

Recovering The Cost of Bridge Damage **Some Practical Guidance for Highway** **Authorities**

Repairs, Bridges, Historic Bridges and **Attempting to Maximise Recovery**

A condensed approximately 20-minute session for highway authorities on maximising recovery of repair and reinstatement costs following collision damage to bridges, parapets, abutments and associated highway structures.

This session focuses on how to frame the matter from the outset as a legally recoverable civil claim, supported by evidence as to liability, causation, reasonableness, quantum and proportionality, with particular attention to historic structures, insurer scrutiny and early legal escalation.

1. Purpose of this session

- i. To explain how a bridge collision should be assessed not merely as an operational repair issue, but as a potential civil recovery claim requiring proof of liability, causation and recoverable loss.
- ii. To identify the evidence required to establish negligence, connect the collision to the damage claimed and justify the reasonableness of the repair response.
- iii. To highlight why bridge, parapet and historic-structure claims are more vulnerable to legal and insurer challenge than routine street furniture claims.
- iv. To encourage early file creation and building so that any recovery correspondence can, if necessary, be developed into a compliant pre-action CPR compliant protocol letter of claim and ultimately a pleaded case

2. Why bridge recovery claims matter

- i. Bridge 'strike' costs frequently extend well beyond the immediately visible damage and may include emergency attendance, structural assessment, temporary restrictions, traffic management, design input, specialist materials, contractor preliminaries and staged reinstatement.
- ii. Because those costs can be substantial, insurers and defendants are likely to examine the claim through the familiar legal lenses of liability, causation, mitigation, betterment, remoteness and proof of loss.
- iii. Historic bridges may require like-for-like materials, specialist workmanship, conservation input and related approvals; these features are potentially recoverable only where the authority can show they were necessary, reasonable and causally linked to the incident.
- iv. A disciplined recovery process helps protect highway maintenance budgets, demonstrates responsible stewardship of public funds and places the authority in a stronger position if proceedings become necessary.

What do we learn? Treat a bridge collision as a potential evidence-led civil recovery claim from the outset, not merely as an operational repair job.

3. Build your potential claim around five key questions

- i. Who caused the impact, and can the driver, the vehicle and / or the insurer be correctly identified?
- ii. What actually was damaged: parapet, abutment, retaining wall, bridge deck, approach, utilities or associated safety equipment?
- iii. Why were the inspections, restrictions, temporary works and permanent repairs necessary?
- iv. How was each item of cost calculated, evidenced and separated from unrelated maintenance or improvement works?
- v. Is the route insured driver, uninsured driver, untraced driver, direct defendant, MIB, or legal escalation?

4. Legal basis: use the repair file as a basis for creating a potentially recoverable claim

- i. **Negligence will usually provide the principal cause of action.** The authority should be able to identify the prospective defendant, articulate the duty of care, particularise the breach, prove that the breach caused the relevant damage and establish that the losses claimed are reasonably foreseeable, reasonable in amount and not too remote.
- ii. **A recovery claim is not established by invoices alone.** The file should contain a coherent legal narrative: the collision circumstances, the authority's interest in or responsibility for the structure, the alleged negligence, the causal connection between impact and damage, the remedial decisions taken, the loss calculation and the remedy sought.
- iii. **The statutory highway context should be understood but not overstated.** Sections 41 and 58 of the **Highways Act 1980** are more commonly relevant to defending highway condition claims. Section 59 may assist in cases involving extraordinary traffic, but it should not be treated as a substitute for a properly particularised negligence claim arising from a discrete vehicle impact.
- iv. **Quantum must be pleaded and evidenced with discipline.** The recoverable loss should be broken down into emergency response, temporary works, investigations, professional fees, traffic management, permanent repairs, conservation-related costs and any uplift said to arise from statutory, safety or heritage requirements. Each head of loss should be supported by evidence and linked directly back to the index incident.
- v. **Insurer and MIB routes require early procedural control.** Establish whether the driver is insured, uninsured or untraced; preserve police, vehicle and witness evidence; check notification requirements, limitation, exclusions and property damage criteria; and avoid allowing correspondence with an insurer to obscure the underlying claim against the tortfeasor.

Practical hint: Prepare file notes on the assumption that they may later be read by an insurer, the MIB, Solicitors, Counsel or a Judge. A clear contemporaneous explanation of liability, causation, mitigation and quantum will often carry more weight than a retrospective justification prepared after the dispute has crystallised.

Legal tip: Draft recovery correspondence so that it can later on, if required, form the foundation of a CPR-compliant pre-action letter of claim: identify the proposed defendant, the factual basis of negligence, the authority's interest in the damaged asset, the causal link, the heads of loss, the evidence relied upon, the payment sought, the documents requested and the right to issue proceedings if the claim is not resolved.

5. Litigation-ready mindset

- i. Comply with pre-action expectations: exchange enough information for the other side to understand the claim, assess liability, consider realistic settlement and avoid unnecessary proceedings.
- ii. Do not overstate your case. Distinguish evidence from assumption, and avoid unsupported allegations about speed, negligence or causation.
- iii. Protect limitation. Diarise the primary limitation date, but also any shorter contractual, MIB, insurer or statutory notification points.
- iv. Think about disclosure from day one: preserve photographs, inspection records, repair instructions, internal emails, invoices and decision notes.
- v. Escalate legally where liability is denied, costs are high, the structure is listed or historic, limitation is approaching, or the insurer raises betterment, causation or proportionality objections.

6. The bridge evidence pack

- i. Incident evidence: date, time, precise location, police reference, vehicle details, witness accounts, photographs, CCTV, dashcam, ANPR enquiries and any admissions.
- ii. Asset evidence: bridge maintenance file extracts, previous inspection records, maintenance history and photographs showing pre-incident condition where available.
- iii. Technical evidence: engineer's assessment explaining the damage, safety risk, restrictions, temporary measures and permanent repair specification.
- iv. Cost evidence: labour, plant, materials, traffic management, design, supervision, contractor invoices, internal rates and overheads, separated into emergency, temporary and permanent repair costs.
- v. Chronology: when the authority became aware, inspected, imposed restrictions, instructed works, completed repairs and finalised costs.

7. Historic bridges: make the reasonableness obvious

- i. Explain why ordinary replacement methods may not be appropriate: historic fabric, matching materials, specialist workmanship, listed structure considerations or conservation requirements may affect repair design and cost.
- ii. Retain contemporaneous notes of engineering and conservation decisions, including why a particular method was necessary and proportionate.
- iii. Separate like-for-like reinstatement from genuine betterment. If improvements are unavoidable to meet contemporary safety standards, compliance or for availability reasons, record the reason(s) clearly.
- iv. Retain quotes, procurement notes and specialist advice to show that the authority acted reasonably, even where costs appear high.
- v. Do not let the historic nature of the bridge become an unexplained uplift: translate it into evidence, approvals, methodology and cost justification.

8. Driver and insurer scenarios

- i. **Insured driver:** submit the evidence pack early and challenge delay, liability denial, causation arguments and quantum challenges with documents rather than mere assertions.
- ii. **Uninsured driver:** do not assume that recovery is impossible. Consider the MIB route, but preserve proof of driver identity, vehicle use, fault, causation and property damage.
- iii. **Untraced driver:** act immediately. Police reports, CCTV, dashcam, witnesses, ANPR enquiries and recovery contractor notes may be time-sensitive.
- iv. **Unknown or disputed position:** open the recovery file anyway, diarise limitation and notification points, and escalate before the evidence goes stale.

9. Common challenges and how to answer them

- i. **“Liability is not established.”** Provide police details, witnesses, photographs, location evidence, CCTV, vehicle information and any admission or recovery notes.
- ii. **“The repair was excessive.”** Provide the engineer’s reasoning, safety assessment, repair options considered and why the chosen method was proportionate.
- iii. **“There is an element of betterment.”** Separate reinstatement from improvement and explain any unavoidable upgrade required by current safety, standards, availability or conservation constraints.
- iv. **“Costs are not proven.”** Provide invoices, schedules, internal rate evidence, contractor breakdowns, traffic management records and supervision costs.
- v. **“The bridge was already defective.”** Use inspection history and pre-incident records to show condition, causation and the additional loss caused by the collision.

10. Practical recovery workflow

- i. Log the incident immediately and preserve time-sensitive evidence.
- ii. Confirm the question of bridge ownership, highway responsibility, police reference, vehicle and insurer details.
- iii. Obtain the technical assessment and record all ‘make-safe’ decisions.
- iv. Prepare a structured schedule of loss with supporting documents and a short legal narrative explaining liability, causation and quantum.
- v. Send a clear recovery letter setting out the facts, legal basis, remedy sought, documents relied upon and deadline for response.
- vi. Diarise chasers, insurer escalation, MIB requirements, limitation, pre-action review and legal instruction points.
- vii. Record the outcome and lessons learned, especially where a claim is compromised, litigated or written off.

11. Some closing guidance for attendees

- i. Start early: the best bridge recovery claims are built within the first few days after the incident.
- ii. Think evidence first: liability, causation, technical necessity and cost proof must all be covered.
- iii. Add the legal narrative early: do not wait until proceedings are threatened before identifying the defendant, cause of action, evidence gaps and limitation risks.
- iv. For historic bridges, explain the repair method, statutory or conservation constraints and any alleged betterment in plain language.
- v. Challenge weak refusals, but be realistic where evidence, identity, causation or proportionality is lacking.
- vi. Finally, be persistent: a structured recovery process protects budgets, supports safety decisions and reduces avoidable write-offs