

DUI and Its Effect on Communities and Road Construction

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With help from Molly Novy and Cassie Bly



Background



1987: Public Apology in the paper



... admitted to driving while under the influence of alcohol in open court on 4/14, 1988. She was driving on Pennsylvania Avenue 12/5, 1987 at 3:13 AM in the city of Urbana in Champaign County and at that time was under the influence of alcohol.

APOLOGY

I, ... as, have pleaded guilty to the offense of DUI and apologize to the citizens of Champaign County and the State of Illinois for endangering them.



1988: Appellate Court says “No”

- *People v. Johnson*, 174 Ill. App. 3d 812 (1988).

1988-1990: DASA Conference



February 1991:
DUI CHANGES

I met with the AA Community and
explained the need.

I asked my Presiding Judge to make sure
if SOJ on DUI, case to be given to the
meanest SOB Judge.

I met with local treatment providers and evaluators and explained my expectations.

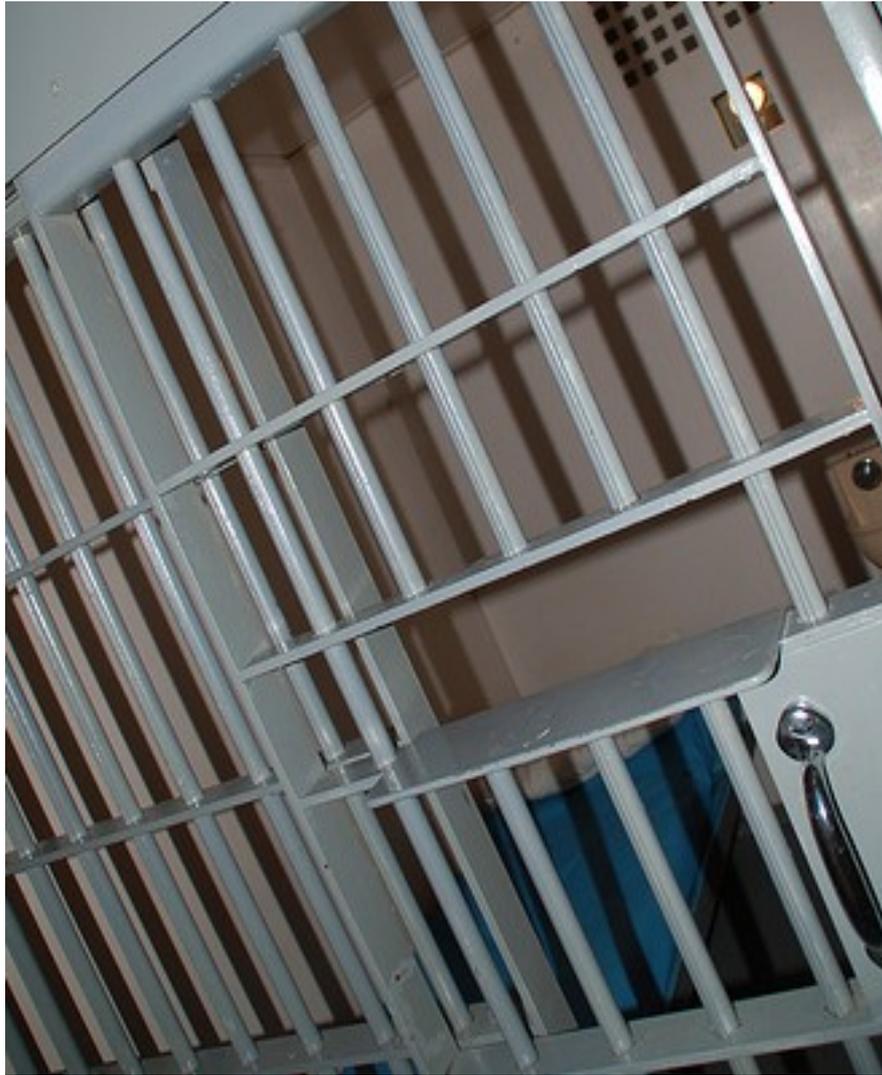
I spoke with probation and explained
that I would be saving them time.

At the time, the State would *not*
agree to Court Supervision in DUI
– needed an Open Sentencing
Hearing.

CHANGES:

All DUI Defendants need a
substance abuse evaluation.

If not...



300-364 days in jail



The Plan

- I would monitor some cases
- Probation would monitor the
rest

All sentenced Defendants would be expected to complete recommended education, treatment, and after-care, no matter if on Probation, Conditioned Discharge, or Court Supervision.

Unless sentenced to a long period of jail – all Defendants were placed on a Community Based Sentence.

If sentenced to jail as part of a
Community Based Sentence, I
monitored them in Remission
Hearings.

If no jail, then PSW with
probation monitoring.

Reaction



**BUT HOW DOES THIS EFFECT
TRAFFIC ENGINEERING AND SAFETY?**

Edward Kirby v. State of Illinois

Court of Claims Case Against the State

Edward Kirby v. State of Illinois (1990)

- Claimant alleged respondent negligently maintained the roadway despite actual and constructive notice of the existence of defects in the road surface and/ or failed erect warning signs or signals indicating the condition of the surface, which negligent acts and omissions proximately caused claimant's injuries.



Edward Kirby v. State of Illinois (1990)

- Facts Proven

- State had notice of the deteriorating condition of Route 50.
- State's engineers' testimony demonstrated awareness of the "washboard" effect of the pavement caused by drainage problems and heavy traffic.
- State was aware of these problems 2 years prior to the accident.

Edward Kirby v. State of Illinois (1990)

“These facts indicate that the state was negligent in its failure to either perform necessary repairs or erect proper signs warning the public of the rough roads.”

THOMPSON V. GORDON (2011)

Claim of negligent design of roadway against engineering firm.

THOMPSON V. GORDON (2011)

- “WDC was required to improve Grand Avenue... as part of the new development. Initial studies indicated that the cloverleaf ramp from northbound I-94 to Westbound Route 132 did not have sufficient capacity to handle the additional traffic that the mall would generate.
- WDC contracted with defendants requiring defendants to design 2 ramps west of I-94 as well as a replacement bridge deck surface over I-94.
 - The original bridge deck surface had a median 6 inches high and 4 feet wide that divided the eastbound and westbound lanes. The replacement bridge deck was designed to have a median that was 7 inches high and 4 feet wide.”

THOMPSON V. GORDON (2011)

- The Thompson was driving westbound on Route 132.
- Christie Gordon was driving eastbound on Route 132 when she swerved to avoid another vehicle. She lost control of the vehicle and hit the median separating the oncoming traffic lanes. Her vehicle vaulted into the air and landed on top of the Thompson's vehicle, killing Trevor and Amber Thompson, and seriously injuring the plaintiff.

THOMPSON V. GORDON (2011)

- Ramisch, an expert witness, testified that defendants “failed to meet the ordinary standard of care.”
- 1. defendants failed to properly consider and analyze all available data provided by their consultants.
- 2. defendants failed to consider crossover protection
- 3. defendants failed to perform an analysis of crossover protection on the bridge deck
- 4. defendants failed to submit to WDC and IDOT for consideration the necessity of cross over protection in the form of a Jersey Barrier on the bride deck at the interchange
- 5. Defendants failed to design a Jersey barrier over the bridge of the Grand Avenue interchange.

THOMPSON V. GORDON (2011)

- Ramisch also testified that crossover accidents were likely to occur, and that the purpose of a Jersey barrier is to prevent vehicles from crossing over the barrier into oncoming lanes of traffic.

THOMPSON V. GORDON (2011)

- The Court held:
- 1. The defendant's only duties were that which were described in the contract
- 2. The contract did not require the defendants to consider and design an improved median barrier