Greetings to my fellow Texans, and to all of those outside our great state. As we have seen significant changes in our day to day operations (for those not on the front lines), it has provided some much-needed time to dig into the data for Traffic Incident Management (TIM). As a reminder, the three main goals of TIM are responder safety, safe quick clearance, and prompt reliable inter-operable communication. Diving into the data we looked at crashes (non-fatality) from January 2019-July 2021 (see chart) with a clearance time of more than six hours. During that time period we had 422 crashes in the Austin, Dallas, El Paso, Fort Worth, and San Antonio districts that met that criteria.

Add in data from Houston for 2021 and that number climbs to 459. In comparison we looked at the North Texas Tollway Authority for the same time period. For their roadway they found two crashes with some anomalies that exceeded six hours. What do they do different from our TxDOT districts? Why are they able to clear crashes quicker? Some of the things they have implemented are a Towing Recovery Incentive Program, empower TMC Operators to dispatch appropriate resources prior to responder arrival, and traffic and maintenance sections supporting activities. What does this all mean? Unfortunately, we are having responders struck both in Texas and across our nation at a rate we have not seen in many years. I encourage every agency to review policies, procedures, training requirements for changes to protect our responders and support Safe Quick Clearance. We have the support of our legislatures through our “Removal of Personal Property” laws, and we encourage agencies to use them with all of the authority provided. If we do that, clear our scenes and remove our responders from dangers we can ensure “Everybody Goes Home”. 
Texas Authority Removal Law Statutes

Many times traffic incidents last much longer than needed, causing millions of dollars in lost revenue for taxpayers and countless hours of lost time for the motoring public. Law enforcement has the authority to remove vehicles, spilled cargoes, hazardous material or hazardous substances, and to designate another party, such as a tow company, to remove vehicles from the roadway when they pose a danger to moving traffic.

Below is a brief summary of the authority removal laws, including who is covered by them, and the liability protection afforded to the agencies acting responsibly and in good faith. Also included is a link to the complete text of the Texas Transportation Codes for both statutes.

Texas Transportation Code 545.3051 Removal of Personal Property from Roadway or Right-of-Way: (For Law Enforcement)

Authority: A metropolitan rapid transit authority (451), a regional transportation authority (452)
Personal property: A vehicle, spilled cargo, a hazardous material, a hazardous substance
Law enforcement: The department (DPS), the police department of a municipality, the sheriff’s office of a county, or a constable’s office of a county.

An authority or a law enforcement agency may remove personal property from a roadway or right-of-way if the authority or law enforcement agency determines that the property blocks the roadway or endangers public safety. Personal property may be removed under this section without the consent of the owner or carrier of the property.

The owner and any carrier of personal property removed under this section shall reimburse the authority or law enforcement agency for any reasonable cost of removal and disposition of the property.

(e) Notwithstanding any other provision of law, an authority or law enforcement agency is NOT liable for:

1. Any damage to personal property removed from the roadway or right-of-way under this section, unless the removal is carried out in a recklessly or grossly negligent manner; or
2. Any damage resulting from the failure to exercise the authority granted by this section.

When a tow truck is used for a non-consent tow authorized by a peace officer under 545.3051 TTC, the operator of the tow truck and the towing company are agents of the law enforcement agency and are subject to Section 545.3051(e)TTC.

For more information Click Here >>

Texas Transportation Code 472.011 Removal of Personal Property from Roadway or Right-of-Way (For TX-DOT) department refers to TxDOT

Department Authority Generally. (a) The department may remove personal property from the ROW or roadway of the state highway if the department determines the property blocks the roadway or endangers public safety.

(b) The department may remove the personal property without the consent of the owner or carrier of the property.

472.013 Owner and Carrier responsible for cost of removal and disposition. The owner and carrier of personal property removed under this sub-chapter shall reimburse the department for the cost of removal and disposition.

472.014 Department not liable for damages. Notwithstanding any other provisions of law, the department and its officers and employees are not liable for: (1) any damage to personal property resulting from its removal or disposal by the department unless the removal or disposal is carried out recklessly or in a grossly negligent manner; or (2) any damage resulting from the failure to exercise authority under this sub-chapter.

For more information Click Here >>
Texas TIM Program Recognized by the Federal Highway Administration

The Texas Traffic Incident Management program was recognized in the August 2021 Federal Highway Administration newsletter for their efforts in training new TIM trainers. FHWA TIM program managers Jim Austrich and Paul Jodoin congratulated David McDonald, the Texas Statewide TIM Coordinator and the State TIM Team for using technology to train future TIM instructors on a virtual platform. Regardless of pandemic restrictions, first responders continued to perform their duties on the highways. Training for police and fire cadets continued and TIM training in academies became mandatory for Basic Peace Officer courses. Certified TIM instructors were becoming increasingly difficult to find to teach such a large number of men and women across the state of Texas.

With travel and in-person classes canceled during the pandemic, McDonald developed a Virtual Train-the-Trainer class that spanned two-days and certified 77 new instructors in Texas over the course of three separate classes. This virtual platform allowed the classes to be taught throughout the state without incurring travel and accommodation costs.

The classes consisted of several instructors from various first responder disciplines, police, fire, and EMS. The instructors divided the courses of instruction among themselves in order to teach information best suited to their discipline. The students were able to interact using the chat box in MS Teams that was monitored by one of the instructors at all times.

In addition to the Train-the-Trainer recognition, Captain John Stevenson, Special Operations Coordinator for the Grand Prairie Fire Department, was recognized for his presentation on the March 2021 National Talking Tim Webinar, hosted by the FHWA. Captain Stevenson discussed the agency’s $65,000 investment to outfit two retired engines with lights, arrowboards, and traffic management attenuators (TMAs) for safety at traffic crashes. The TMAs are designed to crumple as they absorb impact from motorist collisions saving valuable equipment and lives on traffic incident scenes.

Listen to Captain Stevenson’s presentation and register for future Talking TIM webinars. They are held virtually every 4th Wednesday of the month and feature expert TIM speakers from around the country.

NTTA Roadside Safety Services Operators Now Covered by the “Move Over Law”

First responders are familiar with the “Move Over” law that requires motorists to change lanes or reduce speed when encountering first responders on the side of the road or face penalties. Unfortunately, toll road emergency service vehicles were not covered under that law, until now. House Bill 2048, effective Sept. 1, 2021, now includes language that officially covers these first responders. Previously, police, fire, tow operators, EMS, utility, highway maintenance and construction, stationary municipal solid waste/recycling collection vehicles, and TxDOT vehicles were covered under this law but the way the law was written, it did not exclude tollway vehicles, it just did not include them. The new law reads, “a vehicle operated or pursuant to a contract with a toll project entity, as defined in section 372.001, using visual signals that comply with the standards and specifications adopted under section 547.105” Congratulations to the NTTA staff that worked for several years to get this language added to the statute to protect first responders. It has been a long-time coming and is well deserved.

High Tension Cable Barrier Extrication Training for First Responders

“Training = Everybody Goes Home” is a banner hung in the Springtown Station 48 training room. This motto underscores the seriousness with which Battalion Chief Charlie Dall takes training for his firefighters. Chief Dall is the Battalion Chief of Training for the Parker County Emergency Services District 1 (ESD1). He recently reached out to the Fort Worth District Traffic Incident Management (TIM) Team to do training on high tension cable barrier (HTCB) vehicle extrication. Parker County has had a considerable amount of HTCB recently placed on the highways and Chief Dall wanted to ensure that his firefighters were trained to safely work around these dangerous barriers. Over the course of three days the TxDOT TIM team trained approximately fifty PCESD1 firefighters (both full-time and part-time firefighters). The class is designed to give responders a working knowledge of the similarities and differences in the four different cable barrier systems that are deployed in the county. It also covers the dangers involved in working with vehicles entangled in the system and several methods of safe removal while keeping the cable barrier system intact. One firefighter commented that he was on a scene involving the system previously and noted this training would have helped tremendously. Several part-time firefighters that are associated with volunteer departments have also expressed interest in the training. If you are interested in the cable barrier training for your agency, please contact David McDonald at david.mcdonald@txdot.gov.
Questions about training requirements or to set up a training class in your area?

Please contact David McDonald, Statewide TIM Coordinator
david.mcdonald@txdot.gov, (512) 506-5105
These “heroes of highways” do much more than change tires! They are an integral part of everyday traffic management and safety for the motoring public AND for emergency, TxDOT and public utility workers on Texas roadways! Their dedication and hard work save hundreds of lives each year and save millions of dollars in commercial, private and municipal revenue by keeping our highways open and moving safely.

### Austin HERO
- CL miles covered: 146
- Incidents: 8,193
- Service to public: 12,307

### Dallas Courtesy Patrol
- CL miles covered: 298
- Incidents: 14,082
- Service to public: 6,312

### Fort Worth Courtesy Patrol
- CL miles covered: 177
- Incidents: 133
- Service to public: 6,124

### El Paso HERO
- CL miles covered: 190
- Incidents: 4,963
- Service to public: 14,694

### Houston Motorist Assistance Program
- CL miles covered: 244
- Incidents: 7,485
- Service to public: 23,110

### North Texas Tollway Authority
- CL miles covered: 146
- Incidents: 7,524
- Service to public: 11,226

### North Tarrant TExpress
- CL miles covered: 23.4
- Incidents: 420

### North Tarrant TExpress 3
- CL miles covered: 18.9
- Incidents: 356

### LBJ Tollway
- CL miles covered: 13.3
- Incidents: 848

### San Antonio HERO
- CL miles covered: 239
- Incidents: 12,907
- Service to public: 23,619

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Beginning in May 2021 the SSP/HERO/Courtesy Patrol Bi-Monthly Webinar was integrated into the Bi-Monthly TIM Meetings. This was done to ensure that our operators could more fully interact with other first responders. It will also allow other agencies to understand and utilize the SSP/HERO/Courtesy Patrol capabilities on incident scenes.
Local and National News

TIM Makes A Difference

Firefighters with the Citizen’s Hose Company in Smyrna, Delaware, discuss the aftermath of a traffic crash response that almost turned deadly, were it not for their TIM Training.

Read More >>

TIM Makes A Difference

This team of cyclists will travel more than 1,100 miles across Texas to raise awareness for those first responders that lost their lives in 2020.

Read More >>

Editorial: Quick Clearance - Does it Really Happen?

Angela Roper Barnett, Executive Director, Arizona Professional Towing & Recovery Association

In the many years I have been involved with Traffic Incident Management, I have often asked myself that question; Does it really happen? There are a lot of moving parts that must exist for TIM and quick clearance to happen. When you consider there are different responding agencies with their own set of standard operating procedures, but they need to work cohesively with other agencies it becomes a challenge. One thing the national TIM program does is train everyone on the same material and for the most part in the same way. If you are in the percentage that can leave the egos and arguments at the door, you most likely are successful in TIM and quick clearance. If you are in the other percentage, this is probably not happening. Our jobs out on the road is to do our part in the incident, hand it off to the next discipline until it’s clear, then safely leave the scene we do this correctly we are reducing our risk.

One piece of this puzzle that is often called last and then expected to hurry, is the tower. They are a huge part of this quick clearance puzzle. They spend time and money to train their operators and should be viewed and respected in that manner. They are professionals just as the other agencies and deserve the time to do their job without being rushed and you trying to tell them how to do their job. I believe that if you are having issues with the towing portion of this quick clearance equation, a review of the towing agreements and those requirements should be looked at. Making sure they have the right equipment and training to be able to be on the rotation is one of the biggest issues I find. Make sure your agency (and dispatch) has a list of all the equipment and then physically inspect that they do indeed have it. This will benefit your agency in the long run.

Look at other states to see how they make it work successfully and with great clearance times. Some of the most successful states are the ones that have an incentivized program for towers. Most of those programs are utilized on the heavy incidents that tend to be the most time consuming. I would just make sure your agency is doing their part and not be a part of the problem when it comes to clearance. After action reviews including the towers, are another way to figure out where the problem lies and how to fix it: working together to reduce all responding agencies risk. If you break it down, figure out the problems and fix those issues as a team, then the end result can only lead to better clearance times and a stronger team. So, the answer to the question: does it really happen? Yes, it can happen if everyone works together as a team.

About the Author: Barnett is the Executive Director of the Arizona Professional Towing & Recovery Association as well as the administrator for several other state towing associations. She has spent 25 years in the towing industry, owning two towing companies in Texas. She began teaching Traffic Incident Management through the American Traffic Safety Services Association in 2007. She has made it her passion keeping responders alive, aware and in the conversations that are being had when it pertains to safety.

Faces of the Fallen - Remembering Our Comrades

Dallas, TX; Tow Operator Garry McGee
Incident: Monday, August 30th, 2021

The incident occurred around 9:45 p.m. in the 8100 block of LBJ Freeway on the southbound overpass to U.S. 75. Garry McGee was hooking up a vehicle when a 2003 Chevy Tahoe struck him and the vehicle. The force of the impact pushed McGee off the overpass and onto the roadway below. The driver of the Tahoe was arrested and charged with intoxication manslaughter.