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**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 OF THE REPUBLIC OF LITHUANIA IN  
2009**

Vilnius  
2010

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## **1. Introduction**

The position of the Head of Accident Investigation was established in order to implement 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 (*Valstybės Žinios (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 of Railway Traffic Accidents and Elimination of Consequences Thereof' (*Valstybės Žinios (Official Gazette)*, 2003, No 26-1066; 2008, No 38-1415)

Pursuant to Article 21 of Directive 2004/49/EC, each Member State shall ensure that investigations of accidents and incidents referred to in the railway transport system are conducted by a permanent body, which shall consist 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. According to the aforementioned Article, this body shall be independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body and notified body, and from any party whose interests could conflict with the tasks entrusted to the investigating body.

In order to implement 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 (*Valstybės Žinios (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 stipulates that accidents shall be investigated by the Traffic Accident Investigation Service authorised by the Minister of Transport and Communications of the Republic of Lithuania, or by the Head of Accident Investigation appointed 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 shall be independent in its organisation, legal structure and decision-making from any traffic safety institution, institution or body executing control functions in railway transport, railway infrastructure manager, railway undertaking (operator), organisation collecting charges for the usage of public railway infrastructure, organisation allocating capacities of public railway infrastructure, notified body or any other person, whose interests may be in conflict with the tasks of the Traffic Accident Investigation Service.

With regard 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 of Railway Traffic Accidents and Elimination of Consequences Thereof' (*Valstybės Žinios (Official Gazette)*, 2003, No 26-1066; 2008, No 38-1415), the Minister of Transport and Communications of the Republic of Lithuania established that the Head of Accident Investigation shall investigate serious accidents and other accidents and incidents [specified by] the Law on Railway Transport Traffic Safety with a view to improving traffic safety and ensuring traffic accident prevention.

### **3. Functions**

When carrying out investigations of accidents, the Head of Accident Investigation shall have the right:

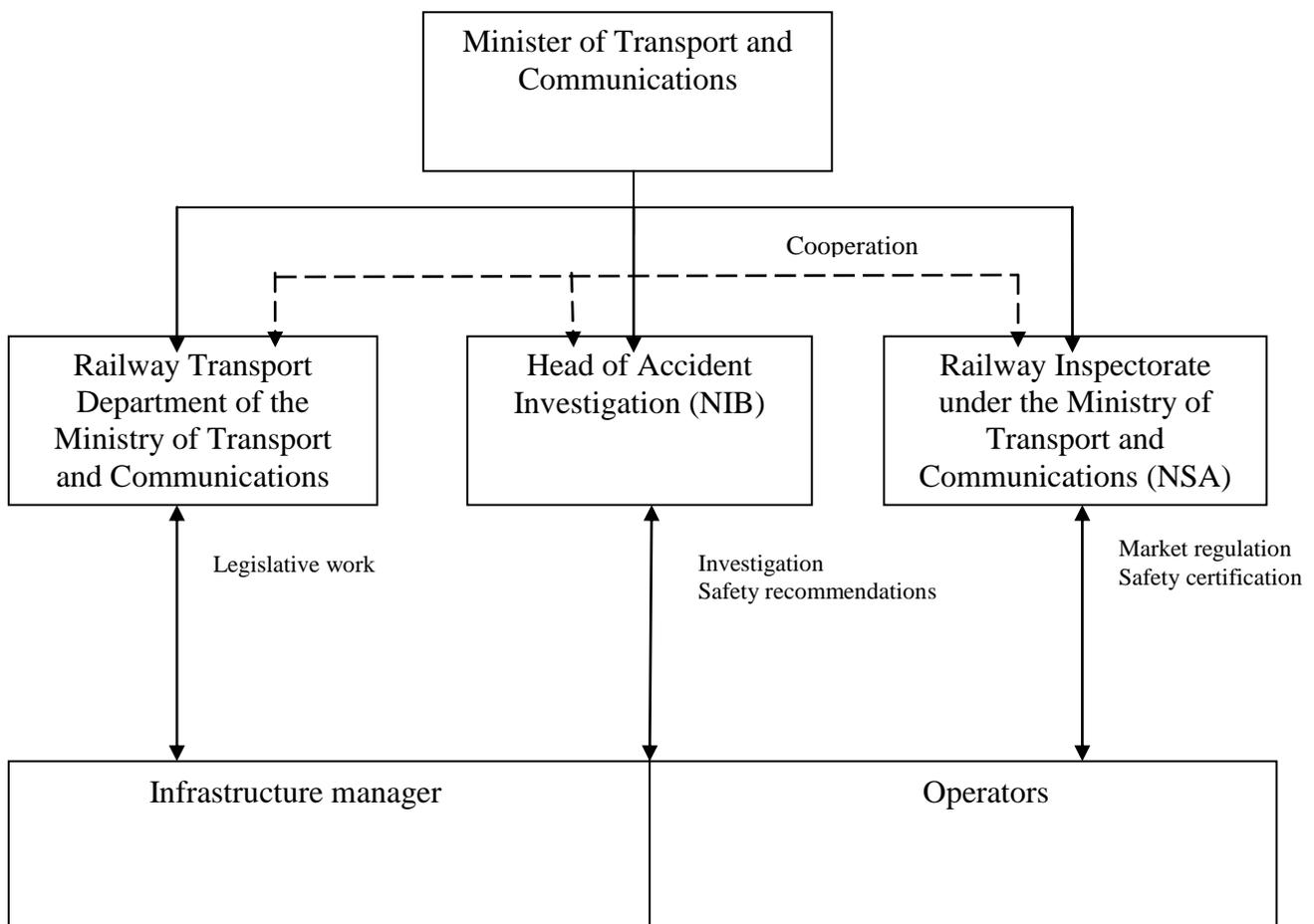
- to be given access to the site of the accident or incident as well as to the rolling stock involved, the related infrastructure and traffic control and signalling installations;
- to an immediate listing of evidence and controlled removal of wreckage, infrastructure installations or components for examination or analysis purposes;
- upon coordinating with the law enforcement institutions and the railway infrastructure manager or the management of railway undertakings (operators), to be given access to and use of the contents of on-board recorders and equipment for recording of verbal messages and registration of the operation of the signalling and traffic control system;
- upon coordinating with the law enforcement institutions, to be given access to the results of examination of the bodies of victims;
- upon coordinating with the law enforcement institutions, to be given access to the results of examinations of the natural persons involved in the traffic accident or incident;
- to be given the opportunity to question the natural persons involved in the traffic accident or incident and other witnesses;
- to be given access to any relevant information or records held by the railway infrastructure manager, the railway undertakings (operators) involved in the accident or incident, and the Inspectorate;
- upon receipt of the case of the official investigation of the traffic accident or incident and having established that the case contains incomplete data required for drawing up the report of the Head of Accident Investigation, to require provision of the missing data from the railway infrastructure manager or railway undertaking (operator);
- to apply to the competent Lithuanian institutions or experts and specialists;
- to request assistance from other traffic accident investigation institutions of the European Union or from the European Railway Agency (Community Agency for Railway Safety and Interoperability) in carrying out traffic accident inspections, analyses or assessments.

In the course of the investigation of traffic accidents and incidents, the Head of Accident Investigation must:

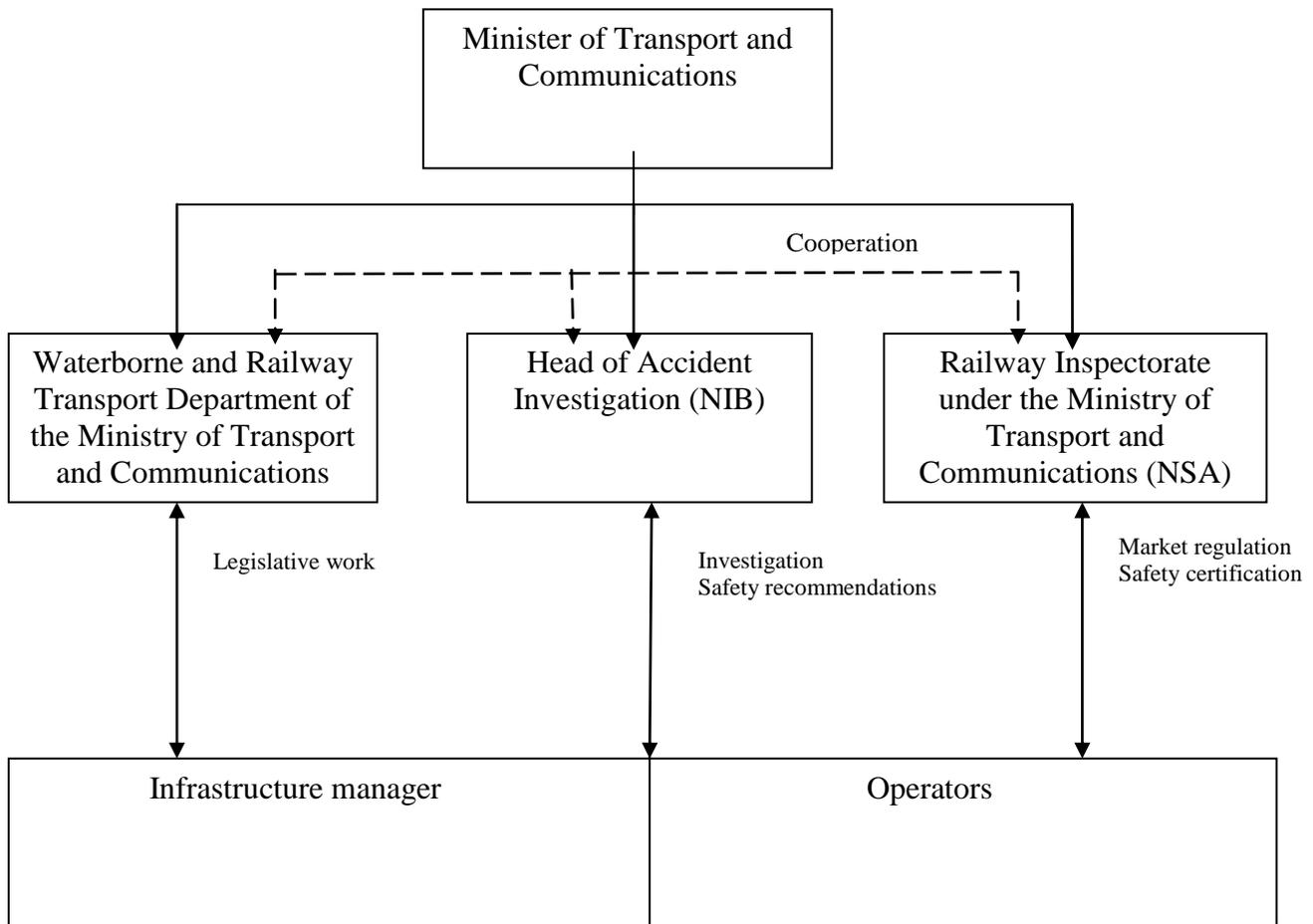
- carry out the investigation of a traffic accident or incident in an unbiased manner;
- properly execute documents related to the traffic accident or incident;
- carry out inspection of the scene of the traffic accident or incident within the shortest time possible so that to enable the railway infrastructure manager to restore railway traffic;
- at the request of persons, provide a copy of the traffic accident investigation report prepared by the Head of Accident Investigation.

Pursuant to Clause 44 of the Provisions for Investigation of Railway Traffic Accidents and Elimination of Consequences Thereof, the Head of Accident Investigation shall publish, on an annual basis, an annual report of the Head of Accident Investigation on investigations of traffic accidents and incidents conducted during the previous year, safety recommendations published in the traffic safety field, and the actions taken pursuant to previously published traffic safety recommendations.

#### **4. Allocation of functions and relationship of institutions responsible for railway traffic safety until 7 September 2009**



## 5. Allocation of functions and relationship of institutions responsible for railway traffic safety from 8 September 2009



## 6. Railway traffic accidents from 1 January 2009 to 31 December 2009

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 serious accidents, accidents and incidents:

1. 'Serious accident' means any train collision or derailment of trains and rolling stock, resulting in the death of at least one person or serious injuries to five or more persons or damage of at least EUR 2 million to the railway infrastructure, rolling stock, the environment or property of physical or legal persons as well as any other similar traffic occurrence which make it impossible to further control and/or manage railway traffic safety.
2. 'Accident' means a railway traffic occurrence including collisions of trains and rolling stock, derailments of trains with rolling stock or structures or equipment, level-crossing accidents, accidents to persons caused by rolling stock in motion when not more than four persons are injured, and break-out of fires at railway transport.

3. 'Incident' means any occurrence caused due to the operation of railway rolling stock or trains and affected the control or management of traffic safety during operation, but did not cause consequences of a serious accident or accident.

In 2009, 86 railway traffic accidents occurred on the railways of Lithuania including **55** accidents and **31** incidents.

According to their consequences, 33 occurrences are classified as accidents when damage to persons was caused by railway rolling stock in motion. Most of these persons were those who stayed in non-specified locations of railways and their protection zones without authorisation. 14 accidents occurred at railway crossings; in case of four accidents, railway rolling stock collided with other rolling stock, structures or equipment; three accidents resulted in fires at railway stocks; and one accident involved derailment of railway stock.

During the period from 1 January 2009 to 31 December 2009, there were no railway traffic accidents attributable to serious accidents.

Upon notification of a railway traffic accident and having determined that it is not attributable to a serious accident, the Head of Accident Investigation shall immediately decide whether to carry out an investigation of the accident or not, taking into account the following:

- the fact that under other conditions, the accident or incident would have caused a serious accident;
- the significance of an accident or incident;
- the fact that an accident or incident had an impact on other traffic occurrences;
- 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 seven calendar days after making 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 investigation of the traffic accident.

In 2009, no decisions were made in respect to railway traffic accidents with the aforementioned characteristics. Moreover, there were no traffic safety recommendations published in the traffic safety field and no actions taken pursuant to previously published traffic safety recommendations were conducted.