



**RESOLUTION NUMBER: 2017-19**

**A RESOLUTION REVISING ROOSEVELT COUNTY  
VEHICLE ACCIDENT PREVENTION PROGRAM POLICY**

**WHEREAS**, vehicle operations are the County's greatest liability exposure and one of the leading causes of an employee injury; and,

**WHEREAS**, the intent of this Policy is to protect the County's human capital and financial resources from accidental and intentional loss; and,

**WHEREAS**, this Policy was originally adopted in or about 2007 and needs to be updated and amended to include necessary changes and additions regarding insurance coverage, vehicle responsibility and employee fringe benefits under the Policy among others.

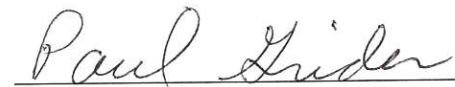
**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF ROOSEVELT COUNTY THAT** the revised Roosevelt County Accident Prevention Program Policy is hereby approved.

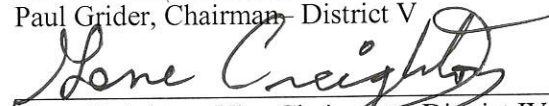
**PASSED, APPROVED, and ADOPTED** this 7th day of March, 2017.

ATTEST:

  
DeAun D. Searl, Roosevelt County Clerk

**BODY OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO**

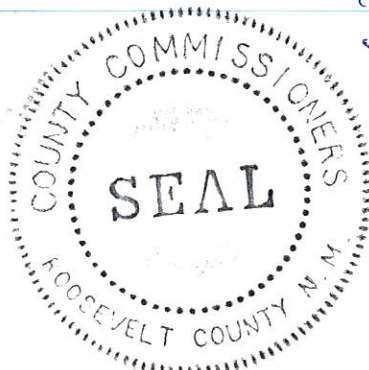
  
Paul Grider, Chairman - District V

  
Gene Creighton, Vice Chairman - District IV

  
Matt Hunton - District II

  
Dennis Lopez - District I

  
Lewis (Shane) Lee - District III



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DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM



# VEHICLE ACCIDENT PREVENTION PROGRAM

## 1.0 PURPOSE:

Vehicle operations are the County's greatest liability exposure and one of the leading causes of employee injury. The intent of this policy is to protect the County's human, capital, and financial resources from accidental and intentional loss. This program will save lives, decrease injuries, minimize County costs and potential liabilities, and increase productivity and efficiency.

## 2.0 POLICY:

The County will see that drivers are qualified and competent to operate assigned vehicles and equipment (the fleet), as set forth in this policy and that the fleet is appropriate for assigned tasks. The County will provide a safe fleet and maintain the fleet in an acceptable state of readiness. Employees are expected to operate the fleet safely and promptly report deficient equipment or hazardous conditions. When engaged in fleet operations, no task is more important than the safe operation of the fleet. Accidents involving the fleet will be reviewed for root cause identification and a preventability determination. Drivers involved in preventable accidents will be disciplined in accordance with County policies.

## 3.0 DEFINITIONS:

### 3.1 Drivers:

County employee or volunteer firefighter, in actual physical control of a County vehicle, or the County employee/volunteer firefighter who was last in physical control of a County vehicle, and parked in a position where property damage occurred.

For purposes of this policy, an "Accident" shall mean an occurrence associated with the operation of a County vehicle or other heavy equipment or machinery such as backhoes, loaders, and graders.

"Citable accident" shall mean an accident in which the County driver received or could have received a traffic citation for causing the accident.





### **3.2 County Vehicle:**

Every County vehicle that is owned or leased by the County for conducting County business.

### **3.3 Valid License:**

All drivers (current and prospective) shall have a valid license for the type of vehicle(s) operated on the job. The County will retain a photocopy of all licenses in a driver or individual personnel file.

A Commercial Drivers License (CDL) is a legal requirement for certain vehicles. If a CDL or other license type is not required at hiring, the individual shall obtain proper licensing prior to operating such vehicles or equipment. The department head or elected official is responsible for timely reporting of license classification changes to the Human Resources Department.

### **3.4 Driver Record Inquiry:**

A Motor Vehicle Record Review conducted on applicants for employment including volunteers, and performed on existing drivers on a monthly basis.

### **3.5 Proficiency Test:**

Practical examination given by a supervisor for specific equipment as determined by the department.

## **4.0 PROCEDURE:**

### **4.1 Public and Private Records Release:**

All job applicants shall sign an information release. This release authorizes the County to conduct a background investigation on the applicant's driving history. Once a release is obtained, the County will contact references and previous/current employers. The background investigations shall be completed prior to a final job offer being extended. The County will solicit information about the applicants' driving history, such as license status, citation history, possible restrictions, driving record, type(s) of vehicles driven, how frequently driver drove, and past accidents.

### **4.2 Motor Vehicle Record (MVR) Reviews:**

MVR reviews shall be conducted on new hires applying for any position involving fleet operations prior to a final job offer being extended. New and existing employees' MVR will be reviewed monthly. Applicants with an acceptable record will be considered for employment; however, applicants with an unacceptable record will not be considered.

Employees having an unacceptable driving record shall automatically lose County driving privileges. These employees will be terminated or, at the County's discretion, reclassified or reassigned to a non-driving position if available. Unacceptable driving records will be evaluated on a case by case basis.





The following guidelines will be used:

A. Unacceptable Driver Record:

- Three or more moving violation convictions in the past three years;
- Two or more moving violation convictions in the past year;
- Conviction of a major violation within the past three years;
- A suspended, revoked, or restricted license for moving violations or conviction of a major violation within the past three years; or
- Any other serious traffic violation.

B. Major Violations:

- Reckless Driving
- Speed Contests (Racing)
- Leaving the scene of an accident
- Failure to report an accident
- DWI (alcohol or drugs) and/or refusal to take a blood-alcohol content test
- Fleeing or attempting to elude police in a motor vehicle
- Homicide, manslaughter, or assault arising out of use of a vehicle
- License suspended, revoked, or restricted due to moving violation convictions

All drivers are required to immediately report any moving violation citation, major violation arrests or convictions, or license suspensions, revocations, or restrictions to their immediate supervisor, who must then contact the Human Resource Administrator.

#### **4.3 Substance Abuse Testing and Physical Examinations:**

Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. The offer of employment shall be contingent upon successfully completing the pre-employment drug test. CDL operators shall comply with Federal DOT regulations, which require physicals every two years. Drivers who work in safety sensitive and Road Department positions will be subject to random drug testing.

#### **4.4 “Practical Examination” Proficiency Test:**

Drivers shall demonstrate their proficiency by driving a vehicle or equipment similar to the one used on-the-job while being observed by a monitor. Applicants/employees engaged in more difficult driving or who operate specialized vehicles or equipment shall be tested in a manner consistent with their duties and vehicle type. Specialized vehicles and equipment include, but are not limited to law enforcement vehicles, fire trucks, ambulances and rescue units, snowplows, backhoes, dozers, graders, and dump trucks.

Upon completion of this test, the monitor will include in his application score that the applicant/employee either “possesses” or “does not possess” the skills necessary to safely operate the vehicle or equipment used during the test. Applicants/employees need only pass a proficiency test once, unless their vehicle(s) or equipment changes significantly, or if the County has a reasonable basis to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage.



Applicants failing to pass a test satisfactorily will be disqualified from the employment process. Existing employees may be given refresher or remedial training, then retested. If an employee fails the second test, the County may elect: reassignment, driving restrictions, or termination. (Note: Prior to taking disciplinary action, consult with the County Manager and Human Resources.)

## **5.0 RESPONSIBILITIES**

### **5.1 Human Resource Administrator:**

**5.1.1** The Human Resource Administrator shall administer, implement and enforce the driver record review and point system of this policy.

**5.1.2** On a regular basis the County will conduct driver record inquiries for all current County Employees and all Volunteer Fire Fighters/EMS who operate County designated emergency vehicles.

**5.1.3** Driver record inquiries and driver point evaluation will be reviewed by the Human Resource Administrator, notifications of driver status as questionable restricted or unacceptable will be given to the appropriate department head or elected official.

**5.1.4** The Human Resource Administrator will conduct driver record inquiries on all prospective drivers before a job offer is made.

### **5.2 Department Head/Elected Official:**

**5.2.1** Notification that a driver is in questionable, restricted or unacceptable status will be in writing and when received, will require the elected official or department head to take appropriate action in accordance with this policy.

**5.2.2** All other requirements of this policy, including but not limited to the condition of the vehicle, inspections, replacement, accident review, etc. shall be managed by the appropriate elected officials, department head, supervisor or committee.

## **6.0 THE VEHICLE**

**6.1** Proper vehicle selection is often overlooked, yet can have catastrophic implications; therefore, department head/elected official shall select the proper vehicle for the tasks involved. It is important to ensure that the County selects a safe and appropriate vehicle for the task.

**6.2** Routine maintenance and repairs shall be conducted in a regular and timely fashion. The department head/elected official shall develop and implement a system of checks and a schedule for vehicle maintenance. Fleet vehicles will be maintained in accordance with the manufacturer's recommendations at a minimum.

**6.3** Each department/office shall assign an individual to oversee and be responsible for department/office fleet maintenance.



**6.4** Drivers are encouraged to take personal responsibility for and pride in the condition of their vehicles and equipment. The department head/elected official shall develop a reporting process, where drivers can report vehicle problems and needs. Employees are required to immediately report vehicle problems, or maintenance needs to their supervisor.

All maintenance and repair records, including maintenance or repair requests, will be retained for a minimum of three (3) years after the vehicle is no longer in service.

## **7.0 VEHICLE INSPECTIONS**

**7.1** A daily or pre-trip inspection shall be made on vehicles before operation to detect any obvious safety hazards or fleet deficiencies. Employees are required to conduct these inspections prior to driving. When approaching vehicles, for example, drivers should take the time to notice the area around the vehicle.

Look for damage, debris, fluid leaks, and hazards around the vehicle, and inspect the tires. It is the driver's responsibility to make sure the vehicle is in proper operating condition. Once inside the vehicle, the driver shall check for damaged or missing equipment, shall check all gauges, and shall adjust the seat and mirrors.

The DOT has more stringent daily inspection regulations for vehicles weighing over 10,000 pounds.

Vehicle damage or deficiencies will be immediately reported to the appropriate supervisor in writing.

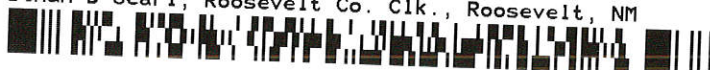
**7.2** Supervisors are responsible for ensuring that the fleet is in an acceptable state of readiness. Supervisors shall inspect vehicles at least quarterly for compliance with County policies and maintenance schedules, and shall identify employee omissions or abuse.

## **8.0 VEHICLE REPLACEMENT CYCLE**

**8.1** The County's decision on vehicle replacement is based on the economic impact of continued use and the degree of liability the County is willing to assume. Every department/office should identify the maximum usage parameters (economic life) of their fleet and replace the fleet cyclically. Once vehicle operational costs reach a certain point (economic life), it is no longer cost effective to keep these vehicles in service.

**8.2** To prevent large budget shortfalls and unmanageable predicaments, once vehicle replacement cycles are determined for each department/office, the department head/elected official shall incorporate the appropriate percentage in his or her annual budget.

**8.3** Priority should be given to replacement of emergency service vehicles.





## 9.0 PROGRAM MANAGEMENT

### 9.1 Accident Review Process:

The County shall review all fleet accidents to identify the root cause(s) and to determine the preventability of each accident. This review process shall result in corrective measure recommendations to management such as, but not limited to:

- A. Remedial or refresher training of operator;
- B. Review and/or modification of driver training and tactics;
- C. Modification or re-evaluation of fleet selection;
- D. Review or modification of applicable policies and procedures; or
- E. Evaluation of employees involved in the accident for vision defects, stress-related problems, or other conditions affecting fitness for duty.

All fleet accidents, regardless of how minor, are to be reported, investigated, and reviewed. Accident reviews should include associated police reports, supervisory investigative reports, and any other pertinent information. The review committee shall make a preventability determination. Fleet accident classification criterion is attached as Appendix F.

**9.2** Violations of this policy shall be met with prescribed, announced disciplinary procedures ranging from re-training, counseling, suspension, temporary or permanent suspension of driving privileges, up to and including termination. In accordance with personnel rules, major or repeated violations may result in termination.

**9.3** Safety policies and discipline for noncompliance will be clearly outlined and uniformly and completely enforced. Violations shall be dealt with sternly, fairly, and consistently. Thus, the Human Resource Administrator and/or County Attorney should be involved in the disciplinary process.

## 10.0 DRIVER TRAINING

**10.1** New drivers shall receive an orientation on organizational requirements before they operate the fleet, e.g., driving rules and procedures, and County expectations. Employees who negligently operate the fleet will be subject to disciplinary action.

**10.2** Drivers shall successfully complete the County's defensive driver's training program within six months of hire. Refresher training will be provided to all drivers at least every three years. Failure to complete a defensive driving course within the required time frame will result in the loss of County driving privileges.

**10.3** Remedial training will be available for drivers involved in preventable accidents, drivers receiving moving traffic violation convictions, and drivers whose supervisor determines are in need of additional drivers training. Remedial training will be provided within thirty (30) days of a preventability or supervisory determination, or traffic violation conviction notification.



**10.4** From time to time, specialized professions such as law enforcement, public works, fire, and EMS may choose to use approved specialized courses to complement or in lieu of defensive driver's training. The New Mexico Association of Counties may approve specialized courses.

## **11.0 FITNESS TO OPERATE VEHICLES**

**11.1** Supervisors should be vigilant for signs or conditions that adversely affect an employee's ability to safely operate the fleet or perform the essential functions of a particular job. If it is suspected that an employee may not be able to safely operate a vehicle, the supervisor shall immediately report concerns to Human Resources/County Manager/County Attorney for follow up.

**11.2** State law requires timely reporting of several medical and psychological conditions to the Motor Vehicle Division (MVD), e.g., neurological, psychological, epilepsy, loss of consciousness, dementia, cardiovascular, stroke, deafness, eye disorder, addictions(s), diabetes with insulin prescription, hypoglycemia, orthopedic/prosthetic, ESRD (renal dialysis), and sleep disorder. Employees experiencing any of these conditions shall comply with State law and report them to the MVD. Employees experiencing a medical condition that is affecting their ability to safely operate the fleet will be evaluated on a case by case basis.

**11.3** The employee shall report to the County the use of any medications that may impair their ability to drive safely.

## **12.0 SUBSTANCE ABUSE TESTING**

**12.1** The County has a vital interest in maintaining safe and efficient working conditions for its employees and citizens. Employees under the influence of alcohol or drugs pose serious safety and health risks not only to the user but also to all those in contact with the user. Therefore, the County shall institute post-accident substance abuse testing.

**12.2** Drivers shall be tested when an accident has serious consequences for the employee or County. Drivers involved in the following types of fleet accidents shall be tested:

- A. An individual dies;
- B. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- C. One or more vehicles incur disabling damage because of the accident and are transported away from the scene by a tow truck or other vehicle; or
- D. The driver is involved in a citable accident.

## **13.0 PERFORMANCE EVALUATIONS**

To be effective, employees at all levels of the County shall be held accountable for their loss prevention results. Every employee will be measured and evaluated based on their fleet accident prevention results and performance. Preventable accidents, traffic citations received in a fleet vehicle, and unsafe driving practices shall be considered in the evaluation process; conversely, good driving records shall also be considered.





Department heads/elected officials will also be evaluated on their driving/operation performance as well as in other areas, e.g., their preventative efforts, areas of accountability and responsibility, for ensuring work is performed in a safe manner, for ensuring controls are in place and used, and for timely and accurate fleet inspections.

#### **14.0 VEHICLE PURSUIT; POST INCIDENT REVIEW**

**14.1** The County's pursuit policy shall comply with New Mexico state law and nationally recognized standards, such as the International Association of Chiefs of Police (IACP) model policy, and the Commission for Accrediting Law Enforcement Agencies (CALEA) standards. These professional organizations recommend an objective and timely review of all pursuits. Therefore, each pursuit will be reviewed by the sheriff for compliance with office policy as well as with national standards.

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#### **15.0 USE OF PERSONAL VEHICLE**

**15.1** Use of personal vehicles for County business is discouraged at all times. In cases where employees using personal vehicles for County business have to be insured in accordance with state law and need to provide proof of valid insurance to their immediate supervisor. Under no circumstances is an employee authorized to use an uninsured vehicle for County business.

**15.2** If an employee uses his or her personal vehicle for County business, that employee's personal insurance is considered the primary coverage and the employee's personal insurance is responsible for liability coverage.

#### **16.0 ASSIGNED TAKE HOME VEHICLE PROGRAM**

**16.1** To improve services, County government has a bona fide need to assign take-home vehicles to certain County employees, e.g., law enforcement personnel and on-call staff. The County shall adopt a formal take home policy. This policy is not intended to limit or restrict elected officials' authority; it is, however, necessary for efficient management and for limiting the County's liability exposure.

**16.2** Employees that have been assigned take-home vehicles adhere to the Fringe Benefits Rule.

**16.3** Employees assigned take-home vehicles are not allowed to use County vehicles for personal use and not allowed non-County employees as passengers in the vehicle unless there has been approval from the County Manager in writing. Written approval will be kept in the employee's personnel file.

#### **17.0 GENERAL VEHICLE POLICIES**

**17.1** Use of the fleet is restricted to official County business only.

**17.2.** Only County employees, volunteers, or others authorized through Joint Powers Agreements (JPA) or Memorandum of Understanding (MOU) may operate any vehicle in the



fleet. Absent a formal policy, operators and passengers are restricted to County employees or those otherwise on official County business.

**17.3.** Employees shall operate vehicles in the fleet in compliance with New Mexico traffic laws, operator licensing requirements, vehicle dimension and weight limits, County policies, and vehicle and equipment requirements.

**17.4** Use of cellular telephones is permitted if using a hands-free device. See Resolution 2016-47 Cell Phone Utilization

**17.5** Employees are responsible for reporting any vehicle or equipment mechanical problems, damage, or accidents to their immediate supervisor as soon as possible.

**17.6** Fleet Accidents Classifications – See Appendix A

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## APPENDIX A

### FLEET ACCIDENT CLASSIFICATIONS

The County shall review all fleet accidents for root cause analysis and classify these accidents as preventable or non-preventable. Recommendations will be forwarded to the County Manager/Human Resource Administrator for corrective action to prevent similar type accidents in the future.

Loss Prevention Committee (LPC) should review all applicable information, including police reports, supplemental reports, incident reports, internal reports and statements, witness statements, etc. to make a proper determination. The LPC may include additional recommendations such as, but not limited to:

- 1) Remedial or refresher training of vehicle operator.
- 2) Review and/or modification of driver training and tactics.
- 3) Modification or reevaluation of vehicle or other equipment selection.
- 4) Review or modification of applicable policies and procedures.
- 5) Evaluation of employees involved in the accident for vision defects, stress- related problems, or other conditions affecting fitness for duty.

#### Accident Determination:

When determining accident preventability, the County has adopted guidelines established by the National Safety Council (NSC). These standards might appear excessive and stringent; however, they were established by the NSC and recognized nationally. The foundation of these standards is reasonableness; they should be interpreted based on how a reasonable driver would respond to a particular situation. Realizing the numerable accident types, possible scenarios, and ways a driver can prevent an accident; these standards should be used as a guide for determining accident preventability.

A preventable accident is one in which the County driver failed to do everything that *reasonably* could have been done to avoid an accident. In other words, if a driver committed errors and/or failed to react reasonably to the errors of others an accident is preventable. Therefore, a preventable accident is "any accident involving a County 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 a County driver failed to exercise every reasonable precaution to prevent the accident".

A non-preventable accident is one in which the driver commits no errors and reacted reasonably to the errors of others, and observed applicable County policies, procedures, and training, including the use of appropriate defensive driving tactics.

Rule of thumb- The driver did everything reasonably possible to prevent/avoid the accident, but due to circumstances beyond their control was involved. If the County driver is speeding, did not see the other vehicle, failed to yield right-of-way, did not signal, etc., then the County driver did not do everything reasonably possible to reduce the likelihood of an incident.

## ACCIDENT STANDARD GUIDELINES

### Intersection Accidents:

A defensive driver has the responsibility to approach, enter, and cross intersections prepared to avoid accidents that might occur because of the actions of other drivers. Actions of other drivers include but not limited to excess speeding, crossing a lane when turning, and coming from behind in a blind spot. Complex traffic movement, blind intersections, and failure of the other driver to conform to law or traffic control devices do not automatically discharge an accident as *non-preventable*.

The use of emergency equipment does not relieve emergency vehicle drivers from operating vehicles, or entering and clearing intersections in a safe and prudent manner. Emergency operators should exercise extreme caution when entering intersections, attentive to the fact that not all citizens can see or hear their emergency equipment, and may not be cognizant of the emergency response mode.

Most intersection accidents are preventable even though the defensive driver did not violate traffic regulations. A drivers' failure to take precautionary measures is a factor in making a preventable decision. Even though the actions of the other driver indicate possible accident involvement, the decision based on such entrapment should be prevented.

Examples of *preventable* intersection accidents include but not limited to:

- Driver failed to control speed so that they could stop within available sight distance.
- Driver failed to check cross-traffic and wait for it to clear before entering an intersection.
- Driver pulled from a side street in front of oncoming traffic.
- Driver collided with a person, vehicle, or object while making a turn.
- Driver collided with a vehicle making a turn in front of them.
- Driver entered intersection against traffic control device.
- Emergency vehicle driver entered intersection against traffic control device and did not ensure the intersection was clear.

### Parking/Parked Accidents:

Most accidents that occur while parking are preventable. A significant percentage of parking accidents occurs when drivers misjudge clearance or fail to observe an object.

Accidents involving parked vehicles are generally non-preventable if the vehicle is legally parked. Factors that indicate preventability include but not limited to: unconventional parking location, illegal parking, and failure to put out warning devices.

Under special conditions, emergency vehicles are authorized to park illegally or irregularly; however, a reasonable judgment must be used to ensure public safety.

Examples of *non-preventable* parked/parking accidents include, but not limited to:





- Vehicle parked in a legal location.
- Emergency vehicle using emergency warning devices, flares, triangles, etc. to secure public safety at a scene.

### **Backing Accidents:**

Backing accidents account for a significant portion of County accidents, yet practically all backing accidents are preventable. Realizing backing large vehicles or vehicles with limited visibility is difficult; drivers should utilize a guide or frequently physically check behind and around the vehicle during a backing maneuver.

Examples of *preventable backing* accidents include but not limited to:

- Driver backed into traffic stream when such backing could have been avoided.
- Driver failed to observe a person or object positioned behind or to the side of the vehicle.
- Driver failed to exit the vehicle and check proposed path of travel.
- Driver failed to recheck conditions when backing long distances.
- Driver depended on mirrors when it was practical to look back or use a guide.
- Driver failed to check behind the parked vehicle before attempting to leave parking space.
- Driver backed when backing could have been avoided by better planning of route.
- Driver relied solely on guide to help back the vehicle.
- Large vehicle driver did not sound horn to signal backing activity.

### **Front-End Accidents:**

Regardless of the abrupt or unexpected stop of a vehicle or vehicles ahead, a defensive driver can prevent front-end accidents by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the road, in plain view or hidden by hill, curve or congestion.

Examples of *preventable front-end* accidents include but not limited to:

- Driver failed to maintain safe following distance and have vehicle under control.
- Driver failed to keep alert to traffic conditions and 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 to 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 the lane.

### **Rear-End Accidents:**

Investigation often discloses that drivers risk being struck from behind by failing to maintain a safe following distance. Rear-end accidents proceeded by a roll-back, an abrupt stop, traffic signal changes, or when a driver fails to use turn signals, should be classified as *preventable*.

Examples of *non-preventable rear-end* accidents include but not limited to:



- Driver's vehicle was legally and properly parked.
- Driver was proceeding in 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, signal, or at the direction of a police officer.
- Driver was in proper lane waiting to make a legal turn.

Examples of *preventable* rear-end accidents include but not limited to:

- Driver was passing slower traffic and had to make a sudden stop.
- Driver made a sudden stop to park, load or unload.
- Vehicle was improperly parked.
- Driver rolled back into vehicle behind while starting or stopped.

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### **Passing Accidents:**

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting this maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary, and it is the passing driver responsibility.

The use of emergency equipment does not relieve emergency vehicle drivers from passing vehicles in a safe and prudent manner. Emergency operators should exercise extreme caution when passing other vehicles. Emergency operators should be attentive to the fact that not all citizens see or hear their emergency equipment, and may not be cognizant of the emergency response.

Examples of *preventable* passing accidents include but not limited to:

- Driver passed where the view 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 signal a lane change.
- Driver pulled out in front of other traffic overtaking from rear.
- Driver cut-in short returning to lane.
- Driver attempted to pass illegally, e.g., no passing zone, on the shoulder, etc.

### **Accidents While Being Passed:**

Sideswipes and cut-offs are preventable when the defensive driver fails to yield to the passing vehicle. If the defensive driver fails to move to the right when possible, the accident is preventable.

Examples of *preventable* accidents while being passed accidents include but not limited to:

- Driver failed to stay in lane and hold speed or reduce it to permit safe passing.





### **Lane Encroachment Accidents:**

Drivers frequently feel they have been a victim of entrapment when an accident occurs as another driver changes lanes. However, a defensive driver is rarely a victim of entrapment. Generally, in accidents involving lane encroachment, the driver failed to yield to the other driver.

Similarly, entrapment in merging traffic is an indication of willingness to yield to other vehicles or to wait for a break in traffic. Drivers must avoid squeeze plays causing accidents with parked vehicles, pillars, and other road structures. The driver can prevent such accidents by dropping back when another driver forces the issue or contests a common portion of the road.

A blind spot is never a valid excuse for lane-encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited sight distances.

Examples of *preventable* lane encroachment accidents include but not limited to:

- Driver failed to yield right-of-way when necessary to avoid an accident.
- Driver was not entirely in their own lane of travel.
- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel when such action could have been taken without additional danger.

### **Grade Crossing Accidents:**

Drivers are always responsible for preventing collisions with trains. The driver should be especially alert at grade crossings. Rail yards and switching areas, as well as on private property. Drivers should never rely on traffic control devices, such as crossing signs, lights or arms (cross-bucks) to warn of an approaching train. Drivers should never cross train tracks without first ensuring the maneuver can be made safely.

Examples of *preventable accidents* at grade crossings include but not limited to:  
Driver failed to check for trains before crossing tracks.

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

### **Opposing Vehicle Accidents:**

Even though an opposing vehicle enters the drivers' traffic lane, it may be possible for the driver to avoid the collision. A defensive driver observes the other drivers' actions in advance and takes appropriate countermeasures. In some cases, the accident is preventable when the opposing vehicle is in a passing maneuver, and the County driver failed to observe the maneuver and slow down, stop, or move to the right to allow the vehicle to re-enter its lane. Failure to signal the opposing driver by flicking the headlights or sounding the horn should also be taken into consideration.

Examples of *preventable* accidents involving opposing vehicles include but not limited to:

- Driver was not entirely in their own lane of travel.
- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel, when such action could have been taken without additional danger.
- Driver failed to observe other drivers maneuver in advance.



## Turning Accidents:

Turning movements like passing maneuvers require care on the part of a County driver. The driver making the turn is responsible for preventing squeeze plays on both left and right turns. The driver may be responsible regardless of whether the accident involved other vehicles, scooters, motorcycles, bicycles, or pedestrians. A U-turn that results in a collision is a preventable accident. Failure to properly position a vehicle for a turn, check the rearview mirror, or check pedestrian and traffic lanes is a sign of error.

Drivers sometimes feel that accidents caused by sudden turns by other drivers are not preventable. However, extra precaution must be taken based on information received from the driver of the other vehicle immediately preceding the incident. At the first sign of a sudden turn, County drivers should take immediate defensive action. Failure to take all appropriate defensive action indicates preventability.

Examples of *preventable* turning accidents include but not limited to:

(If applicable see specific accident type category. i.e. intersection, front-end, rear-end, etc.)

## Pedestrian Accidents:

Most court decisions generally rule in favor of any pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not relieve a driver from taking precautions to prevent such accidents. Defensive drivers are always taking precautions in every driving situation. People using bikes, trikes, scooters, skateboards, etc., are often the young, the elderly, or the inexperienced. The driver must adjust speed whether or not signs indicate lower speed limits or other warnings. This means slowing in school zones, shopping areas, residential streets, congested areas, and other areas with pedestrian traffic.

Defensive drivers must take precautions in areas where people are using bicycles, tricycles, scooters, skateboards, etc. People using such equipment are often the young, the elderly, or the inexperienced. The driver who fails to reduce speed when this type of equipment is operated within sight-distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for a voluntary reduction of speed.

Examples of *preventable pedestrian* accidents include but not limited to:

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





### **Inclement Weather Accidents:**

Adverse weather conditions are not an excuse for involvement in an accident. Rain, snow, fog, sleet, and ice do not cause accidents. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions should result in a ruling of preventable.

Examples of *preventable inclement* weather accidents include but not limited to:

- Driver was not operating at a speed consistent with existing conditions of the road, weather, and/or traffic.

### **Fixed Object Accidents:**

Collisions with fixed objects are preventable. Such accidents usually involve failure to check or properly judge clearances.

Many hazards are not, in themselves, reasons for excusing a driver from preventing an accident. These hazards include resurfaced pavement, new routes or patrols, unusual delivery points, and inclined entrances to docks, etc. The driver must constantly be on the lookout for such conditions and make the necessary defensive driving allowances.

(If applicable see specific accident type category, i.e. Intersection, front-end, rear-end, etc.)

### **Mechanical Failure Accidents:**

Any accident caused by a mechanical failure that reasonably could have been detected by the driver, but went unheeded is preventable.

Examples of *preventable* mechanical failure accidents include but not limited to:

- Defect was of a type which driver should have detected in making a pre-trip inspection or during normal operation of the vehicle.

### **Single Vehicle Accidents:**

Single vehicle accidents such as jackknifing, overturning, or running off the road should be reviewed carefully. Such accidents may result from emergency action taken by the driver to prevent a collision. However, they may also result from speeding or other factors. These accidents require evaluation of the driver's actions prior to involvement for possible errors or lack of defensive driving.

Examples of *preventable* single vehicle accidents include but not limited to:

- Driver was not operating at a speed consistent with the existing conditions of the road, weather, or traffic.
- Driver failed to control speed so that they could stop within assured clear distance.
- Driver misjudged available clearance.
- Driver failed to the yield right-of-way to avoid an accident.



### Other Accidents:

Accidents relating to projecting loads, loose objects falling from the vehicle, loose tarpaulins or chains, doors swinging open are often preventable. It is the driver's responsibility to secure loose objects and close all doors. The driver must take all reasonable precautions to prevent injuries, damage to the vehicle, cargo, or other property.

(If applicable see specific accident type category, i.e. intersection, front-end, rear-end, etc.)



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