SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: **3/17/04**

Source Code: **COUNC**

Agenda Date: **3/23/04**

INVENUM: **54242**

Resolution(s):

Ordinance(s):

Contract(s):

Continue Date(s):

Index: --Letter of County Counsel dated March 23, 2004
--Claim of Maria M. **Rios**

Item: 12. REJECTED the claim of Maria M. Rios, No. 304-0858, and referred to County Counsel

COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068
(831) 454-2040 FAX: (831) 454-2115

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Deborah Steen

0029

GOVERNMENT TORT CLAIM

RECOMMENDED ACTIGN

Agenda March 23, 2004

To: Board of Supervisors

Re: Claim of Maria M. Rios, No. 304-085B

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

X 1. Reject the claim of Maria M. Rios, No. 304-085B and refer to County Counsel.

_____ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.

_____ 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.

_____ 4. Approve the claim of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.

_____ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Tom Bolich, Director
Department of Public Works

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By
Julia Hill, Assistant County Counsel

PER5107 Word Rev 11/2003

REYES (RIOS)

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
Pursuant to Section 910 et Seq., Govt. Code

FEB 2004

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060

1. Claimant's Name: Maria M. Rios

Address: 2500 Soquel Drive #12

Santa Cruz, California 95060

Phone No: (831) ~~475-0929~~ 476-9029

P.O. Box to which notices are to be sent:

2. Occurrence: Auto versus Pedestrian accident in unsafe crosswalk.

Date: 08/27/03 Place: Soquel Drive at Winkle Avenue

Circumstances of occurrence or transaction giving rise to claim: Jesus Medina Rios was struck by a car while lawfully crossing Soquel Drive in the marked crosswalk. (Police Report 2003080206 attached)

General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: The crosswalk is unsafe. The County knew or should have known there was a substantial risk of harm to pedestrians. Jesus Medina Rios suffere severe personal injuries: his wife Maria M. Reyes has and will suffer loss of consortium; Anna P. Rios saw the incident occur and suffered severe emotional distress (Dillon v. Legg)

4. Name(s) of public employee(s) causing injury, damage or loss, if known: UNKNOWN

5. Amount claimed now $100,000.00

Estimated amount of future loss, if known ..... $ Pending

TOTAL $ 100,000.00

6 Basis for above computations: Loss of Consortium Emotional Distress

7. If the amount claimed is over $10,000, indicate the court of jurisdiction:

_____ Municipal Court SANTA CRUZ COUNTY Superior Court

CLAIMANT'S SIGNATURE: Maria M. Reyes

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2 123). PER5003

2/2-17-04

STATE OF CALIFORNIA

TRAFFIC COLLISION REPORT

CHP 555 CARS Page 1 (Rev 8/98) OPI 042

SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
	1	☐	UNINC	SANTA CRUZ	
	NWERKILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	2003080206
	0	☐	SANTA CRUZ	21	

LOCATION	COLLISION OCCURRED ON:	MO DAY YEAR	TIME (2400)	NCIC#	OFFICER I.D.
N	SOQUELDR	08/27/2003	1530	9720	17392
	MILEPOST INFORMATION:	DAY OF WEEK	TOW AWAY	PHOTOGRAPHS BY:	☐ NONE
		WEDNESDAY	☐ YES ☒ NO	S. ZILGE	
	☒ AT INTERSECTION WITH: ☐ OR: WINKLE AVE		STATE HWY REL YES ☒ NO		

PARTY 1

DRIVERS LICENSE NUMBER	STATE	CLASS	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
B7122535	CA	C	G	1993	GMC 1500 WHT	4K60144	CA

DRIVER — NAME (FIRST, MIDDLE, LAST): KYLE PAUL VILHAUER

OWNER'S NAME ☐ SAME AS DRIVER

PEDESTRIAN — STREET ADDRESS: 350 PHEASANT RUN

OWNER'S ADDRESS ☒ SAME AS DRIVER

PARKED VEHICLE — CITY / STATE / ZIP: CORRALITOS CA 95076

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER

DRIVEN

BICYCLIST

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE Mo Day Year	RACE
M	BRN	BRN	6-02	155	11/14/1979	W

PRIOR MECH. DEFECTS ☒ NONE APP. ☐ REFER TO NARRATIVE

OTHER — HWE PHONE: (831)722-8691 BUSINESS PHONE: (831)901-0421

VEHICLE IDENTIFICATION NUMBER:

INSURANCE CARRIER: NONE POLICY NUMBER:

CHP USE ONLY VEHICLE TYPE: 22

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☒ MINOR ☐ MOD ☐ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA — TOP VIEW

DIR OF TRAVEL	ON STREET OR HIGHWAY	SPEED LIMIT
W	SOQUEL DR	35

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

DRIVERS LICENSE NUMBER	STATE	CLASS	SAFETY	VEH. YEAR	MAKE / MODEL / COLOR	UCENSE NUMBER	STATE
			P				

DRIVER — NAME (FIRST, MIDDLE, LAST): JESUS MEDINA

OWNER'S NAME ☐ SAME AS DRIVER

PEDESTRIAN ☒ — STREET ADDRESS: 2500 SOQUEL AVE #12

OWNERS ADDRESS ☐ SAME AS DRNER

PARKED VEHICLE — CITY / STATE / ZIP: SANTA CRUZ CA 95060

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

BICYCLIST

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE Mo Day Year	RACE
M	BLK	BRN	5-8	210	08/24/1939	H

PRIOR MECHANICAL DEFECTS ☐ NONE APP. ☐ REFER TO NARRATIVE

OTHER — HOME PHONE: (831)475-9029 BUSINESS PHONE:

VEHICLE IDENTIFICATION NUMBER

INSURANCE CARRIER: POLICY NUMBER:

CHP USE ONLY VEHICLE TYPE: 60

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☐ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA

DIR OF TRAVEL	ON STREET OR HIGHWAY	SPEED LIMIT
S	SOQUEL DR	35

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE

DRIVER — NAME (FIRST, MIDDLE, LAST):

OWNER'S NAME ☐ SAME AS DRIVER

PEDESTRIAN — STREET ADDRESS:

OWNERS ADDRESS ☐ SAME AS DRIVER

PARKED VEHICLE — CITY / STATE / ZIP:

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

BICYCLIST

SEX	HAIR	EMS	HEIGHT	WEIGHT	BIRTHDATE Mo Day Year	RACE

PRIOR MECHANICAL DEFECTS ☐ NONE APP. ☐ REFER TO NARRATIVE

OTHER — HOME PHONE: BUSINESS PHONE:

VEHICLE IDENTIFICATION NUMBER:

INSURANCE CARRIER: POLICY NUMBER:

CHP USE ONLY VEHICLE TYPE:

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☐ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA

DIR OF TRAVEL	ON STREET OR HIGHWAY	SPEED LIMIT

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MC/MX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
D. MOYER 17392	☐ YES ☐ NO ☒ N/A	C. Fil[illegible] 13786	9/10/03

TATE OF CALIFORNIA

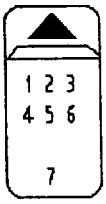
TRAFFIC COLLISION CODING

CHP 555 CARS Page2 (8/98) OPI 042

ATE OF COLLISION (MO. M Y YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
08/27/2003	1530	9720	17392	2003080206

PROPERTY DAMAGE	OWNER	OWNER ADDRESS	NOTIFIED
	DESCRIPTION OF DAMAGE		☐ YES ☐ NO

SEATING POSITION



1 - DRIVER
2 TO 6 - PASSENGERS
7 - STA. WGN REAR
8 - RR. OCC TRK. OR VAN
9 - POSITION UNKNOWN
0 - OTHER

OCCUPANTS

A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED

SAFETY EQUIPMENT

L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

CHILD RESTRAINT

Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M/C BICYCLE - HELMET

DRIVER
V - NO
W - YES

PASSENGER
X - NO
Y - YES

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT

	A	VC SECTION VIOLATED: 21950(A) — CITED ☐ YES X NO
	B	OTHER IMPROPER DRIVING*
	C	OTHER THAN DRIVER*
	D	UNKNOWN*
	E	FELL ASLEEP*

WEATHER (MARK 1 TO 2 ITEMS)

X	A	CLEAR
	B	CLOUDY
	C	RAINING
	D	SNOWING
	E	FOG / VISIBILITY FT.
	F	OTHER:*
	G	WIND

LIGHTING

X	A	DAYLIGHT
	B	DUSK - DAWN
	C	DARK - STREET LIGHTS
	D	DARK - NO STREET LIGHTS
	E	DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

X	A	DRY
	B	WET
	C	SNOWY - ICY
	D	SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)

	A	HOLES, DEEP RUT*
	B	LOOSE MATERIAL ON ROADWAY*
	C	OBSTRUCTION ON ROADWAY*
	D	CONSTRUCTION - REPAIR ZONE
	E	REDUCED ROADWAY WIDTH
	F	FLOODED*
	G	OTHER*:
X	H	NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES

X	A	CONTROLS FUNCTIONING
	B	CONTROLS NOT FUNCTIONING*
	C	CONTROLS OBSCURED
	D	NO CONTROLS PRESENT / FACTOR*

TYPE OF COLLISION

	A	HEAD - ON
	B	SIDE SWIPE
	C	REAR END
	D	BROADSIDE
	E	HIT OBJECT
	F	OVERTURNED
X	G	VEHICLE / PEDESTRIAN
	H	OTHER*:

MOTOR VEHICLE INVOLVED WITH

	A	NON - COLLISION
X	B	PEDESTRIAN
	C	OTHER MOTOR VEHICLE
	D	MOTOR VEHICLE ON OTHER ROADWAY
	E	PARKED MOTOR VEHICLE
	F	TRAIN
	G	BICYCLE
	H	ANIMAL:
	I	FIXED OBJECT:
	J	OTHER OBJECT:

PEDESTRIAN'S ACTIONS

	A	NO PEDESTRIANS INVOLVED
X	B	CROSSING IN CROSSWALK AT INTERSECTION
	C	CROSSING IN CROSSWALK - NOT AT INTERSECTION
	D	CROSSING - NOT IN CROSSWALK
	E	IN ROAD - INCLUDES SHOULDER
	F	NOT IN ROAD
	G	APPROACHING / LEAVING SCHOOL BUS

TYPE OF VEHICLE

1	2	3		
			A	PASSENGER CAR / STATION WAGON
X			B	PASSENGER CAR W / TRAILER
			C	MOTORCYCLE / SCOOTER
			D	PICKUP OR PANEL TRUCK
			E	PICKUP / PANEL TRUCK W/ TRAILER
			F	TRUCK OR TRUCK TRACTOR
			G	TRUCK / TRUCK TRACTOR W/ TRLR.
			H	SCHOOL BUS
			I	OTHER BUS
			J	EMERGENCY VEHICLE
			K	HIGHWAY CONST. EQUIPMENT
			L	BICYCLE
			M	OTHER VEHICLE
			N	PEDESTRIAN
			O	MOPED

OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)

1	2	3		
			A	VC SECTION VIOLATED: CITED ☐ YES ☐ NO
			B	VC SECTION VIOLATED: CITED ☐ YES ☐ NO
			C	VC SECTION VIOLATED: CITED ☐ YES ☐ NO
			D	
			E	VISION OBSCUREMENT:
X			F	INATTENTION*: Y-OTHER
			G	STOP & GO TRAFFIC
			H	ENTERING / LEAVING RAMP
			I	PREVIOUS COLLISION
			J	UNFAMILIAR WITH ROAD
			K	DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L	UNINVOLVED VEHICLE
			M	OTHER*:
			N	NONE APPARENT
			O	RUNAWAY VEHICLE

MOVEMENT PRECEDING COLLISION

1	2	3		
			A	STOPPED
X			B	PROCEEDING STRAIGHT
			C	RAN OFF ROAD
			D	MAKING RIGHT TURN
			E	MAKING LEFT TURN
			F	MAKING U TURN
			G	BACKING
			H	SLOWING / STOPPING
			I	PASSING OTHER VEHICLE
			J	CHANGING LANES
			K	PARKING MANEUVER
			L	ENTERING TRAFFIC
			M	OTHER UNSAFE TURNING
			N	XING INTO OPPOSING LANE
			O	PARKED
			P	MERGING
			Q	TRAVELING WRONG WAY
			R	OTHER*:

SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)

1	2	3		
X	X		A	HAD NOT BEEN DRINKING
			B	HBD - UNDER INFLUENCE
			C	HBD - NOT UNDER INFLUENCE*
			D	HBD - IMPAIRMENT UNKNOWN*
			E	UNDER DRUG INFLUENCE*
			F	IMPAIRMENT - PHYSICAL*
			G	IMPAIRMENT NOT KNOWN
			H	NOT APPLICABLE
			I	SLEEPY / FATIGUED

SPECIAL INFORMATION

	A	HAZARDOUS MATERIAL
	B	CELL PHONE IN USE
	C	CELL PHONE NOT IN USE
X	D	CELL PHONE NONE/UNKNOWN

SKETCH

FOR SKETCH DIAGRAM, SEE PAGE 4

INDICATE NORTH

MISCELLANEOUS

STATE OF CALIFORNIA

INJURED / WITNESSES / PASSENGERS

CHP 555 CARS Page 3 (Rev 8/98) OPI 042

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
08/27/2003	1530	9720	17392	2003080206

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICLYCLIST	OTHER				
#		64	M		X					X			2		P	

NAME / D.O.B. / ADDRESS — TELEPHONE

JESUS MEDMA (08/24/1939) 2500 SOQUEL AVE #12 SANTA CRUZ CA 95060 (831)475-9029

(INJURED ONLY) TRANSPORTED BY: AMR

TAKEN TO: DOMINICAN HOSPITAL

DESCRIBE INJURIES: BROKEN RIGHT LEG, COMPLAINT OF PAIN TO THE HEAD AND BACK.

☐ VICTIM OF VIOLENT CRIME NOTIFIED

X # 1		60	F													

NAME / D.O.B. / ADDRESS — TELEPHONE

MARY ALICE VALLES (11/03/1942) 100 N. RODEO GULCH RD #14 SOQUEL CA 95073 (831)475-4016

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																

NAME / D.O.B. / ADDRESS — TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																

NAME / D.O.B. / ADDRESS — TELEPHONE

(INJURED ONLY) TRANSPORTED BY

TAKEN TO:

DESCRIBE INJURIES

☐ VICTIM OF VOLENT CRIME NOTIFIED

#																

NAME / D.O.B. / ADDRESS — TELEPHONE

(INJURED ONLY) TRANSPORTED BY

TAKEN TO.

DESCRIBE INJURIES

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																

NAME / D.O.B. / ADDRESS — TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES:

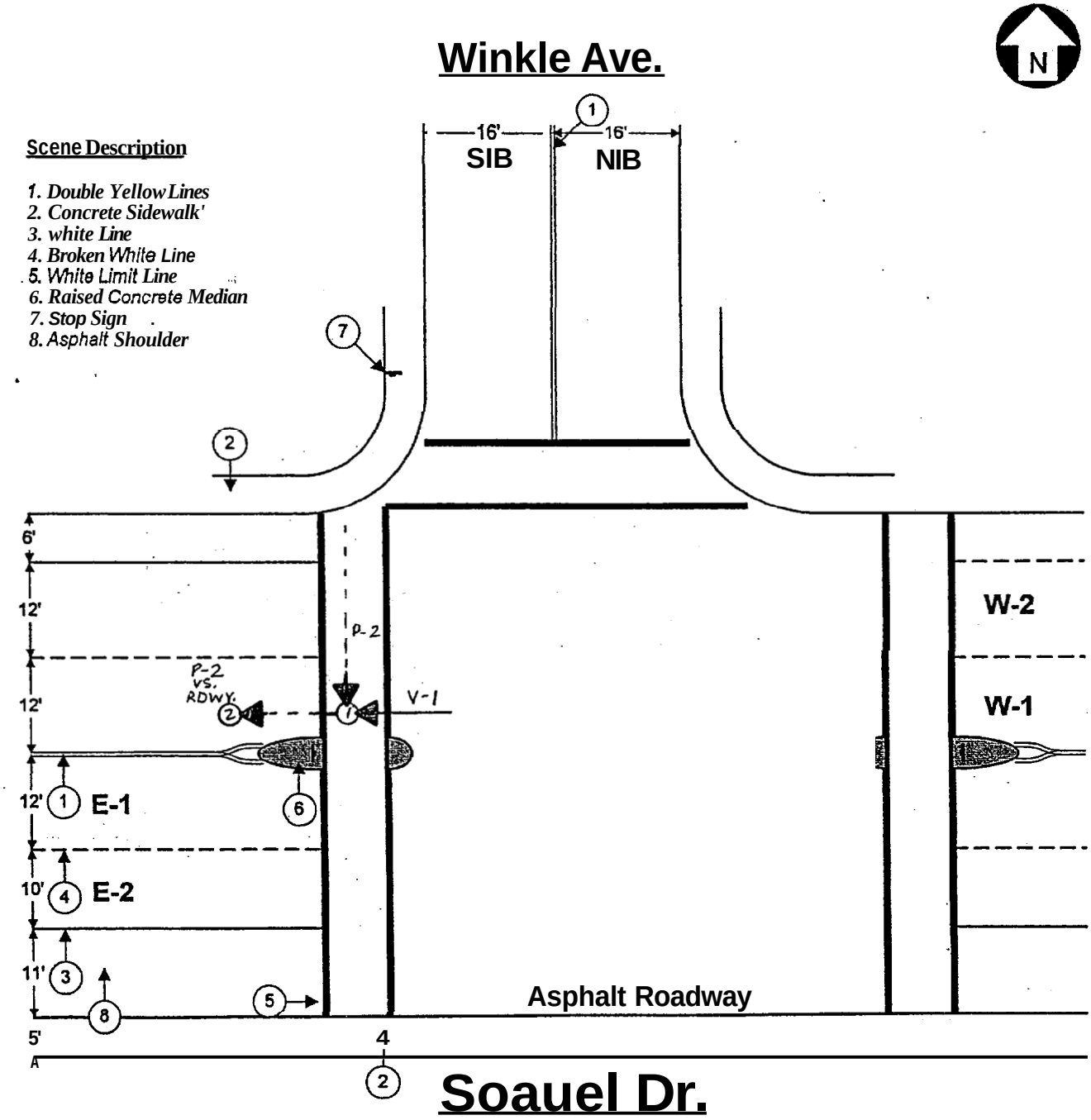
☐ VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
D. MOYER	17392	08/27/2003		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL PAGE 4

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
8/27/03		9720	17392	

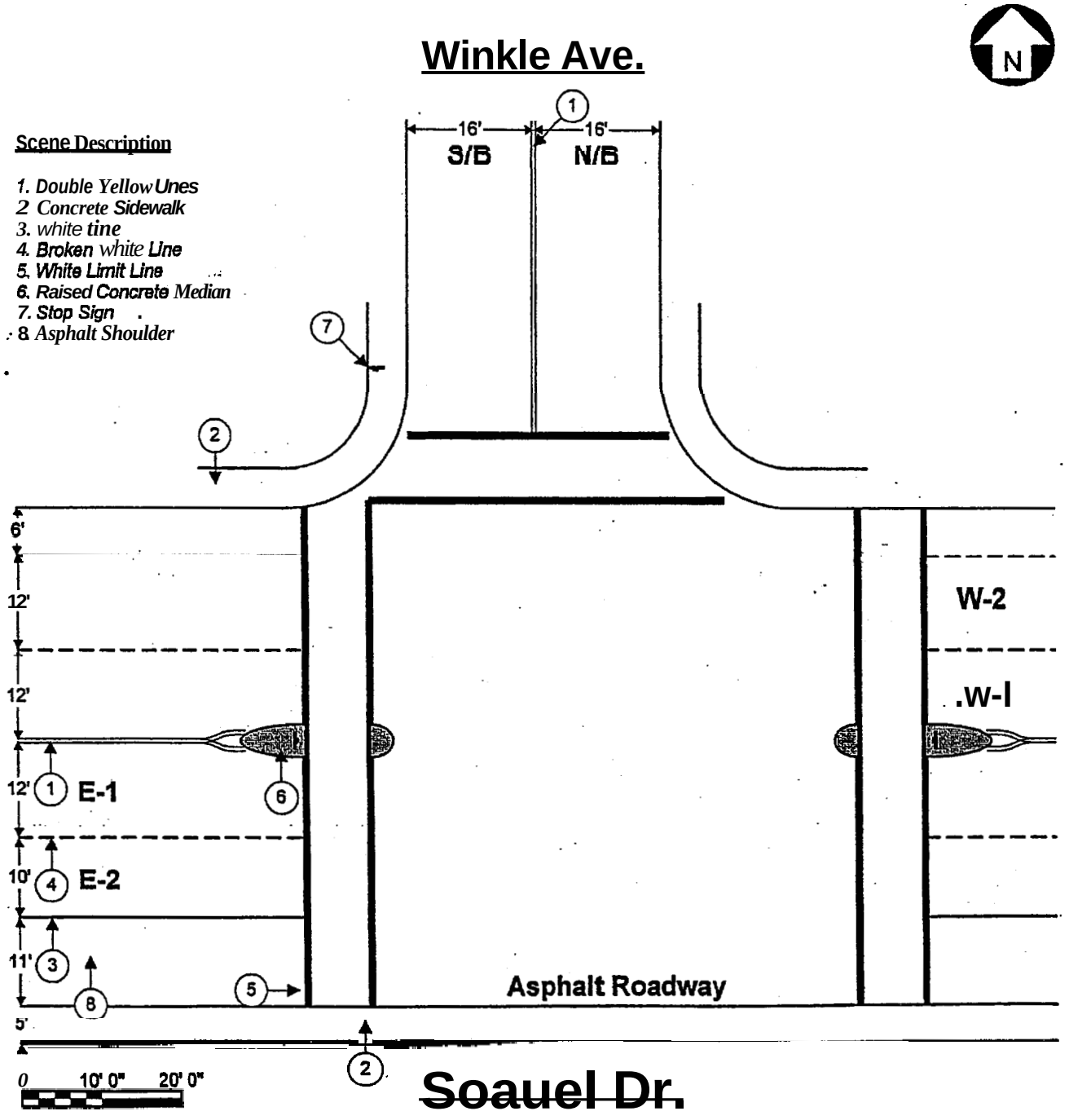


PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M. MENDEZ	13341	8-27-03		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENT

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
8/27/03	1530	9720	17392	2003080206



V-1 WAS MOVED PRIOR TO CHP ARRIVAL

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. MOYER	17392	8-27-03		

FACTS

NOTIFICATION

I received a call from Monterey Dispatch of an injury collision at 1533 hours. I responded from SR-1 and Freedom Blvd. and arrived on scene at 1546 hours.

All times, speeds, and measurements are approximate. All measurements were obtained by roll meter.

SCENE DESCRIPTION

This collision occurred within the intersection of Soquel Dr. and Winkle Ave. This intersection is located within an unincorporated part of Santa Cruz County. Soquel Dr. at this location is an east-west aligned, asphalt paved, two laned roadway that is controlled by stop signs. The speed limit on Soquel Dr. is 35 MPH and the lanes are 12 feet wide. Winkle Ave intersects with Soquel Dr. from the north making a three-way intersection. There were no vision obstructions noted or claimed. The weather was sunny and dry at the time of the collision. Refer to the factual diagram.

PARTIES

PARTY #1(P-1, Vilhauer) was located standing near his vehicle at the collision site. He was identified by his California driver's license. He was established as the driver of V-1 by all statements.

VEHICLE #1(V-1, GMC) was located on the north side Soquel Dr. in a store parking lot. V-1 sustained minor damage to the front end of the vehicle. No prior damage or mechanical defects were noted or claimed. V-1 was moved prior to CHP arrival.

PARTY #2 (P-2, Medina) was located lying in the west bound lane of Soquel Dr. East of the west crosswalk prolongation. He was identified by his statements and by his family who arrived at the scene after the collision.

See Sketch and factual Diagram

STATEMENTS

Party #1 (P-1,Vilhauer) related that he was diving V-1 westbound in the #1 lane of Soquel Dr. and came to a stop at the three way intersection of Winkle Ave. There was a small white car that slowed to the stop sign in the #2 lane and accelerated through the

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/27/2003	1530	9720	17392	2003080206

STATEMENTS CONTINUED

intersection at his right. P-1 looked left and right to check for pedestrians and proceeded through the intersection. As he crossed the west cross walks of Soquel Dr. and Winkle Ave. he realized that a pedestrian was directly in front of V-1. He made eye contact with P-2 just as the front bumper and grill collided with the left side of P-2. P-1 stopped V-1 as fast as he could and called 911. P-1 stayed with P-2 and attempted to render aid until help arrived.

Party #2 (P-2,Medina) Due to P-2's injuries, he was not able to make a statement at the scene and we have not been able to contact him since the collision.

WITNESS #1 (W-1, Valles) related in essence that she stopped in the eastbound lane of Soquel Dr. three cars back from the west crosswalk prolongation of Winkle Ave. While she was stopped she was watching P-2 cross the west crosswalk of Soquel Dr. He was pulling a small metal laundry cart, loaded with 5-gallon water bottles. As P-2 crossed the westbound lanes in the crosswalk he was struck by the front bumper of V-I. W-1 stayed at the scene with P-2 until help arrived.

OPINIONS AND CONCLUSIONS

(Based on statements and physical evidence)

SUMMARY

P-1 was driving V-1 W/B on Soquel Dr. in the #1 lane and came to a stop at the east crosswalk prolongation of Winkle Ave. P-1 was crossing the west crosswalk of Soquel Dr. and Winkle Ave. walking south. He was pulling a small basket with wheels that was carrying two full 5-gallon water jugs. A white car pulled along side V-1 in the #2 lane of Soquel Dr. and came to a quick stop then proceeded through the intersection. P-I checked left, and then right to make sure it was clear but was not looking directly ahead as he proceeded through the intersection. As V-1 crossed the west crosswalk P-1 saw P-2 and attempted to stop. The front bumper and grill of V-1 struck P-I, throwing him to the ground. P-1 stopped V-1 in the crosswalk before running over P-2. P-2 ended up lying in the #1 lane west of Winkle Ave. V-1 was moved by P-1 to the parking lot on the northwest corner of the intersection. P-1 stayed with P-2 to render aid until helped arrived. This summary is based on the statements of P-I and W-1.

AREA OF IMPACT(AOI)

AOI #1 (V-1 VS P-2) was determined by P-1'sand W-1's statement, AOI was measured and found to be 23 feet south of the north roadway edge of Soquel Dr and 2 feet east of the west crosswalk prolongation of Winkle Ave.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/27/2003	1530	9720	17392	2003080206

AOI #2 (P-2 VS the roadway) was determined by P-1's statement and the physical evidence. AOI was measured and found to be 23 feet south of the north roadway edge of Soquel Dr and 9 west of the Winkle Ave prolongation.

CAUSE

P-1 caused this collision by driving V-1 in violation of 21950(a) VC. The California Vehicle Code states that the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk. An associated factor in this collision was the inattention of P-1. This cause is based on the statements of the P-1, W-1, the damage to V-1 and injury to P-2.

RECOMMENDATIONS

I recommend that a copy this investigation be forwarded to the Santa Cruz County District Attorney's office for the filling of a complaint against P-1 (Vilhauer) for the violation of California Vehicle Code section 21950(a) failing to yield the right of way to a pedestrian in a crosswalk.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. MOYER	17392	08/27/2003		