

**Semi Owner-Operator
Dies in Rollover After Speeding
Through A Curve
Incident Number: 05KY075**



Photograph of curve in two-lane state highway where semi-truck driver lost control and crashed.

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Kentucky Fatality Assessment and Control Evaluation (FACE) Program

Incident Number: 05KY075

Release Date: March 19, 2008

**Subject: Semi Owner-Operator Dies in Rollover
After Speeding Through A Curve**

Summary

On a Fall day in 2005 at 3:00 PM, a 46 year-old male semi-tractor trailer owner-operator was hauling logs when he rounded a curve, drove off the right side of a two lane state highway, struck a tree and rolled over. Emergency medical services were called to the scene. When they arrived, they found the driver without vital signs and contacted the local coroner. Kentucky State Police arrived and called Kentucky Vehicle Enforcement to the scene. The driver had not been wearing his seatbelt. Toxicology detected methamphetamine and doxylamine in his system at the time of the crash.

To prevent future occurrences of similar incidents, the following recommendations have been made:

Recommendation No. 1: Owner-Operators should follow Kentucky laws and wear seat belts while operating a commercial vehicle.

Recommendation No. 2: Owner-Operators should comply with mandated participation in a consortium that provides the central coordination of drug screening programs and other services within Federal Motor Carrier Administration guidelines and Department of Transportation regulations.

Background

An owner-operator, with 25 years of combined experience as a company driver and an owner-operator operated an intrastate, for hire trucking company with his spouse. He was the only driver and his wife performed bookkeeping and scheduling tasks. He hauled metal coils and rolls, sheet metal, logs, poles, beams, lumber, and sawdust. They owned one truck that had a day cab which had been manufactured in 1995 and three trailers; all were registered at the time of the crash. His Kentucky commercial driver's license had been issued in April of 2004 and was transferred from a neighboring state. For most of his driving career, he had driven over-the-road dedicated routes, and was always home on the weekends. For the last four years he had driven variable local routes, and was home every night. The couple had moved to Kentucky in 1998 and in 2004, started their own trucking company. The owner-operator made three to four daily local runs five days a week. An exception to the schedule was made if he was scheduled to haul logs during inclement weather. To make up that drive time, he would haul on Saturdays. The owner-operator did not have a regular sleeping routine.

Temperatures on the day of the incident ranged from 91 degrees Fahrenheit to 63 degrees Fahrenheit.

Investigation

Early in the morning on a Fall day in 2005, at approximately 2:00 AM, the owner-operator left his home driving a semi-tractor trailer loaded with sawdust. His destination was 50 miles away in another state. He returned home at 5:00 AM, and, as was his normal routine, woke his neighbor so that the neighbor could begin felling timber. It took his neighbor three hours to fell a load of logs so that the owner-operator could pick up and deliver them to a saw mill eight miles away. In the meantime, the owner-operator switched the tractor to the logging trailer and at 10:00 AM, went home and napped until noon. He would make the sixteen mile roundtrip picking up and delivering logs three times that day, normally making four trips for the day.

It was a sunny afternoon and at 3:00 PM, the owner-operator had picked up his third load of logs and was en-route to deliver them to the saw mill. He was driving northbound in a rural area on a two-lane state highway where the speed limit was 55 mph. The grade of the road was up a slight incline and curved to the left, and the pavement was dry. The total road width was 21 feet 5 inches; the northbound lane width was 10 feet, and the shoulder was 5 inches wide. The width of the tractor and trailer was eight feet; the length of the tractor was 24 feet, and the length of the trailer was 35 feet. The owner-operator called and told his wife he was going to deliver the logs; that he was making it his last run for the day and to expect him home in about 45 minutes.

A vehicle was traveling behind the semi tractor trailer; the female driver was its only occupant, and the only witness to the incident. The witness stated that she was driving between 55 mph and 60 mph and could not keep up with the tractor trailer. The semi approached a curve in the road and the driver of the tractor-trailer applied the brakes but lost control when the back tires of the empty trailer went off the roadway to the right and into the ditch. The tractor-trailer began to jackknife and continued to jackknife until the trailer struck a tree; the cab then rolled over onto its right side and the trailer then turned upside down. Skid marks from the driver applying the brakes were 400 feet 6 inches long. The Kentucky State Police report did not state the estimated speed of the semi tractor-trailer at the time of the incident.

The witness called emergency services to the scene. Emergency services arrived and found the driver had not been wearing the seatbelt, and was partially ejected from the cab, and was without vital signs. The state trooper who responded to the scene contacted Kentucky Vehicle Enforcement to the scene to inspect the semi. KVE inspection found that the vehicle was in violation for failure to use the seatbelt. The tractor was totaled, and the trailer frame was broken on the right side. Toxicology results detected methamphetamine and doxylamine.

Cause of Death

The death certificate states the cause of death was due to multiple blunt force injuries sustained in a motor vehicle crash.

Recommendations and Discussions

Recommendation No. 1: Owner-Operators should follow Kentucky laws and wear seat belts while operating a commercial vehicle.

Kentucky and Federal laws both require commercial drivers to wear seat belts when operating a commercial vehicle. Kentucky Revised Statute 189.125(6) requires drivers and all passengers to be restrained by properly adjusted and fastened seatbelts. 49 Code of Federal Regulations §392.16-Use of seat belts, states that a commercial vehicle is equipped with a seatbelt, and the driver must properly restrain himself/herself with the seatbelt. The tractor in this case was manufactured in 1995 and was equipped with seat belts. Owner-operators should follow the Federal Motor Carrier Safety Administration's program, "Commercial Vehicle Safety Belt Program". A manual, "Increasing Safety Belt Use in Your Company" is also available to help owner-operators understand the importance of wearing seatbelts. The manual can be found at: <http://www.fmcsa.dot.gov/safety-security/safety-belt/increasing-safetybelt-usage-manual.htm>

Recommendation No. 2: Owner-Operators should comply with mandated participation in a consortium that provides the central coordination of drug screening programs and other services within Federal Motor Carrier Administration guidelines and Department of Transportation regulations.

Owner-operators are required to follow regulations set forth by the Federal Motor Carrier Administration and the Department of Transportation regarding unannounced, random controlled substance and alcohol testing. 49 CFR 382 requires employers employing commercial drivers to give drivers unannounced and random tests for drugs and alcohol. Self-employed drivers are to comply with 49 CFR Part 382.103(b) which states "An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool." Also, according to 49 CFR Part 382.305(k)(1) states that every employer is responsible for ensuring random, unannounced alcohol and controlled substances tests are conducted. Owner-operators can comply with 49 CFR Part 382.013(b) and 49 CFR Part 382.305(k)(1) by joining a consortium. The consortium acts as a third party administrator and notifies the owner-operator when they are to report for the required unannounced, random drug and alcohol tests. Guidance is given by the Federal Motor Carrier Safety Administration that it is mandatory for owner-operators not leased to a motor carrier to comply with 49 CFR Part 382 by joining a consortium. This Guidance can be found in Question 11 which asks if it "is necessary for an owner-operator, who is not leased to a motor carrier, to belong to a consortium for random testing purposes? Guidance: Yes. This guidance makes sense in that it would be impossible for an employer to self-administer a testing program that would incorporate "unannounced" tests, hence the need to use a service agent." It is also mandated owner/operators join a consortium by 49 CFR PART 382.107 & 49 CFR PART 40. The Federal Motor Carrier Safety Administration, FMCSA, mandates that all CDL drivers with a Vehicle Gross Weight of 26,001 pounds or more, to register with a Drug and Alcohol Consortium. In addition, 16-passenger busses or larger must also register with a Drug and Alcohol Consortium.

Keywords

Amphetamines

Doxylamine
Drugs
Methamphetamine
Seat belts
Speed

References

- 1) Kentucky Revised Statute 189.125(6) – Seat belts
- 2) 49 Code of Federal Regulations §392.16-Use of seat belts
<http://www.fmcsa.dot.gov/safety-security/safety-belt/increasing-safetybelt-usage-manual.htm>
- 3) 49 CFR 382.301 – Pre-employment drug test
- 4) 49 CFR §40.85 – Drug screen
- 5) 49 CFR 382.305(b)(2) – Random drug testing
- 6) 49 CFR 382 – Controlled Substances and Alcohol Use and Testing
- 7) 49 CFR 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- 8) 49 CFR 382.103: (http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?rule_toc=751&ion=382.103&ion_toc=1269)
- 9) 49 CFR 382(k)(1) http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?rule_toc=751&ion=382.305&ion_toc=1287&guidance=Y
- 10) 49 CFR 382.305 Guidance: http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.asp?rule_toc=751&ion=382.305&ion_toc=1287&guidance=Y
- 11) 49 CFR PART 382.107 - Definitions

Acknowledgements

Kentucky State Police
Kentucky Vehicle Enforcement
Consortium member
Local Coroner

The Kentucky Fatality Assessment & Control Evaluation Program (FACE) is funded by a grant from the Centers for Disease Control and the National Institute of Safety and Health. The purpose of FACE is to aid in the research and prevention of occupational fatalities by evaluating events leading to, during, and after a work related fatality. Recommendations are made to help employers and employees to have a safer work environment. For more information about FACE and KIPRC, please visit our website at: www.kiprc.uky.edu

Diagram 1: Reconstruction of incident

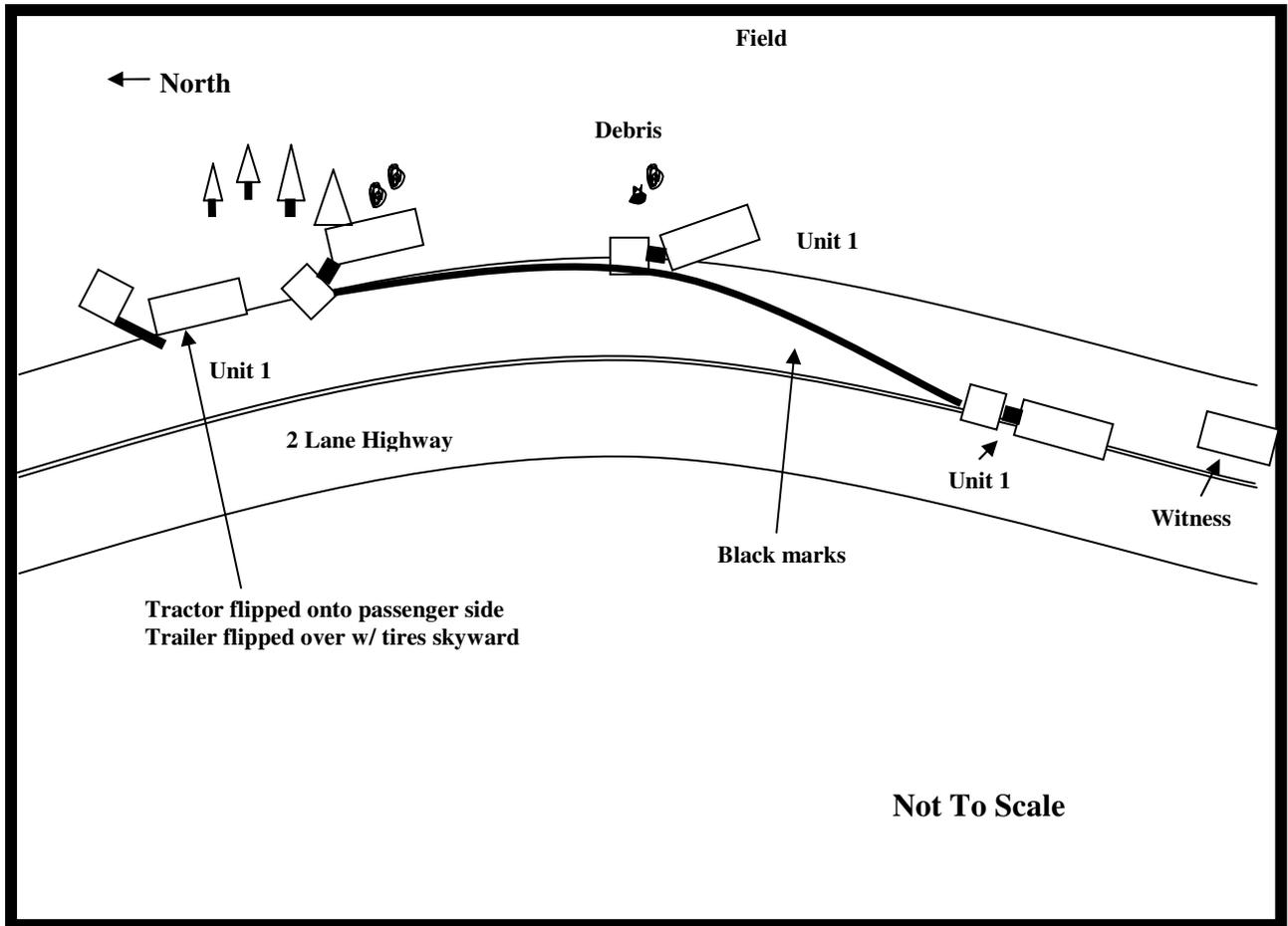


Diagram replicated from Kentucky State Police report.

Start of black marks to rear of Unit 1: 400'6"

Total roadway width: 21'5"

Northbound lane width: 10'

Shoulder: 5"

Tractor length: 24'

Trailer length: 35'

Width of tractor and trailer: 8'