

# **A GUIDE TO DETERMINE ACCIDENT PREVENTABILITY**

## **7.1 DEFENSIVE DRIVING**

The National Safety Council's Safe Driver Award is designed to recognize expert safe driving performance, not -just average performance. The Award is based on the concept of defensive driving--the ability to avoid accidents **in** spite of the wrong actions of the other driver and in spite of adverse driving conditions.

## **7.2 STANDARD OF PERFORMANCE**

Accidents involve so many different factors that it is impossible to set hard and fast rules to classify them preventable or non-preventable. Each member must make this determination. In making these decisions, a member will answer the question "What standard of safe driving performance do we expect of our drivers in this company?" If a company is lenient, it condones a mediocre standard of safe driving performance. Drivers respect a strict interpretation of the rules so long as the company takes the time and effort to insure that these interpretations are made consistently and impartially. The following paragraphs are offered as a guide in determining the preventability of accidents.

## **7.3 PERSONAL VEHICLES AND PERSONAL USE OF EMPLOYER VEHICLES**

If an employee operates his own vehicle on official company business, accidents sustained by him must be adjudged according to these rules. Accidents involving drivers operating their own vehicles during off-duty hours shall not be charged against the Safe Driver Award. Reimbursement mileage should be a guide to determine this factor.

Accidents involving company owned vehicles permanently assigned to employees for business and personal use when operated by the company employee, whether for company business or not, shall be charged against the Safe Driver Award.

## **7.4 ACCIDENTS INVOLVING MORE THAN ONE COMPANY DRIVER**

When two or more vehicles of a fleet enrolled in the Safe Driver Award program are involved in the same accident, each driver may be charged with a preventable accident regardless of which one was primarily responsible for the occurrence. Although two or more employees may be riding on the same vehicle, a preventable accident will be charged only against the person operating the vehicle.

## **7.5 WITNESS STATEMENTS**

Each driver involved in an accident usually contributes to it in some degree. If the "other driver" admits he was at fault, it usually only means that he sees how he contributed to the situation. Admission of being at fault by the "other driver", a record of the "other driver" being cited for a traffic violation and witness or police statements of exoneration for the company driver are not, in themselves, conclusive evidence to adjudge an accident "non-preventable." It is likely that the member driver contributed to the situation in some manner.

Statements of exoneration are generally based on legal responsibility without respect to the definition of preventability used in these Safe Driver Award Rules. Consequently, a careful study must be made of all conditions to determine how the employee in question contributed to the situation by acts of omission or commission.

Unless thorough investigation indicates that employee in question could not have avoided involvement, by reasonable defensive driving practice, the following types of accidents will be regarded as **PREVENTABLE**.

## **7.6 INTERSECTIONS**

It is the responsibility of professional drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the "other driver" to conform to law or traffic control devices will not automatically discharge an accident as "not preventable." Intersection accidents are preventable even though the professional driver has not violated traffic regulations. His failure to take precautionary measures prior to entering the intersection are factors to be studied in making a decision. When a professional driver crosses intersection and the obvious actions of the "other driver" indicated possible involvement either by reason of his excess speed, crossing his lane in turning, or coming from behind a blind spot, the decision based on such entrapment should be **PREVENTABLE**.

## **7.7 BACKING**

Practically all-backing accidents are preventable. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must check all clearances for himself

## **7.8 FRONT-END COLLISIONS**

Regardless of the abrupt or unexpected stop of the vehicle ahead, your driver can prevent front-end collisions by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the highway, either in plain view or hidden by the crest of a hill or the curve of a roadway. Overdriving headlights at night is a common cause of front-end collisions.

Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights.

## **7.9 REAR-END COLLISIONS**

Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin of safety in his own following distance. Rear-end collisions preceded by a roll-back, an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal a turn at an intersection, should be charged **PREVENTABLE**. Failure to signal intentions or to slow down gradually should be considered **PREVENTABLE**.

## **7.10 PASSING**

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary and the driver's responsibility.

## **7.11 BEING PASSED**

Sideswipes and cut-offs involving a professional driver while he is being passed are preventable when he fails to yield to the passing vehicle by slowing down or moving to the right where possible.

## **7.12 LANE ENCROACHMENT**

A safe driver is rarely a victim of entrapment by another driver when changing lanes. Similarly, entrapment in merging traffic is an indication of unwillingness to yield to other vehicles or to wait for a break in traffic. Blind spots are not valid excuses for lane encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited sight distances.

Squeeze plays causing involvement with parked cars, pillars, and other structures, can be prevented by dropping back when it is apparent that the other driver is forcing the issue or contesting a common portion of the road.

## **7.13 GRADE CROSSINGS**

Collisions with fixed rail vehicles, such as trains, streetcars, etc., occurring at grade crossings, in traffic, in a rail yard, switch area, or on private property are the responsibilities of the professional driver to prevent. When a vehicle is parked across a rail siding, the driver must first determine if

it is safe and permissible and, furthermore, must stand by in case conditions change by the movement of rail cars during the parking interval.

#### **7.14 OPPOSING VEHICLES**

It is extremely important to check the action of the company driver when involved in a head-on or sideswipe accident with a vehicle approaching from the opposite direction. Exact location of vehicles, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters your drivers' traffic lane, it may be possible for your driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and your driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failing to signal the opposing driver by flickering the headlights or sounding the horn should also be taken into account.

#### **7.15 TURNING**

Turning movements, like passing maneuvers, require the most exacting care by a professional driver. "Squeeze plays" at the left or right turns involving other vehicles, scooters, bicycles, or pedestrians are the responsibility of the driver making the turn. Failure to signal, to properly position the vehicle for the turn, to check the rearview mirrors, to check pedestrian lanes, or to take precautionary action from tip-offs from the other vehicle immediately preceding the incident. U-turns by your driver that result in a collision are **PREVENTABLE**.

#### **7.16 PASSENGER ACCIDENTS**

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it must be considered preventable when your driver stops, turns, or accelerates abruptly. Emergency action by the company driver to avoid a collision that results in passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

#### **7.17 PEDESTRIANS**

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds equal to the particular situation. Bicycles, motor scooters and similar equipment are generally operated by young and inexperienced operators. The driver who fails to reduce his speed when this type of equipment is operated within his sight-distance has

failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed.

### **7.18 WEATHER**

Adverse weather conditions are not a valid excuse for being involved in an accident. Rain, snow, fog, sleet, or icy pavement have never caused an accident. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions, or to "call it a day" when necessary, should be cause for deciding an accident preventable. Failure to use safety devices such as skid chains, sanders, etc., provided by the company, should be cause for a preventable decision when it is reasonable to expect the driver to use such devices.

### **7.19 ALLEYS, DRIVEWAYS, AND PLANT ENTRANCES**

Accidents involving traffic originating from alleys, driveways, plant entrances, and other special interesting locations should be carefully analyzed to determine what measures the professional driver might have taken to avoid the occurrence. Failure to slow down, sound a warning or to yield to the other driver, can be considered cause to judge such an accident preventable.

### **7.20 FIXED OBJECTS**

Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrances to docks, marquees projecting over traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved. He must be constantly on the lookout for such conditions and make the necessary allowances.

### **7.21 PRIVATE PROPERTY**

When a driver is expected to make deliveries at unusual locations, construction sites, etc., or on driveways not built to support heavy commercial vehicles, it is his responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

### **7.22 PARKING**

Unconventional parking locations, including double parking, parking, failure to put out warning devices, etc. generally constitute evidence for judging an accident preventable.

Rollaway accidents from a parked position normally should be classified preventable. This includes unauthorized entry into an unlocked and unattended vehicle, failure to properly block wheels or to turn wheels toward the curb to prevent vehicle movement.

### **7.23 MECHANICAL FAILURE**

Any accident caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded should be judged preventable. It is the driver's responsibility to report unsafe vehicle conditions for repairs and to immediate repairs where continued operation might result in an accident. When mechanical difficulties occur unexpectedly during a trip, and a driver upon discovery, fails to check with his company for emergency instructions prior to an accident, the accident is preventable.

An accident caused by mechanical failure that results from abusive driving should be considered **preventable**.

### **7.24 NON-COLLISION**

Many accidents, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to preclude being involved in a collision. Examination of his driving procedure prior to the incident may reveal speed too fast for conditions, or other factors. The company driver's actions prior to involvement should be examined for possible errors or lack of defensive driving practice.