

2017 Legislation to Support Traffic Incident Management and Responders

(Ret.) Major Pat Gallagher, Parsons
Nevada TIM Coalition PM



WHY Modify Laws for TIM



**“If we can predict
an event, we can
prevent it”**

TIM Statistics



- ❑ The TIM Coalition is focused on secondary crashes because we can predict that the longer a crash is on the road our chances increase for secondary crashes
- ❑ The TIM Coalition requested SB 312 because it provides protection to ALL incident responders while they are doing their job, relocating vehicles, removing debris, repairing and clearing the roads.
- ❑ National statistics show that an average of 5 police, 3 fire, and 60 towers (unknown number of public works, maintenance) are killed every year in our country in “struck by” incidents.

Initiating a TIM Bill - #1



- ❑ Review and comparative analysis by NDOT TIM Coalition Contractor: Nevada's laws impacting TIM vs. National Best Practice for TIM
 1. "Move Over law" (aka Lane + One)
 2. "Move It Law" (non injury crash – aka steer it clear it)
 3. Laws impacting overturned large Trucks, load loss, clean up, towing and liability.
- ❑ Recommendations and presentations to TIM Coalition responder agencies.
- ❑ Discussions, changes, paper presentation.

Initiating a TIM Bill #2



- ❑ TIM Coalition contacted by Senator Mark Manendo to discuss: Rita Brohman, Parsons, set up a meeting with Seth Daniels, NDOT, Major Pat Gallagher, NHP, Senator Mark Manendo and Erin Breen to push forward in the Senate.
 1. SB312 was borne
 2. Introduced by Senator Mark Manendo into the Senate. Subject Matter Expert Major Pat Gallagher provided answers. Supported by:
 - NV TIM Coalition Members from Big Valley Towing, City of Las Vegas, Clark County Maintenance and Operation, Police and Chiefs Assn., Metro Police Department

DEFINES TIM and Boundaries



- ❑ **New subsection 3 defines “Traffic Incident”** as meaning any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. These changes are necessary to expand the safety parameters from emergency vehicles to include authorized vehicles of local government, public utility vehicles, and vehicles using amber lighting while mitigating a traffic incident.

MOVE OVER LAW



Existing Law 484B.267

- 1 Upon the immediate approach of an authorized emergency
- 2 vehicle or an official vehicle of a regulatory agency making use of flashing lights,
- 3 the driver of every other vehicle is required to yield the right-of-way and
- 4 immediately pull over as far to the right-hand edge or curb of the road and stop
- 5 until the emergency vehicle or official vehicle has passed.

Modified Law 484B267

Section 1 of this bill provides that, upon approaching **such an emergency vehicle or official vehicle which is moving or preparing to move in any direction and making use of flashing lights**, a driver shall:

- 1 Decrease the speed of his or her vehicle;
- 2 proceed with caution;
- 3 prepare to stop;
- 4 not drive abreast of or overtake the emergency vehicle or official vehicle if it is moving in the same direction as the driver; and

EXPANDS MOVE OVER LAW



NRS 484B267:

5 if possible, drive in a lane that is not adjacent to the lane the emergency vehicle or official vehicle is in.

The **modifications also clarify that a violation of these provisions is a misdemeanor in accordance with NRS 484A.900 and provides that Officers may issue tickets to violators.**

Law also includes protection for authorized city/state maintenance vehicles, construction with flashing lights and broken down motorists changing a tire.

MOVE-IT LAW



Section 5 of this bill provides that the driver’s vehicle must be moved if it is able to be moved and is creating a hazard or obstructing traffic and must be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic.

- **NRS 484E.020** aka “Move It” law is amended to include national best practice language for moving vehicles out of travel lanes to a safe location; removes the requirement of the motorists to remain at the scene of a non- injury crash because it is not safe to remain on the road. It also calls out that it is a misdemeanor for motorists not to relocate vehicles to minimize interference with free movement of traffic.

TRUCK & SPILL REMOVAL



Existing Law 484B.443

- when a police officer finds an unattended or disabled
- vehicle upon a highway, bridge or causeway, or in any tunnel, where the vehicle
- constitutes an obstruction to traffic or interferes with the normal flow of traffic, the
- officer may provide for the immediate removal of the vehicle

Modified Law 484B.443

Adds provisions that:

Law enforcement **MAY** provide for removal of the vehicle, and provide for immediate removal of any spilled cargo of a vehicle and any other property that is obstructing traffic or otherwise interfering with the flow of traffic. **(unified command)**

HOLD HARMLESS & COSTS



Added Hold Harmless Law 484B.443

It also states that a law enforcement officer;

- is not liable for any damage to the vehicle, cargo or property that results from removal.
- Must attempt to notify the owner of the vehicle, cargo, or property if the owner is not present
But is not required to get the owners approval before removal.

Changes also provides that the costs of the removal must be borne by the owner of the vehicle

DEFINITIONS & BOUNDARIES



- ❑ **NRS 484B.607.1** is amended to change the definition of a peace and police officer to “law enforcement”. These changes are consistent with national best practice nomenclature encompassing all state and municipal law enforcement.
- ❑ **NRS 484B.607.1(a)(2)** removes the requirement to travel “less than the posted speed” because every incident is different, slowing could create more congestion and the term “reasonable and proper” as used in (1) is sufficient most appropriate.

PROTECTION FOR...



- **NRS 484B.607.1(d)** changes the focus of where to leave a safety lane open; away from the emergency vehicles (which are narrowly defined) and requires motorists to leave a safety lane open adjacent to where the traffic incident is located. By making the focus the traffic incident and not just emergency and towing vehicles, it protects all incident responders.

A person who is out of his or her vehicle attending to a repair of the vehicle

QUESTIONS?



Thank you!



For additional information please contact:
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