

## **Tractor-Trailer Accident Cases: “Do Not Overlook Federal Motor Carrier Safety Regulations”**

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Federal Motor Carrier Safety Regulations (FMCSR), found in 49 Code of Federal Regulations, are often quite helpful in establishing liability in tractor-trailer accident and other commercial truck accident cases. The FMCSR constitute a complex maze of rules governing the safe operation of the interstate trucking industry. These rules apply to commercial motor vehicles used on a highway in interstate commerce to transport passengers or property. The FMCSR set a minimum standard of care for the interstate trucking industry. As such, violations of the FMCSR can provide a basis for proving negligence on the part of the tractor-trailer driver or company.

The basic tenet behind the promulgation of the FMCSR is that operation of commercial trucks is a dangerous activity that requires a high degree of skill and training. A fully loaded tractor-trailer often weighs in the range of 80,000 pounds. As a result of the massive size of tractor-trailers, there are dangers unique to their operation – such as substantial driver blind spots, greater stopping distances, wide turning radius required, and limited maneuverability. These dangers often result in serious highway accidents and typically involve violations of one or more FMCSR rules.

Some of the specific FMCSR rules that come up regularly in tractor-trailer cases are: (1) limits on the consecutive hours a driver can be on the road; (2) requirement to make a pre-trip inspection; (3) requirement to properly load and secure cargo; (4) requirement to activate hazard warning signals when the tractor-trailer is disabled; (5) requirement for the trucking company to adequately hire, train, and supervise its drivers; and (6) requirement of the trucking company to schedule deliveries in such a manner that does not encourage its drivers to speed or exceed the maximum hours of consecutive driving time.

The trial lawyer for the innocent victim of a tractor-trailer collision should have a working knowledge and understanding of the Federal Motor Carriers Safety Regulations and the application of these rules to the facts of his or her tractor-trailer case.