

Family to file lawsuit against city of Rockville

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The family of a Thomas S. Wootton High School student who was struck by a car in February while crossing Wootton Parkway in front of the school is threatening to sue the city of Rockville.

David Tansey was struck by a Jeep Cherokee in front of the school on Feb. 15. Tansey, who was 17 when the accident occurred, suffered a concussion, a severe cut to his lip, and other various bruises all over his body, said the teen's father, Robert Tansey, at the time of the accident.

The jeep was traveling the same route as a vehicle that struck and killed Wootton student Howard Van Horn in 1999, according to a letter detailing the possible suit from Tansey's attorney Steven Van Grack.

At the time, police said the Jeep was traveling at the posted limit of 35 miles per hour.

The potential lawsuit against the city of Rockville is about traffic safety on Wootton Parkway. The Tansey family says the traffic control devices the city installed following the accident where Van Horn was killed were not enough, according to the letter. The suit, barring a settlement agreement, would seek the addition of rumble strips or a similar traffic calming measure on Wootton Parkway, according to the letter.

Last year, \$250,000 worth of improvements were made to the stretch of road in front of Wootton including the installation of a sensor-activated stoplight and a pedestrian signal at the Rockshire Shopping Center that leases parking spaces to Wootton students.

There is also a new right-turn lane leading into the lower parking lot of the school and an adjusted speed limit from 35 to 25 mph for the half-mile section of Wootton Parkway leading to the high school during school hours.

VanGrack sent a letter to Rockville Mayor Rose G. Krasnow indicating his firm was representing Tansey, and "intended to file a lawsuit," the letter states.

The family has also contacted the insurance company of the driver seeking money for medical expenses and a "modest" amount for pain and suffering, VanGrack said in a telephone interview.

The city cannot comment on any pending legal actions, said city spokesman Neil H. Greenberger, but he noted that a group of citizens has been involved in examining safety measures for Wootton Parkway. In addition, the city is looking into doubling speeding fines in all of its school zones, Greenberger said.

The suit could be based on a legal theory of "inadequate traffic control devices," VanGrack, a former mayor of Rockville, said. He also said he has been involved in several similar cases.

Court action is not the goal of the lawsuit, VanGrack said, but rather to put some leverage on the city to make safety improvements to the road.

The family is seeking safety measures because they don't want to see other kids hit by vehicles at that location, VanGrack said.