

Surrey County Council's response to the Regulation 28 Report

On 27th March 2017 Mr Christopher Sutton-Mattocks, H.M. Assistant Coroner for Surrey, issued a report under paragraph 7(1) of Schedule 5 to the Coroners and Justice Act 2009 following the inquest touching the death of Ralph Ian Brazier ("the inquest").

The Coroner's concerns are as follows:

"Having heard evidence from a number of members of Surrey County Council, I am concerned that insufficient consideration is taken by the Council of the increasing number of cyclists on their highways, particular in relation to the categorisation of defects on the highway. I am particularly concerned that designated cycle lanes are given higher priority relating to a defect than a highway, despite the high number of cyclists using the highway rather than cycle lanes with closer proximity to traffic including heavy goods vehicles.

"The MATTERS OF CONCERN are:

- Surrey County Council has failed to take into sufficient account the fact that cyclists use the highways as well as cycle lanes in their priority categorisations.
- That the great number of cyclists, and the risks to them using the highways, particularly the nearside section, are not specifically considered when Surrey County Council are assessing the highways for repair.

"Re-consideration should be given to whether any steps, including changes to the categorisation of highway defects in light of the greater use of public highways by cyclists, can be taken to address the above concerns."

This is the response of Surrey County Council to that report and to the coroner's concerns set out therein.

Surrey County Council ("SCC"), as the highway authority, is responsible for the upkeep and maintenance of public highways within Surrey.

The total length of the highway road network is approximately 3,000 miles across which there are approximately 175 miles of designated cycle routes.

On average 70,000 reported defects on the highway are repaired each year.

SCC has published and applies a highway policy which includes a detailed inspection regime of the network and measurement criteria for the assessment and prioritisation of defects in the highway.

The current Highway Policy can be found at <https://www.surreycc.gov.uk/roads-and-transport/roads-and-transport-policies-plans-and-consultations/roads-and-transport-policies-and-plans/highway-safety-inspections-standards-and-procedures>

In formulating its highways policy SCC works in close partnership with Kier plc, which is responsible for undertaking the highway repairs. The aim is to maintain a policy that is compliant with the National Code of Practice and which enables the effective management of risk to the safety of all highway users across the whole Surrey network.

The Department of Transport publishes a Code of Practice which provides guidance and recommendations to highway authorities in the formulation of their highways policies.

The Code of Practice distinguishes types of highway, including the carriageway for general use (vehicular, pedestrian and cycle) and cycle routes. The Code acknowledges that cycle routes can form part of the carriageway or be separate from it.

The Code of Practice recognises that different factors and criteria apply to the assessment of the condition of the carriageway to that of designated cycle routes. SCC is satisfied that its current highways policy complies with the requirements set out in the Code of Practice. In particular the imposition of more stringent defect criteria on designated cycle routes is entirely in accordance with the advice and guidance provided by the Department of Transport.

The latest revision of the Code of Practice was published in October 2016 and in accordance with the revision of this national document SCC has begun a review of its highway policy. As part of this review SCC will also consider the Coroner's concerns and if and to what extent the inspection regime, including defect assessment and categorisation, should be amended. This will include for further analysis of the number of cyclists and differing use of the highway network by cyclists in Surrey. To allow for sufficient consideration of the revised national Code of Practice the authority has two years to make any amendments to their policies following its publication. On this basis the latest timescale for implementation of any changes to our Highway Policy will be September 2018.

In relation to the matter of assessment, highway inspectors, when assessing any defect in the highway, are required not only to apply the defect criteria set out in the policy but also to consider the particular circumstances of the locus including the potential danger created by the defect to all road users, cyclists as well as vehicle drivers. Cyclists are entitled to, and do, use all parts of Surrey's road network. Highway Inspectors take this into account when assessing potential defects. [REDACTED] the Highway inspector who identified the defect scrutinised at the inquest, gave evidence that he took into account the potential dangers to cyclists when he categorised the defect. SCC is satisfied that [REDACTED] assessment fully complied with its highway policy.

Inspector training requirements are set out in the Code of Practice and SCC is satisfied that it is compliant in this regard. To enhance the existing training regime SCC are preparing additional training for the highway inspectors in relation to the risk assessment for vulnerable users, which includes for cyclists. This additional training will be completed by the end of August 2017. Ongoing training requirements will be further reviewed following the completion of the review of the highway policy.

SCC are aware of the increased use of the network by cyclists within Surrey as a result of the London Olympics and Ride London and have implemented various measures to improve cycling safety in general. For example, SCC provide national standard Bikeability cycle training which teaches cyclists to ride away from the kerb; to avoid hazards, to improve their visibility to vehicle drivers, and to encourage vehicles to overtake as they would do other vehicles. SCC have also utilised the DriveSMART initiative to engage with sports cyclists using Facebook and recently carried out a cycling safety campaign which included messages to cyclists to ride away from the kerb and also messages to motorists to give cyclists room. The following link provides more information:
<http://www.drivesmartsurrey.org.uk/media-and-publicity-campaigns/cycling/>