

Petition

Via Fax

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New Roads in Highway Design Cases

Computer research has opened new doors in the preparation and trial of highway design/motor vehicle cases.

The case analysis and evaluation must turn to the environment which contributed to the motor vehicle collision. Every driver must be given the opportunity to regain control of his/her vehicle and avoid injury by the unforgiving roadside. There must be a sufficient recovery area to allow the errant vehicle to return to the road or avoid the offending obstruction or embankment. A roadside environment analysis must include the following:

- Adequate and proper roadside barriers and guardrails to redirect the errant vehicle.
- Proper distancing of utility poles, street signs and roadside obstructions.
- Proper notice for lane closings using arrow boards and cones and tapering barriers.
- Proper signalization, reflectorization and signage for construction sites and equipment.
- Proper nighttime lighting, barricades and channeling of vehicles.
- The removal and proper distancing of construction equipment from the traveled pavement including reflectorization of equipment.

In addition to the web sites provided herein, it is essential that each Federal DOT, State DOT and regulatory agency guideline be reviewed to



establish specific violations. Florida Statutes 335.075 provides for “minimum standards and criteria for the design, construction and maintenance of all public streets, roads, highways, bridges, sidewalks, crosswalks and bicycle paths”. As a matter of policy, these Florida statutes mandate that “highway safety shall be considered and given high priority to promote safety”. The object of these laws is to reduce death and injury on highways. State and Federal DOT standards address mandatory minimum standards in the following areas:

- Worksite safety.
- Work scheduling.
- Traffic control and protection.
- Inspection and supervision.



Highway Design and Auto Crashworthiness Web Sites

National Highway Traffic Safety Administration (NHTSA): [Http://www.nhtsa.dot.gov/index.html](http://www.nhtsa.dot.gov/index.html)

Automobile Crashworthiness Information:
[Http://www.e-z.net/~ts/crashw.html](http://www.e-z.net/~ts/crashw.html)

Truck Crashworthiness Information:
[Http://www.e-z.net/~ts/truckc.html](http://www.e-z.net/~ts/truckc.html)

Traffic Control Devices, Warning Devices and Barriers (General Info): [Http://www.ksc.nasa.gov/procurement/clause/k236-128.html](http://www.ksc.nasa.gov/procurement/clause/k236-128.html)

Building Bridges Between Traffic Safety and Public Health (Education Dev. Ctr.): [Http://www.edc.org/hbd/csn/buildbridges.html](http://www.edc.org/hbd/csn/buildbridges.html)

Pavement Design and Construction (General Info): [Http://www.dot.gov/dotinfo/fhwa/hta/hta-apd.html](http://www.dot.gov/dotinfo/fhwa/hta/hta-apd.html)

Traffic Control (General Info): [Http://www.dot.gov/dotinfo/fhwa/hta/hta-trc.html](http://www.dot.gov/dotinfo/fhwa/hta/hta-trc.html)

They are applied to:

-  Private contractors and subcontractors.
-  Engineers, architects, planners, landscape architects.
-  Road maintenance contractors (private and public).
-  Landscape maintenance, tree maintenance, and roadside maintenance contractors (private and public).
-  Paving, utility and cable companies working on or adjacent to public roads.
-  Private landowners, shopping centers, office buildings and residents who act in violation of public right of way and standards.
-  Federal, state, local and county governments acting in violation of state or federal statutes.

Government standards and research are included on web sites or web pages. For further information, please call **1-800-836-6400**.

11th Circuit Affirms \$3 Million Dollar Verdict In Negligent Roadway Design Case

Federal Judge James Lawrence King told Plaintiff's Counsel, Ira Leesfield, that "Ivan Grayson, tormented by the mind numbing horror of the tragedy that wiped his family from the face of the earth, desperately needs to know why this happened." This non-jury award of \$3,000,000 reported at *748 F. Supp. 854* held the United States Navy liable under a Federal Tort claims action for lack of illumination, guardrails, reflectors and roadway markings and for dangerous and confusing design in violation of civil engineering standards, causing the Grayson vehicle to drive off the pier into the murky waters surrounding Key West. The 11th Circuit opinion affirming the award is found at *953 F.2d 650*.



Key West Findings

The Key West office of Leesfield, Leighton & Rubio, P.A. has filed a **1.3 million** dollar claims bill with the Florida Legislature to compensate Deborah Martin who was shot in the left hand during a training exercise at the Criminal Justice Institute. A jury verdict in excess of the statutory cap was returned in favor of Ms. Martin. "Every measure will be taken to obtain a full recovery for Debbie and her family," said Leesfield.

John Leighton Elected Vice Chair of the Motor Vehicle Collision, Highway Section of ATLA

Mr. Leighton recently moderated the program at the Winter Convention in New Orleans, and will next address the Motor Vehicle Collision, Highway and Premises Liability Section meeting at the ATLA Annual Convention in Boston on July 29, 1996.