





PILOT CAR WORLD

**Federal Task Force on Vehicle Weights & Dimensions
Presentation**

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WHAT'S HAPPENING IN THE INDUSTRY

More pilot operators are getting training, **in spite of** government inaction.

Manufacturers of some products, notably in the wind industry are insisting on training and proof of training by way of recognizable certificates. Three major wind component manufacturers have gotten together and built a training program that is mandatory for all those working with wind project pieces. That includes pilots, steerpersons and truck drivers.

We currently have one Certified Instructor in Canada who is allowed to teach the Washington State Pilot Escort Vehicle Operator course as well as the wind industry course – WITPAC.

(Wind Industry Transportation Professional Advanced Certification)

He travels across the country doing the training in both English and French.

Recent serious problem cropping up for the Industry is Insurance Companies **refusing** to insure Operators doing the job of piloting oversize loads on the highways, even though pilot vehicles are a requirement both by regulation and by permit for many oversize loads.

Recurring problem - lack of enforcement of the Provincial regulations that are out there.

As you all know, there are a number of regulations in each province regarding signage, lights and equipment for Pilot Vehicles.

These vary according to where you live and operate and are not consistent from one jurisdiction to the next.

In this presentation I am going to give a hypothetical story of what can happen because of chronic non-enforcement and the lack of harmonized regulations and equipment requirements.

Part 1

This is a hypothetical accident, compiled from information of many different accidents. Province of setting is Alberta.

To set the scene: we have one lead pilot, one trail pilot and one oversize load traveling down a two-lane undivided highway. Traffic in both directions is fairly steady. There are no roadside pullouts or wide spots to allow the load to pull over and allow traffic to pass safely.

It is in the summer, dry pavement and sunny day. Load and pilots are traveling at posted speed limit for the highway.

Part 2

Member of motoring public in a hurry to get somewhere is following the load. Male driver with wife and two children in car.

He wants to get around pilots and load, keeps moving to the left side to try and see if clear to get around.

Traffic is pretty steady with no real breaks to allow for a safe passing opportunity.
In this case, pilots and load have dash cameras.

Motorist finally gets really impatient and pulls out to pass. Unfortunately there is oncoming traffic.

Part 3

As a result, there is a head on collision between two vehicles. One vehicle also hits oversize load. Serious injuries result and one child dies at the scene.

Police investigation concludes pilots and load were doing everything right.

Conclude that impatience on part of driver passing is the main cause of accident.

Part 4

Time passes. Injuries heal. Father of child knows accident was his fault, but decides in his head that the load and pilots are to blame because if they weren't there it would not have happened.

Goes over it and over it and decides somebody must pay and that those 'somebodies' are the trucking company and the Pilot Operators.

So, he goes to see a lawyer and decides to sue.

THE COURT CASE – Hypothetical - Alberta

Member of Motoring Public - **VS** - Pilot Operators

Basics of Accident: Motorist got super impatient wanting to get around oversize load and pilot vehicles. Bit of Road Rage attitude. Passed rear pilot in unsafe manner, then proceeded to pass oversize load when not safe to do so. Hit an oncoming vehicle which in turn caused him to also hit oversize load. Motorist had wife and young children in car. One child killed. Pilot vehicles had dash camera video showing what happened. Police report said they did everything correctly.

Defense Strategy:

Father's lawyer is young and eager to make name for himself as a winner in court.

Finds information from photos at scene that rear pilot does not totally match signage regulations. Double checks regulations to see what they reveal about legal setup of pilot vehicle. Decides this best way to proceed to achieve a win and a settlement.



This is the sign setup lawyer spotted in accident scene photos. As you can see, the outboard lights are the correct 7-inch flashing lights BUT the inboard lights **Do Not** meet past and current regulations.

So, what the lawyer argues is that because the sign does not match the regulations, then the motorist could not be totally certain that this was in fact a Pilot Vehicle.

Searching further, the lawyer finds that the Pilot Operator knew that this set up was not totally legal.

Outcome:

People have a preconceived mindset of “big trucks are always the ones to cause the accidents”.

A good lawyer exploiting this knowledge, along with nudges about equipment not meeting actual regulations can sway a jury to give a settlement based on feelings, not facts.

In cases like this, the slightest thing not correct by a company in the trucking industry will generally, cause the company to be found in the wrong and have settlements awarded against them.

Even though this is a hypothetical case, this has happened in real life already in the USA.

Many of these settlements in the USA are known as Nuclear Settlements. This is where the jury awards the plaintiff monetary awards in the hundreds of millions. These settlements are not proportional to the event but awarded based on a misconception that big trucks and loads must pay big.

To mitigate the potential of numerous actions of this sort against companies it is imperative for Governments to:

- Update regulations to clear up language that is vague, inconsistent/contradictory, and open to interpretation by both the pilot/escort and law enforcement.
- Define the duties and operational requirements of the Pilot/Escort Vehicle Operators
- Update the regulations across the country to ensure consistency in requirements and the use of equipment.
- Increase enforcement of the regulations.
- Put in place requirements for mandatory training and certifications