

UNIFORMED  
FIRE DEPARTMENT, CITY OF NEW YORK  
FIRE OFFICERS  
LOCAL 854, INTERNATIONAL ASSN. OF FIRE FIGHTERS, AFL-CIO  
ASSOCIATION

DRAFT

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April 8, 2005

Mr. Salvatore J. Cassano  
Chief of Operations  
New York City Fire Department  
9 MetroTech Center  
Brooklyn, New York 11201-3857

Re: Revision to Section 11.1.17  
of the Fire Department Rules and Regulations

Dear Chief Cassano:

I am writing in response to your letter dated April 1, 2005. I was surprised by the provocative tone of your letter and the apparent attempt to deflect attention from the Department's actions in changing the response policy, which we believe adversely impacts on the safety of both members of the Department and the public at large, to focus instead on what you wrongly characterize as my instructions to members to "defy Department policy...." Your mischaracterization of my actions is based on an apparent misinterpretation of both what I have said and the text of the new Department policy. This is apparent even from a review of the excerpts from the two statements which are contained on the first page of your letter.

The new Department policy, as quoted by you in your letter, states that "drivers may proceed past a steady red signal...." The operative term is "may". The word "may" connotes permission. This sentence does not direct drivers to take any action. To the contrary, it affords them permission to proceed through a red signal or stop sign under certain circumstances. In short, the new Department policy affords discretion to the driver where the prior policy required the driver to stop.

As I stated in my February 3, 2005 letter, there is nothing in the Department's regulations which prohibits members from complying with NFPA guidelines in their discretion. For that reason, notwithstanding your assertion to the contrary, there is no "direct contradiction to the Department's policy regarding apparatus response" contained in the language from my January 8, 2005 President's message which you quote in your April 1, 2005 letter. Moreover, I did not at any time instruct UFOA members to defy Department policy. There is no contradiction between advising officers to "continue to follow NFPA regulations" and "the policy set forth by this Department."



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You appear to interpret the new Department policy as mandating that chauffeurs proceed without stopping through a red signal or stop sign. With all due respect, the recently revised policy does not state this. Moreover, if that is the Department's intent we do not see how it can be reconciled with your stated hope "that all members operate fire apparatus in a safe and cautious manner that protects our members as well as the public." Such a change, we believe, would be inconsistent with our joint goal of safe operation of fire apparatus and the protection of our members as well as the public.

Very truly yours,

Peter Gorman  
President

cc: Mr. Nicholas Scopetta, Fire Commissioner  
Mr. Peter Hayden, Chief of Department