

Robson Forensic

Engineers, Architects, Scientists & Fire Investigators

WORK ZONE COLLISION

This bicycle/motor vehicle construction work zone collision resulted in the fatality of the bicycle driver. Liability was established against both the construction contractor and the design engineering firm.

We determined that the collision occurred when the bicycle driver, while riding on a long-established pedestrian/bike path adjacent to a 4-lane thoroughfare, and upon entering the construction work zone, traveled into the oncoming motor vehicle travel lane and was struck by an automobile.



On the night of the crash, the following conditions existed:

- There were no advance warning signs or devices on the recreational pedestrian/bike path northbound in advance of the construction work zone.
- There were no channelization or directional devices on or along the recreational pedestrian/bike path northbound in advance of the construction work zone.
- There were no pavement markings or pavement delineation on or along the recreational pedestrian/bike path northbound in advance of the construction work zone.
- There was misleading guidance at the point where the redirected/detoured path transitioned into the construction work zone.
- At the transition of the redirected/detoured path into the work zone, the temporary path was not detectable and did not include accessibility features consistent with the features present in the existing pedestrian/bike path.
- There was no temporary lighting to assist the biker as he navigated through the transition into the temporary path.

The contract documents required the recreational pedestrian/bike path paralleling the thoroughfare to remain open, usable and safe at all times during construction. Traffic control plans, depicting the word “SAMPLE”, were prepared to protect users of the pedestrian/bike path during construction; these “SAMPLE” plans were included in the contract documents and were utilized in the early stages of the project. Based on the facts and in accordance with standards for work zone traffic control, our expert opined that the contractor and the design firm neither updated nor detailed the “SAMPLE” traffic control plans in accordance with appropriate local, state and federal standards for detours/rerouting of pedestrian/bike paths within a construction work zone. The failure of the contractor and the design firm to employ reasonable and established measures to effectively redirect pedestrian and bike traffic through the construction work zone was improper and a substantial cause of the collision and fatality. The case settled during mediation.

Lead Expert: Joseph A. Filippino, P.E.