

Highway defects

A guide to Cambridgeshire County Council's responsibility under Highways Legislation and for loss or damage caused by defects on the Highway.

INTRODUCTION

Cambridgeshire County Council is responsible for 4051 km of highway within Cambridgeshire. Damage to vehicles or personal injury caused by defects on the highway is regrettable. Cambridgeshire County Council endeavours to minimise the likelihood of these as far as possible within its limited resources. As highway authority the County Council is required to maintain the highways of Cambridgeshire to a standard appropriate to their status and use. Inevitably this standard may not always meet the high levels some may expect! Please note the Highways Agency are responsible for the M11, A14, A1(M), A1, A11, A47 and A428.

OUR DUTIES

Section 41 of the Highways Act imposes upon the County Council the duty to maintain highways. To ensure that our obligations are met the County Council has in place a system of inspection for roads and footways.

The frequency of inspections varies, dependent upon the classification of the road/footways. When a defect is identified at an inspection or otherwise reported, necessary repairs will be carried out.

IF YOU SUFFER AN ACCIDENT

If you have an accident that was contributed to by a defect in the highway you may be able to claim reimbursement of your losses if you can prove that the County Council has failed in its duties.

Before deciding to claim please carefully consider the following sections of this leaflet.

THE LAW AND YOU

In law, for a claim against a highway authority to succeed, it is necessary for the claimant to prove that

- the highway in question has not been maintained appropriately with regard to its importance and use and was therefore dangerous
- this was the direct cause of their accident.

If these can be proved then it is for the highway authority to demonstrate that it took all reasonable steps to ensure the highway was safe. In practice, this means that all inspections and repairs carried out form the basis of the authority's statutory defence against any claim under the Highways Act 1980. From past experience, the majority of highway claims against Cambridgeshire County Council have been successfully defended.

IF YOU DECIDE TO CLAIM

If you decide to claim you will need to provide full details in writing of the following:

- exact location of incident
- time, date and weather
- direction of travel, by foot or vehicle
- sketch of incident location
- detail of damage* or injury suffered
- why you believe the highway authority is responsible for your accident

For vehicle claims you may also need to provide:

- proof of vehicle ownership
- copy of current MOT and Insurance Certificate
- date of last service
- any other relevant factors

* for vehicle damage claims you will need to provide 2 independent estimates for repair (unless repair was required immediately, e.g. broken windscreen)

For personal injury claims, you will need to supply your NI number, date of birth and also earnings details if your claim involves loss of earnings.

WE WILL

When we receive your claim we will:

- acknowledge receipt, and indicate if we have adequate information to investigate the claim within 21 days
- produce sufficient evidence to refute the claim, or alternatively, accept the claim within a further 90 days.

If the incident has occurred as a result of works carried out on the highway by a utility company or contractor then your claim may be against them and not the highway authority.

SHOULD I CLAIM?

Please think carefully before making a claim.

The road network must be managed and maintained as cost effectively as possible. The County Council's policy excess is £100,000, therefore any successful claims are paid out of County funds. The cost of processing unsuccessful claims is a drain on staff time and diverts resources from front line services.

Your insurer may be able to help. Or you may decide not to claim. This will help us spend more money on actually looking after the roads, keeping them safe for you and other residents and visitors.

Postal Address:

East Highways Division

Stirling Way, Witchford, Ely CB6 3NR
Telephone 0345 045 5212

Fenland Highways Division

Hereward Hall, County Road, March PE15 8NE
Telephone 0345 045 5212

West Highways Division

Stanton House, Stanton Way, Huntingdon PE29 6XL
Telephone 0345 045 5212

South Highways Division

Station Road, Whittlesford, Cambs CB2 4NL
Telephone: 0345 045 5212

Street Works Inspector: 0345 045 5212

Traffic Delays and Street Works information
Email: highways@cambridgeshire.gov.uk – (for non-urgent enquiries)

Traffic Signals Hotline: 0345 045 5212

Fax: 01223 718538 between 8am and 5pm

Accident and Traffic Data: Telephone: 01223 715499

Highways Agency is responsible for Trunk Roads - contact:

Information Line: Telephone 08457 50 40 30

Email: www.highways.gov.uk

Postal Address:

Heron House, 49-53 Goldington Road, Bedford MK40 3LL

'Help us help you'

Tell us about defects or potential hazards by contacting the Highway Maintenance departments above or alternatively via our website:

<http://www.cambridgeshire.gov.uk/sub/eandt/highways/index.htm>

Contact us if you would like a copy of this leaflet on audio cassette or in Braille, **large print** or other languages.

This leaflet was produced by: Environment & Transport, Cambridgeshire County Council, Castle Court, Castle Hill, Cambridge CB3 0AP www.cambridgeshire.gov.uk