

MEMORANDUM OF UNDERSTANDING
FOR COORDINATION OF TRAFFIC INCIDENT MANAGEMENT
ON ROADWAYS MAINTAINED BY THE
MARYLAND STATE HIGHWAY ADMINISTRATION

WHEREAS, it is mutually recognized by the Traffic Incident Management (TIM) Team Agency Member that the National Traffic Incident Management Coalition (NTIMC) estimates that traffic incidents are the cause of approximately one-quarter of the congestion of United States roadways, and that for every minute a freeway lane is blocked during a peak travel period, four minutes of travel delay results after the incident is cleared. First responders to these incidents routinely face dangers and are sometimes victims of secondary crashes, as are other motorists. Traffic incidents result in substantial economic impact, increased air pollution, and motorist frustration as well as cause an adverse impact on the quality of life;

WHEREAS, it is understood the Maryland State Highway Administration (SHA) has developed a TIM Strategic Plan to identify programs and actions to sustain the commitment to, and expand, the TIM program in Maryland to better meet our travel needs. Moreover, the SHA has reached a milestone where the Department can now strengthen its already successful TIM Program to reach new levels of leadership and vision. The program's future success will include; increased TIM Team Agency Membership, an in-depth understanding of stakeholder needs, a statewide and national perspective on transportation management and operations, and credibility to lead the TIM community to achieve new goals;

WHEREAS, it is mutually agreed by the TIM Team Agency Member that the result of efficient traffic incident management through safe, quick clearance, prompt and reliable response, as well as interoperable communications, enhances responder safety and is consistent with the Traffic Incident Management National Unified Goal (NUG).

WHEREAS, it is understood by the TIM Team Agency Member that this MOU is intended to provide the framework and guidelines to promote a collaborative effort in Maryland to further refine and promote the TIM program within the State. This may be accomplished by identifying goals, delineating scene roles and responsibilities, establishing consistent emergency lighting guidelines, implement TIM training, and understand the advantages of a central informational system;

WHEREAS, it is recognized that the TIM Team Agency Member understands the importance of data and resource-sharing and public safety through efficient and timely use of TIM most promising practices, and,

WHEREAS, it is understood this MOU *does not* obligate the TIM Team Agency Member or their representatives to commit or donate funds, equipment or personnel to the association's activities or initiatives. The TIM Team Agency Member does however

commit to participating in collaborative efforts intended to advance the interest of the TIM program for the benefit of public safety.

NOW, THEREFORE, we the undersigned do hereby agree to the provisions of this Memorandum of Understanding for Coordination of Traffic Incident Management on roadways maintained by the Maryland State Highway Administration.

I. Endorsement of the MD/SHA-MSP "Clear the Road" Policy

The parties hereto agree the MD/SHA-MSP "Clear the Road" Policy as shown as *Attachment A*. This agreement by and between SHA and the Maryland State Police (MSP) establishes a policy for SHA personnel to expedite the removal of vehicles, cargo, and debris from roadways maintained by SHA to restore, in an URGENT MANNER the safe and orderly flow of traffic following a motor vehicle crash or other incident on Maryland's roadways.

The Policy establishes an overall time goal for roadway and incident scene clearance times as follows:

All incidents be cleared from the roadway within 90 minutes of the arrival of the relocation or towing and recovery service and upon being given the notice to proceed.

By recognizing and understanding the importance of the Statewide Clear the Road Policy, the TIM Team Agency Member agrees to work toward meeting and/or exceeding this goal.

II. Delineation of Incident Scene Roles and Responsibilities

This section of the Memorandum of Understanding provides the definition of the incident scene roles for participating TIM Team Agency Members based on National Incident Management System and Incident Command System structure. These roles and responsibilities are as follows:

1. Law Enforcement

Including State, County, City and Municipality Departments of Law Enforcement

- A. Secures incident scene
- B. Performs first responder duties
- C. Assists responders in accessing the incident scene
- D. Establishes emergency access routes
- E. Controls arrival and departure of incident responders
- F. Makes timely notification to OCME in the event of an on scene death
- G. Polices perimeter of incident scene and impact area
- H. Conducts investigation

- I. Performs traffic control
- J. Assumes role of Incident Commander, if appropriate
- K. Supports unified command, as necessary

2. Fire and Rescue

Including State, County, City and Local Volunteer Fire and Rescue Departments or Companies

- A. Protects incident scene
- B. Rescues/extricates victims
- C. Extinguishes fires
- D. Responds to and assesses incidents involving a hazardous materials release
- E. Contains or mitigates a hazardous materials release
- F. Performs traffic control
- G. Assumes role of Incident Commander, if appropriate
- H. Supports unified command, as necessary

3. Emergency Medical Services (EMS)

Including State, County, City and other Municipality Medical Services

- A. Provides medical treatment to those injured at the incident scene
- B. Determines destination and transportation requirements for injured victims
- C. Transports victims for additional medical treatment
- D. Supports unified command, as necessary

4. Towing and Recovery Services

- A. Responds in a timely manner and with appropriate equipment
- B. Executes quick clearance practices to open travel lanes
- C. Removes involved vehicle and related cargo/debris
- D. Displays and utilizes approved lighting
- E. Supports unified command, as necessary

5. Emergency Management Agencies

Including State, County and City Emergency Operations Centers

- A. Coordinates government response and resources
- B. Provides technical expertise
- C. Provides evacuation recommendations
- D. Facilitates communication and coordination across jurisdictions
- E. Coordinates response from other State and Federal agencies
- F. Assumes role of Incident Commander, if appropriate

6. Environmental Agencies

Including the Department of Environment and other similar, local agencies

- A. Provide technical expertise
- B. Ensure hazardous material releases are remediated properly
- C. Respond to and assess incidents involving hazardous materials
- D. Coordinate the responsible party response to the incident
- E. Support unified command, as necessary

7. Office of the Chief Medical Examiner

- A. Responds in a timely manner
- B. Provides technical expertise
- C. Documents and investigates information relative to circumstances of incident, mechanism of injury and cause and manner of death
- D. Coordinates removal of the deceased

III. Establishment of Incident Scene Emergency Lighting Guidelines

The section of the Memorandum of Understanding creates a Lighting Policy establishing the on-scene lighting procedures developed with the guidance of the 2009 Edition of the Manual of Uniform Traffic Control Devices (MUTCD) Section 61.05 shown as *Attachment B*.

Public safety agencies should examine their policies on the use of emergency vehicle lighting, especially after a traffic incident scene is secured, with the intent of reducing the use of this lighting as much as possible while not endangering those at the scene. Special consideration should be given to reducing or extinguishing forward facing emergency vehicle lighting, especially on divided roadways, to reduce distractions to on coming motorists.

By recognizing and understanding the importance of the local Emergency Lighting guidelines, the TIM Team Agency Member agrees to restrict the use of incident scene lighting as noted in the policy.

IV. Establishment and Implementation of Traffic Incident Management Training

The section of the Memorandum of Understanding establishes the standard for first responder traffic incident management training as Federal Highway Administration's Strategic Research Highway Project 2 (SHRP 2) as the preferred resource. The TIM Team Agency Member agrees to establish, endorse, implement and/or maintain SHRP 2 traffic incident management training to all sworn, uniformed and first responders within their agency.

V. Recognition of an Informational Clearinghouse for Incident Information

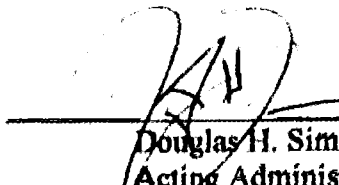
The TIM Team Agency Member is resolved to improve incident communications by establishing the Office of CHART & ITS Development's Statewide Operations Center (SOC) as a clearinghouse for incident information. The purpose of this resolve is to ensure that all participating TIM Team Agency Members are committed to notifying the SOC of all incident information including but not limited to notification of the incident, response taken to the incident, verification of incident information and clearance actions taken during an incident.

Review and/or Cancellation of Memorandum


The parties agree to review the provisions of this Memorandum of Understanding at least every two (2) years and make any changes, modifications, or revisions to this Memorandum which are deemed necessary to ensure continued efficient management and operations of Maryland roadways.

It is mutually understood by the parties, that this Memorandum of Understanding for Coordination of Traffic Incident Management on roadways maintained by the Maryland State Highway Administration shall remain in effect until canceled by written notification of any party or their successors to the other.

AS WITNESS, our hands this 21 day of July, 2015.

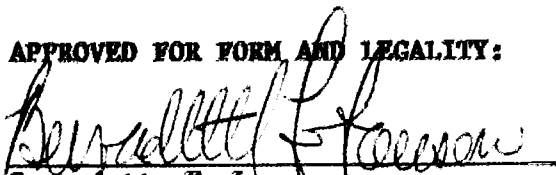


Douglas H. Simmons
Acting Administrator
Maryland State Highway Administration



Scott Goldstein
Fire Chief
Montgomery County Fire and Rescue Services

APPROVED FOR FORM AND LEGALITY:



Bernadette F. Lamson
Associate County Attorney

8/24/2015

MEMORANDUM OF UNDERSTANDING

MD/SHA-MSP "CLEAR THE ROAD" POLICY (Attachment A)

This agreement made this 22nd day of August, 2014, by and between the Maryland State Highway Administration (SHA) and the Maryland State Police (MSP) is to provide guidance for State Police and State Highway personnel in removing vehicles from roadways in certain situations to maintain a safe and orderly flow of traffic.

WITNESSETH: Whereas, the SHA is proposing to remove certain vehicles from the roadway on an urgent basis following crashes, disabled vehicles or where vehicles are abandoned and are causing a hazardous situation to exist.

1. General:

Whenever the travel lanes of a roadway are closed or partially blocked by a crash, disabled or unattended vehicle and traffic delays or safety problems may occur as a result, the SHA representative in cooperation with the trooper in charge should attempt to reopen the roadway as soon as possible ON AN URGENT BASIS. All those involved realize that public safety is the highest priority and must be maintained, especially if injuries or hazardous materials are involved. It is understood that damage to vehicles or cargo may occur as a result of clearing the road on an urgent basis. While reasonable attempts to avoid such damage should be taken, the highest priority is public safety.

2. Procedure/Requirements – SHA

A. General

The SHA representative is to assign the necessary equipment and manpower to reopen the road or lane as soon as possible.

If materials being transported are involved and displaced, the SHA will make every effort to relocate the materials in the shortest possible time, using whatever equipment is necessary. All such materials will be relocated within as close proximity to the primary incident scene as possible, but not be placed as to present a traffic hazard.

The SHA representative shall prepare a list of the personnel and equipment used and the work hours involved so that the owner of the vehicle and/or cargo can be billed for the work. Appropriate warning devices (traffic control devices, signs, arrow boards, barricades etc.) are to be placed on the scene should either damaged vehicle(s) or cargo remains adjacent to a lane or shoulder once the primary responders have completed their investigation and debris removal.

B. Personal Injury Crashes

The SHA understands that personal injury and fatality collisions involve a higher degree of investigation than property damage collisions. If SHA is first on the scene and injuries are reported or observed, SHA will seek emergency medical assistance and contact the proper authorities prior relocating any vehicles or evidence from its original location.

C. Hazardous/Flammable/Exploding Materials

No attempt is to be made by SHA personnel/equipment to move any hazardous, flammable or explosive material for any reason. If SHA is first on the scene and the cargo content is not readily identifiable, the SHA representative will contact the proper authorities to ascertain if special measures should be taken.

As soon as the public safety has been secured then reopening of the roadway is to proceed as described under "General" in this agreement.

3. MSP Duties and Responsibilities

A. General

Members of the MSP who are on-scene crash investigators will work in cooperation with other Emergency Service Personnel and members of SHA who are at the scene. Members of the MSP will conduct their required investigation in as expedient a manner as possible, considering the severity of the crash and the quality of their investigation. Lengthy investigations will require investigators to work diligently in an attempt to minimize traffic delays. This may mean that certain "non-critical" portions of an investigation be conducted at a later time when traffic congestion is non-existent (i.e. non-peak periods).

B. Release of Responders

It should be understood that as fire/rescue/EMS service personnel complete their required tasks of extrication, administration of medical assistance and removal of the injured, the MSP trooper in charge may chose to release them unless a HAZMAT situation exists. This will also hold true for allied police personnel, additional troopers and members of the SHA as each complete their required functions, returning the roadway to normal as soon as possible.

C. Relocating Vehicles

Once the primary investigation is complete, members of the MSP will allow SHA personnel to relocate vehicles and or debris from the roadway with any means possible while following the guidelines of SHA policy and procedures. This

includes relocating vehicles and or property prior to a private contract tow company arriving on scene.

D. Private Towing/Cargo Off-Loading

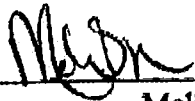
When exigent circumstances exist requiring immediate response and the MSP determines that a reliable towing business can provide the required service in a more efficient or expeditious manner to quickly alleviate the situation, the MSP may deviate from the normal procedure and request that towing business to restore the flow of traffic.

Members of the MSP in cooperation with SHA shall determine if the owner or contractor of any displaced cargo will be permitted to immediately off-load such cargo where this action will result in additional traffic delays or hazardous circumstances during peak traffic periods.

4. Liability Issues

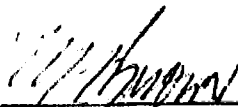
Maryland SHA's policy, for the immediate removal of certain vehicles from roadways on an URGENT BASIS utilizing available resources, recognizes that public safety is of the highest priority. Furthermore, SHA realizes that damage to the vehicles or cargo contained therein may occur as the result of their clearing the roadway and SHA assumes liability under these circumstances for said damage, should that become an issue. SHA's liability under these circumstances would be no greater than they might expect from negligence, etc. on the part of snow equipment operations. As outlined in the "Limits of Liability" portion of the MD Tort Claims Act, SHA is only responsible for the first \$1,000.00 in damages and the Maryland State Treasurer's Office would cover any additional damages under the State's Self-Insurance Program. SHA would not automatically be liable for damages resulting from clearing the roadway unless there was clear evidence on the part of SHA that negligence was used in said operation.

In Witness Whereof, each party hereto has caused this agreement to be executed in its name and on its behalf by its duly authorized officer or agent as of this day and year first above written



Melinda Peters
Administrator

Maryland State Highway Administration



Marcus L. Brown
Superintendent
Maryland State Police

Section 61.05 Use of Emergency-Vehicle Lighting

Support:

- 01 The use of emergency-vehicle lighting (such as high-intensity rotating, flashing, oscillating, or strobe lights) is essential, especially in the initial stages of a traffic incident, for the safety of emergency responders and persons involved in the traffic incident, as well as road users approaching the traffic incident. Emergency-vehicle lighting, however, provides warning only and provides no effective traffic control. The use of too many lights at an incident scene can be distracting and can create confusion for approaching road users, especially at night. Road users approaching the traffic incident from the opposite direction on a divided facility are often distracted by emergency-vehicle lighting and slow their vehicles to look at the traffic incident posing a hazard to themselves and others traveling in their direction.
- 02 The use of emergency-vehicle lighting can be reduced if good traffic control has been established at a traffic incident scene. This is especially true for major traffic incidents that might involve a number of emergency vehicles. If good traffic control is established through placement of advanced warning signs and traffic control devices to divert or detour traffic, then public safety agencies can perform their tasks on scene with minimal emergency-vehicle lighting.

Guidance:

- 03 *Public safety agencies should examine their policies on the use of emergency-vehicle lighting, especially after a traffic incident scene is secured, with the intent of reducing the use of this lighting as much as possible while not endangering those at the scene. Special consideration should be given to reducing or extinguishing forward facing emergency-vehicle lighting, especially on divided roadways, to reduce distractions to oncoming road users.*
- 04 *Because the glare from floodlights or vehicle headlights can impair the nighttime vision of approaching road users, any floodlights or vehicle headlights that are not needed for illumination, or to provide notice to other road users of an incident response vehicle being in an unexpected location, should be turned off at night.*