

# **CRUNCH – When Flesh Meets Metal**

**[A Bicyclist’s Guide to Collisions With Motorists – Before, At The Scene and After]**

**[Revised 2016-10]**

**[For most current version see the Alberta Bicycling Association’s website]**

**The following is an outline of the measures that you should consider taking – prior to, immediately after, and following a collision between you, while riding your bicycle, and a motor vehicle, within the Province of Alberta. Because this is a summary of the measures that you might take, this outline is not intended to be complete or to provide legal advice. You should seek legal advice about your specific situation from an experienced personal injury lawyer.**

## **Equip Yourself Prior To The Crash:**

After reading the following discussion, you may wish to make a copy of the attached **Crash List / Scene** (last 2 pages of this document) on your computer, fill in the appropriate blanks, and print a copy to fold and take with you – along with something to write with. This **Crash List / Scene** is an Adobe Acrobat (.pdf) format document, and we suggest that you print the **Scene List** on one side of a sheet and the **Crash Scene** on the other side.

In case you are not able to speak for yourself after being hit, you should consider carrying with you some sort of identification that gives your name, address, Alberta Personal Health Card number, emergency contact(s), and other information. The attached **Crash List** has a place for most of this information – fill it in and/or make alterations to suit your situation. However, if you have a serious allergy you should wear a bracelet or a dog tag, as the first responders will be looking for them.

Even if the accident is relatively minor, you will, at the very least, need to identify yourself to the motorist (and his / her insurance company). So you might want to carry a photocopy of some of the following identification (the original can stay at home):

- Alberta Operator’s Licence – Photocopy both sides:
  - a) The Police are accustomed to using this form of identification, so providing it would facilitate the completion of their Police Report – which is what you want.
  - b) You do not need an Operator’s Licence to ride a bicycle. However, when you are riding a bicycle, the law considers a bicycle while being ridden to be a vehicle, with the same rights and responsibilities as a motorized vehicle.
- Alberta Personal Health Card – Photocopy both sides:
  - a) You will need this at the hospital or clinic.
  - b) If you have been admitted to a local hospital before, and have a card from them, include a photocopy of this card to speed access to your records in their system.
- Private Health Insurance Card(s) – Photocopy both sides:
  - a) The most common private health insurance card is your Blue Cross card(s) and/or a card from insurance obtained through your employer.
  - b) If you are biking outside of Alberta, you should include your Out of Province / Country Health Insurance cards – include their contact numbers.
- Passport – Photocopy the Identification Page – for a bike trip outside Canada.

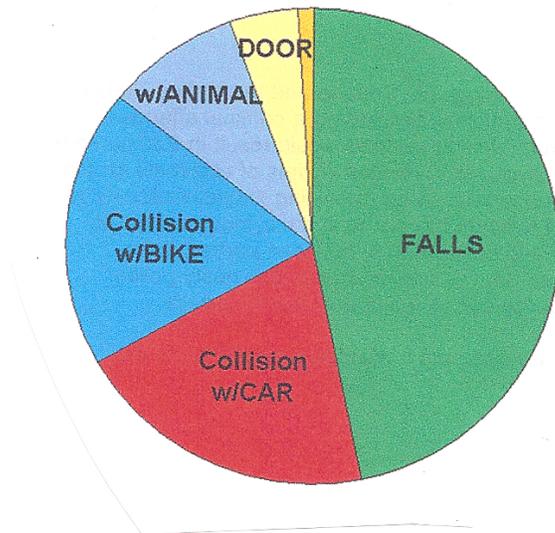
To prepare for possible legal action following the crash, you might consider the following:

- Insurance – In the event your injuries are so serious that you require lengthy rehabilitation and / or extended care:
  - a) You should consider obtaining health and disability insurance that will cover this situation – and also if you are injured by crashing your bike into a tree, or other upset. The disability insurance will provide for your lost income while you wait for the conclusion of your legal action, and the health insurance will give you a backstop in case you need further rehab / care after exhausting the benefits available to you from other sources – in which case you will need an experienced lawyer – see “**Retain a Lawyer**” sub-section below.
  - b) If you own a motor vehicle, consider increasing the limit of the “S. E. F. No. 44 – Family Protection Endorsement” portion of your automobile insurance. If feasible, increasing this limit to at least two million dollars (\$2,000,000.00) is recommended. This will give you a backstop in case you need further rehab / care after exhausting the benefits available to you from other sources – in which case you will need an experienced lawyer – see “**Retain a Lawyer**” sub-section below.
- Camera – Probably the best way to record the Crash Scene is to take numerous photographs. You may use a cell phone with photo capability, or carry a small “disposable” camera.
- Receipts – Retain the receipts for your bicycle and major accessories. These will support your claim to recover the cost of damage to or loss of your bicycle.

Equip yourself and your bicycle for travel on Alberta’s urban and rural bikeways under all conditions:

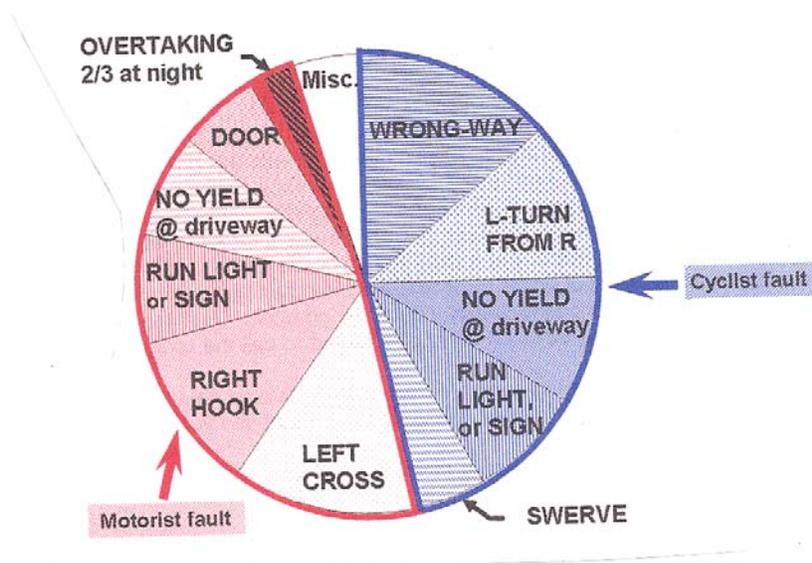
- Be Visible – Wear bright and reflective clothing, especially during difficult conditions:
  - a) In rainy conditions, some colours become quite dark when wet.
  - b) With full sunlight casting deep shadows across the road (from trees or buildings), a motorist moving quickly from bright daylight to shadows may find it hard to see a bicyclist on the shadows.
- Urban Pathway – You are required to signal when passing another user:
  - a) Equip your bike with a bell (preferred) or horn, or use your voice to warn the other user.
- Nighttime Travel – Your bicycle is required to have the following items, and you are required to use them from 1/2 hour before sunset until 1/2 hour after sunrise:
  - a) Headlight(s) – one but not more than two mounted on the front of your bike. (A helmet-mounted headlamp would be in addition to this headlight.)
  - b) Red Taillight – one mounted on the rear of your bike.
  - c) Red Rear Reflector – one mounted on the rear of your bike (in case the taillight goes out).

You may be interested in the following pie chart, which illustrates the various types of bicycle accidents and their frequency. You will see that “Collision With Car” and “(Car) Door” account for almost a quarter of these accidents – and potentially the most serious injuries.



A second pie chart breaks down these Car vs. Bike collisions, and illustrates who is at fault – motorist in red and cyclist in blue. Note that the motorist and cyclist are almost equally at fault, so be smart and aware when bicycling to reduce your chances of a car collision by (almost) 50%!

Equally importantly, it shows that being hit on the side at intersections (when someone runs a light or sign, while turning, or when exiting a driveway) accounts for the majority of these collisions.



## While At The Crash Scene:

### Get Up Slowly

- ⇒ If you have been knocked down, remain still and assess your injuries. Take your time getting up – *if you have landed in safe location*.
- ⇒ If you have been seriously injured, especially if you suspect a spinal or head injury, don't even attempt to move or to get up until the ambulance arrives.
- ⇒ Since you may not be immediately aware of the extent of your injuries, taking your time may prevent further injury – e.g. moving and displacing a broken back, or trying to walk on a broken leg.
- ⇒ However, if you have landed on the road and your injuries allow, you should move yourself off the road. This is especially true where the chances of a secondary accident are high, for example if the road has two or more lanes traveling in your direction and/or driving conditions are poor, as other motorists will be distracted by the accident scene and a person lying on the road will not be visible to traffic.
- ⇒ Also, by getting up slowly, the motorist may feel more obliged to remain at the scene, and witnesses may be more willing to come forward.

### Seek Help

- ⇒ IF YOU OR ANYONE ELSE HAS BEEN INJURED, call or have someone else call **9 – 1 – 1** and ask that the Police and ambulance services attend the accident scene. **9 – 1 – 1** service is available throughout Alberta.
- ⇒ If there is property damage only (to your bicycle and/or the other vehicles) which totals over \$1,000.00, then you and the vehicle driver(s) are required by law to report the accident to the Police, and they will issue a Police Report. You can call them to the scene at the numbers below, or they may ask you to gather the required information and go to the nearest precinct office.
- ⇒ If the vehicles are immobile, or there is some sort of sort disagreement between the drivers / riders, then call the Police to the scene using the numbers below.
- ⇒ In these cases you may wish to report the accident to the Police at their “Non-Emergency” or Main Police Dispatch Line telephone number, and leave the **9 – 1 – 1** service free for emergencies. This number is different around the province – find the number for your location (and locations that you plan to visit – try to Google the Police Services of these locations) and enter it (them) on the **Crash List**. The following is a listing for the larger centres:

Calgary: .....(403) 266 – 1234.  
Edmonton: .....(780) 423 – 4567.  
Fort McMurray: .(780) 788 – 4000.  
Grande Prairie: ..(972) 237 – 8790.  
Lethbridge: .....(403) 327 – 2210.  
Medicine Hat: ....(403) 529 – 8400.  
Red Deer:.....(403) 343 – 5575.

- ⇒ Note that if this has been a minor collision where the total damage is less than \$1,000.00, there are no injuries, the vehicles are drivable / rideable, and all parties are sharing their respective information (see “**Share Information**” below); there is no need to call Police or other emergency services. The simple exchange of information is all that is required – the insurance companies and civil court can handle any monetary claims. You are not required to report the accident to the Police, and they will not attend the accident scene.

## Seek Treatment

- ⇒ Allow the paramedics to examine you thoroughly, and agree to be taken to the hospital if they decide it is required.
- ⇒ After you have been in a collision, you may not notice right away that you have bruised, broken, and/or torn some part of your body – until some time later. Soft tissue damage can take days or weeks to appear. Some internal or head injuries can be critical or fatal, but initially may not appear too serious.
- ⇒ Your initial treatment costs will be paid by Alberta Health Care, by your own private health insurance coverage(s), by the “Section B” portion of the motorist’s insurance (another reason for you to get the motorist’s information), and/or by the “Section B” portion of your own automobile insurance. At this stage you should focus on contacting your private health insurance and the Section B automobile insurance company – see further discussion in the “**Follow-Up Action**” section below.

## Share Information

- ⇒ Cooperate with the operator of each vehicle involved, so that everyone can obtain the name of each driver / rider involved, their operator licence number, their insurance company name and policy number, their vehicle description and licence plate number (where applicable). You can enter this on the **Crash List** under “Operator (and Owner) Information”. If an operator does not own their vehicle, obtain information on the vehicle owner off the vehicle registration. ***Be aware that an operator may try to provide a false name – for example if they are driving without a licence. Insist on seeing their operator licence.***
- ⇒ All operators are lawfully obliged to remain at the scene of the accident until this information is exchanged, or the Police arrive and complete their report. If the driver(s) does not cooperate with exchanging this information, call the Police at the “Non-Emergency” numbers above and ask for their advice, or if they might attend the scene. If the driver(s) leaves the scene, get their plate number and description for the Police.
- ⇒ If you are not able to do this, have a companion do it for you.

## Survey The Scene

- ⇒ Use the **Crash Scene** template to record such things as street names, traffic signs and/or lights, nearest street address, time, date, road & weather conditions, the direction of travel of you & the other involved vehicles, the collision point, the skid marks, and where all the vehicles (including your bike) came to a stop after the crash. If available, take photographs of the Crash Scene – particularly the damage to the vehicle and your bicycle, the

location of where the vehicle and bicycle came to rest (before they are moved per below), skid marks, traffic signs, and the general scene.

- ⇒ Check out the sightlines. Make note of a vehicle or other obstacle (say a large mobile sign) located too close to the intersection, which may have hindered the motorist seeing you and/or you seeing them.
- ⇒ If you are able to take photos of the accident scene, do so. If you are unable to take the photos your self, try to have a witness or bystander do this before the bicycle or automobiles are moved. Do this before you complete your **Crash Scene** report, and the Police arrival and completion of their Police Report.
- ⇒ The motor vehicle(s) should also be moved to a safe location unless it is undrivable, then it stays where it is; or if a serious injury has occurred, it should remain where it is. Police are sometimes able to tell by damage location, witness information, and the geography of the road how the accident occurred, however, if at all possible, take photos of the automobile positions before they are moved. If vehicles are left blocking an intersection, or in the travel lane of a road in poor driving condition, further accidents can occur.

## Seek Witnesses

- ⇒ A “go-pro” camera or equivalent mounted on your bike or helmet (and recording constantly) provides compelling evidence of what happened after a crash.
- ⇒ ***Witnesses are very important to Police and to you***, because the evidence they provide has the most weight in court – they are independent from the folks involved in the accident and their evidence can be crucial.
- ⇒ For this reason you should try to locate as many witnesses as possible. For instance, you might try calling out, “Did anyone see what happened?” When someone comes forward, note their name and contact information on the **Crash List** – you might ask for their business card.
- ⇒ Ask these witnesses to wait and give their information to the Police (if they are attending); or, if the witness has to leave, ask them if you can identify them to the Police. No need for them to describe the crash at this time – tell them that you and/or someone else will get back to them later.
- ⇒ DO NOT show the witnesses your crash report or tell them your version of what happened – his or her description of the accident must remain their own independent version.
- ⇒ You can order a copy of the completed Police Report from the police service for the names, addresses and phone numbers of witnesses who you may not have collected, if the police took the time to obtain this information.

## Note Police Info

- ⇒ After the Police arrive at the scene of the accident, look for the officer who seems to be in charge. Obtain the information noted on the **Crash List** from him or her. Ask how you can to contact them for follow-up and to obtain a copy of the Police Report – ask for the officer’s business card.

- ⇒ If the Police make a Report, they may request a copy of your **Crash List / Scene** report, as these reports may be considered evidence.
- ⇒ Be smart – address the officer(s) as “sir” or “madam”, and if you argue, don’t yell. Also, refer to Police as “officers”, not cops.

## **Hit And Run**

- ⇒ Immediately after any collision, try to get the motor vehicle’s licence plate number. Learn to quickly read and remember licence plate numbers. {You might try the following “game” say while waiting for a bus: glance briefly at the plate of a passing vehicle and then see if you can visualize the number – glance back to confirm that you have been successful.}
- ⇒ Unless you are badly injured by a motorist who hits you and doesn’t stop, fill out whatever **Crash List / Scene** information you can. Again, try to obtain witnesses per “**Seek Witnesses**” above.
- ⇒ Look for all car parts that may have fallen off the offending vehicle, and check your bike for any paint transfer off the offending vehicle. If the Police attend the scene they will collect this debris as evidence – if Police do not attend, you can collect the accident debris but make sure to bag it all separately.
- ⇒ If the Police do not attend the scene, take your **List / Scene** information to the nearest Police station and ask to make a report. Also, hand over the offending vehicle parts that you collected to the Police (not your bike unless it has a paint transfer – just the offending vehicle’s parts).
- ⇒ If you have been injured by a hit-and-run motorist, and if for some reason the Police do not attend the scene, call the Police as soon as possible, or from the hospital and ask to make a report.
- ⇒ You will need a Police Report so that, if you or the Police later identify the motorist, action can be taken against them.

## **Secure Your Bike**

- ⇒ If you can’t ride or otherwise remove your bike from the scene, ask a companion or witness to look after it for you, or lock it well at the scene. You or a friend can come back to retrieve it later.
- ⇒ Collect any broken parts off your bike that may be on the street or picked up by the Police or bystanders. You may need them later to prove damage to your bicycle.
- ⇒ If your bike is equipped with a computer or GPS that is able to record your speed at the time of the crash, remove and guard this computer / GPS as your speed may be relevant in subsequent legal proceedings.

## **While At The Hospital**

### **Collect Evidence**

- ⇒ If the ambulance or hospital staff have to remove any of your torn or damaged clothing in order to treat you, ask that you get the clothing back. They may well come in handy later to illustrate your injuries.
- ⇒ Talk to hospital staff about obtaining your medical records regarding the injuries that you sustained in the crash.

**Careful If Signing** ⇒ Some official might ask you to sign some sort of accident report “as a formality”. Given that you are still recovering from the accident, you should ask that you do that later after your lawyer has perused the report – you might be admitting blame.

### Once You Get Back Home

**Write A Report** ⇒ Use the notes you made on the **Crash List** and **Crash Scene** to spur your memory to write down everything, every little detail, that you can remember about the crash. Return to the Crash Scene to refresh your memory, and to take photos and/or a video of the Scene (even if you took photos immediately after the crash). Be aware that other people may review this report, so make it concise and professional.

⇒ Your completed **Crash List** and **Crash Scene** reports may be considered to be evidence by the Police. In this case, the originals will become court documents – so take good care of them.

**Visit Your Doctor** ⇒ Visit your family physician **immediately**, and give him or her regular updates every two to six months until you have either healed or your claim has been resolved.

⇒ Have your doctor initiate any required treatments for your physical injuries as soon as possible – say with a physiotherapist, chiropractor or similar specialist. If you are having problems doing your daily activities or your work, ask for a referral to an occupational therapist.

⇒ If you have suffered psychological injury in the crash (e.g. you are experiencing stress, anxiety, nightmares, impaired memory or concentration, or are avoiding the accident scene), ask your doctor for a referral to a psychiatrist, psychologist or similar specialist.

**Start a Diary** ⇒ Beginning with your report on the crash, make notes on your crash injuries and their treatments, any difficulties performing your daily activities, hours missed from work or school due to injuries, and of any relevant dates and conversations (such as discussions with your lawyer or insurance company).

⇒ Title the diary “In Anticipation of Litigation” – this will allow your lawyer to restrict access to this diary. Remember that this diary is to help you remember details and conversations related to the crash, so make your entries concise, discrete and professional. Do not make unwarranted comments about anyone, or note unnecessary details of your personal life, as you may be examined on these items if your diary becomes a court document.

**Record Damage** ⇒ Take photos of any damaged clothes, of your bike and any accessories that were damaged, and of your injuries.

⇒ Get an estimate for the repair of your bike, or the cost of an equivalent replacement bike, from a local bike retail/repair shop.

⇒ Also determine the cost to replace any damaged clothes.

## Seek Witnesses

- ⇒ As soon as possible, return to the crash scene to see if you can find more witnesses. Look where folks are working, such as shops and stores, the lobbies of buildings, and taxi stands, and talk to them.
- ⇒ Check for security cameras that may have recorded the event.
- ⇒ Try advertising for witnesses who may have seen the crash, by displaying posters near the Crash Scene and/or placing an advertisement in the local newspapers. Keep track of your expenses related to placing these posters and/or advertisements. If this is a **Hit and Run** crash, your advertising for witnesses is considered crucial by the MVAC Administrator (see below under “**Major Injuries**”).
- ⇒ Look at the Police Report for the names, addresses and phone numbers of witnesses who you may not have collected.

## Open a File

- ⇒ You will need this file as a safe place to keep **all** of your documents – including the originals of your completed **Crash List** and **Crash Scene**, copies of any forms that you have signed (such as benefit application forms to insurance companies), prints of your crash photos (or video) and the originals of your expense bills, receipts and invoices. Do not write on the latter originals – make notes in your diary of the dates, amounts, and reason for the expenses detailed on these bills, receipts and invoices.
- ⇒ If anyone requests a copy of any document, make a copy of the document for them and retain the original in your file. However, the insurance companies or courts will usually insist upon having the originals of receipts for any item being claimed, so make a clear copy for your file before surrendering your originals.

## Follow-Up Action

### Insurance Claims

- ⇒ Most accidents are a result of driver error and are often handled peacefully and cooperatively between parties, therefore try not to confront or antagonize the motorist even though he or she may clearly be at fault.
- ⇒ Your initial treatment costs will be paid by Alberta Health Care, and by your own private health insurance coverage(s), and also by the “Section B” portion of the motorist’s insurance, (or by the “Section B” portion of your own automobile insurance if the motorist was not insured). After contacting your private health insurance company, contact the driver’s automobile insurance company (ask how to access the **Section B** benefits), **within 10 business days of the crash**, and ask them to advise what “**no fault**” benefits are available to you. Be diligent in obtaining and completing the benefit application forms from your health insurance company(ies) and from the **Section B** of the driver’s auto insurance company.
- ⇒ Before you talk to any vehicle insurance adjuster, ask them to confirm if they are the “Section B” adjuster or the “Section A” adjuster. Only talk to and sign forms for the “Section B” adjuster, not the “Section A” adjuster. (“Section B” provides you with benefits, while “Section A” defends the motorist who hit you.).

- ⇒ If you have hired a lawyer, then tell the “Section A” adjuster from the motorist’s insurance company to deal with your lawyer. If you do not hire a lawyer, then do not deal with the motorist’s “Section A” insurance adjuster until you are ready to resolve your claim (note that there is a two (2) year limitation period from the crash date within which you must sue the motorist by filing a Statement of Claim in court).
- ⇒ If you are having trouble obtaining benefits from the “Section B” portion of the motorist’s or your insurance coverage, you can contact the “Alberta Compliance Officer” at 1-780-415-1159 (or via the RITE system at 310 – 0000) for assistance.
- ⇒ You should look into any benefits that may be available to you under your or your spouse’s work health insurance plan, the Workers’ Compensation Board (if injured while working), the Canada Pension Plan, Employment Insurance, etc.

## Major Injuries

- ⇒ In Canada, every motor vehicle has to be insured for public liability for at least \$200,000.00, thus providing some financial security for victims in accidents. There is also a government fund to assist victims of accidents where the motor vehicle has no insurance (the Motor Vehicle Accident Claims Fund).
- ⇒ If you have suffered serious injuries, which will require you to undergo lengthy rehabilitation and/or extended care, or if your symptoms continue to interfere with your work, education or activities for more than six (6) months, you will need the help of an experienced lawyer – see “**Retain a Lawyer**” sub-section below.
- ⇒ Beyond the benefits available from Alberta Health Care, private health insurance companies, and the “Section B” portion of the motorist’s and your own insurance companies, there are benefits available, with the help of your lawyer, from:
  - a) The “Section A – Third Party Liability” portion of the motorist’s automobile insurance.
  - b) The Motor Vehicle Accident Claims program if the motorist is not insured or if it is a hit and run driver. If you wish, contact MVAC at 1 – 780 – 427 – 8255 (or via the RITE system at 310 – 0000) for more information. Note that the MVAC program does not pay for property damage.
  - c) The “S. E. F. No. 44 – Family Protection Endorsement” of your own automobile insurance if the motorist is underinsured to meet your needs, i.e. if your rehab / care expenses look like they will exceed \$200,000.00.
  - d) Your health and disability insurance.
- ⇒ You can claim for the following benefits when you settle with, or receive a judgment against, the motorist’s “Section A” insurance company, or the Motor Vehicle Accident Claims Fund if the motorist is not insured<sup>1</sup>:
  - a) Pain and Suffering,
  - b) Past and Future Loss of Income (net of deductions and taxes),

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<sup>1</sup> In order to access the Motor Vehicle Accident Claims Fund, you will have to sue first.

- c) Out of pocket expenses and future treatment expenses,
- d) Loss of ability to do your house or yard work,
- e) Volunteer services provided by your family and friends, and
- f) Some other losses (refer to your lawyer).

⇒ If a Hit and Run motorist has injured you, you have a duty to serve the MVAC Administrator with a notice within 90 days of the crash. You will have to show that you have taken all reasonable efforts to identify the motorist – again, your lawyer will help you here.

## **Retain a Lawyer**

⇒ If you are not familiar with a lawyer or law firm, you may want to contact your local bicycle club or advocacy group, who may know of lawyers experienced in bicycling related issues. Otherwise, you may contact the Alberta Civil Trial Lawyers Association at 1 – 800 – 665 – 7248, or “www.actla.com” for a reference.

## **Criminal Court**

⇒ The Police will investigate the accident, and they will use their professional judgment in laying charges or finding fault if they have found sufficient evidence to support a conviction. Criminal court requires proof of guilt that is beyond a reasonable doubt (as opposed to the proof “on a balance of probabilities” standard in civil court).

⇒ Therefore, you should not always expect that a charge would be laid. However, fault may be placed on the Police Report – driver #1 is often considered by the officer to be the person most at fault. The narrative portion of the Police Report will support that claim.

⇒ [An example would be very icy roads causing a vehicle to slide into the rear of a stopped car. Although a charge could be laid (Unsafe Speed for Conditions), if conditions are so poor that all vehicles are sliding around then civil fault will be placed onto the driver, but criminal charges will not be laid as the prosecution would withdraw these criminal charges due to the conditions.]

⇒ If both parties cannot agree on fault, then civil court is the appropriate place to handle this problem.

⇒ If a conviction is obtained in criminal court, the victim can request restitution as part of sentencing if the guilty driver has no insurance.

⇒ If the police consider you to be at fault, they may issue a summons or violation ticket to you. In this case you may wish to hire a lawyer to defend you – consider contacting your local bicycle club or advocacy group, who may know of lawyers with experience in bicycling related issues.

⇒ If you are convicted of a traffic offence, your operator’s license will be tagged with demerit points since as a cyclist you are expected to obey the rules of the road just like a motor vehicle. This may also affect your insurance rates, because it still shows (to the insurance company) a lack of regard for traffic laws. The same charges and penalties exist for both car and bicycle on the roads, with some minor exceptions for each vehicle.

## Civil Court

- ⇒ If the criminal court action does not satisfy you (or does not occur), you are free to seek compensation through the civil courts. Note there is a two (2) year Limitation Period for civil claims, and there may be a one (1) or (2) year limitation for claims against your insurance company.
- ⇒ You should hire a lawyer to assist you, especially if it appears that you will need compensation for expenses exceeding \$50,000.00 (such as **Major Injuries** above) and you need to sue in Queen's Bench Court. See the "**Retain a Lawyer**" sub-section above.
- ⇒ If you are dealing with a smaller amount of money (less than \$50,000.00), you may want to consider handling the action yourself in special civil courts, i.e. Provincial Court – Civil Division. You can hire a paralegal (or lawyer) to assist you in the Provincial Court. [In Alberta, you can contact these courts by going to the "Government of Alberta" section of the white pages in the phone book, and look for "Civil Division" under the "Court Services" heading.]
- ⇒ You may wish to try to obtain a written statement from each of your witnesses – note that in any case your witnesses will be required to appear in person at the Provincial or the Queen's Bench Court. These statements will probably be useful when negotiating with the insurance companies, or may be used if the witness changes their testimony in Court, however you run the risk of allegations of tampering with the witnesses. It may be best to have a Private Investigator, or your lawyer, obtain these statements.
- ⇒ If you decide to prepare these witness statements yourself, meet with or call each witness, and ask him or her to describe the accident as they saw it. Make notes and tape record their description of the crash – do not coach them!
- ⇒ Ask them to provide you with a written statement of their description, or you may help them by typing their description into a statement using their own words. Have them read what you have typed. If they have a problem with any part, ask them to suggest changes to correct the problem parts.
- ⇒ If or when the statement is acceptable to the witness, ask them to sign and date their statement.

## Outside Alberta

- ⇒ The above is written for accidents that happen in Alberta. Most of it applies to the other provinces and territories on Canada, but you should seek a similar discussion on the web sites of their provincial / territorial bicycle advocacy group.
- ⇒ In the USA, a lot of the above is relevant. If you are planning a trip to the States, you may want to read the book, "URBAN BIKERS' TRICKS & TIPS – Low-Tech & No-Tech ways to Find, Ride & Keep a Bicycle", Revised Edition, by Dave Glowacz (Mr. Bike), copyright in 2004 by Wordspace Press – ISBN 0965172813. Refer to the portion between pages 126 and 131.

## Final Word

- ⇒ As a service to all of us cyclists, you may want to tell the story of your accident and subsequent experiences to your local / provincial bike advocacy

group. Although your accident may have been painful to you, the story may well be a lesson for the rest of us.

- ⇒ However, it is best to wait until after your claims and court action are complete before writing anything – you don't want your writings to be used against you in Court!

## **Acknowledgements**

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We are indebted to the knowledge and the significant work on this document done by Walter Kubitz, Q.C. of Kubitz & Company, a Calgary law firm specializing in catastrophic injury and wrongful death claims. Walter works with the R&T committee on periodic updates to this document and the latest version can be found at: <http://www.albertabicycle.ab.ca/rec-trans>.

# CRASH LIST

**Your: Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Alberta Health Card No.:** \_\_\_\_\_

**Allergies:** \_\_\_\_\_

**Your Contact's: Name:** \_\_\_\_\_

**(Primary) Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Your Contact's: Name:** \_\_\_\_\_

**(Alternate) Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Police / Ambulance Emergency Number:** 9 - 1 - 1

**Police Non-Emergency Number:** \_\_\_\_\_

### Operator (and Owner) Information:

**Operator Name:** A \_\_\_\_\_ B \_\_\_\_\_

**Operator Address:** A \_\_\_\_\_ B \_\_\_\_\_

**Phone Number(s):** A \_\_\_\_\_ B \_\_\_\_\_

**Licence Number:** A \_\_\_\_\_ B \_\_\_\_\_

**Insurance Company:** A \_\_\_\_\_ B \_\_\_\_\_

**Policy Number:** A \_\_\_\_\_ B \_\_\_\_\_

**Vehicle Description:** A \_\_\_\_\_ B \_\_\_\_\_

**Plate Number:** A \_\_\_\_\_ B \_\_\_\_\_

**Owner Name:** A \_\_\_\_\_ B \_\_\_\_\_

**Owner Address:** A \_\_\_\_\_ B \_\_\_\_\_

**Owner Phone No.:** A \_\_\_\_\_ B \_\_\_\_\_

### Witness Information:

**Name:** A \_\_\_\_\_ B \_\_\_\_\_

**Address:** A \_\_\_\_\_ B \_\_\_\_\_

**Phone No.(s):** A \_\_\_\_\_ B \_\_\_\_\_

**Name:** C \_\_\_\_\_ D \_\_\_\_\_

**Address:** C \_\_\_\_\_ D \_\_\_\_\_

**Phone No.(s):** C \_\_\_\_\_ D \_\_\_\_\_

### Police Officer Information:

**Name & Badge Number:** \_\_\_\_\_

**Contact Information:** \_\_\_\_\_

**Police Report Number:** \_\_\_\_\_

# Crash Scene

**Note:** Street Names & Nearby Addresses  
Traffic Signs and/or Lights  
Date and Time  
Road & Weather Conditions  
Direction of Travel @ Collision Point  
Vehicle Location After Collision  
Skid Marks & Sightlines

