

[San Bernardino Sun: 215 / 210 Interchange Dangerous](#)

The Sun has an article posted on March 20, 2011 (and found at http://www.sbsun.com/news/ci_17659411?source=rss) stating that the transition from the southbound 215 to the eastbound 210 in the City of San Bernardino is dangerous, with the Sun stating that accidents have “skyrocketed.” The 215 is currently being widened and construction can often limit lanes with k-rails. The construction can change lanes from one day to the next.

A public entity, such as the State of California, Department of Transportation, also known as CalTrans) may only be held liable for a dangerous condition of its property, not for simple negligence or premises liability.

A dangerous condition is “a condition of property that creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury when such property . . . is used with due care in a manner in which it is foreseeable that it will be used.” Government Code § 830(a). A public entity is liable for injury caused by a dangerous condition of property it owns or controls if the plaintiff establishes that (1) the property was in a dangerous condition at the time of injury; (2) that the injury was proximately caused by the dangerous condition; (3) the dangerous condition created a reasonably foreseeable risk of the kind of injury incurred; and either (i) a public employee, within the scope of his or her employment, negligent or wrongly committed an act or omission that created the condition or (ii) the entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to take protective measures against the dangerous condition. Government Code §§ 830, 835.

The information you obtain at this blog is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation.

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