Republic of Latvia

Cabinet

Regulation No. 334

Adopted 2 June 2020

**Procedures for the Classification, Investigation, and Registration of Railway Traffic Accidents**

*Issued pursuant to*

*Section 40, Paragraph two of the Railway Law*

**I. General Provisions**

1. The Regulation prescribes the procedures for the classification, investigation, and registration of railway traffic accidents.

2. The 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 third countries are involved if the procedures for investigation are prescribed by the relevant international agreements.

3. A railway traffic accident shall be investigated in order to determine all the causes (action, deficiencies, events, circumstances or their combination which has caused the accident) and the consequences thereof.

4. Railway traffic accidents shall not be investigated and registered in accordance with this Regulation if they have occurred due to natural disasters, vandalism, or an act of terrorism.

5. In order to improve the railway traffic safety, to reduce the probability of the occurrence of railway traffic accidents, and to prevent railway traffic accidents in future, an investigation shall be performed as a preventive measure and it shall include aggregation and analysis of information, drawing of conclusions (including determination of the cause), and, if necessary, development of safety recommendations.

6. The investigation shall be performed independently of the investigation performed by law enforcement authorities and labour protection authorities.

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

**II. Classification of Railway Traffic Accidents**

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

8.1. a serious railway accident;

8.2. a significant accident;

8.3. a traffic safety violation;

8.4. an incident.

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

9.1. at least one person (hereinafter – the person) has died in the significant accident or has died within 30 days thereafter, except for the case when the person has acted knowingly and deliberately in order to injure oneself resulting in death (hereinafter – suicide);

9.2. injuries have been caused to the person due to which the person has been hospitalised for more than 24 hours, except for the case when the person has acted knowingly and deliberately in order to injure oneself resulting in serious injury (hereinafter – attempted suicide);

9.3. serious damage has been caused to the rolling stock, rail track, or other installations 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 relevant rail track has been suspended for six hours or more.

10. Significant accidents which have caused the consequences referred to in Paragraph 9 of this Regulation shall be classified as follows:

10.1. the collision of train:

10.1.1. with vehicle if there is a collision between a part of a train and a part of another train or vehicle (stationary or nonstationary) front to front, front to end or a side;

10.1.2. with obstacle within the clearance gauge if there is a collision between a part of a train and objects fixed or temporarily present on or near the track (except for an obstacle at level crossings or passages), including collision with overhead contact lines;

10.2. derailment of train if at least one wheel of a train leaves the top of the rail;

10.3. railway level crossing or passage (except for passages between platforms and passages for the sole use of employees) accident – an accident involving at least one vehicle and a person who is using the railway level crossing or passage for crossing the railway tracks by any means of transport or on foot (hereinafter – the level crossing user), one or more vehicles crossing the level crossing or passage, or objects temporarily present on or near the track if lost by a vehicle crossing the railway level crossing or passage, taking into account the following division of railway level crossings:

10.3.1. an accident on an active level crossing where user protection or warning of the level crossing is manually activated;

10.3.2. an accident on an active level crossing where users of the level crossing are warned by devices activated by an approaching vehicle (automatic warning of the user of the level crossing);

10.3.3. an accident on an active level crossing where users of the level crossing are warned and protected by devices activated by an approaching vehicle (automatic warning and protection of the user of the level crossing);

10.3.4. an accident on an active level crossing with the protection of the railway system where users of the level crossing are protected by devices (signals or protection system) permitting the vehicle to proceed once the railway level crossing is fully user-side protected and is free from incursion (automatic protection of the railway system);

10.3.5. an accident on a passive level crossing which is equipped only with road signs and for which no warning or protection devices have been activated;

10.3.6. an accident on a passage which is not located on the same carriageway as the railway level crossing. Passages which are located on the same carriageway with the railway level crossing shall be regarded as a part of the railway level crossing. Also passages which are the continuation of a pedestrian footpath of a road shall be regarded as a part of the railway level crossing;

10.4. an accident to a person involving rolling stock in motion – an accident 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, or an accident involving a person who falls from a vehicle or also who falls or is hit by a loose object when travelling on board vehicles (except for suicide or attempted suicide);

10.5. a fire or explosion in a vehicle (including its load) that occurs when it is running between the departure station and the destination (including when stopped at the departure station, the destination, or intermediate stops), and also during shunting operations of the vehicle;

10.6. another significant accident which has caused the harmful consequences referred to in Paragraph 9 of this Regulation.

11. The following are categories of persons injured in significant accidents:

11.1. passenger. For the purposes of the determination of safety indicators any person (except for members of the train crew) who makes a trip by rail, including a person who is trying to embark onto or disembark from a moving train, shall be regarded as a passenger;

11.2. employee. For the determination of safety indicators any person whose employment is in connection with a railway and who is at work at the time of the accident, including self-employed contractors, the crew of the train, and persons handling vehicle and infrastructure installations, shall be regarded as an employee;

11.3. level crossing user;

11.4. unauthorised person in the railway territory. It is any person present in the railway territory where such presence is prohibited (hereinafter – the trespasser);

11.5. other person at a platform. It is any person at a railway platform who is not defined as passenger, employee, level crossing user, other person not at a platform, or trespasser;

11.6. other person not at a platform. It is any person who is not present at a railway platform and who is not defined as passenger, employee, level crossing user, other person at a platform, or trespasser.

12. A violation of the railway traffic safety is a railway traffic accident which has not caused the harmful consequences referred to in Paragraph 9 of this Regulation. The violations of the railway traffic safety shall be classified as follows:

12.1. derailment of the vehicle;

12.2. a collision of the vehicle with:

12.2.1. another vehicle;

12.2.2. an object of the railway infrastructure, elements or objects of loading or unloading installations which endanger the railway traffic safety;

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

12.4. unauthorised routing of a train to an occupied railway section;

12.5. acceptance or routing of a train along an unprepared or incorrectly prepared 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;

12.6. passing a signal at danger while any part of the vehicle performs an unauthorised movement, passing a danger point which is determined by:

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

12.6.2. a verbal or written authorisation specified in the laws and regulations regarding railway technical operation that indicate the end point (destination) of the movement of a vehicle;

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

12.6.4. a hand signal or manually activated signal;

12.7. passing a signal at danger while any part of the train performs an unauthorised movement, not passing a danger point if:

12.7.1. ignoring of the order to stop is detected in cases when the train protection system is not operating;

12.7.2. movement is occurring after the end of a safety related movement authority provided in the train protection system;

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

12.9. switching of a point if a vehicle is located on it;

12.10. the rolling of a vehicle behind the standing point control post, signal lights, or isolated junctions;

12.11. broken parts of a vehicle in service or cracks that create a risk of derailment or collision, or damages that are the reason for subsequent discontinuation of the movement of the vehicle:

12.11.1. broken wheel (wheel centre or retaining ring) of the rolling stock during service;

12.11.2. broken wheel axle (wheelset axle, wheelset axle neck) of the rolling stock during service;

12.11.3. broken bogie frame, mainspring beam or ruptured load-bearing beam of the vehicle;

12.12. the routing of a train if the main brake stop valves between the vehicles are closed;

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

12.14. the turning of a switch point;

12.15. wrong side signalling system failure due to which the indication of the trackside equipment or on-board device is less restrictive than that demanded;

12.16. such damage of a traction unit of a train due to which it is not possible to perform a complete route up to the place of destination and an assistance for delivering the train to the place of destination has to be called for;

12.17. the uncoupling of a vehicle from a train due to the heating of the axle box or other technical reasons;

12.18. the switching of a permitting signal of the signal lights of the station to a signal at danger due to which the vehicle passes past a signal at danger;

12.19. the falling out of freight from a vehicle while in motion, endangering the railway traffic safety;

12.20. the failure to conform to the regulations for the loading of freight which endangers the railway traffic safety and due to which a wagon has to be uncoupled;

12.21. 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:

12.21.1. 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;

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

13. The violations of the railway traffic safety which are referred to in Sub-paragraphs 12.6, 12.7, 12.11.1, 12.11.2, 12.15, and 12.21 of this Regulation shall be regarded as precursors to be included in the common safety indicators.

14. For example, overspeed, stopping of a train out of the platform, unauthorised departure of a train with open doors, damages to or failures of a vehicle (including heating of the axle box), damages to a level crossing, damages to the railway infrastructure, damages to or failures in energy supply equipment, loading of an unsafe or unbalanced freight, failures of the device detecting the location of a vehicle, fire in fixed installations may be regarded as incidents.

**III. Notification of a Railway Traffic Accident**

15. In addition to the requirements which are laid down in the laws and regulations regarding the notification procedures in emergency cases the railway infrastructure manager or railway undertaking which is related to a railway traffic accident, shall immediately inform the following of the place and time of the accident, the railway undertaking and railway infrastructure manager involved in the accident, and the circumstances of the accident:

15.1. the State Railway Technical Inspectorate (hereinafter – the Inspectorate);

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

15.3. if the railway undertaking is informing – the relevant railway infrastructure manager;

15.4. if the railway infrastructure manager is informing – the relevant railway undertaking;

15.5. if the accident has occurred on tracks included in a private-use railway infrastructure and a vehicle that is used for traffic on public-use railway infrastructure tracks has been involved therein – also the public-use railway infrastructure manager.

16. In order to ensure the investigation of a railway traffic accident, the railway infrastructure manager and the railway undertaking shall, in the shortest time possible after the accident, prepare and submit a notification to the Inspectorate, indicating therein:

16.1. the date and time of the accident;

16.2. the notifier;

16.3. the railway infrastructure manager or railway undertaking involved;

16.4. the type and classification of the accident;

16.5. the information available on the place of the accident (including on the place of loading, unloading, or reloading) and the coordinates thereof;

16.6. the description of the event;

16.7. the information available on the rolling stock (including freight);

16.8. information available on the railway infrastructure (including level crossing and passage);

16.9. information available on the signalling;

16.10. information available on the environmental conditions, temperature, geology, and topography;

16.11. information available on victims (category, sex, and age of the victims, severity of injuries);

16.12. information available on damages and harm to the environment (also a description thereof);

16.13. information available on the traffic disruptions and delays;

16.14. information available on the costs incurred due to the accident;

16.15. information available on the causes of the accident;

16.16. conclusions and additional explanations;

16.17. recommendations for the improvement of the railway traffic safety.

17. Until approval of the investigation report referred to in Paragraph 49 of this Regulation the notification referred to in Paragraph 16 of this Regulation shall be updated and supplemented as soon as any missing information becomes available.

18. Each railway traffic accident shall be reported according to its initially determined type of a railway traffic accident, also if the consequences of such accident are more serious (for example, fire after derailment of a train).

19. 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 find out the circumstances of the accident.

20. An inspection shall be performed at the place of the accident in the shortest time possible so that the railway infrastructure manager could restore the railway infrastructure and the provision of services of carriage by rail as soon as possible.

21. If the technical condition of the railway infrastructure allows it, the railway infrastructure manager shall take a decision to restore the railway traffic after coordination with the Inspectorate.

22. If there are suspicions that the employee involved in the railway traffic accident has been using alcohol, narcotic or psychotropic substances, the railway infrastructure manager or railway undertaking shall, according to 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, narcotic, toxic, or psychotropic substances in accordance with the laws and regulations regarding the procedures for testing for the influence of alcohol, narcotic, psychotropic, or toxic substances.

**IV. Operation of the Investigation Bureau**

23. A serious railway accident shall be investigated by the Investigation Bureau. The Investigation Bureau may also investigate other railway traffic accidents which are not a serious railway accident, *inter alia*, technical defects of interoperability constituents of the European Union railway system and such incidents which, in other circumstances, could have caused a serious railway accident or a significant accident.

24. The Investigation Bureau shall, after receipt of the information referred to in Paragraph 15 of this Regulation on a serious railway accident, commence the investigation thereof without delay.

25. The Investigation Bureau shall, without delay and in any case not later than two months after the information referred to in Paragraph 15 of this Regulation on a railway traffic accident or a request of the railway infrastructure manager, the railway undertaking, the Inspectorate, or the competent authority of other European Union Member States has been received, take a decision on whether to commence an investigation.

26. Upon taking a decision on the commencement of an investigation of a railway traffic accident, the Investigation Bureau shall take into account:

26.1. the consequences of the accident;

26.2. whether the accident is a part of a succession of several accidents in the railway system;

26.3. the impact of the accident on the railway traffic safety;

26.4. requests of the railway infrastructure manager, the railway undertaking, the Inspectorate, or the competent authorities of other European Union Member States.

27. The Investigation Bureau shall, within seven days after commencing the investigation of a serious railway accident, inform the European Union Agency for Railways, the Inspectorate, the railway infrastructure manager and railway undertaking involved in the railway traffic accident thereof. The date, time and location of the accident, the type of the accident and the consequences thereof – the number of deaths and injuries, and also the amount of damage – shall be indicated in the information.

28. The Investigation Bureau shall determine the extent and procedures of the investigation depending on the potential conclusions which could be drawn from investigating the particular railway traffic accident for improvement of the traffic safety. The guilt and liability of a natural or legal person shall not be determined in the investigation.

29. The head of the Investigation Bureau shall appoint the responsible investigator for the investigation of a railway traffic accident who organises the investigatory activities and ensures an independent performance and control thereof, and also the resources necessary for the needs of the investigation (including for the performance of technical inspections and expert-examinations).

30. If it is not possible to determine in which European Union Member State a railway traffic accident has occurred, or if a railway traffic accident has occurred in Latvia and in the territory of another Member State or in close proximity of their borders, the Investigation Bureau shall agree with the investigation body of 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 railway traffic 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 of the investigation.

31. The Investigation Bureau may invite representatives of the investigation body of another European Union Member State to participate in the investigation of a railway traffic accident if a railway undertaking which is registered and licensed in the relevant European Union Member State is involved in the accident or if a vehicle which is registered or for which the maintenance is performed in the relevant European Union Member State is involved in the accident.

32. The investigation body of another European Union Member State is entitled to participate in an investigation performed by the Investigation Bureau and to use in full the results of the investigation. The responsible investigator shall grant such authority to the investigation body of the relevant European Union Member State which is necessary for it to be able to participate in collection of the intended evidence upon request, and shall grant access to the information and evidence which are necessary for it to be able to efficiently participate in the investigation, taking also into account Section 33.1, Paragraph 2.2 of the Railway Law.

33. The Investigation Bureau may agree with the investigation body of another European Union Member State that it cooperates also in investigation of other railway traffic accidents.

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 railway traffic accident. The Investigation Bureau may request the assistance of the investigation body of another European Union Member State or the European Union Agency for Railways in order to receive an expert’s opinion or to perform a technical expert-examination, analysis, or evaluation, if it does not endanger the independence of the Investigation Bureau.

35. The Investigation Bureau shall perform the investigation in a way to hear all the persons involved in the railway traffic accident and for them to be able to become acquainted with the results of the investigation. In order to improve the quality of the investigation report, the Investigation Bureau shall take into account the relevant technical information provided by the Inspectorate, the European Union Agency for Railways, the railway infrastructure manager involved in the railway traffic accident, the railway undertaking, the victims and their relatives, the owners of the damaged property, the manufacturers, the relevant emergency services, representatives of the staff and users. The Investigation Bureau shall also take into account justified interests of the victims and their relatives and inform them of the course of the investigation.

36. The Investigation Bureau shall prepare a report on the investigation of the railway traffic accident which conforms to the type and severity of the railway traffic accident and the relevance of the results obtained during investigation. The objective of the investigation and – in the relevant case – safety recommendations shall be indicated in the report.

37. The Investigation Bureau shall, as soon as possible but not later than within 12 months after the railway traffic accident, prepare and publish the final report of the investigation. If it is not possible to publish the final report of the investigation within 12 months after the accident, the Investigation Bureau shall, at least once a year, provide an interim report, describing in detail the progress of the investigation and what issues in relation to safety have been updated.

38. The Investigation Bureau shall send the final report of the investigation together with safety recommendations to the Inspectorate, the European Union Agency for Railways, the railway infrastructure managers involved in the railway traffic accident, the railway undertakings, the victims and their relatives, the owners of the damaged property, the manufacturers, the relevant emergency services, representative of the staff and users, and, if necessary, also to the relevant institutions and persons in other European Union Member States.

39. The date of signing of the final report of the investigation shall be considered to be the final day of the investigation.

40. In order to prevent the causes and circumstances of occurrence of a railway traffic accident and to guarantee the railway traffic safety, the Investigation Bureau, based on the conclusions drawn during the investigation, shall develop safety recommendations. The presumption of guilt or liability in relation to a railway traffic accident shall not be indicated in the safety recommendations.

41. The Investigation Bureau shall address the safety recommendations to the Inspectorate and, if it is necessary due to the nature of recommendations, to other competent authorities of the Republic of Latvia, the European Union Agency for Railways, and the relevant institutions of other European Union Member States. If the security recommendations have been addressed to the Inspectorate, it shall, according to the competence, take measures to ensure that the safety recommendations issued by the Investigation Bureau or an investigation body of another European Union Member State are appropriately taken into account and shall act according to them in the relevant cases.

42. Addressees of the safety recommendation may, after coordination with the Inspectorate, also take other measures to achieve the targets referred to in the safety recommendations.

43. The Inspectorate and other institutions to which the safety recommendations are addressed shall, at least once a year, provide information to the Investigation Bureau or an investigation body of another European Union Member State that has issued the recommendations on the measures taken or planned.

44. The Investigation Bureau shall, each year by 30 September, publish on its website the annual report on the railway traffic accidents investigated in the previous year, the safety recommendations provided, and the activities carried out according to the previously issued recommendations. The final report shall be sent to the European Union Agency for Railways.

**V. Investigation of Railway Traffic Accidents**

45. A railway traffic accident shall be investigated by the railway infrastructure manager and the railway undertaking. If the railway undertaking has not been identified, the railway traffic accident shall be investigated by the railway infrastructure manager only.

46. In order to facilitate the investigation of railway traffic accidents, the railway infrastructure manager and the railway undertaking shall aggregate all the data and documents which are of significance in ascertaining the causes of the railway traffic accident, including shall aggregate the documents of inspection of the site of accident and the descriptions of circumstances, inspection reports of the vehicles, items, or objects involved in the accident.

47. In order to prevent the causes and circumstances of the occurrence of a railway traffic accident and to guarantee the railway traffic safety, the railway infrastructure manager and the railway undertaking, based on the conclusions drawn during the investigation, shall develop recommendations for the improvement of the railway traffic safety.

48. The railway infrastructure manager and the railway undertaking shall jointly prepare a report on the investigation of the railway traffic accident (except for an incident), using the notification referred to in Paragraph 16 of this Regulation. The following shall be indicated in the investigation report:

48.1. the place and date of preparation of the report;

48.2. the place, date, time, and description of the accident;

48.3. the infrastructure manager, railway undertaking involved in the accident and other persons involved;

48.4. the type and classification of the accident;

48.5. identification of vehicles, their damages and costs which are necessary to purchase new vehicles in order to replace the irreversibly damaged vehicles, the new vehicles having the same functions and technical characteristics, and also the costs necessary to restore the vehicles to be repaired to the same condition as they were before the railway traffic accident, on the basis of experience of the railway undertaking and taking into account the lease costs of vehicles arising due to replacement of the damaged vehicles;

48.6. a description of the railway infrastructure, its damages and costs which are necessary to purchase new elements of the railway infrastructure in order to replace the irreversibly damaged elements of the railway infrastructure, the new elements of the railway infrastructure having the same functions and technical characteristics, and also the costs necessary to restore the railway infrastructure to the same condition as it was before the accident on the basis of experience of the railway infrastructure manager;

48.7. a description of the damage caused to the environment and the foreseeable costs of the railway infrastructure manager and the railway undertaking which are necessary to restore the environment to the same condition as it was before the accident;

48.8. disruptions in the railway traffic, train delays, and costs which have arisen to the railway undertaking due to the traffic delays related to the accident;

48.9. the victims, if any;

48.10. the causes of the accident;

48.11. recommendations for improvement of the railway traffic safety and the deadlines for their implementation;

48.12. a list of the documents attached to the report.

49. The investigation report shall be approved by representatives of the railway infrastructure manager and of the railway undertaking. If the railway undertaking has not been identified and does not participate in the preparation of the investigation report, the report shall be approved by the railway infrastructure manager. The date of approval of the investigation report shall be considered to be the final day of the investigation.

50. The railway infrastructure manager and the railway undertaking shall, within three working days after preparation of the investigation report, submit it to the Inspectorate.

51. The railway infrastructure manager and the railway undertaking shall inform the Inspectorate of the implementation of the recommendations referred to in Sub-paragraph 48.11 of this Regulation within the time period indicated in the investigation report.

52. Upon investigating an incident, the railway infrastructure manager and the railway undertaking shall ascertain whether the incident should be classified as a violation of the railway traffic safety, and also evaluate the impact of the incident on safety, ascertain causes, and take relevant measures for the improvement of the railway traffic safety.

53. The railway infrastructure manager and the railway undertaking shall prepare and send the investigation report to the Inspectorate not later than within 35 days after detection of a significant accident and not later than within five working days after detection of a violation of the railway traffic safety.

54. If additional time is necessary for ascertaining the causes of a railway traffic accident, the railway infrastructure manager and the railway undertaking may take a decision to extend the deadline for ending the investigation by five working days, justifying it accordingly and informing the Inspectorate thereof.

55. The Inspectorate shall supervise whether the investigation has been fully performed, the investigation reports have been prepared accordingly, all the causes and circumstances have been evaluated, conclusions and recommendations have been prepared for the improvement of the railway traffic safety, the types of railway traffic accidents have been classified appropriately.

56. The Inspectorate shall, within five working days after receipt of the investigation report, notify the Investigation Bureau regarding ending of the investigation of the railway traffic accident. If the Inspectorate does not agree to the information indicated in the investigation report, it shall, within five working days, forward the abovementioned report to the Investigation Bureau.

**VI. Registering of Railway Traffic Accidents**

57. The Inspectorate shall ensure registering of railway traffic accidents, data analysis, and preparation of common safety indicators in accordance with Annex to this Regulation.

58. The Inspectorate shall, by 30 September of the current year, notify the European Union Agency for Railways regarding the common safety indicators of the previous year. The Inspectorate shall, according to the calculation methodology indicated in Annex to this Regulation, submit a report on the economic impact of significant accidents.

59. If, after notification regarding the common safety indicators, new facts are uncovered or mistakes are established, the Inspectorate shall, without delay, update the common safety indicators notified and shall, not later than by 30 September of the following year, hand over the updated information to the European Union Agency for Railways.

60. On the basis of the safety levels evaluated and the risks identified, the Inspectorate in cooperation with the participants of the railway system shall, each year, develop and publish a safety plan on its website, indicating the measures which are intended for the achievement of the common safety targets.

61. The targets and actions or initiatives for the next period shall be indicated in the safety plan. The targets specified in the safety plan shall include a description as to what will be achieved and in what period of time the tasks will be implemented. The safety plan shall also include obligations and incentives for the implementation of efficient safety measures.

**VII. Closing Provisions**

62. Cabinet Regulation No. 999 of 26 October 2010, Procedures for the Classification, Investigation and Recording of Railway Traffic Accidents (*Latvijas Vēstnesis*, 2010, No. 174; 2013, No. 179; 2014, No. 120; 2015, No. 140), is repealed.

63. The Regulation shall come into force on 16 June 2020.

**Informative Reference to the European Union Directive**

The Regulation includes the legal norms arising from Directive (EU) 2016/798 of 11 May 2016 of the European Parliament and of the Council on railway safety.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits

**Annex**

Cabinet Regulation No. 334

2 June 2020

**Common Safety Indicators and the Procedures for Their Application**

1. The total and relative number of significant accidents divided as follows (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. collision of train with a vehicle;

1.2. collision of train with an obstacle within the clearance gauge;

1.3. derailment of train;

1.4. railway level crossing or passage accident, taking into account the following break-down of railway level crossings:

1.4.1. an accident on an active level crossing where user protection or warning of the level crossing is manually activated;

1.4.2. an accident on an active level crossing where users of the level crossing are warned by devices activated by an approaching vehicle (automatic warning of the user of the level crossing);

1.4.3. an accident on an active level crossing where users of the level crossing are warned and protected by devices activated by an approaching vehicle (automatic warning and protection of the user of the level crossing);

1.4.4. an accident on an active level crossing with the protection of the railway system where users of the level crossing are protected by devices (signals or protection system) permitting the vehicle to proceed once the railway level crossing is fully user-side protected and is free from incursion (automatic protection of the railway system);

1.4.5. an accident on a passive level crossing which is equipped only with road signs and for which no warning or protection devices have been activated;

1.4.6. an accident on a passage which is not located on the same carriageway as the railway level crossing. Passages which are located on the same carriageway with the railway level crossing shall be regarded as a part of the railway level crossing;

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

1.6. fire in a vehicle;

1.7. another significant accident.

2. Total and relative number of persons seriously injured and killed by type of accident shall be divided into the following categories:

2.1. passenger;

2.2. employee;

2.3. level crossing user;

2.4. trespasser;

2.5. other person at a platform;

2.6. other person not at a platform.

3. The relevant number of passengers referred to in Sub-paragraph 2.1 of this Annex shall be also indicated in relation to the total number of passenger-kilometres and train kilometres of passengers. 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. an accident involving at least one vehicle transporting dangerous goods (all accidents must be notified in accordance with the conditions of 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. the number of such accidents in which dangerous goods are released.

5. Total and relative number of suicides and attempted suicides shall be divided into the following categories:

5.1. suicide;

5.2. attempted suicide.

6. Suicide or attempted suicide shall be attested by a left suicide note, running out in front of a moving train, lying down on the tracks, inadequate reaction to signals, failure to react to them, or another obviously intentional action of a person with the intention of harming oneself.

7. Total and relative number of precursors shall be divided into the following categories (also such precursors shall be classified which have caused serious railway accidents or the consequences of a significant accident):

7.1. broken rail;

7.2. defect of the track superstructure (for example, track buckle, misalignment) which affects the continuity and geometry of the track;

7.3. wrong-side signalling failure;

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

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

7.6. broken wheel on rolling stock in service;

7.7. broken axle on rolling stock in service.

8. The relative number referred to in Paragraphs 1, 2, 3, 4, 5, and 7 of this Annex shall be indicated in relation to train-kilometres representing the movement of a train over one kilometre within the territory of a state actually run (if known). Otherwise the standard network distance between the origin and destination shall be used.

9. Indicators to calculate the economic impact of serious railway traffic accidents are the total and relative sum in euro that includes:

9.1. number of deaths and serious injuries multiplied by the costs of a serious accident which are intended for the measures in relation to increasing safety of persons and which do not form a reference for compensation between parties involved in accidents (Value of Preventing a Casualty);

9.2. costs of damages to environment;

9.3. costs of material damages to rolling stock or infrastructure;

9.4. costs of delays as a consequence of a significant accident.

10. Estimates for a significant accident (different from estimates for deaths and serious injuries) referred to in Sub-paragraph 9.1 of this Annex shall consist of:

10.1. safety assessment of one person, performing estimates for reducing the risks and for willingness to pay (hereinafter – the safety assessment);

10.2. actual direct and indirect economic costs (assessed according to the actual costs incurred by the society) which have been specified in the state and which consist of:

10.2.1. medical and rehabilitation costs;

10.2.2. costs of litigations, costs for police, costs of private investigations, administrative costs of emergency services and insurance;

10.2.3. production losses – value to society of such goods and services that could have been produced by the person injured if the significant accident had not occurred.

11. Upon determining the safety assessment of one person and the direct and indirect economic costs that are referred to in Sub-paragraphs 10.1 and 10.2 of this Annex, the following principles shall be conformed to:

11.1. estimates are related to a system for valuation of mortality risk reduction in the transport sector;

11.2. the respondent sample used for the determination of values is representative of the population concerned (the sample reflects the distribution of income according to age groups, and also other relevant socio-economic and demographic characteristics of the population);

11.3. the survey design for the determination of the safety assessment is such that questions are clear and comprehensible to respondents.

12. In the case referred to in Sub-paragraph 9.4 of this Annex, costs of delays as a consequence of significant accidents area calculated as follows:

12.1. monetary value (VTp) of travel time (in hours) savings for one passenger for an hour in eurosis calculated by using the following formula:

**VTp = VTp1 x p1 + VTp2 x p2**, where

VTp1 – monetary value of travel time savings in euros for those working passengers who use the transport in connection with their professional activities (except for commuting from the place of residence and the place of work);

p1 – the average part of work passengers per year;

VTp2 – monetary value in euros of travel time savings of non-work passengers;

p2 – the average part of work passengers per year;

12.2. monetary value in euros (VTk) of travel time (in hours) savings for one tonne for an hour of travel time of a freight train is calculated by using the following formula:

**VTk = VT x (tonne-kilometres/train-kilometres)**, 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;

12.3. costs for one minute of delay (CMp) of a passenger train in euros are calculated by using the following formula:

**CMp = 2.5 x (VTp/60) x (passenger-kilometres/train-kilometres)**, where

coefficient 2.5 is between the value of time and the value of delay;

(passenger kilometres/train kilometres) – average number of passengers transported per train per year;

12.4. costs for one minute of delay (CMk) of a freight train in euros are calculated by using the following formula:

**CMk = 2.15 x (VTk/60)**, 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;

12.5. costs for a delay caused by a significant accident in euros are calculated by using the following formula:

**costs of a delay = CMp x minutes of delay of passenger trains + CMk x minutes of delay of freight trains.**

13. The tonne-kilometres referred to in Sub-paragraph 12.2 of this Annex are a unit of measurement for freight transport that is explained in Article 3(1)(18) of Regulation (EU) 2018/643 of the European Commission of 18 April 2018 on rail transport statistics.

14. The relative sum referred to in Paragraph 9 of this Annex in euros shall be indicated in relation to train kilometres.

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

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

17. The on-board protection systems referred to in Paragraph 15 of this Annex mean systems assisting the train driver to observe line-side signalling and in cab signalling and thus providing protection of danger points and enforcement of speed limits, and ensures:

17.1. warning – providing automatic warning to the train driver;

17.2. warning and automatic stop – providing automatic warning to the train driver and automatic stop when passing a signal at danger;

17.3. warning and automatic stop and discrete supervision of speed – providing protection of danger points and supervision of speed at certain locations at the approach of a signal;

17.4. warning and automatic stop and continuous supervision of speed – providing protection of danger points and continuous supervision of the speed limits of the line (continuous indication and enforcement of the maximal allowed target speed on all sections of the line) which is regarded as the automatic train protection system.

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

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

18.2. active 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, and other sound devices at level crossings, which are activated when it is unsafe for the user to traverse the crossing. Active level crossings are classified as follows:

18.2.1. manually controlled level crossing;

18.2.2. active level crossing with automatic user-side warning;

18.2.3. active level crossing with automatic user-side protection and warning;

18.2.4. active level crossing with automatic rail-side protection.

19. The railway level crossing referred to in Sub-paragraphs 1.4 and 2.3 and Paragraph 18 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 passage (any route, other than a road, provided for the passage of people, animals, motor vehicles, or machinery) and a level intersection as recognised by the railway infrastructure manager and open to public or private users. Passages between platforms within stations and also passages over tracks for the sole use of railway staff is not regarded railway level crossings.

20. The total number of the relevant level crossings and the number thereof per line kilometre and track kilometre shall be indicated for each type of railway level crossing referred to in Sub-paragraphs 18.1, 18.2.1, 18.2.2, 18.2.3, and 18.2.4 of this Annex. 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.

21. Any case in which a vehicle to which a traction unit is not attached or which unattended runs away past a signal at danger, and also any case in which, for any reason, the signal is not turned to danger in time to allow the driver to stop the train before the signal shall not be regarded as signal passed at danger.

Minister for Transport T. Linkaits