

Best's Insurance Law Podcast

[Investigating Beyond the Collision: Traffic Signals, MOT, and Case Strategy - Episode #239](#)

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Hosted by: John Czuba, Managing Editor

Guest Expert: Nick Brady from [S-E-A](#)

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John Czuba: Welcome to “Best’s Insurance Law Podcast,” the broadcast about timely and important legal issues affecting the insurance industry. I’m John Czuba, manager of *Best’s Insurance Professional Resources*.

We’re very pleased to have with us today Nick Brady from Qualified Member Expert Service Provider, [S-E-A](#). Nick earned his Bachelor of Science degree and his Master of Science degree in Civil Engineering from Ohio University.

At S-E-A, his responsibilities include performing investigations related to roadway and intersection design, maintenance of traffic design and implementation, or MOT, temporary traffic control utilizing the manual for uniform traffic control devices, sight distance, work zone and roadside safety, traffic signals, and highway lighting.

Prior to joining S-E-A, Mr. Brady obtained over 10 years of experience in traffic engineering, working for private engineering consulting firms, completing design and study projects. He developed construction plans for traffic signals, signing and marketing plans, maintenance of traffic plans, and highway lighting plans.

Additionally, he performed traffic impact studies for private clients and completed interchange studies, safety studies, and corridor studies for public clients. Mr. Brady is also a registered professional engineer in the state of Ohio.

Nick, we’re very pleased to have you with us today.

Nick Brady: Hey, good morning. Thanks for having me.

John: Today's discussion is investigating beyond the collision, traffic signals, MOT, and case strategy. Nick, for today's first question, can you give our audience a basic introduction to what maintenance of traffic and traffic signal analysis entails?

Nick: Sure. So, for that question, maintenance of traffic and traffic signal analysis. So, I'm going to break that up into the two categories here, one being work zones and then the other being signals. So, on the work zone side with maintenance of traffic, depending on the size and the duration of the work, work zones are part of the construction plans.

So, believe it or not, when you're driving through a work zone, it's actually designed as far as the barrel spacing or the drum spacing, as far as the taper lengths, as far as the different elements, if there's barrier, if it's just cones. So, work zones for maintenance of traffic are set up that way.

They're actually designed elements of a construction plan. And then on the traffic signal side, so when we do a traffic signal design for a discipline, excuse me, when we do a traffic signal design for a DOT, a Department of Transportation or another municipality, we're pulling together the locations of the signal heads. We're also doing calculations for the timing and sequence, so how long is the green light on.

Again, these are things that driving through a traffic signal might feel frustrating depending on the queuing or the amount of traffic, but these are design features of the signal. So, as far as the amount of green time that you get, and the function of the traffic signals, those are actually design parameters, and that's something that we can analyze on our end.

John: Nick, how does your background fit into your expertise in these types of cases?

Nick: I have over 10 years of experience as a traffic engineer. This is both on the, what I call the design side and the planning side. So, the design side would be preparing construction plans. So, this would be the MOT plans, like I discussed, as well as the traffic signal plans. And also on the planning side, that would be traffic studies. So, traffic impact studies, but more relevant to the type of casework that we see, traffic safety studies. So, looking at crash patterns, analyzing the data related to traffic crashes, and then trying to develop mitigation strategies for those crashes for, again, a DOT or municipality to implement.

John: Nick, can you tell us how this translates into investigations? And can you talk about what types of cases that you typically see?

Nick: Sure. So, on the MOT, the maintenance of traffic work zone side of the work that we do, this could be a crash that occurs in a work zone. So, the setup as far as where the drums are, where the barrels are, if a barrier was used, how the work zone was set up, all of the experience that I have in the past designing these types of MOT setups that comes into play when we're looking at these crashes. So, we would look at the types of construction plans. We would look at how the work zone was implemented.

So, there's a direct relationship there between the type of experience I had designing these and then on this side, looking at the crashes and then looking at how those were set up. On the traffic control side, so this would be the permanent traffic control. So, whether it's a traffic signal or the signing and markings on a roadway, the same types of analysis could be done. So, we would look at the construction plans and then the MUTCD, so the Manual on Uniform Traffic Control Devices, that lays out the signing and marking requirements or the signing and marking guidance depending on how it's written in the manual.

So, interpreting that, whether it's guidance, whether it's a standard, whether it's an option, looking at what was out in the environment at the time of the crash, and then comparing back to the MUTCD.

So, that's a document that was very important on the design side, as far as giving us the, again, the guidance, the standards for traffic control, and on the evaluation side. So, in this type of work, when we're looking at a traffic crash, when we're looking at this type of casework, was the MUTCD followed, and if not, what was going on at the time of the incident?

John: Nick, what materials or evidence is at your disposal to review regarding these investigations?

Nick: So, this is where the term or the phrase that we came up with, going beyond the collision, really comes into play. Typically, when a crash reconstructionist or someone is evaluating a crash or an incident, there's the typical available data. There's crash reports that generally a police officer or responding individual will prepare. There's skid marks, potentially pavement gouges. There's other physical evidence.

Going beyond the collision or going beyond this available data, we can look one step further in identifying other traffic control potential factors. We can look at the area around the crash, so the roadway environment, what that looked like.

On the traffic control side, this could be looking at the work zone setup. This could be reviewing the traffic signal timing, like I discussed earlier. And then looking at the area surrounding the crash. When we do construction zone setups, when we do work zone designs, these can be long length, maybe half a mile, mile, depending on the freeway, it could be multiple miles of work zone setup.

And that includes both the area where you actually see the drums, barrels, the cones, the barrier, the work area, as well as potentially, maybe again, half a mile, a mile of advanced signage, advanced notice to the drivers as they approach this work area.

Where a crash reconstructionist might be looking at a specific location or a specific segment of the roadway, we can go one step further looking at the full work zone or looking at this full area to determine what that roadway environment looked like as the driver was approaching the incident site. This is the same as well for traffic signals.

At an intersection, you might have a rear-end crash or you might have an angle collision or a T-bone collision between two vehicles. The crash reconstructionist can focus on how that occurred at the intersection, but what we can do on the traffic control side is was there potentially a sight distance issue as they were coming up to this intersection? Was there advanced notice of this signal? What was going on the roadway as the drivers approached this intersection?

Taking a step back from the intersection and again, looking quarter mile, half mile, maybe a mile back, maybe further, was there other information provided to the driver? Was there other information that should have been provided to the driver? We can look at that area bigger picture, relate that to the MUTCD, relate that to how the intersection was designed, and use that in our analysis to see if any of that might have contributed to how the incident happened.

John: Nick, do you typically handle cases independently?

Nick: As a traffic engineer, that's kind of a unique focus or a unique specialty. So often as I discussed in the previous question, with the going beyond the collision, we would be in a support role. Someone like myself would be supporting a crash reconstructionist.

So here at S-E-A, we have a diverse team with a lot of different backgrounds. The crash reconstruction side, we might have biomechanical, we might have mechanical engineers, we have the crash reconstruction individuals, we have our imaging sciences team, which helps map or scan the intersection. There's a lot of individuals that are contributing to finding the answers and trying to piece together how an incident happened.

In a crash like that, where maybe a reconstructionist or a biomechanical engineer, somebody else is taking the lead, I might be pulled in or a traffic engineer at S-E-A might be pulled in to interpret signal plans, interpret construction plans, and assist in determining who had what indication at an intersection. If there's two drivers that have conflicting stories, they both say they had a green light, that's likely not what happened.

My role would be to help the crash reconstructionist or provide assistance to look at the signal plans and help piece together how that incident happened. This is pretty similar to how the traffic engineering services worked when I was a private consultant. So often we were in a support role to a roadway engineer, to another individual that was taking the lead on maybe a larger portion of the project, but we were using our specialized knowledge to provide that assistance and then piece together the plans that they needed for the signals or for the work zones.

So, conversely to that, on work zone cases, that's an opportunity where someone like myself could take a lead role where it's looking at contractual relationships, it's looking at the primary contractor versus subcontractor roles, doing contract review. Trying to figure out the relationship, who had responsibility over the work zone at the time of the incident, was there anything done inappropriately or incorrectly as far as how the contract language was written.

That's an area where we can take more of a lead role when we're looking at the contracts, looking at the engineering side of how the work zone was put together, and then helping piece together what makes sense, what was done correctly, what might not have been done correctly in that type of situation.

John: Nick, can you wrap up today's discussion with a case example or two for our audience?

Nick: Yeah, so I've got two that I have worked on fairly recently. So, these are general examples of the type of work that we might see. One example of a crash was local at a traffic signal. In this situation, we had limited data. We had a couple post-crash photos with the vehicles off-site. We had a couple driver statements.

The two drivers had provided a statement, and that was about all we had to go off of. In a case like this, where we don't necessarily have enough data to do a thorough crash reconstruction or go through that full process, we could still lend assistance in looking at the area, looking at the traffic signals, and providing potential scenarios for what might have happened or what was likely the conditions of the signal at that incident.

In this particular case, looking at the signal timing, looking at the different timing parameters, looking at the site itself and the time of day. That's an area where, while we can't give exactly what happened or know exactly to the best of our ability what happened, we can look at these different scenarios and at least provide a client with, hey, this might have been what happened or hey, this based on what we have, this likely did not happen. Alternatively, recent work zone crash.

There were, in this particular case, alleged issues just with the condition of the roadway at the time of the incident. There was some debris or some potential material. Something was on the roadway that was alleged to be the cause or contributing factor to the crash. In this type of case, more information is available. We might have, in this type of instance, photos of the scene with the vehicles actually in their final rest position. We'll have the contract documents.

We had the construction plans in this particular incident. In this type of crash, compared to the traffic signal where we had limited data, this type of crash or this type of incident, we're able to dig a little bit farther into those documents. We were able to review the contract documents, figure out who had what responsibility, who had what relationship, and review the construction plans to identify the work limits, type of work. In this type of crash, was the work zone set up properly per the plans and how did that maybe contribute or how was that a factor in the crash itself?

In these case examples, we can take, like in the signal example, we can take a small amount of available data and still provide useful information that might help a client. And then on the alternative side, the work zone crash, there's a lot of documents. Our experience with construction documents, with contract documents, that type of review, we can really dig into the weeds of the project and try to get an answer to help piece together what happened as far as the responsibility, who was doing what on the scene at the time of the incident.

John: Nick, thank you so much for joining us today.

Nick: Absolutely. Thanks for having me. I appreciate the opportunity.

John: You just listened to Nick Brady from qualified member expert service provider, [S-E-A](#), and special thanks to today's producer, Frank Vowinkle. And thank you all for joining us for "Best's Insurance Law Podcast." To subscribe to this audio program, go to our webpage, www.ambest.com/professionalresources. If you have any suggestions for a future topic regarding an insurance law case or issue, please email us at lawpodcast@ambest.com.

I'm John Czuba, and now this message.



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