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Mr Oliver Longstaff  
Assistant Coroner for County Durham and Darlington  
HM Coroner's Office  
PO Box 282  
Bishop Auckland  
County Durham DL14 4FY

4th September, 2020

Dear Mr Longstaff

**Regulation 28 – Mr Bartosz Cezary Kusiak (Inquest 31<sup>st</sup> January 2020)**

Thank you for your letter and Regulation 28 report dated 10<sup>th</sup> July 2020. This was a tragic accident and the Council wishes to express its sincere condolences to the family and friends of Mr Kusiak.

The council is aware of the concerns expressed about this section of the A690 and have reviewed safety issues on a number of occasions, most recently in the form of an independent consultant's report. The council remain of the view that there are no fundamental issues with this section of road which need to be addressed; however, a number of minor beneficial improvements have been identified and implemented as a result of a previous accident. These are listed in the Table 1 below.

In accordance with Regulation 28 the council has considered whether any highway improvements can be made to the A690 between Gilesgate Roundabout and Junction 62 of the A1(M).

**Site Investigation Following Fatal Accident Report**

The Council has an Accident Investigation and Prevention Team and one of its roles is to investigate every fatal road traffic accident, on the council's highway network, in conjunction with Durham Constabulary's Traffic Management Unit. Please find attached a copy of the Accident Report (M\_T\_S04\_20 (002)). These reports are undertaken to identify any defects or improvements to the highway street furniture and infrastructure.

The report made the following observations / recommendations.

**Table 1**

**Neighbourhoods and Climate Change**

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No.	Observation / Recommendation	Action
1	With reference to Fatal Road Accident Report M/T/S09/19, following a similar incident on the south-westbound carriageway, the Police requested an assessment of this section of road to determine whether the provision of street lighting should be considered, particularly in the vicinity of the pedestrian crossing point. This request was subsequently passed to Durham County Council's Street Lighting Section for their deliberation. It is recommended that the outcome of these deliberations be presented for review at the earliest convenience.	This matter has been discussed with both Traffic Assets Team, Street Lighting Team and Strategic Highways Team in relation to the provision of street lighting and footways. As a result of these discussion it has been agreed that an independent road safety assessment will be commissioned at the earliest possibility. The results of which will be reviewed and discussed further with our partners, Durham Constabulary.
2	In addition to the request outlined in Item 1, the Police have also asked if a similar assessment process can be undertaken in consideration of footway provision adjacent to this section of the A690.	This matter has been discussed with both Traffic Assets Team, Street Lighting Team and Strategic Highways Team in relation to the provision of street lighting and footways. As a result of these discussion it has been agreed that an independent road safety assessment will be commissioned at the earliest possibility. The results of which will be reviewed and discussed further with our partners, Durham Constabulary.
	Any deteriorating road markings and missing/damaged road stud inserts should be recovered as part of the Council's ongoing maintenance programme at the earliest convenience.	Information contained within this report regarding the condition of road markings and missing /damaged road studs has been raised with the Traffic Assets team. Although not a contributory factor and still retaining some residual life, they will arrange for the renewal of road markings to be considered as part of future routine maintenance.

### Independent Road Safety Assessment Report

1. As identified in the above actions an independent road safety assessment has been carried out to assess the appropriateness of introducing street lighting along the A690 and a pedestrian route review. Please find attached a copy of the independent consultant's report A690 Safety Review (60343839\_AEC\_L1\_RP\_ZZ\_00-005)

**The report includes the following key actions and recommendations.**

Table 2

No.	Action	Recommendation
1	Appropriateness of introducing street lighting on the A690 between Gilesgate and A1(M) Junction 62.	<p>A Cost / Benefit Analysis (C/BA) of a street lighting scheme between Gilesgate and the C13 Belmont Link Road junction, with costs estimated at £1.65 million discounted to 2010 prices, resulted in a Benefit Cost Ratio (BCR) of 1.01.</p> <p>This means the investment would be cost neutral with no positive return on the investment, particularly as the lighting appraisal undertaken in accordance Department of Transport Document TA 501 (Road Lighting Appraisal) does not include non-lighting costs that would be required, for example provision of a footway and associated fencing along the length of the A690.</p>
2	Review of pedestrian footway provision along the A690.	<p>The predominant movements between trip generators in the area are provided for via existing footway / footpath routes including:</p> <ul style="list-style-type: none"> <li>the A690 footbridge, approximately 250m north-east of Gilesgate roundabout, towards Heaviside Place and the wider residential network parallel to the A690;</li> <li>Station Road towards Heaviside Place and the wider residential network; and</li> <li>Gilesgate, south-east of Gilesgate roundabout</li> </ul> <p>There are footpaths running along section of the A690 that provide access to the dual carriageway, including immediately east of the A690 footbridge and on the westbound onslip at the C13 Belmont Link Road junction.</p> <p>Given there are designated alternative, street lit routes alongside the A690, if access to the A690 could be pro-actively discouraged and the footbridge access to Heaviside Place promoted then the A690 could be seen as a less attractive route.</p> <p>A proposed scheme with a reported BCR of 26.1 is presented to physically prevent/segregate pedestrians from the A690, including guardrail adjacent to the southern kerblines approaching Gilesgate Roundabout, signing of the A690 footbridge pedestrian route and fencing to segregate pedestrians using the footpath north east of the footbridge.</p>

Based on the above recommendation, the council proposes the following course of action:

- It is not proposed to promote the high speed A690 dual carriageway as a pedestrian route through the introduction of street lighting and footways, acknowledging the council provides a footway / footpath network on parallel street lit, lower speed roads. The independent C/BA concludes the investment in street lighting in isolation would be broadly cost neutral and not deliver a return on the investment. It is also noted the addition of a parallel footway and fencing for segregation on the A690 would invite a higher overall scheme cost.
- The council is committed to reducing the potential for similar accidents to occur. To that end the recommendation in the independent consultant's report is accepted to introduce interventions to proactively deter access to the A690 dual carriageway and promote existing pedestrian routes. These measures include:
  - Proactively signing the Gilesgate area via the footbridge from the northern footway of the A690;
  - Guardrail and wayfinding signs to discourage pedestrian access to the south-westbound carriageway and south-eastern verge, between Gilesgate Roundabout and Station Lane;
  - Based on the footpath north-east of the footbridge being retained, foliage clearance to improve access to the footpath and a timber post and rail fence to discourage access to the A690 from this path beyond the footbridge; and
  - Removal of access to the public footpath on the south-westbound on-slip at the C13 junction.

It is the intention of the council to install the above-mentioned measures by 31 March 2021. This timescale reflects the backlog in the council's highway works caused by the Covid 19 Lockdown measures and the closure of New Elvet Bridge which has made the A690 a priority route for emergency service vehicles.

I wish to offer my condolences to Mr Kusiak's family and friends on their loss. I hope the above goes some way towards offering a considered response to your correspondence.

If you would like to discuss response this further, please contact [REDACTED] on telephone number [REDACTED] or by email at [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

**Corporate Director Neighbourhoods and Climate Change**

**Copies to:**

[REDACTED], Strategic Highways Manager  
[REDACTED], Head of Transport & Contract Services (Interim)

Danny Harland, Traffic Assets and Street Works Manager  
Bryan Smith Legal Manager Litigation (Res.)  
Jane Bromley, Service Support Officer (Technical Services)

**Enclosures:**

2. Fatal Accident Report (M\_T\_S04\_20 (002))
3. A690 Safety Review (60343839\_AEC\_L1\_RP\_ZZ\_00-005)