

**WHAT ARE
"SPECIAL FIRE POLICE"**

a.k.a.
"Fire Police Officers"

and

WHY DO WE NEED THEM?

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What Are "Special Fire Police"?

Introduction

The purpose and role of Special Fire Police (SFP), sometimes called Fire Police Officer (FPO) is often not well understood - and that is even a common problem within the Fire Company where the Special Fire Police function resides.

A common theme with participants in Fire Police training classes and workshops has been that as Fire Police Officers we should not assume the Mayors/Supervisors of governmental entities and the Fire Company leadership are aware and clearly understand the complexity and significance of temporary traffic control in emergency events, and therefore the role of Fire Police. Accordingly the following summary material is being offered to help serve that purpose.

Pennsylvania Fire Companies do have an option to NOT have SFPs/FPOs, but and in doing so, the fire company must be prepared to provide the very same compliance and traffic control with well cross-trained and properly attired firefighters... the requirements are set by Federal, State and local authorities.

However not having a Special Fire Police unit becomes even more complicated when the municipality or township does not have its own local law enforcement police force to assume the required responsibilities. This white paper will help clarify the important role of SFP/FPO and provide guidance on the decision by the local governmental entity on having/not having the Special Fire Police resource.

PA Municipalities Must do Traffic Control in Emergencies

Acts 7, 8, 9, & 31 of 2008 / Fire and EMS Funding/ Municipal Control has three separate Acts, one applies to second-class Townships, one to first-class Townships, and one to Boroughs. The City version was passed (Act 31) later. The legislation states:

(a) - The municipality shall be responsible for ensuring that fire and emergency medical services are provided within the municipality by the means and to the extent determined

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by the municipality, including the appropriate financial and administrative assistance for these services.

(b) - The municipality shall consult with fire and emergency medical services providers to discuss the emergency services needs of the municipality.

(c) - The municipality shall require any emergency services organizations receiving municipal funds to provide to the municipality an annual itemized listing of all expenditures of these funds before the municipality may consider budgeting additional funding to the organization.

Temporary Traffic Control (TCC)

When normal traffic patterns are altered or road access is to be limited, the state of Pennsylvania requires specific conditions to be met to enact Temporary Traffic Control (TCC). Two conditions for TCC are recognized::

- Planned events - e.g. construction, concerts, parades, art shows, etc.
- Unplanned events - e.g. fires, vehicle crashes, landslides, airplane crash, rail derailment, utility wires down, etc.

Planned events that alter normal traffic control do require prior notification to PENNDOT, Proper signage, barriers, channeling devices and authorized individuals must conduct traffic control as required by law.

Unplanned events are classified into three categories:

- Minor - Less than 30 minutes from the time of dispatch
- Intermediate - 30 minutes to two hours (occurs most frequently)
- Major - Up to 24 hours (Notation: an incident after 24 hours, becomes a PENNDOT issue)

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Each of these have differing stringent requirements in regards to early warning signage, traffic backlog, upstream sign spacing/location, use of channeling devices, transition/buffer areas, flares, cones, lane closure, road closure, detours and manual traffic control. For example on an expressway like PA-283, three warning signs on both sides of a multi-lane highway are placed at 1000, 1500 and 2640 feet, meaning more than 1/2 mile upstream to provide early warning. A lack of signs, or placed too close to the scene, improper channelizing can be cited as a causal factor for a secondary crash.

And if a secondary crash occurs causing damage, dismemberment or death, attorneys are skilled at uncovering any non-compliance with regards to missing or improperly used devices, unauthorized/untrained personnel conducting traffic control such that a local governmental entity can easily become the defendent against damages,

From MUTCD, Chapter 6, the following image illustrates how a proper TCC is to be set up for emergencies/construction. Note the **Advanced Warning Signage** that is required and how it varies based upon the speed limit and road conditions.

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FIGURE 6C-I Component Parts of a Temporary Control Zone

Figure 6C-1. Component Parts of a Temporary Traffic Control Zone

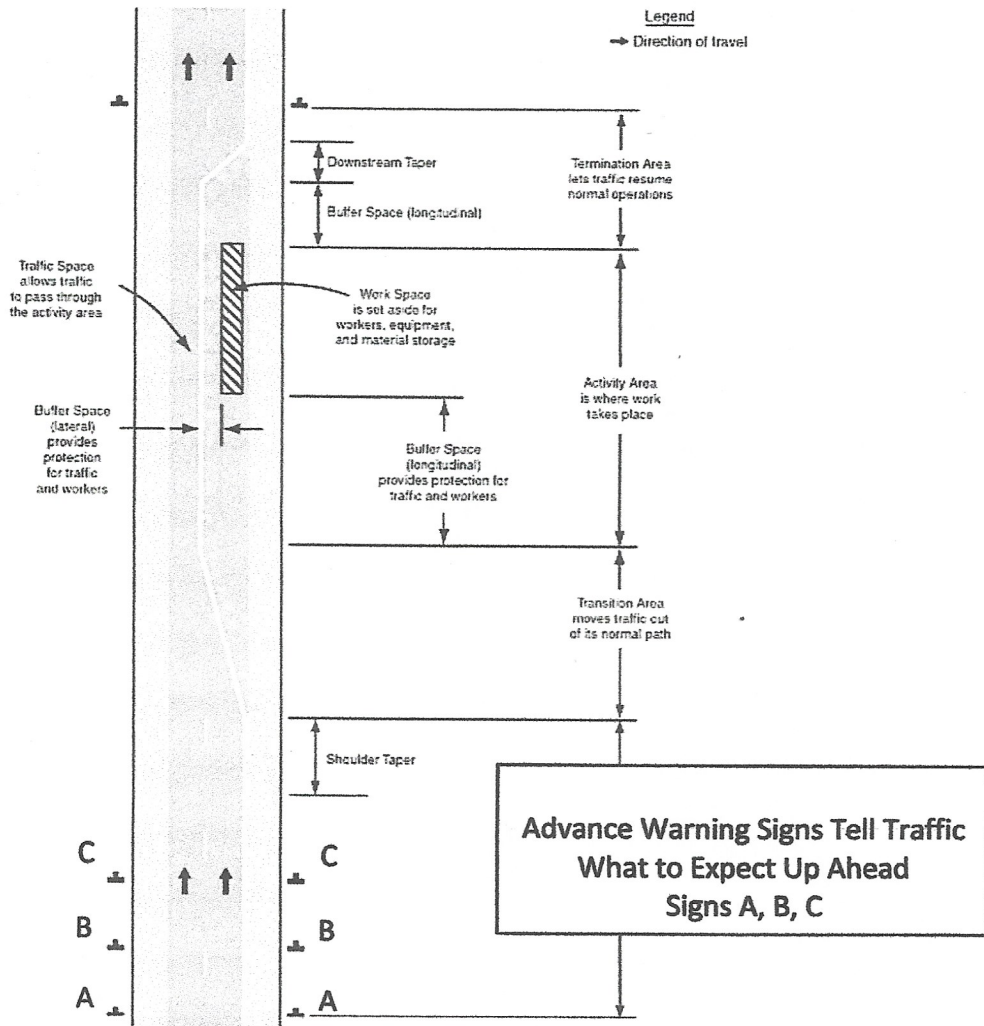


Table 6C-1. Recommended Advance Warning Sign Minimum Spacing

Road Type	Distance Between Signs**		
	A	B	C
Urban (low speed)*	100 feet	100 feet	100 feet
Urban (high speed)*	350 feet	350 feet	350 feet
Rural	500 feet	500 feet	500 feet
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet

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Compliance for both Planned and Unplanned events are covered in two major guiding references:

- Federal Manual on Uniform Traffic Control Devices (MUTCD) - Section 6-I Temporary Traffic Control (TTC)
- Pennsylvania Publication 213 adopted MUTCD in 2006 - Temporary Traffic Control - Chapter 212 Official Traffic Control Devices

What's the Risk?

Missing, inadequate, improper, or untimely Temporary Traffic Control greatly elevates the danger to people, equipment and property, and elevates unnecessary liability risks to governmental entities.

TCC is required to ensure:

- Safety of First Responders - e.g. Fire Fighters, EMS/EMTs, Fire Police, Law Enforcement and Towing Services
- Safety of the Motoring Public, pedestrians, bystanders, and residents
- Preservation of evidence at the scene

A lack of proper TCC therefore will introduce a whole new series of unfavorable issues:

- Responders struck
- Secondary crashes
- Lost time
- Delivery delays
- Wasted fuel
- Increased anger/road rage
- LIABILITY

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Special Fire Police

The Special Fire Police Officer in Pennsylvania is defined in multiple areas of Title 35 and Title 75. Following are typical provisions for SFP within Pennsylvania law.

TITLE 35 - HEALTH & SAFETY - ,Chapter 74 - Subchapter D paragraphs 7431-7437

§ 7435. Powers.

(a) Specific powers.—When confirmed and sworn and displaying a badge of authority, special fire police shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise other police powers necessary to facilitate and prevent interference with the work of firemen in extinguishing fires. They shall also have the police powers necessary to perform their duties when functioning as special fire police at any function, event or parade conducted by and under the auspices of a volunteer fire company, or another event, function or parade conducted by an organization other than a volunteer fire company, provided that the request to perform these duties is made by the governing body of the city, borough, town, township or home rule municipality in which the event will be conducted, or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists. A person functioning as special fire police and performing a duty under any of the conditions in this subsection shall be deemed to be performing the duties of his employment.

(b) Identification.—Fire police performing the duties under this subchapter shall be identifiable by, at minimum, the wearing of a distinctive arm band, hat, uniform or insignia.

(c) Construction.—Under no circumstances shall this subchapter be construed to grant special fire police the right to use firearms or other weapons in the exercise of special fire police powers granted by this subchapter.

§ 7436. Power and authority in places other than where appointed.

Whenever a volunteer fire company is in attendance on a fire or when the special fire police are on special duty as provided under this subchapter, the special fire police in a city, borough, town or township, other than the one in which the fire company is organized, shall have the same power and authority in another city, borough, town or township as they would have where they were appointed.

§ 7437. Badge of authority and subordination.

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.

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TITLE 75 VEHICLES

Title 75 Vehicles Chapter 31. General Provisions

Subchapter A. Obedience to and Effect of Traffic Laws

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of:

(1) any uniformed police officer, sheriff or constable or, in an emergency, a railroad or street railway police officer;

§ 6109. Specific powers of department and local authorities.

(a) **Enumeration of police powers.**—The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

(1) Except as limited by subsections (g) and (h), regulating or prohibiting stopping, standing or parking.

(2) Regulating traffic by means of police officers or official traffic-control devices.

(3) Regulating or prohibiting processions or assemblages on highways.

(4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 3308 (relating to one-way roadways and rotary traffic islands).

(5) Establishing speed limits for vehicles in public parks.

(6) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction.

(7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.

(8) Regulating the operation of pedalcycles and requiring their registration and inspection, and the payment of a reasonable registration fee.

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles as authorized in section 3331 (relating to required position and method of turning).

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- (10) Altering or establishing speed limits as authorized in Subchapter F of Chapter 33 (relating to speed restrictions).
- (11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33, except that speed restrictions may be enforced by local police on a limited access or divided highway only if it is patrolled by the local police force under the terms of an agreement with the Pennsylvania State Police.
- (12) Designating no-passing zones as authorized in section 3307 (relating to no-passing zones).
- (13) Prohibiting or regulating the use of designated streets by any class or kind of traffic.
- (14) Establishing minimum speed limits as authorized in section 3364 (relating to minimum speed regulation).
- (15) Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance or special events.
- (16) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk.
- (17) Restricting pedestrian crossings at unmarked crosswalks.
- (18) Regulating persons propelling push carts.
- (19) Regulating persons upon skates, coasters, sleds and other toy vehicles.
- (20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
- (21) Regulating the operation of streetcars, the passing of streetcars by other vehicles and the driving upon streetcar tracks by other vehicles.
- (22) Providing for and establishing procedures governing the removal and impounding of any vehicle parked on the highways or public property of the local authority in violation of any local ordinance adopted pursuant to the authority of this title or of any of the provisions of this title.
- (23) Adopting such other traffic regulations as are specifically authorized by this title.

Who's in charge?

At an emergency scene there can be uncertainty as to who is in charge and to whom the SFP officer reports. Put simply if it is an active fire, the SFP reports to the Fire

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Company OIC. At a vehicle crash scene where only SFP are dispatched, the arriving SFP officer will be in charge until a law enforcement officer arrives, at which time the SFP reports to the direction of the law enforcement officer. There are common misconceptions to whom the Fire Police Officers report, and who legally is in charge at an emergency scene.

"Who is in charge" may change pending on the circumstances and what has transitioned at the scene. For example when a burning vehicle is extinguished, or once the crash victims have been extracted, the scene authority shifts to the law enforcement officer.

TITLE 35 - HEALTH & SAFETY -, Chapter 74 - Subchapter D paragraph 7435 & 7437,

Self Activation

In the event of an emergency the Special Fire Police Officer may self-activate until arrival of law enforcement:

§ 7435. Powers. (a) *Specific powers:*

" ... or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists".

Subject to Police Authority

Illustrates that Special Fire Police, although members of a fire company, function under the authority of law enforcement whether dispatched or self activated:

§ 7437. Badge of authority and subordination.

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.

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Following are a few unplanned common emergency scenarios where TCC is needed and where Fire Departments and/or SFP are dispatched by Dauphin County:

- Active Fire
- Vehicle Crash Scene
- Crash Scene with fire
- Active Shooter
- Plane crash
- Barricaded "Man with a gun"
- Railroad derailment
- Crime scene

National Incident Management (NIMS) - ICS & Traffic Incident Management defines who is in charge and how resources are deployed at a major incident.. For active fires the incident commander is the Fire Company Officer in Charge (OIC) which can include burning vehicles and the FPO/SFP resources are deployed to report to the OIC.

Closure

The forgoing information has been selected as key excerpts from hundreds of pages of published Federal and Pennsylvania guides as well as relevant statutes from the Commonwealth. This information is not mean to be complete. The intent is to show the complexity in handling both planned and emergency events that adversely affect normal traffic flow.

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About the Writer

The writer has completed a range of training and certifications in the last 4 years that have included:

- Basic Fire Police
- Advanced Fire Police
- Emergency Responder to Mariner Emergency Pipeline
- Emergency Vehicle Driver Training
- Traffic Control Procedures 101
- Traffic Control Topics
- Mass Evacuation Workshop
- South Central Task Force Active Shooter Workshop & Simulation
- Transportation Rail Preparedness & Response/Flammable Liquid Unit Trains
- Hazardous Materials Awareness
- Hazardous Weather Preparedness for Campuses
- Responder Traffic Control