

Information on correspondent submitting the communication

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To:

Secretary to the Aarhus Convention Compliance Committee

United Nations Economic Commission for Europe

Environment Division

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Party concerned

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Facts of the communication

Dear Sir or Madam!

When they built the trainstation called Bruck an der Leitha new without the need of a permit (against the convention of Aarhus, without participation of the public, no environmental impact assesement and without the possiblity of objections) they installed much more and brighter lightings at the building and they moved it from there, where it has been forever, to the apartments with open balconies (away from their own flats) and the the living- and bedrooms get light as aday lit by it also with two closed curtains accross the street at the Kiralystrasse, which is against the ÖNORM o 1052 (valid since 2012: <http://www.sachverstand.org/center01b.htm>), against the guidelines and regulations for the planning, construction and maintenance of roadways called RVS 05.06.11 (valid since 2011 and recommended for application by the ministry of transport) and RVS 05.06.12 (valid since 2003 and recommended for application by the ministry of transport) at the legal residential area at the edge of the settlement. Also it says at

the paragraph 4.1.2.10 of the TSI PRM that the lighting at the forecourt shall be in accordance to national or european rules. The station in Neusiedl am See which is only a few kilometres away was built at the same time with the need of a permit(https://www.burgenland.at/fileadmin/user_upload/Downloads/Buerger_und_Service/Kundmachungen/Umbau_Bf_Neusiedl_am_See__Edikt__Bescheid__Beilagen/EisbG-10013-7_sig.pdf). At the forecourt(made of high reflective concrete) are instead of 10 lux(which is the illuminance which is said at the guidelines of the federal railway) 330 lux, there are five very bright displays(which are at no other forecourt, they are also not there at the main trainstation in Vienna), some advertising displays, many unshielded, very bright light tubes in front of the building(which were also installed when they were building it instead of the round lamps at the ceiling, which were originally at there design which they only showed at the office of the community and they are another luminous intensity class and glare index of EN 13201 - 2), a very small space, which is completely made of glas(it was built with a broken motion detection and so everything keeps turned on all the time there too), some other displays and a bright backlit, bluegreenish facade of glas(behind it the lights shine towards the ceiling), a floodlight which shines on many thing which are highly reverberative, and light pollution in the sky which makes the flats accross the street daybright against the rules of ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12(Directives and regulations for road engineering which are recommended by the ministry of transport) at the residential area and edge of the settlement. Where nothing has ever been there before. There is youth which meets there often there and they park their cars right at the no parking zone and making noise there. That a quiet area(<https://www.eea.europa.eu/publications/good-practice-guide-on-quiet-areas>), a quiet surrounding, has get very noisy(reflections and multiple reflections on walls made of high reflective concrete make it much louder) is against the directives relating to the assessment and management of environmental noise called 2002/49/EC(Article 11 paragraph 2 c). According to their guidelines there should be next to the lines of the railway no walls of concrete and facades of glass(Page 77 www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf). They are not local custom too. The action plan for lowering the noise said that the distances between houses and station should get wider(page 55 paragraph 5.6: http://www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf). Instead of that the distances between the houses and the railway got much closer and the tracks of the railway where trains drive are now 15 metres nearer. They built the station called Bruck an der Leitha and also the tracks of the railway new, which are activities said at the Annex I, paragraph 8 a of the convention of Aarhus, but they did not apply the provisions of the article 6, paragraph a) or b) of the convention of Aarhus. To start building without to inform the public(normally the people get noticed by an edict that is issued and then published at the newspapers) is against article 6 paragraph 2 and does not comply with one of the rules of the paragraphs a) to e). Also there was no open debate, where people could make objections which is against the article 6, paragraphs 3, 4, 5, 6(especially a), 7 and 8 because there was no possibility to participate and so this article 6 of the Aarhus convention did not get applied at all. The light gets even brighter at night. It is against the second pillar of the convention of Aarhus too. There are ten screens at the station. That's more than on intenational airports. There are only two tracks of the railway. Because of that many unshielded extremly bright light tubes and screens which are designed for industrial usage, it looks at the forecourt like at a big factory where e.g. cars get manufactured. All screens shine into the flat. Even there are screens right at the entrances at both sides of the passage and many

more screens and other backlit panels at the platforms. It does not comply with the directive 2012/27/EC of the European parliament and of the council on energy efficiency(especially the exemplary role of public bodies' buildings). According to ÖKOBÜRO it is properly against the local custom too if it does not comply with the rules of the ÖNORM o 1052. In Germany the stations get adapted to get more accessible. If it is against the local custom and it is against the civil code(ABGB §364a), because there may not be shed light into other flats. Only because they decided to built without the need of a permit this facilities of the railway transport do not have to comply with the industrial code for an unknown reason and therefor also no environmental impact assesement. It is also only allowed to built without the need of a permit, if the building occupies not more than 150 squaremetres of space at the floor when built(<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnumm er=20006583&FassungVom=2014-01-01>), but this is bigger than that, which is shown at the map of the area

inauguration. At this station are ten screens. They are like headlights. If the central enters new data into the computer the output of the screens change within seconds against the rules of the RVS 05.06.12. Advertisements are not necessary because going by train is a necessity. Obviously there should be no unnecessary lights turned off, because the inauguration of the station was canceled, because other people protested at the same time against a refugee camp in Bruckneudorf. The screens may have a luminance of 100 cd/m² say the rules of the ÖNORM o 1052. The report of photometry called MA 39 - VFA 2016 - 1389.01 says that only of the backlit screens with timetables(page 8, picture 11) overrides the limits of luminance according to the standards called ÖNORM o 1052 and RVS 05.06.12 at the legal residential area and the environment of the road and a pedestrian crossing by a multiple(Page 46 GutachtenBlendung_final.pdf, Seite 2 Pkt 1 www.ktn.gv.at/317072_DE-Verkehrssicherheit-Errichtung-und-Betrieb-von-VIT) and other recommended calculation regarding that(www.noest.or.at/optimon.pdf, RVS 05.06.12: <http://www.ztkammer.at/bilder/rvs>) misses there too. A pedestrian crossing has been built too. Some people walk at it. The measurements which are necessary for the application of RVS 05.06.11(which is no appendix of the RVS 05.06.12 and gets not measured automatically like the laboratory told it: page 53 <http://www.fsv.at/publikationen/getfsvaktuell.aspx?ID=16d50833-4f5f-408a-a9bd-b89884539278>) were not performed at all. There are no shops too. Beside the shop of the federal railways which closes everyday at 3:45 pm. The screens show sometimes a bright, yellow line at the bottom of the screen against the rules of the RVS 05.06.12 and RVS 05.06.11 and there are schoolbusses always too. There was no enhancement of the station. They try to cover it up. Although this screens are against the rules of the RVS 05.06.11 at the environment of a pedestrian crossing and against the rules of the RVS 05.06.12 at the environment of the street, so that the drivers of the cars which come from the Kiralystrasse look right into this extremely bright screens. These are much too bright at the environment of the street and may have not been built there, because of glaring and blinding of drivers, mixing up with police cars(because blue light may only be at policecars and others who are allowed to drive along with blue light that flashes says paragraph 3.6.:

www.bmvit.gv.at/verkehr/strasse/sicherheit/fonds/vsf/downloads/39_highlight.pdf), it takes too long too read what it says there with small letters and the writings are changing all the time and its light gets reflected of the street, it is above treshold and they could cover street signs which are the reasons that the screens could not be put next to street which is said at the rules of RVS 05.06.12. At the federal constitution(article 10 paragraph 9 and article 11 paragraph 7

https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1930_1/ERV_1930_1.pdf) it says that there should have been an environmental impact assessment. A technician of the section called MA39 VFA told me in October 2016 that there has not been any spectral data of monochromatic light at this blue screen, so he thinks that there is only one screen, which is wrong and it is also not said at the report of measurement like he told me(it would be also not important, because the rules of the ÖNORM o 1052 say that a correctional factor of two must be added if there is coloured light). All screens shine into the bed and livingrooms. At the report of measuring at picture 13 it says that the real most exposed place does not exist, but the houses across the street at the Kiralystrasse have windows on this side too and so there is a much more exposed place(27 metres instead of 37 metres which is said at the report). Not the mayor(which is with the federal railway(employee)), nor the town council members, which are competent for environment nor the railway company are responsive. Also that what is said at paragraph 5.4. of the report is not right, because 100 cd/m² is the right value of the ÖNORM o 1052, which screens may not override and not 250 cd/m², because the standard called ÖNORM o 1052 is the right guideline(<http://ausssenbeleuchtung.ltg.at/pages/fachinformation/normen/oenorm-o-1052.php>), which is said at paragraph one of the report too, because it says how to measure the light pollution right. The very glary timetables are also much too bright at the environment of streets, pedestrian crossings and at the residential area and edge of the settlement(page 46 GutachtenBlendung_final.pdf, page 1, paragraph 1 www.ktn.gv.at/317072_DE-Verkehrssicherheit-Errichtung-und-Betrieb-von-VIT). At the past the space was closed at night. Only some of the same round lamps at the ceiling(the one with with energy saving lamps which are said at the report of measuring have more Watts) have been recognised to be too bright at residential areas(judgement: https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT_ST_20170109_LVwG_43_19_2076_2016_00/LVWGT_ST_20170109_LVwG_43_19_2076_2016_00.pdf). The limits which must not get overridden at the brightest spot of the screens are not said at the report of the measurements of MA 39 at all, but they override the limits of luminance(picture 11, 12 and 13 of the report of MA39 VFA) and also the average values of the luminance, which are said at the report override the luminance which is allowed according to the standard called ÖNORM o 1052 and the rules called RVS 05.06.12 by a multiple(page 63 <https://www.bafu.admin.ch/dam/bafu/de/dokumente/elektrosmog/fachinfo-daten/vollzugshilfe-lichtemissionen-konsultationsentwurf.pdf.download.pdf/Vollzugshilfe-Lichtemissionen-Konsultationsentwurf-vom-12-04-2017.pdf>). It does not comply with the law of regional development(§ 14 Abs 3a <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgd&Gesetzesnummer=10000072>), because at companies where much fewer light trucks and cars drive like at the station, the reference values of noise inside the residential area get overridden(Seite 118 www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf). And to build and move the station to the far left corner(against directives relating to the assessment and management of environmental noise) could not have been in the meaning of the authorities, which have built it as usual at the middle of the street. Also the vacant between the houses has not been closed too, although it could have been done very easily when they recently built a wall made of high reverberative concrete(because of which the noise gets louder and thrown back by it and right into the bed- and livingrooms), which is 60 metres long and five metres high without permit and without getting intervened. Because of that many surfaces and walls of high reflective concrete, all emissions of

trains of freight and public transport and other traffic comes to light at the living- and bedrooms of the flats, which get light as day lit by it also with two closed curtains against the standards called ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12. A message was sent by a section of the department of transport that I should come personally for an unknown reason to the department of transport at the 24th of October 2017 and there will be employees of the federal railways, which is called ÖBB too(which are no independent experts:
<https://kurier.at/chronik/oesterreich/flugunfaelle-skandalbehoerde-wird-aufgeloest/252.588.705>) and it is against what the caretaker minister of transport told me at the 13th of October, that there should be investigations at the next few days. Usually these are public discussions(https://www.ots.at/presseaussendung/OTS_20170123_OTS0151/verlust-der-nacht-einladung-zum-pressegesprach-am-162-um-1030-uhr-bild), because the law was not accepted by the state provinces(<http://www.trauner.at/Buchdetail/20192061>), which should protect against the light pollution. It has not even been measured at the residential units. The technician of the section of the magistrate called MA39 VFA said that they are no public authority, but also the article 2 of the Aarhus convention says that they are a public authority(also the article 3 and paragraph 1 of the federal act to informations on the environment called UIG). Also the directive 2003/4/ec of the European parliament and Council says at the article 4, paragraph 2 (h) and the article 4 paragraph 4 (d) of the Aarhus convention that informations about emissions could not be refused which I told them. The federal environment agency(Umweltbundesamt) wrote that they do not have this, because these are no environmental informations, which have to be sent because of the directives on public access to environmental informations, which was against the article 2, paragraph 3(b) of the convention of Aarhus(<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>), because these are informations about radiation and the Austrian Radiation Protection Association says the light is non - ionizing radiation. The section called MA39 VFA has been a part of the city of Vienna since 2006(<https://www.wien.gv.at/forschung/laboratorien/vfa/kalibrier/ausstattung.html>) and the mayors of Bruckneudorf and Vienna are members of the same party like the CEO of the federal railways(which was chancellor Mag Christian Kern), so the technician which have measured the light and their customer are also led by members of the same party too. The head of the laboratory called VFA of the magistrate called MA39 said that they will tell their legal department that they should take proceedings against me, if I will say that they are not independent, which I answered the one of the federal railways who told the local authority of the district commissioner that nothing shines into the flats without any measurements at the housings. That is against the convention of Aarhus article 3, paragraph 8 and a local councillor told me that the federal railway has already created a file about me. But it is indispensable to make objections, which I did like the government recommends it(article 2.4 paragraph 4:
https://www.ris.bka.gv.at/Dokumente/Vfgh/JFT_20131002_12G00118_00/JFT_20131002_12G00118_00.pdf) against wrong reports of measurements like that one which is called MA 39 – VFA 2016 -1389.01(sentences of the higher administrative court at 14th of December 1995, number 95/07/0118 and at the 6th of November 2003, number 2002/07/0129:
https://www.ris.bka.gv.at/Dokumente/Vwgh/JWR_2002070129_20031106X04/JWR_2002070129_20031106X04.pdf).

The higher railway authority of the department of transport said that at all specifications are being respected which is the same wording like the employees of the federal railway said it, but the limits of the standards get overridden most times by a multiple.

The distances of the points from where they measured are not right, because they are much shorter than it says at the report. Not the body of the lawyers of environment in Vienna, nor the lawyer of environment in Burgenland(UA/X.BE - 10023 - 20) intervenes, because they are of the same party again and also they are competent only at the countryside and not at the villages and towns, but at the other side they intervene inside the residential area too(e.g.

<https://lelog.jimdo.com/aktuelles/umweltanwalt-19-09-2017/>). Without the compliance to the rules of the standard called ÖNORM 1052 a permission of a facility is not possible said the lawyer of environment(www.hellenot.org). I filed a new case to the ombudsman in Austria, but the one which is usually there competent for the construction law and buildings did not answer, because the other one which is again a member of the same party like the CEO of the federal railway, mayor and magistrates of Vienna and Bruckneudorf answered. And because of that the case was closed without being solved, when the report of measuring of the MA 39 VFA has not even been submitted to me and the ombudsmann did not want to send it and also he did not consider if it is maybe

wrong(https://www.ris.bka.gv.at/Dokumente/Vwgh/JWR_2002070129_20031106X04/JWR_2002070129_20031106X04.pdf) and the filed cases(VA - BD - VIN/0106 - A/1/2016 und VA - W - BT/0021 - B/1/2017) are not said at their reports of progress:

<https://volksanwaltschaft.gv.at/berichte-und-pruefergebnisse/aktuelle-missstaende#index-lead>).

On the other hand the ombudsmann intervenes at other buildings which will be built against the convention of Aarhus, but the cases of the light as day lit flats and that because of this many walls of high reflective concrete very noisy flats(both times people of the same parties like they are members too, e.g at the department of environment or federal railway or the mayor,.. are competent) they do not like to deal with. Not the mayor(which is with the federal railway), nor the member of the council, which is competent for the environment nor the railway company being responsive. The measurements of photometry must be taken at the windows of the house which is next to the

lights(www.hellenot.org/file_admin/user_upload/PDF/Helle_Not_01/files/assets/downloads/page0012.pdf). There was no message of the authorities about the measurement. It was neglected from the technician of the section which is called MA 39 VFA which measured it to meet an appointment to meet there to watch it there.

According to the directive on public access to environmental informations the report of photometry called MA 39 – VFA 2016-1389.01 should have been sent in one month(EU - directive 2003/4/EC article 4: www.bmlfuw.gv.at/dam/jcr:7e72f8f2-0c36-4416-a1c6-833bd47466ad/Richtlinie%202003-4-EG.pdf) after it was asked, because it is not possible to refuse a request on information about emissions. But they sent it after 4 months to me. The european commission(Ref. Ares(2017)4589481 - 20/09/2017) also said, that the national laws which matches the guidelines of the european parliament and council do not get respected, but it is an individual case, which is not true because they will built more stations without the need of a permit against the articles of the Aarhus Convention and directives of the European Community which were told. The light is not

allowed(<http://auszenbeleuchtung.ltg.at/pages/fachinformation/normen/oenorm-o-1052.php>) because it is against the rules of the ÖNORM o 1052(valid since 2012:

<http://www.sachverstand.org/center01b.htm>), RVS 05.06.11(valid since 2011) and RVS 05.06.12(valid since 2003) at the legal residential area at the edge of the

settlement(https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20030527_OGH0002_0010OB00096_03D0000_000). Also the law of the railways says that there

has to be exactly one person which is the manager of the project if it gets built without the need of a permit (page 2 http://www.bmvit.gv.at/verkehr/eisenbahn/recht/downloads/erlass_vgev.pdf, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10011302>) and it is not at the map of the dedicated area (geodaten.bgl.gv.at) and it has been built against the state of the art (which must be respected says the act of railways EisBG §36), because e.g. the screens are no touch screens and usually they are only at halls of stations or at the platforms and there must be a protection of emission also if there is no need of a permit to build it (http://www.bmvit.gv.at/verkehr/eisenbahn/recht/downloads/erlass_vgev.pdf) and it is very loud if a train drives there too. A violation of the rules of the RVS 05.06.11 and RVS 05.06.12 is also against the act of road traffic (page 5 https://www.ktn.gv.at/317072_DE-Verkehrssicherheit-Errichtung_und_Betrieb_von_VIT or http://www.jusguide.at/index.php?id=88&tx_ttnews%5Btt_news%5D=13153). At the forecourt there is no direct path to go to a platform. There is also no boulevard or work site. At the early morning there are big groups of schoolkids and other people which are very loud. Because of that many walls of concrete the sound gets louder and only one person which talks to someone there, could be heard loudly at the bed- and livingrooms and many cars which park there without permission and other noise of manipulations there too. Nearly all people which were living at this houses have already changed their residence. There is also noise of the aggregates or airconditions of trains, that park their for hours at the tracks of the railways, which are the nearest ones to the houses (at the past the parked most far away and they did not keep their airconditions or other engines turned on the whole night and day at the past, like now a days) and noise of the tracks if trains drive through the station, also the buzz of the power lines, the joinery of the federal railways, many taxis which keep their engines turned on and always stop at the no-parking zone, there is noise from airplanes (and another runway should be built at the airport in Schwechat, also when the environmental impact assessment was negative, because they will make a new one and built it then) and a military training area which is also next to it. Also if there is only one car which stops there without permission it is horrifically loud and noises are there the whole night, which are that loud like they are right of the inner courtyard and in front of the windows, because of that many walls of high reverberative concrete. It is out that flats get light as day lit also with two curtains in front of the window against the ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12 and it is also against the general civil code (https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20030527_OGH0002_00100B00096_03D0000_000). A protection of emission must also be in environments where it was not been adapted so far (page 3 http://www.ktn.gv.at/269186_DE-BaurechtMerkblatt_nichtbewilligungspflichtig). When it was constructed they did not care about the people at their flats, they used loud and heavy machines all the night, that made the houses shake. The whole spectrum of light is there. Street lanterns would be normal. There must be a correctional factor added to the illuminance according to ÖNORM o 1052 for coloured lights (page 39, 10.1.3. GutachtenBlendung_final.pdf - blue light is most annoying: www.lanuv.nrw.de/fileadmin/lanuv/licht/lichtbeitrag.pdf, page 108 paragraph A 3.14 <https://www.bafu.admin.ch/dam/bafu/de/dokumente/elektrosmog/fachinfo-daten/vollzugshilfe-lichtemissionen-konsultationsentwurf.pdf.download.pdf/Vollzugshilfe-Lichtemissionen-Konsultationsentwurf-vom-12-04-2017.pdf>). Also there are many people which turn with their cars there and their headlights shine into the flats or bigger trucks shade off the light a few seconds, because of that the intensity of light changes often and a correctional must be added for that say the rules of the standard called ÖNORM o 1052. There is glary white and bright blue

light shining into the flats. These screens are backlit with blue light emitting diodes too. Refugees get always the best, big houses in Bruck an der Leitha and they got new furniture and TVs from people of the red cross and at the apartments of the first house of the Kiralystrasse 10 - 12, which are also affected by emissions only foreigners live, which are the only ones who still get attracted to live here obviously. And at this residential area which should be kept liveable, which is in the interest of the public, they build everything against the local custom and state of the art, which is against the laws of the

railway(judgement:www.ris.bka.gv.at/Dokumente/Justiz/JJT_20160128_OGH0002_0010OB00047_15S0000_000/JJT_20160128_OGH0002_0010OB00047_15S0000_000.html).

One of their employees has already yelled at the foreground at us, because he had to tell us many laws and paragraphs loudly, that should allow them to shed light into the bed- and livingrooms, because they have their own laws he said, which is not true, because there are no separate laws for roadtraffic or emissions, only for the railway tracks(at a newspaper he told them that the federal railway works in the complete opposite way:

<https://www.profil.at/wissenschaft/lichtverschmutzung-nacht-beleuchtung-7984382>). We only called this energy technician called Ing. Brandstätter of the federal railway, because some workers and a truck of the federal railway of Burgenland took another extremely bright screen to the forecourt at the 17th of March 2016, only 25 metres away of another one and they turned it on two weeks later and it shines again right into the windows, where the bed- and livingrooms at the residential area at the edge of the settlement are. He said it should shine very far and bright, but extremely bright blue and glary white light shines only into the bed- and livingrooms. He is also a member of the same board of the same company like the technician of the magistrate of the MA39 VFA who measured the photometry(<http://ltg.at/pages/ueber-uns/vorstand.php>, paragraph 2.4, 5:

www.ris.bka.gv.at/Dokumente/Vfgh/JFT_20131002_12G00118_00/JFT_20131002_12G00118_00.html). The meeting should have started at 8 pm, but it has ended then already(otherwise they would have seen the bright illumination of the apartment buildings at the residential area). It was not possible for them to watch the brightly lit residential buildings, because they were only at daytime there to meet us. He told us that we should pay the measurement and it will be only accepted if we buy it from a member of the company called LTG where he is the head of finance(but that is against the law, because other experts are allowed too says it at the law of the federal railway at article II paragraph 2 of

https://www.ris.bka.gv.at/Dokumente/Vfgh/JFT_20131002_12G00118_00/JFT_20131002_12G00118_00.pdf), but also the manager of the station has already told us that there will be a measurement of the lighting. The energy technician told us that there should be another station in Austria which is near to houses, called Schwaz an der Glan(which does not exist). There is only one station which is called Schwaz in Tirol and there are no glary lights or displays at all (<https://www.schwaz.at/2009/09/28/der-bahnhof-erstrahlt-im-neuen-glanz/>,

https://www.schwaz.at/wp-content/2009/09/110727_0002_500.jpg, https://www.schwaz.at/wp-content/Bhf_Warteraum_090923_4_500.JPG). These screens don't even show all trains. Also there are screens right on both entrances of the passage and many more screens and timetables at the platforms. Everyday from 8 pm only very few people go by train. There are no other public transportations there or people that change to another train there, because it is a station where are usually people who work somewhere else and go there by train. There are only two railway tracks. My emails got forwarded by their offices without asking. Unnecessary lights(like ads, screens, too much lightings,...) must be turned off(page 12, paragraph 5

http://amper.ped.muni.cz/light/lp_what_is.pdf) at 10 pm(start of the legal period of night' s sleep) at the residential area(the place where it shines to) says it at the standard called ÖNORM o 1052 and it has to be applied in Austria since 2012(<http://ausssenbeleuchtung.ltg.at/pages/fachinformation/normen/oenorm-o-1052.php>). It says that a screen must not override the limits of luminance at the brightest spot which must not be brighter than 100 cd/m²(the luminosity of the glary white screens with timetables on it is 460 cd/m², says it at the picture eleven of the report of photometry called MA 39 - VFA. 2016-1389.01). The writings at the screens change all the time and are much brighter than the average values which were said at the measuring report said(court expert: says it too: <http://www.sachverstand.org/blog11/lichtimmissionen-ueber-mass/>), but the standard ÖNORM o 1052 says that this is not allowed and also the screens are there against the rules RVS 05.06.11(www.fsv.at/shop/produktdetail.aspx?IDProdukt=e5585780-720b-40cc-90f2-ac6ffd892b69) and RVS 05.06.12(www.fsv.at/shop/produktdetail.aspx?IDProdukt=e5dab6e2-846a-40d9-9463-156a466c11a7) too. These premises and facilities do not serve first at hand or indirectly to rail transport and are not being associated with the loading of trains at all(www.vorarlberg.at/pdf/kurzinfo-124_bundeskompet.pdf). Because of this they are subjected to the law of constructions which also say that there must be a protection of emissions if there was no need of a permit(http://www.ktn.gv.at/269186_DE-BaurechtMerkblatt_nichtbewilligungspflichtig). The building authorities are responsible. It is said that a screen may not be next to a pedestrian crossing at the RVS 05.06.11. People must not go by train under 11 years. But there are much younger children going by bus, which is also there(page 26 paragraph 1 http://www.finkenstein.gv.at/_Resources/Persistent/58113a80ae1cb9ce6e3c3f00f60efad0b7dab392/Richtlinien-Teil-1-bis-6-fuer-das-Aufstellen-zeitl--begrenzter-Werbungen-u--Ankueendigungen.pdf). Unpredictable driving maneuvers happen there, e.g. stopping the car at the no - parking zone or at the bus lane, cars which suddenly brake, because of the lights which are not compliant to the rules of RVS 05.06.11 and RVS 05.06.12. Also that screen which is under the floodlight now, which shines towards it got brighter, because that light shines on it and gets reflected by it and also because of the control of brightness that turns it automatically brighter. That floodlight was shining also only to the ceiling and the very brightly backlit blue greenish facade against the standards called RVS 05.06.11, RVS 05.06.12 and ÖNORM o 1052. They built the new trainstation without permit and so this one is not even at the map of the dedicated areas(geodaten.bgld.gv.at). They systematically try to avoid the application of national laws which complies with the rules of the convention of Aarhus and directives of the EC when they built without permit, which is only allowed for small projects and only if they are state of the art and also one person is the leader of the project, but this is a big project, isn' t it? Starting to built without publishing(normally an edict is issued and then published at the newspapers) is against directive 2003/35/EC article 2 paragraph 2a(the federal act of environmental - assesement does not apply 2003/35/EC) and also without the participation of people and not the possibility to file objections for the is against the directive 2003/35/EC article 2 2b) and it is against the directive 2002/49/EC article 11, paragraph two (c) because there was a quiet surrounding at the legal residential area at the edge of the settlement. Also the new building of the trainstation called Bruck an der Leitha is against the directive 2012/27/EC article five, paragraph 6 and 7 because there are e.g. ten LCD screens and a lightings which overrides the standards of lighting by multiple times, which is called a wastage of power. There are only two railtracks. Also because of the not permitted building of a 60 metres long and 5 metres high

wall of high reflective concrete in front of a stonewall in Kiralystrasse 10 - 12 there is no intervention. The sleep at night gets disturbed which is the time between 10 pm to 6 pm in Austria. The supreme court decided(10b96/03d) because of the lightpollution that it must be treated like noise. Because of the only recommendation of the report(which makes it only darker at the flats of the federal railway and at the other flats across the street it got brighter) that that they should make a direct lighting instead of the floodlight shining towards the ceiling at the entrance, although there are no stairs or a ramp of wheelchairs which would make a illuminance of 100 lux necessary their(page 3

<https://circabc.europa.eu/webdav/CircaBC/nbg/nbrail/Information/en/information/nbrail/rfu/rfu-prm-054%20lighting.pdf>), a very bright floodlight(which was only shining towards the ceiling: [http://www.siteco.com/de/de_de/produkte/katalog-](http://www.siteco.com/de/de_de/produkte/katalog-aussenleuchten/chapter/1551/category/6859/family/6873/variant/6877/product/5NA758E1SB0108/detailSubsection/technics.html)

[aussenleuchten/chapter/1551/category/6859/family/6873/variant/6877/product/5NA758E1SB0108/detailSubsection/technics.html](http://www.siteco.com/de/de_de/produkte/katalog-aussenleuchten/chapter/1551/category/6859/family/6873/variant/6877/product/5NA758E1SB0108/detailSubsection/technics.html)) was moved that it shines to the floor and many things which are there and very reflective. If there are trains cancelled then busses drive instead of them and also two securities come and stand there all day right next to the entrance and noone speaks with them until evening when they leave again. It is also said at the displays if the time of departure of trains changes. The displays are against the rules of the RVS 05.06.12 at the environment of the streets(15 - 20 metres, page 46 GutachtenBlendung_final.pdf) and against the rules of the RVS 05.06.11 at the intersection and pedestrian crossing(page 52

<http://www.fsv.at/publikationen/getfsvaktuell.aspx?ID=16d50833-4f5f-408a-a9bd-b89884539278>) too. The public transport system of the eastern region(busses) has closing time everyday at 7:20 pm. At 4:30 pm the last persons are there everyday. Also only a few people ride by train from 8 pm . There are other judgements

(e.g.https://www.ris.bka.gv.at/Dokumente/Vwgh/JWT_2009020098_20130222X00/JWT_2009020098_20130222X00.pdf) that consults the so called RVS 05.06.14(=RVS 05.06.11), "which was state of science and it says at paragraph 5.2 the rules of a right positioning of dynamic displays and at which streets it is not possible to put a screen next to it. It would be not allowed to put a screen 50 m in front or after a crossing without traffic lights and only street signs. If you put it there against this rule of the RVS 05.06.11, which is obviously state of the art it would reduce the safety of traffic. " So the conclusion is not right which is said at paragraph 5.6. of the report of the MA39 VFA that the traffic does not get impaired. The general insurance institution says that the luminosity function(V(Lamda) which all used measuring devices are calibrated to) is when measuring blue coloured light two or three times too low(page 20

www.auva.at/portal27/portal/auvaportal/content/contentWindow?contentid=10008.544743&action=b&cacheability=PAGE&version1391167514) or the CIE(International Light Commission) says that for human applications the method called 10 degree photopic observer must be applied, both was not possible with the devices which they used. And also the spectral correctional factor with which the measured the light must be multiplied, is recommended by the corporation of german light technicians, which has guidelines of measuring light that were used at courts or other stations in Austria too(page

26www.litg.de/media/182.27_%C3%B6ffentlicherDownload_Messen). Especially when measuring the light of LED or other sources of light with much blue light(which is not healthy:

http://spektrum-der-rechtswissenschaft.at/index.php?id=17&no_cache=1,<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4558066/>, <https://www.ncbi.nlm.nih.gov/pubmed/17803517>, <http://www.health.harvard.edu/staying-healthy/blue-light-has-a-dark-side>) everytime a

correctional factor must be added. At picture 13 of the report of the MA39 VFA there are two identical screens, one should be half that bright than the other one, but it has the same glary white coloured writings all over it, and it should be much darker then the manufacturer says, because of similiar screens. The camera which took this picture is not able to measure coloured light says the manufacturer of

it(www.technoteam.de/produktuebersicht/lmk/produkte/lmk_mobile_air/index_ger.html). In October 2016 the technician said that the data will also be used to apply the guideline(he said it is not a standard, which is against what the department of transport says: page 33 www.noest.or.at/optimon.pdf) called RVS 05.06.11, but there is nothing at the report about it and it does not say it at paragraph one, the list of standards that were used. Allthoug they have claimed in other messages from 18. Dezember 2016 and October after they should have measured it, that it will be said at the report, which is not true. But the RVS 05.06.11 is valid since 2011 in

Austria(https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT_TI_20150204_LVwG_2014_26_3015_5_00/LVWGT_TI_20150204_LVwG_2014_26_3015_5_00.html). At the report of the MA39 VFA there are no recommendations that the standards called ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12 get fully or partially respected in future and so the living- and bedrooms get light as day lit against that standards. E. g. the sources of light which are there and could be seen from people inside their homes are not safety lights at all, like it says it at paragraph 5.3. of the report of the measurements. At a possible list of incidents there would be not one event and the light class of EN 13201 if there would be criminal activities would have been overridden by a multiple. The entire area of the screens is backlit with cold - white, extremely bright light emmitting diodes(coldwhite light should not be used outside: page 24, 25, 32 www.land-oberoesterreich.gv.at/files/publikationen/us_besseresLicht2013_leitfaden.pdf) and the unshielded light tubes in front of the building are not state of the art(which it has to be when building something new also if there is no need of a

permit:<https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40134559/NOR40134559.pdf>) and there is no touchpad at the screens which is not state of the art. In Germany the guidelines([http://images.philips.com/is/content/PhilipsConsumer/PDFDownloads/Germany/ODL_I20151112_001-UPD-de_DE-](http://images.philips.com/is/content/PhilipsConsumer/PDFDownloads/Germany/ODL_I20151112_001-UPD-de_DE-WM_4572_Services_Messung_Immission_Lowres_20150716.pdf)

[WM_4572_Services_Messung_Immission_Lowres_20150716.pdf](http://images.philips.com/is/content/PhilipsConsumer/PDFDownloads/Germany/ODL_I20151112_001-UPD-de_DE-WM_4572_Services_Messung_Immission_Lowres_20150716.pdf)) say that there must be a correctional factor if a calibrated photocamera is used, because they are not very accurate(page15 www.lai-immissionsschutz.de/servlet/is/20170/Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf?command=downloadContent&filename=Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf). Another expert which must have choosen the points with the most

emissions(www.ris.bka.gv.at/Dokumente/Vwgh/JWR_1990050142_19910205X03/JWR_1990050142_19910205X03.pdf) and also look if it is local custom for the technician was absent(page 50 paragraph 12.1: [GutachtenBlendung_final.pdf](http://www.nhm-wien.ac.at/jart/prj3/nhm/data/uploads/Pressemappe_Lichtverschmutzung_final.pdf)). The only point(the others were calculated only) at which was measured was at another property, where street signs and pillars cover one screen completely and other lights too. It was measured from a complete wrong angle(page 2: [http://www.nhm-](http://www.nhm-wien.ac.at/jart/prj3/nhm/data/uploads/Pressemappe_Lichtverschmutzung_final.pdf)

[wien.ac.at/jart/prj3/nhm/data/uploads/Pressemappe_Lichtverschmutzung_final.pdf](http://www.nhm-wien.ac.at/jart/prj3/nhm/data/uploads/Pressemappe_Lichtverschmutzung_final.pdf)), so that some lights and screens are not pictured at all at the report of photometry. Only at one picture is only one of the completely backlit panels with the timetables on it completely pictured, allthoug if

each source of light gets measured separately, the glare will be lower than if it gets measured altogether, what is near to each other (page 15 paragraph 5.3. www.fs-ev.org/fileadmin/user_upload/04_Arbeitsgruppen/08_Nichtionisierende_Strahlung/02_Dokumente/Leitfaeden/FS-2014_Leitfaden_Lichteinwirkungen_auf_die_Nachbarschaft_10.06.2014.pdf).

When I called a technician of the MA39 once upon a time he told me that these screens are very bright and if they get turned off at night, which will be necessary if they are that bright like the manufacturer says (or brighter than allowed). At picture 13 the luminance of one of the screens is not said and it says there that this is the shield of the public transportation system of the eastern region, but it shows only the thin side of the illuminated advertisement shield of VOR and it shows a display and two extremely bright screens next to it. At all pictures it says that the other lighting of the station is turned on, but it is not at the photos, which are much darker because they maybe have it taken with ISO 100 (which is the lowest photosensitivity: page 4 www.opteema.com/file.php?datei=lmk_ma_web_de_ges.pdf), because the pictures with my own, not very speedy camera are much brighter and show much more light. The LMK 98 which was used by them is of the same manufacturer, but older and it has been deleted of their website, the filters could be damaged when it is too old, also at the other measuring devices which are said at the report of measurements (MA39 VFA), e.g. the Jeti specbos 1211 (which measures also with a cosine detector not spectral like they thought), the luxmeter called LMT B360 are also devices with integral technology of measurement like the other detectors of Konica Minolta which are said there, these cannot measure the light of LED correctly like the general insurance institution says at their report 52 (page 19 www.auva.at/cdscontent/load?contentid=10008.544759&version=1430388141) because their filters are not accurate enough calibrated to the luminosity function and it is too low at blue levels (page 14 www.litg.de/media/182.27_%C3%B6ffentlicherDownload_Messen) and errors of 10% - 300% are possible (page 49 - 50 www.auva.at/cdscontent/load?contentid=10008.544759&version=1430388141).

At the apartments of the federal railway are not many people which live there all the time, there are some workers of the hungarian railway called GYSEV who live there sometimes and only a so most of the flats are not used. There are flats of the federal railway (ÖBB), flats of the federal postal service and flats of the Sozialbau (which are the more expensive). At the main train station of Vienna there has been an environmental impact assessment and it was said at it that the lighting must not glare at the forecourt (at page 255 <http://www.bmvit.gv.at/verkehr/eisenbahn/verfahren/wienerhbf/uvp/uvp.pdf>), it says that the planned backlit displays must at least comply with the rules of the RVS 05.06.12 and RVS 05.06.14 (=RVS 05.06.11). At the report called MA 39 - VFA 2016 - 1389.01 there is no rule of the standard called ÖNORM 1052 (which are in appendix B) which gets right referenced. The devices which are recommended if there is a measurement of LED are not at their lab, because the technician said that something like this does not exist for mobile use, but the company called Dr Schreder CMS uses it all the time (www.schreder-cms.com/en_pdf/MESSERVICE.pdf). At a guideline of a member of the IRPA (International Radio Protection Agency) it says, because there were no recommendations (although the appendix B of the standard called ÖNORM 1052 or EN 13201 - 2 says them <http://shop.austrian-standards.at/Preview.action?sessionId=E4DEFFCBB3FB971743A81EAFF11E45177?preview&dokkey=446871&selectedLocale=de>) at the report to make it better: big windows eg of offices or working grants which have bright lighting has to be darkened (page 16 paragraph 5.4. www.fs-ev.org/fileadmin/user_upload/04_Arbeitsgruppen/08_Nichtionisierende_Strahlung/02_Dokumente/Leitfaeden/FS-2014_Leitfaden_Lichteinwirkungen_auf_die_Nachbarschaft_10.06.2014.pdf).

te/Leitfaeden/FS-2014_Leitfaden_Lichteinwirkungen_auf_die_Nachbarschaft_10.06.2014.pdf) on the inside with blinds or shutters, it should not be possible to look inside the lamps and indirect lightings like mirrors or lights shining on walls should not be built at the neighbourhood. The organisation of professionals(<http://www.wko.at/Content.Node/Service/Umwelt-und-Energie/Betriebsanlagen/Anlagengenehmigungen/Leitfaden-Laerm-Emissionen-und-Immissionen-von-Betriebsanlag.pdf>) says that a turn of 180 degree of that things to make it shine into another direction is a good solution. It should be tried to reduce the intensity of lights at night says the standard ÖNORM o 1053 or other guidelines too(at page 15 and 20: <http://www.lai-immissionsschutz.de/servlet/is/20170/Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf?command=downloadContent&filename=Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf>). Because the measurements were performed at a mesopic level of light(https://ledlight.osram-os.com/wp-content/uploads/2014/04/OSRAM-OS_LED-FUNDAMENTALS_Mesopic_Vision_v1_4-2-141.pdf) it should have been created a mesopic picture by a digital luminance measurement device(page 25 http://www.litg.de/media/182.27_%C3%B6ffentlicherDownload_Messen), because the glare depends also on the spectral data of the light(page 11 Pkt 2.3.2, <http://www.ssk.de/de/werke/2006/volltext/ssk0601.pdf>), which could make it possible to turn off unnecessary lights. There could be motion detectors(page 48 paragraph 4.5: www.klimaaktiv.at/publikationen/energiesparen/beleuchtung_b2b.html) or other buttons(<http://www.f-pro.de/bewegungssensor/> or <http://www.f-pro.de/beruhrungsloser-sensor/>) installed at the extremely bright screens said the company which imports the screens. At paragraph 5.1. of the report called MA 39 - VFA2016-1389.01 it says that this is a area of the category IV of the ÖNORM o 1052, which would be an industrial area, with the least protection of emission and therefor it may never been choosen if there is a residential area(page 70 www.land-oberoesterreich.gv.at/files/publikationen/us_besseresLicht2013_leitfaden.pdf) because it is a legal residential area and the bed- and livingrooms get light as day lit, also with two curtains, so it is also wrong at the report. Also the highest allowed illuminance is at paragraph 5.1. of the report not the right one which is said at the standard called ÖNORM o 1052, because it is a legal residential area(<https://geodaten.bgld.gv.at>, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgld&Gesetzesnummer=10000072>) and therefor the category of the area is B(residential area) and not a category called C(mixed area, business district, shopping street) of the tables of the ÖNORM o 1052, because the wrong values are much higher then the right ones and they were engaged to perform a measuring at the residential area. There were many changes after they built it in comparison to the design, which was shown only at the community office. The highest luminance which is allowed for screens is not said at the report, but it gets overridden by which was measured at the screens against the standard called ÖNORM o 1052. Old people always ask at the counter. Against what the report says at paragraph 5.1 and 5.5 an unnecessary lighting is allowed at the area III from 5 am to 10 pm, because it is a legal residential area says the law of regional development(§ 14 3a) at the edge of the settlement(only the wood and the river is behind it). It says the word residential area at paragraph 5.1 of the report of measurements of the magistrate called MA39 VFA, but the wrong values of the tables were choosen and said there too, because they are of other areas and not applicable for residential areas. Because that tables of the ÖNORM o 1052 are the same(page 94<https://www.bafu.admin.ch/dam/bafu/de/dokumente/elektrosmog/fachinfo->

[daten/vollzugshilfe-lichtemissionen-konsultationsentwurf.pdf.download.pdf/Vollzugshilfe-Lichtemissionen-Konsultationsentwurf-vom-12-04-2017.pdf](#)) like that at the guideline which is in Germany and also sometimes in Austria used called Bund/Länder - Arbeitsgemeinschaft für Immissionsschutz(LAI, hints to measurements, assess and lower emission of light (2012) which says at table one and two there that it must always be choosed the area at the table which gets exposed to the light(page 5 and 9: [www.lai-immissionsschutz.de/servlet/is/20170/Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf?command=downloadContent&filename=Hinweise%20zur%20Messung%20Beurteilung%20und%20Minderung%20von%20Lichtimmissionen.pdf](#)). The eurasian people and also no groups of them, which are always told somewhere else, are not at this parts Austria(Burgenland, lower Austria). At first step the light must be shielded at the source(page ten, third and fourth paragraph: [www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf](#)) and then stopped where it spreads. At other stations there were lights or screens turned off too(page 35[http://www.hellenot.org/fileadmin/user_upload/PDF/WeiterInfos/05_Broschuere_VermeidungLichtemissionen.pdf](#)oderbeimWestbahnhof[http://wua-wien.at/images/stories/publikationen/wua-taetigkeitsbericht-2014-2015.pdf](#)). The values of the EN 12462 are limits which should not get overridden(page 24 paragraph 2.3.3 and page 28 paragraph 4 [https://www.bafu.admin.ch/dam/bafu/de/dokumente/elektrosmog/fachinfo-daten/vollzugshilfe-lichtemissionen-konsultationsentwurf.pdf.download.pdf/Vollzugshilfe-Lichtemissionen-Konsultationsentwurf-vom-12-04-2017.pdf](#)) by lightings. The application guide of the TSI PRM 2.4.11 says that in stations and on platforms, it is not mandatory to install a dynamic visual information system. And for example, “To the platforms” in general may be appropriate at the first decision making point when entering the station, rather than specific signs indicating each individual platform. Also it says at paragraph 4.1.2.10 of the TSI PRM that the lighting at the forecourt shall be in accordance to national or european rules. At paragraph 3 of the report called MA 39 – VFA 2016-1389.01 one extremely bright screens, the displays which show the timetables and other displays are not said but they are against the standards called RVS 05.06.11, RVS 05.06.12 at the environment of the street and much too bright, that does not comply with the rules of the standard called ÖNORM o 1052 at the residential area and edge of the settlement. Also it says at paragraph 3 of the report of photometry that the screen of the public transportation system of the eastern region, which is shown at picture 13(where it says shield(which is wrong) of the transportation network of the eastern region next to the pictures) gets turned off, which is not right, because they do not get turned off completely and also gets turned on very early at 5 am and it also says at this paragraph that the unshielded fluorescence lamps are only visible at a acute angle of view, but they are in front of the building([http://www.mohr-architekt.at/wp/wp-content/uploads/2016/05/Bruck-51.jpg](#)) which is against the standards called ÖNORM o 1052 and EN 13201 - 2 because it is a bad luminous intensity class and glare index and so bright light shines and reflects into the living and bedrooms accross the street and therefor it is very poorly made, which said a certified light technician and they also said that many protected moths fly against the screens and to the backlit blue - greenish facade, because they get attracted to fly like the mosquitos from the wood and river behind it to this lights and also inside the flats(the bats flew into the open windows and waited at the livingrooms until the night). Because it is a residential area at the edge of the settlement with many trees, green areas, gardens and garden plots it is an area III of the table of the ÖNORM o 1052. The pictures at the report were taken

when the energy saving lamps and the metall halid - floodlight which pointed at the ceiling behind the blue greenish facade of glass, still were starting to shine and have not already been that bright like when they have finished to start(page 40 https://issuu.com/elektrotechnik/docs/et_licht_20101). Also the suppression of the Melatonin has been already recognised at 1,3 Lux (https://laser-led-lampen-sicherheit.seibersdorf-laboratories.at/fileadmin/uploads/intranet/2004_nir_diskussion%20dosimetrischer%20aspekte%20bei%20experimentellen%20studien%20zur%20lichtinduzierten%20melatoninreduktion_weber.pdf) at dim light of LED. Because of the building of a high reflective and reverberative wall of concrete in the Kiralystrasse 10 - 12, without permit and without getting intervened, the noise and brightness is getting more, because it gets thrown back by it right into the bed- and livingrooms. The street and the rail tracks are next to us. Because of that wall vehicles and other noise is now much louder, it is double that loud than it was. Against the necessarily needed sound proofing wall, a higher wall, which could protect against noise and lightpollution was refused to be built by the residential building management of Sozialbau, because of not applicable reasons of structural engineering and costs without proving it. Another company built a 20 metres long and five metres high block of concrete in front of the wall of stones, which was local custom and had no damages instead of renovating(e.g. http://www.thyssenkrupp-infrastructure.com/fileadmin/download/Profile/de/20160317_TKIF_Ankerttechnik_DT.pdf) it like ordered. In between this two walls is a gap where the echo could develop too. They should have built stairs too, but they could not built them after more then half a year of work. Then they closed their business. Because the other company has already built a block of concrete the new company called Konrath Bau built again a 40 metres long wall of high reflective concrete in front of the stone wall. Then they have built in front of the wall a floor of about 150 m² made of concrete instead of gras and a path to walk there. It is a square of high reflective concrete now. Because of reflections and multiple reflections(page 77 www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf) the noise gets louder. The company built against the state of the art with high reflective concrete, which is not used anywhere in residential areas(4. paragraph <https://www.baunetzwissen.de/bauphysik/fachwissen/schallschutz/nachhallzeit-schallabsorption-hoersamkeit-4407257>, page 3 http://www.land-oberoesterreich.gv.at/files/publikationen/U_schallschutzimWohnbau.pdf), because the surface of the concrete could not absorb sound. This wall of high reflective concrete was built without permit, which is necessary(page 9 http://anzeigen.krone.at/media/28045/2018332_165710031_2.pdf, paragraph 23 <https://www.jusline.at/index.php?cpid=ba688068a8c8a95352ed951ddb88783e&lawid=711&paid=62a&mypa=80>, http://www.ktn.gv.at/269186_DE-BaurechtMerkblatt_nichtbewilligungspflichtig) for a 60 metres long and 5 metres high wall against the law, because it is not absorbing sound. Noise because of reflections is not normal too(sentence of the higher administrative court of 08/23/2012, called 2012/05/0025: https://rdb.manz.at/document/ris.vwght.JWT_2012050025_20120823X00) and is very disturbing, which is not allowed(say also the building regulations of Burgenland at the article of sound insulation it is said that noisy sound is not allowed). The administrative court of justice said also that sound, which does not come of the building itself but emissions get turned into something worse because it gets reflected by it and gets louder or brighter, e.g. sunlight, are not allowed too(sentence of the higher administrative court called 2009/05/0083: <https://www.ris.bka.gv.at/JudikaturRechtssaetze.wxe?Abfrage=Vwgh&Dok>

umentnummer=JWT_2009050083_20120515X00). Also the law of construction says that it must be taken care of noise because when it could get reflected at hard surfaces and cars and trains drive next to the houses and the built wall which is 60 metres long and 5 metres high has not the ability of absorption, like the wall of stones where it was built in front of it. Against the need of a high, sound absorbing wall against the noise and light, it was refused to higher it, because of not applicable reasons of structural engineering and costs. Because of the building of the 60 metres long and 5 metres high wall of high reflective every noise gets very loud and reverberated right into the bed- and livingrooms and the echo of the inner courtyard(https://rdb.manz.at/document/ris.vwght.JWT_2012050025_20120823X00) gets much more. Reflections and reverberations are also possible at walls of houses too(sentence of the higher administrative court 2012/05/0025: https://rdb.manz.at/document/ris.vwght.JWT_2012050025_20120823X00). The regulations of building say that there must be materials used which are state of the art(e.g. a paneling of concrete with woodchips which absorbs sound at walls of concrete: <https://shop.austrian-standards.at/Preview.action;jsessionid=E85DD042904A7ED9118AA15BCC5D3F6B?preview=&dokkey=443672&selectedLocale=de>) and therefor it cannot be high reflective concrete everywhere with a factor of soundabsorption which is 0,01(<https://www.uni-due.de/ibpm/BauPhy/Schall/Buch/Tabellen.htm#tab19>). Because that is against the guidelines which must be respected and said at the construction law, because it has no insulation of sound. The factor of the absorption of sound shall be 0,25(OIB - Richtlinie 5). Against the law(<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgld&Gesetzesnummer=20000684>, https://www.ris.bka.gv.at/Dokumente/Vwgh/JWR_2009050083_20120515X03/JWR_2009050083_20120515X03.pdf) noise and light get reflected by many surfaces and walls of high reflective concrete right into the bed- and livingrooms. The department of environment says that(page 66 paragraph 6.1.5 www.laerminfo.at/dam/jcr:18a76f5c-0a6a-4b10-8375-103c3b94d507/Handbuch_Umgebungslaerm.pdf) panels of sound absorbing material are against unwanted reflections of sound on reverberant surfaces, like enclosures, walls of retaining which are made of high reflective concrete(z. Bsp.: <https://www.betonwerk-schuster.de/beton-wand-verkleidung-grossformatig.html>). Please shield the walls of high reflective concrete or preserve the wall of stones and turn off, dim and shield the lights, screens and displays, which are not necessarily needed for the lighting of the streets according to ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12 at the residential area and at the edge of the settlement. Thanks in advance.

Your' s sincerely,

Norbert Milletich

Provisions of the Convention alleged to be in non-compliance and nature of alleged non-compliance

It is against the convention of Aarhus article 1 to built a station new and move it to a residential area at the edge of the settlement(because only the river called Leitha and the wood of Bruck is

behind it) without the need of a permit according to paragraph 36 of the federal railway act, which is only applicable usually for buildings of the federal railway, which are not extensive and do not have more than 150 squaremetres(order, paragraph 3:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20006583&FassungVom=2014-01-01>) but the measurements at the map of the area inauguration (geodaten.bgld.gv.at) say that it is bigger. It is not possible to procure a declaratory decree if there is really no need of a permit for a building of the federal railway or if it will be needed. That is against the article 9 paragraph 3 of the convention of Aarhus and against the third pillar of the convention of Aarhus to get access to justice.

And without information or participation of the public, no environmental impact assesement and without the possiblity to raise objections against it is against article 1 because train stations are not adequate for the health of the people who live there(e.g. suburban trains make neighbours ill in Munich, because of the noise of trains which park next to it, and which engines and airconditions are always turned

on:<https://www.welt.de/regionales/muenchen/article2609344/Neue-S-Bahn-in-Muenchen-macht-Anwohner-krank.html>) and it got moved from where it has been forever and (away from their own flats) to the houses with open balconies. Because of that the provisions of the article 7 and article 8 of the convention of Aarhus did not get applied too, but the application of the provisions of the Aarhus convention, would have been necessary(is told also from an expert <https://www.oeaw.ac.at/ita/fileadmin/redaktion/Veranstaltungen/konferenzen/tal1/zschesche.pdf> <http://www.aarhus-konvention.de/service/kontakt.html>) because if that rules of the Aarhus convention would have been respected as usual when a new one gets built an environmental assesement would have been there too. Also none of the provision of article 6 were considered to get applied when they have built the station called Bruck an der Leitha without the need of a permit new and also new tracks of the railway, which are activities said at the Annex I, paragraph 8 a) of the convention of Aarhus at which the convention must be applied, which is said at the article 6 paragraph a) or also b) of the convention of Aarhus. To start building without to inform the public or their participation(usually the people get noticed by an edict that is issued if something gets build and then it gets published at the newspapers) is against article 6 paragraph 2 and does not comply with one of the rules of the paragraphs 2 a) to e). Also there was no open debate, where people could raise objections, which is against the article 6, paragraphs 3, 4, 5, 6 a), 7 and 8, because there was no possibility to participate and so the provision of the article 6 of the Aarhus convention did not get applied at all.

The head of the laboratory called VFA of the magistrate called MA39 said that they will tell their legal department that they should take proceedings against me, if I will say that they are not independent, which I answered when the one of the federal railways who told the local authority of the district commissioner that nothing shines into the flats without any measurements at the housings. That is against the convention of Aarhus article 3, paragraph 8 and a local councillor told me that the federal railway has already created a file about me.

The federal environment agency(I told them at the 7/31/2016 about it, umweltinformation@umweltbundesamt.at) said that informations about lightpollution are no environmental informations, which are said at the UIG(which is the law for access of the public to environmental informations) and they also did not intervene or tried to get the informations about the emissions, which is against the article 5, paragraph 1 a) and c) of the convention of Aarhus.

Use of domestic remedies

Of course I told it to the federal railway(infra.kundenservice@oebb.at), the first time at the 28th of May 2015, but later they took no notice of the objections against the report of the measurements by the MA39 VFA and also not that it is an obvious wrong report called MA 39 – VFA 2016 - 1389.01 which was created at 17th of October 2016 with some wrong findings, which will not be corrected, but they are not responsive to that.

A message was sent to the customer service of the transport system of the East(info@vor.at) at the 21th of October 2015 and the handed it over to the federal railway, because they are competent they said.

The lawyer of the environment from lower Austria(11/26/2015 post.lad1ua@noel.gv.at) is only competent in lower Austria, where only the city is, which is the name of the station called Bruck an der Leitha, but it is in Burgenland and the lawyer of the environment(umweltanwalt.burgenland@bgld.gv.at, 03/05/16) of it said that have started to make measurements but the technician, which is at the provincial government(they are members of the same party like the CEO of the federal railway) said that he will only measure if the commissioner of the district will authorize him.

At the 16th of January 2016(post@bruckneudorf.bgld.gv.at) i filed a complaint to the communal administrative authority and the building authorities(mayor is with the federal railway and member of the same party like the CEO of the federal railway when they built it) and only an informal meeting at the station was offered(but they did not help us).

I filed petitions at the ombudsman(8th of August 2016 post@volksanw.gv.at) in Austria, but the one which is competent for the construction law did not answer, because the other one which is again a member of the same party like the CEO of the federal railway, like the mayor of Vienna and Bruckneudorf and the magistrate of Vienna answered. And because of that the case was closed early without being solved, the report of photometry by the MA 39 VFA has not even been submitted to me because the ombudsmann did not send it too but also he did not consider if it is maybe

wrong(https://www.ris.bka.gv.at/Dokumente/Vwgh/JWR_2002070129_20031106X04/JWR_2002070129_20031106X04.pdf). And the files(VA - BD - VIN/0106 - A/1/2016 and VA - W - BT/0021 - B/1/2017) are not said at their reports of

progress(<https://volksanwaltschaft.gv.at/berichte-und-pruefergebnisse/aktuelle-missstaende#index-lead>). On the other hand the ombudsmann intervenes at other buildings which will be built against the Aarhus convention, but because of the light as day lit flats and many walls of high reflective concrete because of which the flats got very noisy(both times people of the same party like them are the chiefs of the department of environment or transport or of the federal railway or are mayors who are competent) they do not like to intervene.

The head of the provincial government(hans.niessl@bgld.gv.at 7/28/2017) which is a member of the same party like the CEO of the federal railway did not answer.

The division of the departement of transport for safety on the road and the management of safety of the infrastructure(08/26/2016 ivvs2@bmvit.gv.at) did not answer.

The railway authority for technics and safety at the departement of transport(08/18/2016 sch5@bmvit.gv.at) did not answer and was closed or renamed last year.

The higher railway authority of the departement of transport(sch2@bmvit.gv.at 02/05/2016) which was competent and was closed or renamed last year, answered that it was built without permit, because of the paragraph 36 of the federal railway act.

The district commissioner(bh.neusiedl@bgld.gv.at 11/01/2016) was told from the customer(federal railway) of the magistrate, that nothing shines into the flats(with no further details), but how could they tell it if they have not even measured at the housings because of the report called MA 39 – VFA 2016-1389.01?

At the 29th August 2017 I told it to the civil service of the president' s office that there are emissions which are not normal local custom and they told it to the ministre of the department of transport, who answered at the 13th of October, that they will start to investigate it at the next few days, but nothing has been changed.

At the 1st of September 2017 I told it the chancellour, the former CEO of the federal railway(christian.kern@bka.gv.at), which told me that I should tell the department of transport about my complaints.

At the 12th of March 2017 the ombudsmann for noise(umgebungslaerm@bmlfuw.gv.at) of the department of environment was told about it, but ther has not been any answer.

Use of other international procedures

The form for complaints of the European commission has been successfully submitted at the 13th of May 2017. They answered that the national laws the texts of the directives of the European parliament and the Council are nearly copies of the original texts, but obviously they do not comply with them, but only national courts could investigate, because it is a individual case, which happens only once, but they will built more stations without the need of a permit(according to the railway act), which was amended at the offical bulletin called BGBl. I Nr. 125/2006 and the new paragraph §36 considerably enhanced the possibility to built without the need of a permit, at the past there was a list of projects, which could be built without permits:

https://www.parlament.gv.at/PAKT/VHG/XXIII/SNME/SNME_03122/fname_096115.pdf. But now everything could be built without permit if they like to, e.g. everytime if there will be objections raised by the public or from someone else against it maybe, they could built without the application of the provisions of the convention of Aarhus and without environmental impact assesement, also if the provisions of the law of the environmental impact assesement indicates that there should be an environmental impact assesement and a participation of the public.

An email was sent to poldep-cohesion@europarl.europa.eu at 30.6.17 to the European Parliament, but there was no answer.

At the 10th of February 2017 the European railway agency answered that I should write again to the manager of the station or the department of transport, but they will raise the topic at the next

revision of the TSI.

Confidentiality

I do not ask to keep it confidential.