



# TRUCK CRASH RESOURCE BOOK



*"You are not alone"*

Citizens for Reliable and Safe Highways



Parents Against Tired Truckers



### **About the Truck Safety Coalition**

The **Truck Safety Coalition** is a partnership between **The Citizens for Reliable and Safe Highways (CRASH) Foundation**, and **Parents Against Tired Truckers (P.A.T.T.)**. Working together through the Truck Safety Coalition, we are dedicated to improving overall truck safety in the U.S. and eliminating the unnecessary deaths and injuries caused by truck crashes every year.

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Parents Against Tired Truckers (P.A.T.T.) was founded in 1994 when Daphne and Steve Izer's son, Jeff, and three other teenagers were killed by a truck driver who fell asleep behind the wheel of his rig. When the trucking company received no criminal penalty and the truck driver received minimal penalties, the Izers quickly realized common practices of the trucking industry as a whole and lack of adequate enforcement and penalties contributed to Jeff's death. They decided to take action by forming P.A.T.T. which has grown from a Maine grassroots group to a nationally recognized non-profit organization. P.A.T.T. has successfully brought the issue of truck driver fatigue to the forefront of debate on Capitol Hill and in legislatures throughout the United States. P.A.T.T. promotes improving truck safety and enjoys support from many truck drivers for addressing issues that they cannot for fear of losing their jobs.

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**The mission of Citizens for Reliable and Safe Highways is to make safety as important as productivity in all U.S. trucking operations.**

**Working together as a grassroots force, The Truck Safety Coalition is dedicated to achieving the following goals:**

- Reducing the number of fatalities and injuries caused by truck-related crashes.
- Providing compassionate support to truck crash survivors and families of truck crash victims.
- Assisting interested truck crash survivors and surviving families with advocacy efforts with the intention of trying to help make some good come out of tragic situations.
- Raising public awareness of important safety issues.
- Educating legislators on issues related to truck safety regulation.
- Reducing the problem of truck driver fatigue.
- Freezing truck size and weight limits at current levels.
- Increasing compliance with truck safety rules and regulations and improving truck maintenance standards.
- Improving working conditions for truck drivers so they will not be forced to drive in unsafe conditions.

The information contained in the booklet has been compiled by persons whose lives have been changed by truck crashes, and is intended to provide you with general information that they hope will be helpful to you. It should not be considered to be legal or professional advice, and should not be considered to be applicable to all circumstances. If there is information that you believe should be included that is not, or if you find any information to be inaccurate, please let us know at 888.353.4572.

# PRACTICAL TIPS FOR SURVIVORS



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After the crash, there are all kinds of arrangements that need to be made, bills that need to be paid, benefits that have to be applied for, paperwork that has to be filled out. But after the sudden loss of your loved one, the “important stuff” does not seem important at all. When we lost our daughter, our universe collapsed. The last things on our minds were probate, insurance and social security... Our lives stopped and we wanted the rest of the world to stop too! You wonder, ‘How can they go on? How can they eat? How can they sleep? How can they laugh? How can anything be normal? While you are in the middle of your worst nightmare the little things seem meaningless... Although it may seem like no one knows how we feel or what we are going through, support and resources are available. As difficult as it will be, and I am sad to say that it will be difficult for a very long time, the paperwork, the forms, the bills, and the planning must be done. Remember, you are not alone.’

- Tracy and Mark Quinichett, whose daughter was killed in a truck crash



## Practical Tips

You will likely be overwhelmed by the number of financial matters you and your family will have to settle in the weeks and months following your loved one's death or serious injury. While you can put off some of these tasks, others require immediate attention. If you are uncertain where to start, begin by organizing. You will have to find the records and paperwork you need to apply for benefits, set up systems to organize those records and other information you receive, and determine your short-term need for income. It is not at all unusual for survivors to experience bouts of sadness and periods of inertia. Paying attention to small details and taking it one step at a time helps.

Included here are tips on getting organized, collecting the necessary paperwork and forms, identifying and applying for various survivor benefits, navigating the probate process, determining any changes in your taxes, and changing ownership and title.

### 1. Getting Organized

- *Set up a phone and mail system* - After your loved one dies or is seriously injured, you may have difficulty concentrating on tasks, partly because of grief and stress, and partly because you simply have too much to do. To keep track of details, set up a phone and mail system to record incoming and outgoing calls and mail. For phone calls, keep a sheet of paper or notebook by the phone and write down the date of the call, the name of the caller, and a brief description of what you talked about. For mail, write down who sent each piece, the date you received it, and the date you sent mail in return, if at all.
- *Set up a filing system* - You will be organizing your financial affairs in many different areas, so set up a file for each topic on which you are working. For instance, you may want to set up separate files for: estate records, insurance, government benefits, tax information, important documents, and credit accounts. If you are not able to keep an original letter or document, make a copy. Remember to keep copies of any letters that you send as well.
- *Make a phone list* - If you do not already have one, you should make a list of the names and phone numbers of organizations, professional advisors, and friends. Post this list near your phone.
- *Evaluate short-term income and expenses* – You may have some immediate expenses to pay, such as medical bills, funeral costs and various regular bills. Start by making a list of all debts you will have to pay in the next 30 days. Then determine if you are capable of satisfying those debts with your current savings or if the benefits coming in from insurance proceeds or an estate settlement will be necessary.

### 2. Collecting the Papers

The first step is to collect the necessary papers in order to file for various benefits and finalize the estate.

- *The Death Certificate* - Many of the offices or agencies you contact will request copies of the death certificate. You can purchase certified copies through your funeral director or the county health department. There is usually a small fee. It is recommended that you obtain at least ten certified copies.



- *Any Insurance Policies* - You will probably find copies of life, health, home mortgage, accident, and other insurance policies in a safe deposit box or with your loved one's personal belongings. Any of these policies could be sources of benefits. If you cannot find the policies, check with employers about possible insurance and look through past checking account records to see if a check has been written in the past year to an insurance company.
- *Social Security Numbers* - You will need the numbers of the deceased and any dependent children.
- *Military Discharge Papers* - You will need a copy of a certificate of honorable (or other than dishonorable) discharge if your loved one was a veteran. If you cannot find a copy of the discharge, write to:

**The Department of Defense, National Personnel Record Center  
9700 Page Boulevard  
St. Louis, MO 63132**

- *Marriage Certificate* - If you are going to apply for benefits based on your marital relationship, you will need copies of your marriage certificate. Copies are available at the office of the County Clerk where the marriage license was issued.
- *Dependent Children's Birth Certificates* - Copies are available at either the state or county public health offices where the child was born.
- *The Will* - Your loved one's lawyer may have the will or it may be in a safe, a safe deposit box, or with his/her personal belongings.
- *List of Assets* - A complete list of all of your loved one's property, including real estate, stocks, bonds, savings accounts, and personal property will be needed. Land titles, stocks certificates, and other financial papers may be stored in a safe deposit box or other secure place.

*The Will may or may not include your loved one's expressed funeral and burial wishes; if not, be sure to identify them as well.*

### **3. Survivor Benefits**

The next step is to contact various sources of benefits and make necessary choices about payments.

#### **A. Insurance**

Contact any insurers that may have issued policies to your loved one. She/he may have had several types of insurance policies, including life insurance, mortgage or loan insurance, accident insurance, auto insurance, credit card insurance, and various types of insurance provided by their employer.

The proceeds from an insurance policy can generally be paid directly to the named beneficiary. These claims can be processed quickly and are an important source of income for the survivors. It is recommended that survivors file claims for insurance policies as soon as possible, especially if finances are a concern.

*Many policy amounts are doubled in cases of accidental death.*

You may be required to decide on a payment plan. Options might include taking the money in a lump-sum payment or having the insurance company make fixed payments over a period of time. Which payment option to choose depends on your financial situation. It is recommended that you consult with a financial advisor about decisions like these.



## **B. Social Security Benefits**

Your loved one is considered covered by Social Security if he or she paid in to the program for at least 10 years. The Social Security Administration (SSA) can check on eligibility for you.

If you are eligible, there are two types of possible benefits:

- *One-Time Death Benefit* - Social Security pays a one-time death benefit (\$250.00) toward burial expenses. Complete the necessary form at your local Social Security office or ask the funeral director to complete the application and apply the payment directly to the funeral bill. This payment may be applied for only by eligible spouses or a child entitled to survivors' benefits.
- *Survivors' Benefits for a Spouse and Children* - Several groups of individuals may be eligible to receive Survivors' Benefits:
  - A widow or widower may be able to receive full benefits at full retirement age. The full retirement age for survivors is 66 for those born from 1945-1956 and will gradually increase to 67 for people born in or after 1962. Reduced widow or widower benefits may be received as early as age 60. If a widow or widower is disabled, benefits can begin as early as age 50. For more information on widows, visit [www.socialsecurity.gov/ww&os2.htm](http://www.socialsecurity.gov/ww&os2.htm).
  - A widow or widower may receive benefits at any age if he or she takes care of a child of the deceased who is receiving Social Security benefits and is younger than age 16 or is disabled.
  - Unmarried children who are younger than age 18 (or up to 19 if they are attending elementary or secondary school full time) may receive benefits.
  - Children who were disabled before age 22 and remain disabled may receive benefits at any age.

*For more information, visit [www.socialsecurity.gov](http://www.socialsecurity.gov). Online, you can also apply for certain kinds of benefits, get the address of your local Social Security office, request a Social Security Statement, and find copies of many helpful publications. In addition to their website, you can also call the SSA toll-free at 1-800-772-1213; representatives can answer specific questions from 7am-7pm, Monday through Friday.*



- Under certain circumstances, benefits may also be paid to stepchildren, grandchildren, step-grandchildren, or adopted children.
- Dependent parents may receive benefits if they are age 62 or older (to qualify as dependents, the deceased would have had to provide at least one-half of their support).
- There also may be benefits for surviving divorced spouses.

How much your family may receive from Social Security depends on your loved one's average lifetime earnings. That means the more he/she earned, the more the benefits will be. You should check your loved one's *Social Security Statement*, which is sent each year to every worker age 25 or older. The *Statement* gives an estimate of survivor benefits that could be paid, as well as an estimate of retirement and disability benefits and other important information.

You can apply for benefits by telephone or at any Social Security office. They will need certain information (death certificate, Social Security numbers, birth certificates, marriage certificates, divorce papers, your loved one's W-2 forms for the most recent year, and the name of your bank and your account number), but do not delay if you do not have everything. They can help you get what you need.

If you are already receiving Social Security benefits based on your loved one's work, the SSA will change your payments to survivors' benefits once you report the death to them. If you are receiving benefits based on your own work, call the SSA to see if you can receive more as a widow or widower. You will receive the higher benefit, not a combination of the two types of benefits.

### **C. Veteran's Benefits**

If your loved one was a veteran who received a discharge other than dishonorable, you may be eligible to receive a lump-sum payment of \$300 for burial expenses and an allowance of \$150 toward a plot in a private cemetery; burial in a national cemetery is free to a veteran, his or her spouse, and dependent children. Veterans are also eligible for a headstone or grave marker at no charge. The funeral director can help you apply for these benefits or you can contact the regional Department of Veterans' Affairs (VA) office.

If your spouse was receiving disability benefits, you and any dependent children may also be entitled to monthly payments. Check with your regional VA office.

### **D. Employee Benefits**

If your loved one was employed at the time of the crash, ask his or her employer about any survivors' benefits. He/she may also be due a paycheck for vacation or sick leave. If the employer provided life, health, or accident insurance, you may be entitled to receive payments under these policies. If your spouse belonged to a union or professional organizations, find out if they offered death benefits from members. If the death was work related, you may be entitled to worker's compensation benefits.

You should also contact all past employers, including federal, state or local governments, to determine whether you are entitled to any payments from any pension plans. If your loved one was retired and was receiving a pension, check with the employer to determine if you will continue to receive a pension payment, and in what



amount. You should get professional guidance as to when and how to take any retirement plan distributions due to your loved one or you.

### ***E. Worker's Compensation***

If you or your loved one were on the job when the crash happened, you or he/she may be entitled to worker's compensation.

While plans differ depending on your state, provision can usually be made for weekly payments in place of wages, compensation for economic loss, reimbursement or payment of medical and like expenses, and benefits payable to the dependents of workers killed during employment.

Be sure to talk to your attorney about worker's compensation to see if it is a possibility.

### **4. Probate**

Probate is the legal process of collecting the assets of the decedent, paying the deceased's valid debts, and transferring title and distributing the estate to the rightful heirs. This process usually entails:

- The appointment of an individual by the court to act as personal representative or executor of the estate; this person is often named in the will. If there is no will, the court appoints a personal representative, usually the spouse.
- Proving that the will is valid.
- Informing creditors, heirs, and beneficiaries that the will is to be probated and an estate is open.
- Transferring assets in accordance with the will or state law that are titled solely in the name of the decedent to the heirs or beneficiaries subject to the claim of creditors.

The personal representatives named in the will must file a petition with the court after the death. There is a fee for the probate process. Depending on the size and complexity of the probable assets, probating a will may require legal assistance.

Only assets that are titled solely in the name of the decedent are administered through probate. Assets that are titled jointly, have a beneficiary designation, or have a payable on death provision (P.O.D.) are non-probate assets and do not go through probate. Proceeds from a life insurance policy or Individual Retirement Account (IRA) that are paid directly to a beneficiary are also not subject to probate.

A will directs the Probate Court how to distribute the property of the decedent. If there is not a will, state statutes direct the Probate Court how to distribute the property of the decedent. Having a will does not keep a person's assets out of probate.

### **5. Taxes**

There are various tax implications that accompany the death of a loved one. Income taxes in the year of death and thereafter can be somewhat complicated. Although the deceased's income stops, there may be employee benefits, IRA distributions, pension survivorships, Roth options, etc., that may impact the spouse's taxes in the year of death and following years.



*Federal Estate Tax* - This tax is generally only due on estates exceeding the unified credit exemption equivalent, which is currently in the millions of dollars.

*State Estate Taxes* - Roughly half the states still have some form of the tax; it is generally only due on estates that exceed the above mentioned unified credit exemption equivalent.

*State Inheritance Taxes* - State requirements vary, but most states have no inheritance tax.

*Gift Tax* - You may gift approximately \$13,000 per donee per year with no taxes or tax returns required. If you choose to gift over \$13,000 it will reduce your federal estate exclusion, but generally no tax is due unless it exceeds the federal estate limit, which is in the millions.

*Federal and State Income Taxes* - taxes of the deceased are due for the year of death. They are due on the normal filing date of the following year unless an extension is granted.

*Filing* - A surviving spouse may have to file several tax returns, including federal and state final income tax returns, and fiduciary income tax returns. To do this, you may need to seek the advice of a tax professional.

*Filing Status* - If you meet certain requirements (including remaining unmarried and maintaining a household for a dependent child), you can file your federal income tax return as a surviving spouse for two tax years following the year in which your spouse dies. This normally means that you will pay less tax than if you filed either as single or head of household. In the year in which your spouse dies, you do not file a tax return as a surviving spouse but can instead file as married, filing jointly. This way, when you file, you and your spouse's executor will sign the return for you and your spouse, following Internal Revenue Service guidelines.

*Taxes on Retirement Plan Distributions, Insurance Proceeds, and Benefits* - There are a myriad of regulations that concern how these types of income are treated. Retirement plan distributions are considered to be taxable income, while life insurance proceeds and government proceeds (like Social Security) are generally not considered taxable income. However, the tax consequences of survivors' benefits may depend on how one chooses to take the distribution or proceeds (in the case of IRAs or life insurance) or on whether your income exceeds a certain level (in the case of Social Security).

If you have any questions at all, it is a good idea to consult a tax professional.

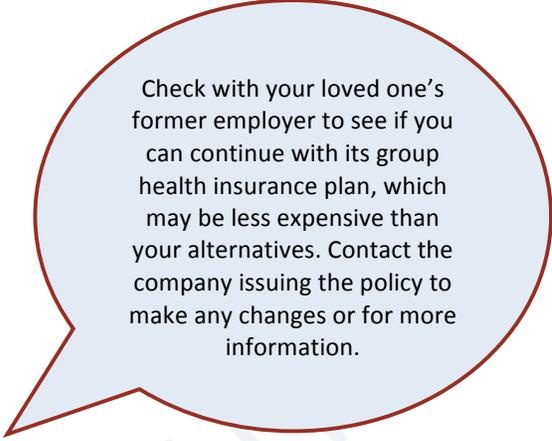
For additional information, visit [www.irs.gov](http://www.irs.gov). Specific publications and forms that may be of assistance are Publication 559: *Survivors, Executors and Administrators*; Form 56: *Notice Concerning Fiduciary Relationship*; Form 1310: *Statement of Person Claiming a Refund Due a Deceased Taxpayer*; and Form 4810: *Request for Prompt Assessment Under Internal Revenue Code Section 6501(d)*. To quickly find these resources, use the search function on the main page. Just type in, for example, "Publication 559" in the search box.



## 6. Changing Ownership / Title

You may need to transfer ownership, change title of property, or revise documents after the loss of a loved one. Here are some items that should be checked:

*Insurance Policies* - If you hold any insurance policies, you may have to change beneficiaries. You may decide that you no longer need to have the same coverage if you do not have dependents, especially in the case of life insurance policies. Auto insurance and home insurance may also need revision. Your loved one may have had medical insurance through work. Under a federal law called COBRA, you and any dependent children may be entitled to continue under your loved one's work-related medical insurance plan for up to 36 months, provided you pay the premiums. On the other hand, you may need to purchase your own medical insurance.



Check with your loved one's former employer to see if you can continue with its group health insurance plan, which may be less expensive than your alternatives. Contact the company issuing the policy to make any changes or for more information.

*Automobiles* - The title of the car owned by your spouse may need to be changed. Contact your state's Department of Motor Vehicles.

*Will* - If your will provides for property to pass to those you have lost, it should be updated. You may want to contact your estate planner for assistance.

*Bank Accounts, Stocks, Bonds* - If you had a joint bank account with your loved one, it will automatically pass to you. Check with the bank about changing the title and signature card on the account. To change stocks or bond titles, check with your stockbroker. If a bank account was held only in the name of your spouse, those assets will have to go through probate. An exception to this is trust accounts.

*Safe Deposit Box* - In most states, if the box was rented only in the name of your loved one, it will require a court order to open it. Only the will or any other materials pertaining to your loved one's death can be removed before the will has been probated.

*Credit Cards* - Those cards held exclusively in the name of your loved one should be cancelled. Any payments due on these cards should be paid by the estate. Your loved one may have used credit cards in both your names or used cards listed only in your name. If so, make the payments due on these cards to keep your own good credit rating. Notify the companies that your loved one has died and that the card should now list your name only. Some people, particularly widows, may experience difficulty receiving a new card if they do not have their own credit rating. When applying for a card, inform the lender about credit cards that you shared with your spouse. Also, check to see if there is any benefit associated with the card that supplies either insurance (particularly for a rental car), or that may pay off the balance in the event of the death or disability of the cardholder.



*General Finances* - Debts owed by your loved one will be the responsibility of the estate and should be forwarded to the personal representative or the executor who is settling the estate. However, you should pay debts that are jointly owed, particularly mortgage payments and utility or phone bills, in order to maintain a good credit rating. Do not pay off significant debts of the deceased unless you have confirmed that you are responsible for those debts.

*Caution: do not immediately make permanent significant financial decisions, such as selling your home, moving, or changing jobs. You will need some time to consider your situation before you can make these decisions responsibly. If at all possible, do not rush into a decision you might later regret.*

Information provided in this notebook should be considered for your general information and assistance and has been put together from suggestions from others who have lost a loved one in a truck crash. It is not intended to be legal advice or to take the place of the advice of a lawyer.

Every person's situation is unique, *so do not assume that going through the steps above guarantees that you have covered everything.* In fact, odds are that you have many other practical issues to consider, examine, administer and manage. If you find any information to be in error, or have additional suggestions you think should be included, please let us know.

As difficult as it is, take the time to contemplate carefully all of the crash's implications. Your family, friends, attorney, financial/tax advisor, and those of us here at the *Truck Safety Coalition* are all good resources that you should not hesitate to utilize.

#### **Questions?**

**Contact the Truck Safety Coalition at  
(703) 294-6404 | [info@trucksafety.org](mailto:info@trucksafety.org)**



Kyle, Emma, & Katie Coble



Suzanne Wages



Herb & Betty Prewitt



Stacy Lynn Sprinkle



Orbie DeWayne Wilburn

# In Memory of our Loved Ones WE HONOR THEIR LIVES



Christopher LaRoche



Roya Sadigh



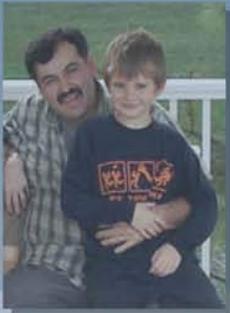
Vera Purser



Denise D. Mahle



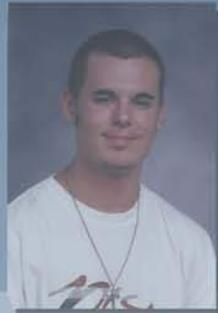
Andrea Purser



Jorge Cuoto



Christina Martin



Samuel Keith Rose



Robert Walters

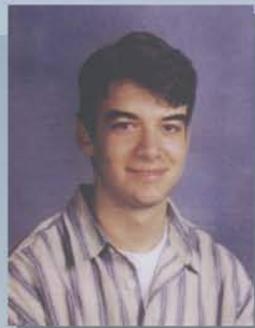


Jesse Woods

# Working Together We Can Save Lives



Dana Wood



Justin A. Nash



David Mathis



Emily J. Manczunski



Ann Pfaff



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# TIME SENSITIVE INFORMATION



**“I was absolutely devastated after my son and daughter-in-law died, and I was in no condition to determine exactly what I was supposed to do next. Trying to act rationally when the world had - all of a sudden - become irrational was impossible. I am so thankful that I found out about the Truck Safety Coalition. An organization of people who know exactly what you’re going through, people who know what to do after these tragedies - it’s invaluable.”**

*- Jane Mathis, whose son and daughter-in-law were killed in a truck crash.*



## **After tragedy strikes, you are grief-stricken and disoriented.**

At the same time, you are inundated with information and required to take care of medical treatment and expenses, funeral arrangements and more. Below are some pieces of advice and steps you need to consider as soon as possible. If something is unclear, if you would like more information about a particular topic, or if you would just like someone to talk to about any of this, do not hesitate to contact the *Truck Safety Coalition* at (888)353-4572 or [info@trucksafety.org](mailto:info@trucksafety.org). We are always available to help you through these difficult times and to address any questions you may have.

If you or others were injured, make certain that you seek the appropriate diagnostic medical treatment immediately. You should seek medical attention even if you feel that you are not seriously injured. Injuries may be internal and often manifest themselves at a later date.

## **Do Not Sign Anything**

Enlist the assistance of someone knowledgeable to give you objective advice prior to signing anything. Never allow anyone to pressure you into signing something. Also, refrain from speaking about the incident with the trucking company, its insurance company, or its investigators.

When speaking to the trucking and/or insurance companies, avoid making a statement of any kind, even if you are told it will be "off the record." Also, do not downplay your injuries or damages. The bottom line is that companies often use highly questionable negotiation tactics designed to take advantage of you and your loved ones. When they contact you, you have the right to say, "thank you for calling, but I am not prepared to discuss this matter at this time and would prefer that you communicate with me by mail."

## **Contact the Investigating Authority**

Make sure your attorney or trusted friend contacts the investigating officer and asks if the state commercial vehicle enforcement team is investigating the crash and whether anyone has examined the driver's log books or the truck itself for violations. Obtain a copy of the police report and look for any discrepancies between the report and your understanding of the crash.

Ask the investigating authority and/or the prosecuting attorney's office if there is a victim's advocate office or a victim assistance program. If so, obtain the necessary contact information. It's their job to keep you informed about the status of any criminal charges and provide other services you may need.

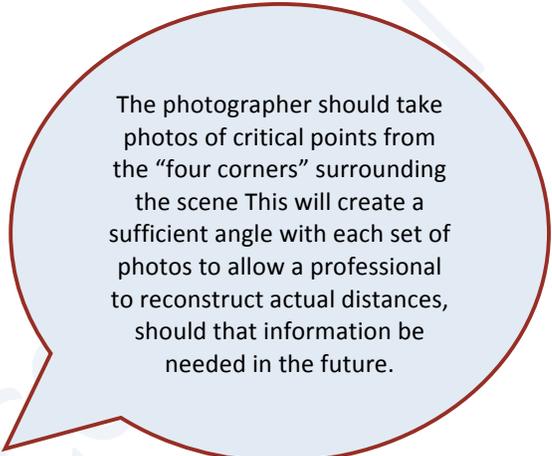
## **Collect & Preserve Evidence**

After a truck crash, it is critical to preserve evidence at the scene that may shed light on what happened. Trucking companies have accident investigators that are on call and dispatched to the scene of the crash as soon as the trucking company learns that there has been a collision. If possible, and in order to best protect your interests, collect contact information of any witnesses that were present at the scene, take or hire a professional to take photographs of the area and vehicles, and record the facts of the collision in as much detail as possible. If you are unable to do this immediately, make sure you have someone do it for you.

You need to make sure that the trucking company preserves the truck that was involved in the crash. Consider sending them a “spoliation letter”. This letter informs the company that it needs to make sure that all potential evidence is preserved. This needs to be done as soon as possible so that essential evidence is not lost or destroyed. There is frequently data in the truck engine “computer” that is easily lost or destroyed if affirmative steps to preserve it are not taken. This may be particularly true if the data would be helpful to you.

Trucking companies are only required to keep some important documents, such as the driver’s log, for a limited time. If pertinent documents and data are lost, protecting your rights can become extremely difficult, if not impossible. For this reason, do not sell or otherwise dispose of the vehicle involved in the crash.

Hire a professional to photograph / document the crash scene. The photographer should take multiple rolls of film of the crash location, the crashed vehicles, several approaches to the scene and of the victim(s). The photographer should plan on taking three times as many photographs as the he/she thinks are necessary; take shots from multiple angles and locations, and try to take the pictures at the same general time of day as the time of the collision.



The photographer should take photos of critical points from the “four corners” surrounding the scene. This will create a sufficient angle with each set of photos to allow a professional to reconstruct actual distances, should that information be needed in the future.



The photographer needs to remember to capture skid marks and “impending skid marks.” During the breaking process the tire begins to leave an imprint on the roadway before skidding. These marks are impending skid marks and can fade away within days after a collision. Laying a yardstick or ruler next to impending skid marks when taking the photographs can help in calculating distances. If a ruler is not available, a dollar bill can serve as a substitute, as it has a known size and can be used as a scale.



## Hire an Attorney with Truck Crash Experience

The best way to protect your interests after a crash is to seek the aid of a good attorney with significant experience in truck crash cases and trucking law to help you and your loved ones. Unfortunately, while attorneys who work for trucking companies have extensive truck crash experience, not very many plaintiffs' attorneys have this same level of expertise in protecting the rights of truck crash victims.

Truck crashes involve a different set of laws and regulations than other automobile crashes. An experienced truck crash attorney will be acquainted with the federal laws that govern the operation of tractor-trailers, and with the trucking industry as a whole. He/she will be able to review the facts of your case to determine if a company's negligence contributed to the accident.

### *Considerations in Choosing an Attorney:*

- How many wrongful death and personal injury cases involving trucks has the attorney handled?
- Is the attorney going to have the crash investigated immediately once retained?
- Does the attorney have immediate access to the best expert witnesses on truck crash issues?
- Can the attorney provide examples of when she/he has proven the police investigation to be incorrect/incomplete?
- Is the attorney intimately familiar with the regulations applicable to truck companies and drivers?
- Is the attorney considered an authority on truck crash cases by other lawyers and the truck safety community?
- Has she/he written articles or given speeches on truck safety and truck crash cases?
- What has the attorney done to help change the problems in the trucking industry?
- Is the attorney willing to provide you with references?



Families are not prepared for the devastation of a truck crash, and very few know how to locate the best attorney for the case. Unfortunately, too many people call the lawyer who handled their friend's divorce, their parent's estate, or their sister's car accident. Lawyers who do not regularly handle truck crashes tend to treat these cases as they would a simple automobile crash case, and fail to take the necessary steps to prepare the case adequately. Do not hesitate to expand your search for a lawyer beyond your city or even beyond your state. Use, but beware of the internet. Many lawyers hire "web optimizer" companies who put content on their websites about truck crashes when the lawyers have little truck crash experience. Truck companies are prepared and have very experienced truck crash lawyers on an "approved list" ready to go. You need to hire a lawyer who will level the playing field for you. The choice of an attorney to represent you is probably the most important decision you will make at this point. If you need help with this, call the *Truck Safety Coalition*.

***Things to Ask Your Attorney and/or the Truck Safety Coalition:***

- How are truck crash cases different from other personal injury cases?
- Approximately how long do these cases usually last?
- What can I expect in the weeks / months ahead?
- What is wrong with the trucking industry? What are you doing to address the problems?
- Should I hire an accident reconstructionist?
- Can you help me locate a good grief counselor?

## **Relevant Timelines**

Every state has statutes of limitations and procedural requirements that place deadlines on when you can file a lawsuit. Statutes of limitations differ from state to state and depend upon the nature of the claim. Some claims require notice to be given to the person or entity at fault within 60 to 90 days or the claim may be lost. Under the Federal Motor Carrier Safety Regulations, interstate motor carriers must systematically inspect, repair and maintain all motor vehicles subject to their control, and their drivers must keep logs regarding their working hours. They must maintain a record of inspection, repairs and maintenance indicating their date and nature. Regrettably, these records must be maintained only for a limited time. Additionally, every motor carrier driver must prepare a written inspection report on the truck he/she operated that day. The report must identify any defect or deficiency the driver has discovered or learned about which would affect the safety of the vehicle's operation or result in its mechanical breakdown. But, the company must only maintain the original inspection report and certification of repairs for three months.



Motor carriers are also required to maintain a driver qualification file for every driver. The file must include, among other things, the truck driver's application for employment, information regarding a driver's driving record, the medical doctor's certificate of the driver's physical qualification to drive a commercial motor vehicle, and a list of violations of motor vehicle laws. Some of these items may be removed from the file at various times. Simply put, in many cases the trucking company's own records may provide the most important clues and evidence you need to protect your rights. You want to obtain these records before they are discarded or destroyed.

There is no requirement for trucking companies to maintain ECM data (the truck's engine computer information) or other location or communication data generated by satellite communication devices, and it is especially important to request, in writing, that the company preserve this, and other information, as soon as possible.

*"I initially contacted my home town attorney and he said he could handle my truck crash case. The reality is that he was simply not qualified to look after my family's interests and I never felt confident that he was sincere in my pursuit of justice over my husband's death. I'm so glad I finally contacted The Truck Safety Coalition, but please do not wait like I did."*

- Nikki Hensley,  
whose husband was killed in  
a truck crash

### Questions?

**Contact the Truck Safety Coalition**  
**(703)294-6404 | [info@trucksafety.org](mailto:info@trucksafety.org)**



Jeannie, Desiree, & Amber Ferguson



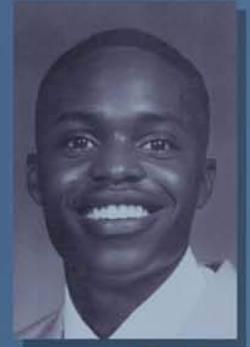
Walter L. Berry Jr.



Jill Suzanne Brandis



Dustin S. Boesch



Michael L. Banner

# In Memory of our Loved Ones WE HONOR THEIR LIVES



William Badger



Nancy L. Benoit



Farrell VanHorn & Tammy Boron



Chelsea Marie Burden



Quentin Bales



Al P. Chounard



Sidney Cardinale



Duane Domer



Channing Quinichett



Janelle Ann Marie Durk

# Working Together We Can Save Lives



Carla Sapsford



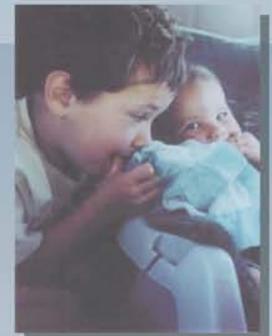
Sylvia Rhinehart-Phillips



Marvin Guy Petty



Tim Lyon



Andrew Saar & Issiah Hanson

# COPING WITH LOSS



**“No matter what you are feeling, it’s okay.**

There are people who will be telling you that you should be doing this and you should be doing that; they’ll tell you that you should be feeling better and that you should be back on the job and be 100%. There are these artificial time limits that are supposed to let you know when you should be better, and you think you’re crazy if you’re not. The reality is, wherever you are, that’s okay. And if you’re not ready right now to talk about regulations and changing the law and fixing the world, the Truck Safety Coalition is there just to give you a place to talk about whomever you lost. And if that’s all you need right now, that’s okay. Whatever you need, we’re right here. And we’ll still be here next week when you have different needs, and we’ll be here next year when you have different needs. And if someday you have a need to try and fix the world, we’ll be here.”

*-Dawn King, 2nd from left, pictured here with her siblings, whose father was killed in a truck crash.*



## Grief

Grief can take many forms following the loss of a loved one. Grief reactions are natural responses to such an unexpected and unimaginable loss. When someone is killed suddenly and violently in a truck crash, reactions of family and friends can be intense, complicated, and long-lasting. You may feel angrier than you have ever felt and sadder than you thought possible. You may have frightening thoughts and feelings about the crash and the future, or you may do things that seem out of your character. These are all some of the common reactions that may be associated with the traumatic death of a loved one.

This section includes information on some of what you and your loved ones can expect in the time ahead, as well as advice that may prove helpful. For many people, grief is uncharted territory and can be very unsettling. Understanding more about your grief will not change how you feel, but it may help you to feel more comfortable with the process. Reaching out to a friend or counselor can be very beneficial. The *Truck Safety Coalition* has a grief counselor on retainer and a network of volunteers who are available to talk with you about any of these issues and more. Our volunteers have also experienced the death of a loved one in a truck-related crash and have an understanding of the process that you are going through. We also have a list of additional resources you may find helpful.

## Counseling

At conferences for truck crash victims, it is very common to hear people say that they wish they had not waited so long to go for counseling. For some reason, many people put off locating a good counselor and then also put off going to counseling sessions.

The vast majority of our volunteers would encourage a new victim to go to counseling and would encourage them to go earlier rather than later. If you go and do not like it, try a different counselor rather than simply discontinuing your sessions.

The *Truck Safety Coalition's* grief counselor is available to you by phone, and we can arrange for an immediate consultation with the counselor at no charge to you. Please call us at (888) 353-4572.

*"I find that a lot my friends from CRASH and P.A.T.T. are people like myself who lost a child in a crash. There is a shared understanding of the emptiness that other people can't always relate to."*

- Roy Crawford,  
whose son was killed in  
a truck crash



## Grief Responses

### ***Physical Symptoms***

During the first six months to a year after the loss of a loved one in a fatal crash, survivors/victims may be vulnerable to physical illness. Evidence suggests that intense grief weakens the immune system. There is also evidence that people beset by grief become susceptible to other sorts of mishaps because they are preoccupied with their loss. Additionally, your immune system is working overtime, and this may cause you to feel worn out.

You may have difficulty sleeping, or you may want to sleep all the time. You may feel nauseated and quit eating, or feel ravenous and eat everything in sight. Whatever you are feeling, you are not imagining things. During this early period of grief, try to eat healthy, get plenty of rest and see your doctor if any problems persist.

Some people find the pain too difficult and turn to alcohol or illegal drugs. Unfortunately, there is no easy fix to make the loss easier to bear. Alcohol and illegal drugs are likely to make your grieving process more difficult because both will contribute to irrational thoughts and depressed moods.

You may need short-term medication prescribed by your doctor to help you eat or sleep while grieving. If so, do not consider it a weakness. You have suffered severe trauma and professional care can be very helpful and may be necessary. If you need the help of prescribed medication, it will probably be only for a short time. Even if you don't want to feel better yet, you owe it to yourself and your family to stay in good health.

### ***Denial***

Following a violent and unanticipated death, denial is expected and functional to some extent. It allows a person to travel through grief at their own pace and serves them well until they are stronger and better able to cope. If you cannot think clearly or if you seem forgetful and detached, be patient with yourself. If you need help, ask for it. When you heard of your loved one's death, you may have gone into shock. Regardless of the initial impact, you may have soon found yourself in a state of numbness. Looking back now you may wonder how you could have remained calm. You may have completed some tasks that now seem impossible. You probably have a hard time remembering exactly what you did during those first few days. During this time, people may have assumed that you were strong when you were actually in shock.

### ***Fear & Vulnerability***

Many victims/survivors are surprised to find that they feel anxious, fearful, and powerless unlike ever before after the violent death of a loved one. Before the crash, you may have assumed that you were immune to this type of horrific adversity. Now you may feel that life is out of balance and that the world no longer makes sense. The part of you that was previously confident and carefree has been damaged.

You may feel that you and your remaining loved ones are more vulnerable now. It is important to think rationally and work hard to pick up and continue on with your life, even when it frightens you. Little by little you can overcome your fears.

### ***Anger***

Anger is a common grief reaction. You may be surprised by the intensity of anger you feel toward the person who killed your loved one. You may find that your anger is directed toward members of the legal system or



hospital staff. However illogical it may seem, many people direct feelings of anger at a family member or friend, or even at themselves for not having somehow prevented the tragedy. You may even be angry at everyone.

The injustice of your loved one's death, the deep hurt you feel, and the loss of future dreams may all add up to rage. Harmful things you think about doing must remain undone, such as hurting the offender. It is important not to act destructively in response to your anger. Many people find it beneficial to talk with someone about their feelings of anger or rage. Expressing these feelings can free the mind, enabling you to be more open and realistic in your thinking and planning for the future. Physical activity often helps. Some people run, clean house, or plant a garden. Others write in journals. Some cry, yell and scream while others find peace in working to change laws and regulations that would result in a more safety-minded trucking industry. How you choose to release your anger is not as important as acknowledging it and doing no harm to yourself or anyone else as you express it. Right now, you are overwhelmed, and the *Truck Safety Coalition* is here to help you through the grieving process and we will be here when and if you decide to help us prevent more tragedies in the future.

### ***Guilt***

Anger can become guilt over time. It is very, very common for survivors to feel somehow responsible for what happened or to think that they didn't do enough while their loved ones were alive. You may say to yourself, "If I only would have talked to him for another minute at breakfast, he wouldn't have been where he was," or "If only I had another chance to tell him that I loved him." Feelings of guilt involve numerous "should haves" or "should not haves." Regrets are normal, but you cannot change the past and there is nothing that you could have done to prevent the crash. It is important to remember that the crash was not the fault of anyone who was not on the road.

### ***Philosophy of Life***

People who have never been spiritual may find comfort in religion in the wake of trauma. Likewise, people whose faith plays a significant part in their lives often find that they have to reconstruct their personal philosophies to accommodate what has happened. Whatever your outlook, it is certain that this kind of tragedy will force you to work through your thoughts and beliefs.

### ***Depression***

A truck crash death causes multiple physical, psychological, and social losses. A victim/survivor also suffers secondary losses that stem from the initial losses. While grief reactions such as sadness, anxiety, anger, and fear are expected, more serious psychological complications can develop over time.

You may find your feelings are long lasting and are interfering with your abilities to function both physically and emotionally. Relationships with family and friends may be in jeopardy. These feelings may lead to thoughts of suicide or death and if they do, it is time to ask for help immediately. Clinical depression and anxiety can be debilitating but are very treatable.

### ***Post-Traumatic Stress Disorder***

When people are exposed to a traumatic event, they frequently suffer psychological consequences, such as depression or anxiety. Additionally, some people experience recurrent and ongoing recollections of the trauma, which can obviously lead to distress. You may be driving in your car and suddenly have thoughts about the crash



or perceive sensations (images, smells) that “bring you back” to the crash. You may wake up in the middle of the night in a panic due to a nightmare.

Moments like these typically come about without warning and over time can cause you to avoid situations that you connect with the crash or these recurrences. You may feel on edge, anxious, or always ready to react. Recollections can feel so painful and scary that they disrupt your normal activities and relationships.

Trauma victims/survivors who consistently experience all these symptoms for up to one month may be experiencing Acute Stress Disorder (ASD). If these feelings last longer than six months, they may be experiencing symptoms related to Post Traumatic Stress Disorder (PTSD). ASD and PTSD are anxiety disorders that may only be diagnosed by mental health professionals. If you are experiencing any of the above-listed symptoms or continue to be plagued by the trauma experience, it is important to seek professional help as both ASD and PTSD are treatable with a combination of therapies. With help, positive memories of your loved one will replace the distressing memories.

## Coping

Some people feel that they will never be happy again after a loved one dies. Some victims/survivors go through a period of time when they are not ready to feel better. Others are eager to feel better and work to find ways to do it. Whether you are ready to feel better or not, you might want to look to others who have survived a similar ordeal and have managed to regain strength and find happiness again. They can be encouraging models. The *Truck Safety Coalition* has a Survivors Network that can put you in touch with others who have also experienced a loved one being killed in a truck crash.

The world is forever changed when someone experiences such a trauma. Safety, security, predictability, and sense of control are all distorted. In order to regain a more accurate perspective of the world around you, you can work toward an understanding of the crash.

This search for meaning involves acknowledging your trauma and asking questions. At times there may be no answers, but nonetheless it is important to get answer to those you can. Asking specific questions about the crash and obtaining a copy of the crash report are ways to begin. You should retain an attorney with experience in truck crash litigation to help you navigate the process of investigation.

Your life will not be the same as it was before your loved one was killed. Learning to manage grief requires

### **Some Coping Tips:**

- Get support from a professional and/or a support group
- Do not be afraid to talk about your loved one
- Write about the experience in a journal
- Seek information about your loved one’s crash to answer those unanswered questions
- Understand that everyone grieves differently, and be especially sensitive to family members who may grieve differently than you
- Reinvest in life by reaching out to others and taking care of yourself mentally and physically



that you recognize, acknowledge, and accept all that is involved in the journey. Many people describe the grief process as a roller coaster with ups and downs along the way. However painful and difficult, grieving is necessary to heal and to find new meaning in life.

## Mourning & Triggering Events

You will always feel sorrowful knowing that your loved one died tragically and that the long relationship you might have enjoyed was cut short. However, this sorrow is not the emotional equivalent to the intense grief that most victims/survivors experience for the first months or years. A sense of sorrow is not the same as being overwhelmed by grief. While the initial responses to the death are defined by the term grief, mourning refers to the internal processes associated with adapting to life without your loved one. Some have described mourning as a “misty fog on life.” It feels as if life is not quite as bright as it was before.

Anniversaries, holidays, and birthdays often trigger reminders of the death or absence of your loved one. Perhaps the most significant and most difficult anniversary is that of the crash. The annual date of the crash causes much anticipatory anxiety and can contribute to increased grief for victims/survivors. The first anniversary will most likely be the most painful; however, it may also be an opportunity to respond to the death in a manner that was denied at the time of the crash. Commemorating your loved one’s death on this day helps everyone to celebrate his/her life.

Other annual celebrations will continue to take place year after year. In the past these times of joy brought you together. Now and forever they will trigger memories of your loved one. At first these holidays will be difficult, but later they will provide you with reasons to reminisce and begin new rituals. Planning ahead for holidays and birthdays not only allows you to prepare for those events, but also provides ongoing and open communication among family members.

## Healing

You will never forget what happened. If you are afraid to get better because you think you might forget your loved one, know that you will always remember. Healing does not mean that you loved the person less. You will always cherish the memory of your loved one. You will always regret that you were unable to share more time together. In time you will remember the happy memories more often than the painful ones that fill your mind now.

Nearly all victims/survivors are able to say that they are grateful they shared the life they did with their loved one for as long as they did. To experience depths of sadness and heights of joy is to be fully alive, fully human. Having feelings means that denial and numbness are no longer necessary and the fullness of the experience of trauma can be absorbed. You will be able to heal in time. For most, it takes years and hard work. Be patient with yourself!

*Getting better means:*

- *Solving problems and completing tasks in your daily work routine*
- *Sleeping well and having energy*
- *Feeling good enough about yourself to be hopeful about the rest of your life*
- *Being able to enjoy the beautiful things in life*



Moving forward can be a way of showing that life, as it was represented in your loved one, matters to you. It can be important, too, for others who love you and depend on you. For your own sake and the sake of those who need and love you, you have a responsibility to try to heal. You could not prevent the outcome of the truck crash that killed your loved one.

## Sorrow to Strength

When you are ready, the *Truck Safety Coalition* would like to invite you to our special part of the healing process. Sorrow to Strength is a conference we hold every other year for you; it is specifically designed for survivors of truck crashes and families and friends of those who have died or been injured. The conference allows us to come together for a weekend of sharing, remembrance, workshops and public policy education and activities to advance truck safety.

Sorrow to Strength is organized as an opportunity for us to discuss both personal experiences and how to work as a powerful, effective constituency. Throughout the conference, you will have the chance to meet with safety experts, elected officials, and other safety supporters. Additionally, you can share your story with others who have experienced similar tragedies. Finally, a special remembrance ceremony during Sorrow to Strength serves as a memorial to those we have lost.

Tragically, you are now a part of our community, but membership in this community means that you are not alone!

*“The conference is all about taking feelings of sorrow and helplessness and learning the skills that are needed to turn them into strength, guidance and advocacy. You don’t even want to think that your loved ones died in vain; you want their death to have meant something. You cherish some way to honor them and to honor their memory and there’s no better way to do it than doing whatever you can to prevent what happened to your loved one from happening to someone else.”*

-Jennifer Tierney,  
whose father was killed  
in a truck crash

### Questions?

Contact the Truck Safety Coalition  
(703)294-6404 | [info@trucksafety.org](mailto:info@trucksafety.org)

*The information contained in this brochure does not take the place of an informed discussion between the reader and a trained mental health provider. Symptoms and diagnoses described herein are for informational purposes only.*



Veronica & Jaqueline Carney



Marsha Nosekable Harris



Jeff Izer & Angie Dubuc



Laura Rose Karch



Stewart Christian Jimison

# In Memory of our Loved Ones WE HONOR THEIR LIVES



Heather Marie Olson



Kenneth Daniel Wolf



Josh Yoder



Vitiu Ann Varik



Angela Worona



Millie Woods



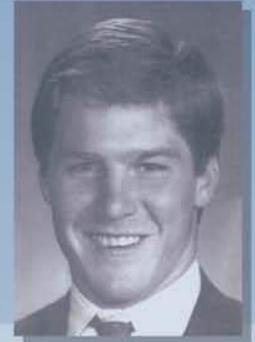
Kevin & Cody Skinner



Alice M. Worden

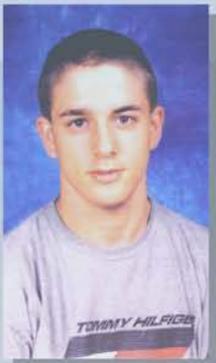


Donald Robert John



Patrick Virtue

# Working Together We Can Save Lives



Brad James Krick



Robert Harris Jr.



Teresa Marie Bruno

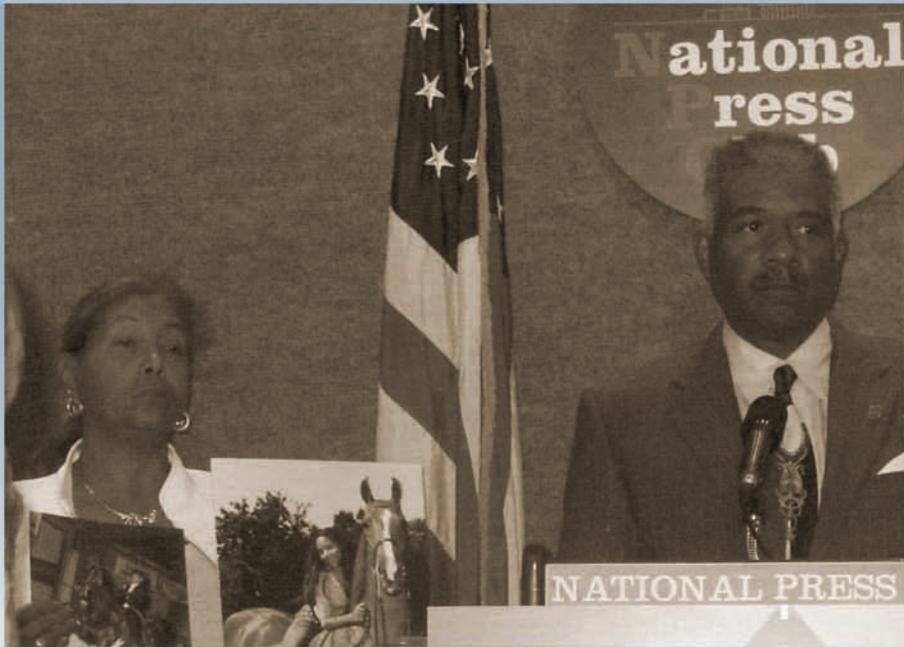


Cammy Laron Fisher



David Lee Shanbron

# LEGAL ASPECTS



“As a survivor, you need to be aware of the legal ramifications of your loved one’s crash. There might be a criminal prosecution; if so, get informed and stay on top of it. You probably also have a civil suit to consider. Find a lawyer with a lot of truck crash experience. Educate yourself: talk to the Truck Safety Coalition and your attorney. Make sure that you understand what is going on so that you can make sure your interests and your loved one’s interests are protected. Also, check in with your Physician and ask about seeing a grief counselor. Losing a loved one is an extremely emotional event. You want to be mentally prepared for the long road ahead.”

*- Rick & Anne Curl, whose daughter was killed in a truck crash*



## Legal Aspects of a Crash

It is easy to become distressed and confused when trying to figure out just how a truck crash lawsuit works. Often times the legalese, alphabet soup, and procedural mess of pleadings and motions make a lawsuit seem as if it was designed to be unintelligible. It is important, however, for you to understand some of the basics so that you feel more at ease with what is going on, and so you can do your best job advocating your position with your attorney.

### Criminal vs. Civil

Legal proceedings after a truck crash generally take two forms. If a truck driver's behavior violates the law, the state or county prosecutors may pursue a *criminal* case against the truck driver and the trucking company. This may result in a fine, the suspension of the driver's and/or employer's license, or imprisonment.

Many people assume that the prosecutor will do everything that is necessary to ensure that the truck driver and company are prosecuted; unfortunately, this is not always the case. Stay in contact with the prosecutor and the victim's advocate office to stay informed and to make your voice heard by the decision makers. Find out which attorney has been assigned to the case. If you do not understand the charges or any part of the process, ask the prosecutor to explain. When you talk to the attorney, let him/her know that you want to be kept informed; also send a letter formally requesting information updates.

In most states, there are laws that allow victims and/or survivors to write a victim impact statement. The statements are presented after conviction and usually before sentencing. The statement should tell the court how the crime has affected your life.

Whether or not the prosecutor chooses to prosecute, an injured person or relative of the deceased victim may pursue a *civil* case against the trucking company, the driver, and/or any other parties that might be responsible. Civil cases often result in a monetary settlement or award. If a case is settled, the settlement can also address steps to be taken by the trucking company to reduce the risk of something similar happening again.

### Who can sue, and who can be sued?

Very simply: anyone who is injured in a crash might have a case. Additionally, when someone dies in a truck crash, sometimes their loved ones (spouse, parents, children, siblings) can sue, sometimes his or her estate may; and in some situations, the estate and survivors might both have claims, depending on the state.

The truck driver may be sued for being negligent; he might have been speeding; he may have run a red light; he may not have been paying adequate attention to the vehicles around the truck; or he may have fallen asleep at the wheel. The trucking company may also have been negligent: it could have hired someone unfit to drive the truck; it could have failed to train the driver appropriately; it could have failed to keep up on the truck's maintenance; or it could have improperly supervised or retained an unsafe driver. Additionally, any party whose negligence may have contributed to cause the crash may be liable.



## Different States, Different Rules

Many laws and rules applicable to a truck crash case depend upon the state where the crash happened, where the trucking company does business, and/or where the lawsuit is filed.

States have different time period requirements for when a suit can be brought; they have rules regarding who is allowed to sue in certain situations; they require different standards of care from truck drivers; they have different rules concerning how the victim's fault (if any) factors into the damages equation; and they have different rules about compensatory and punitive damages.

On the other hand, many federal regulations created by the Federal Motor Carrier Safety Administration are applicable in truck crash lawsuits regardless of where the crash occurred or where the suit was filed. Familiarizing yourself with some of the basics may help you better understand the crash, your case, and some of the broader safety issues in the trucking industry. Obviously your attorney should be familiar with these regulations. You can ask the *Truck Safety Coalition* for help in understanding the regulations and how they affect safety on our nation's highways.

## Settlement vs. Trial

Cases are often settled out of court because trucking companies and insurers wish to avoid negative publicity and the wrath of an angry jury. An experienced attorney may be able to require a change in practice or equipment as part of the settlement to prevent the same tragedy from happening to others in the future. We strongly recommend that you hire a lawyer who is capable of treating (and willing to treat) the investigation and preparation of your case as though it will be tried. The defendants are preparing for a trial. Thorough preparation by the plaintiff's (claimant's) attorney is the surest way to achieve an appropriate settlement or verdict.

## Trial Process

All cases are different. There is no single description to cover all aspects of all cases. The following is a generic description of the progress of a truck crash case.

### A. Investigation.

The preparation of a case should begin immediately. After a serious crash, it is a certain bet that the trucking company's insurance carrier hired a "Rapid Response Team" (or "Go Team") to investigate the crash and gather evidence for their defense before the vehicles were even moved from the crash scene. The failure to have a similar team acting on your behalf as soon as possible can prejudice your position down the road. While the police or highway patrol may be investigating the crash, they are looking for criminal and traffic violations; they are not attempting to establish the elements of a civil case for the people who have been injured or killed. Many times the police investigation will overlap your lawyer's investigation, but that is not necessarily the case. If certain information is not preserved almost immediately, it can be lost forever. The trucking company knows this and they almost always hire their own investigation team. You should be at least as well prepared as the trucking company and their insurance carriers.

The Rapid Response Teams hired by the trucking companies are led by defense lawyers who routinely handle truck crash cases. The defense insurance companies have "approved" lists of very experienced



truck crash lawyers who focus their practice on defending truck crash claims. People who have been injured or who have lost a loved one do not have the benefit of years of experience in hiring expert truck crash lawyers. One of the best things you can do for yourself and your family at this difficult time is to spend some time locating the most experienced truck crash lawyer you can find. The lawyer does not have to be from your state or the state where the crash occurred. Have a family member help you search. Check references. Call the Truck Safety Coalition if you need help. While the timing of an investigation after a crash is crucial, the time spent locating the right lawyer is time well spent. Be wary of the Internet. Many, many lawyers' websites claim the lawyers are experienced truck crash lawyers. While such a lawyer may have handled a truck crash case or even several truck crash cases, that does not mean he or she has the necessary experience to do battle with the truck company's lawyers.

The lawyer you hire should immediately send a "spoliation letter" to the trucking company or its lawyer. This letter puts the defendant on notice that a claim is being made and requests that particular evidence relevant to the crash be preserved. If evidence is destroyed after such a letter, many states allow certain assumptions to be made that the evidence would have been harmful to the trucking company's interests.

#### **B. Filing the Lawsuit and Discovery.**

After the lawsuit is filed, formal "discovery" can commence. This will include written requests for information, interrogatories, requests for production of documents and requests for admissions, as well as depositions. Both sides may hire experts who may be witnesses or who may consult on the case. Frequently hired experts, depending on what issues are presented in a case, may include crash reconstructionists, safety experts, medical experts (or treaters), forensic economists, human factors experts, fatigue experts and engineers.

Depositions may be taken of anyone who may have relevant information. These are interrogations under oath taken of the witness (or the parties) by the lawyers in the case, with the proceedings taken down by a court reporter. Sometimes the depositions are also videotaped.

#### **C. Mediation**

It is very common, at some point in the preparation of the case, for the parties to agree (or for the court to require the parties) to mediate the case. Mediation is a non-binding procedure by which the lawyers and parties from each side have a meeting with each other that is conducted by a neutral third person to explore whether the case can be settled. There is no set procedure for a mediation to follow. The parties usually end up in separate rooms and the mediator goes back and forth between the parties, discussing issues in the case and conveying settlement positions. Even if a mediation may not result in a settlement that day, it may well set the stage for a subsequent settlement.

#### **D. Trial.**

At some point, if the case is not resolved, the judge will set a trial date. In some jurisdictions it is not uncommon for trial dates to be postponed or "continued." In other jurisdictions, trial dates may be



considered “in concrete.” In any event, when trial comes, it will usually be a jury trial, which means that disputed issues of fact will be decided by jury. Issues of law will be decided by the judge.

In the presentation of evidence, usually the plaintiff puts on his or her evidence first, followed by the defendant. At the close of all evidence, the lawyers make their closing arguments and the judge instructs the jury. The jury then deliberates and decides the issues raised by the jury instructions by reaching a verdict. Ultimately, the decisions made by a jury are whether to award monetary damages and, if so, how much. Generally their decision will be solely about a monetary award. A jury in a civil case cannot usually be asked to decide that a defendant should improve its safety performance, surrender a license, or take steps other than the payment of monetary damages.

### **Damages**

Damages are a way of understanding your injuries and your loved ones’ injuries in a monetary sense. While it sometimes might not make much sense to think about the loss of a loved one as a kind of damage that has a precise dollar figure, it is how the civil judicial system compensates victims. It is the legal way to hold a person or company accountable for causing a loss to another person.

*Compensatory damages* - also occasionally called “actual damages” - are paid to compensate the claimant for loss, injury, or harm caused by the truck driver and/or trucking company. Compensatory damages may be divided into economic damages and non-economic damages. Economic damages consist of loss of wages, medical bills, damage to property, the cost to replace services, etc. Non-economic damages are damages for pain, suffering, loss of companionship and loss of consortium.

*Punitive Damages*, on the other hand, are not awarded to compensate the plaintiff, but are imposed by the court in order to punish the trucking company for especially egregious recklessness or intentional misconduct. The hope is that the imposition of these damages will deter the company and similar entities from behaving so recklessly in the future.

### **Attorney’s Fees**

Most individuals cannot afford to pay a lawyer to pursue their case on the basis of a non-contingent hourly charge. Most plaintiffs’ attorneys are paid on a contingent fee basis. That is, the lawyer is paid a percentage of the recovery he or she may obtain from the trucking company (or its insurer), and there is no fee if there is no recovery. The fee may be “net of expenses” or “before expenses.” This is an important difference. It is better for you if the fee is calculated after the lawyer’s expenses are first repaid out of the recovery. The law firm should also be willing to “front” the expenses, and not require you to pay them while the case is ongoing. The expenses for experts, travel, depositions, etc. can add up quickly and most people cannot afford to pay them on their own. Be sure the lawyer is willing to spend the expenses necessary to properly prepare the case. If a lawyer wants to wait to see if the case will settle before he or she is willing to put significant time and expense into the case, consider finding a different lawyer. The best way to achieve a good settlement is for your lawyer to prepare, prepare, prepare. The defense must know you are capable and willing to go to trial if necessary.



### **Underinsured Insurance**

You should check into your own insurance coverage for Underinsured Motorist Coverage (UIM). Frequently, a trucking company does not carry enough liability insurance to cover the amount of damage it has done. The coverage may be based on whether you have more insurance than the defendant has, or whether you have more in damages than the defendant has in liability limits, depending on your policy and the law of the state in which you live or the state where the crash occurred. You should ask your insurance agent for a copy of all of your auto insurance policies and any of your excess (or umbrella) policies, along with the “declarations page” for each policy, and provide copies to your attorney.

### **Interpleader**

If it is clear that a defendant does not have enough insurance to cover the damages caused in a crash, the defendant’s insurer may file an “Interpleader” lawsuit against all the claimants and against its own insured. The purpose of such an action is to ask the court to declare that there is only so much insurance and to require all injured persons to “interplead amongst themselves” as to how the insurance proceeds should be distributed among the claimants. Unfortunately, due to the disparity in size and mass between trucks and cars, trucks often collide with multiple vehicles and cause injury and death to many people in one crash. This problem is compounded by the fact that the minimum insurance for trucks is only \$750,000.00 and that amount has not been raised since 1980.



Blair Arnspiger



Michael C. Balke



Connie & Joshua Beddingfield



Mary Beebee



Beatrice S. Brandis

# In Memory of our Loved Ones WE HONOR THEIR LIVES



Daniel F. Getty



Daniel Ettridge



Virgil L. Hensley



Wayne Knight



Mekenzie Lynne Hlavinke



Carl L. Hall



Richard Frasier



Teresa Anne Gholson



Ernesto Garcia III



Guy Champ Crawford

# Working Together We Can Save Lives



June & Paul Siegmund



Shannon D. Wagner



Tamara Lynn Mills-Hadley



Nick Liberatore



Raymond Rainwater

# ADVOCACY



**“I had to find a way to work through my father’s death**

**and try and make sense of it, and advocacy has been that avenue... It’s a never-ending battle trying to make our highways safer, but at the same time, there’s no better way to honor the memory of your loved one than to work on these issues... And if we – the families who have experienced the catastrophic tragedy of these crashes - don’t pull together and advocate for safer trucking, then who will?”**

*- Jennifer Tierney, whose father was killed in a truck crash*



## When You Are Ready

Unfortunately fatal truck crashes and crashes resulting in serious injuries happen every day in our country. Although at first it might seem like these crashes are “accidents,” there are recurring causes for them, such as overtired truck drivers, overweight trucks and poorly maintained brakes and equipment, to name just a few. The Truck Safety Coalition advocates for improvements to truck safety laws and regulations, and one of our most effective methods is working together with people like you. Throughout the years we have worked with many survivor volunteers who have decided to take action in memory of their loved ones. And, working together we have made a difference.

When you feel that you are ready, just call or email us -- it really is that simple. No matter what your background or experience is, you can help. It does not matter where you live or how much time you can give. We can find a way to match your interests and skills that will help to advance safety and promote change. For example, we need people to clip out newspaper articles about truck crashes in their areas; we need others to keep an eye on what their state agencies and legislatures are doing about truck safety laws; we need people to send emails to their elected officials; we need family members to share their stories; and, this list continues.

One of the best ways to take the first step is to attend our Sorrow to Strength conference. The conference begins on a weekend during which time you will meet other people from throughout the country who have loved ones who were killed or suffered serious injuries in truck crashes. We hold sessions on a variety of topics including grief management, using the media to get your message heard and truck safety advocacy. We arrange meetings for you to talk with your Members of Congress, together with one of our staff, on the Monday and Tuesday after the weekend sessions. People who have attended Sorrow to Strength have shared with us that the conference has helped them in their grieving process and to become empowered. Please see [www.trucksafety.org](http://www.trucksafety.org) for more information.

## Issues

We work on many truck safety issues to advance safer drivers and safer vehicles. Some of the issues we are currently pursuing are:

### **Truck Size and Weight: Opposing Increases in Current Federal Truck Size and Weight Laws**

Bigger, heavier trucks are more dangerous and destructive. Making existing trucks heavier increases crash risk due to poorer braking and more rollover crashes. Numerous federal and private sector studies have shown that longer, heavier trucks operate with lower safety margins on both Interstate and lower class roads. The Truck Safety Coalition strongly supports retaining the 1995 legislated freeze on longer combination vehicles (LCVs) and the current federal size and weight limits and opposes any special trucking interest exemptions to roll back safety.

### **Hours of Service: Advocating for a Commonsense Truck Driver Hours of Service Rule that Reduces Fatigue**

The U.S. Department of Transportation (DOT) and the National Transportation Safety Board (NTSB) have repeatedly cited fatigue as a major factor in truck crash causation. The current federal hours of service (HOS) regulations allow truck drivers to drive up to 11 hours after 10 consecutive hours off duty. This



rule, which was first issued in 2003, dramatically increased truck drivers' workdays by 40% more hours over 8 days and allowing them to drive 28% more hours over the same time period. Safety groups challenged the regulation twice in court and were victorious both times. The Truck Safety Coalition has been urging DOT to issue a new HOS rule that reduces daily and weekly work hours.

### **Mandating the Use of Electronic On-Board Recorders (EOBRs) for Every Truck and Bus**

EOBRs can automatically record the hours that commercial operations drive trucks and motor coaches in interstate commerce. It is a well known fact that hours of service violations are routine among big truck drivers. Currently, trucks use paper logbooks often called "comic books" because false entries are so prevalent.

### **Increasing Minimum Insurance Levels for Motor Carriers**

Minimum levels of insurance for trucks are \$750,000 and \$5 million on motor coaches. Levels have not been increased in 30 years and are woefully deficient. Consequently, a very large portion of the damages and losses caused by truck crashes is imposed upon the American motoring public and not the trucking industry. If the industry were to be required to absorb the losses it causes, there would be significant changes in the industry which would result in safer highways for all. At a minimum property-carrying motor carriers should be required to carry at least \$5 million per incident and transporters of hazardous materials and people should be required to carry at least \$15 million worth of coverage.

### **Urging DOT to Issue Overdue Safety Standards on Rear and Side Underride**

In an underride crash, a passenger vehicle goes partially or wholly under a truck or trailer, increasing the likelihood of death or serious injury to the passenger vehicle occupants. It is estimated that front, side or rear underride occurs in 50 percent of all fatal crashes. The TSC has been urging DOT to issue a rule that requires all trucks and trailers to be equipped with velocity-sensitive, energy-absorbing rear impact guards and side panels mounted lower to the ground (16 inches) to effectively protect car occupants from death and injury in rear and side impact crashes. Proven safety technology is available.

### **Reducing Speed Limits for Trucks: Set Speed Governors at 65 mph**

When tractor-trailer trucks travel at speed rates of 55 mph or higher, it significantly increases the likelihood the truck will either jackknife or rollover. Additionally, trucks traveling at 65 mph have nearly twice the force of impact in a crash than at 55 mph. Large trucks require much longer distances than cars to stop. In fatal two-vehicle crashes involving a passenger vehicle and a large truck, 97 percent of the deaths were the occupants in the passenger vehicles.

### **Getting Started**

As someone whose life has been affected by a truck crash, you have a unique perspective and critical voice in the truck safety debate. As a citizen you have the right to express your opinion to government leaders and your elected officials. Public officials work to serve the people. They cannot do their jobs effectively if they do not hear the opinions and interests of the people, especially the citizens of their states who vote them into office. The Truck Safety Coalition can work together with you so that you can communicate your views effectively and to the appropriate officials.



You have several elected officials at the federal and state levels with different decision-making authority. The United States Congress is comprised of two “Houses,” the Senate and the House of Representatives. You have one member of the House of Representatives who represents your district, and they are referred to as Congressman or Congresswoman, or Representative. You have two Senators who represent your state. To learn about the legislative process in the Houses and to find out who your Members of Congress are, you can visit [www.house.gov](http://www.house.gov) and [www.senate.gov](http://www.senate.gov).

Each state has its own state legislature. Most are comprised of two “Houses,” the Senate and the House of Delegates or the Assembly [Note- some are House of Representatives]. Members of a House of Delegates are called Delegate, and members of an Assembly are called Assemblyman or Assemblywoman. A simple way to find the website of your state legislature is to do a “google” search, i.e., search for “Alabama state legislature.” On these websites you can learn about how your legislature works and who your state representatives are.

The two levels of government are responsible for, or have jurisdiction over, different truck safety issues. If a truck is traveling solely within one state, it must comply with State and local regulations, as well as some select federal regulations. If a truck is traveling between two or more states, it is engaged in “interstate commerce” and must comply with State and local regulations, as well as all federal regulations.

The chief functions of the Members of the U.S. Congress and the state legislatures are:

**Lawmaking:**

- Studying, debating, and voting on legislation.
- Proposing, drafting, and modifying laws and programs as necessary.
- Funding government programs.

**Representing:**

- Serving constituents living in their district.
- Assisting citizens in their dealings with government.

**Monitoring:**

- Overseeing the work of departments and agencies funded by taxpayers.
- Keeping the lawmaking process open, transparent and honest.

Building and maintaining working relationships with your elected officials and their staff is an important part of trying to create positive changes in safety. Typically, each staff member is responsible for specific issues on which they advise the elected officials. The staff has the ear of the Member of Congress on a daily basis, and it is his or her job to keep the Member informed of developments on their assigned issues. When legislation regarding that issue is being considered, the Member of Congress looks to that staff member for guidance.

Members of the House of Representatives have offices in their districts and in Washington, D.C. U.S. Senators have several offices throughout the state. You can request a meeting with your Senators and



Representative at any time in any of their offices. Every meeting that you have is important and there are some key points that will help you have a successful outcome. While each congressional office is different, there are similarities in how they are organized. Here is a list of the typical staff titles you will likely find in Congressional offices on Capitol Hill:

**Chief of Staff / Administrative Assistant:** The Chief of Staff or “AA” is usually the most senior staff position for a Member of Congress.

**Legislative Director:** The “LD” helps determine the legislative priorities for the office. This staff member is knowledgeable on most current policy and familiar with the Member of Congress’ position on those issues.

**Legislative Assistant:** Most offices have several LAs. Each LA is assigned to specific policy issues. You should be working with the LA responsible for transportation issues, also known as the “transportation LA.”

**Legislative Correspondent:** Congressional offices receive a tremendous amount of correspondence on federal issues. The “LC” helps to handle responses to constituents and works closely with LAs. At times the LC is given an issue on which to work. Usually, the information about that issue is filtered through the LA before it ever gets to the Member of Congress.

The district office(s) in the home state is/are focused on constituent relations and services and often passes issues of federal policy and legislation on to the Washington, D.C. office. However, the district office is the only point of contact most constituents have with the Member of Congress. Since this office reads the pulse of the community and helps the Washington, D.C. office determine the major local concerns, it is important that the staff in this office know that truck safety is a priority in the community. The staff in this office is critical in arranging local meetings with the Member of Congress. For these reasons, it is important to establish a relationship with the district staff. A typical district office consists of the following staff:

**District Director:** This staff person works in the local office. The District Director works with the Chief of Staff/AA in Washington to ensure the Member of Congress is knowledgeable about the local concerns.

**Field Representative:** This staff person’s job is to be a liaison in the community. Typically, the workload in the district office is divided by either geography or issue and the field reps are assigned specific sections.

**Case Worker:** Caseworkers usually work on specific constituent problems such as getting a passport or visa, solving problems with social security payments, etc. For advocacy purposes, these are usually not the staffers with whom you should be working on truck safety policy.



The three main ways to communicate with your elected officials are:

1. **Call your elected officials**
2. **Write your elected officials**
3. **Meet with your elected officials**

### Calling Elected Officials

Calling your elected officials is a good way to begin the advocacy process. It provides an initial opening of dialogue between you and your representative. The Truck Safety Coalition often distributes Action Alerts which include information to assist you in your calls. The following are some recommendations for making phone calls to your elected officials:

- **Prepare.** Have an outline or list of talking points of what you intend to discuss with the legislator. If necessary, do research so that you know the subject and its relevancy to current legislation. When we distribute Action Alerts, all the information you should need will be included.
- **Identify yourself.** Give your name, address and affiliation with the Truck Safety Coalition.
- **Relax.** If you are nervous, relax and treat the phone call like a normal, casual business conversation. Do not read verbatim from your notes, but speak clearly and slowly.
- **Be brief.** Concisely state why you are calling, your position and make your point.
- **Identify the legislation.** If you are calling about specific legislation, make sure you identify the legislation by name and number, or by its sponsors. If the legislator or staff person is not familiar with the legislation, provide him or her with a brief summary.
- **When appropriate, ask for a viewpoint and vote.** It is not always the easiest thing to accomplish, but when possible, try to find out the legislator's views on the legislation, and ask for a commitment to support your position on the bill by voting for or against the legislation.
- **Don't argue.** While you can discuss your position on an issue or bill, it is ineffective to engage in an argument with the legislator or staff person. You will be more likely to get your message across by keeping your cool, and your conversation clear and succinct. Be courteous, direct and fair.
- **Don't get discouraged.** Don't give up if you get a busy signal when you call. This simply means that others are getting through with a message as well. (You can always send a fax or email if you can't get through right away). Also, don't be discouraged if you speak with a staff person. Conduct the conversation as you would with the legislator.
- **Follow up.** Send a thank you note to the legislator or staff person. Although listening to citizens' views is part of their jobs, this is a courtesy and a great opportunity to briefly restate your position in writing while building an ongoing relationship.
- **Be positive.** Positive phone calls to your legislator can be very helpful. If your official has recently supported truck safety legislation, a thank you or commendation is always received favorably.

### Writing to Elected Officials

Writing a letter to elected officials can be a very effective way to convey your thoughts and concerns on an issue. It is an important way to document your position and it is something that the official and staff can refer back to, long after a phone call or meeting is over. Letters to your own legislators are



especially important, as you are the ones to which they are ultimately responsible for voting them into office. When an elected official receives numerous letters on a specific issue, it does influence his or her position and vote.

Here are a few tips:

- **Email or Postal Mail.** If you are writing to a Member of Congress, emails or faxes are highly preferred to postal mail because letters go through a security process and take a long time to be delivered to offices. All Members have websites and if you are a constituent, you can write your letter to them on their sites (sometimes you can if you are not a constituent as well). If you are not able to send a letter through their site, you can call their office and ask for the most efficient way to transmit your letter, i.e., email the Transportation Legislative Assistant. You might want to print out your letter in case it gets lost in cyber-space and also for documentation should you have a follow-up meeting with your representative. If you are writing to a state elected official while they are in session, mail the letter directly to their office in the state capital. If the legislature is not in session, send the letter to the legislator's district office address. Or, you can also send emails to most state officials on the state legislature websites.
- **Write your own thoughts and words.** Write about your personal experience and how the issue affects you. The combination of knowing your facts and having personal experience is very powerful. Remember to be brief and direct. Clearly state your position on the issue. Show your knowledge in a concise format. Be direct and firm, but not hostile.
- **Identify yourself.** If you have met the legislator before, personalize the letter by noting briefly when and where that occurred so he or she can place a face with your name.
- **Address elected officials properly.** On the federal level, a member of the House of Representatives is, "The Honorable Jane Doe," then "Dear Representative Doe:". A Senator is, "The Honorable John Smith," then "Dear Senator Smith:". On the state level, you will need to check for the proper titles for your state representative.
- **Be concise.** A one-page letter is more likely to be read than a longer one.
- **Mention legislation.** If appropriate, cite a specific bill number and name or its principal sponsors. If the bill is not well known, a short summary of the bill may be helpful.
- **Request a specific action.** State exactly what you want the elected officials to do. For example, ask the legislator to support or oppose a particular bill or amendment, request a hearing, or co-sponsor a bill.
- **Ask for a reply.** If you ask a question or request something, ask the legislator for a reply explaining his or her position and include your return address in the body of the letter.
- **Write a follow-up letter.** If you asked for a reply and did not receive one, write another letter asking for a response. If the legislator supports your position on an issue, send a thank you note. It will be a refreshing change to most letters they receive.

### Meeting with Your Elected Officials

Meeting with your elected official is simply a face-to-face version of writing a letter or having a telephone conversation. Most legislators want to meet with citizens from their districts to hear their concerns and recommendations. You only have to be passionate about an issue to get your message across, not an expert lobbyist.



When you are arranging a meeting with a Congressional office, don't be disappointed if you are not able to meet with the Member of Congress right away. Frequently, you may be referred to the staff member assigned to transportation issues before meeting with the elected Member of Congress. By using this approach, you may be able to gain the support of the staff who will help brief the Member of Congress on your issues. By the time you meet with the Member of Congress, he or she is fully aware of the issue and in a better position to publicly state support or opposition.

### **Scheduling a Meeting**

- Call your legislator's office and explain that you are a crash survivor and/or constituent and would like to make an appointment. On the federal level, you will probably be referred to the Member's scheduler or appointments secretary.
- Briefly explain which issue you would like to discuss with the legislator.
- If the legislator is unavailable, request a meeting with a staff person who is responsible for or knowledgeable about your issue.
- On the federal level, most congressional offices will ask that you fax or email a meeting request. If you plan to discuss a specific bill, you should mention it and provide a brief summary. If you plan to discuss general truck safety issues, it would be helpful to include what they are in the email or letter.

### **Preparing for the Meeting**

- While determining the message you wish to convey, keep in mind that you may only have a 15 minute meeting. Include brief personal experiences, which demonstrate why this issue is important to you or the group. Be sure to bring photos of your loved one. Keep your message brief and clear so that your legislator understands the issue and has time to respond.
- Answer the legislator's questions as best you can. Don't make up answers. If you can't answer a question don't worry. Make a note of the questions you could not answer and tell the legislator you will follow up and provide the answers after the meeting.
- Keep the discussion focused on the message you are there to convey. Be prepared that some people will be very compassionate, while others may be indifferent. If you meet with a Member, they may politely acknowledge your issue and then try to direct the conversation to other issues. Don't take it personally. Be confident and remember you are there for the right reasons. If the discussion gets off course, steer it back to the issue. Always be courteous. If you are not seeing eye-to-eye with the legislator and are frustrated, move on to another part of the issue or politely end the meeting. Maintaining the legislator's respect is important since you may work with him or her on another issue in the future.
- Be flexible. If Congress is busy, you might wind up having a meeting in a hallway – where you meet doesn't matter.
- Remember to leave the legislator and the staff a copy of your fact sheets, letters, and other information.
- Thank the legislator or staff member for his or her time, even if no agreement was reached on the issue.



### **After the Meeting**

- Immediately jot down some notes regarding the main points of discussion, the legislator's remarks, any unanswered questions, etc. If you did not get the aide's business card, make sure to write down his or her name.
- Complete your research to find information for unanswered questions.
- Promptly follow up with a thank you letter. Use this to restate your key points, respond to outstanding questions, and reiterate any commitments the legislator made.

As we all know the first time you do anything is usually the most difficult. If these actions seem daunting, please know that the Truck Safety Coalition is here to help you all along the way. Again, just call or email us and we will provide any assistance you need.

### **Questions?**

**Contact the Truck Safety Coalition**  
**(703) 294-6404 | [info@trucksafety.org](mailto:info@trucksafety.org)**



Robyn Lynn Jones



Christine Jones

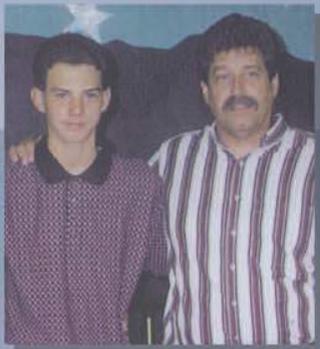


Peggy Johnson



Bob, Marie, and David Jennings

# In Memory of our Loved Ones WE HONOR THEIR LIVES



Joshua & Dwight Heslep



Dawn Marie, Stephen & Michael Michaud



Sara Dawn Engelke



Karen Jeannette Hodgerson



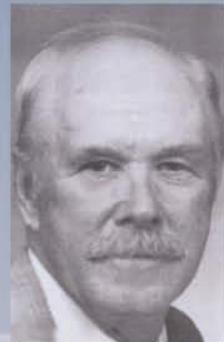
Ralph William Jones



Delaina Hodgson



Amanda D. Duvall



James E. Champ Jr.



Angela Sue Gettis

# Working Together We Can Save Lives



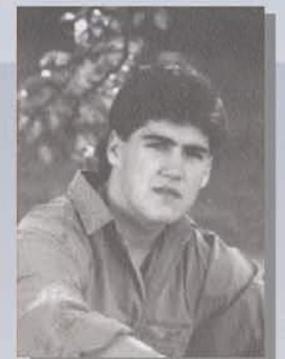
Mark E. & Anita L. Boise



David A. Phillips



Barney Hamer

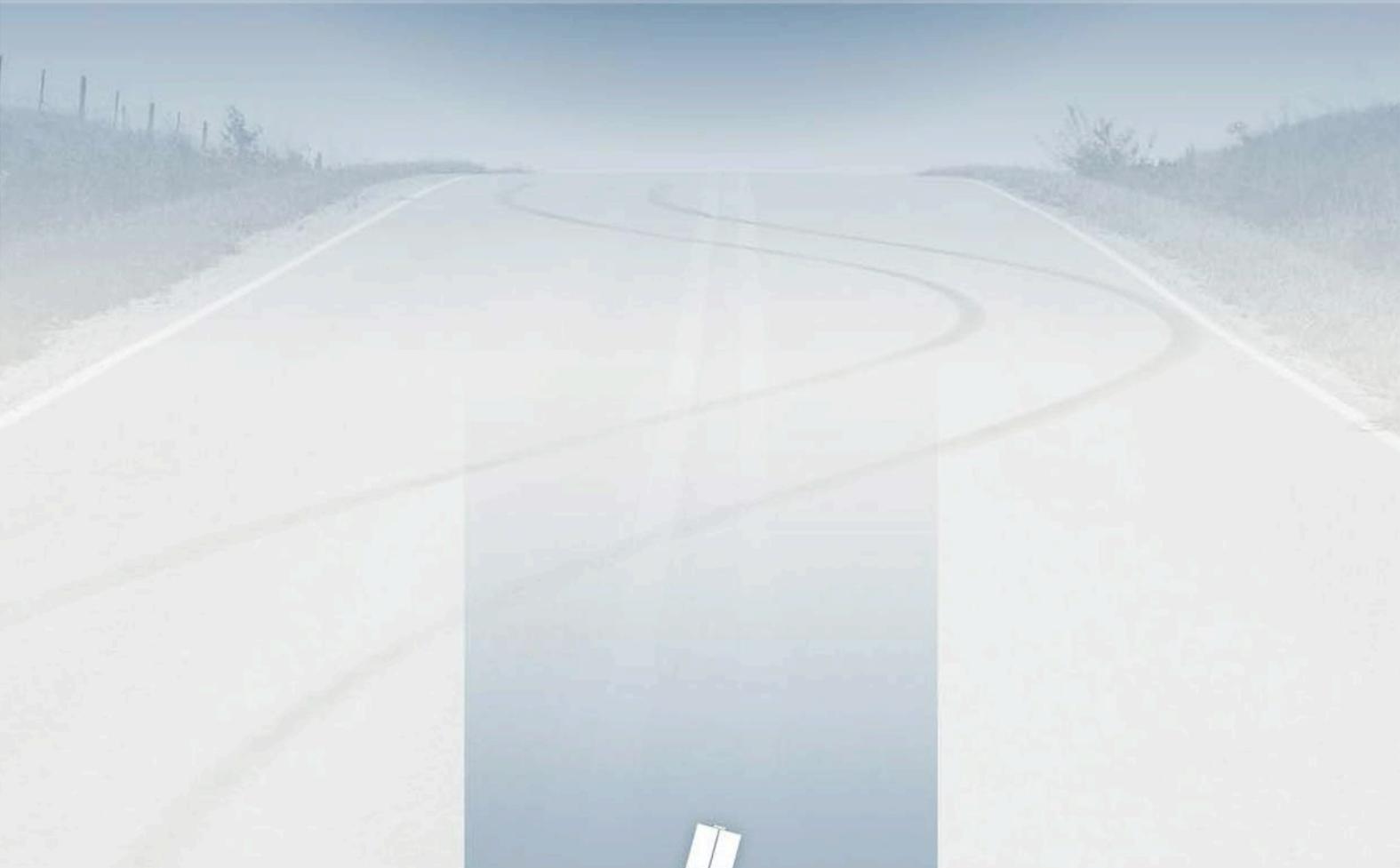


Jasen Matthew Swift



# GLOSSARY

Terms and definitions to help you navigate  
advocacy and the legal process



Citizens for Highways and Auto Safety



Parents Against Tired Truckers



## **Accident Reconstructionist**

An expert who specializes in determining how an accident took place by examining the vehicles, the accident scene, photographs and other data and applying the laws of physics. They are often utilized in lawsuits by both plaintiffs and defendants. Talk to your attorney before hiring one.

## **CDL**

Commercial driver's license – license which authorizes an individual to operate commercial motor vehicles over 26,000 pounds gross vehicle weight as well as buses.

## **Commercial Vehicle Enforcement Team**

State police unit that specializes in commercial vehicle monitoring and investigation. The officers conduct inspections, investigate crashes, and train local police.

## **Compensatory Damages**

Damages paid to compensate the claimant for loss, injury, or harm caused by the truck driver and/or trucking company. Compensatory damages are sometimes divided into economic damages and non-economic damages. Economic damages consist of loss of wages, medical bills, damage to property, etc. Non-economic damages are damages for pain, suffering, loss of companionship and loss of consortium.

## **Defendant**

The person(s) and/or company(ies) sued in a civil lawsuit or prosecuted in a criminal case.

## **D.O.T. – Department of Transportation**

Cabinet level department of the U.S. government, led by the Secretary of Transportation, appointed by the President of the United States. D.O.T. "Administrations" regulate all modes of transportation in the United States. This includes the Federal Motor Carrier Safety Administration, which regulates the operation of interstate trucking.

## **ECM**

Electronic control module or "black box" which often records a truck's activity in the seconds before and after a crash and may also include more extensive data. An ECM may erase or record over crash data if it is not downloaded and preserved soon after a crash.

## **EOBRs**

Electronic On Board Recording devices are computer-like devices that can be installed on trucks and connected to a variety of sensors to collect information about the truck is doing (speed, engine on or off, etc.), location of the vehicle (from GPS devices), and even communication between the truck company and the driver. They can be used to make sure that drivers log their time correctly and to assist with enforcement of the HOS (Hours of Service) rules, but their use at this time for such purposes is the exception rather than the rule. This is different from the ECM (Electronic Control Module) that controls the workings of almost all diesel engines, which may contain some of the same data about the engine and the truck.



## **Fatigue**

Tired truckers represent one of the most serious and prevalent safety problems in the trucking industry. At the 1995 Truck and Bus Safety Summit, truck industry experts and stakeholders listed driver fatigue as the “Number One Safety Issue” facing the trucking industry.

## **Financial Responsibility**

Safety regulations require interstate trucking companies to maintain at least \$750,000.00 in liability insurance coverage. This amount has not been changed since 1980 and is woefully insufficient. Increasing this minimum amount is one of our priorities.

## **FMCSA**

The Federal Motor Carrier Safety Administration is a separate administration within the U.S. Department of Transportation. The primary mission of the organization is to reduce crashes, injuries, fatalities, and property loss involving large trucks and buses by regulating the workers and businesses involved. They are responsible for developing and enforcing the Federal Motor Carrier Safety Regulations.

## **FMCSR**

Federal Motor Carrier Safety Regulations. Trucking companies operate under authority granted by the federal government and are subject to safety regulations aimed at reducing accidents and saving lives.

## **Hours of Service**

Safety regulations govern how many hours commercial drivers can drive and remain on duty, as well as how long they must rest between tours of duty.

## **Logbook**

Safety regulations require interstate commercial drivers to record their hours of service and duty status for each 24-hour period.

## **Negligence**

The failure to use reasonable care. Negligence can be the commission of an act or acts, or the omission of an act or acts. In a truck crash case, many parties may be determined to have been negligent.

## **NTSB**

National Transportation Safety Board. An autonomous board that does not have regulatory powers, but which investigates problems and accidents involving transportation issues. This board makes recommendations regarding improvements that can save lives and reports back the responses to its recommendations. The FMCSA and the trucking industry have a very poor response record to the recommendations made by the NTSB regarding improvements to truck safety. Information from the NTSB is made available to our nation’s legislators and policy makers.



## **Plaintiff**

In truck crash cases, the plaintiff is the person who was injured. If a person was killed, the plaintiff can be the deceased person's estate or a family member, depending on which state's law applies.

## **Probate**

The legal process in which a will is reviewed to determine whether it is valid and authentic. Probate also refers to the general administering of a deceased person's will or the estate of a deceased person without a will. The court appoints either an executor named in the will (or an administrator or personal representative if there is no will) to administer the process of collecting the assets of the deceased person, paying any liabilities remaining on the person's estate and finally distributing the assets of the estate to beneficiaries as provided by law.

## **Punitive Damages**

Damages not awarded to compensate the plaintiff, but imposed by the court in order to punish defendants for especially egregious misconduct. The hope is that the imposition of these damages will deter the defendants and similar entities from behaving so recklessly in the future.

## **Rapid Response Team (or "Go Team")**

Claims professionals hired by trucking companies and their insurers to immediately investigate a crash, with the goal of determining the cause of the crash and/or minimizing legal responsibility. These teams, working for the trucking company, may include investigators, adjusters, accident reconstructionists, and attorneys who often arrive at the scene of the crash prior to the vehicles being moved. Sometimes they may even try to contact crash victims or their families to obtain statements or medical authorizations. Be sure you speak with a qualified lawyer before allowing any contact by these investigators.

## **Satellite Tracking Devices**

Many trucking companies equip their trucks with satellite tracking or communication devices that may provide data regarding the movement and location of its truck leading up to a collision.

## **Safety Rating**

The Federal Motor Carrier Safety Administration assigns each trucking company a safety rating based on factors such as the truck company's safety management controls, frequency and severity of regulatory violations, roadside inspection results, frequency and severity of accidents, and the number and severity of violations of state safety rules. A new safety assessment system, CSA 2010, is currently being implemented.

## **Sorrow to Strength**

A conference held every two years by the Truck Safety Coalition that provides a welcoming atmosphere for remembrance, compassion and sharing, and also serves as a forum where interested individuals can educate themselves about safety issues in the trucking industry and advocate for improvements.



## **Spoliation Letter**

Correspondence sent to a potential party to a lawsuit that informs him/her of the existence of a claim and the need for him/her to preserve various types of items and data that might be evidence in the case. In a truck crash case, the victim/survivor needs to have his/her attorney send a spoliation letter to the trucking company as soon as possible.

## **Statute of Limitations**

Laws that dictate when a claim must be made. Different states have different statutes of limitations, but typically, wrongful death and other negligence claims have to be filed within 1 - 3 years from the date the claim arose. There are some jurisdictions that require much earlier notice for particular types of defendants.

## **Survivors Network**

Truck crash victims and survivors from all over the country who are available to talk to those who have been injured in truck crashes and who have lost loved ones in truck crashes. Please contact the *Truck Safety Coalition* to be put in contact with one of our members. Remember - you are not alone!

## **Victim Impact Statement**

A statement that victims and their families can provide to the judge to consider at sentencing in a criminal prosecution. These statements allow victims to articulate the pain, anguish, and financial devastation that the crash has caused. Judges have little opportunity to communicate with victims and their families; a victim impact statement can provide essential information that leads to more appropriate sentences and more suitable restitution. Questions about how to prepare a statement or about the time and place of sentencing should be addressed to the prosecutor or victim advocate.

## **Victim's Advocate**

A specialized victim counselor who acts as a liaison between the prosecutor's office and victims of crimes and their families. If criminal charges are pursued in your case, determine if the prosecuting office has a victim's advocate. If so, make contact and stay informed. The victim's advocate should let you know about the developments in the case.

## **About the Truck Safety Coalition**



Jeanine Crawford



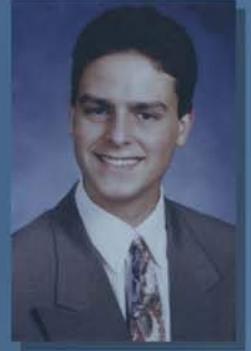
Kim O'Shea



Stacey Lynn Balascio



Joseph A. Cerisano IV



Paul Gotch

# In Memory of our Loved Ones WE HONOR THEIR LIVES



Casey Hinkle



Jared D. Getty



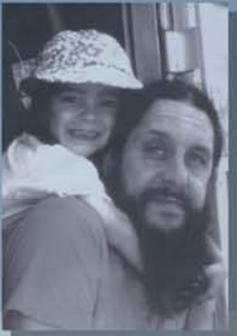
Ronald Eckert



Ann Kachmar



Pamela A. Rundell



Jennifer & Frank Reina



Ronald W. Phillips



Robert Stephen Weimann



Katie Leighton



Kevin Mortimer

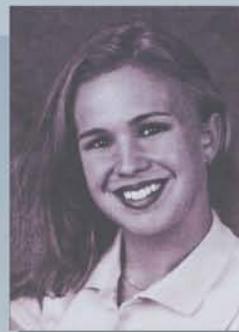
# Working Together We Can Save Lives



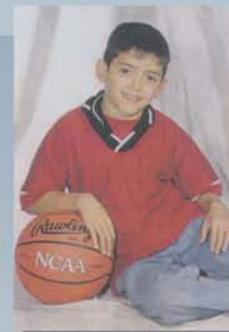
Colleen Denise Ewin



Luke Hausmann



Amy Elizabeth Corbin



Zachary Cody Garcia



Gary Andrew Anderson