



# **New legal problems for FDOT could present a potential roadblock for the TBX interstate project**

Taxpayers paying for Express Lanes and Lawsuits

February 14, 2017 Paul LaGrone

TAMPA, Fla. - When ABC Action News went down to Miami to expose the express lane problem, drivers called I-95 a "highway to the danger zone."

The accidents are being blamed on how the express lanes were installed, using plastic orange cones to separate the toll lanes, creating a situation where drivers who don't want to pay simply run over the plastic dividers.

"We're alleging that the state created a dangerous hazard with the express lanes, when they fall down it creates an opening for the driver to lane dive in and that's pure negligence," says Ervin Gonzalez, the Miami attorney who's suing FDOT.

Today Gonzalez filed two separate lawsuits against the Florida Department of Transportation and the company the state contracted to maintain the cones, saying they created a hazardous trap for drivers.

"This is a situation where the government is making lots of money off the people in the express lanes, and they're putting profits over people and that's just wrong," says Gonzalez.

The suits claim FDOT did not repair and replace broken poles which left large gaps, making it all too easy for drivers to lane dive.

It happened to Cynthia Fleischmann, who was on a motorcycle when she was struck by a driver who dove into her lane. Fleischmann, a decorated artist-- had to undergo the surgical amputation of her right leg.

"I'm lucky to have my hand still, to create my own work and my work has been helpful for me to accept myself," she says.

So what does this mean for the already troubled TBX project in Tampa?

FDOT sent this statement:

*"On the Howard Frankland Bridge, we are proposing a concrete barrier wall. TBX is still in the project development and environmental phase. The next phase will be the design phase where we review and refine design details, including the details of how to separate traffic."*