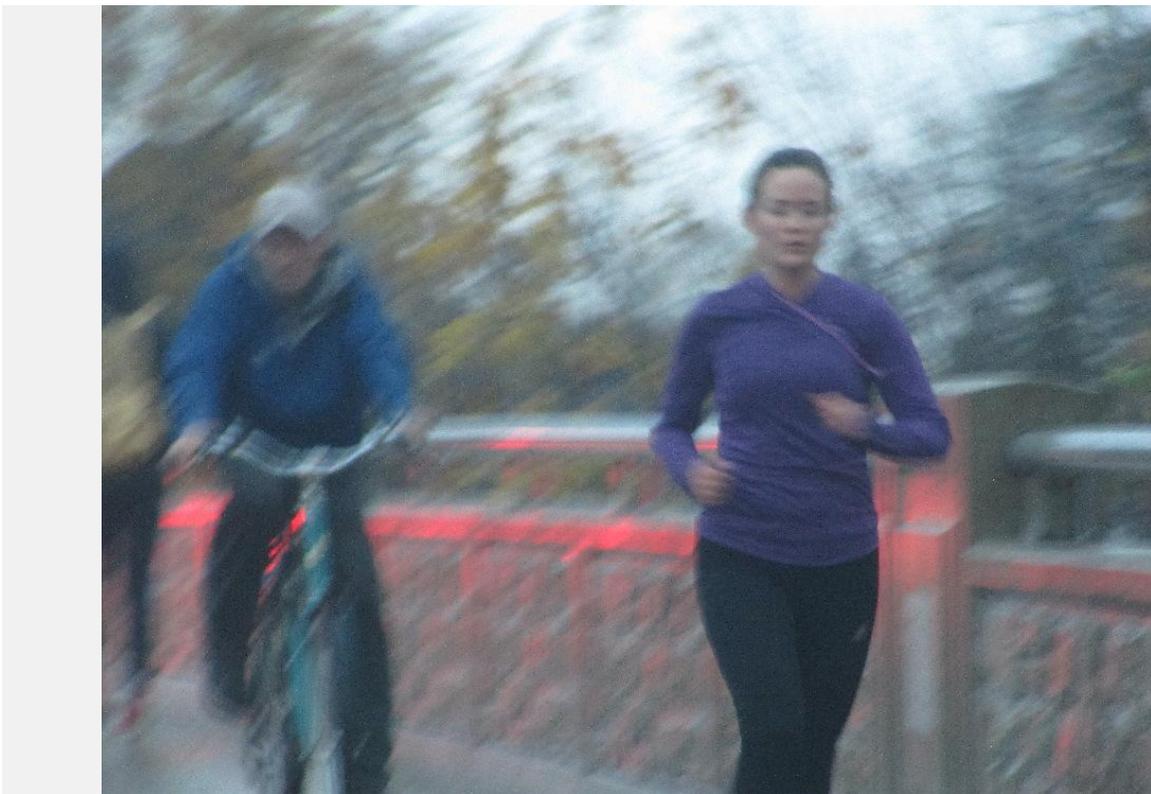


Gorski Consulting Website

Archived News - 2015 - October

October 29, 2015

Who Owns the Sidewalk?



Debate will not abate - Do bicyclists belong on the sidewalk or on the roadside?

A number of municipalities in Southern Ontario have decided that bicyclists should be banned from using sidewalks. There are obvious reasons for that decision such as the potential for collisions between fast-moving bicyclists and vulnerable pedestrians such as children and the elderly. But what is not generally appreciated is that there is an additional reason for that banishment. There is a real danger to cyclists at intersections when they approach on the sidewalk where drivers of motor vehicles find it difficult to locate them. While drivers are required to stop at a traffic stop bar or prior to a sidewalk when stopping at an intersection, that often does not occur. Thus on many occasions the front end of a motor vehicle enters into a pedestrian crossing just as a cyclist might enter that same crossing and an impact occurs. On occasion it might not be the initial

impact that is worst but the cyclist might be deflected into other traffic. These complicated incidents are rarely explained with sufficient detail to either drivers or cyclists.

Even though this danger exists, we at Gorski Consulting would still advise many cyclists to break the law and ride on the sidewalk in some instances for their own safety. No, we are not anarchists, but the reality is that at some locations a cyclist may face certain death when choosing to ride on the road edge rather than on the sidewalk. This fact is borne out by numerous collisions that we have reconstructed over the years. Even recently this danger has resulted in severe injury and death in the vicinity of London, Ontario.

The photos below illustrate some of the problems.



Is it safer for the cyclist shown in this photo to be riding on the road edge in the vicinity of large trucks?



It is much safer for the cyclist in this photo to be breaking the law and riding on the sidewalk.



While the cyclist may be safer on the sidewalk this may change when the cyclist approaches an intersection and the truck intends to turn right.

Education and understanding is critical in these instances. While the law attempts to solve certain problems it creates new ones. It requires that both drivers and cyclists understand why the law exists and when it may be better to be alive rather than law-abiding and dead.

October 28, 2015

Rhetoric & Denial - Safety Concerns Continue With Guardrail Terminals

After several years of controversy in the U.S. the safety concerns regarding guardrail terminals finally became publicized in the Canadian media last week when the Global News documentary "16 X 9" presented an informative segment on the ET-Plus terminal manufactured by Trinity Highway Products of Dallas Texas. However, other than that lonely item, nothing much has changed nor has much been learned. Trinity has denied there was any safety issue with their terminals and the U.S. Federal Highway Administration (FHWA) continues to deflect inquiries as to why it did not conduct any real-life performance evaluations of the terminals until Trinity was found guilty of defrauding the U.S. government last fall.

The lack of interest in protecting the public is evident locally in south-western Ontario as there appears to be no fear or concern that local jurisdictions could be held liable for any future collisions that could result in injuries and deaths. A prime example of this is the status of a guardrail terminal that we located on November 27, 2014 at the west end of the Kilworth bridge on the western outskirts of London, Ontario.

It may be recalled that we showed several photographs of that terminal which we show again below.



The unrepaired damage to guardrail on the west side of the Kilworth bridge, on the west outskirts of London, Ontario, has caused the end of a guardrail to stick out of its end terminal and awaiting to harpoon a potential impacting vehicle.



Close-up view showing how the end of the rail has been pulled out of the terminal.

The two photos above were taken from our initial examination on November 27, 2014. Since then we have passed by this location a number of times and noted that nothing has changed. Most recently we attended the site again on October 25, 2015 and took another set of photos, some of which are shown below.



View of the ET-Plus terminal on the west end of the Kilworth bridge which was still unrepaired when this photo was taken on October 25, 2015.



View of the end of the guardrail sticking out of the ET-Plus terminal as observed on October 25, 2015.

The above photos were taken almost a year since our initial documentation of the problem. During this time there has been enough news coverage about the concern that ET-Plus terminals were harpooning striking vehicles and sometimes killing their occupants such that this problem should have reached the eyes and ears of representatives of road maintenance organizations in Southern Ontario. So how could this potentially deadly hazard still remain on the roadside? Clearly, if vehicles are being harpooned when the end of the guardrail is properly inserted into the terminal, what would one expect when the end of the rail is actually exposed outside of the terminal as shown in these photos. Does it take much thought to recognize that a striking vehicle will be harpooned by this damaged system? Is there really any road inspection taking place by road maintenance personnel when this hazard has remained on the roadside month after month?

October 26, 2015

Costs of Highway Emergencies Revealed In London Free Press Article



Who pays for emergency response and how much? In Ontario "the little guy" ends up holding the bag.

A battle between local municipalities and the Ontario government has caused the London Free Press to conduct some research on what it costs for emergency personnel to attend collision sites. Representatives of the Province of Ontario have refused to budge on the issue of compensating local firefighting departments in Lambton County when they are called to an emergency on Highway 402. Compensation has only been given when a call actually requires fire services and no compensation is provided when the fire department arrives at an accident site where its services are not needed. The fire departments are crying foul as they have to respond to all 911 calls and then are unable to know if the service is needed until after their response is initiated.

In its report on the issue the London Free Press provided some hard numbers on emergency response costs. For example the Province pays a fire department \$410 per truck that responds to an accident on Highway 402. Policy also requires that at least three trucks must attend to such an emergency request. Thus multiplying by 3, the cost of an emergency call by firefighters is at least \$1230, just for the trucks alone.

Based on the London Free Press article, for the Township of Warwick which has an estimated population of about 3,700, the fire department attended to 16 emergency calls on Highway 402 in the year 2015 - 9 of those calls were "false alarms" or no-service calls for which the fire department will not receive compensation.

In the Township of Plympton-Wyoming the volunteer fire department went out to 45 Hwy 402 calls in 2014 of which 7, or 15% were cancelled.

A rather confusing bit of information - the London Free Press also indicated that a policy exists for daytime calls where fire departments from two local areas are required to attend an accident site to protect from the possibility that not enough firefighters show up to a call. Why this is so was not explained but it is possible that volunteer firefighters are at their regular work sites during the day and thus would not be as available as they would be after work hours. Regardless, the bottom line is that 6 fire trucks would be required to attend at a total cost of \$2460. That is a lot of money.

What is interesting to consider are the recent actions at the headquarters of Ontario's Ministry of Transportation where unnamed individuals caused a new policy to be enacted regarding snow clearing of highways during the winter season. Performance-based contracts to contractors contained minimal government supervision via decisions forced upon ministry employees by its headquarters staff. Ontario's Auditor General wrote a scathing report on that policy which reduced the quality of snow clearing and likely contributed to many winter-time collisions on highways such as the 402. The snow clearing policy was intended to save money, and on the ledger books of the Ontario Ministry of Transportation it might look like money was actually saved. However, as typical with the Houdini style of bookkeeping, not all the costs were taken into account.

As can be seen by the revelations of the London Free Press, if an emergency is caused on Hwy 402 because an accident occurred in daylight hours due to poor snow clearing, local fire departments incur a cost \$2460, the Provincial government would incur no costs, but the taxpaying public would incur all the costs. This does not include the hardships caused to the drivers whose lives are placed in jeopardy because of the snow clearing policy.



Ontario's Auditor General claims that winter road maintenance has deteriorated in the last several years resulting in deaths and injuries on Ontario's highways. To this day, those responsible for the performance-based contracts controversy at the Ontario Transportation Ministry's headquarters have never been named.

Thus in Ontario "the little guy", whether a small municipality, an innocent driver, or the unsuspecting taxpayer, ends up holding the bag.

October 25, 2015

Fires & Drownings - No Protection In Any Modern Vehicle

There have been great advancements in the safety of automobiles in the past few decades such that fatality numbers in North America have been reduced almost by half since the mid-1970s. Many of the past improvements have related to improvements in the crash-worthiness of vehicles. Thus air bags and various improvements in designs have made a difference. So has the use of seat-belts, child seats, infant carriers and booster cushions.

New technologies are entering the vehicle fleet that may further reduce the severity of collisions or prevent them altogether. Thus electronic stability control, lane departure warnings and automatic braking are some of such features.

What remains are causes of fatalities that do not reach the public's psyche, mainly drownings and vehicle fires.

In Toulumne County in northern California, 5 people were killed yesterday evening when two vehicles involved in a head-on collision caught fire on Highway 120. Only a couple of months earlier three other deaths occurred in the same county under similar circumstances when a 2007 Toyota Rav 4 caught fire after a head-on collision. In neither of these instances was it identified whether all these fatalities were related to the fires. Yet, multiple fatalities like these are more associated with fires than they are from the severity of crashes because of the previously mentioned advances in vehicle crashworthiness.

In Southern Ontario drownings of vehicle occupants are more common than the minimal coverage given by official news media. Gorski Consulting has already mentioned this fact in our previous day's posting ("Laissez Faire Attitude...etc"). But fires too are often mentioned in news coverage as something of minor concern and importance.

The obvious fact is that the advancements of modern technology cannot not protect vehicle occupants from either drownings or fires. When such protections are difficult to deal with the preferred action is to make them less noticeable to the public. Yet, when the public is not made aware, there is less chance that possible improvements in these areas will be funded by governments and manufacturers. In a small way, this is one of the goals of Gorski Consulting: to raise awareness of inconvenient and difficult safety issues that many would like to keep unnoticed.

October 24, 2015

Laissez Faire Attitude Toward Review of Drownings of Vehicle Occupants Continues



The public needs to be informed if road conditions are inadequate to protect them from drowning in roadside standing water.

Yesterday, October 23, 2015 it was reported that an SUV was found in Rice Lake near Peterborough, Ontario. When police investigated they found a dead male inside.

Today, it was reported that a vehicle struck a lamp standard early this morning and fell into the Saugeen River in Walkerton, Ontario. A passenger of the vehicle was pronounced dead. The driver and five other occupants received only minor injuries.

In each of the two incidents there is very little information about how a vehicle entered a body of water, whether this involved the drowning of the individual and whether the incident could have been prevented.

With respect to the Rice Lake incident, at this point we know nothing about the cause of death, which might even be a homicide. Not even basic information like this is often revealed often for months, if at all.

The Walkerton incident is still very preliminary in its investigation yet, whether the fatality was due to the impact of the lamp standard or from drowning, or from a totally unrelated matter may never be revealed.

Drownings much like vehicle fires are results that might be avoidable and they require the public's participation in determining what facts are believable and what risks are acceptable.

Global News "16 x 9" Documentary Series To Include Interview of Zyg Gorski With Respect To Collision Performance of "Controversial Guardrail System"



The results of a collision in the state of Missouri involving a guardrail terminal. There is a lack of public information regarding how such terminals perform in real-life collisions.

Gorski Consulting had been in discussion with members of the Global News television documentary series "16 X 9" for several months regarding the performance of the Trinity Highway Products (THP) ET-Plus guardrail terminals that exist in their hundreds of thousands throughout North America. On August 10th, 2015 Global News visited Zyg Gorski of Gorski Consulting and interviews were conducted as well as footage was taken of examples of ET-Plus installations near London, Ontario. The result of this collaboration will be an airing of a TV segment on the Global TV documentary series discussing the ET-Plus. The program is to be aired tonight, October 24th, 2015 at 1900 hours.

While we are unaware of the content of the program we note that Global has written a brief article on their website entitled "Controversial guardrail system installed on roads across Canada". In the article there is a brief summary of the safety issue, a summary of where some of these terminals may be located in each province and interviews of certain representatives of Ontario's transportation department.

In the portion of the article discussing our interview the article indicates "He's been driving down the roads in Southern Ontario for years documenting hazards he sees and reporting them to transportation officials". While that is essentially accurate, the "reporting them to transport officials" portion is not quite right. While we have on occasion reported problems to transportation officials the success of these reports have been limited at best. The ever presence of civil litigation causes many transportation officials to become secretive about any safety problems within their districts. Consequently we have opted to make our reports via the Gorski Consulting website and allow matters to unfold as they may. While the safety of the ET-Plus in an important matter, we have stressed at Gorski Consulting that the greater concern is that there is a lack of documentation and revelation to the public of how such terminals are performing in real-life collisions.

Whatever the content of the "16 X 9" program, we appreciate that the producers, Francesca Fionda and Gil Shochat, along with the Global TV network were the only news agency that decided to conduct a detailed reporting of the issue and they should be commended for it. It is an important issue that the Canadian public must be made aware of. It ties in with our strong belief that in a democratic society citizens should have a right to know - whatever the issue may be - so that policies are developed according to the peoples' wishes.

UPDATE: October 24, 2015; 2220 Hours

Having had an opportunity to view the "16 x 9" documentary we see that none of the footage or interview with Zyg Gorski was included in the segment. We have no issue with that as the segment covered the important issues that needed to be covered. The only criticism we have is that the segment did not emphasize the fact that the real life collision data has not been properly gathered and analysed by any government agency whether in Canada or the U.S.

October 22, 2015

Transient Causal Factors - An Annoying Reminder That Sometimes We Cannot Know Everything

The auto technician who services our vehicles was perplexed by our continual insistence that a transient, underside rattling was occurring under our vehicle. Whenever he drove the vehicle it sounded fine and he checked every possible underside item to confirm that all was OK. But the rattle persisted. Finally the technician took our vehicle for a long drive and he discovered the problem. Upon heating up the exhaust system rotated just enough that it began banging against the bracket of a tow hitch. Problem solved.

Transient causal factors are also difficult to detect in the investigation of motor vehicle collisions. Below is a scenario of a car following a truck when suddenly, passing by a local aggregate pit, the truck whips up a transient fog of dust.



This is a common scenario where a car is following close behind a large truck.



As the truck passes by the location of a local aggregate pit it whips up a cloud of dust from the roadway shoulder.



If the cloud of dust was thick enough the driver could be disoriented and travel into the opposing lane where a head-on collision might occur.

If the cloud of dust was sufficient in density it might disorient the car driver and possibly cause a head-on collision. The truck driver might not even realize this occurred and there could be instances where both drivers involved in a severe collision might not remember the circumstances or they could sustain fatal injuries. With no witnesses it might be difficult to detect that such a transient factor was an influence in the collision causation.

It is a reminder that, as investigators, reconstructionists and evaluators of fault and guilt we cannot know everything. Some factors are just difficult to expose and require our focus on small details.

October 20, 2015

Ruth Burger Sentenced in Double Fatal at London Costco - Yet What Actually Happened Was Never Fully Determined



Why did a car accelerate rearwards into the front doors of the London Costco outlet killing two children? While a judge determined that it was the fault of the driver, the evidence does not appear to be fully clear.

The driver of the 2004 Monte Carlo that crashed in the front doors of the Costco outlet in London, Ontario and killed two children was sentenced to probation and community service as a result of being convicted of dangerous driving causing death. Ruth Burger received the sentence today, October 20, 2015 as a result of the collision that occurred on July 25, 2014.

The unsettling fact is however that the mystery regarding how and why the collision occurred was never fully unravelled.

Gorski Consulting is reviewing the judgment in the case and an article will likely be posted on the Articles page of this website in the coming days.

Death of A Western University Student - Lessons Can Be Learned From Tragedy

After abandoning a brief news discussion regarding the death of Western University student Andrea Christidis, Gorski Consulting set out to prepare a more detailed article on the collision as well as other safety issues on the University campus. This article has now been uploaded to the Articles page of the Gorski Consulting website. Our review also included a previous collision on this campus in January 2015 when a passenger of a vehicle that struck a tree, Jan Broz, was also killed. While not meaning to single out the actions or inactions of Western University, the article illustrates the point that the public must be given more information about the specifics of serious collisions if the impetus to make improvements in transportation safety is to take hold.

October 12, 2015

Death of Western University Student Andrea Christidis - Lessons Can Be Learned From Tragedy



Andrea Christidis died when struck by an alleged drunk driver who failed to keep his vehicle within a sharp curve on Western University's campus.

An obvious fact: impaired driving can be lethal and cruel to its victims. That was no less evident this week when an innocent young Western University student, Andrea Christidis, was struck and killed on the University campus. The alleged drunk driver, 24-year-old Jared DeJong, now faces numerous charges related to the tragedy.

There has always been an obvious lesson in all of this: Do not drink and drive. However, despite decades of publicity, impaired driving continues on, perhaps to a reduced level, but not enough of a reduction to prevent the deaths of numerous innocent persons. The fact remains that impaired driving is also likely associated with other societal ills. After repeated warnings drivers who drink and drive may be "tone death" to the message that most normal persons can clearly hear.

Beyond the obvious, there are other lessons that can be learned from this tragedy. If we have difficulty preventing alcohol impaired driving it is possible take some passive measures to reduce its effects. For example, it should be technologically possible to equip vehicles with alcohol sensors that will prevent a vehicle from being started if alcohol is sensed within the driver's seating space. Although complicated by instances where alcohol might be wrongly detected, etc., such a feature might solve a large part of the problem.

Another good example is automated braking which is fast increasing its presence in the new-vehicle fleet. While drivers may not be able to detect a hazard in time to avoid it, automatic application of braking by an intelligent vehicle may reduce the severity, or even prevent, many significant collisions.

Passive actions may also include an understanding of how and where certain types of collisions occur and create the infrastructure around such sites to reduce the effects of poor human judgment. On the roadside we can also create safer locations to screen pedestrians from automotive traffic where it is likely that the two might meet by accident.

As an example, the site where Andrea Christidis was killed is one of those where pedestrians and motor vehicles were likely to meet by accident. Firstly, the campus of Western University is populated by tens of thousands of students, many of whom are pedestrians. Conducting a site audit one could examine where such students are most vulnerable of possible harm by motor vehicle traffic.

This issue has developed into a larger study that is no longer suitable for the shorter discussions of this News page. As such Gorski Consulting is preparing a longer article on the issue of pedestrian and traffic safety on the Western University campus. Readers can expect that article to be uploaded to the Articles page of this website in the next few days.

October 11, 2015

Critique of the U.S. Federal Highway Safety Administration's Review of In-Service Performance of the Trinity ET-Plus Guardrail Terminal

The ET-Plus guardrail terminal manufactured by Trinity Highway Products of Dallas, Texas is alleged to be malfunctioning in certain collisions resulting in incidents such as the harpooning of vehicles that make contact with the terminals.



An example of a vehicle that has been harpooned by guardrail. Such harpooning is alleged to occur because the Trinity Highway Products ET-Plus guardrail terminal is defective. Despite the U.S. Federal Highway Administration's indication that it would resolve whether this defect exists, no such resolution has occurred.

The U.S. Federal Highway Administration (FHWA) indicated in late 2014 that it would conduct an inquiry into the in-service performance of the ET-Plus and a report on that inquiry was uploaded to the FHWA website in the spring of 2015. Gorski Consulting has reviewed the FHWA report and criticize the appearance that the FHWA never conducted an in-service evaluation of the ET-Plus throughout over 10 years that the terminal was being installed on North American highways. A further criticism is that the FHWA did not receive sufficient collision data and what data was received was of poor quality. A further criticism is that the FHWA failed to address the specific issue of the alleged defective design of the ET-Plus, whether there is sufficient evidence of poor functioning, and whether the ET-Plus should be removed from the North American highway system. The critique has been uploaded to the Articles page of this website.

October 8, 2015

Officials Have A Moral Responsibility To Inform The Public Of Reason For Infant Passenger's Death

A 4-month-old infant has reportedly died as a result of a collision at the intersection of Ron McNeil Line and Yarmouth Centre Road in Elgin County, Ontario, at approximately 1900 hours, Wednesday, October 7, 2015. A 35-year-old female driver of the struck SUV is reportedly in serious condition while a 33-year-old male passenger seated in the rear seat of the SUV is in critical condition. The 68-year-old driver of a pick-up truck that failed to stop at a stop sign and struck the SUV in its side is also in serious condition. Both vehicles reportedly came to rest in a ditch south-east of the intersection. The infant was reportedly in a rear-facing carrier located behind the driver.

If the reported information is correct then the pick-up truck would have to be travelling southbound on Yarmouth Centre Line while the SUV would have to be travelling eastbound on Ron McNeil Line. If the SUV was struck in its side then the impact should have been to the left side of the SUV. If the infant was behind the driver then it might have been in the vicinity of the zone of maximum crush and structural intrusion. Even that may not provide an obvious explanation for the infant's death as infant carriers provide tremendous protection, often much superior than what is afforded to typically, seat-belted adults. Officials have a moral obligation to inform the public of the cause of the infant's death as this information is important in preventing potential future incidents.

The critical injuries to the rear-seated male in the SUV are not obviously explainable if that person was not seated in the left seating position and further explanation is warranted.

There is no guarantee that this important information will be revealed to the public, as it should be. As the investigation is likely still in its early stage further information may be released shortly.

October 7, 2015



The spirit of great Canadian improvisation lives on...



For those visiting from out of the country, South-Western Ontario can be a beautiful place to drive amongst the colour autumn leaves.

October 6, 2015

Lack Of Media Questioning How Driver Died From Impact With TTC Bus Raises Concerns

The public has a right to know if a driver has been killed by the deployment of an air bag. Yet, it would seem, police and the official news media work in tandem to prevent the public from being aware of this issue. The suspicious manner with which Toronto police are dealing with a fatal collision on Morningside and McLevin Avenues from this morning, October 6, 2015, gives Gorski Consulting the grounds to suspect that such an air bag fatality occurred.

For example we are yet to see a good view of the damaged Jaguar in which the 50-year-old driver perished. However, a brief glimpse from a long-distance camera showed an obvious frontal impact with damage existing at a high level, such that maximum crush would appear to exist at the hood level. Such characteristics of damage is what would be expected from rear-ending a large transit bus.

It is well-known that when the direct contact is at upper levels of the front end, and not at the stiffer bumper level, the "brain" of an air bag module has difficulty detecting that a major impact is taking place and that the air bag should be deployed. Remember that, at times, a decision to deploy must be made as quickly as 25 milli-seconds from "walk up" of the module. There are 1000 milli-seconds in one second, so 25 milli-seconds is an extremely short time.

When a soft structure is involved the module comes to the belief that a minor impact is commencing and air bag deployment is nullified. However, a short time later, as the crush continues, the rate of change in acceleration (technically referred to as "Jerk") rises and suddenly the air bag module receives sufficient knowledge that a significant collision is taking place and thus it commands the deployment. But that is not good...

The "deceleration" resulting from many significant frontal impacts is completed in just over 100 milli-seconds. But when a soft structure is involved which causes a long time and distance of penetration that time interval can be much longer. The driver often starts to move forward with respect to the vehicle interior in the general range of 60 milli-seconds. If the air bag deployment is sufficiently delayed the driver's body may move into a forward position with respect to the steering hub where the air bag resides. Now the driver is "out of position" (OOP), as the phrase is often used. An air bag deploying at a velocity of 325 km/h can kill a person that is in the vicinity of its deployment. Remember, air bags work well because they deploy before the occupant's body reaches the area of their deployment. They work poorly in those isolated instances when an occupant's body is in the zone of deployment.

Deployment when an occupant is in the zone of that deployment is a grave concern amongst safety experts. When air bags became mandated manufacturers expressed concern that the technology was not yet refined enough to prevent air bags injuries. Never-the-less, policy-makers recognized that a greater benefit would be generated to the population as a whole as air bags would protect many more people than they would hurt. As air bags began to be installed on a wide scale in the early 1990s a number of tragic fatalities were caused from air bag deployments. The numbers of these tragedies were reduced when air bags were depowered in 1998. Yet, to this day, a vast majority of vehicles are not equipped with sensors that detect occupant position with respect to the zone of deployment and so unwanted fatalities and injuries occur. It is expected that position sensors will eventually populate the full, vehicle, operational fleet however that will take some time. In the meantime, certain, rare and unfortunate persons are injured and killed by their airbags because they end up within the zone of the bag's deployment. This is a terrible result for that small segment of society and it would be reasonable for that segment to question how policy makers could allow that to occur.

Thus a dilemma exists: how does one justify saving the lives of many while causing the death of a few. In a society that has lost control of its civil litigation, politicians and news media, searching for sensationalism is the norm, hiding a defect is the norm and it becomes difficult to lay the honest truth on the line for fear of the repercussions.

With respect to the current incident it is a red flag when news media reported that the Jaguar driver died and he/she was not wearing a seat-belt. Why? Because in a collision like this seat-belt use is a moot point. The view that we had of the vehicle indicated that there was no structural intrusion into the occupant space and the frontal crush appeared to be moderate. In such an instance a properly functioning air bag should have been able to ride the driver down to a controlled stop within the interior, irrespective of the seat-belt, albeit, with some possible minor injury, but not resulting in fatal injuries. We view the insertion of the fact that the driver was unrestrained as a red herring meant to deflect the public's focus from the important issue that an air bag deployment was the likely cause of the driver's fatal circumstance.

Of course, we do not know. No one can be certain of these matters with the minimal information that has been provided. However we have observed many instances in the past how the malfunctioning of safety systems has been kept quiet for fear that the public will rebel against the mandating of the installation of these systems for the public good. There is this dread amongst policy makers that the public cannot handle even the slightest bit of negativity about a safety feature's functioning. Somehow, these persons come to the dreaded fear that there will be some sudden uprising and the populace will tear all the seat belts, air bags and everything else out of their vehicles because of an isolated incident of malfunction. Clearly this is paranoia at work.

We have reached the age when vehicles are equipped with much more sophistication in electronic sensors and computerized logic. Many functions such as steer-by-wire are electronic. Automatic braking by computer logic is fast populating the vehicle fleet. Speed control, electronic stability control and, of course, driverless vehicles. This means

that fewer and fewer experts have the technical knowledge of how and why things work, while more and more persons are left out of that loop. Clearly this is a framework for misunderstanding. It becomes imperative that those who are out of the loop be approached with straightforward and honest facts.

At Gorski Consulting we believe that the public does not need a Big Brother censoring what the public will be allowed to know. We have faith in the notion that, when the public is properly informed it becomes educated and is capable of making good and unbiased decisions that ultimately benefit society. When the public is lied to, or is not told the facts that it has a right to know, suspicion and distrust become the worms that eat through any future endeavors where policy makers need the public's support.

That is our position.

Carillion Fined \$900,000 For Snow Clearing Failures - But Real Question Is How Much It Will Actually Pay?



Much like the fog generated by a working snow plow, there is a lack of clarity regarding the actual payments that contractors will make for fines against them for improper snow clearing. Fines that are waived by the Ministry are not made public unless through a special process such as the recent Auditor General's report on Winter Road Maintenance.

News media are pronouncing to the Ontario public that Carillion Canada was fined \$900,000 by the Ontario Ministry of Transportation for two failures of snow clearing in December and November of 2014. Yet nothing has been revealed about the lacking of that Ministry in actually collecting such fines. The only independent information on this issue is the 2015 special report of the Office of the Auditor General of Ontario entitled "Winter Maintenance". On page 32 and 33 of that report is a section entitled "Waiving of Fines Inconsistent". This section talks about the Ministry's activities of leveling fines and then waiving them for inconsistent reasons. As an example the Auditor's report indicated:

"We found that regional ministry staff acted inconsistently in their waiving of fines. Some staff never waived fines, while others were more lenient in an attempt to promote better performance in their respective areas. In one contract area in the Northeastern Region, 75% of the total \$700,00 in assessed fines was waived, whereas in another contract areas in both the Eastern and Western Regions, fines were not waived at all."

The Auditor's report also indicated that in the 2013/14 winter season "...a total of \$4.9 million in fines was waived by regional ministry staff..."

An e-mail sent to the CBC from the Ontario Ministry of Transportation contained the following, in part:

"While individual payment issues cannot be disclosed publicly, they are administered according to the contract documents. We do not release specific information on financial non-conformances or the specific amount of consequences imposed on contractors, as this is a contractual matter between the Ministry and the contractor."

Prompting one commenter to respond:

"So why, in this DEMOCRATIC country of Canada, are the TAX paying OWNERS of this country NOT allowed to know the NUMBERS regarding the penalties?"

While many readers commented with their expressed satisfaction that something was being done to make those responsible for road maintenance accountable for their actions, the fine details of what fines might actually be paid will likely not reach the public.

October 1, 2015

Inability of Canadian Government To Force Automotive Recalls - A Case of Safety Insanity

Unbeknownst to most Canadians the Canadian federal government has never had the legal authority to force automotive recalls. If Transport Canada determined that a manufacturer should recall a vehicle the process involved civil litigation which was often costly and of limited success. The CBC television broadcaster has announced that Canada's federal government will be introducing new legislation that will give Canada's transport minister new powers that will force manufacturers to conduct recalls or face monetary penalties. Such powers already exist in the U.S.

Even with such new powers there is no indication that criminal charges could be imposed on individuals of that manufacturer. A case in point is the recent General Motors ignition switch defect in which GM was penalized by the US government yet no actual charges were laid against individuals of that corporation. Some would say that such a process is a legal license to kill in that the individuals who performed the acts, which likely led to hundreds of deaths, were hidden by the view that it was a corporate act, not an act of a specific individual.

In Canada, even through an unknown number of persons sustained injury and death from defects such as the GM ignition switch, the Canadian government can do nothing to bring individuals of such a corporation to justice. No more than an individual citizen can lay a criminal charge.

The fact that such a system has existed for so long, without correction, may be that the average Canadian citizen is out of the loop with basic information about what may legally kill that citizen.

September 30, 2015

Police Provide Bazaar Explanation Why Muzzo Jeep Caught Fire While In Their Custody

While improbable things happen, it needs to be emphasized that the police explanation for how a Jeep being held in their custody accidentally caught fire leaves some obvious questions. This might be of minor consequence except that this Jeep belonged to Marco Muzzo, the alleged drunk driver whose vehicle struck and killed three children and their grandfather in Vaughan, Ontario on Sunday, September 27, 2015. The Toronto Star newspaper happened to mention this fire in a small article today, and most persons would find it difficult to detect the relevance because it did not mention in the article title that Muzzo was the person related to that vehicle.

The problem with the police explanation is that, whenever a major collision occurs, one of the first activities of fire-rescue personnel is to disconnect the battery of the damaged vehicle precisely to prevent the commencement of a fire. The Muzzo Jeep had significant front end damage thus it would be unusual for fire-rescue personnel to omit doing what they always do. If the battery was disconnected it becomes difficult to explain how a "minor electrical fire" could have taken place because there should have been no electricity available to commence that event.

Secondly, we question the information that the fire occurred "in the front grill of the Jeep". What does that mean? What electrical components are located in the front grill of Jeep that would ignite? The fire was "quickly extinguished and the integrity of the evidence was not compromised", and the fire occurred on Monday evening, according to a York police spokesman.

We find that difficult to imagine. As reported it would appear as if the Jeep was sitting isolated in the police compound for over 24 hours when it suddenly caught fire without any intervention by anyone. Does that sound logical?

After 35 years of examining thousands of collisions this is the first time we have come across such a reported incident. As we say, improbable things happen, however where are the news media to ask the important questions to determine whether this explanation is reliable?

Marco Muzzo Quadruple Fatality Crash In Vaughan Ontario - Emotions Spill Over Before Basic Facts Known

A tragic collision claimed the lives of three young children and their grandfather and the driver of the vehicle that struck them is facing multiple charges including impaired driving. As an example of the raw emotions that have surfaced as a result of the quadruple deaths that occurred on Sunday afternoon, September 27, 2015 in Vaughan Ontario, the comment below is taken from one of the responders to a news article about the incident:

"Muzzo should be charged with 4 counts of 1st degree murder & sent to prison for life with no parole ever! But of course some bleedin' heart lawyer will come up with some pitiful excuse why not & our useless justice system with (sic) concur!"

Accompanying the comment was a "thumbs up thumbs down" tally of who agreed or disagreed with this comment. Agree: 138, Disagree = 4. It would appear that the four who disagreed were in the extreme minority.

We at Gorski Consulting are no different is recognizing the frustration and tragedy when such events occur. However, our responsibility goes beyond seeking revenge and venting those frustrations. Amongst the hysteria there must be a reasoned head that recognizes the opposite tragedy when a lynching mentality overcomes reason and an innocent person falls victim to mob rule. As investigators who seek to uncover objective facts, we have seen in the past how making judgments with emotion is not a way to achieve the justice that must be achieved.

Fault and criminal action is not so cut and dried. The commenter above who refers to "bleedin' heart lawyers" has already made up his/her mind without knowing the facts and there is often little that can be done with an individual who has reached that mind set.

As an example, complications may exist that may not yet have been revealed to the public. The photo below shows a view in the direction from which the Muzzo SUV approached the area of impact. In other words the police likely determined that the Muzzo SUV was travelling toward the camera and likely passed through the stop sign before the crash.



Frame taken from one of the news media videos showing the view along Muzzo's approach to the stop sign.

Notice in the above photo that there are a number of additional signs posted along the right side of the road leading up to the intersection. From the context, we believe these signs are related to some road construction and a detour route that is illustrated in those signs. What no one has asked is whether any of those signs blocked the view of the stop sign. Such a blockage could have been a factor in Muzzo's passage through the intersection.

At this point many readers would comment: "So what, the man was drunk and should pay". While that might be so, the fact remains that "the man" was only charged and has not yet been convicted. There are many facts that do not become revealed until trial and those facts may become relevant. Alternatively, many facts are also hidden, even at trial.

Impaired driving that takes the life of innocent persons, especially such young children, is inexcusable because, as many have previously commented, it is a choice that a driver makes and by this day and age every driver's psyche has been bombarded with so many warnings about this dangerous activity. We do not defend such actions. Alternatively, we also do not defend rushes to judgment and mob rule.

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