

18-Wheeler Dangers: Avoiding Accidents, What to Do if You Get Hit

By Scott Callahan

We've all experienced the feeling driving alongside an 18-wheeler: Seeing the truck's grill in the rear view mirror. Hearing rocks hit the windshield. Feeling the car sway as the big truck passes on the freeway.



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And, it seems as if we hear horrifying stories almost daily – 18-wheeler wrecks, rollovers, lost loads, tire blowouts, and hazardous spills. In 2012 alone, there were 3,921 people killed and 104,000 injured in trucking accidents nationwide, according to the National Highway Traffic Safety Administration. Seventy-three percent of those killed or injured were like you and me – occupants of cars sharing the road with these trucks. Seventy-eight percent of the fatal crashes happened during weekdays.

Transport trucks routinely weigh up to 80,000 pounds. Because of their sheer size, wrecks involving these giants almost always result in more serious injuries. The Federal Motor Carrier Safety Administration (FMCSA) regulates the trucking industry. According to the FMCSA, roadside inspections reveal that the most frequent truck violations are inoperable lighting and excessive wear on tires. As for the drivers themselves, the most frequent violations are for no driver logs, which show the number of hours driven and required rest breaks, or driver logs that are not current.

Here are some of the most common causes of big rig accidents:

Fatigue. Drivers commonly are paid by the mile or the trip, not hourly. Therefore, drivers try to make trips as quickly as possible. Industry regulations limit the hours a trucker can drive in a day, and accurate driving records must be kept in the driver's log. However, the lure of being paid more for additional miles often translates into driving excessive hours, altering the driver log, and driving with minimal sleep.

Driver Distraction. Texting, cellphone and Internet use.

Drugs and alcohol. Prescription drugs, illegal drugs, anti-sleep aids and alcohol.

Faulty equipment or poor maintenance.

Brake Failure. The sheer size and weight of trucks and their loads places a significant amount of wear and strain on brakes.

Tire separation and blowouts. High mileage, harsh road conditions, and weight all lead to extensive wear and deterioration of tires. It seems all too frequent that we are dodging parts of large rubber tires as we drive down the freeway. Tire separation and blowouts often lead to loss of driver control.

Blind Spots and Limited Visibility.

Blind spots for 18-wheelers are large; they can measure the length of the trailer and span several lanes of traffic. Thus, there's a very large area around the truck where you might as well be invisible to the driver.

To protect yourself around an 18-wheeler, you should:

Always pass on the left, not on the right.

Don't tailgate. You won't be able to see traffic lights, road signs or slowing traffic in front of the truck.

Don't cut in front. It puts you in the truck's front blind spot. And, it takes a truck a lot longer to stop than a car.

Don't linger. Pass safely, but don't stay alongside a truck for any longer than needed.

So what if your vehicle is hit by a tractor-trailer rig? Trucking cases are complicated and obtaining full justice is often a battle. Consult with an experienced trucking lawyer who you like and trust. Then, act quickly.

When a wreck happens, trucking companies are notified immediately, and they immediately send their risk management team to the scene to perform their evaluation and damage control.

Here are a few important steps that should be taken quickly by your own lawyer to protect your rights:

Preserve all evidence immediately. This includes a detailed preservation letter to the trucking company itemizing specific evidence they need to retain for potential litigation. This is important, for example, because the FMCSA only requires the company to keep driver logs and supporting documents for 6 months after receipt.

Take extensive measurements and photographs.

Interview witnesses.

Download all electronic on-board recording data.

Obtain the driver's logs, driving history, and most recent physical exam.

Conduct an inspection of all vehicles.

Transportation plays a vital role in our economy and our lives. Whether it's a large truck, passenger car, motorcycle, bicyclist or pedestrian, we all have to share the road and follow the rules. When confronting traffic alongside 18-wheelers, we need to be completely focused, defensive drivers. But those who are victims of a trucking collision should seek the help they need to receive justice.

The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

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