

## Entry 7 Burns Deposition

### DEPOSITION SUMMARY OF ALEX BURNS

I am the administrative engineer for Jamner County, Major. I have worked in this capacity for the County for the last two years. I became the County engineer 15 years ago.

I am a professional engineer. I received a Bachelor of Science in Civil Engineering from the University of Washington in 20XX-30. I became a licensed civil engineer the following year. I am familiar with the city and county design standards for the construction of urban and rural roads issued by the Major Department of Transportation. I am also familiar with the state, federal and local agency guidelines that apply to the design of county roads.

I was involved in the planning and design of the road maintenance project the section of Pioneer Road involved in the single car rollover accident which resulted in the death of Terry O'Brien.

In my capacity as county engineer, I was required to monitor the adequacy of the county roads, consulting the appropriate standards for use in doing surface repairs, rebuilding of the roadbed and the associated shoulder areas.

Pioneer Road is classified as a "rural major connector." I have performed average daily traffic surveys in two locations in this area every year between when I was first hired by the County and the date of this accident. The counting unit is preprogrammed by computer with site information, start and stop times and other classification data. At the end of the count period, the unit is picked up and downloaded into our computer database. The data then is evaluated to check the number of trips per day, which then tells us what level of repair and rehabilitation is required.

The amount of money available to any governmental agency for road repair and rehabilitation is limited. We must prioritize how the money is spent. The volume of traffic on any road is an important factor in this. Pioneer Road is a lesser priority for us, based on the traffic volumes.

The work going on out on Pioneer Road at the time of the accident would not be categorized as "reconstruction". This is a term of art that refers to additional capacity for the through traffic lanes. There was no increase to the capacity of Pioneer Road as a result of the work being done.

In that the work being done on Pioneer Road was only routine maintenance, resurfacing of the existing roadway, without adding capacity of the through traffic lanes, this does not require the same level of safety warnings or a signage as projects where the capacity of the road is increased. This accident occurred on a Friday, which is normally a day where our road crews have off. They work Monday through Thursday, ten hours per day. The regulations did not require us to have flaggers there, or warning or speed reduction signs.

I will admit that, with 20/20 hindsight, even though the requirements do not actually require us to have such safety measures, it might have been a good thing. Pavement edge drop-offs do present some hazard for unaware drivers. However, in that

Terry O'Brien traveled this road before and the rollover occurred in broad daylight, O'Brien should have known to slow down even without a sign.

Just to be on the safe side, the day after this occurred, I sent the County sign supervisor out to Pioneer Road, directing him to put reduced speed signs of 25 m.p.h. for traffic going in each direction, as well as "Caution – abrupt lane edge" signs in both directions. The sign supervisor felt a bit funny about this, feeling it might indicate an admission of fault. I do not agree that the county is at fault and just was acting with an abundance of caution. The law did not require us to put up signs.

In addition, over the last ten years, there have only been three rollover accidents along this ten-mile stretch of county road. None of these involved the same kind of dynamics as we had here, where the car veered from one side of the road to the other and then flipped. These other three accidents all involved cars pulling off to the shoulder and then rolling.

Based on the regulations for roadway maintenance, as well as my experience as County engineer, it is my opinion that Jamner County did nothing to contribute to this accident.