

Mud on the Public Highway – guidance

Guidance for operators of haulage or farm vehicles

These guidance notes refer to instances where trade activities from an owner/occupier or contractor of land or property adjacent to a highway deposits soil, mud or other debris upon a highway. The definition of a public highway includes footways, footpaths and adjacent verges, bridleways as well as the road itself whether adopted or not.

Mud on the road is mainly caused by heavier vehicles such as lorries and tractors leaving sites under development, quarries or agricultural fields; it occurs more frequently when the weather is wet. Recent weather patterns suggest climate change is leading towards wetter Autumns and Winters. This guidance note would not normally apply to reasonable use of the Highway from residential properties.

Objectives

- To assist in the statutory duty of the Highway Authority to keep the Highway clear.
- To remove deposits from the Highway that may constitute a road safety hazard for highway users – in particular, mud is considered to be a danger to users of the highway because it may cause loss of control and skidding and lead to accidents. This can be accelerated in adverse weather conditions especially for cyclists.
- To minimise disruption to nearby residents by ensuring developers and businesses abide by the relevant legislation.
- Prevent blocking of street gullies and subsequent flooding.
- To seek an improvement in the visual streetscene by the prevention and reduction of unsightly debris illegally deposited on the Highway.
- To reduce the need to take Legal action against those guilty of depositing debris on the highway.

The Law

Vehicle operators, contractors and farmers who deposit mud on the road are potentially liable for a range of offences. This guidance note is not a complete statement of the law or of your responsibilities and possible liabilities.

A range of powers are available to the Police and the Highways Department, primarily the Highways Act 1980; and the Road Traffic Act 1988.

Highways Act 1980 Section 137 states “If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence”. Highways Act 1980 Section 148 “If without lawful authority or excuse a person deposits anything whatsoever on a highway to the interruption of any user of the highway he is guilty of an offence” Highways Act 1980

Section 149 of the Highways Act states “if anything is deposited on the highway so as to constitute a nuisance/danger the Highway Authority can require the person who put it there to remove it forthwith”. Mud causes skidding and is therefore dangerous and a nuisance.



Highways Act 1980 Section 161 states “If a person, without lawful authority or excuse, deposits anything whatsoever on a highway in consequence of which a user of the highway is injured or endangered, that person is guilty of an offence”. Furthermore, the Road Traffic Act 1988 covers situations where a mechanically propelled vehicle is driven dangerously on a road. Driving dangerously can include driving a vehicle in a state that could cause danger to others. Punishment for these offences ranges from fines to imprisonment.

What you SHOULD do

- Be prepared to hire in equipment – check availability in advance.
- Be prepared to keep a written record of your decisions on whether or not to deploy signs and/or to clean the road.
- Keep to low speeds – especially when travelling a short distance – to help retain mud on the vehicle.
- Keep to your own farm roads and minor roads whenever possible.

What you MUST do

- Do everything possible to prevent mud being deposited on the road. This includes cleaning mud from vehicles, as far as practicable, before they are taken onto the road. The fact that the cleaning of mud off vehicles, tractors and their attachments is commercially inconvenient is not a defence.
- Comply with all Planning Conditions imposed on the site, including the first 15 metres of road leading off the Highway should be surfaced and that the provision of adequate on-site wheel washing equipment be installed as appropriate.
- Only use signs that are authorised. The recommended sign shows ‘Slippery Road’ triangle with ‘Mud on the Road’ sub plate. If appropriate, the ‘Men at Work’ sign should be used. Make sure they are positioned to give maximum visibility and warning to other road users.
- Clean the road as necessary during the working day and always at the end of the working day.
- Ensure that labour and equipment is available and is suitable for the soil and weather conditions present.
- Where a contractor is used, ensure that prior agreement is reached on who is responsible for mud on road issues (signage, cleaning etc) and ensure that adequate public liability insurance is in place.

Civil Action

Civil action can occur where the presence of mud results in personal injury, damage to property, loss or inconvenience. The presence of mud can constitute a public nuisance and loss or injury can result in a claim for negligence.

Health & Safety

Under the Health & Safety at Work Act 1974, employers have a duty to look after the health and safety, not only of themselves, their family and employees, but of anyone who may be affected by their working operations. Employees also have the responsibility to themselves and others.

Recovery of Clean Up Costs by Highways Authority

Bradford Metropolitan District Council, as Highway Authority, has a duty to assert and protect the rights of road users. Section 149 of the Highways Act 1980 gives the Highways Authority the power to clean the road and recover its expenses from the person causing the obstruction/nuisance.

Whilst this guidance note is also endorsed by West Yorkshire Police, it is not a definitive guide of responsibility and conduct. Compliance with it will not provide exemption from liability or prosecution but may be used by enforcement officers as a checklist when visiting the scene of any accident or site of public complaint.

Contact Details

By Post

Traffic & Highways (North)
Errington House
15 Micklethwaite Lane
Crossflatts
Bingley
BD16 2AY

Traffic & Highways (South)
Flockton House
Flockton Road
Bradford
BD4 7RY

By E-mail

Council.contact@bradford.gov.uk

By telephone

01274 431000

01274 433730

By Fax

01274 435701

01274 433733

Opening Hours

Monday – Thursday - 8.30am – 5.00pm
Friday – 8.30am – 4.30pm