

## ACCIDENT INVESTIGATION CHECKLIST

### 1. Notification of Incident

- Contact designated safety representative
- Contact upper management
- Contact Attorney (this will protect work-product)
- If severe enough, contact insurance adjuster and/or accident reconstructionist

### 2. Scene Investigation

- Determine exact location of accident
- Determine location vehicles came to rest
- Take photos as soon as possible
- Note speed limits
- Note weather and road conditions
- Note obstructions in visibility
- Look for physical evidence of accident (debris, skid marks, gauge marks, etc.)
- Note traffic signals and signs
- Construction zone? Identify contractors
- Check for traffic cameras or surrounding businesses for video footage
- Identify first responders (police, paramedics, firefighters, towers)

### 3. Witnesses

- Identify witnesses to accident
- Identify witnesses that arrived after the accident
- Obtain contact information
- Record statements that are helpful
- Check social media

### 4. Truck Driver

- Obtain statement
- Ensure driver within allowed hours of service
- Ensure driver performed required inspections
- Assess whether driver needs criminal counsel
- Assess whether drug/alcohol test is necessary (if fatality at all OR citation issued along with injury requiring treatment away from scene OR citation issued along with a vehicle needing to be towed (49 CFR § 382.303))
- If drug test necessary, must be within 32 hours, and alcohol test within 2 hours
- If drug test necessary, obtain HIPAA complaint release from driver
- Citation issued? If so, do NOT pay off

### 5. Other drivers/passengers

- Names
- Contact information
- Statements
- Condition after accident

- Consider outreach to severely injured parties (but NEVER apologize)
  - Insurance information (name and address of insurance company, policy numbers, name and phone number of agent)
6. Company vehicle
- Basic information (type, weight, length, width)
  - Identify cargo
  - Identify owner of cargo
  - Identify whether cargo will spoil
  - Assess damage – possibly a claim against any other driver?
  - Basic inspection— tire condition and pressure, brakes, horn, lights, etc.
  - Expert inspection
  - ECM – know when data is recorded and what type is recorded
  - Expert to extract data
  - Do not move unless completely necessary (in order to preserve electronic data and avoid spoliation)
  - If there are front facing or cab facing cameras, secure footage before overwrite in order to avoid spoliation
  - Secure GPS data
  - Assess cab for evidence of distraction or illegal activity
7. Other Vehicle(s) involved in accident
- Identify owner
  - Basic information (year, make, model, tag number)
  - Assess damage
  - Basic inspection
  - Evidence of illegal activity or distraction on the inside?
8. Documents to be obtained/preserved
- Drivers RODS for previous 6-months
  - Any information extracted from the ECM
  - FOIA request for accident report
  - FOIA request for DOT post-accident inspection
  - Inspection records to tractor and trailer
  - Maintenance records for tractor and trailer
  - Bill of lading for trip
  - Ownership documents for tractor and trailer
  - Any lease agreement pertaining to truck
  - Any owner-operator contracts with driver
  - Driver qualification file
  - Written application
  - 3-year driver history
  - Minimum medical/physical qualifications
  - Drug screen results
  - Safety handbooks with company policies
  - Proof driver can read and speak English
  - Driving record
  - Medical history
  - Driver's cell phone records
  - Minutes of recent safety meetings