

**REPORT TO THE ATTORNEY GENERAL  
PUBLIC INQUIRY  
THE FATALITY INQUIRIES ACT**

**CANADA  
PROVINCE OF ALBERTA**

WHEREAS a Public Inquiry was held at Provincial Court, Provincial Building in the town of Rocky Mountain House on the 12th day of December, 1995 before Douglas L. Crowe, a Provincial Court Judge. A jury was not summoned and an Inquiry was held into the death of

Korey Wesley Gerlach, Age 6, of  
R.R.#2, Rocky Mountain House, Alberta,

and the following findings were made:

**Date and Time of Death:** December 15, 1994, 8:15 a.m.

**Place:** Six kilometres north of the intersection of Highways 11 and 22.

**Medical Cause of Death:** ["cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries, and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization -- The Fatality Inquiries Act, Section 1(d)]

Neck fracture and massive internal injuries.

**Manner of Death:** ("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental or undeterminable -- The Fatality Inquiries Act, Section 1(g))

Accidental.

**CIRCUMSTANCES UNDER WHICH DEATH OCCURRED:**

At approximately 8:10 a.m., December 15, 1994, a local school bus was southbound in a rural area along highway 22 approximately six kilometres north of Highway 11, near Rocky Mountain House, Alberta.

The deceased lived with his mother and stepfather in a residence at this point. The residence was located on the east side of highway 22. The deceased and his younger sister were at the approach to their residence awaiting the arrival of the school bus.

As the school bus approached the driveway, the driver activated the flashing amber lights located on both the front and the rear of the bus. These flashing amber lights were activated approximately 300 metres (one-half minute) before coming to a stop opposite the driveway in question. These flashing amber lights are to indicate to both oncoming traffic and to traffic following the bus that the bus intends to stop for the purpose of loading or unloading passengers. These lights required other traffic, both oncoming and following, to come to a stop until the colored lights were deactivated.

After having come to a stop, the bus driver, when satisfied that it was safe to do so, opened the door of the bus. The opening of the door of the bus activated red lights at both the front and rear of the bus and in addition, a "stop" sign emerged from the side of the bus as additional warnings to other traffic. When the red lights were activated, the flashing amber lights were deactivated. It was the opening of the bus door and the simultaneous activation of the red lights that acted as a signal to the waiting children that it was safe to cross the road, when necessary, to enter the bus. The deceased and his sister had been trained in this routine of waiting for the red lights prior to proceeding to cross the highway.

On the day in question all of the safety lights described above, as well as the "stop" sign, were operating properly and were activated in a timely manner by the school bus driver.

At about the time the amber lights of the school bus were activated, the school bus driver saw the headlights of an oncoming northbound vehicle, approaching. The school bus driver expected the oncoming

vehicle to stop and accordingly opened the door of the bus, thereby activating the red lights and "stop" sign which indicated to the deceased that it was safe to cross the highway and enter the bus...The deceased started to cross the highway and at this time, it became apparent to the school bus driver that the oncoming vehicle would not stop. The school bus driver, in an effort to alert the deceased to the danger, shut the door of the bus thereby deactivating the red lights and the retracting "stop" sign.


The oncoming vehicle did not stop, struck the deceased, and caused the injuries from which he died at the scene. The driver of the oncoming vehicle, Irene Bell, had, prior to the accident, been travelling at about 100 kilometres per hour. She noticed the amber and red lights of the school bus and commenced to slow her vehicle. She then saw the red lights deactivated and was beginning to resume her speed when the accident occurred.

Constable D. E. (Dave) Hall, R.C.M.P. working out of Red Deer, attended the accident scene one hour forty minutes after the accident and after the school bus and the other vehicle involved had been moved from their position immediately following the accident. Constable Bell was qualified as an expert in the field of accident reconstruction. Photographs, including photographs of the skid marks of the oncoming vehicle, were entered as exhibits. The length of the skid marks were measured by Constable Hall at the accident scene. Based on those measurements and the skid factor of the highway's surface he calculated the speed of the oncoming vehicle at the time its brakes were applied to be 85 kilometres per hour. -

**RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS:**

1. Each school bus should have a person (either an adult or a senior student) on board whose duty it would be to leave the bus at each stop to assist students boarding and leaving the bus. That duty would include escorting students across the highway in all cases where a student must cross a highway to board or leave the bus.
2. That each bus be equipped with a loud-hailer system to enable the bus driver to give verbal instructions to students about to cross a highway to board or leave the bus.
3. An ongoing program of public education both for school bus drivers and the motoring public designed to keep the public informed as to the dangers associated with school children boarding and leaving their school bus. Exhibit 5 in this Inquiry was a pamphlet entitled, "School Bus Drivers' Manual", now out of print, should be updated at this time and periodically updated as an educational aid for school bus drivers.

DATED this 22nd day of January, 1996

  
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D. L. Crowe, A Judge of the Provincial Court of Alberta