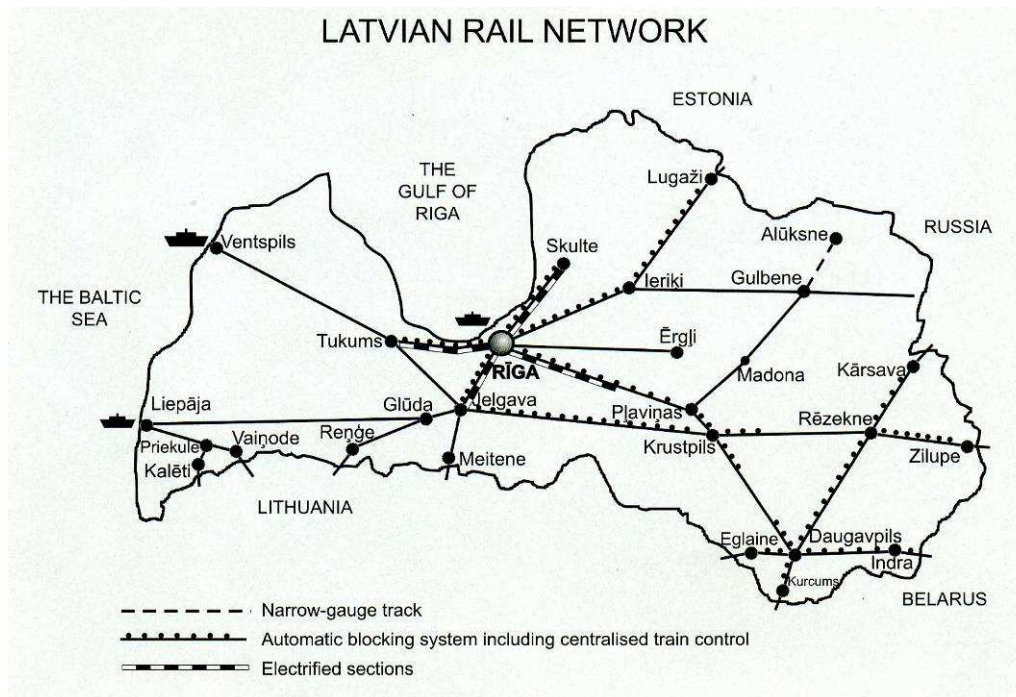


Transport Accident and Incident Investigation Bureau

Report of Transport Accident and Incident Investigation Bureau of 2007 on railway traffic accident investigation

Riga 2008



A. SUMMARY

As of April 1, 2007, serious railway traffic accidents and accidents in the Republic of Latvia have been investigated in the Transport Accident and Incident Investigation Bureau (hereinafter – Bureau). This function was performed in the State Railway Technical Inspectorate until the mentioned time. The information on the work of the Bureau on railway traffic accident investigation, the amendments made to the normative legal acts of the Republic of Latvia necessary for adoption of the function will be included in the report, as well as the cooperation of the Bureau with other institutions.

B. INTRODUCTORY SECTION

B.1. The information on establishment of the investigation institution of railway traffic accidents and the amendments made in the normative legal acts of the Republic of Latvia are included in the report in order to completely implement the requirements of *Directive 2004/49/EC of the European Parliament and Council of April 29, 2004 on safety of the Community's railways (Railway Safety Directive)* in relation to establishment and operation of an independent investigation institution of railway traffic accidents. The structure of the Bureau, co-operation with other public institutions, a railway safety institution, carriers, railway companies and a manager of public railway infrastructure are included in the report.

B.2. Taking into consideration that Aircraft Accident and Incident Investigation Bureau was already established in the Republic of Latvia the

functions of which were investigation of aircraft accidents and incidents, the Cabinet of Ministers issued the Decree No.953 on December 12, 2006 upon proposal of the Ministry of Transport “On Investigation Institution of Serious Railway Traffic Accidents”, in accordance to which the Aircraft Accident and Incident Investigation Bureau was assigned to perform also railway traffic accident investigation as of April 1, 2007. Thereby, in order to form a new infrastructure within the framework of the Bureau which would investigate serious railway traffic accidents and incidents and establish its functions and tasks, as well as in order to change the name of the Bureau the following amendments of the normative legal acts were performed:

- the law of March 29, 2007 “Amendments to the Law “On Aviation””;
- Regulations of the Cabinet of Ministers No.223 of March 27, 2007 “Amendments to the Regulations of the Cabinet of Ministers No.393 of October 6, 1998 “Procedures for the Investigation of Railway Traffic Accidents””;
- Regulations of the Cabinet of Ministers No.426 of June 26, 2007 “Amendments to the Regulations of the Cabinet of Ministers No.393 of October 6, 1998 “Procedures for the Investigation of Railway Traffic Accidents””;
- Regulations of the Cabinet of Ministers No.224 of March 27, 2007 “Amendments to the Regulations of the Cabinet of Ministers No.973 of December 20, 2005 “By-laws of the Aircraft Accident and Incident Investigation Bureau””;
- Regulations of the Cabinet of Ministers No. 428 of June 26, 2007 “Amendments to the Regulations of the Cabinet of Ministers No. 973 of December 20, 2005 “By-laws of the Aircraft Accident and Incident Investigation Bureau””;
- Regulations of the Cabinet of Ministers No. 430 of 26. 06. 2007 “Amendments to the Regulations of the Cabinet of Ministers No. 660 of November 25, 2003 “Regulations regarding the Investigation of Aviation Accidents and Incidents””;

An investigator of railway traffic accidents was engaged in the Bureau in 2007 who attended the dedicated railway accident investigator courses in Great Britain, Cambridge and completed them successfully.

In 2007, the Bureau did not investigate any railway traffic accident because no railway traffic accidents took place within the territory of the Republic of Latvia which should be investigated by the Railway Traffic Accident Investigation Department in accordance with the normative legal acts of the Republic of Latvia.

B.3. In compliance with the normative legal acts of the Republic of Latvia, independent investigation of railway traffic accidents is carried out in

order to clarify all the cause and effect of railway accidents, as well as to provide recommendations for prevention of similar railway traffic accidents. Information is gathered on the conditions of railway traffic accidents within the process of investigation, as well as its analysis and preparation of the opinion. Investigation is performed apart from the investigation carried out by law enforcement institutions without determination of a person's fault and responsibility.

B.4. The requirements of the *Railway Safety Directive* in relation to establishment of an independent railway traffic accident investigation institution were implemented on April 30, 2006 with amendments in the Railway Law which prescribe the functions and tasks of a serious railway traffic accident investigation institution and criteria of serious railway traffic accidents and accidents.

In order to completely implement requirements of *Railway Safety Directive* and ensure implementation of the Railway Law in relation to an independent railway traffic accident investigation institution, amendments to the Regulations of the Cabinet of Ministers No. 393 of October 6, 1998 "Procedures for the Investigation of Railway Traffic Accidents" were made on March 27, 2007 which specified the following types of railway traffic accidents:

- 1) a serious railway traffic accident;
- 2) an accident;
- 3) a traffic safety violation;
- 4) an accident in which a person has suffered.

The Bureau has to obligatory investigate serious railway traffic accidents and accidents in compliance with the mentioned provisions, as well as the Bureau may make a decision on the whole railway traffic accident at any time, as well as investigation of other accidents related to train traffic if they have unfavourable influence to traffic safety.

A serious railway accident is collision of railway rolling stock with other railway rolling stock or going down the rails which has caused the following consequence:

- at least one fatality;
- medium bodily injury has been caused to at least five people;
- damage is caused to the rolling stock, railway infrastructure or environment in the amount of at least two million euro pursuant to the official foreign currency exchange set by the Bank of Latvia on the day when a railway traffic accident has taken place.

An accident is collision of railway rolling stock with other railway rolling stock or going down the rails which has caused the following consequence:

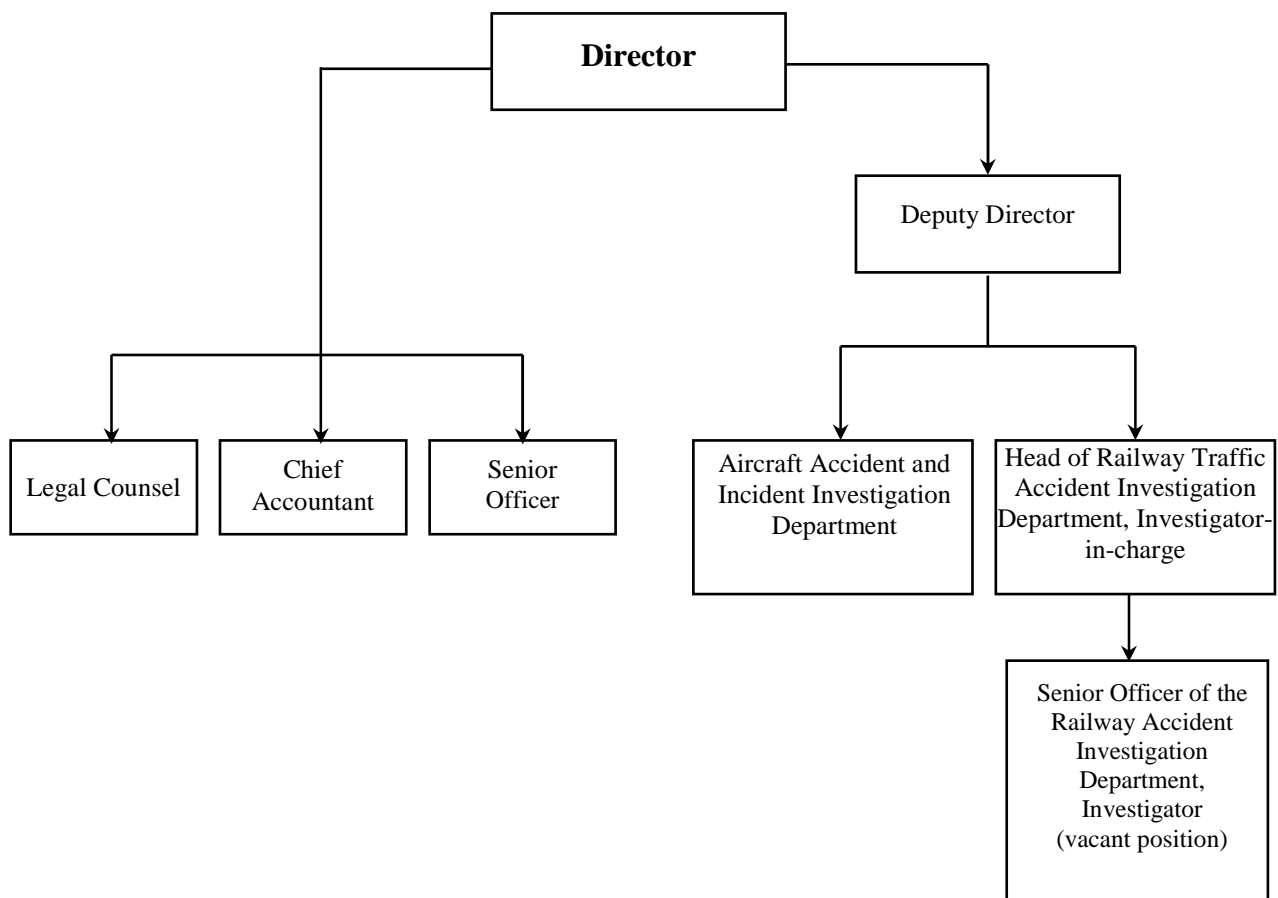
- serious bodily injury has been caused to at least one person;

the railway rolling stock is damaged and its technical condition does not conform with technical regulations anymore, nor guarantees safe operation and is to be deleted from the inventory park.

Casualty traffic safety violations and accidents are investigated by the commission jointly established by the State Railway Technical Inspectorate, railway infrastructure manager and carrier.

C. ORGANISATION

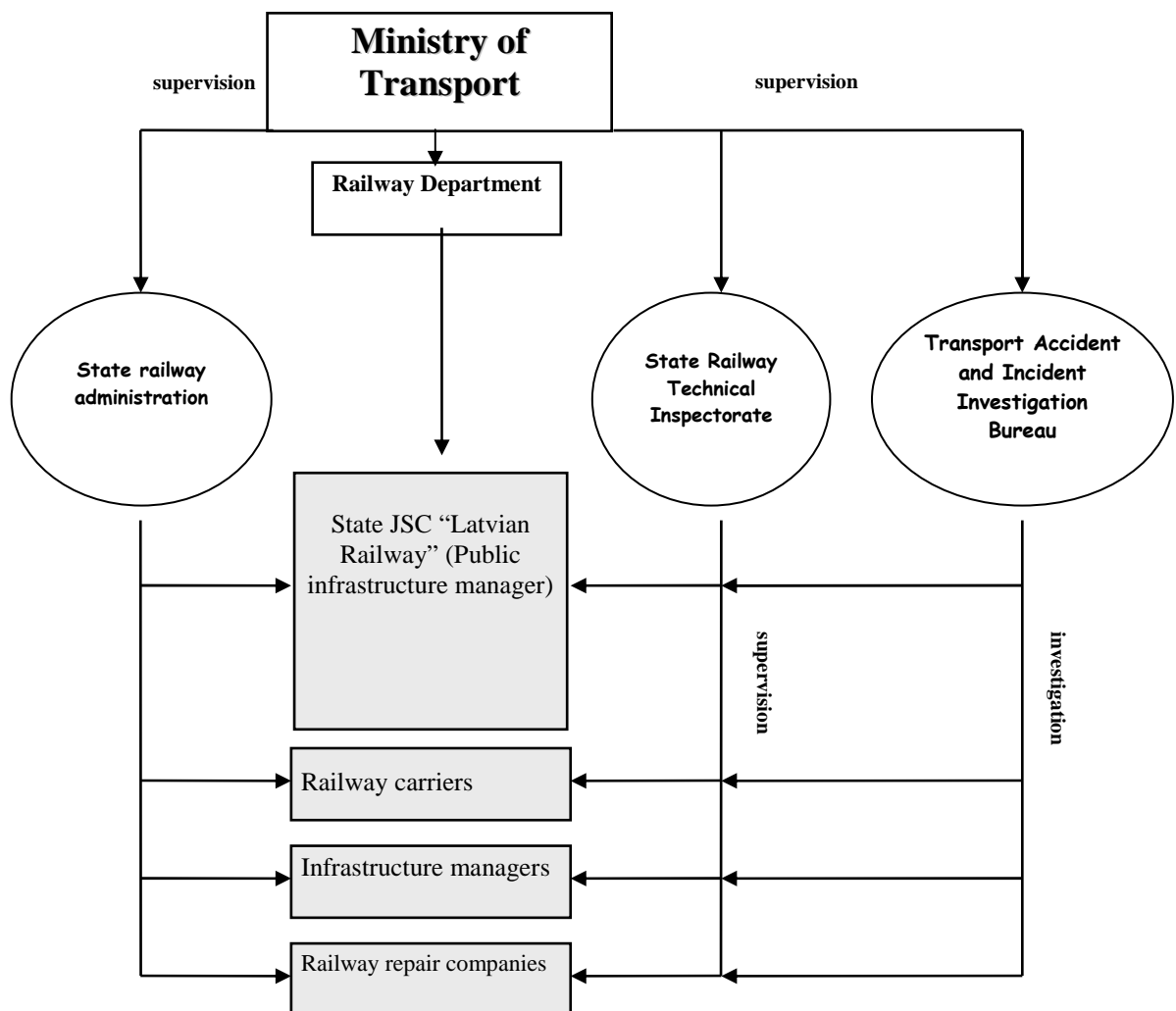
C.1. Railway Traffic Accident Investigation Department of the Bureau is a structural unit which performs investigation of railway accidents. The Bureau is a state direct administration institution under supervision of the Minister of Transport which implements state administration in the sphere of investigation of aircraft accidents and incidents, as well as railway traffic accidents. There are 8 positions in the Bureau. The Railway Traffic Accident Investigation Department has two positions, Head of Department – Investigator-in-charge and Senior Officer – Investigator. In 2007, the position of Senior Officer of the Railway Traffic Accident Department was vacant. Structure of the Bureau is specified in Picture 1.



Picture 1. Bureau structure scheme

C.2. The Bureau is organizationally and legally, as well as in the field of decision making independent of the railway infrastructure carrier and

railway technical operation control and supervision institution and also of the institution responsible for determination and collection of railway infrastructure charge, distribution of railway infrastructure capacity or implementation of state administration in the field of railway transport and of the persons the interests of whom may be in conflict with the tasks of the Bureau. Cooperation with other institutions and institutions is specified in Picture 2.



Picture 2. Cooperation scheme with other institutions

D. INVESTIGATION PROCESS

D.1. Independence of investigation process carried out by the Bureau of the railway infrastructure manager, carrier and railway technical operation control and supervision institution, as well as of the institution responsible for determination and collection of the railway infrastructure charge, distribution of railway infrastructure capacity or implementation of the state administration in the field of railway transport are guaranteed in the legislation of the Republic of Latvia.

D.2. In accordance with the nature of the accident the Bureau may invite competent experts to take part in the investigation who are not employees of the Bureau, as well as representatives of the European Union member state investigation institution if a carrier is involved in the accident which is registered and licenced in the respective member state.

The Bureau may ask assistance of other investigation institutions of the European Union member states or European Railway Agency in order to receive expert opinions or carry out technical inspections, analyses or provide assessments.

In case if it is not possible to determine in which European Union member state the accident has taken place or if the accident has taken place on the border crossing of the Republic of Latvia and other European Union member state or within its immediate closeness, the Bureau agrees with the investigation institution of the respective European Union member state which of them will carry out investigation or agrees to perform investigation jointly. If an agreement is made that the accident is investigated by an investigation institution of the respective European Union member state, the Bureau may participate in the investigation of the accident and completely use its results.

Upon investigation of accidents the Bureau coordinates its operation with representatives of the Prosecutor's Office or police.

D.3. After receipt of the notification on the accident the Bureau immediately begins its investigation. Within seven days after beginning of the investigation the Bureau informs the European Railway Agency, State Railway Technical Inspection, Railway Police, railway infrastructure manager and carrier involved in the railway traffic accident thereof. The date, time and place of the accident, as well as type of the accident and consequence – the number of fatalities and casualties, as well as the amount of the damages are specified in the information.

The Bureau informs the State Railway Technical Inspectorate, manager and carrier of railway infrastructure involved in the railway traffic accident,

casualties and their relatives, owners of the damaged property, manufacturers, respective emergency services, representatives of the staff and users on the investigation process of the accident on a regular basis and, as far as it is possible provides them with opportunities to give their opinions and viewpoints for investigation, as well as comments on the information provided in the draft reports.

Investigation is managed by Director of the Bureau. Manager of Investigation appoints Executive Investigator for the investigation of railway traffic accidents who is responsible for organization, performance and control of investigation activities.

Investigator-in-charge has the following rights:

- *to make a decision regarding the issues related to performance, methods and practice of the investigation;*
- *to give orders and instructions to investigation participants;*
- *to provide recommendations on urgent measures for improvement of the railway transport movement if their necessity is established in the investigation process;*
- *to organize the necessary tests and research;*
- *to involve the respective specialists in the investigation, require and receive the information and documents necessary for investigation from the legal and physical persons;*
- *to dismiss the persons from participation in the investigation who have made violations of these regulations or systematically ignore orders of investigation manager;*
- *to require so that foreign specialists and experts participating in the investigation delivered all the information in their disposition related to investigation;*
- *to provide information on investigation process and established conditions.*

Investigators of the Bureau are entitled:

- *to get to the place of accident, rolling stock involved in the accident, respective railway infrastructure, traffic management and alarm systems;*
- *to immediately begin collection of direct evidence and wrecks, railway infrastructure equipment or their components for inspections or analyses;*
- *to get access to the content of data registration devices of the rolling stock, voice communication recording devices, alarm and traffic management operation registration devices and use it;*
- *to acquaint with the inspection results of fatalities' remains and bodies of casualties;*

- *to acquaint with the results and evidence of questioning and questionnaires of the railway specialists and other witnesses involved in the accident;*
- *to question the railway specialists and other witnesses involved in the accident;*
- *to have availability to substantial information or documentation of the State Railway Technical Inspection, railway infrastructure manager and carrier involved in the accident.*

E. INVESTIGATION

In 2007, the Bureau did not investigate any railway traffic accident because no railway traffic accidents took place within the territory of the Republic of Latvia which should be investigated by the Railway Traffic Accident Investigation Department of the Bureau in accordance with the legislation of the Republic of Latvia nor the safety recommendations were provided.

Legislation of the Republic of Latvia prescribes that the State Railway Technical Inspectorate and other institutions to which the safety recommendations are addressed ensure that the safety recommendations issued by the Bureau in order to prevent the causes and conditions of a railway traffic accident, as well as to guarantee the railway traffic safety are taken into consideration and implemented. The State Railway Technical Inspectorate and institutions to which the safety recommendations are addressed report to the Bureau on the implementation of the measures mentioned in the safety recommendations at least once a year.