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## **No Liability Against Illinois Tollway Authority For Alleged Inadequate Maintenance of Median Separating Traffic**

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Five consolidated cases arising from two car head-on collisions on the tollway involving multiple deaths and personal injuries. Plaintiffs contended the Tollway Authority had a duty to add guard rails or maintain the shape and slope of medians differently to prevent a drive over. The trial court dismissed the complaints holding the Tollway Authority had no duty to maintain the grassy median but certified its ruling for interlocutory appeal.

The Second District affirmed. The defendant had a duty to maintain only the traveled portion of the highway in a reasonably safe condition, regardless of the foreseeability of a driver veering from the road. The grassy median need not be maintained as a safe way for driving. It rejected the argument that the defendant voluntarily undertook to properly maintain the median. If the defendant had no duty to spend money on the median to prevent crossover collisions, it was under no duty under a lesser obligation to make ordinary repairs to prevent crossover collisions. *Rommel v. Illinois State Toll Highway Auth.*, 2013 IL App (2d) 120273.

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