

Rev 0.1
30 April 2019

Introduction

This document sets out Trafford Council's policy relating to safety inspections of highways maintainable at public expense.

This policy is subsidiary to and supportive of other local and regional policies and the statutory duties imposed on the Council as a highway authority.

Local Policy Context

The Trafford Council Highway Infrastructure Asset Management Plan 2017-2026 (HIAMP) sets out the Council's asset management approach to maintaining the highway network. The HIAMP includes the Policy for Highways Asset Management. The Policy for Highways Asset Management includes the following policy objectives:

- Maintain roads in a safe and serviceable condition.
- Deliver road and transport infrastructure that seeks to meet the needs of Trafford's residents, visitors and businesses.
- To provide our road users with a reasonable level of confidence that their journeys on the highway will be predictable and timely.
- To ensure that the highway network is available and accessible, as far as possible.
- To progressively reduce the environmental impact of the highway asset for the benefit of all our road users.

Regional Policy Context

The Greater Manchester Transport Strategy 2040 includes the following related Greater Manchester-wide policies:

Reliable

11 We will seek to deliver measures, and put in place appropriate management systems, to improve the reliability of the transport network.
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Well Maintained and Resilient

12 We will work with partners to maintain the transport system to a good standard, adapt it and improve its resilience to the effects of climate change.
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Highways

19 We will work to improve and maintain the condition of our road network drawing on best practice.

Statutory Context

Section 41 of the Highways Act 1980 imposes a duty on the Council acting as highway authority, to maintain highways that are maintainable at public expense.

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Section 58 of the Highways Act 1980 provides a special defence in action against a highway authority for damages for non-repair of highway.

(1) In an action against a highway authority in respect of damage resulting from their failure to maintain a highway maintainable at the public expense it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic.

(2) For the purposes of a defence under subsection (1) above, the court shall in particular have regard to the following matters:—

(a) the character of the highway, and the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a highway of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the highway;

(d) whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway;

(e) where the highway authority could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant to prove that the highway authority had arranged for a competent person to carry out or supervise the maintenance of the part of the highway to which the action relates unless it is also proved that the authority had given him proper instructions with regard to the maintenance of the highway and that he had carried out the instructions.

Other Related Guidance

This policy has been developed in recognition of the risk-based approach advocated by Well-managed Highway Infrastructure published in October 2016 by the UK Roads Liaison Group and endorsed by the Department for Transport.

This policy has also been developed recognising the guidance offered by the Greater Manchester Highway Safety Inspection Framework published on 1st October 2018.

Associated Documents

This policy is supported by the Trafford Council Highway Safety Inspection Procedure 2019.

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Exclusions

This policy does not apply to the inspection of public rights of way.

Policy Statements

1. The Council will carry out safety inspections of the adopted highway network to identify defects which pose a risk of damage or injury to its users.
2. The Council will use a risk-based approach to the establishment of safety inspection frequencies. Principal Roads, Primary and Secondary Distributor Roads and roads on the designated Resilient Road Network in Trafford will all be subject to monthly inspections.
3. The Council will prepare, keep up to date and publish a map showing the safety inspection frequencies.
4. Safety inspections will be carried out on foot, unless it is deemed unsafe to do so.
5. The Council will use a risk-based approach to the categorisation of defects, such that a response time for repair reflects the severity of the defect.
6. The Council will implement a performance management regime to ensure that its contractors carry out repairs in accordance with agreed targets.
7. The Council will ensure that systems are in place to record the findings of safety inspections and the actions taken to repair a defect.
8. The Council will ensure that staff who carry out highway safety inspections are appropriately trained and are registered on the National Register of Highway Inspectors, maintained by the Institute of Highway Engineers.

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Withdrawn Documents

This policy supersedes and replaces the Trafford Council Highway Inspection Policy and Code of Practice for Highway Safety Inspections approved 29 October 2012, which is now withdrawn.

Review

This policy shall be reviewed no later than 5 years following its approval, or such earlier date as may be necessitated by a change to law or national guidance.

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