

Kentucky Fatality Assessment and Control Evaluation (FACE) Program

Incident Number: 05KY074

Release Date: May 2, 2007

**Subject: Long Haul Trucker Dies After Striking an Embankment
at the End of an Interstate Highway Off-Ramp**

This is a summary. The entire KY FACE report is available on our website at:

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Summary

In the fall of year 2005, at 12:40 AM, a 47-year-old male semi-truck driver began his delivery route hauling a refrigerated trailer loaded with 23,000 pounds of produce. His first delivery was approximately 265 miles away. After two hours and twenty minutes, he exited the interstate 23 miles from the start of his route. At the end of the exit ramp he attempted to turn right onto a 4-lane highway. He missed the turn and drove straight across the highway through a guardrail; the truck became airborne, and crashed into an embankment exploding into flames. An unidentified motorist driving behind the semi called emergency response services. Local police and fire departments arrived at the scene and discovered the cab and trailer burning. The coroner arrived while the firefighters extinguished the blaze. After extinguishing the fire, emergency personnel removed the driver's body and the coroner declared the driver dead at the scene. The death certificate stated the cause of death was multiple blunt force trauma/motor vehicle accident, and that carbon monoxide possibly contributed to death. Toxicology test results showed the driver had a 0.6% blood level of cocaine, a presumptive presence of benzodiazepine, and a carbon monoxide level of 38% at the time of the crash.

Following are recommendations to prevent similar incidents from occurring:

Recommendation No. 1: A "reasonable suspicion" drug testing policy should be implemented and enforced by the company if a trucker is suspected to be under the influence of drugs. The reasonable suspicion testing policy should include drug testing and the suspension of the trucker until the results of the tests are known.

49 CFR 382.307(a) and 49 CFR 382.307(b) state that an employer who suspects that a driver is engaged in substance abuse is required to have the driver undergo alcohol and/or drug testing. Fleet supervisors should be trained to recognize signs of employee substance abuse and receive company authorization to have a driver submit to reasonable suspicion drug/ alcohol testing if he/she exhibits symptoms of substance abuse.

Recommendation No. 2: Comprehensive expanded new-hire prescreening and after-hire random drug/ alcohol testing policies should be implemented and enforced for substance abuse.

49 CFR 382.301 requires employers to perform pre-employment screening for controlled substance abuse on every new driver hired. Currently 49 CFR §40.85 requires companies to perform a five panel limited drug screen urine test for marijuana, cocaine, opiates, phencyclidine, and amphetamines performed prior to hiring new drivers. The Kentucky Transportation Cabinet should require companies to perform expanded drug testing separate from the Federal Department of Transportation's panel that might include drugs such as barbiturates, benzodiazepines, depressants, ecstasy, methadone, methamphetamines, oxycodone, tricyclic antidepressants, and other currently popular recreational drugs. By performing this separate drug panel, companies can better screen applicants and understand substance abuse; for example, the driver in this case tested positive for presumptive presence of benzodiazepine, a depressant. According to 49 CFR 382.305(b)(2), employers are required to annually test 50% of company drivers for controlled substances. Companies should extend this policy and implement a policy of randomly testing all new hires for substance abuse within the first six months of employment.

Recommendation No. 3: A statewide database containing commercial driver positive drug/alcohol test results should be identified.

In 2006, North Carolina instituted a law which requires employers to report all positive drug and alcohol tests of CDL drivers to the state's Division of Motor Vehicles. Those results are kept on record for two years. When performing background checks on potential drivers, employers in North Carolina can verify within the state whether or not the candidate tested positive for drugs / alcohol in the previous two years.

Kentucky should adopt a similar law and identify a center to house positive drug test results for all commercial driver's license (CDL) holders and applicants. Testing labs and employers should be required to report all positive drug and alcohol test results to the center. Positive test results should be cross-referenced by employee social security number and CDL number. Data should include, but not be limited to, results for drug and alcohol tests pre-employment, after 6 month of employment, random tests during employment, and post-accident tests. State law should ensure employers' access to the database to determine if the trucker had prior positive drug/ alcohol results prior to employment. All information should be confidential and released only to potential employers under rigid confidentiality guidelines and procedures.

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