



July 19, 2011

Kathy Doolan, BS, NREMT-I, Field Services Coordinator  
New Hampshire Department of Safety  
Division of Fire Standards and Training & EMS  
Bureau of EMS  
Upper Valley EMS Field Office  
Lebanon NH

Dear Ms. Doolan,

Ronald O'Keefe, a Health and Safety Advisor here at the Local Government Center has asked us to research the issue of use of lights and sirens on emergency medical services vehicles during the initial response to a patient location or transport of the patient to another location, including a medical facility.

Our research has shown that the applicable statute is RSA 266:78-g, which reads as follows:

266:78-g Use of Lights by Fire, Rescue, and Emergency Response Personnel. – Police, fire, ambulance, and rescue vehicles, and other vehicles authorized under RSA 266:78-c shall only illuminate emergency lights and warning lights when responding to but not returning from an actual or reported emergency, transporting a patient to a hospital for emergency treatment, or when parked at the scene of an emergency for purposes of warning approaching traffic. Fire apparatus and ambulances may also illuminate emergency lights and warning lights while parking or backing the vehicle to access a garage housing the apparatus or when serving as a mobile command post to designate the location of the command post. No persons other than emergency response personnel shall drive a vehicle with red emergency lights in operation.

Source. 2008, 358:12, eff. Sept. 9, 2008.

The statute only describes when emergency lights may be used. It does not expressly mandate the use of lights and sirens during each and every trip to the scene where a patient needs care, nor does it mandate the use of these devices for every transport of a patient to a medical facility.

Without in any way attempting to bind any of our pooled risk programs, the use of lights and sirens appears to be an issue which is best left to policies, practices, and procedures adopted by the emergency medical care provider. There are many variables which may impact appropriate use of these emergency warning devices. These include, but are not limited to, the condition and needs of any patient being transported, the time of day, the state of vehicular traffic, the urban or rural nature of the route, the ability of other drivers to discern the presence of

these emergency warning devices, the weather conditions, and the skill and experience of the vehicle driver. These and many other variables have been reported in the relevant literature, and will inform the managers of the emergency medical service as the policy is developed.

Once each policy has been created, it is also necessary to train employees in both the specifics of the policy, and the rationale behind the policy decisions which have been made. In the end, each emergency vehicle operator is responsible for the safe operation of the emergency vehicle. As noted in RSA 265:33, even though each driver shall yield the right of way to an authorized emergency vehicle making use of an audible or visual signal, the driver of the emergency vehicle has the duty to drive "...with due regard for the safety of all persons using the way."

Sincerely,

A handwritten signature in cursive script that reads "Paul G. Sanderson". The signature is written in black ink and is positioned above the typed name.

Paul G. Sanderson  
Staff Attorney

cc. Ronald O'Keefe