

## **Collision Evaluation Guidelines for Determining Preventability**

The National Safety Council provides a definition of “preventability” which is a crucial element of the review process. *“A preventable collision is one in which the driver failed to do everything that reasonably could have been done to avoid it.”* In other words, when a driver commits an error and/or fails to react reasonably to the errors of others, the National Safety Council considers a collision to be preventable.

The test that must be administered to each evaluation is based on 3 critical elements:

1. Did the driver recognize the hazard
2. Did the driver understand how to defend against the hazard
3. Did the driver act correctly in time

The first step to properly and efficiently evaluate a collision is the collection of information. The applicant must complete the application package and submit all of the requested information in order to make the most informed decision possible based on factual information. This should include:

- Details of the collision such as road, weather and environmental conditions
- The condition of the vehicle and its speed
- The drivers qualifications and training
- The drivers hours of service and trip inspection report, if applicable
- A drug testing report
- The police report
- The motor carriers internal investigation/evaluation report
- A detailed statement provided by the driver including a collision scene diagram
- Witness statements if available
- Photographs and/or video evidence

When reviewing the application for its preventability, it is important to separate fault from the evaluation. A driver may not have been at fault according to the police, however they may still have contributed to the collision either by their action or omission of action. The fact that the applicant driver may not have contravened any rules of the road cannot be solely considered in the evaluation process.

As a general guideline, the following examples are provided as guidelines for assessing how various collisions are evaluated for their preventability:

### **Collisions at Intersections**

Every driver has the responsibility to approach, enter and cross an intersection prepared to avoid a collision due to the actions of another driver. Complex traffic movements, blind spots and failure of another driver to adhere to a traffic control device do not automatically discharge the applicant driver from their responsibility to practice defensive driving. If the applicant driver failed to take precautionary measures prior to entering the intersection, this is likely a preventable collision.

### **Collisions while passing**

Failure to pass safely may indicate faulty judgement and the failure to consider one or more important factors a driver must consider before passing or overtaking another vehicle. Passing and overtaking maneuvers are voluntary unless a greater hazard exists that can be demonstrably justified as being necessary at that time. Incidents of falling cargo or erratic driving may be qualified examples. When a driver passes a vehicle because it was going too slow or appeared to be stopping are generally recognized as not necessary, therefore it becomes the passing drivers responsibility to pass safely.

### **Collision while being passed**

Sideswipes and cut-offs are preventable when the applicant driver fails to yield to the passing vehicle. If the applicant driver fails to provide sufficient space for the passing vehicle to complete their maneuver when it was safe and reasonable to do so, the collision is preventable.

### **Collisions while turning**

Turning maneuvers require care on the drivers part. The driver making the turn is responsible for preventing “squeeze-plays” at both left and right hand turns. Failure of the driver to take reasonable precautionary measures prior to commencing the turn is a preventable collision. Using turn signals, proper placement of the vehicle to enter the turn, shoulder checking, adjusting their speed, etc are all actions that a driver can reasonably be expected to perform.

### **Collisions in bad weather/road conditions**

A driver claiming adverse weather conditions as a significant contributing factor should not be accepted. Rain, snow, fog, etc do not cause collisions. These conditions increase the driving hazards therefor it is reasonable to expect a driver to adjust their driving accordingly. Failure to check weather forecasts, reduce the vehicle speed accordingly or maintain extra distance from the vehicle in front are all factors that contribute to the collision being preventable.

### **Collisions with a fixed object**

With the exception of special circumstances, nearly all collisions with fixed objects such as a bridge, utility line, trees, etc are preventable. These objects themselves do not generally create a significant hazard.

Consideration should only be given if a force beyond the drivers control placed the object in the drivers path suddenly or in such a condition that the hazard could not have been seen by the driver with enough time to react.

### **Collisions due to mechanical failure**

Any collision that reasonably could have been detected by the driver but went unnoticed is preventable. The driver has a legal obligation to conduct a proper trip inspection to identify potential mechanical failure points and hazards with the vehicle. If a collision occurred after the vehicle was disabled, the cause of the breakdown must also be considered. If the breakdown can be attributed to poor maintenance or the driver not conducting a proper trip inspection that would have detected the defect prior to departure, this is a preventable collision.

### **Collisions while stopped or parked**

When a driver is stopped or parked lawfully there is often little that can be done to avoid a collision. Elements that should be reviewed include ensuring the vehicle was visible and proper use of the vehicles lights is demonstrated (ie. hazard lamps activated, retro-reflective conspicuity tape visible). Often in these circumstances the collision can be deemed non-preventable.

### **Collisions with wildlife**

Collisions involving wild animals is often common in certain areas. Drivers are expected to utilize defensive driving tactics to reduce the risk of a collision with an animal especially in those areas where it is reasonable to expect animals may be present on the highway (eg. around dusk and dawn in rural areas). The act of simply striking an animal because an animal was on the road is not a valid argument for preventability. Excessive speed, inadequate headlamps/highbeam usage and driver distraction must be addressed. If the applicant driver can adequately demonstrate their vehicle was in proper working condition and they were driving at a reasonable speed according to the road and environmental conditions at the time then the collision may be non-preventable.