REGULATION 29 RESPONSE TO PREVENT FUTURE DEATHS

THIS RESPONSE IS BEING SENT TO:

The Area Coroner for Staffordshire, Emma Serrano, of Stoke Town Hall, Stoke on Trent, ST4 1HH.

1. **NATIONAL HIGHWAYS**

I am [redacted], Regional Director for the Midlands, National Highways Limited, The Cube, 199 Wharfside Street, Birmingham, B1 1RN.

National Highways was not an Interested Person at the inquest hearing held on 12 February 2025 and had not been invited to provide any evidence to assist the Area Coroner in her investigation prior to receiving the Regulation 28 PFD report.

On behalf of National Highways, I would like to express my deepest condolences to Mr O'Reilly's family and friends and those affected by his tragic death.

2. **CORONER'S MATTERS OF CONCERN**

The **MATTERS OF CONCERN** are as follows:

1. It was accepted at inquest that Mr O'Reilly was on an all lanes open motorway. This type of motorway has all lanes open for vehicles to use, and areas for vehicles to stop every 1.6 miles, but not areas in between.

2. It was accepted that there was no area for vehicles to stop should they need to, unless they were near to the refuge [sic] areas spaced 1.6 miles apart, and the all lanes open motorways were not monitored.

3. **DETAILS OF ACTION TAKEN**

1. All lane running motorways and places to stop in an emergency

All lane running (ALR) motorways add variable mandatory speed limits to control the speed and smooth the flow of traffic and increase capacity by permanently converting the hard shoulder into a running lane. ALR motorways feature emergency areas, which are places to stop in an emergency. These are in addition to motorway service areas and sections of hard shoulder, for example on slip roads. Radar stopped vehicle detection (SVD) technology is also in place on all operational ALR motorways.

This incident occurred on the M6 northbound between junction 11a and junction 12 which is a section of ALR motorway. It was constructed as part of the M6 junction 10a to junction 13 ALR scheme completed in February 2016.

This location complied with the design standards at the time (IAN/161) which required places to stop in an emergency at a maximum spacing of 2.5km (1.6 miles).

On this section of the M6 between junction 11a and junction 12 the distance between places to stop is 1.9km (1.2 miles).

In October 2020, a new standard was published (GD 301[1]) which requires places to stop to be provided at a maximum spacing of 1.6km (1 mile), and where possible 1.2km (0.75 miles). This standard would be used for all new ALR schemes from this date forward.

[1] https://www.standardsforhighways.co.uk/search/d908f9c2-cd47-4e96-b015-97b51e24c588

When a new standard is produced, National Highways is not funded to retrofit the Strategic Road Network (SRN) but to apply the new standard in any new works/designs. Currently, there are no plans for the addition of more emergency areas to this section of the M6 motorway.

Over the last 2 years, National Highways has been adding additional emergency areas to some ALR sections of motorway. We recently completed a nationwide programme to construct and install more than 150 additional emergency areas[2]. We prioritised locations where emergency areas could make the most difference and bring benefits to drivers. The M6 junction 10a to 13 was not included as one of the locations for additional emergency areas because after looking at the frequency of live lane stops alongside safety data, other locations were determined to be higher priority as emergency areas could make the most difference and bring benefits to drivers as soon as possible.

In addition to these formal places to stop in an emergency, in some locations it is possible for drivers, in the event of a breakdown, to access the verge to position their vehicle out of the live carriageway. There was approximately 180 metres of accessible verge prior to the collision location.

Advice regarding breakdowns and places to stop in an emergency is covered in the Highway Code rules 275 to 279[3].

2. Roadside technology in place on ALR motorways

The roadside technology currently used on ALR motorways, is made up of a system of different features so that there is no over-reliance on a single feature.

It includes:

- Stopped Vehicle Detection (SVD).
- Variable mandatory speed limits.
- Motorway Incident Detection and Automatic Signalling (MIDAS) to monitor traffic for changes in flows and speeds and automatically set signs and signals (speed limits).
- CCTV cameras to assist our operators to manage congestion and incidents, when notified.
- Signs and signals to alert drivers to hazards ahead and display Red X signals to close a lane(s), including when a stopped vehicle is identified.
- Enforcement cameras to enforce the mandatory speed limit and Red X compliance.
- Emergency areas set back from the road, with emergency telephones linking directly to our Regional Operations Centres.

All of the above features (including SVD) were in place on the M6 northbound between junction 11a and junction 12 at the time of this incident in June 2023. SVD detects stopped vehicles and alerts our Regional Operations Centres. 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, accompanied by reduced mandatory speed limits and deploying National Highways Traffic Officers.

[2] https://nationalhighways.co.uk/press/national-highways-completes-programme-to-install-more-than-150-additional-emergency-areas-on-smart-motorways/
[3] https://www.gov.uk/guidance/the-highway-code

Once we are notified of an incident, we can use CCTV to locate the incident and take appropriate actions. Notification can arise from various sources including the police, members of the public, SVD alerts and our traffic officers. Actions in response may include setting signs and signals and deploying resources, such as traffic officers. When resources allow, we carry out "virtual patrolling". This is the proactive use of technology to provide an overview of smart motorway sections, including emergency areas. Virtual patrolling is not a routine activity conducted in our control rooms.

Having reviewed our CCTV footage after the incident, we determined that Mr O'Reilly's vehicle was slow moving until approximately 30 seconds before the collision. Once stopped, SVD operated correctly in detecting the vehicle and triggered the automatic "Report of obstruction" message just after the HGV, that collided with Mr O'Reilly's car, passed the variable message sign. Therefore the HGV driver was not presented with this warning message.

3. Road safety / driver campaigns (including topping up fuel)

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 campaign ran until January 2023.

We have also co-ordinated a wider programme of road safety campaigns including our 'Top up, Rest, Inspect, Prepare' (T.R.I.P.) campaign which was launched in July 2023 where 'Top up' refers specifically to topping up fuel/charge prior to a journey on the Strategic Road Network. These campaigns are delivered seasonally with the messaging tailored specifically for the time of year. The media channel mix is integrated with traditional media such as radio and out of home (roadside billboards etc), digital and social media.

4. **DETAILS OF FURTHER ACTION PROPOSED**

We will continue the public education campaigns – pending government approvals, T.R.I.P and 'Know the HGV zones' will continue to be included in the paid media road safety communications investment in the 2025/26 financial year.

5. **TIMETABLE FOR ACTION**

DATE	ACTION
July 2025	T.R.I.P. – summer campaign. Focus will be on R (Rest) but all four messages will be communicated.
October 2025	T.R.I.P. – autumn campaign. Focus will be on I (Inspect tyres) but all four key messages will be communicated.
October 2025	Know the HGV zones.
December 2025	T.R.I.P. – winter campaign. Focus will be on P (Prepare) but all four key messages will be communicated.
Ongoing	T.R.I.P. – regular journey planning and incident prevention campaign. Working with partners including Halfords and Kwik Fit

Please note: paid for marketing is subject to government approval.

6. **SAFETY OF ROAD USERS**

	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. Every death on our roads is a tragic loss of life and we again offer our deepest sympathies to all those affected by Mr O'Reilly's death. 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. 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. Our latest analysis in our Fourth year progress report[4] continues to show that overall, in terms of deaths or serious injuries, smart motorways remain our safest roads. This is in line with the findings of our Second year and Third year progress reports. National Highways remains committed to continuing to improve safety and providing even more information that is accessible to drivers.
7.	**14 April 2025** **Signed:**   **Regional Director for the Midlands**

[4] https://nationalhighways.co.uk/media/mk5hcv3t/cre24_0128-smart-motorways-stocktake-4ypr-120325-final.pdf