

Cause DC-24-02253

Thomas L. White, Jr
Plaintiff
3933 Royal Lane
Dallas. Texas 75229

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\$ District Court
\$ Dallas County
\$ Dallas, Texas

VS.

\$
\$
\$Fourth AMENDED

City of Dallas
Defendant

\$PETITION

1500 Marilla
Dallas, Texas 75202

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Cause Notebook
MAY 29, 2024

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Cause Number

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1. Parties to the Pleadings
Cause number DC-24-02253

Plaintiff:

Thomas L. White. Jr.
3933 Royal Lane, Dallas, TX 75229
214 351-2909
214 769-7737 mobile

Defendant:

City of Dallas
1500 Marilla Street
Dallas, Texas 75201
214 670-3519 - City Hall Main Number

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2. ORDER ON APPLICATION FOR TEMPORARAY RESTRAINING ORDER

On 2/12/2024, the plaintiff in the above cause presented his Ex Patre Application for Temporary Restraining Order. Plaintiff appeared by his attorney of record, Thomas L White, Jr pro se. The court, having examined plaintiff's verified position and heard the argument of counsel, find as follows:

- 1. The verified position filed by plaintiff shows that the plaintiff will suffer a devaluation of his homestead if the City of Dallas installs the planned traffic light at the intersection of Royal Lane and Rosser Road unless a temporary restraining order is immediately issued restraining the defendant from completing installation of the traffic light at Royal and Rosser Road in Dallas, Texas. No notice is given to Plaintiff about installation of the traffic light. A hearing was held on Plaintiff's application for a temporary injunction. There is no adequate remedy by law to grant plaintiff complete, final, and equitable relief.
In addition, plaintiff asks the Judge to order to Open Records to honor the requests for information by Plaintiff and instruct defendant to provide copies of progress reports from the Department of Transportation for all traffic lights since 2017.**
- 2. Although no compensation is offered by defendant, it is possible that plaintiff will recover his loss from defendant of his estimated damages if the traffic**

light is not installed and adjudicated by the Presiding Judge. **(The Texas Constitution provides that 'no person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made....')**

- 3. Absent a temporary restrain order, it is quite probable that plaintiff will suffer irreparable damages of \$150,000 to \$300,000 due to the loss of an estimated homestead value of \$1,014,000, possible congestive traffic backup to the front of plaintiff's home, and inconvenience the traffic light will cause plaintiff hardship regardless of final disposition of plaintiff's entry to Royal Lane.**
- 4. Plaintiff's potential injuries far outweigh any harm that may be sustained by defendant as the result of the requested injunctive relief. Defendant has started and stopped construction 2 times before.**

It is therefore ordered that the defendant is prohibited from the completion of the installation of the traffic light at Royal Lane and Rosser Road.

The clerk of this court is directed to issue notice that the hearing on the plaintiff's Application for Temporary Injunction is set for hearing 14 days from this date at a time to be determined by the Presiding Judge. The purpose of the hearing shall be to determine whether this temporary restraining order should be converted into a temporary injunction pending a full trial on the merits.

It is further ordered that the defendant appear at the Temporary Injunction hearing to show cause, if any, why a temporary injunction should not be issued as requested by plaintiff.

This order shall not be effective unless and until plaintiff executes and files with the clerk of this court in conformity with the law in the amount \$350.00.

This order expires on _____ unless an extension is requested for good cause and is granted by this court.

Presiding Judge

Date _____

Court Clerk

Title _____

3. **Plaintiff's First Knowledge of the Impending Traffic Light** - Sign in Plaintiffs Front Yard - Notice there is no phone number, email, or physical address. As far as we know, it could have been simple road repair. Contractor has moved the sign to another yard.



4. Current picture of the intersection of Royal Lane and Rosser Road.

The Intersection

Notice in the lower right corner that the base for the Traffic Light has been installed by the City. It and all other work should be removed. Plaintiff believes the resumption of construction is eminent.

Plaintiff has been *warned* by Durable Specialties, Inc. council not to contract Durable Specialties attorney or anyone at Durable Specialties even if contact it is for an estimated date upon resumption of the installation!



5. AFFDAVIT of Thomas L. White Jr. in Support of the Application for Temporary Restraining Order (Justification for Restraining Order)

ORIENTATION

This information is about the new traffic light that the City of Dallas has **carefully and without informing the residents** mandated at the old intersection of Rosser Road and Royal Lane. Plaintiff is very much against this light. Plaintiff believes the light is not necessary and the traffic study by DOT is inadequate to justify a new Traffic Light. If prior history were to be included in the discussion, we would not even be having this conflict.

What are the effects on resident properties close to the proposed Traffic Light?

No one really knows until after the Traffic Light is installed what the exact effect this installation will have on resident house values. Regardless of the Traffic Lights effectiveness, Plaintiff's opinion is that the traffic light will depreciate residence houses near the Traffic Light by some 20-30%; some \$250,000 for Plaintiff's property alone. That estimate is based on traffic lights causing additional congestion and it has to be higher than simple busy street depreciation of 10%. It is not difficult to see 30% or even higher with traffic stacking.

There are many residences that are affected by this traffic light. Plaintiff is only in contact with a few of those. The value drop could be in the millions of dollars per traffic light per neighborhood. There are 50 plus traffic lights authorized by the bond issue of 2017 and most are already installed.

The law clearly indicates that residents whose property value is compromised are to be paid for the reduction in value of our homes and is not complete until after compensation. Under the current system, the resident assume all the risks until after the installation and are not paid at all. Negotiation should begin before construction and completed before installation. Payment may be withheld until installation completion and an effectiveness assessment of the traffic light determined.

What is the opinion of the realtor community?

Realtors believe 10% is a standard deduction in home values for a busy street. That is what Plaintiff was told when Plaintiff had to have an appraisal for a refinance in 2004. This 10% is been confirmed by a realtor/property manager in an attached affidavit herein. A traffic light probably adds another 10% plus to the standard busy street deduction of 10%. A 10% deduction for a busy street plus another 10% for the traffic light may be conservative especial if there is traffic stacking. This estimate is based on a realtors common sense after years of experience estimating house values.

Plaintiff has avoided making a final hard estimate for we do not yet have a traffic Light and supporting information.

What is the Texas MUTCD, Texas Manual for Uniform Control of Traffic Devices?

First of all, the Texas Manual for Uniform Control of Traffic Devices clearly implies all traffic control devices cause congestion and accidents. The Manual is more than 900 pages. It seemingly has everything you want to know about installing a traffic light of any type. When a updated edition or revision of the Manual is issued, States have two years to adopt it. And it is adopted and at least partially written by the State of Texas.

As Plaintiff reads through the Texas MUTCD, it is very easy to experience the negative bent that is apparent in the construction of traffic lights. Plaintiff believes the negativity that is apparent is because the DOT engineers have a difficult job determining that effectiveness of any one traffic light before construction and the depth of the Manual is proof of its complexity. The business model below is the only choice that has been perceived to be in front of this problem and **Plaintiff believes it is illegal.**

The manual attempts to guard against making a mistake because mistakes can be costly. There are over 50 traffic lights funded by the 2017 Bond issue. If the same business model was used with the other traffic lights, any of those lights may be just as defective as the light at Royal and Rosser. Any mistake that causes the demolition of an ineffective traffic light will not be as costly as demolishing and removing some 50 odd other traffic lights.

Who uses the Texas MUTCD?

In the public sector, the most obvious Texas MUTCD users are the State and local transportation professionals and traffic engineers who design our roads and locate the traffic control devices that help drivers navigate them safely. There are the public works department employees who must understand how to install and maintain the traffic control devices. The engineers and planners work closely with Federal FHWA Division Office personnel who interpret and clarify MUTCD standards for their State and local partners. The FHWA also conducts extensive materials research, often in cooperation with the private sector designers and developers, to improve the effectiveness and visibility of traffic control devices.

Owners of private roads open to public travel, such as those in shopping centers, theme parks, airports, sports arenas, and the like, also rely on the MUTCD to assure that road users invited to travel on their roads see messages consistent with those on public roads.

In the private sector, the construction and engineering contractors who in fact design and build the roads that we all travel each day rely on the MUTCD. There are businesses whose employees design, test, manufacture, and market traffic control devices that road managers apply and install.

Organizations with completely different charters and constituents depend on the MUTCD. For example, law enforcement personnel rely on the MUTCD as they monitor driver behavior and investigate traffic incidents. The insurance and legal communities frequently refer to the MUTCD when investigating claims or proceeding with legal activities that arise from traffic-related incidents.

The MUTCD is a valuable reference tool for the media. Design and engineering students rely on it for their academic work. Also, a variety of professional and safety organizations, whose members represent the various stakeholders, consult the MUTCD for information used in their materials, for training courses and workshops, or for rulemaking recommendations, and when providing technical assistance.

Why are we having problems with the City of Dallas Traffic Lights?

The Transportation Department (DOT) of the City of Dallas operates with a great deal of autonomy and questionable ethics. In short, the Transportation Department can essentially do anything they want using **their** following business model:

1. The DOT sponsors a variety of traffic improvements by borrowing a large amount of money for projects that are financed in the bond issue in 2017. That is the normal approach.
2. For traffic lights in particular, DOT determines the location(s) with incidental and minor input from the public which is largely ignored.
3. DOT makes a traffic/engineering study for each traffic light ostensibly supported from the guidelines of the Texas Manual UTCD.
4. They have one of their own employees write the study for a location determination they have already selected.
5. The benefits of an installed traffic light are never clearly enumerated.
6. Residents do not know their property value is about to decrease.
7. No one is involved other than their own employees. This fact opens the DOT analysis up to inherit bias.
8. DOT does not contact any resident affected by the traffic light or any neighborhood resident at all.
9. DOT with the City of Dallas already has contractor's on standby from the let bond issue only too happy to help with the construction cost.
10. They install traffic lights without notice and often ignore residents when they do notice.
11. All construction for all projects is categorized as safety related. This stance minimizes basic and initial questions.
12. Public questions are ignored or delayed until they finish the installation.
13. DOT is finished with Traffic Light **regardless** if the Traffic Light solves their original intent or not.
14. There is no later audit of the installation to prove otherwise.
15. In any case, objecting then it is too late. Have you ever heard of a traffic light that had to be taken out? That is why a traffic light can never be taken to completion until some amount of damages and an audit are in place beforehand.
 - a. Few of us are qualified to understand the complexities and technicalities of a full blown traffic or engineering study,

b. The public is essentially shut out.

- 16. DOT installs the light as quickly as possible, congratulates the team, get their raises at our expense, and quietly disappears.**
- 17. The residents are left with possibly defective original purposes, reduced home values, undetermined damages, and maybe the ultimate in traffic light consequences; traffic stacking.**
- 18. Without an audit, we will never know if the DOT analysis is correct or incorrect until after the traffic light is installed. We probably will never be paid damages either**

Plaintiff contends that traffic light at Royal and Rosser is a mistake to begin with and not needed in the first place!! That belief may be sustained beforehand or not which is the subject of this cause. Recommendations:

- 1. Selection of a third party to do the traffic study would be more effective as to intent to reduce the liability of the City.**
- 2. Damages need to be established beforehand before installation completion.**
- 3. Because the uncertainty of Traffic Light study, the possible failure of the traffic light, the business model of the DOT, and a provision to possibly remove an ineffective/compromising traffic light should be part of any preliminary traffic light negotiation: basically an audit.**

Plaintiff's Case against the Traffic Light in Question

First of all, the Royal Lane is not as busy a street as Forest and Walnut Hill All three run east and west. Hockaday school for girls is west on Forest Lane and Ursuline Academy for girls is west on Walnut Hill. Thomas Jefferson High School is also on Walnut Hill Lane. In my 46 years here, the Plaintiff has seen long lines of cars there to drop students off in the morning and pick them up in the afternoon. This may explain why there is much less traffic on Royal Lane.

There is another traffic light at Royal Lane and Welch Road close to the proposed Traffic Light at Rosser and Royal. The corner inhabitants have noticed the number of accidents caused at this traffic light in an interview with Jack Stewart. That criteria is called crash experience.

There is another traffic light on Royal Lane at its intersection with Midway Road. This light makes sense at this intersection. It will be 4 blocks from Royal and Rosser.

Rosser/Royal had 2 accidents during the multi year traffic study. Incidentally, count must be greater than 4 to meet the cutoff established by the traffic study. One accident was a fatality when an elderly woman ran a stop sign and was hit by five 12-13 year old thieves in a car they had just stolen.

Joe Marchione of the Transportation Department used that accident as justification for this latest start up in construction. The 12 year old driver was charged with murder. The city faced no liability because the elderly woman ran the stop sign on the south side of Royal Lane. The investing officer was Doris Smith and personally interviewed by Plaintiff.

The size and complexity of the manual requires that more of the 9 criteria for a traffic study are needed for an installation determination, not just 1 criteria as touted in the traffic study. *Some municipalities will only consider a minimum of 4-5 positive criteria as justification for a traffic light.*

With only one positive deciding criteria of the nine recommended criteria, the current traffic study is weak. Welch Road and Royal Lane are directly comparable to Rosser Road and Royal Lane. It would have been a more complete traffic study and better to have included the results of the interview with the inhabitants at Welch Road and Royal Lane as part of the determining criteria for the Traffic light in question. Be certain to include the impact of the 3 schools: Hockaday, Ursuline, and Thomas Jefferson High School and not ignore their impact as nothing was in the original study.

What factors affect home values on busy streets?

Busy streets also increase resident fears of disaster from speeding traffic. A resident's mind immediately panics when your puppy runs out the front door or escapes through an open backyard gate. If you have children, the loss is potentially much worse. Families with children tend to pick houses much farther away from fast traffic or a traffic light.

Actual Criteria in the Traffic/Engineering study

Eight hour Vehicular Volume	not met
Four- hour Vehicular Volume	met
Peak hour	not met and not applicable
Pedestrian volume	not met
School crossing	not applicable
Coordinated Signal system	not met
Crash Experience	not met
Roadway Network	not met
Intersection near a grade crossing	not met

Criteria not in the traffic study

Public opinion
Comparative analysis
Traffic Stacking
Congestion
Resident Children
Resident Pets
Routing complexities
Speed of Street Traffic
Timing of Street Traffic
Proximity from Traffic Light
Disruption of residents
Use of land by the City –

Additionally, unsightly traffic light equipment is often placed on the residents lawns. No compensation is again offered. The pictures below also give you an idea of that negative.

The Texas MUCTD also requires that an engineering study be prepared for this Traffic Light for 2 reasons.

- 1. When the Judgement Criteria #4 is positive. It is here.**
- 2. When the money for the traffic light is borrowed as in Bond Issue of 2017.**
- 3. After seeing the 9 judgement criteria for an engineering study, it is Plaintiff's opinion that a traffic study and engineering study are the same study.**

It is not surprising that here is little positive verbiage for traffic lights in the 900+ pages of the Texas Manual for Uniform Control of Traffic Devices. This is a complex subject. The effect of a specific traffic light is truly not known until after installation and since a 10% value reduction is recommended by realtors for busy street, a busy street plus a traffic light would logically be higher than 10%. While Plaintiff believes that traffic stacking will not be big problem for a traffic light that is not needed in the first place, but it cannot be sure. Potentially, the City may have to remove a traffic light that does not meet it's intended purpose rather than proceed ahead as if no problem exists.

City Responsibility

The City takes no responsibility for loss in home values or any inconveniences or uncomfotableness caused by the traffic light before or after installation. It is after installation that there is a problem.

Applicable Law - Texas Bill of Rights ,

Sec. 17. TAKING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES.

(a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by: (A) the State, a political subdivision of the State, or the public at large; or (B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a THE TEXAS CONSTITUTION Statute text rendered on: 3/22/2024 - 8 - private entity for the primary purpose of economic development or enhancement of tax revenues. (c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds

vote of all the members elected to each house. (d) When a person's property is taken under Subsection (a) of this section, except for the use of the State, compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof. (Feb. 15, 1876. Amended Nov. 3, 2009.)

The legal term for the City's thievery in taking resident's house value is called **inverse condemnation**. The City wants to quickly install the Traffic Light and sneak out and be gone in short order. The City is in violation of the constitution of Texas. The residents are entitled to the same protection under the law that eminent domain provides.

In addition to the value loss, relatively no one in the affected neighborhood wants the light. The Traffic light becomes a permanent fixture after installation like the light at Welch Road and Royal Lane. The traffic light at Welch/Royal has more accidents than before the traffic light. **Plaintiff sees no need to spend this Traffic Light money, some \$200,000 or more, for more congestion, accidents, and stacking.**

The pictures below were taken the same day as opposing counsel told the Judge on this case that the Department of Transportation Head for the City of Dallas that construction would not start for another 1 to 2 months. Plaintiff does not think the opposing counsel, Lauren Hopkins, is at fault here. Ms. Hopkins has impeccable integrity but Mr. Khankarli or his staff have stretched the truth several times before with Plaintiff as expressed in the event chronology.

Case DC-24-02253, the TRO was first heard 4/2/2024 in District Court 191. **The Judge's recommendation/conclusion was erroneously based on opposing council testimony that is not truthful.**

The construction on this Traffic Light has been dormant for at last 2 years. Lauren Hopkins, opposing council, stated erroneously that the director of transportation told her that construction would not restart for 1 to 2 months. Based on the current installation efforts, the Traffic Light will easily be installed in that time frame.

Since construction of the light has already resumed, the findings of the court are inconsistent with the facts and defeats the purpose of the TRO. The Judge's decision was that Plaintiff meet with the City of Dallas to work on reconciling damages over the next 2 weeks.

Immediately after the hearing 4/2/24, Plaintiff drove directly to the intersection of Rosser Road and Royal Lane. Much to Plaintiffs dismay, there were 2 construction trucks onsite manned by the Traffic Light contractor, Durable Specialties, Inc. Each truck had 2 men. The men were first eating lunch as they admitted working on installing the Traffic Light. The 2 trucks had Durable Specialties painted on their sides, license plates were KLJ 8912 and KPZ 4592; each truck had 2 occupants. One truck was a Dodge Ram 5500 pulling a trailer.

- 1. Construction has already started on this traffic light and the light is dormant no longer. This decision defeats the purpose for the TRO!**
2. Since Plaintiff is pro se and the only litigant on this petition, the Judge was properly concentrating only on Plaintiff's petition.. In fact there are at least 10 other litigants that should AND MAY join in this cause. Plaintiff has strongly considered involving these other people for a class action lawsuit and will do so if needed..
3. It is much easier and more inexpensive to stop construction on a Traffic Light now than to remove a completed Traffic Light later. Think about it!

Since construction has surprisingly begun on the light, the Judge's decision to delay is to defeat the purpose of the TRO. We need to reprocess the restraining order now! Plaintiff will be happy to meet with any entity the Judge suggest after the Defendant promises to no longer work on the Traffic Light.

Pictures of "Surprise" work activity on 4/2/24.

This Picture is from the NE Corner of Rosser Road and Royal Lane at Sam Farah's house on the intersection. It is a safety hazard and holes are unfilled. This is here say evidence given by opposing council since 4/2/24. *Obviously, construction has restarted despite the conflicting testimony.*



From in front of Sam Hardy's corner lot. The hole is unfilled.



Notice Minerva Parras' house across the street on the SW corner. Minerva has an issue with the City about traffic around her corner. The City has solved the problem with a solution that in our engineers opinion is dangerous to pedestrians.



Another dug and unfilled hole in front of Sam Hardy's home.



Prior Event Chronology – written by Jack Stewart

TRAFFIC LIGHT INSTALLATION CHRONOLOGY - ROYAL LANE AND ROSSER ROAD.

Only 1 of 9 Warrants (4 hour peak traffic) met requirements. It usually takes 4-5 positive warrants to satisfy traffic light requirements for a traffic light. The Traffic Study itself and Warrant definitions are discussed in Exhibit B. 09/20/2020-TRAFFIC LIGHT INSTALLATION -Contractor and project leader for the city, Joseph Marchione, JM, was confronted on the corner of Royal and Rosser. JM said any resident filed a complaint that required a traffic study. (not so)

10/20/2020 Council Person Jennifer Staubach Gates CONFERENCE CALL

- 1. While standing on the corner, Joe Marchione told the residents that a citizen had registered a complaint about the intersection. JM said that if a citizen complained, a traffic study was required to be prepared. (not so)**
- 2. JM said that if the Traffic Study indicated a traffic light was warranted, the City "must" install a light (for liability reasons). (not so)**

Traffic Study Prejudiced Plaintiff wants the public to know that Kirk Houser, a City of Dallas employee, is the only name on the Traffic Study for

the proposed Traffic Light. **Jennifer Staubach Gates, the District 13 Councilperson at the time, was asked if that was true. She said there was "not" an actual requirement that a light be installed, even if a Study says it qualifies. In attendance was CP Gates, residents on the intersection, and residents from the neighborhood south of Royal, and City staff.**

Attending residents voiced opposition to the Traffic Light.

RESULTS – AGREEMENT (understanding) Construction was terminated and the contractor left the site. Installation had been on hold for 2 years. Without notice, Marchione had the contractor later come out and complete the Traffic Light bases under the guise of safety (not backfilled). This was in direct opposition to our agreement. SEE PICTURE OF THE INTERSECTION; THIS LOT IS OWNED BY SAM FARAH. The Traffic Light base is clearly visible.

11/07/2022 – TRAFFIC ACCIDENT (one in a million) It seems five 12-13 year old occupants stole a car and were driving at a higher rate of speed and T boned an older lady who was driving north on Rosser as she attempted to cross Royal Lane. This collision was investigated by Dallas Police, Doris Smith. We have a video of the incident. The older lady ran a stop sign to enter the intersection and was hit by the stolen car and the underage occupants. All but 1 of the underage occupants fled the car after the collision and one threw a pistol over the fence into the back yard of one of our neighbors. The 12 year old driver of the stolen car was charged with murder of the older lady. JM said that this accident restarted the construction! In any case, if the restart is about this criminal and atypical incident, it is the opinion of Plaintiff that the Traffic Study provides no justification for the traffic light. With the older lady running the stop sign, there cannot be much liability to the City.

11/30/2022 New Traffic Light Installation A few days after the accident, the Contractor and J Marchione were confronted as they began to restart construction. There was no notice again to residents He also stated he had cleared the installation with his superiors, G. Kahnkarli. Again there was NO NEW TRAFFIC STUDY. They also erroneously stated that there was no agreement with the residents even though construction had been stopped for 2 years.

12/10/2022 CITY CONTACT - Distraught residents contacted the City. CP Willis requested our information from the previous engagement 2 years ago. The City then decided to proceed without our information and no discussion. (Communication was also effectively delayed while they changed email addresses.)

12/17/2022 Willis (and city attorney Hopkins) indicate they will not do another traffic study. Seems strange that the City did one for one person but will not do one for 50 residents? They then stated again they were proceeding with traffic light in the interest of public safety. There was no minor hold while some of these issues were addressed.

12/20/2022 –LAWSUITS FILED by Plaintiff and others. City forces all communication through city attorney (Lauren Hopkins). Residents looking for simple manner to temporarily halt construction filed lawsuits. City now refuses to communicate, except through the City Attorney.

CITY DECISION TO INSTALL Traffic LIGHT

- 1. Gay Donnell Willis, Councilperson at the time, told Residents we should have known (20-40 years ago) about possibility of future traffic light.**
- 2. Residents were informed that old, flawed Traffic Study was good. The City said that 100,000 people have moved into Dallas (but not in this mature neighborhood), since 2016.**
- 3. Residents believe traffic accident is a problem to City politically and possible future liability. City refuses to divulge real reasons for proceeding "full speed ahead".**
- 4. DAMAGES - in addition to the traffic noise, car stacking and more accidents, the residents near the Intersection will suffer in excess of \$1 million dollars or more of lost house values, and will make future sales of their houses a challenge.**

SOLUTION - Residents want a pause in the installation of the traffic light and a new traffic study performed. If one person got the first study, 50 residents should be able to get a current up-to-date study. Additionally, the nearby residents should be fully informed of the possible drop in home equity before the City input is considered.

End of Prior Event Chronology

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THOMAS L. WHITE, Jr., Plaintiff herein, and files Plaintiff's Fourth Amended Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunctive relief against CITY OF DALLAS, Defendant, and in support thereof, shows the court the following: The website has a copy of these pleadings.

PARTIES

1. Plaintiff Thomas L White Jr pro se is an individual residing in Dallas County, Texas at 3933 Royal Lane Dallas, Texas 75229 for 47 years.
2. Defendant City of Dallas may be served with suit at: Billierae Johnson, City Secretary, 1500 Marilla St. 5D south, Dallas TX 75201

DISCOVERY CONTROL PLAN AND CLAIM FOR RELIEF

3. Pursuant to Texas Rule of Civil Procedure 190.3, the discovery of this case is to be conducted under Level 2 Discovery Control Plan.
4. Plaintiff estimates monetary relief over \$250,000 but not more than \$1,000,000 FOR HIS PROPERTY ALONE. Collective damages for all the damaged residents may be over \$1,000,000.

VENUE

5. Venue is proper in this county because the events giving rise to this cause of action occurred within Dallas County.

JURISDICTION

6. The damages sought are within the jurisdictional limits of this court.

FACTS

7. The City has begun to construct a traffic light at the old intersection of Rosser Road and Royal Lane.
8. The traffic light will depreciate the value of the Plaintiff's house by some 20% to 30%.

9. The Plaintiff and other residents in the area were never notified of the light's installation, which has gone forward without the resident's knowledge or consent.
10. The City wants to use an outdated and controversial traffic study, written in house by Department of Transportation employees, without informing the public and the affected residents, and without considering alternatives.
11. This is the second time the City has tried to install this traffic light with the previous traffic study. **The first installation attempt failed because residents opposed the light. Nothing has changed.** The study is based on 8 out of 9 negative Warrants in the traffic study. There was only 1 positive warrant in the study. The study does not support the traffic light. The traffic study was written in house by the City of Dallas and used as justification for the traffic light.
12. With the absolutely minimum of 1 violating criteria, the Manual contents does not support the Traffic Light installation. The traffic study was written in house by the City of Dallas, and used as justification for the traffic light.
13. The construction of the traffic light will involve blocking access to the road from Plaintiff's property. Access will be blocked both temporarily by the planned construction, and also permanently because the Plaintiff will no longer be able to take the same road routes into and out of his property after the light is constructed.
14. Currently there is only a stop sign facing south and one facing north on the Rosser Road crossing Royal.
15. Because of the median in the road, Plaintiff will be forced to encounter the unnecessary Traffic light every time Plaintiff leaves his driveway. Any eventual eastern destination after the installation of the traffic light will require a U turn at the Traffic light. No resident will be more inconvenienced and damaged than Plaintiff.
16. The City placed a 10 foot sign without permission on Plaintiffs property almost more than a year ago. The sign did not state its purpose,. It was eventually determined that the City was preparing to complete installation of the traffic light at Royal and Rosser without resident notice.
17. The city has already poured the concrete supports for the Traffic Light in a neighbor's front yard without notice or communication to the residents of the area. These concrete supports should be replaced with silo immediately.

18. Attached as Exhibit A, Letters from the Neighborhood, and incorporated herein by reference, is a comprehensive collection of factual, statements providing context regarding this matter in which they overwhelmingly do not want the Traffic Light,

PLAINTIFF'S FOURTH AMENDED ORIGINAL PETITION AND REQUEST FOR INJUNCTIVE RELIEF, the CAUSE OF ACTION: VIOLATION OF ARTICLE I, SECTION 17 TAKING PROPERTY FOR PUBLIC USE-- INVERSE CONDEMNATION **(The Texas Constitution provides that no person's property "shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made....)**

19. Plaintiff incorporates the above herein by reference.

20. In addition or in the alternative to other relief requested:

21. The above-described actions constitute an inverse condemnation of Plaintiff's property.

22. Plaintiff refers the court to Padilla v. Metropolitan Transit Authority of Harris County, 497 S.W.3d 78 (2016) which says that to obtain compensation for impairment of access to a road, an inverse condemnation plaintiff must establish that the governmental entity materially and substantially impaired access rights to his property.

23. There has been: (1) a total but temporary restriction of access, (2) a partial but permanent restriction of access, and/or (3) a temporary limited restriction of access brought about by an illegal activity or one that is negligently performed.

24. The City of Dallas, by erecting the proposed traffic signal has materially and substantially impaired access rights to the Plaintiff's property.

25. The City of Dallas' actions were intentional when it took or damaged Plaintiff's property for public use.

26. The City of Dallas knew that its actions were damaging Plaintiff's property.

CAUSE OF ACTION: DEPRIVATION OF PROPERTY UNDER ARTICLE 1, SECTION 19 WITHOUT DUE PROCESS

27. Plaintiff incorporates the above herein by reference.
28. In addition or in the alternative to other relief requested:
29. The City of Dallas is attempting to erect the traffic signal without following state and local law regarding the erecting of such signals.
30. The City's failure to follow state law has deprived the Plaintiff of a liberty and property interest under the Texas State Constitution without due process of law.

REQUEST FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

31. Plaintiff incorporates the above herein by reference.
32. In addition to or in the alternative to other relief requested:
33. Plaintiff seeks injunctive relief pursuant to Civil Practice and Remedies Code Section 65.011, and all other relevant law.
34. Plaintiff requests this Court dispense with the issuance of a bond, and temporarily restrain Defendant from constructing the traffic signal pending a hearing in this Court.
35. If the traffic signal is constructed, the Plaintiff will suffer damages that are not adequately measured in monetary terms.
36. The Plaintiff is likely to suffer irreparable harm based on the facts set forth in the Plaintiff's affidavit and the facts section above.
37. The Plaintiff is likely to succeed on the merits because, as discussed in the facts section, the causes of action section, and his affidavit, the City of Dallas has likely inversely condemned the Plaintiff's property without due process of law under the state constitution.
38. Granting the temporary restraining order and temporary injunction is in the public interest because upholding the State Constitution is the only bulwark against State tyranny.

39. Temporarily halting the construction of the traffic signal will not harm the City of Dallas, as it can simply pause construction, and restart it as it before, at any length of time in the future without any harm to the infrastructure that is already in place.

40. Plaintiff has requested through the Open Records Act administered by the City of Dallas records of emails and Bond Progress Reports records of the 2017 Traffic Bond issue that financed this Traffic Light and 50 other similar traffic flights. Such request were made more than 200 days ago, To date, no records have been delivered to Plaintiff. It is the published goal of the open records act team that such requests be delivered in 10 days. Request for information are C005993-071423; C007645-090523; C005186-062123; and others. Plaintiff must admit that dealing with the open records company was so draining that Plaintiff lost interest in the data that have may have been significant.

41. This request for a temporary restraining order and for injunctive relief is so that justice may be done, not merely for delay.

42. Plaintiff requests that this court issue a Temporary Restraining Order stopping the construction of the traffic signal by the City of Dallas, and, after a hearing, Plaintiff further requests that the Court issue a temporary injunction from the construction of the traffic signal until a trial on the merits can be held.

43. Plaintiff requests that the court waive the requirement of a bond in this case. In the alternative, Plaintiff is willing to post a reasonable temporary restraining order bond and requests that the court set such a bond.

44. Plaintiff is fearful the Defendant with fill the construction holes dug by plaintiffs contractor for "safety reasons" Such a filling should only be done with earth already onsite. Filling holes with concrete only will advance the City's agenda to move to completion instead of a temporary halt.

REQUEST FOR PERMANENT INJUNCTION

45. Plaintiff incorporates the above herein by reference..

46. In addition to or in the alternative to other relief requested:

47. After a trial on the merits, Plaintiff requests that the court enter a permanent

injunction that permanently enjoins the Defendant from construction of a traffic light at the location described in the facts section and in the affidavit of Plaintiff.

REQUEST FOR DECLARATORY RELIEF

48. Plaintiff incorporates the above herein by reference in addition or in the alternative to other relief requested:

49. Pursuant to Civil Practice and Remedies Code Chapter 37, Plaintiff seeks declaratory relief.

50. Plaintiff asks the court to Declare that the Defendant has violated the State Constitution or other Texas law by the construction of the Traffic Light.

51. Plaintiff asks the court to Declare that the Defendant has not followed Texas law regarding the installation of a Traffic Light the location in "Facts" above,.

52. Plaintiff asks that the court to order the Open Records Act Organization to live up to its required purpose; specifically the request for progress reports and emails of the participants for the City.

REQUEST FOR ATTORNEY'S FEES

53. Plaintiff requests that the court award him attorney's fees pursuant to Civil Practice and Remedies Code Section 37.009, and all other applicable law.

DEMAND FOR JURY TRIAL

PRAYER

54. Plaintiff prays that a citation be issued commanding Defendant to appear and answer herein and that Plaintiff be awarded judgment against Defendant, as well as a temporary injunction, and a permanent injunction. Plaintiff asks for all other relief, in law and equity, that he might be entitled to.

Pictures, Orientation, and Chronology are all included as part of the sworn Affidavit of Plaintiff.

Thomas L White Jr
tlw7899@gmail.com
3933 Royal Lane
Dallas, Texas 75229
214-351-2909 214 769-7737

CERTIFICATE OF SERVICE: _____

I certify that on _____, 2024, a copy of the foregoing document was served on the below indicated persons by the means indicated:

BY SPECIAL DELIVERY _____
Billierae Johnson, City Secretary, City of Dallas, 1500 Marilla St. 5D south, Dallas TX 75201

Thomas L White Jr.

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VERIFICATION

STATE OF TEXAS
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this day personally appeared Thomas L White, Jr. who, after being duly sworn upon his oath, testified as follows:
My name is Thomas L. White Jr. I am over the age of 21 years. I have personal knowledge of all of the facts set forth in this petition, and hereby state that every factual allegation set forth therein is true and correct.

FURTHER AFFIANT SAYETH NOT.”
Signed this _____ day of _____, 2024.

THOMAS L WHITE JR

SUBSCRIBED AND SWORN BEFORE ME on this _____ day of _____,
2024, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

Ann Stork

Date

Michael Stork

Date

SUBSCRIBED AND SWORN BEFORE ME on this _____ day of _____,
2024, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas