

Guide for determining motor vehicle accident preventability

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Introduction

Why is it important to determine accident preventability? The main reason is to help prevent future accidents. By determining accident preventability, solutions for avoiding future accidents become clear. Organizations that emphasize preventability are more likely to encourage drivers to focus on preventing accidents instead of allowing accidents to occur and later saying: "Don't blame me. The other driver got the ticket." Stressing preventability sets a higher standard of safety, one that acknowledges that preventing accidents is a shared responsibility.

A widely accepted concept of a preventable accident is: ***an accident where the driver failed to do everything reasonable to avoid it.*** Drivers should be expected to drive defensively. Which driver was primarily at fault, who received a traffic citation, or whether a claim was paid may have little bearing on preventability. If there was something the driver could have reasonably done to avoid the collision, the accident was preventable. This includes anticipating poor driving on the part of other motorists and taking the necessary actions to avoid a crash.

Example: *Erick is traveling on a two-lane road approaching a four-way stop. He comes to a complete stop at the intersection, looks left, and then right. He sees a car approaching the intersection from the right at an unusually high speed. Assuming that the other driver will stop at the intersection, Erick proceeds. While in the intersection the other driver, distracted by a secondary task and not noticing the stop sign, hits Erick's vehicle from the side.*

Was this accident Erick's fault? Likely not, as he came to a full stop and obeyed the appropriate traffic rules. But was it preventable? Probably. Erick clearly noticed that the other vehicle was approaching the intersection too quickly. If Erick had anticipated the possibility that the other driver might fail to stop, he could have waited for the other vehicle to slow or come to a full stop at the intersection before proceeding.

An organization's fleet safety program needs to include formal procedures for investigating all vehicle accidents. This can help ensure that management obtains as many facts as possible about an accident, and considers all the circumstances surrounding the accident, before determining preventability. A thorough accident investigation can help ensure enough information is available to make a fair judgment about accident preventability. To help determine preventability, organizations can appoint an accident review committee. This determination should be made after every accident in order to better focus driver training and safety awareness efforts.

General questions to consider

General questions to consider when evaluating accident preventability:

1. Does the investigation indicate that the driver considers the rights of others, or is there evidence of aggressive driving or a poor attitude about sharing the road with others?
2. Does the investigation indicate lack of driver awareness? Phrases like: "I didn't see," "I didn't think," "I didn't expect," or "I thought" signal that there probably was a lack of awareness. An aware driver should think, expect, and see hazardous situations in time to help avoid collisions.
3. Was the driver alert and physically fit to operate the vehicle? Was the driver tired? Did the driver get sufficient sleep before driving? Was the driver distracted? Is the driver's vision faulty? Was the driver feeling ill? Was the driver taking medications that affected his or her ability to drive?
4. Was the vehicle defective without the driver's knowledge? Was a pre-trip inspection completed? Should the driver have noticed the defect? In most cases, the driver should have good knowledge of any mechanical problems and has a responsibility to alert management. Sudden brake failure, loss of steering, or a tire blowout might be defects beyond the driver's ability to predict. However, pre-trip inspections and regularly scheduled maintenance should prevent most of these problems. If the accident resulted from a mechanical problem that should have been noticed and repaired by either the driver or maintenance staff, then the accident was probably preventable.
5. Could the driver have exercised better judgment by taking an alternate route or postponed the trip if serious road, traffic or weather hazards were known or anticipated?
6. Was the driver's speed safe for road and weather conditions?
7. Did the driver obey all traffic signs and signals?

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8. Was the driver's vehicle under control?
9. Could the driver have done anything to avoid the accident?

Specific types of accidents

Intersection collisions

Accidents resulting from the driver's failure to yield the right-of-way at an intersection are preventable. Drivers should approach intersections carefully and be prepared to avoid a collision that might be caused when other drivers drive carelessly or disobey traffic rules. Regardless of stop signs, stop lights, or right-of-way, a defensive driver recognizes that the right-of-way belongs to anyone who assumes it and should yield accordingly.

Questions to consider:

1. Did the driver approach the intersection at a safe speed?
2. Was the driver prepared to stop before entering the intersection?
3. At a blind corner, did the driver pull out slowly, ready to apply the brakes?
4. Did the driver look both ways before proceeding through the intersection?

Sideswipe collisions

Sideswipes are often preventable. Drivers should remain aware of traffic around them and avoid getting into positions where they might sideswipe another vehicle while passing, merging or turning. This means continuously scanning ahead and using mirrors effectively to monitor other vehicles on either side and behind.

Drivers are expected to allow other motorists to merge smoothly with them, and to merge smoothly on controlled access highways. On two-lane roads, drivers should pass other vehicles only when it is safe to do so, and allow others to pass safely, even if it means slowing down so the other vehicle can return to the right lane.

Drivers are expected to be able to gauge distances properly when leaving a parking place and enter traffic smoothly.

Sideswipe collisions caused when the driver opens a door into traffic are preventable. Drivers are responsible for ensuring that the traffic side of the vehicle is clear before opening doors.

Questions to consider:

1. Did the driver look to the front and rear for approaching and overtaking traffic immediately before starting to pull away from the curb?
2. Did the driver signal before pulling away from the curb, changing lanes or merging?
3. Did the driver look over his or her shoulder rather than depend only upon rear-view mirrors?
4. Did the driver start into traffic only when this action would not require other vehicles to slow down or change lanes to avoid his or her vehicle?
5. Did the driver yield the right-of-way before changing lanes?
6. Did the driver check to ensure all blind spots were clear before changing lanes or merging?

Head-on collisions

A head-on collision where the driver is in an oncoming lane of travel (i.e., while passing on a two-lane roadway) is certainly preventable. It is every driver's responsibility to ensure he or she is able to pass other vehicles safely.

A head-on collision with a vehicle traveling in the wrong lane may be preventable if the driver could have slowed down, pulled off the road or taken other evasive action to prevent a collision. However, the driver should never drive into the opposing lane to avoid the oncoming vehicle. Avoiding a head-on collision might involve driving off the road. In some situations, this may be a reasonable action to avoid a much more serious crash.

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Loss-of-control collisions

Many loss-of-control accidents are associated with adverse weather or road conditions, such as rain, wind, fog, ice, and snow, which all increase the hazard of travel. Oily road film, which can accumulate during periods of dry weather, can create slippery road conditions after rainfall. Drivers need to be aware of these hazards and adjust their driving accordingly. Other times, loss of control is attributed to driving too fast to safely control the vehicle in curves or to react to unexpected road hazards. Loss of traction can often be anticipated, and these accidents usually are preventable. Driving too fast for conditions is the most common reason why these types of accidents are preventable.

It is a driver's responsibility to park the vehicle so that it will remain stationary. A runaway-vehicle accident is preventable. Blaming an accident on defective parking brakes or other holding devices are inadequate excuses. A good pre-trip inspection and maintenance program can eliminate most opportunities for this type of accident to result from mechanical failure.

Questions to consider:

1. Was the driver operating at a safe speed considering weather and road conditions?
2. Was the driver maintaining a safe following distance given the prevailing traffic, road and weather conditions?
3. Did the driver accelerate, brake and turn gradually to avoid losing control?
4. Did the driver take precautions to avoid losing control of the vehicle because of vehicle characteristics, such as high center of gravity and shifting cargo?
5. Did the driver anticipate ice on bridges, in shaded areas, in gutters, ruts, and near curbs?
6. Was the driver alert for water puddles, loose gravel, sand, ruts, etc.
7. Did distraction or fatigue play a contributing role?
8. Was the driver alert for, and prepared to respond safely to, sudden hazards, such as other motorists or animals?
9. Did the driver allow the vehicle to drift off the paved portion of the road?
10. Once parked, did the driver apply the parking brake and/or use wheel chocks, if necessary, to ensure the vehicle remained stationary?

Rear-end collisions

Rear-end collisions are nearly always considered preventable. Defensive drivers are expected to control the space in front of their vehicles at all times, keeping a sufficient following distance to allow them to slow down or stop in time to avoid a collision. Defensive drivers understand the need to remain alert for sudden changes in traffic conditions and for other motorists who may fail to yield the right-of-way. Rear-end accidents that result from driving too fast for traffic or road conditions are preventable. Inattentiveness caused by distraction or fatigue can also play a contributing role in preventable rear-end accidents.

Questions to consider:

1. Was the driver maintaining the appropriate following distance for the prevailing road, traffic, and weather conditions?
2. Was the driver alert and attentive? Did the driver's work and rest schedule during the previous days suggest that he or she was fatigued?
3. Did the driver maintain adequate distance behind the vehicle while stopped at an intersection?
4. Did the driver give adequate consideration to the possibility that traffic would stop or slow down for an upcoming traffic light, stop sign, turning vehicles or road construction?
5. Does the driver understand stopping distance requirements, including the time required to perceive a hazard, react, and the time required for the vehicle to come to a full stop once the brakes have been applied?

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Train collisions

Most collisions with trains are preventable. Drivers are expected to approach railroad grade crossings with caution and obey signals. At crossings without signals, drivers are expected to slow down and look for approaching trains. Drivers must ensure that they can completely clear the crossing without having to stop on the tracks.

Questions to consider:

1. Did the driver approach the crossing at a safe speed and cross only after ensuring that no trains were approaching?
2. If required or necessary, did the driver stop at a safe distance from the tracks and ensure that the vehicle was completely clear of the tracks before stopping?
3. Did the driver obey crossing signals?
4. Did the driver take precautions to ensure there was adequate clearance between the vehicle or trailer and the tracks?

Pedestrian collisions

Accidents involving pedestrians are usually considered preventable. Pedestrians generally have the right of way. There are few instances where the actions of pedestrians are so unreasonable that the driver could not be expected to anticipate such an occurrence.

Drivers are expected to watch for pedestrians and bicyclists and take precautions to avoid endangering them. This means watching carefully, and slowing down for pedestrians on city and residential streets, school zones, shopping centers, parking lots and other areas with pedestrian traffic.

Questions to consider:

1. Did the driver slow down and proceed with caution when pedestrians were present?
2. Did the driver give pedestrians the right-of-way?
3. Was the driver aware of children and prepared to stop if one ran into the street?
4. Did the driver stop for a school bus signaling that passengers were loading or unloading?
5. Was the driver alert for pedestrians who were distracted and not aware of vehicle traffic?

Animal collisions

Since drivers are expected to be attentive, heed warning signs and drive at speeds that allow them to avoid hazards on the road, collisions with animals are often preventable, unless the animal's movement was unusual and unexpected. These types of accidents often occur after dark in sparsely populated areas, which are well known to have deer and other animals present. Hence, the driver's inability to avoid a collision can be the result of overdriving the headlights or driving too fast for conditions.

Backing collisions

Backing a vehicle into another vehicle, an overhead obstruction, or a stationary object is normally considered preventable. Drivers are expected to be aware of obstacles around the vehicle before backing up. Drivers are expected to take all precautions to ensure they can back up without striking other vehicles or objects. This includes getting out of the vehicle, if necessary, to survey the area. In some situations, having a helper guide the driver is a good practice. However, the fact that someone was directing the driver does not relieve the driver of the responsibility to back safely.

Questions to consider:

1. Was it necessary to back up? Did the driver plan ahead so that he or she could have pulled forward instead of backing up?

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2. If the driver could not see where he or she was backing:
 - a. Did the driver try to get someone to guide him or her?
 - b. Did the driver look all around the vehicle before backing?
 - c. Did the driver back immediately after looking?
 - d. Did the driver use the horn while backing?
 - e. Were the back-up lights and warning signal working?
 - f. Did the driver look to the rear without relying only on the rear-view mirror?
 - g. If the distance was long, did the driver stop, get out, and look around occasionally?
3. Did the driver back slowly?
4. Did the driver judge clearances accurately, taking into consideration obstacles to the rear and sides of the vehicle, as well as those above and underneath?

Collisions involving parked or stopped vehicles

Striking a stopped/parked vehicle is a preventable collision. Drivers are expected to see obstacles and take the necessary actions to avoid a collision, regardless of road, weather or traffic conditions.

In most cases, it is a preventable collision if the driver strikes a parked vehicle's door that has been opened. Usually, the driver can see from a sufficient distance that the parked vehicle is occupied, and should therefore be prepared to change lanes, slow down or stop.

An accident that occurs when a vehicle is legally and properly parked, or when stopped because of a highway patrol officer, a signal, stop sign, or traffic condition, may not be preventable. Accidents involving vehicles that are double parked or in "no parking" zones could be considered preventable since the vehicle should not have been parked there.

Questions to consider:

1. Was the vehicle legally parked?
2. Was it necessary to park in that location, or was there a safer alternative nearby?
3. Did the driver have to park on the traveled part of the highway, on the curve, or on the hill?
4. When required, did the driver warn traffic by placing emergency warning devices around the vehicle?

Low-clearance obstacle collisions

In most cases, striking a low-clearance obstacle is a preventable collision. Obstructions can be avoided if the driver knows the height and width of the vehicle, pays attention to posted clearances, and takes the time to properly judge clearances.

Questions to consider:

1. Did the driver take the necessary precautions to know the height of the vehicle?
2. Did the driver select a route to ensure that there were no low bridges or overpasses?
3. Was the driver alert for signs indicating low clearance hazards?
4. Did the driver approach a low clearance cautiously and visually check to ensure there was adequate clearance before proceeding?
5. If using a GPS navigation device, was the software current and designed for the vehicle?

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Shifting cargo and cargo damage

Damage to cargo is usually preventable. Drivers are generally responsible for ensuring that cargo is loaded and secured properly, and for inspecting cargo enroute to ensure it remains secured. Drivers are also expected to drive carefully to avoid damaging cargo (e.g., avoiding hard braking or turning). Accidents that occur as a result of loose cargo inside the vehicle are preventable. Cargo should be safely stowed to prevent flying objects that can strike or distract the driver.

Questions to consider:

1. Did the driver inspect and secure all cargo before leaving?
2. Did the driver periodically inspect cargo securement devices during the trip?
3. Did the driver take cargo characteristics (e.g., size, weight, height, movement) into consideration while driving?
4. If cargo was temperature-controlled, did the driver inspect cooling/heating equipment and ensure that temperature control settings were correct?
5. Did the driver inspect cargo prior to loading to detect and document existing damage?

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