

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10-CVS-19930

**BRIAN CECCARELLI and LORI MILLETTE,**  
individually and as class representatives,

Plaintiffs,

v.

**TOWN OF CARY**

Defendant.

POST-TRIAL AFFIDAVIT OF BRIAN  
CECCARELLI

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BRIAN CECCARELLI, being first duly sworn, deposes and says

1. The undersigned affiant is a Plaintiff herein. I have personal knowledge of the facts hereinafter stated and am competent to testify as a sworn witness to the matters contained herein. I am over the age of 18 years.
2. The evidence is that about 50% of all drivers cited at all intersections in question ran the red light by one fifth to one half second. (The Town of Cary does not cite drivers running the red light less than one fifth second.) Because data was supplied to the Plaintiff the last business day before trial, it is now possible to identify those drivers who entered each intersection in 0.50 seconds or less after the red interval began.
3. At the intersection of Cary Towne Boulevard and Convention Drive between December 2, 2009 and March 19, 2010 40% of the red light violators ran the red light under a half second: 139 drivers ran the light in 0.50 seconds or less. Out of the 139 drivers, 117 citations were paid in full.
4. The Town of Cary varies the yellow change interval for left turning movements (protected versus permitted modes) on a cycle-to-cycle basis. This practice does not conform to ~~an~~ MUTCD standard. The length of the steady 'circular yellow' or 'yellow arrow' for the vehicular traffic facing the indication cannot vary from cycle-to-cycle. (See 4D.17 *Standard* Para 07<sup>1</sup>, 4D.26 *Standard* Para 09<sup>2</sup>, 4D.04 *Standard* Para 3.B<sup>3</sup> and 1A.13 *Standard* No. 258<sup>4</sup> and together.) The MUTCD assigns a yellow change interval to a specific traffic movement, not to a phase.
5. By varying the yellow change interval from protected to permissive phases within the cycle, from the point of view of the left-turning driver who goes through the same intersection more than once – there is unpredictability as to the length of the yellow

change interval. To him it changes on a cycle-to-cycle basis. Sometimes the driver gets a 3.0 second yellow change interval. Sometimes he gets 4.5 second yellow change interval.

This the 11 day of February, 2013.

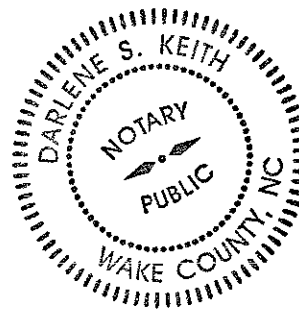
  
Brian Ceccarelli

STATE OF NORTH CAROLINA,  
COUNTY OF WAKE  
Sworn to and subscribed before  
me this 11 day of February, 2013.



Notary Public

My Commission Expires: 8-5-17



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<sup>1</sup> A yellow change interval for the left-turn movement shall not be displayed . . . This sentence binds yellow change intervals to movements, not to phases.

<sup>2</sup> The duration of a yellow change interval shall not vary on a cycle-by-cycle basis within the same signal plan.

<sup>3</sup> Steady yellow signal indications shall have the following meanings:

1. Vehicular traffic facing a steady CIRCULAR YELLOW signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be displayed immediately thereafter when vehicular traffic shall not enter the intersection. The rules set forth concerning vehicular operation under the movement(s) being terminated shall continue to apply while the steady CIRCULAR YELLOW signal indication is displayed.

2. Vehicular traffic facing a steady YELLOW ARROW signal indication is thereby warned that the related GREEN ARROW movement or the related flashing arrow movement is being terminated. The rules set forth concerning vehicular operation under the movement(s) being terminated shall continue to apply while the steady YELLOW ARROW signal indication is displayed.

<sup>4</sup> Yellow Change Interval -- the first interval following the green or flashing arrow interval during which the steady yellow signal indication is displayed.

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10-CVS-019930

BRIAN CECCARELLI and LORI MILLETTE,  
individually and as class representatives,,

Plaintiffs,

v.

TOWN OF CARY

Defendant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **POST-TRIAL AFFIDAVIT OF BRIAN CECCARELLI** was served on the defendant's counsel in this action by depositing a copy of the same in the United States Mail, first-class postage prepaid, and addressed as follows:

Martineau King PLLC  
Elizabeth A. Martineau  
Attorney for Defendant  
P.O. Box 31188  
Charlotte, NC 28231  
Phone: 704-247-8520  
AND VIA FAX TO #704-943-0543

This the 4<sup>th</sup> day of MARCH, 2013

*Caroline E. Nickel*

~~Paul Stam~~ CAROLINE E. NICKEL

Stam & Danchi, PLLC

Attorney for Plaintiffs