

MINUTES
City Vehicle Accident Review Board
April 7, 2015
Public Meeting Room #3
City Hall
212 SW 9th St.
1:30 pm

The meeting was called to order by Chairman Wright at 1:30 pm.

1. Roll Call

MEMBERS PRESENT: Rusty Wright, Chairman
Dennis Bothell, Equipment Maintenance
Candy Brown, Safety & Risk Manager

MEMBERS ABSENT: None

OTHERS PRESENT: Rusty Whisenhunt, PW Safety Rep
Marlon Johnson, Safety Rep
Stephen Sellman, Safety Rep
Sue Smith, HR

Excused* Unexcused**

2. Minutes:

A. Approval of minutes of March 3, 2015

Motion by Bothell with second by Brown to approve the minutes of March 3, 2015. AYES: All NAYS: None Motion carried.

3. Old Business:

A. Bobby Finley –WD (12/4/14)- Appeal

Mr. Finley was present. PW Safety Rep Rusty Whisenhunt was also present.

Mr. Finley asked how he got a point on his driving record. Brown said the points are also given for damage incidents. Whisenhunt said if you are using a piece of equipment such as a trackhoe falls under a vehicle. Finley said and this goes on your driving record. Wright said the damage incident falls under Policy 3-12 the Driver Improvement Program. Brown showed him the policy. Wright said a motor vehicle, as described in the policy, is an operator rides in or on the equipment. He said if you are riding a lawn mower; that is a vehicle. Whisenhunt said if you are pushing a lawn mower then that is not. Wright said if you are driving a backhoe and hit something with the bucket then that is a collision. He said since it was stopped and you are just moving the arm then that is an incident since you

weren't driving. Finley said the lines were probably marked when the other person started the project but when he started it was at the main and all the other stuff was gone. He said it was the other man's project. Whisenhunt said the issue is when you take over; you take over the project on site. He said when digging, if you aren't comfortable to the point that you don't have marks or sufficient information to actually excavate, then basically you do need to stop until you get some marks there or something to locate where the line is. Whisenhunt said he remembered asking Finley at the last meeting if there were locates and he said he wasn't sure. He said it is important to get those locates and make sure they are current. He said the other issue is using your spotter with the sharpshooter in digging and actually locating and how you are situating him to protect the line. Whisenhunt said he understood the water line was in the way and you had to move off to the side. Finley said yes. Bothell said the scary thing is that someone begins the operation and the locates are where they are suppose to be and they get called away for a reason and another operator is brought in to complete the operation and that operator isn't aware of all the utilities that could be around then there could be a serious incident. He said that is why the operator has to be in charge. Whisenhunt said the operator who is called away needs to keep track of the locates and tell the next operator where they are. Finley said the other operator was there but the man in the trench was a new guy. Whisenhunt said the operator needed to tell you where the locates were. He said if he can't do that then you need to refresh the marks because you are digging blind. Whisenhunt said they need to draft an SOP about transferring an excavation to someone else. Bothell suggested marking over the original area with tape while you are working. Whisenhunt said they can flag it with a pole or paint to freshen the marks it as you go down so you can find it. He asked Finley how far down he was when he started the excavation. Finley said about four of five feet. Whisenhunt said the gas line was beside the water main. Finley said yes. Whisenhunt asked if he was digging outside the gas line and having to tunnel back under. Finley said yes and the line had already been hit and it was a poly line and it will move. Whisenhunt said the previous hit was a few days ago and should have had new locates because you expanded the hole and amount of pipe you put in.

Motion by Bothell with second by Whisenhunt to rule this accident as a preventable Chargeable Damage Incident with one (1) point assessed.

AYES: All NAYS: None Motion carried.

B. Phillip Cummings- SWC (12/18/14) – Tabled

Mr. Cummings was present. Safety Rep Marlon Johnson was also present.

Mr. Cummings said the wall was already damaged. He said he had kicked a brick over to the side from the dumpster. Bothell read a statement from the maintenance man of the apartments stating he didn't see what happened but a resident called the apartment office and said she witnessed the garbage truck hitting the brick wall with the ears of the dumpster. Cummings said the wall was already like that and he just kicked a brick out of the way when they got there. Whisenhunt said the picture shows the damage to the wall and the same height

as the dumpster. Cummings said it may have scraped the wall before but he didn't do this that day and he kicked the brick out of the way to move the dumpster. Bothell asked who was the operator and who was the ground guide. Cummings said he was the operator and Virgil Todd was the ground guide. Bothell asked who pulls out the dumpster. Cummings said you have to pull both dumpsters out because you are at an incline and then take them to the truck. He said they have to be pulled out by hand. Bothell said this dumpster could be rolled back at any time and hit the wall. Cummings said yes. Whisenhunt asked if the dumpsters have locks on the wheels. Cummings said yes. Brown asked if there was a statement from the ground guide. Whisenhunt said yes and he stated they didn't hit the wall. Cummings said the witness was sitting in her car and couldn't see the dumpsters because she was facing away from the dumpsters.

Motion by Bothell with second by Whisenhunt to rule this as a tort claim and is beyond the scope of the committee and zero (0) points assessed.

AYES: All NAYS: None Motion carried.

4. New Business:

A. Michael Miller- WD (2/13/15)

Mr. Miller was present. Safety Rep Bobby Finley was also present.

Mr. Miller said he was taking the dump truck back to the shop to pick up some more equipment. He said he ran over a rock with the front tire on the driver's side and caught tread and it shot out. He said it hit the car on the left rear. Bothell asked what vehicle he was driving. Miller said 7806. Bothell asked why the report said the unit had no damage. Miller said there was no damage to the City vehicle. Whisenhunt asked if it was a one ton utility vehicle. Miller said yes. Whisenhunt said those vehicles don't have flaps on the front. Wright asked if this broke out the POV window. Miller said he took a picture of it and it was the rear fender. Whisenhunt asked if there was a police report done. Miller said no, it was a dealer test vehicle and they were driving it. He said he called his principal and he told him to call the police for a report. Miller said he did and was called back from dispatch telling him that they were not going to file a report on this because it was a freak of nature and there was no vehicle collision. Bothell said it doesn't look like one rock did this. He asked how Miller knew he was the one who damaged the POV. Miller said he heard it first and it sounded like a gun shot. He said that was the only car there and he was the only vehicle in the right lane so it looked like it. Bothell asked Miller how he found out about it. Miller said he heard it and stopped and saw the lady in the passenger's side holding her face and he thought she was hurt. Bothell asked if it was a dealership. Miller said yes, they were test driving it.

Motion by Bothell with second by Brown to rule this accident as a Non-preventable Damage Incident with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

B. Phillip Cummings –SWC (3/10/15)

Mr. Cummings was not present. Safety Rep Marlon Johnson was present.

Johnson said Cummings was on A Street to dump a dumpster and he had to swing out and then turn in. He said the lady turned in the inside lane and Cummings swung out thinking she was going to pass and she swung out to avoid Cummings and he hit her. Whisenhunt said he went out of his lane looking at the drawing in the report. Bothell said she was going west bound on A Avenue and thought Cummings was going to turn but he came back around and hit her. Whisenhunt said she was in the inside lane even though she did change lanes too quickly. Bothell said you have to be aware of that.

The ground guides, Lance Maytubby and Virgil Todd, reports will not be used due to the vehicle moving forward.

Motion by Bothell with second by Whisenhunt to rule this accident as a preventable Chargeable Collision with three (3) points plus one (1) point for cost of damage with a total of four (4) points assessed.

AYES: All NAYS: None Motion carried.

C. Francis Drapea – Bldg Maint (3/3/15)

Brown said this will be tabled until the May 5th meeting due to no Safety Representative being present.

D. Bernard Nauman- Inspection Services (12/8/14)

Mr. Nauman was present. Safety Rep Stephen Sellman was also present

Mr. Nauman said he went to inspect an elevator shaft and he pulled into the road that was graded out. He said when he left he turned around and hit the plumbing pipe sticking out of the ground. Nauman said he called his supervisor. He said the dirt collapsed when he backed up and pulled him into it. Whisenhunt asked if this was his first inspection because this wasn't his area. Nauman said this is not his normal area but it wasn't his first inspection but it was his first inspection in that area. He said it was a four inch pipe and blue plastic. Whisenhunt said it was a water valve riser. Bothell said the paint transfer is black. Whisenhunt said it could have had a cast iron cap on it.

Motion by Bothell with second by Brown to rule this as a Preventable Chargeable Collision with three (3) points assessed.

AYES: All NAYS: None Motion carried.

5. Consider any other accidents reported: None

6. Communication/Discussion:

Bothell asked to put on the agenda for next month to discuss lifetime points. Brown said she brought this up to Assistant City Manager, Jim Russell and he wanted to review other policies at this time and wanted her to do that first. She said he wanted the board to make a proposal. Bothell said he just wanted to discuss it only at the next meeting and wanted everyone to think about it and bring what they wanted to the discussion. He asked if anyone knew of the cost each year to damages of equipment and vehicles. Bothell said he could run a report and bring it to the meeting. He said there are some employees who need to be looked at no longer driving a vehicle for the City of Lawton. Brown asked if they were going to look at the general employees only. Bothell said yes. Whisenhunt said this is something that Tim Wilson needs to address to the Union. Wright said maybe if the employee damages a City vehicle and it is his fault he should pay for it. Bothell said he just wants to open this up for discussion and ways to present this.

7. Adjournment:
Motion by Brown with second by Bothell to adjourn the meeting at 2:50 pm.