

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

**ANNUAL REPORT OF THE HEAD OF ACCIDENT INVESTIGATION ON THE
ACCIDENTS IN THE RAILWAY TRANSPORT NETWORK OF THE REPUBLIC OF
LITHUANIA IN 2008**

Vilnius
2009

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1. Introduction

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

2. Legal basis for activity

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

Order No 3-79 of the Minister of Transport and Communications of the Republic of Lithuania of 20 February 2003 'On the Approval of the Provisions for Investigation and Emergency Procedure of Railway Traffic Accidents' (*Official Gazette*, 2003, No 26-1066; 2008, No 38-1415)

Pursuant to Article 21 of Directive 2004/49/EC, Member States shall ensure that the investigation of serious accidents on the railway traffic system is carried out by a permanent body, composed of at least one investigator. With reference to the above mentioned article, this body in terms of organisation, legal structure and decision-making shall be independent from the railway infrastructure manager, railway undertaking, prosecutor, revenue office and notified body, as well as from any party, the interests of which may interfere with the tasks of the investigating institution.

In implementing the provisions of Directive 2004/49/EC in 2006 the Seimas adopted the Law on the Amendment of the Law on Railway Transport Traffic Safety of the Republic of Lithuania (*Official Gazette*, 2004, No 4-27; 2006, No 42-1505).

Article 16(2) of the Law on Railway Transport Traffic Safety of the Republic of Lithuania provides that accidents are investigated by the Traffic Accident Investigation Service, delegated by the Minister of Transport and Communications of the Republic of Lithuania, or the Head of Accident Investigation, assigned by the Minister of Transport and Communications of the Republic of Lithuania, in order to improve traffic safety and ensure traffic accident prevention. The Traffic Accident Investigation Service in its organisational and legal form, as well as in the course of decision making, must be independent from any traffic safety institution, any institution or body carrying out control functions in railway transport, railway infrastructure managers, railway undertakings (operators), any organisation collecting charges for the usage of public railway infrastructure, organisation allocating capacities of public railway infrastructure, notified body or any other person, the interests of whom may conflict with the tasks of traffic accident investigation service.

With reference to the statistics of corresponding railway traffic accidents and the size of the Lithuanian railway network, by Order No 3-79 of 20 February 2003 'On the Approval of the Provisions for Investigation and Emergency Procedure of Railway Traffic Accidents' (*Official Gazette*, 2003, No 26-1066; 2008, No 38-1415), the Minister of Transport and Communications of the Republic of Lithuania determined that the Head of Accident Investigation shall investigate catastrophes and other traffic accidents under the Law on Railway Transport Traffic Safety in pursuance of the improvement of traffic safety and in order to ensure traffic accident prevention.

3. Functions

During the investigation of accidents the Head of Accident Investigation shall be empowered:

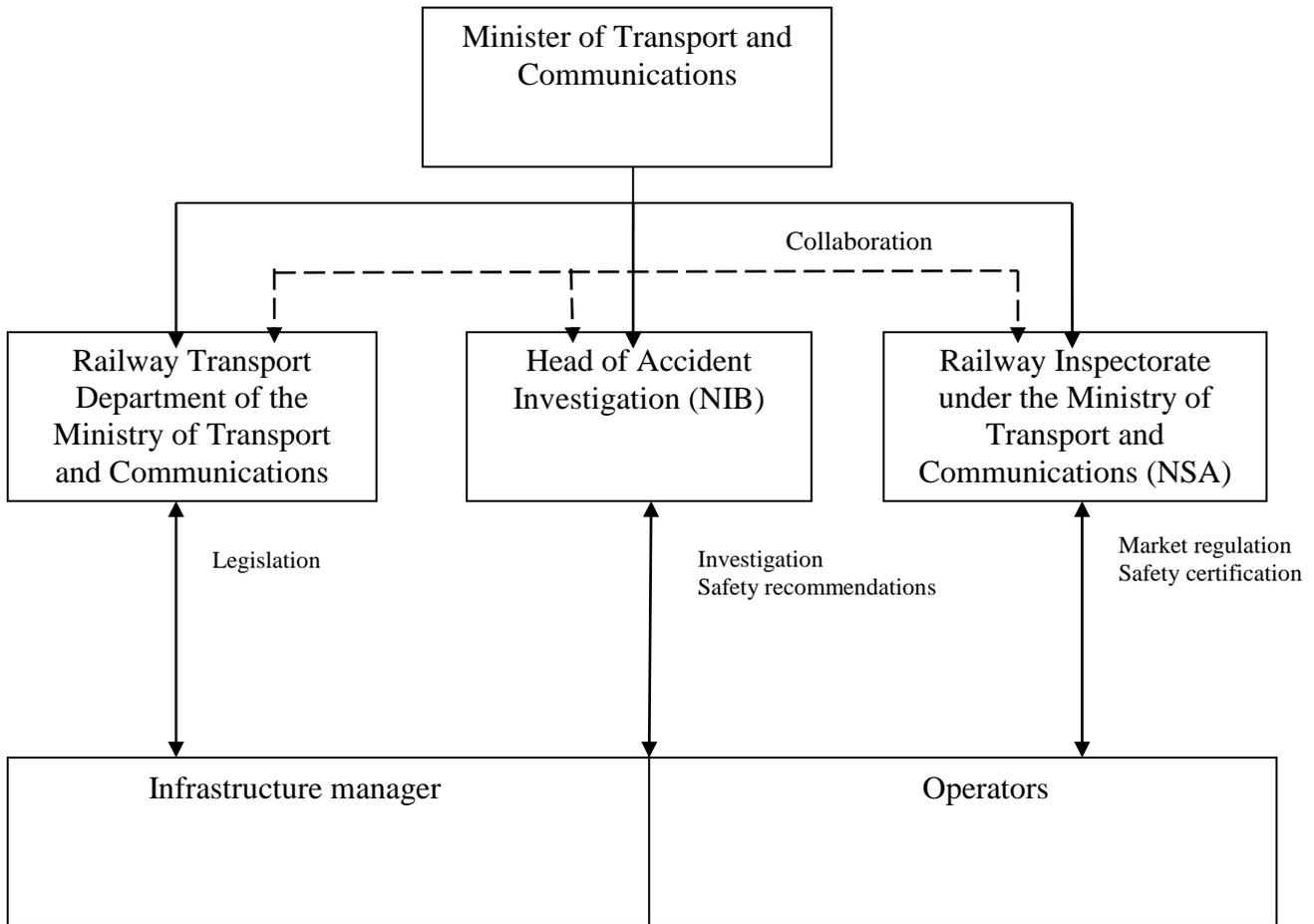
- to inspect the scene of traffic accidents, accident-related rolling stock, railway infrastructure, devices of rail traffic management, control and alarm systems;
- to make a list of exhibits and take parts, devices or components of the railway infrastructure for inspection or analysis purposes;
- after having agreed with the law enforcement institutions and the railway infrastructure manager or the managers of railway undertakings (operators) to inspect and use the recording devices and equipment, located on trains and in the premises of railway infrastructure managers, which are designed to record oral messages and register the operations of rail management, alarm and railway traffic management and control systems;
- after having agreed with the law enforcement institutions, to receive the results of examinations of the bodies of casualties;
- after having agreed with the law enforcement institutions, to receive the results of interviews with natural persons related to a traffic accident;
- to interview natural persons and other witnesses who are involved in a traffic accident;
- to be apprised of any information or records at the disposal of railway infrastructure managers, accident-related railway undertakings (operators) or inspectorate;
- to, after having received an official traffic accident investigation file and having determined that the file does not include all the data required for drawing up the Head of Accident Investigation's report, demand the missing data from the railway infrastructure manager or railway undertaking (operator);
- to apply to the competent Lithuanian institutions or experts and specialists;
- to ask for assistance from other European Union traffic accident investigation institutions or the European Railway Agency (Community Agency for Railway Safety and Interoperability) in carrying out traffic accident inspections, analyses or assessments.

During the investigation of traffic accidents the Head of Accident Investigation must:

- objectively carry out the investigation of a traffic accident;
- properly process accident documents;
- carry out an inspection of the scene of a traffic accident within the shortest time possible so that the railway infrastructure manager is able to restore normal railway traffic;
- at the request of the persons, he must produce a copy of the traffic accident investigation report, prepared by the Head of Accident Investigation.

Pursuant to Clause 44 of the Provisions for Investigation and Emergency Procedure of Railway Traffic Accidents, on an annual basis, the Head of Accident Investigation must publish an annual report of the Head of Accident Investigation on traffic accident investigations for the previous year, safety recommendations published in the traffic safety field and on the actions that were taken with reference to previously published traffic safety recommendations.

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



5. Railway traffic accidents from 1 January 2008 up to 31 December 2008

Pursuant to the provisions of Article 2 of the Law on Railway Transport Traffic Safety of the Republic of Lithuania, railway traffic accidents are categorised into catastrophes, accidents and incidents:

1. Catastrophe shall mean a traffic accident when, due to train or rolling stock collision or derailment of trains or rolling stock, train or rolling stock collision with road or other type of vehicles, one or more people are killed or where five or more people are injured or damage of at least 2 million EUR is caused to railway infrastructure, rolling stock, the environment or the property of natural or legal

persons, including any other similar traffic accident as a result of which railway traffic safety could no longer be controlled and (or) managed.

2. Accident shall mean a rail traffic accident when there is a collision of trains, rolling stock, trains with rolling stock or structures, equipment or derailment of rolling stock or rail traffic accident at a level-crossing or not more than four people are injured or where a fire is caused in railway transport due to rolling stock in motion.
3. Incident shall mean a traffic accident that is caused as a result of the operation of rolling stock and trains and that has had a negative effect on traffic safety control and management during such operation but did not cause the consequences of a catastrophe or accident.

In 2008 there were 119 railway traffic accidents on the railways of Lithuania, encompassing **68** accidents and **51** incidents.

During the period from 1 January 2008 up to 31 December 2008 there were no railway accidents classable as catastrophes.

Upon notification of a railway traffic accident and having determined that it is not a catastrophe, the Head of Accident Investigation must immediately decide whether to carry out an accident investigation with reference to the following:

- the fact that under other conditions an accident or incident would have caused a catastrophe;
- the significance of an accident or incident;
- the fact that an accident or incident had a knock-on effect on causing other traffic accidents;
- the effect of an accident or incident on railway traffic safety in the European Union;
- requests of the railway infrastructure managers, railway undertakings (operators), traffic safety institutions or other Member States of the European Union.

Not later than 7 calendar days after the decision to carry out a traffic accident investigation the Head of Accident Investigation must notify the European Railway Agency (Community Agency for Railway Safety and Interoperability) of the decision to carry out such traffic accident investigation.

In 2008 there were no decisions regarding railway traffic accidents with the abovementioned features.

In summary, it may be concluded that in 2008 there were no railway traffic accidents the investigation of which, in accordance with the valid legal acts, would have been assigned to the Head of Accident Investigation, and further, there were no traffic safety recommendations published in the traffic safety field and no actions were adopted that were taken up with reference to the previously published traffic safety recommendations.