**[tribal organization]**

**FLEET SAFETY PROGRAM**

**Private Passenger and Commerical Vehicles**

**Updated: 11/18/24**

**Table of Contents**

I. Motor Vehicle Safety Policy

II. Organization and Responsibilities

III. Vehicle Use

IV. Driver Selection

V. Accident Recordkeeping, Reporting and Analysis

VI. Employee Accident Reporting Procedure

VII. Tribal Accident Review Board

VIII. Vehicle Selection, Inspection and Maintenance

IX. Training

X. Driver Safety Regulations

**XI. APPENDIX**

* Vehicle Assignment Agreement
* Application Addendum For Employment Requiring Driving
* Guide For Preventable and Nonpreventable Accidents
* Vehicle Inspection Report

**MOTOR VEHICLE SAFETY POLICY – I.**

1. Policy

 Many employees operate tribal 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 [TRIBAL ORGANIZATION] 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 tribe considers the use of automobiles part of the working environment. The [TRIBE NAME] 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. 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.
* Tribal Accident Review Board.
* Vehicle selection and maintenance.
* Training standards.
* Safety regulations.

2. Responsibility

 Management is responsible for successful implementation and on-going execution of this program. The [INSERT TITLE] is directing the Fleet Safety Program.

[INSERT TITLE] will be directed to implement and enforce all aspects of this written program, overseeing vehicle maintenance, safety material development, investigating accidents and implementing corrective action, and maintaining appropriate records. Employees/assigned drivers are responsible for meeting and maintaining the standards set forth in this program.

3. Scope

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

**ORGANIZATION AND RESPONSIBILITIES – II.**

1. Program Adminstrator:

1. The [TITLE] is responsible for directing the vehicle safety program.
2. Qualify drivers to ensure they meet the standards set forth in this program
3. Ensure training is administered, to include vehicle inspections, driver safety, accident reporting, and monthly safety topics.
4. Implementing maintenance program for all vehicles
5. Review accident investigations and implement corrective action

2. Senior Management will:

1. Establish annual safety performance goals and objectives
2. Provide assistance and the resources necessary to develop, implement and monitor and improve the fleet safety program.
3. Participate in the investigation of accidents

3. Supervisors will:

1. Investigate and report all accidents involving a motor vehicle used in performing tribal business. Forward all accident reports to the Vehicle Safety Coordinator.
2. Be responsible for taking appropriate action to manage high risk drivers as defined by this program.
3. Ensure all drivers successfully complete assigned training either internally or through external means
4. Maintain appropriate records

4. Safety Coordinator will:

1. Work with the Program Administrator in selecting and assigning appropriate driver training classes
2. Issue periodic reports of losses for the [TITLE]'s review.
3. Review motor vehicle accident reports as part of the Tribal Accident Review Board.
4. Revise and distribute changes to the Motor Vehicle Safety Program to managers, supervisors and drivers as necessary.

D. Maintain appropriate records.

5. Commercial Vehicle 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 in accordance with the type of vehicle assigned

C. Notify employer of traffic violations, including suspensions due to BAC reading that exceed the legal limit, within 5 days of the date of conviction (regardless of appeal status).

D. Submit to drug and alcohol tests, per FMCSA regulations guidelines and requirements.

E. Submit pre and post-vehicle inspection reports at the end of each shift to [title] as designated.

F. Maintain assigned vehicles according to established maintenance standards.

**VEHICLE USE – III.**

1. Tribal Owned Vehicles

 A. Passenger Cars/Light Duty Trucks

Employees authorized by their supervisors will be permitted to operate a passenger car. When the vehicle is driven for personal use, only the employee will be permitted to operate the vehicle.

 B. Commercial Vans and Trucks

 Employees with appropriate commercial driver's license, authorized from their supervisor and qualify under state and Federal DOT regulations, when applicable, will be permitted to operate the vehicle.

2. Personal Vehicles on Tribal Business

 A. Employees who drive their personal (non-commerical) vehicles on tribal business are subject to the requirements of this program including:

 1. Maintaining auto liability insurance with minimum limits of $\_\_\_\_\_\_\_\_\_\_ for bodily injury and $\_\_\_\_\_ for property damage with combined single limit of $\_\_\_\_\_\_.

 2. Maintain their own vehicle in a safe operating condition when driven on tribal business.

1. Proof of insurance (copy of declaration page) will be sent to \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. Acceptable Motor Vehicle Report (MVR).
3. No ‘business use’ exclusion on personal insurance policy.

3. Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized individual to operate a tribal vehicle. No exceptions! Disciplinary action may be taken.

4. Contractors and Temporary Hire Employees

Contractors and temporary employees will be treated as tribal employees and will comply with the requirements of this program. Failure to meet all requirements will result in the immediate loss of driving privileges.

**DRIVER SELECTION – IV.**

1. **Driver Evaluation:**

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

 A. Review past driving performance and work experience through previous employers’ reference checks. All new employees and current employees recently assigned to driving duties will be required to complete the *Application Addendum for Required Employment Tribal Driving* (See Appendix).

 B. Review the employee's Motor Vehicle Record (MVR) annually (more frequently if reasons warrant). *See MVR criteria below in section Motor Vehicle Record Criteria*

 C. Ensure the employee has valid driver's license for the type of vehicle he/she will be operating.

 D. Ensure the employee is qualified to operate the type of vehicle he/she will drive.

2. **Driver Qualification**:

 If an employee’s job duty requires that he/she operate a motor vehicle, the following procedures shall be met prior to that employee operating a company-owned vehicle:

* Review of the applicant/employee’s past driving history and background
* Verification of current valid drivers’ license
* Inquiry to previous employers’ driving record for the last 3 years
* Demonstrate proficiency in operating the assigned vehicle

*Additional Requirements for Commercial Motor Vehicle licensed employees:*

* Medical examiner’s certificate, required for all commercially licensed drivers
* Driver’s road test and certificate (or equivalent)
* Minimum age of \_\_ years

Commercial Motor Vehicles are defined as:

1. Vehicles involved in interstate or foreign commerce with Gross Motor Vehicle Weight Rating (GMVR) of 10,001 pounds or more, designed to transport 15 or more passengers, including the driver, or used in the transportation of hazardous materials in a quantity requiring placarding under the DOT Hazardous Materials Regulations, are subject to the requirements of the DOT Federal Highway Administration's Federal Motor Carrier Safety Regulations.
2. Vehicles involved in intra or interstate operations with GMVR of 26,001 pounds or more.

Drivers operating a CDL license and will be enrolled in a DOT Drug and Alcohol Testing Program. Individual driver qualification files will be maintained for each CDL employee in accordance with the [FMCSA](https://csa.fmcsa.dot.gov/safetyplanner/documents/Forms/Driver%20Qualification%20Checklist_508.pdf).

 **Driver Minimum Age and Licenses Requirements:**

To operate a specific type of vehicle, *regardless of state law age requirements*, the following will apply:

|  |  |
| --- | --- |
| Cars, light duty trucks, and golf carts | Minimum Age: 18 Years |
| Vehicles requiring a commercial drivers’ license, including shuttles | Minimum age: \*\* years + proper endorsement |
| Vans (10-14 passenger, including driver) | Minimum Age: 21 Years |
| Vans (15 passenger\*) to transport people, for hire (CDL with Passenger endorsement Required) | Minimum Age: 21 Years + Passenger Endorsement |
| School Bus (any vehicle used to transport elementary and middle school children) | Minimum Age: 25 Years + School Bus Endorsement  |

**Motor Vehicle Record Criteria**

 Each employee with driving responsibilities will provide [TRIBE] with written permission to periodically obtain a Motor Vehicle Record (MVR), and all new employees will be advised that driving records will be evaluated as a condition of employment. MVRs will be obtained for all new drivers at the time of employment, and for current employees moving into positions that requiring driving a vehicle on tribal business at the time of transition. MVRs will be obtained on all drivers [semi-annually/annually] thereafter.

***All major moving violations and at-fault accidents occurring on or off the job over the past three (3) years shall be evaluated. Drivers with unacceptable records including: 1) three or more accidents (regardless of fault) in the last three years, 2) any Major Violation in the last three years; 3) any combination of accidents and Minor Violations totaling 4 or more in the past three years will not be permitted to operate tribal vehicles.***

**Major Violations**:

* Leaving the scene of an accident
* Failure to report an accident
* Driving while intoxicated or under the influence any drugs including alcohol (DWI or DUI)
* Possession of an opened alcoholic beverage container
* Speed contest/racing or excessive speed (>25 MPH over speed limit)
* Reckless, negligent or careless driving (points assigned)
* Illegal transportation of persons or commodities
* Felony, homicide or manslaughter involving the use of a motor vehicle
* License suspension or revocation resulting from accidents or moving violations
* Using a motor vehicle for the commission of a felony
* Using an auto to aid and abet a felony
* Use of a fraudulent or improper license
* Operation of a vehicle out of service
* Falsifying application of registration
* Aggravated assault with a motor vehicle
* Causing a fatality due to negligent operation of a vehicle
* Operating a motor vehicle without the owner’s consent (grand theft)
* Permitting an unlicensed person to drive
* Attempting to elude a police officer
* Driving while unlicensed, or with a suspended or revoked license
* Assault, manslaughter, or homicide arising out of the operation of a motor vehicle

**Minor Violations:**

* Speeding < 20 MPH over speed limit
* Driving too fast for conditions
* Unsafe lane change
* Failure to obey sign
* Failure to stop or yield the right of way
* Illegal turn
* Equipment operation violations no listed in “major violations”
* Any standard moving violation that does not fall into the major violation category

**The table below will be used to determine the acceptability of a driver’s MVR**:

|  |  |
| --- | --- |
|  | **Number of At-Fault Accidents in Past 3 Years** |
| **Number of Minor Violations in Past 3 Years** | **0** | **1** | **2** | **3** |
| **0** | **Clear** | **Acceptable** | **Acceptable** | **Unacceptable** |
| **1** | **Acceptable** | **Acceptable** | **Unacceptable** | **Unacceptable** |
| **2** | **Acceptable** | **Unacceptable** | **Unacceptable** | **Unacceptable** |
| **3** | **Unacceptable** | **Unacceptable** | **Unacceptable** | **Unacceptable** |
| **Any Major Violation-Last 3 Years** | **Unacceptable** | **Unacceptable** | **Unacceptable** | **Unacceptable** |

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

1. Driver may be required to attend a Defensive or Safety Driving course.
2. Driver may have their driving privileges suspended or revoked.

**3. Driver Training**

Every authorized driver is required to attend, and pass, the Defensive Driving course offered by [TRIBE] **prior** to driving for business purposes or driving a [Tribal/GSA] vehicle.

*Refresher Training:*

* Each authorized driver is required to attend a minimum of TWO driver refresher trainings annually.
* Any driver found to have violated the tribe’s driver’s policy may be required to attend a refresher training course before being allowed to operate any vehicle for business.
* Monthly safety talks will be conducted, including “lessons learned” from previous incidents. All drivers are required to attend these brief training sessions.
* Written documentation will be kept in the employee’s personnel file.

**ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS – V.**

1. This tribe considers reducing motor vehicle accidents by [ %] annually as a major goal. To meet this objective, all accidents will be reported to management, investigated, documented and reviewed by the [Tribal Accident Review Board]. The investigation identifies need for:

 A. A more intensive driver training and/or remedial training.

 B. Improved driver selection procedures.

 C. Improve vehicle inspection and/or maintenance activities.

 D. Changes in traffic routes.

2. Motor vehicle accident recordkeeping procedures consist of the following components:

 A. Documentation of causes and corrective action.

 B. Management review to expedite corrective action.

 C. Analysis of accidents to determine trends, recurring problems and the need for further control measures.

3. **Responsibility:**

 Implementation of these procedures remains the responsibility of both the driver and manager.

 A. Driver

 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.

 B. Management

 Management will obtain accident data from the driver through the Transportation Accident Report form and/or by verbal communication. It is important for management to determine the extent of the accident, especially if it involves injury or death to the driver, passengers, or other parties.

 C. Management 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.).

4. **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 is 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 [Tribal Accident Review Board].

NOTE 3: See attached "Guide For Preventable and Nonpreventable Accidents" in Appendix.

**EMPLOYEE ACCIDENT REPORTING PROCEDURE – VI.**

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 company names and policy numbers, as well as the names and addresses of injured persons and witnesses. Record this information on the Accident Report form (in the reporting packet). Do not discuss fault with, or sign anything for anyone except an authorized representative of [TRIBE NAME], a police officer, or a representative of the Tribe’s insurance company.

 3. Immediately notify the [TITLE] *INSERT NAME AND TELEPHONE NUMBER HERE*). If any injuries were involved and the Vehicle Safety Coordinator is not available, contact your supervisor immediately.

 4. You will be contacted by the [TITLE] to advise you how to arrange for repairs to the vehicle. Do not have the vehicle repaired until you receive authorization from the [TITLE].

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 \*\*\*\* (*INSERT NAME AND TELEPHONE NUMBER HERE*)..

 3. You will be contacted by the Safety Coordinator to advise you how to arrange for repairs or replacement of the vehicle. Do not have the vehicle repaired until you receive authorization from the Safety Coordinator.

 4. Send a copy of the police report along with a memo outlining any additional information to the Vehicle Safety Coordinator.

Note: Accident reporting kits: every tribal vehicle should have an accident reporting kit in the glove box. This should include an accident report form, pen or pencil, and an inexpensive or disposable camera.

**TRIBAL ACCIDENT REVIEW BOARD – VII.**

**(optional)**

All vehicle collisions should be analyzed, and a written report submitted to management for review. A determination of accident preventability should be made. Where the collision was preventable by the driver, the driver should 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 corporate, union, and governmental guidelines.

However, this does not absolve management from improving safety of the work and driving environment. The [TITLE], drivers and management personnel should each participate in the analysis. 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.

To determine preventability an accident review board has been established. Members consists of both management and field personnel. Their main charge, of the review board, is to determine whether the fleet accident was preventable or nonpreventable.

The committee will report to the [TITLE] within 10 working days the results of their review. The [TITLE] will take the appropriate steps and communicate the results to the affected driver and supervisor.

**VEHICLE SELECTION, INSPECTION AND MAINTENANCE – VII.**

1. **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.

2. **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 tribe will purchase vehicles designed for their intended use.

3. **Vehicle Inspection (Commercial Vehicles)**:

The employee responsible for the vehicle will conduct pre and post trip inspections using the *Daily Vehicle Inspection Report* form (see appendix) and give the report to the [TITLE].

***Pre-trip inspections verify that:***

* Driver is satisfied the motor vehicle is in safe operating condition;
* Review the last driver vehicle inspection report;
* AND sign the report (DVIR), only if defects or deficiencies were noted by the driver who prepared the report (acknowledging that the driver has reviewed it and there is a certification that the required repairs have been performed)

 **Post-trip inspections (Driver Vehicle Inspection Reports)**

* Driver must complete this report in writing at the completion of each day’s work on each vehicle operated.
* Report will cover 11 key areas as required by the FMCSA (See Appendix “Driver Vehicle Inspection Report)

 ***Periodic Insepctions – Commercial Motor Vehicles***

All commercial motor vehicles are to be inspected at least once every 12 months by a *qualified* inspector with documentation per FMCSA requirements. Report must include:

* Individual performing the inspection
* Motor carrier (operating the vehicle)
* Date of inspection
* Vehicle inspected
* Vehicle components inspected and results of inspection (including components not meeting minimum standards)
* Certifies accuracy/completeness of inspection

*Original report (or copy ) must be retained by the motor carrier, or entity responsible for the inspection, for 14 months from the date of the inspection report.*

4. **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.

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.

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.

5. **Recordkeeping – Commercial Motor Vehicles:**

 **Vehicle Maintenance Records**

All motor vehicles (commercial and passenger) will be placed on preventative maintenance per the manufacture’s recommendation. The [TITLE] is responsible for reviewing records and assuring all fleet vehicles are properly maintained with documentation.

Each CMV vehicle shall have a separate maintenance file (electronic or hard copy) that includes the following:

* 1. make
	2. serial number
	3. year
	4. tire size
	5. company number
	6. date and nature of each inspection, maintenance, lubrication and repair
	7. schedule highlighting type and due date of inspections and maintenance to be performed

*Records for vehicle inspection, repair and maintenance will be retained for 1 year. If a vehicle is sold or disposed, records will be kept for another 6 months. Records may be retained where vehicle is housed or maintained.*

**Daily Vehicle Inspection Reports (DVIRs)**

* Items requiring corrective action must be repaired with proof of repair attached, signed and dated by the mechanic.
* All pre and post-vehicle inspection reports and repairs will be kept in a separate vehicle file for a minimum of 3 months.

**TRAINING – IX.**

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

2. New employees, contractors/owner-operators, and temporary hires will receive a copy of this program as part of their initial orientation. A formal orientation program is established to help assure all drivers are presented with the policy, understand their responsibilities and are familiarized with their vehicle. Areas that must be addressed, with the driver, include:

a. Understand, review and given a copy of the Fleet Safety Program.

b. Review individual Motor Vehicle Report (MVR).

c. Understand accident reporting & emergency procedures.

d. Review operation and controls of vehicle being assigned.

e. Inspect vehicle using Driver Vehicle Inspection Report (DVIR).

 A copy of this program will be kept in the vehicle.

3. License Suspension:

 Drivers must notify the [TITLE] within 5 days if their license is suspended or revoked.

4. Remedial Training:

 Drivers may be required to attend a safe driving school (National Safety Council Defensive Driving course of equivalent) if a review of the driver's MVR indicates:

 A. Three minor violation within any one-year period, or

 B. Two accidents, regardless of fault, within any one-year period.

5. Supervisor Training

 Employees who supervise drivers will receive at least 60 minutes of training on alcohol misuse *and* 60 minutes of training on controlled substances use. Training is used to determine whether reasonable suspicion exists to require a driver to undergo testing. Training is required upon hire only.

**DRIVER SAFETY REGULATIONS – X.**

1. **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.

2. **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.

3. **Traffic Laws:**

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

4. **Cellular Telephones and Wireless Communication Devices:**

 When on duty and driving, you may NOT use a hand-held wireless communication device of any kind. This includes cell phones, mobile/smart phones, texting, instant messages, two-way radios and other wireless devices.

 A. Handling Calls While Driving

 a. Only one button may be pressed to answer the call.

 b. Phone must be within arms reach to answer the call.

 c. Outbound calls may only be made if one button may be pressed to dial.

 B. Failure to follow tribal policy will result in disciplinary action.

5. **Motorcycles:**

 Employees are prohibited from using motorcycles when traveling on tribe business.

6. **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. Push or pull another vehicle or tow a trailer.

 E. Transport flammable liquids or gases unless a DOT or Underwriters' Laboratories approved container is used, and only then in limited quantities.

 F. Use of burning flares will be discouraged. The preferred method is the use of reflective triangles.

 G. 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.

7. **Company and Personal Property:**

 Employees are responsible for tribal property such as computers, work papers and equipment under their control. Contact your manager immediately if theft of tribal property has occurred from your vehicle.

**APPENDIX**

 **Forms/Attachments**

* Vehicle Assignment Agreement
* Application Addendum For Employment Requiring Driving
* Guide For Preventable and Nonpreventable Accidents
* Driver Vehicle Inspection Report (DVIR)

**VEHICLE ASSIGNMENT AGREEMENT**

The undersigned hereby acknowledges receipt of a tribal-owned or leased automobile. I understand this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the Owner's Manual or the instructions issued by the [TITLE], whichever is appropriate.

Further, it is agreed this vehicle will be operated in a safe manner. I agree to wear my seat belt whenever the vehicle is in motion and will require other occupants to do so. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand articles of this agreement apply regardless of who is operating this vehicle. I may NOT authorize others to drive this vehicle.

I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver's license. Further, I herewith grant [TRIBE NAME] the right to investigate may motor vehicle driving record any time. My current driver's license is issued from the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and is No.\_\_\_\_\_\_\_\_\_. I understand that I am responsible for my own license plate renewal, the cost of which will be reimbursed by the company. (Optional)

If my driving record contains two minor violations within one-year period, my record will be brought up before the Company Accident Review Board for consideration of remedial training.

I will be required to attend a safe driving class, and to provide the tribe with confirmation of attendance within thirty days of notification if decided by the review board.

I understand I am not to modify the vehicle in any way without written permission. This specifically applies to the installation of cellular telephones, radios, CBs, speakers, etc. Further, trailer hitches and towing trailers are specifically prohibited. Further, I will not take this vehicle out of the United States without written permission from the \*\*\*.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately.

I read and agree to the provisions of this Vehicle Assignment Agreement and the requirements of the Motor Vehicle Safety Program.

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

 **SIGNATURE DATE**

VEHICLE ASSIGNED:

VIN:

TAG NUMBER:

MILEAGE:

**APPLICATION ADDENDUM FOR EMPLOYMENT REQUIRING DRIVING**

TRIBE

ADDRESS

NAME PHONE: ( \_\_\_\_\_ )

 First Middle Last

**DRIVER LICENSES:**  (list all licenses held in past 3 years and indicate those that are current)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **STATE** | **LICENSE NO.** | **CLASS** | **ENDORSEMENTS** | **EXPIRATION** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Have you ever been denied, or had revoked or suspended any license, permit, or privilege to operate a motor vehicle? Yes [ ]  No [ ]

**If you answered YES to the above questions, give details:** (if additional space is needed, attach sheet)

**TRAFFIC CONVICTIONS AND FORFEITURES FOR PAST 3 YEARS:** (Other than parking)

|  |  |  |  |
| --- | --- | --- | --- |
| **LOCATION (CITY/STATE)** | **DATE** | **CHARGE** | **PENALTY** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

 **DRIVING EXPERIENCE:**

|  |  |  |  |
| --- | --- | --- | --- |
| **CLASS OF EQUIPMENT** | **FROM** | **TO** | **APPROX. NO OF MILES** |
| Automobile  |  |  |  |
| Van/Pickup |  |  |  |
| CMV - >26,001 lbs. |  |  |  |
| Tractor/Trailer |  |  |  |
| Other: |  |  |  |

**ACCIDENT RECORD FOR PAST 3 YEARS:** (if additional space is needed, attach sheet)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DATE** | **LOCATION** | **NATURE OF ACCIDENT** | **FATALITIES** | **INJURIES** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**GENERAL:**

Have you ever been convicted of a felony? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been refused bond Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered YES to either question, give details:** (if additional space is needed, attach sheet)

**LIST SPECIAL TRAINING RELATED TO TRANSPORTATION:**

(If additional space is needed, attach sheet)

**TO BE READ AND SIGNED BY APPLICANT:**

This certifies that this application was completed by me, and that all entries on it and information in it are true and

complete to the best of my knowledge. I understand that, if hired, any misrepresentation of information in this

application is cause for immediate dismissal. I authorize [TRIBE NAME] to investigate my background to ascertain all information of concern to my employment history, whether same is of record or not, and release those providing such information from all liability for any damages resulting from furnishing this information. Further, I understand that I may be asked to demonstrate my ability to perform the essential functions necessary to complete the job and, if offered the job, that it may be conditioned on results of a physical examination, and controlled substances and alcohol misuse test.

DATE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ APPLICANT'S SIGNATURE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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 nonpreventable 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 rearends 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 tribe 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 nonpreventable 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 nonpreventable 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.**

**Parked or Stopped**

Accidents occurring when vehicles are properly and legally parked are considered nonpreventable. Accidents occurring while the vehicle was double parked or in a "No Parking" zone are preventable.

1. Was the vehicle parked on the proper side of the road?

2. Was it necessary to park near the intersection?

3. Did the driver have to park on the traveled part of the highway, on the curve, or on the hill?

4. When required, did the driver warn traffic by emergency warning devices?

5. Did the driver park parallel to the curb?

6. Was it necessary to park so close to an alley or directly across from a driveway?

**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 nonpreventable. 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.**


Commercial Motor Vehicles Only

|  |  |  |  |
| --- | --- | --- | --- |
| **Location:** |  | **Date:** |  |
| **Truck:** |  | **Route:** |  |
| **Driver:** |  | **Previous Driver Vehicle Inspection Report Reviewed** |  | **Yes** |
| **Odometer:** |  |  | **No** |
|  |
| **✓ (ok)** | **Part/accessory** | **Defects (explain)** |
|  | Parking Brake |  |
|  | Service Brakes |  |
|  | Steering Mechanism |  |
|  | Lighting Devices |  |
|  | Reflectors |  |
|  | Tires (min. tread depth 1/8”) |  |
|  | Wheels and Rims |  |
|  | Horn |  |
|  | Rear Vision Mirrors |  |
|  | Windshield wipers |  |
|  | Coupling Devices |  |
|  | Emergency Equipment |  |
|  | Transmission |  |
|  | Motor |  |
|  |
| ***Vehicle Condition***  |  | **Ok** |  | **Defects** | **Defects Need correction for safe operation** |  | **Yes** |  | **No** |
| ***Driver’s Signature*** |  | **Defects Corrected** |  | **Yes** |  | **No** |
|  | **Certified By:**  |  |
| **Mechanic’s Signature (if defects noted)** |
|  | **Date:** |  |
|  |
|  |