



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

FATAL LEVEL CROSSING COLLISION

NUNDAH

4 May 2012

THE OFFICE OF TRANSPORT SAFETY INVESTIGATIONS

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. OTSI investigations are independent of regulatory, operator or other external entities.

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. Importantly, however, OTSI does not confine itself to the consideration of just those matters that caused or contributed to a particular accident; it also seeks to identify any transport safety matters which, if left unaddressed, might contribute to other accidents.

OTSI's investigations are conducted under powers conferred by the Rail Safety Act 2008 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.

It is not within OTSI's jurisdiction, nor an object of its investigations, to apportion blame or determine liability. At all times, OTSI's investigation reports strive to reflect a "Just Culture" approach to the investigative process by balancing the presentation of potentially judgemental material in a manner that properly explains what happened, and why, in a fair and unbiased manner.

Once OTSI has completed an investigation, its report is provided to the NSW Minister for Transport for tabling in Parliament. The Minister is required to table the report in both Houses of the NSW Parliament within seven days of receiving it. Following tabling, the report is published on OTSI's website at www.otsi.nsw.gov.au.

OTSI cannot compel any party to implement its recommendations and its investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. However, OTSI takes a close interest in the extent to which its recommendations have been accepted and acted upon. In addition, a mechanism exists through which OTSI is provided with formal advice by the Independent Transport Safety Regulator (ITSR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

Incident Overview

At 9:13am on Friday 4 May 2012, locomotive 5033, the lead locomotive of an empty coal train operated by QR National Limited, collided with a Ford Falcon utility on a level crossing on Dights Crossing Road, Glennies Creek, at a rail location known as Nundah. The train was travelling in a north westerly direction away from the Kooragang coal terminal, while the utility was travelling south along Dights Crossing Road. The driver of the utility was fatally injured in the collision.

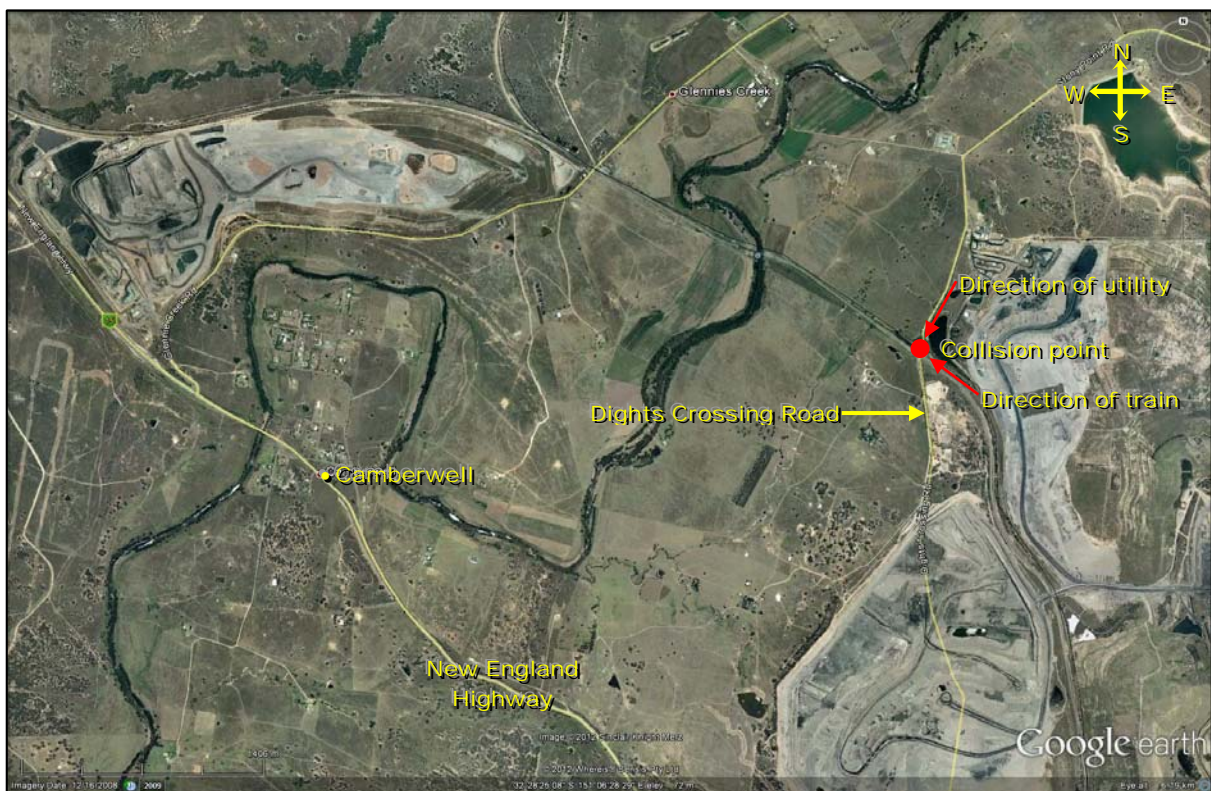
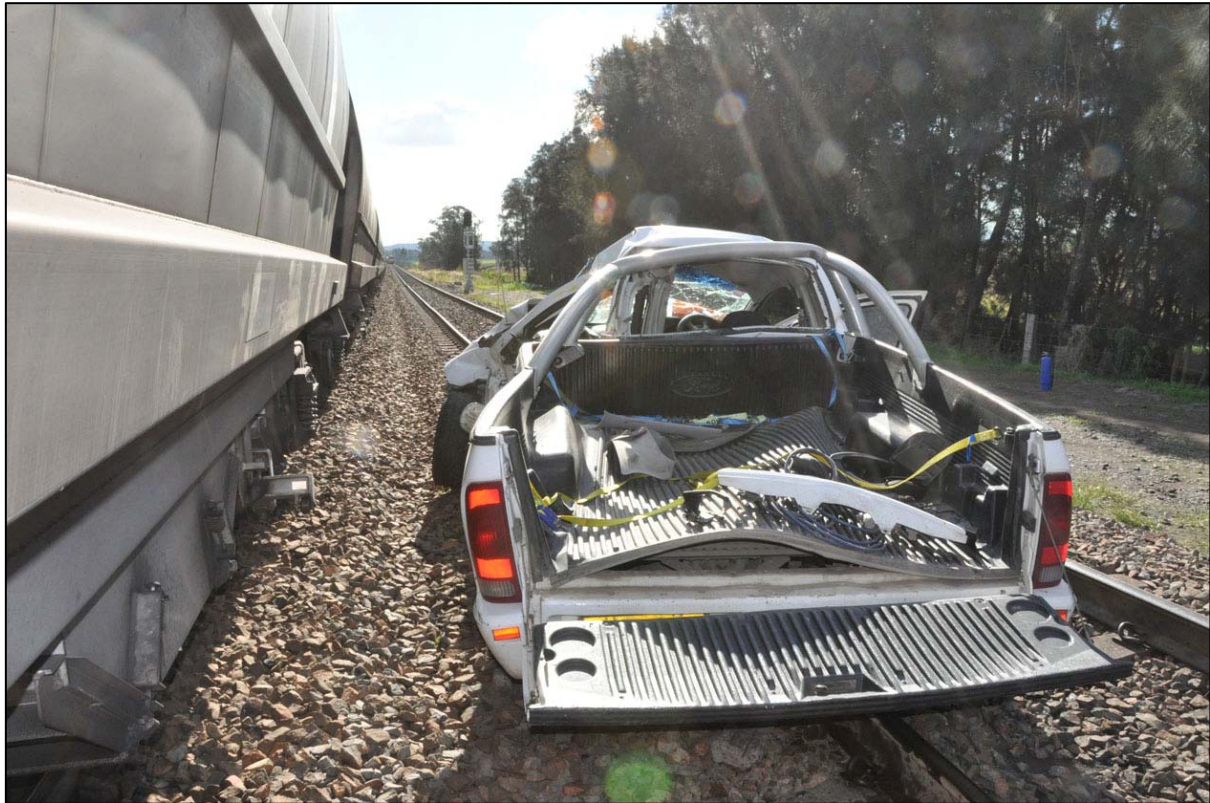


Figure 1: Incident location

The OTSI Duty Officer received notification of the collision at 9:30am on 4 May, and two OTSI investigators travelled to the site, arriving at 1:45pm on the same day to conduct a preliminary investigation.



Photograph 1: The collision scene

The utility was found to have suffered major structural damage, with its width at the driver's seating position reduced by approximately 50%. Damage to the locomotive was minimal.

After reviewing the preliminary incident information, the Chief Investigator determined that the accident warranted formal investigation pursuant to Section 45A of the *Transport Administration Act 1988* and Section 67 of the *Rail Safety Act 2008*.

Terms of Reference

The terms of reference established by the Chief Investigator require OTSI's Investigating Officer to:

- a. identify the factors, both primary and contributory, which led to the incident;
 - b. advise as to whether the incident might have been anticipated and the effectiveness of any strategies that were in place to manage the related risks;
- and

- c. advise on any matters arising from the investigation that would enhance the safety of rail operations.

Status of the Investigation

OTSI's investigation has commenced. During the course of the investigation, all Directly Involved Parties (DIPs) will be consulted and will be afforded the opportunity to comment on the Draft report before it is finalised.

Once completed, OTSI's investigation report will be tabled in both Houses of the NSW Parliament by the Minister for Transport in accordance with Section 74 of the *Rail Safety Act 2008*. When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.