NIRMA
Serving County Government

SAFETY SHORTS

General Safety • Highway Departments • Law Enforcement & Corrections

June 2026

ROAD/HIGHWAY DEPARTMENTS

By: KC Pawling, NIRMA Road Safety and Loss Prevention Specialist

Have You Thought About What's Inside Your Cab?

When we think about vehicle and equipment safety, most attention is placed on external hazards—traffic, terrain, and jobsite conditions. However, some of the most serious risks are much closer than many operators realize. Inside the cab itself, unsecured items can quickly turn into dangerous hazards during everyday operations or unexpected events.

The Hazard of Secondary Impacts

In any sudden stop, collision, or rollover, items that are not secured will continue moving at the vehicle's previous speed until they hit something—often the operator or passengers. This is known as a secondary impact. Even small, ordinary objects can become high-force projectiles under these conditions. Safety researchers estimate that approximately 13,000 injuries each year in the United States are caused by unsecured objects inside vehicles. To put the physics into perspective, a 20-pound object traveling at 50–55 mph can strike with over 1,000 pounds of force—more than enough to cause serious head, neck, or spinal injuries.

While construction equipment typically operates at lower speeds than highway vehicles, the risk is still very real. Abrupt stops, uneven ground, sudden bucket or blade movements, and rollovers can all generate enough force to send loose items flying. In these environments, it doesn't take highway speed to create a high-risk situation.

Beyond the risk of impact, loose objects can also interfere with the operator's ability to maintain control. Items rolling under pedals, shifting during turns or braking, or falling within reach can create dangerous distractions. Operators may instinctively reach for a falling tool or object, diverting attention from the task at hand. Both NIOSH and OSHA recognize operator distraction as a contributing factor in "struck-by" and vehicle-related incidents, particularly when heavy equipment is involved.

The danger becomes even more severe during rollover events. Cab rollovers are already among the most serious types of construction equipment incidents. When loose items are introduced into that environment, the injury risk multiplies. These objects can strike the operator during the rollover, interfere with restraint systems, and significantly increase blunt-force trauma—even when seatbelts are properly worn. It's important to understand that cab safety systems, such as reinforced structures and safety glass, are designed assuming normal interior conditions—not a cab filled with airborne objects.

In many cases, the items that cause injuries are not unusual or specialized—they are everyday objects found in nearly every vehicle or piece of equipment. Common problem items include tools and toolboxes, chains, binders, clipboards, thermoses, water bottles, coffee mugs, coolers, electronic devices like laptops and tablets, unused PPE such as hard hats or face shields, and personal belongings like lunch boxes or bags. Chains, binders, and straps stored loosely behind seats are also frequent contributors. Incident investigations repeatedly show that these routine items, not the crash itself, are often responsible for the actual injury.

How Regulations Address this Hazard

This hazard closely mirrors OSHA's "struck-by" category within the Fatal Four, which traditionally focuses on external risks like falling objects or moving equipment. However, unsecured items inside a cab present a similar danger. Whether an object falls from height or flies across a cab, the underlying principle is the same: uncontrolled movement of objects creates serious risk. ANSI/ISEA 121 standards on dropped object prevention reinforce this idea, emphasizing that any item with mass must be properly secured, regardless of where it is located.

While OSHA does not have a single rule specifically addressing loose objects inside cabs, the expectation to control these hazards is clearly supported through existing regulations and guidance. The OSHA General Duty Clause requires employers to address recognized hazards that can cause serious harm. Regulations under 29 CFR 1926 Subpart O address safe equipment operation, including operator protection within the cab. NIOSH motor vehicle safety guidance highlights the dangers of internal projectiles. Unsecured load laws, which are enforced in all 50 states, are based on the same physics that apply inside a cab.

Hazard Control Steps

Fortunately, controlling this hazard is straightforward with a combination of equipment design, workplace policies, and operator habits. Controls such as mounted toolboxes, secured device holders, and lunchbox restraints can help keep items in place. In pickups and SUVs, cargo nets or rigid barriers provide an additional layer of protection. It's also important to ensure that manufacturer-provided storage compartments are functional and consistently used.

Administrative controls play an equally important role. Establishing cab housekeeping requirements, incorporating cab condition checks into pre-trip inspections, and addressing loose items during safety meetings, toolbox talks or tailgate meetings all help reinforce expectations and accountability.

At the operator level, safe practices make the biggest difference. All items should be secured before movement begins. Heavier objects should be stored low and behind barriers whenever possible. Items

should never be placed on dashboards, floors, or seat backs where they can easily shift or fall. Just as importantly, non-essential items should be removed entirely to reduce clutter and risk.

The key takeaway is simple but critical: anything not secured inside the cab is a hazard.

Within construction equipment and vehicles, loose objects don't just create inconvenience; they can increase injury severity, interfere with operator control, and turn minor incidents into serious or even fatal events. Good housekeeping inside the cab is not just about appearance; it is a fundamental safety practice directly tied to recognized hazards and real-world injury data.

If you need a training scheduled, or just simply want an objective point of view on your safety and training program, you can contact me via email at kcpawling@nirma.info or phone at 402-310-4417.

GENERAL SAFETY

By: Chad Engle, Loss Prevention Manager and Safety Specialist

Boat Ramps: High-Risk Assets Requiring Proactive Management

Key Risk Considerations for NIRMA Members

Public boat ramps are often viewed as simple access points to waterways, but in reality they represent very complex and liability-prone facilities owned and managed by some NIRMA members. A great resource explaining key considerations is the white paper: Boat Ramp Risk Management for Local Governments. As detailed in this paper, boat ramps combine transportation exposure, water hazards, infrastructure risks, and public safety challenges into a single operational environment.

For NIRMA members who own or are responsible for maintaining boat ramps, the key takeaway is clear: **boat ramps should be managed as critical infrastructure—not passive recreational amenities.**

Owners of boat ramps face growing exposure due to several converging trends

- Increased recreational use leading to congestion and more inexperienced users
- Aging infrastructure with deferred maintenance and design limitations
- Environmental pressures such as flooding, erosion, and extreme weather
- Rising litigation severity and higher expectations for public safety

These pressures are driving insurers and risk pools to classify boat ramps as high-severity exposure locations.

Core Risk Areas

Following is a summary of risk categories counties must manage:

Vehicle and Traffic Exposure

Boat ramps function somewhat similarly to roads, requiring careful management of vehicle circulation, trailer maneuvering, and pedestrian interaction. Incidents such as vehicle submersions, collisions, and trailer failures are common.

Slip-and-Fall Hazards

Constant moisture, algae buildup, and surface deterioration make slip-and-fall injuries one of the most frequent claims.

Drowning and Catastrophic Injury

Water-related accidents with injuries to those using the boat ramp represent the most severe liability exposure. Negligence and wrongful death claims arising from poor maintenance or lack of warning signs can involve significant verdicts or settlements.

ADA and Accessibility Compliance

Noncompliant slopes, access routes, and loading areas can result in legal exposure and federal scrutiny.

Environmental Exposure

Fuel spills, runoff issues, and shoreline erosion can trigger regulatory enforcement, cleanup costs, and environmental claims.

What Drives Liability

Counties face increased liability when certain operational weaknesses are present:

- Deferred maintenance and aging infrastructure
- Inadequate or undocumented inspections
- Failure to fix or properly warn of known or recurring hazards
- Lack of access control or site oversight

As emphasized in the white paper, Boat Ramp Risk Management for Local Governments, documentation is critical—if inspections and corrective actions are not documented, legal defensibility of claims is significantly weakened.

A Note on Associated Facilities

Many Nebraska boat ramp sites also include picnic shelters, restrooms, and other recreational amenities. While secondary to the ramp itself, these facilities (whether county owned or not) expand overall boat ramp exposures by increasing visitor use, dwell time, and maintenance demands.

From a risk management perspective, if county-owned, these structures should be incorporated into the same inspection, maintenance, and documentation systems used for the ramp to ensure consistent oversight.

Practical Risk Reduction Strategies

NIRMA recommends that its members move from reactive maintenance to structured risk management by:

- Implementing formal inspection programs with documented findings
- Performing regular preventive maintenance
- Improving surface traction and drainage
- Controlling traffic flow with signage
- Expanding lighting, visibility, and access control measures
- Installing rescue equipment and clearly marking known hazards
- Using incident and operational data to identify trends early

These steps not only reduce incidents but also strengthen a county's ability to defend against claims.

Source and Credit

Rhoad, J. Todd. *Boat Ramp Risk Management for Local Governments.* Peachtree Recovery Services, Inc., 2026.

LAW ENFORCEMENT/CORRECTIONS

By: Todd Duncan, NIRMA Law Enforcement and Safety Specialist

Use of Force on Restrained Subjects: Legal Risks and Best Practices

THE WHAT

One of the highest-risk areas in modern law enforcement litigation is the continued use of force against a subject who is already restrained or whose resistance has substantially diminished. Courts have increasingly scrutinized strikes, electronic control weapon (ECW) deployments, and chemical spray applications against handcuffed or otherwise controlled individuals.

In the case of *Graham v. Connor*, 490 U.S. 386 (1989), the U.S. Supreme Court held that all force must be "objectively reasonable" based on the facts known to the officer at the time. Key considerations include:

1. Severity of the crime
2. Immediate threat posed by the subject
3. Active resistance or flight

Once a subject is restrained, the governmental interest served by higher levels of force often decreases dramatically. Courts routinely find that force which may have been reasonable during active resistance can become excessive once control has been established.

The Eighth Circuit Court of Appeals (which sets federal case law precedent for Nebraska) has repeatedly addressed this issue. In *Henderson v. Munn*, 439 F.3d 497 (8th Cir. 2006), the court emphasized that **force against a restrained and non-threatening subject may violate clearly established constitutional rights**. Similarly, in *Shannon v. Koehler*, 616 F.3d 855 (8th Cir. 2010), the court noted that continued force after resistance ends can expose deputies and agencies to liability. Nebraska courts likewise recognize that deputies may use only the amount of force that is reasonably necessary under the circumstances, and unnecessary force against restrained individuals may support both civil liability and criminal scrutiny.

Courts across the country have also treated ECW use as a significant intermediate level of force requiring substantial justification, particularly when used on restrained or minimally resistant subjects.

SO WHAT

Excessive force claims involving restrained subjects are among the most difficult cases for deputies and agencies to defend before juries. Video evidence, body-worn cameras, and witness recordings often capture the transition point where legitimate force becomes legally questionable.

Common legal consequences include federal civil rights lawsuits under 42 U.S.C. §1983; large settlements or verdicts against agencies; personal liability for deputies; and in some situations, criminal investigation or prosecution. There can be professional consequences as well such as termination or decertification, damage to the deputy's credibility, and loss of community trust.

Importantly, many force cases are not lost because force was initially used, but because deputies failed to recognize when the need for force had diminished. Courts frequently distinguish between "gaining control" and "punishing resistance."

The legal risk in use of force incidents increases when the subject is handcuffed; multiple deputies are present that are or could help to control the suspect; the suspect is pinned or immobilized; the suspect is intoxicated, mentally ill, or in medical distress; or force continues after verbal compliance or exhaustion.

NOW WHAT

Deputies can significantly reduce legal exposure and excessive force complaints by focusing on restraint transition principles and continually reassessing the threat level, remembering that **force must be justified at every moment, not just at the beginning of the encounter**.

Once control is achieved, it is important to transition quickly from force to custody, stabilization, and monitoring. The use of ECWs, strikes, and chemical agents should only continue when active resistance or assaultive behavior continues to create a legitimate safety threat. While handcuffs alone do not eliminate all threats, they substantially reduce the justification for higher levels of force. Once the suspect is restrained, deputies must monitor them closely for medical distress, especially after ECD exposure, OC spray, or prolonged physical struggle.

It's also important that deputies clearly articulate specific behaviors that justified continued force such as "pulling away," attempting to stand," "reaching for waistband," and "kicking deputies." Avoid vague language such as "non-compliant" without explaining the actual threat behavior. Body-worn cameras can be a great tool for professionally narrating/documenting changing resistance levels.

Remember, the best legal defense is not simply winning the physical confrontation, it is demonstrating disciplined, reasonable decision-making throughout the entire encounter.

Stay professional. Stay accountable. Protect the badge.

NIRMA Member Officials, Supervisors, and Managers:

Have a human resource question or issue? Contact NIRMA's Human Resources Helpline at (866) 896-6423.

Have a non-HR legal question or issue? Contact NIRMA's Legal Link at (402) 742-9240 or by email at legallink@nirma.info