

[CASE TITLE]

Post-Crash Analysis Report

Date of Loss: [REDACTED]

[LAW FIRM]

Prepared by:

Rick August, PhD

Smart Drive Test Inc.



[DATE]

TABLE OF CONTENTS

TABLE OF CONTENTS	2
TABLE OF FIGURES	2
STATEMENT OF QUALIFICATIONS	2
CERTIFICATION	3
PURPOSE OF REPORT	3
SUMMARY OF FACTS.....	3
DOCUMENTS REVIEWED	4
FACTS & ASSUMPTIONS	4
STANDARD OF CARE FOR DRIVERS.....	7
<i>Correct Driver Procedure for Left Turns</i>	8
OPINION	8

TABLE OF FIGURES

FIGURE 1- IMAGE SHOWING THE LOCATION OF THE STREET LAMPS AT THE INTERSECTION OF [ADDRESS].	5
FIGURE 2- IMAGE LOOKING NORTHBOUND ACROSS THE INTERSECTION OF [INTERSECTION]. THE IMAGE SHOWS THE LIGHT STANDARD THAT WOULD HAVE BEEN ILLUMINATING THE NORTH SIDE OF THE INTERSECTION OVER THE CROSSWALK.	6
FIGURE 3 – IMAGE SHOWING THE CLEAR LINE OF SIGHT ON THE WEST SIDE OF THE [REDACTED] INTERSECTION FROM SOUTH TO NORTH.	6

STATEMENT OF QUALIFICATIONS

I provide this report as a Post-Crash Investigation Expert in traffic safety, road user behavior, and driver education. I earned my Driving Instructor’s license from the DTSM (Driving School of Motoring) in Ottawa, Ontario in 1999. Since that time, I have taught both new drivers to drive and delivered defensive driving courses in both the provinces of Ontario and British Columbia, Canada and the state of Victoria, Australia.

I am currently licensed as a commercial driver and passenger vehicle instructor in British Columbia. The bulk of my driving instruction career has been with semi-truck and bus drivers. All the driving skills and rules for passenger vehicle are a “must know” for the higher-class licenses. Consequently, those involved in CDL upgrades require significant retraining.

I've both authored the e-book "*Driving Test Secrets*" and generated hundreds of videos on passing a driving test and becoming a safer smarter driver.¹ These resources are in a bid to help drivers to significantly reduce their chances of being involved in a crash.

I have a PhD from the University of Melbourne, Australia where I studied legal history. Specifically, policing and law as it works to uphold traffic's social order.

CERTIFICATION

I certify that:

- a) I am aware of my duty to assist the court;
- b) I have prepared this report in conformity with that duty, and;
- c) I am not an advocate for any party in this case.

If required, I can provide additional oral or written testimony in conformity with that duty.

PURPOSE OF REPORT

As requested in your correspondence to me on [DATE], I have investigated the crash between a left-turning truck, driven by [DRIVER], and a pedestrian, [PEDESTRIAN]. Specifically, I have been asked if [DRIVER] was negligent in his duty of care in operating a motor vehicle.

SUMMARY OF FACTS

The crash occurred at the intersection of [INTERSECTION ADDRESS] in [TOWN], Canada on [DATE] at approximately [TIME]. [DRIVER] drove a 2008 GMC Sierra pickup truck northbound on [ROAD]. He stopped briefly at the traffic light at the crossroads of [ROAD]. When the light turned green, he turned left at intersection. A pedestrian crossed the intersection on its west side from south to north. Here [DRIVER] struck the pedestrian walking in the crosswalk in the first lane past the center point of [ROAD].

My findings and analysis of the collision are outlined below:

¹ *Driving Test Secrets: Here you'll find the hidden skills and abilities that will guarantee you pass your driver's test the first time!* 2023. Smart Drive Test Inc., ISBN (eBook) 978-1-9993932-1-2, [CLICK to view book](#). For Smart Drive Test videos, see: https://www.youtube.com/channel/UCixMlmdY1xka_KHx1FfQjxQ



DOCUMENTS REVIEWED

1. Police Report dated [DATE].
2. [REDACTED], Second Report, dated [DATE].
3. Deposition of [DRIVER] dated [DATE].
4. Google Maps dated [REDACTED].

FACTS & ASSUMPTIONS

- There was a full moon and it was partly cloudy.²
- Moderate traffic moved through the intersection.
- Six streets lights illuminated the intersection.
- Also, streets lights along the nearby Trans-Canada Highway cast light onto the intersection below.
- Shop parking lots, traffic lights, and vehicles waiting at the intersection created additional ambient light.
- The lights from [WITNESS] eastbound vehicle, a witness, and others at the intersection contributed to the illumination of [PEDESTRIAN] as she moved across the roadway.

² Police Statement of RA - Line #65 and Second Statement, p. 26, Q. 18



Figure 1- Image showing the location of the street lamps at the intersection of [ADDRESS].³

- A light standard was within close proximity to the crosswalk on the northwest corner of the intersection.
- [PEDESTRIAN] moved to cross the intersection from south to north along the west crosswalk.
- [PEDESTRIAN] had crossed more than 2 traffic lanes and was therefore in the intersection for 5-6 seconds prior to being struck.⁴
- [DRIVER'S] destination was the Walmart at [ADDRESS].
- He deposed that he looked forward when moving through the intersection.

³ Second Report, [DATE], 010.jpg.

⁴ It takes an average walker (9.7kph or 6mph) a minimum of eight seconds to cross a 4-lane roadway.



Figure 2- Image looking northbound across the intersection of [INTERSECTION]. The image shows the light standard that would have been illuminating the north side of the intersection over the crosswalk.⁵



Figure 3 – Image showing the clear line of sight on the west side of the [REDACTED] intersection from south to north.⁶

- He also stated that he shoulder-checked to the right in preparation for changing lanes to the right.

⁵ Second Report, 21 Nov 2014, 010.jpg.

⁶ Second Report, [REDACTED], 010.jpg.



- [DRIVER] deposed that he was only stopped at the intersection for a moment and the light changed to green.⁷
- [DRIVER] said that he looked to see if there were pedestrians proceeding south across the intersection.⁸
- Before executing the left turn, [DRIVER] failed to shoulder check left. He deposed, "I would have had to look essentially behind me to double check."⁹
- In anticipation of moving to the right lane, [DRIVER] shoulder checked to the right when moving through the intersection.¹⁰
- [WITNESS], another driver waiting at the intersection and witness, stated to police that she clearly saw the pedestrian crossing the street.¹¹

STANDARD OF CARE FOR DRIVERS

- *Learn to Drive Smart*, the official driver's handbook in the province of British Columbia, states: "that you can't always count on the other person to follow the rules. And even if you have the right of-way, it's still your responsibility to do all you can to avoid a crash."¹²
- More than 40% of crashes occur at intersections.¹³
- At intersections, vulnerable road users are more likely to be sharing road space with cars, trucks and buses. A high percentage of these crashes at intersections involve vulnerable road users.
- In fact, 25% of traffic fatalities are vulnerable road users (pedestrians, cyclists, and motorcycle riders).¹⁴

⁷ Deposition of [DRIVER], Q163, p. 22.

⁸ Deposition of [DRIVER], Q29, p. 27, and Q 160, p. 22.

⁹ *Ibid.*, Q259, p. 36.

¹⁰ Second statement, [REDACTED] - Q25, p. 27

¹¹ [REDACTED], Police Report, Q33, P. 3.

¹² Insurance Corporation of British Columbia, "Learn to Drive Smart: Your Guide to Driving Safely," (British Columbia 2009), 43.

¹³ U.S. Department of Highways, Federal Highway Administration, "Intersection Safety," <https://highways.dot.gov/research/research-programs/safety/intersection-safety>

¹⁴ Government of Canada, Transport Canada, "Road Safety in Canada," <https://tc.canada.ca/en/road-transportation/publications/road-safety-canada>



CORRECT DRIVER PROCEDURE FOR LEFT TURNS

- Locate the turn - is it legal?
- Position the vehicle: either in turning lane, or left of center, but not out of your lane
- Check centre mirror approximately ½ block from intersection to ensure that traffic behind allows you to slow and/or make a safe stop.
- Check side mirror, shoulder check, and signal left.
- Scan the intersection ahead for:
 1. Complexity of intersection: "T", "Y", conventional, offset, multiple lanes of traffic, turning lanes etc.
 2. Types of controls: STOP, Yield sign or traffic lights.
 3. Road Users: Pedestrians; Bicycles; Motorcycles; Scooters; Cars; Trucks; Buses.
- Map and track road users at and in the intersection, especially those that may cross your path of travel.
- Obey controls and yield to all other road users.
- Slow to 15-30km (depending on configuration of intersection).
- Re-scan the intersection immediately before entering - (scanning pattern: left, centre, right and shoulder check left.
- Steer through the intersection executing your left turn when the driver is at front edge of lane preceding lane into which she is going to turn.
- Recover from turn by releasing fingers and allowing the steering wheel to slide through palms - help it if necessary.
- Look into the intended path, steer the vehicle and accelerate.

OPINION

In is my professional opinion that [DRIVER] was remiss in his duty of care in operating a motor vehicle.

As with most drivers, their observation and communication driving skills wane after getting their license. Driving is a social activity. And almost all drivers participate in "social driving." Due to lack of mandatory training or professional development courses, follow what other drivers do what others on the road are doing. The majority of drivers:

- follow too close to other traffic;



- stop too close in traffic;¹⁵
- signal improperly;
- fail to shoulder check;
- and drift over to the other lane of traffic when making turns on multiple lanes of traffic.

These are just a few of the hallmarks of “social driving”.

[DRIVER] participated in social driving. Like most, he did not shoulder check left prior to executing a left turn at the intersection. He was of the opinion that he would have to look behind him if he was to shoulder check left. As well, he planned to change lanes to the right within close proximity to the intersection. He stated that he shoulder checked right when moving through the intersection in preparation for moving into the right lane.

Turning left at an intersection is one of the most complex manoeuvres in driving. This driving skills requires a high level of observation because you are crossing the path of oncoming traffic, and the potential for vulnerable road users on the cross-street. Shoulder checking left is imperative to locate, track and map road users that may be using the crosswalk. In addition, executing a left-turn and changing lanes are two separate manoeuvres. Best defensive posturing dictates that the left-turn is completed first. After clearing the intersection, then execute the lane change. [DRIVER] failed to implement best practices at the intersection. These mistakes resulted in the collision with [PEDESTRIAN].

Sincerely,

Rick August, PhD

Smart Drive Test Inc.

¹⁵ "Traffic Safety Facts 2018 Annual Report: A Compilation of Motor Vehicle Crash Data ", (National Center for Statistics and Analysis., 2018), p. 76. This report states that the number one crash in the United States is rear-end crashes indicating that drivers are following too close.