

Log H-0433

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: November 27, 1984

Forwarded to:

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SAFETY RECOMMENDATION(S)
H-84-91 and -92

About 8:40 a.m., on July 5, 1984, a northbound automobile followed by a Terrell Trucking, Inc., tractor dump-type semitrailer (truck), traveling empty, was approaching the crest of a hill on U. S. Route 71, about 1 mile south of Ashdown, Arkansas. The automobile driver said that she was traveling between 40 and 45 mph when she glanced into her rearview mirror and saw the trailing truck so close behind her that she could see the front of the truck but not the driver inside; she then looked forward and saw a flashing light on an approaching police car in the southbound lane as it crossed the hillcrest ahead. She said that she then saw three more cars with flashing lights behind the lead car and "touched" her brake pedal to slow. The truck following the automobile also braked and then jackknifed. The tractor rotated counterclockwise; the front end of the tractor crossed the highway centerline and struck the third car in the southbound caravan, a DeQueen, Arkansas Police Department patrol car occupied by four police officers. The right front of the tractor near the end of the tractor bumper struck the left front of the patrol car. The portion of the tractor ahead of the front axle overrode the patrol car's passenger space, instantly killing the four police officers inside. 1/

The Arkansas Motor Vehicle and Traffic Laws and State Highway Commission regulations regarding use of emergency lights on police vehicles follow the Uniform Vehicle Code, which is prepared by the National Committee on Uniform Traffic Laws and Ordinances. The State Police have a written policy that requires the use of emergency flashing lights on police vehicles in funeral processions. There is an unwritten policy that emergency flashing lights can be used in other escorting assignments. The policy does not appear to extend to nonemergency use in caravans, even though the activity may be one of ceremonial respect or tribute. The police cars involved in this accident were traveling en route to a funeral and were not in a funeral procession.

The Highway Safety Committee of the International Association of Chiefs of Police, Inc. (IACP), recently approved a Model Police Traffic Service Policy on "Use of Authorized Emergency Equipment." A specific section of the policy states:

1/ For more detailed information, read Highway Accident Report—"Collision of DeQueen, Arkansas, Police Department Patrol Car and Terrell Trucking, Inc., Tractor-Semitrailer, U.S. Route 71, Ashdown, Arkansas, July 5, 1984" (NTSB/HAR-84/07).

Officers shall utilize emergency equipment only when authorized directly to do so by a supervisor, or by the nature of a dispatched assignment, or when situations confront him that, in his best judgment, indicate the need for the use of the emergency equipment.

Seeing the flashing blue lights as they approached from the opposite direction, the driver of the northbound automobile slowed her vehicle in anticipation of meeting emergency vehicles. Her reaction to slow the vehicle and yield the right-of-way was not uncommon. Law enforcement agencies throughout the country have found that the behavior of motorists reacting to flashing lights ranges from orderly reduction of speed to erratic maneuvers. Because the California Highway Patrol (CHP) found that its patrol cars often were struck by vehicles and substantially damaged while the police cars were parked with flashing lights illuminated on roadway shoulders, the CHP now by policy restricts the use of emergency lights under such conditions. The proper use of emergency signalling equipment is essential to the safety of police officers and other motorists. Such signalling is disruptive to orderly traffic movement, and it should be used only under unusual conditions that, in a police officer's best judgment, require an emergency response.

Most State statutes that authorize the use of emergency signalling equipment (flashing lights and/or sirens) by police officers follow the general recommendations of the Uniform Vehicle Code that recommends its use when the individual officer determines that an emergency condition exists. Additionally, police department policies generally require that officers operate flashing lights when escorting funeral processions and dignitaries. However, neither the State statutes nor general police policies specifically prohibit police officers from operating their emergency flashing lights or sirens when traveling under nonemergency conditions.

The Safety Board believes that police officers must have broad discretionary authority to decide when emergency conditions exist warranting the use of emergency signalling equipment. However, the Board believes that the use of emergency lights on vehicles not involved in emergency service or escort activities is improper. While a slow-moving funeral procession involves little opportunity for confusion, a caravan of vehicles traveling at highway speeds with emergency signalling equipment in operation can confuse drivers.

The Safety Board understands that the IACP is developing a "Model Police Traffic Services--Policies and Procedures," which will cover many aspects of police service including the use of emergency flashing lights and sirens. However, the draft policy reportedly does not address specifically when emergency signalling equipment should not be used. The Safety Board believes that the IACP should review the proposed policy to insure that guidelines to cover the circumstances similar to those in this accident are covered by the proposed policy.

Of all modes of transportation, the highway mode involves the greatest loss of life. Of all causes/factors involved in highway deaths, alcohol/drunk driving ranks as the single leading factor. The tragic consequences of alcohol abuse have long been of concern to the Safety Board, which has issued Safety Recommendations to Federal, State, and local governments and to private organizations, focusing on both the specific causes of individual accidents, as well as on the general factors which lead to alcohol-involved accidents on our highways.

Data from the Fatal Accident Reporting System (FARS) of the National Highway Traffic Safety Administration (NHTSA) show that about 19 percent of the drivers of heavy trucks (10,000 pounds or greater) killed in 1982 and 1983 had been drinking, and 14.7 percent had a blood alcohol concentration at or above 0.10 percent. The data are from a small sample--57 of 300 drivers--in accidents in 15 States which the NHTSA believes have a good reporting system for the presence of alcohol in FARS data. A FARS computer analysis of FARS data on drivers of heavy trucks involved in fatal accidents (a fatality occurred in the truck or another vehicle involved in the collision) in the 15 States indicated that only 5.8 percent of the truckdrivers had consumed alcohol. However, 76.1 percent of the truckdrivers involved in these fatal accidents were not tested for blood alcohol concentrations. More emphasis should be given to testing for the presence of alcohol in truckdrivers involved in accidents, especially serious accidents, so that the magnitude of the safety problem of alcohol use among drivers of heavy trucks can be determined accurately and action taken to reduce the problem.

Therefore, the National Transportation Safety Board recommends that the International Association of Chiefs of Police, Inc.:

Develop a recommended policy to clarify the use of emergency signalling equipment by police in nonemergency conditions. (Class II, Priority Action) (H-84-91)

Develop a recommended policy to the States which will prompt law enforcement personnel to request medical testing for the presence of alcohol in the blood of all truckdrivers involved in serious accidents. (Class II, Priority Action) (H-84-92)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility ". . . to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendations in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and BURSLEY, Member, concurred in these recommendations.

By: *Patricia A. Goldman*
Jim Burnett
Chairman *for*