



Express Lane Carnage Draws Lawsuit

February 14, 2017 Gary Nelson



MIAMI (CBSMiami) – Thirty-year-old Cynthia Fleischmann was walking on her newly acquired prosthetic right leg Tuesday.

She used to climb palm trees and mountains and brave tightropes, but that was before the accident. Before a driver swerved into the express lane on I-95, ramming Fleischmann and her friend Cathy Perez, who were riding their Harleys.

“There wasn’t any reaction time possible. A car just came right through the orange pins and hit me directly,” Fleischmann said at the office of her attorneys who have filed suit against the Florida Department of Transportation, the contractor who installed the plastic poles along the express lanes, and the driver of the car.

It was October, 2015, when flimsy plastic poles separated the express lanes from the slower ones. So-called “lane divers” routinely ran over the poles.

“My leg was cracked aside, and my bone was sticking out, and I already knew that was pretty much done,” Fleischmann said.

Doctors at Ryder Trauma Center amputated her leg above the knee. Her friend,

Perez, was in traction, had some broken bones and nerve damage. She said she relives the accident everyday.

“It haunts me all the time. It haunts me every time I hear, see, I-95. I don’t ride on I-95,” Perez said at the news conference.

The two women are not alone among express lane victims. In one case a motorcyclist was killed, thrown into the opposite lanes of traffic by an express lane jumper. Another young man was hurt, his car demolished in a similar scenario.

State Sen. Frank Artiles, R-Miami-Dade, quotes the FHP as saying over one three year period there were 12,192 crashes in the county’s express lanes, five included fatalities, 58 involved injuries.

The lanes have been operating for eight years. Artiles has filed a bill that would do away with express lanes statewide. He says their danger outweighs any benefits, and argues that express lanes don’t really relieve traffic problems.

“They recognized, the secretary of the DOT recognized, that they had a problem with this practically from the day they put it out there,” attorney Mike Eidson said of the express lane system as the lawsuit was announced.

It wasn’t until late last year that the DOT replaced the flimsy Miami-Dade poles with much sturdier ones, spaced much closer together. For reasons unclear, that hasn’t happened in Broward.

Attorney Ervin Gonzalez, also representing Fleischmann and Perez, said stronger plastic poles aren’t the solution.

“The only thing that will work is concrete barricades or doing away with these express lanes altogether,” Gonzalez said, adding the lawsuit could have broad impact.

“It’s a case we bring not only for Cynthia and Cathy, but for all the drivers in our community who are risking their lives in these express lanes,” Gonzalez said. For Fleischmann, the damage is done.

“It’s been a really big challenge, to relearn how to walk, to relearn how to do activities that I love,” Fleischmann said.

She added she’s grateful to have not lost her hands. She is an artist, a painter, who still takes pleasure in her craft. She may never climb a tree or mountain again, however. The DOT is expanding its express lanes to include the Palmetto expressway. They will use plastic poles on that project. Express lanes going in on I-75 will be separated from the non-toll lanes by a grass median.

The DOT declined to comment on the lawsuit, citing pending litigation.

CBS4 News was unable in attempts to reach the state's contractor or the driver of the car who hit the motorcyclists.



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