

# **Gorski Consulting Website**

## **Archived News - 2016 - August**

**August 29, 2016**

### **Suspicious Death of Mother & 4-Year-Old Daughter in Markham, Ontario**

One could easily tell from the news media coverage of the collision that something was not quite right and much was being unsaid. This was the backdrop surrounding the suspicious deaths of a 42-year-old mother and her 4-year-old daughter in a collision that reportedly occurred on Monday morning, August 29, 2016 "near 16th and Bur Oak Avenues". While on-site photos showed distant views of two vehicles, almost touching each other and at a 90-degree angle, that was all that was revealed. A Toyota in which the two deceased were occupants sustained frontal damage however there was no other photography to indicate whether there was damage elsewhere. Based on such very minimal reporting one would have to conclude that something was not right as the magnitude of crush on the front end of the Toyota should not have led to two fatalities. All that was given to the public was that police were looking for persons who might have had video footage by way of dash cameras or similar evidence. But there was not explanation why they needed that information if this was a routine incident.

There are many reasons why such insufficient reporting should not be acceptable. The most obvious one being that, if this was an incident of an airbag fatality then others could exist and a warning needs to be made as quickly and publicly as possible. Obviously the minimal information does not suggest that such an event occurred but there are many such reasons why the public should have a right to know, whatever the cause, as this can affect public safety as a whole.

**August 26, 2016**

## **Ontario's Proposed Reduction In Road Maintenance Slipping Under the Public's Radar**



Under proposed legislation in Ontario, a simple declaration of a "Significant Event" on a Municipality's website will be all that will be needed to defend municipalities against civil suits if they do not properly maintain roads during a snow storm.

On November 1, 2002 the Ontario Regulation 239/02 Minimum Maintenance Standards for Ontario roads was enacted. This act was created to circumvent the courts' ability to consider all the details of a case in deciding whether an Ontario municipality should be held liable for its actions or in-actions with respect to a collision that may have occurred due to improper maintenance of a roadway. This was done with minimal input from the general public as to whether such legislation was wanted or beneficial to society as whole. Over the years, as courts have continually found fault with municipal maintenance of roads, the MMS have been altered to further reduce the involvement of the courts. The most recent proposed changes are falling under the public's radar as no official news agency has publicized what is taking place.

As an example, the proposed new legislation allows a municipality to declare the development of a 'Significant Event' whereby its duties, during a winter storm for example, can be suspended:

*"Adding the ability to declare a 'Significant Event'. When severe weather is approaching or occurring a municipality can suspend its requirement to follow these regulations and other provincial regulation governing hour of service. The declaration*

*allows supervisory staff to effectively plan and maximize resources in anticipation of and/or during a Significant Event when all resources may be exhausted and includes the ability to close a highway."*

When one considers what is being proposed, why is this necessary? If all reasonable actions are taken by a municipality during a storm an impartial court in Ontario should recognize that from the facts presented in court. By this proposed legislation an impartial judge is removed from that decision-making simply because of the municipal declaration.

Furthermore, the announcement of this "Significant Event" need only be made in restricted announcements such as a municipality's own website. For example the proposed regulation would state the following:

*"(3) for the purposes of this Regulation, a significant weather event is declared or ended by a municipality when it has been communicated to the public by the municipality **in one** or more of the following ways:*

- (i) posting it on the municipal website;
- (ii) announcing it via social media, including but not limited to Facebook or Twitter;
- (iii) a press release or similar communication is sent to the media, including internet, newspaper, radio, or television;
- (iv) notification to the police service; or
- (v) notification pursuant to the municipal notification bylaw, if one exists or is applicable."

The inclusion of the limiting words "in one" means that notification can be quite minimal such that it may not reach the public at all, yet there will be no way to argue that the announcement was inappropriate via the findings of an impartial judge.

Furthermore, the MMS had created a table showing how roads should be classified according to their traffic volume and speed limit. A "Class 1" road would receive the highest level of service while a "Class 6" road would receive the lowest. Without making any mention of the fact, the proposed legislation would reduce the service level of a road with a traffic volume of 12,000 to 14,999 vehicles and the speed limit of 71 to 80 km/h from a "Class 1" road to a "Class 2". It is hidden changes like these that have neither been highlighted nor brought to the public's attention that should raise the eyebrows of any member of the public. But the eyebrows of the public will never be raised because the average citizen would never look at these proposed changes let alone recognize that these changes are hidden in the fine print.

A report was prepared by Mr. John Braam, P. Eng., The City Engineer for the City of London to the Civic Works Committee which met on August 22, 2016. In his report he introduced the proposed amendments to the MMS and indicated that a Task Force of the Ontario Good Roads Association asked for the City's comments on the amendments which will likely take effect in 2017. Mr. Braam provided several comments that he asked the committee to accept. Only three comments were made, those dealing with bicycle lane maintenance and lighting. But at no point in his comments was there any mention of the specific reductions in maintenance noted above. Will the elected representatives of London become aware of the fine details of the proposed legislation not mentioned in Mr. Braam's comments?

This process is not surprising. The Ontario Good Roads Association is made up of member municipalities and the Ontario Provincial Transportation department who are all defendants in any civil suits that might arise from poorly maintained roads. Similarly, Mr. Braam's department, is also such a defendant. How could anyone have the expectation that an organization made up of defendants and the representatives of civic works departments of municipalities who are also defendants, could provide an objective set of rules that properly govern their own actions? Is this not a conflict of interest?

A properly functioning transportation system must require that maintenance is performed for the efficient functioning of the system, but even more importantly, for the safety of all citizens using it. When maintenance that is required is not performed there have to be meaningful consequences otherwise there is no incentive to change. An impartial review, such as by Ontario's justice system, although having its shortcomings, is far better in achieving fairness than one that gives a "Carte Blanche" to defendants to act as they please without any accountability for their actions.

**August 25, 2016**

## **Tons of Trouble to Come - Heavy Truck Braking in Highway 401 Construction Zones**

The solution it seems is to insult the intelligence of drivers. After all, there should be no reason why the driver of a full-loaded transport truck should be unable to stop in construction zones along most high speed freeways. This would appear to be the official logic and solution.



Construction on Highway 401 near London Ontario is likely to persist for many years. A deadly fact when one considers that, on a typical day, there can be more heavy trucks on the highway than any other vehicle.

Traffic fines may be appropriate for some however there is a lack of acknowledgement that construction zones cause chaos. Truck drivers are having a difficult time not only because they are distracted and "stupider" than others, but because the construction environment in which they operate tests their skills. Understanding that can lead to opportunities to prevent tragedies.

There have been a number of collisions recently around the location of construction zones on Highway 401. As an example construction near the junction of Hwy 401 with Hwy 402 caused a large eastbound traffic jam such that vehicles were stopped past the Wonderland Road interchange. This resulted in a fatal collision involving two transport trucks and two light vehicles. A similar stoppage of traffic on August 5, 2016, due to construction in the eastbound lanes east of the Highbury Ave interchange, led again to a collision involving five trucks. A similar situation occurred in the westbound lanes of Highway 401 at the Dorchester Road interchange where five vehicles, including a tractor-trailer, collided.

A common thread in many of these instances is a lack of recognition that signs of "construction ahead" do not provide the detailed warning that traffic may be moving quite quickly yet it might come to a rapid stop without sufficient warning.





Lack of sufficient warning that traffic is slowing or stopped is a common problem in construction zones on high speed expressways.

Automatic braking is just beginning to hit the mainstream of newly manufactured vehicles and it will take a number of years before this benefit will be installed in a large percentage of the transportation fleet. In the meantime there is little discussion about installing such a safety feature on large trucks. Even automatic braking may not prevent collisions where the driver of a small car enters into a truck driver's blind spot, particularly near the truck's right front wheel.

As drivers are not likely to become any more gifted despite all our frustrations, more focus must be placed on study of those situations where serious collisions have occurred in construction zones to see if something can be done, particularly in the area of earlier warning at locations where traffic is just beginning to stop from a prolonged period of high speed. The zone where this stopping takes place will vary from hour to hour depending on factors such as hourly traffic volumes, specific interfering activities related to the construction, or minor collisions that further tie up the bottleneck. Once traffic has slowed to a low speed the minor rear-end collisions that develop may be a tolerable consequence if unavoidable but that remains to be seen. A study must include properly detailed information about how a serious collision developed so that useful strategies can be considered.

In the end, we can all benefit from understanding the complexity of the collision situation in construction zones rather than spending unproductive time venting about the poor driving habits of a small percentage of drivers who will always exist no matter what laws or penalties may exist.

What we know is that a number of up-grades are to take place in the near future along the interchanges of Highway 401 leading to London and St Thomas. This will cause further traffic interference and chaos along Highway 401 for several years. Now would be a good time to evaluate what those consequences will be and how they can be minimized.

**August 14, 2016**

## **A Road Tour of the Charlevoix Region in Quebec, Canada**



The Charlevoix region of Quebec is located on the north shore of the St Lawrence River, east of Quebec City.

While western Rockies present North Americans with road challenges and spectacular views, the Charlevoix region of the Province of Quebec, Canada, is not far off in providing the same. A drive eastward from Quebec City along Highway 138 puts the driver along many winding, hilly and well-maintained roads that travel through many quaint, french-speaking, towns and villages.

A common sign along the highway is the warning that moose may be present. While a collision with a deer may present dangers when the impact is to the windshield area, the impact of a moose is a totally different story.



Prominent signs along Charlevoix's highways include the potential of a collision with moose.

Moose stand much taller, with very long legs such that the main mass of the animal is located well above the hoods of any light vehicles including most pick-up trucks and vans. This is a problem because, at impact, the main mass of the moose will inevitably travel into the windshield and roof of the vehicle. One need not much imagination to realize that striking a moose, even at 50 km/h will cause a ton of mass to be pushed into the occupant space of a typical light vehicle. The consequences are often deadly for both the animal and any occupants of a vehicle.

However these instances are becoming more rare as special tall fences have been built along both sides of Highway 138 to prevent those instances. Yet, when travelling on less populated roadways the danger still exists.

The many hills of the Charlevoix region mean that there will be many vacationers and slow-moving campers. While there are no controlled-access expressways in the region Highway 138 is full of acceleration lanes on hills that allow faster moving traffic to pass campers, large trucks and other slower moving traffic.





Many hills and many slow-moving campers mean that there are many acceleration lanes built into highways so that faster moving vehicles can pass slower ones in safety.

Because of the many steep downgrades the highways in Charlevoix need truck emergency run-offs where they can be slowed down in the event of a brake failure.



Emergency run-offs for large trucks are also prominent along steep downgrades. When truck brakes become over-heated and ineffective a driver can take this emergency run off where the truck wheels will encounter a soft sand followed by an impact of large barrels of a typical barrier.

While it is the purpose of our website to focus on driving safety and dangers, the fact is that the Charlevoix region is very safe for road travel when one keeps one's attention to the road.



While there are always dangers to be aware of, Charlevoix presents a very pleasant atmosphere of comfort and driving safety that is a country of its own due to its french traditions and culture.

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