



Risk Management Services  
Franklin Pierce Vehicle Safety  
Program



## MOTOR VEHICLE SAFETY POLICY

### Policy

Many employees operate University owned, leased, rental or personal vehicles as part of their jobs. Employees are expected to operate vehicles safely to prevent accidents which may result in injuries and property loss. It is the policy of Franklin Pierce University to provide and maintain a safe working environment to protect our employees and the citizens of the communities where we conduct business from injury and property loss. The University considers the use of automobiles part of the working environment. The University is committed to promoting a heightened level of safety awareness and responsible driving behavior in its employees. Our efforts and the commitment of employees will prevent vehicle accidents and reduce personal injury and property loss claims. In order to maintain driving privileges, this program requires the full cooperation of each driver to operate their vehicle safely and to adhere to the responsibilities outlined in the Motor Vehicle Safety Program. Elements of this program include:

- ❖ Assigning responsibilities at all levels of employment.
- ❖ Vehicle use and insurance requirements.
- ❖ Employee driver's license checks and identification of high risk drivers.
- ❖ Accident reporting and investigation.
- ❖ Vehicle selection and maintenance.
- ❖ Training standards.
- ❖ Safety regulations.

### Responsibility

Management is responsible for successful implementation and on-going execution of this program. Supervisors and employees are responsible for meeting and maintaining the standards set forth in this program.

### Scope

This policy applies to employees who operate vehicles on University business and will be reviewed by managers and supervisors to ensure full implementation and compliance.

## ORGANIZATION AND RESPONSIBILITIES

### Management will:

- A. Be responsible for monitoring federal, state, and local regulations in order to comply with all regulations and implement any policy changes in a timely manner.
- B. Provide assistance and the resources necessary to implement and maintain the program.
- C. Facilitate clear and accurate internal communication between all levels of the organization.

### Supervisors will:

- A. Investigate and report all accidents involving a motor vehicle used in performing University business. Forward all accident reports to the Campus Safety.
- B. Be responsible for taking appropriate action to manage high risk drivers as defined by this program.

### Facilities:

- A. Review motor vehicle accident reports as part of the University Accident Review.
- B. Maintain appropriate records.
- C. Be responsible for an auditing process that monitors compliance with regulations and the organization. This program should also measure the effectiveness of each of the safety program elements.
- D. There should be a suitable number of drivers for the trip, based on the distance being driven.
  - Trips over four hours or 300 miles need to be approved by the Risk Manager and the Director of Facilities.
  - Buses are not allowed to be driven over four hours or 300 miles each way for weekend trips.
  - Coach buses are recommended when traveling over four hours or when weather is questionable. Coach drivers are professionally trained and more suited for long distance trips and difficult weather.
  - It is recommended a driver should rest at least a half-hour for every two consecutive hours of driving to reduce fatigue.
  - It is recommended that driving between 11:00 p.m. and 6:00 a.m. be limited.

**Drivers will:**

- A. Always operate a motor vehicle in a safe manner as explained under the section titled, "Driver Safety Regulations".
- B. Maintain a valid driver's license and minimum insurance requirements on personal vehicles used in University business, or must have the ability to cover other damages.
- C. Maintain assigned vehicles according to established maintenance standards.

**VEHICLE USE**

**University Owned Vehicles**

A. Passenger Cars

Employees authorized by their Franklin Pierce University will be permitted to operate a passenger car. No one under the age of 21 will be permitted to operate the vehicle.

B. Vans and Trucks

- 1. Employees with appropriate driver's license (if required by the state), authorization from Facilities and qualified by state and Federal DOT when applicable will be permitted to operate the vehicle. Acceptable Motor Vehicle Report (MVR).

## Personal Vehicles on University Business

- A. Employees who drive their personal vehicles on company business are subject to the requirements of this program including:
  1. Maintain auto liability insurance, minimum coverage required by the State you live in.
  2. Maintain current state vehicle inspections when required by the State you live in.
  3. Maintain their own vehicle in a safe operating condition when driven on company business, proof of insurance if requested.
  4. Acceptable Motor Vehicle Report (MVR).

## Rental Vehicles

- A. Rental vehicles will be leased from Enterprise.

## Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized individual to operate a University vehicle. No exceptions! Disciplinary action may be taken. Additionally, if unauthorized use results in an accident, the responsible employee will be required to make restitution for the damages.

## DRIVER SELECTION

### Driver Evaluation

Employees will be evaluated and selected based on their driving ability. To evaluate employees as drivers, Risk Management and Transportation will:

- A. All new employees and current employees recently assigned to driving duties will be required to complete the Motor Vehicle Record (MVR)
- B. Review the employee's Motor Vehicle Record (MVR) annually (more frequently if reasons warrant).

The criteria used to evaluate the MVR and designate a driver as qualified to drive on University business is outlined below:

Any major violation includes:

- ❖ DUI/DWI
- ❖ Refusal to submit to a Blood Alcohol Content (BAC) test
- ❖ Negligent homicide using a motor vehicle
- ❖ Driving while license is suspended or revoked
- ❖ Operating a motor vehicle for the commission of a felony
- ❖ Aggravated assault with a motor vehicle
- ❖ Operating a motor vehicle without the owner's authority (Grand Theft)
- ❖ Permitting an unlicensed person to drive
- ❖ Conviction for Reckless driving
- ❖ Speed Contest (racing)
- ❖ Speeding 10+ MPH over posted speed limit
- ❖ Failure to stop/report an accident and leaving the scene of an accident as defined by State Law
- ❖ Possession of controlled substance
- ❖ Making a false accident report
- ❖ Illegal passing of a school bus
- ❖ Hit and Run (Bodily injury or property damage)
- ❖ Three or more "University vehicle" physical damage claims in any twelve-month period
- ❖ Conviction for attempting to elude a police officer
- ❖ Other violations considered serious by state law

- C. Ensure the employee has valid driver's license.
- D. Ensure the employee is qualified to operate the type of vehicle he/she will drive.

## Driver Qualification

Effective driver qualification controls are important elements of a successful motor vehicle safety program. Risk Management developed and incorporated standards into this program, which reflect the skills necessary for satisfactory job performance while taking into consideration applicable Federal and state regulations.

- A. The University has implemented driver qualification criteria. Use of any or all of these criteria is dependent upon the nature and scope of the driving requirements.
  1. State-regulated driver qualification parameters must be met. Regulatory information will be obtained from applicable state departments of transportation and motor vehicle services.
  
- B. The MVR evaluation criteria above was established to identify high risk drivers. A driver is unacceptable if the driver's accident/violation falls in the “unacceptable” section of the MVR criteria table outlined in the Driver Evaluation section.

Drivers who are identified as high risk or “unacceptable” may be subject to several actions from management including, but not limited to:

- Driver may have their driving privileges suspended or revoked.

## Record Keeping:

Organizations shall maintain documentation of the qualifications and driving records of drivers containing:

- A copy of the drivers MVR
- Information on reference checks
- Training records
- A copy of the current driver's license

## ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS

### Investigation & Analysis

This University considers elimination of motor vehicle accidents as a major goal. To meet this objective, all accidents will be reported to Risk Management, investigated, documented and reviewed by the Director of Transportation. The investigation identifies need for:

- A. A more intensive driver training.
- B. Improved driver selection procedures.
- C. Improve vehicle inspection and/or maintenance activities.
- D. Changes in traffic routes.

### Recordkeeping

Motor vehicle accident recordkeeping procedures consist of the following components:

- A. Documentation of causes and corrective action.
- B. Risk Management review to expedite corrective action.
- C. Analysis of accidents to determine trends, recurring problems and the need for further control measures.

### Responsibility:

Implementation of these procedures remains the responsibility of both the driver and Risk Management.

- A. **Driver**  
The driver is required to report all incidents regardless of severity. Since the driver is the first person at the accident scene, he/she will initiate the information-gathering process as quickly and thoroughly as is feasible. They will complete the Accident Claims Kit (located in the glove box of every car).
- B. **Campus Safety**  
Campus Safety will obtain accident data from the driver through the Accident Claims Kit and/or by verbal communication. It is important for Campus Safety to determine the extent of the accident, especially if it involves injury or death to the driver, passengers, or other parties.
- C. **Campus Safety** will immediately proceed with a formal investigation to determine the underlying causes as well as what can be done to prevent similar occurrences. The accident report will be forwarded to the insurance claims office along with any additional support data (e.g., witness statements, photographs, police reports, etc.). Risk Management will also keep records of prescribed driver corrective actions to verify the prescribed action was taken.



### Preventable/Non-Preventable Accidents:

The following definitions relate to motor vehicle accidents:

- A. A motor vehicle accident is defined as "any occurrence involving a motor vehicle which results in death, injury or property damage, unless such vehicle is properly parked. Who was injured, what property was damaged and to what extent, where the accident occurred, or who was responsible, are not relative factors".
- B. A preventable accident is defined as "any accident involving the vehicle, unless properly parked, which results in property damage or personal injury and in which the driver failed to do everything he/she reasonably could have done to prevent or avoid the accident".

**NOTE 1:**

A properly parked motor vehicle is one that is completely stopped and parked where it is legal and prudent to park such a vehicle or to stop to load/unload property. Vehicles stopped to load/unload passengers are not considered parked.

**NOTE 2:**

Parking on private property will be governed by the same regulations that apply on public streets and highways. A vehicle stopped in traffic in response to a sign, traffic signal or the police is not considered parked.

- C. The determination of preventability of an accident is the function of the University.

**NOTE 3:**

See attached "Guide for Preventable and Non-preventable Accidents" in Appendix.

## EMPLOYEE ACCIDENT REPORTING PROCEDURES

Employees will take the following actions when there are injuries to persons and/or damage to other vehicles or property:

1. If possible, move the vehicle to a safe location out of the way of traffic. Call for medical attention if anyone is hurt.
2. Secure the names and addresses of drivers and occupants of any vehicles involved, their operator's license numbers, insurance University names and policy numbers, as well as the names and addresses of injured persons and witnesses. Record this information on the Accident Claims Kit (in the reporting packet). Do not discuss fault with, or sign anything for anyone except an authorized representative of Franklin Pierce University, a police officer, or a representative of the Travelers
3. Immediately notify Campus Safety at (603)899-4210. If any injuries were involved and Campus Safety is not available, contact your supervisor immediately.

When there is theft of or damage to your vehicle only:

1. If you did not witness the damage to the vehicle, you must notify the local police department immediately.
2. Immediately notify Campus Safety at (603)899-4210.
3. Send a copy of the police report along with a memo outlining any additional information to Campus Safety.

### **NOTE:**

Accident reporting kits: every University vehicle should have an accident reporting kit in the glove box.

## UNIVERSITY ACCIDENT REVIEW

All vehicle collisions should be analyzed, and a written report submitted to Risk Management for review. A determination of accident preventability should be made. Where the collision was preventable by the University driver, they be counseled, given additional training, given time off without pay, placed on probation, transferred to non-driving duties, disciplined in other ways, or employment (or services for independent contractors) terminated according to institutional, union, and governmental guidelines.

However, this does not absolve Risk Management from improving safety of the work and driving environment. The Campus Safety, drivers and Risk Management personnel should each participate in the analysis. Risk Management deficiencies and/or lack of management action should also be part of the accident review. Management has the legal obligation not only for driver safety but the safety of the general public as well.

The attached material, "Guide for Preventable and Non-Preventable Accidents", will be used as a guide for this determination.

Reports of accidents will be maintained in Human Resources who will determine the appropriate steps and communicate the results

## VEHICLE SELECTION, INSPECTION AND MAINTENANCE

### Introduction:

Proper selection and maintenance of equipment are important aspects of this program. Reduced operational costs and accidents from vehicle defects are the direct result of a well implemented maintenance policy.

### Vehicle Selection:

Selection of vehicles begins with understanding the wrong equipment can result in excessive breakdowns, create hazards to personnel, incur costly delays and contribute to poor service and customer complaints. The University will purchase vehicles designed for their intended use.

### Vehicle Inspection:

The employee responsible for the vehicle will inspect the vehicle using the State of New Hampshire inspection rules, and a person certified by the State of New Hampshire to perform vehicle inspections. Vehicles are checked before leaving and when returned for routine maintenance. More frequent inspections and reports may be required based on heavy use. The employee will also conduct visual checks each time the vehicle is operated.

### Vehicle Maintenance:

Vehicle maintenance can take the form of three distinct programs: preventive maintenance, demand maintenance, and crisis maintenance. While all three types have their role in the Motor Vehicle Safety Program, the most cost effective control is preventive maintenance. The groundwork for a good preventive maintenance program starts with management. A review of manufacturer's specifications and recommendations for periodic preventive maintenance should be integrated with the actual experience of the vehicles. All servicing must be performed by qualified automotive service personnel at appropriate automotive service facilities.

- A. Preventive maintenance (PM) is performed on a mileage or time basis. Typical PM includes oil/filter changes, lubrication, tightening belts and components, engine tune-ups, brake work, tire rotation, hose inspection/replacement and radiator maintenance.
- B. Demand maintenance is performed only when the need arises. Some vehicle parts are replaced only when they actually fail. These include light bulbs window glass, gauges, wiring, air lines, etc. Other "demand maintenance" items involve vehicle components that are worn based on information from the vehicle condition report. These include tires, engines, transmissions, universal joints, bushings, batteries, etc. Since these situations are identified through periodic vehicle inspection, they can actually be classified within the PM program.

- C. Crisis maintenance involves a vehicle breakdown while on the road. While situations of this type may happen regardless of the quality of the PM program, it is an expensive alternative to not having an effective preventive maintenance program at all. Crisis maintenance situations should be minimized through proper PM procedures.
- D. Any modifications to the vehicle must be shown not to create an unsafe condition or impair the function of any safety device.

**Vehicle Replacement: Determined by Lease Contract with enterprise.**

Vehicles shall be replaced in accordance with established criteria by Enterprise such as:

- Total mileage
- Maintenance cost and frequency
- Condition of vehicle
- Operational requirements
- Operating environment
- Hours of service
- Safety of vehicle

**Recordkeeping:**

This University's vehicle selection, inspection and maintenance program is only as good as its recordkeeping procedures.

## DRIVER TRAINING

Drivers hired by the University to operate a motor vehicle will have the basic skills and credentials necessary to perform this function as confirmed through the driver selection process.

New employees and Students will receive a copy of this program as part of their request and approval process to drive University vehicles. Information provided and acknowledged by the driver, include:

- A. Understand, review and given a copy of the Fleet Safety Program.
- B. Understand and sign the Vehicle Assignment Agreement.
- C. Review individual Motor Vehicle Report (MVR).
- D. Understand accident reporting & emergency procedures.
- E. Review operation and controls of vehicle being assigned.
- F. Inspect vehicle using Vehicle Inspection Form.
- G. A copy of this program will be kept in the vehicle.

## BEHIND THE WHEEL TRAINING:

All new drivers will be trained on a vehicle similar in size, power, configuration and operation as the vehicle they will be using. This will include a behind-the-wheel observation by a trained observer.

## LICENSE SUSPENSION:

Drivers must notify the Risk Management if their license is suspended or revoked.

## REMEDIAL TRAINING:

Drivers are required to take a 4 course Training Session within 7 days from the time they receive the email from Safe Colleges.

- A. One or more violation convictions within any one-year period, or
- B. A conviction for driving while under the influence of alcohol or drugs.

Also, depending on the severity of the conviction, the employee's driving privileges may be revoked and/or may result in employment termination.

## DRIVER SAFETY REGULATIONS

### Safety Belts:

The driver and all occupants are required to wear safety belts when the vehicle is in operation or while riding in a vehicle. The driver is responsible for ensuring passengers wear their safety belts.

### Impaired Driving:

The driver must not operate a vehicle at any time when his/her ability to do so is impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-counter medication, illness, fatigue or injury.

### Traffic Laws:

Drivers must abide by the federal, state and local motor vehicle regulations, laws and ordinances.

### Vehicle Condition:

Drivers are responsible for ensuring the vehicle is maintained in safe driving condition. Drivers of daily rentals should check for obvious defects before leaving the parking lot and, if necessary, request another vehicle if the first vehicle is deemed unsafe by the employee. If, drivers need to rent a vehicle externally, they are encouraged to rent vehicles equipped with air bags and ABS brakes, where available.

### Distracted Driving:

The following distractions are not permissible while driving or parked:

- A. Use of mobile devices
- B. Texting/emailing
- C. Smoking
- D. Reading
- E. Use of technology
- F. MP3 players

The following should be avoided while driving.

- A. Eating or drinking
- B. Grooming

### Cellular Telephones, iPods/Portable Audio Devices and Pagers:

The following procedures apply to employees driving on University business who wish to use cellular telephones in the vehicle.

- A. External speaker and microphone must be included to allow hands-free operation.
- B. Phone number memory and programming capabilities are to be included.
- C. Drivers are to refrain from placing outgoing calls or responding to texts while the vehicle is in motion.
- D. For any vehicle equipped with cellular telephone that does not meet the above equipment specifications, use of the telephone/pager is authorized when the vehicle is safely parked.
- E. Employees are prohibited from texting, emailing, or using an iPod (similar device) while operating a motor vehicle.

### General Safety Rules:

Employees are not permitted to:

- A. Pick up hitchhikers.
- B. Accept payment for carrying passengers or materials.
- C. Use any radar detector, laser detector or similar devices.
- D. Transport flammable liquids or gases unless a DOT or Underwriters' Laboratories approved container is used, and only then in limited quantities.
- E. Assist disabled motorists or accident victims beyond their level of medical expertise. If a driver is unable to provide the proper medical care, he/she must restrict his/her assistance to calling the proper authorities. Your safety and well-being is to be protected at all times.
- F. Drive Aggressively
  - Speeding
  - Tailgating
  - Failure to signal a lane change
  - Running red stop signs
  - Yelling
  - Weaving in traffic
  - Excessive use of the horn
  - Making obscene gestures



### University and Personal Property:

Employees are responsible for University property such as computers, work papers and equipment under their control. The University will not reimburse the employee for stolen personal property.

### Emergency Equipment:

Vehicles shall be equipped with appropriate emergency equipment in the event the driver experiences mechanical difficulty, loss or shifting of load or a crash on the road.

## APPENDIX

### Forms/Attachments

1. Guide For Preventable and Non-preventable Accidents
2. Questions to Consider
  - ❖ General
  - ❖ Specific



## GUIDE FOR PREVENTABLE OR NONPREVENTABLE ACCIDENTS

An accident is preventable if the driver could have done something to avoid it. Drivers are expected to drive defensively. Which driver was primarily at fault, who received a traffic citation, or whether a claim was paid has absolutely no bearing on preventability. If there was anything the driver could have done to avoid the collision, then the accident was preventable.

An accident is non-preventable when the vehicle was legally and properly parked, or when properly stopped because of a law enforcement officer, a signal, stop sign, or traffic condition.

If a stationary object is struck, then it is usually a preventable incident. If the driver rear-ends another vehicle, then it is usually a preventable incident. It should be noted there are exceptions to any rule, but they are just that - exceptions!

It should be the objective of any person discussing or judging accidents to obtain as many facts as possible and to consider all conceivable conditions. Adverse weather conditions, actions of other drivers, or other such excuses must not influence the judgment of preventability. If procedures, scheduling, dispatching, or maintenance procedures out of the control of the driver were found to be factors, that should be taken into account. The University must take responsibility for the work environment and recognize that drivers cannot control some aspects. It is critical that drivers have the ability to refuse to operate an unsafe vehicle without reprisal from management.

Professional drivers are expected to drive in a manner which allows them to avoid conflicts when they arise. Whether a driver has a 25-year safe driving record or started driving the day before has no bearing on whether an accident is or is not preventable. Taking a fair attitude does not mean leniency. If an accident is judged non-preventable and the drivers know the accident could have been avoided, they will lose respect for the safety program.

## QUESTIONS TO CONSIDER - GENERAL

When judging or discussing preventable accidents, these are some questions to consider:

1. Does the report indicate that the driver considers the rights of others or is there evidence of poor driving habits which need to be changed?
2. Does the report indicate good judgment? Such phrases as "I did not see," "I didn't think," "I didn't expect," or "I thought" are signals indicating there is something wrong. An aware driver should think, expect, and see hazardous situations in time to avoid collisions.
3. Was the driver under any physical handicap which could have been contributory? Did the accident happen near the end of a long and/or hard run? Does the driver tend to overeat? Did the driver get sufficient sleep before the trip? Is the driver's vision faulty?
4. Was the vehicle defective without the driver's knowledge? A gradual brake failure, a car which pulls to the left or right when the driver applies the brakes, faulty windshield wipers, and similar items are excuses and a driver using them is trying to evade responsibility. Sudden brake failure, loss of steering, or a blowout may be considered defects beyond the driver's knowledge; however, the inspection and maintenance program should work to prevent these hazards.
5. Would taking a route through less congested areas reduce the hazardous situations encountered?

## QUESTIONS TO CONSIDER – SPECIFIC TYPES OF ACCIDENTS

### Intersection Collisions

Failure to yield the right-of-way, regardless of stop signs or lights, is preventable. The only exception to this is when the driver is properly proceeding at an intersection protected by lights or stop signs and the driver's vehicle is struck in the extreme rear, side, or back.

Regardless of stop signs, stop lights, or right-of-way, a professional driver should recognize that the right-of-way belongs to anyone who assumes it and should yield accordingly. In addition, a professional driver is expected to know the turning radius of the vehicle and be able to avoid damaging others. These accidents are normally considered preventable.

1. Did the driver approach the intersection at a speed safe for conditions?
2. Was the driver prepared to stop before entering the intersection?
3. At a blind corner, did the driver pull out slowly, ready to apply the brakes?
4. Did the driver operate the vehicle correctly to keep from skidding?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## Sideswipes

Sideswipes are often preventable since drivers should not get into a position where they can be forced into trouble. A driver should pass another vehicle cautiously and pull back into the lane only when he or she can see the other vehicle in the rearview mirror. A driver should also be ready to slow down and let a passing vehicle into the lane. A driver should not make a sudden move that may force another vehicle to swerve. Unless the driver is swerving to avoid another car or a pedestrian, sideswiping a stationary object is preventable.

Drivers are expected to be able to gauge distances properly when leaving a parking place and enter traffic smoothly.

A driver is expected, whenever possible, to anticipate the actions of an oncoming vehicle. Sideswiping an oncoming vehicle is often preventable.

The doors of a vehicle should never be opened when it is in motion and should not be opened on the traffic side, unless clear of traffic, when it is parked.

A parked vehicle can be seen from a sufficient distance; therefore, the operator of an approaching vehicle should be prepared in case the doors of the parked vehicle are opened. This type of accident is non-preventable only when the door is opened after the driver has passed it.

1. Did the driver look to front and rear for approaching and overtaking traffic immediately before starting to pull away from the curb?
2. Did the driver signal before pulling away from the curb?
3. Did the driver look back rather than depend only upon rearview mirrors?
4. Did the driver start into traffic only when this action would not require traffic to change its speed or direction in order to avoid his or her vehicle?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## Skidding

Many skidding conditions are caused by rain, freezing rain, fog, and snow, which all increase the hazard of travel. Oily road film, which builds up during a period of good weather, causes an especially treacherous condition during the first minutes of a rainfall.

Loss of traction on a grade can be anticipated, and these accidents usually are preventable. Chains or other suitable traction devices should be used, if they are available.

1. Was the driver operating at a safe speed considering weather and road conditions?
2. During inclement weather was the driver keeping at least twice the safe following distance used for dry pavement?
3. Were all actions gradual?
4. Was the driver anticipating ice on bridges, gutters, ruts, and near the curb?
5. Was the driver alert for water, ice or snow in shaded areas, loose gravel, sand, ruts, etc.?
6. Did the driver keep out of other vehicle tracks or cross them at wide angles?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**



## Pedestrian and Animal Collision

All types of pedestrian accidents, including collision with pedestrians coming from between parked cars, are usually considered preventable. There are few instances where the action of pedestrians is so unreasonable that the operator could not be expected to anticipate such an occurrence.

Collisions with animals are normally preventable, unless the movement on the part of an animal was unusual and unexpected. This is also taking into consideration the fact that the driver was aware of animals in the vicinity.

1. Did the driver go through congested sections expecting that pedestrians would step in front of the vehicle?
2. Was the driver prepared to stop?
3. Did the driver keep as much clearance between his or her vehicle and parked vehicles, as safety permitted?
4. Did the driver stop when other vehicles has stopped to allow pedestrians to cross?
5. Did the driver wait for the green light or stop for the caution light?
6. Was the driver aware of children and prepared to stop if one ran into the street?
7. Did the driver give all pedestrians the right-of-way?
8. Did the driver stop for a school bus which was stopped and properly signaling that passengers were loading or unloading?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

## Noncollision Vehicle Damage, Mechanical Failure, and Miscellaneous Problems

The accident should be considered preventable if the investigation shows a mechanical defect of which the driver was aware, a defect the driver should have found by inspecting the vehicle, or the driver caused by rough and abusive handling.

When a mechanical failure is sudden or unexpected, not resulting from abuse or ordinary wear, it may be considered non-preventable. Bad brakes should not be considered a mechanical failure unless the failure was sudden and the driver could have had no previous knowledge of the condition. However, this type of failure cannot excuse a driver who does not know how to properly pre-trip inspect the vehicle or is too lazy to do the inspection correctly.

It is a driver's responsibility to keep the cargo in mind and be aware of any sudden vehicle movements which may cause damage to the cargo. Driving off the highway to avoid a collision may be preventable. Drivers should try not to place themselves in such a position. "U" turns are a monkey wrench in the smooth flow of traffic. Accidents which occur while this maneuver is attempted are considered preventable.

1. Could the driver have done anything to avoid the accident?
2. Was the driver's speed safe for conditions?
3. Did the driver obey all traffic signals?
4. Was the driver's vehicle under control?
5. Did the driver follow the routing and delivery instructions?

**IF THE ANSWER TO ANY QUESTION IS NO,  
THE DRIVER WAS NOT DRIVING DEFENSIVELY AND IS RESPONSIBLE.**

