

In the Dock

Experiences of a Winter Services Manager

A personal memory by J Michael Taylor MBE

The work of a local authority highway maintenance engineer may be viewed as mundane but their decisions can impact the public and actions can be called into account in a court of law.

Michael describes one such event that started on a dark winter's night...





Ask anyone involved in Winter Services and they will tell you that snowstorms always occur at weekends. Indeed it was the consequences of such an event that was to cause me a great deal of distress and heartache over a two year period.

The forecast on Friday afternoon was broadly correct and 50mm to 100mm of snow fell overnight, mainly inland 15 miles from the coast and above 200 metres. In other words, it was a typical winter event for Northumberland.

I telephoned the office early on the Saturday morning to confirm all resources had been deployed. The storm had passed and as the problems were localised, snow clearing would continue as normal until the road network returned to a satisfactory condition. Everything seemed well under control.

A quick listen to the short wave radio in my car and a further telephone call later in the morning confirmed the teams were “on top of the situation” My next major decision would be early afternoon following receipt of the overnight forecast.

On downloading the forecast to the laptop at about 1.45pm it was clear what my actions should be – there was no ambiguity. The weather front had crossed the UK from west to east leaving a beautiful winter’s day, to be followed by a clear starry night and plummeting temperatures.

I telephoned the office to see how things were going and was not surprised to hear that the “great gritter in the sky” had got to work and the snow was clearing from road surfaces by the sun without much effort from the snow ploughs.

I instructed snow clearing to continue for a while longer followed by a precautionary salting of all designated routes and indicated a further overnight treatment would be required to ensure the network remained safe into the Sunday morning. At about 7pm I rang the nightshift controller to update him on the day’s events and confirmed that precautionary routes be salted overnight.

You may have already guessed what happened next – yes, the early morning telephone call we all dread. It came at about 1.30am. The nightshift controller said the police were attending a serious accident on an A class road. There was a great deal of ice on the road and the police were requesting a gritter. The quickest way of actioning this was for the gritter already on its designated route to attend, which arrived within 20 minutes.

The accident location on the rural A class road was at a height of about 350 metres and on part of the published designated salting network.



I'm sure I need not say what soul searching such events lead to. How serious are the injuries? What went wrong? How could the accident have been prevented? What could have been done differently?

Detailed information from site indicated that snow on adjacent farmland had continued to melt causing water to flow onto the adjacent road and wash off any salt before freezing as temperatures dropped after dark.

One person was in hospital with serious injuries and no doubt repercussions would follow as insurance companies pursued claims for damages and personal injury.

In due course, along with the night shift controller and day shift foreman, I drafted out statements for the County Council's Insurers. Copies of weather forecasts, gritting routes, instructions issued and all manner of other things were supplied until "the bundle", as the solicitors called it, amounted to the size of a small filing cabinet.

Months later, on a summer's evening, the "traffic expert witness" employed by the County Council's insurer came to discuss the circumstances surrounding the event. I recall that it was about 4pm on a Friday evening when he arrived and I was still at my desk at 8pm. Who says that a job in highway maintenance is 9am to 5pm?

Nearly 2 years after the incident a date was set for a court hearing. The County Council's insurers had set aside quarter of a million pounds against the possible liability. The County Council witnesses were to be the night shift controller and myself.

On arrival at the court we were briefed on the process by the County Council's insurance barrister who indicated that the trial was likely to last for 4 days.



I have to say my heart sank when I saw the claimant who walked with a stick and was clearly not fully recovered.

The first witnesses were people who had been in the locality near the time of the accident. One indicated that conditions were treacherous and they had to drive very slowly. Another said they thought the road was very rarely gritted.

Each ‘side’ called their experts who differed in opinion as to the collision speed and other mechanical details of the claimant’s vehicle.

On the evening of the third day, during the barrister’s debriefing, I was asked if it would be possible for the driver of Saturday’s precautionary route to attend the court. This I put in motion and he attended the court, accompanied by his union representative, the following morning. It was clear he had no recollection of the day preceding the accident and the barrister thanked him for attending but confirmed, much to his relief, that he would not be called.

By day three it was clear the case's progress was slower than originally planned and the judge asked barristers of both sides for their anticipated programmes. As the judge had other commitments on the following Monday the case might have to be adjourned.

It was Friday morning when I was called. There is no logic to the way a barrister cross examines a witness – they seem to probe for a weakness, asking about a detail on one document, while at the same time, referring to another elsewhere in the 'bundle'.

One question that stood out in my mind was “why was an A class road not treated before others”? I explained the objective in pre-treatment was to ensure the salt was in place before the anticipated event and that indeed the 'A' road in question carried far less traffic in winter than some urban estate roads – road classification not necessarily reflecting traffic usage.

Another question was “How could I be sure the pre-salting had been carried out on the Saturday evening prior to the accident”? My reply was somewhat robust when I indicated that all staff realised the importance of their work, that they lived in the local community and many of their children attended local schools – there was no way, in my opinion, they would not undertake the allocated task.

Questioning, or should I say probing, continued and I was asked, in what appeared random fashion, about thermal mapping, road side weather stations, salt spread rates, gritting routes and other things in an unending stream.

However, by Friday they were still not finished with me! The Court stood adjourned for an indefinite time. In the barrister's debriefing I was told that, technically speaking, I was still in the dock and should not speak to anyone about the case, which would resume within 3 to 10 weeks time.

The case resumed in just over 3 weeks but this time we travelled to Teesside where the judge was sitting. I took the box, being reminded I was still on oath. “No further questions”, the claimant’s barrister said. What a let-down, but also genuine relief, given my previous experience with cross-examination.

The case was quickly concluded and the judgement followed a few weeks later.

The judge found in favour of the County Council, and whilst I have utmost sympathy for the accident victim, I take some comfort in one of the judge’s conclusions, in which he said he was most impressed with the “efficiency of the winter services operation”.

Thanks to J Michael Taylor MBE, CEng, MICE, FICHT, for preparing this article.

All opinions in this article are the author’s own. The events recalled are not contemporary.

