



## **RAIL SAFETY INVESTIGATION**

### **INTERIM FACTUAL STATEMENT**

#### **TRACK WORKER INJURED BY HI RAIL EXCAVATOR**

#### **SANDGATE FLYOVER WORKSITE**

7 NOVEMBER 2006



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](http://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 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.

## Incident Overview

At approximately 1:10pm on Tuesday 7 November 2006, a 24 year old male track worker was preparing to weld a newly laid section of rail in an area of track work as part of the Sandgate rail flyover project, when he was struck by a reversing Hi Rail<sup>1</sup> excavator operated on behalf of John Holland Pty Ltd. The track worker sustained severe injury which necessitated hospitalisation and emergency surgery.

The excavator operator was carrying out a ballast dragging operation, filling the shoulders of the newly laid track with ballast. At the same time, the track welding crew were engaged in the process of cutting the rail in preparation for welding the joint. The track workers were aware of the excavator operating in the area, however were unaware of the proximity of their work to that of the excavator's operating zone. With the operator facing away from the excavator's direction of travel, there was no indication to him of how close he was operating to the track welding crew.

The excavator operator had almost completed his procedure when he was alerted by the shouting of nearby witnesses that the excavator had struck a track worker. He immediately drove his machine forward and climbed down to assist the injured worker.

## Emergency Response

Witnesses and other workers in the area attended to the injured worker, providing expedient first aid at the scene. Emergency services were notified and the injured worker was conveyed by ambulance to John Hunter Hospital.

OTSI was notified of the incident and deployed an investigator to the site of the accident.

The Chief Investigator subsequently determined that the serious nature and safety implications of this incident warranted investigation by OTSI in accordance with the provisions of Section 67 of the *Rail Safety Act 2002* (NSW).

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<sup>1</sup> Hi Rail is the term given to a vehicle or machine which has, in addition to its normal drive system, a mechanism with wheels which allow the vehicle to be mounted and driven along train tracks.

## **Terms of Reference**

The terms of reference established by the Chief Investigator require OTSI's Investigator in Charge to:

- identify the cause/s of the accident and any factors which may have contributed to it;
- determine what planning had been conducted with respect to the close proximity of moving plant to work crews;
- identify what defences were in place to protect work crews from moving plant and vehicles in the worksite;
- examine the appropriateness of the emergency response, and
- 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. Once completed, OTSI's investigation report will be submitted to the Minister for Transport for tabling in Parliament in accordance with Section 68 of the *Rail Safety Act 2002 (NSW)*. When the Report has been tabled, it will be published on OTSI's website.