



**Office of Transport Safety Investigations**

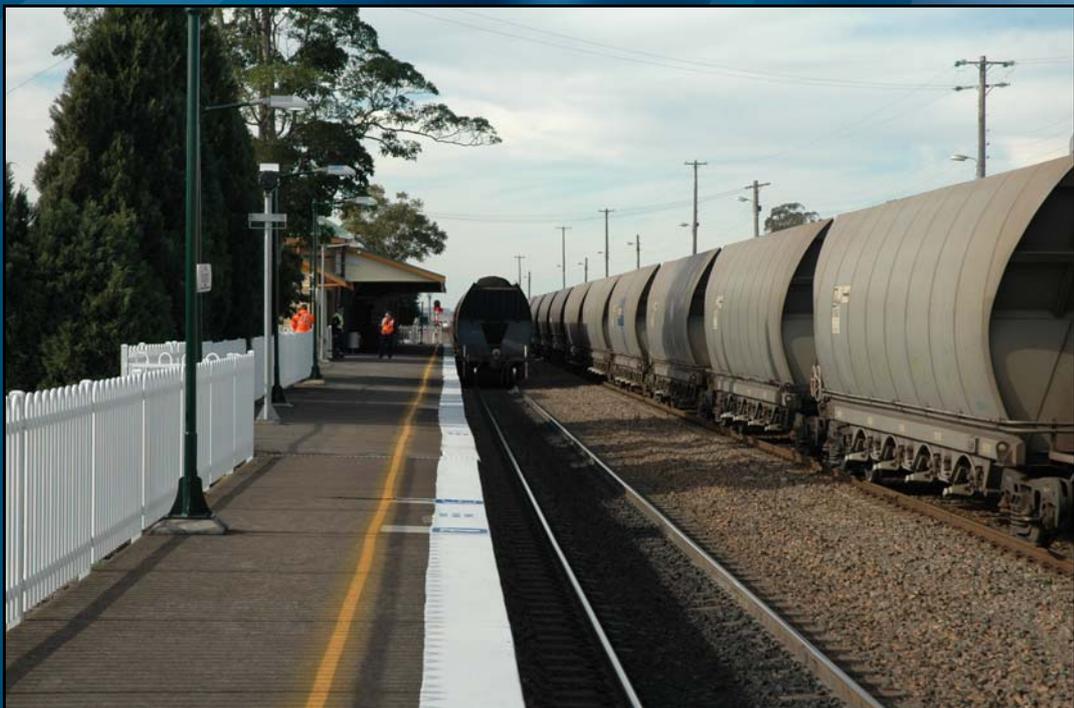
## **RAIL SAFETY INVESTIGATION**

## **INTERIM FACTUAL STATEMENT**

**FATAL RAIL ACCIDENT  
RAIL INFRASTRUCTURE MAINTENANCE WORKERS**

**SINGLETON, NSW**

**16 JULY 2007**



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. 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.

## Accident Overview

At approximately 5:48am on 16 July 2007, two rail infrastructure maintenance workers were fatally injured when they were struck by an empty Pacific National coal train at Singleton in the Hunter Valley region of NSW. The accident occurred approximately 500 metres South of Singleton Station.

From approximately 4:50am, the maintenance workers had been on the tracks inspecting and testing signals components that had earlier appeared to malfunction. The crew of a Southbound coal train observed the two maintenance workers standing on the track used by Northbound trains as they passed the workers at approximately 5:45am.

At 5:48am, the Network Controller received a telephone call from the Co-driver of a Northbound coal train who reported that their train had struck a number of persons on the track at Singleton. The Network Controller immediately notified the emergency services of the accident. Emergency services personnel commenced arriving at the site at 6:10am and established that there were two victims who were both deceased.

## Notification and Response

OTSI's Duty Officer was notified of the incident at 6:00am. An OTSI investigator was deployed to conduct a preliminary investigation and arrived at the scene of the accident at 8:15am. As a result of the preliminary investigation, the Chief Investigator determined that the nature of the accident was such that it required formal investigation in accordance with Section 67 of the *Rail Safety Act 2002*.

## 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 caused the accident with particular reference to, but not being limited by, the following issues:

- i. the reason the two infrastructure maintenance workers were on the track and the method of worksite protection that was being employed at the time;
  - ii. whether the two infrastructure maintenance workers were qualified to undertake the task/s they were performing and their related levels of experience;
  - iii. whether the method of worksite protection that was in place was properly followed and whether or not it was an appropriate method to have been employed in the first instance;
  - iv. whether the two infrastructure maintenance workers communicated with Train Control prior to commencing, and during, their task/s and, if so, the nature of that communication;
  - v. whether the two infrastructure maintenance workers received warning of any known train movements prior to the commencement of, or during, their tasking, and
  - vi. whether Train Control alerted train drivers to the related infrastructure maintenance work being undertaken and of the presence of the two workers on the track.
- b. Identify whether the accident might have been anticipated and assess the effectiveness of any strategies that are employed by ARTC to manage the related risk/s.
  - c. Assess the effectiveness of emergency actions in response to the accident.
  - d. 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 provide information and commentary which will contribute to ensuring that the investigation and its report are inclusive, rigorous, comprehensive and reflective of the broadest range of evidentiary sources.

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 68 of the *Rail Safety Act 2002* (NSW). When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.