

The Skagit River Bridge Collapse from a Legal Perspective

Chris Davis, Attorney for Dan & Sally Sligh

May 20, 2014 - The parties involved in the Skagit River Bridge collapse (the state, the trucking company, the driver, the pilot vehicle operator) are engaged a game of blame shifting and finger-pointing. There is no acknowledgment of responsibility. The state blames the trucking company and its contractors. The transportation companies blame the state. In order to pursue the truth, get questions answered, determine responsibility and demand accountability it *may* be necessary to litigate in the future.

The victims, who barely escaped with their lives, are left with lasting injuries. The victims and the public want answers that will hold the responsible parties accountable and, hopefully, set in motion changes that will increase public safety and prevent future catastrophe.

Was the collapse caused by something that a party did or failed to do? Was this an age-infrastructure bridge safety problem; pilot/escort vehicle; commercial truck operator error; lack of proper safety warnings (signs)? Was it the failure of one or a 'cascade of failures' involving them all? At this point we don't have conclusive answers to any of these questions.

We are awaiting the NTSB's final investigation report.

If none of the potential at-fault parties step-up and accept responsibility then litigation may be necessary to uncover the truth. Investigation reports, facts/evidence, testimony under oath, and expert analysis will help uncover what really happened.

In a June 2011 bridge assessment report, WSDOT acknowledges that bridge are struck by trucks every ear resulting in significant damage and costly repairs. One must wonder why more preventative measures were not being put in place to prevent such accidents.

The report says, "each year a few bridges are significantly damaged from truck impacts, mostly from over-height loads. WSDOT's inspectors and maintenance crews respond on an emergency basis in order to access the severity of the damage and determine what repairs need to be made." The report goes on to say that WSDOT ten seeks reimbursement through the responsible party's insurance company, which in some cases requires litigation.

It is surprising that the Skagit River Bridge Collapse has not resulted in more public interest and media coverage of serious commercial trucking safety issues that are related to oversized vehicles and low vertical clearance incidents/accidents. Inadequate vertical clearance is the cause of thousands of "accidents" each year and which often case a domino-effect of other related accidents types such as roadway debris accidents and rear-end crashes caused that are happen when a following-vehicle hits a truck that has collided with an overhead structure.

It is a type of accident that is known by many different names such as over-height vehicle accidents, inadequate vertical clearance collisions, low-clearance crashes, bridge impacts, bridge strikes, overhead structure collisions, and stationary object hits. The lack of a common taxonomy may be causing the scope of the problem to be hidden from public awareness.

Low clearance bridges and overpasses are susceptible to collisions with over-height vehicles such as commercial trucks. Collisions involving over-height vehicles can cause fatalities and injuries to the drivers and passengers of the over-height vehicles and other motorists. Some bridges are impacted multiple times, leading to the potential for cumulative damage effects.

The truck driver was able to obtain a permit to drive his 15-foot 9-inch-tall load across the Skagit River Bridge which at its lowest point had 14-feet 5-inches of clearance. The state says that is was the truck driver's responsibility to stay in the inside lane, where the Skagit River bridge is more than 17 feet tall-- where his truck could have crossed the span with no trouble.

According the preliminary investigation report, there is no Washington State requirement to post bridge clearances signs unless they are 14 feet 4 inches or less. There were no clearance signs posted for the Skagit River Bridge. Truckers must go to the state department of transportation's website to find clearance information for bridges.

It is interesting to note that Washington State is one of a handful of states that does not give truck drivers routes through the state, instead relying on drivers to work out their own path. Oregon, for instances, gives truckers a mandatory path to follow.

Washington Senator Michael Baumgartner (R-Spokane) introduced state legislation intended to prevent similar incidents in the future. Senate Bill 5944 would forbid WSDOT from issuing travel permits for vehicles that exceed the maximum height or width restrictions of any bridge or overpass along a vehicle's intended route.

Other states, such as New York State, have conducted in-depth assessments of vehicle impacts with bridges and have started to set forth stricter regulations in an effort to mitigate the risk of low-clearance accidents.

Most trucking companies already use GPS services to plan the quickest, most efficient routes in order to save time and increase profits. Commercial GPS systems, those designed specifically for the trucking industry, also plan routes away from restricted roads and around low-clearance dangers. Commercial GPS systems can potentially help prevent bridge/overpass accidents involving over-height vehicles. However, many smaller companies and independent are using consumer GPS systems that were not designed for commercial applications. Many believe that misuse of consumer GPS systems by the trucking industry and/or errors with commercial systems are actually causing an increase in low-clearance collisions.

State and federal transportation management agencies should prohibit the use of consumer GPS systems by commercial operators.

On March 11, 2013, just 2 months before the Skagit River Bridge collapse, the Federal Motor Carrier Safety Administration (FMCSA) and Senator Charles Schumer of New York announced new efforts to prevent accidents caused by the improper use of consumer-grade navigation devices in trucks and buses. “These brand-new federal standards for GPS use among commercial truck drivers will be the first major steps to thwarting life-threatening bridge strikes that have been causing massive delays and imposing significant costs on taxpayers for far too long,” Schumer said.