

# Maximizing Recovery in Transportation Losses: A Strategic Imperative for New York Operators

## FEATURED ATTORNEY



**Ethan B. Gerber**

Executive Partner



**Ethan Gerber** is an Executive Partner at Abrams Fensterman, LLP and leads one of the largest [transportation law](#) practices in New York State. He advises taxi, limousine, ambulette, bus, and trucking companies on regulatory compliance, catastrophic loss defense, insurance solutions, and corporate matters, with a focus on helping clients protect their financial stability through effective recovery strategies.

*“If an operator has losses, we can help subrogate those claims and recover what’s rightfully theirs. Our role is to make sure transportation businesses aren’t absorbing costs caused by others—and to help them protect their bottom line.”*

## – Ethan Gerber

For New York's transportation industry—whether for-hire vehicles, ambulettes, buses, or trucking fleets—the true cost of an accident is rarely confined to the repair bill or insurance premium. Every collision or claim carries ripple effects: downtime, regulatory scrutiny, reputational harm, and most importantly, unrecovered losses. Too often, operators focus exclusively on risk prevention while overlooking the equally critical step of maximizing recovery after a loss through subrogation.

### What is subrogation and why it matters

Subrogation is the process by which insurers—or self-insured operators—recover money from third parties legally responsible for an accident. For transportation companies, this means pursuing reimbursement when another driver, vendor, or party causes damage to vehicles, injuries to passengers, or property losses.

When subrogation is ignored, delayed, or mismanaged, operators are forced to absorb expenses that should rightfully be shifted elsewhere. Over time, these missed opportunities can cost operators millions of dollars, eroding profitability and stunting investment in fleet upgrades, compliance programs, and workforce support.

**If you have insurance losses, we can help you recover.**

*Let Ethan's team evaluate your claims confidentially*

### The Hidden Cost of Missed Recoveries

Industry data suggests that transportation operators recover far fewer eligible claims than other sectors—sometimes as little as 20–30%. Every unrecovered dollar is not just a direct financial loss; it is a missed opportunity to reinvest in safety and long-term stability.

The stakes are particularly high in New York, where transportation businesses already operate on thin margins. The accumulation of unrecovered losses represents a silent but devastating erosion of capital.



## Why New York Transportation Companies Are Especially Vulnerable

New York's regulatory framework is among the most complex in the nation. From no-fault insurance rules to Medicaid lien recovery and TLC oversight, operators face overlapping compliance obligations that make recovery especially burdensome. Without experienced legal guidance, many businesses write off losses they are legally entitled to reclaim.

## Strategies for Maximizing Recovery

To shift from reactive to proactive recovery, transportation companies should adopt a deliberate strategy:

- **Standardize Processes** – Create centralized systems for incident reporting and claims management.
- **Train Staff** – Ensure drivers and dispatchers are prepared to capture all necessary documentation.
- **Engage Early** – Initiate recovery efforts immediately to preserve rights and maximize leverage.
- **Leverage Legal Counsel** – Partner with attorneys experienced in transportation law, insurance solutions, and catastrophic loss defense.
- **Audit and Analyze** – Conduct regular audits of unrecovered claims to spot trends and close system gaps.
- **Explore Insurance Alternatives** – Self-insurance, captives, and risk pools can provide more control and alignment with recovery goals.

Maximizing recovery is not simply about dollars and cents—it is about business sustainability. Every dollar recouped supports operational stability, strengthens compliance posture, and reduces the pressure of rising insurance costs. In an industry where financial margins are slim and external pressures are mounting, effective recovery can be the difference between survival and long-term growth.

## The Abrams Fensterman Advantage

One of the greatest advantages of working with Abrams Fensterman is the sheer strength and scale of our Transportation Law Department. With over 115 attorneys firmwide, we are the largest transportation law practice in New York State—giving our clients not only deep industry knowledge, but also the resources to pursue the full value of their claims. Insurance carriers know the name Abrams Fensterman, and they know that if they fail to meet a rightful demand, our litigation team is prepared to file suit the very next day. That level of leverage changes negotiations, ensuring operators don't simply take what is offered, but recover what they are owed.

For further information about how our attorneys can help you navigate transportation law, please [contact our law firm](#) on Long Island at [516-328-2300](#), in Brooklyn at [718-215-5300](#), in White Plains at [914-607-7010](#), in Rochester at [585-218-9999](#) or in Albany at [518-535-9477](#) to schedule an initial consultation.