

I-95 Express Lanes Are Poorly Maintained Death Traps, Alleges Motorcyclist Who Lost Leg

February 14, 2017 Jerry Iannelli



Artist Cynthia Fleischmann lost the bottom half of her right leg in a brutal October 2015 motorcycle accident. And she says the Florida Department of Transportation's shoddily maintained I-95 express lanes — where broken and missing poles let people illegally jump over into the express zones — are to blame.

Fleischmann, who is 30, was riding northbound on a Harley-Davidson along I-95 on October 14, 2015 alongside her friend Catherine Milagros Perez Garcia when a 1994 Toyota Corolla plowed through a gap in the orange pylons. The car slammed into both women just south of NW 103rd Street, severely injuring them both.

Each woman has now filed a negligence lawsuit against FDOT, DBI Services (which maintains the lanes), and the driver.

Fleishmann's injuries appeared to be far worse between the two — she was rushed via ambulance to the Ryder Trauma Center at Jackson Memorial Hospital, where doctors were forced to amputate her right leg above the knee. She says she also had to undergo surgery on her right hip-bone. Both bikes, 2012 and 2014 models, respectively, were destroyed.

“The defendants have a duty to properly maintain our roadways for the safety of drivers,” the pair's attorney, Lewis S. Eidson, said in a prepared statement yesterday. “The express lanes have created an extremely dangerous and unnecessary condition for drivers, which is exasperated when the delineator poles are not properly maintained.”

Neither FDOT nor DBI Services immediately responded to a *New Times* request for comment on the lawsuit.

Fleischmann and Garcia are far from the first people to lodge complaints about the express-lane poles. The lanes have been the subject of intense debate and scorn since the state first installed them in 2009. But the lanes lack proper shoulders, and are only cut off from the rest of the highway using plastic barriers, which can be easily driven over. The lanes require an automatic SunPass, and the cost varies — during rush hour, the tolls can top \$10.

But traffic analysts (and, frankly, anyone who's ever driven on on I-95) say the barriers don't cut down on traffic, and just make it more expensive to sit in South Florida gridlock.

Safety experts also say the fees and porous barriers encourage “lane diving” (illegally entering the lanes by driving over the pylons), and that lane-diving can often lead to rough accidents, since unsuspecting commuters typically have no idea if a car is about to burst through the pylons before it's too late.

Numerous proposals, from cutting off the lanes using concrete medians, to straight-up ridding Florida of the lanes altogether have been pitched in response. Just one month ago, State Senator Frank Artiles, a Miami Republican otherwise best known for pitching a failed, North Carolina-style transgender “bathroom bill” in Florida, filed a bill that would, if enacted, rid the state of express lanes once and for all.

“In Miami-Dade County, there have been more than 12,000 reported accidents in the express lanes over the past three years,” Artiles **said in a release last month**. “Highway express lanes are unsafe, inefficient, and add an unnecessary burden for all users, as the numbers clearly show.” Safety issues aside, the pylons are just damn expensive: FDOT says it spends more than \$1 million each year replacing the darn things, since people run them over so often. Huge gaps often exist in the pylons, like the one that the motorcyclists say gave the Toyota room to zoom into their lane.

Fleschmann's suit says the state fails to properly warn drivers that the lanes could be hazardous, and fails to properly monitor DBI, the company maintaining the poles, to ensure that they're standing.

"Defendants DBI and FDOT failed to properly maintain, repair and replace the delineator poles which separated the general-purpose lanes from the express lanes, creating large gaps which invited drivers to "lane dive" or change into the express lanes through the large gaps, injuring users of the express lanes, including Plaintiff, Cynthia Fleischmann," her suit says. "The gaps in the delineator poles along I-95 in the area of the subject incident were there for a sufficient length of time that Defendant DBI and FDOT knew or should have known of the hazardous condition."



Florida Senate

Office of Senator Frank Artiles – District 40

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Contact: Recuset.Nicholas@flsenate.gov

Florida Senator Frank Artiles Files Legislation to Eliminate Highway Express Lanes in State of Florida

Miami, Fla. – Florida Senator Frank Artiles (R-Miami) today filed Senate Bill 250, High-occupancy Toll Lanes and Express Lanes, for the 2017 Legislative Session in an effort to eliminate highway express lanes in the State of Florida.

"In Miami-Dade County, there have been more than 12,000 reported accidents in the express lanes over the past three years," said Senator Artiles. "Highway express lanes are unsafe, inefficient and add an unnecessary burden for all users, as the numbers clearly show."

"These highway express lanes are not only dangerous to the citizens that use them, but the law enforcement officers who protect them as well," said Senator Artiles. "I am proud to lead the fight against these unsafe and hazardous express lanes."

Recently, due to accident statistics, express lane safety has been called into question. According to Florida Highway Patrol (FHP), of the 12,192 express lane crashes reported in Miami-Dade County, 58 involved serious injury and 5 resulted in fatalities. Many of the accidents involve drivers crossing over the orange dividing poles, which the Florida Department of Transportation (FDOT) spends more than \$1 million a year replacing and repairing.

In response to these increased accidents, FDOT has hired more troopers to deal with bad behavior in the express lanes. Moreover, FHP troopers have found it very difficult and hazardous to enforce proper driving behavior due to the narrow shoulder caused by the creation of the express lanes.

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Frank Artiles ✓

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