

CRASH TALK

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The Return of the Low Speed Investigation?

D. Patrick Ryan, P.Eng. – Principal Engineer

Until relatively recently, low speed investigations were common in the handling of less severe motor vehicle collisions in Alberta. The introduction of the Alberta government's Auto Insurance Reform in 2004 and the associated *Diagnostic and Treatment Protocols Regulation* ("The Cap") changed dramatically the frequency with which such investigations were conducted in the province of Alberta. The overturn of the Cap raised the possibility that such investigations would again become useful file management tools.

With the recent reinstatement of the Cap on appeal (*Morrow v. Zhang, 2009 ABCA 215*) the role of the low speed investigation appears to be confirmed as a tool appropriate for occasional (instead of frequent) use. Although the possibility remains of an appeal to the Supreme Court, the current reinstatement of the Cap enforces a limit of \$4504 in non-pecuniary (pain and suffering) damages.

However, it should be recalled that this represents the maximum award, which might not be appropriate in all cases. Careful use of low speed investigations can provide useful information in establishing whether a settlement position other than the mandated

maximum is appropriate. The major purpose of low speed investigations is traditionally to quantify the severity of the incident, thereby allowing decisions to be made regarding settlement positions. Less frequently, questions may surround the circumstances of the event – for example, one driver may claim that the other party was not rear-ended, but rather reversed and caused the collision, or there may be a dispute over which vehicle was in motion in a parking lot impact.

An investigation done by a non-expert may overlook two major sources of information

Timely and professional documentation of vehicular evidence provides for the greatest likelihood of being able to address such questions. This evidence may include external documentation of bumper faces or body panels, including assessments of the amount and appearance of the damage, as well as the geometric characteristics of both the damage and the component. As a cost control measure, some insurers have at various times attempted to have such documentation completed by staff or independent appraisers.

This approach, tempting though it may appear, may ultimately introduce a variety of problems. Quite aside from the perceptual problem of an expert opinion being reliant upon an investigation done by a non-expert, such an approach also overlooks two major (but often less readily apparent) sources of information: hidden components and event data recorders - both of which are becoming far more common in modern vehicles.




No apparent damage?

Unlike “traditional” bumpers, which frequently used easily observable cylindrical piston tube “isolators” to absorb and dissipate the energy of collision, more modern vehicles often make use of foam or lattice impact absorbers hidden by a moulded bumper cover, or a composite reinforcement beam bonded to the cover. In order to properly document these components, it is typically necessary to book the vehicle into a body shop so that a complete interior and exterior bumper documentation can be performed to determine the extent of hidden damage.

The latest evolution of the low speed investigation requires a more specialized skill set: the ability to interface with and download vehicles equipped with event data recorders. Data obtained from such downloads can often provide corroboration of the collision severity, the impact speed, or both, in addition to other useful parameters. (See CrashTalk Vol. 2 Issue 2, and Vol. 3 Issue 1.)

These downloads can be performed only with specialized equipment **not** used by dealerships, and should be performed only by a properly certified technician.

Book the vehicle into a body shop so that a complete bumper documentation can be performed

The timely retainer of an expert to conduct such investigations thereby maximizes the likelihood that all available data is being considered in evaluating the circumstances of low speed collisions. In some cases, the addition of this file management tool may assist in accurately assessing the merits and value of even a Cap-limited claim. 

D. Patrick Ryan, P.Eng., is a Professional Engineer with over fifteen years' experience in the field of accident reconstruction and has been involved in the investigation of more than 3000 motor vehicle collisions. He specializes in large losses with particular interest in occupant restraints and air bag systems, and is a Crash Data Retrieval Technician Course Instructor.





“No apparent damage”...




...Structural damage visible when cover removed


Crash Corner

 Graham Ryan Consulting can measure the acceleration rate of vehicles to help quantify impact speeds in low-speed collisions.

 Graham Ryan Consulting conducts low-speed crash tests into its immovable barrier.

Recalls

 Honda is recalling 2001 Civic and Accord vehicles. The driver air bag inflator may produce excessive internal pressure, causing the inflator to rupture if deployed.

 2009 Buick Enclave, Chevrolet Cobalt, HHR, Malibu, Traverse, GMC Acadia, Pontiac G5, G6, Saturn Aurora and Outlook may have a faulty transmission shift cable clip. The shift lever and label may not match, and vehicle may not be in PARK when indicated.

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