

272

Daljit Dhillon (a defendant)

In chief by Ms. Taliunas

Cross-exam by Ms. Kovacs

1 MS. TALIUNAS:  
2 Q When you're carrying car parts -- auto parts -- I  
3 can't remember what I said -- do you ever  
4 experience sway in your trailer?  
5 A No.  
6 Q Are you aware of what types of cargo or loads  
7 would cause sway in a trailer?  
8 A If you have, like, whole cows hanging in your  
9 truck then they swing back-and-forth -- cows.  
10 THE COURT: Sorry. You have whole ...  
11 THE INTERPRETER: Cows.  
12 THE COURT: Cars?  
13 MS. TALIUNAS: Cows.  
14 THE COURT: Cows -- like, animals.  
15 THE INTERPRETER: Yes.  
16 MR. DHILLON: Animals.  
17 THE COURT: Oh, if you have cows --  
18 MR. DHILLON: In [indiscernible], they are hanging the  
19 cows in the trailer.  
20 THE COURT: They hang cows in trailers?  
21 MR. DHILLON: Yeah. Then --  
22 THE COURT: Alive or dead? Dead?  
23 THE INTERPRETER: Dead cows swinging. Yes.  
24 THE COURT: Dead cows will swing. Okay.  
25 THE INTERPRETER: Dead cows. Yes. Sorry.  
26 THE COURT: All right.  
27 MR. DHILLON: Yes.  
28 MS. TALIUNAS:  
29 Q On the night of the accident did you feel your  
30 trailers swinging back-and-forth?  
31 A No.  
32 Q Did you feel or experience anything that would  
33 indicate that your back trailer was skidding?  
34 A No.  
35 Q Did you feel or experience anything that would  
36 indicate that your trailer was swaying?  
37 A No.  
38 MS. TALIUNAS: Those are my questions, My Lady.  
39 MS. KOVACS: Madam Registrar, I wonder if you might put  
40 Mr. Dhillon's transcript before him.  
41  
42 **CROSS-EXAMINATION BY MS. KOVACS:**  
43  
44 Q Mr. Dhillon, do you recall being examined for  
45 discovery by me on May 15th, 2017?  
46 A Yes. I don't remember the date, but I did  
47 [indiscernible] examination.

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

- 1 Q All right. And if I could -- and I'm -- this is  
2 your transcript here in front of us. And if I  
3 could have you turn to page -- sorry. Just before  
4 I have you turn the page, you said in your  
5 examination for -- sorry, in your examination in  
6 chief that both trailers that you were hauling on  
7 the night of January 30th, 2014 and into the  
8 morning of January 31st, 2014 were, quote/unquote,  
9 full; is that right?
- 10 A Yes.
- 11 Q And you also said in your examination in chief  
12 that you had approximately 15,000 to 18,000 pounds  
13 that you were hauling; is that correct?
- 14 A Yes. That's how much it is, usually.
- 15 Q All right. And, again, you recall being examined  
16 for discovery by me? And I'm going to suggest to  
17 you it was on May 15th of 2017.
- 18 A Yes.
- 19 Q And on that date you had affirmed to tell the  
20 truth?
- 21 A Yes.
- 22 Q Okay. And if I can have you turn to page 39 --  
23 the bottom of page 39, please. All right. To be  
24 fair, I'm going to start at question 261. Do you  
25 have that before you? It's the second to the  
26 bottom question. Question 261.
- 27 A Yes.
- 28 Q And I'll read each one, question and answer at  
29 each time so that the interpreter can interpret  
30 for you; okay? So we'll go slowly. Question 261:  
31
- 32 Q Okay. And is it standard that the parts  
33 coming back in the cargo trailers are  
34 full? Like, is it a full trailer?
- 35 A Yes.
- 36
- 37 A Yes.
- 38 Q Question 262:  
39
- 40 Q Okay. And the trade-off in Kamloops --  
41 I'm calling it a trade-off, with the  
42 other driver, do you have an opportunity  
43 to inspect the load?
- 44 A No. We don't check the cargo. We check  
45 the trailer from outside. The inside is  
46 locked.  
47

274  
Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1 A Yes.  
2 Q Question 263:  
3  
4 Q Okay. Is it sealed?  
5 A Okay. There's no seal. No. There's no  
6 seal, but the tailgate is at the top,  
7 and you have to unhook it to open it.  
8 And if the tailgate comes down only then  
9 you can open it.  
10  
11 A Yes.  
12 Q Question 264:  
13  
14 Q I see. So it's not your practice to  
15 open the tailgate to inspect the load  
16 before taking over the load?  
17 A I don't. It's not my duty. It's not my  
18 duty to check it. All -- I don't -- I  
19 don't need to check it either.  
20  
21 A Yes.  
22 Q Question 265:  
23  
24 Q Okay. So because someone else has  
25 checked it before?  
26 A Well, the driver that comes from there,  
27 he checks it, just like I do -- do the  
28 check from here when I go to take  
29 Toyota.  
30  
31 A Yes.  
32 Q Question 266:  
33  
34 Q So you trust that the other driver has  
35 checked it accurately?  
36 A Absolutely. Yes.  
37  
38 A Yes.  
39 Q Question 267:  
40  
41 Q Okay. And you trust that the other  
42 driver has calculated the weight and  
43 balance appropriately?  
44  
45 A It's written on the papers too.  
46  
47 A Yes.

275  
Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1 Q Question 268:

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Q Right. And does the other driver also  
do a centre of gravity assessment?

A What's that?

Question 269:

Q The weight and balance. The centre of  
gravity.

A He had -- he had done it.

Question 270:

Q How are you assured that the  
distribution of weight is even?

A So -- okay. So the load we can carry on  
the trailers is legally 44,000 or up  
to -- had 44,000. But this parts load  
is 20,000, which is very light.

A Yes.

Q Question 271:

Q Okay. So usually the maximum for both  
trailers together is 44,000?

A It's normally 44,000.

A Yes.

Q Question 272:

Q And in your experience --

I'm just going to make an --

THE COURT: All right. Now, I can't take any  
testimony --

THE INTERPRETER: Sorry. He said -- together. He said  
do you mean by together that one trailer --

THE COURT: We can't clarify what was meant. We're  
just going through what was said right now. And  
then there'll be a question at the end; all right?  
So just wait till --

MR. DHILLON: Okay.

THE COURT: We'll just read through the whole thing and  
then there'll be a question about it at the end;  
all right?

MS. KOVACS: Okay. So question 272:

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1  
2 Q And in your experience the usual or the  
3 standard parts cargo load is about  
4 20,000; is that correct?  
5 A Yes, about that. It's very light.  
6  
7 A Light.  
8 Q Just two more. Question 273:  
9  
10 Q Okay. And that's both trailers  
11 together?  
12 A Yes.  
13  
14 Question 274:  
15  
16 Q Okay. And is it light because it's not  
17 full in the container?  
18 A It's about 70 to 74 percent full, and  
19 the rest is empty, and it's light.  
20  
21 A Yes.  
22 Q Now, Mr. Dhillon, you were asked those questions  
23 on May 15th of 2017?  
24 A Yes.  
25 Q And you gave those answers?  
26 A Yes.  
27 Q And those answers were true?  
28 A Yes.  
29 Q Now, in your examination in chief you had said,  
30 referring to your time at the Zopkios brake check,  
31 you said, "I was at the back of them." By that  
32 you mean there was no one behind you at the brake  
33 check in terms of other trucks?  
34 A Yes. There was no trucks behind me at that time,  
35 but after the accident there were.  
36 Q All right. You said in your examination in chief  
37 that as you were -- my understanding of your  
38 evidence, that as you were going down the hill,  
39 you said that there was no traffic behind; is that  
40 correct?  
41 A When my truck was hit there was only that car at  
42 that time behind me. There was no other trucks.  
43 Q All right. Can I have you turn to page 88 of the  
44 transcript, please. Sorry. Just give me a  
45 moment. All right. Just to -- so we have some  
46 clarity on this. Page 88, question 567:  
47

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1 Q So how many tractor-trailers were at the  
2 Zopkios rest stop, or brake stop, prior  
3 to the accident?  
4 A 10 to 12 that were there.  
5  
6 A Yes.  
7 Q Okay. You were asked that question?  
8 A Yes.  
9 Q And that answer was true?  
10 A Yes. That was my estimate.  
11 Q And then I'd like to turn you to page 94, at the  
12 very bottom, question 606. Do you have that  
13 before you? Okay:  
14  
15 Q Do you recall when you were merging onto  
16 the highway from the brake check, was  
17 there any truck in front of you at that  
18 time?  
19 A Yes. There were.  
20  
21 Question 607:  
22  
23 Q Okay. How many trucks?  
24 A I will give you an idea that there'd be  
25 four, five.  
26  
27 Question 608:  
28  
29 Q Okay. So four or five trucks were ahead  
30 of you as you entered the highway?  
31 A Yes. Okay. There were some in my lane,  
32 and there were some in the right lane  
33 with the heavy loads, because the super  
34 heavy load, they keep it in the right  
35 lane.  
36  
37 A Yes.  
38 Q You were asked those questions?  
39 A Yes.  
40 Q And those answers were true?  
41 A Yes.  
42 Q All right. Earlier, Mr. Dhillon, in response to  
43 my friend's questions to you in examination in  
44 chief, you said that you didn't see any vehicles  
45 in the mirror, and that there was no traffic  
46 behind; correct?  
47 A Yes.

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

- 1 Q If I can have you turn to page 97 of your  
2 transcript, please. At the very top,  
3 question 620:  
4
- 5 Q Okay. And you didn't see this car,  
6 though, before impact; correct?  
7 A Yeah. I saw -- okay. I saw in the  
8 mirror, okay, that there was a car  
9 coming or truck coming, but the -- it's  
10 dark. And from the light I cannot tell  
11 whether it's a car or a truck.  
12
- 13 A Yes.  
14 Q Okay. Question 621:  
15
- 16 Q So you saw something in the mirror, but  
17 you weren't sure what it was; is that  
18 correct?  
19 A Okay. There was also a truck coming as  
20 well as the car.  
21
- 22 You were asked those questions?  
23 A Yes.  
24 Q And you gave those answers?  
25 A I think what happened was because the rest stop at  
26 Zopkios is on a higher spot, so the lights that I  
27 was seeing -- I don't know whether it was -- the  
28 light was just coming through or whether it was  
29 the mirror.  
30 Q Okay. Mr. Dhillon, right now, I'm not asking you  
31 about that. What I'm asking you is if you were  
32 asked this question and if your answer was true.  
33 A Yes.  
34 Q Okay. Now, also in examination in chief you  
35 discussed the Super B loaded with lumber that you  
36 were attempting to pass. Do you recall that?  
37 A Yes.  
38 Q And you estimated the speed in your examination in  
39 chief as, I believe, 20 to 30 km/h?  
40 A Yes, around there.  
41 Q All right. If I could have you turn to --  
42 actually, just further down the same page, of 97,  
43 question 624:  
44
- 45 Q How fast was the Super B driving?  
46 A Very slow there, 10 to 15 kilometres.  
47

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs

- 1 A It's possible that was the speed.  
2 Q Okay. I'm just asking you questions and answers  
3 right now. If we can have interpretation. Thank  
4 you.  
5 A Yes. It was rather slow. It could be 10 or 15.  
6 Q Question 625:  
7  
8 Q 10 to 15 kilometres?  
9 A Yeah.  
10  
11 Mr. Dhillon, you were asked those questions?  
12 A Yes.  
13 Q And you gave those answers?  
14 A Yes.  
15 Q And those answers were true?  
16 A Yes. I was giving an estimate.  
17 Q And you'd agree with me that a swing of 10 to  
18 30 kilometres is a rather large range for an  
19 estimate?  
20 A 15 to 20 usually means very slow.  
21 Q Mr. Dhillon, let's be clear. You said at  
22 discovery it was 10 to 15 kilometres. In your  
23 examination in chief you said it was 20 to  
24 30 km/h. And now you're saying it was 15 to 20;  
25 is that true?  
26 A All these are estimates. I did not know its  
27 accurate speed. On the lower level it'll be 15  
28 and higher level it'll be 20, 30.  
29 Q All right. You can't be sure.  
30 A No.  
31 Q So these speed estimates are not reliable; you'd  
32 agree with me?  
33 A Yes. I am just giving estimates. I don't know  
34 what the exact speed was. It was slow. It was  
35 much slower than mine.  
36 Q In examination in chief you'd also given estimates  
37 for how long you say you'd been in the,  
38 quote/unquote, middle lane, since leaving the --  
39 since entering it before the accident happened.  
40 And in examination in chief you said two to three  
41 minutes on one occasion and three to four minutes  
42 on another; is that correct?  
43 A Yes. I said two to three minutes, I believe.  
44 Q Did you also say three to four minutes?  
45 A It's possible I may have said that.  
46 Q Okay. And those are also estimates.  
47 A Yes.

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1 Q Right. And you'd agree that those are also  
2 unreliable?  
3 A I remember that I'd been in that lane for quite  
4 some time before I was hit. It was not like -- it  
5 did not happen right away.  
6 Q Mr. Dhillon, can I have you turn to page 105 of  
7 your transcript, please. Towards the bottom,  
8 question 674:  
9  
10 Q Were you fully entered into the centre  
11 lane at the time of the impact?  
12 A Yes. I was coming in that lane long  
13 before.  
14  
15 THE COURT: Ms. Kovacs, just wait for a minute.  
16 MS. KOVACS: Oh, I'm sorry, My Lady.  
17 THE COURT: All right. I'm there.  
18 MS. KOVACS: Okay. Perhaps I'll just read all three,  
19 and then we can interpret all three. I think that  
20 might be easier.  
21 THE COURT: Yes. All right.  
22 MS. KOVACS: Question 674:  
23  
24 Q Were you fully entered into the centre  
25 lane at the time of the impact?  
26 A Yes. I was coming in that lane long  
27 before.  
28  
29 Question 675:  
30  
31 Q What do you mean by "long before"?  
32 A Okay. But when the accident happened I  
33 was coming in that lane for a minute to  
34 two minutes.  
35  
36 You were asked those questions, Mr. Dhillon?  
37 A Yes. It had been a few minutes since I had been  
38 driving in that lane.  
39 Q My only question to you right now is, you were  
40 asked those questions at your examination for  
41 discovery on May 15th of 2017?  
42 A You must have asked me those questions.  
43 Q All right. And those --  
44 A I don't have any specific memory, but you must  
45 have asked me if they are in the transcript.  
46 Q Right. And you gave those answers?  
47 A I must have.

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

- 1 Q And those answers were true?  
2 A Yes. This was, again, estimates of -- giving you  
3 an idea.  
4 Q And would you give me -- would you agree with me  
5 that it's an unreliable estimate?  
6 A All I can say is I'd been driving there for a  
7 while before I was hit.  
8 Q Right. And "for a while" for you is anywhere  
9 between one minute and four minutes?  
10 A It could have been two minutes. It could have  
11 been three minutes.  
12 Q All right. And you say the Super B was travelling  
13 at anywhere from 15 to 30 km/h; is that correct?  
14 A It could be anywhere between there. It could  
15 be 15. It could be 20. I did not actually  
16 measure it.  
17 Q Okay. But you yourself say you were going 30  
18 to 40 km/h; is that correct?  
19 A I was passing the other truck, so I was driving  
20 faster.  
21 Q Right. Would you agree that you would have been  
22 able to pass a Super B in the -- from the -- if a  
23 Super B is in the slow lane and you're in the  
24 middle lane, Mr. Dhillon, would you agree that  
25 you'd be able to pass that going that speed in  
26 20 seconds?  
27 A Super B trucks, you have to be very careful when  
28 you pass them. They can speed up. They can slow  
29 down. Sometimes they can even apply their brakes.  
30 So you really have to pass them very slowly.  
31 Q Did this Super B speed up or apply its brakes?  
32 A Sometimes they speed up and then they apply brakes  
33 and slow down.  
34 Q Right. And I'm asking about this Super B that you  
35 were trying to pass before this accident happened.  
36 Did it speed up or slow down?  
37 A It was going like that. It would speed up and  
38 then slow down.  
39 Q It was. Would you agree with me, though, that  
40 despite that activity, you would be able to pass  
41 that Super B in 30 seconds?  
42 A The speed is very slow. We have to adjust to  
43 that.  
44 Q All right. I'm asking you for the time estimate  
45 of how long it would take you to pass the Super B,  
46 going at those speeds.  
47 A It's possible sometimes they don't even let you

- 1 pass them, because if I was going at 30 he would  
2 speed up at 30, then we might -- both of us would  
3 be going downhill side by side.
- 4 Q That's not my question, Mr. Dhillon. My question  
5 to you is how long would it take you to pass the  
6 Super B?
- 7 A The time depending on the speed of both. I don't  
8 want to give a wrong estimate. It will depend how  
9 fast each one is going.
- 10 Q You would agree with me, Mr. Dhillon, that it  
11 wouldn't take you, ever, four minutes to pass the  
12 Super B; correct?
- 13 A It can take four minutes. Because sometimes they  
14 drive fast and sometimes they slow down.
- 15 Q This one was slow; correct?
- 16 A It was going slow initially, but sometimes when  
17 you're trying to pass them they speed up their  
18 speed.
- 19 Q Do you recall this Super B speeding up his speed?
- 20 A They always do that.
- 21 Q This one too?
- 22 A Yes. Yes. They do that.
- 23 Q Mr. Dhillon, I'm going to suggest to you that you  
24 were not in the middle lane for as long as four  
25 minutes.
- 26 A I had been in the middle lane for several  
27 minutes -- at least two, three minutes, I would  
28 say.
- 29 Q You say it's two, three minutes.
- 30 A Yes.
- 31 Q I'm going to put it to you that that's incorrect.  
32 You were not in the middle lane for two to three  
33 minutes.
- 34 A It was.
- 35 Q And, Mr. Dhillon, I'm going to put it to you that  
36 you were not in the middle lane for even one  
37 minute.
- 38 A No. That's not correct.
- 39 Q And in fact, Mr. Dhillon, I'm going to put it to  
40 you that you were never in the middle lane at all.
- 41 A I was in that lane.
- 42 Q I'm going to put it to you, Mr. Dhillon, that you  
43 were attempting to enter the middle lane when the  
44 accident happened.
- 45 A No. The car was behind me -- right behind me and  
46 it hit me.
- 47 Q Mr. Dhillon, I'm going to suggest to you that you

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1           were changing lanes into what you believed to be  
2           the middle lane when the accident happened.  
3        A       No.  
4        Q       Now, Mr. Dhillon, you had said in your examination  
5           in chief that the Super B you were trying to pass  
6           was -- you were right beside it. I believe I have  
7           that in quotations; is that correct?  
8        A       He was -- sometimes he was speeding up. Sometimes  
9           he was slowing down. I was, like, in the  
10          middle -- close to the middle of that truck.  
11        Q       So you were close to the middle of the Super B;  
12          correct?  
13        A       At the time of the accident. Yes.  
14        Q       So you could see it right beside you?  
15        A       Yes. One of its trailers was right beside me.  
16        Q       What was the clearance between your  
17           tractor-trailer unit and the Super B's  
18           tractor-trailer unit? What was the clearance?  
19        THE INTERPRETER: Clearance? Distance?  
20        MS. KOVACS:  
21        Q       The distance between.  
22        A       I mean, in terms of being forward or behind?  
23        Q       I'm talking about the distance beside the right  
24           side of your B-train and the left side of that  
25           Super B. What was the clearance between the two?  
26        A       I would say it would be 3, 4 feet.  
27        Q       3 or 4 feet. So it was close.  
28        MR. DHILLON: We are always this much -- 3 or 4 feet.  
29        MS. KOVACS: And just for the record, the witness is  
30           using his hands to show about -- I would say  
31           6 inches.  
32        Q       But, Mr. Dhillon, you're not suggesting that  
33           there's only 6 inches between you and the Super B?  
34        A       It's almost always 3, 4 feet.  
35        Q       3 or 4 feet is the clearance. All right. So --  
36        MR. DHILLON: Always passing the lane -- other truck --  
37           3, 4 feet in between.  
38        MS. KOVACS:  
39        Q       So you remember in the moments before the accident  
40           that the Super B -- its trailer was right beside  
41           you, 3 to 4 feet from the right of your tractor;  
42           is that correct?  
43        A       Yeah. Like, it was beside me. We were not  
44           behind.  
45        Q       You were not behind.  
46        A       He was not behind.  
47        Q       And you have a vivid recollection of this, then?

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs

1 A That's how I remember it.  
2 Q If I could have you turn to page 111, please.  
3 Question 710:  
4  
5 Q And where were you in relation to the  
6 Super B tractor-trailer when the impact  
7 occurred.  
8 A Okay. So the backside of my trailer, he  
9 was just a little bit ahead of that.  
10  
11 Question 711:  
12  
13 Q Sorry. I'm confused. So was the  
14 Super B right beside you? Was he  
15 slightly ahead of you? Was he slightly  
16 behind you?  
17 A It was slightly ahead of me.  
18  
19 Question 712:  
20  
21 Q Okay. So you were still in the process  
22 of overtaking that vehicle when the  
23 impact happened.  
24 A Yes.  
25  
26 You were asked those questions on May 15th of  
27 2017, Mr. Dhillon?  
28 A Yes.  
29 Q And you gave those answers?  
30 A Yes.  
31 Q And those answers were true?  
32 A Yes.  
33 MS. KOVACS: My Lady, I note the time. And I'm about  
34 to start on a new area in cross. I wonder if it  
35 might be a time to break for the day?  
36 THE COURT: That's fine. We'll take the break. We'll  
37 reconvene at 10 o'clock tomorrow morning.  
38 MR. GLOUX: My Lady, if the witness could be given the  
39 caution, please.  
40 THE COURT: Yes. I'll do that. So, if you could  
41 translate for me as well.  
42 Mr. Dhillon, you're under cross-examination  
43 right now. So while you're under cross-  
44 examination you can't talk about this case or your  
45 evidence with anybody else. Do you understand?  
46 THE WITNESS: Okay.  
47 THE COURT: So you just have to wait till tomorrow when

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Reporter's certification

1 the cross-examination starts again before you talk  
2 about your evidence. Do you understand?

3 THE WITNESS: Okay.

4 THE COURT: All right. Thank you.

5 THE CLERK: Order in court. Court is adjourned until  
6 June 7th at 10:00 a.m.

7

8 **(WITNESS STOOD DOWN)**

9

10 **(PROCEEDINGS ADJOURNED AT 3:57 P.M. TO JUNE 7, 2019)**

11

12

13 **Reporter's Certification:**

14

15 I, Christy L. Pratt, RCR, RPR, CLR, Official  
16 Reporter in the Province of British Columbia,  
17 Canada, BCSRA No. 535, do hereby certify:

18

19 That the proceedings were transcribed by me  
20 from an audio recording provided of recorded  
21 proceedings, and the same is a true and accurate  
22 and complete transcript of said recording to the  
23 best of my skill and ability.

24

25 IN WITNESS WHEREOF, I have hereunto subscribed  
26 my name and seal this 25th day of August, 2019.

27

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31 **Christy L. Pratt, RCR, RPR, CLR**  
32 **Official Reporter**

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Daljit Dhillon (a defendant)  
Cross-exam by Ms. Kovacs (continuing)

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**June 7, 2019  
Vancouver, BC**

**(DAY 5)  
(PROCEEDINGS COMMENCED AT 10:05 A.M.)**

THE CLERK: Now calling the matter of Uy versus  
Her Majesty the Queen in Right of the Province of  
British Columbia, as represented by the Ministry  
of Transportation and Highway.

**SUDESH KAUR, Punjabi  
interpreter, recalled,  
reminded.**

**DALJIT DHILLON, a  
defendant, recalled,  
reminded.**

MS. KOVACS: Just for the record this morning, the last  
name is Kovacs, K-o-v-a-c-s, first initials S.L.  
Thank you.

**CROSS-EXAMINATION BY MS. KOVACS (continuing):**

Q Mr. Dhillon, you have the privilege of holding a  
class 1 commercial driver's licence in the  
province of British Columbia?

A Yes.

Q And with that privilege comes responsibility?

A Yes.

Q You take that responsibility seriously?

A Yes.

Q And you appreciate that a B-train tractor-trailer  
unit is classified as a heavy commercial vehicle?

A The B-train flatdeck is the one which is really  
heavy. This one is much lighter.

Q Okay. I appreciate that. I just want to know if  
it's generally classified as a heavy commercial  
vehicle as opposed to a passenger vehicle.

A Yes.

Q Okay. And I want to get some understanding of  
your B-train unit. You had said in your direct  
examination that you have two trailers; correct?

A Yes, two trailers.

Q And how long are they each again?

A The first one is 32 feet.

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Q And the second one? [Not interpreted.]  
2 MR. DHILLON: 28.  
3 MS. KOVACS:  
4 Q Okay. All right. My friend had asked you in your  
5 direct examination if the rear trailer can move  
6 independently of the first trailer. Do you  
7 remember that question?  
8 A No, it cannot do that.  
9 Q Okay. And I'm going to ask you a few further  
10 questions about that.  
11 THE COURT: Ms. Kovacs, just before you ...  
12 THE CLERK: If I could ask the -- Ms. Kaur to speak up  
13 a little bit. I have a lot of difficulty catching  
14 her voice on record.  
15 THE INTERPRETER: All right. Sure.  
16 THE COURT: All right.  
17 THE INTERPRETER: Sure.  
18 THE COURT: If you -- yeah. And I think maybe,  
19 Ms. Kaur, if you could just make sure that your  
20 chin is up when you're giving --  
21 THE INTERPRETER: That's right.  
22 THE COURT: -- translations. Yeah.  
23 THE INTERPRETER: Be careful when I'm writing. Yeah.  
24 MS. KOVACS: Okay.  
25 Q Mr. Dhillon, there are two connection points in  
26 your combination unit; correct?  
27 A Yes.  
28 Q The first connection point is as between your  
29 tractor and the first trailer?  
30 A Yes.  
31 Q And the second connection point is as between the  
32 first trailer and the second trailer?  
33 A Yes.  
34 Q And each connection consists of a -- of a kingpin  
35 and a five-wheel assembly?  
36 A Fifth wheel and kingpin, yes.  
37 Q Fifth wheel and kingpin. All right. And that  
38 connection point, the fifth wheel and the kingpin  
39 connection point, it can articulate. And what I  
40 mean by that is it can move laterally like a  
41 hinge; correct?  
42 A The back wheel?  
43 Q Yes. The two trailers can move like a hinge;  
44 correct?  
45 A It cannot move on its own. If we move it, only  
46 then it will move.  
47 Q Yes, that's what I'm -- that's what I'm asking.

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1           When you steer into it or you offer steering input  
2           the two trailers can articulate like a chain?
- 3       A     Yes.
- 4       Q     Yes. And my question, to clarify, is these are  
5           not fixed, where they always move in -- as if  
6           they're moving as one 53-foot trailer; correct?
- 7       A     Yes, because there's a joint. There's a fifth  
8           wheel.
- 9       Q     Right. So, if anything, even though you're longer  
10           than a 53-foot trailer you have more  
11           manoeuvrability around corners with the B-unit --  
12           or B-train?
- 13      A     We have to pay more attention to it than the  
14           53-foot trailer.
- 15      Q     Okay. And why is it that you have to pay more  
16           attention to it?
- 17      A     Because it's longer and because there's a joint  
18           between the two trailers.
- 19      Q     Right. And because there's a joint there's more  
20           movement in the trailers than there would be with  
21           one 53-foot trailer; correct?
- 22      A     Yes.
- 23      Q     Okay. Now, Mr. Dhillon, you appreciate that if a  
24           heavy commercial vehicle such as a B-train is  
25           involved in a crash with a -- with a smaller  
26           passenger vehicle the results can be serious?
- 27      A     It depends on the speed -- how much speed the  
28           other vehicle is hitting the trailer. I also have  
29           a question. Can I ask it?
- 30      Q     Mr. Dhillon, right now I'm asking questions.
- 31      MR. DHILLON: Okay. Okay.
- 32      THE COURT: Yeah.
- 33      MS. KOVACS:
- 34      Q     If you don't understand my question you can ask me  
35           to rephrase it or repeat it; okay?
- 36      A     Okay.
- 37      Q     All right. Now, my question to you is you  
38           appreciate that being a heavier vehicle on the  
39           road if you collide with a passenger vehicle in  
40           certain circumstances the results can be serious,  
41           even fatal?
- 42      A     Yes. Absolutely.
- 43      Q     And you agree that in order to prevent the risk of  
44           harm to other road users we have rules in place  
45           that all vehicle operators, small and large, must  
46           follow?
- 47      A     Yes.

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Q And do you agree that safety must be the first  
2 priority at all times?
- 3 A Yes.
- 4 Q Do you agree that as a licensed professional  
5 commercial vehicle operator you have a  
6 responsibility to anticipate hazardous situations?
- 7 A Yes. Yes, that's how I drive. I've been driving  
8 for 20 years.
- 9 Q Yes. Thank you. And you would agree as well that  
10 when you're anticipating a hazardous situation you  
11 have to plan ahead?
- 12 A Yes.
- 13 Q So for example, you would plan differently for  
14 different conditions?
- 15 A Yes.
- 16 Q One example is if there are strong winds you would  
17 plan your drive, whether it's on a hill or  
18 otherwise, differently than if there are no winds?
- 19 A Yes. If the wind is very heavy, yes. Absolutely.
- 20 Q Right. You go slower?
- 21 A Yes.
- 22 Q Okay. Similarly if there's snow or ice on the  
23 road you plan your descent down a hill  
24 differently?
- 25 A Absolutely.
- 26 Q Right. And just to be clear -- my question wasn't  
27 clear -- as compared to dry road conditions.
- 28 A Yes. Yes.
- 29 Q Right. So you'd go slower in snow and ice; right?
- 30 A Yes.
- 31 Q And would you agree that you would also adjust  
32 your plan if you're going down what you know to be  
33 a treacherous section of road?
- 34 A Absolutely. Everything is taken into  
35 consideration.
- 36 Q Thank you. Have you ever heard of snowshed hill  
37 on the Coquihalla referred to as, quote, the  
38 smasher, closed quote?
- 39 A No.
- 40 Q You've never heard other truck drivers refer to it  
41 as that?
- 42 A No.
- 43 Q Are you aware that that section, the snowshed  
44 hill, where the accident occurred, has a higher  
45 rate of accidents?
- 46 A No.
- 47 Q Okay. All right. I want to ask you some

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 questions, Mr. Dhillon, just generally about your  
2 practice as a truck driver on the highway. So as  
3 a tractor-trailer driver you fully anticipate the  
4 smaller passenger vehicles are going to regularly  
5 overtake you; is that correct?
- 6 A Yes.
- 7 Q And indeed this is why you keep your heavier  
8 vehicle to the right?
- 9 A Yes. Yes.
- 10 Q And this is also why you put your four-way  
11 flashers on?
- 12 A Yes.
- 13 Q And the purpose of putting your four-way slashers  
14 on -- or flashers on when going downhill or uphill  
15 is to warn other motorists from the rear that you  
16 are slow-moving?
- 17 A Yes, it shows the other person that we are driving  
18 slowly.
- 19 Q And four-way flashers are also known as hazard  
20 lights because it's meant to indicate to other  
21 road users that you're a hazard because you're not  
22 maintaining the minimum speed on the highway; is  
23 that right?
- 24 A Sometimes it can even stop, yes.
- 25 Q Sorry, you would use your four-way flashers if you  
26 have to stop because you're a hazard on the  
27 highway?
- 28 THE INTERPRETER: So can you repeat the question.
- 29 MS. KOVACS: Sorry. I just want to clarify his answer.
- 30 Q You would use your four-way flashers when you're  
31 either going slow or if you come to a stop on the  
32 highway?
- 33 A Yes. Yes.
- 34 Q And the purpose of doing so in either situation is  
35 to warn other motorists that you may be a hazard?
- 36 A Yes.
- 37 Q And you agree as a heavy commercial vehicle  
38 operator that you must give way to faster vehicles  
39 overtaking on the left?
- 40 A Yes.
- 41 Q When you are being passed by a faster smaller  
42 vehicle on the left do you agree that you should  
43 ease up on the accelerator to ensure a quick and  
44 safe passing?
- 45 A Yes.
- 46 Q And if you're travelling in a convoy, for example,  
47 you're supposed to actually leave enough room

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 between the trucks for passing vehicles to fit in  
2 between the trucks safely?
- 3 A Yes, we keep a distance.
- 4 Q Now I want to ask you some questions about your  
5 standard of practice when you are overtaking other  
6 vehicles.
- 7 A Okay.
- 8 Q So first of all, you're permitted to take --  
9 overtake other vehicles; correct?
- 10 A Yes.
- 11 Q But you would agree with me you're not obligated  
12 to overtake other vehicles?
- 13 A If the other person is driving very slowly, then  
14 we have to do it.
- 15 Q You have to do it, or you want to do it?
- 16 A We kind of -- we have to do it because we are  
17 logging everything. We have to get there on time,  
18 and the other vehicle is going slow because they  
19 have a very heavy load.
- 20 Q Right. So your concern about passing slower  
21 vehicles is to make sure you're getting to where  
22 you need to be on time?
- 23 A Yes.
- 24 Q You'd agree with me, though, that you have to be  
25 cautious to choose the proper time and place to  
26 overtake another vehicle?
- 27 A Yes.
- 28 Q You would agree with me that timing is everything?
- 29 A Yes.
- 30 Q And what I mean by that is you must time your pass  
31 so that it doesn't interfere with the other  
32 traffic around you; correct?
- 33 A Yes.
- 34 Q And you would agree with me that where you pass is  
35 important? And what I mean by that is you must  
36 make sure there's enough room to overtake the  
37 other vehicle safely.
- 38 A Yes.
- 39 Q Or alternatively, where conditions are too  
40 dangerous to pass, you should not pass at all?
- 41 A Yes. We always care about the conditions.
- 42 Q Right. Safety first? [Not interpreted.]
- 43 MR. DHILLON: Safety first.
- 44 THE WITNESS: Yes, safety first.
- 45 MS. KOVACS:
- 46 Q Right. You agree that before overtaking another  
47 vehicle you have to check for traffic approaching

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 from behind?
- 2 A Yes.
- 3 Q You would agree that if you intend to change lanes
- 4 you must first signal your intention to do that to
- 5 other motorists?
- 6 A Yes.
- 7 Q And you would do that by activating your
- 8 mechanical turn signal before making the lane
- 9 change?
- 10 A Yes, before we change.
- 11 Q And several seconds before the lane change?
- 12 A Yes. Before we change the lane we first give the
- 13 signal and then we change the lane.
- 14 Q Right. For approximately eight to ten seconds?
- 15 Is that the average?
- 16 A It could be that much. It could even be more.
- 17 Q Okay. All right. And the purpose of activating
- 18 your signal is to ensure that other motorists
- 19 surrounding you have enough time to react to your
- 20 planned lane change?
- 21 A Yes. It depends on whether they want to go into
- 22 that lane or not. We have to see that.
- 23 Q Right. They have to see your signal?
- 24 A Yes.
- 25 Q Right. And you would need to leave them extra
- 26 time, especially where you have snow or ice
- 27 conditions; do you agree?
- 28 A Yes.
- 29 Q And also you need to leave them with extra time in
- 30 hilly areas; correct?
- 31 A Yes.
- 32 Q Would you also agree with me that you shouldn't
- 33 stay in the passing lane unless you are overtaking
- 34 another vehicle?
- 35 THE INTERPRETER: Can you please repeat the question.
- 36 MS. KOVACS: Sorry.
- 37 Q Would you also agree with me that you shouldn't
- 38 stay in the passing lane unless you are overtaking
- 39 another vehicle?
- 40 A Can you repeat, please.
- 41 Q Sure. I'm just asking that you would -- if you
- 42 would agree with me that you shouldn't stay -- and
- 43 by that I mean continuously stay in the passing
- 44 lane -- unless you are overtaking a vehicle.
- 45 A Yes. If the other person does not -- starts
- 46 speeding up and not allow you to pass, if that
- 47 happens, then we have to stay longer in that

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 passing lane. We end up staying longer.  
2 Q Right. And my question was a little bit simpler  
3 than that. And perhaps the inverse of the  
4 question is the general rule is you should keep to  
5 the right unless you're overtaking another  
6 vehicle?  
7 A Yes. Yes, if I'm not passing I should be here.  
8 Q Thank you. And I just want to get an  
9 understanding of how your vehicle maneuvers, and I  
10 just want to let -- or if you could let me know if  
11 you agree with the following statements. The  
12 bigger the vehicle, the more room it needs to  
13 maneuver?  
14 A Like when it's moving?  
15 Q Just generally. The bigger the vehicle, the more  
16 room it needs to manoeuvre the roadway?  
17 A Yes.  
18 Q And the bigger the vehicle, the longer it takes to  
19 speed up?  
20 A Yes.  
21 Q The bigger the vehicle, the longer it takes to  
22 slow down?  
23 A Yes.  
24 Q The bigger the vehicle, the larger its blind  
25 spots?  
26 THE INTERPRETER: The larger?  
27 MS. KOVACS: Sorry.  
28 Q Yeah. The larger are its blind spots?  
29 A Yes. However, we have mirror switch to help quite  
30 a bit.  
31 Q Yes. I'm going to ask you a few questions about  
32 that. As a truck driver you are well aware of  
33 where your blind spots are on the B-train; is that  
34 right?  
35 A Blind spots, yes.  
36 Q And because you have blind spots you have to be  
37 patient before manoeuvring your vehicle?  
38 A Yes.  
39 Q You have to wait to see if there is any traffic  
40 emerging from any of your blind spots before  
41 making a lane change?  
42 A Yes.  
43 Q You must exercise caution and patience when  
44 changing lanes?  
45 A Yes.  
46 Q You agree you must be alert when changing lanes?  
47 A Yes.

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Q And by "alert" I mean you must pay attention to  
2 the traffic around you before changing lanes.
- 3 A Yes.
- 4 Q Do you agree that blind spots should be  
5 continually checked, even during a lane change?
- 6 A Yes.
- 7 Q And you can do this by checking all of your  
8 mirrors as you're completing a lane change?
- 9 A Yes.
- 10 Q And you can do this by checking all your mirrors  
11 before commencing a lane change?
- 12 A Yes.
- 13 Q Now, I understand as part of the pre-trip  
14 inspection a driver should properly adjust all  
15 mirrors or ensure that they're properly adjusted  
16 for your height.
- 17 A Yes.
- 18 Q And the purpose of that is to ensure that you have  
19 optimal side and rearward vision?
- 20 A Yes.
- 21 Q And you've also mentioned you've done this, but as  
22 part of the pre-trip inspection, or even a rest  
23 stop, a driver should properly clean all mirrors  
24 to ensure that you can see them?
- 25 A Yes.
- 26 Q The mirrors are there so that you can see as much  
27 as possible around you and behind you?
- 28 A Yes.
- 29 Q Now, I understand on your vehicle you had two  
30 side-view mirrors.
- 31 A Yes.
- 32 Q There was a top metre that was -- or mirror that  
33 was longer and flat called a plane mirror?
- 34 A Yes.
- 35 Q And below that you had a round -- or square convex  
36 mirror, meaning it was -- it was rounded, and that  
37 gave you a wider or a broader view of the road  
38 behind you and beside you?
- 39 A Yes.
- 40 Q Now, when you're setting up your mirror -- and I  
41 believe it's the plane mirror; correct me if I'm  
42 wrong -- do you adhere to that two-finger rule,  
43 where you see just two fingers' worth of your  
44 trailer in that mirror?
- 45 A Two fingers?
- 46 Q Maybe I'll rephrase the question. When you --  
47 when you look in your plane mirror do you have it

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 adjusted so that you can see about an inch of the  
2 trailer in your mirror and then the rest is  
3 roadway?  
4 A Just 1 inch? I don't understand.  
5 Q I just want to understand -- when you look in your  
6 plane mirror what do you see? Do you see a bit of  
7 your trailer and then the rest roadway?  
8 A Yes, a little bit.  
9 Q Okay. All right. Now I want to understand a  
10 little bit about the dimensions of your B-train.  
11 You've already told me that one trailer is 32 feet  
12 in length and the second trailer is 28 feet in  
13 length. How long is your tractor, roughly?  
14 A Tractor is 26 feet. 231 inches.  
15 Q So the total length of your B-train would be what?  
16 You can do the math for me.  
17 A 76, 77, I think.  
18 Q Around 77 feet long? Okay.  
19 THE COURT: Sorry, I couldn't really hear the answer.  
20 THE WITNESS: Because 6 or 7 inches of one trailer goes  
21 under the other trailer.  
22 THE COURT: But how long is it? I didn't hear the  
23 answer.  
24 THE INTERPRETER: Altogether he said 76, 77.  
25 THE COURT: 76 ... Just --  
26 THE INTERPRETER: Or 77.  
27 THE COURT: Inches?  
28 MS. KOVACS: Feet.  
29 MR. DHILLON: Feet. Feet. Feet.  
30 THE COURT: Oh, I see. With all of the -- I see.  
31 MS. KOVACS:  
32 Q All right. And the width of your tractor-trailer  
33 unit, is that approximately 2.6 metres? Does that  
34 sound about right? We're switching between feet  
35 and metres, but if you can give me your best  
36 estimate.  
37 A Around there. In feet, it's 8 feet.  
38 Q 8 feet. All right. When you're driving on the  
39 Coquihalla -- because I take it you've driven that  
40 stretch a number of times. Are you able to tell  
41 me roughly how wide the lanes are?  
42 A I can only give you an estimate. I'm not sure.  
43 Q Are you able to tell me how much clearance you  
44 have on either side of your tractor-trailer when  
45 you're situated in a lane?  
46 A About 2 feet on each side.  
47 Q And just to be clear, the 8-foot estimate in terms

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 of the width of your vehicle, does that include  
2 your side-view mirrors?
- 3 A No, I think without the mirrors. Probably  
4 including it.
- 5 Q So around there?
- 6 A Around there.
- 7 Q Okay.
- 8 A Yes, around there. Because mostly the width of  
9 the tractor and trailer is pretty much the same,  
10 but the mirrors are extending outside.
- 11 Q Right. And the mirrors extend so that you can  
12 actually see beyond the trailers that's practical?
- 13 A Yes. Just a little bit extended.
- 14 Q All right. Now, Mr. Dhillon, I want to take you  
15 to the early morning hours of January 31st of  
16 2014.
- 17 A Yes.
- 18 Q And you've told us in your examination in chief  
19 and in the first part of my cross-examination  
20 yesterday that you were carrying a load that you  
21 estimate to be anywhere between 15,000 and  
22 20,000 pounds [sic]; is that right?
- 23 A Including both trailers.
- 24 Q Right. Altogether that was your weight?
- 25 A Kg, not pounds.
- 26 Q Sorry --
- 27 THE COURT: Kilograms.
- 28 THE INTERPRETER: Kilograms.
- 29 MS. KOVACS: Oh, kilograms. Kg. Okay.
- 30 Q Sorry, you're 20,000 kilograms. Thank you. All  
31 right. But you've estimated this because you  
32 don't actually know what the weight of your load  
33 was that day; is that right?
- 34 A No, we do pass weigh scales and the scales are  
35 open at night, and so we know how much the weight  
36 is.
- 37 Q All right. So do you know exactly what the weight  
38 was for this load?
- 39 A That's my idea now, that it was between 15- to  
40 20-. It's always around there.
- 41 Q Right. That's your guess?
- 42 A Because I always pass from those scales and I know  
43 it's about there.
- 44 Q So I just want to understand where your evidence  
45 is coming from --
- 46 A Because I'm carrying the same load on every trip.
- 47 Q Right. So I just want to understand where your

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 evidence is coming from. It's coming from your  
2 standard of practice in carrying that load;  
3 correct?
- 4 A Yes.
- 5 Q Right. And my question is we don't know what the  
6 load weight was on the night in question because  
7 we don't have any documents to reflect the load.
- 8 A It's actually written on the bill of lading.
- 9 Q Right. And, Mr. Dhillon, I'm going to suggest to  
10 you we don't have the bill of lading.
- 11 A Usually it shows. But they also give you an  
12 approximate weight. It's not exact.
- 13 Q Right. I'm going to suggest to you we have no  
14 documents to tell us what the weight and balance  
15 of your load was on the night in question, and  
16 your estimate of 15- to 20,000 is purely based on  
17 your standard of practice and not your memory.
- 18 A Yes. It's always that heavy. Because even now  
19 they're carrying the same loads. It's almost sure  
20 that --
- 21 Q Right.
- 22 A -- it will be around there.
- 23 Q And I just want to make sure you understand my  
24 question. My question is you don't actually have  
25 a memory of what exactly the weight was on  
26 January 31st, 2014?
- 27 A The estimate is right. 17-, 18,000 kg, that's --  
28 around there it was.
- 29 Q Right. And, Mr. Dhillon, I just want you to  
30 answer my question, so listen to my question. My  
31 question is you don't have a memory of what  
32 exactly it was on the night in question?
- 33 A Yes. I just make sure that the weight is  
34 according to the law -- the limits of the law and  
35 that -- it's not like we weigh everything. I  
36 don't even write the weight of the axle or  
37 anything like that on the bill of lading.
- 38 Q Mr. Dhillon, my question was you don't have a  
39 memory of what the weight was on January 31st,  
40 2014?
- 41 A I just looked at the axle weight there.
- 42 THE COURT: The axle weight?
- 43 MR. DHILLON: Axle weight.
- 44 THE INTERPRETER: Axle weight.
- 45 Axle?
- 46 MR. DHILLON: Yeah.
- 47 THE INTERPRETER: Axle weight.

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 MS. KOVACS:  
2 Q So, Mr. Dhillon, you're telling me you have an  
3 independent memory of looking at the axle weight  
4 on the scale?  
5 A Like, each axle -- how much weight was on each  
6 axle, that I can tell.  
7 Q You can tell me the exact weight on each axle from  
8 January 30th and 31st, 2014?  
9 A I can give you an idea. I did not write down the  
10 exact amount.  
11 Q Right. So that's my question to you. I need to  
12 understand if you have a memory of the exact  
13 weight of this vehicle or if you're simply giving  
14 me an estimate based on your experience.  
15 A Yes. I don't remember the exact number, but I'm  
16 giving you an estimate based on my experience.  
17 Q Okay. Thank you. All right. Now, your estimate  
18 of between 15,000 and 20,000 kilograms, you say,  
19 does that include the weight of the tractor?  
20 A Only the weight of trailers --  
21 Q So how much --  
22 A -- and --  
23 Q Sorry. Go ahead.  
24 A Weight of the trailers. We don't include the  
25 steering wheel of the truck.  
26 Q Okay. So how much did your tractor weigh?  
27 A 8,900 kg.  
28 Q 8,900 kilos?  
29 A Yes.  
30 Q So we're looking at a total weight of between  
31 25,000 and 30,000 kilograms; is that right?  
32 A Yes. Yes.  
33 Q All right. So on the morning of January 31st,  
34 2014, you know that you're heavy?  
35 A Yes.  
36 Q And you appreciate that -- because you're between  
37 25,000 and 30,000 kilograms, that you can be  
38 dangerous to smaller vehicles around you?  
39 A Yes. If they hit into my trailer it would be very  
40 dangerous.  
41 Q Yes. And just to take you to that early morning.  
42 It's just after 2:00 a.m., and it's dark out; is  
43 that right?  
44 A Yes.  
45 Q You've just come past the Coquihalla summit and  
46 you stop at the Zopkios Brake Check; is that  
47 right?

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 THE INTERPRETER: What was the name?  
2 MS. KOVACS: Zopkios.  
3 THE WITNESS: Yes.  
4 MS. KOVACS:  
5 Q And this is called a brake check, but you'd agree  
6 with me that that's not all you do at that stop?  
7 You do more than check the brakes; is that right?  
8 A There's only brake check, I believe. What else?  
9 Q Only brake check?  
10 A Yes.  
11 Q You've told us, though, you cleaned your mirrors;  
12 right?  
13 A You can do that, yes. That's up to you. You  
14 can -- you can check your tires; you can clean  
15 your mirrors. But the name of that stop is Brake  
16 Check.  
17 Q Right. And I just want to understand what your  
18 practice is when you stop at that brake check, the  
19 things that you do before you begin your descent  
20 down the hill.  
21 A I check the brakes, make sure the slats between  
22 the brakes are intact; they're not broken. And I  
23 also make sure the mirrors are clean. And  
24 sometimes I go around the entire vehicle.  
25 Q So sometimes you walk around the entire vehicle,  
26 just make sure everything's in order?  
27 A Yes, I check around.  
28 Q And did you do that on the night in question, do  
29 you know?  
30 A Yes.  
31 Q You have a memory of that?  
32 A Yes.  
33 Q And you said in your examination in chief that you  
34 stopped for about three to five minutes. That was  
35 your estimate?  
36 A Yes. That's usually how long you stop at a brake  
37 check.  
38 Q So that's your practice. You don't necessarily  
39 have a memory of stopping for that long on this  
40 night?  
41 A Yes. We always stop there for three to  
42 five minutes and then move.  
43 Q And I appreciate that you've driven this stretch a  
44 number of times, but -- and you -- sorry. But you  
45 would agree with me that it's one of the steepest  
46 grades on the Coquihalla Highway?  
47 A Yes. It's a -- like, a big mountain.

300

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Q It's a big mountain?  
2 A Yes.  
3 Q And you have to descend down that mountain?  
4 A Yes.  
5 Q It's also not a straight road down the mountain,  
6 is it? It's an S-curve; is that right?  
7 A Slight curve, yes.  
8 Q Right. There's a subtle curve?  
9 A Yes, very slight.  
10 Q So you never really have your truck in a straight  
11 line because you're subtly giving it steering  
12 input; is that right?  
13 A No, the truck is straight. It moves really slowly  
14 around that curve.  
15 Q Yes, I appreciate that. But you'd agree with me  
16 that when you're on a curve, however slight, you  
17 have to offer it some steering input in order to  
18 follow that curve?  
19 A Yes.  
20 Q Now, as a commercial driver are you also trained  
21 to use that rest space at the Zopkios Brake Check  
22 to plan your descent down a hill?  
23 A I have a lot of experience. We do that every day.  
24 Q Yes, I appreciate that. But every day is  
25 different; isn't that right?  
26 A That applies to every place. I don't find it,  
27 like, really different when I'm driving there.  
28 Q You'd agree, though, that driving down that hill  
29 in summer is very different than driving down that  
30 hill in winter?  
31 A Yes. Yes.  
32 Q Would you agree that your descent down that hill  
33 will change based on the conditions on the day in  
34 question?  
35 A Yes.  
36 Q So when you're at the Zopkios Brake Check, before  
37 merging back onto the highway do you stop and ask  
38 yourself, what should I do today?  
39 A Yes, according to the weather conditions.  
40 Especially in winter you have to be very careful.  
41 Q Right. And so you would adjust your speed  
42 according to the conditions; is that right?  
43 A Yes.  
44 Q And you'd also pick a certain gear depending on  
45 the conditions?  
46 A Yes.  
47 Q All right. So each approach -- or your approach

301

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 on a different day -- day -- sorry. I'm going to  
2 rephrase my question. Your approach one day can  
3 be different from the next based on the  
4 conditions?
- 5 A Yes. Yes. Absolutely.
- 6 Q Now, is it a general rule of thumb for you to go  
7 down the entire hill slowly without touching your  
8 brakes?
- 9 A If we need to we will apply the brakes.
- 10 Q Right. But you try not to?
- 11 A Yes.
- 12 Q So you try to pick your speed and your gear to  
13 avoid touching your brakes all the way down the  
14 hill?
- 15 A Yes.
- 16 Q Now, you also knew you -- on the morning of  
17 January 31st, 2014, that your load was actually  
18 less than half of the maximum gross weight that  
19 your vehicle could carry?
- 20 A Yes.
- 21 Q And earlier you'd mentioned about the weight per  
22 axle. Do you remember that?
- 23 A You mean how much the weight was on each axle or  
24 how much it's supposed to be?
- 25 Q Oh, no. I'm just asking if you remember saying  
26 that.
- 27 A Yes. We just look at the axle and we get -- and  
28 we have -- we get an idea that we are under the  
29 limit. Like, it's usually 9- to 10- on each axle,  
30 and it can go up to 16- and 17-. 17,000 kg we can  
31 carry.
- 32 Q Thank you, Mr. Dhillon. That's helpful. You'd  
33 agree with me, though, that weight restrictions  
34 per axle group are important because you have to  
35 have the weight evenly distributed?
- 36 A Absolutely.
- 37 Q Do you agree that the more weight you have the  
38 more traction you have?
- 39 A Yes.
- 40 Q And conversely the less weight you have the less  
41 traction you have?
- 42 A Yes. And then we have to be careful when the  
43 vehicle is light.
- 44 Q Right. So you have to be more careful when the  
45 vehicle is light?
- 46 A Yes, we do that.
- 47 Q Do you also agree that the less weight you have

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 the greater the risk for trailer swing when you're  
2 changing lanes?
- 3 A No.
- 4 Q You don't agree with that?
- 5 A It depends on the driver.
- 6 Q Depends on the driver, not the weight?
- 7 A No, no. It depends on the driver.
- 8 Q Right. But, for example, if someone's not a good  
9 driver, if it's less weight that driver has a  
10 greater risk of trailer swing?
- 11 A No, not at all.
- 12 Q And I just want to make sure you understand my  
13 question.
- 14 A Yes, that's fine.
- 15 Q Right. And I'm not attacking you here,  
16 Mr. Dhillon. I just want to get an understanding  
17 of this.
- 18 A That's fine.
- 19 Q I'm asking you that -- is there a greater risk of  
20 trailer swing when changing lanes when you have a  
21 less-than-full weight than when you have a full  
22 weight?
- 23 A No.
- 24 Q No. So you say the risk is equal as between a  
25 full trailer loaded to 44,000 and a light trailer  
26 loaded at between 15- to 20-?
- 27 A Yes. It doesn't matter whether it's heavy or  
28 light. I have never experienced any swing in the  
29 trailer. It doesn't matter.
- 30 Q Right. I appreciate you've never experienced any  
31 swing in the trailer, Mr. Dhillon. My question,  
32 though, is is there a greater risk if you're  
33 carrying a lighter load?
- 34 A If it's windy, then it does make a difference.
- 35 Q If it's windy it makes a difference if it's  
36 lighter?
- 37 A Yes. If it's windy and if it's light, that can  
38 move the trailer a little bit.
- 39 Q Because when you're dealing with wind, that's a  
40 lateral force that's applied to your trailer; is  
41 that right?
- 42 A Yes.
- 43 Q Right. And so with that lateral force, because  
44 you're lighter weight the trailer can have -- can  
45 swing. There's a -- there's a higher risk of that  
46 trailer swinging than if you're full?
- 47 A Yes, there's a chance it can move.

303

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Q Right. Now, would you agree with me, Mr. Dhillon,  
2 that when you're changing lanes the lane change  
3 should be executed slowly and subtly?  
4 A Absolutely.  
5 Q Right. Because if you oversteer on a lane change  
6 your trailer can swing?  
7 A Yes, and the load can also move.  
8 Q And ... Sorry?  
9 A The load can also move.  
10 Q Can also move. Okay. So in that way when you're  
11 making a lane change you have to slowly and  
12 carefully plan it; is that right?  
13 A Absolutely.  
14 Q Now, are you familiar, Mr. Dhillon, with the  
15 trucker term "cracking the whip"? And I'll put  
16 that in quotes. Quote, cracking the whip, end  
17 quote.  
18 A I haven't heard it.  
19 Q You haven't heard that before?  
20 A I haven't heard it.  
21 Q No? Not even in Punjabi? There isn't a phrase  
22 for that, a trucker phrase?  
23 A How does that relate to driving truck?  
24 Q No, I'm just asking if you know that phrase,  
25 because there's lots of fun trucker phrases. But  
26 do you know that phrase "cracking the whip"?  
27 A I really haven't heard it.  
28 Q You haven't heard it. Okay. Do you appreciate  
29 that when a tractor unit is pulling a B-train if a  
30 lane change is executed quickly that can result in  
31 a rearward amplification of the last trailer in a  
32 whipping fashion?  
33 THE INTERPRETER: Can you just repeat the last part.  
34 Rearward?  
35 MS. KOVACS:  
36 Q A rearward amplification in a whipping fashion.  
37 A If you're driving in a wrong way, yes, that can  
38 happen.  
39 Q Right. So if you're driving aggressively and  
40 quickly?  
41 A Yes. Even a 53-foot would do that.  
42 Q Absolutely. But a B-train especially, the risk in  
43 changing lanes too quickly is that the last  
44 trailer can actually even overturn while the  
45 remainder of the trailer -- the first trailer and  
46 the truck remain upright. That can happen?  
47 A Yes. Yes.

304

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 Q That's something you've been taught about?

2 A Yes. Absolutely.

3 Q Okay. And this is dangerous because it can -- it  
4 can actually not only cause damage to your trailer  
5 but to other motorists on the roadway?

6 A Yes.

7 MS. KOVACS: My Lady, I note the time. I wonder if  
8 it's an appropriate time for the break.

9 THE COURT: Yes, we can take the break.

10 THE CLERK: Order in court. Court is adjourned for the  
11 morning recess.

12

13

**(WITNESS STOOD DOWN)**

14

15

**(PROCEEDINGS ADJOURNED AT 11:03 A.M. FOR MORNING RECESS)**

16

**(PROCEEDINGS RECONVENED AT 11:24 A.M.)**

17

18

**DALJIT DHILLON, a  
defendant, recalled.**

19

20

21 MS. KOVACS: My Lady.

22

23

**EXAMINATION IN CHIEF BY MS. KOVACS (continuing):**

24

25

26 Q Mr. Dhillon, I want to take you back to your  
27 departure from the Zopkios Brake Check, and I just  
28 want to get an understanding of the conditions  
29 that existed at that time.

29

30 A Okay.

30

31 Q The temperature was below freezing; is that right?

31

32 A Yes.

32

33 Q There had been a weather storm through the area  
34 the day before?

33

34

35 A The day before?

35

36 Q Yeah. Do you recall that there had been an active  
37 snowfall on the Thursday? Sorry. Sorry, I should  
38 probably back that up. I'm going to -- so on  
39 January 30th of 2014 do you recall that there was  
40 an active snowstorm?

36

37

38

39

40 A It's always -- almost always snowing there in the  
41 winter. It was nothing special.

40

41

42 Q All right. So that was ordinary for you?

42

43

44 A Because we drive through the snow --

44

45 Q Right.

45

46 A -- quite a bit.

46

47 Q Right. So you'll drive through active snowstorms?

47

A Yes.

- 1 Q All right. In the early morning hours before this  
2 accident, though, it wasn't actively snowing;  
3 right?
- 4 A It was not snowing at that time.
- 5 Q Right. But there was still some snow on the road;  
6 is that right?
- 7 A Yes.
- 8 Q A little bit, I believe you told us before?
- 9 A Yes.
- 10 Q And a little bit of ice too?
- 11 A After it snows it does get a bit icy.
- 12 Q Right. A bit of both on areas of the road?
- 13 A Yes. When it snows it does get icy later on.
- 14 Q Right. So you were expecting a bit of snow and  
15 ice on snowshed hill before you began your  
16 descent; is that right?
- 17 A Yes.
- 18 Q Do you recall also seeing highway maintenance  
19 crews working in the area?
- 20 A Like the people who put sand?
- 21 Q Yes.
- 22 A Yes.
- 23 Q All right. So they were still actively working in  
24 or around the time of the accident?
- 25 A There were about three workers which were putting  
26 sand, and they were ahead of me. They passed  
27 ahead of me.
- 28 Q Okay. Do you recall seeing snowbanks on the side  
29 of the road, Mr. Dhillon?
- 30 A On the right side?
- 31 Q Yes.
- 32 A I believe it was there.
- 33 Q Right. And given that you've driven this road so  
34 many times you would agree with me that it's not  
35 normal to have a snowbank on the curb side of the  
36 highway?
- 37 A Yes.
- 38 Q Because there's a fog line and then there's also a  
39 cement barrier; is that right?
- 40 A Yes. On the right side there was a cement  
41 barrier.
- 42 Q Right. So usually the snowbank's on the right  
43 side of the barrier; is that right?
- 44 A Yes. Usually the snowbank is on the other side  
45 because it they keep throwing the snow on that  
46 side.
- 47 Q Right. The plows actually throw the snow over the

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 barrier; is that right?
- 2 A Yes.
- 3 Q Right. Do you recall on this morning in  
4 particular, though, that there was actually snow  
5 on the left side of the barrier?
- 6 A No, it was not on this side.
- 7 Q You don't remember that, or --
- 8 A It was not there because it was not snowing at the  
9 time, and they had already moved all the snow.
- 10 Q So you say you have a specific memory that it was  
11 not there?
- 12 A It was not there. The road was almost clear.  
13 There was a little bit of snow on the actual road.
- 14 Q Okay. So just in terms of that little bit of snow  
15 on the road, Mr. Dhillon, could you see the lane-  
16 dividing lines?
- 17 A Yes.
- 18 Q You could see them clearly?
- 19 A Yes.
- 20 Q Or was it that you could only perceive where they  
21 were?
- 22 A I could see the lines between the lanes.
- 23 Q Okay. So you are absolutely certain you could see  
24 the lines dividing the lanes?
- 25 A Yes.
- 26 Q I'll come back to that in a moment. Mr. Dhillon,  
27 do you agree, generally, that as you descend down  
28 the hill the conditions tend to improve as the  
29 elevation is reduced?
- 30 A It keeps getting better as you go downhill?
- 31 Q Yes. That's my question, just a common-sense  
32 question, that the -- that the road conditions  
33 improve the further down the hill you go?
- 34 A No, it's about the same.
- 35 Q You're saying it's the same conditions at the top  
36 of the hill as at the bottom of the hill?
- 37 A It's pretty much the same.
- 38 Q That's your recollection?
- 39 A Like, when you go -- drive downhill you have to be  
40 careful because you're driving downhill, but the  
41 snow is pretty much the same. It's the same as  
42 it's on the top.
- 43 Q Your experience, though, driving the Coquihalla  
44 Highway, you'd agree with me that the road  
45 conditions during an active snowstorm can be worse  
46 at the top of the hill, at the summit, than they  
47 can be at the bottom after the snowshed?

- 1 A It changes after Hope. Before that it's pretty  
2 much the same.
- 3 Q You would agree with me, though, that the higher  
4 you are the colder it is?
- 5 A Yes. In Coquihalla it starts from [indiscernible].
- 6 Q Right. So I just want to make sure I have a clear  
7 question and answer on the record. So my question  
8 is do you agree that the higher elevation you are  
9 at the colder it is? Generally.
- 10 A Yes. Yes.
- 11 Q Right. And conversely the lower elevation you're  
12 at the warmer it is?
- 13 A Yes.
- 14 Q And that temperature change can affect the road  
15 conditions?
- 16 A Yes.
- 17 Q So generally speaking a common-sense rule would be  
18 that road conditions can be worse at higher  
19 elevations and better at lower ones?
- 20 A Yes.
- 21 Q All right. Do you agree that it's important to  
22 exercise patience when you're descending down a  
23 hill?
- 24 A Yes.
- 25 Q And you already told us, I believe, earlier that  
26 you agree that you should always exercise or  
27 prioritize safety before speed?
- 28 A Yes.
- 29 Q So I want to take you to the moment when you're  
30 commencing your descent down snowshed hill leaving  
31 the Zopkios Brake Check. So you're about to start  
32 down a steep grade; right?
- 33 A Yes.
- 34 Q Right. And you have a slight leftward curve but  
35 unobstructed views down the hill?
- 36 A Yes. Yes. The curve is very slight.
- 37 Q Okay. And so you have no -- your view is not  
38 obstructed in any way? You can see down the hill?
- 39 A Yes.
- 40 Q And you could probably see a few hundred metres  
41 ahead of you; is that accurate?
- 42 A Yes.
- 43 Q And as you're descending down a hill you would  
44 agree with me that looking in your mirrors you can  
45 also see a few hundred metres behind you?
- 46 A Yes.
- 47 Q So you also understand that the Coquihalla Highway

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 is the primary connector between the Interior and  
2 Vancouver?
- 3 A Yes.
- 4 Q And you understand that it's open to all members  
5 of the travelling public, not just tractor-  
6 trailers?
- 7 A Yes.
- 8 Q So you also know that it's open and accessible to  
9 smaller passenger vehicles 24 hours a day?
- 10 A Yes.
- 11 Q And earlier you've already told me that you know  
12 and fully expect that smaller passenger vehicles  
13 will overtake you in the ordinary course?
- 14 A Yes, they do that.
- 15 Q Right. And this is because smaller passenger  
16 vehicles are not required to go as slow as you on  
17 the descent on snowshed hill?
- 18 A I have a question about speed. Can I ask?
- 19 Q Well, my question to you is that you know that  
20 there's a possibility of a passenger -- or you  
21 know that a passenger vehicle does not have to go  
22 as slow as you on the hill? That's my only  
23 question.
- 24 A Yes.
- 25 Q Right. I'm just going to go very slow with simple  
26 questions. So if you don't understand my question  
27 you can tell me; okay?
- 28 A Okay.
- 29 Q All right. But you know as you're starting your  
30 descent down a hill and continuing with it that  
31 there is a possibility of a passenger vehicle  
32 approaching you from behind?
- 33 A Yes. The cars pass us on the left side.
- 34 Q All the time?
- 35 A Yes.
- 36 Q And so it's not just a possibility; it's a  
37 probability on this very long hill?
- 38 A Yes, they do. They keep passing us.
- 39 Q And in fact this is why you cleaned your mirrors  
40 at the brake check, because you anticipate having  
41 to use them to look for approaching traffic from  
42 behind?
- 43 A Yes.
- 44 Q You need those mirrors to be clear and  
45 unobstructed so that you can see what's coming  
46 from behind you?
- 47 A Yes.

- 1 Q Because using your mirrors is critical to ensure  
2 the safety of those other approaching motorists  
3 from behind?
- 4 A Yes.
- 5 Q Now, Mr. Dhillon, you had said earlier that there  
6 was a Super B fully-loaded unit carrying lumber in  
7 the curb lane either beside you or slightly ahead  
8 of you; is that right?
- 9 A Yes, on my right side.
- 10 Q Do you agree, though, that particularly when  
11 conditions are less than ideal you should avoid  
12 travelling alongside another commercial vehicle?
- 13 A Yes, you should generally avoid it, but if it's  
14 going very slow, then you can pass it.
- 15 Q But in less-than-ideal conditions you should avoid  
16 it?
- 17 A Yes.
- 18 Q Because travelling alongside another tractor-  
19 trailer creates a risk that you could collide with  
20 that tractor-trailer?
- 21 A Yes. We have to check the conditions of -- if  
22 there is a possibility of safely passing it,  
23 then -- only then we will do it.
- 24 Q Right. And not only is there a possibility or a  
25 risk of colliding with that tractor-trailer, but  
26 when you have two tractor-trailers travelling side  
27 by side you're also creating a risk for other  
28 motorists on the road?
- 29 A I don't think there's any extra risk if  
30 everybody's driving in their lane.
- 31 Q Right. If everybody's driving in their lane.
- 32 A Yes.
- 33 Q Right. Because your assumption is that there's  
34 still a third left through-lane for other vehicles  
35 approaching from behind?
- 36 A Yes.
- 37 Q Would you agree with me that on a two-lane highway  
38 in less than ideal conditions you would avoid  
39 travelling alongside another tractor-trailer unit?
- 40 A You should not drive alongside with another  
41 trailer per se, like drive for a long time, but  
42 you can pass it.
- 43 Q Right. But especially in winter conditions you  
44 don't want to find yourself in a situation where  
45 you're stuck beside another tractor-trailer unit  
46 blocking the highway for approaching vehicles from  
47 behind?

310

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 A Yes, we avoid that. Sometimes we just stay  
2 behind.
- 3 Q Right. And that -- because having two trailers  
4 travelling alongside each other on a two-lane  
5 highway in winter conditions creates an  
6 unreasonable risk to all motorists in and around  
7 you?
- 8 A You should not be driving that way for a long  
9 time.
- 10 Q And in fact, Mr. Dhillon, you would think twice  
11 about overtaking another tractor-trailer unit in  
12 winter conditions on a two-lane highway?
- 13 A Yes. Absolutely.
- 14 Q Right. And you would think twice because there's  
15 an unreasonable increased risk of injury not only  
16 to yourself and the other tractor-trailer driver  
17 but to other motorists around you?
- 18 A Yes. There's a possibility of some vehicles  
19 slipping, so only if it's really slow. If the  
20 vehicle is really, really slow and it's safe to  
21 pass it from the right side, then -- only then we  
22 will do it. Otherwise we'll just stay behind it.
- 23 Q So you're only going to pass another tractor-  
24 trailer unit if you know it's safe to do so?
- 25 A Yes.
- 26 Q Right. And if you know that other vehicles  
27 approaching from behind that may be faster have  
28 enough room to get around you?
- 29 A What do you mean?
- 30 Q I'm asking that you would only change lanes to  
31 overtake another tractor-trailer unit if you know  
32 that there's still enough room to the left for  
33 another passing vehicle to overtake you?
- 34 A If there's no car coming to the left lane, only  
35 then we will get into that lane. Otherwise we let  
36 the cars coming from behind go by and then  
37 we'll go.
- 38 Q Right. So if you know another passenger vehicle  
39 is approaching from behind you, you would let that  
40 vehicle pass before you commence your own lane  
41 change to overtake the tractor-trailer unit?
- 42 A Yes.
- 43 Q And you only know that a vehicle's approaching  
44 from behind if you look in your mirror?
- 45 A Yes.
- 46 Q Now I want to take you back to the moment in the  
47 early morning hours of January 31st, 2014, and you

311

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 see the Super B fully loaded with lumber ahead of  
2 you.
- 3 A Yes.
- 4 Q He was going too slow for you; is that right?
- 5 A Yes.
- 6 Q And because you wanted to deliver your load on  
7 time you chose to overtake him; is that right?
- 8 A It was too slow. Not I -- but there were several  
9 trucks in front of me who all overtook that -- or  
10 passed that trailer.
- 11 Q So there were other trucks that you saw ahead that  
12 passed this trailer too?
- 13 A Everybody with light loads, they were passing that  
14 truck.
- 15 Q How many?
- 16 A Maybe a couple; maybe four or five.
- 17 Q And when those three, four, five tractor-trailers  
18 passed the Super B there were no passenger  
19 vehicles around them, were there?
- 20 A The left lane was free for the cars. They  
21 could -- because the trucks don't go in that lane.
- 22 Q Right. And so trucks don't normally go in the far  
23 left lane; right?
- 24 A Trucks don't go there.
- 25 Q Right. And the reason trucks don't go there is  
26 because it creates an increased risk for smaller  
27 passenger vehicles if you're occupying that lane?
- 28 A Yes.
- 29 Q Now, I just want to make sure I have the right  
30 answer to my question earlier -- or that your  
31 answer is responsive. I asked you if -- when  
32 those three, four, five trucks were overtaking the  
33 other Super B, if there -- if you saw other  
34 vehicles in or around them when they did that.
- 35 THE INTERPRETER: Can you repeat the last part.
- 36 MS. KOVACS:
- 37 Q I just want to make sure your answer is responsive  
38 to my question earlier, and my question to you is  
39 when you saw the other tractor-trailers, the  
40 three, four, five of them, overtaking the Super B,  
41 did you see any other passenger vehicles in and  
42 around them?
- 43 A There may have been some other passenger vehicles,  
44 because they keep coming and going.
- 45 Q There may have been, but you don't remember?
- 46 A No. I was not keeping track of every vehicle.
- 47 Q So there may have been none? It may have been all

312

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 trucks ahead of you?
- 2 A Yes. Yes, and it's possible that there were other  
3 cars going at the same time.
- 4 Q Right.
- 5 A I was not focusing on the other cars.
- 6 Q Right. You weren't focusing on the existence of  
7 other cars; you were focusing on the Super B ahead  
8 of you and your own driving?
- 9 A No. What I meant was I was focusing on driving my  
10 vehicle safely, and there could have been several  
11 cars which were passing at that time.
- 12 Q You don't remember seeing them?
- 13 A No.
- 14 Q Now, Mr. Dhillon, you had the option of staying  
15 behind the Super V in the curb lane -- Super B in  
16 the curb lane; you would agree with me?
- 17 A It was going really slow. It had a very heavy  
18 load. So I had to pass him.
- 19 Q You also had the option of going really slow,  
20 though?
- 21 A No, I was just passing that trailer when the car  
22 hit me from the back.
- 23 Q Right. That's not my question, Mr. Dhillon. My  
24 question to you is that you also had the option of  
25 going really slow behind that Super B?
- 26 A I would have to drive very slow if I was driving  
27 behind that truck, and it was going to go like  
28 that for about 20, 25 kilometres.
- 29 Q Right. But your vehicle, your tractor-trailer,  
30 was capable of driving as slow as that Super B?
- 31 A It can be driven slow.
- 32 Q Yeah, of course. And, Mr. Dhillon, you had the  
33 option of passing that Super B further down the  
34 hill; is that right?
- 35 A There's only two lanes when you get down that hill  
36 whereas uphill there were three lanes.
- 37 Q Right. So where you are you say there's three  
38 lanes, and further down the hill you say it turns  
39 into two lanes; is that right?
- 40 A Yes. One lane ends.
- 41 Q Right. And you would prefer to pass where  
42 there's -- where you believe there are three lanes  
43 because passing where there are two lanes is less  
44 safe?
- 45 A Yes. And everybody else was doing the same.
- 46 Q Right. That wasn't my question. I just want to  
47 understand that you elected to pass the Super B

- 1 because you believed there were three lanes versus  
2 passing it further down the hill where there are  
3 only two lanes because passing where there are two  
4 lanes is unsafe?
- 5 A Always the heavy Super Bs, they drive in -- they  
6 go into the third lane, and they drive slowly,  
7 whereas the other vehicles go in the right lane.  
8 Middle lane.
- 9 Q My question to you, though, Mr. Dhillon, is you  
10 would prefer to pass a Super B where the section  
11 of highway is what you believe to be three lanes  
12 instead of passing where there are only two lanes  
13 because that's less safe?
- 14 A If there is an opportunity to do that when there  
15 are three lanes, then one should do it.
- 16 Q Right. But when you said that there's only two  
17 lanes down at the bottom of the hill -- you don't  
18 want to wait to pass that Super B down there  
19 because it's less safe to pass the Super B when  
20 there are two lanes?
- 21 A No, you can still do it at that ...
- 22 Q Right. You can, but it's less safe?
- 23 A Safety depends on assessing the situation.
- 24 Q Including the road conditions?
- 25 A Yes.
- 26 Q Right. And at the bottom of the hill we already  
27 talked about the road conditions might be better  
28 than at the top of the hill?
- 29 A It's a huge hill, the Coquihalla. It's 20,  
30 25 kilometres long. So it's not like we get down  
31 and we were at a very low level.
- 32 Q You have to be patient to travel those 20 to  
33 25 kilometres; isn't that right, Mr. Dhillon?
- 34 A Yes.
- 35 Q Right. Now, Mr. Dhillon, I'm going to suggest to  
36 you that where this accident happened was not  
37 operating as a three-lane highway at the time but  
38 a two-lane highway. Do you agree?
- 39 A Can you repeat the question.
- 40 Q I'm going to suggest to you, and you can agree or  
41 disagree with me, that because of the weather  
42 conditions the highway at the time of this  
43 accident was operating as a two-lane highway and  
44 not a three-lane highway.
- 45 A No. As soon as we leave Zopkios there's -- are  
46 three lanes there. There's an extra lane there.
- 47 Q So your recollection is that this was a three-lane

314

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 highway at the time of the accident?
- 2 A Yes.
- 3 Q Mr. Dhillon, I'm going to suggest to you that you  
4 were not in the middle lane of this highway at the  
5 time of the accident because there was no middle  
6 lane because of the road conditions.
- 7 A No, there was a middle lane. There were three  
8 lanes.
- 9 Q Your recollection is that there were three lanes,  
10 and you're certain in your recollection?
- 11 A Yes.
- 12 Q Mr. Dhillon, I'm going to suggest to you that at  
13 the point that the accident happened you had just  
14 initiated your lane change to pass the Super B.
- 15 A No. I had already driven two, three minutes in  
16 the middle lane.
- 17 Q Mr. Dhillon, I'm going to suggest to you, and you  
18 can agree or disagree with me, that you never  
19 turned on your signal before commencing your lane  
20 change.
- 21 A I did turn it on.
- 22 Q Mr. Dhillon, I'm going to suggest to you that you  
23 did not take the time to check your mirrors before  
24 initiating that lane change.
- 25 A I did check the mirrors.
- 26 Q You did check the mirrors?
- 27 A Yes.
- 28 Q How many times, Mr. Dhillon?
- 29 A Many times, until I got into the lane.
- 30 Q How many is "many"? What's your practice?
- 31 A I continue to look through those mirrors until  
32 I've changed the lane.
- 33 Q Right. And you agree that you continue to look in  
34 mirrors as you're making a lane change because  
35 vehicles may be emerging from your blind spots?  
36 Isn't that right?
- 37 A Yes.
- 38 Q Right. And if you continually look in those  
39 mirrors you will see any vehicles that are  
40 emerging from your blind spots?
- 41 A The blind -- the blind spots are only near the  
42 hood on both sides or at the back on both sides.
- 43 Q At the back on both sides? Those are blind spots?
- 44 A Behind the trailer of course there will be. If  
45 somebody's driving very close to the trailer you  
46 can't see that.
- 47 Q Right. And they would have to be driving very

- 1 close for a long period of time for you to not see  
2 them in your mirror if you're continuously  
3 checking; isn't that right?
- 4 A Yes.
- 5 Q Right. Because if they're driving at a faster  
6 speed than you and you're continuously checking  
7 your mirrors you should see them at some point  
8 before they hit your blind spot?
- 9 A Yes. But if somebody's driving at a speed of 120  
10 in a 60 kilometre speed area limit, then it's  
11 possible it was coming through the right side.
- 12 Q Mr. Dhillon, are you suggesting that the vehicle  
13 that hit you was travelling 120 kilometres an hour  
14 in a 60-kilometre zone? Is that what you're  
15 suggesting?
- 16 A Yes. It was a 60-kilometre zone, and I think he  
17 was coming at 120 or something like that. That's  
18 why he hit me so hard.
- 19 Q Right. You think he was going 120 because he --  
20 because the impact was so hard. That's the only  
21 reason you think he was going 120; isn't that  
22 right?
- 23 A Yes. If he was driving slowly, even a little bit  
24 slower, he wouldn't have those kind of injuries.
- 25 Q Right. So you're making an assumption there?
- 26 A Yes. It was coming very fast.
- 27 Q Mr. Dhillon, I'm going to suggest to you that this  
28 stretch of road actually has a speed limit of  
29 110 kilometres in ideal conditions.
- 30 A On flat surface -- on flat surface in wintertime  
31 the speed limits are -- keep moving. They keep --  
32 there's a digital display which keeps changing the  
33 speed limit. So on flat road it's 90 to  
34 100 kilometres when it's snowing, and when it's  
35 downhill it's 60 kilometres.
- 36 Q So you're talking about the recent installation of  
37 digital speed signs; is that right?
- 38 A They are not recent. They have been there for a  
39 very long time.
- 40 Q Right. Those were not there, though, Mr. Dhillon,  
41 in January of 2014.
- 42 A They were. It has been there for a long time.  
43 The downhill, which is -- shows 60 kilometres.
- 44 Q You're certain that this hill --
- 45 A I've been driving a very long time.
- 46 Q Right. You're certain that as of January 2014  
47 there were digital speed signs installed on the

316

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 Coquihalla Highway showing that the speed limit is  
2 60 kilometres downhill in snow?  
3 A I don't know about the other parts of Coquihalla,  
4 but that particular sign was there.  
5 Q Mr. Dhillon, I'm going to suggest to you -- I'm  
6 going to suggest to you that you're telling us  
7 this now because you want to blame this accident  
8 on the other driver, but that's not true.  
9 A Whatever you think of it, the speed limit was  
10 60 kilometres there, and that sign was there for a  
11 long time.  
12 Q You can't tell us how long?  
13 A I don't know. I don't know which year it was  
14 installed, but it's been there for a long time.  
15 Wintertime they make it 60 kilometres and then  
16 summer it's 90 to 100.  
17 Q Right. Mr. Dhillon, you would agree with me that  
18 your newly cleaned mirrors gave you an  
19 unobstructed view -- unobstructed view of the  
20 vehicles approaching from behind you on the early  
21 morning of January 31st, 2014?  
22 A Yes. I could see. It was clear enough.  
23 Q Right. And those mirrors would give you at least  
24 a couple hundred metres of rearward view of  
25 passenger vehicles approaching?  
26 A 200 metres, maybe. I can't say, really.  
27 Q Right. Roughly.  
28 THE COURT: I couldn't quite hear the answer.  
29 THE WITNESS: I can't say, really. 200 metres, maybe.  
30 Because sometimes it's a little bit foggy.  
31 MS. KOVACS:  
32 Q Right. It wasn't foggy on this night, though, was  
33 it, Mr. Dhillon?  
34 A It was not foggy, but you can't always look that  
35 far behind you.  
36 Q Right. But to your -- to the best of your  
37 recollection you had roughly a couple hundred  
38 metres of visibility in a rearward direction with  
39 your mirrors?  
40 A How much is 200 metres in terms of kilometres?  
41 THE COURT: It's one fifth of a kilometre.  
42 MS. KOVACS: One fifth. Thank you. Thank you,  
43 My Lady.  
44 THE WITNESS: Yes, I can see that far.  
45 MS. KOVACS:  
46 Q Right. And a vehicle -- a passenger vehicle  
47 approaching at average speed, you would be able to

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 see that passenger vehicle in your mirrors if  
2 you're -- if you're looking in your mirrors and  
3 you see that vehicle approaching. Sorry. That's  
4 not a question. Mr. Dhillon, with a couple  
5 hundred metres of visibility in your mirrors you  
6 would see a passenger vehicle approaching at  
7 average speed?
- 8 A Yes.
- 9 Q Right. Especially if they had their headlights  
10 on. You'd see those?
- 11 A Yes.
- 12 Q Right. Now, Mr. Dhillon, in the moments before  
13 this accident you did see headlights in the  
14 distance in your side-view mirror; isn't that  
15 right?
- 16 A When you are driving downhill there's too many  
17 things to take care of. You have to keep an eye  
18 on everything around you, and you have to maintain  
19 your speed, and you have to steer according to the  
20 curve and everything, so you can't focus on each  
21 and every vehicle. This --
- 22 Q Sorry, focus on ...
- 23 A You can't focus on each and every vehicle.
- 24 Q I see. And --
- 25 A And -- we haven't finished yet. And this car came  
26 very suddenly, and it hit me from the back.
- 27 Q Mr. Dhillon, my question, though, was -- and I put  
28 this to you yesterday when I started my  
29 cross-examination because it was in your discovery  
30 transcript. But you actually saw lights in the  
31 distance in your side-view mirror; isn't that  
32 right?
- 33 A The lights don't really tell you very much.  
34 Sometimes they're those road maintenance people.  
35 They have stationed their vehicle on the roadside  
36 and they are just there. So it doesn't really  
37 tell you anything.
- 38 Q But what lights in the distance in your mirror  
39 tell you at minimum is that someone is there;  
40 isn't that right?
- 41 A Yes.
- 42 Q And at minimum you should recheck your side-view  
43 mirror to see if that vehicle is continuing to  
44 approach?
- 45 A Yes, but the left lane was empty. If there was a  
46 car coming it could have gone into the left lane.
- 47 Q My question, though, is that you would look again

318

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 in that mirror to see if the vehicle is continuing  
2 to approach because you want to know if it's  
3 faster than you?
- 4 A No, I was driving in the middle lane. I had my  
5 four flashers on. I was within my speed limit.
- 6 Q So you're telling me you wouldn't check your  
7 mirrors again to see if that -- if that vehicle  
8 was approaching more quickly?
- 9 A I was checking the mirrors as I was driving.
- 10 Q Mr. Dhillon, I'm going to suggest to you that you  
11 changed lanes to pass this Super B very quickly  
12 and that your rear trailer swung out.
- 13 A No, that's wrong.
- 14 Q I'm going to suggest you that it swung out  
15 suddenly but in a whip fashion, and that's when  
16 the impact happened.
- 17 A Never.
- 18 Q Mr. Dhillon, I'm going to suggest to you, though,  
19 that this accident happened -- the impact happened  
20 right as you were changing lanes. Isn't that right?
- 21 A No, that's wrong.
- 22 Q Mr. Dhillon, I'm going to suggest to you that you  
23 cut this vehicle off, causing the accident.
- 24 A No.
- 25 Q Now, Mr. Dhillon, you've driven this highway  
26 hundreds of times; right?
- 27 A Yes. I still drive it.
- 28 Q Right. And you said earlier that you drive it  
29 even when it's actively snowing and there's snow  
30 on the ground?
- 31 A Yes. Yes, I've been driving truck for 18 years.  
32 Never had any tickets, no problems. I was given a  
33 safety award from my company.
- 34 Q Right. And that's not my question, Mr. Dhillon.  
35 I'm just asking you if you've driven this section  
36 of highway in snow conditions. And I -- I'm going  
37 to take it that you have already answered that  
38 question. We'll move on to my next question.
- 39 Mr. Dhillon, when it's -- when there's been  
40 bad weather in your experience sometimes you even  
41 have to chain up; isn't that right?
- 42 A Yes. Chains are required, and we do that.
- 43 Q Right. And on this night, though, you didn't have  
44 to chain up?
- 45 A No, there was no need to do that.
- 46 Q Right. Because there was only a little bit of  
47 snow instead of a lot of snow?

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 A Yes.
- 2 Q Right. But sometimes in your experience when  
3 there's been a lot of snow on the road would you  
4 agree with me that this section of highway,  
5 snowshed hill, can sometimes operate as a two-lane  
6 highway?
- 7 A If there were only two lanes at the time the  
8 police would have given me a ticket right away.
- 9 Q Right. My question to you, though, is not the  
10 time of this accident. I'm just asking about your  
11 general experience.
- 12 A Okay.
- 13 Q Okay. So my question to you, though, is that in  
14 really bad conditions, for example, when you've  
15 had to chain up, that sometimes even this section  
16 of highway, snowshed hill, can even be one lane?
- 17 A Yes. Yes, when there's a real bad snowstorm, then  
18 there can be only one lane. Sometimes then they  
19 close off the lanes; they clear all the traffic,  
20 then they open them.
- 21 Q Right. And sometimes -- and the reason that  
22 happens is because there's so much snow on the  
23 side that there isn't enough room for three lanes  
24 to get through?
- 25 A Yes.
- 26 Q Right. And so sometimes the traffic flow  
27 naturally creates that lane; isn't that right?
- 28 A Yes.
- 29 Q And sometimes in certain conditions the traffic  
30 flow naturally creates two lanes where there  
31 should be three lanes?
- 32 A It depends on the snow. If there's too much snow,  
33 then the traffic cannot do anything. If there's  
34 less snow, then it can create lanes.
- 35 Q Right. It depends?
- 36 A Yes, on the snow.
- 37 Q Well, Mr. Dhillon, I'm going to suggest to you  
38 that on the night of this accident, the early  
39 morning hours of January 31st, 2014, because of  
40 the snow cover this section of highway was  
41 operating as a two-lane highway and not a  
42 three-lane highway.
- 43 A No. There were three lanes.
- 44 Q Now, Mr. Dhillon, yesterday -- I believe it was  
45 during my -- the start of my cross-examination and  
46 we were talking about you passing the Super B -- I  
47 recall that you told me that you left about 3 to

320

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 4 feet between yourself and the Super B; is that  
2 right?
- 3 A That's around how much it should be. You can  
4 estimate from the size of the trucks.
- 5 Q Right. So the size of the truck, the Super B, was  
6 about 2.6 metres, like yours, in width?
- 7 A Yes.
- 8 Q Of course it's much longer?
- 9 A Yes.
- 10 Q And so you said 3 to 4 feet is what you would  
11 normally leave in terms of clearance between  
12 yourself and the other tractor-trailer unit when  
13 you're passing?
- 14 A Yes. When we pass a truck that's how much it  
15 should be -- it will be.
- 16 Q Right. In winter conditions, though, is it your  
17 practice to leave even more room than that?
- 18 A Distance in what sense? We'll have to pass by  
19 that way.
- 20 Q Yes, I appreciate that. But when you're in winter  
21 conditions and there's a higher risk of collision  
22 would you take more clearance from that Super B,  
23 more than 4 feet?
- 24 A You're talking about that area or you're talking  
25 generally?
- 26 Q Just generally, your practice. If it's bad  
27 conditions do you -- do you give the Super B or  
28 whatever tractor-trailer you're passing a wider  
29 berth?
- 30 A Yes, it's possible sometimes the driver might go  
31 closer to the other line -- lane.
- 32 Q Right. So sometimes that driver might come a bit  
33 into your lane in bad conditions?
- 34 A It cannot go into the other lane.
- 35 Q Right. But if he's in bad winter conditions  
36 there's a risk of him doing that. He can come  
37 into your lane; right?
- 38 A That would be an accident, then.
- 39 Q Yes. And there's a risk of that happening,  
40 though, in winter conditions? That's my question.
- 41 A Yes. Yes, in winter all these things can happen,  
42 but when the accident happens they look at where  
43 your vehicle was, actually.
- 44 Q But when you're passing a tractor-trailer unit  
45 that's in the curb lane in winter conditions  
46 there's a risk that that tractor-trailer  
47 encounters snow encroachment in their curb lane?

321

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 A If that happens, then -- if it touches the other  
2 truck, then it will be his fault still.
- 3 Q Right. So there's a risk that if that happens he  
4 could come into your lane and hit you; isn't that  
5 right?
- 6 A Yes.
- 7 Q Right. And then -- and if that were to happen you  
8 would want to avoid that truck; isn't that right?
- 9 A Yeah, in wintertime we have to be extra careful.  
10 We only pass if there is an opportunity to do that  
11 safely.
- 12 Q Right. And there's not always an opportunity to  
13 do that safely in winter; isn't that right?
- 14 A Then we will drive slowly behind the other truck.
- 15 Q Now, Mr. Dhillon, you say that the plaintiff's  
16 Honda drove into the back of your trailer; is that  
17 right?
- 18 A Yes.
- 19 Q Right. You say that that happened without any  
20 provocation by you?
- 21 A Yes.
- 22 Q And you say that happened without any notice to  
23 you?
- 24 A Yes.
- 25 Q You say you didn't know this vehicle was there  
26 until it hit you?
- 27 A Yes.
- 28 Q Right. You never saw it in your mirror?
- 29 A It's possible. I could see some lights at the  
30 back. I may have seen its lights, but I was  
31 driving at 35 kilometres. If he was driving at  
32 120, then there's not anything I could have done.
- 33 Q Right. And, again, Mr. Dhillon, you're just  
34 speculating that he was driving 120 kilometres an  
35 hour because it's -- you want him to be at fault  
36 for this accident. That's why you're saying he  
37 was driving 120 kilometres an hour; isn't that  
38 right?
- 39 A No. I would have rather had someone check the  
40 speed of the car at the time of the accident.
- 41 Q Right. That's not my question, Mr. Dhillon. My  
42 question to you is that you're wholly speculating  
43 that this car was driving 120 kilometres an hour  
44 because it makes you look better?
- 45 A No, it's not because of that. It's because the  
46 collision was very hard. His car was smashed.  
47 The injuries he sustained were so serious that it

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1           could only have happened if it -- if he was  
2           driving really fast.
- 3       Q     Now, Mr. Dhillon, this impact was violent, wasn't  
4           it?
- 5       THE INTERPRETER:   The impact was ...
- 6       MS. KOVACS:
- 7       Q     This impact was violent?  It was a hard hit?
- 8       A     Yes.
- 9       Q     And that impact was the first notice you had of  
10           this vehicle being right behind you?
- 11      A     That something has hit me at the back, yes.
- 12      Q     Because you didn't look in your mirror in the  
13           10 seconds before this impact; isn't that right?
- 14      A     I was looking at my mirror, but this happened very  
15           suddenly.
- 16      Q     All right.  You'd agree with me, Mr. Dhillon,  
17           though, that a vehicle approaching at a different  
18           speed than you, if you're looking in your mirror  
19           for at least 10 seconds you will see it?  Sorry,  
20           my question wasn't clear.  You'd agree with me,  
21           Mr. Dhillon, that -- if a vehicle is approaching  
22           behind you at a different speed, that if you look  
23           at your mirror at least every 10 seconds you would  
24           see it?
- 25      A     Sometimes drivers have to pay attention to -- when  
26           there's slippery conditions are -- applying brakes  
27           and maintaining the speed.
- 28      Q     So, Mr. Dhillon, I just want to summarize before  
29           we break for lunch.  Just after 2 o'clock in the  
30           morning on January 31st, 2014, it was dark out;  
31           right?
- 32      A     Yes, it was dark.
- 33      Q     There was snow and ice on the road; right?
- 34      A     Yes.
- 35      Q     You were approaching a slight curve?
- 36      A     Very minor.  Insignificant.
- 37      Q     Right.  On a very steep grade?
- 38      A     Yes.
- 39      Q     You decided to overtake another heavy commercial  
40           vehicle?
- 41      A     Yes.
- 42      Q     This decision required you to travel alongside  
43           that heavy commercial vehicle for a period of  
44           time?
- 45      A     For a brief period because I had to pass him  
46           slowly.
- 47      Q     Right.  And before you were travelling alongside

323

Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 him you had to change lanes; isn't that right?

2 A Yes.

3 Q Where you knew there was snow and ice?

4 A Yes.

5 Q Where you knew that your trailers were lighter  
6 than full capacity?

7 A Yes.

8 Q Where you knew you had to get -- give the Super B  
9 that you were passing at least 3 to 4 feet  
10 clearance?

11 A Side to side?

12 Q Yes.

13 A Yes.

14 Q Right. And you were in the course of ...

15 A Both vehicles have to be in their own lanes, and  
16 you can estimate the distance from that.

17 Q Right. But I'm saying it's at least 3 to 4 feet  
18 that you give them?

19 A I think so. This is an idea. You can estimate  
20 too.

21 Q Possibly more?

22 A Yes.

23 Q And you say you were in the course of overtaking  
24 that Super B when this collision happened?

25 A Yes.

26 MS. KOVACS: And, My Lady, I note the time. I have  
27 about 10 minutes more.

28 THE COURT: I unfortunately have to take the break at  
29 12:30.

30 MS. KOVACS: Yes. Okay.

31 THE COURT: So we're going to -- we'll adjourn and come  
32 back at 2:00. I'll -- yes. Well, I have a  
33 request for you, but I'll make it at 2 o'clock;  
34 all right?

35 MS. KOVACS: Okay. Thank you, My Lady.

36 THE CLERK: Order in court. Court is adjourned until  
37 2:00 p.m. for lunch.

38

39 **(WITNESS STOOD DOWN)**

40

41 **(PROCEEDINGS ADJOURNED AT 12:32 P.M. FOR NOON RECESS)**

42 **(PROCEEDINGS RECONVENED AT 2:03 P.M.)**

43

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46

47

**DALJIT DHILLON, a  
defendant, recalled,  
reminded.**

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

**CROSS-EXAMINATION BY MS. KOVACS (continuing):**

- 1  
2  
3 Q Mr. Dhillon, I'm going to take you to after the  
4 impact, and I just want to understand clearly your  
5 evidence from direct that you immediately brought  
6 your tractor-trailer to a stop.  
7 A Yes.  
8 Q Right. And you remained in the lane in which you  
9 were travelling when you came to a stop?  
10 A Yes.  
11 Q But maybe you can give me an estimate or if you  
12 have a recollection. I mean, you're about 25- to  
13 30,000 kilograms. How long would it have taken  
14 you to come to a stop?  
15 A I presume it would be 20, 30 seconds.  
16 Q Do you know -- can you tell me how far you would  
17 have travelled in the 20 to 30 seconds?  
18 A About the length of my truck.  
19 Q Okay. And my understanding is that you moved your  
20 truck sometime later when somebody told you to  
21 move it; is that right?  
22 A Yes, when a policeman told me to move it to the  
23 right.  
24 Q Okay. So until that policeman told you to move it  
25 to the right you left it where was after impact?  
26 A Yes.  
27 Q Right. And then you pulled it as far to the side  
28 as you possibly could?  
29 A I stopped right where I was in the middle lane.  
30 Q Right. So I just want to understand, though, that  
31 when you were directed by the policeman to pull it  
32 over you pulled it as close to the side of the  
33 road as you could?  
34 A Yes.  
35 Q Right. Can you give me an estimate of time  
36 between impact and when you were directed to move  
37 the vehicle?  
38 A I am just estimating. I think it was between one  
39 to one and a half hours later.  
40 Q All right. Thank you, Mr. Dhillon. I have a set  
41 of photos that I'm going to hand up to you, and  
42 I'm going to ask you my last few questions in  
43 respect of these photos.  
44 Now, Mr. Dhillon, I'm going to suggest to you  
45 that -- we have these photos from the police file,  
46 and there should be a total of nine photographs in  
47 front of you. Do you have all nine?

- 1 A Yes, there are nine.
- 2 Q All right. So looking at the first photograph can  
3 you tell us, is that -- are you able to tell from  
4 here, is that your truck in the photograph?
- 5 A Yes, that's my truck.
- 6 Q Okay. And just flip through each of them. One,  
7 two, three, four, five, six, seven, eight and  
8 nine. Your truck is in each of those photographs;  
9 is that accurate?
- 10 A Yes, it's mine.
- 11 Q Okay. And so looking at these photos, these were  
12 all taken after you pulled the truck to the side  
13 of the road; is that right?
- 14 A Yes.
- 15 Q Okay. Now I want to have you take a look at  
16 photograph number 4. And looking at this  
17 particular angle -- remember earlier we were  
18 talking about the articulation with the kingpin  
19 and the five wheels, how it can laterally hinge  
20 your two trailers? Is that what we're seeing  
21 here? When you came to a park you had a subtle  
22 hinge in your -- in the way you parked in your --  
23 with your trailers?
- 24 A Yes. The back trailer is a little bit to the  
25 side.
- 26 Q Right. Okay. And looking at page number 4 -- and  
27 we may look at some of the others as well. But it  
28 looks as though there are some tire marks that  
29 start in the left corner of the photograph and  
30 lead to the rear of your vehicle. Do you see  
31 that?
- 32 A Yes, I can see those.
- 33 Q Right. Would you agree -- is that the path that  
34 your trailer would have taken when you pulled over  
35 to the side of the road?
- 36 A Yes. I just moved to the side like that.
- 37 Q Right. So that's roughly the path that you took.  
38 So you would have been -- your trailer, then,  
39 would have been sort of to the left of this  
40 photograph, and you see sort of a bare section of  
41 road there. Do you see that?
- 42 A Yes.
- 43 Q Right. So are you able to tell me looking at this  
44 photograph when you first came to a stop after  
45 impact? In that hour to hour and a half before  
46 you moved the truck were you parked on that area  
47 of the road to the left where you can see a bit of

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

1 asphalt?  
2 THE INTERPRETER: A bit of ...  
3 MS. KOVACS: Asphalt or pavement.  
4 THE WITNESS: Yes. It was in the middle lane.  
5 MS. KOVACS:  
6 Q Right. And so are you able to identify where that  
7 was in this photograph? I mean, can you -- is it  
8 where the pavement was?  
9 A It's hard to say. You can't see any lanes here,  
10 but --  
11 Q Right.  
12 A -- it was in the middle.  
13 Q We'll get to that in a moment. But if you turn to  
14 page 6. Can you do that for me. This is a view  
15 of the front of your tractor?  
16 A Yes.  
17 Q Right. Looking up the hill?  
18 A Yes.  
19 Q Right. And again we can actually see the  
20 articulation or hinging of your trailers in this  
21 photo; is that right?  
22 A Yes.  
23 Q Right. And I also see some tire marks sort of  
24 leading into the pavement area. Do you see that?  
25 A I don't see that.  
26 MS. KOVACS: My Lady, can I approach the witness and  
27 just point it out to him?  
28 THE COURT: Yes. And you may need to show me what  
29 you're talking about too and the rest of counsel  
30 as well.  
31 MS. KOVACS: Maybe I'll just -- I'll hold it up here,  
32 actually.  
33 Q So I'm looking -- there's some tire marks here.  
34 Do you see those?  
35 THE COURT: Can you show behind you as well.  
36 MS. KOVACS: Sure. Of course. Sorry.  
37 THE COURT: Just rotate.  
38 MS. KOVACS: Like that? There.  
39 THE COURT: Mr. Rogers, are you able to see?  
40 MR. ROGERS: Yeah.  
41 MS. KOVACS:  
42 Q Do you see those there? Do you see those,  
43 Mr. Dhillon?  
44 A Yes, I see those.  
45 Q Okay. Are those -- are you able to tell me, are  
46 those from your tractor?  
47 A No, they don't seem to be from my tractor.

- 1 Q You would disagree with that? You don't think  
2 they're from your tractor?
- 3 A Yeah, it's another tractor-trailer.
- 4 Q I see. Now, Mr. Dhillon, your -- do you know what  
5 in-tracking and off-tracking is?
- 6 A No, I don't know about that.
- 7 Q Generally speaking, your trailer tires don't  
8 necessarily follow the exact same path as your  
9 tractor tires; correct?
- 10 A Yes.
- 11 Q Right. So sometimes if you're on a ... Sorry.  
12 A When we take a turn, usually that's when it  
13 happens, that they don't follow the exact same  
14 path. But if we are going straight or if the car  
15 was very minimal, then they are pretty much on the  
16 same path.
- 17 Q Right. Although sometimes there may be a subtle  
18 difference; is that fair?
- 19 A Yeah.
- 20 Q Right. So on a slight curve like this you could  
21 have in-tracking, meaning your trailers follow  
22 sort of inside of your tractor marks -- or tractor  
23 tires?
- 24 A It could be the inner side or the outer side,  
25 depending on the -- how much turn -- how sharp a  
26 turn.
- 27 Q Right. So it could be either, though? It could  
28 be inside or outside that turn?
- 29 A Yeah.
- 30 Q Okay. And so generally speaking when you  
31 pulled -- when you pulled over as directed by the  
32 policeman your trailer tires may not have followed  
33 the exact same path as your tractor tires because  
34 you're making a fairly sharp S-turn there, aren't  
35 you, to pull over?
- 36 A Yes, it would be different.
- 37 Q All right. And generally, when you pulled over,  
38 Mr. Dhillon -- are you able to tell me if you  
39 pulled over from what you see in this photograph  
40 to be a bit more of the bare road? Were you  
41 parked there after the accident?
- 42 A To the left is the first lane, and then I was in  
43 the middle lane. If you can just estimate a  
44 middle lane in this area.
- 45 Q And, Mr. Dhillon, you have to estimate a middle  
46 lane because you'd agree with me in this  
47 photograph that you can't actually see the lane

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 divisions, can you?
- 2 A Yes. Because the truck was coming around right
- 3 here and I was right beside him, so -- and the
- 4 third lane was empty.
- 5 Q All right. My question to you, though,
- 6 Mr. Dhillon, was that you'd agree with me that you
- 7 can't see the lane dividers in these photographs?
- 8 A Yes. You don't see the painted lines.
- 9 Q Right. And so you're estimating that you were in
- 10 the middle lane; is that correct?
- 11 A I was in the middle lane, yes.
- 12 Q But you're estimating that because you couldn't
- 13 actually see the lane dividers; is that right?
- 14 A It was not just an estimate. It was a middle lane
- 15 because the distance was the same on both sides.
- 16 Q Mr. Dhillon, earlier we were talking about the
- 17 Super B that was in the curb lane. Do you recall
- 18 that?
- 19 A It was in the right lane.
- 20 Q Right. And we talked about keeping a wide berth
- 21 around that Super B of at least 3 to 4 feet; is
- 22 that correct?
- 23 A That's normally how far the vehicles are when they
- 24 pass each other.
- 25 Q Right. And I suggested to you that if the Super B
- 26 had to avoid snow encroachment on the road, that
- 27 it might come out of the curb lane into the middle
- 28 lane. Do you remember that?
- 29 A No.
- 30 Q You don't remember that?
- 31 A I remember you asking me, but it did not do that.
- 32 Q Right. Mr. Dhillon, I'm going to suggest to you
- 33 that if it did do that you wouldn't know if it was
- 34 actually departing its lane because you can't see
- 35 the lane dividers.
- 36 A But you can -- even without lines you can have a
- 37 very good lane idea of where the lanes are because
- 38 we always drive on that road.
- 39 Q Right. And, Mr. Dhillon, I'm going to suggest to
- 40 you, though, that -- if this Super B departed its
- 41 lane to avoid snow encroachment, that you would
- 42 have moved over in your own lane to avoid the
- 43 Super B. Isn't that right?
- 44 A I would have then applied my brakes.
- 45 Q Right. And, Mr. Dhillon, if I could have you look
- 46 at photo number 9, the very last photograph.
- 47 Earlier I had asked you if you had pulled your

- 1 tractor-trailer unit as far over to the right as  
2 you could and you said you did. That's right?  
3 Sorry, that's a yes?
- 4 A Yes.
- 5 Q And looking at the side of this photograph here --  
6 and this is a picture of simply the back of your  
7 tractor-trailer unit; right?
- 8 A Yes.
- 9 Q Right. And you'll see to the right of the  
10 photograph there appears to be a snowbank there.  
11 Do you see that?
- 12 A Yes.
- 13 Q And you can see in that snowbank that there's a  
14 cement barrier. Do you see that?
- 15 A Yes.
- 16 Q So on the morning of the accident, Mr. Dhillon,  
17 there was a snowbank on the inside of that cement  
18 barrier.
- 19 A This is not the road side. This is actually the  
20 shoulder --
- 21 Q Right.
- 22 A -- which is extra space, about 5, 6 feet of extra  
23 space.
- 24 Q That's your recollection, is that there's 5 or  
25 6 feet of space between the cement barrier and the  
26 fog line?
- 27 A There is a shoulder there, extra.
- 28 Q Mr. Dhillon, earlier you told me that in your  
29 experience you usually see the snowplows I guess  
30 throwing or plowing the snow over and above on the  
31 other side of that cement barrier. That's been  
32 your experience and observation?
- 33 A Yes. They keep doing that, but sometimes it snows  
34 afterwards. Then there's more snow. Or sometimes  
35 the vehicles move the snow to that side.
- 36 Q Right. Sometimes there's a snowbank on the inside  
37 of the cement barrier?
- 38 A There can be a little bit of snow on that side.
- 39 Q Right. As it appears to be in this photograph?
- 40 A Yes.
- 41 Q Now, Mr. Dhillon, earlier in this trial the  
42 highway maintenance man that attended at your  
43 accident scene gave evidence, and he told us that  
44 that snowbank had not been cleared yet, and it's  
45 about 4 or 5 feet in width.
- 46 A Okay.
- 47 Q Okay. Sorry, my question hasn't come yet. And I

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1           just want to go slowly here. And he also told us  
2           that there's only 1.5 feet roughly between the fog  
3           line and that cement barrier.
- 4   THE INTERPRETER: 1.5 feet between the fog line and  
5           cement barrier?
- 6   MS. KOVACS: Yes.
- 7   THE WITNESS: You mean the shoulder?
- 8   MS. KOVACS: Yes.
- 9   THE WITNESS: Maybe.
- 10   MS. KOVACS:
- 11   Q   All right. And so the suggestion is, then, that  
12           this snowbank was encroaching into the curb lane  
13           by 2 1/2 to 3 feet. Now, Mr. Dhillon, my question  
14           is this: if the Super B was 2.6 metres wide and  
15           had to move over another 2 1/2 to 3 feet because  
16           of the snowbank, you would agree that that would  
17           necessarily move you over to the left another  
18           2 1/2 feet?
- 19   A   If it had moved into my lane I would have  
20           immediately applied my brakes. I would have never  
21           gone into the third lane.
- 22   Q   You would have applied your brakes, but it would  
23           have -- you would have taken at least the length  
24           of your tractor-trailer unit in order to stop and  
25           avoid that Super B; isn't that right?
- 26   THE INTERPRETER: Can you repeat the question.
- 27   MS. KOVACS:
- 28   Q   You would at least need the length of your  
29           tractor-trailer unit in order to stop and avoid  
30           that Super B if it encroached into your lane?
- 31   A   Yes. If I had seen it moving into my lane I would  
32           have applied my brakes, and I would have gone  
33           behind that tractor-trailer. I would have driven  
34           behind it. I would not go into the third lane.
- 35   Q   But, Mr. Dhillon, at the time that this accident  
36           happened you were driving either alongside or that  
37           Super B was sort of just in front of you; isn't  
38           that right?
- 39   A   Yes, I was about in the middle of that trailer.
- 40   Q   Right. And if he's subtly avoiding snow  
41           encroachment on the curb you'd agree with me that  
42           you may not notice that you're also moving to the  
43           left?
- 44   A   If it would move towards the left I would have  
45           known that.
- 46   Q   Mr. Dhillon, I'm going to suggest to you that you  
47           couldn't see the lane dividers and that that

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Daljit Dhillon (a defendant)

Cross-exam by Ms. Kovacs (continuing)

- 1 Super B was coming over to the left and you tried  
2 to avoid it.
- 3 A It was not doing that. It was moving in its own  
4 lane.
- 5 Q And, Mr. Dhillon, I'm going to suggest to you,  
6 though, that -- in order to keep a clearance from  
7 that Super B of roughly 3 to 4 feet, that you  
8 moved your tractor-trailer to the left further  
9 into and encroaching into the fast lane.
- 10 A No, I would have not gone to the fast lane.
- 11 Q You deny that?
- 12 A I would have applied my brakes and moved back.
- 13 Q But, Mr. Dhillon, you'd agree with me that you  
14 can't even see the lane dividers and you may not  
15 even know if you're in the fast lane? Isn't that  
16 right?
- 17 A I have a very good idea about where the left lane  
18 is and where the middle lane is. I drive there  
19 every day.
- 20 Q But, Mr. Dhillon, this was not "every day," was  
21 it. This wasn't a question. Sorry, Mr. Dhillon.  
22 You earlier told me that you address or change  
23 your driving depending on the road conditions;  
24 correct?
- 25 A Yes.
- 26 Q And on this occasion when you can't see the lane  
27 dividers you'd agree with me that you shouldn't be  
28 passing another Super B?
- 29 A Why not?
- 30 Q Mr. Dhillon, you'd agree with me that the safer  
31 option is to stay behind the Super B until you can  
32 see the lane dividers and make a safe pass?
- 33 A Sometimes you can't see those lines for  
34 20 kilometres.
- 35 Q Right. And so you chose speed over safety; isn't  
36 that right, Mr. Dhillon?
- 37 A No, I was giving preference to safety. I was  
38 driving very safely, but --
- 39 THE COURT: Sorry, I can't hear you.
- 40 THE WITNESS: I was driving very safely. I was paying  
41 attention to safety, but if somebody comes from  
42 the back and hits me, what can I do?
- 43 MS. KOVACS:
- 44 Q Mr. Dhillon, last question. You didn't stay  
45 behind that Super B because you didn't want to  
46 stay behind it for 20 kilometres. You were  
47 impatient, and you decide to pass it when it was

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Daljit Dhillon (a defendant)  
Cross-exam by Mr. Gloux

1 unsafe to do so.  
2 A No, I was not being impatient. We always have to  
3 pass these heavier trucks because they're very  
4 slow. So all the lighter trucks will always have  
5 to pass them.  
6 MS. KOVACS: My Lady, I have no more questions for this  
7 witness, but we should probably mark this as the  
8 next exhibit. Do you have any objection to it  
9 going in under the document agreement? It's  
10 subject to the document agreement.  
11 THE COURT: Is it a subset of what we already have  
12 in -- as an exhibit?  
13 MS. KOVACS: It's not. There were actually 100 and --  
14 oh, I don't know how many police photos there  
15 were.  
16 UNIDENTIFIED MALE SPEAKER: 70-something?  
17 MS. KOVACS: Yeah. I had originally gave notice of 70.  
18 I put in 40.  
19 THE COURT: All right.  
20 MS. KOVACS: These are new.  
21 THE COURT: All right. We'll mark these as the next  
22 exhibit, then.  
23 THE CLERK: Exhibit 17, My Lady.

24  
25 **EXHIBIT 17: Photographs of the accident scene**  
26 **(nine pages)**  
27

28 MS. KOVACS: Thank you, Mr. Dhillon. Those are my  
29 questions.  
30 THE COURT: Mr. Gloux, if you could just wait a minute  
31 while I ...  
32 MR. GLOUX: Absolutely.  
33 THE COURT: Yes.  
34

35 **CROSS-EXAMINATION BY MR. GLOUX:**  
36

37 Q Mr. Dhillon, when you were at the brake stop did  
38 you check to see if your hazard lights were  
39 working?  
40 A You mean flashlights?  
41 Q I mean the hazard lights. The ones that are the  
42 four-way stop [sic].  
43 A Yes.  
44 Q And what about your headlights?  
45 A Yes.  
46 Q And your tail lights?  
47 A Yes.