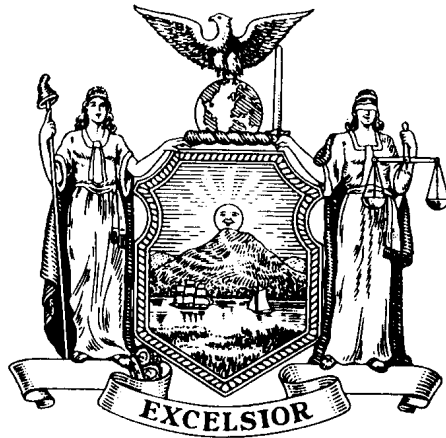


Fire Police Course

Special Programs
05 (Rev. 1-13)

Student Manual



State of New York
Division of Homeland Security and Emergency Services
Office of Fire Prevention and Control

ACKNOWLEDGEMENTS

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NEW YORK STATE OFFICE OF FIRE PREVENTION AND CONTROL

FIRE POLICE

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New York State Office of Fire Prevention and Control Fire Police Certification Course

NOTES

Introduction

Course Goal

The overall goal of this course is to give the appointed personnel in a organized fire department the required skill sets and knowledge in order to perform their job as a certified Fire Police Officer in New York State.

Course Administration

- Instructor Introduction
- Fire Exits
- Restrooms
- Student Introductions and expectations of the course
- Smoking Policy
- Breaks
- Pagers and cell phones
- Parking and other local issues
- Course registration cards

Student Enrollment

1. Box 1- Student Identification Number
Needs to be completed with either the students TIMS number issued by NYS Department of State or Social Security Number. *(If using SSN and the student does not have a TIMS one will be issued to them by the Office after completion of this class.)*
2. Box 2. Course Record Number and Course Offering number. This information is located on the Course Confirmation Notice sent to the instructor by the Office. Have the students write the numbers as they read on the Confirmation Notice until *BOTH* box 2 and 3 are filled in.
3. Box 4 will be the month and year the course will be completed.



4. Box 5 is the FDID # of the student’s primary organization and appointment date (Month/Year) student was appointed a member.
5. Boxes 6-8 students may have more than 1 affiliation, students should complete as needed.
6. Boxes 10-11 should be printed completely and neatly
7. Boxes 12-17 should be completed by the instructor.
8. Boxes 18, 20-22 must be completed for entry in the information system. All others are optional and can be filled in at the student’s discretion.

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Course Prerequisites

- Appointed Fire Police Officer of current fire department
- Firefighter authorized to attend by their Chief in any Fire Department in New York State.

Course Overview

Seven three hour sessions with skills and written knowledge testing covering the following topics:

- History of the Fire Police
- Fire Service Orientation
- Legal issues for fire police
- Vehicle and Traffic Law
- Personal Protective equipment and flagger safety
- Safety and Traffic Management
- Skills and written exam
- Review and evaluations





**NYS Fallen Firefighters Memorial
Empire State Plaza, Albany New York**

A reminder that the fire service is one of the most dangerous professions and that our risks are many. Through education, training, and knowledge we all can reduce the inherent dangers of those risks to save lives, our own as well as others.

This course meets the General Municipal Law 209-c that states all fire police officers within 12 months are required to take this course. This is the only course approved by the Officer of Fire Prevention and Control to certify Fire Police officers in New York State.

Objectives

At the end of this unit the student will understand the:

1. Course registration process and information needed by the Office of Fire Prevention and Control and will complete a student enrollment card.
2. Course schedule and instructor's expectations.
3. Instructor's background and experiences with the course material.
4. Make up of class participants and reasons why they are attending the course.
5. History and background of the origins of Fire Police in New York State and how the job has evolved over the course of time.

NOTES



References

NYS Executive Law 156
NYS General Municipal Law 209-c
Fireman's Association State of New York, Fire Police Manual,
FASNY
Firefighters Handbook, Firefighting & Emergency Response
Third Edition, *Delmar and Cengage Learning*

Office of Fire Prevention and Control

The Office of Fire Prevention and Control was created in 1952 under the state Executive Law 156 after World War II. The state found it needed an organized force for firefighting so it created OFPC to lead and guide the fire services in the state. The main purpose of the office is the following:

1. Assist local government (fire services) with any issues or problems they may have.
2. Provide the state's fire service with training standards and programs.
3. Offer technical assistance in large scale emergencies.
4. Administer the state fire mobilization plan.
5. Operate the New York State Academy of Fire Science in Montour Falls.

OFPC is made up of six bureaus' that consist of:

- The Academy of Fire Science
- Arson
- Fire Prevention
- Fire Services
- Hazardous Materials/WMD
- Special Services Bureaus

New York State Academy of Fire Science

- Conducts residential training in structural firefighting, hazardous materials/WMD, fire investigations, technical rescue.
- Has specialized facilities such as live burn buildings for firefighter and arson investigation training, and a sprinkler laboratory.
- Has the most updated and recognized fire service library in the fire service.

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Arson

- Conducts basic and advanced training
- Provides on-scene fire investigation assistance
- Provides accelerant K-9 assistance
- Operates Property Insurance Loss Registry (PILR) and burn injury databases
- Conducts arson criminal history checks
- Conducts fire investigation certification

Fire Prevention

- Conducts fire inspections of all state office buildings
- Enforces fire safety requirements at NYS Colleges
- Provides technical assistance on code compliance and life safety improvements
- Provides community fire safety training
- Created the countries first cigarette fire safety standards

Fire Services

- Administers NYS minimum training standards for firefighters and code enforcement personnel
- Conducts Candidate Physical Ability Testing (CPAT) program
- Conducts over 1,400 basic and advanced firefighter training classes in over 65 counties using 300 part-time state fire instructors
- Provides program support to firefighting and code enforcement personnel standards and education commission and to the New York State 911 board
- Administers the state fire mobilization and mutual aid plan
- Provides on-scene technical assistance and routine liaison with county and local fire service officials
- Provide National Incident Management System training, position training, and on-scene technical support as Incident Management Team needs require.

Hazardous Materials/WMD

- Conducts basic and advanced training
- Assists HM teams with preparedness
- Conducts HM Team exercise evaluations
- Provides WMD equipment maintenance and calibration
- Provides on scene technical assistance
- Maintains a fully equipped Hazardous Material Team

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Special Services

- Conducts basic and advanced technical rescue training
- Oversees NYS Urban/Technical Search and Rescue Team (NYTF-2)
- Administers NYS fire reporting system
- Coordinates OFPC publication production
- Provides support for NYS emergency service council
- Liaison to NYS Disaster preparedness commission
- Maintains Fallen Firefighter Memorial list
- Maintains Fire Resource Inventory System

History of the Fire Service

The history of the fire service dates back to ancient times with the discovery of fire. This discovery has led to our society's quest for safety and security. Although fire was not invented by humans, it has been well documented that fire is part of nature and humans have adapted this natural resource and used it to heat homes, cook meals, and power our cities.

In earlier Roman history to modern day times we have used fire for resources and have also had conflagrations that lead to huge loss of life. This latter event has led our society to come up with ways to protect all citizens from this very same resource that is needed to survive. This led to the settlers that first came to this country to create some of the first laws pertaining to fire prevention.

Benjamin Franklin began his influence over the fire service in Boston and was the co-founder of the Union Fire Company. He modeled this company after Boston's fire society. Franklin was known for many historic areas such as politics, science, and publishing. But he is most known within the fire community as the first Fire Chief.

From this creation into the fire service, fire companies grew across the land. With the start of the revolutionary and civil wars, fire companies were pushed into service throughout the land. The start of large fires in history also helped with this push for safety, the Great Chicago Fire, and Peshtigo Wisconsin forest fire.

The industrial revolution at the turn of the century started the creation of motorized apparatus rather than horse drawn. This also gave us a greater sense of organization amongst the service. As the country grew so did the fire services importance.

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As America grew in industry, was engaged in wartime and became more modern, so had the fire service. All these placed great importance on the fire service as this was still a weapon of war. So this country had to develop more modern equipment, strategy and tactics to protect our citizens.

What kind of future is on tap for the fire service today? The career of a firefighter is every changing and ever growing. Training has become the cornerstone to every firefighter's career from the first class that is taken till the end of their time in the service.

No one can predict the future and what it may hold. But the fire service will have more challenges and opportunities. The future will be difficult to deal with and will contain requirements that firefighters will continue to learn and develop skills.

Mission of the Fire Service

The mission of the fire service is to save lives and property from fire. This is challenging more in some fire departments than others. Most fire departments protect from structural fires and emergency medical calls, while others protect specific hazards such as chemical facilities, airports, hospitals, and technical rescues.

Some agencies also take on the response of emergency medical responses. This would introduce a new level of training and requirements, such as Basic Life Support and Advanced Life Support services

One of the other and most important missions of the fire service is the delivery of fire prevention to all citizens. This simple mission is one of primary importance. In order to protect and educate citizens to recognize hazards of fire they must educate them. By doing this simple process could reduce the life safety hazard of all.

The rescue of citizens from different modern day hazards is also tasked to the fire service. Most often the fire service will have the knowledge and tools to remove people from compromised vehicles, collapsed buildings and trenches, and other special hazards.



Another change to modern society has been the creation of hazardous materials. Since the industrial age has advanced so have the haz mat incidents to which the fire service has been tasked to protect people from. This creates additional training and equipment concerns.

Fire Service Today

Today, more than 33,000 fire departments are in the United States. In New York State the following figures are accounted for at the Office of Fire Prevention and Control:

Fire Service Personnel

- 1,857 Fire Suppression/Fire Prevention Organizations exist (Federal, State, Local, and Private Fire Departments and Brigades)
- 96,593 Volunteer Firefighters
- 17,472 Career Firefighters
- 334 Paid On-call Firefighters
- 13,681 Fire Police
- 5,533 EMS First Responders
- 17,045 EMT's
- 1,849 Paramedics

Fire Service Apparatus

- 2,824 Fire Stations
- 5,563 Engines
- 1,712 Tenders (Tankers)
- 915 Aerial Devices
- 1,046 Ambulances
- 2,360 Miscellaneous Vehicles



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Fire Police History

The first fire police squad created in New York State was in 1839 as part of the New York City Fire Patrol. They assisted in protecting the interests of the Insurance Underwriters. Their initial duties were to protect the property in the mercantile district of New York City from burglars and vandals.

At the Fireman's Association of the State of New York's (FASNY) fourth annual convention in Elmira, NY in 1876 a fireman committee on fire police reported, "The organization of Fire Police when properly managed is an invaluable auxiliary to a well organized department in protecting and care of property from burning buildings and the proper protection of adjacent property, but in no case made independent of the Chief Engineer."

There was no mention of Fire Police controlling traffic as this was prior to the advent of the automobile.

At the fifth annual convention of FASNY in 1877 a paper prepared by President Williams entitled "Their Duties and Benefits Derived There from," detailed the advantage and value of such an organization within the fire department. He stressed that the protective police would be duly certified firefighters and at all times under the order of the Chief Engineer. He also said that they should have the power as the police to enable them to make summary arrests of persons caught in the act of stealing or being disorderly.



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In May of 1939, Seth T. Cole, Counsel for FASNY, submitted a proposal for Fire Police to State Senator Arthur L. Swartz. Swartz's bill and a companion bill in the assembly sponsored by Assemblyman Harold C. Ostertag, shared the aim of permitting municipalities to organize Fire Police squads for the service as peace officers when Volunteer Fire Departments, Companies, or Emergency Relief squads are on duty. The measure passed the Senate Cities Committee on May 17, 1939, was approved by the Assembly Rules Committee on May 19, 1939, and was passed by the full legislature on May 20, 1939 and sent to the Governor. On May 29, 1939 Governor Lehman signed the bill into law as Chapter 583 of the Laws of 1939. The measure now covers Fire Police under section 209-c of the General Municipal Law.

Fire Police in New York have evolved into an organization of dedicated members responsible with various tasks at today's fire and emergency scenes. The duties include traffic control, perimeter control, scene preservation, and other duties as assigned. Many laws, rules, and regulations from various agencies dictate what and how you perform your function in the public eye.

Summary

You have been enrolled in the certification course for Fire Police. You have been presented with some limited history on the fire service and fire police as we know today. You have also been given the operational mission of the six bureaus of the Office of Fire Prevention and Control. As we move into the basic functions of the fire service and the interoperability of the Fire Police Officer within this structure, you will become certified to operate, according to laws and rules and regulations of each agency to which you belong.

END OF UNIT I LESSON I

UNIT I

LESSON II

NOTES

Fire Service Orientation

Unit Objectives

At the end of this unit the student will be able to:

1. Describe the types and kinds of apparatus and how they serve the fire service.
2. Describe the National Incident Management System at the I-100 level.
3. Describe how communications is a vital role in the fire service.
4. Describe how policies and procedures help the fire service.
5. List the sixteen life safety initiatives.

References:

Delmar Firefighters Handbook, Third Edition
National Fire Protection Association
Federal Emergency Management Agency

Introduction

Fire departments are like any organization in this country. The mission statement of the fire department should reflect and define what makes up your individual fire department. Things such as the chain of command, policies, procedures, membership responsibilities are common in any organization and should be given and taught to each fire service member.

It is up to the jurisdiction to determine what type of membership and/or job description their organization will have. Whether you are a career or a volunteer firefighter, does not matter. Each in its own mission should outline this to all of its members. This lesson will outline some of the things, as fire police, you should know and understand about your department.



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Some departments are made up of different levels of service, volunteer or paid. Here is a list of different departments as they exist in New York:

- a. All career
- b. All volunteer
- c. Combination career and volunteer

In the case of the third class, career and volunteer, the authority having jurisdiction has the option to determine the levels of each. Some departments have just career drivers, some have one or two career drivers for the first due apparatus and some have mostly career with some supplemental volunteer members. As it stands now, in the United States, volunteers make up about 75%, career 6%, and combinations 19%. One interesting fact in regards to this is that although volunteers make up most of the departments nationwide, the career service protects most of the population.

The governing boards or authorities having jurisdictions (AHJ's) are made of the following in New York State:

- Fire Districts
- Fire Protection Districts
- Municipal Fire Departments (mostly cities)
- Industrial Fire Departments
- Federal Fire Departments

Each of the above has the responsibility of creating rules and regulations to govern each fire department. They also set the training standards that are required by federal, state, and local laws.

Each department, under OSHA 1910.156, is required to have a mission statement. A sample mission statement is listed below:

“The XYZ Fire Department is organized to deliver fire prevention, fire suppression, (extinguishment), and rescue services to the citizens of its protection area. This will include response to conduct vehicle extrication, hazardous materials mitigation, and basic life support emergency medical services.”

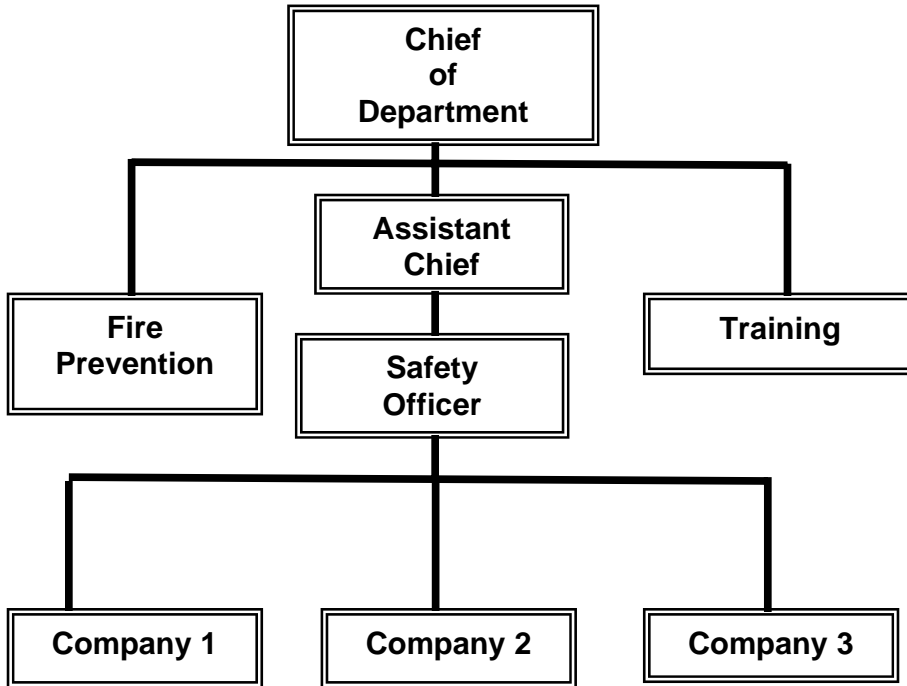
This mission statement is the outline of what the XYZ fire department will provide to the public. This will also guide the officers to what type of training programs they will need to offer their members.



Fire Service Organization

To provide order and some leadership direction, all fire departments must provide an organizational structure. This may be complex for large departments and small in structure for smaller ones. An organizational chart is outlined below:

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The chief of the department is the person ultimately responsible for the operations and administration of the fire department. To carry out these and other responsibilities the chief has a staff of officers to assist. They may consist of:

1. Deputy Chief
2. Assistant Chief
3. Training Officer
4. Captains
5. Lieutenants

Because of the complex duties that may have to be performed, some other duties may be assigned or performed - such as fire prevention, training, building inspections or plans reviews, preplanning and hazardous materials.



Then the question comes down to, what is a firefighter in your organization? Do you have separate job duties? Or is everyone trained to do all tasks expected? These are some of the questions you should have had answered when you joined your fire department. Some different qualifications are listed:

1. Interior firefighter
2. Exterior firefighter
3. Emergency medical technician
4. Paramedic
5. Hazardous materials technician
6. Rescue specialist
7. Training officer
8. Fire police officer
9. Line officer (Chief, Assistant Chief, Captain, Lieutenants)

Each one of the above has different levels of responsibilities and training requirements - all set by the authority having jurisdiction.

Apparatus types and use

There are many guides that exist to assist fire departments in the decisions they need to make when deciding training and titles. One is the National Fire Protection Association (NFPA). This organization is comprised of fire service specialists, fire department members, and fire service equipment providers. They all sit down and establish standards for the fire service. Some of the standards they address are related to firefighters, fire officers, hazardous materials responders, rescue specialists, and driver operators - this just to name a few. They also set standards on vehicle construction and safety standards for volunteers and career departments.

Each fire department has equipment that is usually made up of different types of apparatus. This includes but is not limited to:

1. Engine Company
2. Truck Company
3. Rescue Company
4. Specialty Units
5. Emergency Medical Services (EMS)

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Engine Company

The engine company is organized to help firefighters deliver water to the fire scene as well as inside a burning building. They also deploy hose lines and attack and extinguish fires involving things such as vehicles, dumpsters, structures, and wild land.

An engine company often uses an apparatus that meets specifications in NFPA 1901 to accomplish this task. An engine should have a permanently mounted fire pump with at least a capacity of 750 gallons per minute, 300 gallon water tank, hose, ladders, and other listed equipment. Below is a photo of a class A engine as designed by today's NFPA 1901 standard.



Truck Company

The truck company, also known as a ladder company, carries firefighters to perform vent, enter, search, rescue, ventilation, and ladders to a building. They also perform other functions as assigned such as securing the utilities and salvage operations.

There are three basic types of aerial devices in the fire service today. The aerial ladder, the tower ladder and the snorkel. A tower ladder is pictured below.

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An aerial ladder will consist of a power-driven ladder that is affixed to the truck. This can be used to rescue trapped victims and firefighters, provide quick access to the upper floors of a structure, and provide master streams in places that hand lines cannot be placed.

A tower ladder is the same as the aerial ladder but has a bucket mounted on the end of the ladder. This provides a safe work area for firefighters when they need to operate extended periods of time in an elevated position. This may also provide an extra master stream than your conventional aerial which only provides one.

Snorkels are platforms on the end of an articulating boom. They are useful for situations requiring movement around overhead obstacles. The disadvantage to this type of truck is it has no ladder in which to climb up during operations.

Rescue Company

The rescue company is organized to provide specialized rescue equipment with specialized firefighters to the scene. The apparatus is designed to carry this type of equipment to perform rescue operations, forcible entries and search and rescues. Depending on how large and in-depth this equipment is, they also perform technical rescues such as building collapse, trench rescues, and other specialty type operations.



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Specialty Units

Since the fire department may be called upon to do a great amount of different types of operations, they have what is called specialty units. These units are designed for special operations or combination of different operations that the previously mentioned apparatus cannot carry or perform. Those operations are listed but are not limited to the listing below:

1. Aircraft fire and rescue units
2. Boat rescue
3. Wildland firefighter apparatus
4. Water Tenders
5. Lighting units
6. Foam units
7. Communications units
8. Fire Police units



Fire Prevention

One of the most important functions, if not the primary function of the fire service, is fire prevention for the community they serve. Preventing fire not only reduces the risk to the community but it also reduces the exposure of firefighters to a very dangerous duty. The duty of the fire prevention bureau is to perform life safety educational activities within the community.

Fire prevention programs are designed to prevent the start of a fire. If you have any area where you experience a large number of fires, such as kitchen grease fires, then you would target some of your prevention program on how to prevent this type of incident.

Other programs are attending school seminars on Exit Drills in the Home (EDITH). This program is targeted for school children and parents to have a home safety plan for emergencies.

Other types of programs would be teaching community groups how to use a fire extinguisher, call the fire department, elderly fire exit methods, and any other fire prevention programs you may need within your community.

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The concept of the Incident Command System (ICS) was developed more than 30 years ago, in the aftermath of a devastating wildfire in California. During 13 days in 1970, 16 lives were lost, 700 structures were destroyed, and over one-half million acres burned. The overall cost and loss associated with these fires totaled \$18 million per day. Although all of the responding agencies cooperated to the best of their ability, numerous problems with communication and coordination hampered their effectiveness.

As a result, the Congress mandated that the U.S. Forest Service design a system that would “make a quantum jump in the capabilities of Southern California wildland fire protection agencies to effectively coordinate interagency action and to allocate suppression resources in dynamic, multiple-fire situations.”

The California Department of Forestry and Fire Protection; the Governor’s Office of Emergency Services; the Los Angeles, Ventura, and Santa Barbara County Fire Departments; and the Los Angeles City Fire Department joined with the U.S. Forest Service to develop the system. This system became known as FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies). In 1973, the first “FIRESCOPE Technical Team” was established to guide the research and development design. Two major components came out of this work, the ICS and the Multi-Agency Coordination System (MACS).

The FIRESCOPE ICS is primarily a command and control system delineating job responsibilities and organizational structure for the purpose of managing day-to-day operations for all types of emergency incidents. By the mid-seventies, the FIRESCOPE agencies had formally agreed on ICS common terminology and procedures and conducted limited field-testing of ICS. By 1980, parts of ICS had been used successfully on several major wildland and urban fire incidents. It was formally adopted by the Los Angeles Fire Department, the California Department of Forestry and Fire Protection (CDF), and the Governor’s Office of Emergency Services (OES), and endorsed by the State Board of Fire Services.

Also during the 1970s, the National Wildfire Coordinating Group (NWCG) was chartered to coordinate fire management programs of the various participating Federal and State agencies.



By 1980, FIREScope ICS training was under development. Recognizing that in addition to the local users for which it was designed, the FIREScope training could satisfy the needs of other State and Federal agencies, the NWCG conducted an analysis of FIREScope ICS for possible national application.

By 1981, ICS was widely used throughout Southern California by the major fire agencies. In addition, the use of ICS in response to non-fire incidents was increasing. Although FIREScope ICS was originally developed to assist in the response to wildland fires, it was quickly recognized as a system that could help public safety responders provide effective and coordinated incident management for a wide range of situations, including floods, hazardous materials accidents, earthquakes, and aircraft crashes. It was flexible enough to manage catastrophic incidents involving thousands of emergency response and management personnel.

By introducing relatively minor terminology, organizational, and procedural modifications to FIREScope ICS, the NIIMS ICS became adaptable to an all-hazards environment. While tactically each type of incident may be handled somewhat differently, the overall incident management approach still utilizes the major functions of the Incident Command System. The FIREScope board of directors and the NWCG recommended national application of ICS.

In 1982, all FIREScope ICS documentation was revised and adopted as the National Interagency Incident Management System (NIIMS). In the years since FIREScope and the NIIMS were blended, the FIREScope agencies and the NWCG have worked together to update and maintain the Incident Command System Operational System Description (ICS 120-1). This document would later serve as the basis for the NIMS ICS.

Upon arriving at an incident, the higher ranking person will either assume command, maintain command as is, or transfer command to a third party.

In some situations or agencies, a lower ranking but more qualified person may be designated as the Incident Commander.

NOTES



The Incident Commander performs all major ICS command and staff responsibilities unless these functions are delegated and assigned. As illustrated on the visual, ICS organization may be expanded to include:

Command Staff: Public Information Officer, Liaison Officer, Safety Officer

General Staff: Operations Section Chief, Planning Section Chief, Logistics Section Chief, Finance/Administration Section Chief

Remember: Not all Command and General Staff positions are filled on each incident. However, if a position isn't filled, then the Commander assumes that ICS management function.

Note the following key points about the Incident Commander's(IC) role:

- Provides overall leadership for incident response.
- Delegates authority to others.
- Takes general direction from agency administrator/official.
- Ensuring incident safety.
- Providing information services to internal and external stakeholders.
- Establishing and maintaining liaison with other agencies participating in the incident.

The IC is responsible for all activities and functions until delegated and assigned to staff.

- Assesses need for staff.
- Establishes incident objectives.
- Directs staff to develop the Incident Action Plan.

The Safety Officer monitors safety conditions. The Safety Officer:

- Advises the Incident Commander on issues regarding incident safety.
- Works with the Operations Section to ensure the safety of field personnel.
- Ensures safety of all incident personnel.

NOTES



The role of the Operations Section Chief includes the following:

- Develops and implements strategy and tactics to carry out the incident objectives.
- Organizes, assigns, and supervises the tactical field resources.
- Supervises air operations and those resources in a Staging Area.

Note that the Incident Commander or Operations Section Chief at an incident may work initially with only a few single resources or staff members. The organization will expand to include needed levels of supervision as more and more resources are deployed.

The Operations Section is responsible for directing and coordinating all incident tactical operations.

The Operations Section:

- Is typically one of the first organizations to be assigned to the incident.
- Develops from the bottom up.
- Has the most incident resources.
- May have Staging Areas and special organizations.

Note the following key points:

- Span of control is key to effective and efficient incident management. Maintaining an effective span of control is important because safety and accountability are a priority.
- Within ICS, the span of control of any individual with incident management supervisory responsibility should range from **three to seven subordinates**. If a supervisor has fewer than three people reporting, or more than seven, some adjustment to the organization should be considered. Monitoring the span of control in the ICS organization is a major responsibility of the Incident Commander.
- Optimally, span of control should not exceed five subordinates.

NOTES



Sixteen Life Safety initiatives**NOTES**

1. Define and advocate the need for a cultural change within the fire service relating to safety; incorporating leadership, management, supervision, accountability and personal responsibility.
2. Enhance the personal and organizational accountability for health and safety throughout the fire service.
3. Focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities.
4. All firefighters must be empowered to stop unsafe practices.
5. Develop and implement national standards for training, qualifications, and certification (including regular recertification) that are equally applicable to all firefighters based on the duties they are expected to perform.
6. Develop and implement national medical and physical fitness standards that are equally applicable to all firefighters, based on the duties they are expected to perform.
7. Create a national research agenda and data collection system that relates to the initiatives.
8. Utilize available technology wherever it can produce higher levels of health and safety.
9. Thoroughly investigate all firefighter fatalities, injuries, and near misses.
10. Grant programs should support the implementation of safe practices and/or mandate safe practices as an eligibility requirement.
11. National standards for emergency response policies and procedures should be developed and championed.
12. National protocols for response to violent incidents should be developed and championed.
13. Firefighters and their families must have access to counseling and psychological support.
14. Public education must receive more resources and be championed as a critical fire and life safety program.
15. Advocacy must be strengthened for the enforcement of codes and the installation of home fire sprinklers.
16. Safety must be a primary consideration in the design of apparatus and equipment.



SUMMARY

This chapter has covered some of the topics you will need to know as a newly appointed fire police officer. In continuing your training within your fire department this will certainly not be the last course you take. In fact, during your career this will be an ongoing process of training.

While performing your job as a Fire Police Officer you will need the information in this unit in order to understand the operations that are performed on the fire ground. With this needed information you will be able to conduct your duties in an informed and professional manner.

END OF UNIT I LESSON II

NOTES



UNIT II

NOTES

Legal Issues for Fire Police

Objectives

At the end of this unit the student shall understand the:

1. Requirements of being a member of the fire police squad.
2. Duties and powers of the fire police.
3. Necessary cooperation between the fire police and law enforcement agencies.
4. Liability of performance or non-performance of duties.

References:

NYS Criminal Procedural Law
NYS Executive Law
NYS General Municipal Law
Opinions of the NYS Attorney General's Office
Opinions of the NYS Comptroller's Office
NYS Penal Law
NYS Public Officer's Law
NYS Real Property Law
NYS Volunteer Fireman's Benefit Law

Introduction

The fire service has a major responsibility when an emergency, disaster or catastrophe strikes. Members of the fire police squads (hereafter referred to as fire police) should be trained and prepared to cope with any emergency by becoming:

- Well informed and knowledgeable of their duties and responsibilities;
- Aware of their authority and how and when to use it;
- Familiar with laws pertaining to the fire service, particularly fire police; and
- Proficient in physical and mental skills needed to operate quickly, safely and efficiently.



Safety of emergency personnel whether it be firefighters, police officers, emergency medical service (EMS) personnel or civilians, at the scene of an emergency is paramount. A Fire Police officer's primary responsibility is the safety of all persons at the emergency scene. Fire Police are an essential part of the emergency response.

Understanding the NYS Laws and the related legal opinions as it pertains to the emergency services, and fire police in particular, is an important foundation to serving as a fire police officer. This unit will review some of the laws that fire police should be familiar with and understand.

Definitions

The definition of shall in the law means the action is required or mandatory. The word may allows the choice of an option.

“Fire police squads may organize” means they are allowed to, but it is not mandatory for a fire department to have a fire police squad.

“An oath shall be taken” means that it must be taken.

“On Duty” means when dispatched to an emergency incident and/or approved by the chief officer in charge.

Fire Police Authority (GML 209-c)

The NYS General Municipal Law Sec. 209-c provides that fire police squads of fire departments and fire companies may organize with such department or company composed of volunteer firefighters of the department or company. This section of law states that when fire police are on-duty, or when ordered by the chief of the department of which they are members, to respond to a call for mutual aid, they shall have the powers of and render services as peace officers.



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A fire police squad may not be incorporated as a separate not-for-profit corporation (1991 Op St Comp. No. 91-22).

Arson Criminal History Background Check (EL 837-o)

Prior to any person becoming a member of a fire department or fire company, the fire department must complete an Arson Criminal History Background Check. NYS Executive Law Sec. 837-o requires all new applicants and firefighters transferring from another jurisdiction be screened for an arson conviction.

Applicants with an arson conviction are prohibited from joining the fire department.

Appointment of Fire Police

Before a person can be appointed to a fire police squad, they must meet the fire department's membership requirements. They are classified as an active firefighter and as such must meet the same training requirements as any other active member during their term of office. An active firefighter can be interior or exterior, each having their own set of training requirements as determined by the authority having jurisdiction (AHJ).

Firefighters who are qualified may be assigned to the fire police immediately upon becoming a member of the fire department. However, the authority having jurisdiction (AHJ) (i.e. municipality, fire district) may establish reasonable minimum service requirements for appointment to the fire police squad if it determines that such requirement is reasonably related to the function to be performed and is in the best interest of the fire department. (1998 Op St Comp. No. 98-20)

The fire department shall not lessen the restrictions authorized by law, but may impose more restrictions.

Example – The fire department's by-laws or policy may dictate that a firefighter be a member of the department for one year and/or complete additional specific training prior to being appointed to the fire police squad.

Fire police are appointed at the pleasure of the appointing authority (1955 Ops St Comp. No. 7659).

Fire Police Squad (GML 209-c)

Section 209-c of the General Municipal Law does not limit the number of volunteer firefighters assigned to a fire police squad. However, local limitations may be imposed.

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The designated number assigned to the squad varies with local conditions, including the size of community, number of alarms, number of full-time law enforcement officers available for emergency duty, potentially hazardous conditions and other variables.

General Qualifications

A fire police officer possesses peace officer status and therefore must be a citizen of the United States, resident of New York, and entitled to vote at the time of appointment. (Public Officers Law sec. 3-b, 1994 Op Atty. Gen. 94-21)

Age qualifications

No member of a fire department under the age of 18 may be appointed to the fire police squad. Members of fire police squads are public officers while on duty and therefore are required to be at least 18 years of age pursuant to the Public Officers Law Section 3.

Past opinions of the state attorney general and state comptroller stated that members of fire police squads must be at least 21 years of age (1965 Ops St Compt No. 426; 1967 Ops Atty Gen Apr 20). However, since these opinions were written, Public Officers Law Section 3 was amended to provide that full age, for the purpose of qualifying to be a public officer is 18 rather than 21 years of age. (see Laws of 1974, Chapter 940)

Accordingly, a member 18 years or over may qualify for the office of fire police.

Other Qualifications

The doctrine of legal incompatibility would preclude a town justice of the peace from being a member of the fire police squad of a fire company located within the town (1960 Ops Atty. Gen. No. 129)

Oath of Office

NYS General Municipal Law section 209-c requires that an oath of office be taken and be filed with the city clerk, in the case of a fire company or fire department in a city, with the village clerk in the case of a fire company or fire department in a village, or with the town clerk in all other cases.

The oath may be administered by various officers, including: a judge of the court of appeals; an attorney general, county clerks; official examiner of title; a notary public; or the city, village or town clerk in whose office the oath will be filed. (Public Officers Law section 10)

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Members of a fire police squad are required to take and file the constitutional oath of office. (1957 Ops St Comp. No. 420)

The oath is spelled out in General Municipal Law section 209-c as follows: “I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of fire policeman of the ... fire company (or fire department), according to the best of my ability.”

Note: If the firefighter is appointed as a member of the fire police by the fire department and he fails to take the oath, or he takes the oath but fails to take the required training, the fire department (authority having jurisdiction) may be exposed to potential liability. For example, if a firefighter, who has not received the required training, is directing traffic which results in a collision or injury, the fire chief and the fire department may be found partially liable.

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Training

Standardized training throughout the state means greater efficiency and compatibility. Fire police should acquire the necessary knowledge to:

- Perform their duties;
- Develop the practical skills to operate quickly and efficiently;
- Promote safety for both the public and the emergency personnel involved in the incident; and
- Meet the training requirements.

Section 209-c of the General Municipal Law states that, notwithstanding any other provision of law, a member of a fire police squad shall have satisfied any requirement for training if that person has satisfactorily completed a training course offered by the State Office of Fire Prevention and Control. Training must be completed within 12 months of appointment for any peace officer appointed after September 1, 1980 (Training Guide for Peace Officer Employers, section 6025.2(c)).

By completing this Fire Police course, students meet this training requirement.

Fire Police are considered firefighters and therefore are required to have complete annual OSHA refresher training. In addition, any firefighter who responds to a report of a hazardous materials incident must have successfully completed Hazardous Materials First Responders Operations training per OSHA 1910.120.

Note: Training and knowledge are valuable assets for any member of the fire department. Fire police members are encouraged to continue their training. Some courses that are applicable to fire police include Highway Safety for Emergency Responders and Apparatus Operator Emergency Vehicle Operations Course (EVOC). Seminars and conferences may also be beneficial. All outside training and instructors shall be evaluated and approved by the AHJ before attending (OSHA 1910.156). All training should be documented and maintained by the department.

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Central State Registry of Peace Officers (EL 845-a)

NYS Executive Law section 845-provides for a central state registry of peace officers, including fire police. The registry maintains current information on all peace officers including their name, date of birth, rank or title, official station and employment status (full or part-time).

Each state or local agency head employing peace officers shall submit to the registry no later than January 15 and July 15 the names of new appointees and those who have ceased to serve.

Failure or refusal to comply with the requirements of Section 845-a may be considered contempt of court and punishable as such.

The NYS Division of Criminal Justice Services Peace Officer Registry Update Form can be found in the appendix. This form is sent by DCJS to the fire chief bi-annually and needs to be verified, modified if needed, signed and returned to DCJS. For additional information contact: State of New York Division of Criminal Justice Services, 4 Tower Place, 4th Floor, Albany, NY 12203-3764 or by calling 518-457-8864.

Persons designated a peace officers (CPL 2.10)

This section defines who qualifies as peace officers in New York State. There are over eighty different examples in CPL 2.10 defining the different positions that qualify for peace officer.

Some examples of peace officers include:

- Town, village or police constables
- Certain park rangers
- Certain court officers
- Probation officers
- State Correctional officers
- Some fire marshals
- OFPC arson bureau investigators
- OFPC Fire inspection bureau (code enforcement)
- Fire Police Officers

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Fire police (CPL 2.10 (41))

This section states fire police, who are members of fire police squads organized pursuant to section 209-c of the General Municipal Law, shall be peace officers when the fire department (including fire company, emergency squad or first aid squad) are **on duty** or when ordered by the fire chief to engage in a response for assistance pursuant to General Municipal Law section 209.

****Fire police are not considered peace officers 24 hours a day, 7 days a week. They are only considered peace officers when on duty (i.e. when dispatched to an emergency incident and/or upon orders of the chief officer in charge).**

This section also specifically states fire police are not authorized to carry, possess, repair or dispose of a firearm unless the appropriate license has been issued pursuant to section 400.00 of penal law (pistol permit, federal firearms license, or many other conditions).

Note: The authority having jurisdiction (i.e. the fire department) **has the right to restrict** a member from carrying a firearm on-duty. The authority having jurisdiction (AHJ) may limit the authorization of members of the fire police squads to carry weapons while on-duty even if a particular member is authorized by law to carry a weapon (i.e. the member has a personal pistol permit). The AHJ that does not restrict the carrying of a weapon exposes the department to liability. If the AHJ chooses to allow a member to carry a firearm, they shall provide the appropriate additional training and provide written policies and procedures requiring the use of such weapon.

Training requirements for peace officers (CPL 2.30)

Section 2.30 (4) of the Criminal Procedural Law states, "Any peace officer who normally works on a part-time basis for less than the full complement of hours which would constitute full-time employment for the position as determined by their employer, shall receive training . . ." The peace officer training is required by the Municipal Police Training Council (MPTC) which falls under the New York State Division of Criminal Justice Services (NYS DCJS).

Note: General Municipal Law section 209-c recognizes the Office of Fire Prevention and Control's fire police course as meeting the training requirements of the law.

The NYS Division of Criminal Justice Services has recognized this fire police course as appropriate training.

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Volunteer Firemen’s Benefit Law – Article II Coverage and Benefits

VFBL coverage includes: necessary travel to, working at, and necessary travel returning from a fire, alarm of fire or other emergency to which the fire department, or fire company, either has responded or would be required or authorized to respond, including mutual aid pursuant to General Municipal Law section 209.

VFBL also covers:

While within the state, personally assisting another fire department or fire company pursuant to provisions of section 209-i of the General Municipal Law including, after their services have been duly accepted, necessary travel to and returning from such work and necessary travel during such work or incidental thereto.
(covered by assisted fire department)

Out of State Assistance

General Municipal Law 209-a covers firefighters while rendering assistance, going and returning from scene. When covered out of state this is only under mutual aid. No out of state assistance unless covered under assisted departments law.

Peace officer status does not extend beyond New York State Borders.

NYS Penal Law

Introduction

Understanding the NYS Penal Law, as well as understanding other laws, as it pertains to the emergency services and specifically to members of the fire service designated as fire police is an important aspect of the position. This unit will review some of the laws that fire police should be familiar with and understand.

Definitions (PL 10.00)

The following definitions are needed to have an understanding regarding penalties for violating some of the crimes that will be discussed.

Traffic infraction – means any offense defined as traffic infraction by section one hundred fifty-five of the vehicle and traffic law

Violation – means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.

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Misdemeanor – means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.

Felony – means an offense for which a sentence to a term of imprisonment in excess of one year may be imposed.

Crime – means a misdemeanor or a felony.

Physical injury – means impairment of physical condition or substantial pain.

Serious physical injury – means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Culpability (PL 15.05)

There are four mental culpability states. The following definitions are applicable to this chapter:

Intentionally – A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

Knowingly – A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

Recklessly – A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

Criminal negligence – A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.



Assault and Related Offenses

There are many different types and degrees of assault. If anyone is assaulted based on the definitions of the NYS Penal Law, the perpetrator can be arrested, prosecuted and sentenced for his actions. Some of the assault sections that may pertain to firefighters and fire police are listed below.

Assault in the second degree (PL 120.05(3)) – D Felony
NYS lawmakers have increased penalties for suspects who are charged with the intent to prevent emergency service personnel from performing their lawful duty by means including the releasing or failing to control an animal under certain circumstances which results in physical injury to the emergency service personnel.

Assault on a peace officer, police officer, fireman or emergency medical services professional (PL 120.08) – C Felony

A person who assaults a peace officer, police officer, fireman or emergency medical services professional with intent to prevent that person from performing a lawful duty, he causes serious physical injury to such peace officer, police officer, fireman, paramedic or technician.

Aggravated assault upon a police officer or a peace officer (PL 120.11) – B Felony

A person who intentionally causes serious physical injury to a person whom he knows or reasonably should know to be a police officer or peace officer engaged in his official duties by means of a deadly weapon or dangerous instrument is guilty of aggravated assault upon a police officer or a peace officer.

Arson

Arson in the fifth degree (PL 150.01) – A Misdemeanor

A person who is intentionally damages property of another without consent of the owner by intentionally starting a fire or causing an explosion is guilty of arson in the fifth degree. Property can consist of anything of value.

Arson in the fourth degree (PL 150.05) – E Felony

A person who recklessly damages a building or motor vehicle by intentionally starting a fire or causing an explosion is guilty of arson in the fourth degree.

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An example of this may be a person burning a brush pile at his residence on a windy day when there is a reported high fire danger and burning ban. The wind quickly expands the fire to the point that it moves into the neighbor's yard and accidentally burns the neighbor's garage. The person intentionally started the fire to burn the brush pile, but did not intentionally burn the neighbor's garage. It could be argued that the person burning the brush pile was aware and consciously disregarded the warning of the burning ban.

Arson in the third degree (PL 150.10) – C Felony

A person is guilty of arson in the third degree when he intentionally damages a building or motor vehicle by starting a fire or causing an explosion. An example may be a person who is behind on his vehicle payments and wants to collect the insurance money to pay off his car payments, intentionally sets his vehicle on fire.

Arson in the second degree (PL 150.15) – B Felony

For violating the statute of arson in the second degree, a person has to intentionally damage a building or motor vehicle by starting a fire. In addition, another person who is not a participant in the crime has to be present in the building or motor vehicle and the defendant knows or there is a reasonable possibility that another person is therein. An example of this may be a person intentionally starts a fire in a residence at 2 am on a weekday when it would be reasonable that the resident would be home asleep.

Arson in the first degree (PL 150.20) – A-I Felony

Arson in the first degree is one of the most serious crimes that can be committed. The statute has several sections that may be required, and a summary will be provided here.

A person needs to intentionally cause a fire or explosion in a building or motor vehicle and a few other things must also be present.

- The fire or explosion must be caused by an incendiary device (such as a Molotov cocktail) that is propelled, thrown or placed inside or near such building or motor vehicle.
- Or, the fire or explosion causes serious physical injury to another person other than the participant.
- Or, there was expectation or receipt of financial gain by the actor.

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- And, when there is another person who is not a participant is present.
- And, the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.

Offenses against Public Administration

The public has a high expectation of its public officials including firefighters, and rightfully so. The highest levels of integrity and professionalism are expected. When a public official violates the public's trust, it tarnishes the hard work, professionalism and dedication that have been carried on for decades.

Official misconduct (PL 195.00) – A Misdemeanor

A public servant, with an intent to obtain a benefit or deprive another person of a benefit, commits an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized, is guilty of official misconduct.

Also, a public servant who knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office is guilty of official misconduct.

For example, if a firefighter who responds to a fire and removes a gas meter from a residence that has been damaged by fire and takes it home so that he can get free gas would be charged with official misconduct (and larceny). A firefighter who "borrows" fire department funds, with full intention to repay the funds, to help make ends meet would be charged with official misconduct and other violations of the law. Many times when firefighters are arrested for violating another law while acting in their official capacity, they will also be arrested for Official Misconduct.



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Obstructing governmental administration in the second degree (PL 195.05) – A Misdemeanor

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or prevents the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

Obstructing governmental administration in the first degree (PL 195.07) – E Felony

A person is guilty of obstructing governmental administration in the first degree when he commits the crime of obstructing governmental administration in the second degree by means of interfering with a telecommunications system thereby causing serious physical injury to another person.

Refusing to aid a peace or a police officer (PL 195.10) – B Misdemeanor

A person is guilty of refusing to aid a peace or a police officer when, upon command by a peace or a police officer identifiable or identified to him as such, he unreasonably fails or refuses to aid such peace or a police officer in effecting an arrest, or in preventing the commission by another person of any offense.

Obstructing firefighting operations (PL 195.15) – A Misdemeanor

A person is guilty of obstructing firefighting operations when he intentionally and unreasonably obstructs the efforts of any:

1. fireman in extinguishing a fire, or prevents or dissuades another from extinguishing or helping to extinguish a fire; or
2. fireman, police officer or peace officer in performing his duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases.

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**Obstructing emergency medical services (PL 195.16) – A
Misdemeanor**

A person is guilty of obstructing emergency medical services when he or she intentionally and unreasonably obstructs the efforts of any service, technician, personnel, system or unit specified in section three thousand one of the public health law in the performance of their duties.

Note: As part of your duties as fire police, you will direct persons to do certain things in order to maintain a safe working environment for emergency services personnel. If someone intimidates you or attempts to prevent you from performing your functions, there is a possibility of an arrest. Remember, you are not encouraged to take action, but you are encouraged to notify the incident commander and, depending on the circumstances, law enforcement. There are several laws that may be applicable.

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While within the state and pursuant to orders or authorization, performing duties at the firehouse or elsewhere directly related to: the prevention of fires or other disasters; the investigation of fire or other disasters; and the inspection of property for fire hazards or other dangerous conditions including necessary travel directly connected therewith.

While within this country or in Canada and pursuant to order or authorization; instructing or being instructed in fire duties; attending a firefighting training school or course of instruction; or attending or participating in any noncompetitive training program including necessary travel directly connected therewith.

While within the state, any adjoining state or in Canada and pursuant to orders or authorization attending or participating in any drill, parade, inspection or review in which the fire department, fire company, or any unit thereof is engaged including necessary travel directly connected therewith.

Other laws protecting fire police**Line of duty**

Section 3, subdivision 3 of the VFBL defines **Line of duty** as a volunteer firefighter performing the duties and activities, described in subdivision 1 of Sect 5 of the VFBL, for which they do not receive any remuneration or gratuity.

It is not necessary that there be an emergency before the fire police may be called to act (1962 Ops Atty. Gen. No. 66; 1966 Ops Atty Gen No. 134). Fire police officers are covered under VFBL when ordered to direct traffic.

Duty has been interpreted to mean that the members of the fire police squad may act as such whenever the fire department, company or emergency rescue squad is on duty. (9 Ops. St. Comp. No. 61, 1953; 1961 Ops. St. Comp. No. 181)

Example: If parking around the fire station by those attending functions in the general area is blocking access or exit from the fire station for fire apparatus or firefighters, the fire police are considered on duty if ordered by the fire officer in charge to protect that access or exit.

Fire police properly ordered to duty at functions at which their department, company, or emergency rescue squad is working in the "line of duty," are covered under the Volunteer Fireman's Benefit Law (1962 Ops Atty. Gen. No. 66).



When the fire department of a fire company or an emergency rescue squad thereof is responding to an alarm or call for assistance, the fire police squad may, within the fire district, halt traffic at an intersection so as to allow fire apparatus to pass through (1961 Ops St Comp. No. 328).

Other duties

Members of a fire police squad aiding the members of an emergency rescue squad within their department in an emergency are performing proper duties as volunteer firemen. (1954 Ops Atty. Gen. No. 82)

Investigation of crimes and apprehension of criminals are not firematic duties, and a volunteer fireman is not entitled to benefits for injuries received by reason of furnishing floodlights for apprehension of burglars at the request of the police (1961 Ops St Comp. No. 824).

If a firefighter approaches upon an accident, he or she may not assist the local police department with traffic control unless he or she has been authorized by the fire chief.

Cooperation with police officers

In New York State the police system is a state affair. There is no statutory authority for the establishment of a volunteer police force. (1959 Ops Atty Gen No. 125)

Members of fire police squads have no authority over and above and independent of the police officers of the police department. They are subject to and subordinate to the authority of the members of the village police department. (1955 Ops St Comp. No. 7260, 1957 Ops. St. Comp. No. 110)

The jurisdiction of police forces is paramount to that of fire police in performing police functions but, the fire department has exclusive jurisdiction over matters relating solely to firefighting. (13 Op. St. Compt. No. 110, 157; 1957 Ops St Comp. No. 420)

Fire Police officers should work under the three “C’s” known to all responders:

Cooperation – Work together, safety is a priority.

Coordination – Train and preplan with other agencies as well as your own.

Communication – working under the same incident command system with common terminology and common communications equipment.

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The fire police squad supplies additional or supplementary peace officers for protecting the community at the scene of an emergency involving the fire department. (1955 Ops. St. Comp. No. 7260, 1957 Ops. St. Comp. No. 110)

For example, the fire chief might restrict passing through the fire lines, and the restrictions enforced by the fire police. Law enforcement could not countermand such an order. There will be an area where police and fire functions overlap, making it difficult to determine whose authority is paramount. **However, the problem of overlapping jurisdiction can be resolved if worked out in advance.(1957 Ops. St. Comp. No. 110) Cooperation with law enforcement is important.**

Offering firefighter assistance outside registered department (GML 209-i (1))

If a firefighter within the state, but outside the area regularly served by the fire company or fire department he or she is a member and has knowledge of a fire or other emergency he or she may report to the officer in command of the fire company or department and offer his or her assistance. After services are accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities as if he or she were a volunteer firefighter of the assisted department or company.

Volunteer Firefighter Liability

Volunteer firefighters performing in the line of duty are generally exempt from civil liability for acts of negligence.

Appointment of volunteer firemen as members of a fire police squad will not affect the tort liability for their negligent acts (1955 Ops St Comp. No. 7153).



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TORT Definition - A negligent or intentional civil wrong not arising out of a contract or statute. These include "intentional torts" such as battery or defamation, and torts for negligence.

A tort is an act that injures someone in some way, and for which the injured person may sue the wrongdoer for damages. Legally, torts are called civil wrongs, as opposed to criminal violations. (Some acts like battery, however, may be both torts and crimes; the wrongdoer may face both civil and criminal penalties.)

Section 205-b of the General Municipal Law states:
Members of duly organized volunteer fire companies in this state shall not be civilly liable for any acts done by them in the performance of their duty as volunteer firefighters, except for willful negligence or malfeasance

If the fire department or company or emergency squad (first aid/ambulance) is on duty or the fire police squad is ordered separately on duty, fire police are covered. Under Section 204-a of the General Municipal Law such immunity does not apply with respect to fund raising activities. Firefighters are not immune from liability at social functions. (1990 Ops. Atty. Gen. No. 1117, 1957 Ops. St. Comp. No. 123)

Whether the members of a fire police squad would be covered by VFBL insurance and would be free from civil liability for negligence to the extent provided in section 205-b of the GML when directing traffic at an intersection following a blackout of a traffic light, or during a parade or marathon depends upon the particular facts and circumstances involved. Prior inconsistent opinions superseded. (1979 Op St Comp. No. 854)

Liability of others

A volunteer firefighter, who is not a member of a fire police squad, may not be held personally liable for damages resulting from his negligence in directing traffic as part of a firematic operation. (1975 Ops Atty. Gen No. 103)

The town is not liable for negligent acts of fire district fire policeman (1955 Ops St Comp. No. 7659).

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Willful negligence and malfeasance

Black's Law dictionary defines willful negligence as a willful determination not to perform a known duty or a reckless disregard of the safety or rights of others; an intentional performance of an unreasonable act. Malfeasance is defined as the unjust performance of some act which the party doesn't have the right to perform or which had contracted not to do, i.e., the doing of a lawful act in an unlawful manner.

In addition to willful negligence and malfeasance, there is nonfeasance of office which is described as an omission to act.

A public servant, who consciously refrains from performing an official non-discretionary duty which is imposed by law or which is clearly inherent in the nature of his office and who fails to perform such duty, can be guilty of nonfeasance and could be held liable.

Example – Operating emergency or privately owned vehicles and equipment in a reckless or negligent manner whereby lives or property are endangered would be malfeasance. This is in addition to any other legal violation affecting the health, life or welfare of the person(s) endangered

Question – What is the liability about this driver and officer's actions?

Example – An example of nonfeasance would be when a fire police member, assigned to protect the lives of company members who may be in a hazardous position, leaves their post vacated and his/her company unprotected and a member of the department is injured or killed by a motorist who does not stop.

Specialized Teams (GML Sec. 204-bb (1))

By resolution, after a public hearing the governing body of each county, city and town is authorized to establish, maintain and supervise municipal-wide and inter-municipal specialized teams. Municipalities may, by resolution, extend the employees (firefighters) VFBL coverage for purposes of participating on special teams.

These teams may consist of underwater rescue and recovery (dive) teams, hazardous materials teams, and special operations teams.

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As a fire police officer, you are not expected to take action if any of these or other crimes are observed. You should document as much as you can and advise the incident commander and law enforcement what you observed. Remember that your personal safety and the safety of others is the first priority. Being a good witness can be invaluable to law enforcement.

Some of the questions that may be asked of you include the facts of what you observed – that being Who, What, Where, When, Why and How.

Who – Who was involved?

What – What happened? What did you see?

When – When did it take place? What date and time?

Where – Where did it specifically take place?

Why – Why did it happen?

How – How did it happen?

Obviously, this is just a short list of many questions that a law enforcement officer may ask you as a witness. Circumstances and incidents will vary, but fire police officers should attempt to document as much detail as possible. Witnesses need to remember to only state the facts of what they know and not to guess as to what happened.

Summary

1. Definitions.
2. Fire Police authority.
3. Rules governing fire police.
4. Training requirements.
5. Department of Criminal Justice requirements.
6. Legal sections pertaining to fire police.
7. Liability and negligence.

END OF UNIT II

NOTES



The state comptroller has rendered the opinion that fire police do not act as peace officers while attending public meetings to observe compliance with safety ordinances (17 Op. St. Comp. No. 407); when furnishing floodlights to assist law enforcement officials at the request of the local police (17 Op. St. Comp. No. 407); or while directing traffic outside the fire hall if their department is not engaged in firematic functions (15 Op. St. Comp. No. 304).

Whether or not a particular event or occurrence constitutes an emergency is a question of fact, although the authorities having control of the fire department or company may declare the types of events or occurrences to which the fire department or company may respond or may order the fire department or company not to respond to particular kinds of events or occurrences. The members of a fire police squad may act as such at any time when the fire department or company or emergency rescue squad is on duty. Its authority does not depend upon the giving of a signal or alarm. (1953 Ops St Comp. No. 6019)

Fire police should know their department or company's policies and procedures for responding to alarms, notifying the fire chief, and for reporting injuries. Each member should be familiar with local standard operating procedures. (Do not jeopardize a valid claim by neglecting the paper work)

All Fire Police and Authorities Having Jurisdiction (AHJ) should have Rules and Regulations outlining the duties they may perform, i.e. Fire Police duties.

Traffic control

Fire police attending a convention may not direct traffic on public roadways, unless a call for assistance is made to the department or company, but may direct traffic on convention grounds as part of a training activity. As individual firemen they may volunteer their services to such fire district under section 209-i (1953 Ops St Comp. No. 6341).

The fire police squad of a village volunteer fire department may not direct traffic outside a fire house if the department is not engaged in a firematic function (1959 Ops St Comp. No. 673).



NOTES

UNIT III

NOTES

Vehicle and Traffic Law

Unit Objectives

At the end of this unit the student will have a working understanding of portions of the New York State (NYS) Vehicle and Traffic Law as they pertain to the emergency services and specifically to fire police.

References

- NYS Vehicle and Traffic Law
- NYS Department of Motor Vehicle Commissioner's Rules and Regulations

Introduction

Understanding the NYS Vehicle and Traffic Law as it pertains the emergency services and specifically to members of the fire service designated as fire police is an important aspect of the position. This unit will review some of the laws that fire police should be familiar with and understand.

Definitions

Authorized emergency vehicle (VTL 101)

The following are considered Authorized Emergency Vehicles – Every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, blood delivery vehicle, county emergency medical service vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

In other sections, the law further defines ambulance, fire vehicle, and emergency response vehicles.



Fire vehicle (VTL 115-a)

Every vehicle operated for fire service purposes owned and identified as being owned by the state, a public authority, a county, town, city or, village, or a fire district, or a fire corporation or fire company.

A fire vehicle includes traditional fire trucks (including a fire police vehicle) and vehicles from the office of fire prevention and control, as well as vehicles ordinarily operated by a chief or assistant chief, a county or deputy fire coordinator, a county or assistant county fire marshal, or town or assistant town fire coordinator, or such vehicle when operated in an official capacity by or under the direction of such person. A fire vehicle also includes industrial, institutional or commercial fire vehicles designed for use by firefighting units on such properties.

Emergency operation (VTL 114-b)

The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

Flag person (VTL 115-b)

A flag person is any person employed by or on behalf of the state, a county, city, town or village, a public authority, a local authority, or a public utility company, or the agent or contractor of any such entity, who has been assigned to control or direct traffic on public highways in connection with any construction, survey, and/or maintenance work being performed.

A flag person also includes any person employed by or on behalf of a railroad corporation who has been assigned to control or direct traffic at a railroad grade crossing.

Also, any person holding a certificate issued by the commissioner of motor vehicles, which authorizes such person to operate an escort vehicle, and who has been assigned to control, warn, or direct traffic in connection with the movement of an escort vehicle on a public highway.

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Hazard vehicle (VTL 117-a)

Every vehicle owned and operated or leased by a utility, whether public or private, used in the construction, maintenance and repair of its facilities, every vehicle specially equipped or designed for the towing or pushing of disabled vehicles, every vehicle engaged in highway maintenance, or in ice and snow removal where such operation involves the use of a public highway and vehicles driven by rural letter carriers while in the performance of their official duties.

A hazard vehicle is not considered an authorized emergency vehicle.

Lighting Equipment

Colored and flashing lights (VTL 375-(41))

Red and white lights

Any combination of red lights and white lights may be affixed to an authorized emergency vehicle. Such lights may be displayed on an authorized emergency vehicle when such vehicle is engaged in an emergency operation.

This section also allows such lights to be displayed upon a fire vehicle while returning from an alarm of fire or other emergency.

Note: This provision was written many years ago as many fire apparatus had their emergency lights directly wired to come on when the fire apparatus was started. Although the law allows the use of lights returning from an alarm, it is not recommended. The over use of emergency lighting can “dull the senses of the community.” Members of the community may become accustomed to seeing emergency lights displayed on emergency vehicles when on returning to the fire house. When a response to a true emergency is taking place those same members may not yield to emergency vehicles. Such confusion in the community may delay the provisions of services or result in accidents.

Red and white lights on emergency vehicles when displayed need to be visible from a distance of 500 feet from all directions. An exception is made for police vehicles.



Amber lights

One or more amber lights may be affixed to a hazard vehicle, and such a light or lights which display an amber light visible to all approaching traffic under normal atmospheric conditions from a distance of five hundred feet from such vehicle shall be displayed on a hazard vehicle when such vehicle is engaged in a hazardous operation.

Such light or lights shall not be required to be displayed during daylight hours provided at least two red flags visible from a distance of five hundred feet are placed both in or on the front of, and to or on the rear of the vehicle and two such flags are placed to each side of the vehicle open to traffic. Such lights or flags need not be displayed on the vehicle when the vehicle is operating, or parked, within a barricaded work area and said lights or flags are displayed on the barricade.

The provisions of this subdivision shall not prohibit the temporary affixing and display of an amber light to be used as a warning on a disabled motor vehicle or on a motor vehicle while it is stopped on a highway while engaged in an operation which would restrict, impede or interfere with the normal flow of traffic.

In any city in this state having a population of one million or more, one amber light may be affixed to any motor vehicle owned or operated by a volunteer member of a civilian or crime patrol provided such volunteer civilian or crime patrol member has been authorized in writing to so affix an amber light by the police commissioner of the municipality in which he patrols, which authorization shall be subject to revocation at any time by the police commissioner who issued the same or his successor in office. Such amber light may be operated by such volunteer civilian or crime patrol member in such a vehicle only when engaged in a patrol operation as defined and authorized by rules and regulations promulgated by the police commissioner and only in such a manner and at such times as may be authorized by the police commissioner pursuant to said rules and regulations.

NOTES



Blue lights

One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he or she is employed. Written authorization is needed from the chief of the fire department of which the firefighter is a member. The authorization shall be subject to revocation at any time by the chief who issued the same or his or her successor in office. Such blue light may be displayed exclusively by such volunteer firefighter on such a vehicle only when engaged in an emergency operation.

The blue light is only a courtesy light and does not exempt firefighters from any laws.

Example – Firefighters are not allowed to speed, pass stop signs, pass red lights, pass others vehicles in no passing zones, etc. Blue lights may be used as a warning for other motorists and request for the other motorists to yield.

The blue light may be visible from three hundred sixty degrees, but it is not required to be.

Example – One dash board mounted or one visor mounted blue light is allowed.

The law specifically states that only one blue light may be affixed to a volunteer member's vehicle. Therefore, the use of any combination of a blue lights mounted as a light bar, dash light, visor light and grill lights would be inconsistent with the law.

The use of blue lights on fire vehicles is approved by the NYS Vehicle and Traffic Law. The use of one or more rear facing blue lights on vehicles shall be restricted for use only on police and fire vehicles.

NOTE: Police and fire vehicles may display one or more blue lights that are rear facing only when used in combination with other red or white lights. The blue rear facing light may be affixed and displayed from a light bar, trunk, rear gate or interior. It is not yet approved for ambulance vehicles at this time.

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Note: The use of trunk mounted lights started in police sedans after several accidents occurred while the trunk was raised and blocked the visibility of the light bars. Additional rear facing lights may be necessary on some vehicles such as sport utility vehicles where the visibility of a light bar may be decreased because of the height of the vehicle or the luggage rack on police and fire vehicles.

Green lights

One green light may be affixed to any motor vehicle owned by a member of a volunteer ambulance service, or on a motor vehicle owned by a member of such person's family, or by a business enterprise in which such person has a proprietary interest or by which he is employed, provided such member has been authorized in writing to so affix a green light by the chief officer of such service as designated by the members thereof. Such green light may be displayed exclusively by such member of a volunteer ambulance service only when engaged in an emergency operation. The use of green lights on vehicles shall be restricted for use only by a member of a volunteer ambulance service as provided for in this paragraph.

If the ambulance service is operated under the authority of a fire department, a blue light and not a green light should be displayed.

The provisions of this subdivision forty-one shall not be applicable to vehicles from other states or from Canada which have entered this state to render police, fire or civil defense aid, or ambulance service, while such vehicles are here or are returning to their home stations if the lights on such vehicles comply with the laws of their home states or Canada.

The provisions of this subdivision shall not be applicable to the driver of a vehicle from another state or foreign jurisdiction which vehicle has colored lights affixed but not revolving, rotating, flashing, oscillating or constantly moving if the lights on such vehicle comply with the laws of the state or home foreign jurisdiction in which the vehicle is registered.

Example – If a firefighter is also a member of an ambulance corps, both a blue light and a green light may be affixed to the same vehicle. But, both lights may not be displayed (operated) at the same time.

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Example – A vehicle may not display a both a blue light (or green) and an amber light at the same time when both are visible three hundred sixty degrees. But, a vehicle is allowed to display a blue light (or green light) that is visible three hundred sixty degrees with amber lights visible only to the rear.

Example – If a fire chief operates his personally owned vehicle as an emergency vehicle, his daughter who is also a firefighter may not affix a blue (or green) light to that emergency vehicle.

Example – If a fire chief's authorized emergency vehicle is being repaired, the fire chief may not take a dash mounted red light (or a red visor light) and place it on the dash board of another vehicle (light needs to be visible from 360 degrees).

The NYS DMV Commissioner is authorized to promulgate rules and regulations relating to the use, placement, power and display of blue lights on a police vehicle.

Motorcycle equipment (VTL 381(3))

This subsection also allows a blue light to be affixed to a motorcycle just as a blue light is allowed to be affixed to a vehicle. No volunteer fireman shall be permitted to display a blue light upon a motorcycle except while actually enroute to the scene of a fire or other emergency requiring his services. The volunteer firefighter shall be an active volunteer member of a fire department or company and shall have been authorized in writing to display a blue light by the chief of the fire department or company of which he is a member. The authorization shall be subject to revocation at any time by the chief who issued the same, or his successor in office.

Scanner use**Equipping motor vehicles with radio receiving sets capable of receiving signals on the frequencies allocated for police use (VTL 397)**

This section of law allows a police officer or peace officer, acting pursuant to his special duties, to equip a motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police use.



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A firefighter, who is not a member of the fire police squad and has not been designated as a peace officer, cannot equip a motor vehicle with such a scanner without having first secured a permit to do so from a person authorized to issue such permit by the local governing body of the municipality in which such person resides.

A person, except for a police officer or peace officer acting pursuant to his or her special duties, who equips a motor vehicle with such a scanner, knowingly uses a vehicle so equipped, or in any way knowingly interferes with the transmission of radio messages by the police is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

Unlawful possession of radio devices (PL 140.40)

The NYS Penal Law defines the term "radio device" as any device capable of receiving a wireless voice transmission on any frequency allocated for police use, or any device capable of transmitting and receiving a wireless voice transmission. A person is guilty of unlawful possession of a radio device when he possesses a radio device with the intent to use that device in the commission of robbery, burglary, larceny, gambling or a violation of any provision of article two hundred twenty of the penal law.

Unlawful possession of a radio device is a class B misdemeanor.

Obedience to police officers and flag persons (VTL 1102)

No person shall fail or refuse to comply with any lawful order or direction of any police officer or flag person or other person duly empowered to regulate traffic.

Note: Fire police are not considered flag persons, but are considered "other persons duly empowered to regulate traffic." Therefore, if a motorist does not follow instructions of a fire police member, the motorist would be acting inconsistent with this section.



Authorized emergency vehicles (VTL 1104)

(a) The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Stop, stand or park irrespective of the provisions of this title;

(Example – park in a no parking zone)

2. Proceed past a steady red signal, a flashing red signal or a stop sign, **but only after slowing down as may be necessary for safe operation;** (emphasis added).

(Note: NFPA 1451 (7.1.3) guidelines state a fire vehicle will come to a complete stop at an intersection before proceeding)

3. Exceed the maximum speed limits **so long as he does not endanger life or property;** (emphasis added)

4. Disregard regulations governing directions of movement or turning in specified directions.

(Example – go the wrong way down a one way road)

(c) Except for an authorized emergency vehicle operated as a police vehicle or bicycle, the **exemptions** herein **granted** to an authorized emergency vehicle **shall apply only when audible signals are sounded** from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle **as may be** reasonably **necessary**, and when the vehicle is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible (emphasis added).

Note: If an authorized emergency vehicle is involved in a motor vehicle accident while responding to an emergency call, one of the many questions that will be asked is whether the emergency vehicle had its emergency lights and siren on.

Note: Police vehicles are exempt so that they may be able to respond to a crime in progress and attempt to apprehend the suspect.

(d) An authorized emergency vehicle operated as a police, sheriff or deputy sheriff vehicle may exceed the maximum speed limits for the purpose of calibrating such vehicles' speedometer.

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A police, sheriff or deputy sheriff bicycle operated as an authorized emergency vehicle shall not be prohibited from using any sidewalk, highway, street or roadway during an emergency operation.

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others (emphasis added).

In every instance, the operator of an authorized emergency vehicle must stop or yield the right of way to: a stopped school bus on the highway with lights flashing to received or discharge passengers; at signal or gates indicating an approaching train at a railroad grade crossing; a blind pedestrian crossing the roadway with a seeing eye dog or carrying a white cane with a red tip in a raised position; or when directed by a police officer or other person empowered to regulate traffic.

Note: Just because the law authorizes certain privileges of an emergency vehicle, that doesn't mean you must do it. For example, the law authorizes emergency operation while transporting prisoners, but most agencies transporting prisoners aren't using lights and siren. Many fire departments have adopted policies of responding "on the quiet" to some alarms which means no lights and siren. It has been shown that fewer collisions occur and apparatus arrives at the scene of the alarm without significant delays. Department policy consisting of Standard Operating Procedures (SOPs), Standard Operating Guidelines (SOGs) or Field Operation Guidelines (FOGs) should be adhered to.

Note: Drivers of emergency vehicles need to use extreme caution when operating a fire vehicle. Injuries, deaths, lawsuits and negative public relations within the community could occur as a result of careless operation.

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Operation of vehicles on approach of authorized emergency vehicles (VTL 1144)

Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle or bicycle when operated as an authorized emergency vehicle, and when audible signals are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway (emphasis added).

Operations of vehicles when approaching a parked, stopped or standing authorized emergency vehicle (VTL 1144-a)

Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such authorized emergency vehicle displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one or section three hundred seventy-five of this chapter is parked, stopped or standing to another lane, provided that such movement otherwise complies with requirements of this chapter including but not limited to, the provisions of section eleven hundred ten of this title and eleven hundred twenty-eight of this title.



Basic rule and maximum limits (VTL 1180)

Section (e) states the driver of every vehicle shall, consistent with the requirements of subdivision (a) of this section (driving reasonable and prudent under the conditions), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when approaching and passing by an emergency situation involving any authorized emergency vehicle which is parked, stopped or standing on a highway and which is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter, when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of weather or highway conditions, including, but not limited to a highway construction or maintenance work area.

Following emergency fire vehicles prohibited (VTL 1217)

The driver of any vehicle other than one on official business shall not follow any authorized emergency fire vehicle in the same lane or an adjacent lane to the one being used by such fire vehicle at a distance closer than two hundred feet while such fire vehicle is displaying one or more red or combination red and white lights, or one white light which must be a revolving, rotating, flashing, oscillating or constantly moving light.

Such driver shall also not drive into or park his or her vehicle within the block or where there is no block, within one thousand feet of where such fire vehicle has stopped in answer to a fire alarm.

Note: Some fire apparatus have lettering on the back of the truck stating, "Keep Back 500 Feet."

Crossing fire hose (VTL 1218)

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Note: Fire police operating under the incident command system are authorized to allow vehicles to cross fire hose if they deem the action necessary. Some fire departments may have hose bridges to prevent damage to the hose.

NOTES

Operation of vehicles with safety seats and safety belts (VTL 1229-c)

Subdivision (4) of this section exempts operators and occupants of an authorized emergency vehicle from using seat belts.

Note: Although the NYS Vehicle and Traffic Law does not require operators and occupants of authorized emergency vehicles to use seat belts, many fire departments have instituted policies in which all occupants of a fire vehicle must use seat belts. Seat belts have been proven to save lives. Many fire service organizations highly recommend that seat belts be used. Many fire apparatus manufacturers are researching ways in which a vehicle would not move out of park without all occupants being seat belted in. It is highly recommended that all firefighters use seatbelts. Firefighters should also review department policies regarding seatbelt use.

Remember, that a personal vehicle of a firefighter is not an authorized emergency vehicle. Therefore, firefighters operating their personal vehicles and passengers in such vehicles are still required to wear their seat belts at all times.

Emergency rule (VTL 1602)

Subdivision (a) allows a police officer to temporarily close any street, for such period of time as is necessitated for the public safety, to vehicular traffic or to divert the traffic in the event of a fire, accident or special emergency.

Subdivision (b) allows any police officer or other person empowered to regulate traffic to direct traffic as conditions may require to expedite traffic or to safeguard pedestrians or property in the event of a fire or other emergency.

New York State LENS Program

LENS is a data service that gathers information daily from DMV's driver license file, and then reports new information to you. LENS enables you to monitor the New York State license records of employees and volunteers who drive and train drivers on your organization's behalf.

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Participation in LENS has many benefits:

- you can find out if your drivers have valid licenses,
- you receive automatic notifications of changes to your drivers' records,
-
- you can detect driving problems quickly,
- you can easily obtain a driver's current driving record (known as an abstract, history or MVR),
- highway safety improves for everyone.

How does it work?

When you enroll in LENS, you choose any or all of the events for which you wish notifications:

- Accidents (Reportable)
- Convictions
- Expirations
- Point and Insurance Reduction Program Completions
- Restorations
- Suspensions and Revocations

LENS first produces a certified MVR for each driver you add. Thereafter, LENS will notify you of new events on your drivers' New York records.

Negligence in use or operation of vehicle attributable to owner (VTL 388)

This section states that every owner of a vehicle shall be liable and responsible for the death or injuries to persons or property resulting from negligence in the use or operation of such vehicle.

Firefighters while responding to any emergency should use extreme caution when either driving their personal vehicles or the fire department's emergency vehicles. A slight distraction could result in a collision or worse.

NOTES

Student Exercise

This will be a group exercise. The instructor will assign each group a different scenario. You will answer questions the questions and present to the group your findings.

In a group, discuss the following questions and prepare to present your answers to the class.

1. What actions should you take as a fire police officer?
2. What are your department standard operating procedures for this type of event?
3. What gives you the authority to establish a traffic control point on a public highway?

Review case study *People v. Loren* for this exercise.

Case Study – *People v. Loren* (2005)The New York Court of Appeals in *People v. Loren*, 4 N.Y. 3rd 411 (2005), held that Vehicle and Traffic Law (VTL) § 1102 permits a fire chief to empower subordinate firefighters to regulate and direct traffic at the scene of a fire or accident.

On December 17, 2003, the Village of Poland Volunteer Fire Department responded to an automobile accident. The fire chief ordered two firefighters to close the road. The two firefighters set up a roadblock using flares and one of the firefighter's personal vehicle, with its blue emergency lights turned on. One of the firefighters was dressed in full firefighter's "turn out" gear, and the other wore a green fluorescent vest and was holding an orange highway flag. The defendant drove around a roadblock, ignoring the firefighters' order to stop. The firefighters called the State Police who subsequently went to the defendant's residence and issued him a ticket for violating VTL § 1102, which states that "no person shall fail or refuse to comply with any lawful order or direction of any police officer or flagperson or other person duly empowered to regulate traffic." The defendant argued before the Village Court that he did not violate VTL § 1102 because volunteer firefighters are not empowered to regulate traffic. The Village Court found that the defendant violated VTL § 1102 based on the understanding that a fire chief has authority to direct traffic at the scene of an emergency and can delegate this responsibility to subordinates.



NOTES

The County Court and the Court of Appeals affirmed the decisions of the lower courts. The issue in the *Loren* case was whether volunteer firefighters are "persons duly empowered to regulate traffic" under VTL § 1102. The Court of Appeals held that volunteer firefighters may direct traffic at fire scenes and accidents when delegated such authority by the fire chief pursuant to VTL § 1602. Section 1602(b) states that:

"[i]n the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians or property: any police officer or other person empowered to regulate traffic at the scene may, to the extent authorized by local law . . . direct traffic as conditions may require."

The Court acknowledged that a fire chief's responsibility to coordinate the fire department's response to an emergency includes: protecting the public while keeping the public from obstructing the fire department's mission.

The Court determined that the two volunteer firefighters were "duly empowered to regulate traffic" under VTL § 1102 because they were acting under instructions from the fire chief. The Court reasoned that fire chiefs may delegate their VTL § 1602 authority to regulate to their subordinates. A fire chief has exclusive control over the members of the fire department at all fires, inspections, reviews and other occasions when the fire department is on duty or parade. (*Town Law § 176-a; Village Law § 10-1018*). The Court interpreted this control as authorizing "firefighters to undertake tasks critical to public safety, such as diverting traffic away from the scene of a fire or dangerous accident." (*People v. Loren, 4 N.Y.3d 411, 414 (2005)*).

Historically, fire police are used by fire departments to regulate and direct traffic at the scene of a fire or accident.¹ (*Inf. Op. A.G. 134 (1966); Op. Compt. 61-328*). The *Loren* case expands a fire department's ability to regulate and direct traffic by holding that duly empowered firefighters, who are not fire police, can regulate and direct traffic at the scene of a fire or accident. A fire department's authority and responsibility is tied to firematic functions and its members, including fire police, are limited to responding to a fire or accident when directed by the fire chief or fire department. (*Op. Compt. 79-853; unreported, Inf. Op. A.G. 103 (1975)*)



NOTES

The Court's finding that firefighters can regulate traffic at the direction of the fire chief, without needing fire police designation, enhances a firefighter's ability to assist at the scene of an accident to provide for public safety. The Attorney General, in a 1975 opinion, stated that "members of the [fire police] squad do not have the exclusive authority to direct traffic, and any member of the volunteer fire department may, direct traffic to assist in controlling and extinguishing a fire." (*Inf. Op. A.G. 103 (1975)*).

This case enables fire chiefs to delegate authority to firefighters to control traffic at a fire, accident or other emergency. Motorists who refuse to obey the orders of a firefighter delegated with the authority to control traffic at a fire, accident or other emergency may find themselves confronted with a VTL § 1102 violation.

¹Under General Municipal Law § 209-c, fire police squads are created within a volunteer fire department and when exercising their duties and responsibilities have the powers and status of peace officers. (See Criminal Procedure Law § 2.10(41)). Fire police squads have the same authority as police officers to regulate traffic at the scene of a fire or other emergency under VTL § 1602. VTL § 132 defines police officer to include peace officers designated pursuant to Article 2 of the Criminal Procedure Law. Criminal Procedure Law § 2.10(41) designates members of fire police squads as peace officers.

Note: Although case law (decision from the court) provides that firefighters who are not members of the fire police squad may direct traffic, fire chiefs and fire police captains should use caution when asking a non-trained firefighter to perform such a function. If a firefighter causes confusion among motorists and/or pedestrians and an accident occurs, the fire chief and the fire department may be sued and ultimately held liable for their actions.



SUMMARY

1. Definitions of terms.
2. Vehicle warning lighting.
3. Radio usage.
4. Authorized emergency vehicles.
5. Fire service operations.
6. Case study *People v. Loren*.

END OF UNIT III

NOTES



UNIT IV

NOTES

PPE & Flagger Training

UNIT OBJECTIVES

1. Recognize the need to use specific methods and equipment when performing emergency traffic control responsibilities.
2. Correctly execute the basic Stop/Proceed/Slow directions.
3. Perform emergency traffic control.

References

N.Y.S. Dept Labor (PESH)
U. S. Dept. Transportation – Federal Highway Administration - Manual on Uniform Traffic Control Devices (MUTCD – 2003 Edition)
N.Y.S. Dept. Transportation – N.Y.S. MUTCD effective 2/17/05
ANSI Standard 107-2004 High Visibility Safety Apparel and Headwear
The National Safety Council Flagger Training Course.
Utility Flagger Roadway Work Zone Safety.
Institutes for Transportation Research & Education, North Carolina State University.
National Cooperative Highway Research Program, Report 476.
American Traffic Safety Services Association.
Circleville Fire District - Standard Operating Guideline for Temporary Traffic Control areas.



The Need

NOTES

Recognizing the need

Traffic accidents occur in TTC (Temporary Traffic Control) areas due to a combination of factors, including driver error, poor visibility (due to environmental conditions, or situations created by on scene emergency vehicle lights), obstructions, inadequate traffic control and improper management of material, equipment and personnel. You must make the TTC zone one of your primary focuses during the entire operation. There must be adequate personnel and equipment dedicated to this operation. If there is not adequate time and energy given to controlling and operating the TTC zone, the results could be catastrophic. This is not the area to cut back on manpower or equipment. With attention given to manpower, equipment, and training in the area of traffic control, the fire service as a whole can greatly reduce injuries and fatalities on emergency scenes.

1. NIOSH CASE #99-038

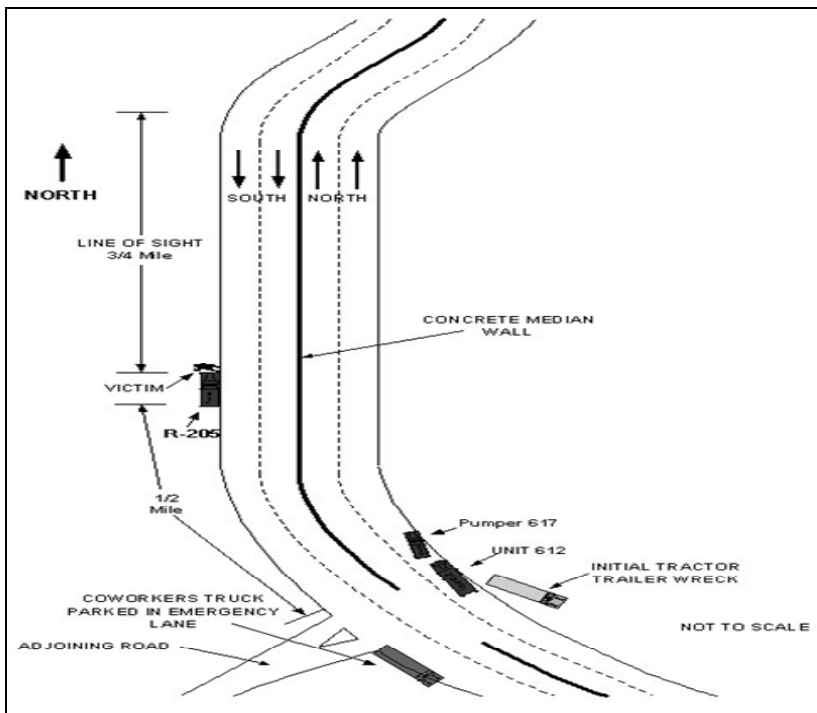
On September 27, 1999, a 68-year-old male volunteer fire fighter (the victim) died after being struck by a tractor trailer truck. He was part of a volunteer fire department (Volunteer Fire Department #2) that was called out to provide assistance for another local volunteer fire department (Volunteer Fire Department #1) that had responded to a tractor trailer wreck. The wreck had occurred during a heavy rainstorm along a four-lane highway approximately 1 mile south of the North Carolina State line. (Note: Thirty-nine collisions have occurred in this 1-mile stretch of road since 1994.) National Institute for Occupational Safety and Health (NIOSH) was notified of this incident on October 5, 1999, by the United States Fire Administration. On October 27, 1999, a Safety and Occupational Health Specialist and a Safety Engineer from the Division of Safety Research traveled to South Carolina to conduct an investigation of this incident. Meetings were held with both fire departments' officers and fire fighters who were on the scene at the time of the incident, ambulance service personnel, and a South Carolina Highway patrolman who was also present on the scene at the time of the incident. Fire department training records, standard operating procedures, traffic collision reports, and an ambulance service run report were reviewed.



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A site visit was conducted, and photographs of the incident scene were taken. The fire department involved in the incident consists of 30 volunteer fire fighters and serves a population of 2,500 in a geographic area of 32 square miles. The victim had 3 years of experience with the fire department.

The victim had not completed basic fire fighter training and was being used as a utility person. The victim often drove and operated fire apparatus, set up equipment as needed, and assisted in traffic control. The victim had twice passed a 52-hour First Responder course and had also received 2-hour driver training that provided familiarization with departmental apparatus. The site of the incident consisted of a four-lane highway running in a north-south direction. The site of the tractor trailer wreck occurred directly across from the junction of the road on which the assisting fire department's station house is located. The site of the tractor trailer wreck is on a stretch of highway that passes through a mountainous area and is on a 6-percent grade with seven-tenths of a mile being straight and the next two-fifths of a mile before the wreck site consisting of a curve. The speed limit in that area is 55 mph.



NOTES

On September 27, 1999, at 1155 hours, a call came into Central Dispatch reporting a wreck involving a tractor trailer truck on a four-lane highway approximately 1-mile south of the North Carolina State line. The tractor trailer was heading southbound during a heavy rainstorm when the driver swerved to miss a deer, causing the truck to travel across the northbound lanes and over an embankment. The driver of the wrecked tractor trailer was being followed by a coworker/driver in another tractor trailer when the incident occurred. The second truck stopped and parked in the emergency lane of the southbound lanes (directly across from the initial wreck) after seeing his coworker's truck go over the embankment. The units responding from Volunteer Fire Department #1 at 1200 hours included the following: Pumper 617 with two fire fighters, Pumper 612 with two fire fighters, and an Assistant Chief on Pumper 622. Pumper 617 was the first on scene with one of the fire fighters assuming Incident Command (IC). The IC released Emergency Medical Service (EMS) from the scene at 1214 hours after it was determined that the driver of the tractor trailer was not injured. Pumpers 612 and 622 were en route at this time. The IC had Volunteer Fire Department #2 toned out to provide backup assistance and traffic control for the southbound lanes while the IC's fire fighters were busy spraying spilled diesel fuel off the road and conducting traffic control in the northbound lanes. At approximately 1220 hours, fire fighters from Volunteer Fire Department #2 arrived in privately owned vehicles (POVs), and the victim arrived in Rescue Unit 205 (R-205). The driver (victim) of R-205 was directed to provide traffic control assistance in the southbound lanes. (Note: Traffic control was needed in the southbound lanes because the tractor trailer truck was still parked in the emergency lane, partially blocking the outer southbound lane, directly across from the initial wreck.) This stretch of road has had frequent wrecks partly due to bad weather conditions, the steep grade (6%), and the curves that occur along this 1-mile stretch of road. The South Carolina Department of Public Safety reports that this 1-mile stretch of road had a total of 39 collisions resulting in 25 persons injured and 1 fatality between the years 1994 and 1999 (1999 figures are preliminary). The victim then drove R-205 northbound on the outer emergency lane of the southbound lanes, facing oncoming traffic, to an area that provided the most visibility and warning to oncoming traffic. The emergency lights of R-205 were turned on at the time of the incident. It was customary for the victim to set up for traffic control in this location when responding to motor-vehicle wrecks occurring on this stretch of highway. The location of R-205 was ½ mile north of the tractor trailer wreck and in the opposite lanes of the wreck.



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Approximately 25 minutes after traffic control measures were established by the victim, the Lieutenant from Volunteer Fire Department #2 received a radio call from the victim who was checking to see if they had their rain gear on. Due to the heavy rainfall, the Lieutenant told the victim that they did have their rain gear on and that if he (the victim) was getting wet, to go ahead and sit in the truck (R-205). Approximately 5 minutes later, the sound of a truck applying its brakes caught the attention of the fire fighters from both departments and one highway patrol officer. They saw the tractor trailer, in the southbound lane, fish tailing and then coming to a complete stop. They recalled seeing the driver of that truck get out of his vehicle and walk around the truck as if he were looking for something that might be wrong with the truck. The driver then got back into his truck and drove away. (Note: the truck was later found and identified by the police as the vehicle that had struck R-205.) Approximately 2 minutes later, another truck driver heading southbound stopped and informed the fire fighters that he had passed a fire fighter who was lying on the ground in front of a fire truck. Fire fighters from both departments drove up to R-205 and found the victim lying face down, on his side, in front of R-205. The front of the apparatus, on the passenger's side, was severely damaged, indicating that both the fire fighter and the truck had been struck by a motor vehicle. The victim was wearing a brightly colored yellow rain suit (both pants and jacket) and a ball cap. He was not wearing an orange vest or any other type of retro-reflective material. A hand held "stop/slow" traffic control sign was found on the ground near the victim, and it was broken into several pieces. Law enforcement called for an ambulance at 1257 hours. An EMT from fire department #1 turned the victim over and saw that he had massive head injuries and a flailed chest, and that he was belly breathing. The EMT inserted an airway with no resistance and began administering basic life support. An ambulance arrived on scene at 1314 hours and transported the victim to the regional hospital at 1317 hours. Time of arrival at the hospital was 1348 hours. The victim was later pronounced dead at the hospital.



Primary Responsibilities

NOTES

I. Yourself – You are there to ensure everyone's safety (emergency personnel, civilians etc.) – If you're not safe, everyone's safety is in jeopardy. You must control all traffic in and around the emergency scene. At anytime, an inattentive driver can cause great problems at your emergency scene. They can come from any area or direction. The reaction of a driver at or around emergency scene cannot be predicted. You must always assume they are there to hurt you and the other emergency personnel that you are there to protect. Always position yourself and set up the TTC zone with this thought in mind.

II. Emergency Service personnel (FD, PD, EMS, DOT etc.) are also a primary concern. These people need you to alert motorists that there are people in the roadway and that unusual traffic conditions require special care. They are dependent on your ability to keep them safe. Their focus will be on many other things at the emergency scene. It will not be on the traffic around them. That must be where your focus is centered.

III. Motorists – TTC zones present unpredictable dangers to motorists. Motorists traveling through TTC zones never know what to expect. As a "flagger" your job is to alert motorists to the presence of a TTC zone and to signal them to slow down while passing through. Remember that a motorist will very likely be "rubber-necking" to see what is going on. They will not be paying attention to you and the TTC zone you set up. It is your job to get their attention and get them to pass safely through the entire TTC zone.

IV. Pedestrians – You along with your peers have the job of also controlling pedestrian traffic as needed. This can be accomplished by the use of strategically placed barrier tape and other movement restricting devices. Some pedestrians can be very difficult to control. They may be family members of victims, the press, and any assortment of people that are drawn to the emergency scene. You must control them, the same way you control all the traffic at the emergency scene. They must go where you tell them and be accounted for at all times. There are times when law enforcement will need to be called to assist with the control of pedestrian traffic. There is nothing wrong with this and is recommended when needed.



V. Equipment – Of course, the flaggers' first concern is the safety of personnel as noted above, however emergency equipment must also be a consideration. The strategic placement certain vehicles (i.e. ladder, tanker etc.) may provide additional protection from the errant motorist.

What makes a good “flagger”? You're potentially the most important person on the scene.

I. Good physical condition – You're the first one to spot danger and most times you're the only one to alert other emergency service personal of immediate danger. You need good eyes, good ears, and the ability to move quickly in emergencies.

II. Mentally Alert – Flagging during TTC zone can be an extremely dangerous job. You must focus 100% of your time on the job your doing. Never take your eyes off the motoring public. Your safety and the safety of emergency service personnel on the scene depend on you to be vigilant at all times.

III. Courteous – Motorists don't like to be stopped or re-directed. Courteous is not only essential to good public relations, it's an exceptionally effective way to defuse anger. Some motorists will, no doubt, try to bother you – but if you allow yourself to argue with the motorist, your attention will be diverted from your main mission. Remember, there's really nothing to argue about – the motorist has to obey your directions and you have to ensure the safety of everyone in the TTC zone.

IV. Authoritative – If you act timid, uncertain, uncaring or confrontational you lose control. When you're in control, the motorist will respect your authority and proceed according to your direction. You must remain in control and gain control at all times.

NOTES



V. Appearance – Maintaining an authoritative appearance is also related to how you are dressed. When you look neat, clean and alert you gain the respect of the motorists whose safety depends on following your direction. It will also help if all personnel on the scene that are directing traffic are dressed the same. It will make them more recognizable and therefore more likely to be respected and listened to when giving directions.

Equipment needed for the TTC zone

I. Hand signaling devices

a. The Stop/Slow paddle should be the primary & preferred hand-signaling device for intermediate or long term traffic incidents (30 minutes or more) because it gives road users more positive guidance than red flags. The Stop/Slow paddle shall meet the standards outline in Sec. 6E.03 of the Federal MUTCD. It may also be modified to improve conspicuity as outlined in 6E.03.

b. Red Flags – Use should be limited to short duration traffic incidents (30 minutes or less). Red flags shall also meet the standards described in Sec. 6E.03 of the Federal MUTCD.

c. Hand lights – There are a variety of hand lights that are essential for use during nighttime traffic control. Think of it this way - one out of 10 motorists is under the influence of alcohol. Anything you can do to improve your visibility will contribute directly to your safety.

II. High visibility safety apparel

Your safety and consequently the safety of others working in the TTC zone greatly depends on the motorist seeing and recognizing you. It is of extreme importance that your organizations standardize what high visibility safety apparel you will use. Uniformity is key to the motorist recognizing your function in the TTC zone. Chapter 6E.02 of the Federal MUTCD outlines what shall be considered high visibility safety apparel.

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ANSI 107-2004 type vests

Section 6E.02 of the Manual on Uniform Traffic Control Devices covers safety apparel for flaggers on the roadways. For daytime and nighttime operations flaggers shall wear high visibility safety apparel. For the fire service this would be a class II or III type vest.

This standard further states that for nighttime operations, high visibility vests that meet the class III performance level shall be worn. If officers are used to direct traffic at a traffic control point then they can wear a public safety vest as described in ANSI standard 207-2006.

Also anytime you are operating on the roadway at night your traffic control station is required to be illuminated per the MUTCD standard.

III. Training

All personnel involved in setting up and controlling traffic through a traffic incident area must be trained on how to work next to motor vehicle traffic in a way that minimizes their vulnerability. Those people having specific TTC zone responsibilities must be trained in TTC zone techniques, device usage, and placement. You must be highly trained. The safety of all personnel on the scene is your responsibility. This is not the place to put new, untrained personnel because there is nothing else to do with them.



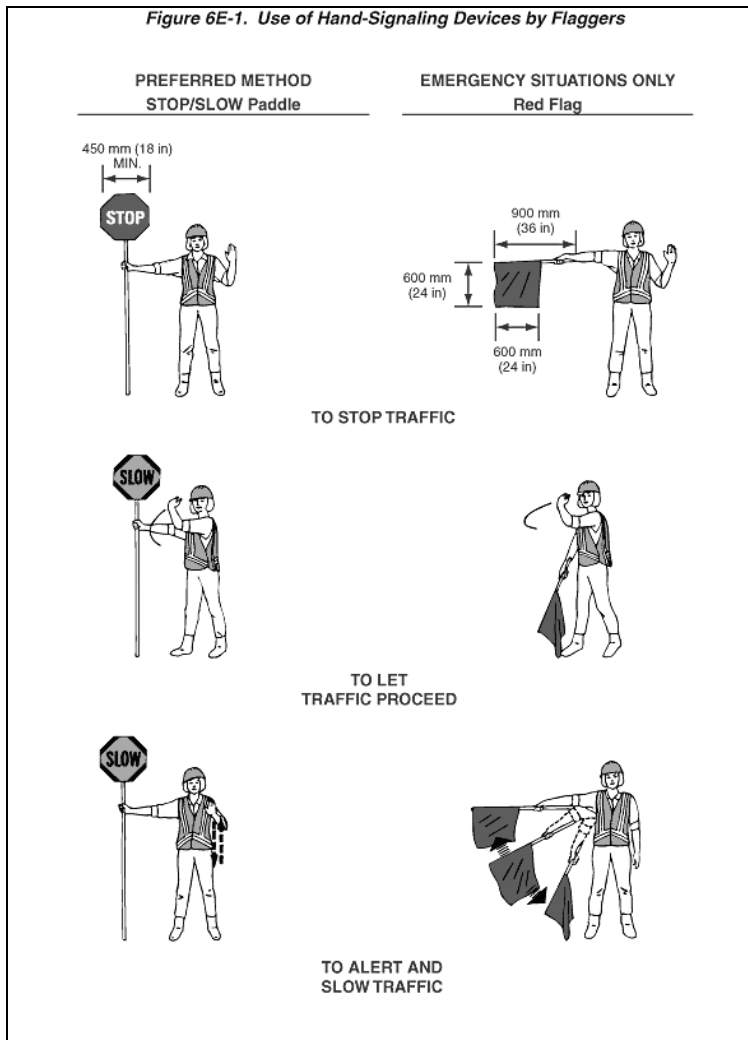
NOTES

- A. The flagger must understand what their responsibilities are:
1. Protect themselves (escape route)
 2. Protect personnel in the “work zone”, (Warn emergency services personnel to get out of the way if a vehicle is entering the “work zone.”) **(You must warn everyone in adequate time if they need to get out of the way of a motorist.)**
 3. Flag correctly (trained flaggers flagging correctly will provide a motorist with the best chance to obey and everybody stays safe). This must be a very coordinated effort between all flaggers on the scene so there is no confusion among personnel or the drivers passing through.
- B. Flaggers must have at least average intelligence and be physically fit so they can understand their responsibilities and do their job correctly and safely.
- C. This can be a mobile position. If there is an accident things happen quickly and the flagger has to be able to be react quickly. This is not a “light duty” job for an injured emergency service worker. It’s also not the job for the brand new member who hasn’t received any formal TTC zone training.
- D. The flagger must be aware at all times while on the roadway. This is key to everyone’s safety. If you’re not constantly alert tragedy can strike and the results to the flagger are not good because of the nature of your job. You are handling live, moving traffic that is distracted in many ways. You better not be distracted from your duties – it could be fatal.
- E. Flaggers must be courteous to the motoring public even if they are not to us. Flaggers must be firm in their manner. If the motorist doesn’t think you know what you’re doing, they won’t pay attention. Firm, but polite manners show confidence in what you are doing and hopefully that communicates to the motorist a positive message they will obey.



NOTES

F. Flaggers must be dressed in the proper personal protective equipment (PPE) and not be a distraction to the motoring public. If you are a distraction because of your dress or lack of clothes, it can cause more accidents.



Method

NOTES

I. When you initially stop traffic, stand on the shoulder of the road, holding the flag in the hand that is nearest the roadway. Extend the flag horizontally across the traffic lane. Hold the flag at arm's length and shoulder height. Raise and expose the palm of your free hand to approaching traffic to indicate that the vehicle is required to stop. Say "Stop".

When traffic may proceed again, put the flag down at your side (do not use the flag to "wave" traffic on – confusing movements to the motorist). Point with two fingers to the first vehicle in the line of traffic. Say, "You, go slow" to the driver of the first vehicle, and extend your arm horizontally over the roadway in the direction you want traffic to go. Raise and lower your free hand, palm down, indicating that you want the driver to "go slow".

II. Stop/Slow Paddles

(Preferred method to control traffic if time frame is longer than 30 minutes.)

a. To stop road users, the flagger shall face road users and aim the STOP paddle face toward road users in a stationary position with the arm extended horizontally away from the body. The free arm shall be held with the palm of the hand above shoulder level toward approaching traffic.

b. To direct stopped road users to proceed, the flagger shall face road users with the SLOW paddle face aimed toward road users in a stationary position with the arm extended horizontally away from the body. The flagger shall motion with the free hand for road users to proceed.

c. To alert or slow traffic, the flagger shall face road users with the SLOW paddle face aimed toward road users in a stationary position with the arm extended horizontally away from the body.

d. To further alert or slow traffic, the flagger holding the SLOW paddle face toward road users may motion up and down with the free palm down.





MUTCD & DOT approved stop/slow paddles

NOTES

Communications

Communications is and has been a very important part of emergency scene operations for a long time. Radios have improved this even more. But you need disciplined communications or your communication plan will not work. This could lead to firefighters or other emergency responders being hurt and/or seriously injured.

We need to work out a communications plan prior to working at any emergency scene or highway incident. The following is suggested ways of using communications during flagging operations.

I. Verbal Communications

- a. Not very reliable type of communications during flagging.
- b. Very hard to hear.
- c. Could be misunderstood.
- d. Noise level could interfere with this type of communications.

II. Radio Communications

- a. This is the preferred method of communicating between flaggers.
- b. Must have a dedicated frequency.
- c. Pre-plan unit ID's and traffic flow.
- d. Drawback could be battery life (Should have at least two charged batteries).



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III. Visual Communications

- a. Used with the STOP/SLOW paddles.
- b. Need to have visibility between each post at all times.
- c. Need to establish a predetermined signal between both flaggers prior to flagging operations start.
- d. Drawback – Visibility can be disrupted at any time for unknown length of time. This could confuse and cause safety problems.



Flagger Emergency

Once flagging operations commence you must stay alert and command attention during your time at your post. But even in the best of times, motorists may not pay attention. This is when you must be especially alert.

Motorists may not pay attention for different reasons. Some may think they do not have to obey your directions; some may not be paying attention to what is ahead.

Once a motorist passes your post and disregards your directions this is considered an “**EMERGENCY**”. This could cause you or your fellow members and other emergency responders serious harm. The following is a guide for you to use in case such an incident happens.



NOTES

- I. Consider this an **“IMMEDIATE EMERGENCY”**.
- II. Notify the Incident Commander immediately
 - a. Follow you SOP's in regards to a watch out signal.
 - b. Know what and how to call the IC on the radio.

- III. Remember the safety of you and your fellow members and other emergency responders are of the utmost importance.

- IV. Obtain a description of the vehicle.
 - a. Make and model
 - b. Color
 - c. 4 or 2 door
 - d. Type of vehicle
 - e. License plate number
 - f. Description of operator

- V. If possible contact the police or have the Incident Commander contact them.

****SAFETY NOTE** - Remember to try not to stop and pursue this vehicle. Your primary job is the flagger post and the members of the fire department. You are to control the rest of the traffic. Leave the police work to the police.**

SUMMARY

- I. Flagging Qualifications
- II. Flagging Responsibilities
- III. Safety Equipment and Apparel
- IV. Training of Flaggers
- V. Safety of Flaggers and Emergency Scene
- VI. Communications
- VII. Emergency Situations

END OF UNIT IV

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UNIT V

NOTES

Safety & Traffic Management

Objectives

The student will upon completion of this chapter will:

1. Demonstrate setting up Temporary Traffic Control Zones
2. Describe the importance of cooperation with other responding agencies
3. Describe the importance of pre-planning and safety issues
4. Demonstrate crowd control and crime scene preservation

References:

Manual on Uniform Traffic Control Devices – Federal DOT
The National Institute for Occupational Safety and Health
FASNY Fire Police Manual

Introduction

Setting up traffic patterns – One of your main functions as a Fire Police Officer, when properly activated, is to establish and enforce special traffic rules that limit or restrict traffic movement through a Temporary Traffic Control Zone (TTCZ) around an incident. The Fire Police Officer is empowered (by specific laws as discussed previously) to direct the movement of vehicles and take other direct actions as may be necessary to:

1. Protect responders and those in their care from the hazards of moving traffic.
2. Facilitate emergency response through traffic in the vicinity of an incident.
3. Facilitate traffic flow past the incident.



The Temporary Traffic Control Zone

The Temporary Traffic Control Zone is a traffic incident management area of a highway where temporary traffic controls are imposed by authorized officials (FD, PD, EMS, DOT) in response to a road user incident, natural disaster, hazardous materials spill, or other unplanned incident. By definition, the TTCZ is defined as extending from the first warning device (such as a sign, light, or cone) to the last device or to a point where vehicles return to the original lane alignment and are clear of the incident.

Traffic incidents can be divided into three general classes of duration, each of which has unique traffic control characteristics and needs. These classes are:

1. Major – expected duration of more than 2 hours
2. Intermediate – expected duration of 30 minutes to 2 hours
3. Minor – expected duration under 30 minutes.

Primary Function of TTC

1. Move road users reasonably, safely, and expeditiously past or around the traffic incident.
2. Reduce the likelihood of secondary traffic crashes (traffic as a rule will back up a mile for every minute the roadway is closed).
3. Preclude unnecessary use of the surrounding local road system.



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Working with other Agencies

In order to reduce on scene time for traffic incidents, highway agencies, appropriate public safety agencies (law enforcement, fire, rescue, emergency communications – Traffic Management Centers, county communications centers, EMS) must work together.

Private sector responders, such as towing and recovery, Haz Mat, and contractors should mutually plan for occurrences of traffic incidents along major and heavily traveled highway and street systems.

Safety Practices

As noted previously, your safety is paramount to the anticipated positive effects of your operation. Proper PPE is a must (present a positive “official” look – cut off dungarees, tank tops and flip flops do not meet standards set for this type duty). Other safety practices include setting up a proper traffic control area.

****Show video clip on Traffic Intersection Incident.****

Student Exercise #1

In assigned groups you will observe and evaluate the video you will be shown. You will list some outstanding issues that concern fire police while watching this video and discuss in your group for a presentation to the class.

It is highly recommended that you take Highway Safety for First Responders, a much more in depth course relating to the proper setting up of TTZ which is offered by OFPC.

NOTES



Student Exercise #2

Using your existing groups, read the NIOSH investigation from Montana. List your recommendations from the NIOSH investigation.

NIOSH INVESTIGATION F2009-03**Volunteer Fire Fighter Sitting in his Parked Vehicle Warning Oncoming Traffic of a Motor Vehicle Incident was Struck and Killed by a Tractor-Trailer– Montana****SUMMARY**

On December 17, 2008, a 59-year-old male volunteer fire fighter (the victim) was fatally injured when a tractor-trailer struck his parked privately owned vehicle (POV). The victim had responded to a weather related single motor vehicle incident on an interstate highway. The vehicle was traveling eastbound when the driver lost control, drove through the median into the westbound lanes, and rolled over onto the north shoulder of the westbound lanes.

Upon his arrival to the scene, the incident commander (IC) advised the victim to position his pick-up truck upstream to warn oncoming traffic of the vehicle incident in the curve. He positioned himself upstream on the north shoulder of the westbound lanes and turned on his emergency flashers and roof-top light bar. The oncoming tractor, pulling two trailers, lost control when changing lanes causing the rear trailer to swing counter-clockwise. The operator swerved several times before the rear trailer struck the victim's pick-up truck that was positioned on the north shoulder. The victim was not ejected from the vehicle and was found laying on the rear set of seats without his seat belt on. He was pronounced dead at the scene. Key contributing factors identified in this investigation include hazardous road conditions, the speed of the tractor-trailer, and nonuse of a seat belt by the fire fighter.

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NIOSH investigators concluded that, in order to minimize the risk of similar occurrences, companies using tractor-trailers should:

- ***ensure that operators drive in a manner that is compatible with weather conditions***
- ***fire departments and fire service consensus standard committees consider reevaluating current standards on seat belt use to include their use while vehicles are parked and occupied at highway incidents***

Although there is no evidence that the following recommendation could have specifically prevented this fatality, NIOSH investigators recommend that:

- ***fire departments should reevaluate current policies and procedures to ensure that temporary traffic control devices are available and deployed upstream of warning vehicles***

INTRODUCTION

On December 17, 2008, a 59-year-old male volunteer fire fighter (the victim) was fatally injured when a tractor-trailer struck his parked POV. On December 19, 2008, the U.S. Fire Administration (USFA) notified the National Institute for Occupational Safety and Health (NIOSH) of this incident. On January 5-9, 2009, a Safety and Occupational Health Specialist from the NIOSH Fire Fighter Fatality Investigation and Prevention Program traveled to Montana to investigate this incident.



The NIOSH investigator met with the fire chief of the victim's department, the state highway patrol sergeant and crash investigator, county sheriff/coroner, county attorney, fire and emergency medical services (EMS) responders, and a state fire service training manager. The investigator reviewed the victim's training records and witness statements, visited the incident site and took photographs. The investigator also reviewed the 911 dispatch logs, preliminary Montana State Highway Patrol Crash Report findings, Montana Highway Patrol Division Code, commercial driver's license (CDL) requirements, law enforcement investigation photographs, and fire department photographs.

FIRE DEPARTMENT

This volunteer fire department has two stations with 22 volunteer members that serve a population of approximately 850 within an area of about 350 square miles. The department has three engines, a brush truck, crash truck, and quick response unit (QRU).

TRAINING and EXPERIENCE

The victim had served 15 years as a volunteer with this fire department. The victim had completed online training for the incident command system (ICS) at levels 100, 200, 700, and 800. The victim had also received highway incident safety training from the department's insurance carrier in 2007. He was also designated as the department's safety officer.

The assistant fire chief of the victim's department established himself as the IC during the incident. He has been a volunteer with this department for 5 years and received the same training as the victim.

The fire department has written guidelines regarding the use of crash scene clothing, personal protective equipment (PPE), and proper vehicle blocking. These guidelines focus on when to wear crash scene reflective gear, potential hazards encountered, and how to establish a safety zone and vehicle block for oncoming traffic.

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EQUIPMENT/PERSONNEL

The victim was parked in his silver 2008 4x4 dual cab, one ton pick-up truck. The victim had purchased and placed optical warning devices on this vehicle. This included strobe lights in the head and tail light assemblies, alternating light-emitting-diode (LED) red and white grill lights (two of each), and a roof top light bar consisting of alternating LED red, white, and amber lights. All of these optical warning devices, including the vehicle's emergency flashers, were active during the incident. The victim's vehicle was also used by him while working with a local wrecker service.

According to law enforcement and the fire chief, the operator of the tractor-trailer stated he was able to see the victim's vehicle. The tractor had three axles and ten tires. The first and second trailer had a single mounted rear axle with four tires. The second trailer was resting on a dolly with a single axle and two tires (see Photo 1). The first trailer was attached to the tractor while the second trailer with dolly was hitched to the rear of the first trailer. The first trailer measured approximately 26 feet in length and the second trailer measured approximately 25 feet. It is not believed that the trailers were over weight at the time of the incident.



Photo 1. Dolly used to pull second trailer in tandem.
(Photo courtesy of State Highway Patrol)



NOTES**TIMELINE**

The timeline for this incident, in order of arrival time and key events, includes:

- **1110 hours** County 911 dispatch center dispatches fire department for a “vehicle accident”
- **1114 hours** QRU marks en route to the scene
- **1119 hours** Truck 7 with the IC marks en route to the scene
- **1121 hours** QRU marks arrived on scene
- **1125 hours** Truck 7 marks arrived on scene
- **1126 hours** Victim arrives on scene and is advised by the IC to warn traffic upstream
- **1148 hours** Victim’s vehicle struck by tractor-trailer

PERSONAL PROTECTIVE EQUIPMENT

At the time of the incident, the victim was wearing his department issued bunker pants and other weather related garments. He had been issued an ANSI/ISEA 107-2004 Class III garment that was found in the back seat of his pick-up truck with a garment bag containing other highway safety items.

WEATHER and ROAD CONDITIONS

The temperature was 5°F, steady snow and visibility in excess of half a mile. According to the highway patrol, a layer of ice covered the highway, but was not slick due to snow and sand mixed over this layer. This four lane interstate highway traveled west and east through varying elevations and mountain canyons. The westbound travel lanes consisted of two 12 foot lanes, a paved 10 foot wide north shoulder, and paved 4 foot south shoulder.



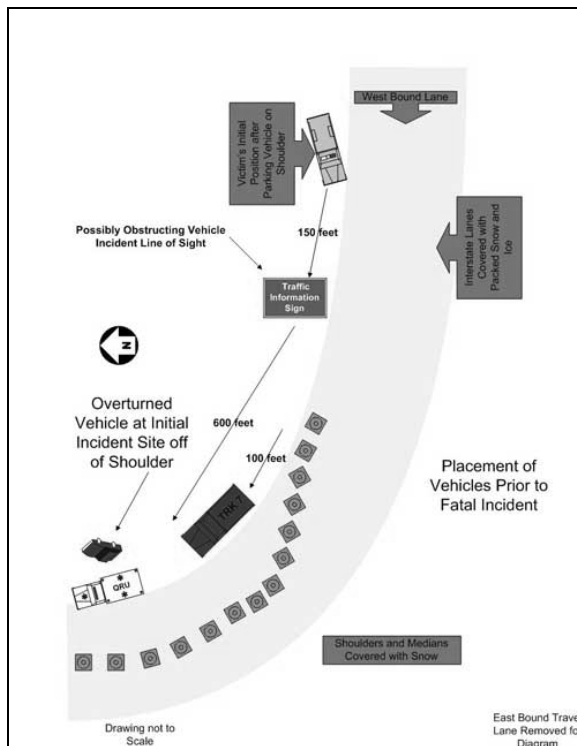
NOTES

The area where this incident occurred was straight with a .7%-1.2% uphill grade westbound. The posted speed limit was 75 miles per hour (mph) for personal vehicles and 65 mph for trucks. The state highway patrol crash investigator estimated the tractor-trailer speed to be too fast for the highway conditions.

INVESTIGATION

On December 17, 2008, at 1148 hours, the victim lost his life while sitting in his parked pick-up truck. The victim had responded to a single vehicle incident located on the shoulder of a major interstate highway. Upon his arrival to the scene at 1126 hours, the IC asked him to position his POV upstream and warn oncoming traffic of the vehicle incident. Cones and an apparatus block had already been established for this incident. The victim drove west past the incident taking the nearest exit to turn around and head east. He positioned his vehicle upstream on the right, westbound north shoulder approximately 750 feet before the incident.

Diagram 1. Temporary traffic control prior to victim’s fatal incident.



NOTES

The IC did not tell him where to position himself, but he felt that the victim wanted to position himself well upstream of the curve so that he could warn motorists of the vehicle incident. The stretch of highway before the curve had a slight grade and was straight, but the vehicle incident in the turn was not visible to oncoming traffic. *Note: It was estimated by fire department personnel that oncoming traffic could have seen the vehicle incident when entering the curve, approximately 600 feet before.*

The victim's pick-up truck was positioned at an angle on the north shoulder of the westbound lanes. State Highway Patrol investigators could not determine the exact angle, but it was determined that the vehicle was not in the right travel lane. The vehicle was placed in park with the motor running. It was never determined if the victim had exited the vehicle to flag and warn traffic prior to the incident, but the victim was found not wearing his ANSI/ISEA 107-2004 Class III garment after the fatal incident. The pick-up truck's optical warning lights were all on (see Photo 2).



Photo 2. Placement and use of optical warning devices on the victim's pick-up truck.

(Photos courtesy of State Highway Patrol)

The operator of an approaching tractor pulling two trailers lost control approximately three-tenths of a mile before the victim's position (estimated by State Highway Patrol). The operator advised the crash investigator he was attempting to change lanes while down shifting after he saw the emergency lights on the victim's vehicle. While doing so, the second trailer attached to the first became unstable and started to fishtail.



The crash investigator stated that the tractor-trailer went back and forth across both westbound travel lanes. He believes that the right rear of the first trailer impacted the victim's pick-up truck first, and then the dolly and second trailer swung around impacting the pick-up truck and jack-knifing.

The victim's pick-up truck was pushed approximately 150 feet west of its original position coming to rest in the left travel lane. The tractor-trailer continued in the same direction coming to rest in the median in a snow bank (see Photo 3).



**Photo 3. From left to right, downstream and upstream views of incident scene.
(Photos courtesy of State Highway Patrol)**

The victim was found unrestrained and not seated in the driver seat. He was found with his legs draped over the driver seat, torso laying on the rear row of seats, body facing supine, and pointed towards the passenger side rear door. The driver seat was positioned beyond a 90° angle. It was not determined whether it was broken or reclined. The State Highway Patrol investigator confirmed that the column shifter was placed in park and observed that the icon to “put your seat belt on” was illuminated on the instrument panel after the incident. The parking brake was also set. It is believed that the victim was ejected from the driver seat and suffered fatal injuries after striking the interior of the vehicle. Crash investigators found transfer of the victim's hair from impacting the headliner in the area of the driver side C-pillar.

NOTES



There was little damage to the vehicle's interior passenger compartment between the A- and B-pillars (see Photo 4), and it appears that the space for the front seat occupants was preserved. All four doors on the vehicle were jammed requiring mechanical means to access the victim.



Photo 4. Showing virtually no damage to the passenger compartment.
(Photo courtesy of fire department)

The crash investigator stated the tractor-trailer was going too fast for the weather conditions encountered. The investigator also stated the operator had a current CDL issued from the state of New Jersey with double/triple trailer qualifications, the tractor and trailers were properly maintained with a working air-brake system, hitches were properly placed, secured and did not fail, and tires were found to have adequate air pressure and tread depth.

END OF NIOSH REPORT

NOTES



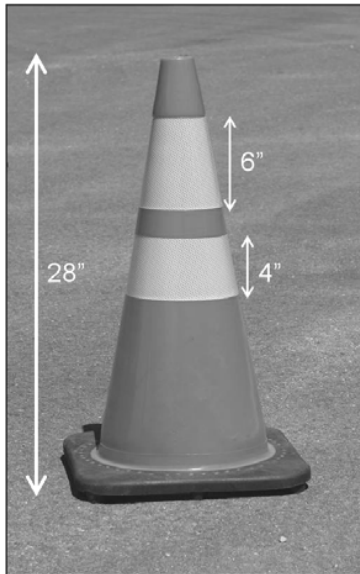
Professionalism is one of the most important parts of the job as a Fire Police Officer. Looking and acting professional can solve some the most common problems with traffic control. The attitude towards the public will gain buy-in and cooperation to what you need done.

Informing the public in a polite manner while gain respect. Information is the key to cooperation. Just do not make something up, be polite and honest. Having this reputation will gain cooperation and help when needed.

Equipment

The MUTCD manual outlines very specific requirements for equipment needed out on the roadway. Below are some examples:

28" DOT Cone and 48"x48" sign



NOTES



NOTES

Three goals to incident management are life safety, incident stabilization, and property conservation. Life safety includes the safety of response personnel, incident victims, and motorists.

Such incidents and events include traffic crashes, disabled vehicles, spilled cargo, highway maintenance, and reconstruction projects. Non-emergency events include ball games, concerts, field days, parades, fireworks or any other event that significantly affects roadway operations.

Concerns that you may need to consider are traveler delays and secondary incidents. These could affect response times, lost time in productivity, increase costs to goods and services. This is what the public at large sees from any traffic incident.

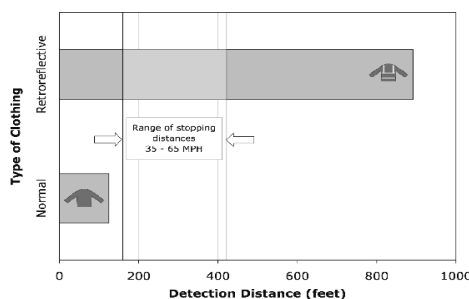
Another very large concern is struck-by incidents involving responders. This is in the top five line of duty deaths for response agencies across the country. This is why we must deploy incident safety equipment such as signs and cones, wear high visibility traffic vests, and control the traffic prior to starting any emergency operations. This is outlined in MUTCD and NFPA standards.

In traffic management we must consider the following:

- Roadway type and configuration
- Time of day
- Weather
- Scene lighting
- Traffic speed and volume

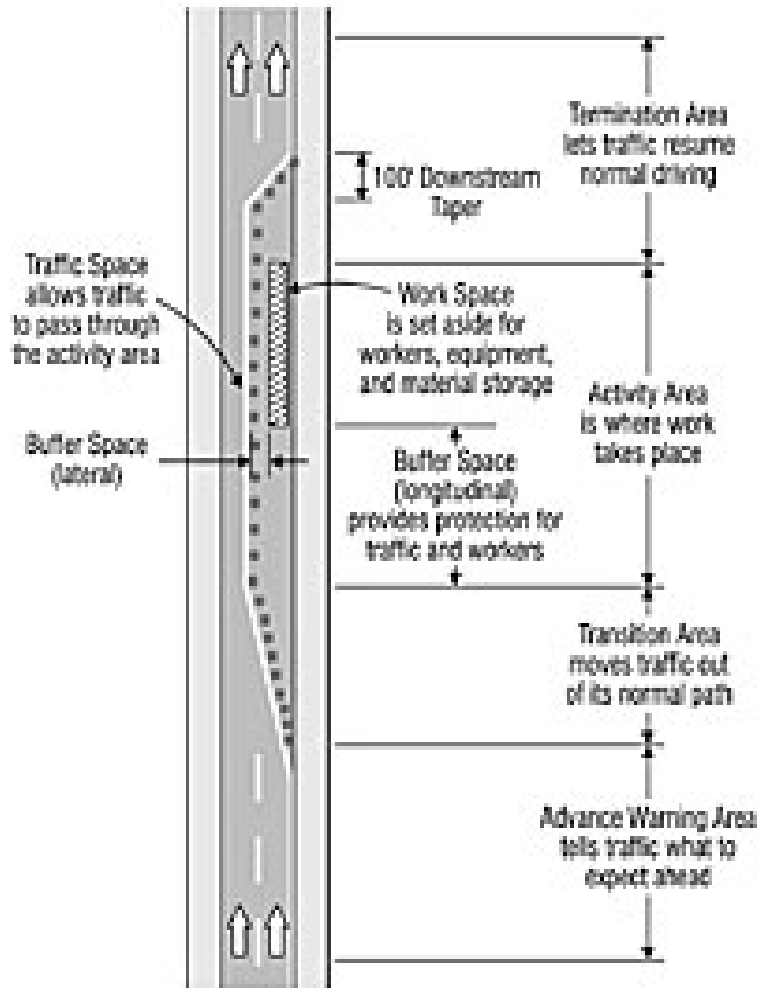
Under all conditions we must consider stopping distances as well. The chart below shows the difference in stopping distances for types of vehicles.

Seeing distances and stopping distances



The work safety zone is broken down into different sections as illustrated in the following photo.

NOTES



Traffic Control Zone

In order to reduce time at an incident you may try the following:

- Increase distance for safety
- Create a buffer zone for the activity area
- Create a safety zone for responders to escape



Crowd Control

The definition of a “crowd” is a large number of persons collected into a close body without order. It is generally unorganized and without leadership.

The responsibility for safety and welfare of all persons on the fire ground including spectators is the responsibility of the Incident Commander. The crowd at “most” fire and incident scenes is generally not too large.

It is generally expected that the Fire Police with proper training, will be able to control the crowd to prevent interference with firefighters or a spectator becoming a victim.

The main objectives of Fire Police controlling crowds in emergency scenes are:

1. To prevent injury to themselves, fellow first responders, and members of the crowd.
2. To prevent any interference with the movement of firefighters and their equipment.
3. To prevent vandalism, looting or destruction of potential evidence at the scene (chain of evidence)

NOTES



It is therefore advantageous for the Fire Police Officer to keep the crowd friendly and cooperative. There are several ways to accomplish this:

1. Look and act professional.
2. Be friendly and courteous. Let your words and actions set the tone at the scene.
3. Make requests rather than shouting orders.
4. Take the time (if possible) to explain your requests if asked.
5. If persons are unsure of what to do, show them in a courteous manner.
6. Set up barriers (cones, rope, plastic barricades, etc.) and explain the reasons for them.
7. Inform the crowd of any encouraging information **(above all do not give false information)**.
8. Enlist the assistance of prominent persons in the crowd; in effect, you are appointing leaders to make the crowd a controlled group.

There may be times when you will have to ask the crowd to move back, perhaps quite a distance (Haz Mat incident, plane crash, train wreck, etc.) This has the potential of creating a hostile situation. You will need, at this point, assistance from your local police.

Removing an individual who is disruptive must be handled with the utmost care. This again is best handled by regular police officers, however if none are available the mere presence of many firefighters, well disciplined, may be sufficient.

NOTES



Unruly or aroused crowds may occasionally be triggered by the actions of Fire Police firefighters. Past experience has shown that unwise use of force will often provoke an otherwise peaceful crowd to aggressive hostility.

When establishing order, the Fire Police should approach the more vocal individuals in the crowd. When addressing these people, be firm and careful; use simple language to inform them of what you want them to do. Don't make threats, insult anyone or use profanity. Above all don't become involved in an argument.

When the crowd is behind barriers, be sure to stand facing the crowd with your back to the event. It's far more difficult for an individual in the crowd to do something while facing authority.

As previously noted, Fire Police will avoid physical confrontation with any people in the crowd, hostile or friendly.

In all situations the Fire Police Officer will not use any type of weapon. Training is essential for crowd control. No Fire Police Officer should be assigned to this duty unless he or she has been so trained.

Preplanning must be made to control crowds during an emergency in critical areas such as near shopping malls, hotels, schools, etc. Plans should include:

1. Which police agency to call for help
2. What physical barriers to erect
3. Number of Fire Police for each location
4. Method to provide additional Fire Police (mutual aid)
5. Drill, drill, drill.

Traffic control happens often, crowd control rarely. However, will you be prepared?

NOTES



Crime Scene Preservation

Another extremely important aspect of your job is Crime Scene Preservation. Court cases have been lost because someone did not protect the scene (allow only qualified individuals in i.e. Fire Investigators, Police Officers, Fire Officers, etc.) It can create a real problem for the Fire Police Officer who lets someone in and the “chain of evidence” is broken.

The best way protect the scene is:

- a. Not to touch, pick up, or otherwise disturb evidence. As noted previously, even with the best intentions, without proper training you can ruin a potential court case.
- b. After the initial Fire Department actions are completed, be prepared to cordon off the area, using barricades, barrier tape, signs, etc.
- c. Do not release the scene until directed to by an authorized official.
- d. If you have to move something try and document with a camera and advise someone that you will be moving the item. This is as a last resort and only if the evidence will be destroyed (Carry a digital or disposable camera).
- e. Create a scene access log for accountability and court purposes.

Summary

It's important to remember who and what you are. You are a Fire Police Officer and must look and feel the part. The only way to present this authoritative look is to have it come from within. If you dress properly, that is, operate safely, wear your badge, use the flashlight wand properly in addition to the proper use of cones, barriers, ropes and tape etc., your professionalism will show to the public, and they're more likely to follow your instructions.

End of Unit V



NOTES

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UNITS VI & VII

NOTES

Skills and Testing

Objectives

The student upon completion of this chapter will:

1. Display the physical skills needed to complete the skills section of this course.
2. Demonstrate the knowledge base to complete this course by passing an exam with at least a 70 percent grade.
3. Having completed skills, knowledge testing, and possessing the I-100 and IS-700 certificate, the student will be certified by DCJS and OFPC. This will have completed the GML 209c requirement for a Fire Police Officer in New York State.

References:

Department of Criminal Justices training manual
Office of Fire Prevention and Controls outreach training manual
New York State Law – General Municipal Law 209c

Written exam

Each student will complete and pass a written exam. You will need to pass this exam with the minimum grade of 70%. Upon completion of this exam you will then be able to participate in the skills testing.

Skills Testing

Upon passing the written exam you will be assigned to a group in which you will demonstrate the competency of the following skills:

1. Directing traffic at an intersection – in a controlled environment you will be placed at a traffic control point. This will simulate an intersection. With the proper use of PPE and hand signals, you will direct traffic without incident.



2. Directing traffic with stop/slow paddles – given the proper PPE and stop/slow paddle, you will coordinate and control traffic at a flagger station. This will be done in a controlled area. You will demonstrate the ability to effectively communicate with another flagger. You will demonstrate the safe and effective way of communicating with the motorists. You will control traffic in a safe manner.
3. Road Flare Operation – given a road flare the student will demonstrate the safe deployment of a road flare.

NOTES**Summary**

This course was designed with the New York State requirements set forth in GML 209-c. The Department of Criminal Justice and the Office of Fire Prevention and Control are responsible for the design and completion of this course. Completion of this course satisfies what is required by law to act on behalf of your authority having jurisdiction as a Fire Police Officer.

END OF UNIT VI & VII

APPENDIX A

Forms



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New York State Division of Criminal Justice Services
PEACE OFFICER REGISTRY ENTRY FORM - CERTIFICATION OF INITIAL EMPLOYMENT
(Executive Law § 845-a)

THIS FORM IS USED TO INITIALLY REGISTER A PEACE OFFICER WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES. **USE THIS FORM FOR ALL INITIAL APPOINTMENTS AND TRANSFERS.** FORMS PRESENTED FOR FILING MUST CONTAIN ORIGINAL SIGNATURES. ALTHOUGH THE BLANK FORM MAY BE DUPLICATED, PHOTOCOPIES OF COMPLETED FORMS, OR FORMS WITH PHOTOCOPIED SIGNATURES WILL NOT BE ACCEPTED.

Pursuant to Executive Law §845-a, peace officer employers are required to register peace officers with the Division of Criminal Justice Services (DCJS). DCJS uses the peace officer registry to determine an individual's eligibility to receive a peace officer training certificate, and for other lawful purposes. DCJS reserves the right to require further documentation as necessary to properly classify a registrant. The information provided may be added to the registry and made available pursuant to law.

SECTION I: REGISTRANT INFORMATION

This section must be completed by the peace officer registrant. Only individuals appointed to positions defined in Criminal Procedure Law §2.10 or §2.16 are eligible for registration.

Type or print legibly, the registrant's last name, first name, middle initial, date of birth, and Social Security Number. Enter the complete home mailing address, home street address if different, and county of home residence. Temporary addresses are not acceptable. If the registrant is temporarily living away from home (e.g. enrolled at a college or university, on military assignment, etc.) **DO NOT** list the temporary address. Enter the registrant's city/state/country of birth (if other than U.S.). Registrants not born in the United States **MUST** include a certified copy of one of the following: (1) naturalization papers; (2) Department of State Birth certificate; or (3) currently valid United States Passport. Carefully read the certification. Sign and date in the area provided. With the exception of Social Security Number, the information in Section I is required. Incomplete submissions will not be processed.

SECTION II: AGENCY INFORMATION

Unless a written agreement is on file with DCJS, this section must be completed by the Chief Law Enforcement Officer (Chief, Sheriff, Director) of the appointing authority. In the case of municipalities with no designated Chief Law Enforcement Officer, the Town Supervisor or Village Mayor must be the signatory. The Executive Law mandates that all peace officers must be registered with the Division of Criminal Justice Services. The information in Section II identifies the law enforcement agency with which the registrant is a peace officer. Please refer to the Public Officers Law §3-b for eligibility and residency requirements.

Type or print legibly, the chief law enforcement officer's last name, first name and title. Enter the agency name, telephone number (including area code), and agency address. Enter the CPL 2.10 subdivision number, CPL subdivision title and weapons indicator for appointment of the person named in Section I. Indicate whether the appointment is full-time or part-time, whether background and residency checks were conducted, and if fingerprints were submitted to DCJS. Carefully read the certification. Sign and date in the area provided. The information in Section II is required. Incomplete submissions will not be processed. When signing this section, the CEO is verifying their responsibility to provide the registrant with the requisite training pursuant to CPL §2.30.

SECTION III: CIVIL SERVICE INFORMATION (FOR MUNICIPAL AND STATE EMPLOYERS ONLY)

This section must be completed for all registrants employed by a municipality or state agency, both full and part time, by the appropriate civil service commission officer. Civil Service Law mandates that the appointment of officers must meet certain requirements. The information in Section III describes the registrant's appointment.

If the registrant is employed by a private entity (i.e., the SPCA, or a Private College) it is **not** necessary to complete this section.

Type or print legibly, the civil service commission officer's last name, first name, middle initial and title. Enter the name, telephone number (including area code) and address of the civil service commission office. Enter the job title and civil service classification of the person named in Section I. This should be the specific title/classification to which the registrant was appointed and that appears on the agency payroll. Carefully read the certification. Sign and date in the area provided. The information in Section III is required. Incomplete submissions will not be processed.

New York State Division of Criminal Justice Services
PEACE OFFICER REGISTRY ENTRY FORM - CERTIFICATION OF INITIAL EMPLOYMENT
(Executive Law § 845-a)

SECTION IV: OATH OF OFFICE

This section must be completed by the appropriate registrar/recorder of oaths of office. Pursuant to Public Officers' Law §10 every peace officer that is a public officer must take and file an oath of office. The following persons are eligible to administer an oath of office:

- A judge of the court of appeals
- The Attorney General
- Any officer authorized to take the acknowledgment of the execution of a deed of real property
- An officer in whose office the oath is required to be filed or their duly designated assistant such as a City, Town, or Village Clerk (Municipal appointees / Fire Police)
- A presiding officer or clerk of a body of officers who has taken an oath of office (SPCA/SPCC/Private Entities)
- An oath of office may be administered to any state or local officer who is a member of the armed forces of the United States by any commissioned officer, in active service, of the armed forces of the United States

The Information in Section IV indicates the date the oath was taken by the registrant, the place of filing, and title of the office. Type or print legibly, the registrar/recording officer's last name, first name, middle initial and title. Enter the name, telephone number (including area code) and address of the registrar's / recorder's office. Carefully read the certification. Sign and date in the area provided. This section should be signed and dated once the officer named in Section I completes the oath of office for the agency named in Section I and is the date recorded by DCJS as the appointment date of the officer. The information in Section IV is required. Incomplete submissions will not be processed.

Mailing Instructions

Mail completed forms to:

NYS Division of Criminal Justice Services
Office of Public Safety – Records Unit
4 Tower Place, 4th Floor
Albany, NY 12203

Questions

If you have any questions regarding this form, call (518) 457-8864 for assistance.

New York State Division of Criminal Justice Services
PEACE OFFICER REGISTRY ENTRY FORM - CERTIFICATION OF INITIAL EMPLOYMENT
 (Executive Law § 845-a)

SECTION I – REGISTRANT INFORMATION (To be completed by the registrant)

Last Name	First Name	MI	Date of Birth	Gender M F	Social Security Number
Home Residence Mailing Address		City, State, Zip		County of Home Residence	
Home Residence Street Address (if Different)		City, State, Zip		City, State, Country of birth (if other than U.S.)	
<i>I am the person named above. I understand that the information in Section I is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.</i>					
Signature					Date

SECTION II – AGENCY INFORMATION (To be completed by the chief law enforcement officer)

Last Name	First Name	MI	Title of Person Signing Section II		
Name of Law Enforcement Agency				Telephone	
Address			City, State, ZIP		
CPL §2.10 Subdivision	CPL Title/Position of Registrant		Weapons Indicator (Circle All That Apply) NONE FIREARMS ASR BATON		
Type of Appointment Full-time Part-time	Background Check Conducted Yes No	Residency Verified Yes No		Fingerprints submitted to DCJS Yes No	
<i>I am the chief law enforcement officer responsible for appointing the person named in Section I as a peace officer of the above named law enforcement agency. I understand that the information in Section II is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief. I understand I am responsible for providing the registrant with the requisite training pursuant to CPL §2.30.</i>					
Signature					Date

SECTION III – CIVIL SERVICE INFORMATION (To be completed by the civil service officer for municipal and state registrants)

Last Name	First Name	MI	Title of Person Signing Section III		
Name of Civil Service or Personnel Agency				Telephone	
Address			City, State, ZIP		
Title and Civil Service Classification of the Registrant					
<i>I am the civil service officer responsible for certifying the appointment of individuals appearing on the payroll of the law enforcement agency named in Section II. I understand that the information in Section III is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.</i>					
Signature					Date

SECTION IV – OATH OF OFFICE (Public Officers Only - To be completed by the registrar responsible for recording oaths of office)

Last Name	First Name	MI	Title of Person Signing Section IV		
Name of Recording Office				Telephone	
Address			City, State, ZIP		
<i>I am the officer responsible for recording the oaths of office of individuals appointed as peace officers of the law enforcement agency named in Section II. The person named in Section I has filed an oath of office as a peace officer, pursuant to an appointment received from the person named in Section II. I understand that the information in Section IV is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.</i>					
Signature					Date Oath Administered

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New York State Division of Criminal Justice Services
PEACE OFFICER REGISTRY UPDATE FORM
 (Executive Law § 845-a)

1. Agency Name:		2. Agency Address:		3. City/State/ZIP		4. Agency Code:											
5. Form Prepared By:		6. Title:		7. Telephone:		8. Email Address:											
<p>Form Instructions: This form must be typed or printed in ink and be signed by the Chief Law Enforcement Executive or Employer. It is used to delete or modify existing registry information. To add new personnel, please use the Peace Officer Registry Entry Form – Certification of Initial Employment. Mail completed forms to: NYS Division of Criminal Justice Services Office of Public Safety – Records Unit 4 Tower Place, 4th Floor Albany, NY 12203</p>																	
9. Transaction Code		Enter "D" to delete an officer no longer appointed, "M" to modify the information of existing personnel. Circle the information to be modified.															
11. Social Security Number		Enter the officers Social Security Number. The identifier is not mandatory; however the accuracy of training records cannot be assured without it.															
14. Change Date		Enter the effective date of the deletion or modification.															
15. Work Status		Enter "F" Full-time or "P" Part-time.															
17. Weapon Indicator		Check the appropriate box(es) for the weapons the officer will have access to during the course of their official duties (select all that apply)															
9. Trans- action Code	10. Last Name, First Name, MI		11. Social Security Number		12. Date of Birth mm/dd/yy		13. Sex M/F		14. Change Date mm/dd/yy		15. Work Status P/F		16. Rank or Title		17. Weapon Indicator (Select all that apply)		
													None Firearm ASR Baton				
<p><i>I am the chief law enforcement executive, or employer, responsible for the persons named as peace officers of the above named law enforcement agency. I understand that I am responsible to report employment transactions, pursuant to §845-a of the Executive Law. I understand I am responsible to provide each peace officer the required training, pursuant to §2.30 of the Criminal Procedure Law. I understand the information contained in this document is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.</i></p>																	
17. Chief Law Enforcement Officer (or Employer) Name- Printed												18. Chief Law Enforcement Officer (or Employer) Signature			19. Date		

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APPENDIX B

Oath of Office



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SAMPLE OATH OF OFFICE FOR FIRE-POLICE

State of New York
County of (insert county name)

I, _____, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of Fire Policeman of the (Insert name of agency representing) Fire Department/Company, according to the best of my ability.

Signature

Address

City / State / Zip

Subscribed and sworn before me this

_____ day of _____ 20____

Notary Public

This oath of office shall be filed in:

1. The office of the city clerk in the case of a firefighter of a fire company or fire department in a city.
2. The office of the village clerk in the case of the village.
3. The office of the town clerk in all other cases.



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APPENDIX C

Sample List
Personal Protective Equipment



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BASIC TOOLS AND EQUIPMENT LIST FOR FIRE POLICE

Basic Tools:

1. Flashlight and/or wand with extra batteries
2. DOT/MUTCD approved traffic cones
3. Road flares
4. Warning and/or directional signs
5. Portable radio w/spare battery
6. Whistle, horn, pass alarm (emergency notification device)
7. Stop/Slow paddle – DOT/MUTCD Approved
8. ANSI approved public safety vest
9. Appropriate ANSI weather reflective clothing (Coat, Gloves, Hat, Pants)
10. Appropriate footwear - i.e. safety boots
11. Badge and Identification
12. Pad and pen and/or pencil
13. First aid kit
14. Fire extinguisher
15. Sunglasses
16. Hat or Helmet (Cold weather)

Additional Supplies:

1. Scene Tape “Fire Line Do Not Cross”
2. Additional cones stored on apparatus
3. Hand lights
4. Batteries or additional rechargeable traffic control wands
5. Area Maps
6. Emergency Response Guide
7. Binoculars



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APPENDIX D
Excerpts of laws pertaining to Fire Police



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Fire Police Law Excerpts

NYS Criminal Procedural Law

§ 2.10 Persons designated as peace officers. Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the powers of, and shall be peace officers:

41. Fire police squads organized pursuant to section two hundred nine-c of the general municipal law, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company **are on duty, or when, on orders of the chief of the fire department** (emphasis added) or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of the general municipal law; provided, however, that **nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm** (emphasis added) unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 2.30 Training requirements for peace officers.

4. Any peace officer appointed after the effective date of this article who normally works on a part-time basis for less than the full complement of hours which would constitute full-time employment for their position as determined by their employer, shall receive training which may, in whole or in part, be in-service training. The portion of the training program required by the municipal police training council shall not exceed ten hours of instruction. The segment of the training program prescribed by the employer shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officers employed by him. Every employer who employs part-time peace officers shall transmit to the municipal police training council within six months after the effective date of this article the proposed training program for its officers, in accordance with the procedure and requirements set forth in subdivision one of this section. Each peace officer satisfactorily completing the training requirements shall be issued a certificate by the division of criminal justice services attesting to that effect.



NYS Executive Law

§ 837-o. Search for arson conviction records of volunteer firefighter applicants. 1. Any person who applies for membership in a fire company, as such term is defined in section three of the volunteer firefighters' benefit law, or who seeks to transfer as a member to another fire company, shall be required to authorize the submission of his or her name and other authorized identifying information to the division which shall search its files for records indicating whether the person stands convicted of the crime of arson. The chief of the fire company to which application is made shall provide written notice to the applicant that a search will be conducted, and if the applicant desires to proceed, he or she shall complete a search request on the form provided for this purpose by the division of criminal justice services.

2. Within ten business days of receipt from the applicant, the chief of the fire company shall send the completed search request form to either (i) the sheriff's department of the county in which the fire company is located, or (ii) the department of state, office of fire prevention and control, as follows:

(a) the sheriff's department of the county in which the fire company is located shall be responsible for receiving the search requests and processing the search requests with the division within ten business days of receipt from the chief of the fire company, unless the county legislative body adopts and files with the secretary of state pursuant to the municipal home rule law a local law providing that the sheriff's department shall not have such responsibility;

(b) in all other instances where a county legislative body has adopted a local law pursuant to paragraph (a) of this subdivision, the department of state, office of fire prevention and control shall be responsible for receiving search requests and forwarding the search requests to the division. The department of state, office of fire prevention and control is hereby authorized to establish a communication network with the division for the purpose of forwarding search requests and receiving search results pursuant to paragraph (b) of this subdivision.

3. (a) All searches concerning the application for membership in a fire company shall be conducted under the provisions of subdivision six of section eight hundred thirty-seven of this article without the assessment of any fee to the applicant or fire company and shall pertain solely to ascertaining whether the applicant stands convicted of arson.

(b) The results of the search shall be communicated in writing, within ten business days of receipt from the division, to the chief of the fire company from which the search request originated by either the sheriff's department or the department of state, office of fire prevention and control, and shall be kept confidential by the chief, except as provided in paragraph (c) of this subdivision. The results of the search shall only state either that: (i) the applicant stands convicted of arson, or

(ii) the applicant has no record of conviction for arson. The results of the search shall not divulge any other information relating to the criminal history of the applicant.

(c) At the time an applicant is advised that he or she is ineligible for membership due to a record of conviction for arson, he or she shall also be advised of the rights to challenge and appeal the information contained in the record of conviction as provided in the rules and regulations of the division. The applicant shall continue to be barred from membership until all administrative and judicial challenges to the accuracy of such information or appeals therefrom, are ultimately resolved in his or her favor, or if such a determination is unchallenged.



§ 839. Municipal police training council. 1. There is hereby created within the division a municipal police training council composed of eight members, who shall be selected as follows:

(a) three shall be appointed by the governor;

(b) two shall be appointed by the governor from a list of at least six nominees submitted by the New York state sheriffs' association, who shall be incumbent sheriffs in the state having at least two years of service on the law enforcement training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such law enforcement training committee, provides the sheriff with at least an equivalent background in the field of police training; and

(c) two shall be appointed by the governor from a list of at least six nominees submitted by the New York state association of chiefs of police, who shall be incumbent chiefs of police or commissioners of police of a municipality in the state having at least two years of service on the police training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such training committee, provides the chief of police or commissioner of police with at least an equivalent background in the field of police training; and

(d) one shall be the commissioner of police of the city of New York or a member of his department, designated by such commissioner and approved by the governor.

2. The governor shall designate from among the members of the council a chairman who shall serve during the pleasure of the governor.

3. All members of the council appointed by the governor shall be appointed for terms of two years, such terms to commence on April first, and expire on March thirty-first. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by expiration of a term or otherwise shall be filled in the same manner as original appointments. Any member may be reappointed for additional terms.

4. Any member of the council appointed pursuant to paragraphs (b) or (c) of subdivision one of this section as an incumbent sheriff, chief of police or commissioner of police, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the council.

5. The council shall meet at least four times in each year. Special meetings may be called by the chairman and shall be called by him at the request of the governor or upon the written request of five members of the council. The council may establish its own requirements as to quorum and its own procedures with respect to the conduct of its meetings and other affairs; provided, however, that all recommendations made by the council to the governor pursuant to subdivision one of section eight hundred forty of this chapter shall require the affirmative vote of five members of the council.

6. Membership on the council shall not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not have the right to exercise any portion of the sovereign power of the state.

7. The members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

8. No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment, by reason of his appointment



hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

§ 840. Functions, powers and duties of council. 1. The council may recommend to the governor rules and regulations with respect to:

- (a) The approval, or revocation thereof, of police training schools administered by municipalities;
- (b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved municipal police training schools;
- (c) Minimum qualifications for instructors at approved police training schools;
- (d) The requirements of minimum basic training which police officers appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;
- (e) The requirements of minimum basic training which police officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment on a non-permanent basis;
- (f) The requirements of minimum basic training which peace officers must complete before being eligible for certification as peace officers, pursuant to section 2.30 of the criminal procedure law;
- (g) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications; and
- (h) Exemptions from particular provisions of this article in the case of any city having a population of one million or more, or in the case of the state department of correctional services if in its opinion the standards of police officer or peace officer training established and maintained by such city or department are higher than those established pursuant to this article; or revocation in whole or in part of such exemption, if in its opinion the standards of police officer or peace officer training established and maintained by such city or department are lower than those established pursuant to this article.
- (i) The establishment, in cooperation with the division of state police, of a formalized consumer product tampering training program for all law enforcement personnel.
- (j) (1) Development, maintenance and dissemination of written policies and procedures pursuant to title six of article six of the social services law and applicable provisions of article ten of the family court act, regarding the mandatory reporting of child abuse or neglect, reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failure to report and obligations for the provision of services and procedures necessary to safeguard the life or health of the child; (2) establishment and implementation on an ongoing basis, of a training program for all current and new police officers regarding the policies and procedures established pursuant to this paragraph; and (3) establishment of a training program for police officers whose main responsibilities are juveniles and the laws pertaining thereto, which training program shall be successfully completed before such officers are accredited pursuant to section eight hundred forty-six-h of this chapter.
- (l) Exemptions from particular provisions of this article in the case of peace officers appointed by the superintendent of state police if in its opinion the standards of peace officer



training provided by the division of state police exceed those established pursuant to this article.

2. The council shall promulgate, and may from time to time amend, such rules and regulations prescribing height, weight and physical fitness requirements for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district as it deems necessary and proper for the efficient performance of police duties.

3. The council may, in addition:

(a) Consult with, advise and make recommendations to the commissioner with respect to the exercise of his functions, powers and duties as set forth in section eight hundred forty-one;

(b) Recommend studies, surveys and reports to be made by the commissioner regarding the carrying out of the objectives and purposes of this section;

(c) Visit and inspect any police training school approved by the commissioner or for which application for such approval has been made;

(d) Make recommendations, from time to time, to the commissioner, the governor and the legislature, regarding the carrying out of the purposes of this section; and

(e) Perform such other acts as may be necessary or appropriate to carry out the functions of the council.

(f) Develop, maintain and disseminate, in consultation with the state office for the prevention of domestic violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention by new and veteran police officers in incidents of family offenses. Such policies and procedures shall make provisions for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(1) intake and recording of victim statements, on a standardized "domestic violence incident report form" promulgated by the division of criminal justice services in consultation with the superintendent of state police, representatives of local police forces and the state office for the prevention of domestic violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and

(2) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, including but not limited to immediately providing the victim with the written notice required in subdivision six of section 530.11 of the criminal procedure law and subdivision five of section eight hundred twelve of the family court act.

§ 845-a. Central state registry of peace officers. 1. The division shall collect information to maintain, on a current basis, a registry of all peace officers in the state. Such registry shall contain, with respect to each peace officer, his name, date of birth, rank or title, official station, and whether he is employed full-time or part-time.



2. Each head of a state or local agency, unit of local government, state or local commission, or public authority, or public or private organization which employs peace officers shall transmit to the division, no later than the fifteenth day of January in the year next succeeding the year in which the provisions of this section become effective, a list containing the name of every peace officer employed by his agency, government, commission, authority or organization on the fifteenth day of such month of January indicating with respect to each peace officer his name, date of birth, rank or title, official station and whether he is employed full-time or part-time. Each such head shall thereafter, no later than the fifteenth day of each January and July, transmit to the division a list of those peace officers who have been appointed or have ceased to serve in the preceding calendar month and, in the instance of new appointees, shall include all the information required to be furnished in the initial listing.

3. Each such head shall have the option to enter into an agreement with the division whereby the required semi-annual updating of registry information may be regularly done on a more frequent basis.

4. The division shall establish rules and regulations to provide for a permanent system of identification for each peace officer.

5. Upon the failure or refusal to comply with the requirements of subdivision two of this section, the commissioner shall apply to the supreme court for an order directed to the person responsible requiring compliance. Upon such application the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

6. The division shall cooperate with the division of state police in making the information in the central peace officer registry available for the purpose of verifying transactions involving firearms.

NYS General Municipal Law

§ 209-bb. Specialized teams.

1. By resolution, after a public hearing the governing body of each county, city and town is authorized, respectively, to establish, maintain and supervise municipal-wide and inter-municipal specialized teams.

2. Counties, cities and towns are authorized to appropriate and expend such sums as are deemed necessary to establish and maintain specialized teams pursuant to this section.

3. Municipalities and organizations that insure volunteer firefighters, volunteer ambulance workers or municipal employees, as the term "employee" is defined under section eighteen of the public officers law, may extend such insurance coverage to members of a specialized team by resolution.

4. For the purposes of this section, "specialized teams" shall mean any emergency team or squad composed of volunteer firefighters, volunteer ambulance workers or municipal employees, who shall have attained the minimum level of training or experience to meet qualifying standards established by the office of fire prevention and control, and which is administered by the state, a county, city or town for the purposes of training for or responding to a man made or natural disaster by carrying out any activities which are within the relevant training and expertise of such municipal employees or are authorized pursuant to the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law but which are not normally provided by such entities.



§ 209-c. Fire police squads of fire departments and fire companies.

The authorities having control of fire departments and fire companies may organize within such departments or companies fire police squads composed of volunteer firemen who are members of such departments or companies. Members of fire police squads, so organized, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of the general municipal law, shall have the powers of and render service as peace officers. A member of a fire police squad shall take an oath of office as a fire policeman in the following form: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of fire policeman of the..... fire company (or fire department), according to the best of my ability." Such oath shall be filed in the office of the city clerk in the case of a fireman of a fire company or fire department in a city, in the office of the village clerk in the case of a fireman of a fire company or fire department in a village, and in the office of the town clerk in all other cases. Notwithstanding any other provision of law to the contrary, a member of a fire police squad shall have satisfied any requirement for training as provided by any general or local law if the person has satisfactorily completed a training course offered by the state office of fire prevention and control, or an equivalent course as approved by the state office of fire prevention and control.

§ 209-i. Emergency service by volunteer firemen.

1. Whenever a volunteer fireman is within this state, but outside the area regularly served by the fire company or fire department of which he is a member and has knowledge of a fire or other emergency at or near the place where he is for the time being, such volunteer fireman may report to the officer in command of the paid or volunteer fire company or paid or volunteer fire department, or in command of one of the paid or volunteer fire companies or one of the paid or volunteer fire departments, engaged in the handling of any such fire or other emergency and, on an individual basis, offer his services to assist such fire company or fire department. After his services are so accepted, the volunteer fireman shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firemen during the time such services are rendered, in the same manner and to the same extent as if he were a volunteer member of the fire company or fire department which he is assisting, including benefits under the volunteer firemen's benefit law.

Any such commanding officer shall have power, in his discretion, to so accept the services of a volunteer fireman unless the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, by resolution heretofore or hereafter adopted, has forbidden the acceptance of any such services pursuant to this section. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire company or fire department shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof.



1-a. A volunteer firefighter who, because of his residence or usual occupation, is regularly in the area served by a volunteer fire company or department of which he is not a member may nevertheless volunteer his services on an on-going basis to the officer in command thereof to assist such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department. After his services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he were a volunteer member of the fire company or fire department which he is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer when authorized by the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, shall have power, in his discretion, to so accept the services of a volunteer firefighter.

2. The municipal corporation or fire district which would be liable for the negligence of any volunteer members of the fire company or fire department which has accepted the services of the volunteer fireman pursuant to this section shall be liable for the negligence of such volunteer fireman while acting, after such acceptance and during the time such services were rendered, in the discharge of his duties as a volunteer fireman in the same manner and to the same extent as if he were a volunteer member of the fire company or fire department which he assisted. If the fire company or fire department which has so accepted the services of a volunteer fireman pursuant to this section is a paid fire company or paid fire department, such paid fire company or paid fire department shall, for the purposes of this subdivision and section two hundred five-b of this chapter, be deemed to be a "duly organized volunteer fire company" within the meaning of such section two hundred five-b.

3. As used in this section, the term "volunteer fireman" means a "volunteer fireman" as such term is defined in section three of the volunteer firemen's benefit law; the term "area regularly served" means the home area of the volunteer fireman as described in subdivisions one, two, three, four or five of section thirty of the volunteer firemen's benefit law and, in addition, any other area served pursuant to a contract for fire protection and the terms "fire company" and "fire department" shall include emergency rescue and first aid squads or other squads or units of a fire company or fire department.

§ 205-b. Relief of volunteer firefighters engaged in the performance of duty as such firefighters from civil liability and liability of fire districts for the acts of volunteer firefighters. Members of duly organized volunteer fire companies in this state shall not be liable civilly for any act or acts done by them in the performance of their duty as volunteer firefighters, except for wilful negligence or malfeasance. Nothing in this section contained shall in any manner affect the liability imposed upon cities, towns and villages by sections fifty-a and fifty-b of this chapter, but fire districts created pursuant to law shall be liable for the negligence of volunteer firefighters duly appointed to serve therein in the operation of vehicles owned by the fire district upon the public streets and highways of the fire district, provided such volunteer firefighters, at the time of any accident or injury, were acting in the discharge of their duties. Judgments recovered against a fire district pursuant to this section shall be levied upon the taxable property of such district in the same manner as moneys raised for the support of the district.



§ 205-c. Payments pending controversies where volunteer firemen are killed or injured. In order to provide for the prompt payment of benefits under sections two hundred five and two hundred nine-a of this chapter, and under the workmen's compensation law, where such benefits are conceded to be due to any person because of the death of or injuries to a volunteer fireman but controversy exists as to which city, village, town or fire district is liable for the payment thereof, the municipalities and districts involved in such controversy and their insurance carriers, if any, may agree that any one or more of such municipalities or districts or its insurance carrier shall pay the benefits to, or in relation to, the person conceded to be entitled to such benefits without waiting for a final determination of the controversy, and may carry out the provisions of such an agreement. Notwithstanding any such payment, any party to the agreement may seek a final determination of the controversy in the same manner as if such payment had not been made. After a final determination the parties to the agreement shall make any necessary and proper reimbursement to conform to the determination. The term "insurance carrier" as used herein shall mean an insurance company, or a county mutual self-insurance plan in accordance with subdivision three-a of section fifty of the workmen's compensation law, or any plan which shall be provided for by law in amendment of or substitution for such a plan.

NYS Penal Law

§ 10.00 Definitions of terms of general use in this chapter.

Except where different meanings are expressly specified in subsequent provisions of this chapter, the following terms have the following meanings:

1. "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state, or by any order, rule or regulation of any governmental instrumentality authorized by law to adopt the same.
2. "Traffic infraction" means any offense defined as "traffic infraction" by section one hundred fifty-five of the vehicle and traffic law.
3. "Violation" means an offense, other than a "traffic infraction," for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.
4. "Misdemeanor" means an offense, other than a "traffic infraction," for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.
5. "Felony" means an offense for which a sentence to a term of imprisonment in excess of one year may be imposed.
6. "Crime" means a misdemeanor or a felony.
7. "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.
8. "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.
9. "Physical injury" means impairment of physical condition or substantial pain.
10. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.



14. "Vehicle" means a "motor vehicle", "trailer" or "semi-trailer," as defined in the vehicle and traffic law, any snowmobile as defined in the parks and recreation law, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail.

15. "Public servant" means (a) any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or (b) any person exercising the functions of any such public officer or employee. The term public servant includes a person who has been elected or designated to become a public servant.

§ 15.05 Culpability; definitions of culpable mental states.

The following definitions are applicable to this chapter:

1. "Intentionally." A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

2. "Knowingly." A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

3. "Recklessly." A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

4. "Criminal negligence." A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

ARTICLE 120 ASSAULT AND RELATED OFFENSES

§ 120.00 Assault in the third degree.

A person is guilty of assault in the third degree when:

1. With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or
2. He recklessly causes physical injury to another person; or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

Assault in the third degree is a class A misdemeanor.

§ 120.05 Assault in the second degree.

A person is guilty of assault in the second degree when:

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person; or
2. With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or



3. With intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, fireman, paramedic or technician, he causes physical injury to such peace officer, police officer, fireman, paramedic, technician or medical or related personnel in a hospital emergency department; or

4. He recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or

6. In the course of and in furtherance of the commission or attempted commission of a felony, other than a felony defined in article one hundred thirty which requires corroboration for conviction, or of immediate flight therefrom, he, or another participant if there be any, causes physical injury to a person other than one of the participants;

Assault in the second degree is a class D felony.

§ 120.08 Assault on a peace officer, police officer, fireman or emergency medical services professional.

A person is guilty of assault on a peace officer, police officer, fireman or emergency medical services professional when, with intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he causes serious physical injury to such peace officer, police officer, fireman, paramedic or technician.

Assault on a peace officer, police officer, fireman or emergency medical services professional is a class C felony.

§ 120.10 Assault in the first degree.

A person is guilty of assault in the first degree when:

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or

2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or

3. Under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person; or

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any, causes serious physical injury to a person other than one of the participants.

Assault in the first degree is a class B felony.



§ 120.11 Aggravated assault upon a police officer or a peace officer.

A person is guilty of aggravated assault upon a police officer or a peace officer when, with intent to cause serious physical injury to a person whom he knows or reasonably should know to be a police officer or a peace officer engaged in the course of performing his official duties, he causes such injury by means of a deadly weapon or dangerous instrument.

Aggravated assault upon a police officer or a peace officer is a class B felony.

§ 140.40 Unlawful possession of radio devices.

As used in this section, the term "radio device" means any device capable of receiving a wireless voice transmission on any frequency allocated for police use, or any device capable of transmitting and receiving a wireless voice transmission. A person is guilty of unlawful possession of a radio device when he possesses a radio device with the intent to use that device in the commission of robbery, burglary, larceny, gambling or a violation of any provision of article two hundred twenty of the penal law.

Unlawful possession of a radio device is a class B misdemeanor.

ARTICLE 150 ARSON

§ 150.00 Arson; definitions. As used in this article, 1. "Building", in addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein. Where a building consists of two or more units separately secured or occupied, each unit shall not be deemed a separate building. 2. "Motor vehicle", includes every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven invalid chairs being operated or driven by an invalid, (b) vehicles which run only upon rails or tracks, and (c) snowmobiles as defined in article forty-seven of the vehicle and traffic law.

§ 150.01 Arson in the fifth degree. A person is guilty of arson in the fifth degree when he or she intentionally damages property of another without consent of the owner by intentionally starting a fire or causing an explosion. Arson in the fifth degree is a class A misdemeanor.

§ 150.05 Arson in the fourth degree. 1. A person is guilty of arson in the fourth degree when he recklessly damages a building or motor vehicle by intentionally starting a fire or causing an explosion. 2. In any prosecution under this section, it is an affirmative defense that no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle. Arson in the fourth degree is a class E felony.

§ 150.10 Arson in the third degree. 1. A person is guilty of arson in the third degree when he intentionally damages a building or motor vehicle by starting a fire or causing an explosion. 2. In any prosecution under this section, it is an affirmative defense that (a) no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle, or if other persons had such interests, all of them consented to the defendant's conduct, and (b) the defendant's sole intent was to destroy or damage the building or motor vehicle for a lawful and proper purpose, and (c) the defendant had no reasonable ground to believe that his conduct might endanger the life or safety of another person or damage another building or motor vehicle. Arson in the third degree is a class C felony.



§ 150.15 Arson in the second degree. A person is guilty of arson in the second degree when he intentionally damages a building or motor vehicle by starting a fire, and when (a) another person who is not a participant in the crime is present in such building or motor vehicle at the time, and (b) the defendant knows that fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility. Arson in the second degree is a class B felony.

§ 150.20 Arson in the first degree. 1. A person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either (i) causes serious physical injury to another person other than a participant, or (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility. 2. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited. Arson in the first degree is a class A-I felony.

§ 195.00 Official misconduct.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or
2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor.

§ 195.05 Obstructing governmental administration in the second degree.

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration.

Obstructing governmental administration is a class A misdemeanor.

§ 195.07 Obstructing governmental administration in the first degree.

A person is guilty of obstructing governmental administration in the first degree when he commits the crime of obstructing governmental administration in the second degree by means of interfering with a telecommunications system thereby causing serious physical injury to another person.

Obstructing governmental administration in the first degree is a class E felony.



§ 195.10 Refusing to aid a peace or a police officer.

A person is guilty of refusing to aid a peace or a police officer when, upon command by a peace or a police officer identifiable or identified to him as such, he unreasonably fails or refuses to aid such peace or a police officer in effecting an arrest, or in preventing the commission by another person of any offense. Refusing to aid a peace or a police officer is a class B misdemeanor.

§ 195.15 Obstructing firefighting operations.

A person is guilty of obstructing firefighting operations when he intentionally and unreasonably obstructs the efforts of any:

1. fireman in extinguishing a fire, or prevents or dissuades another from extinguishing or helping to extinguish a fire; or
2. fireman, police officer or peace officer in performing his duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases.

Obstructing firefighting operations is a class A misdemeanor.

§ 195.16 Obstructing emergency medical services.

A person is guilty of obstructing emergency medical services when he or she intentionally and unreasonably obstructs the efforts of any service, technician, personnel, system or unit specified in section three thousand one of the public health law in the performance of their duties.

Obstructing emergency medical services is a class A misdemeanor.

NYS Vehicle and Traffic Law

§ 101. Authorized emergency vehicle. Every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, county emergency medical services vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

§ 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

§ 115-a. Fire vehicle. Every vehicle operated for fire service purposes owned and identified as being owned by the state, a public authority, a county, town, city, village or fire district, or a fire corporation subject to the provisions of subdivision (e) of section fourteen hundred two of the not-for-profit corporation law or a fire company as defined in section one hundred of the general municipal law.



Any of the following vehicles shall be fire vehicles only for the purpose of section one hundred one of this chapter: 1. a vehicle operated by officials of the office of fire prevention and control in the department of state,

2. a vehicle ordinarily operated by a chief or assistant chief of a fire department, or a county or deputy county fire coordinator, or county or assistant county fire marshall, or town or assistant town fire coordinator, or such vehicle when operated in an official capacity by or under the direction of such person, and

3. a vehicle specially designed and equipped for firefighting purposes which is regularly used for firefighting purposes by a firefighting unit on property used for industrial, institutional or commercial purposes and which vehicle is owned by the owner or lessee of such property.

§ 115-b. Flagperson. The term "flagperson," when used in this chapter means and includes:

1. Any person employed by or on behalf of the state, a county, city, town or village, a public authority, a local authority, or a public utility company, or the agent or contractor of any such entity, who has been assigned to control or direct traffic on public highways in connection with any construction, survey, and/or maintenance work being performed.

2. Any person employed by or on behalf of a railroad corporation who has been assigned to control or direct traffic at a railroad grade crossing.

3. Any person holding a certificate issued by the commissioner, which authorizes such person to operate an escort vehicle, and who has been assigned to control, warn, or direct traffic in connection with the movement of an escort vehicle on a public highway.

§ 117-a. Hazard vehicle. Every vehicle owned and operated or leased by a utility, whether public or private, used in the construction, maintenance and repair of its facilities, every vehicle specially equipped or designed for the towing or pushing of disabled vehicles, every vehicle engaged in highway maintenance, or in ice and snow removal where such operation involves the use of a public highway and vehicles driven by rural letter carriers while in the performance of their official duties.

§ 117-b. Hazardous operation. The operation, or parking, of a vehicle on or immediately adjacent to a public highway while such vehicle is actually engaged in an operation which would restrict, impede or interfere with the normal flow of traffic.

§ 155. Traffic infraction. The violation of any provision of this chapter, except articles forty-seven and forty-eight, or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony. A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. This definition shall be retroactive and shall apply to all acts and violations heretofore committed where such acts and violations would, if committed subsequent to the taking effect of this section, be included within the meaning of the term "traffic infraction" as herein defined.



Except in those portions of Suffolk county for which a district court has been established, outside of cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, courts and judicial officers heretofore having jurisdiction over such violations shall continue to do so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established, and in cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

§ 375. Equipment. 41. Colored and flashing lights. The provisions of this subdivision shall govern the affixing and display of lights on vehicles, other than those lights required by law. 1. No light, other than a white light, and no revolving, rotating, flashing, oscillating or constantly moving white light shall be affixed to, or displayed on any vehicle except as prescribed herein.

2. Red lights and certain white lights. One or more red or combination red and white lights, or one white light which must be a revolving, rotating, flashing, oscillating or constantly moving light, may be affixed to an authorized emergency vehicle, and such lights may be displayed on an authorized emergency vehicle when such vehicle is engaged in an emergency operation, and upon a fire vehicle while returning from an alarm of fire or other emergency.

3. Amber lights. a. One or more amber lights may be affixed to a hazard vehicle, and such a light or lights which display an amber light visible to all approaching traffic under normal atmospheric conditions from a distance of five hundred feet from such vehicle shall be displayed on a hazard vehicle when such vehicle is engaged in a hazardous operation. Such light or lights shall not be required to be displayed during daylight hours provided at least two red flags visible from a distance of five hundred feet are placed both in or on the front of, and to or on the rear of the vehicle and two such flags are placed to each side of the vehicle open to traffic. Such lights or flags need not be displayed on the vehicle when the vehicle is operating, or parked, within a barricaded work area and said lights or flags are displayed on the barricade. The provisions of this subdivision shall not prohibit the temporary affixing and display of an amber light to be used as a warning on a disabled motor vehicle or on a motor vehicle while it is stopped on a highway while engaged in an operation which would restrict, impede or interfere with the normal flow of traffic.



b. In any city in this state having a population of one million or more, one amber light may be affixed to any motor vehicle owned or operated by a volunteer member of a civilian or crime patrol provided such volunteer civilian or crime patrol member has been authorized in writing to so affix an amber light by the police commissioner of the municipality in which he patrols, which authorization shall be subject to revocation at any time by the police commissioner who issued the same or his successor in office. Such amber light may be operated by such volunteer civilian or crime patrol member in such a vehicle only when engaged in a patrol operation as defined and authorized by rules and regulations promulgated by the police commissioner and only in such a manner and at such times as may be authorized by the police commissioner pursuant to said rules and regulations.

4. Blue light. a. One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he or she is employed, provided such volunteer firefighter has been authorized in writing to so affix a blue light by the chief of the fire department or company of which he or she is a member, which authorization shall be subject to revocation at any time by the chief who issued the same or his or her successor in office. Such blue light may be displayed exclusively by such volunteer firefighter on such a vehicle only when engaged in an emergency operation. The use of blue lights on vehicles shall be restricted for use only by a volunteer firefighter except as otherwise provided for in subparagraph b of this paragraph.

b. In addition to the red and white lights authorized to be displayed pursuant to paragraph two of this subdivision, one or more blue lights or combination blue and red lights or combination blue, red and white lights may be affixed to a police vehicle and fire vehicle, provided that such blue light or lights shall be displayed on a police vehicle and fire vehicle for rear projection only. In the event that the trunk or rear gate of a police vehicle and fire vehicle obstructs or diminishes the visibility of other emergency lighting on such vehicles, a blue light may be affixed to and displayed from the trunk, rear gate or interior of such vehicles. Such lights may be displayed on a police vehicle and fire vehicle when such vehicles are engaged in an emergency operation. Nothing contained in this subparagraph shall be deemed to authorize the use of blue lights on police vehicles and fire vehicles unless such vehicles also display one or more red or combination red and white lights as otherwise authorized in this subdivision.

c. The commissioner is authorized to promulgate rules and regulations relating to the use, placement, power and display of blue lights on a police vehicle and fire vehicle.

5. Green light. One green light may be affixed to any motor vehicle owned by a member of a volunteer ambulance service, or on a motor vehicle owned by a member of such person's family, or by a business enterprise in which such person has a proprietary interest or by which he is employed, provided such member has been authorized in writing to so affix a green light by the chief officer of such service as designated by the members thereof. Such green light may be displayed exclusively by such member of a volunteer ambulance service only when engaged in an emergency operation. The use of green lights on vehicles shall be restricted for use only by a member of a volunteer ambulance service as provided for in this paragraph.

As used in this paragraph volunteer ambulance service means: a. a non-profit membership corporation (other than a fire corporation) incorporated under or subject to the provisions of the membership corporations law, or any other law, operating its ambulance or ambulances on a non-profit basis for the convenience of the members thereof and their families or of the



community or under a contract with a county, city, town or village pursuant to section one hundred twenty-two-b of the general municipal law; or

b. an unincorporated association of persons operating its ambulance or ambulances on a non-profit basis for the convenience of the members and their families or of the community.

6. The commissioner is authorized to promulgate regulations with respect to the affixing and display of colored lights and to promulgate specifications with respect to such lights.

7. The provisions of this subdivision forty-one shall not be applicable to vehicles from other states or from the Dominion of Canada which have entered this state to render police, fire or civil defense aid, or ambulance service, while such vehicles are here or are returning to their home stations if the lights on such vehicles comply with the laws of their home states or the Dominion of Canada and are displayed in this state in the same manner permitted by their home states or the Dominion of Canada, nor shall the provisions of this subdivision forty-one be deemed to amend, supersede or in any manner affect the provisions of the New York state defense emergency act as now in force or as it may be amended from time to time.

8. The provisions of this subdivision shall not be applicable to the driver of a vehicle from another state or foreign jurisdiction which vehicle has colored lights affixed but not revolving, rotating, flashing, oscillating or constantly moving if the lights on such vehicle comply with the laws of the state or home foreign jurisdiction in which the vehicle is registered.

§ 381. Motorcycle equipment.

3. Except as hereinafter provided, only a white or yellow light shall be displayed upon a motorcycle so as to be visible from a point directly in front of the vehicle. Any color light, except blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a police vehicle or on a motorcycle operated by a sheriff or regular deputy sheriff when engaged in the performance of duty as a police officer. Any color light, including blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a motorcycle operated by a chief or assistant chief of a fire department, a county or deputy county fire coordinator, or a county or assistant county fire marshal. A blue light may be displayed upon a motorcycle, so as to be visible from a point directly in front of the vehicle, when operated by an active volunteer member of a fire department or company duly authorized as hereinafter provided, and while such vehicle is in use for fire or other emergency service. No volunteer fireman shall be permitted to display a blue light upon a motorcycle as hereinbefore provided except while actually enroute to the scene of a fire or other emergency requiring his services and unless he shall be an active volunteer member of a fire department or company and shall have been authorized in writing to so display a blue light by the chief of the fire department or company of which he is a member, which authorization shall be subject to revocation at any time by the chief who issued the same, or his successor in office.

§ 388. Negligence in use or operation of vehicle attributable to owner.

1. Every owner of a vehicle used or operated in this state shall be liable and responsible for death or injuries to person or property resulting from negligence in the use or operation of such vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner. Whenever any vehicles as hereinafter defined shall be used in combination with one another, by attachment or tow, the person using or operating any one vehicle shall, for the purposes of this section, be deemed to be using or operating each vehicle in the combination, and the owners thereof shall be jointly and severally liable hereunder.



2. As used in this section, "vehicle" means a "motor vehicle", as defined in section one hundred twenty-five of this chapter, except fire and police vehicles, self-propelled combines, self-propelled corn and hay harvesting machines and tractors used exclusively for agricultural purposes, and shall also include "semitrailer" and "trailer" as defined in article one of this chapter, whether or not such vehicles are used or operated upon a public highway. For the purpose of this section, self-propelled caterpillar or crawler-type equipment while being operated on the contract site, shall not be defined as motor vehicles.

3. As used in this section, "owner" shall be as defined in section one hundred twenty-eight of this chapter and their liability under this section shall be joint and several. If a vehicle be sold under a contract of sale which reserves a security interest in the vehicle in favor of the vendor, such vendor or his assignee shall not, after delivery of such vehicle, be deemed an owner within the provisions of this section, but the vendee, or his assignee, receiving possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession of such vehicle. A secured party in whose favor there is a security interest in any vehicle out of his possession, shall not be deemed an owner within the provisions of this section.

4. All bonds executed by or policies of insurance issued to the owner of any vehicle subject to the provisions of this section shall contain a provision for indemnity or security against the liability and responsibility provided in this section; but, except as provided in paragraphs one and two of subsection (g) of section three thousand four hundred twenty of the insurance law, this provision shall not be construed as requiring that such a policy include insurance against any liability of the insured, being an individual, for death of or injuries to his or her spouse or for injury to property of his or her spouse, where the injured spouse, to be entitled to recover, must prove the culpable conduct of the insured spouse.

§ 397. Equipping motor vehicles with radio receiving sets capable of receiving signals on the frequencies allocated for police use. A person, not a police officer or peace officer, acting pursuant to his special duties, who equips a motor vehicle with a radio receiving set capable of receiving signals on the frequencies allocated for police use or knowingly uses a motor vehicle so equipped or who in any way knowingly interferes with the transmission of radio messages by the police without having first secured a permit so to do from the person authorized to issue such a permit by the local governing body or board of the city, town or village in which such person resides, or where such person resides outside of a city or village in a county having a county police department by the board of supervisors of such county, is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both. Nothing in this section contained shall be construed to apply to any person who holds a valid amateur radio operator's license issued by the federal communications commission and who operates a duly licensed portable mobile transmitter and in connection therewith a receiver or receiving set on frequencies exclusively allocated by the federal communications commission to duly licensed radio amateurs.

§ 1102. Obedience to police officers and flagpersons. No person shall fail or refuse to comply with any lawful order or direction of any police officer or flagperson or other person duly empowered to regulate traffic.



§ 1104. Authorized emergency vehicles. (a) The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Stop, stand or park irrespective of the provisions of this title;
2. Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing directions of movement or turning in specified directions.

(c) Except for an authorized emergency vehicle operated as a police vehicle or bicycle, the exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.

(d) An authorized emergency vehicle operated as a police, sheriff or deputy sheriff vehicle may exceed the maximum speed limits for the purpose of calibrating such vehicles' speedometer. Notwithstanding any other law, rule or regulation to the contrary, a police, sheriff or deputy sheriff bicycle operated as an authorized emergency vehicle shall not be prohibited from using any sidewalk, highway, street or roadway during an emergency operation.

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(f) Notwithstanding any other law, rule or regulation to the contrary, an ambulance operated in the course of an emergency shall not be prohibited from using any highway, street or roadway; provided, however, that an authority having jurisdiction over any such highway, street or roadway may specifically prohibit travel thereon by ambulances if such authority shall deem such travel to be extremely hazardous and would endanger patients being transported thereby.

§ 1128. Driving on roadways laned for traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) When official traffic-control devices direct slow-moving traffic, trucks, buses or specified types of vehicles to use a designated lane or designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, drivers of vehicles shall obey the directions of every such sign, signal or marking.



(d) When official markings are in place indicating those portions of any roadway where crossing such markings would be especially hazardous, no driver of a vehicle proceeding along such highway shall at any time drive across such markings.

§ 1144. Operation of vehicles on approach of authorized emergency vehicles. (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle or bicycle when operated as an authorized emergency vehicle, and when audible signals are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway.

§ 1144-a Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not limited to, moving from a land which contains or is immediately adjacent to the shoulder where such authorized emergency vehicle displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one or section three hundred seventy-five of this chapter is parked, stopped or standing to another lane, provided that such movement otherwise complies with requirements of this chapter including but not limited to, the provisions of section eleven hundred ten of this title and eleven hundred twenty-eight of this title.

§ 1180. Basic rule and maximum limits. (a) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

(b) Except as provided in subdivision (g) of this section and except when a special hazard exists that requires lower speed for compliance with subdivision (a) of this section or when maximum speed limits have been established as hereinafter authorized, no person shall drive a vehicle at a speed in excess of fifty-five miles per hour.

(c) Except as provided in subdivision (g) of this section, whenever maximum school speed limits have been established on a highway adjacent to a school as authorized in section sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred thirty, sixteen hundred forty-three or sixteen hundred sixty-two-a, no person shall drive in excess of such maximum school speed limits during:

(1) school days at times indicated on the school zone speed limit sign, provided, however, that such times shall be between the hours of seven o'clock A.M. and six o'clock P.M. or alternative times within such hours; or



(2) a period when the beacons attached to the school zone speed limit sign are flashing and such sign is equipped with a notice that indicates that the school zone speed limit is in effect when such beacons are flashing, provided, however, that such beacons shall only flash during student activities at the school and up to thirty minutes immediately before and up to thirty minutes immediately after such student activities.

(d) 1. Except as provided in subdivision (g) of this section, whenever maximum speed limits, other than school speed limits, have been established as authorized in sections sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred twenty-three, sixteen hundred twenty-seven, sixteen hundred thirty, sixteen hundred forty-three, sixteen hundred forty-four, sixteen hundred fifty-two, sixteen hundred sixty-two-a, sixteen hundred sixty-three, and sixteen hundred seventy, no person shall drive in excess of such maximum speed limits at any time.

2. Except as provided in subdivision (g) of this section, whenever maximum speed limits, other than school speed limits, have been established with respect to any restricted highway as authorized in section sixteen hundred twenty-five, no person shall drive in excess of such maximum speed limits at any time.

(e) The driver of every vehicle shall, consistent with the requirements of subdivision (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when approaching and passing by an emergency situation involving any authorized emergency vehicle which is parked, stopped or standing on a highway and which is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter, when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of weather or highway conditions, including, but not limited to a highway construction or maintenance work area.

§ 1217. Following emergency fire vehicles prohibited. The driver of any vehicle other than one on official business shall not follow any authorized emergency fire vehicle in the same lane or an adjacent lane to the one being used by such fire vehicle at a distance closer than two hundred feet while such fire vehicle is displaying one or more red or combination red and white lights, or one white light which must be a revolving, rotating, flashing, oscillating or constantly moving light, nor shall such driver drive into or park his or her vehicle within the block or where there is no block, within one thousand feet of where such fire vehicle has stopped in answer to a fire alarm.

§ 1218. Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

§ 1229-c. Operation of vehicles with safety seats and safety belts. 1.

No person shall operate a motor vehicle in this state unless: (a) all back seat passengers of such vehicle under the age of four are restrained in a specially designed seat which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is either permanently affixed or is affixed to such vehicle by a safety belt, or in the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be restrained (i) in an appropriate child restraint system as defined in subdivision



four of this section used with combination lap safety and shoulder harness belts or (ii) by a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen; (b) all back seat passengers of such vehicle who are age four or older but under age seven (i) are restrained in an appropriate child restraint system as defined in subdivision four of this section used with combination lap and shoulder harness belts or (ii) are restrained in a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen; or (c) in the case of any other back seat passenger under the age of sixteen, he or she is restrained by a safety belt approved by the commissioner.

2. No person shall operate a motor vehicle unless all front seat passengers (a) under the age of sixteen are restrained by a safety belt; or (b) if they are under the age of four, by a specially designed seat which is either permanently affixed or affixed to such vehicle by a safety belt as required by subdivision one of this section, or in the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be restrained (i) in an appropriate child restraint system as defined in subdivision four of this section used with combination lap safety and shoulder harness belts or (ii) by a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen; or (c) if they are age four or older but under age seven, (i) are restrained in an appropriate child restraint system as defined in subdivision four of this section used with combination lap safety and shoulder harness belts or (ii) are restrained in a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen.

3. No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in the front seat of a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.

* 3-a. Except as otherwise provided for passengers under the age of four, it shall be a violation of this section if a person is seated in a seating position equipped with both a lap safety belt and a shoulder harness belt and such person is not restrained by both such lap safety belt and shoulder harness belt.

* NB There are 2 sub 3-a's

* 3-a. No person holding a class DJ learner's permit or class DJ license issued pursuant to section five hundred two of this chapter, or a limited class DJ or MJ license issued pursuant to section five hundred three-a of this chapter, shall operate a motor vehicle in this state unless such person is restrained by a safety belt approved by the commissioner, and all passengers under the age of four are restrained in a specially designed seat which meets the federal motor vehicle safety standards set forth in 49 C.F.R. 571.213 and which is either permanently affixed or is affixed to such vehicle by a safety belt and, in the case of any other passenger under the age of sixteen, he or she is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in a motor vehicle operated by a person holding a class DJ learner's permit, a class DJ license or a limited class DJ license



unless such passenger is restrained by a safety belt approved by the commissioner.

* NB There are 2 sub 3-a's

4. For the purposes of this section, the following terms shall have the following meanings:

(a) "motor vehicle" shall include all motor vehicles which are required by section three hundred eighty-three of this chapter or regulation or would be required if such motor vehicle were registered in New York state to be equipped by a safety belt but shall not include those vehicles which are used as school buses, as such term is defined in section one hundred forty-two of this chapter and those vehicles which are authorized emergency vehicles, as such term is defined in section one hundred one of this chapter;

(b) "child restraint system" shall mean any device, used in conjunction with safety belts, designed for use in a motor vehicle to restrain, seat, or position children and which meets the applicable Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213; and

(c) "appropriate child restraint system" shall mean a child restraint system for which the occupant meets the occupant size and weight recommendations of the manufacturer of such system.

5. Any person who violates the provisions of subdivision three of this section shall be punished by a civil fine of up to fifty dollars. Any person who violates the provisions of subdivision one, two, eleven or thirteen of this section shall be punished by a civil fine of not less than twenty-five nor more than one hundred dollars. In any prosecution or proceeding alleging a violation of paragraph (b) of subdivision one or paragraph (c) of subdivision two of this section, it shall be an affirmative defense that the passenger subject to the requirements of such paragraphs was restrained by a safety belt and measures more than four feet nine inches in height and/or weighs more than one hundred pounds.

6. The court shall waive any fine for which a person who violates the provisions of this section would be liable with respect to passengers under the age of seven if such person supplies the court with proof that, between the date on which he is charged with having violated this section and the appearance date for such violation, he purchased or rented a child restraint system which meets the requirements of subdivision one of this section. Provided, however, that such waiver of fine shall not apply to a second or subsequent conviction under this section.

7. The provisions of this section shall not apply to a passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt provided, however, such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.

8. Non-compliance with the provisions of this section shall not be admissible as evidence in any civil action in a court of law in regard to the issue of liability but may be introduced into evidence in mitigation of damages provided the party introducing said evidence has pleaded such non-compliance as an affirmative defense.

9. Notwithstanding the provisions of subdivision four, this section shall not apply to taxis, liveries, and buses other than school buses.

10. The provisions of this section shall not apply to persons employed as rural letter carriers, as defined by the United States postal service, while such persons are discharging the duties of such employment.

11. Notwithstanding the provisions of subdivision four of this section, no person shall operate a school bus unless all passengers under the age of four are restrained in a specially designed detachable or removable seat as required by subdivision one of this section, or another restraining device approved by the commissioner.



12. (a) Every rental vehicle company, as defined in paragraph (c) of subdivision one of section three hundred ninety-six-z of the general business law, shall post a sign in their place of business which states in conspicuous lettering of at least seventy-two point boldface type: NEW YORK STATE LAW REQUIRES ALL CHILDREN UNDER THE AGE OF SEVEN TO BE RESTRAINED IN A FEDERALLY APPROVED CHILD RESTRAINT SYSTEM.

(b) Such sign shall be placed in an upright position and in a conspicuous place where it can easily be read by the clientele of the rental vehicle company.

(c) Any rental vehicle company which violates the provisions of this subdivision shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

13. Notwithstanding the provisions of subdivision four of this section, no person shall operate a school bus for which there are no applicable federal school bus safety standards unless all occupants are restrained by a safety belt approved by the commissioner.

§ 1602. Emergency rule. (a) Whenever a police officer shall deem it advisable during a fire or at the time of any accident or special emergency and only for such period of time as is necessitated thereby for the public safety or convenience, temporarily to close any street or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert the traffic thereof, or to divert or break a course of pedestrian traffic, such official shall have power and authority to do so.

(b) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians or property: any police officer or other person empowered to regulate traffic at the scene may, to the extent authorized by local law, ordinance, order, rule, regulation or administrative code provision adopted by local authorities with respect to highways within their corporate boundaries, direct traffic as conditions may require notwithstanding the provisions of this chapter or of local laws, ordinances, orders, rules, regulations, administrative code or sanitary code provisions regulating traffic; and, in addition, outside of cities and villages any member of the state police may direct traffic as conditions may require notwithstanding the provisions of this chapter or of local laws, ordinances, orders, rules or regulations regulating traffic.

(c) Whenever the head of any police force or police department or the chief executive officer of a city, town or village shall deem it advisable during a snow storm or in order to remove snow or to plow streets, provided that signs or markings giving notice are posted as required by section sixteen hundred eighty-three of this chapter, such head of the police force or police department or the chief executive officer of a city, town or village may close any street or part thereof to vehicular traffic or prohibit, restrict or limit the stopping, standing or parking of vehicles.

(d) The superintendent of the New York state police or the head of any police force or police department may authorize the temporary closure of any street or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert the traffic thereof, or to divert or break a course of pedestrian traffic in the following situations:

1. during the time of any speed contest, exhibition of speed or similar special event which is being held pursuant to section eleven hundred eighty-two-a of this chapter;

2. during the time of the filming of any movie, commercial or similar event which is being undertaken pursuant to section eleven hundred eighty-two-b of this chapter.



PART 44.4 – NYCRR Blue and Green Lights

(a) (1) One or more blue lights or combination blue and red lights or combination blue, red and white lights may be affixed to a police vehicle, provided that such blue light or lights shall be displayed on a police vehicle for rear projection only. In the event that the trunk or rear gate of a police vehicle obstructs or diminishes the visibility of other emergency lighting on such vehicle, a blue light may be affixed to and displayed from the trunk, rear gate or interior of such vehicle. Such lights may be displayed on a police vehicle when such vehicle is engaged in an emergency operation.

Nothing contained in this subdivision shall be deemed to authorize the use of blue lights on a police vehicle unless such vehicle also displays one or more red, or combination red and white lights as otherwise authorized in this section.

(b) One green light may be affixed to any motor vehicle owned by a member of a volunteer ambulance service, or on a motor vehicle owned by a member of such person's family, or by a business enterprise in which such person has a proprietary interest or by which he is employed.

(c) Authorization to affix a blue light to each of the motor vehicles described in subdivision (a)(2) must be in writing signed by the chief of the fire department or company. Authorization to affix a green light to each of the vehicles described in subdivision (b) must be in writing and signed by the chief officer of the volunteer ambulance service. The authorization given to members of their respective organization may be revoked at any time by the chief officer who issued the same or his successor in office. Such written authority must be carried upon the person of the operator of the vehicle whenever such lights are displayed.

(d) A green light may not be affixed, nor may the authorization be given to do so, to a vehicle described in subdivision (a) where an ambulance service is operated by and is a function of a volunteer fire department or company.

(e) A blue light may be affixed to a vehicle which is entitled to have a green light affixed and such green light is affixed and both are properly authorized.

(f) A green light may be affixed to a vehicle which is entitled to have a blue light affixed and such blue light is affixed both are properly authorized.

(g) A blue or green light may be affixed to a vehicle which is entitled to have amber light affixed and that only one color which is appropriate to the activity of the vehicle may be displayed at any one time.

(h) Except as provided in paragraph (a)(1) of this section, a blue or green light may not be affixed to a vehicle which is entitled to have red lights and one or more red lights are so affixed.

(i) A vehicle authorized to have either a blue or green light affixed may display only one such light and only when engaged in an emergency operation as set forth in subdivision (b) of section 44.2 of this part.



(j) A vehicle authorized to have both a blue and green light affixed may display only one such light at a time and only that light which is appropriate to the use of the vehicle at that time.

(k) A blue or green light affixed to and displaced upon a vehicle pursuant to the preceding provisions shall also comply with the following.

1. Only one such light may be displayed which must be visible from in front of such vehicle.
 2. **(Reserved) (32 CP Removed)**
 3. Such light may not be part of the headlamp system.
 4. No inscription may appear across the face of the lens or dome.
 5. Such light may be a fixed, unidirectional light, either steady or flashing, mounted in front of or behind the grille or anywhere on the vehicle, or a revolving, rotating, oscillating or constantly moving light which must be mounted above the headlamps preferably on the roof to avoid reflected glare or distraction to the operator. If mounted upon the dashboard inside the vehicle, a suitable cover, which may consist of paint, must be used to prevent reflected glare or distraction to the operator.
 6. Such light consist of a lamp with a blue or red lens and not an uncolored lens with a blue or green bulb, except that a roof mounted dome unit which does not include a lens, must consist of a blue or green dome and not an uncolored dome with a blue or green bulb.
 7. The lens of such a light must be not less than three inches nor more than six inches in diameter, except that a roof mounted dome unit which does not include a lens must be not more than inches in height.
 8. **A roof-mounted dome unit may consist of one or more bulbs or sealed-beam lamps whose light source cannot exceed 32 candle power.**
 9. The affixing of more than one light or lighting device or fixture whereby the lights or lamps are made to flash alternately is prohibited.
 10. The provisions of this subdivision shall not apply to police vehicles.
- (1) One bar light may be used, provided that:
1. it has a housing not more than nine inches high;
 2. It consists of a blue or green housing and not an uncolored housing with blue or green bulbs;
 3. all bulbs inside the housing flash on and off simultaneously;
 4. the blue or green housing is continuous with no breaks, barriers or coverings which could give the appearance of two or more lights; and-
 5. it is mounted on the roof of the vehicle and not on the hood, trunk or other part of the vehicle.



- (m) **Lights that give off blinding flashes, such as strobe lights, are prohibited.**
- (n) **Some examples of prohibited lights are:**
1. a blue or green light on the front of the vehicle together with the same color light on the roof,
 2. a blue or green dome light and a bar light of the same color,
 3. a bar divided into two or more parts by any section of another color, including white, or by any opaque material; or
 4. two blue or two green dome lights.
- (o) **A green light may not have a light source greater than 32 candlepower.**

Section 44.4 amended April 25, 2007 (Police vehicles & Blue Lights)

End of Appendix D



APPENDIX E

Resource Page



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Resources List

1. American National Standards Institute: www.ansi.org
2. Cornell University Law School: www.law.cornell.edu
3. Everyone Goes Home: www.everyonegoeshome.com
4. Federal Emergency Management Agency: www.fema.gov
5. Fireman's Association State of New York: www.fasny.com
6. Hudson Valley Transportation Management Center: www.hudsonvalleytraveler.com
7. The Manual on Uniform Traffic Control Devices: www.mutcd.gov
8. National Fire Protection Association: www.nfpa.org
9. National Institute for Occupational Safety and Health: www.cdc.gov/niosh
10. National Safety Council: www.nsc.org
11. New York State Assembly, NYS Laws: www.assembly.state.ny.us/leg
12. New York State Department of Labor: www.labor.state.ny.us
13. New York State Division of Criminal Justice: www.criminaljustice.state.ny.us
14. New York State, Department of State, Office of Fire Prevention and Control: www.dos.state.ny.us/fire/firewww.html
15. Occupational Safety and Health Administration: www.osha.gov
16. Responder Safety.Com: www.respondersafety.com



Organization: _____

Name: _____

FOLD

Please remember to:

- Enter into the discussion enthusiastically.
- Give freely of your experience.
- Keep confidences and assume others will, too.
- Confine your discussion to the topic.
- Listen alertly and take accurate notes.
- Provide constructive feedback.
- Appreciate the other person's point of view.
- Practice learned skills on the job.
- Be prompt and regular in attendance.

Please provide emergency contact information for the duration of this class:

Work Contact

Name: _____

Phone: () _____

Personal Contact

Name: _____

Phone: () _____

