SETTLEMENT REACHED
IN RAILROAD CROSSING COLLISION
How Forensic Animation Was Used to Demonstrate Plaintiff's Inattention and Fault

COURTROOM ANIMATION

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In 2020, San Diego resident John Smith was driving his pickup truck approaching a high-speed railroad crossing. Simultaneously, an oncoming train approached the crossing from the perpendicular direction. The gate arm failed to lower, and the flashing signal lights failed to turn on. John entered the crossing and was broadsided by the train and suffered severe injuries. John later filed suit against two parties; one was the company who controlled and maintained the failed warning system. The less obvious party was the municipality. John contended that the municipality failed to maintain foliage near the crossing, and had they, he would have been able to see the train and would have stopped.

The challenge that the municipality had was proving, with limited data, that the foliage was not a sight obstruction for drivers. One solution was a drive-through reenactment with video from the driver's perspective, but that wasn't possible as the foliage had changed since the event. So, our team was retained by the municipality to use forensic animation to show what the driver would have seen on the day of the incident.

There were two main data sets we used to re-create this event. The first was data recorders from both the pickup truck and train that created an accurate accident reconstruction sequence, enabling us to understand the vehicles positions at specific points in time leading up to impact. The second was photographs taken of the foliage near the day of the incident.

To leverage these photographs in creating an accurate model of the environment, my team had to know exactly where the photos were taken from. Using photogrammetry, a technique that allows measurements to be taken inside photographs, we were able to pinpoint the exact camera settings, positions, and orientation of all the photographs. Our team then could match those camera positions within a 3D computer generated environment.

From there, we created 3D models of the foliage such that it matched the photographs of the subject foliage. Now we had an accurate environment with foliage that matched the incident date. When combined with the accident reconstruction data, my team could place a camera where John's head would have been in his truck and see exactly what he would have had the opportunity to see.

The insights from the recreation were that the driver had the ability to see the train for 9 seconds prior to impact, with the train only being obstructed for 1.5 seconds pre-impact by the foliage. Defense counsel leveraged this video in settlement talks and ended up settling for just over a 5-figure dollar amount.

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