

Miss Patricia Harding
HM Coroner
Mid Kent and Medway Coroner's Court
The Archbishop's Palace
Mill Street
Maidstone
Kent ME15 6YE


General Counsel
Highways England
Bridge House
1 Walnut Tree Close
Guildford
Surrey
GU1 4LZ


7 August 2015

Dear Miss Harding,

Response to Regulation 28 Report to Prevent Future Deaths - Deborah and Marshall Roberts, 1 July 2014

1. Highways England Company Ltd (formerly the Highways Agency and throughout referred to as "Highways England") accepts the circumstances of the collision are as outlined in paragraph 4 of the Regulation 28 Report dated 11 June 2015. Highways England would like to extend sincere condolences to the family of Deborah and Marshall Roberts for their sad loss.
2. Prior to setting out details of any action that has been taken or which it is proposed will be taken, Highways England would make the following observations which serve to put its response in context.
 - a) Highways England considers that the bridge is designed and built and is being maintained in accordance with the Design Manual for Roads and Bridges ("DMRB") and that it has delivered the scheme objectives, as set out at Public Inquiry. The Post Opening Project Evaluation report dated July 2012 reiterated these as follows :
 - to reduce journey times along the A249 to and from the Isle of Sheppey;
 - to improve accessibility and reduce community severance for motorised, non-motorised and public transport users;
 - to improve integration through improved public transport links and reinforce benefits for the 1996 Iwade to M2 scheme;
 - to promote regeneration and development.

- b) The DMRB major objective in relation to road design is to achieve value for money without significant impact on safety and as such, by not including a hard shoulder and utilising relaxations permitted within the DMRB, Highways England considers the design achieves a balance between the cost of construction and supporting local economic growth and regeneration, without undue restriction.
- c) Whilst every accident is undesirable and may have tragic consequences, as does the present one, when considering an appropriate response to the concerns raised, it is important to consider this accident in the context both of the volume of traffic passing through the accident locus and other data which is available. Some 30,000 vehicles pass over the crossing each day. Post-accident reports confirm that in the 5 year period up to mid-2014, there were 7 relevant personal injury collisions on the crossing, in addition to this tragic accident. There was also a multi-vehicle incident in heavy fog just off the crossing in September 2013 (which is not included in the above statistics). Highways England notes the collision rate as assessed in the February 2015 ARUP review of safety (please see below) is substantially less than the national average collision rate.¹
- d) Driver behaviour is relevant: Highways England understands that whilst it was concluded following the serious incident in fog of September 2013 that it was not in the public interest to prosecute drivers involved, those drivers were instead offered the option of driver awareness training. Of note, in some cases motorists were not driving with due care and attention and were travelling at speeds which prevented them from being able to stop within the distances where they could see ahead. Highways England makes no submissions in this response as to the relevance of driver behaviour in respect of this collision, save to comment that the Kent Police road collision investigation report prepared post-accident concludes in part that the Fiat Ducato was likely travelling slightly above the speed limit for that class of vehicle and that the driver would have had insufficient time in which to take evasive action.

¹ Highways England Company Ltd has recently been made aware of a collision occurring on southbound carriage of the bridge on 27 July 2015. in which, according to newspapers reports, a motorcycle drove into the back of a car travelling at the new lower speed limit. The details of the accident are not known, but even factoring this event into account, the number of incidents on the bridge remains below average

3. Action taken or to be taken by Highways England:

- a) Following the tragic deaths of Deborah and Marshall Roberts, a review of safety of the A249 Swale Crossing was commissioned, with a particular emphasis on the speed limit ("the ARUP review"). The ARUP review (published in February 2015) concluded that a combination of geometry of the bridge affecting the forward visibility available to drivers and the high average speeds of vehicles travelling over the bridge had an impact upon the safety of the bridge. The report offered evidence that these high average speeds were created by those driving in excess of the posted speed limit which takes the subject of reduced Stopping Sight Distance outside the scope of DMRB. Whilst reduction of the speed limit was noted as a potential mitigation factor, it was also noted that it would be necessary to achieve compliance with the posted speed limit, whatever speed limit might be in place, in order to change the perception of safety at the locus. This is identified within section 6.2 of the ARUP review where are listed the range of itemised interventions possible.
- b) A temporary 50 mile per hour speed restriction from the end of the current 50 mile per hour speed restriction at the Neats Court roundabout (Thomsett Way) through to Grovehurst junction in both directions has been implemented. These points have been chosen at this stage in order to ensure that the implementation of a temporary speed limit did not create a new risk of its own and was at least no less safe than the circumstances existing at the time of the accident on 1 July 2014.
- c) Sheppey Route Ltd ("SRL"), the A249 Design, Build, Finance and Operate ("DBFO") company, has been tasked with undertaking a study to establish the correct engineering layout for a permanent 50mph restriction to encompass the Swale high level crossing, bridge and associated junctions. This is to ensure that the revised speed limit lay out does not impact unnecessarily upon the first of the scheme benefits (to reduce journey times) beyond that which would be unavoidable when reducing a section of strategic road network from a speed limit of 70mph to 50mph. In addition, it is to ensure that the revised speed limit is no less safe than the prior limit, by examining the potential introduction of new risks from slowing, merging and or accelerating traffic. Highways England currently awaits clarification as to the delivery date for this study.



- d) SRL will also consider a study of the project road, reduced stopping site distances and how best to improve driver behaviour, such as driving at speeds and distances beyond which they can safely see. These studies will augment work already started by SRL in replacing the 2 northbound mobile electronic variable message signs ("VMS") with permanent installations and will inform future development strategies. It is considered that the targeted use of approved campaign messages which comply with the Highways England Interim Advice note 162/12 (which introduces the updated Variable Signs and Signals (VSS) Policy) may influence driver behaviour as part of a wider package of measures. It will additionally enhance incident management by providing greater flexibility in the use of the VMS message sets through the Highways England Traffic Officer Service Regional Control Centre, with whom Kent Police already have agreed working protocols.² Highways England awaits information about the delivery date for this work.
- e) In parallel to the above Highways England will need to review the impact these actions may have in relation to the DBFO project road payment mechanism and provide a proposal of revision to Schedule 9 to SRL.

4. Other action:

In paragraph 6 of the Regulation 28 report the coroner states that she believes that Highways England has the power to take action to prevent future deaths. Highways England accepts that it has power to take action and refers to the measures set out above. However, based upon its understanding of the information available in relation to the 1st July 2014 fatal collision, Highways England considers that it is also crucial that compliance with the posted speed limits is achieved. This view is reinforced by consideration of other collisions at the locus, as noted in the ARUP review (paragraph 5.2) in which it is noted that speed is likely to have been a factor in all the collisions reviewed.

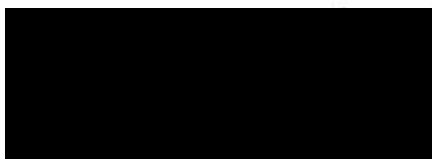
Therefore, Highways England would respectfully request that the coroner encourages Kent Police to participate actively in joining with Highways England through the A249 DBFO company, SRL, to assist in achieving compliance with the posted speed limit over the crossing.

² The replacement of the VMS was the subject of earlier correspondence with the coroner.

5. Publication

Highways England is content for this response to be published in full.

Yours sincerely



General Counsel

