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Fatal-crash cases draw attention to truck safety

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FORT WORTH — In what one attorney says is an indication of a "disturbing pattern of dangerous activity" by the nation's trucking industry, a Fort Worth waste-disposal company became the second local trucking firm this month to be hit with a multimillion-dollar payout after one of its vehicles was involved in a fatal crash.

IESITX agreed to pay the family of Jimmy D. Jordan of Fort Worth \$2.25 million in an out-of-court settlement reached late Thursday. The waste-disposal company and the family were scheduled to go to trial in a Tarrant County civil court next week, according to Steven Laird, an attorney representing the Jordan family. Jordan was killed in a March 2004 accident on Interstate 30.

This month a Tarrant County jury returned a \$2 million verdict against the Fort Worth Carrier Corporation stemming from a 2001 crash in Missouri that killed a Tennessee man and injured his wife.

In the Texas crash, questions were raised about the garbage truck's maintenance record as well as the driver's qualifications, Laird said. In the Missouri accident, the amount of time the driver had been allowed to stay behind the wheel, ultimately resulting in

fatigue, was raised during the trial, he said. In both cases, the trucking company is responsible for monitoring vehicle maintenance and driver safety, he said.

"These are individual examples of a widespread problem and a disturbing pattern of dangerous activity in the trucking industry," Laird said. "The result is that drivers like you and me are put at risk every day and night when these type of truck drivers and companies take the road."

In the Fort Worth crash, Jordan, 39, was killed instantly when the dump truck he was driving slammed into the rear of IESITX's garbage truck after it had run out of gas in the 6400 block of Interstate 30 near Ridgmar mall. The collision spun the garbage truck around, nearly blocking the eastbound lanes during the noon rush hour.

Jordan's dump truck was so badly damaged that Fort Worth police towed it to their auto impound lot so investigators could properly examine the wreckage, police said.

Rafael C. Dominguez, the IESITX driver, told police at the time he did not get out to set warning markers because he was afraid he would be hit by another vehicle. Police said there were signs that Jordan did not hit the brakes until just before rear-ending the garbage

truck.

During their investigation of the case, Laird said he obtained documents revealing that the truck's fuel gauge had not worked since at least December 2003.

One report said the "fuel gauge don't work," and a mechanic later wrote "will look at when have time."

Two days before the crash, another garbage truck driver wrote again that the "gas hand not working," the attorney said. Laird added that later inspections by the Fort Worth police found that the trash truck was not roadworthy.

Other documents in the case revealed that Dominguez's driver's license was suspended and that he had no significant previous experience operating a commercial vehicle like a garbage truck, Laird said.

Thomas Fowler, general counsel of IESI, the parent company, which operates waste management companies in several states, said he could not comment on the settlement except to say that Laird is "going to paint the picture the best he can for his side."

In the Missouri crash, Frank and Irene Colloms had just celebrated their 53rd wedding anniversary and were traveling from their home in Tennessee to California at the time of the crash. Frank Colloms, 74, was killed and his wife, now 76, was injured.

Henry Smith, the driver of the Fort Worth Carrier Corporation's truck, reportedly said he was driving his truck and two trailers east on Interstate 70 near St. Louis when he lost control and crashed into the concrete barriers separating the eastbound and westbound lanes. His truck and one of its

trailers reportedly fell over the barriers and landed on top of the Colloms' vehicle, crushing it.

Smith blamed the crash on bad weather and windy conditions, and newspaper reports indicated that rain-slick roads contributed to five serious accidents on area highways.

But evidence showed that Smith and his wife — who was also injured in the wreck — had falsified log books recording the number of hours Smith had been driving, Laird said. Smith had slept about 3 1/2 in a 24-hour period, he said.

No motor carrier driver is allowed to drive more than 11 cumulative hours after 10 hours off duty, according to new regulations passed by the Federal Motor Carrier Safety Administration.

A Tarrant County jury on Dec. 13 awarded Colloms' widow \$1.5 million in actual damages and \$500,000 in punitive damages.

Attorneys for the Fort Worth Carrier Corporation could not be reached for comment, but Laird said that they are due back in court next week concerning the judgment and that the trucking company has indicated that it plans to appeal the verdict.

The two recent cases followed another lawsuit handled by Laird this year in which he said a Waco jury awarded the family of a soldier en route to Fort Hood \$17.5 million after it was revealed that the truck driver had plugged a hole in a faulty high-pressure brake hose with a toothpick. The crash occurred near Texarkana. The family later settled for a smaller amount.

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