

EXECUTIVE SUMMARY

The Special Commission of Inquiry (SCOI) into the Waterfall Rail Accident released its Final Report on 17 January 2005. In accordance with the Commission's recommendations, the NSW Government agreed that the Independent Transport Safety and Reliability Regulator (ITSRR) should report quarterly on implementation progress. This is the sixteenth Quarterly Report. It outlines progress made between 1 October and 31 December 2008.

Implementation Summary

Further progress was made during the reporting period with three recommendations verified and closed. Two of these recommendations were the responsibility of RailCorp:

- Recommendations 1 and 20 are intended to ensure that RailCorp has effective procedures in place and staff are adequately trained to respond in the event of an incident or emergency.

On 30 June 2008 RailCorp re-submitted its claim for closure for Recommendations 1 and 20 together with supporting documentation.

ITSRR reviewed the documents provided and met with RailCorp corporate training personnel, conducted site visits and undertook interviews with operational staff including personnel from the Rail Management Centre (RMC), the security area of the RMC and staff who would respond to an incident site including the rail commander, electrical and infrastructure staff.

ITSRR found there had been improvement in the training and the knowledge amongst staff about RailCorp incident response arrangements since the first claim for closure put forward by RailCorp and is therefore satisfied that the intent of Recommendations 1 and 20 have been met (Recommendation 1 and 20).

The third recommendation closed was ITSRR's responsibility:

- Recommendation 30 requires that the rail safety regulator sets standards for the design, manufacture, testing and commissioning of rolling stock to ensure that it is fit for purpose.

This recommendation was satisfied with the introduction of the *Rail Safety Act 2008* and the NSW Rail Safety Regulations on 1 January 2009, which implement the National Model Rail Safety Regulations, including Item P of Schedule 1 which requires all transport operators to have a documented set of engineering standards and procedures, for the design, manufacture, testing and commissioning of rolling stock.

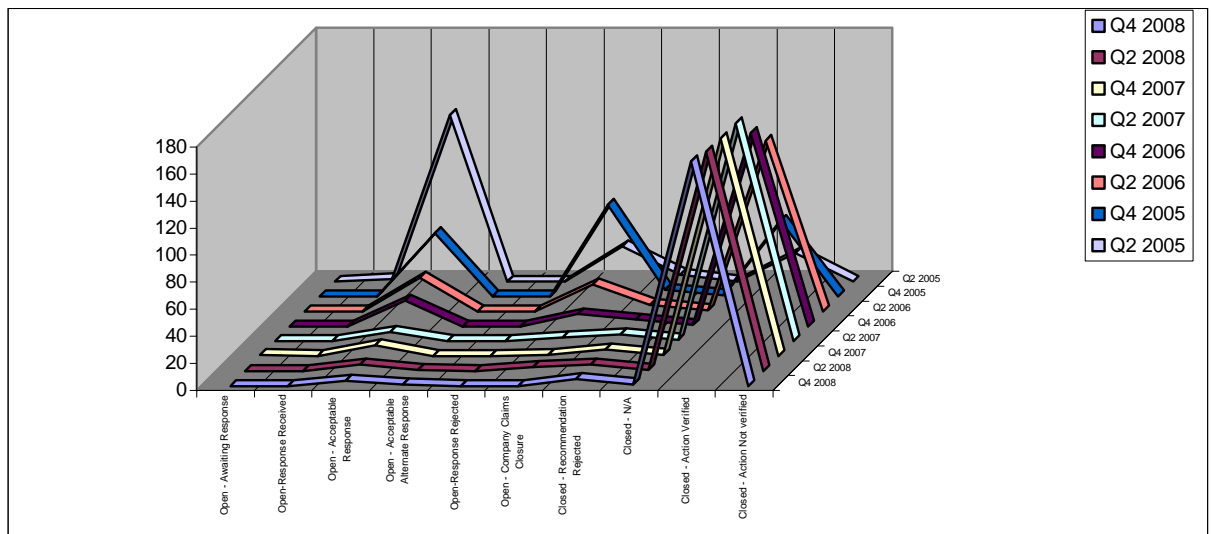
In addition, section 9 of the *Rail Safety Act 2008* places a general duty of safety on designers, manufacturers and suppliers to ensure that the thing is safe for the purposes for which it was designed, commissioned, manufactured, supplied, installed or erected (Recommendation 30).

At the end of the reporting period, the cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 172 (97%) recommendations verified and closed
- 1 recommendation open acceptable response (Recommendation 32)
- 1 recommendation open acceptable alternative response (Recommendation 43)
- 1 recommendation scheduled to be implemented by 2010 has slipped to 2012 (Recommendation 38)
- 2 recommendations referred to the NTC have interim target dates (Recommendations 36 & 37).

The current status of all of the safety actions, compared to that in previous quarters, is summarised below:

GRAPH 1: PROGRESSIVE STATUS OF ALL RECOMMENDATIONS BY QUARTER



As time has progressed the peak has shifted along the x-axis as the recommendations are closed.

Slippage

Recommendation 38 requires that: “there must be compatibility of communications systems throughout the rail network. It is essential that all train drivers, train controllers, signallers, train guards and supervisors of trackside work gangs in NSW be able to communicate using the same technology”. This recommendation was scheduled for completion by 31 December 2010, with the full implementation of a new digital train radio system for the RailCorp fleet.

The complexity of the technical requirements of the project and its compatibility with other government radio requirements prolonged negotiations within Government in relation to the type of train radio system which should be procured. The Government has now approved funding for the roll-out of a digital train radio system for RailCorp.

However, this delayed RailCorp's tender process so the procurement of its digital train radio system (GSM-R), which in turn has meant the implementation schedule has slipped from December 2010 to December 2012.

Accordingly, this recommendation is reported as having slipped with a revised implementation date of 31 December 2012. Revised key milestones for this project are:

- Tender process closes – 25 February 2009
- Evaluation of tenders completed – March/April 2009
- Contract awarded – end of June 2009
- MetroNet communications system (analogue technology) decommissioned – November 2012
- GSM-R digital train radio system implemented – end of December 2012.

It should be noted that trains can already communicate with other trains operating on the rail network through network control in an emergency situation.

The existing communications system enables network control to send an emergency broadcast call to all passenger and freight trains in the immediate vicinity of the emergency. Train drivers cannot communicate directly to other train drivers without the call going through network control which is in line with national rail safety principles.