

Pay up if your mistake closes a toll road

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If your careless accident closes a toll road, be prepared to pay up.

The Supreme Court of Appeal has ruled that a trucking company that spilt 42 tons of asbestos on a toll road, leading to its closure for 24 hours, will have to foot the bill for the toll agency's lost customers.

Fourway Haulage admitted that its driver was responsible for a November 2003 collision with a delivery vehicle, which resulted in its truck overturning and spilling its dangerous cargo on the N1 national road between Polokwane and Mokopane in Limpopo.

The hazardous nature of the asbestos powder prompted local traffic authorities to close the road for 24 hours to enable extensive cleaning-up.

Traffic was diverted in both directions onto alternative roads.

As a result of the closure, two SA National Roads Agency toll plazas lost more than R100 000 in toll fees.

But Fourway's lawyers argued that the SA National Roads Agency should recoup the money it lost as a result of the accident by raising its toll prices, rather than suing it for damages.

Judge Fritz Brand was unconvinced.

"I can see no reason why innocent users of this toll road should effectively be held responsible for the negligent conduct of Fourway's employee," the judge said.

He also dismissed Fourway's argument that the SA National Road Agency's claim was "too remote" to be granted.

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