



Annual report 2021

Railway investigations

Published in accordance with Directive (EU) 2016/798

The Hague, September 2022

The reports issued by the Dutch Safety Board are publicly available on www.safetyboard.nl.

Cover photo: n.a.

The Dutch Safety Board

When accidents or disasters happen, the Dutch Safety Board investigates how it was possible for these to occur, with the aim of learning lessons for the future and, ultimately, improving safety in the Netherlands. The Safety Board is independent and is free to decide which incidents to investigate. In particular, it focuses on situations in which people's personal safety is dependent on third parties, such as the government or companies. In certain cases the Board is under an obligation to carry out an investigation. Its investigations do not address issues of blame or liability.

Dutch Safety Board

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CONTENTS

1	Introduction.....	4
2	The Dutch Safety Board	5
2.1	Legal basis	5
2.2	Purpose of investigation.....	5
2.3	Organisation	6
3	Investigation process.....	7
3.1	Occurrences to be investigated.....	7
3.2	Investigation and reporting.....	7
4	Rail investigations	10
4.1	Investigations started in 2021	10
4.2	Summary of investigations completed in 2021	10
5	Rail recommendations	11
5.1	Recommendations published in 2021	11
5.2	Implementation of recommendations	11
	Appendix A.....	12
	Appendix B.....	13

1 INTRODUCTION

Each year the Dutch Safety Board publishes an annual report summarising its investigation activities in the domain of rail traffic. The Dutch Safety Board does so to fulfil its role as National Investigative Body (NIB) of the Netherlands in accordance with the European Railway Safety Directive.

Besides the present report, the Dutch Safety Board publishes a general annual report covering all investigation areas (including rail) as well as organisational and financial developments. The general Annual Report 2021 is available on our website: www.safetyboard.nl.

2 THE DUTCH SAFETY BOARD

2.1 Legal basis

The Kingdom Act instituting the Dutch Safety Board came into force on 1 February 2005. It gives the Dutch Safety Board a broad legal mandate: apart from rail accidents and incidents, occurrences in all other transport sectors are also covered. Moreover, safety investigations concerning non-transport issues can and have been performed. For instance, regarding food safety, accidents in the industry (including construction) and crisis management.

The Board has specific and extensive legal powers when it comes to the performance of its investigations. The Kingdom Act sets out strict safeguards for the independence of the Board and for the protection of information. Note that any information gathered in the course of an investigation will not be passed on to third parties. The competencies of the Dutch Safety Board's investigators are regulated in the Kingdom Act.

The essence of the Act is that investigators must be given the greatest possible access to all relevant information. They are allowed to enter buildings in order to gather information, which may include radar images, tape recordings, documents and witness statements, and they may take items with them for further investigation. In addition, the investigators can stipulate that wreckage left after an accident should not be removed from the scene straight away, and that during the initial phase of an investigation the accident site should as far as possible be left in its original state. Naturally, the victims' needs and the provision of aid will take precedence at all times, as do efforts to limit the damage done to equipment and the harm done to the environment. Where possible, the Board's investigators will utilise information of an incident that has been compiled by the police and the judicial authorities. In contrast, the Dutch Safety Board's investigators do not give any information to the police or the judicial authorities.

2.2 Purpose of investigation

In accordance with the Kingdom Act Dutch Safety Board and with applicable EU law, the purpose of the Dutch Safety Board's work is to help the railway sector improve by learning from accidents. Accordingly, the Board's investigation aims not only to uncover the actual causes of incidents but also – and in particular – to bring to light the underlying causes of the incident, so that any shortcomings in the applied system can be revealed. If the investigation reveals any systematic safety-related shortcomings then the Board will formulate recommendations so that these shortcomings can be put right. In rail investigations, recommendations are usually addressed to the competent authorities and to organisations and companies active in the field.

The Board would like to emphasize that issues of blame or liability are not part of its legal mandate. Information gathered during the course of an investigation – including statements provided by the Board, information that the Board has compiled, results of technical research and analyses and drafted documents (including the published report) – cannot be used as evidence in criminal, disciplinary or civil law proceedings.

2.3 Organisation

The Dutch Safety Board consists of a Board with three permanent members.¹ The Board is supported by a bureau consisting of support staff and some 55 investigators, three of them specialized in rail investigations.

The overall budget of the Safety Board in 2021 was € 18,2 million.

¹ One position is currently vacant.

3 INVESTIGATION PROCESS

3.1 Occurrences to be investigated

Cases to be investigated are accidents where the safety of passengers and staff members, level crossings, infrastructure, rolling stock, safety of protective systems or external safety (the risk for neighbours or the environment in case of accidents with dangerous goods or serious derailments) is involved.

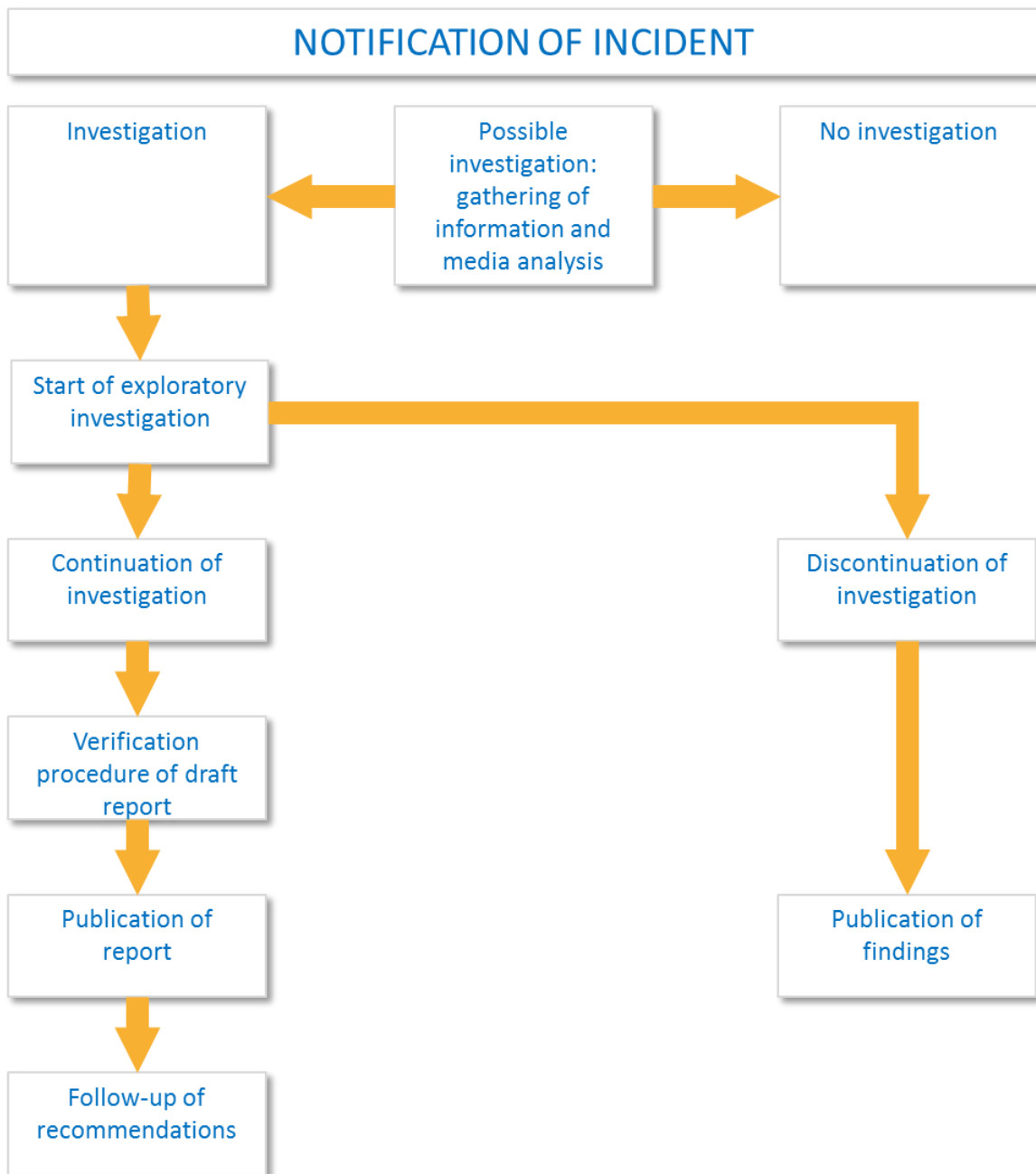
Mandatory investigations are those occurrences that qualify as ‘serious accidents’: any train collision or derailment of trains resulting in the death of at least one person, serious injuries to five or more persons, or damage of at least € 2 million to rolling stock, the infrastructure or the environment, and any other accident with the same consequences that has an obvious impact on railway safety regulation or the management of safety.

In addition to these legal considerations, and given the limited capacity, the Dutch Safety Board has developed criteria to select the occurrences to be investigated. An important criterion is the question whether something could be learned from the accident, i.e. whether any systemic shortcomings are thought to have contributed to the accident. The objective is to investigate those accidents where the Board’s added value is greatest.

Note that for all incidents, there may be official bodies other than the Board – such as inspectorates and judicial authorities –carrying out their own investigations. In addition, and in accordance with the Board’s philosophy, the parties directly involved will normally also carry out their own investigation.

3.2 Investigation and reporting

Once the decision is taken to investigate an accident, the investigation formally starts. The investigation process itself can be broken down into a number of phases: after an incident, the first stage is always to set in motion an exploratory investigation – which will take no longer than one or two months – in order to establish whether there is a systematic safety shortcoming worthy of a full investigation by the Board. Note too that the occurrence of a series of incidents may be reason to launch an investigation. In the next phase, a plan of action is drawn up. The investigation itself will result in a (draft) final report that after verification by the parties involved will be published. All reports of the Dutch Safety Board are available on its website: www.safetyboard.nl.



A special guidance committee is set up to aid each regular investigation. A guidance committee consists of external experts and is presided by a Board Member. It advises about the set-up of an investigation, the conclusions and recommendations. It is the Board that ultimately decides on the content of the reports.

Once the report has been published and sent to those to whom the recommendations are addressed, these stakeholders are given a maximum of six months to respond.² The response has to be sent to the minister responsible for the relevant operational sector. A copy of this response must be sent simultaneously to the chairman of the Dutch Safety Board and to the Minister of Security and Justice. In this way, the appropriate ministry can

² In 2020 the term for non-government parties was still twelve months. This changed to six months as of 1 January 2021.

fulfil its legal duty to monitor the follow-up actions taken in the light of the Board's recommendations.

Pursuant to the European Railway Safety Directive³, the Dutch Safety Board's safety recommendations are to be addressed to the national safety authority (The Human Environment and Transport Inspectorate, ILT) or to other bodies or authorities in the Netherlands or to other Member States. Parties to whom a safety recommendation has been addressed, shall report back on the measures taken. The ILT monitors the follow-up of the safety recommendations issued in the rail safety investigation reports of the Dutch Safety Board addressed to non-government parties.

All responses to the Board's safety recommendations are published on our website, accompanied by the Board's assessment of the degree to which these recommendations have actually been followed up.⁴

³ Directive (Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety, as implemented into Dutch law in the 'Besluit Onderzoeksraad voor Veiligheid'.

⁴ www.safetyboard.nl Note that the reactions and the Board's assessment of the follow up are often only published in Dutch.

4 RAIL INVESTIGATIONS

4.1 Investigations started in 2021

In 2021, no railway safety investigation was started.

4.2 Summary of investigations completed in 2021

In 2021, there were no ongoing or completed railway safety investigations.

5 RAIL RECOMMENDATIONS

5.1 Recommendations published in 2021

In 2021, no recommendations were made.

5.2 Implementation of recommendations

Over the past five years (2017-2021) the Dutch Safety Board published one rail accident report. The 2018 level crossing safety investigation, was based on several smaller accidents over a longer period of time, and included three recommendations.

Year of publication	Number of reports published	Number of recommendations made	Implementation status					
			Implemented		In progress		Not implemented	
			No.	%	No.	%	No.	%
2017	0	0						
2018	1	3	2	66%	1	33%		
2019	0	0						
2020	0	0						
2021	0	0						
Total	1	3	2	66%	1	33%		

Additionally, the national safety authority of the Netherlands still monitors the follow-up of three recommendations issued in 2016 as their implementation is ongoing. The study from the NSA can be found in **Fout! Verwijzingsbron niet gevonden..**

APPENDIX A

Reports 2005-2021

The table below includes all rail safety investigation reports published by the Dutch Safety Board since its establishment.

Year of publication	Title
2018	Level crossing safety – a hazardous intersection of interests
2016	Collision between a passenger train and a man lift, Dalfsen
2016	Risk management for the transport of dangerous goods by rail (Tilburg train collision)
2014	Train derailment Hilversum
2013	Train collision Rotterdam Maasvlakte*
2012	Collision between intercity and sprinter, Amsterdam
2011	Metro fire and collision, Amsterdam*
2011	Collision between two goods trains and a passenger train, Barendrecht
2011	Collision of rail-grindingtrain, Stavoren
2010	Derailment of goods train near Amsterdam Muiderpoort station
2008	Derailment at Randstadrail
2007	Derailments Amsterdam Central Station
2005	Passing a red sign at Amsterdam Central Station
2005	Derailment of freight train, Apeldoorn

* *in Dutch only.*

Monitoring of recommendation follow-up by the NSA

The national safety authority of the Netherlands annually publishes a study into the follow-up of recommendations from the Dutch Safety Board by non-government bodies. The authority studies the follow-up until a recommendation is sufficiently implemented or until a party decides to take no further action. It can be found in the repository of the national government (in Dutch only): <https://zoek.officielebekendmakingen.nl/blg-1040039.pdf>

The report from 2021 covers three recommendations, all issued in 2016 (Dalfsen 2x and Tilburg). The one from Tilburg is considered sufficiently implemented and will not be further monitored.