

**MINISTRY OF TRANSPORT AND COMMUNICATIONS OF THE REPUBLIC OF
LITHUANIA
HEAD OF ACCIDENT INVESTIGATION**

**ANNUAL REPORT OF THE HEAD OF ACCIDENT INVESTIGATION ON ACCIDENTS
ON RAILWAY TRANSPORT IN THE REPUBLIC OF LITHUANIA IN 2010**

Vilnius
2011

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1. Introduction

The position of Head of Accident Investigation was established in order to implement Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings, and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive).

2. Legal basis for activity

The Law of the Republic of Lithuania on Railway Transport Traffic Safety (*Valstybės Žinios (Official Gazette)*, 2004, No 4-27; 2006, No 42-1505; 2010, No 12-557);

Order No 3-79 of the Minister of Transport and Communications of the Republic of Lithuania dated 20 February 2003 regarding the approval of the Provisions for the Investigation of Railway Traffic Accidents and Elimination of Consequences Thereof (*Valstybės Žinios (Official Gazette)*, 2003, No 26-1066; 2008, No 38-1415; 2010, No 71-3605).

Pursuant to Article 21 of Directive 2004/49/EC, each Member State shall ensure that investigations of accidents and incidents in the railway transport system are conducted by a permanent body, which shall comprise at least one investigator. According to the aforementioned Article, this body shall be independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body or notified body, and from any party whose interests could conflict with the tasks entrusted to the investigating body.

In order to implement the provisions of Directive 2004/49/EC, in 2006 the Seimas [Parliament] adopted the Law on the Amendment of the Law of the Republic of Lithuania on Railway Transport Traffic Safety (*Valstybės Žinios (Official Gazette)*, 2004, No 4-27; 2006, No 42-1505). In 2010 the Law was amended and restated in a new version.

Article 26 (2) of the Law of the Republic of Lithuania on Railway Transport Traffic Safety stipulates that accidents shall be investigated by the Head of Accident Investigation appointed by the Minister of Transport and Communications of the Republic of Lithuania, with the objective of the improvement of traffic safety and the prevention of accidents. The Head of Accident Investigation shall also be entitled to investigate those accidents and incidents which under slightly different conditions might have led to serious accidents, including technical failures of the structural subsystems or of interoperability constituents. In making his/her decisions and performing the functions entrusted to him/her, the Head of Accident Investigation should be independent from the traffic safety authority, any institution or authority performing the functions of control over railway transport, railway infrastructure managers, the body charging railway undertakings (carriers) fees for the use of the public railway infrastructure, the body allocating capacity in the public railway infrastructure, the notified body, and from any party whose interests could conflict with the tasks entrusted to the Head of Accident Investigation.

The procedures for the investigation of traffic accidents, serious accidents and incidents; recording of traffic accidents, serious accidents and incidents; preparation of reports on traffic accidents, serious accidents and incidents; as well as the obligations and rights of railway infrastructure managers, railway undertakings (carriers), the Head of Accident Investigation, and the Traffic Safety Authority shall be regulated by the Provisions for the Investigation of Railway Traffic Accidents, Serious Accidents, and Incidents and Elimination of Consequences Thereof approved by the Minister of Transport and Communications, and other legal acts.

3. Functions

When carrying out the investigation of a traffic accident, serious accident or incident, the Head of Accident Investigation shall have:

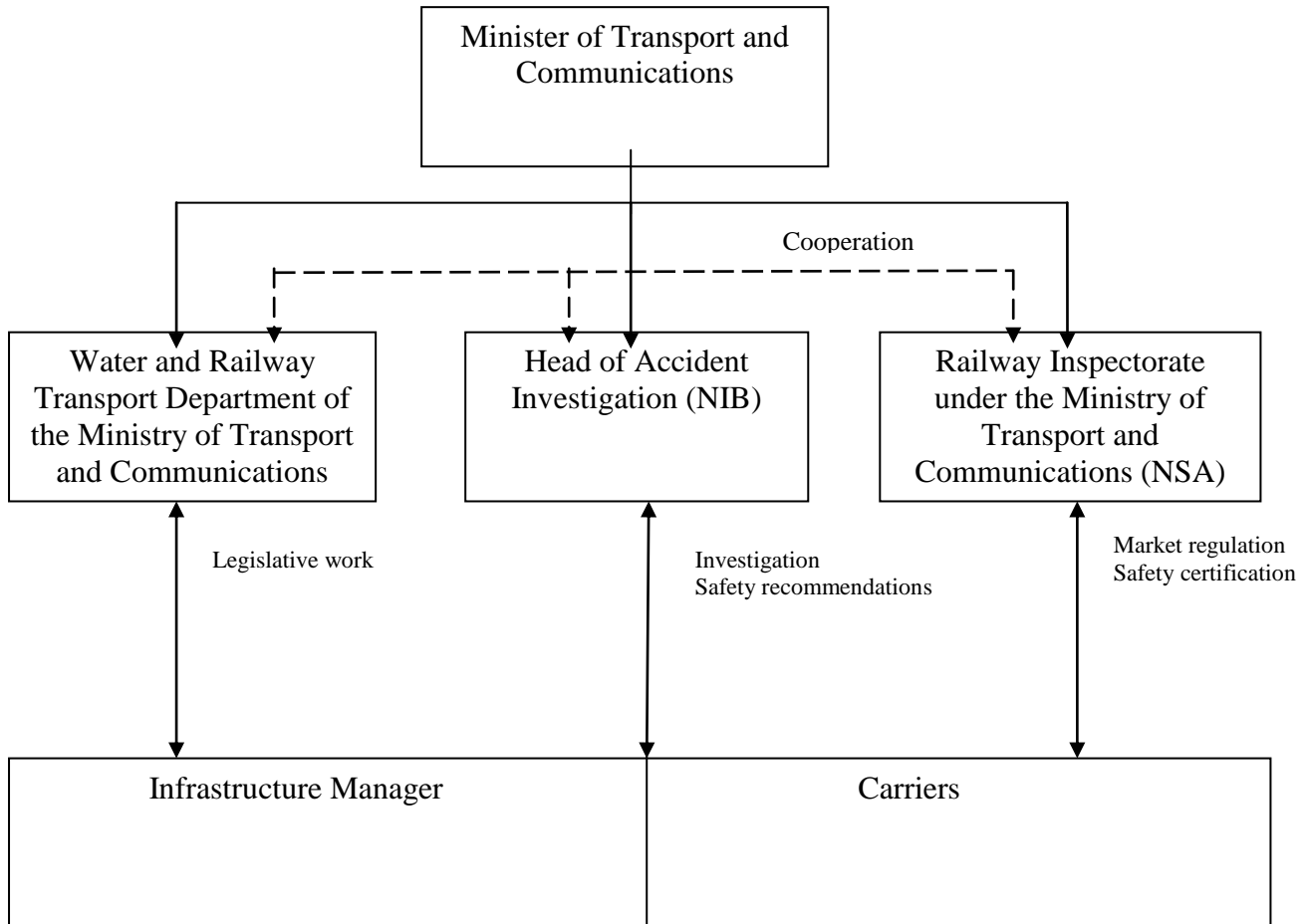
- right of access to the site of the traffic accident, serious accident or incident, as well as to the rolling stock involved, the related infrastructure and traffic control and signalling installations;
- the right to an immediate listing of evidence, and controlled removal of wreckage, infrastructure installations or components for purposes of examination or analysis;
- upon coordinating with law enforcement agencies and the management of the railway infrastructure manager or railway undertaking (carrier), the right of access to and use of equipment for recording verbal messages and registration of the operation of the signalling and traffic control system (and contents thereof) installed on-board train and in the premises of the railway infrastructure manager;
- upon coordinating with law enforcement agencies, the right of access to the results of post-mortem examinations of accident victims;
- upon coordinating with law enforcement agencies, the right of access to the results of medical examinations of individuals involved in the traffic accident, serious accident or incident;
- the right to question individuals involved in the traffic accident, serious accident or incident, and other witnesses;
- the right of access to any relevant information or records held by the railway infrastructure manager; the railway undertakings (carriers) involved in the traffic accident, serious accident or incident; and the Inspectorate;
- upon receipt of the file of the official investigation of the traffic accident, serious accident or incident, and having established that the file contains incomplete data required for drawing up the report of the Head of Accident Investigation, the right to require provision of the missing data by the railway infrastructure manager or railway undertaking (carrier);
- the right to apply to the competent Lithuanian institutions or experts and specialists;
- the right to request assistance from other traffic accident investigation authorities of the European Union or from the European Railway Agency (Community Agency for Railway Safety and Interoperability) in carrying out traffic accident inspections, analyses or assessments.

In the course of the investigation of a traffic accident, serious accident or incident, the Head of Accident Investigation shall be obliged:

- to carry out the investigation of the traffic accident, serious accident or incident in an unbiased manner;
- to properly execute all relevant documents related to the traffic accident, serious accident or incident;
- to carry out inspection of the scene of the traffic accident, serious accident or incident within the shortest time possible so as to enable the railway infrastructure manager to restore railway traffic;
- at the request of persons, to provide a copy of the report on the investigation of the traffic accident, serious accident or incident prepared by the Head of Accident Investigation.

The Head of Accident Investigation shall publish an annual report of the Head of Accident Investigation wherein he/she shall specify the investigations of traffic accidents, serious accidents or incidents conducted, safety recommendations published in the field of traffic safety, and actions taken pursuant to previously published traffic safety recommendations during the previous year.

4. Allocation of functions and relationship of institutions responsible for railway traffic safety



5. Railway traffic accidents from 1 January 2010 to 31 December 2010

Pursuant to the provisions of Article 2 of the Law of the Republic of Lithuania on Railway Transport Traffic Safety (version of the Law of 2010), traffic accidents shall be categorised into serious accidents, railway transport traffic accidents and incidents.

Serious accident shall mean any collisions of rolling stock or derailments of rolling stock resulting in the death of at least one person or serious injuries to five or more persons, or damage (by the primary estimation of the Head of Accident Investigation) to the value of at least EUR 2 million to the railway infrastructure, rolling stock, the environment, or property of persons; as well as any other similar collision of rolling stock or derailment of rolling stock with an obvious impact on railway safety regulation or the management of safety.

Railway transport traffic accident (hereinafter referred to as “**traffic accident**”) shall mean an unwanted or unintended sudden event, or a specific chain of such events, which has harmful consequences, when rolling stock collides with other rolling stock, structures or facilities; rolling stock derails; rolling stock collides at level-crossings with vehicles, pedestrians crossing or objects located at the level crossing; at least one person is injured by rolling stock in motion; or fire occurs in rolling stock.

Incident shall mean any occurrence, other than an occurrence that caused consequences of a serious accident or traffic accident, associated with the operation of rolling stock and affecting railway safety regulation and the management of safety.

During the period from 1 January 2010 to 31 December 2010, there were no occurrences attributable to serious accidents.

Upon receiving notification of a traffic accident or incident, and having determined that it is not attributable to serious accidents but that under slightly different conditions it might have led to a serious accident, the Head of Accident Investigation shall decide, within seven days of receipt of the notification, whether or not to open an investigation into the traffic accident or incident, taking into account the following:

- the severity of the traffic accident or incident;
- the fact that the traffic accident or incident had an impact on the occurrence of other traffic accidents or incidents;
- the impact of the traffic accident or incident on the railway traffic safety of the European Union;
- requests of railway infrastructure managers, railway undertakings (carriers), traffic safety authorities or other Member States of the European Union.

Not later than seven calendar days after making a decision to carry out an investigation of a traffic accident, the Head of Accident Investigation shall notify the European Railway Agency (Community Agency for Railway Safety and Interoperability) of the decision to carry out such an investigation of the traffic accident.

In 2010, no decisions were made in respect of traffic accidents or incidents with the aforementioned characteristics. Also, there were no traffic safety recommendations issued in the traffic safety field and no actions were taken pursuant to previously issued traffic safety recommendations.