

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES  
BY THE DEPUTY OF ST. MARY  
ANSWER TO BE TABLED ON MONDAY 19th JULY 2010**

**Question**

Following his written answer 5515 on 6th July 2010, in which the Minister advised that 11km of highway was of high priority for maintenance, can he explain what that means and advise whether there are cost implications and/or implications for the safety of road users if the work is not undertaken. Furthermore would he advise what the statutory position is regarding the Department's task to maintain the Island's roads in a safe condition?

**Answer**

As discussed in the response to written question 5515, the Highways Maintenance Section prioritises resurfacing works by using the Jersey Pavement Management System (JPMS). JPMS is a rigorous, objective means of assessing the roads that are highest priority for treatment.

The process is that every three years a condition survey is carried out along each of the States' main roads. Defects are recorded to enable each 100m section of road to be given a score, known as the 'criticality total'. The criticality total is compared to a treatment threshold value dependent on the category of road. The road category is a function of the number of people that might use it as well as the key infrastructure it might link, i.e. schools, the airport, the harbour, etc.

If the criticality total exceeds the treatment threshold value, then it is multiplied by a factor related to the road category to produce a ranking value. The higher the ranking value of a section of road, the higher its priority for treatment. The treatment ranking values are currently assessed as follows:

<b>Ranking Value</b>	<b>Description</b>
70 – 100	High Priority for treatment
50 - 70	Medium to High Priority – Monitor
30 - 50	Medium to Low Priority – Monitor
0 - 30	Low priority – No action

The October 2007 Condition Survey revealed that there was 13km of road with a ranking value between 70 and 100, i.e. a 'High Priority for treatment'. Approximately 2km of this road has now been resurfaced, leaving the 11km referenced in the response to written question 5515.

JPMS can also be used to model the future condition of the network as a function of highway maintenance investment. The model indicates that a budget of £2.7m (2007 figures) is required annually to maintain the current situation, i.e. 13km of roads with a ranking value of 70 – 100. If this funding is not available, the length of road with a ranking above 70 will increase. Since the ranking value is linked to condition, this would also suggest that the number of defects will increase.

The presence of any defect in road can contribute to an accident. It is for this reason that Highways Maintenance attempts to repair any significant defects in the highway within three days of being identified, although this may not always be possible.

In terms of liability, the relevant legislation is 'La Loi sur la Voirie 1914', which specifies that "The States shall be directly responsible for the administration of the main roads and shall meet all costs of construction and other expenses" and that "The States shall appoint a Committee (now Minister) for the administration of main roads, authorised to take all necessary measures for suitable maintenance of the main roads". The law is silent on any specific duties of the States or their Committee with regards to superintendence or maintenance.

However, a Judgment of the Royal Court (Ref: Judgment of the the Royal Court [2003] JRC150, Dobson v. Public Services Committee) states that the highway authority has an absolute duty to put the roads “in such good repair as it renders it reasonably passable for the ordinary traffic of the neighbourhood at all seasons of the year without danger caused by its physical condition.” Notwithstanding this duty, the Judgment continues that under Jersey Law there is no liability for breach of statutory duty arising from the non-performance of the duty to repair the highway.