

Work Zone Documentation & Litigation Report

105 published U.S. judicial matters involving temporary traffic control, work-zone conditions, inspection records, contractor responsibility, and related liability — reviewed, source-verified, and classified.

2026 edition · Source audit completed 2026-07-28

Finding	Value
Published judicial matters reviewed	105
Estimated unique underlying incidents or disputes	~99
Related-proceeding groups collapsed	6
Class A — a diary, daily report, or inspection record is expressly discussed	11
Class B — traffic-control configuration or field condition materially disputed	79
Class C — general work-zone liability	7
Class D — related or derivative proceeding	8
Jurisdiction labels represented	43
Decision years spanned	1950–2026
Source URLs that resolved to a genuine opinion or order	105 of 105
Case captions corrected during the audit	3
Rows removed as irrelevant	0

1. Executive summary

105 published judicial matters were reviewed and source-verified. They represent approximately 99 unique underlying incidents or disputes once 6 known related-proceeding groups are collapsed. 11 of them are direct diary, daily-report, or inspection-record matters. 79 more turn on time-specific traffic-control configuration, device placement, inspection, plan compliance, or field condition.

The pattern across those matters is consistent and narrow. When something goes wrong in a work zone, the dispute rarely turns on whether a plan existed. It turns on what was actually in place at a particular time, at a particular location, and on who can prove it. That proof comes from whatever the crew recorded

that day — or it does not come at all.

Read in both directions, the record cuts both ways. Contemporaneous inspection records have supported a directed verdict for a contractor. Vague, contradictory, or non-specific entries have kept claims alive past summary judgment. The documentation is not a formality in these matters. It is the evidence.

What this report does not claim

- It does not say that 105 crashes were caused by missing traffic-control logs.
- It does not say that 105 contractors lost lawsuits over documentation.
- It is not a census of filed cases. Settlements, unappealed trial-level matters, administrative claims, and insurer files are systematically invisible.
- It is not legal advice, and no classification here is a legal conclusion about liability.

2. Methodology

Research scope was published and web-accessible U.S. judicial decisions and orders located through targeted legal research on work-zone traffic control, temporary traffic-control devices, inspection records, project diaries, daily reports, contractor duty, and related coverage and indemnity proceedings.

Each row records the case caption, decision year, jurisdiction, defendant type, the work-zone allegation, the documentation or proof issue, the reported procedural posture, an evidentiary relevance class, a confidence rating, and a primary source URL. Each row was then independently audited against the cited opinion.

Audit results

Audit metric	Result
Rows reviewed	105
Source URLs successfully resolved	105
Broken or fabricated source links	0
Case captions corrected	3
Rows removed as irrelevant	0
Related-proceeding pairs identified	6

The three corrected captions were shorthand or misattributed party names in the source workbook; each was replaced with the caption used by the cited opinion. Correcting them rather than quietly dropping them is the reason the audit is reproducible.

Classification framework

Class	Definition	Count
A — Direct documentation evidence	The opinion expressly discusses a diary, daily report, traffic-control inspection report, project diary, or equivalent contemporaneous field record.	11
B — Strong relevance	Traffic-control configuration, device placement, inspection, plan or MUTCD compliance, photographs, or a time-specific field condition was materially disputed.	79
C — General work-zone liability	Work-zone exposure, contractor duty, or warning obligations, where a field record would have played a more indirect role.	7
D — Related proceeding	Coverage, indemnity, or later appellate proceedings arising from an incident already counted. Never counted as a separate crash.	8

3. Decisions are not disputes

A published-matter count and an incident count are different numbers, and conflating them is the easiest way to overstate this research. 6 groups in this inventory contain more than one published matter arising from the same underlying event — an underlying tort case and its later coverage proceeding, or two appellate decisions in the same litigation. Collapsing them yields approximately 99 unique underlying incidents or disputes.

Incident group	Published matters arising from it
Castillo construction-zone collision	Price Construction, Inc. v. Castillo; Minerva Castillo v. Price Construction, Inc.
Christ motorcycle crash	Christ v. Texas Department of Transportation; Williams Brothers Construction v. Christ
Peachtree motorcycle crash	Peachtree Construction, Ltd. v. Head; Colony Insurance Co. v. Peachtree Construction, Ltd.
Peterson bridge work-zone crash	Peterson v. Discover Property & Casualty Insurance; Peterson v. Progressive Contractors, Inc., et al.
Turubchuk rollover	Turubchuk v. E.T. Simonds Construction Co.; Turubchuk v. Southern Illinois Asphalt Co.
Whitaker low-shoulder crash	Brown v. Whitaker Contracting Corp.; Royal Insurance Co. v. Whitaker Contracting Corp.

The correct top-line phrasing is therefore “105 published judicial matters reviewed; approximately 99 unique underlying incidents or disputes represented.”

4. The questions that appear after an incident

Across these matters the same short list of factual questions decides who carries the exposure. None of them are answered by the plan set. All of them are answered — or left unanswered — by the field record.

1. Was the sign, barricade, signal cover, or channelizing device present at the relevant time?
2. What were its location, orientation, sequence, spacing, and visibility?
3. Who inspected the location, and when?
4. What deficiency was observed, how severe was it, and who was assigned to correct it?
5. When was corrective action completed, and what evidence verifies the closure?
6. Which contractor or agency controlled the location at that moment?
7. Can the record be produced quickly, in a readable and auditable format?

5. Recurring themes

Theme	Core point	What the record has to do
The sign was supposed to be there—but was it?	Plans do not prove field conditions on the crash date.	Timestamped, geotagged photographs and mapped device placement.
The repair supposedly happened—but the diary disagreed	Contradictory or vague entries can undermine notice and repair defenses.	Corrective-action workflow with before/after proof and immutable audit history.
Good logs can win cases	Documentation can support compliance, control-transfer, and lack-of-causation defenses.	Searchable inspection history and specification-linked checklists.
Repeated deficiencies create notice	Unresolved inspection findings can establish knowledge and escalation failures.	Automatic escalation, aging, assignment, and closure verification.
Location specificity matters	General deficiencies may not prove knowledge of the precise crash-causing condition.	Every observation tied to a GPS point, device ID, lane, station, and photograph.
Design decision versus field execution	An agency may document a reasonable design but still face installation claims.	Separate approval records from as-installed verification.

6. How digital documentation changes evidentiary quality

Evidentiary question	Typical paper record	Structured digital record
Was the device there?	A checkbox, if it was checked	Device entry anchored to a coordinate, with a timestamped photograph
Where exactly?	"Approximately 500 feet"	A coordinate on a road-snapped map
When up, when down?	Reconstructed from memory at invoice time	Recorded as it happened, per device
Who inspected it?	An initial, sometimes	Named user and timestamp, with the finding attached
Was it corrected?	Frequently unresolved in the file	Corrective action with assignment and verified closure
Who controlled the site?	Contested years later	Closure ownership and completion recorded contemporaneously
Can you produce it?	Boxes, or a former employee's truck	Searchable export with a tamper-evident audit trail

None of this makes a work zone safer by itself. Devices in the right place make a work zone safer. What the record changes is whether a crew that did the work correctly can still prove it eighteen months later.

7. The 11 direct documentation matters

In each of these the published opinion expressly discusses a diary, daily report, project diary, or traffic-control inspection record. They are presented as reported — including the matters in which the records helped the contractor.

Brown v. Whitaker Contracting Corp.

1996 • Alabama • Contractor + county

Condition at issue. Shoulder drop-off / warning signs

Records at issue. County daily traffic-control inspection reports and project diary

How the record mattered. Inspection reports noted a general construction sign but did not record a low-shoulder sign. The county representative could not confirm the sign existed on the crash date.

Reported posture. Summary judgment for contractor reversed; claim continued.

Documentation lesson. Missing or nonspecific entries weakened proof that the required warning was actually present.

Source: <https://law.justia.com/cases/alabama/court-of-appeals-civil/1996/2941022-0.html>

Mississippi Transportation Commission v. Montgomery

2012 • Mississippi • State DOT + maintenance contractor

Condition at issue. Large pothole on I-55

Records at issue. MDOT project diary and contractor repair records

How the record mattered. Diary documented notice of a pothole, later vaguely stated repairs were made, and then recorded 'NO WORK' on a day the agency claimed emergency repairs occurred. Contractor had no matching work record.

Reported posture. Immunity and notice issues litigated; conflicting records were central to the factual dispute.

Documentation lesson. A vague or contradictory log can undermine claims that a known hazard was repaired.

Source: <https://law.justia.com/cases/mississippi/supreme-court/2012/2010-ia-01112-sct.html>

Schmidt v. Washington Contractors Group

1998 • Montana • Prime contractor + traffic-control subcontractor

Condition at issue. Bump / transition warning

Records at issue. Construction diary, foreman's daily diaries, and traffic-control notes

How the record mattered. Records were used to estimate the distance from a BUMP sign to the roadway transition. Conflicting interpretations created a factual issue regarding sign placement.

Reported posture. Summary judgment reversed and case remanded.

Documentation lesson. Mapped, time-stamped device placement could have resolved the exact-distance dispute.

Source: <https://law.justia.com/cases/montana/supreme-court/1998/107499fe-be15-4550-80fa-547aeb29b0c9.html>

Paul Craig Jordan v. Jerry D. Sweetser, Inc.

1998 • Arkansas • Highway contractor

Condition at issue. Detour, barrels, excavation and edge delineation

Records at issue. Daily diary of inspections and traffic-control inspection reports

How the record mattered. Resident engineer testified that daily inspections showed no warning-device deficiencies and compliance with the project plans. Plaintiff also alleged falsification of inspection reports.

Reported posture. Directed verdict for contractor affirmed.

Documentation lesson. Contemporaneous inspection records helped the contractor establish compliance and defeat causation allegations.

Source: <https://law.justia.com/cases/arkansas/court-of-appeals/1998/ca98-40-409.html>

Price Construction, Inc. v. Castillo

2004 • Texas • Highway contractor

Condition at issue. Fatal head-on collision in construction zone

Records at issue. TxDOT traffic-control inspection reports

How the record mattered. Numerous inspection reports cited deficiencies elsewhere, but the records did not establish actual knowledge of the specific conditions alleged to have caused the collision. A post-crash inspection found required devices present.

Reported posture. Appellate court found insufficient evidence of actual knowledge; later reviewed by Texas Supreme Court.

Documentation lesson. Structured location-specific deficiencies are more useful than broad inspection findings.

Source: <https://law.justia.com/cases/texas/fourth-court-of-appeals/2004/17492.html>

Minerva Castillo v. Price Construction, Inc.

2005 • Texas • Highway contractor

Condition at issue. Fatal head-on collision in construction zone

Records at issue. TxDOT inspection reports documenting traffic-control deficiencies

How the record mattered. The Texas Supreme Court evaluated whether prior inspection citations gave the contractor actual knowledge of the precise dangerous condition alleged by the plaintiffs.

Reported posture. Texas Supreme Court held the cited reports did not show actual knowledge of the specific alleged condition.

Documentation lesson. Logs must tie each deficiency to exact location, device, condition, notice, and correction.

Source: <https://law.justia.com/cases/texas/supreme-court/2005/2000688.html>

Rondell Fagan et al. v. Jennifer Sees et al.

2001 • Texas • TxDOT employees + contractors

Condition at issue. Multiple crashes and fatalities at shoulder drop-off

Records at issue. TxDOT inspector diary, correspondence, change orders and accident history

How the record mattered. At least nine crashes occurred in the work area. Diary and project records were used to track discussions, proposed shoulder modifications, notice, and decisions.

Reported posture. Denial of official-immunity summary judgment was appealed; factual and discretionary-duty issues continued.

Documentation lesson. An auditable sequence of observed hazards, recurring incidents, escalation, and corrective decisions is essential.

Source: <https://law.justia.com/cases/texas/tenth-court-of-appeals/2001/4442.html>

Smith v. Wilson

1958 • Oklahoma • Utility/highway contractor

Condition at issue. Unmarked dangerous roadway condition

Records at issue. Resident engineer diary / work report

How the record mattered. Diary established when the contractor completed work, was released, removed equipment, and ceased control of the area before the crash.

Reported posture. Judgment against contractor reversed; directed judgment ordered for contractor.

Documentation lesson. Reliable control-transfer and completion records can prevent liability from attaching to the wrong party.

Source: <https://law.justia.com/cases/oklahoma/supreme-court/1958/30855.html>

Canfield v. State of New York

2007 • New York • State transportation agency

Condition at issue. Guide rail design, placement and installation

Records at issue. Engineer daily project diary, construction records and inspection evidence

How the record mattered. Diary documented discussions about retaining, extending, and selecting the guide rail. The court separately examined installation deficiencies such as missing bolts and incorrect height.

Reported posture. Liability allocated; damages trial followed.

Documentation lesson. DTCD-style records should document both the approved decision and the field-installed condition.

Source: <https://law.justia.com/cases/new-york/other-courts/2007/2007-50946.html>

Wadsworth v. State of New York

2005 • New York • State transportation agency

Condition at issue. Temporary wooden barrier / bridge approach

Records at issue. Daily inspection reports, inspector drawing and photographs

How the record mattered. Daily reports and field documentation were used to establish lane widths, barrier placement, taper geometry, and sign compliance.

Reported posture. Court evaluated design and placement evidence in determining negligence.

Documentation lesson. Geospatial geometry and photographs can preserve exact temporary-barrier configuration.

Source: <https://law.justia.com/cases/new-york/other-courts/2005/2005-50772.html>

Jeffrey B. Hodges v. Attala County

2010 • Mississippi • County

Condition at issue. Damaged barricades at roadway/bridge project

Records at issue. Weekly traffic-control device inspection reports

How the record mattered. Multiple weekly reports stated that barricades were damaged and needed replacement.

Reported posture. Notice and governmental-immunity issues litigated.

Documentation lesson. Repeated unresolved deficiencies create a clear notice trail; closure tracking is critical.

Source: <https://law.justia.com/cases/mississippi/court-of-appeals/2010/co64498.html>

8. How often the exposure occurs

Published appellate decisions are the visible tip of the exposure. Most claims settle, resolve at the trial level, or never leave an insurer's file. The underlying crash volume, however, is not in dispute.

Measure	Value	Period	Source
People injured in work-zone crashes	42,094	US, 2024	National Safety Council
People killed in work-zone crashes	850	US, 2024	National Safety Council
Work-zone fatalities	891	US, 2022	FHWA
Fatal work-zone crashes	821	US, 2022	FHWA
Fatal crashes involving a commercial motor vehicle	246	US, 2022	FHWA
Fatal crashes involving a rear-end collision	174	US, 2022	FHWA
Fatal crashes where speeding was a factor	281	US, 2022	FHWA

Sources: injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/work-zones/ and ops.fhwa.dot.gov/wz/resources/facts_stats.htm

We do not publish a percentage of work-zone crashes that become lawsuits. No national litigation denominator or standardized claim database was located that would support one, so no such figure appears anywhere in our material.

9. Limitations

- Published and web-accessible decisions only. Not an exhaustive census of filed matters.
- Settlements and confidential resolutions are structurally absent, which almost certainly understates how often documentation is contested.
- Classification is an evidentiary-relevance framework for research and product design, not a legal opinion. A Class A designation does not mean a record caused or prevented an incident.
- The 99-incident figure is an estimate derived from 6 identified related-proceeding groups; additional hidden overlaps may exist.
- Cost figures published by NSC are comprehensive societal costs, not a company's cash outlay, and are not used here to model a contractor's expected loss.
- Nothing in this report is legal advice.

10. About DTCD

DTCD — the Digital Traffic Control Diary — is a field app for traffic-control and highway crews, built by PurposeBuilt Systems, an SBA-certified Service-Disabled Veteran-Owned Small Business in Iowa. A crew drives the closure; the app captures devices, GPS location, and timestamped photographs as they go, and produces the state-compliant daily diary and the invoice backup from the same field record.

The same record publishes to the WZDx and CWZ feeds that 511 systems, navigation providers, and connected-vehicle platforms consume. DTCD is listed in the USDOT WZDx Federal Registry.

This report exists because the evidentiary questions above are the ones the product is built to answer. We have published the research, the classification framework, and the limitations so the claim can be checked rather than taken on faith.

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