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NETWORK STATEMENT

**owned by the Association of Municipalities of the Desná
Valley**

Issued by the railway operator:
SART - constructions and reconstruction as
Uničovská 2944/1B
787 01 Šumperk

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Side dishes:

Appendix No. 1 – OVERVIEW OF ENGINEER MANUFACTURERS

Appendix No. 2 – PRICES ON THE DESNA RAILWAY

1. General information

1.1. Introduction

It is published by the **Association of Municipalities of the Desná Valley in cooperation with the railway operator SART – stavby a reconstruction a.s** in accordance with Article 27 and Annex IV of Directive 2012/34/EU and § 33 of Act No. 266/1994 Coll., on railways as amended:

Statement about the railway owned by the Association of Municipalities of the Desná Valley.

Interpretation of the terms used

The terms used and their meaning are given in the valid version of Act on Railways No. 266/1994 Coll., its implementing regulations.

The following abbreviated terms are used in this railway statement:

SART = SART – constructions and reconstruction as, railway operator and capacity allocator

The Desná Railway = ŽD = consists of two regional railways Šumperk – Petrov nad Desnou – Sobotín (km 13.475 – km 22.155) and Petrov nad Desnou – Kouty nad Desnou (km 0.00 – km 13.460) owned by the Association of Municipalities of the Desná Valley

ZoD = Act No. 266/1994 Coll., Act on Railways

UPDI = Office for access to transport infrastructure is the central administrative office in the Czech Republic, which was established pursuant to Act No. 320/2016 Coll.

Railway Administration = Railway Administration with .

1.1.1. Railway owner

Association of municipalities of the valley of Desná

Registered office: Šumperská 775, 788 14 Rapotín

ID number: 65497074 VAT number: CZ65497074

Legal form: association of municipalities

phone: +420 588 884 415 e-mail: svazek@rapotin.cz http: www.udoli-desne.cz

Registered by OkÚ in Šumperk on 16.10.1997, no. : Interior _ 2/97-S, as the owner of the regional railways Šumperk - Petrov nad Desnou - Sobotín and Petrov nad Desnou - Kouty nad Desnou (hereinafter referred to as Desná Railway).

1.1.2. Railway operator and Capacity Allocator

SART - constructions and reconstruction a.s.

Registered office: Uničovská 2944/1B

ID number: 25898671 VAT number: CZ25898671

phone: +420 587 407 502 e-mail: sart@sart.cz http: www.sart.cz

On the basis of the railway operation contract **No. 01/2011** between the owner and the operator of the railway and the official permit for the operation of the regional railway **ÚP/2005/8014**, the railways are operated by the Železnice Desná firm SART – stavby a rekonstrukce a.s. (registered in the OR led by the Regional Court in Ostrava, section B, insert 2550) as another authorized person according to § 21 of the Act on Railways No. 266/1994 Coll.

1.1.3. Subject of activity of the railway operator

SART – constructions and reconstruction as provides:

- operation of the railway,
- operability of the railway line,
- modernization and development of the railway,
- operates rail transport only for the purpose of ensuring the operability of the railway
- allocation of railway capacity

Managed by:

- with the property of the Association of Municipalities of the Desná Valley, which forms the infrastructure of the Desná Railway,
- conducts business in accordance with the Act on Entrepreneurship.

1.2. Purpose of network statement

This line statement is issued to provide information to applicants, authorities and other interested parties about the infrastructure of the Desná Railway, the conditions of access to it, the conditions for the allocation and use of capacity and services, as well as the related prices .

The allocator's duty in the process of allocating railway capacity is to ensure non-discriminatory access of carriers to the railway with the aim of maximum use of railway capacity.

When negotiating a contract for access to the Železnice Desná railway between SART - stavby a reconstruction as the operator of the railway and the carrier, the statement on the railway is binding for both contracting parties.

1.3. Legal aspects

1.3.1. Legal framework

The basic legislative conditions for the construction of railway railways, the conditions for the operation of railway railways, for the operation of rail transport on these railways, as well as the rights and obligations of natural and legal persons connected therewith are laid down in particular by Act No. 266/1994 Coll. on Railways as amended and its implementing regulations as amended, as well as directly effective regulations of European Union law.

An overview of selected legal regulations important for the operation of railways and rail transport is published on the website of the Ministry of Transport:

<https://www.mdcr.cz/Dokumenty/Drazni-doprava/Legislativa-v-drazni-doprave>

The basic internal regulations determining the rules for organizing and securing traffic on the Desná Railway are made up of:

- regulations of Železnice Desná, the lists of which are published on the website: <http://www.sart.cz/zeleznice-desna/> and accessible on request.
- regulations of the Railway Administration (according to the agreement on the connection of railways).

1.3.2. Legal status and liability

The obligation to issue and publish the Network Statement is imposed on the Allottee by the provisions of Section 33 of the Railway Act (hereinafter ZoD).

When concluding a contract for the operation of railway transport on railways where this Network Statement applies, or when changing it, the content of this Network Statement cannot be deviated from. The terms and conditions set forth in this Network Statement are binding on both contracting parties.

SART – stavby a reconstruction a.s. (hereinafter SART, the Railway Operator, the Allottee) continuously monitors the correctness of the text and data published in the statement about the railway, with the exception of the data and texts provided, or authorized by other railway operators or service facilities.

SART is not responsible for data and texts provided by other railway operators or service facilities.

1.3.3. Appeals procedure

SART, as the Allottee and Operator, cooperates with the owner of the Desná Railway, i.e. **the Union of Municipalities of the Desná Valley**, on the proposal of the Network Statement on an ongoing basis, depending on the agreed dates for the completion of the preparation of individual parts.

SART – stavby a rekonstrukce a.s., as the Allottee, at least 30 days before the date of publication of the statement on the route, will allow carriers, authorities and other interested parties to comment on its content.

The Office for Access to Transport Infrastructure (hereinafter referred to as "ÚPDI") shall decide, on the proposal of the applicant for the allocation of railway capacity or ex officio, whether any of the parts of the published statement on the railway are not in conflict with the Act on Railways. If the Network Statement was published due to changes to the data contained in it, the proposal can only be submitted regarding these changes. The applicant's proposal for the allocation of railway capacity must contain information on which part of the statement on the railway is in conflict with the Act on Railways, in what this contradiction is perceived, and the identification of the evidence needed to prove it. If the ÚPDI decides that any of the parts of the Network Statement are in conflict with the Act on Railways, it will set a reasonable period in the decision, after which such part cannot be used. The capacity allocator shall replace the part that is in violation of the Act on Railways with a new part, which it shall record in the declaration of the railway and publish the declaration of the railway again. ÚPDI is obliged to issue a decision no later than 40 days from the date of initiation of proceedings.

The ÚPDI, upon the proposal of the applicant for the allocation of railway capacity or ex officio, decides whether the scope of the allocated capacity or the procedure for its allocation does not conflict with the Law on Railways. The proposal must contain information on how the extent of the allocated railway capacity or the procedure for its allocation is seen to be in conflict with the Law on Railways, and the identification of the evidence needed to prove it. If the ÚPDI decides that the range of allocated railway capacity is in conflict with this law, it will order the allocator to re-allocate the railway capacity and determine the method of this allocation. ÚPDI is obliged to issue a decision no later than 40 days from the date of initiation of proceedings.

The ÚPDI shall, at the proposal of one of the contracting parties to a contract on the operation of rail transport, or ex officio, decide whether such a contract is not in conflict with this Act. The proposal must contain information on which part of the contract is in conflict with the Act on Railways, in which this conflict is seen and the identification of the evidence needed to prove it. If the ÚPDI decides that any part of the contract is in conflict with the Act on Railways, it will set a reasonable period in the decision, after which such part cannot be used. ÚPDI is obliged to issue a decision no later than 40 days from the date of initiation of proceedings. Similarly, the ÚPDI will, at the proposal of one of the parties participating in negotiations on the conclusion of a contract for the operation of rail transport, or ex officio, assess whether the proposal for the conclusion of the contract does not conflict with the Act on Railways.

1.4. Structure of the Network Statement

The structure of this Statement of Railway is based on the Common Guide for the structure of the Statement of Railway and for its implementation, adopted by the European Infrastructure Managers associated to RailNetEurope (RNE) (see **Chyba! Nenalezen zdroj odkazů.**), based on the relevant European legal framework. The document is revised when necessary and the latest version is available on the RNE website (<https://www.rne.eu/organisation/network-statements/>). The objective of the Common Guide for the structure of the pathway statement and for its implementation is that all applicants and stakeholders can find the same information in the same place in each pathway statement. The railway statement is structured into 7 parts that make up the main document and appendices giving additional details:

- Part 1 provides **general information** about the railway statement and contacts;
- Part 2 describes the main technical and functional features of the Desná Railway railways;
- Part 3 defines the legal requirements and **conditions of access** to the Železnice Desná railways;
- Part 4 sets out the procedure for **allocating capacity** and train routes;
- Part 5 provides an overview **of the services** provided on the railways of the Desná Railway and the fees for these services. Financial incentives and penalties are also described in this section;
- Section 6 describes **traffic management procedures** including procedures to be followed in the event of a traffic disruption;
- Section 7 provides information on **the facilities of the services** available from the Železnice Desná railways.

1.5. Validity and updating and publication of network statements

1.5.1. Validity period

The railway statement in this version is effective from **13/12/2023** valid for an indefinite period.

1.5.2. Updating

The railway statement is kept up-to-date and modified if necessary - v in accordance with Article 27 paragraph 3 of Directive 2012/34/EU of the European Parliament and of the Council on the creation of a single European railway area.

1.5.3. Disclosure

The statement is published on the websites of the owner of the railway - the Association of Municipalities of the Desná Valley (www.udoli-desne.cz) and the operator of the railway (www.sart.cz). All changes to this document will be updated on the above-mentioned website and will be marked according to § 33 paragraph 5 ZoD .

1.6. Contacts

1.6.1. The owner of the Desná Railway

Association of municipalities of the valley of Desná

Registered office: Šumperská 775, 788 14 Rapotín

ID: 65497074

VAT number: CZ65497074

Legal form: association of municipalities

phone: +420 588 884 415

e-mail: svazek@rapotin.cz

Website : www.udoli-desne.cz

M.Sc. Bohuslav Hudec

Chairman of the
Association of
Municipalities of the
Desná Valley

Tel.: +420 777 357 327

e-mail:

bohuslav.hudec@rapotin.cz

1.6.2. operator and capacity allocator **Železnice Desná**

SART - constructions and reconstruction as

Registered office: Uničovská 2944/1B

ID: 25898671

VAT number: CZ25898671

phone: +420 587 407 502

e-mail: sart@sart.cz

Website : www.sart.cz

Petrov nad Desnou station Priority, dispatcher ŽD

Tel.: +420 583 242 242

+420 972 747 301

e-mail: zddesna@sart.cz

Ing. Ondrej Kolano

Director ŽD

Phone: +420 724 114 224

e-mail: **kolano@sart.cz**

1.6.3. Allocator of capacity at the railway connection - Railway Administration with .

**Railway administration,
state organization**

Address: Prague 1 - Nové
Město, Dlážděná 1003/7,
zip code 110 00

Website

www.spravazeleznic.cz

Infoline of the Railway
Administration:

800 21 00 21

One Stop Shop

Railway Administration,
Timetable Department

Phone: +420 972 244 556

e-mail:

oss@spravazeleznic.cz

Rail Freight Corridor

Railway Administration,
Department of
International Relations

Phone: +420 972 235 856

e-mail:

kralm@spravazeleznic.cz

Contractual relations
Framework contracts

Railway Administration,
Department of
Commercial and
Contractual Relations

Phone: +420 972 244 267

e-mail:

slachta@spravazeleznic.cz

Contracts on the operation
of rail transport

Railway Administration,
Department of
Commercial and
Contractual Relations

Phone: +420 972 244 267

e-mail:

slachta@spravazeleznic.cz

Requests for railway capacity

Annual timetable

Railway Administration,
Timetable Department

Phone: +420 972 244 991

e-mail:

kubena@spravazeleznic.cz

1.6.4. Important state administration bodies

Ministry of Transportation

Address:

nábřeží Ludvík Svoboda 1222/12, 110
15 Prague 1

Phone:

+420 225 131 111

E-mail:

posta@mdcr.cz

Data box:

n75aau3

Website **www.mdcz.cz**

train office

Address: Wilsonova 300/8, 121 06 Prague 2 -
Vinohrady
Phone: +420 972 241 839
E-mail: **podatelna@ducr.cz**
Data box: 5 years etc
Website **www.ducr.cz**

Railway inspection

Address: Těšnov 1163/5, 110 00 Prague 1
Phone: +420 736 521 003
E-mail: **mail@dicr.cz**
Data box: vi6aigp
Website **www.dicr.cz**

Transport Infrastructure Access Authority

Address: Myslíkova 171/31, 110 00 Prague 1
Phone: +420 225 131 111
E-mail: **podatelna@updi.cz**
Data box: yhygbyn
Website **www.updi.cz**

1.7. Cooperation Between European IMs/ABs

The company SART – stavby a rekonstrukce a.s. is not a member of any organization of railway operators.

The company SART – stavby a rekonstrukce a.s. monitors the activities of RailNetEurope (RNE), which is an umbrella organization of European railway operators and capacity allocators. RNE facilitates international railway business by developing harmonized international business processes in the form of templates, manuals and guidelines as well as IT tools.

More information about RNE can be found at <https://rne.eu/organisation/>.

The company SART – stavby a rekonstrukce a.s. cooperates closely with the companies Správa železnic s.r.o., České dráhy a.s., ČD Cargo s.r.o., as

2. Infrastructure

2.1. Introduction

This chapter contains a description of the functional and technical characteristics of the Desná Railway railways. It is formulated to meet the information needs of existing and new capacity applicants in connection with rail transport planning. In the text of the chapter, references are made to railway operator documents, technical regulations, additional information and regulations, etc.

The general validity of the information given in this section is limited by the facts known at the time of processing of this Declaration on the railway.

2.2. Extent of Network

2.2.1. Limits

The Desná railway consists of two regional railways Šumperk – Petrov nad Desnou – Sobotín (km 13.475 – km 22.155) and Petrov nad Desnou – Kouty nad Desnou (km 0.00 – km 13.460).

2.2.2. Connecting Railway Networks

The point of contact between the ŽD regional railway owned by the Association of Municipalities of the Desná Valley and the regional railway managed by the SŽ is žst . Šumperk at km 13,475.

2.3. Network description

Description of the regional railway Šumperk - Petrov nad Desnou - Sobotín:

- The railway is connected to the regional railway Zábřeh na Moravě - Šumperk at the railway station
- Šumperk at km 13.475 at the level of the entrance sign " PS".
- The railway is terminated at the Sobotín transport station by the stop of piece railway no . 2c at km 22.155.
- The construction length of the railway is 9.489 km.
- The railway station is Petrov nad Desnou; transport station with rail branching Sobotín and the stops Vikýřovice near the pension, Vikýřovice, Vikýřovice-Lesní and Petrov nad Desnou stop.
- At the Petrov nad Desnou railway station, there is a train station no . 1 at km 18,486 at the entrance to the regional railway Petrov nad Desnou - Kouty nad Desnou.
- In the Sobotín traffic station , at km 22.023, there is a switch no . 5 to dormitory no . 1 mouth to the railway - "DESNÁ, as MS Sobotín" siding.

Description of the regional railway Petrov nad Desnou - Kouty nad Desnou:

- The railway connects to the regional railway Šumperk - Petrov nad Desnou - Sobotín
- at the Petrov nad Desnou railway station in railway no. 1 at km 18.486 = km 0.000 of the regional railway Petrov nad Desnou - Kouty nad Desnou.
- The railway ends at the Kouty nad Desnou transport depot at the stop of piece railway No. 1a in km 13,460.
- The construction length of the railway is 16.357 km.
- On the line there are transport stations with rail branching Velké Losiny, Loučná nad Desnou and Kouty nad Desnou; stop and freight yard Loučná nad Desnou- Rejhotice and stops Rapotín stop, Rapotín, Velké Losiny castle, Velké Losiny stop and Loučná nad Desnou-Filipová.

2.3.1. Railway typologies

| | |
|----------------------|----------|
| Total railway length | 22.14 km |
| of which monorail | 22.14 km |
| Traffic | two-way |

| | |
|--|------------------|
| Construction length of railways in total | 25.846 km |
| The length of railways with a speed of up to 80 km·h ⁻¹ | 22.14 km |
| Traction system | IT 3 kVds |
| Railway radio system | channel group 70 |
| The longest passenger train length | |
| Šumperk - Kouty nad Desnou | 90 m |
| Petrov na Desnou - Sobotín | 60 m |
| The longest freight train length | |
| Šumperk – Velké Losiny | 200 m |
| Velké Losiny – Kouty nad Desnou | 120 m |
| Number of switches | 28 pcs |
| Number of bridges | 10 pcs |
| number of level crossings | 52 pcs |
| Number of stations (transports) equipped with security equipment | |
| electronic | 1 |
| electromechanical (mechanical) | 3 |
| remote controlled | 3 |

2.3.2. Railway gauges

Regional railways consist of railways with a normal gauge, determined in accordance with the decree of the International Railway Union - UIC No. 510, i.e. 1,435 mm.

2.3.3. Stations and Nodes

Route: Šumperk - Petrov nad Desnou - Kouty nad Desnou

Km 12,621 Šumperk

Zst . at the intersection of the railways served by the allocator and the railway operator Správa železnik co .

Km 14,286 Vikýřovice At the guesthouse
BUS STOP

Km 15,618 Vikýřovice
BUS STOP

Km 16,640 Vikýřovice - Lesní
BUS STOP

Km 18,487=0,000 Petrov nad Desnou
Seat of the conducting dispatcher; operation is controlled by conducting at the junction of the railways.
A station with multiple railways allowing trains to cross.

Km 1,044 Rapotín stop
BUS STOP

Km 1,660 Rapotín
BUS STOP

Km 2,900 Velké Losiny castle
BUS STOP

| | |
|-----------|---|
| Km 3,760 | Velké Losiny A station with multiple railways allowing trains to cross. The operation is managed according to ŽD regulation D3 Regulation for simplified management of rail transport. |
| Km 5,090 | Velké Losiny stop BUS STOP |
| Km 7,690 | Loučná nD . - Filipova BUS STOP |
| Km 9,636 | Loučná nad Desnou A station with multiple railways allowing trains to cross. The operation is managed according to ŽD regulation D3 Regulation for simplified management of rail transport. |
| Km 11,697 | Loučná nD . – Rejhotice Stop and freight yard |
| Km 13,268 | Kouty nad Desnou A station with multiple railways allowing trains to cross. The operation is managed according to ŽD regulation D3 Regulation for simplified management of rail transport. |

Route: Petrov nad Desnou - Sobotín

| | |
|-----------------|--|
| Km 18,487=0,000 | Petrov nad Desnou Seat of the conducting dispatcher; operation is controlled by conducting at the junction of the railways. A station with multiple railways allowing trains to cross. |
| Km 19,585 | Petrov nad Desnou stop BUS STOP |
| Km 21,885 | Sobotín A station with multiple railways allowing trains to cross. The operation is managed according to ŽD regulation D3 Regulation for simplified management of rail transport. |

Additional information on the length of platforms and railways (their type and length) in the stations can be found in a clear list on the website of SART as <http://www.sart.cz/zeleznice-desna/>.

2.3.4. Loading Gauge

For the regional railways of Železnice Desná, the basic cross-section Z-GC applies for the standard gauge railway based on the cross-sections of the European Committee for Standardization CEN (EN 15273-3), which were created on the basis of reference kinematic contours for GC vehicles. The basic passage cross-section valid for a straight railway and a railway in an arc with a radius of 250 m and more is shown in the figure below (Figure 1). In curves with a radius of less than 250 m, the width dimensions of the basic cross-sections, including the free lateral spaces of the cross-sections, are increased according to internal regulations.

Only devices that change their position when interacting with vehicles (railway brakes in working position, catenary wires on electrified lines, etc.) can interfere with the passage cross-section, if these devices have a precisely defined contact with parts of the vehicles for which they are intended inside the passage cross-section intended, and if they cannot come into contact with other parts of the vehicles. For the platform edge at a height of 550 mm, the provisions of ČSN 73 6320 for the nominal cross-section are used.

Places on the railway and in stations where the free lateral space of the cross-section is not respected are listed in Table No. 5 of the TTP ŽD Railway Conditions Table (available on request from the railway operator).

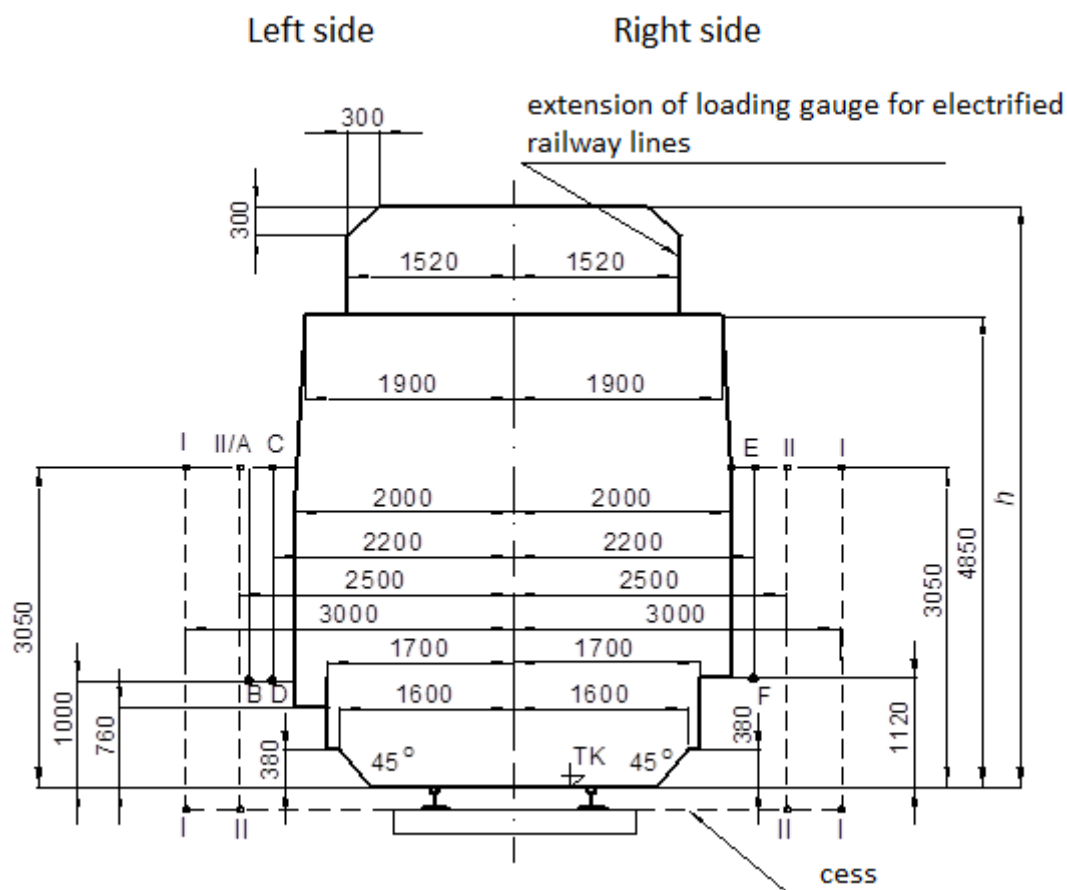


Figure 1: Outline of the Z-GC cross-section and free walking and handling space (applies to straight railway and arc radius $R \cdot 250$ m)

For Figure 1, it applies

Left side

- for railway railways (also at stops),
- for main railways in stations and switches,
- for transport railways driven by trains for the transport of passengers,
- side free spaces

A - B for equipment on the outside of the outer railways and the structure,

C - D for devices between rails,

Real food

- for other railways in stations and switches,
- lateral free space

E - F for all buildings and equipment

I – I free walking and handling space (basic),

II – II free walking and handling space (narrowed),

h - height of the cross-section extension for electrified lines

I – I free walking and handling space (basic),

2.3.5. Railway class

The classification of Železnice Desná railways into railway classes is shown in Table No. 3 of the TTP ŽD Railway Ratio Tables (available on request from the railway operator).

2.3.6. Line Gradients

The maximum slope of the Desná Railway railways is given in Table No. 1 of the TTP ŽD Railway Ratio Table (available on request from the railway operator).

2.3.7. Maximum Line Speed

The railway conditions determining the railway speed are listed in Table No. 6 of the TTP ŽD Railway Conditions Table (available on request from the railway operator).

2.3.8. Maximum Train Lengths

The maximum permitted train lengths are listed in Table No. 1 of the TTP ŽD Railway Conditions Table (available on request from the railway operator).

2.3.9. Power Supply

The Šumperk – Petrov nad Desnou – Kouty nad Desnou regional line is electrified, the Petrov nad Desnou - Sobotín line is not electrified.

The traction system on the line Šumperk – Petrov nad Desnou – Kouty nad Desnou is IT 3 kVss .

SART - constructions and reconstruction as does not manage or operate refueling facilities, these facilities are not available on ŽD.

2.3.10. Signalling systems

The signal system is made up of a uniform system of visible signals in the specified design, shape and color and audible signals in the specified design. The signaling system enables easy, quick and unambiguous expression and perception of signals and ensures the safe operation of rail transport. The basic signals of the signal system are listed in Annex No. 1, Part I, Decree of the Ministry of Transport No. 173/1995 Coll. of June 22, 1995, which issues the Railway Traffic Regulations as amended (hereinafter referred to as "Decree No. 173/1995 Coll."). Other signals used are listed in the internal regulations of the railway operator.

Signals are given by means of a signaling device (e.g. flag, lamp, signal board), or by hand (manual visible signals), or by sound (sound signals), or by means of mechanical or light signals and fixed signals (visible signals), or verbally by instruction.

2.3.11. Traffic Control Systems

The organization of rail traffic is carried out by conducting, train traffic is controlled from one place (zst . Petrov n. D.) and the train driver communicates from the traffic office with the person controlling rail traffic in spatial sections. When crossing or overtaking trains, the entrance railway must be determined in advance, or it can be determined which train will enter the depot first.

On the railway section, communication between the train escort and the person who controls the rail transport must be ensured by means of communication equipment from the transport

company Velké Losiny, Loučná nad Desnou, Kouty nad Desnou, Sobotín, or even from the train. The train may not depart from the specified transport station without the consent of the person managing the railway transport.

On the Petrov n. D. – Sobotín and Petrov nD line . – Corners n.d. _ where rail transport is organized in such a way that only one train or moving rail vehicle moves in specified spatial sections. The train has a pre-determined traffic area where trains cross or overtake (Velké Losiny, Loučná nad Desnou, Kouty nad Desnou, Sobotín), simplified rail traffic management is used.

D3 conveyors outside the conducting station are not permanently occupied.

The Executive Regulation applies to the organization and management of simplified transport for individual routes.

Train runs on ŽD lines are secured using a RZZ-DRS-type security device, which is operated by a dispatcher at ŽST. Petrov n/a from the JOP workplace using the REMOTE 98 control and diagnostic system.

2.3.12. Communication systems

Designated employees are responsible for meeting most of the safety requirements for safe train travel.

Radio links:

Railway radio network:

Basic Radio Link (TRS) - channel group 70

Spare radio connection : MT O2 – RADOM (calls recorded)

Emergency radio link:

Mobile phone assigned to the driving vehicle.

Local Radio Networks (MRS):

General Operating Network (VOS) - Frequency 148.837MHz, Channel 1.3

Train Handling Network (SMV) - Frequency 153.485 MHz, Channel 21

The organization of radio traffic at workplaces in the Železnice Desná district is determined by the Operating Rules of Local Radio Networks (available on request from the railway operator).

Another communication system is the mobile phone.

2.4. Traffic restrictions

The railway operator is not liable to the carrier for the restriction of train travel caused by:

- weather conditions preventing the proper operation of rail transport,
- traffic situations caused by extraordinary events according to Section 49 of the Act on Railways, which do not arise from the activities of the Railway Operator or the activities of the Railway Administration . in managing and organizing rail transport,
- the carrier in the event of his failure to comply with the conditions for operating rail transport,
- actions of third parties, whereby "third parties" are considered to be those who have no obligation to SART,
- announcement of regulatory measures in rail transport during crisis situations,
- restriction of railway operation, which was implemented in accordance with applicable legislation.

In these cases, the railway operator is not obliged to compensate the carrier for the damage incurred.

The railway operator (SART – stavby a rekonstrukce a.s.) and the Railway Administration co. (at the junction of the railways) organizes and manages the operation of rail transport in such a way that rail transport runs safely and smoothly in compliance with the established train schedule. SART – stavby a rekonstrukce a.s. is proceeding in accordance with the relevant provisions of ŽD's internal regulations.

If the carrier or a third party causes the travel of another carrier's train to be restricted, SART - stavby a reconstruction as is entitled to provide the injured carrier with all available documents to prove responsibility for the damage caused.

The person who causes the restriction of rail transport is obliged to immediately ensure the removal of the reason for the disruption of rail transport.

In the event of the aforementioned traffic restriction, the railway operator will provide cooperation to the best of its ability.

If the originator of the restriction does not ensure the removal of the reason for the restriction of rail transport or is unable to do so himself, the railway operator may ask other carriers and third parties for cooperation in removing the reason for the restriction. Other carriers are obliged, upon request, to cooperate in removing the cause of the disruption, unless they are prevented from doing so by other serious circumstances.

The costs associated with the provision of assistance and for all damages and costs incurred by this disruption, both to the railway operator and to other carriers or third parties, are borne by the party that caused the disruption.

The originator of the restriction is obliged to pay these demonstrable costs.

2.4.1. Specialized infrastructure

The railway operator limits the use of the allocated capacity of the railway on the railways of regional railways to vehicles where the equipment of the driving, control, special vehicle or workers enables full communication according to the internal regulations of the railway operator.

Access to the railway is allowed only to applicants operating rail vehicles technically suitable for operating rail transport on the lines of the Železnice Desná according to the parameters listed in the Tables of TTP ŽD railway conditions (available on request from the railway operator).

2.4.2. Environmental Restrictions

The carrier, as a person who uses or operates machinery and equipment that is a source of noise or vibration, is in compliance with Act No. 258/2000 Coll., on the protection of public health and the amendment of some related laws, and with Government Regulation No. 272/2011 Coll., on the protection of health from the adverse effects of noise and vibrations, during the operation of railway vehicles and other equipment, responsible for compliance with the hygienic noise limits established by valid legislation.

The carrier is responsible for not using a rail vehicle whose condition endangers the environment or whose cargo is not properly stored and secured. In the event of poor securing of the cargo, when there is leakage of the transported goods during the parking of the railway vehicles or while they are running (dripping, flying of dust particles, etc.), the carrier is obliged to take such measures as will prevent further leakage of the transported goods (securing the transported goods, sprinkling them) , reduction of train speed, etc.). If the carrier

does not take such steps, the railway operator reserves the right to limit or stop the journey of such a train.

The carrier is obliged to take its own measures to eliminate negative impacts on the environment, if this has happened in connection with the operation of railway vehicles, even if another entity is to blame. The carrier, whose activities have caused damage to the environment, is obliged to immediately ensure corrective measures. If this is not possible for the carrier or expedient for serious reasons, he is obliged to compensate the environmental damage to the railway operator in another way (compensation), or compensate this damage in money.

2.4.3. Dangerous Goods

When transporting dangerous goods, the carrier is obliged to respect the national generally applicable legal regulations for environmental protection and the Regulations for the International Rail Transport of Dangerous Goods (RID), as amended at the start of such transport.

2.4.4. Extraordinary shipments

A shipment is considered extraordinary if, due to its external dimensions, weight or nature, taking into account the railway vehicles used and the transport capabilities of the affected railways, they require the adoption and implementation of special technical or operational measures.

Extraordinary consignments may be transported only after meeting the conditions set by the railway operator.

2.5. Availability of the Infrastructure

In accordance with the provisions of § 23b ZoD , the railway operator is entitled to limit the operation of the railway or its part for a period of time necessary due to maintenance or repair of the railway, construction of the railway or construction on the railway, disruption of the operability of the railway as a result of a natural event, accident or extraordinary event, or other activities that threaten the safe operation of the railway or railway transport.

If the restriction of railway operation also results in a restriction of rail transport, the operator will draw up a restriction plan for restrictions lasting more than 24 hours. He will discuss the draft of this plan with the carriers, the capacity allocator, the region in whose jurisdiction the restriction is located and possibly with the Ministry of Transport, if it is a restriction of transport operated on the basis of a public service contract. A representative of ÚPDI may participate in the discussion.

The draft plan for limiting the operation of the railway or its part is approved by the ÚPDI after its consideration in accordance with the Act on Railways.

Neither the agreement on the restriction of transport nor the decision of the authority ceases the carriers' right to compensation for increased costs in the sense of ZoD .

If, in the case of planned restrictions, the carriers incur increased costs related to the provision of alternative transport, the operator will reimburse the carriers for these increased costs. The increased costs will only be compensated for carriers operating public rail transport based on a public service contract. The railway operator will pay the increased costs, if the applicant

can prove to him the amount of costs incurred by him directly related to the provision of alternative transport and the amount of savings associated with the interruption of rail transport in accordance with the implementing decree. If the carrier is entitled to reimbursement of costs incurred directly related to the provision of alternative transport on the basis of a contract on public services in the transport of passengers, it shall also provide demonstrable evidence of the amount of this claim.

Furthermore, according to the Act on Railways, the railway operator is entitled to limit the operation of the railway for reasons of activities not specified in the approved restriction plan, as regards:

- a) restoring the operability of the railway after it has been disrupted by a natural or extraordinary event,
- b) maintenance or repair of the railway, if the expected period of restriction does not exceed 24 hours or if there is no restriction on the operation of rail transport on the railway, or
- c) maintenance or repair of the railway, if the conditions under letter b) are not met, but the execution of these activities will not be delayed.

In these cases, the railway operator is obliged to notify the concerned carrier, the owner of the railway and the ÚPDI without undue delay, together with the reasons for its action and the expected period of restriction. If the legal conditions are not met, the ÚPDI will impose on the railway operator the resumption of operation of the railway and will set a reasonable deadline for this.

The railway operator is also authorized to limit the allocation of railway capacity even in the case of extraordinary events, adverse weather effects, natural disasters, when regulatory measures are announced in railway transport in crisis situations, etc., see also chapter 6.3.3.

According to Section 23b of the Act on Railways, railway vehicle runs for regular measurements and test runs for the technical safety test of the railway, which are ordered by the Decree of the Ministry of Transport 177/1995 Coll., which issues the construction and technical regulations for railways, as amended, are grounds for authorization according to Section 23b of the Railway Act railway operator to limit the operation of the railway or its part for a period of time that is absolutely necessary.

See also chapter [Chyba! Nenalezen zdroj odkazů.](#)

The range of exclusions is provided by the company SART - stavby a reconstruction as on the portal <http://www.sart.cz/zeleznice-desna/>.

2.6. Infrastructure development

The company SART – stavby a rekonstrukce a.s. in cooperation with the owner of the ŽD railways, the Union of Municipalities of the Desná Valley, creates plans for the purpose of maintaining and improving the condition of the ŽD railways. These plans are provided by the company SART - stavby a reconstruction as on request.

The above plans are the basis for setting goals in the preparation of annual safety reports.

3. Access conditions

3.1. Introduction

Part 3 of this Railway Statement describes the principles and conditions for applicants' access to the regional railways of Železnice Desná.

3.2. General Access Requirements

The basic legislative conditions for the operation of rail transport on railway railways, as well as the related rights and obligations of natural and legal persons, are created in the Czech Republic by Act No. 266/1994 Coll., on Railways, as amended, and its implementing regulations as amended .

3.2.1. Conditions for Applying for Capacity

A request for the allocation of railway capacity can be submitted to the Railway Operator by a legal entity or a natural person who holds a valid license, or a person who does not hold a valid license and has fulfilled all the conditions set by law. The allocated railway capacity may only be used by the applicant to whom the capacity has been allocated and who is a license holder, or by a license holder who has made a declaration according to [chapter 4.2.3](#) in the event that the applicant does not have a valid license.

An applicant who intends to submit a request for the allocation of railway capacity for the purpose of operating passenger rail transport without a contract for public services in the transport of passengers in accordance with the directly applicable regulation of the European Union governing the economic balance test, shall notify this fact no later than 18 months before the date of entry into force of the ÚPDI timetable and the allocator capacity of the railway concerned. The allocator will not allocate railway capacity for the purpose of operating passenger rail transport without a contract for public services in the transport of passengers, unless the applicant announces his intention. The allocator will also not allocate railway capacity until the decision of the ÚPDI becomes legally binding, if a request for an assessment of the economic balance has been submitted.

The allocator will allocate the railway capacity only if the conditions for the railway capacity allocation set by ZoD and the decision of ÚPDI are met.

Allocated railway capacity is non-transferable and non-negotiable.

3.2.2.

3.2.3. Conditions for Access to the Railway Infrastructure

An application for the allocation of railway capacity can only be submitted to the Allocator by an authorized applicant who meets the conditions for operating rail transport on a regional ŽD railway:

A carrier that is within the meaning of the following may operate rail transport on a regional ŽD line

- § 24a ZoD
 - a) is established in a Member State;
 - b) is the holder of a valid license and carrier certificate issued by the railway administrative office or the European Union Agency for Railways, or if the applicant is not the holder of a valid license for the operation of rail transport on the relevant line, submits a written statement to the allocator in accordance with § 34 paragraph 2 ZoD before the allocation of railway capacity of the license holder that, in the case of allocation of railway capacity, he will actually use this capacity. Only one license holder can make such a declaration for a certain part of the railway's capacity. If the applicant does not submit this statement, the allocator will not allocate the railway capacity to him;
 - c) has an allocated railway capacity;
 - d) has a contract with the railway operator on the operation of rail transport, if he is not the same as the railway operator.

- is blameless within the meaning of § 26 ZoD ,
- is professionally qualified in the sense of § 27 ZoD ,
- is financially eligible in the sense of § 28 ZoD

The carrier may only operate rail transport on the ŽD line if:

- has a contract for the operation of railway transport, if it is not the same as the railway operator,
- has an assigned railway capacity,
- a price has been agreed for the use of the railway in accordance with the price regulations and the method of its payment has been determined,
- in the case of the transport of an extraordinary shipment, special technical and operational conditions have been negotiated with the railway operator, which enable this transport.

3.2.4. Licensec

In the Czech Republic, the administrative body responsible for issuing licenses to operators of rail transport on national and regional railways is the Railway Office (see chapter 1.6).

More detailed information on the conditions for issuing a license to operate rail transport and the conditions for issuing a carrier's certificate can be found on the website of the Railway Office, see:

<https://www.ducr.cz/cs/potrebuji-si-vyridit/sekce-provoznetechnicka/provozovani-drahy-drazni-dopravy>.

Pursuant to § 25 ZoD, upon request, the Railway Administrative Office will grant authorization to operate rail transport on national and regional lines, if the applicant

- a) is over 18 years of age and fully autonomous, if it is a natural person,
- b) is blameless
- c) is professionally qualified,
- d) is financially eligible,
- e) did not seriously violate labor law regulations,
- f) has not seriously violated customs regulations in the case of an authorization to operate freight rail transport,
- g) is insured on the date of commencement of rail transport operations in the event of an obligation to compensate for damage caused by this operation and
- h) is established on the territory of the Czech Republic.

3.2.5. Safety Certificate

If the applicant intends to operate rail transport only on the territory of the Czech Republic or on the territory of another member state on a section of railway near the state border of the Czech Republic, he submits an application for the issuance of a carrier's certificate to the railway administrative office or the European Union Agency for Railways. If the applicant intends to operate rail transport also in another Member State, if it is only a section of the railway according to the first sentence, he shall submit an application for the issuance of a carrier's certificate to the European Union Agency for Railways.

The carrier must have a carrier's certificate (unified safety certificate) that applies to the national and regional railways or to a part of them on the date of commencement of railway transport on the national railway or on the regional railway.

In the Czech Republic, the railway administrative authority responsible for issuing certificates to operators of rail transport on national and regional railways is the Railway Authority (see chapter 1.6).

The requirements for submitting an application and issuing a certificate are listed in:

- § 31a ZoD ,
- Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 laying down practical rules for issuing uniform safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council

More detailed information on the conditions for issuing a certificate for the operation of rail transport and on the conditions for issuing a carrier's certificate can be found on the website

- Railway Authority see
- <https://www.ducr.cz/cs/potrebuji-si-vyridit/sekce-provoznetechnicka/provozovani-drahy-drazni-dopravy>
- European Railway Agency ERA
https://www.era.europa.eu/applicants/applications-single-safety-certificates_en

3.2.6. Insurance

Obligations of the carrier are established by § 35 ZoD . Here is the obligation of the carrier to take out insurance on the day of commencement of rail transport in the event of an obligation to compensate for damage caused by the operation of rail transport and to pay insurance premiums, and to have this insurance arranged and premiums paid for the entire period of operation of rail transport, while the minimum amount of insurance payment is set on the railways of the Železnice Desná in the amount of 50,000,000 CZK

3.3. Contractual Arrangements

3.3.1. Framework agreement

In accordance with Article 14 of Commission Regulation (EU) 2016/545, on procedures and criteria relating to framework agreements for the allocation of railway infrastructure capacity, the railway operator does not offer or conclude framework contracts for the reservation of railway capacity.

3.3.2. Contract with RUs

The safe operation of rail transport on the Železnice Desná railway line requires the cooperation of all parties involved. In this process, they are the carrier, the railway operator and the railway owner. Their mutual relations are defined by a bilateral contractual arrangement. For a carrier that enters the Desná Railway regional railway for the purpose of operating rail transport, this is a contract for the operation of rail transport on a regional railway owned by the Association of Municipalities of the Desná Valley, negotiated between the carrier and the railway operator.

The carrier is obliged to operate rail transport according to the contract concluded with the railway operator on the operation of rail transport on the railway. The railway operator is

obliged to provide the carrier with contractually agreed services of standard quality and in a non-discriminatory manner.

The carrier and the operator of the railway on which the transport is to be operated are bound by the scope and conditions set out in the decision on the license and the carrier's certificate when concluding a contract for the operation of rail transport on the railway.

If, during the conclusion of a contract for the operation of rail transport between the railway operator and the carrier, a dispute arises regarding the determination of specific conditions for the operation of rail transport, the railway administrative office - ÚPDI will decide at the request of one of them.

3.3.2.1. Contract between RU and the railway operator (SART – stavby a rekonstrukce a.s.)

Business terms are negotiated by SART – stavby a rekonstrukce a.s. with the carrier before the start of rail transport operations, by concluding a bilateral contract.

The subject of the contract is the regulation of the mutual rights and obligations of the contracting parties when using the regional railway.

Standard format of the contract between the carrier and the railway operator:

CONTRACT

on the operation of railway transport on regional railways owned by the Association of Municipalities of the Desná Valley

- Article I. Subject of Agreement, Official Authorization and License*
- Article II. Operation of rail transport*
- Article III. Payment Terms*
- Article IV. Extraordinary events*
- Article V. Final Provisions*
- Appendix 1. Report of summary performances on the regional railway*

3.3.3. Contract with non-RU Applicants

The condition for the allocation of railway capacity to an applicant who does not hold a valid license is the fulfillment by the applicant of the conditions laid down by law and the conclusion of the Agreement on the allocation of railway capacity between the railway operator and the applicant who does not hold a valid license. The subject of this contract is the regulation of the mutual rights and obligations of the contracting parties when ordering and allocating railway capacity and its subsequent use.

Standard contract format between an applicant without a valid license and a railway operator:

CONTRACT

on the allocation of railway capacity on a regional railway owned by the Association of Municipalities of the Desná Valley with an applicant who does not hold a valid license,

- Article I. Subject of the contract,*
- Article II. Rights and obligations of the Contracting parties*
- Article III. Payment Terms*
- Article IV. Final Provisions*

3.3.4. General Terms and Conditions

The operator of regional railways, owned by the Association of Municipalities of the Desná Valley, does not independently issue general terms and conditions or apply them.

The conditions of access to the railway are regulated by the applicable legislation, this Statement on the railway and the contract.

3.4. Specific Access Requirements

3.4.1. Rolling Stock Acceptance

The basic rules for the operation of railway vehicles on national and regional railways are laid down in the Act on Railways.

Authority in the area of vehicle approval is exercised by the European Union Agency for Railways, in the scope and manner according to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and on the repeal of Regulation (EC) no. 881/2004 and any implementing regulations.

On a national or regional railway, the carrier may only operate such a railway vehicle,

- a) for which a marketing authorization has been issued by the railway administrative authority or the European Union Agency for Railways,
- b) which is registered in the register of railway vehicles or a similar register of another member state or in the European register of vehicles,
- c) which is technically compatible with this railway in accordance with the technical specification for interoperability and with the data contained in the railway register according to the directly applicable regulation of the European Union regulating the specifications of the railway infrastructure register and
- d) for which, in the case of its connection with another rail vehicle, this connection is made safely in accordance with the technical specification for interoperability and the system for ensuring the safety of rail transport.

The Railway Administration Office shall register a railway vehicle at the request of its owner in the register of railway vehicles,

- a) if the railway vehicle has been issued with a permit to put it on the market by the railway administrative office or the European Union Agency for Railways and
- b) if the area of operation according to § 31a paragraph 2 letter c) in relation to a railway vehicle, a railway on the territory of the Czech Republic.

For more information, visit www.ducr.cz.

If the carrier or its employee discovers that the vehicle being operated threatens the safety of rail transport, it is obliged to immediately take measures to prevent the occurrence of a potential emergency or to reduce its consequences.

It is possible to operate a railway vehicle on the railways which, due to its design and technical condition, meets the requirements of the safety of railway transport, operators, transported persons and things, and whose technical capability has been proven in accordance with the approved type and which does not endanger the environment.

In relation to the vehicles it operates, the carrier is obliged to fulfill its obligations according to the ZoD .

Only railway vehicles whose wheels are maintained in accordance with ČSN EN 15313 can be operated on the railways operated by SART.

3.4.2. Staff Acceptance

The requirements for the medical fitness of employees ensuring the operation of railways and rail transport are set out in Decree of the Ministry of Transport No. 101/1995 Coll., which issues the Order on the Medical Fitness of Persons in the Operation of Railways and Rail Transport, as amended. The requirements for the professional competence of persons driving a railway vehicle are established by Decree No. 16/2012 Coll., on the professional competence of persons driving a railway vehicle and persons carrying out revisions, inspections and tests of specified technical equipment and on the amendment of the Decree of the Ministry of Transport No. 101/1995 Coll., which issues the Order for the health and professional fitness of persons in the operation of railways and rail transport, as amended.

Specific requirements for the professional competence and knowledge of persons ensuring the operation of rail transport and the method of their verification, including the system of regular training, are determined by each carrier by internal regulation.

Specific requirements for the professional competence and knowledge of persons providing activities related to the organization and management of rail transport and the method of their verification, including the system of regular training, shall be determined by the railway operator in an internal regulation.

Access to the operated railway railway, land and ŽD buildings is permitted to persons who hold an employee card of the railway transport operator.

All other persons must apply for permission to enter the operated railway railway, land and buildings owned by the ŽD Owner. The permit is issued by the railway operator on the basis of a request submitted in writing or electronically to zddesna@sart.cz, according to the OZD directive - Requirements for the professional competence of suppliers for activities on the Železnice Desná railway operated by the company SART – stavby a rekonstrukce a.s.

In accordance with the provisions of § 35 paragraph 2 letter p) of the Act on Railways, the carrier shall notify the railway operator immediately after the start of driving the railway vehicle to the driver of the following information: the moment of starting the driving of the railway vehicle, the license number of each driver who drives an active driving vehicle on the train and the European vehicle number. After driving a rolling stock, the following information will be communicated to the train driver: the moment the rolling stock stopped driving, the license number of each train driver who drove an active driving vehicle on the train and the European vehicle number.

The information will be forwarded to the operator in a data file (.xls , .dat , etc.), in a format approved by the Railway Authority (**Appendix No. 1**) , via the licence@sart.cz, or in another agreed upon manner. The file will be encrypted and its access will be allowed exclusively for the needs of the Railway Office. The employees of the operator SART – stavby a rekonstrukce a.s. will not have access to data that would enable closer identification of the holder of the license number. Transfer of information according to § 35 paragraph 2 letter p) of the Act on Railways by operators in other alternative ways is possible, after their approval by the railway operator.

In the event that these conditions are not met, the railway operator will notify the Railway Office of this fact.

3.4.3. Extraordinary transport and dangerous goods

The carrier is obliged to discuss with the railway operator every transport of an extraordinary shipment and the transport of dangerous goods according to the internal regulation of the railway operator affected by this transport.

The discussion of the conditions of extraordinary transport and the transport of dangerous goods must be completed with all railway operators affected by the transport before it starts.

3.4.3.1. Exceptional Transport

A consignment is considered extraordinary if, due to its external dimensions, weight or nature, taking into account the parameters of the railway vehicles used and the railways affected by the transport, it requires the adoption and implementation of special technical or operational measures on the part of any participating railway operator.

The following are considered Exceptional Transport(hereinafter referred to as "MZ"):

- a) Shipments exceeding the load capacity (hereinafter referred to as "PLM"), vehicles exceeding the traffic contour;
- b) Overweight Shipments;
- c) Shipments of extraordinary length;
- d) Other shipments:
 - a railway vehicle for which the Railway Authority has decided that it may be operated under special technical and operational conditions (as a special, extraordinary shipment),
 - shipments loaded on wagons with more than 8 axles.
 - other shipments not listed above, which result from European standards, agreements and conventions.

Extraordinary consignments may be transported only after meeting the conditions set by the railway operator.

3.4.3.2. Dangerous goods

When transporting dangerous goods, the carrier is obliged to comply with the Regulations for the International Transport of Dangerous Goods by Rail (RID) as amended and national generally applicable legal regulations for the protection of the environment when starting such transport, or other internal regulations and documents of the railway operator.

The carrier may transport dangerous goods according to the RID under the conditions specified in the RID . When transporting dangerous goods, the carrier must ensure that the railway operator has at least the following information available:

- train composition,
- placement of a car with dangerous goods on the train,
- UN numbers of transported dangerous goods,
- the presence of dangerous goods packed in limited quantities according to chapter 3.4 of RID, if only dangerous goods packed in limited quantities are transported,
- weight of transported dangerous goods.

The carrier forwards this data to the railway operator even before the train departs from the starting station, or from the place of inclusion of the car with dangerous goods in the train.

Parking of cars with dangerous goods must be discussed in advance by the carrier with the railway operator. In particular, the following must be agreed upon and approved by the railway operator:

- parking place for cars with dangerous goods (station, railway),
- parking time for cars with dangerous goods,

- whether vehicles with dangerous goods will be monitored and who will ensure it,
- where train documentation and transport documents will be stored.

Procedures for extraordinary events (escapes, accidents, etc.) are dealt with by internal regulations and other documents of the railway operator. The carrier is obliged to provide its own procedures respecting the principles established by the railway operator to the railway operator upon request.

Carriers and other legal or natural persons involved in the transport of high-risk dangerous goods must adopt and apply such safety measures to ensure the safe handling and transport of dangerous goods by establishing the responsibilities and rules for the handling of the so-called Safety Plan. This Safety Plan will be prepared by the carrier in accordance with the internal regulations of the Railway Operator, with the legislation of the Czech Republic and the EU. The price for the allocation of railway capacity, the price for the use of the railway and the rules for their calculation

4. Capacity allocation

4.1. Introduction

The capacity of the railway, i.e. the ability to insert the train routes required on a certain part of the railway in a certain period of time, is expressed by the number of train routes that can be constructed in a certain period of time with the given technical, operational and personnel equipment and while maintaining the necessary quality of traffic.

The company SART- stavby a reconstruction as allocator allocates in accordance with § 32 ZoD the capacity of the railway, namely on the regional railway owned by the Association of Municipalities of the Desná Valley.

The applicant cannot transfer the allocated capacity of the railway to other persons, while the use of the capacity allocated to the applicant, who is not the holder of a valid license, by the carrier specified in the application is not considered a transfer of capacity.

4.2. General description of the process

4.2.1. Capacity request

Regular requests for the allocation of railway capacity in the annual timetable, late requests for the allocation of railway capacity in the annual timetable are submitted by the applicant to SART – stavby a reconstruction a.s. in the Czech language in writing to the address:

SART - constructions and reconstruction as

Registered office: Uničovská 2944/1B, 787 01 Šumperk

or electronically to e-mail:

zddesna@sart.cz

or to the data box at the address:

fe5f7j9

Requests for ad hoc allocation of railway capacity are submitted by the applicant to SART – stavby a rekonstrukce a.s. in the Czech language electronically:

by email:

zddesna@sart.cz

or to the data box at the address:

fe5f7j9

The request sent via e-mail, data box must be provided with an electronic signature based on a qualified certificate for electronic signature or a qualified electronic signature of a person authorized to act on behalf of a legal entity (see chapter 3.3).

The date and time considered to be the delivery of the application:

- delivery in data box,
- record of incoming mail in the Helios system - applies to requests sent by email or letter service.

4.2.2. Mandatory data in the capacity request

The applicant is obliged to state in the capacity request:

- a) business company, identification number, unique company number (the so-called RICS code)
 - b) and the address of the applicant;
 - c) a description of the required railway capacity, i.e. a train route that expresses a logical connection
 - d) origin and destination stations,
 - e) a proposal for the timing of the required train route, including the requirements for stays at certain transport points and the reasons for these stays,
 - f) the type of train operated on the required train route, including the definition of its maximum regular weight, maximum speed and length, braking mode, maximum dimensions of braking percentages and driving resistance;
 - g) the time range of the required capacity of the railway (i.e. the calendar of the use of the train route – daily / on certain days, regularly / as needed, possibly in the period from-to);
 - h) the type of rail transport operated, including information on whether the train is run on the basis of a public service obligation;
 - i) inclusion of required tariff and non-tariff notes in the annual timetable, incl. their temporal and spatial limitation;
 - j) the type and scope of services required;
 - k) other requirements of the applicant for the movement of rolling stock and occupation of railways in the perimeter of the station where the assigned route begins or ends, or handling in wayside stations, etc.
-
- l) the type of rail transport operated, including information on whether the train is run on the basis of a public service obligation or whether the applicant proceeded in accordance with §34d of the Act on Railways and notified the ÚPDÍ of the fact that it intends to submit an application for the allocation of railway capacity for the purpose of operating passenger rail transport without a contract for public services;

When the parameters mentioned in points a) - f) are changed, the capacity allocator will assess, as part of the annual timetable compilation process, whether there has been a change in

the request according to chapter **Chyba! Nenalezen zdroj odkazů**.and whether the regular request will be changed to a late one.

The data listed in points a) - m) must be identical in one application. If it is not possible to submit the request in such a way that this condition is met (e.g. different days of travel in parts of the requested route, stopping at stations and stops only on certain days), it is necessary to divide the request into several requests so that this condition is met.

4.2.3. Other necessary documents

The carrier must document the following with the application:

- valid license to operate rail transport
- or Declaration according to Article **Chyba! Nenalezen zdroj odkazů**.paragraph **b)**of this Declaration on the railway, if the effective wording of the ZoD allows it.

The carrier must provide evidence to the railway operator no later than the date of commencement of railway transport operations within the allocated capacity of the railway:

- a) the carrier's certificate, valid for the period of time for which it has allocated railway capacity.
- b) a document proving the conclusion of liability insurance for damage from the operation of rail transport on the allocated capacity of the railway in the minimum amount according to chapter **3.2.6**, including proof of the paid insurance premium.

4.2.4. Capacity allocation

The railway operator will only allocate railway capacity if the applicant has submitted and substantiated his application in accordance with the Declaration on the railway and the railway capacity allows it.

From the submission of the application until the end of the contractual relationship, the Applicant, at the request of the Allocator, is obliged to prove that he meets all the conditions required for access to the relevant railway and its use by this Declaration on the railway and generally binding legal regulations.

In the event that, at the time of submission of a regular or late application for the allocation of railway capacity, the applicant did not meet all the conditions for the allocation of railway capacity given by this Statement on the Railway, he must meet these conditions no later than the deadline for accepting late applications for the annual timetable.

For regular applications to the annual timetable and late applications to the annual timetable submitted by an applicant without a valid license, the applicant without a valid license must indicate the carrier that will use the allocated railway capacity (business name, identification number, RICS code and registered office of the carrier) no later than the deadline end of accepting late applications for the annual timetable. By the same date, the applicant must deliver a written statement from the carrier stating that, in the event that the railway capacity is allocated, it will actually use this capacity.

For timetable change requests and ad hoc requests submitted by an applicant without a valid license, the applicant without a valid license must indicate the carrier that will use the allocated railway capacity (business name, identification number, RICS code and registered office of the carrier) and deliver a written statement from the carrier to the effect that that in case of allocation of railway capacity, he will actually use this capacity before the allocation of railway capacity. Designation of the carrier and delivery of its written statement according to the previous sentence is a condition for the allocation of railway capacity.

4.3. Reserving Capacity for Temporary Capacity Restrictions

4.3.1. General principles

The railway operator, in accordance with the valid wording of the ZoD, allocates railway capacity on regional railways owned by the Association of Municipalities of the Desná Valley. When allocating railway capacity, the allocator takes into account the transport service needs of the region, leaving reserve railway capacity for repairs and maintenance and for emergency cases.

The railway operator will allocate the required part of the capacity of the railway, if this part is available and if the conditions for its allocation according to the statement on the railway are met.

In the capacity allocation process, the Allocator proceeds in such a way that no applicant is favored.

At the points of contact of the railway, to which this Declaration applies, with other railways By capacity allocator Capacity allocator on the given other path.

4.3.2. Deadlines and Information Provided to Applicants

SART – stavby a rekonstrukce a.s. publishes on its website <http://www.sart.cz/zeleznice-desna/> updated information on the planned restriction of operation of individual railways and their parts.

Participating carriers and the relevant authorities are informed in advance about the planned restrictions due to lockout activity.

The proposal of the exclusion timetable will be sent to carriers by email at least 60 days before the date of the planned restriction of railway operation in the form of a proposal of the Exclusion Order.

In the event of an event with an approved request for the construction of a road closure sketch timetable, a draft road closure sketch timetable will also be sent to them, at least 45 days before the date of the planned restriction of railway operation.

The allocated capacity of the railway can be modified or even removed if necessary in connection with the implementation of actions from the ÚPDI approved plan to limit the operation of the railway under the conditions specified in § 23b ZoD and in § 21a and § 22 of Decree No. 173/1995 Coll. Carriers will be informed of the need to adjust the already allocated capacity immediately, but no later than 60 days before the start of the event. Any removal of railway capacity will be carried out in a non-discriminatory manner. The withdrawal of railway capacity will be carried out in accordance with the text of Delegated Commission Decision (EU) 2017/2075 of 4 September 2017 replacing Annex VII of Directive 2012/34/EU of the European Parliament and of the Council on the creation of a single European railway area, to take into account:

- a) commercial and operational restrictions of the concerned applicants for railway capacity and minimized the risk of permanent transfer of some parts of the operation to less ecological modes of transport;
- b) transport services on the basis of a contract for public services in the transport of passengers, which does not exclude a temporary transfer to another mode of transport while maintaining the most necessary range of transport services.

Therefore, priority will be given to removing the capacity of the segment whose temporary transfer to other modes of transport or on diversion routes is operationally the easiest and the risk of permanent transfer to a less ecological mode of transport is the lowest.

When adjusting the allocated capacity according to the provisions of the previous paragraph, the railway operator will try to minimize the deviation from the allocated timetable. The adjustment of the allocated capacity will be assessed individually in the event of planned restrictions on the operation of the railway according to the composition of trains with the allocated capacity in the affected railway section under the conditions of the Delegated Commission Decision (EU) 2017/2075 of September 4, 2017, which replaces Annex VII of the Directive of the European Parliament and of the Council 2012/34/EU on the creation of a single European railway area, and in Article 14 paragraph 8 of Regulation (EU) No. 913/2010 of the European Parliament and of the Council of 22 September 2010 on the European rail network for competitive freight transport, and assessment of the following aspects:

- 1) Significant share of regional passenger transport (in the public service obligation / at the commercial risk of the carrier):
 - a) possibility of compensation;
 - b) the possibility of a partial refund;
 - c) no replacement is possible;
- 2) Significant share of freight transport:
 - a) the possibility of an acceptable deviation in compliance with the necessary norms;
 - b) diversion is not possible;
 - c) deflection partial;
 - d) maintenance of necessary servitude;
 - e) possible pre-stocking;
- 3) Significant share of long-distance passenger transport (in the public service obligation / at the commercial risk of the carrier):
 - a) possibility of compensation;
 - b) the possibility of a partial refund;
 - c) possibility of diversion;
 - d) the possibility of connecting sets.

In this case, the applicants are entitled to the use of spare railway capacity or to a refund of the price paid for the allocation of railway capacity in accordance with the provisions of chapter **Chyba! Nenalezen zdroj odkazů..**

The railway operator provides the entire technically usable capacity of the railway with the exception of the reserve capacity intended for renewal and development.

The reserve capacity of the railway for diagnosis and measurement, maintenance, restoration and increase of throughput is set at the amount of three routes per day in each direction. This railway capacity can be used by:

- a) carriers who will transport material, equipment and technical means for diagnosis and measurement, maintenance, restoration and increase of railway throughput;
 - b) carriers whose railway capacity allocated by the allocator is limited by the performed maintenance, renewal and increase of railway throughput, only to the extent reducing this limitation;
- other carriers if this is not used according to point a) or b).

4.4. Impact of framework agreements

In accordance with Article 14 of Commission Regulation (EU) 2016/545, on procedures and criteria relating to framework agreements for the allocation of railway infrastructure capacity,

the operator does not offer or conclude framework contracts for the reservation of railway capacity.

4.5. Path Allocation Process

Capacity allocation is done through three main application processes

- Proper application for the allocation of railway capacity in the annual timetable
- Late application for the allocation of railway capacity in the annual Timetable
- One-time allocation - "ad hoc"

4.5.1. Annual Timetable Path Requests

Capacity allocation is divided into a logical sequence of sub-phases that are adapted to the agreed

the timetable for the construction of the annual timetable.

Individual sub-phases include:

- acceptance of the application to the annual timetable;
- submission of a design proposal for train routes;
- applying the comments of carriers;
- railway capacity allocation.

The technical capacity of the railway, which is based on its infrastructure, is offered by the railway operator for the compilation of the annual timetable. At the request of the carrier, the allocator will allocate railway capacity for the period of validity of the annual timetable.

The route and schedule of the train is determined by the railway operator as part of the assessment of the railway capacity before the subsequent allocation of the railway capacity. Aids to the annual timetable are offered by the railway operator at the request of the carrier for a fee in paper form.

4.5.1.1. Application

The carrier applies for the train route to the railway operator in writing or electronically, the request must be in accordance with the provisions of chapters Chyba! Nebyl zadán název položky.[4.2.1 Capacity request](#) and [4.2.2 Mandatory data in the](#) .

The allocation of railway and route capacity at the junction of the railways is conditional on the approval opinion of the capacity allocator (infrastructure manager) of the neighboring infrastructure based on the confirmation that an identical request for the allocation of railway and route capacity on the adjacent border section of the adjacent infrastructure has been submitted by the following applicant and that this request will be granted .

4.5.1.2. Receipt of the route application

Incompleteness or material errors in the request for capacity allocation may be a reason for the rejection of the request. Resubmission of this application is considered as a new application including an updated date of receipt.

4.5.1.3. Acceptance of train timetable draft

The railway operator will assess the capacity after receiving the application. As part of the assessment of railway capacity and possible discussion, he assigns a tender route or constructs a train route and submits a draft train schedule to the carrier.

If several applicants request the allocation of the same part of the railway's capacity, the allocator schedules its allocation in such a way as to be able to satisfy each applicant, and discusses this schedule with the applicants concerned.

The allocator will provide the relevant applicants with the necessary information well in advance of the discussion of the timetable, in particular data on applications for the allocation of the same part of railway capacity, data on other applications for the allocation of capacity on the railway in question and data on the scheduled allocation of railway capacity. The allottee will provide the applicant's identification data only with his consent.

The carrier assesses the draft train timetable and communicates comments on the proposed routes or approves the proposed routes.

The applicant must send his or her comments or acceptance of the routes by the deadline for comments from carriers on the draft of the annual timetable. If the carrier does not send its comments within this period, the proposed routes are considered accepted.

The carrier's comments will be processed by the railway operator by the deadline for the allocation of railway capacity for applications to the annual timetable.

If the carrier's request for railway capacity cannot be met even after coordination of all received requests (see chapter 4.5.4), the allocator will communicate this information to the carrier, stating that there is no alternative to handle his request. The carrier can then resubmit its request with new dates and new conditions for designing a train route. The resubmission of this application is considered as a new application, including its date of receipt. After the acceptance of the route by the carrier, the allocator allocates the railway capacity of this route. After that, the railway operator processes the proposed route and its data into the aids of the annual timetable.

chapter **Chyba! Nenalezen zdroj odkazů.**, are observed .

4.5.1.4. Change of the application

A request change is considered to be a change in the parameters of the request by the carrier to such an extent that the railway operator must change the parameters of the already constructed route. The decision whether a change in the parameters of the request will cause a change in the route design is made by the railway operator.

If the applicant changes the parameters of his application in the period after the deadline for receiving regular applications has expired, but before the deadline for receiving late applications has expired, the application is changed, which is resolved in two consecutive steps:

- cancellation of the original request,
- creating a request for a new route - late requests with a new referral date.

4.5.1.5. Deadlines for designing the annual timetable

With regard to the connection of railways, the connection of the regional ŽD railway to the national railway of the Railway Administration with . and the necessary cooperation and coordination in the creation of the annual timetable apply to the dates issued by the Railway Administration . for the respective annual timetable.

4.5.2. Late Annual Timetable Path Requests

It is an application for the allocation of railway capacity that is submitted after the deadline for submission of the Regular application for the allocation of railway capacity to the annual timetable (hereinafter referred to as the Regular application), but before the allocation of railway capacity to applicants who submitted an application within this period.

The allocator will take the late request into account when allocating capacity and processing the draft timetable, if possible. On the basis of a late application, only the railway capacity

remaining after the satisfaction of Regular applications submitted within the deadline according to **Chyba! Nenalezen zdroj odkazů**. Annual Timetable Path Requests.

The provisions of chapter **Chyba! Nenalezen zdroj odkazů**.to the submission and acceptance of a late request for a route, acceptance of the draft annual timetable and change of request .

Late application to the annual timetable - regular dates:

With regard to the connection of railways, the connection of the regional ŽD railway to the national railway of the Railway Administration with . and the necessary cooperation and coordination in the creation of the annual timetable apply to the dates issued by the Railway Administration . for the respective annual timetable.

4.5.3. Ad-Hoc Path Requests

A capacity allocation that operates with the free capacity remaining after the completion of the construction of the annual timetable and the implementation of each of its planned changes.

The request for *ad hoc* allocation of railway capacity for rides due to restrictions on the operation of the railway does not need to be submitted in cases where there is a restriction on the operation of the railway pursuant to § 23c paragraph 3 letter a) of the Railways Act.

4.5.3.1. Submission of the application

An *ad hoc* request is submitted no later than 8 calendar days before the date of the requested railway capacity allocation, in the Czech language electronically:

by email:

zddesna@sart.cz

or to the data box at the address:

fe5f7j9

The application must contain all the data defined in the chapter **4.2.2** Mandatory data in the capacity request.

4.5.3.2. Receipt of the application for route capacity

Incompleteness or factual errors in the request for capacity allocation may be grounds for rejection of the request. Resubmission of this application is considered as a new application including an updated date of receipt.

The allocator allocates railway capacity according to the order in which requests were delivered to him.

The route and timetable of the train is determined by the railway operator as part of the assessment of the application for railway capacity.

For mutual cooperation in the allocation of railway capacity, at the intersection of railways, a joint commission is established, if necessary, consisting of representatives of the concerned capacity allocators. After receiving the application, the capacity allocator assesses the capacity of the railway, within which he determines the train schedule and presents it to the applicant as a proposal. The capacity allocator may submit multiple timetable proposals to the applicant, but no more than one proposal for each required travel day.

4.5.3.3. Acceptance of draft route

The applicant assesses the proposed route and provides comments on the proposed train schedule or approves the proposed route.

The applicant must send his comments or acceptance of the route within 48 hours after receiving the route offer, but no later than 24 hours before the proposed time of departure from the starting station, otherwise the railway operator's proposal is considered accepted.

The applicant also has the option to agree to the proposed route in advance already when submitting the application. In this case, after processing the draft train timetable, the railway capacity is also automatically allocated.

The railway operator will deal with the applicant's comments as soon as possible, no later than 12 hours before the departure of the train from the starting point.

The operator of the railway may also send the applicant information that there is no alternative to deal with his request for capacity. The applicant can then resubmit his application with new dates and new conditions for designing a train route. The resubmission of this application is considered as a new application including its date of receipt.

After acceptance of the route by the applicant, the SART company will allocate the railway capacity of this route from the catalog of tender routes.

4.5.3.4. Deadline for processing the application for ad hoc route capacity allocation

The capacity allocator will respond to requests for the allocation of railway capacity as soon as possible, but no later than within 5 working days of their delivery.

4.5.4. Coordination process

If the number of applications does not exceed the capacity of the railway, the allocator proceeds in such a way that no applicant is favored. If the number of requests exceeds the capacity of the railway, the allocator proceeds according to the principles of the request coordination process and priority criteria (see below).

If it is not possible to satisfy all the applied requirements for the allocation of free railway capacity in the annual Timetable, the allocator will coordinate the proper requests of the applicants and propose to all applicants, to a reasonable extent, another suitable capacity of the railway, which does not have to fully correspond to the individual requests.

If not even this one

the process does not satisfy all requirements, the Allocator proceeds according to the following order of train priorities for operation:

- a) regular public rail transport to ensure the transport needs of the state,
- b) regular public rail transport to ensure regional transport services,
- c) regular combined transport,
- d) transportation according to the framework contract,
- e) regular interstate passenger transport,
- f) regular interstate freight transport,
- g) regular domestic passenger transport,
- h) regular domestic freight transport,
- i) other transport.

In the railway capacity allocation process for late annual timetable requests, annual timetable change requests and ad hoc capacity allocation requests, railway capacity allocation conflicts are resolved by prioritizing the request that has been delivered to SART previously.

4.5.5. Dispute resolution process

If the applicant does not agree with the coordination of proper applications, he/she shall communicate his/her disagreement, together with the justification, or by a proposal for an alternative solution to the coordination of regular requests, in writing within three days from the date of delivery of the proposal for the allocation of railway capacity to the allocator.

The allocator will deal with the disagreement no later than 10 working days from the date of delivery of the applicant's disagreement.

The applicant for the allocation of railway capacity, to which the allocator did not comply even after the completion of the process of coordination of requirements, is entitled to apply to the railway administrative authority, which is the ÚPDI (see chapter 1.6), on the review of the procedure for the allocation of railway capacity, including its results and the method of determining prices. If the railway administrative authority detects an incorrect procedure in the process of allocating the capacity of the railway, including its results, it will order the allocator to re-allocate the capacity of the railway and determine the method of this allocation.

4.6. Congested infrastructure

If, even after coordination of requests for capacity pursuant to § 34a, paragraphs 4 and 5 ZoD, it is not possible to satisfy requests for free capacity of the railway, the Allottee SART - stavby a reconstruction as and the relevant infrastructure element on which this situation occurred will be declared an "overloaded railway" in within the meaning of § 34a ZoD.

This fact will be posted by the company SART – stavby a rekonstrukce a.s. the operator of the railway on the website www.sart.cz and at the same time it will analyze the reasons for the exhaustion of the railway's capacity. Within 6 months from the date of processing the railway capacity analysis, the railway operator will draw up a plan to reduce or eliminate the congestion of the railway based on it.

The company SART – stavby a rekonstrukce a.s. is authorized to take away the railway capacity allocated to the applicant on the section of the railway where the capacity has been exhausted, or on the section where the railway operation is planned to be restricted, in the event that the allocated train routes according to the timetable are not used on this section at least to 75% within one month. The mentioned authorization to remove the capacity of the railway does not apply to cases where the capacity of the railway is not used due to reasons on the part of the railway operator.

If the given infrastructure is declared by the railway operator to be infrastructure with exhausted railway capacity, the Allocator uses the priority criteria of the coordination process according to chapter [4.5.4](#).

4.7. Exceptional Transport and Dangerous Goods

The carrier is obliged to discuss with the railway operator every transport of an extraordinary shipment and the transport of dangerous goods according to the internal regulations of the railway operator affected by this transport.

The discussion of the conditions of extraordinary transport and the transport of dangerous goods must be completed with all railway operators affected by the transport before it starts.

Also see provisions of chapter [3.4.3 Extraordinary transport and dangerous goods](#).

Contacts for the operator at the railway connection are given in chapter 1.6.

4.8. Rules After Path Allocation

4.8.1. Rules for Path Modification

These rules address the process where an applicant has allocated railway capacity and a train route that needs to be adjusted.

It is possible to modify the route with the allocated capacity based on:

- Regular applications for allocation of railway capacity to the annual timetable and late applications to the annual timetable
- Requests for ad hoc allocation of railway capacity

It is possible to modify a possible route up to 48 hours before the capacity is used.

It is not possible to modify the route of another applicant.

The applicant submits a request for route modification to the Capacity Allocator according to chapter [4.2.1](#).

The application must contain all the data defined in chapter [4.2.2](#).

provisions of chapter **Chyba! Nenalezen zdroj odkazů**.apply appropriately to the acceptance of a request for route modification .

of chapter **Chyba! Nenalezen zdroj odkazů**.apply appropriately for the acceptance of the route modification proposal .

provisions of chapter **Chyba! Nenalezen zdroj odkazů**.apply appropriately to the deadline for processing the request for route modification .

The allocation of capacity for the route modification request is carried out by the Allocator and is subject to a fee. The price is stated in chapter [5.3](#).

4.8.2. Non-Usage Rules

From the point of view of the assigned train route, railway capacity is considered used on a specific day if it was used on that day at least between two transport points. This means that the applicant cannot claim multiple use of one business case and one allocated data timetable for multiple trains for a specific day. The provision of this paragraph does not affect the assessment of capacity utilization in connection with individual interstation sections, as stated in chapter 4.6.

By using the route on one interstation section in one time period, the applicant forfeits the right to use the assigned route on other initially assigned sections.

The carrier can use the allocated capacity only in such a way that at no point of the route there is a deviation from the allocated time position of more than 3 hours before the allocated route (lead) or 20 hours after the allocated time position (delay). If the carrier requests a higher deviation, it is obliged to submit a request for new railway capacity allocation.

If the railway capacity allocated to the applicant is forfeited due to a delay of the train at the starting station of more than 20 hours due to reasons on the part of the applicant or if the allocated railway capacity is not used, the applicant is obliged to pay a penalty to the capacity allocator (see chapter [5.6.3](#)).

If the applicant cannot use the allocated railway capacity due to reasons attributable to the railway operator, the sanction according to the previous paragraph does not apply and the applicant has the right to use the spare railway capacity (diversions) offered by SART. This spare railway capacity is allocated free of charge.

If the applicant cannot use the allocated railway capacity for the entire length of the train route of the allocated railway capacity due to reasons on the part of SART and does not exercise the right to free allocation of spare railway capacity, he may request a refund of the price paid for the railway capacity allocation for the days when the applicant could not use the railway capacity in full. In such a case, SART is obliged to comply with the request.

4.8.3. Rules for Cancellation

The carrier cannot transfer the allocated railway capacity to other persons.

If, for any reason, the carrier does not intend to use the allocated railway capacity, or intends to limit the range or frequency of train runs on certain days or in a certain period, he is obliged to give up the allocated railway capacity to the allocator.

The railway capacity released in this way can then be allocated to another applicant.

If, for any reason, the applicant does not intend to use the allocated railway capacity, or intends to limit the range or frequency of train runs on certain days or in a certain period, he is obliged to give up the allocated railway capacity with SART.

Waiver of railway capacity is done by sending electronically in the Czech language:

by email:

zddesna@sart.cz

or to the data box at the address:

fe5f7j9

The railway capacity released in this way can then be allocated to another applicant.

If the applicant gives up the allocated railway capacity less than one month before the planned day of travel outside the period of regular timetable changes due to reasons on the part of the applicant, the applicant is obliged to pay a penalty to the capacity allocator (see chapter 5.6.3).

If the applicant cannot use the allocated railway capacity for reasons attributable to the SART company, the sanction according to the previous paragraph does not apply and the applicant has the right to use the alternative railway capacity (diversions) offered by the SART company. This spare railway capacity is allocated free of charge.

If the applicant cannot use the allocated railway capacity for the entire length of the train route of the allocated railway capacity due to reasons on the part of SART and does not exercise the right to free allocation of spare railway capacity, he may request a refund of the price paid for the railway capacity allocation for the days when the applicant could not use the railway capacity in full. In such a case, SART is obliged to comply with the request.

4.8.4. Rules for capacity withdrawal

SART is entitled to withdraw the railway capacity allocated to the applicant in the event that:

- a) it has not been used for a period of one month;
- b) the conditions set out in this Railway Statement are met;

- c) the carrier has ceased to meet the conditions of access to the railway specified in chapter **Chyba! Nenalezen zdroj odkazů.**of this Declaration on the railway;
- d) the applicant did not pay within the contractual due date the invoiced price for the allocation of railway capacity or the price for using the railway by running a train or the price for the services provided or the penalty for unused or renounced allocated capacity and did not do so within the replacement period specified in the written reminder containing the notice of the stoppage of the railway capacity allocation and removing already allocated railway capacity;
- e) the carrier uses the railway contrary to the allocated capacity of the railway;
- f) the route has been relinquished/removed from the railway capacity on the neighboring infrastructure;
- g) it is established by law;
- h) this was decided by a final decision of a public authority.

SART is also entitled to limit the railway capacity allocated to the applicant in the event that the allocated railway capacity has been used for less than 25% of the allocated train kilometers for a period of one month due to reasons on his part. Reasons on the part of the applicant are considered to be all reasons that are not on the part of the capacity allocator, railway operator, state administration and local government and which are not caused by an extraordinary event or force majeure.

SART is also entitled to require the applicant to limit the range or frequency of train runs on certain days or in a certain period, i.e. to give up railway capacity that has been used for less than 50% of the allocated train kilometers after a period of one month, unless this is due to reasons , which the applicant could not influence.

5. Services and charges

5.1. Introduction

Carriers are provided with services in accordance with applicable legislation. According to the level of access and the services provided, these services can be divided into four basic groups:

- 1) Minimum access package,
- 2) Services provided on the service device,
- 3) Additional services,
- 4) Auxiliary services.

5.2. Charging Principles

Capacity allocators and railway operators charge applicants the following prices for using the railway infrastructure of national and regional railways owned by the Association of Municipalities of the Desná Valley:

- a) prices of the allocator and the operator for the use of railway infrastructure within the scope of the Annex to Decree No. 76/2017 Coll., on the content and scope of services provided to carriers by the railway operator and the operator of service facilities,
- b) the operator's prices for access to service facilities by rail,
- c) prices of the operator for the use of service equipment for purposes directly related to the operation of rail transport,
- d) prices for other services provided according to this Declaration on the route.

The prices listed under letters a) to c) are prices for regulated services in the sense of the valid assessment of the Ministry of Finance published in the Price Gazette (List of goods for which objectively adjusted prices are applied, item 3. Use of railway infrastructure of national and

regional railways and publicly accessible sidings). They are established with validity for the duration of the timetable and are published in the route statement. Prices for regulated services are equal and non-discriminatory for all applicants who are provided with services of the same type on the same or similar parts of the railway infrastructure. Price regulation applies to national and regional railways according to § 3, paragraph 1 letter a) and b) of the Railways Act. The prices listed under letter d) are not prices for regulated services and are not subject to material guidance according to the assessment of the Ministry of Finance.

In the context of this Statement, prices mean prices without VAT.

5.3. Minimum access package and charges

As part of the minimum access package, the carrier has the right to process the carrier's request for railway capacity allocation, develop a timetable according to the allocated capacity and enable the use of the allocated railway capacity according to the agreed timetable. In addition, on the basis of the contract for the operation of railway transport, he has access to services related to the use of the railway and the operation of the railway vehicle to the extent of:

- 1) use of the railway within the scope of the annex to Decree 76/2017 Coll., including the use of traction current supply equipment, if available,
- 2) organization of rail transport, security of train travel and movement by rail vehicle, operative control of rail transport, radio connection with the rail vehicle, if available, reporting and provision of information to the carrier about the running of the train of the given carrier;
- 3) provision of additional information required to introduce or provide transport services for which railway capacity has been allocated.

The price for the minimum access package consists of:

- a) allocator prices for railway capacity allocation,
- b) prices of the railway operator for using the railway by running a train,

In the price for the use of the railway for train travel or displacement, economically justified costs associated with:

- by running a train or shifting along the affected railway to the extent permitted by the Operator, including the costs of securing this train run or shifting by the operated security device, by enabling the use of equipment for the distribution of electric traction energy (excluding the costs of traction electric energy) and by the organization of rail transport, including operational control,
- by telecommunication connection of employees of the railway operator with the operator of the moving part of the carrier,
- the receipt and provision of information by the railway operator to carriers when ensuring train travel or shifting,
- by publishing regulations, instructions and aids for the activities of carriers according to the contract on the operation of rail transport

5.3.1. The price for allocating railway capacity

The amount of the price for the allocation of railway capacity depends on the system used to solve the request and on the number of requested framework routes. In the calculation of the price for the allocation of railway capacity, SART's costs for the inclusion of framework routes in the train timetable are taken into account.

The price for the allocation of railway capacity is determined depending on :

- the length of the time interval between the submission of an application for the allocation of railway capacity and the required day of its use,
- the relationship between the submitted application for the allocation of railway capacity and the date of compilation of the annual timetable or its planned changes.

The price for the allocation of railway capacity includes:

- payment of the railway capacity allocation process,
- payment for the processing of the train schedule (excluding the costs of printing and distribution of aids) assigned to the given request of the applicant,
- payment for the operational introduction of the train and a surcharge for the short-term discussion and processing of the request.

The price for the allocation of railway capacity is given in Annex No. 2 of this declaration on the railway.

5.3.2. Prices for the Use of Railway for the Purpose of Train Movement

The amount of the price for the use of the railway is determined by a calculation based on the actual scope of performance of the carriers on the railway railway and the actual scope of services provided to the carriers in the given billing period. Performance means gross train kilometers traveled (vlkm) and gross tonne kilometers (hrtkm) calculated as the product of train kilometers and the gross weight of the train, including driving vehicles.

For the purposes of determining the price for the use of the railway, a train ride also means the ride of an individual rolling stock, including a special driving vehicle, if it is organized as a train ride in the sense of traffic regulations. The parameters and application conditions of the price determination system for the use of the railway railway for train travel are binding for the railway operator and for all carriers.

Prices for the use of the railway in passenger and freight transport, see Appendix No. 2 of this network statemnt.

5.3.2.1. Passenger trains

For the purposes of determining the price for the use of a railway railway for train travel, a passenger train is a train that meets the following conditions:

- a) was intended exclusively for the transport of persons, luggage and bicycles,
- b) was composed exclusively of driving and towed vehicles, related to the transport of people and luggage, including bicycles.

For the purposes of determining the price for the use of the railway railway for train travel, a passenger train is also considered a combined train, the composition of which corresponds to paragraph b).

5.3.2.2. Freight trains

From the point of view of determining the price for the use of the railway railway for train travel, all trains that did not meet the criteria of a passenger train according to chapter 5.3.2.1 of this Statement are considered freight trains.

5.4. Additional Services and Charges

In the event that the service facility operator provides any of the following services as additional services, it shall provide them in a non-discriminatory manner upon request to any carrier:

- 1) Supplies of traction electrical energy
- 2) Services related to the transport of dangerous goods or the operation of a railway vehicle with special operational and technical characteristics.

5.4.1. Supply of traction electricity

SART is not a supplier of traction electric power for the needs of carriers using dependent traction on all electrified railways it operates.

The supplier of traction electricity for the railway railways is Železnice Desná Správa železníků so .

Each carrier must enter into a written Agreement on the Supply of Traction Electricity with the Railway Administration before starting to take traction electricity.

Contact the provider of traction electricity:

Company: Railway Administration, State Organization, Center for Shared Services

Headquarters: Riegrovo nám. 914, 500 02 Hradec Králové

ID: 70994234

VAT number: CZ70994234

Legal form: state organization

Website: www.spravazeleznice.cz

The detailed conditions for the provision of additional services, including billing and invoicing of the supply of traction electricity to individual carriers, which are binding for the Railway Administration and the carrier, are the subject of a separate Agreement on the supply of traction electricity between the Railway Administration and the given carrier.

5.4.2. Services related to the transport of dangerous goods or the operation of a railway vehicle with special operational and technical characteristics

The SART company ensures the negotiation of Exceptional Transport on the Železnice Desná lines operated by the SART company further, see chapter 3.4.3.

The price for services connected with the discussion of extraordinary events, see Appendix No. 2 of this declaration on the route .

5.5. Ancillary services and charges

The following auxiliary services can be provided on railway lines where SART is the allocator:

- provision of information related to the operation of rail transport,
- access to telecommunication networks,
- provision of audiovisual services to passengers,
- issuing the timetable.

5.5.1. Provision of information related to the operation of rail transport

Provision of additional information related to the organization of rail transport and the safety of rail transport operation, in particular about the technological procedures used in the operation of rail transport and the scope and level of services provided. More information will be provided directly by the operator of this railway. Contacts are listed in chapter 1.6.

5.5.2. Access to the telecommunications network

SART operates fixed and radio (digital or analogue) non-public telecommunication networks (TS) enabling voice and data communication. The conditions of access to individual TS will be communicated by the SART Company upon request.

5.5.3. Providing Audio-visual Information to Passengers

SART offers a passenger information service. The conditions for using this service will be communicated by SART upon request.

5.5.4. Issue of the Timetable

The SART company offers the following services to carriers and other railway operators:

- publication of the carrier's train schedule in the required traffic office beyond the obligations of the railway operator, given by Decree No. 173/1995 Coll.,
- processing and publication of additional data of the carrier, regarding information about the IDS in which the carrier is involved, including the publication of any connecting bus connections

In the case of services provided on the ŽD line, where SART is the allocator, by other providers, SART will publish data at <http://www.sart.cz/zeleznice-desna/> only to the extent of the data provided by the service provider.

The prices for services connected with issuing the timetable are listed for individual products in the table in **Appendix No. 2 of this declaration on the route** .

5.6. Financial Penalties and Incentives

5.6.1. Penalty for path modification

SART does not apply any penalty for path modification.

5.6.2. Penalties for Path Alteration

SART does not apply any penalty for path alteration.

5.6.3. Penalty for Non-usage

If the carrier does not use the allocated railway capacity (see chapter [Chyba! Nenalezen zdroj odkazů.](#)), or if the allocated railway capacity is forfeited due to a train delay of more than 20 hours due to reasons on the part of the carrier, the carrier is obliged to reimburse the allocator for each scheduled day of travel on which this situation occurs capacity penalty for unused allocated capacity, which is calculated according to the length of the unused allocated route.

Penalty calculation see Appendix No. 2 of this railway statement .

Reasons on the part of the carrier are considered to be all reasons that are not on the part of the capacity allocator, railway operator, state administration and local government and which are not caused by an extraordinary event or force majeure.

SART invoices carriers for penalties for non-use of allocated railway capacity and applicants for sanctions for renouncing allocated railway capacity on a quarterly basis (see Article 0). Attached to the invoice is a Summary overview of the penalty for unused or relinquished allocated railway capacity for the individual months in which the penalty is imposed.

5.6.4. Incentives / Discounts

SART does not provide incentives or discounts.

5.7. Performance Scheme

5.7.1. General principles and objectives

The SART company in accordance with the Act on Railways and Decree No. 76/2017 Coll. monitors and evaluates, in cooperation with carriers, the specific causes of disruptions to the operation of rail transport. Monitoring and approval of the causes of rail transport disruptions between the SART Company and the carrier is carried out by a designated employee of the SART company.

5.7.2. Performance monitoring

Included in performance monitoring are:

- passenger trains, except for combined trains (Sv), which arrive at the last transport point on the Železnice Desná network, are delayed by more than 5 min. If the train is driven in the part of the route that is a set (Sv) and in the part with the transport of passengers, only the parts of the route with the transport of passengers are included in the performance monitoring.

The sanctions regime does not include:

- trains with a head start, i.e. trains that reach the last transport point on the Železnice Desná network with a head start,
- With regard to the use of Železnice Desná railways, freight transport is not evaluated for delays.
- trains that have been assigned a route in the remaining capacity of the railway with the resolution of conflicts within the framework of operational traffic management,
- service trains
- canceled trains.

To determine the type of train, the division of train types according to chapter ŽD D1 Chapter VIII, Part 5 is decisive.

Every increase in train delay is recorded, including the cause of disruption to rail traffic that caused the train delay.

5.7.3. Financial model

Evaluation of individual journeys of the given carrier, calculation of the amount of the penalty:

- a) Each train of a given carrier included in the sanction regime is evaluated separately.
- b) For each train, additional delays incurred during the train journey from the responsibility of SART – stavby a rekonstrukce a.s. and separately, additional delays incurred during the train journey from the responsibility of the carrier are added up separately. Delay increments arising during the train's journey from other causes are not taken into account.
- c) The amount of the penalty is calculated as a rate per minute of delay over 15 min. multiplied by the positive difference between the sum of additional delays incurred during the train journey from the responsibility of one party and the sum of additional delays incurred during the train journey from the responsibility of the other party,

whereby the parties are SART – stavby a rekonstrukce a.s. and the carrier. The amount of the penalty is uniform for the carrier and for the company SART as. Calculation of the amount of the liability penalty for delay, see **Appendix No. 2 of this railway statement**. The calculation period is a calendar month. The accounting period is one calendar year.

5.7.4. Governance and dispute resolution system

In order to be included in the sanctioning regime, it is not the significant increase in the delay on the network of SART as, but the resulting delay at the last transport point on the network of SART as, regardless of any delay of the train when entering from another infrastructure. Once a train is included in the sanction system, for the calculation of the amount of the sanction and the determination of the degree of responsibility, the significant responsibility for the increase in delay between neighboring transport points on the network of SART as in the direction of travel from 1 minute increase in the delay of this train.

In the event of a request for the application of sanctions, SART as will send an extract from traffic monitoring to the carrier for approval.

The carrier shall express any disagreement with the liability within 15 working days of sending the statement.

The carrier's objections made after the 15-day deadline are not taken into account. If the carrier denies liability for disruption of traffic, it must state the reasons and facts on the basis of which it denies it in the objection. If the carrier does not provide reasons for disagreement and facts in favor of the carrier's opinion, they will not be taken into account in the dispute. In case of disagreement of the carrier, the SART as company will assess and discuss the disputed case within 40 days and will take into account the information known to it and the reasons and facts provided by the carrier as part of the expression of disagreement. The following conditions may occur - SART as:

- a) Agrees - termination of the case.
- b) He chooses a compromise – he updates the original proposal and establishes a new violation.
- c) Does not agree - insists on the original proposal.
- d) It is inactive - after 40 days automatic acceptance of responsibility on the part of the Operator and termination of the case.

This opinion of SART is considered final. In the case according to letters b) and c), the carrier again has the opportunity to comment on the final opinion. He can express his possible disagreement within a period of 10 working days. The carrier's objections made after the expiry of the 10-day period are not considered. The following cases may occur - Carrier:

- a) Expresses consent or does not raise objections - termination of the case.
- b) Does not agree - judicial settlement of the dispute, possibly after agreement with the carrier, out-of-court settlement of the dispute.

SART has the option in exceptional cases to reopen any delay liability case. In that case, however, the entire procedure (including time limits for comments) must be maintained as in a new case.

In the event of an out-of-court settlement of the dispute, both parties may, by mutual agreement, select a professionally and professionally qualified person/institution (hereinafter referred to as an arbitrator) to issue a decision. The party against whom the selected arbitrator decides shall pay all related costs.

If the arbitrator's decision is not unequivocal in favor of the carrier or the SART company (i.e. in the case where the arbitrator does not confirm either the position of the SART company or the carrier and does not clearly identify the SART company or the carrier as the one who

caused the delay, or the arbitrator's position is based on facts, which were not known to SART or the carriers as part of the assessment of the case), both parties will pay ½ of the costs associated with this out-of-court settlement.

5.8. Changes to Charges

SART reserves the right to change the prices listed in chapter 5.4 and 5.5. Changes to these prices are announced by the SART company in the form of a change of route declaration and a notice at <http://www.sart.cz/zeleznice-desna/>.

5.9. Billing Arrangements

Payment of the price for the allocation of railway capacity and for the use of the railway, including the price for services provided by the railway operator, is made between the carrier and the railway operator (SART – stavby a rekonstrukce a.s.).

The invoicing of services subject to a fee is performed by SART - stavby a rekonstrukce as on the basis of records of services actually performed, in a monthly cycle by the 15th day of the following month in which the service subject to a fee was performed. The invoice includes the total resulting price for the used railway capacity, VAT and the total price including VAT. The invoice is due within 21 days from the date of issue.

6. Operations

6.1. Introduction

The carrier is obliged to comply with the applicable legislation and obey the instructions of the railway operator, which relate to the performance of the transport service and safety measures.

The carrier is obliged to notify the railway operator of all abnormalities on the train even before the journey takes place and immediately if an abnormality occurs during the journey.

Parking of railway vehicles on the network operated by SART is only possible with the consent of SART. It is possible to carry out:

- Short-term technological shutdown of railway vehicles - Short-term technological shutdown of railway vehicles is considered to be the short-term shutdown of railway vehicles during train turnover between individual planned performances or the shutdown of trains during the transport saddle between two peaks or between individual performances. The maximum length for short-term technological shutdown of railway vehicles is 72 hours.
- Short-term operational shutdown of rail vehicles - Short-term operational shutdown of rail vehicles is considered to be the short-term shutdown of rail vehicles during transport, or before or after the train runs for operational reasons on a predetermined traffic railway, and only on the basis of the consent given by the operational dispatcher. The operational dispatcher will grant approval for shutdown only on the condition that the occupation of the given traffic railway does not in any way limit the planned train runs for the entire duration of the approval. The carrier is obliged to organize the journeys of its trains and rolling stock in such a way as to vacate the relevant railway at the latest when the granted consent expires. The maximum length for the short-term shutdown of railway vehicles is 72 hours.

A penalty will be applied if the above amount is exceeded for the managed dates. For the calculation of the amount of the penalty, see **Appendix No. 2 of this railway statement**.

6.2. Operational Rules

Basic rules of operation on national and regional railways are issued by the Ministry of Transport in the form of implementing decrees for the Law on Railways. The contract between the carrier and the railway operator determines the specific list of operating rules that the carrier is obliged to observe when operating rail transport.

The list of legal regulations concerning rail transport is available on the website of the Ministry of Transport (<https://www.mdcz.cz/Dokumenty>)

In accordance with the Commission Decision of 14 November 2012 on the technical specification for interoperability relating to the "operation and traffic management" subsystem of the railway system in the European Union and amending Decision 2007/756/EC (Commission Decision 2012/757/EU) is the operational language Czech language on the railways operated by SART.

6.3. Operational measures

6.3.1. Principles

Legislation in rail transport:

<https://www.mdcz.cz/Dokumenty/Drazni-doprava/Legislativa-v-drazni-doprava>

6.3.2. Operation regulation

In accordance with the provisions of the Act on Railways, the SART company issues internal regulations determining the rules for organizing and securing traffic on the Železnice Desná regional railway operated by the SART company, which are binding for carriers.

A summary of the internal regulations determining the rules for organizing and securing traffic on the regional railway operated by SART - construction and reconstruction as binding for carriers is available on the website <http://www.sart.cz/zeleznice-desna/>

Said regulations will be provided by SART upon request.

The internal regulations of both railway operators (SŽ so . and SART – stavby a rekonstrukce a.s.) apply to the junction of regional railways (žst . Šumperk).

SART has procedures in place to identify the need for possible collaboration with other entities in areas where they share interfaces and which could affect the implementation of appropriate risk mitigation measures in accordance with the requirements of Commission Regulation (EU) No. 1169/2010 of 10 December 2010 on a common safety method for assessing compliance with the requirements for obtaining approval in terms of railway safety.

6.3.3. Disturbances

The basic operational rules in the event of an emergency and the associated anticipated and unforeseen problems are set out in the Act on Railways and Decree No. 376/2006 Coll., on ensuring the safety of railway operations and rail transport and procedures in the event of

emergency incidents on railways, as amended. These basic operational rules are further elaborated by the internal regulations of the operator of the respective railway.

In the event of disruption of train traffic caused by an extraordinary event, the railway operator will take all necessary steps to restore the normal situation. For this purpose, it has developed a crisis plan indicating the public authorities that must be notified in the event of serious accidents or serious disruption of train traffic.

The railway operator shall demonstrably notify the carrier of an extraordinary interruption of traffic on the railway or its significant limitation affecting the running of the carrier's trains for more than 10 minutes immediately after the detection of an obstacle or after the decision to implement an unexpected shutdown, including the expected duration of the interruption of traffic and the reason or causes of the emergency service interruption.

In the event of the announcement of regulatory measures in rail transport in crisis situations, in emergency cases and if it is absolutely necessary as a result of an extraordinary or other event that causes service interruption, the SART Company may limit the allocation of railway capacity and limit, or and withdraw the allocated capacity of the railway on the affected section, for as long as is necessary to restore operations.

7. Service facilities

7.1. Introduction

In accordance with the provisions of the Act on Railways, service facilities are understood as railway stations, bus stops, sidings, gas stations and other technical facilities which are specifically intended by their operator to provide services directly related to the operation of rail transport on national or regional railways or on publicly accessible railways siding.

According to the provisions of Article 5 of Commission Implementing Regulation (EU) 2017/2177, service facility operators shall create a service facility description for the service facilities and services they operate. The purpose of the service facility description is to inform applicants, authorities and other interested parties about the service facility and the conditions for capacity allocation and their use. Service facility operators shall publish a description of the service facility free of charge in one of the following ways:

- a) by publishing on its internet portal or on a common internet portal and providing a link to be included in the railway declaration to the relevant allottee;
- (b) by providing relevant information ready for publication to be included in the railway statement to the relevant allottee.

The content of the service device description is defined in Commission Implementing Regulation (EU) 2017/2177.

7.2. Service Facility Overview

The company SART manages at <http://www.sart.cz/zeleznice-desna/> list of service facilities available from ŽD railways where SART is the allocator. This list contains data to the extent provided by the relevant service equipment operator. Operators of service facilities available from railways where SART is an allocator shall provide SART with data in the scope of:

- Service device name,
- Indication of whether it is a service facility operated by one operator (simple service facility) or multiple operators (complex service facility),

- Designation of the type of service facility or its operational component according to Decree No. 76/2017 Coll., on the content and scope of services provided to carriers by the railway operator and the service facility operator,
- Place of connection to a national or regional railway, including kilometer location, or and GPS coordinates, if available,
- Designation of the operator of the service facility, including contact details,
- Information where a description of the service facility is published in accordance with the provisions of Commission Implementing Regulation (EU) 2017/2177.

The operator of the service facility sends these data electronically to the e-mail address **zddesna@sart.cz**, and updates them in the same way if the specified data changes.

If the operator of the service facility requests the publication of a description of the service facility by SART a.s., it shall provide SART a.s. with a description of the service facility prepared for publication in the Czech and English language versions. The operator of the service facility will send individual descriptions of the service facility electronically in pdf format to the e-mail address **zddesna@sart.cz** at least 15 calendar days before the required publication date. The company SART as is not authorized to make any changes in the sent documents, except for the unification of the file name. The company SART a.s. is not responsible for the content of the sent documents or for the non-disclosure of these documents, if they are not sent to the company SART a. s. in accordance with this chapter.

7.3. Service Facilities Managed by the Desná Railway

The operator of service facilities, SART, publishes the conditions for the provision of services through service facilities available from ŽD railways, where SART is the allocator, the price for the provision of these services in accordance with the provisions of Commission Implementing Regulation (EU) 2017/2177 and the provisions of the Act on Railways on the company's website SART as <http://www.sart.cz/zeleznice-desna/>.

Services and railway access to service facilities

The Šumperk – Petrov nad Desnou – Kouty nad Desnou regional line is electrified, the Petrov nad Desnou - Sobotín line is not electrified. SART - constructions and reconstruction as does not manage or operate refueling facilities.

SART – stavby a rekonstrukce a.s. manages platforms and buildings at stops and platforms in stations.

SART – stavby a rekonstrukce a.s. operates handling railways for loading and unloading purposes in individual transport yards. The list of handling railways and their lengths is available on the website of SART as <http://www.sart.cz/zeleznice-desna/>.

In Šumperk on November 9, 2023

railway owner

railway operator, capacity allocator

.....
Mgr. Bohuslav Hudec
předseda Svazku obcí údolí Desné

.....
Ing. Ondřej Kolano
člen představenstva
SART – stavby a rekonstrukce a.s.,