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OFFICE OF
TRANSPORT
SAFETY
INVESTIGATIONS

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Bus Safety Investigation

Interim Factual Statement

**FATAL INJURIES TO A PEDESTRIAN AT KENSINGTON &
MONTGOMERY STREETS, KOGARAH
2 MAY 2006**



OTSI File Reference: 04265

The Office of Transport Safety Investigations (OTSI) is an independent NSW agency whose purpose is to improve transport safety through the investigation of accidents and incidents in the rail, bus and ferry industries.

Established on 1 January 2004 by the *Transport Administration Act 1988*, the Office is responsible for determining the causes and contributing factors of accidents and to make recommendations for the implementation of remedial safety action to prevent recurrence.

OTSI investigations are conducted under powers conferred by the *Rail Safety Act 2002* and the *Passenger Transport Act 1990*. OTSI investigators normally seek to obtain information cooperatively when conducting an accident investigation. However, where it is necessary to do so, OTSI investigators may exercise statutory powers to interview persons, enter premises and examine and retain physical and documentary evidence. Where OTSI investigators exercise their powers of compulsion, information so obtained cannot be used by other agencies in any subsequent civil or criminal proceedings against those persons providing information.

OTSI investigation reports are submitted to the Minister for Transport for tabling in both Houses of Parliament. Following tabling, OTSI reports are published on its website www.otsi.nsw.gov.au

OTSI's investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. OTSI monitors the extent to which its recommendations have been accepted and acted upon through consultation with the relevant Transport Safety Regulator.

Information about OTSI is available on its website or from its offices at

Level 21, 201 Elizabeth Street
Sydney NSW 2000
Tel: (02) 8263 7100

PO Box A2616
Sydney South NSW 1235

The Office of Transport Safety Investigations also provides a Confidential Safety Information Reporting facility for rail, bus and ferry industry employees. The CSIRS reporting telephone number is 1800 180 828.

The Incident

At approximately 4:00pm on 2 May 2006, a passenger bus operated by Veolia Transport (formerly operating as Connex), struck an elderly pedestrian at the intersection of Kensington and Montgomery Streets in Kogarah, Sydney.

The bus, a Scania K94, struck the pedestrian in the area of its front offside/right wheel. The bus driver felt the impact and stopped the bus, but in the intervening period the pedestrian was dragged several metres.

Emergency Response

There were several witnesses to the accident and one used a mobile phone to contact emergency services. A physician, from an adjacent medical centre, quickly attended to the pedestrian and the Police and Ambulance Service arrived at the scene shortly thereafter.

The pedestrian sustained serious injuries to her right leg and was conveyed, by ambulance, to St George Hospital. She later died whilst undergoing surgery.



The bus involved in the accident

Immediate Safety Actions

The Police Crash Investigation Unit examined and tested the bus in situ before allowing it to be removed from the scene.

Investigation

The Chief Investigator has determined that the circumstances and nature of this accident warrant formal investigation by OTSI in accordance with Section 46BA of the *Passenger Transport Act 1990* (NSW).

OTSI's investigations are conducted in accordance with 'Just Culture' principles and focus on safety outcomes rather than the attribution of blame or liability. The purpose of this investigation is to:

- a. identify the circumstances surrounding the accident;
- b. identify those factors that caused or contributed to the accident with consideration being given to, but not limited by, the following factors:
 - i. the actions of the bus driver and the pedestrian;
 - ii. conditions at the intersection including, but not limited to, vehicular and pedestrian control devices;
 - iii. the design and mechanical condition of the bus;
 - iv. whether the bus was operated in accordance with NSW road rules and regulations and any conditions attached to the operating company's accreditation;
 - v. the adequacy of the emergency response, and
 - vi. any other matters arising from the investigation that would enhance the safety of bus operations in NSW.

Report

Once completed, OTSI's investigation report will be tabled in Parliament by the Minister for Transport as required by Section 46D of the *Passenger Transport Act 1990*. When the Report has been tabled, copies will be made available to all directly interested parties and will be published on the OTSI website.