



MINUTES OF MEETING
Safe Quick Clearance Committee Meeting
November 13, 2007



Meeting Date: November 13, 2007
Location: DelDOT TMC (Smyrna, DE)
Purpose: Safe Quick Clearance Committee Meeting

List of Meeting Attendees:

Last Name	First Name	Agency	Email
Alexander	William	DSP / Troop 1	William.Alexander@state.de.us
Bethard	Jamie	DNREC - Hazmat	Jamie.Bethard@state.de.us
Brennen	Jerry	DE Fire School	Jerry.Brennen@state.de.us
Caglar	Kivanc	Orth-Rodgers & Assoc., Inc (ORA)	Kcaglar@orth-rodgers.com
Cook	Mike	DNREC - Enforcement	Michael.Cook@state.de.us
Donaldson	Gene	DelDOT / TMC	Gene.Donaldson@state.de.us
Fain	Rich	DelDOT / Canal District	Rich.Fain@state.de.us
Fantini	Maria	DelDOT / Central District	Maria.Fantini@state.de.us
Lankford	Thomas	DelDOT / Central District	Tom.Lankford@state.de.us
Littleton	Bruce	Orth-Rodgers & Assoc., Inc. (ORA)	Blittleton@orth-rodgers.com
Thatcher	Bill	DelDOT / North District	Bill.Thatcher@state.de.us
Toulson	Rich	DelDOT / Traffic Safety	Richard.Toulson@state.de.us

Handouts provided during the meeting:

1. Agenda
2. EK Draft Report – Safe Quick Clearance Legislation Investigation
3. Copy of Title 21 Chapter 42 and 69
4. Suggested Changes to Delaware Code

I. Opening Remarks

Gene Donaldson (DelDOT) thanked everyone for attending the Safe Quick Clearance Committee Meeting and began the meeting with brief introductions. Gene indicated that the safety of the responder is primary; hence the reason the committee is focused on Safe Quick Clearance.

II. Project Overview

Bruce Littleton (ORA) provided a quick overview of the presentation conducted at the previous meeting by Capt. Henry deVries of the I-95 Corridor Coalition. Gene mentioned that the I-95 Corridor Coalition is composed of all the states from Maine to Florida along the I-95 corridor. The Highway Operations Group (HOG) has regional meetings. Delaware participates in two regional groups. The group to the north (Delaware Valley HOGS) includes both our northern neighboring states, PA and NJ. The group to the south (Potomac HOGS) includes our southern neighboring states, MD and VA.



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III. Review of Other State Activities

A copy of the EK Draft report was distributed and a brief overview of that report was provided as a review of what was being done in the I-95 Corridor Coalition States. Gene also indicated that Delaware has been moving towards this by inserting language in individual construction projects, particularly work on the Interstate, that puts in place some of the principles of Safe, Quick Clearance.

DSP indicated that they have been waiting for these changes for years and are in support of the concept.

IV. Suggested Changes to Delaware Code

A review of the draft document was conducted with several changes being recommended. A copy of the revised document is included with these minutes. The change of the word accident to either crash or collision should occur throughout the code not just in these sections.

Action Items

- ORA will update the draft language based on the comments received at the meeting and circulate to the committee by 11/14/07.
- Committee members will have their agencies review the suggested language and propose any changes. Comments are due back to ORA by 11/30/07.

Minutes were prepared by Orth-Rodgers & Associates, Inc (ORA). We believe the foregoing minutes to be an accurate summary of the meeting and related decisions.

Any questions or concerns can be directed to Gene Donaldson at gene.donaldson@state.de.us or (302) 659-4601. Additionally, ORA is providing consulting support and Bruce Littleton can be reached at blittleton@orth-rodgers.com or (215) 735-1932.

TMT Website: <http://www.deldot.gov/information/projects/tmt>

SAFE QUICK CLEARANCE
SUGGESTED CHANGES TO DELAWARE CODE TITLE 21 CHAPTERS 42 AND 69

“Improving safety for response personnel and clearing incidents as quickly as possible are the focus of a new multi-disciplinary initiative known as the National Unified Goal (NUG) for Traffic Incident Management. The NUG brings major stakeholders together to speed clearance of traffic incidents without compromising responder safety – in fact, to increase responder safety while addressing the congestion issue.” (Article in Public Roads Sept/Oct 2007, Vol. 71 No. 2, <http://www.tfhr.gov/pubrds/07sep/04.htm>). As the article points out numerous national, regional, and local organizations have ratified the NUG including AASHTO, ATTSA, Association of Public-Safety Communications Officials International, Inc, Emergency Responder Safety Institute, I-95 Corridor Coalition, International Association of Fire Chiefs, International Fire Service Training Association, ITE, ITS America, National Association of State EMS Officials, National Volunteer Fire Council, Towing and Recovery Association of America, Inc., and others.

Under the Transportation Team Management initiative a Safe Quick Clearance Committee was formed to review and recommend changes to Delaware Code to be more reflective of the national initiatives. Below are the suggested changes to Delaware Code to be necessary to allow the responders to traffic incidents to provide for safe quick clearance with the focus being on responder safety foremost. Below in black is the current language, in black with strikethrough are words to be removed, and in red words and sentences to be added. The following changes will accomplish all of the changes necessary for Delaware to be consistent with efforts within the I-95 Corridor Coalition States.

The safe quick clearance committee is also looking into replacing the word “accident” with “collision” not only throughout the text below but where appropriate elsewhere.

§4201. Duty of driver involved in ~~an accident~~ collision resulting in property damage or injury.

(a) The driver of any vehicle involved in ~~an accident~~ a collision resulting in apparent damage to property shall immediately stop such vehicle at the scene of the ~~accident~~ collision. **Said stop should be made as close to the scene of the collision as possible without obstructing traffic more than necessary.** The driver shall immediately undertake reasonable efforts to ascertain whether any person involved in the ~~accident~~ collision was injured or killed. If such ~~accident~~ collision resulted in injury or death, the driver shall comply with §4203 of this title. **If, after reasonably ascertaining that there are no injuries or deaths, and if the damaged vehicle is obstructing traffic, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic more than necessary.** If the damage resulting from such ~~accident~~ collision is to the property of the driver only, with no damage to the person, ~~or~~ property of another, **or the environment** the driver need not stay at the scene of the ~~accident~~ collision but shall immediately make a report of the damage as required by §4203 of this title.

(b), (c), and (d) remain unchanged

§4202. Duty of driver involved in ~~accident~~ collision resulting in injury or death to any person; penalty.

(a) The driver of any vehicle involved in an ~~accident~~ collision resulting in injury or death to any person shall immediately stop such vehicle at the scene of such ~~accident~~ collision. Said stop should be made as close to the scene of the collision as possible without obstructing traffic more than necessary. The driver shall give the driver's name, address and registration number of the driver's vehicle and exhibit a driver's license or other documentation of driving privileges to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such ~~accident~~ collision reasonable assistance, including carrying of such person to a hospital or physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person, or by contacting appropriate law enforcement or emergency personnel and awaiting their arrival.

§4202 (b) and (c) both have one occurrence of the word "accident" that needs to be converted to "collision". §4202 (d) and (e) remain unchanged. §4203 and §4204 have numerous occurrences of the word "accident" that need to be changed, §4205 requires no changes. §4206 has numerous occurrences of the word "accident" that need to be changed. §4207 requires no changes. The only change in §6901 is noted below.

§6901. Removal of motor vehicles from public highways by police; sale of vehicles; towing.

Change (a) (2) as noted and insert paragraph below

(2) Is parked or left standing in such manner as to create a hazard by interfering with normal movement of traffic:

- a. By preventing the exit from or entrance to any public highway, private road or driveway;
- b. By interfering with emergency firefighting equipment;
- c. By being involved in ~~an accident~~ a collision and rendered incapable of being moved under its own power, when the owner operator has been arrested and detained; or
- d. When the owner or operator is unable, unwilling or not available to do so immediately.

There shall be no liability incurred by any police officer of this State, or a county or municipality therein, or agents directed by them whether those agents are police officers or not, while in the performance of duty for damages incurred to immobilized motor vehicle(s) moved under §6901 (a) (2), the vehicle's contents or surrounding area caused by the emergency measures employed by the police powers vested in the police officer to move the vehicle(s) for the purpose of clearing the lane(s) to remove any threat to public safety.

Anyone so removing ...