

BLOOD ON THE TRACKS

Two years after the Tebay rail tragedy, Mark Metcalfe asks if safety is still taking second place to profit?

"If we don't get something done, there will be another similar incident that will see other rail workers die like my friends," was the first thing that Ronnie (not his real name) said when he was asked about events at Tebay in Cumbria in February 2004.

Genuine concern, fear and sadness were etched on his face. "I'd like to give you my name, but I'd probably get the sack," he adds, which immediately begs the question whether this Government's Whistleblowers Charter that is supposed to protect public servants who speak out has, as yet, got round to covering railway workers.

Ronnie is lucky to be alive; he could easily have been killed like four others on that fetful Sunday when a runaway road rail trailer ploughed down the hill from Scout Green South in Cumbria during maintenance work on the West Coast Main Line [WCML] Railway bringing death and injury to a gang of 13 workers at Tebay three miles further down.

Both sites were the responsibility of Carillion, contracted by Network Rail to maintain the WCML.

Chris Walters, Colin Buckley, Gary Tindall and Darren Burgess were killed; others suffered horrific injuries and were off work for months. "Our injuries may have cleared up, but the memory of that night never goes away," said Ronnie. Those who died were employees of Carillion who quickly accepted its civil liability for the deaths and the injuries under the 'Employer's Liability [Defective Equipment] Act [1969].

Mark Connolly from Anglesey, North Wales and his employee Roy Kennett from Kent, were found guilty of the manslaughter of the four men at Newcastle Crown Court in March this year and sentenced to nine and two years in jail respectively.

The court heard how Connolly's firm MAC

Machinery Services [MCMS] had been sub-contracted by rail maintenance company Carillion to work alongside employees from another seven separate firms at Scout Green. Such high numbers of different contracting companies working on site has been roundly condemned by the rail workers union the RMT, but is not particularly unusual at this current time.

On February 15 the two men were offloading 20-foot rails that had been transported to the Scout Green site by a road rail vehicle, [RRV] to which a road rail trailer [RRT] was attached.

The use of an off-rail road crane to load

"Two years after Tebay we still have a confusion of contractors, sub-contractors, one man-and-a-dog owner operator plant-hire operators on the railways"

old track on to the RRT made it necessary to detach the RRT from the RRV so as not to interfere with the overhead lines. Connolly was later found to have disconnected the trailer's brakes due to the fact that the hydraulic systems would not work properly in conjunction with the crane. The two were relying on placing some wooden chocks under the trailers' wheels to prevent it running away, which it did during the operation to load a second piece of track and promptly hurtled down towards the

Tebay gang.

Records show that MCMS had only been given approved supplier status with Carillion Rail less than two months earlier, on 19 December, 2003, and it was only after the company had received an 'unsolicited approach' a month later that MCMS had become a second-tier supplier to 'fill in' when 'Carillion's two principal plant hire suppliers in the Preston area' couldn't 'accommodate the requirements for road, rail vehicles and associated equipment'.

MCMS had first come to Carillion's attention in April 2003 when it was discovered that another plant hiring company was cross-hiring plant from them. Procedures were adopted to ensure that MCMS became Link-Up Qualified and Carillion Rail approved. In July 2003, the management at MCMS claimed to be Link-Up Qualified, when in fact they were not. This should perhaps have alerted Carillion to the type of company they were happy to hire plant from.

Carillion had notified MCMS that it intended to negotiate a working framework agreement; this was not in place at the time of Tebay. MCMS had also failed to supply a risk assessment for the tasks they were to undertake. Furthermore MCMS were expected to undertake inspections of machinery including 'checking all brake systems'.

Connolly had employed two fitters to do this; one had no formal qualifications, and the other had previously done work on similar vehicles to RRV's. No record of safety checks appears to have been requested by either Carillion or Network Rail.

Neither had Carillion itself carried out a 'Civil Method Statement', or, as it is better known, a Risk Assessment for the maintenance work at Tebay. This was in spite of