

Family accuse Crown Office of delay on Saughton tram fatality

The family of a man who died after being hit by a tram at Saughton in 2018 claim that the Crown Office and Procurator Fiscal Service (COPFS) are delaying taking any action.

Carlos Palacio was crossing the road around midday when he was hit by a tram near Saughton tram stop. According to the Rail Accident Investigation Branch (RAIB) report it appeared that Mr Palacio was unaware that the tram which was travelling at 33 mph was approaching. While the tram driver sounded the bell repeatedly it was not loud enough for the pedestrian to hear it until too late.

The RAIB made various recommendations to the tram company, all of which have now been implemented. One of these was to improve the warning sounds which the tram drivers have access to, and also to examine the risk factors at off-street pedestrian crossings. The body also recommended improved guidance to the Light Rail Safety and Standards Board in relation to the same points.

Mr Palacio's family say they are still waiting to hear if the Crown Office will prosecute Edinburgh Trams in relation to the incident.



In a statement the family said: “We are at our wits end. We’ve waited and waited and put our faith in the justice system but it gets to a point where you can no longer assume that ‘no news is good news’.

“We need prosecutors to tell us what is going on. If there is a delay, then why? If they need more evidence, then what evidence?

“Covid cannot be the reason behind this delay as our dad died 18 months before the pandemic – surely that’s ample time for the COPFS to have a grasp of the facts?

“We are heartbroken and exhausted and it just feels like no one is prepared to explain, apologise or even ask if we’re okay unless it’s done via the courts.

“What is going on at the COPFS that means it takes more than three years to make a decision?

“We need to know what is going on and make sure no others suffer like this in the future.”

A spokesperson for COPFS said: “We appreciate the impact the time taken to complete death investigations can have on those who have lost a loved one.

“The ongoing investigation into the death of Carlos Correa involves detailed and careful consideration of complex issues.

“The case team have been in contact with his family and will continue to provide updates on any significant developments.”

RAIB conducted a full investigation into the tragedy which included reviewing street CCTV, tram dashcam footage and the tram’s onboard data recorder.

Analysis found the tram reached a speed of 41mph and 73 metres before the crossing the driver “removed power and applied light service braking”.

Investigators established this was the point where Carlos first became visible and until then he could not be seen due to bushes on the footpath.

At 53m from the crossing the driver activated a warning bell consisting of three separate ‘dings’.

When Carlos did not react the driver then applied the emergency brake – at this point the tram was 18m from the crossing and travelling at 38mph.

Using the emergency brake automatically sounded an additional emergency horn and this time Carlos – who was halfway through the crossing – appeared to hear this horn as footage shows he tried to turn back from where he set off.

The RAIB report stated: “The evidence indicates that from the point where he [the deceased] would have had a clear view of the approaching tram, he was not looking out for trams.

The investigation found that although the tram driver had used the tram's bell to sound repeated warnings on the approach to the crossing, this audible warning was not sufficiently loud for it to be heard and acted upon by the pedestrian until it was too late."

Simon Hammond, Partner at Digby Brown in Edinburgh, added: "The RAIB report has been available for more than two years so it is easy to see why the family of Mr Correa are frustrated by the lack of action.

"Most people understand that it's 'the not knowing' that causes the most stress so we will continue to support the Correa family and help them secure the answers and recognition they deserve."

