

PA FIRE POLICE

Fire Police Authority On Out of State Mutual Aid Calls

By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor

Through these articles, we have attempted to discuss matters of interest or concern to fire police officers, but we have also attempted to address beliefs possessed by some fire police officers that may not be correct, especially if it could lead to liability.

Once, such concern occurred a couple of years ago when we conducted a class for a group of fire police officers who indicated that they provide mutual aid, on a constant basis, that takes them into another state.

They were very concerned and not too pleased with this instructor when told this was not legal. They claimed to have done so for many years. An instructor has an obligation and a responsibility to provide accurate information regardless if it is pleasant or unpleasant to hear.

So, let's take a look at this practice, since many fire police units border other states and may encounter the same problem.

When a fire police officer assumes this role, he/she joins a fire company in the State of Pennsylvania and, is therefore, operating under Title 35, a Pennsylvania law for fire police officers.

This law permits a fire police officer to conduct traffic, perform crowd control duties, and provide security if requested to do so by the fire marshal, fire chief, and/or police departments.

However, it is a Pennsylvania State Law and, nowhere in the law does it give authority to fire police to perform these duties in another state.

When the fire police officer crosses a state line, even on mutual aid, by what authority can they perform these duties in another state where the laws may very well be different than those in Pennsylvania?

"Well, we are responding to mutual aid" goes the "argument." Agreed, but you are going into another state, not another county. Where

do you get your authority? The requesting fire company in that other state cannot give it to you, the requesting fire police in that State cannot give it to you, so obviously you have absolutely no authority in that State and no legal defense in a courtroom should a problem occur.

The fact that you enjoy participating in mutual aid is certainly commendable but you cannot do something that is not proper or could lead to liability problems just because you want to be helpful.

The next topic we would like to address is the use of traffic cones. The concern seems to center around what color and what height do they need to be.

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Some fire police units have purchased lime green cones. Unfortunately, they are not the proper color cones to use. Currently, the cones must be orange in color, 28-inches in height, have a six-inch retroreflective strip of retroreflective material.

According to PennDot and the current Manual on Uniform Traffic Control Devices, (MUTCD), which every community in the United States must abide by, traffic cones must be orange in color.

All signs used on the highway must have an orange background and black lettering. In a previous article we addressed the use of signs at an emergency scene but did not indicate the required color.

Another area of confusion for fire police officers is whether they have any authority on the Pennsylvania Turnpike.

In order to answer this question, we went directly to the Turnpike Commission and the following information is taken from their documentation:

“Traffic control on the Pennsylvania Turnpike is the responsibility of the Pennsylvania State Police.

Assistance and support is provided by the Commission’s maintenance department.

The authority for volunteer fire companies to designate and use fire police is found in Title 35 of the PA Code.

These sections apply to the PA Turnpike as well as local roads.

The Commission prefers that the contracted fire companies not bring fire police to turnpike incidents.

However, if fire police do respond we ask that they respond on fire apparatus just as other emergency personnel.

Upon arrival at the scene, fire police must immediately report to the Pennsylvania State Police officer-in-charge before taking any action. This is not only required by law but is necessary to ensure all parties on the scene are working together toward the same goal.

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If you reach the scene of an incident before the Pennsylvania State Police, fire police may only take that traffic control action necessary to:

Protect the scene from further accidents;

Protect the emergency vehicles and personnel;

Ensure that traffic is able to flow as safely as possible under the existing circumstances.

NOTE: "Fire Police should not stop traffic unless existing conditions require stoppage to prevent further accidents."

In reading their documentation you will see that they recognize the authority of fire police to function anywhere in the State of Pennsylvania including the turnpike.

However, their declaration that fire police may not bring their POV's onto the turnpike is certainly understandable. The incident usually creates enough chaos on its own.

Reporting directly to the PA State Police also follows the law which declares fire police function under the police department when on duty.

Note that the Commission does recognize that fire police are authorized by Title 35 to self-

activate when they come upon an incident and there are no police or a fire company on the scene, including the turnpike.

So, yes, you do have authority on the turnpike, just cannot drive your POV to the scene but, if you are on the turnpike and come upon an incident, you have the same authority and requirements as you do on any local road.

When writing these articles, we try to cover the material as thorough as possible to avoid confusion and/or misunderstandings. Sometimes we may not achieve that goal and may unintentionally omit an item of importance and we may be reminded of that by a reader.

We were reminded that in the article covering the use of red and blue lights, we failed to mention that blue lights on the dash are not legal.

It should be noted that red lights are also not permitted on the dash, since all emergency lights mounted on a vehicle must provide a full 360 degree visibility. Also, placing strobe lights in turn signal cavities, giving the impression it is a police vehicle and has the right of way, is also not legal.