

## Press Release



### Taiwan Yilan District Prosecutors Office

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#### **The Investigation of TRA Puyuma Derailment Case Has Been Concluded by the Yilan Prosecutors Office's Task Force**

A Puyuma train of the Taiwan Railways Administration (TRA)'s train derailed at Xinma Station in Yilan on October 21<sup>st</sup> 2018 and caused 18 people dead and 116 people injured. The Yilan District Prosecutors Office has set up a task force of 6 prosecutors and 2 prosecutor investigators to investigate the criminal responsibility. During the investigation, we have summoned more than 340 people to testify as defendants, witnesses and expert witnesses, examined the procurement documents of the 136 incident trains, the procurement documents of the Automatic Train Protection (ATP) and ATP Isolation Switch Remote Monitoring System, the records of train maintenance and employee training. We have seized evidence including the whole incident Puyuma trains, records of communication and Train Control and Monitoring System (TCMS), and consequently gone to Shulin Switchyard of TRA, Central Dispatch Office of TRA, Xinma Station, TRA Fugang Vehicle Depot to inspect these seized evidence. We further requested Fang Chia University Research Center for Traffic Accident Authentication to make an expert examination by using the key elements from the incident train.

After thorough investigation and intensive meetings by the task force, prosecutors have come to the conclusion of the case on June 6<sup>th</sup>, 2019. Defendants You(尤), Liu(柳)and Wu(吳) will be prosecuted for negligently causing the death of another. Following is the elaboration of the investigation result:

#### I. Indictment

##### A. Speeding, ATP being switched off and ATP Isolation Switch Remote

Monitoring System was offline are accumulated causes:

The three main causes of this incident are: first, the incident train was traveling at 140 km/h which was nearly two times faster than the speed limit

(75km/h) at Xinma Station. Secondly, ATP had been switched off by the driver. Third, ATP Isolation Switch Remote Monitoring System was not connected and was offline. Based on these reasons, Defendants You(尤), Liu(柳)and Wu(吳) will be prosecuted for negligently causing the death of another.

B. Shutdown of the Main Compressor of the train is not the cause of the incident:

The Main Compressor of the incident train was shut down automatically during the movement of the train for the prevention of its overheating, and it could be restarted manually by switching on BOUN which was located at the panel behind the seat of the driver. More importantly, the Main Compressor's shutdown reduced the speed of the train instead of speeding it up to derail. Therefore, it is not the cause of this incident.

C. Defendants You(尤), Liu(柳)and Wu'(吳) criminal responsibility:

1. The driver, Defendant You(尤)'s acts to switch off ATP was violating relevant rules and to drive over the speed limit had caused the great casualties of this incidence:

The driver, Defendant You(尤), switched off ATP against rules on his own decision between Dali station and Dashi station in Yilan at 16:17:55 on the incident day, relieving the protection by ATP from the train. Moreover, Defendant You(尤)neither reported to the dispatcher regarding the switching off of the ATP nor followed the rules to switch it on again at the next station (Toucheng Station). He had the chance to switch ATP on again at the following Yilan station and Luodong station, but Defendant You(尤) had not done so. Defendant You(尤) pushed the accelerator to 140km/h after the departure from the Luodong station, traveling at a high speed between 139 to 142 km/h. He ignored the speed limit signboard 75km/h and drove without protection of ATP and ATP

Isolation Switch Remote Monitoring System. When the train passed Xinma Station at 16:49:27 at 141 km/h, it derailed at high speed and caused this incident with heavy casualties

2. Defendant Liu(柳) negligently omitted to include ATP Isolation Switch Remote Monitoring System into the testing process of the procurement, causing the monitoring system remained offline as well as the heavy casualties:

To prevent the reoccurrence of the similar tragedy like the “Dali incident” (a driver of TRA improperly switched off ATP and ignored signboards, causing casualties between Dali station and Guishan station in Yilan on June 15<sup>th</sup> , 2007; the driver was sentenced to 1 year and 8months in prison), TRA spent 18 millions NTD to procure the “ATP Isolation Switch Remote Monitoring System”. This system started its service since May 27<sup>th</sup> , 2010.

The huge amount of procurement of Puyuma trains was won by Sumitomo Corporation on December 30, 2010. The producer, Nippon Sharyo, Ltd, was designated as the supplier.

Defendant Liu(柳), the former Deputy Director of Department of Rolling Stock of TRA, was responsible for coordinating meetings for technical information review, examining the testing plan and procedure submitted by Sumitomo Corporation, and ensuring that TRA staffs could conduct the testing process to decide whether the Puyuma trains offered conformed with the required standard. However, defendant Liu(柳) negligently omitted to include ATP remote monitoring system into the testing process of procurement. This resulted that TRA inspectors from testing team did not check whether ATP Isolation Switch Remote Monitoring System functioned normally when they processed the testing

and thus approved Puyuma's operation. The incident train consequently operated while the remote monitoring system was malfunctioning and was incapable of finding out that ATP had been turned off by Defendant You(尤). This omission is one of the main reasons of the incident.

3. Defendant Wu(吳), the Chief of Central Dispatch Office of TRA's negligent omission of finding out the malfunction of the ATP Isolation Switch Remote Monitoring System had cause this incident with heavy casualties.

Defendant Wu(吳) has been the Chief of Central Dispatch Office of TRA since November 25<sup>th</sup>, 2010. He was also the member of testing team of Puyuma trains procurement. He should have been aware that whether ATP Isolation Switch Remote Monitoring System functions properly. However, he didn't mention whether ATP Isolation Switch Remote Monitoring System was complied with terms and conditions incorporated in procurement contract in the abovementioned meetings, nor did he take proper action when receiving six hundreds of alerts made by drivers from 2014 to 2018, reporting that ATP Isolation Switch Remote Monitoring System had failed to function. Without the protection of this monitoring system, Puyuma still operated and in the end caused this incident with heavy casualties. It is obvious that Defendant Wu(吳) has negligence in managing and supervising the ATP Isolation Switch Remote Monitoring System.

## II. Others are not prosecuted by a public prosecutor

- A. Defendants Fan(范), Zhou(周) and Lu(鹿) are former Director General of TRA. Our office found they are not criminally responsible for this case because they had authorized defendant Liu(柳) and Wu(吳) in charge of ATP Isolation Switch Remote Monitoring System and they could not have foresaw

speeding and ATP switched off by defendant You(尤).

- B. Dispatcher Wu(吳),Huang(黃), Zhuang(莊) and Chang(張), and mechanic Haung(黃),Wang(王) and Du(杜) did not aware of ATP was switched off by defendant You(尤), nor did they expect that the defendant You(尤) would drive over speed limit. They are not criminally responsible for this case.
- C. Staff of Yilan Station Lai(賴) and Zhao(趙), conductor Xie(謝) and Chen(陳), and station master of Toucheng Station Lin(林) are not in charge of Vehicle Power System of the train and they have done their duties in this case. They are not criminally responsible for this case.
- D. Conductor Chen(陳) did not record the main compressor of the 8<sup>th</sup> train was shutdown on the register book which was handed to defendant You(尤) afterwards. However, it is not the cause of this incident. Thus, he is not criminally responsible for this case.
- E. There is no evidence that any public official should be charged for neglecting his duties thereby causing a catastrophe .
- F. There is no evidence that any public official is involved in corruption.

### III. The process of this incident and conclusion.

When this Puyuma train derailed on October 21<sup>st</sup> 2018, former Chief Prosecutor Jin-Ding, Li(李金定) requested head prosecutor Zhen-Yu, Chiang(江貞諭), Kuang-Tsung, Liang(梁光宗) and Li-Zhong, Zhang (張立中) to set up Emergency Response Center. Moreover, Chief Prosecutor then led our prosecutors, clerks, forensic medical examiners and other forensic medical examiners from Taiwan Taipei District Prosecutors Office, Taiwan New Taipei District Prosecutors Office and Taiwan Shilin District Prosecutors Office coordinated by Chief Prosecutor of Taiwan High Prosecutors Office to Xinma Station and Suao Branch, Taipei Veterans General Hospital to coordinate medical arrangement, judicial autopsy and evidence collection. The autopsy has been finished within 12 hours and returned victims remains to the bereaved

family according to DNA examination by Criminal Investigation Bureau on October 23<sup>rd</sup>.

Former and current Chief Prosecutor Jin-Ding, Li and Li-Chen, Yu (余麗貞) lead the investigation team of Head prosecutor Zhen-Yu, Chiang and Kuang-Tsung, Liang, Prosecutor Yi-lung, Chen(陳怡龍), Ting-Han, Lee(李頌翰), Pei-Rong, Jiang (江佩蓉), Yu-Hong, Lin(林禹宏) and Prosecutor's Investigator Hong-Zhi, Li (李弘智) and Pei-Juan, Zhou (周珮娟) to integrate Agency Against Corruption, Investigation Bureau, Criminal Investigation Bureau, Railway Police Bureau and Yilan County Police Bureau to investigate this case and make the conclusion of criminal responsibility of defendants as abovementioned.

Safety first is always our priority . TRA sets up a clear standard of procedure of ATP operation to prevent drivers conduct trains over speed limit. TRA further sets up ATP Isolation Switch Remote Monitoring System to prevent drivers switch off ATP without reporting. However, in this case, some employees act negligently against their duties. The accumulated causes are severe enough to cause this incident with heavy casualties. Our office not only prosecutes the defendants with their criminal responsibility but also hopes TRA can reform and further provide the public with a safe well-rounded service, it's our suggestion that every aspect, such as the procurement and reception process, maintenance, education and assessment of personnel aptitude, needs to be re-addressed and to be reexamined thoroughly, if only to adopt a more comprehensive measure and policy to ensure disasters like this will never happen again.