

# The Communiqué

## A GUIDE TO DETERMINING PREVENTABILITY OF ACCIDENTS

THE first step in reviewing the accident is to determine if the driver involved adhered to the Defensive Driving Code. That is, did the driver "drive in such a way to commit no errors himself/herself, and so controlled the vehicle as to make due allowance for conditions of road, weather and traffic, and to

assure that mistakes of other drivers did not involve him/her in an accident"? It is important to remember that police action in issuing citations for an accident is not a factor in determining whether a driver could have prevented an accident from occurring.

Despite the fact each accident must be judged individually, experience in fleet safety over years has shown that certain types are generally non-preventable on the part of the professional driver and certain others, in absence of extenuating circumstances, could have been prevented by defensive driving. The types of accidents listed below cannot cover every accident that may occur, but they are intended to provide guidance in determining the answer to the question "*preventable vs. non-preventable?*"

### Non-Preventable

- 1) Struck in Rear by Other Vehicle
  - a. Driver's vehicle was legally and properly parked
  - b. Driver was proceeding in his/her own lane of traffic at a safe and lawful speed
  - c. Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic
  - d. Driver was in proper lane waiting to make turn
- 2) Struck while Parked
  - a. Driver was properly parked in a location where parking was permitted
  - b. Vehicle was protected by emergency warning devices as required by DOT and state regulations or if driver was in process of setting out or retrieving signals. These provisions shall apply to the use of turn signals as emergency warning lights under DOT regulations

### Preventable

- 1) Accidents at Intersections
  - a. Driver failed to control speed to stop within available sight distance
  - b. Driver failed to check cross-traffic and wait for it to clear before entering intersection
  - c. Driver pulled out from side street in the face of oncoming traffic
  - d. Driver collided with person, vehicle or object while making right or left turn
  - e. Driver collided with vehicle making turn in front of him/her
- 2) Striking Other Vehicle in Rear
  - a. Driver failed to maintain safe following distance and to have the vehicle under control
  - b. Driver failed to keep track of traffic conditions and note slowdown
  - c. Driver failed to ascertain whether vehicle ahead was moving slowly, stopped or slowing down for any reason
  - d. Driver misjudged rate of overtaking
  - e. Driver came too close before pulling out to pass
  - f. Driver failed to wait for car ahead to move into clear before starting up
  - g. Driver failed to leave sufficient room for passing vehicle to get safely back in line

