

**Re-Examining Safety  
Expectations and Assumptions  
in a Litigious Society**

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**Prioritization**

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***Fisher v. County of Rock (1999)***

County Bridge 1939, as built condition wooden guard rail, blunt end, no approach guard rail.

Diagonal stripped sign.

Fatal crash into guard rail (5 previous).

Bridge replacement program:

sufficiency rating, ranking

weigh safety & economic factors

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***Wornson v. Chrysler (1989)***

- Burnsville: Hwy 13 and Burnsville Dump Road Rapid Growth – Cub
- Pulled out at stop sign and T-boned young girl/passenger brain injured.
- Suit v. MnDOT failure to install sign light.
- MnDOT priority system weighs available resources with safety

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***Gonzales v. Hollins (1986)***

- Signal replaced with stop sign for budget reasons

***Nguyen v. Nguyen (1997)***

- Scott County 42 & 83 left in front of oncoming traffic. Left turn lane and signal planned for 3 years.

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**Timing Of Work**

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**McEwen (1993)**

- Kitson Cty TH 32
- Double fatality RRX.
- Active flashing lights and stop signs that rotated to face motorists.
- Pavement markings covered by overlay.
- Several days for overlay to cure.
- July 4 holiday.
- Absence of gates: hazard index rating priority system.

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**TRAFFIC CONTROL DEVICES**

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**Ireland v. Crows Nest Yachts (1996)**

- failure to place speed advisory plate below “curve”;
- placement of stop ahead;
- failure to place a distance plaque below “stop ahead” (mandatory under MMUTCD)
- timing on replacement of rumble strips (do them all county wide for budget reasons)

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***Eischens*** (2000) (withdrawn by plaintiff)

- 169 and 282 Jordan
- Well signed – double flasher – prepare to stop
- Trucker – cruise control on
- Boone Iowa–Pipestone-Hopkins-WI
- Kills all American guy-ran bar-coached little league

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***Eischens (cont.)***

- Rumble strips worn down
- Two policies:
  1. rumble strips not regrooved until road resurfaced
  2. 2/2000: design manual – no rumble strips at signalized intersections.

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***Zank v. City of St. Paul*** (1996)

- Whether statutory immunity applies to sequence of traffic control signals at city intersection Dale/Como/Front
- 1-1.5 sec. all red clearance
  - configuration
  - signals
  - safety

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**Minnesota Courts Becoming  
More Demanding Of Amount  
Of Proof Required Of MnDOT**

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***Colin v. City of St. Paul* (2000)**

- City seal coats 154 miles of streets: oil and sand process. Seal 72 hours; excess sand removed 3-10 days.
- Before job, sign: "Tow away zone, no parking street oiling 7 am-5 pm."
- After oiling and sealing, signs removed
- No warning of excess sand
- Motorcyclist takes spill

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***Olmanson v. LeSueur County*  
(2004)**

- LeSueur County 21 – Shoreland Golf Course, 76" high cement culvert (golf carts)
- Snowmobiler hits it – no warning signs
- MnDOT manual recommends marking culverts 42", county generally doesn't mark off road culverts because 1) money; and 2) unnecessary risk and 3) disregard other more important signs

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***Leustek v. Carlton County (2005)***

Issue – whether county immune for its engineer’s decisions regarding soil suitability and stability

Plaintiff – MnDOT specs clear, ministerial

Court – engineer decides

classification of soils

whether material change

whether soil unsuitable/unstable

County immune

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**CONCLUSION**

Document what you do and why

Be patient with your attorney

Safety audit will go a long way

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