

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 376

(Chair, Environment and Transportation Committee)(By  
Request - Departmental - Transportation)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws - Traffic Accident or Incident Management (Clear the Road Act of  
2019)

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This departmental bill generally authorizes the State Highway Administration (SHA), the Maryland Transportation Authority, the Maryland State Police, or a local agency on a highway under its jurisdiction to (1) push or move a disabled vehicle, spilled cargo, or debris that is blocking the roadway off the roadway without the consent of the owner or driver of the vehicle or (2) direct any individual or private entity working under contract (or in cooperation with the State or local agency) to push or move the disabled vehicle or assist with the cleanup of spilled cargo or debris. The bill's authorization applies only if such actions are necessary to eliminate or reduce a hazard to public safety.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** The bill does not materially affect local government finances or operations.

**Small Business Effect:** The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Bill Summary:** Unless the driver is needed to control the vehicle, the bill prohibits a disabled vehicle from being pushed or moved off the roadway until the driver and all passengers have exited (or been removed) from the vehicle.

The bill requires prior authorization for the removal of a disabled vehicle, spilled cargo, or debris (1) that may cause (or increase the severity of) a fuel, oil, or hazardous material spill or (2) involving serious personal injury, death, or a commercial motor vehicle.

**Current Law/Background:** SHA is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns. SHA must keep all State highways clear of brush, snow, and other debris.

SHA advises that the bill is expected to reduce travel delays and dangerous conditions arising from a traffic incident by improving the efficiency of privately owned tow truck operators authorized to assist in clearing an incident.

According to the Federal Highway Administration (FHWA), a traffic incident (such as a crash or debris in the roadway) causes four minutes of delay and increases the likelihood of a secondary crash by 2.8% for every minute the incident is active. FHWA estimates that 20% of all crashes are secondary to ongoing incidents in the roadway.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery and Prince George's counties; City of Havre de Grace; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2019  
mag/ljm Third Reader - March 27, 2019  
Revised - Amendment(s) - March 27, 2019

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

**TITLE OF BILL:** Vehicle Laws - Traffic Accident or Incident Management (Clear the Road Act of 2019)

**BILL NUMBER:** HB 376

**PREPARED BY:** Maryland Department of Transportation / State Highway Administration  
(Dept./Agency)

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

  X   WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed bill will limit the liability a tow truck operator could face when clearing vehicles from travel lanes at the request of MDOT or law enforcement, decreasing the frequency and severity of claims made against the tow truck operator.

Additionally, accelerating the opening of travel lanes provides economic benefits by reducing commuter and freight delay, reducing harmful emissions, and reducing fossil fuel usage. Similarly, there are safety advantages of this proposal through reducing potential secondary crashes and by reducing the exposure of first responders, MDOT employees, and private towers to potential injury.