

*Annex No. 1 to Resolution of the
„ŁKA” sp. z o.o. Board
No. 78/2017 of 05.12.2017*



ŁÓDZKA KOLEJ AGLOMERACYJNA

**REGULATIONS
OF ACCESS TO A SERVICING INFRASTRUCTURE
FACILITY**

**– Railway Siding: ‘Technical Depot of „ŁKA” sp. z o.o. – Łódź
Widzew’**

(‘SIF’ Regulations)

Enters into force on 10 December 2017

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ANNEX 1

Specification of elements of railway siding infrastructure: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew Błąd! Nie zdefiniowano zakładki.

1. **Switch towers and technical posts in the Siding and their personnel:**Błąd! Nie zdefiniowano zakładki.
2. **Tracks in the Siding:**..... Błąd! Nie zdefiniowano zakładki.
14. **Prices for services rendered by the Operator to the Carrier as part of access to SIF**..... Błąd! Nie zdefiniowano zakładki.
3. **Turnouts and catch points in the Siding and tournouts towards the Siding:**
Błąd! Nie zdefiniowano zakładki.
4. **Security and traffic control devices in the Siding:**..... Błąd! Nie zdefiniowano zakładki.
5. **Railway level crossings and crossings for pedestrian at the rail level in the Siding:** Błąd! Nie zdefiniowano zakładki.
6. **Lighting system in the Siding:**..... Błąd! Nie zdefiniowano zakładki.
7. **Signals, indicators and information boards in the Siding:**..... Błąd! Nie zdefiniowano zakładki.
8. **Overhead contact network in the Siding:** Błąd! Nie zdefiniowano zakładki.
- ANNEX 2** Błąd! Nie zdefiniowano zakładki.
- „ŁKA” SP. Z O.O. INTERNAL REGULATIONS SPECIFYING THE RULES AND REQUIREMENTS OF OHS, SAFE RAILWAY TRAFFIC MANAGEMENT AND MAINTAINING THE RAILWAY INFRASTRUCTURE ON THE SIDING** Błąd! Nie zdefiniowano zakładki.
- ANNEX 3 THE SIDING DIAGRAM**..... Błąd! Nie zdefiniowano zakładki.
- ANNEX 4 The Diagram of rail traffic security and control equipment in the Siding**..... Błąd! Nie zdefiniowano zakładki.
- ANNEX 5 PRICE LIST OF SERVICES PROVIDED IN THE RAILWAY SIDING SERVICING INFRASTRUCTURE FACILITY** Błąd! Nie zdefiniowano zakładki.
- ANNEX 6 APPLICATION FOR ACCESS TO THE SERVICING INFRASTRUCTURE FACILITY (SIF) AND CONCLUDING A CONTRACT FOR SERVICES PROVIDED AS PART OF THE ACCESS**..... Błąd! Nie zdefiniowano zakładki.

I. GENERAL PROVISIONS

1. Introduction

1. The railway siding named ‘Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew’, constitutes a single complex facility of servicing infrastructure, designated for rendering some of services laid down in paragraphs 2 and 3 of Annex 2 to the Act on railway transport, i.e. the services which are laid down in detail in Chapter II (7) of these Regulations.
2. The right to administer the real estate where the railway siding ‘Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew’ is located, pursuant to the Notary Deed dated on 10 November 2015 (Repertory A No. 4384/2015), is held by „Łódzka Kolej Aglomeracyjna” limited liability company, which, in accordance with the provisions of the Act on railway transport, within the framework of making the servicing infrastructure facility available, acts both as the Operator of the facility and Administrator of the infrastructure.
3. Facility Security Clearance issued by the President of the Railway Transport Office No. 234/UK/14 (valid until 18.12.2019) is the document that authorises the User of the railway siding, i.e. „ŁKA” sp. z o.o., to use the Siding.
4. Stadler Polska sp. z o.o. with the headoffice in Siedlce (08-110) ul. Targowa 50 is the entity which cooperates in the field of rendering services in relation to access to the SIF.

2. Definitions of abbreviations and terms used in the SIF Regulations

1. **Company** or **„ŁKA” sp. z o.o.** – „Łódzka Kolej Aglomeracyjna” Limited Liability Company.
2. **SIF Regulations** or **Regulations** – Regulations of access to the servicing infrastructure facility, i.e. the railway siding: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”.
3. **Servicing infrastructure facility Operator** – an entity the operates in the field of administering the servicing infrastructure facility or rendering at least one of the services listed in paragraphs 2 and 3 of Annex 2 to the Act on railway transport to railway carriers. For the purpose of these Regulations: **SIF Operator** or **Operator** – the user of the siding, i.e. „Łódzka Kolej Aglomeracyjna” sp. z o.o.
4. **SIF** – a servicing infrastructure facility – a building including the land on which it is situated, and with installations and equipment, designated in whole or in part to render one or more services listed in paragraphs 2 and 3 of Annex 2 to the Act. For the purpose of these Regulations: **SIF** – railway siding: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”.

5. **Contract** – a contract which stipulates conditions of rendering services in relation to the access to the ZT ŁKA Siding by the Operator to the Carrier.
6. **The Act on railway transport or the Act** – The Act of 28 March 2003 on railway transport (consolidated text: Dz. U. of 2017, item 2117).
7. **UTK** – the Railway Transport Office.
8. **PKP PLK S.A.** – Polskie Koleje Państwowe Polskie Linie Kolejowe S.A.
9. **Railway siding** – a railway line determined by the administrator of the infrastructure, directly or indirectly connected with the railway line, which is used to perform loading and maintenance activities or to park rail vehicles or transfer and enter the rail vehicles in the railway traffic.
10. **Siding or ZT ŁKA Siding** – for the purpose of the Regulations: a railway siding of ‘Łódzka Kolej Aglomeracyjna’ limited liability company named: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”.
11. **Railroad** – a rail track or rail tracks including the elements listed in items 2–12 of Annex 1 to the Act, provided that they are functionally inter-related, regardless whether they are administered by the same entity.
12. **Railway line** – a railroad determined by the administrator of the infrastructure adapted to operate train traffic.
13. **Train** – a rail vehicle or a unit of rail vehicles, which complies with the requirements specified for the train and to which the status of the train has been granted by the Administrator of the infrastructure.
14. **Rail vehicle** – a vehicle adapted to move using its wheels on the rail tracks with or without traction.
15. **Shunting** – an intentional movement of a rail vehicle or of a unit of rail vehicles including the related activities on the railroad, with the exception of entry, departure and crossing of the train.
16. **Shunting rail unit** – rolling stock coupled with a rail vehicle with traction used to perform shunting. The rail vehicle with traction can be in front, behind or between the rail vehicles.
17. **Administrator of the infrastructure** – an entity responsible for management of the rail infrastructure or in case of construction of a new infrastructure, the entity that has become engaged in its construction as an investor.
18. **Railway siding user** – an administrator of the infrastructure, who does not manage any other railroad but the railway siding.
For the purpose of these Regulations „Łódzka Kolej Aglomeracyjna” sp. z o.o. is the railway siding user.
19. **Carrier** – an entrepreneur authorised to perform rail transport or render a traction service pursuant to a licence. For the purpose of these Regulations – an entity that has concluded with the Operator a contract to render services in relation to access to SIF.

20. **Employees of the Carrier** – employees or co-operants of the Carriers, who take part in performance of the subject of the contract to render services in relation to access to SIF.
21. **Employees of the Operator** – employees of „ŁKA” sp. z o.o., as well as other individuals who take part in performance of the subject of the contract to render services in relation to access to SIF on behalf of the above-mentioned entity.
22. **Rules of the railway siding operations** – Rules of the railway siding operations: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”.
23. **Infrastructure capacity** – use and traffic capacity of the railroad to perform train movements or shunting in a specific period on this road.
24. **Event** – a serious accident, accident or incident.
25. **Accident** – an unintentional emergency event or a series of such events in which a rail vehicle has been involved, and which resulted in negative consequences to human health, property or environment; the following represent the accidents in particular:
 - 1) Collisions;
 - 2) Derailing;
 - 3) Events on the crossings;
 - 4) Events which involved people and were caused by a moving rail vehicle;
 - 5) Fire of a rail vehicle.
26. **Serious accident** – any accident caused by a collision, derailing or another event which has an obvious impact on regulations of the railway safety or on safety management:
 - 1) There is at least one fatality or at least 5 severely wounded persons, or
 - 2) It causes significant damage to a rail vehicle, rail infrastructure or environment, which can be immediately assessed by a committee examining the accident to reach the value of at least 2 million euro.
27. **Incident** – any event other than the accident or the serious accident, in relation to rail traffic and impacting its safety.

Emergency situation – a situation which, as a result of an emergency event occurring regardless of the will of the parties to the Contract, causes an interruption or a risk to the working process within the area of ZT ŁKA Siding, and prevents fulfilment of contractual obligations, where none of the parties could foresee or prevent this event, keeping due diligence.

The emergency situation can result from:

- 1) The introduction within the whole territory of the county or in its part a state of emergency (natural disaster, state of emergency, or martial law);

- 2) Social protests (e.g. strikes);
- 3) Acts of terrorism or their premises;
- 4) Other unexpected events such as floods, fires, hurricanes, landslips, long-term precipitation, hitting bystanders, collisions with animals / animals entering gauge, failure of external power grid or external communications network, etc., including events resulting from decisions of public authorities (government or self-government administration), resulting in changes to the work process.

3. Objective and scope of the SIF Regulations

1. SIF Regulations have been drafted to lay down:
 - 1) Rules and conditions pursuant to which the Operator provides access to SIF to licensed rail carriers;
 - 2) Obligations that must be fulfilled by Employees of the Carrier who perform shunting operations and other operations involving their access to SIF;
 - 3) Conditions that must be met by the Carrier's Rail Vehicles which perform shunting operations within the Siding;
 - 4) Rules of mutual settlements for services related with providing access to SIF to the railway carrier;
 - 5) Rules of procedure if an Event occurs during shunting operations within the Siding.
2. SIF Regulations are binding for:
 - 1) Employees of the Operator, and
 - 2) Employees of the Carrier,

In parts concerning tasks performed within the Siding, which involve access to the servicing infrastructure facility.

4. Related documents *

1. Act of 28 March 2003 on railway transport (consolidated text: Dz. U. of 2017, item 2117).
2. Act of 27 April 2001 Law on environmental protection (consolidated text: Dz.U. of 2017, item 519, as amended.).
3. Act of 16 July 2004 Telecommunication Law (consolidated text: Dz.U. of 2017, item 1907).
4. Regulation of the Minister of Infrastructure and Construction of 7 April 2017 on making the rail infrastructure available (Dz.U. of 2017, item 755).
5. Regulation of the Minister of Infrastructure of 18 July 2005 on the general conditions to operate rail traffic and signalling (consolidated text: Dz. U. of 2015, item 360, as amended.).
6. Regulation of the Minister of Infrastructure and Development of 30 December 2014 on the employees employed in jobs directly related with operating rail

- traffic and its safety, and driving specific types of rail vehicles (Dz.U. of 2015, item 46).
7. Regulation of the Minister of Infrastructure and Development of 10 February 2014 on the train driver’s licence (Dz. U. of 2014, item 211, as amended.).
 8. Regulation of the Minister of Infrastructure and Development of 10 February 2014 on the train driver’s certificate (Dz. U. of 2014, item 212 as amended.).
 9. Regulation of the Minister of Infrastructure and Development of 3 April 2015 on health-related requirements, medical and mental health check-ups, and assessment of physical and mental capacity of persons applying for a train driver’s certificate or to maintain its validity (Dz. U of 2015, item 522, as amended.)
 10. Regulation of the Minister of Infrastructure and Development of 30 December 2014 on the employees employed in jobs directly related with operating rail traffic and with its safety, and driving specific types of rail vehicles (Dz.U. of 2015, item 46.).
 11. Regulation of the Minister of Infrastructure and Construction of 16 March 2016 on the serious accidents, accidents and incidents in the rail transport (Dz.U. of 2016, item 369).
 12. Regulation of the Minister of Infrastructure of 12 October 2005 on the general technical conditions of using rail vehicles (Dz. U. of 2016, item 226, as amended).

* The related documents shall be up-to-date on the date of publication of these Regulations. Before using a related document its validity shall be verified.

5. Liability

1. „ŁKA” sp. z o.o. shall be liable for any data published in the Regulations, it shall monitor its accuracy and update it on the date of publication of any amendments.
2. „ŁKA” sp. z o.o. shall not be liable for information published by other entities under their internet addresses provided in these Regulations, including data drafted by other Operators of servicing infrastructure facilities and Administrators of rail infrastructure.

6. Contact details and information on business activity of the Operator

1. The Operator’s headoffice and correspondence address:
City of Łódź,
„Łódzka Kolej Aglomeracyjna” sp. z o.o.,
90-051 Łódź,
ul. Aleja Marszałka Józefa Piłsudskiego 12.
2. Direct contact with the Operator:

- 1) Secretariat:
Tel. +48 42 236 17 00, tel/fax: +48 42 235 02 05, e-mail: biuro@lka.lodzkie.pl
 - 2) Department of Infrastructure:
Head of the Department:
Tel. 600 035 198, e-mail: katarzyna.goral@lka.lodzkie.pl,
 - 3) Technical – Operational Section:
Head of the Section:
Tel. 660 002 198, e-mail: krzysztof.piotrowski@lka.lodzkie.pl,
 - 4) Operational Department:
 - 5) Head of the Department:
 - 6) Tel. 887 870 451, e-mail: zbigniew.jadwicki@lka.lodzkie.pl,
 - 7) Rolling Stock Department:
 - 8) Head of the Department:
 - 9) Tel. 887 870 452, e-mail: mariusz.nowakowski@lka.lodzkie.pl,
3. National Court Register Number: **0000359408**.
 4. Tax Identification Number: **725-202-58-42**.
 5. REGON Number: **100893710**.
 6. Share capital: **34.520.000,00 PLN**.
 7. The Company's Safety Certificate: part **A: No PL1120170010** (valid until 24.08.2022), **part B: No PL1220170021** (valid until 25.20.2022).
 8. FCS of the Siding: **No 234/UK/14** (valid until 18.12.2019).

7. Structure of the SIF Regulations, updating and submitting comments concerning the Regulations

1. The Regulations consist of a descriptive part, which lays down conditions of providing access to the SIF and using the SIF, and annexes which contain:
 - 1) Specification of elements of the rail infrastructure of the Siding: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew” – Annex 1,
 - 2) Internal regulations of „ŁKA” sp. z o.o., which lay down rules and requirements concerning safety of rail traffic and maintenance of rail infrastructure in the Siding – Annex 2,
 - 3) The Siding Diagram– Annex 3,
 - 4) The Diagram of rail traffic security and control equipment in the Siding – Annex 4,

- 5) Price list of services provided in the Railway Siding Servicing Infrastructure Facility (SIF): “Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew” – Annex 5,
 - 6) Application for access to the servicing infrastructure facility (SIF) and concluding a contract – Annex 6,
 - 7) Application for rendering services in relation to access to SIF – Annex 7
2. Amendments to the SIF Regulations, including annexes to the SIF Regulations, shall be made in justified cases.
 3. The amendments to the SIF Regulations that will influence provision of access to the SIF shall be published at: www.lka.lodzkie.pl, and the Carriers using the SIF will be additionally informed of such amendments by e-mail.
 4. Comments and reservations to the content of the Regulations shall be submitted to the following address:

„Łódzka Kolej Aglomeracyjna” sp. z o.o.,
90-051 Łódź,
ul. Aleja Marszałka Józefa Piłsudskiego 12
e-mail: biuro@lka.lodzkie.pl, tel.: +48 42 236 17 00, fax: +48 42 235 02 05
 5. Amendments resulting from amendments to the applicable legal regulations shall be made within the deadlines laid down in these legal regulations.

II. DETAILED PROVISIONS

1. Description of the Siding infrastructure

1. Location of the Siding:
Access to the Siding „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew” starts in Łódź Widzew Railway Station from the track No 104 using the following turnouts: No 24 – in 4,868 km (the Siding’s initial kilometre: 0,000) and No 47 – in 5,800 km, line No 17 Łódź Fabryczna – Koluszki, administered by PKP PLK S.A.
2. A specification of the elements of the provided rail infrastructure of the ZT ŁKA Siding is presented in **Annex 1** to these Regulations.
3. Detailed information on the Siding’s rail infrastructure administered by the SIF Operator is available from the Head of the Infrastructure Department (Tel. 600 035 198).

2. Limitations of using the SIF in relation to the access to SIF.

1. The infrastructure can be limited or excluded from use during the process of using the rail infrastructure due to:
 - 1) Technical damage to elements of the rail infrastructure;
 - 2) Situation whose occurrence has been notified to the Operator, however the Operator was unable to prevent it, e.g. strike, blockade to rail traffic movement, protests, etc.;
 - 3) Not allowing the rail Carrier’s vehicle to pass or stopping it due to the fact that the vehicle or Employees of the Carrier do not comply with the requirements laid down in the Contract, the Act and regulations issued pursuant to the Act, and requirements laid down by the Operator in his internal regulations;
 - 4) Occurrence of emergency situations, including the ones resulting from violent atmospheric changes and other of which the Operator has not been informed;
 - 5) Occurrence of a risk to the safety of traffic, and situations in relation to the state’s security and defence;
 - 6) Planned renovations, construction or modernisation of the infrastructure administered by the Operator.
2. The SIF Operator shall notify the rail Operator of the occurrence of the above-mentioned interruptions according to the following deadlines:
 - In relation to items 1 – 5 – immediately,

- In relations to item 6 – within the period not shorter than 14 days.

The above-mentioned notifications may be made by electronic mail using e-mail addressed provided to the Operator in the Contract.

3. The SIF Operator, in accordance with the provisions of the Act on rail transport (Article 36b (4)), may refuse access to the facility to a rail carrier. The Operator shall justify his decision in writing and submit this written justification to the rail carrier.
4. Due to the lack of an overhead contact line in the inspection-repair hall above tracks No 24b and 25b, the entry of electric traction vehicles using these tracks shall be prohibited.
To move electric traction vehicles on the tracks in the inspection-repair hall without the overhead contact line (No 24b and 25b) a rail and road vehicle C 140 type, which is available in the SIF Operator's equipment, shall be used. Up to 4 rail vehicles with the total weight of up to 320 Mg (tons) may be towed (via the front or back section) by the C 140 type vehicle.
5. Due to the limitations of the C 140 type vehicle, in terms of the number of the rolling stock units that may be towed, the maximum number of rail Vehicles that may simultaneously enter the inspection-repair hall using the tracks equipped with the following stands: the weighing stand to measure wheel/axle load, laser system to measure wheel set wear, under floor wheel lathe, stationary system of sander filling (tracks No 24b and 25b), is four rail Vehicles with the total weight of up to 320 Mg (tons).
6. Due to the measuring programme used in the laser station on track No 25b, only the rail Vehicle with the length of up to 6 axles shall be allowed – the tested vehicles shall be supplied with identification plates.
7. Due to the way of service and construction details of the automatic washing stand erected on track No 23b, the maximum length of the rail Vehicle designated for washing is 50 m. The washing stand is adapted to wash electric traction sets FLIRT 3 series L 4268.
8. Due to the necessity to switch off voltage in the overhead contact line above track No 23b during the process of washing a rail vehicle in the automatic washing stand, entry of electric traction vehicles - to de-ice them, remove human waste, supply with water, and remove dirt from the vehicle body - using this track from the western direction shall be prohibited,.
9. Due to the application of a solution which uses outgoing pipeline couplings connected with the toilet tanks, emptying the toilet tanks at the human waste removal stand located on track No 23b of the Siding is possible only when couplings of a specific type are used: extracting pipeline – 3” Camlock, rinsing pipeline – 1” Camlock.
10. Rendering water supply service to the Carrier by the Operator is only possible when a standard clutch to fill the tanks with water is used, i.e. the clutch used by Stadler Polska sp. z o.o. – a co-user of the Siding.

11. Due to the environmental conditions, any shunting within the area of the ZT ŁKA Siding are allowed only for the vehicles with fully closed WC system.
12. The ZT ŁKA Siding is not adapted to handle dangerous goods and it is not involved in the process of their movement and layover.
13. Movement of diesel traction rail vehicles on the tracks of the inspection-repair hall is forbidden.

3. Detailed requirements concerning the use of rail infrastructure provided by the Operator in terms of organisation and technology of the shunting operations performed in the Siding

1. Shunting in the Siding shall be performed using the pushing away method based on the rule of shunting with a traction vehicle, including the rail-road vehicle.
2. Shunting in the Siding using the pushing away method or using human force shall be forbidden.
3. Maximum speeds of shunting allowed in the Siding are laid down in the Rules of the railway siding „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew” operations.
4. In the siding there are no restrictions concerning the position of traction vehicles in the Shunting Units resulting from the local conditions. The place where traction vehicle (also concerns rail-road vehicle) is positioned in the Train Set should solely result from the technology and the type of actions performed, and useful lengths of the tracks, on which shunting is performed, to make sure that upon completing the actions the rolling stock does not stay on the turnouts or within their shunting limit signals, or does not block hardened crossings used for technical purposes, which are along the inspection-repair hall from the western and eastern direction (8 m wide).
5. Shunting of Train Sets between Łódź Widzew Station tracks and the Siding tracks shall be performed in accordance with the rules on non-piloted shunting movements.
6. Shunting of Train Sets in the Siding are performed from the front control booth of the traction vehicle (facing the direction of the movement) or by pulling the rail Vehicle by the rail-road vehicle, and they do not require support of the train driver crew, with the exception of movements involving entry to / exit from / the inspection-repair hall, and movements on the tracks in the hall.
7. Shunting of rail vehicles moving forward require support of the train driver crew within the whole area of Siding (vehicle pushing).
8. Any Shunting involving entry to / exit from / the inspection-repair hall or shunting performed on the tracks in the hall require support of the train driver crew.

9. When rail vehicles approach passages at the track level along the inspection-repair hall and the hardened yard in front of the hall, they are obliged to slow down to reach the maximum speed of 5 km/h and transmit the ‘Attention’ signal. Shunting movements on the passages and the yard can be continued if the road and pedestrian traffic within their area has been stopped.
10. Any exit of the rail Vehicle from the inspection-repair hall towards the above-mentioned passages and the yard must be preceded with the ‘Attention’ signal transmitted by the driver of the traction vehicle or of the rail-road vehicle using a sound warning device installed in these vehicles.
11. In cases of shunting which requires pilotage of the shunting crew within the Siding it is allowed to use a one-man crew composed only of the shunting manager who also performs the shunting operations.
12. Due to the limited length of graded tracks No 201 and 202, the Train Sets shunted in the Siding from track to track with a change in the direction of movement and entering exiting the Siding, cannot be longer than:
 - 1) 100,0 m – from the eastern direction (towards Koluszki);
 - 2) 57,0 m – from the western direction (towards Łódź Fabryczna).This shunting can be organised using units of the length exceeding the above-mentioned lengths provided that:
 - 1) The Carrier orders from the Infrastructure Administrator, i.e. PKP PLK S.A., the capacity required for the shunting which involves entry to the LCS Łódź Widzew switch tower;
 - 2) An employee of the CS ŁKA switch post and the train dispatcher of the LCS ŁW switch station have mutually agreed the way of performing each shunting operation of the unit, which requires crossing the boundary dividing switch towers of the Siding and LCS ŁW;
 - 3) Special care and required speeds of the shunting have been maintained;
 - 4) Employees taking part in the shunting shall communicate using allocated radiotelephones and the signals, particularly during shunting operations without transmitting signals on manoeuver shields.
13. Detailed information on technical parameters of the technical rail infrastructure of the Siding and local constraints resulting from them are provided in the Rules of the railway siding operations and the Instruction for organisation of shunting operations and arranging railway carriages (ŁKAr-8); Employees of the Carriers are obliged to be familiar with their provisions while performing tasks in relation to the access to SIF in the Siding.
14. Rules of the railway siding operations and the instruction are available at the Siding from the Head of the Operating Department (tel. 887 870 451) and at the post of Dispatcher of Rail Movement and Traction Crews (tel. 887 870 460).

4. Requirements and conditions concerning Employees of the Carrier in relation to the access to SIF

1. Employees of the Carrier who carry out operations which are directly related with shunting and drivers of rail vehicles who deliver assigned tasks in the Siding under the access to SIF must comply with the conditions laid down in the Act on public transport and relevant implementing acts issued pursuant to the Act; they must also know provisions of the Rules of the railway siding operations as well as any other internal rules of the Operator, which concern rules of carrying out operations in the Siding, managing railway traffic and Siding infrastructure maintenance in particular.
2. The Operator's internal regulations which specify rules of safe management of railway traffic and infrastructure maintenance are laid down in **Annex 2** to these Regulations.
3. Prior to commencing movements relating to the access to SIF, the Carrier should submit a written request to the Operator to provide him with appropriate extracts from the instructions, regulations and rules, which the Operator must provide free of charge to the Carrier without delay by electronic mail.

5. Requirements and conditions concerning the Carrier's Rail vehicles in relation to the access to SIF

1. The following rail vehicles of the Carriers are eligible for shunting: They shall
 - 1) Comply with all technical operating conditions laid down in the regulations issued pursuant to the Act on rail transport, including the Regulation of the Minister of Infrastructure of 12 October 2005 on the general technical conditions of using rail vehicles (Dz. U. of 2016, item 226, as amended);
 - 2) Be labelled in accordance with the requirements of the Minister of Transport, Construction and Maritime Affairs of 3 January 2013 on the way of keeping the register and the way of labelling rail vehicles (Dz. U. of 2013 , item 211, as amended).
2. Wheels of Rail vehicles which perform shunting operations in the Siding should be able to cooperate with traffic control devices used in the Siding as well as ensure uninterrupted work with radio communication devices used in the SIF grounds.
3. In the Siding, employees operating in the Siding (staff of the switch post, shunting crew, inspector, and dispatcher) shall communicate with the driver of a rail vehicle with traction using radiotelephone shunting network with frequency 151.625 MHz (spacing: 25 kHz). The following devices operate in this network: a stationary radiotelephone at CS ŁKA, radiotelephones

mounted in vehicles of the Operator and mobile radiotelephones used by employees of the shunting crews, technical inspectors and dispatcher.

4. The Carrier's Rail Vehicles may be shunted in the Siding provided that they are supplied with a radiotelephone device in working order, which meets necessary requirements in accordance with the rules of law, and which operates in this radiotelephone shunting network, and which is operated in accordance with the rules laid down in the Instruction for maintenance and operation of train and shunting radio communication devices (ŁKAr-7).
5. If the Carrier's Rail Vehicles are not supplied with radiotelephone devices operating in the shunting network in the above-mentioned frequency, this information must be stipulated in the request to provide access to the Siding to enable the Operator to supply the Carrier's vehicle for the period of servicing in SIF with his own devices or to designate an employee with necessary qualifications to pilot the vehicle in the Siding.
6. Only Rail vehicles whose biggest permitted axle load on rail does not exceed 200 kN may be shunted on the Siding tracks.

6. Environmental protection requirements

1. The Carrier using SIF may not release to water, soil or air any dangerous substances that could contribute to exceeding environmental protection standards (legal base: Environmental Protection Law Act, Article 174 (1)).
2. If the Carrier pollutes the environment to the extent exceeding legally binding environmental protection standards, he shall be liable to cover the cost of restoring the environment to the required standards.

7. Types of services rendered by the Operator to the Carrier in relation to the access to SIF

1. ZT ŁKA Siding constitutes a single complex facility of servicing infrastructure, designated to render some of the services listed in paragraphs 2 and 3 of Annex 2 to the Act, which involve access to ZT ŁKA Siding and the use of selected elements of railway infrastructure and technical equipment of the Siding, i.e.:
 - 1) Storage tracks (tracks No 22, 27, 28);
 - 2) Automatic washing stand (track No 23b),
 - 3) Stand for human waste disposal and supplying water for train toilets,
 - 4) Stand for under floor lathe to reprofile wheel sets (track No 24b),
 - 5) Laser station to measure wheel set wear in rail vehicles (track No 25b),
 - 6) Weighing stand to measure wheel sets' load of wheeled rail vehicles (track No 24b),

7) Stationary stand to fill sanders in rail vehicles (track No 25b),

8. Contract for Provision of Services as Part of Access to SIF

1. Rail carriers are entitled to access to facilities where services are provided, as specified in Art. 2 of Annex 2 to the Act, on equal and non-discriminatory terms, while service infrastructure facility Operators, providing the services, as specified in Art. 3 of Annex 2 to the Act are obliged to provide them on equal and non-discriminatory terms.
2. Rail carrier acquires the right to use the services provided in the facilities upon concluding with the Operator a Contract specifying in particular the rights and responsibilities of the Operator and the Carrier with regards to the services provided.
3. The “ŁKA” sp. z o.o. Company ensures access to SIF according to the rules specified in this Regulation and in the Contract, in compliance with the conditions of Shunting as specified in the Regulations for Railway Siding Operation and other internal regulations listed in **Annex No. 2** to SIF Regulation.
4. In order to be able to apply to the Operator for provision of specific services at the ZT ŁKA Siding, the Carrier needs to first conclude the contract for services provided as part of access to SIF.
5. The contract specifically regulates the mutual responsibilities between the Carrier and the Operator with regard to the rights and responsibilities of the parties, formal, legal, and commercial issues.
6. In order to conclude the contract, the rail carrier applies to the Operator in writing, submitting the application in person in the Operator’s secretary office in Łódź at ul. Aleja Marszałka Józefa Piłsudskiego 12 (13th floor) or by registered letter (with acknowledgment of receipt), or by courier (with acknowledgment of receipt) sent to the address: “Łódzka Kolej Aglomeracyjna” sp. z o.o., 90-051 Łódź, ul. Aleja Marszałka Józefa Piłsudskiego nr 12.
7. In the application the Carrier/rail carrier specifies in particular:
 - 1) The name of the SIF Operator, to which the application is directed;
 - 2) The name, registered office, address, phone number, e-mail: of the rail carrier;
 - 3) Data allowing for unambiguous identification, i.e.: NIP (tax id. number), Regon, KRS;
 - 4) The scope of commissioned services, as planned;
 - 5) The desired dates of performing of the indicated services;
 - 6) Other information, deemed by the rail carrier important for the order.

8. To the above application the carrier is obliged to attach the following documents:
 - 1) A copy, certified “a true copy”, of a valid rail carrier license, as specified in Art. 43 of the Act;
 - 2) A copy, certified “a true copy”, of a valid safety certificate, as specified in Art. 18b of the Act (Part A and Part B for lines operated by PKP PLK S.A.);
 - 3) A declaration that the carrier shall inform the other party of any amendments, suspension or withdrawal of the license and/or the safety certificate;
 - 4) A declaration that the rolling stock owned, to which the Operator is to provide services, complies with conditions stipulated in the Ordinance of the Minister of Infrastructure of 12 October 2005 on general technical conditions of railway vehicles operation (Dz.U. of 2016 r. item 226 as amended.)
 - 5) A declaration that during the provision of services on the premises of SIF in the position of the engine driver and in the positions related directly to the driving and safety of railway traffic as well as to the driving of certain railway vehicles, there are employed people meeting the conditions specified in the Act and regulations based on it.
9. A template of such an application for access to SIF and concluding a Contract can be found in **Annex 6**.
10. The documents related to in Art. 8 shall be submitted in Polish or as a certified translation of the original documents into Polish.

9. Applications for Provision of Services as Part of Access to SIF

1. The Operator, under the Contract concluded with the Carrier, may provide the Carrier with:
 - 1) scheduled services, on the basis of the submitted application for performing scheduled services as part of access to SIF, containing the schedule of the services commissioned in the term of the Contract, or
 - 2) Unscheduled services, on the basis of the submitted applications for performing services at the agreed date, at the SIF premises, other than scheduled services.
2. Applications for provision of scheduled services should be submitted in writing at the Operator’s address (“Łódzka Kolej Aglomeracyjna” sp. z o.o., 90-051 Łódź, ul. Aleja Marszałka Józefa Piłsudskiego 12, e-mail: biuro@lka.lodzkie.pl, tel.: +48 42 236 17 00, fax: +48 42 235 02 05), together with the application for access to SIF, as specified in Art. 8, sec. 6 of the above Regulation

3. Applications for provision of unscheduled services should be submitted at the Operator’s address (“Łódzka Kolej Aglomeracyjna” sp. z o.o., 90-051 Łódź, ul. Aleja Marszałka Józefa Piłsudskiego 12, e-mail: biuro@lka.lodzkie.pl, tel.: +48 42 236 17 00, fax: +48 42 235 02 05), in writing, or in person at the Operator’s secretary office (address same as above, 13th floor), or by sending them in a registered letter (with acknowledgment of receipt), or by courier (with acknowledgment of receipt) at least 3 working days before the date of service provision, from 8:30am to 3:30pm. In exceptional situations, subject to the technical and operational abilities, it is possible to shorten the above time limit to 1 day.
4. The Operator is obliged to process the above applications within 14 days from the date of the application receipt, and with respect to the applications for unscheduled services - within 1 day from the submission of the application or on the next working day, in case the application is submitted before a weekend or a bank holiday.
5. Application for provision of services as part of access to SIF should contain the following data:
 - 1) The name of the SIF Operator, to which the application is directed;
 - 2) The name, registered office, address, phone number, e-mail of the Carrier;
 - 3) Data allowing for unambiguous identification, i.e.: NIP (tax id. number), Regon, KRS;
 - 4) The scope of commissioned services, as planned;
 - 5) The desired dates of performing of the indicated services;
 - 6) Technical data of the Railway vehicles, to which the services are to be provided, such as: type, vehicle series, optionally type of special rolling stock, gross weight, vehicle length, axle load on track, real braking weight;
 - 7) Other information, deemed by the Carrier important for the order.
6. A template of provision of services as part of access to SIF can be found in **Annex 7**.
7. The Operator undertakes all necessary actions in order to take into account all the applications submitted by the Carriers, but the Operator is under no obligation to bear any costs necessary to reach the goal.
8. The Operator, when processing the applications for provision of services as part of access to SIF acts on the principle of best possible use of the facility’s infrastructure with regard to the traffic capacity of SIF and its technical and operational parameters.

10. Compensations and Settlements for Failure to Comply with the Obligations by the Parties

1. Failure to comply with the contractual obligations results in liability for damage done in this way to the other party,
2. Liability for damage, as specified in Art. 1, does not apply to:
 - 1) Costs borne as a result of settling other contracts concluded by the party, if the contracts were concluded without prior agreement with the other party to the Contract concerning the possible claims (including in particular claims related to contractual penalties and damages to be paid by the party);
 - 2) Lost profits.
3. If due to failure to execute or improper execution of the Contract a third party sustains damage, the party that repaired the damage of the third party may claim recourse in full or in a corresponding part from the other party.
4. Liability of parties due to failure to fulfil the contractual obligations is excluded in case of Extraordinary situation.
5. The Carrier, in case of failure to meet the technical parameters by their vehicles, is fully liable for any possible damages to the rail infrastructure of the Siding and is obliged to reimburse any costs in relation to repairing the damages.
6. The issues related to damage or destruction of the rail infrastructure of the Siding shall be officially recorded by a committee consisting of representatives of both interested parties, chaired by a representative of the Operator.

11. Rules of Providing Services as Part of Access to SIF

1. The Operator reserves the right of priority of use of SIF for their own purposes, in relation to the “ŁKA” sp. z o.o. Company train set circulation, the necessity to perform scheduled maintenance and repair works as specified in the documentation of the Company’s railway vehicles management system, and their emergency repair.
2. Access to the services on the premises of SIF, for which the application is submitted, gained by the Carrier, cannot be transferred to any other rail carrier, including the Carrier.
3. Directly after a Railway vehicle of the Carrier enters the premises of the ZT ŁKA Siding to use the services planned as part of the access to SIF, the appointed representatives of the Carrier and the SIF Operator are obliged to officially accept the vehicle in regard to its technical condition.
4. During the provision of services as part of access to SIF on the premises of ZT ŁKA Siding, the rolling stock of the Carrier may not be left unattended. SIF

Operator does not grant security of the rolling stock during its stay at the Siding, and the Carrier is in charge of its supervision.

5. The types of services provided by the Operator to the Carrier on the premises of ZT ŁKA Siding have been specified in chapter II, Art. 7 of this Regulation.
6. Access for the Railway vehicles of the Carrier to the storage tracks and tracks where the devices used for providing services on the ZT ŁKA Siding are situated is granted according to the rules established for Shunting, as specified in Regulations for Railway Siding Operation and other binding regulations of the Operator (**Annex 2**). Depending on the type of the services scheduled and the technical and operational abilities of the Siding, the principal rules of the access are as follows:
 - 1) Access to the storage track no. 22 in the direct way is possible both from the West, via graded track no. 201 and then via a turnout, in the direction of track no. 22, and from the East, via graded track no. 202 and then via a turnout, in the direction of track no. 22;
 - 2) Access to the storage tracks no. 27 and 28 in the direct way is only possible from the East, via graded track no. 202 and then via a turnout, in the direction of tracks no. 27 and 28;
 - 3) Access to tracks no. 23b, 24b, 25b, 26b (except for wheel sets wear laser measurement station - track no. 25b) in the direct way is possible both from the West, via graded track no. 201 and then via a turnout, in the direction of, respectively, tracks no. 23a, 24a, 25a or 26a, and from the East, via graded track no. 202 and then via a turnout and tracks, in the direction of, respectively, track no. 23c, 24c, 25c or 26c;
 - 4) Access to wheel sets wear laser measurement station (track no. 25b) in the direct way is possible only from the East, via graded track no. 202 and then via a turnout and track no. 25c, in the direction of track 25b.

In case of technical and operational difficulties at the Siding and lack of direct access to the appointed tracks, as specified above, there is a possibility of indirect alternative access to all the tracks where services are provided, with use of an entrance from the direction opposite to the one specified above, and then shunting via a by-pass track no. 21.

7. Depending on the organization and technology of the Siding works, access to particular tracks and SIF devices in order for the operator to be able to provide the commissioned services to the Carrier is possible from Monday to Friday, on working days, from 8:00am to 4:00pm, except for the service of access and use of storage tracks, available on 24/7 basis.
8. The technical operations required by the regulations of railway traffic, related to preparation of the railway vehicles of the Carrier for a trip and including them later into a Train, are not part of the services that can be provided to the vehicles and are therefore the responsibility of the Carrier and should be performed outside the ZT ŁKA Siding.

12. Rights and Responsibilities of the Parties in Relation to Access to SIF

1. As part of making SIF available, the SIF Operator:
 - 1) Provides to the Carrier basic and additional services, in accordance to this Regulation and the Contract;
 - 2) Is responsible for the condition of elements of railway to which the Carrier was provided access;
 - 3) Performs all the necessary technical and traffic activities as well as maintenance at the CS ŁKA signalling control, organizes and supervises them directly, as stipulated in the Regulations for Railway Siding Operation and other binding internal regulations;
 - 4) Based on the technical and traffic documentation keeps a regular register of shunting trips of the Carrier in the form of lists, as agreed by the parties to the Contract;
 - 5) Immediately informs the Carrier about Incidents and other operating events related directly to their Railway vehicle or an Employee of the Carrier;
 - 6) Immediately informs the Carrier of any situations that might disturb the provision of scheduled services at the SIF premises, in particular of:
 - a) Temporary technical and traffic limitations affecting scheduled shunting,
 - b) Any incidents that the Operator was informed will happen but had no means to prevent, such as: strikes, blocking of the passage, demonstrations, etc.,
 - c) Blocking access to the Siding or stopping the Railway vehicle/train set of the carrier as a result of failing to comply by this vehicle/train set, or the Employee of the Carrier operating it, with requirements specified in the binding legal regulations;
 - 7) Shall inform the Carrier of any changes in the binding regulations or instructions forming the basis for the performance of the Contract not later than 14 days prior to the changes coming into force;
 - 8) Performs checks in relation to railway vehicles and Employees of the Carrier participating in provision of services on the SIF premises, in order to ensure safe and compliant Shunting, whereby the Operator has the right to prevent a Carrier's vehicle from entering service in case it is noticed that the vehicle or people operating it do not comply with the requirements specified in the regulations;
 - 9) Has the right to dispose, at the cost of the Carrier, of any remains left after the performed activities, if the Carrier failed to do it despite an earlier call to do so;

- 10) Gives to the drivers of powered Railway vehicles and other employees of the Carrier participating in provision of services on the SIF premises binding instructions in the scope of ensuring safety and shunting within the Siding area; such instructions may be given by Employees of the Operator such as CS ŁKA rail signal control operators, shunting crew members, rolling stock controllers;
 - 11) Has the right to remove, at the cost and risk of the Carrier, the Railway vehicles, devices and equipment of the Carrier from the premises of the Siding in case the Contract is terminated and they are not removed by the Carrier within 5 working days from the date of Contract termination;
 - 12) Has the right to request explanation from the Carrier as to the way the Contract is to be performed in cases where there is a threat of its breach or a threat to safety of people, property or environment;
2. As part of using the service infrastructure premises the Carrier:
- 1) Is not allowed to commission Shunting within the Operator’s infrastructure to another rail carrier;
 - 2) Assumes full responsibility for the condition and working order of the Railway vehicles used on the SIF premises;
 - 3) Is obliged to observe the rules and meet the conditions for maintaining rail traffic as stipulated in the Ordinance of the Minister of Infrastructure of 18 July 2005 on general conditions of maintaining rail traffic and signalling (Dz. U. of 2015, item 360, as amended.) and in internal regulations specified in **Annex 2**;
 - 4) Ensures that their employees shall follow the orders of authorized Operator’s Employees in the scope of shunting and safety at the Siding;
 - 5) Provides their employees, participating in the carrier process, with all the necessary documents and accessories specified in the regulations; the employees of the Carrier are obliged to have such documents and accessories with them while performing activities related to Shunting at the Siding;
 - 6) Immediately informs the Operator about Incidents and operating events at the Siding, related directly to their Railway vehicle/train set or Employees of the Carrier;
 - 7) Immediately informs the Operator about any incidents and events noticed at the railway premises that pose or could pose any threat to the safety of rail traffic, people or property, other than specified in Art. 6);
 - 8) At a request of the Operator they document the qualifications and permissions of the Carrier’s Employees and present documentation confirming the working order of the Railway vehicles used on the premises of the Siding.

- 9) In case of terminating the Contract, they remove within 5 working days from the date of terminating the Contract railway vehicles, equipment and devices from the SIF premises; in case of failing to fulfil this requirement, the Carrier bears the cost of the removal of such vehicles, equipment and devices by the Operator;
- 10) Informs the supervisor or the person in charge of Shunting at the Siding about the readiness to Shunt a Railway vehicle/train set after the activities related to service provision have been performed;
- 11) Bears financial responsibility for removing by the Operator of any remains left after the performed activities related to service provision, if the Carrier failed to do it despite an earlier call to do so;
- 12) Has the right to request explanation from the Operator as to the way the Contract is to be performed in cases where there is a threat of its breach or a threat to safety of people, property or environment;
- 13) Has the right to resign from the ordered access (under the Contract) to the infrastructure and performing shunting at the Siding without any financial fees, provided they inform the Operator about the resignation given at least 7-day notice.

13. Procedures implemented in case of railway incidents or other operating events in the territory of SIF

1. Each employee of the Carrier and of the Operator that has noticed that an incident or an operating event is likely to occur or has occurred, should:
 - 1) Use any possible and available means to eliminate the risk and prevent expansion of its reach, and limit consequences;
 - 2) Inform of this situation the supervisor of shunting operations in the Siding (an employee of CS ŁKA post), dispatcher and traction crews.
2. If rail events or operating events take place in SIF the Operator and the Carrier are obliged to:
 - 1) Cooperate to minimise negative consequences of these events;
 - 2) Cooperate to remove losses and render care to casualties;
 - 3) Cooperate to establish causes of the railway incidents and the operating events.
3. Causes and circumstances of the railway incidents and other operating events and responsibility for their consequences are established by a railway committee appointed by the Operator in consultation with the Carrier.
4. Detailed rules of procedure applied after the occurrence of the railway incidents and other operating events, including the way of establishing circumstances and causes of the incident (event) and operations of the railway committee are laid down in the regulation of the Minister of

Infrastructure and Construction of 16 March 2016 on serious accidents, accidents and incidents in railway transport (Dz.U of 2016 item 369) and the Operator's internal regulations binding in the Siding (**Annex 2**), particularly including Instruction for procedures applied in cases of accidents, serious accidents and incidents (ŁKAr-9), Regulations of railway siding operations and Procedure No P/10-1-1 „Rules of procedures after an operating event”.

III. FINAL PROVISIONS

1. These Regulations of access to the servicing infrastructure facility, i.e. the railway siding „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”, including Price list for services provided in relation to access to SIF enters into force on 10 December 2017.
2. Full text of the Regulations both in Polish and in English, including the annexes shall be published by the SIF Operator at: www.lka.lodzkie.pl.
3. The list of annexes to the SIF Regulations:
 - 1) Annex 1 – *Specification of elements of railway siding infrastructure: „Technical Depot of „ŁKA” sp. z o.o. – Łódź Widzew”;*
 - 2) Annex 2 – *ŁKA” sp. Z o.o. internal regulations specifying the rules and requirements of OHS, safe railway traffic management and maintaining the railway infrastructure on the Siding.*
 - 3) Annex 3 – *The Siding Diagram.*
 - 4) Annex 4 – *The Diagram of rail traffic security and control equipment in the Siding.*
 - 5) Annex 5 – *Price list of services provided in the Railway Siding Servicing Infrastructure Facility.*
 - 6) Annex 6 – *Application for access to the servicing infrastructure facility (SIF) and concluding a contract for services provided as part of the access.*
 - 7) Annex 7 – *Application for services provided as part of access to SIF.*