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Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicated, and the appropriate credit is given where I have used the language, ideas, expressions, or writings of another

Signed: Justin J. Owens

Date: February 25, 2016
Abstract

Being behind the wheel of a fire truck responding to a call or even driving back to the station the driver must give the road and the other vehicles on it their 100% undivided attention because the risk is high of something going wrong. Fire apparatus accidents happen almost daily in this country and the injuries and deaths from these accidents are on the rise. Also on the rise from these accidents are the lawsuits that follow any major accident and they can cost the firefighter, the department, city or county, millions in monetary damages. Firefighters need to know that because they are running lights and sirens they are not automatically giving right of way and still must follow all department policies and traffic laws. Remember people don't always pay attention to responding fire apparatus so the driver must remain in control at all times and expect the unexpected. Training is a must to ensure that safety is a number one priority and to eliminate distracted driving.
Fire Apparatus Accidents

Introduction

Firefighters deal with a multitude of hazards on a daily bases when it comes to structure fires, vehicle accidents, and bodily fluids, but many don’t realize the danger faced when it comes to driving the fire truck to and from the emergency runs. Being behind the wheel puts a lot of responsibility on the driver for the safety of the crew and the general public on the roadways. Fire apparatus accidents are on the rise and are costing the drivers and the department millions in lawsuits every single day and the causes for these accidents are for a variety of reasons. Many of the reasons are due to inexperience, speed, distracted driver being on their phone, or just drivers on the road not paying attention to what the apparatus is doing. The numbers show that the most dangerous time for firefighters is not only on a structure fire but the time traveling to or from the call and other then cardiac events a high number of firefighters die in vehicle accidents, “Four out of five of the crashes and fatalities occurred while firefighters were responding to or returning from alarms (106 crashes, 119 deaths). Of these 119 victims, 102 were responding to emergencies at the time of the crashes (29 to structure fires; 26 to grass, brush or wildland fires; 15 to medical calls; 13 to motor vehicle crashes; five to false alarms; two each to outside fires and vehicle fires; and the other 10 to a variety of emergency situations). Fifteen of these 102 crash deaths occurred during mutual aid responses (11 to structure fires, three to brush, grass or wildland fires and one to an outside fire). The other 17 victims were killed in 10 crashes while returning from emergency calls.”(NFPA)

Many drivers don’t realize that even though they are responding to an emergency call lights and sirens they are not exempt from the laws of the road and they still must practice due regard. A big problem is the inexperience of the driver behind the wheel because in today’s fire service the turnover is high and the younger generation is taking over a lot of firehouses
especially in the more volunteer departments, and the new guys are in such a rush to get behind the wheel that they do not take into account the magnitude of the position of driver. Many have the mindset that because they are running lights and siren that the drivers on the road must give the right of way, but unfortunately that isn’t always the case. Speed seems to be the number one factor in many accidents dealing with fire apparatus as the driver was not able to stop before hitting another vehicle or unable to negotiate a curve. The biggest factor on the rise in today’s world is drivers being on their phones while operating the fire apparatus, and many of these accidents have been caught on cameras mounted inside the cab of the apparatus. Below are some numbers involving fire apparatus,

**Below are some key findings from an analysis of NHTSA data in 2010 on fire truck accidents from 2000-2009:**

- Over that 10 year period, there were roughly 31,600 accidents involving fire vehicles.
- 49 of those accidents resulted in at least one fatality to an occupant of the fire truck.
- About 70% of all fire truck accidents occurred while in emergency use.
- Rollovers account for 66% of all fatal fire truck accidents.

After the accidents especially if a civilian has been injured or killed is the lawsuit filed by the victim or their family. Crashes that involve fire department vehicles have cost firefighters and their departments millions in settlements over the years and these numbers have not gone down in recent years. Many of these lawsuits get settled out of court but some make it to trail and the price tag can reach the millions especially if the driver of the apparatus is found negligent in the operation of the apparatus. A lot of the time the lawsuit gets thrown out due to the driver following proper protocol and department policy, or the civilian is found to be at fault for not giving proper due regard to the fire apparatus. Either way these lawsuits are a nightmare for the driver and the department involved in the suit, but it can be devastating if they are found liable for the accident that caused the serious injury or death.
In many states firefighters are protected from personal liability under the legal doctrines of "qualified immunity." Qualified immunity as defined, " shields public officials from damages for civil liability so long as they did not violate an individual's "clearly established" statutory or constitutional rights. The immunity is available to state or federal employees, including law enforcement officers, who are performing their jobs." (Merriam-Webster, 2016) This protection however does not protect the firefighter in some states if there is proof of "willful or wanton misconduct" or "recklessness." The driver of the fire apparatus in the case of Anderson v. City of Massillon was found to be labial by the Ohio Supreme Court for the accident that resulted in the death of Ronald Anderson and his grandson Javarre Tate on May 6, 2008 in Massillon Ohio. Below is a quote from the trail,

"As Engine 211 approached, Anderson entered the intersection, and the fire truck broadsided the minivan, crushing the driver, ejecting Tate, and pushing the van more than 360 feet before it came to rest. Tragically, both Anderson and Tate died.

Fredrick J. Cook, a state trooper, assisted in the investigation of the accident, and in his reconstruction report, he calculated that Engine 211 had been traveling between 44 and 50 mph. He also opined that given the decreased range of visibility caused by obstructions near the intersection, a driver stopped at the stop sign on Johnson Street might not have been able to see the fire truck approaching."

Here is a link to a YouTube video of the crash scene, and the transcript of the Supreme Court trail,

https://www.youtube.com/watch?v=ga_vHeGYQ34
Background and Significance

Below are several cases of accidents involving fire apparatus and the lawsuits that followed, not all have been settled.

Head on collision kills one in Bethlehem PA

On October 24, 2008 the Bethlehem Fire Department received a call of an activated fire alarm at Service Electric a local business. The department’s ladder truck responded with Firefighter Frank Dashner driving, he responded lights and sirens as in the department’s policy. While he approached the 1000 block of Eighth Avenue he encountered heavy traffic that was stopped in the direction of travel so Dashner began to proceed past the stopped traffic by entering the opposite lane of travel. At the time traffic in that lane pulled over to allow the fire apparatus clear travel.

A car driven by William Samer was traveling southbound when he failed to stop or slow down as he passed the cars that pulled over to allow the fire apparatus a clear path of travel. With lights and sirens going Samer still failed to stop for the fire apparatus and crashed head on into the apparatus, Samer died of his injuries eight days later. Following the police investigation they determined that Dashner was not at fault for the accident as he was responding to the call according to department policy, also even though he was traveling in the wrong direction Dashner proceeded with caution and at a slower speed then required by law. Plus tire marks on the road indicated Samer was speeding, and criminal investigators determined Samer caused the crash by losing control of his vehicle. William Samer had between 100 and 200 yards to stop his car, and a Pennsylvania State Trooper testified a car traveling the speed
limit could have stopped in 46 feet.

Judith Samer, William Samer's widow, sued Dashner, the city, Service Electric, ABE Alarm Service and Altronics Inc. in 2010. Dashner, she claimed, was driving negligently during the fatal crash and the city should have better trained him, also saying he could still be held liable if found he was negligent and driving recklessly when he drove toward oncoming traffic even though firefighters are allowed to do so under emergency situations. She is also suing the alarm company and the business for not notifying the fire department it was a false alarm due to the alarm company removing the system from the business which caused the false alarm prior to the accident. The case went to trial in 2015 and jury found the firefighter driving the fire truck not liable for the death of the William Samer. Below is a link to the court case.


Investigators look over the wreckage of a car and fire truck that crashed Oct. 24, 2008 on the 1000 block of Eighth Avenue. (Lehighvalleylive.com file photo)
**Fire truck crash victim to get $15 million dollar settlement**

A 53-year-old father who lost his right leg after two fire trucks collide heading to the same call, sending one crashing into a restaurant last year is poised to receive a $15 million settlement from Alhambra and Monterey Park. Kenneth Thai of Monterey Park waited to cross an intersection on April 16, 2014, an Alhambra fire ladder truck heading south on Garfield Avenue collided with a Monterey Park fire engine going east on Emerson Avenue. Both emergency vehicles had lights and sirens going and were responding to a house fire in Monterey Park. The engine from Monterey Park veered up onto the sidewalk striking Thai and pinning him to the front of the apparatus which then struck a restaurant trapping Thai and other restaurant patrons inside.

Thai suffered a severely crushed leg which later had to be amputated, he also suffered numerous afflictions including facial nerve damage; injuries to his penis, eyes, head and right shoulder; and fractures in his face, vertebrae, left elbow and wrist, and femur, according to court documents. As of July 23, 2014 Thai’s medical expenses reportedly exceeded $530,000. In total, 15 people were hurt, four pedestrians, five restaurant patrons and six firefighters, but none of the injuries were as serious as Thai’s. A California Highway Patrol investigation faulted the driver of Alhambra’s ladder truck for the accident.

A total of 22 claims were filed in each city, but one has been dropped. Monterey Park and Alhambra have reached two settlements worth $10,000 and $27,000 and is finalizing Thai’s $15 million. Monterey Park has budgeted $300,000 for the fire engine collision, and Alhambra has allotted $250,000 to the accident. (Pasadena Star-News)
Fire Apparatus Accidents

An Alhambra fire truck and Monterey Park fire truck collided in the intersection of Garfield Avenue and Emerson Avenue on April 16 2014. (Photo by Walt Mancini/Pasadena Star-News/File)
Florida Firefighters Sued for $1.4 Million in Fatal Accident

The driver and the officer of a Lake County, Florida engine company that was involved in a fatal Christmas day accident in 2009, have been sued for $1.4 million. The suit was filed on behalf of Gieco Insurance Company to recoup sums they have already had to pay out. Driver Brian Dimond and Lt. Robert A. Armas were sued, along with Lake County. The suit alleges the firefighters were negligent when they attempted to make a U-turn on the Florida Turnpike while responding to a reported accident. That call turned out to be a false alarm and the crew was using the U-turn to return to quarters. As the Lake County engine approached the turnaround in the high speed lane, it was struck in the rear by an SUV traveling northbound. The SUV was then struck by other vehicles, and in the process one of the passengers in the SUV, Virginia Sellito, 88, was killed. (FireLawBlog)

Florida troopers ticketed Firefighter Dimond after the accident for impeding traffic. Troopers did not cite the driver of the SUV for failure to yield to an emergency vehicle, failure to keep a lookout, failure to maintain distance between an emergency vehicle, failure to “move-over”, or any of a host of possible charges that could have been brought. Florida law requires motorists to stay at least 500 feet behind an emergency vehicle. Troopers put in the report that Firefighter Dimond slowed to 20mph in the speed lane of the turnpike with a posted speed limit of 65mph and in doing so he did not allow the SUV enough time to slow down before striking the apparatus. Florida DOT has now prohibited emergency vehicles from making U-turns on the turnpike.
The City of Beaufort has had two incidents involving accidents with fire apparatus, the first one was not due to any actions of a firefighter but a man who stole the fire apparatus while firefighters attended to a medical patient. The second was a firefighter responding to a call.

**Naked man steals fire truck in Beaufort SC**

A pedestrian walking along Ribaut Road was struck and killed Friday afternoon by a man who stole a Port Royal fire truck as firefighters answered a medical call. Firefighters from the Beaufort-Port Royal Fire Department were sent at about 4 p.m. to Laurel Hill apartments on
Ribaut Road. While firefighters were tending to the call, a man, who was not identified and who witnesses said was nude, jumped into their fire engine and sped off down Ribaut Road toward Beaufort. The stolen fire truck plowed into six or seven other vehicles at the intersection of Ribaut Road and Lady's Island Drive.

Investigators said that as the suspect tore down Ribaut Road, he struck and killed a pedestrian who was walking with his brother near the Dollar General store. His brother was unharmed. The pedestrian, whose name was not released Friday, was pronounced dead at the scene. The collision with the pedestrian appears to have caused the man to lose control of the fire truck. It crashed into a wooded area between the store and a nearby bowling alley. The crash badly damaged the truck and trapped the man inside. When a Beaufort County paramedic and two Beaufort police officers tried to free the man from the wreckage, the suspect began fighting them.

Port Royal Police likely will charge him in connection with the theft of the fire truck, and any charges stemming from the numerous collisions the suspect is believed to have caused. The S.C. Highway Patrol will file any charges brought in connection with the pedestrian's death. The city settled out of court with all the victims that the man hit while speeding down Ribaut Road, they have also reached a settlement with the family of the victim who was struck and killed, the family is also suing the man who stole the fire truck.

Due to this incident the City of Beaufort Fire Department has installed password protected air brake locks, so anyone trying to release the airbrake must enter a 5 digit password before they can push in the airbrake release. This system has been installed on all fire apparatus in the department.
In the second accident firefighters were responding to a reported structure fire and were running lights and sirens to the call. As the engine approached the intersection the firefighter driving slowed down but did not stop, policy states "all apparatus must stop prior to entering intersections", as he proceeded through the intersection he struck a car passing through. The driver of the vehicle suffered a broken leg and several broken ribs.

The driver of the fire apparatus was fined for the accident and was suspended five shifts.
without pay for violating department policy along with paying the fine. The engine involved had a video camera mounted in the cab that faced outward so the whole incident was captured on tape. The driver of the struck vehicle sued the city and the department, they both settled out of court for an undisclosed amount of money. Also as a result of this accident the City of Beaufort Fire Department put in place a policy that states, "all apparatus responding to emergency calls must go no more than 5 mph over the posted speed limit". (City of Beaufort Fire SOG)

**Conclusion**

Driving fire apparatus is an important job and one that must not be taken lightly as anything can go wrong at any time and someone’s life and career could be over. So many incidents with fire apparatus happen every day and cost firefighters and departments millions from lawsuits filed in the aftermath of an accident, so more training and attention needs to be paid to the responsibility of driving the apparatus. Firefighters who drive must never be distracted and always pay attention to the roadway because you cannot count on the drivers of other vehicles to pay attention to you, because not only are their lives in harm’s way but so is every single firefighter on the truck. The stories talked about don’t even scratch the surface of the thousands of accidents that happen and do not include the single vehicle accidents like rollovers and apparatus running off the road to name a few. Driving is a great responsibility so treat it as if your life matters!
Resources


