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Shifting into First: Early Development of the Commercial Truck Crash Case

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SHIFTING INTO FIRST:
EARLY DEVELOPMENT OF THE COMMERCIAL TRUCK CRASH CASE

By Mike Davis

Large commercial trucks account for a disproportionate percentage of the injuries and deaths occurring on American roadways. When a large truck collides with a passenger vehicle, the passenger vehicle loses. In fatal crashes involving a large truck and a passenger vehicle, the persons killed or injured are usually the occupants of the passenger vehicle.

The Federal Motor Carrier Safety Administration (FMCSA) conducted a study in which it gathered data from crashes involving large trucks between 2001 and 2003 to report to Congress. The FMCSA reported that, during the 33-month study period, there were approximately 141,000 fatal or injury causing crashes involving large trucks.[1] FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, REPORT TO CONGRESS ON THE LARGE TRUCK CRASH CAUSATION STUDY (2005), https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/ltccs-2006.pdf. According to the FMCSA's report, two-thirds of the crashes caused by large trucks were attributable to either the truck driver's failure to recognize a potential crash risk as a result of inattention, distraction, or failure to observe, or the driver's poor decision-making, such as driving too fast for conditions, following too closely, misjudging the speed of other vehicles, or making incorrect assumptions about the other driver's actions. *Id.* at 12. More than 60% of the crashes caused by large trucks resulted from one of two types of

[1] Large truck was defined as a truck with a gross vehicle weight rating greater than 10,000 pounds.

driving failures—driving outside the truck's proper lane of travel or loss of control. *Id.* at 13.

Nearly a decade later, the statistics are still sobering. In 2015, 4,067 people were killed and 116,000 injured in crashes involving large trucks and passenger vehicles. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, LARGE TRUCK AND BUS CRASH FACTS 2015, at 17 & 23 (2017). https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/LTCF2015%20Early%20Release.pdf. Between 2005 and 2009, fatal crashes involving large trucks and buses increased 34%, and injury crashes increased 62%. *Id.* at 3.

Texas has the dubious distinction of leading the nation in trucking injuries and deaths. In 2015, there were 474 fatal crashes in Texas, resulting in 561 deaths. *Id.* at 40-41. Texas's 561 deaths in truck wrecks accounted for over 13% of the fatalities suffered in truck wrecks in the entire country in 2015, and are over 52% higher than the number of deaths from truck wrecks reported by the state that had the next highest fatality rate from truck crashes—California. *Id.* at 40.

TRUCK CRASHES DIFFER FROM CAR CRASHES

In addition to the increased severity of injury when a vehicle weighing tens of thousands of pounds collides with a vehicle weighing only a few thousand pounds, truck wrecks differ from car wrecks in several other significant respects. Trucking companies and truckers are controlled by an extensive framework of federal and state regulation and, as a general rule, most trucking companies and truckers are in violation of these regulations every day. Truck wreck cases also require much more investigation into the pre-wreck conduct of both the truck driver and the trucking company, the driver's training, and the condition of the vehicle than would ordinarily be involved in a routine

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