

February 13, 2014



Manitoba Association of Fire Chiefs
Mutual Aid Coordinators
Staff of the Office of the Fire Commissioner

RE: Protecting First Responders – Amendments to the Highway Traffic Act

On January 21, 2014, representatives of the Association of Manitoba Municipalities (AMM), the Manitoba Association of Fire Chiefs (MAFC), the Winnipeg Fire and Paramedic Service (WFPS), and the Office of the Fire Commissioner (OFC) met with representatives of Manitoba Infrastructure and Transportation (MIT) to review recent amendments to the Highway Traffic Act (HTA). The amendments of interest were passed in September, 2013 under Bill 2: which address the Safety of Emergency and Enforcement Personnel.

These amendments address two separate issues regarding the safety of persons working on/near roadways. As provided below, the first component is already in force, while the second will come into force on a date determined by government. The following is a summary of each component of the amendments.

Authorizing Fire Fighters to Control Traffic – CURRENTLY IN FORCE

- On September 13, 2013 Highway Traffic Act (HTA) amendments came into force that authorize fire fighters to control traffic on highways at the scene of a fire, collision or other incident that may endanger the public.
- Currently, especially in rural areas, fire fighters often arrive at the scene of an emergency or other incident on a roadway before the police. In many cases, the fire fighters act immediately to control traffic to ensure public safety.
- Prior to the amendments, only peace officers and flaggers in highway construction zones were authorized to control traffic on roadways.
- Changes were required to legalize control of traffic by fire fighters. In essence, the amendments simply made the law reflect current practices.
- The amendments do not in any way *require* fire fighters to control traffic.
- Fire fighters undertaking traffic control *must* be trained to do so. Under the Workplace Safety and Health Act and regulations, workers must be trained to undertake the work that their employers require them to do.
- The Office of the Fire Commissioner and the Royal Canadian Mounted Police offer traffic control training programs to the Manitoba Fire Service upon request.
- The amendments place some restrictions on fire fighters controlling traffic. Fire fighters may only control traffic when:
 1. The police are not present at the scene of an incident; or
 2. In cases where the police are at the scene, only at the request of a police officer.
- The amendments also make it an offence for a driver to disobey the directions of a fire fighter or a traffic control device erected by a fire fighter.

Protecting the Safety of Emergency and Enforcement Workers at Road-Side – NOT YET IN FORCE

- The HTA amendments change the cautionary measures that drivers must take when passing emergency vehicles, vehicles operated by government enforcement officers, tow-trucks, and other roadside assistance vehicles.
- The amendments were passed on September 13, 2013; however, the amendments are not yet in force. They will come into force on a date to be determined by Government.
- Currently, the HTA requires drivers to slow down and approach the above mentioned vehicles with caution when these vehicles are stopped on the same side of the highway as the driver is traveling. Drivers must only pass if it is safe to do so. On multi-lane highways, drivers must also move over to the next lane away from the emergency, or other vehicle, stopped on the highway.
- When the amendments come into force, drivers will be required to use the above-mentioned cautionary measures, but the following will also apply:
 1. Drivers must slow down to 40 km/h if the speed limit on the highway is under 80 km/h;
 2. Drivers must slow down to 60 km/h if the speed limit on the highway is 80 km/h or more;
 3. The speed limits and use of the other cautionary measures also apply when the emergency, or other vehicle, is stopped on either side of an undivided highway.
- The amendments will come into force upon a date set by Government to allow time for public education. All of the amendments may be accessed at:
<http://web2.gov.mb.ca/laws/statutes/2013/c00413e.php>

I hope you find this information helpful, please distribute to your organization's membership as you see fit. Should you require further information or discussion, please contact Barbara Barnett Fontaine at MIT directly. Barbara can be reached at 204-945-2886 or barbara.barnette-fontaine@gov.mb.ca.

Thank you,


David Schafer
Fire Commissioner