



Back to Flying truck tire renews outrage

## Flying truck tire renews outrage

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*NOTE: This article has been edited from a previous version.*

The death of a 53-year-old woman on the QEW from a stray truck tire on Thursday is raising questions about the wisdom of closing truck inspection sites.

Stronger truck inspection laws were introduced a decade ago after a spate of deaths from flying tires.

However, two truck inspection sites on the QEW were closed last fall and the province recently announced it is eliminating a dedicated Peel district enforcement office for truck inspectors, a move critics say could allow more dangerous trucks on the road.

"We've been sounding alarm bells for years but no one is listening," said Don Ford, of the Ontario Public Service Employees Union, which includes the transportation ministry's truck inspection officers.

However, the ministry says the truck inspection changes are meant to maximize resources and will not compromise public safety.

The number of wheel separation incidents is also down from 215 in 1997 to 47 last year, and 48 so far this year, said a ministry spokesperson.

Eight people died during that period, including Miroslawa Chmielewska.

The Polish-born woman was alone in her car when the tire bounced into her Toronto-bound lane on the QEW, coming off a truck heading toward Niagara and possibly the U.S.

"The driver of the tractor-trailer did not remain on the scene, possibly not noticing the tire had come off," said Ontario Provincial Police Const. Graham Williamson.

This is the second tire-related fatality in two weeks. Jason Eligh, 24, was killed just west of Brockville when a westbound truck lost a dual rear wheel set from its trailer.

Chmielewska, who lived in Hamilton, was en route to her job behind the deli counter at Starsky Fine Foods near Oakville, said her husband, Marek Chmielewski, 51.

Inside their modest home in a quiet Hamilton neighborhood, Marek remembered his wife of 29 years as someone who was kind to everyone and took pleasure in watching their three children, now adults, grow up.

"That was my best friend," he said somberly, his eyes red. "I miss her."

Flying truck tires are also punishable by fines of up to \$50,000. The law puts "absolute liability" on the truck operator, meaning charged drivers cannot use a due diligence defence. The only defence would be to prove the wheel did not separate from the truck.

In 1996, a year before the law was introduced, the GTA had more fatalities involving trucks than the national average due to higher traffic volume. That year, there were 32 incidents involving truck tires, injuring 19 people and killing two. Two others were killed in 1995, and in 2006, an Oakville mother of two died in a collision caused by a runaway truck tire.

Walter Klym and his wife, Linda, were travelling on Highway 401 on April 5, 1995, when a tire came off the trailer of a truck, striking their westbound car. The couple escaped serious injury, as did the truck driver.



Police inspect a car that was hit by a truck tire, killing the driver, on the Queen Elizabeth Way in Burlington Thursday morning.

DAVID RITCHIE PHOTO

"I think that is just unreal that it could ever happen again," Walter Klym said from his Sault Ste. Marie home Thursday. "I thought they had made it impossible to happen again."

As of Dec. 1, 9,260 truck inspections were conducted in Ontario, down about 600 from last year. However, more trucks were put out of service because of more intensive inspections this year, said Nichols.

Closing the Fort Erie and Winona truck inspection stops and reassigning the dedicated Peel transportation enforcement officers to other divisions is a step backwards, said Edie Strachan, president of OPSEU Local 506 and a transportation enforcement officer. She says the move could mean "unsafe trucks can go through Peel completely unimpeded."

The ministry maintains the region will still be patrolled carefully.

Chmielewska's death prompted the president of the Ontario Trucking Association to issue a statement calling on all truckers and operators of commercial vehicles to review their wheel installation and maintenance practices.

"It doesn't matter to us at this point whether the wheel in question came off of a truck or not," said David Bradley. "This is a tragedy which should not be inflicted upon any family."

Brian Patterson, president of the Ontario Safety League, said such tragedies are "relatively infrequent" thanks to what he called Ontario's aggressive actions against truck tire incidents.

Since the provincial laws came into place, there are frequent inspections on Ontario highways. Officers have been retrained in tire inspection in the last five years, and in addition to ministry officers, the OPP, Toronto, Peel, Durham and Hamilton police have traffic enforcement officers qualified to the same tire inspection standard.

Patterson said the truck in question may well have been inspected recently, but said "we're clearly looking at some negligence-related issues that are fairly significant."

Meanwhile, Marek Chmielewski's phone keeps ringing as people call to offer their condolences, including Miroslawa's only sister in Poland.

He can't imagine celebrating Christmas now. A neatly decorated tree topped with golden wire frame star sits in the front hall.

It would be too sad, he said.

#### **With files from Zoe McKnight**

#### **Flying truck wheel fatalities in Ontario**

Dec. 11, 2011: Jason Eligh, 24, is killed heading eastbound on Highway 401 just west of Brockville when a westbound truck loses a dual rear wheel set from its trailer. Eligh was a father of two sons from Mallorytown, Ont.

Oct. 16, 2006: Cindy Bennett, 26, is killed when a flying truck tire struck her Toyota Corolla as she drove home from a friend's house along Highway 7/8 near Courtland Ave.

Sept. 14, 2006: Kym Soutar, a mother of three, is killed instantly by two flying transport truck tires on the Queen Elizabeth Way as she drives to see her daughter at an after-school event. The eastbound truck's two rear tires fly off, bounce over the median and strike the woman's westbound Mercedes.

Nov. 14, 2003: A wheel assembly flies off a tractor-trailer on the 401 at Waverly Rd. near Bowmanville and smashes into the windshield of a Ford Focus, killing Sylvie Theoret, 40, instantly. Her 15-year-old son suffers minor injuries. A driver of a Pontiac Sunfire also suffers injuries when the flying tire bounces off Theoret's car and then hits his car. Section 84.1 of the Highway Traffic Act that imposes fines of up to \$50,000 on trucking companies when a wheel separates from a vehicle does not apply when the entire axle, hub, wheel and tire assembly comes off.

July 28, 2001: John Drysdale, 51, is killed instantly on Highway 401 in Durham Region when the wheel of a truck detaches, bounces off a centre guardrail and smashes through the windshield of his 1996 van. The truck company is charged with operating an unsafe vehicle and having a wheel fall off. The truck is impounded and its plates removed after the rig is deemed unsafe. The truck's driver is charged with failing to maintain a proper log book and failing to conduct a proper pre-trip inspection. No criminal charges are laid against the truck driver.

July 1997: Shane Perry, 22, dies after his pickup truck hits a trailer wheel lying in his path on Highway 400 north of Rutherford Rd.

Dec. 28, 1996: Mary Louise Jessiman, 40, and her mother, Robina Campbell, 58, of Mississauga, are killed on Highway 401 near Oshawa by a set of wheels that fly off a truck. The trucker, Louis Lauzon, is later fined \$5,500 after being found guilty of driving an overweight commercial vehicle and failing to ensure a commercial vehicle conformed to standards.

April 3, 1995: James Tyrrell, 31, of Mississauga, dies when a wheel falls off a transport truck. The wheel bounces over a guardrail and smashes into his Toyota as he heads in the opposite direction along the QEW near Highway 10 in Mississauga. An inquest is held in October 1995 in response to the deaths of both Worona and Tyrrell. The 17-day inquest concludes that in both accidents the wheels that flew off and killed the victims had been poorly maintained and improperly installed. The inquest led Ontario to introduce North America's toughest laws for the trucking industry. They include increased fines and putting unsafe transport trucks in compounds known as truck jails for a minimum of 15 days. Laws enacted in 1997 set fines of between \$2,000 to \$50,000 for truck-related offences.

Jan 31, 1995: Angela Worona, 31, of Whitby dies when a truck wheel bounces over the guardrail and smashes into her Pontiac Grand Am as she was driving in the opposite direction along Highway 401 in Whitby.

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