



## **Accident Preventability Guide**

This guide has been designed to educate our employees, the Accident Review Committee and the Accident Appeals Committee on the standards to be used in determining whether an accident or incident was "preventable" and to provide standards that will be used fairly and consistently to make that determination. Drivers for RGRTA and all of its subsidiaries have a significant responsibility to use defensive driving practices to ensure safety for all people that our operating practices involve. We must work diligently to create an awareness of, not only the importance of accident prevention, but also the procedures and criteria that are used to determine whether an accident is "preventable." Our goal is to reduce the number of preventable accidents that take place.

When an accident occurs, the events leading up to the accident as well as any potential driver error or preventability must be carefully evaluated. The goal of this guide is to aid in establishing a safe driving standard for all operators as well as to serve as a procedure and standards for all accident investigations and evaluations. In the event that an accident does occur, this guide should be used to determine the operator's responsibility in preventing such an accident, if any.

### ***What is a Preventable Collision?***

The National Safety Council defines a preventable accident as "one in which the driver failed to do everything that they reasonably could have done to avoid it". The American Trucking Association uses the following rule to determine the preventability of a collision: "Was the vehicle driven in such a way to make due allowance for the conditions of the road, weather and traffic as to also assure that the mistakes of other drivers did not involve the driver in a collision?" The NYSDOT Baitfish Program states that "A preventable accident/incident is one in which one or more employees, supervisors, and/or managers have some responsibility for failing to prevent, contributing to, or causing an accident." Note that all of those definitions demand more of a professional driver than would be expected of a non-professional driver. A professional driver is expected to take all reasonable actions to prevent accidents and to overcome the mistakes of other drivers. Thus, a professional driver must expect other drivers to make mistakes, must anticipate those mistakes, and must be prepared to take all available actions to prevent the mistakes of other drivers from causing an accident. The NYSDOT Baitfish Program states that a professional driver is responsible for driving "in a manner to identify accident producing situations soon enough to take reasonable and prudent action to avoid an accident."

### ***Defensive Driving:***

Reviewing collisions for preventability promotes defensive driving. In order to be a "defensive driver", the operator drives to prevent accidents involving factors both within

and outside of his/her control. Although a driver may not be at "fault" for failing to prevent an accident caused by influences outside his/her control, such as the actions of other drivers, pedestrians, inclement weather or hazardous roadway conditions, it is the driver's responsibility to take all necessary precautions when these other factors are present. We utilize a quality driver training program which is based on industry accepted defensive driving standards in order to maintain safety throughout our fleet and encourage defensive driving practices.

***Fair and Consistent Decision:***

This guide will assist in determining accident preventability in a fair and consistent fashion. All accidents will be judged against this guide to determine if the accident was "preventable." In order to make such a determination, it is imperative that the investigation of the accident be done in a timely manner and that all materials produced by such an investigation are presented to the appropriate committee(s) for review and determination. These committees will review the evidence brought forth and ultimately determine if the accident was preventable or non-preventable.

***The Accident Review Committee***

The Accident Review Committee consists of employees from the Claims, Legal, Operations, and Safety and Training departments. All members of the Accident Review Committee should be knowledgeable and trained in company policies and procedures, industry accepted defensive driving practices, and preventability determination guidelines. This Committee will meet once per week to evaluate all accidents that have occurred since its last meeting. Committee members are responsible for obtaining and carefully investigating all information pertaining to the accident and utilizing their knowledge of preventability guidelines to determine if the accident was preventable or non-preventable. Once the Accident Review Committee has made its determination, the designated member will send the Accident Review Committee Decision to the operator. In the event that the operator disagrees with the decision made by the Accident Review Committee, the accident may be reviewed by the Accident Appeals Committee for further review and determination.

***The Accident Appeals Committee***

The Accident Appeals Committee consists of an Arbitrator, a union representative, and a member of the RGRTA/RTS management staff. A member of the Accident Review Committee may be present in order to answer questions concerning the thought process of the Accident Review Committee in coming to its determination. The Operator may also be present and may make a presentation to the Accident Appeals Committee explaining the reasons the Operator disagrees with the previous decision. After careful review of all information presented to it, the Accident Appeals Committee will make a determination by majority vote as to the accident's preventability. In the event that the investigation is inconclusive, the accident will be deemed neither preventable nor non-preventable.

***Preventability Standards***

The next section of this Guide will discuss standards to be used in determining whether an accident is preventable in specific circumstances. Of course, not all accidents will fall

neatly into one of these circumstances and there may be extenuating factors that will alter the determination, even in the identified circumstances. In those cases, the overall concept of "preventability" as described above should control the decision.

### ***Intersections***

Vehicle operators must approach, enter and cross intersections prepared to avoid accidents that arise out of the actions of other drivers, including actions of other drivers that are in violation of the applicable vehicle and traffic laws. Examples of such actions of other drivers could include rolling through a stop sign, running a red light, starting through the intersection before a red light turns green, trying to make a left turn as soon as the light turns green but before oncoming traffic has an opportunity to begin to move etc. The operator's failure to anticipate such poor driving actions by other drivers and to take precautionary measures prior to entering an intersection is a factor indicating that an accident was preventable. In the event that the operator himself/herself did not adhere to traffic laws, regulations, signs, etc. the accident should be deemed preventable.

### ***Backing***

Almost all backing accidents are preventable. It is the responsibility of the driver to check all clearances and properly evaluate the situation prior to backing the bus, regardless of whether a guide is used to assist in the backing maneuver.

### ***Front-End Collisions***

The operator is expected to maintain a safe following distance at all times and to anticipate that vehicles in front of the bus may come to an abrupt or unexpected stop. The operator is also expected to be prepared for possible obstructions in the 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.

### ***Rear-End Collisions***

Rear-end collisions can be either preventable or non-preventable. Accidents which occur due to the operator failing to use his/her signal timely or stopping abruptly should be deemed preventable. In the event that the bus comes to a gradual stop and is stopped in an approved and appropriate area but nevertheless is struck from behind, the accident should be regarded as non-preventable.

### ***Passing***

Passing safely is the responsibility of the driver. The entire passing maneuver is considered voluntary and becomes the driver's responsibility to make sure that it is done safely and effectively. Blind spots are not valid excuses for accidents. The operator must make extra allowances to protect himself/herself in any area of limited sight distances. When a driver is being passed on either the right or the left side of the bus, it is the operator's responsibility to yield to the passing vehicle by slowing down or moving out of the way. One extenuating circumstance that could apply to accidents arising when the driver is passing another vehicle would be when action is taken in order to avoid a more catastrophic situation in his/her path; in which case, the accident could be regarded as non-preventable.

### ***Opposing Vehicles***

In the event of a head-on or sideswipe accident with a vehicle approaching from the opposite direction, the exact location of the vehicles prior to and at the point of contact must be carefully reviewed. Even if the opposing driver enters the operator's traffic lane, the operator is responsible to slow the bus down and to move the bus to a safe location if possible in order to allow the other driver to re-enter his/her own lane of traffic without a collision.

### ***Turning***

Turning maneuvers, like passing, require the most exacting care by an operator. Failure to signal, to properly position the vehicle for a turn, to check the pedestrian lanes or to take any other appropriate driving action should be considered. All accidents involving illegal u-turns are preventable.

### ***Passenger Accidents***

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. In the event that the operator stops, turns or accelerates abruptly, the accident should be deemed preventable. Emergency action taken by the operator to avoid a collision should be evaluated carefully to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

### ***Behavior Issues on the Bus***

An accident resulting from a driver distraction due to a passenger's behavior on a bus is a preventable accident on the bus driver's part. Bus drivers should stop the bus in a safe location when serious behavior problems occur. The internal overhead mirror should be utilized by the bus driver only for brief spot checks to monitor the passengers' behavior. Any accident which is the results of a passenger's sudden and unpredictable assault on another passenger or the driver should be regarded as non-preventable.

### ***Mobility Devices***

Any accident that arises out of a mobility device not being fastened to the bus is preventable. It is the responsibility of the driver to make sure that all mobility devices are safely fastened to the bus to the maximum extent possible according to ADA guidelines and company policy.

### ***Pedestrians***

It is the driver's responsibility to make a note of all pedestrians whether in a pedestrian crossing or not. Most pedestrian accidents are preventable unless the pedestrian makes a sudden motion in the path of the vehicle which cannot be seen by the driver. It is imperative in such situations to determine if the operator was driving a safe and reasonable speed at the time of the accident when determining fault and preventability. A driver who fails to reduce his/her speed when bicycles, motor scooter or pedestrians are within the sight distance has failed to take the necessary precaution to prevent an accident.

### ***Weather***

Adverse weather conditions are not a valid excuse for being involved in an accident. Although diverse weather conditions increase the hazards of driving, it is the operator's responsibility to adjust speed and vehicle maneuvers to the prevailing weather conditions. Operators must maintain safe driving practices even when unsafe driving conditions are not easily visible, such as when black ice is present. Operators must also be aware of areas that pose special problems, such as the paved surfaces at Charlotte and the Medley Center, which are extremely slippery when wet.

### ***Alleys and Driveways***

Accidents originating from alleys and/or driveways should be carefully analyzed to determine what measures the operator 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.

### ***Fixed Objects***

Collisions with fixed objects are preventable. This type of accident usually involves failure to check or properly judge clearances. Fixed objects include parked (illegally or legally) or disabled vehicles, traffic signs or signals, utility poles, fences, gates, trees, guardrails, traffic barriers, boulders, mailboxes, basketball hoops, fire hydrants, bus shelters and trash cans. It is the driver's responsibility to judge clearance

### ***Mechanical Failure***

Any accident that is 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 repair and obtain immediate repairs where continued operation may result in an accident. When mechanical difficulties occur unexpectedly during a trip and the operator fails to check with the company for proper emergency protocol prior to the accident, the accident is preventable. Any accident caused by mechanical error due to abusive driving should also be regarded as preventable. Any operator who makes false allegations of mechanical failure or malfunction as the cause of an accident will be subject to disciplinary action.

### ***Disabled Bus***

In the event of mechanical failure or any other reason for disabling a bus, it is imperative that the driver protect the disabled bus by attempting to get the bus to a safe location off the roadway and well away from through traffic when possible. Hazard flashers, cones, reflectors and all other devices should be used to alert other vehicles of the disabled bus.

### ***Animal-related Accidents***

When evasive action to avoid striking an animal results in an accident with another vehicle, fixed object, layover or rollover, it is preventable. If striking an animal can be **safely** avoided, it should be. Sometimes, depending on the road and traffic conditions, it is safer to strike an animal than try to avoid hitting it. In the event that an animal strikes the side or rear of the bus by entering laterally, the accident is non-preventable. A careful investigation will be necessary in determining preventability where animals are involved.

### ***On-Premises Accidents***

Most accidents occurring on-premises are preventable. It is the operator's responsibility to be aware of his/her surroundings and take them into account when operating the vehicle. It is also imperative that operators follow the appropriate procedures in order to prevent an on-premise accident from occurring. In the event of equipment malfunction or mechanical failure, the accident will be carefully reviewed to determine its preventability.

### ***Miscellaneous***

Loose objects falling from the vehicle such as loose chains, swinging doors, hanging light fixtures or devices resulting in damage to other property or passengers are preventable when the driver fails to secure them upon his/her acknowledgement.