A tangle of interested parties

- Civil action by Steamrail and PTC could not proceed until criminal trial completed
- Criminal legal process was slow
- Coroner dealing with multiple level crossing collisions and many deaths
Steamrail train operations

K 183

Restored and maintained by Steamrail

Owned by State of Victoria, via PTC (now Victrack)
Steamrail train operations

Restored and maintained by Steamrail

Train operated for Steamrail by West Coast Railway (WCR) former privatised passenger train operator

Owned by State of Victoria, via PTC (now Victrack)
Steamrail train operations

Restored and maintained by Steamrail

Loco crew provided by RTBU to WCR via Employment Agreement. Crew worked full time for other operators

Train operated for Steamrail by West Coast Railway (WCR) former privatised passenger train operator

Owned by State of Victoria, via PTC (now Victrack)
Steamrail train operations

- Restored and maintained by Steamrail
- Owned by State of Victoria, via PTC (now Victrack)
- Loco crew provided by RTBU to WCR via Employment Agreement. Crew worked full time for other operators
- Train operated for Steamrail by West Coast Railway (WCR), former privatised passenger train operator
- Rail infrastructure operated and maintained by Freight Australia, former owner of rail freight business in Victoria
Steamrail train operations

- Restored and maintained by Steamrail
- Loco crew provided by RTBU to WCR via Employment Agreement. Crew worked full time for other operators
- Rail infrastructure operated and maintained by Freight Australia. *former owner of rail freight business in Victoria*
- Rail infrastructure owned by State of Victoria, via Victrack
- Owned by State of Victoria, via PTC (now Victrack)
- Train operated for Steamrail by West Coast Railway (WCR) *former privatised passenger train operator*
The issues

- Locomotive recovery
- ATSB investigation
- Coronerial inquiry
- Public liability insurance
- Volunteer worker insurance
- Peer support & counseling
- Locomotive damage assessment
- Emergency management planning
- Police investigation
- Media interaction
- Criminal charges
- Operating agreements
- Civil claim for damages
- Memorials
1.1 The Investigation will examine all relevant matters including:

1. The immediate events leading to the collision, including determination of the relative contribution of rolling stock, infrastructure and operating procedures
2. Train maintenance systems
3. The track authority
4. Qualification, training and re-training procedures for relevant staff
5. Scheduling of train staff to heritage and special interest
6. Operating procedures and effectiveness of such procedures
7. Medical condition of the rail safety workers involved in the collision
8. Post collision emergency management arrangements and procedures
9. Conspicuity of the engine and tender
10. Any specific issues relating to the Saleyards Road crossing and its approaches
11. Final report format to follow the model Draft AS Guidelines for rail safety investigations

All RAIL related items

1ATSB. 2004. Level Crossing Collision Between Steam Passenger Train 8382 and Loaded B-double Truck, Canberra: Australian Government
ATSB Investigation

Provided ATSB with:

• Maintenance and operational records for K183
• Maintenance procedures for steam locomotives

Steamrail assisted ATSB with testing of:

• Brake valve
• Headlight
ATSB Investigation

*Steamrail issues with findings*

A lot of report, very little mention of the ‘elephant in the room’
ATSB Investigation

*Steamrail issues with findings*

Poor level crossing visibility

- **Theory**
  - Truck from East, train doing 80 km/h
- **Reality**
  - Truck from West, train doing 48 km/h
ATSB Investigation

Steamrail issues with findings

- Audible conspicuity
  - ATSB declined to test the whistle of another K class as “...another ‘K’ class locomotive would be inaccurate and/or misleading, considering boiler pressure and the acoustic environment”\(^1\)
  - They reached audibility conclusions based on NTSB (USA) testing from 1996.

ATSB Investigation

Significant Factors

1. The Greenfreight B-double truck driver did not ‘give way’ to the approaching train, resulting in a collision and derailment.

2. Given the circumstances of the collision on 13 October 2002, no action by the train crew could have avoided the collision.¹

¹ATSB. 2004. Level Crossing Collision Between Steam Passenger Train 8382 and Loaded B-double Truck, Canberra: Australian Government
ATSB Investigation

1.2 Limits of Investigation

“A number of contributory factors have become apparent during this investigation that were considered to be outside the Terms of Reference. The investigation did not examine, in depth, or recommend safety actions with respect to such factors. Nevertheless, the road transport industry needs to be aware of factors mentioned in this report regarding the design and operation of B-double trucks.”

A – Australian

T – Transport

S – Safety

B – Bureau

1ATSB. 2004. Level Crossing Collision Between Steam Passenger Train 8382 and Loaded B-double Truck, Canberra: Australian Government
ATSB Investigation

• 1st draft June 2003
• 2nd draft May 2004
• Report completed by ATSB and sent to Minister in September 2004
• Report released Feb 2006
Criminal charges

Daniel James Murphy charged in Jan 2004
– Three counts of culpable driving resulting in death
– One count of culpable driving
– One count of conduct endangering the life of persons resulting in serious injury

Went to trial at Wangaratta County Court in May/June 2006
Later charged (court in Nov 2007) with:

- Careless driving (convicted, $1000 fine)
- Dangerous driving (charge withdrawn)
- Disobeying a Give Way sign at a railway crossing (charge withdrawn)
Civil action by Steamrail

• How much does a steam engine cost?
  – Replacement value
  – Repair costs
  – ‘Write off’ value

Settlement was reached in March 2007
Civil action by Steamrail

Do you have ‘worst case scenario’ outcomes in hire agreements?

– Since 1999, 6 locomotives have been destroyed or severely damaged in Victoria
– Since 2000, at least 4 heritage locomotives have been collision damaged in Victoria
Issues still outstanding

- Coronial investigation
- Management of the civil settlement funds