

POST ACCIDENT CHECKLIST

Immediately after an accident, have you:

1. Provided emergency medical assistance to anyone who is injured or ill?
2. Taken any necessary emergency action to prevent further injury or property damage?
3. Secured the scene to preserve the evidence for study?
4. Taken photos or measurements, if needed?
5. Interviewed and recorded witnesses contact information to determine what happened?
6. Interviewed others with relevant information and retained contact information?
7. Determined the cause(s) of the accident?
8. Filed other required reports? (Workers' Comp, vehicle, property)
9. Is the accident D.O.T. recordable on the company's accident register?
(See attached **Appendix A**)
10. Does the driver require a post-accident test? (See attached **Appendix B**)
11. Was the accident Preventable? (See **Appendix C**)
12. Is the claim being processed by the insurance adjuster?
13. Is there a deductible that is charged back to a leased contractor?
(See attached **Appendix D**)
14. Is there protocol requiring the accident to be reported to other company managers?

APPENDIX A

D.O.T. Recordable Accident Register

Each carrier must maintain an accident register when the accident meets this criteria:

- (i) there was a fatality;
- (ii) there was bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or
- (iii) one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

You must retain the information placed into the Accident register for a period of 3 years for all accidents after April 29, 2003. (49 CFR §309.15(b))

The Accident Register must include the following information:

- Date: Year of record
- Date of accident
- City or Town and State
- Driver's Name
- No. of Injuries
- No. of Fatalities
- HazMat spills?

APPENDIX B

Subpart C--- Tests required §382.303 Post-accident testing

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(a)(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(a)(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(a)(2)(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(a)(2)(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(b)(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(b)(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(b)(2)(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(b)(2)(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

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Table for §382.303 (A) and (B)

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

(d)(1) **Alcohol tests.** If a test required by this section is not administered **within two hours** following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered **within eight hours** following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(d)(2) **Controlled substance tests.** If a test required by this section is not administered **within 32 hours** following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

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(g)(1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(g)(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

APPENDIX C

The former requirement for reporting accidents to the Federal Motor Carrier Safety Administration (FMCSA) (accident notification under 49 CFR Part 394) has been replaced with a new requirement for retaining and analyzing accident information.

Background

As part of the ongoing FMCSA safety management effort to reduce the number of vehicle accidents on highways, assistance by safety specialists in accident analysis and countermeasures planning is now an integral part of compliance reviews conducted by the FMCSA. Accident countermeasures are examples of defensive strategies designed to reduce preventable accidents.

Purpose

This information is designed to provide motor carriers and drivers with an introduction to the concepts of preventability analysis and accident countermeasures. The material suggests practical measures that can be taken now to prevent accidents, though its main intent goes further. The core of the presentation is a series of case histories of successful countermeasures. These are true stories of industry successes in promoting highway safety. The case histories are presented, together with a guide called Determining Preventability of Accidents, to help readers analyze accidents and create strategies to keep similar accidents from happening in the future.

The FMCSA intends to stimulate thinking and discussion about accident preventability and prevention within the motor carrier industry. The preventability guide and the Accident Countermeasures cases are not rating sheets nor orders from above to be followed exactly. They are guidelines and discussion tools to help carriers and drivers look at their unique operations and practices with an eye to identifying opportunities to make safety improvements.

Determining preventability

No two accidents or carriers are exactly alike, and the FMCSA recognizes that not all accidents are preventable. Some types of accidents, furthermore, can be prevented by drivers, while others require changes in motor carrier practices and policies or equipment. The new FMCSA method for determining preventability is based on examination of the facts in accident records.

Cases and countermeasures

The countermeasures cases in this file actually occurred. They are true success stories that show how relatively modest improvements led to significant reductions in accident rates.

APPENDIX C (continued)

Contents

This section contains A Guide to Determining Preventability of Accidents and Accident Countermeasures.

A Guide to Determining Preventability of Accidents

The heart of accident analysis is the determination of preventability, based on the facts furnished in the motor carrier's recordable accident register, and from various other sources. These sources of information must be evaluated in light of all available facts that are pertinent to the cause of the accident. Digging out these facts from the information on these reports can be difficult in practice due to the limited data contained in some reports. But the information can be obtained in many instances by a detailed analysis and reconstruction of the accident sequence.

Each accident must be judged individually. Certain types will generally fall in the non-preventable category, and certain others, in the absence of extenuating circumstances and conditions, fall in the preventable category. The types of accidents listed below do not cover every accident that may occur, but they are intended to provide general guidance to assist in determining preventability.

Non-Preventable Accidents Struck in Rear by Other Vehicle

Non-preventable if
Driver's vehicle was legally and properly parked

- Driver was proceeding in his/her 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 or signal or the directions of a police officer or other person legitimately controlling traffic
- Driver was in proper lane waiting to make turn.

Struck While Parked

Non-preventable if
Driver was properly parked in a location where parking was permitted

- Vehicle was stopped, parked, or left standing in accordance with Sections 392.21 and 392.22 of the Federal Motor Carrier Safety Regulations.

Preventable Accidents
Accidents at Intersections

Preventable if
Driver failed to control speed so that he/she could stop within available sight distance

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- Driver failed to check cross-traffic and wait for it to clear before entering intersection
- Driver pulled out from side street in the face of oncoming traffic
- Driver collided with person, vehicle, or object while making right or left turn
- Driver collided with vehicle making turn in front of him/her.

Striking Other Vehicle in Rear

Preventable if
Driver failed to maintain safe following distance and have his/her vehicle under control

- Driver failed to keep track of traffic conditions and did 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 too 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 line.

Sideswipe and Head-on Collisions

Preventable if
Driver was not entirely in his/her proper lane of travel

- Driver did not pull to right and slow down or stop for vehicle encroaching on his/her lane of travel when such action could have been taken without additional danger.

Struck in Rear by Other Vehicle

Preventable if
Driver was passing slower traffic near an intersection and had to make sudden stop

- Driver made sudden stop to park, load, or unload
- Vehicle was improperly parked
- Driver rolled back into vehicle behind them while starting on grade

Squeeze Plays and Shutouts

Preventable if
Driver failed to yield right-of-way when necessary to avoid accident

Backing Accidents

Preventable if

Driver backed up when backing could have been avoided by better planning of his/her route

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- Driver backed into traffic stream when such backing could have been avoided
- Driver failed to get out of cab and check proposed path of backward travel
- Driver depended solely on mirrors when it was practicable to look back
- Driver failed to get out of cab periodically and recheck conditions when backing a long distance
- Driver failed to check behind vehicle parked at curb before attempting to leave parking space
- Driver relied solely on a guide to help him/her back
- Driver backed from blind side when he/she could have made a sight-side approach. ">

Accident Involving Rail Operated Vehicles

Preventable if

Driver attempted to cross tracks directly ahead of train or streetcar

- Driver ran into side of train or streetcar
- Driver stopped or parked on or too close to tracks.

Accidents While Passing

Preventable if

Driver passed where view of road ahead 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 warn driver of vehicle being passed
- Driver failed to signal change of lanes
- Driver pulled out in front of other traffic overtaking from rear
- Driver cut in too short while returning to right lane.

Accidents While Being Passed

Preventable if

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

Accidents While Entering Traffic Stream

Preventable if

Driver failed to signal when pulling out from curb

- Driver failed to check traffic before pulling out from curb
- Driver failed to look back to check traffic if he/she was in position where mirrors did not show traffic conditions

- Driver attempted to pull out in a manner that forced other vehicle(s) to change speed or direction
- Driver failed to make full stop before entering from side street, alley, or driveway

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- Driver failed to make full stop before crossing sidewalk
- Driver failed to yield right of way to approaching traffic.

Pedestrian Accidents

Preventable if
Driver did not reduce speed in area of heavy pedestrian traffic

- Driver was not prepared to stop
- Driver failed to yield right of way to pedestrian.

Mechanical Defects Accidents

Preventable if
Defect was of a type that driver should have detected in making pre-trip or enroute inspection of vehicle

- Defect was of a type that driver should have detected during the normal operation of the vehicle
- Defect was caused by driver's abusive handling of the vehicle
- Defect was known to driver, but ignored
- Driver was instructed to operate with known defect.

All Types of Accidents

Preventable if
Driver was not operating at a speed suitable for the existing conditions of road, weather, and traffic

- Driver failed to control speed so that he/she could stop within assured clear distance
- Driver misjudged available clearance
- Driver failed to yield right-of-way to avoid accident
- Driver failed to accurately observe existing conditions
- Driver was in violation of company operating rules or special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinances.

APPENDIX D

Title 49: Transportation

PART 376- LEASE AND INTERCHANGE OF VEHICLES (Owner Operators)

376.12 Written lease requirements.

(h) *Charge-back items.* The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement, together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge.

(j) *Insurance.* (1) The lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public pursuant to FMCSA regulations under 49 U.S.C. 13906. The lease shall further specify who is responsible for providing any other insurance coverage for the operation of the leased equipment, such as bobtail insurance. If the authorized carrier will make a charge back to the lessor for any of this insurance, the lease shall specify the amount which will be charged-back to the lessor.

(3) The lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made.