

RISK COMMUNIQUÉ

A technical reference bulletin by the Risk Control Services Department of the Glatfelter Insurance Group

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.

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

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

This is a sample guideline furnished to you by MemberGuard. Your organization should review it and make the necessary modifications to meet the needs of your organization. The intent of this guideline is to assist you in reducing risk exposure to the public, personnel and property. For additional information on this topic, you may contact your Risk Control Representative. www.MyMemberGuard.com

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

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

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- **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
- **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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