



INFORMATION SHEET

REPORTING OF NEAR MISSES UNDER AN EVERGREEN CONTRACT

PURPOSE

Under the Evergreen Contract contractors are will be required to report near misses whilst operating the school bus. The purpose of this information sheet is to provide contractors with some practical guidance on what the Public Transport Authority (PTA) considers to be a near miss event that requires reporting under Schedule 6 – The Service, Clause 8 of the Evergreen Contract.

BACKGROUND

As part of the requirements of the Evergreen Contract, a school bus operator is required to report to the Authority a 'near miss' event.

While the definition of a near miss (as per its legal meaning) is covered under the Related Contractual References below, the examples provided by the PTA in this Information Sheet are not exhaustive and contractors need to make a judgement call on near miss incidents (based on its legal meaning) as to whether it should be reported to the PTA.

The purpose of reporting near misses to advise the PTA of whether there are patterns and trends that could potentially affect the safety of school buses operating in metropolitan and rural areas. These trends can then be identified and advised to the school bus industry so appropriate remedies can be put into place so that potential catastrophic life threatening events can be prevented from happening. Near misses can identify whether the incident is driver error, or another driver's error, or environment conditions the bus operates on.

While the industry can be proud of its excellent safety record where there has been no major accidents or loss of life in the last 50 years, it does not necessarily mean that the industry operates in a totally safe environment. The reporting of near misses depending on frequency and number of reports, and who is at fault could merely show that luck has played an important roll and has not really fixed any underlying issues.

Therefore in layman's terms a 'near miss' event could be simply defined as an accident that almost happened, in other words a close call where no one was injured or property damaged but the incident 'took your breath away' or left you 'shaking in your boots'

When a near miss occurs they can be regarded as an early warning sign which is why it's important for school bus contractor to report a near miss event to ensure that some preventative action can be taken by all parties concerned to prevent injury or property damage before it actually occurs.

RELATED CONTRACTUAL REFERENCES

The Evergreen Contract provides the following definition:

Schedule 1 – Definitions and Interpretations

Near Miss means any event arising out of or in connection with, or relating to the performance of, the Contractor's Obligations that, but for some intervening event or act, may have resulted in an Accident (i.e. involving:

- (a) the death of or injury to any person;
- (b) material loss of or damage to any property of any person (including to the School Bus or any property of the Contractor).

Near Miss Report means a written report detailing, in respect of a Near Miss involving a Student or a School Bus:

- (a) the names of those involved in the Near Miss and any injuries or property damage which they sustained;
- (b) the nature of the Near Miss;
- (c) the name of the school attended by any Students involved in the Near Miss;
- (d) the date and time of the Near Miss;
- (e) any action taken by the Contractor, Driver or Bus Aide at the time of the Near Miss to rectify the situation.

EXAMPLES OF NEAR MISS EVENTS THAT REQUIRE REPORTING

The following are some examples of a 'Near Miss' event that will require a contractor to complete a Near Miss Report form to enable the Authority to investigate the incident in detail.

- Incidents where the bus is required to brake heavily to avoid a collision eg:
 - Cars/trucks pulling out of an intersection or drive way
 - Pedestrians crossing or running across the road
 - Wildlife/ domestic or farm animals on the road or crossing the road
 - Oncoming traffic swerving towards to bus
- Bus is forced off the road by a vehicle overtaking another vehicle from the opposite direction.
- Poor road conditions which affects the handling of the bus requiring the driver to take appropriate actions to correct the direction of the vehicle whilst at speed eg bus loses traction on a sandy portion of the unsealed road.
- Driver inadvertently nodding off whilst driving the bus due to being tired.
- A school bus driver who inadvertently fails to stop and continues driving through a railway crossing (whether the crossing has red flashing lights, sound signals or none) and has to accelerate through the crossing to avoid the bus being hit by the moving train.
- A school bus driver who inadvertently fails to stop and continues driving through a railway crossing when red flashing lights are flashing and the train is a considerable distance away or has stopping at a railway station near the crossing.