



MUKWONAGO FIRE DEPARTMENT
OPERATING PROCEDURES

Vehicle Operations		Approved by: Chief Jeffrey R. Stien	
Policy #06	Draft Date: 4-6-09	Revision Date:04-26-13	Effective Date:05-06-13

Purpose: The purpose of this guideline is to establish procedures for maximizing firefighter and EMS personnel when driving personal or department vehicles to the scene of an emergency.

Scope: This guideline is to be followed by all officers and members of this department.

Authority to deviate from this guideline rests with the officer in charge of the incident who will be responsible for the results of any deviations.

General

- A. Personnel are to abide by the State of Wisconsin Statute Numbers 346.03 and 347.25.
- B. Operators shall obey all traffic regulations.
- C. All personnel shall present a valid driver's license during recruit class. The department shall check the validity of all personnel driver's licenses annually. **Changes in a personnel's state driver's license shall be reported immediately to the Fire Chief or designee. Members who are arrested, cited, or come under investigation for any criminal or traffic offense, both within and outside of Mukwonago, shall report this incident, in writing, to the Fire Chief or designee as soon as practical. This includes driver's license other traffic and OWI violations. Members shall report any driver's license restrictions.**
- D. Members shall provide current address and phone number. Any change of residency and / or telephone number shall immediately be made known to the department.
- E. No personnel will be allowed to drive or operate any fire department apparatus without a valid state driver's license.
- F. Private vehicles are covered by the individual's primary insurance carrier. The fire department insurance covers the deductible only.

Private Vehicle Operation

- A. Probationary members are not allowed to use red lights and sirens in their personal vehicles until they have completed their probationary period.
- B. Personnel **must have permission** from the Fire Chief to put lights and sirens on their private vehicle.
- C. Any personnel responding to an emergency call from outside of the limits of the Town or Village of Mukwonago in their personal vehicle shall not respond with red lights and sirens until they are within the limits of the Town or Village of Mukwonago. This includes response to any mutual aid incidents unless previously authorized by the Fire Chief.
- D. If there is a need for a private vehicle to respond to the scene of an incident the vehicle must park at least 100 feet away from the incident. Private vehicle response to the scene is only allowed to EMS medical calls only unless directly ordered by the Fire Chief or designee.
- E. Private vehicles can respond lights and sirens using reasonable sense and due regard for the response mode to match the severity of the incident.
- F. No private vehicles will be permitted on I-43.
- G. Any moving violation occurred while responding lights and sirens or abuse of this privilege will result in the lights and sirens being removed from the respective POV with no change of future permission to be granted.

Emergency Vehicle Operation

- A. All personnel must complete the driver training and checklist before they will be allowed to drive. The Fire Chief will make the final approval as recommended by the officers. (This includes driving and all operations of the apparatus).
- B. Probationary members will not drive fire department vehicles under emergency conditions or at training exercises, unless directly ordered by the officer in charge.
- C. If you drive an emergency vehicle to a call, know exactly where you are going BEFORE you leave your respective station. If necessary, check maps or the GPS located in each vehicle.
- D. Only fire department personnel are allowed to drive and ride in any apparatus.
- E. Children and family members may ride on fire department apparatus only during parades and not to or from the parade location.
- F. There shall be no fire apparatus on the ice with the exception of the ATV, at the discretion of the officer in charge.

- G. There will be a minimum of two (2) personnel aboard the apparatus during any operation.
- H. Standing or riding any place other than an approved riding position is prohibited except as provided in this policy.
- I. Riding in the hose bed while loading hose is permitted providing the personnel riding are seated or kneeling while the vehicle is in motion. Operators shall not exceed 5 MPH when personnel are in the hose bed.
- J. Personnel shall not mount or dismount any apparatus unless the apparatus is fully stopped.
- K. Seat belts shall not be released or loosened for any purpose while the vehicle is in motion, including the donning of SCBA's or protective clothing. When necessary for patient care, EMT's riding in the patient compartment of an ambulance may temporarily remove their seatbelts to render patient care.
- L. Personnel shall not mount or dismount from a moving vehicle under any circumstances.
- M. All personnel riding on an apparatus shall be seated and shall be wearing a seat belt. It is the responsibility of the MPO and the person in the officer's position to check this before moving the vehicle.
- N. Once a vehicle has arrived on scene, the driver operator will announce "Brake set" to ensure it is now safe to exit the vehicle.
- O. **Operation of fire department vehicles without a valid state driver's license or permission shall result in disciplinary action.**

Backing

- A. When backing up a piece of apparatus, a second individual will act as a spotter and remain in verbal or visual contact with the operator of the apparatus at all times.
- B. Spotters should place themselves to the rear and the driver's side of the apparatus.
- C. The driver's window shall be open at all times when backing.
- D. If the operator does not understand the directives of the spotter, motion of the apparatus shall cease until clarification is obtained.

Intersection Crossing

- A. Driving in an emergency response, the apparatus operator shall approach the intersections with due regard and caution.
- B. The brake shall be covered and the apparatus shall slow down so if the event arises, a complete stop can safely be made.
- C. Passing vehicles through an intersection shall be done to the left. Use the right lane only as a last resort.

- D. The operator and personnel in the officer's seat shall visually check all lanes of traffic to ensure the path is clear. Both shall communicate, "ALL CLEAR" prior to proceeding through an intersection.
- E. All ambulances are equipped with Opticom. Regardless if the traffic light turns green granting you the right of way; you still need to drive with due regard and caution.
 - 1. When approaching an intersection with Opticom, there may be a white flood light on top of the traffic signal standard. If the light is solid white, YOU have the right of way. If the light is flashing white, there is approaching emergency apparatus from the cross street. THEY have the right of way.

Motor Vehicle Collision

If any person is involved in a collision while driving any Mukwonago Fire Department vehicle, the local law authority will conduct an investigation of the collision, and will be subject to the outcome of the investigation and may be subject to disciplinary action. Drug testing will be mandatory for any injury type incident.

346.03 Applicability of rules of the road to authorized emergency vehicles.

(1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, may exercise the privileges set forth in this section, but subject to the conditions stated in subs. (2) to (5m).

(2) The operator of an authorized emergency vehicle may:

- (a) Stop, stand or park, irrespective of the provisions of this chapter;
 - (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (c) Exceed the speed limit;
 - (d) Disregard regulations governing direction of movement or turning in specified directions.
- (2m) Notwithstanding s. 346.94 (20), a law enforcement officer, a fire fighter, or emergency medical personnel may open and leave open any door of an authorized emergency vehicle when the vehicle is stopped, standing, or parked and the person is performing official duties.

(3) The exemption granted the operator of an authorized emergency vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual signal by means of at least one

flashing, oscillating or rotating red light except that the visual signal given by a police vehicle may be by means of a blue light and a red light which are flashing, oscillating or rotating, except as otherwise provided in sub. (4m). The exemptions granted by sub. (2) (b), (c) and (d) apply only when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in sub. (4) or (4m).

(4) Except as provided in sub. (4m), a law enforcement officer operating a police vehicle shall otherwise comply with the requirements of sub. (3) relative to the giving of audible and visual signals but may exceed the speed limit without giving audible and visual signal under the following circumstances:

(a) If the officer is obtaining evidence of a speed violation.

(b) If the officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:

1. Knowledge of the officer's presence may endanger the safety of a victim or other person.

2. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.

3. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.

4. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

(4m) A law enforcement officer operating a police vehicle that is a bicycle is not required to comply with the requirements of sub. (3) Relative to the giving of audible and visual signals.

(5) The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive or ride with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.

(5m) The privileges granted under this section apply to the operator of an authorized emergency vehicle under s. 340.01 (3) (dg) or (dh) only if the operator has successfully completed a safety and training course in emergency vehicle operation that is taken at a technical college under Ch. 38 or that is approved by the department and only if the vehicle being operated is plainly marked, in a manner prescribed by the department, to identify it as an authorized emergency vehicle under s. 340.01 (3) (dg) or (dh).

(6) Every law enforcement agency that uses authorized emergency vehicles shall provide written guidelines for its officers and employees regarding exceeding speed limits under the circumstances specified in sub. (4) And when otherwise in pursuit of actual or suspected violators. The guidelines shall consider, among other factors, road conditions, density of population, severity of crime and necessity of pursuit by vehicle. The guidelines are not subject to requirements for rules under ch. 227. Each law enforcement agency shall review its written guidelines by June 30 of each even-numbered year and, if considered appropriate by the law enforcement agency, shall revise those guidelines.

History: 1983 a. 56; 1985 a. 82, 143; 1987 a. 126; 1995 a. 36; 1997 a. 88; 2007 a. 20; 2011 a. 184.

Sub. (5) Limits the exercise of privileges granted by sub. (2). *City of Madison v. Polenska*, 143 Wis. 2d 525, 421 N.W.2d 862 (Ct. App. 1988).

An officer who decides to engage in pursuit is immune from liability for the decision under s. 893.80, but may be subject to liability under sub. (5) for negligently operating a motor vehicle during the chase. A city that has adopted a policy that complies with sub. (6) is immune from liability for injuries resulting from high speed chases. A policy that considered the severity of the crime only in terms of when to strike a vehicle or use road blocks did not comply with sub. (6). *Estate of Cavanaugh v. Andrade*, 202 Wis. 2d 290, 550 N.W.2d 103 (1996), 94-0192.

The government and its employees may have various forms of liability under this section, which provides exemptions for compliance with certain traffic laws for operators of emergency vehicles, but the statute does not supersede s. 893.80 (4) immunity for discretionary decisions. In this case, a driver's decision to proceed through the intersection against a red light was discretionary and the driver was immune from liability for negligence based on that decision. *Brown v. Acuity, A Mutual Insurance Company*, 2012 WI App 66, 342 Wis. 2d 236, 815 N.W.2d 719, 11-0583.

A private ambulance that is an authorized emergency vehicle usually kept in a given county pursuant to s. 340.01 (3) (i) may not avail itself of the provisions of sub. (2) When proceeding unsolicited to the scene of an accident or medical emergency in an adjacent county. 77 Atty. Gen. 214.

A claim of excessive force in the course of making a seizure of the person is properly analyzed under the 4th Amendment's objective reasonableness standard. A police officer's attempt to

terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the 4th Amendment, even when it places the fleeing motorist at risk of serious injury or death. *Scott v. Harris*, 550 U.S. 372, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007).

Police civil liability and the law of high speed pursuit. Zevitz. 70 MLR 237 (1987).

347.25 Special warning lamps on vehicles.

(1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized emergency vehicle may be equipped with one or more flashing, oscillating, or rotating red lights, except that ambulances, fire department equipment, privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by personnel of a full-time or part-time fire department, by members of a volunteer fire department or rescue squad, or by an organ procurement organization or any person under an agreement with an organ procurement organization, and privately owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up medical devices or equipment, may be equipped with red or red and white lights, and shall be so equipped when the operator thereof is exercising the privileges granted by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and understandable from a distance of 500 feet both during normal sunlight and during hours of darkness. No operator of an authorized emergency vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, or when necessarily parked in a position which is likely to be hazardous to traffic.

(1m)

(a) A police vehicle under s. 340.01 (3) (a) may be equipped with a blue light and a red light which are flashing, oscillating or rotating.

(b) If the vehicle is so equipped, the lights shall be illuminated as required under s. 346.03 or 346.215 (2)

(a) When the operator of the police vehicle is exercising the privileges granted under s. 346.03 or 346.215 (2) (a). On a marked police vehicle, the blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. When in use on an unmarked police vehicle, the blue light shall be displayed on the passenger side of the vehicle and the red light shall be displayed on the driver side of the vehicle. The lights shall be designed and displayed so as to be plainly visible and understandable from a distance of 500

feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway, or as authorized under s. 346.215 (2) (a).

(c) If the state or any local authority intends to equip its police vehicles as authorized under par. (a), the state or the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before so equipping the first vehicle.

(1r)

(a)

1. A police vehicle under s. 340.01 (3) (a) may be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized under sub. (1) or (1m) are in use.

2. If the state or any local authority intends to equip its police vehicles as authorized under subd. 1., the state or the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before so equipping the first vehicle.

(b)

1.

a. A vehicle of a fire department under s. 340.01 (3) (c) or an ambulance under s. 340.01 (3) (g) may be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized under sub. (1) are in use.

b. If any local authority intends to equip its vehicles as authorized under subd. 1. a., the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before so equipping the first vehicle.

2.

a. A sheriff or others designated by the county board may authorize that an ambulance under s. 340.01 (3) (i) be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized under sub. (1) are in use.

b. If the sheriff or others designated by the county board intend to authorize any ambulance under s. 340.01 (3) (i) to be equipped as authorized under subd. 2. a., the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before authorizing the first vehicle to be so equipped.

(c)

1.

a. The state fire marshal may authorize that a privately owned motor vehicle under s. 340.01 (3) (d) that is being used by a deputy state fire marshal be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized under sub. (1) are in use.

b. If the state fire marshal intends to authorize any privately owned motor vehicle under s. 340.01 (3) (d) that is being used by a deputy state fire marshal to be equipped as authorized under subd. 1. a., the state shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before authorizing the first vehicle to be so equipped.

2.

a. A fire chief may authorize that a privately owned motor vehicle under s. 340.01 (3) (d) that is being used by an employee of the fire department or, if applicable, a member of the volunteer fire department be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized under sub. (1) are in use.

b. If the fire chief intends to authorize any privately owned motor vehicle under s. 340.01 (3) (d) that is being used by an employee of the fire department or, if applicable, a member of the volunteer fire department to be equipped as authorized under subd. 2. a., the local authority shall give notice of its intent as a class 2 notice under ch. 985 at least 90 days before authorizing the first vehicle to be so equipped.

(1s) A vehicle in use by a fire department as a command post at the site of an emergency call may be equipped with a blue or green light which is flashing, oscillating or rotating.

(2) No person may operate a school bus which is painted as provided in s. 347.44 unless it is equipped with flashing red signals and with a 360-degree flashing white strobe light having a flashrate of 60 to 120 per minute. The secretary shall prescribe rules for the type, installation, operation and light output brilliance of the signals and lights required under this subsection. No

vehicle may be equipped with such flashing red signals and a strobe light unless it also is painted as provided in s. 347.44.

Cross-reference: See also ch. Trans 300, Wis. adm. code.

(2m) A human service vehicle may be equipped with a 360-degree flashing strobe light with a flashrate of 60 to 120 per minute. Notwithstanding s. 110.05 (1), the secretary shall prescribe rules for the type, color, installation, operation and light output brilliance of the lights permitted under this subsection.

(3) The lead vehicle in a funeral procession may be equipped, or any vehicle in the procession may be equipped if all vehicles in the procession are so equipped, with a flashing amber light that may be used only in the procession.

(4) No vehicle may be equipped with or display any blue colored light or lamp unless the vehicle is used in police work authorized by the state or a political subdivision of the state or is used by a fire department as authorized under sub. (1s).

(5) Notwithstanding s. 347.26 (11), whenever flashing warning lamps on an authorized emergency vehicle are designed and being used to exhibit a directional arrow at the scene of an emergency, the lamps exhibiting the directional arrow may be flashing simultaneously or sequentially. If the use of flashing warning lamps to exhibit a directional arrow would likely direct approaching traffic into a lane of traffic moving in the opposite direction, only the flashing warning lamps that exhibit the horizontal bar of a directional arrow may be used and such lamps shall be flashing simultaneously.

History: 1977 c. 29 s. 1654 (7) (c); 1977 c. 228; 1979 c. 54, 149; 1983 a. 56; 1985 a. 143; 1987 a. 126; 1989 a. 69; 1991 a. 73, 142; 1993 a. 369; 1995 a. 31, 190; 1997 a. 31, 117; 2007 a. 20, 177; 2009 a. 46.

The burden is on the operator of an emergency vehicle to prove that the warning light met the requirements. A light showing only to the front would not provide the operator with emergency privileges for stopping, parking, or turning as to vehicles approaching from the rear. *Pittman v. Lieftring*, 59 Wis. 2d 52, 207 N.W.2d 610 (1973).