



**PKP POLSKIE LINIE KOLEJOWE S.A.**

**NETWORK STATEMENT  
2018/2019**

**Warsaw, November 2017**

### Change History

Number	Date	Description
1	05.01.2018	List of Annexes, Annexes: 2.2., 2.3., 2.4., 2.6., 2.7., 2.9. (repealed), 2.14., 3.1., 3.2., 4.1., 6.1., 13.
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19	08.04.2019	List of Annexes Definitions of terms and acronyms used in the Network Statement Subchapters: 1.1., 2.2.2., 2.4., 2.6., 2.7., 4.2.1., 4.3.6., 4.9.3., 6.8., 7.1., 7.2., 7.4. Annexes: 2.1 (P), 2.1 (A), 2.1 (T), 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.10 A, 2.10 B, 2.11, 2.13, 2.14, 2.15, 2.17, 3.2, 6.3 (number changed to 6.3 A), 6.3 B (Annex added)
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22	24.07.2019	Subchapters: 3.3.2.4., 4.9.3. Annex: 6.3 B
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24	27.08.2019	Annexes: 2.6, 2.8, 2.18 (Annex added), 3.2, 6.4, 15

## Table of contents

<b>LIST OF ANNEXES.....</b>	<b>8</b>
<b>DEFINITIONS OF TERMS AND ACRONYMS USED IN THE NETWORK STATEMENT</b>	<b>11</b>
<b>1. GENERAL.....</b>	<b>15</b>
1.1. Introduction.....	15
1.2. Objective .....	15
1.3. Legal framework.....	15
1.4. Legal status.....	15
1.4.1. General remarks .....	15
1.4.2. Liability.....	15
1.4.3. Appeal procedure .....	16
1.5. Structure of the Network Statement .....	16
1.6. Validity and updating process .....	16
1.6.1. Validity period .....	16
1.6.2. Updating process.....	16
1.7. Publishing .....	17
1.8. Contacts .....	17
1.9. Railway freight corridors .....	17
1.10. RailNetEurope – International cooperation between infrastructure managers .....	18
1.10.1. One Stop Shop (OSS) .....	18
1.10.2. RNE tools.....	19
<b>2. ACCESS CONDITIONS.....</b>	<b>20</b>
2.1. Introduction.....	20
2.2. General access requirements .....	20
2.2.1. Conditions for applying for capacity .....	20
2.2.2. Conditions for access to the railway infrastructure.....	21
2.2.3. Licences.....	21
2.2.4. Safety certificate .....	21
2.3. General business terms and conditions .....	21
2.3.1. Framework agreement .....	22
2.4. Operational regulations .....	23
2.5. Special carriage services .....	24
2.6. Dangerous goods.....	24
2.7. Rolling stock acceptance procedure.....	25
2.8. Staff acceptance process .....	27

<b>3. INFRASTRUCTURE</b>	<b>28</b>
<b>3.1. Introduction</b>	<b>28</b>
<b>3.2. Extent of network</b>	<b>28</b>
3.2.1. Borders	28
3.2.2. Connected railway networks	28
<b>3.3. Network description</b>	<b>28</b>
3.3.1. Summary of the railway infrastructure in use	29
3.3.1.1. Track typologies	29
3.3.1.2. Track gauge	29
3.3.1.3. Stations and nodes	29
3.3.2. Parameters of the network	29
3.3.2.1. Clearance gauge of railway structures	29
3.3.2.2. Maximum acceptable axle load	29
3.3.2.3. Line profiles	30
3.3.2.4. Line speeds	30
3.3.2.5. Maximum acceptable train length	30
3.3.2.6. Power supply	30
3.3.3. Traffic control and communication systems	31
3.3.3.1. Signalling systems	31
3.3.3.2. Traffic control systems	31
3.3.3.3. Communication systems	31
<b>3.4. Traffic restrictions</b>	<b>31</b>
3.4.1. Environmental restrictions	32
3.4.2. Restrictions on the transport of dangerous goods	32
<b>3.5. Availability of the infrastructure</b>	<b>33</b>
<b>3.6. Service facilities</b>	<b>33</b>
3.6.1. Passenger stations	33
3.6.2. Freight terminals and tracks for cargo handling operations	34
3.6.2.1. Marshalling yards and train formation facilities, including shunting facilities	34
3.6.3. Storage sidings	34
3.6.4. Maintenance facilities	34
3.6.5. Other technical facilities, including cleaning and washing facilities	34
3.6.6. Maritime and inland port facilities	34
3.6.7. Relief facilities	34
3.6.8. Refueling facilities	34
<b>3.7. Infrastructure development</b>	<b>34</b>
<b>4. CAPACITY ALLOCATION</b>	<b>35</b>
<b>4.1. Introduction</b>	<b>35</b>
<b>4.2. Description of the process</b>	<b>35</b>
4.2.1. Submitting applications for train path allocation	35
4.2.2. Submitting applications for capacity allocation for shunting or stabling operations	37
<b>4.3. Schedule for submitting applications and allocating train paths</b>	<b>39</b>
4.3.1. Annual train timetable	39
4.3.2. Schedule for submitting applications for train path allocation as part of the individual timetable - outside the annual timetable	41
4.3.3. Changes in the Network Train Timetable	43
4.3.3.1. Changes relating to applications for train path allocation (Timetable update)	44
4.3.3.2. Changes in which applications for train path allocation are not considered	46
4.3.3.3. Modification of allocated capacity	47
4.3.4. Catalogue paths	48

4.3.5.	Timetable study .....	48
4.3.6.	Use of lines/line sections for which a timetable is not prepared.....	48
<b>4.4.</b>	<b>Allocation process .....</b>	<b>50</b>
4.4.1.	Coordination process.....	50
4.4.2.	Dispute resolution process .....	50
4.4.3.	Congested infrastructure .....	51
4.4.4.	Impact of framework agreements.....	52
<b>4.5.</b>	<b>Allocation of capacity for maintenance, renewal and enhancements .....</b>	<b>52</b>
<b>4.6.</b>	<b>Substitute transport .....</b>	<b>53</b>
<b>4.7.</b>	<b>Rules for cancellation of allocated capacity .....</b>	<b>53</b>
<b>4.8.</b>	<b>Exceptional transports and dangerous goods.....</b>	<b>54</b>
<b>4.9.</b>	<b>Special measures to be taken in the event of disturbance .....</b>	<b>54</b>
4.9.1.	Notifications principles .....	55
4.9.2.	Operational regulation .....	55
4.9.3.	Foreseen problems.....	55
4.9.4.	Unforeseen problems .....	58
4.9.5.	Procedure in the case of events or potentially dangerous situations in railway transport .....	59
<b>4.10.</b>	<b>Allocation of capacity for service facilities .....</b>	<b>60</b>
<b>5.</b>	<b>SERVICES .....</b>	<b>61</b>
<b>5.1.</b>	<b>Introduction.....</b>	<b>61</b>
<b>5.2.</b>	<b>Minimum access package .....</b>	<b>61</b>
<b>5.3.</b>	<b>Access to services facilities and supplying the services .....</b>	<b>61</b>
5.3.1.	Access to services facilities .....	61
5.3.1.1.	Passenger stations .....	61
5.3.1.2.	Freight terminals and tracks for loading .....	61
5.3.1.3.	Marshalling yards and train formation facilities, including shunting facilities .....	61
5.3.1.4.	Storage sidings.....	62
5.3.1.5.	Technical support points.....	62
5.3.1.6.	Other technical facilities, including cleaning and washing facilities.....	62
5.3.1.7.	Maritime and inland port facilities .....	62
5.3.1.8.	Relief facilities.....	62
5.3.1.9.	Refueling facilities.....	62
5.3.2.	Supply of services in service facilities .....	62
<b>5.4.</b>	<b>Other services.....</b>	<b>62</b>
<b>6.</b>	<b>CHARGES .....</b>	<b>63</b>
<b>6.1.</b>	<b>Charging principles.....</b>	<b>63</b>
<b>6.2.</b>	<b>Charging systems .....</b>	<b>63</b>
<b>6.3.</b>	<b>Tariffs.....</b>	<b>63</b>
6.3.1.	Minimum access package .....	64
6.3.2.	Track access to services facilities .....	64
6.3.3.	Supply of services referred to in subchapter 5.3 .....	64
6.3.4.	Other services.....	65
<b>6.4.</b>	<b>Financial penalties and incentives .....</b>	<b>65</b>
6.4.1.	Non-usage/cancellation fees and charges .....	65
6.4.2.	Reduction fee for framework agreements .....	66
6.4.3.	Discounts for equipping rolling stock with ERTMS.....	66
<b>6.5.</b>	<b>Performance scheme .....</b>	<b>66</b>



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6.6.	Changes to charges .....	69
6.7.	Billing arrangements.....	69
6.8.	Financial guarantees.....	69
<b>7.</b>	<b>PROCEDURE DURING EXECUTION OF CONTRACT .....</b>	<b>72</b>
7.1.	Organisation and execution of train journeys.....	72
7.2.	Inspection proceedings carried out by authorized personnel of PLK.....	73
7.3.	Compensations, accounts for defaulting on commitments .....	74
7.4.	Permits for railway undertaking's employees .....	75
7.5.	Announcing readiness for departure by railway undertaking .....	75
7.6.	Incorporation of PLK's inspection vehicles to railway undertaking's trains .....	76

## List of Annexes

1. List of railway lines shared by PKP Polskie Linie Kolejowe S.A.
2. Description of the railway infrastructure
  - 2.1. List of maximum acceptable speeds:
    - 2.1 (P) List of maximum speeds – wagon trains
    - 2.1 (A) List of maximum speeds - rail buses and EMUs
    - 2.1 (T) List of maximum speeds - freight trains
  - 2.2. List of maximum axle-loads
  - 2.3. List of maximum linear loads (per 1 running metre of track)
  - 2.4. Classification of railway lines sections
  - 2.5. List of technical parameters on appointed international transit corridors in freight traffic
  - 2.6. List of operating control points and forwarding points
  - 2.7. List of railway lines with restrictions in use
  - 2.8. List of travel distances for calculation of shunting charge
  - 2.9 A List of service facilities connected to the PKP Polskie Linie Kolejowe S.A. network
  - 2.9 B List of service facilities – passenger station – connected to the PKP Polskie Linie Kolejowe S.A. network
  - 2.10 A List of connecting points of PKP Polskie Linie Kolejowe S.A. infrastructure with the national infrastructure of other infrastructure managers
  - 2.10 B List of connecting points of PKP Polskie Linie Kolejowe S.A. infrastructure with railway networks of national and foreign infrastructure managers
  - 2.11. List of restrictions resulting from exceeding of structure gauge of railway line
  - 2.12. List of traction network parameters
  - 2.13. List of railway lines equipped with electromagnets for automatic braking
  - 2.14. Assignment of railway lines to railway lines plants
  - 2.15. Assignment of railway lines to timetable construction areas
  - 2.16. List of railway lines equipped with ETCS devices
  - 2.17. List of European rail freight corridors which include the railway lines managed by PKP Polskie Linie Kolejowe S.A.
  - 2.18. List of platforms at railway lines managed by PKP Polskie Linie Kolejowe S.A.
3. Internal regulations:
  - 3.1. List of safety regulations applicable to railway undertaking's staff performing tasks which are directly related to railway traffic safety



- 3.2. List of internal regulations applicable to applicants and railway undertakings using the railway infrastructure managed by PKP Polskie Linie Kolejowe S.A.
4. Lists of organisational units referred to in the Network Statement:
  - 4.1. Contact details of PKP Polskie Linie Kolejowe S.A.'s employees providing detailed information on technical and operational parameters of railway lines and operating control points, and on the safety of carriage of dangerous goods by rail
  - 4.2. List of the regional Railway Police (SOK) units of PKP Polskie Linie Kolejowe S.A.
  - 4.3. List of the regional Railway Traffic Management Centre units of PKP Polskie Linie Kolejowe S.A.
5. Schedules of track possessions:
  - 5.1. Network schedule of track closures planned within timetable 2018/2019
  - 5.2. Schedule of changed traffic organization as well as preparation and publication of the 2018/2019 timetable
  - 5.3. List of lines with no available capacity or with limited capacity
6. Information on applications:
  - 6.1. Template of the application for train path allocation and instructions on how to fill in the application (completion instructions)
  - 6.2. Template of the application for granting access to the Internet-Based Train Path Allocation System (ISZTP) 'Request & Ride'
  - 6.3 A Template of the application for registration of motive power units via the OT (Traction Assessment) application
  - 6.3 B List of registered traction units
  - 6.4. Information to be included in the application for capacity allocation concerning shunting or stabling operations, or the use of service facilities (OIU)
  - 6.5. Template of the application for cancellation of allocated train path
7. Rules governing non-allocated capacity auctions
8. Schedule for establishing the 2018/2019 annual timetable
  - 8.1. Notification form for submitting comments to the draft version of the 2018/2019 annual timetable
9. List of materials allowable for use in pantograph contact strips of motive power units to make contact with the overhead contact lines of PKP Polskie Linie Kolejowe S.A.
10. Rules governing the transport of PKP Polskie Linie Kolejowe S.A.'s employees in operative driver cabs
11. Rules for setting the unit rates of the basic charge and the shunting charge applicable from 9 December 2018
12. Rules and procedures for the determination of causes of train delays
13. Map of railway lines managed by PKP Polskie Linie Kolejowe S.A. in Poland
14. Procedure for reservation of framework capacity
  - 14.1. Template of the application for framework capacity allocation
  - 14.2. Template of the framework agreement



15. Price list of fees for using the 1435 mm track gauge railway infrastructure managed by PKP Polskie Linie Kolejowe S.A. effective from 9 December 2018
16. List of railway lines with track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories valid from 1 September 2019

## Definitions of terms and acronyms used 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, as amended).
2. The following definitions of the respective terms and acronyms apply to this Network Statement:
  - 1) **Applicant** - a railway undertaking, an international economic interest grouping of railway undertakings or another entity interested in gaining capacity, in particular a public rail transport operator, shipper, freight forwarder or combined transport operator [as defined under Art. 4 (9b) of the Act];
  - 2) **CID** (*Corridor Information Document*) – a document containing information on the conditions of use of the freight corridor, as defined under Article 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*) – a corridor-specific point for complex handling of applications concerning the capacity of the infrastructure, as defined under Article 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** – a timetable for a group of trains, as defined under § 2 (1) of the Regulation;
  - 5) **working days** - all weekdays from Monday to Friday except public holidays;
  - 6) **IRJ** – an individual timetable, as defined under § 8 of the Regulation;
  - 7) **ISZTP** - the Internet-Based Train Path Allocation System 'Request & Ride' - an application for the complex processing of applications for capacity allocation by applicants and railway undertakings;
  - 8) **PLK Catalogue** – a catalogue of train routes as prepared and provided based on the recurring demand for train route allocation for IRJ applications or at the request of applicants;
  - 9) **rail freight corridor** – a freight corridor, as defined under Article 2 (2) (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 situation when at least two applicants submitted applications for train path allocation (in accordance with the definition of train path in Article 4 (12) of the Act) for the same section of a railway line and the same period of time;
  - 11) **coordination** – a process of solving conflicts between submitted applications for train path allocation through consultations between PLK and applicants;
  - 12) **international timetabling conferences** – conferences aiming at establishing international train paths, organized by the FTE (Forum Train Europe), OSJD (Organisation for Co-operation between Railways) and RNE (RailNetEurope), and other conferences co-organized by PLK;
  - 13) **timetable construction area** – an operational area of a timetabling unit set up by PLK;

- 14) **congestion period** – a part of the natural day, a natural day or several days, as determined by PLK, when the demand for capacity of a railway line or its section cannot be fully satisfied, including the train parameters requested by an applicant, even after a coordination procedure;
- 15) **PLK** - PKP Polskie Linie Kolejowe S.A. based in Warsaw;
- 16) **express train** – a domestic (EX, EI) or international (EC, EN) passenger train with a maximum speed > 130km/h, linking agglomerations or tourist centres, which has no stops or only a few stops limited to large cities and important railway junctions, and includes a higher standard zone and a separate catering zone;
- 17) **international train** - a train which travels beyond the state border, except transboundary trains;
- 18) **interregional train** - a passenger train which goes beyond the region border other than a regional train;
- 19) **trans-boundary train** – a regional train travelling in the trans-boundary zone referred to in the Public Collective Transport Act of 16 December 2010 (Consolidated Journal of Laws of 2018, item 2016 as amended);
- 20) **regional train** - a passenger train travelling within the administrative borders of a region or to the nearest station in an adjacent region, which enables transfers to continue journey or reversing the train direction by technical means into the return direction, other than an interregional train;
- 21) **PLK staff** – employees of PLK and other people engaged by PLK to implement the Contract of Allocation, the Contract of Use or the Framework Agreement;
- 22) **railway undertaking's staff** – employees of a railway undertaking or other people engaged by the railway undertaking to implement the Contract of Use;
- 23) **President of UTK** - President of the Railway Transport Office (UTK),
- 24) **technical break** – a period of time defined by the railway infrastructure manager, during which the railway infrastructure is temporarily inaccessible to railway undertakings due to investment, modernization or regular maintenance works, or repairs;
- 25) **railway undertaking** – a railway undertaking as defined under Article 4 (9) of the Act;
- 26) **occasional transport services** – occasional passenger transport services, as defined under Article 4 (22a) of the Act, provided according to the available capacity;
- 27) **framework capacity** – capacity reserved under the Framework Agreement;
- 28) **time frame** – a period of time defined in the framework agreement, when framework capacity is reserved by PLK for a planned train path;
- 29) **Network Statement** – the Network Statement 2018/2019;
- 30) **train route** – a route travelled by train between the scheduled starting point and the destination, where the starting point of the train route must not be the same as the destination;
- 31) **Regulation** - 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, as amended);
- 32) **RRJ** – an annual timetable, as defined under Article 29f of the Act;
- 33) **SEPE** - Operational Work Record System;
- 34) **SID** – IT System for Detection of Rolling Stock Emergencies and Failures;
- 35) **rail network** - a system of interconnected railroads managed by an infrastructure manager;
- 36) **SKRJ** – Timetable Development System;

- 37) **train timetable study** – a proposal of a timetable, which provides no basis for the train travel and contains only preliminary information about the train path and the travel duration to estimate the related costs;
- 38) **emergency situation** – a situation when a sudden event, which is beyond the control of the parties to the Contract of Use, disrupts or may disrupt the normal operations on PLK's lines, prevents the performance of contractual obligations, which the parties to the contract could not have reasonably foreseen or avoided in spite of all due diligence.

An emergency situation can be due to:

- a) the introduction of a state of emergency (natural disasters, emergency level, martial law) in all or part of the country,
  - b) social protests (e.g. strikes),
  - c) terrorist events or related situations,
  - d) other unforeseeable events such as: flood, fire, hurricane, landslide, prolonged rainfall, collisions with people or animals / animals trespassing the railway gauge, malfunctions of external power or communications networks, etc., including events caused by decisions of public authorities (central or local administration), which lead to changes in the operational process;
- 39) **potentially dangerous situation** – an operational situation or a railway event which is neither a serious event, an accident or an incident and causes a slight increase of the risk – up to the level of controlled risk which does not exceed the level of acceptable risk as defined in the Instruction Ir-8;
- 40) **single-network train path** – a train path which does not go beyond one rail network;
- 41) **international train path** – a train path which runs through more than one rail network and goes beyond the Polish border;
- 42) **multi-network train path** – a train path which runs through more than one rail network and does not go beyond the Polish border;
- 43) **Contract of Allocation** – a contract for capacity allocation, which is concluded with an applicant;
- 44) **Contract of Use** – a contract for capacity use, which is concluded with a railway undertaking;
- 45) **Framework Agreement** – a contract concluded with a railway undertaking for reservation of railway capacity which extends beyond the scope of application of the RRJ, without defining any specific train paths;
- 46) **Act** - the Railway Transport Act of 28 March 2003 (consolidated text: Journal of Laws of 2017, item 2117);
- 47) **competent authorities** - public authorities or a group of public authorities in a Member State or Member States, which are entitled to interfere in the public passenger transport in a specific geographical area or a body having such powers – as defined in 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** – an internal timetable for use by employees of PLK and railway undertakings;
- 49) **international pre-arranged train path** - a train path, as defined in Article 14 (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** – a graphical representation of a train timetable by mapping train paths in the form of graphs of position versus time;



- 51) **crisis management team** – an element of the railway crisis management system, which is established within PLK's structures;
- 52) **ZRJ** – an alternative train timetable prepared as a timetable update due to planned investments, repairs or maintenance works, without taking into account applications for train path allocation.

## 1. GENERAL

### 1.1. Introduction

1. By decision of the Regional Court for the Capital City of Warsaw in Warsaw of 21 August 2001 (13th Business Division of the National Court Register), PKP Polskie Linie Kolejowe S.A. was registered and entered into the Register of Entrepreneurs under the KRS number 0000037568 - registration of 22 August 2001.
2. PLK operates - performing the role of the railway infrastructure manager of the railway network under its administration - in accordance with its bylaws, the Railway Transport Act of 28 March 2003, the Code of Commercial Partnerships and Companies Act of 15 September 2000 (Consolidated Journal of Laws of 2019, item 505, as amended), the Commercialization, Restructuring and Privatization of the State-Owned Company 'Polskie Koleje Państwowe' (consolidated text, Journal of Laws of 2017, item 680) and other applicable regulations.
3. PLK holds a safety authorization No. PL/31/0015/0010 valid from 30 December 2015 to 30 December 2020.

### 1.2. Objective

The principles of cooperation and requirements relating to granting access to the railway infrastructure managed by PLK, which must be met by all applicants and railway undertakings, are laid down in the Network Statement.

### 1.3. Legal framework

The essential legal requirements for rail transport, including the requirements for granting access to the railway infrastructure, are set down in the Act, related implementing regulations and other generally applicable rules of law, including those underlying business relations between business operators.

### 1.4. Legal status

#### 1.4.1. General remarks

1. This Network Statement has been developed in accordance with Article 32 of the Act and § 27 of the Regulation.
2. The draft Network Statement is consulted with applicants in accordance with § 27 (3) of the Regulation. The results of such consultations are discussed by the Advisory Board of Railway Undertakings affiliated with the Management Board of PLK.  
A summary of comments submitted, including a description of how they were taken into account and a statement of reasons for rejected comments, can be accessed via PLK's website.
3. The Network Statement is approved for use by resolution of the Management Board of PLK.

#### 1.4.2. Liability

1. PLK is responsible for information published in the Network Statement, monitors its correctness and updates it as at the date of publication of the related changes.
2. PLK assumes no responsibility for any information published by third parties via websites indicated in the Network Statement, including information provided by other railway infrastructure managers and operators of service facilities.

### 1.4.3. Appeal procedure

Complaints and requests relating to PLK's activities can be submitted via all PLK's organizational units within their scope of competence, and those relating to the performance of Contracts of Allocation or Contracts of Use - in accordance with the respective contract.

## 1.5. Structure of the Network Statement

This Network Statement consists of two parts:

- 1) narrative - describing e.g. conditions of obtaining access to the railway infrastructure, granting railway capacity, using the capacity allocated, types of available services and information on fees;
- 2) annexes - containing e.g. a description of the railway network, lists of organizational units referred to in the narrative part of the Network Statement, templates of documents, a list of internal regulations applicable to applicants/railway undertakings, schedules of track possessions, PLK's contact details.

## 1.6. Validity and updating process

### 1.6.1. Validity period

The Network Statement remains effective throughout the period of preparation, development and applicability of the 2018/2019 timetable.

### 1.6.2. Updating process

1. Amendments to the descriptive section of the Network Statement are made when appropriate, after prior consultation with applicants. The amendments become effective within 10 days from the date of their implementation.
2. The amendments referred to in **Annex 5.1** are made no later than the date of entry into force of the annual train timetable.
3. The amendments due to changes in the generally applicable rules of law are made in accordance with the time limits prescribed therein.
4. PLK updates the data in the Annexes describing the railway infrastructure, which relate to the development of train timetable, at the latest before the deadline of sending of the draft ZRJ included in **Annex 5.2**.
5. PLK updates the other appendices as necessary.
6. The applicants are consulted, as referred to in subsection 1.4.1 and section 1 above, via electronic mail. E-mail addresses for correspondence regarding the Network Statement should be sent to [regulamin@plk-sa.pl](mailto:regulamin@plk-sa.pl).
7. Applicants can submit comments by e-mail within 14 calendar days from the date of receipt of amendments to the draft.



## 1.7. Publishing

1. A full text of the Network Statement and its annexes is published at [www.plk-sa.pl](http://www.plk-sa.pl) in the tab *Dla klientów i kontrahentów / Warunki udostępnienia infrastruktury i regulaminy / Regulaminy sieci*.
2. PLK informs applicants of the publication of the Network Statement, any related changes and updates by e-mail, provided that the applicants submit their e-mail addresses to the address indicated in subsection 1.8. (5).
3. Updates to the Annexes describing the railway infrastructure are published in the form of a comparison with the previous version.
4. English versions of the network statements issued by other RNE members can be accessed at:  
<http://www.rne.eu/organisation/network-statements/>

## 1.8. Contacts

1. The contact details of PLK's employees providing detailed information regarding technical and operational parameters of railway lines, operating control points and forwarding points, as well as information on the safety of rail transport of dangerous goods are included in **Annex 4.1**.
2. The contact details of PLK's regional Railway Police (SOK) units are provided in **Annex 4.2**.
3. The contact details of PLK's Railway Traffic Management Centre units are provided in **Annex 4.3**.
4. The contact details of PLK's organizational units are given in the related sections of the Network Statement.
5. All and any comments and queries concerning the Network Statement should be sent to:

**Headquarters of PKP Polskie Linie Kolejowe S.A.  
Sales Department**

03-734 Warszawa, ul. Targowa 74

e-mail: [regulamin@plk-sa.pl](mailto:regulamin@plk-sa.pl)

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

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

## 1.9. Railway freight corridors

1. Two out 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, pass through the railway network managed by PLK:
  - 1) Freight corridor No. 5: Baltic Sea – Adriatic Sea (RFC5): Świnoujście / Gdynia – Katowice – Ostrava / Žilina – Bratislava / Vienna - / Klagenfurt – Udine - (Venice – Bologna / Ravenna) / Trieste / - Graz – Maribor – Ljubljana – Koper / Trieste;
  - 2) Freight corridor No. 8: North Sea – Baltic Sea (RFC8): 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) (the section to Medyka is planned to be extended in 2020).A list of railway lines included in the above European freight corridors is provided in **Annex 2.17**.
2. Information about the available freight corridors, including international pre-arranged train paths, reserve capacity and CID, is published in English at [www.rfc5.eu](http://www.rfc5.eu) and [www.rfc8.eu](http://www.rfc8.eu).

3. Detailed information on rail freight corridors is published in English at [www.rfc5.eu](http://www.rfc5.eu) and [www.rfc8.eu](http://www.rfc8.eu). The conditions governing the use of rail freight corridors are provided in CID documents published in English on the above-mentioned websites.

## 1.10. RailNetEurope – International cooperation between infrastructure managers

Information on international cooperation between railway infrastructure managers of the RNE members is published in English at:

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

### 1.10.1. One Stop Shop (OSS)

OSS (One Stop Shop) operated as part of the international network OSS – RailNetEurope

**PKP Polskie Linie Kolejowe S.A.**  
**Railway Traffic Management Centre**  
**One Stop Shop Unit**  
**03-734 Warszawa, ul. Targowa 74**  
e-mail: [oss@plk-sa.pl](mailto:oss@plk-sa.pl)

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

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

**Working hours: 7:30 a.m. - 3:30 p.m. Monday through Friday (except public holidays)**

#### Information on the network of One Stop Shop (OSS) units

One Stop Shop operated by PKP PLK S.A. supervises the process of arranging international transits according to the IRJ and in close coordination with other OSS units, especially those operated by managers of the adjacent infrastructure, and provides information about:

- 1) about products and services offered by infrastructure managers,
- 2) conditions to be met for gaining access to the infrastructure of any infrastructure managers – the RNE members,
- 3) on fees for granting access to infrastructure, which are charged by infrastructure managers - members of the RNE.

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

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

Contact details of foreign OSS units are published in English at:

<http://www.rne.eu/organisation/oss-c-oss/>

### 1.10.2. RNE tools

The essential IT tools of the RNE:

PCS	Path Coordination System	system of coordination of train paths	<a href="http://pcs.rne.eu/">http://pcs.rne.eu/</a>
CIS	Charging Information System	system of information on fees	<a href="http://cis.rne.eu/">http://cis.rne.eu/</a>
TIS	Train Information System	system of information on trains	<a href="http://tis.rne.eu/">http://tis.rne.eu/</a>

For more information on functionalities of the individual tools, visit the websites indicated in the above table.

## 2. ACCESS CONDITIONS

### 2.1. Introduction

Chapter 2 specifies the terms and conditions for granting access to the railway infrastructure managed by PLK. These terms and conditions also apply to the sections of rail freight corridors running through the railway infrastructure managed by PLK.

### 2.2. General access requirements

The conditions for granting access have been developed based on the Act and the Regulation.

#### 2.2.1. Conditions for applying for capacity

- 1 To be able to submit applications for capacity allocation, the applicant is required to conclude a Contract of Allocation.
- 2 To conclude the Contract of Allocation, the applicant submits a written request for conclusion of a contract of allocation to the Sales Department at PLK's Headquarters: 03-734 Warszawa, ul. Targowa 74, e-mail: [ius@plk-sa.pl](mailto:ius@plk-sa.pl).

The application includes in particular:

- 1) name, place of business and address,
  - 2) information which enables unique identification, e.g. NIP (Tax ID Number), Regon (Statistical ID Number), KRS (Registration Number);
  - 3) the planning scope of the requested railway capacity,
  - 4) type of carriage services for which the applicant will request capacity allocation: carriage of passengers / goods / passengers and goods.
- 3 If an applicant intends to request allocation of capacity for rail passenger transport services other than occasional transport, the applicant should determine the planned scope of the requested capacity to the extent that it has entered into a public service contract, presented a declaration of the organizer of public rail transport regarding the intention to include trains in the public service contract or obtained a decision granting open access.
  - 4 Applications for capacity allocations are submitted and examined in accordance with the rules specified in subsections 4.1. - 4.4.
  - 5 The capacity allocated to an applicant cannot be transferred to another applicant.
  - 6 The capacity allocated to the applicant cannot be used for any other types of transport services than those indicated in the application for capacity allocation.
  - 7 Applicants other than railway undertakings cannot indicate different railway undertakings entitled to use the capacity allocated based on the individual applications. The applicant is required to designate one railway undertaking per application for capacity allocation.
  - 8 Applicants other than railway undertakings cannot indicate other railway undertakings to use the capacity allocated to the applicant.
  - 9 The conditions for submitting applications relating to the RFC corridors are specified in Chapter 4.

### 2.2.2. Conditions for access to the railway infrastructure

- 1 The railway infrastructure can only be used if a Contract of Use is in place.
- 2 Before concluding a Contract of Use, railway undertakings are required to submit the following documents:
  - 1) a certified copy of a valid licence referred to in Article 43 of the Act,
  - 2) a certified copy of a valid safety certificate referred to in Article 18b of the Act,
  - 3) a declaration that transport operations will be performed with the use of rolling stock which meets the requirements of the Regulation enacted by Minister of Infrastructure on 12 October 2005 on general technical conditions for operation of railway vehicles (Consolidated Journal of Laws of 2016, item 226, as amended);
  - 4) a declaration that it will provide information on changes, suspensions or withdrawals relating to the licence and/or safety certificate in place,

to the Sales Department at the PLK Headquarters: 03-734 Warszawa, ul. Targowa 74.

The documents must be submitted in Polish or in the form of a certified translation into Polish.

- 3 Before concluding a Contract of Use in reference to the 2018/2019 timetable, a railway undertaking which provided PLK with the documents referred to in section 2 in relation to previous train timetables, and such documents have not expired in relation to the 2018/2019 timetable, is allowed to provide PLK with a declaration that the documents referred to in section 2 are valid and effective. In the event that these documents are changed, the provisions of section 2 apply.

### 2.2.3. Licences

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

#### Railway Transport Office (UTK)

Al. Jerozolimskie 134, 02-305 Warszawa

[utk@utk.gov.pl](mailto:utk@utk.gov.pl)

[www.utk.gov.pl](http://www.utk.gov.pl)

### 2.2.4. Safety certificate

Safety certificates are issued, extended, amended and revoked, including the keeping and updating the relevant records, by the President of the UTK in terms of supervision of operators whose activities are related to the safety of railway traffic safety and railway operations.

The contact details of the Railway Transport Office (UTK) are specified in subsection 2.2.3.

## 2.3. General business terms and conditions

1. Details of the applicant/railway undertaking - PLK relations are specified in the Contract of Allocation or the Contract of Use which determines the rights and obligations of the parties, business particulars as well as formal and legal aspects regarding the performance of their mutual obligations.
2. The 1520 mm tracks are subject to separate regulations specified in the document "Rules for granting access to the railway infrastructure managed by PKP Polskie Linie Kolejowe S.A. with the 1520 mm track gauge" which can be accessed at [www.plk-sa.pl](http://www.plk-sa.pl) in the tab *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminu / 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. At the applicant's reasoned request, PLK may choose to conclude a contract for reservation of capacity over a period extending beyond the period of applicability of the RRJ.
2. The rules for reservation of framework railway capacity are specified in **Annex 14**.
3. Applications for framework capacity for the period referred to in section 1 should be submitted within the time limit specified in **Annex 14**.

Applications submitted after the end of the prescribed time limit are considered according to the remaining available and reservable capacity. The application for framework railway capacity is attached in **Annex 14.1**.

4. Applications for framework capacity on specific railway lines/sections can be submitted based on:
  - 1) a business contract concluded,
  - 2) implementing or planning investments related to rolling stock.

The applicant submits all the necessary information which provides the basis for submitting an application, e.g. an extract of a contract/contracts, which contains information about the parties to the contract, the scope and term of the contract, to the Sales Department at PLK's Headquarters: 03-734 Warszawa, ul. Targowa 74.

5. PLK's Sales Department informs the applicant, within 10 working days, of successful compliance with the condition of submitting the documents referred to in section 4, confirming the term of the contracts concerning specific railway lines with respect to framework capacity or of any formal inconsistencies in the documents submitted.
6. When considering applications for framework capacity allocation, PLK takes into account e.g. the following elements:
  - 1) ensuring the optimum use of the reservable capacity of railway lines/sections,
  - 2) requirements for capacity within international rail freight corridors are specified in Article 14 of Regulation (EU) No. 913/2010,
  - 3) priority criteria applicable to the allocation of train paths in the process of development of an annual timetable, referred to in subsection 4.3.1., and notifications of overloaded infrastructure,
  - 4) previous cases of unused framework capacity and related reasons.
7. PLK may refuse to consider an application for framework capacity or modify a framework agreement in place if the railway infrastructure cannot be used due to:
  - 1) track possessions involving, in whole or in part, the railway lines with the maximum acceptable speed of 0 km/h according to **Annex 2.1**,
  - 2) initiation of a closing-down procedure for a railway line or its part, as referred to in Article 38ba of the Act,
  - 3) restricting accessibility to railway line sections / railway lines in the cases referred to in subsection 3.5. and **Annex 5.3**.
8. A framework agreement concluded with the applicant for a period longer than the period of applicability of the RRJ, not more than 5 years, can be extended for subsequent 5-year periods. The draft framework agreement, after being initialled by the parties, is submitted by PLK to the President of the UTK for approval.
9. The framework agreement specifies in particular:
  - 1) term of the contract,
  - 2) the rules and deadlines for submission of applications for train path allocation,

- 3) the capacity parameters reserved by PLK for the applicant in the subsequent annual timetables during the term of the framework agreement,
  - 4) the rules for modifying the framework capacity, which enable the better use of the railway infrastructure,
  - 5) conditions for using the framework railway capacity,
  - 6) consequences of non-compliance with the framework agreement;
  - 7) fees for reservation of framework capacity and payment deadlines.
10. Having obtained consent from the President of the UTK, PLK may choose not to conclude framework agreements with respect to railway lines registered as overloaded.
11. The model framework agreement is attached in **Annex 14.2**.

## 2.4. Operational regulations

1. The railway undertaking is obliged to observe the rules and conditions of operating traffic on railway lines specified in the Regulation of the Minister of Infrastructure of 18 July 2005 on the general conditions for railway traffic operation and signalisation (Consolidated Journal of Laws of 2015, item 360, as amended).

The railway undertaking's staff performing tasks which are directly related to railway traffic safety are required to comply with the safety regulations indicated in **Annex 3.1**.

The applicant and the railway undertaking using the railway infrastructure managed by PLK must also comply with the internal regulations provided in **Annex 3.2**.

The cross-border traffic is also subject to the railway traffic rules laid down in separate agreements, regulations or instructions.

2. Notifications of changes in the internal regulations, which are referred to in Annexes 3.1 and 3.2, agreements, regulations or instructions applicable to cross-border traffic, which are referred to in section 1, are sent by PLK to railway undertakings within such time limit that enables them to prepare for implementation of such changes, however, no later than 30 calendar days before these changes come into effect.
3. New internal regulations and the related amendments are published in PLK's Newsletter. Railway undertakings are notified thereof by e-mail.  
Newsletters published by PLK can be accessed at [www.plk-sa.pl](http://www.plk-sa.pl).
4. The agreements, regulations and instructions referred to in section 1, extracts from the applicable technical regulations, as well as layout plans of operating control points and operational points are available at [www.plk-sa.pl](http://www.plk-sa.pl) or after logging to the ISZTP. If the above information is not available on the website, it is sent free of charge by a competent regional railway unit of PLK at the written request of the railway undertaking.
5. The essential information on the conditions for use of transboundary sections are available at 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-regulaminu/podstawowe-informacje-o-warunkach-korzystania-z-odcinkow-transgranicznych/republika-czeska/>

## 2.5. Special carriage services

1. Special transport services are provided by PLK as part of the RRJ and IRJ after having determined the conditions for such special transport services.
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 the planned journey or before the deadline for submitting applications for train path allocation according to RRJ or its updated version - to a regional railway traffic management centre unit competent for the starting point of the journey as indicated in **Annex 4.3**,
  - 2) for international journeys - no later than 40 calendar days before the planned journey or before the deadline for submitting applications for train path allocation according to RRJ or its updated version – to the following address:

**PKP Polskie Linie Kolejowe S.A.**  
**Railway Traffic Management Centre**  
**Independent Multiperson Service Station for Emergency Consignments**  
**03-734 Warszawa, ul. Targowa 74**

e-mail: [jd.nadzwyczajne@plk-sa.pl](mailto:jd.nadzwyczajne@plk-sa.pl)

tel.: (00 48) 22 473 35 67 or (00 48) 22 473 27 00

railway tel.: (922) 473 35 67 or (922) 473 27 00

municipal fax: (00 48) 22 473 35 68; railway fax: (922) 473 35 68

3. The requirements concerning compliance with the time limits for submitting an application for a permit for special carriage services do not apply when the carriage is justified by the major needs relevant to national defence or security.
4. Requirements as to what detailed information is to be included in an application for exceptional carriage, referred to in section 2, are laid down in Chapter II § 11a, 12, 13 i 14 of the "Instruction for special carriage services Ir-10 (R-57)" provided in **Annex 3.1**.
5. PLK's consent for carriage of an emergency consignment specifies the conditions of carriage of such consignment using the lines managed by PLK in accordance with § 18 of the instruction referred to in section 4. In the event of special carriage services provided as part of international traffic according to RRJ, the railway undertaking is required to provide PLK with consent for special carriage services from a railway undertaking, a manager of railway infrastructure or railroads adjacent to that managed by PLK no later than 28 November 2017.
6. In the event of track possessions within the area managed by PLK and for reasons attributable to it, PLK updates, while preparing timetable changes referred to in subsection 4.3.3.2, any previously issued consents for special carriage services in coordination with the railway undertaking.

## 2.6. Dangerous goods

1. Dangerous goods refer to materials and objects which are forbidden to transport under the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) or permitted to transport only under certain conditions. The carriage of dangerous goods by rail also includes any movement of dangerous goods by wagons, taking into account any halts required during such carriage and any related activities.



2. The obligation to comply with the RID Regulation also follows 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 transposed into the Polish legal system under the Transport of Dangerous Goods Act of 19 August 2011 (Consolidated Journal of Laws of 2019, item 382).
3. Regulations concerning the carriage of dangerous goods by rail are included in “ Instruction on the procedure for the carriage of dangerous goods by rail Ir-16” provided in **Annex 3.1** and in the legal acts listed at:

<https://www.gov.pl/web/infrastruktura/przewoz-towarow-niebezpiecznych>

## 2.7. Rolling stock acceptance procedure

1. Rail vehicles used by railway undertakings must meet the requirements of the Regulation enacted by Minister of Infrastructure on 12 October 2005 on general technical conditions for operation of rail vehicles (Consolidated Journal of Laws of 2016, item 226, as amended).
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 slide plate must not be less than the minimum size specified in the Technical and Maintenance Documentation (DTR) for a given type of pantograph.

A list of materials allowable for use in pantograph contact strips of motive power units to make contact with the overhead lines of PLK is provided in **Annex 9**.

3. The maximum acceptable unbalanced load of bogies, wheels, axles and wheels of a given axle in a rail vehicle must not exceed the values specified in § 6 of the “Instruction for special carriage services Ir-10 (R-57)” provided in **Annex 3.1**.
4. Wheel sets of the rolling stock must ensure the electric stretch of rail couplings - resistance of a wheel set must not be greater than 50 mΩ.
5. Freight wagons in which:
  - 1) internal wheelbase is greater than 13.8 m,
  - 2) the width of tyres or wheel rim of cast wheel rim is other than  $135 \pm 2$  mm

should be marked in accordance with the “Instruction concerning shunting operations Ir-9” provided in **Annex 3.1**, showing that the wagon cannot pass over track brakes and any other braking or shunting devices when they are being operated.

Any other restrictions governing the acceptance for wagon shunting operations, which are not included in the currently applicable regulations and instructions, and which are due to the specific structure of a unit provided with automatic control devices for shunting operations, including the rail brake design, are included in the technical regulations.

6. Rail vehicles provided with radiotelephone devices may only enter PLK’s railway lines with functional and active devices, and rail vehicles with a ‘Radio – Stop’ system – only when the system is fully functional.

The devices of the 'Radio - Stop' system must be provided in all motive power units designed for use as traction units.

7. Motive power units travelling on railway lines provided with automatic train braking devices should be equipped with fully functional devices compatible with those installed on tracks.

Motive power units without automatic train braking devices may be used if the railway undertaking meets the train manning requirements specified in the "Instruction for the operation of train traffic Ir-1 (R-1)" provided in **Annex 3.1**.

8. Rail vehicles and employees of railway undertakings must be provided with radiotelephone devices compatible with PLK's radiotelephone system according to the rules and requirements specified in the "Instruction for the organization and use of radiotelephone networks le-14 (E-36)" provided in **Annex 3.2**.
9. Railway undertaking cannot provide access to radiotelephone devices operated by its personnel within PLK's radio communication system to any third persons, and it is responsible for their operability and must use them in accordance with the regulations and instructions in force at PLK, in particular with the "Regulations on the use of radio communication system in radio frequency bands administered by PKP Polskie Linie Kolejowe S.A. by railway undertakings using the railway lines managed by PKP Polskie Linie Kolejowe S.A." which can be accessed at [www.plk-sa.pl](http://www.plk-sa.pl) in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Regulamin wykorzystywania sieci radiolączności 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-pkp-polskie-linie-kolejowe-sa-przez-przewoźnikow-kolejowych/>

10. Detailed information on PLK's radio communication system and radio licences are available from PKP Polskie Linie Kolejowe S.A. Centrala – Biuro Automatyki i Telekomunikacji; 03-734 Warszawa, ul. Targowa 74.
11. Railway undertakings using for the first time the railway lines managed by PLK are required to complete a one-off training in the procedure for checking correct operation of radiotelephones and the "Radio-Stop" system.

The training is provided by PLK's regional railway units using a motive power unit designated by the railway undertaking and based on a separate agreement or contract.

Having completed the training, the railway undertaking is required to provide training for all employees operating power motive units.

Guidelines on how to check the correct operation of radiotelephone devices and the "Radio-Stop" system are specified in the "Instruction for using railway radio communication devices Ir-5 (R-12)" provided in **Annex 3.1**.

12. Railway undertakings are required to provide rail vehicles with a couplings other than screw couplings with devices which enable coupling it with a screw coupling so that it is possible to remove a damaged vehicle from a line section.
13. Rail vehicles operated by railway undertakings must be labelled in accordance with the requirements of the Regulation enacted by Minister of Transport, Construction and Maritime Economy as of 3 January 2013 on maintaining the register of and methods for labelling rail vehicles (Journal of Laws of 2013, item 211), which includes in particular ensuring that passenger trains are provided with proper direction boards.
14. Environmental restrictions on the operation of rolling stock provided with closed circulation toilets on particular sections of railway lines are indicated in subsection 3.4.1.

15. In the event that its interventions prove ineffective, PLK informs the President of UTK of any identified rolling stock and devices installed in rolling stock, which endanger the safety of railway traffic, including disruptions in railway traffic control and telecommunication devices.
16. In the event that its interventions prove ineffective, railway undertakings inform the President of UTK of any identified malfunctions and irregularities of the railway infrastructure, which endanger the safety of railway traffic.
17. Should a railway undertaking want to carry out transport on railway lines equipped with ERTMS/ETCS level 2 system, by means of traction vehicles equipped with on-board equipment for this system, the railway undertaking is obliged to apply to PLK for obtaining encryption keys and SIM cards for the GSM-R system.

Should a railway undertaking want to carry out transport on railway lines equipped with ERTMS/GSM-R radio communication devices, the railway undertaking is obliged to apply to PLK for obtaining SIM cards for the GSM-R system.

Detailed information on applying and obtaining encryption keys for ERTMS/ETCS level 2 system devices and ERTMS/GSM-R SIM cards, managed by PLK, is available on the website [www.plk-sa.pl](http://www.plk-sa.pl), in the tab: Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Zasady korzystania z ERTMS/ETCS poziom 2 i ERTMS/GSM-R:

<https://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/zasady-korzystania-z-ertmsetcs-poziom-2-i-ertmsgsm-r/>

18. For transporting goods, the railway undertaking is obliged to use wagons properly adapted to the type of cargo. The railway undertaking ensures and bears responsibility for the effective protection of the cargo accepted for transport, in particular, preventing shifting, cargo emissions by e.g. dust, blowing, pouring, leaking and release, as well as energy emissions.
19. When transporting loads that are particularly vulnerable to theft, it is recommended that the railway undertaking use additional door protections, window shutters or roof hatches, top inlets and drain valves, as well as drain flaps and chute devices for freight wagons, in such a way as to make their opening difficult for unauthorised persons.

## 2.8. Staff acceptance process

1. Employees of a railway undertaking, who are engaged for performing tasks directly related to the operation and safety of railway traffic, must meet the requirements of the Act and relevant implementing regulations issued thereunder, including drivers in terms of working time and rest period as well as knowledge of railway lines sections.
2. When performing tasks referred to in the Contract of Use, employees of the railway undertaking have to be provided, as needed, with a permit issued as described in subsection 7.4 and up-to-date timetables or relevant excerpts.
3. Training of railway undertaking's staff on issues related to the use of PLK's railway infrastructure, including in particular:
  - 1) traffic control methods,
  - 2) knowledge of extracts from technical regulations,may be carried out by appropriate PLK's employees at the request of a railway undertaking.
4. A detailed scope of issues referred to in section 3, dates, number of training hours and related fees are specified in a separate agreement or contract.

## 3. INFRASTRUCTURE

### 3.1. Introduction

1. The national infrastructure register (RINF), kept by the President of the UTK in electronic format, is available for registered users at <https://rinf.utk.gov.pl>.
2. The data relative to the railway infrastructure, specified in annexes to the Network Statement, and the data submitted to the RINF, referred to in section 1, originate from one data source: Running the Network Description (POS).

### 3.2. Extent of network

#### 3.2.1. Borders

1. The railway infrastructure managed by PLK does not extend beyond Poland.
2. A list of border points between the railway network of PKP Polskie Linie Kolejowe S.A. and the adjacent networks of international railway infrastructure managers is provided in **Annex 2.10 B**.

#### 3.2.2. Connected railway networks

A list of interface points between the railway infrastructure managed by PLK and that administered by national infrastructure managers, who grant access to their railway lines based on general rules, is provided in **Annex 2.10 A**.

### 3.3. Network description

1. A list of railway lines accessible via PLK is provided in **Annex 1**.  
The capacity of railway lines, including the capacity needed for internal technical travels, is determined - basically on a 24-hour basis - using software which takes into account the UIC Leaflet 406 and PLK's operational parameters.
2. A general description of the railway lines managed by PLK is provided in the instruction 'List of lines Id-12 (D-29)' which can be accessed at [www.plk-sa.pl](http://www.plk-sa.pl).
3. A list of technical parameters for designated international transit corridors in freight traffic is provided in **Annex 2.5**, and a list of parameters of overhead contact lines - in **Annex 2.12**.
4. The railway lines managed by PLK are provided with automatic train braking devices listed in **Annex 2.13** and ETCS devices listed in **Annex 2.16**.
5. The technical and operational conditions of the railway lines managed by PLK are provided in Appendix 1 to the WRJ. Appendix 1 to the WRJ is developed and issued on a recurrent basis in paper format. The currently applicable Appendix 1 to the WRJ in electronic format (a PDF file) can be accessed via the ISZTP.
6. Information on the railway lines managed by PLK's regional railway units is provided in **Annex 2.14**, and on the inclusion of railway lines in the individual construction areas - in **Annex 2.15**.
7. A list of railway lines with temporary operational restrictions is provided in **Annex 2.7**.

8. Information provided in **Annexes 1** and **2** reflect the status of the railway infrastructure managed by PLK as at the date indicated in the annexes and it will remain valid until changed, which will be notified to the railway undertakings.

### 3.3.1. Summary of the railway infrastructure in use

Summary of the railway infrastructure of PKP PLK S.A. in use (status as at 31 December 2016)	Length (km)
Length of railway lines:	18,427
Length of railway tracks:	36,079
of which:	
- length of the running and main tracks on stations:	27,041
- length of station tracks:	9,038
Length of electrified railway lines	11,826

#### 3.3.1.1. Track typologies

The railway network managed by PLK includes single-track and double-track railway lines which are either electrified or non-electrified, and their arrangement is shown in a map provided in **Annex 13**.

#### 3.3.1.2. Track gauge

1. Railway lines managed by PLK have a track gauge of 1435 mm and 1520 mm.
2. A list of railway lines with a track gauge of 1520 mm, which are managed by PKP Polskie Linie Kolejowe S.A., is provided in Annex 1 to the Rules on granting access to the railway infrastructure with a track gauge of 1520 mm managed by PKP Polskie Linie Kolejowe S.A., which is referred to in subsection 2.3. (2).

#### 3.3.1.3. Stations and nodes

A list of operating control points, including train stations along individual railway lines, is provided in **Annex 2.6**.

### 3.3.2. Parameters of the network

The parameters of the overhead contact lines are specified in **Annex 2.12**.

#### 3.3.2.1. Clearance gauge of railway structures

A list of restrictions due to non-compliance with the structure gauge for the railway line, including the type of obstruction on a given section, is provided in **Annex 2.11**.

#### 3.3.2.2. Maximum acceptable axle load

1. A list of maximum acceptable axle loads for individual locomotives and wagons is provided in **Annex 2.2**.
2. A list of maximum acceptable linear loads (per 1 running metre of track) is provided in **Annex 2.3**.
3. The classes of railway line section are specified in **Annex 2.4**.

### 3.3.2.3. Line profiles

A list of measurable inclinations or slopes per mille (‰), as necessary for calculating the braking mass in trains on railway line sections managed by PLK, is provided in Table 3, Annex 1 to the WRJ available for users logged into the ISZTP.

### 3.3.2.4. Line speeds

1. The maximum acceptable linear speeds applicable to the individual sections of the railway lines managed by PLK are provided in **Annex 2.1** which consists of three parts concerning train categories and types of rail vehicles in use:
  - 1) 2.1 (P) - List of maximum acceptable speeds for passenger wagon train sets,
  - 2) 2.1(A) - a list of maximum acceptable speeds for passenger trains composed of EMUs and rail buses,
  - 3) 2.1 (T) - List of maximum acceptable speeds for freight trains.
2. For TC and TD trains (freight trains for transport of intermodal transport units and empty platforms after transport or for transport of intermodal transport units) the speeds as for passenger trains composed of carriage sets, indicated in **Annex 2.1 (P)**, with the maximum speed limit up to 120 km/h shall be used, provided that in the application for train path allocation referred to in subsection 4.2.1, the applicant has marked the type of load as “intermodal” and the train is equipped with a quick-acting brake.

### 3.3.2.5. Maximum acceptable train length

1. A list of maximum acceptable lengths for freight trains with operative locomotives is provided in Table 2, Annex 1 to the WRJ available for users logged into the ISZTP.
2. The effective lengths of platforms for passenger trains are specified in annex 2 to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.: ‘Passenger stations - detailed technical specifications’.

### 3.3.2.6. Power supply

1. PLK makes it possible to use the 3 kV DC overhead contact lines along electrified lines as part of the access to the railway infrastructure.
2. The electricity distribution system, to which the 3 kV DC overhead contact lines are connected, is operated by PKP Energetyka S.A.
3. Railway undertakings using electricity for traction purposes are required to conclude contracts for the sale of electric power and contracts for the supply of electric power distribution services or complex contracts for the supply of electric power distribution services and the sale of electric power with relevant electricity undertakings.

### 3.3.3. Traffic control and communication systems

PLK's railway network features three essential functional groups of railway traffic control devices:

- 1) station equipment,
- 2) line devices regulating the train movement on railway routes,
- 3) traffic security equipment at railway crossings.

#### 3.3.3.1. Signalling systems

All and any issues concerning the signalling operations and a list of signal used in the railway network managed by PLK are regulated in the "Instruction for signalling operations le-1" provided in **Annex 3.1**.

#### 3.3.3.2. Traffic control systems

Trains en route are controlled via:

- 1) based on announcements via telephone communication devices, and in the event of a failure of the telephone communication system - via radio communication devices,
- 2) semi-automatic block signalling devices,
- 3) automatic block signalling devices,
- 4) using remote traffic control equipment,
- 5) based on radio communication between a sectional traffic controller with a driver of a motive power unit without remote traffic control devices and siding operators,
- 6) without announcing trains if one motive power unit is used for operating all trains.

Detailed rules for operating railway traffic en route are provided in the "Instruction on operating railway traffic Ir-1".

Information on railway operations on adjacent routes (distances) are provided in part 2 of the technical regulations for a given operating control post, which can be accessed via the ISZTP.

#### 3.3.3.3. Communication systems

Requirements and information on communications systems are provided in subsection 2.7 [Rules for acceptance of rolling stock].

### 3.4. Traffic restrictions

1. Users of the railway lines are required to comply with the provisions of Annex 2 to the WRJ, which contains a list of permanent warnings and road speeds on the main principal tracks at junction stations.
2. Annex 2 to the WRJ is developed and issued on a recurrent basis in paper format. The first WRJ is issued as soon as the RRJ comes into effect.

The currently applicable Annex 2 to the WRJ in electronic format (a PDF file) can be accessed via the ISZTP.

3. PLK informs a driver of a motive power unit in accordance with the regulations concerning ad-hoc changes due to an urgent need to introduce operational restrictions related to:
  - 1) technical and operational parameters of the lines to be used for the train travel, including restrictions due to works, planned speed restrictions and other operational restrictions,
  - 2) operability of railway traffic control and communication devices as well as rolling stock control and diagnostic devices.



### 3.4.1. Environmental restrictions

1. Railway undertakings using the railway line No. 1 Warszawa Zachodnia – Katowice on the section Skierniewice – Koluszki and the line No. 17 Łódź Fabryczna – Koluszki are required to phase into operation passenger rolling stock provided with close circulation toilets.  
Railway undertakings using the above sections of the railway lines No.1 and No. 17 are required to compose trains using passenger rolling stock provided with close circulation toilets.
2. Railway undertakings using the railway line No. 2 Warszawa Zachodnia - Terespol are required to instruct their train crew to close open circulation toilets when travelling along the cross-town long-distance line on the section Warszawa Zachodnia – Warszawa Wschodnia.
3. Railway undertakings providing carriage of passengers, when using the railway lines between the operating control points Wrocław Główny WGB, Wrocław Główny WGA and the junction point Grabiszyn, are required to close toilets with open circulation for the time of moving trains from stabling tracks to platform tracks.
4. Railway undertakings providing carriage of passengers, when using the railway line No. 440 Warszawa Służewiec – Warszawa Lotnisko Chopina, are required to compose trains using passenger rolling stock provided with closed circulation toilets.
5. After the year 2023 railway undertakings will be required to form train sets using passenger rolling stock provided with closed circulation toilets throughout the railway infrastructure managed by PLK.
6. Railway undertakings using the railway infrastructure are responsible for all emissions to the environment in the railway area and outside it arising as a result of their activities.
7. In the event that the undertaking causes environmental pollution, creates an immediate risk of environmental damage or produces environmental damage, the undertaking will be required to pay the costs of any preventive and remedial actions referred to in the Act of 13 April 2007 on preventing and remedying environmental damage (Journal of Laws of 2014, item 1789, as amended).

### 3.4.2. Restrictions on the transport of dangerous goods

1. Information on restrictions concerning the transport of dangerous goods, including procedures for all the parties involved in the transport of dangerous goods on railway lines managed by PLK and the prevention of situations causing risks to humans and the environment due to the process, is provided in the Instruction on the carriage of dangerous goods by rail - Ir-16 provided in **Annex 3.1**.
2. Based on Article 29a (3) (2) of the Act, PLK prohibits the entry of rail vehicles transporting dangerous goods into the tunnels listed below:

No.	Organisational unit	Location	Number of line	Tunnel specification	Kilometrage from (km) - to (km)
1	Regional Railway Unit in Warsaw	Warsaw	2	Cross-town long-distance tunnel	from -0.254 to -0.557 from 0.152 to 1.680
			448	Cross-town suburban tunnel	from -0.196 to 0.100 from 0.404 to 1.680
2	Regional Railway Unit in Warsaw	Warsaw	440	Chopin Airport	from 0.460 to 1.620
3	Regional Railway Unit in Łódź	Łódź	17	Łódź Fabryczna	from -0.142 to 2.250
			458		from -0.139 to 2.250



### 3.5. Availability of the infrastructure

1. Operational requirements may arise e.g. from:
  - 1) planned track possessions due to investment and/or modernisation works, repairs and regular maintenance works,
  - 2) non-scheduled track possessions due to railway infrastructure damage and those not included in long-term schedules of track possessions due to additional investments and modernisation works,
  - 3) temporary operational restrictions for certain railway line sections or operating control points as described in **Annex 2.7**,
  - 4) maintenance shutdowns;
  - 5) damage to the rolling stock,
  - 6) occurrence of emergency or crisis situations,
  - 7) risks to the traffic safety or the safety of carriage of people and goods;
  - 8) requirements related to the state security and defence,
  - 9) decision of the President of UTK and other competent national authorities.
2. The procedures for planning and approving track possessions as well as the units responsible for establishing a schedule of repairs are provided in the "Rules governing the organization and approval of track possessions - Ir-19".
3. The track shutting off plans are divided into:
  - 1) long-term,
  - 2) periodic.
4. A list of scheduled long-term track possessions is provided in **Annex 5.1** "Network-wide schedule of track possessions for the 2018/2019 timetable".
5. Periodical planning refers to the periods of applicability of the changed traffic organization. A detailed schedule of changes in the train timetable is provided in **Annex 5.2**.
6. For the lines to be covered by scheduled track possessions referred to in section 1 (1), PLK develops the RRJ based on the actual capacity of the respective lines. A list of lines without railway capacity or with restricted railway capacity is provided in **Annex 5.3**.
7. Other information on operational restrictions are specified in subsection 3.4 [Operational restrictions].

### 3.6. Service facilities

Information on service facilities is provided in the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A., which can be accessed at [www.plk-sa.pl](http://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/>

#### 3.6.1. Passenger stations

Passenger stations - detailed technical specifications are provided in **Annex 2** to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

### **3.6.2. Freight terminals and tracks for cargo handling operations**

Loading tracks - detailed technical specifications are provided in **Annex 5** to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

#### **3.6.2.1. Marshalling yards and train formation facilities, including shunting facilities**

Marshalling yards - detailed technical specifications are provided in **Annex 3** to the Regulations for granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

### **3.6.3. Storage sidings**

Stabling tracks - detailed technical specifications are provided in **Annex 4** to the Regulations on granting access to the service facilities managed by PKP Polskie Linie Kolejowe S.A.

### **3.6.4. Maintenance facilities**

The service facilities offered by PLK do not include any equipment for maintenance of rail vehicles.

### **3.6.5. Other technical facilities, including cleaning and washing facilities**

The service facilities offered by PLK do not include any rolling stock cleaning equipment.

### **3.6.6. Maritime and inland port facilities**

The service facilities offered by PLK do not include any equipment in sea and inland ports.

### **3.6.7. Relief facilities**

The service facilities offered by PLK do not include any rescue equipment.

### **3.6.8. Refueling facilities**

The service facilities offered by PLK do not include any fuel supply equipment.

## **3.7. Infrastructure development**

A list of reclamation or modernisation works related to the railway infrastructure managed by PLK, the purpose, material scope and financing sources and a general schedule of individual tasks are available at:

<http://www.plk-inwestycje.pl>

## 4. CAPACITY ALLOCATION

### 4.1. Introduction

1. The capacity is allocated based on applications submitted by the applicants who concluded the Contract of Allocation.
2. The applications referred to in section 1 may concern the allocation of railway capacity for a train path, shunting operations or stabling of a train set regarding the allocation of new railway capacity or the modification of the railway capacity allocated.
3. In its application for capacity allocation, the applicant may indicate related applications which needs to be implemented for the allocation of the requested train path.
4. PLK does not allocate capacity to any related applications if no capacity has been granted for at least one of them.
5. The applicant may not submit an application for capacity allocation concerning various types of capacity if they are not related to subsequently performed activities associated with a set of rail vehicles.
6. An application submitted by an applicant may refer to other applications for allocation of capacity which is immediately prior to that requested for the same set of rail vehicles.
7. PLK accepts only such applications which:
  - 1) were submitted by applicants who concluded a Contract of Allocation with PLK,
  - 2) were submitted within the time limit prescribed in the Network Statement;
  - 3) contain information referred to in § 4 (1)-(4) and § 5 (1) of the Regulation.
8. The applications which do not meet the requirements referred to in section 7 (1) and (2) are returned immediately to the respective applicants, including a statement of reasons for inadmissibility of the application.
9. The applications which do not meet the requirements referred to in section 7 (3) are returned by PLK to the respective applicants who are required to complete their applications within 5 working days.
10. The failure to submit additional information referred to in section 9 provides the basis for refusing to consider an application for allocation of railway capacity.
11. Notifications concerning the non-availability of railway capacity due to non-scheduled railway infrastructure maintenance works are posted by the infrastructure manager via the ISZTP.

### 4.2. Description of the process

#### 4.2.1. Submitting applications for train path allocation

1. Applications for capacity allocation for a train path (hereinafter the “application for train path allocation”) are submitted in electronic format according to the procedure described below via the ISZTP at <https://skrij.plk-sa.pl> or via the SKRJ OCTOPUS interface developed by PLK.  
The rules for gaining access to the services are described in **Annex 6.2**.
2. The access to the system is granted after submitting an application for granting access to the ISZTP in accordance with the template attached in **Annex 6.2** to:

**PKP Polskie Linie Kolejowe S.A.  
Railway Traffic Management Centre  
03-734 Warszawa, ul. Targowa 74**

e-mail: [idoi@plk-sa.pl](mailto:idoi@plk-sa.pl)

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

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

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

3. Having been granted access to the ISZTP, information concerning the first activation is to the applicant's e-mail address indicated in the application.
4. The applicant must log into the system within not more than 3 months from the date of granting access or the last login date. After this deadline has passed, another application for granting access to the ISZTP should be submitted.
5. The responsibility for securing a password and information uploaded to the ISZTP lies with the applicant.
6. Applications for train path allocation are only considered if they contain information indicated in the template provided in **Annex 6.1**.

An applicant other than a licenced railway undertaking is required to indicate in its application for train path allocation a railway undertaking which will carry out the related transport operations.

For railway passenger transport services, the applicant has to indicate the basis for such services in accordance with the completion instructions.

7. The applications for train path allocation are based on the classification of trains provided in **Annex 6.1**.

The passenger trains stabling interval requested by the applicant must not be shorter than that indicated in § 19 (7) of the Train Timetable Instruction Ir-11 attached in **Annex 3.2**.

8. Train connections are determined in accordance with § 22 of the Instruction for train timetables Ir-11. To enable connecting and switching train sets, the applicant indicates in the ISZTP the trains which are to be connected or switched between train sets. Only the trains designated in the ISZTP are considered to be connected and those which are subject to train set switching operations. Train set connecting and switching operations in the ISZTP may be requested by the applicants from the date of dispatch of the draft:

- 1) RRJ to the date referred to in **Annex 8**,
- 2) ZRJ up to 5 days following a decision issued by ZRJ.

9. The date of submission of an application for train path allocation is the date when the applicant uploads the application to the ISZTP.
10. In the event of a failure of the ISZTP for reasons attributable to the applicant, applications for train path allocation should be submitted to a competent regional timetabling unit in the area where the starting point of the train travel is located (for contact details, see **Annex 4.3**).
11. If it is planned to use a new motive power unit, the applicant submits an application for registration of a motive power unit within at least 7 calendar days before the planned submission of an application for train path allocation using the template provided in **Annex 6.3 A** in electronic format to the following address:

[idoi@plk-sa.pl](mailto:idoi@plk-sa.pl)

12. Applications for train path allocation for priority carriage services related to the national defence should be submitted in sufficient time to enable the preparation of a train timetable and its submission to the applicant.

13. For passenger transport services, the applicant also has to provide a certified copy of the public service contract (or its section relating to the scope of services) or a copy of the decision granting open access, or a copy of a declaration of the intention to include the trains in a public service contract, issued by an organizer of public railway transport services, to the following address:

**PKP Polskie Linie Kolejowe S.A.**  
**Railway Traffic Management Centre**  
**03-734 Warszawa, ul. Targowa 74**  
e-mail: [ld@plk-sa.pl](mailto:ld@plk-sa.pl)

If the above documents are not submitted, the application for train path allocation is returned to the applicant.

14. Before submitting an application for allocation of train paths for international rail carriage of people, which includes the right to provide travellers with the possibility of getting on and off on stations within PLK's network, an applicant based outside the Republic of Poland is required to submit a decision issued by the President of UTK on granting open access to a given international train path to the address indicated in subsection 2.2.2. (2).
15. On lines included in rail freight corridors referred to in subsection 1.9, the preliminary international train paths and reserve capacity are allocated by C-OSS units. The rules and procedures for allocating train paths via C-OSS are published in CID documents for individual corridors. Detailed information is available in English at [www.rfc5.eu](http://www.rfc5.eu) and [www.rfc8.eu](http://www.rfc8.eu).

#### **4.2.2. Submitting applications for capacity allocation for shunting or stabling operations**

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. The access to the module referred to in section 1 is granted after submitting an application using the template attached in **Annex 6.2** (Application for granting access to the Internet-Based Train Path Allocation System (ISZTP) 'Request & Ride') to the following address:

**PKP Polskie Linie Kolejowe S.A.**  
**Railway Traffic Management Centre**  
**03-734 Warszawa, ul. Targowa 74**

e-mail: [idoi@plk-sa.pl](mailto: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

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

3. Having been granted access to the ISZTP, information concerning the first activation is to the applicant's e-mail address indicated in the application.
4. The applicant must log into the system within not more than 3 months from the date of granting access or the last login date. After this deadline has passed, another application for granting access to the ISZTP should be submitted.
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. Applications for capacity allocation for shunting or stabling operations are accepted only if they contain information referred to in **Annex 6.4**, where sections A, B and C must be completed for shunting

operations, and section A, B and D - for stabling operations. One application for capacity allocation for shunting and stabling operations is acceptable if it refers to one 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 the event of a system failure or specific operational conditions, which could not have been foreseen in advance, the demand for shunting or stabling operations should be reported by railway undertaking's staff directly to a traffic controller. This notification is submitted via a radiotelephone.
9. PLK may refuse to accept an application if there is no more available railway capacity in a given location.
10. It is not necessary to submit applications for capacity allocation for shunting operations aimed at changing the train head or stabling operations if such operations arise from the implemented timetable or are due to reasons attributable to PLK.
11. The above requirements apply, respectively, to applications for capacity allocation to use services provided in the service facilities.

### 4.3. Schedule for submitting applications and allocating train paths

#### 4.3.1. Annual train timetable

1. PLK prepares a draft version of RRJ based on applications for train path allocation concerning trains meeting the requirements of subsections 4.1 - 4.2 according to the following schedule:

Type of path	Deadlines	
	from	to
INTERNATIONAL, MULTI-NETWORK AND FRAMEWORK PATHS Types of trains (according to Appendix 6.1)		
Passenger, freight and empty train sets and locomotives	26 March 2018	9 April 2018
SINGLE-NETWORK PATHS Types of trains (according to Appendix 6.1)		
Passenger trains	3 April 2018	16 April 2018
Freight trains	28 May 2018	8 June 2018
empty train sets and locomotives in passenger transport (PC, PW, PX, LP, LW, PH)	28 May 2018	8 June 2018
locomotives for freight transport (LT, LM, LS, TH)	2 July 2018	9 July 2018
IRJ PATHS for the period of applicability of the RRJ		
Passenger, freight and empty train sets and locomotives	10 July 2018	10 September 2018

2. PLK develops the RRJ project taking into account:
  - 1) limitations arising from:
    - a) the need to ensure capacity for the maintenance of the railway infrastructure,
    - b) possibility of relocating initially agreed international train paths within the freight transport corridor,
  - 2) priority of privileged traffic on railway line sections referred to in Article 29b of the Act,
  - 3) using the railway capacity as well as possible,
  - 4) priority given to train paths included in published transport plans,
  - 5) priority of passenger transport,
  - 6) priority given to preparation of train paths requested by applicants who met the requirements concerning the threshold allocation rate of train paths, as defined by the infrastructure manager, in the last completed period of applicability of an annual timetable,
  - 7) priority in the development of train paths, which are to operate according to the regular-interval timetable as indicated by the applicant in its application,
  - 8) priority is given to train paths for which a greater number of travel days was planned,
  - 9) where possible, all and any restrictions applicable to the applicants, including economic effects on their business operations,
  - 10) provisions of international agreements, cross-border agreements and minutes of international meetings, in particular those concerning paths for international trains.

3. When developing the RRJ and considering all the priorities referred to in section 2, PLK additionally allows for the following train priorities:
  - 1) express passenger trains (EC, EN, EI, EX) and international trains (MM, RM, AM),
  - 2) passenger interregional and regional trains for commuters, i.e. arriving at the designated final station or another station indicated by the railway undertaking along the travel path of the train between 5:30 a.m. and 8:30 a.m., and departing from the initial station or another station indicated by the railway undertaking along the travel path of the train between 2:30 p.m. and 5:30 p.m.,
  - 3) other regional passenger trains,
  - 4) freight trains,
  - 5) empty passenger train sets and locomotives.
4. A detailed RRJ development schedule is provided in Annex 8 "Development schedule for the 2018/2019 annual timetable".
5. In the event that PLK, when preparing a train timetable according to submitted applications for train path allocation, finds that such applications have not been properly completed, including in particular excessive axle loads during traction assessment calculations, it informs the applicant thereof, indicating alternative train paths.

The applicant is required to submit any necessary additional information and corrections within 5 working days.
6. For information on the implementation of applications for train path allocation can be requested at:
  - 1) applications concerning domestic passenger transport:

e-mail: [wnioski.pas@plk-sa.pl](mailto:wnioski.pas@plk-sa.pl)  
municipal tel.: (+48) 22 473 20 17; railway tel.: (922) 473 20 17  
municipal fax: (+48) 22 473 23 59
  - 2) applications concerning international passenger transport:

e-mail: [miedzynarodowe.pas@plk-sa.pl](mailto:miedzynarodowe.pas@plk-sa.pl)  
municipal tel.: (+48) 22 473 28 76; railway tel.: (922) 473 28 76  
municipal fax: (+48) 22 473 23 59
  - 3) applications concerning freight transport:

e-mail: [wnioski.tow@plk-sa.pl](mailto:wnioski.tow@plk-sa.pl)  
municipal tel.: (+48) 22 473 32 08; railway tel.: (922) 473 32 08  
municipal fax: (+48) 22 473 23 59
7. The final time limit prescribed by PLK for changing railway undertakings in the applications submitted by an applicant other than railway undertaking is 8 June 2018.
8. PLK develops a draft RRJ and submits the relevant part thereof to the applicant for acceptance within the limits prescribed in **Annex 8**.
9. Applicants are required, within 1 month from the date of receipt of the draft RRJ referred to in section 8, to accept it, submit comments or proposals for amendments to the draft timetable to the extent that it does not meet the requirements specified in their applications. Comments to the draft RRJ should be submitted in tabulated form according to the template provided in **Annex 8.1** as well as sent in an editable file format (MS Excel) to the following e-mail address:

[ld@plk-sa.pl](mailto:ld@plk-sa.pl)

If no opinion is submitted within the above time limit, the draft RRJ is considered to have been accepted without reservations.



10. PLK considers the comments and proposals for changes to the draft RRJ.

In the event that PLK is unable to allow for comments or suggested changes referred to in section 9, it informs the applicant thereof no later than within 14 working days from the date of receipt of such comments or suggested amendments to the draft RRJ.

The applicant may withdraw, within 5 working days, its application for train path allocation, for which the draft RRJ does not meet specific requirements, and applications which are not withdrawn are considered by PLK to have been accepted.

In the event that PLK decides to allow for comments or suggested changes referred to in section 9, it agrees with the applicant the draft train timetable no later than within 14 working days from the date of receipt thereof.
11. PLK develops the RRJ taking into account the approved draft train timetables.

PLK informs the applicant of allocated train paths no later than by 10 September 2018. The Notification of allocated train paths is sent only if the applicant has accepted the train paths by their authorisation in the ISZTP before 6 September 2018.

The paths which have not been authorised by the applicant are not included in the Notification.
12. PLK enables the interested applicants and railway undertakings to download the established train timetable in electronic format from the ISZTP at [www.plk-sa.pl](http://www.plk-sa.pl) starting from 11 September 2018.

PLK allows the applicant and railway undertaking to use files provided in electronic format.
13. PLK allows applicants to access the timetable being developed as needed via the SKRJ. The access to the SKRJ is granted when the "Contract for data accessibility via SKRJ" is concluded.

#### **4.3.2. Schedule for submitting applications for train path allocation as part of the individual timetable - outside the annual timetable**

1. The applications for train path allocation as part of the IRJ can be submitted from 10 July 2018 onwards:
  - 1) for domestic train paths no later than:
    - a) 40 calendar days before the scheduled date of departure for passenger train paths,
    - b) 7 calendar days before the scheduled date of departure for occasional passenger train paths,
    - c) 5 working days before the scheduled date of departure for freight trains, non-commercial passenger trains (i.e. not transporting people), light locomotives,
  - 2) for international train paths, which need to be agreed with foreign railway infrastructure managers, the applicant is required to submit via the ISZTP, through PLK's regional Railway Traffic Management Centre, competent for the cross-border station, under the supervision of a One Stop Shop (OSS) unit, not later than:
    - a) 40 calendar days before the scheduled date of departure for passenger train paths,
    - b) for freight trains and non-commercial passenger trains (i.e. trains which do not transport people):
      - 7 working days before the planned departure for train travel involving the use of the adjacent network of a foreign railway infrastructure manager affiliated with the RNE + 2 working days per each subsequent railway infrastructure manager affiliated with the RNE,
      - 20 working days before the planned departure for train travel involving the use of the adjacent network of a foreign railway infrastructure manager not affiliated with the RNE or 25 working days before the planned starting date of train travel involving the use of

networks administered by more than one foreign railway infrastructure manager not affiliated with the RNE,

2. When submitting an application, the applicant indicates a railway undertaking to provide transport services, which is required to authorise the application. An application which has not been authorized by the railway undertaking will not be included in the timetable.
3. As far as possible, PLK accepts allocations for train path allocation for freight or passenger trains not transporting people, for preparation of the IRJ for a single train travel after the period referred to in section 1 (1) (c) and section 2 (b), and the date of submission of the application must enable PLK to provide the applicant with a draft timetable or informing it that it is impossible to implement the application for train path allocation no later than 2 hours before the planned activation of the train or light locomotive.
4. If an application for train path allocation according to the IRJ is submitted at least 72 hours before the planned departure of the train, the applicant is guaranteed by PLK to receive a finalized IRJ or notification of the impossibility of implementing the application no later than after 36 hours from the date of submission of the application.
5. PLK does not allocate capacity to applications submitted with respect to the IRJ within less than 8 hours before the planned activation of the train or 3 hours in the case of applications concerning the transport of light locomotives.
6. Applications for train path allocation as part of the IRJ for the duration of the RRJ, submitted within the time limit referred to in subsection 4.3.1. (1), PLK develops a timetable and sends the resulting timetable to the applicants within the period from 11 September 2018 to 17 September 2018.
7. Applications for train path allocation according to the IRJ for the period between 9 June 2019 and 14 December 2019, submitted after 22 January 2018, are examined by PLK after providing the applicants with information on timetable changes (update as of 9 June 2019), i.e. from 5 March 2018.
8. The period when changes to the timetable are being prepared, i.e. between the deadlines indicated in Annex 5.2, in columns 'START DATE' and 'END DATE', involves some restrictions on allocating capacity according to IRJ applications.
9. Applications for train path allocation as part of the IRJ should be submitted within via the ISZTP in accordance with the rules specified in subsections 4.1. - 4.2.
10. When submitting an application for train path allocation as part of IRJ, an applicant may select the 'draft acceptance' option. If the option is not selected, the draft timetable will be automatically accepted, and the timetable will be implemented within 5 minutes after the draft timetable is developed.
11. The applications for train path allocation according to IRJ are examined taking into account:
  - 1) the obligation to provide transport services, as laid down under the transport law,
  - 2) limitations arising from:
    - a) the need to ensure capacity for the maintenance of the railway infrastructure,
    - b) possibility of relocating initially agreed international train paths within the freight transport corridor,
  - 3) using the railway capacity as well as possible,
  - 4) scheduled date of travel,
  - 5) the order of the submission of applications.
12. PLK prepares the draft IRJ no later than within 5 working days from the date of submission of the application.
13. The time limit referred to in section 12 can be extended:

- 1) in the case of applications concerning international and multi-network paths on account of the time needed by railway infrastructure managers to agree a train timetable for the interface points between the railway lines,
  - 2) in coordination with the applicant, for train paths which require detailed arrangements (e.g. occasional trains for mass events),
  - 3) if it is necessary to determine changes to the secondary train paths allocated to other applicants.
14. The draft IRJ is submitted to the applicant at the time of approval of the final path in the SKRJ via a notification in the ISZTP.
15. As far as the applications referred to in sections 1 and 13 are concerned, PLK informs the applicant within 5 working days if the application meets the formal requirements and sets the deadline for preparation of draft IRJ.
16. If it is not possible to establish the IRJ based on an application for train path allocation, PLK provides the applicant with an alternative solution (e.g. an alternative train path, as short as possible and with parameters similar to those requested, according to another time frame) and prepares the IRJ in coordination with the applicant.
17. The draft timetable, for which the applicant has selected the 'draft acceptance' option, should be accepted within 4 calendar days. If an application is not accepted and rejected by PLK, the applicant is required to pay a fee for the processing of the application for capacity allocation. As soon as the allocated path is accepted, it is automatically sent to the applicant.
18. Based on the applications referred to in Article 30 (10) of the Act, PLK allocates railway capacity in accordance with the above provisions.

#### **4.3.3. Changes in the Network Train Timetable**

Changes in the timetable may include:

- 1) preparing proposals of changes to allocated train paths, which need to be modified due the changes in the railway infrastructure parameters,
- 2) examination of applications for train path allocation, which refer to modifications of allocated train paths,
- 3) preparation of proposals of changes for the allocated train paths, which are possible due to changes in the railway infrastructure parameters or the changes referred to in sections 1 and 2,
- 4) examination of applications for allocation of new train paths.

### 4.3.3.1. Changes relating to applications for train path allocation (Timetable update)

1. The timetable applicable as of 9 June 2019 is updated by PLK according to the following schedule:

No.	Specification	Deadline
1	Submission of applications for train path allocation	15-22 January 2019
2	Development of a train timetable based on submitted applications for train path allocation	23 January - 13 February 2019
3	Submission of the draft train timetable	14 February 2019
4	Analysis and submission of comments to the draft train timetable	15-19 February 2019
5	Implementation or refusal to implement comments and suggested changes	20-27 February 2019
6	Acceptance of the train timetable	28 February - 1 March 2019
7	Implementation of the train timetable	4 March 2019
8	Operational period of trains	9 June - 14 December 2019

2. PLK makes additional RRJ updates for freight trains according to the available capacity based on the following schedule:

No.	Specification	Deadlines			
		19-20 November 2018	6-7 May 2019	3-4 June 2019	10 December 2018 (*)
1	Submission of applications for train route allocation	19-20 November 2018	6-7 May 2019	3-4 June 2019	10 December 2018 (*)
2	Development of a train timetable based on submitted applications for train path allocation	21-27 November 2018	8-14 May 2019	5-11 June 2019	11-14 December 2018 (*)
3	Submission of the draft train timetable	28 November 2018	15 May 2019	12 June 2019	17 December 2018 (*)
4	Analysis and submission of comments to the draft train timetable	29-30 November 2018	16-17 May 2019	13-14 June 2019	18-19 December 2018 (*)
5	Implementation or refusal to implement comments and suggested changes	3-5 December 2018	20-23 May 2019	17-19 June 2019	20-21 December 2018 (*)
6	Acceptance of the train timetable	6 December 2018	24 May 2019	20 June 2019	27 December 2018 (*)
7	Implementation of the train timetable	7 December 2018	27 May 2019	21 June 2019	28 December 2018 (*)
8	Operational period of trains	1 April - 14 December 2019	2 September - 14 December 2019	7 October - 14 December 2019	4 February - 14 December 2019 (*)

(\*) Adjustments are made based on IRJ applications.

3. The updating procedure involves:
  - 1) preparing proposals of changes to allocated train paths, which need to be modified due the changes in the railway infrastructure parameters (PLK will enable generating a report from the ISZTP concerning changes in the train timetable due to changes in the railway line parameters),
  - 2) examination of applications for allocation of new train paths.
  - 3) examination of applications for train path allocation, which refer to modifications of allocated train paths by:
    - a) shortening the train path, provided that 30% of the original train path remains unchanged and the application continues to be valid from the date of update,
    - b) to extend the train path, provided that no declaration of abandonment of the application is submitted before the date of update,
    - c) changes in the dates and duration of closures,
    - d) changes in the train length and gross weight,
    - e) changes in the series of a powered railway vehicle,
    - f) changes in the declared percentage of the braking mass,
    - g) changes in the train speed,
    - h) travel partly by a different path, provided that 30% of the original path remains unchanged.
4. PLK allows modifying applications for train path allocation, except for cancellations, which can only be submitted in accordance with the procedure described in subsection 4.7.
5. PLK examines applications for train path allocation, submitted within the time limits referred in sections 1 and 2, via the ISZTP in accordance with the rules specified in subsections 4.1. - 4.2.
6. The applications for train path allocation which relate to timetable changes are examined by PLK taking into account:
  - 1) priority of train paths allocated according to RRJ,
  - 2) in relation to paths allocated as part of the RRJ - the rules specified in subsection 4.3.1.,
  - 3) in relation to paths allocated as part of the IRJ - the rules specified in subsection 4.3.2.,
  - 4) for new paths - the rules specified in subsection 4.3.2.
7. In the event that changes are submitted in the RRJ update process and such changes result in modifications to timetables of other applicants, RRJ will be updated only if the interested applicants give their consent.
8. Having received the draft timetable, the applicant accepts it or submits comments and proposals for changes. Comments or proposals of changes cannot refer to the elements which have not been included by the applicant in its applications for train path allocation. In the event that the applicant fails to present its position within the time limits indicated in section 1, PLK assumes that the draft amendments to the RRJ has been accepted without reservations.
9. In the event that PLK is unable to take into account all the comments or implement the changes referred to in section 7:
  - 1) PLK prepares a draft train timetable taking into account the applicant's requests and comments to the maximum possible extent,
  - 2) PLK notifies the applicant thereof,
  - 3) applicant accepts the draft referred to in section 1, or decides not to use, in whole or in part, the capacity allocated.
10. The applicant's refusal to accept the draft amendments to the train timetable to the extent referred to in section 9 (3) is equivalent to the applicant's abandonment of the applications submitted.

11. Based on the approved parts of the draft changes to the train timetable, PLK implements amendments to the train timetable.
12. PLK enables the interested applicants and railway undertakings to download train timetables in electronic format from the ISZTP at [www.plk-sa.pl](http://www.plk-sa.pl) after the date of ordinance referred to in section 1 or 2.

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

1. PLK introduces changes in the train timetable, resulting from investments, repair or maintenance of railway lines, within the deadlines specified in **annex 5.2**.
2. These changes involve the preparation of proposals for changes to allocated train paths necessary due to the 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 the 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 of cancelling it.
3. PLK, before starting to prepare the ZRJ draft, informs applicants about the commencement 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 the introduction of substitute transport.
4. In the case of execution of planned works on the railway line causing timetable changes in domestic or international passenger traffic, the Railway Traffic Management Centre sends ZRJ projects by ISZTP and e-mail, separately to each of the concerned applicants for agreement, not later than 60 calendar days prior to the date of the planned change of traffic organisation, according to the deadlines included in **annex 5.2** for the 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. A lack of response from the applicant is treated as acceptance of the submitted draft as well as agreement of the timetable.
5. In the 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 an optimal solution in the given circumstances or resigns from the allocated capacity in whole or in part.
6. In the case when the introduction 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 the 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. PLK enables the presentation of the route of substitute communication in the passenger information including non-railway structures. In such a case, the information must be submitted to PLK 14 calendar days in advance (at least 6 working days in advance) on all the substitute transport stops arranged for the given route, according to the table attached hereto, to [ZKA@plk-sa.pl](mailto:ZKA@plk-sa.pl).

7. PLK prepares a 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 the case of execution of planned works on the railway line causing freight timetable changes, the 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 the ZRJ project in a time period not longer than 10 calendar days or proposes changes. A lack of response from the applicant is considered as acceptance of submitted draft as well as agreement of the timetable.  
In the 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 the prepared ZRJ to applicants by e-mail.
10. In the 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 the preparation of consent for transporting an exceptional shipment on the new route, without the 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 the case when a conflict between train paths with equal priority occurs, PLK chooses the optimal solution taking into account the utilization of line capacity, i.e. gives priority to the applicant, whose train causes better use of railway line capacity.
13. If the applicant – without reasoned argument – will not agree to the proposed changes or raise requirements impossible to meet due to technical or operational reasons, PLK has the right to treat ZRJ as a working one. The applicant has the 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 through the tab „Modyfikacja przydzielonej zdolności przepustowej”.
3. In the 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., 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 the 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 the 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 moment the train starts.
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, to 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 2018.

#### **4.3.4. Catalogue paths**

1. The timetable for domestic train paths from PLK Catalogue may be prepared and provided by ISZTP on [www.plk-sa.pl](http://www.plk-sa.pl).
2. The PLK catalogue in international traffic may be prepared, in consultation with other concerned managers, for the purpose of implementing the request for allocation of international paths.
3. Access to ISZTP is granted in accordance with the rules set out in subchapter 4.2.
4. The application for train path allocation from PLK Catalogue must be submitted exclusively by ISZTP.
5. The applicant receives confirmation of submitting an electronic application for the allocation of a train path from the PLK Catalogue using 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. The application for preparation of train timetable study shall be submitted according to principles referred to in subchapters 4.1. - 4.2.
2. The train timetable study does not guarantee train path allocation.
3. PLK provides the 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 a timetable is not prepared**

1. The 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. The 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.

A written application which does not meet the requirements 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. The railway undertaking's application for use of lines/line sections referred to in par. 1 must include in particular:
  - 1) indication of the railway lines plant to which the line/line section belongs; when the line/line section belongs to two or more railway lines plants, the application can be submitted to any of them;
  - 2) the name, headquarters and address of the applicant (railway undertaking);
  - 3) the date of preparing the application;
  - 4) the specification of lines/line sections requested by the railway undertaking to be used;
  - 5) the time period of use of lines/line sections for train journeys;
  - 6) a description of type of goods;
  - 7) a declaration of volume of operational performance in gross-tonne-kilometres (btkm) and trainkilometres (pockm) on the line/line section requested by the railway undertaking;
  - 8) indication of the parameters of the 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 the railway undertaking on technical and operational conditions and coverage of expenses connected with it – PLK, i.e. the relevant railway lines plant, prepares regulations concerning traffic management on the line/line section for which timetable is not prepared. The above-mentioned regulations will be prepared in accordance with rules and conditions of railway traffic management specified in Decree of the Minister of Infrastructure of 18 July 2005 on general conditions concerning railway traffic management and signalling (Consolidated Journal of Laws of 2015, item 360, as amended), as well as PLK's internal regulations indicated in **annexes 3.1 and 3.2**.
5. Preparation costs of regulations concerning traffic management on the line/line section for which timetable is not prepared are borne by the railway undertaking.
6. Regulations concerning traffic management on line/line section for which a timetable is not prepared – developed in a way described above and approved according to PLK's internal regulations – are the basis for preparing access contract for use of the line/line section for which a timetable is not prepared.
7. In the contract referred to in par. 6, an access charge for use of the line/line section for which a timetable is not prepared, is determined on the basis of separate calculation, including:
  - 1) the necessary costs of adaptation of the line/line section to traffic operations;
  - 2) operational and maintenance costs of the line/line section in the part that is recognised as a direct result of a particular train journey.

In the case of a 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 coordinating train paths, PLK organises timetabling conferences with attendance of concerned passenger railway undertakings.  
The 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.  
The dates of timetabling conferences are given in **annex 8**.
2. In the case of conflict occurred between submitted applications on train path allocation, PLK ensures the realisation of submitted 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 the case of conflict between train paths, a coordination process is carried out by PLK.  
During the coordination process, PLK provides involved railway undertakings with essential information (in paper or electronic version) on requested conflicting paths, without disclosing the identity of all remaining railway undertakings unless they accept it, as well as on the criteria applied in the 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 of:
  - 1) allocating another time system for the requested train paths;
  - 2) preparing a timetable to run trains on different train path than indicated in the application for train path allocation;
  - 3) shortening the time of journey through congested infrastructure section by decreasing a number of halts, their duration, decreasing the total weight of the train, using a motive power unit with better traction parameters;
  - 4) applying:
    - a) variants of the timetable for colliding train paths on the days when they occur,
    - b) restrictions – for particular dates - on the circulation of specified trains.

PLK inform about the criteria to be taken into account in the process of allocating train paths and indicates applications for the allocation of train paths according to the priority in capacity allocation.

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

A lack of the applicant's response within 5 working days from receiving from PLK information on a proposal of resolving conflict, shall be considered as acceptance.

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

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

2. The times for international trains admission and handover on border crossings are arranged at international conferences.  
In the case of a conflict between international and domestic train paths, PLK proposes a solution respecting the principles of coordination referred to in par. 1.

3. If the process of coordination does not bring a solution which satisfies all the parties, PLK allocates the train path by taking into consideration the technical-operational conditions and best use of capacity on the available railway lines and the possibility of changing the times of reception or transfer of trains on the contacts between managers or border crossings.
4. In the event of difficulties in establishing paths for multi-network trains, PLK, together with the manager concerned, proposes a solution, taking into account the coordination rules referred to in paragraph 1.1, while also taking into account the available capacity of both the first and the second manager.  
The adopted solutions are submitted to the railway undertakings, as a timetable draft, for approval in accordance with subchapter 4.3.1.
5. In the case of capacity allocation disputes (applies to applications with the same routing priority), PLK:
  - 1) requests the interested applicants to present their position in the dispute within 4 working days;
  - 2) after receiving their position, the following positions will be analysed within 4 working days:
    - a) in the case of equal priorities, an analysis is made in terms of better use of the capacity; capacity is first allocated to paths with better use of capacity;
    - b) in the case of equal priorities and identical use of capacity, the analysis takes into account the parameters of the path such as gross and number of days of circulation; the capacity is first allocated to the path with more circulation days or higher gross;
    - c) if all the parameters are identical, first, the capacity is allocated to the applicant who has planned more paths on the given section of the railway line in the previous timetable;
  - 3) informs the applicants of the resolution reached no later than 10 working days after the date of receipt of the dispute information regarding the allocation of capacity.

#### 4.4.3. Congested infrastructure

1. If despite the 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 the railway undertaking's expectations – PLK promptly notifies the President of UTK and involved railway undertakings, that the railway line or its section is congested, excluding the cases referred to in § 7 par. 11 point 1 of the 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 the Decree.
3. Train paths allocation on congested railway lines sections is executed on the basis of results of auction referred to in § 7 par. 11 point 4 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 continuation.  
PLK, in the 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. The applicant informs PLK about permanent intention not to use of the framework capacity without undue delay.
3. PLK publishes the framework capacity statement no later than 3 months after concluding the 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 the 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 who possesses a 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. 4.

The 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.

The 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 runs of substitute transport, if the need to use it was caused by PLK. The above-mentioned 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.

The above-mentioned 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. The 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 POIŚ, 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 4.9.5 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 introducing substitute transport, the railway undertaking must inform the 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.

The aforementioned information should be also submitted in written form.

#### 4.7. Rules for cancellation of allocated capacity

1. The applicant has a right to cancel allocated train path or its part. Cancellation of the 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.
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. 11.

3. Confirmation of cancellation of allocated train path or its part is generated automatically by ISZTP and sent to applicant's e-mail.

In the case of ISZTP failure, cancellation 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. Providing wrong data in the application for allocated capacity cancellation causes rejection of the cancellation.

#### **4.8. Exceptional transports and dangerous goods**

1. PLK performs activities connected with transport of special consignments and dangerous goods of high risk (TWR) in accordance with internal regulations specified in **annex 3.1**.
2. Requirements and information concerning exceptional transports and dangerous goods were described in subchapter 2.5. [Exceptional transports] and in subchapter 2.6. [Dangerous goods].

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

1. In emergency or crisis situations, in particular resulting from the needs of state defence and security, PLK suspends or restricts railway traffic and decides on the scope of modification of the transport process.
2. PLK has the right to demand that the railway undertaking appoint its representatives to the composition of crisis management teams, appointed and created in structures of PLK in emergency or crisis situations.
3. Detailed rules for notification of incidents and situations of potential hazards, procedures for the appointment and operation of railway commissions, rules for the qualification of events and situations of potential hazards, and the rules for documenting the conduct of investigations shall be determined by the "Ir-8 Railroad Accident, Incidents and Incidents Manual", listed in **Annex 3.2**.
4. The proceedings in the event of threats and crisis situations are specified in:
  - 1) "The principles of organisation of the railway crisis management system during the occurrence of threats and crisis situations on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in buildings and structures designed to handle passengers and goods" (hereinafter referred to as the "Principles of Organisation"),
  - 2) "The principles of monitoring the operation of operational and transport performance during the occurrence of threats, crisis situations, other events on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in buildings and structures designed to handle passengers and goods" (hereinafter referred to as the "Principles of Monitoring").
  - 3) based on the Principles of Organisation and the Principles of Monitoring "Procedures for action in the event of natural disasters, acts of terrorism or sabotage, including task modules for particular alert levels, CRP alarms, strikes and protests connected with rail and rail structure blockades, technical failures" (referred to as "emergency response procedures").

#### 4.9.1. Notifications principles

The principles of issuing notifications are specified in the Contract of use, including notifications in the case of events important for the maintenance of safety and continuity of traffic, as well as the safety of persons, property and the environment, and in the event of disruptions in the timetable of trains.

#### 4.9.2. Operational regulation

Detailed regulations concerning special measures taken in the event of disruptions are included, among others, in the "Ir-8 Railroad Accident, Incidents and Incidents Manual", "Technical and operational guidelines for devices for the detection of states of emergency in rolling stock le-3", "Instruction on the carriage of special loads Ir-10 (R-57)", the "Principles of Organisation" and the "Principles of Monitoring".

#### 4.9.3. Foreseen problems

1. When train timetable deviations faulted by Contract parties occur (incl. cases referred to in subchapter 4.9.5. 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 the 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 the case of operational disruptions, PLK shall take actions (after submitting proposals of solutions to railway undertakings) to restore normal operational conditions.

For this purpose, PLK takes final binding decisions for railway undertakings concerning in particular: decrease in the train speed, alternative routes, use of alternative motive power units, train cancellation, shortening the train route, joining trains, moving passengers from trains cancelled on the route to the nearest coming trains in a given direction (even if they belong to another railway undertaking) together with ordering additional train stops.

The train, after locating the passengers to another train, on the further part of the route runs to the station agreed with the railway undertaking, as a non-commercial passenger train.

5. PLK has the right – in the case of sudden operational difficulties, e.g. necessity to remove damaged rolling stock or rolling stock with misplaced load in order to clear tracks – to use railway undertaking's motive power unit or to hire (give an order to perform appropriate actions) the railway undertaking's employee (driver, examiner) having required qualifications to remove the damaged rail vehicle of this or another railway undertaking.

This also applies to cases where it is necessary to withdraw damaged rolling stock from the train, which because of failure of the rolling stock which prevents it from continuing to run, was stopped on the main track at the station or when the stopped train blocks or significantly limits station or route capacity.

Using by PLK the railway undertaking's motive power unit or hiring (giving an order) the railway undertaking's employee is allowed e.g. to haul the damaged vehicle to the nearest station, which provides conditions necessary for its parking or for replacing damaged rolling stock from the main track to the side station track as well as for assistance with making brake test, required after withdrawing the rolling stock from the train.

In case of operating difficulties, railway undertakings' employees shall follow orders of PLK aimed at restoring normal operating conditions.



The settlement of costs incurred due to additional use of a motive power unit shall be carried out in accordance with the rules set forth in the Agreement for Use, taking into account the provisions of subsection 7.3.

Information about operating difficulties on the PLK network shall be transmitted according to Section 4 "Principles of monitoring current operation and transport work and procedures in case of threats, crisis situations, other events on railway lines managed by PKP Polskie Linie Kolejowe S.A. and in buildings and structures designed for servicing people and things", listed in **Annex 3.2**, available on the website [www.plk-sa.pl](http://www.plk-sa.pl), under the tab: *Dla klientów i kontrahentów / Akty prawne i przepisy / Instrukcje PKP Polskie Linie Kolejowe S.A. [For customers and partners / Legal acts and regulations / Instructions of PKP Polskie Linie Kolejowe S.A.]*:

<https://www.plk-sa.pl/dla-klientow-i-kontrahentow/akty-prawne-i-przepisy/instrukcje-pkp-polskie-linie-kolejowe-sa/instrukcje-z-mozliwoscia-wydruku/>

6. For restoring track or station traffic - in the cases referred to in paragraph 5 - PLK also has the right to use railway rescue teams.

PLK charges the 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. The 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 3.6.2.;
- 2) Servicing Infrastructure Facility (OIU) Parking tracks, referred to in Subsection 3.6.3., 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.



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**Proceedings in the 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 the SID system. The 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](mailto:iat@plk-sa.pl)

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

11. In the 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 "Guidelines for technical-operational devices for detection of state of emergency in le-3 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 the 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 the 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 the 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.  
The 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 for 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**. The 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 the signature of the railway undertaking's employee.

### Proceedings in the 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).  
The 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 the case of detecting damage of the pantograph

21. In the event of detecting irregularities or damages by an employee of a technical station or a driver of an electric traction vehicle, the information is exchanged via radiotelephone between the train dispatcher and the driver driving the electric traction vehicle about the type of damage and its location.  
In this case, the electric traction vehicle will stop and the driver shall follow the guidelines specified in the manual for the traction vehicle driver.
22. The traffic dispatcher, after receiving information from the electric traction vehicle driver about the detected damage or irregularities of the pantograph, shall follow the “Ir-8 Railroad Accidents, Serious Incidents and Incidents Manual” listed in **annex 3.2**.

#### 4.9.4. Unforeseen problems

1. Within railway crisis management system, in the 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 the 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.

#### 4.9.5. Procedure in the case of events or potentially dangerous situations in railway transport

1. In the 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 an employee of the nearest PLK's operating control point about it.
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 the 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 in removing damages and bringing railway traffic back into operation;
  - 4) co-operate in establishing reasons of occurrence or potentially dangerous situation, referred to in par. 1;
  - 5) co-operate in the removal of sources of environmental pollution and its effects.
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 the case of potentially dangerous situation - from completion of final report. Representatives of PLK and authorized representatives of railway undertakings are included in the team. 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.

Each team meeting is recorded by the party appointing the team and signed by all members of the team, and the minutes of the last meeting, in addition to determining the amount of losses and the responsibility for them, determine the manner and timing of financial settlements.

In the case of disagreement between the Parties, the minutes of the last meeting should enable the introduction of a dissenting opinion for each member of the committee who has reservations.

In the event of effectively notifying the members of the committee of the place and time of the team meeting, and in the event of the failure to submit information on the lack of possibility to appear by a given member of the committee to the chairman of the team until the group meeting begins - the findings of the team meeting are binding.

The basis of the team's work is: in the case of events - the final report of the railway committee or the report of the State Committee for the Investigation of Railway Accidents, and in the case of potentially dangerous situations - the final report of the conducted investigation.

6. Findings of the team referred to in par. 5 are binding for all parties of the proceeding.  
In the 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**.

#### **4.10. Allocation of capacity for service facilities**

The allocation of capacity for service facilities is governed by the principles defined in the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on [www.plk-sa.pl](http://www.plk-sa.pl), in the section: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej* [For clients and contractors / Terms of access to infrastructure and regulations / Service facilities]

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

and by the rules specified 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 package

Minimum access to railway infrastructure comprises of:

- 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

The terms of access to service facilities and the provision of services are included in the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A., available on [www.plk-sa.pl](http://www.plk-sa.pl), in the section: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury i regulaminy / Obiekty infrastruktury usługowej* [For clients and contractors / Terms of access to infrastructure and regulations / Service facilities]

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

#### 5.3.1. Access to services facilities

The scope and procedure of providing access to service facilities is contained in subchapter 2.1. and chapter 3 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

##### 5.3.1.1. Passenger stations

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

##### 5.3.1.2. Freight terminals and tracks for loading

Information about loading tracks is provided in subchapter 2.1.4 and subchapter 2.2.4 of the Regulations for 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 about marshalling yards is provided in subchapter 2.1.2 and subchapter 2.2.2 of the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.

#### **5.3.1.4. Storage sidings**

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

#### **5.3.1.5. Technical support points**

PLK does not provide technical support points.

#### **5.3.1.6. Other technical facilities, including cleaning and washing facilities**

PLK does not offer services in the scope of equipment for cleaning and washing of rolling stock.

#### **5.3.1.7. Maritime and inland port facilities**

PLK does not offer services in the scope of equipment in ports of inland and maritime navigation.

#### **5.3.1.8. Relief facilities**

PLK does not offer life-saving services within the framework of service facilities.

#### **5.3.1.9. Refueling facilities**

PLK does not offer services in the scope of rail fuel stations.

#### **5.3.2. Supply of services in service facilities**

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

#### **5.4. Other services**

Preparation of a timetable study at the request of the applicant/railway undertaking.

## 6. CHARGES

### 6.1. Charging principles

1. PLK applies the same charging rules to all applicants/railway undertakings for the whole rail network under its management.
2. The rules for determining fees are based on the provisions of Article 33 of the Act and chapter 10 of the Regulation.
3. The calculation of unit rates for determining the basic and maneuvering fee, including the way of determining the category of the railway line section, are provided for in **annex 11**.
4. PLK may demand from the applicant/railway undertaking to submit a financial guarantee, referred to in the Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on the criteria for applicants for rail infrastructure capacity and repealing Commission Implementing Regulation (EU) No. 870/2014 (EU Official Journal L 3/34 of 07.01.2015).
5. For use in a period of congestion, referred to in art. 34 sec. 1 of the 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, a higher basic charge set as a result of the auction carried out in accordance with the rules referred to in **Annex 7**.
6. *(repealed)*

### 6.2. Charging systems

1. The basic charge, referred to in subchapter 6.3.1. is determined according to allocated train path.
2. The basic fee, mentioned in par. 1, is reduced by half of amount which PLK would pay for train delay due to PLK's fault equal to extension of journey time, however not more than by half of basic charge, mentioned in par. 1 - in case of introducing changes of timetable, mentioned in par. 4.3.3.2., which caused the increase of train journey time by at least 10 minutes or 10% of the total train journey, and train route was not changed or was extended.
3. The basic fee referred to in par. 1, in case of detour for reasons attributable to PLK, is calculated in accordance with the rules specified in the procedure of settlement of train journeys performed on round roads in connection with conducted track works on the network of PKP Polskie Linie Kolejowe S.A. ("Procedura rozliczeń opłat za przejazdy pociągów realizowane drogami okrężnymi w związku z prowadzonymi robotami torowymi na sieci PKP Polskie Linie Kolejowe S.A"), available on the web site. [www.plk-sa.pl](http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-kolejowej-i-regulaminy/Trasy-modelowe) in the tab: *Dla klientów i kontrahentów / Warunki udostępniania infrastruktury kolejowej i regulaminy / Trasy modelowe* [For clients and contractors / Terms of access to railway infrastructure and regulations / Model routes]  
<http://www.plk-sa.pl/dla-klientow-i-kontrahentow/warunki-udostepniania-infrastruktury-i-regulaminy/trasy-modelowe/>
4. In the 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

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



### 6.3.1. Minimum access package

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) maneuvering charge for services performed within the framework of minimum access to railway infrastructure, related to completed maneuvers,
  - 3) charge for rail vehicles stabling of not less than 2 hours on non-service facilities tracks.
3. The manner for basic fee calculation is provided for in **annex 15**.
4. The unit rate of the basic charge is determined as the sum of the part of the rate depending on the mass of the train and the category of the railway, the part of the rate depending on the train's traction and the part of the rate related to the type of transport performed.
5. The rate of the train depending on the mass of the train and the category of the railway line is determined as the product of the average rate depending on the mass of the train and the category of railway lines and the coefficients varying the average rate depending on the mass of the train and the average category of line sections.
6. The manner for manoeuvring fee calculation is provided for in **annex 15**.
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 services facilities

1. PLK charges a maneuvering fee for the passage of railway vehicles to the service facilities referred to in subchapter 5.3.
2. The maneuvering fee is determined in accordance with the rules specified in subchapter 6.3.1. sec. 6.
3. Train runs conducted there and back are counted as separate runs.

### 6.3.3. Supply of services referred to in subchapter 5.3

The list of the services referred to in subchapter 5.3, including the fees for their provision, are included in **Annex 7** to the Regulations for access to service facilities managed by PKP Polskie Linie Kolejowe S.A.



#### 6.3.4. Other services

1. PLK charges a fee for preparing a timetable study for trains. The basic price is 57.92 PLN/hour of workload for the study.
2. Depending on the workload necessary to prepare the study PLK levies the following charges:
  - 1) for the preparation of the train path study for which modification of POS database or development of special transport condition are required – according to individual calculation;
  - 2) for the preparation of the train path study for which modification of POS database or development of special transport condition are not required including:
    - a) calculation of the train path for requested parameters of gross weight, axle load etc.,
    - b) preparation of the 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 and incentives

#### 6.4.1. Non-usage/cancellation fees and charges

1. The 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 PLN 1000.
2. In the case of non-usage by the 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 to:
  - 1) 25% of the basic charge for the planned train journey:
    - a) in the case when allocated path cancellation was not submitted,
    - b) for the period from the date of submission of cancellation to the day of introduction of timetable update, for which the deadline for submitting applications has not yet expired;
  - 2) 5% of the basic charge for planned train journey, in the 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 the case of non-usage by the 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 to:
  - 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 the 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 the 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 the 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 the application for capacity allocation levied from applicants amounts to PLN 100 unless the requested capacity was allocated, except in situations when capacity was not allocated for reasons on the part of PLK.

#### **6.4.2. Reduction fee for framework agreements**

PLK does not provide for reduced fees for framework contracts.

#### **6.4.3. Discounts for equipping rolling stock with ERTMS**

PLK does not grant a discount for equipping rolling stock with ERTMS.

### **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 a minute of train delay is determined on the basis of the average cost of providing access to railway infrastructure for passenger and freight trains, determined according to the rates in the price list for the 2018/2019 timetable, per operation completed in one minute measured in trainkilometres (based on data from the 2017/2018 train timetable).

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

- completed operation of freight trains in the 2017/2018 train timetable,
  - passing time factor for freight traffic,
  - average rate of freight track access charge in the 2018/2019 timetable,
- and the product of:

- completed operation of passenger trains in the 2017/2018 train timetable,
  - passing time factor for passenger traffic,
  - average rate of passenger track access charge in the 2018/2019 timetable,
- by the sum of the operational work carried out by freight trains and passenger trains in the 2017/2018 timetable.

The journey time factor is calculated separately for freight and passenger traffic as the quotient of the completed operational performance in the 2017/2018 timetable by the total journey time of the trains expressed in minutes. The amount of compensation for one minute of train delay in the planned schedule 2018/2019 is PLN 5.30.

4. All delayed 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 the 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 number of minutes of delay subject to the payment of compensation is calculated based on the greatest difference between the time of actual arrival and the time of commercial arrival ordered by the applicant and placed on the network managed by PLK and the scheduled arrival time chosen from the entire train route.
6. In order to limit the amount of secondary train delays to be compensated for, code 91-1 shall be used to describe the secondary train delays resulting from this primary reason in the case of a long (more than 300 minutes) delay of a train qualified for the original reason, for further secondary train delays of the same already delayed train. If the journey of the so described delayed train causes secondary delays of other trains, the code for the reason of delay 92-1 or one of the 93rd group codes (secondary causes) shall be used for their description - for all delays described with 9th group codes - neither PLK nor railway undertaking shall bear financial consequences.
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 par. 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 wyliczony automatycznie w SEPE tzw. billing 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 situations when identification of reasons for train delay requires investigation (delay has been assigned code 95.1) and it is not possible to settle the delay within the time limit specified in point 4, adjustments of settlements resulting from the reclassification of the reasons for delay shall be taken into account in the next settlement period. This applies in particular to train delays related to potentially dangerous situations, equipment failures or events for which additional investigations and expert opinions are needed to clarify and establish fault;
  - 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" (approval) or in the case of reservations "R - reklamacje), at the latest within 3 working days after the end of the train. In the 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 3 working days 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 scope of the description of the causes of train delays at the dispatcher level immediately after the completion of the stages mentioned in points 1 and 2, in justified cases, no later than on the seventh day after the end of the train's run, the railway undertaking shall submit to the PLK Railway Traffic Management Centre, 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 the 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 12**.
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 2018/2019.
2. "List of railway lines with track gauge 1435 mm managed by PKP Polskie Linie Kolejowe S.A. with assigned price categories" that is attached in **annex 16**, 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. For the charges referred to in this chapter, the applicable tax on goods and services is added on the basis of separate provisions.

## 6.8. Financial guarantees

1. PLK may demand from the applicant/railway undertaking to submit a financial guarantee, referred to in the Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on the criteria for applicants for rail infrastructure capacity and repealing Commission Implementing Regulation (EU) No. 870/2014 (EU Official Journal L 3/34 of 07.01.2015).
2. The financial guarantee may only be submitted in the form of:
  - 1) advance payments aimed at reducing and regulating in advance the future obligations to make payments for services rendered in the framework of 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') (Financial Supervision Committee) 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 ([https://www.knf.gov.pl/podmioty/wyszukiwarka\\_podmiotow](https://www.knf.gov.pl/podmioty/wyszukiwarka_podmiotow)). 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 the 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 the 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 a railway undertaking:
    - a) in the 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 the case of a negative rating or credit rating (or lack thereof) PLK has the right to demand from this railway undertaking to submit a financial guarantee securing future receivables for provided services within 10 days prior to the first day of the month in which train operation begins;
  - 3) for the railway undertaking:
    - a) in the 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 the 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 the 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, in the framework of minimum access to railway infrastructure related to train runs exceeds the planned values referred to in para. 5;
  - 2) when PLK uses part or whole financial guarantee for collateral of receivables.
8. In the 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 the 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.

The train status expires when:

- 1) the train arrives to terminus station specified in the timetable or leaves PLK network;
- 2) the 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, specifying:
  - a) the number of wagons;
  - b) UN numbers and risks;
  - c) route of transport with TWR (dangerous goods of high risk) on the train;
- 2) exceptional transports, specifying:
  - a) the number of wagons;
  - b) type of shipment, e.g. exceeded gauge, exceeded pressure,
  - 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) 21<sup>00</sup> to 22<sup>00</sup> of the previous day, if the train run is to commence on the following day, between 0<sup>01</sup> and 6<sup>00</sup>;
  - 2) 3<sup>00</sup> to 4<sup>00</sup> , if the train run is to start between 6<sup>01</sup> and 12<sup>00</sup>;
  - 3) 9<sup>00</sup> to 10<sup>00</sup>, if the train run is to start between 12<sup>01</sup> and 18<sup>00</sup>;
  - 4) 15<sup>00</sup> to 16<sup>00</sup>, if the train run is to start between 18<sup>01</sup> and 24<sup>00</sup>.

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 the 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.
5. In the 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. Furthermore in freight traffic trains running in accordance with the timetable have priority.
6. The dispatcher of the territorially relevant branch of PLK Railway Traffic Management Centre for the place of starting the train may authorise the start of a train whose notification of readiness for departure for reasons solely on the part of the railway undertaking has been delayed by no more than 12 hours. PLK accepts a delayed train without a 12-hour time limit if the delay is due solely to PLK's fault. The accepted delayed train is run according to journey time taken from the train timetable prepared for this path.
7. In case of unplanned change of traction or conductor teams the railway undertaking shall agree with the dispatcher of territorially competent dispatcher branch office of PLK Traffic Management Centre on the station to carry out the said change.
8. PLK's employees responsible for driving trains issue binding instructions to drivers of railway vehicles within the scope of ensuring safety and driving traffic on PLK's railway lines.

## **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) driver's licence and certificate,
    - b) permit issued according to subchapter 7.4.,
    - 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 devices (i.e. trumpet or whistle, yellow flag, flashlight with white and red light),
    - i) certificate of technical efficiency,
    - j) written instruction for loco driver handling dangerous goods transport – according to chapter 5.4.3.1 RID;
  - 2) train layout in accordance with the parameters of the allocated train path;
  - 3) the driver's knowledge of the line sections.These actions shall not infringe safety rules.
2. PLK notifies railway undertaking on results of inspection proceedings within 14 calendar days after their completion.
3. Pursuant to Article 60(1) of the Act, PLK checks the observance of order regulations on PLK's railway area, in trains and railway vehicles of the railway undertaking.

4. The rules of riding in operative driver cabs and the list of PLK's employees for which permits are issued are provided for in **annex 10**. PLK's employee is obliged to show his personal permit to the train driver without a call.

### **7.3. 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 in particular to the railway undertaking's payment of compensation under the transport law, applicable European Union regulations, in particular Regulation (EC) No. 1371/2007 of the European Parliament and Council of 23 October 2007 on rail passengers' rights and obligations (EU Official Journal EU L 315 of 3 December 2007) and agreements, compensation for damage caused to consignments or damage and delays in transport due to the fault of PLK.
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 the 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. If the railway undertaking causes environmental pollution to the extent that it exceeds the environmental quality standards, the railway undertaking is obliged to cover the costs related to restoring the environment to the required environmental quality standards, including those determined pursuant to the Act of 27 April 2001 on Environmental Protection Law (Journal of Laws of 2017, item 519, as amended) and in the Act of 20 July 2017 on the Water Law (Journal of Laws of 2017, item 1566, as amended).

#### 7.4. 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 section 1 shall be valid for the period specified therein but no longer than two years from the date of issue.
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 operation of one SOK regional department, to:

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

e-mail: [sok.komenda@plk-sa.pl](mailto:sok.komenda@plk-sa.pl)

city tel.: (00 48) 22 473 41 62; railway tel.: (922) 474 41 62

city fax: (00 48) 22 474 41 57; railway fax: (922) 474 41 57

- 2) Regional Department of the Rail Protection Guard – for an area smaller than or equal to the area of operation of one SOK regional department.

List of regional departments of Rail Protection Guard is included in **annex 4.4**.

5. Eligibility documents are issued at the applicant's written request the form of which constitutes an annex to "Rules on the entrance to the railway area managed by PKP Polskie Linie Kolejowe S.A. Id-21".
6. The issuer shall charge a fee of PLN 10.00 net for issuing the permit referred to in section 1.
7. The 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. The railway undertaking is obliged to return permit to issuing body when reason for its issue has ceased.
9. The railway undertaking which applied for the issue of the permit shall notify the issuer in writing of the loss of such permit and explain circumstances in which it was lost.
10. *(repealed)*

#### 7.5. 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) change of traction vehicle or traction team;
  - 3) brake test;
  - 4) inspection of train

is reported to traffic controller by driver of the train, in the 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) inspection of train.
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 the case of breach of the deadline for report on readiness for departure, according to principles specified above, railway undertaking has no right to claim about punctuality of journey.
7. It is allowed to submit information of readiness to departure in a different way than specified in rec-s. 1-5, if such a way is specified in technical regulations.

## **7.6. Incorporation of PLK's inspection vehicles to railway undertaking's trains**

1. The 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. The request, referred to in par. 1, must be submitted to railway undertaking at least 5 working days before planned journey.
3. The request, referred to in par. 1, signed by the applicant must include: reference to specific train in Contract of use;
  - 1) name of recipient railway undertaking;
  - 2) address of PLK's organisational unit submitting the request;
  - 3) registration number, date of preparation;
  - 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.