

**WRITTEN QUESTION TO THE PRESIDENT OF THE
ENVIRONMENT AND PUBLIC SERVICES COMMITTEE
BY THE DEPUTY OF ST. JOHN**

ANSWER TO BE TABLED ON TUESDAY 25th OCTOBER 2005

Question

“Many months ago the Committee placed red and white safety barriers on the bends at Les Charrières de Bonne Nuit. Would the President advise members what action is being taken, if any, to review this matter and, if applicable, when residents can expect to see them removed?”

Answer

“In November 2000 a land slip occurred on the slope between the main road Les Charrières de Bonne Nuit and the Bonne Nuit Harbour Road. This land is not in Public ownership, being owned by a Limited Liability Company. The land slip area was stabilised in September 2003, by the owners. As a result of the stabilisation, a small embankment at the top of the slope which formed a barrier to the road edge was removed, leaving no barrier to act as protection to road users, pedestrians and vehicles alike. Despite immediate action by the Public Services Department to press the land owner to install an adequate vehicle barrier, the road edge was left without any protection until the Department placed temporary barriers on the road. These barriers were upgraded to vehicle impact standard in July 2004. This is still the current situation.

From the time of the initial land slip in November 2000 the officers at the Public Services Department have worked with and received advice from the Law Officers’ Department to ensure that the Public’s interests have been best served. The advice from the Law Officers’ Department has been clear and consistent.

...the department (Public Services) should not carry out remedial work which constitute an interference with the land, because that is trespass to the property of another. (Letter, 26th February 2001, to Public Services Department).

The temporary barriers have narrowed the road width which can cause some problems for larger vehicles. Permanent barriers could be installed in the road; this will permanently reduce the road width and perpetuate difficulties for motorists. In the meantime, the Law Officers’ Department is continuing to investigate an acceptable way that may bring this situation to a satisfactory resolution such that the temporary safety barriers can be removed and the road fully opened to two-way traffic.

The Committee received a further update at its meeting on 13th October 2005, and requested the Law Officers’ Department to undertake further research into the liability of the company that originally owned the land.”