

Driver Acquitted of Killing Flagger on Road Project



A driver struck and killed a flagger working on a repaving project. He was criminally charged with dangerous operation of a motor vehicle causing death. There were orange cones and signs posted in the construction zone indicating the presence of workers and limiting the speed limit to 60 km/h. The worker had been wearing an orange safety vest and carrying a sign that said stop on one side and slow on the other. She may also have been wearing an iPod at the time. When the driver saw the flagger in the middle of the lane, he slammed on his brakes but they locked. The police estimated he was going at least 112 km/h. But the court concluded that excessive speed alone wasn't enough to prove a marked departure from the driving of a reasonably prudent person, ruling that there was no evidence of anything unusual or potentially dangerous about his driving. So the court found the driver not guilty [*R. v. Blostein*, [2013] M.J. No. 232, June 28, 2013].