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CHARTERED ENGINEER

Messrs. Moriarty & Partners,
Solicitors,
Shergar Street,,
Wexford

Our Ref.: MJ/LF

25th October 2000

Re: Your Client: Michael James: Road Traffic Accident at Kilmore Road, Tagoat, Co. Wexford at approximately 6 a.m. on Saturday the 25th of March 2000 — fine — dry — perhaps frosty — damp road — general speed limit zone — unlit.

Dear Sirs,

I refer to the above and I thank you for your instructions of the 24th of August and I confirm that I attended at the locus on the 5th of September in the company of Mr. James where I took measurements and photographs and where we discussed the matter in some detail and accordingly I attach herewith 5 copies of drawings, 5 sets of photographs and I set out hereunder my comments.

The circumstances of this accident are that on the date and at the time captioned above, your client was driving towards his work, and was within a few hundred yards of his place of employment. He rounded a left hand bend and encountered a transit van travelling towards him. Apparently both vehicles slowed but not sufficiently such that an impact occurred more or less on the centre of road.

I refer to the attached drawing which shows on the right hand side a site location map in the scale of 1:2500 being as extract from Wexford Ordnance Survey Sheet 21/10. This shows a section of the Kilmore road in the townland of Tagoat. The incident occurred in the centre of the section outlined red. Your client was travelling towards Tagoat and the defendants van was travelling in the opposite direction.

On the left hand side of the drawing is shown an enlargement of the area in scale of 1:250 in the same orientation. The incident occurred at the centre of the sketch where the road width is 3.05 metres (10 feet 2 inches) together with a grass margin on the southern side of approximately 1 foot 8 inches and on the northern side of 2 feet 3 inches suggesting a total width of approximately 4.2 metres (14 feet).

I refer to the attached photographs.

CONTINUATION

Photograph P1 is taken at point P1 50 metres from the locus looking from Kilmore Road and this shows your clients view as he proceeded into the photograph. The incident occurred more or less on the centre of the road close to where the man is standing on the right hand side.

Photograph P2 is taken at point P2 25 metres from the locus and again shows your clients view as he proceeded into the photograph. At this stage he encountered the van travelling in the opposite direction.

Photograph P3 is taken at point P3 again 25 metres from the locus and this also shows the view of van driver as he proceeded into the photograph, as does Photograph P4, which is taken at P4 50 metres from the locus.

The view around the bend i.e. sight distance is approximately 55 metres and this suggests that if both vehicles were travelling at similar speeds they would have approximately 27.5 metres each in which to react and bring their vehicles to a halt. In the event that the road was dry it would be possible for the drivers to bring their vehicles to a halt from approximately 35 mph, which would reduce to something under 30 mph in the case of a wet road. Obviously, if the road was icy, or if the vehicles were obliged to travel onto the grass margin the stopping distances and speeds set out above cease to be relevant. It seems to be therefore that a safe speed for travelling this road would have been in the region of 25mph.

It is your client's recollection that as he proceeded towards the locus, the van did travel in onto its grass margin but then emerged onto the road surface and continued to increase the amount of road surface which it was holding as the grass margin narrowed. This is obvious from the sketch in which it can be seen that the grass margin narrows from point P3 towards the locus. Your client concedes that his vehicle did skid when he applied his brakes severely and that both vehicles overlapped by perhaps 600 millimetres (2 feet).

Having regard to the circumstances it strikes me that both vehicles were probably travelling at a speed somewhat greater than that which would be regarded as prudent.

This incident occurred at approximately 6:00 a.m. and sunrise would have occurred on that particular date at approximately 6:20 a.m. which suggests that daylight would have begun to occur from approximately 5:50 a.m. and therefore it is likely that there was some small measure of daylight available when this incident occurred.

If I can be of further assistance in this matter, please contact me. In the meantime I attach my account for your attention.

Yours sincerely,

Michael Jenkins, B.E.,
Chartered Engineer.