

# Paddington train disaster inquiry hears how rail companies "put profit before safety"

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The official inquiry into last year's Paddington train crash, in which 31 people died, has begun hearing evidence.

The collision on October 5 last year, which also left over 400 people injured, occurred when a Thames Turbo commuter service overran a red signal and crashed into an oncoming Great Western (GWT) high-speed train two miles outside of Paddington station. On impact the combined speed of both trains was 145 mph. Two thousand gallons of highly inflammable fuel ignited, creating a fireball. The ferocity of the heat reached over 1000 degrees Centigrade, reducing the front carriage of the GWT train and the middle one of the three-carriage commuter service to burnt out husks. Only one of the bodies was identifiable without recourse to dental records or DNA testing.

Some of the victims recounted their survival stories. Seventy percent of Mr Stiles' body was covered in third-degree burns. He needed 40 operations and had to be readmitted to hospital after skin grafts became infected. To this day, Pamela Warren is obliged to wear a protective mask over her face to prevent scarring. She has undergone 22 operations and was forced to give up work. There are others who are still too incapacitated to attend the inquiry, like an American citizen who is confined to hospital as they continue to fight paralysis of the arms and legs caused by multiple trauma and burns.

More evidence is likely to be forthcoming about the determining factors that gave rise to the disaster. However a powerful indictment of the private companies responsible for the infrastructure and the operation of train services has already emerged in the short space of time the Inquiry has been sitting.

The Inquiry has already heard how:

\* Thames Trains management rejected investment in Automatic Train Protection (ATP). This fail-safe mechanism applies the brakes to trains passing red signals and would have prevented the collision. In 1998, a year after a train collision in Southall killed seven people, the directors of the company rejected installing ATP on the pretext that £5.26 million was too high a price to pay. Last year, the directors

were awarded dividends of nearly half a million pounds, and in April of this year they received another £230,000.

\* Railtrack, responsible for the track and signalling infrastructure, had neglected to investigate the causes of regular "signal passed at danger" incidents (SPADS) in the area. The signal implicated in the Paddington disaster, SN109, had been passed at danger twice only months before the crash. Between 1993 and 1998 there were 37 SPADS in the Paddington area. Regular reports had also been made that drivers' sight of SN109 was obscured. The hearing was informed that the company did not adopt signal changes that could have prevented the crash because of "financial implications". The solicitor representing more than 70 survivors stated that the magnitude of management failures beggared belief, "Repeated indecision on the part of middle-management made an accident of this scale virtually inevitable."

\* Survivors of the crash who tried to rescue others have explained how their heroic efforts to reduce the casualties were hampered by a lack of emergency equipment and first aid material on Great Western's high-speed train. Fire extinguishers did not function or could not be found. Hammers designed to smash the windows in order to facilitate emergency evacuation proved ineffective.

John Hendy QC, representing 148 survivors and 21 bereaved, commented, "It must be said that our clients will not easily forgive those who, to coin a phrase, put profit before safety; those who would prefer to run a risk, or rather to let others run a risk, rather than put safety measures in hand which would incur costs and reduce profit."

Despite incriminating evidence, no individual director, manager or company faces prosecution for corporate manslaughter: The Director of Public Prosecutions (DPP) made this announcement just prior to the Inquiry's opening. Unaccountability looms large over the official proceedings. Under present legislation, in order to bring a prosecution for corporate manslaughter, it is necessary to show that the guilty individual was responsible for the series of events that conspired to bring about fatal injury. Moreover, only if the

accused is deemed to be a “directing mind” can the company face prosecution as well.

This has meant that the few successful cases brought for corporate manslaughter have only been against smaller firms. The CEOs and directors of large companies have been able to absolve themselves of any overriding responsibility, because their corporations have a far more complex management structure.

Most of the worst accidents in the 1990s have involved former public utilities that have been transferred to private ownership.

Before privatisation, British Rail was solely responsible for all aspects of rail travel, from track and signalling to rolling stock, operation and timetabling. Today, the rail industry is made up of over 100 separate companies, often in competition with each other. Sub-contracting abounds, making the enforcement of safety standards problematic and responsibility difficult to determine. This is all too evident regarding the Paddington crash, with Thames Trains, Railtrack and Great Western Trains attempting to shift the blame onto one another.

Following an earlier fatal crash involving a Great Western train at Southall, the company escaped prosecution for corporate manslaughter. The judge ruled out criminal proceedings on the pretext that no single person in a position of responsibility could be held to account for gross negligence. Mr. Justice Scott-Baker stated, “There are many who say that the present state of the law is unsatisfactory and that the present obstacle to prosecuting large corporations for manslaughter should be removed. However, if the law is to be changed it is up to Parliament to do so. The Law Commission recommended legislation over three years ago, but nothing has been forthcoming. There is little purpose in the Law Commission making recommendations if they are allowed to lie for years on a shelf gathering dust.”

The social and political environment ultimately shapes the type of legislation covering what is deemed a corporate crime. The Labour government has used the mantra of “rights and responsibilities” to remove civil liberties established to protect the citizen from the abuses of state power. But when it comes to regulating the affairs of the market and placing social responsibility above the pursuit of profit, it is another story entirely. The government is resistant to any legislation that might impact negatively on the profit margins of big business. It is committed to extending privatisation to London's underground rail network and even the country's Air Traffic Control system.

Inquiries such as the present one into the Paddington disaster have assumed a largely symbolic character. Every official safety inquiry since the Clapham Junction crash 12 years ago, where 35 died, has recommended the installation

of ATP. The Clapham Inquiry recommended that it should be installed within five years. British Rail began to pilot the system, but this initial trial was brought to a halt by privatisation. The inquiry into the Southall crash was held up for two years by failed legal proceedings. It had only sat for two months, when disaster struck again at Paddington last year. In both instances, rival companies have been too preoccupied with eluding prosecution to consider sharing collective knowledge that might avert further accidents.

Statements of government ministers concerning rail safety potentially prejudice any recommendations made by the Paddington Inquiry. Transport Minister Lord MacDonald announced that the Government would commit itself only to the installation of the inferior and cheaper version of the Train Protection Warning System (TPWS), which only stops trains travelling up to 70mph by the year 2002. He was responding to a report into SPADS carried out by David Davies, President of the Royal Academy of Engineering, calling for a more effective variant of TPWS, known as TPWS+, capable of stopping trains travelling up to 100mph passing signals set at red.

The Health and Safety Executive has conceded that Railtrack had to improve its safety programs, but absolved them of undermining safety standards due to concerns of a commercial nature. Based upon another report by the Department of Transport, the government announced that Railtrack would retain its safety role on the national network—albeit in a reduced form and through a subsidiary company.

The lack of any channels through which to pursue their quest for justice has led many of the survivors and families of the bereaved to make outspoken criticisms of the government and the judicial system. Diana MacCaulay, whose 26-year-old son died in the Paddington crash, said that allowing Railtrack to remain in charge of key areas of safety was “like putting Peter Rabbit in charge of the lettuce patch.”

Patrick Welcome, who managed to extricate himself from the crashed Thames Train, said, “You cannot put a cost on people's lives. I re-live that crash every time I go on public transport. But we are nonentities. Money talks. I am angry.”

Clare Jones, another survivor, called for a national passenger boycott of the trains on June 6. “The purpose of this boycott is to raise awareness of rail safety and make sure everyone knows how shoddy the rail system is,” she said.



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