

Transportation – Tractor-Trailer Hazard

SERVICES

Transportation Law

August 27, 2018

The plaintiff, a passenger in a moving truck, sued my client, the defendant tractor-trailer driver, alleging that the tractor trailer driver was negligent in leaving his vehicle at the side of the highway causing a hazard to traffic.

Prior to the motor vehicle accident involving the plaintiff, the defendant tractor-trailer driver jackknifed and slid off the wet roadway into the breakdown lane. The plaintiff, a passenger in a truck operated by a coworker, testified that the tractor-trailer jackknife caused an obstruction in the roadway. He testified that the operator of the moving truck was forced to swerve into the breakdown lane, striking a parked vehicle.

The plaintiff alleged that the defendant tractor-trailer driver violated state and federal regulations with regard to placing cones, flares, and triangles to warn oncoming traffic of a disabled vehicle. The plaintiff also alleged that the defendant tractor-trailer driver violated Federal Motor Carrier Safety Regulations and state regulations regarding moving tractor-trailers after an accident.

The defense theory focused on the fact that the accident involving the jackknifed tractor-trailer was unavoidable due to the traffic and weather conditions at the time of the accident. Moreover, the principal defense theory was that the tractor-trailer jackknifed away from the travel lanes and, therefore, did not present a hazard to other vehicles on the highway. An argument was also presented that the defendant tractor-trailer driver did not have sufficient time to exit his vehicle to place warnings and cones in the roadway.

The jury returned a defense verdict in favor of my client.