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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MATS JARLSTROM, an individual,

Plaintiff,

v.

CITY OF BEAVERTON, an Oregon municipal
corporation,

Defendant.

Case No.:

COMPLAINT

(42 U.S.C. § 1982)

Plaintiff alleges:

INTRODUCTION

1. This is a civil rights case under Section 1983 of the Civil Rights Act of 1964, 42 U.S.C. § 1983. Plaintiff challenges the legality of the City of Beaverton's yellow light intervals at signalized intersections, which are too short to comply with the Oregon Vehicle Code governing traffic control devices and expose plaintiff, other residents of the City of Beaverton

and visitors to the City to serious risk of injury or death when attempting to cross these intersections as pedestrians or in a vehicle.

JURISDICTION AND VENUE

2. This Court has jurisdiction by virtue of this case arising under the provisions of a federal civil rights statute, 42 U.S.C § 1983. Venue in this district is proper under 28 U.S.C. § 1381 because the City of Beaverton transacts business within this district and the events giving rise to plaintiff's claims occurred within this district.

PARTIES

- 3. Plaintiff Mats Jarlstrom is an individual and resident of Beaverton, Oregon.
- 4. Defendant City of Beaverton is an Oregon municipal corporation.

FIRST CLAIM FOR RELIEF
(Section 1983 Civil Rights Claim)

- 5. Plaintiff realleges paragraphs 1 through 4 above.
- 6. Defendant City of Beaverton operates multiple traffic control devices throughout its jurisdiction and has the final authority over the timing of yellow light and red light intervals at signalized intersections within its boundaries.
- 7. The Oregon Vehicle Code at ORS 811.260(4) defines the legally authorized response of a driver who sees a yellow light while approaching a signalized intersection as follows:

A driver facing a steady circular yellow signal light is thereby warned that the related right of way is being terminated and that a red or flashing red light will be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none, shall stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may drive cautiously through the intersection.

8. To comply with ORS 811.260(4), the traffic control devices at signalized intersections in Oregon must provide sufficient time for the duration of the steady yellow light interval for the driver, who is too close to the intersection to stop safely, to drive cautiously through the intersection.

9. The City of Beaverton is required to provide a yellow light interval in its signalized intersections that complies with the Oregon Vehicle Code by providing sufficient time for the driver, who is too close to the intersection to stop safely when the yellow light illuminates, to drive cautiously through the intersection. In fact, the duration of the yellow light intervals utilized by the City of Beaverton are too short to allow a safe stopping distance for vehicles that are too close to the edge of the intersection to stop safely when the yellow light first illuminates.

10. In addition, at its red light camera enforced signalized intersections, the City of Beaverton is illegally issuing tickets in violation of the Oregon Vehicle Code in the following particulars:

- a. Issuing tickets to drivers without providing a grace period equal to the 0.4 second maximum variance error that is a combination of the minimum error of 0.1 second in the red light camera system provided by defendant's vendor Redflex and the traffic light equipment error (controller and LED lamps) of up to 0.3 seconds; and
- b. Issuing a ticket to every driver whose vehicle is photographed in the intersection when the light turns red despite the fact that drivers who are too close to the intersection to stop safely when the yellow light first illuminates do not have sufficient time – even at the posted speed – to drive through the intersection before the red light illuminates.

11. For drivers intending to make a right turn at a red light camera enforced intersection in Beaverton who are too close to the intersection to stop safely when the yellow light illuminates, the illegally short duration of the City of Beaverton's yellow light intervals

guarantees that all of these drivers will be issued tickets. This is because a vehicle must decelerate to make the right turn and will not have sufficient time to clear the intersection and make the right turn before being photographed by the Redflex camera system. As a result, the number of tickets issued to drivers making right turns at Beaverton red light camera enforced signalized intersections has increased dramatically since the Redflex camera systems were installed, virtually all of which were issued in violation of the Oregon Vehicle Code.

12. The City of Beaverton's unlawfully short yellow light intervals also expose pedestrians, drivers and vehicle passengers to serious risk of physical injury or death because pedestrians and/or the vehicles may be entering the intersection with a green light before a vehicle attempting to safely drive through an intersection during the yellow light interval has sufficient time to accomplish that transit.

13. As an example, the intersection at Southwest Allen Boulevard and Lombard Avenue is programmed to provide a 3.5 second yellow light interval. As demonstrated by the diagram attached as Exhibit A, the driver of an automobile travelling eastbound on Southwest Allen Boulevard at the posted speed of 30 mph that is 141 feet from the intersection stop line when the yellow light illuminates, who does not instantly brake (within one second) and come to a complete stop, will be in the eastern crosswalk at the point where the northbound light has turned green and a pedestrian would have the signal to enter the crosswalk. This 3.5 second yellow light interval violates ORS 811.260(4) by failing to provide adequate time for the driver to drive through the intersection safely.

14. In utilizing the Redflex red light camera system at signalized intersections with illegally short yellow light intervals at those intersections, the City of Beaverton is unlawfully

generating substantial revenues from traffic violations while at the same time compromising public safety.


15. In the operation of its signalized intersections, the City of Beaverton should be preliminarily and permanently enjoined from maintaining a yellow light interval at any signalized intersection, including red light camera enforced intersections, that is too short to allow a driver, who has insufficient time to stop when the yellow light illuminates, sufficient time to drive through the intersection safely.

WHEREFORE, plaintiff prays for judgment against the City of Beaverton on his First Claim for Relief for preliminary and permanent relief as alleged above and for his attorney's fees, costs and disbursements incurred herein.

DATED this 13th day of May, 2014.

HAGLUND KELLEY LLP

By:

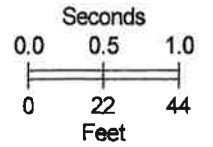


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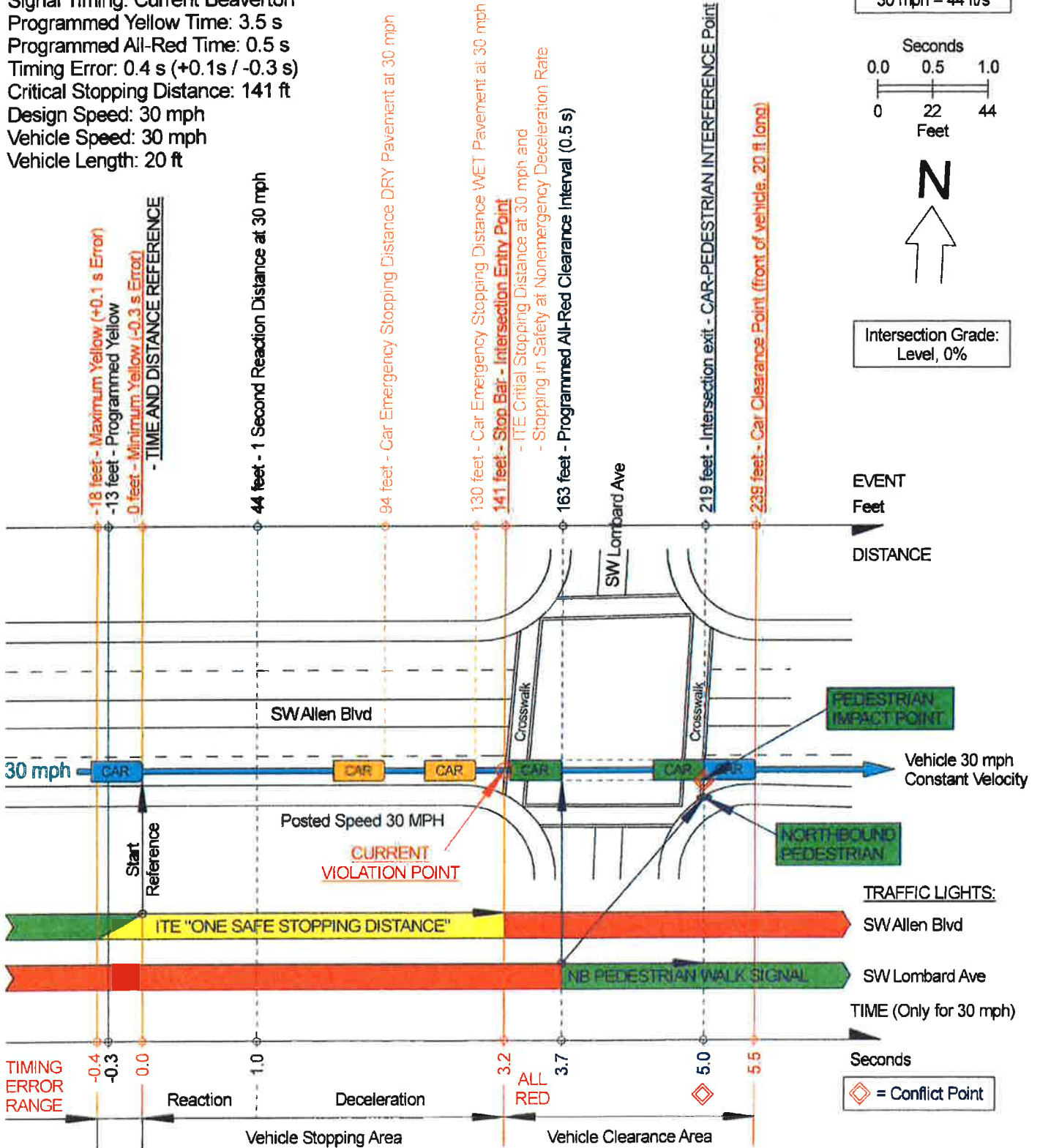
INPUT DATA:

Signal Timing: Current Beaverton
 Programmed Yellow Time: 3.5 s
 Programmed All-Red Time: 0.5 s
 Timing Error: 0.4 s (+0.1s / -0.3 s)
 Critical Stopping Distance: 141 ft
 Design Speed: 30 mph
 Vehicle Speed: 30 mph
 Vehicle Length: 20 ft

Speed/Time Scale:
 30 mph = 44 ft/s



Intersection Grade:
 Level, 0%



30 MPH VEHICLE Speed - Current Beaverton Yellow Change Interval - EB SW Allen Blvd, Beaverton
 Scaled drawing showing vehicle stopping distances, interference(s), violation point(s) and errors related to intersection and traffic signals.

Exhibit A