

29. A 10-foot wide driveway enters the cemetery at its south end from US Route 9. The driveway is roughly paved with asphalt and slopes toward the roadway at a grade of approximately 10 percent (see Adler Exhibit "G").

30. The Americans with Disabilities Act Accessibility Guidelines recommends a maximum slope of 8.33 percent on sidewalks.

31. The center of the driveway has a thin coating of moss and the entire driveway is leaf-covered in the fall.

32. The cemetery driveway is only visible to southbound motorists (motorists closest to the cemetery) for a distance of 235 feet (see Adler Exhibit "H").

33. The posted speed limit on this section of US Route 9 is 40 mph.

34. For a 40-mph roadway, the minimum stopping sight distance recommended by the American Association of State Highway and Transportation Officials in their publication, A Policy on the Geometric Design of Highways and Streets, 2004 Edition, is 305 feet.

35. The driveway is visible to southbound motorists on US Route 9 for a distance considerably less (75 feet less) than the minimum value recommended by the American Association of State Highway and Transportation Officials.

47. At approximately 10 percent, the slope on the driveway adjacent to the gravesite is greater than the 8.33 percent recommended by the Americans with Disabilities Act Accessibility Guidelines.

48. The center of the driveway is moss covered and the entire driveway is covered with leaves in the fall.

49. When wet, leaves and moss are slick and, particularly on a sloping grade, can present difficulty for standing and walking, especially for the elderly.

50. Groups of children are more active than adults and are sometimes prone to actions leading to sudden movements which could also present a slipping hazard.

51. The driveway slopes toward US Route 9 where there is no shoulder to separate traffic from the driveway and where the sight distance is considerably less than the 305 feet recommended by the American Association of State Highway and Transportation Officials.

52. Larger groups stopping at the Leather Man gravesite will extend into the public right-of-way and closer to the road.

53. It is foreseeable that an individual could slip and fall on the sloping driveway by the gravesite, particularly when the ground is wet.

54. If in a larger group, it is possible this could occur close to the road and that the individual could roll the short distance downhill into the road.

55. In such a circumstance, with the absence of a shoulder to separate traffic from the edge of the road and with visibility less than the recommended value, the potential exists for a visitor to the gravesite to be struck by a passing vehicle.

56. Because of the heavy volumes traveling on US Route 9, the possibility of an incident occurring is greater.

**From Adler Consulting, "Affidavit of Support",
Notice of Petition 10/6/2010**