INDEPENDENT
TRANSPORT
SAFETY AND
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REGULATOR

safe and reliable transport services in new south wales

IMPLEMENTATION OF THE NSW GOVERNMENT'S RESPONSE
to the Final Report of the Special Commission of Inquiry into the Waterfall Accident

Reporting Period: **October – December 2009**

ITSRR Quarterly Report Twenty

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Reporting Period:
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29 January 2010

The Hon David Campbell MP
Minister for Transport
Level 35, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister,

I am pleased to provide the Twentieth Quarterly Report on the implementation of the Government's response to the recommendations contained within the Final Report of the Special Commission of Inquiry into the Waterfall Accident.

This Report reflects implementation progress from 1 October to 31 December 2009. At the close of this period, there are four outstanding recommendations.

As advised in the last report, there will be little new information to report from quarter to quarter as the implementation and closure of these recommendations will occur over the longer term. As a result, ITSRR has moved to a quarterly statement instead of a full report.

Further information about the history and progress of the implementation of all the Inquiry's recommendations can be found in ITSRR's past quarterly reports which are available on the website www.transportregulator.nsw.gov.au

Yours sincerely

Len Neist
Chief Executive

Summary of Progress

The Independent Transport Safety and Reliability Regulator (ITSRR) is responsible for overseeing the implementation of the NSW Government's response to the recommendations contained within the Final Report of the Special Commission of Inquiry into the Waterfall Accident.

This role includes verifying that recommendations have been effectively implemented and producing quarterly public reports on implementation progress.

Of the 177 recommendations, including 127 recommendations and 50 sub-elements, 173 (98%) recommendations have been verified and closed. The implementation and closure of the four outstanding recommendations will occur over the longer term.

This statement reflects implementation progress from 1 October to 31 December 2009.

During the reporting period there were no slippages in the agreed timeframes for these recommendations. Progress was made on Recommendation 38 for a digital train radio system with UGL Limited awarded the contract to design, install and maintain the system for RailCorp trains in NSW. The contract was awarded on 21 December 2009 with the project due to be completed by December 2012.

ITSRR is continuing to monitor the progress of the outstanding recommendations which are:

- 32: RailCorp should progressively implement, within a reasonable time, level 2 automatic train protection (ATP). ATP systems are more advanced technology that can automatically override a driver if a train is behaving in an unauthorised way. The current interim target date* for this recommendation is 31 July 2010 when the NSW Treasury Gateway Review of the business case is to be completed.

- 36: The ITSRR should impose a standard in relation to the collection and use of data from data loggers, which record information on a train's operations. This recommendation will be addressed nationally by the National Transport Commission (NTC). The NTC will incorporate the development of national regulations for data loggers into its maintenance and reform program. The current interim target date* is 28 February 2010.

- 37: The standard in relation to the collection and use of data from data loggers should provide that such information must be accessed in the circumstances of any accident or incident and can be accessed to monitor driver performance generally. The NTC

will incorporate the development of national regulations for data loggers into its maintenance and reform program. The current interim target date* is 28 February 2010.

- 38: There must be compatibility of communication 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. The current interim target date* is 31 December 2012 for the full implementation of a new digital train radio system.

  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.

  The new digital radio system currently being designed will enhance communication between trains and network control in an emergency as well as enable communication between other staff for all rail operations on the RailCorp network.

These are indicative timeframes which have been agreed by the agency responsible and ITSRR.

APPENDIX 1 – IMPLEMENTATION PLAN: OUTSTANDING RECOMMENDATIONS

NB: This table lists only the recommendations which were closed in the last quarter, or remain to be implemented. Those recommendations closed in previous quarters do not appear. Any progress made toward meeting ITSRR's expectations is outlined in the quarterly report. A complete list of all recommendations is contained in the First Report, on ITSRR's website at: http://www.transportregulator.nsw.gov.au

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
32. RailCorp should progressively implement, within a reasonable time, level 2 automatic train protection (ATP).	Requires further detailed review. The Government supports the implementation of additional train protection systems. Implementation of level 2 ATP as detailed in the recommendation would involve the replacement of all line-side signalling on the RailCorp network with on-train control systems. In addition every intra and inter-state train accessing the network would also need to be equipped with level 2 ATP technology. RailCorp has already retained consultants to undertake evaluation and risk assessment regarding implementation of additional ATP systems on the RailCorp	A detailed technical review of available options. This is to be a project lead by RailCorp. The major outcome of the project is to be a business case for Government concerning ATP.	RailCorp	Open	Acceptable Response	* 31/07/2010

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
	network. RailCorp will work with the Australian Rail Track Corporation (ARTC), which operates the interstate network, to develop, in conjunction with ITSRR and interstate rail regulators, a national standard for an automatic train protection system. RailCorp will also undertake a comprehensive review which will include a risk assessment, technical feasibility and cost benefit analysis of introducing level 1 ATP as well as level 2 ATP, as recommended by the Commission. Consistent with recommendation 34 any future options will need to be assessed by independent verification of acceptable risk.					

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
36. The ITSRR should impose a standard in relation to the collection and use of data from data loggers.	Supported in principle for implementation through other means. ITSRR will introduce regulations including for data loggers that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission (NTC) process, to ensure consistent application across the Australian rail industry. Notwithstanding the expectation that industry will develop and maintain appropriate safety standards, ITSRR will retain the power to mandate such standards if the industry clearly fails to deliver satisfactory safety outcomes.	ITSRR will refer matter to NTC for development of National Regulation. In the interim, ITSRR will review existing standards set in access agreements to ensure adequate standards for collection and use of data.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*28/02/2010

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
37. The standard in relation to the collection and use of data from data loggers should provide that such information must be accessed in the circumstances of any accident or incident and can be accessed to monitor driver performance generally.	Supported in principle for implementation through other means. (See R 36) Information from data loggers can be accessed to monitor for any incident or accident and can be accessed to monitor a driver's performance generally.	ITSRR will refer matter to NTC for development of National Regulation. ITSRR will adopt National Regulation. In the interim, ITSRR will seek from RailCorp proposals to improve the monitoring of driver performance (especially for training purposes).	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*28/02/2010
38. 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 New South Wales be able to communicate using the same technology.	Supported and being implemented. The National Standing Committee of Transport endorsed the Australasian Railway Association working with operators and regulators, including RailCorp and ITSRR, to develop a national approach on communications systems, which has agreed minimum functionality requirements for train radio systems. RailCorp plans to implement a digital train radio system. An objective of this system is for it to be interoperable with existing analogue radio	ITSRR to ensure functionality and compatibility requirements included in national standard, currently under development by the Australasian Railway Association. ITSRR to ensure RailCorp/ARTC Radio Functionality for next generation technology compatibility requirements.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	31/12/2012

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
	systems. Because of the technical complexities associated with achieving inter-operability, this has been a longer-term initiative and the first stage of its implementation will commence in 2005.					