Accident Review Committee (ARC) Methodology

The purpose of an Accident Review Committee is to determine the responsibility for an accident involving an automobile. This is the basis for fleet safety management. The primary purpose of conducting such a review is accident prevention. The main thought is to critique each occurrence so the driver or worker will not repeat his/her mistakes and/or any mechanical failures or equipment deficiencies can be improved or repaired.

ARC Structure

The ARC at _____ will have (_____) voting members with the Chairperson acting as a tiebreaker. Members will include the following as a minimum:

- Executive Director (Chairperson)
- Risk Manager / or person acting as Risk Manager (Voting Member)
- Operations Manager (Voting Member)
- Systems Manager (Voting Member)
- One-Full Time Operator (Voting Member, Rotated monthly)

ARC Rules of Order

Meetings will be held the third _____ of each month from _____ a.m./p.m. until _____ a.m./p.m. , at _____. Meeting minutes will be recorded on the *Accident Review Committee (ARC) Minutes* (see attached), and will be available for review upon special request.

Employees who feel that they should be present when his/her accident is reviewed will contact his/her supervisor for an unpaid excused absence. (This is not necessary if the employee is already off.)

Each accident will be reviewed on its own merit, the previous driving record of the employee will not be considered in rendering the decision.

The ARC will utilize the "Accident Preventability Determination Guidelines" for defining type of accident and assigning Preventable or Non-Preventable for the accident. Decisions on accident situations not covered in this guide will rest with the expertise of the ARC Members.

Each member will be provided with a copy of the Accident report(s) to be reviewed at the meeting. Each accident will be individually reviewed utilizing the *Accident Evaluation Form* (see attached).

ARC operator members will be rotated monthly.

No member may vote on his/her accident.

Once an accident has been reviewed and a determination of responsibility made, the involved employee will be notified of the outcome, in writing on a form provided for this purpose.

If an investigation on any particular accident is not yet completed at the first available ARC meeting time, it will be held over to the next meeting "pending further investigation."

If an employee believes that the findings of the ARC committee are incorrect, he/she may appeal the Committee's decision.

Appeal Procedures

- An employee has two (2) weeks from the date of the original ARC decision to appeal his/her case.
- The employee must notify his/her supervisor of the appeal. The supervisor will notify the Chairperson to schedule the appeal for the next meeting date.
- The decision of the Committee on any case is final once the appeal is made and the ruling passed.

The ARC will rule on all cases that the Operations Manager deems that documentation is required of the occurrence. These will include, but not be limited to:

- ☒ Motor Vehicle Accidents
- ☒ Industrial Accidents and Injuries
- ☒ Criminal Acts involving property or personnel
- ☒ Safety Rule Violations

The ARC will first rule on whether or not the occurrence qualifies as an accident. The ARC will use the following texts in defining accidents.

- Appendix A of this plan
- National Safety Council's (NSC) Motor Fleet Safety Manual
- NSC Accident Prevention Manual For lndustrial Operations

Only occurrences that qualify as Motor Vehicle or Industrial Accidents will be assigned a level of "preventability" by the ARC. These levels are:

1. ***Preventable*** - An occurrence where it is shown that the company employee did not do everything reasonable as a professional, defensive driver to avoid an accident.

2. ***Non-Preventable*** - An occurrence where it is shown that the company employee involved did not contribute to the accident occurring.

Types of Accident Reports

There are four types of reports to cover the varied exposures at _____.

1. ***Accident Report Form*** is to be used to report any accidents involving company vehicles, other vehicles, or pedestrians, or objects (i.e. poles, trees, fences).

2. ***Passenger Incident Report Form*** is to be used anytime there is a passenger injury while onboard, or when boarding or alighting.

3. ***Incident Report*** is to used when an employee is injured on the job, while driving or performing position related duties.

4. ***Accident Review Spreadsheet*** is to be used to report the total number of accidents for the Organization's Fleet on a periodic basis. The spreadsheet provides a breakdown of accident causal factors, driver experience data, vehicle type data and driver training data.

Safety Improvement

The ARC will conduct quarterly meetings with operators to reinforce safe driving theories with operators who have had preventable accidents in the past quarter. Attendance for those having preventable accidents is mandatory.

Right-To-Know training will be conducted for all employees whose position falls under the Occupational Health and Safety Administration (OSHA). New employees will receive this training within one month of their hire date. All existing employees affected will receive refresher training during the first quarter of the calendar year.

Plan Amendments

The _____ System Safety Plan can be amended under the following procedures.

- ☒ Proposed amendments may be originated by either the _____ ARC, or the Executive Director. Employees are also encouraged to submit changes that they believe will result in a safer work environment.

- ☒ The ARC will forward proposed plan amendments to the Executive Director for review and approval prior to implementation. Final authority for approving the plan amendments rests with the Executive Director.

Accident Preventability Determination Guidelines[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 the 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 professional driver's failure to take every precautionary measure prior to entering the intersection must be considered in making a decision. **If a professional driver fails to check cross traffic to be sure that it is going to stop, or if he/she forces the right-of-way instead of yielding, then any resulting accident should be ruled preventable.**

Accidents involving special intersections such as alleys, driveways, plant entrances, etc. must be carefully reviewed to determine what action could have been taken to avoid the accident. **Many of these intersections are blind and the other driver's vision is blocked, therefore failure to slow down, sound a warning or yield right of way can be considered sufficient cause to rule the accident preventable.**

Changing Traffic Lanes

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

Being passed requires that the professional driver yield to the passing vehicle by slowing down or moving to the right if the passing driver is trapped a sideswipe or cut-off accident 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 professional 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.

Failure to observe any of the above defensive driving techniques should result in the accident being ruled preventable.

Front-End & Rear End Collisions

The professional driver can prevent front-end collisions by maintaining a safe following distance at all times. Tailgating is one of the most frequent causes of accidents and cannot be excused. Regardless of abrupt or unexpected stops or actions of the driver ahead, the 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/her actions. Night speed should be adjusted so that the stopping distance is not greater than the forward distance illuminated by the headlights.

[1] National Safety Council Guidelines For Accident Preventablility, 1995

Professional 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 the ruling the accident preventable.**

Backing

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

Turns

Anytime a professional driver leaves a traffic lane, the complete responsibility for the maneuver is his/hers. 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 and right hand turns are the responsibility of the driver making the turn. Failure to signal, signaling too late, failure to properly position for the turn to check mirrors before and during the turn or to take any other necessary defensive action, must be considered by the ARC.

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

Vehicles Going In Opposite Directions

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 the driver should have been warned about possible involvement by the actions of the opposing vehicle. **If the opposing vehicle was passing and thus intruding into the driver's lane and he/she failed to slow down, stop or pull to the right, then the driver failed to take proper defensive measures and the resulting accident should be judged as preventable. Failure to warn the other driver by use of the horn or flicking headlights should also be considered.**

Mechanical Failure

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

If a mechanical defect occurs or develops during the trip, the driver should notify management. **If the trip is continued without 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 considered preventable.

Weather

Rain, fog, snow and 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 hazardous should be ground for deciding the accident was preventable**. Failure to use chains, sanders provided by the company should be considered as failure to adjust to conditions and any resulting accidents to vehicle, passengers or property should be ruled preventable.**

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/her responsibility. Resurfaced pavement causing low overhead clearance, and other changed in conditions along a route are not valid excuses.

Property Damage and Personal Injury

Passenger accidents where there is no collision involved must be considered preventable if they are caused by faulty driving maneuvers. Passenger injuries caused by evasive action to avoid a collision must be judged preventable if the driver failed to use defensive driving techniques that could have eliminated the need for sudden or violent action.

Sudden stops and starts, speeding over bumpy roads, fast turns, abrupt acceleration must be considered as unsafe driving. Therefore, any accident to passengers as a result of such actions should be considered preventable.

Damage to property or persons from parts of the vehicle being loose (doors) are preventable if the driver failed to secure them, or if detected during the pre-trip inspection, the driver fails to have them secured.

Violations Of Law and Company Policy

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

Accident Situations Not Described

For accidents not described, the ARC should use the same type of reasoning illustrated in this section (i.e. if there is any defensive driving habits that could have prevented the accident, then by National Safety Council 's definition of a preventable accident, the accident must be declared preventable.)

Accident Terminology[2]

Definitions

1.1 **Traffic way** - is the entire width between property lines, or other boundary lines of every way or place, of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

1.2 **Roadway** - is that part of a traffic way designed, improved and ordinarily used for vehicular travel. In the event the traffic way includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

1.3 **Road** - is that part of a traffic way that includes both the roadway and any shoulder alongside the roadway.

1.4 **Shoulder** - is that portion of the road contiguous with the roadway for accommodation of stopped vehicles for emergency use and for lateral support of the roadway structure. The line between the roadway and the shoulder may be a painted edge line, a change in surface color or material, or a curb. On some modern traffic ways, there may be a surfaced shoulder on the right side and a frequently narrower shoulder on the left side of a one-way roadway.

1.5 **Motor Vehicle** - is any mechanically or electrically powered device, not operated on rails, upon which or by which any person or property may be transported or drawn upon the highway. For the purposes of this manual, any object such as a trailer, sled or wagon being towed by a motor vehicle, including such devices when detached while in motion or set in motion by a motor vehicle, such as pushing. Also, the load, including occupants, upon or in the motor vehicle or upon or in the device being towed or pushed, is considered part of the motor vehicle. Motor vehicles include but are not limited to, the following devices.

a. Automobiles (any type), bus, motorcycle, motorized bicycle or scooter, fire engine, truck, van, trolley bus not operating upon rails.

b. Construction Machinery, farm and industrial machines, road rollers, tractor, army tank, highway grader, or similar devices equipped with wheels or treads, while in transport under own power.

c. Special Motorized devices such as go-carts, midget racers, invalid chairs, snowmobiles, swamp buggies or similar devices, while in transport under own power.

1.6 **Pedestrian conveyance** - is any human powered device by which a pedestrian may move, or by which a person may move another pedestrian, other than pedaling.

Includes: Baby carriage, coaster wagon, ice skates, push cart, roller skates, scooter, skies, sled, wheelchair, rickshaw.

Excludes: Bicycle (pedal cycle)

[2] United States Department of Transportation (DOT) Accident Investigation Terminology and Criteria, 1993

1.7 **Other Road Vehicle** - is any device, except a motor vehicle and pedestrian conveyance, in, upon or by which any person or property may be transported upon a land way or place such as a traffic way.

Includes: Animal drawn vehicle (any type). Animal harnessed to a conveyance. Animal carrying a person. Street car, bicycle (pedal cycle).

1.8 **Railway Train** - is any device with or without cars coupled hereto, designed for transport upon a railway including any device designed to operate upon railway tracks, under its own power, such as a motor vehicle equipped with flanged wheels. Non-motorized devices not set in motion by a railway train or vehicle are not considered to be a railway train or vehicle.

1.9 **Motorcycle** - is a two-wheeled motor vehicle having one or more riding saddles, and sometimes a third wheel for the support of a sidecar. The sidecar is considered a part of the motor cycle. Motorcycle includes motorized bicycles, scooters or tricycles.

1.10 **Pedacycle** - is a vehicle operated solely by pedals and propelled by human power.

Includes: Bicycle (any size with two wheels in tandem), tricycle, unicycle, sidecar or trailer attached to any of the above devices.

Excludes: These devices when towed by a motor vehicle including hitching.

1.11 **Pedestrian** - is any person not in or upon a motor vehicle or other road vehicle.

Includes: Persons afoot, sitting, lying or working upon a land way or place. Person in or operating a pedestrian conveyance.

Excludes: Persons boarding or alighting from another vehicle, except pedestrian conveyance. Persons jumping or failing from a motor vehicle in transport.

1.12 **Driver** - is the operator of any motor vehicle or other road vehicle. Other occupants of devices are passengers.

Excludes: Operators of pedestrian conveyances, who are considered to be pedestrians,

1.13 **In Transport** - is the state or condition of a vehicle when it is in use primarily for moving persons or property (including the vehicle itself) from one place to another, and is (1) in motion; or (2) in readiness for motion; or (3) on a roadway, but not parked in a designated parking area.

1.14 **Accident -** is an unwanted event that produces injury or damage. The word “injury” includes “fatal injury”

a. Transport Accident - is any accident involving a device designed primarily for, or being used at the time primarily for, conveying persons or goods from one place to another. In classifying accidents which involve more than one type of transport, the following order of precedence should be used : (1) aircraft, (2) watercraft, (3) motor vehicle, (4) railway train, and (5) other road vehicle. This means an accident involving aircraft and a motor vehicle or a watercraft and a motor vehicle will not be classified as a motor vehicle accident.

1.15 **Motor Vehicle Accident** - is an accident involving a motor vehicle in transport, but not involving aircraft or watercraft.

1.16 **Other Vehicle Accident** - is an accident involving another road vehicle in transport but not involving an aircraft, a watercraft, a motor vehicle in transport, or a railway train.

1.17 Motor Vehicle Traffic Accident - **is** any motor vehicle accident that occurs on a traffic way or that occurs after the motor vehicle runs off the roadway but before events are stabilized.

1.18 Motor Vehicle Non-Traffic Accident- is any motor vehicle accident occurring entirely in any place other than a traffic way.

1.19 Other Road Vehicle Traffic Accident - is any other road vehicle accident that occurs on a traffic way or that occurs after the vehicle runs off roadway but before events are stabilized.

1.20 Other Road Vehicle Non-Traffic Accidents - is any other road vehicle accident occurring in any place other than a traffic way.

1.21 Fatal Accident - is any motor vehicle or other road vehicle accident that results in fatal injuries to one or more persons.

1.22 Non-Fatal injury Accident - is any motor vehicle or other road vehicle accident, other than a fatal accident, that results in injuries, other than fatal, to one or more persons.

1.23 Property Damage Accident - is any motor vehicle accident in which there is no injury to any person but only damage to a motor vehicle or other road vehicle or to other property, including injury to domestic animals.

Interpretations and Examples

1.24 Traffic way - The following interpretations and examples further clarify the definition in 1.1 for determining traffic way status on any land way or place.

1.24.1 Examples: Traffic way includes approaches to public buildings, docks and stations, but excludes private driveways, parking stalls and parking aisles or public parking lots, places away from traffic ways, ramps, or roads on airfields, farms, industrial premises, mines, quarries, and private grounds.

1.24.2 Exclusions: Exclusions from traffic way status apply only in the land ways or places are not open to the public for purposes of vehicular travel as a mater of right or custom, such as a traffic way closed for repair purposes. Private ownership is not the sole criterion for the exclusion. For example, the approach to a private fishing dock or boat launching dock is a traffic way if it is open to the public for vehicular travel; that is any person may drive a motor vehicle upon the dock approach. Also, the fact that a fee or toll may be charged for the use of the traffic way does not remove it from traffic way status.

1.24.3 Jurisdiction: Maintenance or police jurisdiction is not a criterion for deciding traffic way status of any way or place.

1.24.4 Boundary Lines: are the lateral limits of the traffic way. In the case of public right-of-way they are usually coincident with the property lines which mark the line between the traffic way and the adjoining property. In the case of right-of-way on private property, the boundary lines are the lateral limits of the easement or other areas set aside as a traffic way.

1.25 Motor Vehicle - The following interpretations and examples further clarify the definition in 1.5 for determining motor vehicle status of any device.

1.25.1 Inclusions: The motor vehicle definition in 1.5 is broader in concept that the definition used in the Uniform Vehicle Code. The Uniform Vehicle Code definition is used primarily for motor vehicle registration and control purposes, while the 1.5 definition is intended primarily for motor

vehicle accident classification purpose. This manual's definition does not imply or intend any change in the definition of the Uniform Vehicle Code. For classification purposes, the concept of what devices are motor vehicles, such as automobiles, motorcycles, trucks or buses is more inclusive.

1.25.2 Exclusions: Excluded from motor vehicle status are devices used solely to move persons or property within the confines of a building and its premises, such as an electric baggage or mail truck used solely within a railway station, or a forklift used solely within an industrial plant. This exclusion does not apply if these devices are moved in transport upon land way or placed outside the confines of a building and its premises.

1.25.3 Registration: Whether a particular device is considered a motor vehicle shall not depend on registration requirements.

1.25.4 In Transport: Whether a particular vehicle is considered to be in transport is determined by the existence of any one of three states or conditions of a vehicle (see 1.13). To assist in clarifying each of these the following inclusions and exclusions are given.

a. "In motion": includes motion of a vehicle off a roadway as well as on a roadway.

b. "In readiness for motion": does not apply to a vehicle which is in any area designated for parking or which is on a shoulder. A motor vehicle in a parking area or on a shoulder cannot be "in transport" unless the vehicle is in motion.

c. "On A Roadway" - in this case excludes designated parking areas, but this term does not necessarily imply "in motion" or even "in readiness for motion". A stalled, disabled or abandoned motor vehicle on a roadway is considered to be in transport.

1.25.5 Examples Of Use: The use of the device at the time of the accident is the primary criterion for establishing motor vehicle status. Any determination regarding under own power, or in use on a land way or place, is not difficult. Also establishing motor vehicle status is not a problem with devices that come within the provisions of motor vehicle registration laws. Problems arise with devices not normally considered motor vehicles, with devices not normally used in transport upon traffic ways and with motor vehicles used in an uncommon manner. The following examples are illustrative of the application of the use concept in determining motor vehicle status of the device or motor vehicle at the time of the accident.

a. A registered motor vehicle is being drawn by a team of horses upon a city street. It is considered another road vehicle (animal harnessed to a conveyance).

b. A registered motor vehicle is being used to draw a breaking plow engaged in breaking ground on a farm. It is considered machinery (farm) while engaged in plowing.

c. A registered truck hauling concrete (transit mix) is engaged in discharging or spreading its load of concrete at a road construction site. It is considered machinery (road construction) while engaged in discharging or spreading its load of concrete.

d. A motorized highway grader, under its own power is moving from one work place to another, upon a public way. It is considered a motor vehicle in transport.

e. A road roller, under its own power, is engaged in compacting road material on a traffic way under construction. It is considered machinery (road construction) while engaged in compacting road materials or otherwise moving at the construction site.

f. A farm tractor is engaged in hauling a trailer load of corn on a farm, upon a private place. It is considered a motor vehicle in transport.

g. A snowmobile is being driven, under its own power, in a state park for recreational purposes. It is considered a motor vehicle in transport.

h. A registered truck with a blade attached for snow plowing is engaged in plowing snow from a traffic way. It is machinery (road maintenance) while engaged in plowing snow.

i. A riding motorized lawn mower, under its own power, is being driven from one home to another, upon a city street. It is considered a motor vehicle in transport.

1.25.6 Driverless Motor Vehicle - A driverless motor vehicle, though previously parked, or a mot6r vehicle out of control while being towed or pushed, is considered to be a motor vehicle in transport. Also a driverless motor vehicle or abandoned motor vehicle upon a roadway is considered to be a motor vehicle in transport. This principle does not apply to such devices as farm or industrial machinery, highway graders, construction machinery or similar devices that are not in use at the time of the accident.

1.26 Motor Vehicle Accident - the following interpretations and examples further clarify the definition in 1.15 for determining motor vehicle accident status.

1.26.1 Examples - The following examples are events that fall within the definition of a motor vehicle accident if damage or injury results.

a. Motor vehicle in transport including its load collides with:

1. Another motor vehicle (in transport or while parked)
2. Railway train (no prior railway transport accident)
3. Other road vehicle in transport
4. Pedestrian, including pedestrian conveyance if occupied
5. Animal, attended or unattended
6. Object which is fixed, moveable or moving (not set in motion by aircraft or watercraft)

b. Motor vehicle in transport overturns without prior cause.

c. Motor vehicle in transport sets something in motion without the motor vehicle per se doing the actual striking.

1. Set in motion its load
2. Sets in motion any of its parts
3. Sets in motion something which is upon the way or place where the motor vehicle in motion such as a stone or other object.
4. Sets in motion its occupants
5. Otherwise produces a transfer of its energy of motion to persons or property without the motor vehicle per se doing the actual striking.

d. Motor vehicle in transport is involved in non-collision accidents.

1. Accidental poisoning from carbon monoxide generated by a motor vehicle.
2. Breakage of any part of the motor vehicle resulting in an injury or in further property damage.
3. Explosion of any part of the motor vehicle.
4. Person falling or jumping or being pushed from the motor vehicle.
5. Fire starting in the motor vehicle.
6. Person hit by an object in, or thrown against some part of the motor vehicle.
7. Injury or damage from moving parts of the vehicle.

8. Object falling from, or in the motor vehicle.
9. Injury or damage by objects thrown into the motor vehicle.
10. Object falling on the motor vehicle.
11. Injury or damage by animals flying or striking the motor vehicle.
12. Any other injury or damage producing event involving only the motor vehicle in transport, that is of a non-collision nature, such as a bridge giving way under the weight of a motor vehicle or a motor vehicle striking holes or bumps in the surface of the way or place or driving into water.

e. Motor vehicle in transport but not in motion is involved in non-collision event.

1. It catches fire.
2. A part explodes.
3. Occupant jumps or falls.
4. A part brakes and results in injury or further property damage.
5. The load falls.
6. A part is set in motion.
7. Exhaust gases seep in.
8. Toxic or corrosive chemicals leak out.
9. Other injury or damage producing events which originate upon or in the motor vehicle excluding events not hazards of transport such as a fight between occupants, occupant injured by a burning cigarette or similar events.

1.26.2 Excluded Accidents. Some accidents involving motor vehicles in transport that are by definition motor vehicle accidents are excluded from the motor vehicle accident classification because the fact that the motor vehicles are in transport is not deemed to be the primary contributing factor of the accident.

The following are examples of the application of the exclusion principle.

1. A motor vehicle in transport was washed away with a traffic way bridge during a hurricane. The accident was due to a natural catastrophe, rather than the action of a motor vehicle in transport. However this exclusion could not apply if the motor vehicle were driven into the water after the bridge had washed away because transport would have been the contributing factor.

2. A motor vehicle in transport was overwhelmed by a landslide or an avalanche that was the direct result of a cataclysm such as an earthquake, torrential rain ,etc. However, this exclusion would not apply if the cataclysm were not in existence at the time of the event nor would it apply if the motor vehicle were driven against any fallen materials covering a traffic way as a result of any landslide or avalanche.

3. A loaded firearm was being carried in a motor vehicle in transport and it accidentally discharged causing injury or damage. in such an event transport is not considered to be primary contributing factor, therefore, the event is not a motor vehicle occurrence.

4. The driver of a motor vehicle in transport dies from a disease condition such as a cerebral hemorrhage, heart attack or diabetic coma, prior to the involvement of the motor vehicle in an accident. The death is due to the disease condition if it can be clearly established and not due to transport. However, to other persons, vehicles or property this event if it involved more than the death of the driver would be an accident and would be classified as a motor vehicle accident.

5. The driver of a motor vehicle in transport suffers an epileptic seizure and the motor vehicle is involved in an accident. The injury or death to the driver is due to epilepsy. However, other injury or damage in the event would be classified as a motor vehicle accident.

Deliberate Intent - Sometimes events occur when a motor vehicles are in transport because some person or persons intended that the events should occur. Such intended events are excluded from the motor vehicle accident classification. However, malicious mischief, such as throwing a rock towards a motor vehicle dropping an object from an overpass or rolling an object upon a trafficway, is not considered to be a deliberate intent unless it is clearly established that the act was directed towards a specified person or motor vehicle.

Under deliberate intent, through the use of a motor vehicle as means of inflicting injury or damage, there are two types of action that fall within the provisions of deliberate intent. These are:

1. Suicide or Self-Inflicting Injury. A driver kills him/herself by driving a motor vehicle against a fixed object, or into a body of water, or otherwise uses a motor vehicle in transport, and this intent is verified in some manner; such intended events are not motor vehicle accidents. If in doing such intended acts, other injury or damage occurs that goes beyond the original intent, these events are accidental and meet the specifications of a motor vehicle accident, unless the contrary can be clearly established.

2. Homicide, Injury or Damage Purposely Inflicted. A person, having announced intent in some manner, causes death, injury or damage by driving a motor vehicle with homicidal, injury or damage inflicting intent; such intended acts are not motor vehicle accidents. If in doing such acts other injuries or damage occurs that goes beyond the original intent, these events are accidental and meet the specifications of a motor vehicle accident unless the contrary can be clearly established.

Legal Intervention - Injury or damage caused by legal intervention (usually apprehension or attempt to apprehend), through the use of a motor vehicle, is not a motor vehicle accident insofar as the law enforcing agent and the law violator relationship is concerned. If in doing such intended acts, other injuries or damage occurs that goes beyond the original intent, these events are accidental and meet the specifications of a motor vehicle accident unless the contrary can be clearly established. To help distinguish between legal intervention and accident, examples are provided.

<u>Legal Intervention</u>

A roadblock is set up to stop a lawbreaker and the lawbreaker crashes into it either intentionally or unintentionally.

A police car cuts in front of a car to force the car to the curb or shoulder and as a result the two cars collide.

A vehicle loses control as a result of bullets fired into it from a police officer’s gun and crashes.

<u>Accident</u>

A driver other than a lawbreaker crashes unintentionally into a roadblock.

A lawbreaker while eluding police loses control of his vehicle and crashes into another vehicle.

A police car skids and crashes while chasing a law violator.

Originating on a traffic way - A motor vehicle accident that results from an unstable set of events originating upon any part of a traffic way shall be classified as a motor vehicle traffic accident.

Terminating on a traffic way - If an unstable set of events originates off a traffic way, but the motor vehicle accident occurs on a traffic way, the accident is a motor vehicle traffic accident.

Crossing a traffic way - If an unstable set of events originates and terminates off a traffic way, but during the series of events the motor vehicle crosses the traffic way without incident, any accident that occurs off the traffic way in this case is a motor vehicle traffic accident.

Other Application - The interpretations for motor vehicle traffic accidents are also applicable for other road vehicle traffic accidents.

1.27 Precedence - The following interpretations further clarify the definition in 14.1.1 for establishing precedence when more than one type of transport vehicle is involved.

1.27.1 Aircraft - If an aircraft or an object set in motion by an aircraft and a motor vehicle are involved in an accident the accident is an aircraft transport accident.

1.27.2 Watercraft - Watercraft transport accidents involving motor vehicles in transport are probably rare occurrences. Most watercraft involving traffic will be on trailers and considered a part of the motor vehicle. However, watercraft under way might strike a motor vehicle in transport on bridges or causeways. Such accidents would be classified as watercraft transport accidents.

1.27.3 Railway Train - Motor vehicle takes precedence over railway train when a motor vehicle in transport is involved in an accident with such a device. However an accident is classified as a railway transport accident if the railway train is derailed prior to any involvement with a motor vehicle.

1.27.4 Bicycles - Motor vehicle takes precedence over a bicycle, but a bicycle takes precedence over other road vehicle, except a streetcar.

1.28 Vehicle and Traffic classifications - Application of the definitions, interpretations and examples in this section will produce two broad categories of transport accidents that can be subdivided according to the nature of the transport vehicle and where the accidents occurred. The categories include:

1. Motor Vehicle Accidents
   a. Motor Vehicle Traffic Accidents
   b. Motor Vehicle Non-Traffic Accidents

2. Other Road Vehicle Accidents
   a. Other Road Vehicle Accidents
   b. Other Road Vehicle Non-Traffic Accidents

Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100, Bala Cynwyd, PA 19004
Telephone: (800) 564-7766; http://www.phlyins.com/

12/2000

Accident Review Committee (ARC) Minutes

1) MEETING

Date of Meeting: _____	Start Time _____a.m. ☐ p.m. ☐	End Time _____a.m. ☐ p.m. ☐

2) COMMITTEE MEMBERS

Chairperson:	_____		
Committee Member #1:	_____	Committee Member #4:	_____
Committee Member #2:	_____	Committee Member #5:	_____
Committee Member #3:	_____	Committee Member #6:	_____
Guest #1:	_____	Guest #2:	_____

3) ACCIDENTS REVIEWED

Accident Report Number	Employee Name	Accident Classification	Last Preventable Occurrence	# of Accidents in last 24 months	Preventable	Non-Preventable
_____	_____	_____	_____	_____	☐	☐
_____	_____	_____	_____	_____	☐	☐
_____	_____	_____	_____	_____	☐	☐
_____	_____	_____	_____	_____	☐	☐
_____	_____	_____	_____	_____	☐	☐
_____	_____	_____	_____	_____	☐	☐

TOTAL RECORDABLE OCCURRENCES	_____
TOTAL PREVENTABLE OCCURRENCES	_____
TOTAL NON-PREVENTABLE OCCURRENCE	_____

4) INFORMATION ABOUT THE ACCIDENT

Collisions

# of collisions with property damage:	_____	# of collisions with injuries:	_____	# of collisions with both property damage & injuries:	_____

Non-Collisions

# of Non-Collisions (Boarding/Alighting)	_____	# of Non-Collisions (On-Board)	_____

Injuries

# of Injuries to Employees	_____
# of Injuries to Passengers	_____
# of Injuries to Pedestrians	_____

Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100, Bala Cynwyd, PA 19004
Telephone: (800) 564-7766; http://www.phlyins.com/

12/2000

Accident Evaluation Form

Review Date:	_____		
Employee Name:	_____	**Accident Report Number:**	_____

1) ACCIDENT

Vehicle Number:	_____		
Date of Occurrence:	_____	**Time of Occurrence**	_____ **a.m.** ☐ **p.m.** ☐
Location:	_____		

2) ACCIDENTS DECRIPTION (Brief)

The "Accident Preventability Determination Guidelines" will be used in judging the preventability of accidents at _____. An accident must be judged "preventable" on part of the employee involved unless it is shown, without a reasonable doubt, that the employee did nothing to contribute to the occurrence of the accident and the employee did everything reasonable to avoid the situation from occurring.

An incident is an event that occurs during normal business, but falls outside the normal realm of control for an employee. Examples of incidents include: passengers acting out, slips and falls while boarding or alighting.

The committee met on the above date and it is their decision that the occurrence can be classified as a(n):

Preventable Accident	☐	**Non-Preventable Accident**	☐	**Incident**	☐

3) VOTING COMMITTEE MEMBERS

		Chairperson:	_____
Committee Member #1:	_____	**Committee Member #4:**	_____
Committee Member #2:	_____	**Committee Member #5:**	_____
Committee Member #3:	_____	**Committee Member #6:**	_____
Guest #1:	_____	**Guest #2:**	_____

Date of Analysis: _____

	Driving Experience					Vehicle Type									
Accident Causal Factors	**0-6 Mos.**	**6 Mos.-1yr**	**1 Yr +>**	**Total**	**% of Accidents**	**BOC Small Bus w/ lift**	**BOC Small Bus w/o lift**	**12 Passenger w/ lift**	**12 Passenger w/o lift**	**15 Passenger w/ lift**	**15 Passenger w/o lift**	**School Bus**	**Sedan**	**Other**	**Total**
Speeding	1			1	5.00%	1									1
Follow Too Close	2	3		5	25.00%	1		1		3					5
Rear Ended				0	0.00%										0
Improper Right Turn				0	0.00%										0
Improper Left Turn				0	0.00%										0
Improper Lane Change		1		1	5.00%			1							1
Failure To Stop		2		2	10.00%				1	1					2
Failure To Yield				0	0.00%										0
Improper Backing		6		6	30.00%		2		1	1	2				6
Road Conditions				0	0.00%										0
Poor Lighting		1		1	5.00%						1				1
Weather Conditions				0	0.00%										0
Mechanical Failure			4	4	20.00%			4							4
Unsecure Passengers				0	0.00%										0
Improper Lift Operation				0	0.00%										0
Road Hazard (Adverse)				0	0.00%										0
Road Hazard (Insured)				0	0.00%										0
Driver Condition (Alcohol)				0	0.00%										0
Driver Condition (Drugs)				0	0.00%										0
Driver Condition (Exhausted)				0	0.00%										0
Violation of the Law				0	0.00%										0
Accident Situations Not Described				0	0.00%										0
TOTALS CALCULATED	3	13	4	20	100%	2	2			5	3			0	20
% OF ACCIDENTS BY DRIVERS	**15.0%**	**65.0%**	**20.0%**	**#####**		**10.0%**	**10.0%**			**25.0%**	**15.0%**			**0.0%**	**60.0%**