

# Expert Opinion: Tiger Woods Crash: Dangerous Condition of a Public Roadway? Kramer Trial Lawyers A.P.C. Review

*Kramer Trial Lawyers, A.P.C. explore the Tiger Woods Crash: Dangerous Condition of a Public Roadway?*

LOS ANGELES, CALIFORNIA, USA, June 21, 2021 /EINPresswire.com/ -- While driving on a winding stretch of road, Tiger Woods sustained multiple injuries as a result of a single-car accident. Woods lost control of his vehicle, traveled over the centerline into the opposite lane, and tumbled onto a hillside. Following the crash, in a statement by county Supervisor Janice Hahn, the county's Department of Public Works will perform a safety review of the roadway.



Expert Opinion: Kramer Trial Lawyers explores: Tiger Woods car crash: Dangerous condition of a public roadway?

Where the accident occurred, signs warn motorists to watch their downhill speed. Additionally, the area has a truck turnout and brake-check signs. Despite these precautions, crashes happen. Residents, police officers, and others familiar with the stretch of road describe it as dangerous. Because the roadway descends quickly, motorists accelerate using the momentum of the hill, which can cause them to exceed safe speeds without realizing it. Due to the sweeping "S" curve of the roadway, motorists experience an increased risk of losing control of their vehicles, which increases the risk of a serious and fatal car crash. This past year saw 13 incidents on Hawthorne near Blackhorse Road. Four resulted in injuries.

Roadway transportation is a pillar of the American way of life. Roadway design is integral to driver safety. To reduce the number and severity of roadway incidents, traffic engineers implement technology and design strategies at critical areas – including medians, contoured road edges, increased pavement friction around curves, pedestrian islands, and retroreflective traffic signals and signs. But when road design goes wrong, there may be limited recourse against public entities responsible for design and planning of roadways.

Though less common than driver negligence, dangerous conditions on public roadways are the cause of many auto accidents. In California, a dangerous condition exists "if property is physically damaged, deteriorated, or defective in such a way as to foreseeably endanger those using the property itself."  
(Cordova v. City of L.A. (2015) 61 Cal. 4th 1099, 1105.)

A public entity is liable for injury caused by a dangerous condition of its property if the dangerous condition created a reasonably foreseeable risk of the kind of injury sustained, and the public entity had actual or constructive notice of the condition for a sufficient time prior to the injury to have taken preventive measures. (Gov. Code, § 835, subd. (b).) But a public entity may avoid such liability by raising the affirmative defense of design immunity. (Gov. Code, § 830.6.)



Daniel K. Kramer, Founding Partner and Trial Attorney at Kramer Trial Lawyers A.P.C.

Under California Government Code § 830.6, neither a public entity nor a public employee is liable for an injury caused by the design of construction on public property when the design was reasonably approved. The approval must be "by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval."; (Cornette v. Dept. of Transportation (2001) 26 Cal. 4th 63, 69.) Additionally, substantial evidence of reasonableness of design – a question of law for the court, not a question of fact for the jury – may be satisfied by a civil engineer's opinion regarding reasonableness. (Grenier v. City of Irwindale (1997) 57 Cal. App. 4th 931, 941.) "That a plaintiff's expert may disagree does not create a triable issue of fact." (Id.)

“

Navigating the law on dangerous conditions of public roadways is not without pitfalls. An experienced personal injury attorney can help you better understand your legal rights and options.”

*Daniel K. Kramer, Kramer Trial Lawyers A.P.C.*

Still, the public entity may lose its design immunity under

Government Code § 830.6 if: (1) the plan or design became dangerous because of a change in physical conditions; (2) the public entity had actual or constructive knowledge; and (3) the public entity had a reasonable time to obtain the funds and carry out the necessary remedial work to

bring the property back into conformity with a reasonable design or plan, or the public entity, unable to remedy the condition due to practical impossibility or lack of funds, did not reasonably attempt to provide adequate warnings. (Cornette at 66.)

For example, in *Cornette*, the plaintiff brought action against California Department of Transportation for failing to construct a median on the roadway where the plaintiff was injured. When built in 1964, the design of a freeway without a median barrier was reasonable and thus fell within the ambit of design immunity. (Cornette at 67.) But physical conditions changed by the time the accident occurred on May 23, 1992. (Id.) Both the traffic volume and the number of cross-median accidents significantly increased. (Id.) As a result, on August 21, 1990, almost a year before the plaintiff's accident, Caltrans decided to install a median barrier along a five-mile stretch of the freeway that included the location where this accident would later occur. And on July 27, 1991, the Caltrans district office recommended that high priority be given to the project because five more cross-median accidents, three with injuries and two with fatalities, had occurred in 1990. (Id.) On these facts, the California Supreme Court affirmed that the jury should hear evidence of whether Caltrans' actions led to it losing design immunity. (Id. at 73.)

Back to Hawthorne Avenue, where Tiger Wood's accident occurred: once a government entity has noticed that the plan or design, under changed physical conditions, has produced a dangerous condition of public property, it must act reasonably to correct or alleviate the hazard. Hawthorne Avenue is notoriously hazardous: due to the downward slope motorists quickly pick up speed; sweeping "S" curve of the roadway heightens risk motorists will lose control of their vehicles; and lack of median barriers or side rails, which would prevent vehicles veering into oncoming traffic or tumbling off the roadway, also increase the risk of severe injury. What extent are the dangers a result of a changed condition? If changes in traffic volume, number of accidents, road visibility, and road use at the intersection of Hawthorne Avenue and Blackhorse Road made the roadway more dangerous, design immunity may give way to government liability.

"Navigating the law on dangerous conditions of public roadways is not without pitfalls," says [Daniel K. Kramer, Kramer Trial Lawyers, A.P.C.](#) Founding Partner, Trial Attorney. "This requires an investigation of the history of the roadway. An experienced personal injury attorney can help you better understand your legal rights and options."

Kramer Trial Lawyers A.P.C.

Press Office for Kramer Trial Lawyers A.P.C.

+1 424-335-4734

KTL@epecmedia.com

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/544399251>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.