KENTUCKY State FACE Program
Fatality Assessment & Control Evaluation

Kentucky Injury Prevention and Research Center
Bona fide agent for Kentucky Department for Public Health
2365 Harrodsburg Rd., Ste. B340, Lexington, KY 40504 • 859 323 4750

REPORT#: 24KY070 **REPORT DATE:** July 23, 2025

Tow Truck Driver Struck by Passing Semi-Truck on Shoulder

On September 25, 2024, a 54-year-old tow truck driver was attempting to recover a disabled passenger vehicle when he was struck by a passing semi-truck. The victim succumbed to the injuries he sustained at the scene of the incident.

READ THE FULL REPORT> (p.3)

INCIDENT HIGHLIGHTS

DATE:
September 25, 2024

TIME:
05:15 p.m.

VICTIM:
54-year-old white, non-Hispanic male

INDUSTRY/NAICS CODE:
Motor vehicle towing /488410

EMPLOYER:
Light Duty Towing

SAFETY & TRAINING:
No Written Safety Program

SCENE:
Interstate Highway

LOCATION:
Kentucky

EVENT TYPE:
Struck-by

CONTRIBUTING FACTORS

Key contributing factors identified in this investigation include:

- Performing work on the side of the truck that is closer to traffic,
- Lack of written safety program, and
- Distracted driving.

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RECOMMENDATIONS

Kentucky investigators concluded that, to help prevent similar occurrences, employers should:

- Implement a policy prohibiting tow truck drivers from performing work on the side of the tow truck that's closer to traffic,
- Implement a distracted driver policy and provide associated training, and
- Implement a written safety program.

Kentucky investigators concluded that, to help prevent similar occurrences, Kentucky should:

- Consider allowing tow trucks to utilize blue and/or red flashing emergency lights to increase visibility.

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Fatality Assessment and Control Evaluation Program

This case report was developed to draw the attention of employers and employees to a serious safety hazard and is based on preliminary data only. This publication does not represent final determinations regarding the nature of the incident, cause of the injury, or fault of employer, employee, or any party involved.

This case report was developed by the Kentucky Fatality Assessment and Control Evaluation (FACE) Program. Kentucky FACE is a National Institute for Occupational Safety and Health-funded occupational fatality surveillance program with the goal of preventing fatal work injuries by studying the worker, the work environment, and the role of management, engineering, and behavioral changes in preventing future injuries. The FACE program is located in the Kentucky Injury Prevention and Research Center (KIPRC). KIPRC is a bona fide agent for the Kentucky Department for Public Health.

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INTRODUCTION

On September 25, 2024, a 54-year-old tow truck driver (victim) was contacted to recover a disabled sports utility vehicle located on the shoulder of a major interstate highway. After loading the disabled vehicle onto his flatbed tow truck, the victim was attempting to descend from the bed of the truck to the highway. While doing so, he was struck by a passing semi-truck. The victim succumbed to the injuries he sustained at the scene of the incident.

EMPLOYERS

The victim's employer is a Kentucky-based, light duty towing and recovery company. The business has been in operation since 2019. The company employed two drivers, the owner of the company and the victim in this incident. According to the Federal Motor Carriers Safety Administration (FMCSA), the company travels approximately 40,000 miles annually and is registered as a for-hire commercial carrier. The company holds an intrastate registration, meaning they may not perform commercial operations outside the state of Kentucky. The towing company operates three trucks: two rollback-style recovery trucks and a standard wrecker.[1]

The employer of the semi-driver that struck the victim is a commercial trucking company based out of state. The company owns over 500 power units and employs 300+ drivers. According to FMCSA, the company is registered as a for-hire interstate carrier, meaning they have the authority to operate across state boundaries. The company primarily transports general freight and travels nearly 44,000,000 miles annually.[1]

WRITTEN SAFETY PROGRAMS and TRAINING

The victim's employer does not have a written safety program. However, the owner stated that both he and the victim attended National Traffic Incident Management Responder Training (TIM). The program focuses on response efforts that protect motorists and responders while minimizing the impact on traffic flow. TIM efforts include detecting, verifying, and responding to incidents; clearing the incident scene; and restoring traffic flow.[2] The training course is required for towing companies that wish to be utilized by the Kentucky State Police on accident scenes. The victim completed the training in 2019 at his time of hire. Additionally, the company owner stated that they regularly participate in hands-on recovery exercises, where salvage vehicles are intentionally rolled over to allow recovery practice.

The employer of the semi-truck driver did not participate in the investigation; no information is known about their safety program.

WORKER INFORMATION

The victim was a 54-year-old white, non-Hispanic male. The decedent held a high school diploma and had worked for the employer for five consecutive years. The victim was a lifetime tow truck driver/operator, having over 30 years of experience in the industry.

INCIDENT SCENE

The incident occurred on the westbound shoulder of a major four-lane interstate highway (photo 1). East and west traffic is separated by a grassy median. On the right shoulder of the interstate, a W beam guardrail separates the emergency lane and a wooded area. The posted speed limit for this area is 65 miles per hour.

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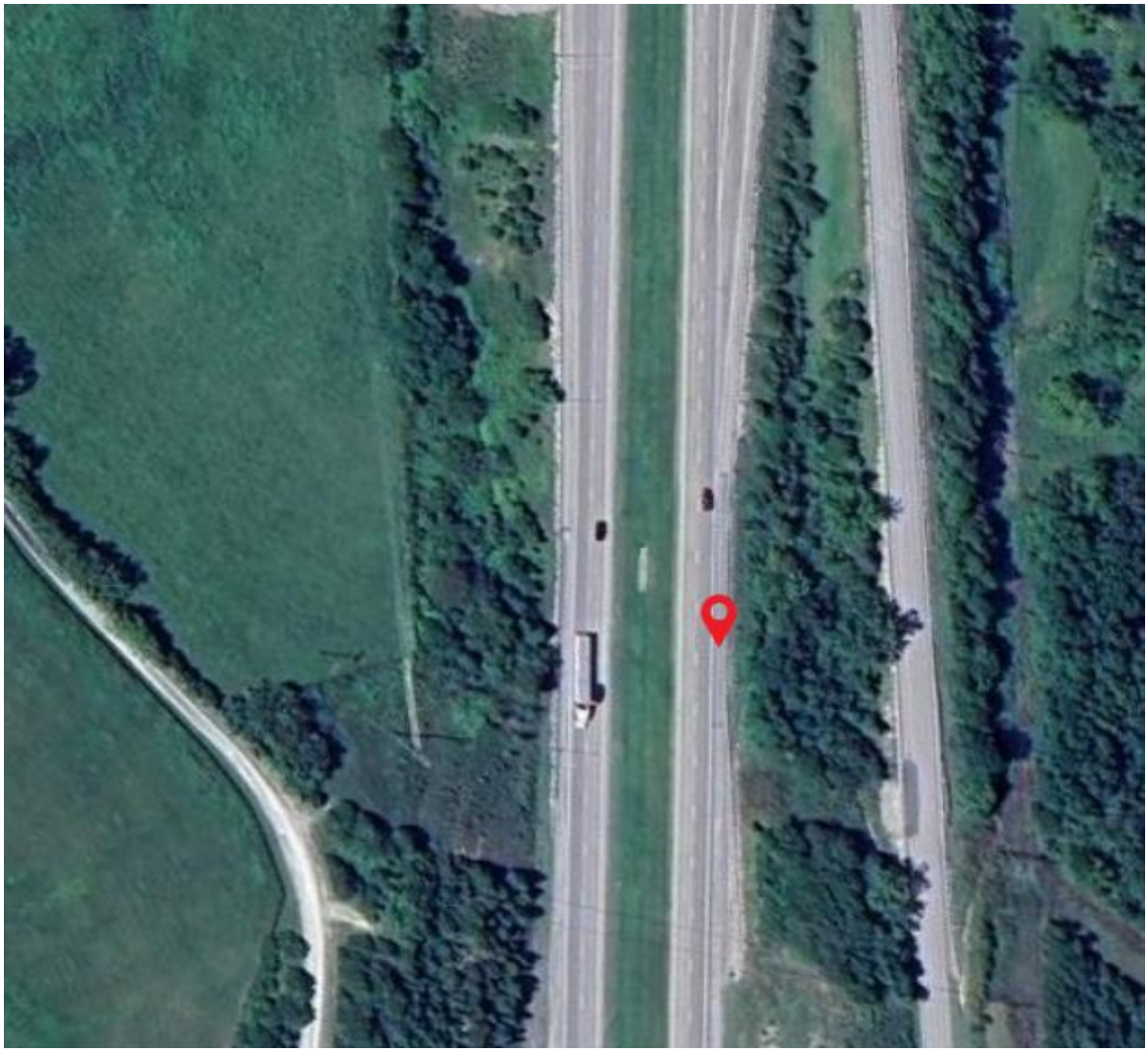

Photo 1. The interstate highway where the incident occurred. The red location marker represents the approximate location on the shoulder of the highway where the victim was struck. (Photo credit: Google Earth)

WEATHER

The weather on the day of the incident was approximately 71 degrees Fahrenheit, with 87% humidity and no wind. The weather is not believed to have been a factor in this incident.[3]

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INVESTIGATION

On September 25, 2024, a 54-year-old tow truck driver arrived for work at approximately 8:00 a.m. to start his workday. A typical work week for the victim was Monday through Friday, 8:00 a.m. to 5:00 p.m. However, according to the company owner, tow truck drivers frequently receive calls for service outside normal business hours to recover disabled vehicles. On average, the company tows 250 vehicles per month, which includes calls for service within normal operating hours and after-hours calls.

The victim was a tenured employee, having worked for the towing company for five consecutive years. According to the owner, the victim had 30+ years of total towing experience. He was described by those who knew and worked with him in the local towing community as professional, meticulous, and safe. The morning of the incident was described as an ordinary day; the victim had responded to one call for service prior to the incident.

At approximately 4:30 p.m., the company received a call to recover a disabled sports utility vehicle (SUV). The driver of the SUV noted that the vehicle had encountered a mechanical malfunction that had deemed it inoperable. The victim was dispatched in his 2022 Ford F550 rollback tow truck (photo 2) to the location of the disabled SUV, a major four-lane interstate, at approximately 4:35 pm.

The victim arrived on the scene approximately 15 minutes later, at 4:50 pm. The victim activated his flashing roof mounted amber and clear LED emergency lights (photo 3), turned on his emergency flashers, and positioned the rollback in front of the disabled SUV, approximately 12 inches inside the fog line on the shoulder of the interstate highway. Although visibility was good and the weather was clear and sunny, the victim was wearing his class 1 high-visibility work uniform (photo 4). After exiting the vehicle, the tow truck driver placed the disabled vehicle into neutral and successfully utilized the rollback's hydraulic winch to load the disabled SUV onto the rollback.

After loading the vehicle, the victim climbed onto the rollback platform to secure the vehicle with safety straps, placed the vehicle into park, and retrieved the SUV keys. At approximately 5:16 pm, as the victim attempted to step down from the driver's side of the rollback platform, which was still in its tilted position, a 2023 Volvo commercial truck (photo 5) and cargo trailer veered toward the victim on the shoulder of the highway and striking him. The force of the impact resulted in the victim being thrown up and forward, striking the door of the SUV in the process. The victim came to a final rest in the right travel lane of the interstate, approximately 15 feet from the initial point of contact (diagram 1, photo 6). The owner of the SUV, who was positioned on the passenger's side of the tow truck, witnessed the event and called 911 immediately. EMS arrived six minutes after the call was placed, and the victim was pronounced deceased upon arrival.

The other party stopped a short distance away after striking the victim. Collision investigators later determined that the driver was utilizing an electronic device to watch videos while driving.

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Photo 2. A 2022 Ford F550 rollback tow truck, the type of tow truck that was being operated by the victim when the incident occurred. Stock photo obtained via Google search.

Photo 3. An LED light bar similar in color and style to that which was utilized on the involved roll back tow truck. Stock photo obtained via Google search.

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Photo 4. A high-visibility uniform similar to the type worn by the victim when the incident occurred. Stock photo obtained via Google search.

Photo 5. The type of truck driven by the other party that struck the victim. Stock photo obtained via Google search.

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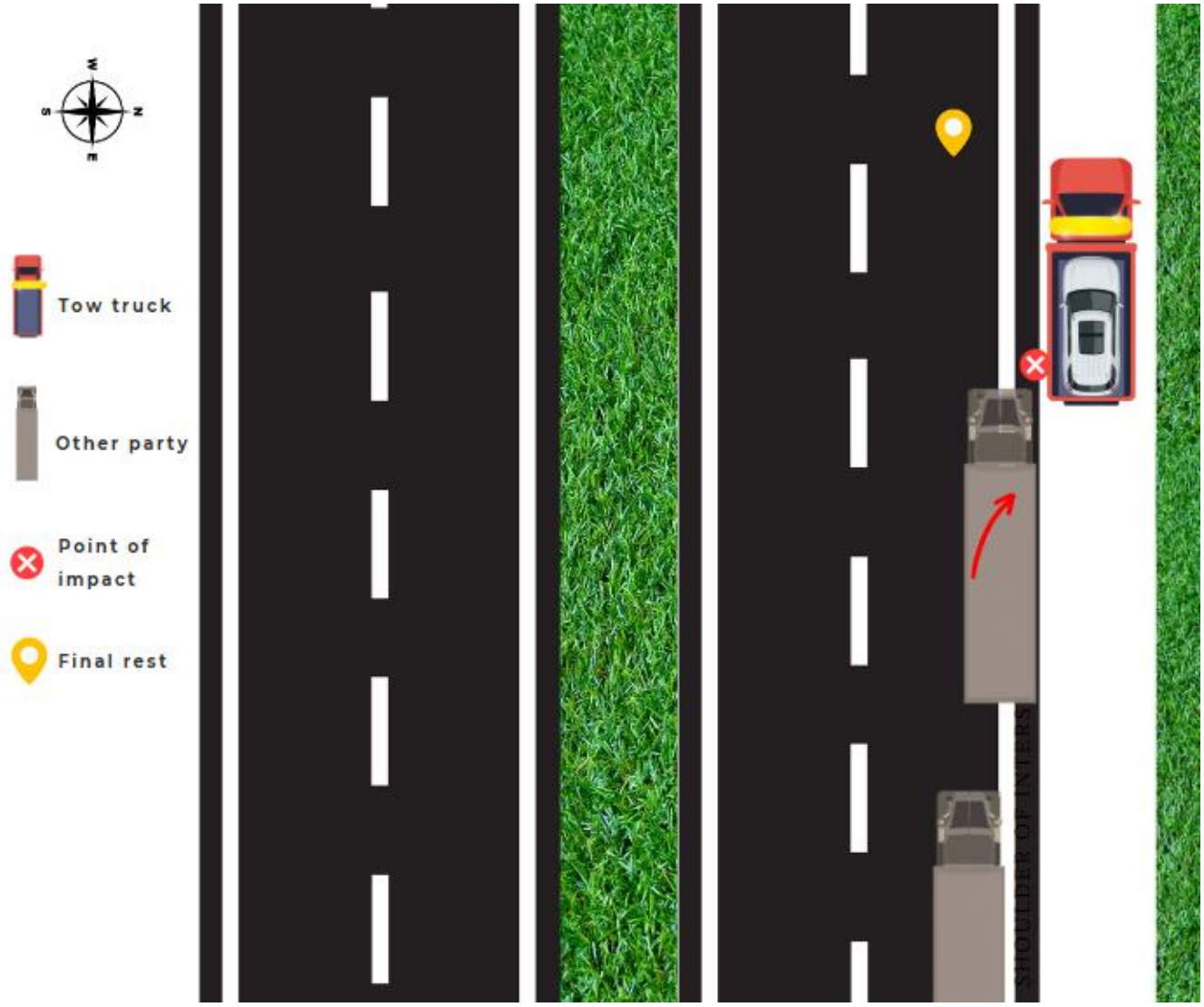

Diagram 1. Diagram portraying how the incident occurred. Diagram shows how the "other party" veered to the right shoulder, striking the victim (**red X**), and the place where the victim came to rest (**yellow location marker**). Diagram is not to scale and is the property of the Kentucky FACE program.

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Photo 6. The collision scene. The **Red** outline shows the approximate location of the tow truck on the shoulder of the interstate highway. The **Yellow** location marker indicates the approximate location where the victim came to rest after being struck. Photo property of the Kentucky FACE program.

CAUSE OF DEATH

According to the death certificate, the cause of death was blunt force trauma.

CONTRIBUTING FACTORS

Occupational injuries and fatalities are often the result of one or more contributing factors or key events in a larger sequence of events that ultimately result in injury or fatality. Kentucky investigators identified the following unrecognized hazards as key contributing factors in this incident:

- Performing work on the side of the truck that is closer to traffic,
- Distracted driving, and
- A lack of a written safety program.

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RECOMMENDATIONS/DISCUSSION

Recommendation #1: Employers should implement a policy prohibiting tow truck drivers from performing work on the side of the tow truck that is closer to traffic.

Discussion: According to the National Institute for Occupational Safety and Health (NIOSH), one of the best ways to prevent and control occupational injuries, illnesses, and fatalities is to "design out" or minimize hazards and risk.[4] Designing out risk can look different depending on the application but may include changing or implementing a policy.

In this incident, the driver was working from and may not have been aware of the increased risk of being struck by another vehicle while on the driver's side of the rollback tow truck, which placed him near the travel portion of the interstate highway. According to a company representative, the rollback tow truck has remote operation capabilities and controls on both the driver's and passenger's side of the unit, meaning tow operations can be completed from the passenger's side or from a safer location via the remote-control option.

According to the owner of the company, no policy was in place that required drivers to work from or utilize controls on the opposite side of traffic flow. Drivers can use his/her discretion on determining how to load vehicles and their working position.

Employers can design-out the strike hazard by implementing a policy that prohibits tow truck drivers from performing work on the side of the tow truck that is closer to traffic. The policy should be specific and should include the prohibition of ascending or descending to the bed of the truck and utilizing controls mounted on the side of the truck closest to traffic.

By doing so, the direct pedestrian strike hazard is eliminated, and the tow truck itself would provide a buffer between the driver and the traffic on the highway, which could eliminate or greatly reduce the severity of injury should an incident occur.

Recommendation #2: Companies that require employees to drive should implement a distracted driver policy and provide associated training.

Discussion: Collision investigators noted "distracted driving" and "inattention" by the other party as one of the contributing factors that led to the occurrence of the incident. Specifically, throughout the course of the investigation, collision investigators discovered that the other party was watching videos on an electronic device when the victim was struck and killed.

According to the National Highway Traffic Safety Administration (NHTSA), driver distraction is a specific type of driver inattention that occurs when drivers divert attention from the driving task to focus on some other activity. Discussions regarding distracted driving often center around cellphone use and texting, but distracted driving also includes things such as eating, talking to passengers, or adjusting the radio, climate, or other controls. A distraction-affected traffic crash is any traffic crash in which a driver was identified as distracted at the time of the crash.

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- 8% of fatal crashes, 12% of injury crashes, and 11% of all police-reported motor vehicle traffic crashes in 2022 were reported as distraction-affected traffic crashes.
- In 2022, 3,308 people were killed and an estimated 289,310 people were injured in motor vehicle traffic crashes involving distracted drivers in the United States.
- 5% of all drivers involved in fatal traffic crashes in 2022 were reported as distracted at the time of the crash.
- 6% of drivers 15 to 20 years old, 21 to 24 years old, 25 to 34 years old, and 75+ years old who were involved in fatal crashes were reported as distracted. Each of these age groups have the largest proportions of drivers who were distracted at the time of the fatal crashes.
- In 2022, 621 nonoccupants (pedestrians, pedal cyclists, and others) were killed in distraction-affected traffic crashes.[5]

Kentucky law prohibits motor vehicle operators from utilizing a personal communication device while operating a motor vehicle on a public highway. In addition to requiring employees to follow each state's laws, companies that require employees to drive motor vehicles should consider implementing a policy that prohibits distracted driving. By doing so, the employer sets an expectation and raises awareness surrounding the dangers associated with driving while distracted.

Once a policy is established, training can be an effective countermeasure to combat the associated risk of distracted driving. Training needs to be adequate, complete, and effective. Training should begin immediately after the policy is implemented. Training should include an overview of company policy, set performance expectations, and explain the application and scope of the policy and the disciplinary actions for failing to comply. A distracted driver policy can be tailored to each company's needs; some helpful suggestions include requiring drivers to power down phones while vehicles are in operation, place phones in airplane mode, or use only hands-free operation. Additionally, employers should consider installing driver-facing dash cameras with artificial intelligence technology that recognizes and alerts the company when distracted driving behaviors occur.

Recommendation #3: Employers should Implement a written safety program.

Discussion: According to the employer of the victim, the company had no written training program in place when the incident occurred. The Occupational Safety and Health Administration (OSHA) requires employers to provide training to employees who face hazards in the workplace. A written safety program may be an effective way to help employers keep employees safe, mitigate risk, and meet regulatory requirements.

According to OSHA, the main goal of a written safety program is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers. OSHA recommends that employers use a proactive approach to managing workplace safety and health. Traditional approaches are often reactive, meaning problems are addressed only after a worker is injured or becomes sick, a new standard or regulation is published, or an outside inspection finds a problem that must be fixed. OSHA's recommended practices recognize that finding and fixing hazards before they cause injury or illness is a far more effective approach.

The idea is to begin with a basic program and simple goals and grow from there. If you focus on achieving goals, monitoring performance, and evaluating outcomes, your workplace can progress along the path to higher levels of safety and health achievement.

Employers will find that implementing these recommended practices also brings other benefits. Safety and health programs help businesses:

- Prevent workplace injuries and illnesses,
- Improve compliance with laws and regulations,
- Reduce costs, in particular of workers' compensation premiums,
- Engage workers,
- Enhance the company's social responsibility goals, and
- Increase productivity and enhance overall business operations.[6]

Once the basic program is implemented, the program should continue to be developed, with the addition of job-specific safety procedures and policies, specifically defining required working positions and prohibiting the completion of work on the side of the tow truck closest to traffic, in the case of this incident.

Recommendation #4: Kentucky should allow tow trucks to utilize blue and/or red emergency lights to increase visibility.

Discussion: Kentucky Revised Statue (KRS) 189.920 (4) states that all public safety vehicles shall be equipped with one or more flashing, rotating, or oscillating yellow lights, visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle.[7] Tow trucks are categorized as "public safety vehicles" and are currently restricted to utilizing yellow lights only.

Yellow lights may not be the best option for optimizing visibility, according to a study conducted by the Emergency Responder Safety Institute. The study, titled "Effects of Emergency Vehicle Lighting Characteristics on Driver Perception and Behavior," was conducted in December 2021 and concludes that the perceived level of visibility of the lights is

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related to the color of the lights. Blue and red lights have the greatest perceived saturation and were judged as brighter than white and yellow lights of the same intensity.[8] (Graph 1)

Additionally, a literature review of 30 relevant articles on roadside service vehicles (RSV) lighting conducted by the Foundation for Traffic Safety (FTS) indicates drivers strongly associate red or blue warning lights with fire or police and strongly associate yellow/amber warning lights with road maintenance, construction, and towing. Furthermore, the color also influences driver's perception of the level of urgency of the scene and how they may respond. Short-term tests suggest color schemes other than amber alone might be perceived as indicating a somewhat more urgent scene, but long-term evaluations are required.[9]

The company involved and the local towing community are working with state legislators to remove the light color restrictions that are currently in place in Kentucky, as they feel strongly that the addition of red and/or blue lights would be a more effective safety measure than yellow lights.

Washington state has recently changed their stance on the utilization of red and blue lights to enhance tow truck safety. The new law states "All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360-degree visibility at 500 feet under normal atmospheric conditions. The emergency tow trucks may also operate rear facing blue lights for use only at the scene of an emergency or accident. The red lights may be used when the tow truck is reentering the roadway from the scene of an emergency or accident for a reasonable distance to reach operating speed from the scene, and the combination of red and blue lights may be used only at the scene of an emergency or accident. It is unlawful to use the combination of lights when traveling to or from the scene of an accident or for any other purpose".[10]

Washington state's stance and model may be a great first step when reconsidering Kentucky's efforts to aid in tow truck driver safety.

Based on the findings of the study cited above, Kentucky FACE investigators recommend that the current statutes be amended to allow tow trucks to utilize red and/or blue lights to increase overall visibility and enhance safety.

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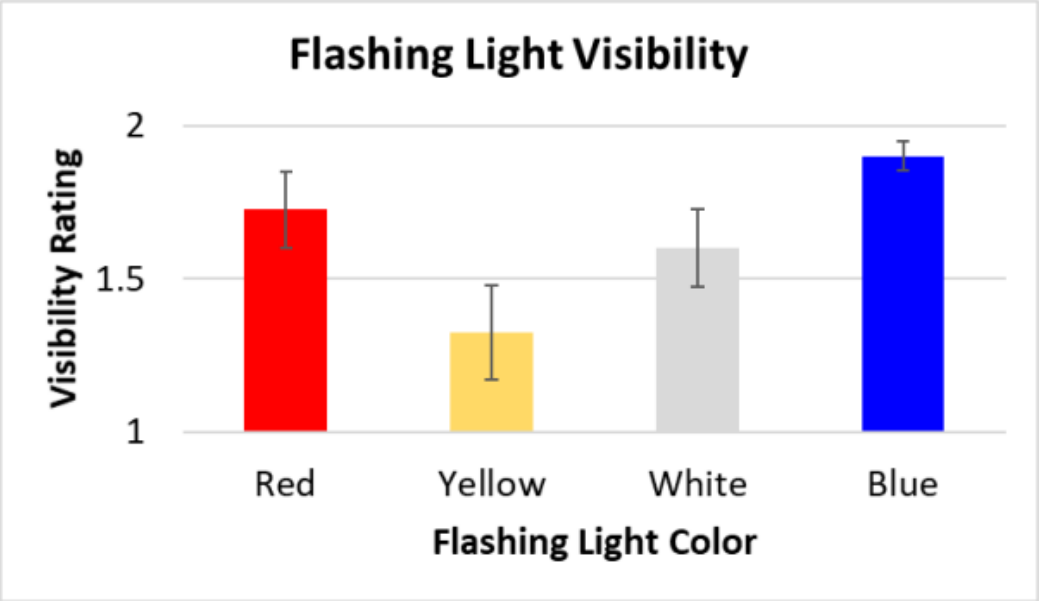

Graph 1. Results of the visibility test conducted by the Emergency Responder Safety Institute. A rating of 1 corresponds to somewhat easy to see, a rating value of 2 corresponds to very easy to see.[7] Click here for the full study.

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REFERENCES

[1]Federal Motor Carriers Safety Administration. https://safer.fmcsa.dot.gov/CompanySnapshot.aspx

[2]Traffic Incident Management Responder Training. https://www.kyt2.com/training/traffic-incident-management-responder-training

[3]Weather Underground. https://www.wunderground.com/

[4]Prevention through Design. https://www.cdc.gov/niosh/ptd/about/?CDC_AAref_Val=https://www.cdc.gov/niosh/topics/ptd/default.html

[5]National Highway Traffic Safety Administration. https://www.nhtsa.gov/risky-driving/distracted-driving

[6]Occupational Safety and Health Administration Health & Safety Program. https://www.osha.gov/safety-management#:~:text=Safety%20and%20health%20programs%20help,reductions%20in%20workers'%20compensation%20premiums

[7]Kentucky Revised Statutes. https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=39895

[8]Effects of Emergency Vehicle Lighting Characteristics on Driver Perception and Behavior. https://www.respondersafety.com/Download.aspx?DownloadId=f31a5f73-7b95-44c7-bd25-1e4cdfce5229

[9]Shaw, J. W., Ajibola, O. F., Lawrence, B., Kearney, J., Proud, J. K. & Wood, J. (2025). Roadside Assistance Vehicle Lighting: Review of Scientific Research and State Regulations (Technical Report). Washington, D.C.: AAA Foundation for Traffic Safety. https://aaafoundation.org/roadside-assistance-vehicle-lighting-review-of-scientific-research-and-state-regulations/?utm_source=mailpoet&utm_medium=email&utm_source_platform=mailpoet&utm_campaign=newsletter-post-title_1

[10]Revised Code of Washington 46.37.196. https://app.leg.wa.gov/rcw/default.aspx?cite=46.37.196

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INVESTIGATOR INFORMATION

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