

How The Traffic Engineer Can Assist The Traffic Court Judge

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The Four E's

Most experts, as well as laymen, consider traffic safety as the cooperative effort and responsibility of the four E's, *education, enforcement, engineering, and enactment*. Each of the first three E's appears to be much more interested in the fourth E, *enactment*, than in the other two areas of responsibility.

Far too many courts lack interest in either education or engineering. This also can be applied to the police departments. In too many instances educators are indifferent to the courts, police and engineering. Not desiring to point an accusing finger, it is felt that traffic engineering falls as short of perfection in this regard as the other fields of responsibility in traffic safety. If, indeed, traffic safety is a cooperative effort, then cooperation would entail coordination, and coordination demands some degree of understanding of the total program by each of the specialized fields.

The *National Standards for Improving the Administration of Justice in Traffic Courts* suggest that the traffic court judge become familiar with traffic engineering. That is to say, he should be familiar with the basic elements of traffic engineering, but shouldn't try to be an engineer. We have other standards suggesting the traffic judge become familiar in other areas of the traffic safety program, the same as in the case of engineering. These standards were designed to provide a broader background for traffic court judges.

When first contemplating this paper, *How The Traffic Engineer Can Assist The Traffic Court Judge*, thoughts on the matter were somewhat superficial. It is not the type of thing that automatically presents itself. However, after only brief reflection on the subject, there were a number of points which readily became obvious wherein the traffic engineer can be of substantial assistance to the traffic courts.

Judge and Traffic Engineer Should Establish Liaison

In how many communities have the traffic courts and the traffic engineer established effective liaison? My own estimate would be less than one-half of the courts, particularly the municipal courts. Why have not all of the traffic courts established good communication with the traffic engineering departments of their governmental level? The answer is simple—there is no prime responsibility as to *who* initiates the contact between them. A traffic engineer should take it upon himself and should make it known to the traffic court judge, or judges, that he is available. An invitation to lunch is a good entree for this purpose, and since everybody has to eat, and the atmosphere is usually relaxed, it is a good time and place for a visit and light discussion which can lead to other visits and exchanges of information.

How much should a traffic engineer try to impart to a judge? This depends upon the judge, his background, and his practical understanding of traffic engineering.

In the field of law the engineer is a layman who must know something about law, particularly the traffic laws. The same is true of the lawyer-judge in the field of traffic engineering. He, nevertheless, is a *layman* in the traffic engineering field. There are many things that he does not know that he should know.

Judges Must be Familiar With Traffic Control Devices

One of the most important items with which a judge should be *thoroughly* familiar is that concerning traffic control devices, signs and signals. The engineer can explain red, amber, and green phases and the scientific mathematical justification for them. It is likewise important that the traffic court judge understand what warrants are required before signals are installed in certain locations.

The traffic court judge needs to know the basic considerations as to where and when a person must make a decision necessary to prevent a sign or light violation. He should understand these basic considerations in order that he may determine their validity for himself. In the case of the amber light in the conventional intersection signal, it is well for the judge to know the duration, and whether or not there are variances in duration for different types of intersections. In this regard he would also need to know the average width of a two-way intersection. It is important to the judge in the administration of traffic court justice that he know the exceptions or variances in intersection signal times, and the reason for such variances. He needs to know if the cycles of intersection signals are consistent as to both between different intersections, and the same intersection at different

times of day. All of these things may become extremely important to the court in determining how a traffic case should be decided. To the good judge, every traffic case is important! All too frequently the officer's testimony does not include engineering facts. In far too many communities the officer is not qualified to come up with a ready answer. Whether this is a police training problem or a shortcoming of the engineer, the judge doesn't know.

Judges Must Know Warrants for Traffic Signs

Many judges do not know the warrants required for the erection of stop signs of all types. It is not enough for the judge to know the law concerning four-way, two-way and one-way stop signs, but the law should be bolstered with factual knowledge as to what determines the need for each particular type of sign. Many times, as a lawyer, I have taken laymen for granted. That is, I have assumed that they were aware of basic laws and regulations when, in fact, they were not. The same is true of the judge. Assuming that the judge is a driver, that he is eager to learn, and that he is generally familiar with the rules of the road and most traffic control devices, he is still a layman. The traffic engineer is a source of information that can materially aid him in the administration of justice.

A good item for discussion would be the comparative merits of stop signs and yield signs. Why is a "Yield" sign erected instead of a "Stop" sign? What governs the decision in erecting a "Yield" sign over a "Stop" sign? Many persons do not understand the meaning of "Yield" signs. Recognizing this lack of understanding, some cities have erected instructional signs underneath the familiar "Yield" triangle. Recently observed in Skokie, Illinois, was a square white instructional sign on the post below the "Yield" sign containing these words, "This means slow down and watch for other traffic."

Judges are human beings. Judges are subject to the same likes and dislikes as the rest of us, including engineers. Many of them can recall examples of bad traffic control devices that seemed to harass rather than to protect. In Chicago, I cross through a large city park in order to reach home from the office. Until three months ago there were no traffic control devices in the park. About that time there were three stop lights installed at different intersections in the park. The lights are not synchronized and cause traffic congestion. It takes almost five minutes longer to reach my home. Other persons taking the same route also complained about time loss. However, most of them look at this situation from their own viewpoint. Actually the lights were installed because heavy traffic was diverted from the South Shore Drive

due to construction. The lights are well synchronized for the cross traffic, which is the heaviest traffic, and this is as it should be. Nonetheless, it's human nature to look at the traffic situation from a personal viewpoint. Generally, this is also true for judges.

When discussing traffic engineering with judges, it would be well to stress that the importance of signals will increase or decrease on the basis of enforcement adequacy. We all can appreciate that signals are without meaning when they may be disobeyed with impunity. It is important that the judge have a realistic appreciation of the functions performed by signals and other traffic control devices.

The writer has been concerned with traffic courts and traffic laws for many, many years. Having been a prosecutor and having presided over a traffic court many years ago, and having devoted recent years entirely to the traffic problem, traffic courts, the education of traffic court judges and prosecutors, I should be generally familiar with the activities in the field. However, looking into the engineering phase of traffic safety, I find that my own experience and education is inadequate.

Most things which are done by traffic engineers are done because of regulations and standards. These regulations and standards surely are based upon facts which the writer does not understand, and which most traffic court judges would not understand. Why are instructional and "Stop" signs erected at certain places and at certain heights, for that matter?

Judges need to know more about parking regulations and standards. They can readily understand why no parking is permitted at alleys and driveways, and why parking is prohibited at fire plug locations.

Most judges need to review with the traffic engineer the problem of lane markings. Judges need to be told why, if obeyed, lane markings produce safer use of the highways and increase the capacity and efficiency of our streets and highways.

Judges Find Speeding Most Frequent Violation

The last item is, perhaps, the most important item. Speed is the most frequent violation faced by the traffic court judge. Speed, variations in speed, conditions present, speed zones, and many other speed factors face all traffic courts far more than any of the other violations. To the man-on-the-go and to the impatient, the speed zone sign is a genuine annoyance. Sometimes it is found that this annoyance is justified. Recently on a trip through a southern state, 20- and 25-mile per hour speed limits were observed through most of the towns. These

limits were encountered even though many of these cities were bisected by modern multi-laned highways.

On another occasion the author drove over a turnpike at the high speed of 70 miles per hour, while cars were passing every mile of the way and doing so within the speed limit, which was 80 miles per hour. It is hard to believe that the average automobile is safe at 80 miles per hour. This leads me to wonder if the engineers who suggested 80 miles per hour for this highway were aware of the general psychological reaction of the public to a speed limit, that a speed limit to the majority of people is an indication of what they will drive on a given road, and not, in fact, the maximum speed permissible.

A traffic engineer desiring to make a real point with a judge should invite the judge to a consultation for court cases in which engineering is needed. This is not apple-polishing, because there are times when the traffic court judge recognizes an engineering problem by the graphic example that comes only before the judge and is not brought to the attention of a traffic engineer.

Many times it is the judge who notices that a great number of people are arrested for speeding on a particular stretch of road where the speed limits are very low and seemingly, to the judge, such limits are not justified. The continual appearance of such cases from the same location often leads the traffic court judge to be more lenient. In this instance the judge may not be doing the right thing. He should contact the traffic engineer. He should find out for himself the reason for the imposition of the speed limit in question. If the traffic engineer can not satisfactorily explain it to him, perhaps it is an indication that a review of a particular road situation is required. Perhaps poor enforcement policies may be involved. Whatever the fault or wherever the blame, if any, the engineer is indispensable in this type of situation.

Judges Can Help Traffic Engineers

Often it is the traffic court judge who has demonstrated to him time and time again through violations appearing in his court, that there is a dangerous intersection caused by an obstruction which may be overcome through traffic engineering. These matters should be properly conveyed to the traffic engineer by the traffic court judge.

Often badly located or mislocated signs may be known by the traffic court judge and not known by the traffic engineer. These are usually the street signs that were erected by the present traffic engineer's predecessor. Anyway, that is a good excuse to give. As I understand it, in most places traffic engineers and city managers seem to be expendable.

Conclusion

The good traffic court judge who devotes his entire life to being a judge is genuinely interested in the good administration of justice. If, in fact, your traffic court judge is one of those who is interested in the good administration of justice, the end result will be the improvement of the safety climate of your community commensurate with each improvement in your traffic court. The traffic court is the end of the line for everything that you do in the way of traffic engineering and traffic control. Even the shape of the road, direction of the road, and material used in the road surface at some time become vital subjects in the traffic court. You are an important link in the partnership of the courts, the educators, the enforcement agencies and legislative bodies in the seemingly insurmountable task of achieving better—much better—traffic safety in this country. If knowledge of our partner's business is of any importance, then we can safely recognize that we each need to be both educators and educated in the over-all traffic safety field.