculated in terms of the minute operational performance in train-kilometres. The amount of compensation for one minute of train delay is 6.50 PLN.

The rate of compensation for one minute of delayed train is determined as the quotient of the sum of product of:

- realized part of the operational performance of freight trains in the timetable 2016/2017,
- journey time factor of freight traffic,
- average rate of freight track access charge in the timetable 2016/2017,

and the product of:

- realized part of the operational performance of passenger trains in the timetable 2016/2017,
- journey time factor of passenger traffic,
- average rate of passenger track access charge in the timetable 2016/2017,

by the sum of operational performance realized by freight and passenger trains in the timetable 2016/2017.

The journey time factor is calculated separately for freight and passenger traffic as the quotient of the completed operational performance in the timetable 2016/2017 by the total journey time of the trains expressed in minutes.

4. All passenger and freight trains of the railway undertaking intended for the carriage of passengers and goods which finished journey on the network of infrastructure manager or have been transferred to the area of other infrastructure managers with a delay longer than 5 minutes in case of passenger trains and longer than 15 minutes for freight trains shall be eligible for payment of the compensation due to the railway undertaking, excluding trains which were run on the basis of applications for train paths allocation submitted later than 5 days prior to planned start of the train.
5. The difference between the real time of arrival to terminus station and the scheduled time of arrival is used to determine the number of minutes of delay subject to compensation payments.
6. The amount of secondary train delays subject to compensation payments is limited in such a way that the qualified delay of the train for the original cause cannot exceed 300 minutes. Delay codes from the 9th group (secondary reasons) will be used to describe the delays caused by the original cause above this value - for which neither the PLK nor the railway undertaking are responsible.
7. PLK coordinates the payment of compensation as follows:
 - 1) PLK shall pay the railway undertaking compensation if the trains of the railway undertaking referred to in point 4 will be delayed by PLK (including its subcontractors), and / or other railway undertakings.
 - 2) The railway undertaking shall pay PLK compensation for delays in trains of other railway undertakings referred to in par. 4. if he has caused them delay.
 - 3) The basis of compensation settlements for each settlement period for train delays is authorized documentation maintained by PLK and agreed with the railway undertaking - „Rozliczenie jakości świadczonych usług” (tab: „Jakość” – raport należności i zobowiązań PLK wyliczany automatycznie w SEPE tzw. biling rozliczeń).
 - 4) Compensation payments are made on a monthly basis, each settlement period should be completed by the 20th day of the following month after the settlement period. Settlements should

also include train delays marked by railway undertaking in SEPE with the symbol "R". If PLK fails to clarify the railway undertaking's complaint in due time, PLK will be liable for the delay.

- 5) In cases where finding the reasons for train delay requires an investigation (delay is assigned a code 95.1) and it is not possible to settle the delay within the timeframe specified in par. 4., the settlement corrections resulting from the reclassification of the reasons for the delay shall be taken into account in the next settlement period. This particularly concerns train delays related to occurrences (serious accident, accident or incident) and potentially dangerous situations and the determination of the responsible persons.
 - 6) On the basis of the documentation kept by PLK referred to in point 3, PLK determines for all participants in the transport process involved in causing train delay, their percentage share in the number of train delay minutes determined in accordance with par. 5.
 - 7) In accordance with delay percentage share referred to in par. 6, PLK determines the number of minutes of delay assigned to each responsible for train delays in relation to the number of train delay minutes determined in accordance with par. 5. The number of minutes of delay (counting minutes) will be calculated automatically in SEPE 'Rozliczenie jakości świadczonych usług' tab 'Jakość' and after the system's conversion to the 'Billing' compensation will be the basis for issuing the debit notes.
 - 8) Railway undertakings not having SEPE shall verify and authorize train journeys and delays on the basis of billing of settlements (documentation referred to in point 3), generated from SEPE, which the Office of Operation and Passenger Service of PLK Headquarters sends to the railway undertakings by the 10th working day of the following month the billing month at the indicated e-mail address.
 - 9) Upon verification, the railway undertakings within three working days of receipt of billing of settlements are required to send the authorized billing to infrastructure manager to the indicated e-mail address. In the event of not being authorized within three days, the railway undertaking is deemed to have accepted the reason for the delay.
8. Rules of agreement for train delays, appeals and dispute resolution.
- 1) The railway undertaking is obliged to verify and authorize the quality of train journeys based on the SEPE 'Autoryzacja' tab, marking the option 'T – zgoda' or in the case of reservations 'R – reklamacje' at the latest within 72 hours after the end of the train. In case of lack of verification and authorization of the train passage in the above mentioned deadline it is deemed that the railway undertaking has agreed the reasons for the delay.
 - 2) In the event of a reservation by the railway undertaking about the correctness of the reason for the train delay description (SEPE 'R – reklamacje' markings), the designated PLK employees shall immediately, in justified cases not later than within 72 hours of submitting a complaint recorded in SEPE, make a decision on railway undertaking's objections.
 - 3) Appeals as to how the complaints will be dealt with in the description of the reasons for train delays at the dispatcher level immediately after the completion of the stages mentioned in point 1 and 2, in justified cases no later than on the seventh day after the end of the train, the railway undertaking shall submit to the Railway Traffic Management Centre PLK, which shall, within three consecutive working days, consider the objection of the railway undertaking and shall inform him of the method of examination.
 - 4) If, after carrying out the above procedures, the railway undertaking continues to have reservations about the validity and correctness of his appeal, he shall have the right to submit a complaint without delay to the Office of Operation and Passenger Service of PLK Headquarters or, in justified cases, no later than the 10th day of the following month. The Office of Operation and Passenger Service of PLK Headquarters considers the complaint within 5 working days, the railway undertaking should be informed of the manner in which its objections are considered. In case of unfavourable consideration of the objections, the railway undertaking shall have the right to submit an appeal by the 15th day of the following month. In addition, the railway undertaking may request from the infrastructure manager appropriate documentation relating to the delay of the train.
 - 5) At the final stage of complaint handling concerning the reasons for train delays by the Office of Operation and Passenger Service of PLK Headquarters, all questionable and inexplicable causes

of train delays resulting from malfunction of railway infrastructure resources are borne by PLK. If, in a particular case, the cause was established and indicated as a guilty railway undertaking and the latter considers that he is not liable for the delay, the burden of proving the above is his.

9. The principles and methodology for determining the causes of delays are set out in **annex 17**.
10. The procedure for settling the compensation for train delay is included in the Contract of use

6.6. Changes to charges

1. The charging system, referred to in subchapters 6.2 and 6.3, will remain unchanged during timetabling period 2017/2018.
2. "List of railway lines with track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories, valid from 10 December 2017" available on website www.plk-sa.pl will be updated according to deadlines of changed traffic organization, indicated in **annex 5.2**.

6.7. Billing arrangements

1. Billing of applicants and railway undertakings for provided services are made according to rules included in in Contract of allocation or in Contract of use.
2. Settlements are made with a 21-day payment from the invoice date.
3. For delays in paying receivables interest is accrued.
4. VAT tax, on the basis of separate regulations, is added to charges referred to in this chapter.

6.8. Financial guarantees

1. PLK may demand from applicant or 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 (OJ L 3, 7.1.2015).
2. Financial guarantee may be submitted exclusively as:
 - 1) advance payments to reduce and anticipate future obligations to make payments for services provided within minimum access to railway infrastructure;
 - 2) guarantees provided by financial institutions, who commits to ensure that payments for services provided within minimum access to railway infrastructure are effected once they become due. Guarantee issued either by banks or insurance institutions unsupervised by Komisja Nadzoru Finansowego ('KNF') or by branches of foreign credit institutions apart from KNF list requires obtaining counter-guarantee from bank or insurance institutions supervised by KNF or by branches of foreign credit institutions from KNF list (http://www.knf.gov.pl/szukaj_podmioty.jsp). The guarantee cannot be issued by banks or insurance institutions under recovery proceedings.
3. PLK bases his request for financial guarantee on credit rating of applicant or 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 applicant or railway undertaking on request about credit score provided him by professional rating or credit scoring entity.
5. The amount of financial guarantee required by PLK from applicant or railway undertaking is equivalent to the planned gross amount of charges for services within minimum access to railway infrastructure related to train service, accrued for maximum two consecutive billing periods. The

validity period of financial guarantee issued by financial institution must involve whole timetable period and 2 consequent months after its expiry.

6. PLK applies the following financial guarantee requirements:
 - 1) for an applicant who is not railway undertaking:
 - a) in case of positive rating or credit rating PLK shall not demand presentation of financial institutions guarantee provided that current receivables for delivered services will be paid within 60 days from the date of being due,
 - b) in case of negative rating or credit rating (or lack thereof), PLK has the right to demand the presentation of guarantees from financial institutions securing future receivables,
 - 2) for an applicant who is railway undertaking:
 - a) in case of positive rating or credit rating PLK shall not demand presentation of financial institutions guarantee provided that current receivables for delivered services will be paid within 60 days from the date of being due,
 - b) in case of negative rating or credit rating (or lack thereof), PLK has the right to demand the presentation of guarantees from financial institutions securing future receivables. The deadline for delivering the financial guarantee is 10 days prior to the first day of the month of starting the train operation related to payment for services provided within minimum access to railway infrastructure,
 - 3) for a railway undertaking:
 - a) in case of positive rating or credit rating PLK shall not demand presentation of financial institutions guarantee provided that current receivables for delivered services will be paid within 60 days from the date of being due,
 - b) 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,
 - c) 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 the first day of the month in which train operation begins.
7. 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 par. 5, exceeds estimated values;
 - 2) when PLK uses part or whole financial guarantee for collateral of receivables.
8. In case when applicant does not submit or complement the financial guarantee within deadline set by PLK in Contract of allocation, 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 applicant by the summons (understood as advance payment or guarantee of financial institution) may result in PLK limiting the possibility of submitting applications for the allocation of railway infrastructure capacity.
9. In case when railway undertaking does not submit or complement the financial guarantee within deadline set by PLK in Contract of use, 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) may result in PLK's application to the President of UTK for termination of Contract of use.

10. Guarantee of financial institution should be submitted according to template attached to Contract of allocation or Contract of use. PLK allows guarantees which provisions differ from the template after prior approval of their content.
11. Details of submission, complement and payment of guarantees of financial institutions are included in Contract of allocation or Contract of use.
12. PLK does not demand the presentation of a financial institution's guarantee in the event of payment of charges for services provided within minimum access to railway infrastructure directly to PLK by the competent authority pursuant to Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 concerning public services on passenger transport services by rail and by road.

7. PROCEDURE DURING EXECUTION OF CONTRACT

7.1. Organisation and execution of train journeys

1. The composition of wagons or other rail vehicles coupled with motive power unit or single motive power unit signalized and ready to run gains the train status when it is ready to depart at the origin station. Train status is maintained by all trains coming from the network of other managers or service facilities or private infrastructure based on timetable.

Train status expires when:

- 1) train arrives to terminus station specified in the timetable or leaves PLK network;
- 2) train driver informs the intermediate station that there is no possibility of continuing the journey for reasons laying on the railway undertaking's side or if it is not ready to depart within 24 hours from arriving at the intermediate station.

In the event of the train's status expiry, the train starts again after allocation of new train path.

Railway traffic on PLK's lines is operated according to prepared timetable on the basis applications of train path allocation.

2. 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 numbers and risks;
 - c) route of consignment with dangerous goods of high risk TWR in a train;
- 2) exceptional transports, filling in:
 - a) number of wagons,
 - b) type of consignment e.g. exceeded loading gauge, exceeded axle load,
 - c) route of exceptional consignment,

- d) 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).
3. Information, referred to in par. 2, 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.

4. 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.

5. In case of train timetable deviations during train operation - priority grades pointed out in subchapter 4.3.1 par. 3 are applied reflecting capacity utilization and minimisation of delays.
6. 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.

7.2. 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 subchapter 7.5,
 - 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;
 - 3) knowledge of operated line sections by loco driver.
- 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.

7.3. Obligations and rights of the parties

7.3.1. Obligations and rights of infrastructure manager - PLK

Within the frame of providing access to railway infrastructure PLK:

- 1) executes journeys 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 3.1 and 3.2**, with application of additional conditions included in Contract of use;
- 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 subchapter 7.5;
- 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 subchapter 4.8.2 par. 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 subchapter 7.6, 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 **annexes 3.1 and 3.2**, as well as to agreements, rules and instructions obliging in border traffic, referred to in subchapter 2.4 par. 1 within the deadline, referred to in subchapter 2.4 par. 2;
 - 14) 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;
 - 15) 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 subchapter 7.2;
 - 16) 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;
 - 17) 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;
 - 18) 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,
 - 19) 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;
 - 20) 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;
 - 21) has a right to remove remains after loading operations, on railway undertaking's cost, if railway undertaking did not do it, despite prior call;
 - 22) 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 subchapter 7.7;
 - 23) 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;
 - 24) has a right to remove at railway undertaking's expense and risk – in case of terminating Contract of use 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;
 - 25) checks compliance with order regulations in PLK's railway area, on trains and railway vehicles of railway undertaking;
 - 26) has a right to demand from railway undertaking explanations, reported pursuant to circumstances, concerning a way of execution of Contract of use, when there is a fear of its violation or people, property or environment safety might be in danger;

- 27) 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;
- 28) provides access to SID, according to principles referred to in subchapter 4.8.3 par. 10;
- 29) performs assignments related to megaphone announcements or megaphone announcements with handling of visual information facilities;
- 30) 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 4.4**).

7.3.2. Obligations and rights of railway undertaking

Within use of railway infrastructure railway undertaking:

- 1) is not allowed to transfer allocated train path to other railway undertaking;
- 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 **annexes 3.1 and 3.2**;
- 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 subchapter 7.3.1 points 16,17 and 19;
- 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 subchapter 4.8.2 par. 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 subchapter 4.8.2;

- 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 of use, 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 subchapter 7.6;
- 18) leaves 1 copy of vehicle dispatch card pursuant to provisions of Contract of use;
- 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, reported pursuant to circumstances, regarding a way of execution of Contract of use, 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.

7.4. Compensations, accounts for defaulting on commitments

1. Defaulting on commitments, resulting from Contract of use, results in responsibility for damage done to the other party.
2. Responsibility for damage, referred to in par. 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 of use 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 Contract of use with other railway undertakings if this condition was included in Contract of use with the given railway undertaking.
3. Responsibility for damage, referred to in par. 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 of use 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 of use is excluded in case of exceptional situations.
6. If, due to not executed or improperly carried out Contract of use, 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.

7.5. 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 of use - 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 par. 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 4.4**.

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 par. 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.

7.6. 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 motive power unit or driving crew;
 - 3) brake test;
 - 4) inspection of trainis 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 and undertakings name;
 - 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 par. 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 of use, 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 recs. 1-5, if such a way is specified in technical regulations of operating control point and centralized traffic operation sections (zpr).

7.7. 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 of use), to execute by PLK's employees control and diagnostic actions concerning managed railway network.
2. Request, referred to in par. 1, must be submitted to railway undertaking at least 5 working days before planned journey.
3. Request, referred to in par. 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 of use;
 - 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.