



C.A.T. AMERICA USDOT 247969

CHECKLIST FOR ACCIDENT INVESTIGATION

Use the following checklist to structure investigations and written reports. It is intended as a guide. It is not comprehensive and it will not always be necessary to consider all the points in the checklist. Be sure to establish at an early stage whether immediate action is needed. For example, it may be necessary to withdraw equipment from use immediately or stop an activity.

Be guided by the significance of the accident when deciding how deeply to investigate it. Consider not only the actual outcome, but also what the potential outcome might have been.

1 Obtain basic facts

- Names of injured, driver(s), witnesses/motoring public at the scene
- Condition of any equipment
- Any chemicals or substances spilled at the scene
- Layout of road way, area
- Place, time, traffic & weather conditions
- Extent of any injury, damage, disruption
- Make use of camera, sketches, measurement to record the undisturbed scene
- Determine if it is a DOT recordable accident
- Determine if DOT post accident drug and alcohol testing is required

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 |

Post–Accident Alcohol and Drug Testing [§382.303](#)

Included in [§382.303](#) are requirements for when tests must be conducted, the time frame under which they must be conducted, and the circumstances in which a law enforcement officer's test result may be used.

Definition of Accident

The definition of accident to reference when considering a post–accident test is contained in 49 CFR [390.5](#). That definition is as follows:

Accident means—

(1) Except as provided in paragraph (2) of this definition, an occurrence involving a commercial motor vehicle operating on a public road which results in:

(i) A fatality;

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

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

(2) The term *accident* does not include:

(i) An occurrence involving only boarding and alighting from a stationary motor vehicle; or

(ii) An occurrence involving only the loading or unloading of cargo; or

(iii) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in [§571.3](#) of this title) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with §177.823 of this title.

"Disabling damage" is further defined as follows:

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) *Inclusions*. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) *Exclusions*.

(i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlamp or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which makes them inoperative.

When Testing Is Required

As soon as practicable following an accident involving a commercial motor vehicle, each employer shall test each surviving driver for alcohol and drugs when either:

- the accident involved a fatality; or
- the driver received a moving traffic citation in connection with an accident resulting in personal injury or a vehicle being towed from the scene.

Time Frame for Testing

When a required post-accident test has not been administered within the time frames stipulated, the actions outlined below must be taken.

Alcohol Test

1. If the driver has not submitted to an alcohol test within 2 hours, the employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
2. If the driver has not submitted to an alcohol test within 8 hours, cease attempts to administer the test and prepare and maintain the record described above.

Blood Testing Not Authorized — On February 15, 1994, the Department of Transportation published a proposal seeking comment on whether blood testing should be used in very limited circumstances (i.e., for post-accident tests, where evidential breath testing was not available). The DOT has concluded that it is not worth subjecting employees to an invasive testing procedure and incurring the other disadvantages of adding blood alcohol testing to the program to capture this probably small number of cases. For this reason, DOT withdrew the proposed authorization of the use of blood in some post-accident test situations, and will not include blood testing as a part of the DOT alcohol testing program.

Drug Test

If a driver has not submitted to a drug test within 32 hours, the employer shall cease attempts to administer the test, and prepare and maintain a record stating the reasons why.

A driver who is subject to post-accident testing must remain available, or the employer may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

NOTE: Nothing in the regulations should be construed as to require the delay of necessary medical attention for injured people following an accident. Also, the driver is not prohibited 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.

Employers are obligated to provide the necessary information, procedures, and instructions to their drivers to allow them to be tested after an accident. This is especially important for employers whose operations occur in remote areas. Drivers are then obligated to follow the instructions and see that the tests are conducted.

Law Enforcement Post-Accident Test

In lieu of administering a post-accident test, employers may substitute a test administered by on-site police or public safety officials under separate authority. The employer is allowed to substitute a *blood or breath* alcohol test and a urine drug test performed by such local officials, using

procedures required by their jurisdictions. This may be particularly useful if that test can be administered before the employer can get to the scene. The employer must obtain a copy of the test results.

2 Establish circumstances

- What was happening at the time and what happened?
- Immediate causes
- Events leading up to the accident
- Any evidence linking case of ill health (mental or physical)
- Competence, how much experience driving did the driver involved have?
- What were the established methods of carrying out the task? Were they adequate? Were they being followed?
- Behaviour and actions of individuals
- Role of Driver Managers. Had those involved in the accident been told to carry out the particular task or were they acting on their own initiative?
- What was the worst that could have happened?
- Has something similar happened before?
- Could it happen again?

3 Identify preventive measures

- Review the risk assessment for the activity. What precautions should have been in force? What training should those carrying out the activity have received?
- What precautions were actually taken? Compare them with those which should have been taken. What training was actually given? Compare it with training which should have been given.

4 Establish whether the initial response to the accident was adequate

- Was prompt and appropriate action taken once we knew of the accident?

5 Identify the underlying causes

These might include:

- Driver not paying attention, distracted by satellite or cell phone
- Weather conditions
- Under mental duress due to problems at work or at home
- Being pushed by dispatch, on a schedule too tight to keep
- Management failure
- Lack of competence
- Inadequate training
- Equipment/maintenance failure

6 Determine action needed to prevent a recurrence

In deciding on the right course of action, think whether the outcome could have been more serious and what prevented this from happening.

Reappraise the precautions derived from the risk assessment - do they satisfy the intentions of the company's policy and do they meet the recommendations of any authoritative guidance? If the intended precautions appear adequate but they were not fully implemented, why was this? What needs to be done to ensure necessary precautions are taken in the future?

Actions to prevent a recurrence might include

- More adequate inspections of the equipment
- improve operations methods
- make changes to supervision and training arrangements

7 Written Report

Finally a report should be written detailing the facts of the accident, what lead up to the accident, how it may have been avoided and to identify any weaknesses in the Safety or Training Program.

Andy Yoos
Safety Director