

# Trucking Accidents Caused by Driver Error

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**Truck driver errors contribute to the majority of trucking accidents. Here are the most common ones.**

Errors made by truck drivers cause most trucking accidents. Impaired truck drivers (whether by alcohol, sleep deprivation, or use of prescription medication) make poor judgments, take unnecessary risks, and are unable to react to the dangers on our roadways. Truck drivers also contribute to accidents by driving too fast, depowering the front brakes, and improperly loading the cargo, among other things.

If you are the victim of a trucking accident, you should investigate the conduct of the driver and also the role of the trucking company in the accident. The trucking company may have allowed an incompetent or impaired driver on the public roads or failed to follow federal rules on the maximum hours that drivers can work per shift.

## **Why Driver Errors Occur**

Drivers of large trucks are ten times more likely to be the cause of trucking accidents than other factors, such as weather, road conditions, and vehicle performance, according to a recent study released by the Federal Motor Carrier Safety Administration (FMCSA).

The FMCSA study also examined factors that cause truck drivers to make errors, such as use of prescription and over-the-counter drugs, speeding, fatigue, inattention, distractions, work environment, and unfamiliarity with the road. The study found that of all truck accidents caused by driver error:

- 44% involved truckers who were taking prescription and over-the-counter drugs
- 23% involved drivers traveling too fast for conditions, and
- 18% were caused by driver fatigue.

Of course, truck drivers commit other errors that cause accidents as well. Read on to learn about how these errors contribute to truck crashes.

## **Driver Fatigue**

Fatigue leads truck drivers to fall asleep, be inattentive, misjudge gaps, ignore the signs of impending dangers, panic, freeze, and under- or overreact to a situation. Even though fatigue is a common cause of truck accidents, it is also the most preventable.

## **The Federal Hours of Service Rules**

Federal regulations (called the "hours of service rules") set forth rules to ensure that truck drivers obtain the necessary rest and restorative sleep in order to drive safely. Under these

rules, truck drivers can work a maximum of 14 hours per day, during which time they can only drive for a maximum of 11 hours. The driver must be off-duty for 10 consecutive hours prior to the start of a shift. The driver also cannot drive after being on duty for 60 hours in seven consecutive days or 70 hours in eight consecutive days.

If you are in an accident where you suspect that the driver fell asleep or failed to react properly, you should determine whether there was a violation of the hours of service rules.

### **Proving an Hours of Service Violation**

In order to determine, and prove, that a trucking company violated an hours of service rule, get a copy of the truck driver's logs. Federal law requires drivers to record their driving information in structured driver's logs.

If the driver's logs are missing or are obviously inaccurate, there are other ways to discover how many hours the driver logged behind the wheel. Review the "trip tickets" or "bills of lading" for each delivery by the driver made in the few days leading up to the accident. Trip tickets and bills of lading include time stamps and entries by third parties that disclose the time that a load was picked up and when it was delivered. You can use these to calculate the amount of time that a truck driver was on the road.

Likewise, the trucking company can and should be monitoring the actual hours of service of its drivers and should not be able to hide behind the inaccurate logs of its drivers. Trucking companies who allow a driver to repeatedly "mislog" his or her hours of service expose themselves to liability for a lawsuit.

### **Drug Use**

Drivers may not use any controlled substances, unless prescribed by a licensed physician who is familiar with the driver's medical history and assigned duties and has determined that the drug use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Federal regulations require trucking companies to:

- test their drivers for alcohol and drug use as a condition of employment, and
- require periodic random tests of the drivers while they are on duty and after an accident involving a fatality.

A recent investigation revealed that drivers can defeat the accuracy of the current Department of Transportation (DOT) drug testing process with products, such as synthetic urine, that are widely available for sale. To combat this, the DOT now requires that trucking companies obtain drivers' drug testing records from previous employers – the hope is that this will help prevent abuse of the testing system.

## **Failure to Watch the Blind Spots**

Truck drivers are trained to watch for vehicles that might enter the “no-zone.” A “no-zone” is an area where a passenger car disappears from the truck driver’s view. There are front, side, rear, backing up, and right turn no-zones. Studies show that accidents between cars and large trucks are 60% more likely to occur when a car is in a no-zone. Driver error occurs when a truck driver is either unaware that another vehicle has entered the no-zone or does not take precautions when a vehicle does enter that zone.

## **Driver Error Causing Truck Rollovers**

Rollovers are one of the major causes of fatalities and injuries in trucking accidents. They are often caused by driver errors such as:

- taking a curve too fast
- driving too fast
- fatigue
- inexperience, or
- improperly distributing the truck’s load.

## **Depowering the Front Brakes and Improper Trailer Attachment**

Drivers that own and operate a large truck will often depower the truck’s front brakes and rely upon the trailer brakes and downshifting to slow or stop the truck. By not using the front brakes, the driver/owner reduces operating costs by minimizing wear and tear on the brakes and tires.

Driving a truck without the front brakes greatly increases the risk of accidents, including the increased tendency for a truck to jackknife.

Sometimes drivers don’t properly attach the trailer to the front of the truck. This also increases the risk of jackknifing.

## **Gathering Evidence About Driver Errors**

Some trucking companies use electronic event data recorders -- devices that record all sorts of information about the truck and its operation, including how fast the truck is going, patterns of speed, when the driver uses his or her brakes, and even how long the driver has been on the road. Other commonly used devices include on-board computers, global positioning systems (GPS), and inclinometers (which provide information about the angles of a slope and rounding corners safely).

If you are in a trucking accident, it is critical that you make sure data from high tech equipment is preserved. Otherwise, it might be erased as part of the regular routine of the company.

## **Getting Help**

Because the web of players in the trucking industry can be complicated and getting information from the right sources may require some industry know-how, you may want to get advice or representation from a lawyer.

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