

A **53 year old** male employee was **struck by a vehicle** that rolled over him when he was checking a mechanical failure of the vehicle while pulled over on the side of the road. The employer is classified as a freight shipping and trucking company.

The victim was transporting a military-grade Humvee from North Carolina to Indiana when his flat-bed tow truck became disabled in the right-hand lane of I-40 just past the on-ramp to a rest area. The victim got out of the cab of his truck, wearing high visibility vest, and walked to the rear portion of the truck presumably to investigate why his truck would not move. He was reportedly directing traffic around his disabled vehicle as it sat in the right-hand lane. It is important to note that this portion of the highway was on an upward incline. At some point, the tow truck began to roll backwards down the grade running over him.

The unoccupied truck continued to roll backward toward a westbound passenger truck and the U-haul cargo trailer that it was towing. The truck and trailer combo swerved abruptly toward the rest area on-ramp in an effort to avoid a collision, however, was unsuccessful. The left side of the truck/trailer combo was damaged. After the victim was struck by his own vehicle, he was then struck by multiple vehicles that were traveling westbound. His unoccupied truck came to rest in a grassy area off the interstate east of the incident area. It was determined that the vehicle had its parking brake in the “ON” or engaged position. It was not determined whether or not the amber light bar mounted on top of the vehicle was illuminated, however, if it was on, it would have been blocked by the Humvee located on the flat bed.

A subsequent examination of the truck at a local wrecker yard revealed that it had a rear broken axle. A broken rear axle would not be able to hold the tow truck (plus its cargo) in a fixed position when the transmission’s gear selector is put into “Park”, especially so on an incline. Additionally, the truck was unable to move off of the roadway under its own power with a broken rear axle, since it’s a rear-wheel drive vehicle.

There were no citations issued directly related to this fatality. However, since the fatality wasn’t reported until 16 days afterwards, a citation was recommended for not reporting timely.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1

Type of Violation: Serious

\$1,000

TDLWD Rule 0800-01-03-.05(1)(a)1: Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development:

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In that a fatality which occurred on 8-5-2020 at approximately 10:18 p.m. was not reported to TOSHA until 8-21-2020 at approximately 5 p.m.





