

## **ABSTRACT**

A common belief among policy makers and organizations that are considering the establishment of a volunteer driver service in their community is that the undertaking is very risky and holds potential for crippling liability losses. A risk and liability survey of fifty-three programs that use volunteer drivers in twenty-four states with a combined operational history of 747 years was administered. A startling survey finding is that the volunteer driver organizations participating in the study had not experienced any liability losses. Paramount among the variety of risk avoidance and mitigation strategies used is reliance on insurance protection.

### **RISK, LIABILITY AND LOSS EXPERIENCE OF VOLUNTEER DRIVER SERVICES: IS THE WIDESPREAD BELIEF WARRANTED THAT VOLUNTEER DRIVER SERVICES ARE INHERENTLY RISKY?**

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## **INTRODUCTION**

Most people have the transportation they require to access health services and meet their other subsistence and quality of life needs. People have their needs met who are able to drive themselves or who have family members to drive them where they need to go and those who have access to available public transportation services and who are able to use those services.

There are, however, residents in every community who are transportation deprived. Older adults, the disabled, the poor and people living in rural America are confronted by transportation inequity on a daily basis. These are people who do not drive and who do not have family to drive them where they need to go. For many public transportation services are not available. Even where services exist, some people are not able to use them because their health and mobility status is too fragile and unpredictable. Still others live on such a constricted income level that they are unable to afford any services that may be available in their area. An often quoted statistic from the 2004 “Aging Americans Stranded without Options” report published by the Surface Transportation Policy Project was that “more than 50% of non-drivers 65 and older stay home on any given day partially because they lack transportation options.”<sup>[1]</sup> Delegates at the 2005 White House Conference on Aging resolved that the third most important issue facing our aging populations was “The importance of mobility and transportation options for older Americans.”<sup>[2]</sup> In the 2011 “Aging in Place, Stuck without Options” report by Transportation for America, the challenge of providing transportation for aging and disabled unserved and underserved people is seen as being addressed but still to remain.<sup>[3]</sup>

Communities and organizations across the nation have taken the implications of transportation inequity seriously. Additional services have been and are being established to supplement public transit. Transportation planning organizations, government and non-profit service agencies everywhere are considering establishing services that are “senior friendly”, as defined by The Beverly Foundation.<sup>[4]</sup> Often supplemental services are being designed as volunteer driver services to maximize availability and especially affordability.

## **THEORETICAL/PROBLEM DISCUSSION**

For twenty years, the Independent Living Partnership of Riverside County California has operated a rider focused volunteer driver program. The TRIP Program has been the subject of an in-depth case study<sup>[5]</sup>, has been cited as a “best practice” in the 2011 Transportation for America report<sup>[3]</sup>, and has been regarded for many years as a national model. TRIP does not recruit volunteer drivers but, instead, helps riders recruit their own drivers from among friends and neighbors. TRIP is very low cost precisely because it does not recruit volunteers, screen them, or train them. TRIP is known for its innovative approach to risk management that transfers volunteer driver risk away from the sponsoring organization. Under the TRIP model, volunteers *belong* to the individual riders who recruit them.

TRIP diverges significantly from commonly held beliefs about how a service sponsor should avoid possible financial injury from volunteer driver activities, but still TRIP has not suffered any losses during a lengthy period of robust service delivery. The TRIP model encourages

riders to recruit their own volunteer drivers from among friends and neighbors. TRIP maintains distance between itself and the volunteers, dealing only with riders who have recruited personal volunteer drivers. An assumption of the TRIP approach is that people already have some knowledge of the character and behavior of their friends and neighbors and that they will make rational choices about who to ask to be their volunteer drivers. TRIP remains outside of rider and volunteer transactions. TRIP does not conduct background checks, does not conduct driving record checks, and does not provide organizational training of volunteer drivers.

When people first learn of TRIP and how it operates, they ask “How much risk is there?” and “How does it work with volunteers recruiting their own volunteers without oversight, screening or training?” We know that many attorneys, maybe most, including our own, have and will say that the way to mitigate programmatic volunteer driver program risk is for an organization, even if it does not recruit drivers, to complete background screening and driving record checks and provide some level of driver training. This common belief is shared by many national technical support organizations that advise new start-ups and existing services about “risk management” in program and service operations.

In twenty years of operation resulting in a million and a half one-way trips for thousands of fragile and vulnerable riders by thousands of rider recruited volunteers no accidents have been reported, no lawsuits have been filed against TRIP and no insurance claims have been submitted to the TRIP Program insurer. Based on the TRIP experience we began to wonder how much of the fear of risk, liability, and financial loss is well founded.

## **DATA ACQUISITION**

The Independent Living Partnership has been a partner to the STP Exchange, co-founded in 2005 with the AAA Foundation for Traffic Safety and The Beverly Foundation. An email requesting completion of a Risk, Liability and Insurance for Volunteer Driver Programs survey was sent to supplemental transportation service providers registered with the STP Exchange. Eighty-eight organizations and agencies responded that they utilized the services of volunteer drivers to provide rides for members of their communities. Of these, fifty-three organizations and agencies completed a follow-up survey and constitute the data set for this report.

The organizations are from twenty-four states and have been operating their services for a combined total of 747 years, ranging from a minimum of 2 years to more than 30 years. The average time that sample services have been operating is about 14 years. Last year these services, together, provided 699,351 trips for 62,391 riders using 5,024 drivers.

## **FINDINGS**

The following findings were based on data from a sample of volunteer driver services.

1. Accidents are reported to happen infrequently. When claims were filed, organizations relied on insurance coverage to pay the claims. No liability losses have been reported to

date. This study suggests that the single biggest factor in the avoidance of liability loss is having an appropriate type and level of insurance protection in place.

2. Only 26.4% of the responding organizations indicated that they have “non-owned auto” insurance coverage to protect the organization from claim amounts that exceed the individual driver’s policies, however volunteer drivers driving their own vehicles make up 80% of the volunteers.
3. Organization owned vehicles being driven by volunteer drivers accounted for 71.4% of the accidents reported. There are a number of possible explanations for this finding. A volunteer driver may be more comfortable driving their own vehicle, more familiar with the vehicle’s operation, or more careful when operating their own vehicle. Also, a volunteer might have to report an accident to a vehicle that is not their own, whereas they might just have their insurance cover an accident to their own vehicle without reporting it to their organizational sponsor.
4. Organizations that are concerned with potential liability losses are likely to perform background, driving history, and other checks, but so are organizations that have expressed an absence of concern about liability loss. In the former case, we suppose that background and other checks are due to the organizational concern and is an effort to reduce the negative effect or probability of the risk. In the case of organizations that express no concern with risk but conduct screening and training, we suspect that their lack of concern is based on their faith in the effectiveness of the measures of mitigation they have implemented.
5. No correlation was found between recruitment method, background screening, training and the incidence of accidents. No losses were reported, regardless of the amount of screening and training conducted. There was no significant difference in the record of accident or loss between organizations which ask riders to recruit their own drivers and do not screen or train drivers and organizations which recruit, screen, and/or train drivers.
6. The fact that no liability losses were reported for 747 years of operations and millions of miles of rides provided by volunteers suggest that widely held views of the high risk and potential for liability losses of operating volunteer driver services are exaggerated.
7. A variety of combinations of background checks, driving record checks, reference checks, drug testing, or no screening at all, were reported to have been used but no correlations were found between screening methodology and accident incidents, insurance claims or lawsuits. Likewise, a variety of combinations of volunteer training were reported to have been employed or not used and again no correlations were found between the presence or absence of training or the methods of training used and accident incidents, insurance claims or lawsuits.
8. Although there is no evidence in this study, it might be argued that background checks may have been successful in preventing criminals from becoming volunteer drivers for the 72.7% of volunteer services in the sample that recruit volunteer drivers through outreach to the general public. Information about the number of volunteer driver applicants that were not approved to serve due to negative background check or driving

record check information was not gathered. If some volunteer applicants were eliminated through the screening process, we must also then assume that the screening procedures were entirely successful and all potentially risky volunteers were screened out since no claims were reported. But it also might be argued that people who are willing to be volunteer drivers are generally not likely to be criminals or that the threat of screening stopped criminals from applying. Based on reports of no claims, no lawsuits and no losses by the organizations that do not recruit, screen or train, but which provide more rides for more riders, it also might be argued that the practice of organizational recruitment itself places the organization in a higher category of risk which then must be minimized by costly screening activities. Research to answer these questions remains to be done.

9. Nearly half of the organizations studied reported that between 11 and 50 volunteer drivers provided services for riders last year. The two organizations that ask riders to recruit their own drivers and complete no screening or training reported the most volunteers last year, 500 and 950 respectively.
10. On average, services reported providing 11 one-way trips last year per rider, which would be less than 1 round trip every two months. Only 21% of the services provided a single unique rider with more than 1 round trip per month and just 9% reported providing more than 2 round trips per month. The two organizations that ask riders to recruit their own drivers and complete no screening or training reported the most round trips for more riders each month than any of the other services participating in the survey, 26 and 45 times the mean. In one case 250 unique riders are reported to each have received 10 round trips per month last year and in the other case 850 riders are reported to each have received about 5 round trips per month last year (TRIP). A determination of whether or not an increased cost of administrative activities diminishes the quantity of rides that can be provided was beyond the scope of this study.

## **CONCLUSIONS**

The organizations participating in this survey reported an infrequency of crashes, but vehicle accidents should be expected when planning or operating a volunteer driver program and a percent of those accidents will include bodily injury. Accidents that do occur appear to be more likely to be reported when volunteers are driving sponsor owned vehicles.

There was no evidence that widespread concern for potential liability losses from the operation of a volunteer driver service is warranted. For the organizations and programs represented in this study, the insurance coverage they purchased was effective in protecting them from accident exposure and liability loss. What is suggested by the study is that the transfer of risk through the purchase of appropriate levels of insurance may be the most effective method to protect the sponsors of volunteer driver programs from liability loss.

There is no evidence from the responses of 53 services, which have provided volunteer rides for more than fourteen years each on average, that driver recruitment, background and driving record checks, or volunteer training avoids the risk of operating a volunteer driver program or minimizes the incidence of accidents. However, screening and training may

contribute to the comfort level of organizations confronting the programmatic risk of volunteer transportation operations.

Likewise, however, the absence of a history of accidents or related claims against any of the organizations that have riders self-recruit volunteers, do not perform background and driving record checks, and do not provide formal training, may suggest that recruitment through public outreach may actually increase the risk potential.

## REFERENCES

- [1] [http://www.apta.com/resources/reportsandpublications/Documents/aging\\_stranded.pdf](http://www.apta.com/resources/reportsandpublications/Documents/aging_stranded.pdf)
- [2] [http://www.whcoa.gov/Final\\_Report\\_June\\_14nowater.doc](http://www.whcoa.gov/Final_Report_June_14nowater.doc)
- [3] <http://t4america.org/resources/seniorsmobilitycrisis2011>
- [4] <http://beverlyfoundation.org/wp-content/uploads/Fact-Sheet-5-the-5-as.pdf>
- [5] <https://www.aaafoundation.org/sites/default/files/stp.pdf>

## APPENDIX

1. In general, how much of a concern does your organization have about the risk and liability of operating a volunteer driver service?

Very concerned = 10.9%

Concerned = 36.4%

Neither concerned or unconcerned = 32.7%

Unconcerned = 12.7%

Not concerned at all = 7.3%

Very concerned and Concerned = 47.3%; Neither concerned or concerned and Unconcerned and Not concerned at all = 52.7%

2. How many volunteer drivers provided services for your organization last year?

Up to 10 volunteers = 11.5%

11 to 50 volunteers = 48.3%

51 to 100 volunteers = 18.4%

101 to 500 volunteers = 18.4%

More than 500 volunteers = 3.4%

5,024 volunteer drivers were used by fifty-three supplemental transportation services during the last year; fewest = 4, most = 950, mean = 45

3. How many one way trips were provided last year? (Please estimate if you do not know exactly how many.)

699,351 combined total

13,195 average per service

Fewest = 10

Most = 250,000

Number of services providing between 10 and 100 = 6 services

Number of services providing between 100 and 1,000 = 7 services

Number of services providing between 1,000 and 10,000 = 31 services

Number of services providing between 10,000 and 50,000 = 6 services

Number of services providing more than 50,000 = 3 services

Mean = 2,225 one-way trips

4. How many riders received volunteer driver services last year? (Please estimate if you do not know exactly how many.)

62,391 combined total

432 average per service

Fewest = 8

Most = 2,564

Mean = 169 riders per service

5. What is the main way that volunteers for your service are recruited?

Organization outreach to general public = 72.7%

Recruitment from existing organization membership = 10.9%

Recruitment from volunteer pool of a partnering organization = 0%

Request that volunteers recruit other volunteers = 9.1%

Riders recruit their own drivers = 7.3%

Of the 3 services that have riders recruit their own volunteer drivers, none do any screening nor do they provide any training

During 29.5 years of combined operation, none of the three have had any accidents reported to them

No claims have been filed; no lawsuits have been filed; and none of the 3 have experienced a financial loss

6. What volunteer driver screening does your organization conduct? (Please check all that apply.)

Driving record checks = 81.8%

Criminal background checks = 74.5%

Reference checks = 54.5%

Physical exams = 7.3%

Vehicle inspections = 7.3%

We do not do any screening = 7.3%

Drug testing = 5.5%

Of the 47.3% of respondents who said they were “very concerned” or “concerned” about risk and liability, 67.0% conduct criminal background checks;

Of the 52.7% who are “neither concerned or unconcerned”, “unconcerned”, or “not concerned at all” 78.6% conduct criminal background checks

39.6% of the organizations complete criminal background checks, complete driving record checks, and perform reference checks

42.9% of the organizations that complete all three checks on volunteers indicated that they were “very concerned” or “concerned” about volunteer risk and liability

57.1% of the organizations that complete all three checks said that they were “neither concerned or unconcerned”, “unconcerned”, or “not concerned at all”

7. What types of volunteer driver training does your organization provide? (Please check all that apply.)

Organizational standards of behavior and policies = 70.9%

Safe vehicle operation = 50.9%

Sensitivity training = 47.3%

Disability assistance training = 34.5%

No formal training is provided for volunteers = 20.0%

CPR and medical emergency = 14.5%

8. Please indicate the types of insurance your organization has (check all that apply)

General liability insurance = 73.6%

Directors' and officers' liability = 46.0%

Non-owned auto insurance = 26.4%

Social service agencies – volunteers as insureds endorsement = 25.3%



Improper sexual conduct liability insurance = 20.7%

Employees as insureds endorsement = 18.4%

Social service professional liability insurance = 17.2%

Self-insured = 14.9%

Volunteer liability insurance = 5.7%

100% of the organizations maintain some combination of insurance coverage or are self-insured

9. What percent of the vehicles driven by your volunteers are owned by your organization?

None (volunteers drive their own vehicles) = 75.9%

Some volunteers drive their own vehicles and some volunteers drive vehicles owned by the organization = 16.1%

All of the vehicles volunteers drive are owned by our organization = 8.0%

10. How many vehicle accidents have your volunteer drivers had during the years your volunteer program has been operating?

None that have been reported to us = 62.1%

Accidents reported = 37.9%

45 accidents combined total

Average of .06 total accidents per year

.0011 accidents per year for each of the 53 services

71.4% of accidents reported are by organizations that own their own vehicles

11. How many of the volunteer driver accidents have involved physical injury?

None = 93.1

At least one-third of the accidents are reported to have involved physical injury

12. How many claims have been filed against your organization's insurance as a result of volunteer driving or volunteer driver misconduct?

No claims have been filed = 94.3%

Five organizations reported a combined total of 16 claims having been filed, one respondent specifically stating that there was a record of 3 claims in thirty years

13. How many lawsuits have been filed against your organization?

No lawsuits have been filed against us = 98.1%

The volunteer was driving their own vehicle – the owner of a second vehicle filed a lawsuit for driver negligence because the amount of the claim exceeded the volunteer driver's insurance policy limits

14. Has your organization suffered financial losses resulting from volunteer driver accidents and associated property damage or physical injury? (this does not include insurance coverage payouts)

No liability losses were reported for any of the accidents or claims

Two "self-insured" organizations paid for necessary repairs to organization owned vehicles