

Status of TALC open recommendations

Half-yearly report

For the six months ended 31 December 2019

Summary

Purpose

This report updates the status of recommendations the Transport Accident Investigation Commission (TAIC) has issued across the aviation, rail, and maritime transport modes.

The information given is for recommendations that were open at 31 December 2019.

Contents

The information and data in the report focus mainly on the recommendations issued to the modal regulators, who are reporting progress against implementation as a matter of good practice. The Commission has no mandate to compel recipients of its recommendations to provide such information.

TAIC has compiled the report using information and data supplied by:

- the Civil Aviation Authority (CAA)
- Maritime New Zealand (MNZ)
- those in the rail sector with assigned recommendations:
 - Waka Kōtahi New Zealand Transport Agency (NZTA)
 - KiwiRail
 - Transdev Auckland
 - the Ministry of Transport (MoT)
 - the National Rail System Standards Executive (NRSS-E)
 - Local Government NZ.

Numbers of open recommendations issued to the Ministry of Transport (MoT), State Owned Enterprises (SOEs), other government organisations (such as local government), and non-government organisations are also shown in the aviation and maritime sector reports.

Explanatory notes

Explanatory notes are on the back page.

Summary data

The table below shows summary data for safety recommendations TAIC has issued to the CAA, MNZ and the Rail Sector, and were open at 31 December 2019.

To the left of the table are recommendations issued and closed over the period 1 July 2019 to 31 December 2019. The centre of the table shows the number open as at 31 December 2019 and at the right is the estimated time to closure for these open recommendations.

	Recommendations issued & closed 1-Jul-19 to 31-Dec-19			Number open at 31-Dec-19	Estimated time to closure			
	Issued	Closed	Closed YTD*		Within 12 months	1 to 5 years	More than 5 years	Not accepted/ no further action
CAA	0	5	5	48	92%	6%		2%
MNZ	3	8	8	35	37%	63%		
Rail total	0	3	3	28				
NZTA				15	33%	53%	13%	
KiwiRail		3	3	9	33%	56%	11%	
Transdev				1	100%			
MoT				1		100%		
NRSS-E				1		100%		
Local Govt NZ				1		100%		

**For financial year ended 30 June*

Aviation open TAIC safety recommendations as at 31 December 2019

Summary of open recommendations

The table shows the numbers of open recommendations by recipient in the aviation sector. The numbers for the CAA are also shown by area of activity.

Number of open recommendations	Issued to government organisations Regulator/MOT/SOEs/other							Issued to non-government organisations
	Total	CAA	MoT	Airways	MetService	Other govt org	Est. closure within 12 months (CAA)	Not accepted (CAA)
Total	54	48	3	1	0	2	44	1
Operations		1						
Airworthiness		1						
Aerodromes		1					1	
Air Traffic Control		1						
Licensing		1						1
Submitted for closure		43					43	

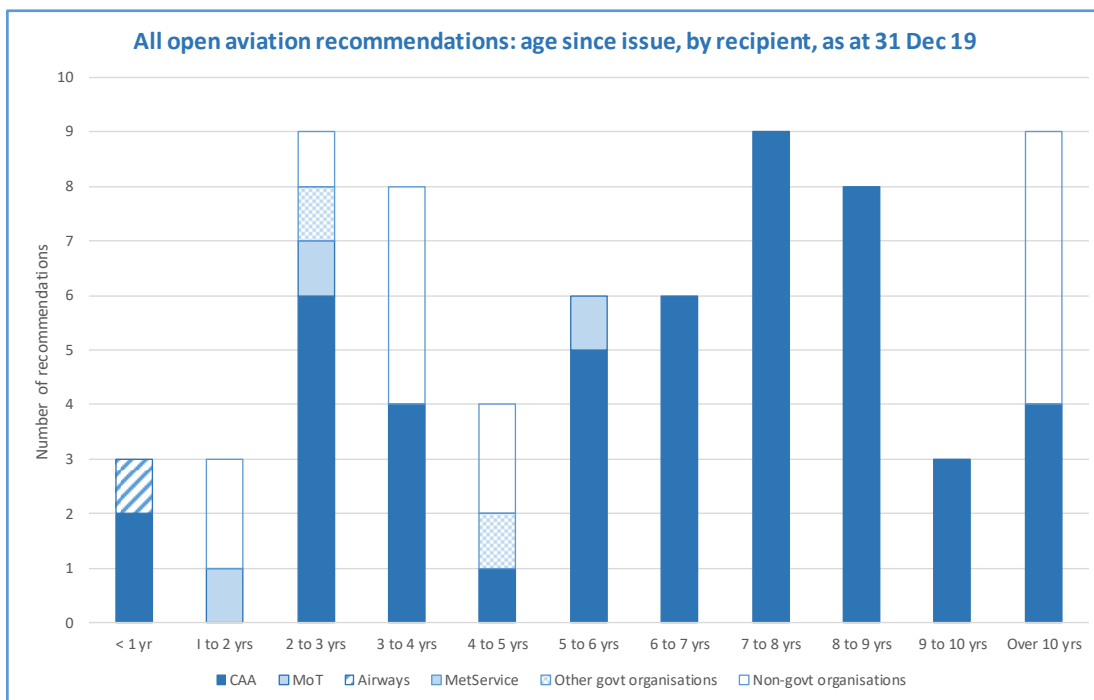
Status for CAA recommendations

CAA and TAIC staff have progressed the work on closing current and historical recommendations. As at 31 December 2019, documentation on 43 of the Authority's recommendations has been completed, leaving only one of the 'historic' recommendations to be dealt with.

TAIC staff are processing the documentation on the recommendations before presenting the evidence to the Commissioners for their decision on closure. TAIC hopes to have this completed before the end of 2020.

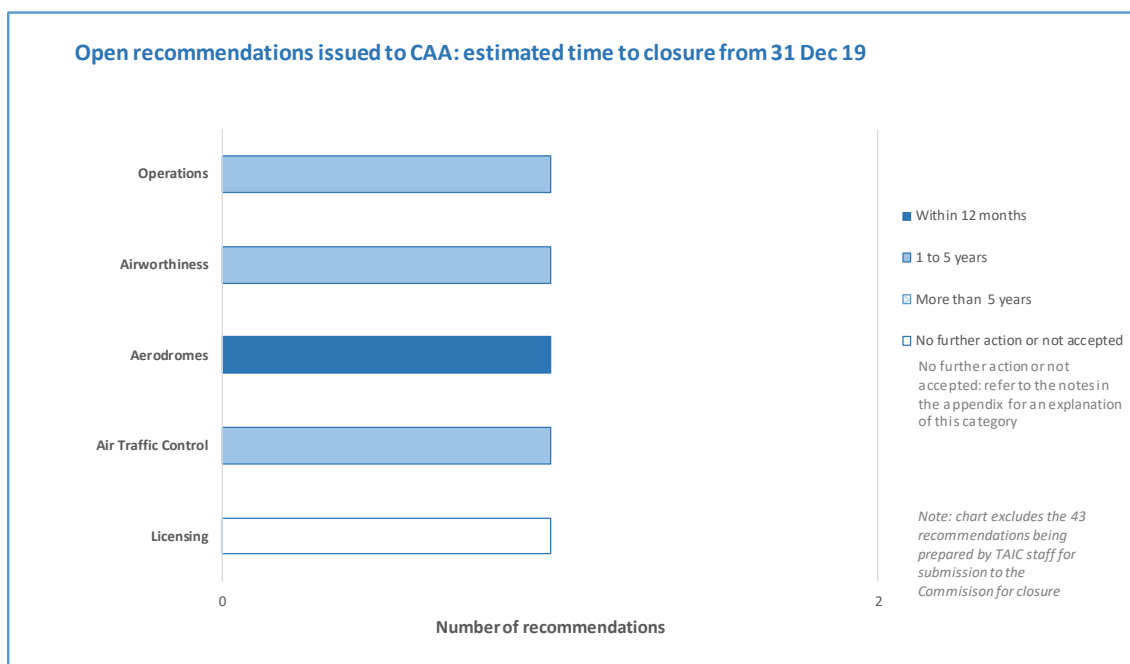
Age of open recommendations

The graph below shows the age of all open recommendations by recipient in the aviation sector.



Estimated time to closure for recommendations issued to CAA

The graph below shows the estimated time to closure for the recommendations issued to CAA.



Rail open TAIC safety recommendations as at 31 December 2019

Summary of open recommendations

The table shows the numbers of open recommendations by recipient in the rail sector.

Theme	Issued to government organisations											Issued to non-government organisations
	Number of open recommendations							Est. closure within 12 months				
	Total	NZTA	KiwiRail	Transdev Auckland	MoT	NRSS-E	Local Govt. NZ	NZTA	KiwiRail	Transdev Auckland	Not accepted	
Total	28	15	9	1	1	1	1	5	3	1	Nil	Nil
Level Crossings	8	6	1				1	1	1			
Impairment - drugs/alcohol/health/fatigue	5		4		1				1			
National Rail Systems Standards	5	4				1						
Fire protection	3	3						2				
Training/Change Management	3	1	1	1				1		1		
Maintenance System Deficiency	2	1	1					1	1			
Signalling safety	2		2									

Status of recommendations assigned to Waka Kōtahi and the NRSS-Executive

National Rail System Standards (NRSS): Rail safety regulation is underpinned by the principle that safety risks are primarily owned by the industry, and it's important for the standards, rules and safe working systems used by industry to be current and fit for purpose. The National Rail Industry Forum (NRIAF) is an initiative of Waka Kōtahi to engage the rail industry in setting and maintaining standards and rules around safe working systems. It is expected that recommendations made to the NRSS-Executive will be assessed and addressed by the membership of the NRIAF.

The NRIAF engages a wide cross section of the industry and set work streams to progress the agenda of updating the standards and procedures. It is envisaged that group will also engage with international agencies to research, develop and introduce best practice. The group meets regularly and met on 15 April 2020 discussing the prioritisation criteria of the NRIAF workstreams, which included revision of the NRSS Standards. As a result, the recommendation made to the NRSS-E is also being addressed by the work of the NRIAF (of which the NRSS-E members are all participants).

Level crossings: There are eight open recommendations concerning level crossings. Of these, six are assigned to Waka Kōtahi one to KiwiRail and one to Local Government NZ. Waka Kōtahi recognises the need for a cohesive and joint approach to managing level crossing improvement programmes. Within the Rail Regulatory Group, Waka Kōtahi has adopted a systems approach to the complex nature that exists surrounding level crossings and has appointed a new staff member to the position of Principal Advisor Road-Rail Interface.

The critical risks surrounding level crossings are to be addressed with a remit to develop more cohesive working relationships between the roading sector within the Agency and external parties with responsibilities for level crossing safety. The role will also play an important role in supporting level crossing policy development and strategic direction.

Waka Kōtahi also recognises the need for any future direction to consider the various stakeholder interests and will be working with external parties to determine the most appropriate way of progressing level crossing improvements and safety.

Fire protection: There is no standalone Fire Risk Standard adopted uniformly across the New Zealand Rail Industry. There is currently a standard for Risk Management (NRSS4) which includes fire as one of those risks, but this is outdated and most of the industry is following more modern practice. The NRIAF will in due course table this issue for consideration.

Remaining recommendations: Waka Kōtahi has three further recommendations, related to Impairment – drugs/alcohol/health/fatigue, Maintenance Systems and Training/Change

Management. Two of these recommendations require oversight of KiwiRail to complete safety improvements and the third is being progressed by the NRIAF. Waka Kōtahi continues to monitor KiwiRail's and NRIAF's progress with these recommendations and is satisfied that the required work is on track.

Status of recommendations assigned to KiwiRail

Maintenance System Delivery: A submission has been drafted. This will go through KiwiRail's internal assurance process before a final submission is made.

Impairment – health: Discussions held with TAIC agreed that a third set of data is required to demonstrate that this is trending in the right direction. Once data is available, this recommendation will be resubmitted for closure.

Impairment – fatigue: A trial is currently underway of fatigue monitoring. KiwiRail Locomotive Engineers are now completed, and the Train Controllers are currently going through the trial. A submission will be made once the trials are completed.

Training/Change Management: A Safety in Design standard has been drafted which applies to all disciplines within Planning & Engineering. The standard outlines how safety in design processes are to be applied to KiwiRail Infrastructure engineering design activities. It applies to both the design of new assets, systems and equipment as well as to modifications of existing assets. Once finalised this will be submitted for closure.

Signalling Safety: KiwiRail is awaiting feedback from TAIC. A further SPAD in 2019 has resulted in some further information requests.

Level Crossing: KiwiRail is still awaiting clarification on responsibilities from Waka Kōtahi which will be addressed by the new critical risk position. In addition, KiwiRail have published a vegetation control standard to assist the maintenance of level crossing sight lines and distance. This will be accompanied by toolbox briefings with affected staff and comes into effect on 30 June 2020. Submission will be made following evidence that these briefings have been completed.

Status of the recommendation assigned to the Ministry of Transport

Impairment – health: The Ministry continues to consider the appropriate response to this recommendation. The NRIAF is working to identify and rank potential areas for rules development and held a prioritisation session on 15 April 2020. The Ministry raised this recommendation with the NRIAF and sought feedback. Implementing this recommendation will require a full policy process which will likely take 12 to 18 months.

Status of the recommendation assigned to Local Government NZ

Level Crossings: This will be incorporated into the road/rail interface workstream that is currently under development.

Status of the recommendation assigned to Transdev Auckland

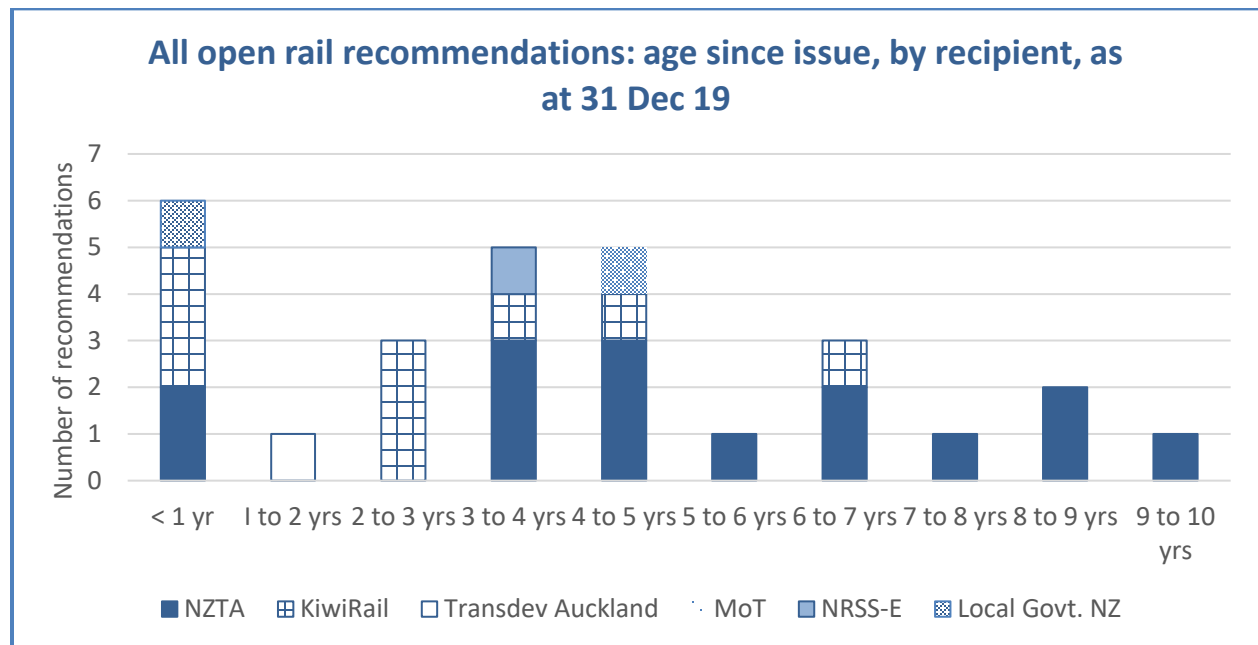
Training and competency: All Transdev Auckland drivers attended an annual continuation training day. Training content included emergency situation procedures including security issues such as tagging and unusual situations. Also covered were expectations when emergency services may be involved. Revised HOT or NOT security training was also updated and delivered as a refresher.

Transdev Auckland's Security Manager issued an updated information briefing with regards to calling emergency services directly in the event of an emergency situation rather than going through a third party such as Train Control.

Transdev Auckland's whole EMU train fleet has undergone a modification to the external emergency door release handle with a wire tie security seal to help reduce unauthorised use.

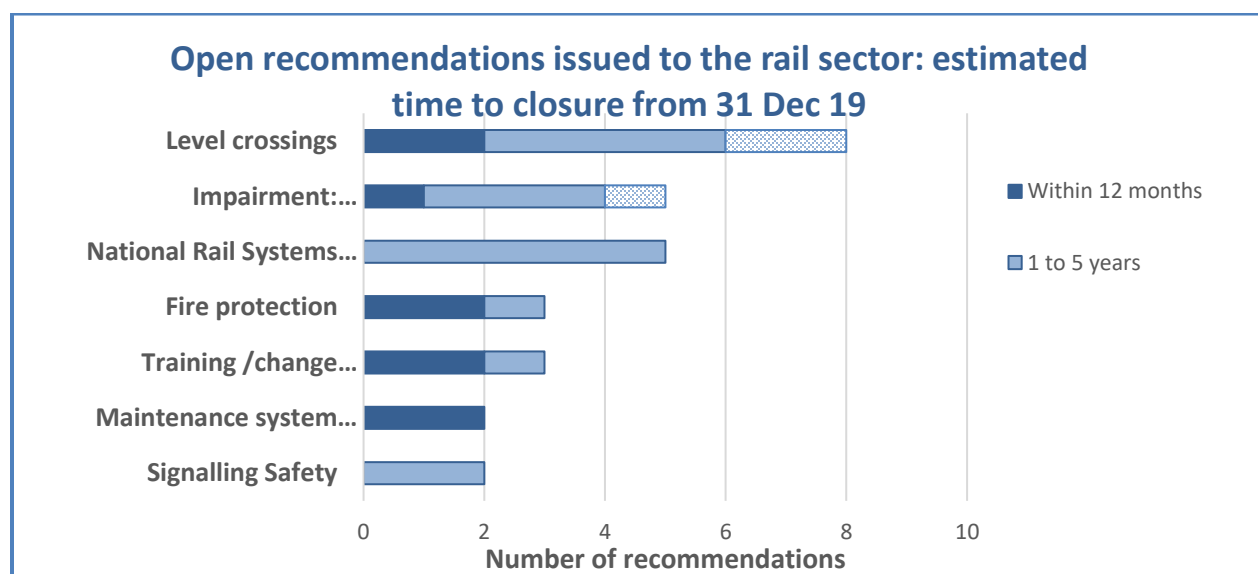
Age of open recommendations

The graph below shows the age of all open recommendations by recipient in the rail sector.



Estimated time to completion for recommendations

The graph below shows the estimated time for implementation of the recommendations issued to the rail sector



Maritime open TAIC safety recommendations as at 31 December 2019

Summary of open recommendations

The table shows the numbers of open recommendations by recipient in the maritime sector. The numbers for MNZ are also shown by area of activity.

Number of open recommendations	Issued to government organisations Regulator/MOT/SOEs/other							Issued to non-government organisations
	Total	MNZ	MoT	KiwiRail	MetService	Other govt org	Est. closure within 12 months (MNZ)	Not accepted (MNZ)
Total	63	35	2	2	0	24	13	Nil
Training or Education		9					5	
Maritime Rules		10					2	
Safety Management Systems		3					1	
Administrative		4					0	
Aids to Navigation		3					1	
Compliance		6					4	

Status for MNZ recommendations

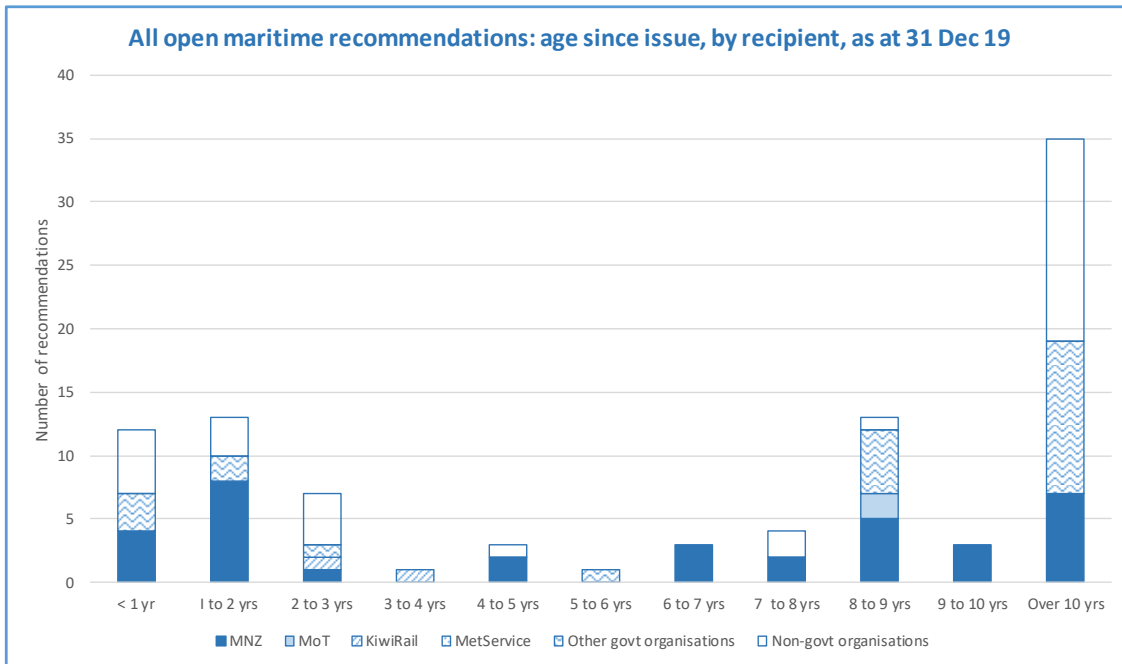
As at 31 December 2019, 35 TAIC recommendations issued to MNZ and two to MoT were open.

Three new recommendations were received and eight recommendations were closed during this period.

Maritime NZ continues to work in close cooperation with TAIC to ensure safety issues are addressed and recommendations are closed.

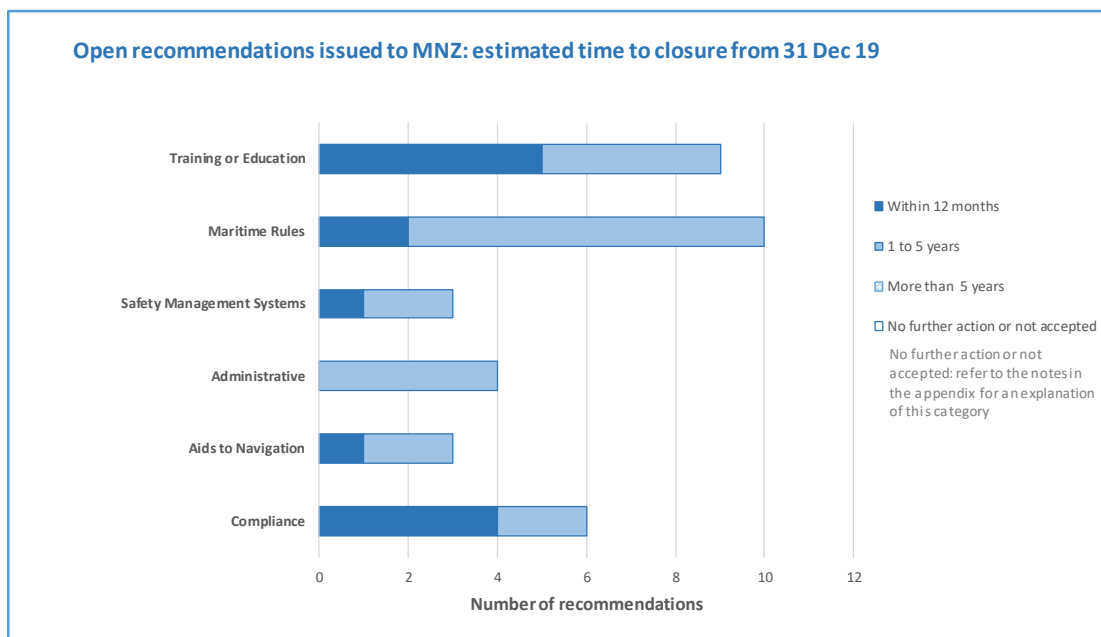
Age of open recommendations

The graph below shows the age of all open recommendations by recipient in the maritime sector.



Estimated time to closure for recommendations issued to MNZ

The graph below shows the estimated time to closure for the recommendations issued to MNZ.



Appendix: explanatory notes

Definitions

Government organisation	For the purposes of this report, a government organisation is a New Zealand regulator, SOE, or a commercial enterprise with more than 50% government ownership.
Not accepted	The recipient has not accepted the safety recommendation. For example, it might consider the recommendation is not relevant or not applicable. The Commission classifies such recommendations as 'open' or 'open, no acceptable action'.
No further action	The recipient has accepted the recommendation, and considers it has taken sufficient action to meet the intent of the recommendation; but the Commission does not agree that the intent has been fully met. The Commission classifies such recommendations as 'open' or 'open, no acceptable action'.
Classification of recommendations	<p>The Commission classifies recommendations as follows:</p> <ul style="list-style-type: none">• Open: the recipient has accepted the recommendation, but has not yet submitted a request to close it.• Open, no acceptable action: the recipient has not accepted the recommendation, or considers it has taken sufficient action (see 'no further action' above).• Withdrawn/cancelled: the recommendation has been withdrawn in light of further information from the recipient.• Closed superseded: the recommendation no longer applies because of changes in circumstances, for example, advances in technology, vehicle model no longer in use, or the recipient is no longer operating.

Timeframes for implementation

The time in which a safety recommendation can be implemented can vary considerably. Some recommendations can be implemented quickly because the action to meet its intent is specific and clearly identifiable, and relatively straightforward. Other recommendations may require considerable analysis and consultation to determine the best options, or they may depend on action by third parties. Recommendations requiring legislative change may take several years to implement.

Historic recommendations

In the rail sector, the NZTA and TAIC have a well-established process for monitoring safety recommendations. The CAA and MNZ are now meeting regularly with TAIC to close 'historic' recommendations. In the past, a lack of formalised monitoring processes resulted in some recommendations remaining open even though actions have been taken (or circumstances have changed) such that the regulators consider the intent of the recommendations has been met.