



## BURLINGTON POLICE DEPARTMENT

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### **MEDIA RELEASE**

INCIDENT TYPE:	DATE/TIME REPORTED:	
Accident with injury	May 7, 2014 @ 1136 p.m.	
INCIDENT NUMBER:	LOCATION:	
14BU011359	University Place, Burlington	
INVESTIGATOR:	INVESTIGATOR CONTACT:	
Officer F. Spaulding	(802) 540-2335	
AUTHOR:	APPROVED BY:	
Sergeant C. Nadeau	Lieutenant Lawson	
VICTIM:	AGE:	VICTIM ADDRESS:
	21	Burlington, VT
Vehicle operator	AGE:	SUSPECT ADDRESS:
Olivia Maccioni	18	Burlington

### **NARRATIVE:**

On May 7, 2014 at 1136 p.m. Officers from the Burlington Police Department and members of the Burlington Fire Department were dispatched to University Place for a tow truck driver who had been struck by a passing vehicle.

Investigation revealed the following details regarding this collision: A 21-year-old male employee of Spillaine's Towing Company was preparing to tow a vehicle from University Place when he was struck on the right leg by a passing vehicle driven by Olivia Maccioni (18). The male tow truck driver was transported to the Fletcher Allen Hospital where he was treated and released for a broken leg.

At the time of this collision, the male tow truck driver was wearing a fluorescent OSHA approved reflective traffic vest and the flashing amber lamps of his tow truck were activated. Maccioni was found at fault for this collision in violation of Title 23 VSA 1050(b) "Operation on approach of law enforcement and emergency vehicles", which requires motorist to use caution upon approaching emergency vehicle's to include towing/repair vehicles when their amber lamps are flashing. Maccioni received multiple Vermont Civil Violations Complaints (traffic tickets) related to this incident.

*Respect ~ Honor ~ Remember*

*Officer James P. McGrath, end of watch May 12, 1904; Officer J. Albert Fisher, end of watch December 15, 1947;  
Officer Robert W. Provost, end of watch January 13, 1954*

At the time of the incident, the male tow truck driver was assisting the City of Burlington with an overnight parking ban, which was in place for the purpose of street cleaning operations. The overnight parking ban remains in effect until May 9, 2014 at 7:00 am. The Burlington Police Department would like to remind the operators of motor vehicles to use caution when approaching emergency vehicles to include towing/repair vehicles.

***1050. Operation on approach of law enforcement and emergency vehicles***

*(a) Upon the approach of a law enforcement vehicle which is sounding a siren or displaying a blue or blue and white signal lamp, or both, or upon the approach of an ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, EMS personnel, or a motor vehicle used in rescue operations as set forth in section 1252 of this title which is sounding a siren or displaying a red signal lamp, or both, all other vehicles shall pull to the right of the lane of traffic and come to a complete stop, until the law enforcement or emergency vehicle has passed. However, an enforcement officer who is present shall have full power to regulate traffic irrespective of the foregoing provisions.*

*(b) The operator of a vehicle which is approaching a stationary law enforcement vehicle which is displaying a blue or blue and white signal lamp, or of a vehicle which is approaching a stationary ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, or a motor vehicle used in rescue operations as set forth in section 1252 of this title which is displaying a red signal lamp or a stationary towing and repair vehicle displaying an amber signal lamp shall proceed with caution, and, if traveling on a four-lane highway, and safety conditions permit, make a lane change.*

The fine for failing to abide by this section is \$249.00 and carries a 5 point penalty towards suspension of a person's operator's license. Under Vermont motor vehicle law a person's privilege to operator a motor vehicle is suspended at 10 points.

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