



Office of Transport Safety Investigations

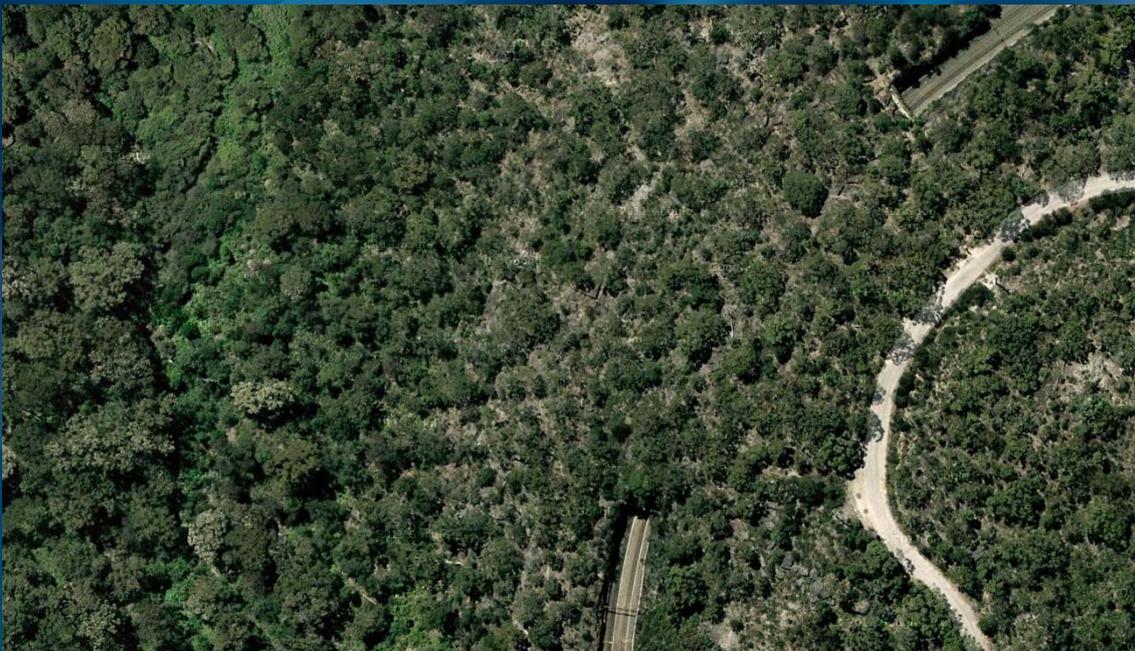
RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

MAIN LINE RAIL DEFECT

BORONIA No. 3 TUNNEL

10 OCTOBER 2014



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 Transport Administration Act 1988 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.

Incident Overview

At 1256 on 10 October 2014 a Sydney Trains civil team was authorised to enter Boronia No. 3 tunnel to inspect a defect. The defect had previously been inspected on 16 September 2014 after a significant wide gauge had been reported overnight during the passage of the AK cars (a specially equipped train used to measure track geometry).



Figure 1: Incident location

The civil team inspected the defect and discovered that rail fastenings had corroded or were missing such that the rail was no longer being held in position. The defect was assessed as being an E1 defect¹ and no further trains were allowed to pass over it until it was made safe, pending permanent repair.

¹ E1 defect: A defect such that action has to be taken prior to the next train passing

When OTSI became aware of the incident on 13 October 2014, the Acting Chief Investigator determined that more information was required. The Sydney Trains investigation report, received on 20 March 2015, was reviewed in accordance with section 45A(2)(d) of the *Transport Administration Act 1988*. It was then determined that the incident warranted further formal investigation pursuant to *Section 46BA* of the *NSW Passenger Transport Act 1990*.

Terms of Reference

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

- a. assess the adequacy and effectiveness of the actions taken in response to the detection of an E1 defect in the rail in Boronia No.3 Tunnel;
- b. assess the adequacy and effectiveness of the inspection and maintenance regimes for the section incorporating the Boronia tunnels; 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 46D* of the *NSW Passenger Transport Act 1990*. When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.