

# Gorski Consulting Website

## Archived News - 2015 - June

June 28, 2015

### Ontario's Pledge of \$5 Million To Winter Road Maintenance – Where Is It Going?



Loose change on the road – Is the Government throwing some coins to melt the Auditor General's criticisms of winter maintenance problems?

Once again the news media have been used as the propaganda tool to suggest to Ontario's citizens that something substantial is being done by the government in response to the Auditor General's damning report on deteriorating winter road maintenance in Ontario. The news has been spread

that an additional \$5 million has been pledged to provide additional de-icing liquids and more roadside weather stations. Additionally, Ontario's Transportation Minister, Steven Del Duca, was quoted as stating that the private contractors responsible for winter road maintenance have been "talked to" so that they will have a clearer understanding of their responsibilities. Furthermore, the \$5 million will allow for the installation a plow tracking tool in Owen Sound and Simcoe County, along with dashboard cameras on highway patrol vehicles along with 30 additional cameras on the ground.

So, to summarize, the response to the Auditor's report has been to do the following:

1. Increasing the availability of de-icing fluid;
2. Talking to the contractors, and
3. Installation of cameras and plow-tracking technology.

Is that all there is? If the Auditor General re-evaluated whether the concerns expressed in its report were addressed would the Auditor General now give its approval?

What were the concerns expressed in the Auditor General's report? Here are some examples.

1. The introduction of Performance-Based contracts with private contractors led to the deterioration of levels of winter maintenance. Have the Performance-Based contracts been rectified? Will contractors begin to use more and better equipment and will they begin to patrol the roads in their jurisdictions more often? How will the \$5 million address this issue?
2. Lack of sufficient Transportation Ministry staffing to oversee the performance of contractors. A lack of effective audits that identified potential problems. An over-reliance on contractor's self-reporting of their performance. Does the \$5 million include an increase in this staffing?
3. Lack of collection of contractor fines when performance targets were not met? Will the Government increase its level of collection of fines?

4. Proper selection of contractors based on their likelihood of producing a better service rather than selection based on the “lowest bid”. Has the Government accepted that its practices were flawed and that proper procedures will be followed in the future?

5. Government refusal to accept the cautions expressed by their own staff and engineers that problems were looming if they continued in the direction they chose. ( “Personnel at the Ministry’s head office instructed regional staff and engineers to accept the lowest-priced bids regardless of their concerns.” Auditor General’s Report, 2015) Has the Government singled out those specific individuals at the Transportation Ministry’s headquarters who pushed through these changes which led to the Auditor’s concerns?

6. Potential legal costs of being held liable in civil litigation. (“The Ministry informed us that it believed that the shift to performance-based AMCs in 2009 would not affect the Province’s liability risk. It further believed that fines collected would be sufficient to cover the actual loss or damage that the Ministry could accrue as a result of failure to provide the service” Auditor General’s Report, 2015). Has the Government recognized that the court will beware of its “devil’s accounting” that a few deaths and catastrophic injuries can be accepted without monetary penalty to the Ministry?



How much equipment, what quality of equipment, and extent of oversight, will the pledged \$5 Million extra dollars bring to Ontario’s winter road maintenance?

The Auditor General's Report noted that Ontario's annual road maintenance costs between 2010 and 2014 were approximately \$171 and \$180 million dollars. It also noted that the government paid \$1.7 million to procure 13 "pieces of equipment" for winter road maintenance, or approximately \$131,000 per unit. If the total of \$5 million dollars was used toward plowing, sanding and de-icing equipment then this would increase the total available by about 38 and increase numbers in the whole of Ontario from about 602 to about 640. But that is not what has been announced. Nothing at all was mentioned about the money being used to increase the numbers of equipment to service the roads. Much of the discussion has been on "monitoring" equipment in two isolated regions as well as some cameras in unspecified locations.

We also know that the costs for installing 100 body cameras on police in Toronto will cost about \$500,000. So would it cost \$3 Million dollars just to equip all the 600 plows and sanders in Ontario with dash cams? What would remain of the \$2 Million pledged by the Government to address the other critical issues of the Auditor General's report?

So what are the details? Does the latest propaganda truly reflect an improvement in safety for Ontario's motorists or is this the latest game of political smoke-screens and deception? Mostly it would appear to be deception.

The logic that should frighten every citizen is that the Ministry of Ontario actually calculated how much it would be affected by killing and injuring road users by reducing road maintenance. Certain persons in the Ministry determined that it would be economically feasible to have some additional fatalities due to poor road maintenance as this would not result in additional, meaningful, expenses from civil litigation. Yet those who provided that opinion to the Auditor General have never been identified. It is not these individuals who will suffer the consequences of any increased liability costs imposed by the courts. Those costs will be borne by the public at large, the taxpayers who provide the money and pay those liability costs that were created by those unidentified few.



**June 18, 2015**

**NHTSA's New "Safety Teams" Were Previously Removed From NASS Program**



View of a ball joint failure in a roadway incident. Many road collisions and events occur without proper investigation of their defect potential.

NHTSA is now attempting to respond to criticism regarding their failures during recent defect investigations by forming "...multi-disciplinary teams from across NHTSA...". In fact such teams already existed many years ago when the National Accident Sampling System (NASS) was formed in the 1970s. The problem is that NASS was slowly downgraded from its original 50 teams (one in each state) to an unknown level, likely less than 25, that made it ineffective both in collecting useful accident data as well as maintaining a sufficient number of investigative employees that could track down defect complaints.

As an example, during recent unintended acceleration investigations NHTSA noted that once potential defects were announced in the mass media NHTSA became deluged with complaints from the public. Rather than understanding the true reason for this massive increase in complaints they came to the belief that mass media was the culprit that stirred the public to complain, supposedly about issues that were unrelated. Instead, a proper reading of the facts would uncover that NHTSA's Public Complaints system was completely ineffective because essentially no one in the public actually knew that the public complaints system existed. Thus relevant events were happening but they were not reaching the public complaints system because NHTSA had an inefficient system in place.

**June 9, 2015**

**“Firefighters Don’t Know the Cause of the Blaze but are not Investigating Further”**



Vehicle fires can cause death as easily as high speed collisions, guns or bombs, so why are they not taken seriously by investigators just because they have not been deliberately set?

The above title says it all.

Last night, June 9, 2015 at approximately 0245 hours a cube van caught fire next to the Budweiser Gardens arena in London, Ontario, causing damage to the building's windows. The London Free Press noted that fire officials did not consider the fire "suspicious". In other words, they did not believe it was deliberately set. They did not know how the fire started but they will not be investigating any further. And here lies the crux of the problem.

Advance five years and a family of five has taken a similar cube van as a camper out on a summer vacation. Overnight the van catches fire and they all die. "Investigation" reveals that there was an electrical fault that originated from when the vehicle was manufactured. "Investigation" then reveals that there are dozens of such previous incidents in various nearby locations involving property damage. Further investigation reveals that there are hundreds of such previous incidents throughout North America but they were not investigated because nothing of consequence occurred. These incidents spanned over a time of at least ten years. Sound familiar?

GM ignition switches, Takata air bags, Trinity ET-Plus guardrail terminals? All these installations were present on our transportation systems for at least a decade. In the case of Trinity ET-Plus terminals the verdict is not exactly clear. But the GM ignitions and Takata air bags are clearly defects that should have been detected long ago. In the case of GM ignitions at least 111 persons lost their lives because officials did not connect the dots.

When a vehicle catches fire this could mean that there is an electrical fault that might cause another such fire in a similar vehicle. The next time the consequences might be more than just property damage. So why do investigators treat these incidents as unimportant, just because they might not be deliberately set? In many incidents where a collision occurs no investigation is carried out as soon as police determine that alcohol or high speed was involved. But why. Does that make any sense? Do electrical defects only exist on vehicles driven at reasonable speed and when drivers are not impaired?

## **General Motors Ignition Switch Defect – 111 Deaths And Still Counting**

The deaths of well over 100 persons have been admitted by General Motors as caused by their ignition switch defect that causes a vehicle to stall while deactivating its air bags. The actual number of innocent victims could be much higher since the present number only represents those acknowledged by GM without civil litigation. Once all the contested incidents pass through the courts it is unknown what the final tally will be.

Meanwhile, a New York Times article (“Safety Agency Admits Missing Clues to G.M. Ignition Defects”, June 5, 2015) reports that the National Highway Traffic Safety Administration (NHTSA) is publicly admitting that it also failed to recognize the warnings of the defect’s existence. The Times reported that two “internal” reports released by the Transportation department “identified a series of failings by the NHTSA that allowed millions of defective G.M. vehicles to go unrepaired for more than a decade”.

**June 8, 2015**

## **Hacker “Hacked” Out of Gorski Consulting Website**

Periodically everyone who lives on the internet crosses paths with hackers who claim various reasons for disrupting life. The website of Gorski Consulting was hacked with a rather innocuous posting of an inappropriate link, likely to some pornographic site. We appreciate the contacts from various visitors who pointed out the link. We are told that the problem has now been taken care of.

However, we remind readers that if a link appears to be inappropriate it most likely is. If you are looking for links to some pornographic sites our site is not the place to go. We will endeavour, as best we can, to stay on top of any further hacks.



**June 7, 2015**

**Photographic Chronology of East Asphalt Edge Breakage at North Curve of Clarke Road North of Fanshawe Park Road**

Gorski Consulting has monitored the S-curve on Clarke Road north of Fanshawe Park Road in north-east London, Ontario since the fall of 2009 for signs of loss-of-control events. While these events were numerous in the earlier years, the numbers appeared to drop off lately, possibly due to the advent of electronic stability control on newer vehicles. Matters may have changed again however when the east asphalt edge of the northbound lane of Clarke Road began to break apart at the north end of the S-curve.



View, looking south, at the area of broken pavement with respect to the curve on Clarke Road.

This breakage has occurred at a critical location where many northbound vehicles have been observed in the past straying off the pavement. Recently we have observed at least two loss-of-control events that could be related to this asphalt deterioration. As a result,

we have prepared an article that documents the recent developments. We have also posted a number of historical photos of the area to demonstrate how the asphalt edge has deteriorated from year to year. This article can be viewed on the Articles page of this website.

**June 6, 2015**

### **Double-Fatal Unintended Acceleration Court Case And Evaluative Testing By Gorski Consulting**

It was a tragic scenario that unfolded in the parking lot of the London, Ontario Costco outlet on Wellington Road when a red, 2004 Chevrolet Monte Carlo experienced an unintended rearward acceleration resulting in the vehicle's travel through the store's front doors, and causing the death of two innocent children. The criminal charges laid against the driver of the vehicle, Ruth Burger, would appear to be of additional tragedy as, by all accounts, the driver could not be held criminally responsible, based on the limited facts made available to the public from her criminal trial.



View of the front entrance to the London Costco store on July 24, 2014 where a red Monte Carlo is seen after it reversed resulting in the death of two children.

To provide some basis for understanding what might take place during the early seconds of an unintended acceleration, Gorski Consulting conducted a preliminary, short-duration, maximum acceleration test with an instrumented vehicle. The results of this test have been discussed in a new article posted to the Articles page of this website.

**June 5, 2015**

### **Quiet Spring Erupts In Multiple Fatal Collisions In South-Western Ontario**

The incidence of fatal collisions has been falling in North America since the mid-1970s. So when this spring saw an unusually quiet period of few major collisions it was not much of a surprise. But no more. In the past 24 hours there have been three fatal collisions in the outskirts of London, Ontario.

Yesterday at approximately 1130 hours a pick-up truck collided with an unprotected bridge abutment on Line 17 just north-east of Exeter, Ontario. This has not gathered much interest. Yet, on April 22, 2015 another fatal collision occurred on Mount Carmel Drive, south-west of Exeter. That collision also involved the impact of an unprotected bridge abutment. The lack of discussion of these incidents is obvious. Below are some photos of the collision evidence at the site.





View, looking north-west along Line 17 north-east of Exeter, Ontario toward an unprotected bridge abutment that was struck resulting in fatal injuries to the driver.



View of unprotected bridge abutment that was struck by a pick-up resulting in fatal injuries to its driver. The vehicle travelled approximately 100 metres after the impact where it rolled over.



View of tire marks leading off the roadway where the vehicle travelled approximately 100 metres and rolled over in the grass and field.

Meanwhile, just after 2300 hours yesterday, June 4th, a 19-year-old London man was killed when the pick-up truck he was driving collided with a utility pole just north-east of Tillsonburg.

And most recently, a female driver was killed south-east of Parkhill, Ontario when her vehicle was struck by a truck at the intersection of Nairn Road and Centre Road. The collision reportedly occurred shortly before 1600 hours today, June 5, 2015. The area is presently closed to the public as police continue their investigation.

Spring has always awakened the ugly spectre of major and fatal collisions. This has always been the case since we have been involved in analysis of these incidents. While the public believes that wintertime is the likely season of fatal collisions the reality has never been so. The good weather months are those that correlate with fatalities.



**June 1, 2015**

## **Trial of Ruth Burger In London Costco Fatal Collision Continues to be a Cover-up of Essential Facts**

Police went to great lengths on July 25, 2014 to keep the public away from the collision site when they investigated the site of the London Costco parking lot where a young girl and her unborn sister perished in an extremely unfortunate chain of events. The result of the police investigation led to criminal charges laid against the driver of a 2004 Chevrolet Monte Carlo, Ruth Burger, 65, after her vehicle reversed at high speed into the front entrance of the London Costco resulting in the two fatalities and serious injuries to others. It is typically said by police in such early hours that the results of the investigation will not be discussed but all facts will be revealed in court.

Well, the court time arrived today, June 1, 2015. While local news media such as the London Free Press and CTV News appeared to take great lengths to inform the public regarding live developments, the reality was that the public received much more darkness and cover-up about the essential details of what happened and how the police arrived at the charges that they did.

The official story played to the public audience is that Ruth Burger testified that her foot became “stuck underneath the brake pedal” and this was what resulted in the violent acceleration of her vehicle.

Next a London police “reconstructionist”, Constable Trevor MacDonald, testified regarding the contents of the download of the “Black Box” in the Monte Carlo that provided 5 seconds of pre-crash data along with up to 8 seconds of pre-crash braking data. The public was informed that at 5 seconds before impact the vehicle was travelling at 11 km/h, at 4 seconds 22 km/h, at 3 seconds 35 km/h, at 2 seconds 43 km/h and at 1 second 46 km/h. MacDonald also stated that, at 5 seconds before the crash the throttle was a 100%, then 84 % at 3 seconds and at 100% again at 1 second before impact. There was also no evidence of braking over the full 8 seconds of available pre-crash data.

In contrast, our testing with maximum reversing of a similar vehicle, assuming the Monte Carlo was equipped with a similar 3.8 litre engine, indicated that, from a stopped position at 5 seconds, our speed would be 14 km/h at 4 seconds, 28 km/h at 3 seconds,

42 km/h at 2 seconds and 56 km/h at 1 second. Thus in four seconds of transpired time our vehicle would go from 0 to 56 km/h. The Burger Monte Carlo goes from 11 to 46 km/h in the same 4 second time frame or an increase of just 35 km/h.

Yes, maximum acceleration degrades with time, such that at initiation of motion you obtain the highest acceleration and then it slowly falls off. And yes, the Monte Carlo would appear to be not fully at maximum acceleration as indicated by the 84% throttle at 3 seconds. However, how do you explain the vehicle's acceleration from 43 km/h at 2 seconds to 46 km/h at 1 second before impact when the throttle is at, or close to, 100%? An increase of only 3 km/h? Remember, Constable MacDonald testified that Burger never touched the brake over the full 8 seconds of data.

While there was a focus on the Black Box data there was nothing said about the physical evidence on the surface of the driveway. If there was maximum acceleration police should have been able to detect faint acceleration marks as they would have been at the site so shortly after its occurrence. So what about those tire marks? Did the police see them. Were there any photos of them? Certainly, when we examined the site several days after the collision there were no tire marks on the asphalt pavement of the parking lot but there were visible tire marks on the concrete pad at the front doors. Anything to say about that? Surely the police had an explanation, or did they?

It was reported that the police reconstructionist had been doing his job for 4 years and that he had never conducted an investigation like this involving a high speed reversing event. Accident reconstruction is not a book job of figuring out formulas, it is far more a job of studying physical evidence and understanding it. Something that requires years and years before the investigator begins to understand what he or she is looking at and whether those formulas can be properly applied to the specific situation. Did Constable MacDonald seek the advice of others who might have more experience in this than he? We simply do not know.

Much of the specific evidence in this case has never been revealed. Although, after so many years in the business, why should we expect otherwise.

# Gorski Consulting

## London, Ontario, Canada

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