

TRUCKING LITIGATION

INITIAL CONSIDERATIONS FOR PLAINTIFF

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INTRODUCTION

Each year there are thousands of accidents involving 18-wheelers resulting in a staggering number of injured persons. Alabama ranks in the top 10 states of the highest number of truck related highway fatalities. Most accidents are a result of truck driver error, inattention, negligence and/or companywide violations of federal safety regulations by unsafe-trucking companies. Trucking accidents are highly regulated by both State and Federal laws, thus requiring an even higher degree of attention to detail than the typical automobile personal injury case. In March of 2006 the Federal Motor Carrier Safety Administration reported to Congress on the results of a two year Large Truck Crash Causation Study. The Study involved an analysis of 967 crashes which included 1,127 large trucks, 251 fatalities and 1,408 injuries. The results were sobering. Speeding by truck drivers and brake problems in the large trucks were among the most frequent causes of these accidents. Driver fatigue and driving too fast for conditions were important causes of accidents for both truck drivers and passenger vehicle drivers. The full report is available online at the website of the FMCSA.

This paper outlines the unique considerations for Plaintiff in handling a trucking litigation case, including: the initial interview, assessment/acceptance of a case, investigation, expert witnesses, causes of action, damages, filing the suit, important discovery tools and settlement negotiations.

A. CONDUCTING A THOROUGH INITIAL INTERVIEW

The first step in handling any potential trucking case is to interview the client, whether it be the injured individual or the relative/representative of a deceased victim. This initial task should be handled by an experienced attorney. Often, initial interviews are delegated to paralegals who may not have the appropriate background and training to obtain complete file information from the client. The information needed from the client will obviously vary depending on the nature of the claim (wrongful death claim or an injury claim), but the basics include the complete background (educational, professional, employment, medical, etc..) of the client or the deceased. You want to immediately gather as much anecdotal information as possible regarding the accident and its aftermath. As discussed later in the paper, it is important to move quickly to file suit and preserve evidence.

B. WHAT TO LOOK FOR WHEN ASSESSING/TAKING A CASE

An initial pre-suit investigation will allow you to compile information that can be used to determine whether or not your client has a valid case and will allow you to gather and preserve evidence that will be used throughout the litigation, including, but not limited to a truck driver's driving history, a company's D.O.T. compliance history, insurance information, vehicle speeds, eyewitness testimony and other invaluable information. In my experience, *most*

accidents involving tractor trailers are, at least in part, the result of driver error or mechanical failure on the part of the truck driver. There are certainly many good professional truck drivers on the road but *most* of the better drivers are simply not involved in accidents. In fact, there are staggering numbers of professional drivers that work an entire career accident free. The experience at my firm has been that most trucking accidents are cases of liability against the truck driver. The investigation process described below is the only real way to completely assess and evaluate a case.

C. TRUCK ACCIDENT CASE INVESTIGATION

Accident Scene

After conducting your initial client interview, the first thing that an attorney should do is get to the scene of the accident as soon as possible. Any evidence still available should be immediately documented. If possible, an investigator and an accident reconstruction expert should accompany you to the site of the accident to assist you in properly documenting all possible information.

Upon arrival at the scene of the accident, special effort should be made to photograph and video tape the following:

- The roadway, including views from both directions of travel, the shoulder and debris;
- All traffic signals, traffic signs and roadway markings; including photographs of the back of all signs to “date” their placement;
- The tractor trailer, including all equipment such as tires, lights, safety reflectors, under-ride protection guards and damage to the vehicle; (the

- tractor trailer may have already been towed to a local storage facility and, if so, examine it there).
- Your client's vehicle;
 - All skid marks, gouge marks and other physical evidence.

Post Scene Investigation

After you have fully documented all the evidence at the scene of the accident through photographs and video, you should immediately identify all potential witnesses and contact them as soon as possible. The quicker you are able to contact and interview witnesses of the accident, the more details you will be able to obtain. All information should be thoroughly documented through internal memos and/or witnesses statements so that you can properly refresh the witnesses' memory regarding details of the accident prior to any deposition and trial testimony. If a witness' testimony is especially helpful, attempt to lock that testimony in through an affidavit or sworn statement.

Securing Client Vehicle

As soon as possible, you should determine the location of your client's vehicle and properly secure it at an appropriate storage facility. Under no circumstances should you allow your client's vehicle to be repaired and/or altered. The vehicle could become a vital piece of evidence in reconstructing the speed of the truck driver and other facts surrounding the accident. Similarly, you should immediately write a spoliation letter to the trucking company and insist that the tractor trailer not be repaired or tampered with in any way until such time as you have had an opportunity for a complete and thorough

inspection. You should inspect it for all possible damage, mechanical failures such as tires or under-ride equipment and any other evidence you may be able to document. While inspecting the 18-wheeler, you should look for identification marks that would show the owner of the tractor and the owner of the trailer.

Driving Records

Upon learning the identity of the driver, you should obtain a complete copy of the driver's driving record. It is usually helpful to obtain a full driving history (verses a normal five (5) year driving history) from, at a minimum, the state in which the driver is licensed and the state in which the accident occurred. Often you will be able to uncover violations from one state's history that are not listed on another state's report. You should also order any information the DOT has on the driver.

Accident Reports

As soon as possible you should obtain a copy of the uniform traffic accident report to obtain the benefit of the officer's initial investigation of the accident. Carefully review this report to determine the noted prime contributing circumstance and determine whether the investigating officer has listed any mechanical failure. Additionally, the report should be reviewed to determine whether any photographs were taken of the scene by the investigating officer and whether there were any witnesses. Any photographs of the scene should be obtained through a subpoena and all witnesses identified should be contacted.

Letters of Representation

While conducting the pre-suit investigation, the attorney should draft letters of representation to the trucking company and your client's insurance carrier notifying them of your representation and requesting all future contacts be conducted through your office. The letter to the trucking company should always specifically request that the trucking company maintain all documentation showing the drivers whereabouts for the weeks prior to the accident, including driver's logs, on board computer information, all dispatch records, gas receipts, hotel receipts and any other information kept in the regular course of business by the company on the driver.

D. EXPERT WITNESSES

The attorney will have to carefully consider the facts involved in each particular case to properly select the appropriate experts. In each case, the attorney should evaluate the need for hiring the following type of expert:

Accident Reconstruction Experts

As mentioned in the pre-suit investigation portion of this paper, the accident reconstruction expert can assist in the determination of liability and can also assist in the determination of any aggravating circumstances such as speed or failure to take corrective action. If the attorney chooses to hire an accident reconstruction expert, the earlier the expert is hired the better. The closer a reconstruction expert is hired to the date of the accident, the more credible his information will be.

Industry Experts

As mentioned above, an expert knowledgeable in the Federal Motor Carrier Safety Regulations can be invaluable in a case involving an 18-wheeler. These experts can greatly assist in the determination of safety violations and logbook fraud. Additionally, these experts can assist in testimony regarding improper vehicle maintenance, inspection or equipment such as improper lighting.

Damage Experts

Most accidents involving 18-wheelers result in serious permanent injury or death. When your client has been seriously and permanent injured the use of an economist or vocational expert to prove loss of future earnings and the use of a Life Care Planner to prove the cost of future medical care can greatly increase the value of your clients case.

E. POSSIBLE CAUSES OF ACTION

The facts of the individual accident will dictate the potential theories of liability and the law should be researched thoroughly to include potential theories of recovery in your complaint. However, there are primary theories of liability that tend to be commonly implicated in trucking litigation, these include:

- Negligence/Wantonness:
- Negligent Entrustment
- Negligent/Wanton Hiring, Training, Supervision
- Negligent Maintenance of Vehicle and/or Equipment

- Product liability/AEMLD;
- Vicarious liability
- Underride Hazard
- Wrongful Death
- Trucker Fatigue

Although the primary theories of liability are negligence, wantonness and, if applicable, negligent entrustment, the attorney should determine whether separate counts of negligence and wantonness can be brought directly against the trucking company for theories that are not as common. For example, under the appropriate circumstances, a separate negligence claim could be based upon allegations of setting time requirements and/or bonus incentives that require the driver to drive over the speed limit or requirements that drivers overload the tractor trailer in violation of the federal regulations. Allegations should be made both against the owner of the trailer and the owner of the tractor separately.

Special Safety Related Defect Issues

There are minimum Federal Motor Vehicle Safety Standards (FMVSS) that manufacturers are obligated to meet. It is important to note that these are *minimal* standards. The National Highway Traffic Safety Administration (NHTSA) encourages manufacturers to exceed these minimal standards. The low level of many of these standards is deplorable. Compliance alone with these minimal standards will not relieve a manufacturer of liability pursuant to common law or statutory product liability claims. Additionally, many of the

FMVSSs do not apply to large trucks. This is particularly true with regard to FMVSSs dealing with occupant protection. It is also true with respect to fuel system integrity (FMVSS 301). If you represent a truck driver that has been injured or killed as a result of a defect in the truck it is important to familiarize yourself with what the FMVSS purports to be and what it does not.

The development of underride guard requirements is a case study in the slow pace of industry regulation. First proposed in 1967, underride protection did not result in a FMVSS until 1996. Even then, the regulations were not effective until 1998. FMVSS 223 and 224 specify the requirements of Rear Impact Guards and require their installation on all *new* trailers and semitrailers with a gross vehicle weight of 10,000lbs or more.

Underrides occur when an automobile goes under the front, rear or side of a tractor trailer causing passenger compartment intrusion. If you are faced with a potential underride situation it is necessary to immediately secure your client's vehicle and begin the traditional development of a products liability case.

F. DAMAGES

The assessment of your client's damages and the evaluation of settlement will be addressed in the portion of this paper dealing with settlement.

G. FILING SUIT

Insurance Considerations

Early in the litigation it is important to determine the existence of and the amount of insurance coverage available in your case. A case involving clear

liability and clear damages and small insurance limits should be evaluated much differently than a similar case involving large policy limits. If an early determination is made that limited insurance is all that is available, the attorney may be able to prove liability and damages sufficient to receive policy limits without the unnecessary expense of experts and litigation.

Minimal Limits

Section 387 of the Federal Motor Carrier Safety Regulations set out the minimum levels of financial responsibility for motor carriers. The minimum limits set out for commercial carrier weighing greater than 10,000 pounds is \$750,000.00. If the motor carrier is hauling hazardous substances, the minimum limit is \$5,000,000.00. The trucking company is required to file certificates of registration showing that the required insurance is available prior to obtaining a certificate of operation from the Department of Transportation.

MCS-90 Endorsement

One of the unique considerations of insurance coverage involving 18-wheeler accidents is the existence of the MCS-90 endorsement. This is a federally mandated endorsement for all commercial carriers over 10,000 pounds. This endorsement was enacted by Congress to prevent parties involved in the shipping of freight from denying responsibility and pointing the finger at each other and in effect prevent and/or delay recovery by an injured party. Part of the language for this endorsement states:

It is understood and agreed that no condition, provision, stipulation, or limitation contained in the

policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured.

The endorsement further states that all terms, conditions and limitations in the policy shall remain in full force and effect as binding between the insured and the company. This language serves to prevent the liability insurance company from denying payment to an injured victim in an accident because of conduct of the trucking company such as late notice, etc. In the event that there is a violation of one of these policy conditions, by the trucking company or truck driver, the insurance company is still required to pay any final judgment against the company. It may then seek reimbursement in the event policy terms are deemed to have been violated.

Double Limits

A careful review of the applicable insurance policies should be made as soon as possible to determine whether or not a creative new argument can be made for two policy limits being available to your client. In the case of *Auto-owners Insurance Co. vs. Anderson*, 756 So.2d 29 (Fla. 2000), the Supreme Court of Florida held that because the tractor and the trailer were listed separately on the insurance policy and separate premiums were paid for each, the tractor and the trailer were each to be considered separate "vehicles" as defined under the policy. Because of this determination, the Court held that \$750,000.00 was available to the injured plaintiff for each vehicle and allowed a recovery of 1.5

million dollars. This creative argument would seem only to be applicable when the tractor and the trailer are owned by the same company and covered by the same policy but listed as different “vehicles” covered under the policy.

Another potential avenue for the application of a single limit insurance policy is available where there are multiple impacts with some intervening time and distance between impacts. *See Liberty Mut. Inc. Co. v. Rawls*, 404 F. 2d 880 (5th Circuit, 1968).

Determining Potential Defendants

After conducting your pre-suit investigation, you should carefully review all evidence that you have been able to obtain and attempt to identify all defendants that could be responsible for your client’s injuries. Often, all of the potential defendants are not known until suit has been filed and some initial discovery has been completed. For that reason, you should try to file your complaint as early as possible to allow yourself plenty of time to identify other potential defendants through discovery and have time to amend your complaint within the statute of limitations time period. If your case can be brought in state court, you should always include in your complaint a sufficient listing of fictitious defendants to allow substitution and relation back under the Alabama Rules of Civil Procedure, Rules 9 and 15.

The following is a general listing of typical potential defendants in a case involving an 18-wheeler:

- The truck driver;
- Trucking company;

- Owner of the tractor;
- Owner of the trailer;
- Freight broker;
- Freight shipper;
- Vehicle maintenance and/or servicing company;
- The manufacturer of the tractor, trailer or equipment on the tractor or trailer;
- The manufacturer of your client's car.

Often freight brokers and freight shippers will carry liability insurance for accidents that occur while their freight is being transported. However, most of the transactions include indemnity agreements that place financial responsibility solely on the trucking company.

H. DISCOVERY

Because of the numerous rules, regulations and available technology in the trucking industry, formulating the proper discovery is essential. Your discovery should not only focus on establishing basic liability, but one should also consider factors that would substantiate a claim for punitive damages. Common factors that have been shown to influence juries to award punitive damages against trucking companies include:

- Failing to properly investigate a driver's background including employment history, criminal record and driving record;
- Driving under the influence of alcohol or drugs;
- Allowing drivers to continually violate federal hours of service rules (failure to properly monitor);
- Destruction of evidence such as drivers records and onboard computer system documentation;
- Overloading the truck;
- Improper training of drivers;
- Unsatisfactory safety rating; and
- Providing the driver with a radar detector.

Discovery via Outside Sources

The following information should be obtained through discovery either through a subpoena or the proper medical requests:

- All medical records of your client;
- A copy of the Alabama State Trooper Homicide Investigation (if one was conducted). This piece of information is vital to your case. In cases involving numerous vehicles, serious injury or death, the state will conduct a thorough investigation into the facts surrounding your accident. This investigation will include skid measurements, numerous witness statements, a copy of the blood tests conducted on the driver of the truck and past driving history of the truck driver;
- Department of Transportation Safety Audits and Rating of the trucking company.
- All medical records, including blood tests, of the driver of the truck.

Requests for Production Directed at Defendant

The defendant trucking company is required by federal regulations to keep specific categories of information at its home office. Regardless of this fact, the defendant will invariably object to producing much of this information and/or deny that it exists. A copy of the Federal Motor Carrier Safety Regulations Handbook should be obtained from the United States Department of Transportation and carefully reviewed to identify all information a company must maintain. If a defendant has failed to maintain the required documentation and/or has destroyed evidence, this can be used to support a claim for punitive damages.

The following information should always be requested from the defendant in any accident involving an 18-wheeler:

- A complete employment file of the driver;

- A complete driver qualification file;
- A copy of all driver logbooks for the past six months;
- A copy of the driver's written road test;
- All vehicle inspection logs;
- All repair history/maintenance logs for the vehicle;
- All out of service records for the driver and all other drivers employed by the company;
- All insurance policies, both primary and excess, for the driver, tractor owner and trailer owner.
- All driver training materials including training manuals, video tapes and orientation documents;
- All of the driver's credit card receipts for the past six months;
- All of the driver's gas charge receipts, hotel receipts and restaurant receipts for the past six months;
- Dispatch records from the trip;
- All internal methods used by the company to determine compliance with hours of service requirements such as "Log Analyzer" computer software and all reports generated thereby;
- Compensation method for drivers, including bonus components and computation;
- All contracts between the trucking company, freight brokers, freight shippers and /or leased drivers;
- The policy and procedure manual for the trucking company including disciplinary procedures and protocol;
- All safety audits from any external source including the Department of Safety and/or the Department of Transportation;
- All safety ratings;
- The identity of all onboard computer systems including all files generated by that computer system (for example, Qualcomm Tracking System or Eaton Vorad Accident Warning Systems). This information can be particularly helpful because it can show the exact longitude and latitude of the tractor trailer for months prior to the accident and can be used to disprove the driver's testimony and/or prove log falsification. The Eaton Vorad information can oftentimes be used as a "black box" showing the vehicle's action for ten (10) seconds or more prior to impact;
- A copy of the accident report, Form MCS 50-B, as required by FMCSR § 394.9;
- All bills of lading related to the day of the accident;
- A medical examiner's Certificate of Physical Qualification as required by § 391.43;
- A copy of the annual review of the drivers driving record as required by § 391.25;
- The driver's application for employment;
- Any documentation showing whether the trucking company has deemed

- this action as “preventable” or not “non-preventable”;
- A copy of all photographs of the accident scene, the truck and/or trailer involved in the accident;
 - A copy of the written response from each state agency contacted with reference to the truck driver’s past driving record;
 - Copies of the trucking company’s Preventable Accident Register as required by § 390.35;
 - A copy of all cell phone records from the driver’s vehicle;
 - A copy of all communication between the company and the driver, including facsimiles, computer generated communication between the trucking company dispatcher and the truck driver and all written job destination reports;
 - A copy of the trucking company’s certificate of authority and permit issued by the Department of Transportation and the Interstate Commerce Commission;
 - A copy of all blood and urine tests conducted on the driver involved in the accident.

Black Boxes, Electronic Data Recorders, Qualcomm and Technological Devices

Technology has advanced accident reconstruction to a whole new level, encompassing computer analysis, computer databases, computer simulation, animation, re-enactment and investigation. Trial lawyers must work with qualified reconstructionists capable of utilizing the technological tools to pass evidentiary requirements.

Electronic Control Modules (ECM)

ECM data (sometimes generically referred to as “Black Box” data) must be downloaded by a trained technician. Ideally, the plaintiff’s attorney can have a trained technician available as a representative at the time of the download to ensure that the download is appropriately done and all available information credibly preserved. It is absolutely crucial to immediately write the trucking company and their insurance company and insist upon the complete

preservation of all ECM data. The letter should include a request that the truck not be moved, towed or otherwise tampered with until the ECM download occurs. Finally, the letter should insist upon notification to the plaintiff's attorney prior to the download of ECM data and the opportunity to attend the download.

ECM data can provide a wealth of useful information for both the prosecution and defense of a trucking case. There are various ECM depending on the manufacturer involved. Detroit Diesel, Mack, Freightliner, Cummins and Caterpillar all have their own ECM systems. A sample of an ECM data printout is attached to this paper. Some of the information provided includes, speed, average speed, fuel consumption, clutch, braking events, trip distance, trip time, idle time, incident odometer, cruise control, highest speed occurrence, governed speed and a host of additional parameters. The ECM data can be used to reconstruct a driver's logs over the weeks preceding an accident. It can identify the precise time of impact, the speed at impact as well as the driver's actions leading up to and after the impact. One can reconstruct the use of the clutch, brake and identify any driver avoidance techniques employed by the operator of the truck. It is hard to over emphasize the importance of gathering credible ECM data.

Qualcomm Satellite Communication Systems

OmniTRACS is a mobile satellite communication system developed by

Qualcomm and employed by many trucking companies that operate large fleets of trucks. This system can provide useful information regarding the location of the truck at a given point in time. The driver's log book can often be effectively scrutinized for accuracy based upon the information supplied by the OmniTRACS system. Additionally, the OmniTRACS software provides for communication between the driver and the company. A sample page of such communication is attached. The data generated by the use of the software is typically maintained for a very limited period of time (as short as 14 days in some cases) by the home office of Qualcomm. At that point Qualcomm overwrites the information. After this initial period passes, the only system that would maintain the data would be that of the trucking company.

Other technological devices utilized in the trucking industry

There are numerous other devices that may exist in a given situation.

Some of these are listed below:

- Transponder technology (used for weigh stations, toll roads and bridges, truck stops, access to truck yards, etc.)
- Cell phones, pagers, PDAs, CBs and other communication devices
- Backup systems (sensors and/or back up cameras)
- Eaton Vorad Collision Monitoring System (radar based device)
- Electronic tire pressure monitors

Special considerations for "Intrastate" Carriers

In many cases the defendant trucking company will be what is known as an “Intrastate” carrier or a carrier that does not transport goods outside the state. Often these carriers consider themselves exempt from following the strict regulations of the Federal Motor Carrier Safety Regulations. Because of this, the carrier fails to require its drivers to comply with the hours of service regulations, the log book regulations, the pre-trip inspection regulations, etc. This notion that an intrastate carrier is exempt from following these regulations is false.

The Alabama Motor Carrier Act authorizes the Public Service Commission to draft regulations governing motor carrier operations. Ala. Code 37-3-5 (West 2004).

The motor carrier safety regulations drafted by the Alabama Public Service Commission provide:

- [1] [a] For-hire carriers of . . . property
- [b] who are not within an exemption of the Alabama Motor Carriers Act
- [c] and who operate within the borders of Alabama
- [d] in interstate commerce

AND

- [2] all other carriers that operate large commercial vehicles shall comply with the Federal Motor Carrier Safety Regulations now or hereafter promulgated by the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Alabama Public Service Commission, Motor Carrier General Orders § 17.001.

Regarding intrastate carriers, the Alabama Public Service Commission has stated:

Intrastate Alabama for-hire carriers of . . . property who are not within an exemption of the Alabama Motor Carrier Act and who do not also conduct interstate operations and who do not operate large commercial vehicles shall comply with the following provisions of this rule:

Alabama Public Service Commission, Motor Carrier General Order § 17.002.

According to the Motor Carrier General Orders two groups of motor carriers must comply with the Federal Motor Carrier Safety Regulations. First, for-hire carriers of property operating in the state in interstate commerce that are not exempt under the Alabama Motor Carriers Act must comply with the federal regulations. Second, operators of large commercial vehicles must comply with the Federal Motor Carrier Safety Regulations. The motor carrier must comply with the provisions of the Motor Carrier General Orders if it does not fall within either one of these designations.

Hour of Service Regulations

Effective October 1, 2005, the hours-of-service regulations changed. The Federal Motor Carrier Safety Administration has summarized the new rules as follows:

- Drivers may drive up to 11 hours in the 14 hour on-duty window after they come on duty following 10 or more consecutive hours off duty.
- The 14 hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc.
- The prohibition on driving after being on duty 60 hours in 7 consecutive days, or 70 hours in 8 consecutive days remains the same, but drivers can “restart” the 7/8 day period anytime a driver has 34 consecutive hours off duty.

- CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Deposition Testimony

After obtaining appropriate responses to all of the written discovery and subpoenas referenced above, the attorney should set up depositions in the case. It is helpful to have much of the information produced by the defendant reviewed by an expert in the trucking industry that is knowledgeable on D.O.T. regulations. This will help you to fully understand the extent of any potential safety violations that may be involved. This fact cannot be over emphasized because these experts will have computer software that can identify many more logbook violations and/or safety violations than can be revealed without such an expert review.

The following people should be noticed for deposition:

The Truck Driver

Truck drivers often move from company to company and may not be employed by the same trucking company involved in the accident at the time of deposition. Because of this fact, the truck driver should be examined regarding the safety procedures, maintenance procedures and hiring, training and inspection procedures. When presented with evidence that he or she has violated federal regulations, the truck driver will often be willing to blame such failures on the trucking company. Other areas of inquiry for the truck driver

should include the facts of the accident, his/her driving history, criminal history, and knowledge of the Federal Motor Carrier Safety Regulations. A key subject in the deposition of the driver should be the efforts made to avoid the accident in question. The safest course of action for the driver is usually to plow into other vehicles, including your plaintiff's, rather than attempting to avoid the accident and risk of overturning the rig. This evidence can prove inflammatory.

Corporate Representative of the Trucking Company

The corporate representative should be fully tested on the hiring, training, and supervision of the truck driver involved in the accident. Additionally, the corporate representative should be thoroughly examined on knowledge of the Federal Motor Carrier Safety Regulations, internal safety policies and procedures, company safety ratings and all safety audits or investigations. It is important to attempt to establish a company wide disregard for federal regulations and safety to support any claim for punitive damages.

Safety Director

The safety director should be fully tested on the hiring, training, and supervision of the truck driver involved in the accident. The safety director should be deposed regarding all internal policies and procedures in place to ensure compliance with the D.O.T regulations. Many times companies will have a safety director in name only, and an attorney knowledgeable on the federal regulations can prove the company's disregard of the safety rules.

The Investigating State Trooper

Many times the State Trooper conducting the homicide investigation (if one was conducted) will be qualified to reconstruct the accident and could eliminate the need for a retained accident reconstructionist. This can save time and money. The State Trooper is also usually trained in D.O.T. regulations and can testify as to vehicle and/or driver violations.

SOURCES OF INFORMATION

A. Federal Regulations

Superintendent of documents, United States Government, Printing Office,
Washington, D.C. 20402

B. FMCSRs:

The American Trucking Association publishes reprints of these for use by motor carriers and drivers. The order number for these can be obtained by contacting:

American Trucking Association
2220 Mill Road
Alexandria, Virginia 22314-4677
1-800-ATA-LINE

C. Safety Ratings:

Office of Motor Carrier Information Management & Analysis
H1A-1
Federal Highway Administration
400 7th Street, SW
Washington, D.C. 20590

D. Trucking Safety Guide-Motor Carrier Safety Report

The Truck Safety Guide is an excellent reference material outlining Federal and State safety requirements. It is published by J.J. Keller & Associates which also published the monthly Motor Carrier Safety Report. It can be obtained by contacting:

J.J. Keller & Associates
145 West Wisconsin Drive
Neeneah, Wisconsin 54956

E. CVSA North American Uniform Out-of-Service Criteria

These can also be obtained from:
American Trucking Association
2220 Mill Road
Alexandria, Virginia 22314-4677
1-800-ATA-LINE

F. Statistics

To obtain motor vehicle carrier statistics and a copy of a given carrier's safety rating, contact:
Motor Carrier Information Division
Office of Motor Carriers
Federal Highway Administration
Washington, D.C. 20590
(202) 366-4023

G. Files on Motor Carriers

To obtain general file information on motor carriers, contact:
Motor Carrier Analysis Division
Office of Motor Carriers
Federal Highway Administration
Washington, D.C. 20590
(202) 366-1860

H. Complaints

To obtain information regarding complaints against certain motor carriers and drivers, contact:
Office of Motor Carrier Safety Field Operations
Office of Motor Carriers
Federal Highway Administration
Washington, D.C. 20590
(202) 366-1724

I. Driver History

A driver history on anyone holding an Alabama driver's license may be obtained from:
Alabama Department of Public Safety
Driver History Unit

Post Office Box 147
Montgomery, Al 36130

J. Large Truck Crash Causation Study (LTCCS)

A full copy of the study may be obtained via the internet at:
<http://www.ai.fmcsa.dot.gov/LTCCS>

K. General Questions

Public Information Office
Alabama Department of Public Safety
Post Office Box 147
Montgomery, Alabama 36130

L. Internet Resources

www.dot.state.al.us

www.saferys.org