

Regulation 28: REPORT TO PREVENT FUTURE DEATHS (1)

NOTE: This form is to be used **after** an inquest.

REGULATION 28 REPORT TO PREVENT DEATHS

THIS REPORT IS BEING SENT TO:

Durham County Council Highways Section

1 CORONER

I am Oliver LONGSTAFF, Assistant Coroner for the area of County Durham and Darlington

2 CORONER'S LEGAL POWERS

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.

3 INVESTIGATION and INQUEST

On Thirty-First January 2020 I commenced an investigation into the death of Bartosz Cezary KUSIAK aged 21. The investigation concluded at the end of the inquest on 10th July 2020. The conclusion of the inquest was that Mr Kusiak died in a road traffic collision. The medically certified cause of death was:

I a Multiple Injuries Consistent with a Road Traffic Collision

I b

I c

II

4 CIRCUMSTANCES OF THE DEATH

Mr Kusiak left a bar in Durham city centre at approximately 01:30hrs on 23/01/2020 and began walking home towards his address in Cooper Square, Gilesgate.

At about 0220h, the driver of a motor vehicle observed Mr Kusiak in his headlights. Mr Kusiak was standing (or walking slowly in the direction of Durham towards oncoming traffic) on the central lane markers of the eastbound dual carriageway of the A690 between the Gilesgate roundabout and the Belmont overbridge.

Almost immediately thereafter, a second motorist struck Mr Kusiak, who had moved into the near side lane (Lane 1) of the A690, at a point approximately 245 metres northeast of a pedestrian crossing point on the carriageway. Mr Kusiak sustained fatal injuries, from which he died later in hospital.

The relevant stretch of the A690 is unlit. Footage from the dashboard mounted camera in the impact vehicle showed that Mr Kusiak was not visible to the driver of the impact vehicle until he was only 29 metres away.

5 CORONER'S CONCERNS

The MATTERS OF CONCERN are as follows: (brief summary of matters of concern)

The evidence established that the collision between Mr Kusiak and a motor vehicle occurred on an unlit dual carriageway subject to the national speed limit that runs alongside a housing estate and an industrial estate in Belmont. It is foreseeable that pedestrians will attempt to cross the road.

The evidence established that at the point in the road where the impact occurred, a pedestrian was visible to a car being driven appropriately with headlights on and well within the prescribed speed limit only at a distance of 29 metres. The emergency stopping distance for such a car is between 75 and 87 metres.

There is no footpath alongside the A690 along the stretch where the accident occurred.

The circumstances of this incident were discussed with police at a Durham County Council Traffic Management meeting on 14th February 2020 when recommendations were made to improve the safety of the road where the incident occurred.

6 ACTION SHOULD BE TAKEN

In my opinion action should be taken to prevent future deaths and I believe you (and/or your organisation) have the power to take such action.

7 YOUR RESPONSE

You are under a duty to respond to this report within 56 days of the date of this report, namely by 04 September 2020. I, the coroner, may extend the period.

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.

8 COPIES and PUBLICATION

I have sent a copy of my report to the Chief Coroner and to the following Interested Persons:

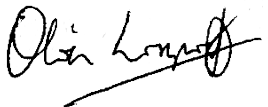
The next of kin of Bartosz Cezary Kusiak

I have also sent it to Durham Constabulary who may find it useful or of interest.

I am also under a duty to send the Chief Coroner a copy of your response.

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.

9



Oliver LONGSTAFF
Assistant Coroner for
County Durham and Darlington
Dated: 10 July 2020