Index

ACCESSORIES

Equipment and Parts (this index)

ACCIDENT AND CRASH REPORTING

State laws and regulations, 17:2 to 17:52

ACCIDENT LAW, GENERALLY

Generally, 1:1 to 1:9

COVID-19 Pandemic (this index)

Federal Motor Carrier Safety Regulations (FMCSRs), **1:2**

History of trucking industry and regulation, 1:1

Learning and improving safety of motor carriers, 1:3

Physical characteristics, 1:7

Regulation, history of trucking industry and, 1:1

Statistics, 1:4

Terminology, 1:6

Transportation industry players, 1:5

Trucking industry and regulation, history of, 1:1

Truck Writers of North America (TWNA) glossary of trucking terms, 1:8

ADMINISTRATORS

State laws and regulations, 17:51

AFFIDAVITS

Preventability determination, affidavit of defendant's director of loss prevention regarding, **10:14**

AGENCY AND AGENT

Process agent's designation, **49 CFR 366**

Respondeat superior, 7:2

AGRICULTURAL EXEMPTION

Establishing liability Negligence, **8:9**

AIR BRAKES

Generally, 4:4, 4:8 et seq.

AIR VALVES

Brakes and brake systems, 4:21

ALCOHOL AND ALCOHOLISM

Alcohol test

Generally, 49 CFR 382

COVID-19 pandemic, notice of enforcement discretion determination re:, **1:22**

State laws and regulations, 17:30, 17:31

Use and intake, 49 CFR 382

ALERTNESS

Fatigue, 6:3

ALTER EGO

Negligence, 8:10

AMICUS BRIEF

Ying Ye, Institute for safer trucking, 9:44

ANTILOCK BRAKING SYSTEM

Generally, 4:5

APPLICATIONS

Certificate of registration, **49 CFR 368**

Operating authority, 49 CFR 365

ARMIS ADVISORS, LLC V. BUNYOD KUSHNAZAROV

Parties, **9:48**

ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS

Explosives (49 CFR 173.56), 14:4

AUTOMATIC BRAKES

Collision avoidance and, 12:4

AUTONOMOUS VEHICLES, SAFETY TECHNOLOGY AND

Generally, 12:1 to 12:9

Automatic brakes, collision avoidance and, 12:4

Autonomous vehicles, 12:9

Collision avoidance and automatic brakes, **12:4**

Electronic control modules (ECM), 12:2

Electronic stability systems, 12:6

Fatigue management, 12:8

Governors, speed, 12:7

Lane departure systems, 12:5

Speed governors, 12:7

Stability systems, electronic, 12:6

Telematics, 12:3

BAGGAGE OR CARGO

Hazardous cargo, 13:8

Loading and unloading, 13:8

BANKRUPTCY

Negligence litigation, 7:14

BENEFICIARIES

State laws and regulations, 17:49

BIFURCATION

Negligence, 8:16, 8:17 State laws and regulations, 17:5 to 17:52

BILLS AND RECEIPTS

Generally, 49 CFR 373

BLASTING AGENTS

Explosives (49 CFR 173.5), **14:2**

BRAKES AND BRAKE SYSTEMS

Generally, 4:1 et seq.

Air brakes, **4:4, 4:8 et seq.**

Air valves, 4:21

Antilock braking system, 4:5

Common misconceptions, 4:3

Components of air brake systems, 4:12

Controls and instruments, 4:17

Differences between airbakes and car brakes, **4:9**

Downhill braking, 4:19

Emergency brake system, 4:7

BRAKES AND BRAKE SYSTEMS

-Cont'd

Heat, 4:10 et seq.

Jake brake, 4:22

Large truck accident causation, 4:18

Lining standards, 4:26

Out of service criteria, 4:23 et seq.

Post reline check procedure, 4:28

Potential, 4:20

Relining checklist, 4:27

Service brake systems (49 CFR 393.40), **4:6**

Speed, 4:10

Test, 4:25

Weight, 4:10

BROKERS

Generally, 9:4 et seq.

Broker liability, complaints, 9:36 to 9:38

Carrier, motion for summary judgment, **9:16**

Negligence, responses to motion for summary judgment, 9:17 to 9:19

Parties. 9:4

Personal jurisdiction, response to motion to dismiss, **9:12**

Preemption

Appellate brief on, 9:27

Opinion denying, generally, 9:23,

Opinion denying, remand context, 9:25

Property brokers, 49 CFR 371

Punitive damages, responses to motion for summary judgment, **9:15**

Rules of practice, 49 CFR 386

Summary judgment, responses to motion for

Carrier, **9:16**

Negligence, 9:17 to 9:19

Punitive damages, 9:15

Vicarious liability, 9:13

Vicarious liability, response to motion for summary judgment, 9:13

BROKERS—Cont'd

Volkova hearing transcript (broker vicarious liability), **9:35**

BUFFKIN V. WMK TRUCKING, INC.

Parties, **9:47**

BUS WRECK CASES

Generally, 16:1 et seq.

Causes of crashes, types and, **16:2** Highest degree of care, **16:4**

Insurance, 16:8

Mandatory liability insurance coverage, **16:8**

Mass torts, 16:9

Preexisting injury defenses, 16:10

Rules and regulations, 16:3

School buses, 16:6

Seat belts, 16:7

Types and causes of crashes, **16:2** Videos, on-board, importance of

ECM and, **16:5**

CANADIAN CARRIERS AND DRIVERS

Generally, 18:1 et seq.

CARGO

Baggage or Cargo (this index)

CAUTIONARY MEASURES

Safety (this index)

CELL PHONES

Investigating truck accidents, 2:19

CEMENT MIXER ROLLOVER CASES

Establishing liability Negligence, **8:8**

CERTIFICATE OF REGISTRATION

Application, 49 CFR 368

CHARGES

Fees or Charges (this index)

CHASSIS LIABILITY

Parties, **9:10**

CHECKLISTS

Generally, 7:19, 7:20

CHECKLISTS—Cont'd

Depositions, **7:66 et seq.** Discovery, **7:31**

CHOICE OF LAW

Financial responsibility, 3:5

CLAIMS

Disposition of Claims (this index) **Investigation** (this index)

CLOSED TRANSPORT VEHICLE

Definition (49 CFR 173.403), 14:11

COAST GUARD

Hazardous materials, 13:1

COLLISION

Underride Collisions (this index)

COLLISION AVOIDANCE

Automatic brakes and, 12:4

COMBUSTIBLE LIQUIDS

Explosives (49 CFR 173.120(b) (1)), **14:14**

COMBUSTIBLE MATERIALS

Hazardous material classification, 13:4

Label and labeling, 13:5

Placard and placarding, 13:5

COMMERCIAL DRIVERS

Drivers (this index)

COMMERCIAL DRIVER'S LICENSE

Licenses and Permits

COMMERCIAL MOTOR

VEHICLES

Drivers. **Drivers** (this index)

Driving commercial motor vehicles, 49 CFR 392

Equipment. **Equipment and Parts** (this index)

Inspection. **Inspection of Vehicle** (this index)

Lease and interchange, 49 CFR 376

Lighting devices. Lighting devices and Reflectors (this index)

the References (this mack

Ordinary care standard, 7:87

COMMERCIAL MOTOR

VEHICLES—Cont'd

Reflectors. Lighting Devices and Reflectors (this index)

COMMERCIAL ZONES

Certificate of registration to operate, 49 CFR 368

Exemptions, 49 CFR 372

COMPARATIVE NEGLIGENCE

State laws and regulations, 17:47, 17:51, 17:52

COMPATIBILITY GROUPS (49 CFR 173.52)

Explosives, 14:3

COMPATIBILITY NOTES

Explosives (49 CFR 177.848(g)), **14:5**

COMPENSATORY DAMAGES

State laws and regulations, 17:2, 17:46

COMPLAINTS

Alter ego, amended complaint, 8:10

Arizona, 7:22, 7:23

Arkansas, 7:21

California, 7:24

Florida, 7:25. 7:25

Georgia, 7:27, 7:28

Illinois, **7:29**

Illinois, strict product, Liability, 7:30

Illinois, wrongful death, 7:30

Indiana, 7:31

Iowa, 7:32

Louisiana, 7:33

Mississippi, 7:34

Missouri, 7:25, 7:35, 7:36

Negligence, 8:10

New Mexico, 7:37, 7:38

New York, 7:39, 7:40

Ohio, 7:41, 7:42

Oklahoma, 7:44

Oregon, 7:45, 7:46

Pennsylvania, 7:47, 7:48

Piercing corporate veil, amended complaint, 8:10

Index-4

COMPLAINTS—Cont'd

Successor liability, amended com-

plaint, **8:10**

Tennessee, **7:49, 7:50**

Texas, 7:51 to 56

Texas, Wrongful death, 7:54

Virginia, Negligence, 7:57

Virginia, vicarious liability, 7:57

Wisconsin, 7:58

Wrongful death, 7:21 et seq.

COMPLIANCE

FAST Act, 11:9 et seq.

Federal Motor carrier Safety
Administration's Compliance
Safety Accountability System,
11:1 et seq.

COMPRESSED GAS

Hazardous materials (49 CFR 173.115), **14:9, 14:11**

COMPUTERS

Software (this index)

CONSPICUITY

Underride collisions, 15:4

CONSTITUTIONAL ISSUES

State laws and regulations, 17:2, 17:4, 17:7 to 17:46, 17:51, 17:52

CONSTRUCTION COMPANIES

Parties, 9:9

CONSUMER PROTECTION

Rules and regulations, 49 CFR 375

CONTAINMENT SYSTEM

Definition (49 CFR 173.403), 14:33

CONTRIBUTORY NEGLIGENCE

State laws and regulations, 17:50 to 17:52

CONTROLLED SUBSTANCES

Drugs and Controlled Substances (this index)

CONTROLS AND INSTRUMENTS

Brakes and brake systems, 4:17

CONVEYANCE

Definition (49 CFR 173.403), 14:33

CONVICTIONS

Violations and Convictions (this index)

COOPERATIVE AGREEMENTS

Generally, 49 CFR 388

CORONAVIRUS

COVID-19 Pandemic (this index)

CORROSIVES

Hazardous materials (49 CFR 173.136), **14:34**

COSTS AND EXPENSES

State laws and regulations, 17:44

COVID-19 PANDEMIC

Generally, 1:9 et seq.

Alcohol testing, notice of enforcement discretion determination re:. 1:22

CDL skills test examiners, waiver for states concerning third party, 1:23

Controlled substance testing, notice of enforcement discretion determination re:, 1:22

Driver's licenses, enforcement policy re:, **1:20**, **1:24**

Emergency Declaration No. 2020-002

Extension of the expanded modified declaration, **1:11**

FAOs, 1:13

Enforcement policy re: expiring driver's licenses and medical examiner's certificates, **1:20**

FAOs

Emergency Declaration No. 2020-002, **1:13**

FAQs

public health emergency declaration, **1:14**

Federal motor carrier safety administration (fmcsa), emergency declaration, 1:15

COVID-19 PANDEMIC—Cont'd

FAQs-Cont'd

MCSAP grant program expanded emergency declaration, FAQ related to, 1:12

Revised expanded FAQs for state driver licensing agencies and commercial drivers regarding permissible actions, 1:21

Federal Motor Carrier Safety Administration (FMCSA)

Compliance reviews, FMCSA guidance on leveraging technology to conduct, 1:25

Cross-Border Transportation and Coronavirus Disease 2019 (COVID-19), FMCSA guidance on, **1:10**

Emergency declaration, FAQs, 1:15

MCSAP grant program expanded emergency declaration, FAQs related to, 1:12

FMCSA Guidance on Cross-Border Transportation and Coronavirus Disease 2019 (COVID-19), **1:10**

MCSAP grant program expanded emergency declaration, FAQs related to, 1:12

Medical examiner's certificates, enforcement policy, 1:20, 1:24

Public health emergency declaration related to, FAQs, 1:14

State driver licensing agencies and commercial drivers regarding permissible actions, revised expanded FAQs for, 1:21

Waiver

Generally, 1:17 to 1:19 CDL holders, 1:17 CDL skills test examiners, 1:23 CLP holders, 1:17 to 1:19 Interstate drivers, 1:17, 1:19 States, 1:17

CRASHWORTHINESS

Underride collisions, 15:5

CRYOGENIC LIQUID

Definition (49 CFR 173.115), 14:11

DAMAGES

Investigation of claims, 49 CFR 370 Litigation, 7:84, 7:85

State Laws and Regulations (this index)

Voluntary disposition of claims, 49 CFR 370

DANGEROUS WHEN WET (49 CFR 173.124 (C))

Hazardous materials, 14:31

DEFENSE TACTICS, OVERCOMING

Generally, 10:1 et seq.

Affidavit of defendant's director of loss prevention regarding preventability determination, 10:14

Compel discovery, motion to, 10:10 to 10:13

Direct negligence claims, **10:9**, **10:20**Dismissal motion for lack of personal jurisdiction, **10:2**

Dismissal of direct negligence claims, amicus brief, **10:20**

Forms

Generally, 10:10 to 10:25

Affidavit of defendant's director of loss prevention regarding preventability determination, 10:14

Colorado, 10:31

Compel discovery, motion to, 10:10 to 10:13

Direct negligence claims, dismissal of, amicus brief, **10:20**

Dismissal of direct negligence claims, amicus brief, **10:20**

Oppose Partial Summary Judgment on Direct Negligence Claim, 10:27, 10:29

Order on Direct Negligence, 10:28, 10:30

Preventability determination, affidavit of defendant's director of loss prevention regarding, 10-14

Privileges, 10:10 to 10:13, 10:24, 10:25, 10:26

DEFENSE TACTICS, OVERCOMING—Cont'd

Forms—Cont'd

Protective orders, 10:15 to 10:19, 10:22 to 10:25

Remand, motion to, 10:21

Morris inquiries, 10:8

New entrants, preventability and, 10:6

Personal jurisdiction, motion to dismiss for lack of, **10:2**

Post-crash investigation discovery, **10:3**

Preventability and new entrants, 10:6 Preventability determination, affidavit of defendant's director of loss prevention regarding, 10:14

Preventability determinations, 10:5

Privileges, 10:4, 10:10 to 10:13, 10:24, 10:25, 10:26

Protective orders, 10:7, 10:15 to 10:19, 10:22 to 10:25

Remand, motion to, 10:21

Self-critical analysis privilege, **10:4** Vicarious liability admission, direct negligence claims with, **10:9**

DEFINITIONS

"Any final judgment recovered," **3:7** Compressed gas in solution (49 CFR 173.115), **14:11**

Containment system (49 CFR 173.403), **14:33**

Conveyance (49 CFR 173.403), **14:33**

Corrosives (49 CFR 173.136), **14:34** Cryogenic liquid (49 CFR 173.115), **14:11**

Depleted uranium (49 CFR 173.403), **14:33**

Design (49 CFR 173.403), 14:33

Dispersant gas (49 CFR 173.115), **14:11**

Enriched uranium (49 CFR 173.403), 14.33

Excepted package (49 CFR 173.403), **14:33**

Exclusive use (49 CFR 173.403), **14:33**

DEFINITIONS—Cont'd **DEFINITIONS—Cont'd** Fissile material (49 CFR 173.403), Refrigerant gas (49 CFR 173.115), 14:33 14:11 Fissile material controlled shipment Service pressure (49 CFR 173.115), (49 CFR 173.403), **14:33** 14:11 Small freight container (49 CFR Flammable range (49 CFR 173.115), 173.403), 14:33 14:11 Flash point (49 CFR 173.120), **14:27** Special form class 7 material (49 CFR 173.403), 14:33 Freight container (49 CFR 173.403), 14:33 Terminology, generally, **1:6** Glossary of trucking terms, Truck Transport index (49 CFR 173.403), Writers of North America 14:33 (TWNA), 1:8 Truck Writers of North America Highway route controlled quantity (TWNA) glossary of trucking (49 CFR 173.403), **14:33** terms, **1:8** Industrial package (49 CFR 173.403), Type a package (49 CFR 173.403), 14:33 14:33 "In the operation, maintenance or use Type a quantity (49 CFR 173.403), of motor vehicles," 3:6 14:33 Liquefied compressed gas (49 CFR Type b(m) package (49 CFR 173.115), **14:11** 173.403), **14:33** Low specific gravity material (49 Type b package (49 CFR 173.403), CFR 173.403), **14:33** 14:33 Low toxicity alpha emitters (49 CFR Type b(u) package (49 CFR 173.403), **14:33** 173.403), **14:33** Markings, 13:6 Ultrahazardous activities, 13:9 Maximum normal operating pressure Unilateral approval (49 CFR (49 CFR 173.403), **14:33** 173.403), **14:33** Unirradiated thorium (49 CFR Miscellaneous hazardous materials (49 CFR 172.504(b)), **14:35** 173.403), **14:33** Multilateral approval (49 CFR Unirradiated uranium (49 CFR 173.403), **14:33** 173.403), **14:33** Natural thorium (49 CFR 173.403), **DEPLETED URANIUM** 14:33 Definition (49 CFR 173.403), 14:33 Natural uranium (49 CFR 173.403), 14:33 DEPOSITIONS Non-fixed radioactive contamination Accident reconstructionist, 7:72 (49 CFR 173.403), **14:33** Checklists, 7:66 to 7:73 Non-liquefied compressed gas (49 Chief executive officer (CEO), 7:70 CFR 173.115), 14:11 Corporate representative, notice to Normal form class 7 material (49 take videotaped deposition, 7:88 CFR 173.403), **14:33** Dispatch and operation, 7:71 Radiation level (49 CFR 173.403), Driver. 7:66 14:33 Expert, 7:73 Radioactive (49 CFR 173.403), 14:11 Maintenance director, 7:69 Radioactive contents (49 CFR Negligence, trucking company, 8:13 173.403), **14:33** Safety director, 7:68 Radioactive material (49 CFR 173.403), **14:33** Trucking company, 7:70, 7:71

DESIGN

Definition (49 CFR 173.403), **14:33** Underride collisions, improved safety design, **15:10**

DISCOVERY

Checklist, 7:31

Colorado, 10:31

Compel discovery, motion to, 10:10 to 10:13

Depositions (this index)

Interrogatories (this index)

Negligence, written discovery, 7:7
Oppose Partial Summary Judgment
on Direct Negligence Claim,
10:27, 10:29

Order Denying Motion to Dismiss Castro v. Jones, **10:33**

Order on Direct Negligence, 10:28, 10:30

Post-crash investigation discovery, **10:3**

Privileges, **10:4**, **10:10** to **10:13**, **10:24**, **10:25**

Protective orders, 10:7, 10:15 to 10:19, 10:22 to 10:25

Request for admission, 7:64, 7:65 Request for production of documents, 7:62, 7:63

Response to Motion to Dismiss and or Strike Count

Castro v. Jones, 10:32

Truck accident litigation, checklist, **7:59**

DISPERSANT GAS

Definition (49 CFR 173.115), 14:11

DISPOSITION OF CLAIMS

Damages, 49 CFR 370
Duplicate payment, 49 CFR 378
Loss, 49 CFR 370
Overcharge, 49 CFR 378
Overcollection, 49 CFR 378

DOWNHILL BRAKING

Generally, 4:19

DRIVERS

Alcohol use and testing. **Alcohol and Alcoholism** (this index)

DRIVERS—Cont'd

Convictions. **Violations and Convictions** (this index)

Drug use and test. **Drugs and Controlled Substances** (this index)

Employment. Employers and Employees (this index)

Hazardous conditions. **Hazardous Conditions** (this index)

Hours of service. **Hours-of-Service** (this index)

Illness or fatigue. **Fatigue** (this index)

Inspection. **Inspection of Vehicle** (this index)

License. Licenses and Permits (this index)

Litigation

Deposition checklist, **7:66**

Interrogatories, 7:60

Production of documents request, **7:63**

Medications. **Drugs and Controlled Substances** (this index)

Qualifications, 49 CFR 391

Records. Records (this index)

Safety. Safety (this index)

State laws and regulations. **State Laws and Regulations** (this index)

Tests and examinations. **Tests and Examinations** (this index)

Time. Time and Date (this index)

Violations. Violations and Convictions (this index)

DRUGS AND CONTROLLED SUBSTANCES

Alcohol and Alcoholism (this index)

Drug testing

Generally, 49 CFR 382

COVID-19 pandemic, notice of enforcement discretion determination re:, **1:22**

State laws and regulations, 17:30, 17:31

Truck accident investigations, 2:8 Use and intake, 49 CFR 382

DRUGS AND MEDICATIONS

Truck accident investigations, 2:8

ELECTRONIC CONTROL MODULES (ECM)

Generally, 12:2

ELECTRONIC STABILITY SYSTEMS

Generally, 12:6

EMERGENCY BRAKE SYSTEM

Generally, 4:7

EMPLOYERS AND EMPLOYEES

Employee safety and health standards, **49 CFR 399**

ENRICHED URANIUM

Definition (49 CFR 173.403), 14:33

EQUIPMENT AND PARTS

Brakes and Brake Systems (this index)

Inspection. **Inspection of Vehicle** (this index)

Lights and lighting devices. Lighting Devices and Reflectors (this index)

Reflectors. **Lighting Devices and Reflectors** (this index)

Safety, 49 CFR 393

State laws and regulations, 17:7, 17:19, 17:22 to 17:25, 17:34, 17:44, 17:51

ETIOLOGICAL MATERIALS

Hazardous materials, 13:4

EVIDENCE

Experts (this index)

Negligence, 7:3

New Technology rf (this index)

State laws and regulations. **State Laws and Regulations** (this index)

EXCEPTED PACKAGE

Definition (49 CFR 173.403), 14:33

EXCLUSIVE USE

Definition (49 CFR 173.403), 14:33

EXECUTORS AND ADMINISTRATORS

State laws and regulations, 17:51

EXEMPLARY DAMAGE

State laws and regulations, 17:7

EXEMPTIONS, EXCLUSIONS AND EXCEPTIONS

Generally, 49 CFR 381

Agricultural exemption, 8:9

Commercial zones, 49 CFR 372

Financial responsibility, agricultural exemptions, **3:15**

Terminal areas, 49 CFR 372

EXPERTS

Deposition checklist, 7:73 Tires, 5:6

EXPLOSIVES

Associate administrator for hazardous materials safety (49 CFR 173.56), **14:4**

Authorization to offer and transport (49 CFR 173.51), **14:6**

Blasting agents (49 CFR 173.5), **14:2** Class 1 explosives (49 CFR 173.5),

14:2

Class 2 compressed gases (49 CFR 173.115), **14:9**

Combustible liquids (49 CFR 173.120(b) (1)), **14:14**

Compatibility groups (49 CFR 173.52, 177.848(e), 177.848(g)), **14:3 to 14:5**

Compatibility notes (49 CFR 177.848(g)), **14:5**

Compressed gases (49 CFR 173.115), **14:9, 14:11**

Dangerous when wet (49 CFR 173.124(c) (1)), **14:31**

Desensitized explosives (49 CFR 173.124(a)), **14:29**

Flammable gas (49 CFR 173.115), **14.9**

Flammable liquid (49 CFR 173.120(a)), **14:13**

Flammable solid (49 CFR 173.124(a)), **14:29**

EXPLOSIVES—Cont'd FATIGUE—Cont'd Forbidden explosives (49 CFR National longitudinal study of adolescent health, 6:7 173.54), **14:8** Hazardous material classification, National sleep foundation, **6:16** 13:4 Normal sleep, 6:13 Hazardous materials load and North American Fatigue Management segregation chart (49 CFR Program, 6:19 177.848(e)), **14:4** Opponent process model, **6:11** Label and labeling, 13:5 Pathological sleep, 6:13 Non-flammable gas (49 CFR Post hoc ergo propter hoc, 6:11 173.115), **14:9** Psychology, **6:8, 6:9** Non-poisonous gas (49 CFR Sleep apnea, **6:13**, **6:15**, **6:16** 173.115), **14:9** Sleep awareness, 6:10 Old classifications (49 CFR 173.53), Sleep debt, **6:2**, **6:3**, **6:11** Sleep deprivation, **6:5**, **6:7**, **6:11**, **Organic Peroxides** (this index) 6:14 Oxidizer (49 CFR 173.127(a)), **14:15** Sleep disorders, **6:11**, **6:12**, **6:14**, Oxygen (49 CFR 173.115), **14:9** 6:16 Packing groups Sleep disorders center, **6:13** 49 CFR 172.101, 173.33, 175:121, Sleep education, **6:8**, **6:9**, **6:12** 173.127(b), CFR 173.129, Sleep need, **6:2**, **6:4**, **6:7**, **6:11** 14:32 Snoring, **6:11**, **6:12** Organic peroxides. Organic Subjective alertness level, 6:3 **Peroxides** (this index) Teenagers, 6:7 Placard and placarding, 13:5 **FATIGUE MANAGEMENT** Spontaneously combustible material (49 CFR 173.124(b) (1)), **14:30** Generally, 12:8 Transportation of explosives (49 CFR **FAULT** 173.51), **14:6** Determination and percentage, 17:49 **FAST ACT FEDERAL AVIATION** Generally, 11:9 et seq. ADMINISTRATION **FATIGUE** Hazardous materials, 13:1 Generally, **6:1 to 6:19** FEDERAL MOTOR CARRIER Alertness, **6:3** SAFETY ADMINISTRATION Biological clock, 6:11 (FMCSA) Chronic sleep deprivation, **6:5** Compliance reviews, FMCSA guid-Chronic tracheostomy, **6:15** ance on leveraging technology Civil rights issue, 6:2 to conduct, 1:25 Clock-dependent alerting, **6:11** Compliance Safety Accountability Court-ordered sleep study, 6:17 System, 11:1 et seq. Diagnosis and treatment, 6:16 Cross-Border Transportation and Drivers. **Drivers** (this index) Coronavirus Disease 2019 (COVID-19), FMCSA guidance Drowsiness, 6:3, 6:4, 6:6, 6:11 on, **1:10** Health institutions, **6:2**, **6:7**, **6:13**, Emergency declaration, FAQs, 1:15 6:14, 6:16

FAST Act, 11:9 et seq.

Financial Responsibility (this index)

6:2

National institute of mental health.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

(FMCSA)—Cont'd

MCSAP grant program expanded emergency declaration, FAQs related to, 1:12

Regulations (FMCRs), 1:2

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Generally, 49 CFR 390

Rulemaking procedures, 49 CFR 389

FEDERAL RAILROAD ADMINISTRATION

Hazardous materials, 13:1

FEDERAL REGULATIONS

Tires, **5:4**

Underride collisions, federal regulations and standards, **15:3**

FEES OR CHARGES

Insurance, 49 CFR 360

Motor carrier registration, 49 CFR 360

Transportation charges, 49 CFR 377

FINANCIAL CONDITION

State laws and regulations, 17:28, 17:30

FINANCIAL RESPONSIBILITY

Generally, 3:1 to 3:18

Agricultural exemption, 3:15

Allocation issues, 3:12

"Any final judgment recovered," 3:7

Cancellation, 3:8

Choice of law, 3:5

Coverage defenses, 3:10

Defend, duty to, 3:9

Duty to defend, 3:9

Endorsement, MCS-90, 3:4

Exclusions from policy, 3:10

Exemptions, agricultural, 3:15

Forum, **3:5**

Insurance, minimum levels of, 3:3

Interstate vs. intrastate, 3:11

"In the operation, maintenance or use of motor vehicles," **3:6**

Intrastate, interstate vs., 3:11

FINANCIAL RESPONSIBILITY —Cont'd

Intrastate requirements, 3:11, 3:17

MCS-90 endorsement, 3:4

MCS-90, non-attachment of, 3:14

Member of the public, truck driver's status as, **3:13**

More than one carrier, **3:19**

Motor carriers, 49 CFR 387

Policy exclusions, 3:10

Reimbursement issues, 3:12

State financial responsibility for

motor carriers, 3:16

Statutory employment, **3:1**, **3:2**

Web use to discover insurance information, **3:18**

FINDING PARTIES

Parties (this index)

FISSILE MATERIAL

Definition (49 CFR 173.403), 14:33

FLAMMABLE GAS

Hazardous materials (49 CFR 173.115), **14:9**

FLAMMABLE LIQUIDS

Hazardous materials

Generally (49 CFR 173.120(a)), **14:13**

Classification, 13:4

Label and labeling, 13:5

Placard and placarding, 13:5

FLAMMABLE RANGE

Definition (49 CFR 173.115), 14:11

FLAMMABLE SOLIDS

Hazardous material classification, 13:4

Label and labeling, 13:5

Placard and placarding, 13:5

FLASH POINT

Definition (49 CFR 173.120), **14:27** Hazardous materials (49 CFR

173.120), **14:27**

FORMS

Generally, 7:18 et seq.

FORMS-Cont'd

Hazardous materials investigation, 13:12 to 13:17

Investigation of accidents. **Investigation** (this index)

Montie v. Crossfire, LLC, 7:93

Negligence (this index)

Orren v. BWF Corporation, **7:94** Preservation letter, **7:18**

FORUM

Financial responsibility, 3:5

FRAUD

State laws and regulations, 17:28, 17:31, 17:35, 17:36, 17:44 to 17:46

FREEDOM OF INFORMATION ACT (FOIA)

Investigation. **Investigation** (this index)

Negligence, 8:11, 8:12

FREIGHT CONTAINER

Definition (49 CFR 173.403), 14:33

FREIGHT FORWARDERS

Rules of practice, 49 CFR 386

GASES

Compressed gas in solution (49 CFR 173.115), **14:11**

Dispersant gas (49 CFR 173.115), **14:11**

Explosives. **Explosives** (this index) Hazardous material classification, 13:4

Label and labeling, 13:5

Liquefied compressed gas (49 CFR 173.115), **14:11**

Non-liquefied compressed gas (49 CFR 173.115), **14:11**

Placard and placarding, 13:5

Refrigerant gas (49 CFR 173.115), **14:11**

GOVERNORS, SPEED

Generally, 12:7

GROSS NEGLIGENCE

State laws and regulations, 17:32, 17:45

HAZARDOUS MATERIALS

General discussion, 13:1 to 13:17, 14:1 to 14:37

Associate administrator for hazardous materials safety (49 CFR 173.56), **14:4**

Baggage and cargo, 13:8

Blasting agents (49 CFR 173.5), 14:2

Cargo, 13:8

Carriage, 13:1 to 13:17

Classification, 13:4

Coast guard, 13:1

Combustible liquids (49 CFR 173.120(b) (1)), **14:14**

Combustible materials. Combustible Materials (this index)

Compatibility groups (49 CFR 173.52, 177.848(e), 177.848(g)), **14:3 to 14:5**

Compatibility notes (49 CFR 177.848(g)), **14:5**

Compressed gases (49 CFR 173.115), **14:9, 14:11**

Compressed gas in solution (49 CFR 173.115), **14:11**

Conveyance (49 CFR 173.403), **14:33**

Cryogonia liquid (40 CEP, 173, 115)

Cryogenic liquid (49 CFR 173.115), **14:11**

Dangerous when wet (49 CFR 173.124 (c)), **14:31**

Depleted uranium (49 CFR 173.403), 14:33

Design (49 CFR 173.403), 14:33

Determination of liability, 13:10

Dispersant gas (49 CFR 173.115), **14:11**

Driving rules, 49 CFR 397

Enriched uranium (49 CFR 173.403), 14:33

Etiological materials, 13:4

Excepted package (49 CFR 173.403), **14:33**

Exclusive use (49 CFR 173.403), **14:33**

Explosives. **Explosives** (this index)

Federal aviation administration, 13:1

Federal railroad administration, 13:1

| HAZARDOUS MATERIALS —Cont'd | HAZARDOUS MATERIALS —Cont'd |
|---|--|
| Fissile material (49 CFR 173.403), | Material designation, 13:2 |
| 14:33 Flammable gas (49 CFR 173.115), | Maximum normal operating pressure (49 CFR 173.403), 14:33 |
| 14:9 Flammable liquids. Flammable | Miscellaneous hazardous materials (49 CFR 172.504(b)), 14:35 |
| Liquids (this index) Flammable range (49 CFR 173.115), | Multilateral approval (49 CFR 173.403), 14:33 |
| 14:11 | Natural thorium (49 CFR 173.403), |
| Flammable solids. Flammable Solids (this index) | 14:33 |
| Flash point (49 CFR 173.120), 14:27 | Natural uranium (49 CFR 173.403), 14:33 |
| Forms in investigation, 13:12 to 13:17 | Non-fixed radioactive contamination (49 CFR 173.403), 14:33 |
| Freight container (49 CFR 173.403), 14:33 | Non-flammable gas (49 CFR 173.115), 14:9 |
| Future plans, 14:37 Gases. Gases (this index) | Non-liquefied compressed gas (49 CFR 173.115), 14:11 |
| Hazard communication, 13:2 | Non-poisonous gas (49 CFR |
| Hazardous materials load and | 173.115), 14:9 |
| segregation chart (49 CFR 177.848(e)), 14:4 | Normal form class 7 material (49 CFR 173.403), 14:33 |
| Hazardous materials table, 13:2 | Organic Peroxides (this index) |
| Hazardous materials transportation act of 1975, 13:1 , 13:2 | Other regulated material (orm-d), 13:4 |
| Hazard zone (49 CFR 173.116, 173.133), 14:12, 14:26 | Owner's liability, 13:10 |
| Highway route controlled quantity (49 CFR 173.403), 14:33 | Oxidizers. Oxidizers (this index) Oxygen (49 CFR 173.115), 14:9 |
| Identification of hazard, 13:5 | Packing groups |
| Industrial package (49 CFR 173.403), 14:33 | Class 3 materials (49 CFR 173.121), 14:28 |
| Investigation, 13:12 to 13:17 | Class 4 materials (49 CFR 172.101), 14:32 |
| Labels and labeling, 13:5 | Division 5.1 (49 CFR 173.127(b)), |
| LD50 (49 CFR 173.132(b)(c)), 14:24, 14:25 | 14:17 |
| Leaking packages, 13:14 | Division 6.1 materials (49 CFR 173.33), 14:26 |
| Liabilities, 13:1 to 13:17 | Organic peroxide (49 CFR |
| Liquefied compressed gas (49 CFR 173.115), 14:11 | 173.129), 14:18 |
| Loading and unloading, 13:8, 13:12 | Parking rules, 49 CFR 397 |
| Low specific gravity material (49 | Placards and placarding, 13:5 |
| CFR 173.403), 14:33 | Poison gas. Poison and Poisonous Materials (this index) |
| Low toxicity alpha emitters (49 CFR 173.403), 14:33 | Proceedings, 49 CFR 386 |
| Marine pollutant (49 CFR 171.8), 14:36 | Radiation level (49 CFR 173.403), 14:33 |
| Markings, 13:6 | Radioactive (49 CFR 173.403), 14:11 |
| <u>~</u> . | ` '' |

HAZARDOUS MATERIALS —Cont'd

Radioactive contents (49 CFR 173.403), **14:33**

Radioactive materials. **Radioactive Materials** (this index)

Refrigerant gas (49 CFR 173.115), **14:11**

Research and special programs administration, 13:1

Res ipsa loquitur, 13:10

Safety permit program, 13:11

Service pressure (49 CFR 173.115), 14:11

Shipping papers, **13:7**, **13:16**

Small freight container (49 CFR 173.403), **14:33**

Special form class 7 material (49 CFR 173.403), **14:33**

Toxicity

Hazard zone (49 CFR 173.116), **14:12**

Poisons (49 CFR 173.132), **14:23** Transportation, **49 CFR 397**

Transport index (49 CFR 173.403), **14:33**

Type a package (49 CFR 173.403), **14:33**

Type a quantity (49 CFR 173.403), **14:33**

Type b(m) package (49 CFR 173.403), **14:33**

Type b package (49 CFR 173.403), **14:33**

Type b(u) package (49 CFR 173.403), **14:33**

Ultrahazardous activities, 13:9

Ultrahazardous substance, 13:10

Unilateral approval (49 CFR 173.403), **14:33**

Unirradiated thorium (49 CFR 173.403), **14:33**

Unirradiated uranium (49 CFR 173.403), **14:33**

Vehicle breakdown, 13:13

HAZARDOUS MATERIALS LOAD AND SEGREGATION CHART

Hazardous materials (49 CFR 177.848(e)), **14:4**

HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1975

Hazardous materials, 13:1, 13:2

HAZARD ZONE

Hazardous materials (49 CFR 173.116, 173.133), **14:12, 14:26**

HAZMAT

Hazardous Materials (this index)

HEALTH

Employee safety and health standards, **49 CFR 399**

HEALTH INSTITUTIONS

Fatigue. Fatigue (this index)

HEAT

Brakes and brake systems, **4:10 et** seq.

HIGHWAY ROUTE CONTROLLED QUANTITY

Definition (49 CFR 173.403), 14:33

HIRING

Truck accidents, hiring practices, 2:7

HOURS-OF-SERVICE

State laws and regulations, 17:2 to 17:52

HOUSEHOLD GOODS

Transportation in interstate commerce, 49 CFR 375

INDUSTRIAL PACKAGE

Definition (49 CFR 173.403), 14:33

INGRAM V. C. H. ROBINSON COMPANY, INC.

Parties, **9:45**

INSPECTION OF VEHICLES

Generally, 49 CFR 396

State laws and regulations, 17:16, 17:17, 17:25, 17:48

INSTITUTE FOR SAFER TRUCKING

Amicus brief, Ying Ye, 9:44

Hiring practices, 2:7

INSURANCE INVESTIGATION—Cont'd Coverage for property and passengers Hours of service, 2:18 (49 CFR 387.1), **13:17** Inspection of truck, 2:12 Loss claims, 49 CFR 370 Fees, 49 CFR 360 **Financial Responsibility** (this index) Maintenance, negligent, 2:11 State laws and regulations, 17:2 Medical examination, DOT, 2:9 Medication, drugs and, 2:8 INSURANCE COMPANIES Negligent maintenance, 2:11 Parties, 9:5 Negligent operation, 2:11 **INTERNET** Operation, negligent, 2:11 Financial responsibility, web use to Overcollection. 49 CFR 378 discover insurance information, Photographing commercial motor vehicles, 2:13 Policies and procedures of trucking INTERROGATORIES company, 2:5 Drivers, **7:60** Post-crash report, reading, 2:4 Trucking company, 7:61 Publications, useful, 2:17 INTERSTATE COMMERCE Reconstruction of accident, 2:14 Household goods transportation, 49 Record retention time table, 2:2 **CFR 375** Root cause analysis, 2:6 Motor carrier operations, 49 CFR Time table, record retention, 2:2 355 Train collision, truck and, 2:16 INVESTIGATION Truck accidents General discussion, 13:12 to 13:17 General discussion, 2:1 to 2:22 Accident reconstruction, 2:14 Accident reconstruction, 2:14 Cell phones and tablets, 2:19 Certification of identity, privacy Claims waiver and, 2:22 Damages, 49 CFR 370 Controlled substances, 2:8 Duplicate payment, 49 CFR 378 DOT medical examination, 2:9 Loss, 49 CFR 370 Drugs and medication, 2:8 Overcollection, 49 CFR 378 Fact gathering, 2:2 Controlled substances. 2:8 FMCSA safety information, order-Damage claims, 49 CFR 370 ing, 2:15 DOT medical examination, 2:9 Forms, 2:20, 2:21 Drivers. **Drivers** (this index) Freedom of Information (FOIA) Drugs and medication, 2:8 requests, 2:15, 2:21 Duplicate payment, 49 CFR 378 Hiring practices, 2:7 Fact gathering, 2:2 Hours of service, 2:18 FMCSA safety information, ordering, Inspection of truck, 2:12 2:15 Maintenance, negligent, 2:11 Forms, 2:20, 2:21 Medical examination, DOT, 2:9 Freedom of Information (FOIA) Medication, drugs and, 2:8 requests FMCSA safety information, 2:15 Negligent maintenance, 2:11 FOIA request form, 2:21 Negligent operation, 2:11 Form, 2:21 Operation, negligent, 2:11 Hazardous materials, 13:12 to 13:17 Photographing commercial motor

vehicles, 2:13

INVESTIGATION—Cont'd

Truck accidents—Cont'd Policies and procedures of trucking company, 2:5 Post-crash report, reading, 2:4 Privacy waiver and certification of identity, 2:22 Publications, useful, 2:17 Reconstruction of accident, 2:14 Record retention time table, 2:2 Root cause analysis, 2:6 Time table, record retention, 2:2 Train collision, truck and, 2:16 Truck and train collision, 2:16 Truck inspection, 2:12 Vehicle, investigation of, 2:10 Web sites, useful, 2:17 Truck and train collision. 2:16 Truck inspection, 2:12 Vehicle, investigation of, 2:10

JAKE BRAKE

Generally, 4:22

Web sites, useful, 2:17

JOINT AND SEVERAL LIABILITY

State laws and regulations, 17:2 to 17:18, 17:20 to 17:47, 17:49, 17:52

Summary judgment, response to motion for, **9:31**

JUDGMENTS

Final judgment granting dismissal, 7:81

JURISDICTION

American Association of Motor Vehicle Administrators jurisdiction temporary operational changes, 1:16

Negligence, 7:5
Personal jurisdiction
Generally, 7:5
Dismissal motion for, 10:2
Truck crash cases, tires in, 5:9 to
5:14

KAIPUST V. ECHO GLOBAL LOGISTICS, INC.

Parties, **9:42**

LABELS AND LABELING

Hazardous materials, 13:5, 13:16

LANE DEPARTURE SYSTEMS

Generally, 12:5

LD50

Hazardous materials (49 CFR 173.132(b)), **14:24**, **14:25**

LEAKING PACKAGES

Hazardous materials, 13:14

LEASE LIABILITY, TRUCK OWNERS AND

Parties, 9:2

LEASES

Commercial motor vehicles, **49 CFR 376**

LIABILITIES

State laws and regulations. **State**Laws and Regulations (this index)

LICENSES AND PERMITS

Commercial driver's license
Driver's license program, 49 CFR
384

COVID-19 pandemic, enforcement policy re: driver's licenses, **1:20**, **1:24**

Hazardous materials, 13:11
Penalties, 49 CFR 383
Standards and requirements, 49 CFR

LIQUEFIED COMPRESSED GAS

Definition (49 CFR 173.115), 14:11

LITIGATION

Negligence (this index)

LOADERS, IMPROPER

Parties, 9:3

LOADING AND UNLOADING

Hazardous materials, 13:8, 13:12

LOGBOOKS

State laws and regulations, 17:2

LOGO LIABILITY

State laws and regulations, 17:52

LOSS

Investigation of claims, 49 CFR 370 Voluntary disposition of claims, 49 CFR 370

LOW SPECIFIC GRAVITY MATERIAL

Definition (49 CFR 173.403), 14:33

LOW TOXICITY ALPHA EMITTERS

Definition (49 CFR 173.403), 14:33

MAINTENANCE DIRECTOR

Litigation, 7:69

MALICE

State laws and regulations, 17:31, 17:32, 17:35, 17:36, 17:38, 17:44

MANUFACTURERS, VEHICLE AND PART

Parties, 9:7

MARINE POLLUTANT

Hazardous materials (49 CFR 171.8), **14:36**

MARKINGS

Hazardous material, 13:6 Vehicle marking and identification, state laws, 17:8, 17:15, 17:24, 17:27, 17:32, 17:37

MASS TORTS

Bus wreck cases, 16:9

MAXIMUM NORMAL OPERATING PRESSURE

Definition (49 CFR 173.403), 14:33

MCS-90 ENDORSEMENT

Financial Responsibility (this index)

MECHANIC AND REPAIR SHOPS Parties, 9:8

MEXICAN CARRIERS AND DRIVERS

Generally, 18:1 et seq.

Complying with the Hague Service Convention, **18:4**

Requirement to speak English, 18:2

MEXICAN CARRIERS AND DRIVERS—Cont'd

Service of process in Canada and Mexico, **18:3**

MIGRANT WORKERS

Transportation, 49 CFR 398

MISCELLANEOUS HAZARDOUS MATERIALS

Definition (49 CFR 172.504(b)), **14:35**

MONTIE V. CROSSFIRE, LLC

Forms, 7:93

MOTIONS

Dismiss for lack of subject matter jurisdiction, **7:80**

Memo in Support of Motion to Remand, defendant rule, **7:74**

Memo in Support of Motion to Remand, not fraudulently joined, 7:75

Motion for remand, 7:28

Order on remand motion, 7:29

Response to motion for JNOV or new trial, **7:89**, **7:90**

Response to motion for more definite statement, **7:82**

Stay, modify, 7:91

Summary judgment, 7:73 to 7:85

MOTOR CARRIERS

Financial responsibility, **3:16, 49** CFR 387

More than one, 3:19

Registration (this index)

Regulations. **Rules and Regulations** (this index)

Rules of practice, 49 CFR 386

Safety (this index)

State financial responsibility requirements for, **3:16**

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

Grant program expanded emergency declaration, FAQs related to, 1:12

MULTILATERAL APPROVAL

Definition (49 CFR 173.403), **14:33**

MUNICIPALITIES

Certificate of registration, 49 CFR 368

Commercial zones, **49 CFR 368**United States-Mexico international border, **49 CFR 368**

MYERS V. C. H. ROBINSON COMPANY, INC

Parties, **9:46**

NATIONAL INSTITUTE OF MENTAL HEALTH

Fatigue, 6:2

NATIONAL LONGITUDINAL STUDY OF ADOLESCENT HEALTH

Fatigue, 6:7

NATIONAL SLEEP FOUNDATION Fatigue, 6:16

NATURAL THORIUM

Definition (49 CFR 173.403), 14:33

NATURAL URANIUM

Definition (49 CFR 173.403), **14:33**

NEGLIGENCE

Alter ego, amended complaint, 8:10

Bankruptcy, 7:14

Bifurcation, 8:16, 8:17

Company reincarnations visual, 8:19

Company safety violations visual, **8:18**

Contributory negligence, underride collisions, **15:7**

Deposition transcript of trucking company, 8:13

Direct negligence claims, 10:20

Direct negligence claims with vicarious liability admission, **10:9**

Discovery, written, 7:7

Establishing liability

Generally, 8:1 to 8:17

Agricultural exemption, 8:9

Backing cases, 8:7

Cement mixer rollover cases, 8:8

NEGLIGENCE—Cont'd

Establishing liability—Cont'd Forms

generally, 8:10 to 8:22

alter ego, amended complaint, 8:10

amended complaint—alter ego, piercing corporate veil, successor liability, **8:10**

bifurcation, memorandum opinion and order dying, 8:17

bifurcation, plaintiff's memorandum in opposition to defendants' motion for, 8:16

company reincarnations visual, **8:19**

company safety violations visual, **8:18**

complaint, amended, alter ego, piercing corporate veil, successor liability, **8:10**

deposition transcript of trucking company, **8:13**

FOIA request—multiple companies, **8:11**

FOIA response, 8:12

objection to motion in limine on cell phone data, **8:22**

objection to summary judgment on sudden medical emergency, **8:21**

opening for rogue trucking company case, **8:20**

piercing corporate veil, amended complaint, **8:10**

protective order, plaintiff's memorandum in opposition to defendants' motion for, **8:16**

rogue trucking company case, opening for, **8:20**

successor liability, amended complaint, **8:10**

summary judgment, memorandum opinion denying motion for, **8:15**

summary judgment, plaintiff's memorandum in opposi-

| NEGLIGENCE—Cont'd | NEGLIGENCE—Cont'd |
|--|---|
| Establishing liability—Cont'd | Forms—Cont'd |
| Forms—Cont'd | defendants' motion for, 8:16 |
| tions to defendants' motion | Rogue trucking company case, |
| for, 8:14 | opening for, 8:20 |
| trucking company, deposition | Successor liability, amended com- |
| transcript of, 8:13 | plaint, 8:10 |
| Personal conveyance, 8:6 | Summary judgment, memorandum |
| Summary judgment, tips for surviving, 8:4 | opinion denying motion for, 8:15 |
| Training requirements, entry-level driving, 8:5 | Summary judgment, plaintiff's memorandum in oppositions |
| Truck driver's negligence, 8:2 | to defendants' motion for, |
| Trucking company's negligence, | 8:14 |
| 8:3 | Trucking company, deposition |
| Evidence of negligence, 7:3 | transcript of, 8:13 |
| Forms | Forms, negligence litigation, 7:16 to |
| Alter ego, amended complaint, | 7:90 |
| 8:10 | Freedom of Information Act (FOIA), 8:11, 8:12 |
| Amended complaint—alter ego, | Jurisdiction, 7:5 |
| piercing corporate veil, suc- | Liability theories other than |
| cessor liability, 8:10 | negligence, 7:4 |
| Bifurcation, memorandum opinion and order dying, 8:17 | Litigation |
| Bifurcation, plaintiff's memoran- | Generally, 7:1 to 7:90 |
| dum in opposition to | Bankruptcy, 7:14 |
| defendants' motion for, 8:16 | Discovery, written, 7:7 |
| Company reincarnations visual, | Evidence of negligence, 7:3 |
| 8:19 | Forms, 7:16 to 7:90 |
| Company safety violations visual, | Jurisdiction, 7:5 |
| 8:18 | Liability theories other than |
| Complaint, amended, alter ego, | negligence, 7:4 |
| piercing corporate veil, suc- | Negligence, 7:3 |
| cessor liability, 8:10 | Negligence per se, 7:3 |
| Deposition transcript of trucking | Personal jurisdiction mechanics, |
| company, 8:13 | 7:5 |
| FOIA request—multiple companies, 8:11 | Punitive damages, 7:4 |
| FOIA response, 8:12 | Records retention, 7:8 |
| Objection to motion in limine on | Removal to federal court, 7:6 |
| cell phone data, 8:22 | Respondeat superior, 7:2 |
| Objection to summary judgment | Retention of records, 7:8 |
| on sudden medical emer- | Safety director, 7:10 |
| gency, 8:21 | Savings statutes, 7:5 |
| Opening for rogue trucking | Spoliation, 7:8 |
| company case, 8:20 | Standards of care, 7:13 |
| Piercing corporate veil, amended | Successor liability, 7:4 |
| complaint, 8:10 | Telling the story, 7:12 , 7:13 |
| Protective order, plaintiff's memo- | Themes, 7:13 |
| randum in opposition to | Transfer of venue, 7:6 |

| NEGLIGENCE—Cont'd | NEGLIGENT ENTRUSTMENT |
|---|---|
| Litigation—Cont'd | State laws and regulations, 17:2 to |
| Truck drivers, 7:9 | 17:18, 17:20 to 17:49, 17:51, |
| Trucking company, 7:11 | 17:52 |
| Veil piercing, 7:4 | NON-FIXED RADIOACTIVE |
| Venue, 7:6 | CONTAMINATION |
| Written discovery, 7:7 | Definition (49 CFR 173.403), 14:33 |
| Negligence per se, 7:3 | Definition (49 CFK 1/3.403), 14:33 |
| Personal jurisdiction mechanics, 7:5 | NON-FLAMMABLE GAS |
| Piercing corporate veil, amended | Hazardous materials (49 CFR |
| complaint, 8:10 | 173.115), 14:9 |
| Punitive damages, 7:4 | NON LIQUEEUED COMPRECCED |
| Records retention, 7:8 | NON-LIQUEFIED COMPRESSED |
| Remittitur, 7:15 | GAS |
| Removal to federal court, 7:6 | Definition (49 CFR 173.115), 14:11 |
| Respondent superior, 7:2 | Hazardous materials (49 CFR |
| Retention of records, 7:8 | 173.115), 14:11 |
| Rogue trucking company case, open- | NON-POISONOUS GAS |
| ing for, 8:20 | Hazardous materials (49 CFR |
| Safety director, 7:10 | 173.115), 14:9 |
| Savings statutes, 7:5 | |
| Spoliation, 7:8 | NORMAL FORM CLASS 7 |
| Standards of care, 7:13 | MATERIAL |
| State laws and regulations. State | Definition (49 CFR 173.403), 14:33 |
| Laws and Regulations (this | OPPRESSION |
| index) | State laws and regulations, 17:31, |
| Successor liability, 7:4 | 17:36 |
| Successor liability, amended complaint, 8:10 | 17.50 |
| Summary judgment, 8:14, 8:15 | ORGANIC PEROXIDE |
| Telling the story, 7:12, 7:13 | Definition (49 CFR 173.128(e)), |
| Themes, 7:13 | 14:16 |
| Transfer of venue, 7:6 | Determination (49 CFR 173.128(e)), |
| Truck accidents, investigation of | 14:22 |
| Maintenance, negligent, 2:11 | Generic types |
| Negligent maintenance, 2:11 | Generally(49 CFR |
| Negligent operation, 2:11 | 173.128(b)(c)(d)), 14:19 to |
| Operation, negligent, 2:11 | 14:21 |
| Truck drivers | Approval of organic peroxide(49 |
| | CFR 173.128(d)), 14:21 |
| Establishing negligence, above | Procedure for assignment (49 CFR |
| Litigation, generally, 7:9 | 173.128(c)), 14:20 |
| Trucking company | Hazardous material classification, |
| Establishing negligence, above | 13:4 |
| Litigation, generally, 7:11 | Packing groups |
| Underride collisions, contributory | Division 5.1 (49 CFR 173.127(b)), |
| negligence, 15:7 | 14:17 |
| Veil piercing, 7:4 | Division 5.2 (49 CFR 173.129), |
| Venue, 7:6 | 14:18 |

9:39

ORREN V. BWF CORPORATION PARTIES—Cont'd Forms, 7:94 Forms Generally, 9:12 to 9:41 OTHER REGULATED MATERIAL Dismissal motions, 9:12 et seq. (ORM-D) Motions in limine, 9:20 Hazardous materials, 13:4 **Preemption** (this index) Punitive damages, 9:15 OWNER-OPERATOR **Summary Judgment** (this index) Hazardous materials, 13:10 Gauthier v. Total Quality Logistics, **OXIDIZERS** Inc. Appendix to Petition for Writ of Explosives (49 CFR 173.127(a)), Certiorari, 9:55 14:15 Petition for Writ of Certiorari, 9:54 Hazardous material classification. 13:4 Ingram v. C. H. Robinson Company, Hazardous materials (49 CFR Inc., 9:45 173.127(a)), **14:15** Ingram v. C.H. Robinson Company, Inc., 9:50 Label and labeling, 13:5 Insurance companies, 9:5 Placard and placarding, 13:5 Joint and several, summary judgment **OXYGEN** Generally, 9:30 to 9:33 Hazardous materials (49 CFR 173.115), 14:9 Motion for, 9:30 Order granting, 9:33 **PARKING** Reply in support of motion, 9:32 Hazardous materials, 49 CFR 397 Response to motion for, 9:31 **PARTIES** Kaipust v. Echo Global Logistics, Inc., 9:42 Generally, 9:1 to 9:55 Lease liability, truck owners and, 9:2 Amazon, 9:11 Loaders, improper, 9:3 Armis Advisors, LLC v. BUNYOD Manufacturers, vehicle and part, 9:7 KUSHNAZAROV, 9:48 Mechanic and repair shops, 9:8 **Brokers** (this index) Buffkin v. WMK Trucking, Inc., 9:47 Myers v. C. H. Robinson Company, Inc, 9:46 Case laws, 9:42 to 9:49 **Preemption** (this index) Chassis liability, 9:10 Repair shops, 9:8 Complaints (broker liability), 9:36 to Ruff v. Reliant Transportation, Inc., 9:38 9:49 Construction companies, 9:9 Safety compliance company, 9:6 Estelle v. C.H. Robinson Worldwide, Shippers, 9:4 Order Denying Motion to Dismiss, Shippers, negligent hiring, 9:14 9:53 **Summary Judgment** (this index) FAA Authorization Act Truck owners and lease liability, 9:2 Brief for the United States as ami-Vehicle and part manufacturers, 9:7 cus curiae, 9:40 Volkova hearing transcript (broker Order denying preemption, 9:41 vicarious liability), 9:35 Preemption, 9:39 to 9:41 Wyatt v. CTS Transit, Inc. Respondent's brief in opposition, Order Denying Motion to Dismiss,

9:52

PARTIES—Cont'd

Wyatt v. CTS Transit, Inc.—Cont'd Response to Motion to Dismiss, 9:51

Ying Ye

Amicus brief, Institute for safer trucking, **9:44**

Ying Ye - writ of certiorari, 9:43

PARTS

Equipment and Parts (this index)

PAYMENT

Duplicate payment, **49 CFR 378** Transportation charges, **49 CFR 377**

PENALTIES

Commercial driver's license, **49 CFR 383**

PERMITS

Licenses and Permits (this index)

PERSONAL INJURY

State laws and regulations, 17:8

PIERCING CORPORATE VEIL

Negligence, 7:4, 8:10

PILOT PROGRAMS

Generally, 49 CFR 381

PLACARD AND PLACARDING

Hazardous materials, 13:5, 13:17

PLAIN LANGUAGE

C.F.R. 100-185, **14:1** et seq.

PLEADINGS

Complaint (this index)

POISONS AND POISONOUS MATERIALS

Definition (49 CFR 173.132), **14:23** Dermal toxicity (49 CFR 173.132),

14:23

Hazardous material classification, 13:4

Inhalation toxicity (49 CFR 173.132), **14:23**

Label and labeling, 13:5

Marking, **13:6**

Non-poisonous gas (49 CFR 173.115), **14:9**

POISONS AND POISONOUS MATERIALS—Cont'd

Oral toxicity (49 CFR 173.132), **14:23**

Placard and placarding, **13:5** Poison gas (49 CFR 173.115(b)), **14:10**

POTENTIAL CAUSES OF ACTION

Underride collisions, 15:6

PRECAUTIONS

Safety (this index)

PREEMPTION

Generally, **9:17**, **9:21** to **9:29**

Broker negligence, 9:17

Broker preemption, appellate brief on, **9:27**

Broker preemption, opinion denying, 9:23, 9:25, 9:29

Cert petition, response to, **9:26**

Dismissal motion, response to, **9:22**, **9:24**, **9:28**

Opinion on, 9:21

Summary judgment, response to motion for, **9:17**

Underride collisions, 15:9

PRESERVATION LETTER

Litigation, 7:18

PROCESS AGENT

Designation, 49 CFR 366

PRODUCT LIABILITY

Tires, **5:7**

PSYCHOLOGY

Fatigue, **6:8**, **6:9**

PUBLIC FUNDS AND PROPERTY

State laws and regulations, 17:51

PUNITIVE DAMAGES

Litigation, 7:84, 7:85

Negligence, 7:4

Sample response to summary judgment on, **9:15**

State laws and regulations, 17:2 to 17:52

RADIATION LEVEL

Definition (49 CFR 173.403), 14:33

RADIOACTIVE

Definition (49 CFR 173.403), 14:11

RADIOACTIVE CONTENTS

Definition (49 CFR 173.403), 14:33

RADIOACTIVE MATERIALS

Definition (49 CFR 173.403), **14:33** Hazardous material classification, **13:4**

Subpart i (49 CFR 173.403), 14:33

RAILROADS AND TRAINS

Litigation, 7:83, 7:84

RECEIPTS

Generally, 49 CFR 373

RECORDS

Negligence, retention of records, **7:8**Preservation, **49 CFR 379**Records retention
Negligence litigation, **7:8**Time table, truck accidents, **2:2**

REFLECTORS

Lighting Devices and Reflectors (this index)

REFRIGERANT GAS

Truck accidents, 2:2

Definition (49 CFR 173.115), 14:11

REGISTRATION

Certificate of registration, **49 CFR 368**

Fees, 49 CFR 360

Standards, 49 CFR 367

State registration, 49 CFR 367

REMAND

Opinion and order granting remand to state court, 7:78, 7:79

REMITTITUR

Negligence, 7:15

REMOVAL TO FEDERAL COURT

Negligence, 7:6

REPAIR AND MAINTENANCE

Generally, 49 CFR 396

State laws and regulations, 17:16, 17:17, 17:25, 17:48

REPAIR SHOPS

Parties, 9:8

RERIGERANT GAS

Definition (49 CFR 173.115), 14:11

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Hazardous materials, 13:1

RES IPSA LOOUITUR

Hazardous materials, 13:10

RESPONDEAT SUPERIOR

Litigation, 7:2

State laws and regulations, 17:44

ROGUE TRUCKING COMPANY

Negligence, 8:20

ROUTES AND ROUTING

Regulations, 49 CFR 356

RUFF V. RELIANT TRANSPORTATION, INC.

Parties, **9:49**

RULES AND REGULATIONS

Consumer protection regulations, 49 CFR 375

Passenger carrier regulations, 49 CFR 374

Routing regulations, 49 CFR 356

State regulations. **State Laws and Regulations** (this index)

SAFETY

Associate administrator for hazardous materials safety (49 CFR 173.56), **14:4**

Autonomous vehicles, safety technology and, **12:1 to 12:9**

Compliance Safety Accountability System, **11:1 et seq.**

FAST Act, 11:9 et seq.

Federal motor carrier safety regulations. **Federal Motor Carrier Safety Regulations** (this index) SAFETY—Cont'd

Safety fitness procedures, 49 CFR 385

Underride collisions, improved safety design, **15:10**

SAFETY COMPLIANCE COMPANY

Parties, 9:6

SAFETY DIRECTOR

Deposition checklist, **7:68**Negligence litigation, **7:10**

SAFETY PERMIT PROGRAMS

Hazardous materials, 13:11

SALVAGE

Principles and practices, 49 CFR 370

SARS-COV-2

COVID-19 Pandemic (this index)

SAVINGS STATUTES

Negligence, 7:5

SCHOOL BUSES

Bus wreck cases, 16:6

SEAT BELTS

Bus wreck cases, 16:7

SERVICE PRESSURE

Definition (49 CFR 173.115), 14:11

SHIPPERS

Negligent hiring, 9:14 Parties, 9:4

SHIPPING PAPER

Hazardous materials, 13:7, 13:16

SLEEPAND SLEEPING PROBLEMS

Fatigue

SLEEP DISORDERS CENTER

Fatigue, 6:13

SMALL FREIGHT CONTAINER

Definition (49 CFR 173.403), 14:33

SPECIAL FORM CLASS 7 MATERIAL

Definition (49 CFR 173.403), 14:33

SPECIAL TRAINING REQUIREMENTS

Generally, 49 CFR 380

SPEED

Brakes and brake systems, 4:10

SPEED GOVERNORS

Generally, 12:7

SPOLIATION OF EVIDENCE

State laws and regulations, 17:2 to 17:18, 17:20 to 17:35, 17:37 to 17:42, 17:44 to 17:47, 17:49, 17:51

STABILITY SYSTEMS, ELECTRONIC

Generally, 12:6

STATE LAWS AND REGULATIONS

General discussion, 17:1 to 17:52 Accident and crash reporting, 17:2 to 17:52

Alabama, **17:2**

Alaska. 17:3

Alcohol and alcoholism, 17:30, 17:31

Arizona, 17:4

Arkansas, 17:5

Beneficiaries, 17:49

Bifurcation, 17:2, 17:5 to 17:52

California, 17:6

Colorado, 17:7

Comparative negligence, 17:47,

17:51, 17:52

Compatibility with interstate motor carrier operations, 49 CFR 355

Compensatory damages, 17:2, 17:46

Connecticut, 17:8

Constitutional issues, 17:2, 17:4, 17:7 to 17:46, 17:51, 17:52

Contributory negligence, 17:50 to 17:52

Costs and expenses, 17:44

Damages

Compensatory damages, 17:2, 17:46

Exemplary damage, 17:7

Property damage, 17:8, 17:28

Punitive damages, 17:2 to 17:52

Index-24

| STATE LAWS AND REGULATIONS —Cont'd | STATE LAWS AND REGULATIONS —Cont'd |
|---|--|
| Delaware, 17:9 | Log books, 17:2 |
| District of columbia, 17:10 | Logo liability, 17:52 |
| Drivers, qualification, 17:2 to 17:9, | Louisiana, 17:20 |
| 17:20 to 17:24, 17:27 to 17:29, | Maine, 17:21 |
| 17:35 to 17:37, 17:42 to 17:45 | Malice, 17:31, 17:32, 17:35, 17:36, |
| Drugs and controlled substances, | 17:38, 17:44 |
| 17:30, 17:31 | Maryland, 17:22 |
| Equipment and parts, 17:7 , 17:19 , | Massachusetts, 17:23 |
| 17:22 to 17:25, 17:34, 17:44, | Michigan, 17:24 |
| 17:51 | Minnesota, 17:25 |
| Evidence | Mississippi, 17:26 |
| Clear and convincing evidence, | Missouri, 17:27 |
| 17:28, 17:31, 17:32, 17:35, 17:36, 17:38 | Montana, 17:28 |
| Financial condition, 17:28, 17:30 | Motor carriers, financial responsibil- |
| Executors and administrators, 17:51 | ity of, 3:16 |
| Exemplary damage, 17:7 | Nebraska, 17:29 |
| Fault determination and percentage, | Negligence |
| 17:49 | Comparative negligence, 17:47 , 17:51 , 17:52 |
| Financial condition, 17:28 , 17:30 | Contributory negligence, 17:50 to |
| Financial responsibility of motor car- | 17:52 |
| riers, 3:16 | Entrustment. negligent entrust- |
| Florida, 17:11 | ment, below |
| Fraud, 17:28, 17:31, 17:35, 17:36, | Gross negligence, 17:32, 17:45 |
| 17:44 to 17:46 | Negligent entrustment, 17:2 to 17:18, |
| Georgia, 17:12 | 17:20 to 17:49, 17:51, 17:52 |
| Gross negligence, 17:32, 17:45 | Nevada, 17:30 |
| Hawaii, 17:13 Hours of service, 17:2 to 17:52 | New hampshire, 17:31 |
| Idaho, 17:14 | New jersey, 17:32 |
| Illinois, 17:14 Illinois, 17:15 | New mexico, 17:33 |
| Indiana, 17:16 | New york, 17:34 |
| Inspection of vehicle, 17:16 , 17:17 , | North carolina, 17:35 |
| 17:25, 17:48 | North dakota, 17:36 |
| Insurance, 17:2 | Ohio, 17:37 |
| Iowa, 17:17 | Oklahoma, 17:38 |
| Joint and several liability, 17:2 to | Oppression, 17:31, 17:36 |
| 17:18, 17:20 to 17:47, 17:49, | Oregon, 17:39 |
| 17:52 | Pennsylvania, 17:40 |
| Kansas, 17:18 | Personal injury, 17:8 |
| Kentucky, 17:19 | Public funds and property, 17:51 |
| Liabilities | Punitive damages, 17:2 to 17:52 |
| Joint and several liability, 17:2 to | Repair and maintenance, 17:16, |
| 17:18, 17:20 to 17:47, 17:49, | 17:17, 17:25, 17:48 |
| 17:52 | Respondent superior, 17:44 |
| Logo liability, 17:52 Vicarious liability, below | Rhode island, 17:41 South carolina, 17:42 |
| vicarious hability, below | South Caronna, 17:42 |

SUMMARY JUDGMENT—Cont'd STATE LAWS AND REGULATIONS -Cont'd Joint and several South dakota, 17:43 Generally, 9:30 to 9:33 Spoliation of evidence, 17:2 to Motion for, 9:30 17:18, 17:20 to 17:35, 17:37 to Order granting, 9:33 17:42, 17:44 to 17:47, 17:49, Reply in support of motion, 9:32 17:51 Response to motion for, 9:31 Statutory employee, 17:32 Motion for, 9:30 Survival of action, 17:49 Negligence, 8:14, 8:15 Survival statutes, 17:49 Negligent undertaking, 9:34 Tennessee, 17:44 Parties, 9:13 et seq. Texas, 17:45 Response to motion for Utah. 17:46 Broker negligence, 9:17 to 9:19 Vehicle marking and identification, Broker punitive damages, 9:15 17:8, 17:15, 17:24, 17:27, Broker vicarious liability, 9:13 17:32, 17:37 Joint and several, 9:31 Vermont, 17:47 Preemption, 9:17 Vicarious liability, 17:2 to 17:18, Shipper negligent hiring, 9:14 17:21 to 17:47 **SURVEYS** Virginia, 17:48 Underride collision cases, 15:8 Washington, 17:49 West virginia, 17:50 SURVIVAL STATUTES Willful and wanton conduct, 17:32, State laws and regulations, 17:49 17:35, 17:46 **TELEMATICS** Wisconsin, 17:51 Generally, 12:3 Wrongful death, 17:2 to 17:18, 17:20 to 17:52 **TERMINAL AREAS** Wyoming, 17:52 Exemptions, 49 CFR 372 **STATISTICS** TESTS AND EXAMINATIONS Generally, 1:4 Alcohol test. Alcohol and Alcohol**ism** (this index) STATUTORY EMPLOYEES Brakes and brake systems, 4:25 State laws and regulations, 17:32 Drug tests. Drugs and Controlled **Substances** (this index) **STAYS** Motion to modify, 7:91 TIME AND DATE Stipulation lifting, 7:92 Hours of service of driver. Hours-of-**Service** (this index) **STIPULATION TIRES** Lifting stay, 7:92 Generally, 5:1 to 5:8 SUCCESSOR LIABILITY Condition, 5:3 Negligence, 7:4, 8:10 Experts, 5:6 Federal regulations, 5:4 SUMMARY JUDGMENT Forms, 5:10 to 5:14 Generally, 9:13 et seq. Broker vicarious liability, response to Parts of tires, 5:2 motion for, 9:13 Personal jurisdiction, 5:9 Carrier, broker is, 9:16 Product liability, 5:7

TIRES—Cont'd

Roadway marks, **5:5** Trial strategy, **5:8**

TRAIN COLLISION

Truck and, 2:16

TRANSPORTATION CYCLE

Truck accidents, understanding, 2:3

TRANSPORT INDEX

Definition (49 CFR 173.403), 14:33

TRUCK ACCIDENTS

General discussion, 2:1 to 2:22 Accident reconstruction, 2:14

Cell phones and tablets, 2:19

Controlled substances, 2:8

DOT medical examination, 2:9

Drugs and medication, 2:8

Fact gathering, 2:2

FMCSA safety information, ordering, **2:15**

FMCSA safety information, ordering, truck accidents investigation, 2.15

Forms, 2:20, 2:21

Freedom of Information (FOIA) requests, **2:15**, **2:21**

Hiring practices, 2:7

Hours of service, 2:18

Inspection of truck, 2:12

Maintenance, negligent, 2:11

Medical examination, DOT, 2:9

Medication, drugs and, 2:8

Negligent maintenance, 2:11

Negligent operation, 2:11

Operation, negligent, 2:11

Photographing commercial motor vehicles, **2:13**

Policies and procedures of trucking company, 2:5

Post-crash report, reading, 2:4

Publications, useful, 2:17

Reconstruction of accident, 2:14

Record retention time table, 2:2

Record retention time table, truck accident investigation, 2:2

Root cause analysis, 2:6

Time table, record retention, 2:2

TRUCK ACCIDENTS—Cont'd

Train collision, truck and, 2:16

Truck and train collision, 2:16

Truck inspection, 2:12

Understanding the transportation cycle, **2:3**

Vehicle, investigation of, 2:10

Web sites, useful, 2:17

TRUCKING COMPANY

Chief executive officer (CEO), 7:70

Depositions, 7:70, 7:71

Dispatch and operation, 7:71

Interrogatories, 7:61

Negligence litigation, 7:11

Production of documents request, **7:62**

TRUCK OWNERS AND LEASE LIABILITY

Parties, 9:2

TRUCK WRITERS OF NORTH AMERICA (TWNA)

Glossary of trucking terms, 1:8

TYPE A PACKAGE

Definition (49 CFR 173.403), 14:33

TYPE A QUANTITY

Definition (49 CFR 173.403), 14:33

TYPE B(M) PACKAGE

Definition (49 CFR 173.403), 14:33

TYPE B PACKAGE

Definition (49 CFR 173.403), 14:33

TYPE B(U) PACKAGE

Definition (49 CFR 173.403), 14:33

UNDERRIDE COLLISIONS

Generally, 15:1 to 15:11

Causes of action in underride cases, **15:6**

Conclusion, 15:11

Conspicuity, 15:4

Contributory negligence, 15:7

Crashworthiness, 15:5

Federal regulations and standards, 15:3

History, **15:2**

Improved safety design, 15:10

UNDERRIDE COLLISIONS

-Cont'd

Introduction, 15:1

Preemption, 15:9

Survey of underride cases, 15:8

UNILATERAL APPROVAL

Definition (49 CFR 173.403), 14:33

UNIRRADIATED THORIUM

Definition (49 CFR 173.403), 14:33

UNIRRADIATED URANIUM

Definition (49 CFR 173.403), 14:33

URANIUM

Depleted uranium (49 CFR 173.403), **14:33**

Enriched uranium (49 CFR 173.403), **14:33**

Natural uranium (49 CFR 173.403), **14:33**

Unirradiated uranium (49 CFR 173.403), **14:33**

VEHICLE AND PART MANUFACTURERS

Parties, 9:7

VEIL PIERCING

Negligence, 7:4, 8:10

VENUE

Negligence, 7:6

VICARIOUS LIABILITY

State laws and regulations, **17:2 to 17:18, 17:21 to 17:47**

VIDEOS

Bus wreck cases, onboard video, importance of ECM and, **16:5**

WEBSITES

Financial responsibility, web use to discover insurance information, 3.18

Truck accident investigations, useful websites and publications, 2:17

WEIGHT

Brakes and brake systems, 4:10

WILLFUL AND WANTON CONDUCT

State laws and regulations, 17:32, 17:35, 17:46

WITNESSES

Experts (this index)

WRIT OF CERTIORARI

Ying Ye, 9:43

WRONGFUL DEATH

Bankruptcy, 7:18 Complaint, 7:21 et seq. State laws and regulations, 17:2 to 17:18, 17:20 to 17:52

YING YE

Parties

Amicus brief, Institute for safer trucking, **9:44**Writ of certiorari, **9:43**