

9 September 2021

Dear Mr Phillips

Regulation 28 Report to prevent future deaths

Inquest into the death of Suzanne Regan, date of death 16.01.21

In response to your Regulation 28 Report dated July 16 2021, following the inquest into the death of Mrs Suzanne Regan.

The Welsh Government would like to express its deepest condolences to the family of Mrs Regan. The Welsh Government is committed to improving road safety and take all incidents that occur on the trunk road very seriously.

Road restraint systems and the Design Manual for Road and Bridges

Requirements for road restraint systems (CD377) is found within the Design Manual for Road and Bridges (DMRB) which provides requirements for road restraint systems and together with the associated guidance assists those involved in determining where road restraint systems, including terminals, are warranted and the minimum required parameters.

The DMRB contains information about current standards relating to the design, assessment and operation of motorway and trunk roads in the United Kingdom.

There is no specific requirement within CD 377 stipulating that historical systems should be upgraded. However, section 1.4 of CD 377 provides that 'where a road restraint system (RRS) can be made compliant with current requirements without significant undue additional expense and or delay, the opportunity shall be taken.'

Therefore, non-compliant terminals are only replaced when the opportunity arises, this is usually when a terminal has been damaged or when planned maintenance in close proximity to the terminal is carried out, providing it can be deemed cost effective to upgrade this component as part of those works.

Prior to 2006 ramped terminals were the compliant choice of terminal, offering a reasonable level of protection and many were installed in the UK.

Consequently, there are significant numbers still on the network, including at this location, they are however, being continually upgraded in line with the DMRB and CD 377.

Alignment with National Practice

The Welsh Government have been actively discussing this matter on a national level with National Highways (NH) formerly Highways England. NH has confirmed that their practice, in line with CD 377 is that historical ramped end terminals are only upgraded when the opportunity arises. In a three year period (2014 -2016) NH had recorded 6 fatal incidents involving historical ramped end terminals. One of the 6 terminals was upgraded.

Official STATS19 road safety data have been reviewed to determine if there is an ongoing problem with incidents involving non-compliant terminals in Wales. This data shows 3 fatal incidents in a three year period (2018 to 2020). One of the 3 terminals has been upgraded.

The Welsh Government is unaware of any fatal incidents involving a non-compliant terminal between the period of 2006 and 2018. The fact that incidents of this nature are low in number aligns with NH's findings, and this matter will now be monitored closely by the Welsh Government.

The terminal at Junction 44 of the M4 (Westbound) Swansea

It is acknowledged that the terminal at junction 44 of the M4 Motorway is now a non-compliant arrangement and that a newer terminal is now available on the open market.

The terminal was not upgraded immediately after the incident in January 2021 as there was no damage incurred and in line with national standards, this was not warranted. Due to the age of the adjoining safety fence systems at this location, upgraded terminals will have to be designed specifically to ensure a compliant transition between systems. A level difference between the M4 motorway and the exit slip road also presents design challenges. However, further to your report and as detailed below, the Welsh Government has committed to undertaking this work by April 2023.

The terminal at Junction 45 of the M4 (Westbound) Swansea

You have also referenced in your report an incident which occurred at above location in 2019.

The terminal at this location was not damaged as a result of the incident, nor were any concerns about the terminal brought to the attention of the Welsh Government at the time of the incident. Therefore, and in line with CD 377 it was not considered for upgrade. As a consequence of this being brought to its attention in your report, the Welsh Government has also committed to replacing this terminal by April 2023.

Actions to be taken to seek to prevent future deaths

As stated above, the Welsh Government is committed to improving road safety and accordingly it will ensure that the following actions are undertaken:

- Replacement of the two non-complaint terminals at junction 44 and junction 45. This will be progressed by April 2023.
- A review of terminals at all motorway exit slip roads in Wales. This review has already been commissioned and is to be completed by April 2022. A prioritised replacement programme will be developed and timescales for replacement will be based on that programme, taking into account the availability of funding.
- Continuation of the proactive replacement of non-complaint terminals in line with CD 377.
- Raising this matter at a national level to ensure that other highways authorities in the UK are made aware of the need to monitor and assess any incidents involving non-compliant terminals

Please do not hesitate to make contact if you wish to discuss this matter further or require any additional information.

Yours sincerely

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Llywodraeth Cymru / Welsh Government