

CHAPTER 6
CODE 3 DRIVING
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CHAPTER 6

CODE 3 DRIVING

1. INTRODUCTION. Safe emergency response driving requires a unique set of driving skills. Peace officers need a thorough understanding of the demands placed on them when driving Code 3. A combination of good driving habits and sound judgment will allow a peace officer to drive to the scene of an emergency quickly and safely.

2. OBJECTIVE OF DRIVING CODE 3. The objective of emergency response driving is to get to the scene of an emergency quickly and safely. A situation requiring an emergency response is one that requires an immediate law enforcement response for the protection of life or property. Response of this nature is also known as Code 3 response. Refer to Highway Patrol Manual 70.6, Officer Safety Manual, Chapter 5, Pursuit Policy and Emergency Vehicle Operations, for specific policy guiding emergency response driving. The following are examples of emergencies where a Code 3 response would be appropriate:
 - a. Any life-threatening situation.
 - b. Serious crime in progress.
 - c. Peace officer needs assistance.
 - d. Traffic crash involving major injuries or posing an unusual traffic safety issue.
 - e. Response to, but not returning from, a fire.
 - f. Pursuit operations.
 - g. Rescue.

3. LIABILITY. The authorization for emergency response driving is very limited. The following identifies the California Vehicle Code (CVC) sections relating to emergency response driving and the resulting liability exposure.
 - a. Section 17001 CVC states that public entities are liable for death, injury, or property damage when:
 - (1) Officers are not acting within the scope of their law enforcement duties.
 - (2) Officers commit a negligent or wrongful act or omission.

- (3) An officer's actions are the cause of death, injury, or property damage.
- b. Section 17004 CVC states that officers are not liable for civil damages for death, injury, or property damage when:
 - (1) Operating an authorized law enforcement vehicle with due regard for public safety while:
 - (a) Responding to an emergency call.
 - (b) In immediate pursuit.
 - (c) Responding to, but not returning from, a fire alarm.

4. RULES OF THE ROAD.

- a. Section 21055 CVC provides that, as drivers of law enforcement vehicles, peace officers do not have to abide by certain traffic laws when they are driving under the authorized emergency response conditions.
- b. Section 21052 CVC provides that peace officers must comply with all the rules of the road when not engaged in Code 3 or pursuit driving.
- c. Section 21055 CVC provides that peace officers may proceed through a red light or stop sign, exceed the maximum speed limit, or violate other rules of the road with respect to turning movements and road position, while displaying a forward-facing red light and sounding a siren as reasonably necessary when responding to the following:
 - (1) Fire.
 - (2) Emergency.
 - (3) Rescue.
 - (4) Pursuit.
- d. Sections 21056 and 21057 CVC provide that peace officers must drive with due regard for the safety of others. Peace officers can be held civilly and criminally liable if they fail to drive with due regard for public safety at all times.

5. RESPONSE TO EMERGENCY VEHICLES.

a. Drivers encountering an emergency vehicle displaying a red light and sounding a siren must, as reasonably necessary:

- (1) Yield the right-of-way.
- (2) Immediately yield to the right side of the road.
- (3) Stop.

6. DUTY TO DRIVE WITH DUE REGARD.

a. Even though the public is required to yield the right-of-way, peace officers must use due regard. The provisions of Section 21806 CVC shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and property.

7. DUE REGARD TEST.

a. Peace officers fail to exercise due regard for the safety of all persons and property if:

- (1) They violate a statute, ordinance, or regulation of their agency.
- (2) The violation causes death, injury, or property damage.

8. EXEMPLARY JUDGMENT.

a. Peace officers must always utilize exemplary judgment. Peace officers must always drive at a speed that is reasonable and prudent, taking into consideration the following:

- (1) Perception/reaction time.
- (2) Safety of others.
- (3) Traffic conditions.
- (4) Weather conditions.
- (5) Road conditions.

- (6) Time of day.
- (7) Physiological factors.

9. ESCORTS.

a. Peace officers may conduct a Code 3 escort only under the following circumstances:

- (1) For the preservation of life.
- (2) Escorting supplies during emergency operations or a time of war.

10. PASSING OTHER MOTORISTS.

a. Peace officers must give other drivers a chance to yield the right-of-way. Since other drivers are directed to yield by pulling to the right side of the road, peace officers should avoid passing on the right while operating Code 3. A driver who reacts late may turn into the emergency vehicle's path. Peace officers should drive as close to the center portion of the roadway as possible to be better seen by other drivers. Extreme care should be taken when driving into opposing traffic lanes.

11. EMERGENCY WARNING DEVICES.

a. Emergency warning devices, such as lights and siren, can enhance your ability to move through traffic, but they will not guarantee you will be seen or heard. The following are the most common emergency warning devices:

(1) Light Bar.

(a) Contains rotating or flashing red, blue, and amber lights.

(2) Wig-Wag Lights.

(a) Alternately flashing high beam headlights, when activated in conjunction with emergency lights.

(3) Siren.

(a) "Wail" and "Yelp" settings are the only legally available settings. Switching from one to the other when clearing intersections can be helpful (the CVC requires the siren be utilized as reasonably necessary).

12. LIMITATIONS OF WARNING DEVICES.

a. Warning devices do not guarantee the right-of-way. Certain factors can limit their effectiveness. The following identifies these factors:

(1) Heavy Traffic.

(a) As traffic noise increases, motorists' ability to hear the siren decreases.

(2) Fog, Rain, and Snow.

(a) Emergency lights are less effective.

(3) Congested Urban Areas.

(a) Buildings can block and deflect the sound of the siren.

(b) Trees and bushes can absorb the sound of the siren.

(c) Motorists may have difficulty differentiating emergency lights from the array of other lighting in the area.

(4) High Speed.

(a) As speed increases, the effectiveness of the siren decreases.

(b) Due to a delay in perception, drivers may not have sufficient time to react to the siren.

(5) Other Drivers.

(a) Other drivers may be distracted or prevented from hearing or seeing emergency vehicles by numerous distractions, including, but not limited to:

1 Electronic devices.

2 Passengers.

3 Navigation.

4 Stereo.

13. DRIVERS' REACTIONS.

a. Other drivers can be unpredictable when they encounter an emergency vehicle. Drivers may react by:

- (1) Panic stopping.
- (2) Turning suddenly.
- (3) Sudden lane changes.
- (4) Accelerating suddenly.
- (5) Not responding at all.

14. OTHER RESPONDING UNITS.

a. Your own siren can drown out the sound of other sirens, so be aware of other units responding to the same call or another call.

15. RESPONSE CONSIDERATIONS.

a. In order to assist in any emergency, peace officers must drive safely. Using emergency warning devices fulfills the requirements of the law, but it does not guarantee the right-of-way. The following are some variables officers must consider when responding Code 3:

- (1) The Vehicle.
 - (a) Vehicle condition.
 - (b) Performance characteristics.
- (2) Route Considerations.
 - (a) Weather.
 - (b) Time of day.
 - (c) Pedestrians.
 - (d) Traffic conditions.

- (e) Road conditions.
- (f) Intersections.
- (g) Location of emergency.

16. COMMUNICATION EQUIPMENT.

a. Maintaining communication during an emergency response is important. Peace officers should:

- (1) Stay calm and speak clearly.
- (2) Use the radio on straight stretches of roadway.
- (3) Roll windows up to reduce outside noise.
- (4) Avoid using the Mobile Digital Computer while driving.
- (5) Avoid using the radio while clearing intersections.

17. SIREN SYNDROME.

a. The increased stress caused by the sound of the siren and the nature of the call may cause elevated pulse rate, respirations, and adrenaline flow. The result of these physiological responses can result in diminished judgment capability. Negative effects of siren syndrome may include:

- (1) Tunnel vision.
- (2) Loss of speed reference.
- (3) Elevated pitch of voice/rapid speech.
- (4) Temporary loss of fine motor skills.
- (5) Increased perspiration, elevated heart rate.
- (6) Impaired decision-making.

b. The following are techniques a peace officer can use to mitigate the effects of siren syndrome:

- (1) Make a conscious decision to remain calm.
- (2) Control breathing.
- (3) Recognize tunnel vision and maintain a high visual horizon.
- (4) Check speedometer to maintain speed reference.

18. ENTERING INTERSECTIONS.

a. The greatest potential for crashes during an emergency response is at intersections. The following guidelines will help in safely entering intersections when responding Code 3.

(1) The Approach.

- (a) Evaluate traffic conditions.
- (b) Position vehicle for maximum visibility.
- (c) Slow down.
- (d) Fluctuate the siren.
- (e) Stop when necessary.

(2) Clearing the Intersection.

- (a) Allow time for other drivers to react.
- (b) Clear lane by lane by looking left, front, right, and left all the way through the intersection.
- (c) Look for other emergency vehicles responding Code 3.
- (d) Make eye contact with the other drivers or pedestrians who appear to be yielding the right-of-way.
- (e) Be prepared to stop if necessary.