

THE REGIONAL
DIRECTOR FOR
ENVIRONMENTAL
PROTECTION IN
WARSAW

Warsaw, 6 October, 2009

DECISION ON ENVIRONMENTAL CONDITIONS

Pursuant to Article 46a, section 7, point 1, letter a indent 2, Article 46, section 1 item 1 of the Act of 27 April 2001 on Environmental Protection Law (Journal of Laws of 2008 No. 25, item 150, as amended), hereinafter referred to as EPL, in connection with Article 153, section 1 item 2 of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended, hereinafter referred to as the EPA Act), Article 104 and 108, section 1 of the Act of 14 June 1960, Administrative Procedure Code (Journal of Laws of 2000 No. 98, item 1071, as amended, hereinafter referred to as the APC), after consideration of the application from 8 January 2008 of Ms Marta Wronka, representing DB International GmbH Germany, the attorney of PKP Polskie Linie Kolejowe S.A., 74 Targowa Street, 03-734 Warsaw, on the matter of issuing of a decision on environmental conditions for the project based on the modernization of railway line E75 on the section Warsaw–Białystok–Sokółka on the territory of the Masovian Voivodeship,

I specify the conditions for implementation of the project involving modernization of railway line E75 on the section Warsaw–Białystok–Sokółka on the territory of the Masovian Voivodeship according to Variant 1+:

I. Project type and location

The undertaking will be based on the modernization of railway line E75 on the section Warsaw–Białystok–Sokółka according to Variant 1+ within the territory of the Masovian Voivodeship in the area of the Wesola district of the capital city of Warsaw and the Rembertów District of the capital city of Warsaw, as well as in the area of: Zielonka Commune, Wołomin Commune, the city of Kobyłka, Klembów Commune, Tuszcz Commune, Jadów Commune, Łochów Commune, Stoczek Commune, Sadowne Commune, Małkinia Górna Commune, Zaręby Kościelne Commune, Szulborze Wielkie Commune. The description of the undertaking is attached as Annex No. 1 to this Decision.

II. Conditions for the use of the land during the implementation and operational stages of the project, with particular consideration of the need to protect precious environmental values, natural resources and historic buildings and to reduce the impact on the neighbouring areas:

1. Construction works performed in the vicinity of areas under noise protection must be performed in the daytime (6 a.m. – 10 p.m.).
2. Work is to be organized so that devices emitting noise at high intensities are not operated simultaneously near areas of residential development. Construction work is to be executed using equipment in a very good technical state, with a low level of emissions, equipped with catalysts if possible, and causing small acoustic nuisance.
3. The construction site back-up facilities are to be organized and technical roads marked out in a manner ensuring economical use of the land and minimal transformation of its surface and, upon completion of work, the land is to be restored to its previous condition. Work is to be organized so as to minimize the amount of created construction waste.
4. The construction back-up facilities, materials storage areas, and parking spaces for equipment and machines are to be located beyond:
 - the areas on which natural habitats and habitats of protected species are located within the framework of the Bird Directive and the Habitat Directive, that is, outside of the habitats present in line sections at km 54+100-55+300, 55+600-55+700, 68+250-69+250, 71+300, 77+300-87+500 and beyond the intermediate zone between these areas; this applies in particular to the railway line at km 84+556 in relation to the work near the bridge over the Bug River (old riverbed habitats and habitats of small water reservoirs 3150-2 in the vicinity) and at km 54+179 in relation to the modernization work executed on the railway line near the bridge over the Liwiec River;

- the neighbourhood of the Rivers: Długa, Czarna, Rządza, Ugoszcz, Liwiec, and Bug;
 - the vicinity of residential development;
 - the area of water sources and their protected zones;
 - and, if possible, beyond the vicinity of forest complexes, meadows, fields, and marshes.
5. At km 54+100-55+300, 63+500-64+000, 77+300-87+500 modernization work is to be executed only near the turnout crown, without construction of new access roads; sections where culverts, overpasses, and bridges that are to constitute animal passages are subject to redevelopment are an exception; this condition does not apply to sections where passages, platforms, and access for handicapped persons will be constructed.
 6. The placement of access roads at the following km of the railway line is to be avoided: 54+000-55+250, 82+000-87+500; this particularly pertains to places where natural habitats and habitats of protected species are located within the framework of the Bird Directive and the Habitat Directive; access roads are to be located on the listed sections of the railway line only in the case of a lack of other logistical solutions enabling the realisation of the investment on these areas; then, the access road is to be made as temporary, led outside of the area of protected habitats, and after the conclusion of construction, liquidated.
 7. Sort and store waste at an allocated location and ensure its regular collection by authorised entities. Hazardous waste that may be produced during construction works must be segregated and separated from neutral waste and transported to specialized waste management companies for neutralization.
 8. Waste created during the realisation of the undertaking is to be located outside of areas protected on the grounds of the Act of 16 April 2004 on Environmental Protection (Journal of Laws No. 92, item 880, as amended).
 9. Minimize the scope of use of materials and products, the life cycle analysis of which indicates a significant burden on the environment.
 10. Household waste and sewage should be drained from the construction site facility base to tight holding tanks and transported to the nearest sewage treatment plant.
 11. Site facilities will be equipped with sanitary facilities, the contents of which will be systematically removed by authorised entities.
 12. The water and sewage systems in buildings entering into the scope of modernization are to be regulated by means of connection to local sewer systems, use of tight septic tanks, and construction of separate storm drainage and sanitary sewage systems.
 13. Tree and shrub clearance must be limited to the necessary minimum; trees located on the construction site that are not to be removed must be protected against damage; work in the vicinity of trees is to be conducted manually.
 14. Tree and shrub clearance is to take place outside of the bird nesting season (that is, not during the period from 1 March to 31 August).
 15. Periodical removal of trees and bushes colliding with the route during the stage of exploitation of the undertaking is to be carried out from 1 September to the end of February (excluding emergency situations).
 16. During the period from 1 March to 15 July, work causing excessive noise at km 54.0–55.25 and km 77.3–87.5 is to be limited to a minimum.
 17. Work realised in the vicinity of the riverbeds of the Liwiec and Bug Rivers that may lead to clouding of their water is to be realised outside of the spawning period of protected species of fish listed in Annex II to the Habitat Directive.
 18. In relation to work conducted near rivers, the natural structure of their beds is not to be violated, the levelling of bank areas and recessions temporarily filled with water is to be abandoned, no river dams are to be made and there are to be no transformations of the hydrological regime of underflows.
 19. Protect surface and underground water as well as the soil against the permeation of polluted rainwater and sewage from the back-up facility and materials bases.
 20. Maintain special caution during work near bridges and culverts in order to avoid pollution of surface underflows from petroleum derivative substances.

21. Do not fill in or pollute rivers and underflows cutting through the railway line and do not cause clouding of these waters.
22. Do not violate waterlogged land located near the railway line, and construction work that may cause drainage over these sections is to be conducted with the use of solutions guaranteeing the restoration of existing water conditions; drainage of the habitats present on the section from km 54+100 to km 55+300 and from km 82+000 to km 87+500 listed in Annex I of the Habitat Directive should in particular not be allowed.
23. The soil layer removed from the construction area must be properly deposited and re-used after the completion of work.
24. During demolition of specified engineering facilities, protect adjacent land against pollution; rivers and natural habitats, and habitats of protected species in the framework of the Habitat Directive and Bird Directive are to be protected in particular; materials obtained from demolition are to be transferred to storage areas and utilized; steel or stone elements that are suitable for re-use are to be safeguarded and stored in a suitable place; operating platforms, grips, and auxiliary devices are to be used to protect the ground under the structures.
25. On sections of the railway line crossing with underflows for 100 m from each side of the bridge or culvert, limit the use of herbicides in favour of mowing or manual removal of plant life; do not use herbicides on the railway line sections at km 54+000-55+250, 68+250-69+250, 71+300-71+500, 84+000-85+500 in particular.
26. Ensure proper operation and maintenance of equipment and elements of the rainwater drainage and treatment system so that they are maintained in a sound operational condition.
27. In the course of conducting works in the area of the identified habitats of the **European fire-bellied toad** (*Bombina bombina*), the **northern crested newt** (*Triturus cristatus*), the moor frog (*Rana arvalis*), the common frog (*Rana temporaria*) (i.e. at km: 68+250-69+250, 71+300, 74+000-74+500, 81+000-81+750, 82+000-87+500), these habitats should be protected against destruction by means of the appropriate marking and not should not be interfered with.

III. The following should be taken into account in the construction design:

1. The construction of acoustic screens of a height from 3 to 5 m, in the case of low development, near the railway line, in the following locations:

On line E75:

On the Warsaw section, line no. 449:

- from km 12+500 to km 12+900, with a length of 0.4 km on the right side;
- from km 12+500 to km 14+000, with a length of 1.5 km on the left

side. On the Warsaw–Zielonka section, line no. 449:

- from km 16+400 to km 17+300, with a length of 0.9 km on the left side;
- from km 19+000 to km 21+315, with a length of 2.3 km on the right

side. On the Zielonka section, line no. 6:

- from km 14+254 to km 15+000, with a length of 0.7 km on the right

side. On the Zielonka section, line no. 6/449:

- for line No. 6 from km 14+254 to km 14+570, with a length of 0.316 km, on the left side;
- for line No. 6 from km 14+880 to km 15+700, with a length of 0.82 km, on the left

side.

On the Zielonka–Tłuszcz section, line no. 6:

- from km 16+100 to km 17+200, with a length of 1.1 km on the right side;
- from km 16+200 to km 17+000, with a length of 0.8 km on the left side;
- from km 17+300 to km 22+500, with a length of 5.2 km on the left

side.

On the Wołomin (Zielonka–Tłuszcz) section, line no. 6:

- from km 18+500 to km 25+000, with a length of 6.5 km on the right side.

On the (Zielonka) Wołomin–Tłuszcz section, line no. 6:

- from km 23+500 to km 27+000, with a length of 3.5 km on the left side;

- from km 26+500 to km 27+200, with a length of 0.7 km on the right side;
 - from km 29+000 to km 29+500, with a length of 0.5 km on the left side;
 - from km 29+000 to km 29+500, with a length of 0.5 km on the right side.
- side. On the Tłuszcz section, line no. 6:

- from km 32+800 to km 37+380, with a length of 4.58 km on the left side;
- from km 39+475 to km 40+500, with a length of 1.025 km on the left side;
- from km 33+000 to km 40+800, with a length of 7.8 km on the right side.

On the Tłuszcz–Małkinia section, line no. 6:

- from km 43+600 to km 45+100, with a length of 1.5 km on the left side;
- from km 46+000 to km 46+700, with a length of 0.7 km on the right side;
- from km 47+500 to km 48+700, with a length of 1.2 km on the left side;
- from km 47+500 to km 47+900, with a length of 0.4 km on the right side;
- from km 49+600 to km 50+300, with a length of 0.7 km on the left side;
- from km 53+000 to km 56+100, with a length of 3.1 km on the right side;
- from km 53+600 to km 54+800, with a length of 1.2 km on the left side.

On the Łochów (Tłuszcz–Małkinia) section, line no. 6:

- from km 57+000 to km 57+915, with a length of 0.915 km on the right side;
- from km 59+000 to km 60+000, with a length of 1 km on the right side;
- from km 57+600 to km 57+925, with a length of 0.325 km on the left side;
- from km 58+500 to km 60+000, with a length of 1.5 km on the left side.

On the (Tłuszcz) Łochów–Małkinia section, line no. 6:

- from km 60+800 to km 61+100, with a length of 0.3 km on the right side;
- from km 62+500 to km 63+200, with a length of 0.7 km on the right side;
- from km 65+400 to km 66+000, with a length of 0.6 km on the right side;
- from km 67+200 to km 68+700, with a length of 1.5 km on the right side;
- from km 70+800 to km 72+200, with a length of 1.4 km on the right side;
- from km 71+000 to km 71+600, with a length of 0.6 km on the left side;
- from km 73+500 to km 74+300, with a length of 0.8 km on the right side;
- from km 81+500 to km 82+000, with a length of 0.5 km on the right side;
- from km 81+500 to km 82+000, with a length of 0.5 km on the left side;
- from km 85+700 to km 86+200, with a length of 0.5 km on the right side.

On the Małkinia section, line no. 6:

- from km 87+200 to km 87+500, with a length of 0.3 km on the left side;
- from km 87+500 to km 88+320, with a length of 0.82 km on the right side.

On the Małkinia section – Voivodeship boundary, line no. 6:

- from km 90+500 to km 91+100, with a length of 0.6 km on the right side;
- from km 90+500 to km 91+100, with a length of 0.6 km on the left side;
- from km 96+000 to km 96+500, with a length of 0.5 km on the right side;
- from km 96+000 to km 96+500, with a length of 0.5 km on the left side;
- from km 98+800 to km 99+400, with a length of 0.6 km on the left side;
- from km 102+700 to km 103+400, with a length of 0.7 km on the right side;
- from km 102+700 to km 103+200, with a length of 0.5 km on the left side;
- from km 108+700 to km 111+800, with a length of 3.1 km on the right side;
- from km 109+500 to km 111+400, with a length of 1.9 km on the left side.

2. Screens are to be non-transparent. It is permitted to use transparent screens with printing in the form of strips on overpasses and knots.
3. Acoustic screening of the railway subgrade using additional technical solutions (e.g. spacers under the rails, vibration insulating pads, mats under the broken stone) at the locations given below in individual places:
 - Warsaw Rembertów: line no. 449, from km 12+500 to km 13+000;
 - Wołomin: line no. 6, from km 19+000 to km 22+500;
 - Tłuszcz: line no. 6, from km 36+000 to km 38+500;
 - Łochów: line no. 6, from km 58+000 to km 59+000;
 - Małkinia Górna: line no. 6, from km 87+500 to km 88+500.
4. Drainage in the form of a system of open drainage ditches (with consideration of maximum utilization of

grassy ditches) or storm drainage, and where possible, connection to the urban sewer system. Outflows to ground watercourses are to be secured with valves with the possibility to cut off the flow of contaminants resulting from a major accident.

5. A tight system for draining of bridge structures.
6. In systems for drainage of the railway line and station, devices protecting surface and underground water against pollution in the form of settling tanks for catching easily settling suspensions and separators for the purpose of preventing contamination of the ground and water environment from petroleum derivative substances.
7. Limitation of the use of gabions, and in the case of the necessity for their use, they are to be covered with a layer of earth (at least 15 cm) and densely seeded with plants.
8. Resignation from the construction of Cracovian troughs and the use of concrete elements in the framework of the construction of drainage that could constitute a trap or barrier for animals; only in exceptional cases of risk of ground shifting is it permissible to use concrete elements with a profile enabling animals to escape easily.
9. The inclination of the walls of the channel casing may not exceed 30 degrees.
10. Detailed design solutions limiting the violation of riverbeds and banks.
11. Adaptation of the bridge at km 70+419 (supported by pillars) for the fulfilment of the function of a passage for large animals with the following parameters: 30 m wide and 3.5 m high (inside the passage) and the construction of a system of 4 passages for amphibians on both of its sides; passages for amphibians with a width of 1 m and a height of 0.6 m at km 70+169, km 70+229, km 70+289, km 70+349, km 70+488, km 70+548, km 70+608, km 70+668, connected to each other by means of a system of guiding fences (in the shape of the letter "L") with a length of 630 m on both sides of the tracks (at km 70+100-70+730).
12. Adaptation of the bridge at km 83+750 (supported by pillars) for the fulfilment of the function of a passage for large animals, with a width of 20 m and height of 5 m (inside the passage).
13. Redevelopment of the bridge at km 78+830 (supported by pillars) for the fulfilment of the function of a passage for medium-sized animals with a width of 20 m and a height of 2.5 m (inside the passage) and construction of a system of 4 passages for amphibians on both of its sides; passages for amphibians with a width of 1 m and a height of 0.6 m, at km 78+590, 78+650, 78+710, 78+770, 78+890, 78+950, 79+010, 79+070, connected to each other by guiding fences (in the shape of the letter "L"), with a length of 500 m on both sides of the lines (at km 78+580-79+080).
14. Construction of passages for small animals at km 83+200, 83+400 with a width of 1.5 m and a height of 1 m along with a system of guiding fences (in the shape of the letter "L") on the section: 83+150-83+450 (300 m on both sides of the tracks).
15. Adaptation of culverts at km 92+430, 93+496, 102+595 for the fulfilment of the function of passages for small animals, with a width of 1.5 m and a height of 1 m.
16. Construction of passages for small animals at km 82+480, 82+960 with a width of 1.5 m and a height of 1 m as well as the construction of 8 passages for amphibians at km 82+540-83+020, that is, at km 82+540, 82+600, 82+660, 82+720, 82+780, 82+840, 82+900, 83+020, and additionally on the section of the railway line at km 83+270-83+330, a passage with a width of 1 m and a height of 0.6 m, connected with each other by means of guiding fences (in the shape of the letter "L") with a length of 300 m on both sides of the line (at km 82+600-82+900).
17. Construction of at least 10 passages for amphibians at km 84+700-86+000, a passage with a width of 1 m and height of 0.6 m, connected to each other by means of guiding fences (in the shape of the letter "L").
18. Construction of an MPD-1 type tunnel with parameters 1.0 m × 0.6 m at km 71+350 and 81+600.
19. Construction of 2 MPD-1 type tunnels with parameters 1.0 m × 0.6 m at km 68+500.
20. Construction of an MPD-1 type tunnel with parameters 1.0 m × 0.6 m at km 87+150.
21. Adaptation of bridges for the fulfilment of the function of passages for animals in order to ensure keeping natural fragments of watercourses; strips of dry area should be left on both sides and outside the range of bank-full discharge, strips should be covered with humus soil and vegetation; after construction of a passage it is necessary to plant profuse shrubs on the sides of the route; it is permissible to construct supporting pillars (arranged in one line perpendicularly to the passage), but in a manner ensuring convenient crossing, on both sides of a watercourse with a width of a minimum of 8 m, with smoothly shaped approaches (slopes) ensuring easy migration of animals; such conditions will be ensured on the occasion of reconstruction of bridges on the Liwiec River at km 54+179 and the Bug River at km 84+556.
22. Ensuring a natural base for the surface of lower passages, e.g. from humus soil and plant life.

23. The approach to fences and passages for amphibians formed so as to enable free animal movement.
24. In the case of redevelopment of other, unlisted culverts, changes of their parameters so that the migration of small animals is possible (inside the passage 1.0 m).
25. Designing and installation of animal deterring devices at km 75+700-77+225, 77+425-78+500, and 93+500-95+300: sound and light devices, whose operation will be synchronized to approaching trains.
26. Construction of 22 water reservoirs for amphibians at km 68+250-69+250 (4), 71+300 (4), 74+000-74+500 (4), 81+000-81+750 (8), 87+000-87+500 (2), each with a surface of 500–1,000 m² and a depth of 1–1.5 m, with smoothly shaped slopes, beyond places that may cause the destruction of natural habitats; the population of amphibians from habitats at most risk of destruction (found in the direct vicinity of the railway line at the given kilometre) are to be transferred to the reservoirs.
27. Losses in greenery are to be replenished by introducing new plantings. The selection of trees should be based on the resistance of a species to air pollution, drought, ground salinity, and habitat conditions; technical indications related to landscape architecture and monument protection as well as safety requirements must all be accounted for. If possible, planting of trees whose fruit is readily eaten by birds should be avoided.

IV. Additional requirements.

The Investor is obligated to:

- 1) conduct post-realisation analysis in the scope of railway noise emission in the areas under acoustic protection in order to examine the necessity of introducing additional technical solutions mitigating possible negative impact or establishing a restricted use zone. The analysis shall be made within 6 months of the facility commissioning date and submitted within 12 months of the facility commissioning date;
- 2) ensure environmental supervision (including ornithological, herpetological, botanical supervision) during the preparation of the construction design and during the execution of construction work;
- 3) conduct a minimum of three years' monitoring in the scope of: use of passages by individual animal species (effectiveness), capacity of migration routes and collisions with animals and should propose means for improving the existing protection; the results should be presented to the Regional Nature Conservator in Warsaw;
- 4) mark inventoried habitat patches listed in Annex 1 of the Habitat Directive with the participation of a phytosociologist before commencement of work on the Bug River and protect them against any interference during the execution of work.

V. I hereby make this decision immediately enforceable.

JUSTIFICATION

Ms Marta Wronka, Attorney of PKP PLK S.A., in a letter from 8 January 2008, addressed the Masovian Voivode for issuance of a decision on environmental conditions for the undertaking based on the modernization of railway line E75 on the section Warsaw–Białystok–Sokółka within the boundaries of the Masovian Voivodeship with indication of Variant 1+.

The files of the case in question were passed against protocol of 21 November 2008 to the Regional Director for Environmental Protection in Warsaw by the Masovian Voivode pursuant to Article 160, section 1 item 7(a) of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended). By the letter of 4 December 2008, Ref. No.: RDOŚ-14-WOO-6613-8/08/bp, the Investor was informed about a change of the authority.

Pursuant to Article 48, section 1 of the EPL Act, the Masovian Voivode and as of the day of 15 November 2008, the Regional Director for Environmental Protection, pursuant to Article 153, section 1 point 2 of the EIA Act, conducted proceedings on the matter of assessing the impact of the undertaking on the environment, with consideration of the principle of priority of community law and the

responsibility of pro-community interpretation of the regulations of national law, that is, the EPL Act.

During the proceedings aimed towards the issuance of a decision on environmental conditions, the body took into account the entire evidence material accumulated in the case, including:

- 1) the application for the issuing of the decision on the environmental conditions for the undertaking with annexes, that is: the report on the impact of the planned undertaking on the environment with annexes (in the assessment of the body, the content of the submitted EIA Act is compliant with Article 52 of the EPL Act and corresponds to the requirements specified in European Union legislature), copies of register maps including the planned land on which the undertaking will be realised, along with the land of neighbouring lots, copies, and excerpts from local spatial development plans of communes neighbouring the area of realisation of the undertaking;
- 2) approvals (obtained pursuant to Article 48, section 2 item 2 of the EPL Act):
 - a. The National Voivodeship Sanitary Inspector in Warsaw by means of the decision of 22 August 2008, signature: ZNS.713-1248-1/08.EG;
 - b. General Director for Environmental Protection – resolution dated 22 May 2009, signature: DOOŚ-450-3/48k/4045/08/09/dj;
- 3) remarks and applications submitted by the deadlines “21 days for the public” – the method of their utilization has been described in the substantiation below.

The planned investment is based on the modernization of the existing railway infrastructure of line E75 on the section Warsaw–Białystok–Sokolka within the boundaries of the Masovian Voivodeship, including the realisation of sections 1 and 2. It is to be stressed that the 2nd realisation section ends on the territory of the Podlasie Voivodeship at km 119+500 of the railway line, outside of the boundary between the voivodeships, which can be found in the village of Czyżew at km 111+800.

The analysed section of railway line E75 runs from the Warsaw Rembertów station, where line E75 branches off on line 449 in the northern direction from line no. 2 (railway connection E20). In Zielonka, line no. 449 connects with line no. 21 running from the Warsaw Wileńska station and further runs as line no. 6 to the boundary of the Masovian Voivodeship. This section has two tracks (with the exception of one single track bridge over the Bug River – planned for redevelopment to two tracks) and totally electrified.

The planned undertaking is part of the I Pan-European Transport Corridor running from Poland to Finland, which is part of the TEN-T corridor network. In Warsaw that Corridor connects with Corridor II Berlin–Poznań–Warsaw–Moscow and Corridor VI Katowice–Warsaw–Gdańsk/Gdynia.

The purpose of the investment is the improvement of the quality of transport services by shortening the travel time and increasing the intensity of traffic and the maximum speed of passenger and freight trains, which will result in an increase in the attractiveness of rail transport in relation to other means of transport. Redevelopment of the railway infrastructure will make it possible to adapt it to the requirements of international contracts on main international railway lines (AGC) and on significant international lines of combined transport and accompanying objects (AGTC).

In the report on the impact of the undertaking on the environment, Variant “0” was considered, based on abandonment of action, with Variant “0+” based on the reconstruction of the existing infrastructure and Variants “1”, “1+”, “2a”, and “2b”.

In the framework of Variant “0+” it is planned to execute basic construction work necessary for correct functioning of the line in order to meet current transport needs and also to reconstruct the existing infrastructure to ensure $V_{max}=120$ km/h for passenger trains without a change in the route with the leaving of the one-track bridge on the Bug River. Modernization work will include, among other things, track renovation, replacement of rail sleepers, cleaning and supplementation or replacement of broken stone, platform repair, maintenance work or repair of existing railroad crossings, and in the case of the highest engineering facility of the planned investment – the bridge over the Bug River, replacement of damaged steel construction elements with partial repair and modernization of elements of the concrete subgrade.

Variant “1” plans a partial modernization of the infrastructure to the speed of 160 km/h in passenger traffic and 120 km/h in freight traffic, with a 221 kN pressure per axle. This will be possible, among other things, after installing new rails on concrete sleepers. Furthermore, this variant assumes the replacement of certain engineering facilities that are in a bad technical state with new facilities. This applies, above all, to the structure on the Liwiec River, which, due to its flawed construction, will be replaced with a new engineering facility. Due to the bad technical state and the difficulties related to connecting route tracks into one, the construction of a new bridge over the Bug is also planned.

Variant "1+" accounts for the adaptation of the railway line for ensuring the speed $V_{max}=160$ km/h for passenger trains and $V_t= 120$ km/h for freight trains. It is assumed that work based on the modernization of the railway line planned in Variant "1", including, additionally, preparation of the subgrade and adaptation of the railway infrastructure to a speed of 200 km/h for passenger trains. In the scope of engineering structures, steel bridges are to be replaced with new structures and many structures are to be redeveloped entirely.

In Variants "2a" and "2b" it is assumed for adaptation of the railway line to take place for a maximum speed of 200 km/h with the application of rolling stock with swinging bodies or modernized conventional rolling stock, liquidation of crossings at the level of the rails and their replacement with non-colliding junctions with adaptation to a speed of 120 km/h for freight trains. The scope of works in comparison to Variant "1+" differs by the amount of new overpasses and underground pedestrian crossings.

Due to the fact that the designed investment is based on the modernization of the existing railway line, the options for locating the undertaking were not considered. The question of realisation of the undertaking in a different location than the present one practically means the construction of a new railway line in terrain that has not been invested in, which constitutes a greater risk to the environment and nature than modernization of the existing line.

Abandonment of the project implementation is unfavourable both for the environment and the health of people. Current access to footbridges is not adapted to the needs of the disabled. The lack of the appropriate draining devices and the state of currently functional drainage ditches at the foot of the embankment constitute reasons for permeation of substances flushed from the subgrade to the environment. Due to the condition of railway tracks, the maximum permitted speed is currently 120 km/h on the greater part of the route and, in some places, there are speed limits even to 30 km/h. Furthermore, due to the worsening state of engineering structures on the line, there will be a necessity for introducing areas of limited train speed in the future, which may cause a shift in passenger and freight traffic to other means of transport (mainly road transport). In a further perspective, the dynamic development of road transport can be the cause of significant unfavourable impact on the environment in the discussed area. Taking the above into account, this variant was rejected.

For the purposes of elaborating and EIA report, a multi-criteria analysis in the scope of the influence of factors specified for the implementation phase and exploitation phase of the undertaking on: humans, plant life, animal life, the soil, the air, the climate, the landscape, their mutual interactions and material goods, as well as cultural heritage.

In the framework of multi-criteria analysis during the phase of implementation of the undertaking, the following influences have been accounted for: short-lasting noise related to the use of heavy equipment, human pressure on particularly valuable and sensitive ecosystems and areas of animal and plant protection, the possibility of polluting the soil and water environment with petroleum derivative substances and other substances used during modernization work, destruction of plant life and the landscape near the line in relation to the construction of the electric network not connected with the line and the settlement of polluted materials near the tracks. The conducted analysis showed that the difference in the impacts of individual options on the environment is small.

Within the framework of multi-criteria analysis during the exploitation phase, the following factors with environmental impact were considered: noise emissions, the possibility of destroying adjacent ecosystems, the possibility of polluting soil, surface and groundwater as a result of accidents during the transport of hazardous materials, the possibility of collision with cars at crossings and the possibility of collision with animals on animal migration trails. In this scope, the most favourable option for the environment is Variant 1+. Considering the question of the effect of the destruction of adjacent ecosystems on the environment, it is to be stressed that the effect on animals will be slightly negative while the remaining options will result in significant negative impact on animals. At the same time, Variant 1+ stands out from the rest with a smaller impact on the water environment and was highly evaluated in terms of railway-road safety, due to the fact that collisions of road and rail transport will be decreased. Furthermore, there will be a slight positive impact due to the introduction of anti-noise devices.

The planned undertaking crosses three Natura 2000 areas: the area for special protection of birds "Valley of the Lower Bug" (PLB140001), special bird protection area "Liwiec Valley" (PLB140002), and a special habitat protection area "Nadbużańska Refuge" (PLH140011), and is also at a distance of 100 m from the Natura 2000 special bird protection area "Puszcza Biała" (PLB140007).

Moreover, at a distance of approx. 10 km from the line, there is an area which is significant for the Community "Czarna Struga Wetlands" (PLH 14009) and at a distance of approx. 8 km – "Lucynowsko-Mostowieckie Dunes" (PLH 140013). Whereas, at a distance of approx. 500 m from the modernised line, there

are the designated special protection areas of habitats – “Strzebla Błotna in Zielonka” and “Rembertów Military Training Area”, at a distance of approx. 1 km – “Białe Błota”, at a distance of approx. 10 km “Czernik Peatbog” and at a distance of approx. 6.5 km – “Ceranowskie Dąbrowy”. Due to the significant distance and scope of the investment, no significant impact of the investment on the above existing and designed areas is planned.

On the basis of submitted materials describing the impact of the planned investment on the environment, it is to be stated that the construction of a new bridge on the Bug River, in the vicinity of the existing bridge, will not significantly negatively affect the species of birds present here. In the neighbourhood of the planned bridge, the presence of single habitats was stated, among others, of the common snipe and of the garganey – species, the breeding populations of which are present over the entire Natura 2000 area “Dolina Dolnego Bugu” in the number of 250 and 300 pairs respectively. Therefore, the influence on individual habitats of these species of birds in the context of their presence over the entire Natura 2000 area “Dolina Dolnego Bugu” will not be significantly negative. Furthermore, with the use of specific minimizing measures, the planned investment will not cause significantly negative impact on the species of birds present near the bridge and listed in Annex 1 of the Bird Directive, such as the Western Marsh Harrier or the Corn Crake.

The realisation of the planned investment on the section cutting through the area “Dolina Liwca” and the area “Ostoja Nadbużańska” will not cause significantly negative impact on the habitats from Annex I and the species from Annex II of the Habitat Directive nor on the species listed in Annex I and II of the Bird Directive and in Annex II of the Habitat Directive, present in the Natura 2000 area “Dolina Liwca” and subject to protection. This will be possible with the application of the appropriate minimizing measures, such as, e.g. avoiding startling the birds present here, positioning the construction base away from precious natural habitats, or executing work in the vicinity of the riverbed of the Liwiec and Bug Rivers, which may lead to clouding of the water, outside of the spawning period for protected species of fish.

The fact that there are preparations being made for the reporting of a new Natura 2000 area to the European Commission deserves attention, with “Dolina Liwca” to be made a special habitat protection area. On the section intersecting the SPA “Dolina Liwca” with railway line E75, there are many small and scarce natural habitats listed in Annex II of the Habitat Directive. In order to limit the possibility of their destruction, the appropriate minimizing measures will be taken.

Simultaneously, the modernization will have an effect on the functioning of four ecological corridors: the local corridor Dolina Liwca, Puszcza Biała – Puszcza Białowieska (North-Middle), Dolina Bugu – Lasy Parczewskie (South-Middle), Dolina Dolnego Bugu (North-Middle), constituting one of the primary elements enabling the correct functioning and protection of natural resources present in Natura 2000 areas. Due to this, during work on the railway line section in the Masovian Voivodeship, culverts and bridges will be constructed or redeveloped so that they may be animal passages. These measures will ensure the throughput of ecological corridors as well as the improvement of the impact of the investment on individual Natura 2000 areas and maintenance of the cohesion of the Natura 2000 European Network.

Considering the above, it is to be stated that the realisation of the undertaking in the Variant 1+ with the application of the appropriate minimizing means will not have an influence on the worsening of the state of natural habitats or habitats of bird species for the protection of which the above Natura 2000 areas were created, will not negatively affect the same species for the protection of which these areas were made, and will not worsen the integrity of these areas and also their connections with other areas.

To sum up, the Regional Director for Environmental Protection in Warsaw acknowledged that the most favourable variant for the environment is Variant 1+. In order to minimize the influence of the undertaking on the environment, the conditions for realisation have been specified in the form of:

- 1) conditions for the use of the land at the implementation and operational stages with the taking of particular account of the need to protect precious environmental values, natural resources and to reduce the effect on neighbouring areas (point II of the decision),
- 2) environmental protection requirements to be included in the construction design (point III of the decision);
- 3) additional requirements (point IV of the decision).

Re: 1), 2)

During the evaluation of the impact of the undertaking on the environment, its impact on the environment was analysed on: human health, air, vibroacoustic climate, underground water, vegetation, animal life, cultural monuments, and also water management and management of produced sewage and waste. Two stages were included in the analysis: realisation and exploitation of the investment.

The location of the construction back-up facilities and access roads will require the occupation of additional land, however its economical use and minimum reshaping of its surface has been ensured. After completion of the construction works, the area will be restored to its previous condition. Work is to be organized so as to minimize the amount of created construction waste. Materials bases and parking for equipment and machines will be located outside the areas in which natural habitats and habitats of protected species within the framework of the Habitat and Bird Directive are present, that is, apart from the habitats present on line sections at km 54+100-55+300, 55+600-55+700, 68+250-69+250, 71+300, 77+300-87+500 and beyond the transition area between these areas. This especially pertains to the line at km 84+556 in relation to the work near the bridge over the Bug River and at km 54+179 in relation to the work at the bridge over the Liwiec River. Furthermore, the construction back-up facilities are to be located beyond the vicinity of the rivers, residential development, the area of water sources and their protected zones, and if possible, outside of the areas of forest complexes, meadows, pastures, and marshes.

Construction work will be executed on specific sections only within the limits of the subgrade crown. The correct organization of the construction site will make it possible to lower the risk of destroying protected animal species and natural habitats. Due to the work related to the construction of bridge structures over the Liwiec and Bug Rivers, at km 54+179 and 84+556, the construction site will be organized outside of the subgrade crown, however in such a way so as not to violate the habitats protected within the framework of the Natura 2000 Ecological Network. During execution of work in the area of identified habitats of the European fire-bellied toad (*Bombina bombina*), great crested newt (*Triturus cristatus*), moor frog (*Rana arvalis*), and the common frog (*Rana temporaria*) (that is, at km: 68+250-69+250, 71+300, 74+000-74+500, 81+000-81+750, 82+000-87+500), they will be protected against destruction by means of the appropriate marking and will not be interfered with.

Access roads to the construction site will be marked, above all, based on the existing road network, if possible, excluding the track sections at km 54+000-55+250, 82+000-87+500. This particularly applies to places where natural habitats and habitats of species protected within the framework of the Habitat and Bird Directives are present, unless there is a lack of other logistical solutions enabling the realisation of the investment on the land. In such a case, the access road is to be made as temporary, led outside of the area of protected habitats, and liquidated after the conclusion of construction.

Waste from construction will be segregated and stored in a separate place, outside of areas protected on the grounds of the Act of 16 April 2004 on environmental protection (Journal of Laws No. 92, item 880, as amended) and regularly collected by authorized entities. Hazardous waste must be sorted and handed over for recycling or neutralisation to an authorised recipient. The scope of use of materials and products, the life cycle analysis of which indicates a significant burden to the environment, is to be minimized. Household sewage from the site facilities will be discharged into sealed septic tanks and transported to the nearest sewage treatment plant. Site facilities will be equipped with sanitary facilities whose contents will be systematically removed by authorised entities. The layer of earth removed from the work site will be appropriately safeguarded and re-used after the conclusion of work.

The realisation of the planned investment will be related to an increase in the noise level, the source of which will be the operation of construction equipment and vehicles. Construction works performed in the vicinity of areas under noise protection must be performed in the daytime (6 a.m. – 10 p.m.). If possible, devices emitting high levels of noise are not to operate concurrently. Construction work is to be executed using equipment in a very good technical state, with a low level of emission, equipped with catalysts if possible, and causing little acoustic nuisance.

Limiting the impact of noise of the railway line during exploitation will be possible through the construction of acoustic screens and through the use of the appropriate technical solutions during the construction of the subgrade, limiting the level of noise emissions, such as: sub-rail spacers, vibration insulating pads, mats under the broken stone. Acoustic screens are to be non-transparent. It is permitted to use transparent screens with printing in the form of strips on overpasses and knots.

The lead-off of rain and drainage water from the subgrade will be ensured by a system of open drainage ditches (with consideration of the maximum use of grassy ditches) or storm drainage, or, where possible, by means of connection to the urban sewer system. The system of leading off and treatment of rainwater is to be maintained at full efficiency by means of the correct servicing and maintenance of devices and elements of the above system.

Outflows to ground watercourses are to be secured with valves with the possibility to cut off the flow of contaminants resulting from a major accident. Surface and underground water as well as soil will be protected

against the permeation of polluted rainwater and sewage from the back-up facility and materials bases. In systems for drainage of the railway line and station, devices protecting surface and underground water against pollution in the form of settling tanks for catching easily settling suspensions and separators for the purpose of preventing contamination of the ground and water environment from petroleum derivative substances are planned for application. In order to avoid pollution of surface underflows from petroleum derivative substances, special caution during work near bridges and culverts is to be maintained. The water and sewage systems in buildings within the scope of modernization are to be regulated by means of connection to local sewer systems, use of tight septic tanks, and construction of separate storm drainage and sanitary sewage systems.

The modernised railway line at km approx. 23+000-35+000 is located over the underground water reservoir GZWP No. 215 "Subniecka Warszawska", however, outside of the areas at risk of pollution. Underground water in this section is well insulated.

The application of a tight drainage system for bridge structures is planned, owing to which rainwater will not be directed from these facilities directly into the watercourse running below.

During the demolition of specific engineering structures, the areas adjacent to them, especially rivers and natural habitats and habitats of species protected within the framework of the Habitat and Bird Directive will be protected against pollution. Materials obtained from demolition will be transferred to storage points or utilized. Steel or stone elements suitable for re-use will be protected and stored at a designated location. If necessary, working platforms, grips and auxiliary devices will be used to safeguard the ground under structures.

The railway line E75 lies in the drainage basin of the Vistula, in the reception area of Narew and Bug. Water from this area is led off directly to the riverbed of the Vistula and its main tributaries. Railway line E75 cuts through the following Rivers: Długa, Czarna, Rządza, Liwiec, Ugoszcz, and Bug. At the sections where earthworks and construction works are to be carried out near watercourses and water reservoirs, solutions preventing their being buried, made murky, or contaminated with chemicals will be introduced. Work related to the construction of bridge structures over the Liwiec and Bug Rivers will be conducted in such a way as not to violate the natural structure of the riverbed and so as not to dam the river, transform the hydrological regime of underflows, and also so as not to lead to the levelling of near-bank areas and recessions temporarily filled with water. The limitation of work interfering with the riverbed or its immediate proximity to it and abandonment of execution of work in the riverbed during the spawning and migration seasons of valuable species will make it possible for them to migrate and spawn and will also limit the impact of the investment on the habitats of protected species. The construction design will provide for detailed design solutions limiting the violation of the bed and banks of the river.

Redevelopment of the railway line will be conducted so as not to violate the waterlogged areas located near the railway line. During work that can lead to drainage on these sections, solutions guaranteeing the restoration of existing water conditions will be applied. Construction work planned on the section from km 54+100 to km 55+300 and from km 82+000 to km 87+500 will be executed in such a way so as not to cause changes in the water conditions present in the areas of these habitats, listed in Annex 1 of the Habitat Directive.

The planned undertaking will constitute a barrier for migrating animals. In order to overcome its barrier-like influence, a network of passages for small, medium-sized and large animals has been designed in places identified as the most important migratory trails of animal life. Passages for amphibians have been connected by a system of fences guiding the animals, located on both sides of the tracks. The approach to fences and passages for amphibians will be formed so as to enable free animal movement. A natural base for the surface of lower passages will be ensured, e.g. from humus soil and plant life.

In the case of bridges that will fulfil the function of passages for animals, maintenance of natural underflow fragments is to be ensured. For this purpose, on both sides, strips of dry ground will be present, placed outside of the reach of water near the riverbanks. These strips will be covered with humus and plant life, and after execution of the passage, it will be necessary to densely plant bushes on the sides of the guiding trail. It is permitted to construct supporting pillars, however in such a way that ensures the creation of a comfortable passage on both sides of the pillars of a width of a minimum of 8 m, with smoothly shaped approaches (slopes), enabling easy animal migration.

Culvert redevelopment will be linked to a change in their parameters so as to enable the migration of amphibians, reptiles, and small mammals.

In order to counteract the increase in animal deaths, the installation of animal deterring devices at km

75+700-77+225, km 77+425-78+500, and km 93+500-95+300 has been ordered, the operation of which will be synchronized to approaching trains.

For the purpose of creating additional or alternative places for amphibian breeding (among others, the great crested newt and the European fire-bellied toad), 22 water reservoirs will be constructed, each with a surface of 500–1,000 m² and a depth of 1–1.5 m. Populations of amphibians will be moved there from habitats at the greatest risk of destruction during the time of realisation of the investment. The purpose of these measures is to lower the risk of worsening the general state of the population of these species.

Furthermore, for the purpose of maximum protection of the existing forest stand and bird life, clearing of trees and bushes will be limited to a necessary minimum. Work executed near trees will be carried out manually in order to limit the possibility of damaging tree crowns and the root system. Furthermore, the condition of conducting cut-outs only outside of the nesting season has been introduced, that is, outside of the period from 1 March to 31 August.

In order to replenish the forest stand, losses in greenery are to be replenished by introducing new plantings. The selection of trees should be based on the resistance of a species to air pollution, drought, ground salinity, and habitat conditions; technical indications related to landscape architecture and monument protection as well as safety requirements must all be accounted for. If possible, planting of trees whose fruit is readily eaten by birds should be avoided.

Additionally, due to the protection of valuable bird species, the execution of work causing excessive noise emissions at km 54.0–55.25 and 77.3–87.5 during the period from 1 March to 15 July will be limited to a minimum.

Furthermore, the construction of Cracovian troughs and the use of concrete elements for construction of drainage is not planned because these elements may constitute a trap or barrier for animals. Only in exceptional cases of landslide threat is it acceptable to use concrete elements shaped in such a manner as to enable the escape of animals. Simultaneously, the track drainage system will be made so that the inclination of the walls constituting the channel casing does not exceed 30 degrees.

Gabions used near bridges and culverts may also constitute a threat for animals. Due to this, they will be used only if necessary, and then, they will be covered by an appropriately thick layer of earth (at least 15 cm) with dense planting around them.

Due to the risk of a disadvantageous effect of herbicides on amphibians and reptiles, they cannot be used at places of their spawning for maintaining the subgrade. Mowing plants or their manual removal is suggested.

Re: 3)

The Investor has been charged with the obligation to conduct post-realisation analysis in the scope of railway noise emission in the areas under acoustic protection in order to examine the necessity of introducing additional technical solutions mitigating possible negative impact or establishing a restricted use zone. The analysis shall be made within 6 months of the facility commissioning date and submitted within 12 months of the facility commissioning date.

The E75 railway line is an electrified line, in relation to which its exploitation will not cause emissions of substances polluting the air. Modernization and exploitation of the line will also not cause permeation of polluting substances to the earth and underground water. In relation to the above, the organ did not impose the responsibility of conducting post-realisation analysis in the scope of air, ground, and underground water pollution on the Investor.

In order to counteract the increase in animal deaths, the obligation of three-year monitoring of the railway line has been imposed, the results of which will be the basis for evaluating the effectiveness of the applied safeguards and throughput of the migration trails. In addition, the responsibility for proposing means for improving the existing safeguards has also been introduced. Results are to be submitted to the Regional Nature Conservator in Warsaw.

Due to the valuable habitats found on the route of the railway line and also the presence of protected bird and amphibian species, among other things, the Investor will ensure environmental inspection during the preparation of the construction design and during the execution of construction work (including ornithological, herpetological and botanical supervision). Furthermore, inventoried habitat patches listed in Annex 1 of the Habitat Directive are to be marked with the participation of a phytosociologist before commencement of work on the Bug River and protected against any interference during the execution of work.

Pursuant to Article 10 § 1 of the Administrative Procedure Code, the body conducting the investigation ensured the Parties' active participation in every stage of the investigation and, prior to the issuing of the decision, allowed them to express their opinions on the collected evidence and materials. Pursuant to Article 49 of the APC and Article 46a item 5 of EPL Act, the parties were informed of the decisions and other activities of the body managing the proceedings via announcements-notifications (notifications on initiation of the proceedings, notifications on request for agreements, notifications on the agreements issued, notifications at the end of the proceedings). Announcements were placed on the bulletin board of the Masovian Voivodeship Office, the Regional Directorate for Environmental Protection in Warsaw, the headquarters of PKP PLK S.A. Warsaw Branch, the Office of the capital city of Warsaw for the districts Rembertów and Wesoła, in the Offices of Ząbki Commune, Zielonka Commune, Wołomin Commune, the city of Kobyłka, Klembów Commune, Tuszcz Commune, Jadów Commune, Łochów Commune, Stoczek Commune, Sadowne Commune, Małkinia Górna Commune, Zaręby Kościelne Commune, Szulborze Wielkie Commune, and the internet site of and BIP of the body.

In connection with Article 53 of the EPL Act, the body conducting the proceedings provided the possibility of the public's participation in the proceedings as part of which the report concerning the environmental impact of the undertaking was made. Pursuant to Article 32, section 1 of the EPL Act, the body conducting the EIA proceedings made public information on the placement of data on the application for issuance of a decision on environmental conditions for the undertaking in the "Publicly accessible list of data concerning documents containing information about the environment and its protection." It simultaneously informed of the possibility for submitting comments and applications by the deadline defined as "**21 days for the public**": **i.e. from 20 October 2008 to 10 November 2008 and from 22 June 2009 to 16 July 2009**, and the place of submitting them. Announcements were placed on the bulletin board of the Masovian Voivodeship Office, the Regional Directorate for Environmental Protection in Warsaw, PKP PLK S.A. Warsaw Branch, the Office of the capital city of Warsaw for the districts Rembertów and Wesoła, in the Offices of Ząbki Commune, Zielonka Commune, Wołomin Commune, the city of Kobyłka, Klembów Commune, Tuszcz Commune, Jadów Commune, Łochów Commune, Stoczek Commune, Sadowne Commune, Małkinia Górna Commune, Zaręby Kościelne Commune, Szulborze Wielkie Commune, and the internet site of and BIP of the body.

Remarks and applications were submitted by the following organisations by the deadlines announced by the body:

1. The Polish Society for the Protection of Birds with letters from 10 November 2008 and 13 July 2009
2. The "Green Mazowsze" Association with letters from 10 November 2008 and 13 July 2009
3. Office of the City of Kobyłka with a letter from 7 November 2008

Method of using remarks and applications submitted in connection with the participation of the public (Article 56, section 8 of the EPL Act):

No.	SUGGESTIONS AND REMARKS	POSITION OF THE AUTHORITY
1.	The Polish Society for the Protection of Birds has applied for:	
1.1	The track drainage system including the base should be shaped so that the slope of the embankment walls, which constitute the channel casings, does not exceed an angle of 30 degrees; this comment also applies to the lower part of the draining wells. Furthermore, only perforated elements are to be used for the construction of the drainage system;	The condition has been partly taken into account in point III section 8.9 of the conclusion of the decision.

- 1.2 all acoustic screens are to be non-transparent; The condition has been partially considered in point III section 2 of the decision. Due to the safety on overpasses and in interchanges, it is necessary to use transparent screens that provide better visibility. In the remaining locations, the screens will be non-transparent. Simultaneously, in the case of construction of transparent screens, there will be a printing in the form of strips to prevent birds crashing into the screens.
- 1.3 cut-out of trees and bushes is to be carried out only during the period from 1 September to the end of February; furthermore, during the stage of exploitation of the undertaking, periodical removal of trees and bushes colliding with the railway route is to be carried out only in the above period (excluding emergency situations); The condition has been taken into account in point II section 14 and 15 of the decision.
- 1.4 storage and processing of waste created during the realisation of the undertaking is to take place outside of grounds included in regional forms of environmental protection, in places made for that exclusive purpose in local spatial development plans. The condition has been taken into account in point II section 8 of the decision.

2. The “Green Mazowsze” Association applied for:

- 2.1 supplementation of the report with more reliable traffic forecasts and analysis of the consequences of an increase in the intensity of traffic; The proposal was rejected. The information given by the Investor indicates that the surveys of realisability pertaining to the modernization of line E75 do not confirm the accuracy of forecasts in the scope of passenger transport that “Green Mazowsze” is referring to. The consortium of German companies DB International / SchuBler-Plan that elaborated the realisability survey for PKP PLK S.A. in 2007 for the section Warsaw–Białystok–Sokółka, verified the forecast made for the realisability survey made earlier for the section Warsaw–Białystok elaborated by the GOPA company in 2000, as well as the initial realisability survey for modernization of railway lines lying in Corridor I and DC in the section Warsaw–Kowno–Wilno, elaborated by the Research Institute of Transport Economics (OBET) in 2004, comparing them to data on actual passages in the years 2004–2006. As results from the conducted comparison, actual passages were proven to be lower than forecast (in the scope of passenger transport, the lowest level of passages was observed for the section Warsaw–Tuszczyca in 2004). In recent years, the number of passengers has slightly increased, but account must be taken, that during the execution of construction work in the section Warsaw Rembertów–Zielonka–Tuszczyca (Sadowne), the amount of passengers may decrease due to the nuisance of the construction (limitation of the number of trains, lengthened travel time, unavoidable train delays).

It is expected that only after the conclusion of the modernization of the above section will the number of passengers systematically increase starting from 2014. As of now, about 3,000–3,500 passengers per hour are transported on the section Warsaw–Tuszczy (five two-part contact units and one express train stopping in Tuszczy are running). For the assumed optimistic increase of agglomeration passages by 35% by 2021, the number of travellers will rise to a maximum of about 4,700–5,000 passengers per hour. By adding an additional third traction unit to the currently operating trains, it will not be difficult to transport even an additional 2,500 passengers/hour (one traction unit \times 500 passengers/unit \times 5 trains/hour), which will also allow to decrease crowds in the currently operating two units EN57. Of course, taking into account the above solution, it may not be guaranteed that each passenger travelling in a suburban train will have a seat. The above forecast for the agglomeration traffic for the section Warsaw–Tuszczy fully overlaps with the forecast elaborated in 2007 within the framework of the initial realisability survey for the task “Modernization and development of the Warsaw Railway Knot” made by the Scientific and Technical Centre for Railway Engineering, which “Green Mazowsze” has cited many times in many other cases. While maintaining some scepticism towards the elaborated forecasts, no “single valid” forecast can be accepted for rail transport as elaborated within the framework of the “Initial survey for lengthening of the tram line to Ząbki,” upon which the representatives of the “Green Mazowsze” organization base their arguments, according to which the demand for rail transport in 2015 for the discussed section has been estimated at 10,000 lanes per hour, which would require agglomeration trains to run every 5 minutes at peak hours. It is considered that the acceptance of the level of rail passenger transport for the section Warsaw–Zielonka–Tuszczy (Sadowne) at 5,000 lanes/hour at peak hours, not by 2015, but by 2021, is completely justified. Therefore, there is no need to activate additional agglomeration trains until 2021 or to increase their frequency from the current 10 minutes to 5 minutes at peak hours.

2.2 verification of an overly optimistic forecast of average speeds reached by individual types of trains;

In the EIA report, the information has been considered that currently suburban trains on the section Warsaw–Tuszczy reach speeds from 20 to 80 km/h. From the information obtained from the Investor, it results that the truth is, as the representatives of “Green Mazowsze” state, that the achieved commercial speed is now significantly lower due to the limitations of speed caused by the bad state of the tracks, and of course, due to the need for trains to stop at train stations. Average forecast train speeds, after the realisation of modernization result from analysis of exploitation and traffic simulations conducted using specialized software by a German surveyor.

The analysis considers data such as: top speed, type of surface, line geometry, number and type of trains, time for occupying and leaving a course, density of linear blockades, density of train passages, waiting times of specific trains and many other sets of data, that is most surely not detached from reality. It is assumed that operators realising passenger transport will purchase modern rolling stock, thanks to which it will be possible to achieve high speeds even on a relatively short section (e.g. 100 km/h on a section of up to about 1 km). Attention should be paid to the fact that even today, such rolling stock is exploited on the modernized section from Warsaw to Siedlce. The achieved speeds of agglomeration trains is about 100 km/h, and so this is possible. This only requires the installation of a modern control system (which is the Investor's plan) and the realisation of an appropriate train schedule. It should be mentioned that the Investor cannot take responsibility for the independent decisions of operators regarding the purchase of rolling stock that would be able to utilize the new parameters of the line infrastructure after modernization. It can however, influence the operators on the matter of purchase of modern rolling stock by establishing an appropriate price policy in the scope of payments for giving access to the line (for old rolling stock that slows traffic, very high payments).

The proposal was rejected. The Directive of the European Union concerning the assessment of the impact of projects on the environment, including the EIA directive and the EPL Act and the EIA Act do not require investors to announce publicly, including to non-governmental organizations at the stage of obtaining the environmental decision, the Feasibility Study which contains much information that constitutes business secrets. The authors of the Study are always required to maintain confidentiality of data acquired from PKP PLK S.A. and other PKP Group companies, necessary to prepare the study. In the procedure of environmental impact assessment, public consultation only involves the report on the environmental impact of the project.

2.3 Adding the Feasibility Study to the documentation; establishment of another deadline of "21" days for the public after supplementing documentation with the Feasibility Study and in relation to the lack of reception of a Xeroxed copy of the documentation until the day of 10 July, that is, the last working day before the expiration of the deadline for submitting comments and applications;

The proposal was rejected. The body holds the position that it has ensured the participation of the public in accordance with valid regulations. The 21-day period for submitting remarks and application was established twice from 20 October 2008 to 10 November 2008 and from 22 June 2009 to 16 July 2009. Everyone had the right to become acquainted with the case documentation and to submit comments and applications by the above deadline.

2.4 the report summary, which is too broad, has not been corrected in a non-technical language and the most significant information for the local public about the modernisation results has not been included;

The proposal was rejected. According to the recommendations of the European Commission as well as the Minister of Regional Development, the non-specialized summary of the EIA report should contain all elements of the report, which is why there is no possibility for elaborating a summary on several pages with simultaneous consideration of all report elements.

The summary contains, among other things, information on the impact on human health during the phase of realisation and exploitation and also a description of forecast measures having the purpose of preventing and limiting negative impact on the environment, including vibroacoustics. At the same time, many terms do not have synonyms in everyday language, and due to this fact, the summary may contain specialized terms, which have been limited to a minimum.

- 2.6 consideration of comments regarding agglomeration railway traffic;
- The applications have not been considered due to their technical nature. The organ has conducted administrative proceedings on the matter of issuing a decision on environmental conditions for the undertaking based on, among other things, the submitted EIA report. The report contains data on the subject of the undertaking, which constitutes the basis for conducting an assessment of the impact of the undertaking on the environment. Changing the technical parameters would be tantamount to the arising of a new undertaking, for which separate proceedings on the matter of issuing a decision on environmental conditions would have to be carried out. At the same time, it is not the place of the body to decide upon changes of technical parameters of the planned undertaking.
- 2.7 consideration of other comments regarding railway traffic;
- as above
- 2.8 prohibition of replacement of the paved surface made in the years 2006–2008;
- The application was not considered because the Investor does not plan to replace the paved surface for repaired sections.
- 2.9 analysis of additional sub-variants of the undertaking, with consideration of the construction of a direct exit from the station Warsaw Wschodnia to the line Warsaw Wileńska – Zielonka (e.g. in a shallow excavation or even a tunnel in the reserve of the terrain on Nowo-Ziemowita Street), with by-passing of the detour through Rembertów;
- The proposal was rejected. The organ has conducted administrative proceedings on the matter of issuing a decision on environmental conditions for the undertaking based on, among other things, the submitted EIA report. The report includes the assessment of specific variants described in the substantiation of this decision. Changes in the technical parameters related to the new variant would be tantamount to the arising of a new undertaking, for which a new assessment would have to be conducted.
- 2.10 consideration of applications pertaining to pedestrians and cyclists;
- The applications were not considered because they exceed the scope of the decision on environmental conditions. From the information obtained from the Investor, it results, that:
- there are no counter indications for using technological roads by cyclists, however, it should be kept in mind, that as the name suggests, this is a road for service, exploitation, or line repair, above all; in relation to this, one cannot always expect full mobility on these roads, and PKP PLK S.A. cannot be responsible for cycling accidents caused by the unsuitable state of these roads for bike travel;

- designed pedestrian crossings ensure the safety of pedestrians and cyclists. Railway crossings are equipped with barriers or separating fences which have been designed in an alternate system (the so-called “labyrinth”); the designed number of crossings through the railway system is satisfactory in the opinion of PKP PLK S.A., but it is obvious that with a speed of trains of 160–200 km/h the number of those crossings may not be excessive;
- all newly constructed structures, including underground crossings are adapted to the needs of handicapped persons, which, in this case, signifies that the entrance and exit of the tunnel are equipped with ramps that can also be used by cyclists; however, attention should be paid to the fact that underground crossings are planned for pedestrian traffic not bicycle traffic; in the case of cyclists, is it possible to use these crossings as pedestrians (with the bike being led by the cyclist) without the need for building special bicycle trails;
- it is not planned to build footbridges for pedestrians and cyclists near the bridge over the Liwiec and Bug Rivers on account of the safety of these persons (fast trains) and due to the additional costs of designing, building, and maintaining them; railway bridges should only be used for railway traffic;
- equipping platforms with infrastructure for parking or storing bicycles does not enter into the scope of this project because in the scope of stations and train stops, the project only includes the construction of platforms and access to them.

2.11 the obligation for protecting existing trees and bushes, especially keeping the trees on the southern side of Ossów stop and keeping the tree espalier at platform 1 of Małkinia station;

The application has been considered in the general wording of point II section 13.

2.12 the obligation to prepare a list of facilities with cultural value (e.g. station buildings with stylistic or historical qualities, technical artefacts not entered into the monument register, etc.) with indication of the method of their protection within the framework of line modernization;

The proposal was rejected. Pursuant to Article 52, section 1 point 2a of the EPL Act, the report should contain a description of monuments in the vicinity of the planned project or within the affected range protected under provisions on protection and care of monuments

2.13 obligation of realisation of systems so that they are not a dangerous trap for small vertebrates;

The application has been considered in point III section 8 and 9 of the decision.

The application has been considered in point II section 9 of the decision.

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| 2.14 | introduction of the ban on using materials and goods, the lifecycle analysis of which indicates significant burden on the environment, if they may be replaced with other materials and goods, in particular the order to avoid using PVC goods; | The application has been considered in point II section 9 of the decision. |
| 2.15 | the obligation to cover all stops by close circuit television monitoring; | The application was not considered because it exceeds the scope of the decision on environmental conditions. |
| 2.16 | responsibility for care of the quality of station architecture; | The application was not considered because it exceeds the scope of the decision on environmental conditions. |
| 2.17 | consideration of comments pertaining to work organization. | The applications were not considered because they exceed the scope of the decision on environmental conditions. From the information obtained from the Investor, it results that comments and applications of the Association regarding work organization will be applied during the elaboration of instructions for the contractor in the discussed scope. |

3. The Office of the City of Kobyłka applied for:

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| 3.1 | construction of a two-level intersection of the railway line with the vehicular transport system in the area of the city of Kobyłka. | As in point 2.6 of the table |
| 3.2 | placement of acoustic screens according to the valid local development plan of the city of Kobyłka. | The application has been considered in point III section 1. From the information obtained from the Investor, it results that at the stage of elaboration of the EIA report, the local development plan of the city of Kobyłka has been considered, and in accordance with its wording, the construction of acoustic screens has been planned on the entire length of the left side, near track 2, and on the right side, near track 1, excluding km 17+200-18+500. |

Besides the deadline of “21 days for the public” announced by the body, no comments and applications have been submitted.

PKP Polskie Linie Kolejowe S.A. Regional Division in Warsaw, pursuant to Article 108 § 1 of the APC, applied for the issuance of a decision on environmental conditions for the undertaking based on the modernization of railway E75 on the section Warsaw–Białystok–Sokółka within the boundaries of the Masovian Voivodeship **with rigour of immediate execution** due to the superordinate interest of the public, including considerations of protection of human life and health. Railway line E75 is a line of priority importance, constituting part of the Trans-European Corridor 1 and belonging to the TEN-T network. Corridor I, named “Rail Baltica” in its railway part, connecting Warsaw through Kowno and Ryga with Tallinn and Helsinki, has a high political and strategic significance, because it constitutes the only rail connection of the Baltic countries with Poland and the other countries of the European Union. Furthermore, the section Warsaw–Thuszcz plays an important role in the Warsaw agglomeration and is used every day by thousands of people who travel to school, university, and work. Due to the currently lengthened time of travel, many of the passengers are abandoning rail communication in lieu of bus or car transportation, contributing to an increase in the emission of pollutants into the air, as well as the formation of ever increasing traffic jams on roads. The

project in question is also of great importance for the socioeconomic development of the country. It will add to making Poland and its regions more attractive for investors through the development of technical infrastructure and simultaneous protection and improvement of the condition of the environment and health, while maintaining cultural identity and developing territorial cohesion. Furthermore, the E75 line leads in the direction of the very tourist attractive regions of North-Eastern Poland, which has significance in the scope of servicing the tourist traffic which is increasing with every year. Due to the above considerations, the E75 line has been included in the Ordinance of the Council of Ministers from 20 March 2007 on the matter of a list of railway lines of national significance (Journal of Laws No. 61, item 412) as line no. 6 Zielonka – Kuźnica Białostocka.

Giving immediate enforceability to the decision will allow for the start of the modernisation and the implementation of work in accordance with established schedules. This project will be financed using funds from the EU budget under the Operational Programme: Infrastructure and Environment for the years 2007–2013 and only a timely completion of the project will ensure the use of these funds to the fullest extent.

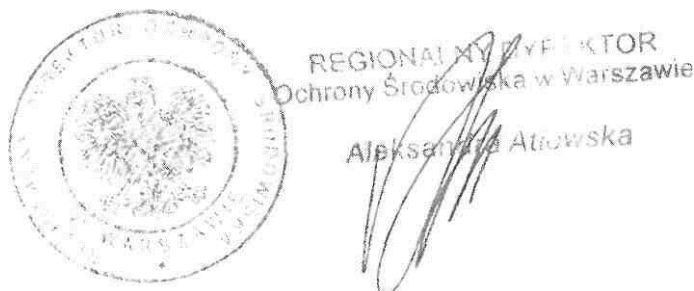
In relation to the above, and acknowledging the application of the side as justified, the body conducting the proceedings in the decision has introduced the rigour of immediate enforceability. The decision is immediately enforceable.

Considering the conducted assessment of impact of the undertaking on the environment, including Natura 2000 areas, and the minimizing conditions imposed by this decision, it can be stated that the planned undertaking will not significantly negatively impact on the environment and the cohesiveness and integrity of Natura 2000 areas.

In view of the above, it was resolved as set forth in the decision.

Caution:

This decision is subject to appeal, through the Regional Directorate for Environmental Protection in Warsaw, to the General Director for Environmental Protection, within 14 days from the date on which this decision is delivered.



cc:

1. Attorney of PKP PLK S.A.
Ms Marta Wronka
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159 Waszkiewicza Street
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2. Other Parties pursuant to Article 49 of the Administrative Procedure Code;
3. to file