



GUIDE TO DETERMINING ACCIDENT PREVENTABILITY

Jim is a truck driver for ABC Trucking, driving his normal route from Atlanta, Georgia to Jacksonville, Florida. Jim is driving the speed limit in the right lane of one of the major interstate highways. Up ahead, he sees several cars coming down the entrance ramp. He knows the entrance ramp merges with his lane, but he also knows that the law requires the cars entering from the ramp must yield to him. So Jim keeps traveling and waits for the cars on the entrance ramp to merge around him.

But the first car comes to the end of the merge lane and moves left, striking Jim's truck. Jim is annoyed that his day is interrupted by this collision. This is a perfect example of a collision where one driver is at fault based on motor vehicle laws and the other driver, Jim, now has a preventable accident. Clearly, Jim saw the line of cars coming down the entrance ramp and he failed to take any action to avoid the collision. His lack of action makes that a preventable collision. He should have slowed down or moved over one lane to the left. He failed to do anything.

Guide to Determining Accident Preventability Risk Management

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Since 1822, Crum & Forster has successfully anticipated what's next. Our insurance policy is our promise to help you - the policyholder - in the event of a loss. It gives you a future benefit that you can count on. But C&F offers something more. Our Risk Engineers can help your operation right now.

Before you ever encounter a claim, our Risk Engineers can meet you and identify actual and potential loss sources. We'll conduct a thorough study of your company that includes exposures, hazards and accident trends. Together we'll review your current loss prevention efforts, physical location, loss information and other business records to pinpoint fundamental loss causes. Then we'll create an action plan with practical recommendations to strengthen existing safety programs. We can maintain an ongoing review of it to evaluate progress and effectiveness. We can even conduct a legal exposure review of your company's agreements. Everything we do is aimed at putting into place an effective loss control strategy that works consistently over time to lower your operation's risk of loss.

Our highly specialized Risk Engineers are strategically located throughout the country and have the experience, training and professionalism to provide risk management solutions to meet your business needs and contribute to your success. They have on average more than 20 years industry experience, many with roles dedicated to safety and training. And we invest not only in our insureds, but in the industry. We are members of and participate in many state associations and regularly present at industry conventions and events. These connections and experience are invaluable, and are key in assisting you in developing and deploying a modern, up-to-date safety and training program.

Our solutions are both innovative and established. Whether it's Accident Event Recorders (AERs) to help identify vehicle accident causes and tailor safety training, digital tracking systems, or online video training to assure OSHA compliance, we bring you the latest technology. Matched with the experience of our Risk Engineers, your operation benefits from the engineering awareness built over a lifetime and cutting edge safety science.

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No two collisions or carriers are exactly alike and the FMCSA (Federal Motor Carrier Safety Administration) recognizes that not all collisions are preventable. Some types of collisions, however, can be prevented by drivers, while others require changes in practices and policies or equipment. The FMCSA method of determining preventability is based on examination of the facts in collision records.

The focus of collision analysis is the determination of preventability, based on the facts furnished in the motor carriers accident register, the police report, diagrams and pictures of the collision scene, the vehicles and the surrounding areas, the driver's statement and witness statements. This data must be evaluated in light of all the available facts that are pertinent to the cause of the accident.

Each collision must be judged individually. Certain types will generally fall in the non-preventable category and others, in the absence of extenuating circumstances and conditions, fall in the preventable category. The types of collisions listed below do not cover every collision that may occur, but they will provide some general guidance to assist in determining preventability.

The National Safety Council (nsc.org) has developed this brief definition: A preventable collision is one in which the driver failed to do everything that they reasonably could have done to avoid it. The American Trucking Association (ATA), in a book titled "Trucking Industry Guidelines for Recording Fleet Vehicle Accidents and Determining Preventability" defines it as: the concept of preventability is based on the premise that the professional driver is expected to meet a higher standard of performance than the average motorist. It is self-evident that the professional driver should be able to:

- Observe and assess the behavior of pedestrians and other drivers
- Recognize those actions that may create hazardous conditions
- Take every reasonable measure to avoid involvement in an accident



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In both definitions listed above, the issue is one that relates to defensive driving and NOT to legal culpability. The fact that a driver is involved in a collision and is not charged does NOT mean that the driver could not have avoided it. When a fleet operation moves from reviewing only those collisions where drivers have been charged to reviewing all collisions for preventability, a significant step has been made in controlling the vehicle collision frequency thereby improving the company's efficiency and reputation.

Though this is open to interpretation, one must look at this with common sense. As noted in the story above, did the driver have the ability to take action that would have prevented the accident and the driver failed to take that action? Did the driver have the ability to make a decision that would have prevented the accident and he failed to make that decision? These are the questions that should be part of the "preventability" discussion.

There is often a relationship between preventability and defensive driving. The general profile of a defensive driver would show that the driver:

- Commits NO driving errors
- Makes allowance for lack of skill or improper driving practices of others
- Adjusts driving to compensate for unusual weather, road and traffic conditions
- Is not tricked into a decision by unsafe actions of pedestrians or other drivers
- Is alert to collision inducing situations
- Recognizes the need for preventative action in advance
- Takes necessary action to prevent a collision

Collisions at Intersections

A professional driver has the responsibility to approach, enter and cross intersections and be prepared at any point to avoid collisions that might occur due to the action of others.

A collision in an intersection is preventable if:

- Driver failed to control speed so that he/she could stop within available sight distance
- Driver failed to check cross-traffic and wait for it to be clear before entering the intersection
- Driver pulled out from the side street in the face of oncoming traffic
- Driver collided with a person, vehicle or object while making the turn
- Driver collided with a vehicle making a turn in front of him/her

Collisions While Backing

Practically all collisions that occur while a vehicle is backing should be ruled as preventable.

A collision while backing is preventable if:

- Driver backed up when backing could have been avoided by better planning of the route
- Driver backed into traffic stream when such backing could have been avoided
- Driver failed to get out of the cab and check the path of the backward travel
- Driver depended solely on the mirrors or solely on a guide when it was practicable to look back or get out and look
- Driver failed to check behind the vehicle parked at the curb before attempting to leave the parking space
- Driver backed from the blind side when he/she could have made a sight-side approach

Front End Collisions

Regardless of the abrupt or unexpected stop of another vehicle, a professional driver can prevent front end collisions by maintaining a safe following distance at all times. A front end collision is preventable if:

- Driver failed to maintain safe following distance and have his/her vehicle under control
- Driver failed to keep track of traffic conditions and did not slow down
- Driver misjudged rate of overtaking
- Driver came too close before pulling out to pass
- Driver failed to wait for the vehicle ahead to move into the clear before starting up

Collisions While Passing

The failure to pass safely indicates faulty judgement and the possible failure to consider one or more important factors a driver must observe before attempting the pass. A collision while passing is preventable if:

- Driver passed where the view of the road ahead was obstructed by a hill, curve, vegetation, traffic, adverse weather conditions etc.
- Driver attempted to pass in the face of approaching traffic
- Driver pulled out in front of other traffic overtaking from the rear
- Driver failed to warn the driver of vehicle being passed by signaling his/her intentions
- Driver cut in too short while returning to the right lane

Collisions While Being Passed

This type of collision requires the professional driver to identify driving errors and misjudgments made by others. A collision that occurs while being passed is preventable if:

- Driver failed to stay in his own lane and hold speed or reduce it to permit safe passing
- Driver fails to yield to other vehicles in his/her lane when safe to do so

Collisions Involving Lane Encroachment

Professional drivers sometimes feel they are the victims when a collision occurs as another driver changes lane. However, a professional driver is rarely a victim, as he knows what is going on all around his vehicle. A collision involving lane encroachment is preventable if:

- Driver fails to yield to other vehicle
- Driver fails to avoid squeeze plays by other vehicles
- Driver fails to make extra allowance to protect himself in areas with limited sight distances

Collisions Occurring at Grade Crossing

Professional drivers should be especially alert at grade crossings, rail yards and switching areas. A collision occurring at grade crossings is preventable if:

- Driver attempted to cross tracks ahead of a train or streetcar
- Driver ran into the side of train or streetcar
- Driver stopped or parked too close to the tracks
- Driver failed to properly judge ground clearance

Collisions Involving Opposing Vehicles

It is extremely important to look at all the facts and details of this type of collision. They may be head on collisions or sideswipe collisions. Based on the locations of the vehicles when the collision occurs, a collision involving opposing vehicles might be preventable if:

- Driver was not entirely in his/her proper lane of travel
- Driver did not pull to the right as far as safely possible and slow down
- Driver did not signal the opposing driver by flashing headlights or sounding horn

Collisions While Turning

Turning movements, like passing and backing movements, require extreme care on the part of the driver. The driver making the turn is responsible for preventing squeeze plays on both right and left turns. A collision that occurs while turning is preventable if:

- Driver failed to control speed so that he/she could stop within a clear distance
- Driver failed to check cross traffic and wait for enough clearance
- Driver collided with a person, vehicle or object while making the turn

Collisions Involving Pedestrians

Most court decisions generally rule in favor of any pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid block or not at a crossing area does not relieve the driver from taking precautions to prevent such collisions. Keeping within the posted speed limit is not taking proper precautions when unusual conditions would call for slower speeds. A collision with a pedestrian is preventable if:

- Driver did not reduce speed in an area with heavy pedestrian traffic
- Driver was not prepared to stop or failed to yield the right-of-way to the pedestrian

Collisions in Bad Weather

Adverse weather conditions are not an acceptable excuse for involvement in a collision. Rain, snow, fog and ice do not cause accidents. They certainly increase the hazards of driving. A collision in bad weather is preventable if:

- Driver was not operating at a speed suitable for current conditions
- Driver failed to accurately observe existing conditions
- Driver failed to find a safe place to park when conditions required it

Collisions Involving Fixed Objects

Drivers must be on the look out for all kinds of objects during the course of his/her trip. This includes above, behind, to the right and left of the vehicle and below. Such crashes usually involve failure to check or judge clearances. The hazards of fixed objects are many: tough to get to delivery points, resurfaced pavement, posts and poles in parking lots, tree limbs across the roadway, etc. This would also include collisions that occur while trying to park. In parking situations, the professional driver has to deal with unconventional parking locations, crowded lots and other moving vehicles. Drivers should ensure they are not parked in an illegal location and where needed, all warning devices should be placed out as required. All collisions with fixed objects are preventable.

Collisions Due to Mechanical Failure

Any collision caused by a mechanical failure that reasonably could have been detected by the driver and was not, is preventable. It is the professional driver's responsibility to report possible mechanical issues and to ensure they are corrected. A collision caused by abusive driving should be considered preventable.

Collisions Involving Single Vehicles

Single vehicle accidents, such as jack-knifing, overturning or running off the road MAY result from the driver taking evasive action to prevent a collision. However, they may also be the result of speeding, following too closely, driving in adverse weather or driving while fatigued. These types of collisions require an in depth review of all data to ensure a fair decision is made regarding preventability.

Non Preventable Collisions

There are certain types of collisions that are not preventable, such as being struck in the rear or while legally parked. The types of collisions are non-preventable if it occurs while the driver is:

- Proceeding in his/her lane of traffic at a safe and legal speed
- Waiting to make turn from a proper lane
- Stopped in traffic due to existing conditions or in compliance with a traffic sign, signal or law enforcement officer
- Legally parked

Management should develop standards for defensive driving in any type of fleet safety program. When a collision occurs, the following factors should be part of the overall investigation:

- Events leading up to the collision
- Driver error
- Causes and responsible conditions
- The collision itself
- Post collision events

The subsequent review of all documents and facts should be focused on the concept of preventability and not on blame.

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