

CWVGSM Solutions

Continental Western Group Services & Solutions for Risk Management

Emergency Response Avoid Vehicle Accidents and Maintain Legal Immunity

As a volunteer working for a public entity, most states provide Fire and EMS personnel a certain degree of immunity from liability while responding to an emergency, whether in their personal vehicle or an emergency vehicle. However, that immunity is not absolute. Maintaining immunity requires that the driver of a vehicle responding to an emergency act with due diligence. Due diligence is defined as appropriate carefulness which is the degree of care that a prudent person would exercise.

In most cases, this means the driver must obey all speed limit and other traffic laws. Responding to an emergency is not a license to speed or break traffic laws. In certain situations, emergency vehicles can, by state law, suspend certain traffic laws such as right-of-ways at intersections, speeding, stop lights/signs etc., but only with due diligence.

Each department should research the laws in their state regarding the operation of an emergency vehicle during an emergency response. Also, you should research laws regarding blue lights/red lights and the operation of personal vehicles by Fire and EMS personnel in an emergency. This bulletin and other researched state information should be continually communicated to members of the department during regular training sessions.

You must use both lights and sirens to request the right-of-way. Operating a vehicle during an emergency response with lights and sirens is a request for the right-of-way, NOT a demand for the right-of-way. The right-of-way is for others to give, not for you to take. If your vehicle does not have emergency lights and/or sirens, you are no different than any other vehicle on the road. You must obey all traffic laws. Using standard emergency flashers on a personal vehicle is generally not sufficient for others to yield the right-of-way.

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Emergency: Accidents with Personal Vehicles

As a company that insures volunteer fire departments, we have experienced incidents of emergency responders trying to get to the fire house or directly to the fire so quickly in their personal vehicles, that they become involved in an accident; sometimes with such dire consequences as the loss of life.

The NFPA Journal (November/December 2007) article on Fire Fighter Injuries for 2006 states the following, "Also, 1,070 collisions involving fire fighters' personal vehicles occurred in 2006 while departments were responding to or returning from incidents. These

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General guidelines for responding in a vehicle to an emergency:

- Use your lights AND siren.
- Know your state law regarding the emergency use of personal and emergency vehicles. Use due diligence regarding speed limit and traffic laws.
- Use due diligence when following another vehicle and be prepared for the unexpected.
- Use extreme caution and due diligence when entering an intersection.
- A good rule to remember is, "Go slow in order to go fast".

If an accident occurs, do the following:

- Stop immediately. Do not continue to the emergency. Call for help and render any needed medical assistance.
- If possible, do not move the vehicles until the police arrive. Warn on-coming drivers of the accident.
- Protect the vehicle from further damage and when the police are done, remove it (drive it, if possible) to a safe location.
- Do not discuss the accident with anyone other than the police and your supervisor. Do NOT admit liability or discuss who is at fault.

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collisions resulted in an estimated 210 injuries." This number indicates the number of fire fighter injuries, but it does not address injuries to other parties involved in such personal vehicle accidents.

The underlying cause of these accidents might be attributed to driver decisions about speed, proper lane changes and passing, yielding or stopping as needed, seat belt wearing, etc. The first part of an Emergency Responder's job should be to safely reach their destination so not to create another emergency. We can all learn from decisions others have made; especially when the result is as severe as a loss of life or life changing injuries.

When severe accidents occur, the impact on the volunteer fire department, the community, the families, and the volunteer responders involved can be overwhelming. Training and ongoing reminders of expected driving behavior by volunteers and staff is essential. Unsafe, unlawful activity is unacceptable and should be punished accordingly. Know the laws in your state and communicate the department's position on operating personal and department vehicles.

Remember you can access driver training and other training video tapes. There is no cost to you to rent these tapes. Contact your agent for more details.