Garbage Truck Driver Ordered to Stand Trial

April, 2019 Center City, Philadelphia, PA — Garbage truck driver ordered to stand trial in bicycle death. The 28-year-old who was driving the trash truck that struck and killed a bicyclist in Center City in 2017 was ordered on Wednesday to stand trial on all counts, including homicide by vehicle, involuntary manslaughter, and recklessly endangering another person. If found guilty, the driver faces a maximum of five years in prison. Click here for accident link.

In this case, the judge’s decision to order the garbage truck driver to stand trial seemed to hinge on whether the driver used a turn signal, obeyed a yield-to-bicyclists sign, checked his mirrors before turning, and was distracted by a smartphone earbud in his right ear – Actions or inactions that occur regularly if commercial drivers are not diligent.

The legal doctrine Respondeat Superior means “let the master answer” and is the primary theory of liability that holds a company responsible for a traffic accident caused by a truck driver. However, as shown in the example above, respondeat superior does not preclude the commercial driver being held liable as well, particularly when carelessness, recklessness or negligence are involved.

In United States law, reckless driving is a major moving traffic violation. It is usually a more serious offense than careless driving, improper driving, or driving without due care and attention and is often punishable by fines, imprisonment, or driver’s license suspension or revocation.

Colorado Revised Statute offers the following definitions

Reckless driving – A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property commits reckless driving, which is a class 2 misdemeanor traffic offense. 42-4-1401 (2)

Careless driving – A person who drives a motor vehicle, electrical assisted bicycle, or low-powered scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, or use of the streets and highways and all other attendant circumstances, commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-1402 (2)(a)

A driver who fails to properly exhibit due care and caution while approaching or passing a stationary authorized emergency vehicle that is giving a visual signal commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-705 (3) (b)

A driver who fails to properly exhibit due care and caution while approaching or passing a maintenance, repair, or construction vehicle that is moving at less than 20 miles per hour commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results.

A driver who fails to properly exhibit due care and caution while approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-705 (3) (b)

A driver who, in a careless and imprudent manner, drives his or her vehicle unnecessarily close to, toward, or near a bicyclist, commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results.

Like any other professional driver, waste and recycling drivers must hold themselves to a higher standard than the general public. The amount of time professional drivers spend on the road and the weight of their vehicles make it critical they adhere to this higher standard of operation, by maintaining a level of awareness, defensive position and training that mitigate the inherent risk the professional driver takes every day out on the road. As a society, we rely on the services they perform and the professionalism with which they perform their work.

Here in Colorado, we recently experienced a terrible tragedy that further exemplifies the table stakes associated with professional motor carriers and the nightmare that can occur to both commercial driver and surrounding drivers and passengers when there is a failure in this commitment Click here for accident link.

If the actions of professional drivers are considered careless, reckless or negligent, the doctrine of Respondeat Superior may not protect them from being held criminally liable in the event of an accident. Please make sure your drivers understand their responsibility and liability as professional, commercial drivers.