

# RISK COMMUNIQUÉ

## ***Vehicle Accident Investigation Determining Preventability***

*Following a vehicle accident, it is important that management conduct a fair and thorough process for gathering the relevant facts surrounding the incident. An accident investigation can assist in litigation defense, provide a consistent process for reviewing driver performance, and help to identify actions that can be taken to reduce the possibility of future accidents.*

*An accident is considered preventable if the driver failed to take every reasonable precaution to prevent the accident. A driver could have been obeying the traffic laws and still have a preventable accident.*

*An accident is considered non-preventable if the driver exercised every reasonable precaution to avoid the accident.*

### **All Accidents are Preventable if a Driver:**

- Was not operating at a speed consistent with the existing conditions of road, weather, and traffic
- Failed to control speed and was unable to stop
- Failed to allow enough clearance
- Failed to yield right of way
- Failed to observe existing conditions
- Was in violation of company operating rules or local, state or federal laws and regulations

### **Rear Ending another Vehicle**

- **Preventable if driver:**
  - Failed to maintain safe following distance and vehicle control
  - Failed to stay alert and note that traffic was slowing or stopped
  - Misjudged rate of overtaking
  - Came too close before pulling out to pass
  - Started up too soon or too fast for vehicle ahead
  - Failed to leave sufficient room for passing vehicle to get safely back in line
  - Was passing and returned to right lane too soon
- **Non-preventable if:**
  - Other vehicle rolled backward while starting on grade
  - Driver's vehicle was stopped but was hit from behind and pushed forward

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## **Intersection Accidents**

- **Preventable if driver:**
  - Did not control speed to stop within available sight distance
  - Did not check cross traffic and wait for it to clear before entering intersection
  - Pulled out in the face of oncoming traffic
  - Collided with person, vehicle or object while making a right or left turn
  - Collided with vehicle making turn in front of him/her

## **Backing Accidents**

- **Preventable if driver:**
  - Could have avoided backing by planning his/her route better
  - Backed into traffic when backing could have been avoided
  - Failed to get out of cab and check path
  - Depended solely on mirrors when it was appropriate to look back
  - When backing a long distance, driver failed to periodically recheck conditions
  - While parked at curb, driver failed to check behind vehicle before leaving
  - Backed from blind side when he or she could have made a sight-side approach
  - Failed to use a guide to help him/her back, or depended solely on a guide

## **Passing or Being Passed**

- **Preventable if driver:**
  - Passed even though view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions etc.
  - Attempted to pass despite closely approaching traffic
  - Failed to warn driver of vehicle being passed
  - Failed to signal lane change or cut in short when returning to right lane
  - Pulled out in front of other traffic overtaking from rear
  - Failed to stay in his/her own lane
  - Failed to either hold or reduce speed to permit other vehicle to pass safely

## **Accidents While Entering Traffic**

- **Preventable if driver:**
  - Failed to check traffic and/or signal when pulling away from curb
  - Failed to look back to check traffic when mirrors were not sufficient
  - Attempted to pull out in a manner which forced other vehicle(s) to change speed or direction
  - Failed to make full stop before entering from side street, alley or driveway
  - Failed to make full stop before crossing sidewalk
  - Failed to yield right of way to approaching traffic

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## ***Pedestrian and Bicycle Accidents***

- **Preventable if driver:**
  - Did not reduce speed in area of heavy pedestrian traffic
  - Was not prepared to stop
  - Failed to yield right of way to pedestrian
  - Failed to stop when passing a streetcar or bus on the right
  
- **Non-preventable if:**
  - Pedestrian or bicycle driver collided with driver's vehicle while it was legally parked or stopped

## ***Side-swipe or Head-on Collisions***

- **Preventable if driver:**
  - Was not entirely in proper lane of travel
  - Did not pull to his/her right or left and slow down and/or stop for vehicle encroaching on his/her lane of travel, when such action could have been taken without additional danger
  - Changed lanes without making sure sufficient space was available or properly signaling intent
  - Was weaving, crowding the passing vehicle

## ***Vehicle Defects and Accidents***

- **Preventable if:**
  - Defect was of a type which driver should have detected during the vehicle pre-trip inspection or during normal operation
  - Defect was caused by driver's abusive handling
  - Defect was known to driver but he or she operated vehicle

## ***Struck While Parked***

- **Non-preventable if:**
  - Driver was properly parked in a permitted area

## ***Struck in Rear by Other Vehicle***

- **Preventable if driver:**
  - Was passing slower traffic near an intersection and had to make a sudden stop
  - Made a sudden stop to park, load or unload, stop at rail crossing, ask directions, or because he/she would otherwise pass his/her destination
  - Made any other type of unnecessary sudden stop
  - Improperly parked vehicle
  - Rolled backward into vehicle behind

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- **Non-preventable if driver:**
  - Was legally and properly parked
  - Was proceeding in his/her own lane of traffic at a safe, lawful speed
  - Was stopped in traffic due to existing conditions, compliance with traffic sign or signal, or the directions of an official controlling traffic
  - Was in proper lane to make turn and their turn signal was engaged
  - Was in disabled vehicle and protected by emergency warning devices

## **Miscellaneous Accident Type**

- **Preventable if driver:**
  - Was making a “U” turn
  - Was pulling away from the curb or other parking space
  - Was entering traffic from a driveway or private alley
  - Was giving a push or was being pushed
  - Vehicle moved due to faulty brakes
  - Left vehicle unattended (with or without motor running) and failed to set parking brake and wheel chocks
  - Hit fixed objects-poles, gates, light stanchions, etc.
  - Had non-collision accidents, such as an overturn or running off road
  - Had skidding accident in which the vehicle is damaged because it jackknifes
  - Moved vehicle while connected to stationary equipment

## **Accidents Involving Rail Operated Vehicles**

- **Preventable if driver:**
  - Attempted to cross tracks directly ahead of train or streetcar
  - Stopped or parked either on tracks or too close to them
  - Failed to yield right-of-way to trolley
  - Failed to stop at the railroad crossing
  - Failed to fully clear crossing and signal devices after proceeding

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