



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION REPORT

TRACK WORKER FATALITY

BAAN BAA

22 MAY 2006



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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 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.

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.

TABLE OF CONTENTS

TABLE OF FIGURES	ii
TABLE OF PHOTOS	ii
TERMS OF REFERENCE	iii
EXECUTIVE SUMMARY	iv
PART 1 FACTUAL INFORMATION	1
Incident Synopsis	1
Incident Narrative	1
Location of the Accident	5
Train Information	6
Communication Equipment	10
Employee Information	11
Injuries	11
Medical and Toxicological Information	11
Meteorological Information	13
PART 2 ANALYSIS	14
Causation	14
Contributory Factors	17
Anticipation and Management of Risk	24
Adequacy of the Emergency Response	26
Other Safety Matters	27
Remedial Actions	28
Summary	29
PART 3 FINDINGS	31
Causation	31
Contributory Factors	31
Anticipation and Management of Risk	32
Effectiveness of the Emergency Response	32
Other Matters that would Enhance the Safety of Rail Operations	32
PART 4 RECOMMENDATIONS	34
Australian Rail Track Corporation Ltd	34
RailCorp	35
Southern & Silverton Railway Pty Ltd	35
The Independent Transport Safety and Reliability Regulator	35
 Appendix 1: Sources and Submissions	 37

TABLE OF FIGURES

Figure 1:	Ballast wagon configuration and worker locations	3
Figure 2:	Incident location	6
Figure 3:	Hasler tape from locomotive KL81	19
Figure 4:	Close-up of Hasler tape from locomotive KL81	19
Figure 5:	Hasler tape from locomotive 602	20
Figure 6:	Close-up of Hasler tape from 602	20
Figure 7:	Comparison of speed traces for KL81 and 602	21
Figure 8:	Planned ballast drops	22

TABLE OF PHOTOS

Photo 1:	Ballast train 5M23 near Baan Baa	iv
Photo 2:	Ballast wagon	v
Photo 3:	Railway track and surrounding terrain at incident location	6
Photo 4:	Internal bracing of ballast wagon	7
Photo 5:	Ballast hopper side doors	8
Photo 6:	Ballast hopper door controls	8
Photo 7:	Ballast wagon walkways and steps	9
Photo 8:	Plough van at rear of 5M23	9
Photo 9:	Plough blade and controls	10
Photo 10:	Location of strike point on hopper door	14

