

● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR ● LIVE WEBINAR

Securing the Scene: Best Practices After a Collision

TUESDAY / SEPTEMBER 15 / 1-2PM CST



Justin Smoot

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Today's Presenter



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Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions by clicking on the question box on the top right of your GoToWebinar panel.

Q&A at the end of the webinar.

Additional questions can be emailed to: jsmoot@smscsafety.com

A recorded copy of the webinar and slides will be made available to all attendees.



Today's Agenda

1

Prepare.

Checklists, resources, having a plan.

2

Taking the call.

Identifying and collecting evidence.

3

Investigating.

Identifying contributing factors.

4

Corrective Actions.

Training/Coaching

5

DataQ's

Requesting a Data Review / Crash Preventability

6

Lessons Learned.





Prepare.

Steps in the aftermath of an accident or injury

Perform a complete and unbiased investigation so that all of the facts are available for analysis.

Make a prompt report to the insurance carrier and/or adjusting firm, as the situation dictates.

Gather trip records.

Keep records, notes, and other material in a safe manner to ensure their availability later.

Document the loss to the fleet completely, including all repairs, medical payments, and other direct costs.

Proceed with a preventability decision and driver discipline, noting such activities as in accordance with company policy, union contract, or defensive driving standards.

Maintain contact with the insurance or independent adjustor. Insist on a thorough review of the facts and regular status reports.

Inform the company attorney of all relevant facts, the existence of records, and any new information which has come to light.



CBCS

Afterhours,
who do you
call?

1-877-241-6121



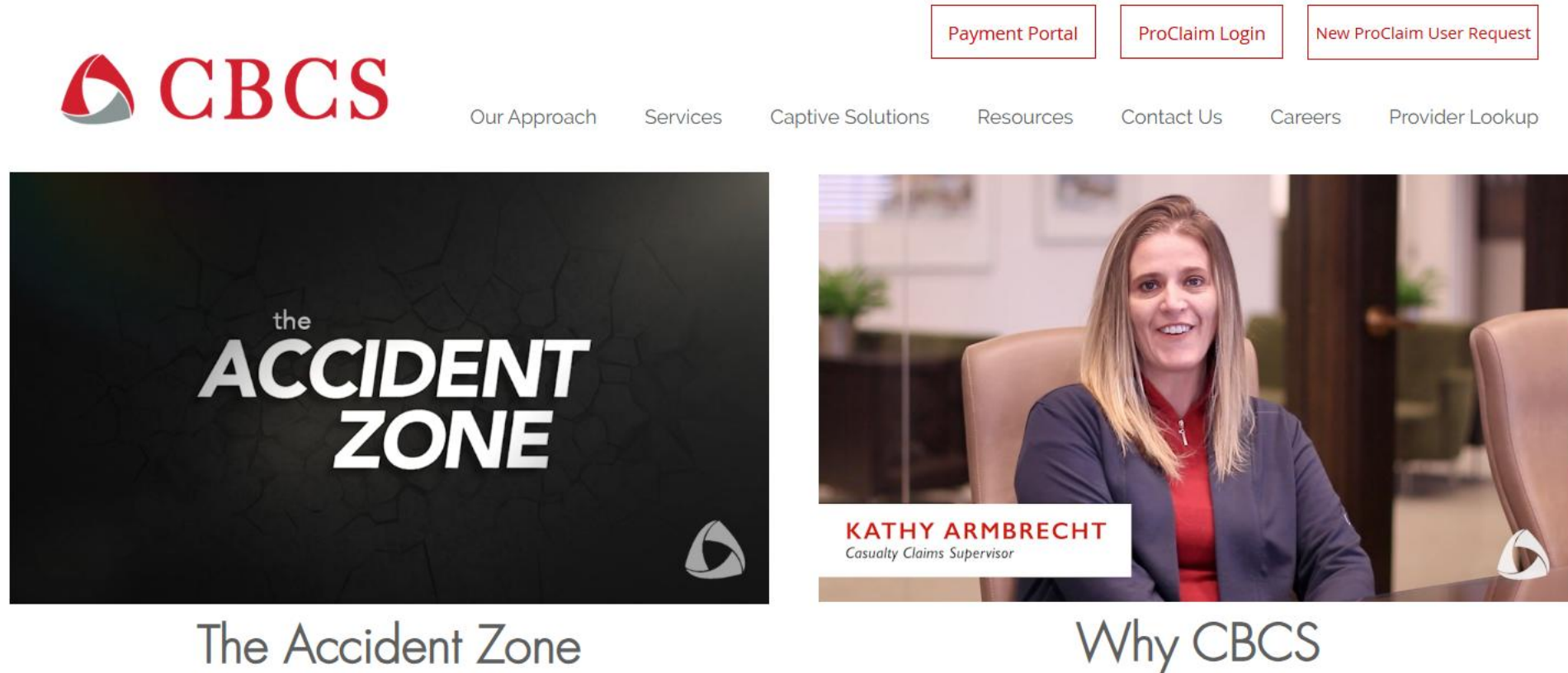
VEHICLE ACCIDENT REPORT KIT

POST-ACCIDENT CHECK-LIST

- ☐ 1) **PREVENT ADDITIONAL INJURY.**
 - Move vehicle out of harm's way.
 - Place appropriate warning signals and/or flares.
 - Keep a close eye on approaching traffic.
- ☐ 2) **ASSIST THE INJURED.**
 - Check for injuries.
 - **Call 911 if anyone has been injured.**
- ☐ 3) **ALWAYS CALL THE POLICE.** (no exceptions)
 - Remain at the scene until the police arrive.
 - Answer all police questions honestly.
- ☐ 4) **EXCHANGE INFORMATION WITH OTHER PARTIES.**
 - **Complete the attached Exchange Information Data Card for every person at accident scene.**
 - Keep your conversation with the other drivers and passengers to a minimum.
 - Do not apologize or admit guilt.
 - Do not give statements to adjuster's at the accident scene.
 - Do not sign any document unless instructed to do so by the police or your own safety department.
- ☐ 5) **GATHER INFORMATION.**
 - Complete both sides of the enclosed Motor Vehicle Accident Report.
 - Write down all of the details about the accident, including the location, the circumstances and weather conditions.
 - Describe the damage to each vehicle involved.
 - If a camera is available, take photographs of the scene. (Do not photograph injured parties)
 - Request that all witnesses fill out a Witness Information Card.
- ☐ 6) **NOTIFY YOUR SAFETY DEPARTMENT ABOUT THIS ACCIDENT IMMEDIATELY.** If they are not available, contact CBCS, Inc. at 1-877-241-6121.



<https://www.cbcsclaims.com/cbcs-videos>



STAY, KNOW, & RECORD

Do we admit fault?

When should the driver leave the scene?

It is the driver's right & obligation to know?

Take photos of what documents?

What is the next step when someone gives you their cell phone number?



STAY, KNOW, & RECORD

Do we admit fault? Never. We don't know what the other party was doing before or during the accident.

When should the driver leave the scene? After the other parties have left. Stories can change. Injuries can pop up. Know how others leave the scene (tow, ambulance, drove away).

It is the driver's right & obligation to know? Who's involved in the incident.

Take photos of what documents? Drivers License, insurance card, and vehicle registration.

What is the next step when someone gives you their cell phone number? Call it.



Risk Management Center / Succeed

<https://www.cottinghambutler.com/client-logins>

Cottingham & Butler Resources

- ☐  **Accident and Injury Scene Photos**
Countermeasures - Accident and Injury Scene Photos
- ☐  **Accident Scene Photography Tips**
Payroll Stuffer - Accident Scene Photography Tips
- ☐  **Injury Scene Photos - Payroll Stuffer**
Taking injury scene photos is a new concept to most people. Similar to an accident scene, these photos can help us show what caused the injury. These photos can also be extremely effective in showing the negligence of the company that caused you or someone else to be injured.
- ☐  **Injury Scene Photos - Payroll Stuffer - Spanish**
Taking injury scene photos is a new concept to most people. Similar to an accident scene, these photos can help us show what caused the injury. These photos can also be extremely effective in showing the negligence of the company that caused you or someone else to be injured.
- ☐  **Taking Injury Scene Photos - Countermeasures**
After a crash or following an injury, taking photographs is a great method for documenting evidence. Photos can accurately depict the accident's final scene as well as the surrounding area and road conditions better than any verbal description.

Cottingham & Butler

CB

ACCIDENT
COUNTERMEASURES



How To Take Effective Post-crash And Post-injury Scene Photos

The Accident Countermeasures program was created to provide a way for our company and our most important asset, the drivers, to cover important safety topics in a meaningful and accessible manner. This program allows you, the driver, to study safety material and learn desirable information at a time most convenient to you.

Please take the time to read through the material, study the pictures, and then answer the questions at the end of this handout. Your completed answer sheet should then be turned in to receive credit for completing this program.

Prepared by:
Safety Management Services Company
A Cottingham & Butler Company

CB

Cottingham & Butler



Risk Management Center / Succeed

<https://www.cottinghambutler.com/client-logins>

☐  **Accident Incident Investigation Procedure Policy**
Accident Incident Investigation Procedure Policy



Principles & Practices: Chapter 12
“Investigation of Motor Vehicle Accidents”





Taking the Call.

Take to the Crash Scene

Cell phone.
First Aid.
Reflective vest(s).
Bi-directional Triangles.
Flashlight.
CBCS Accident Kit.
Paper/pen.
Checklists.
Footwear such as ice cleats.
Business Cards.
Simple tools: vice grips, pry bar.
Documents the driver may need.



VEHICLE ACCIDENT REPORT KIT

- Post Accident Checklist
- Driver's "Report of Motor Vehicle Accident" Form
- Witness "Information" Reply Card

1.877.241.6121



Questions after a crash

Try to talk directly to
law enforcement.

Are you issuing my driver a citation?

- “a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident” per 382.303(a)(2)

Will any vehicles need to be towed due to disabling damage?

- “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” per 382.303(a)(2)(ii)
- 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) Headlight or taillight damage.
 - (iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

Did the other driver have a medical issue, fall asleep, under the influence, or was distracted?

- If so, can you note that on the police report?

If and when the driver can be exonerated, how can I provide you (the officer) Netradyne crash video?





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382.107



Questions after a crash

Talk directly to your driver.

Questions for Driver:

Are you wearing your hi-vis vest?

Did you take crash scene photos?

Will the other parties sign the CBCS Accident Kit Exoneration Card?

Don't drink alcohol for the next 8 hours per 382.309.

Immediately report any roadside inspections, violations, and/or citations.



CBCS

Exoneration Form



VEHICLE ACCIDENT REPORT KIT

DRIVER'S EXONERATION FORM

Date

TO WHOM IT MAY CONCERN

I hereby exonerate and release Driver

and

from all blame of

negligence in connection with an accident involving the undersigned.

on this date

Witness

Signed

Address





Investigating.

Inquiry of Causes

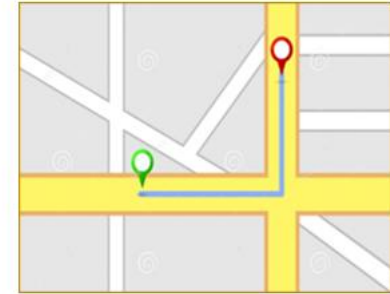
NATMI &
FMCSA/National
Safety Council:

“Driver” related
factors consist of the
majority of crash
causes (87%).

THE DRIVER



THE TRIP



THE ENVIRONMENT



THE VEHICLES



Investigation

All accidents should be investigated to prevent recurrence.

Incident Analysis

Review Date: _____

Name: _____ Incident Date: _____

1. Please check all the reasons you believe for the incident.		YES	NO
Were you taking shortcuts?			
Were you being overconfident?			
Were you starting the task with incomplete instructions?			
Was poor housekeeping involved?			
Were you ignoring proper safety procedures?			
Were you mentally distracted from the job?			
Did you fail to pre-plan your work?			
Other:			

2. Were any of the following factors involved?		YES	NO
Was lack of knowledge a factor?			
Were you inadequately trained?			
Were there any unsafe work practices being used?			
Was supervision inadequate?			
Were shortcuts being used?			
Was your ability to do the job a factor?			
Was complacency in your job a factor?			
Other:			

3. <u>In this incident</u> were any of the following personal factors involved?		YES	NO
Health problems			
Marital difficulties			
Concerns with family or friends, (i.e., illnesses or death)			
Squabbles with children, relatives, or neighbors			
Financial problems			
Residential problems (i.e., house, apartment, landlord)			
Violations of the law			
Other:			

Ventiv Risk

Client Login



ProClaim



Report a Claim



Quick Search



Claims



Reports



Training Center



Dashboards



Document Retention

1. A complete employment file of the driver;
2. A complete driver qualification file;
3. A copy of all driver logbooks for the past six months;
4. All vehicle inspection logs;
5. All repair history/maintenance logs for the vehicle;
6. All insurance policies, both primary and excess, for the driver, tractor owner and trailer owner.



Document Retention

7. Dispatch records from the trip;
8. All contracts between the trucking company, freight brokers, freight shippers, owners of vehicles and/or leased drivers;
9. All safety audits from any external source including the Department of Safety and/or the Department of Transportation;
10. The identity of all onboard computer systems including all files generated by that computer system.
11. A copy of the accident report.
12. Accident register as required by FMCSR § 390.15(b)



Document Retention

- 13. All bills of lading related to the day of the accident;
- 14. A copy of the annual review of the drivers driving record as required by § 391.25;
- 15. The driver's application for employment;
- 16. Any documentation showing whether the trucking company has deemed this action as "preventable" or not "non-preventable";
- 17. A copy of all photographs of the accident scene, the truck and/or trailer involved in the accident;
- 18. A copy of all blood and urine tests conducted on the driver involved in the accident.
- 19. A copy of all safety training material including but not limited to safety driving manuals, safety videos etc.





Corrective Actions.

Investigation Philosophy

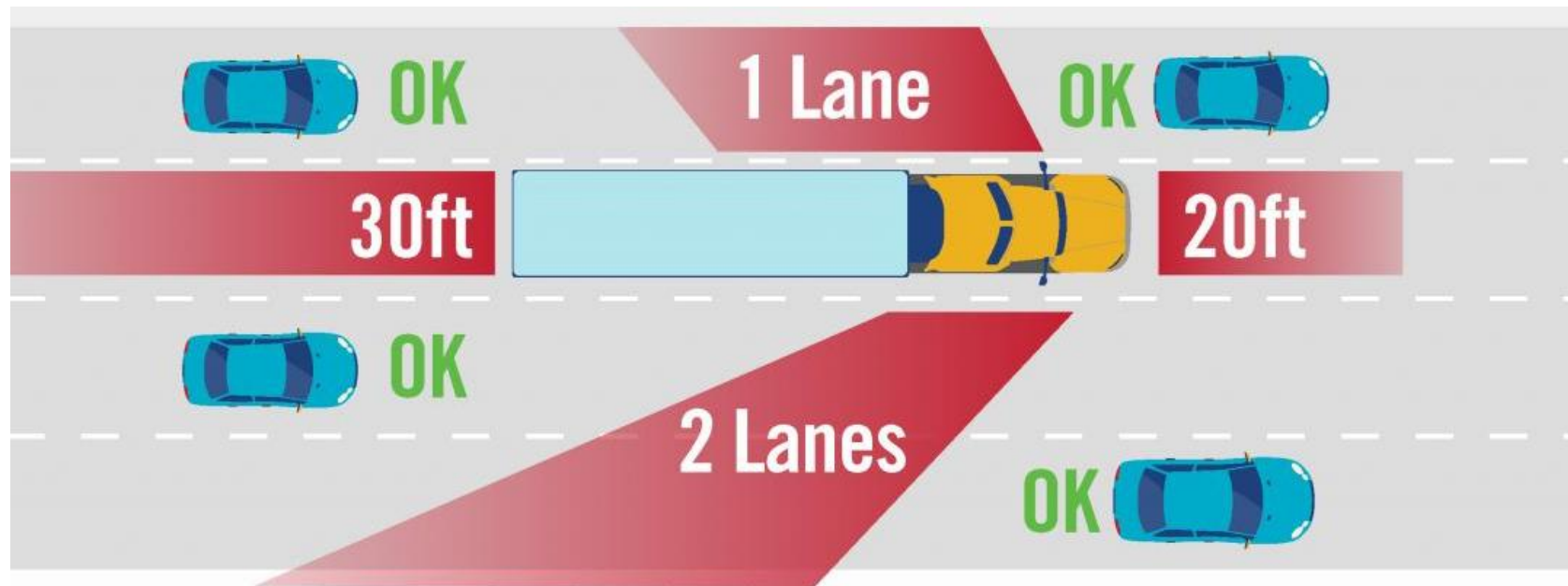
Our investigation philosophy is based upon these principles:

- Accidents are symptoms of something wrong in the safety system.
- We will seek to identify the operational errors which allow accidents to occur.
- In most cases, unsafe behavior is normal human behavior. It is the result of normal people reacting to their environment. Our goal is to change the environment that leads to unsafe behavior.
- Our approach will be positive – the search for better information – rather than negative. We will avoid focusing an inquiry upon identifying guilty parties. Rather, we will seek to learn the true causes of the operating problems. We will emphasize fixing the system.



Training driver(s)

Identify common cause of accidents.



Coaching Techniques

- Ask how it happened then how it will be prevented?
 - Have the driver propose the behavior solution first so they own the correction process.
- Do you want to be right or do you want to be smart?
 - Where are you going to park and why?
- Repeat and Verify (Call & Repeat)
 - Roll down windows, turn off radio, and remove headset.
- The importance of spotchecking:
 - Example: speeding after safety talk.
 - G.O.A.L.





DataQ's.

DataQ vs CPDP

Sample DataQ:

- **What information should be reviewed and why?:**
- Neither vehicle was towed to disabling damage. Our truck was towed at the request of the driver to our repair shop but this was not due to disabling damage. Please see the attached repair order from our shop. The other vehicle was not towed. Please see the attached email from the truck's owner sent to our claims adjuster that states: "Neither truck nor trailer was towed from the scene." As this occurrence resulted in no injuries, fatalities, nor vehicles towed due to disabling damage, it does not meet the FMCSA's definition of an "accident" per 390.5. Please call me with any questions: Carol 563.451.1234



CRASH PREVENTABILITY DETERMINATION PROGRAM



1. CMV was struck in the rear by a motorist.
2. CMV was struck on the side at the rear by a motorist.
3. CMV was struck on the side by a motorist operating in the same direction as CMV.
4. CMV was struck because another motorist was driving in the wrong direction.
5. CMV was struck because another motorist was making a U-turn or illegal turn.





Lessons Learned.

Crash Found “Preventable.”

Status prior to response: Crash Determination - In Review

Status after response: Closed - Determination Made

Response Description: Closed - Final Determination Made: Preventable

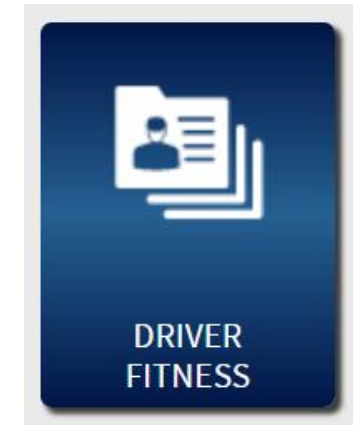
FMCSA has reviewed the Crash Preventability Determination Program Request for Data Review (RDR) that you submitted and made a determination of Preventable. FMCSA will display this determination on its public Safety Measurement System (SMS) website at <https://ai.fmcsa.dot.gov/SMS/>.

The burden is on the submitter of the RDR to show that the crash was Not Preventable. Based on documents and data considered by FMCSA, FMCSA determined that the crash was Preventable for the following reason: As stated in the Federal Register Noticed dated 5/6/2020, FMCSA makes preventable determinations if there is evidence that the driver and/or carrier was legally prohibited from operating the CMV at the time of the crash. Specifically, if a post-crash inspection identifies a driver or vehicle violation of an OOS regulation and the violation existed before the crash and was not attributed to the crash, the crash is not eligible for a not preventable determination because the driver and/or carrier were legally prohibited from operating the CMV at the time of the crash. The post crash inspection shows 1 OOS violation 393.9T not attributed to the crash therefore existed before the crash.



Check for Out-of-Service (OOS violations)

Inspection Date	Number	State	Plate Number	Plate State	Type	Severity Weight (SW)	Time Weight (TiW)	Total Weight (TotW)
3/24/2026	OH1331000358	OH	FX4153	IA	Truck Tractor	0	3	0
3/23/2026	IN6191002259	IN	FZ2573	IA	Truck Tractor	0	3	0
3/21/2026	IA000P14KF4M	IA	FZ5805	IA	Truck Tractor	0	3	0
3/21/2026	IA000P14KF4J	IA	FP8343	IA	Truck Tractor	0	3	0
3/19/2026	KS9342000043	KS	MX4147	IA	Truck Tractor	0	3	0



VIO CODE	SECTION	UNIT	OOS	DESCRIPTION	INCLUDED IN SMS	BASIC	REASON NOT INCLUDED IN SMS
392.9	392.9	1	Yes	Driver May Not Operate A Cmv Without Proper Load Securement	Yes	Vehicle Maint.	
393.110	393.110	1	Yes	Failing To Meet Minimum Tiedown Requirements	Yes	Vehicle Maint.	



1 YEAR CDL DISQUALIFICATION

On July 15th, Kevin was following a detour in a small town and took a sharp left turn onto a city street which resulted in him knocking down a stop sign that had been on a traffic island. There was no place to stop, so Kevin proceeded to his delivery 5 miles away. The person behind him saw the accident and immediately called it in. ... The police went to where Kevin was and got his information, but did not immediately issue a citation. We received a bill for the damage and paid it, Kevin did receive the attached citation in the mail and he paid it. Yesterday he received a letter from the state informing him his CDL has been suspended for a year for a disqualifying offense of leaving the scene of an accident. Just seems a little steep for a stop sign that cost \$350 to repair.



SEPT. 26TH UPDATE:

Just wanted to give you a quick update on Kevin.....I put him in touch with a lawyer and she was able to get his CDL reinstated in a few days, so he is back to work with us. He has a court date upcoming and the DA is happy with how quickly the damages were paid and said Kevin has been very cooperative. They will meet to plea bargain to a lesser charge that won't result in a suspension. Lots of good news there!



HANDS-FREE GEORGIA ACT (O.C.G.A. § 40-6-241)

Georgia's primary cell phone law is the **Hands-Free Georgia Act** (O.C.G.A. § 40-6-241), which completely prohibits holding or physically supporting a phone while driving. Additionally, statewide legislation restricts personal electronic devices in schools.  GovTech +3

Driving: Hands-Free Law

It is illegal for drivers to hold, touch, or use any part of their body to support a phone or electronic device while operating a vehicle. This applies even when stopped at a red light or in traffic.  Georgia Department of Driver Services (.g... +1

- **What You CAN Do:** You can only use your phone via Bluetooth, wired earpieces, smartwatches, or an approved dashboard/windshield mount. Voice-to-text and hands-free GPS/navigation are permitted.  Georgia Governor's Office of Highway Saf... +4
- **What You CANNOT Do:** You are strictly forbidden from texting, emailing, browsing the internet, watching or recording videos, or physically interacting with apps (like manually changing a music playlist) while behind the wheel.  Georgia Governor's Office of Highway Saf... +2

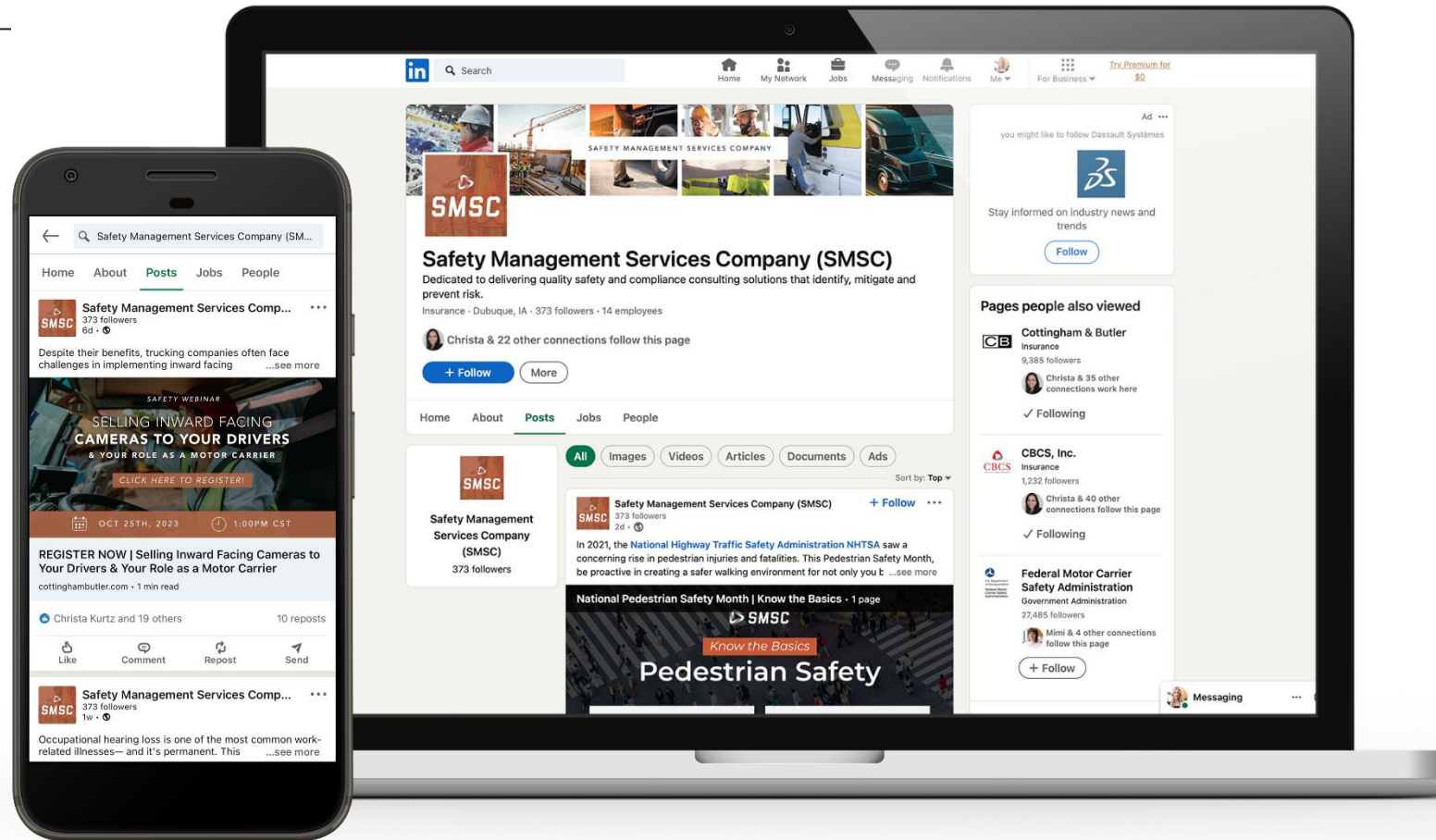




Questions



Let's Stay Connected



@safetymanagementservicescompany(smsc)

