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SM/LM

15 February 2013

Coroners Court of Victoria
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Dear Madam

INVESTIGATION INTO THE DEATH OF ELAINE O'DRISCOLL

We write in response to Court Reference Number 2213 / 2011 in relation to the death of Elaine O'Driscoll on 18 June 2011.

Swan Hill Rural City Council is responding to Recommendations 1, Pursuant to section 72(2) of the Coroners Act 2008.

As a result of this we have attached a report. Should you have any further queries please do not hesitate to contact me on 5036 2385 or via email: smatthews@swanhill.vic.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Steve Matthews".

Steve Matthews
Acting Director Infrastructure

Response to Coroners' Recommendations Regarding Kenley Road

Introduction

On 23/11/2012 Swan Hill Rural City Council received a Coroners' Report and Recommendation regarding the death of Elaine O'Driscoll in a vehicle accident on Kenley Rd. (Doc Id 423547).

In the report the Coroner states "It appears clear that driver error caused the collision...", nevertheless the Coroner recommended "That the Swan Hill City Council engage with VicRoads and the local horticultural industry to review the need for road infrastructure upgrades in areas adjoining large horticultural developments to appropriately manage the potential conflict between freight vehicles and passenger vehicles transporting workers."

After receiving this recommendation Council representatives met with VicRoads representatives at the Municipal Offices in Swan Hill on 9/1/2013 and with industry representatives on 13/2/2013. As a result of these meetings and a site inspection and investigation by a Council Officer the following report has been prepared.

Description of the Accident

The accident occurred on Kenley Road approximately 600m from the Murray Valley Highway intersection. At this location the road has a 3.9m wide spray seal and 2m wide gravel shoulders on both sides and the road is straight. There is a bend in the road at 800m to 900m from the intersection.

According to the Coroners' report the passenger vehicle wholly or partially left the seal in order to pass an oncoming truck and the driver lost control of the vehicle on the gravel shoulder and the vehicle rolled twice. Elaine O'Driscoll was not wearing a seat belt at the time and was thrown from the vehicle resulting in her death.

Inspection and Maintenance Regime

Roads under Council's control, including Kenley Road, are maintained in accordance with Council's Road Management Plan (RMP). The frequency of inspections and the maintenance standards vary from road to road depending on the type and volume of traffic and the environment surrounding the road. Kenley Road is classified under the RMP as a primary access road and bus route with less than 100 vehicles per day traffic volume and has a maintenance category of 3.

Maintenance Category 3 roads are inspected twice per year, once during daylight hours and once at night. Records in the Reflect database regarding requests, inspection, defects and accomplishments for the 12 months prior to the accident for Kenley Rd are tabulated below.

Request No.	Date	Description
RN5530	4/3/11	T intersection sign missing and Give Way sign obscured.
Inspection #	Date	Description
IN2052	21/3/11	Special for RN5530 No defects found
IN1451	19/7/10	Routine night No defects found
IN951	15/12/09	Routine day Found defects DN9706 to DN9712 incl and DN13875 to DN13881 incl
Defect No	Date	Description
DN9706	15/12/09	Edge break Repaired AC4624
DN9707	15/12/09	Edge break Repaired AC12598
DN9708	15/12/09	Edge break Repaired AC12599
DN9709	15/12/09	Pothole Repaired AC4627
DN9710	15/12/09	Pothole Repaired AC12601
DN9711	15/12/09	Edge break Repaired AC4629
DN9712	15/12/09	Edge drop off Repaired AC12484
DN13875	15/12/09	Edge break Repaired AC12597
DN13876	15/12/09	Edge break Repaired AC4625
DN13877	15/12/09	Edge break Repaired AC4626
DN13878	15/12/09	Pothole Repaired AC12600
DN13879	15/12/09	Pothole Repaired AC4628
DN13880	15/12/09	Edge break Repaired AC12602
DN13881	15/12/09	Edge drop off Repaired AC4227

As can be seen from the above table all known defects occurring in the 12 month period prior to the accident have been repaired and all of the repairs were undertaken prior to the date of the accident.

Road Construction Standards

Council's road construction standards are set out in our Road Asset Management Plan (RAMP). The standards vary from road to road depending on the classification of the road, the type and volume of traffic and the environment surrounding the road.

Kenley Road is classified under the RAMP as a primary access road, bus route and a road in a horticultural area with less than 100 vehicles per day traffic volume and therefore has a construction standard designated as S4.1, a 4.1m wide seal with 2m wide gravel shoulders.

If the surrounding area was not horticultural but all else was the same the construction standard would be G8.2, an 8.2m wide gravel road. However, Council has a policy of sealing roads in horticultural area for dust suppression to assist growers in obtaining quality assurance certification for their produce. The current 3.9m seal is considered to be sufficient for dust suppression purposes and the road is therefore deemed to comply with the construction standard of S4.1.

The 0.2m shortfall in width is not considered to be significant in the circumstances of the accident.

Meeting with Horticultural Industry

The horticultural industry meeting was attended by Swan Hill Rural City Council and representatives of horticultural businesses operating in the Kenley Rd area.

Discussion occurred around the suitability of Kenley Rd and Coghill's Rd (an unsealed extension of Kenley Rd) for use by large trucks and passenger vehicles. Although it was recognised that driver error was the official cause of the fatality in question the following points were made regarding the road condition and general road use:

- Seasonal labour drivers are often overseas born and are not experienced in Australian road conditions
- They may or may not be in possession of current Australian drivers licenses
- High seasonal labour turnover combined with language barriers can mean that training/education on safe driving is not a viable option
- The roads can be very busy with a combination of seasonal labour, campers, local owners and residents and produce transport vehicles
- Overhanging vegetation can limit road visibility
- Conditions of sections of road verges are corrugated and difficult for inexperienced road users
- The unsealed nature of Coghill Rd makes it difficult for road users and in particular inexperienced drivers to drive safely
- Accident 'near misses' are a regular occurrence
- Greater maintenance in particular of Coghills Rd is desirable

In response to these points Council will endeavour to undertake increased vegetation removal, take remedial action on deterioration of road verges particularly on road corners and place a road counter on Kenley Rd to determine traffic numbers. Numbers and types of vehicles using the road will influence future spending on improvements to Kenley Rd. Local businesses offered to provide information on accident 'near misses' to Council.

Meeting with VicRoads

As a result of the meeting Council has reaffirmed its commitment to continue working collaboratively with VicRoads to identify and prioritise risk mitigation measures to improve and/or enhance road user safety.

In addition, heavy vehicles are only permitted to travel on roads for which a general exemption applies or where an individual permit has been granted. The road on which this crash occurred did not have a general exemption and VicRoads was not able to determine whether an exemption permit may have been issued to the B-double in this matter.

Swan Hill Rural City Council does not have a delegated authority to issue permits exempting vehicles that exceed prescribed mass and dimensions to travel on local roads. That delegation rests with VicRoads.

At our meeting with VicRoads, it became apparent that during 2012, while heavy vehicle operators had sought and obtained consent from Council to operate a B-Double vehicle on Kenley Road, some of these operators had not obtained a VicRoads permit.

Council is committed to work with the VicRoads to ensure that an applicant seeking a permit for exemption to travel on a local road fully understands the process to be followed in order to acquire a valid permit from VicRoads before being allowed legal access onto a restricted local road.

Accident Statistics

Throughout the Swan Hill Municipality including both state and local roads there is an average of approximately 40 casualty crashes per year including an average of 3 fatalities per year. Approximately 35% of casualty crashes involve vehicles running off the side of the road on straight roads and a further 10% leaving the road on a curve. With a total length of road of approx. 3,900km this represents approximately 1 casualty crash per year per 100km of road.

In recognition of the predominance of accidents of a similar nature to the subject of this report the Swan Hill Rural City Council's Road Safety Plan Sept 2012 recommends a number of actions including improving road surfaces, shoulder sealing, edge lining, delineation, warning signs, rumble strips, maintaining safe clear zones, removing roadside trees, installing crash barriers and the promotion of the wearing of seat belts.

Council is currently investing approximately \$200,000 to widen 2km of narrow sealed roads each year.

