

FROCK & BROUSSARD, P.C.

Attorneys and Counselors at Law

2550 North Loop West · Suite 260 · Houston, Texas 77092-8908

713-688-2300 · Fax 713-688-2377

TRUCKING LITIGATION UPDATE

October 2006

Government Study Finds Passenger Cars Most Often At Fault

Dear Trucking Industry Professional:

The U.S. Department of Transportation, in conjunction with the Federal Motor Carrier Safety Administration and National Highway Traffic Safety Administration, have conducted a national study of factors that contribute to truck accidents. This report called the "Large Truck Crash Causation Study" reviewed a representative sample of 967 crashes in 17 states. Data was collected based on information from official reports, in depth interviews, onsite investigations at the scene and evaluations of the trucks and drivers. It is reported to be the most comprehensive study available into the causation of large truck crashes. The data was collected by a two person team consisting of a trained researcher and a state truck inspector. Each truck and truck driver were subjected to a thorough inspection after the accident and researchers also reviewed police reports, hospital records and performed scene investigations.

Each crash was analyzed to find the critical event and critical reason for each accident, as well as, associated factors that were present. The critical event was the event that immediately resulted in the accident. The critical reason was the immediate reason for the critical event, such as the failure that lead to the critical event. The associated factors were other things that were present, but not necessarily a cause of the accident. The study showed that in two vehicle crashes involving a large truck and a passenger vehicle, the passenger vehicle was assigned the critical reason for the crash in 56% of the cases, with the large truck being assigned the critical reason in 44% of the cases. In those accidents where the truck was found to be responsible, being over the lane line or off the road was the most frequent critical event related to the accident. The second was loss of control by driving too fast for conditions. The other two reasons involved other motor vehicles in the travel lane and turning or crossing an intersection. These four categories accounted for 93% of all crashes involving trucks and were assigned critical events and critical reasons for the accidents.

In the accidents involving one truck and one passenger car, legal drug use was very common for drivers of both types of vehicles, but illegal drug use was a factor only for passenger vehicle drivers. Trucks were found to have been driving too fast for conditions at a rate of almost 50% higher than passenger vehicle drivers. However, passenger vehicle drivers were found to be fatigued twice as often as truck drivers. Brake problems were found on over a quarter of the trucks, but on only 2% of the passenger vehicles. Traffic flow interruptions and the need to stop to prevent a crash were involved in almost 25% of two vehicle crashes.

The "Large Truck Crash Causation Study" confirms the results of other reports that have reviewed the causes or factors in collisions between big trucks and passenger cars. They all

consistently conclude that passenger cars are more often the cause of these accidents rather than the trucks. These results are probably the opposite of what the general public believes about accidents involving large trucks and passenger cars. The public perceives that trucks are more often the cause of these accidents. Unfortunately, these same members of the public eventually serve on jury panels who evaluate accidents with a preconceived bias against truck drivers and trucking companies. It would behoove the trucking industry to make these favorable studies more widely disseminated to the public, in order to help reverse the undeserved, negative image of trucks and truck drivers, which ultimately impact jury verdicts and settlements.

For more information about this subject or any legal issues relating to the trucking industry, please contact M. David Frock or Collis A. Broussard, Jr. of Frock & Broussard, P.C. Mr. Frock is Board Certified in Personal Injury Trial Law and Civil Trial Law by the Texas Board of Legal Specialization and as a Civil Trial Advocate by the National Board of Trial Advocacy.

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ABOUT THE FIRM

For the past fifteen years the law firm of Frock & Broussard, P.C. has practiced civil litigation, trial and appellate law in both state and federal court in Texas. Our firm is exclusively engaged in the defense of trucking companies and is involved in transportation related litigation throughout the State of Texas. We are approved as panel counsel by a variety of insurance companies and serve as counsel to many prominent, self-insured trucking companies. Our practice is state wide and specifically tailored to the representation of transportation related clientele.

Frock & Broussard, P.C. has developed an extensive practice related to commercial vehicle accidents and the legal issues which are unique to the trucking industry. We are members of many professional organizations, including the Trucking Industry Defense Association, American Trucking Association, Texas Motor Transportation Association, Houston Safety Council and the Transportation Law Committee of The Defense Research Institute. In addition, Frock & Broussard, P.C. has been instrumental in the development of a rapid response team, which is available for on site accident investigation. The members of our firm can be reached on a twenty-four hour basis to investigate an accident anywhere in Texas. Furthermore, we have the capability to enlist the assistance of qualified accident reconstructions experts, investigators and adjusters, when required.

Frock & Broussard, P.C. is committed to providing highly professional representation to its clients at a fair and competitive fee. We have the flexibility to establish a close personal working relationship with our clientele and be particularly responsive to their individual needs. Frock & Broussard, P.C. is available to assist the transportation industry whenever the need may arise.

Exclusive Legal Counsel to the Trucking Industry