



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Vanessa Louise Kingston**

TITLE OF COURT: Coroner's Court

JURISDICTION: Dalby

FILE NO(s): COR 1008/06(4)

DELIVERED ON: 24 June 2009

DELIVERED AT: Dalby

HEARING DATE(s): 24 April 2009

FINDINGS OF: Coroner Sheryl Cornack

CATCHWORDS: CORONERS: Inquest – motor vehicle accident, whether condition of road contributed to accident

Counsel Assisting: Mr Mick Phillips, Queensland Police Service

An inquest was held to investigate the circumstances of the fatal traffic crash, and the road conditions in the area of the crash.

The crash occurred on 29 March 2006 on the Warrego Highway Warra. The weather was fine. The road was dry and traffic volume was moderate. The speed limit in the area is 100 kilometres per hour.

Mrs Kingston lived in Miles. She was travelling eastbound along the Warrego Highway near Warra towards Dalby in a 1994 Holden sedan. She intended to visit relatives in Toowoomba. Mrs Kingston was familiar with the road. She was a careful driver.

Two heavy vehicles were travelling toward her from the opposite direction. The two trucks were approximately 500 metres apart. The second truck was a 1994 Western Star heavy rigid truck towing a 1999 Stoodley heavy trailer.

As Mrs Kingston passed the first truck, the passenger side wheels of her vehicle left the sealed roadway. The driver of the first truck radioed the driver of the second truck to keep a lookout for the white sedan. The driver of the second truck saw the white Holden sedan as it approached.

After the passenger wheels of the sedan left the sealed roadway the sedan slid in a clockwise direction and was travelling sideways along the road with the passenger's side of the vehicle facing the truck. The vehicle bounced and all four wheels left the sealed roadway. The vehicle appeared to hit a rut on the side of the road or catch one of the tyres on the drop off. The sedan then returned to the sealed roadway. As it returned to the sealed roadway it appeared to be under full power. Gravel was thrown up from the rear wheels. The Holden then spun in an anti-clockwise direction.

The truck driver braked heavily. Smoke came from the tyres of the truck as the driver did all he could to avoid a crash. The front driver's side of the sedan driven by Mrs Kingston collided with the front bull bar of the second truck toward the middle of the bull bar. The force of the collision caused the heavy vehicle to jack-knife across the road. The Holden sedan came to rest in the table drain on the northern side of the roadway.

The Holden sedan was severely damaged. The bull bar attached to the truck had been bent and twisted from a point one third from the passenger's side edge of the bar. Black marks and scrapes were clearly visible on the bull bar of the truck near the number plate. It appears this is where the sedan collided with the truck. It appears the black marks there have been made by contact between the driver's side wheel of the sedan and the truck.

None of the drivers were affected by drugs or alcohol. There is no indication that speed contributed to the cause of the collision.

The Western Star truck was found to have a defective right front drive axle brake which would cause a braking imbalance on that axle. The heavy trailer was found to have defective brakes such as would cause inefficient braking

and a braking imbalance on the fourth axle. The fourth axle left outer tyre was in an unsatisfactory tread condition. A defective vehicle repair notice was issued to the truck and the trailer. Both passed later inspections. There is no evidence to suggest these defects in any way contributed to the collision. The evidence clearly establishes to the contrary. There is no evidence at all to suggest the truck moved outside of the lane in which it was travelling prior to the collision. No mechanical defects which could have contributed to the collision were found in the Holden sedan.

The reason the Holden sedan moved off the sealed roadway cannot be determined. Although it is possible Mrs Kingston suffered a tyre blow out, the available evidence is not consistent with this. There is a significant dint to the edge of the front passenger's side wheel of the sedan. This damage is more consistent with the rim of the front passenger wheel being dented as it hit the sharp edge of the roadway either as it left the roadway or as it returned to the roadway.

It is possible Mrs Kingston had attempted to evade one of the trucks which she may have perceived to be travelling too close to the centre of the road. The drivers of both trucks are certain they kept their vehicles within the limits of the lane.

The Warrego Highway in the vicinity of the crash is a major roadway from Dalby to Chinchilla and beyond. It is part of the national highway linking Brisbane to Darwin. A white edge line is painted on the edge of the roadway. There is a gravel shoulder on either side. Each lane of the roadway between the fog lines measures 2.9 metres in width. The roadway is straight and level with good visibility in either direction. There is a significant drop or lip at the sides of the road. At places near the crash scene the side of the road has eroded into the white fog line.

The highway carries a large volume of heavy vehicles. Constant truck traffic appears to have caused significant erosion at the edges of the road. The volume of traffic in the area has significantly increased over the three years leading up to the crash. Heavy vehicles appear to make up an increasing proportion of the traffic along the road. In 2004 the average daily vehicle movements along the highway was 1802. Of these vehicles on average 405.4 were trucks. In 2005 the average daily vehicle movements along the highway was 1981. Of these vehicles on average 528.9 were trucks. In 2006 the average daily vehicle movements along the highway was 2237. Of these vehicles on average 621 were trucks. This illustrates that in the space of two years the average daily traffic of heavy vehicles had increased by more than 50 percent.

The lane in which Mrs Kingston was travelling has rutting, an edge break, and edge drop off of up to 70mm. The bitumen edge has been eroded up to and into the lane edge line. The road is narrow and has sharp and eroded edges. These factors cause danger to motorists. The width of the roadway appears inadequate for heavy vehicles with protruding mirrors. A standard heavy vehicle measured from mirror to mirror is about 2.4 metres in width. The

wheels of heavy vehicles routinely leave the roadway when passing other heavy vehicles. The wind from the wheels of heavy vehicles is a constant environmental problem. Both these factors cause extensive and dangerous edges to develop along the highway. Photographs of the edges of the road in the vicinity of the crash show areas of severe cut away with edges eroded into the painted edge line.

Truck drivers who gave evidence at the inquest all remarked on the poor state of the roadway in this area. All believe the roadway is unsafe and poorly maintained. The depth of the drop off on the side of the roadway is deep and appears dangerous given the accompanying narrowness of the road. The road appears to have a reputation amongst travellers who use it to be difficult and dangerous for motorists particularly at night. Both truck drivers involved in the fatal crash expressed the view that had the road edges been better maintained, and if the road was sufficiently wide to cater for heavy vehicle traffic, the crash would not have happened.

The findings of an investigation by Main Roads department concerning the path of the sedan prior to the collision are at odds with eye witness accounts. It would appear prudent for police to forward copies of witness statements to investigators from Main Roads to help them determine what happened in the crash.

There has been an unacceptable delay in this coronial investigation. A full police investigation was requested by the Dalby Coroner on 2 May 2006. The first report from the investigating officer was received at Dalby Police station in December 2006. The report was reviewed by the local prosecutor and returned to the investigating officer with further investigations requested by him prior to referral to the Coroner. In February 2007 a further report was received from the investigating officer. This material was delivered to Dalby Coroner in March 2007. Further investigations were promptly requested by the Coroner. This request was not sent on to the investigating officer until May 2008. The Dalby Coroner requested urgent follow up in July 2007, January 2008, April 2008 and March 2009.

The investigating officer had been transferred but once he received the request he promptly responded in July 2008. This material was sent to the Coroner at Dalby at the end of July 2008. However there was a further delay before this material was considered by the Coroner. An inquest was held in April 2009. It is clear the review and improvement of communication between the Dalby Police Prosecution office and investigating officers could greatly assist to reduce delay in future matters.

Findings required by s45

I am required to find, as far as is possible, who the deceased was, when and where she died, what caused the death and how she came by her death. I have already dealt with this last issue, the manner and circumstances of the death. As a result of considering all of the material contained in the exhibits and the evidence given by witnesses at the inquest I am able to make the following findings in relation to the other aspects of the death.

Identity of the deceased: The deceased person was Vanessa Louise Kingston

Place of death: Warrego Highway, Warra in Queensland.

Date of death: 29 March 2006

How Mrs Kingston died: motor vehicle accident

The Cause of Death: Major trauma and multiple injuries due to motor vehicle crash (driver)

Concerns, comments and recommendations

Section 46 provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

I recommend the Main Roads Department examine the roadway along this major trucking route in the near future and at regular intervals to ensure that the drop or lip along the edge of the roadway does not erode into the width of the fog line and does not extend to a depth likely to cause danger to motorists, to reduce or prevent similar deaths.

I recommend that Wambo Shire Council take appropriate action to ensure that road works necessary to maintain integrity of the edges of the road and to ensure maintenance of the roadway to prevent unsafe conditions are performed.

I recommend that the volume of traffic generally and heavy vehicle traffic be monitored in this area to ensure improvements to the roadway are carried out as required.

I recommend that all edges are repaired regularly to ensure safety of motorists and others.

I recommend that a review be conducted of the roadway to determine if the roadway needs to be widened to accommodate the growing level of heavy vehicle traffic.

I thank all those who have assisted in the inquest into the death of Vanessa Louise Kingston.

This inquest is closed.

Sheryl Cornack
Coroner
Dalby
24 June 2009