WORK SESSION
Thursday, October 19, 1989

Law Enforcement and Engineering—A Necessary Partnership

Moderator
Jerry Lentz, Director
Department of Vehicle Regulation

INCIDENT MANAGEMENT

Panelists
Brig. Gen. J. H. Molloy, Executive Director
Disaster and Emergency Services
Department of Military Affairs

Sam Lester, Supervisor of Field Operations
Water Div., Depart. of Natural Resources & Environmental Protection

Pat Dugger, Director
Environmental & Emergency Management
Lexington-Fayette Urban County Government

William R. Monhollon, Chief District Engineer
Kentucky Department of Highways-District 5

Robert L. Freeman, Assistant State Traffic Operations Engineer
Florida Department of Transportation

Capt. Mike Duncan, Commander
Frankfort Post (Post 12)
Kentucky State Police
INTRODUCTIONS

Moderator, Jerry L. Lentz, was appointed Deputy Secretary for the Transportation Cabinet on July 1, 1988. He also is responsible for overseeing the offices of Vehicle Regulation, General Counsel, Fiscal Management, Administrative Services, Personnel, and Minority Affairs. Mr. Lentz has a BS degree in commerce from the University of Louisville. An experienced CPA, he was employed by Coopers & Lybrand and M & D Mining, Ashland Materials, Inc. and Future Resources, Inc. before working for state government.

Brig. Gen. James H. (Mike) Molloy has been Executive Director of the Division of Disaster and Emergency Services for the Commonwealth of Kentucky since February, 1987. Gen. Molloy has been associated with the Kentucky National Guard since 1977, presently serving as deputy adjutant general of the Kentucky Army Guard's headquarters, State Readiness Command. Gen. Molloy also served as chairman of the Governor's Earthquake Hazards and Safety Technical Advisory Panel and is chairman of the Kentucky Emergency Response Commission.

Sam W. Lester is Assistant Coordinator to the Environmental Response Team, and Supervisor for the Field Support Section, Division of Water. A graduate of Morehead State University, he has a BS degree in biology. Mr. Lester also has worked for the Department for Environmental Protection and has worked as a Field Inspector for the Division of Water.

Pat Dugger is the Director of the Division of Environmental and Emergency Management for the Lexington-Fayette Urban County Government. She has previously worked in the Division as an environmentalist and, in the Division of Building Inspection as a Housing Maintenance inspector. She has a BS degree in Public Health with concentrations in community and environmental health.

William R. Monhollon has been Chief District Engineer for the Louisville District Office of the Kentucky Department of Highways since December 1983. He has been with the Department for over 24 years in the areas of design, planning, and maintenance. Mr. Monhollon, a native of Corbin, has a BS degree in civil engineering from the University of Kentucky.

Robert L. Freeman is Assistant State Traffic Operations Engineer for the Florida Department of Transportation.

Captain Mike Duncan presently serves as Post Commander at the Frankfort Post of the Kentucky State Police. He also has served as post.
commander at LaGrange and as the Narcotics Section Commander in the 18 years he has been with the State Police. Captain Duncan teaches at Kentucky State University in the College of Criminal Justice Education. He has a BS from Eastern Kentucky University and a MS in public affairs from Kentucky State University. He is also a graduate of the F.B.I. National Academy.

Sam Lester

From an organizational standpoint, the Environmental Response Center is located in the Department for Environmental Protection. Within the department we have four divisions: the Division of Water, the Division of Waste Management, the Division of Air Quality, and our Division of Environmental Services, which is the laboratory for all our testing.

The department's statues require that all spills, bypasses, or air releases be reported to the department. In many cases the incident may be of a non-hazardous nature, which we might later refer to the Division of Waste Management for routine, follow-up inspection. The primary mission of the Environmental Response Team is to respond to HAZ-MAT (hazardous materials) incidents. We also respond to almost any type of environmental emergency, such as a failing dam or flooding situations. We can respond to drought situations, so we're involved in both hazardous and non-hazardous incidents. The team consist of 14 members (spread throughout the state) who are on call 24 hours a day. We're spread kind of thin, but we can get people to a scene if necessary.

Once the public's health and safety has been protected at the scene, evacuations carried out, and the situation stabilized, we come in to mitigate any problems that may affect the environment or, ultimately, the long-term health and safety of the population. In many cases we find ourselves unqualified to go into a situation, although we have some highly trained, well-equipped individuals. In these cases we may call in a specialized clean-up contractor. We've been doing this recently because of some OSHA standards and requirements.

Last year we had 948 reported incidents. The team did not respond to every incident; some were followed up on a routine basis by the other divisions. This year, to date, we have 1,215 reported incidents. We are either having more accidents or the public has become more aware of environmental problems and is starting to report them to the 24-hour number.

When on the scene, we try to work closely with other state agencies, especially disaster and emergency services, the fire marshall, vehicle enforcement, the Kentucky State Police, and local county agencies. We try and involve everyone. In most incidents no one particular agency is capable of handling all the problems. It's very important that we continue to communicate and coordinate the mitigation of these incidents.
William R. Monhollon

We recognize our function as one of support. I think we play three primary roles in incident management. One role is in traffic control; we have access to traffic control equipment and possess a considerable amount of experience in this area. Secondly, we frequently play a supporting role in the area of cleanup (particularly when non-hazardous waste is involved), when sand, dirt or equipment is needed. Finally, we function as an accident review team after an incident in a high accident location. The accident review team gives the various, involved disciplines the opportunity to have input on things that might be done to reduce accidents. Police play a role and do participate with the engineering teams and other disciplines.

There is one last comment I would like to make. Florida evidently has a law that I wish we had, and that is to get a car out of the way of traffic so the traffic can begin moving again. I wish we had that in Kentucky.

Question:
Are there any legal problems encountered in moving vehicles off the road?

Answer: (Robert Freeman)

We never heard of any. I think in a couple of cases, we have heard from insurance companies who say they are glad, because a minor fender-bender could turn into a total vehicle accident or fatality. Sometimes people who have minor fender-benders are setting there blocking a highway waiting for police to arrive. They don't need to do that. Sometimes one of the drivers may want to stay there because he or she knows that they are right and they want that evidence intact so are reluctant to move. But we feel it is best to get it off the road if you can. There may be some legal implications. California does something of this type and they have had very little history of any litigation over it.

Question:
Is there a preference to removing the vehicle by driving or pushing it?

Answer: (Freeman)

Driving it or pushing it, or if police have already arrived, they can push the vehicle off with the police vehicle. Some of the highway patrol vehicles have specially designed push bumpers so they can push a vehicle off the highway.
Comment from audience:

I hate to see people pushing a vehicle off a highway because there might be danger to them.

(Freeman)

There was a case in Tampa where a policeman filed an injury accident because the patrol car didn't have a push bumper and had to push the vehicle with their bodies. The important thing is, look at the consequences of not doing it—secondary accidents, maybe miles of backup waiting for the accident paperwork to be done. We have good cooperation now in this push-bumper policy. I'm not saying it is always perfect, though.