

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Organisation:** Northern Rail Noise Committee

**Date received:** 29/08/2014

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## Northern Rail Noise Committee

### Submission to the Inquiry into the Performance of the EPA.

The Northern Rail Noise Committee is made up of representatives of the following community groups:

Beecroft Cheltenham Civic Trust represented by Mr Adam Marcus  
Pennant Hills District Civic Trust represented by Mrs Marcia Horvai  
Cowan Rail Noise Steering Committee represented by Mr John Hay  
Hornsby Waitara residents represented by Mr Michael Kramer  
Brooklyn Community Association represented by Mr Chris and Mrs Cynthia Hughes  
Koolewong Tascott Point Clare Progress Association represented by Mr Fred Beringer

This submission has been prepared by Mrs Cynthia Hughes on behalf of and authorised by the above committee members.

#### Context

This submission is made under Part (c) "Any other related matters" of the Terms of Reference. The "other related matter" which this submission addresses is the continuation of unacceptable noise, in particular wheel squeal, from privately operated freight trains, and the limited action by the EPA to protect the community from this noise pollution.

We submit that the performance of the EPA has been lacking in its responsibility under Section 6 of the Protection of the Environment Administration Act. In particular, the following paragraphs of the Act form the basis of our submission.

#### Point (1)

(b) To reduce threats to human health and prevent degradation of the environment by means such as the following-

- . promoting pollution prevention
- . setting mandatory targets for environmental improvement

#### Point (2)

(d) (i) Polluter pays ie. those who generate the pollution and waste should bear the cost of containment, avoidance or abatement.

#### Introduction to the Issue of Wheel Squeal

Wheel squeal from privately operated freight trains has been a noise pollution problem and a threat to the health of communities along the Great Northern Railway Line of recent years.

The two largest private companies whose freight wagons emit unacceptable wheel squeal are Pacific National, operated by Asciano, and Aurizon, (formerly Queensland Rail).

Complaints about specific trains made by members of the community over many years have been made by phone to various state government agencies - the EPA, Transport for NSW Green Line and the previous RailCorp hot line, as well as through filing on-line complaints. Many people have now given up making formal complaints because they do not have confidence that their complaints have been appropriately recorded, and because wheel squeal has continued unabated. Some residents at Koolewong and Beecroft have sold their homes at lowered real estate values as a result of the continual screeching of freight train wagons day and night.

Not every freight train emits wheel squeal. It has been subjectively noted and recorded by members of the community that between one third and one half of freight trains do not have

squealing wagons. It is to be concluded from this that it is not the track infrastructure but the rolling stock that is the cause of the problem.

The construction of the third rail line from Epping to Thornleigh has the potential to double the number of freight trains per day. Consequently, communities are fearful that the wheel squeal problem looks set to increase.

#### Present Regulatory System.

Presently, NSW rail track owners are regulated by the EPA through Environmental Protection Licences. Sydney Trains, the track owner of that section of the Great Northern Rail Line in the geographical area covered by NRNC constituent community groups, is regulated through EPL12208. In this submission, we are focusing on this section of track. However, we recognise that wheel squeal is a noise pollution suffered by communities all along freight lines in NSW and there are other track owners/managers licensed by EPA eg. EPL 3142 is issued by EPA to ARTC (Australian Rail Track Corporation). We are not aware of any interactions between the EPA and ARTC regarding wheel squeal.

No version of EPL 12208 has stipulated mandatory noise limits for rolling stock which must be complied with. Rather than set noise limits, previous EPLs state that the objective of the licence is to "progressively reduce noise impacts from railway system activities" to the noise level goal of 60 db(A)Leq. (for day and evening time from 7am to 10pm).

However, the February 2014 version of the licence has changed that target to 65db(A)Leq. This change was made with no rationale stated. It seems to our community groups that this is a backward step in stated objectives, and one which surely warrants scrutiny.

Night time (10pm to 7am) noise level goal remains 60db(A)Leq and maximum pass-by noise level goal is 85dB(A)(24 hour).

Wheel squeal noise recordings show that the high frequency screeching noise often exceeds 90db. At Koolewong and Cardiff wheel squeal has been recorded at 119 db.

#### Health Impacts of wheel Squeal

Dr Kerry Chant, Deputy Director General Population Health and Chief Health Officer, wrote to Mr Mark Gifford, Acting Chief Environmental Regulator, EPA about the impacts of wheel squeal on health in March 2012.

In this correspondence, Dr Chant writes: ..."Night time noise measurements taken at Beecroft in 2008 show that these trains produce an L(max) of between 90 and 108 db. On the basis of this information it is the Ministry of Health's view that the noise from these trains constitutes a health risk to residents living near the railway. Comparison of the noise levels measured at Beecroft to thresholds for biological effects presented in World Health Organisation's 2009 Night Noise Guidelines for Europe reveals that noise from these trains will wake people during the night. Evidence from epidemiological studies shows that disturbed sleep is associated with fatigue, lower cognitive performance, depression, viral illness, accidents, diabetes, obesity and cardiovascular disease." In a study by Dr John Goldberg in 2012 of 160 residents living within 800 m of the rail line in the Beecroft area, 75% reported some level of sleep disturbance resulting from wheel squeal.

In addition to the effects of night noise from wheel squeal, in daytime there are other deleterious effects on health of communities. There are pre-schools and schools located in close proximity to the rail line eg. a school for autistic children at Cardiff, Arden school at Beecroft, Brooklyn Public School where outdoor assemblies are interrupted if a "squealer" comes past the back of the school. As well as thousands of residences, there are hospitals and nursing homes, shopping centres and car parks in close proximity to the line. Commuters standing on railway stations and railway staff at stations, especially if that station is on a curve, experience ear-piercing squealing at very close proximity as freight trains pass by. There are many examples of wheel squeal recorded

by members of the community and posted on Youtube (eg. Wheel Squeal Evening of 15 March 2014 Beecroft.)

### Action Taken by the EPA

The EPA has taken steps to monitor wheel squeal and put some amelioration measures in place in coordination with Transport for NSW.

These include rail noise mitigation measures such as sound barriers and home insulation. Further, they have monitored and put noise limits on new locomotives.

The EPA has on two occasions attached a Pollution Reduction Program to the EPL 12208. The first, in 2007/8 we have been told by the EPA resulted in the rectification of 400 freight wagons.

In spite of this, the experience of community members is that the incidence of wheel squeal has continued unabated over the years since then. Lubrication of the rail interface by Transport for NSW has not resulted in any subjective improvement.

The most recent PRP, begun in July 2012 is ongoing and utilises the data collected at Sydney Train's Beecroft monitoring station. The equipment at this monitoring station measures and records Angle of Attack (AoA) of every train axle on the "up" (southbound) line together with associated noise. In the 12 months of recording to end June 14, an average of almost 1000 axles per month were found to exceed AoA of 30 milliradians and so have the potential to cause wheel squeal. Data is sent to each freight company and at the end of each quarter the freight companies are required to report to the EPA on the rectification measures they have taken.

The two Quarterly Updates which have been published on the Sydney Trains website show, in our view, a very poor response by the 2 major operators (Asciano and Aurizon make 94% of these exceptions) in terms of the numbers of wagons checked and rectified compared with the number of wagons identified in the exception reports. Some of the defective wagons have been identified as 'repeat offenders'. There is no compulsion, under the PRP, for freight operators to remove defective wagons permanently from the track if they cannot be maintained so that squeal does not occur. The PRP process requires the cooperation of the freight companies, but it does not require compliance with any mandated environmental standards.

For the last two quarters (Jan to March 2014 and April to June 2014), the NRNC has not had access to Quarterly Updates from the operators as they have not been published on the Sydney Trains website. We have requested these updates from the Sydney Trains Information Officer.

### NRNC and the EPA

Members of the NRNC met with Mr Barry Buffier, CEO and Chair of the EPA on March 21 2014. Mr Buffier listened to our concerns and opinions and assured us that the wheel squeal problem was an issue that the EPA saw as important to solve. We were pleased to hear that-

. The EPA considers rail freight operations to be among the "activities that could have an impact on the environment or human health" (quote from EPA website under heading "We enforce environmental regulations")

. The EPA views wheel squeal as a "noise issue associated with large scale industrial, transport activities" and as an "offensive noise" to be "minimised". (Quotes from EPA website).

The EPA we have been told has been working on a Rail Regulatory Review Discussion Paper. We were first told that this discussion paper would be available for public comment in mid 2012. The following dates indicate the slow pace of progress on this project:

In November 2012, Ms Giselle Howard, Director Metropolitan, EPA told us that the paper had been recently finalised and would be presented to the CEO's of the relevant Government departments for their consideration and endorsement.

In March 2013 Ms Howard replied to our inquiry regarding the Discussion Paper that it "has been finalised and will shortly be presented to other relevant government agencies" and that our request to be involved in public consultation was acknowledged.

In July 2013 the then Minister for the Environment wrote "The EPA is currently undertaking a review of the environmental regulation of the rail industry in order to help resolve ongoing environmental issues on the NSW rail network. The outcomes of this review will be made publicly available for comment later this year."

In December 2013, after another query to the EPA, Ms Howard wrote "The EPA, in conjunction with Transport for NSW and the rail industry, is currently carrying out a review of the regulatory framework for the NSW rail network..."

At our meeting with Mr Buffier and Ms Howard in March 2014 we were told that the Regulatory Review Discussion Paper should be ready for us to comment on in September 2014.

The NRNC looks forward to having the opportunity to respond to this discussion paper. We feel that two years and five months has been far too long to wait for this opportunity.

NRNC members and the communities they represent advocate that, unless improvements are introduced immediately to the present licensing system, then:

The EPA directly regulates the environmental performance of the rail freight operators through an Environmental Protection Licence made out to each private operator;

The EPA sets mandatory noise limits for freight trains, both for locomotives and for wagons. These noise limits could be introduced over a reasonable period of time and should ultimately reflect international 'best practice' performance criteria;

The EPA monitors the performance of rail freight operators using GPS technology such as that used by Sydney Trains. Members of the community can report offending trains and the EPA can easily track the location and operator;

The EPA establishes a system of mandatory actions and fines for non-compliance which forces the private freight companies to comply with the noise limits and places a financial burden on the operator if environmental guidelines are breached.

ie. a polluter pays system of enforcement, rather than mitigation measures made at tax payers' expense.

Through these actions the EPA would be performing its legislated responsibility (under Section 6 of the Protection of the Environment Administration Act) of:

- promoting pollution prevention
- protecting the environment by setting mandatory targets for environmental improvement
- protecting the health of the population, and
- putting the onus on the private rail freight operators by ensuring that they were regulated to bear the cost of containment, avoidance or abatement. This incorporates the "polluter pays" principle.

If these actions were to be recommended in the forthcoming Rail Regulatory Review, their implementation would then rely upon the political will of the Government of the day to impose such regulation through legislation. We would expect that the present Government of NSW has this political will to directly control and regulate the rail freight industry.

The Northern Rail Noise Committee thanks the members of the Upper House Committee for their consideration of our submission.

Mrs Cynthia Hughes