



**TEHNILISE JÄRELEVALVE AMET**  
ESTONIAN TECHNICAL SURVEILLANCE AUTHORITY



## TEHNILISE JÄRELEVALVE AMETI 2011. AASTA ARUANNE

## **ANNUAL REPORT OF THE ESTONIAN TECHNICAL SURVEILLANCE AUTHORITY FOR 2011**

## **A.1 Summary**

2011 marked a period of construction and reconstruction for the Estonian railway sector. Public infrastructure managers continued to invest into improvements in safety levels; safety on level crossings was enhanced, primarily through automatic upgrades and the improvement of visibility. The project to reconstruct existing passenger platforms to the height of 550 mm also continued. This project results in better access to passenger platforms and better conditions for pedestrians at crossings. The reconstruction of passenger platforms is a prerequisite for putting new passenger EMUs and DMUs into service on the Estonian railway network. The authorisation process for Stadler Flirt rolling stock began in 2011 and by 2014 these types of EMUs and DMUs should be the primary passenger trains in Estonia.

Due to the increased construction activities of infrastructure managers, the workload of the Estonian Technical Surveillance Authority (National Safety Authority – NSA, hereinafter also ETSA) in the field of issuing construction and user permits increased considerably. This led to a situation in which, alongside normal safety surveillance, construction surveillance procedures had to be undertaken with the same amount of resources.

It is worth mentioning that in 2011, a new passenger transport service undertaking was granted a licence for one-man operations by ETSA. This means that the majority of passenger rail transport will involve only one driver in the near future.

In 2011, an extensive investigation into the causes of a collision of trains near Aegviidu on 23 December 2010 was concluded, which led to several amendments in legislation.

Additionally, the Annual Report gives an overview of the implementation of the Safety Directive, issues concerning safety certification and safety authorisation, main trends in railway safety and the performance of national surveillance activities. The structure and position of ETSA among the institutions of the railway sector are also presented.

All numerical tables within the report are presented in both Estonian and English.

## **A.2 Summary**

2011 marked a period of construction and reconstruction for Estonian railway sector. Public infrastructure managers continued to invest into improvements of safety level - safety on level-crossings was enhanced mainly through automatic upgrades and improvement of visibility. The project to reconstruct existing passenger platforms to the height of 550 mm also continued. The project results in better access to passenger platforms and better conditions for crossings for pedestrians.

Reconstruction of passenger platforms is a prerequisite for putting into service of new passenger EMUs and DMUs on Estonian railway network. The authorisation process for Stadler Flirt rolling stock began in 2011 and by 2014 this type of EMUs and DMUs should be prevalent passenger trains in Estonia.

In 2011 Estonian Technical Surveillance Authority (National Safety Authority – NSA, hereinafter also ETSA) authorised one-man operations for a next railway undertaking. This is another preparatory step in the process of putting into service the new passenger trains.

Additionally the Annual Report gives an overview of the implementation of the Safety Directive, issues concerning safety certification and safety authorisation, main trends in railway safety and conducting surveillance activities. The structure and the position of ETSA among the institutions of railway sector are also presented.

Due to increased construction activities of infrastructure managers the workload of ETSA in the field of issuing construction and user permits increased considerably. This lead to a situation where in addition to normal safety surveillance the construction surveillance procedures had to be undertaken with the same amount of resources.

In 2011 a large scale surveillance proceedings regarding the causes of collision of trains near Aegviidu on 23<sup>rd</sup> of December 2010 was concluded.

All numerical tables within the report are presented bilingually.

## **B. Introduction**

### **B.1 General**

The annual report for 2011 is the sixth safety report for the technical surveillance authority (previous editions in 2006-2010). This report gives an overview of the implementation of the Railway Safety Directive as well as the development paths and positive results in the field of railway safety. If we compare the data concerning the year in question with the previous year, we can reveal trends about some of the leading safety indications (accidents on level crossings, collisions, etc.).

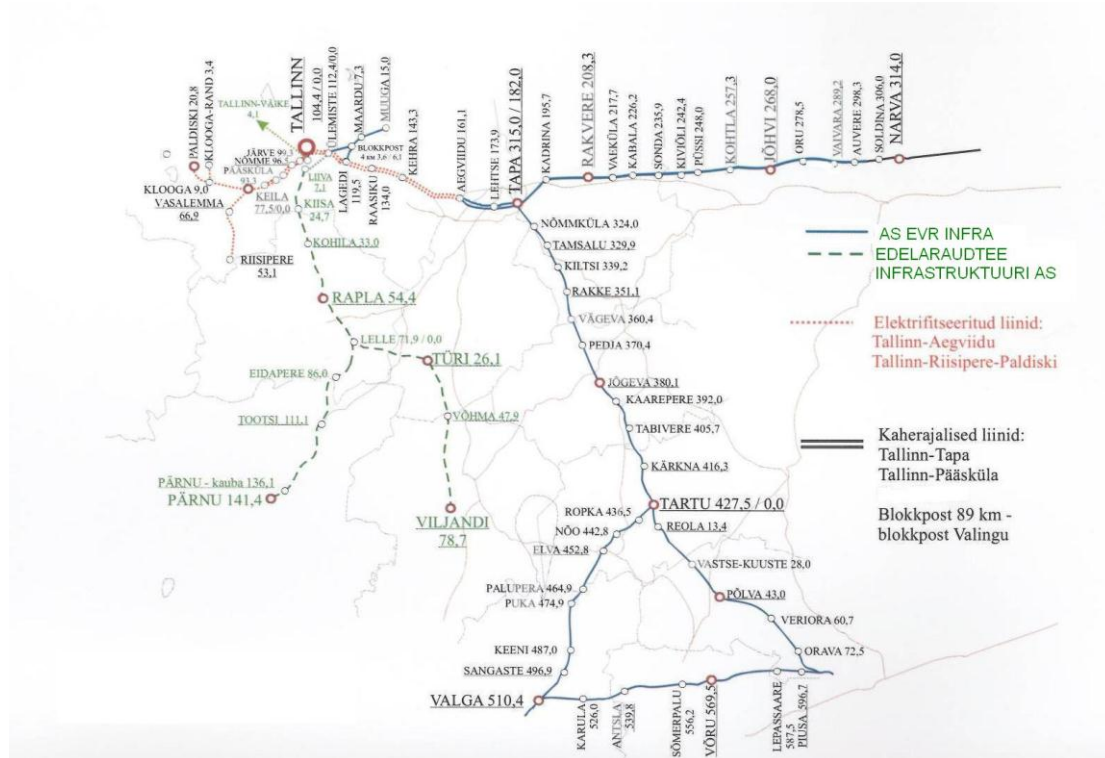
For this reason, a process continued in 2011 to specify the definition of national incidents using additional cases in order to collect more detailed information on the safety level of the railway network and on safety management by undertakings. The experiences of the Technical Surveillance Authority have shown clearly that the surveillance planning using a risk-measurement model that was initiated in 2010 has proven very effective. The railway undertakings have also received a clear message that the surveillance will mainly concentrate on the undertakings' own ability to guarantee safety in the railway network as a whole.

This report has been created for the European Railway Agency in order to provide an overview of railway safety development in Estonia, and it is to be published on the website [www.ohutus.ee](http://www.ohutus.ee) where it can be accessed by any interested party.

## B.2 Estonian railway sector

### Railway map, Railway infrastructure (public railway)

#### ANNEX A.1



The total length of railway lines in Estonia in 2011 was 2 164 km, of which 1 540 km were declared public in accordance with Estonian legislation. Public railways are managed by **AS EVR Infra** and **Edelaraudtee Infrastruktuuri AS**.

AS Eesti Raudtee (state company) is a parent undertaking that owns and manages 1 269 km of railway lines (including double-track railways and electric railways) through its subsidiary undertaking AS EVR Infra.

**Edelaraudtee Infrastruktuuri AS** is a subsidiary of the private undertaking, Edelaraudtee AS, which owns 271 km of railway lines.

Edelaraudtee AS and AS Eesti Raudtee are vertically integrated railway undertakings that, through their subsidiaries, manage the railway infrastructure and provide railway transport services.

## ANNEX A.2.1

<b>Public Railway Infrastructure Manager</b> Public Railway Infrastructure Managers 2011	
<b>1. AS EVR Infra</b>  <a href="http://www.evr.ee">www.evr.ee</a> Toompuiestee 35 Tallinn 15073 Harjumaa	TEN-T (except Valga-Orava, Keila-Riisipere and Klooga- Klooga-Ranna routes)
<b>2. Edelaraudtee Infrastruktuuri AS</b>  <a href="http://www.edel.ee">www.edel.ee</a> Kaare 25 Türi 72212 Järvamaa	Not TEN-T

## ANNEX A.2.2

<b>Railway Undertaking (cargo)</b> Railway undertakings involved in freight transport on public railways in 2011	
<b>1. AS E.R.S</b>  <a href="http://www.ers.com.ee">www.ers.com.ee</a> Pirita tee 102 Tallinn 12011 Harjumaa	<b>started in January 2008</b>
<b>2. AS EVR Cargo</b>  <a href="http://www.evr.ee">www.evr.ee</a> Toompuiestee 35 Tallinn 15073 Harjumaa	<b>started in January 2009</b>
<b>3. Edelaraudtee AS</b>  <a href="http://www.edel.ee">www.edel.ee</a> Kaare 25 Türi 72212 Järvamaa	<b>marginal freight transport on Edelaraudtee infrastructure</b>
<b>Railway Undertaking (passenger)</b> Railway Undertakings involved in passenger transport in Estonia in 2011	
<b>1. Edelaraudtee AS</b>  <a href="http://www.edel.ee">www.edel.ee</a> Kaare 25 Türi 72212 Järvamaa	<b>Passenger train service throughout Estonia by DMU-s</b>
<b>2. AS GoRail</b>  <a href="http://www.gorail.ee">www.gorail.ee</a> Toompuiestee 37 Tallinn 10133 Harjumaa	<b>International passenger train service Tallinn-Moscow-Tallinn</b>
<b>3. Elektriraudtee AS</b>  <a href="http://www.elektriraudtee.ee">www.elektriraudtee.ee</a> Vabaduse pst 176 Tallinn 10917 Harjumaa	<b>Passenger train service on electrified tracks in Tallinn and Harjumaa county</b>

### B.3 Conclusion – analysis of general trends (development of railway safety, certification)

During the period in question, the development of railway safety has impacted positively from the modernisation of infrastructure and bringing railway platforms into compliance with the dimensions of new rolling stock, but the period of construction has certainly been complicated for both passengers and undertakings.

As a result of an analysis of safety indicators, the positive trends of 2011 are largely the same as they were in 2010:

- the number of pedestrians hit by rolling stock in motion did not increase. The majority of these incidents happen as a result of an intentional act. This is confirmed by the fact that most victims are hit by a train where there is no designated pedestrian crossing or established unofficial pedestrian crossing. The aim of modernising the pedestrian infrastructure (railway platforms, pedestrian crossings) and assessing solutions by the Technical Surveillance Authority is to ensure safer accessibility, improve safety signalling and to create more optimal and clear routes for walking in the vicinity of railway tracks;
- the number of incidents has decreased with regard to some of the indicators, such as derailments, broken rails and ignoring stop warnings. This may be explained by the fact that undertakings' supervision over their own activities has become more transparent and systematic.

The measures that were identified in the course of the analysis of safety indicators and that, in the long term, will have implications for the safety level of the railway network include, e.g., fitting the on-board devices of new rolling stock with extra safety functions that prevent the drivers of the rolling stock from turning off devices, as well as more effective monitoring of the geometry and comprehensive extent of tracks and the continuous monitoring of automatic level crossings (for fast detection of faults).

In June 2011, new requirements for existing railway crossings entered into force, obliging undertakers to equip all crossings featuring automatic signalling devices with LED-type light signals. The principles of the categorisation of railway crossings were also modified.

Furthermore, an amendment to the Railways Act (that entered into force on 1 January 2010) introduced a requirement for non-public railway infrastructure managers to apply for a safety certificate (Part B) to manage rail traffic on privately owned railway infrastructure. This is a national regulation that bears no connection with the safety permits and certificates mentioned in the directive, but it is an additional safety measure for the Technical Surveillance Authority to make sure that the owners of this infrastructure are able to operate in safety. The safety certificate means the same for the undertakings operating on this railway network. The granting of the certificate depends on competent railway maintenance, a valid insurance contract and the appointment of responsible persons – these are basically the same requirements that apply to the managers of public infrastructure in acquiring Part B of

the safety certificate. 43 companies were granted such safety certificates by the end of 2011.

It is worth mentioning that in 2011 ETSA used a risk-measurement model in surveillance planning and added an interview part, which converted the surveillance measures into audits, thereby defined in the safety directive and its subdocuments. In connection with the amendments in safety surveillance methods used by the Technical Surveillance Authority, the undertakings were imposed with a clearer obligation and need to further assess and analyse their internal safety behaviour and to improve internal audit procedures (regularity and scope of audits).

In conclusion, 2011 can be described as a year when ETSA, besides surveillance activities, continued to review the main safety elements in the Estonian railway network in order to determine where the railway undertakings would need to invest to achieve higher safety levels, and to bring the national system into line with the requirements of the safety directive.

## **C. Organisation**

### C.1 Estonian Technical Surveillance Authority

The Estonian Technical Surveillance Authority is a governmental authority under the Ministry of Economic Affairs and Communications. ETSA, established on 1 January 2008, is divided into three divisions: Electronic Communication Division, Industrial Safety Division and Railway Division.

The Railway Division of the Estonian Technical Surveillance Authority is responsible for activities provided in national legislation (the Railways Act and the legislation adopted pursuant to it) and for monitoring, as the National Safety Authority, the compliance of railway undertakings with EU legislation on interoperability and safety; the Technical Surveillance Authority participates in the practical implementation of the relevant legislation. Since 1 January 2008, it is mandatory for Estonian railway undertakings to hold a safety certificate for their railway safety management systems, and since 2009 it is mandatory to define safety indicators (due to the Railway Safety Directive).

According to the Railways Act and the Railway Safety Directive, the Technical Surveillance Authority has jurisdiction over:

- granting safety certificates and deciding on the extension of their validity (Safety Directive);
- the inspection of the conformity of rolling stock, railway infrastructure and railway traffic (Safety Directive and Railways Act);
- coordinating the detailed plans or design criteria of railway civil engineering works and the national surveillance of railway construction work (Railways Act);
- issuing building and utilisation permits (Railways Act);
- activities concerning the allocation of railway infrastructure capacity (Railways Act);
- determining user fees for railway infrastructure;



- guaranteeing the fulfilment of obligations of the Republic of Estonia laid down in international contracts and related to the technical surveillance of railways, representing the Republic of Estonia in international railway organisations, as well as other duties pursuant to law.

In view of the foregoing, the Estonian Technical Surveillance Authority is responsible for ensuring the secure and safe development of the Estonian railway network through continuous surveillance in accordance with national legislation and European law. By determining user fees, the Technical Surveillance Authority guarantees non-discriminatory access to the market for all interested parties. Furthermore, the Technical Surveillance Authority together with the Ministry of Economic Affairs and Communications is responsible for harmonising and updating the legal basis of the Estonian railway sector.

In 2011, the Railway Division consisted of the Railway Infrastructure and Railway Transport Departments and employed a total of 12 people, 10 of whom were engaged in exercising state supervision over railway safety. Two people were responsible for development projects in the railway sector, including the allocation of EU structural assistance and the establishment of charges for use of the railway infrastructure.

Organisation chart of NSA  
Structure of NSA

## ANNEX B.1

Director General peadirektor								
	Electronic Communications Division Elektroonilise side teenistus			Railway Division Raudteeteenistus		Industrial Safety Division Tööstusohutuse teenistus		
General Department	Apparatus Department	Radio Frequency Management Department	Communicatio n Services Department	Railway Infrastructur e Department	Railway Transport Department	Construction and Electricity Department	Chemical and Mining Department	Technical Department

### C.2 Division of responsibilities between organisations

The Ministry of Economic Affairs and Communications has a Road and Railways Department that is responsible for preparing development plans and forecasts for the road network, freight and passenger transport, railway infrastructure, railway transport logistics as well as railway passenger and freight transport, and for exercising supervision over these fields. Furthermore, the department is responsible for preparing national development plans in the fields related to motor vehicles,

rolling stock, road and railway traffic, and traffic and environmental safety, as well as for implementing these development plans. The department also prepares draft legislation to regulate the field.

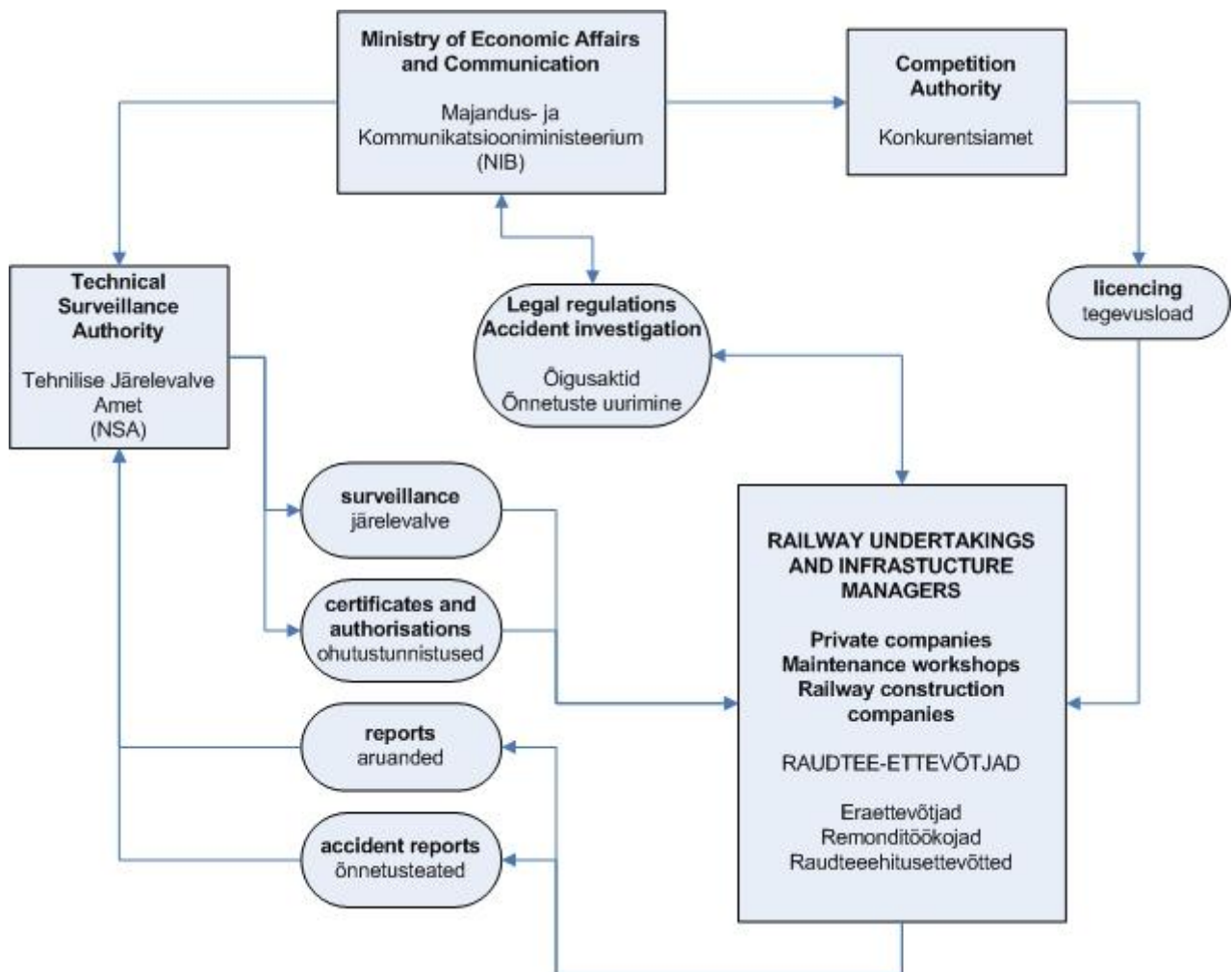
As a National Investigation Body (NIB), the ministry also investigates railway accidents and prepares risk analyses in the field of transport. This field is under the responsibility of the ministry-governed Safety Investigation Bureau, which employs three specialists.

The Estonian Technical Surveillance Authority, as a National Safety Authority (NSA), exercises state supervision to the extent of the functions provided for by law and exercises the enforcement powers of the state on the basis of and to the extent provided for by law. Furthermore, the Railway Division grants railway structure building permits and permits for the operation of construction works as well as safety certificates to railway undertakings. As a market regulator, ETSA also has an obligation to determine user fees and to allocate the infrastructure capacity.

Estonian railway undertakings are required to ensure the compliance of their activities with the requirements provided for by law regarding the management of the railway infrastructure, provision of freight and passenger transport services, repairs of rolling stock and construction of railway facilities.

## Organisational relationship chart

### ANNEX B.2



## D. Development of railway safety

### D.1 Initiative for maintaining and increasing railway safety

Compared to previous years, the number of people hit by rolling stock in motion remained more or less the same in 2011. On the positive side, the number of accidents has not increased in locations where such incidents tended to happen most frequently in the past (particularly no-go areas for pedestrians). The on-going reconstruction of railway platforms and the more accurate designation of traffic routes in the vicinity of and across railway tracks are expected to improve safety further in this area. The reconstruction of the remainder of the railway platforms in the public railway infrastructure should be completed by 2014.

The previously high number of accidents at level crossings has forced ETSA and railway undertakings to review and assess the locations with the highest collision rate. As a result, eight level crossings with an especially high number of accidents were closed in 2011.

In order to make pedestrian traffic safer and smoother, 2011 saw the creation of pedestrian tunnels in complex intersections in Tallinn and its vicinity (Ülemiste and Lagedi).

It should be noted that under the Estonian Emergency Act, the Technical Surveillance Authority was obliged to prepare two emergency risk assessments by 2011 – each concerning possible emergencies that may happen in relation to passenger and freight trains. In the course of that work, the existing measures to maintain the level of safety were assessed: circumstances related to railway traffic management, the technical state of rolling stock and the monitoring of the quality of infrastructure. When comparing the accidents caused by traffic management errors, rolling stock breakdowns or infrastructure failures in the last three years, it can be said that the safety measures in these fields have been sufficient because the number of accidents is small and the discussion is mostly about maintaining the present level of safety.

After the railway accident of 23 December 2010, the measures taken in 2011 can be largely divided into two categories. Operative measures taken by the railway undertaking included developing the efficiency of work processes as well as improving the description and assessment of risks related to safety management systems. So-called strategic measures were implemented by the Technical Surveillance Authority (through specifying the legal area) – fitting on-board devices with extra safety functions and implementing additional safety measures at railway stations. The efficiency of both operative and strategic measures can only be assessed in a medium term perspective.

2011 was notable for some large-scale construction works, which in turn, through the initiative of ETSA, led to stronger cooperation between local authorities in the field of railway construction. According to Estonian law, all activities inside the railway protection zone must be approved by ETSA, whether they are related to detailed planning or construction work on railways. The local authorities have begun to cooperate more closely with ETSA, and such cooperation will certainly increase awareness of railway safety among local communities.

## D.2 Detailed analysis of data

Input from the Estonian Technical Surveillance Authority to the table of Common Safety Indicators (CSI) in 2011 has been uploaded to the ERAIL information system.

## ANNEX C – CSI data (attached separately)

Consolidated data regarding the main safety indicators in comparison with the years 2006 to 2011 is presented below.

Year/aasta	Collisions/kokku põrked	Derailments/mahasõidud	Level crossing accidents/kokku põrked ülesõidukohtadel	Accidents to persons caused by RS in motion/ostasõidud	Fires in RS/tulekahjud veeremil	Others/muud	Total/kokku
2007	0	1	33	14	1	0	49
2008	0	2	12	12	0	0	26
2009	0	0	7	12	0	0	19
2010	1	0	17	13	0	0	31
2011	0	0	15	13	0	0	28

Road users ignoring traffic rules and driving at speeds unsuitable for the prevailing road and weather conditions are considered to be the main cause of collisions at railway crossings. In the cases of people being struck by rolling stock, the main reason is people's inattentiveness and their presence in places not designated for this purpose. Below, we will describe measures taken to decrease the number of accidents at level crossings and passenger crossings.

The work to upgrade level crossings continued in 2011. Some level crossings were equipped with automatic traffic control systems for the first time and at other crossings, the existing devices were upgraded.

In the course of the reconstruction of platforms, traffic routes at train stations and stopping points were also assessed in order to create safer and more convenient routes. Here again we can point out the construction of two pedestrian tunnels in 2011, which have led to an increase in safety at Lagedi and Ülemiste railway stations.

Relying on indicators of the safety capacity of undertakings (concerning fire, ignoring stop warnings, derailments, broken rails, etc.), it can be said that the network safety level has remained stable.

### D.3 Summary of safety recommendations

In its 2011 Annual Report on railway traffic accidents, the Ministry of Economic Affairs and Communications as a National Investigation Body (NIB) made four recommendations on improving railway safety to the Technical Surveillance Authority.

Recommendations made to the Estonian Technical Surveillance Authority concerned the amendments in the rules for the technical use of railways in order to make the requirements stricter for the on-board devices of rolling stock and for parking driverless rolling stock on station sidings.

Recommendation	ETSA response/action
It recommended amending the Rules for the Technical Use of Railways (RTUR) that would allow driverless motorised rolling stock to stay at a junction only on those station sidings where it is not possible to access the main tracks without the dispatcher's or station operator's permission.	Notice taken and included in ETSA 2012 amendment package
It proposed issuing construction permits for the reconstruction of station sidings on public railways that would allow driverless motorised rolling stock to stay only on those station sidings where it is not possible to access the main tracks without the permission of railway traffic operator.	Notice taken and included in ETSA 2012 amendment package
It recommended a review of clause 152 of the Rules for Technical Use of Railways in order to define the organisation of surveillance over motorised rolling stock in working order situated in railway infrastructure.	Notice taken and included in ETSA 2012 amendment package
It recommended amending the Rules for the Technical Use of Railways concerning stricter requirements for the security systems of on-board devices of motorised rolling stock.	Notice taken and included in ETSA 2012 amendment package

As is detailed above, all recommendations were accepted and implemented in 2012.

In 2011, NIB submitted a total of 18 proposals for improving railway safety to five different recipients. These recommendations mainly concerned the reasons for the railway accident on 23 December 2010: in this regard, they mentioned reviewing the internal procedural rules of railway undertakings, enhancing the monitoring devices and amendments in legislation. It must be noted that the accident report for 2011 consisted of only one accident.

## **E. Main amendments to legislation**

The main amendments to legislation that have entered into force in 2011 are presented in the table below.

## ANNEX D

Legal reference	Date legislation comes into force	Reason for introduction	Description
Traffic Act	01/07/2011		General improvement of traffic safety in Estonia
Amendment to § 3 and addition of chapter 7 <sup>2</sup> of the Railways Act	01/01/2011	Council Directive 2005/47/EC	Regulating working and rest time conditions of mobile workers engaged in interoperable cross-border services within the borders of European Union member states
Amendments to the Railways Act	14/07/2011	Directive 2004/49/EC	Altering the meanings of accidents and incidents; amendments concerning locomotive driver's permits (examinations)

### F. Development and authorisation of safety certificate

#### F.1 National legal space – start of validity – availability

The entire legislative process in Estonia can be viewed at the following addresses: [www.riigiteataja.ee](http://www.riigiteataja.ee) and <http://www.tja.ee/index.php?id=11142>. The latter includes a list of applicable legislation that is regularly updated. All railway undertakings have the opportunity to view directly the legislation to be approved in the railways sector and to participate in the legislative process.

The Railways Act is available in English at <http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X70044K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=raudteeseadus>.

Representatives from the ministry, larger railway transport undertakings and railway infrastructure undertakings are involved in the final phase of legislative drafting. The harmonisation of the Safety Directive has been an open process in Estonia and every interested party has had a chance to become familiar with the draft legislation as well as submit their proposals. The Estonian Technical Surveillance Authority organises training courses, where necessary, for all railway undertakings to introduce the amendments to the law and to other legal acts and provides railway undertakings with information and support prior to the entry into force of new legislation.

**(F.2) Annex E**

	<b>Railway undertaking, OT number/ IM RU, number of SA SC</b>	<b>Registry code</b>	<b>Field of activity</b>
1.	<b>Eesti Energia Kaevandused AS</b> EE1120100002 Part A <sup>1</sup>	10032386	Rail freight transport service / RU
	EE1220100004B Part <sup>2</sup>		
2.	<b>Westgate Transport OÜ</b> EE1120080004 Part A	11056908	Rail freight transport service / RU
	EE1220080024 Part B		
3.	<b>OÜ Dekoil</b> EE1120080006 Part A	10069369	Rail freight transport service / RU
	EE1220080025 Part B		
4.	<b>AS Sillamäe Sadam</b> EE1120080007 Part A	10318973	Rail freight transport service / RU
	EE1220080019 Part B		
5.	<b>Maardu Raudtee AS</b> EE1120080008 Part A	10049295	Rail freight transport service / RU
	EE1220080020 Part B		
6.	<b>AS Railservis</b> EE1120080009 Part A	10677459	Rail freight transport service / RU
	EE1220080022 Part B		
7.	<b>AS E.R.S.</b> EE1120080010 Part A	10676715	Rail freight transport service / RU
	EE1220110001 Part B		
8.	<b>AS GoRail</b> EE1120080011 Part A	10541949	Passenger train service / RU (passenger)
	EE1220080032 Part B		
9.	<b>Elektriraudtee AS</b> EE1120080012 Part A	10520953	Passenger train service / RU (passenger)
	EE1220080028 Part B		
10.	<b>Edelaraudtee AS</b> EE1120090043 Part A	10702335	Rail freight transport service / RU
	EE1220090044 Part B		
11.	<b>Edelaraudtee AS</b> EE1120090045 Part A	10702335	Passenger train service / RU (passenger)
	EE1220090046 Part B		
12.	<b>Edelaraudtee Infrastruktuuri AS</b> EE1120080015 Part A	10786958	Management of railway infrastructure / IM
	EE1220080031 Part B		
13.	<b>OÜ Eurodek Synergy</b> EE1120080016 Part A	11301354	Rail freight transport service / RU
	EE1220080033 Part B		
14.	<b>AS Kunda Trans</b> EE1120080029 Part A	10228551	Rail freight transport service / RU
	EE1220080030 Part B		
15.	<b>AS EVR Cargo</b> EE1120090035 Part A	11575850	Rail freight transport service / RU

<sup>1</sup> Safety certificate for safety management system

<sup>2</sup> Safety certificate for operations



	EE1220090036 Part B		
16.	<b>AS EVR Infra</b> EE1120090037 Part A EE1220090038 Part B	11575838	Management of railway infrastructure / IM
17.	<b>Petromaks Stividori AS</b> EE1120090039 Part A EE1220090041 Part B	10411916	Rail freight transport service / RU
18.	<b>AS Alexela Terminal</b> EE1120100001 Part A EE1220100003 Part B	10392389	Rail freight transport service / RU

### F.3 Safety certificates

The mandatory nature of safety certificates (Part A and B) for railway undertakings in 2008 came from the Safety Directive.

In 2011, one Part B of a safety certificate was re-issued due to changes in the operating railway lines (E.R.S. AS).

As of the end of 2011, 13 undertakings in Estonia held the safety certificate for rail freight transport service (Part A and B), three undertakings held the safety certificate for passenger train service (Part A and B) and two undertakings held the safety certificate for railway infrastructure management, Part A and B (Annex E).

All safety certificates issued have been registered in a correspondent ERA registry.

Estonia has had no problems with the mutual recognition of safety certificates, as the procedure has not been used yet (no applications were submitted).

The state fee applicable to issuing, amending or extending safety certificates is provided in the State Fees Act, § 199:

*(1) A state fee applies to reviewing applications for safety management system certificates, depending on the nature of the certificate:*

- 1) management of a public railway infrastructure, EUR 1 917.34;*
- 2) provision of passenger train service, EUR 639.11;*
- 3) provision of rail freight transport service, EUR 639.11.*

*(2) State fee applies to reviewing applications for operational safety certificates, depending on the nature of the certificate:*

- 1) management of a public railway infrastructure, EUR 1 917.34;*
- 2) management of a privately-owned railway with a total length of up to 5 000 metres, EUR 319.55;*
- 3) management of a privately-owned railway with a total length ranging from 5 000 to 15 000 metres, EUR 958.67;*
- 4) management of a privately-owned railway with a total length of at least 15 001 metres, EUR 1 278.23;*
- 5) provision of passenger train service, EUR 639.11;*
- 6) provision of rail freight transport service, EUR 639.11.*

*(3) State fee for reviewing an application for amending or extending the period of validity of a safety certificate is EUR 319.55.*

After payment of a state fee, the railway undertaking submits an application, adding the documents requested in the Railways Act, § 21, in order to prove the existence and the working order of a safety management system. ETSA will decide in the course of the procedure if the submitted documents are sufficient or if it is necessary to acquire additional information. In the event of a positive outcome, the requested safety certificate will be issued.

## **G. Surveillance of railway undertakings**

The twelve employees of the Railway Division represent approximately 13% of the total staff of the Estonian Technical Surveillance Authority and only two of them are not involved in surveillance activities.

Compared to the previous period, the surveillance over construction work on railways constituted a fairly large part of the surveillance activities of the Technical Surveillance Authority in 2011 – a marked difference from the previous periods.

The Technical Surveillance Authority carried out 68 planned surveillance operations in 2011, checking the implementation of safety management systems by railway undertakings from the point of view of traffic management, work of rolling stock managers, maintenance of rolling stock, transport of dangerous goods, maintenance of railway infrastructure and the fire safety of rail transport.

Eight precepts were issued in 2011. Most of the problems were related to the upgrades of automatic level crossings.

All planned surveillance operations were carried out either in the presence of a representative of the railway undertaking or with the railway undertaking's knowledge.

No complaints from railway undertakings regarding the activities of the Technical Surveillance Authority were received in 2011. Likewise, the ETSA did not have to process any complaints in which a rail transport undertaking made a complaint about the activities of railway infrastructure owners (and vice-versa).

No unplanned surveillance operations were carried out in 2011. The information provided was checked up a few times but no surveillance procedures were initiated.

<b>INSPECTIONS of RUs/IMs for 2011</b> Surveillance activities at RUs/IMs in 2011		<b>Granted Part A Safety Certificates Issued</b> Safety Certificates, Part A	<b>Part B Safety Certificates Issued</b> Granted Safety Certificates, Part B	<b>Safety Authorisations Issued</b> Granted Safety Authorisations	<b>Other Activities (national surveillance)</b> Other activities (national surveillance)
<b>planned</b>	<b>68</b>	0	1	0	13
<b>unplanned</b>	<b>0</b>	0	0	0	0
<b>carried out</b>	<b>68</b>	0	1	0	13

## H. Implementation of the Common Safety Methods (CSM) Regulation

The Common Safety Methods (CSM) Regulation was adopted on 24 April 2009 and its transposition into national legislation is organised in cooperation with the Ministry of Economic Affairs and Communications.

No important amendments were made in the railway sector in 2011 that would have required the assessment of risks related to implementation pursuant to the risk management process described in Article 5.

Nevertheless, two events in 2011 are worth mentioning here, firstly the opening of the Koidula railway border station. The railway undertaking AS EVR Infra did not consider this to be a significant change in its safety management system, since all the procedures applied there, as well as the technological infrastructure, are already being used by that undertaking in another border station in Narva.

Another key event was the conversion of the passenger transport undertaking AS Edelaraudtee into a one-man operation. As in the previous case, the undertaking did not consider this to be a significant change from the point of view of the regulation. Nevertheless the undertaking assessed all events (including risks) incidental to this change according to the provisions of the Railways Act. By authorising these changes, ETSA accepted all upgrades by which the undertaking confirmed its ability to use a one-man operation.

## I. Summary, conclusions, priorities

The process of updating the existing tools, refining the accident prevention plan, and further assessment of the risks encountered in the sector continued in 2011 in order to compile the best possible overview of the current safety level. Planned surveillance activities focused in 2011 on monitoring the implementation of safety management systems by undertakings as well as on the surveillance of construction work on railways. In the future, ETSA will mainly focus on monitoring the implementation of railway undertakings' self-regulation programmes and will direct, in updating its routines, more attention to the best practices described in the Common Safety Methods Regulation. A series of measures were enforced in order to increase

the level of safety and amendments to the legislation were made following the recommendations of the research authority – the results of these activities can be assessed in subsequent periods.

#### **J. Primary sources of information**

- Reports on accidents prepared by the Ministry of Economic Affairs and Communications (NIB);
- Reports and applications submitted by railway undertakings;
- Information collected by the Technical Surveillance Authority in the course of exercising supervision (based on common safety indicators).