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REPUBLIC OF SLOVENIA
MINISTRY FOR INFRASTRUCTURE AND ENERGY

AIR, MARITIME AND RAILWAY ACCIDENT AND INCIDENT
INVESTIGATION UNIT

Tržaška cesta 19, 1000 Ljubljana

T: +386 1 478 80 00
F: +386 1 478 81 70
E: mzi.spzni @gov.si
www.mzie.gov.si

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Subject: **Closure of the safety investigation into occurrence ERAIL SI-927 (level crossing accident between Ljubljana Vižmarje and Ljubljana Šiška, 10 June 2010) without a final report**

This document sets out the reasons for which the Air, Maritime and Railway Accident and Incident Investigation Unit (hereinafter: the investigation body) closed the safety investigation into the occurrence described below without issuing a final report, and completes the information on this occurrence held by the European Union Agency for Railways (ERA).

1. The occurrence

ERAIL reference:	SI-927
Occurrence type:	Level crossing accident
Date and time:	10 June 2010, 09:08
Location:	Level crossing protected by half-barriers between Ljubljana Vižmarje and Ljubljana Šiška stations, single-track line, km 568+176
Train:	Passenger train No. 415
Consequences:	1 fatality (level crossing user)

Passenger train No. 415 collided with a road vehicle on a level crossing protected by half-barriers. The car driver drove around the lowered half-barriers and died at the scene.

2. Status of the investigation

The occurrence was notified to ERA through ERAIL on 15 June 2010 with the legal basis “(§6) other reasons than those referred to in Article 19” (Article 21(6) of Directive 2004/49/EC). The investigation was formally opened by the then Railway Accident and Incident Investigation Division of the Ministry of Transport, the predecessor of the investigation body. After the initial assessment, the investigation body decided not to continue the investigation and closed the case without issuing a final report.

3. Legal framework

A collision of a train with a road vehicle at a level crossing is a level crossing accident and not a train collision. It is considered a serious accident only where it results from deficiencies within the railway system. In this case the level crossing protection was activated and the half-barriers were lowered, and the accident was caused by the road user driving around them. The occurrence was therefore not a serious accident within the meaning of Article 3(l) of Directive 2004/49/EC, and its investigation was discretionary.

Under Article 19(2) of Directive 2004/49/EC on safety on the Community's railways, which applied at the time, the investigation body may investigate accidents and incidents other than serious accidents and decides at its discretion whether or not to investigate, taking into account (a) the seriousness of the accident or incident, (b) whether it forms part of a series of accidents or incidents relevant to the system as a whole, (c) its impact on railway safety on a Community level,

and (d) requests from infrastructure managers, railway undertakings, the safety authority or the Member States. Under Article 19(3), the investigation body decides the extent of an investigation and the procedure to be followed, taking into account the lessons it expects to draw from the investigation for the improvement of safety. The same principles are now laid down in Article 20(2) and (3) of Directive (EU) 2016/798 on railway safety.

4. Assessment

Having assessed the occurrence against the criteria of Article 19(2) and (3) of Directive 2004/49/EC, the investigation body concluded that continuing the investigation would not result in relevant safety findings that would contribute significantly to the improvement of railway safety, for the following reasons:

– The direct cause – a road user driving around the lowered half-barriers – lies outside the railway system, and no deficiency of the railway system was indicated.
– The safety issue of road users driving around lowered half-barriers, which protect only the traffic lane in the direction of travel, was already being addressed by the investigation body. The final report on the accident of 5 September 2009 at the Vnanje Gorice level crossing (issued on 14 May 2010) recommended the gradual upgrade of half-barrier level crossings to barriers covering both traffic lanes from both directions or full-width barriers. The same recommendation was later confirmed in the final report on the accident of 10 June 2010 at the Vnanje Gorice level crossing (issued on 26 April 2012).
– In accordance with the rules in force at the time, the infrastructure manager, Slovenske železnice d.o.o., was required to carry out its own investigation of the occurrence and to report its findings and the measures taken to the investigation body. The infrastructure manager submitted such a report, which did not indicate any deficiency of the railway system. The investigation body therefore considered that continuing its own investigation would not add safety value.
– A separate investigation of this occurrence was therefore not expected to produce new safety lessons or recommendations beyond those already issued.

5. Decision

On the basis of the above, the investigation into occurrence SI-927 was closed without a final report. With this document the closure is communicated to ERA, and the occurrence is reported as closed in the data submitted to ERA. This document forms part of the case file.

With Regards,

Prepared by:

Tina Sunarić, mag. var.	Toni Stojčevski
Adviser	Head of Unit