



Please note: In case of inconsistencies or doubts as to meaning, solely the original German text shall be binding.

**Supplementary Contractual Terms and Conditions
of Deutsche Bahn AG (DB AG) and its Affiliated Enterprises
- hereinafter referred to as "Client" -
for the Prevention of Accidents on DB Premises and during Work
on or for Infrastructure Assets of DB AG and its Affiliated Companies
that are not Located on Railroad Property
(Supplementary Contractual Terms for Accident Prevention)
- Version from July 15, 2021 -**

The General Terms and Conditions of Purchase of DB AG and its Affiliated Companies ("AEB") and the General Terms and Conditions of Deutsche Bahn AG and its Affiliated Companies ("AVB") are supplemented by the following contractual terms for services in areas exposed to the particular dangers of rail operations.

- (1) The Contractor must be particularly careful in taking all precautions necessary to prevent personal injury, damage to property, or other damage.
- (2) Should the Contractor have to perform services in the course of which access to the track area is unavoidable, the Contractor must indicate this to the department on the Client's side specified in the contract within such time as to permit that department to make safety arrangements. The Client shall bear the cost of these safety arrangements.
- (3) The Contractor shall comply for its employees and its agents with all necessary protective measures to safeguard against dangers of rail operations resulting from work in the track area and on or near to parts carrying live voltage. The Contractor shall comply with the national occupational safety and accident prevention regulations, the workplace guidelines for health and safety, the accident prevention regulations of the Unfallversicherung Bund und Bahn (UVB) as per the German Social Code (SGB) VII Section 16 para. 1, in particular the
 - Workplace Ordinance with Technical Rules for Workplaces;
 - Industrial Safety Ordinance with Technical Rules for Industrial Safety;
 - DGUV (German Social Accident Insurance) Regulation 1 - Principles of Prevention;
 - DGUV Regulation 78 (previously GUV Regulation D33) - Work in the Vicinity of Railway Tracks;
 - DGUV Rule 101-024 (previously GUV Rule 2150) - Safety Measures During Work in the Vicinity of Railway Tracks;
 - DGUV Information 201-051 (previously GUV Information 8603) - Work on Rail Facilities in the Vicinity of Railway Tracks;
 - DGUV Regulation 4 (previously GUV Regulation A3) - Electrical Systems and Equipment;
 - DB AG Policy 132.0118 - Working in the Vicinity of Railway Tracks (including Technical Notices) and
 - DB AG Policy 132.0123 - Working On or Near to Electrical Systems and Equipment.

The scope of accident prevention regulations and other rules of the workers' compensation insurance providers responsible for the companies carrying out the work (Contractor) shall remain unaffected.

The UVB printed material is available at:

<http://www.uv-bund-bahn.de>

E-mail: info@uv-bund-bahn.de

The DB AG regulations are available from the following address:

DB Kommunikationstechnik GmbH
Media and Communications Services
Logistics Center - Customer Service
Kriegsstrasse 136
76133 Karlsruhe, Germany

E-mail: dzd-bestellservice@deutschebahn.com

The printed material can also be consulted in the offices of the department supervising the work on the Client's side.

- (4) The Contractor is obliged to provide appropriate instruction to those of its employees working on the Client's premises as well as to all other persons that it uses to render its contractual performance (agents) before they start their work, so that they are sufficiently informed of the accident risks associated with rail operations that they must take into account depending on the circumstances of the case, and of any additional accident risks, and how to prevent these hazards.
- (5) In the case of tracks that may be used by railway vehicles, the Contractor must ensure that building components, construction equipment, scaffolding, and the like do not protrude into the space to be kept free, and that no protrusions of this type can occur unintentionally through displacement or in any other manner. The space stipulated for this in the tender documents must be kept free; if there are no regulations of this type, Section 9 of DGUV (German Social Accident Insurance) Regulation 78 (previously GUV (occupational accident insurance) Regulation D33) with Annex 1 shall apply.
- (6) The obligation pursuant to paragraph 5 is in place
 - for tracks on which the Contractor does not have to work;
 - for tracks on which the Contractor has to work which are not closed off for this purpose: during the periods before the commencement and after the completion of the work, and during the periods from when the work track is vacated until it is accessed again;
 - for tracks that are closed off for the Contractor's work: during the periods in which the closed-off track is used by trains, sets of wagons, or individual railway vehicles.
- (7) **Use of mobile end-user devices, in their capacity as telephones and data input devices, e.g. for messaging, communicating, taking photos and reading (2D) bar codes during work in the track area within the meaning of DGUV Regulation 78**
 - a) It is permitted to make telephone calls, input data into mobile devices and take photos only at the following minimum distances to the middle of the operating track (avoiding danger zones):
 - 3 m at speeds of up to 160 km/h
 - 3.50 m at speeds of between 160 km/h and 280 km/h
 - 4 m at speeds of 280 km/h and above,and if the person is standing on solid ground or between the rails of the work track with the safeguarding measures specified in the safety plan in place. If, due to local or structural conditions (e.g. bridges, tunnels, noise barriers), the above minimum distances cannot be maintained, mobile devices may only be used in the specified safety space. Where there are several work tracks, the outer rail bordering on the operating track must not be crossed.
 - b) If work is carried out by one specially instructed person working individually, this person may use a mobile device only if the work track is blocked, the safety procedure for notification regarding workplaces on the open track is followed, or by seeking out the safe area.
 - c) If groups of up to three employees are being safeguarded by means of the following safety measures, the person doing the safeguarding must not use a mobile device:

- “Observation of the approach section” (train movements are reliably detected at the beginning of the approach section with a safety period of at least 20 s [...] [...]). or
- “Interpreting signs of train movements” (the signs of trains approaching are interpreted safely and in good time [...]).

(d) The use of mobile end-user devices for private purposes in the vicinity of railway tracks is prohibited.

(8) The Contractor must require its employees and all other persons working on the Client's premises that it is using to render its contractual performance (agents) to follow the instructions from construction supervision and the officer responsible for safety monitoring, as well as the instructions of the entity responsible for rail operations and the safety staff.

Anyone contravening this must be removed from the deployment site immediately. Should the Contractor breach this obligation despite repeated reminders, the Client can rescind the contract and demand compensation due to non-performance.

(9) The Contractor must, in an appropriate form, prove that an adequate, effective occupational health and safety organization is in place under which, among other things, accidents at work are recorded and systematically assessed.

(10) When work is performed in the track area as defined by DGUV Regulation 78, the Contractor must ensure that appropriate protective measures are taken to prevent the occurrence of fires during work with a risk of fire and explosion.

The following minimum protective measures must therefore be provided for work involving flammable materials (work processes involving welding, grinding and cutting work, thermite welding, and preheating):

- Flying sparks must be prevented by appropriate spark protection.
- Open railway superstructures or cable troughs must be covered.
- The Client must be notified of the removal of endangered electrical installations by the functional department in good time before the start of work, and the Client must arrange for this removal.
- Compressed gas cylinders and gasoline cans must be stored outside the danger zone.
- Appropriate fire extinguishing equipment (at least 6 kg ABC powder fire extinguishers, additionally water canisters, or pressure sprayers) must be kept available.
- When wooden crossties or other combustible materials in the direct working area are concerned, attention must be paid to the occurrence of fires during work on a case-by-case basis; they must be extinguished immediately.
- After completion of the work, the construction site must be inspected for any smoldering fires that may have occurred.

During work performed on or near refueling facilities, refueling stations, or parked tank wagons with flammable or highly flammable contents, as well as when forest fire stage ≥ 3 has been declared, a permit for flammable work (welding permit in accordance with DGUV Regulation 100-500 “Betreiben von Arbeitsmitteln” (“Operation of Work Equipment”), Chapter 2.26) must be requested from the respective plant manager as the Client. It specifies specific protective measures and responsibilities for individual cases.

