

County to Pay \$350,000 in Road Fatality

By GEORGE RAMOS, *Times Staff Writer*

Los Angeles County has agreed to pay \$350,000 to the wife and son of a truck driver killed in a 1981 traffic accident on Kanan Dume Road, considered one of the most dangerous roads in the county.

Monday's agreement before Santa Monica Superior Court Judge Jerry Pacht came amid continuing community concern over safety on the road, a major link between Malibu and the Ventura Freeway in Agoura Hills.

When John W. Windley Jr. died on May 25, 1981, he was the 18th truck-related fatality on the road in five years, officials said.

A day later, the county banned trucks having three or more axles or weighing more than 14,000 pounds from the road, the attorney for Windley's survivors contended. Excluded from the ban were trucks making local deliveries.

Attorney Gregory Yates, who represented the Windley family, contended that county officials knew that an 8% grade on the road in the Santa Monica Mountains north of Pacific Coast Highway was too steep for southbound truck traffic. He added that officials did nothing to correct the road's dangerous conditions until Windley died.

Deputy County Counsel Charles Tackett,

who defended the county against the lawsuit, was not available for comment Tuesday.

County crews also have built an extra truck lane on stretches of the road and a new tunnel for southbound traffic, and have imposed a 25-m.p.h. speed limit for trucks on the road's grade leading into Pacific Coast Highway.

Authorities said Windley died when his 49,000-pound rig, hauling 19,000 pounds of rock, apparently lost its brakes on the southbound grade, hurtled into the Pacific Coast Highway intersection at more than 70 m.p.h. and clipped a car before smashing into a high embankment. The truck burst into flames and Windley burned to death.

The driver of the car, Robert Humak of Lavallette, N.J., was critically injured. He also sued the county and Windley's employer, American Stone & Building of Glendale.

As part of the settlement, Humak was awarded \$65,000 from American Stone & Building and \$17,500 from the county, Yates said.

Recently, Electer Windley and her son, John W. Windley III, received \$75,000 in workers' compensation benefits as a result of her husband's death, Yates said.