

**ANNUAL REPORT  
FOR 2009**

**ON THE ACTIVITIES  
OF THE STATE COMMISSION ON RAIL ACCIDENT  
INVESTIGATION**

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## **1. Introduction to the activities of the State Commission on Rail Accident Investigation ('the Commission')**

### **1.1 Legal basis for the functioning of the Commission**

The State Commission on Rail Accident Investigation ('the Commission') was established as a body subordinated to the Minister of Infrastructure in accordance with:

- the Act of 28 March 2003 on railway transport (consolidated text, Journal of Laws No 16/2007, item 94) ('the Act');
- the Ordinance of the Minister of Transport of 30 April 2007 (Journal of Laws No 89, item 593) on serious accidents, other accidents and incidents, on railway lines ('the Ordinance');
- the Rules of Procedure of the State Commission for on Rail Accident Investigation which entered into force on 30.12.2008 on the basis of an Ordinance of the Minister of Infrastructure of 11 December 2008 on the Rules of Procedure of the State Commission on Rail Accident Investigation, published in the Official Journal of the Minister of Infrastructure of 30 December 2008 (No 15, item 75).

The Commission performs its tasks on behalf of the Minister. The Commission was established as a result of the transposition to Polish law of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways. In accordance with Article 21 of the Directive, each Member State shall ensure that investigations of accidents and incidents are conducted by a permanent body, independent functionally, as well as in its organisation and decision-making, from the safety authorities, regulator of railways, railway undertakings, infrastructure managers, and from any party whose interests could conflict with the tasks entrusted to the investigating body. In Poland, the national body for investigation within the meaning of the Directive is the State Commission on Rail Accident Investigation ('the Commission'). The Commission is completely independent in its organisation and legal structure from the bodies referred to in Article 21 of the Directive.

### **1.2 Tasks of the State Commission on Rail Accident Investigation in the light of national regulations in force in Poland**

The Commission performs its tasks on behalf of the Minister responsible for transport. It carries out an investigation after each serious accident on the railway network with an obvious negative impact on rail safety regulations or safety management, with the exception of a railway vehicle running over pedestrians crossing railway tracks. In the framework of its activities, the Commission carries out, or supervises, investigations into incidents, with the objective of establishing causes and circumstances of the incident, and to arriving at preventive conclusions. The Commission may also investigate those accidents and incidents which under slightly different conditions might have led to serious accidents, including technical failures of the structural subsystems or of interoperability constituents of the Trans-European high-speed rail system and of the Trans-European conventional rail system. Within a week of receiving information on a serious railway accident, other accident or railway incident, the Chairman of the Commission takes a decision, based on a protocol of on-site accident inspection or a protocol containing final conclusions of the accident, on whether or not an investigation shall be undertaken.

The Chairman of the Commission also supervises the work of railway accident investigation teams which investigate the incidents. Railway accident investigation teams are under obligation to terminate the proceedings within 30 working days from the date of the incident. The Chairman of the Commission has the right to extend the time limit for completion of the investigations up to a maximum of five months from the date of the incident, following a written request submitted by the chairman of a railway accident investigation team. In the framework of the supervision of the work of railway accident

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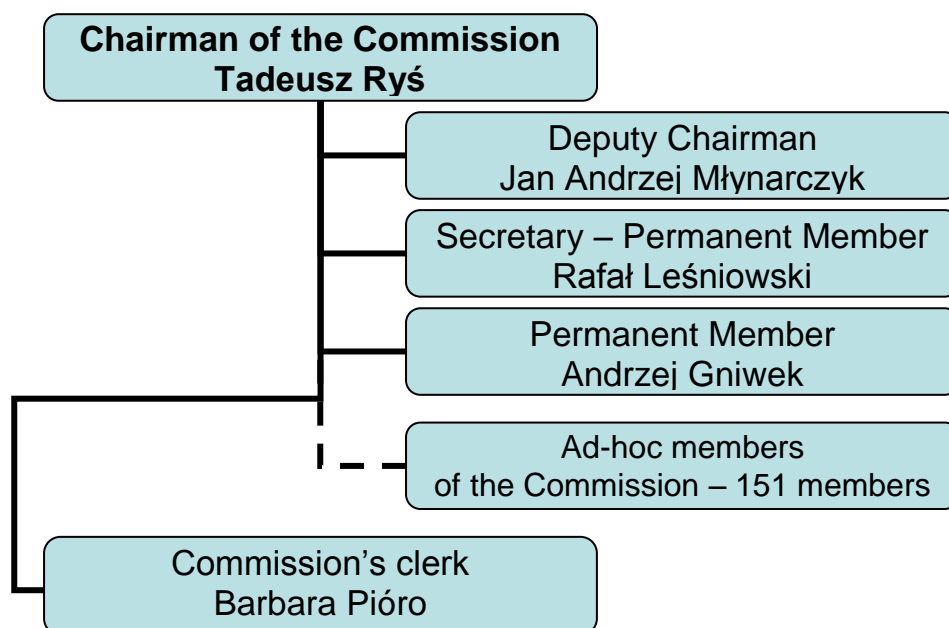
investigation teams, permanent and ad-hoc members of the Commission may participate in the work of these investigation teams. Members of the Commission may also be appointed by the Chairman of the Commission to chair each of the railway accident investigation teams. In conflicting cases, the Chairman of the Commission has the right to appoint a new railway accident investigation team. Each time the proceedings are completed, the Commission carries out an analysis of protocols containing final conclusions received from railway accident investigation teams investigating railway accidents or incidents.

Permanent members of the Commission have official ID cards which authorise them to carry out official duties at the accident site, in accordance with the Ordinance of 21 February 2007 on models of official IDs for members of the State Commission on Rail Accident Investigation (PKBWK) (Journal of Laws, No 41, item 269). In cases where the Commission chairs the investigation, it prepares the report in accordance with the Ordinance of the Minister of Transport of 19 February 2007 on the contents of reports regarding the proceedings in respect of a serious accident, other accident or incident) Journal of Laws, No 41, item 268).

### **1.3 Organisational structure and responsibilities of individual permanent members of the Commission. Information on the commencement of activities by the Commission**

On 18 April 2007 the Minister of Transport appointed Mr Tadeusz Ryś as Chairman of the Commission. In the period from 18 April to 8 October 2007, the target level of employment (four permanent members) – as laid down in the Act – was reached, i.e. the Deputy Chairman of the Commission, a Permanent Member of the Commission, and the Commission Secretary were appointed. Under the present legal provisions, the Commission conducts its activities solely in respect of incidents on railway lines. Investigation of incidents on railway sidings or of incidents in other branches of rail transport, urban or special transport (underground, trams, trolley buses or cable cars) are not the subject of the Commission's activities. As of 31.12.2009, the Commission included four permanent members and one Commission support staff providing secretarial services. The Commission is located in the Ministry of Infrastructure in Warsaw.

In accordance with the Act, relevant organisational units of the Ministry of Infrastructure provide personnel, financial, social and administrative services for the Commission.



*As of 31.12.2009*

*Diagram 1 – Organisation chart of the Commission*

#### 1.4 Allocation of duties and working relations between the bodies responsible for different safety areas of railway transport in Poland

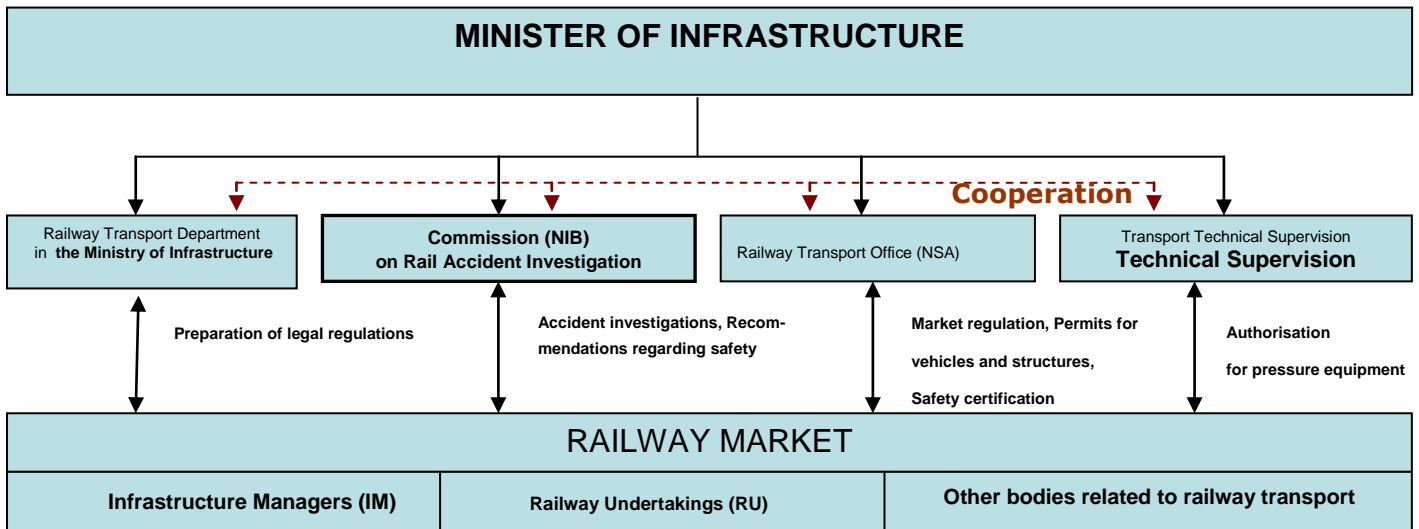


Diagram 2 – Diagram illustrating working relations between the Commission and other offices and bodies active on the railway market

#### 1.5. Rules of Procedure of the Commission

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On the basis of an Ordinance of the Minister of Infrastructure of 11 December 2008 on the Rules of Procedure of the State Commission on Rail Accident Investigation, published in the Official Journal of the Minister of Infrastructure of 30 December 2008 (No 15, item 75), the Rules of Procedure of the Commission ('the Rules of Procedure') entered into force on the day of its publication.

Pursuant to the essential provisions of the Rules of Procedure:

1. The Chairman of the Commission directs its work. In the case of absence of the Chairman of the Commission, the Deputy Chairman directs the work of the Commission. In the case of absence of the Deputy Chairman, a permanent member of the Commission appointed by the Chairman directs the Commission's work.
2. The Chairman of the Commission coordinates the implementation of tasks by the Commission. He also ensures the appropriate organisation of its work and its efficient operation, and he represents the Commission in external contacts.
3. It shall in particular be the duty of the Chairman of the Commission:
  - to ensure organisational conditions for cooperation between the Commission and competent bodies which carry out proceedings regarding serious accidents, other accidents or incidents in other Member States of the European Union within the scope laid down in Article 28j of the Act;
  - to submit to the Minister annual reports on the implementation of tasks by the Commission. The reports shall include in particular a list of serious accidents, other accidents or incidents on the railway lines in respect of which the Commission carries out proceedings, as well as the progress made in these proceedings, and conclusions with a view to improving these proceedings;
  - to transmit to the Chairman of the Rail Transport Authority recommendations regarding the improvement of safety, and in justified cases to transmit these recommendations to other bodies concerned in other EU Member States;
  - to supervise compliance with the rules regarding the protection of confidential information and protection of personal data by members of the Commission and by the support staff member;
  - to closely cooperate with the Commission Secretary, in particular in compiling documents regarding serious accidents, other accidents or incidents on railway lines;
  - to determine, in consultation with the General Director Office, the job description for the Commission's support staff, as well as to directly control the performance of tasks assigned to that person;
  - to organise and to carry out proceedings for which the Commission is competent, concerning serious accidents, other accidents or incidents on the railway lines, as well as to oversee that they are correctly performed and concluded promptly;
  - to supervise proceedings carried out by railway accident investigation teams;
  - to organise the preparation of expert reports and opinions, including supervision of their implementation, in accordance with the procedures applicable in the Ministry of Infrastructure ('the Ministry');
  - to determine, in consultation with the Commission Secretary, dates and agendas for the Commission's meetings;
  - to chair the Commission's meetings;
  - to prepare the list of experts;
  - to appoint ad-hoc members for work in the Commission.
4. It shall in particular be the duty of the Deputy Chairman of the Commission:
  - to replace the Chairman of the Commission during his absence;
  - to participate in proceedings for which the Commission is given sole responsibility concerning serious accidents, other accidents or incidents on railway lines;
  - to supervise proceedings carried out, within his competences;
  - to submit to the Chairman of the Commission requests for the preparation of expert reports or opinions, and to justify why it is necessary to prepare them in cases where the leader of the accident investigation team submits such a request;

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- to cooperate closely with the Commission Secretary, in particular in compiling documents regarding serious accidents, other accidents or incidents on railway lines.
5. It shall in particular be the duty of the Secretary of the Commission:
- to supervise the support staff of the Commission as regards the duties this person performs for the Commission;
  - to notify dates of meetings to the intended participants;
  - to check formal aspects of resolutions adopted by the Commission before their formal signature by the members of the Commission;
  - to keep records of serious accidents, other accidents or incidents on railway lines in respect of which the Commission has launched an investigation;
  - to keep records of notifications referred to in Article 5(3) of the Ordinance;
  - to keep documentary records of proceedings undertaken regarding serious accidents, accidents or incidents on railway lines;
  - to keep a list for the Minister, referred to in Article 28a(4) of the Act;
  - to cooperate with the Chairman of the Rail Transport Authority as regards statistics of serious accidents, other accidents or incidents on railway lines;
  - to keep records of service IDs issued by the Minister to members of the Commission;
  - to participate in proceedings for which the Commission is given sole responsibility concerning serious accidents, other accidents or incidents on the railway lines.
6. It shall be the duty of the permanent member of the Commission:
- to participate in proceedings conducted by the Commission concerning serious accidents, other accidents or incidents on the railway lines;
  - to request, in justified cases, preparation of expert reports or opinions in regard to proceedings referred to in point 1
  - to participate in meetings of the Commission;
  - to study, on an ongoing basis, domestic and foreign materials regarding proceedings concerning serious accidents, other accidents or incidents on railway lines.
7. It shall be the duty of the ad-hoc members of the Commission:
- to participate in proceedings for which they were appointed, concerning serious accidents, other accidents or incidents on railway lines;
  - to request, in justified cases, preparation of expert reports or opinions in proceedings referred to in point 1;
  - to participate in meetings of the Commission concerning proceedings in which they were appointed to participate.
8. A decision by the Commission to instigate proceedings or to refrain from investigation

The Chairman of the Commission, upon receipt of information on serious accidents, other accidents or incidents on the railway lines, classifies these incidents in accordance with Article 5(3) of the Ordinance in order to establish whether it is necessary for the Commission to initiate proceedings. Should the Chairman of the Commission decide to initiate the proceedings, he appoints an accident investigation team. In particular, he appoints the accident investigation team's leader from amongst the members of the Commission, and in consultation with the team's leader he finalises the composition of the team. The accident investigation team can include ad-hoc members selected from a list kept by the Minister and appointed by the Chairman of the Commission in consultation with the leader of the accident investigation team. If it is justified by particular factual circumstances, experts indicated by the

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Chairman of the Commission, at the request of the accident investigation team's leader, may participate in the work of the accident investigation team. If the Commission does not initiate an investigation of an accident or an incident on the railway lines, or abandons an investigation, the Chairman of the Commission shall supervise the proceedings initiated by the railway accident investigation team.

## 1.6 Forms and methods of conducting proceedings by the Commission

The Commission conducts proceedings regarding serious accidents, other accidents or incidents in the following ways:

1. *General supervision over incidents* – in the framework of this supervision, the Commission verifies the documentation regarding each incident, starting with analysis of the notification and finishing with the analysis of the final conclusions. In individual cases, when the local or internal railway accident investigation team failed to indicate the causes or has not categorised the incident, a protocol from inspection of the location where the incident occurred or other documents regarding the incident are collected by the Commission.
2. *Direct supervision over incidents* – applied in the case of some incidents, in particular in a situation where there is a justified suspicion that a railway accident investigation team may encounter problems with establishing causes, circumstances, or category of the incident. In the course of a direct supervision, the permanent members of the Commission participate in the meetings of railway accident investigation teams during which they listen to and observe the proceedings. They also make on-site visits in locations where the events occurred and invite members of railway accident investigation teams to meetings of the Commission in Warsaw. In 2009 a total of 15 meetings devoted to incidents under investigation were held in Warsaw with members of railway accident investigation teams. Members of the Commission listen to proceedings which are conducted, analyse in detail documentation regarding the incidents and, if necessary, make comments on the conducted proceedings. Under this form of activity of the Commission, in 2009 a total of 14 accidents were directly supervised, including: 4 serious accidents (A), 7 accidents (B) and 3 incidents (C).

Table 1 includes a detailed list of proceedings directly supervised by the Commission.

Table 1 – List of proceedings directly supervised by the Commission

| No. | Date of the incident | Place of the incident  | Category of the Occurrence | Direct cause   | Date of conclusion of the proceedings | Number of casualties / injured |
|-----|----------------------|--|----------------------------|--|---------------------------------------|--------------------------------|
| 1.  | 2009.01.01           | Line 106 Dobrzechów – Fryszak section km 38, 187 category D level crossing | A21                        | Lack of caution on the part of a passenger car driver  | 2009.02.11                            | 3/0                            |
| 2.  | 2009.01.06           | Line 3 Teresin Niepokalanów station  | C44                        | Disregarding of a semaphore indicating the 'stop' signal by a train driver                                       | 2009.04.07                            | 0/0                            |
| 3.  | 2009.01.28           | Line 8 Miechów - Słomniki section km 278,958                               | C51                        | A train entered the section with a lowered traction line which resulted in breaking a wagon's window             | 2009.05.08                            | 0/0                            |
| 4.  | 2009.02.15           | Line 139 Pszczyzna station km 36,015                                       | B10                        | Derailment of an EP09 locomotive as a result of axle break in the third wheel set                                | 2009.05.28                            | 0/0                            |
| 5.  | 2009.03.05           | Line 133 Trebinia station km 32,415  | B11                        | Derailment of a loaded tank wagon with hazardous goods — ethylbenzene as a result of its bad technical condition | 2009.08.07                            | 0/0                            |
| 6.  | 2009.04.06           | Line 404 Białogard – Karlino section km 65,781 a category D level          | A21                        | Lack of caution on the part of a lorry driver  | 2009.08.20                            | 2/22                           |



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|     |            |   |     |  |             |     |
|-----|------------|---|-----|--|-------------|-----|
|     |            | crossing  |     |  |             |     |
| 7.  | 2009.05.13 | Line 1 Skierniewice station km 65,940                                     | B04 | Disregarding of a working semaphore indicating the 'stop' signal by a train driver   | 2009.07.10  | 0/0 |
| 8.  | 2009.06.23 | Line 14 Sędzice - Błaszki section – km 75,002 a category D level crossing | A21 | Lack of caution on the part of a driver of a horse-driven vehicle  | 2009.08.04  | 2/1 |
| 9.  | 2009.07.14 | Line 3 Teresin Niepokalanów – Sochaczew section km 46,000                 | C55 | Fire in a railway carriage as a result of brake overcharging by a train driver   | 2009.12.09  | 0/0 |
| 10. | 2009.10.13 | Line 271 Szewce station km 15,193   | B6  | A train driven by a train driver under the influence of alcohol entered the station with excessive speed without the permission signal | 2009.12.30  | 0/0 |
| 11. | 2009.11.05 | Line 1 Kozłowski station km 105,163                                       | B4  | Shunting of a train without agreement with the train dispatcher and disregarding of a 'stop' signal by the driver                      | 2010.01.18  | 0/0 |
| 12. | 2009.11.12 | Line 447 Grodzisk Mazowiecki station km 29,510                            | B35 | Lack of caution by a passenger on the platform, as a result of which he got between the platform and the train                         |             | 0/1 |
| 13. | 2009.12.05 | Line 8 Skarżysko Kamienna – Suchedniów station km 146,464                 | A18 | Failure to close the gate on a category A level crossing, resulting in a train running into a passenger car                            | in progress | 1/1 |
| 14. | 2009.12.19 | Line 132 Wrocław Główny station track 133                                 | B34 | Lack of caution on the part of a carrier's worker which resulted in knocking him over fatally.   | in progress | 1/0 |

3. *Direct participation of the permanent member of the Commission in the work of the railway accident investigation team* – this applies mainly in cases of serious accidents, when there is a suspicion that malfunctions of the railway safety system contributed to the accident. Under Article 10(3) of the Ordinance, for every type of incident the Chairman of the Commission may appoint a chairman of the local or internal railway accident investigation team (a permanent or ad-hoc member). In 2009 the Chairman of the Commission availed himself twice of this option:

- 1) when he appointed Mr Andrzej Gniwek – a permanent member of the Commission – as chairman of the railway accident investigation team investigating a category A18 serious accident which had occurred on 30.08.2009 at 9:27 at a category A level crossing, on the line 003, on Łowicz Główny station; km 80,791. This incident was reported to the European Railway Agency ('ERA') through the Public Database system, reference PL-767.
- 2) when he appointed Mr Jan Andrzej Młynarczyk – a Deputy Chairman of the Commission – as chairman of the railway accident investigation team investigating a serious accident of category B10 which occurred on 04.08.2009 at 10:40 on Będzin - Sosnowiec section on the line 001. This accident occurred as a result of an axle break in a wheel set of an EP09 locomotive pulling a passenger train, and it was reported to the European Railway Agency ('ERA') through the Public Database system, reference PL-766.

4. *Proceedings carried out by an accident investigation team appointed by the Chairman of the Commission* – when this procedure is used, the Chairman of the Commission appoints an accident investigation team from amongst permanent and ad-hoc members of the Commission, and the Commission carries out directly investigation proceedings as regards the incident. In such cases a report is prepared on the basis of the proceedings and then approved by the Commission by means of a resolution. In 2009 there were no proceedings carried out by an accident investigation team appointed by the Chairman of the Commission.

## 2. Incidents in the period from 1 January to 31 December 2009

## **2.1 Incidents reported to the Commission**

The obligation to report to the Commission serious accidents, other accidents or incidents on the railway lines is based on the Ordinance of the Minister of Transport of 30 April 2007. (Journal of Laws, No 89, item 593).

The Act and the Ordinance provide for distinction between the following types of incidents in railway transport:

- 1) a serious accident – any train collision or derailment of trains, and any other similar accident, resulting in the death of at least one person or serious injuries (person seriously injured means any person injured who was hospitalised for more than 24 hours as a result of an accident) to five or more persons, or extensive damage to rolling stock, the infrastructure or the environment, that can be assessed by the Commission to cost at least EUR 2 million,
- 2) an accident – an unintended sudden incident or a specific chain of such events involving a railway vehicle which have harmful consequences for human health, property or the environment; accidents include in particular: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, or fires involving rolling stock;
- 3) an incident – any incident, other than an accident or serious accident, associated with the operation of trains and affecting safety of operation.

In the period from 1 January to 31 December 2009, a total of **1 116** incidents on railway lines, in accordance with the classifications provided by the Ordinance, were reported to the Commission. These included:

- serious accidents,
- accidents,
- incidents.

The number and structure of incidents by category are presented below, in Tables 2 and 3.

Table 2 – Occurrences reported to the Commission in 2009 in relation to 2009

| <b>Type of the incident<br/>(I = incident, A = accident,<br/>SA = serious accident)</b> | <b>Total<br/>2009</b> | <b>Total<br/>2008</b> | <b>Change<br/>2008/2009</b> |
|---|-----------------------|-----------------------|-----------------------------|
| SA (cat. A)   | 82                    | 149                   | - 45.0%                     |
| A (cat. B)  | 790                   | 771                   | +2.4%                       |
| I (cat. C)  | 244                   | 419                   | -41.8%                      |
| <b>Total</b>  | <b>1116</b>           | <b>1339</b>           | <b>-16.7%</b>               |
| <b>Total number of<br/>casualties</b>   | <b>364</b>            | <b>305</b>            | <b>+19.0%</b>               |
| <b>Number of serious<br/>injuries</b>   | <b>260</b>            | <b>263</b>            | <b>-1.1%</b>                |

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Table 3 – Structure of incidents from 2008 to 2009 by type

| Incident category (letter code)  | Description of the incident category   | Incident category (number code)   | Total 2009                 | Total 2008  |            |
|--|--|---|----------------------------|-------------|------------|
| A  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with gates (category A in accordance with level crossing specification certificate)   | 18  | 2                          | 2           |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with automatic signalling device and half barriers (category B)   | 19  | 1                          | 1           |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with automatic signalling device and without gates or half barriers (category C)  | 20  | 8                          | 7           |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing without automatic signalling device and without gates (category D)  | 21  | 18                         | 10          |            |
|  | A railway vehicle running over a road vehicle, or the other way round at a private level crossings (category F)  | 22  | 2                          | 0           |            |
|  | A railway vehicle running over persons crossing the tracks at a manned level crossing for vehicles or a guarded footpath crossing  | 31  | 3                          | 3           |            |
|  | A railway vehicle running over persons crossing the tracks at a level crossing with automatic signalling device (category B, C)  | 32  | 2                          | 0           |            |
|  | A railway vehicle running over persons crossing tracks at other level crossings for vehicles or footpath crossing  | 33  | 2                          | 9           |            |
|  | A railway vehicle running over persons crossing tracks other than at a level crossings at train stations and on train lines  | 34  | 44                         | 110         |            |
| Occurrences involving persons connected with rolling stock in motion (hopping on a train, falling off a train, off rolling stock, sudden acceleration or braking of a railway vehicle)   | 35   | 1   | 7                          |             |            |
| <b>SERIOUS ACCIDENTS A Total</b>   |  |   | <b>82</b>                  | <b>149</b>  |            |
| B  | Authorisation given to a railway vehicle to enter a closed or occupied track at a station  | 2   | 1                          | 1           |            |
|  | Sending off, admission, or running of a railway vehicle on an incorrectly positioned and unsecured route, or incorrect operation by personnel of equipment used in rail traffic control system   | 3   | 9                          | 8           |            |
|  | A railway vehicle's failure to stop at the 'Stop' signal, or in the place where it was supposed to stop, or unauthorised starting up of a railway vehicle  | 4   | 13                         | 11          |            |
|  | Exceeding a permitted maximum speed by a train   | 6   | 1                          | 3           |            |
|  | Inadvertent starting of a railway vehicle  | 8   | 1                          | 8           |            |
|  | Damage to or bad maintenance of the superstructure, bridge, or viaduct, including incorrect execution of work, for example faulty unloading of materials, superstructure, leaving materials and equipment on the tracks or within the clearance gauge of a railway vehicle                       | 9   | 44                         | 86          |            |
|  | Damage to or bad technical condition of a railway vehicle with inverter propulsion, a special purpose railway vehicle (including running onto an item which constitutes a construction part of a railway vehicle with inverter propulsion, a special purpose railway vehicle)                    | 10  | 9                          | 5           |            |
|  | Damage to or bad technical condition of a wagon (including running onto a structural part of a wagon)  | 11  | 16                         | 25          |            |
|  | Damage to or incorrect operation of equipment used in rail traffic control system  | 12  | 2                          | 4           |            |
|  | Running of a railway vehicle into another railway vehicle or into another obstacle (for example a stop block, luggage cart, post cart, etc.)   | 13  | 15                         | 20          |            |
|  | Premature opening of the route and changing the position of the switch under the railway vehicle   | 15  | 11                         | 13          |            |
|  | Incorrect setting-up of the train  | 16  | 0                          | 4           |            |
|  | Incorrect loading, unloading; irregularities in secure fastening of the load or other irregularities in loading operations   | 17  | 2                          | 7           |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with gates (category A, in accordance with level crossing specification certificate)  | 18  | 9                          | 13          |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with automatic signalling device and half barriers (category B)   | 19  | 16                         | 10          |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing with automatic signalling device and without gates or half barriers (category C)  | 20  | 55                         | 50          |            |
|  | A railway vehicle running into a road vehicle, or the other way round, at a level crossing without automatic signalling device and without gates (category D)  | 21  | 151                        | 146         |            |
|  | A railway vehicle running over a road vehicle, or the other way round at a private level crossings (category F)  | 22  | 0                          | 2           |            |
|  | A railway vehicle running into a road vehicle, or the other way round, other than at a level crossing, at a station or on a train line, or on a track giving access to a siding  | 23  | 9                          | 10          |            |
|  | Fire in the train  | 24  | 2                          | 7           |            |
|  | Fire in a railway vehicle, excluding fires in trains   | 25  | 1                          | 5           |            |
|  | Natural disasters (for example floods, snow banks, ice jams, hurricanes, landslides)   | 28  | 2                          | 1           |            |
|  | Malicious, loutish, or reckless actions (for example throwing stones at a train, putting obstacles on train tracks, devastation of electrical and communication equipment, of equipment used in the rail traffic control system, or of superstructure, as well as tampering with this equipment) | 30  | 5                          | 8           |            |
|  | A railway vehicle running over persons crossing the tracks at a manned level crossing for vehicles or a guarded footpath crossing  | 31  | 7                          | 7           |            |
|  | A railway vehicle running over persons crossing tracks at a level crossing with automatic signalling devices (category B, C)   | 32  | 5                          | 5           |            |
|  | A railway vehicle running over persons crossing tracks at other level crossings for vehicles or footpath crossing  | 33  | 14                         | 9           |            |
|  | A railway vehicle running over persons crossing tracks other than at a level crossings at train stations and on train lines  | 34  | 336                        | 240         |            |
|  | Occurrences involving persons connected with rolling stock in motion (hopping on a train, falling off a train, off rolling stock, sudden acceleration or braking of a railway vehicle)   | 35  | 45                         | 54          |            |
|  | Breaking-up of a train which did not result in wagons starting inadvertently   | 37  | 0                          | 3           |            |
|  |  |   | Without category as signed | 4           | 6          |
|  | <b>ACCIDENTS B Total</b>   |   |                            | <b>790</b>  | <b>771</b> |
|  | C  | Sending a railway vehicle onto an occupied or closed track, or onto a track opposite to the main one, or in a wrong direction | 41                         | 1           | 2          |
|  |  | Authorisation given to a railway vehicle to enter a closed or occupied track at a station                                     | 42                         | 0           | 1          |
| Sending off, admission, or running of a railway vehicle on an incorrectly positioned and unsecured route, or incorrect operation by personnel of equipment used in the rail traffic control system   |  | 43  | 6                          | 10          |            |
| A railway vehicle's failure to stop at the 'Stop' signal, or in the place where it was supposed to stop, or unauthorised starting up of a railway vehicle  |  | 44  | 13                         | 12          |            |
| Exceeding a permitted maximum speed by a train   |  | 45  | 0                          | 1           |            |
| A manoeuvre which causes a risk for the safety of railway traffic  |  | 46  | 1                          | 0           |            |
| Inadvertent starting of a railway vehicle  |  | 47  | 1                          | 0           |            |
| Incorrect setting-up of the train  |  | 49  | 0                          | 2           |            |
| Incorrect loading, unloading; irregularities in secure fastening of the load or other irregularities in loading operations   |  | 50  | 2                          | 15          |            |
| Damage to the superstructure, bridge, viaduct, or contact network, including incorrect execution of work, for example faulty unloading of materials, leaving materials and equipment on the tracks or within the clearance gauge of a railway vehicle  |  | 51  | 22                         | 26          |            |
| Incorrect functioning of equipment used in rail traffic control system resulting in:<br>- failure to place a 'Stop' sign in front of the gap of line guard occupied by a railway vehicle;<br>- setting a permissive signal on a signal pole when the route is incorrectly set; incorrect operation of free-track or free-point signalling equipment; incorrect operation of equipment for station or line blocking |  | 52  | 0                          | 2           |            |
| Damage to or bad maintenance of a railway vehicle with inverter propulsion, a special purpose railway vehicle necessitating its withdrawal from circulation  |  | 53  | 13                         | 12          |            |
| Damage to or bad technical condition of a wagon necessitating its withdrawal from circulation  |  | 54  | 79                         | 178         |            |
| Fire in the train  |  | 55  | 18                         | 11          |            |
| Fire in a railway vehicle, excluding fires in trains   |  | 56  | 2                          | 2           |            |
| Fire in a building, for example within a railway area, forest fire within a fire protection belt, fires of crops, grass or bogs within the limits of a railway area  |  | 57  | 0                          | 1           |            |
| Uncontrolled release of dangerous substance from a wagon or from a package, requiring use of fire-fighting equipment appropriate to the fire, chemical or biological hazard at a railway station or line   |  | 59  | 2                          | 7           |            |
| Running of a railway vehicle into another railway vehicle or into another obstacle (for example a stop block, luggage cart, post cart, etc.) with no derailment or casualties  |  | 60  | 9                          | 15          |            |
| Natural disasters (e.g. floods, snow banks, ice jams, hurricanes, landslides)  |  | 62  | 9                          | 11          |            |
| Malicious, loutish, or reckless actions (for example throwing stones at a train, putting obstacles on train tracks, devastation of electrical and communication equipment, of equipment used in the rail traffic control system, or of superstructure, as well as tampering with this equipment)   |  | 64  | 33                         | 51          |            |
| Occurrences involving persons, connected with rolling stock in motion (hopping on a train, falling off a train, off rolling stock, sudden acceleration or braking of a railway vehicle) with no casualties   | 65   | 22  | 31                         |             |            |
| Failure of a road vehicle to stop at a level crossing gates (half barriers) causing damage to these gates or to road signals   | 66   | 10  | 21                         |             |            |
| Incorrect operation of equipment used for the management of railway traffic or railway vehicles, caused by theft   | 67   | 1   | 8                          |             |            |
| <b>C Total</b>   |  |   | <b>244</b>                 | <b>419</b>  |            |
|  |  | <b>TOTAL</b>  | <b>1116</b>                | <b>1339</b> |            |

## 2.2 Incidents reported by the Commission to ERA

In 2008, three incidents in total were reported to the European Railway Agency ('ERA') through the ERADIS system. They included two serious accidents and one accident. The notification was made based on:

- Article 19(2) of the Directive in case of two incidents.
- Article 19(1) of the Directive in case of one incident.

A description of the reported incidents is included in Table 4

Table 4 – Incidents reported by the Commission to ERA in 2009

| No. | Date of the incident/<br>time | Place of the incident  | Category of the incident | Description and (probable) causes  | Report ID in ERA data-base | Date of conclusion of the proceedings | Basis for reporting in accordance with Directive 2004/49/EC | Number of casualties / injured |
|-----|-------------------------------|--|--------------------------|--|----------------------------|---------------------------------------|---|--------------------------------|
| 1.  | 2009.04.06<br>/14:50          | Line 404<br>Białogard -<br>Kalino section<br>km 65,781 a<br>category D<br>level crossing | A21                      | Lack of caution on the part of the lorry driver when approaching the crossing, failure to obey the road signs, which resulted in hitting a passing passenger train and its derailment. | PL-663                     | 2009.08.20                            | Article 19<br>(1)   | 2 / 22                         |
| 2.  | 2009.08.04<br>/10:40          | Line 001<br>Będzin -<br>Sosnowiec<br>section<br>km 306,540                               | B10                      | Breaking the axle of the first wheel set at the side of a transmission gear in an EP09 locomotive pulling a passenger train, which resulted in derailment of the locomotive.           | PL-766                     | In progress                           | Article 19<br>(2)   | 0/0                            |
| 3.  | 2009.08.30<br>/ 9:27          | Line 003<br>Łowicz Główny<br>station<br>km 80,791  | A18                      | A light engine driver did not stop at a 'stop' semaphore, which resulted in running into a category A level crossing with open barriers and a collision with a car.                    | PL-767                     | 2009.10.14                            | Article 19<br>(1)   | 2/1                            |

## 2.3 Analysis of incidents in 2009

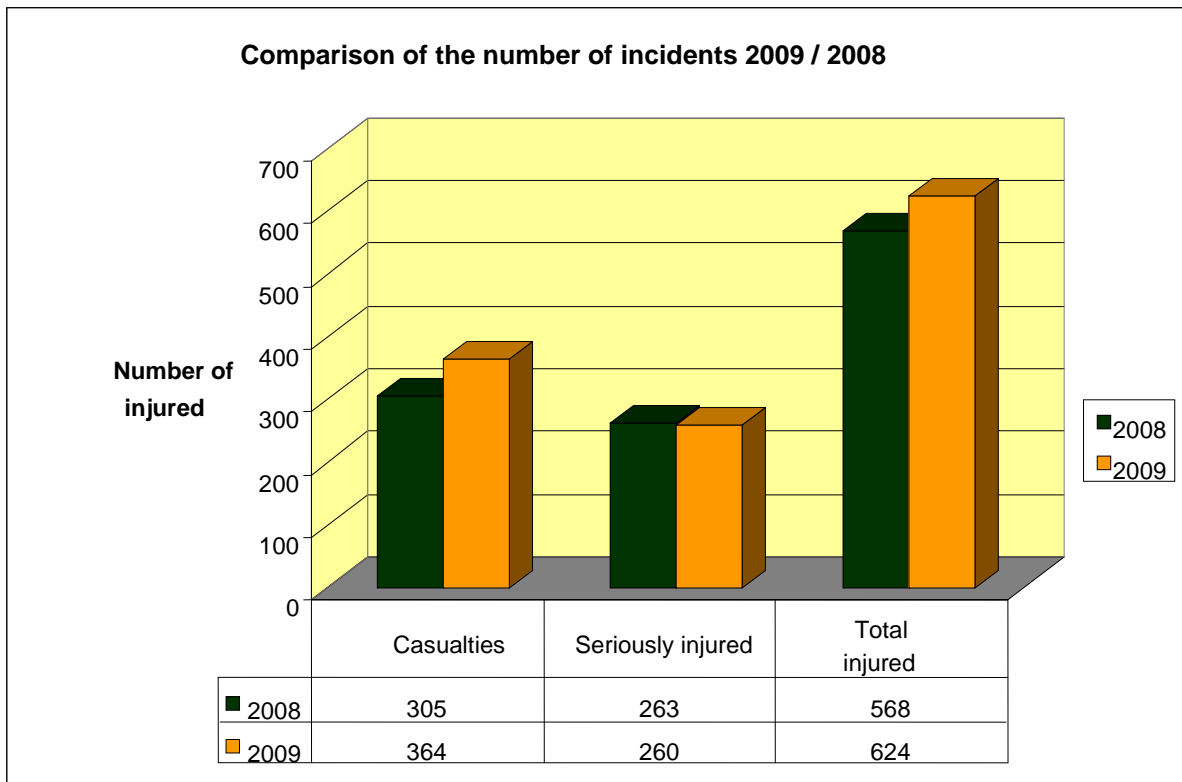
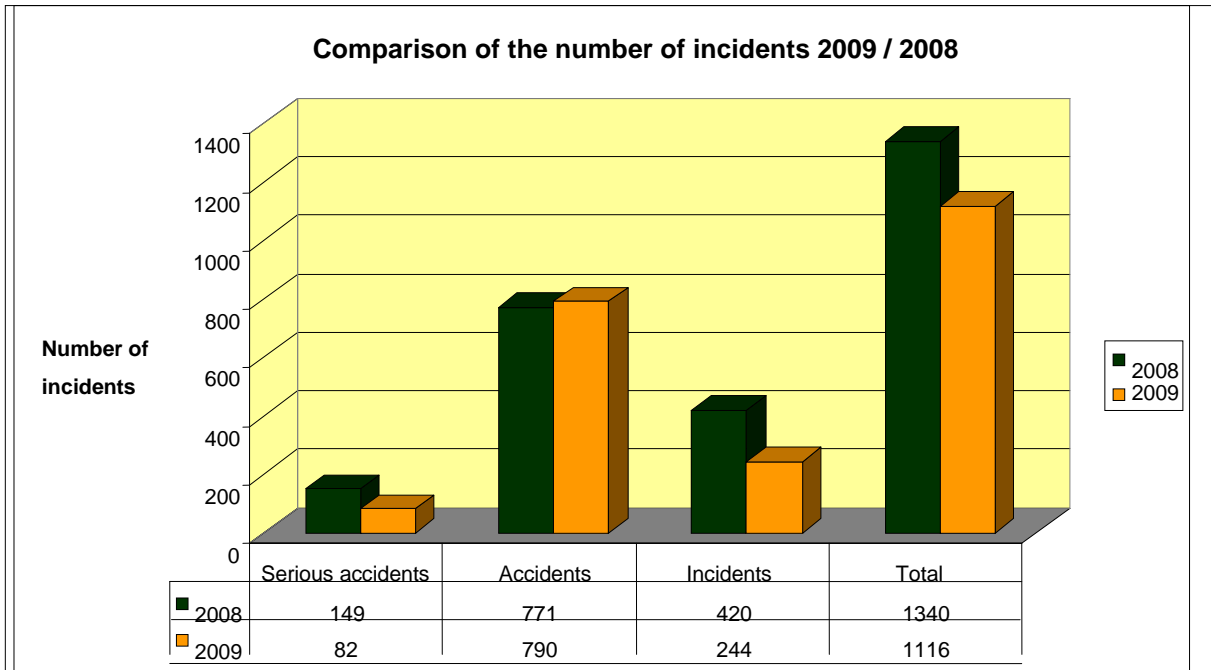
In 2009 the number of incidents reported to the Commission decreased by 16.7% in comparison to the results of the previous year. The number of serious accidents and incidents decreased, but a slight increase in the number of accidents was reported.

The increased number of incidents may result from the improvement in the area of railway safety, as well as from decreased transport volume due to economic crisis.

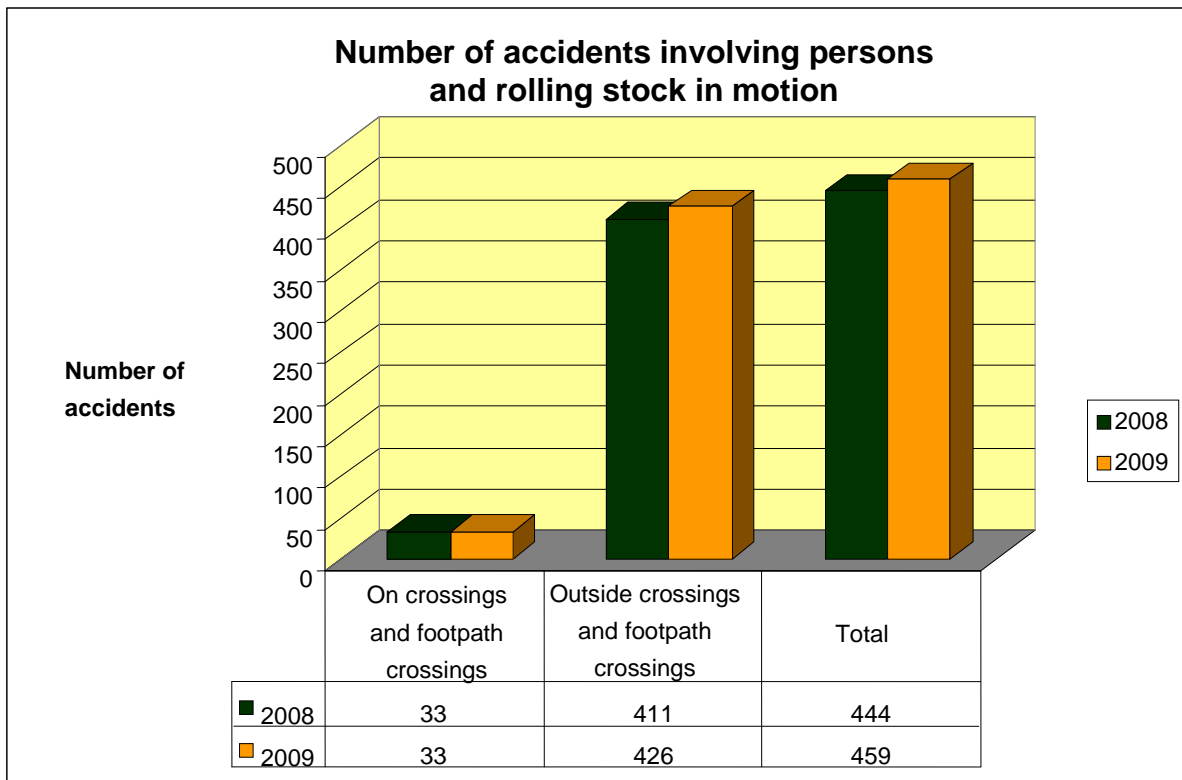
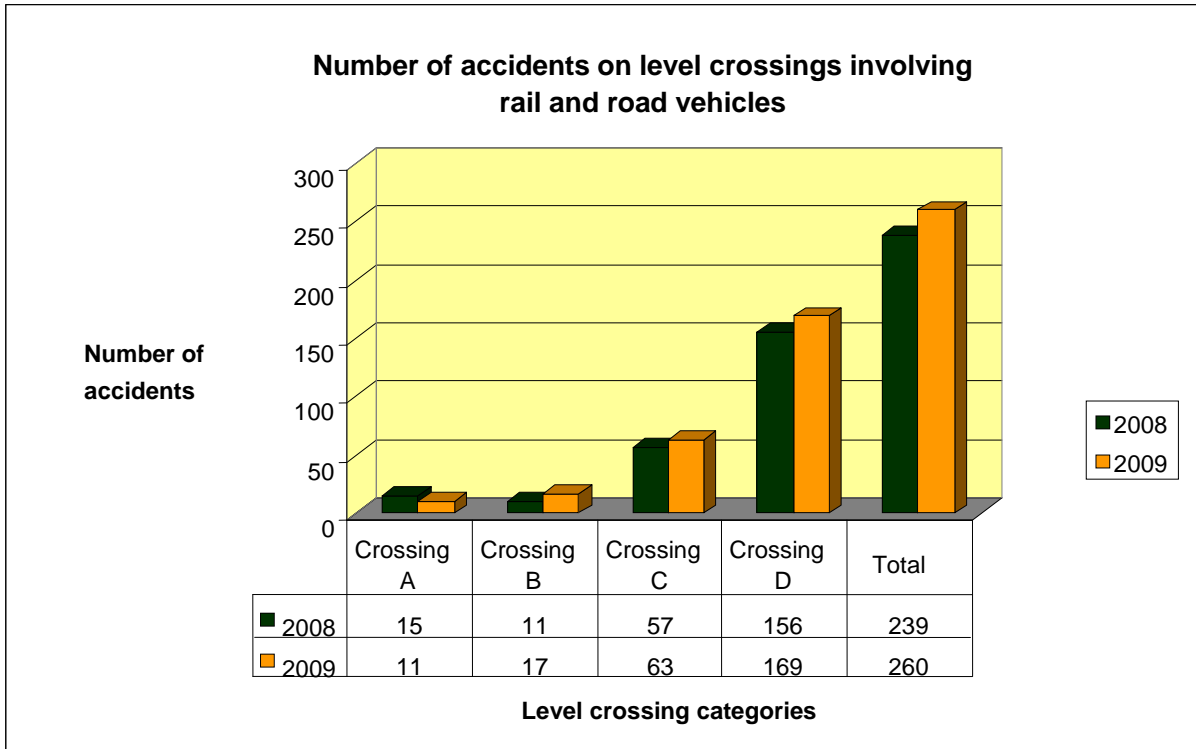
Despite a general drop in the number of incidents, there was a reported increase of accidents on level crossings involving rail and road vehicles by 8.8%. There was also an increase of the number of accidents involving persons crossing the tracks on level crossings and outside the crossings by 3.4%.

At the same time, the number of injuries resulting from railway accidents increased by 9.7% in comparison to the previous year, while the number of casualties increased by 19%, including mainly people hit by railway vehicles, both on level crossings and outside the crossings or injured as a result of road vehicle collisions with railway vehicles on level crossings. Below the main data referring to the number of incidents in 2009 as compared to 2008 are depicted in charts.

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### 3. Recommendations issued by the Commission

As a result of concluded proceedings of investigations into railway incidents which were carried out by railway investigating teams pursuant to Article 281(8) of the Act of 28 March 2003 on railway transport (Journal of Laws of 2007 No 16, item 94, as amended), and in connection with irregularities found during the proceedings which constituted a direct threat to rail traffic safety, in 2008 the Chairman of the Commission issued 19 recommendations with a view to enhancing rail traffic safety.

A list of recommendations issued is included in Table 5 below.

Table 5 – Recommendations of the Commission

| No | Date of issue | No of the Resolution of the Commission | Addressee of the recommendation | Refers   | Related to incidents   | Status                      |
|----|---------------|--|---------------------------------|--|--|-----------------------------|
| 1. | 13.01.2009    | 1/PKBWK/2009                           | PCC Rail SA (carrier)           | <p><b>PCC Rail SA shall ensure that all railway vehicles operated and owned by the company, which after 28 March 2005 have their technical condition confirmed with a technical efficiency certificate, will also have the data referring to kilometrage [km] and date of validity.</b></p> <p>The Commission issued the following conclusions and recommendations;</p> <ol style="list-style-type: none"> <li>1. The owner of PCC Intermodal S.A. wagons shall carry out additional diagnostic testing of other wagons setting up the TXCEa train No 540160 on 25.10.2008 in order to eliminate the defects found in 4 derailed wagons in the train – the address of the Chairman of the railway investigation team No IZKR1-732/04/2008 as of 31.10.2008</li> <li>2. The owner of PCC Intermodal S.A. wagons shall, as quickly as possible, submit a motion to the Railway Transport Office to approve the technological documentation of the maintenance system (DTSU) to apply it to Rgs railway vehicles running under management of the Slovak Railways.</li> <li>3. The Railway Undertaking PCC Rail S.A. shall carry out separate investigation proceedings against a wagon examiner referring to improper technical inspection of railway vehicles in a train.</li> <li>4. PKP PLK S.A. in Gdańsk, with registered office in Gdynia, shall carry out additional diagnostic testing of the technical condition of the track structure on Gdańsk Port Północny station in the GPB – GP11 area.</li> <li>5. PKP PLK S.A. in Gdańsk, with registered office in Gdynia, PCC Rail S.A. in Jaworzno and PCC Intermodal S.A. in Gdynia shall carry out additional training (provide advice) among the members of the railway investigation team referring to the Ordinance of the Ministry of Transport as of 30 April 2007 on serious accidents, accidents and incidents on railway lines – Journal of Laws No 89, item 593 and the Instruction on proceedings concerning serious accidents, other accidents or incidents on railway lines Ir-3 (R-8)</li> </ol> | Category B09 accident which occurred on 13.01.2009 line 226 Gdańsk Port Północny station km 13,703 | No information on execution |

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|    |            |              |                             |   |   |                             |
|----|------------|--------------|-----------------------------|---|---|-----------------------------|
| 2. | 21.04.2009 | 2/PKBWK/2009 | PKP Cargo SA<br>(carrier)   | <p><b>The Management Board of PKP Cargo S.A. shall ensure that the following immediate checking and preventive measures will be taken in the company:</b></p> <ol style="list-style-type: none"> <li><b>1. Regular inspections of the technical fitness of oil dampers in ET22 locomotives during maintenance and repair activities, including in particular oil level checks.</b></li> <li><b>2. Implementation of the amendments into the internal regulations (Ct3 instruction and Technological Documentation of the Maintenance System for ET22 locomotives) imposing periodical inspections of damper condition and defining the method of conducting technical condition tests of the dampers used in ET22 locomotives. Amendments to the internal regulations must be agreed with the President of the Railway Transport Office in accordance with binding regulations.</b></li> </ol> <p>Apart from that, the railway investigation team developed conclusions and recommendations:</p> <ol style="list-style-type: none"> <li>1. to discuss the accident which occurred during the next anti-failure meeting in CT Wrocław and IŻ Wrocław giving the circumstances and the causes of its incident.</li> <li>2. CT Wrocław shall prepare a written information note about the incident.</li> <li>3. The proceedings in order to find persons liable for improper technical condition of the ET22-1137 locomotive shall be conducted by PKP Cargo S.A.</li> </ol> | Category B10 accident which occurred on 15.05.2008 line 271 on Wrocław Popowice station km 4,265            | No information on execution |
| 3. | 21.04.2009 | 3/PKBWK/2009 | PKP PR Sp. z o.o. (carrier) | <p><b>The Management Board of PKP Przewozy Regionalne Sp. z o.o. shall ensure that all railway vehicles operated and owned by the company, or are at the company's disposal, which after 28 March 2005 have their technical condition confirmed with a technical efficiency certificate, will also have the data referring to kilometrage [km] and date of validity.</b></p>  | Category B21 accident which occurred on 16.02.2009 line 68 Lublin Zemborzyce - Niedrzwica section km 15,996 | No information on execution |



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|    |            |              |                          |  |  |                             |
|----|------------|--------------|--------------------------|--|--|-----------------------------|
| 4. | 29.07.2009 | 4/PKBWK/2009 | PTK Holding SA (carrier) | <p><b>The Management Board of PTK Holding SA shall ensure that that the following immediate checking and preventive measures will be taken in the company:</b></p> <ol style="list-style-type: none"> <li><b>1. Regular inspections of the technical fitness of oil dampers in ET22 locomotives during maintenance and repair activities, including in particular oil level checks.</b></li> <li><b>2. Implementation of the amendments into the internal regulations (Technological Documentation of the Maintenance System for ET22 locomotives, in particular) imposing periodical inspections of damper condition and defining the method of conducting technical condition tests of the dampers used in ET22 locomotives. Amendments to the internal regulations must be agreed with the President of the Railway Transport Office in accordance with binding regulations.</b></li> </ol> <p>Apart from that, the railway investigation team developed conclusions and recommendations:</p> <ol style="list-style-type: none"> <li>1. to discuss the accident which occurred during the next anti-failure meeting in CT Wrocław and IŻ Wrocław giving the circumstances and the causes of its incident.</li> <li>2. CT Wrocław shall prepare a written information note about the incident.</li> <li>3. The proceedings in order to find persons responsible for improper technical condition of the ET22-1137 locomotive shall be conducted by PKP Cargo S.A.</li> </ol> | Category B10 accident which occurred on 15.05.2008 line 271 on Wrocław Popowice station km 4,265   | No information on execution |
| 5. | 07.09.2009 | 5/PKBWK/2009 | ZNLE SA Gliwice          | <p><b>Taking urgent actions by Zakłady Naprawcze Lokomotyw Elektrycznych S.A. in Gliwice in order to:</b></p> <ol style="list-style-type: none"> <li><b>1. clarify the content of the order to include the description of the requirements necessary to carry out technological processing of an axle with the indication of current drawings and the conditions to make an axle under binding regulations set forth by the constructor,</b></li> <li><b>2. ensure commissary supervision,</b></li> <li><b>3. ensure permanent axle protection against mechanical damage during transport between plants.</b></li> </ol> <p>Apart from that, the railway investigation team developed the following conclusions and recommendations based on the category B10 accident which occurred on 15.02.2009</p> <ol style="list-style-type: none"> <li>1. PKP Intercity S.A. Biuro Obsługi Trakcyjnej (Traction Service Office) shall set a list of necessary tests and documentation for traction vehicles prepared by the periodic repair provider and submitted to a commissioner during the commissioning of traction vehicles after repairs.</li> <li>2. Accident to be discussed with traction teams of PKP Intercity S.A. during periodic instruction meetings in the third quarter of 2009.</li> </ol>   | Category B10 accident which occurred on 15.02.2009 line 139 Pszczyna station and category B10 accident which occurred on 04.08.2009 line 1 Będzin - Sosnowiec section km 306,540 | No information on execution |

#### **4. Other matters relating to the functioning of the Commission in 2009 and 2010**

##### **4.1 Activity of the Commission in 2009**

In 2009 the Commission carried out its statutory activity executing the objectives and facing the challenges with considerable savings of the funds granted in comparison to the financial budget established for 2009 and given to the Commission by the Ministry of Infrastructure.

In the framework of its activities, the Commission cooperated with other departments of the Ministry of Infrastructure, among others, giving opinions on draft legal acts, budget programmes, preparing the budget, as well as organisation and staff matters.

The activity of the Commission also referred to cooperation with railway investigation teams, national and international external organisations and undertakings in the following areas:

- railway investigation teams conducting proceedings referring to incidents;
- the European Railway Agency (ERA) referring to participation in T3 working group and preparation of 'A guidebook of safety recommendations' and 'Guidelines for the safety information system'. The work of the team finished on 19.12.2009, and the results of its work were presented and approved during a plenary session of the network of the national investigating bodies (NIB). The cooperation with ERA also referred to the participation in plenary sessions and conferences organised by the Agency,
- participation in numerous conferences and trainings organised by national infrastructure managers, railway undertakings, state offices and colleges and universities connected with presentation of the Commission's work and the method of conducting railway investigations (serious accidents, accidents and incidents).
- participation in the Conference referring to EU railway safety on 08.09.2009 in Brussels, organised by the European Commission as a consequence of a very serious railway accident in Viareggio (Italy) on 29.06.2009. As a result of a broken axle of a tank wagon, derailment and unsealing of the tank an explosion occurred causing death of 31 people – inhabitants of Viareggio and others were seriously injured. As a result of this serious accident, apart from casualties, buildings, streets, railway vehicles, railway infrastructure and cars were also damaged. During the conference it was suggested that urgent short-term and long-term actions should be taken in order to inspect wheel sets of freight wagons and to introduce limitations in the use of wheel sets. The conference also resulted in appointment of a working group dealing with the use of freight wagons within ERA, consisting of the representatives of railway organisations and entrepreneurs.

##### **4.2 Cooperation with national investigating bodies of other countries**

On 29.06.2009 at 23:48 train No 50325 operated by Trenitalia Cargo consisting of an E655 locomotive and 14 tank wagons transporting hazardous butane derailed at Viareggio train station (Italy) causing a leakage of the charge and then an explosion, as a result of which 31 people were killed, tens were injured, and urban and railway infrastructure was considerably destroyed. The investigation referring to the said accident is being carried out by the Italian national investigating body, i.e. Direzione Generale per le Investigazioni Ferroviarie ('NIB Italy') and in parallel by the Italian prosecutor's office. The preliminary findings connected with circumstances of the serious accident imply that a break of the wheel set and leakage from the tank wagon contributed to this incident due to mechanical damage of the tank wagon coat.

Bearing in mind that in the chain of responsibility for technical condition and the incident there are different bodies, i.e. railway undertaking, wagon holder, maintenance shop inspecting and testing wheel sets, maintaining the wagon and the tank, wheel set manufacturer and wagon manufacturer, it must be pointed out however that these bodies come from different Member States.

With the approval of the European Railway Agency, NIB Italy sent a letter with file number 211/DGIF of 08.10.2009 to the national investigating bodies ('NIB') of Austria, Germany, Poland and Slovakia asking for cooperation in the investigation process. As part of cooperation, the representatives of all the aforementioned NIB were asked to collect and analyse available documents referring to different areas of manufacturing and use of the tank wagon with the number as mentioned above, which is to be used to determine the reasons and circumstances of this serious accident and to draw preventive conclusions and formulate recommendations to counteract such incidents in the future. NIP Poland was

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asked to inspect the documentation and provide its analysis with a reference to the manufacturer of the wagon in question, which is located in Poland.

As of 31.12.2009 'A draft report on the investigation conducted in relation to the serious railway accident which occurred on 29.06.2009 in Viareggio (Italy) developed by the State Commission on Rail Accident Investigation' was sent to the body concerned in order to give remarks. After taking into account the remarks as of the day of drawing up this 'Annual Report for 2009', the 'Report on the investigation' was sent to NIB Italy and NIB Austria to be acknowledged and used by them. It was also directly given to the representatives of NIB Slovakia, NIB Germany and the European Railway Agency during a plenary meeting at ERA on 09.02.2010.

### **4.3 Challenges for 2010**

In the framework of day-to-day operation of the Commission in 2010, the following activities will have to be implemented, inter alia:

- Carrying out and supervising investigations of accidents.
- Developing recommendations based on the results of the proceedings conducted by railway investigation teams referring to the whole railway network in Poland or in the European Union.
- Updating and keeping a database of railway incidents.
- Cooperation with the departments of the Ministry of Infrastructure by transposition to Polish law of Directive No 49/EC/2005.
- Further cooperation with the Railway Transport Office in the framework of a safety management system and recommendations to be implemented in line with the competence of the President of the Railway Transport Office.
- Efficient cooperation with Polish and international authorities.
- Participation in working groups coordinated by the European Railway Agency.
- Training for permanent members in areas of expertise necessary to implement the Commission's tasks.
- Regular updating of the List of the Minister specifying ad-hoc members of the Commission.
- Supervising adherence to the preliminary budget of the Commission for 2010.

In 2010 the Commission will continue the activities which aim at improving safety of railway lines, inter alia by:

- Recommending amendments to internal regulations concerning railway traffic through the station diverging from timetable traffic.
- Thorough analysis of the modernisation of the EP09 locomotive and implementation of safe utilisation rules.
- Protection and organisation of work performed by persons outside the PKP performing cleaning activities of the area on its behalf all year round in changeable weather conditions.
- Systematic implementation of wagon mileage parameters in kilometres in the period between repairs.
- Regular exchange of experience and knowledge with the Railway Transport Office and international investigating bodies (NIB).

### **5. Conclusions**

Every accident gives broader knowledge about new factors which contribute to the possibility of a railway accident incident.

The activities of the Chairman of the Commission under supervision of the proceedings carried out by the railway investigation teams forced a thorough analysis of the causes of events, on the basis of which proposals were developed to prevent any similar incidents.

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The provisions included in the internal regulations of railway undertakings, infrastructure managers, work organisation rules, eligibility requirements and the safety management system are subjected to a detailed analysis in order to check whether new circumstances of the incident require further clarification.

The recommendations issued by the Chairman based on the resolutions adopted by the Commission took into account the said aspects and resulted in, inter alia:

- eliminating the application of the provisions included in the internal regulations of the railway undertaking which are not approved by the President of the Railway Transport Office and are contradictory to the rules of railway vehicle maintenance under the Ordinance of the Ministry of Infrastructure and Technological Documentation of the Maintenance System. The vehicles with invalid periodic inspection which resulted in twisting of the axle journal, seizing-up of the axle journal and other parts due to their fatigue causing derailment, were withdrawn from operation;
- definite reaction to all alarm signals emitted by the devices detecting improper parameters in the gear system of railway vehicles under pain of the collective assessment of the possibility of further operation;
- systematic implementation of full validity terms of technical efficiency certificates of vehicles;
- another verification of the exposure factor and visibility triangles at the intersection of railway lines and public roads which results in train speed limitations, and completing road signs and indicators at the tracks on both sides of the level crossing;
- ceasing to transport aggregate in unsealed wagons, cleaning charge residue out of the edges of wagons thoroughly (passing trains had a broken front glass in a driver's cabin);
- establishing the rules and procedures for the carriage of workers using railway car homes in transit by work trains between the target stops;
- expanding the inspection cycles to cover detailed inspection of dampers in ET22 locomotives which as a result of seize-up or excessive resistance led to derailment;
- change of the procedures of the wheel set production cycle in EP09 locomotives.

These activities largely contributed to the decrease of the number of incidents on railway lines with the positive cooperation with the President of the Railway Transport Office in the framework of his duties.

## **6. Contact details of the Commission**

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