



Law Enforcement Officer – Motor Vehicle



REPORT#: L2022-01

REPORT DATE: September 5, 2023

INCIDENT HIGHLIGHTS



DATE:

March 28, 2019



TIME:

12:22 p.m.



VICTIM:

34-year-old state police trooper, commercial vehicle enforcement officer



INDUSTRY/NAICS CODE:

Police Protection/92



LAW ENFORCEMENT AGENCY:

State Police; 1836 sworn officers



SAFETY & TRAINING:

12-year veteran state trooper. Level 1 Certified Commercial Vehicle Enforcement Officer



SCENE:

4-lane highway (2 eastbound and 2 westbound lanes separated by a grass median)



LOCATION:

Illinois



EVENT TYPE:

Struck by



State Trooper Struck by Tractor Trailer While Conducting a Commercial Vehicle Traffic Stop - Illinois

SUMMARY

On March 28, 2019, a 34-year-old state trooper assigned to patrol duties as a Commercial Vehicle Enforcement Officer (CVEO), initiated a traffic stop of a tractor trailer on the right shoulder of a 4-lane highway. After she conducted her inspection, the trooper was standing on the driver's side running board of the truck talking to the driver, when another tractor trailer traveling westbound struck the trooper, throwing her off the running board and into a ditch parallel to the highway. First responders attempted life saving measures but were unsuccessful. The trooper was pronounced deceased at the scene. [READ THE FULL REPORT> \(p.3\)](#)

CONTRIBUTING FACTORS

Key contributing factors identified in this investigation include:

- State trooper standing in an area exposed to moving traffic
- Commercial motor vehicle failure to move and operating a motor vehicle while fatigued [LEARN MORE> \(p.8\)](#)

RECOMMENDATIONS

NIOSH investigators concluded that, to help prevent similar occurrences, State law enforcement agencies should:

- Consider developing and enforcing a standard operating procedure or policy to conduct commercial motor vehicle inspections in an area away from moving traffic whenever possible
- Consider developing and enforcing a standard operating procedure or policy to conduct passenger side approaches when it removes or lessens the hazards of moving traffic [LEARN MORE> \(p.9\)](#)

REPORT SLIDES

<https://www.cdc.gov/niosh/face/pdfs/L202201RS.pdf>

<https://www.cdc.gov/niosh/topics/leo/>





NIOSH Law Enforcement Officer Investigations

The National Institute for Occupational Safety and Health (NIOSH), an institute within the Centers for Disease Control and Prevention (CDC), is the federal agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness. NIOSH investigates line-of-duty deaths of law enforcement officers resulting from vehicle crashes and being struck by vehicles while responding to roadside emergencies and making traffic stops. These NIOSH investigations are intended to reduce or prevent occupational deaths and are completely separate from the rule making, enforcement and inspection activities of any other federal or state agency. NIOSH does not enforce compliance with State or Federal occupational safety and health standards and does not determine fault or assign blame. Participation of law enforcement agencies and individuals in NIOSH investigations is voluntary. Under its program, NIOSH investigators interview persons with knowledge of the incident who agree to be interviewed and review available records to develop a description of the conditions and circumstances leading to the death(s). Interviewees are not asked to sign sworn statements and interviews are not recorded. The agency's reports do not name the deceased officer, the law enforcement agency or those interviewed. The NIOSH report's summary of the conditions and circumstances surrounding the fatality is intended to provide context to the agency's recommendations and is not intended to be definitive for purposes of determining any claim or benefit. The NIOSH report is not intended as a legal statement of facts. This summary, as well as the conclusions and recommendations made by NIOSH, should not be used for the purpose of litigation or the adjudication of any claim. For further information, visit the program website at <https://www.cdc.gov/niosh/leo/> or www.cdc.gov/niosh/face/ or call toll free at 1-800-CDC-INFO (1-800-232-4636).



Centers for Disease Control
and Prevention
National Institute for Occupational
Safety and Health

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SUMMARY

On March 28, 2019, a 34-year-old state trooper assigned to patrol duties as a CVEO, initiated a traffic stop of a tractor trailer on the right shoulder of a 4-lane highway. After she conducted her inspection, the trooper was standing on the driver's side running board of the truck talking to the driver, when another tractor trailer traveling westbound stuck the trooper, throwing her off the running board and into a ditch parallel to the highway. First responders attempted life saving measures but were unsuccessful. The trooper was pronounced deceased at the scene.

INTRODUCTION

On March 15, 2022, an environmental health officer and a safety and occupational health specialist, from the NIOSH, Division of Safety Research, Fatality Assessment and Control Evaluation (FACE) team met virtually with the investigating State Police officer from the Division of Criminal Investigations to review the circumstances of the incident. Once the police investigation was closed, photos from the incident site, witness statements, the incident investigation report, and the medical examiner's report were provided to NIOSH.

LAW ENFORCEMENT AGENCY

- The Illinois State Police (ISP) has 1,836 sworn officers and 1,084 civilian employees.
- The ISP Division of Patrol provides uniformed patrol on Illinois roadways to proactively enforce criminal and traffic laws and provide safety education to the public.
- The Division of Patrol is comprised of officers from 21 patrol districts statewide, as well as officers in a variety of integral patrol support service functions such as criminal patrol, crowd control, and the commercial vehicle section. The primary mission of these officers is to promote and provide traffic safety and interdict crime across Illinois roadways [[ISP 2023](#)].

TRAINING AND EXPERIENCE

The Illinois State Police Academy prepares new officers for a career in law enforcement. The Academy provides training for cadets (future ISP officers). To become a cadet, the State Police Merit Board certifies applicants to the Illinois State Police for appointment. Applicants undergo written testing, physical ability testing, a background investigation and review, and an oral interview.

ISP cadets must successfully complete 29 weeks of training which balances classroom instruction, physical skills training, and scenario-based training exercises. After receiving classroom instruction, cadets are evaluated on the application of learning objectives during a series of practical exercises strategically placed throughout their training. During practical exercise training, performance is measured based upon the cadet's demonstrated knowledge, skills, and abilities. After successful completion of 29 weeks of training, the cadets are sworn-in as Illinois State Troopers.

A new Trooper continues their one-year probationary period by reporting to their assigned district and participating in the Field Training Officer (FTO) program. During this time, a Trooper will be paired with FTOs for 14 weeks. Once a Probationary Trooper successfully completes the FTO program, they start their patrol duties. During this time, the Probationary Trooper's performance will continue to be evaluated until their probationary period ends. Once the



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yearlong probationary period ends, the Trooper can continue to carry out the mission of the ISP for the remainder of their career.

Some troopers carry out the mission as CVEO. The primary job function of each CVEO is the inspection of commercial motor vehicles.

The Commercial Vehicle Safety Alliance (CVSA) certification policy states that to conduct North American Standard Level 1 Inspections, an inspector shall:

- *“Complete the CVSA- approved North American Standard Part A and Part B Inspection Courses and pass the CVSA- approved written exams with a score of 80 percent or higher on each exam. (This course is open to Federal, state, and local law enforcement personnel responsible for applying the appropriate regulations and standards for inspections of Commercial Motor Vehicles).*
- *In addition to the training and testing requirements above, the inspector trainee must complete at least 32 North American Standard Level I Inspections with a certified inspector, who will evaluate the trainee inspector for knowledge of the regulations, proficiency in the inspection process and documentation of violations. These inspections should be completed as soon as practicable, but no later than six months after passing both written exams.*
- *The initial 32 inspections for the trainee should be conducted and documented by the trainee in the presence of the training inspector. The inspection shall contain the name and identification number of both the trainee and the certified inspector on the report. Inspections must be signed off by a certified inspector. The trainee is not certified to complete and sign off on Level I Inspections independently until they have successfully completed the 32 inspections with a certified inspector. Inspections completed during this phase will not count toward the new inspector's maintenance of certification.*
- *Inspectors who successfully complete this training are qualified to receive a Certificate of Proficiency authorizing them to conduct CVSA North American Standard Level I through V Inspections, and to apply CVSA decals to commercial motor vehicles passing North American Standard Levels I and V Inspections. [[CVSA 2019](#)].”*

OFFICER INFORMATION

- The trooper who was struck and killed graduated in 2006 with a Bachelor of Science Degree in Criminal Justice and upon graduation, became a trooper with the State Police.
- At the time of her death, she was a 12-year veteran as a State trooper. The trooper was assigned to patrol duties and was an active CVEO, specially trained to conduct in-depth inspections on commercial motor vehicles.

ROAD AND WEATHER CONDITIONS

- The road was a four-lane controlled access highway.
- The roadway consisted of two eastbound and two westbound lanes separated by a grass center median. There were paved median side and right outside shoulders.



- The area was relatively flat with no view obstructions. There were farm fields on the north and south sides of the roadway, as well as a storage building to the north.
- The roadway was controlled by painted fog lines and a broken center line. The posted speed limit in the area was 65 mph.
- According to the investigation report, the average daily traffic count for this area was 7,350 vehicles and 2,000 trucks.
- The temperature was approximately 58 degrees Fahrenheit, and there was a northwesterly 3 mph wind with no precipitation and clear skies, with good visibility [[Weather Underground, 2023](#)].

INVESTIGATION

On Thursday, March 28th, 2019, an on-duty, uniformed State trooper was operating a marked State Police 2011 Ford Expedition ([Photo 1](#)). The trooper was assigned to patrol duties and was a CVEO, specially trained to conduct in-depth inspections on commercial motor vehicles. At approximately 11:20 am, the trooper initiated a traffic stop on a 2008 International truck tractor pulling a 2014 Great Dane van trailer on the right shoulder of the highway. The trooper's 2011 Ford was equipped with interior red and blue flashing emergency lights which were mounted in the front windshield and the rear window. The 2011 Ford was also equipped with flashing taillights which were all activated during the time of the traffic stop. After inspecting the paperwork on the tractor trailer, the trooper exited her vehicle, walked along the left (driver's) side of the truck tractor trailer, and contacted the driver. The trooper was standing on the driver's side running boards of the truck explaining the inspection for approximately five minutes when at 12:22 pm, the right (passenger) side of another tractor trailer sideswiped the left (driver's) side of the trooper's unoccupied, marked 2011 Ford.

The tractor trailer continued westbound, also striking the left (driver's) side of the stopped tractor trailer while the trooper was standing on the driver's side running board speaking to the driver, causing the trooper to be thrown off the running board and into a ditch parallel to the highway. The tractor trailer that struck the trooper continued to travel to the west, turning slightly north down an embankment ([Diagram](#)). The impact fatally injured the trooper and compromised the fuel tanks on the vehicles, resulting in a fire that caused extensive damage to both tractor trailers ([Photo 2](#)). First responders attempted life saving measures on the trooper but were unsuccessful. She was pronounced deceased at the scene by the County Coroner's Office. Fire department personnel responded to the scene to extinguish the fire on both truck tractor semi-trailer combinations and the ditch.

Information gathered from the crash reconstruction report included details from the dash camera footage and showed that during the 53 minutes of the traffic stop, 261 westbound vehicles passed the trooper's marked vehicle. All of the motorists passed in the left lane indicating the rear emergency lights were clear enough to approaching westbound traffic. This also indicates that each of the 261 operators were able to perceive there was an emergency vehicle on the right shoulder and react by staying in the left lane or moving over as they passed the emergency vehicle following the "Move Over" Law. In addition, the crash reconstruction team conducted a time and distance analysis and determined the trooper's lights and vehicle were visible or should have been visible 2,066 feet prior to the crash location.



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According to the police interviews with the driver of the tractor trailer that struck the trooper, he began his day around 5:00 am, driving to obtain the load he was contracted to carry. He arrived around 9:00 am and departed around 9:30 am after picking up the load. As he was transporting the load, the driver reported feeling fatigued and pulled off. He reported resting 15 minutes before being awoken by a phone call. He stated that after the short phone conversation he felt refreshed and began driving again. During the interview, the driver admitted to feeling drowsy and possibly falling asleep. He mentioned realizing he had fallen asleep when a bump in the road woke him up but then must have fallen asleep again. He stated he never saw the trooper's vehicle and only remembered hearing a bang as he struck the side of the tractor trailer the trooper was inspecting. The driver of the commercial vehicle that struck the trooper was placed under arrest for reckless homicide and operating a motor vehicle while fatigued causing death.



Photo 1. Photo of the Trooper's vehicle along with the commercial motor vehicle after the fatal incident.

(Photo courtesy of the Illinois State Police.)

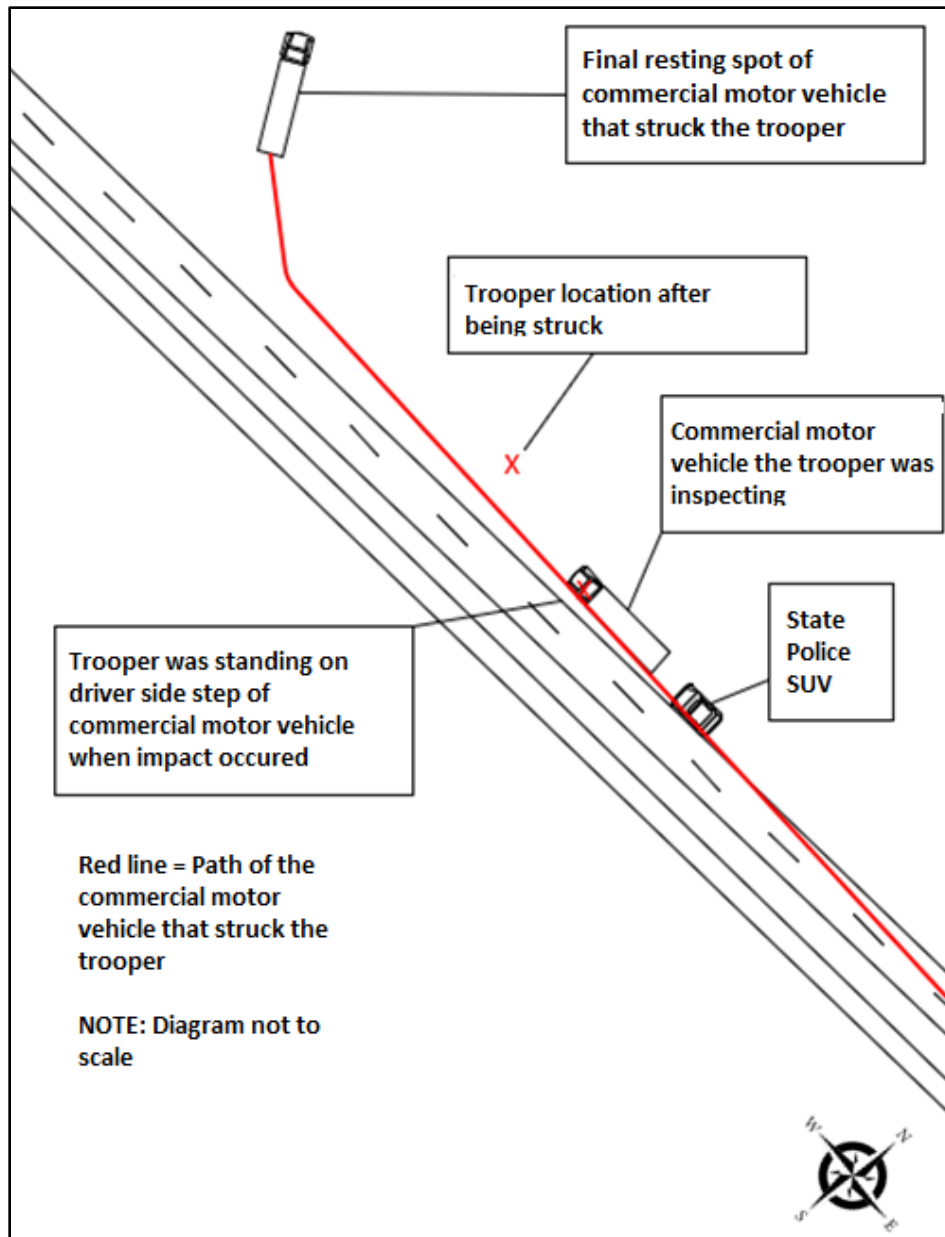


Diagram. Drawing of the path of the commercial motor vehicle that struck the trooper.



Photo 2. Photo of commercial vehicles on fire at the scene after the impact.

(Photo courtesy of the Illinois State Police.)

CAUSE OF DEATH

The medical examiner listed the cause of death as multiple traumatic injuries as the result of being struck by a motor vehicle.

CONTRIBUTING FACTORS

Occupational injuries and fatalities are often the result of one or more contributing factors or key events in a larger sequence of events that ultimately result in the injury or fatality. NIOSH investigators identified the following unrecognized hazards as key contributing factors in this incident:

- State trooper positioned in area exposed to moving traffic
- Commercial Motor Vehicle failure to move over and operating a motor vehicle while fatigued



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RECOMMENDATIONS/DISCUSSION

Recommendation #1: State law enforcement agencies should consider developing and enforcing a standard operating procedure or policy to conduct commercial motor vehicle inspections in an area away from moving traffic whenever possible.

Discussion: To conduct North American Standard Level 1 Inspections, an inspector must complete the CVSA- approved North American Standard Part A and Part B inspection courses. According to the North American Standard inspection course training guidelines, inspectors are instructed to adhere to their own departmental policies or procedures. For the training module section on location of the commercial vehicle inspections, inspectors are instructed to:

- Select a safe location, preferably a paved, level surface away from traffic
- Avoid hills, curves, soft shoulders, and construction sites
- Be sure you are visible to oncoming traffic.

In this case, the department did not have a policy on where to conduct commercial vehicle inspections and only advised the inspectors to use their best judgement. Although this isn't a direct contributing factor in this incident, having commercial drivers pull over to a less traveled location, whenever possible, would be beneficial to the commercial vehicle drivers and the inspectors.

CVEO must continuously be aware of their surroundings. Eliminating the hazards in the environment is their first line of defense. If an officer conducts an inspection in an area away from traffic and in an area with greater visibility (lighting), they can eliminate many hazards such as the speed of the passing vehicles, the potential for an impaired or distracted passing motorist (or drowsy as in this case), a myriad of weather hazards, time of day with traffic patterns, brightness or lack of lighting, and any visual obstructions that could generally make the inspection process difficult and dangerous.

In the Illinois State Police Directive ENF-036, Commercial Vehicle Enforcement, the procedures require that *"before declaring a Vehicle Out-of-Service, the officer should determine if the location of the stopped vehicle is adequate to allow repairs to be done at the scene. If not, the vehicle may be moved to a suitable location, only if in doing so, the public will not be endangered"* [[ISP 2023a](#)].

When choosing an area to stop and pull over commercial vehicles for inspections, consider designated areas that offer less exposure to moving traffic, such as: truck stops, service stations, weigh stations, or even a rest area whenever feasible. These areas have less traffic congestion and vehicles travel at slower speeds around them. Additionally, a secure designated area would also provide a location for any vehicle maintenance or repairs that may be necessary following an inspection. If the driver of the commercial motor vehicle pulls over in an unfavorable area/location, it is recommended that after making initial contact with the driver, they should be advised to drive to a safer location to complete the inspection.

The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, offers other training courses with further guidance and safety recommendations. An example is the Truck and Bus Traffic Enforcement (TBTE) training that provides guidance while making a stop. *"Officers should not conduct a stop on curves, hills, steep grades, near city traffic, busy intersections, or work zones. Officers should also be aware that a truck takes more time and distance to come to a complete stop, sometimes up to 400 feet"* [[FMCSA 2020](#)]."



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Recommendation #2: State law enforcement agencies should consider developing and enforcing a standard operating procedure or policy to conduct passenger side approaches when it removes or lessens the hazards of moving traffic.

Discussion: In this case, the officer was standing on the driver side discussing the inspection with the driver of the commercial motor vehicle when she was struck. An example of a safer location would have been the passenger side of the commercial motor vehicle, placing the vehicle directly between the trooper and the oncoming traffic.

The Illinois State Police Directive ENF-036, Commercial Vehicle Enforcement, has a section for “Officer Safety” dedicated to placing chock blocks at the front and rear of a drive axle wheel of the commercial motor vehicle, to prevent the vehicle from moving during the inspection [[ISP 2023a](#)]. Presently, the directive does not address conducting passenger side traffic stops, for doing an inspection.

According to the North American Standard (Part A) training module, when approaching the vehicle, students are instructed to:

- Monitor the driver and/or passengers when approaching the vehicle
- Observe and note any unusual behavior
- Strictly adhere to all departmental policies/procedures
- Look for placards indicating the presence of hazardous materials
- Be alert for leaks, spills, or unsecured cargo
- Look for special markings which would indicate the presence of hazardous materials, such as “Inhalation Hazard”
- Be aware of alternative fueled vehicles and their dangers
- Notice the general condition of the vehicle, looking for damage, repairs, and anything unusual.

The inspector’s approach to the vehicle in relation to the flow of traffic isn’t addressed in this training. However, there are advantages to conducting a passenger side approach, as it allows the ability to keep an eye on the oncoming traffic and being positioned to get out of the way in a hurry if needed [[Elliott 2023](#)]. For this reason, state authorities should consider developing and enforcing a standard operating procedure and policy to conduct passenger side approaches, whenever possible.

In addition, the (TBTE) training course offers other training courses that address concerns related to traffic and safety such as passenger side approaches when making the traffic stop, “*approach from the passenger side and maintain awareness as personal safety should always be of utmost concern to officers* [[FMCSA 2020](#)].”

To ensure compliance, supervisors could randomly review in-vehicle or body-worn camera footage for quality assurance. If unsafe traffic stop practices are found in these random samples, the supervisor could address it with the trooper.

Recommendation #3: Law enforcement officers and other emergency responders should maintain situational awareness while working outside of their patrol unit and ensure they minimize their exposure to oncoming traffic.

Discussion: Situational awareness involves being aware of one’s surroundings and identifying potential threats or dangerous conditions that can occur around you and then using your understanding of the situation to accurately



predict future events in time to prevent bad outcomes [Gasaway 2019]. It is important for all law enforcement officers and other emergency responders to maintain and practice good situational awareness throughout any operation, especially for highway/roadway incidents. This will better protect themselves and those around them. A threat can come from any direction, exposing the officer or other emergency responders to 360° vulnerability [Gasaway 2019].

Three phases or processes are necessary to achieve situational awareness—perception of the elements in the environment, understanding of the current situation, and predicting future actions of the elements in the environment [Endsley 1995].

To further explain, Dr. Rich Gasaway defines situational awareness as a process with three levels:

- Level 1. Perception: perceive the situation around us, also considered as sensing or observing. It is important to understand that effective perception should involve all five senses (hearing, taste, touch, sight, and smell) as applicable. This first level in the situational awareness process must be deliberate, accurate, and continual. This involves perceiving audible indicators such as the flow of traffic, skidding tires, racing or loud engines, car horns, and other emergency sirens. Visual indicators including large or wide vehicles, speeding vehicles, and erratic driving such as weaving in and out of traffic. Other visual indicators include areas with limited visibility, high traffic areas, and various roads (residential, commercial, rural).
- Level 2. Comprehension: apply our knowledge and past experiences to your perception and develop an understanding of the meaning of the situation. In order to fully understand the critical things that are perceived, those working along the roadway must have the proper knowledge, which comes from education and training. They must also have ability, which comes from experience. If they have any doubts about what they are comprehending, they should re-evaluate the process and when possible, seek the input of others. Comprehending different things can indicate that there is a misinterpretation or potentially multiple understandings for what is being perceived. Officers should understand the importance of proper positioning and the potential exit or escape routes to safe locations in and around their vehicles. Previous experiences and training should be applied to mitigate known hazards that may be encountered during traffic stops. The Emergency Responder Safety Institute (ERSI) recommends those working along roadways to train to “work under the premise of if it’s moving, and you’re not driving it, it is out to kill you” [ERSI 2009].
- Level 3. Application: taking our understanding of the situation, also considered as projecting or forecasting, is the final critical level that is only as successful as the outcomes from the first two levels. Apply understanding of the incident to the future in order to predict how and when the situation will change and what action is appropriate on our part. Know how to react to your environment so you can analyze how you should respond [Gasaway 2013, 2017, 2022]. Forecasting and projecting for officers could involve assessing patterns of high traffic. Understand that variants may influence approaching vehicles that could include weather (snow, ice, or wet roads), time of day (darkness reduces visibility and reaction time and sunlight can obscure drivers’ visibility), as well as visual obstructions (lay of the land, vegetation, curves, hilltops, and buildings). Forecast the factors that may be encountered during the traffic stop to train workers to properly position themselves safely away from traffic and always know their escape route.



According to ERSI, training is the first line of defense. All responders should understand and appreciate the risks they are exposed to when operating in or around moving vehicles. Many variants can influence approaching vehicles, such as:

- Speed—can be very slow or exceed the speed limit
- Operators—can be vision impaired, under the influence of drugs or alcohol, distracted, have a medical condition that affects their judgment or abilities, or as in this incident, drowsy
- Weather—snow, rain, or other inclement weather
- Time of day—darkness reduces visibility and reaction time; sunlight can obscure visibility
- Visual obstructions—lay of the land, buildings.

In summary, situational awareness involves being aware of one’s surroundings to identify potential threats or dangerous conditions that can occur and applying that knowledge to avoid the threat. It is important to maintain and practice good situational awareness throughout a job, especially alongside highways/roadways. One of the most complex aspects of situational awareness is being able to predict the future. Those who work along the roadway should be mindful and vigilant when on the roadway. At any given time, there are many drivers affected by the variants listed above that can result in worker-victim roadway incidents [[Gasaway 2022](#)].

Recommendation #4: State, county, and municipal authorities should consider the promotion of public awareness campaigns to inform motorists of the dangers of driving while fatigued or ill.

Discussion: According to the National Safety Council, drowsy or fatigued driving is similar to impaired driving [[National Safety Council 2023](#)]. Employers, workers, and the general public should be aware of the dangers of operating a vehicle while fatigued and how to recognize different signs of fatigue. Driver fatigue may be due to a lack of adequate sleep, being awake for many consecutive hours, not getting enough sleep over multiple days, extended work hours, strenuous work or non-work activities, time of day (your body has a sleep/wake cycle that tells you when to be alert and when it’s time to sleep), monotonous tasks or long periods of inactivity, or health factors such as sleep disorders or medications that can cause drowsiness [[FMCSA 2023, NIOSH 2020](#)].

“Truck driver fatigue has been recognized as a major safety concern and a contributing factor to fatal truck crashes for over 70 years. Studies sponsored by the Federal Motor Carrier Safety Administration (FMCSA) reveal that 65% of truck drivers report that they often or sometimes feel drowsy while driving and nearly half of truck drivers admit that they had actually fallen asleep while driving in the previous year [[TSC 2023](#)].”

Commercial drivers should be educated to recognize signs of fatigue while driving.

Effects of driver fatigue include:

- “Nodding off
- Reacting more slowly to changing road conditions, other drivers, or pedestrians
- Making poor decisions
- Drifting from your lane
- Experiencing “tunnel vision” (when you lose sense of what’s going on in the periphery)



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- Experiencing “microsleeps” (brief sleep episodes lasting from a fraction of a second up to 30 seconds)
- Forgetting the last few miles you drove [\[NIOSH 2020\]](#).”

The National Institute for Occupational Safety and Health makes several recommendations to help employers and workers combat those factors.

Recommendations for employers include:

- “Implement policies that set overtime limits and maximum allowable consecutive shifts.
- Ensure sufficient staffing levels across operations.
- Provide employee training on sleep health and fatigue management.
- Implement a workplace sleep disorder screening and management program.
- Allow for rest breaks and napping during extended work shifts.
- Give supervisors and workers fatigue-symptom checklists and encourage self-reporting.
- Encourage peer monitoring of fatigue symptoms among co-workers.
- Review data from in-vehicle monitoring systems to detect signs of possible fatigue episodes, such as lane departures.
- Consider using wearables such as an instrumented wristband to monitor driver fatigue.
- Train incident investigators to assess the role of fatigue in incidents and near-miss incidents [\[NIOSH 2020\]](#)”.

Recommendations for employees include:

- “Get enough sleep (7-9 hours each day). If fatigue persists after adequate sleep, get screened for health problems that may be affecting your sleep.
- Plan your activities outside work to allow enough time for adequate sleep.
- Create a sleeping environment that helps you sleep well: a dark, quiet, cool room with no electronics.
- If you feel fatigued while driving: pull over, drink a cup of coffee, and take a 15–30-minute nap before continuing. The effects are only temporary – the only “cure” for fatigue is sleep.
- Watch yourself and your co-workers for signs of fatigue.
- Report instances of fatigue in yourself and others to your direct supervisor, who can help to determine the safest course of action.
- Speak honestly if you are questioned about a fatigue-related incident. Fatigue is a normal biological response – it is not a reflection of how well you do your job [\[NIOSH 2020\]](#)”.

The first step to prevention is identifying the problem and then taking action to solve what’s been identified. Public awareness campaigns to educate drivers on the dangers of driving while fatigued and the dangers emergency



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responders face when working along the roadside could have an impact and potentially decrease the risk for law enforcement officers and other emergency responders being struck by motorists.

Recommendation #5: State, county, and municipal authorities should consider promoting public awareness campaigns to inform motor vehicle operators of the risks that law enforcement officers face while operating along the roadside and of the need to follow “Move Over” laws.

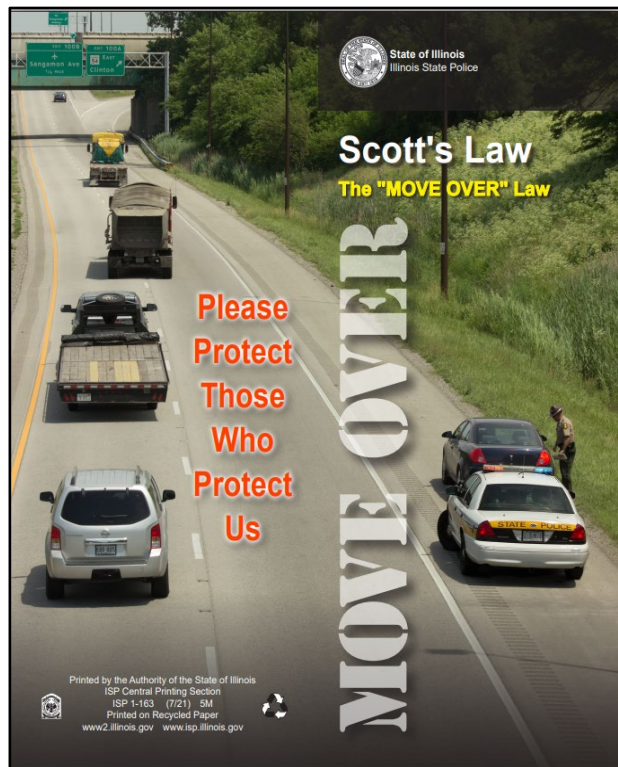
Discussion: Although not a direct factor in this incident, it’s good practice to continually promote public awareness campaigns to inform motorists of the dangers officers face while working along the roadside. Motor vehicle-related incidents are a leading cause of line-of-duty deaths for law enforcement officers in the United States [[NIOSH 2023](#)]. In Illinois, in the first three months of 2019 alone, motorists hit 15 State Police troopers or vehicles, while the officers were stopped along a road with their lights flashing [[NHTSA 2019](#)]. In this incident, after reviewing the dash camera footage from the trooper’s vehicle during the 53-minute traffic stop, 261 motorists followed the law by moving over to the left lane before approaching the stopped vehicles.

Informing the public on “Move Over” laws can help keep officers safer from oncoming traffic while conducting a traffic stop/inspection. One of the more dangerous actions law enforcement officers make during their shift is getting out of their patrol unit while parked on the side of a roadway. The purpose of the Move Over Law is to protect law enforcement officers, and other emergency responders from being hit by passing vehicles; however, being struck and killed is a major cause of law enforcement deaths [[National Safety Commission 2015](#)]. Failure of motorists to move over remains a significant concern for the safety of officers and emergency responders; therefore, a continual public awareness campaign to educate the public and promote the "Move Over" laws is necessary. Public service announcements, billboards along highways, and handouts are all methods used by states to promote the "Move Over" laws.



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The Illinois state law Scott's Law, 625 ILCS 5/11-907(c), "Move Over Law" was passed in 2001 and requires motorists to move over into the adjacent lane of traffic, when safe to do so, or to slow down for emergency vehicles [ISP 2023b]. The law requires that all motorists move over when encountering stopped or disabled vehicles displaying flashing emergency lights. The law is used to prosecute a failure to give ample care to stopped vehicles, including not reducing speed, changing lanes, or using caution, and can be a compounding offense. When approaching a stationary emergency vehicle that is displaying flashing warning lights, Illinois motorists must: slow down; drive with caution; and move over to another lane (Poster 1). They should reduce their speed if changing lanes is unsafe [ISP 2023b].



Poster 1. Scott's Law – The "Move Over" Law

In 2007, the National Safety Commission, the National Sheriffs' Association, and the National Association of Police Organizations established Move Over America, the first nationally coordinated effort to educate Americans about "Move Over" laws [National Safety Commission 2015]. All 50 states have some form of law that requires motorists to move over and/or slow down when approaching stationary emergency vehicles displaying flashing lights. Most states include tow trucks, wreckers, highway maintenance, and recovery vehicles in the list to which this law applies. Some states also instruct drivers to slow down to a speed safe for weather, road, and traffic conditions. Other states are more specific. For example, in Texas or Wyoming on a highway with a speed limit 25 mph or greater, the driver must slow by at least 20 mph below the posted speed limit, and if the speed limit is 20 mph or less, the driver must slow to 5 mph [National Safety Commission 2015].



In 2017 an amendment to Illinois Scott's Law went into effect. This extended protection under the law to all stopped vehicles displaying warning lights, including commercial cars and trucks with hazard lights flashing, rather than the previous regulation of authorized emergency vehicles ([Poster 2](#)). The definition of an “authorized emergency vehicle” was updated to include any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights while the operator of the vehicle is engaged in their official duties. This amendment continues to include emergency vehicles such as fire trucks, ambulances, and police cars, but adds on such vehicles as Department of Transportation vehicles, snowplows, construction vehicles, and commercial cars and trucks, among others [[ISP 2023b](#)].

« GIVE THEM DISTANCE »

What is Scott's Law?

All 50 states have a version of the "Move Over" Law in place

Scott's Law is Illinois' "Move Over" Law. It requires drivers to **slow down** and **change lanes** safely when approaching **ANY** vehicle on the side of the road with its hazard lights on.

1
SLOW DOWN

2
CHANGE LANES SAFELY

« GIVE THEM DISTANCE »

Poster 2. Scotts Law Poster

Public awareness campaigns to educate drivers on the dangers faced by emergency responders when working along the roadside and the need to move over could have an impact and potentially decrease the risk for law enforcement officers and other emergency responders being struck by motorists.

Free resources are available, including those found at:

[Emergency Responder Safety Institute](#)

[Move Over America](#)

Recommendation #6: State, county, and municipal authorities should consider wearing high-visibility safety apparel, such as retro-reflective vests, when conducting commercial motor vehicle inspections along an active highway to ensure greater visibility.

Discussion: Although not a direct contributor in this incident, it is recommended that officers who are conducting routine traffic stops, or commercial motor vehicle inspections wear a garment with fluorescent and retro-reflective material visible from all directions anytime they are working outside of their vehicle along a highway. The wearing of high-visibility garments improves the visual conspicuity of the wearer and reduces the risk of police officers and other



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workers being struck by vehicles and mobile equipment [eLCOSH 2023]. *“High-visibility safety apparel (HVSA) is personal protective clothing that provides visual conspicuity to reduce police officers’ risk of fatality or injury from road traffic accidents. Under the current U.S. Department of Transportation’s Federal Highway Administration regulations, police officers on or near Federal-Aid highways are mandated to wear HVSA to enhance their visibility. Although wearing HVSA can significantly prevent traffic-related fatalities among police officers, studies have shown that they do not consistently, or ever, wear it [Kim and Song 2021].”* Yellow and orange clothing as defined by ANSI/ISEA 107 provides increased worker visibility [ANSI 2020].

Considering that low visibility is a serious hazard to any individual working near moving vehicles or equipment, being visible in all lighting conditions and environments is critical. To ensure public safety officers’ visibility, several organizations, such as the National Traffic Incident Coalition, International Association of Chiefs of Police, Federal Highway Administration (FHWA), and the International Safety Equipment Association (ISEA), developed the High-Visibility Public Safety Vests Standard in 1999. This standard defines high-visibility safety apparel requirements for retro-reflectivity, type of material, colors, and fluorescence [ANSI 2020].

The ERSI offers a free training module explaining the federal regulations pertaining to high visibility safety apparel. The module also reviews *“objections of law enforcement officers to wearing this apparel, presents facts that address these objections, and details a set of solutions to address officers’ objections and improve compliance with federal regulations, state regulations, and local policies [ERSI, no date].”*

Recommendation #7: Commercial Vehicle Enforcement Officers should consider placing emergency warning devices when conducting commercial motor vehicle inspections along an active highway to ensure greater visibility.

Discussion: Although not a direct contributor in this incident, it is recommended that officers who are conducting routine traffic stops, or commercial motor vehicle inspections place emergency warning devices along an active highway for greater visibility.

6.3.6 Emergency Warning Devices (392.22) states: *“If a vehicle is stopped on a highway or shoulder for a reason other than a necessary traffic stop, the driver must turn on the vehicle’s hazard warning system, which is to be left on until the vehicle’s external warning devices are in position. The hazard warning system must be used again when the warning devices are being picked up before the vehicle moves on.*

Warning devices (warning triangles, fuse flares, or liquid-burning flares) must be placed within 10 minutes of pulling off of the roadway in three locations:

- *One on the traffic side, four paces (approximately 10 feet) from the vehicle, in the direction of approaching traffic;*
- *One in the center of the traffic lane or shoulder, 40 paces (approximately 100 feet) from the vehicle, in the direction of approaching traffic; and*
- *One in the center of the traffic lane or shoulder, 40 paces (approximately 100 feet) from the vehicle, in the direction away from approaching traffic.*
- *If flares are used, the driver is responsible for ensuring that at least one flare remains lit at each location as long as the vehicle is stopped [FMCSA 2023a].”*



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REFERENCES

ANSI/ISEA [2020]. [American National Standard For High-Visibility Safety Apparel 107-2020](#).

CVSA [2019]. [Operational Policy, North American Standard Inspection Program, Attachment A](#): Washington, DC, Commercial Vehicle Safety Alliance.

eLCOSH [2023]. [ANSI/ISEA 107-1999 American National Standard for High-Visibility Safety Apparel](#). Center for Construction Research and Training. Silver Spring, MD: CPWR

Elliott B [2023]. [Advantages of the passenger-side approach](#). Irving, TX: Multibriefs.com

Emergency Responder Safety Institute [ERSI] [2009]. [Protecting the Emergency Responders on the Highways, a Ten Year Review](#). Berkeley Springs, WV: Cumberland Valley Volunteer Firemen's Association

Emergency Responder Safety Institute [ERSI] [no date]. [Law Enforcement and High Visibility PPE](#). Berkeley Springs, WV: Cumberland Valley Volunteer Firemen's Association.

Endsley MR [1995]. [Toward a theory of situation awareness in dynamic systems](#). Human Factors 37:32– 64.

FMCSA [2020]. [TBTE v3.0 Student Guide](#). Washington, DC: Federal Motor Carrier Safety Administration, Department of Transportation.

FMCSA [2023]. [CMV Driving Tips – Driver Fatigue](#). Washington, DC: Federal Motor Carrier Safety Administration, Department of Transportation.

FMCSA [2023a]. [6.3.6 Emergency Warning Devices](#). Washington, DC: Federal Motor Carrier Safety Administration, Department of Transportation.

Gasaway R, [2013]. *Situational Awareness for Emergency Response*. Tulsa, OK: PennWell Corporation.

Gasaway R, [2017]. [Flawed Situational Awareness: The Stealth Killer of First Responders](#). Fire Engineering, May 25, 2017.

Gasaway R, [2019]. *How Smart Workers Use Situational Awareness to Improve Safety*. St. Paul, MN: Gasaway Consulting Group LLC.

Gasaway R, [2022]. *Situational Awareness Matters*. [First Responder - Situational Awareness Matters!™ \(samatters.com\)](#).

IAOGP [2023]. [The Dangers of Driver Fatigue](#). Houston, TX: International Association of Oil and Gas Producers.

ISP [2023]. [Division of Patrol](#). Springfield, IL: Illinois State Police.

ISP [2023a]. [ENF-036 Commercial Vehicle Enforcement. Illinois State Police Directive](#). Springfield, IL: Illinois State Police.

ISP [2023b]. [The “Move Over” Law](#). Springfield, IL: Illinois State Police.

Kim M and Song, C [2021]. [Understanding Police Officers’ Usage of High-Visibility Safety Apparel: The Role of Safety Ethics and Professional Appearance](#). Safety 2021, 7, 15. <https://doi.org/10.3390/safety7010015>



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NHTSA [2019]. [Several States Report a Spike in Drivers Crashing into Police, A Reminder to Move Over.](#) Washington, DC: National Highway Traffic Safety Administration.

NIOSH [2020]. [Motor Vehicle Safety at Work: Driver Fatigue on the Job.](#) Atlanta, GA: Centers for Disease Control and Prevention.

NIOSH [2023]. [Law Enforcement Officer Motor Vehicle Safety.](#) Atlanta, GA: Centers for Disease Control and Prevention

National Safety Commission [2015]. [Move over America.](#) Jacksonville, FL

National Safety Council [2023] [Fatigued Driving - National Safety Council.](#) Jacksonville, FL

TSC [2023]. [What is Driver Fatigue?.](#) Washington, DC: Truck Safety Coalition.

Weather Underground [2023]. [Weather History for Rockford, IL – March 2019.](#) Atlanta, GA, The Weather Channel Interactive, Inc.

INVESTIGATOR INFORMATION

This incident was investigated by LCDR Melanie Fowler, Environmental Health Officer, and Nancy Romano, Safety and Occupational Health Specialist, Fatality Investigations Team of the Surveillance and Field Investigations Branch, Division of Safety Research, NIOSH, located in Morgantown, West Virginia. This report was coauthored by LCDR Melanie Fowler and Nancy Romano. An expert subject matter review was conducted by Lieutenant Charles N. Burckhardt, Pennsylvania State Police.

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