

Tractor-Trailer Accidents: “Obtaining the Critical Evidence is Essential”

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Trucking companies and their insurance carriers routinely arrive on the scene of a tractor-trailer collision within hours of the collision in an attempt to record and manage the forensic evidence. Likewise, innocent victims of trucking accidents need to have the critical evidence preserved in order to successfully compete in such cases. It is incumbent on the trial lawyer for the innocent victim to have a thorough knowledge and understanding of what to look for in tractor-trailer cases.

Evidence collected or documented at the scene may include photographs, aerial photographs, videotapes, measurements, recordation of skidmarks, scuffmarks, yawmarks, collision debris, and other crash scene findings, and vehicle data accumulation downloads. Plaintiff's counsel should immediately obtain: (1) the entire police investigation file, including CD's of all photographs and videos; (2) all crash team reports and reconstructions; (3) the 911 tapes; (4) all emergency responders' records; (5) all helicopter or airplane photographs and videotapes; (6) all television or newspaper footage; and (7) all data accumulation data downloads from the crash vehicles. It is wise for plaintiff's counsel, at the outset, to send a letter to the trucking company and its carrier, advising them to preserve all evidence. Also, plaintiff's counsel should immediately further investigate the crash, including taking steps such as: consulting with a trucking expert; sending an accident reconstructionist to the scene; meeting with the investigating and crash team police officers; meeting with all eyewitnesses; and conducting an examination of the scene and the crash vehicles.

Most tractor-trailers have data accumulation systems that may include: (1) electronic control modules (ECM); (2) global positioning satellite data (GPS); (3) trip recorders; (4) scanned data regarding the driver's logs and loads; (5) collision warning systems; (6) communication systems between the truck driver and others; and (7) video cameras and drive cams. These systems require specialized experts who can download and decipher the information.

Documentary evidence in tractor-trailer cases include: (1) incident and accident reports; (2) driver statements; (3) driver's logs; (4) vehicle inspection records; (5) vehicle maintenance records; (6) vehicle weight records; (7) shipment records; (8) load and cargo records; (9) bills of lading; and (10) driver drug and alcohol records.

It is often extremely helpful to consult with a trucking expert at the very beginning of the case to help draft and implement an effective investigation plan in light of the increasingly complex myriad of sources of evidence in tractor-trailer cases.

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