

	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p><b>THIS RESPONSE IS BEING SENT TO:</b></p> <p>1. <b>The Assistant Coroner for Birmingham and Solihull, Mr James Bennett of Birmingham and Solihull Coroner's Court 50 Newton Street Birmingham B4 6NE</b> in response to a 'Regulation 28 Report to Prevent Future Deaths' following an inquest hearing into the death of Jamil Ahmed that concluded on 22 January 2018.</p> <p>Due to an administrative error in the Coroner's office, the Regulation 28 Report was issued to Highways England on 15 November 2019, a significant time after the conclusion of the inquest. In complying with our duty, Highways England have responded within 56 days of the date of the report, namely by 10 January 2020.</p>
1	<p><b>HIGHWAYS ENGLAND</b></p> <p>I am Mr [REDACTED], Safety, Engineering and Standards Executive Director, and Chief Highways Engineer, responding on behalf of Mr [REDACTED], Chief Executive of Highways England Company Limited of Bridge House, 1 Walnut Tree Close, Guildford, SURREY, GU1 4LZ.</p> <p>Given the passage of time following the inquest into the death of Mr Ahmed and the overlap in the subject matter, I have responded in a similar way to the recent Regulation 28 Report we received on similar issues from the Birmingham and Solihull Coroners' Area in relation to the inquest into the death of Dev Naran.</p>
2	<p><b>CORONER'S MATTERS OF CONCERN</b></p> <p>The <b>MATTERS OF CONCERN</b> when a hard shoulder is used as a running lane were identified as follows:-</p> <p>Whilst any vehicle may break down on any road, in relation to motorways: (1) drivers do not expect to come across a stationary vehicle in a running lane, (2) the speed of traffic is high, (3) the volume of traffic is high increasing the number of people affected by a stationary vehicle, (4) the options for the occupants of a stationary vehicle to escape the road are more limited, and (5) not all stretches of motorway are necessarily appropriate for use as 'smart' motorways. All five matters mean it is less likely other drivers will be able to take evasive action when confronted with a stationary vehicle.</p>
3	<p><b>DETAILS OF ACTION TAKEN</b></p> <p>The introduction of smart motorways has been Government policy since 2008. The smart motorway package of measures is considered appropriate for Highways England's network and gives flexibility to allow for increased demand from road users, whilst maintaining or improving the safety of our roads.</p> <p>Safety is Highways England's top priority and something we will not compromise on, with smart motorways being no exception. Smart motorways are based on a comprehensive safety assessment and hazard analysis which demonstrated</p>

that they would be as safe, if not safer than the conventional motorway they replaced. The use of roadside technology and operational procedures has enabled them to be managed in an effective and appropriately safe manner.

Recognising concerns around smart motorways, the Secretary of State for Transport has asked the Department for Transport to carry out an evidence stocktake to gather the facts about smart motorways safety. We are supporting the Department in its work on this. The Department for Transport will be publishing the outcome of this stocktake.

Highways England has undertaken comprehensive information campaigns highlighting how drivers must only stop on the carriageway in an emergency, and how drivers can reduce the likelihood of such an event occurring. In addition, comprehensive information campaigns have been undertaken, both before and after the date of this incident, highlighting to drivers what to do in the event of a breakdown on the motorway.

Smart motorways have regular refuge areas for drivers to use in the event of an emergency. In this case, the nearest emergency refuge area was 300 metres further forward. Over the last 18 months we have been rolling out enhancements to the emergency refuge areas across the smart motorway network to increase driver awareness of their location. This has included a brand-new design of sign, more frequent approach signage and an associated orange road surface. This work has recently been completed on the M6 southbound between Junctions 6 and 5.

**4 DETAILS OF FURTHER ACTION PROPOSED**

Highways England recognises that vehicles stopping in live lanes on any road creates a risk to life and is continuously looking at ways to mitigate this risk.

The Coroner concluded that the evidence did not establish why Mr Ahmed stopped in a live running lane on the M6 motorway. This is unfortunate, because understanding the reason the driver stopped would have enabled Highways England to look at the primary contributory factors in this incident, with a view to mitigating the likelihood of this type of incident occurring again in the future.

It was stated at the inquest that Mr Ahmed's profession was a recovery driver. The Coroner concluded that Mr Ahmed was driving his low loader lorry along the hard shoulder that was being used as a live running lane during a peak morning period, when he stopped at about 0913, put on his hazard warning lights, exited his vehicle, opened the bonnet and stood looking into the engine. Having stopped in a live running lane, the published advice in the Highway Code is to leave your vehicle only when you can safely get clear of the carriageway, and not to put yourself in danger by attempting even simple repairs. If it is not possible to exit your vehicle safely, if there is no safe place to wait, or you feel your life is in danger, the advice is to put your hazard warning lights on and stay in your vehicle with your seat belt on. If you have a mobile phone, dial '999' immediately.

If a driver does not stop in a place of relative safety (such as an emergency refuge area) smart motorways have far greater operational oversight and technology than other high-speed roads to reduce the risk to road users. Once our control centre is aware of the situation (which may be via the Police or roadside technology, such as CCTV), we can use the smart motorway

technology to set lane closures and warning signals, as well as dispatching a Highways England Traffic Officer to assist.

We will be repeating our information campaigns on using motorways in four waves between early 2020 and March 2021. These will be focused on 'what to do in a breakdown', Red X, keeping left and variable speed limits. The date of the first phase of these campaigns has changed due to the ongoing evidence stocktake into smart motorways safety being carried out by the Department for Transport.

Until trials were undertaken by Highways England, there has been no system to detect stopped lone vehicles in a live lane on any high-speed road therefore, as already highlighted, this risk is not confined to smart motorways. This risk is considerably higher when traffic volumes are lower, due to higher vehicle speeds. Also, the density of traffic at higher volumes means it is very difficult to detect stopped lone vehicles without an unmanageable amount of false alarms. Highways England recognised this risk and has undertaken successful trials of a radar detection system which detects stopped vehicles in low flow conditions. This is now operational on all of the smart motorway sections of the M25 without a hard shoulder.




We have begun to rollout stopped vehicle detection capability to similar schemes which will commence with the M3 between Junctions 2 and 4a to be completed by December 2020. Subject to funding, stopped vehicle detection capability will be included on all future smart motorway schemes beginning construction from March 2020.

We are exploring other technologies which could reduce the risk to stopped vehicles in higher flow conditions. These include CCTV analytics, vehicle telemetry and crowd sourced data. As these are innovative solutions, which require evaluation and testing, Highways England is unable at this time to set out a timetable if and when this technology will be rolled out on the motorway network. This is also subject to our Government funding settlement for the period 2020-2025 which is yet to be confirmed.

Our assessments have shown that the risk to drivers is reduced when using a dynamic hard shoulder running scheme compared to motorways not operating dynamic hard shoulder running schemes. This is largely due to the additional technology and enhanced operational management which is not present on conventional motorways. When flows are higher our Motorway Incident Detection and Automatic Signalling (MIDAS) system detects slow moving traffic, and warns drivers by setting appropriate messages and speed limits without operator intervention. This is a proven safety system which, along with comprehensive CCTV coverage, helps to mitigate the risk to stopped vehicles when traffic flows are higher.

When the hard shoulder is operating as a live lane, there are frequent signs stating, "Use hard shoulder" providing additional confirmation to drivers that the hard shoulder is operating as a live running lane. We previously recognised the risk of drivers using the hard shoulder when it is not operating as a live lane and in 2015 introduced additional signage to highlight to drivers the status of the hard shoulder at any given time.

Highways England recognises that dynamic hard shoulder running is not as

	<p>intuitive for drivers as other forms of motorways and therefore we have no plans to build any more of this type. In recognition of this, Highways England has an ambition to upgrade sections of dynamic hard shoulder running to the latest standard of smart motorways, known as 'All Lane Running', which removes the dynamic hard shoulder and any possible confusion as to the status of the nearside lane. As part of any conversion we would incorporate stopped vehicle detection capability.</p>				
5	<p><b>TIMETABLE FOR ACTION</b></p> <table border="0"> <thead> <tr> <th data-bbox="331 544 395 577"><u>Date</u></th> <th data-bbox="539 544 627 577"><u>Action</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="331 589 507 656">Early 2020 to March 2021</td> <td data-bbox="539 589 1257 656">Information campaigns focused on 'what to do in a breakdown', Red X, keeping left and variable speed limits</td> </tr> </tbody> </table>	<u>Date</u>	<u>Action</u>	Early 2020 to March 2021	Information campaigns focused on 'what to do in a breakdown', Red X, keeping left and variable speed limits
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6	<p><b>SAFETY OF ROAD USERS</b></p> <p>Roads, especially high-speed roads, can never be risk-free environments. Highways England prioritises the reduction of road deaths and serious injuries on the strategic road network through its Road Investment Strategy, investing large amounts of public money, to create as safe an environment as possible.</p> <p>We also rely on road users to be informed on what to do in an emergency and who to contact, and just as importantly how to avoid dangerous situations in the first place. Drivers must take responsibility for their own vehicle, behaviour, fitness to drive and safety when using any road, and in particular when driving on a high-speed network, to help ensure all road users arrive at their destinations safe and well. We would ask that, in appropriate cases, coroners use the means at their disposal to reinforce this message. I have written to the Chief Coroner to make this request of coroners.</p> <p>The safety of road users is our first imperative and a core value of our organisation. Our company vision for safety is that "no one should be harmed when travelling or working on the strategic road network". Any improvements or enhancements that we make must be done in a considered and controlled fashion so that the consequences of any improvements are fully understood, and any safety risks linked to proposed changes are eliminated or reduced as far as possible. We always strive to improve safety through enhancing infrastructure and communication.</p>				
7	<p>10 January 2020    Signed: </p> <p>, Safety, Engineering and Standards Executive Director and Chief Highways Engineer, on behalf of , CEO</p>				