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By email

[hmc coroner@durham.gov.uk](mailto:hmc coroner@durham.gov.uk)

Mr James E Thompson  
HM Assistant Coroner for County Durham and Darlington  
PO Box 282  
Bishop Auckland  
County Durham  
DL14 4FY

7th June 2019

Dear Mr Thompson

**Regulation 28 – Mr Shaun David Neal (Inquest 15 April 2019)**

Thank you for your letter and Regulation 28 Report dated 15<sup>th</sup> April 2019 which Terry Collins, Chief Executive, has asked me to respond to. This was a tragic accident and the Council wishes to express its sincere condolences to the family and friends of Mr Neal.

In accordance with Regulation 28 we have considered whether any improvements should be made to the section of A68 road to prevent future accidents and this letter is our response pursuant to Regulation 29.

**Site Investigation Following Fatal Accident Report**

The Council has an Accident Investigation and Prevention team and one of their roles is to investigate every fatal accident in conjunction with Durham Constabulary's Traffic Management Unit. Please find attached a copy of the report at Appendix 1. These reports are undertaken to help identify any defects or improvements to the highway infrastructure.

The report made the following observations / recommendations although it noted that they were not considered contributory factors in the accident.

No.	Observation / Recommendation	Action
1	As part of the general maintenance programme, at the earliest	An order was placed for the recovery of road markings in the vicinity of Hermitage Bridge.

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	convenience, refurbish the road markings showing signs of wear.	
2	Review the existing hazard marker provision with regard to level of deterioration and maintained conspicuousness during periods of vegetation growth. Replace posts, if required, and address any visibility concerns as part of the general maintenance programme.	Hazard marker posts were checked, and a works order placed to replace any defective posts.
3	Given the observations made in the visibility at junctions and bends section, determine the requirement for additional highway infrastructure such as supplementary road markings and upright signing.	A visibility survey was undertaken to determine whether a system of double white lines was required. Such a system was not identified as being justified.

A full review of the Council's accident report including further survey work has been undertaken. Accordingly, in responding to the 'Matters of Concern' that you raise in your report, we would comment as follows:

- It is acknowledged that in cases where a traffic accident has arisen from a vehicle overtaking another vehicle and, in so doing entering the opposing carriageway and colliding with an oncoming vehicle, the suggestion of a restriction to prevent overtaking at that location may have prevented the incident. This statement could be said for any location where an accident occurs arising from an overtaking manoeuvre and if restrictions were introduced because of such accidents, there would be a proliferation of restrictive measures throughout the highway network. It is therefore necessary to ensure that restrictions are only used where they are fully justified by an adherence to the national standards which have been developed to ensure the credibility of the restrictions, a consistent and appropriate usage;
- There is no mandatory requirement to introduce double white line systems on the road network therefore this discretionary decision rests with the Traffic Authority to make, who in turn would consult with the Police due to contravention of the lining system being an endorsable offence as per Section 36 of the Road Traffic Regulation Act 1988;
- The criteria for the use and design of double white line systems is given in Chapter 5 of the Traffic Signs Manual issued by the Department for Transport. This document was revised and reissued in 2019 and consideration of the request for the introduction of double white lines has been reviewed in accordance with the latest version of this document.
- Where double white lines are to be considered, the road should be surveyed in accordance with the procedure detailed in Chapter 5 Section 3.9.

- The road has been surveyed as detailed in the procedure. The survey of the location identified only a short length where visibility was impaired although this was below the criteria for the provision of a system of double white lines.
- Chapter 5, paragraph 3.1.2 states that where visibility is just above the minimum standard, but overtaking may nevertheless present a danger, the warning line to Diagram 1004 (hazard line) should be used.
- Chapter 5, paragraph 3.1.5 indicates that where forward visibility is less than the desirable minimum it does not automatically follow that double white lines should always be installed and that regard to the route should be part of the consideration. It goes on to suggest that it is important not to use the marking where the appropriate criteria are not satisfied, otherwise it will be brought into disrepute and eventually lose the respect of drivers.
- Chapter 5 paragraph 3.1.6 states that the emphasis should always be on not using double white lines except where they are clearly justified by the criteria on both the length in question and as part of the route as a whole.
- The A68 is a principal road through the County which is primarily rural in nature and follows the topography of the land through which it passes. Along the route there are sections of the road which have systems of double white lines provided although these are generally associated with the vertical profile of the road (hidden dips and long crests). Notwithstanding this, there are other locations along the route where forward visibility is impaired due to either or both the horizontal and vertical alignment which currently are not subject to double white line systems and where a hazard line is provided. The introduction of double white lines, particularly over short distances at sporadic locations along the A68 where visibility is slightly impaired is likely to lead to increased confusion amongst motorists as to where it is safe and where it is not safe to overtake. Provision at this location would be inconsistent with the rest of the route.
- An integral part of the assessment process is the consideration of the previous accident history along the section of road and the circumstances relating to any accidents which have occurred. There are no previous accidents over the last 10 years (the extent of available detailed data) relating to overtaking where visibility is impaired.
- Consideration has also been made regarding other guidance for motorists and, in particular Rule 127 of the Highway Code which describes a hazard line, stating do not cross it unless you can see the road is clear and wish to overtake or turn off. In addition, Rule 166 of the Highway Code indicates that a motorist must not overtake if there is any doubt, or where you cannot see far enough ahead to be sure it is safe. It goes on to give examples of a corner or bend, a hump bridge and the brow of a hill.
- It is concluded that the criteria for the provision of a system of double white lines has not been met and there is no previous history of overtaking accidents associated with impaired forward visibility at this location. Therefore, there is no

justification for the introduction of double white lines and the current provision of a hazard marking is considered appropriate and consistent with the rest of the A68 route.

Whilst it was not considered appropriate to introduce a system of double white lines at this location, it was noted during the survey that a number of hawthorn bushes contributed to the reduced visibility. An order for the removal of these bushes was subsequently made and they have since been removed. We have consulted with the Police Traffic Management Officer who is supportive of this decision.

Our condolences go to Mr Neal's family and friends on their tragic loss. I hope the above goes some way towards offering a considered response to your correspondence.

If you would like to discuss this matter further please contact [REDACTED] Traffic Asset Senior Engineer, on telephone number [REDACTED] or by email at [REDACTED]

Your sincerely



[REDACTED]  
Strategic Highways Manager

Enc  
Appendix 1

[REDACTED]