

HIGHWAYS ENGLAND CUSTOMER CONTACT CENTRE
CALL REFERENCE: 18277600

To:

[REDACTED]

Also Advised:

[REDACTED]

Area
Team:

M40 - DBFO

Callers Details: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] eMail: [REDACTED]	Motorway/Trunk Road Details: M/way,TR : M40 Junction : J10 Nr. Town : J10 exit slip Direction: Northbound
Date and Time of Journey (if known): 16 September 2016	Call details last saved: 1 November 2016 12:49
Reply to Customer by: Phone	(for CCC Use only)
Comments/Remarks: Caller is enquiring about claiming against HE in regards to the following: (Please remember to fill in the route details above and all of the incident details below. A Postal Address is needed in all cases) Nature of Incident / What caused the damage?: Pothole - but has since been filled in Further location Details: Marker post/Land Marks/distance from junction: Lane travelling in: Lane 1 Vehicle Details: VRN: [REDACTED] Make: VW Model: Golf Damage sustained to vehicle: Damaged ally wheel and suspension damage Could the hazard pose a current threat to other road users? If so, notify the RCC: RCC reported to: Not reported but since has been filled in Fwd to [REDACTED] Initial: HP 01/11/16	

Please advise the CCC, quoting the Reference 18277600 when the call has been satisfactorily resolved by clicking on [this link](#).

[REDACTED]
Customer Operations
3 Ridgeway
Quinton Business Park
Birmingham
B32 1AF

**HIGHWAYS ENGLAND CUSTOMER CONTACT CENTRE
CALL REFERENCE: 18277600**

GTN

FAX

Tel 03001235000

01 November 2016

From: M40 Enquiries [REDACTED]

Date: Wednesday, 30 November 2016 07:52

To: [REDACTED]

Cc: [REDACTED]

M40 Enquiries [REDACTED]

Subject: Closed Call Ref:18277600

Dear [REDACTED]

Thank you for contacting the Highways England Information Line. Your enquiry has been forwarded to Carillion Highway Maintenance who is responsible, under contract to UK Highways Ltd., for the Operation and Maintenance of the M40 Motorway from Junctions 1-15.

We would like to clarify the legal position about the maintenance of roads and footways. The Secretary of State for Transport is the highway authority for all trunk roads in England (including motorways) of which the M40 is one. Section 41 of the Highway Act 1980 imposes upon highway authorities a duty to maintain their highways and to have regard to the safety of all highway users. Section 58 of the same Act provides a defence for the highway authority in an action for damages where it is alleged that injury or damage resulted from an authority's failure to maintain its highway, provided that it can prove that it took all reasonable measures to ensure the highway was not dangerous to traffic or pedestrians.

Whilst Carillion were most concerned to learn of your incident, however our enquiries do not show that there has been any negligence on our part. Carillion carries out safety inspections on a weekly basis to ensure that the road network is safe for our road users. In addition, we also carry out daily patrols of the network to check for immediate safety issues. Our records show that the last patrols carried out at this location prior to your incident was undertaken on the 15th September 2016 at 09:45, and again on 16th September 2016 at 11:01.

Under the terms of Section 58 of the Highways Act 1980, the highway authority is required only to take reasonable precautions to ensure that the highway is maintained to a safe standard. Carillion has fulfilled their obligations in this respect by virtue of our regular inspections, and therefore Carillion is unable to accept liability for the damage to your vehicle.

Yours sincerely,

On Behalf of Carillion Highway Maintenance

Carillion Highway Maintenance

M40 DBFO J1-15

[REDACTED]



We care | We achieve together | We improve | We deliver



Please consider the environment before printing this e-mail

This e-mail transmission, including any attachments, is confidential to the intended recipient. It may contain privileged and confidential information. If you have received this e-mail in error, please delete it and notify the [REDACTED]. You must not disclose its contents to anyone, retain, copy, distribute or take action in reliance upon it.

Carillion may monitor outgoing and incoming e-mails. By replying to this e-mail you give your consent to such monitoring.

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