

# **Traffic Investigation and Enforcement**

**Third Edition**



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# **Traffic Investigation and Enforcement**

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## PREFACE

The purpose of this text is to serve as a guide for traffic-enforcement responsibility. It is intended not only to assist the beginning traffic and patrol officer, but also to provide a comprehensive text for use in traffic courses offered in colleges throughout our nation.

The responsibility for the enforcement of state and local traffic laws, accident prevention, and traffic collision investigation is, indeed, a challenging task. Each year tens of thousands of Americans are killed or injured on our nation's roadways. Property damage and other direct and indirect costs of traffic collisions have become one of the most personally devastating and wasteful drains on our economy.

Traffic and patrol officers play a vital role in attempting to stem the tide of unnecessary death and destruction which can be attributed to the traffic problem. As those responsible for the basic enforcement of traffic laws, officers must use every modern method and technique available to them to assure driver and pedestrian safety.

Additionally, traffic and patrol officers are also roadway experts—who often advise desk-bound traffic engineers of the need to widen or repair highways and city streets to reduce accidents caused by engineering deficiencies. Considering the critical importance of their many roles, it is obvious that education must be a high priority for traffic enforcement officers. Both on and off duty, they must be able to inform drivers about the laws and about what is expected of roadway users.

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## *Chapter One*

# **TRAFFIC LAWS AND ENFORCEMENT**

## **A BRIEF HISTORY**

The term “traffic accident,” inferring an act of God or unavoidable happenstance, was coined by the press in reports of the first traffic collisions. We know, of course, that traffic accidents are not caused by fate. Traffic collisions—a more appropriate term—are caused by inattention, poor judgement, drug or alcohol use, too much speed for the conditions, and other violations of the rules and laws of safe driving. Having made this clarification, the authors bow to the traditional use of the term “accident” in this text.

Traffic control has been necessary ever since man first shouldered a burden and collided with another person or object on a narrow trail. With the taming of wild animals and their subsequent use as beasts of burden, traffic accidents have increased.

The development of the wheel added to the problem, and as transportation developed over the ages, the traffic problem grew even greater. Paralleling advances in transportation were improvements in thoroughfares: first trails, then roads. The ancient Romans spread their civilization by means of a network of hard-surfaced pavements over the then-known world. These roads were so well constructed that some of them, weathering the ravages of time, remain visible today.

## **Traffic Control**

Traffic control soon became mandatory. Those accidents investigated by the Romans led to certain control measures: weight limits were imposed to prevent the breakdown of vehicles and the destruction of pavements; restrictive laws were passed to regulate the movement of persons and property; encroachments upon rights-of-

way by roadside businesses were restricted and roads were designed with a minimum of grades and curves to facilitate travel. In fact, it was here that man first discovered the three "E's": Engineering, Education, and Enforcement. Today, these remain the basic principles of traffic control.

The methods of supervising traffic developed during the days of the Roman Empire, and were so comprehensive and practical that they were used by many succeeding generations. Because there were no appreciable improvements in the means of travel, there was no necessity to improve or alter that early program, and it was not until the twentieth century that the need arose for any major change. Private and public transportation was accelerated tremendously by the advent of the motor vehicle, accompanied by a huge upsurge of traffic problems. New regulations and adjustments in traffic laws became mandatory.

Prior to the development of the automobile, persons were accustomed to vehicles drawn by animals. Maximum speeds were about 6 miles an hour, or 9 feet a second. By comparison, 100 miles per hour equals roughly 150 feet per second. Animals instinctively shied from contact with other animals drawing vehicles. From about 1900 until the present, highway speeds have obviously increased dramatically and the animal, with its instinct for self-preservation, has been removed from the front of the vehicle. The increased speed resulting from automation and the congestion arising from the increase in vehicular traffic have made death, injury, and property damage all-too-common occurrences.

## NEW METHODS

Present-day traffic supervision is an attempt to lessen these occurrences by applying more advanced techniques to improve the three "Es" of the Roman days, so that the rapid transportation of persons and property may be accomplished on our highways with a minimum amount of conflict. The best traffic control techniques are learned primarily from information obtained from accident investigation.

To achieve minimum conflict, traffic supervision must be planned; if planning is to be accurate, it must be based on facts, not guesswork. The application of new methods of control lags

behind the demand for them because of the enormous increase in motor vehicle use. When traffic supervision can keep pace with technological progress and the increasing number of motor vehicles, we will be at the threshold of controlling the rising death rate on the highways. Without adequate accident investigation and complete reporting, this objective can never be attained.

## VEHICLE CODES

Shortly after the invention of the motor-driven vehicle it became apparent that rules and regulations governing the drivers of this new invention had to be established, and that strict enforcement of the rules of the road would soon be necessary. Thus we have the setting for the modern-day state vehicle codes and for determining the responsibilities of the city, county, and state police in enforcing the provisions of these codes.

A quick reading of any of our fifty state vehicle codes will demonstrate the fact that just about any driving situation that could occur on our roadways has been covered by some traffic law. To enforce all traffic laws would be an impossibility; therefore, individual patrol and traffic officers must use a common sense approach and enforce those laws which, when violated, create the greatest probability of an accident. This procedure is sometimes termed priority or selective enforcement.

## MOVING TRAFFIC VIOLATIONS

Besides driving under the influence of alcohol and/or drugs, which will be discussed fully in Chapter 4, the National Safety Council has listed eight other driving offenses as principal accident-causing violations. These violations include:

1. Excessive speed
2. Failure to yield right of way
3. Following another vehicle too closely
4. Improper turning movements
5. Driving on center lines

6. Failure to heed stop signs
7. Improper passing
8. Disregarding signals

## Excessive Speed

Accidents resulting from excessive speeds may cause a great deal of property damage, serious injuries, or even death. All states have established a maximum speed limit to fit the conditions of the geographical area. In the more congested areas, freeways are posted 55 miles per hour. A maximum speed of 65 miles per hour is usually allowed in more open, rural areas. These maximum speeds are usually intended for wider, more modern freeways, turnpikes, and improved state highways. Other roadways are governed by either a basic speed law or a prima facie (referring to laws that are always applicable, unless otherwise specified) speed limit.



**Figure 1.1** Excessive speed invariably leads to more severe vehicle damage and increases the injury and death rate in any accident. (Courtesy of the Fort Lauderdale, Florida, Police Department)

Although excessive speed causes greater damage, more serious injuries and greater likelihood of death, few collisions are the result of speeding, alone. Most law enforcement agencies respect the need for a certain amount of enforcement tolerance and judgement on the officer's part. For example, a citation for 48 miles per hour in a posted 45 mph zone, or 60 mph in a 55 mph zone, may not be the most productive use of an officer's time.

*Note:* To travel one mile at 20 miles per hour requires three minutes; at 40 mph, one and one-half minutes; and at 60 mph, one minute. To save two minutes, you increase your stopping distance 227 feet and greatly increase the likelihood of disaster.

### Basic Speed Law

Montana

In jurisdictions using the "Basic Speed Law," the wording of such a section usually reads as follows:

*No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons and property.*

This type of law not only allows a driver to exceed posted speed limits, if it is safe to do so, but assumes that the posted limit could also be too high under certain conditions.

### Prima Facie Speed Limit

To be in violation of a *prima facie* speed limit is to drive in excess of a permitted or posted speed limit. No other factor is required to be considered. The "burden of proof" that driving in excess of a posted speed limit is safe is on the driver.

### Failure to Yield Right-of-Way

464 in Whetstone County

A great percentage of the accidents that occur on our roadways are the direct result of a driver failing to yield the right-of-way. A

basic definition of *right-of-way* is “the privilege or legal right to the immediate use of the roadway.” This type of violation involves not yielding in the following circumstances:

1. At uncontrolled intersections
2. When entering a through highway
3. When a yield sign is posted
4. When authorized emergency vehicles signal to pass
5. At flashing red or yellow lights
6. At red, green, or yellow directional arrows
7. When turning at intersections
8. When pedestrians have right-of-way
9. When entering roadway from a private drive

This type of violation is difficult to prove because often the parties involved will offer firm opinions on their “right” to initiate the maneuver. With the large amount of arrow-type signal designs, mixed with standard three-phase (Tri-phase) signals, there often exists confusion by drivers not familiar with different geographical areas.

Some older, out of state, or foreign country motorists can easily be confused with yielding requirements. This is especially true when speed could be an associated factor of the collision. It is difficult for the average driver to estimate the speed of other vehicles which might possibly cause a conflict. Educating drivers in right-of-way violations would be very time consuming. The final convincing factor might rest with the courts.

### **Following Too Closely**

The majority of rear-end accidents can be attributed to following too closely. The basic elements of following too closely involve:

1. The distance of the vehicle to the preceding vehicle
2. The speed of the vehicles involved
3. The traffic on, and the condition of the road



**Figure 1.2** Right-of-way violations account for a great percentage of traffic accidents. *(Courtesy of the California Highway Patrol)*

When deciding whether to issue a citation for this violation, an officer must attempt to collect enough evidence to prove or substantiate the violation of “following too closely.” The officer should obtain statements from all witnesses who can testify:

1. to the distance between the vehicles involved, ✓
2. speed of the vehicles just prior to the collision, and ✓
3. any intended movements of passing, lane changes, etc., prior to the impact. ✓



**Figure 1.3** While accidents where following too closely is the primary reason for the impact, most often “unsafe speed for the conditions” is the official charge against the violator. Although air bags are helping, this type of collision still causes thousands of injuries and millions of dollars in property damage, annually. (Courtesy of the Costa Mesa, California Police Department)

## Total Stopping Distance

Total stopping distance is how far it takes to brake to a stop from the time the driver first perceives the danger until the car is brought to a complete stop. These three elements are involved:

1. Perception Distance—Driver sees something to stop for
2. Reaction Distance—Driver reacts by applying brakes
3. Braking Distance—Driver slows to a stop by braking