

## Improving national level crossing safety data and policy

### **Lack of coordinated data and policy**

#### Data

- 4.1 During the course of this inquiry, the Committee has become increasingly concerned by the lack of coordinated data regarding level crossing accidents across Australia. Chapter 1 of this report noted that data from individual level crossing crashes is collected by State and Territory authorities, with no clear mechanism for aggregating this information. It has proved therefore, difficult to ascertain the number of accidents per year at level crossings, and in particular the number of fatalities. It has been even more challenging to gather any quantitative data regarding the causes of the accidents.
- 4.2 The Australian Transport Safety Bureau collects and publishes high level data on behalf of the state rail safety regulators, however they can only provide greater detail of crashes that they have investigated; which averages at approximately 10 - 12 per year.
- 4.3 Mr Peter Foley, Director Surface Safety Investigations, said in evidence to the Committee:

...one of the things that came up there [at the CRC Railway Level Crossing Workshop] was a very strong message that data, with respect to level-crossing accidents, should be

aggregated across all states. One of the projects that was given the nod during one of those meetings was to aggregate all of that data.<sup>1</sup>

- 4.4 The Committee strongly supports the suggestion to aggregate all of the data on level crossing crashes from across Australia. The Committee believes that with greater coordinated data from all jurisdictions, better national policy frameworks will result.

## Recommendation 9

- 4.5 **The Committee recommends that the Australian Government seek, through the Australian Transport Council, a national database which aggregates data from level crossing crashes and fatalities in all Australian States and Territories.**

## Policy

- 4.6 The Australian Rail Track Corporation (ARTC), in its submission to the inquiry, suggested that the problem of lack of coordination in level crossing safety policy arises because level crossing issues have historically been managed by State and Territory governments, which leads to discrepancies in policy and reporting from the different jurisdictions. The submission notes three particular problems with State management:

- there is a division of responsibility between road authorities and rail authorities at the interface;
- there are co-ordinating councils or committees in all States generally convened by State Departments of Transport; and
- there is specific funding for level crossing programmes which vary over time and between States.<sup>2</sup>

- 4.7 The submission states, however, that in recent years some progress has been made in this regard:

There has been some attempts at National co-ordination under the auspices of the Australian Transport Council and the Standing Committee on Transport.

---

1 Mr Peter Foley, ATSB, *Transcript of Evidence*, 13 March 2009, p. 23.

2 ARTC, *Submission no. 13*, p. 6.

These initiatives have been more effective in very recent years and has recently gained some impetus with the adoption of model National Rail Safety Legislation.

That legislation requires road and rail authorities to enter into interface agreements to manage the risk at level crossings.<sup>3</sup>

4.8 The Rail, Tram and Bus Union supports this, stating in its submission:

... that for over 150 years rail policy making has been generally accepted as the responsibility of the states. Restructuring of the Australian rail industry over the last 15 years has changed that equation.

The RTBU argues these structural developments are now working themselves through policy making at various levels.<sup>4</sup>

## The National Transport Policy

4.9 Within the Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG), the Bureau of Infrastructure Transport and Regional Economics (BITRE) is the Commonwealth department responsible for transport policy. BITRE provides secretariat support to the Australian Transport Council (ATC).

4.10 The Standing Committee on Transport (SCOT) is located within the ATC. Until May 2008, SCOT had a number of *modal groups*, which established policy settings for the different modes of transport. The Standing Committee on Transport *Rail Group*, a sub-committee of SCOT, oversaw national railway safety policy, including level crossing safety. The Rail Group had a sub-committee known as the Australian Railway Level Crossing Safety Implementation Group (ARCSIG) which was formed to oversee the implementation of the *National Railway Level Crossing Safety Strategy*,<sup>5</sup> which will be discussed below.

4.11 The Standing Committee on Transport (SCOT) remains a sub-committee of the ATC, however the Modal Group structure of SCOT

---

3 ARTC, *Submission no. 13*, p. 6.

4 RTBU, *Submission no. 12*, p. 8.

5 Level Crossing Strategy Council website accessed on 15 December 2008: [http://www.levelcrossings.nsw.gov.au/the\\_lcsc.htm](http://www.levelcrossings.nsw.gov.au/the_lcsc.htm).

was recently disbanded, when, in May 2008, the Australian Transport Council agreed to a program of national transport improvement – to be known as the National Transport Policy (NTP). As such the SCOT Rail Group and ARCSIG are now defunct. The NTP framework includes establishment, instead, of a National Road Safety Council (NRSC) which will act as an advisory body to the Australian Transport Council, facilitating the implementation of priority road safety measures, including the development of a package of railway level crossing safety initiatives. The safety initiatives include consideration of:

- a major trial of low-cost level crossing treatments;
- national media and enforcement initiatives for level crossings; and
- other best practice initiatives to improve level crossing safety.<sup>6</sup>

## **The National Railway Level Crossing Safety Strategy**

4.12 The Australian Transport Council released the National Railway Level Crossing Safety Strategy in August 2003. The objective of the strategy was to:

...reduce the number, cost and trauma of crashes between trains and any road users by the most cost effective means.<sup>7</sup>

4.13 The strategy includes a series of “Strategic Directions”, through which it states improvements to level crossing safety will be achieved:

- development and application of low cost active and passive countermeasures;
- development of consistent practice and identification of hazardous sites across Australia;
- identification and analysis of crash causes and factors,
- improved national data and associated information on crashes and risks;
- improved information about rail industry crash costs,
- improved information about crashes involving people with disabilities and other vulnerable road users;
- improved designs for pedestrians, people with disabilities and other vulnerable road users;

---

6 Australian Transport Council, *Joint Communiqué*, 2 May 2008, Canberra, p. 5.

7 Australian Transport Council, *National Railway Level Crossing Safety Strategy*, 2003, p. 3.

- improved road driver understanding and behaviour through improved training, information, education and awareness;
  - ensuring legislation and enforcement are appropriate for the potential consequences;
  - identification of vehicle performance parameters and railway level crossing protection timings;
  - designing railway level crossings to suit the performance of road vehicles (especially heavy vehicles), and consistent application throughout Australia; and
  - seek additional allocation of funds for railway level crossing treatments and closures.<sup>8</sup>
- 4.14 The Committee fully supports the ethos of a national response to the dangers of level crossings; however, as mentioned above, the group that was responsible for the implementation of this strategy, ARCSIG, is now defunct. As such, the status of the strategy is now uncertain.
- 4.15 As well as this uncertainty, the *National Railway Level Crossing Safety Strategy* is now six years old, and therefore the Committee believes that it should be updated to include the new developments in policy and technology with respect to level crossing safety.
- 4.16 As the ARA points out in its submission:
- There is no reference to ITS, rail safety legislation has changed, and a number of states have appointed independent investigators and regulators. The Parliaments of two States have conducted three inquiries into level crossing safety the ARA has identified level crossing safety as an important issue for research, whilst in May 2008, the Australian Transport Council agreed to the development of a package of level crossing safety initiatives.<sup>9</sup>
- 4.17 The Committee notes that the Victorian Railway Crossing Safety Steering Committee (VRCSSC) is currently in the drafting stages of 'Towards Zero: Strategy to Improve Railways Crossing Safety in Victoria', which is designed to complement and expand upon the National Railway Crossing Safety Strategy.<sup>10</sup> As such, the Committee feels it would be timely to consider producing an update to the National Strategy, so that other states may follow suit with the

---

8 Australian Transport Council, 2003, p. 8.

9 ARA, *Submission no. 10*, p. 41.

10 Victorian Department of Transport, *Submission no. 14*, p. 6.

Victorians, and produce strategies themselves, based on a more current national basis.

- 4.18 The Committee believes that as part of the National Transport Policy, which the Australian Transport Council agreed to establish in May 2008, a revised National Railway Safety Strategy should be produced which takes into account developments such as ITS technology.

### **Recommendation 10**

- 4.19 **The Committee recommends that the Australian Government seek, through the National Road Safety Council, a revised National Railway Safety Strategy as part of the new National Transport Policy.**

## **National Model Rail Safety Bill 2006**

- 4.20 The National Transport Council (NTC), an independent statutory body which makes recommendations to the ATC on transport policy, developed the *National Model Rail Safety Bill 2006* in conjunction with all rail jurisdictions, the rail industry and unions. The Bill establishes rail safety regulator reform, to achieve consistency across all jurisdictions. The Bill forms part of the Council of Australian Governments' (COAG) National Reform Agenda, and was designed to be enacted in all States and the Northern Territory. To date, the NSW Parliament has enacted the legislation, doing so in late 2008; and legislation based on the Bill has been enacted in Victoria and South Australia. Queensland, Western Australia and the Northern Territory are all proposing to enact the legislation, while Tasmania has been granted an extension by the Council of Australian Governments (COAG) until the end of 2009.<sup>11</sup>
- 4.21 Infrastructure Australia's December 2008 report to COAG noted the incomplete National Reform Agenda, and, in particular, the delay in rail safety reforms, suggesting that there is greater scope for progressing a consistent national approach to infrastructure regulation and rail safety reforms.<sup>12</sup> COAG's Reform Council released a report in March 2009 which discussed the delay in these reforms,

11 ARA, *Submission no. 10*, p. 38.

12 Infrastructure Australia, *A Report to the Council of Australian Governments*, December 2008, p. 25.

and pointed out that the delay in some States in enacting the National Model Rail Safety Bill 2006 was the main stalling factor in progressing national rail safety reforms.<sup>13</sup>

- 4.22 As the ARA points out in its submission, the significant element of this legislation with respect to level crossing safety is the *Interface Coordination Agreement* clause. It explains:

ICA's will require parties to identify potential risks at individual railway level crossings and share the ongoing safety management responsibilities.

The agreements will require the creation of one or more plans to combat the identified risks at each crossing. Not only will ICA's provide an environment to further manage risk at railway level crossings, they will ensure that rail operators and road owners work together to formulate measures that manage and alleviate identified risks at each site. The legislation calls for periodic formal reviews to ensure that the risk management plans are up-to-date and practical.<sup>14</sup>

- 4.23 It continues:

ICAs are a very important development for the proper maintenance of railway level crossings. They will replace a culture where rail operators and road owners often worked independently to combat risk at railway level crossings. ICA's bring both parties to the table, but the cost of implementing the ICA is problematic. Clearly funding is a threat to the effective use of ICAs. And if this matter is not resolved, the present culture of division will continue. The ARA recommends that State governments provide greater support to road owners to boost the effectiveness and compliance levels of ICA's.<sup>15</sup>

- 4.24 The Committee supports this recommendation from the ARA and believes that the implementation of this model legislation across Australia should be completed at the earliest opportunity.

---

13 COAG Reform Council, *2009 COAG Reform Council Report*, March 2009, p. 31.

14 ARA, *Submission no. 10*, p. 38.

15 ARA, *Submission no. 10*, p. 38.

## Committee conclusion

- 4.25 Effective, up-to-date national policy settings for level crossing safety are required and should be implemented in all jurisdictions with some urgency.
- 4.26 The Committee notes that the recent establishment of the new National Transport Policy, and the National Road Safety Council to oversee level crossing safety initiatives, it is likely that in the coming years better coordinated national policy will be produced. The Committee encourages extensive consultation with all jurisdictions in the compilation of the safety initiatives, and timely updates to all stakeholders as technologies move on.

Catherine King MP

Chair