MIFACE INVESTIGATION REPORT: #07MI044

SUBJECT: Farmer Dies When His Tractor was Rear-ended by a Semi

Summary:

On April 30, 2007, a 53-year-old male farmer died when the John Deere 3020 tractor he was operating on a dry, two-lane road was struck in the rear by a semi truck. Both vehicles were traveling northbound on the road. The tractor and wagon he was pulling were in the travel portion of the road. The blacktop roadway had paved shoulders that transitioned to gravel and then to grass ditches. The speed limit was 55 mph and was posted. The tractor was hauling a port-a-box wood wagon. The tractor was traveling on the eastern-most edge of the northbound pavement while straddling the fog line and extending approximately three feet into the northbound portion of the roadway. The semi truck struck the left rear corner of the port-a-box wood wagon causing the wagon and tractor to become separated and the tractor to roll over several times. The semi truck subsequently jackknifed. The decedent was ejected from the tractor seat. The tractor and wagon were equipped with slow moving vehicle emblems. The driver of the semi was prosecuted and convicted of negligent homicide when he failed to yield the right of way or stop in the assured clear distance before crashing into the rear of the farm tractor and wagon.

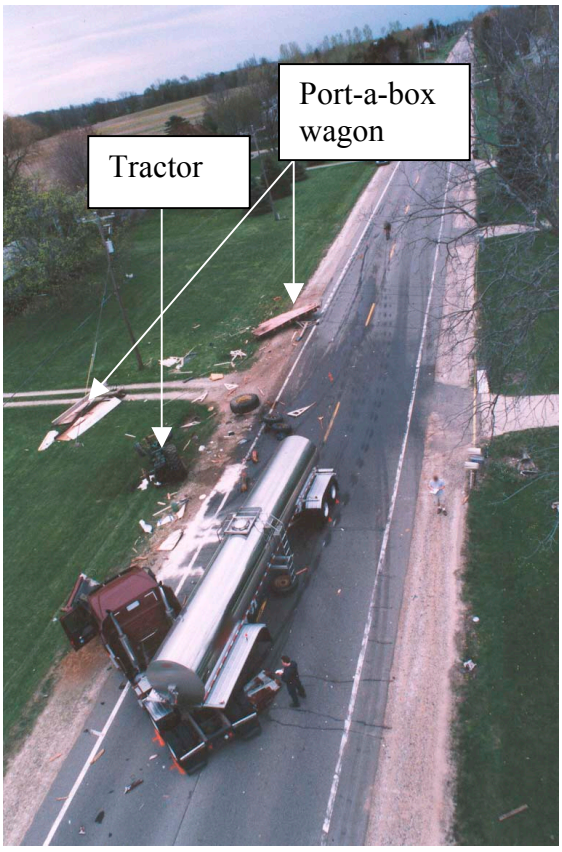


Figure 1. Overview of incident scene

RECOMMENDATIONS

Truck Drivers:

- Ensure adequate rest and minimize distractions while driving.

Agricultural Community:

- Use less busy alternate routes when available when operating agricultural equipment on the road, especially during high traffic volume hours.
- Upgrade old slow moving vehicle (SMV) emblems to the new retro-reflective SMV emblems.
- When available, use rollover protective structure (ROPS) and seatbelt equipped agricultural equipment when operating on the road.
- Retrofit older tractors with properly designed, manufactured and installed ROPS and seat belt when available.

- Install side view mirrors and construct/purchase appropriate temporary flashing warning lights and attach them to a tractor if not so equipped when the tractor is operated on the road.

Municipalities:

- Municipalities in rural areas should consider the visual confusion and distraction that may be experienced by vehicle drivers such as when newspaper holders attached to mailboxes are the same colors as an SMV emblem and/or SMV emblems are used as markers.

States and Federal Government:

- States and the Federal government should modify drivers' training material and drivers' tests to include SMV emblem interpretation, types of vehicles on which a SMV emblem is found, and the proper safety procedures to use when approaching and passing a SMV-marked vehicle.

INTRODUCTION

On April 30, 2007, a 53-year-old male farmer died when the John Deere 3020 tractor he was operating on a dry, two-lane road was struck in the rear by a semi truck. MIFACE was notified of this incident via a newspaper clipping. On January 30, 2008, MIFACE researchers spoke with a family member about the incident. During the course of writing this report, the police and medical examiner reports were reviewed. The pictures used in this report are courtesy of the responding police department.

The decedent was a lifetime farmer. He raised 300-400 head of sheep and goats. He had been actively involved in many agricultural organizations and educational endeavors. He owned several styles of tractors, including cabbed tractors having rollover protection structures (ROPS) and seat belts. The family member indicated that all of the agricultural equipment that required a SMV emblem was equipped with a SMV emblem.

INVESTIGATION

The decedent had completed the morning chores and had set up and tested the corn planters in the field. After completing these tasks, the decedent traveled on his John Deere 3020 to pick up a port-a-box wood wagon from another farm location. This tractor was not a cabbed tractor and was not equipped with a ROPS and seat belt. The tractor was equipped with a worn, faded SMV emblem (Figure 2). Two travel routes to the location of the port-a-box wagon were available, a less traveled, dirt road, longer "back road" route and a more traveled, paved, shorter "direct" route. The decedent chose the shorter, more direct route.

Figure 2. Police photo after the incident showing SMV emblem affixed to the tractor

He attached the port-a-box wagon, which had a retro-reflective SMV emblem attached to the rear (Figure 3), and proceeded home via the direct route at approximately 2:00 p.m. The road upon which he was traveling when he was struck had a dry, blacktop surface with paved shoulders that transitioned to gravel, and then grass ditches. The roadway was straight at the crash location; there were no hills, curves or dips in the road. The posted speed limit was 55 mph. There were no traffic control devices, fixed objects, or vision obstructions in the area or near the roadway.

Figure 3. SMV emblem on wagon

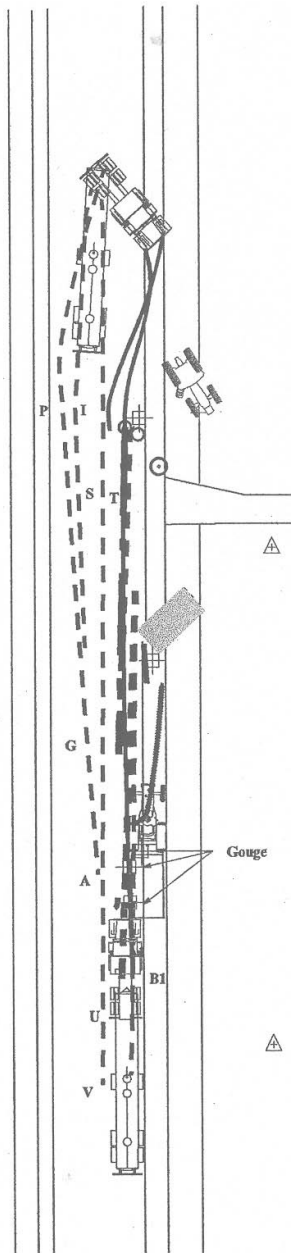
Post-incident scene measurements taken by the responding police department indicate that the farm tractor extended 3 feet 2 inches into the northbound lane. The decedent was driving the tractor with the tractor's right tire on the eastern most edge of the pavement at the shoulder. Approximately 5 feet 10 inches of northbound travel lane was left between the road's centerline and the left side of the tractor.

Both the decedent and a semi truck hauling an empty milk tanker were traveling northbound (Drawing 1). A tractor driver, also traveling northbound was approximately one-half mile behind the decedent. This tractor driver stated in the police report that the semi approached his tractor, so he moved to the right hand far shoulder of the roadway. The semi driver slowed down and passed him in the southbound lane, waved as he passed, and then moved back into the northbound lane.

A vehicle driver traveling in the southbound lane stated in the police report that he observed both the farm tractor and semi approaching him. He indicated he moved off of the road slightly to give the semi room to pass his vehicle.

The police report contained a transcribed interview of the semi truck driver. The driver indicated he came on duty at midnight and had made some runs. He had a brief nap, got some fuel, and picked up an empty milk tank. During the police interview at the scene, the driver indicated he was tired and was planning to rest at the next farm where he was scheduled to stop, which was approximately 45 minutes away. The driver indicated that he had slowed down as he was entering the town's limits and looked down because he was going to get a drink out of his cooler, and when he looked back up, the decedent's tractor was right in front of him.

The semi driver stated he swerved but indicated he didn't have time and was too close to be able to avoid a collision. The right front of the semi cab struck the left rear corner of the wagon and then struck the tractor, causing the wagon and tractor to become separated



Drawing 1. Police drawing of incident scene

and the tractor to roll over several times. The semi driver was unsure if he applied the truck's brakes. Witnesses stated in the police report that they did not observe any pre-impact braking on the part of the semi driver, which was confirmed by visual evidence and measurements taken by police at the scene.

Most of the damage was on the right rear end of the tractor, which was contact damage. The 3-point hitch was broken off from the tractor and the right rear tire was broken off from the rim and axle. The left rear tire had fresh rubbings where it had rubbed on the semi milk tanker.

The semi and milk tank jackknifed. The semi cab came to a resting position facing a southeasterly direction with the bulk milk tank facing almost directly north. Skid marks from the point of impact to the point of rest showed the semi skidded to the left and back towards the right. There were braking marks on the road from the point of impact to the resting point from the semi cab and milk tank. There were several scrapes and gouges in the area where the skid marks began. In examining the post impact skid marks, it appeared that the semi caused what is known as "skip skids" as it braked after impacting with the tractor. The post impact skip skids lead to the rear drive axels of the semi cab. There were also skip skids leading to the rear of the semi's milk tank.

The decedent's tractor flipped and landed in the ditch upside down on the east side of the road with the front end facing southeast (Figure 4). Part of the wagon was on the east side of the road with the front facing in a southwest direction; the rest of the wagon was northeast of the wagon bed in a yard. The decedent was ejected from the tractor and was lying on the ground between the semi milk tank and the tractor. There were skid marks from the tires of the tractor and wagon also on the road veering off to the right. Post impact tire marks for the tractor were also observed. There was a large tractor tire mark that began directly on the fog line for northbound traffic, and then proceeded between the fog line and the gravel on the east side of the roadway. This tire mark led directly to the area of the first portion of the wagon.

Figure 4. Tractor upside down after being struck by semi

Neighbors nearby began to assist the decedent after the impact occurred as he was lying on the roadway. A witness working in his yard called 911 after observing the impact. He rendered aid to the decedent, asking another neighbor for blankets to cover the decedent to minimize shock. This witness asked the truck driver to shut off his vehicle and for neighbors to shut off the tractor. EMS arrived, and this Good Samaritan stepped back and let emergency responders provide medical care for the decedent. A neighbor asked if the semi driver was OK and he indicated that he was. The semi driver was going to call 911, but a passerby told him that 911 had already been called.

Contact damage on the semi cab was mainly on the right front of the engine block area, which tore off the fender and half of the fiberglass hood. The right front passenger tire was pushed back

and bent. The engine had boards stuck through the radiator and pieces of wood inside the engine compartment. There was red paint transferred from the wagon. The steel front bumper of the semi cab was bent and crumpled under the engine area.

Police estimated the speed of the semi at the time of collision between 52 and 55 mph.

CAUSE OF DEATH

The cause of death as listed on the death certificate was multiple trauma secondary to a motor vehicle accident. Toxicological results were negative for alcohol and illegal drugs.

RECOMMENDATIONS

Truck Drivers:

- Ensure adequate rest and minimize distractions while driving.

The driver stated to the responding police that he was tired. It is unknown if the driver of the semi had received the required hours of rest prior to driving the semi the day of the incident because MIFACE could not obtain the driver's logbook. The National Highway Traffic Safety Administration (NHTSA) blames driver fatigue for 31% of all truck driver fatalities. Also unknown was the time of the day or night he rested and the quality of rest he experienced, as these two factors can affect an individual's alertness. Driving while drowsy/sleepy decreases the alertness level of a driver and may easily lead to paying less attention to the task of driving. As illustrated by this tragedy, it is imperative that drivers ensure that they are alert and that their attention is focused on driving. The National Sleep Foundation http://www.sleepfoundation.org/site/c.huIXKjM0IxF/b.2417141/k.27D9/Home_of_the_Sleep_in_America_Poll.htm offers tips and a wealth of information about sleep, drowsy driving, and web links for more information on drowsy driving. The Federal Motor Carrier Safety Administration (FMCSA) http://www.fmcsa.dot.gov/about/outreach/driver-safety/driver-safety.htm has many resources drivers may access to learn about the importance of drowsy driving.

Another factor in this incident was that the driver was distracted (looking in his cooler) and by the time he looked up, he did not have adequate reaction time to take evasive maneuvers. The AAA Foundation for Traffic Safety http://www.aaafoundation.org/pdf/distraction.pdf defines distraction as "when a driver is delayed in the recognition of information needed to safely accomplish the driving task because some event, activity, object, or person within or outside the vehicle compels or induces the driver's shifting attention away from the driving task." Distractions can occur outside of the vehicle and inside of the vehicle.

The need to minimize distractions, such as eating and drinking in the car are well publicized, but often not heeded by drivers, with tragic results. Under panic conditions the stopping distance for a truck is dramatically greater than a car - for a speed of 60 mph it takes a car a minimum of about 160-180 feet to stop (size matters), but a semi-truck needs about 420 feet to stop. Add the reaction time of 2/3 second at 60 mph that adds about 60 more feet to the totals. Pavement conditions such as wet or hot conditions also increase the distance with some charts suggesting doubling or more of the distances.

Agricultural Community:

- Use less busy alternate routes when available when operating agricultural equipment on the road, especially during high traffic volume hours.

Farmers cannot control the actions of the motoring public, thus operating agricultural equipment, on public roads should be considered a high-risk farming activity. Farmers can take actions to minimize their exposure to and increase their visibility to the motoring public. Michigan traffic crash data for 2006 compiled by the Michigan State Police found that a total of 151 crashes involving farm equipment were reported on Michigan roadways during 2006. Of these crashes, four resulted in fatalities with one driver of the farm equipment killed. 2007 farm equipment crash data was not available at the time of writing this report.

When determining the travel routes to be taken when traveling on the road with agricultural equipment, farmers should consider both the route and volume of traffic *and* the time of day in relation to personal and equipment safety concerns. The most direct route may be the fastest route, but may not be the safer route. The safe route may be one that takes more time.

The time of day also is critical to agricultural equipment on-the-road operation. The crash described in this report occurred between noon and 2:59 p.m. Michigan traffic crash data indicates that the highest percentage of all time periods (22%) of fatal crashes involving semi trucks occurred during this time period, as well as the highest percentage of injury crashes (21.1%). For all vehicles, 16% of all crashes and 12% of all fatal crashes occurred during the hours of noon to 2:59 p.m. The time period during a "normal" workday according to the 2006 crash data with the fewest crashes was 9:00 a.m. to 11:59 a.m.

- Upgrade old slow moving vehicle (SMV) emblems to the new retro-reflective SMV emblems.

A SMV emblem is a reflective orange triangle bordered with red that warns other road users that the vehicle displaying the sign is traveling slower than the normal speed of traffic. The American Society of Agricultural Engineers (ASAE) has developed new recommendations for lighting and marking equipment (ASAE S276.6, January 2005). Although the SMV emblems meeting the old ASAE standard are still available, MIFACE encourages owners of implements of husbandry operated on the roadways to purchase SMV emblems meeting the new recommendations. SMV emblems meeting the recommendations in ASAE 276.6 are in packages labeled with S276.5 or a higher number.

Figure 5. Comparison of SMV emblems

The new SMV emblems have fluorescent material aiding daytime visibility and reflective material aiding nighttime visibility (Figure 5). Replacing worn SMV emblems is important because the orange fluorescent center portion of the SMV emblem fades and turns color over time, changing from orange to yellow, pink or white. This portion is the most vulnerable to light and moisture degradation because fluorescent dyes decompose.

Retro-reflective material as found in the outer border of the SMV emblem reflects the headlights of vehicles approaching from the rear at night. Retro-reflective material holds up longer than fluorescent material. The retro-reflective readings on SMV emblems meeting the new ASAE standard are over ten times greater than most of the readings on SMV emblems currently in use. Figure shows a comparison of older and newer SMV emblems. The SMV on the left is a new sign under the old standard, the SMV in the middle is a new sign under the new standard, and the SMV on the right is an old sign under the old standard.

- When available, use rollover protective structures (ROPS) and seatbelt equipped agricultural equipment when operating on the road.

The decedent owned cabbed tractors that had ROPS and seat belts. Cabbed tractors must be equipped with at least one rear view mirror. It is likely he would have taken evasive maneuvers if he was able to see the semi bearing down on him in the rear view mirror. If the crash still occurred, he would have had a greater chance of surviving the crash if he had been belted in the cab as he would not have been thrown onto the roadway by the force of the collision.

- Retrofit older tractors with properly designed, manufactured and installed ROPS and seat belt when available.

Older tractors can be equipped with rollover protection structures and seatbelts. Rollover protection structures (ROPS) have been required by federal and state law for all tractors used by employees (with limited exception) in agricultural operations that were built after October 25, 1976. There are two basic types of ROPS for farm tractors: protective frames (two- or four- post structures attached to the tractor chassis) and protective enclosures (cabs or enclosures built around a protective frame).

ROPS are designed to help limit a tractor overturn to 90 degrees and to provide the operator a “zone of protection” (Figure 6). The operator must stay within this zone. *The operator will not be protected by the ROPS during an overturn if the operator is not wearing a seatbelt.* Without a seatbelt, the operator may be totally or partially thrown off the tractor. The seatbelt keeps the operator within the "zone of protection" provided by the ROPS. Even inside a cab, seat belts are important to keep the operator from being thrown against the frame, through a window, or out a door. Therefore, when an older tractor is retrofitted with a ROPS, approved seatbelts must also be installed. Seat belts may or may not be included with an available ROPS package.

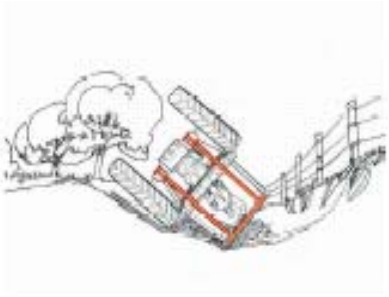


Figure 6. Operator Zone of Protection when wearing seat belt

Some tractors cannot be retrofitted with a ROPS/seatbelt according to the manufacturer or the cost of the retrofit is excessive in relation to the value of the tractor. In these cases, MIFACE recommends that the farm owner not use such tractors and consider renting or leasing a tractor equipped with a ROPS/seatbelt, appropriate equipment for performing the work and discontinuing the use of the non-ROPS/seatbelt-equipped tractor. *Seat belts should not be used on tractors that do not have ROPS.*

The National Farm Medicine Center in Marshfield, Wisconsin maintains "A Guide to Agricultural Tractor Rollover Protective Structures." This webpage lists manufacturers, models, and approximate costs of obtaining retrofit ROPS for almost all types of tractors. Another option for owners of older tractors to obtain information about ROPS retrofits is to contact their local extension office or tractor dealership. ROPS should be certified to meet at a minimum the standards and regulations of various agencies that ensure that the frame or enclosure is designed to provide overturn protection. ROPS should not be manufactured in the farm machine shop. OSHA requires that ROPS are labeled/marked, therefore, tractor owners should look for a label on the frame or enclosure stating it meets rollover protection standards. Per the Marshfield Clinic website, a foldable ROPS/seatbelt and a rigid ROPS/seatbelt unit is available from John Deere for the tractor being driven by the decedent. The Marshfield Clinic ROPS webpage can be accessed at the Internet address: http://www.marshfieldclinic.org/NFMC/?page=nfmc_rops_guide.

- Install side view mirrors and construct/purchase appropriate temporary flashing warning lights and attach them to a tractor if not so equipped when the tractor is operated on the road.

Roll-over protection, safety hitch, SMV emblem, rear-view mirrors, signal lights, hand signals, clearance lights and/or reflectors are all aids to safety on the highway. If a piece of equipment that is not equipped with a cab is used on the road, consider mounting a base for a detachable rear view/side view mirror to enable you to see what is coming up behind you. The mirror mounting shall provide a stable support for the mirror, and shall provide for mirror adjustment by tilting in both horizontal and vertical directions. Having mirrors that are properly adjusted will enable the operator to monitor traffic and view how the towed machinery is traveling. It is essential to know at all times what is happening around you when operating tractors and other machinery. The mirrors should extend beyond the sides of any towed or self-propelled machine to provide optimum visibility.

Farm implement owners should look at the new lighting and marking standard that is required for all implements manufactured after January 1, 2007 as a model for lighting. Michigan Motor Vehicle Code (MVC) 257.688 provides that SMV emblems be mounted on the rear of the vehicle, broad base down, not less than three feet nor more than five feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

Michigan MVC section 684a provides that an implement of husbandry shall comply with the following, which are incorporated by reference:
(a) ANSI/ASAE S276.6 JAN2005, Slow-Moving Vehicle Identification Emblem.
(b) ANSI/ASAE S279.12 DEC02, Lighting and Marking of Agricultural Equipment on Highways.

Older tractors (those manufactured prior to January 1, 2007) are required to be equipped with at least one lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of

the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.
Michigan MVC section 257.698(f)) states that a vehicle towing an implement of husbandry or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. Amber is the only color permitted for this application. Adding this lighting to the towing vehicle or to the implement of husbandry being towed would increase the visibility of the equipment to other vehicle drivers. Red reflective material on the outboard edges is required for all implements. Department of Transportation (DOT) truck tape can be applied to comply with this requirement.

Municipalities:

- Municipalities in rural areas should consider the visual confusion and distraction that may be experienced by vehicle drivers such as when newspaper holders attached to mailboxes are the same colors as an SMV emblem and/or SMV emblems are used as markers.

The MIFACE researchers recreated the travel route of the decedent. Although the photograph does not do it justice, it was very apparent that the orange paper boxes affixed to either mailboxes or free standing used to store delivered papers could provide visual confusion to any vehicle operator who was driving on the road (Figure 7). Although the paper boxes were located primarily on the southbound side of the road, as the researcher was looking on the northbound lane in the distance, the orange color blended into the roadway.

Figure 7. Orange mailboxes on southbound side of roadway

In rural communities especially, where there is increased interaction between agricultural vehicles affixed with the orange/red SMV emblems and regular vehicular traffic, the SMVs must be able to be easily distinguishable from the surrounding travel area. Additionally, other safety indicators, such as orange vests runners may wear or orange flags used on bikes may be diluted when there is a great deal of "orange" in the area.

SMV emblems illegally mounted on fixed objects such as trees or mailboxes and/or used as driveway indicators in the road right-of-way also minimize the impact of seeing a SMV emblem on a piece of equipment. This misuse of the SMV emblem is a violation of Section 688 of the Michigan Motor Vehicle Code.

MIFACE encourages communities to assess potential visual cue confusion issues, such as orange paper delivery boxes and illegally mounted SMV emblems. MIFACE encourages communities to mandate that objects on the side of the road be of a color that cannot be confused with the colors of warning symbols, such as slow moving vehicle emblems. These objects should be

removed and replaced. Communities should also direct their enforcement agencies to inform the public about the misuse of SMV emblems as markers and ensure the SMV removal.

States and Federal Government

- States and the Federal government should modify drivers' training material and drivers' tests to include SMV emblem interpretation, types of vehicles on which a SMV emblem is found, and the proper safety procedures to use when approaching and passing a SMV-marked vehicle.

Agricultural equipment, most construction equipment, and other special vehicles are required to display the SMV when operating on a public road. Many young drivers have no contact with any of these types of vehicles and are not aware of how they are moved on the road. Older drivers may recognize the SMV emblem but the prolific illegal use of the emblem as driveway markers has diluted its effectiveness over time. All drivers should be made aware of the hazards associated with SMV marked vehicles, those vehicles right to use the road, and the penalties for injuring of killing the operator of those vehicles.

The MVC at Sec. 601c states that (1) a person who commits a moving violation that has criminal penalties and as a result causes injury to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than $1,000.00, or both, and (2) a person who commits a moving violation that has criminal penalties and as a result causes death to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both.

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- "A Guide to Agricultural Tractor Rollover Protective Structures." National Farm Medicine Center in Marshfield, Wisconsin. http://www.marshfieldclinic.org/NFMC/?page=nfmc_rops_guide
- *Farm equipment needs to be more visible!* **Be Seen and Be Safe** is sponsored by the Edgecombe, Greene, Johnston, Nash, Pitt, Wayne, and Wilson Centers of the North Carolina Cooperative Extension Service and the North Carolina State Highway Patrol with funding from the North Carolina Tobacco Trust Fund Commission. http://www.ces.ncsu.edu/johnston/bsbs/visible.html

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KEY WORDS: Motor Vehicle, Struck By, Semi truck, SMV, ROPS, Agriculture

9/22/08

MIFACE
Investigation Report #07 MI 044
Evaluation

To improve the quality of the MIFACE program and our investigation reports, we would like to ask you a few questions about this report:

Please rate the report using a scale of:	**Excellent**	**Good**	**Fair**	**Poor**
	1	2	3	4

What was your general impression of this MIFACE investigation report?

Excellent	**Good**	**Fair**	**Poor**
1	2	3	4

Was the report…	**Excellent**	**Good**	**Fair**	**Poor**
Objective?	1	2	3	4
Clearly written?	1	2	3	4
Useful?	1	2	3	4

Were the recommendations …	**Excellent**	**Good**	**Fair**	**Poor**
Clearly written?	1	2	3	4
Practical?	1	2	3	4
Useful?	1	2	3	4

How will you use this report? (Check all that apply)

- ❑ Distribute to employees/family members
- ❑ Post on bulletin board
- ❑ Use in employee training
- ❑ File for future reference
- ❑ Will not use it
- ❑ Other (specify) _____

Thank You!

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Comments:

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