



**Office of Transport Safety Investigations**

**RAIL SAFETY INVESTIGATION**  
**INTERIM FACTUAL STATEMENT**  
**FATAL LEVEL CROSSING COLLISION**  
**WEE WAA**  
**1 SEPTEMBER 2010**



# THE OFFICE OF TRANSPORT SAFETY INVESTIGATIONS

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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.

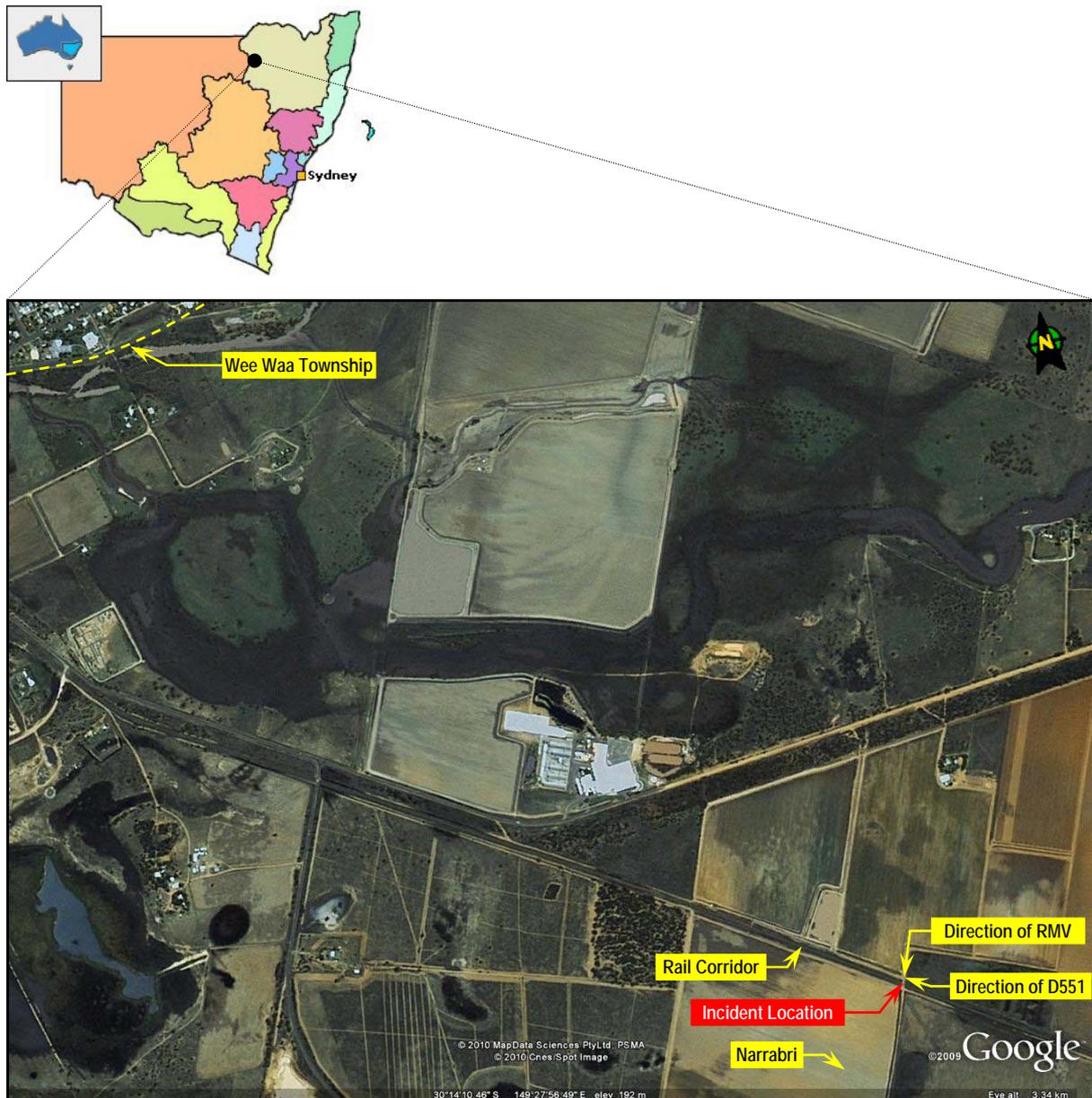
It is not within OTSI's jurisdiction, nor an object of its investigations, to apportion blame or determine liability. At all times, OTSI's investigation reports strive to reflect a "Just Culture" approach to the investigative process by balancing the presentation of potentially judgemental material in 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](http://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 approximately 7:40am on 1 September 2010, two Pacific National (PN) locomotives, operating as train D551, struck a road motor vehicle (RMV) on a private level crossing located at 594.680kms, in the Narrabri to Wee Waa section approximately four kilometres East of the township of Wee Waa (see *Figure 1*). As a result, the driver of the RMV, a 31-year-old resident from Wee Waa, suffered fatal injuries. Although shaken by the incident and treated for shock, the crew of D551 was otherwise uninjured.



**Figure 1: Incident location**

## The level crossing

The level crossing is designated as an “*occupation crossing*”<sup>1</sup> located on a section of the single line rail corridor which divides a farming property. The crossing is part of an access road system that provides the property owner with access from the main portion of the property to paddocks and farming infrastructure located on its Southern side.

The crossing is protected by Type D passive warning signs consisting of RX2 type stop and warning sign assemblies situated on each side of the crossing. There are no road markings or other warning signage on the approaches to the crossing.

## Emergency response and notification

Immediately after the accident, the train crew called the emergency services. The driver then went back to the RMV to ascertain the condition of the driver and render assistance. Meanwhile, the assistant driver reported the accident to the Network Controller at the Australian Rail Track Corporation Network Control Centre North Broadmeadow (NCCN). Units from the NSW Ambulance, Police and Fire Brigades arrived on site at 8:35am.

OTSI's Duty Officer was notified of the incident by the Train Transit Manager from the NCCN at 8:16am and an OTSI investigator deployed to the site to conduct a preliminary investigation. The site was released at 4.30pm for the recovery and return of the locomotives to Narrabri.

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 purpose of OTSI's investigation is to identify matters of safety significance associated with the collision between D551 and the RMV.

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<sup>1</sup> In accordance with Paragraph 1.2 (Scope) of Australian Standard AS 1742.7 - 2007

## **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.