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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 ACCIDENTS
ON THE RAILWAY TRANSPORT SYSTEM OF THE REPUBLIC OF LITHUANIA IN
2011**

Vilnius
2012

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1. Introduction

The post 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 bases for the activity

The Law on Railway Transport Traffic Safety of the Republic of Lithuania (*Valstybės Žinios (Official Gazette)*, 2004, No 4-27; 2006, No 42-1505; 2010, No 12-557).

Order No 3-79 of the Minister of Transport and Communications of the Republic of Lithuania, dated 20 February 2003, regarding the approval of the Provisions for the Investigation of Railway Traffic Accidents and Elimination of the Consequences Thereof (*Valstybės Žinios (Official Gazette)*, 2003, No 26-1066; 2008, No 38-1415; 2010, No 71-3605).

Pursuant to Article 21 of Directive 2004/49/EC, each Member State shall ensure that investigations of accidents and incidents in the railway transport system are conducted by a permanent body, which shall comprise at least one investigator. According to the aforementioned Article, this body shall be independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, and charging, allocation or 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). The Law was amended and restated in a new version in 2010.

Article 26(2) of the Law on Railway Transport Traffic Safety of the Republic of Lithuania stipulates that accidents shall be investigated by the Head of Accident Investigation appointed by the Minister of Transport and Communications of the Republic of Lithuania, with the objective of possible improvements to traffic safety and accident prevention. The Head of Accident Investigation shall also be entitled to investigate accidents and incidents that might have led to serious accidents under slightly different conditions, including technical failures of structural subsystems or interoperability constituents. In making decisions and performing the functions of the post, the Head of Accident Investigation should be independent from the traffic safety authority, any institution or authority performing the functions of control over railway transport, railway infrastructure managers, the body charging railway undertakings (carriers) the fee for the use of public railway infrastructure, the body allocating the public railway infrastructure capacity, the notified body, and from any party whose interests could conflict with the tasks entrusted to the Head of Accident Investigation. Sufficient financial resources should be appropriated for the activities of the Head of Accident Investigation to ensure independent performance of the tasks of the post.

The procedure for the investigation, recording and preparation of reports on traffic accidents and serious accidents and incidents, as well as the obligations and rights of railway infrastructure managers, railway undertakings (carriers), the Head of Accident Investigation and the Traffic Safety Authority, shall be regulated by the Provisions for the Investigation of Railway

Traffic Accidents, Serious Accidents and Incidents and Elimination of the Consequences Thereof, approved by the Minister of Transport and Communications and other legal acts.

3. Functions

When investigating a traffic accident, serious accident or incident, the Head of Accident Investigation shall have the right:

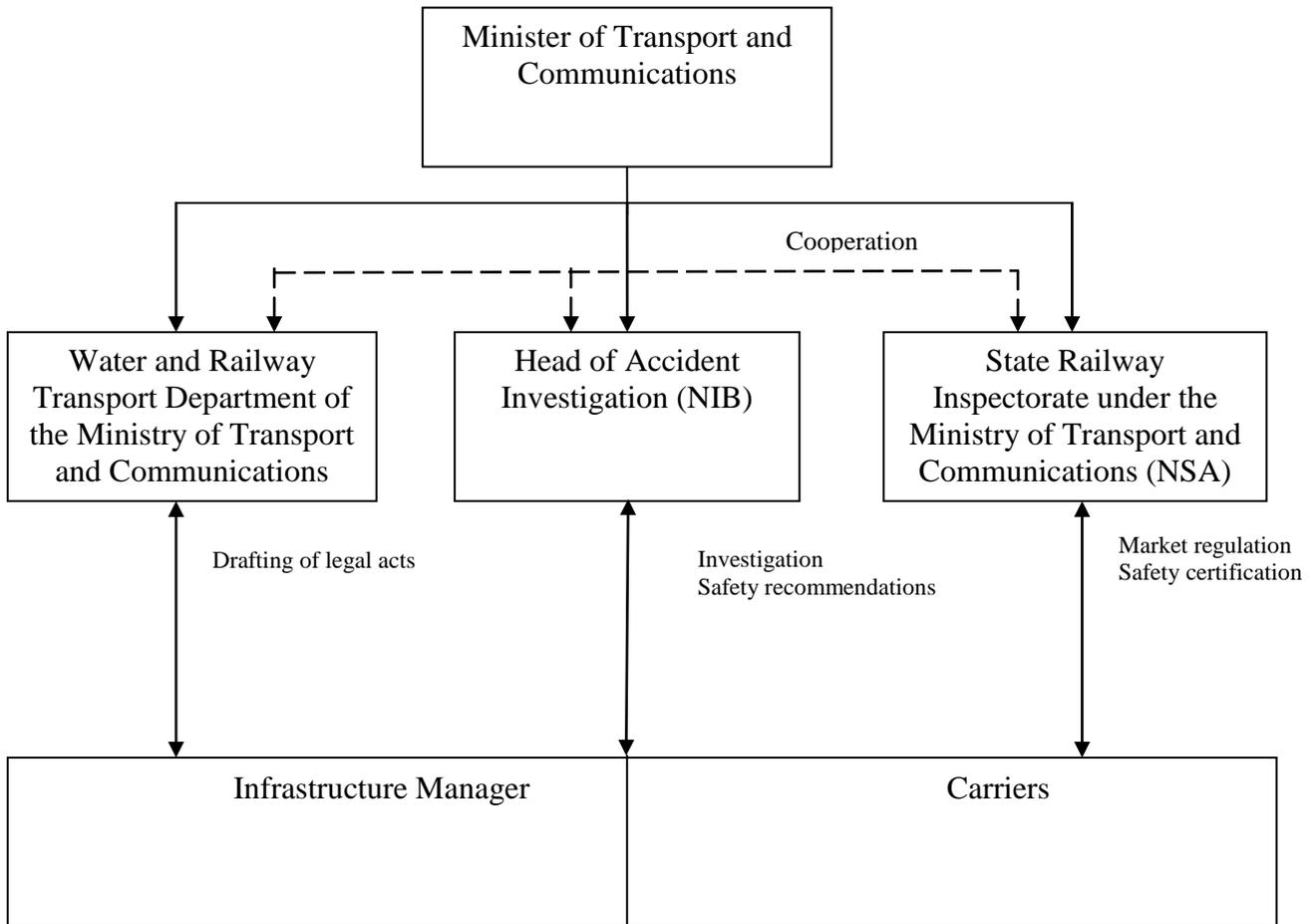
- to examine the site of the traffic accident, serious accident or incident and the related rolling stock, railway infrastructure and train traffic control, regulation and signalling installations;
- to make a list of physical evidence and to take wreckage, infrastructure installations and components for examination or analysis purposes;
- upon coordination with law enforcement agencies and the management of the railway infrastructure or undertaking (carrier), to examine and use recording devices and equipment to record verbal messages and for registration of the operation of the train control, signalling and traffic control system installed on board trains and on the premises of the railway infrastructure manager;
- upon coordination with law enforcement agencies, to consult the results of the visual examination of the bodies of victims;
- upon coordination with law enforcement agencies, to consult the results of examinations of individuals involved in the traffic accident, serious accident or incident;
- to question individuals involved in the traffic accident, serious accident or incident and other witnesses;
- to consult any relevant information or records held by the railway infrastructure manager, the railway undertakings (carriers) involved in the traffic accident, serious accident or incident, and the Inspectorate;
- upon receipt of the official investigation file of the traffic accident, serious accident or incident and having established that the file 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 (carrier);
- to apply to the competent Lithuanian institutions or experts and specialists;
- to request assistance from other traffic accident investigation authorities of the European Union or from the European Railway Agency (the Community Agency for Railway Safety and Interoperability) for carrying out inspections, analyses or assessments of traffic accidents, serious accidents or incidents.

In the course of investigating a traffic accident, serious accident or incident, the Head of Accident Investigation shall be obliged:

- to carry out the investigation in an unbiased manner;
- to properly execute the relevant related documents;
- to inspect the scene of the incident in the shortest time possible, in order to enable the railway infrastructure manager to restore railway traffic;
- to provide a copy of the report on the investigation, on the request of persons.

The Head of Accident Investigation shall publish an annual report, to provide details of the investigations of traffic accidents, serious accidents or incidents conducted during the previous year, and to inform about safety recommendations published in the traffic safety field and actions taken pursuant to previously published traffic safety recommendations.

Distribution of functions and relationships of institutions responsible for railway traffic safety



4. Railway traffic accidents between 1 January 2011 and 31 December 2011

Pursuant to the provisions of Article 2 of the Law on Railway Transport Traffic Safety of the Republic of Lithuania, traffic accidents shall be categorised as serious accidents, railway traffic accidents or incidents.

A serious accident is defined as any collisions or derailments of rolling stock that result in the death of at least one person, or serious injuries to five or more people, or damage of at least EUR 2 million, by primary estimation of the Head of Accident Investigation, to railway infrastructure, rolling stock, or the environment or property of persons. The definition also covers any other similar collision of rolling stock or derailment of rolling stock with an obvious impact on railway safety regulation or the management of safety.

A railway transport traffic accident (hereinafter referred to as a ‘traffic accident’) is defined as an unwanted or unintended sudden event or chain of events that have harmful consequences when rolling stock collides with other rolling stock, structures or facilities; rolling stock derails; rolling stock collides with vehicles, pedestrians or objects at level crossings; at least one person is injured by rolling stock in motion; or a fire occurs in rolling stock.

An incident is defined as any occurrence associated with the operation of rolling stock and affecting the railway safety regulation and the management of safety, other than that related to accidents.

During the period between 1 January 2011 and 31 December 2011, there were no occurrences attributable to serious accidents.

Upon receiving notification of a traffic accident or incident and having determined that it would have led to a serious accident under slightly different conditions, the Head of Accident Investigation shall be entitled to decide, within seven days from receipt of the notification, whether or not to institute an investigation of the traffic accident or incident. The Head of Accident Investigation shall take into account the following:

- the severity of the traffic accident or incident;
- the impact of the traffic accident or incidence on the occurrence of other accidents or incidents;
- the impact of the traffic accident or incident on the railway traffic safety of the European Union, including the requests of railway infrastructure managers, railway undertakings (carriers), traffic safety authorities or other Member States of the European Union.

The Head of Accident Investigation shall notify the European Railway Agency (the Community Agency for Railway Safety and Interoperability) no later than seven calendar days after making a decision to investigate a traffic accident.

In 2011, no decisions were made with respect to traffic accidents or incidents with the aforementioned characteristics. There were also no traffic safety recommendations issued in the traffic safety field and no actions taken pursuant to previously issued traffic safety recommendations.