

# The Herald

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## Is spot on Sawgrass unsafe in rain?

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A Pembroke Pines man died Sept. 22 after his car skidded through standing water on a tiny stretch of the Sawgrass Expressway that state roads administrators have been told for years is dangerous in the rain.

There have been at least six similar accidents at the spot since 1990. Florida state troopers have complained about pooling water. And the Florida Department of Transportation is fighting three lawsuits filed by injured drivers who say they spun out in the water.

But DOT engineers say they can't find any puddles, and they deny allegations the road is defective. They say the accidents are the fault of careless drivers, and they say they have no control over rain-soaked roads.

"We've sent experts out there, and we've been advised there is no defect in the road," said Joe Mancilla, a top DOT lawyer in Tallahassee. "We're talking about a handful of accidents here."

"Considering the millions of people who pass that spot, if there was such a serious problem, I'd think I'd have a lot more accidents than that."

According to Florida Highway Patrol reports and the lawsuits, the pools of water form just east of the Lyons Road exit on the Sawgrass every time there is a moderate to heavy rain.

A computer review of accident reports over the past five years shows that pools of water on the patch of highway between Lyons Road and the nearby Sawgrass toll booth have been a factor in at least six serious accidents.

In each case, the drivers had just paid the toll and were headed west when they hit a standing pool of water in the inside lane and lost control.

The puddles are listed in police reports as at least partially to blame for one fractured back, one broken jaw, a shattered collarbone, brain damage, a ruptured spleen, a punctured lung, a broken arm, broken ribs, a broken pelvis and uncounted cuts and bruises.

The lawsuits argue that the road was poorly constructed at that location, and is now settling in spots.

They say that means puddles are forming — on a highway that DOT's own standards say should be free of standing water.

State troopers who investigated the accidents have said in sworn depositions that the road is dangerous. One even told lawyers he warned DOT administrators repeatedly as far back as 1990.

Even the toll booth operators — who said they see the brake lights and spinouts frequently after heavy rains — wonder why something hasn't been done.

"I see them going through there all the time, water flying everywhere," said Marjorie Sass, 47, who has collected tolls at the plaza for more than five years.

From 1990 through 1994, standing water was rarely listed by police in Broward as a contributing cause of accidents. State crash reports indicate standing water contributed to

less than one-half of one percent of all accidents on average on interstates, turnpikes, state and local roads in the county.

In the same period along that particular stretch of the Sawgrass Expressway, five of 47 accidents were caused in part by standing water — a rate of 10.6 percent.

J. Philip Landsman, an attorney for Frederic R. Harris Inc. the engineering consulting firm that oversaw the Sawgrass construction, said comparison of one section of road against a county average is unfair.

"How do we know this isn't happening at different locations all over?" Landsman asked. "My God, have you ever driven on I-95? The fact is, it rains in Florida. It rains a lot. And when it rains, the roads get wet."

"That road opened in 1986, and ever since, 14,000 cars a day have passed over it," he said. "We're talking about a few accidents. There is no defect on that road. When there's a heavy rain, water flows in that area. That is as it should be."

### The first fatality

The first fatal accident at the spot was just over a week ago.

Martin Katz — a prominent developer and Broward civic activist who had just become a grandfather for the first time — died of injuries suffered when his 1994 Infiniti flipped after troopers say it hit a pool of water.

"You've got to be kidding. You mean they knew there was a problem out there?" asked Gerry Gunzberger of Hollywood, Katz's longtime friend and business partner. "I can't believe it. What a needless death. . . I'm still in shock."

Mancilla said the DOT will investigate the accident.

"We haven't seen the report," he said. "We don't even know if it happened in exactly the same place. I'm sure the department will look at it and determine if there is a problem."

DOT has known of concerns about the stretch of road since Nov. 13, 1990, when attorneys representing Sunrise stockbroker James Dryden sent a certified letter to DOT engineer J. Stephen Smith. The letter informed DOT of the alleged ponding.

Dryden, then 36, was headed home on June 6, 1990 when his 1985 Nissan hit the puddle and lost control, according to the Florida Highway Patrol reports. His car spun out, hit a guard rail and was a total loss. Dryden spent days in the hospital. His lawsuit is set to go to trial Nov. 13.

Two months after his accident, on Aug. 8, 1990, 18-year-old Heidi Siedlecki's Mustang spun out in water at the same spot.

"They can't tell me that was my fault," she said from her current home in New York. "I had never had an accident before that, nor one since. Of course, I would never drive on that road after that either. I'm telling you, that road is fatal. I can't believe something hasn't been done."

Siedlecki has not filed suit. In 1991, a mother and daughter were in their jacked-up Nissan pickup truck when they had the same kind of accident at the same spot. The truck flipped over several times, throwing clear 21-year-old Shannon Sneed, a swimsuit model. Sneed suffered brain damage and a shattered collarbone.

"They can talk 'til they're blue in the face," Sneed's mother, Diana Brady, said. "But I'm sorry, I was there. I lived through it. I was the one holding on for dear life while that car was in the air. They've got a serious problem on that road. It's just too bad it took someone's life to get some attention."

Brady and Sneed's attorney, Diana Santa Maria, of Davie, filed the first lawsuit in 1992. It is now 28 volumes thick — with pleadings and depositions that now can be stacked taller than

the tallest of the accident victims.

"Maybe they thought they could paper us to death," Santa Maria said. "I've been at this for four years now. It's not going away. I'm just really, really sad it has come to this. Someone's dead now, and it was completely unnecessary."

In one of the 28 volumes is the deposition of 12-year-veteran trooper John Blum, who investigated the Sneed accident. Blum said he warned a head DOT traffic engineer several times about the problem.

"I confronted him one time, he said he was going to send somebody out," Blum said in the deposition. "Then two or three weeks later I asked him if they found anything. He said, 'There is no problem with the drains.' I knew there was no problem with the drains. . . It is the elevation of the road."

### 'Water all over'

Clive Taylor, the traffic engineer who spoke with Blum, acknowledged the conversation, but said little could be done.

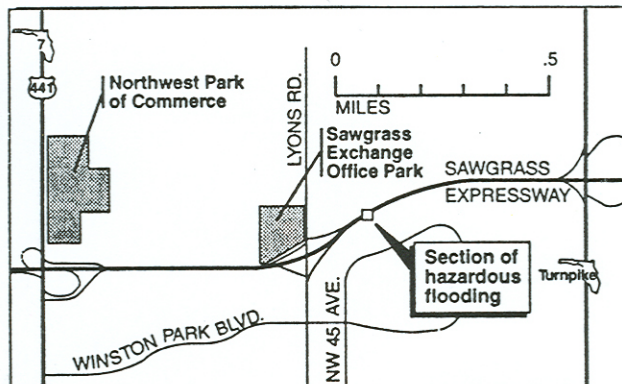
"How do you make it stop raining?" Taylor asked in depositions. "We have standing water all over the place."

Experts from both sides gave depositions. Those for the contractors say there is no problem. The experts on the other side detail a litany of problems on the road, beginning with the design and ending with the construction.

One of the plaintiff's experts — a retired civil engineer who once worked for the DOT but was hired by Sneed's attorney — said in an interview that he was saddened, but not surprised, to hear of the fatality.

"I was afraid of that," said Vincent Pickett. "I told Diana a year ago I thought they should do something before somebody gets killed. I'm sorry it's too late."

**A NOTORIOUS SPOT FOR ACCIDENTS**



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