



GISAF Gabinete de Investigação de Segurança e de Acidentes Ferroviários

Annual Report 2013



Gabinete de Investigação de Segurança e de Acidentes Ferroviários

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English summary

This document gives body to the Annual Report referred to in Article 23(3) of Directive 2004/49/EC of the European Parliament and of the Council, of 29 April 2004, relating to the investigation activities of GISAF as the Portuguese railway accidents National Investigation Body (NIB) during the year 2013.

The present report is atypical because the Portuguese NIB has been inoperative since January 2011, when the previous Director resigned. Following a public tender, a new Director was appointed by the Portuguese Government on the 31st of October 2013. However, confronted with an empty Bureau, during the remaining part of 2013 it was not possible to do much more than identify the most urgent and immediate tasks needed to establish a minimum of everyday administrative functionality, recruit an administrative officer and establish an action plan for making the Office fully operational during the following year.

During 2013, for the above mentioned reasons, GISAF carried out no investigations and no safety recommendations were issued, nor was it possible to perform any kind of monitoring of actions taken regarding recommendations issued previously.

As required by the European Railway Agency, this document has the following main content:

- General overview of the legal provisions for GISAF and its work;
- Information concerning the relationship between GISAF and other national bodies, such as the National Safety Authority, Ministry of Transport and Investigation Bodies on other transport modes;
- Information about GISAF, its Role (description of the mandate), Aim, Mission and scope;
- Information on the internal structure of GISAF;
- Information on budget;
- Information on number of employees;
- Information on investigations in the past 5 years;
- Information on pending investigations;
- Information on current investigations and safety recommendations.

Apart from this summary, this document is written entirely in Portuguese.

1. INTRODUCTION

This document constitutes the annual report referred to in Article 23(3) of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004, regarding the investigative activities carried out in 2013 by the *Gabinete de Investigação de Segurança e de Acidentes Ferroviários* (GISAF) as the Portuguese agency responsible for investigating railway accidents under the terms of Article 21 of the aforementioned Directive and Decree-Law No 70/2010 of 21 March.

This report is atypical and does not contain the depth of information expected for this type of document, given that for practically the whole of 2013 GISAF did not have any human resources whatsoever, not to mention the almost complete paralysis of its activity from 2011 onwards.

After the voluntary resignation of the previous Director on 25 January 2011, GISAF ceased, in practice, to perform its duties, as it had no staff other than an administrative assistant who dealt with day-to-day business and the forwarding of matters to the custodial body, until, with the retirement of that employee at the beginning of 2013, GISAF was in effect abandoned.

It was not until 31 October 2013 that a Director was appointed by the Secretary of State for Infrastructure, Transport and Communications, after a process of open recruitment.

As can easily be imagined, when faced with an 'empty' organisation, lacking in any type of operational or logistical resources and which had been effectively inactive for three years, the two-month period until the end of 2013 was essentially taken up by the Director gaining a minimal level of familiarity with the situation in GISAR and outlining the administrative organisation to be set up, including the identification of urgent pending matters and the recruitment of an employee to take care of day-to-day business and office management, in order to re-establish a minimum level of operability.

In line with Directive 2004/49/EC and guidelines from the European Railway Agency, this report includes information on the following points:

- Legal provisions applicable to the operation and activity of GISAF.
- Institutional framework of GISAF in relation to the other relevant national organisations, specifically organisations with oversight of the sector, the National Safety Authority and accident investigation organisations relating to other modes of transport.
- Information on the organisation, namely its duties and mission, its organisational chart, number of employees and budget.



• Information on investigations carried out over the previous five years, investigations completed and recommendations issued in the year to which the report relates, investigations underway and follow-up of recommendations issued in the past.

2. PRESENTATION OF GISAF

2.1 Legal and organisational framework

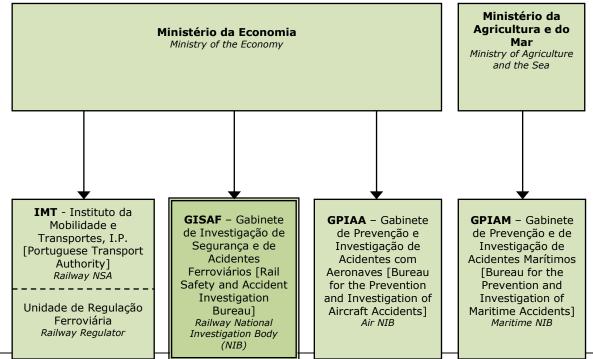
The Gabinete de Investigação de Segurança e de Acidentes Ferroviários (rail safety and accident investigation bureau, GISAF) was created under Decree Law No 210/2006, of 27 October. Its legal basis was, however, only established by Decree Law No 395/2007, of 31 December, with Decree Law No 394/2007 providing content concerning the technical investigation of rail accidents and incidents which are the responsibility of this bureau. This Decree Law contained the domestic legal enactment of the corresponding section of Directive No 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways.

The current organisational structure of GISAF is defined by Decree Law No 70/2012, of 21 March, which repealed Decree Law No 395/2007 under the scope of the Central Administration Reduction and Improvement Plan (Plano de Redução e Melhoria da Administração Central, PREMAC).

GISAF operates under the Ministry of the Economy. It has administrative but not financial autonomy.

Logistical and administrative support for its operation is provided by the Secretary General of the aforementioned ministry.

With respect to the institutional framework of GISAF in relation to other relevant national organisations, the situation at the date of this report is outlined in the following organisational chart:

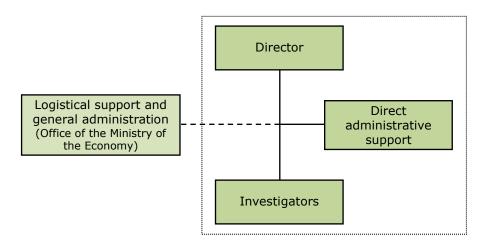




2.2 Structure

Under the terms of Articles 3 to 6 of Decree Law No 70/2012 of 21 March, GISAF consists of a director and a staff of investigators.

GISAF is organised as follows:



2.3 Mission

The Gabinete de Investigação de Segurança e de Acidentes Ferroviários (GISAF) is the Portuguese governmental organisation whose mission is to (*i*) investigate accidents, incidents and other occurrences related to rail transport safety, with the aim of identifying the respective causes, (*ii*) draft and disseminate the corresponding reports, (*iii*) commission studies, (*iv*) propose preventative measures for the purpose of reducing the number of rail accidents and (*v*) participate in national or foreign commissions or activities.

2.4 Vision

To implement best practices in the investigation of rail accidents and incidents in order to contribute to the continuous improvement of rail transport safety, in cooperation with other relevant agencies.

2.5 Ethical commitment and values

Values are a type of 'intangible framework' that encompasses all interactions among people within an organisation, as well the organisation's relationship with the outside world.

Broadly speaking, there are two sets of values that exist within organisations:

- **Strategic Values** (expressed externally) these relate to the environment outside the organisation and the relationship between it and its customers and stakeholders.
- **Process Values** (expressed internally) these relate to the organisation and its employees/members.

Within the framework of this concept, GISAF assumes the following values:

- Strategic Values: Transparency Cooperation Independence Credibility Excellence.
- Process Values: Communication Motivation Involvement Integrity Responsibility.

In addition to this, the actions of GISAF are also framed by the Portuguese Code of Ethics in Public Administration.

The actions of the bureau and its employees are therefore governed by the following principles and values:

- integrity, seeking the best solutions for the public interest that can be achieved;
- professionalism;
- ethical consideration in its actions;
- social responsibility;
- not conducting external activities that could interfere with the performance of duties at GISAF or that could create situations of conflict of interest;
- promotion of timely debate needed to make decisions;
- absolute compliance with the current legal and regulatory framework and standards, as well as with internal guidelines;
- observance of strict impartiality and objectivity;
- transparency in decision-making and in the dissemination of information;
- publicising of internal discussions and the decisions made by the managing bodies;
- equality of treatment and non-discrimination;
- declaration of any gifts or benefits.

GISAF's commitment to ethics and values is detailed in its Code of Ethics and Conduct.

2.6 Duties and principles of action

The duties of GISAF arise from the mission with which it has been entrusted and are detailed in Article 2 of its statutes:

a) Technical investigation of rail accidents and incidents, determination of causes and the formulation of recommendations.



- b) Analysis of occurrences recorded in the daily traffic report from the railway infrastructure management agency and proposals on how to deal with these in accordance with their severity.
- c) Monitoring of compliance with and real-world implementation of the recommendations made to the regulated entities.

GISAF, in carrying out its duties, operates independently from the authority responsible for safety and from any other railway regulatory agency. In its organisation, legal structure and decision-making process it is independent from any infrastructure manager, railway company, agency responsible for levying charges, capacity-distribution agency and Notified Body and from any party whose interests may conflict with the tasks with which it has been entrusted.

Under the terms of European Community and national legislation, investigations carried out by the bureau **are not aimed at or guided by the attribution of blame or the determination of responsibility,** but rather at **improving the safety** of rail transportation.

Portuguese legislation does not, however, guarantee that the reports drawn up by GISAF will not be used by third parties for the purposes of determining guilt and responsibility, nor does it ensure the protection of the identities of witnesses in the event of any type of judicial investigation.

2.7 Scope of operation

Decree Law No 394/2007, as amended by Decree Law No 114/2009 of 18 May, assigns GISAF a scope of operation that is considerably broader than the one defined by Directive 2004/49/EC as mandatory for investigative agencies.

Thus, railway systems currently covered by the scope of operation assigned to GISAF are as follows:

- The national rail network, managed by REFER, Rede Ferroviária Nacional, E.P.E., and railway operators licensed to operate on that network:
 - CP Comboios de Portugal, E.P.E.,
 - CP Carga Logística e Transporte Ferroviário de Mercadorias S.A.,
 - Fertagus, S.A.,
 - TAKARGO, Transporte de Mercadorias, S.A.;
- > The Lisbon Metro, operated by Metropolitano de Lisboa, E.P.E.
- > The Porto Metropolitan Area light railway, operated by Metro do Porto, S.A.
- > The Tejo south-bank light railway, operated by MTS Metro, Transportes do Sul, S.A.
- > The Mirandela light railway, operated by Metro Ligeiro de Mirandela, S.A.
- > The Sintra Praia das Maçãs light railway, operated by the municipality of Sintra.

- The Costa da Caparica Fonte da Telha light railway, operated by Transpraia Transportes Recreativos da Praia do Sol, Lda.
- The Barril beach light railway, operated by Gaprei Gestão Aldeamento Pedras D'El Rei, S.A.
- > The Guindais funicular, operated by Metro do Porto, S.A.
- > The Nazaré lift, run by Nazaré municipal services.
- The Viana do Castelo funicular, run by company Liftech Tecnologia para Elevadores, Lda.
- > The Bom Jesus do Monte lift, operated by the Confraria do Bom Jesus do Monte.
- > The Calçada de Viriato funicular, operated by the municipality of Viseu.
- The lifts of Bica, Glória and Lavra, operated by Companhia Carris de Ferro de Lisboa S.A.
- The Oeiras Automatic Urban Transport System, operated by SATU Sistema Automático de Transporte Urbano, E.M.

In addition to these Portuguese rail systems, GISAF may be called on to intervene in investigations carried out in other Member States, when the accidents or incidents in question involve rail companies that are based or licensed in Portugal, or for other situations for which its assistance is requested.

It may also investigate accidents as a service provider for other railway systems when this is requested.



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3. RESOURCES

3.1 Principles applicable to the management of human, financial and physical resources

The yearly budget plan for GISAF sets out the allocation of human, financial and physical resources. Human resources are detailed in the establishment plan which, since 2009, has to be attached to the budget proposal presented to the governing authority and sent to the Ministry of Finance. This bureau is guided by the principles of optimisation and rationalisation of resources in order to ensure good governance in public administration, as part of a system of management by results.

Under the terms of Article 6 of Decree Law No 70/2012 of 21 March, resource management at GISAF is carried out by the office of Secretary-General of the Ministry of the Economy, under the 'shared services' plan, in accordance with its duties as defined under Decree Law No 124/2012 of 20 June, namely:

- a) budget implementation and control;
- b) personnel management: recruitment, handling of payroll and attendance management;
- c) Acquisition of goods and services: by the Ministerial Purchasing Unit (Unidade Ministerial de Compras, UMC) of the office of the Ministry of the Economy, with special emphasis on acquisitions under the scope of framework agreements organised by the national public procurement agency, Agência Nacional de Compras Públicas, E.P.E.;
- d) management of physical resources: vehicles, facilities and information and communication technology.

3.2 Human resources

When the administrative assistant who was handling general administration and office duties retired at the beginning of 2013, GISAF was effectively left with no human resources at all. This changed when the position of director was filled on 31 October 2013 under order No 14332/2013 from the Secretary of State for Infrastructure, Transport and Communications, after a recruitment procedure which was carried out by the Commission for Recruitment and Selection for the Public Administration (Comissão de Recrutamento e Seleção para a Administração Pública, CRESAP).

It was then possible to recruit an assistant through an internal transfer scheme, to carry out secretarial duties, starting work at the bureau on 1 December 2013.

Under the terms of Article 5(4) of Decree Law No 70/2012, the allocation of investigative staff is approved by order of the members of government in charge of finance, public administration and transport; this order has not been published at the date of this report.



For this reason GISAF has been unable to recruit investigators, which are a resource that is of fundamental importance in enabling the bureau to fulfil its mission.

Investigators are appointed by order of the Director as commissioned agents for periods of three years, renewable for the same time period, and must be professionals of recognised merit and proven experience in matters that pertain to the investigation of railway accidents.

Human resources at the bureau on 31 December 2013, as per the establishment plan and actual numbers, were as follows:

description	planned	actual
Senior Management		
Director	1	1
Technical Staff		
Investigators	0	0
Senior Engineers	3	0
Operational Staff		
Secretary	1	1
Total	5	2

3.3 Financial resources

The budget for GISAF comes out of the general state budget and covers operating costs and investment.

The initial GISAF budget, the amount actually available and the respective budgetary implementation of expenditures for 2013 are summarised in the following table:

Economic Classification		Initial Budget	Available Budget	Payments	Degree of Implementation
01.00.00	PERSONNEL COSTS	218,579	111,299	9,926	8.92%
02.00.00	ACQUISITION OF GOODS AND SERVICES	81,140	43,466	1,552	3.57%
06.00.00	OTHER CURRENT EXPENDITURES	8,264	200	0	0.00%
07.00.00	ACQUISITION OF CAPITAL GOODS	14,586	14,586	0	0.00%
TOTAL		322,569	169,551	11,478	6.77%

For reasons that have already been made abundantly clear, budgetary implementation for 2013 was extremely small, coming in at 6.77%.

3.4 Physical resources

The physical resources belonging to GISAF at the end of 2013 were generally sufficient for the current administrative functioning, with the exception of computer equipment, the vast majority of which was obsolete.

In relation to operational activities of the bureau, the physical resources needed were practically nonexistent or unsuitable.

Given that there is significant financial availability in the 2013 budget, attempts were made to purchase a variety of items of equipment needed to ensure that GISAF could carry out its activity, however this was not possible due to the timetables inherent to the administrative procedures necessary for such purchases to be made.

Equipment to support investigations consisted of nothing more than one digital camera and one film camera, the latter of which is obsolete. There was no equipment available of any type for taking measurements or diagnostics.

There was also no personal protective equipment of any type, equipment that is indispensable and mandatory for admittance to incident sites.

Special mention must be made of the vehicle assigned to GISAF, a Volvo T S80, which is a luxury vehicle manufactured in 2000, with a 1984 cm³ petrol engine. Its characteristics render it absolutely useless for the tasks it is needed for at the bureau, which often require all-terrain excursions in all types of weather. For this reason, together with the fact that (i) its insurance has expired, (ii) its inspection certificate has expired, and (iii) it needs repairs in order to be put into service, we consider that any type of expenditure on this vehicle would be a waste of money, and instead propose that the car be decommissioned, an essential prerequisite for the assignment of a new vehicle.



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4. ACTIVITY CARRIED OUT

4.1 Management

On the day that the current director took office, they were faced with a bureau that needed to be almost completely rebuilt, a result of the points outlined previously in this report.

The final two months of 2013 were therefore dedicated to the most pressing activities, as follows:

- recruitment of a technical assistant to provide general administrative support to the bureau, a process that was completed on 1 December when the aforementioned employee began work;
- implementation of a computerised management system for general office documentation, for both digital and paper files;
- reorganisation of the documentary archive and of the existing investigative processes;
- creation of GISAF email addresses, including a special one for the communication of incidences;
- preparatory work for the creation of a web page for GISAF on the Internet;
- starting of the process to replace the existing vehicle with one with characteristics suitable for performing the duties assigned to GISAF;
- establishment of contacts with rail companies that fall under GISAF's scope of operation, informing them of the gradual re-launching of the bureau and asking them to supply details of preferred contact persons;
- re-establishment of contact with the European Railway Agency;
- survey of all pending investigation procedures, including those reported to the European Railway Agency which were not closed when the respective report was sent.

Once these urgent measures for the re-establishment of minimum operating conditions for the bureau had been dealt with and the current situation had been assessed, a plan of action was drawn up to ensure the bureau had the operational conditions needed to become fully functional; this plan will be carried out in 2014. The general outline of the plan is as follows, though not necessarily in this order:

- creation of mandatory bureau management documents, as the bureau is a service of the Public Administration;
- implementation of the Integrated Civil Service Performance Evaluation System;
- obtaining support from ERA for framing the technical operations of GISAF within the scope of the international network of investigation bodies (the NIB Network);
- creation of procedural manuals for management and investigation;
- upgrading the bureau's IT and mobile communications equipment;
- provision of the equipment necessary to conduct accident investigations;



- assignment of a suitable vehicle;
- recruitment of investigators after the publication of the Joint Decree mentioned in Article 5(4) of Decree Law No 70/2012;
- drawing up a training plan, in accordance with the qualifications of the investigators recruited;
- putting the GISAF webpage online;
- > beginning the process of settling pending cases under investigation with the ERA.

4.2 Investigation of accidents and incidents

For the reasons already given above, in 2013 GISAF did not carry out any investigations of accidents or incidents.

However, as a result of the re-establishment of contacts with the rail companies that fall into its scope of operation, on a daily basis GISAF began to receive information concerning occurrences that had an impact on the safety of the network managed by REFER, as well as notifications of accidents from companies, in cases that are covered by legislation. This information began to be treated statistically in order to build a database of the records concerning the investigation, and also allows trends that will help determine the scale and direction of future GISAF operations to be identified.

Consultation of the ERAIL database showed that over the last five years the following investigations were completed:

Occurrence	Title	Date of occurrence	Type of occurrence
<u>PT-441</u>	Accident at a type A LC, at KM 175.976 west, involving an ambulance	11/03/2008	Accident at an LC
<u>PT-454</u>	Accident at a type D LC, at KM 52.560 Douro, involving a light vehicle.	13/04/2008	Accident at an LC
<u>PT-455</u>	Collision between a light rail vehicle and a car, in Av. Pedro Hispano, Porto	04/05/2008	Collision with obstacle
<u>PT-613</u>	Derailment of a railcar at KM 2.171 Tua	06/06/2008	Derailment
<u>PT-614</u>	Derailment of a railcar at KM 20.400 Tua	22/08/2008	Derailment
<u>PT-618</u>	Accident at a type D LC, at KM 69.446 west, involving a four- wheeled ATV.	12/06/2008	Accident at an LC
<u>PT-746</u>	Pedestrians hit by a light rail vehicle in Corroios	08/07/2009	Accident involving people caused by rolling stock in motion
<u>PT-757</u>	Accident at a category 5 LC at KM 68.018 Douro, involving a light vehicle	01/09/2009	Accident at an LC

Consultation of the ERAIL database identified the following reported investigations for which final reports are still outstanding. The continuation of these and the feasibility of their conclusion are currently unknown due to the length of time that this bureau has been inactive:

Occurrence	Title	Date of occurrence	Type of occurrence
<u>PT-75</u>	Collision involving an employee of the infrastructure manager 11/07/2006		Accident involving people caused by rolling stock in motion
<u>PT-76</u>	Accident at a type B LC, on the western line near Leiria, involving a light vehicle	18/03/2006	Accident at an LC
<u>PT-77</u>	LC barriers did not close after the warning	18/05/2006	Other
<u>PT-78</u>	Derailment at Pampilhosa station, northern line	04/07/2006	Derailment
<u>PT-222</u>	Accident at a type B LC, at KM 323.850 north, involving a light vehicle	10/08/2006	Accident at an LC
<u>PT-223</u>	Collision involving two people on open track between Gaia and Valadares	26/09/2006	Accident involving people caused by rolling stock in motion
<u>PT-225</u>	Accident at a type C LC, on the western line, involving a light vehicle	28/10/2006	Accident at an LC
<u>PT-226</u>	Accident at an LC, on the Beira Baixa line, involving a light vehicle	07/11/2006	Accident at an LC
<u>PT-228</u>	Accident at an LC, on the western line, involving a light vehicle	15/12/2006	Accident at an LC
<u>PT-229</u>	Derailment of 10 wagons at Pegões station, Alentejo line	15/07/2006	Derailment
<u>PT-239</u>	Derailment of wagon at the station of Oliveira do Bairro, northern line	13/11/2006	Derailment
<u>PT-240</u>	Broken axle due to a malfunction on a wagon axle box	06/09/2006	Breakage of wheels or axles
<u>PT-242</u>	Accident at an LC, on the northern line, involving a stationary heavy vehicle	21/03/2007	Accident at an LC
<u>PT-243</u>	Accident at a type A LC, on the western line, involving a light vehicle	28/03/2007	Accident at an LC
<u>PT-244</u>	Accident at a category 5 LC, on the southern line, involving a light vehicle	04/04/2007	Accident at an LC
<u>PT-313</u>	Accident at a type D LC, at KM 143.998 west, involving a motorcycle	12/05/2007	Accident at an LC
<u>PT-314</u>	Accident at a type A LC, at KM 59.270 Douro, involving a light vehicle	02/06/2007	Accident at an LC
<u>PT-315</u>	Accident at a type B LC, at KM 370.183 Algarve, involving a light vehicle	05/08/2007	Accident at an LC
<u>PT-316</u>	Accident at a type D LC, at KM 347.716 Algarve, involving a light vehicle	18/08/2007	Accident at an LC
<u>PT-317</u>	Derailment of three wagons at Pampilhosa station, northern line	17/08/2007	Derailment
<u>PT-318</u>	Collision involving an infrastructure manager employee during track possession.	13/06/2007	Accident involving people caused by rolling stock in motion
<u>PT-319</u>	Collision involving an infrastructure manager employee during track possession.	01/08/2007	Accident involving people caused by rolling stock in motion
<u>PT-962</u>	Derailment of 9 wagons, in Válega, KM 297.200 north	16/07/2010	Derailment
<u>PT-1018</u>	Derailment of 7 wagons, at KM 78.247 south, on the Alcácer do Sal bridge	26/10/2010	Derailment



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5. SAFETY RECOMMENDATIONS

For the reasons previously mentioned, in 2013 GISAF did not issue any safety recommendations whatsoever.

For the same reasons it was not possible to monitor follow-up on recommendations made previously by GISAF.