

EXHIBIT C

GUIDE TO DETERMINING MAJOR/MINOR PREVENTABLE ACCIDENTS

M E M O R A N D U M



SUBJECT: A Guide to Determining Preventable Accidents (MAJOR vs. MINOR)

DATE: July 2, 2014

FROM: BTRA – Robert Potts

IN REPLY

TO: BTRA – Supervisory Personnel

REFER TO:

Introduction

Accidents are assessed for the purpose of determining the corrective action to be taken by management; for statistical records, and for root cause analysis to change business practices.

Record the facts surrounding the accident in the Employee's Statement and be certain you understand the accident. Diagram the accident if necessary.

When determining Preventability, the interviewer should utilize the Guide to Determine the Preventability of Accidents and the Metrobus Standard Operating Procedures. To determine preventability, ask yourself the following two (2) questions:

1. Did the operator do everything reasonably possible to avoid the accident?
2. Did the operator drive to avoid the accident in spite the action of others or the presence of adverse driving conditions?

Prior to beginning the interview, the interviewer must review the Accident Investigation Report, the employee's Accident Report and the SOM's Fact Finding Report to ascertain pertinent information as it relates to the accident. The operator's accident record for the past 365 days must be recorded on the accident reporting form.

Defensive Driver Definition SOP #15.3.1

A defensive driver is one who makes allowances for the lack of skill and the lack of knowledge on the part of other drivers; who recognizes that he/she has no control over the unpredictable actions of other drivers and pedestrians, or over weather or road condition. He/she also concedes the right of way and makes other concessions to avoid a collision. He/she is careful to commit no driving errors and is defensively alert to avoid hazards. Neither slippery roads, curves, hills, narrow roads, the absences of signs or signals, signals out of order, nor carelessness, recklessness or ignorance on the part of other relieves the defensive driver in the slightest degree of his/her responsibility for driving without an accident. These are situation likely to occur at any time and he/she must drive accordingly.

Washington
Metropolitan Area
Transit Authority

Dept. of Bus Services Employee's Rulebook.

1.31 ACCIDENTS

Accidents are referred to in two general types: collision and customer accidents. Accidents are defined as:

1.31.1 A COLLISION ACCIDENT is defined as any occurrence which involves contact between an Authority vehicle and any other vehicle, object, person or animal regardless of the amount of damage.

1.31.2 A CUSTOMER ACCIDENT

Is any mishap which occurs to a person while on board an Authority vehicle or while the individual is in the process of boarding or alighting from the vehicle.

Accidents will be rated either "Preventable" or "Non-Preventable."

PREVENTABLE ACCIDENT an accident which occurred because the employee failed to do everything reasonably expected of a trained professional to avoid involvement in an accident. Preventable accidents are those where an operator has made a clear violation of traffic regulation, criminal code or failed to follow WMATA Standard Operating Procedures (SOP).

Accidents that fall into the preventable category are automatically considered a level 1 or level 2 events under the severity classification of SMS. Accidents that cause serious personal injury, death or moderate physical damage and as a result, vehicles are removal from service as detail on the SMS matrix, will be graded levels 1, 2 and 3.

NON-PREVENTABLE ACCIDENT an accident which occurs despite every reasonable action by the employee to avoid involvement in an accident. An accident is classified as non-preventable, if the assessment of causes based on fact finding and the circumstances indicate that there are no violations of a traffic regulation, no violation of WMATA SOP on defensive driving and that the operator had met professional expectations in exercising all reasonable defensive precautions to avoid an accident.

A Guide to Determining Preventable Accidents (MAJOR vs. MINOR)

If the accident is rated preventable and you determine that the employee is primarily responsible or totally responsible, then you must determine if the accident is to be categorized as Major or Minor.

In your investigation report terms such as "preventable", "non-preventable", "employee not responsible", "insufficient evidence to establish responsibility", "responsibility divided between the parties", "employee primarily responsible", or "employee totally responsible" must continue to be used.

MAJOR or MINOR PREVENTABLE ACCIDENT (Definition of rating)

A **preventable accident** is when the employee is primarily or totally responsible.

Remember! Preventability is determined by the employee's conduct that shows disregard for the basic principles of bus safety.

TYPE OF ACCIDENT	EXAMPLE OF PREVENTABLE-MINOR	EXAMPLE OF PREVENTABLE-MAJOR
FIXED OBJECT	<p>Mirror or mirror arm strikes bus stop, tree limb, fire hydrant. Trash can etc....</p> <p>Bus/Vehicle strike curb causing rim or tire damage.</p>	<p>Fail to control speed for conditions, operator inattention, sleepy, carrying on personal conversation or wheels leaving traveled portion of the roadway.</p> <p>Full contact with parked auto.</p>
INTERSECTIONS	<p>Metrobus proceeding through intersection with the right of way and is struck, evidence must be conclusive.</p> <p>Improper Intersection operations.</p>	<p>Bus is the striking vehicle.</p> <p>Failed to stop for light or stop sign.</p> <p>Failed to control speed through the intersection.</p> <p>Directional lane violation.</p>
BACKING	<p>Designated detour with someone in a position of authority guiding.</p>	<p>Attempting to back without assistance.</p> <p>Fail to control speed.</p> <p>Off route backing. Occurred on a division lot Backing at a facility.</p>
TURNING	<p>Misjudge clearance at normal speed.</p>	<p>Failed to control speed.</p> <p>Failed to stop for traffic control devices.</p> <p>Failed to maintain control of the vehicle.</p> <p>Turning from improper lane.</p>
ON-BOARD	<p>Failure to make proper observations.</p> <p>Rough braking.</p>	<p>Abrupt lane change.</p> <p>Aggressive acceleration leaving service stop.</p> <p>Failed to control speed,</p>
BOARDING & ALIGHTING	<p>Poor positioning at the bus stop.</p> <p>Closing the door on Passenger.</p>	<p>Bus moves while boarding or alighting.</p> <p>Operator did not adjust to physical or environmental conditions.</p>

WHEELCHAIR LIFT OPERATION	Lowering the lift in A physical or environmental condition.	Selecting the improper button/switch on the panel.
HIT OTHER IN THE REAR	Operator committing no physical damage or no report of injury.	Following too close in moving traffic, other negative factors contribute to the accident. Failing to maintain a safe stopping distance. Operator conduct and inattention. Major distraction. Approaching standing traffic. Failed to control speed
HIT IN THE REAR	Improper bus stop. Slight rollback at light, etc.	Improperly stopped and berthed on highway unless the bus is disabled.
PASSING	Misjudging passing clearances in slow or minimal traffic.	Attempting to pass in high speed roadway without sufficient clearance. Failure to control speed when passing.
BEING PASSED	Vehicle unexpectedly cuts in front.	Leaving a bus stop. Lane fade. Failed to control speed.
HEAD-ON		Crossing the center of the roadway.
MERGING		Unwillingness to yield. Failure to control speed.
PEDESTRIAN		Person struck attempting to board bus. Person struck by bus after alighting. Person struck in a crosswalk by bus. Person struck by the front of the bus.
PARKING	Illegally parked struck by another vehicle. Unauthorized stop.	Failed to secure bus. Violation of NTO #14-02 Six (6) Safe Steps to Bus Securement.
ACCIDENT with BICYCLE	Bicyclist is the contributing factor.	Bus making contact with bicycle. Failed to take all appropriate pre-caution.

Discipline and Recertification Matrix

WMATA disciplinary code encompasses a rolling 12 month or 365 day period. This policy applies to all bus divisions' shops and support units within the Department of Bus Services. Division Superintendents are responsible for compliance. The below standards are the minimum actions to be administered but does not restrict a Superintendent from taking more severe action based on specific aggravating circumstances surrounding an individual's accident with the approval of the Director of Bus Services.

Accident Severity Matrix

People Impact \ Asset Impact	None	Minor injury with no treatment or just first aid.	Minor injury resulting in medical treatment, but no time away from work.	Moderate injury resulting in lost time or medical transport from the scene.	Injuries to two or more persons.	Fatalities or life threatening injuries.
None	Level 3	Level 3	Level 3	Level 2	Level 2	Level 1
Incident caused a service delay only	Level 5					
Asset temporarily removed from service	Level 3	Level 3	Level 3	Level 2	Level 2	Level 1
Minor paint, scrapes or dents.	Level 3	Level 3	Level 3	Level 2	Level 2	Level 1
Torn metal requiring body panel replacement. Total property damage is under \$25,000.	Level 2	Level 2	Level 2	Level 2	Level 2	Level 1
Remove from service, but not a major rebuild. Property damage exceeding \$25,000.	Level 2	Level 2	Level 2	Level 2	Level 1	Level 1
Bus, train, or other vehicle loss from service with major rebuild. Train derailments and collisions.	Level 1	Level 1	Level 1	Level 1	Level 1	Level 1

Following your determination, record the results in the Interviewer's rational section. **You MUST justify your decision.** Begin with "This accident is rated Non-Preventable or is rated Preventable". If rated preventable and the employee is primarily or totally responsible state that in the report. If your determination is that the accident is a Preventable-Minor, state that also in your report. If you determine that it is a Preventable-Major accident, you should use terms such as "conduct, behavior, aggressive driving, contributing factor, inattention, Failure to follow procedures and disregard for principles of bus safety on the part of the employee".

BUSV DISCIPLINARY POLICY FOR PREVENTABLE ACCIDENTS

I. PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Department of Bus Service (BUSV) establishes standards to improve overall safety, minimize the Authority's exposure and outline minimum standard actions to be administered when an employee is involved in an accident.

II. APPLICABILITY / RESPONSIBILITY

This policy applies to all operating Divisions, Shops and support units within the Department of Bus Service. Division Superintendents and Supervisors are responsible for compliance with this policy at all times and for ensuring that all employees are familiar with its content.

III. POLICY

Summarized below are the minimum standard actions to be administered when an accident occurs.

1. All accidents will be investigated
2. Accidents will be rated either "**PREVENTABLE**" or "**NON-PREVENTABLE**"

PREVENTABLE accidents will be defined as: "An accident which occurred because the employee failed to do everything reasonable expected of a trained professional to avoid involvement in an accident."

NON-PREVENTABLE accidents will be defined as: "An accident which occurs despite every reasonable action by the operator to avoid involvement in an accident."

3. Preventable accidents will be classified as "**MINOR**" or "**MAJOR**" based on the degree of negligence and extent of disregard for basic principles of bus safety.

MAJOR PREVENTABLE accidents where the employee is primarily or totally responsible and results in one or more of the following:

- o Reckless conduct by the employee, showing disregard for basic principles of bus safety
- o Personal injuries which are caused by reckless conduct or gross negligence by the employee

MINOR All other **PREVENTABLE** accidents

IV. DISCIPLINARY POLICY FOR PREVENTABLE ACCIDENTS

The following policy has been developed for Department of Bus Service supervisory personnel administering disciplinary actions when BUSV employees are involved in accidents that have been thoroughly investigated and rated preventable based on the Metrobus Standard Operating Procedures and the Guide to Determining the Preventability of Accidents.

This policy indicates the minimum actions to be taken and does not restrict a Superintendent from taking more severe action based on specific circumstances surrounding an individual accident with the approval of the General Superintendent.

It is understood that nothing in this policy prevents an employee from exercising his / her rights to file a grievance under Section 104 of the Labor Contract.

BUSV DISCIPLINARY POLICY FOR PREVENTABLE ACCIDENTS

The purpose of this policy is to ensure that the Department of Bus Service (BUSV) establishes standards to improve overall safety, minimize the Authority's exposure, and outline minimum standard actions to be administered when an employee is involved in an accident.

The parties share a common goal of reducing preventable accidents and to improve safe operations. The parties also recognize that while progressive discipline is appropriate in certain circumstances, the goal of progressive discipline is to change behavior, not simply to be punitive. Accordingly, the parties have agreed to amend Section IV (Disciplinary Policy for Preventable Accidents) to reduce minimum levels of discipline for preventable accidents with the understanding it does not restrict Management from taking more severe action based on specific circumstances surrounding an individual accident. The parties also agree to amend Section VI (Review Board) to make it clear that an employee may only appeal the accident rating to the Review Board if they have not elected to use earned vacation during disciplinary suspensions pursuant to Section 104 (d) of the CBA.

Minimum Disciplinary Action For Preventable Accidents Within A 365 Day Period:

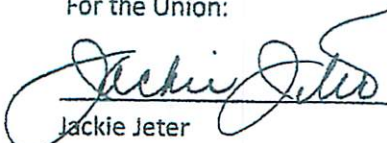
ACCIDENT	MINOR	MAJOR
First Offense	Written Reprimand ✓	Written Warning, (3) day suspension and (1) day of paid training
Second Offense	(2) day suspension and (1) day of paid training	Final Warning, (5) day suspension and (2) days of paid training
Third Offense	Final Warning, (5) day suspension and (2) days of paid training	Dismissal
Fourth Offense	Dismissal	

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It is understood that nothing in this policy prevents an employee from exercising their rights under Section 104 of the CBA, and the reduction in discipline does not diminish the severity of a Final Warning.

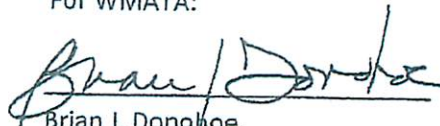
This agreement is a pilot program that will continue for 24 months from the date of this agreement. The parties agree to meet quarterly or as otherwise agreed to review preventable accident data and the effectiveness of this approach.

For the Union:


 Jackie Jeter
 President, Local 689, ATU

Date: Jan. 10, 2012

For WMATA:


 Brian J. Donohoe
 Director, Office of Labor Relations

Date: 1/11/12

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The purpose of this policy is to ensure that the Department of Bus Service (BUSV) establishes standards to improve overall safety, minimize the Authority's exposure, and outline minimum standard actions to be administered when an employee is involved in an accident.

The parties share a common goal of reducing preventable accidents and to improve safe operations. The parties also recognize that while progressive discipline is appropriate in certain circumstances, the goal of progressive discipline is to change behavior, not simply to be punitive. Accordingly, the parties have agreed to amend Section IV (Disciplinary Policy for Preventable Accidents) to reduce minimum levels of discipline for preventable accidents with the understanding it does not restrict Management from taking more severe action based on specific circumstances surrounding an individual accident. The parties also agree to amend Section VI (Review Board) to make it clear that an employee may only appeal the accident rating to the Review Board if they have not elected to use earned vacation during disciplinary suspensions pursuant to Section 4 of the CBA.

Minimum Disciplinary Action For Preventable Accidents Within A 365 Day Period:

ACCIDENT	MINOR	MAJOR
First Offense	Written Reprimand	Written Warning, (3) day suspension and (1) day of paid training
Second Offense	(2) day suspension and (1) day of paid training	Final Warning, (5) day suspension and (2) days of paid training
Third Offense	Final Warning, (5) day suspension and (2) days of paid training	Dismissal
Fourth Offense	Dismissal	

It is understood that nothing in this policy prevents an employee from exercising their rights under Section 4 of the CBA, and the reduction in discipline does not diminish the severity of a Final Warning.

This agreement is a pilot program that will continue for 24 months from the date of this agreement. The parties agree to meet quarterly or as otherwise agreed to review preventable accident data and review the effectiveness of this approach.

For the Union:

Ferline Buie

Ferline Buie
President, Local 922, IBT

Date: 3/27/12

For WMATA:

Brian J. Donohoe

Brian J. Donohoe
Director, Office of Labor Relations

Date: _____