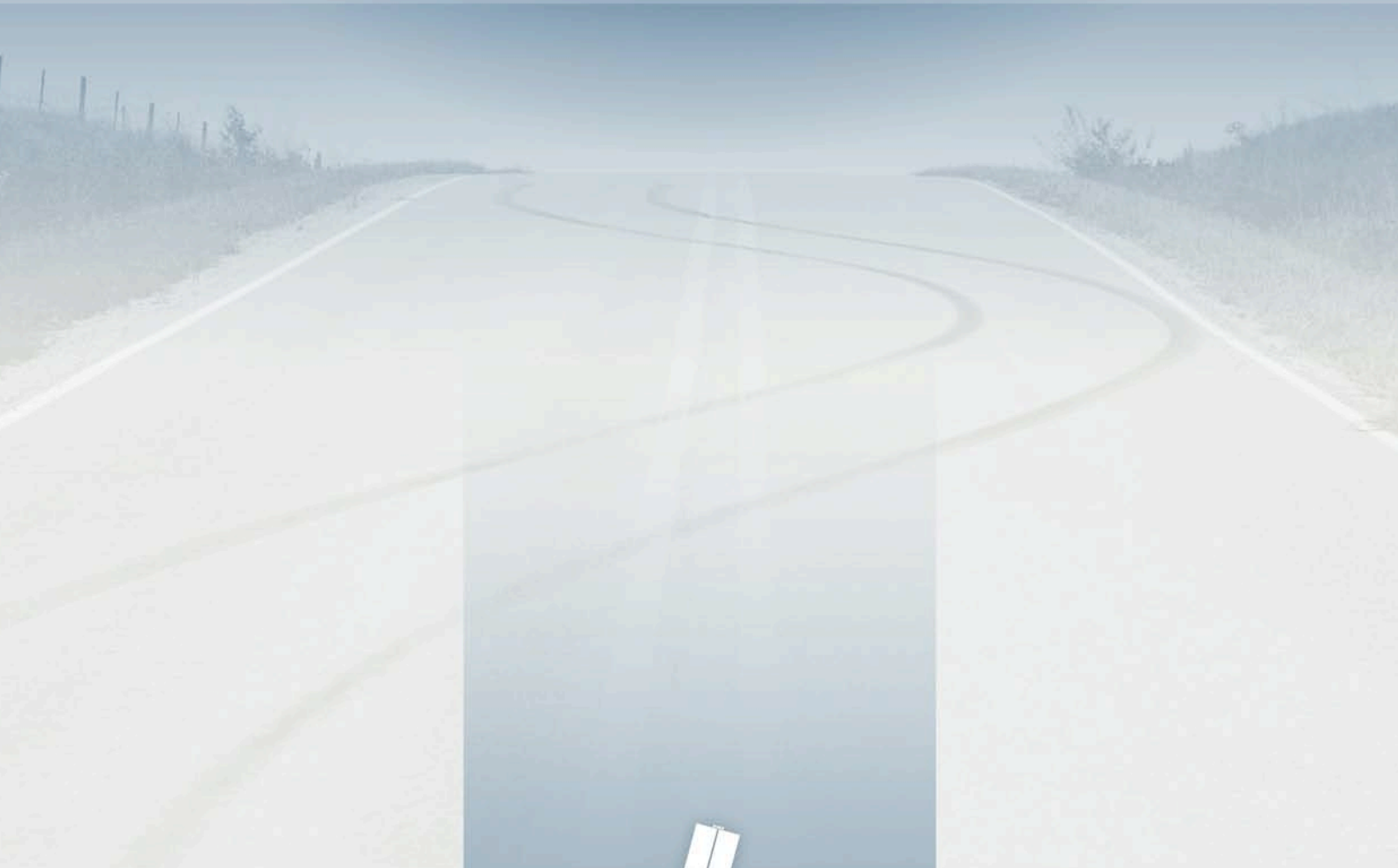




# GLOSSARY

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**





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## 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



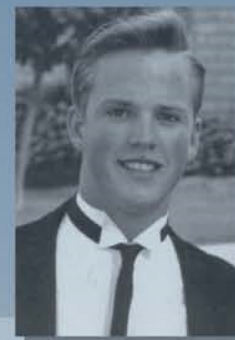
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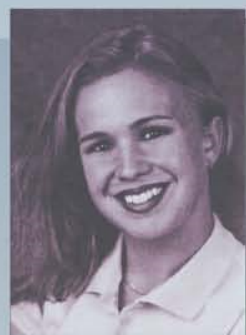
## Working Together We Can Save Lives



Colleen Denise Ewin



Luke Hausmann



Amy Elizabeth Corbin



Zachary Cody Garcia



Gary Andrew Anderson