

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL  
BARBARA M. ROE v. CITY OF SAN DIEGO  
SUPERIOR COURT CASE No. 525764

On February 13, 1984, the plaintiff was seriously injured in an automobile accident while turning from a left turn pocket on Harbor Drive into the entrance to Teledyne Ryan. The plaintiff contended that the placement of a standard red/yellow/green traffic signal (no left-turn arrow) directly opposite the left-turn pocket violated CALTRANS design standards and was a contributing factor in causing the accident.

FACTS

While returning with a Teledyne Ryan employee from a business lunch, plaintiff stopped in the eastbound left turn pocket of Harbor Drive at Teledyne Ryan's main gate. Located on the median opposite plaintiff was a signal head with round red/yellow/green signal lights. When the signal changed to green for east and west traffic, plaintiff thought she saw a green arrow indicating she had the right-of-way for a protected left turn. Plaintiff turned left in front of an oncoming van which hit her car at about 40 miles per hour.

In 1973 this signalized intersection was modified by the City of San Diego to provide left turn pockets in the raised median. This modification violated CALTRANS standards which prohibit the use of a signal head opposite a left turn lane unless there is a separate left turn phase. These CALTRANS standards had been in effect since the mid 1960s. Traffic engineers had discovered that with the increasing use of protected left turn phases, some drivers would mistake a circular green signal opposite a left turn pocket for a green arrow.

As a result of the accident the plaintiff suffered a depressed skull fracture and comminuted fracture of the right ankle complicated by a previous history of polio and multiple leg surgeries. In addition, the plaintiff claimed to have suffered a torn rotator cuff, mild brain damage, and ongoing psychiatric problems related to the accident.

By the time of trial the plaintiff had accumulated \$150,000.00 in medical expenses and \$120,000.00 in past wage losses.

LITIGATION

Prior to trial, with your approval, the City made a statutory offer to settle the case for \$100,000.00. This offer was declined by the plaintiff.

The case was tried before a jury in the Superior Court. By agreement of the parties, Charles Grebing, a San Diego lawyer specializing in civil litigation, presided as judge pro tem. The plaintiff was represented by Carlye Christianson. The plaintiff in intervention (attempting to recover funds paid out by the Workers' Compensation carrier) was represented by Glenn Mitchell.

Plaintiff's counsel asked the jury to award her client \$1.5 million dollars. The intervenor insurance company produced evidence indicating it had paid out approximately \$200,000.00 in benefits as a result of the accident.

The trial lasted two and one-half weeks. After less than half a day of deliberation the jury returned a 12-0 verdict in favor of the City.

Deputy City Attorney Anthony J. Shanley represented the City in the trial.

Respectfully submitted,  
JOHN W. WITT  
City Attorney

AJS:jt:Lit.(x043.1)  
RC-88-42