

CAUSE NO. 140825

2014 OCT 27 PM 4:24

JACKIE FORD,
INDIVIDUALLY AND AS PARENT
AND NEXT FRIEND OF MINOR CHILD
J.B.W.

Plaintiffs

vs.

TRINITY INDUSTRIES, INC., and
TRINITY HIGHWAY PRODUCTS, LLC.,

Defendants

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IN THE 71ST DISTRICT COURT

IN AND FOR

HARRISON COUNTY, TEXAS

BY

[Signature]
DEPUTY

PLAINTIFFS' ORIGINAL PETITION

COMES NOW, Plaintiffs Jackie Ford, individually and as Parent and Next Friend of her minor child J.B.W., by and through counsel, and files this Plaintiffs' Original Petition against Trinity industries, Inc. and Trinity Highway Products, LLC (collectively "Trinity"), and for cause of action would show as follows:

DISCOVERY LEVEL

1.0 Discovery should be conducted under Level 3 pursuant to Tex. R. Civ. Pro. 190.4. However, prior to formal intervention by the Court, Plaintiffs requests an opportunity to confer with Defendants, through its designated counsel, in order to make a reasonable attempt to develop an agreed discovery control plan to be submitted to the court for approval.

PARTIES

2.1 Plaintiff, Jackie Ford, is an individual whose address is 3162 Walkers Mill Road, Hallsville, Texas 75650, Harrison County, Texas. In accordance with Section 30.014, Tex. Civ. Prac. & Rem. Code, the last three digits of the Plaintiff's driver's license number are 703 and the last three digits of the Plaintiff's Social Security Number are 896.

2.2 Plaintiff, J.B.W, a minor child, is the son of Plaintiff, Jackie Ford, and J.B.W. lived with her at the time of her injuries.

2.3 Defendant, Trinity Industries, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business in Dallas, Texas. Trinity Industries, Inc. may be served with process by serving its registered agent for service of process: CT Corp System, 350 N. Saint Paul St., Suite 2900, Dallas, Texas 756201-4234.

2.3 Defendant, Trinity Highway Products, LLC, is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Dallas, Texas. Trinity Highway Products, LLC may be served with process by serving its registered agent for service of process: CT Corp. System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201-4234.

JURISDICTION AND VENUE

3.1 This court has jurisdiction over this matter for the reason that the damages sought herein are within the jurisdictional limits of this court. As required by TEX R CIV PRO 47, Jackie Ford, individually and as parent and next friend of minor child, would show that they seek monetary relief over \$1 million, and all other relief to which Plaintiffs may be entitled.

3.2 Venue is proper in Harrison County, Texas, under TEX. CIV. PRAC. & REM. CODE §15.001(a)(1) because all or a substantial part of the cause of action occurred in Harrison County, Texas.

FACTUAL BACKGROUND

4.1 Trinity industries Inc. is the parent corporation of Trinity Highway Products, LLC and as such controls Trinity Highway Products, LLC.

4.2 Trinity is in the business of manufacturing and selling various highway safety and construction products for use across the United States and specifically throughout Texas. Trinity designs, manufactures, and sells the ET-Plus guardrail end terminal ("ET-Plus"). Trinity manufactures and sells ET-Plus under an exclusive licensing agreement from Texas A&M University.

4.3 The ET-Plus unit is commonly referred to as a "head" or "end terminal" and when used in conjunction with the standard "W-beam" style guardrail is designed to safely absorb and dissipate the energy of a vehicular impact.

4.4 Upon impact, the guardrail is designed to be extruded through the head and flattened out into a ribbon absorbing the majority of the collision energy.

4.5 The original production of the ET-Plus, built to approved specifications, was overall successful.

4.6 The ET-Plus as well as each and every other product used in the national highway system must undergo testing to determine and validate safety before the product may be placed on the national highway system or on the roads of the State of Texas.

4.7 The Federal Highway Administration, a division of the United States Government under the U.S. Department of Transportation, as well as other state and federal organizations are charged with establishing the safety criteria for products such as the ET-Plus.

4.8 Texas requires that its Department of Transportation ("TxDOT") approve any product installed on its roadways. Each highway project in Texas is governed by contract documents issued by TxDOT. These documents require that any product installed on Texas' highways be both previously approved by TxDOT and compliant with the National Cooperative Highway Research Program Report 350 ("NCHRP 350"), if tested prior to January 1, 2011 or tested using the Manual for Assessing Safety Hardware ("MASH"), if presented for testing after that date. Products previously accepted under NCHRP 350 do not need to be retested unless the product is changed.

4.9 NCHRP 350 Recommended Procedures for the Safety Performance Evaluation of Highway Features, establishes a performance range on several criteria that guardrail terminals must satisfy through as many as seven different tests to be determined safe and reliable for installation. The prime contractor submitting a winning bid on a project must sign contract documents agreeing with the TxDOT to install only state-approved, NCHRP 350 or MASH-compliant products.

4.10 Texas has an Approved Products List for the product at issue. Trinity manufactures and sells guardrail end terminals under the Name ET-2000 Plus, ET-Plus and ET-31. The ET-Plus, also known as ET-2000 Plus was approved by TxDOT and placed on TxDOT approved list for end terminals. The version of the ET-Plus approved by TxDOT remains on the TxDOT current approved product list.

4.11 Once a product is approved for use along the National Highway System or the roads of Texas, its design specifications cannot be altered; or if altered, the product must undergo additional testing and approval prior to its placement on the roadways of Texas or the National Highway System.

4.12 Some time between years 2000 and 2005, an altered ET-Plus began appearing along the National Highway System and on roads in Texas. In particular, a revised or altered "head" was manufactured with an exit gap of approximately 1" rather than approximately 1.5" as originally tested, approved, and manufactured.

4.13 In 2005, a different or altered ET-Plus began to appear along the National Highway System and the roads in Texas. In particular, a revised or altered "head" was manufactured with a 4" feeder chute (as opposed to the approved 5" feeder chute), and the altered ET-Plus had a shorter overall height.

4.14 Feeder rails on the altered ET-Plus are inserted into the head 3/4" rather than being welded flush to it as originally designed and approved. This results in drastically reducing the overall space of the feeder chute.

4.15 Trinity twice petitioned the Federal Highway Administration (FHWA) for other modifications to other components of the overall ET-Plus system.

4.16 The above-described requests dealt with components sold with the ET-Plus and their configuration. Nowhere in these design changes did Trinity mention the reduced feeder chute size or any other changes to the ET-Plus head.

4.17 Based upon information and belief, Trinity never officially notified or petitioned the Federal Highway Administration, TxDOT or any branch or unit of any federal or state government for approval or consideration of the feeder chute changes as described above.

4.18 The ET-Plus, as modified in 2005 and at issue in this case, does not allow the guardrail to feed properly through the feeder chute due to the reduced internal area of the head itself which causes the guardrail to "throat lock" in the head during impact.

4.19 Once "throat lock" occurs, as is the case in this action, the ET plus system violently stops or redirects the vehicle in a manner causing serious injury or death – often by impalement.

4.20 Based on information and belief, Trinity, at all times relevant hereto, knew of the dangerous conditions created by its unapproved, modified ET-Plus system. Hundreds of thousands of these unapproved, secretly modified, inherently dangerous ET-Plus systems have been in use across the country for several years preceding the incident at issue in this lawsuit.

4.21 This case arises out of a wreck that occurred on or about December 15, 2012 on FM 2208 near its intersection with Bob White Road in Harrison County, Texas.

4.22 For some time prior to the wreck and at the time of the wreck it was raining.

4.23 Jackie Ford had driven from near Spur 63 and Marshall Avenue in Longview, Texas, and was driving her 2012 Mazda 6 north on FM 2208 when the wreck happened.

4.24 Jackie Ford's vehicle veered off the left side of the roadway and spun into a guardrail and end terminal on the west side of FM 2208.

4.25 The guardrail/end terminal in question was defective and unreasonably dangerous. Instead of absorbing the crash energy, bending the end terminal away from the vehicle, and allowing the vehicle to safely "ride down" the crash, the guardrail/end terminal malfunctioned and penetrated the vehicle like a spear. This penetration continued into the passenger compartment and crushed or impaled Jackie Ford causing massive injuries.

4.26 As a result of the wreck, Jackie Ford sustained injuries that render her permanently disabled. She required extensive surgeries and treatment that have left her with reasonable and necessary medical bills exceeding \$1,000,000.00. Her surgeries were so extensive that she required 55 units of blood. She has permanent nerve damage which hinders her mobility and causes her to need assistance to walk. She is not able to sit or stand for any period of time without pain that requires medication.

4.27 The end terminal system was designed, manufactured and marketed by defendant Trinity. The end terminal is designed to push the guardrail through the head so the guardrail and is bent away from the vehicle. This design is intended to allow the energy from the impact to be absorbed and to prevent the guardrail from penetrating the vehicle upon impact.

CAUSES OF ACTION

5.1 Defendant Trinity has a duty to exercise ordinary care in the design, testing, marketing and distribution of the impact head system to ensure that it was not unreasonably dangerous for its intended and foreseeable use on the highways of Texas. Defendant Trinity knew, or in the exercise of reasonable care should have known, that the impact head as redesigned in approximately 2005 was defective and unreasonably dangerous to the driving public, including Jackie Ford. Defendant Trinity breached its duty of ordinary care by placing the end-terminal into the stream of commerce in a defective and unreasonably dangerous condition and by certifying it as NCHRP 350 compliant. This negligence on the part of Defendant Trinity was a proximate cause and a cause-in-fact of the injuries sustained by Jackie Ford when her car impacted the end-terminal on or about December 15, 2012.

5.2 Defendant Trinity is the manufacturer of the guardrail and impact head system installed by a contractor at the location in question and in place at the time of the wreck. It was foreseeable to Defendant Trinity that wrecks would occur involving impact between vehicles and guardrails placed along the highways of the State of Texas. Defendant Trinity defectively designed, manufactured, assembled, marketed, and/or distributed the end-terminal system when it modified the product in approximately 2005 in a manner that prevents the impact head system

from operating as intended. As such, Defendant Trinity is liable under the doctrine of strict product liability. To the extent necessary, Jackie Ford invokes the doctrine of strict product liability as set forth in the Restatement (Second) of Torts §402A and Restatement (Third) of Torts; Products Liability §1 and §2. The defective nature of the end-terminal system was a producing cause and cause in fact of the injuries sustained by Jackie Ford when her car impacted the guardrail on or about December 15, 2012.

5.3 Defendant Trinity by its advertising, labeling, or otherwise misrepresented a material fact regarding the safety of the guardrail/end terminal system. This misrepresentation was made to the federal and state agencies responsible for certifying the system for use on the public highways of the United States and each state therein. Jackie Ford and each person using the public highways justifiably rely on the safety of the structures used to protect drivers and passengers. The misrepresentation renders Defendant Trinity liable as the manufacturer of the defective and unreasonably dangerous guardrail/end terminal system. In addition to all other reasons that offended Trinity and liable to Jackie Ford, she invokes the protection of Restatement Torts (Second), §402B and Restatement Torts (Third), §9. The misrepresentations of the defective nature of the end-terminal system was a producing cause and cause in fact of the injuries sustained by Jackie Ford when her car impacted the guard rail on or about December 15, 2012.

5.4 The Texas Uniform Commercial Code provides for an implied warranty of merchantability on products sold in Texas. As such, there was an implied warranty that the end-terminal was merchantable. Defendant Trinity breached this implied warranty because the end-terminal was of such condition to render it unfit for the ordinary purpose for which it was to be used. This breach of the implied warranty of merchantability by Defendant Trinity was a producing cause and cause-in-fact of the injuries sustained by Jackie Ford when her car impacted the guardrail on or about December 15, 2012.

5.5 The Texas Uniform Commercial Code provides for an implied warranty of fitness for a particular purpose on products sold in Texas. As such, there was an implied warranty that the guardrail and impact head system was fit for the particular purpose of use on roadways such as FM 2088. Defendant Trinity has reason to know the particular purpose for which the end

terminal system was intended and that users like Jackie Ford would rely on the skill and judgment of Defendant Trinity to furnish a suitable and safe end terminal system. Defendant Trinity breached this implied warranty because the end-terminal system was/is not suitable for use on FM 2088 or any other Texas road or highway. This breach of the implied warranty of fitness for particular purpose by Defendant Trinity was a producing cause and cause-in-fact of the injuries sustained by Jackie Ford when her car impacted the guard rail on or about December [REDACTED]

DAMAGES

6.1 As a result of the occurrence in question, plaintiff sustained severe, permanent and disabling injuries.

6.2 As a result of the injuries suffered by Jackie Ford, she is entitled to recover compensatory damages in an amount that exceeds the jurisdictional minimum limits of this court for each of the following elements:

6.2. Reasonable and necessary medical care sustained in the past, and that in reasonable probability, will be sustained in the future;

6.3 Lost earnings and loss of earning capacity sustained in the past; and loss of earning capacity that, in reasonable probability, will be sustained in the future;

6.4 Physical impairment sustained in the past; and, in reasonable probability, that will be sustained in the future;

6.5 Disfigurement sustained in the past; and that, in reasonable probability, will be sustained in the future;

6.6 Physical pain suffered in the past, and that, in reasonable probability, will be sustained in the future;

6.7 Mental anguish sustained in the past; and that, in reasonable probability, will be sustained in the future.

6.8 Jackie Ford is entitled to pre-judgment and post-judgment interest at the highest rate allowed by law for the maximum times allowed by law.

6.9 As a result of the occurrence in question, J.B.W. sustained compensable damages because of his mother's injuries. Plaintiff J.B.W., has suffered and will continue to suffer loss of parent's love, affection, protection, emotional support, household services, companionship, care, mental anguish, society, and financial support.

6.10 Plaintiffs seek pre-judgment and post-judgment interest at the highest rates allowed for the maximum times allowed.

JURY DEMAND

7.1 Plaintiffs request a trial by jury and tenders a jury fee concurrent with the filing of this Petition.

REQUEST FOR DISCLOSURE

8.1 Defendant Trinity Industries, Inc., is requested to disclose all information required by Texas Rules of Civil Procedure 194.2 within 50 days of being served with a copy of this request and this original petition.

8.2 Defendant Trinity Highway Products, LLC, is requested to disclose all information required by Texas Rules of Civil Procedure 194.2 within 50 days of being served with a copy of this request and this Plaintiffs' Original Petition.

PRAYER

Plaintiffs request that Defendants be cited to appear and answer, that the case proceed through the discovery process to trial by jury, and that, on final trial, plaintiffs have and recover:


A. Judgment against Defendants, jointly and severally, for compensatory damages in an amount proved at trial which amount is within the jurisdictional limits of this court;

B. Pre-judgment and post-judgment interest as allowed by law;

- C. Costs of suit; and
- D. Any and all other and further additional relief to which plaintiffs may be justly entitled.

Respectfully submitted,

ERSKINE & MCMAHON, L.L.P.

By: 
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ATTORNEY FOR PLAINTIFFS

Law Enforcement and TxDOT Use Only

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units 1 Total Num. Persons 1 TxDOT Crash ID



Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)
Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149349, Austin, TX 78714 Questions? Call (512)466-5780
Refer to Attached Code Sheet for Numbered Fields

Page 1 of 2

* These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured, etc.).

City, State, ZIP				Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line		14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	Alc. Result	23 Drug Spec.	24 Drug Result	25 Drug Category
1	1	1				A	41	W	2	1	1	2	97	N	2		2	99	99
															Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.				
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee				Owner/Lessee Name & Address FORD, JACKIE JOANNE, 3162 WALKERS MILL ROAD, HALLSVILLE, TX 75650															
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				26 Fin. Resp. Type 1				Fin. Resp. Name ALLSTATE INS				Fin. Resp. Num.							
Fin. Resp. Phone Num. 800-848-2267				27 Vehicle Damage Rating 1 9				27 Vehicle Damage Rating 2 L P 7				Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Towed by ARMSTRONG'S WRECKER SERVICE				Towed To 5738 FM 1998 MARSHALL, TX 75670															
Unit Num.		5 Unit Desc.		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State		LP Num.		VIN									
Veh. Year		8 Veh. Color		Veh. Make		Veh. Model		7 Body Style		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)									
9 DL/DI Type		DL/DI State		DL/DI Num.		9 DL Class		10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY)							
Address (Street, City, State, ZIP)																			
City, State, ZIP				Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line		14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	Alc. Result	23 Drug Spec.	24 Drug Result	25 Drug Category
															Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.				
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee				Owner/Lessee Name & Address															
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No				26 Fin. Resp. Type				Fin. Resp. Name				Fin. Resp. Num.							
Fin. Resp. Phone Num.				27 Vehicle Damage Rating 1				27 Vehicle Damage Rating 2				Vehicle Inventoried <input type="checkbox"/> Yes <input type="checkbox"/> No							
Towed by				Towed To															

Law Enforcement and TxDOT Use Only

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONETotal
Num. 1 Total
Num. 1 TxDOT
Crash IDTexas Peace Officer's Crash Report (Form CR-3 1/1/2010)
Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149349, Austin, TX 78714 Questions? Call (512)486-5780
Refer to Attached Code Sheet for Numbered Fields

Page 1 of 2

* These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured, etc.).

* Crash Date (MM/DD/YYYY) 11/10/2009		* Crash Time (24HRMM) 0800		Case ID 15 FORD		Local Use	
* County Name Harrison				* City Name [redacted] <input checked="" type="checkbox"/> Outside City Limit			
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees) [redacted]		Longitude (decimal degrees) [redacted]	
ROAD ON WHICH CRASH OCCURRED							
* 1 Rdwy. Sys. FM		* Hwy. Num. 2208		2 Rdwy. Part 1		3 Street Prefix	
* Street Name		4 Street Suffix		5 Street Desc.		6 Street Desc.	
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot <input type="checkbox"/> Toll Road/Toll Lane <input type="checkbox"/> Speed Limit 60 <input type="checkbox"/> Const. Zone <input checked="" type="checkbox"/> No <input type="checkbox"/> Workers Present <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes							
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST ROAD OR REFERENCE MARKER							
At Int. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. CR		2 Rdwy. Part		3 Street Prefix	
4 Street Suffix		5 Street Desc.		6 Street Desc.		7 Street Desc.	
Distance from Int. or Ref. Marker 150		<input checked="" type="checkbox"/> FT <input type="checkbox"/> MI		3 Dir. From Int. or Ref. Marker NW		Reference Marker	
Street Desc.		RRX Num.					
Unit Num. 1 5 Unit Desc. 1 <input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run [redacted] VIN [redacted]							
Veh. Year 2012		6 Veh. Color WHI		Veh. Make MAZDA		Veh. Model MAZDA 6	
7 Body Style P4		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DL/ID Type 1		DL/ID State TX		DL/ID Num. [redacted]		9 DL Class C	
10 CDL End. 96		11 DL Rest. 96		DOB (MM/DD/YYYY) [redacted]			
Address (Street, City, State, ZIP) [redacted]							
Person Num. 1 12 Psn. Type 1 13 Seat Position 1 Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line							
14 Injury Severity A 15 Age 41 16 Sex W 17 Eject. 2 18 Restr. 1 19 Airbag 2 20 Helmet 97 21 Sol. N 22 Alc. Spec. 2 23 Drug Spec. 2 24 Drug Result 99 25 Drug Category 99							
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee Owner/Lessee Name & Address [redacted]							
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type 1		Fin. Resp. Name ALLSTATE INS	
Fin. Resp. Num. 816453600		27 Vehicle Damage Rating 1 9		L P 7		27 Vehicle Damage Rating 2	
Towed by ARMSTRONG'S WRECKER SERVICE		Towed To 5738 FM 1998 MARSHALL, TX 75670					
Unit Num. 5 Unit Desc. <input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run LP State LP Num. VIN							
Veh. Year		6 Veh. Color		Veh. Make		Veh. Model	
7 Body Style		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DL/ID Type		DL/ID State		DL/ID Num.		9 DL Class	
10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY)			
Address (Street, City, State, ZIP)							
Person Num. 12 Psn. Type 13 Seat Position Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line							
14 Injury Severity 15 Age 16 Sex 17 Eject. 18 Restr. 19 Airbag 20 Helmet 21 Sol. 22 Alc. Spec. 23 Drug Spec. 24 Drug Result 25 Drug Category							
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee Owner/Lessee Name & Address							
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Num.		27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle Inventoried <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed by		Towed To					

Case ID **J FORD**

TxDOT Crash ID

Page **2** of **2**

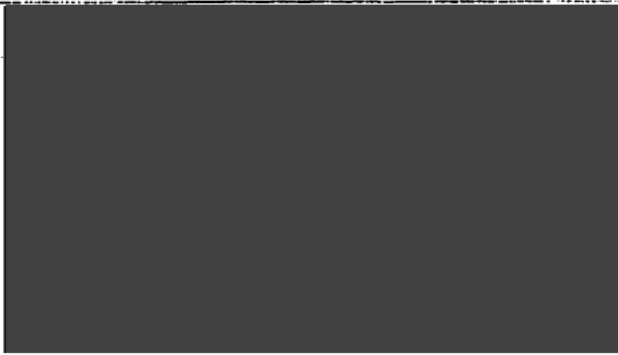
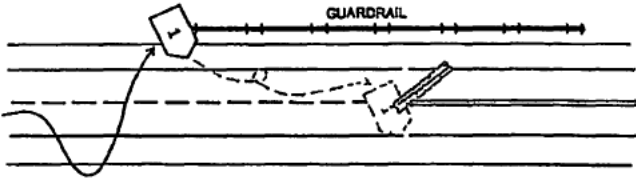
DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)
	1	1	GSMC LONGVIEW	CHAMPION EMS		

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.

DAMAGE	Damaged Property Other Than Vehicles	Owner's Name	Owner's Address
	GUARDRAIL	TXDOT	300 E LOOP 390 N. MARSHALL, TX 75670

Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ Capacity	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
Carrier's Corp. Name			Carrier's Primary Addr.			
30 Rdwy. Access	31 Veh. Type	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	HazMat ID Num.	32 HazMat Class Num.
33 Cargo Body Style	Trailer 1 Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2 Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	34 Trlr. Type
Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles	Total Num. Tires

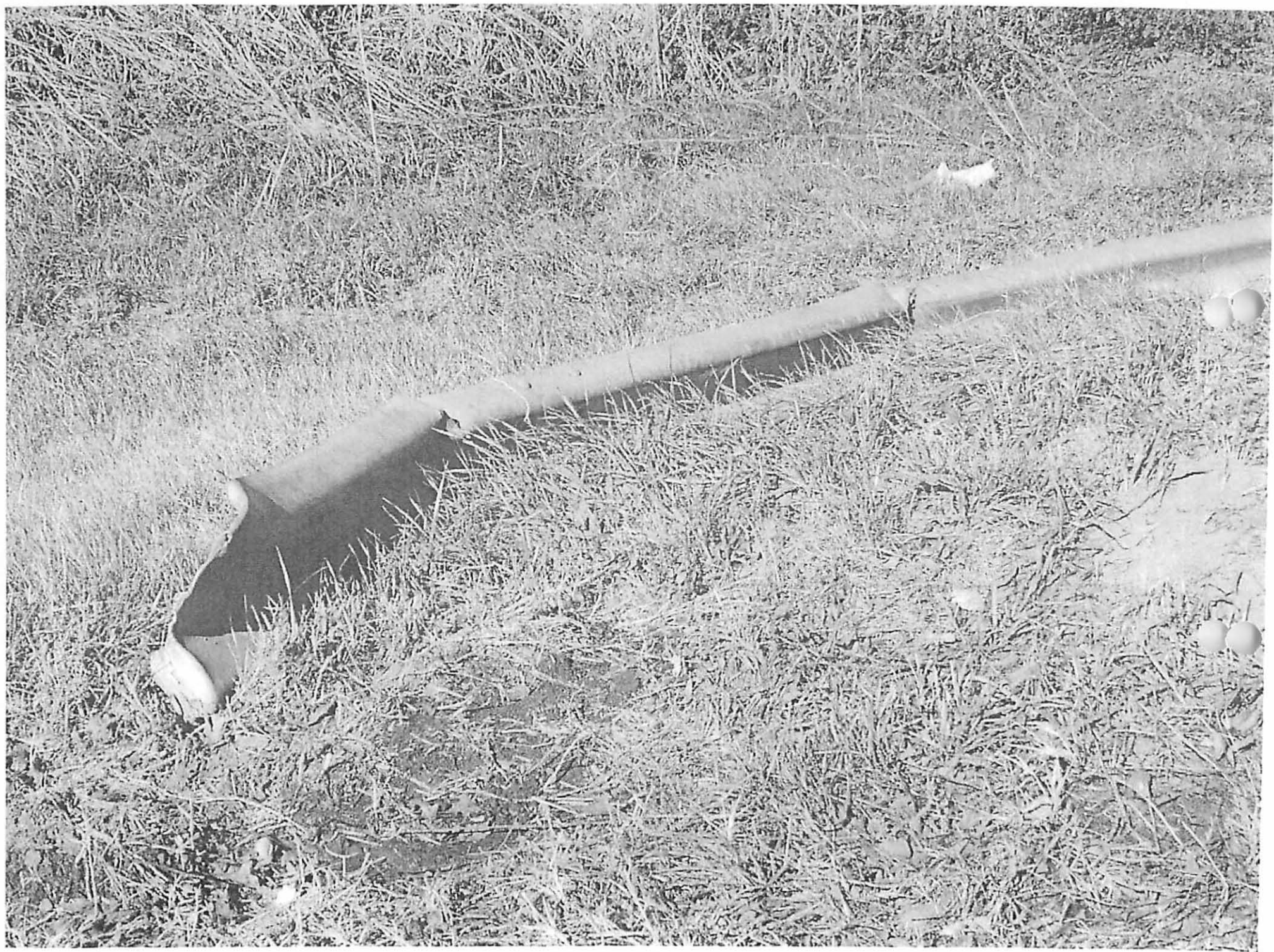
36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions						
Unit Num.	Contributing	May Have Contrib.		Contributing	May Have Contrib.			38 Weather cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
1	67	60						3	2	97	1	1	2	11

INVESTIGATOR'S NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
		<p>Indicate North →</p>  <p>FM 2208</p>

INVESTIGATOR	Time Notified (24HRMM)	0, 3, 1, 4	How Notified	HCSO DISPATCH	Time Arrived (24HRMM)	0, 4, 0, 0	Report Date (MM/DD/YYYY)	[REDACTED]
	Invest. <input checked="" type="checkbox"/> Yes Comp. <input type="checkbox"/> No	Investigator Name (Printed)	JASON GOLDBERG			ID Num.	12774	
	ORI Num.	T, X, D, P, S, 3, 1, 0, 0	*Agency	TEXAS DEPARTMENT OF PUBLIC SAFETY			District/Area	H, P, 1, B, 0, 5

IDENTIFICATION AND LOCATION	1. Roadway System IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market BI = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop TL = Toll Road		2. Roadway Part 1 = Main/Proper Lane 2 = Service Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Flyover 98 = Other (Explain in Narrative)		3. Street Prefix <u>Direction from Int. or Ref. Marker</u> N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest		4. Street Suffix RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail LOOP = Loop		EXPY = Expressway CT = Court CIR = Circle PL = Place PARK = Park CV = Cove									
	5. Unit Description 1 = Motor Vehicle 2 = Train 3 = Pedalcyclist 4 = Pedestrian 5 = Motorized Conveyance 6 = Towed/Trailer 7 = Non-Contact 98 = Other (Explain in Narrative)		6. Vehicle Color BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MUL = Multicolored ONG = Orange PNK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown		7. Body Style P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SB = Yellow School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle PC = Police Car/Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van 98 = Other (Explain in Narrative) 99 = Unknown		8. Driver License/ID Type 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unlicensed 98 = Other 99 = Unknown											
VEHICLE, DRIVER, AND PERSONS	9. Driver License Class A = Class A AM = Class A and M B = Class B BM = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Other/Out of State 99 = Unknown		10. Commercial Driver License Endorsements H = Hazardous Materials N = Tank Vehicles P = Passengers S = School Bus T = Double/Triple Trailer X = Tank Vehicle with HazMat 5 = Unlicensed 96 = None 98 = Other/Out of State 99 = Unknown		11. Driver License Restrictions A = With Corrective Lenses B = LOFS Age 21 or Over C = Daytime Only D = Not to Exceed 45 MPH E = No Expressway Driving F = Must Hold Valid Learner Lic. to MM/DD/YY G = TRC 545.424 Applies until MM/DD/YY H = Vehicle Not to Exceed 26,000 lbs GVWR I = Motorcycle Not to Exceed 250 CC J = Licensed Motorcycle Operator Age 21 or Over in Sight K = Moped L = Vehicle w/o Air Brakes - Applies to Vehicles Requiring CDL M = CDL Intrastate Commerce Only N = Ignition Interlock Required O = Occ./Essent. Need DL-No CMV-See Court Order P = Stated on License Q = LOFS 21 or Over Vehicle Above Class B R = LOFS 21 or Over Vehicle Above Class C S = Outside Rear View Mirror or Hearing Aid T = Automatic Transmission U = Applicable Prosthetic Devices V = Applicable Vehicle Devices W = Power Steering X = Vehicle Not to Exceed Class C Y = Valid TX Vision or Limb Waiver Req'd. Z = Valid Fed. Vision or Limb Waiver Req'd. 5 = Unlicensed 96 = None 98 = Other/Out of State 99 = Unknown		12. Person Type 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		13. Seat Position 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right 10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown		14. Injury Severity A = Incapacitating Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 99 = Unknown		15. Ethnicity W = White B = Black H = Hispanic A = Asian I = Amer. Indian/ Alaskan Native 98 = Other 99 = Unknown		16. Sex 1 = Male 2 = Female 99 = Unknown		17. Elected 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown	
	18. Restraint Used 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat 96 = None 97 = Not Applicable 98 = Other (Explain in Narrative) 99 = Unknown		19. Airbag 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown		20. Helmet Use 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unk. Damage 97 = Not Applicable 99 = Unknown if Worn		21. Solicitation Y = Solicit N = No Solicit		22. Alcohol Specimen Type 1 = Breath 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		23. Drug Specimen Type 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		24. Drug Test Result 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown		25. Drug Category 2 = CNS Depressants 3 = CNS Stimulants 4 = Hallucinogens 6 = Narcotic Analgesics 7 = Inhalants 8 = Cannabis 10 = Dissociative Anesthetics 11 = Multiple Drugs (Explain in Narrative) 97 = Not Applicable 98 = Other Drugs (Explain in Narrative) 99 = Unknown		26. Financial Responsibility Type 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance	
27. Vehicle Damage Rating In most cases, enter in the format XX-ABC-Y, where XX is the Direction of Force (1-12), ABC is the Damage Description 2- or 3-letter code, and Y is the Damage Severity (0-7). In special cases, use: VB-1 = vehicle burned, NOT due to collision VB-7 = vehicle catches fire due to the collision TP-0 = top damage only VX-0 = undercarriage damage only MC-1 = motorcycle, moped, scooter, etc. NA = Not Applicable (Farm Tractor, etc.)																		

COMMERCIAL MOTOR VEHICLE	28. Vehicle Operation 1 = Interstate Commerce 2 = Intrastate Commerce 3 = Not in Commerce 4 = Government 5 = Personal	29. Carrier ID Type 1 = US DOT 2 = TxDOT 3 = ICC/MC 96 = None 98 = Other (Explain in Narrative)	30. Roadway Access 1 = Full Access Control 2 = Partial Access Control 3 = No Access Control	31. Vehicle Type 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axles 6 Tires 6 = Single Unit Truck 3 or More Axles 7 = Truck Trailer 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Trip Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	32. Hazardous Material Class Number 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
	33. Cargo Body Style 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer	8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chips Gravel 11 = Pole 13 = Intermodal 14 = Logging	15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)	34. Trailer Type 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
FACTORS AND CONDITIONS	35. Sequence of Events 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss Or Shift 6 = Non-Collision: Explosion Or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Median/Centerline 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle in Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Pedalcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)				
	36. Factors and Conditions 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 14 = Disabled in Traffic Lane 15 = Disregard Stop and Go Signal 16 = Disregard Stop Sign or Light 17 = Disregard Turn Marks at Intersection 18 = Disregard Warning Sign at Construction 19 = Distraction in Vehicle 20 = Driver Inattention 21 = Drove Without Headlights 22 = Failed to Control Speed 23 = Failed to Drive in Single Lane 24 = Failed to Give Half of Roadway 25 = Failed to Heed Warning Sign 26 = Failed to Pass to Left Safely 27 = Failed to Pass to Right Safely 28 = Failed to Signal or Gave Wrong Signal 29 = Failed to Stop at Proper Place 30 = Failed to Stop for School Bus 31 = Failed to Stop for Train 32 = Failed to Yield ROW – Emergency Vehicle 33 = Failed to Yield ROW – Open Intersection 34 = Failed to Yield ROW – Private Drive 35 = Failed to Yield ROW – Stop Sign 36 = Failed to Yield ROW – To Pedestrian 37 = Failed to Yield ROW – Turning Left 38 = Failed to Yield ROW – Turn on Red 39 = Failed to Yield ROW – Yield Sign 40 = Fatigued or Asleep 41 = Faulty Evasive Action 42 = Fire in Vehicle 43 = Fleeing or Evading Police 44 = Followed Too Closely 45 = Had Been Drinking 46 = Handicapped Driver (Explain in Narrative) 47 = Ill (Explain in Narrative) 48 = Impaired Visibility (Explain in Narrative) 49 = Improper Start from Parked Position 50 = Load Not Secured 51 = Opened Door Into Traffic Lane 52 = Oversized Vehicle or Load 53 = Overtake and Pass Insufficient Clearance 54 = Parked and Failed to Set Brakes 55 = Parked in Traffic Lane 56 = Parked without Lights 57 = Passed in No Passing Lane 58 = Passed on Right Shoulder 59 = Pedestrian FTYROW to Vehicle 60 = Unsafe Speed 61 = Speeding – (Over Limit) 62 = Taking Medication (Explain in Narrative) 63 = Turned Improperly – Cut Corner on Left 64 = Turned Improperly – Wide Right 65 = Turned Improperly – Wrong Lane 66 = Turned when Unsafe 67 = Under Influence – Alcohol 68 = Under Influence – Drug 69 = Wrong Side – Approach or Intersection 70 = Wrong Side – Not Passing 71 = Wrong Way – One Way Road 72 = Cell/Mobile Phone Use 73 = Road Rage 98 = Other (Explain in Narrative)				
	37. Vehicle Defects 5 = Defective or No Headlamps 6 = Defective or No Stop Lamps 7 = Defective or No Tail Lamps 8 = Defective or No Turn Signal Lamps 9 = Defective or No Trailer Brakes 10 = Defective or No Vehicle Brakes 11 = Defective Steering Mechanism 12 = Defective or Slick Tires 13 = Defective Trailer Hitch 98 = Other (Explain in Narrative)	38. Weather Condition 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown	39. Light Condition 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown	40. Entering Roads 2 = Three Entering Roads – T 3 = Three Entering Roads – Y 4 = Four Entering Roads 5 = Five Entering Roads 6 = Six Entering Roads 7 = Traffic Circle 8 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)	
	41. Roadway Type 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative)	42. Roadway Alignment 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Hillcrest 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Hillcrest 98 = Other (Explain in Narrative) 99 = Unknown	43. Surface Condition 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown	44. Traffic Control 2 = Inoperative (Explain in Narrative) 3 = Officer 4 = Flagman 5 = Signal Light 6 = Flashing Red Light 7 = Flashing Yellow Light 8 = Stop Sign 9 = Yield Sign 10 = Warning Sign 11 = Center Stripe/Divider 12 = No Passing Zone 13 = RR Gate/Signal 15 = Crosswalk 16 = Bike Lane 17 = Marked Lanes 18 = Signal Light With Red Light Running Camera 96 = None 98 = Other (Explain in Narrative)	

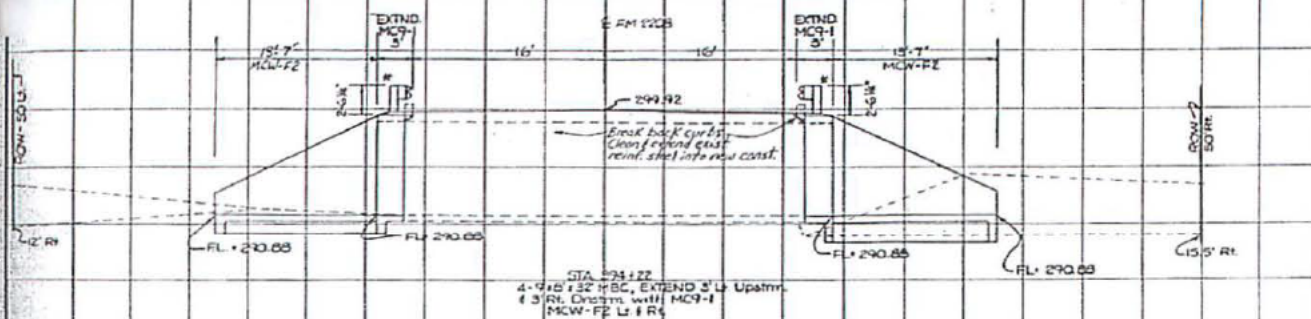




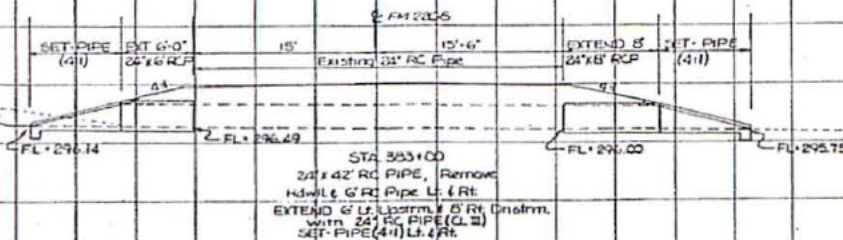




* FOR STEEL POST MOUNTING DETAILS SEE STANDARD GF(TD)-57
THE CONTRACTOR SHALL FIELD VERIFY LENGTHS OF STEEL POSTS
REQUIRED PRIOR TO FABRICATION.



ROW-2
50' R.



STRUCTURE
LAYOUT

SHEET 3 OF 4			
DATE	REVISION	BY	DATE
12-7-81			
156	15	7	EMERSON