

MINUTES
City Vehicle Accident Review Board
June 3rd, 2014
Public Meeting Room #3
New City Hall
212 SW 9th St.
1:30 pm

The meeting was called to order by Chairman Wright at 1:35 pm.

1. Roll Call

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

MEMBERS ABSENT: None

OTHERS PRESENT: James Bearbow, Safety Rep
Marlon Johnson, Safety Rep
Chew Allen, Safety Rep
Tiffani Burk, HR

Excused* Unexcused**

2. Minutes:

A. Approval of minutes of May 6th, 2014

Motion by Bothell with second by Whisenhunt to approve the minutes of May 6th, 2014. AYES: All NAYS: None Motion carried.

3. Old Business:

A. Terry Justus-SWC (2/27/14) Appeal

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

Mr. Justus decided to accept the initial ruling before the meeting. He withdrew his appeal.

Motion by Bothell with second by Whisenhunt to uphold the initial ruling as a Preventable Collision with two (2) points assessed.

AYES: All NAYS: None Motion carried

B. Kevin Pack-SWC (2/25/14) Appeal

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

Mr. Pack said he was traveling north on Cimarron about to turn on Cimarron trail and several police cars and state cars came whipping in and took up a lot of road. So it was one lane all the way through there. As he was about to make his right hand turn, a Centerpoint Energy truck that had pulled up and was more in the middle of the road than he was anywhere else. With the power steering being out on the truck, he was trying to make his turn and that is when he side swiped the Centerpoint truck. He said he thinks that the circumstances would have been a lot different if the equipment would not have been faulty. It had been turned in several times for power steering. He said Marlon Johnson had the truck before he did and had turned it in for power steering. He said after his accident within a couple of days it was sitting in OKC for the same thing. He said you have to speed up and turn at the same time. It makes turning rather difficult. In order to get around a corner it is basically like the old fashion arm strong steering before they came up with power steering. Rusty Wright asked him if he was aware that he had struck the other vehicle. Mr. Pack said no, he was not aware that he struck the other vehicle until he had turned around and caught up with him. He said neither one of us in the truck knew, there was another gentleman in the truck with him. It was his route that he was driving. Because of the steering, that gentleman had to have surgery on his shoulder. It was unit 8233. Dennis Bothell asked him if he did a daily inspection (DOT) of the truck that day. Mr. Pack said yes he did. Dennis asked him if he noted on the trip ticket that morning that it had steering deficiencies. Mr. Pack said he did not know at that time that it had steering deficiencies. It was the first time he had ever driven that truck. Dennis asked him what time was the accident. It was noted on the report that it was about 10:35 am. Dennis said you had been operating it since 7:00 that morning and you had not had any issues before that time. He said correct. It had been hard turning but he was just trying to make it through the day. He said they were low on equipment. Mr. Pack said if you are told to drive it then you drive it. Dennis said if there are safety deficiencies then you have the responsibility to park it and not drive it. DOT law says that. Dennis looked up the information that had been reported about that truck. It was not at a point to be dead lined. It was not that severe that he was aware of. Rusty Whisenhunt asked what size of a street was that. Mr. Pack said it was a standard 27' street. Rusty Whisenhunt said the police report stated that Mr. Pack's truck was 15 foot south of the curb line and 18 foot west so you were over half way over on the 27' street. Mr. Pack said there were vehicles on both sides. But it is not reflected in the police report. Mr Pack told what type of police units were on the street. Mr. Pack said he believed he received 4 points for this accident. He asked when did they start assessing more than 3 points. He always understand when he was on the safety committee, the maximum number

of points assessed was 3. Dennis said the Board has the authority to issue an extra point based on the circumstances. Candy said the policy has not changed. Dennis read from the policy. Rusty said so the power steering is the extent on that one. Mr. Pack said yes, between that and his medication. He said since the accident, it has been proven by his doctors that he is not supposed to be operating heavy equipment. Candy said they can't consider that because these accidents were prior to receiving that letter. Mr. Pack said several times it has been mentioned to his supervisors and his superintendent that driving these trucks aggravates his disability and also he believes on the medication, he has stated that he should not be driving these trucks. Candy said but you had no medical documentation up until this time. Candy said she just received that last week. Mr. Pack said it takes a while for the VA to write a sentence.

Motion by Whisenhunt with second by Bothell to uphold the initial ruling as a Chargeable Collision with four (4) points assessed.

AYES: All NAYS: None Motion carried

C. Kevin Pack-SWC (4/17/14) Appeal

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

Mr. Pack said he had turned right onto Irwin. A ladder that folds up on the side of the truck has a hinge and it barely clipped the plastic housing of the mirror of a parked Dodge Dakota. It knocked the mirror to the ground. All that fell out was the mirror itself and it broke. Within 2 days they had gone back and glued in another one. The housing was not broken; there was just a scuff mark. He disagrees with the number of points that were given on this one. He is not saying that he wasn't at fault but he does disagree with the number of points. He said it doesn't warrant 3 points for a \$15.00 mirror. Dennis said we don't have access to the claimed amount to the City. Dennis asked why was he so close to that vehicle. Mr. Pack said he was making a turn and those trucks don't make really tight right hand turns. He believes there was another vehicle there at the time. He had to squeeze in between 2 vehicles. Dennis said this is a right side drive truck. Mr. Pack said yes. They discussed the police report diagram. Mr. Pack described the ladder and they looked at the pictures. Mr. Pack said the hinges protrude out farther than the tires of the truck. He said at least 5 to 6 inches. They discussed what street he was on and the direction he was traveling. This was a right hand drive truck. Candy said so your argument is that you feel is that the points are too steep because it didn't cost the City very much. Mr. Pack said due to the circumstances and everything that was involved, he doesn't believe it warrants that many points. He said he is not going to say it was not his fault because he was the one driving the vehicle. It was minimal damage; he thinks it is pretty steep punishment. He said he was the only one in the vehicle.

Motion by Brown with second by Bothell to uphold the initial ruling as a Chargeable Collision with three (3) points assessed.

AYES: All NAYS: None Motion carried

D. Kevin Pack-SWC (4/22/14) Appeal

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

Mr. Pack said he was the ground guide and he was assessed points. He asked why was he assessed points whenever he was telling the individual driving the vehicle to stop the vehicle and he didn't. He said he had absolutely no control over his driving. He said he is operating the vehicle and I am outside of it trying to make sure he doesn't hit anything. When you are motioning for him to stop and he still manages to scratch the car. He doesn't understand why it would be his fault or why he should be assessed points at all. It said it was not like he was looking at him through a mirror because he was looking at him through the front windshield. He was standing in front of him. Candy said so he was looking straight at you and he still failed to stop. Mr. Pack said yes, he was a little slow on the reaction time. Candy asked him if he was there at the time because his statement was that you had stepped away. Mr. Pack said he had stepped away from the truck but when he came back they were trying to get him out of where he was at; which was a dead end T. Candy said it would have made more sense to pull the cart out. Mr. Pack said correct, it would have. He was pulling forward; he had gone in nose first towards the dead end and then backed back around that corner. There was a car parked on that corner and one diagonally across the street. It was the mustang. He was trying to turn right to get back in between those vehicles. Mr. Pack said he was going from one side of the truck to the other. He said he saw that he was getting too close to the mustang so he told him to stop but his reaction time was slow and he scratched the mustang. When Mr. Pack told him to stop that he had bumped the car, he automatically stuck it in reverse and started to back out and it made the scratch even longer. Mr. Pack said he was doing his job. Dennis asked him why he let the driver get that close that he would not be able to react in time. Mr. Pack said that is what he was trying to do. He said that corner was that tight.

Motion by Bothell with second by Whisenhunt to uphold the initial ruling as a Preventable Collision with two (2) points assessed.

AYES: All NAYS: None Motion carried

4. New Business:

A. Samuel Suarez-SWC (4/24/14)

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

Marlon Johnson said he was still training and it was his first time ever in a rear loader. Mr. Suarez was turning on 4th street but there was construction on the left side so they turned right and his helper was standing on the right side (outside) of the truck and Mr. Suarez could not see if he was closer to the sidewalk. He hit the sidewalk and bent the rim.

Motion by Bothell with second by Brown to rule this as Non-Preventable with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

B. Chance Neighbors-SWC (5/5/14)

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

Motion by Bothell with second by Brown to table this accident.

AYES: All NAYS: None Motion carried.

C. Gary Ellis-Streets (5/1/14)

Mr. Ellis was not present. Safety Rep James Bearbow was present.

Mr. Ellis is no longer a City of Lawton employee.

Mr. Ellis hit the low clearance sign at the wash bays at the city yard. Dennis said that bay is specifically for police cars and sedans. No trucks are supposed to be in that bay. The report stated that the other 2 bays were full so Mr. Ellis went into bay 3. After hitting the sign, the sign fell onto the truck bed.

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

AYES: All NAYS: None Motion carried.

D. Douglas Stamper- Streets (5/2/14)

Mr. Stamper was present. Safety Rep James Bearbow was also present.

Mr. Stamper said he was on 26th & G. He was backing up to turn around, he knew there was a green cable pole but it was in his blind spot. He turned to talk to Gary Bishop. Gary said "watch out" as he was turning his wheels and he hit the pole. It made a dent in the bottom of the driver's side door. Mr. Stamper has worked for the City of 28 1/2 years.

Motion by Bothell with second by Whisenhunt to rule this as a Chargeable Collision with two (2) points assessed.

AYES: All NAYS: None Motion carried.

E. Michael Cooper-WWM (4/29/14)

Mr. Cooper was present. Safety Rep Chew Allen was also present.

Mr. said he was tracking the track hoe around through a parking lot to gain access to the alley where there were repairing a sewer line. The owner of the property (Glen's Lounge) claimed that his asphalt parking lot was damaged along with his 2 cast iron cleanouts. They were crushed/broken. Rusty said an investigation was done and believed that no damage was made by the City of Lawton. This was a small track hoe and prove from the pictures was that it was pre-existing damage. Rusty said Mr. Cooper did not cause any damage.

The Board agreed not to rule on this accident, they established it was an unsubstantiated claim. No action will be taken.

5. Consider any other injuries reported: None
6. Communication/Discussion:
7. Adjournment:
Motion by Bothell with second by Brown to adjourn the meeting at 3:20 pm.