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Massachusetts Newspaper Boy Dies When Struck By a Van While Crossing The Street On His Bicycle

Massachusetts FACE 94MA008

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SUMMARY

A fourteen year old, male, paper boy was fatally injured when he was struck by a van at approximately 7:45 am on Saturday, November 27. On route to pick up his newspapers at a drop off point, the boy was about to cross the street on his bicycle when he was hit. The boy was wearing a "stadium jacket" with a large, thick hood which likely blocked his peripheral vision, and he was not wearing a helmet. After the impact, the driver of the van stopped and immediately sought assistance. Police and rescue personnel arrived within minutes of the collision. The youth was stabilized, and driven by ambulance to the school football field where he was air lifted to a city hospital. He died of a severe brain injury two days later.

In order to prevent future similar occurrences, the Massachusetts FACE Program recommends that employers:

- require all carriers delivering from a bicycle to wear an approved bicycle helmet;
- locate their newspaper drop-off points away from busy intersections or streets
- prohibit carriers from using hoods while riding bicycles;
- hold periodic (monthly or quarterly) safety meetings for news carriers at the district or community level;
- provide a safety training program for the personnel who manage news carriers, and ensure that all necessary safety information is communicated by these personnel to new carriers;
- include a safety clause in any signed agreement between the company and the carrier.

INTRODUCTION

On November 30, 1993, the MA FACE Program learned of the death of a 14 year old newspaper boy from an article in a metropolitan newspaper. An investigation was initiated during the first week of January, 1994. The MA FACE Project Director obtained a copy of

the police report, and met with the employer on January 12. During the course of the investigation, the Project Director collected a copy of the company's orientation and training packet, news stories on the boy, and the death certificate. The Director interviewed several carrier families and spoke with the legal counsel for the victim's family.

The employer was a large, daily, suburban newspaper, with more than 3,400 employees and independent contractors; roughly 3,000 of these were news carriers. Carriers were hired as independent contractors under the "Little Merchant System." Instead of work permits, the company obtained a signed agreement, or "Letter of Understanding," from the child and the child's parents or guardian. Included in the agreement were pledges for timely delivery of papers and collection of fees. According to the employer, the company actively involved the parents in the child's employment.

When a new carrier was being considered for employment, a district manager from the Circulation Department visited the child's home and met with both the parents and the child. The district managers provided orientation sessions which, according to the employer, lasted approximately 45 minutes. A packet of materials was handed out to the prospective carrier. Topics which were discussed included: route management, route list, delivery and collection, substitute carriers, and safety information. According to several carrier families, the length and content of the orientation meeting varied according to the particular district manager who conducted the session. Some district managers apparently provided the full training while others did not explain the bulk of the material in the orientation packet.

According to the employer, safety guidelines were discussed during the initial orientation program, and safety equipment, including a reflector vest and a reflector arm band, were given out. Shoulder bags with reflective trim were offered for sale. A bicycle safety sheet was an additional component of the package; however, helmets were not mentioned in the safety sheet. The carrier families reported that some district managers neither discussed safety, nor handed out the safety equipment. Since the Massachusetts Bicycle Helmet Law was enacted on November 29, 1993 (effective March 8, 1994), the employer is now planning to offer helmets, for purchase, to their carriers.

The employer did not have required safety rules or procedures. Its safety tips were simply guidelines. There were no periodic safety meetings. There was no designated safety officer in charge of safety for news carriers.

The victim had delivered papers for approximately 15 months, and at the time of the incident he had 45 customers. The average route size was reportedly 35 papers, although some carriers delivered up to 65. The drop-off point where he picked up his papers was located less than one block from a busy street. The victim had to cross this busy street each day to pick up his papers.

The victim worked a total of four to six hours per week; three to five hours were spent on delivery, and the remaining hour was spent on collection. According to the employer, it took approximately 30 to 45 minutes to deliver a route of 45 papers. During the school week he worked from approximately 4:00 to 4:45 pm, and on Saturdays he worked sometime between 7:30 to 8:30 in the morning. The carrier earned \$.72 on each paper per week, plus tips.

Described as a "stand-out student," the carrier was a freshman in high school. He was treasurer of his class, and active in several clubs. In addition, he volunteered at a community day care center.

INVESTIGATION

The boy was not wearing a helmet when he was hit. He was wearing a “stadium jacket” with a large, thick hood which likely blocked his peripheral vision.

The two individuals who witnessed the incident provided conflicting testimony on the reason for the impact, and the physical evidence does not strongly point to either’s claim. The driver of the van stated that he was travelling northbound through an intersection, at approximately 35 mph, when he saw the boy pedalling his bicycle in a westerly direction. The driver claimed that the boy turned right at the intersection and then continued west across the street in front of the van. The driver stated that he swerved left to miss the boy, but heard a scraping sound. He stopped his van and found the child laying in the road. The van’s passenger side mirror was smashed, and the extreme right front and side of the vehicle were scratched.

Apparently the side mirror of the van struck the child in the back of the neck, and the impact threw him from the bike. The victim suffered two head injuries, one from the impact of the mirror, and the other from his fall to the ground.

The investigating police concluded that the driver was not speeding, and that the boy had failed to look before crossing the street. This concurs with the van driver’s testimony; however, it contradicts the sister’s observation who believed that the van was speeding and side swiped her brother. Both the police and the child’s employer believe that the carrier’s blocked vision was the primary cause of the incident. The employer additionally claimed that the boy was in a hurry on the day of the incident because he had an engagement later that morning.

After the impact, the driver of the van immediately sought assistance. He asked the boy’s sister to get her family, who lived on the same street. Police and rescue personnel arrived within minutes of the collision. The youth was stabilized, and driven by ambulance to the school football field where he was air lifted to a city hospital.

CAUSE OF DEATH

The Medical Examiner listed the cause of death as severe brain injury with an underlying cause of head trauma.

RECOMMENDATIONS/DISCUSSION

Recommendation #1: Employers should require all carriers delivering from a bicycle to wear an approved helmet.

If the carrier had been wearing a bicycle helmet when the collision occurred, his death may have been prevented. While it is not possible to say in any single event whether a bicycle helmet could have prevented a severe head injury, research shows that approximately 85% of severe head injuries occurring on bicycles can be averted with helmet use. With the enactment of the Massachusetts Bicycle Helmet Law on November 29, 1993, (effective date March 8, 1994) all children aged twelve and under, including news carriers, must wear an approved bicycle helmet when they ride their bikes. While this law does not apply to children under age 14, employers should require carriers of all ages delivering from a bike to wear a helmet.

Recommendation #2: Employers should locate their drop-off points away from busy streets or intersections.

Recommendation #3: Employers should prohibit carriers from using hoods while riding bicycles.

Given that the child's blocked peripheral vision apparently contributed to the incident, employers should prohibit the use of hoods while delivering from a bicycle. To keep warm in the winter months, employers should encourage/recommend the use of hats which can fit under a helmet.

Recommendation #4: Employers should hold periodic (monthly or quarterly) safety meetings for news carriers at the district or community level.

A one time safety review is not enough to motivate safe work practices. In any workplace setting, employees need continual encouragement and motivation to follow safety rules. At such meetings news carriers should be encouraged to discuss any safety concerns or issues that they may have encountered. Youth workers, respected community leaders or safety personnel could on occasion be invited to participate in such meetings, as a possible motivational tool. Furthermore, employers should ensure that any safety materials used in training or orientation sessions are of good quality and up to date. In particular, bicycle safety sheets should stress the importance of helmet use.

Recommendation #5: Employers should provide a safety training program for the personnel who manage news carriers, and should ensure that all necessary safety information is communicated by these personnel to new carriers.

While the employer reported that safety concerns were discussed and safety equipment handed out in the orientation session, evidently these training meetings were not consistently carried out. To ensure that all circulation personnel cover safety issues in their orientation session, employers should conduct safety training for the individuals who provide training for the carriers. In this training session, news carrier safety issues, such as bicycle safety, helmet use, dogs, delivery on snow and ice covered pavement, should be discussed. The importance of both conveying this information to carriers and motivating them to follow safe practices should also be included.

Recommendation #6: Employers should include a safety clause in any signed agreement between the company and the carrier.

In addition to pledging timely delivery of papers and collection of fees, news carriers should also be required to make a pledge to follow established safety rules. The safety clause should include a statement to the effect that both the child and his or her parents had been informed of the company's safety plan and had read and understood any written safety materials. A pledge to follow safety rules, coupled with regular safety meetings, could instill a safety consciousness in news carriers.

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