

I've just been Involved in a Commercial Trucking Accident... Now What Do I Do?



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You've picked up your load of frozen pizzas five hours ago in Brampton and are on your usual run to Winnipeg. One return run every week and weekends off; it's a good gig. Your rig's in great shape with no nagging mechanical issues now that the cabin AC unit has been repaired. It's a great day, you feel good, the weather is clear, the roads are dry and not heavily travelled with summer vacationers.

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Dispatch advises that construction along Highway 11 is lighter than usual during the busy summer construction season, so you should be able to make decent time. You've just passed the turn off for Iroquois Falls and you plan to stop in Kapuskasing in a few hours to fill up and spend the night in your sleeper unit.

Without warning, a logging truck pulls out from a gravel side road 50 metres in front of you. You stand on the air brakes and lay on your horn simultaneously, but it's too late – you are going to hit the side of his trailer. After striking the

logging truck trailer at 70 km/hr, you ricochet into the west ditch, where a jagged rock pierces your trailer, spilling its contents on the road and in the ditch. You exit the vehicle and realize that not only have you lost your trailer and its cargo, your driver's saddle tank has been ruptured and has released its contents into the west ditch. *What do you do?*

This story, although fictitious, is typical of most tractor trailer truck accidents. These occur quickly and most times are unavoidable given the speed and stopping distance of most tractor trailer units. After a

loss, even an experienced truck driver may be at a loss as to how to proceed. The following is a guideline for drivers to follow to assist them in taking the next steps.

1. The driver's personal safety and those of his passengers and others is the primary concern.
 - If able to do so, remove yourself from the vehicle in a safe manner to a safe location.
 - Offer assistance by whatever means to your passenger(s) as well as anyone else who may have been injured as a result of the accident.
2. Notify your dispatcher of the inci-



dent, providing him/her with the exact location and time of the accident. Request that they dispatch the appropriate emergency responders to the scene ASAP and seek instructions on next steps.

3. Inspect your vehicle and take note of the extent of damages (i.e. whether significant or minor) and also determine whether there is damage to your cargo and take note of whether or not your cargo is secure (i.e. the trailer is still enclosed and/or locked/sealed).

4. If you are aware that your cargo is potentially hazardous (i.e. noxious, explosive, flammable etc.), make certain to keep others a safe distance from the vehicle.

- If your cargo is hazardous, recover the material safety data sheet (MSDS) documentation from the vehicle to provide to the emergency responders prior to their arrival.
- Placards will offer an initial indication to first responders of level of hazardous materials and nature of your cargo.

5. Ascertain if a fuel loss or if any other contaminant has escaped.

- Let's use the process in Ontario as an example. If a spill has occurred, make certain that you notify dispatch of the type, quantity and nature of the spill so that they can immediately advise the Ontario Ministry of Environment, Conservation and Parks (MECP)-Spills Action Centre (SAC) at 1-800-268-6060. It is the responsibility of the carrier of the product that has been spilled to advise SAC of the spill as soon as practicable of the occurrence of a spill. Failure to do so can result in significant fines being assessed against the carrier. Notify dis-

patch of every spill, even if you deem it to be minor or insignificant, as each province in Canada has its own definition of what is considered to be a "reportable spill." Every province and territory in Canada have similar spill reporting systems in place.

- Remember, as the carrier of the spilled product, it is your responsibility to initiate and undertake the cleanup of the product, and not the responsibility of the party who you believe is liable or whom is ultimately held responsible or liable for the accident.
 - If it is safe to do so, attempt to decrease or stop the escape of fuel or other contaminants from your vehicle by using the items contained in your vehicle's spill kit.
 - A wooden or plastic bung is a handy plug to slow down or stop the escape of fuel from a saddle tank if it has been punctured by a small hole. Use whatever else you have at your disposal (i.e. duct tape, rags or other materials) to try to plug a saddle tank hole.
 - Use the spill kit bag itself or any other available container(s) to attempt to contain fuel escaping from the vehicle saddle tank(s) if practicable.
 - Use the absorbent booms and/or pads to absorb as much of the escaped product as possible.
 - Try to build a berm with soil, rags or other materials to prevent the spill from spreading if practicable.
6. Remain at the scene until the arrival of emergency response personnel to answer their questions and to provide the required docu-

mentation. Failure to remain at the scene prior to the arrival of the police might leave you open to a charge of leaving the scene of an accident.

7. The MECP and/or the environmental consultant will inquire how much fuel was on board prior to the loss. Make note of when you last filled the tank and how far you've traveled since your last fill up.
8. Do not move your vehicle from the scene until you are instructed to do so by the police or fire officials. If the opportunity presents itself, take photos of the scene showing the location of your vehicle, as well as the location and plate number(s) of any other vehicles. Again, if possible, take note of the road and weather conditions.

9. If your vehicle is equipped with a dash camera, preserve and retain the footage for the police and insurance company's investigation.
10. Do not authorize or sign any documentations which retains any emergency response contractors (i.e. vac trucks, remediation contractors, tow companies, etc.) to undertake remediation activities at the scene on your behalf. Refer all of these inquiries to dispatch; they may have trusted contractors on retainer to attend at a moment's notice.
11. Your insurer may have an adjuster attend the scene to interview you on their behalf. It is in your best interest to cooperate with the adjuster, answer his or her questions honestly, and allow them to undertake the required investigation as this is a require-

ment of insurance policy.

12. Remember, report it to the MECP SAC and your insurer forthwith. Bad news does not get better with age.

In many cases what you do after an accident can have a significant impact on the liability investigation as well as the costs associated with the remediation spill.



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For all emergency spills and services please call **Pario's 24/7 Emergency Response Line Toll Free: 1-888-762-4667**

When knowing matters.

When an emergency occurs, you need a qualified consultant dispatched to the site that has your best interests in mind; ensures funds are used effectively; controls site activities to maximize contractor effectiveness; eliminates unnecessary costs; and provides the necessary documentation to support subrogation. Costs due to improper equipment and manpower on site, not to mention excessive disposal costs, can be eliminated by active and experienced management. Site decisions shouldn't cost you unnecessary expense.

Our experienced team has successfully handled hundreds of spill incidents. Experience saves you claims dollars. Our team is consciously aware of your indemnity, exposure, and liability on a loss-claims specific actions that protect your interests. Emergencies aside, Pario's Consultant Team also has experts in extensive residential, commercial and select industrial contaminated site remediations.



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