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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet
Regulation No. 999
Adopted 26 October 2010

# Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents

*Issued pursuant to*
*Section 40.[1], Paragraph two of the Railway Law*

## I. General Provisions

1. This Regulation prescribes the procedures for the classification, investigation and recording of railway traffic accidents, which have occurred in the territory of the Republic of Latvia. This Regulation shall not apply to the investigation of those railway traffic accidents, which have occurred in the territory of the Republic of Latvia and in which trains of a third country are involved, if the procedures for investigation are determined by international legal acts on international carriage by rail and if the international legal acts do not prescribe otherwise.

2. The investigation of a railway traffic accident shall be performed in order to determine all causes and consequences of the railway traffic accident, as well as to provide recommendations for the prevention of similar railway traffic accidents.

3. Railway traffic accidents shall not be investigated and recorded, if they have occurred due to natural disasters, vandalism or acts of terrorism.

4. The investigation shall be the collection of information regarding the circumstances of a railway traffic accident, the analysis thereof and the drawing of conclusions.

5. The investigation shall be performed independently of the investigation performed by law enforcement and labour protection institutions. The fault or responsibility of a person shall not be determined in the investigation.

6. On the basis of the results of the investigation, the carrier and persons which ensure the relevant technological processes (hereinafter – railway undertaking), or the railway infrastructure manager, or the railway undertaking together with the railway infrastructure manager, determining the priorities, shall plan and carry out measures for the prevention of similar railway traffic accidents.

## II. Classification of Railway Traffic Accidents

7. The following are the types of railway traffic accidents:

7.1. a serious railway accident;

7.2. a significant accident;

7.3. a traffic safety violation.

8. A serious railway accident means:

8.1. a collision of a train with other railway rolling stock or derailment that has caused one of the following harmful consequences:

8.1.1. at least one person has died instantly or has died as a result of the significant accident within 30 days thereafter;

8.1.2. serious injuries have been caused to at least five people who have been hospitalised for more than 24 hours due to the accident;

8.1.3. damage has been caused to the rolling stock, railway infrastructure or the environment in the amount of at least EUR 2,000,000;

8.2. a railway traffic accident ,the consequences of which are similar to those referred to in Sub-paragraph 8.1 of this Regulation and which has an evidently unfavourable effect on the safety regulation or safety management of railway.

*[10 September 2013]*

9. A significant accident means an unwanted or unintended sudden event, in which at least one rolling stock in motion is involved with a speed which exceeds 0 km/h, or a specific chain of events with one of the following harmful consequences:

9.1. a person has died or has died within 30 days after the significant accident;

9.2. serious injuries have been caused to a person, due to which he or she has been hospitalised for more than 24 hours;

9.3. serious damage has been caused to the rolling stock, rail track, other equipment has been damaged or damage has been caused to the environment which is equivalent to EUR 150,000 or more;

9.4. the movement of trains along the main rail track has been suspended for six hours or more.

*[10 September 2013; 14 July 2015]*

10. The following are types of significant accidents, which have caused the harmful consequences referred to in Paragraph 9 of this Regulation:

10.1. the collision of train:

10.1.1. with the rail vehicle;

10.1.2. with obstacle within the clearance gauge;

10.2. derailment of train;

10.3. level crossing or passage accident, except passages between platforms and passages over tracks for the sole use of employees;

10.4. accident to persons involving rolling stock in motion;

10.5. fire in the rolling stock;

10.6. other significant accident.

*[14 July 2015]*

11. Collision of train with rail vehicle means a front to front, front to end or a side collision between a part of a train and a part of another train or rail vehicle, or with shunting rolling stock.

*[14 July 2015]*

11.[1] Collision of train with obstacle within the clearance gauge means a collision between a part of a train and objects fixed or temporarily present on or near the track (except at level crossings if lost by a crossing vehicle or user), including collision with overhead contact lines.
*[14 July 2015]*

12. Derailment of train means any case in which at least one wheel of a train leaves the rails.

13. Level crossing or passage accident (except passages between platforms and passages over tracks for the sole use of employees) means any accident at level crossings or passages involving at least one railway vehicle and one or more crossing vehicles, pedestrians or objects temporarily present on or near the track.
*[14 July 2015]*

14. Accident to persons involving rolling stock in motion means accidents to one or more persons who are either hit by a railway vehicle or by an object attached to, or that has become detached from the vehicle, this includes persons who fall from railway vehicles as well as persons who fall or are hit by loose objects when travelling on board vehicles.
*[14 July 2015]*

14.[1] Fire in rolling stock means a fire or explosion that occurs in a railway vehicle (including its load) when it is running between the departure station and the destination, including when stopped at the departure station, the destination or intermediate stops, as well as during re-marshalling operations.
*[14 July 2015]*

15. Other significant accident means any other accident that has caused the harmful consequences referred to in Paragraph 9 of this Regulation.
*[14 July 2015]*

16. An accident shall also be regarded as a significant accident if the consequences caused thereby are more serious than those referred to in Paragraph 9 of this Regulation.

17. The following are violations of railway traffic safety (if they have not caused the harmful consequences referred to in Paragraph 9 of this Regulation):

17.1. derailment of the rolling stock;

17.1.[1] a collision of the rolling stock with another rolling stock or a collision with an object of the railway infrastructure, elements or objects of loading or unloading installations, thus endangering railway traffic safety;

17.2. unauthorised acceptance of a train on an occupied track;

17.3. unauthorised routing of a train to an occupied interstation section;

17.4. acceptance or routing of a train along an unprepared route, including routing or acceptance of an electric rolling stock if the route or its section has not been equipped with contact lines or voltage;

17.5. passing a signal at danger while a part of the rolling stock performs an unauthorised movement (passing or not passing a danger point) contrary to the order given by:

17.5.1. a signal at danger or an on-board device signal of an appropriately equipped train;

17.5.2. a verbal or written authorisation laid down in the laws and regulations regarding railway technical maintenance that indicate the end point (destination) of the movement of a rolling stock;

17.5.3. a control post (not including buffer stop);

17.5.4. a hand signal;

17.6. the non-delimitation of a work place on tracks;

17.7. switching of a point if the railway rolling stock is located on it;

17.8. the rolling of a railway rolling stock behind the standing point control post, signal lights or isolated junctions;

17.9. breakage of wheels and significant parts of axles (breakage of the axle, wheelset axle neck, wheel, wheel centre or bandage) or cracks that create a risk of derailment or collision, or damages that could be the reason for subsequent discontinuation of the movement of the rolling stock in operation and could cause the risk of a significant accident;

17.10. breakage of a bogie frame, mainspring beam or the rupture of a load-bearing beam of the railway rolling stock;

17.11. the routing of a train if the main brake stop valves in the middle of the stock are closed;

17.12. an arbitrary auto-uncoupling of a train coupling or rupturing of the coupling;

17.13. the turning of a switch point;

17.14. wrong-side signalling failure (of the infrastructure or rolling stock) resulting in displaying signals less restrictive than that demanded;

17.15. such damage of a traction unit of a passenger or freight train due to which it is not possible to perform a complete route up to the place of destination and a replacement locomotive has to be called for;

17.16. the uncoupling of rolling stock from a passenger or freight train due to the heating of the axle box or other technical reasons;

17.17. the switching of a permitting signal of signal lights to a signal at danger due to which the railway rolling stock passes past a signal at danger;

17.18. the falling out of freight from a railway rolling stock while in motion, which endangers the safety of train movement;

17.19. the failure to observe technical regulations for the loading of freight that endangers railway traffic safety and due to which a wagon has to be uncoupled;

17.20. an unexpected damage of the track due to which the movement of trains has to be suspended or the speed of movement has to be limited to 15 km/h if the cause of damage has been:

17.20.1. broken rail, which is separated in two or more pieces, or any rail from which a piece of metal becomes detached, causing a gap of more than 50 mm in length and more than 10 mm in depth on the running surface;

17.20.2. a defect of the track superstructure (for example, track buckle, slump) related to the continuum and geometry of the track;

17.21. the collision of a railway rolling stock with a road traffic vehicle due to the fault of a railway employee.

*[14 July 2015]*

## III. Action of a Railway Undertaking and Infrastructure Manager in a Railway Traffic Accident

18. A railway infrastructure manager or a railway undertaking, which is connected with a railway traffic accident, shall immediately inform thereof:

18.1. the Transport Accident and Incident Investigation Bureau (hereinafter – Investigation Bureau);

18.2. to the State Railway Technical Inspectorate;

18.3. the State Police if a serious railway accident or a significant accident has occurred;

18.4. the emergency medical services if a person has suffered in the railway traffic accident;

18.5. the relevant local government, if a serious railway accident has occurred or if serious damage to the environment has been caused;

18.6. the respective railway infrastructure manager and also the respective manager of public-use railway infrastructure in the case an accident has occurred on track roads included in a private infrastructure and as a result of the accident at least one wagon that is used for traffic on public railway infrastructure track roads has been damaged;

18.7. the relevant railway undertaking.

*[14 July 2015]*

19. The railway infrastructure manager and the railway undertaking shall determine the procedures by which employees shall notify the railway traffic accident and the procedures for the registration of the railway traffic accidents.

20. The date, location, time, railway undertakings or railway infrastructure managers involved in the accident, a description of the event, the consequences and the institutions to which information has been provided regarding the accident shall be indicated in the accident report.

21. If a person has suffered in a railway traffic accident, a railway employee shall ensure:

21.1. the provision of aid to the injured person;

21.2. in accordance with Paragraph 19 of this Regulation, the provision of a report on the location and circumstances of the event, the measures taken, the train crew and on the rolling stock involved in the accident and the route thereof to the responsible institutions indicated in Paragraph 18 of this Regulation.

22. The railway infrastructure manager and the railway undertaking shall, as much as possible, ensure the keeping of the place of the railway traffic accident in an untouched state, in order to commence an investigation.

23. Inspection shall be performed at the place of the accident in the shortest time possible so that the railway infrastructure manager can restore the railway infrastructure and the provision of services of carriage by rail as soon as possible.

24. If the condition of the railway infrastructure allows it, the railway infrastructure manager shall take a decision to restore the railway traffic. Such decision shall be co-ordinated with the State Police if they conduct an investigation at the place of the railway traffic accident.

25. A railway undertaking or a railway infrastructure manager shall, in accordance with the contract entered into by and between the employer and the employee, ensure the sending of an employee to a medical examination for the determination of the influence of alcohol, narcotics, toxic or psychotropic substances in accordance with the laws and regulations regarding the procedures for testing for the influence of alcohol, narcotics, psychotropic or toxic substances, if there are suspicions that the employee involved in the railway traffic accident has been using alcohol or psychotropic substances.

## IV. Organisation and Ensuring of the Investigation of Serious Railway Accidents

26. A serious railway accident and any railway traffic accident, after which the railway rolling stock is removed from the rolling stock inventory, shall be investigated by the Investigation Bureau.

27. After receipt of a report on a serious railway accident, the Investigation Bureau shall commence the investigation thereof. Within seven days after commencement of the investigation, the Investigation Bureau shall inform thereof the European Railway Agency, the State Railway Technical Inspectorate, the State Police, the railway infrastructure manager and

the railway undertaking involved in the railway traffic accident. The date, time and location of the accident, the type of the accident and the consequences thereof – the number of killed and injured persons, as well as the amount of damage shall be indicated in the information.

28. The Investigation Bureau may make a decision on the railway traffic accident referred to in Subparagraphs 7.2 and 7.3 of this Regulation, as well as the investigation of other accidents related to the movement of trains if they have an adverse impact on the safety of movement. In such case the norms referred to in Paragraphs 27, 29, 30, 31, 32, 33, 34, 35, 36, and 37 of this Regulation shall be applied to the investigation of the accident.

29. If the commission referred to in Paragraph 38, 39 or 47 of this Regulation has commenced the investigation of the railway traffic accident but the decision on the investigation thereof is made by the Investigation Bureau, the investigation of the relevant railway traffic accident shall be taken over by the Investigation Bureau and the relevant commission shall terminate the investigation.

30. The investigation shall be conducted by the director of the Investigation Bureau (hereinafter – investigator-in-charge). The investigator-in-charge shall assign a responsible investigator for the investigation of railway accidents, who shall be responsible for the organisation, performance and control of investigative actions.

31. The Investigation Bureau may request the assistance of investigation bodies of other European Union Member States or the European Railway Agency in order to receive the opinions or assessments of experts or to perform technical inspections or analyses.

32. The Investigation Bureau shall invite representatives of an investigation body of another European Union Member State in the investigation of an accident, if the railway undertaking, which is registered and licensed in the relevant Member State, is involved in a serious or significant railway accident.

33. If it is not possible to determine in which European Union Member State a serious or significant railway accident has occurred, or if a serious railway accident or significant accident has occurred in the territory of the Republic of Latvia and another Member State, the Investigation Bureau shall agree with the relevant European Union Member State, which of them will conduct the investigation, or shall agree to conduct the investigation jointly. If an agreement has been reached that the serious railway accident or significant accident shall be investigated by the investigation body of the relevant European Union Member State, the Investigation Bureau may participate in the investigation of the accident and use in full the results thereof.

34. Competent specialists who are not employees of the Investigation Bureau may be invited to participate in the investigation, depending on the nature of the serious railway accident or significant accident.

35. The railway infrastructure manager and the railway undertaking shall provide the Investigation Bureau and the State Police with the following:

35.1. access to the speedometer ribbons, voice communication recording installations, content of installations registering the operation of the signalling and traffic management system, as well as statements regarding brakes, warning forms, train wheel reports and the journal of the technical state of a locomotive;

35.2. the layout diagrams of the track damages and railway rolling stock, as well as the creation of diagrams of the accident scene. The starting point, the location of the locomotive

and cars shall be marked in the diagrams, as well as it shall be indicated in which kilometre and picket the accident has taken place;

35.3. the taking of photographs of the general view of the consequences, the state of the damaged track, railway rolling stock, control apparatus of the locomotive, as well as, if necessary, photographs of the wrongly loaded car, turned off stop-valve of the main brake, external objects and broken parts found on the track;

35.4. the drawing up of a location inspection report, reports on the technical state of the tracks, signalling equipment, central control and interlocking equipment, communication and other equipment;

35.5. the provision of written explanations of the railway specialists and other witnesses.

36. The Investigation Bureau shall inform the State Railway Technical Inspectorate, the railway infrastructure manager involved in the railway traffic accident, the railway undertaking, the injured persons and their relatives, the owners of the damaged property, the manufacturers, the relevant emergency services, the representatives of personnel and users regarding the investigation process of the accident and shall provide them with an opportunity to provide their opinions and comments regarding the information provided in the draft reports.

37. The Investigation Bureau shall, as soon as possible, but no later than within 12 months after the accident, prepare a final report (Annex 1) and send it to the State Railway Technical Inspectorate, the persons involved in the serious railway accident, as well as the European Railway Agency. The final report of the investigation shall be signed by the investigator-in-charge and all participants of the investigation. If a dispute occurs regarding the content of the report, the final report of the investigation shall be prepared in the version approved by the investigator-in-charge. The participant in the investigation who disagrees with the content of the final report shall sign it with a note regarding his or her differing opinion and, substantiating such opinion, shall append it to the report. The date of signing of the final report shall be considered to be the final day of the investigation.

## V. Organisation and Ensuring of the Investigation of a Significant Accident

38. The significant accidents referred to in Sub-paragraphs 10.1, 10.2, 10.5, and 10.6 of this Regulation shall be investigated by a commission formed by the State Railway Technical Inspectorate, the railway infrastructure manager, and the railway undertaking. The chairperson of the commission shall be a representative of the State Railway Technical Inspectorate.

39. The significant accidents referred to in Sub-paragraphs 10.3 and 10.4 of this Regulation shall be investigated by a commission formed jointly by the railway infrastructure manager and the railway undertaking. The composition of the commission shall include representatives of the railway infrastructure manager and the railway undertaking. Collisions on level crossings, in which the rolling stock is involved, shall be investigated by a commission the chairperson of which is a representative of the railway infrastructure manager. An accident with one or several injured persons – persons who have fallen or been hit by unfastened objects, while located in the rolling stock during the movement thereof, shall be investigated by a commission the chairperson of which is a representative of the railway undertaking.

40. If an accident with a person has occurred and the railway undertaking has not been identified, such accident shall be investigated by the railway infrastructure manager.

41. If a significant accident is related to shuntings performed by the infrastructure manager or in connection with maintenance works of the railway infrastructure, as well as in case the

manager is concurrently also the railway undertaking, such significant accident shall be investigated by the railway infrastructure manager.

42. In the investigation of a significant accident, the railway infrastructure manager and the carrier shall ensure:

42.1. the preparation of reports from the place of the accident, reports on the territory or traction unit, item or object of inspection;

42.2. the layout diagrams of the track damages and the railway rolling stock, as well as the diagrams of the accident scene;

42.3. documents which contain information regarding the facts (in written or other form).

43. The commission for the investigation of significant accidents shall draw up an accident report (Annex 2) within 35 days after stating of the accident. The commission shall, within three working days after drawing up of the report, send it to the State Police, the Investigation Bureau, the State Railway Technical Inspectorate, the railway infrastructure manager and the railway undertaking involved in the accident.

## VI. Organisation of the Investigation of a Railway Traffic Safety Violation

44. The traffic safety violations referred to in Sub-paragraphs 17.1, 17.1[1], 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, and 17.11 of this Regulation shall be investigated by a commission established by the State Railway Technical Inspectorate, the railway infrastructure manager, and the railway undertaking. The chairperson of the commission shall be a representative of the State Railway Technical Inspectorate.
*[14 July 2015]*

45. The traffic safety violations which are connected with the railway undertaking (with the exception of those referred to in Sub-paragraphs 17.1, 17.1[1], 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, and 17.11 of this Regulation) shall be investigated by a commission jointly established by the railway infrastructure manager and the railway undertaking. The commission shall include representatives of the railway infrastructure manager and the railway undertaking. The railway infrastructure manager shall be the chairperson of the investigation commission. Traffic safety violations in which the railway undertaking is not involved or identified, shall be investigated by the railway infrastructure manager.
*[14 July 2015]*

46. In order to facilitate the investigation of railway traffic safety violations, the railway infrastructure manager and the railway undertaking shall ensure all data and documents, which have a substantial influence on determining the causes of the railway traffic safety violation.

47. The commission for the investigation of a railway traffic safety violation shall, within five working days after establishment of a violation, draw up a report on the railway traffic safety violation (Annex 3). If it is necessary to extend the investigation for the determination of the cause of the relevant violation, the commission may take a decision to extend the investigation up to five working days. The commission shall, within three working days after drawing up the report, send it to the State Railway Technical Inspectorate, the railway infrastructure manager and the railway undertaking involved in the railway traffic violation.

## VII. Drawing Up and Recording of the Results of the Railway Traffic Accident Investigation

48. In order to prevent the causes and circumstances of a serious railway accident or a significant accident, as well as to guarantee the railway traffic safety, the Investigation Bureau, basing on the conclusions drawn during the investigation, shall develop safety recommendations.

49. The presumption of guilt or liability of a person in relation to a railway traffic accident shall not be established in the safety recommendations.

50. The Investigation Bureau shall send the safety recommendations to the State Railway Technical Inspectorate and, if necessary due to the nature of the recommendations, to other institutions or a railway safety authority of another EU Member State. The State Railway Technical Inspectorate and other institutions that receive the safety recommendations shall take the necessary measures to ensure that the safety recommendations issued by the Investigation Bureau or an investigation body of another EU Member State are duly taken into account, and decisions on the recommendations are made in the respective cases.
*[17 June 2014]*

51. [17 June 2014]

52. The State Railway Technical Inspectorate shall monitor the implementation of the safety recommendations.

53. Institutions to which the safety recommendations are addressed, after coordination with the State Railway Technical Inspectorate, may also perform other measures in order to achieve the targets referred to in the safety recommendations.

54. The State Railway Technical Inspectorate and other institutions that receive the safety recommendations at least once a year shall notify the Investigation Bureau or an investigation body of another EU Member State that has issued the recommendations regarding the performed or planned measures in relation to the safety recommendations.
*[17 June 2014]*

55. In order to ensure the evaluation, monitoring and improvement of the condition of the railway safety, the State Railway Technical Inspectorate shall ensure the registration of railway traffic accidents.

56. The State Railway Technical Inspectorate shall perform inspections and investigative activities, which are necessary for the registration of railway traffic accidents.

57. The State Railway Technical Inspectorate shall publish each year a safety report on the development of railway safety. The State Railway Technical Inspectorate, by 30 September of the current year, shall send the abovementioned safety report to the European Railway Agency and shall indicate common safety indicators of the preceding year (Annex 4). The State Railway Technical Inspectorate according to the calculation methodology specified in Annex 4 to this Regulation shall submit a report on the economic impact of significant accidents.
*[14 July 2015]*

58. If, after submitting the report referred to in Paragraph 57 of this Regulation, new facts are uncovered or if mistakes are established after information regarding common safety indicators

has been submitted, the State Railway Technical Inspectorate shall without delay update the common safety indicators and shall send the updated report to the European Railway Agency, but no later than until the submission of the next report.
*[14 July 2015]*

## VIII. Closing Provision

59. Cabinet Regulation No. 393 of 6 October 1998, Procedures for the Investigation of Railway Traffic Accidents (*Latvijas Vēstnesis*, 2002, No. 86; 2007, No. 56, 103; 2008, No. 171), is repealed.

## Informative Reference to the European Union Directives

*[14 July 2015]*

This Regulation transposes:

1) 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) Commission Directive 2009/149/EC of 27 November 2009 amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs;

3) Commission Directive 2014/88/EU of 9 July 2014 amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs.

Prime Minister V.Dombrovskis

Acting for the Minister for Transport – Minister for Environment R. Vējonis

**Annex 1**
Cabinet Regulation No. 999
26 October 2010

# Information to be Included in the Final Report of the Investigation Bureau on Transport Accidents and Incidents

1. Information regarding the accident:
    1.1. the date, exact time and place of the accident;
    1.2. description of the measures carried out by rescue and emergency services;
    1.3. the decision on the investigation, persons who conducted the investigation, the investigation process;
    1.4. the railway undertaking and the railway infrastructure manager connected with the accident, railway specialists, other parties and witnesses;
    1.5. trains and their composition, series and registration number of the rolling stock;
    1.6. description of the railway infrastructure and equipment thereof;
    1.7. works carried out at or in the vicinity of the place of the accident;
    1.8. the documents reflecting the operational actions of the railway undertaking and railway infrastructure manager and the events connected thereto;
    1.9. the emergency plan of the rescue services, the police and the emergency medical services and the events connected thereto;
    1.10. persons who have died or to whom serious injuries have been caused;
    1.11. material damage:
        1.11.1. the cargo, luggage and other property;
        1.11.2. the rolling stock, railway infrastructure, harm to the environment;
    1.12. weather conditions and geographical references.

2. The summary of testimonies of railway specialists and other witnesses.

3. Information regarding the safety management system:
    3.1. the framework of the company, instructions of the management and fulfilment thereof;
    3.2. requirements on staff and observation thereof;
    3.3. programmes for internal checks and audits and their results.

4. Laws and regulation governing the traffic safety and internal documents.

5. Data of the speedometer registering the technical state and operation of the rolling stock, railway infrastructure and equipment thereof and of other registering installations.

6. Documentation on the operation of the operating system:
    6.1. measures taken by railway employees for traffic control and signalling;
    6.2. exchange of verbal messages regarding the accident, including documentation of conversation recordings;
    6.3. measures taken to protect and safeguard the place of the accident.

7. Organisation of the man-machine interface:
    7.1. the work and rest periods determined for the railway specialists involved;

7.2. the state of health and personal circumstances that have influenced the occurrence, including physical and psychological overload;

7.3. the design of equipment that has impact on the man-machine interface.

8. Information regarding previous occurrences of a similar character.

9. Analysis of the established facts in order to draw conclusions regarding the causes of the accident and the work of the rescue service.

10. Conclusions:

10.1. direct causes of the occurrence, as well as contributory factors in relation to the actions taken by the persons involved or the condition of the rolling stock and technical installations of the railway infrastructure;

10.2. underlying causes related to the relevant procedures, maintenance of the rolling stock and technical installations of the railway infrastructure and skills of the railway employees;

10.3. root causes related to the conditions of laws and regulations and the safety management system.

11. Deficiencies and shortcomings established during the investigation, that are not related to the causes of the accident.

12. A description of the measures performed and planned.

13. Safety recommendations.

Acting for the Minister for Transport – Minister for Environment R. Vējonis

 

**Annex 2**
Cabinet Regulation No. 999
26 October 2010
*[14 July 2015]*

# Report on the Investigation of a Significant Accident

Drawn up _____ Date of drawing up _____
(name of place) (date)

1. Date of the accident _____
(date, time)
2. Place of the accident _____
(station, section)
3. Classification of the accident _____

4. Infrastructure:
4.1. main rail tracks (kilometre and picket) _____
4.2. station tracks (track No., switch No.) _____
4.3. sidings (public or private) _____
(track No., switch No.) _____

5. Consequences of the accident:
5.1 a person has died (gender, age of the person) _____
5.2. a person has obtained serious injuries (gender, age of the person) _____

5.3. damage to the rolling stock and infrastructure (description) _____

5.4. costs of the damage to the rolling stock and infrastructure (sum)[1] _____

5.5. damage to environment (description) _____

5.6. cost of damages to environment (sum)[2] _____

5.7. disruptions to traffic on a main railway line (hours, minutes) _____

5.8. delays (train No., time of delay in minutes)

5.8.1. passenger _____

5.8.2. freight _____

6. Railway infrastructure manager (company name, registration number, legal address, and telephone number)

7. Railway undertaking (company name, registration number, legal address, and telephone number)

8. Description of the accident _____

9. Category of injured persons (mark as appropriate)

9.1. passenger[3] ☐

9.2. employee[4] ☐

9.3. level crossing user[5] ☐

9.4. unauthorised person on railway premises (trespasser)[6] ☐

9.5. other person at a platform[7] ☐

9.6. other person not at a platform[8] ☐

9.7. caused suspicion about an intended suicide[9] or a suicide attempt[10], attested by:

| | |
|---|---|
| 9.7.1. a left suicide note | ☐ |
| 9.7.2. running out in front of a moving train | ☐ |
| 9.7.3. lying down on the tracks | ☐ |
| 9.7.4. inadequate reaction/failure to react to signals | ☐ |

10. Conclusions on the cause of the accident _____

11. Recommendations for the improvement of the traffic safety _____

12. Investigation conducted by

Chairperson of the commission _____

Members of the commission _____

13. List of investigation documents

Notes.

[1] Costs of material damage to the rolling stock or infrastructure means the cost of providing new rolling stock or infrastructure, with the same functionalities and technical parameters as that damaged beyond repair, and the cost of restoring repairable rolling stock or infrastructure to its state before the accident. These costs are to be estimated by railway undertakings and infrastructure managers on the basis of their experience, including also costs related to the leasing of rolling stock, as a consequence of non-availability due to damaged vehicles.

[2] Costs of damage to environment means expected costs that are to be met by railway undertakings and infrastructure managers, in order to restore the damaged area to its state before the railway accident.

[3] Passenger means any person (excluding a member of the train crew) who makes a trip by rail. A passenger trying to embark onto or disembark from a moving train shall also be included in accident statistics.

[4] Employee means any person whose employment is in connection with a railway and is at work at the time of the accident, including the staff of contractors, self-employed contractors, the crew of the train and persons handling rolling stock and infrastructure installations.
[5] Level crossing user means any person using a level crossing to cross the railway line by any means of transport or by foot.
[6] An unauthorised person on railway premises (trespasser) means any person present on railway premises where such presence is forbidden, with the exception of a level crossing user.
[7] Other person at a platform means any person at a railway platform who is not defined as passenger, employee, level crossing user, other person not at a platform or unauthorised person on railway premises (trespasser).
[8] Other person not at a platform means any person not at a railway platform who is not defined as passenger, employee, level crossing user, other person at a platform or unauthorised person on railway premises (trespasser).
[9] Suicide means an act to deliberately injure oneself resulting in death, as recorded and classified by the competent national authority.
[10] Attempted suicide means an act to deliberately injure oneself resulting in serious injury. Within the meaning of this Regulation, attempted suicide also means an act to deliberately injure oneself resulting in serious bodily harm. These acts are recorded and classified by the competent national authority.

**Annex 3**
Cabinet Regulation No. 999
26 October 2010
*[14 July 2015]*

# Report on the Investigation of a Railway Traffic Safety Violation

Drawn up _____ Date of drawing up _____
(name of place) (date)

1. Date of the violation _____
(date, time)
2. Place of the violation _____
(station, section)
3. Classification of the violation _____

4. Infrastructure:
4.1. main rail tracks (kilometre and picket) _____
4.2. station tracks (track No., switch No.) _____
4.3. sidings (public or private) _____
(track No., switch No.) _____

5. The consequences of the violation:
5.1. damage to the rolling stock and infrastructure (description) _____

5.2. costs of the damage to the rolling stock and infrastructure (sum)[1] _____
5.3. damage to environment (description) _____

5.4. costs of damage to environment (sum)[2] _____
5.5. disruptions to traffic on a main railway line (hours, minutes) _____
5.6. delays (train No., time of delay in minutes) _____
5.7. passenger _____

5.8. freight

6. Railway infrastructure manager (company name, registration number, legal address, and telephone number)

7. Railway undertaking (company name, registration number, legal address, and telephone number)

8. Description of the violation

9. Conclusions on the cause of the violation

10. Recommendations for the improvement of the traffic safety

11. Investigation conducted by

Chairperson of the commission

Members of the commission

12. List of investigation documents

Notes.
[1] Costs of material damage to the rolling stock or infrastructure means the cost of providing new rolling stock or infrastructure, with the same functionalities and technical parameters as that damaged beyond repair, and the cost of restoring repairable rolling stock or infrastructure to its state before the accident. These costs are to be estimated by railway undertakings and infrastructure managers on the basis of their experience, including also costs related to the leasing of rolling stock, as a consequence of non-availability due to damaged vehicles.
[2] Costs of damage to environment means expected costs that are to be met by railway undertakings and infrastructure managers, in order to restore the damaged area to its state before the railway accident.

**Annex 4**
Cabinet Regulation No. 999
26 October 2010

# Common Safety Indicators

*[14 July 2015]*

1. The total and relative number of significant railway traffic accidents divided in the following categories (a significant railway traffic accident is classified by the initial type of the accident, also in the case where the secondary consequences are more severe, for example, a fire after train derailment):

1.1. train collision with the rail vehicle;

1.2. train collision with obstacle within the clearance gauge;

1.3. derailment of train;

1.4. level crossing accident, including accidents on level crossings involving pedestrians;

1.5. accident to persons involving rolling stock in motion (except suicides and attempted suicides);

1.6. fire and explosion of the rolling stock;

1.7. other significant accident.

2. The following division is used for the total and relative number of people who have been heavily injured or died according to various types of accidents:

2.1. passenger;

2.2. employee;

2.3. level crossing user;

2.4. unauthorised person on railway premises (trespasser);

2.5. other person at a platform;

2.6. other person not at a platform.

3. In the case referred to in Sub-paragraph 2.1 of this Annex, the relevant number is indicated in relation to the number of passenger-kilometres and train kilometres. Passenger-kilometre is a unit of measure representing the transport of one passenger by rail over a distance of one kilometre within the territory of a state.

4. Total and relative number of accidents involving the transport of dangerous goods by rail divided into the following categories:

4.1. accident involving at least one railway vehicle transporting dangerous goods (all accidents must be notified in accordance with Sub-paragraph 1.8.5 of Appendix C “Regulation Concerning the International Carriage of Dangerous Goods by Rail (RID)” to the Protocol of 3 June 1999 on Amendments to the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980);

4.2. number of such accidents in which dangerous goods are released.

5. The following division is used for the total and relative number of suicides and attempted suicides:

5.1. suicide;

5.2. attempted suicide.

6. Total and relative number of precursors to accidents and a break down on the following types of precursor (precursors that have caused significant railway accidents or caused consequences of a significant railway accident also are classified):

6.1. broken rail;

6.2. defect of the track superstructure (for example, track buckle, misalignment) that is connected with the continuity and geometry of the track;

6.3. wrong-side signalling failure;

6.4. signal passed at danger when passing a danger point;

6.5. signal passed at danger without passing a danger point;

6.6. broken wheel on rolling stock in service;

6.7. broken axle on rolling stock in service.

7. The relative number referred to in Paragraphs 1, 2, 4, 5, and 6 of this Annex is indicated in train kilometres. A train kilometre is a unit of measurement representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used.

8. Indicators to calculate the economic impact of accidents are the total and relative sum in *euro* that includes:

8.1. number of deaths and serious injuries multiplied by the value of preventing a casualty attributed to the prevention of a casualty and as such not forming a reference for compensation between parties involved in accidents;

8.2. cost of damages to environment;

8.3. cost of material damages to rolling stock or infrastructure;

8.4. cost of delays as a consequence of accidents.

9. The calculations for significant accidents (different from calculations for deaths and serious injuries) referred to in Sub-paragraph 8.1 of this Annex consist of:

9.1. safety assessment of one person established by the research of the European Commission that is used in calculations for reducing the number of such accidents and willingness to pay (hereinafter — WTP);

9.2. actual direct and indirect economic costs (cost values appraised for the society), composed of:

9.2.1. medical and rehabilitation cost;

9.2.2. legal court cost, cost for police, private crash investigations, the emergency service and administrative costs of insurance;

9.2.3. production losses: value to society of goods and services that could have been produced by the person if the accident had not occurred.

10. In order to establish safety assessment of one person and direct and indirect economic costs that are referred to in Sub-paragraphs 9.1 and 9.2 of this Annex accordingly, the following principles must be taken into consideration:

10.1. estimates shall relate to a system for valuation of mortality risk reduction in the transport sector and follow a WTP approach according to the study of the European Commission;

10.2. the respondent sample used for the values shall be representative of the population concerned (in particular, the sample has to reflect the age/income distribution along with other relevant socioeconomic/demographic characteristics of the population;

10.3. survey design of WTP shall be such that questions are clear and meaningful to respondents.

11. In the case referred to in Sub-paragraph 8.4 of this Annex, cost of delays as a consequence of significant accidents means the monetary value of delays incurred by users of rail transport (passengers and freight customers) as a consequence of accidents, calculated by the following model:

11.1. monetary value ($VT_p$) of travel time (in hours) savings for one passenger for an hour in euro is calculated by using the following formula:

$$VT_p = VT_{p1} \times p_1 + VT_{p2} \times p_2, \text{ where}$$

$VT_{p1}$ – monetary value of travel time savings in *euro* for those working passengers who use the transport in connection with their professional activities (except commuting from the place of residence and the place of work);
$p_1$ – the average part of work passengers per year;
$VT_{p2}$ — monetary value in *euro* of travel time savings of non-work passengers;
$p_2$ – the average part of work passengers per year;

11.2. monetary value in *euro* ($VT_k$) of travel time (in hours) savings for one tonne for an hour of travel time of a freight train is calculated using the following formula:

$$VT_k = VT \times (\text{tonne-kilometres/train kilometres}), \text{ where}$$

VT — monetary value of travel time (hour) savings in euros of a freight train;
(tonne kilometres/train kilometres) – average tonnes of goods transported per train in one year;

11.3. costs for one minute of delay ($CM_p$) of a passenger train in *euro* is calculated by using the following formula:

$$CM_p = 2.5 \times (VT_p/60) \times (\text{passenger-kilometres/train kilometres}), \text{ where}$$

coefficient 2.5 is between the value of time and the value of delay, as estimated by the studies of the European Commission, to take into account that the time lost as a result of delays is assessed considerably more negatively than normal travel time;
(passenger kilometres/train kilometres) – average number of passengers transported per train per year;

11.4. costs for one minute of delay ($CM_k$) of a freight train in *euro* is calculated by using the following formula:

$$CM_k = 2.15 \times (VT_k/60), \text{ where}$$

coefficient 2.15 is between the value of time and the value of delay, as estimated by the studies of the European Commission, to take into account that the time lost as a result of delays is assessed considerably more negatively than normal travel time;

11.5. costs for a delay caused by a significant accident in *euro* is calculated by using the following formula:

Cost of a delay = $CM_p$ x minutes of delay of passenger trains + $CM_k$ x minutes of delay of freight trains.

12. The tonne kilometre referred to in Sub-paragraph 11.2 of this Annex is a unit of measurement for freight transport that is explained in Article 1 (18) of Regulation (EC)

No 1192/2003 of the European Commission of 3 July 2003 amending Regulation (EC) No 91/2003 of the European Parliament and Commission on rail transport statistics.

13. The relative sum referred to in Paragraph 8 of this Annex in *euro* is indicated in respect of train kilometres.

14. The part (percentage) of railway that is equipped with a train security system and the part of a train kilometre (percentage) that is equipped with on-board train security systems.

15. The security system referred to in Paragraph 14 of this Annex is a system ensuring that the train follows established signals and speed limit.

16. On-board protection systems referred to in Paragraph 14 of this Annex mean systems assisting the driver to observe line-side signalling and in cab signalling and thus providing protection of danger points and enforcement of speed limits, and ensures:

16.1. warning, providing automatic warning to driver;

16.2. warning and automatic stop, providing automatic warning to driver and automatic stop when passing a signal at danger;

16.3. warning and automatic stop and discrete supervision of speed, providing protection of danger points, where discrete supervision of speed means supervision of speed at certain locations (speed traps) at the approach of a signal;

16.4. warning and automatic stop and continuous supervision of speed, providing protection of danger points and continuous supervision of the speed limits of the line, where continuous supervision of speed means continuous indication and enforcement of the maximal allowed target speed on all sections of the line.

17. Number of railway crossings divided in various types of crossings:

17.1. passive level crossing means a level crossing without any form of warning system or protection activated when it is unsafe for the user to traverse the crossing;

17.2. active level crossing means a level crossing where the crossing users are protected from or warned of the approaching train by physical devices (half or full barriers and gates) or by visible devices, bells, horns, klaxons, etc. at level crossings, which are activated when it is unsafe for the user to traverse the crossing. Active level crossings are classified as follows:

17.2.1. manual level crossing where user-side protection or warning is manually activated by a railway employee;

17.2.2. an automatic level crossing with user-side warning where user-side warning is activated by the approaching train;

17.2.3. automatic level crossing with user-side protection where user-side protection is activated by the approaching train, and it includes a level crossing with both user-side protection and warning;

17.2.4. rail-side protected level crossing where a signal or other train protection system permits a train to proceed once the level crossing is fully user-side protected and is free from incursion.

18. The crossing referred to in Sub-paragraphs 1.4, 2.3 and Paragraph 17 of this Annex is a crossing of a road (any public or private road, street or highway, including adjacent footpaths and bicycle lanes) or a crossing (any route, other than a road, provided for the passage of people, animals, vehicles or machinery) and a level intersection as recognised by the infrastructure manager and open to public or private users. Passages between platforms within stations are excluded, as well as passages over tracks for the sole use of employees.

19. A specific number of every type of crossings referred to in Sub-paragraphs 17.1, 17.2.1, 17.2.2, 17.2.3, and 17.2.4 of this Annex is established, as well as the total number of level crossings per line kilometre and track kilometre. A line kilometre is the length of the railway network in kilometres where only the distance between the starting point and destination of railway lines with several tracks is taken into consideration. A track kilometre is the length of the railway network in kilometres where all separate tracks are taken into consideration for railway lines with several tracks.