



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony before the Assembly Committee on Criminal Justice and Public Safety Assembly Bill 297 Rep. Amy Loudenbeck

Good morning, Mr. Chair and members. Thank you for holding this hearing today on Assembly Bill 297 relating to traffic violations when emergency or roadside response vehicles are present and providing a penalty.

As a former volunteer firefighter and the wife of a career firefighter/paramedic, I am proud to coauthor Assembly Bill 297 which is intended to protect first responders from unnecessary and preventable danger by creating an emergency response area, similar to a work zone, in which first responders can slow down traffic by reducing the speed limit. In this emergency response area, just like in a work zone, fines would double for speeding, reckless driving, and other traffic citations, and drivers may not use a cell phone while driving in an emergency response area, with the same penalties applying.

Tragically, collisions with emergency or roadside response vehicles or workers responding to an emergency due to distracted and reckless driving are not uncommon. Sometimes these collisions result in injury or death, with only minor repercussions for the driver.

When it comes to work-related injuries and fatalities, first responders are among those facing the greatest risk. Their general duties already create an inherent risk for on-the-job injuries and illnesses, some of which are not preventable. AB 297 is intended to help alleviate the risks that are preventable, by holding motorists to the same standard of care and level of accountability in an emergency response area as they would in a work zone.

AB 297 further protects our first responders *and* other workers on or near a roadway, like tow truck drivers and construction workers, by stiffening penalties for striking, injuring, or killing a worker. Under the bill, if a driver causes bodily harm to workers engaged in highway maintenance, construction, utility work, emergency response, or roadside response, they may be fined up to \$10,000 or jailed for 9 months, or both. Additionally, a court may also order 100-200 hours of community service and mandatory traffic school.

AB 297 requires the Department of Transportation to create an awareness campaign to make drivers aware of these changes and the risks associated with not moving over, reducing speed, and putting away your cell phone in an emergency response area. Drivers should understand their reckless behavior is putting our first responders and workers on or near the roadway at risk.

It is important to note that AB 297 has one change compared to 2019 Assembly Bill 746 from last session to further define that the emergency zone is the section of roadway within 500 feet of emergency vehicles. We chose to delineate the emergency zone based on two things: (1) 500 feet is consistently used in other areas of WI statute that deal with visibility on roadways and, (2) we looked at several other states who have similar emergency zone laws and 500 feet was used in other states, including Illinois.

Thank you for your consideration and I'd be happy to answer any questions at this time.



Testimony in Support of Assembly Bill 297
Assembly Committee on Criminal Justice and Public Safety
June 3, 2021

Chairman Spiros, Vice-Chair Horlacher, and members of the committee, I appreciate this opportunity to testify on Assembly Bill 297. Last session, Amherst Fire Department Assistant Chief Brian Swan brought the issue of roadside safety for first responders to my attention after a reckless driver crashed into a fire truck in Waupaca as they were responding to an incident. Since then, I've worked with Assistant Chief Swan, Chief Victor Voss, and a broad coalition of bipartisan legislators and stakeholders, including a multitude of fire departments from around the state to craft and advance this bill. Last session, the bill was recommended unanimously by its Assembly committee, and since then, I've continued to hear more and more stories underscoring its urgency.

Let me start by saying the Move Over or Slow Down law is good for education, but we can do more. Under current law, we have seen multiple cases in which a first responder has been killed or seriously injured and the driver at fault walked away with a mere citation for inattentive driving. In one case in Endeavor, a 34-year veteran firefighter was struck and killed while responding to an accident site, and a car did not move over and struck him. The driver walked away with a citation for inattentive driving. In another case, a Delton firefighter was struck by a driver who also walked away with just a citation. *It is simply unacceptable that the men and women who put their lives on the line to keep us safe every single day are risking their lives when they respond to an incident on the roadside.* To address this, AB 297 was designed with three main components in mind: prevention, enforcement, and education.

First and foremost, the bill creates an emergency response area, which mirrors our laws related to work zones, in which first responders and TIMS teams can help to prevent these incidents from occurring by reducing the speed limit to slow down traffic where appropriate. An emergency or roadside response area is within 500 feet of an authorized emergency vehicle giving a visible signal or a tow truck displaying flashing red lamps. Under this bill, in an emergency response area, fines would double for speeding, reckless driving, and other traffic citations, and folks are prohibited from using their cell phones while driving, with the same penalties applying as in a work zone. This is the prevention component.

Secondly, the bill creates new penalties for drivers who injure or kill a worker on the side of the road. This component of the bill applies to construction, maintenance, utility, tow truck, and emergency workers. If a driver causes bodily harm to workers engaged in highway maintenance, construction, utility work, emergency response, or roadside response, they may be fined up to \$10,000 or jailed for 9 months, or both. Additionally, a court may also order 100-200 hours of community service and mandatory traffic school. These stiffened penalties will serve as a deterrent, and to ensure everyone is aware of the stiff penalties for harming a roadside worker, education is key to prevention.

Finally, the bill requires an advertising campaign from DOT to educate the public and ensure that folks are aware of the hazards and penalties associated with traffic violations in highway construction, maintenance, utility, and emergency or roadside response areas, in the hopes that it will lead to heightened awareness and caution among drivers. Drivers should take their responsibility seriously and understand that reckless behavior is putting our first responders and workers on or near the roadway at risk. It is my hope that this bill will create a push for all of us to do better and own our driving as a grave responsibility.

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Email: rep.shankland@legis.wisconsin.gov • Website: <http://shankland.assembly.wi.gov>

I have heard from first responders from all over the state who say they would much rather run into a burning building than handle an accident on the side of the road. Their families have told us they worry most when their loved ones have to respond to a highway incident. In fact, Nicole Lannyk, whose husband was injured while responding to a roadside incident, shared the following with me to be read as a part of last year's public hearing:

"As a fireman's wife, I know when the pager goes off that it is his duty to help those in need, it is my duty to support that. He runs out of the house and I say I love you, be careful. I try to not think about the danger he is in when he's gone. For years I thought that running into burning buildings was the most dangerous part of the job. I was wrong. Being on the side of the road at an accident scene is more dangerous than them fighting fires, at least in my opinion. They have gear to protect them from the fire. They have no 'gear' to help them when a car hits them going 75 miles an hour, which is what happened to my husband that hot summer July Sunday night while attending to an accident on the highway. The only gear they have to help protect them on the side of the road is this bill, this bill is the only thing that will help keep them safe.

I can tell you that since that incident my daughter says 'dad, please don't go' when she hears the pager and hears that it's a 1050 accident call. I reluctantly tell him to go but be careful and don't exhale until he's home. Passing this bill means saving lives, there is nothing to debate. This bill needs to be passed."

It's simple: we can do more to protect our first responders, and we can do more to protect all workers who are responding to an incident on the roadside or roadway. We also can do more to take responsibility as drivers. This bill accomplishes all three.

By creating this emergency response area with the same protections as work zones and adding penalties for injuring or killing a worker on a roadway or roadside, we are protecting first responders and educating people about the urgent need to drive carefully, especially near a worker responding to an incident. The bill enjoys broad bipartisan support and was crafted with the input of many organizations across the state, and I encourage the members of this committee to support it and please prioritize it to ensure that the bill continues to move forward through the Legislature this session.

Thank you for your consideration, and I welcome any questions you may have.



JOAN BALLWEG

STATE SENATOR • 14TH SENATE DISTRICT

Assembly Bill 297: Traffic Violations in Emergency Zones
Assembly Committee on Criminal Justice and Public Safety
Testimony of Senator Joan Ballweg
June 3, 2021

Good morning, members of the committee, and thank you for holding a hearing on AB 297.

In my district in 2015, Larry Millard, a 34-year veteran firefighter was struck and killed by a car while he was responding to an accident. He was working to direct traffic to protect the ambulance crew, but the driver responded too late after trying to pick up his cell phone that dropped to the floor. While attempting to swerve past the emergency vehicle, he hit Firefighter Millard. The driver was issued only a citation. In my district in 2018, Firefighter Joe Sabol was directing traffic at the scene of an accident on I-90/94 near Lake Delton when he was struck by a car. He was in critical condition, but he fortunately recovered from his injuries and returned to duty several months later. The driver was also issued a citation. These stories are far too common across Wisconsin. Even the day before we put out our co-sponsorship memo for this bill, a Wisconsin State Patrol Squad car was struck on I-41 causing minor injuries to the state trooper who was still inside his vehicle.

We are not able to prevent every tragedy from happening, but we can give our first responders better tools to protect themselves, their crews, and the people they are helping during a traffic incident. First, the bill creates an "emergency or roadside response area", which is defined as the section of roadway within 500 feet of an emergency vehicle or tow truck displaying a visible signal or flashing red lights. Just like in a construction zone, it allows first responders to temporarily reduce the speed limit to slow down traffic, doubles fines for certain traffic violations, and bans the use of cell phones.

In addition to creating parity between the way we treat construction zones and now emergency zones, the bill adds further protection for first responders and other workers on or near a roadway, like construction workers and tow truck drivers, in cases when bodily harm occurs. If such a violation occurs, like in the examples above, the operator of the vehicle can be fined no more than \$10,000 or imprisoned no more than 9 months or both, and they may also be required to perform between 100-200 hours of community service and attend traffic safety school. Lastly, the bill requires the Department of Transportation to educate drivers through an awareness campaign about the changes made by this legislation and to remind drivers about the importance of slowing down, putting away your cell phone, and using caution in an emergency or roadside response area.

Other states have similar laws designating emergency zones, such as Illinois, Michigan, Missouri, Maine, Pennsylvania, and Washington. We chose to delineate the emergency zone to be within 500 feet of visible signals based both on other states' laws and the fact that 500 feet is consistently used in other parts of Wisconsin's statutes that deal with visibility on roadways.

This proposal has the support of numerous groups, including the Wisconsin EMS Association, the Professional Fire Fighters of Wisconsin, Badger State Sheriffs Association, Wisconsin Sheriffs and Deputy Sheriffs Association, the Wisconsin Professional Police Association, the Wisconsin Chiefs of Police Association, the Wisconsin State Fire Chiefs Association, the Wisconsin State Firefighters Association and the Wisconsin Counties Association.

Thank you for your consideration, and I am happy to answer any questions.

Amherst Fire District

Fire, Rescue and Emergency Medical Service



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Public Hearing

Thank you Mr. Chair and members of the committee for taking the time to consider this proposal. My name is Victor Voss and I am the Fire Chief of the Amherst Fire District in Portage County. I also work as the Deputy Fire Chief of Operations for the Neenah – Menasha Fire Department in Winnebago and Calumet County's. I am a member of the Wisconsin State Fire Chiefs Association as well.

This legislation was scripted to accomplish one thing, protect those that have to work on the roadways in Wisconsin during emergencies. These events are often short in nature, but extremely dangerous to the responders. It is not a matter of if someone is going to be injured or killed, it is a matter of when. Close calls are expected and common during these incidents. Often the separation between vehicles travelling at speed and workers is only a 4 inch wide line on the pavement and a dozen plastic traffic cones.

The majority of highways in Wisconsin fall in rural areas where the posted speeds are 65 or higher. County roads and township roads can be dangerous too. These same areas of the state are often protected by volunteer firefighters, local EMS workers, local tow truck drivers and law enforcement. Each of these disciplines have the same fear when responding to emergencies on our roadways – will someone get hit by a vehicle today?

As a fire chief I prepare my department members for any incident they may be called upon to respond to. Our firefighters are equipped and trained to do what they are passionate about doing, save lives! Fire Chiefs worry a lot! We worry about budgets, equipment, moral, recruitment, retention and of course the health and safety of our firefighters. Everyone Goes Home consumes a fire chief's thought process while operating at an emergency scene. There is nothing that terrifies a fire chief more than losing control of what is happening around them. Incidents on roadway are dangerous and on the edge of control. Fire Chiefs need your help gaining some control of these situations in order to protect the firefighters and other responders. This legislation will help us protect our friends, family and co-workers. It will not remove all of the danger, but it will give us some tools to help make sure "Everyone goes Home"

Thank you for your consideration.

Support for Senate Bill 311 Assembly Bill 297

Thomas Earl Bray

Deputy Chief/AEMT

Amherst Fire District, PO Box 38, 4585 Fairgrounds Road, Amherst, WI, 54406

Home: 338 Pond Street, Amherst, WI 54406

5/29/2021

Honorable Committee Members,

I am submitting this written testimony to this committee to express my support for Senate Bill 311/Assembly Bill 297. Amherst Fire District has a long history of involvement in the area of traffic incident management. Our department spearheaded the use of the FHWA temporary traffic control zone standards detailed in the Manual on Uniform Traffic Control Devices (MUTCD) and 23 CFR Part 634 (worker visibility, now found in the MUTCD) in the early 2000's. The reason for this initiative was to protect our members while working on or near the roadways after a series of close calls. The principles are to warn traffic well in advance of the scene, transition traffic into the lanes we need it in using a taper line of cones, directly controlling the flow of traffic with flaggers (if necessary) and placing vehicles in strategic locations to protect our members working on the actual scene.

When the State of Wisconsin adopted the Traffic Incident Management (TIM) principles and training, we immediately sent one of our on-staff instructors (DC Bray) to be qualified as a state instructor and required all of our members to complete the TIM training. We have since hosted many classes on TIM, conduct annual refresher training on TIM, and DC Bray has taught classes all over the State of Wisconsin. To say our department is passionate about trying to protect our members working on the roadways would be an understatement.

While conducting TIM training, the topic of how drivers behave while operating in our TIM areas inevitably comes up. All departments (police and law enforcement) have multiple near misses they share. This always leads to the inevitable question, and that is, "What is being done to get drivers to pay more attention and behave in our TIM areas?" Part of this discussion involves the "Move Over or Slow Down" law. Thank you for that, it has made a difference. It reinforced a safe practice that good drivers already exercised and made more people aware of what they need to do to keep us (emergency responders and others that work on the roadways) safe. However, it did not go far enough.

To get the attention of drivers and change behavior, there needs to be known consequences attached to actions or inaction. This bill provides those consequences, especially when combined with an educational effort and public service announcements. Once this bill is in place, the goal would be to educate the public on the consequences (fines double, \$10,000 for injuring a worker on the roadway, including an emergency responder). This will in turn raise awareness on the need to operate safely in emergency or roadside response areas and change behavior of many drivers. Of course, the bill would also provide law enforcement and district attorneys an additional tool to use to punish drivers that refuse to drive safely through an emergency zone. This is necessary because the educational efforts will not be enough to change the behavior of all drivers.

Thank you for allowing me the opportunity to submit my written testimony to this committee and thank you for your time and effort on this important topic.

Thomas Bray

Wisconsin EMS Association

Serving Those Who Serve Others



To: Representative John Spiros, Chair
Members of the Assembly Committee on Criminal Justice & Public Safety

From: Alan DeYoung, Executive Director

Date: Thursday, June 3, 2021

Re: **Testimony in Support of 2021 Assembly Bill 297**

The Wisconsin EMS Association (WEMSA), representing over 6,000 first responders, emergency medical technicians (EMTs) and Paramedics throughout Wisconsin, **supports** Assembly Bill 297.

First responders (EMS, Police, and Fire) regularly put their lives at risk responding to various types of emergency situations. What may be surprising to the general public, is that one of the more dangerous situations is responding to an incident or accident on a highway and roadway – as the risk is being hit by other drivers. Keep in mind that every day in Wisconsin there is an emergency response to an incident on highways and roadways.

When reading the bill summary, you will notice that most of Assembly Bill 297 is simple by proposing to extend to emergency responders similar traffic safety enforcement policies already provided to transportation maintenance and construction personnel.

AB-297 would extend the doubling of fines \ forfeitures to an emergency or roadside response area with what is already provided under current law for specified traffic violations committed where-in persons work in highway maintenance, construction area, or utility area, are at risk from traffic.

AB-297 would extend the prohibition and fines provided under current law of using a wireless telephone in a construction zone to driving a motor vehicle in an emergency or roadside response area.

AB-297 would extend to law enforcement officers, fire fighters, or emergency medical responders in response to an emergency what is already provided under current law that allows local authorities to post temporary reduced speed limits on highways under construction or repair.

And an added provision would stipulate that, if an operator commits one of the covered violations in a highway maintenance or construction area, utility work area, or emergency or roadside response area and the violation results in an injury to another, the operator may be fined not more than \$10,000 or imprisoned not more than nine months, or both.

Thank you for the opportunity to provide testimony today. If you have any questions, please feel free to contact me at Alan@WisconsinEMS.com.

Thank you,

Alan DeYoung
Executive Director
Wisconsin EMS Association
26422 Oakridge Dr
Wind Lake, WI 53185

A handwritten signature in black ink, appearing to read "Alan DeYoung", is written over the typed name and title.

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Amherst Fire District

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Highway Safety Bill

Thank you for having a hearing on this bill. This all started about two years ago when I was on my way home from work and a neighboring fire department Waupaca fire department had their engine rear ended on Highway 10 thinking that this could've just as easily been a Amherst Fire District engine that was hit. I started looking into what laws were out there to protect us as firefighters and first responders out on an emergency scene in the roadway.

After looking into this and finding there wasn't anything specifically out there to protect us I contacted representative Shankland and Senator Testin and set up our first meeting with the three of us at our Amherst Fire District.

We talked, discussed, and researched what we would like to see in a new law.

After meeting again together five times over the next several months the bill that is proposed here is what we came up with as group. Not wanting this new law to overshadow the construction or maintenance people working out on the highways we've also included them them in this new law.

Also included this is all tow truck drivers.

This bill is very important for the protection of all firefighters Tow truck drivers maintenance workers and all first responders responding to help others on the roadways in the entire state. Being out on the highway having cars trucks and semi's go past you just several feet away at highway speed's is very scary. This was brought up by several other firefighters throughout the state and one common thing that they said was they would rather run into a fully involved house fire then to respond to an accident out on the highway.

Think about that..... firefighters would rather run in to a burning building than to respond to work an accident on the highway. Mainly because with their turn out gear and all protective equipment they feel safer going into a burning building than they do out of the highway with drivers that could not be paying attention and hit and killed them.

We also included in this bill Is prohibiting the use of wireless telephones while driving through an emergency roadside response area.

I can't tell you how many times I've been videoed or had my picture taken well out on emergency seen by a driver driving past!!!

Thank You for having this hearing on this Bill.

Brian L Swan
Assistant Fire Chief
Amherst Fire District



To: Members, Assembly Committee on Criminal Justice and Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: June 3, 2021
RE: Testimony in Support of Assembly Bill 297

BSSA and WS&DSA submit these comments in support of AB 297. As way of background, BSSA is a statewide organization representing all of Wisconsin's 72 Sheriffs. WS&DSA is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

The county law enforcement community supports AB 297, which would help protect Wisconsin's first responders as they work on roadside accidents and emergencies. Because of inattentive, reckless, or impaired drivers, roadside emergencies are among the most dangerous situations that law enforcement officers, firefighters, and emergency medical personnel respond to as part of their essential duties. AB 297 failed to pass last session despite broad bipartisan support and the endorsement of many statewide associations representing our state's first responders.

This bill will promote safer driving near roadside accidents and emergencies by creating an emergency response area in which first responders can slow traffic. This bill would treat emergency response areas as we already treat work zones, where fines for speeding, reckless driving, and other traffic citations are doubled. Drivers would also be banned from using their cell phones in an emergency response area. Phone use is a major contributor to motor vehicle accidents, including situations where passing drivers fail to notice or respond to a roadside emergency by slowing down or changing lanes.

This bill would further help deter reckless driving by stiffening the penalties for striking, injuring, or killing any worker engaged in emergency or roadside response, utility work, construction, or highway maintenance. Wisconsin has had several notable incidents of first responders injured or even killed by inattentive drivers passing by, only to have the driver walk away from the incident with a simple citation.

Wisconsin's county law enforcement supports this bill to ensure the safety of first responders and everyone else on road when there is an accident scene or other roadside emergency present.

Thank you for receiving our testimony today and please contact our organization if you have any questions about my testimony or our support for AB 297.

Written Testimony of Nick Jarmusz
Midwest Director of Public Affairs for AAA – The Auto Club Group
Wisconsin Assembly Committee on Criminal Justice and Public Safety - Hearing on Assembly Bill 297
June 3, 2021

Thank you, Chairman Spiros and members of the committee, for the opportunity to be here today. And thank you to the many sponsors and co-sponsors who brought this bipartisan legislation forward.

My name is Nick Jarmusz, and I am the Midwest director of public affairs for AAA – The Auto Club Group. The Auto Club Group provides emergency roadside assistance to over seven hundred thousand (700,000) AAA members in the state of Wisconsin through our fleet in Metro Milwaukee and extensive contractor network throughout the state.

Last year, even as traffic volumes fell as much as 50 percent, our crews responded to over 11,000 member service requests on Wisconsin interstates and highways. As commuters and travelers return to the roads in higher numbers during the coming months, we expect to rescue many more over the course of this and future years.

According to the CDC, one automotive service provider, on average, is killed in the line of duty every other week in the United States, making the towing industry 15 times deadlier than all other private industries combined.

These dedicated professionals are among the many essential workers and everyday heroes that we heard so much about during the past year, and it is why AAA has made strengthening and promoting awareness of the laws that protect them one of our top advocacy priorities for 2021.

We strongly support Assembly Bill 297, which will apply the same protections afforded to construction and maintenance workers to emergency roadside responders, who often find themselves facing the same danger with even fewer physical safeguards in place.

We are particularly enthusiastic about extending Wisconsin's work zone prohibition on cellular and smartphone use – both hand held and hands free - to roadside emergency scenes. Drivers should focus on the road at all times, but when workers are present on the roadside driver inattention takes on heightened importance. Research from the AAA Foundation for Traffic Safety has found that even hands free use of mobile devices can be dangerously distracting behind the wheel.

AAA's slogan for reminding motorists to watch out and use caution when passing roadside emergency responders is "their lives are on your shoulders." We thank you for your consideration of this legislation, which would certainly make the shoulder a safer place for them to do their essential work.



Wisconsin Towing Association

A Division of the Wisconsin Motor Carriers Association

CHAIR
John Schmidt
Schmidt's Auto

VICE CHAIR
Jean Wedel
Dewey's Towing

IMMEDIATE PAST CHAIR
Ted Kabus
Kabus Auto Body and Recovery

SECRETARY
Dan Johnson
WMCA/WTA

Testimony in Support of Assembly Bill 297
Assembly Committee on Criminal Justice and Public Safety
June 3, 2021

Dear Mr. Chairman and Committee Members,

My name is Dan Johnson and I am the Division Administrator for the Wisconsin Towing Association and Vice President of the Wisconsin Motor Carriers Association. On behalf of our members, I thank you for taking time today to accept our testimony in support of Assembly Bill 297, a bill designed to protect and save lives of emergency responders on Wisconsin's roads and highways.

State Representative Amy Loudbeck and State Senator Joan Ballweg have authored the legislation this session and I'd like to thank both of them, along with the many Republicans and Democrats who have joined in co-sponsoring this much-needed bill. In addition, I'd like to extend our appreciation to the many responder organizations and individuals who have lent their expertise on this bill, including fire departments, law enforcement, EMS, medical, and highway departments.

The merits of the bill are before you, but I would like to share a couple of important points regarding the need for such legislation. First, each year in the United States, a tow truck operator is killed by a passing motorist every six days while performing his or her duties assisting those in need. These professional operators have lost their lives due to the negligence of other drivers and we must do something to stop this deadly trend. Tow operators are professionally trained individuals who take great care to protect themselves, and more importantly, protect those they are assisting on the side of the road.

Unfortunately, even with the most due care and caution, distracted or inattentive drivers who either do not understand the rules of the road while passing an emergency scene - or perhaps do not care - can create havoc within a matter of seconds. Each and every year, there are countless near-misses, numerous equipment and vehicle strikes, serious bodily injury, and sadly many lives lost. Responding to a roadside incident - be it towing, police, fire or EMS - may very well be one of the most dangerous occupations in the country.

Second, Wisconsin's 'Move Over-Slow Down' law was enacted twenty years, with Wisconsin being one of the first states to enact such protective legislation. While that law has probably saved many lives, it's still not enough, as the vast majority of motorists may not even know the law exists. Thus, education is the key for the Move Over law to work as intended, but the message is not getting out often enough. That is why we believe adding a new "emergency response area" to state law will bolster educational efforts for the Move Over law. With both laws in place and working in tandem, Wisconsin will be able to convey a stronger message to motorists that lives are at stake and people who simply wish to help others also simply wish to go home.

The men and women of the Wisconsin Towing Association often work side by side with many professional emergency responders and we stand shoulder to shoulder with them today in support of Assembly Bill 297.

Again, thank you for your time and attention to this bill.

Respectfully submitted,

Dan Johnson
Wisconsin Towing Association
Madison, WI

2020 Emergency Responder Struck-by-Vehicle Fatalities

Date Of Incident	State	City/County	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	LODD or Off-Duty	Responder Name	Organization	Activity	Link to news story or source
1/1/2020	IL	Maywood			1			LODD	Andrew R. Dove-Ferdere	O'Hare Towing Service	Crash Scene	https://abc7chicago.com/tow-truck-driver-fatally-struck-on-eisenhower-expy-idd-15804831
1/4/2020	SD	Watertown			1			LODD	Dale Jones	Perfance Towing & Recovery	Disabled Vehicle	https://www.zerulesleader.com/story/news/crime/2020/01/04/two-truck-driver-killed-after-being-hit-car-water-town-south-dakota/2816018001/
1/5/2020	PA	Rostraver Twp.		1				LODD	Matthew Smeliser	Rostraver West Newton Emergency Services	Crash Scene	https://www.wtsp.com/article/70-closed-in-booth-directions-due-to-fatal-crash/30402181
1/9/2020	HI	Milliani			1			LODD	Aaron Malama	A's Towing	Disabled Vehicle	https://www.kitv.com/story/41543017/two-men-hit-overnight-on-h2-freeway-while-working-on-stalled-vehicle
1/11/2020	TX	Lubbock		1				LODD	Lt./Paramedic Eric Hill	Lubbock Fire Dept.	Crash Scene	https://www.kcbd.com/2020/01/11/firefighter-police-officer-struck-killed-while-working-wreck-1/
1/11/2020	TX	Lubbock	1					LODD	Officer Nicholas Reyna	Lubbock Police Dept.	Crash Scene	https://www.kcbd.com/2020/01/11/firefighter-police-officer-struck-killed-while-working-wreck-1/
1/12/2020	CA	Los Angeles	1					Off-Duty	Amber Leist	Los Angeles County Sheriff's Department	Public Assist	https://abc7.com/5843059/
1/23/2020	VA	Newport News	1					LODD	Officer Katie Thyne	Newport News PD	Traffic Stop	https://www.fox10tv.com/news/us-world-news/a-virginia-police-officer-was-killed-when-a-car-dragged/article-14af6d1-82a7-5690-9c97-98c9f8a0380c.html
1/31/2020	TX	Corpus Christie	1					LODD	Officer Alan McColium	Corpus Christie PD	Traffic Stop	https://www.caller.com/story/news/local/2020/02/07/fly-half-staff-corpus-christi-officer-alan-mccolium/4640024002/
2/7/2020	MO	Springfield			1			LODD	Timothy Williams	Affordable Towing	Disabled Vehicle	https://www.ky3.com/content/news/Serious-crash-investigated-on-hwy-45-north-of-springfield-567682251.html
2/17/2020	KS	Kansas City	1					LODD	Bob Nill	Unified Government	Crossing Guard	https://www.lad bible.com/news/news-heroic-crossing-guard-died-saving-the-lives-of-two-young-boys-20200220
2/24/2020	WA	Chehalis	1					LODD	Trooper Justin R. Schaffer	Washington State Patrol	Stop Sticks	https://www.odmp.org/officer/24507-trooper-justin-r-schaffer
3/21/2020	OH	Springdale	1					LODD	Officer Kaia Grant	Springdale Police Department	Stop Sticks	https://www.odmp.org/officer/24506-police-officer-kaia-le-fay-grant
4/22/2020	CT	Thrumbull			1			LODD	Corey John Iodice	Iodice Family Transport	Disabled Vehicle	https://www.ctpost.com/police-reports/article/Major-rollover-crash-on-Merritt-Parkway-in-15219281.php
4/26/2020	TX	Temple	1					LODD	Deputy John Andrew Rhoden	Bell County Sheriff & River Falls EMS & Cedar Lake Speedway Safety Crew	Stop Sticks	https://www.kwtv.com/content/news/Local-sheriffs-deputy-killed-during-vehicle-pursuit-in-Temple-569960071.html
5/15/2020	WI	River Falls		1				Off-Duty	FF-EMT Eddie Nicholson		Speedway Crash Scene	https://www.ems1.com/fatal-incidents/articles/off-duty-wis-ff-emt-killed-while-working-on-safety-crew-at-speedway-tb9nupoiAAZEvdD/
5/18/2020	ID	Bonneville County	1					LODD	Deputy Wyatt Maser	Bonneville County Sheriff's Office	Crash Scene	https://www.abc4.com/news/news-local-sheriff-deputy-dies-after-being-struck-by-patrol-vehicle/article-ab61e412-988e-50a4-abca-6e06b83b7b3f.html

2020 Emergency Responder Struck-by-Vehicle Fatalities

Date Of Incident	State	City/County	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	LODD or Off-Duty	Responder Name	Organization	Activity	Link to news story or source
5/20/2020	LA	Hammond	1					LODD	Trooper George Baker	Louisiana State Police	Stop Sticks	https://www.odmp.org/officer/24666-trooper-george-baker
5/29/2020	WI	Racine County				1		LODD	Ramon Antonio Echeverria Loza	Grube's Towing Service/Freeway Service	Debris Removal	https://www.facebook.com/WIStatePatrol/photos/a.163789495008381/281759793711354/
6/8/2020	VA	Fairfax County			1			LODD	Derrick Malbury	Advance Towing LLC	Disabled Vehicle	https://www.nbcwashington.com/news/local/tow-truck-driver-killed-while-working-along-i-495-in-fairfax-county/2327313/
6/11/2020	VA	Fredericksburg			1			LODD	Louis Rich	Taylor Towing & Transport	Disabled Vehicle	https://www.nbc29.com/2020/06/13/orange-county-main-dies-fredricksburg-crash/
6/23/2020	CA	Redwood City				1		LODD	Mark Alercon	Bay Area Freeway Service Patrol	Disabled Vehicle	https://ba.dailypost.com/2020/06/23/tow-truck-driver-killed-on-i-280/
7/1/2020	SC	Charleston			1			LODD	William Ellis	Carolina Roadside Services	Disabled Vehicle	https://www.counton2.com/news/local-news/charleston-county-news/body-found-in-river-near-don-holt-bridge-as-search-for-missing-tow-truck-driver-continues/
7/8/2020	OK	Comanche County			1			LODD	Bernardo Martinez	Sergio's Towing Service	Disabled Vehicle	https://kfor.com/news/local/oklahoma-city-pedestrian-dies-in-3-vehicle-crash-that-also-leaves-santa-fe-woman-in-critical-condition/
7/19/2020	GA	Franklin County	1					LODD	Deputy William Garner	Franklin County Sheriff's Office	Crash Scene	https://www.foxcarolina.com/news/state-police-driver-charged-after-striking-killing-franklin-co-deputy-on-i-85/article-30524ee-ca31-11ea-b573-ef0450805b4.html
7/21/2020	PA	Bethel Township			1			LODD	Tyler Laudenslager	H & S Towing	Disabled Vehicle	https://www.fox43.com/article/news/local/dauphin-county-dauphin-county-tow-truck-operator-killed-in-crash-on-i-78-in-berks-county/521-93043652-72bc-4b09-9031-cbe4c4cc2fa
7/21/2020	OH	Henrietta Township			1			LODD	Eric Ackerman	Interstate Towing	Disabled Vehicle	https://fox8.com/news/two-killed-when-pickup-truck-hits-tow-truck-operator-and-driver-he-was-trying-to-help/
7/25/2020	MS	Monroe County	1					LODD	Deputy Dylan Pickle	Monroe County Sheriff's Office	Safety Checkpoint	https://www.vicksburgnews.com/monroe-county-deputy-killed-saturday-second-deputy-injured/
7/30/2020	CA	Baker			1			LODD	Roque Don Stillwater Pittard	Barstow Automotive and Towing	Disabled Vehicle	https://www.vvng.com/tow-truck-driver-and-stranded-motorist-killed-in-crash-on-i-15-freeway-near-baker/
7/30/2020	NE	Omaha				1		LODD	John Holcomb	Metro Area Motorist Assist (MAPA)	Debris Removal	https://www.ketv.com/article/pedestrian-dead-after-being-struck-on-john-f-kennedy-freeway/33472931
8/5/2020	IL	Argenta				1		LODD	Erick Ervin	TBD	Disabled Vehicle	https://www.wandtv.com/news/1-killed-2-injured-in-interstate-72-crash/article_0aa78c92-d78e-11ea-961d-9b797038b88.html
8/20/2020	TX	Kyle			1			LODD	Tristen Cothier	The Wrecker Man, Inc.	Disabled Vehicle	https://www.civofvtx.com/communications/kyle-police-department-responds-traffic-fatality-accident
8/27/2020	AZ	Why	1					LODD	Officer Bryan Brown	Tohono O'odham Police Dept.	Police Activity	https://www.fusion.com/news/local/document-tohono-by-armed-man/article_841f6f7a-3340-57a9-ae76-57fcd6e61b0f3.html

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2020 Emergency Responder Struck-by-Vehicle Fatalities

Date Of Incident	State	City/County	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	LODD or Off-Duty	Responder Name	Organization	Activity	Link to news story or source
Struck - 07/26/2018 Died 9/3/2020	MA	Billerica	1					LODD	Trooper Thomas W. Devlin	Massachusetts State Police	Traffic Stop	https://www.facebook.com/VmasStatePolice/post/3282548139495813
9/3/2020	GA	Madison County	1					LODD	Capt. Stan Elrod	GA Dept. of Natural Resources	Physical Training	https://www.aic.com/news/longtime-georgia-dnr-officer-hit-by-vehicle-killed-while-on-duty/ELSSOY5KURBEHBDLTH4WQZU/
9/9/2020	MD	College Park			1			LODD	Jose Maria Zuniga	Joz Towing, Sinking Spring, MD	Disabled Vehicle	https://baltimore.cbslocal.com/2020/09/10/tow-truck-driver-killed-in-crash-while-picking-up-vehicle-on-route-50-state-police-say/
9/14/2020	CA	LaVerne			1			LODD	Christopher Herrera	TBD	Disabled Vehicle	https://www.ocregister.com/2020/09/14/driver-arrested-after-fatal-hit-and-run-crash-on-210-freeway-in-la-verne/
9/17/2020	GA	McDuffie County			1			LODD	Jason Willis	Wayne's Towing Recovery & Transport	Crash Scene	https://www.wrdw.com/2020/09/17/family-tow-truck-driver-killed-in-h-20-hit-and-run/
10/15/2020	CA	Delano			1			LODD	Roberto Garcia, Jr.	Express Towing	Disabled Vehicle	https://www.kcet.com/news/local-news/tow-truck-driver-dead-after-being-struck-by-vehicle-on-side-of-hwy-99-while-assisting-stranded-driver/
10/20/2020	SC	Greenville County	1					LODD	Sgt. Conley Jumper	Greenville County Sheriff's Office	Vehicular Assault	https://www.wyff4.com/article/sgt-lumber-was-dragged-by-suspect-during-traffic-stop-fldvidit-say/34450066
10/25/2020	MT	Columbus			2			LODD	Nicholas Ryan Visser and William Casie Allen	Hanser's Automotive	Disabled Vehicle	https://www.krtv.com/news/montana-and-regional-news/authorities-have-released-the-names-of-2-tow-truck-operators-killed-on-interstate-90
10/27/2020	TN	Marion County			1			LODD	Robert Clayton	Monteagle Wrecker Service	Disabled Vehicle	https://www.wrcbtv.com/story/42827063/fatal-accident-closes-24-east-in-marion-county
11/1/2020	RI	Pawtucket		1				Off-Duty	Jennifer Toscano	Nurse	Crash Scene	https://www.masslive.com/boston/2020/11/off-duty-massachusetts-nurse-jennife-toscano-struck-killed-in-ri-after-she-stopped-to-help-at-crash-scene-and-was-hit-by-another-car.html
11/29/2020	AK	Anchorage			1			LODD	Hans Michael Moore	Vulcan Towing	Crash Scene	https://www.adn.com/alaska-news/crime-courts/2020/11/29/tow-truck-driver-dies-after-he-was-struck-by-vehicle-while-pulling-car-from-ditch-police-say/
12/5/2020	MO	St. Louis County	1					LODD	Sgt. Herschel Turner	Moline Acres Police Dept.	Traffic Stop	https://fox2now.com/news/police-officer-struck-and-injured-while-on-traffic-stop-in-north-st-louis-county/
		Totals	17	4	21	1	3	46				
		To Date	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	Total				

2021 Emergency Responder Struck-by-Vehicle Fatalities

Date Of Incident	State	City/County	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	LODD or Off-Duty	Responder Name	Organization	Activity	Link to news story or source
1/2/2021	GA	DeKalb	1					LODD	Sgt. Daniel Mobley	DeKalb County PD	Crash Scene	https://www.abc.com/news/traffic-alert-down-town-connector-shut-down-after-crash-involving-officer/SOVPCRAAZAGHNDZAD5MMITTE/
1/12/2021	SC	Conway	1					LODD	Officer Melton Gore	Horry County PD	Debris Removal	https://www.postandcourier.com/mvrticle-brach-while-clearing-debris-from-roadway/article_b1d62c22-5531-11eb-8a90-f7e51d6e8d.html
Struck 1/2/2021 Died 1/14/2021	MD	Greenbelt	1					LODD	Officer Christine Peters	Greenbelt PD	Crash Scene	https://www.washingtonpost.com/local/public-safety/greenbelt-police-officer-dies-crash/2021/01/14/f6313444-56a7-11eb-a817-6e78a0406d6_story.html
2/12/2021	MS	Warren County			1			LODD	George Spratley, Jr.	Ward's Wrecker Service	Crash Scene	https://www.wbt.com/2021/02/13/mhp-tow-truck-operator-killed-after-driver-loses-control-icy-road/
2/13/2021	TX	Dallas	1					LODD	Officer Mitchell Penton	Dallas Police Dept.	Crash Scene	https://www.nbcdfw.com/news/local/dallas-police-officer-hit-and-killed-while-directing-traffic/2551199/
2/17/2021	FL	Pinellas County	1					LODD	Deputy Michael Magill	Pinellas County Sheriff's Office	Stop Sticks	https://www.tampabay.com/news/breaking-news/2021/02/17/traffic-crash-involving-pinellas-sheriffs-deputy-closes-east-lake-road/
2/26/2021	FL	Orlando			1			LODD	Austin Gayne	Johnson's Wrecker Service	Disabled Vehicle	https://www.orlandosentinel.com/news/breaking-news/los-angeles-crash-408-rosalind-20210201-1hainx6k8hgruiftrdabieg_story.html
Struck 2/26/2021 Died 3/3/2021	CA	Los Angeles	1					LODD	Officer Jose Anzora	Los Angeles Police Dept.	Directing Traffic	https://abc7.com/lapd-officer-dies-crash-south-los-angeles-cops-hit/10986909/
3/9/2021	NV	Las Vegas			1			LODD	Ryan Billotte	Quality Towing	Disabled Vehicle	https://www.reviewjournal.com/local/local-las-vegas/arrest-made-in-fatal-hit-and-run-of-tow-truck-driver-3-2-15-beltway-2299394/
3/15/2021	CA	Salton City	1					LODD	Agent Alejandro Flores-Bañuelos	U.S. Border Patrol	Crash Scene	https://www.borderreport.com/regions/california/california-a-border-agent-struck-and-killed-while-responding-to-crash/
Struck 12/17/2018 Died 3/26/2021	NY	Commack	1					LODD	State Trooper Joseph Gallagher	New York State Police	Disabled Vehicle	https://www.newsday.com/long-island/obituaries/estate-police-trooper-joseph-gallagher-died-1.50196552
3/27/2021	AZ	Glendale				1		LODD	Gustav Danielson	Maricopa County	Crash Scene	https://www.afamily.com/news/glendale-police-identifies-victim-killed-in-hit-and-run-overnight/article_e1b8fc38-9d3e-11eb-bff4-4fb564f8941.html
3/27/2021	CA	Sacramento			1			LODD	Obinna Ugorji	Unknown	Disabled Vehicle	https://www.kcra.com/article/california-zip-codes-on-the-states-racine-priority-list-update/35904179
4/2/2021	DC	District of Columbia	1					LODD	Officer William Evans	U.S. Capital Police	Vehicular Assault	https://www.securitynowatch.com/government/news/21-217225/us-capitol-police-officer-killed-in-vehicle-attack-suspect-shot-dead
4/3/2021	IL	Hometown	1					LODD	Officer James Kouski	Hometown PD	Crash Scene	https://wgztv.com/news/chicago-news/hometown-police-office-killed-while-investigating-crash/
Struck 3/29/2021 Died 04/08/2021	MO	Kingdom City			1			LODD	Ryan Brewer	Approved Towing	Crash Scene	https://abc17news.com/news/transportation/crash-collision/2021/03/30/tow-truck-driver-in-critical-condition-following-callaway-county-wreck/
4/9/2021	DE	Selbyville		1				LODD	Laura Madara	Selbyville Volunteer Fire Company	Crash Scene	https://dsp.delaware.gov/2021/04/10/delaware-state-police-investigating-fatal-pedestrian-collision-selbyville/

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2021 Emergency Responder Struck-by-Vehicle Fatalities

Date Of Incident	State	City/County	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	LODD or Off-Duty	Responder Name	Organization	Activity	Link to news story or source
4/23/2021	LA	Covington			1			LODD	Tyler Patrick Quave	Holden'S Wrecker Svc	Disabled Vehicle	https://www.fox8live.com/2021/04/23/year-old-tow-truck-driver-killed-crash-while-assisting-stranded-driver/
4/24/2021	WA	Castle Rock			1			LODD	Arthur E. Anderson	Affordable Towing	Disabled Vehicle	https://www.columbian.com/news/2021/apr/24/wreck-on-i-5-near-castle-rock-kills-3/
4/27/2021	NY	Queens	1					LODD	Officer Anastasios Tsakos	NYPD	Crash Scene	https://abc7ny.com/nypd-officer-struck-anastasios-tsakos-police-queens/10551976/
4/29/2021	AZ	Gilbert	1					LODD	Officer Christopher Farrar	Chandler Police Dept	Vehicular Assault	https://www.fox10phoenix.com/news/chandler-police-officer-hit-killed-by-stolen-car-in-gilbert-another-officer-in-critical-condition
5/27/2021	TX	Corpus Christie			1			LODD	Zachary Starbuck	Momento Towing LLC	Disabled Vehicle	https://corpuschristiconica.com/tow-truck-driver-dead-after-hit-and-run-on-splid/
		Totals	12	1	8	0	1	22				
		To Date	LEO	Fire/EMS	Tow	Mobile Mechanics	DOT/SSP	Total				

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The Emergency Responder Safety Institute (ERSI), a committee of the Cumberland Valley Volunteer Firemen's Association (CVVFA), reports that vehicles struck and killed 44 emergency responders who were working various types of roadway incidents in 2019.

Roads and highways have become one of the most dangerous places to work for personnel who respond to all kinds of incidents, including motor vehicle crashes, fires, medical emergencies, disabled vehicles, law enforcement activities, and other unplanned events that cause injuries, property damage, and/or traffic delays. The personnel most often involved with these incidents include firefighters, law enforcement officers, emergency medical technicians, tow truck operators, mobile mechanics, and safety service patrol operators. We refer to them collectively as "emergency responders" in this report.

An analysis of the 44 fatalities in 2019 identified the following summary information:

- **18 Law enforcement officers were struck and killed in 2019.** One of those officers was off duty when he stopped to assist a motorist with a disabled vehicle. The other 17 cases were line-of-duty deaths. Law enforcement officers killed accounted for 41% of all emergency responder struck-by-vehicle fatalities in 2019.
 - 11 officers (28%) were struck and killed while conducting traffic stops or involved with some other law enforcement activity.
 - 5 officers (11%) were struck and killed while working motor vehicle crash scenes.
 - 2 officers (5%) were killed while assisting motorists with disabled vehicles.
- **14 Tow truck operators and 3 mobile mechanics were struck and killed in 2019.** These 17 fatalities accounted for 27% of emergency responder all struck-by-vehicle fatalities in 2019.
 - 12 tow operators and 3 mobile mechanics (34%) were struck and killed while assisting disabled vehicles along roads and highways.
 - One tow operator (2%) was struck and killed while assisting police with a vehicle involved in a traffic stop.
 - One tow operator (2%) was struck and killed at the scene of a motor vehicle crash.
- **9 Fire/EMS personnel were struck and killed in 2019.** These 9 fatalities accounted for 20% of all emergency responders struck-by-vehicle fatalities in



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2019. Two Fire/EMS personnel were off duty when they were struck at motor vehicle crash scenes. The other 7 fatalities were line-of-duty deaths.

- 6 Fire/EMS personnel (14%) were struck and killed at motor vehicle crash scenes.
 - 2 firefighters were struck and killed at fire scenes.
 - 1 EMT was struck and killed while working an EMS standby assignment at a racetrack.
- **There were no reported fatalities of safety service patrol operators in 2019.**

It's important to point out that there are dozens more struck-by-vehicle incidents each year that cause serious injuries to emergency responders, including career-ending, disabling injuries like amputations, head trauma, and back injuries. There are also numerous property damage incidents that significantly damage or destroy expensive emergency vehicles that must then be taken out of service, making them unavailable to meet the community's needs.

The ERSI recommends the following action items to reduce the number of struck-by-vehicle fatalities:

1. All responder agencies should ensure that all responders are **trained annually** on the hazards of roadway incident operations and the strategies and tactics that protect personnel operating at incident scenes. At a minimum, all responders should complete the basic training outlined in the National Traffic Incident Management & Responder Safety program available for free in each state and online from the Federal Highway Administration and the Responder Safety Learning Network (www.rsln.org). Fire departments should strive to comply with "Chapter 9 – Traffic Incident Management" of *NFPA 1500: Standard on Fire Department Occupational Safety, Health, and Wellness Program* from the National Fire Protection Association. All personnel who are responsible for establishing and maintaining temporary traffic controls at incident scenes should strive to comply with the provisions of *NFPA 1091: Standard for Traffic Incident Management Personnel Professional Qualifications*.
2. All responder agencies should **communicate, collaborate, and cooperate** with other responding agencies in their region. Joint training for multi-discipline personnel is encouraged on at least an annual basis and preferably more frequently. All agencies should participate in regular Traffic Incident Management Committee meetings on a local or regional basis.



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3. All responder agencies should strive to provide the most **effective temporary traffic controls** and advance warning in the earliest stages of all incidents using available emergency vehicles, emergency warning lights, and temporary traffic control devices as outlined in training and local procedures.
4. All responder agencies should provide their personnel with **appropriate personal protective equipment** including uniforms, high visibility apparel, footwear, and head protection suitable for the task at hand. Departments should require personnel to wear high-visibility garments whenever they are exposed to moving traffic.
5. All agencies should **educate motorists** about "Move Over" laws, which are now in place in all states, and the proper way for drivers to react to emergency vehicles either traveling to or working at emergency scenes. Free public education materials are available at www.respondersafety.com/PIO
6. All agencies and states should **record, report, and track struck-by-vehicle incidents** involving emergency responders on a quarterly or more frequent basis.

This report was compiled by Jack Sullivan (CSP, CFP), Director of Training for the Emergency Responder Safety Institute (www.respondersafety.com), a committee of the Cumberland Valley Volunteer Firemen's Association (www.cvvfa.org). The ERSI serves as an informal advisory panel of public safety leaders committed to reducing deaths and injuries to America's emergency responders. Members of the Institute, all highly influential and experts in their fields, are personally dedicated to the safety of the men and women who respond to emergencies on or along our nation's streets, roads, and highways. Members of the Institute include firefighters, fire officers, emergency medical technicians, law enforcement officers, tow operators, safety service patrol personnel, trainers, writers, managers, government officials, technical experts, and leaders who bring meaningful change through their individual efforts and collective influence.



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