

PA FIRE POLICE

Areas of Concern and/or Changes that Fire Police Need to be Aware Of

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

In this month's issue we will deal with several areas of concern and/or changes that fire police as well as fire fighters may need to be aware. Since many fire police officers either refuse to attend training or attend on a very infrequent basis, we attempt to use this format as a means of providing information that ALL fire police must be aware. Unfortunately, as we have discovered, many fire police officers are either not aware of these articles or do not take the time to read them. Our hope is that the fire chief, who is ultimately responsible for the actions and conduct of the fire police, will provide this information or request that they read them. It comes under the category of CYA for both the fire police officers and the fire chief.

When the Highway Safety Program was first introduced it specified that a sign posted to alert drivers of an emergency ahead had to be Coral (pink) in color and had to have the emblem of a person holding a flag. PennDot has stipulated that warning signs must be orange in color with black lettering.

The manual on Uniform Traffic Control Devices specifies that the signs used must be orange or coral in color. Thus, to clarify color of signs, it can be seen that either Coral or Orange may be used. This appears in Chapter 61 of the MUTCD manual and should help guide fire police as well as fire fighters as to which color may be

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legally used. The coral signs do not have to be discarded, they may continue to be used.

PennDot now recommends signs posted to alert motorists of problems they may encounter should read "Incident Ahead" instead of the traditional signs that state "Emergency Ahead", "Accident Ahead", or "Construction Ahead".

The use of the Baton during traffic control has come into question regarding its legality. The law specifies that a flashlight must be used during hours of darkness while engaged in traffic control. It is easy to understand why some fire police officers may become confused on this issue.

While technically it is not a flashlight, it does provide suitable lighting. The baton in question is approximately 18 inches in length, has two batteries, lightweight and provides various types of lighting: steady, pulsating, and flickering. In addition, it does not emit a beam which could blind a driver.

A problem which does exist however, is that they are also made in green as well as red with some equipped to emit either color. Unfortunately, the law still requires that the light be equipped with a red luminaire cone so the use of the green lens may present problems.

There are still a number of fire police officers on the highways who either have not attended training programs or have forgotten what they learned and have now developed improper signals used while they are engaged in traffic control. In recent months we have personally observed a number of such incidents occurring in various locations as we travel to various classes. While this matter has been covered in a prior issue of this publication it apparently bears repeating. The Pennsylvania Vehicle Code, Title 75, Chapter 3100, specifically Section 3111 stipulates that signals given must be clear and understandable. Some of the "arm waving" and "gyrations" being performed by some fire police are certainly going to lead to accidents and/or liability suits. Not only that, but the image projected by the fire police officer is being perpetuated as one of incompetence and carelessness. Remember, in a court room, negligence is defined as "what would a reasonably careful, prudent person do

in similar circumstances". An attorney may certainly require you to demonstrate the signals you used for a jury to observe. How would you appear to the jury?

The issue of fire police officers being paid to perform non-emergency services for agencies requesting this service is still being abused by certain fire police units. Recently, we discovered that a fire police unit charged a specific amount, per fire police officers, to perform traffic control duties. Obviously, these fire police officers are more concerned about getting paid than they are about their coverage under medical insurance should they become injured. We certainly can't fault anyone for their desire to earn additional money. We would all appreciate that opportunity. However, the problem here is that these fire police officers are either not aware or don't care that they have no authority to don the uniform provided by their fire company, have no right to display their badge, and have no authority whatsoever to operate on the highway since they are now paid employees of the entity requesting their services. Since being paid null-and-voids the volunteer status, they have no authority to operate on a highway and the police could certainly order them to cease these activities.

Since the issue of payment is being addressed, let's explore how fire police can be paid by their fire companies without jeopardizing their volunteer status. A fire department can reimburse their fire police officers at the rate of \$500.00 per year without problems occurring. This is covered under the Volunteer Protection Act. This does not mean that fire police can charge outside entities for their services. The Volunteer Protection Act provides a means whereby fire fighters and fire police officers may receive compensation for their service to their fire companies so long as it does not exceed \$500.00 per year.

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