

MIN-4257 KiwiRail Te Huia Service Prohibition

11 July 2023

Provide you with an update on regulatory action that has been taken following the recent occurrence of several Signal Passed at Danger – Category A (SPAD A) safety incidents on the Te Huia passenger service.

Waka Kotahi NZ Transport Agency response:

SPAD-A incidents

- A SPAD A incident is where the train driver has failed to obey a red signal and has entered a section of track where there is potential for conflict with another service. Evidence shows that SPAD A events can create a significant risk to public safety and are precursors to a collision.
- Waka Kotahi NZ Transport Agency has been concerned for some time about the SPADs occurring in the Auckland Metro area, particularly because of the increase in services planned for the Auckland Metro Network. The Te Huia service was approved to run within this vicinity without a European Train Control System (ETCS) which reduces the risk of collision, as KiwiRail provided adequate assurance that it could be done safely.
- Despite the assurances, KiwiRail has reported 15 SPAD A events so far this year, four within the Auckland Metro Area. The most concerning of these was a Te Huia service near miss collision with an Auckland One Rail service incident on 17 June 2023.
- Following additional assurances from the KiwiRail Board Chair received on 30 June 2023, another SPAD A incident by the Te Huia service occurred on 10 July 2023.
- The repeated occurrence of SPAD A in the context of ongoing assurances from KiwiRail is of concern and prompt action is required. This is of particular concern because of the increase in services planned for the Auckland Metro Network, as stated above.

Regulatory action

- The incident on 10 July 2023 prompted quick action from Waka Kotahi to ensure that services within the Auckland Metro area are not at risk from the KiwiRail services that are not protected by ETCS. This morning, 11 July 2023, Waka Kotahi issued a Notice of Imposition of Condition on the Operation of a Rail Vehicle under section 28 of the Railways Act 2005. This is to prevent all services without ETCS on-boarding from entering the Auckland Metro area. This will have the immediate effect of terminating the Te Huia service at Papakura.
- In order for the section 28 condition to be lifted, KiwiRail will need to provide evidence that the Te Huia service has been fitted with ETCS, and that is able to ensure that its freight services continue to operate without incident.
- Waka Kotahi will continue to ensure that the risks of collisions introduced into the rail system by the Te Huia service are adequately managed by KiwiRail.

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Provide a high-level summary of each of the 15 Signal Passed at Danger – Category A (SPAD A) safety incidents referred to in *MIN-4257 KiwiRail Te Huia Service Prohibition*.

Waka Kotahi NZ Transport Agency's response:

- SPADs happen on all railways throughout the world. The key issue in determining whether a railway is operating safely is whether the operator is minimising the number and the potential for harm from the SPADs that do occur. It is a requirement of rail operators in many countries, that when a SPAD occurs, then the causes are identified and remediated.
- Here in New Zealand, all SPAD As are investigated by the operator, and any SPAD As that were in conflict (i.e., had the potential to cause a collision with another service) are also investigated by Waka Kotahi. All of the data that is provided to Waka Kotahi is collated and analysed to determine the appropriate regulatory response.
- In the past year, there have been 15 SPAD As reported to Waka Kotahi by KiwiRail. The table below provides the number of incidents in both the North and South Island, broken down by type of locomotive:

SPAD A incidents within the last 12 months

	North Island	South Island	Total
Freight train	7	2	9
Maintenance train	2		2
Passenger train	3		3
Shunt train		1	1
Total	12	3	15

- The majority of these SPAD As were not considered serious enough to trigger a full investigation by Waka Kotahi. To date, only the Te Huia service has required a regulatory response as significant as the one issued today, 11 July 2023.