



Rail, Tram & Bus Union (NSW Branch)

AC:DT

23rd October 2020

Mr P Doggett
Chief Operating Officer
Office of the National Rail Safety Regulator.
Level 1, 75 Hindmarsh Square
ADELAIDE SA 5000

By Email: peter.doggett@onrsr.com.au

Dear Peter,

Re: Unresolved Safety Concerns – New Intercity Fleet

The Australian Rail Tram and Bus Industry Union (RTBU) is the union that represents all workers in connection with New South Wales railways.

We are writing to seek your urgent intervention in relation to the proposed roll out of the New Intercity Fleet (NIF), a new fleet of trains that the NSW Government announced it would purchase in 2016.

From an early stage in the development of the NIF, the RTBU has raised significant safety concerns in relation to the design, operating model, and the trains' over-reliance on new technology that has not been dynamically verified or put to the test on the NSW railways.

NSW Trains, the future operator of the NIF and Transport for NSW (TfNSW) has decided on an operating model that removes the Train Guard from their safety critical role that provides the Driver with an absolute right of way when leaving stations. A new position is proposed as a customer service role, known as a Customer Service Guard (CSG) which has had most of its safety functions stripped and passed onto the Driver.

Transport for NSW and its stakeholders' have entered into complex contractual arrangements for the supply of the NIF which has meant that the RTBU has been cut out of any genuine consultation or engagement throughout the process, in particular, the dynamic testing phases.

The use of non-disclosure agreements for community groups and testing crew as part of this process is, in our view, a deliberate attempt to exclude the Union and the public from meaningful and genuine consultation about rail safety.

Due to the numerous and significant safety concerns we hold, the RTBU has gone to the expense to commission our own independent safety expert to do a review on the NIF and its operating model which we will have available shortly.

Australian Rail, Tram & Bus Industry Union (NSW Branch) ABN 65 090 785 801

Level 4, 321 Pitt Street, Sydney NSW 2000 T (02) 9264 2511 F (02) 9261 1342 E nswwho@rtbu-nsw.asn.au W www.rtbu-nsw.asn.au

ORGANISING WORKERS IN THE TRANSPORT INDUSTRY
PROTECTING AND BUILDING RIGHTS AT WORK

NSW Trains and TfNSW are so focused on forcing their model onto the network that the safety concerns of rail workers and the traveling public have been ignored. In a recent survey, 98% of members told the union they had lost faith in management and would refuse to crew the NIF in its current form, on safety grounds.

We have attended discussions with members to discuss the NIF and the most common question we hear is *"where is the regulator"*, or statements like, *"surely the regulator will not approve this dangerous mode"*.

We have decided that it would be prudent to provide ONRSR with an overview of our concerns about the NIF and on behalf of train crew, station staff and travelling public we are seeking your immediate and decisive action to keep our railways safe.

Issues with the train itself

In October 2019, a delegation of RTBU Delegates and Health and Safety Representatives (HSR) travelled to the Hyundai Rotem facility in South Korea to observe the train in an incomplete operational building phase. This access was only facilitated by NSW Trains after the intervention of the NSW Transport Minister.

Arising from that trip, the RTBU and HSRs developed a list of hundreds of safety issues observed on the train. NSW Trains and TfNSW took over 10 months to respond to this list and, in the interim, ploughed ahead with their plans to introduce the train and new classifications for the workers expected to crew it.

When a response was finally received many items were closed without any solution, but with a broad and ambiguous statement, *"the train design is final"*. The RTBU has recently provided a response to the document but holds little hope that any items will be resolved satisfactorily.

Platform Train Interface

The proposed operating model for the NIF to safely depart stations while monitoring the Platform Train Interface will rely on luck to keep workers and the community safe.

The purposeful design of the NIF has engineered traction interlocking on the crew cab door which prevents the new CSG role from watching the train leave the platform at the safety critical time when the train arrives and departs.

Instead, the Driver is expected to watch CCTV screens as passengers depart and alight the train. This model contributes to driver fatigue, removing the short amount of downtime for the Driver while stopped at stations. Drivers will also be distracted by the CCTV monitors that remain in their line of vision obstructing their view of the rail corridor and can stay active until the train reaches up to 15 km/h. This is an obvious issue given the amount of incidents that already take place in close proximity to stations.

The CSG is unable to see or hear from the train and are expected, but not required to watch the CCTV cameras as the train departs. It is important to note that in the brief observations the RTBU has been granted, representatives have informed us that CCTV cameras over each door have significant blind spots and should not be solely relied upon as a source of information through the departure process.

Critically, both the Driver and the CSG are denied any audio of what is happening on the platform, or between the train and the platform in the vital moments between when the doors of the train shut and the train departs.

In that time, passengers may be:

- a) Stuck in the train doors;
- b) Under the train, having fallen between the train and platform interface;
- c) Running for the train to attempt to board, acting in a sporadic fashion; and
- d) Screaming to anybody that can hear about an issue with the train or its surrounds.

Across the intercity network, many platforms are curved and regularly enveloped in fog. The stations are remote and do not host regular train services meaning that people are more desperate to get to their train and more likely to behave irrationally.

Considering the environment the NIF will operate within, it is absurd to remove the vital safety controls that keep passengers safe when they get on and off the train.

Passenger Emergency Button

The NIF design has removed the passenger emergency button from the train, stopping passengers from direct access to anyone on the train. The NIF will now have a "passenger information button" that connects the passenger to the Rail Operations Centre in Mascot, Sydney. The calls that come through will be queued and be answered by a small group of staff members, who no doubt will be very good at their jobs, but will not be able to render any form of immediate assistance and will not be able to answer multiple calls at once.

The safety and mental health consequences for passengers and the staff members expected to answer the phone to deal with critical safety incidents, from afar, has not been considered.

In-cab camera

The NIF will also contain an in-cab camera in the crew cabs that will be constantly recording. Although the RTBU has no issue in-principle with ONRSR or ATSB having reasonable access to such data on safety investigation grounds, the recordings taken from the crew cabs will be available to all NSW Trains management, RailConnect NSW personnel, maintenance staff and will be stored on a network with no known effective data security.

The constant monitoring of workers in a workplace where they can spend up to 11 hours occupying each day is degrading to mental health and is questionable on a human rights basis.

The RTBU has provided TfNSW with a proposed in-cab camera model that would be acceptable to its members as well as achieving the outcomes sought for improved rail safety.

Empty Car Running

In the proposed model when the NIF has finished revenue service the CSG will leave the train and the Driver will continue to operate the train as the only person physically present. Given the nature of the Intercity Network, the Driver may be driving distances of up to 300 kms, through numerous operating city stations and through remote areas that are removed from any significant population, in DOO mode.

Being responsible for a train up to 200 metres in length, travelling at high speeds, by themselves, exposes Drivers to a myriad of risks that are completely unnecessary and simple to avoid.

These risks include:

- a) Temporary Driver Incapacitation due to medical issues rendering the train standing on the mainline, without first aid assistance;

- b) Fatalities on track which render the Driver unable to continue driving the train, or to temporarily think rationally given the circumstances; and
- c) Degraded and emergency scenarios that require immediate second person intervention for life saving assistance.

No Consultation In Accreditation for Testing

Since the NIF arrived in Australia in late 2019 the NIF has been undergoing testing on the network. The organisations contracted to test and validate the NIF and its associated operational procedures are Mitsubishi Electric Australia Pty Ltd & Hyundai Rotem Company & UGL Services Pty Ltd, trading as 'RailConnect NSW'. RailConnect NSW currently has sole possession of the NIF, although it is expected to pass into Transport for NSW's ownership when the static and dynamic testing and validation has been finalised.

As ONRSR no doubt understands, rail transport operators under the *Rail Safety National Law* are obliged to have a safety management system in place. When a new system or a variation to that system is proposed, the operator must consult with the union and HSRs who are entitled to represent workers that are affected by those rail operations.

Neither RailConnect NSW (nor any of its subsidiary companies) or NSW Trains have consulted with the RTBU about any of its safety management systems in relation to the NIF. We note that Hyundai Rotem Company's safety management system was accredited by ONRSR on 19 December 2019 despite this deficiency.

The National Law is founded on a principle of shared responsibility, accountability, and integrated risk management between all affected parties, including workers, suppliers, designers, and the public. These principles ensure that all affected persons, not simply the organisations who commission and operate these rail services, are entitled to participate and be involved in the development of measures to manage risks and ensure broader accountability for safe rail management in Australia. **This has not occurred.**

Despite the RTBU representatives, its members, HSRs, and the public's ongoing concerns about the risks this dangerous operating model poses, we have been contractually excluded out of any substantive conversation about how it can be managed.

Conclusion

In accordance with the *Rail Safety National Law* and its principles, the RTBU request ONRSRs immediate intervention to prevent the introduction of the NIF into revenue service on the Intercity Network. ONRSR should facilitate a tripartite process where the Government, RailConnect NSW and the RTBU are forced to meet and resolve the outstanding safety issues on the NIF. This process is necessary to ensure the safety of workers and the travelling public now, and into the future.

We seek a response to the above request by 5pm, 30 October 2020.

Yours Sincerely



ALEX CLAASENS
BRANCH SECRETARY