



Office of Transport Safety Investigations

BUS SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT

**MULTIPLE BUS ACCIDENTS OCCASIONING
FATALITIES AND SERIOUS INJURY IN NSW**

**19 JUNE 2007 M2 MOTORWAY, CARLINGFORD
19 JUNE 2007 CLARENCE STREET, SYDNEY CBD
20 JUNE 2007 HILLVIEW STREET, RUTHERFORD
27 JUNE 2007 DRUITT STREET, SYDNEY CBD**



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*, and confirmed by amending legislation as an independent statutory office on 1 July 2005, OTSI 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 action 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. However, OTSI is kept informed of the extent to which its recommendations have been accepted and acted upon through advice provided by the Independent Transport Safety and Reliability Regulator (ITSRR). In late 2006, ITSRR instigated a formal process with relevant regulators to monitor the implementation of OTSI recommendations by those organisations to which they are directed. OTSI understands that ITSRR intends to publicly report on progress through its Annual Industry Safety Report.

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

Level 17, 201 Elizabeth Street
Sydney NSW 2000
Tel: (02) 9322 9200

PO Box A2616
Sydney South NSW 1235

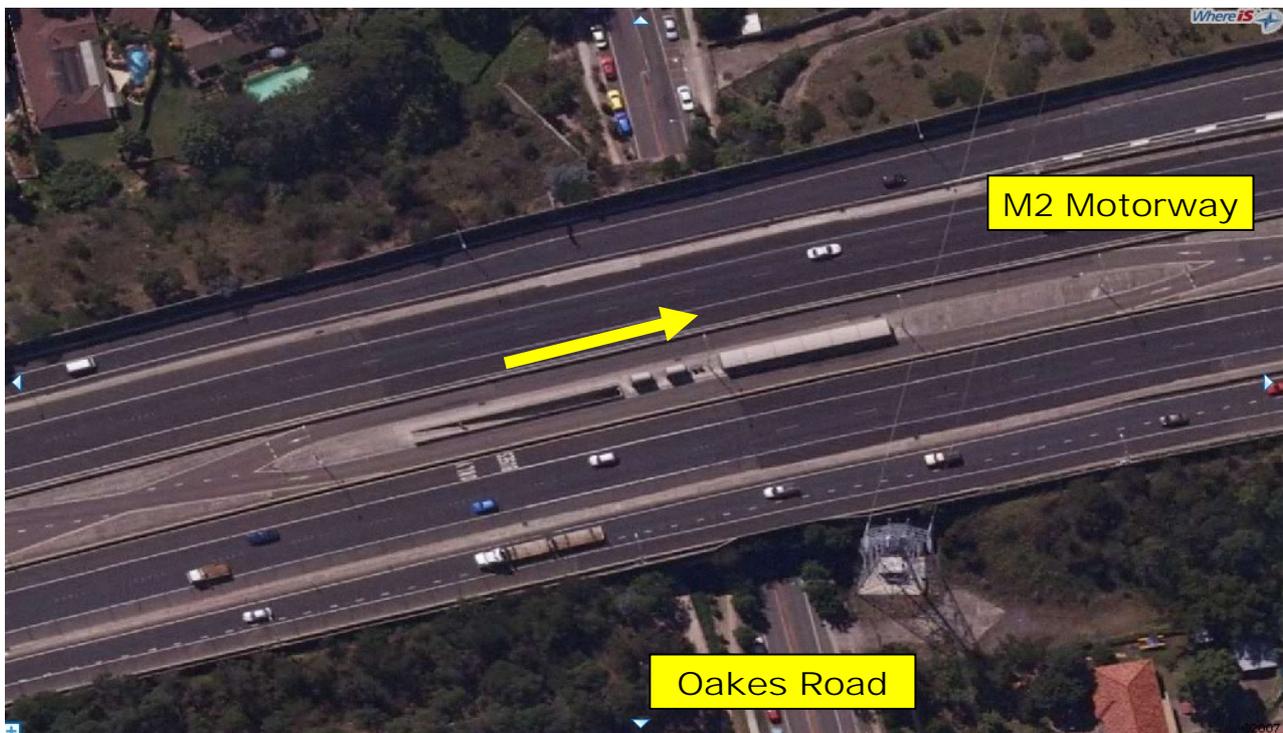
The Office of Transport Safety Investigations also provides a Confidential Safety Information Reporting facility for rail, bus and ferry industry employees. The CSIRS reporting telephone number is 1800 180 828

The Incidents

In three separate accidents over a period of 33 hours, three persons died in NSW as a result of having been struck by a bus. A week later, another pedestrian was seriously injured after having been struck by a bus. These accidents involved:

- a male pedestrian suffering fatal injuries after being struck by a bus, operated by Hillsbus, on the M2 Motorway at Carlingford on 19 June 2007;
- a female pedestrian suffering fatal injuries after being struck by a bus, operated by Sydney Buses, at the intersection of Druitt and Clarence Streets in the Sydney CBD on 19 June 2007;
- a male cyclist suffering fatal injuries after being struck by a bus, operated by Hunter Valley Buses Pty Ltd, at the intersection of Hillview and Arthur Streets at Rutherford on 20 June 2007, and
- a female pedestrian suffering serious injury after being struck by a bus, operated by Sydney Buses, at the intersection of Druitt and Kent Streets in the Sydney CBD on 27 June 2007.

The location of these accidents is depicted in the following photographs:



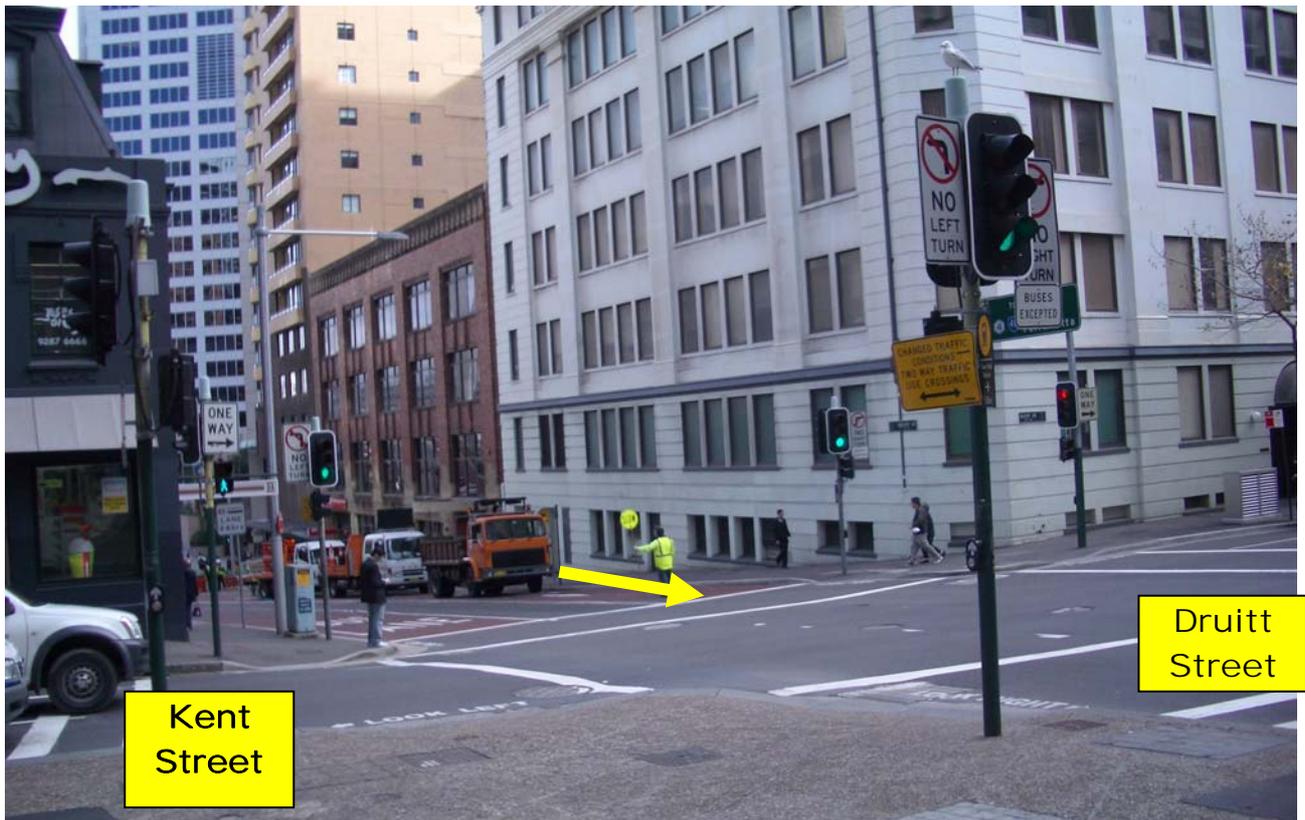
Overview of the Oakes Road Bus Interchange, M2 Motorway, Carlingford at which a male pedestrian was fatally injured (Arrow indicating direction of bus movement)



Location of the accident involving a female pedestrian, corner of DrUITT and Clarence Streets, Sydney CBD (Arrows indicating direction of bus movement)



Location of the accident involving a cyclist, corner of Hillview and Arthur Streets, Rutherford (Arrows indicating direction of bus movement)



Location of the accident involving a female pedestrian, corner of Druitt and Kent Streets, Sydney CBD
(Arrow indicating direction of bus movement)

Immediate Safety Actions

In each instance, Police attended the scene of the accident and examined, or arranged for the examination of, the bus. The bus drivers were also tested for the presence of drugs and alcohol.

Investigation

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

On 22 June 2007, the Chief Investigator notified Directly Involved Parties that he had initiated this investigation. On 5 July 2007, those same parties were advised that the investigation had been widened to include the accident that occurred on 27 June 2007.

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 accidents;
- b. identify those factors that caused or contributed to the accidents with consideration being given to, but not limited by, the following factors:
 - i. the actions of the bus drivers, the pedestrians and the cyclist;
 - ii. road conditions including, but not limited to, vehicular and pedestrian control devices;
 - iii. the design and mechanical condition of the buses;
 - iv. whether the buses were 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 responses, 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.