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# Primer on Legal Liability

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U.S. Department  
of Transportation  
National Highway  
Traffic Safety  
Administration

## TRAFFIC SAFETY FACTS

Research Note



DOT HS 812 456

October 2017

### 2016 Fatal Motor Vehicle Crashes: Overview

There were 37,461 people killed in crashes on U.S. roadways during 2016, an increase from 35,485 in 2015. The 5.6-percent increase is lower than the 8.4-percent increase from 2014 to 2015. The largest percentage increase prior to the 8.4-percent increase was the 9.4-percent increase from 1963 to 1964. Fatalities increased from 2015 to 2016 in almost all segments of the population—passenger vehicle occupants, occupants of large trucks, pedestrians, pedalcyclists, motorcyclists, alcohol-impaired driving, male/female, and daytime/nighttime.

- There were 1,976 more fatalities from motor vehicle crashes in 2016 than in 2015—a 5.6-percent increase.
  - ◆ The number of passenger vehicle (passenger cars and light trucks) occupant fatalities is at its highest since 2008.
    - Passenger car occupant fatalities increased by 651, a 5.1-percent increase.
    - SUV occupant fatalities increased by 219, a 5.2-percent increase.
    - Van occupant fatalities increased by 95, an 8.4-percent increase.
    - Pickup truck occupant fatalities increased by 68, a 1.5-percent increase.
  - ◆ Motorcyclist fatalities increased by 257 (a 5.1-percent increase), the largest number of fatalities since 2008.
  - ◆ Pedestrian fatalities increased by 492 (a 9.0-percent increase), and are at their highest number since 1990.
  - ◆ Pedalcyclist fatalities increased by 11 (a 1.3-percent increase), and are at their highest number since 1991.
  - ◆ Alcohol-impaired-driving fatalities increased by 1.7 percent, from 10,320 in 2015 to 10,497 in 2016.
- Vehicle miles traveled (VMT) increased by 2.2 percent from 2015 to 2016, down from the 2.3-percent increase from 2014 to 2015.
- The fatality rate per 100 million VMT increased by 2.6 percent from 1.15 in 2015 to 1.18 in 2016. The fatality rate of 1.08 in 2014 was the lowest since NHTSA began collecting fatality data through the Fatality Analysis Reporting

System (FARS) in 1975, and the trend has been increasing since 2014.

Over the past decade there has been a general downward trend in traffic fatalities, with a slight increase in 2012 as well as the most recent two years of data. Ten years ago, in 2007, there were 41,259 people killed in traffic crashes. Safety programs such as those that have increased seat belt use and reduced impaired driving have substantially lowered the number of traffic fatalities over the years. Vehicle improvements including technologies such as air bags and electronic stability control have also contributed greatly to reduce traffic deaths. However, with the large increases in fatalities in 2015 and 2016, that decade-long downward trend of 21 percent has been reduced by more than one-third.

This Research Note provides a brief overview of the 2016 fatal crash picture using data from FARS. FARS is a census of fatal crashes in the 50 States, the District of Columbia, and Puerto Rico (Puerto Rico is not included in U.S. totals). Injury estimates are not yet available for 2016, thus no injury estimates will be presented in this publication. For more information about injury estimates, see *Crash Report Sampling System (CRSS) Replaces National Automotive Sampling System (NASS) General Estimates System (GES)* at the end of this publication. Information in this note is presented in the following sections.

- Overall Trends
- Fatality Rates
- Change in Fatality Composition
- Fatality Changes by Person Type
- Inside Versus Outside the Vehicle
- Fatal Crash Types
- Human Choices
- Alcohol-Impaired-Driving Fatalities and Drivers
- Restraint Use and Time of Day
- Additional Facts
- State Distribution of Fatalities and Alcohol-Impaired-Driving Fatalities

NHTSA's National Center for Statistics and Analysis

1200 New Jersey Avenue SE., Washington, DC 20590

## 2016 Fatal Motor Vehicle Crashes: Overview

“There were 37,461 people killed in crashes on U.S. roadways during 2016, an increase from 35,485 in 2015.”

# AUTOMATED DRIVING SYSTEMS

# 2.0

*A Vision for Safety*



- The major factor in 94 percent of all fatal crashes is human error.



U.S. Department of Transportation





# THEORY OF LIABILITY

## **Negligence:**

- Duty of Care
- Breach of the Duty of Care
- Causation
- Damages

# THEORY OF LIABILITY

## Product Liability - Design Defect

- The Risk Utility Test
- The Consumer Expectations Test

# PRODUCT LIABILITY

## Product Liability - Design Defect

“The determination of whether an automated driving system has performed reasonably is likely to have two independent prongs: An automated driving system has performed unreasonably if either (a) a human driver or (b) a comparable automated driving system could have done better under the same circumstances.”

-Bryant Walker Smith



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## Self-Driving Cars Coming to Pittsburgh



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## How Will Self-Driving Cars Affect Pennsylvania Injury Claims?

Wednesday, December 13, 2017

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# PERILS OF LITIGATION

- Highly Expensive
- Potential for disclosing sensitive/proprietary information
- Complex subject matter difficult for jurors to comprehend
- Creation of bad precedent for the entire industry

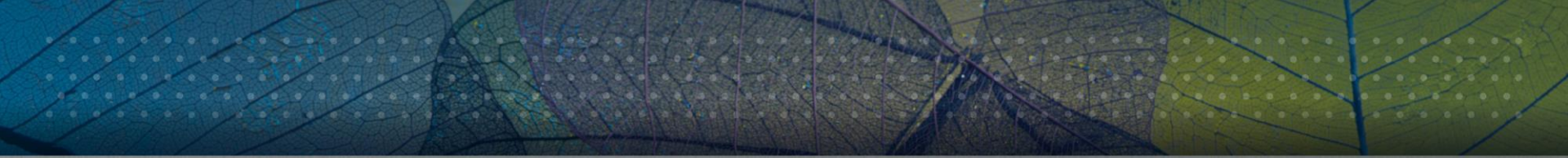


# Alternative Legal Framework



# ALTERNATIVES TO LITIGATION

- Avoid Litigation
- Arbitration clauses and Arbitration
- Specialized Court
- Artificial Intelligence
- National Car Insurance Fund



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OFFICE OF JUSTICE PROGRAMS

**BJS**

Bureau of  
**Justice Statistics**

- **20,900** lawsuits filed relative to motor vehicle accidents