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**DETERMINING THE PREVENTABILITY OF MOTOR VEHICLE ACCIDENTS**

A “preventable accident” is one in which the driver failed to exercise every precaution to prevent the accident. This is irrespective of the extent of property damage and/or personal injury, to whom it occurred or the location of the accident.

In order to avoid being involved in a preventable accident it is necessary for a driver to understand the concept of and practice “defensive driving”. Defensive driving is driving so as to prevent accidents in spite of the incorrect actions of others or adverse driving conditions; such as weather, lighting, vehicle or road condition, or your physical or mental state.

The following examples of situations should assist in the determination of types of accidents which are preventable.

**Intersections**

It is the responsibility of all drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the actions 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 determine an accident to be not “preventable”. Intersection accidents are preventable even though the driver has not violated the traffic regulations. Failure to take precautionary measures prior to entering the intersection are factors to be studied in making a decision. When a driver crosses an intersection and the obvious actions of the “other driver” indicates possible involvement either by reason of excessive speed, crossing the lane in turning, or coming from behind a blind spot, the decision based on such entrapment should be preventable.

**Vehicle Ahead**

Regardless of the abrupt or unexpected stop of the vehicle ahead, a driver can prevent collisions 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. Overdriving headlights at night is a common cause of this type of collision. 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.

**Vehicle Behind**

Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin in their own following distance. Collisions involving the rear of the vehicle which are preceded by rollback, an abrupt stop at a grade crossing, when a traffic signal changes, or when the driver fails to signal a turn at an intersection, should be charged preventable. Failure to signal intentions or to slow down gradually should also 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 driver being passed are preventable when the driver fails to yield to the passing vehicle by slowing down or moving to the right where possible.

**Oncoming**

It is extremely important to check the action of a driver 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 a driver’s traffic lane, it may be possible for the driver to avoid the collision by slowing down, stopping or moving to the right. Failing to signal the opposing driver by flashing the headlights, or sounding the horn should also be taken into account.

**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 a traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved. A driver must be constantly on the lookout for such conditions and make the necessary allowances.

**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, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled 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 speed when this type of equipment is operated within sigh-distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed.

**Private Property**

When a driver is expected to make deliveries at unusual locations, construction sites, etc. or on driveways not built to support the weight of the vehicle, it is the driver’s responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

**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 a driver stops, turns, or accelerates abruptly. Emergency action by the driver to avoid a collision that 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.

**Non-Collision**

Many accidents, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to preclude being involved in a collision. Examination of events prior to the incident may reveal speed too fast for conditions, or other factors. The driver’s actions prior to involvement should be examined for possible errors or lack of defensive driving practice.

**Miscellaneous**

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

**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. A properly parked vehicle should be locked, with the engine off, parking brake set, manual transmission in lowest gear, multi-speed axle in low range, and wheels blocked or turned toward curb to prevent vehicle movement (a driver should not use the trailer hand valve or set the emergency braking control to hold a parked vehicle).

**Backing**

Practically all backing accidents are preventable. A driver is not relieved of 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 verify all clearances.

**Conclusion**

Defensive drivers make no driving errors themselves and allow for the lack of skill or improper driving practices of other drivers. They adjust their own driving to compensate for unusual weather, road and traffic conditions and recognize the need for caution in situations conducive to accident involvement.

It is impossible to describe in detail the many ways a driver might prevent an accident without being primarily or legally responsible. The accident situations outlined in this bulletin are examples of those most frequently represented.



**VEHICLE ACCIDENT PROCEDURES**

The following is standard procedure for vehicles involved in an accident:

1. If vehicles are safe to move, pull off to side of road or away from traffic.

 2. Driver should immediately call a police officer to the accident. This would insure that the accident is properly handled. Driver should then request the number of police report from officer in charge.

 3. All information pertaining to other party or parties involved should be taken by driver.

 Driver’s License

1. Drivers Name
2. Address
3. Drivers License Identification #
4. Date of Birth
5. State of License
6. Expiration Date

 Registration of Vehicle

1. Owners Name
2. Address & Zip Code
3. Plate Number
4. Vehicle Type
5. Year & Make of Vehicle
6. Expiration Date

 Insurance Identification Card

1. Name of Insurance Company
2. Insurance Identification Number
3. Expiration Date of Insurance

Additional Notes:

REPORT ACCIDENT IMMEDIATELY TO THE OFFICE.

Answer all investigating officer’s questions, but do not discuss accident with anyone else. Do not admit to “fault”.

Trade only driver, vehicle, and insurance information with the other driver.

Do not discuss “fault” or other details of the accident with other drivers or individuals at the scene.

**SUPERVISOR’S REPORT OF MOTOR VEHICLE ACCIDENT**

Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ Vehicle # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mileage \_\_\_\_\_\_\_\_\_\_\_\_

Driver \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Accident \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time of Accident \_\_\_\_\_\_\_\_\_\_\_\_

Reported to Police: Yes [ ] No [ ] Where \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Copy Attached? \_\_\_\_\_\_\_\_\_\_

Location of Accident (Street, Intersection, Town) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accident Type - Head On [ ] Sideswipe [ ] Intersection [ ] Backing [ ]

 Rear End [ ] Off the Road [ ] Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Weather/Time Factors – Snow [ ] Ice [ ] Rain [ ] Darkness [ ] None [ ] Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accident Description - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contributing Vehicle Conditions (worn tires, brakes, inoperable lights, signals, etc.) - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contributing Road Conditions (unpaved, poorly lighted, etc.) - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other Contributing Factors (Either driver – following too close, passing or turning improperly, excessive speed, etc.) - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Corrective Measures (either already taken or will be/should be taken) - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Preventable? (In your opinion, did the driver exercise every reasonable precaution to prevent the accident) –

Yes [ ] No [ ]

Other – (Comments or continuations) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prepared By - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Approved By - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_