



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

BALLAST TRAIN COLLISION

BENGALLA TO MANGOOLA SECTION (ULAN LINE)

18 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 approximately 5:15am on Friday 18 May 2012, the rear wagon of ARTC ballast train 6M25 derailed after colliding with a ballast regulating machine (BX-045) at 300.500kms within a worksite in the Bengalla to Mangoola section on the Ulan Line. The worksite spanned approximately 13 kilometres of the line from Muswellbrook and was one of a number worksites associated with a major shutdown of the ARTC leased network in the Hunter Valley Region at the time.

The ballast regulating machine, which had become disabled after running out of fuel, was pushed for 50 metres by 6M25 after the collision. 6M25 was being propelled within the worksite at the time.

There were no employees onboard the ballast regulating machine at the time of the collision. However, several employees associated with the unloading of the wagons on 6M25 were riding the train and the injury details to these persons are still to be confirmed.

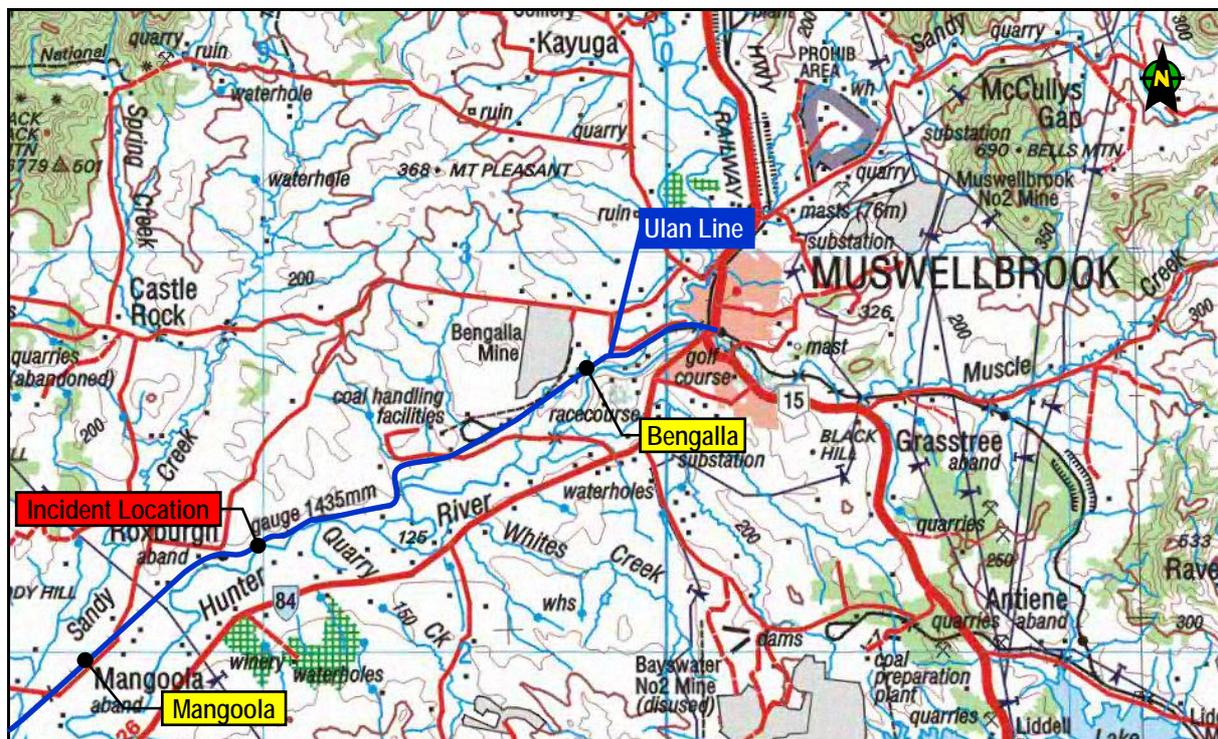


Figure 1: Incident location

The OTSI Duty Officer received notification of the collision at 6:30am on 18 May, and two OTSI investigators were deployed to the site, arriving at 11:40am to conduct a preliminary investigation.



Photograph 1: Position of rear wagon after colliding with the ballast regulating machine

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.