

# The Regulation Governing the Handling of Investigation Procedures for Railway 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 railway occurrences.

### Article 2

The terms applied in the Regulation are defined as follows:

1. Major Railway occurrences: refer to the Major railway occurrences specified in the scope of the Major Transportation Occurrences prescribed in the second paragraph of Article 2 of the Act.
2. Death: means that the person that is not self-induced, a result of natural causes, or a result of intrusion by others during or within 30 days of the major railway occurrence.
3. Injury: refer to the person that is not self-induced, a result of natural causes, or a result of intrusion by others and that causes one of the following:
  - (1) Fracture, excluding that of finger, thumb, or toe.
  - (2) Amputation of limbs.
  - (3) Dislocation of shoulders, hips, knees, or the spine.
  - (4) Temporary or permanent loss of sight in one or both eyes.
  - (5) Damage to one or both eyes as a result of burns from chemical substances or heated metals or of other penetrative injuries.
  - (6) Hypothermia or fever.
  - (7) Injuries that require emergency rescue.
  - (8) Injuries that cause hospitalization for more than 24 hours.
  - (9) Injuries that directly cause the loss of consciousness.
  - (10) Acute diseases that are caused by inhalation, ingestion, or skin absorption of specific substances and that require medical care.

4. “Accredited Representative”: After a major railway occurrence, the individual who was appointed by the governments of countries where the railway system or rolling stocks were designed or manufactured and who is authorized to lead one or several advisors from the same state to participate in the investigation led by the Republic of China.
5. “Duty Officer”: 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 railway occurrences.
6. “On-scene Investigator”: A railway safety investigator who, after the TTSB learns of a major railway occurrence, is appointed by the TTSB to take charge of directing the go-team to carry out on-scene identification of the major railway occurrence and investigation-related operations, and whose mission shall terminate upon appointment of an Investigator-In-Charge.
7. “Go-team”: A temporary task force formed by investigators of the TTSB to carry out the identification of a major railway occurrence, on-scene inspection and collection of occurrence-related information.
8. “Investigator-In-Charge”: A railway safety investigator who, after a major railway occurrence arises, is designated by the TTSB pursuant to Paragraph 1, Article 11 of the Act to manage on-scene investigation operations; recruitment and establishment of the investigation task force; and direct major relevant investigations.
9. “Investigation Task Force”: An investigation team established by the Investigator-In-Charge pursuant to Paragraph 1, Article 11 of the Act, which shall, during the investigation, submit to the direction of the Investigator-In-Charge in conducting relevant operations.
10. “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.
11. “Data recorder”: Refers to the device that records the parameters of the rolling stock or system and audio data.

## **Chapter 2 Notification of Major Railway Occurrences**

## Article 3

After a major railway occurrence or an alleged major railway occurrence arises, the operational authority (organization), transportation control authority, fire department, and police department shall, within the time limit specified in Article 9 of the Act, notify to the TTSB.

In addition to the aforementioned items, when an operating train or rolling stock of a railway or mass transportation system is subject to any of the following, pursuant to Paragraph 2, Article 9 of the Act, the operational authority (organization) shall notify to the TTSB:

1. Operation against block protection.
2. Operation against signal.
3. Signal passed at danger.
4. Facility damage.
5. Trainset failure.
6. Fatality of person on board.
7. More than three persons are killed or injured.
8. Train or rolling stock separation.
9. Train or rolling stock runaway.
10. Incorrect setting of signals.
11. Electrical equipment failure.
12. Operation safety device failure.
13. Driver incapacitation.

In the event of any of the aforementioned items, the operational authority (organization), transportation control authority, fire department, and police department shall submit a major railway occurrence notification to the TTSB and identify the content of notification with the TTSB duty officer.

## **Chapter 3 Identification of Major Railway Occurrences**

### Article 4

Upon receipt of any notification, the TTSB may, if it deems necessary, designate an on-scene investigator to lead a go-team to the scene of the occurrence. The operational authority (organization); supervising authority; local government, fire department, and police department of the site; and

other relevant authorities (agencies) shall provide necessary assistance to the on-scene investigator.

#### Article 5

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 railway occurrence, and, if and when necessary, may form a review board to review the disputes arising out of the identification.

#### Article 6

The TTSB may, after deliberation 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 Railway Occurrences**

#### Article 7

Members of the go-team and investigation task force shall carry an identification card issued by the TTSB for an investigator when entering areas restricted due to the investigation, such as the scene of occurrence, wreckage storage areas, reconstruction areas, and investigation command post and so forth.

#### Article 8

After a major railway occurrence arises, the operational authority (organization), supervising authority, and the local government, fire department, or police department of the site shall in addition to assisting the investigation and handling matters designated by the investigation task force, render assistance ex officio with the following:

1. Collect information regarding casualties.
2. Collect information regarding damages.
3. Collect information regarding the site of the occurrence.
4. Conduct alcohol and drug tests on the train driver.
5. Locate data recorders and other recording devices.
6. Keep contact information of the train driver and on-site witnesses and

take down their statements.

7. Transport evidence items, perform aerial reconnaissance, and assist in taking measurements.

#### Article 9

After a major railway occurrence arises, the operational authority (organization), supervising authority, and the local government, fire department, or police department of the 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 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 rolling stocks, facilities, or dangerous goods on board as well as to avoid man-made destruction of the scene.

#### Article 10

The operational authority (organization) shall preserve data from the recording device after the railway occurrence.

#### Article 11

In the course of the investigation, the Ministry of the Interior, Ministry of National Defense, and Ministry of Transportation and Communications, local governments or any other civilian enterprises deemed appropriate and entrusted by the TTSB may, as requested by the investigation task force, take such measures as aerial surveillance or photography, and notify the TTSB promptly of any information so collected.

#### Article 12

After a major railway occurrence arises, the management authority of the site shall preserve the integrity of the scene. If any of the following situations is likely to occur, the management authority (organization) of the site shall negotiate with the Investigator-In-Charge to implement necessary

clearance of the scene:

1. Severe effects on the operation and safety of the railway.
2. Derivative damage of the wreckage.
3. Derivative hazards.
4. Injury to the general public.
5. Environmental pollution.

## **Chapter 5 Investigation of Major Railway Occurrences**

### Article 13

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 necessary:

1. The Railway Bureau (Ministry of Transportation and Communication).
2. The transportation bureaus of local governments.
3. The operational authority (organization).
4. The relevant authorities (organizations).
5. The investigation authorities from the country in which the railway rolling stock and system was designed and manufactured.
6. The other professional organizations and academic experts with railway safety expertise.

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

### Article 14

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 on confidentiality, the Investigator-In-Charge may suspend his or her participation in the operations of the investigation task force.

### Article 15

Pursuant to Article 20 of the Act, the accredited representatives, 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. Participate in readouts of data recorders.
7. Participate in off-scene investigative activities, such as; components examinations, technical briefings, tests, and simulations.
8. Participate in progress meetings including deliberations to analysis, findings, causes and safety recommendations; and
9. Making recommendations as to the various investigation processes.

#### Article 16

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 rolling stock, wreckage, documents and manuals.

In case of any involvement of death or injury of any person in a major railway 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 17

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 of the interviewee or any member of the judiciary, prosecutorial or investigative authorities 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 18

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 19

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 Paragraph 3, Article 24 of the Act.

### **Chapter 8 Supplementary Provision**

#### Article 20

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