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Public Transportation And The Law: Protecting Your Rights



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Each weekday in the United States, public transportation is responsible for 35 million trips, and that number has seen a steady rise as Americans have been increasing their use of public transportation

over the last several years. In fact, according to the American Public Transportation Association, in 2012 alone, Americans took 10.5 billion trips on public transportation, with more than 14 million Americans using public transportation each weekday. In New Jersey, New Jersey Transit uses over 2,000 buses and 700 trains to provide approximately 223 million trips every year. Whether this is motivated by the fluctuating prices of gasoline, the desire to reduce one's carbon footprint, or solely public transportation's ease of use for avoiding road congestion, it is clear that public transportation plays a vital role in today's society.

Most Americans that board public trains, buses, and other vessels do so under the assumption that it is safe. Public transportation, however, suffers from the same dangerous features that cause accidents between regular cars every day. Factors such as a fatigued or distracted driver, improper maintenance, or negligence during dangerous road conditions can all cause accidents. The operators of these public buses and trains are not infallible, and accidents occur more often than some people would like to acknowledge. What separates these accidents from regular car accidents is the magnitude involved. Given the size of the vehicles or vessels at issue, a bus, train, or light rail accident can cause widespread damage and significant injuries or even death to multiple passengers. Accidents involving public buses and trains are further exacerbated when mandatory safety features like seatbelts or emergency exits are improperly maintained or neglected completely. Typically, bus and train accidents involve rollovers, sudden stops, collisions, or even derailments, all of which can subject the numerous passengers to potentially devastating injuries.

Given the nature and frequency of bus and train accidents, every time individuals board public buses and trains, they are placing their well-being in the hands of the others, depending on the vehicle's operator to provide safe travel. The operators of these vehicles and other public transportation vessels therefore owe a special responsibility to their passengers above the ordinary negligence standard. This applies not only to vehicle accidents in the traditional sense such as collisions but also to accidents that occur within the vessel and vehicles, such as slip-and-fall incidents. If such an accident were to occur, passengers that are injured are required by law to act swiftly to preserve their rights.

In New Jersey a victim of an accident involving a member of New Jersey's public transportation has 90 days from the date of the incident to provide notice of the intention to file a lawsuit against that entity. Without this notice, a victim can be permanently stripped of his or her rights to seek compensation for any injuries suffered, unless that victim can justify the failure by establishing extraordinary circumstances. Not only does the law require timely notice, but the circumstances of the accident also behoove an injured party to act quickly given the size of public transportation entities and the likelihood that they will begin an investigation as soon as possible after an accident.

Claims against a public transportation entity involve strict procedural requirements and complex legal issues. It is therefore vital to begin the process as soon as possible to afford yourself and your attorney

the best opportunity of prevailing. If you are the victim of an accident involving public buses, trains, or other transportation, you should contact a personal injury attorney as soon as possible to preserve your rights and ensure you are operating within the requirements of the law.