

# ***PA FIRE POLICE*** ***Manual On Uniform Traffic*** ***Control Devices (MUTCD)*** ***Update On Fire Police Fairness Act*** **By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor**

As of January 12, 2012, all municipalities in the United States are required to be in compliance with the Manual On Uniform Traffic Control Devices (MUTCD). Failure to do so will result in no Federal funding and difficulty obtaining immunity should a problem occur.

In the Fire Police Review training program, much of what fire police and fire companies must know and be in compliance with, is covered.

There are a few items we would like to discuss in this article. Many fire police and fire fighters alike have taken the Highway Safety Program in which the coral colored sign, featuring a silhouette of a male holding a flag, was identified as a requirement.

When reviewing the MUTCD requirements, it is to be noted that emphasis is on the use of signs containing an orange background with black lettering. This would seem to indicate that only an orange sign with black lettering may be used. However, this is not the case. The coral colored sign may also be used as indicated in the current (2009) issue of the MUTCD.

## **VESTS**

When ANSI Class II vests were required to be worn by fire police officers, the law only recommended that fire police officers be issued a 5-point break-away type. Obviously this is a grave safety issue. A fire police officer's vest could easily become attached to a moving vehicle and jeopardize the safety of the individual.

However, in the 2009 issue of the MUTCD, it is now mandatory that all emergency personnel wear a 5-point break-away ANSI Class II vest when working on a highway and recommended that an ANSI Class III garment be worn when operating on a highway during hours of darkness for better visibility.

## **EMERGENCY LIGHTS**

Another serious safety issue addressed by the MUTCD is scene safety. There is a strong desire by many emergency responders to illuminate an emergency scene with as many lights as possible. The obvious intent is to provide for the safety of the emergency responders. However, in a prior article we addressed this issue based on a survey conducted in five different states where it was shown that lights are actually creating safety problems for first responders.

The survey revealed that DUI's, persons on drugs, the elderly and fatigued individuals are actually drawn toward red lights, creating safety hazards for them as well as emergency personnel. The survey further stated that when red lights are turned off after emergency vehicles arrive on location and amber lights are turned on, the same four types of individuals actually go away from the emergency scene.

### **Section 6I.05 – Use of Emergency Lighting**

- Support: The use of emergency vehicle lighting (such as high intensity rotating, flashing, oscillating, or strobe lights) is essential, especially in the initial stages of a traffic incident, for the safety of emergency responders and persons involved in the traffic incident, as well as road users approaching the traffic incident.
- Emergency Vehicle Lighting, however, provides warning only and provides no effective traffic control.

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- It is often confusing to road users, especially at night.
- Road users approaching the traffic incident from the opposite direction on a divided facility are often distracted by emergency vehicle lighting and slow their vehicles to look at the traffic incident posing a hazard to themselves and others traveling in their direction.
- The use of emergency vehicle lighting can be reduced if good traffic control has been established at a traffic incident scene. This is especially true for major traffic incidents that might involve a number of emergency vehicles.
- If good traffic control is established through placement of advanced warning signs and traffic control devices to divert or detour traffic, then public safety agencies can perform their tasks on scene with minimal emergency vehicle lighting.
- Public safety agencies should examine their policies on the use of emergency vehicle lighting, especially after a traffic incident scene is secured, with the intent of reducing the use of this lighting as much as possible while not endangering those at the scene. Special consideration should be given to reducing or extinguishing forward facing emergency vehicle lighting, especially on divided roadways, to reduce distractions to oncoming road users.

### **FIRE POLICE FAIRNESS ACT**

In a prior issue we discussed the concern recently brought to light by the State Fire Commissioner, Ed Mann, regarding the lack of coverage under the Federal Death Benefit Act. Essentially fire police officers are not entitled to benefits should a line of duty death occur.

Recent legislation was introduced entitled “Fire Police Fairness” by a Representative from the State of Connecticut and reads as follows:

- **Rep. Joe Courtney (D-Conn.) introduced the Fire Police Fairness Act (H.R.1828), on May 6, 2013, which clarifies that fire police officers who perform traffic incident management duties as officially recognized or designated members of a legally organized public safety agency, are public safety officers and qualify for the Public Safety Officers Benefit**
- Sen. Richard Blumenthal, [D-CT] (Introduced a companion Bill S 876 on 05/07/2013)

#### **H. R. 1828 proposes**

**(5) fire police officer includes an individual who—**

**(A) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency but is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew described in paragraph (10)(A); and**

**(B) provides scene security or directs traffic—**

- (i) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or**
- (ii) at a planned special event;**

- **Dave Finger, Government Relations for the National Volunteer Fire Council**

said clarification is needed for the protection of fire police responders serving public safety agencies, who no longer may be able to serve in a firefighting capacity but work traffic control for a fire department. Fire Police mainly do traffic control for roadside emergencies when firefighters may be extricating a person.

“They are just trained to direct traffic,” he said. “Frequently, there are those who were firefighters who are up in age and can’t run into burning buildings anymore. A lot of times, these people are lifelong members of a volunteer fire department who still want to be productive.”

“If a fire police officer is hit by a car and killed, he or she is not eligible for the PSOB under current rules”, Finger said. “This is due to language in the PSOB statute that narrowly defines firefighting as fire suppression. (H.R. 1828) states that if you are acting as a fire police officer

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– you have to be trained, it has to be done for a public safety agency and working in an official capacity,” he said. “Then you would be eligible for PSOB as fire police officer, as it creates a new category of a public safety officer”.

*It would appear that a great idea would be for all fire police officers to contact their Representatives and Senators to encourage their support for this bill. Don't assume someone else will do so, so you don't have to. It takes a lot of ones to make many.*

**Editor's Note:** *As of Presstime 12 cosponsors (8D, 4R) have signed in support of this legislation.*

**DeLauro, Rosa [D-CT3]**

**Esty, Elizabeth [D-CT5]**

**Fitzpatrick, Michael [R-PA8]**

**Himes, James [D-CT4]**

**Larson, John [D-CT1]**

**McIntyre, Mike [D-NC7]**

**Meehan, Patrick [R-PA7]**

**Thompson, Glenn [R-PA5]**

**Tonko, Paul [D-NY20]**

**Brady, Robert [D-PA1]**

*(joined May 09, 2013)*

**McCarthy, Carolyn [D-NY4]**

*(joined May 14, 2013)*

**Gerlach, Jim [R-PA6]**

*(joined Jun 11, 2013) have co-sponsored this bill.*

*You can reach your congressman and other key officials with a prepared message just go to [PESLA.org](http://PESLA.org) Look under Issues, current legislation*

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