No U-Turns

EVER!

A few years ago, the surviving family members of an accident victim sat in my office telling me their story: their loved one had slammed into a tractor-trailer doing a U-Turn. I listened, but I was skeptical at first. My gut reaction said the defense would point out that the victim should have seen the trailer blocking the lanes of travel and should have had time to stop before striking the side of the trailer. It looked to me, at first, like a case that on its best day would be a coin flip. However, as I began to research tractor trailer U-Turns, I learned how extremely dangerous they really are and was able to develop basic rules that helped me to win their case.

In any tractor trailer U-Turn case you must start at the beginning. And when I say the beginning, I mean with driver training. Very simply, a properly trained professional truck driver should never make a U-Turn. In the rare circumstance where he has no choice, he should do so only with the help of law enforcement.

National trucking companies such as Schneider and Werner have manuals for their drivers that prohibit U-Turns. These manuals make it clear that a U-Turn on a public roadway is one of the most dangerous maneuvers a tractor trailer driver can perform. Since trucking companies themselves acknowledge the dangers in the mechanics of a U-Turn, it makes it all the easier for an attorney, who understands those dangers, to do the same thing before a jury.

Walt Gunthrap of Guntharp and Associates, a prominent trucking expert, publishes a Commercial Fleet Safety manual which explains the physics behind a U-Turn. Mr. Guntharp states the following:

Studies have shown that making a U-Turn from a stop takes the average truck at least 40 seconds to complete. During that time, the trailer is blocking the travel lanes and presents a hazard to all other traffic. (60 mph traffic will travel approximately ¾ of a mile while you are completing this maneuver) At night, the brightness of the truck's headlights will mask the marker lights on the trailer. The reflective striping on the side of the trailer is invisible until the trailer is close to be at a 90 degree angle across the road. Combine these phenomena with the fact that a car driver sits low enough to see under the trailer and focus on lights that are farther away and you have created an invisible barrier for approaching traffic.
Schneider Trucking tells its drivers the following in its manual:

It takes approximately 15-30 seconds for an 18 –wheeler to execute a U-Turn. During this time the trailer will have the highway blocked in both directions for approximately 12 seconds. A vehicle traveling at 65 mph will travel 95’ in one second. In 12 seconds that vehicle will travel 1140’ or almost ¼ of a mile. If the driver of the 18 –wheeler checked their left mirror just prior to starting the maneuver it is unlikely they would see an automobile ¼ mile behind them. The untrained, non-professional drivers looks only about 2 seconds ahead of their vehicle. This means by the time they see the trailer blocking the road, they do not have enough time to stop. This type of accident is almost always fatal to the driver and the front seat passengers. If the U-Turn is attempted at night, the headlights of the 18-wheeler will block out any chance of the driver in the approaching vehicle seeing that there is a trailer across the road in time to avoid a collision.

And, finally, Werner Trucking tells its drivers that “You are not allowed to make a U-Turn on any street, road, highway or interstate unless directed to do so by law enforcement.”

These manuals clearly illustrate that a properly trained professional driver who knows the physics and hazards of a U-Turn never puts himself in a position which blocks the path of an oncoming motor vehicle. In handling a U-Turn case, obtain the company’s manual for its drivers and all training materials the company utilizes prior to doing a deposition. The manual should contain a section on U-Turns. If the manual contains a section on U-Turns as Schneider and Werner do you can develop your rules based upon the company’s own manuals. Then you can determine whether they provided training to their drivers consistent with these recognized hazards. If the trucking company has no manual, you can shift your focus to showing that this particular trucking company fails to recognize and train its drivers on what is essentially the standard in the trucking industry: never doing a U-Turn!

It cannot be stressed enough that a U-Turn case will likely be won or lost in discovery. Remember, the U-Turn is the end result of a systematic breakdown in the training of a driver and your rules need to focus on how a trucking company trains its drivers and continues to reinforce these critical concepts. To that end, you must take the deposition of not only the individuals directly responsible for training the driver but everyone at the trucking company who is responsible for driver training.

I routinely ask the head of the training department if they utilize driving scenarios during training or in continuing driver education because utilizing such scenarios is
common in the industry for training and education. Once you get the head of training to commit to utilizing scenarios during training and education, ask if they have a specific training question regarding U-Turns. I would suggest that you file a Motion to Compel for these documents as they can turn even the most difficult U-Turn case in your favor.

If the company does not utilize scenarios, you can again shift the focus to showing how this company is not in line with the industry standard for training and education. This is especially true if you get the company to commit early on that organizations such as JJ Keller, The American Trucking Association, the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration are reliable sources for training and education materials. For example, The U.S. Department of Transportation publishes the “Commercial Vehicle Preventable Accident Manual, A Guide to Countermeasures” which outlines typical accident scenarios and the countermeasures to avoid such situations. All of these organizations are terrific sources for rules not only in U-Turn cases but in nearly all trucking cases.

Another very important aspect of developing your rules in any U-Turn case is to get not only the safety director but as many people as possible to explain that the purpose of the prohibition against U-Turns is the safety of the motoring public. This is key because if there is inadequate training and education you move one step closer to proving that the company is exhibiting a “reckless disregard” for safety. Don’t get frustrated if no one at the company knows the safety purpose of the U-Turn prohibition; you have the chance to score a strong point in showing that, despite the company proclaiming safety its number one priority, the stark reality is that safety is an afterthought.

In additional to developing a good set of “working” rules, I would also suggest that you invest in a good conspicuity expert, especially if your crash happened at night. The trucking company most assuredly will point to the fact that there was reflective tape on the side of the trailer and this tape was in accordance with the standards set forth by the Federal Motor Carrier Safety Administration. While this may be true, it does not necessarily mean that your client was able to see the reflective or conspicuity tape. The reasons are many, age of the tape, angle of the road, weather conditions, dirt and sediment just to name a few. A good conspicuity expert will explain why your client under the conditions of the crash either did not see the reflective tape or saw the reflective tape too late to avoid the crash.

U-Turn cases, at first blush, may seem unwinnable. However, I encourage anyone handling one to move past that initial visceral response to blame the client for not seeing the tractor trailer and instead to focus on the rules that the trucking companies and their drivers must follow with regard to U-Turns. By showing how the
trucking company and its driver violated these rules, these difficult cases become winnable for our clients.

Ed Ciarimboli
Fellerman & Ciarimboli
ejc@fclawpc.com
570.718.1444