

Road Commission will improve R Avenue

BY RICHARD L. HALPERT

I have specialized in personal injury litigation for the last 28 years in Kalamazoo County. During that time, I have had occasion to sue the Kalamazoo County Road Commission as well as the State Highway Department. In the course of my practice, I have handled cases involving the deaths of young people on R Avenue.

I have read with concern and frustration the opposition to the changes the Road Commission proposes to bring R Avenue closer to modern standards of road design and construction. I am writing this letter for the purpose of wholeheartedly supporting the Road Commission's plan for revising R Avenue. Lives will be saved and horrible injuries avoided if we maintain the courage, despite public opposition, to do what is right.

I certainly understand the desire to keep R Avenue as beautiful as possible, especially when that desire comes from residents who live there. But in the process of opposing the changes, people have used rather specious arguments.

Myth No. 1: That the road is perfectly safe but it is only the abuse of young drivers which makes it unsafe. The road is not safe and does not conform to current thinking about the design and geometrics of appropriate roadways. This is true regardless of the particular use of the roadway.

Myth No. 2: That the accidents can be resolved by a combination of lowering the speed limit and regularly patrolling the road. This belies a basic misunderstanding of how speed limits are set (by the 85th percentile of actual use) and the limited budget of the Sheriff's Department. It would practically be necessary to assign one officer full time to patrol R Avenue at a time when the county is grossly understaffed because it is underfunded for police protection.

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Myth No. 3: "If they speed, it's their own fault." This argument is specious for two reasons. The first is that good road design always provides for a "forgiving roadway." Should we not have guardrails because if people speed it's their own fault? Should we not have warning signs about approaching curves, bumps in the road or other dangers? Good road design is always intended to take into account the congruence between a defect in the public highway and driver error (see, for example, Gorelick vs. Department of State Highways). Second, even if one car is exceeding safe traveling speeds, who is to say it will not lose control and strike another car of innocent people coming the other way? We have certainly represented a number of families who have lost loved ones under just this scenario. It is often not the drunk, the speeder or reckless driver who dies but the innocent person coming the other direction.

We lose one or two young people every year or two on R Avenue and the roads surrounding it. I have represented parents grieving over the loss of a child and who will never recover from this loss. Sociological studies show grossly disproportionate numbers of such parents dying at early ages from suicide, alcoholism and other results of the loss of a child.

No matter how beautiful is a tree, it cannot possibly be compared with the life of a child.

I hope that we will continue to have the courage to do what is right in road design and what is right for the citizens of the county despite loud and angry voices in opposition.

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