



# RULES FOR MAKING AVAILABLE THE RAILWAY SIDING OF PGE ENERGIA CIEPŁA S.A. ODDZIAŁ ELEKTROCIEPŁOWNIA W LUBLINIE WROTKÓW – RULES OF DOL RAILWAY SYSTEM

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## I PURPOSE AND SCOPE

- 1.1. The Rules for making available the railway siding of PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków hereinafter called the Rules of DOL railway system has been prepared in order to:
- determine the principles and conditions to be applied for making the railway infrastructure available to licensed railway carriers in the framework of time – table for the year 2017/2018,
  - determine obligations to be fulfilled by the personnel employed by the Carrier and performing handling activities on the railway siding of the Administrator;
  - determine the conditions to be met by the personnel employed by the Carrier and performing handling activities
  - determine the conditions to be met by rolling stock of the Carrier and performing handling activities on the railway siding of the Administrator;
  - determine the conditions for bilateral settlements for making the Administrator's railway infrastructure available to the railway Carriers,
  - determine the principles of proceedings in case of railway accidents or events in course of performance of handlings on the railway siding of the Administrator.
- 1.2 The scope of DOL railway system Rules encompasses the railway siding in PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków and all works performed by the personnel employed in the companies of the Carrier and engaged in the handling works on the railway siding.

## II RESPONSIBILITY

- 2.1. The following persons are responsible for application of the present DOL railway system Rules:
- Manager of Production Maintenance Department;
  - Senior Foreman responsible for coaling
    - shall be required to familiarize subordinated employees with the content of the present Rules;
    - shall be required to familiarize the railway Carriers using the access to the railway siding infrastructure of Oddział Elektrociepłownia w Lublinie Wrotków with the content of the present Rules;
    - The personnel of Oddział Elektrociepłownia w Lublinie Wrotków employed in or coming into contact with railway carriage and work on the railway siding.

## III ASSOCIATE DOCUMENTS

- 3.1 PROC 110000/B Procedure for inner regulations environment management in PGE Energia Ciepła S.A.
- 3.2 Act of 28th March 2003 concerning railway carriage (consolidated act Journal of Laws from 2017 Item. 2117 as amended.).
- 3.3 Act of 6th March 2018 entrepreneurs law (Journal of Laws from 2018 , item 646 as amended.).
- 3.4 Act of 27th April 2001 Environment protection law (consolidated act Journal of Laws from 2018,. Item 799 as amended.).
- 3.5 Act of 16th July 2004 r. Telecommunication law (Journal of Laws from 2018 item. 1954 as amended.).
- 3.6 Regulation issued by the Minister of Infrastructure and Building Industry on 7<sup>th</sup> April concerning the making railway infrastructure available (Journal of Laws from 2017. item. 755 as amended.).
- 3.7 Regulation issued by the Minister of Infrastructure on 18<sup>th</sup> July 2005 concerning general conditions in the scope of railway traffic and signalization (consolidated act Journal of Laws from 2015 item. 360 as amended.).
- 3.8 Regulation issued by the Minister of Infrastructure and Development on 30th December 2014 concerning the personnel performing the jobs directly associated with rail traffic conducting and safety as well as with operation of determined types of railway vehicles (Journal of Laws from 2015 item 46.).
- 3.9 Regulation issued by the Minister of Infrastructure and Development on 20th October 2015 concerning technical conditions to be met by railway lines and sidings with roads and their locations (Journal of Laws from 2015 item 1744).
- 3.10 Regulation issued by the Minister of Infrastructure and Building Industry on 16<sup>th</sup> March 2016 concerning serious accidents, accidents and incidents in railway carriage (Journal of Laws from 2016 item 369).

- 3.11 Regulation issued by the Minister of Labour and Social Policy on 26<sup>th</sup> September concerning the general conditions in the scope of occupational safety and health in the light of mandatory revisions (consolidated act Journal of Laws from 2003 No 169, item 1650 as amended.).
- 3.12 INST 25739/D Manual – Organization and control of personnel traffic in the premises of PGE GiEK S.A. - Oddział Elektrociepłownia Lublin Wrotków.

#### IV APPENDICES

- 4.1 [Załącznik 1](#) Characteristics of DOL railway infrastructure which has been made available
- 4.2 [Załącznik 2](#) Contract on making DOL railway infrastructure available.
- 4.3 [Załącznik 3](#) Inner regulations determining the principles and requirement in the scope of safe conduction of DOL infrastructure railway traffic  
Regulations determining the principles and requirement in the scope of DOL railway infrastructure maintenance.
- 4.4 [Załącznik 4](#)
- 4.5 [Załącznik 5](#) Schematic diagram of DOL railway infrastructure.
- 4.6 [Załącznik 6](#) Schematic diagram of railway traffic control facilities of DOL railway infrastructure
- 4.7 [Załącznik 7](#) Price list for making DOL railway infrastructure available
- 4.8 [Załącznik 8](#) Log of revisions and supplementation

#### V ABBREVIATIONS AND DEFINITIONS

##### Abbreviations used in the present document:

- Siding** – railway siding in PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków,  
**DOL/Oddział/Oddział Elektrociepłownia w Lublinie Wrotków** - PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków,  
**ORLEN S.A.** - Polski Koncern Naftowy ORLEN Spółka Akcyjna,  
**PKP PLK S.A.** - Polskie Koleje Państwowe Polskie Linie Kolejowe S.A.,  
**Carrier** – Railway carrier,  
**DOL railway system Rules** – Rules for making the Railway Siding available in PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków,  
**srk** - railway traffic control facilities,  
**Act on railway carriage** - Act issued on 28th March 2003 (consolidated act Journal of Laws from 2017 item 2117 as amended),  
**UTK** – Railway carriage Office,  
**Administrator** - Infrastructure Administrator

##### Definitions of nomenclature used in the present document:

- 5.1 **railway siding** – railway track designated by infrastructure administrator, directly or indirectly connected with railway Line, to be used for execution of loading or maintenance activities or for parking of railway vehicles or for moving of railway vehicles and for their entering the traffic on railway system.
- 5.2 **railway track** – track structure with railway subgrade and engineering structures and soil on which it is located
- 5.3 **railway line** – railway track with the starting and end point with adhering land strip, consisting of the line sections as well as of buildings, structures, facilities designed for conducting of railway traffic with plots of land occupied by them.
- 5.4 **railway area** – surface area of the land determined by plots of land with the railway track, as well as buildings, structures, facilities designed for management of railway track operation and maintenance and for passenger and cargo carriage
- 5.5 **train** – railway vehicle or train set consisting of railway vehicles meeting the requirements determined for the train and characterized by the train status assigned by infrastructure Administrator.
- 5.6 **railway vehicle** – vehicle suitable for movement by means of its own wheels along railway tracks with or without driving system.
- 5.7 **handling activities** – repositioning of a train set standing on a siding track from one railway track to another as well as its entering to proper place (reversing, pushing) after previous stopping on the track of its receipt should be deemed to be the handling activities (manoeuvres)
- 5.8 **employees of the carrier** – personnel employed by the Carrier and performing the subject matter of the contract on making the railway siding available.

- 5.9 **employees of the railway infrastructure administrator** – personnel employed in DOL Branch and other persons performing the subject matter of the contract on making the railway siding available.
- 5.10 **extraordinary shipments** – the shipments potentially making carriage problematic due to their shape, dimension, weight or transport route.
- 5.11 **railway carrier** – licensed entrepreneur authorized to perform railway carriage operations or to render traction services.
- 5.12 **rules of railway siding work** – Rules for work of railway siding in PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków.
- 5.13 **handling train set** – rolling stock coupled with traction vehicle used for execution of handling activities (manoeuvres)
- 5.14 **railway station** – railway track system integrated by means of turnout with railway traffic control and communication facilities encompassing at least principal main track and additional main track enabling trains travel starting and ending as well as their crossing and overtaking and also change of train set composition or travel direction change.
- 5.15 **rolling stock** – wagons, locomotives or auxiliary vehicles;
- 5.16 **to make available** – to consider the applications requesting the allocation of throughput capacity, allocation thereof, making possible to use capacity and making possible to use other services determined in Appendix No 1 to the act.
- 5.17 **railway accident** – shall mean the occurrence of special events (incidents, accidents) in the meaning of Regulation issued by the Minister of Infrastructure and Building Industry concerning serious accidents, accidents and incidents in railway carriage.
- 5.18 **infrastructure administrator** – an entity responsible for railway infrastructure management or, in case of construction of a new infrastructure, an entity which commenced its construction as the investor.
- 5.19 **throughput capacity** – operating and traffic capacity of railway track enabling the completion of trains traffic or manoeuvres within determined period of time.

## VI PERFORMANCE

### 6.1 GENERAL PROVISIONS

- 6.1.1 The railway siding encompasses the railway track designated by the Administrator as well plots of land occupied by this railway track connected with railway line, used for wagons loading or unloading as well as for activities associated with railway vehicles maintenance. The railway siding also consists of railway traffic control facilities associate with railway traffic as well as other technical and technological facilities systems situated thereon.
- 6.1.2 The railway siding infrastructure consists of elements in the form of permanently located (stationary) facilities and structures designed for railway traffic conducting (tracks, turnouts, engineering objects, track structure).
- 6.1.3 The necessary conditions for the railway siding operation shall be the obtainment of the following certificates to be issued by the President of Railway Carriage Office pursuant to the act on railway carriage:
- safety of railway siding use;
  - type approval for operation of structures and facilities designed for railway traffic conducting and holding of documented rights for railway infrastructure including contracts on possession or rental of objects and plot of lands as well as rules for the railway siding work.

### 6.2 ADMINISTRATOR OF RAILWAY INFRASTRUCTURE

- 6.2.1 PGE Energia Ciepła S.A. with registered Office in Warsaw, 00 – 120 Warszawa, Budynek Skylight, XII P, przy ul. Złotej 59, NIP 6420000642, REGON 273204260, registered in district Court for the Capital Town of Warsaw, XII Economic Department of the National Court Register under number KRS 0000013479, Oddział Elektrociepłownia w Lublinie Wrotków, 20-484 Lublin ul. Inżynierska 4. phone. +48 81 74 440 21, fax +48 81 441 80 13, conducting the activity in the scope of railway infrastructure management and being the holder of documented rights for railway infrastructure including the contract on possession or rental of objects and plot of lands.
- 6.2.2 Pursuant to the provisions of Article 5 subparagraph 1 of the act on railway carriage, the management consists in:
- granting the railway siding status to a railway track through determination of starting and ending point thereof;  
determination of railway infrastructure elements constituting a private or inactive infrastructure;
  - making the railway tracks available, rendering associated services and collection of corresponding fees.

- d. conducting of railway traffic,
- e. maintaining of railway infrastructure in condition ensuring railway traffic safety including supervision over the functioning of;
  - railway traffic control facilities,
  - management of railway infrastructure elements;
  - construction and maintenance of railway infrastructure.

### 6.3 FEES FOR MAKING THE RAILWAY INFRASTRUCTURE AVAILABLE

- 6.3.1 Fees for use of railway infrastructure made available are determined by the provisions included in the Regulation issued by the Minister of Infrastructure and Building Industry concerning the making railway infrastructure available.

### 6.4 PURPOSE OF THE RAILWAY INFRASTRUCTURE MADE AVAILABLE

- 6.4.1 DOL railway siding is a standard – gauge railway siding with nominal track width of 1435 mm. The railway siding infrastructure is designed for:
- a. receipt of single wagons or groups of wagons empty or with cargo;
  - b. execution of loading activities (unloading of 412W wagons with coal)
  - c. dispatching of single wagons or groups of wagons empty or with cargo,
  - d. cargo (coal) storage at the yard.

### 6.5 USE OF THE RULES FOR MAKING THE RAILWAY SIDING AVAILABLE, DISSEMINATION, UPDATING AND PROPOSAL OF REMARKS

- 6.5.1 The Rules consist of the part containing description and of appendices containing the following:
- a. *characteristics of DOL railway infrastructure which has been made available* DOL - [Załącznik 1](#),
  - b. *template of Contract on making DOL railway infrastructure available* - [Załącznik 2](#),
  - c. *Inner regulations determining the principles and requirement in the scope of safe conduction of DOL infrastructure railway traffic* - [Załącznik 3](#),
  - d. *Regulations determining the principles and requirement in the scope of DOL railway infrastructure maintenance* - [Załącznik 4](#).
  - e. *Schematic diagram of DOL railway infrastructure* - [Załącznik 5](#),
  - f. *Schematic diagram of railway traffic control facilities of DOL railway infrastructure* - [Załącznik 6](#),
  - g. *Price list for making DOL railway infrastructure available* - [Załącznik 7](#),
  - h. *Log of revisions and supplementation* - [Załącznik 8](#).
- 6.5.2 The Rules are available on the website [www.eclublin.pgeec.pl](http://www.eclublin.pgeec.pl).
- 6.5.3 In case of occurrence of any changes affecting the availability of the Administrator's railway infrastructure, the Rules will be correspondingly updated on websites and the carriers being the users of the siding will be additionally informed by E-mail.
- 6.5.4 Any remarks and objections should be sent to the address:  
PGE Energia Ciepła S.A. - Oddział Elektrociepłownia w Lublinie Wrotków, 20-484 Lublin ul. Inżynierska 4.  
Phone./fax: (81) 744 40 21 / (81) 441 70 13  
e-mail: [sekretariat.ecl@gkpgc.pl](mailto:sekretariat.ecl@gkpgc.pl); [kolej.ecl@gkpgc.pl](mailto:kolej.ecl@gkpgc.pl);

### 6.6 DETAILED DESCRIPTION OF RAILWAY SIDING MANAGED BY ODDZIAŁ ELEKTROCIĘPŁOWNIA W LUBLINIE WROTKÓW

- 6.6.1 DOL standard – gauge railway siding is operated from Lublin railway station situated at railway line No 7 Warszawa Wschodnia Osobowa – Dorohusk, its purpose is to perform the activities associated with management of railway vehicles traffic. DOL siding is branched in Lublin railway station in the form of turnout No 92 at km 174,151 of the railway line No 7 Warszawa Wschodnia Osobowa – Dorohusk administered by PKP PLK S.A. (track No 23 PKP PLK S.A.). The starting point of the siding is the starting point of the turnout No 1 at km 1,397 of the track No 23.
- 6.6.2 The characteristic of the railway siding made available is included in [Załącznik 1](#).
- 6.6.3 Detailed information about railway infrastructure administered by PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków shall be provided by the Manager of Production Maintenance Department – phone 81 4706270 mobile 605 850 030.

### 6.7 CHANGES OF TECHNICAL AND OPERATIONAL PARAMETERS OF RAILWAY INFRASTRUCTURE

- 6.7.1 The carriers operating the siding will be informed about planned works requiring the closure of access track No 23 administered by PKP PLK Zakład Linii Kolejowych w Lublinie as well as the closure of tracks in the siding of Oddział Elektrociepłownia w Lublinie Wrotków at least 14 days in advance.
- 6.7.2 The form of information will be agreed in the contracts concluded with the Carriers.

## 6.8 LIMITATIONS OF INFRASTRUCTURE USE

- 6.8.1 The access to DOL railway siding can be limited for the following railway vehicles:
- provided with power supply from electric fraction;
  - exceeding permissible loads of axle on rail and per track meter which have been determined in the Rules of railway siding work.
- 6.8.2 The access to the railway siding can be limited in case of misfortunes e.g. strike, track block, demonstration, weather conditions, in case of announcement of state of emergency.
- 6.8.3 Information about occurred limitations shall be immediately published by PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków on website.

## 6.9 CONTITIONS OF USING THE ACCESS TO RAILWAY INFRASTRUCTURE OF THE SIDING

### 6.9.1 APPLICABLE REGULATIONS, MANUALS, RULES

- 6.9.1.1 Inner regulations determining the principles in the scope of safe conduction of railway traffic and infrastructure maintenance have been included the appendices to the Rules ([Załącznik 3](#) and [Załącznik 4](#))
- 6.9.1.2 Detailed description of principles of safe work to be performed on the track system of the siding in Oddział DOL is included in the Rules for railway siding work and made available to the Carriers on their request.

## 6.10 CONDITIONS OF EMPLOYMENT OF THE CARRIER'S PERSONNEL FOR EXECUTION OF HANDLING ACTIVITIES

- 6.10.1 The personnel performing jobs directly associated with conducting of railway traffic on the siding and driving railway vehicles shall meet all conditions determined in the Regulation issued by the Minister of Infrastructure and Development concerning the personnel performing jobs directly associated with conducting of railway traffic and with railway traffic safety as well as with driving of determined types of railway vehicles.
- 6.10.2 Before the commencement of performing of handling works at the siding, the personnel of the Carrier shall undergo the trainings and teaching in the scope of the knowledge of local conditions in accordance with applicable regulations and rules established in DOL.
- 6.10.3 The training of the personnel of the Carrier in scope of:
- railway traffic technique shall be carried out by the Carrier;
  - the knowledge of local conditions of DOL siding shall be carried out by appointed employees of the Administrator.
  - 6.10.4 The participants of training defined in subparagraph b) shall obtain the certificates documenting its completion.
- 6.10.5 The training should be preceded by the travel of the first train of the Carrier along railway infrastructure of the siding.

## 6.11 ROLLING STOCK

- 6.11.1 Railway vehicles meeting all technical conditions of operation determined in applicable regulations issued on the basis of the Act on railway carriage are licensed for traffic on the siding tracks.
- 6.11.2 The railway vehicles licensed for traffic on the siding shall meet all requirements ensuring the railway traffic safety, safe operation and environment protection determined in applicable regulations issued on the basis of the Act on railway carriage. There is no workshop on the siding and therefore it is impossible to carry out any repairs of rolling stock.
- 6.11.3 No wagons cleaning or washing after unloading on the siding has been not assumed.
- 6.11.4 The elements of rail vehicles must not generate any disturbances impeding the functioning of railway traffic control facilities and radio-communication facilities.

## 6.12 REQUIREMENTS IN THE SCOPE OF AUTOMATIC CONTROL

- 6.12.1 The railway traffic control facilities shall meet the requirements resulting from applicable legal acts issued on the basis of the Act on railway carriage.

## 6.13 REQUIREMENTS IN THE SCOPE OF RADIOTELEPHONE NETWORKS

- 6.13.1 All types of radiotelephone devices must have:
- valid type approval certificate,
  - valid permit issued by Urząd Regulacji Telekomunikacji i Poczty (Electronic Communication Office)
  - must not generate any disturbances in operation of other radio-communication networks in DOL area).
- 6.13.2 The Carrier shall absolutely comply with all applicable regulations and rules in this scope with particularly consideration of Telecommunication law.

## 6.14 REQUIREMENTS IN THE SCOPE OF ENVIRONMENT PROTECTION

- 6.14.1 The Carrier using the railway infrastructure made available must not produce any hazardous substances emissions to waters, soil or air which could exceed applicable standards– art.174 section 1 of the Environment protection act.

## 6.15 ORGANIZATION OF TRAFFIC

- 6.15.1 The signature of contract on making the railway siding available by the railway Carrier is equivalent to taking cognizance (by the Carrier) of railway traffic organization applied at DOL railway siding and handling work in accordance with the provisions included in the Rules for railway siding work.

## 6.16 SERVICES WARRANTED BY ODDZIAŁ DOL IN THE FRAMEWORK OF MAKING THE SIDING AVAILABLE

### 6.16.1 PRINCIPLES OF MAKING THE INFRASTRUCTURE AVAILABLE

- 6.16.2 Oddział Elektrociepłownia w Lublinie Wrotków shall ensure the making infrastructure available in accordance with principles determined in the contract with maintaining the rail traffic conditions determined in the Rules for railway siding work and inner regulations determined in [Załącznik 3](#).

## 6.17 PRINCIPLES OF GRANTING THE ACCESS TO INFRASTRUCTURE

### 6.17.1 SUBMISSION AND CONSIDERATION OF APPLICATIONS

- 6.17.1.1 The application requesting the making of railway infrastructure available shall be submitted by interested Carrier in the secretary's office of Oddział Elektrociepłownia w Lublinie Wrotków.

- 6.17.1.2 The application shall be submitted by the Carrier in writing.

- 6.17.1.3 The application shall contain the following:

- a. indication of infrastructure Administrator to whom it is submitted;
- b. company, registered Office (address) of the Carrier, phone, fax,
- c. detailed data on throughput capacity the availability of which is requested by the Carrier;
- d. technical parameters of railway vehicles (train) – series of locomotive, possibly the type of special rolling stock, maximum velocity, gross weight of the train, length of the train, axle load on the rail, actual percentage (%) of braking mass;
- e. date of making available, desired time table of travel (arrival/ departure time from/ to the siding);
- f. other information found essential for the order by the Carrier.

- 6.17.1.4 Furthermore, the Carrier shall attach the following documents to the application:

- a. certified copy of the valid license („as the true cope conforming with original copy”) with declaration that the Carrier will inform about its revoking or revisions;
- b. certified copy of the valid safety authorization („as the true cope conforming with original copy”),
- b. declaration that trains operation will be entrusted to the drivers being the holders of licenses determined in Article 22 section 2 of the Act on railway carriage;
- c. information corresponding to the valid copy of entrepreneurs register of the National Court Register;
- d. certified copy of the certificate on REGON identification number („as the true cope conforming with original copy”)
- e. certified copy of the decision on the granting of taxpayer identification number („as the true cope conforming with original copy”)
- f. declaration that the Carrier's personnel participating in the driving process speak Polish;
- g. declaration that the Carrier can dispose of rolling stock meeting the requirements determined in Article 18e and 20 of the Act on railway carriage;
- h. declaration that there are no liquidation or bankruptcy proceeding against the Carrier;
- i. declaration that there are no tax arrears or stating potential arrears of the Carrier in that scope;
- j. declaration that the Carrier will apply the provisions included in the Rules in course of the contract performance.

## 6.18 PRIORITIES APPLIED WHEN GRANTING THE ACCESS TO THE SIDING

- 6.18.1 Considering the applications requesting the granting of throughput capacity, DOL will apply the principle of the best possible use of the infrastructure in terms of:

- a. throughput capacity,
- b. technical and operational parameters.

- 6.18.2 Priority in the scope of access to the siding:

- a. priority of access is vested in all the travels directly associated with the delivery of hard coal, lime as well as other materials and facilities required for proper functioning of PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków,.
- b. in the second instance, the access is vested in the travels carried out by the Carriers using the access in previous periods of time;
- c. in the third instance, the access is vested in other Carriers.

## 6.19 FEES FOR THE ACCESS TO THE SIDING

### 6.19.1 Applied fees

- 6.19.1.1 Detailed principles of fees determination are described in the price list attached hereto as [Załącznik 7](#)
- 6.19.1.2 The principles of payments to be made for access to the siding are included in the contract concluded with the Carrier.
- 6.19.1.3 The contract template is contained in [Załącznik 2](#).

## 6.20 COMPENSATIONS, SETTLEMENTS IN CASE OF FAILURE TO MEET OBLIGATIONS

- 6.20.1 Should the Administrator fail to meet its obligations under the Contract on making the railway infrastructure available, the Administrator will be liable for damage caused to the Carrier.
- 6.20.2 The Administrator's liability for damage referred to in paragraph 6.20.1 shall not apply to:
  - a. liquidated damages and damage compensations incurred by the Carrier resulting from the contract concluded without the consent of the Administrator in writing;
  - b. lost benefits.
- 6.20.3 In case of failure to meet the technical parameters of vehicles, the Carrier shall be fully liable for potential losses occurred in DOL railway infrastructure and shall be required to reimburse incurred expenditures resulting from their elimination.
- 6.20.4 The matters associated with potential damages of destructions in DOL railway infrastructure will be determined, in the form of a protocol, by the committee consisting of representatives of the both interested parties with the chairman representing the Administrator.
- 6.20.5 The liability of parties in case of failure to meet obligations under the Contract on making the railway infrastructure available shall be excluded in case of the occurrence of extraordinary situations.

## 6.21 SETTLEMENT OF FEES

- 6.21.1 The fees for making the railway infrastructure available shall be settled by the Carrier in accordance with detailed principles determined in the Contract on making the railway siding available.
- 6.21.2 Interest can be charged in case of delayed payments

## 6.22 PERFORMANCE OF THE CONTRACT ON MAKING THE SIDING AVAILABLE TO THE RAILWAY CARRIER

### 6.22.1 EXECUTION OF TRAVELS

- 6.22.1.1 The traffic of train sets along the access track No 23 shall be carried out in accordance with principles of handling operations pursuant to the provisions determined in the Rules for railway siding work.
- 6.22.1.2 The execution of handling works on the siding with the Carrier is included in the Contract.

## 6.23 RIGHTS AND DUTIES OF PARTIES

- 6.23.1 In the framework of the Contract on making the railway infrastructure available, DOL shall:
  - a. be responsible for the condition of elements of the railway track made available to the Carrier;
  - b. perform operating activities on the technical stations to be directly organized and supervised by DOL pursuant to the provisions determined in the Rules for railway siding work
  - c. enable the access of the Carrier's personnel to DOL railway area, the access is allowed on the basis of personal access passes held by the Carrier's personnel, issued by the Administrator in accordance with principles determined in section 6.24,
  - d. keep documentation of the travels of railway vehicles (handling train sets) of the Carrier in the form of lists prepared on the basis of operation and maintenance manuals (DTR) to be mutually agreed by the contract parties;
  - e. immediately inform the Carrier about railway accidents directly associated with its railway vehicle (handling train set) or employee;
  - f. immediately inform the Carrier about the occurrence of situations which may cause the disturbances in travels execution, in particular about:

- temporary traffic limitations affecting execution of travels in accordance with time table;
  - the occurrence of situations about the occurrence of which the Administrator has been warned but they could not be prevented by the Administrator e.g. strike, travel block, demonstration;
  - exclusion of travel or stopping of railway vehicle (handling train set) of the Carrier due to failure to meet the requirements determined in section 6.24 by such railway vehicle (handling train set) or by the person driving this railway vehicle (handling train set),.
- g. shall inform the Carrier about changes in applicable rules or manuals constituting the basis for the Contract performance within not later than fourteen (14) days before the changes entry into force.
- 6.23.2 Oddział Elektrociepłownia w Lublinie Wrotków has the right of:
- a. checking activities to be performed by the employees in the scope determined in section 6.24 concerning the rail vehicles and personnel of the Carrier in order to ensure traffic safety in accordance with applicable regulations;
  - b. exclusion of travel of railway vehicle (handling train set) of the Carrier or stopping the travel of such railway vehicle (handling train set) in case of failure to meet the requirements determined in section 6.24.5 and 6.25.1 by such railway vehicle (handling train set) or by the person driving this railway vehicle (handling train set),.
  - b. free of charge travel in railway vehicles of the Carrier for duly authorized Administrator's personnel:
    - in order to perform activities associated with the Contract performance;
    - in order to perform controlling and checking activities,
    - in order to perform tasks associated with prevention or elimination of consequences of railway accidents;
  - c. giving the binding orders to the persons driving railway vehicles (handling train sets) of the Carrier in the scope safety assurance and traffic execution on the siding tracks. The Administrator's employees responsible for handling train sets traffic and other employees specified in the table in paragraph 6.24.5 are authorized such traffic orders;
  - d. removal of a railway vehicle (handling train set) at the Carrier's expense and risk – in case of the Contract termination – unless it will be removed by the Carrier within fourteen (14) days from the day of the Contract termination;
  - e. checking of the adherence to the regulations in the scope of order in the railway area in the handling sets and other railway vehicles of the Carrier;
  - f. demanding of explanations from the Carrier concerning the manner of contract performance in cases when there is a fear of the Contract infringement or of the danger for personnel or property.
- 6.23.3 In the framework of the Contract on making the railway infrastructure available, the Carrier shall:
- a. not entrust any other Carrier with the performance of handling works on the Administrator's infrastructure;
  - b. be fully responsible for the condition and efficiency of railway vehicles being used, for traffic execution on railway siding, determined in the Rules for railway siding work and inner regulations of the Administrator;
  - c. ensure the performance, by the Carrier's personnel, of orders given by the authorized personnel of the Administrator in the scope safety assurance and traffic execution on the siding;
  - d. provide the Carrier's personnel participating in continued carriage process with all required documents and equipment specified in table included in paragraph 6.24.5,
  - e. the Carrier's personnel are required to be in the possession of the above documents and equipment when performing the activities associated with travels execution;
  - f. immediately inform the Administrator about railway accidents directly associated with its railway vehicle (handling train set) occurred in DOL railway area;
  - g. immediately inform the Administrator about any detected railway accidents other than those specified in item f) as well as about other events occurring in the Administrator's railway area creating or potentially creating any danger for safety and creating or potentially creating any danger for continuity of travels of rail vehicles (trains) as well as for personnel and property safety;
  - h. immediately inform the Administrator about any events which may cause the disturbances in travels execution;
  - i. on the Administrator's request, document the qualifications and licenses held by the Carrier's personnel and submit the documentation confirming technical efficiency of rail vehicles used for carriage.



- j. in case of the Contract termination, remove the railway vehicles, facilities and equipment from DOL infrastructure area within fourteen (14) days. Should the Carrier fail to meet this obligation, the Carrier shall cover the costs of the removal of such vehicles, facilities and equipment by DO;
  - k. inform the DOL siding station about the departure readiness of railway vehicle (handling train set).
- 6.23.4 During the period of the Contract performance, the Carrier shall have the right to:
- a. waive of the ordered (included in the scope of contract) infrastructure availability and of execution of handling works on the siding without financial consequences provided that:
    - the Administrator will be informed about the waiver fourteen (14) days in advance;
    - an extraordinary situation occurred about which DOL was informed immediately and gave its consent;
  - b. obtain additional explanations and justifications from the Administrator concerning the changes introduced by the Administrator as a result of the occurrence of situations described in paragraph 6.8,
  - c. demanding of explanations from the Administrator concerning the manner of contract performance in cases when there is a fear of the Contract infringement or of the danger for personnel or property.

#### 6.24 PERMITS FOR THE CARRIER'S PERSONNEL

- 6.24.1 In course of the performance of work associated with the performance of concluded contract, the Carrier's personnel shall be the holders of individual passes with photos in accordance with INST 25739/D Organization and control of pedestrian traffic in the premises of PGE Energia Ciepła S.A. Oddział Elektrociepłownia w Lublinie Wrotków. The passes are issued after the deposit payment.
- 6.24.2 The passes referred to in paragraph 6.24.1, can be issued to the Carrier's personnel who:
- a. meet the requirements included in art. 22d section 1 and 2 of the act on railway carriage,
  - b. underwent proper training require for independent performance of activities on the Administrator's tracks.
- 6.24.3 The passes are issued by the authorized organizational unit of the Administrator on the basis of the Carrier's application for the period of the contract term in accordance with the conditions referred to in paragraph 6.24.2 letter. b.
- 6.24.4 The application requesting the issuance of a pass shall contain the following data:
- a. name of company,
  - b. name and surname of the employee,
  - c. valid photo.
- 6.24.5 In course of performance of tasks under the Contract on making available, the Carrier's personnel should be equipped with required documents and equipment specified in the table presented below:

Item	Carrier's personnel	Documents required in course of the performance of activities resulting from the Contract	Aids required in course of the performance of activities resulting from the Contract
1	Train manager	a) document of identity issued by the Carrier (service identity card) b) identifier c) entry card d) brake testing sheet and list of wagons in the train set, unless it is available at the train driver	Signalling aids, radiotelephone ensuring communication with the driver
2	Traction vehicle driver	a) document of identity issued by the Carrier (service identity card) b) identifier, c) license authorizing for traction vehicle driving d) brake testing sheet and list of railway vehicles in the train set - for the trains operated without train manager	Each traction vehicle shall be provided with a) Log book of vehicle with the drive, b) certificate of technical efficiency of rail vehicle with the drive c) radiotelephone ensuring communication with train dispatcher and train manager velocity meter tape or electronic recorder d) recorder

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3	Supervisor, senior supervisor	document of identity issued by the Carrier (service identity card)	
4	Other personnel of the Carrier	document of identity issued by the Carrier (service identity card)	

## 6.25 CONTROL FOR COMPLIANCE WITH AVAILABILITY CONDITIONS

6.25.1 In the Framework of its obligations, the Administrator is authorized to perform control activities specified in the following table:

Item	Type of activity	Actions to be taken by the Administrator in case of noncompliance of the Carrier with established conditions	Remarks (explanations concerning the defects, omissions, deviations from applicable standards etc.)	Persons authorized for control
1	In the scope of traction teams work – checking for: a) holding of driving license  b) validity of entries in the route knowledge cards  c) siding authorization	Failure to meet the requirements included in any subparagraph from a) to c) shall eliminate the driver from the operation of handling set being checked  Also applicable to potential condition indicating to intoxication - the Carrier shall be required to carry out applied tests	Description of deficiencies of indicated documentation	Authorized employees of the Administrator or, in the name of Administrator, the persons being the holders of appropriate authorization
2	In the scope of facilities operation checking for: a) efficiency of radiotelephone,  b) checking of vigilance devices efficiency ,  c) equipment of velocity meter with the speed	Incorrect functioning of the facilities specified in any subparagraph from a) to c) at the place of train set topping shall make it departure impossible. Detection of the above in course of travel is governed in relevant regulations.	Description of Incorrect functioning of the facilities and taken activities	Checking shall be performed by the driver on the request of persons authorized by the Administrator

3	<p>In the scope of traction vehicle equipment - checking for presence of:</p> <p>a) log book of the vehicle with drive</p> <p>b) signals of train end, in accordance with applicable regulations</p> <p>c) signalling devices</p> <p>d) braking wedges or skids</p>	<p>Lacking equipment included in any subparagraph from a) to d) shall eliminate the vehicle from operation.</p> <p>Deficiencies included in subparagraphs from c) to d) shall eliminate the vehicle from market</p>	Description of lacking equipment and decisions made	Persons indicated in Item 1
4	<p>In to scope of documents to be provided in the train</p> <p>a) properly completed brake testing sheet,</p> <p>b) list of wagons in train set</p>	Lack of documents makes the train departure impossible and lacking records must be supplemented	Descriptions of found deficiencies and taken activities	Persons indicated in Item 1
5	In the scope of train setting – to ensure wagons with efficient railway air brake on the end (or on the begin) of the train set	Lack of wagons with efficient railway air brake on the end (or on the begin) of the train set makes the train departure impossible	Description of found condition and decisions made	Persons indicated in Item 1
6	In the scope of diagnostics of technical condition of rail vehicles – (trains)	In case of: - hot bearings, - hot rims and discs, - deformations of rims, it is required to stop the train and to obtain the confirmation by the driver or rolling stock supervisor	Protocol of committee	Persons indicated in Item 1
7	In the scope of – maintenance of swept path, axle load, correct cargo fastening, its uniform distribution	Train stopping and order of its exclusion from traffic.	Protocol of committee	Persons indicated in Item 1

## 6.26 REPORTING OF HANDLING SET READINESS FOR DEPARTURE

- 6.26.1 Readiness for departure from the siding shall be reported to DOL train dispatcher by the train manager or the person appointed by the Carrier.
- 6.26.2 Reporting made in person and recorded in DOL „Operating log” on the siding station shall contain the following information:
- number of handling travel,
  - surname of train manager, surname of driver, locomotive series and number,
  - Gross weight of train set and its length in meters,

d. time of reporting.

6.26.3 Fact of reporting shall be confirmed by signatures of the train dispatcher and train manager or of the person appointed by the Carrier in DOL „Operating log”.

#### **6.27 MUTUAL NOTIFICATION OF PARTIES**

6.27.1 In case of events which are essential for railway traffic safety or railway accidents, the following principles of notifications shall be applied:

- for DOL – notification of train dispatching engineer;
- for Carrier – notification of the persons specified in the Contract on making the railway siding available.

#### **6.28 PROCEDURE TO BE FOLLOWED IN CASE OF OCCURRENCE OF SERIOUS ACCIDENT OR INCIDENT**

6.28.1 In case of occurrence of serious railway accident or incident in the Administrator’s railway area, the Contract parties undertake to proceed in accordance with the provisions included in the Regulation issued by the Minister of Infrastructure and Building Industry concerning serious accidents, accidents and incidents in railway carriage, as well as with the inner regulations of the Administrator.

6.28.2 The Contract parties undertake to:

- a. cooperate in order to minimize negative consequences of occurred railway accidents;
- b. cooperate in elimination of occurred damages and recovering the railway traffic as soon as possible;
- c. provide help for victims,
- d. cooperate in order to find the reasons of railway accidents.

6.28.3 Establishment of reasons of railway accidents and responsibility for their consequences is carried out by accident investigation committee appointed by the Administrator with the participation of the Carrier.

6.28.4 The committee shall be appointed and accident investigation procedure shall be carried out pursuant to the provisions included in the Regulation issued by the Minister of Infrastructure and Building Industry concerning serious accidents, accidents and incidents in railway carriage and the findings of the accident investigation committee shall be issued in the form of protocol of findings to be agreed by the representatives of the both parties.

6.28.5 The protocol statements are approved by the competent representatives of the both parties.

6.28.6 In the scope established in course of accident investigation procedure and in approved protocol of statements, the contract parties are required to redress damages, including the reimbursement of costs incurred for elimination of accident consequences and help for victims as well the costs of indemnities proportionally to the degree of contribution to accident occurrence.

6.28.7 The parties shall apply the above principles of proceeding in case of railway accidents resulting from:

- a. improper fire protection and environment protection;
- b. natural disaster,
- c. other similar events.

#### **6.29 PROCEDURE TO BE FOLLOWED IN CASE OF OCCURRENCE OF OPERATIONAL DISTURBANCES**

6.29.1 Pursuant to the Act on railway carriage, DOL shall be required to suspend or to limit railway traffic with the whole railway infrastructure or in the part thereof in case of endangered traffic safety or passenger or cargo carriage safety.

6.29.2 DOL shall inform interested Carriers about the occurrence of operational impediments affecting their activity.

6.29.3 In case of occurrence of disturbances in course of handling works in the loading stations operation, DOL shall take any possible actions in order to restore normal operational conditions.

6.29.4 Pursuant to Article 7 section 1 of the Environment protection act, the entity causing environment pollution shall cover the costs of elimination of consequences of such pollution (pollutant pays).

#### **6.30 FINAL PROVISIONS**

6.30.1 Any changes and supplementations in the scope of technical, organizational and technological issues included in the present Rules shall be published on websites of railway infrastructure Administrator.

6.30.2 In case of any personal change or change in the organizational structure of Oddział Elektrociepłownia w Lublinie Wrotków, the person taking over the duties at work of the person who was responsible for application of the present Rules shall enter into all duties and rights on the basis of protocol of handover of the duties at work without the necessity to update the present Rules.

6.30.3 The Rules for Making the Railway Siding of PGE Górnictwo I Energetyka Konwencjonalna S.A. - Oddział Elektrociepłownia Lublin Wrotków available – Rules of Railway System REGL 25729 / A. shall be repealed.