



# RAIL SAFETY UPDATE

April 2014



## RAIL SAFETY ACTION PLAN

The Transport Agency's role is to ensure rail participants operate safely and in a way that secures the safety of rail passengers, rail workers and the public. In mid-2013, as part of our own continuous improvement approach we undertook a review of our operational activities. We wanted to find out whether our legislation was up to date and assess how we were applying that law.

The review found that the current law represents 'good' if not 'best practice. However there is nothing in the law that prevents us all improving rail safety performance. The review team recommended that a formal review of the Railways Act 2005 is warranted and we are targeting a review of the Act in 2015 for potential passage in 2016.

### OPERATIONAL ACTIVITIES

The review team concluded that the Transport Agency's operational policies and practices are not fully best practice. There are many areas operating well but some areas where we could enhance our performance. These include:

- Lifting the position of the rail safety regulator to a more senior level within the Agency
- Promoting and reinforcing to stakeholders the role of a visible and respected safety regulator
- Improving resourcing and specialist competencies on the rail safety team
- Establishing a closer working relationship with the Australian National Rail Safety Regulator to take advantage of the sharing of information and specialist expertise
- Taking a greater role in the leadership, education and provision of information to the New Zealand rail industry.

### ACTION PLAN

In response to the review, the Transport Agency has released an action plan. This was released to interested rail participants in December 2013. The action plan details a number of key initiatives designed to address the areas for improvement identified in the review. Ultimately we are seeking to reduce the rate of death and serious injury associated with our industry and that precursor events show a declining trend.

Key areas of focus for us are:

- **Enhanced Governance.** Activities that increase executive oversight of rail safety performance within the Agency. In immediate response to the review Celia Patrick has been appointed as Director Rail Safety.
- **Performance monitoring and transparency.** We regularly collect incident reports but we have not established a rigorous approach to monitoring and reporting on these incidents. We will also focus attention on the following areas:
  - Tunnel safety management plans
  - Signals Passed at Danger (SPAD As)
  - Auckland electrification safety case approvals
  - Safety action plans for level crossings and rail corridor incidents
  - Train control.

*Continued >>*

## RAIL SAFETY ACTION PLAN (FROM PAGE 1)

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- **Resource and capability.** We will look to increase the amount of resource within the Agency dedicated to rail safety and an increased focus on sharing experiences from Australian rail regulators.
- **Legislation and standards.** We will undertake a process to review national rail system standards and the Railways Act 2005. The review of the legislation is tentatively set to be completed by 2016.
- **Financial Stability.** Rail safety regulatory services are not currently financially sustainable. We will review this area.

### WHAT YOU WILL SEE

We will view ourselves as having been successful when the rate of death and serious injuries associated with rail operations have reduced and are showing a declining trend. Another indicator of success will be declining safety risks shown in precursor incidents.

At a practical level we will continue to build on our client manager model as a base. We intend to place more resources into the Agency's rail safety team. We expect to actively analyse incident data to determine whether there are bad safety practices operating across the sector and we expect to look at national strategies for issues such as tunnels and SPADs.

## Updates to the Railways Act 2005

During the last round of industry seminars run by the Transport Agency Rail Safety Team in 2013, one of the smaller items we covered with participants was updates to the Railways Act 2005 (the Act).

One of the action points arising from those discussions was a commitment from the Transport Agency to let you know whenever changes have been made to the Act, and to provide a link to the latest version of the Act.

While the essence of the Act has not changed since 2005, there have been a few minor updates, primarily driven by changes to other pieces of legislation, which require consequential amendments to our Act to keep references accurate etc. None of the key areas of the Act - such as safety case requirements or safety assessment processes - have been changed during this time, and certainly if they were to be changed we would be communicating this to you clearly.

Below is a link to the latest consolidated (all changes included) version of the Act on the Government's legislation website. For accuracy please ensure that you always reference the latest version of the Act, so that you are aware of the exact requirements on your operation.

This table briefly outlines the recent various amendments. When you click on the link above, you also have the option to learn more about each of the changes and how they arose.

2005 (20 July)	Act comes into force
2008	Land Transport NZ became NZ Transport Agency & Director became Agency
2008	Police - not all sworn staff are enforcement officers
2010	Corridor access for utilities providers, focussed on National Rail System
2011	Update to infringement notice provisions to align with Courts & Criminal Matters Bill
2013	Revised offences sections based on Criminal Procedure Act 2011
2013 (16 December) - current version	References to Worksafe NZ included

*Please ensure that you always reference the latest version of the Act.*



- [Click here for the latest version of the Act](#)

# 2012 - 2013 SAFETY PERFORMANCE REPORTS ANALYSIS

We asked each licence holder to complete an annual Safety Performance Report (SPR). The last reporting period covered 1st July 2012 through to 30th June 2013.

There are two purposes for completing the SPR. Firstly the report provides us with a collection of data from all licensees which:

- Assists the Agency to focus workload, planning and resource
- Provides an overview of the current state of play in the industry
- Verifies whether licensees are reporting occurrences (accidents & incidents) correctly
- Measures a level of 'willing compliance', which is an Agency goal
- Identifies safety initiatives which may be of assistance to other licensees
- Assist assessors in the planning of annual safety assessments.

Secondly, this data can be used by you to assist with the management and on-going improvement initiatives relating to your own safety management systems.

## OVERVIEW OF THE 2012/2013 REPORTED RESULTS

We would like an improvement with:

- Filing reports on time
- Accuracy in the reports.

**Only 59% of reports were filed on time.**

We received a range in quality from comprehensive, detailed reports through to reports which were duplicates of reports submitted the previous year. The latter was particularly disappointing given that the notification cover letter explained amendments to the required reporting template (to include information on emergency management and evacuation procedures) and guidance on completion of SPR's was given during the annual industry seminars hosted by our team.

## POINTS OF NOTE

- Cross checking of data supplied with data recorded in the Rail Information System (RIS) identified;
  - Occurrences referenced in the SPR, which were not recorded in RIS, indicating the occurrences were not formally reported to us.
  - Occurrences recorded in the RIS, but not referenced within the SPR report, indicating staff completing the SPR were not aware of occurrences notified to us.

It is vitally important that rail incidents are reported to the Transport Agency. This allows for continuous improvement in safety across the network. NRSS5 requires occurrences to be reported. If you don't understand the obligations in NRSS5 please contact your client manager.

- Emergency reporting and preparedness. Again, we had a range of responses from detailed, simulated evacuations being planned and conducted through to instances where no emergency preparedness has taken place. In a number of instances (mainly for industrial licensees), reference was made to site emergency planning and preparedness, without specific reference to rail related emergency planning.

Given the feedback received it is likely that the Transport Agency will now include emergency reporting and preparedness activity as a formal system requirement.

- Your client manager will review and discuss SPR content with you when we receive them to clarify any ambiguous and/or incomplete reports.

*The SPR should be used by a licensee to assist with the management and on-going improvement initiatives relating to their own safety management systems.*





## FEES REVIEW

Railway fees are set by regulations established under the Railways Act 2005. These fees have been in place since 2008. These regulations were designed to fully recover the costs incurred by the Transport Agency from rail operators. This has not occurred. Annually there is a short-fall in funding.

Over the next few months we are preparing proposals for the Government's consideration on how best to fund rail safety costs. This will be a review which will consider all elements of the current funding model. This will inevitably involve a review of fees and charges.

Once our analysis is complete we will seek Government's approval to consult widely with the sector before providing final advice later this year. Any change to fees would be in 2015.

In the meantime we must operate under the current fees regulations, which require an annual review of fees. We will send advice to each rail participant in April of the proposed fees to be recovered from each licence holder from 1 July 2014 under the current regulations.

## FIRE EXTINGUISHER MAINTENANCE

We thought it would be useful to outline fire extinguisher maintenance requirements for the information of the industry.

Fire Extinguishers are maintained in accordance with NZS 4503 section 6. All inspection and maintenance of hand held fire extinguishers (with the exception of monthly visual checks) must be carried out by a competent person (ie a service agent).

- **Basic Service:** All types of extinguishers require a basic inspection annually to check operational condition as required by NZS54503 (page 52 table 6.2 item 6.2.1).
- **Extended Service:** Wet Chemical & Foam Type Fire Extinguishers require a 3 yearly service. This includes a more detailed examination including a test discharge of the extinguisher and recharging if satisfactory.
- **5 yearly Pressure Testing:** All Fire Extinguishers are subject to pressure vessel safety legislation and must be hydraulically pressure tested and date stamped or labeled every 5 years.



For more information visit the [fire protection website](#).

## SAFE RIDING POSITIONS

Safe riding positions for locomotives and rolling stock are detailed in the Rail Operating Code Section 5 (4.3.9). These riding positions must not be deviated from under any circumstances. If unsure, please contact your client manager for further information. The latest version of Section 5 of the Rail Operating Code is dated 27 August 2012. If your version is older than that, contact your client manager.



For general enquiries or contact information about the Transport Agency please check our website [www.nzta.govt.nz](http://www.nzta.govt.nz) or email us at [info@nzta.govt.nz](mailto:info@nzta.govt.nz)

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The Rail Safety team is located on level 3  
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### Rail Safety Notification Hotline

(24 hours 7 days a week)  
Phone (04) 499 1858

Rail incident reports: email us at [railregulation@nzta.govt.nz](mailto:railregulation@nzta.govt.nz)

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