

DAVID J. GLATTHORN CIVIL TRIAL LAWYER

AGGRESSIVE, ETHICAL REPRESENTATION FOR OVER 30 YEARS

Stop, Look, and Listen



Unfortunately, railroad crossings are sometimes violent rendezvous points for trains and roadway vehicles. Car/truck passengers are in jeopardy of serious injury or death.

A sizeable majority of railroad crossing accidents are the fault of car/truck drivers. Distracted driving; failure to stop, look, and listen; trying to beat the descending gates; stopping on the tracks due to a traffic backup, and driving under the influence; among other scenarios, all contribute to needless tragedy.

However, various other entities may be held liable for railroad crossing accidents, depending on the circumstances. For example, the railroad company that owns the track is obligated to properly install lights and gates at the appropriate crossings, ensure that motorists have clear lines of sight, and maintain the tracks.

The company that owns the train has a duty to operate it in a safe, prudent manner. It is responsible for properly training all personnel operating the train, including the sounding of warning whistles or horns when approaching crossings; instituting safeguards to ensure that crew members are not fatigued or under the influence of drugs or alcohol; following speed limits; and properly maintaining locomotives and railroad cars.

Train manufacturers are responsible for all warning sounds and lights, brake systems on locomotives and freight cars, coupling mechanisms between cars, and communication between crew members.

County or local government may be held at least partially liable if the vehicle roadbed at a railroad crossing was improperly constructed or maintained, and contributed to a train-auto accident.

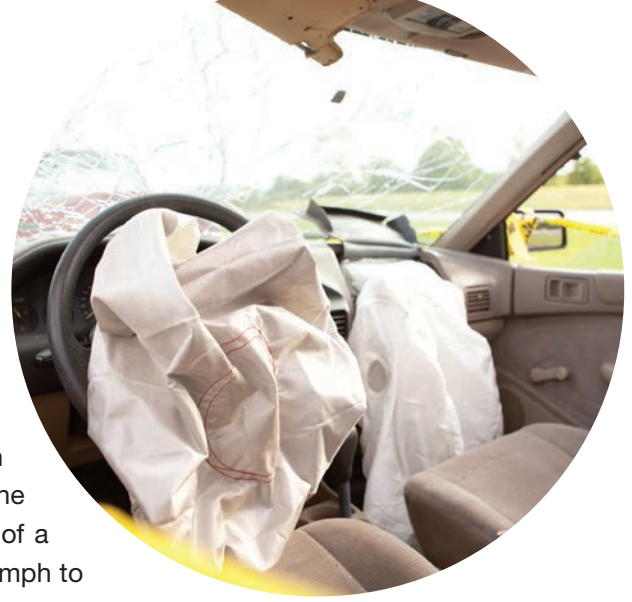
If you've been the victim of a railroad crossing accident, contact a railroad accident attorney to protect your rights. •



July 2015 News



When Safeguards Go Bad



Although on standby to protect drivers and other passengers in the event of a crash—and they do an excellent job—airbags are occasionally the source of injuries. A flurry of activity occurs when an airbag is deployed. A head-on or near head-on impact of 10–15 mph should prompt a crash sensor to trigger an igniter, producing either argon or nitrogen gas to fill the airbag, which is composed of light fabric. The airbag deploys in 1/20th of a second, bursting forth from the steering wheel or dashboard at over 100 mph to cushion the blow.

In the midst of this explosive action are chemicals, dust, heat, and an abundance of force—in obviously close proximity to your body. The speed at which an airbag deploys can cause abrasions, burns, and facial injuries. Chemicals and dust released can spur irritation or injury to the lungs, eyes, and skin. Chest wall injuries are a distinct possibility. Spinal injuries to the neck or back due to whiplash-type effects may occur. Symptoms may be evident immediately, or may take days or even weeks to manifest.

In some situations, a faulty crash sensor might not trigger the deployment of an airbag, trigger it too late, or trigger it when there was no impact. In these cases, if you've been injured you may have cause to file a personal injury claim against the automobile manufacturer or airbag manufacturer. Evidence must be preserved, and negligence must be proven. ●

A massive recall of 34 million vehicles was recently announced because of concerns about airbags exploding violently and sending pieces of metal into the cabin. The airbags in question were produced by the Japanese company Takata. For information on the recall, and to see if your vehicle is included, go to safercar.gov.



Did You Know?

According to the magazine *Consumer Reports*, more people end up in the ER for head injuries from cycling than from any other sport. In fact, cycling causes twice as many head injuries as football and three and a half times more than soccer. Bottom line – you've got to wear a helmet when jumping on your bike to go for a ride. Studies indicate that a quality helmet can reduce your risk of sustaining a traumatic brain injury by nearly 70 percent. ●

When Will Your Car Be Hacked?



Because it probably isn't a question of "if", it's a question of "when"

Drive any recent model car. The technological advances are amazing, including Bluetooth and the ability to turn your car into a Wi-Fi "hotspot".

These consumer conveniences only scratch the surface though. All new cars contain multiple devices to collect information on both the driver and vehicle. Manufacturers collect large amounts of data which is wirelessly transmitted to data centers, including third-party data centers.

A recent report published by Senator Edward Markey of Massachusetts raised the alarm that security measures to prevent remote access to vehicle electronics are "inconsistent and hap-hazard". (The full web address of Senator Markey's report is too long to provide here. Go to Google and type in "tracking and hacking" which will lead you to a direct link to the report.) A day doesn't go by when we don't open the newspaper and find another large organization that anyone would think to have adequate security measures (such as the U.S. government, banks, insurance companies, etc., etc.) have been "hacked".

A private consulting firm even was able to actually take command of a car remotely. As Senator Markey reports, "a car's computer shouldn't get hacked by an iPad".

It is critical for every consumer to be aware of this problem and demand that car manufacturers institute safety procedures to protect the privacy and safety of the entire population. •

July 2015 - Important Dates

July 1
Canada Day

July 4
Independence Day

July 14
Bastille Day

July 26
Parents' Day

A Blaze of History

On May 6, 1937, the German airship *Hindenburg* plummeted to earth in a fiery heap as it attempted to land at Lakehurst Naval Base in Lakehurst, N.J. Classic film footage and the memorable, emotional play-by-play of radio reporter Herbert Morrison of "Oh, the humanity!" fame (recorded live, but only broadcast nationally the following day) has seared the incident into the psyche of anyone exploring this kernel of history.

Although the *Hindenburg's* demise was spectacular and terrifying, 62 out of its 97 passengers survived. It wasn't the most deadly airship accident, either. A U.S. Navy airship, the U.S.S. Akron, went down in a severe storm in 1933, killing 73 out of 76 crew members.

The *Hindenburg* was designed to be a helium-filled airship. However, the United States had a monopoly on the world's supply of helium at the time and feared the gas might be used by other nations for military purposes, therefore its export was banned. Hydrogen was the *Hindenburg's* backup plan. Although helium and hydrogen are both lighter than air, hydrogen is flammable (helium is not), making its use a far riskier proposition.

Ironically, the *Hindenburg* had a smoker's lounge. Passengers were forbidden to bring their own lighters and matches but could file through a double-door airlock into a pressurized room that sealed off hydrogen. A single electric lighter was available to light up.

With trans-Atlantic commercial plane flights on the cusp of becoming a burgeoning industry, airships might have soon become a blip on the radar anyway. But the *Hindenburg* tragedy put the final nail in the coffin. •



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Tread Carefully

Following the recent death of Silicon Valley entrepreneur David Goldberg—who reportedly fell off a treadmill and suffered head trauma—questions have been raised about treadmill safety. According to the Consumer Product Safety Commission, treadmills are responsible for more injuries than any other type of exercise equipment. From 2003–2012, over 24,000 injuries prompting hospital ER visits and 30 deaths were attributed to treadmill use (although heart attacks played a role in some cases).

When using a treadmill, it's best to follow these safety tips:

- Don't start the machine while standing on the belt. Straddle the deck, start the treadmill, then step onto the belt.
- Stay 6–8 inches away from the control to avoid accidental changes of speed.
- Look forward. Don't look down at your feet or to the side, which can cause you to lose your balance and tumble.
- Limit distractions. Talking on your iPhone or other device can cause you to drift down the belt without realizing it.
- Never leave the machine running unattended. Young kids are curious and may attempt to step onto the treadmill. Moving parts can also pinch, burn, or lacerate fingers and hands.
- If the belt is moving too quickly, place your feet on the deck and adjust the speed.
- Make sure your home treadmill is properly maintained per manufacturer instructions.



To be fair, you are far more likely to be killed by lightning than by using a treadmill. Like any product, if a treadmill is not utilized properly, injuries can happen. •