

STATEMENTS OF POLICY

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 173a]

Flashing or Revolving Lights on Emergency and Authorized Vehicles

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 6102 and 6103 (relating to powers and duties of department and local authorities; and promulgation of rules and regulations by department), adds Chapter 173a (relating to flashing or revolving lights on emergency and authorized vehicles—statement of policy) to read as set forth in Annex A.

Purpose

The purpose of Chapter 173a is to formalize the Department's interpretation of Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles) following amendments to 75 Pa.C.S. § 4571(b.1)(3) and (f) (relating to visual and audible signals on emergency vehicles) under the act of July 8, 2016 (P.L. 477, No. 75) (Act 75).

The purpose of Chapter 173a is to interpret 75 Pa.C.S. (relating to Vehicle Code) and Chapter 173, which will provide guidance to fire departments, fire chiefs and assistant fire chiefs regarding the mounting of flashing or revolving lights in the passenger compartment of fire department vehicles or privately owned vehicles used in answering emergency calls when used by a fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief, as well as the law enforcement community. Section 4571(b.1)(3) and (f) of 75 Pa.C.S., as amended under Act 75, provides that the Department cannot prohibit the use of interior mounted flashing or revolving lights in the passenger compartment of fire department vehicles or privately owned vehicles used in answering emergency calls when used by a fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief. Chapter 173a clarifies that the amendments to 75 Pa.C.S. § 4571(b.1)(3) and (f) expand the use of the subject flashing or revolving lights beyond the mounting locations identified in § 173.3(e)(1) (relating to display requirements).

Section 4571(b.1)(3) of 75 Pa.C.S., as amended by Act 75, requires that the internally mounted flashing or revolving lights on the identified fire vehicles comply with the Department's regulations. Currently, under § 173.3(a)(2), flashing or revolving lights must be red. Moreover, under § 173.3(e)(2)(iv) and (v), flashing or revolving lights mounted inside the passenger compartment of police vehicles must be clearly visible through either the front windshield or rear window. Other applicable regulations such as § 173.3(b), providing for 360° visibility, also remain in effect.

Accordingly, the Department interprets 75 Pa.C.S. § 4571(b.1)(3), as amended by Act 75, to mean that flashing or revolving lights mounted inside the passenger compartment of fire department vehicles or privately owned vehicles used in answering emergency calls when used by a fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief are required to be clearly visible through

either the front or rear window, consistent with the existing regulatory requirements applicable to police vehicles. Other existing regulatory requirements for all authorized vehicles, including items such as light color (that is, the use of red flashing or revolving lights) and visibility, also apply. See § 173.3(a)(2) and (b).

Significant Provisions

Chapter 173a specifically clarifies that in addition to the locations detailed in § 173.3(e)(1), flashing or revolving lights may be permanently mounted in the vehicles of fire departments, fire chiefs and assistant fire chiefs vehicles either: 1) inside the passenger compartment, clearly visible through the front windshield; or 2) inside the passenger compartment, clearly visible through the rear window, similar to permitted uses in police vehicles in § 173.3(e)(2)(iv) and (v).

Persons and Entities Affected

This statement of policy applies to the owners and operators of fire department vehicles or privately owned vehicles used in answering emergency calls when used by a fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief, as well as the law enforcement community.

Fiscal Impact

This statement of policy will not have fiscal impact on the Commonwealth or local governments. As this statement of policy provides an interpretation of the Department's regulations in view of a statutory change allowing for the optional use of specified lighting in certain emergency vehicles, fiscal impacts to the regulated community may be positive for those utilizing the optional lighting addressed in this statement of policy instead of potentially more costly lighting options.

Sunset Date

A sunset date is not being established for this statement of policy. Its need and efficacy will be periodically monitored by the Department.

Effective Date

This statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions related to this statement of policy is Kay Kishbaugh, Manager, Vehicle Inspection Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2171.

Order

The Department, acting under the authority statutes, orders that:

(a) Title 67 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 173a.1—173a.3 to read as set forth in Annex A.

(b) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

LESLIE S. RICHARDS,
Secretary

Fiscal Note: 18-478. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 173a. FLASHING OR REVOLVING LIGHTS ON EMERGENCY AND AUTHORIZED VEHICLES—STATEMENT OF POLICY

Sec.

- 173a.1. Purpose.
 173a.2. Definitions.
 173a.3. Interpretation.

§ 173a.1. Purpose.

This chapter sets forth the Department's interpretation of Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles).

§ 173a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Flashing light—The term as defined in § 173.2 (relating to definitions).

Revolving light—The term as defined in § 173.2.

§ 173a.3. Interpretation.

In addition to the locations in § 173.3(e)(1) (relating to display requirements), flashing or revolving lights may be permanently mounted in a workmanlike manner in fire department vehicles and privately owned vehicles used in answering an emergency call when used by a fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief, in either of the following locations:

(i) Inside the passenger compartment, clearly visible through the front windshield. (See original equipment manufacturer for mounting locations.)

(ii) Inside the passenger compartment, clearly visible through the rear window.

[Pa.B. Doc. No. 17-930. Filed for public inspection June 2, 2017, 9:00 a.m.]