

REGULATION 29 RESPONSE TO A REPORT ON ACTION TO PREVENT FUTURE DEATHS

THIS RESPONSE IS BEING SENT TO:

The Senior Coroner for the Coroner Area of Northamptonshire, Anne Pember of The Guildhall, St Giles' Square, Northampton NN1 1DE in response to a 'Regulation 28 Report to Prevent Future Deaths' following an inquest hearing into the death of **DAVID LEVETT** that concluded on 13 April 2023.

1.	<p>NATIONAL HIGHWAYS</p> <p>I am [REDACTED] Director of Road Safety, responding on behalf of [REDACTED], Chief Executive of National Highways Limited of Bridge House, 1 Walnut Tree Close, Guildford, SURREY, GU1 4LZ.</p> <p>At the outset, on behalf of National Highways, I would like to express my deepest condolences to Mr Levett's family, friends and all those affected by his tragic death.</p> <p>In complying with our duty, National Highways has responded within 56 days of the date of the Regulation 28 report to prevent future deaths, namely by 12 June 2023.</p>
2.	<p>CORONER'S MATTERS OF CONCERN</p> <p>The MATTERS OF CONCERN were identified in the Regulation 28 as follows:</p> <p><i>"During the course of the inquest, evidence was given that the location of the collision was on an all lane running smart motorway. There was nowhere for the driver of the first vehicle to park safely e.g. on a hard shoulder."</i></p>
3.	<p>DETAILS OF ACTION TAKEN</p> <p>National Highways is the government-owned company, sponsored by the Department for Transport (DfT), charged with operating, maintaining and improving England's motorways and major A-roads. Responsibility for local roads rests with local highway authorities and the road network in other parts of the UK rests with the devolved administrations.</p> <p>At National Highways safety is at the forefront of every decision we make, and we are committed to the safety of everyone who uses our roads.</p> <p>According to the 2019 performance report published by CEDR (Conférence Européenne des Directeurs des Routes / Conference of European Directors of Roads), motorways in the UK have by some margin the lowest rate of fatal accidents of any roads in Europe¹. And overall, according to the latest published data (2016-2020) in terms of fatal or serious casualties, smart motorways are our safest roads².</p> <p>The technology currently used on smart motorways³, all focused on drivers, is made up of a system of different features so that there is no over-reliance on a single feature. It includes:</p> <ul style="list-style-type: none">• variable speed limits to help keep traffic moving, reducing stop-start traffic.

¹ <https://www.cedr.eu/download/Publications/2020/CEDR-Technical-Report-2020-01-TEN-T-2019-Performance-Report.pdf>

² <https://nationalhighways.co.uk/media/uivj2zem/smart-motorways-stocktake-second-year-2022.pdf>

³ Smart motorways are in three forms. 1) All lane running (ALR) motorways apply variable speed limits and permanently convert the hard shoulder into a running lane. 2) Dynamic hard shoulder (DHS) motorways apply variable speed limits and use the hard shoulder as a running lane at the busiest times. 3) Controlled motorways apply variable speed limits to a conventional motorway and retain a permanent hard shoulder.

- MIDAS which is a detection system to monitor traffic for changes in flows and speeds and automatically sets signs and signals (speed limits)
- CCTV cameras that our operators can remotely move and zoom to monitor and manage congestion and incidents, when notified.
- signs and signals to provide better information, which can alert drivers to hazards ahead and display Red X signals to close a lane or lanes to traffic, including when a stopped vehicle is identified.
- enforcement cameras to deter the minority who exceed mandatory speed limits and fail to comply with Red X signals. These signals are set for the safety of drivers and their passengers in difficulty, or road workers and emergency services who need a safe space to work.
- clearly signed and orange-coloured emergency areas set back from the road, with telephones linking directly to our regional control rooms.

To further reduce the risks associated with live lane stops and to enable a quicker response we have introduced a radar based stopped vehicle detection (SVD) system. This is specific to all lane running motorways (ALR)³ and further enhances the system of features on these roads.

All of these features are overseen by our dedicated National Highways teams, both in control rooms and on-road 24 hours a day, 365 days a year.

Although risk cannot be completely eliminated, according to the latest published data (2016-2020) overall, in terms of fatal or serious casualties, smart motorways are our safest roads. Most incidents (95%) across the SRN are single vehicle collisions or incidents involving two or more moving vehicles. The rest of the collisions, which form a small proportion of all incidents (5%), involve moving vehicles colliding with stopped vehicles. These types of collision happen on all roads.

The risk of a collision and the risk of a serious injury or death due to a stopped vehicle collision is lowest on conventional and controlled motorways. As reported in our smart motorways stocktake second year progress report⁴, the risk of a collision between a moving and a stopped vehicle is greater on ALR and DHS motorways than on other motorway types, but the risk of a collision involving only moving vehicles is lower.

The concern raised focuses on the lack of a hard shoulder on an ALR motorway, and the subsequent question of where a driver can safely stop in an emergency. Hard shoulders do not eliminate the risk of collision, and 1 in 14 of all deaths on motorways happen on hard shoulders (based on 2016-2020 data). The hard shoulder is perceived to be a place of safety, but in reality it does not provide a completely safe place to stop.

The term 'live lane stop' is used to describe instances where vehicles are required to stop and do this in a running lane with live traffic in it rather than a designated place of relative safety. This is not specific to ALR motorways and can occur on any road. On ALR motorways, there are designated 'emergency areas' which are places to stop in an emergency.

Emergency areas provide a place to stop which are safer than the hard shoulder. Between 2016 to 2020 there have not been any fatalities in emergency areas.

Since the time of the incident in 2018 there has been ongoing work on smart motorways and specifically in this location on the M1 Junction 18-17 southbound. This has included SVD being put in place in August 2022, more signs being installed in the vicinity of this incident informing drivers of the distance to the next place to stop

⁴ <https://nationalhighways.co.uk/media/uivj2zem/smart-motorways-stocktake-second-year-2022.pdf>

in an emergency, and the enforcement cameras have been upgraded to enable the detection of Red X violations to allow the police to take enforcement action.

Smart Motorway Stocktake and Transport Select Committee Recommendations

In March 2020 the government published a comprehensive [smart motorway safety evidence stocktake and action plan](#) which sought to further raise the bar on smart motorway safety. National Highways has published two progress reports, [one in 2021](#) and a [second in 2022](#), with a third planned to be published, setting out the progress we have made towards achieving the commitments set out in the 2020 stocktake report.

The progress reports set out the actions that have been taken, including those which relate to the concerns raised in this Regulation 28 report. This includes, for example, an increase in the number of places to stop in an emergency, increased visibility of emergency areas and public awareness of what to do in an emergency if required to stop on a high-speed road, including smart motorways.

In November 2021, the Transport Select Committee (TSC) published its [report](#) on the rollout and safety of smart motorways, and made a number of recommendations which the government agreed to take forward in its [response](#). Work to deliver these recommendations is ongoing and will further improve safety on smart motorways while supporting the actions started through the 2020 stocktake report.

In April 2023 the government [announced](#) that plans for new smart motorways would be cancelled in recognition of the current lack of public confidence felt by drivers, and public spending cost pressures. This followed a pause in the rollout of new smart motorways previously announced by the government, in January 2022 in response to the November 2021 TSC report.

Our work to enhance existing smart motorways continues. The following initiatives are specifically ones that were designed to help further reduce the risks associated with live lane stops and to improve public awareness of actions to take if they are required to stop in an emergency on any high-speed road, including smart motorways.

Stopped vehicle detection

SVD has been put in place on all operational ALR motorways. This is a radar-based system which detects stopped vehicles and will alert our regional control room if a stopped vehicle is identified. The operators in the control room can then respond by taking actions to help to reduce the risks associated with live lane stops, such as setting Red X signals to close lanes, displaying reduced mandatory speed limits and deploying National Highways traffic officers. SVD was put in place on the M1 between junctions 18 and 17 in August 2022.

Report of obstruction messages

We committed to automatically displaying a 'report of obstruction' message on electronic overhead signs on the motorway, to warn approaching drivers of a stopped vehicle ahead. Since September 2022, where SVD is in place, the system automatically sets 'report of obstruction' messages each time the system detects a stopped vehicle, and this includes on the M1 between junctions 18 and 17.

Places to stop in an emergency signage

We have installed clearer, easier to understand and more frequent approach signs showing the distance to the next place to stop in an emergency. We have installed over 700 extra signs (some of which are on the M1 in the vicinity of this collision) so drivers should almost always be able to see a sign informing them of the distance to the next place to stop in an emergency.

Upgrading enforcement cameras

To help improve the safety of drivers, their passengers, road workers and emergency services, all enforcement cameras have been upgraded to enable the detection of vehicles that pass under a Red X or enter the lane beyond a Red X to enable the police to take enforcement action. This includes the cameras in the vicinity of this incident.

Faster National Highways Traffic Officer attendance times

We committed to achieve a national average 10 minute traffic officer attendance time on ALR sections where emergency areas are more than a mile apart (which includes the location in the vicinity of this incident). We achieved this by the end of September 2022 and have continued to maintain it.

Emergency areas on sat navs

We shared information with sat nav companies that shows places to stop in an emergency. We launched our Open Data Site in March 2021; this site enables sat nav companies to access National Highways geographical datasets, including the location of all emergency areas. We have informed sat nav companies of the available data and completed discussions with them and the DfT to understand uptake.

Update to The Highway Code

We worked with the DfT and the Driver and Vehicle Standards Agency (DVSA) to enable an updated Highway Code to be published on 14 September 2021. This is to help improve driver understanding and confidence when driving on a motorway. The update included clearer advice on where to stop in an emergency, the importance of not driving in a lane closed by a Red X, and how variable speed limits are used to keep traffic flowing. There was also updated guidance on key factors that contribute to safety-related incidents, including driving while tired, unroadworthy vehicles, safe towing, tailgating and driving in roadworks.

Road safety / driver campaigns

National Highways has an ongoing programme of road safety campaign activity to provide important guidance to drivers to make journeys safer, easier and more reliable.

In March 2021 we launched our biggest ever road safety campaign, 'Go left', to give drivers clear information about what to do in a breakdown on a high-speed road, including smart motorways. This remains an ongoing campaign.

We worked with campaigners, recovery operators, the freight industry and others to ensure the messages addressed their concerns, and made use of high-profile television, radio, print and digital advertising. We also worked with social media influencers and partners to help highlight our safety messages and target different audiences.

We have set out here our advice for what to do in the event of a breakdown. This can also be found on our [website](https://www.nationalhighways.co.uk) at nationalhighways.co.uk.

If your vehicle has a problem, or you get into trouble on a motorway, stay calm and try to exit at the next junction or motorway service area. If that's not possible:

- *put your left indicators on*
- *move into the left lane*
- *enter the next emergency area, or hard shoulder*
- *put your hazard lights on*
- *get behind a safety barrier where there is one - keep well away from moving traffic*
- *call National Highways on 0300 123 5000, then a breakdown provider for help.*

	<p><i>If you are unable to exit your vehicle and get to a safe place, have stopped in a live traffic lane or feel your life is in danger:</i></p> <ul style="list-style-type: none"> • <i>stay in your vehicle with your seatbelts and hazard lights on</i> • <i>call 999 immediately or press the SOS button in your car.</i> <p>We have also co-ordinated a wider programme of road safety campaigns addressing issues which can lead to incidents. These included advice to drivers about the importance of carrying out vehicle checks before setting off, and about the dangers of tailgating. The campaigns were delivered through traditional, digital and social media.</p> <p>We worked with external stakeholders to launch England’s first major campaign in 2021 to raise awareness of the eCall or 'SOS' button function, which increasing numbers of newer cars come with and which can be used to call for help, by the driver or by the driver for someone else needing help, if a situation requires emergency services. This was on digital channels, including a dedicated campaign page on our website. The Highway Code (updated in September 2021), also now advises the use of eCall to contact the police and communicate a location directly to a 999 operator (rules 277, 279 and 283).</p> <p>In November 2022 we updated our eCall campaign, highlighting that the function can be used to help both the driver and passengers of a vehicle which has eCall, and to help other road users in difficulty. We also raised awareness of our campaign via the ‘Driving for Better Business’ programme. In April 2023 we delivered further eCall campaign activity. A video about eCall is available on YouTube.</p> <p>Overall, the campaign has seen an increase in the correct use of the eCall system of connected emergency services calls from 22% in 2020 to 59% in 2022. This statistic was verified by the British Association of Public Safety Communications Officials.</p> <p><u>Driving on motorways hub</u></p> <p>We launched a ‘Driving on motorways’ hub on our website in January 2022, which provides a central point for all our information and advice on motorway driving. The hub was launched alongside a multimedia campaign and radio day, with content featured on over 450 stations reaching over 6 million listeners.</p> <p>These activities were designed to reach drivers up and down the country to help provide a better understanding, and help increase their confidence, when travelling on all types of roads.</p>
4.	<p>DETAILS OF FURTHER ACTION PROPOSED</p> <p>National Highways remains committed to helping drivers and their passengers to feel safer and be even safer on all our roads. We will continue with our programme of road safety campaign activity, which is intended to provide important guidance to drivers to make journeys even safer, easier and more reliable.</p> <p>We will continue to work with stakeholders to raise road users’ knowledge of using eCall, so they can confidently use the safety feature if they are unable to leave their vehicle safely or if they see someone else needing help.</p> <p>In taking forward the 2021 TSC recommendations, the government announced in January 2022 it was committing £390 million to install over 150 additional emergency areas during the second Road Investment Period (2020-2025) on ALR motorways in operation and construction. This means drivers will have more places to stop if they get into difficulty. In comparison to January 2022 this will be around 50% more emergency areas, giving drivers added reassurance.</p>

	<p>National Highways will also continue to progress the remaining actions and recommendations from the government’s smart motorway stocktake (noting they do not directly affect this location), and also the TSC recommendations to continuously improve the safety of existing smart motorways.</p> <p>In line with our smart motorway stocktake annual progress reports, we will also continue to analyse the safety performance of smart motorways (including ALR) as part of our ongoing assessment of risks. Based on the findings we will consider whether we need to take additional action to further improve the safety of smart motorways.</p>						
5.	<p>TIMETABLE FOR ACTION</p> <table border="1"> <thead> <tr> <th data-bbox="344 573 572 611"><u>DATE</u></th> <th data-bbox="572 573 1337 611"><u>ACTION</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="344 611 572 741">2023 and 2024</td> <td data-bbox="572 611 1337 741">Publication of the Third Year Progress Report (2023) and a further report in 2024 to continue to look at smart motorway safety data.</td> </tr> <tr> <td data-bbox="344 741 572 1048">2025</td> <td data-bbox="572 741 1337 1048"> <p>Emergency area retrofit – over 150 additional emergency areas planned to be installed on ALR motorways currently in operation and construction, subject to governance.</p> <p>Retrofitting more emergency areas across the remainder of ALR motorways will be considered when formulating the 2025-30 Road Investment Strategy. This will be based on evidence of the potential benefits and considering whether the additional emergency areas help drivers to feel safer.</p> </td> </tr> </tbody> </table>	<u>DATE</u>	<u>ACTION</u>	2023 and 2024	Publication of the Third Year Progress Report (2023) and a further report in 2024 to continue to look at smart motorway safety data.	2025	<p>Emergency area retrofit – over 150 additional emergency areas planned to be installed on ALR motorways currently in operation and construction, subject to governance.</p> <p>Retrofitting more emergency areas across the remainder of ALR motorways will be considered when formulating the 2025-30 Road Investment Strategy. This will be based on evidence of the potential benefits and considering whether the additional emergency areas help drivers to feel safer.</p>
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6.	<p>SAFETY OF ROAD USERS</p> <p>The safety of everyone on all roads matters; it is an imperative for our business in what we set out to achieve and a core value of our organisation.</p> <p>Every death on our roads is a tragic loss of life and we again offer our deepest sympathies to all those affected by Mr Levett’s death.</p> <p>Although roads, especially high-speed roads, can never be risk-free environments, our priority is the reduction of road deaths and injuries on our network, and we want everyone who travels or works on any of our roads to feel confident and safe.</p> <p>This is why we invest in road safety initiatives and public awareness campaigns, to help prevent death and injury and to help give drivers the information they need to have safer journeys. This is in addition to information provided by other external stakeholders, for example The Highway Code.</p> <p>National Highways remains committed to continuing to improve safety and providing even more information that is accessible to drivers.</p>						
7	<p>SIGNED:</p> <div data-bbox="373 1711 679 1823" style="background-color: black; width: 192px; height: 50px; margin: 10px 0;"></div> <p>██████████, Director of Road Safety on behalf of ██████████, Chief Executive</p> <p>DATE: 12 June 2023</p>						