



Transporta nelaimes gadījumu un incidentu izmeklēšanas birojs

Transport Accident and Incident Investigation Bureau of the Republic of Latvia

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ANNUAL REPORT 2019

as regards to railway traffic accidents investigation

Riga 2020

Report summary

In the Republic of Latvia, serious railway traffic accidents and significant incidents are being investigated by the Transport Accident and Incident Investigation Bureau.

The report contains information on activities of the Bureau as regards to railway accident investigation, on investigated accidents and on cooperation between the Bureau and other institutions.

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1. INTRODUCTION

1.1. Legal framework

The requirements of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways (*Railway Safety Directive*) as regards to establishing an independent railway accident investigating body were implemented on 24 May 2007 by adopting amendments in the Railway Law which entered into force on 12 June 2007 and which introduced the functions and tasks of serious railway accident investigating body and criteria for classifying serious railway traffic accidents and accidents. Investigation of serious railway accidents was delegated to the Transport Accident and Incident Investigation Bureau (hereinafter – the Bureau), where a special department – Railway Accident Investigation Department – was established.

In order to fully implement all requirements of Railway Safety Directive and to ensure the fulfilment of provisions of the Railway law regarding an independent railway accident investigating body amendments to Cabinet Regulations of 6 October 1998 No. 393 “Procedures for the Investigation of Railway Traffic Accidents” were adopted on 27 March 2007 and new Cabinet Regulations No. 999 “Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents” were issued on 26 October 2010.

By fulfilling the requirements of Article 21 of the Railway Safety Directive the Bureau has been established as an institution that is organisationally, legally and in the taking of its decisions independent from the railway infrastructure manager, railway undertaking and railway technical operations control and supervision institutions, as well as from institutions, which are responsible for the specification and collection of railway infrastructure charges, the allocation of railway infrastructure capacity or the realisation of State administration in the field of railway transport, and from persons whose interests may be in contradiction with the tasks of the Bureau.

Bureau employs two investigators, who in the case of serious railway accident or significant accident (occurrence), are able to carry out functions of investigator-in-charge.

1.2. Authority, role and aim of the Bureau

The Bureau's primary aim is to carry out independent safety investigation of aircraft accidents and incidents, serious railway accidents and marine accidents. The sole purpose of investigation is to prevent aircraft accidents and incidents, serious railway accidents and marine accidents in order to improve aviation, railway and marine traffic safety. In any case, investigation has not been carried out for determination of a personal fault or liability.

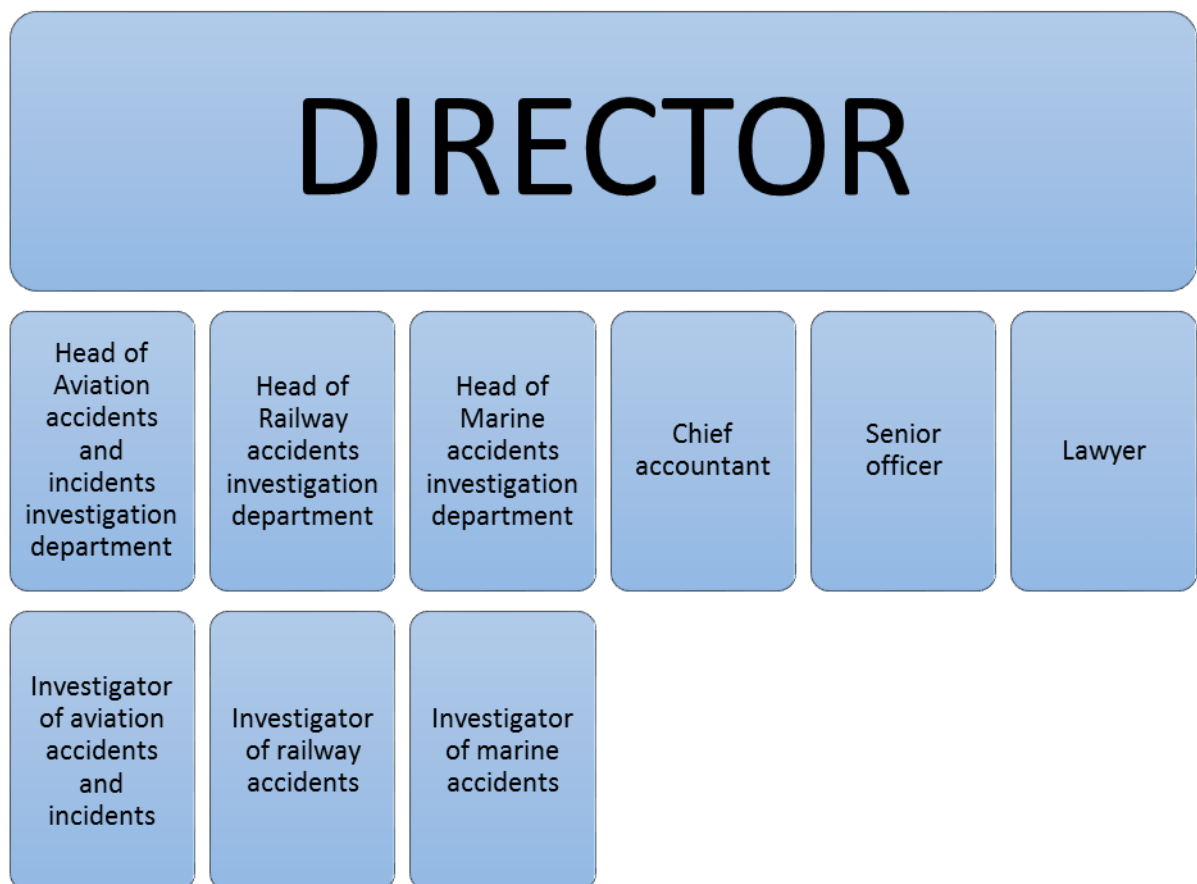
Railway accident investigation has been performed by the Bureau in accordance with the requirements and regulations of *Railway Safety Directive*, which are transposed into national legislation – Railway Law, Cabinet Regulations of 20 December 2005 No. 973 “By-laws of the Transport Accident and Incident Investigation Bureau” and Cabinet Regulations of 26 October 2010 No. 999 “Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents”.

The primary target of the Bureau's Railway Accident Investigation Department is independent investigation of serious railway accidents and of significant accidents in order to determine the causes of an accident and, if necessary, to elaborate recommendations for prevention of similar accidents in future.

The Bureau performs investigation independently from law enforcement institutions and does not determine personal liability and guilt.

1.3. Organisation

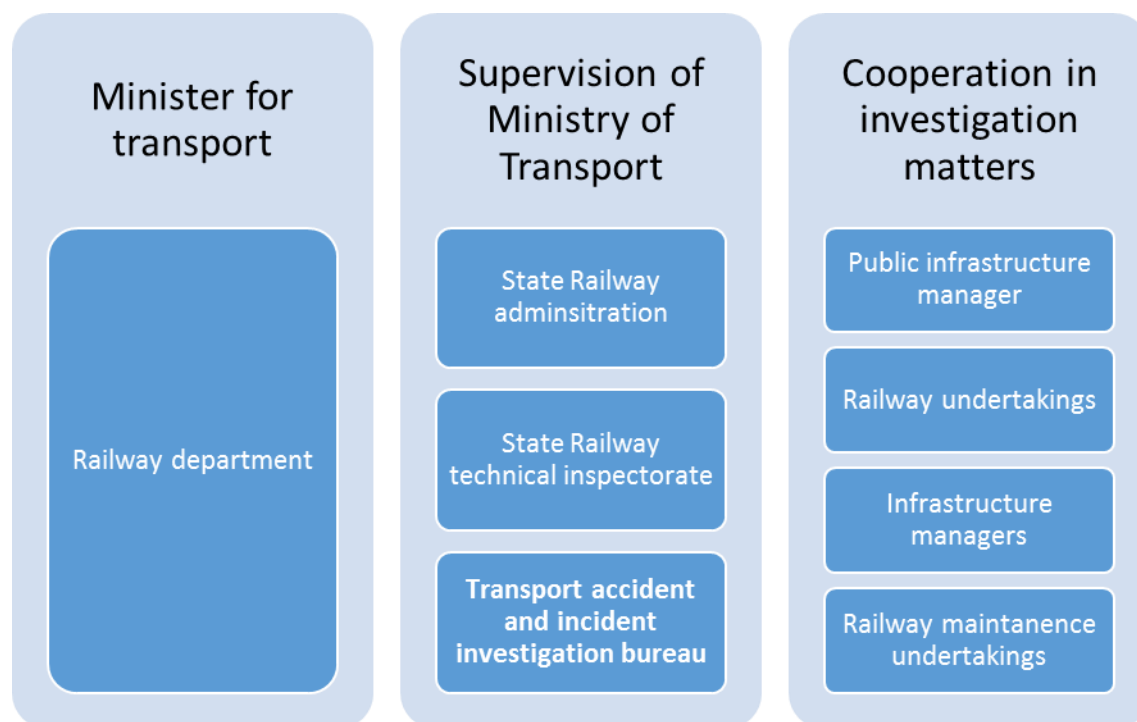
The Bureau consists of ten staff employees. The Bureau is a direct state administration entity under supervision of Ministry of Transport that implements state administration functions as regards investigation of aviation accidents and incidents, serious railway accidents and marine incidents. Railway Accident Investigation Department consists of two staff employees, namely head of department and investigator. The structure of Investigation bureau is shown on Picture 1



1.pic. Structure of Investigation bureau

1.4. Organizational structure

For the investigation matters, Bureau shall cooperate with Infrastructure manager, railway undertakings and railway maintenance undertakings. Bureau shall cooperate with State Railway technical inspectorate in the matters relating to harmonization of time limits for the implementation of safety recommendations. Cooperation with other institutions is shown in Picture No.2.



2.pic. Cooperation structure with other institutions

1.5. Budget

Pursuant to Art. 5 Part 4 of the Law on Aviation in the field of the aviation accident investigation Bureau is being financed from a revenue share of air navigation services in the Riga flight information region, pursuant to Art. 33.1 Part 5 of the Railway Law in the field of railway traffic accident investigation Bureau is being financed from railway infrastructure funds, and pursuant to Art. 8.1. Part 2 of the Maritime Administration and Marine Safety Law in the field of maritime accident and incident investigation Bureau is being financed from the funds of Maritime Administration of Latvia, which in accordance with tariffs set by the Cabinet of Ministers are earned by providing paid services within the scope of state administration tasks.

Pursuant to Cabinet Order of 10 October 2018 No. 499 "On approval of the budget for Transport Accident and Incident Investigation Bureau for the year 2018" the Bureau budget incomes in 2019 were approved in amount of EUR 475 337 where the share of budget for railway accident investigation were estimated in amount of EUR 187 036.

2. INVESTIGATION PROCESS

2.1. Railway accidents to be investigated

Investigation process is regulated by the Cabinet Regulation of 26 October 2010 No. 999 "Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents".

Pursuant to above mentioned Regulation the Bureau must investigate all serious railway accidents, as well as can take decision to investigate any other railway traffic accidents (occurrences), if they have adverse impact on traffic safety.

Serious railway accident is a collision of a train with other railway rolling stock or derailment, that has caused one of the following harmful consequences:

- at least one person has died instantly or has died as a result of the serious accident within 30 days thereafter;
- serious injuries have been caused to at least five people who have been hospitalised for more than 24 hours due to the accident;
- damage has been caused to the rolling stock, railway infrastructure or the environment in the amount of at least EUR 2 000 000.

Serious railway accident is also other railway traffic accident (occurrence), the consequences of which are similar to above mentioned and which has an evidently adverse impact on the safety regulation or safety management of railway.

Significant accident (occurrence) means an unwanted or unintended sudden event, in which at least one rolling stock in motion is involved with a speed which exceeds 0 km/h, or a specific chain of events with one of the following harmful consequences:

- a person has died or has died within 30 days after the significant accident;
- serious injuries have been caused to a person, due to which he or she has been hospitalised for more than 24 hours;
- serious damage has been caused to the rolling stock, rail track, other equipment or damage has been caused to the environment which is equivalent to EUR 150,000 or more;
- the movement of trains along the main rail track has been suspended for six hours or more.

Bureau at any time can take decision on the investigation of other railway traffic accident, as well as investigation of accidents (occurrences) related to the movement of trains, if they has an adverse impact to the safety of movement.

2.2. Institutions that are involved in the investigation

Institutions and organisations that are involved in investigation are defined by the Railway Law and by the Cabinet Regulation of 26 October 2010 No. 999 "Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents".

In accordance with above mentioned Regulation, serious railway accidents and any railway traffic accidents (occurrences), after which the railway rolling stock is removed from the rolling stock inventory, shall be investigated by the Bureau.

Depending of the nature of an accident the Bureau may invite competent experts, other than the Bureau's employees, to participate in investigation, as well as representatives of the EU member state investigation body, if a railway undertaking, which is registered and licensed in respective member state, is involved in an accident.

The Bureau may seek assistance from investigation bodies of other EU member states or from European Railway Agency to obtain expert opinions or to carry out technical examinations, analysis or to provide assessments.

2.3. Investigation process

Investigation means collection of information on consequences and circumstances of a railway traffic accident, analysis of this information and preparation of an opinion. Bureau has drafted manual, in order to carry out good quality investigation and to promote possible recommendation elaboration.

Once a day investigators of the Bureau receive email from the infrastructure manager or railway undertaking with the information on all railway traffic safety accidents (occurrences), which have occurred during the last 24 hours. The Bureau's staff immediately receives information about serious railway accidents and significant accidents from a railway infrastructure manager or railway undertaking by phone. Upon notification on an accident investigators of the Bureau arrive to an accident site and immediately start investigation.

Decision on commencing the investigation is taken, based on the laws and regulations of Republic of Latvia. In accordance with those laws and regulations Bureau should investigate mandatory serious railway accidents. Decision on the investigation of other occurrences is taken by analysing and summarizing information about accident and by evaluating its impact on common safety of train movement.

Within seven days after commencing an investigation the Bureau informs about that the European Railway Agency, the State Railway Technical Inspectorate, the State Police, particular railway infrastructure manager and a railway undertaking involved in a traffic accident.

Investigation is led by the director of Bureau. For the investigation of railway accident the director of Bureau shall appoint the investigator in charge, who shall be responsible for the organisation, performance and control of investigation actions.

Investigator in charge can involve independent experts, in order to conduct technical expertise and calculations necessary for clarification of accident causes.

The Bureau regularly informs the State Railway Technical Inspectorate, the railway infrastructure manager and railway undertaking involved in the railway traffic accident, the injured persons and their relatives, the owners of the damaged property, the manufacturers, the relevant emergency services, the representatives of personnel and users regarding the investigation process of the accident and gives them an opportunity to provide their opinions and comments regarding the information provided in the draft reports.

The final report of the investigation shall be signed by the investigator-in-charge and all participants of the investigation. If a dispute occurs regarding the content of the report, the final report of the investigation shall be prepared in the version approved by the investigator-in-charge. The participant in the investigation who disagrees with the content of the final report shall sign it with a note regarding his or her differing opinion and, substantiating such opinion, shall append it to the report. The date of signing of the final report shall be considered to be the final day of the investigation.

3. INVESTIGATION

3.1. Investigations carried out in the year 2019

Investigations that had been commenced in 2019

Accident occurrence date	Investigation title (Type of accident, place)	Legal frame
8 February 2019.	Accident with person during the movement of rolling stock (Riga railway bridge over the river Daugava)	i ii

3.2. Serious railway accidents and significant accidents, investigated from 2008-2019

Railway accidents investigated from 2008-2019

Investigated accidents	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Serious railway accidents and significant accidents (Article 19, 1 + 2)	Trains collision	1	1	1	-	-	-	-	-	-	-	-	3
	Derailment	-	-	-	-	1	-	-	1	-	-	-	2
	Accident with person during the movement of rolling stock	-	-	-	-	-	-	1	-	-	-	-	1
	Fire in rolling stock	-	-	-	-	-	-	-	-	-	1	-	1
Total		1	1	1		1		2			1		7

Basis for investigation: i = in accordance with Safety directive ii = in accordance with national legislation (including fields prescribed in paragraph 2 of article 2 of Safety Directive), iii = Voluntarily - other criteria (National legislation/requirement is not included in Safety Directive).

4. RECOMMENDATIONS

4.1. Short overview and introduction with recommendations

In Latvian laws and regulations (Cabinet Regulation (26 October 2010) No.999 "Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents) is prescribed, that, in order to prevent the causes and circumstances of a serious railway accident or a significant accident, as well as to guarantee the railway traffic safety, the Investigation Bureau, on the basis of the conclusions drawn during the investigation, shall develop safety recommendations.

The presumption of guilt or liability of a person in relation to a railway traffic accident shall not be established in the safety recommendations

Investigation Bureau shall send the safety recommendations to the State Railway Technical Inspectorate and, if necessary due to the nature of the recommendations, to other institutions or a railway safety authority of another EU Member State. The State Railway Technical Inspectorate and other institutions, that receive the safety recommendations, shall take the necessary measures to ensure, that the safety recommendations issued by the Investigation Bureau or an investigation body of another EU Member State are duly taken into account, and decisions on the recommendations are made in the respective cases.

The State Railway Technical Inspectorate shall monitor the implementation of the safety recommendations.

Institutions, to which the safety recommendations are addressed, after coordination with the State Railway Technical Inspectorate, may also perform other measures in order to achieve the targets, referred to in the safety recommendations.

The State Railway Technical Inspectorate and other institutions that receive the safety recommendations at least once a year shall notify the investigation Bureau or an investigation body of another EU Member State that has issued the recommendations regarding the performed or planned measures in relation to the safety recommendations.

Implemented recommendations from 2007-2019

Issued recommendations		Implementation status of recommendations					
		Implemented		Are being implemented		Not implemented	
Year	Number	Number	[%]	Number	[%]	Number	[%]
2007	0	0	0	0	0	0	0
2008	8	7	87,5	1	12,5	0	0
2009	4	0	0	4	100	0	0
2010	4	9	225	0	0	0	0
2011	0	0	0	0	0	0	0
2012	3	0	0	3	100	0	0
2013	0	3	100	0	0	0	0
2014	0	0	0	0	0	0	0
2015	3	1	33	2	67	0	0
2016	0	1	50	1	50	0	0
2017	0	0	0	1	0	0	0
2018	3	2	70	1	30	0	0
2019	0	1	50	1	50	0	0
Total	25	24	96	1	4	0	0