



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**UNCONTROLLED MOVEMENT OF EL ZORRO
GRAIN SERVICE 3996**

UNANDERRA

7 FEBRUARY 2011

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

Incident Overview

At 6:35am on 7 February 2011, El Zorro grain service 3996 en route from West Wyalong to Port Kembla Inner Harbour passed signal WG1014 which was at stop without authority. The train came to a stand 527m beyond the signal on the Up Main Line in the Unanderra – Unanderra North Section. 3996 consisted of 40 wagons loaded with wheat hauled by an EL Class engine and a VL Class engine.

The Driver reported that he had reduced speed to 7km/h at approximately 5km from Unanderra. He controlled the train speed using both dynamic and air brakes. However, at approximately one kilometre from Unanderra, he found that he was unable to properly control the train speed as it descended the 1 in 30 gradient. He then attempted to stop the train using full air brake but it did not stop until after it had passed signal WG1014.

The incident did not result in any injuries or damage.

Notification and Response

OTSI's Duty Officer was notified of the incident by RailCorp at 12:35pm. Based on a preliminary investigation conducted by OTSI investigators, 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. determine what caused the uncontrolled movement of grain service 3996 and what factors may have contributed either directly or indirectly to it;
- b. assess the effectiveness of actions taken in response to the uncontrolled movement; 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 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.