

SAFE: A Safety and Farm Vehicle Education Program

REDUCING FARM LABOR VEHICLE COLLISIONS

CALIFORNIA HIGHWAY PATROL, 2002

- THE PROBLEM:** On August 9, 1999, thirteen farm workers were killed when the van they were riding in slammed into a commercial vehicle. This tragic incident galvanized support among the California Highway Patrol's Central Division and the community to improve the transportation of farm workers and the vehicles they use to get to work each day.
- ANALYSIS:** In the three-year period of 1997-1999, there were an estimated 187 farm labor vehicle collisions with 20 fatalities and 121 injuries in the Central Division. On average, traffic fatalities were 42 percent higher during the peak harvest months of May through September. Statutory and regulatory authority exempted farm labor vehicles from California's mandatory seat belt law, and language and cultural barriers impeded law enforcement efforts at addressing farm worker safety.
- RESPONSE:** The California Highway Patrol supported two bills passed by the California State Legislature: mandatory seat belts and stricter requirements for vehicle safety and inspection. The California Highway Patrol increased personnel to deal with farm labor vehicle safety, implemented non-punitive inspection and certification programs, and used strike force enforcement operations throughout Central Division. A public education campaign announced inspection dates and places to inform the farming community about licensing and safety requirements.
- ASSESSMENT:** The SAFE program was extremely successful. In 2000, for the first time since 1992, there were no fatalities resulting from farm labor vehicle collisions, and farm labor vehicle collisions decreased by 73 percent. Officers examined over 3,000 farm labor vehicles and removed 500 unsafe vehicles from service. In the public education and awareness campaign, over 80 radio and television interviews were given and more than 195 presentations were made to over 38,000 people. As of April 15, 2002, there still have been no farm worker fatalities from farm labor vehicle collisions. This level of success has led to the expansion of the SAFE program to other CHP field Divisions. In addition, a headquarters SAFE unit has been created to provide statewide coordination as necessary. The program has received widespread positive recognition from the communities it serves, including a legislative resolution commending the positive results the program has achieved.
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SCANNING

It was early morning on August 9, 1999, the peak of the harvest season in California's Central Valley. Like every other summer morning in this hub of the state's agricultural industry, many of the area's migrant farm workers were finishing their night's work, ready to head home. Fifteen farm workers climbed into a 1983 Dodge Ram van and sat on two carpeted flat benches installed along each side without seatbelts. Sadly, 13 of those passengers never made it home.

Shortly after five a.m., a commercial vehicle driver was making a U-turn on a two-lane road with his truck and two empty trailers. Halfway through the turn, the van carrying the 15 farm workers slammed broadside into the big rig, killing 13 of the van's passengers. The van traveling at least 55 miles per hour, left 50 to 80 feet of skid marks, and collapsed like an accordion on impact.

The van's driver did not have a driver's license and his driving privilege had been revoked due to several previous violations. He had been cited for not wearing a seat belt, not having a proper license, and was once arrested for driving under the influence.

The number of lives lost in this one horrific incident was numbing; but unfortunately, collisions among farm labor vehicles were not uncommon in this large farming community. The table below provides a historical snapshot of estimated and actual farm labor vehicle collisions in the California Highway Patrol's (CHP's) Central Division.

Minimum Number of Farm Labor Vehicle Collisions

1992	1993	1994	1995	1996	1997	1998	1999
49	53	44	38	50	65	59	63

“Minimum number” means these statistics include both documented farm labor vehicle

collisions and those involving 11 or victims where a hand-search of collision reports determined the incident involved a farm labor vehicle. Some collisions that actually involved a farm labor vehicle may have been incorrectly coded and, therefore, are not included in the counts above.

The fairly consistent large numbers of collisions involving farm labor vehicles are not difficult to understand when the farm worker population is taken into consideration. According to the Personnel Management Farm Advisor for the Central Valley counties of Fresno, Kings, Madera, and Tulare, during the peak harvest season (May through September annually) there are approximately 300,000 farm labor jobs available with about two workers per job. During the "off peak" months of October through April, there are approximately 100,000 farm labor jobs, again with about two workers per job. The three-fold increase in the population of farm workers during peak harvest season brings with it increased concerns about traffic safety. These include increased traffic, driving under the influence violations, rules of the road infractions, and operating safe vehicles.

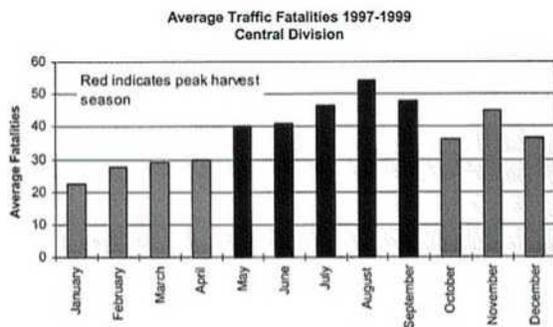
The CHP was actively involved in the farm worker community prior to the August 1999 crash. Its focus up to that point, however, primarily was on traffic safety education within the Hispanic community, which included much of the farm worker population. Other than specified regulatory responsibility for farm labor vehicles, there was little proactive enforcement involving CHP officers; farm labor vehicles were even exempt from California's safety belt laws.

The severity of the collision that August morning awoke the resolve of the CHP and the surrounding community to improve farm worker and farm labor vehicle safety. Local media and community action groups also demanded a thorough review of safety

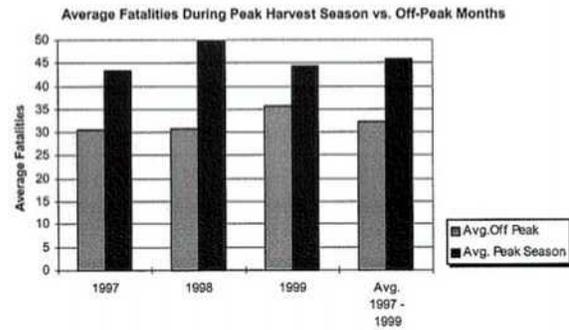
concerns as they pertained to farm workers and farm labor vehicles. Although the problem of farm worker safety was genuine and extremely serious, the factors contributing to the problem covered a broad spectrum, and therefore required a broad based response.

ANALYSIS

The CHP's Central Division, with its large rural landscape, leads all CHP Divisions in the number of traffic fatalities. Two-lane rural state highways, two high-speed freeways connecting northern and southern California, and dense, deadly fog are but a few of the major contributors to this unfortunate distinction. Yet one more is the increased threat of traffic collisions during peak harvest months. For the agricultural industry in Central Division, the peak harvest season runs from May through September each year. The number of traffic fatalities during this period tends to increase, as indicated in the chart below.



The average number of fatalities for the years 1997 through 1999, in general, was higher during the peak harvest months. Moreover, a comparison of traffic fatalities during the five 0 month harvest season with those during off peak months reveals a disturbing trend, as indicated in the following chart.



On average, fatalities during the peak harvest months for these three years were 42 percent higher than during the off-peak months. This is not to say the higher number of fatalities is due strictly to or involves only farm workers; but, the harvest season typically appears to be a more dangerous driving period.

Farm Labor Vehicle Collisions

Prior to the SAFE program, documenting collisions specifically involving farm labor vehicles was problematic. When completing a collision report, officers classify the type of vehicles involved by specific numeric identifiers (Code "01 " for passenger vehicles, "22" for pick-up trucks, for example). Prior to the SAFE program, there was a code "51 " for farm labor vehicles; however, proper coding was not consistently followed due to uncertainties about how farm labor vehicles were defined. To obtain accurate collision statistics involving farm labor vehicles, CHP personnel were forced to hand-search collision reports and try to discern the vehicle type from the report narrative. Using this approach, the following collision statistics were obtained for the three years preceding the SAFE program.

	1997	1998	1999
FLV Collisions	65	59	63
Farm Worker Fatalities	4	2	14

Although there have been some problems with accurate recording of farm labor vehicle collisions, the following anecdotal information from newspaper accounts and other media sources further supports the magnitude of this problem.

August 24, 1993: 13 people were injured in a collision where the driver of the farm labor vehicle caused the collision and then fled the scene.

September 3, 1993: 13 people were injured in an early morning collision where the driver of the farm labor vehicle was unlicensed.

September 17, 1993: 2 people were killed and 10 people were injured in an early morning collision. The driver of the farm labor vehicle was unlicensed.

August 2, 1994: 1 person was killed and 23 people were injured in an early morning collision. Although the driver of the farm labor vehicle was not at fault, he did not possess the required license.

August 23, 1995: 3 people were killed and 7 others were injured in a vehicle being operated by an unlicensed driver. Since the "at fault" vehicle was not a certified farm labor vehicle, the incident was not recorded as a farm labor vehicle collision. However, the subsequent investigation revealed that the vehicle was being used as a farm labor vehicle and, therefore, the driver was in violation of proper licensing and certification statutes.

May 15, 1996: 6 people were killed and 4 were injured in an early morning collision involving farm workers.

July 24, 1996: 1 person was killed and 13 were injured in an afternoon solo vehicle collision. The driver was unlicensed and the vehicle had just left the fields prior to the

collision.

July 30, 1996: 5 farm workers were killed and 8 were injured in a fiery collision. The driver of the vehicle was unlicensed and all had just left the fields prior to the collision.

April 29, 1997: 21 people were injured in an afternoon solo vehicle collision involving a farm labor vehicle.

September 15, 1997: 15 people were injured in an early morning collision. Although the driver of the farm labor vehicle was not at fault, he did not possess the required license.

From 1992 through 1999, available statistics indicate the majority of traffic collisions involving farm labor vehicles occurred during early morning hours (4:00 a.m. to 7:00 a.m.) and in mid afternoons (2:00 p.m. to 6:00 p.m.), often in rural areas. The majority of these collisions occurred on weekdays (Monday through Friday).

Statutory Issues

Prior to the SAFE program, farm labor vehicles were exempt from California's mandatory seat belt law. This meant that in those vehicles where nine or more passengers were often uncomfortably and dangerously crammed, none were required to be properly restrained. The danger of that exemption was tragically realized in the August 1999 collision.

The CHP's primary enforcement role with farm labor vehicles prior to the SAFE program was limited to inspection and certification, as required by the California Vehicle Code. This was done as an off highway program administered by non-uniformed personnel within the Department's Motor Carrier Safety Units. Enforcement was limited to a few strike forces done during summer months and organized at the local command level. These

strike force operations were not widespread and focused primarily on driver's licensing issues, not on vehicle equipment and vehicle safety.

Cultural Issues

The largely migrant farm worker population often experiences significant cultural barriers that contribute to a less than positive relationship with law enforcement. Chief among these are language and educational hurdles. While many farm workers have a Spanish language background, some native dialects are spoken among indigenous groups coming from the southern Mexico states of Oaxaca, Chiapas, and Michoacan, for example, compounding existing language barriers.

Many farm workers have little or no formal education. Families are often raised by parents who depend on their children for sources of income. Therefore, they place work as a priority over education. Illiteracy within native languages is common, making understanding a foreign language such as English even more difficult.

In their homeland, many workers are unable to afford their own vehicles, which limits their driving ability and understanding of driving laws. They often travel to work in crowded vehicles, likely with no available seats or safety belts. Already accustomed to these conditions when they arrive in California, they find similar situations acceptable. Without a license or vehicle of their own, they are at the mercy of the "raitero," or drivers, who know that the workers have no alternatives and will not complain about riding in substandard or dangerous vehicles.

In the workers' homeland, law enforcement is often viewed with suspicion. Corruption, extortion, lack of training and professionalism among law enforcement are

common themes experienced by many migrating workers. Additionally, many workers are undocumented and fearful that any contact with law enforcement will result in deportation. As they immigrate to California, they bring this wariness with them, which fosters an avoidance philosophy.

RESPONSE

A thorough review of the factors contributing to the problem of safety for farm workers and farm labor vehicles led to the development and implementation of the SAFE program. The broad based approach of the SAFE program was derived from the three major areas of concern identified in the problem analysis: statutory and regulatory issues, limited enforcement and inspection, and limited public education and awareness. The response to each is described below.

Statutory and Regulatory Changes

Soon after the devastating collision of August 9, 1999, two bills designed to enhance the safety of farm workers and the vehicles in which they traveled were introduced in the legislature. The bills added new safety requirements for farm labor vehicles, strengthened existing requirements, and enhanced the CHP's ability to enforce these laws. With strong support from the CHP, these bills were passed by the legislature and signed into law by Governor Gray Davis as urgency statutes. They each took effect on October 1, 1999.

Assembly Bill (AB) 1165, introduced by Assembly Member Dean Florez, carried the most pivotal change in law. This bill expanded the definition of "motor vehicle" to include farm labor vehicles, and required each passenger position to be equipped with a safety belt. The bill also prohibited any person from operating a farm labor vehicle unless that person and all passengers were

properly restrained by seat belts. Other provisions of this bill included:

- ❑ Requiring all farm labor vehicles to display a "FLV" certification sticker that lists the annual inspection date.
- ❑ Requiring the CHP to develop and implement an "800" telephone number program for public reporting of observed violations of farm labor vehicle requirements.
- ❑ Funding for 10 additional CHP officer positions for the specific purpose of enforcing laws prohibiting the illegal transportation of farm workers.

AB 555, introduced by Assembly Member Sarah Reyes, included the following provisions:

- ❑ Required the CHP, in cooperation with county and local farm bureaus, to provide a program to educate growers, farmers, and farm labor vehicle owners and drivers about farm labor vehicle certification requirements, including requirements for drivers.
- ❑ Placed responsibility for obtaining proper farm labor vehicle inspections on the owner of the vehicle.
- ❑ Enhanced penalties for the illegal operation of a farm labor vehicle.
- ❑ Prohibited the operation of a farm labor vehicle upon a highway unless both headlamps are lighted, regardless of the time of day.

Enhanced Inspection and Enforcement

The provisions of AB 555 and AB 1165 allowed the CHP to implement a

comprehensive inspection and enforcement program to maximize the safety of farm labor vehicles and the workers they transport. The ten additional officer positions provided by AB 1165 formed the backbone of the SAFE program and became responsible for establishing training programs for CHP officers, farm labor contractors, growers, and farm workers. The inspection and enforcement program developed by these officers included the following elements:

CHP officers conducted regularly scheduled, non-punitive inspection operations throughout the farming regions in order to annually certify farm labor vehicles. These operations also provided opportunities to ensure drivers were properly licensed, notify drivers about safety defects that needed correction, certify that corrections had been made, and if necessary, prevent unsafe vehicles and drivers from transporting passengers. The number of sites used by CHP Motor Carrier units was expanded from two to eight. This allowed more accessibility to inspections by limiting the driving time from any point in Central Division to no more than 30 to 45 minutes.

Enforcement strike forces were deployed throughout the peak harvest season to ensure farm labor vehicles were complying with registration and safety laws and that workers were being transported safely. During these operations, citations were issued and when appropriate, vehicles were impounded. Workers riding in impounded vehicles were provided safe transportation to their places of employment. There are now three to four strike force operations per week, on a year round basis.

Officers well versed in farm labor vehicle requirements provided training to CHIP personnel in farm labor vehicle laws and regulations and in the proper transportation of farm workers.

Public Education and Awareness

Operating hand-in-hand with the inspection and enforcement element was the SAFE program's public education and awareness effort. Supported by the provisions of AB 555, the SAFE program reached out to an array of stakeholder groups in order to enhance the safety benefits of farm workers. These groups included: farm workers, migrant labor camps, farm labor contractors, growers, Hispanic civic groups, local business owners, local health care facilities, and others that might have contact with farm workers and the farming industry.

A major goal of the education and awareness phase of the SAFE program was building a bridge between the largely migrant farm worker culture, the CHP, and the surrounding community. To deal with language and educational barriers, along with the inherent reluctance to interact with law enforcement, the following elements were vital to the success of this mission.

Bilingual Officers

Seven of the ten SAFE officers were certified bilingual in Spanish and familiar with the cultural differences that exist among the farm worker population. The officers' ability to read, write, and speak Spanish allowed them to relate the more technical aspects of farm labor vehicle requirements in a manner that could be understood by workers and drivers alike.

The officers distributed brochures that explained laws and regulations related to farm worker safety. They were created in easy-to-read-and-comprehend styles. Laws and regulations were explained carefully and in layman's terms, using visual aids to ensure the message was understood.

Inspection Notifications

CHP officers from the SAFE program passed out flyers and notifications about when and where routine farm labor vehicle certification and inspection operations would take place. These notifications were made among all target audiences that are involved with farm workers. These non-punitive operations were useful in identifying deficiencies in farm labor vehicles and allowed the owners to make corrections prior to any enforcement action being taken. Vehicles passing inspections could also be certified as meeting all applicable laws and regulations governing the transport of farm workers.

Media

The electronic and print media were extremely useful in making sure the message of farm worker safety was delivered to the proper audience. In addition to distributing flyers and printed announcements, bilingual SAFE officers regularly appeared on both English and Spanish television and radio programs informing viewers and listeners about upcoming inspection operations and important safety tips concerning farm labor vehicles and farm worker transportation. Many of the officers began to hold quasi-celebrity status among members of the farm worker community, easily recognized among their viewing and listening audiences.

Educational Seminars

CHP officers from the SAFE program became familiar faces in various migrant camps, schools, health fairs, and other community events. These events were helpful in educating workers about driving laws in California, about using seat belts and child safety seats correctly, and farm worker rights and responsibilities concerning riding in farm labor vehicles.

1-800-TELLCHP

This toll free telephone number was publicized throughout the region to encourage farm workers and other citizens to call the CHP and report violations of laws and regulations relating to farm labor vehicles and the transportation of farm workers.

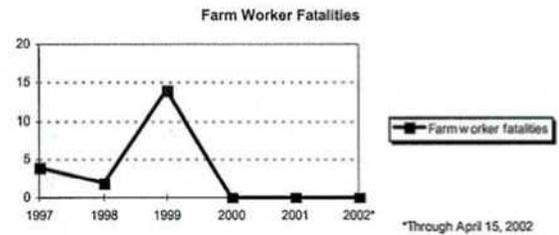
The safety of farm workers and the vehicles in which they traveled were the primary concerns for officers from the SAFE program. It was not their intention to prevent workers from working or from getting to work; nor was immigration status an issue during SAFE operations. Once the objectives were understood by farm workers and the surrounding community, SAFE officers were able to establish a rapport with the farm worker community and effectively communicate this message to all involved parties.

ASSESSMENT

Once operational, the CHP's SAFE program achieved great success. The statutory changes, the inspection and enforcement operations, and the concurrent public education and awareness elements worked together to place farm worker and farm labor vehicle safety at the forefront of the local farming community's attention.

Although the CHP did not have funding authority to fill the ten SAFE officer positions until July 1, 2000¹, SAFE operations during that year facilitated a dramatic and immediate reduction in farm worker fatalities. In 2000, there were no farm worker fatalities from farm labor vehicle collisions (see following chart). This was the first time this had happened since 1992. Moreover, this level of improvement continued through 2001; and, as of April 15, 2002, there still have been no farm

worker fatalities from farm labor vehicle collisions.



As the SAFE program became a steadfast member of the Central Valley's farming community, its impact on farm worker injuries was clearly visible. In the year prior to the SAFE program, there was a minimum of 37 injuries to farm workers from collisions involving regulated farm labor vehicles. During its early operational period in 2000, as officers joined the program and more accurate recording procedures were put in place, total injuries were counted at 48. Due to prior uncertainties with accurate collision recording, it is not clear whether this was an actual increase. After 2000, however, once the SAFE program became fully operational, the most current data for 2001 shows total farm worker injuries dropping to 12, a decline of 75 percent.

Since 2000, the CHP has been able to separate collision data involving properly registered farm labor vehicles and farm labor vehicles operating illegally. In 2000, in legally registered farm labor vehicles, 31 farm workers were injured in collisions. That number dropped to five in 2001, a decline of 84 percent. In injury collisions involving illegal farm labor vehicles, the number of farm worker injuries went from 17 in 2000 to seven in 2001, a drop of 59 percent. This result is particularly indicative of the SAFE program's impact on ridding the roadways of farm labor vehicles operating illegally. The following figure displays these emerging trends.



The number of collisions involving farm labor vehicles during the first year of the SAFE program also dropped a considerable 73 percent, as shown in the following table.

	1999	2000	% Change
FLV Collisions	63	17	-73%

The improvements in farm labor vehicle collisions continued into 2001. Although collision numbers for 2001 have yet to be finalized, current statistics show a continuing drop in farm labor vehicle collisions, as shown in the figure below.



The SAFE program and the increased presence of CHP personnel on roadways and in the media also had a side benefit on traffic fatalities in general throughout Central Division. The number of traffic fatalities in the Division during the five-month peak harvest season dropped when compared to the prior three-year average totals for the same months (from 243 to 237).

SAFE Program Enforcement Operations

Number of Strike Forces	93
Vehicles Stopped	3,492
Vehicles Inspected	3,060
Vehicles Certified	1,274
Vehicles Taken Out-of-Service	521
Registration Violations	209
Driver License Violations	949
Seat Belt Violations	346
Light Violations	16
Tire and Wheel Violations	24
Other Equipment Violations	1,996
Load Violations	13
Citations Issued	1,201
Warnings Issued	66
Public Contacts Made	8,076

In addition to the activities listed above, SAFE officers and other experts in farm labor vehicle laws and regulations trained 213 uniformed CHP personnel. The diligence of these officers in taking appropriate enforcement action was instrumental in making the inspection and enforcement elements such a success.

Public Education and Awareness

The broad based education and awareness effort reached a vast audience. During 2000, SAFE team members made 195 presentations to over 38,000 members of the surrounding farm labor communities within Central Division. Team members also participated in over 80 local television and radio interviews. In addition, during the first year, Fridays were declared "media days" where farm workers and other citizens could count on hearing from SAFE officers on radio and television about where inspections were taking place, the importance of the SAFE program, farm worker safety, and the safety of farm labor vehicles.

Community Acceptance

The success of the SAFE program has not been lost on the community it serves. In March 2001, Assembly Member Dean Florez and the California State Assembly issued a resolution recognizing the positive contributions made by the SAFE program

and its officers (see Annex A, pg. A D 11). In addition, groups from surrounding farming interests have expressed their appreciation for the participation of SAFE officers and for bringing the message of safety to the area (Annex A, pg. A D 2). Annex B contains samples of articles publicizing the SAFE program and its impact.

Program Expansion

Farm labor vehicle safety is not an issue limited to California's Central Valley. There are agricultural centers throughout the state, all of which face similar problems with safely transporting laborers to work the surrounding fields. The success of the SAFE program was the impetus behind establishing similar programs in the CHP's other field Divisions. Also, a SAFE unit was established in CHP Headquarters that provides coordination at the state level and communication with state officials interested in this important issue.

Continued Vigilance

In addition to expanding the program, the CHIP remains vigilant in seeking additional statutory changes to further enhance farm labor vehicle safety. For example, as of March 31, 2002, farm labor vehicles are no longer able to have or use side-facing wooden benches in vehicles, even if they have seat belts properly installed. Farm labor vehicles are now required to have forward-facing seats, meeting original equipment manufacturer specifications, for all passengers.

CONCLUSION

In 1999, the issue of farm worker and farm labor vehicle safety demanded attention and the CHIP responded. The CHP's SAFE program launched a three-pronged effort to strengthen laws and regulations, enhance enforcement and inspection operations, and

build upon community relationships with farm workers and the surrounding farming industry and other interest groups. The SAFE program dropped farm worker traffic fatalities to zero, not only in the first year of operations, but through April 15, 2002.

The success of Central Division's SAFE program, and the expansion of the program throughout the state, are telling signs this concept can be successful in other states where large populations of seasonal farm workers may pose a traffic safety concern. California's SAFE program has helped foster positive relationships between the CHIP and all members of the farming community. In turn, these relationships have helped generate the positive results achieved by SAFE. These two outcomes are a testament to the impact a community-based approach to problem solving can have on a significant public safety issue.

FOR MORE INFORMATION

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NOTE

¹ California has a July - June fiscal year. Although the bill authorizing the ten positions became law on October 1, 1999, funding authority was not available until July 1, 2000.

AGENCY INFORMATION

1. The CHP's SAFE program was developed in the Department's Central Division, but the concepts employed have been expanded to all CHP's field Divisions where farming is part of their jurisdiction. In addition, a SAFE Unit has been established at CHP Headquarters to

provide statewide perspective to the issue of farm worker and farm labor vehicle safety.

budget. These positions were dedicated solely to the SAFE program and equate to approximately \$1.75 million annually in salary, benefits, and minor equipment costs.

2. CHP management and staff had received no specialized training in problem-oriented policing prior to becoming involved with the SAFE program. Staff involved with the SAFE program included primarily uniformed personnel; however, CHP researchers and analysts are available for consultation and assistance as needed.
3. Other than the opportunity to participate in various overtime enforcement programs, no additional incentives have or will be offered to CHP personnel to participate in problem solving activities.
4. Prior to the SAFE program, the CHP was involved with the Hispanic community through public awareness programs known as "El Protector" and "Los Centinelas." Through these Programs, the CHP became known and supported throughout local Hispanic communities. As the CHP began the SAFE program, these existing resources were useful in "spreading the word" about this new effort and the important safety benefits it offered.
5. There were no significant operational issues or problems associated with implementing the SAFE program. On the contrary, there was widespread cooperation within the community and a strong desire to see this program become operational.
6. As mentioned earlier, 10 additional officer positions were authorized in the CHP's 1999 0 2000 departmental