

Utility Accident Investigations

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Types of Accidents

- Electrical Contact Accidents
- Building Related Accidents
- Trees in the Line
- Aircraft Accidents
- Fire (Forest or Building)
- Property Damage vs. Personal Injury
- Other

Gathering Information

Factual Investigation

- Photographs
 - Document scene
 - Physical evidence
 - Injuries
- Measurements
 - Preferably prior to movement of physical evidence
 - Measured from reference point that can't/won't move
 - Where electrical installations are involved, make careful measurement of heights and clearances of lines and physical location of poles and other utility installations (NESC considerations)
- Diagrams
 - Same considerations
 - To scale or not to scale

Gathering Information, Continued

Physical Evidence

- Collection
 - All broken or damaged property if possible
 - Any replaced property whether damaged or not
 - Photograph any evidence whether collected or not
- Preservation
 - Secure location
 - Chain of custody
 - Method of identification
- Electronic Evidence
 - Record and preserve any reports from monitoring equipment on utility lines
 - Preserve vehicle recording equipment where available

Witnesses

- Interview First
- Written or Recorded Statements
 - When to take statements from
 - Victim of injury or property damage
 - Disinterested witness
 - Employee witness
 - Factors in deciding whose statement to perpetuate
- Written or Recorded
- General Rules for Obtaining Useful Information
 - Factual information (avoid asking opinions)
 - Seek only facts based on personal knowledge except from Victim or Complainant
 - Avoid allowing witness to speculate
 - Ask questions do not provide information
 - Preservation

Note Taking

- Establish a habit of taking careful notes
- Make field diagrams with sufficient detail to create useful and accurate diagrams of accident scene
- Establish a practice of either keeping or destroying notes and diagrams once your report is completed and stick to it

Information From Other Investigations

- OSHA
- Police or Troopers
- Fire Marshall
- National Transportation Safety Board (NTSB)
- Other

Report

- What to include
- What not to include
- Who is the audience (most reports are multipurpose)
- Fact vs. Opinion
- Never include information you would not want an objective fact finder to read
 - Always assume that your report may be eventually read by the claimant and his or her attorney
- Always include known unfavorable facts
- Don't include your unfavorable opinions

When to contact Insurance Carrier and what to tell the Adjuster

- ASAP if any possibility this is a covered claim, regardless of apparent size or exposure
- Provide all information Good or Bad from the Utility's point of view
- Let the carrier's representative determine the course of the liability investigation
- Simultaneously proceed with the normal investigation the Utility conducts regarding damage to a customer's property or injury to an employee or third person to determine whether any corrective action is necessary

When to conduct an Attorney supervised investigation

- Seriousness of Damage or Injury
- Probability of a Claim
 - Claimant identified?
 - Potential exposure?
- Benefit of Attorney Supervised Investigation
 - Attorney client privilege
 - Work product privilege
 - Exceptions
 - Recorded statements
 - Evidence otherwise unavailable



Summary and Questions