

# Added Presentation to Item 8.1

City of Hamilton

April 1, 2019

Peter Burroughs

Subject: Unsafe Roadway South Service Rd, East of Belgraden Ave. Stoney Creek

On November 14<sup>th</sup>, 2014 at 9:47 pm our lives took a tragic turn when our son Keith Burroughs and his wife Nicole Hunt were tragically killed in a car accident.

We have done a lot of investigating about this curve on the south service road and have found that it is unsafe and improperly signed to protect motorists from travelling safely after dark.

The road has no illumination and is very easily mistaken to be straight instead of curved.

The investigating officers that did the accident reconstruction noted deficiencies in the road safety and noted these problems in their findings of the accident.

We had an independent Engineering report done on the road and the findings concurred with the Hamilton Police Department that there were problems with this road.

Since the accident, the speed limit was reduced to 60 KPH from 80 KPH and recently delineators were installed on the curve.

We feel that this is not enough to stop people from possibly getting hurt or killed on that part of the road.

There is no ditch on the north side of the curve and in the field there is a 6 foot drop into a small water run off area.

We feel that if there was sufficient warning such as a checkerboard or Chevron markers or even a rumble strip centre line that this accident may not have happened.

According to the Ontario Traffic Manual it is the City of Hamilton's responsibility to make our roads safe and to meet the guidelines set out by the OTM.

We are including several pictures and documents to support our position.

Picture 1 and 2 show the speed limit at the time of the accident and what a driver sees as they are travelling east on the South Service Road.











Pictures number 3 and 4 show the approach to the accident and the eventual resting place when the accident was finished.











Picture number 5 show the roadway from the approach during the day. As you can see there is no protection for motorists on this roadway, there is no ditch or anything to stop someone from leaving the roadway especially in the dark.

Picture number 6 shows the hill that drops off after you leave the road which made the car go air born and and flip and role several times.











The next 2 pages are the report from Detective Wes Wilson of the Hamilton Police Department and his observations of the scene of the accident and the roadway conditions.

## Supplementary Occurrence Report

Hamilton Police Service

Occurrence: 14826440 Motor Vehicle Collision - Fatal

@2014/11/14 21:48

Author: #870 WILSON, W.

Report time: 2015/01/04 10:37

Entered by: #870 WILSON, W.

Entered time: 2015/01/04 10:37

### Report:

## Detective Constable Wes WILSON # 870 will state that:

I am employed as member of the Hamilton Police Service and am currently assigned as a Collision Reconstructionist in the Collision Reconstruction Unit of the Traffic Services Division. I have investigated numerous Fatal and Serious motor vehicle collisions. I am qualified and certified to use the SOKKIA total station. On Friday November 14th 2014 at approximately 10:15 PM I was called at home by the Communications Supervisor who advised that there was a serious MVC-PI on the South Service road in the City of Hamilton and that I would be required to attend the scene. I arrived at the traffic office a short time later and met up with my partner Det/Cst B. PATERSON #686. It was discussed at this point that PATERSON would be the OIC for this investigation and I would map the scene and assist as required.

We then left the office and attended the scene located at South Service and Dewitt Roads. Patrol had the scene secure and only Police / Fire / EMS were observed within the scene. We were met by, Duty Officer McGUIRE, S/Sgt WEBBER, Det SMITH (CID), and the Coroner Dr LAING, it was at this point I learned that both occupants of the motor vehicle had been pronounced. One male driver and one female passenger. HFD officers on scene stated that the driver had a strong odour of alcohol on him while they were performing CPR.

I then made the following observations:

South Service Rd runs east / west with a 80km/hr limit.

The area is dark with little artificial lighting.

There is a cautionary curve ahead warning sign with a 60km/hr limit just prior to the scene.

The roads were bare and dry with good markings

South Service Road runs next to the QEW and is separated by a chain-link fence.

There are NO Chevron (arrowhead) signs which are posted in groups to guide drivers around sharp curves in the road.



Hamilton Police Service

FOI





Tire marks in the grass indicate that the vehicle continued traveling straight, instead of turning to the right for the curve.

Two large divots were observed in the ground, consistent with the vehicle going airborne then rolling over.

A Honda motor vehicle bearing Ontario licence BAHT 770 with severe damage.

Information received was that the occupants of the vehicle were husband and wife and that they had two small children that were unaccounted for. I requested K9 to respond and conduct an area search of the scene.

I was advised by K9 Officer WILLSON that the search was negative for any other victims within the area. A short time later information came that the children had been located safe and sound.

I then completed the mapping of the scene.

**It is the writer's opinion that a driver heading eastbound may mistake the street lights at or near Fruitland Rd as that of the headlights of a vehicle coming westbound towards them, thus giving the driver of the eastbound vehicle the illusion that the South Service Road runs straight and does not curve to the right.**

**This is also in combination with the lack of Chevrons, little to no street lighting and the suspected impairment of the driver.**

At approximately 3:46 AM we left the scene and returned to the office where I completed the required paperwork prior to going home.

On Saturday November 15th 2014 at approximately 10:55 AM I attended along with Det/Cst PATERSON to the HGH morgue for the P.M. of the deceased driver, now known to me as Keith BURROUGHS (79.01.21) present for the P.M. were:

Dr RAO

Tech's: Imy SAMJON and Evan STEWART

Det/Cst PATERSON

Det ZWICKER - IDENT

P.C.'s WILLIAMSON #1195 & HENRY #47 who were there for recruit training myself.

The P.M. started at 11:00 AM and was completed at 12:25 PM

Handwritten notes and stamps: "Handwritten Note" and "FBI" stamp.



The next 2 pages are from the extensive Engineering report we had done and the findings of that report.





# Traffic Engineering & Road Safety Report

Single-vehicle Crash  
November 14, 2014  
South Service Road West of Dewitt Road  
Hamilton, Ontario, Canada

**Prepared for:**

Robert J. Hooper  
Hooper Law Offices

**Court File:**

Burroughs v Burroughs

Court File No. 16-56151  
Ontario Superior Court of Justice



explicit and strong visual information to the contrary. The "information" to be provided to the road user, as mentioned above, is typically delivered via TCDs that better inform motorists of the actual roadway alignment. Without these TCDs, the perceptual illusion creates a violation of driver expectancy, and a trap for the unwary motorist. Since, the road authority did not provide either **CHEVRON ALIGNMENT** signs and/or a **CHECKERBOARD** sign to inform motorists that the South Service Road curved to the right, the road authority created an unreasonable risk of harm for eastbound motorists.

## **9.0 CONCLUDING OPINION**

From my analysis documented in this report, it is my opinion that:

- The responsibility for traffic signs on the South Service Road rests with the City of Hamilton.
- The eastbound approach to the subject curve was equipped with an incorrect roadway alignment sign that may have given the impression to motorists that the curve was not very sharp.
- The roadway alignment sign was located closer to the intersection than recommended by the OTM, but this was reasonable given the intersection with Belgraden Avenue.
- The subject curve was missing **CHEVRON ALIGNMENT** signs and/or a **CHECKERBOARD** sign.
- The physical features of the crash location may have misled motorists into perceiving that the South Service Road was straight, as opposed to curving to the right.
- The City of Hamilton did not comply with good practice with respect to traffic signing that warns of and delineates the subject curve.