

Determining Preventability Of School Bus Accidents

A Guide for Use by Individuals Serving
On Local Accident Review Committees



Maryland State Board of Education

Brigadier General Warner I. Sumpter (Ret.) (President)	2021
Jean C. Halle (Vice President)	2023
Gail H. Bates	2023
Clarence C. Crawford	2022
Charles R. Dashiell, Jr., Esq.	2023
Vermelle D. Greene, Ph.D.	2022
Justin M. Hartings, Ph.D.	2020
Rose Maria Li, MBA, Ph.D.	2021
Joan A. Mele-McCarthy, Ph.D.	2021
Michael D. Phillips	2020
David M. Steiner, Ph.D.	2020
Noureen A. Badwi (Student)	2020

Dr. Karen B. Salmon
Secretary-Treasurer of the Board
State Superintendent of Schools

Dr. Sylvia Lawson
Deputy State Superintendent of Schools

Gabriel Rose
State Director of Pupil Transportation

The Maryland State Department of Education does not discriminate on the basis of age, ancestry/national origin, color, disability, gender identity/expression, marital status, race, religion, sex, or sexual orientation in matters affecting employment or in providing access to programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

For Inquiries related to Department policy, please contact:

Agency Equity Officer
Equity Assurance & Compliance Office
Office of the Deputy State Superintendent for Finance and Administration
Maryland State Department of Education
200 West Baltimore Street, Baltimore, MD 21201-2595
410-767-0426 - Voice
410-767-0431 - Fax
410-333-6442 - TTY/TDD

Contents

I.	Intersections	1
II.	Vehicle Ahead.....	2
III.	Vehicle Behind	3
IV.	Passing.....	4
V.	Being Passed	4
VI.	Oncoming Vehicles	5
VII.	Fixed Objects.....	5
VIII.	Pedestrians	6
IX.	Backing.....	7
X.	Entering the Traffic Stream.....	8
XI.	Non-Collisions	8
XII.	Passenger Accidents	9
XIII.	Mechanical defects	9
XIV.	Weather and Road Conditions.....	9
XV.	Rail-Operated Vehicles.....	10
XVI.	Parking.....	10
XVII.	Squeeze Plays and Shutouts	11
XVIII.	All Other Types of Accidents.....	11

INTRODUCTION

This guide has been developed by the Maryland State Department of Education from information provided by the National Safety Council and the Maryland Motor Vehicle Law. This guide has been designed to assist local accident review boards and committees in properly classifying school bus accidents as either preventable or non-preventable.

Local accident review boards and committees are encouraged to read this guide carefully. To promote uniformity across the State, it is expected that this guide be used when making determinations regarding the preventability of school bus accidents.

A determination of preventable does not mean that the school bus driver was primarily or legally responsible for the accident; it means that the driver did not do everything that reasonably could have been done to avoid the accident. In other words, he or she was not a defensive driver.

A certified commercial driver's licensed school bus driver is a professional driver and will be held to the highest standards of defensive driving. A defensive driver is one who commits no driving errors and makes allowances for the lack of skill of improper driving practices of other drivers. A defensive driver adjusts his or her own driving to compensate for unusual weather, road, and traffic conditions and is not tricked into an accident by the unsafe actions of pedestrians and other drivers. By being alert to accident inducing situations, the defensive driver recognizes the need for preventive action in advance and takes the necessary precautions to prevent or avoid an accident.

It is impossible to describe in detail the many ways a driver might prevent an accident. A school bus driver may not absolve themselves of any defensive driving skills or responsibilities. This guide merely presents the most common types of preventable and non-preventable accidents based on past decisions of the National Safety Council.



Maryland State Department of Education
Office of Pupil Transportation
200 West Baltimore Street
Baltimore, MD 21201
410-767-0209

Revised 2019

DETERMINING PREVENTABILITY OF SCHOOL BUS ACCIDENTS

I. INTERSECTIONS

It is the responsibility of the school bus driver to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of other drivers to conform to law or obey traffic control devices does not automatically make an accident non-preventable. Intersection accidents may be preventable even though the school bus driver has not violated any traffic regulations. The failure of a school bus driver to take precautionary measures before entering the intersection should be studied when making a decision. When a school bus driver crosses an intersection and another driver's obvious actions (including excessive speed, crossing the school bus driver's lane in turning, and coming from a blind spot) should have warned the school bus driver of a potential accident situation, the decision based on such entrapment should be preventable.

This type of accident is PREVENTABLE if the school bus driver:

1. Failed to control speed so that he or she could stop within available sight distance.
2. Failed to check cross-traffic and wait for it to clear before entering an Intersection.
3. Pulled out from the side street in the face of oncoming traffic.
4. Collided with a person, vehicle, or object while making a right or left turn.
5. Collided with an oncoming vehicle making a turn in front of the bus.

II. VEHICLE AHEAD

Regardless of an abrupt or unexpected stop of the vehicle ahead, the school bus driver can prevent front-end 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. Speed during non-daylight hours should be such that the vehicle can come to a stop within the forward distance illuminated by the vehicle's headlights. Overdriving your headlights illuminated distance in the dark is a common cause of front-end collisions.

This type of accident is **PREVENTABLE** if the school bus driver:

1. Failed to maintain a safe following distance and have the bus under control.
2. Failed to keep alert to traffic conditions and did not slowdown.
3. Failed to ascertain whether a vehicle ahead was moving slowly, stopped, or slowing down for any reason.
4. Misjudged the rate of closing between the bus and vehicle ahead.
5. Came too close to the vehicle ahead before pulling out to pass.
6. Failed to wait for a stopped vehicle ahead to move into the clear before moving the bus.
7. Failed to leave sufficient room for passing vehicle to get safely back in line.

III. VEHICLE BEHIND

Investigations often disclose that drivers risk being struck from behind by failing to maintain a margin of safety in their own following distance. Rear-end collisions preceded by a rollback, an abrupt stop at a railroad grade crossing, a traffic signal change, or the school bus driver's failure to signal a turn at an intersection should be charged preventable. Accidents involving the school bus driver's failure to signal intentions or to slow down gradually should be considered preventable.

This type of accident is PREVENTABLE if the school bus driver:

1. Was passing slower traffic near an intersection and had to make a sudden stop.
2. Made sudden stop to park, load, or unload.
3. Was improperly parked.
4. Rolled back into a vehicle behind.

This type of accident is NONPREVENTABLE if the school bus driver:

1. Was legally and properly parked.
2. Was proceeding in his own lane of traffic at a safe and lawful speed.
3. Was stopped in traffic due to existing conditions, was stopped in compliance with traffic sign or signal or, at the direction of a police officer or other person legitimately controlling traffic.
4. Was in proper lane waiting to make a turn.

IV. 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 is the driver's own responsibility.

This type of accident is PREVENTABLE if the school bus driver:

1. Passed where view of the road ahead was obstructed because of hill, curve, vegetation, traffic, adverse weather conditions, etc.
2. Attempted to pass in the face of closely approaching traffic.
3. Failed to pass in a safe and prudent manner.
4. Failed to signal change of lanes.
5. Pulled out in front of other traffic overtaking from the rear.
6. Cut in short returning to right lane.

V. BEING PASSED

Sideswipes and cut-offs involving a school bus driver being passed by another vehicle are preventable if the school bus driver failed to yield to the passing vehicle by slowing down or moving to the right where possible.

VI. ONCOMING VEHICLES

It is extremely important to check the actions of the school bus driver involved in a head-on or sideswipe accident with a vehicle approaching from the opposite direction. The exact location of vehicles, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters the school bus driver's traffic lane, it may be possible for the bus driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and the school bus driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, the school bus driver failed to take action to prevent the accident. Failing to warn the oncoming driver by sounding the horn should also be taken into account.

This type of accident is PREVENTABLE if the school bus driver:

1. Was not entirely in their proper lane of travel.
2. Did not pull to the right and slow down or stop for the vehicle encroaching on the lane of travel. Such action could have been taken without additional danger.

VII. FIXED OBJECTS

Collisions with fixed objects are most often preventable. Fixed object accidents usually involve failure to check or properly judge clearances. New routes, resurfaced roadways, under bridges, inclined roadways, trees or other objects overhanging the traveled portion of the road, and similar situations are not, in themselves, valid reasons for excusing a driver from a fixed object accident. The school bus driver must be constantly on the lookout for such conditions and make the necessary allowances.

Exceptions may occur if the collision with a fixed object occurred in the avoidance of a more severe collision. Additionally objects that are typically fixed objects (ex. poles, trees, signs, etc.) but are put into motion, that strike a school bus may be unavoidable.

VIII. 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 should be considered. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds as required by the particular situation. Bicycles, motor/electric scooters, and similar equipment are generally operated by young and inexperienced operators. The school bus driver who fails to reduce the speed of the bus when this type of equipment is operated within sight distance has failed to take the necessary precautions to prevent an accident. Merely keeping within posted speed limits is not taking adequate precautions when unusual conditions call for voluntary reduction of speed.

This type of accident is PREVENTABLE if the school bus driver:

1. Did not reduce speed in an area of heavy pedestrian traffic.
2. Was not prepared to stop.
3. Failed to yield right-of-way to a pedestrian.
4. Failed to make a full stop before crossing a sidewalk (exiting or entering a parking lot, garage, etc.)
5. Failed to follow proper procedures when entering an intersection.

IX. BACKING

Practically all backing accidents are preventable. A school bus driver is not relieved of the responsibility for backing safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, the driver must check all clearances personally.

This type of accident is PREVENTABLE if the school bus driver:

1. Backed when backing could have been avoided by better planning of the route.
2. Backed into the traffic stream when such backing could have been avoided.
3. Failed to get out or walk to the back of the vehicle and check the proposed path of backward travel.
4. Depended solely on mirrors or backup camera/alarm, when it was practicable to look back.
5. Failed to get out of vehicle periodically and recheck conditions when backing a long distance.
6. Failed to check behind vehicle parked at curb before attempting to leave parking space.
7. Relied solely on a guide to help back the bus.
8. Backed from the blind side when a slight angle approach could have been made.

X. ENTERING THE TRAFFIC STREAM

The school bus driver has the responsibility to enter the flow of traffic safely. Accidents in this situation can be avoided by communicating with surrounding traffic their intentions to enter the traffic stream. The school bus driver should activate the proper turn signal, check traffic conditions, and check the mirrors, remembering to make allowances for blind spots. The school bus driver must judge the traffic speed properly in order to merge smoothly into the flow of traffic. Failure to follow these procedures may disrupt the steady stream of traffic and cause a preventable accident.

This type of accident is **PREVENTABLE** if the school bus driver:

1. Failed to signal when pulling out from the curb.
2. Failed to check traffic before pulling out from the curb.
3. Failed to look back to check traffic if in a position where mirrors did not show traffic conditions.
4. Attempted to pull out in a manner which forces other vehicle(s) to change speed or direction.
5. Failed to make a full stop before entering from a side street, alley, or driveway.
6. Failed to make a full stop before crossing a sidewalk (existing or entering parking lots, garages, etc.)
7. Failed to yield the right-of-way to approaching traffic.

XI. NON-COLLISIONS

A non-collision accident, such as overturning or running off the road, may result from emergency action by the school bus driver to preclude being involved in a collision. Examination of the driving procedure prior to the accident may reveal speed too fast for conditions or other factors. The school bus driver's actions prior to the accident should be examined carefully for possible errors or lack of defensive driving practice.

XII. PASSENGER ACCIDENTS

Passenger accidents are preventable when they are caused by faulty operation of the vehicle. Even though the accident did not involve a collision of the vehicle, it must be considered preventable when the school bus driver stops, turns, or accelerates abruptly and causes a passenger injury. Even when no unusual action is taken by the driver, any injury to a student who is standing or is otherwise out of his seat, but for whom seat space is available, is preventable. If, in order to avoid a collision, a school bus driver takes an abrupt evasive action that results in passenger injury, a check should be made to determine whether proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

XIII. MECHANICAL DEFECTS

The school bus driver is responsible for performing a thorough pre- and post-trip inspection. Accidents involving mechanical defects that should have been detected in the pre-trip or post-trip inspection or during the normal operation of the vehicle are preventable.

XIV. WEATHER AND ROAD CONDITIONS

Weather is frequently — and incorrectly — used as a justification for determining an accident to be non-preventable. Adverse weather and poor road conditions accompanying such weather does not relieve the school bus driver from responsibility for resulting accidents. A defensive driver takes into account weather and the resulting road conditions and takes appropriate action to avoid such accidents.

XV. RAIL-OPERATED VEHICLES

Rail crossings pose significant danger and are limited where reasonably possible. A defensive driver follows the prescribed crossing procedure and does not attempt to cross when signals are activated or a train can be seen or heard.

This type of accident is PREVENTABLE if the school bus driver:

1. Failed to follow the prescribed crossing procedure.
2. Attempted to cross the tracks directly ahead of a train.
3. Ran into the side of a train.
4. Stopped or parked on or too close to tracks.

XVI. 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. This includes unauthorized entry into an unattended vehicle, or failure to properly block wheels or turn wheels toward the curb to prevent vehicle movement.

This type of accident is NON-PREVENTABLE if the school bus driver:

1. Was properly parked in a location where parking was permitted.
2. Had protected the vehicle by emergency warning devices as required by federal and state regulations or if the driver was in the process of setting out or retrieving signals. (This provision applies to the use of turn signals as emergency warning lights under federal regulations).

XVII. SQUEEZE PLAYS AND SHUTOUTS

The school bus driver must be especially alert for motorists attempting to prevent the bus from getting in front of them. Accidents of this nature are preventable if the school bus driver failed to yield the right-of-way when necessary to avoid an accident.

XVIII. ALL OTHER TYPES OF ACCIDENTS

Some factors can be applied to any accident to assist in accurately determining preventability.

An accident is PREVENTABLE if the school bus driver:

1. Was not operating at a speed consistent with the existing conditions of the road, weather, and traffic.
2. Failed to control speed so that the bus stopped within a safe distance.
3. Misjudged available distance.
4. Failed to yield right-of-way to avoid an accident.
5. Failed to accurately observe existing conditions.
6. Received a traffic citation and subsequently was either found guilty or given probation before judgment.
7. Was in violation of local school system operating rules or special instructions.
8. Was in violation of the regulations or any federal, state, or local regulatory agency.
9. Use of a cell phone or other electronic equipment that distracted the full attention of the driver.