

Substitute transport implemented by the railway undertaking (RU)

1. Where capacity for passenger train paths is allocated and restrictions in the use of railway infrastructure occur due to reasons attributable to PLK, the railway undertaking (RU) may carry out passenger transport using substitute means of transport as a substitute for cancelled trains.

Substitute transport is the carriage of passengers by means of road transport, adequate to the number of passengers, for the purpose of transporting passengers to and from stations/stops where trains do not stop due to the cancellation of the train on all or part of the path.

Passenger transport may be carried out by a road transport operator who holds a licence to carry out domestic road passenger transport services or a business providing passenger taxi services.

2. Employees of PLK's organizational units cooperate with RU's employees in determining place of stops of substitute transport within railway area managed by PLK.

3. If trains meant to provide passenger transport services are cancelled as a result of implementing the alternative timetable referred to in subsection 4.8.2., the RU may request PLK to reimburse it for costs of providing substitute transport, equivalent to the difference between:

- 1) expenses incurred by the RU to procure the provision of a substitute transport service by a road carrier, including the costs of hire of a road vehicle with driver, supported by invoices

and

- 2) costs for minimum access to railway infrastructure which the RU would have incurred in order to provide transport by train (on the section on which the train was cancelled due to reasons attributable to PLK and where substitute transport was provided).

The costs of substitute transport are settled in accordance with provisions of the Usage Agreement.

4. Where the RU is required to provide substitute transport services due to upgrading works performed by PLK in locations related to the implementation of the following projects:

- 1) FEnKS [European Funds for Infrastructure, Climate, Environment];
- 2) FEPW [European Funds for Eastern Poland];
- 3) CEF2 [Connecting Europe Facility];
- 4) KPO [National Recovery and Resilience Plan];

similarly as for:

- 5) POliŚ [Operational Programme Infrastructure and Environment];
- 6) CEF1 [Connecting Europe Facility];
- 7) POPW [Operational Programme for Eastern Poland];

costs of providing substitute transport services will be settled only if a source of funding for such services is secured and based on a separate agreement between PLK and the RU.