

**DATE:** October 17, 2016

**SUBJECT:** First Responder Solicitation Permit Process

**TO:** District Executives

**FROM:** R. Scott Christie, P.E. *R. Scott Christie /s/*  
Deputy Secretary for Highway Administration

This Strike-off Letter (SOL) is time increasing and provides guidance on the process for First Responder Solicitation Permits.

Act 57 of 2015 amended Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes and provided for soliciting by first responder organizations. Through this legislation, first responder organizations (as defined in the Act) may solicit donations along state or local roads with the written approval of the municipality where the solicitation occurs, and by the Department of Transportation for highways under its jurisdiction. As per the Act, "The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues." The legislation also included specific requirements regarding event location, safety apparel, and liability and workers' compensation insurance.

To promote safety for event participants and motorists and to provide for consistent application reviews statewide, the Department has established a First Responder Solicitation Permit process with specific requirements governing the event and participants. This process and the associated requirements were presented for review via clearance transmittal and received input from engineering districts as well as state associations representing municipalities and their officials. A statewide webinar was also held on July 5, 2016 to raise awareness and collect input on the draft policy.

Attached for reference and use are the following:

- Act 57 of 2015
- Form TE-122 (07-16) Solicitation Permit – First Responder Organizations
- First Responder Solicitation Permit Application - Guidance for Districts
- Example of completed application and map

Since the Act took effect on January 3, 2016, the attached policy is effective immediately. This policy and associated guidance will be included in a future update to PennDOT's Traffic Engineering Manual, Publication 46, Chapter 11.

Should you have any questions regarding this SOL please contact Robert J. Pento, P.E., Chief, Traffic Engineering and Permits Section, at 717-783-6265 or [rpento@pa.gov](mailto:rpento@pa.gov).

Attachments

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4943/RJP/hmq

cc: Renee Sigel, Division Administrator, FHWA  
Timothy Scanlon, P.E., Traffic Engineer, Pennsylvania Turnpike Commission  
Edward Troxell, Director of Government Affairs, PA State Association of Boroughs  
Elam Herr, Assistant Executive Director, PA State Association of Township Supervisors  
Assistant District Executives – Maintenance  
Maintenance Services Executives  
District Traffic Engineers  
Roger Cohen, Director, Policy Office  
William Cressler, Chief Counsel, Office of Chief Counsel  
Richard Roman, P.E., Director, BOMO  
Glenn C. Rowe, P.E., Chief, Highway Safety and Traffic Operations Division, BOMO  
Robert J. Pento, P.E., Chief, Traffic Engineering and Permits Section, BOMO

## **Publication 46, Chapter 11 Revision**

**(Note: This will replace current 11.17 (Chapter 11 Appendix), which will become 11.18)**

### **11.17 First Responder Solicitation Permit Process**

#### **References**

*Health and Safety (35 Pa.C.S.)*

- § 7714. *Soliciting by first responder organizations.*

#### **Policy**

*Act 57 of 2015 amended Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes and provided for soliciting by first responder organizations. Through this legislation, first responder organizations (as defined in the Act) may solicit donations along state or local roads with the written approval of the municipality where the solicitation occurs, and by the Department of Transportation for highways under its jurisdiction. As per the Act, “The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues.” The legislation also included specific requirements regarding event location, safety apparel, and liability and workers’ compensation insurance.*

*To promote safety for event participants and motorists and to provide for consistent application reviews statewide, the Department has established a First Responder Solicitation Permit process with specific requirements governing the event and participants. The application process is as follows:*

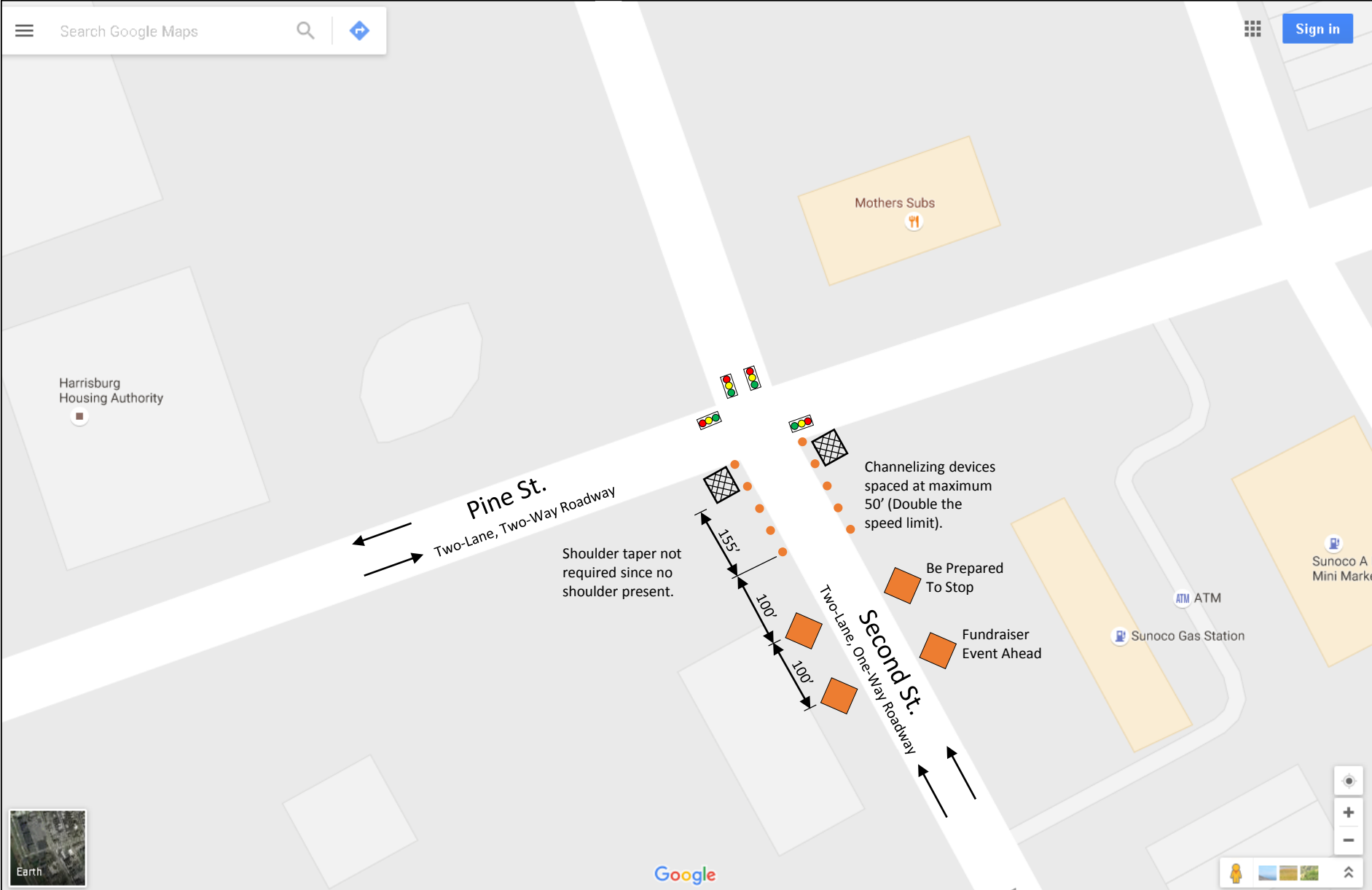
- 1. Applicant requirements are documented on Form TE-122 (09-16) Solicitation Permit – First Responder Organizations. This form constitutes the permit application for events on both local or state highways and documents the traffic control requirements for the event if held on a state highway.*
- 2. Applicants must complete this form and submit it along with all required documentation to the municipality where the solicitation event will be held at least six (6) weeks prior to the date of the event.*
- 3. If the event will be held on a state highway, the municipality must complete their review of the permit application, and if approved, forward it along with the required documents to the appropriate PennDOT Engineering District Office for final approval at least four (4) weeks prior to the date of the event.*
- 4. PennDOT will return the approved, modified, or disapproved permit application and required documents to the applicant at least two (2) weeks prior to the date of the event.*
- 5. Once approved, PennDOT will forward a copy of the signed permit application and required documents to the municipality.*

*Additional guidelines for review are as follows:*

- *Review permit application including intersection map.*

- *Confirm required temporary traffic control is depicted on map.*
- *Field view is recommended for all permit applications.*
- *Base analysis on review of crash cluster list, geometric review and past experience.*
- *Factors to consider include proposed location of solicitation area, potential sight distance restrictions and intersection geometry.*
- *Review CDART or the available Year End Cluster List Report (available at [P:\bhste\\_shared\highway-safety\CDART\Year End Cluster Report](P:\bhste_shared\highway-safety\CDART\Year End Cluster Report)) for the following crash types (at a minimum):*
  - *Pedestrian*
  - *Rear End*
  - *Head On*
  - *No Clearance*
  - *Distracted*
  - *Running Red Light*
  - *Running Stop Sign*
  - *Signalized Intersection*
  - *Stop Control Intersection*
  - *Unsignalized Intersection*
  - *Shoulder Related*
- *If applicant provides dates for previous solicitation events held at the proposed location, review crash clusters to determine if crashes occurred as a result of the event.*
- *Potential reasons to deny application:*
  - *Applicant has not met all requirements for the permit application.*
  - *Applicant failed to comply with requirement on previous permit.*
  - *Applicant has conducted activities on state highways right of way without a permit.*
  - *When it is in the best interest of the public for protection of the highway and the travelling public.*

# Example Map



**HEALTH AND SAFETY (35 PA.C.S.) - SOLICITING BY FIRST RESPONDER ORGANIZATIONS**

**Act of Nov. 4, 2015, P.L. 220, No. 57**

**Cl. 35**

Session of 2015

No. 2015-57

HB 138

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for soliciting by first responder organizations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 7714. Soliciting by first responder organizations.**

(a) **Soliciting donations.--Notwithstanding 75 Pa.C.S. § 3545 (relating to pedestrians soliciting rides or business), a bona fide, duly constituted first responder organization may solicit donations in accordance with the following:**

(1) The solicitation shall only occur at a controlled-intersection approach which contains a stop sign or a traffic signal.

(2) A first responder organization shall first obtain the written approval of the municipality where the solicitation occurs, subject to any conditions imposed in accordance with paragraph (3), and then the written approval of the Department of Transportation for highways under its jurisdiction. The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues. Approval may be revoked or modified if concerns are raised due to public safety or traffic operations issues.

(3) The municipality shall be permitted to establish limitations on the solicitation, including, but not limited to, any of the following:

(i) Duration of the solicitation.

(ii) The time of day when solicitation shall occur.

(iii) The number of individuals engaging in solicitation.

(iv) Additional safety precautions, including signage and availability of first aid.

(4) A solicitor on behalf of a first responder organization shall adhere to the following:

(i) The solicitor must have both liability and workers' compensation insurance acceptable to the municipality provided by the organization for which the solicitor is soliciting if the solicitor is a bona fide member of the organization.

(ii) The solicitor must wear a Pennsylvania Department of Transportation-approved traffic safety vest.

(5) Neither the municipality nor the Department of

**Transportation shall be liable for any damages on account of any injury to a person or property caused by or resulting from solicitations on highways notwithstanding approvals or conditions as provided in this section.**

**(b) Definitions.--As used in this section, the term "first responder organization" means any of the following which is a nonprofit organization as classified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) and is located in this Commonwealth:**

**(1) A volunteer fire, rescue or emergency medical services company.**

**(2) Law enforcement personnel.**

Section 2. This act shall take effect in 60 days.

APPROVED--The 4th day of November, A.D. 2015.

TOM WOLF

# SOLICITATION PERMIT

First Responder Organization



**For solicitation permit requirements and conditions, refer to pages 3, 5, 6, 7.**

## APPLICANT CONTACT INFORMATION

Contact Name: John Smith Title: Firefighter

Organization: Volunteer Fire and Rescue

Street Address: 400 North St. Phone: (555) 555-5555

City: Harrisburg State: PA Zip Code: 17120 E-mail: John.Smith@FireRescue.com

## EVENT INFORMATION

1. Organization:.....  Volunteer Fire, Rescue, or Emergency Medical Services  Law Enforcement

2. Event description:

Members of the Volunteer Fire and Rescue will be holding a boot drive fundraiser.

3. Date of event:..... Oct 1, 2016

Time of event:..... From: 9 am To: 3 pm Duration (hours): 6

<p><u>Multiple dates and times (attach additional sheet if necessary):</u></p> <p><u>Note: Permits shall only be granted for event dates within one calendar year.</u></p>	Date of event:..... <u>Oct 8, 2016</u>
	Time of event:..... From: <u>9 am</u> To: <u>3 pm</u> Duration (hours): <u>6</u>
	Date of event:.....
	Time of event:..... From: _____ To: _____ Duration (hours): _____
Date of event:.....	
Time of event:..... From: _____ To: _____ Duration (hours): _____	

4. County: Dauphin 5. Municipality: Harrisburg City

6. Type of controlled-intersection:.....  Traffic Signal  Stop-Sign

7. List all of the roads approaching the controlled-intersection (Attach additional sheet if necessary):

Type of Road:	Route Number:	Road Name:	Speed Limit:	Number of Lanes:
<input checked="" type="checkbox"/> State Road <input type="checkbox"/> Local Road	<u>1001</u>	<u>Second St.</u>	<u>25</u>	<u>2</u>
<input checked="" type="checkbox"/> State Road <input type="checkbox"/> Local Road	<u>2002</u>	<u>Pine St.</u>	<u>35</u>	<u>2</u>
<input type="checkbox"/> State Road <input type="checkbox"/> Local Road	_____	_____	_____	_____
<input type="checkbox"/> State Road <input type="checkbox"/> Local Road	_____	_____	_____	_____

8. Number of participants involved in the event:..... 4

9. Are all participants at least 16 years of age:.....  Yes  No



APPLICANT CERTIFICATION, PERMIT CONDITIONS, & SIGNATURES

The applicant shall have workers' compensation insurance acceptable to the municipality.

The applicant shall be responsible for the safety of the event participants and the traveling public. Temporary traffic control shall be installed in accordance with pages 5-7 of the permit form.

The applicant shall ensure participants have access to first aid/emergency medical services.

The Department reserves the right to revoke or modify the permit at any time if concerns are raised due to public safety or traffic operations issues.

Permits are only valid for one calendar year and all event dates must be listed on the permit application.

I have read, understand, and agree to the above terms and conditions.

I attest that all information in the event permit application is accurate to the best of my knowledge.

**Applicant**

Contact Name (Print): John Smith Title of Contact: Firefighter

Contact Name (Signature): John Smith Date: Sep 1, 2016

**Municipality**

Approved  Returned for modifications  Disapproved

Remarks:

Authorized Municipal Representative (Print): Tom Johnson

Authorized Municipal Representative (Signature): Tom Johnson Date: Sep 15, 2016

**Pennsylvania Department of Transportation**

Approved  Returned for modifications  Disapproved

Remarks:

District Traffic Engineer (Print): Steve Williams

District Traffic Engineer (Signature): Steve Williams Date: Sep 29, 2016

CHECKLIST

**Applicant**

The Applicant shall:

- Review 35 Pa C.S. 7714 and ensure the solicitation event is:
  - Conducted by a First Responder Organization.
  - Occurs at a controlled-intersection approach containing a stop sign or a traffic signal.
- Review Pennsylvania Department of Transportation Publication 213: Temporary Traffic Control
- Provide required temporary traffic control for the event. For guidance, refer to sample drawings and requirements provided on pages 5-7 of this application permit form.
- Complete TE-122: Solicitation Permit: First Responder Organization (Submit Pages 1, 2, and 3).
 

NOTE: Application becomes permit once reviewed and signed by the Pennsylvania Department of Transportation.
- Provide a map detailing event intersection. Map shall include:
  - Roads approaching intersection (road names, number of lanes, stop sign, traffic signal, etc.).
  - Position of all event participants on controlled-intersection approach.
  - Temporary traffic control installed in accordance with sample drawings and requirements included with this permit form.
- Provide all participants in the event with ANSI Class 2 or 3 safety garments.
- Ensure all participants in the event are at least 16 years of age.
- Provide trained first aid staff and equipment/supplies.
- Submit the permit application and the required documents to the Municipality for approval at least six (6) weeks prior to the date of the event.

**Municipality**

The Municipality shall:

- Review solicitation permit application and map.
- If applicable, modify the permit application based on established municipal limitations. All modifications shall have municipal authority initials.
- Approve, return for modifications, or disapprove permit application.
- If approved, submit permit application along with the required documents to the appropriate Pennsylvania Department of Transportation District Engineering Office (See Page 4) for final approval at least four (4) weeks prior to the date of the event. Notify the applicant that the permit application and required documents have been forwarded to the Department.

**Pennsylvania Department of Transportation**

The Pennsylvania Department of Transportation shall:

- Review solicitation permit application and map.
- Complete the following engineering and traffic study elements as defined in the appendix of Publication 212: (1) Crash Analysis, (8) Geometric Review, (10) Past Experience.
- If applicable, recommend modifications to the permit application and required documents.
- Approve, return for modifications, or disapprove permit application.
- Return the approved, modified, or disapproved permit application along with the required documents to the applicant at least two (2) weeks prior to the date of the event. Once approved, forward a copy of the signed permit application along with the required documents to the municipality.

## PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DISTRICT ENGINEERING OFFICES

Click on District to visit website (e.g. "District 1-0")

### District 1-0

**Address:** 255 Elm Street, P.O. Box 398  
Oil City, PA 16301-0398  
**Phone:** 814.678.7154  
**Counties:** Crawford, Erie, Forest, Mercer, Venango,  
Warren

### District 8-0

**Address:** 2140 Herr Street  
Harrisburg, PA 17103-1699  
**Phone:** 717.787.6653  
**Counties:** Adams, Cumberland, Dauphin, Franklin,  
Lancaster, Lebanon, Perry, York

### District 2-0

**Address:** 70 PennDOT Drive, P.O. Box 342  
Clearfield, PA 16830-0342  
**Phone:** 814.765.0400  
**Counties:** Cameron, Centre, Clearfield, Clinton, Elk,  
Juniata, McKean, Mifflin, Potter

### District 9-0

**Address:** 1620 North Juniata Street  
Hollidaysburg, PA 16648  
**Phone:** 814.696.7250  
**Counties:** Bedford, Blair, Cambia, Fulton,  
Huntingdon, Somerset

### District 3-0

**Address:** 715 Jordan Avenue, P.O. Box 218  
Montoursville, PA 17754-0218  
**Phone:** 570-368-8686  
**Counties:** Bradford, Columbia, Lycoming, Montour,  
Northumberland, Snyder, Sullivan, Tioga,  
Union

### District 10-0

**Address:** 2550 Oakland Avenue, P.O. Box 429  
Indiana, PA 15701-0429  
**Phone:** 724.357.2800  
**Counties:** Armstrong, Butler, Clarion, Indiana,  
Jefferson

### District 4-0

**Address:** 55 Keystone Industrial Park  
Dunmore, PA 18512  
**Phone:** 570.963.4061  
**Counties:** Lackawanna, Luzerne, Pike, Susquehanna,  
Wayne, Wyoming

### District 11-0

**Address:** 45 Thoms Run Road  
Bridgeville, PA 15017  
**Phone:** 412.429.5000  
**Counties:** Allegheny, Beaver, Lawrence

### District 5-0

**Address:** 1002 Hamilton Street  
Allentown, PA 18101  
**Phone:** 610.871.4100  
**Counties:** Berks, Carbon, Lehigh, Monroe,  
Northampton, Schuylkill

### District 12-0

**Address:** 825 North Gallatin Avenue Ext.  
P.O. Box 459  
Uniontown, PA 15401-2105  
**Phone:** 724.439.7315  
**Counties:** Fayette, Greene, Washington,  
Westmoreland

### District 6-0

**Address:** 7000 Geerdes Boulevard  
King of Prussia, PA 19406-1525  
**Phone:** 610.205.6700  
**Counties:** Bucks, Chester, Delaware, Montgomery,  
Philadelphia

1. Solicitation events by first responder organizations shall only occur on roads with a speed limit of 35 mph or less.
2. Event participants are prohibited from entering roadway and are limited to the shoulder/sidewalk (hatched area) as designated on the drawing. Refer to page 6.
3. Event participants shall not establish an event collection area on divisional islands, channelized intersections, medians that do not meet the required width, or on an approach to a yield sign. Refer to page 7.
4. Temporary traffic control devices are required on the approach to a controlled-intersection where event participants are present.
5. The shoulder taper (1/3L) shall consist of a minimum of 6 equally spaced channelizing devices. The taper is only required if the the shoulder is a minimum of 8 feet and paved.
6. The solicitation event shall only be conducted during daylight hours when no adverse road conditions such as snow or ice exist.
7. The solicitation event shall only be conducted at locations that will not affect access ramps to/from limited-access highway.
8. The solicitation event shall only be conducted when there is no roadway construction in the vicinity which would be impacted by the event.
9. Signs shall be 36" x 36".
10. PennDOT's District Traffic Unit may approve alternate solicitation event signs to be used in lieu of the Fundraiser Event Ahead (W25-103) sign.
11. Refer to PennDOT Publication 213: PATA 010 for sign mounting and placement.
12. Refer to PennDOT Publication 213: PATA 011 for channelizing device details.

**Signs**

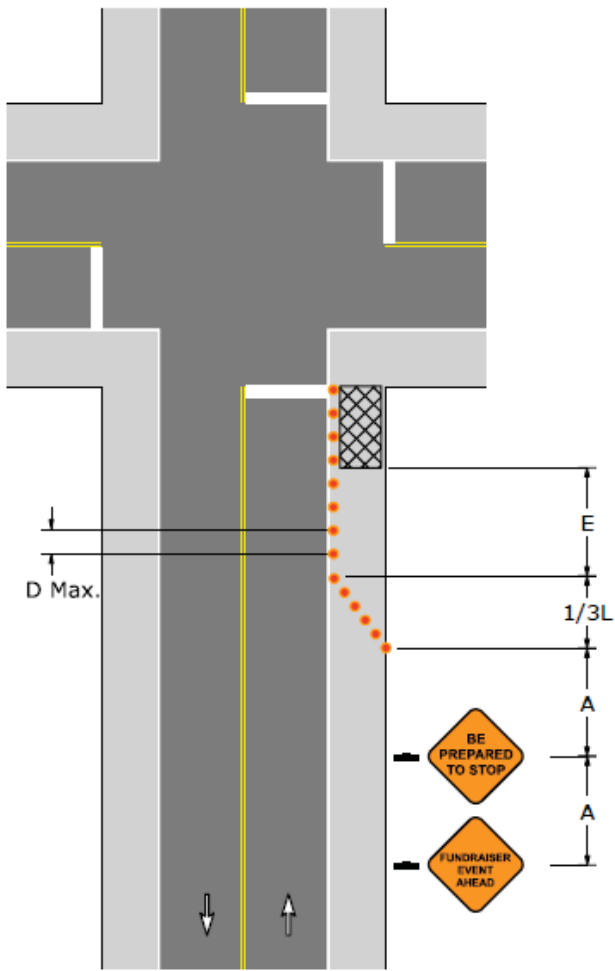


**Sign Spacing Chart**

Condition	Distance
	A Feet
Urban	100
Rural	500

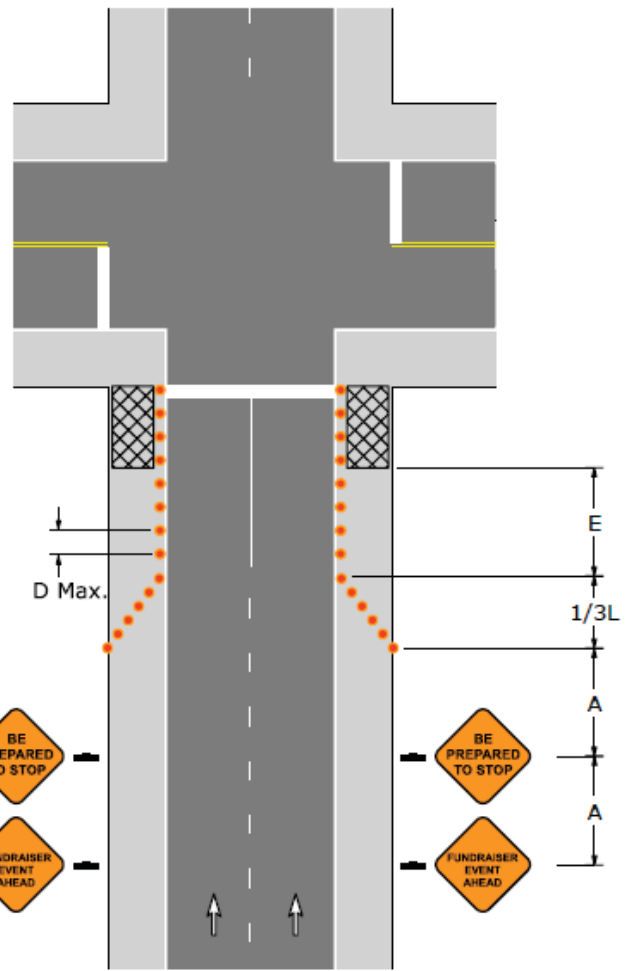
**Distance and Spacing Quick Reference Chart**

Speed	1/3L	D	E
MPH	Feet	Feet	Feet
25	45	50	155
30	60	60	200
35	85	70	250



Two-Way Road

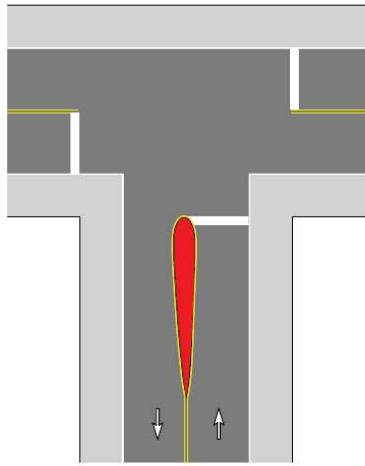
Event Area On Right Side  
Of Road



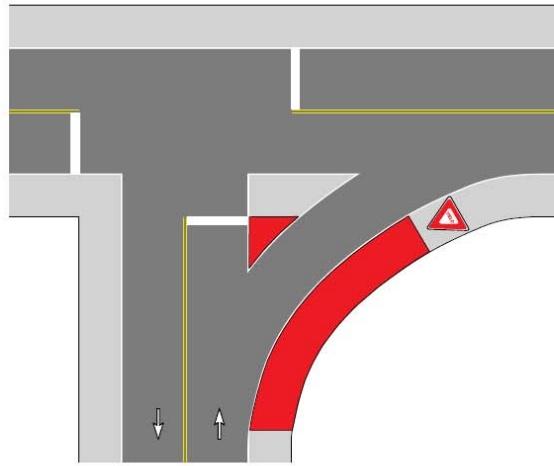
One-Way Road

Event Area On Right and/or  
Left Side Of Road

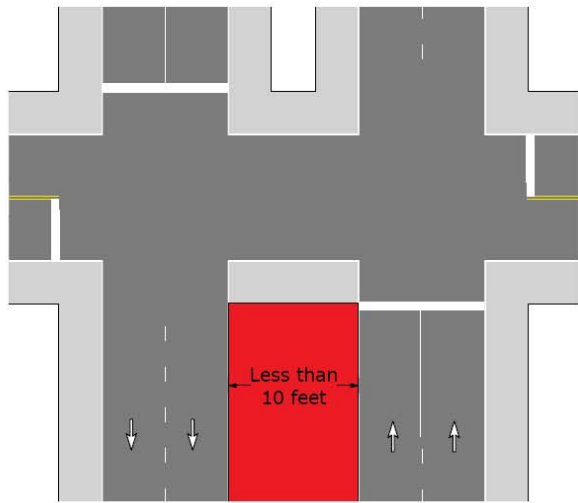
The following designated areas (red) are prohibited for event collection on the approach to a controlled-intersection.



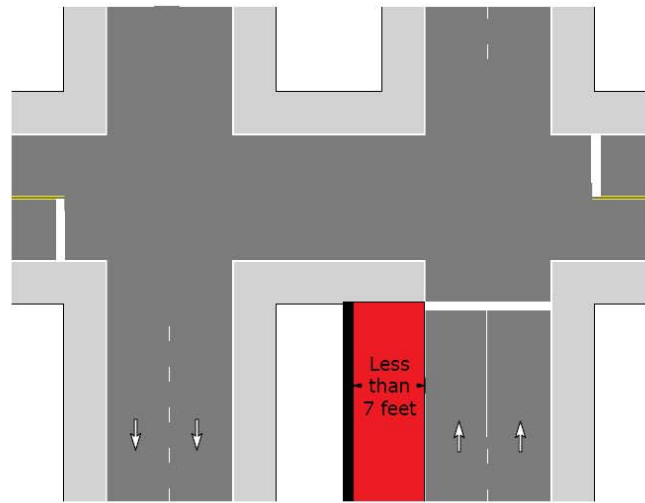
Divisional Island



Channelized Intersection



Median  
(Without Divider)



Median  
(With Divider)