



EUGENE SCHOOL DISTRICT 4J VEHICLE ACCIDENT POLICY

I. Scope of Policy:

This policy applies to all Eugene School District employees and volunteers who will be operating district vehicles.

II. Definitions:

A. Accident:

A motor vehicle accident is any occurrence involving a district owned or operated vehicle which results in death, injury, or property damage.

B. Preventable Accident:

A preventable accident is any occurrence involving a district owned or operated vehicle which results in property damage or personal injury, regardless of who was injured, what property was damaged, to what extent or where it occurred, in which the driver in question did not take every reasonable precaution to prevent the accident.

C. Incident:

Any preventable accident resulting in less than \$500 in damage and no injury or damage to personal property.

D. Minor Accident:

Any preventable accident resulting in damage of at least \$500 but less than \$1000 and no injury or damage to personal property.

E. Major Accident:

Any preventable accident resulting in damage of \$1000 or greater or injury.

F. Accident Committee:

A group of District employees whose task is to investigate accidents, determine preventability by majority vote (see Appendix A for criteria), and provide District administration with the findings. A requirement for membership is 3 years of accident free driving for 4J. The committee will consist of the following employee groups. The make up of the committee will consist of

Transportation - 6 people

*Facilities - 1 person

*School - unknown

*Grounds - 1 person

* A representative from each of these departments will be trained as a member of the Accident Committee and will be called upon to represent his/her specific group if that department is involved.

Quorum consists of 4 representatives plus the facilitator with the interest group committee member present.

III. Accident Reporting procedures:

- A. In the event of an accident the driver will report the accident immediately to his/her supervisor and to Transportation.

- B. Accident reports can be obtained at the Transportation Department main office located at 1938 W. 8th. The employee should call (687-3435) for an appointment. The accident report should be filled out by the employee at Transportation within a 24 hour period after the accident and submitted to the Training Coordinator or Transportation Supervisor with a copy to the employees' supervisor.

IV. Accident Committee Investigation

- A. When an accident occurs, the accident committee will convene to discuss the facts and circumstances of the accident. This may require visiting the location of the accident.
- B. The driver and other district employees may be requested to attend the meetings to clarify and augment written information.
- C. On completion of the investigation the Accident Committee will submit a written report to the Manager of Transportation.
- D. The report will include but not be limited to the following:
 - 1) Cause of the accident
 - 2) Preventability
 - 3) Measures that could prevent similar accidents

V. Consequences – (This discipline policy does not apply to substitute or temporary employees.)

- A. First step - First major preventable or 2 minors in 5 years
 - 1) Conference and counseling (documented) and
 - 2) Remedial Training (usually provided by Transportation) and
 - 3) Letter of warning and
 - 4) If severity warrants, there will be further disciplinary action up to, and possibly including, termination.
- B. Second step - Second major preventable in 5 years or 4 minors in 5 years
 - 1) Conference and counseling and evaluation to be reflected in personnel file and
 - 2) Remedial training to include either behind the wheel or classroom or both and
 - 3) Letter of reprimand to personnel file and
 - 4) Up to 10 day suspension and
 - 5) If severity warrants, there will be further disciplinary action up to, and possibly including, termination.
- C. Third step - Third major preventable in 5 years or 6 minors in 5 years
 - 1) Conference and counseling and evaluation to be reflected in personnel file and
 - 2) Evaluation will result in one of the following:
 - a) 10 day suspension without pay; or
 - b) dismissal; or
 - c) loss of driving privilege
 - 3) If severity warrants, there will be further disciplinary action up to, and possibly including, termination.
- D. Although incidents are not included in the above disciplinary process, anyone having frequent incidents or if the potential was for more serious damage or injury, it could lead to disciplinary action.
- E. Any driver involved in an accident in a district vehicle while under the influence of drugs and/or alcohol will be terminated from district employment.

- F. Any driver accumulating over 30 points (may be more for non PTV drivers) using the DMV point system will no longer be allowed to drive a district vehicle.
- G. Any driver failing to report a district vehicle accident will be subject to disciplinary action.
- H. Anything that affects the employee's license in a manner that would affect his/her ability to perform his/her job such as DUII or legal loss of license must be reported within 72 hours from the date of the occurrence.
 - 1) These accidents and/or convictions are to be reported to a Transportation Supervisor or Training Coordinator.
 - 2) Failure to report these personal driving occurrences that affect the driving record could result in the loss of driving privileges within the district and/or disciplinary action.
 - 3) Any driver operating a district vehicle without the proper licensing will be subject to disciplinary action up to and possibly including dismissal.

APPENDIX A

National Safety Council Criteria For Determining Preventable Accidents

Intersections

It is the responsibility of professional drivers to approach, enter, and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the other driver to conform to law or traffic control devices will not automatically discharge an accident as "non-preventable." Intersection accidents are preventable even though the professional driver has not violated traffic regulations. His/her failure to take precautionary measures prior to entering the intersection are factors to be studied in a decision. When a professional driver crosses an intersection and the obvious actions of the "other driver" indicates possible involvement either by reason of his/her excess speed, crossing his/her lane in turning, or coming from behind a blind spot, the decision based on such entrapment should be PREVENTABLE.

Backing

Practically all backing accidents are preventable. A driver is not relieved of his/her responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle, therefore, a driver must check all clearances for him/herself.

Front End Collisions

Regardless of the abrupt or unexpected stop of the vehicle ahead, your driver can prevent accidents by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the highway, either in plain view or hidden by the crest of a hill or the curve of a roadway. Over driving headlights at night is a common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights.

Rear End Collisions

Investigation will often disclose the driver risked being struck from behind by failing to maintain a margin of safety in his/her own following distance. Rear end collisions preceded by a roll back, an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal a turn at an intersections should be charged preventable. Failure to signal intentions or to slow down gradually should be considered preventable.

Passing

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 the 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 the driver's responsibility.

Being Passed

Sideswipes and cut offs involving a professional driver while s/he is being passed are preventable when s/he fails to yield to the passing vehicle by slowing down or moving to the right where possible.

Lane Encroachment

A safe driver is rarely a victim of entrapment by another driver when changing lanes. Similarly, entrapment in merging traffic is an indication of unwillingness to yield to other vehicles or to wait for a break in traffic.

Blind spots are not valid excuses for lane encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited sight distance.

Squeeze plays causing involvement with parked cars, pillars, and other road structures can be prevented by dropping back when it is apparent that the other driver is forcing the issue or contesting a common portion of the road.

Grade Crossing

Collisions with fixed rail vehicles, such as trains, street cars, etc., occurring at grade crossings, in traffic, in a rail yard, switch area, or on private property are the responsibility of the professional driver to prevent. When a vehicle is parked across a rail siding, the driver must first determine if it is safe and permissible and, furthermore, must stand by in case conditions change by the movement of rail cars during the parking interval.

Opposing Vehicles

It is extremely important to check the action of the company driver when involved in a head on or sideswipe accident with a vehicle approaching from the opposite direction. Exact location of vehicles, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters your driver's traffic lane, it may be possible for your driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and your driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failing to signal the opposing driver by flicking the headlight, or sounding the horn should also be taken into account.

Turning

Turning movements, like passing maneuvers, require the most exacting care by a professional driver. Squeeze plays at left or right turns involving other vehicles, scooters, bicycles, or pedestrians are the responsibility of the driver making the turn. Failure to signal, to properly position the vehicle for the turn, to check the rearview mirrors, to check pedestrian lanes, or to take any other defensive action should be considered. Sudden turns by other drivers should be carefully examined. You may find that your driver failed to take precautionary action from tip-offs from the other vehicle immediately preceding the incident. U-turns by your driver which result in a collision are preventable.

Passenger Accidents

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle it must be considered preventable when your driver stops, turns, or accelerates abruptly. Emergency action by the company driver to avoid a collision which results in passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

Pedestrians

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, residential streets, and other areas with special pedestrian traffic must be travelled at reduced speeds equal to the particular situation. Bicycles, motor scooters, and similar equipment are generally operated by young and inexperienced operators. The driver who fails to reduce his speed when this type of equipment is operated within his sight distance, has failed to take the necessary precaution to prevent an accident. Keeping within posted speed limits is not taking the proper precautions when unusual conditions call for voluntary reduction of speed.

Weather

Adverse weather conditions are not a valid excuse for being involved in any accident. Rain, snow, fog, sleet, or an icy pavement have never caused an accident. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions, or to “call it a day” when necessary, should be cause for deciding an accident preventable. Failure to use safety devices such as skid chains, sanders, etc., provided by the company, should be cause for a preventable decision when it is reasonable to expect the driver to use such devices.

Alleys, Driveways, and Plant Entrances

Accidents involving traffic originating from alleys, driveways, plant entrances, and other special intersections and locations should be carefully analyzed to determine what measures the professional driver might have taken to avoid the occurrence. Failure to slow down, sound a warning, or to yield to the other driver can be considered cause to judge such an accident preventable.

Fixed Objects

Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrances to docks, marquees projecting over travelled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver being involved. S/he must be constantly on the lookout for such conditions to avoid accidents in which he/she are involved.

Private Property

When a driver is expected to make deliveries at unusual locations, construction sites, etc., or on driveways not built to support heavy commercial vehicles it is his/her responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

Parking

Unconventional parking locations, including double parking, failure to put out warning devices, etc., generally constitute evidence for judging an accident preventable.

Roll-away accidents from a parked position normally should be classified preventable. This includes unauthorized entry into an unlocked and unattended vehicle, failure to properly block wheels or to turn wheels toward the curb to prevent vehicle movement.

Mechanical Failure

Any accident caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded, should be judged preventable. It is the driver's responsibility to report unsafe vehicle conditions for repairs and to obtain immediate repairs where continued operation might result in an accident. When mechanical difficulties occur unexpectedly during a trip and a driver, upon discovery, fails to check with his company for emergency instructions prior to an accident, the accident is preventable.

An accident caused by mechanical failure that results from abusive driving should be considered preventable.

Non-Collision

Many accidents, such as overturning, jack knifing, or running off the road may result from emergency action taken by the driver to prevent being involved in a collision. Examination of his/her driving practices prior to the incident may reveal speed too fast for conditions. The company driver's actions prior to involvement should be examined for possible errors to lack of defensive driving practices.

Miscellaneous

Projecting loads, loose objects falling from vehicle, loose tarpaulins, or chains, doors swinging open, etc., resulting in damage to the vehicle, cargo or other property are preventable when the driver's action or failure to secure them are evidenced. Cargo damage, resulting from unsafe vehicle operation is preventable by driver.

It is impossible to describe in detail the many ways a driver might prevent an accident without being primarily or legally responsible. The paragraphs of this guide merely highlight the most frequent occurrences based on past decisions of Accident Review Committees .

The following definition of Defensive Driving should be applied to all accidents involving your drivers:

A Defensive Driver is one who commits no driving errors and makes allowances for the lack of skill or improper driving practice of the other driver. A defensive driver adjusts his/her own driving to compensate for unusual weather, road and traffic conditions, and is not tricked into an accident by the unsafe actions of pedestrians and other drivers. By being alert to accident producing situations s/he recognizes the need for preventive action in advance and takes the necessary precaution to prevent the accident. As a defensive driver s/he knows when it is necessary to slow down, stop or yield his/her right of way to avoid involvement.

APPENDIX B Driving Record Point System

The point system is based on the driving record for the preceding three-year period using the following system:

Each chargeable accident and each conviction for a moving violation of traffic laws shall have a value of ten points. A chargeable accident is one in which the driver is answerable as the primary cause of, or chargeable with the result of an accident.

One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of the driving record check; **however**, all subtracted points will be reinstated if any additional moving violation convictions or chargeable accidents occur within the three year calculation period.

Example: Current number of points:

25 months prior – Violation of basic rule
17 months prior – Chargeable accident
12 months prior – Failure to obey traffic control device

Each violation receives a total of 10 points:

Violation of basic rule	-	10 points
Chargeable accident	-	10 points
Failure to obey traffic control device	-	<u>+10 points</u>
		30 points

However the 30 points in this situation is NOT the current total! It has been 12 months since the driver received a counted entry of a violation; therefore, one point is deducted for each of the 12 months.

Points received for violations	=	30 points
Points deducted (1 x 12 months)	=	<u>-12 points</u>
	=	18 points

Would this driver be approved to drive a pupil-transporting vehicle today? The answer is yes.

If this driver was involved in a chargeable accident today, the answer would be no!

Why? The points deducted are calculated from the date of the **last** counting entry. If the driver was involved in a chargeable accident/violation today, 10 points would be added to the previous 30 points, which would then add up to a total of 40 points!