



DSDiK
Dolnośląska Służba Dróg i Kolei we Wrocławiu



**DOLNY
ŚLĄSK**



**KULTURA
BEZPIECZEŃSTWA
W TRANSPORCIE KOLEJOWYM**

NETWORK REGULATIONS
of the Lower Silesian Voivodship of the Lower Silesian Road
and Railway Service in Wrocław

Network Regulations 2022/2023

List of changes

No.	Basis for the change	The scope of the change introduced	Valid from
1.	Planned launch of new railway lines	Addition of parameter lines for railway lines 303 and 316	
2.	Passage of a vehicle exceeding the specified weight ranges of trains	Calculated rate for more train weight ranges	
3.	Verification of speed limits	Speed changes	
4.	Takeover of railway lines No. 302 and 331	Adding the lines	
5.			
6.			
7.			
8.			
9.			
10.			



Contents

Chapter 1 General provisions	5
§ 1 Definitions	5
§ 2 Basic information about the infrastructure manager	7
§ 3 General conditions	7
§ 4 Use of the Regulations, distribution, introducing changes	7
Chapter 2 Infrastructure	8
§ 5 Railway infrastructure, technical and operational parameters of the line	8
§ 6 Availability of infrastructure	9
Chapter 3 Access Conditions	10
§ 7 Conditions for submitting applications for capacity allocation	10
§ 8 Conditions for obtaining access to the railway infrastructure	10
§ 9 Licenses, safety certificates	11
§ 10 General terms and conditions	11
§ 11 Framework agreement	11
§ 12 Operating regulations	11
§ 13 Personnel	12
§ 14 Rolling stock	12
§ 15 Carriage of special consignments	13
§ 16 Dangerous Goods	13
Chapter 4 Allocation of capacity	14
§ 17 Introduction	14
§ 18 Submission of applications for train route allocation	14
§ 19 Changes to the train timetable	14
§ 20 Modification of the allocated capacity	15
§ 21 Coordination and resolving conflicts between train routes, congested infrastructure	15
§ 22 Allocation of capacity	16
§ 23 Replacement transport	16
§ 24 Resignation from the allocated capacity	17
§ 25 Actions taken in case of disruptions	17
§ 26 Proceedings in the event of potentially dangerous events or situations in rail transport	18



§ 27 Allocation of capacity for service infrastructure facilities	20
Chapter 5 Services	20
§ 28 Scope of services	20
§ 29 Minimum access to infrastructure	20
§ 30 Access to service infrastructure facilities and provision of services	20
Chapter 6 Fees	20
§ 31 Principles of setting fees	21
§ 32 Minimum access to railway infrastructure	21
§ 33 Charges for access to service facilities	21
§ 34 Charges for unused capacity	22
§ 35 Execution plan	23
§ 36 Settlement of receivables	25
Chapter 7 Proceedings during the implementation of the Agreement	25
§ 37 Organization of train journeys	25
§ 38 Checking activities carried out by DSDiK employees	25
§ 39 Compensation, settlements for failure to meet obligations	26
§ 40 Preparation and reporting the train for travel	27
Annex 1	29
Technical and operational parameters of the line	29
Annex 2	33
List of platforms	33
Annex 3	35
Schedule of planned track closures	35
Annex 4	36
List of internal regulations and other documents	36
Annex 5	37
Rules for conducting an auction of unallocated capacity	37
Annex 6	44
Price list for the use of railway infrastructure managed by the Lower Silesian Road and Railway Service in Wrocław, valid in the scope of the 2022/2023 timetable	44
Annex 7	50
Template of the application for the conclusion of the capacity allocation contract in the 2022/2023 timetable	50



Chapter 1 General provisions

§ 1 Definitions

1. These Regulations have been prepared on the basis of applicable legal acts regulating the activities of railway market entities:
 - Act of 28 March 2003 on rail transport (Journal of Laws 2021, item 1984);
 - Act of 21 March 1985 on public roads (Journal of Laws 2022, item 1693);
 - Act of 19 August 2011 on the transport of dangerous goods (Journal of Laws 2022, item 2147);
 - Regulation of the Minister of Infrastructure and Construction of 7 April 2017 on the provision of railway infrastructure (Journal of Laws of 2018, item 2280);
 - RRJ – annual timetable;
 - Regulation of the Minister of Infrastructure of 12 October 2005 on general technical conditions for the operation of railway vehicles (Journal of Laws of 2017, item 1525);
 - Regulation of the Minister of Infrastructure of 18 July 2005 on general conditions for railway traffic and signalling (Journal of Laws of 2019, item 2352);
 - Regulation of the Minister of Transport, Construction and Maritime Economy of 3 January 2013 on the method of keeping the register and the method of marking railway vehicles (Journal of Laws of 2019, item 918, as amended);
 - Regulation of the Minister of Infrastructure and Construction of 16 March 2016 on serious accidents, accidents and incidents in rail transport (Journal of Laws of 2016, item 369) .
2. For the purposes of the Regulations, the following terms and abbreviations are introduced:
 - 1) Applicant – a railway entity, an international economic interest grouping including railway undertakings or another entity interested in obtaining capacity, in particular an organizer of public railway transport, a freight forwarder, a shipper or a combined transport operator;
 - 2) DSDiK – Lower Silesian Voivodeship Lower Silesian Road and Railway Service in Wrocław – manager of railway infrastructure owned by the Lower Silesian Voivodship;
 - 3) IRJ – individual timetable in accordance with § 8 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on providing access to railway infrastructure;
 - 4) ISZTP – Online System for Ordering Train Routes “Order and Ride”, an application of PKP Polskie Linie Kolejowe S.A. enabling applicants and railway Operators to handle requests for capacity allocation;
 - 5) railway line – a railway road designated by the infrastructure manager and adapted for train traffic;
 - 6) PKP PLK – PKP Polskie Linie Kolejowe SA;



- 7) train – a railway vehicle or a composition of railway vehicles that meets the requirements specified for a train and to which the infrastructure manager assigned the status of a train;
- 8) DSDiK employees- employees of DSDiK and other persons who perform the Allocation Contract or the Contract of Use;
- 9) Operator's employees – employees of the Operator and other persons who perform the Contract of Use;
- 10) Office of Rail Transport President – President of the Office of Rail Transport;
- 11) Operator or Railway Operator – an entrepreneur authorized under a license to perform railway transport or provide traction services;
- 12) Regulations – Network Regulations 2022/2023 of the Lower Silesian Voivodeship of the Lower Silesian Road and Railway Service in Wrocław;
- 13) PKP PLK Regulations – Network Regulations 2022/2023 PKP Polskie Linie Kolejowe SA;
- 14) Regulation – Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on making railway infrastructure available (Journal of Laws of 2018, item 2280, as amended);
- 15) RRJ – annual timetable;
- 16) emergency situation – a situation in which it is impossible to perform the obligations under the Contract of Use, caused by a sudden event arising independently of the will of the parties to this contract, causing a disruption or a threat of disruption of the operational process on the DSDiK lines, and which neither party to the contract, despite due diligence, could not have foreseen or prevented.

An emergency situation may result from:

- a) introduction of a state of emergency (state of natural disaster, state of emergency, martial law) in the entire territory of the country or its part,
 - b) social protests, e.g. strikes,
 - c) terrorist events or their prerequisites,
 - d) other unforeseen events such as: floods, fires, hurricanes, landslides, long-term precipitation, network failures, including the events arising from decisions of public authorities, resulting in changes in the operating process;
- 17) SŽ – Správa železnic, státní organizace, manager of railway infrastructure in the Czech Republic;
 - 18) Allocation Contract – an agreement on allocation of capacity concluded with the Applicant;
 - 19) Contract of Use – an agreement on the use of capacity concluded with the Operator;
 - 20) Act – Act of 28 March 2003 on railway transport (Journal of Laws 2021, item 1984) WRJ – internal train timetable;
 - 21) infrastructure manager – an entity responsible for managing the railway infrastructure or, in the case of construction of a new infrastructure, an entity that started its construction as an investor; the tasks of the infrastructure manager may be performed by different entities;
 - 22) ZRJ – replacement train timetable containing changes resulting from the planned implementation of investment, modernization, renovation and ongoing maintenance works.



§ 2 Basic information about the infrastructure manager

1. DSDiK is a local government budgetary unit financed by the Local Government of the Lower Silesian Voivodship.
2. DSDiK performs tasks under the authority of the Board of the Lower Silesian Voivodeship in the scope of rights and obligations belonging to the road manager and the railway infrastructure manager specified in the Railway Transport Act.
3. DSDiK has safety authorization No. PL2120200001 of April 2, 2020, valid from March 7, 2020 to March 7, 2025.

4. Contact details:

Województwo Dolnośląskie

Dolnośląska Służba Dróg i Kolei we Wrocławiu

ul. Krakowska 28, 50-425 Wrocław

Office	phone number	(71) 39 17 100-102
	fax	(71) 39 17 110
	e-mail:	kancelaria@dsdik.wroc.pl
Unit Service Department	phone number	(71) 39 17 196
Railway Division	phone number	(71) 39 17 185-187

5. Business activity data:

Tax Identification Number: 8992803047

Regon number: 931934644

6. Complaints and requests regarding the activities of DSDiK as a railway infrastructure manager should be sent in writing to the correspondence address or e-mail: zarzadca@dsdik.wroc.pl.

§ 3 General conditions

1. The requirements for the railway infrastructure manager as well as Applicants and Operators are specified in the provisions of the Railway Transport Act, executive acts issued on its basis and other generally applicable laws.
2. The Regulations define the rules of cooperation and requirements necessary to access and use the railway infrastructure managed by DSDiK, which apply to all Applicants and Operators.
3. Detailed relations of Applicants and Operators with DSDiK are set out in the Allocation Contract or the Contract of Use, which define the rights and obligations of the parties, commercial and legal aspects regarding the implementation of mutual obligations.

§ 4 Use of the Regulations, distribution, introducing changes

1. The Regulations have been prepared by DSDiK on the basis of art. 32 of the Railway Transport Act and § 27 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on the provision of railway infrastructure.



2. The draft Regulations are consulted with railway market entities, in accordance with § 27 point 3 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on the provision of railway infrastructure.
3. The Regulations are implemented by the Order of the DSDiK Director.
4. The Regulations consist of a descriptive part, which defines the conditions of: access to railway infrastructure, capacity allocation, use of allocated capacity, information on fees and annexes containing characteristics of railway infrastructure, list of internal regulations.
5. The draft Regulations, a list of submitted comments and the adopted Regulations and its amendments are published on the website of the manager www.dsdik.wroc.pl in the Railways tab.
6. The Regulations apply throughout the entire period of preparation, development and validity of the train timetable Network Regulations 2022/2023.
7. In justified cases, it is allowed to introduce changes to the Regulations in accordance with the principles set out in § 27 point 3 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on the provision of railway infrastructure. These changes enter into force within 10 days from the date of their publication.
8. Changes resulting from amendments in generally applicable laws are made within the time limits set out in these regulations.
9. DSDiK, if necessary, updates the data in the annexes to the Regulations.
10. The consultations referred to in points 2 and 7 are carried out with Applicants via e-mail. Correspondence that concerns the Regulations should be sent to the following address: zarzadca@dsdik.wroc.pl.
11. Applicants may submit their comments within 14 days of receiving the draft amendment. Failure to refer to the proposed change in the Regulations within the prescribed period shall mean its acceptance.

Chapter 2 Infrastructure

§ 5 Railway infrastructure, technical and operational parameters of the line

1. Lower Silesian Voivodeship, The Lower Silesian Road and Railway Service in Wrocław manages the railway infrastructure, which includes:
 - 1) railway line No. 311, section Szklarska Poręba Górna – State Border, from km 29.844 to km 43.138;
 - 2) railway line No. 326, section Wrocław Zakrzów – Trzebnica from km 1.260 to km 19.903
 - 3) railway line No. 341, section Bielawa Zachodnia – Dzierżoniów from km -0.530 to km 5.118
 - 4) railway line No. 316, section Chojnów – Rokitki from km 21.832 to km 26.755
 - 5) railway line No. 303, section Duninów – Chocianów from km 7.880 to km 10.970
 - 6) railway line No. 284, section Jerzmanice Zdrój – Lwówek Śląski from km 24.444 to km 48.157
 - 7) railway line No. 291, section Szczawno Zdrój – Sobięcín, from km 3.400 to km 17.140
 - 8) railway line No. 302, section Strzegom – Marciszów from km 44,835 to km 73,040
 - 9) railway line No. 308, section Pisarzowice – Jelenia Góra from km 7.945 to km 37.818



- 10) railway line No. 310, section Kobierzyce – Piława Górna from km 0.174 to km 38.645
 - 11) railway line No. 312, section Wojcieszów – Nowy Kosciol from km 16.090 to km 33.430
 - 12) railway line No. 317, section Gryfów Śląski – Mirsk from km 72.905 to km 80.850
 - 13) railway line No. 318, section Srebrna Góra – Bielawa Zachodnia from km 12.380 to km 28.295
 - 14) railway line No. 319, section Kondratowice – Łagiewniki from km 46.200 to km 51.139
 - 15) railway line No. 320, section Ciepłowody – Ciepłowody from km 9.982 to km 13.282
 - 16) railway line No. 323, section Nowa Wieś Grodziska – Nowa Wieś Grodziska from km 0.303 to km 2.065
 - 17) railway line No. 327, section Ścinawka Średnia – Radków from km 6.248 to km 14.255
 - 18) railway line No. 327, section Wolibórz – Nowa Ruda Słupiec from km -5.380 to km 0.000
 - 19) railway line No. 331, section Roztoka – Roztoka from km 13,332 do km 14,636
 - 20) railway line No. 335, section Henryków – Ciepłowody from km -0.279 to km 10.080
 - 21) railway line No. 336, section Mirsk – Świeradów-Zdrój from km -0.182 to km 7.360
 - 22) railway line No. 340, section Mysłakowice – Karpacz from km -0.247 to km 7.055
 - 23) railway line No. 345, section Kamienna Góra – Pisarzowice from km 1.780 to km 3.040
 - 24) railway line No. 372, section Bojanowo – Góra Śląska from km 0.600 to km 15.305
2. DSDiK railway lines are standard-gauge, non-electrified, single-track lines.
 3. The basic technical and operational parameters of the infrastructure managed by DSDiK are specified in Annex 1.
 4. The technical and operational conditions of the line are included in WRJ PKP PLK, Annex 1 “Technical and operational conditions”.
 5. The list of platforms on railway lines is included in Annex 2.
 6. DSDiK does not provide for the privileged type of transport on managed railway lines within the meaning of Art. 29b of the Act.
 7. The National Register of Infrastructure (RINF) kept by the President of the Office of Rail Transport is available to registered users on the website <https://rinf.utk.gov.pl>.
 8. Information on service infrastructure facilities is contained *in the Regulations of access to service infrastructure facilities managed by the Lower Silesian Road and Railway Service in Wrocław* available at <https://dsdik.wroc.pl/> in the RAILWAYS tab.

§ 6 Availability of infrastructure

1. Operational limitations on the infrastructure may arise from e.g.:
 - 1) planned track closures resulting from investment, modernization, renovation or ongoing maintenance works;
 - 2) rolling stock damage;
 - 3) unplanned track closures due to damage to railway infrastructure;
 - 4) temporary restrictions on the use of sections of railway lines or the operation of traffic posts;
 - 5) occurrence of emergency or crisis situations;
 - 6) threats to traffic safety or the safety of transport of people and goods;
 - 7) needs associated with the safety and defence of the state;
 - 8) decision of the President of the Office of Rail Transport or other authorized bodies.



2. The Manager shall immediately notify the Operator of any changes resulting from the introduction of operational restrictions by fax or e-mail.
3. The schedule of planned track closures is attached as Annex 3.
4. PKP PLK will prepare the ZRJ on the lines covered by the planned track closures based on the actual capacity of the line, in accordance with the PKP PLK Regulations.
5. Information on limitations concerning the transport of dangerous goods on railway lines managed by DSDiK and on preventing situations posing threats to people and the environment resulting from this process, is included in the regulation "UK-7 transport of dangerous goods by rail of the Lower Silesian Road and Railway Service in Wrocław", indicated in Annex No. 4.

Chapter 3 Access Conditions

§ 7 Conditions for submitting applications for capacity allocation

1. The Applicant acquires the right to submit applications for capacity allocation after concluding an Allocation Contract with the manager.
2. in order to conclude the Contract, the Applicant submits a written request to DSDiK, in which he indicates in particular:
 - 1) name, registered office and address;
 - 2) data enabling unambiguous identification, including: NIP, Regon, KRS;
 - 3) the planned scope of the ordered capacity;
 - 4) type of transport for which the Applicant will apply for capacity allocation.
3. In the case of Applicants intending to submit applications for capacity allocation in the field of rail passenger transport, other than occasional, the Applicant specifies the planned scope of the ordered capacity to the extent to which it has concluded a contract for the provision of public services, has presented a declaration of the organizer of public rail transport about the intention to include trains contract for the provision of public services or obtained a decision to grant open access.
4. Submission of applications for capacity allocation and their consideration is carried out in accordance with the rules set out in § 17-21.
5. The capacity allocated to the Applicant may not be transferred to another Applicant, nor may it be used for other types of transport than those indicated in the application for capacity allocation.
6. An applicant who is not an Operator may indicate various Railway Operators authorized to use the capacity allocated on the basis of individual applications. Within one application for capacity allocation, the Applicant indicates one Operator.
7. The Applicant who is an Operator may not indicate another Railway Operator to use the capacity allocated to it.

§ 8 Conditions for obtaining access to the railway infrastructure

1. The railway undertaking acquires the right to use the railway infrastructure after concluding the Contract of Use.
2. Before concluding the Contract of Use, the Operator is obliged to submit to the manager:



- 1) a certified copy of a valid license referred to in Art. 43 of the Act;
 - 2) a certified copy of a valid safety certificate referred to in Art. 18b of the Act;
 - 3) a statement that the rolling stock meeting the conditions set out in the Regulation of the Minister of Infrastructure of 12 October 2005 on general technical conditions for the operation of railway vehicles will be used for the journeys
 - 4) a statement that the Operator undertakes to inform about changes, suspension or revocation of the license and/or safety certificate.
3. Documents referred to in point 2 should be submitted in Polish or a certified translation of the originals into Polish.
 4. The Operator that submitted the documents referred to in point 2, which have not lost their validity for the 2022/2023 timetable, before concluding the Contract of Use for the 2022/2023 timetable, may submit a statement that these documents remain valid. In the event of changes to these documents, the provisions of point 2 shall apply.

§ 9 Licenses, safety certificates

1. The President of the Rail Transport Office is the authority competent to grant, refuse to grant, amend, suspend or revoke a license from an entrepreneur established in the territory of the Republic of Poland.

Contact details:

Urząd Transportu Kolejowego

Al. Jerozolimskie 134, 02 – 305 Warsaw.

www.utk.gov.pl

2. Issuing, extending, amending and revoking safety certificates as well as maintaining and updating their register are the tasks of the President of the Rail Transport Office, in the scope of supervision over entities whose activities affect the safety of railway traffic and the safety of railway operation. The contact details of the Office of Rail Transport are indicated in point 1.

§ 10 General terms and conditions

The detailed terms of cooperation of the Applicants and Railway Operators with the manager are set out in the Allocation Contract or the Contract of Use, which define the rights and obligations of the parties, commercial, formal and legal aspects regarding the performance of mutual obligations.

§ 11 Framework agreement

1. Until the effective date of the RRJ 2022/2023, DSDiK does not plan to conclude capacity reservation agreements for a period beyond the period of validity of the RRJ.
2. At the Applicant's justified request, DSDiK may conclude a capacity reservation agreement for a period exceeding the period of validity of the RRJ, subject to the provisions of Article 31 of the Act.

§ 12 Operating regulations



1. The Applicant and the Operator using the railway infrastructure managed by DSDiK are bound by the following provisions:
 - DSDiK internal regulations listed in Appendix No. 4,
 - regulations of PKP PLK S.A. in the field of railway traffic management.
2. In border traffic, additionally, the rules of railway traffic management specified in separate agreements, regulations or contracts apply.
3. The Operator is obliged to comply with the rules and conditions of traffic management on railway lines specified on the basis of the Regulation of the Minister of Infrastructure of 18 July 2005 on general conditions for railway traffic management and signalling.
4. New internal regulations and changes to existing regulations are implemented by the Orders of the Director of DSDiK.
5. DSDiK notifies the Operators of any changes to the internal regulations listed in Annex No. 4 and the documents referred to in point 2 no later than 7 days before the changes come into force.
6. Internal regulations, agreements and technical regulations are sent free of charge in an electronic version at the Operator's request.

§ 13 Personnel

The Operator's employees employed in positions directly related to the operation and safety of railway traffic and train drivers must have the qualifications specified in the Act and relevant executive acts issued on its basis.

§ 14 Rolling stock

1. The railway undertaking ensures that the operated rolling stock:
 - meets the technical conditions specified in the Regulation of the Minister of Infrastructure of 12 October 2005 on general technical conditions for the operation of railway vehicles;
 - is equipped with relevant documents in accordance with the Regulation of the Minister of Transport of 2 November 2006 on documents that should be carried in a railway vehicle is marked in accordance with the guidelines resulting from the Regulation of the Minister of Transport, Construction and Maritime Economy of 3 January 2013. on the method of keeping the register and the method of marking railway vehicles;
 - each railway vehicle has a certificate of technical efficiency issued by the Operator confirming that the vehicle is technically efficient;
 - wheelsets of the rolling stock ensure electrical short-circuiting of the rails – the resistance of the wheelset cannot be higher than 50 m Ω.
2. The permissible unevenness of bogies, axles and wheels of a given axle of a railway vehicle may not exceed the values specified in § 6 of the “UK-8 Instructions for the rules of transporting exceptional consignments by rail by the Lower Silesian Road and Railway Service in Wrocław”.
3. Powered railway vehicles that travel on lines equipped with trackside automatic train braking devices should have operational devices cooperating with trackside devices installed.
4. Traction vehicles used in regular passenger traffic must be equipped with radiotelephone devices included in the “Radio-Stop” remote train stopping system.



5. Other traction vehicles must be equipped with radiotelephone devices enabling communication with the traffic dispatcher.
6. Devices operating in the radiotelephone train and shunting network may not be made available for use by other users not authorized to work in these networks.

§ 15 Carriage of special consignments

1. The passage of trains with special consignments is carried out as part of the RRJ and IRJ, after prior arrangement of the conditions of transport.
2. Detailed information on the organization and handling of special consignments is specified in the regulation "UK-8 Instructions for the rules of transporting special consignments by rail by the Lower Silesian Road and Railway Service in Wrocław".
3. The Applicant or the Operator shall notify DSDiK of the intention to send an extraordinary shipment at least 30 days before the planned journey. If, due to a railway incident or operational reasons, it is necessary to develop the conditions for the transport of special consignments, i.e. a railway vehicle with $V_{max} = 20$ km/h, the conditions will be prepared without undue delay in order to quickly restore the line's operability.
4. DSDiK defines the conditions of transport of a special consignment on the lines managed by DSDiK in accordance with the Instruction referred to in point 2.
5. The applicant or the Operator submits an application for permission to transport an extraordinary consignment to the Railway Traffic Management Center of PKP PLK, in accordance with the agreement on cooperation between managers in the scope of connecting railway routes in the current timetable and PKP PLK Regulations.
6. Pursuant to the agreement on the cooperation of managers in the field of connecting railway routes, PKP PLK prepares a timetable for the transport of trains with special consignments in accordance with the PKP PLK Regulations.
7. DSDiK, in the case of track closures that take place on the premises and for reasons of DSDiK, in consultation with the Operator, updates previously issued consents for the transport of extraordinary consignments.

§ 16 Dangerous Goods

1. Dangerous goods are materials and objects whose carriage is prohibited by the Regulations for the International Carriage of Dangerous Goods by Rail (RID) or permitted only under certain conditions. Carriage of dangerous goods by rail is any movement of dangerous goods by wagon, taking into account the stops required during this transport and the activities associated with this transport.
2. Regulations regarding the transport of dangerous goods by rail are contained in the "UK-7 Instructions for the carriage of dangerous goods by rail of the Lower Silesian Road and Railway Service in Wrocław", listed in Appendix 4 and in the legal acts listed on the website: <https://www.gov.pl/infrastruktura/przewoz-towarow-niebezpiecznych>.



Chapter 4 Allocation of capacity

§ 17 Introduction

1. The capacity is allocated on the basis of applications submitted by the Applicants who concluded the Allocation Contract.
2. The requests referred to in point 1 may concern the allocation of capacity for a train route, the allocation of new capacity or modification of the allocated capacity.
3. In the application for capacity allocation for a train route, the Applicant indicates related applications, the fulfilment of which is necessary to allocate the requested train route.
4. Only applications for capacity allocation that have been submitted within the specified period and contain the information referred to in § 4 point 1-4 and § 5 point 1 of the Regulation.

§ 18 Submission of applications for train route allocation

1. On the basis of the agreement on the cooperation of managers in the scope of connecting railway roads concluded between DSDiK and PKP PLK in order to use railway lines managed by DSDiK, the Applicant requests PKP PLK to allocate capacity for the train route, as part of RRJ, IRJ and ZRJ, according to the rules set out in the Regulations of PKP PLK.
2. The application for capacity allocation for a train route within RRJ and IRJ is submitted in electronic form via ISZTP on the website <https://skrj.plk-sa.pl> or via the OCTOPUS service in SKRJ in the AKTIV version prepared by PKP PLK, according to the rules set out in the Regulations of PKP PLK.
3. PKP PLK accepts applications for the allocation of train paths under the RRJ and IRJ in the 2022/2023 timetable on the dates specified in the PKP PLK Regulations.
4. PKP PLK develops and assigns train paths and notifies applicants about the allocated paths within RRJ and IRJ in accordance with the provisions of the PKP PLK Regulations.
5. The draft RRJ is being developed taking into account the provisions of § 3 Sec. 7 of the Regulation.
6. DSDiK does not offer shunting services.

§ 19 Changes to the train timetable

1. Pursuant to the agreement concluded between DSDiK and PKP PLK on the cooperation of managers in the field of connecting railway routes, PKP PLK carries out an update of the timetable consisting in introducing changes according to the rules and deadlines specified in the PKP PLK Regulations.
2. The timetable update includes:
 - 1) consideration of applications for train route allocation regarding the allocation of new train routes;
 - 2) consideration of applications for train route allocation regarding modification of the allocated train routes in terms of: shortening or extending the train route, changing the place and time of stops, changing the length and gross weight of the train, changing the series of a powered rail vehicle, changing the declared braking weight percentage, changing the speed of the train;



- 3) preparation of proposals for changes in the allocated train routes, which change is necessary due to changes in the parameters of the railway infrastructure;
 - 4) preparation of proposals for changes to the allocated train routes, which are possible due to changes in the parameters of the railway infrastructure or changes referred to in points 2 and 3.
3. The update consists in introducing changes submitted in a separate application, with the exception of resignation from the train route, which can be made only in the mode specified in § 24.
 4. Applications for changes should be submitted via ISZTP.
 5. If changes are reported as part of the RRJ update, generating changes to the train timetable of other Applicants, the RRJ update takes place after the consent of the interested Applicants.
 6. Changes are introduced in the train timetable resulting from investments, repairs or works related to the maintenance of railway lines.
 7. Before the preparation of ZRJ project, DSDiK informs applicants about the commencement of work on the ZRJ and about track closures that will be included in the ZRJ in a given period, including closures requiring the introduction of substitute transport.
 8. Pursuant to the PKP PLK Regulations, PKP PLK, on the basis of an agreement on the cooperation of managers in the field of railroad connection, prepares ZRJ for the relevant periods of validity of the changed traffic organization, which is sent to Applicants electronically.

§ 20 Modification of the allocated capacity

1. The Applicant may submit an application for modification of the allocated capacity.
2. Pursuant to the agreement concluded between DSDiK and PKP PLK on the cooperation of managers in the field of connecting railroads, PKP PLK considers requests for modification of the allocated capacity, in accordance with the rules set out in the PKP PLK Regulations.
3. The request for modification of the allocated capacity should be submitted via ISZTP via the "Modification of allocated capacity" tab or via the OCTOPUS interface prepared by PKP PLK in the active part.
4. Reducing the weight of the train does not require submitting an application for modification of the allocated train route, but it is possible to submit an application for such modification until the train is launched.

§ 21 Coordination and resolving conflicts between train routes, congested infrastructure

1. Pursuant to the agreement concluded between DSDiK and PKP PLK on the cooperation of managers in the field of connecting railway roads, in the event of a conflict between the submitted applications for the allocation of train routes or the allocated routes on DSDiK lines, the coordination process is undertaken by PKP PLK according to the principles set out in the PKP PLK Regulations.
2. If, despite the actions referred to in point 1, it is not possible to fulfil the orders specified in the applications for train route allocation in a manner consistent with the expectations of the Applicants, DSDiK shall immediately notify the President of UTK and the Applicants concerned



that the railway line under the management of DSDiK or its section is congested, excluding the cases referred to in in § 7 section 11 item 1 of the Regulation. DSDiK also notifies about a railway line or its section on which a lack of capacity is expected in the next, nearest period for which RRJ is prepared.

3. For congested railway lines managed by DSDiK or its sections, DSDiK presents to the President of UTK the results of the analysis of the railway line capacity and the capacity increase plan, in accordance with the rules set out in the Regulation.
4. The allocation of train routes on congested sections of railway lines is based on the results of the auction referred to in § 7 section 11 item 4 of the Regulation, carried out in accordance with the rules contained in Annex 5.

§ 22 Allocation of capacity

1. Allocation of capacity in order to carry out the passage for the purposes of maintenance, revitalization and modernization takes place in accordance with the rules set out in this chapter.
2. The passage of the train for the purposes referred to in sec. 1, is implemented on the basis of the developed train timetable or the rules of traffic management on the line, on the basis of agreements concluded with DSDiK.
3. For the passage of train for own needs related to the maintenance of infrastructure, commissioned by DSDiK .
4. In order to conclude the Capacity Allocation Contract for the 2022/2023 timetable, the Applicant who is a railway entity submits a written application for the conclusion of the Capacity Allocation Contract, according to the template constituting Annex 7.
5. The Applicants intending to submit applications for capacity allocation for rail passenger transport, other than occasional, shall specify in the Capacity Allocation Contract the planned scope of the contracted capacity to the extent to which it has entered into the contract public service statement, submitted a statement of the organizer of public rail transport about intention to include trains in the contract

§ 23 Replacement transport

1. In the event of restrictions in the use of the railway infrastructure for reasons attributable to DSDiK, the Operator may carry out passenger transport using means of road transport adapted to the number of passengers. Transports must be performed by a road Operator with appropriate licenses. The choice of alternative means of transport should be effective, i.e. it should ensure the achievement of the best effect at the lowest possible cost.
2. Planning the replacement transport due to planned track closures is carried out in the process of developing and agreeing on ZRJ. DSDiK employees cooperate with the employees of the Railway Operator in order to determine the place of stopping the substitute transport within the railway area managed by DSDiK .
3. DSDiK is obliged to cover additional costs incurred by the Operator as a result of providing substitute transport, if this is due to reasons attributable to DSDiK. The additional costs referred to above are the difference between the costs for the minimum access to the railway



infrastructure that the Operator would incur in the event of a journey without any restrictions in the use of the railway infrastructure, arising for reasons attributable to DSDiK, and the full costs documented by the Operator's invoice for the performance of the substitute transport service by the provider of this service.

The full costs referred to above refer to the amount from the invoice issued by the contractor providing replacement transport services, these are the costs of providing a road vehicle with its driver.

4. In order to settle the costs of replacement transport, the Operator will be required to submit a statement on assessing the effectiveness and rationality of the organization of replacement transport and a statement that additional costs of replacement transport shall not be refunded by the public transport organiser.
5. Replacement transport costs are settled in accordance with the provisions of the Contract of Use.
6. Introduction of replacement transport by the Operator for the reasons referred to in § 26 and unplanned track closures, not included in ZRJ, takes place on the basis of operative agreement with DSDiK. Before introducing replacement transport, the Operator informs DSDiK specifying:
 - 1) date and time of introducing replacement transport;
 - 2) list of trains for which replacement transport will be introduced;
 - 3) alternative transport route.

The above-mentioned information should also be provided in writing.

7. The railway entity is obliged to cover the costs resulting from actions taken to ensure the continuity and safety of railway traffic, provided that the reasons determining the introduction of replacement transport are attributable to the railway entity.

§ 24 Resignation from the allocated capacity

1. The Applicant has the right to resign from the allocated train route or its part.
2. Pursuant to the agreement concluded between DSDiK and PKP PLK on the cooperation of managers in the field of connecting railway routes, PKP PLK accepts resignation from the allocated train route, in accordance with the rules set out in the PKP PLK Regulations.
3. Resignation from the allocated train route is made via ISZTP.
4. For failure to use the allocated train route the entity shall pay a reservation fee in the amount specified in § 34.
5. The Applicant receives a confirmation of acceptance of the resignation. The confirmation is generated automatically from ISZTP and sent by e-mail to the e-mail address of the resigning party. In the event of ISZTP failure, resignation from all or part of the allocated train route should be submitted to the territorially competent position for the construction of train timetables of PKP PLK.
6. If the entity provides incorrect data in the application for resignation from the allocated capacity, the resignation will not be accepted.

§ 25 Actions taken in case of disruptions



1. Detailed regulations regarding actions taken in the event of disruptions, the procedure for appointing and operating railway commissions, rules for qualifying events and potentially dangerous situations and the rules for documenting conducted proceedings are specified in the regulation "UK 5 Instruction on the rules of conduct in cases of serious accidents, accidents and incidents of the Lower Silesian Road and Incident Railway Service Wrocław" listed in Annex 4.
2. Rules for submitting notifications, e.g. in the case of events that are important for maintaining the safety and continuity of traffic, as well as the safety of people, property or the environment, as well as in the event of disruptions in the implementation of the train timetable – are specified in the Contract of Use.
3. If there are deviations from the train timetable due to the fault of the parties to the Contract of Use, including the cases referred to in § 26 Sec. 1, the parties to this Contract shall be mutually liable towards each other and other users of the railway lines for the resulting difficulties in the operation of the railway line.
4. Pursuant to the provisions of the Act, DSDiK is obliged to suspend or limit traffic on the whole or part of the railway line in the event of a threat to traffic safety or the safety of transport of people and goods.
5. DSDiK notifies interested Operators about the occurrence of disturbances affecting their operational activities.

In the event of operational disruptions, DSDiK takes actions, taking into account the interests and after consultations with the interested Operators, which are aimed at restoring normal operating conditions. For this purpose, DSDiK may introduce the following actions: reducing the speed of trains, cancelling the train, shortening the relation, connecting trains, ordering passengers to change trains from cancelled trains on the route to the nearest trains in a given direction (even another Operator) along with ordering additional train stops, etc.

After the passengers are allocated to another train, the train runs as an empty passenger train on the further part of the route to the station agreed with the Operator.

6. DSDiK may use a railway vehicle and employees of the Operator to remove operational disruptions, in particular in the event of the need to remove damaged rolling stock.
In situations where the need for additional use of a powered rail vehicle is caused by the Operator's fault, the settlement of the costs incurred in this respect is carried out in accordance with the rules set out in the Contract of Use.
7. The Operator and DSDiK are obliged to cover the documented direct costs resulting from actions taken to ensure the continuity and safety of railway traffic, in order to eliminate the effects of events or potentially dangerous situations caused by reasons attributable to them.
8. Payments for liabilities arising in connection with point 7 are regulated according to the rules set out in the Contract of Use.

§ 26 Proceedings in the event of potentially dangerous events or situations in rail transport

1. In the event of a serious accident, accident, incident or a potentially dangerous situation in rail transport, participants of the journey are obliged to act in accordance with the Regulation of the Minister of Infrastructure and Construction of March 16, 2016 on serious accidents, accidents and



incidents in railway transport (Journal of Laws of 2016, item 369) and the Uk-5 Instruction on the rules of conduct in cases of serious railway accidents, accidents and incidents.

2. Each employee of the Operator and DSDiK who noticed that an event may or has occurred, in particular an event referred to in section 1, is obliged:
 - 1) use all available means to eliminate the threat and prevent its spread and limit its effects;
 - 2) inform the employee of the nearest traffic control post.
3. If, as a result of an event or a potentially dangerous situation referred to in par. 1, there has been or may be a direct threat of damage to the environment, contamination of infrastructure elements or there is a risk of explosion, fire or other danger to the functioning of the railway, an employee of the Operator and DSDiK is obliged to immediately notify the employee of the nearest traffic control post through which notifications are submitted in accordance with Regulation referred to in Sec. 1 and all possible measures to eliminate the threats are implemented.
4. DSDiK and the Operator are jointly obliged to:
 - 1) help the injured;
 - 2) perform actions aimed at minimizing the negative effects of the events or potentially dangerous situations referred to in point 1;
 - 3) perform actions aimed at removing damage and restore rail traffic as soon as possible;
 - 4) perform actions aimed at determining the causes of the events or potentially dangerous situations referred to in point 1;
 - 5) perform actions aimed at removing sources of environmental pollution and its effects.
5. After the conclusion of the proceedings regarding the event causing losses to one of the parties to the Contract of Use, DSDiK appoints a team to determine the resulting losses and liability for them. The team may also appoint the Operator, if the team has not been appointed by DSDiK within 7 days from the date of completion of the work of the railway commission.

This team includes representatives of DSDiK and the Operator with appropriate authorizations. Each meeting of the team is recorded by the party appointing the team and signed by all members of the team, and the protocol from the last meeting, in addition to determining the amount of losses and responsibility for them, specify the manner and date of financial settlements.

The basis for the team's work is the protocol with the final findings of the railway commission or the protocol of the State Commission for Investigation of Railway Accidents.
6. The findings of the team referred to in point 5 are binding for all parties to the proceedings. If it is impossible to agree on the amount of the resulting losses and the scope of liability of the parties, the determination shall be made by legal means.
7. The interested entities pursue claims for events or potentially dangerous situations referred to in point 1 not attributable to DSDiK on their own.
8. Detailed rules of settlements, the source of which will be the events referred to in point 1 have been specified in the Contract of Use.
9. If, as a result of an event or a potentially dangerous situation referred to in point 1, and for which the Operator will be responsible, the DSDiK railway infrastructure is damaged, the repair of its damaged elements is carried out by DSDiK or by third parties acting on behalf of DSDiK, at the discretion of DSDiK, and the total costs associated with it are charged to the Operator on the basis



of a Memorandum of Understanding or the final protocol in accordance with the provisions of point 5 and 6.

10. For journeys carried out by DSDiK or the Operator in order to remove the effects of events or potentially dangerous situations referred to in point 1, occurring on lines managed by DSDiK, on the section covered by the event, no train timetable is prepared, and the journey takes place in accordance with the internal regulations of PKP PLK S.A.

§ 27 Allocation of capacity for service infrastructure facilities

Access to the service infrastructure facilities is granted on the terms set out in the *Regulations of access to service infrastructure facilities managed by the Lower Silesian Road and Railway Service in Wrocław*, available on the website www.dsdik.wroc.pl in the *Railways tab*.

Chapter 5 Services

§ 28 Scope of services

1. DSDiK makes the railway infrastructure available in accordance with the concluded agreements, applying the rules and conditions set out in the Regulations and internal regulations listed in Annex No. 4.
2. DSDiK provides the following services:
 - 1) as part of minimum access to railway infrastructure, listed in § 29;
 - 2) access to service infrastructure facilities.

§ 29 Minimum access to infrastructure

Minimum access to railway infrastructure includes:

- 1) handling the request for capacity allocation;
- 2) enabling the use of railway infrastructure, including turnouts and railway junctions within the allocated capacity;
- 3) controlling railway traffic and providing information on train traffic;
- 4) providing information required to implement or operate transport services for which capacity has been granted.

§ 30 Access to service infrastructure facilities and provision of services

The conditions of access to service infrastructure facilities and the list of services provided are contained in the *Regulations of access to service infrastructure facilities managed by the Lower Silesian Road and Railway Service in Wrocław*, available on the website www.dsdik.wroc.pl in the *Railways tab*.

Chapter 6 Fees



§ 31 Principles of setting fees

1. DSDiK applies the same rules of charging fees to all Applicants/Operators for the entire railway network under its management.
2. Pricelist for access to infrastructure has been developed on the basis of the provisions of Article 33 of the Act and Chapter 10 of the Regulation.
3. The basic charge referred to in § 32 is determined according to the assigned train route.
4. For the use during the overflow period referred to in Art. 34 Sec. 1 of the Act, starting from the first day of RRJ's validity, DSDiK collects from the auction winner an increased basic fee from the railway roads or sections of railway roads reported to the President of UTK as congested, determined as a result of the auction conducted taking into account the principles referred to in Annex 5.

§ 32 Minimum access to railway infrastructure

1. The fee for the minimum access to the railway infrastructure covers the services listed in § 29.
2. The fee referred to in section 1 includes the basic fee for services provided as part of the minimum access to the railway infrastructure associated with the completed train journey, in accordance with the Price List of charges for the use of railway infrastructure.
3. The price list for the use of railway infrastructure is attached as Annex 6.
4. The basic charge is determined as the product of the train mileage and the unit rate specified for the train journey over a distance of one kilometre.
5. The unit rate of the basic charge is determined as the sum of the part of the rate depending on the weight of the train and the category of the railway line, the part of the rate depending on the traction of the train and the part of the rate related to the type of transport performed.
6. The part of the rate depending on the weight of the train and the category of the railway line is determined as the product of the average rate depending on the weight of the train and the category of railway lines and the factors differentiating the average rate depending on the weight of the train and the average category of line sections.
7. Part of the rate related to the type of transport performed, in accordance with § 21 point 20 of the Regulation is PLN 0/ train-kilometre for all types of transport.
8. DSDiK does not provide for collecting fees from railway Operators for services provided as part of the minimum access to railway infrastructure, related to the completed maneuvers.
9. DSDiK does not charge for the allocated capacity for parking of railway vehicles within the minimum access to railway infrastructure.
10. The fees for the minimum access to the railway infrastructure and the reservation fees referred to in § 34 are paid by the Applicant/Operator, according to the detailed rules contained in the Capacity Allocation Contract or the Contract of Use.

§ 33 Charges for access to service facilities



Fees for the provision of services referred to in § 30 are collected in accordance with the provisions of the *Regulations for access to service infrastructure facilities managed by the Lower Silesian Road and Railway Service in Wrocław*, available on the website www.dsdik.wroc.pl in the *Railways* tab.

§ 34 Charges for unused capacity

1. If the Operator fails to use, for reasons attributable to him, all or part of the train route allocated under the annual timetable, the reservation fee for the unused part of the allocated train route is:
 - 1) 25% of the basic fee for the planned train journey:
 - a) in the absence of resignation from the assigned route;
 - b) for the period from the date of submitting the resignation to the day preceding the implementation of the train timetable change for which the deadline for submitting applications has not yet expired.
 - 2) 5% of the basic fee for the planned train journey in the event of resignation from the allocated route, for the period from the date of implementation of the train timetable change, for which the deadline for submitting applications has not yet expired, to the end of the period of validity of the annual train timetable. The fee is 0% of the basic fee for the planned train journey for the period in which the train timetable was changed at the manager's request.
2. If the Operator fails to use, for reasons attributable to him, all or part of the train route allocated in a mode other than that adopted for the annual train timetable, the reservation fee for the unused section of the train route is:
 - 1) 25% of the basic fee, in the case of failure to resign from the allocated route or its submission within a period shorter than 12 hours before the scheduled departure of the train;
 - 2) 20% of the basic fee in the case of resignation from the allocated route within a period of not less than 12 hours and less than 36 hours before the scheduled departure of the train;
 - 3) 15% of the basic fee in the case of resignation from the allocated route within a period of not less than 36 hours and less than 72 hours before the scheduled departure of the train;
 - 4) 10% of the basic fee in the case of resignation from the allocated route within a period of not less than 72 hours and not more than 30 days before the scheduled departure of the train;
 - 5) 0% of the basic fee for the planned train journey, in the case of resignation from the allocated train route more than 30 days before the scheduled train departure.
3. Reservation fees referred to in point 1 and 2 are 0% of the basic fee for the planned train journey in the event that the train route not used is the result of an application for train route allocation regarding the modification of the allocated train route, submitted as part of a timetable change.
4. If a part of the allocated capacity is not used as a result of the reduction of the planned train weight by the Operator, a reservation fee will be collected in the amount of 50% of the reduction of the basic fee resulting from the reduction of the train weight, which does not require changing the allocated train route.
5. For failure to use the allocated capacity, if the Applicant fails to indicate the Railway Entity which is to use the allocated capacity, or the Railway Entity indicated by the Applicant fails to conclude



the Contract of Use with DSDiK, the Applicant is charged a reservation fee in accordance with § 20 of the Regulation. Settlement of receivables is carried out in accordance with the relevant provisions of the chapter of the PKP PLK Regulations.

6. The reservation fee is not collected in the event of failure to complete the journey for reasons attributable to DSDiK or in the event of an emergency situation.

§ 35 Execution plan

1. All passenger trains of the Operator intended to transport persons are considered to be running on schedule, and the greatest delay that occurred on the train route on arrival at the stopping points ordered by the Applicant and located on the network managed by DSDiK was not longer than 5 protocol in the case of passenger trains and 15 protocol for other trains.
2. The percentage share of the Operator's trains that are not delayed due to the Operator's fault in the total number of trains launched by the Operator, the so-called the qualified punctuality of the Operator is specified in the Contract of Use. Qualified punctuality during the period of validity of the annual train timetable cannot be lower than 90% for passenger trains and 70% for other trains.
3. The amount of compensation for one minute of train delay is determined in the amount of the averaged cost of providing access to the railway infrastructure for passenger trains and other trains, determined according to the rates for the 2022/2023 timetable, multiplied by the operational work expressed in train-kilometres for 1 minute, calculated on the basis of the 2022/2023 timetable.
4. Compensation due to the Operator for train delay is eligible for all passenger and freight trains of the Operator intended for the transport of passengers and goods, the greatest delay of which occurred on the train route on arrival at the stopover points ordered by the Applicant exceeded 5 protocol in the case of passenger trains and 15 protocol with regard to other trains, excluding trains that were launched on the basis of applications for train path allocation submitted later than 5 days before the planned launch of the train.
5. To determine the number of protocol of delay subject to the compensation payment, the largest difference between the actual time of arrival at the stopover point ordered by the Applicant and located on the network managed by DSDiK and the time of scheduled arrival is assumed.
6. The amount of secondary train delays subject to the payment of compensation is limited in such a way that qualifying a train delay as a primary cause cannot exceed 300 protocol, and the description of secondary delays resulting from the primary cause above this amount will be used in the category of delays from group 9 – secondary causes, for which neither DSDiK nor the Operator are responsible and bear no financial consequences.
7. The reasons for delays will be qualified based on the provisions of § 16 of the Ordinance.
8. DSDiK coordinates the payment of compensation as follows:
 - 1) DSDiK pays compensation to the Operator if the Operator's trains listed in section 4 will be delayed along the route by DSDiK (including its subcontractors) and/or other Operators operating on the DSDiK line;
 - 2) The Operator shall pay compensation to DSDiK for delays in trains of other Railway Operators listed in section 4 if it caused their delay;



- 3) The basis for settlement of compensation for each settlement period in respect of train delays is the authorized documentation maintained by DSDiK Railway Division agreed with the Operator;
 - 4) Compensation settlements are carried out on a monthly basis, each settlement period should be completed by the 20th day of the month following the settlement period. The settlement should also include train delays for which the Operator has lodged complaints;
 - 5) In situations where the determination of the reasons for a train delay requires an investigation and it is not possible to settle the delay within the time limit specified in point 4, settlement adjustments resulting from the reclassification of the reasons for the delay will be taken into account in the next settlement period. This applies in particular to train delays related to occurrences (serious accident, accident or incident) and potentially dangerous situations and identification of those responsible;
 - 6) On the basis of the documentation kept by DSDiK, referred to in point 3, DSDiK determines for all participants of the transport process involved in the train delay, their percentage share in the number of protocol of train delay determined in accordance with point 5;
 - 7) According to the percent share in the train delay specified in accordance with point 6, DSDiK determines the number of protocol of delay assigned to each person responsible for train delays in relation to the number of protocol of train delay determined in accordance with point 5. The number of protocol of delay (incriminating protocol) will be calculated as the amount of compensation and will be the basis for issuing debit notes.
9. Rules for agreeing on delays, examining appeals:
- 1) The Operators verify and authorize the journey and delays on the basis of the documentation kept by DSDiK Division of Railways, which is sent to the Operators by the 10th working day of the month following the settlement month by e-mail to the indicated address;
 - 2) After verification, the Operators, within three working days of receiving the documentation of delays from DSDiK, are obliged to send authorized documentation of delays to the manager's e-mail address. If the authorized documentation of delays is not sent within three days, DSDiK considers that the Operator has agreed to qualify the reasons for the delays;
 - 3) The Operator may submit a complaint regarding the qualification of delays in the DSDiK Railway Division within 2 working days from the date of receipt of the delay documentation;
 - 4) If the Operator submits reservations as to the correctness of the description of the cause of the train delay, the designated employees of DSDiK are obliged to immediately decide on the Operator's reservations from the moment the complaint is filed;
 - 5) At the stage of examining complaints by DSDiK regarding the causes of train delays, the rule applies that all doubtful and unexplained causes of train delays resulting from irregularities in the functioning of railway infrastructure resources are charged to DSDiK. If in a specific case, when the reason was established and the Operator was at fault, and the Operator believes that he is not responsible for the delay, the Operator must prove the reason is not attributable to him.
10. The procedure for settling compensation for train delays is specified in the Contract of Use.



§ 36 Settlement of receivables

1. Settlement of Applicants and Operators for the services provided takes place in accordance with the rules contained in the Capacity Allocation Contract and the Contract of Use.
2. Settlement of receivables is made with a 14-day payment period from the date of receipt of the invoice.
3. Interest specified in the contracts is charged for delays in payment of receivables.
4. The fees referred to in this chapter shall be supplemented, on the basis of separate provisions, with the tax on goods and services due.

Chapter 7 Proceedings during the implementation of the Agreement

§ 37 Organization of train journeys

1. The composition of wagons or other railway vehicles coupled with an active traction vehicle or a traction vehicle with drive, signalled and ready for travel, obtains the status of a train at the moment of reporting readiness for departure at the starting station. Train status is maintained by all trains entering the network of other managers based on the timetable.

Train status expires when:

- 1) arrival of the train at the final station specified in the timetable or departure of the train from the DSDiK network,
- 2) notification by the train driver at the intermediate station of the inability to continue further travel for reasons attributable to the Operator or failure to report readiness for the departure within 24 hours from the moment of arrival at the intermediate station.

If the status of a train expires, it is restarted after a new train route is allocated.

Train traffic on DSDiK lines is carried out according to the developed train timetable.

2. The implementation of journeys is preceded by dispatcher planning of train launches.
3. On the basis of the agreement concluded between DSDiK and PKP PLK on the cooperation of managers in the field of connecting railway roads, dispatcher planning on railway lines managed by DSDiK is carried out according to the rules specified in the PKP PLK Regulations.
4. If, due to technical and operational reasons or the need for effective use of railway lines, it is necessary to adapt the organization of transport to new conditions revealed during the use of railway lines/sections, DSDiK notifies the Operators of changes that may be affected by these requirements.
5. DSDiK sets the threshold level of the use of train routes on the section of railway infrastructure with insufficient capacity at the level of 90%, the failure to meet which entitles the manager to deprive the Operator of the right to use it.

§ 38 Checking activities carried out by DSDiK employees

1. DSDiK employees with personal IDs of the SMS auditor are entitled to carry out verification activities in the field of:



- 1) equip the employees and the railway vehicle of the Operator with the following documents and utensils:
 - a) driver's license and certificate,
 - b) current internal train timetable and Annex 2 to WRJ (WOS);
 - c) train brake and pneumatic device test card;
 - d) forms of written orders;
 - e) list of railway vehicles in the train composition;
 - f) vehicle technical efficiency certificate;
 - g) signal instruments;
 - 2) train arrangements in accordance with the parameters of the allocated train route;
 - 3) confirming the efficiency of the radiotelephone in the driver's cabin and being equipped by the conductor team;
 - 4) knowledge of the line sections served by the train crew.
2. DSDiK notifies the Operator of the results of the verification activities within 14 days of their completion.

§ 39 Compensation, settlements for failure to meet obligations

1. Failure to meet the obligations arising from the Contract of Use results in incurring liability for damage caused to the other party.
2. Liability for the damage referred to in point 1, does not apply to:
 - 1) costs incurred as a result of settlements of other agreements concluded by the party, if these agreements were concluded without prior agreement with the other party to the Contract of Use in the scope of possible claims (in particular for contractual penalties and damages incurred by the party);
 - 2) lost profits, with the exception of claims arising from Contract of Use with other Operators, if this condition has been included in the Contract of Use with a given Operator.
3. Liability for the damage referred to in point 1 applies in particular to payments made by the Operator on the basis of transport law, applicable European Union regulations, in particular Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on the rights and obligations of rail passengers (OJ L 315 of 3 December 2007) and contracts, compensation for delays and damages in transport caused by DSDiK.
4. DSDiK 's liability for failure to perform its obligations under the Contract of Use is excluded if the Operator fails to meet the travel parameters, which are part of the train timetable.
5. The parties' liability for failure to perform their obligations under the Contract of Use is excluded in the event of emergency situations.
6. If, as a result of non-performance or improper performance of the Contract of Use, a third party suffered damage, the party that compensated the third party for the damage suffered may claim recourse in whole or in part from the other party.
7. The Operator is obliged to cover the costs related to bringing the environment up to the required standards in the event that it causes environmental pollution to an extent exceeding the environmental quality standards specified by law.



8. DSDiK is not liable for damages incurred by the Operator caused by the actions of third parties, for whose actions DSDiK is not responsible.

§ 40 Preparation and reporting the train for travel

1. Preparation of the train for travel is the responsibility of the Railway Operator.
2. Before the train departs, at the starting station and the following actions should be performed at intermediate stations where its schedule is changed:
 - 1) compile the train according to the timetable;
 - 2) perform technical inspections;
 - 3) perform the required brake test;
 - 4) correctly signal the train;
 - 5) check that there are no obstacles under the wheels of the train and that its hand brakes and parking brakes are released;
 - 6) take other necessary actions to maintain the safety and efficiency of railway traffic, specified in the internal regulations of the manager and the railway entity.
3. The readiness of the train to depart is reported to the dispatcher in the manner specified in the Technical Regulations of the station and should contain the following information:
 - 1) train number;
 - 2) own name;
 - 3) railway vehicle number and series;
 - 4) the length of the train in meters and its overall weight;
 - 5) information on the presence of wagons with dangerous goods or high-risk dangerous goods (TWR) in the train composition;
 - 6) reporting time.
4. The train dispatcher records the content of the notification in the telephone log and confirms to that the train is ready for the departure, providing:
 - 1) name of the host;
 - 2) the time of receipt of the application;
 - 3) the number under which the report was registered in the telephone log.
5. The notification of readiness for departure is deemed to have been made within the time limit obliging the manager to complete the journey in accordance with the Contract of Use, only if it is made before the scheduled departure of the train, at the time specified in the technical regulations, except for the change of traction team, after which the notification of readiness for departure should take place in time enabling the scheduled departure of the train.
6. In the event of failure to meet the deadline for notifying the train's readiness for departure, in accordance with the principles described above, the Operator is not entitled to claim against the manager regarding the punctuality of the journey.
7. Any deviations from the parameters set out in the train timetable should be reported by an authorized employee of the Operator (engine driver or other employee designated by the technical regulations) to the traffic dispatcher about the type and cause of obstacles to travel and



DSDiK
Dolnośląska Służba Dróg i Kolei we Wrocławiu



**DOLNY
ŚLĄSK**



**KULTURA
BEZPIECZEŃSTWA
W TRANSPORCIE KOLEJOWYM**

specify the expected delay of the train. Before the train departs, the train dispatcher should provide the train driver with the necessary current information, instructions and permits.

Annex 1

Technical and operational parameters of the line

1. Maximum speed:

- 1) line no. 311 – 50 km/h,
- 2) line no. 326 – 80 km/h,
- 3) line no. 341 – 80 km/h,
- 4) line no. 303 – 100 km/h,
- 5) line no. 316 – 80 km/h,
- 6) line no. 284 – 0 km/h,
- 7) line no. 291 – 0 km/h,
- 8) line no. 302 – 0 km/h,
- 9) line no. 308 – 0 km/h,
- 10) line no. 310 – 0 km/h,
- 11) line no. 312 – 0 km/h,
- 12) line no. 317 – 0 km/h,
- 13) line no. 318 – 0 km/h,
- 14) line no. 319 – 0 km/h,
- 15) line no. 320 – 0 km/h,
- 16) line no. 323 – 0 km/h,
- 17) line no. 327 – 0 km/h,
- 18) line no. 331 – 0 km/h,
- 19) line no. 335 – 0 km/h,
- 20) line no. 336 – 0 km/h,
- 21) line no. 340 – 0 km/h,
- 22) line no. 345 – 0 km/h,
- 23) line no. 372 – 0 km/h .

2. Speed limits:

Railway line	Location of the limit or road speed		Reason for restriction	Speed up to km/h towards	
	from km	to km		odd	even
311 section Szklarska Poręba Górna – State Border	31.292	31.298	limited visibility	20	20
	32.829	32.835		20	20
	34.990	35.190		30	30
	35.560	36.566		20	20
	36.726	36.732		20	20
	37.355	37.876		20	20



326 section Wrocław Zakrzów – Trzebnica	1.292	1.390	arc with a radius of 335 m	50	50
	7.748	7.873	limited visibility	40	-
	15.757	15.767		20	20
341 section Bielawa Zachodnia – Dzierżoniów Śląski	0.138	0.263	limited visibility	-	40
	2.131	2.137		20	-
	4.916	5.036		40	-
	5.036	5.156		-	40

3. Maximum allowable axle load:

- 1) line No. 311 – 1 96 kN/axis,
- 2) line no. 326 – 200 kN /axis,
- 3) line no. 341 – 200 kN/axis,
- 4) line no. 303 – 196 kN/axis,
- 5) line no. 316 – 196 kN/axis,
- 6) line no. 284 – 0 kN/axis,
- 7) line no. 291 – 0 kN/axis,
- 8) line no. 302 – 0 kN/axis,
- 9) line no. 308 – 0 kN/axis,
- 10) line no. 310 – 0 kN/axis,
- 11) line no. 312 – 0 kN/axis,
- 12) line no. 317 – 0 kN/axis,
- 13) line no. 318 – 0 kN/axis,
- 14) line no. 319 – 0 kN/axis,
- 15) line no. 320 – 0 kN/axis,
- 16) line no. 323 – 0 kN/axis,
- 17) line no. 327 – 0 kN/axis,
- 18) line no. 331 – 0 kN/axis,
- 19) line no. 335 – 0 kN/axis,
- 20) line no. 336 – 0 kN/axis,
- 21) line no. 340 – 0 kN/axis,
- 22) line no. 345 – 0 kN/axis,
- 23) line no. 372 – 0 kN/axis

The manager may allow the passage of a vehicle exceeding the permissible load on the line at the Operator's individual request.

4. Permissible length of running trains:

- 1) line no. 311 – 100 m passenger trains,
- 2) line no. 326 – 100 m passenger trains,
- 3) line no. 341 – 100 m passenger trains,
- 4) line no. 303 – 100 m passenger trains,
- 5) line no. 316 – 100 m passenger trains,



- 6) line no. 284 – 0 m,
- 7) line no. 291 – 0 m,
- 8) line no. 302 – 0 m,
- 9) line no. 308 – 0 m,
- 10) line no. 310 – 0 m,
- 11) line no. 312 – 0 m,
- 12) line no. 317 – 0 m,
- 13) line no. 318 – 0 m,
- 14) line no. 319 – 0 m,
- 15) line no. 320 – 0 m,
- 16) line no. 323 – 0 m,
- 17) line no. 327 – 0 m,
- 18) line no. 331 – 0 m,
- 19) line no. 335 – 0 m,
- 20) line no. 336 – 0 m,
- 21) line no. 340 – 0 m,
- 22) line no. 345 – 0 m,
- 23) line no. 372 – 0 m.

In extraordinary situations, the infrastructure manager may permit the passage of a train of greater length at the Operator's individual request.

5. Braking distance:

- 1) line no. 311 – 500 m,
- 2) line no. 326 – 500 m,
- 3) line no. 341 – 500 m,
- 4) line no. 303 – 500 m,
- 5) line no. 316 – 500 m,
- 6) line no. 284 – 0 m,
- 7) line no. 291 – 0 m,
- 8) line no. 302 – 0 m,
- 9) line no. 308 – 0 m,
- 10) line no. 310 – 0 m,
- 11) line no. 312 – 0 m,
- 12) line no. 317 – 0 m,
- 13) line no. 318 – 0 m,
- 14) line no. 319 – 0 m,
- 15) line no. 320 – 0 m,
- 16) line no. 323 – 0 m,
- 17) line no. 327 – 0 m,
- 18) line no. 331 – 0 m,
- 19) line no. 335 – 0 m,



DSDiK
Dolnośląska Służba Dróg i Kolei we Wrocławiu



**DOLNY
ŚLĄSK**



**KULTURA
BEZPIECZEŃSTWA
W TRANSPORCIE KOLEJOWYM**

- 20) line no. 336 – 0 m,
 - 21) line no. 340 – 0 m,
 - 22) line no. 345 – 0 m,
 - 23) line no. 372 – 0 m.
6. Structure gauge: A.

List of platforms

Object name	Line	Beginning [km]	End [km]	Type	Usable length [m]	Platform height [mm]	Surface	Type of hardening	Architecture	Amenities	Additional equipment
Szklarska Poręba Huta	311	31.012	31.112	1k	100	550	U	K P	W L	P I	Sz P
Szklarska Poręba Jakuszyce	311	37.000	37.140	1k	140	300	G	Z	W L	-	S
Wrocław Pawłowice	326	2.600	2.700	1k	100	550	U	K P	W L	P I	Sz P
Ramiszów	326	5.547	5.647	1k	100	550	U	K P	W L	P I	Sz
Pasikowice	326	7.493	7.593	1k	100	550	U	K P	W L	P I	Sz P
Siedlec Trzebnicki	326	10.373	10.473	1k	100	550	U	K P	W L	P I	Sz
Pierwoszków Miłocin	326	13.166	13.266	1k	100	550	U	K P	W L	P I	S
Brochocin Trzebnicki	326	15.646	15.746	1k	100	550	U	K P	W L	P I	Sz P
Trzebnica	326	19.680	19.780	1k	100	550	U	K P	Po	P I	-
Bielawa Zachodnia	341	0.025	0.125	1k	100	550	U	K P	W L	P I	Sz P
Bielawa Centralna	341	1.314	1.414	1k	100	550	U	K P	W L	P I	Sz P
Chocianów	303	10.307	10.407	1k	100	550	U	K P	W L	P I	-
Biała Góra	316	24.158	24.258	1k	100	550	U	K P	W L	P I	Sz P

Legend:

Type – type of platform:
1k – single edge platform

Surface – type of surface on the platform:
U – hardened,
G – ground.

Architecture – located architectural objects serving passengers:

W – shed, roof structure with walls,
L – bench,
After – waiting room.

Amenities:

P – ramp,
I – tactile and visual markings on the platform surface.

Type of hardening – the type of hardening of the platform surface used:

K – paving stones, stone,

P – concrete, paving slab,

Z – ground surface improved with gravel.

Additional equipment:

S – bicycle stand,

Sz – a bicycle stand with a roof,

P – car park.



DSDiK
Dolnośląska Służba Dróg i Kolei we Wrocławiu



**DOLNY
ŚLĄSK**



**KULTURA
BEZPIECZEŃSTWA**
W TRANSPORCIE KOLEJOWYM

Annex 3

Schedule of planned track closures

The Lower Silesian Voivodship – Lower Silesian Road and Railway Service in Wrocław does not plan track closures in the 2022/2023 train timetable.

List of internal regulations and other documents

no.	Number	Name
1	UK-1	Instructions on running trains of the Lower Silesian Road and Railway Service in Wrocław
2	UK-2	Manual on the shunting technique of the Lower Silesian Road and Railway Service in Wrocław
3	UK-3	Instruction of the rules of signalling of the Lower Silesian Road and Railway Service in Wrocław
4	UK-5	Instruction on the rules of conduct in cases of serious accidents, accidents and incidents of the Lower Silesian Road and Railway Service in Wrocław
5	UK-6	Instructions on the use of train radio communications of the Lower Silesian Road and Railway Service in Wrocław
6	UK-7	Instructions for the transport of dangerous goods by rail of the Lower Silesian Road and Railway Service in Wrocław
7	UK-8	Instructions for the rules of transporting extraordinary consignments by rail by the Lower Silesian Road and Railway Service in Wrocław
8	UK-12	Instructions for drawing up Technical Regulations of the Lower Silesian Road and Railway Service in Wrocław
10	-	Traffic rules on the cross-border section Szklarska Poręba Górna (RP) – Harrachov (ČR)
11	-	Local Border Agreement Harrachov (ČR) – Szklarska Poręba Górna (RP)
12	-	Regulations of access to service infrastructure facilities managed by the Lower Silesian Road and Railway Service in Wrocław



Annex 5

Rules for conducting an auction of unallocated capacity

1. The organizer of the auction is DSDiK, which appoints a team to conduct an auction of unallocated capacity. The chairman conducting the auction of unallocated capacity is an employee appointed by DSDiK.
2. The subject of the auction is the amount of the increase in the unit rate for access to the congested railway infrastructure specified in the invitation to participate in the auction according to formula no. 1, which is attached to these rules.
3. The duties of the auction chairman include in particular:
 - 1) verifying the presence of interested Applicants and the authorizations provided;
 - 2) characterization of the situation arising after the completion of the coordination process on the section of the railway line considered congested;
 - 3) determination of the amount of the basic fee increase declared by the Applicants for individual train paths;
 - 4) indication of the order in which applications for capacity allocation for train paths are considered;
 - 5) verification of the RRJ project in terms of unallocated capacity, taking into account the new order of consideration of applications covered by the auction;
 - 6) determination of the amount of the increase in the basic fee for train paths for which, as a result of the auction, it is possible to limit deviations from the requirements specified in the application, in relation to RRJ project;
 - 7) providing Applicants with a new proposal for routes applied for on a congested section of infrastructure, including alternative or variant routes, or refuses to allocate capacity;
 - 8) determination of the Applicants to whom train paths have been allocated and the amount of the increase in the basic fare.
4. After completing the process of coordinating applications for train route allocation, Applicants interested in using the overcrowded railway infrastructure, who submitted equivalent applications for train routes allocation in accordance with the priorities listed in § 7 point 7 of the Regulation.
5. The Applicant is admitted to the auction after presenting, prior to its commencement, to the auction organizer the authorization to represent the Applicant prepared in accordance with the template no. 2, attached to these rules.
6. The auction is held at the place and time specified in the invitation to participate in the auction.
7. The auction is conducted only with the participation of applicants invited to participate in the auction. Written offers will not be considered.
8. The auction consists in an oral bidding of the amount of the basic charge increase for individual train routes according to submitted requests for capacity allocation subject to the auction.



9. The minimum amount of the basic fee increase is PLN 2 (excluding VAT).
10. The end of the auction is preceded by the auctioneer's three confirmations of the last bid amount of the basic fee increase for a specific route.
11. In the event of receiving a new route proposal, referred to in Item 3(7), the Applicant may withdraw applications for which the RRJ project does not meet the requirements specified in the application within 5 working days of its receipt. Failure to withdraw the application by the Applicant is tantamount to acceptance of the proposal referred to in Item 3(7).
12. The auction organizer shall prepare a report on the course of the auction in accordance with template no. 3 attached to these rules, indicating the Applicant to whom free capacity has been allocated. The auction report should be signed by representatives of the auction organizer and representatives of the Applicants.
13. Auction participants may submit comments regarding the auction in the auction report.
14. The auction report is delivered to all Applicants participating in the auction.
15. Complaints regarding the conducted auction should be submitted no later than 3 days after receiving the protocol from the auction to the address of DSDiK.
16. The amount of the increase in the unit rate of the basic charge for travel on congested railway infrastructure during the period of overcrowding, determined on the basis of Item 12, will be included in the Contract of Use.
17. Additional information on the auction is provided by the auction organizer listed in the invitation referred to in Item 2.



.....
(Auction number)

.....
(Place and date)

INVITATION

**to participate in the auction of unallocated capacity
of the railway infrastructure managed by the Lower Silesian Road and Railway Service in Wrocław
as part of the preparation of the annual train timetable 2022/2023.**

I would like to inform that during the preparation of the annual train timetable for 2022/2023, the railway infrastructure described below was congested. In order to allocate train routes using congested railway infrastructure, it is necessary to conduct an auction of unallocated capacity for access prices referred to in § 7 Sec. 11 Item 4 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on the provision of railway infrastructure (Journal of Laws of 2018, item 2280, as amended).

Therefore, I invite an authorized representative of the Applicant to the auction of unallocated capacity, which will be held in accordance with the auction rules constituting Annex 5 to the Network Regulations 2022/2023. If the authorized representative fails to arrive, the decision on train route allocation will be made without the participation of the absent applicants' representatives.

Subject of the auction: the amount of the increase in the unit rate

Congested section:

Congestion period:

Interested applicants:

No.	Applicant	Application Number
1.		
2.		
3.		
4.		
5.		

DSDiK unit conducting the auction:

Contact details of the unit conducting the auction:

Telephone number.:

Fax :

Email:

Auction place:

Start date and expected end date of the auction:

.....
(Letter number)

.....
(Place and date)

AUTHORIZATION

I hereby authorize Mr./Ms.
holder of
to represent
(applicant's name)

in the auction of unallocated capacity pursuant to § 7 Sec. 11 Item 4 of the Regulation of the Minister of Infrastructure and Construction of April 7, 2017 on the provision of railway infrastructure (Journal of Laws of 2018, item 2280, as amended) in the scope of the invitation to participate in the auction No. of, and in particular to make decisions on behalf of necessary in the above-mentioned proceedings.

Contact details of the Applicant's representative:

Correspondence address:

Email:

Telephone number.:

.....
(signature of the person authorized to represent the applicant)

Protocol from the auction of unallocated capacity

1. On in the registered office of, in accordance with the invitation to participate in the auction No. of an auction of unallocated capacity took place.
2. The auction was attended by representatives of the applicants, the organizer of the auction and according to the attached list.

The following representative did not come to the auction:
.....

3. The auction chairman indicated that the subject of the auction is the amount of increasing the unit rate for access to congested railway infrastructure specified in the invitation to participate in the auction with the following characteristics of the available capacity subject to the auction:
Congestion period:

No.	Line no	The name of the congested section	km beginning	km end	Length [km]	From	Until
1.							
2.							

4. Auction results:

- 1) On the congested section described in line 1 of the table in point 3 of the report, individual applicants offered the following amounts to increase the basic fee:
 1. train route from:

no.	Applicant	The amount of increase of the basic fee without VAT [zloty]	Application number
1.			
2.			
3.			

5. Train routes were allocated to applicants who offered the highest amounts listed in point 4.
6. Other auction arrangements:
7. This protocol is the basis for the preparation of the draft annual train timetable 2022/2023, taking into account the allocated train routes based on the auction result.
8. Auction organizer's comments:
.....
.....
.....

9. Comments of applicants' representatives:
.....
.....
.....

.....
.....
.....

(signatures of representatives of the auction organizer)

.....
.....
.....

(signatures of applicants' representatives)

Attachments:

1. List of auction participants
2. Authorizations of Applicants' representatives

**List of participants in the auction of unallocated capacity
held on**

no.	First name and last name	Company name	Phone number	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

Price list
for the use of railway infrastructure managed
by the Lower Silesian Road and Railway Service in Wrocław, valid in
the scope of the 2022/2023 timetable

- 1. Fee for processing an application for capacity allocation**
- 2. The method of determining the unit rate of the basic fee**
- 3. The unit rate of the shunting fee**
- 4. Reservation fees**
- 5. Fee for parking of railway vehicles**
- 6. Additional fees**

The method of determining the unit rate of the basic fee
for the 2022/2023 train timetable
approved by the President of the Office of Rail Transport
under the decision DRR-WLKD.730.7.2022.RT of June 13, 2022

According to Art. 33 Sec. 1 of the Act, the manager has developed a fee collection system for the period of validity of the annual train timetable 2022/2023, based on the same rules for all Applicants for the entire railway network.

The price list contains the information referred to in art. 33 point 13 of the Act.

1. Fee for processing an application for capacity allocation

DSDiK does not charge Applicants for handling the application for capacity allocation. The service of constructing train timetables and allocating routes within the train timetable is provided for DSDiK by PKP PLK under the annual agreement on cooperation between managers in the field of connecting railway roads. The above fee is collected in accordance with the PKP PLK Price List.

2. The method of determining the unit rate of the basic fee

Pursuant to § 21 Sec. 1 of the Regulation of the Minister of Infrastructure and Construction, the unit rate of the basic fee is determined as the sum of the part of the rate depending on direct costs and the part of the rate related to the type of transport performed.

2.1. Partial rates:

2.1.1. Part of the rate related to the type of transport performed

Pursuant to § 21 Sec. 16 of the Regulation of the Minister of Infrastructure and Construction, the part of the rate related to the type of transport performed was set at PLN 0/ train -km , due to the fact that the provision of transport depends on co-financing from public funds.

2.1.2. Part of the rate depends on direct costs

Pursuant to § 21 Sec. 2 of the Regulation of the Minister of Infrastructure and Construction, the part depending on direct costs is determined as the sum of the part of the rate depending on the weight of the train and the category of railway lines and the part of the rate depending on the traction of the train.

a) Part of the rate depends on the traction of the train

The infrastructure managed by DSDiK is not electrified. In view of the above, and having regard to § 21 Sec. 12 Item 2 of the Regulation of the Minister of Infrastructure and Construction, the value of the rate depending on the level's traction was adopted at the level of PLN 0/ train -km .

b) Part of the rate depends on the weight of the train and the category of railway lines

The average rate depending on the weight of the train and the category of railway lines, which, pursuant to § 21 Sec. 4 of the Regulations of the Minister of Infrastructure and Construction is determined as the quotient of the planned direct costs and the planned operational work, it is PLN 4.01 net/train -km .

For the average rate calculated in this way, the average weight of the train was set at 94.44 tons. This value is the average weighted operating performance for lines no. 311, 326 and 341 from the last completed annual period of the rjp in accordance with § 21 section 8 of the Regulation of the Minister of Infrastructure and Construction.

Coefficient differentiating the average rate depending on the weight of the train with a value of 1, in accordance with § 21 rec. 10 point 1 of the Regulation of the Minister of Infrastructure and Construction, was placed in the mass range $0 < m \leq 100$ tons. At the same time, the remaining coefficients were set so that the unit rate increases with the increase in the weight of the train and the planned revenues from the basic charge are equal to the planned amount of direct costs.

For the railway lines managed by DSDiK, one line category was established, therefore the manager did not apply the coefficients differentiating the rate due to the line categories referred to in § 21 section 11 of the Regulation.

The values of partial rates and differentiation factors are presented in the table below:

Table 1 Partial rates and differentiation factors

Train weight	$0 < m \leq 100$	$100 < m \leq 200$	$200 < m \leq 300$
Coefficient differentiating the average rate depending on the weight of the train	1.00	1.01	1.02
Coefficient differentiating the average rate depending on the category of railway lines	1	1	1
Part of the rate depending on the weight of the train and the category of railway lines [PLN net/ train -km]	4,01	4,05	4,09

Part of the rate depending on the traction of the train [PLN net/ train -km]	0	0	0
Part of the rate related to the type of transport [PLN net/ train -km]	0	0	0

2.2. Unit rates of the basic fee:

In view of the above, the unit rates of the basic fee for minimum access to the railway infrastructure are, in accordance with Tab. 2.

**Table 2. Unit rates of the basic fee
for minimal access to railway infrastructure**

Railway line category	Total train gross weight [t]	Unit rate [PLN net/ train -km]
1	$0 < m \leq 100$	4.01
	$100 < m \leq 200$	4.05
	$200 < m \leq 300$	4.84

3. The unit rate of the shunting fee

According to Art. 33 Sec. 8 of the Act, the shunting fee is a fee charged for services provided as part of the minimum access to the railway infrastructure, related to the performed shunting.

Due to technical and traffic limitations in the railway infrastructure, it is not possible to perform shunting on railway lines managed by DSDiK at the moment and charging the appropriate fees for it.

4. Reservation fees

Pursuant to § 20 and 23 of the Regulation of the Minister of Infrastructure and Construction, the following reservation fees are collected:

4.1. Fee charged to the Applicant for not using the allocated capacity

Pursuant to the agreement concluded between DSDiK and PLK on the cooperation of managers in the field of connecting railroads, the capacity allocation service is provided by PLK.

The reservation fee for failure to use the allocated capacity is charged to the Applicant who fails to indicate the railway entity that is to use the allocated capacity, or the railway entity indicated by the Applicant fails to conclude a Contract of Use of the capacity in accordance with PLK's Price List.

4.2. Fee charged to the Operator for failure to use the allocated capacity

If the railway entity fails to use, for reasons attributable to this entity, all or part of the train route allocated under the annual timetable, the reservation fee for the unused part of the allocated train route is:

- 1) 25% of the basic fee for the planned train journey:
 - a) in the absence of resignation from the allocated route,
 - b) for the period from the date of submitting the resignation to the day preceding the implementation of the train timetable change for which the deadline for submitting applications has not yet expired;
- 2) 5% of the basic charge for the planned train journey in the event of resignation from the allocated route, for the period from the date of implementation of the train timetable change, for which the deadline for submitting applications has not yet expired, to the end of the period of validity of the annual train timetable. The fee is 0% of the basic fee for the planned train journey for the period in which the train timetable was changed at the manager's request.

If, for reasons attributable to the railway entity, the railway entity fails to use all or part of the train route allocated in a manner other than that adopted for the annual timetable, the reservation fee for the unused section of the allocated train route is:

- 1) 25% of the basic charge for the scheduled train journey if no resignation from the allocated route is submitted or it is submitted less than 12 hours before the scheduled departure of the train;
- 2) 20% of the basic fee for the scheduled train journey in the case of resignation from the allocated route within a period of not less than 12 hours and less than 36 hours before the scheduled departure of the train;
- 3) 15% of the basic fee for the scheduled train journey in the case of resignation from the allocated route within a period of not less than 36 hours and less than 72 hours before the scheduled departure of the train;
- 4) 10% of the basic charge for the scheduled train journey in the case of resignation from the allocated route within a period of not less than 72 hours and not more than 30 days before the planned departure of the train;
- 5) 0% of the basic fee for the planned train journey in the case of resignation from the allocated train route more than 30 days before the planned train departure.

Reservation fees will not be collected if the train route is not used as a result of an application for train route allocation concerning the modification of the allocated train route submitted as part of the train timetable change.

If a part of the allocated capacity is not used as a result of reducing the planned train weight by the railway entity, a reservation fee will be charged in the amount of 50% of the reduction of the basic fee resulting from the reduction of the train weight, which does not require changing the allocated train route.

The reservation fee is not collected in the event of non-performance of the journey for reasons attributable to the Lower Silesian Road and Railway Service in Wrocław or in the event of an extraordinary situation.

5. Fee for railway vehicle parking

According to Art. 33 point 10 of the Act, the maximum parking time of railway vehicles within the minimum access to railway infrastructure, for which no fees for allocated capacity are charged, is 7 hours.

Due to the fact that on the railway lines managed by DSDiK there are no cases of parking of railway vehicles as part of the minimum access to the railway infrastructure longer than 7 hours, DSDiK does not charge for the allocated capacity for the purposes of parking railway vehicles as part of the minimum access to the railway infrastructure .

6. Additional fees

DSDiK does not provide for charging the fees referred to in Art. 33 point 12 of the Act.

.....

 (Applicant's company stamp)

(place and date)

Województwo Dolnośląskie
Dolnośląska Służba Dróg i Kolei we Wrocławiu
Dział Obsługi Linii Kolejowej
 ul. Krakowska 28
 50-425 Wrocław
 zarzadca@dsdik.wroc.pl

**Template of the application for the conclusion of the capacity allocation contract
 in the 2022/2023 timetable**

Part A

Applicant data	
1) Applicant's name:	
2) registered office:	
3) post code and address:	
4) NIP:	
5) REGON:	
applies to legal persons entered in the National Court Register	
National Court Register number:	
company registered in the Register of Entrepreneurs kept by the District Court in:	
no. of the Commercial Division of the National Court Register:	
applies to capital companies	
Limited liability company – share capital:	
Joint-stock company – the amount of share capital paid up in full:	
applies to natural persons conducting business activity	
Identity Card number:	
PESEL:	
Type of Applicant's / check mark – YES/	

<i>Applicant who is an operator:</i>	
<i>Applicant who is the organizer of public collective transport:</i>	
<i>Non-Operator applicant:</i>	
The planned scope of the ordered capacity:	
Capacity used for transport: / check mark – YES/	
<i>people:</i>	
<i>goods:</i>	
<i>people and goods:</i>	
Passenger transport: / check mark – YES/	
<i>occasional:</i>	
<i>other than occasional:</i>	
Allocation of capacity within the train timetable (RJP) / check mark – YES/	
<i>annual and individual:</i>	
<i>only individual:</i>	
Person authorized to submit applications for granting the Applicant access to the Internet System for Ordering Train Routes (ISZTP)	
<i>First name and last name</i>	
<i>Address for correspondence:</i>	
<i>e-mail:</i>	
<i>phone:</i>	
The Applicant's contact details for the provision of information related to the performance of the contract	
<i>First name and last name</i>	
<i>address:</i>	
<i>e-mail:</i>	
<i>phone:</i>	
Comments	

Part B

Required documents /copies attached to the application – certified "as a true copy of the original"/	
1) <i>License number:</i>	
2) <i>Safety certificate – Part A number:</i>	
3) <i>Safety certificate – Part B number:</i>	
Operator's required declarations:	
We declare that we will inform the Lower Silesian Road and Railway Service in Wrocław about changes, suspension or withdrawal of licenses or safety certificates.	
We declare that we will use rolling stock that meets the conditions set out in the Regulation of the Minister of Infrastructure of October 12, 2005 on general technical conditions for the operation of railway vehicles.	
Types of transport /check mark – YES/	
<i>Passenger transport:</i>	
<i>Carriage of goods:</i>	
Contact details of the Operator to provide information related to the performance of the contract	
<i>First name and last name</i>	
<i>address:</i>	
<i>e-mail:</i>	
<i>phone:</i>	
Comments	

INFORMATION CLAUSE

1. The Personal Data Controller in the Lower Silesian Voivodship of the Lower Silesian Road and Railway Service in Wrocław is the Director of the Lower Silesian Road and Railway Service in Wrocław, address: ul. Krakowska 28, 50-425 Wrocław, contact number 71 39 17 100 during the working hours of DSDiK, i.e. between 7.00 ^{a.m.} and 3.00 ^{p.m.} from Monday to Friday, email: kancelaria@dsdik.wroc.pl.
2. The Personal Data Protection Inspector of the Lower Silesian Voivodeship of the Lower Silesian Road and Railway Service in Wrocław is available at the email address: iod@dsdik.wroc.pl.
3. Lower Silesian Voivodeship The Lower Silesian Road and Railway Service in Wrocław processes your data pursuant to art. 6 point 1a of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27/04/2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, hereinafter referred to as: *GDPR* .

4. Your personal data may be made available to public authorities and entities performing public tasks or acting on behalf of public authorities, to the extent and for purposes resulting from the provisions of generally applicable law.
5. Your personal data will be processed for the period necessary to carry out the recruitment process, and then they will be returned.
6. Providing data is voluntary, but necessary to participate in the recruitment procedure.
7. In connection with the processing of personal data pursuant to Art. 6 point 1a GDPR, you have the following rights:
 - a. the right to access personal data, including the right to obtain a copy of this data,
 - b. the right to request rectification (correction) of personal data – in the event that the data is incorrect or incomplete,
 - c. the right to request the deletion of personal data (the so-called right to be forgotten),
 - d. the right to request restriction of personal data processing,
 - e. the right to transfer data,
 - f. the right to object to data processing.
8. If the processing of personal data is carried out on the basis of Art. 6 Sec. 1a GDPR, you have the right to withdraw this consent at any time. This withdrawal does not affect the lawfulness of the processing that was made on the basis of consent before its withdrawal.
9. If you decide that the processing of your personal data by DSDiK violates the provisions of the GDPR, you have the right to lodge a complaint with the supervisory body – the President of the Office for Personal Data Protection, address: ul. Stawki 2, 00-193 Warsaw.
10. Your data will not be processed in an automated manner and will not be profiled.

.....
(signature, stamp of the Applicant)