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## **The First 48 Hours: Critical Steps to Achieving a Favorable Outcome in a Catastrophic Motor Vehicle Loss**

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### **Detailed Instructions for Trucking Liability Claims (On-Scene) per CIA's Standard Operations Procedures (SOP)**

#### **INTRODUCTION:**

On-scene trucking accident investigations continue to be a vital part of the success of CIA. It is important to be prepared to handle assignments regardless of the day or time of receipt, not only in terms of equipment and supplies, but also mental preparation. When a client calls during "non-business" hours, it is important that they reach an adjuster who displays an eagerness to be of assistance and willingness to do what is necessary to satisfy the client's needs. Customers are quick to pick up on any hint of reluctance or hesitation on the part of the adjuster, whether verbalized or not.

Speed, and a sense of urgency are paramount in the investigation of an on-scene truck accident, but thoroughness is not to be neglected.

It is the responsibility of the Branch Manager or the Admin Assistant to immediately assign an on-scene investigation to the closest available adjuster. This adjuster should then immediately be dispatched to the accident scene. **A call to the client to relay an estimated time of arrival is suggested.**

Following hereafter are detailed instructions with regard to the proper handling of on-scene assignments.

#### **On-Scene Investigation Guidelines -**

An On-Scene Investigation Guidelines Packet (**On-Scene Packet**) should be taken to the scene of every on-scene assignment to provide the adjuster with the necessary information and forms to properly handle of the assignment in accordance with CIA standards. The On-Scene Packet includes an On-Scene Checklist, Investigation Instructions, the appropriate forms to conduct a thorough investigation, and Customer Instructions for our most common transportation clients. Additionally, a copy of the On-Scene portion of these SOP's is also provided in the packet. The On-Scene Packet should always be kept handy and up-to-date for quick and easy access in the

event the adjuster is called to an on-scene accident while in the field.

#### EQUIPMENT

- Reflective Vest
- Flashlight
- 35 mm and/or Digital Camera (both recommended)
- Measuring tape or wheel
- Thermometer (for measuring the temperature of food cargo)
- Cassette Recorder and tapes
- Rain Poncho

#### FORMS – Found in On-Scene Packet

- Accident Fact Sheet
- Claimant & Witness Contact Form
- Scene Diagram Page
- Driver's Statement Page
- Tractor Spec Sheet
- Trailer Spec Sheet
- Non-Injury Statement – Driver
- Non-Injury Statement – Passenger
- Non-Injury Statement – Minor
- HIPAA Form
- Wage Loss Authorizations
- Brief Form Adjuster's Report
- Adjuster Daily Time Sheet
- Release of All Claims
- Property Damage Release

#### CLIENT INSTRUCTIONS

A number of our larger accounts have standing orders for trucking investigations. All adjusters should carry a **current** copy of our primary transportation client's customer instructions in their On-Scene Packet. Branch Administrative Assistants will print and provide adjusters with a copy of any instructions that have been updated for our primary transportation clients as they are updated. The adjuster must carry out any primary account handling instructions at all times. Additional specific instructions may be given to the adjuster by the client on a case by case basis. Specific client instructions supersede and / or supplement standard operating procedures.

#### ASSIGNMENT RECEIPT

All information possible should be obtained from the caller; and, if the assignment was not received directly from the client, a call should be placed to the client for specific instructions and further details. Additional details may include information on the police department involved, the mile marker location of the accident, any names available, and the possibility of hazardous materials or fuel spills etc. Whether the scene has been cleared should be determined. The adjuster is to then immediately go to the scene or wherever necessary.

#### TWO HOUR CALL BACK

(On after hours losses and if requested by the client at the time of the assignment)

When the initial investigation requires that we obtain information about claimants and potential injuries, a two-hour call back is to be made to the client to provide the obtained information. Information on the claimants can be obtained by contacting the investigating police, State Patrol or Sheriff's Department, hospitals for admitting information, or towing facilities who may be able to provide additional information.

#### ACKNOWLEDGEMENT

Some clients require an acknowledgment immediately by e-mail, fax or letter, confirming receipt of the assignment. **Acknowledgments should be sent out on all trucking liability claims unless otherwise specified by the Client Instructions.** If the assignment is received after normal business hours, the acknowledgement must be submitted to the client as soon as possible the next business day.

#### INITIAL INVESTIGATION

Based upon the accident location information, contact the appropriate police investigation agency immediately. Whenever possible, attempt to speak directly with the dispatcher.

*Determine the following information:*

1. Name and badge number of investigating officer.
2. The precise mile marker location of the accident.
3. Determine whether the scene has been cleared or not.
4. Request information regarding towing facility rotations and the location of any towed vehicles.
5. Determine whether an ambulance was dispatched and to what facility it would deliver any patients.

#### ON-SCENE INVESTIGATION

##### ***Arrival at the Scene -***

Utilizing the checklist, instructions and forms found in the **On-Scene Packet**, proceed with your handling of the on-scene claim. Events at the scene will impact the order of your investigation. The type of accident, the seriousness and the availability of evidence at the scene will dictate the investigation. *In addition to these standardized instructions, specific client instructions for the handling of on-scene investigations should always be conducted.*

##### ***Investigation at the Scene -***

The first contacts should generally be made with the investigating officer and the insured driver, but if any claimants and witnesses remain, these initial contacts should be limited to introductions and preliminary discussions.

##### ***Police Officer –***

The adjuster should explain his involvement to the officer and ask for a meeting before the officer leaves the scene. The adjuster should respect the officer's authority at the scene and develop rapport as much as possible; the adjuster should not tamper with or move evidence without the officer's permission. Ask if there are specific guidelines that apply to the scene due to the nature of the involvement and materials on site.

The investigating officer's name, badge number, and post location should be obtained as well as the time frame for the availability of the police report. As much detailed information as possible should be secured, including identification information on all parties involved in the accident.

Request the officer's initial opinion as to the cause of the accident, and when and where the completed police report can be obtained. Determine contact information for the officer, and available hours for follow up contact. The most important question is whether the officer knows of any additional witnesses you may not be aware of.

The insured driver can be interviewed later in depth, after the other involved parties and investigating officer are interviewed. Statements are not to be taken from the insured driver unless specifically directed to do so by the client. The driver should be asked to sit tight or agree to meet at a nearby-agreed location as soon as the adjuster is done with the other initial investigation tasks. He should also be asked to gather and organize whatever paperwork is needed for review (such as vehicle registration information and their logbook). His basic version should be obtained in preparation for interviews with claimants and witnesses. The client's driver should be reminded not to speak to anyone except the police officer, the client, the client's lawyer, or the client's insurance carrier.

#### *Claimants –*

Canvass the accident scene and attempt to locate any involved parties. The details of the situation will dictate on how to deal with any claimants, but as a general rule statements are to be obtained from all of them if possible. Secure full identifying and contact information so that prompt follow up can be conducted. Whenever possible, ask that they remain at the scene so that you may conduct an interview and secure their statement.

Medical and wage authorizations, as well as Medicare/Medicaid information are to be obtained if injuries are alleged. Of course, no commitments are to be made without authorization from the client. Non-injury statements should be obtained if possible. If a claimant presses for a commitment to pay damages, it should be explained that it is standard operating procedure to complete the investigation on any accident before any decisions are made. Also explain that we are independent adjusters investigating for the trucking company and are not authorized to make such decisions.

#### *Witnesses -*

Witness statements should normally be obtained. All witnesses are to be identified; and their names, addresses, and telephone numbers obtained. Whenever possible, they should be asked to remain at the scene for an interview and a statement. If the case is serious, it may be necessary to obtain the names of relatives etc. so that they can be re-contacted in the future.

The scene should be canvassed if necessary for possible additional witnesses when time permits. If the adjuster has to go to the hospital or take the insured driver for a drug test, this may have to be done later.

*Fatality –* In the event of a fatality, notify the client of the identity immediately as it becomes known and proceed with survivor contact efforts as instructed. *Other Vendors At The Scene -* Contact information should be obtained from any wrecker drivers, ambulance services, etc at the scene.

The future locations of all vehicles must be determined as well as the hospitals to which anyone might be transported.

#### *Physical Evidence – Photographing the Scene –*

The scene should be photographed promptly from multiple angles in order to depict the resting positions of the vehicles and to document the location of debris, skid marks, and other physical evidence. If possible, attempt to prevent sweeping of the accident scene until after photographs have been taken. (The debris field may be useful in evaluating liability.) Prompt preservation of the scene evidence is essential, as it will inevitably become spoiled with time and other vehicular traffic. Necessary measurements for a diagram must be obtained, and the diagram should be computer generated if the software is available.

If possible, the precise mile marker location should be identified and photographed.

#### *Physical Evidence – Vehicles –*

Time and circumstances rarely permit an appraisal at the scene, but photos should be taken to depict both damaged and undamaged parts; the serial and tag numbers should be obtained.

- Photograph impact damages utilizing the flash in order to eliminate shading from crash damage.
- Photos of vehicles should include all four corners
- Photos should be at angles facing straight on to the subject as opposed to up or down.
- Photos should be taken from North, South, East, and West directions. Follow up shots of the four corners should be taken next. The photos taken should depict pictures from both sides, both the front and back, and close ups.
- On rear-end or front-end accidents, photos should be taken underneath the vehicle and then again in a straight on shot as opposed to angular.
- The tractor and trailer are to be inspected for points of impact and damage. Information for the tractor-trailer identification forms is to be obtained.
- If the type of accident makes the warning lights and any reflective tape on the insured rig relevant to the liability issue, photographs and inspections need to be done as necessary.

Caution should be used in moving the vehicle from the scene so as not to erase information on the computer. Guidance from the client should be requested based upon the known facts as to whether or not the vehicle data should be downloaded. If possible and appropriate, an attempt should be made to obtain the key from the driver so that access to the computer might be obtained. Contact might be necessary with the client's representative for any statutory requirements on needed permission from the owner of the vehicle before obtaining the information. As covered below under Preservation Of Documents, satellite-tracking information might be available on the tractor and/or trailer.

#### *Informing the Client –*

When sufficient data and information has been obtained regarding the incident (parties involved, sequence of events, etc.), the client's representative should be contacted from the scene for additional instructions. It is possible that they might want the insured driver taken for drug and alcohol testing or that they will have directions to give in regard to cargo. If appropriate, the CIA adjuster needs to raise the question as to whether a reconstruction engineer and/or a lawyer should be retained.

***Insured Driver – No statement is to be taken from the insured driver unless requested by the client.***

Interview information to be obtained from Insured Driver:

- Was the driver bobtailing or deadheading? Going for vehicle service? Personal use? Other? What was the purpose of the trip?
- Who owned the tractor and who owned the trailer? The identifying data on each is to be obtained—year, make, model, serial number, tag number, and unit number.
- Did the truck have placards? If so, what did they say? Photos of them and/or any identifying information painted on the truck should be obtained. Whose names are shown? Are ICC or other regulatory numbers shown?
- Was the tractor under lease to anyone? If so, was it a permanent lease or a trip lease? What does any lease say about insurance?
- Was the driver under dispatch? If so, who was the dispatcher? What was the destination dispatched to? What was the route to be taken and had the driver deviated from that route?
- Was the driver an independent or a company employee?
- Was the rig being operated under someone's ICC or PSC rights? If so, whose?
- If a trailer were attached, what are the make, model, and serial number? Who is the owner?
- If the rig was not under dispatch, what was the driver doing?

Cargo Claims:

- On cargo claims the Marine East Division, 770-362-5044, is valuable resource.
- What type of cargo was it? Was it on pallets?
- If applicable, the seal number on the back of the trailer needs to be photographed and recorded.
- What was the shipper's name?
- Who was the consignee? Did the consignee accept delivery?
- Is there salvage value?
- Who loaded the cargo?
- What were the date, time, and place of the loading?
- Who was the consignee? Did the consignee accept delivery? Is there salvage value?
- Did the truck still have the complete load or had some of it already been unloaded?
- Did the load shift due to improper loading?
- Will trans loading be necessary?

Other Questions and issues for the insured driver:

- Name, Address, and Commercial Drivers License Number and State, Social Security Number, Home Phone Number, and Cell Phone Number.
- Marital Status and dependents.
- Availability information to include a friend or relative who will always know the whereabouts of the driver. The addresses and phone numbers of these people are to be obtained.
- Employment status, such as owner operator or company employee.
- Number of years of truck driving experience, and whether it is over the road or metropolitan.
- Have the driver identify the unit he or she was driving as well as the ownership of the

unit.

- Type of cargo. Was the truck completely loaded or less than fully loaded?
- Confirm the destination. Review in detail the driver's logbook to determine the number of hours of required rest prior to the loss.
- Determine if the driver was under the influence of any medications or drugs and their names. This would include alcohol as well.
- Confirm weather and roadway conditions.
- Review the facts of the accident.
- Identify all witnesses to include their names, addresses, and telephone numbers.
- Identify the investigating officer's name, badge number, and post if this information is not already available. .
- Determine if any citations were issued and to whom.
- Was the truck on a permanent or trip lease arrangement with the shipper?
- Determine lighting conditions.
- See the statement guide for the insured driver in the SOP manual.

#### *Preservation Of Documents –*

The following items should be secured and preserved as applicable:

- Logs
- Qualcomm<sup>1</sup>
- Skybitz<sup>2</sup>
- Maintenance and inspection files
- Qualification files
- Lease files
- Fuel receipts
- Toll receipts
- Commission checks

<sup>1</sup>Qualcomm is a company providing tractor/trailer satellite tracking and locating services.

<sup>2</sup>Skybitz is a competitor of Qualcomm.

#### *Fuel Spill Or Hazardous Materials –*

Unless the adjuster is instructed otherwise by the client, he or she is to contact the CIA **Environmental Division Manager** at 678-294-9803 or 404-561-2009 on any case involving fuel spills or hazardous cargo; the ED manager can also be reached through the hotline. The laws on these situations are very complex; reports have to be filed with the appropriate governmental entity; and fines can be devastating. Fuel spills of 25 gallons or more must be reported as per Federal EPA regulations in any area of the country. As little as 5 gallons of fuel is reportable in some jurisdictions, and for some other substances, less.

Any fuel or product spillage is to be photographed and measured, and any nearby bodies of water are to be noted.

If there is a fuel leak, the vehicle from which the fuel is spilling must be identified and the driver interviewed to determine how much fuel was in the tank at the time of rupture and as to how much might be left in the tank. An initial approximated gallon figure of spilled fuel should be

determined. Closely inspect the insured's saddle tanks and take a detailed photograph of each, reflecting its condition.

The Environmental Division Manager can determine whether the regulatory agencies will be mandating a cleanup. The ED Manager will also provide information on what regulatory agency needs to be notified and their reporting requirements. The client will need to be contacted in regard to the selection of a remediation contractor.

CIA CANNOT sign any authorizations or remediation agreements; the contractor is to be referred to the insured/client in this regard.

POST ON-SCENE INVESTIGATION – Once the scene clears or the initial investigation is completed, the adjuster is to follow up as necessary to contact any claimants if they may have already left the scene prior to the adjuster's arrival. If they were transported to a hospital, a trip to the hospital should be made; or if appropriate, cold calls should be made to the claimants' residences.

If the claimant(s) remain unidentified, all possible sources of identification should be checked. This includes the police officer, occupants of the insured vehicle, witnesses, ambulance services, as well as the wrecker service. There might be identification information in the adverse vehicle if it is available.

If there was a post accident DOT inspection of the insured rig, a copy of the report will need to be obtained and it determined if there were any tickets or violations.

Carry out follow up property damage inspections if necessary. Complete the vehicle examination form from your On-Scene Investigation Packet. Complete an appraisal or total loss valuation.

#### General Comments:

As usual, the information needed for decisions by the client involve the following issues: Coverage, Liability, and Damages. The client has to make decisions on questions based on our development of facts and information, and our investigative tasks are intended to facilitate the making of these decisions. We should not spend time dwelling on irrelevant details. Any Customer Instructions should be reviewed so that the client's expectations can be met. Off-the-cuff comments, even in jest, that are negative, defamatory, or condescending towards or about anyone should not be made. Any critical comments should be made only to people who need to know and in a professional manner.

#### *Statements –*

No statement is to be taken from the insured driver except at the client's request. Recorded statements should be conducted in accordance with CIA's Recorded Statement Instructions & Guidelines. This document, containing *specific* information and sample questions by product line, can be found in a separate document in the Information Center of CIA's Employee Portal website at [www.custard.com/EmployeeLink/Login.aspx](http://www.custard.com/EmployeeLink/Login.aspx).

#### REPORTING



Ascertain whether or not the client is a “digital” customer, meaning that all communication and reporting is done via e-mail.

For liability reasons, the amount of detail in written reports should be cleared with the client representative before preparation of and sending a report.

Attempt completion of all limited assignment requirements before the First Report, if possible. Prompt, timely investigation sets us apart from our competition.

First Reports should be in your client’s possession by e-mail, fax or mail by the tenth day of the assignment, or sooner if instructions require it. Captioned reports should follow the Trucking Liability report format. Good reports answer the questions asked in the report format itself.

**Avoid opinions on liability and reserve comments unless asked to comment specifically.**

“Future Activity” paragraphs contain the investigation pending. If possible, state when or what the arrangements are to complete the investigation.

All subsequent reports are to be in the client’s possession no later than 30 days from the previous report date. Reports can be generated any time, especially **whenever significant information has been developed**. After dictation of a report, you may request the file be routed back to your desk to complete the pending investigation.

**FOLLOW UP**

Telephone status reporting is highly recommended at any time during the investigation. Status Reports serve to keep the client informed. However, this phone status will not take the place of our full captioned report. Additional tasks may be generated either by your suggestions or the client’s request.

**CONCLUSION**

Before closing and invoicing any truck liability claim, contact the client with a telephone status. The client may request additional investigation, or confirm file closure. If you cannot re-establish contact with the client, or if the client does not answer your request for direction, close the file after a 30 day period and submit the final invoice.

**ON-SCENE SAFETY PRECAUTIONS**

1. Requirement – Always wear a bright colored and reflective safety vest on-scene to make yourself more visible.
2. While speaking with a client contact at the time an adjusting assignment is made, ask if there are chemicals or hazardous materials on board the vehicle(s).
3. Determine possible exposures before you arrive at the scene. Know what you are dealing with and be prepared for a worse case scenario.
4. Upon arrival at the scene, attempt to park your vehicle in a location that provides safety to your vehicle and does not contaminate the scene or create an additional hazard.
5. Do not smoke at a scene without receiving approval from the authorities on scene. There may be materials on scene that are flammable, infectious, radioactive, explosive, etc.

6. Contact the authorities immediately upon arrival to determine if there are specific guidelines with regard to safety at the scene, due to the nature of the involvement and materials on site.
7. Wear appropriate clothing, footwear and outerwear that is appropriate for the weather and conditions (such as protective boots, hard hat, gloves, etc. at specific sites).
8. Stay clear of volatile materials, especially hazardous materials that could produce illness and/or injury when contacted or inhaled.
9. Step carefully and maintain solid footing to avoid slips and falls resulting from unlevel terrain, spilled and scattered materials, or weather conditions.
10. Stay safely clear of unsecured wreckage, damaged materials and loose debris that could easily shift and fall without warning.
11. Move cautiously when working near sharp, twisted metal that can inflict serious injuries.
  
12. Always try to face the oncoming traffic in order to provide yourself with a better view of approaching hazards. If you must take your eyes off approaching traffic while taking photographs or measurements, ask someone on scene to serve as a look-out.
13. The existence of large numbers of highway construction areas throughout the country have created an element of complacency in motorists who seem to ignore reduced speed signs at roadside work sites. The atmosphere of complacency increases the demand for constant vigilance while working on scene near traffic.
14. Avoid walking in traffic lanes or near the edge of a roadway. Motorists' attention may be distracted from the roadway and refocused upon the collision scene. They may not see you.

**Work supportively with the enforcement authorities on scene. The rapport you develop may result in the officer placing his police cruiser in position to help protect you from the perils of approaching traffic.**

