

Monterey County, California Jury Finds Caltrans Liable in Double-Fatality Trucking-Related Accident

MONTEREY, CA, USA, February 26, 2014 /EINPresswire.com/ -- A Monterey County, California jury reached a verdict of nearly \$18.7 million that held Caltrans responsible in a California Highway 156 double-fatality trucking-related accident in 2010.

A Monterey County jury of 8 women and 3 men (Monterey County Superior Court, Case #M111007) reached a verdict of nearly \$18.7 million yesterday that held Caltrans responsible in a Highway 156 double-fatality accident in 2010.

"This verdict confirms that Caltrans had known about a [dangerous highway condition](#) for more than 30 years. Rather than fixing the problem, Caltrans made a dangerous condition deadly," said [Robert Allard](#), attorney for one of the victims.

"The jury has spoken. It is time for Caltrans to make Highway 156 safer for all motorists by at a minimum preventing vehicles from stopping or slowing down on a two lane 55 mile per hour highway so that motorists can turn left across oncoming traffic and into private driveways," said Mr. Allard.

Mr. Allard, along with Randall Scarlett of San Francisco, who represented the other set of wrongful death claimants, proved that Caltrans' engineers knew that Highway 156 was operating beyond capacity since the mid-1970's and that it was identified as one of the most dangerous highways in the state of California.

The jury was also presented with comprehensive Caltrans-produced Project Study Reports (PSR) going back to 1997 which showed that 55% of the accidents on Highway 156 were of the [rear-end accident](#) type, with many due to drivers stopping or slowing down on the freeway in order to turn left across oncoming traffic. Despite recommendations from several of its engineers as contained in three different PSR's to eliminate left hand turns and thus improve traffic flow and reduce the number of accidents, Caltrans for over a decade failed to take any action. As a consequence, just as state engineers predicted, the number of accidents continued to rise.

When Caltrans finally chose to take action in 2008, they instead turned Highway 156 from a dangerous highway to a deadly one. In response to outcries from a citizen based Task Force created through the Transportation Agency for Monterey County ("TAMC"), Caltrans was forced to address the safety of the highway. However, Cal Trans chose to address only head-on accidents, which accounted for only 2.2% of all accidents on the roadway through what it called a "Rumble Strip Project" ("Project"). By its admission, this Project did not address rear- end



Attorney Robert Allard

accidents, which, as borne out by its own statistics, were 480% more prevalent than the head-on type. Worse, the evidence showed that Caltrans entrusted the project to an engineer-in-training with no previous experience in roadway design. Not only did the evidence demonstrate that the Project did not address the known danger of rear end accidents caused by left turning cars, but the Project design, by leaving gaps in the rumble strip, made it legal to and, in the words of the Project's engineer-in-training, actually "encouraged" drivers to legally stop on the freeway in order to turn left across oncoming traffic. Mr. Allard told the jury, "instead of fixing a known problem, Caltrans poured gas over a fire by encouraging the very conduct that its engineers warned would eventually lead to a calamity such as this one."

On Nov 5, 2010, Maria Almanza Romero had stopped on the freeway next to one of the rumble strip gaps to turn left into her private driveway. As she was waiting for oncoming traffic to clear, a big rig truck owned by Bhandal Brothers Trucking, Inc. rear-ended her. The evidence showed that the truck driver had no time to process and react to a stopped vehicle on the freeway. Upon impact, both Ms. Almanza-Romero's car and the big rig truck both slammed head-on into an oncoming vehicle driven by Mr. Allard's client, Cassandra Jones, a young mother of a four year old son who was sitting in the back seat. Ms. Jones, who was 7 months pregnant at the time with her second child, suffered personal injuries but survived. Tragically, though, she was forced to witness the death of her son, whose head was badly damaged by the collisions. Ms. Almanza-Romero also perished in the accident, leaving behind 4 children, including 2 minors.

During opening arguments, Caltrans maintained that the Highway was safe and that the only solution to fixing the problem of left hand turns across oncoming traffic was a new highway expansion at a cost of up to \$500 million to taxpayers. Instead, jurors were shown several solutions by the plaintiffs' expert engineers, including signage, delineators, and a continuous rumble strip, which would have cost the state well under \$25,000. More importantly, these short term design measures would have prevented cars from legally stopping on the freeway to turn left into private residences and therefore an accident of this type would have been avoided.

According to Mr. Allard, "We can only hope that Governor Brown takes notice of this tragedy and immediately makes vast changes to the manner in which our roads are designed and managed. Highway 156 was a ticking time bomb which predictably exploded. As a result, two families are forever shattered because of complete ineptitude."

The jury awarded a combined \$18,681,052.49 to the two families.

Allard, who in 2012 was recognized as a "California Lawyer of the Year" by both California Lawyer and the Consumer Advocates of California ("CAOC"), was assisted in the case by associate attorney, Lauren Cerri of his office.

About Corsiglia, McMahon & Allard

The attorneys at Corsiglia, McMahon & Allard have a national reputation and a proven record of helping victims and their families recover from truck injury accidents. Corsiglia, McMahon & Allard is included in the US News & Best Lawyers - "Best Law Firms" law firm rankings. All three of its name partners, Bradley Corsiglia, Timothy McMahon and Robert Allard, have been named as Top 100 Trial Lawyers by the National Trial Lawyers Association and also designated as "Super Lawyers".

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