

Chapter 61: VEHICLE ACCIDENT REVIEW BY THE CENTRAL SAFETY COMMITTEE

Issue 1: 12/12/2017

I. PURPOSE

The purpose of this policy is to reduce accidents involving equipment and vehicles owned or operated by the City of Lompoc (City) that cause bodily injury or damage to citizens' property, City property, and to reduce employee injuries. Vehicle Accident Review is the responsibility of the Central Safety Committee (CSC). The CSC will review City-owned or operated equipment and motor vehicle accidents that result in \$1,000.00 or more in damages or in any bodily injury.

The purpose of Vehicle Accident Review is to determine whether the accident was preventable, using guidelines provided in Section VI below, and by the U.S. Department of Transportation (DOT) and the National Safety Council Defensive Driving Principles.

II. OBJECTIVES

- A. To determine the cause of an accident resulting in property damage or bodily injury and to determine how to prevent similar accidents in the future.
- B. To recommend corrective measures, additional training, and modification of equipment or policy to the appropriate Department Head.
- C. To reduce mechanized equipment accidents and abuse and to reduce on-the-job personal injury accidents.

III. CENTRAL SAFETY COMMITTEE MEMBER ACCIDENT REVIEW DUTIES

The members of the CSC shall:

- A. Attend monthly meetings to review qualifying accidents and injuries. If unable to attend a regularly scheduled meeting, the Committee Member must contact their alternate and arrange for that person to attend.
- B. Participate in the Vehicle Accident Review Process:
 - 1. Review police reports or documentation regarding qualifying accidents that are disclosable public records pursuant to the Public Records Act.
 - 2. Opine, by majority vote, on the cause of the accident.

3. Opine, by majority vote, whether the accident or injury was “preventable,” “preventable with extenuating circumstances,” or “not preventable.”
 4. Opine, by majority vote, whether “preventable,” “preventable with extenuating circumstances,” or “not preventable” on the part of the supervisor if applicable.
- C. The Committee shall make reach its collective opinions based upon whether or not the employee was applying:
1. Driver standards consistent with state law (for example, the California Vehicle Code).
 2. Proper departmental procedures while using City vehicles and equipment (whether owned or rented by the City). Examples are confined space entry; proper operating, barricading, shoring and trenching, and lockout procedures; defensive driving techniques; and many others.
 3. Defensive personal safety techniques and proper use of safety equipment. Examples are correct usage of seat belts, vests, hard hats, steel-toed shoes, eye and face protection, gloves, the proper use of tools and equipment, and many others.
- D. The CSC will produce a written Vehicle Accident Review Report with recommendations for preventative measures or corrective actions if applicable, for final review by the City Manager.
- E. If an incident involves a third party (someone other than a City official, officer, employee, contractor or representative) or real property of a third party, then the CSC will not review or comment on any incident for which a Government Claim has been timely filed, nor prior to the deadline for filing such a claim..

IV. MANAGEMENT AND EMPLOYEE RESPONSIBILITIES:

A. City Manager

The City Manager shall perform a final review of the Vehicle Accident Review Report. The City Manager *may* call for a meeting with the CSC to discuss or review any of the decisions.

The City Manager shall approve or modify the Vehicle Accident Review Report before signing and returning it to the Safety Officer.

B. Department Head

The Department Head has the option to send any accident to the CSC for review (injury or vehicular) whether or not it meets the \$1,000.00 damage threshold, subject to the provision of Subdivision III. E..

C. Division Head and/or Supervisor

1. The Division Head and/or Supervisor is responsible for reviewing with the employee the approved Vehicle Accident Review Report and to follow Personnel Procedures Manual Chapter 26 – Discipline guidelines as appropriate under the circumstances.
2. The Division Head and/or Supervisor is encouraged to attend the Vehicle Accident Review to offer additional information regarding training and division procedures in order to assist the CSC in making their determination.

D. Safety Officer

1. The Safety Officer is responsible for the qualification and scheduling of Vehicle Accident Review hearings. The Safety Officer shall send notices of the scheduled meeting to the employee, the employee's immediate supervisor, and the Department Head no later than five business days prior to the scheduled hearing.
2. The Safety Officer may conduct his or her own investigation of any accident. The Safety Officer may determine preventability based on the investigation without referring the case to the CSC, regardless of the damage amount.
3. The Safety Officer has the option to send any accident to the CSC for review (injury or vehicular) regardless of whether the accident meets the minimum \$1,000.00 damage threshold.
4. All original completed Vehicle Accident Review Reports shall be maintained by the Safety Officer.

E. Employee

1. If the employee whose accident is subject to review cannot attend the Vehicle Accident Review hearing and wishes to change the calendared date, then it is the employee's responsibility to notify the Safety Officer in advance of the scheduled review date. If no request is received, then the review will proceed as scheduled. In some cases, the employee will not be required to attend the hearing.

2. Each employee appearing before the CSC will be provided an opportunity to make a full explanation of the factual circumstances involved in the accident. The employee also has the right to request witnesses to attend the hearing.

V. SPECIAL CIRCUMSTANCES:

- A. In cases where Public Safety personnel are involved in accidents, the Department Head shall review those accidents. The Department Head will complete the Vehicle Accident Review Report indicating whether the accident was found to be "preventable," "preventable/leniency" or "not preventable" and forward their determination to the City Manager for final review and approval.
- B. In cases where accidents arise out of a "natural disaster," the Safety Officer will contact the Department Head and discuss whether or not the accident should be reviewed internally or sent to the CSC for Vehicle Accident Review.

VI. GUIDELINES FOR OPINING ON THE PREVENTABILITY OF A VEHICLE ACCIDENT

The CSC will use the following criteria established by the U.S. DOT in "*A Motor Carrier's Guide to Improving Highway Safety*" dated December 2009, to opine on the preventability of an accident as follows:

Each accident must be judged individually. Certain types will generally fall in the non-preventable category, and certain others, in the absence of extenuating circumstances and conditions, fall in the preventable category. The types of accidents listed below do not cover every accident that may occur nor provide an exhaustive list of criteria, but they are intended to provide general guidance to assist in opining on preventability.

Struck in Rear by Other Vehicle

Non-preventable if:

- Driver's vehicle was legally and properly parked
- Driver was proceeding in his/her own lane of traffic at a safe and lawful speed
- Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic
- Driver was in proper lane waiting to make turn
- Struck while parked

Non-preventable if:

- Driver was properly parked in a location where parking was permitted:
- Vehicle was stopped, parked, or left standing in accordance with Sections 292.21 and 392.22 of the Federal Motor Carrier Safety Regulations

Accidents at Intersections

Preventable if:

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

Striking Other Vehicle in Rear

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 failed to ascertain whether vehicle ahead was moving slowly, stopped, or slowing down for any reason
- Driver misjudged rate of overtaking
- Driver came too close before pulling out to pass
- Driver failed to wait for vehicle ahead to move into the clear before starting up
- Driver failed to leave sufficient room for passing vehicle to get safely back in line

Sideswipe and Head-on Collisions

Preventable if:

- Driver was not entirely in his/her proper lane of travel
- Driver did not pull to right and slow down or stop for vehicle encroaching on his/her lane of travel when such action could have been taken without additional danger

Struck in Rear by Other Vehicle

Preventable if:

- Driver was passing slower traffic near an intersection and had to make a sudden stop
- Driver made sudden stop to park, load or unload
- Vehicle was improperly parked
- Driver rolled back into vehicle behind them while starting on grade

Squeeze Plays and Shutouts

Preventable if:

- Driver failed to yield right-of-way when necessary to avoid accident

Backing Accidents

Preventable if:

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

Accident Involving Rail Operated Vehicles

Preventable if:

- Driver attempted to cross tracks directly ahead of train or streetcar
- Driver ran into side of train or streetcar
- Driver stopped or parked on or too close to tracks

Accidents While Passing

Preventable if:

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

Accidents While Being Passed

Preventable if:

- Driver failed to stay in his [or her] own lane and hold speed or reduce it to permit safe passing

Accidents While Entering Traffic Stream

Preventable if:

- Driver failed to signal when pulling out from curb
- Driver failed to check traffic before pulling out from curb
- Driver failed to look back to check traffic if he/she was in position where mirrors did not show traffic conditions
- Driver attempted to pull out in a manner that forced other vehicle(s) to change speed or direction
- Driver failed to make full stop before entering from side street, alley, or driveway
- Driver failed to make full stop before crossing sidewalk
- Driver failed to yield right of way to approaching traffic

Pedestrian Accidents

Preventable if:

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

Mechanical Defects Accidents

Preventable if:

- Defect was of a type that driver should have detected in making pre-trip or enroute inspection of vehicle
- Defect was of a type that driver should have detected during the normal operation of the vehicle
- Defect was caused by driver's abusive handling of the vehicle
- Defect was known to driver, but ignored
- Driver was instructed to operate with known defect

All Types of Accidents

Preventable if:

- Driver was not operating at a speed suitable for the existing conditions of road, weather, and traffic
- Driver failed to control speed so that he/she could stop within assured clear distance
- Driver misjudged available clearance
- Driver failed to yield right-of-way to avoid accident
- Driver failed to accurately observe existing conditions
- Driver was in violation of company operating rules or special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinances

AUTHORIZED:



Patrick Wiemiller, City Manager



Date