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Judge greenlights suit over Crestwood red-light cameras

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A Cook County judge last week gave the green light to a lawsuit challenging tens of thousands of traffic camera citations issued in the right-hand turn lanes of an intersection in Crestwood.

The village moved to dismiss the class-action in January, arguing plaintiffs have to first contest their respective tickets through the village before filing a suit and they do not have a private right of action to enforce the Manual on Uniform Traffic Control Devices.

The document was issued by the Federal Highway Administration in 1935 to specify standards that should be used to design, install and use traffic signs, road surface markings and signals. The state legislature initially adopted its provisions in 1995.

The village also argued the document only provides guidelines as to what can be done, not requirements. Additionally, Crestwood contended the Illinois Department of Transportation installed, approved and maintains the intersection, not the village.

Crestwood has issued more than 56,000 red-light tickets at the intersection as of Sept. 20, 2017, and collected more than \$3.1 million in revenue through July 2017, according to court documents.

Each citation carries a \$100 fine.

Cook County Circuit Judge Pamela M. Meyerson on June 28 determined the case could proceed.

The class-action lawsuit was filed in October 2017 by three people who were ticketed for red-light violations in the right-hand turn lanes at the intersection of Cicero Avenue and Cal Sag Road that year.

Cicero Avenue runs north and south and Cal Sag Road runs northwest to southeast, intersecting with Cicero at a roughly 45 degree angle.

Each right-turn lane on Cicero is separated by concrete islands with single solid white stop bars and signs reading "stop here on red" and "proceed with caution," according to the complaint.

The suit contends there is no traffic light for the right-turn lanes from Cicero onto Cal Sag Road in either direction. The signals for through traffic on Cicero do not control the turn lanes, the complaint states.

If there is no traffic light or sign present drivers are only required to yield to moving traffic before turning onto Cal Sag Road, however drivers are being ticketed anyway, according to plaintiffs' attorney Thomas A. Zimmerman Jr. of Zimmerman Law Offices P.C.

Plaintiffs' expert Timothy G. Galarnyk, of Construction Risk Management Inc., wrote in a letter to Zimmerman that the signals controlling the right-turn lanes at the intersection do not meet the Manual on Uniform Traffic Control Devices because there are no "clearly visible" traffic signals when a driver is at the right-turn lane and the solid white stop bar does not have a stop or yield sign, as required by the manual.

Because of these reasons, Galarnyk said any citations issued at the "right turn on red" at the intersection are in violation of the Manual on Uniform Traffic Control Devices and must be void.

Zimmerman said the complaint seeks three things: judgment declaring there are no traffic control devices controlling the right-turn lanes on the intersection; injunctive relief so the village can no longer issue tickets in the turn lanes at the intersection; and refunds for those who have paid red light tickets.

"It's extremely significant that the judge found as a matter of law that we have stated a valid claim and that the lawsuit can proceed on the causes of action in the complaint," Zimmerman said. "Now it's simply a matter of determining how many tickets were issued and the amount of revenue that Crestwood collected and proceeding to have that refunded to the motorists."

Despite Meyerson's decision, defense attorney Daniel L. Stanner of Tabet DiVito & Rothstein LLC said he expects the judge to grant their motion for summary judgment.

"The court's ruling addressed preliminary pleading issues. We expect that the court will ultimately grant summary judgment to the [v]illage because IDOT designed the intersection, IDOT and its outside engineer thoroughly reviewed and approved the red-light cameras and plaintiffs concede that the red lights are visible from the stop line," Stanner wrote in an e-mailed statement.

The class is also represented by Nicholas J. Hagman; Sharon A. Harris; and Matthew C. De Re of Zimmerman Law Offices P.C. as well as Mark D. Roth and Robert W. Fioretti of Roth Fioretti LLC.

The village is represented by Caesar A. Tabet and Melody L. Gaal of Tabet DiVito & Rothstein LLC.

The case is *Rosie Jones, et al., v. Village of Crestwood*, 17 CH 13401.

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