

Report to CDEM Joint Committee – Decision Required

Supplementary to Addendum

File No: 35 00 05
Date: 2 June 2017
To: CDEM Joint Committee
From: Group Controller/GEMO Manager – Lee Hazlewood
Subject: Use of Vehicles in an Emergency

Purpose

To provide the Joint Committee with a policy proposal on the use of vehicles in an emergency as raised and discussed at the last Coordinating Executive Group (CEG) meeting (2nd June 2017).

Decision Required

1. Whether or not to receive the report.
2. Whether or not to adopt the use of vehicles in an emergency policy.

Recommendation:

1. That the report **Use of Vehicles in an Emergency** (Doc #10614803 dated 29 May 2016) be received.
2. That the Joint Committee adopt the **Use of Vehicles in an Emergency Policy** (Doc #8327758) subject to the appropriate criteria being agreed to by the Emergency Services Coordinating Committee on the use of vehicles under red lights, and that as of adopting this policy no one can drive an Emergency Response Vehicle with lights and siren until this criteria is agreed.

Decisions made

CEG endorsed the policy for adoption subject to the threshold criteria for the use of red lights and siren being agreed to by the Emergency Services Coordinating Committee members. This policy is now submitted to the Joint Committee for adoption subject to the same requirement being completed.

Background

The Land Transport (road user) rule 2004 identifies CDEM vehicles as emergency vehicles for the purpose of attendance at emergencies. The same legislation defines a CDEM vehicle as being operated under the instructions of a controller.

The legislation permits a red beacon fitted to an emergency vehicle that is being operated in an emergency, and the use of sirens fitted to emergency vehicles being used on urgent occasions.

Consequently, a CDEM vehicle can be fitted with approved red lights and sirens. When so fitted and operated, during an emergency and under the instructions of a controller appointed under section 10 or section 26 of the Civil Defence Emergency Management Act, the authorised driver of a CDEM vehicle who exceeds the speed limit or safely contravenes a traffic signal is not in breach of the legislation.

The aforementioned provision in primary NZ legislation requires careful and considered management by the CDEM group members, particularly those territorial authorities that operate vehicles for Civil Defence purposes.

The attached draft policy is intended to mitigate against the risks involved in operating a CDEM vehicle during an emergency, by requiring proportionate activities and safeguards by those authorities that operate vehicles for Civil Defence purposes. The legislative assumptions that underpin this draft policy have been reviewed by WRC Legal Services.

END OF REPORT

A handwritten signature in black ink that reads "Lee Hazlewood". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

Signed by Lee Hazlewood
Group Controller/Manager

Attachments

Policy on use of vehicles in an emergency (Discover #8327758)



Policy: CDEM vehicles in an emergency

1 Purpose

This policy is intended to ensure an appropriate and consistent use of Civil Defence Emergency Management (CDEM) vehicles across the Waikato Region CDEM Group during emergency events.

The purpose of the policy is to minimize the risk to the public and CDEM staff, meet the needs of an efficient and effective emergency response and to take into consideration matters of organisational reputation.

2 Background

The Land Transport (road user) rule 2004 identifies CDEM vehicles as emergency vehicles for the purpose of attendance at emergencies. The same legislation defines a CDEM vehicle as being operated under the instructions of a controller.

The legislation permits a red beacon fitted to an emergency vehicle that is being operated in an emergency, and the use of sirens fitted to emergency vehicles being used on urgent occasions.

Consequently, a CDEM vehicle can be fitted with approved red lights and sirens. When so fitted and operated, during an emergency and under the instructions of a controller appointed under section 10 or section 26 of the Civil Defence Emergency Management Act, the authorised driver of a CDEM vehicle who exceeds the speed limit or safely contravenes a traffic signal is not in breach of the legislation.

The aforementioned provision in primary NZ legislation requires careful and considered management.

3 Scope

This guidance is intended for use by CDEM Controllers, CDEM Professionals and any staff with the appropriate authority, acting on the behalf of the CDEM Controllers and/or CDEM Professional staff during an emergency response (declared emergency or not).

This policy is relevant only when acting under the instructions of a CDEM Controller for the purposes of a CDEM Emergency.

All non-emergency workplace driving will be covered by the driving policies of the respective organisations/council, which must be followed.

This is intended to be an enabling policy. Nothing in this policy is intended to compel a member of staff to utilise any approved red lights and sirens on CDEM vehicles and/or utilise the dispensations available to contravene road law/rules.



Nothing in this policy is intended to erode the obligations or expectations of individuals and/or organisations through primary New Zealand legislation, specifically the Health and Safety at Work Act 2015 and The Land Transport Rule 2004.

4 Selection, training and relevant disclosures

4.1 Driver selection:

Emergency Response Driving carries increased levels of risk and increased stresses for the driver. Therefore, to minimise risk to the public and staff members as well as maintaining a positive reputation for the organisation, careful consideration is required when selecting individual staff members to undertake specialist driver training with the view to being employed on duties which may entail emergency response driving.

The following factors should be considered when selecting staff members to undertake specialist driver training, with the view to being employed on duties which may entail emergency response driving. The list should not be viewed as exhaustive, but seen as the minimum level of scrutiny required:

- Driving experience – Staff must have a minimum of three (3) years' experience as a full licence holder
- Driving history – internal policy breaches, infringement notices and more serious driving offences are scrutinised
- Medical issues - Any condition, including the use of medication, that may affect the ability of the staff member to safely undertake emergency response driving duties is considered
- Staff performance – Any demonstrable concern regarding the staff members attitude and adherence to work place policy/procedure is scrutinised

4.2 Training/Qualifications/Driving standards:

Any staff intended to be employed in the driving of CDEM response vehicles, during an emergency, should be trained to the requirements of Unit Standard (US) 3267 and all relevant staff shall undergo refresher training a minimum of every two (2) years. This refresher training is mandatory, irrespective of any experience gained operationally during the intervening period.

A register shall be maintained of all staff who hold the relevant, and current, qualification to be employed in the driving of CDEM response vehicles.

Designated CDEM response vehicles shall contain a written document, containing an up to date list of the names of all approved CDEM emergency response drivers. The document must be signed by the controller, appointed under section 10 or section 26 of the Civil Defence Emergency Management Act, for that area.



Irrespective of the length of time since the last US 3267 driver training, an emergency response driver's ability to operate safely should be kept under constant review by their relevant CDEM controller.

As a minimum a reassessment of a member of staff's ability to undertake emergency driving duties, by an approved training provider (US 3267), should be considered in the in the following circumstances:

- A road traffic collision involving the staff member, where the standard of driving of the employee is under question
- The staff member receives an infringement notice, which gives rise for concern about the standard of driving and/or judgement of the staff member
- The staff member receives summons/notice to attend court to answer allegations of driving offences too serious for an infringement notice
- The staff member is identified as breaching internal driving policies, which gives rise for concern about the standard of driving and/or judgement of the staff member
- A recurrence of any of the above, which when reviewed in the whole, gives rise for concern about the standard of driving and/or judgement of the staff member
- A medical condition which could affect the driving abilities of the staff member*

*In the case of the medical condition, the staff member may be required, at the organisations expense, to undergo an independent medical examination. The staff member will be requested to provide access to the relevant medical report, in order that a decision can be made regarding continuation of emergency driving duties.

Irrespective of the aforementioned option for a driving re-assessment, if there is concern regarding the staff member's ability to operate an emergency response vehicle safely, the relevant controller may withdraw the emergency response driving authority from the staff member concerned.

4.3 Staff disclosure of relevant facts:

Emergency Response Driving carries increased levels of risk and increased stresses for the driver. To minimise risk to the public and staff members as well as maintaining a positive reputation for the organisation, increased scrutiny of our ability to drive safely is required.

Therefore, all staff qualified authorised to drive CDEM response vehicles in an emergency, are required to disclose in writing, any matters, which could adversely impact on their driving abilities or adversely affect the public perception of our driving abilities to their Local Civil Defence Controller. Disclosures will be treated in the strictest confidence.

Disclosures include, but are not restricted to:

- Driving offence convictions
- Summonses/infringement notices for cases not yet dealt with
- Involvement in a road traffic collision
- Breaches of internal driving policies (including cases not yet dealt with)
- Any medical condition (including medication) which may affect ability to perform emergency response driving duties
- Any current issues of fatigue



- Excessive working hours without a suitable break

Controllers will assess each disclosure and consider any appropriate action and/or mitigation. See section 4.2 above.

4.4 CDEM Duty officer – Not authorised

This policy is not intended to require all persons employed as CDEM duty officer, to be authorised to drive CDEM response vehicles in an emergency. Where a CDEM duty officer is not authorised to drive CDEM response vehicles in an emergency; they must not use the red lights (beacons) and/or sirens. They must adhere to the normal laws/rules for NZ driving.

5 Driving policy

5.1 Use of siren and red lights (beacon):

A CDEM emergency is defined as an incident that *“causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in NZ or any part of NZ”*.

For the purposes of implementing this policy, the aforementioned shall be defined further to ensure any use of red lights and sirens provided for CDEM in the Land Transport Rule 2004, is not only legal, but also necessary and proportionate.

1. Red lights (beacons) and sirens can only be used in an emergency by appropriately trained and authorised persons, when instructed by a CDEM controller.
2. The use of beacons and sirens should only be authorised by a Controller when it is assessed that the attendance of CDEM staff at or near to the emergency, is required for urgent life safety issues or serious public harm concerns.
3. An “emergency” does include travel to a CDEM coordination centre as a first response, to initiate urgent agency co-ordination and public alerting, where the expediency of the response is critical to reducing the risk to public safety.
4. Sirens should only be used in conjunction with an operational beacon.
5. The instructions of the CDEM Controller should ordinarily be sought to operate a CDEM emergency response vehicle during an emergency. However, where obtaining the instruction/direction from CDEM Controller has not been possible, a qualified CDEM response driver, as listed in the CDEM response driver register, has the discretion to operate the vehicles red lights and sirens in an Emergency (for urgent life safety issues or serious public harm concerns). In such a scenario, the qualified CDEM response driver shall inform the CDEM controller as soon as practicable, after the event.



5.2 Exceeding the speed limit:

Irrespective of the provision in NZ legislation for CDEM responders to exceed the posted speed limit when lawfully operating red lights and sirens, this Waikato Region Civil Defence Emergency Management Group (WCDEMG) policy puts a cap of no more than 20 kilometres per hour above any posted speed limit when lawfully operating red lights and sirens and responding to an emergency.

- Irrespective of the CDEM emergency and the use of Red Lights and Sirens, speed is limited to a **maximum 20 km per hour** when passing a school bus that is dropping off or picking up children; regardless of which direction you are travelling.
- Irrespective of the CDEM emergency and the use of Red Lights and Sirens, speed is limited to a **maximum 40 km per hour** when travelling through a school zone during school hours.
- Irrespective of the CDEM emergency and the use of Red Lights and Sirens, speed is limited to a **maximum 20 km per hour** when travelling past a Road Traffic Collision
- Irrespective of the CDEM emergency and the use of Red Lights and Sirens, speed is limited to the **posted speed limit** when travelling through active road works.

5.3 Contravention of a traffic signal/control device:

The Land Transport Rule 2004 states:

A driver of an emergency vehicle that is displaying a blue or red beacon or blue and red beacons or sounding a siren, must be regarded as having complied sufficiently with [the traffic signal legislation] if the driver reduces speed so as not to exceed 20 km per hour and then proceeds, taking due care to avoid collision with pedestrians and other traffic.

Irrespective of the aforementioned provision in NZ legislation for CDEM responders to contravene the traffic signal legislation, when lawfully operating red lights and sirens, this Waikato Region Civil Defence Emergency Management Group (WCDEMG) policy places additional restrictions on CDEM responders.

Specifically, the authorised CDEM driver must initially comply the instructions given by that traffic control device and only proceed through once it safe to do so, and must not exceed 20 km per hour when proceeding. The authorised CDEM driver must take due care to avoid collision with pedestrians and other traffic.

5.4 Reporting contravention of the Land Transport Rule 2004/Use of Sirens and Beacons:

As soon as practicable after the event but within 24 hours of the incident, all cases of the use of sirens and beacons should be reported via e-mail to the CDEM controller.



You must provide the CDEM controller with the time, date, route taken, passengers carried, vehicle details and potential infringement notices which may be attracted from the journey, such as speeding and/or contravention of traffic signals.

The CDEM controller will save and retain the e-mails, for reference purposes in any subsequent query regarding the legitimacy of the use of the use of sirens and beacons.

5.5 Seeking dispensation under the Land Transport Rule 2004:

Accountability and transparency are critical to maintaining a positive reputation and maintaining the confidence of the public. Therefore, any request for dispensation from prosecution must be thoroughly investigated by the CDEM controller, prior to being formally processed.

Once the CDEM controller is satisfied that the request for dispensation from prosecution is lawful in the circumstances, then he/she shall follow the process agreed with the New Zealand Police.

Where the dispensation relates to the use of the vehicle by a CDEM Controller: Any investigation into, and/or official request to NZ Police for a dispensation, must be directly managed by the CDEM controller's line manager.

5.6 Use of mobile telephones and hand-held radio equipment:

Emergency Response Driving carries increased levels of risk and increased stresses for the driver. Enhanced levels of concentration are required to minimise the risk to the public and staff members.

Therefore, irrespective of sub-clauses in the Land Transport Rule 2004, which allows for the use of mobile phones to make emergency calls while driving if it is impracticable to stop. This WCDEMG policy states a CDEM driver must not, in any situation, use a mobile telephone or hand-held radio, whilst driving a CDEM vehicle with lights and siren activated.

5.7 Seat belts:

There is no specific exemption in the Land Transport Rule 2004 for CDEM staff not to wear seat belts.

Unless a staff member has a valid medical exemption, seat belts must be worn. The driver of a CDEM emergency response vehicle is responsible for ensuring all passengers wear their seat belts.



5.8 Breaches of driving policy:

The relevant CDEM controller will ensure all breaches of driving policy are thoroughly investigated.

If the authorising CDEM controller is not from the same council as the staff member under scrutiny, then any investigation must be conducted in consultation with the council concerned.

Where the breach of driving policy relates to the use of the vehicle by a CDEM Controller: Any investigation must be directly managed by the CDEM controller's line manager.

All breaches of policy will be dealt with in accordance with the relevant council's HR procedures.

6 Fleet policy:

6.1 Vehicles, equipment and insurance:

Where a council has identified a vehicle for use by staff as a CDEM emergency response vehicle, it must be fitted with red lights and sirens (with integral PA), the requisite* dedicated CDEM radio, any general use radio in use by the specific council, standard* CDEM signage (permanent or magnetic), and must be available for use by authorised persons 24-hours a day.

Councils are responsible for ensuring any vehicle designated or intended for CDEM emergency response purposes, is appropriate for the intended purpose. This includes the service regime for the vehicle and the appropriateness of consumables, such as tyres and brakes.

Council managers are responsible for ensuring any red lights (beacons) and sirens that are fitted to CDEM emergency response vehicles, have been approved to an appropriate NZ standard for fitting to the vehicle.

Fleet managers are responsible for ensuring the details of any vehicle designated or intended for CDEM emergency response purposes, including highlighting the likely use of that vehicle for emergency response purposes, are provided/disclosed to the relevant council insurers/underwriters

The requirements of this policy only applies to those CDEM vehicles that are designated or intended as CDEM **emergency response** vehicle.

*Note: Specifications for radios and signage are established by the Group Emergency Management Office.

End Document