


REGULATION 28: REPORT TO PREVENT FUTURE DEATHS

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. Mr Jim O'Sullivan, Chief Executive, Highways England</p>
1	<p>CORONER</p> <p>I am Paul O'Donnell, Assistant Coroner, for the coroner area of Cumbria</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 17th January 2018 an investigation was commenced into the death of Mrs Doreen Fell who died at the age of 76 years old. The investigation concluded at the end of the inquest on 20th February 2019. The conclusion of the inquest was accidental death.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>Mrs Fell was a recently widowed lady living in the Cumbrian village of Backbarrow. She had lived in the area all her life. Mrs Fell had a strong social group in the village; attending friends, family and the community centre on a daily basis. She had been the caretaker of the local primary school for many years prior to retirement.</p> <p>The A590 bisects the village of Backbarrow. It is the only area of habitation along the 34 mile long A590 which contains a stretch of the road that maintains the national speed limit of 60mph. The relevant areas of this village shall be referred to as the either the northbound side or the southbound side.</p> <p>On 17th January 2018, Mrs Fell had visited her friend who lives on the southbound side of the village, and was making her way home to her property which is located on the northbound side. The time was 5.00pm and it was dark. She walked down Brow Edge Road to its junction with the A590 and walked several meters to the north to a pedestrian crossing. The crossing has been designed to offer pedestrians crossing the A590 safe harbour in a railed off central traffic island which is located in the middle of the north and southbound carriageways.</p> <p>Mrs Fell crossed the southbound carriageway and made it on to central traffic island. She crossed the island to a dropped curb in order to negotiate crossing the northbound carriageway. The breadth of the northbound carriageway at this point was 3.8m wide.</p> <p>Mrs Fell allowed a white transit van to pass by and then commenced her crossing of the carriageway. She walked into the path of a black Honda Civic that was travelling at 50mph. She suffered catastrophic injuries and died at the scene.</p> <p>The inquest heard from Cumbria Constabulary Collision Investigator [REDACTED] who had determined that:</p> <ul style="list-style-type: none"> • the vehicle was a distance of 16 to 25m away when Mrs Fell attempted to cross • the vehicle was travelling at approximately 50mph which is the equivalent of 22.35 metres per second • there was approximately 0.8 seconds between Mrs Fell stepping out and being struck by the vehicle

	<ul style="list-style-type: none"> • the driver of the vehicle had no opportunity to react in such a period • it would have taken Mrs Fell (walking at an average speed for a lady aged 60+ of 1.25 metres per second) 3.04 second to have crossed the north bound carriageway • to ensure safe passage when crossing in front of a vehicle travelling at 50mph would require a safe gap of at least 67.94m (and indeed a distance of 81.47m if the car was lawfully travelling at 60mph) • it was highly likely that Mrs Fell had failed to see the black car which was following in convoy behind the white transit van • there is no artificial street lighting on the road (save for traffic warning lights on the traffic island itself to inform drivers of its presence) • Mrs Fell would have been wholly reliant on judging distance by gauging the speed of approaching vehicles from variations in the approaching headlights alone. • the lack of street lighting at this mid village crossing undoubtedly made it harder for any pedestrian to assess whether crossing the carriageway was safe to do so or not. <p>Additional relevant factors regarding Mrs Fell were:</p> <p>a) she wore reactor light glasses which affected her ability to assess rapid changes in light</p> <p>b) she had never passed a driving test or driven a car</p> <p>c) she was suffering from early onset Alzheimer's disease which family members asserted could have affected her spatial perception</p> <p>d) she crossed this carriageway daily to visit her friend</p> <p>Relevant factors concerning this section of the A590 were:</p> <p>a) it is a straight section of road sandwiched at either end by two dual carriageways: sustained speeds are regularly high in this area</p> <p>b) the village and road is located at the base of a valley which inhibits the level of natural light on the road</p> <p>c) the road at this point is bordered either side by continuous rows of very high trees further inhibiting the availability of natural light on the carriageway.</p> <p>The family of Mrs Fell were accordingly of the view that this section of road is naturally fast and very dark at night.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows. –</p> <p>1. The application of the national speed limit for this short section of trunk road whilst it passes through the village of Backbarrow directly impacts on:</p> <p>a) reaction times for pedestrians</p> <p>b) reaction times for drivers</p> <p>c) the size of gap in traffic required to execute a safe pedestrian crossing</p> <p>2. The low levels of natural light on this section accentuates the present lack of any street lighting on this section of road which may otherwise assist pedestrians with executing a safe crossing during the hours of darkness.</p>

	<p>3. There is a village hall on the southbound side and a primary school on the northbound side of Backbarrow. It is foreseeable that children: the elderly or those with a physical or mental impairment will have occasion to cross this section of road. This aspect has a direct impact on the risk analysis applicable to points 1 & 2 above.</p> <p>It is recommended that an urgent review of traffic safety for this section of the A590 which bisects the village of Backbarrow is undertaken, including particular analysis from a pedestrian's perspective.</p> <p>As a footnote, it would seem that there are no signs indicating to residents, or visitors to the village, that there is an alternative route across the A590 via an underpass some 500m to the south of this accident. A review of applicable signage along this section of road is also suggested.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you and your organisation have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 24th July 2018. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons:</p> <ol style="list-style-type: none"> 1. [REDACTED] – daughter of Mrs Fell <p>I have also sent it to</p> <ol style="list-style-type: none"> 2. [REDACTED] Chief Constable, Cumbria Constabulary 3. [REDACTED] Chief Executive, Cumbria County Council 4. [REDACTED] Chief Executive, South Lakeland District Council <p>who may find it useful or of interest.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>Signed: </p> <p>Paul O'Donnell</p> <p>Dated: 22nd February 2019</p>