



FOR PUBLIC RELEASE: Coroner Judgement of Inquiry and Inquest Inquisition and Recommendations

Department of Justice, Legal Services
Yukon Coroners Service
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Yukon Coroners Service: Judgement of Inquiry into the death of: <u>William Marvin Lagimodiere</u>		
Coroner Investigative File No.: <u>4520201264</u>		
Name: <u>William Marvin Lagimodiere</u>	Date of Birth: <u>1944/04/24</u> <small>YYYY/MM/DD</small>	Date of Death: <u>2014/02/26</u> <small>YYYY/MM/DD</small>
Address: <u>174 Alsek Road, Whitehorse</u> <small>Street Address</small>	<u>Whitehorse</u> <small>Province/Territory</small>	<u></u> <small>Postal Code</small>
Ethnic Origin: <u>Metis</u>	Location of Death: <u>Whitehorse General Hospital</u>	

Cause of Death

Blunt Force Injuries due to Struck by vehicle while crossing street in a marked crosswalk

Manner of Death

Homicide

Note: Homicide is a neutral terms that does not impute fault or blame. A death is classified a homicide when a person has caused directly or indirectly, by any means, the death of another human being.

Autopsy Findings

No autopsy

An external examination of the body of Mr. Lagimodiere was performed by the Coroner. The examination was consistent with the medical records, imaging, and diagnosis of physicians on February 26, 2014. The external examination revealed a 2" abrasion at the hairline above the right eye. There was a superficial laceration to the back of the head. There was a severe right arm fracture that had severe swelling, which later caused the skin to rupture. There were no gross injuries noted of the left arm. Mr. Lagimodiere had a Glasgow Coma Scale (GCS) of 3. The Glasgow Coma Scale provides a practical method for assessment of impairment of conscious level in response to defined stimuli. The scoring ranges from 3 to 15, with a score of 3 being the worst and 15 being the best. Mr. Lagimodiere had no reflexes, no gag reflex, was able to be intubated without medication and never moved any of his limbs. The initial CT scan revealed a collapsed right lung. The CT scan of the spine and head revealed a severe dislocation and likely spinal cord transection at the C5-C6 level. There was approximately 2.3cm gap between C5 and C6. The spinal cord injury was so severe that it was incompatible with life.

Toxicological Findings

Negative for alcohol.

Circumstances of Death

Please see attached

Significant Factors/Conclusions

The driver of the 2001 GMC Jimmy did not yield to the pedestrian crosswalk, did not engage the brakes, and did not take evasive action before impacting Mr. Lagimodiere with his vehicle.

The vehicle was travelling in excess of the posted speeds on February 26, 2014.

There were no mechanical failures or view obstructions from inside the 2001 GMC Jimmy that may have contributed to the collision.

Mr. Lagimodiere had been in the crosswalk for approximately 10 seconds before being hit by the vehicle. Based on video evidence, it is believed that Lagimodiere had activated the flashing cross walk lights prior to entering the marked crosswalk.

Sunlight from the south diminished northbound drivers' ability to observe the flashing crosswalk lights. The painted crosswalk lines on the pavement were worn off and no longer visible.

Recommendations

TO: City of Whitehorse, Engineering Services Department who has responsibilities within the City of Whitehorse for roads and traffic signals:

- 1. On an urgent basis, replace the current flashing light system at Fourth Avenue at Tags Gas Station (N 60° 43' 37.3" W 135° 03' 52.7") with overhead illuminated signs with downward lights and pedestrian pushbutton activated flashers.

This recommendation is made to address the safety issues identified in this pedestrian fatality and to the prevention of future similar deaths from occurring. This crosswalk is located in an area of high motor vehicle and pedestrian traffic.

The purpose of overhead illuminated signs with downward lights and pedestrian pushbutton activated flashers is to: (1) increase motorists' awareness of the presence of a pedestrian by improving their visibility to approaching traffic, (2) to draw the attention of drivers to the presence of a crosswalk ahead, (3) eliminate the effects of sunlight on the flashing lights.

J Macdonald

Signature, Chief Coroner

Whitehorse, YT

Province/Territory

March 19, 2015

Date

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Address: <u>174 Aisek Road, Whitehorse</u> <small>Street Address</small>	<small>Province/Territory</small>	<small>Postal Code</small>
Ethnic Origin: <u>Metis</u>	Location of Death: <u>Whitehorse General Hospital</u>	

Circumstances of Death:

On February 26, 2014 at approximately 11:20hrs, a 2001 GMC Jimmy SUV was travelling northbound on Fourth Avenue in Whitehorse south of Baxter Street. Mr. Lagimodiere was walking eastbound across Fourth Avenue in a marked crosswalk when he was struck by the 2001 GMC Jimmy.

Emergency Medical Services was notified and en route at 11:22hrs, arriving on scene at 11:24hrs. Mr. Lagimodiere was found lying on the ground unresponsive and in respiratory arrest. He was transferred into care of Whitehorse General Hospital in critical condition at 11:37hrs.

The location of the accident is a four lane asphalt roadway in a north-south direction. There are two lanes northbound and two lanes southbound. This is a very busy area for motor vehicle traffic and pedestrians crossing Fourth Avenue.

The posted speed in the area of the accident is 50km/hour. On February 26, 2014 crews were doing work in the area and there was several signs posted advising motorists that the area was a construction zone. There were several orange signs north and south of the crosswalk. The signs included "MEN AND EQUIPMENT WORKING," "BE PREPARED TO STOP," and "MAXIMUM 30." The speed in the construction area on February 26, 2014 was 30km/hour.

There were additional bright orange signs and cones placed north of the crosswalk to alert drivers of the construction up ahead and that the right northbound lane was ending up ahead.

The crosswalk was marked with a white pedestrian crosswalk sign which was posted approximately 3m up and facing the northbound traffic. There were eight white lights around the perimeter of the sign. Under the sign were two orange lights approximately 2cm x 4cm each. When the crosswalk button was activated, the white and orange lights would illuminate.

The painted crosswalk lines on the roadway were worn away. City of Whitehorse has responsibilities for the painting of crosswalk lines within the city boundaries. The last time this crosswalk was painted was July 2013.

At the time of the accident it was -10° Celsius, sunny, clear sky, sun shining in northerly direction. The sun was shining from behind the northbound traffic and directly onto the flashing lights marking the crosswalk.

The sun shining onto the flashing lights of the crosswalk sign significantly diminished the visibility of the crosswalk lights for northbound vehicles.

There was closed circuit video surveillance in the area, which captured the events just before the pedestrian impact. Mr. Lagimodiere is seen to approach the pole with the crosswalk signs, and extend his arm towards the button which activates the crosswalk lights. He waits for southbound traffic to clear and proceeds across the crosswalk.

Approximately half way across the crosswalk, Mr. Lagimodiere deviates from the marked crosswalk slightly and walks in an angled northbound direction with his back slightly turned to northbound traffic. Mr. Lagimodiere was in the crosswalk for approximately 10 seconds at the time he was impacted by the vehicle. Mr. Lagimodiere was struck at the north edge of the crosswalk as the vehicle drove through the crosswalk.

A mechanical inspection was performed on March 5, 2014 on the 2001 GMC Jimmy which struck Mr. Lagimodiere.

The vehicle was found to be damaged, particularly to the front end and the right side of the SUV. There was transfer of fabric onto the vehicle. The right front headlight and grill were broken. The front centre part of the hood was dented in and also had transfer of fabric embedded. The damage to the vehicle was consistent with an impact with a pedestrian.

The mechanical inspection found the vehicle in good working condition with no vision obstructions from within the vehicle. The vehicle was determined to be driving at a minimum rate of speed between 41km/hour 42km/hour. There was no indication that the driver of the 2001 Jimmy GMC braked or took evasive action to avoid impacting Mr. Lagimodiere.

The driver involved in this incident was charged with two counts under the *Motor Vehicles Act* 169(1) and 186(a).

Count #1: On or about the 26th day of February 2014 at or near Whitehorse, Yukon, did, being a driver, fail to yield the right of way to a pedestrian crossing the roadway in a crosswalk and did thereby commit an offence, contrary to subsection 169 (1) of the *Motor Vehicles Act*.

Count #2: On or about the 26th day of February 2014 at or near Whitehorse, Yukon, did drive a motor vehicle on a highway without due care and attention, contrary to paragraph 186(a) of the *Motor Vehicles Act*.

On March 12, 2015, the driver of the 2001 GMC Jimmy which struck Mr. Lagimodiere on February 26, 2014 was convicted on both counts under the *Motor Vehicles Act*.