

VITAL LESSONS

Report of the Independent Review Board
Appointed by the Providence City Council
to Investigate Failures and Lapses During
the Snowstorm of December 13, 2007



VITAL LESSONS**INDEPENDENT REVIEW BOARD**

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INTERVIEWS

February 29, 2008

Dean Esserman, Chief of Police, with Major Monte Monteiro
at the Providence Public Safety Complex
Colonel William Trinquet, Director of Communications
at the Communications Center
Lieutenant Colonel Peter T. Gaynor, PEMA Director
at the Providence Emergency Management Center

March 7, 2008

Jeanne Andreoli, Parent
Andre Thibeault, Director of School Operations, Providence School Department
James Carrington, Supervisor of Transportation, Providence School Department

March 18, 2008

Mark Dunham, Chief Financial Officer, School Department
Steven Smith, President, Providence Teachers Union
Donald S. Ianazzi, Business Manager, Local Union 1033

March 28, 2008

John Nickelson, Director, Department of Public Works
Sal Solomon, Highway Superintendent, Department of Public Works
Leo D. Messier, Former Director, Providence Emergency Management Agency
Deborah Brayton, Chief of Staff, Mayor's Office
Grant Dulgarian, Concerned Citizen

April 4, 2008

Mary McClure, School Board President, Providence School Department

April 11, 2008

Dr. Donnie Evans, Superintendent, Providence School Department
Tomas Hanna, Deputy Superintendent of Operations, Providence School Department
Colonel Dean Esserman, Chief of Police, Providence Police Department
Peter Gaynor, Director, Providence Emergency Management Agency

IN CITY COUNCIL

JUN 5 2008

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John M. Stetson CLERK

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Appendices

Because of their volume, the following documents have not been reprinted as part of this report but have been posted online at www.providenceri.com.

- A. Resolution of the City Council, No. 45: Creating the Independent Review Board, January 28, 2008.
- B. Severe Weather City Coordination; Standard Operating Procedures, citing the Mayor's Emergency Advisory Board, (Providence Emergency Management Agency, Draft 1), April 2, 2008.
- C. Mayor's Executive Order 2007-04: Establishing Additional Weather Emergency Protocols, December 20, 2007.
- D. Snow Plan: Procedures for Snow Related School Closing, Delayed Opening, and Early Release (Providence School Department, Draft Revision 3), January 2008.
- E. Urgent Winter Weather Message, National Weather Service forecast of Wednesday, December 12, 2007.
- F. Emails, suggestions, and letter submitted by First Student Manager Bill Roche, December 13, 2005.
- G. Ocean State Weather Associates forecast with notations, December 12, 2007.
- H. Emails of John Nickelson, Director, Department of Public Works, December 13, 2007.
- I. Snow Operations Improvement Report, memorandum by Carol Grant, Mayor's Chief of Staff, March 19, 2004.
- J. Providence Police log print-out from 11 a.m. to 11 p.m., December 13, 2007.
- K. Update on Snow Operations, memo by Alix Ogden, Mayor's Director of Operations, April 24, 2008.
- L. Organization Chart, Providence Public School District, revised February 28, 2008.
- M. Providence EMA (PEMA) Emergency Services Guide, April 10, 2008.

Transcripts of the meetings of the Independent Review Board are on file with the City Clerk and are available for public inspection.

Introduction

In retrospect, we got lucky that day. There were no fatalities; and though there were at least 68 car and school bus crashes, some causing injuries, everyone eventually made it home. But for much of that day, December 13, 2007, the people of Providence had difficult access to emergency health care; school children rode out a snowstorm without food or facilities stranded in school buses; and near anarchy reigned in the city's streets.

It is tempting now, in full-flowering May, to make sport of what happened that day, to joke about closely investigating the manifold breakdowns, to forget about it. But if we do not examine what happened that day, if we willingly forget about it, we will again endure the inconveniences and consequences of gridlock, the breakdown of civil society, as we did in the Blizzard of '78, in December 2003, and in December 2005, and on December 13, 2007.

We can do better. We have the technology and the people in place to avoid this kind of discomfiting gridlock that, besides inconveniencing tens of thousands, does create serious danger for the people of this city. Since we can do better, we must; because if there were to be a next time, we may not again be lucky.

The Providence City Council grasped the seriousness of the events of December 13, 2007 and, six weeks after the storm, passed a resolution creating the three-person Independent Review Board to determine what happened that day and, more importantly, how to avoid a repeat. In its resolution of January 28, 2008, the Council noted that as a result of "significant failures the well-being and safety of many of the city's most vulnerable citizens [was] placed in peril; and ... the public confidence in the city's ability to provide basic services in times of challenge has been greatly diminished."

The City Council charged this Review Board to "provide guidance and actionable policy recommendation." We have done that.

In our attempt to provide guidance and actionable policy change, we have held formal, sit-down interviews with 15 key witnesses, people who affected or were affected by the events of that day; we also heard from a concerned member of the public, and three City Council members who appeared before us, resulting in a transcript of more than 300 legal-sized pages. In addition, we took "field trips" to key communication centers such as the police department and the Providence Emergency Management's evolving communications center on Charles Street.

In visiting these places and hearing from these people, we were impressed by the quality of people overseeing, and working in, city and school departments. We found that city and school workers made sacrifices that day, went out of their ways to work harder, stay on the job longer, and put their commitments to duty ahead of their self-interests of returning home.

The problems of that day were largely the result of poor communication – poor communication between the state and local agencies; between the city's school department and the people it serves; between key departments of the city where managers

remained unaware of a growing crisis until it had reached an unacceptable threshold of danger. These breakdowns in communications were both internal, within departments, and external, between departments. The good news is, new policies and technologies that can help us avoid a repeat of December 13 are, or soon will be, in place.

But nothing about the newly adopted policies – the mayor’s Emergency Advisory Board, for example, or the School Department’s Snow Response Team – or even about newly embraced technologies is automatic. City and school department leaders, managers, and workers must exercise vigilance, accept responsibility, and be ready to put new systems into place when warranted by sometimes fast-moving events.

The events of December 13, 2007 were foreseeable – weather forecasters knew for days that heavy snow would fall in the evening rush hour. And yet, we still failed, failed to fully imagine what the impacts of that would be. In a sense, as the our chairperson, Michael Van Leesten, noted at our first meeting, the events of that day may have served as a “blessing in disguise” for in exposing the faults of the city’s preparedness for an emergency, they gave us the chance to identify and correct those faults through what the City Council aptly termed as “actionable policy.”

Respectfully submitted,

Michael S. Van Leesten
Chairperson
May 27, 2008

H. Philip West Jr.
Vice Chairperson

Susan R. DeRita
Member

A Potent Storm

His crew spent that afternoon getting their trucks ready for snow – attaching plows and sanders, checking their tires and lights and fuel levels. Then at 4 p.m. on that Wednesday afternoon the National Weather Service issued a bulletin in capital letters titled: URGENT – WINTER WEATHER MESSAGE. And John Nickelson knew that his crew had not been prepping their trucks in vain: snow would be coming the next day, December 13, 2007, and it would be coming on hard.

The forecast was unequivocal: it said that snow “will quickly become heavy” falling as heavily as three inches per hour by early afternoon. “This will have a major impact on the evening rush hour.”

A “major impact” indeed. As dire as that warning was, by day’s end it would prove to be exponentially understated.

Nickelson had worked in snow removal for parts of four decades, and had been in charge of highway maintenance for the entire State of Rhode Island before tackling the job as the City of Providence’s Director of Public Works. As he headed home that Wednesday evening he felt comfortable that he had done everything he could possibly do to get his crew ready for the storm: he had 28 large DPW trucks loaded and ready to roll, plus 11 small trucks geared with plows, and four plow trucks that he’d borrowed from the Parks Department.

He came to work early on the 13th, as is his custom. He checked the forecast and found that not much had changed: a “potent” storm was still bearing down on Providence, and a series of winter storms was set to pass through over the weekend. At 7:16 a.m. he sent his deputy director an email, telling him to order more salt and sand for the weekend. Then he settled in to monitor the storm on his computer, watching as it crept up from the southwest as a blue blob on the radar screen.

Over at the bus yard on 3 Ricom Way, Bill Roche was doing the same thing, reading forecasts and watching the storm spread. Roche, the contract manager for First Student Bus Company, had cause to keep a keen eye on the weather that morning. Every day, First Student buses 10,409 school children for the City of Providence. The company uses 153 buses to run 235 routes – some buses are used for more than one route, dropping high school students off in the morning before cycling back out to pick up elementary school children who start classes later.

As Roche studied the forecast on the morning of December 13, 2007, he felt a sense of impending déjà vu. At 9 a.m. he sent an email to his contact in the school department saying: “My suggestion is at a bare minimum cancel all afternoon school activities. ... We certainly don’t want a repeat of December 9, 2005.”

That day, December 9, 2005, had been “etched” into his memory as the worst day of a 23-year career in transportation. A fast-moving snowstorm had swept through in the afternoon rush hour, leaving his school buses, loaded with children, stuck in snow.

In fact, two years earlier to the day, December 13, 2005, Roche had written School Superintendent Donnie Evans an urgent letter about the dangers of his buses being caught out in that snowstorm of December 9, stuffed with students who in some cases had not been delivered home until after 8 p.m.

"The safety of our drivers, your monitors, and especially the students, was greatly compromised," he'd written Evans. "Fortunately, we managed to escape with only minor problems, but the outcome could have been much more severe. At any given time, during the afternoon runs, we had at least 10 buses stuck on ice, inclines, or just unable to proceed due to poor visibility conditions."

The local media had not picked up on the story of wayward school buses dropping off children well into the night; no one had been hurt; and despite Roche's warnings the incident had blown over with nothing being done to avoid a repeat.

James Carrington, supervisor of transportation for the Providence schools, had already been at work for a few hours when he saw Roche's email, titled "Winter Advisory" pop up in his in box.

Just a minute later, at 9:01 a.m., his boss, Director of School Operations Andre Thibeault phoned him from the road. Thibeault had just spoken with Steve Cascione, a meteorologist who contracts with the Providence School Department, and Cascione said the approaching storm was coming on faster than first forecasted. The 8 a.m. update called for 5 to 9 inches in Providence, heavy at times, with a start before 1 p.m.

Thibeault recommended early closure of the schools that day, a recommendation that he never made lightly. Thibeault knew that dismissing schools early was, in his own words, "the most difficult" decision a school administrator must make. "Nothing that I did ... in my 20-year career as a tank officer even near approached what we do on an early dismissal," Thibeault later testified. "There are so many moving pieces and so many things happening at once"

Early dismissals require parents to be notified through the school department's "Connect Ed" automated telephone system. Then parents must quickly make arrangements for child care; lunch workers need to be told to stand down, sporting events must be cancelled, teachers need to curtail lesson plans and gather students in their rightful places; school bus drivers and monitors, nearly 200 employees in all, need to be called back to the bus yard. It's a tough choice to make, but on this morning Thibeault had no doubt that it had to be made – and soon, in fact, the sooner the better. For if school was called early enough then bus drivers coming into the yard after making their morning runs to the schools could be sent right back out to make pickups at the schools without the delay of being called in from their homes.

Carrington concurred. He knew first-hand the problems of early dismissal; he had been with the school district for 15 years, and his primary job now was the routing of school buses, particularly the morning runs.

And as Carrington looked out his office window shortly after 9 a.m. that day, he spied the two people he most needed to talk to – the superintendent, Evans, and his

deputy, Tomas Hanna stepping out of a car and heading into the school administration building.

The administration building stood across Washington Street from Carrington's own office; he decided to walk over there, crossing the street beneath a lowering gray sky. As yet no snow was falling, but the cold tang of snow was in the air.

Carrington stopped at Hanna's office and found that yes, Thibeault had also phoned him to recommend an early dismissal, and he too had agreed it was prudent. So Hanna and Carrington rode the elevator up to the third floor to the superintendent's office, where they told Evans that they'd come to the unanimous conclusion that schools ought to be dismissed two hours early.

Evans said he wasn't sure he wanted to go with an early dismissal, which "kind of popped my eyes out a little bit," Carrington recalled.

Evans wanted to check around with other superintendents first, to see what they were doing. "My response was, 'Let's call,'" Evans later testified. "Let's make sure that the weather's going to come on, because as you know the weather predictions aren't a hundred percent, and so our best guess in terms of how soon we're going to dismiss is what's happening in the areas around us, has snow hit them yet ..."

Carrington was not used to this. "In the past," he said, "the superintendents would always go with the recommendations" of staff. This was different. Carrington was so anxious to hear a decision on whether to dismiss early that he did not even go back to his office, choosing instead to hang out in the secretary's office adjacent to the superintendent's, cell phone in hand.

He waited 15 minutes; 20; a half hour. "I started to get concerned, because I was back and forth with First Student, because they were getting anxious now because they thought it would be very cut and dry, the decision would be made and they could call the drivers. [A]nd the decision wasn't made."

Carrington's boss, Thibeault, called Hanna for an update and was told that the superintendent had called for a 10 a.m. meeting to discuss the possibility of dismissing school early.

"Why are we waiting until 10?" he said.

At 10, Carrington still stood outside the superintendent's office awaiting word to dismiss. The chief financial officer, Mark Dunham, asked him, "Why are you hovering?"

"Because First Student needs an answer," Carrington said.

Without formal word of a dismissal, First Student could not order returning bus drivers to stay in the yard, an expensive order that requires the school department to authorize overtime payments.

Around 10:15 a.m., Carrington called Roche to say he still had no answer. "At 10:30 I was, frankly I was a little disgusted, so I went back to my office and sat at my desk," he said.

"By 10:30 it was very clear that we were going to have to dismiss," Evans recalled, "and I asked my staff to do one more check of the weather, one more check" of what other school districts were doing. "And then by 10:45 we made the decision to release school two hours early."

Carrington got the official word of dismissal at 10:58 a.m. Not 20 minutes later the snow began to fall, hard, so as it hit the frozen ground and dry leaves of middle December, it fell with a hiss.

As he watched the storm move his way, John Nickelson responded to a request from Raymond R. Smith III, advance man for the City Council, who wanted to ensure that snow would be cleared on the home streets of Councilors Michael A. Solomon and Josephine DiRuzzo so they could host their annual Christmas parties.

At 10:10 a.m. he wrote confidently to Smith, " – snow will be removed, we expect another storm Saturday into Sunday."

He tracked the storm on radar, and when the blue blob symbolizing snow had crossed into Rhode Island, he'd called the Hope Valley office of the DOT to see whether snow really was falling there. It was. He then called his daughter in North Kingstown, and she confirmed it was falling there.

At 10:40 a.m. Nickelson emailed a few people, including Deb Brayton, the mayor's chief of staff, sending them the 9:30 forecast from the National Weather Service: TRAVEL IS NOT RECOMMENDED THIS AFTERNOON ... AS SNOW WILL FALL AT THE RATE OF 1 TO 3 INCHES PER HOUR. ANY TRAVEL SHOULD BE COMPLETED BY NOON ACROSS SOUTHERN NEW ENGLAND.

Nickelson updated Brayton and the others on his department's preparations: besides the 28 large DPW trucks, 11 smaller trucks, and 4 trucks from the parks department, he had contracted with vendors for nearly three dozen large trucks, and a "second wave" of 20 to 25 smaller vendor trucks that would begin plowing around 1 p.m.

"So we still figured we were doing okay," Nickelson later testified. "It actually started snowing in Rhode Island at 11 o'clock and it started coming down fairly heavy right away. We had started treating roads. I guess at around ... maybe noon time, people decided to release from work."

All over downtown Providence, workers looking out their windows or heading out for lunch breaks, could see that snow was piling up fast. Snow fell so heavily that you couldn't see 400 yards. The National Weather Service officially classified the snow as "heavy," falling at nearly an inch every 20 minutes. People grew anxious to get home, to beat the coming storm.

Driving was slippery now, and with people pulsing out of offices and into their cars, the city's dispatch center was flooded with reports of car accidents. In just 21 minutes between 12:03 p.m. and 12:24 p.m., people phoned in 11 car accidents, two of them involving injuries.

"Traffic really built up," Nickelson said, "our trucks started getting caught up in the traffic."

A truck can not plow a street full of cars; and the streets were full of cars. Trucks that had expended their loads of salt and sand were stuck in traffic and could not get back to the DPW headquarters off Allen's Avenue, the city's sole supply source for materials.

Nickelson had seen this problem of trucks stuck in traffic plenty of times, because it's not just snowstorms that cause traffic jams on Allen's Avenue, just about any crash on Routes 95 and 195 will send traffic off the highway into a jam on Allen's Avenue. The problem was severe during the snowstorm of December 5 through 7, 2003, in which nearly 20 inches of snow fell. The city's response to that storm was so disappointing that Mayor David N. Cicilline requested that his chief of staff, Carol Grant, draft a report to make recommendations on how the city could best improve its response to snowstorms.

One of the first recommendations in Grant's report was to identify "locations for a satellite depot for storing sand and salt in a well-positioned area" so trucks wouldn't have to swarm to Allen's Avenue from all over the city. But four years later, that had not been done, and trucks serving the north end were again stuck in thickening traffic.

"If there's even just a little wrinkle in the traffic movement everything blocks up," Nickelson said. "When you get a big wrinkle like you do with the snow, it falls apart and it falls apart pretty quickly."

By 2 p.m., it had fallen apart completely.

At 1:12 p.m. police received a call about a crash at North Main and Pleasant Streets involving a school bus – the first of 15 school bus accidents.

At the bus yard, Roche was re-living his nightmare of December 9, 2005 – and this one was shaping up to be even worse. He had 153 buses out in the storm, some of them hauling out-of-district students from as far away as Jamestown. And every one of them was having trouble. He had buses stuck in traffic, buses stuck in snow, buses that just could not reach the schools where students were gathered, waiting.

Roche managed to type out a brief email to his school department contacts, Thibeault and Carrington: "Just to keep you informed the commute is disastrous."

Thibeault wrote back – he'd been trying to call Roche, but all First Student lines were busy. "Can you be a little more specific?" he wrote Roche.

By 2:39 p.m., every bus was running at least two hours behind schedule. One parent was complaining that bus No. 2 was stuck at Atwood and Manton Avenues, and the driver had told the middle school students to get off and walk.

Bus No. 52 could not move from Nathanael Greene Middle School because a student was acting out, dangerously; the 112 bus was stuck in snow outside Vartan Gregorian School on Fox Point. Thibeault wrote to Roche: "How do we get the bus unstuck?"

A city councilman had asked the superintendent about the whereabouts of the busload of students from Times Squared, and now at 3:18 p.m. Superintendent Evans wanted an answer: where was it?

By nightfall the 52 bus from Nathanael Greene, the one with the discipline problem, was unaccounted for, and the parent of a student on that bus was "furious and very nervous," an assistant principal wrote.

Thibeault wrote back that he could not reach the driver. "Our two-way radio is completely tied up and we had 8 phone lines busy since 12:00 noon."

Night had come on now, and still the snow fell, lighter, but still slashing past streetlights, coating the roofs of cars stuck in traffic.

As bad as things were – school buses in accidents, stuck, and missing – they were about to get worse. Around 4:30 p.m. a tractor-trailer jackknifed across Route 95's northbound lanes. On Route 195, eastbound cars unable to make a slight grade were spinning their wheels, blocking two of three lanes. Traffic reporters know that when 195 eastbound backs up, it blocks 95 South, because cars trying to make the left exit there clog 95 as well.

The interstate highway system passing through Providence was now, in the words of police Chief Dean Esserman, "a frozen river of traffic. ... Every stream leading to it, every road leading to it is locked as well."

With the highways blocked, no cars could leave the city. And drivers began to lose their patience.

"I was stuck in one spot and I saw people getting out of cars and almost coming to blows," recalled Thomas M. Glavin, chief of staff for the City Council. "One councilman called it a 'quiet riot.'"

"The mayor left City Hall to go out to DPW, to check out the streets, hit a few key spots some time in the afternoon," recalled Deb Brayton, the mayor's chief of staff. She left City Hall a little before 6 p.m. and, she said, "I sat in one intersection for over an hour. ... Drivers refused to let anybody move, they blocked the box [at intersections], they jammed up." People headed the wrong way into traffic.

"Behavior was so bad, and people weren't respecting traffic lights, they weren't respecting people trying to cross, pedestrians trying to cross the road ..."

Just before 6 p.m. a pedestrian was struck.

Most of the key figures in city government were now heading home and were stuck in traffic – Brayton, the mayor's chief of staff; Leo Messier, the head of the Providence Emergency Management Agency; and Evans, the school superintendent. The mayor himself was, according to Brayton's testimony, out on the road too.

State leaders were also not in place to step up and offer some kind of authority to mitigate the near anarchistic conditions on the city's street. Governor Carcieri was in Kuwait; the state's adjutant general, Robert Bray, had phoned in sick, and the head of the Rhode Island Emergency Management Agency, Robert Warren, had gone home at 5 p.m., unaware of the situation in Providence. By state constitution, the lieutenant governor, Elizabeth Roberts, had no authority to act.

So the brunt of the crisis fell on the people most busily trying to address it in the DPW's ready room, in the bus yard, in school department offices where Hanna and Thibeault tried to manage things, and in the schools themselves, where principals and teachers remained to supervise students whose busses could not reach schools. These workers were too busy dealing with the crisis to be calling city and state leaders. For example, Highway Superintendent Sal Solomon logged 407 calls on his cell phone in 24 hours, more than one call every four minutes around the clock.

No one ever thought to inform the School Board of what was happening; the board's chairwoman, Mary McLure, later said that was okay with her since she couldn't have done anything to help anyway.

Hanna tried to keep his boss, Evans, up to speed by including him in emails, but Evans was stuck in traffic, had no device on which to read email remotely, and had no idea that as of 5:30 p.m. seven buses had not even reached their schools -- more than five hours after dismissal.

And those buses that had reached the schools and picked up children were mired in traffic and, in some cases, slipping off the roads.

"VERY IMPORTANT!!!!" read one email to Bill Roche, down in the first Student bus yard. "The parent from Bus 52 is at the stop but was told that the bus could not make it up the hill and dropped the kids off elsewhere. Please let me know ASAP as the parent is really flipping out."

A lot of parents were frustrated, angry, and anxious -- their children were stuck, somewhere, in a dark, chaotic city, and had not been heard from for hours.

John O'Rourke took a calm approach in his email Thibeault, looking for information about his son. "We have been trying to contact the bus through the bus yard and the transportation office but those numbers are consistently busy. I realize there are presumably many families in a similar situation, but am wondering if there is a way to find out where his bus is."

Matty and Yesha Proctor called a school to find their 8-year-old boy, and were told to call the bus yard; they called the bus yard and could not get through. When they called back the school, no one answered. Their son spent six hours on a bus without food, or a bathroom, or even a clear understanding of what was happening.

Jeanne Andreoli's son, a 5-year-old with autism, stayed on a bus even longer than that, eight hours in all. He'd been on the bus around six hours, mired in traffic on the Pleasant Valley Parkway, when a bus monitor slipped out to see whether the students could use the bathroom at a Dunkin' Donuts there. She was told no, the shop closed at 7 p.m., and no one could come in out of the snow.

When Andreoli heard about that the next morning, she was outraged. She called a manager who told her, "Yes, it's our policy, we close the doors at 7."

Andreoli said, "Well doesn't emergency trump policy?"

And in some cases, emergency did trump policy. Not all of the news that night was bad. For example, workers at the nearby Coca-Cola plant brought snacks to the children on that bus, allowed them the use of their restrooms, and even spread some sand and salt to help the vehicle gain traction.

Emergency also trumped policy in the schools, when teachers agreed to stay put until the last student left. Earlier in the day, teachers and administrators almost came to loggerheads over this, when Superintendent Evans ordered all teachers to stay for two hours after dismissal. The order was a contractual violation. And to union President Steven Smith, it also made no common sense: the high schools had dismissed earlier than the elementary schools, and many of them had no students left and no reason for

teachers to stay. And it was also obvious that at some of the schools, students were going to be there for much more than two hours.

Smith asked Evans to be flexible, to "treat your teachers like the professionals that they are." Smith had never known a teacher to abandon children; it hadn't happened in December 2005 and it would not happen tonight.

"To his credit he agreed with me," Smith said of Evans. The formal order to stay was withdrawn, and teachers were given the flexibility to use their judgment. At Windmill Elementary School, staff shared pizza with about 40 students whose buses did not even arrive at the school until after dark, the last one coming in at 7:30 p.m.

At Harry Kizarian Elementary, the last bus never did arrive. Principal Debbie Ruggieri and staff stayed until police took the last eight students home at 9:30 p.m.

"The kids had fun," Ruggieri told the Providence Journal. "They were dancing, coloring, watching a movie. When they left, we gave them some extra mittens and hats."

"I think you would be missing an opportunity the School Board missed in really commending the employees – teachers, administrators, and I would assume, the principals, teacher assistants, clerks and custodians that really [are] not looking for praise, but certainly you should take that opportunity," Smith testified before the Independent Review Board. "That doesn't happen enough."

At the bus yard, Bill Roche noted: "Most if not all of the staff here in Providence stuck it out for the entire day [from between] 6-7 a.m. ... a 17 hr. day. I am very proud of my staff and the job they did and hopefully the media, the school dept and the city will see it the same way."

The media wanted answers. And Kim Rose, Providence schools communications director, did not have many to offer. At 7:24 p.m. she called Evans on his cell phone to tell him she was fielding press inquiries about buses being stuck in the snow.

How many buses were still out there? How many children?

Bill Roche, at First Student, had some of the answers. He figured he had 60 to 75 buses still on the road – a good guess (he had actually had 61.) He still had eight students at the bus yard, part of a group of 16 children aged 9 or younger who were brought back to the yard when no one met them at their stops. They had just eaten \$90 worth of pizza that Roche had bought himself.

Deb Brayton became aware of the bus problem shortly after she walked through the door of her home at 8:30 p.m. Chris Bizzacco, the senior advisor to the mayor called her cell phone to say that the lieutenant governor's office was asking about a problem with the school buses.

Brayton recalled, "I called the mayor and said – and he had just gotten in his door from being out and riding around with the detail – and said, 'Do you know there are buses on the road, school buses still out there?'"

"And he said, 'I've just heard from Doctor Evans, said that's a possibility.' " [Evans's cell phone records do not show this call.]

"Do we have access to 4-wheel drive vehicles?"

Yes, the mayor told her, the police department has 4-wheel drive vehicles.

"So I called Dean Esserman immediately," Brayton said, "and I say to him: 'Chief, it's my understanding that there are still school buses on the road, I do not know how many there are, nor do I know if there are children in them ...'"

Esserman, who was out on patrol, called Evans from his vehicle. Although Evans had heard of a school bus problem from Kim Rose, and the mayor indicated that he, too, had spoken with Evans about a problem, when Esserman called, Evans was surprised by the magnitude of that problem.

Evans told the Providence Journal that Esserman called and said, "Do you need me to help you?" Evans said he did not know what the chief was talking about.

Esserman told him that there were dozens of school buses stuck in the traffic. "Oh, really?" Evans said.

Evans then called Hanna, his chief of operations. Although Hanna had been including Evans in group emails, the two had not spoken since early afternoon, and Evans had not seen the emails about 60 buses still being out in the snow, 6 hours after dismissal.

Chief Esserman then called the shift commander to say he was activating a command center in the police department. "Everybody back to headquarters now, I'm on my way," Esserman said, according to his testimony. "Contact majors, commanders, everybody in now."

The mayor's limousine, with the mayor in it, stopped by Brayton's House to pick her up, then drove to the command center. "Traffic was lightening up a little bit at this point," Brayton recalled; "by the time I got to the police station there was a command post set up there."

Esserman had sent a unit to the bus yard to obtain the global positioning system's (GPS) readings of each bus – every bus had a GPS in it. He had posted charts on the wall showing each bus's location, the locations of his assets such as 4-wheel drive vehicles; for the past two years, each of the nine district commanders has driven a 4-wheel drive vehicle, and these were dispatched to find the buses with children on them and to pull those children off for a police escort home.

By 10:18 p.m., Esserman's charts showed nine buses still on the road, carrying 52 students, including Jeanne Andreoli's son, ~~Jovanny~~. He arrived home via police escort at 10:36 p.m., more than 8 hours after dismissal. "He was exhausted," Andreoli told the Providence Journal. "He was so tired, he didn't want to talk much about it except for the police car ride."

Finally, at 11:50 p.m., Bill Roche could report via email: "At approximately 11:20 p.m. all buses were accounted for and the remaining nine students were transported by the Prov Police from 3 Ricom Way [the bus yard] to their homes. ..."

Ten minutes later the clock struck midnight on December 13, 2007; but the fallout had only just begun.

Aftermath

Good jobs were lost over the response to the events of that day. Governor Caricieri fired the executive director of the state's EMA, Robert J. Warren. Mayor Cicilino, declaring that he had "lost confidence" in PEMA Director Leo D. Messier, fired him.

Tomas Hanna, the deputy superintendent of school operations, had advocated for early dismissal at 9 a.m. on the 13th, and had then remained on the job until all students were home nearly 15 hours later, but he too was disciplined by the School Department with a 30-day suspension from his job.

And the school superintendent, Donnie Evans, did not seek to renew his contract; Evans did not say whether the events storm and the subsequent fallout affected his decision. But he did say this about issues in the school department, an observation that is apropos to emergency management as well: "It's going to take an entire community, it's going to take the political structure, it's going to take universities, it's going to take families, it's going to take businesses ... to do what needs to be done."

In the five months since the "potent storm" of December 13, 2007, the mayor's office, PEMA, and the school department, have all submitted working drafts of plans for dealing with weather and other emergencies.

In an April 24 memo, City Director of Operations Alix Ogden highlighted some of the proposed improvements by those agencies: "Primary to this effort is the Emergency Advisory Board" created by the mayor in December.

The Emergency Advisory Board is comprised of 20 people, including the mayor, PEMA's new Executive Director Peter Gaynor, the police and fire chiefs, the school superintendent, director of public works, and the head of the mayor's press office. This group will be called together within 6 to 72 hours of a "severe weather event" in the hopes that by having key decision makers together they can avoid a repeat of the miscommunications that delayed and weakened the response to the December 13 storm.

Parts of all of these plans in progress have merit, but none of them will be worth the paper they are written on if, like Carol Grant's "Snow Removal Improvement Report" of 2004, or Bill Roche's urgent call to action after the storm of December 9, 2005, nobody pays attention to them.

Likewise, this report of the Independent Review Board, submitted this day of May 27, 2008, is only as good as the executive and legislative responses to it. The Review Board has taken seriously its charge to recommend "actionable policy" related to the storm and to its aftermath.

We have listened to the people who have taken time to testify before us; we have reviewed the 300-plus pages of transcripts and considered carefully every recommendation made to us; we have also added recommendations of our own.

We now present our recommendations with the hope and the understanding that the legislative bodies with the power to act on them will do so.

Recommendations

As we undertook this investigation, we asked those responsible for snowstorm and other emergency planning to share their observations: both what they experienced during the storm and improvements they have begun since that nerve-racking and dangerous day.

Rather than create a new structure, we have shaped our recommendations to dovetail with formats previously prepared by City officials:

- (A) the School Department's recently revised **Snow Plan**, and
- (B) the **2004 Snow Operations Improvement Report** created by a team of top administration officials.

We also offer specific recommendations for the City Council and Mayor, which go beyond previous reports.

A. SCHOOL DEPARTMENT RECOMMENDATIONS

Since the December 13 snowstorm, the School Department has revised its **Snow Plan: Procedures for Snow Related School Closing, Delayed Opening, and Early Release**. (Copies of this and other documents mentioned in this report are in the on-line appendices at www.providenceri.com.) This report includes recommendations in five topic areas:

1. **MONITORING AND INFORMATION GATHERING**
2. **PROCEDURES FOR SCHOOL CANCELLATION OR DELAYED OPENINGS**
3. **PROCEDURES FOR EARLY RELEASE**
4. **SHELTER IN PLACE PROCEDURES**
5. **COMMUNICATIONS**

Our recommendations for the School Department to follow the format of its Snow Plan.

1. MONITORING AND INFORMATION GATHERING

1-1 **The School Department Must Re-evaluate its Policy for Gathering Weather Data.**

The School Department currently relies on one contractor to provide the forecast that the superintendent uses to make decision regarding cancellations and early releases. The School Department's working draft of its Snow Plan (Revision 3) calls for continuing this practice. We strongly disagree. Given the amount of free, accurate

forecasting available through NOAA, AccuWeather, Weather Bug, and other Internet weather services, school department management should consult multiple sources everyday while gathering data to make these crucial decisions.

2. PROCEDURES FOR SCHOOL CANCELLATION AND DELAYED OPENINGS

2-1 Cancel Schools When Early Release Looks Imminent.

On December 13, delay in deciding to dismiss early contributed to the crisis of stranded buses. The School Department's recently revised working draft of its Snow Plan actually exacerbates this problem by requiring the superintendent to consult with other school district before declaring early dismissal. The unusual demands on Providence to have many buses complete two runs creates problems that other district do not have, so their conclusions should not drive decisions for Providence school closings.

Providence must be more cautious than other districts, and there may well be times when it decides against having school when every other district in the state holds classes.

Although the use of buses to perform double runs raises unique logistical problems, scrapping this system in favor of having a single bus and driver for every route would require about 100 buses at an annual cost of millions. This is prohibitively expensive and is not a practical solution.

We recognize, however, that the School Department faces great risk of second-guessing if it cancels or dismisses early, and then the storm proves less severe than expected. On lesson of December 13 is that officials should err on the side of caution, and that political leaders must help deflect any criticism that may follow.

2-2 Adopt a 4-Inch Threshold for Canceling Schools.

As early as 4 p.m. the night before the storm, weather forecasters issued a "Heavy Snow Warning" for 6 to 10 inches of snowfall in the evening rush hour. To avoid future bus transportation problems, the committee concurs with James Carrington, the School Department's transportation supervisor, when he recommends canceling school for the day anytime a weather forecast calls for 4 or more inches of snow in the afternoon.

2-3 Adopt a "Three-Hour Dismissal" Option for Providence Schools.

The School Department was operating under the false assumption that "if we release more than two hours early, we lose a full day". However, Rhode Island Department of Education policy states that school must be open three (3) hours to count as a

school day.¹ Often when weather dictates early dismissal, the earlier the dismissal the better.

3. PROCEDURES FOR EARLY RELEASE

3-1 When Early Release is a Strong Possibility, Hold Drivers in the Bus Yard.

Keeping drivers in the yard in anticipation of early release will more quickly deliver buses to schools when time is of the essence. This would incur overtime costs; but, as Tomas Hanna, deputy superintendent, put it: "We'll find the money later in order to deal with that, you know, safety first ..."

3-2 Bus Drivers Must Not Release Students to People Who Are Not Their Parents or Guardians.

We have heard but not confirmed that some parents who took their children from buses also took the children of friends and neighbors. As Tomas Hanna told us: "It should not happen again, and we have to prevent it from happening again."

3-3 Medication Issues Need to Be Addressed.

On December 13, some 356 special education students in out-of-district placements could have been stuck on buses for several hours, many of whom doubtlessly went without needed medication during a crisis. We would still like to hear specifics of how the school department plans to prevent that happening again.

4. SHELTER IN PLACE PROCEDURES

4-1 Identify Needs and Funds for Shelter in Place Program.

Since December 13, the School Department has developed a new Shelter in Place Program for use in sudden and serious emergencies. We would like to see more specifics about this program, such as what criteria will set off a shelter in place situation, what will the School Department provide in terms of cots, blankets, lighting, food, et cetera. CFO Dunham suggested that if schools are dismissed early, and buses are late returning to schools from their first drops, students will be kept, and provided for, in their schools. How much will the department budget for this? And where will the money come from?

The Shelter in Place idea is good, but the execution still needs work. We understand from its chairperson, Mary McClure, that the Providence School Board has not reviewed the policy set by management, and we wonder how it will be implemented without review, approval and funding from the School Committee.

¹ RIDOE, Commissioner Regulation, May 26, 1998, Inclement Weather.

4-2 Identify Firehouses, Schools, and Police Substations Where Buses Could Bring Students in Emergencies.

The School Department is currently identifying such places, and we encourage it to complete that project. We were hoping to include buildings that have been identified as child safe during emergencies, but the school department is not yet prepared to provide that list. Any building eventually approved for use in emergencies must be pre-approved as child safe to ensure that adults in that building are approved for supervising children.

5. COMMUNICATIONS

5-1 Improve Internal School Department Communications.

Prior to December 13, the director of school operations chaired the department's snow emergency team. He informed the school superintendent of the unfolding crisis via email, but the superintendent told us he relied on a secretary to check his email. Communication was fragmented. As a result, he missed information about the unfolding crisis.

It is a maxim of management that if you want action, centralize management. Strong management centralization was not evident that day. In the draft of its revised Snow Plan the school department has changed that chain of command so the superintendent now chairs the committee that makes weather-related decisions, and we would like to see that practice adopted in the final draft.

On December 13, 2007, the School Department's maximum number of participants for a conference call was three. Phone records show many, many phone calls being made from person to person in what became a fragmented communications process. A new system has increased that number by approximately 10-fold. In weather and other emergencies the department now can, and should, conference all principals and key district staff in order to give managers a real time understanding of events. Upgrading equipment is only part of the solution – people must be trained until they are comfortable using it when urgency requires.

5-2 Improve External School Department Communications.

The Parent Engagement Center was woefully understaffed to handle emergencies, which left parents unsure of and worried about their children's whereabouts. The department pledges more staff in the Engagement Center during emergencies. The committee suggests that staffers in the center be assigned to track specific buses in the event of a similar emergency.

Also: School Department personnel trying to telephone First Student, the district's bus transportation provider, often found lines jammed. This problem is on its way to resolution: First Student has provided new dedicated lines for school department use in emergencies, and has provided the school's director of operations with a handheld radio for use if phone systems fail.

5-3 Encourage the School Board to Solicit and Encourage Parental and Community comments.

We were surprised at how few parents contacted the school department with complaints about its performance that day. We have no way of determining the reasons for that, but we find it troublesome; it may signal a difficulty in school department/parental communications, or a feeling among the community that the schools are not responsive so why bother.

We were also surprised by the School Board's apparent lack of curiosity about what transpired; after hearing the superintendent's proposal to avoid a repeat of December 13's events, the board had no significant questions for him.

6. A BROADER POLICY ISSUE

6-1 Consider Assigning Students to their Neighborhood Schools to Reduce Costs and Risks of Transportation.

We heard testimony from citizens and professional staff that current bussing patterns could be simplified and many routes could be eliminated if students were assigned to neighborhood schools. We are aware of the complications raised by this seemingly simple approach, and we understand that the School Board is currently studying this possibility. As this key policy decision lies outside the scope of our responsibilities, we make no recommendation on this.

B. SNOWSTORM RECOMMENDATIONS - OTHER DEPARTMENTS

We have reviewed the City's March 19, 2004 report entitled "Snow Operations Improvement Report." (Copy posted online in the Appendices.) That report included six kinds of recommendations:

- 1. GENERAL IMPROVEMENTS**
- 2. PERSONNEL AVAILABILITY AND DEPLOYMENT**
- 3. EQUIPMENT AVAILABILITY AND DEPLOYMENT**
- 4. TOWING OPERATION**
- 5. INSPECTION/QUALITY**
- 6. COMMUNICATIONS/COORDINATION**

In addition, we have received an "Update on Snow Operations - 2008," dated April 24, 2008. (Copy posted in Appendices.)

We have arranged our recommendations for the remaining City of Providence departments to follow the categories in the 2004 report. We hope the Mayor and his staff will integrate these recommendations into that structure as they prepare an action plan

for future emergencies.

1. GENERAL IMPROVEMENTS

1-1 The Department of Public Works Must Prepare a Procedures Manual

In order to prevent the loss of experience and information through administrative transitions and retirements, the Department of Public Works must prepare a procedures manual outlining such aspects of its job as snow plowing, street sweeping, et cetera. DPW Director Nickelson has concurred, testifying: You know, maybe that wouldn't be a bad idea."

We recommend that the all City departments that currently lack written policies and procedures for snowstorm response be required to prepare these materials and use them in training. Too often a new administration or new directors learn vital lessons about crisis management in the eye of a storm rather than from a manual based on previous storms.

1-2 Map Areas that have been traffic "choke points" in past storms/evacuations.

In order to solve problems we must first identify problem areas. We recommend that the Providence Emergency Management Agency, in consultation with the Police Department and DPW, map the hills and key intersections where traffic ties up in storms and other events. Having these choke points available at a glance on map overlays could aid planners.

2. PERSONNEL AVAILABILITY AND DEPLOYMENT

2-1 Pre-Stage Police Officers at Major Intersections/Choke Points.

The Review Board strongly feels that the presence of police officers at crowded intersections would help calm frustrated drivers. We note that when events draw lots of traffic the police are on hand to help that traffic flow.

Though we note that Chief Dean Esserman disputed the efficacy of staging traffic police at key intersections in his testimony April 11, we still like to see this attempted. We note that in a subsequent storm, officers were assigned to critical locations. We believe that police officers may help traffic to flow, and even if they can't their presence would prevent drivers from blocking intersections and fighting with one another.

2-2 Pre-stage Tow Trucks at Key City Choke Points and on Route 95.

Plow drivers know that areas such as Cypress Street in the city, and the Thurber's Avenue curve on the highway, routinely clog up in snowstorms. Since tow trucks will need to be dispatched to these areas eventually, it will save time and aggravation to position trucks at those places ready to move stuck vehicles to prevent logjams from

occurring. Cost and logistical problems will need to be solved to put this in place, but three key witnesses testified their belief in the efficacy of this, and the committee strongly feels that city and state agencies must do this to maintain traffic flow.

Vice-Chairman West asked: "If tow trucks had been stationed on the highway at certain strategic places, and if that were a routine procedure in emergencies, would that make it less likely to have this kind of gridlock on the main roads?"

DPW Director Nickelson replied: "I'm sure it would [have.] I know it would've on the interstate."

3. EQUIPMENT AVAILABILITY AND DEPLOYMENT

3-1 Create A Second Site for Loading Plows with Sand, Salt and Fuel.

Currently the yard off Allen's Avenue is the only source for sand, salt and fuel. This area historically bottles up whenever accidents or snow thickens traffic on Route 95. On December 13, trucks trying to reload and refuel became mired in traffic. Although it will be expensive, the city must identify, buy or lease at least one other site, preferably in an area that is not a traffic choke point, and build storage for salt and sand. This was a key recommendation of Carol Grant's "Snow Improvement Report" of 2004, but three years later this has not been done.

The problem of refueling has been, or can be, solved through the issuance of fuel cards or Speed Passes to plow drivers – a system that will naturally require auditing.

3-2 Include the Purchase of Liquid De-Icers in the DPW's Budget

DPW Executive Director John Nickelson testified that liquid de-icers spread faster than salt and remain on the roads longer.

4. TOWING OPERATION

4-1 Revise Parking Ban and Towing Procedures

The 2004 Snow Operations Improvement Report identified towing that "started too late and wasn't aggressive enough" as one of the "four biggest problems" in that storm. Sol Solomon told members of the City Council on December 20, 2007, that parked cars blocked plows from clearing many streets after this storm.

We recommend an aggressive towing program that begins as soon as an emergency is declared. (See recommendations C. 1-2, 2-2, and 2-4 below on declaring a state of emergency and notifying the public about their obligations.) The 2004 Snow Improvement Report directed DPW to "identify areas where parked vehicles are a chronic impediment to the plowing operations" and recommended that the Police Department "give priority to those 'hot spots.'"

5. INSPECTION/QUALITY

5-1 Assign DPW "Permanent" Inspectors to Neighborhoods.

We note that the April 24, 2008, memo entitled Update on Snow Operations - 2008 says "permanent inspectors" are now assigned to each ward, "resulting in an increased quality of inspection." We affirm this commitment and believe it holds the potential to prevent a repeat of dangerously icy streets in some neighborhoods as much as 48 hours after the December 13 storm.

See also recommendations below for automatic redirecting of complaints received after-hours and on weekends from City Hall numbers to DPW headquarters and for an interactive central City database for complaint reports. (Recommendations 2-5 and 2-6 on page 32.)

5-2 Strictly Enforce Sidewalk-Clearing Ordinance.

City ordinance already requires that owners clear sidewalks "within the first four (4) hours of daylight after the end of any snowfall" to a width of three feet along the entire border of the property. But many landlords ignore this ordinance, even after being reminded, and we heard testimony that this ordinance is virtually never enforced.

We recommend that the Police Department place special emphasis on enforcing this ordinance until property owners, particularly businesses and institutions, comply with the law.

6. COMMUNICATIONS/COORDINATION

6-1 Ensure that New Department Directors Be Fully Oriented About Snowstorm and Other Emergency Procedures.

Several department directors were unfamiliar with snow plans based on previous storms.

We recommend an orientation session for all new managers in the School Department and other City departments in order to ensure the transfer of institutional knowledge. Existing reports of snow operations et cetera are on file and unread.

6-2 Improve DPW Communications/Coordination, Particularly Through the Use of Conference Calls that Let Drivers Hear One Another.

We appreciate the likely improvement in communications through DPW's purchase and use of 100 new Nextel phones with area supervisors, ward inspectors, and vendors.

As with the School Department, we note that communications that rely on one-to-one cell phone calls may become fragmented, with the result that details get lost through the limits of the technology. We note that many DPW staff were operating

on overload for long periods of time during the December 13 snowstorm. DPW Assistant Director Sal Solomon may have set a record with 402 cell phone calls between 5:46 A.M. on December 13 and 5:07 A.M. the next morning.

6-3 Make Full Use of Emergency Command Communications Equipment.

Since 2002, the City of Providence has built and is completing impressive emergency command systems. Two locations in the Public Safety Complex are operable, as is the Communications Headquarters and a Mobile Command Center. The new Providence Emergency Management Agency Command Center is nearing completion. At any of these locations, public safety and emergency officials can establish individual or conference communications with the Communications Center, which receives 911 and other calls for police, fire, and rescue.

These systems rely on flexible 800 MHZ communications systems that can link with emergency personnel in other cities, the State of Rhode Island, and the Federal Emergency Management Agency.

These systems were not fully utilized during the December 13 crisis, in part, because there was no declaration of emergency.

The latest promising new communications system is the ability to contact thousands of citizens through Reverse 911 calls that may alert the public to critical needs. The new PEMA Director, Peter Gaynor, discussed his plan to use this emergency notification capability to notify identified "community leaders" about emergencies.

We recommend that citizens across the city be invited to participate in tests and full implementation of the Reverse 911 system.

6-4 Redirect After-Hours and Weekend Snow Complaints from City Hall to DPW Headquarters.

The 2004 Snow Operations Improvement Report included specific recommendations that after-hours and weekend calls about snow clearance be forwarded automatically to DPW headquarters. In the wake of the December 13 storm, weekend calls to various of City Hall numbers went unanswered.

We recommend that this system for redirecting after-hours calls be made operational as quickly as possible.

C. LEGISLATION AND IMPLEMENTATION

We offer additional recommendations for the City Council and Mayor, as they seek to protect all who may live or work in Providence during future snowstorms and other emergencies. These recommendations fall last in our list but are high priorities. Together, the Council and the Mayor can ensure that a sound legal framework and a

well-tuned administrative structure will function effectively in emergencies.

1. CITY COUNCIL

1-1 Pass a Resolution Asking the General Assembly to Provide Immunity in State Law for Private Employees and Businesses that Cooperate in an Emergency.

Private businesses responded unevenly to emergency requests, possibly because employees were not authorized to override company policies in an emergency. We understand the dilemma of a night manager responsible for enforcing company policies that may have been written to ensure security and to protect the company against liability in an increasingly litigious society.

We note that the Rhode Island General Laws currently provide narrow protections for persons who provide "Good Samaritan" assistance in several limited emergency situations,² but state law provides no protection against lawsuits for those who extend themselves in critical emergency situations.

We recommend that the City of Providence seek immunity in state law for businesses and institutions and individuals that respond as "Good Samaritans" to reasonable requests for assistance during a declared state of emergency.

1-2 Amend the Providence City Ordinance to Clarify the Criteria and Process for Declaring a State of Emergency.

During the December 13 storm, neither the State of Rhode Island nor the City of Providence declared a state of emergency, even though there can be little doubt that

² 9-1-27.1 Good Samaritan – Immunity from liability. – No person who voluntarily and gratuitously renders emergency assistance to a person in need thereof including the administration of life saving treatment to those persons suffering from anaphylactic shock shall be liable for civil damages which result from acts or omissions by such persons rendering the emergency care, which may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross negligence or willful or wanton conduct.

33-15-4.1 Good Samaritan guardians. – (a) Any person who files a petition for a guardianship of the person pursuant to the provisions of this chapter may also file to be qualified as a good Samaritan guardian. A good Samaritan guardian may be appointed by the probate court in those instances where the court determines that the estate of a proposed ward is insufficient to pay for the services of a guardian and that such an appointment would otherwise be in the best interests of the individual for whom the guardianship is proposed.

23-19.8-1 Short title. – This chapter may be cited as the "Hazardous Waste Cleanup Good Samaritan Act".

23-19.8-3 Exemption from liability. – Notwithstanding any provision of law to the contrary, no qualified or trained person who voluntarily and at the request of:

- (1) A governmental agency;
- (2) The person responsible for any discharge;
- (3) The person responsible for preventing, cleaning up, or disposing of any discharge; or
- (4) The agent or authorized representative of any agency or person, provides assistance or advice in mitigating the effects of an accidental or threatened discharge of hazardous materials, or in preventing, cleaning up, or disposing of the discharge, shall be subject to civil liabilities or penalties of any type.

a true emergency existed. Emergency operations centers did not alert public agencies or the public at large about increasing dangers caused by the storm. Drivers who left work expected slow going but not gridlock on interstate highways and city streets.

While the vast majority of the people who live and work in Providence may never read an emergency ordinance, most understand instinctively that a declaration of an emergency is a threshold that requires special behavior.

The Providence ordinance for declaring a state of emergency ... (§ 7-1 through 7-16) creates an Emergency Management Council which is large and virtually impossible to convene in an emergency. Another section of the ordinance (§ 7-16), which is clearly based on hurricane experience, requires the director of the Department of Public Works "to announce publicly, not less than twenty-four (24) hours in advance, that said storm may adversely affect said city . . ." and to sound sirens.

We recommend that the Council review and revise this entire ordinance to reflect current conditions and technology. A revised ordinance should take into account the Emergency Advisory Board established by Mayor David Cicilline in December.

The current ordinance authorizes the director of the Providence Emergency Management Agency to seek a declaration of emergency from the "Providence City Council or by higher authority." We recommend that this ordinance be amended to direct the Mayor to declare an emergency and that the ordinance establish an alternative line of authority if the Mayor is incapacitated. Since the succession is to the City Council President, that seems to be the logical next step.

Since the current ordinance gives no definition of an emergency or criteria for declaring an emergency, we recommend that these be added to the ordinance.

1-3 Increase Minimum Fines for Failure to Clear Sidewalks and Provide for Doubling and Tripling Fines for Repeat Offenders.

Two pedestrians were killed within a few miles of Providence, when snow-packed sidewalks forced them to walk in the street.³ On Wednesday, December 19, the Providence Journal published a photo taken five days after the storm and only a few blocks from City Hall of an individual in a wheelchair who was forced buck traffic

³ Two pedestrians forced from snow-covered sidewalks killed By Tatiana Pina and Philip Marcelo - Journal Staff Writers, Thursday, December 20, 2007

Two people forced into the streets by snow-packed sidewalks — a Woonsocket man going to work in the predawn darkness and a Blackstone, Mass., mother of five heading home in the early evening — were struck and killed by snowplows this week.

The plow driver in the Woonsocket accident, which occurred early yesterday morning, was cited by state police for equipment violations, while the police are still searching for the driver involved in the Blackstone accident on Tuesday.

"It's just sad that this happened in two locations. I just pray our walkers will be more vigilant and drivers will control their vehicles," said Michael Annarummo, Woonsocket's director of public works and administration.

because of sidewalks that were impassable.

City ordinance already requires that owners clear sidewalks "within the first four (4) hours of daylight after the end of any snowfall" to a width of three feet along the entire border of the property.⁴ But many landlords fail to clear sidewalks, even after being reminded. We received testimony that this ordinance is virtually never enforced.

In another section (5-2: Strictly Enforce Sidewalk-Clearing Ordinance, page 25), we recommend aggressive enforcement by police, an effort that we believe must be enhanced by substantially increasing minimum fines for businesses. We are especially concerned about institutions and landlords that assume this won't be enforced and ignore it. Penalties for violations of this ordinance currently range from \$25 to \$300. In light of the serious risks posed by icy sidewalks, we recommend that the ordinance be amended to raise to \$100 the minimum fine for failure to clear a sidewalk, with fines doubled and tripled for repeat offenders. We note that state law currently provides substantially higher fines for landlords and employers who ignore safety requirements for Overcrowded Assembly⁵ and for repeated violations of the Public Health and Workplace Safety Act. Fines are doubled and then tripled on the second and third offenses.

⁴ **Sec. 23-13. Removal of snow--Required.**

All owners, occupants or persons having care of any building or lot bordering upon any street, highway or public place within the city, shall within the first four (4) hours of daylight after the end of any snowfall, or the fall or deposit of snow on the sidewalk of said building or lot from any cause whatsoever:

- (a) Remove or cause to be removed all snow from a path not less than three (3) feet in width of the entire border in or on said street, highway, or public place;
- (b) Remove or cause to be removed all snow from around any fire hydrant on the sidewalk in front of said building or lot;
- (c) Remove or cause to be removed all snow from the opening of any catch basin in the sidewalk of said building or lot;
- (d) Remove or cause to be removed all snow from pedestrian-access ramps cut into street curbs bordering said building or lot;

Any person found guilty of violating this section shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00). The enforcement of the above shall be done by the city police department.

(Ord. 1914, ch. 30, § 24; Rev. Ords. 1946, ch. 33, § 38; Ord. 1961, ch. 1422, § 1; Ord. 1994, 94-56, § 1, 12-27-94; Ord. 2003, ch. 03-37, 6-16-03)

⁵ **§ 11-11-7 Overcrowded assembly.**

(c) *Penalty.* If any person in control or possession of a building or structure, or portion of it, fails to comply with the provisions of this section, the assembly shall be reduced to the limit set forth by this section and the person in control or possession of a building or structure shall be guilty of a petty misdemeanor and fined an amount not more than five hundred dollars (\$500) for the first offense with notice of the offense sent by certified mail to the owner of the building or structure. The fine shall double for the second offense and triple for the third offense with all notices of the offenses sent to the owner of the building by certified mail. In the event there are more than three (3) offenses at a building or structure, the owner shall also be guilty of a petty misdemeanor and fined an amount not to exceed five hundred dollars (\$500).

§ 23-20.10-10 Violations and penalties. — (a) An employer who violates this chapter shall be liable for a civil penalty as follows:

- (1) A penalty of two hundred fifty dollars (\$250) for the first violation;
- (2) A penalty of five hundred dollars (\$500) for the second violation;
- (3) A penalty of one thousand dollars (\$1,000) for the third and subsequent violations ...

1-4 Conduct Oversight Hearings to Ensure Implementation.

Reports produced by special commissions like ours commonly gather dust. We hope the Council's intense concern, expressed in their December 20 hearing, in their appointment of this Independent Review Board, and in their support for our work, will result in ongoing oversight of snowstorm and other emergency preparedness. The Council plays a significant role in providing for the safety and security of people who live or work in Providence.

We urge the City Council, in fulfilling its duty to provide legislative oversight, to schedule hearings well before next winter to make sure that various city departments and offices are considering, adapting, and implementing these recommendations.

1-5 The Council and the Mayor Should Explore Ways to Encourage Use of RIPTA Busses When a Snowstorm or Other Strong Storm is Forecast.

DPW Director John Nickelson and Bill Roche, contract manager for First Student, both expressed concern that Route 95 and the city's streets are at or over their capacity to handle traffic. Roche noted that there are now so many vehicles on the roads that Rhode Island had to drop its traditional license plate numbering system of two letters followed by three digits to one of six digits.

Roche testified that gridlock frequently occurs when slippery conditions or minor accidents overload an Interstate highway system that currently operates far above its designed capacity. This is not just a problem in snowstorms – every day, Providence is at risk of major complications caused by an over-loaded interstate highway system. Rather than embark upon expensive public works projects to increase capacity, we recommend legislatively pursuing more and better public transit.

Given the realities of global climate change, high gasoline prices, and endemic obesity, public transit such as a new light rail system should be given priority over new highway construction. Even with cleaner automobile technology there is only so much space that a metropolitan area can designate for private vehicles before it reaches saturation – and experienced transportation managers such as Nickelson and Roche testified to their believe that we have reached the saturation point.

We recommend that the Mayor and City Council strongly encourage the use of RIPTA busses when a snowstorm or other strong storm is forecast. Currently the federal government offers financial support for free bus rides during ozone alert days in summer. A similar program for snow days would be helpful – we do not pretend to know how to finance this, but note it as the type of solution the city and state could pursue legislatively.

2. MAYOR AND ADMINISTRATION

2-1 Seek Immunity in State Law for Private Employees and Businesses that Cooperate in an Emergency.

As noted in the City Council section above (1-1 Immunity in State Law), we recommend that the City of Providence seek immunity for businesses and institutions and individuals that respond as "Good Samaritans" to reasonable requests for assistance during a declared state of emergency must be granted immunity against lawsuits.

We strongly recommend that the City Solicitor craft legislation for introduction in this session of the General Assembly that would grant broad immunity against lawsuits to businesses and institutions and individuals who respond as Good Samaritans to reasonable requests for assistance during a declared state of emergency. We suggest that civic and business groups would support passage of such legislation.

2-2 Recognize and Declare Emergencies Promptly.

As described in numerous news stories and in the narrative section of this report, neither the State of Rhode Island nor the City of Providence declared a state of emergency on December 13, even though there can be little doubt that a true emergency existed.

We welcome Mayor David Cicilline's decision to create an Emergency Advisory Board, which is to be convened by Providence Emergency Management Agency Director Peter Gaynor, who met with us twice during this review. We are confident that no future crisis will escape serious and timely attention.

We recommend that the administration work promptly and closely with the City Council in updating the City's emergency ordinance.

2-3 Create a "Culture of Urgency" among Senior and Middle Management.

Several times in the course of hearing testimony the Committee was stunned by what seemed to be a lack of urgency among city, school department, and state leaders that day. Hired managers such as the former head of the Providence Emergency Management Agency, the Superintendent of Schools, and the state's adjutant general failed to recognize the unfolding emergency, and the top elected officials of the school and municipal departments – the school committee chair and the mayor – overly relied on their managers to spread the word that children were in danger, near anarchy was clogging intersections, and police intervention was required.

This recommendation sounds obvious, but on December 13 it was not: When a high-level staffer sees a crisis unfolding, he or she should notify the person ultimately responsible for his or her employment – the mayor in terms of city managers, and the school committee chair for school department managers. But, as Harry Truman famously noted: The Buck Stops Here – on the executive's desk. If staff fails management, management has failed staff.

2-4 Encourage Civilian Cooperation in an Emergency.

As noted in the our narrative of the storm, unfortunate behavior by many frustrated, impatient drivers made problems worse across the city. At some intersections, the "frozen river" of traffic became a "quiet riot" of lawless behavior.

We see the behavior of civilians as a critical in addressing an emergency. In traffic-related emergencies, city leaders (Mayor, PEMA Director, Police Chief) must call local radio stations to deliver calming messages and provide helpful guidance.

We recommend that any declaration of emergency trigger prompt communications with the media regarding the nature of the emergency and recommendations for cooperation by businesses, institutions, and the public at large.

2-5 Activate an after-hours complaint line.

The 2004 Snow Operations Improvement Report included specific recommendations for after-hours and weekend calls from residents of neighborhoods can call with complaints about snow clearance, those systems appear not to have worked in the wake of the December 13 storm. The automatic transfer of after-hours and weekend calls to DPW were not operating on December 15, leaving callers frustrated...

We recommend that the Office of Neighborhood Services system for redirecting complaints from City Hall to the Department of Public Works be made operational and effective.

2-6 Create a Database where City Officials, Employees, and Members of the Public Report Neighborhood Problems.

The final recommendations of the 2004 Snow Operations Improvement Report (p. 14) included: (1) developing a software template "to standardize intake calls and make the data more useful both during the storm and after," (2) improving "Ready Room technology" at DPW, and (3) determine how to integrate snow emergency procedures and overall PEMA procedures.

If progress has been made in this area, it was not apparent in our interviews. We recognize that data collection and management in this area needs substantial improvement. When asked about icy streets that remained dangerous 48 hours after the storm, DPW Director John Nickelson said there are no written reports by inspectors that could be digitized to map problem areas and to identify poor performance in clearing streets.

We note that citizens are often troubled by specific neighborhood problems: icy streets, sidewalks not shoveled, unsealed vacant buildings, graffiti, drug activities, potholes, clogged storm drains, open hydrants, excessive noise.

Aside from calling 911 or their member of the City Council, many citizens may not make the link between neighborhood problems and the department responsible for

addressing a particular problem. Providence currently lacks a citywide database where complaints about the gamut of issues can be reported, mapped, tracked and referred for action.

This leads to several related database recommendations:

- (1) We recommend that the administration create a central database where City officials and employees or ordinary citizens can report neighborhood problems quickly and accurately.
- (2) We recommend that this database be linked to the www.providenceri.com website, so that citizens can register their concerns or complaints online. We recommend that telephone complaints be routed to a telephone operator responsible for entering the data.
- (3) We recommend that the City explore purchasing rugged, hand-held computers through which officials and employees who walk or drive around the city can use this database to report dangerous conditions, whether or not their department is responsible for addressing a particular problem.
- (4) We recommend that inspections be coordinated with Community Policing programs to improve accountability and enforcement.