

## Traffic Incident Management

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**Jeff Jannarone:** Exigent Forensic Consulting  
*Police Practices, Dram Shop and Public Safety Expert*

*Traffic incident management standards are there to protect all road users. Here we discuss how and why these regulations are so vital when it comes to personal injury litigation*

When was the last time you sat in your vehicle and considered the human impact of traffic congestion?

The U.S. Department of Transportation (USDOT) has identified traffic congestion as [“one of the single largest threats”](#) to the nation’s economic prosperity and way of life. The situation is strikingly similar across the world, from India to England – congestion and traffic incidents are about more than just frustrated drivers trying to reach their destinations. Congestion costs lives.

According to the [National Traffic Incident Management Responder Training Program](#), traffic incidents make up about 25 percent of all congestion, making them a significant part of congestion. Therefore, managing this traffic has become paramount, not only to improve the congestion but more vitally to help save lives.

According to the National Traffic Incident Management Coalition (NTIMC), traffic crashes and struck-by incidents are leading causes of on-duty injuries and deaths for law enforcement, firefighters, and towing and recovery personnel.

And it’s not just the first responders who are at risk. A [study published in the ITS Journal](#) estimated that the likelihood of a secondary crash increases by 2.8 percent for every minute that the primary incident remains a hazard.

These statistics demonstrate why Traffic Incident Management standards are so important and how dangerous it can be if these standards are violated. And yet many people are still unaware that their injuries are a result of a traffic incident management violation and therefore they have a case for litigation.

The [Manual on Uniform for Traffic Control Devices \(MUTCD\)](#), celebrates its 85<sup>th</sup> birthday this coming November. Designed to protect road users, road workers, and first responders, the MUTCD sets out standards and procedures that represent a structured response to road incidents.

But what happens when there’s an unplanned incident – a crash or disabled vehicle? That’s where the traffic incident management standards come into play. The [2013 TIM Handbook](#) sets out the specific procedures and standards that first responders must abide by, in order to ensure effective protection of victims in the case of a road incident.

These protective strategies can include everything from stop signs and hazard lights, to ensuring the fire truck/police vehicle is parked in front of the crash site to protect victims and emergency responders who are dealing with the incident. They are designed to protect not just the initial victims, but to also prevent secondary crashes. [Secondary crashes are estimated to cause 18 percent of all fatalities on freeways.](#)

That's why the TIM standards are more than just best practice; they are a legal requirement when each state adopts them as their standard of care. The standards are a national regulation – mandatory steps that must be taken to safeguard everyone involved. Conversely, best practice is advice or optional guidance, but it is not compulsory.

The guarantee should be that with the TIM standards in every state, the protective measures after an incident occurs should be the same.

However, this brings its own set of challenges. Firstly no two incidents are the same – they are unplanned crashes or occurrences, and secondly, because they are unplanned, the TIM strategy associated with those incidents is more challenging to administer. And this means there are occurrences when these standards fail to be implemented correctly. That's when lawsuits occur, and the services of [Public Safety experts](#) are called in.

It's the job of the Public Safety expert, to ascertain whether the first responders implemented the TIM standards correctly. While, as we mention, it can be challenging because each incident is different, there are fundamental measures that must be taken correctly and should these not be implemented, there can be catastrophic consequences, resulting in injuries and fatalities, and therefore potentially associated litigation.

It is the responsibility and duty of Public Safety experts to have in-depth knowledge of the TIM standards – fortunately, one of the [Exigent Forensic](#) team members helped write the [NFPA 1091 Standards for First Responders](#) Professionals (2019). They are also instructor trainers for the United States Department of Transportation (USDOT) [National Traffic Incident Management Responder Training Program](#), which were the standards in the very beginning. This means we can give attorneys an assessment of whether a plaintiff has grounds for a case, or not, and provide an expert opinion, should the case go to court.

It's up to the expert to determine whether the first responders implemented the TIM standards appropriately. Some cases are naturally straight forward – the police car or fire truck wasn't properly positioned to protect the crash scene, for example, or proper precautions were not used to establish a safety zone from the hazard.

However, there are always those ambiguous cases where we must make a reasonable determination of what's happened. For this, we use the police crash reports and investigation reports, as well as social media and witness statements to piece together what occurred.

Essentially, without manipulating the truth, it's up to the Public Safety expert to establish whether the first responders violated the TIM standards, and put lives in danger. And, unfortunately, we are finding that many people have been a victim of incorrectly implemented TIM standards, resulting in further injury.

As former front line first responders, we understand how challenging crash and incident sites can be, which is why ensuring the TIM standards are implemented is so crucial. That's why we encourage all drivers and road users to have at least a basic understanding of the rules, so they can be reassured that in the event of an incident, the first responders are reasonably doing everything they can to protect and safeguard incident victims, without endangering additional lives, including their own.

To find out more about Exigent's traffic Incident management experts, [contact us.](#)