
NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

SUPERIOR COURT DIVISION

BRIAN CECCARELLI,
individually and as class
representative,

)
)
)

Plaintiffs,

)

v.

)

No. 10-CvS-019930

)

TOWN OF CARY,

)

Defendant.

)

DEPOSITION OF LAURA COVE, P.E.

FRIDAY, JUNE 24, 2011

Room 10030

Cary Town Hall

316 North Academy Street

Cary, North Carolina

9:00 a.m.

Volume 1 of 1

Pages 1 through 15

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T A B L E O F C O N T E N T S

WITNESS

DIRECT

LAURA COVE, P.E.

By Ms. Nickel

4-13

EXHIBITS

NUMBER

DESCRIPTION

MARKED

Plaintiffs

13

e-mail string among Cove, Davis,
Jason J, 11/9/09

9

1 PROCEEDINGS 2:17 p.m.

2 (This deposition was taken pursuant to the North
3 Carolina Rules of Civil Procedure.)

4 (Whereupon,

5 **LAURA COVE, P.E.**

6 was called as a witness, duly sworn, and testified as
7 follows:)

8 DIRECT EXAMINATION 2:17 p.m.

9 By Ms. Nickel:

10 Q Will you please state your full name and your position
11 with the Town?

12 A Sure; Laura Cove, and I'm the associate director of
13 engineering.

14 Q How long have you been employed with the Town?

15 A Since May of 2007.

16 Q Can you describe your role with the Town, your duties
17 and responsibilities as far as within the engineering
18 department?

19 A Sure. As the associate director I manage all our
20 staff. We have different groups that are responsible for
21 different things: the stormwater group; we have a traffic
22 and transportation engineering group; field services, which
23 is our staff that's out in the field working on development,
24 reviews, and capital projects; our CAD group; our
25 administrative group; and our utilities group.

1 Q And then since we're only focusing on the traffic
2 signals, just some background information: if you could give
3 me a quick review of--for the intersections where there is
4 red light camera enforcement, the procedure to go through
5 when traffic signal plans are submitted, approved, and
6 implemented. Who drafts them, who approves them, those
7 steps?

8 A It varies. Actually I probably need more
9 clarification. On what specific situation?

10 Q If you could look at Exhibit A, this is the Convention
11 at Cary Towne Boulevard intersection. So looking at the---

12 Ms. Nickel: I'm sorry. Do I have to redescribe
13 this since we've already---

14 Ms. Martineau: (interposing) No. It's already been
15 identified.

16 By Ms. Nickel:

17 Q So looking at this signal plan, could you tell me who
18 drafted it, who approved it, and what process your
19 engineering department follows in implementing this plan?

20 Ms. Martineau: I think that was David Spencer, but
21 you can answer if you know.

22 A I mean I would have to really study it. I wasn't
23 directly involved in the review or approval of this plan.

24 Q Okay. If we could look back at Exhibit 5, this is an
25 e-mail sent from David Spencer to you regarding the red light

1 camera on Cary Towne Boulevard.

2 A Uh-huh.

3 Q If you could just look that over and let me know when
4 you're ready?

5 (Witness peruses document.)

6 A Okay.

7 Q So according to this e-mail it was determined--or
8 based on your understanding of this e-mail, it was determined
9 that the traffic signal plan in place was incorrect at that
10 time?

11 Ms. Martineau: I'm going to object to the form of
12 the question regarding your characterization, but go ahead
13 and answer.

14 A I mean the way I read the e-mail, it looks like David
15 is confirming the speed limit of 45 miles an hour, which
16 appears to be different.

17 Q And then if we could also look at Exhibit 6, which is
18 also an e-mail from David Spencer to you, if you could take a
19 moment to review that?

20 (Witness peruses document.)

21 A Okay.

22 Q With regard to safety issues with the yellow light
23 duration being--the signal plan being shorter than should be
24 required for that speed limit, in your opinion as an engineer
25 is there anything that would have been different from the

1 time the cameras were implemented in 2004 until 2009 when it
2 was determined unsafe or too short?

3 Ms. Martineau: Objection to the characterization of
4 that question. You can answer.

5 A I guess I'm not sure I understand the question.

6 Q If in 2009 it was determined that the signal duration
7 was too short, were there any factors from 2004 to that point
8 that would have made it a distinguishing point?

9 A I still don't understand the question.

10 Q I'm sorry. If it was unsafe in 2009, would it have
11 also been unsafe in 2004 if nothing else changed in the plan?

12 A I don't think I can answer that. I mean I wasn't here
13 in 2004. I don't have any data to answer that.

14 Q With regard--this is kind of switching gears here.
15 With regard to the red light photo enforcement, are you aware
16 for the location of the cameras, how those are selected and
17 that sort of procedure?

18 A I'm not. They were selected before I got to the Town.

19 Q And then later on Meeting Street additional lanes were
20 added I believe in 2007. Were you involved with that at all?

21 A At Meeting Street and what intersection?

22 Q Walnut and Meeting Street intersection.

23 Ms. Martineau: Do you know which exhibit that is?

24 Ms. Nickel: Yeah. It's Exhibit P.

25 (Witness peruses document.)

1 A I believe I was managing the traffic and transporta-
2 tion group at this time.

3 Q Okay. I'd also like to look back to Exhibit 10, which
4 is the Walnut and Meeting Street traffic signal plan in 2004.

5 (Witness peruses document.)

6 Q Let me know when you're ready.

7 A I don't look at these very often, so I don't really
8 know what I'm looking for.

9 Q So the difference--between 2004 and 2007 the yellow
10 light duration for the left turn lane was decreased by .8
11 seconds?

12 Ms. Martineau: Lori, are you even able to read
13 these?

14 The Witness: No.

15 Ms. Martineau: This is not her area of expertise.

16 Ms. Nickel: Okay. I'm sorry.

17 By Ms. Nickel:

18 Q Do you do any traffic engineering, or what's your role
19 with that?

20 A I manage the traffic and transportation engineering
21 group as one of the seven groups that I supervise in the
22 department.

23 Q Okay. So as far as the actual--like the plans and
24 that stuff---

25 Ms. Martineau: (interposing) Do you ever design---

1 Q (interposing) Do you design plans?

2 A I do not.

3 Q So in your position as director, do you analyze
4 citation statistics at these intersections? Would that be
5 one of your areas?

6 A Just for clarification, I'm the associate director,
7 and that is not one of my roles.

8 Q So with RedFlex or the red light camera enforcement,
9 can you explain what involvement you have with that program?

10 A I don't have any direct involvement with the program.

11 Q So for these plans you're unable to speak to those?

12 A I mean I could just look at them, but I don't know
13 anything that was involved in going into designing them.

14 Ms. Nickel: Next I'd like to introduce Plaintiffs
15 Deposition Exhibit Number 12, I believe.

16 The Reporter: 13.

17 Ms. Nickel: 13. I'm sorry. This is a document
18 produced by defendant stamped 1864 and 1865, an e-mail from
19 Laura Cove to Wesley Vo.

20 (Plaintiffs Exhibit 13 was
21 marked for identification.)

22 (Witness peruses document.)

23 A Okay.

24 Q In this e-mail you mention adjustments similar to what
25 was done for Tryon and Kildaire Farm Road. If you could,

1 tell us what kind of clearance calculation adjustments were
2 made in that situation.

3 A I can't necessarily recall the specifics, but I do
4 remember DOT contacting us and wanting to work together about
5 looking at that intersection.

6 Q Do you recall if it was--what parameter the issue was
7 in? Was it yellow light duration?

8 A To my recollection it was the left turning movement at
9 Tryon and Kildaire.

10 Q Okay. And then as an engineer what adjustments are
11 you allowed to make on the clearance calculations as the Town
12 of Cary beyond the standard yellow light change formula
13 that's used by NCDOT?

14 Ms. Martineau: Objection to the form. Go ahead and
15 answer.

16 A I guess it would depend on whose signal it is.

17 Q So if it's a Town of Cary signal, for example?

18 A If it's a Town of Cary signal, then we would do the
19 entire signal plan.

20 Q And then are you required to comply with the NCDOT
21 requirements?

22 A Yes.

23 Q And so then what kind of adjustments would those be?

24 Ms. Martineau: I'm going to object. Go ahead and
25 answer if you can.

1 A I don't do those calculations.

2 Q Okay. So you don't recall what adjustments you made
3 at that point?

4 Ms. Martineau: When you say "you," you mean the Town
5 of Cary; right?

6 Ms. Nickel: The Town of Cary; I'm sorry.

7 A No.

8 Q Do you recall at the time why there was a concern over
9 the Walnut/Meeting Street light cycle in November of 2009?

10 A I guess from this e-mail it appears that a citizen had
11 contacted the police department about the concern. So just
12 like we respond to other citizen complaints, we investigated
13 the signal.

14 Q And he only forwarded it to you because there was a
15 light cycle that was mentioned?

16 A Uh-huh.

17 Q Was there a particular concern at that period of time
18 with the--if the timing was actually off on the Walnut/
19 Meeting Street light cycle?

20 A The police department would routinely forward any
21 complaints about anything that's traffic related to
22 engineering to look at.

23 Mr. Stam: Could we have just five minutes or
24 so?

25 Ms. Martineau: Sure.

1 The Reporter: Off the record. 2:31 p.m.

2 (A brief recess was taken.)

3 The Reporter: On the record. 2:37 p.m.

4 By Ms. Nickel:

5 Q At this point I want to read something that was just
6 posted on MSN today and get your reaction. It says:

7 "In particular, several traffic flow studies indicate that
8 tinkering with signal cycles--lengthening the time a
9 signal remains yellow, or ensuring all four signals
10 are red for a time before anyone can proceed--results
11 in a drastic drop in red light violations, accidents
12 and deaths in a few single-cities, more than 90
13 percent."

14 What's your reaction or opinion to that?

15 Ms. Martineau: I'm going to object. That's
16 completely irrelevant, but you can answer.

17 A I guess I'd want to know more about where the data
18 came from and really read it in a little bit more detail.

19 Mr. Stam: I'll e-mail it to you.

20 Ms. Martineau: You can e-mail it to me and I'll
21 forward it along.

22 Mr. Stam: All right.

23 By Ms. Nickel:

24 Q Going back to what we discussed at the beginning, the
25 2009 determination that Convention and Cary Towne Boulevard

1 was unsafe because the signal plan was wrong and it was drawn
2 to the wrong speed limit, is there anything in your percep-
3 tion that could have changed that could have been wrong the
4 entire time?

5 Ms. Martineau: I'm going to object to the mis-
6 characterization of that question, but go ahead and answer.

7 A Could you rephrase the question?

8 Q If it was determined in 2009 that it was an unsafe
9 yellow light duration, wouldn't that make it unsafe the
10 entire time the signal plan had been in place, that it was
11 not matching the mile per hour speed limit?

12 Ms. Martineau: Same objection. You can answer.

13 A I would say I'm not certain that it was unsafe.

14 Q Do you think it could have been unsafe? Do you have
15 an opinion on that?

16 A I haven't looked at any data.

17 Ms. Nickel: Okay. That's all. Thank you.

18 Ms. Martineau: I have no questions.

19 (The deposition was closed at 2:38 p.m.)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

C E R T I F I C A T E

I, Alexandra Hatcher, Notary Public-Reporter, do hereby certify that **Laura Cove, P.E.** was duly sworn or affirmed by me prior to the taking of the foregoing deposition, that said deposition was taken by me and transcribed by me, and that the foregoing pages 4 through 13 constitute a true and correct transcript of the testimony of the witness to the best of my ability, and that the witness reserved the right to review her testimony.

I do further certify that I am not counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

In witness whereof, I have hereunto set my hand, this 15th day of July, 2011.

Alexandra Hatcher, CVR
Notary No. 19931480077

S I G N A T U R E

I have read the foregoing pages 4 through 13, which contain a correct transcript of the answers made by me to the questions herein recorded. My signature is subject to corrections on the attached errata sheet, if any.

(Signature of _____
(Signature of Laura Cove, P.E.)

State of _____
County of _____

I certify that the following person personally appeared before me this day and I have personal knowledge of the identity of the principal or have seen satisfactory evidence of the principal's identity in the form of a _____ or a credible witness has sworn to the identity of the principal, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated: _____.
(Name of Principal)

Date _____
(Official signature of Notary)

(Official Seal) _____, Notary Public
(Notary's printed or typed name)

My commission expires _____.

I, Alexandra Hatcher, the officer before whom the foregoing deposition was taken on June 24, 2011, certify that the foregoing transcript was delivered to the witness either directly or through the witness' attorney or through the attorney retaining the witness on _____ and that as of this date I have not received the executed signature page.

Therefore, more than 30 days having elapsed since receipt of the transcript by the witness, the sealed original transcript was filed with attorney for Plaintiffs on _____ by means of US Priority Mail, in accordance with Rule 30(e) of the North Carolina Rules of Civil Procedure.

Date

Alexandra Hatcher, CVR
Court Reporter