

The Regulation Governing the Handling of Investigation Procedures for Major Highway Occurrence

Chapter 1 General Principles

Article 1

The Regulation is prescribed pursuant to Article 38 of the Transportation Occurrence Investigation Act (hereinafter referred to as the “Act.”) and shall apply to the investigations of major highway occurrences.

Article 2

The terms applied in the Regulation are defined as follows:

1. Major Highway occurrences: Refer to the major highway occurrences specified in the scope of the Major Transportation Occurrences prescribed in the second paragraph of Article 2 of the Act.
2. Death or injury: A death or injury that is not self-induced or a result of natural causes.
 - (1) Death: The person who die on-scene or within 24 hours after the occurrence.
 - (2) Injury: The person who sustain light or severe injuries as a result of highway occurrences.
3. Duty officers: Refers to the person who alternately serves by the investigators of the TTSB, who are on duty 24 hours a day, and are responsible for handling notification of major highway occurrences.
4. On-scene Investigator: A highway safety investigator who, after the TTSB learns of a major highway occurrence or an alleged major highway occurrence, is appointed by the TTSB to take charge of directing the go-team to carry out on-scene identification of the major highway occurrence and investigation-related operations, and whose mission shall terminate upon appointment of an Investigator-In-Charge.
5. Go-team: A temporary task force formed by investigators of the TTSB to carry out the identification of a major highway occurrence, on-scene inspection, and collection of occurrence-related information.
6. Investigator-In-Charge: An investigator who, after a major highway occurrence arises, is designated by the TTSB pursuant to the Act to take charge of the investigation of the highway occurrence.

7. Investigation Task Force: An investigation team established by the Investigator-In-Charge pursuant to the Act, which shall, during the investigation, submit to the direction of the Investigator-In-Charge in conducting relevant operations.
8. Command Post of Investigation”: A place set up for the purposes of direction, control, communication, and logistic support for the implementation of on-scene investigation and conducting of such relevant operations as meetings and mission briefings for the investigation task force.
9. Tachograph: On-board recording devices, including devices that continuously record vehicle spot speed and running time.
10. Vehicle Owner: The owner of the vehicle registered at the Motor Vehicle office.
11. Vehicle Operator: The natural person, legal entity, or government authority (organization) that operates the automobile transportation enterprise.

Chapter 2 Notification of Major Highway Occurrences

Article 3

After a major highway occurrence or alleged major highway occurrence, the competent authority of the automotive transportation enterprise, the National Fire Agency, and the police department shall, within the time specified in Article 9 of the Act, promptly notify the TTSB duty officers. In addition, the competent authority of as well as the vehicle owner and the vehicle operator under the automotive transportation enterprise shall complete and submit a major highway occurrence report form to the TTSB.

Article 4

The competent authority of the automotive transportation enterprise, the National Fire Agency, the police department, and the vehicle owner and operator under the automobile transportation enterprise shall report major highway occurrences or alleged major highway occurrences in the event of the following:

1. Highway occurrence involving three or more fatalities, ten or more fatalities and injuries combined, or fifteen or more injuries.
2. Highway occurrence involving explosion or burning of hazardous materials, or leakage of toxic liquid (gas) or radioactive substances during transportation.

Chapter 3 Identification of Major Highway Occurrences

Article 5

Upon receipt of any notification, the TTSB may, if it deems necessary, designate an on-scene investigator to lead the go-team to the scene of the occurrence and take any necessary actions for the identification of the occurrence. The local government, fire agency, and police agency of the occurrence site, the vehicle owner and operator under the automotive transportation enterprise, or other relevant authorities (organizations) shall assist the onsite investigator in the investigation.

Article 6

The TTSB shall base on the contents of the notification and the information gathered by the go-team, identify whether the subject event of the notification is a major highway occurrence, and, if and when necessary, may form a review board to review the disputes arising out of the identification.

Article 7

The TTSB may, after deliberating upon the necessity of the investigation, terminate the investigation while the investigation is in process, but the grounds for such suspension shall be specified.

Chapter 4 On-scene Handling of Major Highway Occurrences

Article 8

After a major highway occurrence or alleged major highway occurrence arises, the Ministry of Health and Welfare, the local government, fire agency, and police agency of the occurrence location, and the vehicle owner and operator under the automotive transportation enterprise shall, in addition to assisting the investigation and handling matters designated by the investigation task force, render assistance ex officio with the following matters:

1. Collect information regarding casualties,
2. Collect information regarding vehicular damage,
3. Collect information regarding the site of the occurrence,
4. Conducting alcohol and drug tests on the driver,
5. Searching for the tachograph and other recording devices, and

6. Keep contact information of the driver and on-site witnesses and take down their statement.

Article 9

After a major highway occurrence arises, the Ministry of National Defense, Directorate General of Highways, Freeway Bureau, and local government and police department of the occurrence site shall, provide spaces for the operations of the command post of the investigation, temporarily wreckage storage, as well as communications and office equipment.

The TTSB may request that local governments and police departments to enforce necessary security maintenance and precautionary measures in the area where the occurrence occurred to prevent hazards to the safety of the general public caused by the wreckage of the vehicle or the dangerous goods on board as well as to avoid man-made destruction of the scene.

Article 10

Pursuant to the second paragraph of Article 12 of the Act, the vehicle operator shall turn off the power source of the tachograph to ensure the integrity of data related to the investigation.

Article 11

After a major highway occurrence or alleged major highway occurrence arises, the management authority of the occurrence site shall preserve the integrity of the scene, and shall consult with the investigator-in-charge to required clearance at the scene if any of the following situations are likely to occur:

1. Major influences on traffic flow and safety,
2. Derivative damage of the wreckage,
3. Derivative hazards,
4. Injury to the general public, or
5. Environmental pollution.

Chapter 5 Investigation of Major Highway Occurrences

Article 12

The Investigator-In-Charge in implementing Article 11 of the Act, shall invite an investigation team composed of representatives and experts from the following authorities (organizations) to join the investigation task force if he or she deems it necessary:

1. The Directorate General of Highways,
2. The Freeway Bureau,
3. The local government,
4. The relevant authorities (organizations) of the occurrence,
5. The vehicle owner or operator under the automotive transportation enterprise,
6. The authority for highway occurrence investigation in the countries where the car was designed or manufactured, and
7. Any other professional organizations, academics, or experts relevant to highway safety.

Neither lawyers nor representatives from insurance companies may participate in the investigation task force.

Article 13

If any person participating in the investigation referred to in the preceding article fails to obey any direction given by the Investigator-In-Charge or violates any matter contained in the commitment to confidentiality, the Investigator-In-Charge may suspend his or her participation in the operations of the investigation task force.

Article 14

Pursuant to Article 20 of the Act, the investigation task force may, upon making a written confidentiality commitment and obtaining consent from the Investigator-In-Charge, may engage in the following tasks:

1. Visit the scene of the occurrence;
2. Examine the wreckage;
3. Interview the witnesses and get testimonies;
4. Examine the relevant evidence;

5. Receive copies of all pertinent documents;
6. Participating in off-scene investigative activities, such as; components examinations, technical briefings, tests, and simulations;
7. Participate in progress meetings including deliberations to analysis, findings, causes, and safety recommendations; and
8. Making recommendations as to the various investigation processes.

Article 15

Pursuant to Article 14 of the Act, the TTSB holds the priority in taking custody of any relevant evidence. In the course of the investigation, it may return to the authorities (organizations) concerned such evidence as is no longer required in the investigation.

After the Final Report is released, the TTSB shall promptly return the relevant evidence to the authorities (organizations) concerned such as the vehicle, wreckage, documents, and manuals.

In case of any involvement of death or injury of any person in a major highway occurrence, the TTSB may not return relevant evidence to the authorities (organizations) concerned until the prosecutorial authority gives its consent.

Chapter 6 Personnel Interviews

Article 16

Prior to an interview, an interviewee may request a person to accompany him or her to the place where the interview is conducted. No supervisor, employer, lawyer, or insurance agent may so accompany the interviewee unless the TTSB gives its consent.

The person accompanying the interviewee may not enter the place where the interview is conducted unless he or she undertakes not to disclose the contents of the interview and not to interfere with the interview.

During the interview, the interviewee shall answer truthfully to any question presented to him or her by the TTSB's investigation task force. The accompanying person may not make any statement or interfere with or interrupt the interview, however, the interviewee may discuss the question with the accompanying person.

Prior to the interview, the supervisor or employer of the interviewee may not in any way affect the interviewee as to his or her statements concerning the facts, nor interfere with the interview.

No person may enter the place where the interview is conducted except those permitted by the investigation task force.

After the interview, the interviewee may not disclose the contents of the interview.

Article 17

The public disclosure of recordings or records of the interview and any restricted documents with respect to any situation described in Articles 21 and 22 of the Act and the subparagraphs of the first paragraph of Article 18 of the Freedom of Government Information Law, shall be limited.

Chapter 7 Draft Final Report Review and Safety Recommendations

Article 18

The authorities (organizations) concerned, domestic or abroad, as well as any unit subjected to investigation, may file a written application for presenting their dissent at the Board meeting of the TTSB within fifteen (15) days after receipt of a Draft Final Report pursuant to the second paragraph of Article 24 of the Act.

Chapter 8 Supplementary provision

Article 19

The Regulation shall become effective as of the date of promulgation.