

PRINTER FRIENDLY

[Print] [Close]

Family sues city over woman's death

By *Heather Ratcliffe*

ST. LOUIS POST-DISPATCH

Wednesday, Dec. 05 2007

St. Louis — Elizabeth Bansen died because she couldn't push her wheelchair over crumbling sidewalks, so the city of St. Louis should pay damages to her relatives, their lawyer says.

Bansen, 40, wheeled onto Delmar Boulevard as she returned home from a convenience store Nov. 2, 2005. The driver of a sport utility vehicle that hit her says he never saw her, and was never charged.

A wrongful death suit on trial in St. Louis Circuit Court seeks unspecified compensation from the driver, Arnold Booker, 46, of St. Louis, and the city.

Attorney Matt Devoti argued that the street department failed to provide reasonably safe sidewalks.

Bansen wasn't the only one who had trouble traversing the three-block stretch between Jefferson and T.E. Huntley avenues. Kerri Morgan, who trains people with disabilities, testified Tuesday that she also could not push her wheelchair there.

Morgan said she visited the accident scene the next day, wondering why Bansen, an acquaintance, would travel on the busy street. In addition to cracks and weeds, Morgan said, she found the sidewalk missing ramps to the few passable stretches. "The safest method would have been going in the street against traffic."

Jacqueline Kimbrough, a neighbor and friend of Bansen, told the jury she twice joined the victim on errands for sodas and snacks. "There was no curb cut," said Kimbrough, who also uses a wheelchair. "We had to go into the street."

Thomas McDonnell, a city attorney, argued that the sidewalk on the south side of Delmar was passable. Bansen's apartment and the store were on the north side.

McDonnell told the jury the city has spent more than \$9 million over the past 10 years installing 6,720 ramps. City officials focused resources on projects near high-traffic areas, hospitals, transportation hubs and government buildings, he said. City workers also responded to residents' complaints.

During the two years Bansen lived in the Lucas Heights Apartments, in the 2800 block of Delmar, various witnesses said, she never complained about the sidewalks.

But someone else did, according to testimony.

The property manager for the Scott Joplin House, a state historical site with property on both sides of that stretch of Delmar, told jurors she asked for new sidewalks and ramp cuts more than a year before Bansen was killed.

"Those sidewalks were impassable," said Victoria Love. "(The city) never made

repairs and never contacted me again."

City workers resurfaced that section of Delmar two months before the accident. The street director, Jim Suelmann, testified by deposition that workers would cut curb ramps when reconstructing a street, but not when making short-term repairs like that year's oil-and-chip treatment.

Booker, the SUV driver, testified that he was headed downtown to pick up his wife from work about 6 p.m. that day. Police said a streetlight near where Booker hit Bansen was not functioning.

If you enjoy reading about interesting news, you might like the 3 O'Clock Stir from STLtoday.com. Sign up and you'll receive an email with unique stories of the day, every Monday-Friday, at no charge. Sign up at <http://newsletters.stltoday.com>
