

Robson Forensic

Engineers, Architects, Scientists & Fire Investigators

HIGHWAY CONSTRUCTION – EXPERT INVESTIGATES COLLISION WITH CONSTRUCTION VEHICLE

Multiple Experts – Robson Forensic

A driver was injured when her car collided with a construction vehicle on a state highway. The construction vehicle exited a work zone from a median crossover between the northbound and southbound travel lanes and entered directly into the passing lane in the southbound direction. The injured driver crashed into the back of the construction vehicle. Robson Forensic experts were retained to determine the cause(s) of the incident.

Site inspection and review of documents by our highway engineering expert revealed that the contracted roadwork was limited to the northbound lanes of the highway. No work was to be performed on the southbound lanes where the crash occurred. As such, the construction vehicle was not authorized to use the median crossover for this project and there were no signs, lights, or other devices warning drivers in the southbound lanes of the presence of construction vehicles. The construction contractor had the ultimate responsibility for the safety of the public and its creation of a dangerous condition caused this crash.

Crash reconstruction performed by Robson Forensic showed that the construction vehicle was traveling 21-22 MPH at the time of impact, more than 40 MPH below the posted speed limit of 65 MPH. Based on the grade of the roadway and performance capabilities of the construction vehicle, our expert calculated that the construction vehicle required more than 40 seconds to accelerate to a safe speed for highway travel; analysis shows that the construction vehicle accelerated for only 5-7 seconds in the shoulder before entering the traffic lane. By pulling onto the roadway without sufficient time to accelerate to near operating speeds, the driver of the construction vehicle created a dangerous condition for approaching traffic and caused the collision.

Analysis by our human factors expert revealed that it was foreseeable and predictable that a reasonably attentive driver would be delayed in recognizing the hazardous closing rate caused by a vehicle travelling significantly below the speed limit. The fact that the injured driver collided with the construction vehicle does not mean that she was driving inattentively but is consistent with her paying attention to other traffic conditions and not being able to recognize the hazardous closing rate created by the slow moving construction vehicle in enough time and distance to avoid the crash.

This case settled favorably for our client before trial.

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