

BIG RIGS = BIG PROBLEMS

We all know the feeling: that uncomfortable tightening of the chest we get when we look into our rearview mirror and see an 80,000-pound 18-wheeler truck barreling down on our back bumper. This feeling is not entirely irrational. According to federal statistics, such trucks cause thousands of collisions each year. Given a truck's size and weight, common sense tells us that a collision between a big rig and a car—or even an SUV—is likely to turn out badly for the smaller vehicle.

If there are fatalities from a collision between a truck and a passenger automobile, the fatalities occur in the automobile 98% of the time. To put concrete numbers on the problem, in 2004, such crashes killed almost 5,200 people (12% of all traffic fatalities) and injured 116,000 more. This is the equivalent of 25 fully loaded jumbo jets crashing every year.

Some of the reasons are obvious: Trucks are bigger, heavier, and longer than cars; they need more room to maneuver; and they take a lot more road to come to a stop. Many collisions involving trucks are caused by the same things that cause run-of-the-mill car accidents: poorly maintained trucks, speeding, overly aggressive driving, failure to yield the right-of-way, or bad driving conditions caused by rain or snow, etc. However, there are other causes of these collisions to consider.

One of the biggest causes of crashes is excessive truck size. Federal law currently limits trucks to no more than 80,000 pounds in weight, but an 80,000-pound truck is more than twice as likely to be involved in a fatal accident as a 50,000-pound truck; furthermore it causes more “wear and tear” to the roads.

Trucks are also getting longer, with the industry-standard trailer having grown from 40 feet long in the 1960s to 53 feet long today. Longer trucks mean larger blind spots, resulting in more accidents. Additionally, many roads (including interstates) were designed when trucks were shorter, and their ramps and merge lanes were not designed to handle today's longer trucks. As a result, these trucks cross over into other lanes of traffic, increasing the danger of a collision.

Larger, longer, and heavier trucks require more braking time, meaning that they are more likely to be in a collision because they cannot stop. For example, a truck weighing 100,000 pounds can take up to 25% longer to stop than one weighing 80,000 pounds.

Other truck-related collisions are caused by a driver's inexperience in operating a particular kind or size of truck. Still other collisions are caused by tired truckers who have been on the road for too long and are fatigued. This is an increasing problem with the deregulation of the trucking industry, changes in the ways goods are shipped to a "just-in-time" delivery system, and recent changes in the rules governing how long a trucker may drive before he is required to stop for a rest.

Suits involving truckers are often more difficult to prove than other kinds of collision suits, for several reasons. First, it may be difficult to find the trucker after the collision. The nature of a trucker's job means that he might be involved in a collision in a state far from where he lives and to which he may never return.

Trucking companies are also skilled in defending themselves against negligence claims, and they can be aggressive in denying claims to protect their corporate revenues. Additionally, trucking companies frequently adopt and hold steadfast to internal document destruction policies. If the proper steps are not taken immediately following a collision to preserve evidence, the evidence may be gone when the injured person needs it.

Finally, most commercial big-rig accidents involve far more parties than the typical fender bender (the driver, the trucking company, multiple other drivers, the shipper(s), the insurance adjuster, and the insurer, just to name the most common), and the legal relationships among all of these parties can be difficult to unravel.

A person who has been involved in a collision with a trucker is entitled to recover an amount necessary to compensate him for his injuries. This amount may include compensation for such items as medical bills, time lost from work, pain and suffering, disfigurement, and loss of earning capacity. You should be cautious about relying on a representation by the trucking

company or its insurance company that they will look out for your interests. The insurance company was hired by the trucking company to protect the trucking company's interests. Your own vehicle insurance company may provide you with some assistance, but the complexity of these cases often means that you should consult an experienced attorney to protect your best interests.

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