



RAIL SAFE

THE NEW ZEALAND RAIL REGULATOR'S NEWSLETTER

July 2016

In this issue:

- New assessment programme explained
- Lessons from Driving Creek Railway
- Health and safety on the agenda
- Risk management in rail
- Expect a train moves to Rangitikei
- Preparing for Rail Safety Week
- Meet our newest team members
- Award winners celebrated

NEW-LOOK SAFETY ASSESSMENT PROGRAMME

The Transport Agency is changing how it approaches the safety assessment programme.

After a comprehensive review of the current system, we will move away from the annual safety assessment of all areas of an operator's rail activities to a risk-based evaluation model.

The other significant change will see the insourcing of the safety assessor function (that is bringing assessments in-house), a shift from the current model which has relied on external appointed assessors.

Rob Gould, Manager Assessment Development Programme, has spent the last seven months investigating and developing a way the Transport Agency's Rail Safety Unit can effectively enhance the safety assessment approach to achieve better safety outcomes for the people and organisations subject to an assessment.

Ordinary (and special) safety assessments are a core regulatory tool used by the Transport Agency to monitor the effectiveness of safety behaviours and actions by rail participants, and especially licence holders.

Rob explains that he was tasked with taking a holistic look at how the regulator managed the assessment process and whether the current 'one-size-fits-all' approach was appropriate.

"The Transport Agency has made various changes to its oversight of safety assessments over a number of years," says Rob.

"This project is the next step in that evolution, and forms part of our overall on-going continuous improvement focus, where we are examining all aspects of our rail safety work and making our regulatory practices more robust and transparent."

Rob explains the new assessment programme on page 2.

A MESSAGE FROM THE NATIONAL MANAGER RAIL SAFETY



It's been a time of growth and strengthening within the NZ Transport Agency's Rail Safety Unit as we embed the elements needed to adopt a modern regulator approach to rail safety. Building on a solid foundation, we have been able to bring together a multidisciplinary team that incorporates the range of skills needed to focus on key risks and issues in the industry.

With a mix of strong regulatory, safety, rail technical and investigative expertise the

team is positioned well to carry out our role in a way that leads to even more consistent, strong, safety performance across the rail sector.

This will make rail even safer.

Our focus since the last newsletter has been on building our new assessment approach, which factors in the nature of each rail operation for a tailored monitoring programme, investigating events of note, and utilising more of the legislative provisions that are available to us to prohibit certain activities.

Now with Critical Risk Regulatory Programme Manager Bill Hazleton on board, we are working towards identifying our 'national priorities' to focus on in the coming year. This will help us to target our approach and take strategic interventions with a view to facilitating a reduction of those risks.

At the other end of the spectrum, we eagerly promote examples of best practice across the industry.

One such example is Transdev Auckland - winners of the 'best significant health and safety initiative by a large organisation' category of the 2016 Health and Safety Awards for its success in delivering the SPAD reduction strategy.

Also, the Transport Agency is pleased to have presented an inaugural rail safety award at the recent Federation of Rail Organisations of New Zealand conference. The Tourist and Heritage Rail Safety Award was presented to Goldfields Railway for its campaign addressing public safety at Waihi level crossings.

These initiatives give us insights into how others have resolved problems and improved safety, and we aim to set the conditions for others to follow their lead.

In this newsletter you will meet the new members of the Rail Safety Unit, we'll introduce the new assessment programme and we address risk in the context of the new health and safety environment.

Debbie Despard

NEW SAFETY ASSESSMENT PROGRAMME



Manager Assessment Development Programme Rob Gould explains what you need to know...

Risk evaluation

We are moving from the annual safety assessment of all areas of an operator's rail activities to a risk-based evaluation model.

A risk modelling tool will guide the Transport Agency's evaluation of risk indicators for each licence holder and identify risk based focus areas we need to spend more time on during an assessment. It will provide an evidence base for our decisions.

The model has five domains, broken down into 14 elements. These give a weighting to reflect various indicators that could lead to future risk, without penalising or rewarding an individual organisation based on its operational status and environment.

The risk evaluation model generates a score (% of 100) which then indicates a relative timeframe (0-24 months). We will use this information to assist with our safety assessment planning.

A 'high risk' score does not directly indicate more frequent assessments. It may direct us to use other compliance intervention tools. Equally, a 'low risk' score does not mean you will see us less often. Instead it means our interactions during an assessment will focus on areas that warrant it, and if the timeframe for an assessment is changed, the risk evaluation provides an evidence base to support that decision.

We are currently working through the evaluation of each licence holder to assist us in our future assessment scheduling, and in clarifying scope coverage for those assessments.

Insourcing the safety assessor function

We will be bringing the safety assessor function 'in-house' and this model has many advantages including:

- improved regulatory practice
- demonstrating management and control over the right safety improvement behaviours
- better control of the quality of assessments and reports
- assessors, as part of our unit, will be more aware of focus areas and topical issues
- enhanced licence holder liaison by the rail regulator
- rail regulator resources will more easily share learnings from business intelligence gathered during assessment activity.

All assessors have been formally advised of the change in approach. We appreciate the contribution they have made to rail safety over many years. Some contracted safety assessors will continue to work for us in the short term while we transition to the new insourced approach.

Over the coming months or year (depending on when your next assessment is due) there will be a transition to most licence holders having a new appointed safety assessor for that assessment.

There may be changes in assessment costs for some licence holders. These will be in light of an improvement in assessment

consistency, the use of tailored approaches, enhanced relationships and potentially less frequent assessments for some licence holders. We will talk to licence holders individually as we roll out the assessment framework in the coming months.

Process mapping and remedial actions

The development programme has verified how the regulator carries out its tasks in line with Railways Act expectations.

There are a couple of key changes. The first is the creation of a rigorous end-to-end process, with clear communication requirements from licence managers and assessors. You will notice increased correspondence from us supporting the assessment function to ensure everyone is on the same page as to the expectations before, during and following the assessment.

There will be changes to how we currently interact with you throughout the assessment process, and in how we focus our attention during the assessment itself.

The second change is more significant. To administer the Railways Act effectively, and ensure rail participants focus their efforts where the greatest safety gains can be made, the Transport Agency will modify its approach to the findings made in the assessment reports.

Going forward, not all non-compliances and recommendations (safety improvement opportunities) will be treated equally (as has been the case previously). We'll be specifically requiring remedial actions – as set out in section 42 of the Railways Act – to focus your attention on the most safety critical findings. Remedial actions will be enforceable and monitored closely for effective resolution. Remedial actions can be derived from both non-compliance and recommendation findings, as they will be tailored in relation to identified risk focus areas.

Regardless of this, as the safety regulator we still expect you to address all findings made in the report to ensure effective on-going safety management of your rail activities.

Your licence manager will also monitor the closure of other findings made during the assessment that do not result in remedial actions being required. They will also be your first port of call when the remedial action process is applied following an assessment, to get a full understanding of the process.

Next steps: Implementation

We've nearly completed the development phase of the new programme. The next step is implementation which will involve a significant transition period.

Most key changes will be implemented over the first 6 months, and within 12 months we expect the new assessment framework to be embedded.

There will be plenty of communication over the coming months as we roll out the new approach. Your licence manager will be your first point of contact, along with whoever is appointed as your safety assessor for that assessment. We realise if you have recently had an assessment it may be some time until this new approach takes effect for you.

We look forward to working with you as these improvements are implemented to achieve better safety outcomes for the whole rail industry.

LESSONS FROM DRIVING CREEK RAILWAY

- A 19 month old boy fell nearly 9 metres from a moving railcar as it travelled across the Double Decker Bridge at Driving Creek Railway (DCR) on the Coromandel in June 2015.
- The child required surgery for a fractured jaw, lost several teeth and was left with bruising and grazes.
- The Transport Agency conducted an investigation into the accident and worked with DCR to ensure the required safety improvements were made following the accident.

At the 2016 FRONZ conference, Rail Safety Unit investigator Erin Moyle and DCR General Manager John Gurney teamed-up to give a presentation to delegates about the accident.

"The FRONZ conference was the perfect forum to deliver the key learnings from this accident. I was able to provide the facts and findings obtained through the investigation process. But only John, on behalf of DCR, could really explain the full impact the accident had on the operation," says Erin.

The child was travelling on board the 34-seater 'Snake' railcar with his parents in a compartment reserved for families when the accident occurred. The compartment was accessed via a gate secured by a half-circle gate latch.

Erin explained that while there was no witness to the gate being opened, the facts point to the child opening the gate while his parents were momentarily distracted by the view from the bridge.

DCR, which has carried over 1.25 million passengers since it began operating over 25 years ago, has now rectified the areas which the Transport Agency had determined had failed.

John explained that the accident had significant financial implications for DCR as it factored in the costs for changes to rolling stock and infrastructure as well as lost revenue because it could not carry children under five until the risks had been mitigated to the Transport Agency's satisfaction.



The child fell from the Snake Railcar as it travelled across the Double Decker Bridge. Photo: NZ Transport Agency

During their presentation, Erin and John concluded that a key learning from the accident for other rail operators was not to rely on the fact that just because something hasn't happened before, doesn't mean it can't or won't.

"What we learned from this accident is that the process of identifying, assessing and treating risk within your rail operation is an on-going process. It is not a tick box exercise to keep the regulator happy," says Erin.

The findings

- The gate was able to be opened while the railcar was moving because there was no secondary or interlocked gate latch system.
- There was no documented/written policy or procedure in place outlining how children under the age of four were to be seated/carried on board DCR railcars. Consequently no clear direction was given to the child's parents by DCR staff about how to seat their young children. The parents made the reasonable assumption it was safe for their children to sit independently of them.
- Gaps in bridges between walkways and rails may provide a hazard for staff or passengers.
- Low-sided central compartments on the Snake and Linx railcars may not be suitable to contain passengers or their property within the compartments.

A job well done

The Transport Agency's investigation found that DCR's handling of the accident was a great example of how to effectively manage an emergency situation.

The child received medical treatment from ambulance staff less than 20 minutes after the accident occurred thanks to:

- A radio system that was monitored by staff at DCR's Base Yard.
- A quick response alerting emergency services.
- Effective decision making by the railcar driver's regarding how to safely and effectively transport the injured child back to Base Yard.
- Effective management of other passengers on arrival back at Base Yard.

Accidents and Incidents

Had an accident or incident?

Accidents and incidents must be reported to the NZ Transport Agency as soon as practicable using the accident or incident notification form:

www.nzta.govt.nz/resources/rail-incident-accident-form/

If the accident or incident is significant, call the 24/7 reporting number

04 499 1858
0508 RAIL 555
(0508 7245 555)

Please note: Advising KiwiRail does not constitute a notification to the NZ Transport Agency.

IF IN DOUBT, CALL US

HEALTH AND SAFETY ON THE AGENDA

This year the Health and Safety at Work Act came into force and the Railways Act 2005 was amended to align with it.

Rail Safety Unit Principal Advisor Chris Ballantyne reinforced the Transport Agency's health and safety expectations at the 2016 FRONZ conference. Here are the key messages from this presentation.

With the updating of the Railways Act, the Transport Agency expects railway organisations to take the opportunity to review their approaches and consider if improvements can be made. In particular, three areas have come under focus:

- Risk management
- Communication
- Governance.

Risk management

Your decisions should be underpinned by an understanding of the risks. When you introduce changes (such as new vehicles, different activities, changes to your organisation or altered schedules), it is not acceptable to simply go ahead, apply existing rules and safety controls and, down the track, update the risk register to justify where you got to.

A robust risk assessment, done in consultation with staff across the business, is a necessary step before making changes. Rules and controls that worked for the old situation may not be suitable going ahead and new opportunities to enhance safety may be available.

The risk hierarchy and 'so far as is reasonably practicable (SFAIRP)' should be ingrained in your management culture – too often we rely solely on rules and Personal Protective Equipment to manage risks, rather than put more robust safety measures in place.

Communication

To be safe we must communicate.

In the rail industry we are frequently carrying out activities that involve multiple organisations – contractors, access providers, maintenance providers, and other operators. You can't manage your risks without understanding and agreeing how others' activities will impact on your risks, and vice versa.

Similarly, staff need to be engaged with to ensure you understand your risks and how well they are controlled, and they understand what they have to do and why. This means creating opportunities for staff to contribute and making sure those contributions feed into decisions.

Governance

The board and/or owners of a rail organisation are front and centre when it comes to making sure that the organisation is managing its risks. This is implicit in the Railways Act and so is regardless of whether you are a voluntary organisation.

Just as they are expected to be driving the organisation from a financial and operational perspective, they must provide oversight and direction on health and safety, and ensure they are sufficiently informed to do so. There are no 'silent' directors on safety – all have a duty of due diligence.

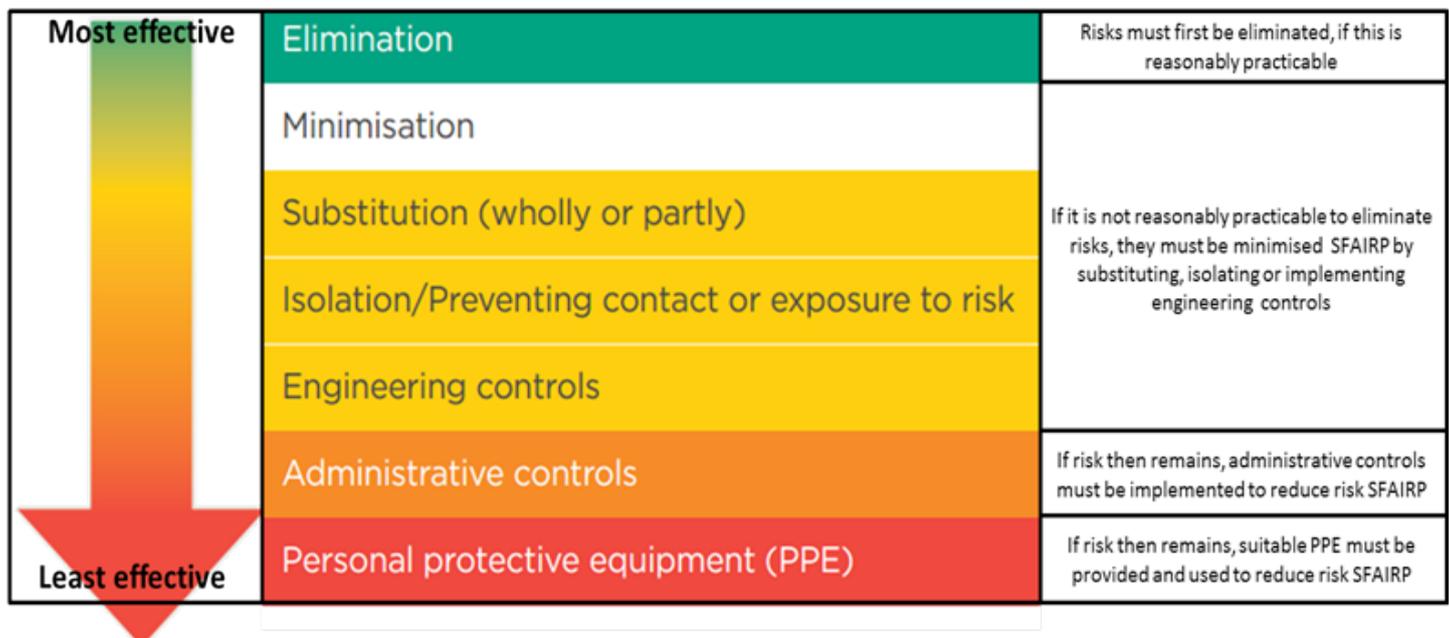
Next steps

All rail licence holders have been contacted about ensuring their safety case meets the new expectations. This is a chance to take a fresh look at how you manage your operations, and what you can do to better manage safety, and demonstrate that you are doing so.

Safety system experts here and abroad have been having a long hard look at how New Zealand can operate more safely. You have a chance to get all this advice for free by following the new legislation and taking advantage of the extensive guidance and advice being provided by WorkSafe on their website at www.business.govt.nz/worksafe/hswa/hswa-guidance.

Get in touch with your Licence Manager if you have any further questions.

RISK HEIRACHY





PLANNING FOR RAIL SAFETY WEEK?

The annual campaign to raise awareness about safer behaviour on the rail network is happening again from 15 to 21 August.

The week is an Australasian-wide initiative where rail operators and other organisations across New Zealand and Australia come together to raise awareness about rail safety and encourage safe behaviour around trains and tracks.

Last year's theme 'Expect Trains' will continue into 2016 and will include billboard, radio, print advertising, social media and public events.

Transport Agency National Manager Rail Safety Debbie Despard says that while safe rail operations should be business as usual for all rail licence holders, the week is a further opportunity to re-enforce the rail safety message.

"With just over a month to go until Rail Safety Week, we challenge all rail operators to highlight Rail Safety Week in your calendars and look how you can promote the messages amongst your staff, volunteers or those who interact with your organisation - whether its passengers or visitor's to your operation."

The week is planned and co-ordinated by KiwiRail in close association with TrackSafe NZ, the NZ Transport Agency, NZ Police, Auckland Transport, Greater Wellington Regional Council and Transdev Auckland and Wellington.

Visit www.tracksafe.co.nz to find out more.

GET OFF 'AUTOPILOT' AT LEVEL CROSSINGS

A joint NZ Transport Agency, KiwiRail and TrackSAFE NZ campaign targeted at improving driver awareness at railway level crossings has been installed in the Rangitikei district. The 'Expect a train' campaign aims to get local drivers off 'autopilot' mode when crossing rural railway tracks.

The campaign includes a locomotive-sized billboard at the Union Line level crossing and three approach warning signs at Neuman's Line level crossing. The billboard and signs act as a visual reminder for drivers to slow down and check for real trains before they cross the tracks.

These two crossings, like many rural level crossings, are protected by Stop signs only. Local drivers who use rural level crossing frequently can become complacent about stopping, and previous experience is that they don't normally come across a train.

"Research conducted to support the campaign indicated that local drivers can become overly familiar and often don't perceive the risk of rural level crossings to be very high. This complacency can lead to risky behaviour like failing to carefully look for trains before crossing railway tracks. We really want drivers in rural areas to sit up and take notice of level crossings and the life-sized train billboard should make them do just that," says Transport Agency National Manager Rail Safety Debbie Despard.

"Services on some rural train lines can be infrequent so local drivers might often cross at a level crossing and see an empty track. This may lead to autopilot behaviour where they fail to look properly in both directions to see if a train is coming."

TrackSAFE NZ Manager Megan Drayton says the national rail safety charitable trust supports any initiative that has the potential to improve safety and reduce incidents at level crossings.

"There are hundreds of rural level crossings in New Zealand that just have Stop or Give Way signs, and the onus at those crossings is on the motorist to take care by obeying the signs. This campaign raises awareness of the need to always look for trains and is extremely valuable," she says.

The Rangitikei district is the third location to receive the campaign - the billboard has been previously installed in the Wairarapa and Central Hawkes Bay.



MEET THE RAIL SAFETY UNIT'S NEWEST MEMBERS



BILL HAZLETON - CRITICAL RISK REGULATORY PROGRAMME MANAGER

Bill has been with the team since May and has come from the Transport Agency's Zero Harm team.

The new role of Critical Risk Regulatory Programme Manager will see Bill design a programme to identify and target high consequence risk and help build team capability and capacity.

Bill has a strong regulatory background including 24 years as an inspector and principal inspector with the Health and Safety Executive – the UK regulator of workplace health and safety.

As principal inspector Bill managed a number of operational teams responsible for inspecting, investigating and enforcing a diverse range of industries including manufacturing, engineering, health care, airports, film and TV broadcasting and public services such as policing. Bill's role included the management of investigations and managing, as appropriate, prosecutions in the magistrates or crown court.

Prior to moving to New Zealand he headed a unit responsible for developing operational policy and stakeholder management for all mainland police forces, the Ministry of Defence, the UK prison service and all fire and rescue services.



CLAIRE BRAYCOTTON - OPERATIONS ANALYST

Claire is the newest member of the team and takes up the role of Operations Analyst/Coordinator.

Claire has worked on transport-related projects for both the Transport Agency and the Ministry of Transport since moving to New Zealand from the UK in 2015.

Her strengths lie in project management and she plays the integral role of keeping the Rail Safety Unit on task across its different functions.



DAVE WILLING - SENIOR RAIL SAFETY OFFICER - LICENCE MANAGER

Dave joined the Rail Safety Unit in December 2015 after holding a risk-management role with New Zealand Post where his responsibilities included undertaking audits, risk assessments, providing training and completing internal fraud investigations.

Prior to this he worked as an investigator with New Zealand Customs Service and was responsible for investigating offences relating to the importation and exportation of controlled drugs and other illegal substances.

Dave is currently managing a wide-ranging portfolio of heritage/tourist and industrial rail licensees.

Dave is using his previous experience and strengths in process development to help support the team's licensing and assessment practices.



GLEND A GREENOUGH - PERSONAL ASSISTANT

Glenda is the personal assistant to Debbie Despard and provides administrative support to the Rail Safety Unit. Glenda has been with the team since August 2015 and has previously worked in executive assistant roles with New Zealand Customs, Ministry of Health and the Department of Internal Affairs.

Glenda does an exceptional job managing Debbie's busy diary and balancing the needs of a growing team.



IAN COTTON - SENIOR RAIL SAFETY OFFICER - PRACTICE SPECIALIST

Ian has extensive experience in the rail industry in a variety of roles including operations and logistics planning, systems development, customer service, safety and risk management, and change management.

He joined the team permanently in May 2016 and has a focus on assessing the effectiveness of safety systems, system practice and system risk management. Some areas Ian is currently looking at include Transport Accident Investigation Commission recommendations, peer reviews of rail license issues, overall system performance and risk management/interventions.

His current projects include a review of the rail occurrence notification and reporting process; human factors in the rail environment including the role that non-technical skills play in safety decisions people make.



JUSTIN VINCENT - SENIOR RAIL SAFETY OFFICER - INVESTIGATIONS

Justin has a strong safety investigation background, having come to the team from the Civil Aviation Authority. Before joining the CAA, his aviation background included flight instruction, commuter, and night air freight and air ambulance work.

Justin completed his investigation training with the Singaporean Aviation Academy and has attended the ATSB human factors course for transport investigators. Justin says it was here, when mixing with other air, rail and marine investigators, that he realised all modes face similar problems and issues.

Justin is a member of the International Association of Air Safety Investigators and the Australian Aviation Psychology Association which regularly host seminars on rail and marine issues.

RISK MANAGEMENT IN RAIL

How can we enhance the way we assess risk in the rail industry?

The 'Framework for Review and Prioritisation of New Zealand Rail Safety Risks' Research Project – funded by Transport Agency and overseen by a steering group from the Transport Agency, the Ministry of Transport, KiwiRail, FRONZ and the RMTU is looking to shed light on these questions and others, and will be complete soon.

The research is intended to help develop a system to prioritise rail safety risks in New Zealand. A primary objective is to provide a reliable foundation for future risk reduction activities. Navigatus, the consultants undertaking the work, has spoken to a wide variety of rail participants from the New Zealand industry, reviewed domestic and overseas accident data and looked at 'best practice' on how risk can be managed.

A final report is being drafted to capture the findings. It will be published on the Transport Agency website and will provide the basis for other initiatives. These include independent submissions

How does the new 'so far as is reasonably practicable' test in the Railways Act affect rail operations ?

to the National Rail System Standards Executive from Navigatus regarding potential improvements to NRSS-2 (Safety management) and NRSS-4 (Risk Management). Information on operator risk management practices and the rail industry's highest risks are also being fed into the on-going programme being used by the Transport Agency to improve its own practices as a rail regulator.

Research updates

The research report *Benchmarking of rail safety indicators* finished late last year is on the Transport Agency website (www.nzta.govt.nz/resources/research/reports/583/), and recently featured in the NZTA Research newsletter (www.nzta.govt.nz/assets/resources/nzta-research/docs/nzta-32.pdf).

The Research project on 'Human Factor Causes of SPAD' is undergoing the final publishing requirements and is expected to be on the Transport Agency website soon.

STANDARDS REVIEW UNDERWAY

Consultants MartinJenkins is reviewing the role standards play in the railways regulatory model, both on and off the National Rail System. The aim is to identify areas for improvement.

The review focusses on the National Rail System Standards (NRSS) KiwiRail administers.

Standards allow the industry or parts of the industry to agree consistent approaches to safety. This reduces the burden on individual operators having to come up with their own solutions, and provides better assurance for the Transport Agency that safety measures are robustly considered.

Along with the NRSS, the only other New Zealand rail standards are the technical reference documents (including codes of practice for mainline heritage operators) published by the Federation of Rail Organisations of NZ (FRONZ). In addition, some operators have adopted overseas rail standards or New Zealand standards from other industries.

MartinJenkins is in the process of interviewing a number of industry participants to get their assessment of how the present standards function, the value for them, and what could be improved.

We'll report back on progress next issue.

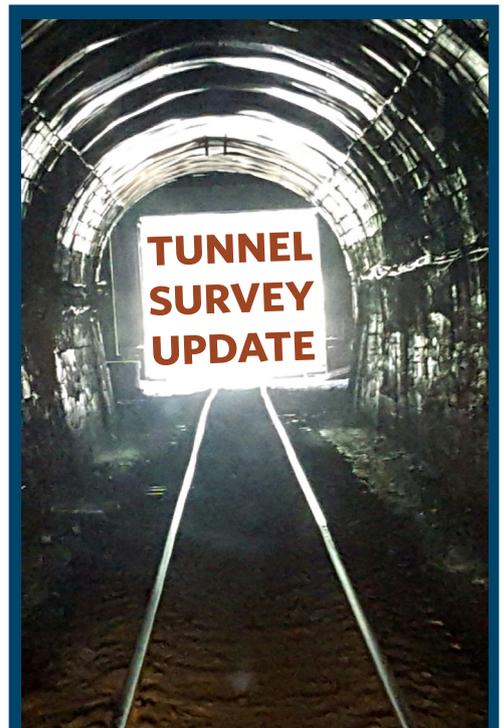
LIGHTS... CAMERAS... ACTION = SAFETY CASE VARIATION

If you want to allow filming at your operation by television, advertising or movie production companies you must first have a safety case variation approved by the Transport Agency.

There have been several licensed operators lately who have not understood they must make application to the Transport Agency to vary their safety case and have it approved before any filming activity can go ahead.

"While we appreciate that many of our licensed operators have rail activities based in areas that are attractive filming locations for production companies, this type of activity introduces unfamiliar risks which must be assessed as part of your safety case," explains Rail Safety Unit Manager Rail Regulation Dave Robson.

The Transport Agency needs four weeks to review the information provided and consider for approval. Get in touch with your Licence Manager if you have any questions.



Thanks to you all for providing the Transport Agency with information about your operation's tunnels and similar structures. We're now 'crunching the data' and will update you in the future about our findings.

In the meantime, we encourage you to use this as a reminder to review your risk assessments of these areas to ensure your management team is satisfied with how any special hazards are being managed.

Inaugural winner announced

Goldfields Railway is the first-time winner of the NZ Transport Agency's Tourist and Heritage Rail Safety Award.

The award, presented to Goldfields Railway at the recent FRONZ Conference in Auckland, was initiated by the Transport Agency to encourage and lift rail safety awareness and recognise excellence in rail safety innovation.

The Goldfields Railway's entry was based on an initiative to increase public awareness at level crossings situated within the local Waihi community.

The winning entry resonated with the judges because it involved the operator working closely with the wider community.

The initiative hinged on an action plan formulated between Goldfields Railway and local police and a joint effort to raise community awareness through local media, including radio and newspapers.

Goldfields Railway also made a concerted effort to 'step up' its reporting style to ensure Police had better information about near miss incidents at level crossings. This led to its members having a more positive, engaged and proactive attitude towards the reporting of incidents.

In one case, a near-miss with a vehicle that had to swerve to miss the train resulted in a successful prosecution by police.

Goldfields Railway Committee chairman Peter Cooper reported the initiative had given its members a major morale boost which has led to a positive flow-on effect of improving awareness and focus on health and safety in general.



Goldfield Railway's Dennis Blake (centre) with Debbie Despard and Rob Gould

Situations vacant

With an insourced safety assessment programme due to be begin soon, the Transport Agency will be recruiting for Transport Officers shortly.

The successful candidates will preferably have a background in rail, safety assessment and regulatory skills. Vacancies will soon be posted on the NZ Transport Agency website, and other vacancy websites.



For general enquiries or contact information about the Transport Agency please check our website www.nzta.govt.nz or email us at info@nzta.govt.nz

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50 Victoria Street
Private Bag 6995
Wellington 6141

Reception is located on level 2
The Rail Safety team is located on level 3
phone: (04) 894 5400 (option 4 - National Office)

Rail safety notification reporting number

(24 hours 7 days a week)

Phone (04) 499 1858 or freephone 0508 RAIL 555 (0508 7245 555)

Rail incident reports: email us at railregulation@nzta.govt.nz

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