

TAIC open recommendations

Half-yearly report

For the six months ended 30 June 2019

Summary

Purpose

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

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), and those in the rail sector with assigned recommendations – New Zealand Transport Agency (NZTA), KiwiRail, the Ministry of Transport (MoT) and the National Rail System Standards Executive (NRSS-E).

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 each sector report.

Explanatory notes

Explanatory notes are on the back page.

Summary data

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

		Recommendations issued & closed 1-Jan-19 to 30-Jun-19			Number open as at 30-Jun-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		1	1	2	53	53%	32%		15%
MNZ		1	10	10	40	40%	60%		
Rail	NZTA			3	15	33%	53%	13%	
	KiwiRail				12	42%	50%	8%	
	Local Govt. NZ				1		100%		
	MoT				1	100%			
	NRSS-E				1		100%		
	Transdev	1			1	100%			

*For financial year ended 30 June

Air open TAIC safety recommendations as at 30 June 2019

Summary of open recommendations

The table shows the numbers of open recommendations by recipient in the aviation sector. The numbers for government organisations are also shown by areas of activity.

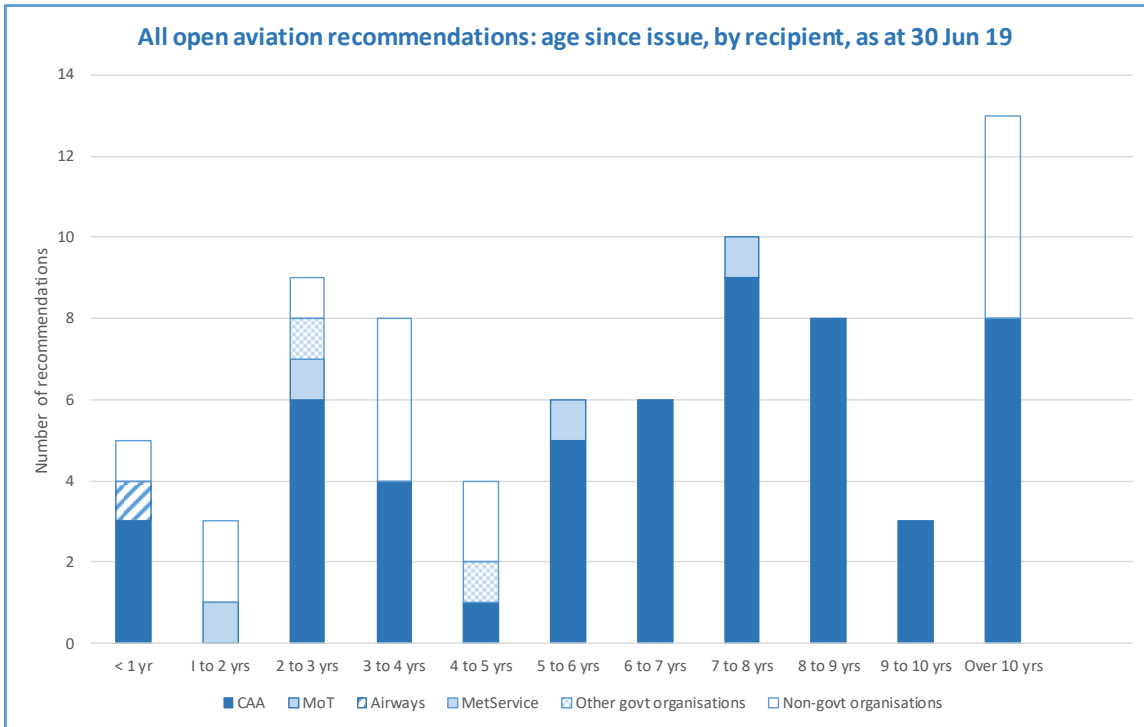
Number of open recommendations	Issued to government organisations Regulator/MOT/SOEs/other							Issued to non-government organisations	
	Total	CAA	MoT	Airways	MetService	Other govt org	Est. closure within 12 months (CAA)	Not accepted (CAA)	Total
Total	60	53	4	1	0	2	28	7	15
Operations		6					2	1	
Airworthiness		8					1	3	
Aerodromes		0					0	0	
Air Traffic Control		1					0	0	
Licensing		9					4	3	
Historic recs to submit for closure		29					21	0	

Status for CAA recommendations

Following on from the previous report, 31 December 2018, owing to staff changes within TAIC work to reduce the current number of historical recommendations that remain open has been delayed. However, the CAA has recently met with new staff at TAIC to arrange the further work required to close current and historical recommendations.

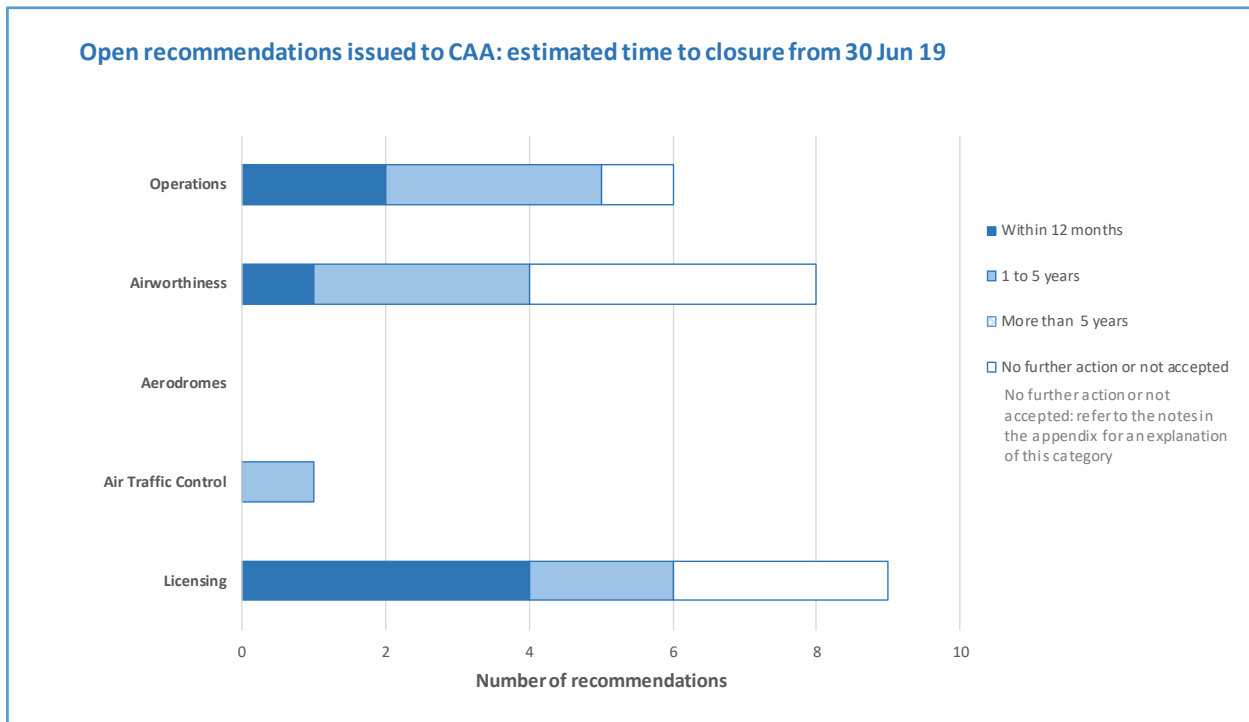
Age of open recommendations

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 30 June 2019

Summary of open recommendations

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

Theme	Issued to government organisations Regulator/MoT/SOEs/other														Total Issued to non- government organisations
	Number of open recommendations							Est. closure within 12 months							
	Total	NZTA	KiwiRail	MoT	Local Govt. NZ	NRSS-E	Transdev Auckland	NZTA	KiwiRail	MoT	NRSS-E	Local Govt. NZ	Transdev Auckland	Not accepted	
Total	31	15	12	1	1	1	1	5	5	1			1	Nil	Nil
Fire protection	4	3				1		2	5	1			1		
Impairment - drugs / alcohol / health / fatigue	6	1	4	1					1	1					
Level Crossings	8	6	1		1			1							
Maintenance System Deficiency	3	2	1					1	1						
NRSS	1	1													
Signalling safety	2		2												
Training / Change Management	7	2	4				1	1	3				1		

Status of recommendations assigned to the NZ Transport Agency and the NRSS-Executive

National Rail System Standards (NRSS): The National Rail Industry Action Forum (NRIAF) has been established. Working groups are currently identifying issues and proposed solutions which are anticipated will be incorporated into an annual work programme. It is anticipated that one of the working groups will be responsible for overseeing the reviewing, updating and/or producing of relevant standards for the rail industry. Currently working with Transdev Wellington regarding the management of low adhesion.

Level crossings: There are six open level crossing recommendations assigned to the Transport Agency plus one for KiwiRail and one for Local Government NZ. The Transport Agency and KiwiRail are working together to deliver a \$26 million programme of level crossing safety upgrades on or near the state highway network to address the number of deaths and serious injuries at level crossings. This is part of the overall \$1.4 billion Safe Network Programme. This year, safety improvements have been carried out on eight level crossings, in three regions: Auckland, Waikato and Canterbury.

The Transport Agency continues to search for a suitable dedicated FTE to address this gap in our current resourcing model.

Fire protection: The three open fire protection recommendations are expected to be submitted to TAIC for closure in first half of 19/20.

Remaining recommendations: The Transport Agency has five recommendations, related to impairment – drugs / alcohol / health / fatigue, Maintenance Systems and Training/Change Management. Four of these recommendations require oversight of KiwiRail to complete certain safety improvements and the fifth is being progressed by NRIAF. The Transport Agency continues to monitor KiwiRail's and NRIAF's progress with these

recommendations and is satisfied that the required work is on track. 16 open recommendations are owned by other parties.

Status of recommendations assigned to KiwiRail

Maintenance System Safety Improvements: KiwiRail now have safety critical components and documentation updated with second person sign-off now added. Rolling stock inspectors will make regular checks for compliance with this sign off process. Submission currently being drafted for recommendations for closure.

Medical information for safety critical roles: The Ministry of Transport has started policy investigation into what options may be available to implement the intent of this recommendation. The work forms part of the 2019/20 Rules Programme approved by Cabinet, which is published on the Ministry of Transport's website. The Ministry intends to investigate the utility of a rule that specifies medical requirements and/or general fitness for duty requirements for train drivers. Although section 53(1)(g) and (h) of the Railways Act 2005 authorises the making of a rule for this purpose, no such rule has been developed.

Impairment - fatigue: A comprehensive fatigue management project is underway with a staged approach across the business. Full implementation is not expected until late 2020.

Training and competency: Three of four recommendations related to training have been addressed and all are submitting requests for closure. KiwiRail have commissioned a two stage review of their signalling processes. Stage 1 is complete and includes a comparison of the current signalling design process against the Australian Standard. Stage 2 will include a review of design standards from other railways with a view to developing the KiwiRail process.

Wellington Signalling: The required training and on-going performance monitoring gaps have been rectified in the assurance and competency assessment system. Request for closure for the one outstanding recommendation submitted to the Commission on 27 July.

Level Crossing: This recommendation is still in progress. Awaiting clarification of responsibilities from the Transport Agency.

Status of the recommendation assigned to the Ministry of Transport

Impairment - health: The Ministry of Transport has started policy investigation into what options may be available to implement the intent of this recommendation. The work forms part of the 2019/20 Rules Programme approved by Cabinet, which is published on the Ministry of Transport's website. The Ministry intends to investigate the utility of a rule that specifies medical requirements and/or general fitness for duty requirements for train drivers. Although section 53(1)(g) and (h) of the Railways Act 2005 authorises the making of a rule for this purpose, no such rule has been developed.

Status of the recommendation assigned to Local Government NZ

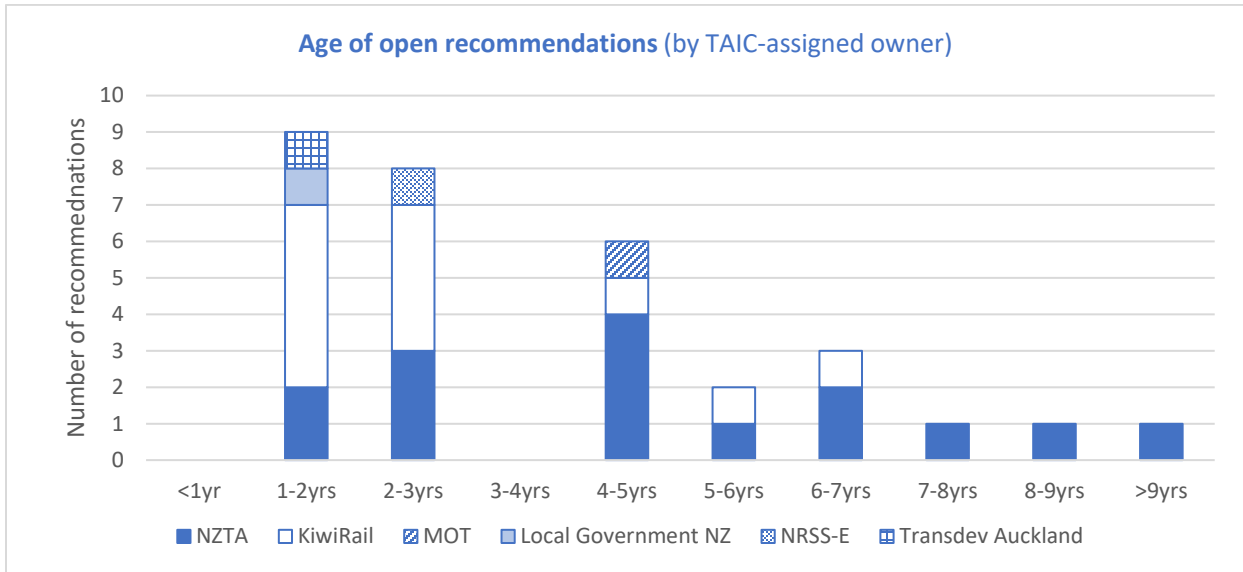
Level Crossings: Deferred until a suitable dedicated FTE is found to fill the gap in our current rail regulatory resourcing model.

Status of the recommendation assigned to Transdev Auckland

Training and competency: Transdev Auckland have incorporated training on how to respond to unusual situations in their latest driver refresher training. Closure letter with TAIC for consideration.

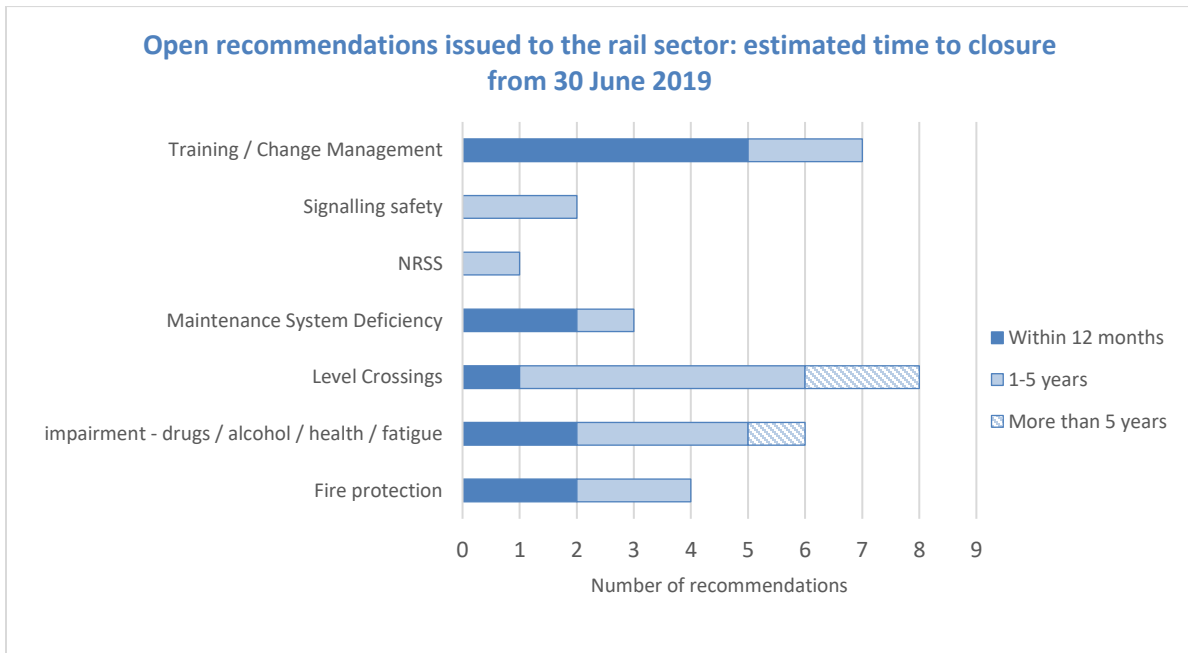
Age of open recommendations

The graph below shows the age of all open recommendations by recipient in the rail sector. We are prioritising the closure of these recommendations as resourcing allows.



Estimated time to completion for recommendations

The graph below shows the estimated time for implementation of the recommendations issued to the rail sector — NZ Transport Agency, KiwiRail, the Ministry of Transport, the National Rail System Standards Executive, Transdev Auckland and Local Government NZ.



Maritime open TAIC safety recommendations as at 30 June 2019

Summary of open recommendations

The table shows the numbers of open recommendations by recipient in the maritime sector. The numbers for government organisations are also shown by areas 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
Total	68	40	3	2	0	23	16	Nil	33
Training or Education		12					6		
Maritime Rules		11					5		
Safety Management Systems		3					0		
Administrative		5					1		
Aids to Navigation		3					0		
Compliance		6					4		

Status for MNZ recommendations

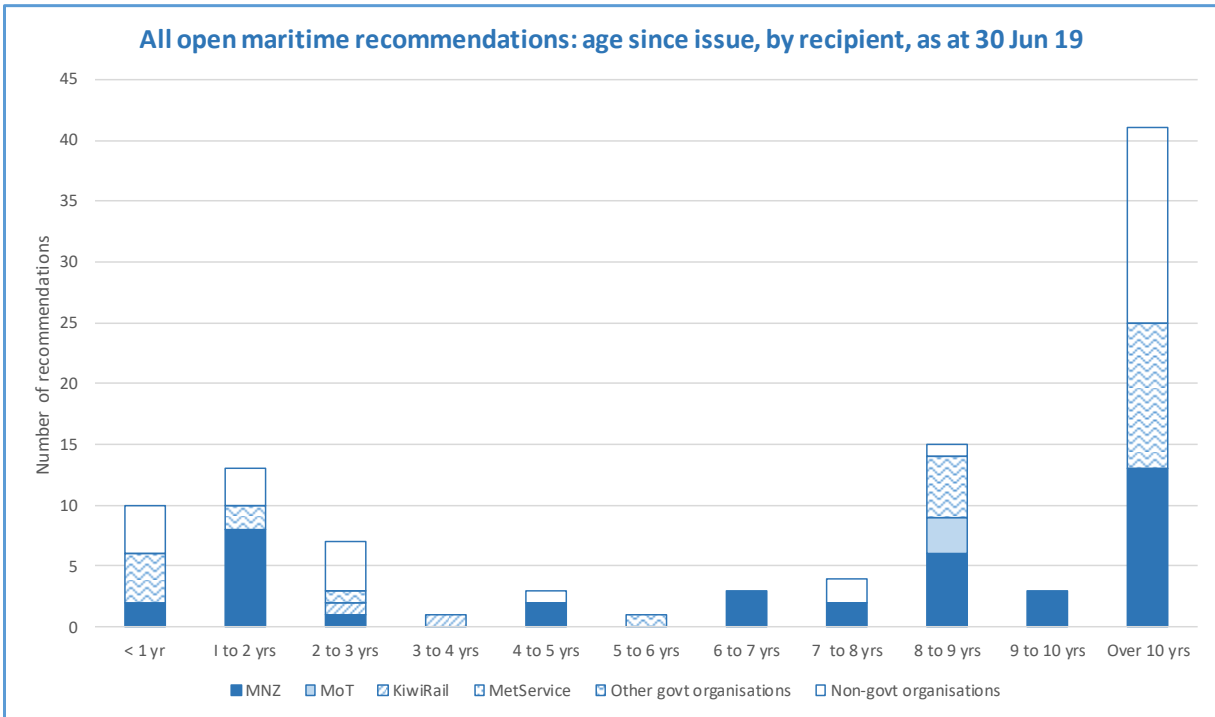
As at 30 June 2019, 40 TAIC recommendations issued to MNZ and three to the Ministry of Transport were open.

One new recommendation was received and ten 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.

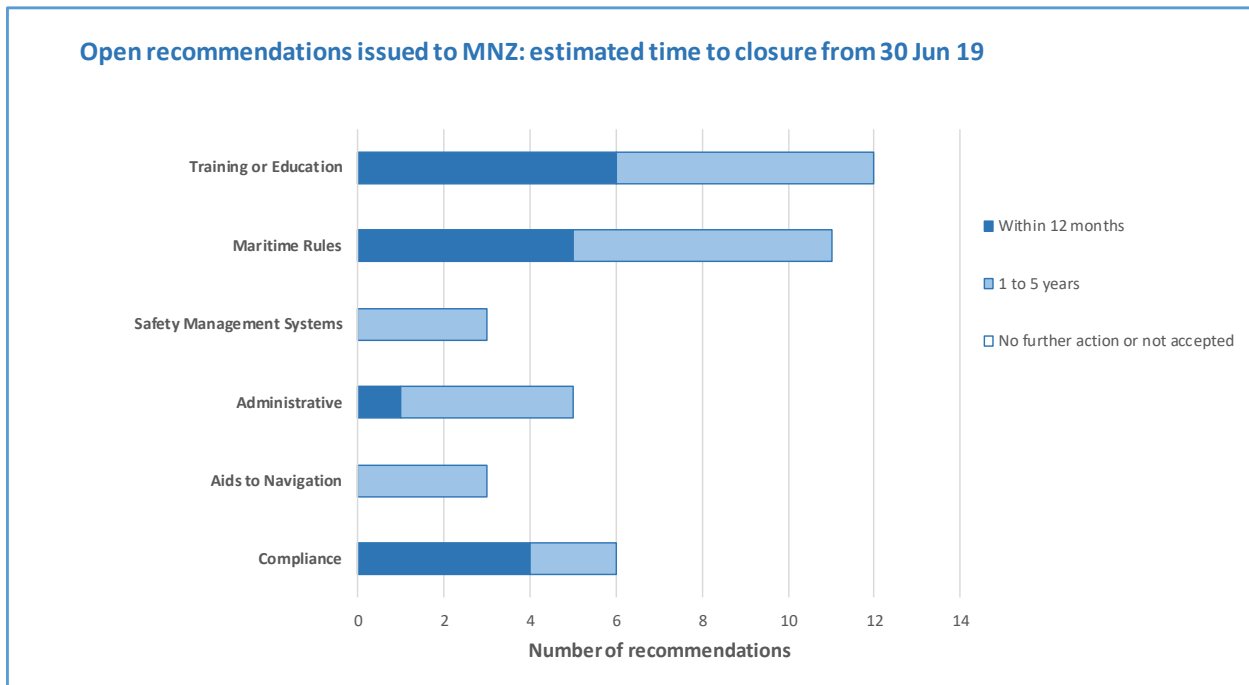
Age of open recommendations

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.