

Draft report on Hatfield train crash in Britain leaked to press

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A draft report by the government body, Railway Safety, into last October's Hatfield train derailment has been leaked to the *Financial Times*. The Leeds-bound GNER service was derailed by a broken rail while travelling at high-speed near Hatfield train station, seventeen miles north of London. The train ploughed into an electricity pylon and four passengers were killed.

The draft report provides evidence that Railtrack—the company responsible for track maintenance—and the contractors Balfour Beatty Rail Maintenance Limited, knew of the rail defect not one year in advance of the derailment, as they initially admitted, but two. Quarterly ultra-sound tests on the railhead showed serious rail fatigue which required immediate action. A proposal was made to replace the track within six months. Instead the track was smoothed so that the defect couldn't be felt by passing trains. Railtrack allowed trains to travel over the track at 115mph. After the crash, a 20mph speed restriction was imposed. Railtrack admitted that this should have been done before the crash.

Balfour Beatty, whose job it was to make visual checks of the condition of the track, told the inquiry that checks were made from a ditch beside the Hatfield track, from where it was impossible to observe the state of the railhead. Contractors told the inquiry that their work was made difficult by Railtrack's use of differing standards for different zones, poor feedback and changes to train operations.

Allegations were made to the inquiry that Railtrack was increasingly reluctant to grant additional train cancellations so that track repairs could be carried out. Balfour Beatty may be attempting to deflect criticism from itself, but this conflict over possession of the line shows the state of relations between companies

responsible for essential track safety and who hold millions of lives in their hands.

The damaged rail deteriorated rapidly and cracks over four inches long appeared. The inquiry team reconstructed the section of rail and found that the cracks were an inch wide and an eighth of an inch deep. Pieces of the track were said to be missing. On impact the track disintegrated into three hundred separate pieces. Despite the fact that the ultra-sound tests would have given a complete picture, no speed restrictions or diversions were applied.

The report confirms earlier investigations that no other cause of the derailment could be found—no signal fault, driver error or vandalism. The derailment was caused by what the Health and Safety Executive called the "failure and fragmentation" of the rail. The fact that no more than four passengers were killed was a minor miracle. After the initial report into the Hatfield rail disaster, that led to a virtual closure of Britain's railways. There were more than six hundred other points on the network with a similar track condition to Hatfield.

The Labour government ordered an internal inquiry. The families of the victims expressed opposition to the decision. They wanted a comprehensive public inquiry into how and why the disaster happened and who was responsible. Government officials said they had no "stomach" for a public inquiry so soon after the Paddington crash, which killed 31 passengers.

The government pursued all avenues to find someone to blame but it became obvious that the companies running the safety of the railways were at fault. Even so it is not likely that charges will be brought against the directors. This has only happened once before on the railways. Charges were brought against company directors after the Southall crash in 1997, which killed

seven people and injured 150, but they failed because it was not possible to prove that company directors were implicated directly. Because of the complicated chains of command, the bigger the company the more difficult it is to obtain such proof. At the outset of the public inquiry following the Paddington crash, the government announced that no-one would be prosecuted. The government has refused to act on legal advice from the Law Commission, to change the legal definition of responsibility from "direct involvement in operational decisions leading to death and injury", to "an outcome of company policies".

British Transport Police and the Health & Safety Executive are still conducting criminal investigations into the Hatfield crash and corporate manslaughter charges are hanging over Railtrack and Balfour Beatty. But Mr Mitchell, chair of the inquiry, complained that legal advisors to the companies involved have insisted that none of those under investigation should make incriminating statements, and that this has hampered investigation.



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