Collision Investigation, Preventability Determination, and Corrective Action

The purpose of this policy is to provide guidelines for distinguishing non-preventable from preventable vehicle collisions. The core of the company’s safe driving program is the ability to determine the preventability of each collision in which a company employee is involved.

Understanding the difference between non-preventable and preventable vehicle collisions is essential to the company’s safety and corrective action programs. Both are defined below. Examples of both types of collisions can be found in this procedure.

Non-Preventable Collisions

A collision is usually considered non-preventable if the driver:

- applied the appropriate defensive driving techniques;
- controlled the vehicle making due allowance for road conditions, weather, and traffic; and
- took the necessary precautions to avoid the collision which was the result of another person’s mistakes.

Preventable Collisions

A collision is considered preventable when it results from a driver’s failure to act in a reasonable manner in order to prevent the collision by anticipating hazards and applying appropriate defensive driving methods.

The incidents described below are examples of non-preventable collisions.

Non-Preventable Collisions

Vehicle Struck in Rear by Other Vehicle

When a collision involves a vehicle struck in the rear by another vehicle, the collision is classified as non-preventable if the driver of the struck vehicle:

- was proceeding in the driver’s own lane at a safe and lawful speed;
- was in the proper lane waiting to make a turn; or
- stopped in traffic due to
  - existing conditions,
  - compliance with a traffic sign or signal, or
  - direction from a police officer or other person legitimately controlling traffic.

Vehicle Struck While Parked

When a collision involves a parked vehicle struck by another vehicle, the collision is classified as non-preventable if the driver of the struck vehicle:

- legally and properly parked the vehicle in a location where parking was permitted and/or
- protected the vehicle with emergency warning devices as required by Department of Transportation (DOT) and state regulations or was in the process of setting out or retrieving warning devices.
## Preventable Collisions

**Pedestrians**

A collision involving a pedestrian is preventable if the driver:

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

**Squeeze Plays**

A squeeze play occurs when a driver making a right turn does not avoid a collision because of the driver’s failure to:

* block off the right lane when turning or
* yield to another vehicle passing on the right.

A collision caused by a squeeze play is considered preventable if the driver failed to yield the right-of-way when it was necessary to avoid the collision.

**Intersections**

A collision at an intersection is considered preventable if the driver:

* failed to control the vehicle’s speed so that the stop could occur within available sight distance;
* failed to check cross-traffic and wait for it to clear before entering the intersection;
* pulled out from a side street in the face of oncoming traffic;
* collided with a person, vehicle, or object while making a right or left turn; or
* collided with a vehicle making a turn in front of the driver.

**Entering Traffic Stream**

A collision occurring while a vehicle is entering a traffic stream is considered preventable if the driver:

* failed to signal when pulling out from the curb;
* failed to check traffic before pulling out from the curb;
* failed to look back to check traffic if the driver was in a position where mirrors did not show traffic conditions;
* attempted to pull out in a manner which forced the other vehicle(s) to change speed or direction;
* failed to make a full stop before entering from a side street, alley, or driveway;
* failed to make a full stop before crossing a sidewalk; or
* failed to yield the right-of-way to approaching traffic.
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#### While Passing
A collision occurring while the driver is passing another vehicle is considered preventable if the driver doing the passing:

- passed where the view of the road ahead was obstructed by a hill, curve, vegetation, traffic, adverse weather conditions, etc.;
- attempted to pass in the face of closely approaching traffic;
- failed to warn the driver of the vehicle being passed;
- failed to signal when changing lanes;
- pulled out in front of other traffic overtaking the vehicle from the rear; or
- cut in short when returning to the right lane.

#### While Being Passed
A collision occurring while a driver is being passed is considered preventable if the driver failed to stay in his/her own lane and hold or reduce speed to permit safe passing.

#### Sideswipe & Head-on
A collision resulting from a sideswipe or head-on collision is considered preventable if the driver:

- was not entirely in the proper lane of travel or
- did not pull to the right, slow down, and stop for the vehicle moving into the driver’s lane of travel, when such action could have been taken without additional danger.

#### With Rail-operated Vehicles
A collision with a rail-operated vehicle is considered preventable if the driver:

- attempted to cross tracks directly ahead of the train or another rail-operated vehicle (e.g., streetcar),
- ran into the side of the train or another rail-operated vehicle, or
- stopped or parked on or too close to the tracks.
A collision occurring when a driver strikes another vehicle in the rear is considered preventable if the driver striking the other vehicle:

* failed to maintain a safe following distance and have the vehicle under control;
* failed to keep track of traffic conditions and notice a slowdown;
* failed to ascertain whether the vehicle ahead was moving slowly, stopped, or slowing down;
* misjudged the rate of overtaking;
* came too close before pulling out to pass;
* failed to wait for the vehicle ahead to move into the clear before starting up; or
* failed to leave sufficient room for the passing vehicle to get safely back in line.

A collision occurring when a driver’s vehicle is struck in the rear by another vehicle is considered preventable if the driver of the struck vehicle:

* was passing slower traffic near an intersection and had to make a sudden stop;
* made a sudden stop to park, load, or unload;
* parked the vehicle improperly; or
* rolled back into the vehicle behind while starting on a grade.

A collision occurring when a driver is backing up is considered preventable if the driver:

* backed up when backing could have been avoided by better planning,
* backed into a traffic stream when such backing could have been avoided,
* failed to get out of the cab and check the proposed path of backward travel,
* failed to get out of the cab periodically and recheck conditions when backing a long distance,
* depended solely on mirrors when it was practical to look back,
* failed to sound the horn while backing,
* relied solely on a guide to help with backing up, or
* backed from a blind side when a sight side approach was available.
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**Mechanical Defects**
A collision occurring because of a mechanical defect is considered preventable if the defect:

* should have been detected by the driver when making the vehicle pre-trip or en-route inspection,
* should have been detected by the driver during normal vehicle operation, or
* was caused by the driver’s abusive handling of the vehicle.

**All Types**
All types of collisions are considered preventable if the driver:

* was not operating at a speed and manner consistent with the existing road conditions, weather, and traffic;
* failed to control speed for the ability to stop within an assured clear distance;
* failed to yield the right-of-way to avoid the collision; or
* was in violation of
  - company operating rules or special instructions,
  - federal or state regulatory agency regulations, or
  - any applicable traffic laws or ordinances.
## Collision Investigation, Preventability Determination, and Corrective Action

The company requires corrective action for preventable collisions in accordance with the requirements shown below.

### Company Management's Responsibilities

Company management must determine if a collision was preventable. If a collision is determined to be preventable, management should:

- ensure that a check ride is performed prior to the employee’s return to active duty;
- provide remedial training for the employee if deficiencies are noted during the checkride; and
- apply the appropriate stage of progressive disciplinary action, leading up to and including termination if the employee continues to incur preventable collisions.

### Employee Suspension After Collision

Company management must suspend an employee’s driving privileges until it is determined whether or not a collision was preventable.

### Determining If Collision Was Preventable

The determination of whether or not the collision was preventable should be made within three business days after the collision. If it is determined that the collision was preventable, the employee is subject to corrective action. Refer to “Corrective Action,” later in this procedure.

### Checkrides

Checkrides are used by company management to evaluate an employee’s driving skills and performance.

During the checkride, the manager rides with the employee who was involved in a preventable collision to:

- document the employee’s performance and behavior,
- reinforce defensive driving methods, and
- determine if additional training is required.

The checkride should:

- take place within five business days of the collision and
- take place on the employee’s normal route and
- include situations that allow for an analysis of how the collision occurred.

Employees must be paid for the time they spend on checkrides.

### Corrective Action

The type of corrective action required after a preventable collision depends on whether the preventable collision was determined to be minor or major.
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### Minor Preventable Collisions

The corrective actions for minor preventable collisions are explained in the following table. The corrective action depends upon whether this is the first, second, or third corrective action related incident. This includes prior minor preventable collisions, traffic violations, risk-associated behaviors, policy violations, or other minor safety-related incidents incurred by the employee in a rolling three-year period (past 36 months).

<table>
<thead>
<tr>
<th>No. of Minor Incidents</th>
<th>Corrective Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First</strong></td>
<td>• Provide verbal counseling.</td>
</tr>
<tr>
<td></td>
<td>◦ Explain why the collision was preventable.</td>
</tr>
<tr>
<td></td>
<td>◦ Outline the counter-measures that the employee should have applied.</td>
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<tr>
<td></td>
<td>• Document counseling and corrective action in a letter to the employee.</td>
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<tr>
<td></td>
<td>• Obtain the employee’s signature (acknowledgement) on the letter.</td>
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<tr>
<td></td>
<td>• Place a copy of the letter in employee’s personnel file.</td>
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<tr>
<td></td>
<td>• Conduct a checkride (with pay) within five business days after the collision.</td>
</tr>
<tr>
<td></td>
<td>• Provide remedial training (with pay) if deficiencies were noted during the check ride.</td>
</tr>
<tr>
<td><strong>Second</strong></td>
<td>• Suspend the employee from work without pay for a period of three (3) scheduled workdays.</td>
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<tr>
<td></td>
<td>• Issue a warning letter to the employee.</td>
</tr>
<tr>
<td></td>
<td>◦ Explain why the collision was preventable.</td>
</tr>
<tr>
<td></td>
<td>◦ Outline the counter-measures that the employee should have applied.</td>
</tr>
<tr>
<td></td>
<td>• Obtain the employee’s signature (acknowledgement) on the letter.</td>
</tr>
<tr>
<td></td>
<td>• Place copy of the warning letter in the employee’s personnel file.</td>
</tr>
<tr>
<td></td>
<td>• Conduct a checkride (with pay) within five business days of the collision.</td>
</tr>
<tr>
<td></td>
<td>• Provide remedial training (with pay) if deficiencies were noted during the checkride.</td>
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<tr>
<td></td>
<td>• Require that the employee complete and provide location management with an “action plan” outlining specific areas in which the employee plans to improve.</td>
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<tr>
<td><strong>Third</strong></td>
<td>• Suspend the employee with pay pending the outcome of the collision investigation.</td>
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<tr>
<td></td>
<td>• Document the suspension in a letter to the employee.</td>
</tr>
<tr>
<td></td>
<td>• Obtain the employee’s signature (acknowledgement) on the letter.</td>
</tr>
<tr>
<td></td>
<td>• Place a copy of the letter in the employee’s personnel file.</td>
</tr>
<tr>
<td></td>
<td>• Revoke the employee’s right to operate a vehicle on behalf of company.</td>
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</tbody>
</table>
## Collision Investigation, Preventability Determination, and Corrective Action

<table>
<thead>
<tr>
<th><strong>Major Preventable Collisions</strong></th>
<th>If company management determines that an employee was involved in a major preventable collision, the employee’s driving privileges for company business will be terminated immediately.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revoked Employees</strong></td>
<td>Prior to formally revoking an employee’s right to operate a motor vehicle on company business, the corrective action process must be reviewed by the Human Resource department or senior management to ensure the procedures were properly followed as outlined in this procedure.</td>
</tr>
</tbody>
</table>
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I have read, understand and agree to abide by the above policy.

Employee Signature: ________________________________

Employee Name: ________________________________

Date: ________________________________

Manager Signature: ________________________________

Manager Name: ________________________________

Date: ________________________________