



New York State  
Department of Health  
**Bureau of Emergency Medical Services**

**POLICY STATEMENT**

*Supercedes/Updates:* 88-20, 98-12, 99-02

**No. 00 – 13**

**Date: 11/01/00**

**Re: The Operation Of  
Emergency Medical  
Services Vehicles**

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**The Operation of Ambulances and Other EMS Response Vehicles  
Including a *Model* Standard Operating Procedure for EMS Agencies**

**PURPOSES**

1. To describe the legal requirements in New York State for driving ambulances and other EMS response vehicles.
2. To establish a standard in New York State for EMS response vehicle emergency operations.
3. To create a climate to help reduce the number of crashes and accidents and thereby reduce the injuries and property damage associated with EMS response vehicle emergency operations.
4. To provide information to develop educational programs for EMS emergency vehicle operators.

**BACKGROUND**

The epidemic of ambulance vehicle crashes and accidents that had been identified has continued and has involved the loss of civilian life and injury to civilians and EMS personnel. The magnitude of the problem requires that every NYS EMS agency be made aware of the problem and take immediate steps to reduce the potential for these accidents.

New York State Department of Motor Vehicle statistics illustrate a consistent yearly frequency of over 400 ambulance accidents or crashes, injuring almost 2 persons per day. These statistics also show that most of these accidents are avoidable. Based on these statistics, if each EMS response vehicle were able to stop at every controlled intersection, 75% of all of these accidents could be prevented.

EMS emergency response vehicles must be operated in a manner that provides for due regard and the safety of all persons and property. Safe arrival and patient welfare shall always have priority over unnecessary speed or hazardous driving practices while enroute to an incident or to the hospital. The NYS Vehicle and Traffic Law (V&T) authorizes *privileges* that ambulance and other emergency vehicle drivers may use

during an emergency operation. Modern EMS practices,<sup>1 2 3</sup> including the use of Emergency Medical Dispatch (EMD), EMT and Advanced EMS training and the patient treatment modalities available today, dramatically reduce the need for emergency operations

## **LEGAL BACKGROUND**

The NYS Vehicle and Traffic (V&T) Law states the following <sup>4</sup>:

↻ *114-b. Emergency Operations – the operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person... Emergency operation shall not include returning from such service.*

↻ *101. Authorized emergency vehicles – every ambulance, ... emergency ambulance service vehicle.*

↻ *1104 Authorized Emergency Vehicles –*

*(a) The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the conditions herein stated.*

*(b) The driver of an authorized emergency vehicle may:*

- 1. Stop, stand or park irrespective of the provisions of this title;*
- 2. Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operations;*
- 3. Exceed the maximum speed limits so long as he does not endanger life or property;*
- 4. Disregard the regulations governing directions of movement or turning in specified directions.*

*c) Except for an authorized emergency vehicle operated as a police vehicle, the exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.*

*(e) THE FOREGOING PROVISIONS SHALL NOT RELIEVE THE DRIVER OF AN AUTHORIZED EMERGENCY VEHICLE FROM THE DUTY TO DRIVE WITH DUE REGARD <sup>5</sup> FOR THE SAFETY OF ALL PERSONS, NOR SHALL SUCH PROVISIONS PROTECT THE DRIVER FROM THE CONSEQUENCES OF HIS RECKLESS DISREGARD FOR THE SAFETY*

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1. Use of Warning Lights and Siren in Emergency Medical Vehicle Response and Patient Transport, NAEMSP & NASEMSD, Prehospital and Disaster Medicine, April-June 1994.

2. Scope of Performance of EMS Ambulance Operations F1517-94, American Society for Testing and Materials .

3. National Fire Protection Association (NFPA) Part 1500, section 4-2

4. NYS MV&T Law, italics provided to indicate direct quotation

5. A principle of legal accountability in which a review of the specific circumstances of a crash or accident will determine if a reasonably careful person, performing similar duties and under similar circumstances would act in the same manner. This legal concept is analogous to the prudent man in ordinary liability cases.

OF OTHERS.

## **DISCUSSION**

It is important to note that the V&T law does not define specific operations permitted by the various types of emergency vehicles, such as police, fire or EMS. Generally personal opinion and tradition, not statute or regulation have defined the perception of requirements for ambulance emergency operations. An example is the mistaken belief that an ambulance's red lights must be on if a patient is on board. *This historical precedent must change.* There is no requirement that emergency operations be used for any EMS response.

Emergency operations in EMS *are always an affirmative* decision that is made at the time of each response. Today, EMD, industry data, EMS educational materials, legal case precedents, and other industry practices set a standard of care for emergency vehicle operation which is binding on all EMS providers. Drivers of emergency vehicles are reminded that they solely bear the responsibility for driving safely and with due regard. There is no immunity from liability provided in NYS law for driving.

Operating a vehicle in emergency mode is one of the most dangerous activities that an EMS provider is routinely involved in. Careful consideration must always be given for the lives and safety of the driver, the crew, the patient and for the safety of every other person that the vehicle will encounter during the call.

## **NYS – EMS POLICY**

- *Every EMS response vehicle must be driven safely at all times, operating at a speed commensurate with the needs of the patient and the safety of all involved. Drivers exercising any of the V&T Law privileges must do so cautiously and with due regard for the safety of all others.*
  
- **Types of Responses -**
  - **Non-emergency Operations** - anytime an EMS response vehicle is out of the station on an assignment other than an emergency run, shall be considered to be a non-emergency operation. **All non-emergency operations shall be made using headlights only - no light bars, beacons, corner or grill flashers or sirens shall be used.** During a non-emergency operation, the EMS response vehicle shall be driven in a safe manner and is not authorized to use any emergency vehicle privileges as provided for in the V&T Law.
  
  - **Emergency Operations - shall be limited to** any response to the scene where the driver of the emergency vehicle actually perceives, based on instructions received or information available to him or her, the call to be a true emergency. EMD dispatch classifications <sup>6</sup>, indicating a true or potentially true emergency

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6. i.e. Emergency Medical Dispatch, U.S. Dept. of Transportation, Feb. 1996

should be used to determine the initial response type. **Patient assessments made by a certified care provider, should determine the response type to the hospital.** In order for a response to be a true or potentially true emergency, the operator or EMT/AEMT must have an articulable<sup>7</sup> reason to believe that emergency operations may make a difference in patient outcome. **During an emergency operation headlights and all emergency lights shall be illuminated and the siren used as required in the vehicle and traffic law.**

- Each EMS response vehicle operator must recognize that the emergency vehicle has no absolute right of way, it is qualified and cannot be taken forcefully<sup>8</sup>.
- During emergency operations every EMS response vehicle must be operated in such a manner and at such a speed upon approaching an intersection, controlled by a traffic control device so as to permit safe passage through the intersection. Before entering the intersection the operator must reduce the speed of the vehicle to be able to stop the vehicle if necessary to permit such safe passage. **They should come to a complete stop if they have a red signal or stop sign.**<sup>9</sup>
- **Every EMS response vehicle must stop upon encountering a stopped school bus with red lights flashing; any non controlled railroad crossing or railroad crossing at which safety gates and/or warning lights are activated or if requested by a police officer.**
- EMS response vehicles are discouraged from using escorts or traveling in convoys due to the extreme dangers associated with multiple emergency vehicles operating in close proximity to each other. For the purpose of this policy statement and any developed from it emergency vehicles should maintain a spacing of at least 300 – 400 feet between them in ideal driving conditions and more when visibility is limited or road conditions are less than ideal.<sup>10</sup>
- At emergency scenes the use of emergency warning lights must be governed by the need to protect the safety of all personnel, patients and the public. In some cases the use of emergency lights should be minimized.
- **Per Part 800.21 of NYCRR, every NYS ambulance or ALSFR service must have and enforce a written policy which describes the authorized practices for driving EMS response vehicles by their members or employees.** The service policy must be consistent with this policy and must include the following:
  - A definition of emergency and non-emergency call types, including dispatch criteria for determining the type of call,
  - A description of the authorization required to use emergency operations on dispatch and enroute to the hospital, including call types, dispatcher and crew chief authority and other criteria,

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7. Capable of being expressed in coherent verbal form, American Heritage Dictionary.

8. EMT Legal Bulletin, Vol. 15, No. 4, Med/Law publishers, Inc.

9 NFPA 1500 4-2.7(b)(c)

10 U.S. DOT, NHTSA Emergency Vehicle Operator Course, Ambulance

- A statement regarding exceeding the posted speed limit,
  - A statement regarding the speed permitted and stopping requirements through intersections which are uncontrolled or controlled,
  - Frequency and content of driver screening and training requirements for individuals authorized by the service to drive an EMS response vehicle. and
  - Insurance company driver screening including age, driving record, training, and other requirements.
- Every NYS-EMS agency shall have a training program<sup>11</sup> for all individuals authorized by the service to drive an EMS emergency response vehicle. The program shall include a curriculum, approved instructors, and frequency of training and documentation.
  - Every NYS EMS agency shall have a notification policy in the event of an accident or crash. This shall be consistent with Part 800.21(p).
  - A prompt, *safe* response can be attained by:
    - Knowing where you are going.
    - Having all personnel on board, seated with seat belts secured unless actively performing necessary emergency medical care.<sup>12</sup>
    - Leaving the station in a safe and standard manner:
      - quickly boarding the vehicle
      - opening station doors fully
    - Using warning devices to move with and around traffic and to request the right-of-way.
    - Driving defensively, at reasonable speeds, slowing or stopping at all intersections and giving approaching traffic adequate time to recognize the vehicle and yield the right of way.
    - Using pre-planned response routes which take into account hazards, construction, traffic density, etc.

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11. NYS-EMS Ambulance Accident Prevention Seminar, DOT EVOC, National Safety Council, programs provided by Insurance Carrier, etc.

12 NFPA 1500 4-3.1.1

## MODEL SERVICE SPECIFIC POLICY

The following model policy may be easily adopted by any EMS service to be included as a part of the service's policies and standard operating procedures.

### <Service Name>

#### Policy and Standard Operating Procedure for Emergency Vehicle Operations

**Purpose** - There shall be established a system for the safe operation of all EMS emergency response vehicles.

**Scope** - These policies are binding on every driver and certified care provider in charge of patient care.

#### Types of Responses -

Non – emergency Operations - anytime an EMS response vehicle is out of the station on an assignment other than an emergency run shall be considered to be a non-emergency operation.

Emergency Operations - shall be limited to any response to a scene, which is perceived to be a true emergency situation. True emergencies are defined by EMD and dispatch policy for a response to any situation in which there is a high probability of death or life threatening illness or injury. The risk of emergency operations must be demonstrably able to make a difference in patient outcome.

#### Emergency Vehicle Operations

### **First and Foremost - *DO NO Harm !***

1. Emergency operations are authorized only to responses deemed by dispatch protocol to be emergency in nature where the risks associated with emergency operations demonstrably make a difference in patient outcome.
2. Upon dispatch, emergency operations are only authorized when the dispatch call type justifies an emergency response.
3. All operations considered non-emergency shall be made using headlights only - no light bars, beacons, corner or grill flashers or sirens shall be used. During a non-emergency operation, the EMS response vehicle should be driven in a safe manner and is not authorized to use any emergency vehicle privileges as

provided for in the V&T Law.

4. Emergency operations are authorized at a scene when it is necessary to protect the safety of EMS personnel, patients or the public.
5. EMS response vehicles do not have an absolute right of way, it is qualified and cannot be taken forcefully
6. During an emergency operation the vehicle's headlights and all emergency lights shall be illuminated and the siren used as required in the vehicle and traffic law.
7. Once on the scene, the decision for determining the type of response for additional EMS vehicles responding to the scene shall be made by a NYS certified provider following assessment of the scene and all patients. It will be the responsibility of that certified responder to notify the dispatcher or other responding units of the type of response that is warranted, emergency or non-emergency.
8. The EMT/AEMT in charge of patient care, following assessment of the patient, shall be responsible for determining the response type enroute to the hospital
9. EMS response vehicles shall not exceed posted speed limits by more than ten (10) miles per hour.
10. EMS response vehicles shall not exceed posted speed limits when proceeding through intersections with a green signal or no control device.
11. When an EMS response vehicle approaches an intersection, with or without a control device, the vehicle must be operated in such a manner as to permit the driver to make a safe controlled stop if necessary.
12. When an EMS response vehicle approaches a red light, stop sign, stopped school bus or a non controlled railroad crossing, the vehicle must come to a *complete stop*.
13. The driver of an EMS response vehicle must account for all lanes of traffic prior to proceeding through an intersection and should treat each lane of traffic as a separate intersection.
14. When an EMS response vehicle uses the median (turning lane) or an oncoming traffic lane to approach intersections, they must come to a complete stop before proceeding through the intersection with caution.
15. When traffic conditions require an EMS response vehicle to travel in the oncoming traffic lanes, the maximum speed is twenty (20) miles per hour.
16. The use of escorts and convoys is discouraged. Emergency vehicles should maintain a minimum distance of 300 – 400 feet when traveling in emergency mode in ideal conditions. This distance should be increased when conditions are limited.