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Pedestrian Fatalities Spur Safe Streets Effort

By Tom Walsh

The news, just a little more than a year ago, had the impact of a boulder falling from the sky.

Two pedestrians were killed in the same January week after being hit by motor vehicles in Newport. Both were in crosswalks when struck.

Robert Silvia, 57, of Newport, was killed crossing Memorial Boulevard in his wheelchair, and six days later Sharon Gerlach, 59, of Middletown, was struck and killed as she crossed Bellevue Avenue at the International Tennis Hall of Fame. At the time police charged Matthew McColgan, then 31, with failure to yield to a pedestrian and operating a motor vehicle without insurance in connection with the Memorial Boulevard accident. In the Bellevue Avenue mishap, Craig Madison, then 64, of Middletown, was charged with failure to yield to a pedestrian while in a crosswalk. Police said then that they would investigate both accidents further.

"I thought, how could this have happened?" said Chuck Flippo, chairman of the Newport Bicycle and Pedestrian Advisory Commission (BPAC). "Of course, it was a great tragedy for the families. It was a tragedy for the entire community. My thought was how can we make sure this doesn't happen again?"

Bari Freeman, executive director of Bike Newport, an organization dedicated to promoting safe bicycle travel in and around Newport, recalled similar feelings when she heard the news. "This is a problem that needs to be addressed. Something is very wrong here and needs to be fixed. That's what I thought," Freeman recalled.

In a city founded in the 17th century, devising traffic-pedestrian solutions in a place that still features well-preserved colonial structures crowded along narrow streets can be perplexing.

"These streets were never made for the kind of vehicles or pedestrian traffic we have here," said Newport Police Lt. William Fitzgerald. "They were made for horses and buggies."

Nevertheless, Newport police and other organizations keep trying. All agree that 2014's tragic pedestrian deaths (a third pedestrian was killed by a motor vehicle on Admiral Kalbfus Road in August) have spurred efforts to devise preventive strategies. "I certainly think that they did," Flippo said. "As far as the commission goes, it gave us an impetus to focus our efforts on the issues that caused these accidents."

And, the Newport City Council last year unanimously approved a resolution sought by the BPAC that called for: n A review of state and local laws and practices that compared them with best practices elsewhere to identify and consider the best in safety practices and safety-related materials, such as high-visibility crosswalk paints. n Conducting an online survey to help establish education and enforcement priorities and to determine asking where citizens feel most vulnerable as pedestrians. n Considering new ways to enhance pedestrian visibility to drivers, such as use of flags to attract motorists' attention.

BPAC has received results of the survey and will make public recommendations based on this material at a later date. They will also continue the task of reviewing the laws.

Fitzgerald and others agree that responsibility for safe streets, while obviously dependent upon careful motorists, also resides with pedestrians. "When these accidents occur, it's not always clear cut as to who is at fault," he said. "Sometimes they occur where it's not anyone's fault."

Fitzgerald said the police department plans to help with the "red flag" program in which pedestrians wave flags while in a crosswalk. That program is likely to unfold using the crosswalk on Bellevue Avenue at the Tennis Hall of Fame.

"This has worked in Wakefield," Fitzgerald said of the South Kingstown village.

He said pedestrians should never assume that drivers plan to stop for them. “They need to make sure that an approaching vehicle has stopped before entering the roadway in a crosswalk. We see people all the time who just automatically start crossing the street.”

Freeman agreed that it’s not safe for any pedestrian to take an oncoming driver’s plan for granted. “It helps for drivers and pedestrians to make eye contact with each other. It can be an effective way for them to communicate with each other,” she said.

Meanwhile, Newport’s recent pedestrian-vehicle record has “earned” the city a \$10,000 federal grant called “Safe Streets for All.” The money will be used to promote safe street strategies. Bike Newport, BPAC and the Newport Police Department will collaborate on the campaign.

As for the drivers involved in the January, 2014 fatalities, further investigation included bringing the cases before a grand jury. “There was not enough evidence to charge them criminally,” Fitzgerald said. The office of Rhode Island Attorney General Peter F. Kilmartin concurred.

According to a published report, McColgan was charged before the Rhode Island Traffic Tribunal with operating a vehicle without insurance and lost his license for three months. He also paid a \$500 fine, but the charge of failing to yield to a person in a crosswalk was dismissed. Madison pleaded no contest to failing to yield to a person in a crosswalk and was fined \$85.

Public records show that since Jan. 1, 2014 there have been 16 “failure to yield to a person in a crosswalk” violations in Newport— nine of them on Broadway.

The office of interim City Solicitor Christopher Behan had no knowledge of any civil lawsuits arising from these events, although the statute of limitations for filing a civil suit for wrongful death in Rhode Island is three years from when the event occurred.

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