



ZACHARY D. PORTER/DAILY REPORT

**Randy Edwards**, for the family of Jamie Webb: The road was resurfaced at a cost of \$1.8 million, but the short strip that was the source of the problem could have been fixed for about \$200,000.

# GDOT agrees to second settlement

**FAMILY OF WOMAN KILLED** on same stretch of highway that was cited in separate settlement to receive \$1 million

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FOR THE SECOND TIME this month, the Georgia Department of Transportation has agreed to pay a seven-figure settlement because of an accident caused by the same stretch of dangerous roadway in Cherokee County. Together, the two settlements total \$2.5 million. Plaintiffs' lawyers say the DOT was warned by county officials before the accidents that the roadway was dangerous and could have made repairs for \$200,000.

The latest settlement, negotiated before a lawsuit was filed, pays \$1 million

to the family of a 21-year-old mother who was killed on Highway 20 west of Canton, according to the family's attorney, R. Randy Edwards of Cochran & Edwards in Smyrna.

Edwards said the DOT agreed to the settlement with the estate of Jamie Leighann Webb, who was killed when her westbound car hydroplaned on a slick, wet stretch of pavement known as Knox Bridge Highway between Knox Bridge and Fields Chapel Road and hit a tractor-trailer truck headed east.

She was rushed by ambulance to Kennestone Hospital. "She lost control of the

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### GDOT agrees to second settlement over stretch of roadway

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vehicle because the condition of the roadway is unreasonably dangerous and slick in that area," Edwards said in a letter to the Georgia Department of Administrative Services Risk Management Division. "Mrs. Webb was ejected from the vehicle and suffered grievous injuries which resulted in her death."

The settlement does not include the injuries to Webb's infant son, then 6 months old, who was "partially ejected from the vehicle and suffered life-threatening injuries," the letter said. The crash fractured the baby's neck and femur, according to Edwards, who plans to proceed with a lawsuit for the child when he is older and

more is known about how the injuries affected him. Edwards' letter claims another \$1 million of loss for the child.

Webb also had a 2-year-old daughter and a 21-year-old husband who were not in the car.

Webb was killed on April 10, 2009, nearly a year after another crash in the exact same stretch of roadway that recently led to a \$1.5 million settlement with the Georgia DOT, according to the attorneys in that case, David M. Zacks and Melinda C. "Mindy" Pillow of Kilpatrick Stockton. (The first case was described in the *Daily Report* Oct. 15.)

The Kilpatrick Stockton client is Tameche Brown. She was traveling east on the same road headed to work when a westbound truck driven by Dr. Gregory Crawley hydroplaned and crossed the center line on a slick wet, curved slope, just as Webb's car did a year later. When Tameche was hit, she was seven months pregnant. Her injuries led to premature emergency

delivery and neurological damage to her child, Miracle, who survived but suffered disabling effects.

The attorneys in both cases also cited a 2007 crash in the same spot in which a 9-year-old girl, Taylor Rainey, was killed when her mother's Mercedes SUV hydroplaned in front of a dump truck.

"It all stemmed from a defective patch that the Department of Transportation put on the road in 2006," said Edwards. Traffic wore down the rocks in the patched pavement within a few months, leaving nothing but tar on an uphill, curved road, according to Edwards, who called it "an accident waiting to happen."

"During wet and rainy conditions, when vehicles are traveling up hill from the Knox Bridge in the right, or outside, westbound lane of the Knox Bridge Highway heading towards Fields Chapel Road, there is an excessively slick portion of that lane which causes them to lose traction in their drive-side wheels, resulting in a spin-out and loss of control of the vehicles. Since the vehicles are already turning to the left as they round the curve in the roadway, the loss of control results in the vehicles crossing into the oncoming traffic lane, resulting in collisions," Edwards' letter to the DOT said.

Edwards' letter to the state also included a letter detailing the problem that Norman Hall, commander of the Cherokee County Traffic Enforcement Unit, sent to the DOT May 29, 2008, following the Brown wreck but nearly a year before Webb's fatal crash.

Hall's letter described "one of the deadliest roads in the county," scene of several fatal and many serious wrecks. The commander went on to report, "The aging of the roadway creates extremely hazardous travel conditions, especially when the surface becomes wet. The surface has worn down to the stones, which are

polished, and when wet, results in a surface that is highly slippery, and the resulting vehicle accidents are normally very severe, with fatalities and serious injuries being the end result, not to mention the enormous amount of damage. Hydroplaning under wet conditions is the leading factor in these accidents."

Hall requested the "immediate re-surfacing" of the road.

DOT District Engineer Kent L. Sager wrote a letter in response to Hall's request on June 8, 2008, saying the section of State Route 20 was scheduled for bids in July 2008. Sager's letter went on to say, "Please be aware that although these sections are of top priority to the district, they also compete statewide against other resurfacing projects and with limited financial resources to accomplish all the resurfacing needs."

Edwards said the road was finally resurfaced this year, under a contract awarded in February 2010, at a cost of \$1.8 million for a nine-mile stretch of highway. However, Edwards said the much shorter strip of pavement that was the source of the problem could have been resurfaced for about \$200,000.

The two settlements total \$2.5 million.

The attorney who represented the DOT in the settlements, G. Michael Banick of the state attorney general's office, said he could not talk about any cases and referred the call to the attorney general's press contact, Russell Willard. Willard did not return the call, but in an e-mail suggested calling the DOT. DOT press secretary David Spear has not responded to calls.

Edwards concluded: "The department of transportation needs to act responsibly when they have knowledge of a serious, dangerous situation on one of its roads. In this case, the DOT completely failed." ☞

#### Request for Proposal

## Outdoor Warning Siren System

### RFP 11-302

Due Date

October 29, 2010 10:00 a.m.

The City of Sandy Springs is requesting submittals from interested parties for our **Outdoor Warning Siren System**. The Request for Proposal for the Outdoor Warning Siren System is available by visiting our website at [www.sandyspringsga.org](http://www.sandyspringsga.org).