

Date of Hearing: August 10, 2020

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 909 (Dodd) – As Amended July 27, 2020

SENATE VOTE: 39-0

SUBJECT: Emergency vehicles

SUMMARY: Authorizes an emergency vehicle to use a “Hi-Lo” audible system solely for the purpose of notifying the public of an immediate evacuation in case of an emergency.

Specifically, **this bill:**

- 1) Authorizes an emergency vehicle to use a “Hi-Lo” audible system solely for the purposes of notifying the public of an immediate evacuation in case of an emergency.
- 2) Defines a “Hi-Lo” as an audible warning sound that alternates between a fixed high and low frequency.
- 3) Specifies that the California Highway Patrol (CHP) shall set the requirements for the “Hi-Lo” audible warning sound.
- 4) Clarifies that a “Hi-Lo” audible warning sound shall not be used in lieu of a siren for the purposes of authorizing the emergency vehicle to violate certain rules of the road.
- 5) Includes an urgency clause.

EXISTING LAW:

- 1) Defines an “authorized emergency vehicle” as a variety of publicly owned or operated vehicles including, but not limited to, ambulance, lifeguard, police, fire, emergency services, and/or forestry vehicles.
- 2) Prohibits any vehicle, other than an authorized emergency vehicle, from being equipped with a siren.
- 3) Requires an authorized emergency vehicle to be equipped with a siren that meets requirements set forth by the Department of the California Highway Patrol (CHP).
- 4) Authorizes an emergency vehicle using a siren to be exempt from certain rules of the road while responding to an emergency.

Existing regulations:

- 5) Defines “Hi-Lo” to be a non-siren sound alternating between a fixed high and a fixed low frequency and requires the “hi-lo” function to be disabled on any siren manufactured after January 1, 1978.

FISCAL EFFECT: Unknown

COMMENTS: On October 8th, 2017, at approximately 9:43 PM in Calistoga, a private electric system started what became known as the Tubbs Fire, during a month that would be referred to as the Fire Siege. By 11:00 PM the fire would claim its first life. By 1:00 AM the fire continued to spread into more populated areas on the outskirts of the City of Santa Rosa. By 3:00 AM the fire reached the city limits. In the end, the fire claimed the lives of 22 civilians and one fire fighter, ranging in age from 27-years-old to 95-years-old.

The Tubbs Fire would ultimately burn a total of 36,807 acres and destroy 5,636 structures. The Fire Siege that month involved 170 fires that burned 245,000 acres in Northern California and destroyed 8,900 structures. It took approximately 11,000 firefighters from 17 states and Australia to battle the blazes. The Tubbs Fire was the third deadliest fire in California's history, and the Fire Siege that month resulted in the death of 44 individuals.

According to the *Santa Rosa Press Democrat*, "In those initial hours between 9:45 p.m. Oct. 8 and daybreak the next morning, thousands of people endured terrifying and death-defying escapes amid fires that eventually burned 142 square miles of Sonoma County, leveling neighborhoods between Calistoga and northern Santa Rosa, and in Kenwood, Glen Ellen and east Sonoma... In the aftermath of the fires, with the destruction plain to see, many residents who escaped want to know why official evacuation alerts - in the form of phone calls, text messages or loudspeaker announcements - never came for them."

On October 8th at 10:51 PM the Sonoma County Sheriff's Office sent its first warning through the web-based Nixle Software capable of reaching 21,284 cellphones and 16,330 emails for people who had signed up for the alert system. SoCal Alert, a phone system capable of sending automated phone messages, called approximately 175,000 landlines in the county, was also utilized. However both systems required individuals to sign up for the alerts, and in a county of a half-million people, less than 35,000 phone users were alerted to the fire.

A year and a month later, on November 8, 2018 at approximately 6:30 AM in Butte County, electrical transmission lines owned and operated by Pacific Gas and Electric (PG&E) started what became known as the Camp Fire. By 8:03 AM the Butte County Sheriff used Twitter to tweet an evacuation order for the City of Paradise, 4 minutes after the Camp Fire breached the city.

The Camp Fire became the deadliest fire in California's history, killing 85 civilians. The Camp Fire would ultimately burn a total of 153,336 acres and destroy 18,804 structures. PG&E pled guilty to 84 felony counts of involuntary manslaughter and is currently facing bankruptcy.

According to the *Los Angeles Times*, "Emergency phone calls telling Paradise residents to run from the massive Camp Fire failed to reach more than a third of even the minority who signed up for the warnings.... Many of the town's residents said they relied on calls from alarmed relatives and the sight of approaching flames to flee from California's worst fire on Nov. 8. Logs released Friday show the official warning system reached fewer than 6,200 of the 27,000 who live in the ridge-top community."

In addition to the low participation numbers in the phone alert systems, in both the Camp Fire and the Tubbs Fire an issue was raised about the fires disabling cell phone towers. As a result the failures of the telephone alert systems in the Tubbs Fire, the Napa County Sheriff began to use a

Hi-Lo frequency sound on their emergency vehicles to alert the general public to a pending evacuation order.

According to the author, “During the Tubbs Fire of 2017, the Napa County Sheriff concluded that first responders needed a new way to alert the community that mandatory evacuations are in effect in the event of another catastrophic emergency. The Napa County Sheriff decided that the Hi-Lo audible warning, as commonly heard on European first responder vehicles, would be a practical solution. In the year following the Tubbs Fire, Napa County successfully evacuated its citizens on three separate occasions, receiving positive feedback from the community. Given the success of alerting the public of impending catastrophic wildfires by using Hi-Lo sirens, it is appropriate that local law enforcement have the authority to use this tool for emergency alert. This distinct warning is proven to be effective and will save lives as California deals with the ongoing wildfire threat. It tells people to stop what they’re doing, gather their loved ones and get out now. When seconds count, that unmistakable blast, telling people to evacuate, is absolutely critical.”

Under existing law, CHP has the authority to regulate the sound of sirens across the state. CHP regulations prohibit the use of a Hi-Lo sound on a siren manufactured after 1978. The Napa County Sheriff’s office, along with 13 other law enforcement agencies, have since made a request to CHP to permit the use of a Hi-Lo sound to be used for the purpose of alerting individuals to evacuate in the case of an emergency, and the CHP has issued permits for them to do so.

According to the California Police Chiefs, who are supporting this bill, “when equipped with Hi-Lo alarm via a two-year pilot program granted by the California Highway Patrol, Napa County successfully evacuated its citizens on three separate occasions following the Tubbs Fire. Additionally, Sonoma County saw similar results during the 2018 Kincaid Fire when Hi-Lo was used to evacuate over 185,000 residents with little or no issue. SB 909 gives local municipalities the ability to utilize all of the tools available to them in an emergency situation.”

This bill codifies the existing practice by explicitly permitting the use of a Hi-Lo audible sound that may be equipped on authorized emergency vehicles for the sole purpose of warning individuals of an immediate evacuation, and permits CHP to determine how to standardize the sound of such a Hi-Lo audible warning used across the state.

Committee Comments: The phone alert systems operated during the Camp and Tubbs fire appear to have failed both because the fires disabled cell phone towers and because so few residents were actually signed up for the phone alert system, suggesting a lack of awareness about the program.

A Hi-Lo audible warning system can only be an effective tool if people in California recognize the sound and know that it means they need to evacuate. In order to recognize the sound, it must be uniform across the state (the most recent amendments made by the author that require CHP to standardize the Hi-Lo audible sound will do that). Standardizing the sound can also prevent embarrassing mistakes. For example, the New Orleans Police Department initially used the siren from the movie *The Purge* to warn their residents about a curfew as a result of COVID-19. Unfortunately that siren in the movie *The Purge* signaled the commencement of an anarchical

period where all crime was legal. Because of this regrettable and anxiety-provoking association, the New Orleans Police Department has since stopped using that siren.

More importantly, standardizing the sound will also facilitate a statewide public information campaign to make sure individuals are aware that a Hi-Low audible sound means they should immediately evacuate.

The Napa Sheriff's Department has taken several steps to make its residents aware of the Hi-Lo warning system. These steps have included press conferences that resulted in news broadcasts from all 7 major Bay Area television stations, the Bay Area's top radio news station and local newspaper stories. According to the author, Napa County Sheriff John Robertson has given presentations on the Hi-Lo audible warning system at least three times a month, including presentations at the Napa Town and Country Fair, 4th of July Parade, and National Night Out events.

In addition, Napa's Sheriff has partnered with Universal Studios to use "Beedo", a character from the movie *Despicable Me*, as a public awareness icon that deploys a Hi-Lo audible warning sound during a fire.

Should this bill become law, the author may consider working with local law enforcement agencies to partner with the Governor's Office of Emergency Services to do a statewide campaign in order to familiarize Californians with the meaning of the Hi-Lo audible warning system. Without a public information campaign, the Hi-Lo audible warning will fail to serve its purpose of alerting residents of an immediate evacuation.

REGISTERED SUPPORT / OPPOSITION:

Support

California Peace Officers Association
California Police Chiefs Association
California State Sheriffs' Association
Los Angeles County Sheriff's Department
Solano County Board of Supervisors

Opposition

None on file

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