

Interface of Engineering and Legal Issues:

Pedestrian Case Example



EXPERT WITNESS PANEL

**TSITE/TAPE FALL 2010 MEETING
KNOXVILLE, TENNESSEE**



**TENNESSEE
SECTION** **ite**



Case Description



Incident occurred during an after school event at the middle school.

Three children darted into the intersection as the light was changing from the major street to the side street.

The children were not inside the crosswalk, but were in the interior of the intersection.

One of the children was struck and fatality injured by a vehicle that had been stopped on the side street.

Lawsuit Allegation (Government Issues)



Allegations:

The traffic signal was not compliant because it did not contain pedestrian signals;

and

Pedestrians were not adequately protected at the intersection during an event at the middle school;

and

Child pedestrians would have been safe if Pedestrian Signals had been in use.

Lawsuit Defendants



- ❖ ***City*** - Responsible for streets
- ❖ ***County School Board*** - Responsible for school events
- ❖ ***Utility district*** - Responsible for operation of signals
- ❖ ***Contractor*** – Responsible for maintaining signal
- ❖ ***Driver*** – Responsible for operation of the vehicle

Location Features



Location:

Downtown in a small town in Tennessee

Nature of Surrounding Land Development:

Middle school, government office, and commercial

Type of Facility:

Intersection of two collector streets

Sidewalks and well painted crosswalks

Roadway lighting well above the minimum level

Intersection Traffic Control



- ❖ During school days the intersection was in a *School Zone* from 7am till 8:30am & 2:30pm till 3:45pm.
- ❖ *School Zone* speed limit 15 mph.
- ❖ *School Zone* times were posted with flashing warning lights.
- ❖ Crossing guard was provided during morning and afternoon school zone times.
- ❖ Non *School Zone* speed limit was 30 mph.

Traffic Signal Characteristics



- ❖ Diagonal span-wire
- ❖ Three section heads with 12 inch lens
- ❖ Two, four-way displays
- ❖ Pre-timed, 2-phase operation
- ❖ Signal records date back to early 1960's, but installation could have been earlier.
- ❖ Signal was not warranted at time of incident.

Site Photograph



Conditions at Time of Incident



- ❖ Very low traffic.
- ❖ Children were seen playing on sidewalk earlier.
- ❖ Signal and lighting were working properly.
- ❖ Driver was not impaired.
- ❖ Driver saw children playing on sidewalk while waiting at red signal.
- ❖ No adult supervision of the children.

Plaintiff's Trial Allegations



- ❖ The intersection is extremely dangerous.
- ❖ Children would have been able to safely cross the intersection if there had been pedestrian signals.
- ❖ Children **do understand** pedestrian signals.
- ❖ Children **do obey** pedestrian signals.
- ❖ There should have been a crossing guard there the entire time of the event.

Case Results



- ❖ Some defendants settled before trial.
- ❖ City was only defendant at Trial.
- ❖ Case was heard as a bench trial (judge only, no jury).
- ❖ Verdict was rendered as
 - 50% fault on city
 - 50% fault on parents
- ❖ Plaintiff was not expecting to have any fault.