



SUPERVISOR'S GUIDE FOR DETERMINING MOTOR VEHICLE COLLISION PREVENTABILITY

INTRODUCTION

A motor vehicle collision is an event that should be closely reviewed. The purpose of the review is to find the causes of the incident and determine prevention methods for the driver. The purpose of the investigation is not to affix blame.

This review is most properly done by the supervisory chain of the employee involved. The determination of whether the collision was preventable or nonpreventable is to be made without regard to any citations that were issued at the scene or any policy reports.

All motor vehicle collisions or motor vehicle damage, regardless of how minor, are to be reported and investigated. It is only by this type of investigation that the causes of vehicle collisions can be properly analyzed. Without this investigation and review, plans and programs that will reduce the number of motor vehicle collisions cannot be developed.

This a Guide that is written for the supervisor to use after a motor vehicle collision has occurred. Many specific traffic situations are not covered. The supervisor's judgment and training are always a key part of the review.

In some cases, it would be prudent to complete a written collision investigation report only under the direction of outside legal counsel (such as the house counsel of your insurance company). This is particularly important if third party liability claims can be anticipated as a result of the collision.

PREVENTION GUIDELINES

General

For purposes of determining a driver's responsibility for safe driving, it is not enough to ascertain that he was not in violation of any traffic law or regulation. He must follow the Defensive Driver Code.

A Defensive Driver is one who commits no driving errors himself and makes allowances for the lack of skill or improper driving practices of the other drivers. He adjusts his own driving to compensate for unusual weather, road and traffic conditions, and is not coerced into a collision by the unsafe actions of pedestrians and other drivers. By being alert to collision-inducing situations, he recognizes the need for preventive action and takes the necessary precaution to prevent the collision. As a Defensive Driver, he knows when it is necessary to slow down, stop or yield his right-of-way to avoid involvement.

A driver should not confuse preventability with chargeability. Preventability is what the driver should have done to avoid all collisions with very few exceptions, in spite of weather, road and traffic conditions, and regardless of the other driver's actions. Chargeability is the action taken



by law enforcement agencies and normally determines the fault for the collision.

Accidents may be preventable if the:

1. Driver was not operating at a speed consistent with the existing conditions of road, weather and traffic.
2. Driver failed to control speed so that he could stop within assured clear distance.
3. Driver misjudged available clearance.
4. Driver failed to yield right-of-way to avoid collision.
5. Driver was in violation of any applicable traffic laws or ordinances.

ALLEYS, DRIVEWAYS AND STREET ENTRANCES

Accidents involving traffic originating from alleys, driveways, street entrances and other special intersecting locations should be carefully analyzed to determine what measures the driver might have taken to avoid the occurrence.

BACKING

Practically all backing collisions are preventable. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver.

FIXED OBJECT

Collisions with fixed objects may be preventable. They usually involve failure to check or properly judge clearances. Unfamiliar streets or new traffic situations on regularly traveled routes are not, in themselves, valid reasons for excusing a driver from being involved in a collision. The driver must be constantly on the lookout for such conditions and make the necessary allowances.

FRONT-END COLLISIONS

Regardless of the abrupt or unexpected stop of the vehicle ahead, the 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 or streets, either in plain view or hidden by the crest of a hill or the curve of a roadway.

GRADE CROSSINGS

Collisions with trains occurring at grade crossings, in traffic or on private property, are the responsibility of the driver to prevent.

INTERSECTIONS

It is the responsibility of the driver to approach, enter and cross intersections prepared to avoid collisions 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 a collision as "not preventable." Failure to take precautionary measures prior to entering the intersection are factors to be studied in making a decision.

MECHANICAL FAILURE

Any collision caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded, may be judged preventable. It is the driver's responsibility to report



unsafe vehicle conditions for repair and to obtain immediate repairs where continued operation might result in a collision.

MISCELLANEOUS

Projecting loads, loose objects falling from the vehicle, loose tarpaulins or chains, doors swinging open, etc., resulting in damage may be preventable if driver failed to secure them on the vehicle.

NON-COLLISION

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

A collision may also be preventable if the driver did not adjust driving to conditions.

OPPOSING VEHICLES

It is extremely important to check the action of the driver when involved in a head-on or sideswipe collision 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 the driver's traffic lane, it may be possible for the driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and our driver failed to slow down, stop or move to the right to allow the vehicle to re-enter its own lane, the driver has failed to take action to prevent the occurrence.

PARKING

Unconventional parking locations, including double parking, failure to put out warning devices, etc., may constitute evidence for judging a collision preventable.

Rollaway collisions from a parked position may be classified preventable. This includes failure to properly block wheels or to turn wheels toward the curb to prevent vehicle movement.

PASSENGER ACCIDENTS

Passenger collisions in any type of vehicle may be preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it may be considered preventable when the driver stops, turns or accelerates abruptly. Emergency action by the 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.

Passengers and drivers in company vehicles should use seat belts when they are available.

Passengers should not ride on the outside of vehicles or on trailers when the vehicle is operating on public streets or highways.

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.

PEDESTRIANS

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at midblock or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such collisions. 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 should be traveled at speeds consistent with the particular situation. Bicycles, motor scooters and similar equipment are generally operated by young and inexperienced operators.

REAR-END COLLISIONS

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

TURNING

Turning movements, like passing maneuvers, require the most exacting care by a driver. Failure to signal, to properly position the vehicle for the turn, to check the rearview mirror, to check pedestrian lanes or to take any other defensive action should be considered. Sudden turns by other drivers should be carefully examined. You may find that the driver failed to take precautionary action from tip-offs, from the other vehicle, immediately preceding the incident.

WEATHER

Adverse weather conditions are not normally an excuse for being involved in a collision. Rain, snow, fog, sleet or icy pavement increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions could be cause for deciding a collision's preventability. Failure to use safety devices such as skid chains, sanders, snow tires, etc. provided by the company could be cause for a preventable decision when it is reasonable to expect the driver to use such devices.

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