



# PUBLIC TRANSPORTATION REPORT

Issue 1/2016

Protective Insurance Company



PUBLIC TRANSPORTATION

CLAIMS

# Recap

## SAFETY

### 2015 SEMINAR

In November 2015, industry partners gathered in Carmel, Ind. for our annual Public Transportation Claims + Safety Seminar. During the two-day event, attendees heard from experts on a variety of topics geared toward improving their fleet operations.

Below is a brief recap of the seminar sessions. Presentations are also available for download at [ptclaimsandsafety.com](http://ptclaimsandsafety.com).

#### **Navigating Claims of Negligent Hiring, Training and Retention When Punitive Damages Are Alleged**

Recent court decisions threaten to erode protections for employers against negligent hiring, training and retention claims, even when the employer has admitted the fault of its employee in causing the accident in the course and scope of their employment. Chris Cotter of Roetzel addressed the evolving case law concerning direct claims against transportation companies arising out of losses, especially when punitive damages are asserted, and what employers can do to navigate discovery requests and motion practice relating to such claims. *View his presentation online for an overview of the guidelines by state.*

#### **Responsible Dispatch: The Importance of Dispatch on Collision Avoidance and Driver Retention**

Some of the biggest challenges with dispatching include managing fuel efficiency, passenger wait times, and maximizing profit and customer service per mile. But how do you measure dispatcher safety effectiveness and how the driver feels valued by your company? John Pinckney of CJ International Training, Inc. discussed different ways to involve dispatchers in safety awareness and how their job impacts collision avoidance and driver retention. Among his recommendations to ensure safe delivery of passengers, Pinckney encourages dispatchers to ask good questions. *View all of his tips online.*

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# BUS FIRES, FIRE SUPPRESSION SYSTEMS & FIRE PREVENTION

**O**perating buses presents many unique challenges, but one challenge is far more important than the rest: passenger safety. You carefully select the best drivers, buy quality equipment and make it clear to your passengers and company that safety is a priority. You plan for every outcome imaginable, including bus fires. But how much emphasis do you place on fire prevention? Does your vehicle maintenance program include fire prevention measures? Do you tell your drivers what fire hazards to look for during their pre- and post-trip inspections?

According to a study completed by the National Fire Protection Association (NFPA), from 1999 to 2003, U.S. fire departments responded to an estimated average of 2,210 bus fires per year. On average, six bus fires were reported every day. These fires caused an estimated average of three deaths, 30 injuries and \$24.2 million in direct property damage per year. However, these figures can be deceiving. The fires used in these statistics are only the bus fires that were reported and responded to by emergency services. It is likely that many more fires occurred, but went unreported for a variety of reasons. Minor fires may take place much more frequently than the type of incidents that are reported, but every one of these situations could have much bigger consequences.

The cost and severity of bus fires vary. However, bus fires have the potential to be catastrophic. They have a much larger impact when you consider potential damage to your public relations. Follow these three important steps to avoid fire losses:

## 1. Properly Maintain Your Vehicles

Prevention is the key to avoiding large fire losses, and good vehicle maintenance is vital to vehicle fire prevention. To prevent most causes of vehicle fires, ensure tires are properly inflated, brakes are adjusted appropriately, engines are clean and free of fluid leaks, electrical wiring is undamaged and wheel bearings are properly maintained. Make sure these items are inspected and maintained by your mechanics everytime the bus is in the shop, regardless of the reason. Instruct your drivers to pay attention to these items during their pre- and post-trip inspections.

## 2. Install Fire Suppression and Fire Monitoring Systems

A fire can also develop undetected in the engine compartment or wheel wells, as the driver cannot smell or see the smoke. Once it has reached a sufficient size, the fire can spread quickly into the cabin. At this stage, a fire will be virtually immune to the driver's fire extinguisher. A quality fire suppression system located in the engine compartment will help to eliminate small fires before they can cause significant damage and harm.

Fire suppression and fire monitoring systems are available for buses and come in many different configurations. These systems can be retrofitted into existing equipment by your maintenance staff and can quickly detect and extinguish fires in the engine compartment. Some of these systems, like those offered by FireTrace, require no power to operate and are very simple, affordable, adaptable and most importantly, effective.

## 3. Provide Drivers with Emergency Training

Your drivers should be trained to stop in the safest location possible and evacuate the vehicle if the fire suppression system activates or if they feel that a fire has started. Call 911 to request assistance. Even if the fire is extinguished, the cause, such as an oil drip on an exhaust manifold, may still be present and could reignite further down the road.

Before your drivers leave for long trips and before leaving major stops, they should share a pre-trip safety message with passengers that includes proper seat belt use, emergency exits and emergency protocol. Train your drivers to control a fire situation. Provide them with guidelines to instruct passengers, prevent panic and assemble passengers in a safe location. Remind your drivers that passengers do not need to come into contact with flames to be injured; death or illness from smoke inhalation and injuries caused by panicked evacuations can also occur. Make sure your drivers know to get their passengers away from the vehicle as soon as possible. The area around the outside of the bus may be hazardous due to the smoke and possible explosions from fuel tanks, batteries and tires. Never permit anyone to reenter the bus until approved by fire officials.

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The Federal Motor Carrier Safety Administration (FMCSA) has funded bus fire research over the course of the last several years and is currently funding additional research for a report that is due in Aug. 2016. The FMCSA may be looking to develop new regulations for bus fire protection, while the American Bus Association (ABA) and various other organizations from the U.S. and Europe are advocating for more stringent bus fire standards. In recent years, a standard has been developed by the SP Technical Research Institute of Sweden to test bus fire suppression systems. **If you are looking for a fire suppression system for your vehicles, you should verify that the system has a “P mark” certification from SP. This certification or a similar certification method may eventually be required for bus fire suppression systems.**

By emphasizing fire prevention in your safety plans, properly maintaining your vehicles, training your drivers to proactively respond to vehicle fires, implementing pre-trip passenger safety briefs and installing fire suppression systems, you should never have to experience a major vehicle fire loss. Remember to train, retrain and test your drivers on this topic periodically to ensure that they continue to practice prevention techniques and will always be ready to respond to a vehicle fire if one occurs. When developing your fire prevention plans, stay current on the industry related news because new bus fire protection standards may be on the way. ■



## INDUSTRY ALERT

### SEAT BELTS ON SCHOOL BUSES

There has been some recent activity at the National Highway Traffic Safety Administration (NHTSA) from the Administrator, Mark Rosekind, regarding seat belts in school buses. Rosekind has promised to initiate a series of research projects that will improve the benefits of seat belts on school buses. Regardless if this stays within NHTSA or is followed up with the FMCSA, the rulemaking process can be challenging and lengthy. Stay current on Notices of Proposed Rulemaking and provide comments during the open comment period. It is mandated that all comments be reviewed and taken into consideration for a proposal to reach the final rule stage. Include objective data to support your position. Each comment does count and your comment may help formulate the final rule. ■



Photo courtesy of IMMI

## SAFETY RESOURCES

### KEEP YOUR DRIVERS PERFORMING AT TOP SPEED

Protective has partnered with J.J. Keller to provide our insureds with a **10% discount** on safety and regulatory compliance products. Visit [jjkeller.com/sagamore-protective](http://jjkeller.com/sagamore-protective) to save on safety resources including signs, transportation forms, books and more! ■



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## PT C+S 2015 *Recap* (continued from page 1)

### When Alcohol Is Involved: A Look at Additional Passenger Liability

From bachelorette parties in limos to underage drinkers on party buses, liabilities increase when alcohol is added — even in non-driver related losses. In this presentation, Marc Kallish of Roetzel discussed the additional responsibilities and liabilities that arise when alcohol is involved as part of transportation-related activities. Mitigating risk begins with understanding the additional ramifications alcohol adds to the mix — from coverage to criminal claims. *Review his presentation to learn more about the four categories of alcohol liability.*

### Body Language Recognition: Thinking Outside the Bus

Can you accurately predict if someone is about to become aggressive or violent before they board your bus or while they are on your bus? In this session, Jesus Villahermosa discussed why body language recognition is critical in recognizing and mitigating violence before it occurs, and why drivers should always trust their gut instincts when it comes to risk mitigation.

### How to Assess Subject Credibility

Joseph Buckley of Reid & Associates provided participants with tools to assess whether an individual is telling the truth or withholding and/or fabricating relevant information based upon the verbal and nonverbal behavior symptoms displayed during a non-accusatory interview. He shared clips of police interrogations and challenged attendees to practice their new skills by assessing which interviewees were being truthful.

### Is Safety Training Your Weakest Link?

Your safety program is only as strong as your weakest link. We hear too often that safety training cannot be completed due to the challenges of multiple terminals. In his interactive presentation, Fred Doelker shared how one large bus company with multiple terminals has developed a training program that provides comprehensive ongoing driver and management training. His top two tips? (1) Slow down and focus on what's important right now and (2) you won't regret doing the right thing. *Read more about these suggestions online.* ■

## Save the Date!

**Mark your calendar for the 2016 Claims + Safety Seminar on October 17 – 18, 2016, in Indianapolis, Ind. An optional OSHA 10-Hour General Industry Training course will follow on Oct. 18 – 19.**