

NAMIC CLAIM ARBITRATION COMMITTEE

CASE NO.: 00-0000

Petitioning Company Name)
(Insured) (.....**Petitioner**
Claim No.: 333-444-555)

Vs.

Respondent Company Name)
(Insured) (.....**Respondent**
Claim No.: 99999999)

The Petitioner presents a collision subrogation claim in the amount of \$1,050 which does not include a \$250 deductible.

Respondent answers and presents no counterclaim.

The State of Illinois has adopted a “not greater than” form of comparative negligence which permits Petitioner to recover as long as his negligence does not exceed 50%.

FACTS

This collision occurred on February 10, 1999 at 6:17 p.m. at the intersection of Ridge Street and East Broadway. At the time, Petitioner was traveling North on Ridge Street and Respondent was traveling East on East Broadway. The Respondent’s front end struck the left side of the Petitioner’s vehicle. Both drivers claimed to have had a green light at this controlled intersection.

PETITIONER’S CASE

Petitioner’s file consists of:

1. Denial
2. Evidence of Payment
3. Police Report
4. Photos of Damage
5. Witness Statement
6. Legal Items

Petitioner’s contentions include the following:

“This accident occurred on February 10, 1999, at the intersection of Ridge and Broadway in Alton, Illinois at approximately 6:17 p.m. The weather was clear and the road was dry.

The intersection of Broadway and Ridge is controlled by traffic lights.

The Petitioner was traveling northbound on Ridge. Petitioner entered the intersection on a green light.

The Respondent was traveling eastbound on Broadway. Respondent entered the intersection on a red light and struck Petitioner's vehicle on the driver's side broadside.

An independent witness confirms Petitioner's version of this accident. Witness's statement is attached. The witness was traveling in the opposite direction of the Respondent on Broadway. The witness was stopped for the red light at the intersection. The witness said that Respondent stopped across the intersection. According to the witness, the Respondent entered the intersection before the light turned to green.

As a result of Respondent's actions, Petitioner's vehicle was damaged.

The proximate cause of this occurrence was Respondent's failure to obey the traffic-controlled device in violation of Statute of 625 ILLS 5/11-305. Further, Respondent failed to keep a proper lookout before entering the intersection.

Wherefore the Petitioner prays that an award be entered in Petitioner's favor for the full amount claimed."

RESPONDENT'S CASE

The Respondent's file consists of:

1. Police Report
2. Respondent's recorded statement
3. Scene photos
4. Respondent's vehicle photos

Respondent's contentions include the following:

"This accident occurred February 10, 1999 in Alton, Illinois at the intersection of east Broadway and Ridge. The intersection is controlled by a red and green traffic signal. There are left turn arrows for both east and westbound traffic. Respondent's vehicle was traveling eastbound on Broadway. The Petitioner was northbound on Ridge. Each driver advised the Alton police officer the traffic signal was green for their direction of travel. The police officer could not find an independent witness and issued no citations.

The Petitioner has now found a witness even through the police officer on the scene of the accident was unable to do so. Also, the Petitioner in the contentions indicate the alleged witness was westbound of Broadway. From his westbound position on Broadway he would be unable to see any of the traffic lights facing the eastbound Respondent. It is the opinion of the Respondent that there is no evidence of any wrongdoing on the part of the Respondent and therefore, the Petitioner should be barred from any recovery.

REMARKS

The parties are in agreement as to the date, time and location of the accident and the Committee accepts these facts as true.

It is Petitioner's contention that Respondent was the sole and proximate cause of the accident for having failed to stop at a red light. Respondent contends that the light was green when it entered the intersection and denies all liability.

Although this accident was investigated by the Alton Police Department, no citations were entered since both drivers claimed to have entered the intersection on a green light and there were no independent witnesses found at the scene.

However the Committee does note that Petitioner has provided a witness statement from an independent witness who fully corroborates Petitioner's version of the accident. The witness was stopped at the intersection on the opposite side from Respondent's vehicle. Although he was unable to see the color of the light for Respondent due to his location, he contends that the light for him was red at all times and that it appeared Respondent operator pulled into the intersection while the light was clearly red for all westbound traffic.

The Committee notes that neither party has provided evidence of the sequencing of the light in question. However, Committee takes note that typically traffic lights are the same color for traffic traveling from opposite directions.

The Committee notes that the witness is totally disinterested, as he was not acquainted with either driver. Witness's statement states in part:

Q: Now, again tell me what the driver of the 1993 Chevy Corsica did, this XXXXX?

A: He, he thoroughly surprised me because we were both sitting a at a red light.

Q: Uh

A: And then this other car starts to come through and I could not believe it at the time, because I remember thinking that he must have thought something had changed but it was a red light that he, he proceed to go through the intersection before it had turned green. It was still red.

Q: Okay, Now at the time he proceeded into the intersection how far was the Chevy Celebrity from entering the intersection?

A: It had entered the intersection."

This Committee finds the disinterested witness's statement to be the most credible evidence presented and finds Respondent to be at-fault for having failed to maintain a stopped position while the light was red for his lane of traffic.

The Committee further finds no comparative negligence on the part of the Respondent.

DECISION

The Committee having found Respondent 100% liable awards Petitioner 100% of its damages or \$1,050.

Decision: 3 to 0.