

Red-Light Swearing Match

Assignment

You asked Texas Claims & Consulting Company to conduct an accident reconstruction analysis regarding the above styled claim and be prepared to render an expert opinion as to how, more likely than not, the accident happened.

Preliminary Expert Opinion

It is my expert opinion that Ms. Smith's negligence for excessive speed is the proximate cause for this very serious accident.

Additionally, it is my expert opinion that Ms. Jones was negligent free due to the fact she had insufficient time and/or distance to take any successful avoidance maneuver.

Brief Historical Review

This is a high impact, injury producing, motor vehicle accident that occurred at or near the intersection of Mesa and Ley roads in Houston, Texas.

Ms. Smith was the owner and driver of a 2004 Chevrolet Impala 4-door sedan proceeding west on Ley Road approaching its intersection with Mesa Road. Her speed limit was 35 miles per hour. She was alone at the time.

Ms. Jones was the owner and driver of a 2004 Cadillac CTS 4-door sedan proceeding southbound on Mesa Road approaching its intersection with Ley Road. Her speed limit was 40 miles per hour. She had two passengers at the time.

As Ms. Jones entered the intersection Ms. Smith struck her on the driver's side door. The damage to both vehicles was severe. This accident is commonly referred to a "Classic T-Bone" type collision.

Important Police Data

The following pertinent information was obtained form the police report,

1. Date of Loss:
2. Time of Loss: About 1:30 P.M.
3. Ley Road Speed Limit: 35 mph

4. Mesa Road Speed Limit: 40 mph
5. Light Condition: Daylight
6. Weather: Clear
7. Surface Condition: Dry
8. Type Road: Concrete

The police officer's diagram, opinion and narrative, are incorrect based on the confirmed physical facts. The officer's report is also incorrect with respect to vehicle damage rating and principal direction of force. It is also incorrect with respect to the post impact positions of each vehicle. The officer's opinion on fault was based on Ms. Smith's statement (an off duty police officer) and a witness who "heard" the wreck and reported to the officer he "...saw the light was green on the pole for the black car..." The officer did not speak with Ms. Jones due to her injury. He did not speak to the passengers regarding their opinion on the accident.

It is my understanding that Ms. Jones and her passenger will testify they had a green light and that the officer never asked for their testimony.

It is very possible the red light situation may never be resolved completely, and if that is true, the red light issue must be discarded for both drivers.

We have rendered our opinion of this case based on the information provided and obtained to date. Depositions of the drivers, the alleged witness and the passengers may add information to the case.

Field Investigation

We conducted a very thorough investigation at the accident site on two different occasions. The area was photographed and measured for specific detail and our scale diagrams.

Each vehicle was located, measured, photographed and drawn in scale on the diagrams provided.

All photographs have been retained in our file for future reference and can be produced at a later time as needed for depositions.

Office Analysis

After obtaining the required field information we began our research and analysis. We,

1. Prepared scale diagrams of the overall site,

2. Prepared scale diagrams of each vehicle,
3. Prepared our pre-impact diagram,
4. Prepared our post-impact diagram,
5. Prepared our visual obstruction diagram,
6. Combined all diagrams,
7. Calculated post-impact speeds for both vehicles,
8. Calculated pre-impact speeds for both vehicles,
9. Calculated post-impact speed from crush damage measurements, and
10. Prepared our per-second scale diagram.

Mathematical Calculations

The post impact speeds were calculated using accepted scientific formulae from Northwestern University's "Basic Motion Equations."

All approach and departure angles were measured via the scale diagram.

The pre impact speeds for both vehicles were calculated using the "Conservation of Momentum" basic equation and speed from crush damage.

The pre-impact speed for Ms. Jones was calculated to be 41 mph in a 40 mph speed zone. Her speed is not an issue in this case.

The pre-impact speed for Ms. Smith was calculated to be 53 mph in a 35 mph speed zone. Her speed is a confirmed negligence issue.

The overall "per-second" scale diagram confirmed neither driver had sufficient time and or distance to react from a first visibility position considering their respective pre-impact speeds. Each vehicle came into view at approximately the time required for both to perceive and then react to the situation. That is why neither car braked or tried to avoid. There simply was not enough time or distance for either to take any successful avoidance maneuver considering each driver's pre-impact speed.

I expect the "*who had the green light issue*" to be discarded in the future as neither driver will be able to provide sufficient creditable testimony to support their respective position. Therefore, that is no longer an issue in this case at this time.

The issue of "*improper lookout*" for either driver is no longer an issue as the mathematical analysis confirmed neither driver had sufficient time to react due to the visual obstructions and their pre-impact speeds.

However, “*excessive speed*” can be mathematically confirmed as a negligence issue for Ms. Smith. Therefore, had she been traveling at the posted speed limit instead of almost 20 mph faster, the accident would have been avoided.

It is my expert opinion that Ms. Smith’s excessive speed is proximate cause for this very serious accident.

Respectfully,
Texas Claims & Consulting Company

Ted Marules, Sr.
Accident Reconstruction Expert