

## **SCRUTINY REVIEW PANEL ON ROAD SAFETY MEASURES**

**14 JANUARY 2010**

### **REVIEW OF LEICESTERSHIRE COUNTY COUNCIL'S POLICY FOR THE USE OF BLIND-SPOT MIRRORS ON THE HIGHWAY**

#### **BRIEFING NOTE OF THE DIRECTOR OF HIGHWAYS, TRANSPORTATION AND WASTE MANAGEMENT**

##### **Purpose of Briefing Note**

1. To provide the Panel with research carried out into the use of blind-spot mirrors on the highway, further to the request of the Scrutiny Commission on 1 September 2009 that 'the matter of the use of blind-spot mirrors be considered within the context of the wider review of road safety measures.'

##### **Policy Framework and Previous Decisions**

2. The County Council has a policy of not allowing the provision of blind-spot mirrors in the highway. This policy was established in December 1975 by the Highways Subcommittee, and was reaffirmed in March 1998 by the Transportation and Waste Management Subcommittee.
3. A petition was presented to the Environment Overview and Scrutiny Committee on 16<sup>th</sup> April 2009 requesting that Leicestershire County Council revoke its policy preventing the use of blind spot mirrors. The Director of Highways, Transportation and Waste Management provided a response to this petition at the Scrutiny Commission meeting of 1<sup>st</sup> September 2009, recommending that the County Council's policy of not providing mirrors on the highway should remain unchanged.
4. As the Council's policy on the use of mirrors in the highway is somewhat dated, the Commission decided that an investigation into this subject would be beneficial, and that the use of mirrors on the highway should be considered within the context of a wider review of road safety measures.

##### **Background**

5. The County Council has a long held policy not to allow the use of mirrors on the highway. There is no evidence to suggest that mirrors have a positive contribution to road safety, and concerns relating to maintenance and liability in the event of an accident are widely documented.

6. Across the country, many other authorities do not support the use of mirrors in the highway. This is due to a number of safety issues which may arise from their use, notably:
  - a. Distortion of reflected image;
  - b. Glare from sunlight or headlamps;
  - c. Ineffectiveness during bad weather (rain, snow, frost);
  - d. Difficult to judge speed of an approaching vehicle from a mirror image;
  - e. Maintenance issues – mirrors are prone to vandalism and may also require constant realignment to ensure effective reflection of approaching vehicle;
  - f. Reliance on the mirror's restricted image may compromise the safety of other road users (pedestrians and cyclists) whose image does not appear in the mirror.

### **National Guidance**

7. Mirrors are classified as a type of road traffic sign. As they are not prescribed in the Traffic Signs Regulations and General Directions (TSRGD), their use on the highway is subject to special authorisation by the Department for Transport (DfT)<sup>1</sup>.
8. All requests for special authorisation to enable the placement of a mirror in the highway are assessed by the DfT in accordance with their Internal Advice Note 3/81 (amended 1996). The DfT has advised that this is a current document.
9. The DfT does not encourage mirrors on the highway, and this is clearly reinforced through their stringent assessment criteria. Special authorisation will only be considered for junctions in rural/semi-rural locations where visibility is virtually nil. As a rule, there will also be evidence of accidents related to poor visibility and high speed crossing traffic at locations where a mirror is being requested.
10. Ultimately, the responsibility for deciding whether any road traffic sign or mirror is needed to maintain safety at a particular location rests with the appropriate local authority. If the authority is satisfied that the location meets the criteria set out by the DfT, is able to demonstrate that visibility cannot be improved by other means (such as the removal of vegetation), and is satisfied that the inherent drawbacks (see 6 (a-f)) will not outweigh benefits to road users, then the DfT will consider authorisation for the use of a mirror at that particular location.
11. Special authorisations are normally granted by the DfT for a trial period of 12 months, after which a local authority is required to either remove the mirror or apply for the mirror to be erected on a permanent basis. All applications for the permanent erection of a mirror must be submitted to the DfT, along with the following information:
  - a. Details of the mirror's effectiveness in all weathers;
  - b. Any complaints from motorists that the mirror is confusing;
  - c. Any report of difficulty by a driver in judging both the speed and distance of reflected vehicles;
  - d. Any problems with glare or sunlight;
  - e. Any report of damage by an accident or vandalism;
  - f. Whether it has been necessary to clean the mirror during the last 12 months.

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<sup>1</sup> Prior to 1<sup>st</sup> April 2008, special authorisations were delegated to the relevant Regional Government Offices by the DfT.

## Evidence from other Local Authorities

12. A survey of local highway authorities was carried out in November 2009 to identify which authorities permit the use of mirrors on the highway. Out of 123 local highway authorities in England, 53% do not allow the use of mirrors on the highway, 23.5% do permit mirrors on the highway (subject to authorisation). 23.5% did not respond.
13. A list of special authorisations granted by the DfT and Regional Government Offices for the period 1<sup>st</sup> April 2003 – 1<sup>st</sup> October 2009 has been obtained Under the Freedom of Information Act. Within the last 6½ years, 31 mirrors have been authorised for use on the highway. These are listed in Table 13.1:-

<b>Table 13.1: Special Authorisations granted for the placement of mirrors in the highway</b>		
<b>Period</b>	<b>Overseeing Organisation</b>	<b>Number of Authorisations</b>
1 <sup>st</sup> April 2008 – 1 <sup>st</sup> Oct 2009	Department for Transport	3
1 <sup>st</sup> April 2003 – 31 <sup>st</sup> March 2008	Government Office for the North West	6
	Government Office for the North East	2
	Government Office for the South West	0
	Government Office for the South East	6
	Government Office for the East Midlands	0
	Government Office for the East of England	3
	Government Office for Yorkshire and the Humber	9
	Government Office for the West Midlands	2
	Government Office for London	*
<b>Total</b>		<b>31</b>

\* Responsibility the authorisation of non-prescribed traffic signs was transferred from the Government Office for London to the DfT in 2000 following the creation of the Greater London Authority (GLA).

## Road Safety

14. It is difficult to quantify the road safety benefits of a convex traffic mirror due to the absence of detailed research on this subject. Consequently, many local highway authorities discourage or even prohibit the erection of mirrors on the Public Highway. Where mirrors have been erected without the permission of the relevant authority, it is impossible to keep an up-to-date inventory of traffic mirrors on the highway.
15. On 24<sup>th</sup> March 2005, the Secretary of State (SoS) for Transport was asked to respond to a question asking what assessment his Department had made upon the impact of installing convex mirrors at blind junctions on the level of road accidents <sup>2</sup>. The response was as follows:

*“The Department has made no overall assessment of the impact convex mirrors have had on road accidents. The Department's view is that the use of traffic mirrors presents more disadvantages than benefits and their use on public roads should be considered only in exceptional circumstances if no better solution is available”.*

<sup>2</sup> [http://www.publications.parliament.uk/pa/cm200405/cmhansrd/vo050324/text/50324w07.htm#50324w07.html\\_sbhd5](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/vo050324/text/50324w07.htm#50324w07.html_sbhd5)

16. Using the current national road accident reporting system (STATS19), it is extremely difficult to establish whether the installation of a mirror has contributed to a road traffic collision or indeed, whether a collision may have been avoided had a mirror been installed on the highway.
17. A mirror has the potential to contribute towards a road traffic collision; it may be struck by an errant vehicle or affect the ability of a driver to accurately judge the prevailing traffic conditions. However, there are no provisions on the STATS19 form to note specifically whether a mirror (or absence of) has contributed to a traffic collision, hence quantifiable data is currently unavailable in this respect.
18. There is scope on the STATS19 form to note in the '*additional comments*' section whether a traffic mirror was noted at the site of the collision. However, it would be particularly onerous to filter this information on a national scale.
19. A study of traffic collisions on Leicestershire's roads has been carried out in order to assess whether a mirror could potentially enhance road safety at specific locations. This study primarily focused upon private driveways or entrances in rural areas, and the results are summarised in the following tables:

*All accidents at Junctions:*

	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Urban	669	640	531	566
Rural	391	539	356	293
<b>Total</b>	<b>1060</b>	<b>999</b>	<b>887</b>	<b>859</b>

Table 19.1

*of which, accidents using private drive or entrance:*

	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Urban	92	82	84	72
Rural	33	38	44	31
<b>Total</b>	<b>125</b>	<b>120</b>	<b>128</b>	<b>103</b>

Table 19.2

*of which for rural private drive or entrances where vision has been recorded as obstructed by vegetation, road layout or buildings:*

	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Vegetation	0	<b>1</b>	0	0
Road Layout	<b>3</b>	<b>3</b>	0	0
Buildings	0	0	0	0

Table 19.3

**(Note:** In Tables 19.1 and 19.2, 'Urban' means roads with speed limit of 40 mph or less; 'Rural' means roads with a speed limit of 50 mph or more).

20. The 7 accidents in Table 19.3 have been investigated in more detail to ascertain whether a mirror would have a positive impact upon road safety. Upon reviewing the circumstances and contributory factors, it appears from the evidence that a mirror would not be considered useful at any of these locations.

## **Proposals/Options**

21. The options arising from this research are as follows:

### *21.1. Retain LCC policy for not allowing use of mirrors on the highway*

There is insufficient evidence to suggest that mirrors have a positive contribution to road safety, and their use is strongly discouraged by the Department for Transport. A review of road traffic accidents from 2005 concludes that a mirror would not be of benefit at any of those collision sites which meet the criteria for installation set out by the DfT.

### *21.2. Amend LCC policy to permit use of mirrors on the highway*

Although actively discouraged by the DfT, some authorities choose to allow mirrors to be erected on the highway. If LCC is to revise its policy and permit the use of mirrors on the highway, it cannot be proven that the cost of doing so will have a positive effect upon road safety.

Careful consideration should be given to the potential liability implications of placing a mirror on the highway in the event of it being noted as a contributory factor in a traffic collision. A mirror that is slightly misaligned, is obscured by frost, rain or glare, or is damaged in any way will produce a distorted image and could detract from the potential benefits that a mirror has been adjudged to generate at a specific location.

Traffic mirrors require regular inspection to ensure that they are correctly aligned and therefore reflecting the desired image. Regular cleaning is also required to ensure that the mirror is free from dirt or graffiti, which may also distort the image reflected by the mirror.

As a mirror is normally erected for a trial period of 12 months, it will have to be removed from the highway unless an extension is granted by the DfT. If a mirror is retained on the highway for a period greater than that authorised by the DfT, the Council could be held liable should the mirror be cited as a contributory factor in a road traffic collision by failing to remove an unauthorised sign from the highway.

## **Resource Implications**

22. There are no resource implications associated with the retention of LCC's policy on prohibiting the use of mirrors on the highway.
23. If LCC is to revise its policy to permit the use of mirrors in the highway, this may lead to an increase in the number of requests received by the area offices and subsequent amount of officer-time spent assessing each application.
24. In addition to the installation and maintenance costs of installing a mirror, each application will be subject to the submission of evidence to the DfT for consideration. Evidence will include site visit observations, review of the accident history and consideration of alternative measures to improve visibility at the area in question. Prior to the installation of a mirror, information from Statutory Undertakers shall also be requested in order to ensure there are no underground services in the vicinity of where the mirror is proposed.

25. Some authorities choose to pass on the cost of submitting an application to the DfT for authorisation and for the subsequent cost of installing a mirror onto the applicant. For example, Telford and Wrekin Council currently charge the applicant in the region of £475. Alternatively, the cost for this will be borne by the authority.

### **Conclusions**

26. Further research into the use of mirrors on the highway has reaffirmed the notion that their installation has no proven benefit in terms of road safety. Upon reviewing the collision data for the County, the use of a mirror at any site where a mirror may be authorised by the DfT was not thought to be of any benefit.
27. The financial cost of submitting an application to the DfT for the use of a mirror in the highway, coupled with the cost of obtaining information from Statutory Undertakers and subsequent installation, maintenance and removal (after 12 months) of a mirror outweigh any proven benefit of such feature.

### **Recommendation**

28. In light of the further investigations carried out with respect to the use of mirrors in the highway, it is advised that Members review the information presented in this briefing note with a view to making recommendations for inclusion in the Panel's final report.

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