

# **Bike MD 2022 HB 198 – Clearing and Disposal of Deb**

Uploaded by: Joshua Feldmark

Position: FAV



HB 198 – Vehicle Laws – Towing – Clearing and Disposal of Debris

House Environment & Transportation Committee

January 27, 2022

Josh Feldmark

[joshua@bikemd.org](mailto:joshua@bikemd.org)

Position: Support

My name is Joshua Feldmark and I write this as a representative of Bike Maryland. We represent cyclists of all abilities across the state, cyclists who ride 5 miles around the park with their families, for transportation, to a 100 mile ride. Bike Maryland has over 18,000 members from across the state. Additionally, we consistently organize or advocate on behalf of pedestrians and many other non-vehicle transportation users.

This legislation is short and straight forward so I will make this testimony the same. Whether we are talking about recreational cyclists or transportation cyclists, debris left in the roadway is a serious danger to us. Under the current law debris is often simply moved to the shoulder or the sidewalk where it is potentially even more dangerous for cyclists and pedestrians. Therefore, we are equally supportive of the sponsor amendment that is aimed at making sure the debris isn't literally just swept aside

We urge a favorable report

# **HB 198-TRPM-Towing-Clearing of Debris-SWA.pdf**

Uploaded by: Andrea Mansfield

Position: FWA



## Towing & Recovery Professionals of Maryland

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### MEMORANDUM

TO: The Honorable Kumar P. Barve, Chair and Members of the Environment and Transportation Committee

FROM: Charles Parrish, Towing Recovery Professionals of Maryland  
Wayne Sullivan, Towing Recovery Professionals of Maryland

DATE: January 27, 2022

RE: **HB 198 Vehicle Laws – Towing – Clearing and Disposal of Debris**

POSITION: **SUPPORT WITH AMENDMENTS**

The Towing Recovery Professionals of Maryland SUPPORT HB 198 WITH AMENDMENTS. While it may seem the clearing of debris following an accident or towing incident is a manageable task for a towing professional who may be called to the scene, in effect, it could be a very expensive and time-consuming process. TRPM is not opposed to clearing the debris from an accident or other incident, however, it does want to ensure their members receive appropriate payment for doing so.

Many of TRPM's members have contracts with state and local governmental entities for the towing of vehicles. Few of these contracts provide for payment for the removal of debris. The concern would be if the statute states "a person who undertakes the towing or removal of a vehicle from a roadway...SHALL...clear the debris", towing professionals would be required to do so and have no recourse for payment.

The lack of payment for these services is not a new issue. In August of 2016, the Maryland Insurance Commissioner, in response to complaints from towing professionals, issued a bulletin to all property and casualty insurers specifying that liability insurers for the at-fault vehicle is responsible for the cost of removing vehicle accident debris. This has helped address some situations, but as a bulletin, it does not have the force of law.

Another complication with HB 198 is that it does not define the term debris. This term could mean many things to different people. This term should be defined to ensure a collective understanding.

TRPM understands the importance of this issue and understands no one wants to see debris laying on the side of the road, but respectfully requests the opportunity to work with the committee to address these matters to ensure towing professionals are appropriately paid for the work they perform.

For these reasons, TRPM SUPPORTS HB 198 WITH AMENDMENTS.

# **2022-HB198-Vehicle Laws-Towing-Clearing and Dispos**

Uploaded by: Jon Merryman

Position: FWA

## **Maryland HB0198 – IN SUPPORT**

**My name is Jon Merryman, and I have spent thousands of hours over the past 13 years cleaning up other people's trash. Urban, suburban, and rural... from roadsides to waterways, from storm drains to farm fields – I've sought out the trash, over half a million pounds and counting, and worked with state and county Highways Departments to have the junk hauled away, then properly disposed of.**

**During this time, I've noted several recurring themes regarding the type of trash I find, and vehicle debris has consistently been on that list. In the past, Maryland's focus for the towing industry has been to clear the road surface of debris as quickly as possible to resume maximum traffic volumes without delay. But that leaves the job unfinished. You may not see it while your eyes are on the road, but a glance behind the guardrails of our state quickly reveal the problem this proposed legislation hopes to address.**

**Counties as diverse as suburban Montgomery and rural Washington County, as well as the City of Frederick, have already enacted legislation to address the issue. And I quote:**

**"Tow truck operators are responsible for the removal of all debris, not only from the roadway, but the entire scene itself. Debris shall not be swept to the side and left on the scene."**

**While members of the towing industry might claim this requirement as a hardship on their livelihoods, these are the very folks tasked with recovery after an accident, and vehicle recovery should mean the entire vehicle.**

**The good news is that the vast majority of auto parts are recyclable. Plastic bumper covers, one of the large parts I find most often, can be collected and melted down to create new products, saving both money and precious resources. I often find them left behind with the license plate removed, which tells me someone made the choice to leave that bumper behind.**

**If not them, then who? As experienced, early responders, they are in the right place, at the right time, with the right equipment to locate and remove debris after a crash. Late last year, I found a site with crash debris from SIX different vehicles, less than 30 feet from the guardrail. Over time, this debris often ends up in our creeks, rivers, wetlands, and eventually the Chesapeake itself. If not cleaned up now, our great great grandchildren will have no choice but to clean up after us.**

**Let's do the right thing and insist on the responsible collection of ALL vehicle debris after an accident. We cannot keep passing on these costs on to future generations. Thanks for listening.**

**Jon Merryman  
Catonsville**



I-195 in Halethorpe (Baltimore Co.): When I called the police to report debris left in the road with the plate still attached, someone showed up, removed the license plate, and left the bumper behind.





I-195 @ MD 295 (Anne Arundel Co.): The remains of SIX different vehicles were found in one spot where a recent guardrail repair was done. Pieces of the guardrail were also tossed behind the repaired guardrail after all these materials were brought to the shoulder for removal.





Race Road, Elkrige (Howard Co.). A typical scene, whether rural, suburban, or urban. The vehicle was towed away and anything not attached was swept to the shoulder, or in this case, hauled away from the scene of the accident and dumped on a secluded road.



Race Road @ Hanover Road, Hanover, Maryland (Howard Co.). If you're not yet convinced that stray auto parts are a problem, look at this State Highways property where someone involved in the vehicle recovery process chose to dispose of these bumper covers by dumping them after dark.

## References:

### Washington County

- Washington County Towing Handbook 01 Jul 2020 (p.13) - <https://www.washco-md.net/wp-content/uploads/es-TowBook.pdf>
- Receptacle for debris – required
- Tow truck operators are responsible for adhering to Maryland Transportation Article, Section 21-1111(c). Tow truck operators are responsible for the removal of all debris, not only from the roadway, but the entire scene itself. Debris shall not be swept to the side and left on the scene.

### Montgomery County

- Code of Montgomery County Regulations: CHAPTER 30C. MOTOR VEHICLE TOWING AND IMMOBILIZATION ON PRIVATE PROPERTY — REGULATIONS  
[https://montgomerycountymd.gov/OCP/Resources/Files/Licensing\\_Forms/COMCOR%2030C.pdf](https://montgomerycountymd.gov/OCP/Resources/Files/Licensing_Forms/COMCOR%2030C.pdf)
- 30C.00.02.03 (A.23.) Tow-truck drivers are responsible for the removal of debris not only from the roadway but also from the entire scene, with the exception of hazardous material. No debris will be swept to the curb by any tow-truck drivers. All tow-truck drivers will be responsible for cooperating in the clean-up process {Maryland Vehicle Law, Transportation Article § 21-1111(c)}.

### City of Frederick

- Frederick Police Department Towing Handbook, 2020 (p. 25) - <https://www.cityoffrederickmd.gov/DocumentCenter/View/8253/TOWING-HANDBOOK>
- Tow truck operators are responsible for adhering to Maryland Transportation Article, Section 21-1111(c). Tow truck operators are responsible for the removal of all debris, not only from the roadway, but the entire scene itself. Debris shall not be swept to the side and left on the scene. Tow companies are not responsible for removal of hazardous material spills in excess of (5) gallons; such spills will be handled by a HAZMAT team.

## **Sponsor Amendment \_HB198**

Uploaded by: Del. Eric Ebersole

Position: INFO



**HB0198/543029/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

24 JAN 22  
11:59:07

BY: Delegate Ebersole

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 198

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “certain” and substitute “any”; in line 5, strike “large” and substitute “the”; and in the same line, strike “disposed of” and substitute “hauled away”.

AMENDMENT NO. 2

On page 1, in line 20, strike “**ANY LARGE**” and substitute “**THE**”; and in the same line, strike “**DISPOSED OF**” and substitute “**HAULED AWAY**”.