

RAIL SAFETY LEGISLATION IN NEW SOUTH WALES

BRIEF OVERVIEW OF THE NEW SOUTH WALES RAIL SAFETY ACT

Presenter: Don Campbell
Session Chair: Dennis Bell

Paper prepared by: David Rawlings
Session Secretary: Bob Merchant

The State Government introduced the Rail Safety Act in the latter part of 1993 to regulate rail safety in New South Wales. Unlike earlier rail safety systems, the Act places the administration of rail safety outside the control of the State Rail Authority. The Act covers not only the SRA but all other railway owners and operators in the State.

The Act has been introduced because of substantial changes in the NSW rail industry, including the establishment of the National Rail Corporation, the growing trend to establish commercial short lines on previously disused SRA lines, the introduction of light rail rapid transit systems and the likely introduction of private sector high-speed rail services.

The Act applies to all railways in New South Wales with a track gauge of 600mm or more, including heavy railways, light railways, Tramway and inclined railways, and to monorails. It also applies to any other "railways" which will permit transport systems using the new technologies to be added to the coverage of the Act in the future.

The Act does not apply to aerial cableways and underground mining rail systems, or Amusement Park railways as they are regulated under other legislation.

The *owner* of any railway infrastructure and the *operator* of rolling stock using any railway infrastructure need to be "accredited" under the Act. Owners include leaseholders and managers if they are responsible for the construction and/or maintenance of the railway's infrastructure.

The primary emphasis of the Act is on the development and enforcement of rail safety standards and procedures *proposed* by the owners and operators and *examined and agreed to* by the Director-General of the Department of Transport. This approach is designed to ensure that safety standards and practices will match those needed for each individual railway and will be able to be put into practice.

Any railway owner or operator wishing to gain accreditation has to submit an application to the Director-General. The application needs to identify the principle safety risks, propose safety standards, systems and management plans and provide information on insurance, management and financial capabilities, the infrastructure, rolling stock and other equipment to be used, organisational and staffing structures and any running rights agreements.

The application is considered by the Director-General who decides whether to accept the proposed safety standards and systems and whether the applicant is able to ensure that they will be properly implemented. If accreditation is approved the owner and/or operator is obliged to comply with its conditions and restrictions, subject to penalties of fines and/or, in serious cases, imprisonment. Once accreditation has been issued, it normally continues indefinitely - unless it is cancelled or suspended - until the owner changes or the operator loses their right to operate the railway.

Most terms and conditions imposed will depend on the circumstances of each railway, but some standards set out apply for all railways. These include training for staff in rail safety work, ensuring health and fitness of employees and prohibition of work by those under the influence of alcohol or other drugs.

Enforcement of the obligations imposed on railway owners and operators who gain accreditation involves a combination of self-regulation - including internal safety audits - and routine and random inspections of infrastructure and rolling stock and observations of operations by the Directorate of Rail Safety.

Safeworking staff, including drivers, guards, those responsible for track and rolling stock repairs and maintenance, need to hold a "certificate of competency" issued by an authorised agent.

All serious rail safety incidents or accidents defined as "notifiable occurrences" need to be reported. Owners and operators need to conduct internal inquiries into all rail safety incidents or accidents, and inform the Director-General in detail.

Owners and operators need to submit annual safety reports and annual updates of their management plans to the Director-General.

Application fees and annual fees payable are used solely to help cover the costs of the Directorate of Rail safety. *Sliding fee scales take account of the difficulties faced by some volunteer-based historical railway operators and owners. There is a strong public interest in maintaining these operations. In extreme cases annual fees may be waived or reduced.*

Thus the stage was set for the implementation of legislation which would have a profound influence on all railways in the state. Initially, those railways who had SRA accreditation were granted 'temporary' accreditation until their application had been lodged and approved. The 'big' players, State Rail Authority, Australian National and BHP, had resources to prepare their applications for accreditation, but for the volunteer historical railway owners and operators the preparation of their application was to take some time.

To ensure all aspects of the Act were covered in the application documents, the Directorate of Rail Safety published a set of Guidelines of Accreditation Applications. It set out in some detail the areas of rail safety which had to be considered.

To enable effective determination of the railway owner or operator's capacity to safely maintain and operate a railway system, the applicant seeking accreditation had to demonstrate that the organisation had the capacity and competency to safely maintain and operate the railway.

DETAILS OF THE GUIDELINES

Organisational and Managerial Aspects

Organisation	Management
Safety Management Systems	Financial
Running Rights	Private Sidings
Workcover Authority of NSW	Dangerous Goods
Railway Safety Workers	Reporting Safety Incidents
Inquiries into Rail Safety Incidents	

Operational Aspects

Safeworking	Emergencies
Special Working of Trains	Safeworking Procedures for Engineering Work
Loading Arrangements	Instructions to Employees
Competency Assessment of Operational Employees	

Infrastructure Aspects

Track	Bridges
Structures	Associated Track Structures
Signalling Systems	Communication Systems
Overhead Electric Train Power Supply	Buildings
Workshops	Tunnels
Infrastructure Maintenance	Instructions to Infrastructure Employees
Competency Assessment of Infrastructure Employees	

Rolling Stock Aspects

Rolling stock submitted for Accreditation	Road worthiness of rolling stock
Rolling stock Outline	Rolling stock Structure
Rolling stock Coupling Arrangements	Bogies
Brake Equipment	Rolling stock Accessories
Passenger Cars	Freight vehicles
Locomotives	LP Gas installation
Intermodal Equipment	Rail tank Cars
Train Examination Procedure	Rolling stock Maintenance
Instructions to Rolling stock Employees	Competency Assessment of rolling stock Employees

Much of the detail required was similar to that required by the SRA, but the areas of routine maintenance (proposed scheduled maintenance procedures, minimum operating standards), issuing of instructions and acknowledgment of receipt of the those instructions (source, distribution, acknowledgment process, records, details of follow up process to ensure understanding) and competency assessment of workers (criteria-curriculum, training, records; assessment - procedure, programme, records) were high on the priority list.

As stated in the paper in the Perth COTMA Conference Proceedings, our only shortcoming was the area of the keeping of maintenance records to provide documented proof that the maintenance is carried out in accordance with predetermined standards.

In order to provide the mechanism for providing records, we first had to prepare the 'predetermined standards'. Although the Rail Safety Directorate would examine and approve the standards, the standards themselves had to emanate from the organisation itself.

Mainline historical operators (3801 Limited, Rail Transport Museum) were able to refer to various SRA documents covering bogies, brakes and safeworking, but our Society had to compile our own standards for trackwork, overhead and safeworking. The safeworking procedures had been in place since the 1970s and had been accepted during the SRA accreditation application so did not pose a problem.

Although not completed, three handbooks have been prepared to support the application. These handbooks are not required to accompany the Application, but must be available for inspection by officers of the Directorate.

Handbook of Tramcar Maintenance

Bodywork	Inspection
Lubrication	Traction Motor Maintenance
Controllers	Circuit Breakers
Resistance Grids	Brake rigging
Trucks and Rigging	Maintenance Schedules and Checksheets

Handbook of Tramway Overhead

Basic history (for Dept of Transport Engineers)	Design
Construction	Maintenance
Checksheets	

Handbook of Tramway Track

Introduction (to detail the differences between tramway and railway)	Design
Maintenance	Construction
	Checksheets

Summary

The basic thrust of the Rail Safety Act and Accreditation is self regulation. This demands responsibility, good management and accountability. Accreditation means an increase in paperwork, the introduction of a regime of regular maintenance and an increase of safety awareness. It will increase costs through annual operating fees, although there are indications that historical preservation groups will not be unduly disadvantaged. Insurance costs will also increase in the short term.

On the positive side, official government recognition brings with it a reward for the work put in over seemingly countless years by many volunteers and the historical value of public transport history and preservation.

Since receiving SRA accreditation we have seen the beginning of a culture change within the museum. Tramcar checksheets, which are required to be filled in before and after traffic operations each operating day, have a completion rate of 97%. Most traffic staff are more aware of safety, not only for patrons but for themselves also.

Although some of the other preservation groups have found it difficult to appreciate the need for volunteer museum accreditation, we were fortunate that over twenty years ago Society administrators realised that traffic rules and training were important for the ongoing success of the Museum.

It is believed that other State governments are watching with interest the effect that the NSW Rail Safety Act is having on rail operators, with a view to introduce similar legislation in their state.

The preparation of two applications for accreditation had been demanding, but at the end of the day, very satisfying. It has forced the introduction of procedures and record keeping which will ultimately make safety a way of life. Even if the other states do not follow NSW, it would be worthwhile for all Societies to examine the changes in New Zealand and New South Wales and consider implementing similar procedures.

Questions

Les Stewart: asked what annual fees would SPER be charged if you don't get an exemption?

Don Campbell: replied he did not know but would try to find out.

Rod Atkins: asked how long it took to prepare for accreditation from first to last?

Don Campbell: replied it took 12 months for the accreditation by the State Rail Authority of NSW but accreditation by the Department of Transport took a lot less time as much of the work has already been carried out for the SRA.

John Radcliffe: asked whether SPER had been consulted on the drafting of the Act?

Don Campbell: replied 'no we were not'. Don outlined the 3801 accident and the legislation was aimed to cover heavy rail. The legislation required each trip to be signed out by a qualified engineer. It was pointed out by SPER that we now ran 17 trips per day and did this require each trip to have a signed trip inspection sheet. It turned out that this was not intended in our case and the Act was modified to cover tramway trips.

Bill Scott: asked if a fee was the required for individual tramcar inspections?

Don Campbell: replied that the SPER inspecting engineer is a member of the museum and does not charge a fee.

John Radcliffe: asked if O-bahns were included in the "rail" modes included under the Act?

Don did not know but would try to find out.