

# CITY PAYS \$1.5M

## Baseball player hit by car at 'too quick' Qns. signal

BY JOHN MARZULLI  
NEW YORK DAILY NEWS

THE CITY PAID a \$1.5 million settlement to a former baseball prospect whose big league dreams ended when he was struck crossing a Queens street at a traffic signal that allegedly changed too fast, the Daily News has learned.

Joseph Mare's lawyers say the traffic signal turned to "Don't Walk" 12 seconds too soon, according to a traffic expert.

The signal gave pedestrians a mere 15 seconds to make it across the irregularly shaped intersection at Francis Lewis Blvd. near 29th Ave. and 172nd St. in Flushing, according to the expert's clock.

A pedestrian should be afforded 27½ seconds to cross the street, under standards established by the Federal Highway Administration's uniform guide on traffic control devices.

"We would have established

### EXCLUSIVE

that a pedestrian crossing the intersection was at extreme risk as they were not afforded the required amount of time to safely reach the other side," said Mare's lawyer Scott Rynecki.

Mare (inset), 29, was a senior and standout third baseman at C.W. Post University — attracting the attention of scouts for the Mets and the Milwaukee Brewers — when he was struck in the early morning hours of Feb. 10, 2008, by a BMW sedan near the crosswalk.

He was thrown nearly 50 feet and suffered a severe head injury and two broken an-

kles, and went through 20 surgeries.

The city's lawyers argued that the traffic signal's timing was not defective, but Queens Supreme Court Justice Phyllis Flug rejected a motion to dismiss the suit because there was no record of any traffic safety studies done for the intersection. Her decision was upheld by an appellate court.

"This unfortunate accident resulted in serious injuries; in light of the court rulings during the litigation, settlement was in the city's best interest," the city Law Department said in a statement.

Mare testified at a hearing that he had the "Walk" signal when he started crossing, but he made it only to the 1-foot-wide

median before the signal changed to "Don't Walk" and the light changed.

Mare had just left the Diver's Cave bar and was headed to a convenience store to buy cigarettes.

The driver of the car, who was not charged, told police that Mare had his head turned in the opposite direction when he stepped off the narrow divider. His insurance company kicked in \$100,000 in addition to the city's payout.

In the 10 years before Mare was struck, there had been 27 accidents in the vicinity, according to court papers.

Rynecki said his client has made an "incredible recovery and now works as a personal trainer. But he could not play baseball at the same level again."

Mare declined to be interviewed. Rynecki said the traffic device at the intersection is now properly timed.

