



DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

8 CCR 1507 – 38

REGIONAL AND STATEWIDE MUTUAL AID SYSTEM AND COLORADO COORDINATED REGIONAL MUTUAL AID SYSTEM

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. Section 24-33.5-1235, C.R.S. establishes the Regional and Statewide Mutual Aid System (RSMAS) within the Division of Fire Prevention and Control and states that the Director shall promulgate rules for the appropriate implementation, operation, and maintenance of the RSMAS and the Colorado Coordinated Regional Mutual Aid System (CCRMAS). This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedure Act, Section 24-4- 101, et seq., C.R.S.

The purpose of this rulemaking is to establish an Advisory Committee, processes for opting in and out of the system, and operating guidelines for the Regional and State Mutual Aid System and the Colorado Coordinated Regional Mutual Aid System.

APPLICABILITY

These rules pertain to the operation of the RSMAS and the CCRMAS. These rules pertain to all participants of RSMAS, including those automatically entered into the system through statute as well as those entered into the system through the opt-in function established in Section 5 this rule, in accordance with Section 24-33.5-1235(3)(a)(VII), C.R.S.

Mike Morgan, Director
Division of Fire Prevention and Control

Date of Adoption

DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

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[Editor's Notes follow the text of the rules at the end of this CCR Document.]

SECTION 1 - AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 This rule is adopted pursuant to Senate Bill 21-166 Section 4 and Section 24-33.5-1235, C.R.S.
- 1.2 The Director of the Division is authorized by the provisions of Section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division. This rule is adopted pursuant to the authority in section 24-33.5-1235, C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedure Act, Section 24- 4-101, et seq. (the APA), C.R.S.

SECTION 2 - DEFINITIONS

- 2.1 "CMAS" means the Colorado Mutual Aid System, which encompasses the Colorado Coordinated Regional Mutual Aid System (CCRMAS), and the Regional and State Mutual Aid System (RSMAS).
- 2.2 "Director" means the Director of the Division of Fire Prevention and Control.
- 2.3 "Division" means the Division of Fire Prevention and Control.
- 2.4 "Eligible entity" means any firefighting or emergency medical services (EMS) agency or service provider located within the State of Colorado.
- 2.5 "Participant" means any eligible entity that has opted into CMAS.
- 2.6 "Opt-in" means the process established in Section 5 of this rule for eligible entities to request to become a participant.
- 2.7 "Opt-out" means the process established in Section 6 of this rule for participants to request termination of their participation in CMAS.
- 2.8 "Mutual Aid" means the act of one agency assisting another.
- 2.9 "Reciprocal Mutual Aid" means providing aid without the expectation of financial reimbursement. The expectation is that the receiving agency will someday assist

the sending agency at no cost.

- 2.10 “Reimbursable Mutual Aid” means receiving financial reimbursement for the provision of aid to another agency.

SECTION 3 - COLORADO MUTUAL AID SYSTEM

- 3.1 The Colorado Mutual Aid System (CMAS) incorporates the Colorado Coordinated Regional Mutual Aid System (CCRMAS) and the Regional and State Mutual Aid System (RSMAS).
- 3.2 The purpose of CMAS is to mobilize fire-based emergency response resources for immediate need during rapidly evolving and large-scale incidents. These incidents can be fire, EMS, hazardous materials, or others.
- 3.3 CMAS will partner with and augment current dispatching and mobilization systems within Colorado to ensure rapid assignment of critical resources.
- 3.4 Participants will adhere to the CMAS operating guidelines and business practices. These will be reviewed annually to ensure they meet the needs of Colorado’s fire service.
- 3.5 CMAS will publish operating guidelines that outline how the system will operate, including requesting resources, tracking of available resources, mobilization, qualification standards, business practices, and reimbursement mechanisms.
- 3.6 CMAS does not replace, alter, or amend any local or regional mutual aid agreements or plans but should leverage the mobilization of resources within those plans.

SECTION 4 - ADVISORY COMMITTEE

- 4.1 An advisory committee appointed by the Director of the Colorado Division of Fire Prevention and Control (DFPC) for CMAS shall be established.
- 4.2 The committee shall meet at least annually but may meet more frequently as necessary.
- 4.3 The purpose of the committee is to review the effectiveness of the CMAS and provide guidance and feedback from stakeholders to the Division. While the committee may provide guidance on operating policies, the committee shall not have direct authority or control over the daily operations of the CMAS or the employees assigned to CMAS.
- 4.4 The advisory committee shall create a written report on or before February 1 of each calendar year describing the number and type of CMAS activations, successes and challenges, and any proposed modifications to how the system operates. This report shall be available to stakeholders and the public on the Division website.

- 4.5 The committee, in coordination with the Division, shall create a charter that outlines the operating guidelines for the committee. The charter shall expire every five (5) years, at which time a new charter shall be placed into effect. The committee may choose to review and revise the charter at any time.
- 4.6 The advisory committee may assist with reviews and revisions of these rules as necessary and as allowed by applicable law.
- 4.7 The advisory committee may make recommendations to lawmakers regarding proposed changes to CMAS as necessary.
- 4.8 The advisory committee shall provide input to, and review annually, the operating guidelines for CMAS to ensure they continue to meet the needs of the stakeholders.
- 4.9 When an eligible entity opts in or opts out of CMAS, the advisory committee shall be provided a copy of the documentation and reasons for any approvals or denials. If an eligible entity contests the decision made by the Division, the dispute shall be brought before the committee. The committee shall review the basis for the approval or denial of the request and shall uphold that decision unless the committee determines that the Director has abused their discretion in making that decision. The decision of the committee shall be binding on both the Director and the eligible entity.
- 4.10 The committee shall be made up of voting and non-voting members as follows:

Voting members

1. Division Director, or their designee
2. Chief of the Wildland Fire Management Section, or the Chief's designee
3. Director of the Division of Homeland Security and Emergency Management, or their designee
4. Up to four (4) members representing a paid/combo fire department, with one (1) member representing each Division District
5. Up to four (4) members representing volunteer firefighter departments, with one (1) member representing each Division District
6. Four (4) members representing County Sheriffs, with one (1) member representing each Division District
7. One (1) member representing the three (3) Interagency Dispatch Centers
8. One (1) member of the 9-1-1 Advisory Task Force established by the Public Utilities Commission

Non-Voting Members

1. One (1) member to represent the US Forest Service
2. One (1) member to represent the Bureau of Land Management
3. One (1) member to represent the National Park Service

SECTION 5 - OPT-IN PROCESS

- 5.1 Fire agencies, Emergency Medical Services, Hazardous Materials units, and other non-law enforcement public safety agencies that are governmental entities within the State of Colorado are automatically included in CMAS. Private eligible entities, including for-profit and not-for-profit eligible entities, are not automatically members of CMAS.
- 5.2 The State of Colorado has no obligation to reimburse participants as a result of their participation in CMAS. Non-governmental participants in CMAS are not entitled to receive any reimbursement or compensation for activations to incidents under CMAS.
- 5.3 All CMAS participants must have their own insurance coverage at least to the extent required by State law, including but not limited to motor vehicle, liability, and workers' compensation coverage.
- 5.4 Notwithstanding the limitation on reimbursement in Section 5.2 above, licensed ambulance services may charge patients for the transportation of patients or the treatment and release of patients.
- 5.5 The Director shall have full discretion to approve or deny all requests to opt into CMAS. In making such determinations, the Director may consider whether the requesting party is an eligible entity, whether that eligible entity is able to provide a critical service that is in alignment with the overall purpose of CMAS, or any other criteria the Director deems relevant to the opt-in request.
- 5.6 Concerns or complaints with the process or any denial of entry into CMAS may be addressed to the CMAS Advisory Committee.

SECTION 6 - OPT-OUT PROCESS

- 6.1 Any participant within CMAS may opt out of the system at any time. In order to opt out, the participant shall send a letter from the Chief, CEO, Board President, or equivalent executive-level officer with the appropriate authority to the Division Director stating the reasons why the participant is opting out of CMAS.
- 6.2 The Director shall ensure the participant is removed from any call lists, email lists, text messaging, computer tracking system, or other CMAS-specific systems within thirty (30) days of receipt of the request.
- 6.3 After the opt-out letter is received, the participant will no longer be mobilized through CMAS for any incidents.
- 6.4 Opting out shall only affect the participant's duties and obligations under CMAS. Other aspects of the State of Colorado Mutual Aid Statute shall still apply to the participant, and they may still provide mutual aid under other systems or agreements. However, no CMAS specific funding, reimbursement, training, equipment, etc. shall be extended to the participant after receipt of its opt-out

letter.

- 6.5 Any CMAS equipment assigned to the participant shall be returned within thirty (30) days of the date of the participant's opt out letter. After that time, the participant shall no longer be permitted to utilize any CMAS logos, computer programs, mobile applications, or other CMAS specific items or programs.
- 6.6 The Director shall provide all opt-out letters to the CMAS Advisory Committee. The committee shall track the number of participants opting out and the reasons stated in the opt-out letters.
- 6.7 An eligible entity that previously opted out of CMAS may request to opt in at any time, by submitting a request to the Director in accordance with Section 5 above.

SECTION 7 - CMAS OPERATING GUIDELINES

- 7.1 The Director, in consultation with the CMAS Advisory Committee, shall ensure the development of the CMAS Operating Guidelines.
- 7.2 These guidelines shall outline how CMAS will be staffed and operated.
- 7.3 The operating guidelines shall also outline the business practices to include any potential reimbursement to participating agencies.
- 7.4 The operating guidelines shall be reviewed annually and may be updated as needed to provide efficient service.
- 7.5 Any regional or local mutual aid plans that tie into CMAS may be referenced or added as appendixes to the main CMAS Operating Guidelines.

SECTION 8 - INQUIRIES

- 8.1 Questions, clarification, or interpretation of these rules should be addressed in writing to: Wildland Fire Management Section Chief, Colorado Division of Fire Prevention and Control, 690 Kipling St., Suite 2000, Lakewood, CO 80215. Telephone number: (303) 239-4600.

Editor's Notes

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