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Your ref:

██  
  
Mr Ian Wade QC  
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Tel: 0300 123 5000  
9th May 2022

**RE: Death of Zoltan TOROK**

Dear Sir,

I write further to your Report to Prevent Future Deaths dated 21<sup>st</sup> March 2022 following the inquest, on 18<sup>th</sup> March 2022, in to the death of Mr Torok on 7<sup>th</sup> May 2021.

National Highways' priority is the safety of road users and the Strategic Road Network. Any death is a tragedy from which we always seek to learn lessons.

Unfortunately, National Highways was not aware of the inquest, so we did not have an opportunity to assist you by answering questions at the time. Therefore, we welcome the opportunity to address your concerns and hope our response assists.

Your report identified four matters of concern:

1. No hard shoulder or refuge available for the broken-down vehicle to pull in to.
2. The occupants of the broken-down vehicle causing a distraction to the deceased.
3. The potential confusion of drivers with different 'types' of motorway operation.
4. The risk of running lanes being blocked by a stranded vehicle.

I will respond to each in turn.

1. The section of the carriageway where the collision occurred was roadworks with temporary traffic management in place. As such it did not have the characteristics or features of a completed section of Smart Motorway.

National Highways recognises that roads can never be a risk-free environment and drivers have a responsibility for their own vehicle, behaviour and safety.

Therefore, we work to make sure the temporary traffic management arrangements, necessary for completing roadworks safely, clearly show how the carriageway has changed and what drivers may need to do.

The temporary traffic management arrangements on the M4 project were, and are, consistent with those found in sections of roadworks across the whole of the Strategic Road Network in England including motorway and dual carriageway trunk roads.

The project to upgrade the section of the M4 between Junction 3 and Junction 12 started in July 2018, with temporary traffic management arrangements being installed for the section where the incident occurred (Junction 3 to Junction 8/9), in June 2019.

The overall length of the scheme between Junction 3 and Junction 12 is approximately 32 miles.

The temporary traffic management for the scheme included,

- Three lanes, slightly narrower than standard lanes, open for traffic on each carriageway,
- Clear signs and road markings to inform and guide drivers,
- A restricted speed limit of 50mph, with average speed enforcement,
- An on-site team using CCTV to monitor the network 24 hours a day, seven days a week,
- Free vehicle recovery service through the length of the scheme,
- Temporary barrier to separate construction activities, construction plant and the workforce from road users in the live lane.

The temporary barrier through the length of the scheme was not continuous, there were gaps to access to and exit from the work area.

The section of temporary concrete barrier at the incident location started at a works access point approximately 90 - 100 metres before the incident location.

It appears that the broken-down vehicle came to a stop approximately 40 – 50 metres short of the exit slip road for Junction 6.

Dashcam footage from a Principal Contractor's Traffic Safety Control Officer's (TSCO) vehicle which captured the incident shows light, free flowing traffic with good, clear visibility and a dry road surface.

It also shows vehicles pulling out round the broken-down vehicle, a dark vehicle in front of Mr Torok, and a silver BMW behind Mr Torok.

National Highways will continue our efforts to manage roadworks so that they are safe as possible for our road users and workforce. From what we know about this incident we do not believe we should have taken or need to take any additional actions in relation to the temporary traffic management arrangements for roadworks.

2. Without having the benefit of the evidence considered in the inquest, we cannot comment on whether drivers, including Mr Torok, were distracted by the presence of pedestrians behind the temporary barrier.

The safety of the Strategic Road Network and all road users is our priority.

Recognising that road works present a change in the normal configuration and layout of a section of road, and what drivers may need to do, we:

- Work to make our roadworks as safe as possible, with clear signage and temporary traffic management arrangements;
- Set reduced speed limits to slow the traffic;
- Monitor the network to identify and respond to breakdowns and other incidents;
- Inspect temporary traffic management arrangements daily to make sure they are properly maintained;
- Utilise National Highways Traffic Officers to undertake roadworks audits;
- Conduct regular customer roadworks surveys;
- Provide advice and guidance to our road users on driving through roadworks and what to do in an emergency/breakdown through campaigns.

In breakdowns our advice is for customers to get out of their broken-down vehicle where safe to do so and stand in a place of safety.

We do not think that there is anything further that National Highways can do in relation to the suggested issue of drivers being distracted by vehicle occupants stood behind barriers.

3. Without having heard the evidence of the mechanical engineer witness you refer to, it appears they have described the potential for drivers to confuse the hard shoulder for a live lane.

National Highways has already taken steps to make it clear to drivers, through signage and road markings, where there is a change between sections of motorway with hard shoulder and those that are all lane running.

Neither carriageway of the M4 between junctions 3 and 12 have a situation where there is hard shoulder that changes to a live lane, or vice versa.

Both carriageways in between junctions 3 and 12 were operating under temporary traffic management from June 2019 up to and including the date of the incident, which should avoid the potential for confusion.

You will be aware that the Parliamentary Transport Select Committee conducted an inquiry into the rollout and safety of Smart Motorways. The committee made a number of recommendations.

The Government in its response, published on 12<sup>th</sup> January 2022, agreed to take these recommendations forward.

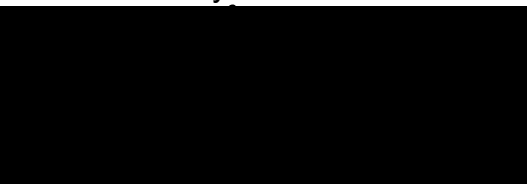
National Highways is already working with the Department for Transport to implement those recommendations, including considering alternative ways in which to operate dynamic hard shoulders.

4. National Highways recognises a very small proportion of total journeys on any road result in live lane breakdowns. Whilst most of these breakdowns do not lead to serious or fatal casualties, we recognise it can affect road users' perception of safety on Smart Motorways. So we are taking steps to address this.

In addition to the measures we take to manage roadworks, mentioned above, National Highways has a programme of work, agreed with the Department for Transport, under way to further enhance the safety features of Smart Motorways.

I hope my response has addressed your concerns. If I can be of further assistance, please contact me at the above address.

Yours sincerely



Director – Smart Motorways Programme

