



How to Prevent a Truck Crash from Becoming a Catastrophe





Imagine you are a contestant on the TV game show *Jeopardy!* with your thumb on the buzzer, ready to supply the right question to the quiz show's answer. Unlike your fellow panelists, though, someone shows you the answer five seconds before they see it... and you get a professional consultant to help craft the right question. However, any wrong response takes away all the money you earned on the show and puts you deep in the hole!

Jeopardy! doesn't work that way, but in many ways, truck crashes do. As in *Jeopardy!*, advance preparation is key... though instead of immersing oneself in obscure trivia, motor carriers must prepare for truck accidents by instilling a robust safety culture in their operation.

That safety culture includes ongoing and refresher training for all employees, not only drivers. It cultivates a respect for safety rules and regulations and carefully reviews every instance when a mishap occurs. The robust safety culture incorporates technologies that assist drivers in making the right decisions without distracting their professional judgment.

As also happens on in *Jeopardy!*, the challenges keep coming. Truck accidents happen, even to the safest of fleets and the best of truck drivers. Trucking, after all, means driving on the road at all times and in all conditions. It means many, many more miles of exposure than the average motorist, who is likely not as well-trained and well-equipped as the trucker.

Responding correctly, whether to a truck accident or to a *Jeopardy!* answer, is always difficult. However, the imaginary *Jeopardy!* scene above does parallel the advantages and disadvantages faced by motor carriers in truck accidents:

- **As a motor carrier, you have the advantage of knowing about truck accidents before others do.**
- **As a motor carrier, you have the ability to retain professional consultants in advance.**
- **As a motor carrier, you are also subject to extreme penalties – “nuclear verdicts,” government fines, and sanctions, simply because you are a trucker.**

In this whitepaper, we discuss how to prepare for the inevitable and three simple steps to take at the scene of a truck accident. Follow this guidance and you will avoid undue... *jeopardy*.

ADVANCE PREPARATION – BEFORE THE TRUCK ACCIDENT

It may seem counterintuitive to plan for an accident. Perhaps that is one reason the Federal Motor Carrier Safety Administration has moved away from “accidents” and instead speaks of “crashes.” Crashes, after all, have cause. And causes are something that can be addressed.

But the aftermath of crashes require advance preparation – planning. Trucking benefits from two advantages – the immediate knowledge of the accident and the ability to respond with professionals – which should not be squandered.

The truck driver knows about the crash first – and the truck driver makes the call to the dispatcher or company safety professional - which puts the motor carrier ahead of the crowd in responding. The motor carrier, working through the truck driver and the carrier’s professionals, has the opportunity to gather facts, identify witnesses, and possibly take photographs at the scene. That should happen before potential plaintiffs and their attorneys get involved and before evidence disappears and vehicles are moved.

Unlike having extra time to respond in *Jeopardy!*, it is not “unfair” to act before others do at the scene of an accident. It is only prudent. It does require planning, however, to do it right.

1

The motor carrier’s truck drivers and the staff – dispatchers and safety team members – who may receive calls from those drivers must be trained in the three steps provided below. The carriers “Go-Team” should be equally trained. No one expects an accident, a crash, to happen. The truck driver and others involved will be upset, nervous, and distracted. Having the dispatcher or safety professional ready to walk the truck driver back through these steps will calm the driver and ensure a good result.

2

The motor carrier must have a team of professionals, a “Go-Team,” on call to respond. That team should include a safety professional, an attorney, and an insurance claims adjuster. If the motor carrier operates specialized equipment or hauls hazardous materials or fluids, add a person knowledgeable in those areas to the team. A complex accident may require an accident reconstructionist.

Mind you, the call out to the carrier’s “Go-Team” may come at 3:00 am on a Sunday morning, but the immediate knowledge of the accident and the opportunity to gather facts should not be wasted.

The accident may also occur far from the home office. The motor carrier should consider setting up, and training, regional “Go-Teams” or finding trusted advisors who can assist a driver in need. **Immediate response is the key.**



WHAT, EXACTLY, IS THE FUNCTION OF THE MOTOR CARRIER'S "GO-TEAM"?

Each of the "Go-Team" members brings expertise to assess the accident and any necessary responses. The safety professional will watch for possible accident causes – ice on the road; misaligned traffic signs; non-functioning headlights on the other vehicle; as well as the presence of surveillance cameras in the area.

The insurance claims adjuster will evaluate the probable cost of repairs to any vehicles. In a property damage situation, the adjuster may suggest a satisfactory repair amount on the spot, without the cost of litigation. Won't the presence of an insurance claims adjuster mean that the motor carrier's insurance rates will go up? The motor carrier's insurance company will find out about the accident sooner or later. If done sooner, potential claims may be settled amicably before a truck accident attorney can take advantage of the situation.

At the accident scene, the "Go-Team" members may also help the truck driver with the tasks of exchanging information and identifying witnesses. This step helps to avoid any comments by the truck driver which others may interpret as an admission of fault. If "Go-Team" members are not present, the truck driver should refrain from any comments beyond what is necessary to exchange information.

All members of the "Go-Team" should, if possible, report through the attorney to preserve "attorney-client" privilege and help protect "Go-Team" findings from discovery during litigation.



THREE STEPS TO TAKE AT THE SCENE OF A TRUCK ACCIDENT.

STEP

1

SAFETY FIRST. PREVENT A MISHAP FROM BECOMING SOMETHING POTENTIALLY CATASTROPHIC.

Train truck drivers to:

- Set the truck brakes and turn off the engine.
- Activate hazard flashers.
- Follow the directions for the in-cab camera to preserve a video of the event.
- Set out warning flares or triangles.
- Visually inspect equipment and look for leaks.
- Make a note of the accident time and place in writing.

Wherever the accident took place, there will be other vehicles and other drivers, and they will not expect to encounter the crash or disabled vehicles. Always, watch out for oncoming traffic. The truck driver should ask others to help slow and direct traffic... but make sure everyone involved stays in a safe place when doing so. Oncoming, inattentive drivers may make sudden, last-second maneuvers when they become aware of the crash.

Should the truck driver move the truck or other vehicles? No - unless there is an immediate safety reason or law enforcement directs them to do so.

Some state laws require drivers to move vehicles involved in a “minor” accident off the roadway. The truck driver should nonetheless quickly take photos of the scene, as described under Step 3, below. What looks like a mere fender-bender can suddenly escalate when a truck accident attorney gets involved.

The truck driver should retrieve the truck’s fire extinguisher and have it ready in case of fire. Safety first means protecting people and property from further harm. It is not trying to return everything to normal.

Similarly, the truck driver should visually check on the physical condition of others involved in the accident. Do not attempt to move injured parties unless their location is life-threatening. Render medical aid only as absolutely necessary and within the truck driver’s expertise – remember, if needed, emergency first responders will soon arrive at a crash site.



STEP**2****MAKE CRITICAL CALLS. GET THE HELP NEEDED AT ANY ACCIDENT SCENE.**

The truck driver should call:

- 911 for emergency assistance and the state highway patrol.
- The carrier's dispatcher or safety professional to activate the company's "Go-Team."

Drivers should make each of these calls immediately, once they and others are safe.

911 and the dispatcher/safety professional will want to know the time and location of the accident, how many vehicles are involved, and whether there are injuries –the truck driver included.

These calls will bring the necessary help to the accident scene and provide the truck driver and motor carrier the legal and insurance protection they deserve. While that help is arriving, there is plenty to do to capture critical details, as described in Step 3.

STEP**3****TAKE PHOTOS AND DOCUMENT DETAILS. EVIDENCE AND CONDITIONS CHANGE – QUICKLY.**

Accidents are unforeseen. That means no one is on location, documenting the conditions immediately before the crash. The truck driver must begin that documentation once everyone is safe (Step 1) and the critical calls are made (Step 2).

For example, the icy patch which caused the car to skid will start to melt. The underage car driver may try to scoot over to the passenger seat. These changes will likely happen before the company's "Go-Team" can arrive on the scene.

Photographs are the best way to preserve evidence. Truck driver training should include how to use a cell phone's camera or a disposable camera in an accident kit. Most cameras have a time and date feature – it should be turned on. What to photograph? Use this list:

- Photograph all four sides of the vehicles involved in the crash – including the truck. Be sure to capture the license plates.
- Take photos of anything distinctive about the site – that icy patch, a branch fallen in the road, confusing traffic markers, a blinking streetlamp.
- Step back and take photographs that place the accident in context of the road and surroundings... law enforcement may soon have tow trucks moving the vehicles.
- Do not photograph injured parties if they are in their vehicles. But if they are unhurt, or others are out of their vehicles, it is okay to take their photos.

No fancy photos necessary – just focus on the same level as the subject, and back far enough away to frame the object. Then take another picture from slightly to the left and one slightly to the right.



During all this, the truck driver will be exchanging information with other involved drivers – license, address, phone number and insurance. If the company “Go-Team” has arrived, the safety professional or company attorney should handle the info exchange, again avoiding any comments by the truck driver.

At the same time, the truck driver and the “Go-Team” members should gather names and contact information of anyone else at the scene – bystanders, law officers, tow truck driver, EMTs, etc. Their recollections of the accident scene could prove helpful later in litigation or claims settlement.

Two things not to do at the scene of a truck accident:

1

If the responding law officer has not required the truck driver undergo a post-crash drug and alcohol test, do not volunteer to do so. Rely on the authority of the law officer.

2

Similarly, if law enforcement has given the truck a clean bill of health, a second inspection is not needed.

There are three steps in responding to a truck accident:

- 1) SAFETY FIRST
- 2) MAKE CRITICAL CALLS
- 3) TAKE PHOTOS AND GATHER DETAILS

These three steps all occur during an unforeseen and often emotional event – that is why the most important step must come long before the accident: planning the motor carrier response, assembling the “Go-Team,” and training everyone involved.

This is not *Jeopardy!* It's real life, with real consequences. But trucking does have the advantages of immediate knowledge and the ability to bring professionals to the accident scene. That works only when there is advance preparation. **Make your accident plan now.**



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