

Bicyclist Hit By School Bus

My client was hit by a school bus (from a local high school) while riding her bicycle across an intersection. The school bus failed to yield the right-of-way while making a left turn at the intersection. The force of the impact caused my client to suffer serious injuries. Fortunately, she recovered with extensive medical treatment and has found the courage to ride a bike again. We ultimately sued the school district that employed the bus driver.

This was not a straight forward negligence case; in fact, the investigating police officer's initial crash report stated that my client was at fault for causing the collision. After his investigation, the police officer concluded that my client was riding her bicycle in a pedestrian crosswalk when she was hit by the bus. Apparently, it is a traffic violation to ride a bike in a crosswalk; a bicyclist should dismount the bike and walk it through the crosswalk.

But, I discovered that those were not the real facts of the case; a video showed that my client was not in the crosswalk when the collision occurred. A video camera from a nearby college building had footage of the intersection and showed that my client was not riding her bicycle in the crosswalk when she was hit by the bus. Rather, she was lawfully crossing the intersection in a traffic lane with a green light.

This video was contrary to the affidavits that the police officer attached to his crash report from witnesses that stated my client was in the crosswalk. After obtaining the video, I met with a couple of those witnesses and they conceded that they did not actually see my client riding through the crosswalk, they just assumed she did because she was lying near the crosswalk after the collision.

I also met with the investigating police officer regarding the video, and he ultimately supplemented his crash report to state that my client was legally riding her bicycle through the intersection, not the crosswalk, when the collision occurred, and he concluded that the bus driver was at fault for failing to yield the right-of-way. Further, I retained a collision-reconstruction expert that reached the same conclusion after a thorough investigation of all the evidence.

After several months of litigation, the case successfully settled. Prior to filing the lawsuit, the school district had denied liability and refused to make any settlement offer.

Takeaways from the case:

My client could not actually remember whether she was in the crosswalk or not when the collision occurred. Sometimes she rode her bike through the crosswalk, sometimes she didn't. The trauma she suffered clouded her memory of the event. When the initial crash report stated that she was in the crosswalk, my client just assumed that's what happened. However, crash reports are not always correct.

I asked several business establishments near the scene of the collision whether they had video of the collision, but none of them did. There was also no video surveillance of the intersection maintained by the City where the collision occurred. Fortunately, the nearby

college had video, and this video led the investigating police officer to change his opinion regarding the cause of the collision.

Sometimes video surveillance is discarded within 24 to 48 hours; therefore, it is imperative to search for video as soon as possible, and meet with witnesses. It is not enough to just rely on the conclusions stated in a police crash report. A thorough investigation can turn a difficult case into a winner, and result in justice for those wrongfully injured by the negligent acts of others.

I am sincerely committed to getting the best results for every client, and I will leave no stone unturned during my investigation.