

SUMNER COUNTY ACCIDENT REVIEW BOARD

This Board is established to review the circumstances that result in a vehicle accident or property damage in the hopes of reducing both the frequency and the severity of losses. The primary goal is the elimination of all preventable motor vehicle accidents. It shall be the responsibility of the Board to review vehicular accidents involving County vehicles or personnel where there has been property damage or personal injury. This Board shall objectively consider evidence presented by the driver concerned, the police report of the accident investigation, and any other relevant information.

The Accident Review Board shall be composed of the following members: Board of Education Transportation Director or their designee, Board of Education Maintenance Supervisor or their designee, Highway Superintendent or their designee, EMS Director or their designee, County Sheriff or their designee, Sumner County Executive or their designee. The County Risk Manager and County Attorney will also be in attendance but will serve as non-voting advisors to the Board. The Accident Review Board shall meet quarterly during working hours on dates to be determined. However, the Risk Manager has the authority to call a meeting, other than quarterly, if deemed necessary.

Employees will not be required to appear before the Board when their accident is reviewed unless the Board cannot reach a determination without the employee's testimony.

SUPERVISOR RESPONSIBILITIES

The Operation of motor vehicles is required in many aspects of Sumner County employment. How each vehicle is handled and maintained directly affects the effectiveness and efficiency of services.

The purpose of this Board is to ensure that acceptable standards of proficiency and safety are maintained by each employee who operates a county vehicle and to establish as every employee's goal the elimination of all preventable motor vehicle accidents. These are the accidents that would not have happened if the driver had observed the proper defensive driving rules, or if a vehicle failure had not occurred.

The key to a successful motor vehicle safety program is the first line supervisor.

Supervisors with direct authority over employees who drive county vehicles should:

- A. Ensure employees do not drive a county vehicle unless they have a valid State of Tennessee driver's license, appropriate to the type of vehicle they will be driving, and are familiar with all local and state driving rules and regulations.
- B. Ensure only authorized personnel be allowed to operate county vehicles.
- C. Be alert in observing unsafe driving practices and ensure corrective action is taken.
- D. Ensure unsafe vehicles and equipment are not driven or moved until the unsafe condition has been repaired.

DRIVER SELECTION

Before any new employee who may be required to drive a county vehicle is hired, an application should be completed, references checked, and a physical examination should be completed. In addition, the driver's license number should be obtained and submitted to the Tennessee Department of Safety, Division of Driver Control for a motor vehicle records check. Applicants with a bad past of driving record should not be considered for employment to positions requiring vehicle driving. In each vehicle, there should be placed an Accident Reporting Kit that will instruct the driver what to do in case of an accident.

DRIVER'S RECORDS

A permanent driver's performance form should be maintained in each employee's personnel file listing all recordable and preventable vehicle accidents experienced by the employee. All personnel assigned to a permanent driving position or who drive a county vehicle periodically, should have a motor vehicle records check prior to employment and at least at three year intervals thereafter.

ACCIDENT INVESTIGATION

The County Risk Manager should review all investigations of all vehicle accidents and submit the accident report to the Accident Review Board. Adequate time and effort should be spent to ensure that interpretations are made consistently and impartially. All accidents should be classified preventable unless it is clearly determined that the driver took every reasonable action to prevent the accident.

When a driver's accident is classified as preventable, the employee will be notified through his/her department head, in writing by the Risk Manager. If the employee does not agree with the decision, he/she shall be afforded the opportunity to appeal by presenting his/her grievance in writing to the Risk Manager, within five (5) working days after receipt of the notification. All papers, reports, and information received by the Risk Manager relating to the accident and the employee's disagreement should be forwarded back to the Accident Review Board. The Board will then make a decision based on the information they received. The driver will then be notified in writing of the Board's decision which shall be final.

DRIVER DISCIPLINE

The Board shall attempt to determine, from the available information, the true cause of an accident and whether it was:

A. Preventable

B. Non-Preventable

(A Non-Preventable accident is one in which the driver did all that could be reasonably expected to avoid the accident and in no significant way contributed to it.)

C. Unfounded

(Allegations made against the driver of the County Vehicle have no foundation or basis in fact.)

If a defect or malfunction of any vehicle component is claimed, it is incumbent upon the Board to determine the validity of the claim by reviewing maintenance records or from the mechanic involved in the post-crash repair or examination. The Board shall withhold judgment until such report is received.

The Board shall recommend, after a thorough investigation, one of the following:

- A. If the accident is determined by the Accident Review Board to be non-preventable, there will be no disciplinary action.
- B. If the accident is determined by the Accident Review Board to be preventable, the employee will be charged points as follows: One point for each offense within a three year period. Points should be recorded on the Employee's Driving Record form and placed in the employee's personnel file.

SCHEDULE OF POINTS

No points will be cumulative for a longer period than three (3) years. The Board shall have discretionary authority to recommend that there be lesser or greater disciplinary action in exceptional circumstances. One (1) point will be charged for each.

One (1) Point = Oral Reprimand and/or Review Defensive Driving Video

*For any accidents occurring that are less than \$400.00 the department supervisor will use discretionary discipline action within the department. However, if a fourth incident occurs within the three year period and amount incurred is less than \$400.00 the Accident Review Board must be responsible for discussing the individual's incident records.

Two (2) Points = Written Reprimand and Review Defensive Driving Video

Three (3) Points = Suspension of One (1) working day without pay plus additional training

Four (4) Points = Suspension of Three (3) working days without pay

Five (5) Points = Demotion or Dismissal

Six (6) Points = Dismissal

If the Accident Review Board determines that the accident resulted from willful wrong doing or disregard for life and property, the accident may be determined to be "Preventable with Aggravating Circumstances". In these circumstances, suspension, demotion or dismissal may be the penalty.

****Note – Constitutionally elected office holders shall have no points assessed against them.**

GENERAL GROUNDS FOR A PREVENTABILITY RULING

Unless there are extenuating circumstances, the following driver failures should constitute adequate grounds for ruling an accident preventable.

- A. Failure to follow defensive driving practices.
- B. Failure to adjust speed to conditions of light, weather, road or traffic.
- C. Failure to adjust to clearance at top, sides, front, or rear of vehicle.
- D. Failure to observe conditions at rear of vehicle while backing.
- E. Failure to yield right of way when necessary to avoid an accident.
- F. Failure to control speed so as to be able to stop within assured clear distance ahead.
- G. Failure to observe traffic laws and ordinances.
- H. Failure to observe county operating rules or special instructions.
- I. Other, as determined by the Accident Review Board.

GUIDE FOR DETERMINING PREVENTABILITY OF AN ACCIDENT

For guidance purposes, we will use the National Safety Council's definition of a preventable accident.

"A preventable accident is any occurrence involving a county owned or operated vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred; in which the driver in question failed to do everything he/she reasonably could have done to prevent occurrence."

1. Intersections

The professional driver is responsible for approaching intersections prepared to take such action as is necessary to avoid accidents, regardless of the actions of other drivers. Failure to obey the law or to heed traffic control devices on the part of the other driver does not automatically make the accident non-preventable. The driver's failure to take every precautionary measure prior to entering the intersection must be considered in making a decision. If a driver fails to check the cross traffic to be sure they are going to stop, or if he/she forces the right-of-way instead of yielding, then any resulting accident should be ruled preventable.

2. Changing Traffic Lanes

Passing is a voluntary action and failure to pass safely indicates possible faulty judgment or a lack of consideration of all of the factors affecting the maneuver. Actions of oncoming traffic or of the traffic being passed do not excuse the driver. These actions should be anticipated and considered before starting the maneuver.

Being passed requires that the driver yielded to the passing vehicle by slowing down or moving to the right if the passing driver is trapped and a sideswipe or cutoff is imminent.

Lane encroachment accidents on the highway or in merging traffic indicate an unwillingness to yield to vehicles or to wait for a safe break in traffic. Blind spots are not a valid excuse. The driver must use extra caution to allow for the areas of limited vision.

"Squeeze plays" involving fixed objects or other vehicles can be avoided by dropping back when it is apparent the other driver is forcing the issue or contesting a common portion of the road.

Pulling away from a parked position is actually a change of traffic and as such the burden of responsibility is on the driver pulling out. An accident resulting from your driver pulling out from the curb should be judged preventable.

3. Front-End & Rear-End Collisions

The driver can prevent front end collisions by maintaining a safe following distance at all times. "Tail-gating" is one of the most frequent causes of accident and can never be excused. Regardless of abrupt or unexpected stops or actions of the driver ahead, your driver must be able to stop safely. Paying more attention to the road ahead of the driver you are following will help to anticipate his action. Night speed should be adjusted so that the stopping distance is not greater than the forward distance illuminated by the headlights.

Drivers risk being struck from behind by failing to maintain a safe following distance. Failure to signal intentions or failure to slow down gradually for traffic signals or grade crossings, thus trapping the following driver should be cause for ruling the accident preventable.

Rolling back into a vehicle is the result of not keeping the vehicle under control and is considered preventable.

4. Backing

It is extremely rare that a backing accident is ruled not preventable. Even when being guided, the driver is not relieved of his/her responsibility to back safely. The guide is just an aid and cannot control the movement of the vehicle. The driver must make check clearances for him.

5. Turns

Any time a driver leaves a traffic lane, the complete responsibility for the maneuver is his. Signaling is not enough, traffic on both sides and to the rear must be checked carefully before making a change. "Squeeze plays" caused by left or right turns are the responsibility of the driver making the turn. Failure to signal, signaling too late, failure to properly position for the turn, failure to check mirrors before and during the turn or to take any other necessary defensive action, must be considered.

Accidents involving turns by other drivers should be investigated and examined in detail. The non-turning driver may have failed to recognize that a turn was pending from the actions of another vehicle and thus failed to take proper defensive action, or he may have tried to force the right-of-way. Any such lack of defensive driving should deem the accident preventable.

Any accident involving a U-turn on the part of your driver should be ruled preventable.

6. Vehicles Going In Opposite Direction

The head-on or sideswipe accident involving vehicles going in opposite directions is one of the most difficult to classify. The exact actions of each vehicle prior to the accident must be

determined, in order to ascertain whether your driver should have been warned of a possible involvement by the actions and maneuvers of the opposing vehicle.

If the opposing vehicle was passing and thus intruding into your lane and your driver failed to slow down, stop or pull to the right, the he failed to take proper defensive measures and the resulting accident should be judged preventable.

Failure to warn the other driver by horn or flickering headlights also should be considered.

7. Mechanical Failure

A driver should inspect his/her equipment before starting a trip and report unsafe conditions. Immediate repairs should be obtained if continued operation could cause an accident. If an accident is caused by mechanical failure that reasonably could have been detected by the driver, the accident should be ruled preventable.

If a mechanical defect occurs or develops during a trip, the driver should notify management. If the trip is continued without such notification and an accident results, then it should be judged preventable.

Abusive driving which creates abnormal strain and leads to mechanical failure resulting in an accident is also preventable.

8. Weather

Rain, fog, snow, ice and sleet do not cause accidents. They are the environments to which the driver must adjust. Failure to properly adjust driving to the existing conditions or laying over when conditions are really bad should be grounds for deciding the accident was preventable.

9. Fixed Objects

Collisions with fixed objects such as low overheads, buildings, poles, parked cars, etc., must be considered as preventable accidents. Asking a bystander's opinion on clearance does not relieve the driver of his responsibility. Resurfaced pavement causing low overhead and other changes in conditions along a route are not valid excuses.

10. Pedestrians, Bicycles, Motorcycles

Pedestrians are generally considered to have the right-of-way over vehicles even though their actions may be unorthodox. Shopping areas, school zones, play areas and areas of congested pedestrian traffic require reduced speeds; in many cases much below the posted limits. An accident caused by "going too fast for conditions" should be ruled preventable.

11. Parked Vehicles

Even though your vehicle is stationary, an accident can be ruled preventable. Unconventional parking locations, crooked parking, double parking, failure to put out warning devises, etc., will generally be considered a lack of defensive driving, and thus cause the accident to be ruled preventable.

Roll-a-ways of a parked vehicle in almost all cases should be ruled preventable. Failure to properly block the wheels, not turning the wheels against the curb, or failure to take any other precaution to avoid vehicle movement, is lack of defensive driving techniques. Therefore, any accident resulting from such failure should be ruled preventable.

12. Non-Collision

Jack-knifing, over-turning, and running off the road are generally the result of emergency action taken to avoid collision. The driving immediately preceding the accident should be examined to determine whether the driver's speed was unsafe for conditions, or if he/she was "tail-gating" or committing some other unsafe act which did not permit him/her to keep the vehicle under control. Committing any of these errors should judge the accident preventable.

Passenger accidents, where there is no collision involved, must be considered preventable if they are caused by faulty driving.

Passenger injuries caused by evasive action to avoid a collision must be judged preventable if the driver failed to use defensive driving techniques which would have eliminated the need for sudden or violent action.

Sudden starts or stop, speeding over bumpy roads, fast turns, and abrupt acceleration with a passenger carrying vehicle must be considered as unsafe driving, even though such maneuvers would be acceptable with other types of vehicles. Therefore, any accident to passengers as a result of such actions should be considered preventable.

Damage to property or persons from projecting loads, losing part of a load, parts of the vehicle being loose (chains, doors) are preventable if the driver failed to properly secure them, or if detected during pre-trip inspection the driver does not have them secured.

13. Violations of Law or County Policy

If a violation of the law or of county policy on the part of your driver contributes to or causes an accident then it must be judged preventable. This refers not only to moving vehicle violations, but also to technical violations such as the use of drugs to stay awake, lack of the required hours of sleep or time off between trips.

14. Accident Situations Not Described

For any accident not described, the same type of reasoning should be used as illustrated by the National Safety Council's definition of a preventable accident.

I, _____, have been provided with a copy of the Sumner County Accident Review Board policy, and I read and understand the contents thereof. I further agree that I have been given an opportunity to ask any questions that I may have regarding the policy.

Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____