

**Title:** Road infrastructure Law

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Road infrastructure is considered as the third main pillar of public road safety. Road infrastructure is a contributing part in one out of three deadly road accidents and handling its safety offers a broader scope for enhancement and amelioration. The trans-European road network, in this respect, is of supreme importance in supporting European incorporation and solidity and also making sure a greatest level of well-being. Particularly, a greatest level of public road safety should be guaranteed.

While most of the people may not take pleasure in the winter period, it is usually one of the hard and busiest periods of year for road accidents and injuries. The icy wintertime roads of the European countries certainly lead to more road accidents, and therefore a larger caseload. Therefore, it is really important at the moment of year to be cautious when people drive cars in winter season.

So as to maintain mobility and traffic safety across the European roads especially in winter season, a structure of highway construction is essential to make coordination with services related to winter highway maintenance.

The following paragraphs of this recommendation paper will examine the Public safety directive called Directive 2012/65/EU and infrastructure of road and transportation. However, the main purpose of this paper will be examined the cases of Malcolm and Ricky that were involved in road accidents. Both have suffered injuries and taken time off work. The paper will make recommendations for Malcolm and Ricky regarding their possible rights and remedies under European Union law, as they are trying to enforce Directive 2012/65/EU in cases in the UK law courts.

### **Black Ice**

Black ice is too small to see on the road surface when there is slight possibility of a driver marking the vulnerability prior to his vehicle goes out of his control. A common example of a lethal mishap is a case happened in January 2006 when the driver who slipped on black ice and ploughed into a group of 12 cyclists. The cyclists were on a training ride. They belong to Rhyl

Cycling Club. The man lost control of his car leading to death of four of the cyclists. (Seaton, 2012)

### **Directive 2012/65/EU (fictitious)**

Directive 2012/65/EU was introduced by the European Parliament and the Council of Ministers in June 2012. The directive provides a legal obligation for all EU Member States to make sure that their motorways, highways and other primary roads are kept clear of snow and ice once the temperature has fallen below 1° Celsius. The main reason behind this initiative was that of public safety and well-being. It has observed in the recent years that harsh and extreme winter weathers in the European countries have resulted in a massive increase in wintertime road accidents.

The Department of Transport in the UK has stated its confidence that current internal memos and policies will cover all the requirements of the Directive, and thus a specific Act of Parliament has not been put forwarded by the Government to legislate on this issue.

### **Road surface and obstacles**

A surface is the sturdy facade matter established on a region anticipated to uphold cars or foot traffic. It could be a road or pathway.

Roads witness fall of trees, twigs, branches and wreckage when the wind speeds up. This is a natural phenomenon and it can be intricate to evade. They are sometimes not observable until it is belatedly adjust your pathway, converting them into a possible car accident basis.

According to Bendorf (2012), road maintenance is considered to explicate approximately 7% of car accidents. Main reasons are jagged and bumpy road surfaces and potholes. These are primarily hazardous as they can puncture your tyre and be a reason to further severe damage to wheels. They can create grounds for the car to veer off hazardously.

Overflowing petroleum vehicles and trucks with inadequately fixed fuel checks may cause petroleum spillage. It is nearly impracticable to observe petroleum spillages on the road similar to black ice. Petroleum spillage escorts to car accidents. Spillage is also the foremost source of severe motorbike accidents claiming more than 300 collapses every year that is accredited to petroleum spillages.

Spillage has caused chaos amongst the motorbike society and they set off the Killspills protest rally (Crook, 2006). This rally has been running since 2003. The gathering is funded and supported by the British Motorcycle Federation. It aims to elevate knowledge of fuel spillages concessions upon road protection. The participants of this rally presented a plan to the Prime

Minister in 2006 (Crook, 2006). This plan detailed recommendations and measures to avoid diesel spills.

### **Public Safety Directive**

The main focus of Directive 2012/65/EU is on the four procedures as in the following paragraphs.

#### *Assessment of Road Safety Impact*

A strategic comparative analysis about the new road's impact or a considerable alteration to the established network on the network's safety performance, at the primary phase of planning prior to the infrastructure project is endorsed. The key intention is to reflect strategically the implications on road safety of a range of planning options of an infrastructure project and they should contribute a vital part when paths are being selected. (Communication from the Commission COM, 2003)

#### *Audit of Road Safety*

It is an independent comprehensive organised safety check about the design features of a road infrastructure project. Moreover, it also covers every phase ranging from planning to early operation. (europa.eu.int)

#### *Ranking of Sections related to High Accident Concentration*

It is a procedure to address, assess, and rank sections of the road network which have been working for over one year and upon which several deadly road accidents in relation to the flow of traffic have happened. (europa.eu.int)

#### *Inspections of Safety*

Inspection of safety is a normal periodical confirmation of the features and defects that need maintenance work due to safety as a preventative device. Therefore, safety must be included in every stage of road infrastructure's planning, design and operation. It must be considered in its own right and independently from analysis in terms of environmental and economic.

(europa.eu.int)

EU Member States may also apply the directive's provisions to infrastructure of the national road transport, not comprised in the network of trans-European road, which was constructed with the support of Community funding. **[Continued ...]**