



[Michael Kors](#)
[Medium Jet Set ...](#)
\$299.99

[MICHAEL ...](#)
\$188.40 -
\$435.99

[MICHAEL ...](#)
\$17
\$31

Investigation: Safety of guardrail system

Posted: Oct 06, 2014 10:24 PM EDT
 Updated: Oct 06, 2014 10:58 PM EDT

By: Becky Oliver [CONNECT](#)

A new study says a controversial guardrail system that's used on Texas highways is more likely to cause injury and death than its predecessor.

The safety device has been the focus of numerous FOX 4 investigations.

The guardrail system is manufactured by Trinity Industries of Dallas. The federal government says it is an approved product for our highways, but now two states are saying they will stop using any new devices, and more accident victims and their families have filed lawsuits in Dallas County claiming the device is failing.

It was late on an August evening in 2012 when Aaron Rausche was on his way home from a charity event.

"I just fell asleep and veered off the road," he said.

He drifted off the road and into a guardrail.

"I remember the impact, a lot of smoke," said Rausche. "I looked at the driver's side door and it wouldn't open but I could see the ground."

The guardrail impaled Rausche's Lexus and ended up inside his vehicle.

Paramedics rushed him to Methodist Hospital. Doctors performed three surgeries in six days, putting titanium rods in both legs.

The once-active athlete spent six months in a wheelchair.

Two years later, Rausche still has scars from that night. Looking at the photos, he wonders how he survived.

He is now suing Trinity, claiming the guardrail was defective and unreasonably dangerous.

"If this is supposed to be a safety device that absorbs energy, and instead it is acting as a lance and penetrating the vehicle, there is something wrong with the product," said Rausche's attorney, Rogge Dunn.

Rausche joins a slew of other victims across Texas and the U.S. who've filed lawsuits against Trinity.

They all have similar claims. They say the safety device was altered from the original design, and now it does not perform as intended.

They claim Trinity never notified the federal government of some of those design changes.

They are accident victims like Lisa Antonicelli. Antonicelli had a seizure on Hwy. 80 near Mesquite and hit a guardrail. It ripped through her car.

After 28 operations, she is now a paraplegic.

Isaac Puente of San Antonio dozed off on his way to work. A guardrail impaled his truck, going through the engine, into the cab and out the back.

He suffered internal injuries a broken femur.

Lena Tucker's husband, Shane, also fell asleep and struck a guardrail on Hwy. 281 in Montague County.

The guardrail penetrated the passenger compartment, killing him instantly.

Trinity filed responses to all of the lawsuits, denying the allegations.

Trinity filed responses to all the lawsuits denying the allegations. Although the company declined comment for this story, in a previous written statement, Trinity said it's impossible to determine how the end terminal system performed in an accident without knowing the vehicle's weight, the speed and orientation and the angle at which the end terminal was impacted.

But now, for the first time, a study is out analyzing data from accidents in Missouri and Ohio. And it shows the Trinity system is more likely to cause injury and death.

"We were really concerned about the lack of reliable data from a bigger picture," said Sean Kane, Executive Director of the Safety Institute.

The nonprofit, along with the state of Missouri, helped fund a University of Alabama-Birmingham study that looked at eight years of accident data. Kane admits the study is small but he says the findings raise some eyebrows.

"Fatal crashes involving the ET Plus were occurring at a rate three times greater than its predecessor, the ET-2000, and with respect to injury crashes, it was nearly two times as great," said Kane. "Those are significant."

Just days after the Alabama study was made public, the state of Massachusetts decided to halt the use of the Trinity product until it conducts additional research, and the state of Missouri reports it is immediately taking the Trinity ET-Plus off the "approved product's list, removing it from projects currently under construction and prohibiting its use on any future projects," but Missouri says that decision was not based on the Alabama study but on its own internal review of the product.

Earlier this year, Nevada also pulled the ET-Plus from its approved product's list.

"For a long time, I just felt blessed and lucky," said Rausche.

Rausche says his upbeat attitude helped him get through all those surgeries and rehab, but the more he has learned, those feelings have changed.

"Once I started reading about the stories, there is also a frustration and anger that has almost replaced that feeling of blessed because it did not have to be that way," said Rausche.

The state of Texas has no plans to stop using the Trinity system. A spokesman from the Texas Department of Transportation tells FOX 4 it remains a federally approved product, so TxDOT will continue to allow it on the Texas highway, but the state is monitoring the performance of these safety devices to gauge if further action is warranted.

The Federal Highway Administration reviewed allegations the ET-Plus was malfunctioning and re-affirmed its acceptance of the device in 2012 and again this year. A federal whistleblower case involving this guardrail system is scheduled to start in mid-October.

The case went to trial in July, but the federal judge declared a mistrial, saying the case was, "replete with errors, gamesmanship and inappropriate conduct."

Trinity Response

"Thank you for the opportunity to respond. The ET-Plus® System continues to be accepted by the Federal Highway Administration for use on U.S. highways. Trinity intends to continue defending itself and Texas A&M against Mr. Harman's allegations in court.

The facts remain:

The ET-Plus® System with 4-inch guide channels attached to the extruder head was successfully crash-tested by the Texas A&M Transportation Institute (TTI), pursuant to NCHRP Report 350 test criteria, in May 2005.

Trinity did not manufacture or sell any ET-Plus® Systems with 4-inch guide channels until the Federal Highway Administration issued its letter of acceptance in September 2005.

When impacted within the applicable NCHRP Report 350 criteria, the ET-Plus® System has been proven to perform as a "crashworthy" product as characterized by the FHWA.

The Federal Highway Administration reviewed the claims being made and re-affirmed its acceptance of the ET-Plus® System for use on U.S. Highways in 2012.

The federal government looked into the claims being made by Mr. Harman, investigated the allegations, evaluated them, and declined to participate in a lawsuit.

Of importance to your viewers, Mr. Harman has published pictures of damaged guard rail and end treatments and falsely claims the pictures are evidence that the ET-Plus® System does not function to the NCHRP Report 350 standards. Regarding the pictures, in every instance, the only way to assess the performance of the ET-Plus® System, or any similar system, is to know multiple facts such as, to name a few, the weight of the vehicle involved, the orientation of the vehicle at impact, the angle at which the end terminal was impacted, and the speed of the vehicle at time of impact. Without this and other information pertinent to each incident independently, it is impossible to determine how the end terminal system performed. Any assumption or representation that the pictures show or suggest something more than a damaged guard rail would be erroneous.

Our statement remains the same:

Trinity has a high degree of confidence in the performance and integrity of the ET-Plus® System, which we are proud to manufacture and sell under license from Texas A&M University. The false and misleading allegations being made by Mr. Harman were reviewed by the Federal Highway Administration (FHWA). The FHWA re-affirmed its acceptance of the ET-Plus® System in October 2012 and its eligibility for use on the National Highway System.

A lawsuit was brought by Trinity and Texas A&M for infringement of the patents covering the ET-Plus® System. During this patent lawsuit, Mr. Harman filed his own lawsuit against Trinity based on allegations of "false claims" associated with the ET-Plus® System. The U.S. Government reviewed his "false claim" allegations and declined to participate in the lawsuit. Trinity is defending itself against the individual making these allegations in court and is taking the steps necessary to fully protect the intellectual property of Texas A&M and the outstanding reputation of Trinity Highway Products and the ET-Plus® System."

RECOMMENDED VIDEOS

Promoted by Taboola



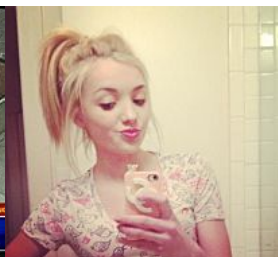
Mansfield ISD teacher takes own life following child indec...



15 BIZARRE Celebrity Couples
Perez Hilton



Paramedics who transported Ebola patient in reverse isola...



25 Pictures Girls Post Online That Make Everyone Cringe
Rant Gizmo



Max Morgan's Memorial Service



Homeowners Are In For A Big Surprise...

AmeriValue

FROM AROUND THE WEB

- **Cheesy Enchiladas** (Wolf Brand Chili)
- **Social Security "Loophole" Adds \$152k to Benefits** (Newsmax)
- **The Recession Generation: How Millennials Are Changing Money Ma...** (Forbes | Wealthfront)
- **Are Granite Countertops Over? See The Newest Alternatives** (HGTV Remodels)
- **5 Credit Cards with No Interest to Help You Get out of Debt** (Next Advisor Daily)
- **5 Things Successful People Do That Others Don't** (American Express OPEN)

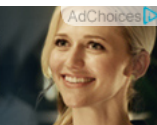
YOU MIGHT BE INTERESTED IN

- **Texas police dog found dead in patrol car**
- **Pills, note found next to dead Frisco father**
- **Police: Texas soldier beat daughter to death**
- **Texas woman dies in creek after saving dog**
- **Retired FOX 4 Meteorologist Ron Jackson recovering after wreck**
- **No charges for Texas officer who shot 93-year-old**

Promoted by Taboola



Facebook social plugin

BELIEVE ME ★★★★★ **"WICKED AND SMART"** **BUY IT NOW**  AdChoices

DANIELLE ANTINOZZI - AXS ENTERTAINMENT

worldnow

KDFW FOX 4
 400 N. Griffin Street
 Dallas, Texas 75202
 Main Station Directory:
 (214) 720-4444
 News Fax:
 (214) 720-3263 or (214) 720-3333

DIDN'T FIND WHAT YOU WERE |

SEARCH FOR IT HERE