



**NC LEAGUE**  
OF MUNICIPALITIES  
RISK MANAGEMENT SERVICES

HEALTH BENEFITS TRUST | WORKERS' COMPENSATION | PROPERTY & LIABILITY

308 WEST JONES STREET RALEIGH NC 27603 919-715-4000

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## **Motor Vehicle Passenger Rules:**

### **Dangerous Habits**

Some months ago, I was driving west on Interstate 40, near the Marion Exit. The speed limit on this stretch of highway is 65 MPH.

I noticed a pick-up truck was rapidly overtaking me. As the driver passed me and continued on his way, I observed three men in the back of the pick-up truck. This may not be very unusual and I am certain many of you have seen or done the same over the years.

What shocked me was:

- The tail gate was down
- The three men were sitting on the tail gate
- Their feet were just inches off the pavement
- They appeared to be joking and laughing, oblivious to the obvious danger of their actions. Apparently, the driver seemed not to be interested in their welfare, either.

It can only be imagined what may have happened to these men should the truck hit a pothole or have to swerve suddenly. At 65-plus MPH, I doubt they would have survived should they have been thrown from the vehicle.

Such a scenario does not have to occur at high speeds. A few years ago, an employee of one of our member towns was riding on the tailgate of a pick-up truck within the town. He would jump off to read water meters, then get back on and continue to the next stop. On occasion, the truck may not have come to a full stop before he jumped off. One time, he jumped off, lost his footing and broke his leg. He was more fortunate than this next individual.

Recently, an NLC Mutual Member Pool (NLC Mutual provides our excess insurance for our Workers' Compensation Insurance Program – NCIRMA) reported a serious workers' compensation claim involving a seasonal employee who fell out of the back of a moving pickup truck. The cemetery worker sustained massive head injuries resulting in irreversible brain injury. While this incident did not occur in North Carolina and was not associated with any of our members, it is readily acknowledged that this method of transporting personnel is unsafe, and the sad fact remains is that it is common practice.

It is a scene that occurs hundreds of times in DPW's across the country. You have to move a number of employees from one site to another. So, you load people in the back of a pickup truck or dump truck and head for the site. This is a very dangerous practice.

In the case reported earlier, summer employees were being transported from one work site to another on cemetery grounds. When the truck turned a corner, the employee fell to the ground, sustaining a life threatening head injury.

Every town must have a written policy prohibiting the transport of employees anywhere, except in the cab of a vehicle. The town should also have a written policy requiring seatbelt use for all occupants of town-owned vehicles. Under no circumstances should anyone ride in the back of a moving vehicle. Supervisors must enforce this policy with no exceptions.

You may not be aware of OSHA citations that have addressed this very topic. Again, a few years ago in North Carolina, one of our member towns was cited for failure to have all riders on a trash vehicle seated in the cab with seatbelts securely fastened when traveling on the roads at a speed in excess of 10 MPH for distances exceeding 1/10 of a mile. In this instance, employees were riding on the rear steps of the trash vehicle while being transported at speeds and distances that exceeded these limits.

Attached is a sample policy that you may want to use for your town vehicles.

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## SAMPLE POLICY

### RIDING IN TOWN-OWNED VEHICLES

It is the policy of the Town of \_\_\_\_\_ that no employee shall ride outside the passenger compartment of a vehicle. All individuals in town-owned vehicles must be seated inside the passenger compartment, wearing seatbelts. There will be no exceptions to this policy. This policy will be rigorously enforced. Failure to comply may result in disciplinary action.

\_\_\_\_\_  
Town Manager

Date:

For additional information contact risk management services at **1- 800-228-0986** and select **“safety and risk control”** from the available options.

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