

Exceptions to RPP standard:

Children: rp child of same age, intelligence, maturity, training, experience

Except if inherently dangerous activities – greater risk -> rpp

Or adult activities -> rpp

Did D meet st of care?

Risk-utility calculus: $B < PL$

Burden of adequate precautions $<$ probability \times severity of injury

\$\$\$ Either this or another bargee on board $<$ probabilities based on prior occurrences, time of day, busyness, etc. \times cost of cargo/boat \$\$\$ (human life?)

$\$1000$ day/person $<$.10 probability \times $\$20K$

Problems of incommensurability

Use as analytical categories:

P decides re untaken precautions

McCarty: untaken precautions suggested by P

Make sure door was locked: low cost, effective, feasible, etc.

Warn her to lock door: cheap but not necessarily effective

Should have had better lock: wouldn't have been effective if door unlocked; no info re whether locks too costly

Should have had more security guards: cost? Effectiveness?

Should have made walkway inaccessible from ground level: not a safer alternative bc could create worse risks, cost, feasibility issues

Paydozer

Hiring person to watch for unseen workers/supervisor approval

Audible beep

Mirrors for blind spot

Cameras

Avoid congestion of trucks/workers

Sensor on paydozer for when people/objects get too close