



Office of Transport Safety Investigations

**RAIL SAFETY INVESTIGATION
INTERIM FACTUAL STATEMENT
NEAR STRIKE WITH TRACK MAINTENANCE STAFF
STRATHFIELD**

1 APRIL 2010



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.

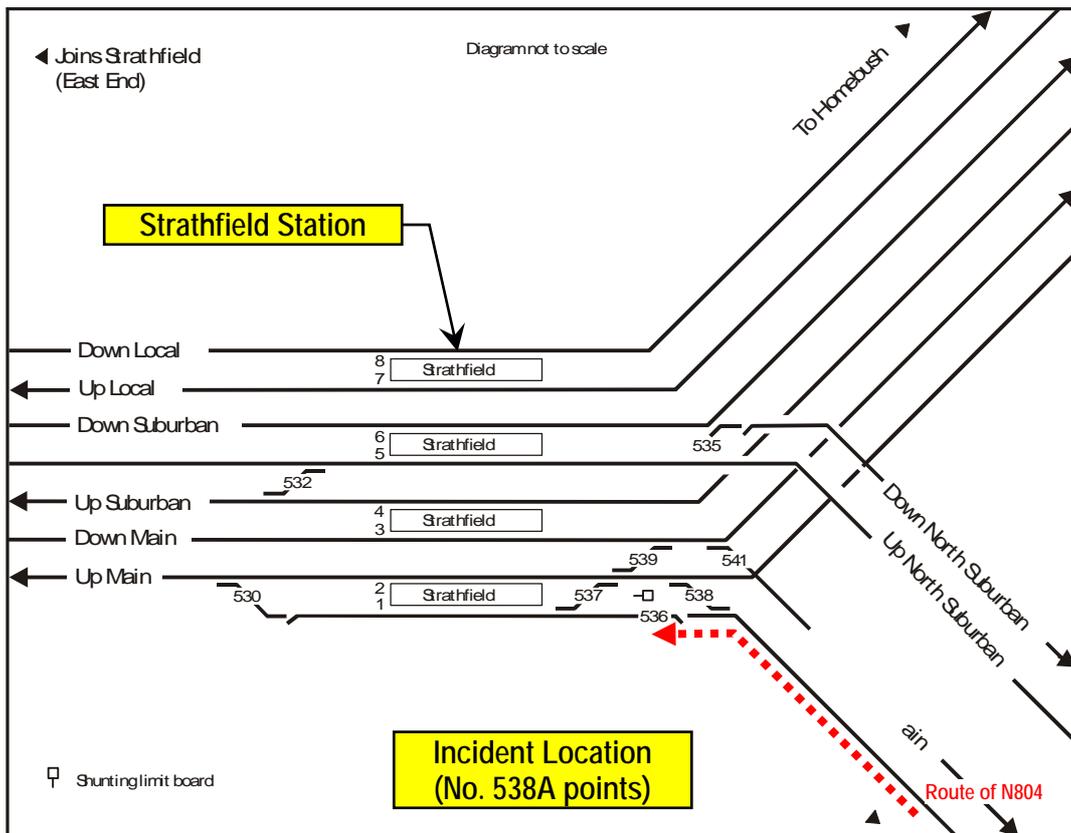
It is not within OTSI's jurisdiction, nor an object of its investigations, to apportion blame or determine liability. At all times, OTSI's investigation reports strive to reflect a "Just Culture" approach to the investigative process by balancing the presentation of potentially judgemental material in 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 4:38am on 1 April 2010, the Area Controller at RailCorp's Strathfield Signalling Complex noticed that No. 538A points had failed after the passage of CityRail service 101A and contacted track maintenance staff. No. 538A points provide for train movements from the Up North Main line to either No. 1 platform at Strathfield Station or onto the Up (South) Main line and into No. 2 platform.



At 4:55am, a team of four track maintenance staff from the Strathfield Signal Maintenance Depot arrived on site at No. 538 points. They then accessed the track and commenced the inspection of No. 538A points using the "No Authority Required" (NAR) method of worksite protection. This method of protection required one of the team members to remain in constant lookout for approaching trains whilst the team was in the danger zone.

At 5:01am, the driver of CityRail interurban service N804 reported to the Rail Management Centre (RMC) that his train had nearly struck track maintenance staff

working on a set of points at Strathfield. The RMC directed the track maintenance staff to cease work and return to their depot.

Notification and Response

OTSI's Duty Officer was notified of the incident at approximately 7:00am on 1 April 2010. After reviewing preliminary information about the incident and noting many apparent similarities between this and a previous fatal accident involving two track maintainers at Singleton in 2007, the Chief Investigator determined that the incident 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 near strike with track maintenance staff;
- b. assess the effectiveness and appropriateness of the worksite protection arrangements in place at the time of the incident; 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 and Roads 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.

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