



Office of Transport Safety Investigations

**RAIL SAFETY INVESTIGATION
INTERIM FACTUAL STATEMENT
RUNAWAY FREIGHT WAGON
TEMORA**

28 JULY 2009



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 and Reliability Regulator (ITSRR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

Incident Overview

At approximately 3:05am on 28 July 2009, freight wagon CQGY 540S stowed in the Temora Wheat Terminal, ran away after being bumped during a shunting operation. Temora Wheat Terminal is located on the East side of Temora in Southwest NSW. The wagon had been removed from a train and stowed in the terminal because of defects identified during a previous inspection of the wagon and a maintenance scheduling requirement.

A temporary stop-block failed to hold the wagon as it proceeded downhill in the terminal and before it passed over an uncommissioned derailer, through a set of points and on to the main line. As the main line is also downhill running West, the wagon continued. It eventually passed through the town and over seven level crossings before coming to a stand in the Temora to West Wyalong section approximately 7.8 kilometres West of the terminal.

The Signaller at Temora Station noticed the runaway wagon as it passed the station and reported the situation to the ARTC Network Control Centre at Junee.

While the runaway caused damage to a number of track-mounted devices within the yard at Temora Wheat Terminal, there was no damage caused on the main line. There were no injuries reported as a result of the incident.

Notification and Response

OTSI's Duty Officer was notified of the incident at 3:20am. Two OTSI investigators were deployed to conduct a preliminary investigation and arrived at the scene of the incident at 11:00am. After reviewing the preliminary investigation, 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 caused the runaway of wagon CQGY 540S;
- b. assess the adequacy and effectiveness of current maintenance and inspection programs for CQGY type of wagons;
- c. assess the adequacy and effectiveness of risk management strategies used for runaway trains while the track at Temora Wheat Terminal was being upgraded;
- d. assess the effectiveness of procedures used by train crews to prevent runaway wagons;
- e. assess the effectiveness of the emergency actions taken in response to the incident; and
- f. 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.

---oooOOOooo---