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To: aarhus.compliance@unece.org
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Subject: AW: PRE/ACCC/C/2017/155 (Austria) - Party's statement on admissibility

Dear Sir or Madam!

Thank you. These are lies which they told you, because there are no houses between the flat and the intermodal terminal called Bruck an der Leitha, because then they would shield the light and noise, but there was no reception building or pedestrian underpass adapted, instead of that it was build new there where nothing has ever been and the complete traffic(including heavy duty traffic) gets concentrated in front of the houses against all conventions and directives. From my field of view I could look from all windows which are at this bedroom and see the complete intermodal terminal(I could not see more of it if there was no other building) and I could see all extremely bright lights, the complete forecourt, the building, the platforms and these lights are not necessary for traffic, but all extremely bright screens, not shielded extremely bright fluorescence tubes in front of the building or floodlights which are usually only at indoor swimming pools at the ceiling shining also into the direction of the windows of the flats for no reason that they get light as day by night against the standards called ÖNORM o 1052 at the edge of the settlement with the dark wood which is the background for the many and much more lights which were installed at the building and it is against the rules of the RVS 05.06.11 and RVS 05.06.12 which say that there must not be any glary screens(because they are too bright) next to the street and also not be put next to a pedestrian crossing. So it is not state of the art, because these standards are valid since 2003, 2011(RVS) and 2012(ÖNORM o 1052) against the precondition said at article 36 that it must be state of the art, which is defined at the article 9b of the federal railway act(EisBg) and most of these could not even get classified as railway facilities, because not everything which is build at the ground of the federal railway is a railway facility according to many decisions of high court. They have time tables with glary white writing or background and sometimes a bright yellow line pops up there, but because of what should drivers of cars get warned by many extremely bright screens at which they look when they come from the Kiralystrasse and may not see any other signs at the pedestrian crossings because they look at the screens. The old building was not adapted(GPS 48° 1'9.15"N 16°46'46.51"E) and the new building of the intermodal terminal(e.g. <https://mobilitaetsprojekte.vcoe.at/intermodale-schnittstelle-bahnhof-wels> oder https://en.wikipedia.org/wiki/Millbrae_Intermodal_Terminal) called Bruck an der Leitha(a city in lower Austria) was built again in Bruckneudorf(Burgenland) (GPS 48° 1'9.35"N 16°46'50.23"E), but they moved it 60 metres nearer to the flats(also the rails of the long - distance and main railway were moved about 12 metres to the flats) away of that place where it has been for about 100 years or longer and built it at that area where nothing has ever been. Also there is an estuary which many walls of high reverberative concrete which are like sound mirrors, that I could hear if somebody speaks there and there are many heavy duty vehicles, about 80000 trains/per year and all the time people which park their at the no - parking zone in front of the highly reflective walls and let their engine turned on, play music, scream and so on. I could also look at the entrance of the pedestrian underpass now from the window, because it is also now at the new building and was made completely new and it did also not get adapted, because

the other one was also 60 metres more far away. The criteria which are said at the article three of the decree for projects of the federal railway (<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20006583&FassungVom=2013-03-10>) where there is no need of a permit do also not match the criteria which are said at Annexes III of e.g. the EIA protocol or the directive 2011/92/EC on environmental impact assessment and of the SEA protocol where at both of them the intermodal terminal is a project listed at both annexes II also, but the intermodal terminal is not said at the table of the annex I of the national measure on environmental impact assessment and participation of the public called Umweltverträglichkeitsgesetz 2000, which says the same criteria like the protocols or directives of EIA and SEA at the article three para four, which have to be taken into account if there is a case by case examination for projects at the column 3 of the table of projects which need to have an environmental impact assessment and participation of the public. It also is bigger then 150 m², which it may not exceed at the ground, because the building of the bus station which is also at the intermodal terminal was also built new and could also be classified like a building because it has windows and you could go inside. Also it is said at the annex II of the Umweltverträglichkeitsgesetz 2000 that there must be an environmental impact assessment at these projects if they are not more than 300 metres away of a residential area, which is according to that law an area which is worth to get protected. The directives have direct effect decided the European Court of justice (<https://eur-lex.europa.eu/legal-content/EN-DE/TXT/?uri=LEGISSUM:l14547&from=DE>) to protect individuals if there was no implementation at the national measure to comply with international law. So it was a project according to Annex I index 20 of the convention of Aarhus which are projects at which the provisions of the convention of Aarhus should get applied. The department of transport would have to make an environmental impact assessment. Also because the writ of the department of transport says (page 2

<https://www.bmvit.gv.at/verkehr/eisenbahn/recht/erlaesse/vgev.html>) that both criteria must match, that it must be extensive and it must make the overall performance of the railway better that there is a need of a permit is against the article 6 b) of the convention of Aarhus, so none of the characteristics of buildings which have an impact of the environment or health has been considered. That § 36 EisBG is against article 3 para 2 of the convention of Aarhus too. It is against the recitals 6, 7, 8 and 11 of the convention of Aarhus. I was also not told when exactly there will be measurements, but several times somebody who was advised or is also living at the flat was there when they watched it at daytime. Please shield the walls of high reverberative concrete and turn, dim, shield or turn off unnecessary extremely bright lights, screens, displays and floodlights (which make the blue - greenish facade that bright everyday like it was, because the light gets brighter at night) according to ÖNORM o 1052, RVS 05.06.11 and RVS 05.06.12 at the residential area and edge of the settlement. Thanks in advance.

Your' s sincerely,

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Gesendet via 3Mail.