

INTERAGENCY MEMORANDUM OF UNDERSTANDING  
BETWEEN  
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY  
AND  
TENNESSEE DEPARTMENT OF TRANSPORTATION

Relative to

**URGENT CLEARANCE OF HIGHWAY INCIDENTS AND  
SAFETY AT INCIDENT SCENES**

This memorandum of understanding by and between the parties named above is to provide guidance for personnel representing TDOSHS and TDOT relative to incidents on Tennessee highways, including crashes and spilled cargo, to ensure public safety, promote safe and orderly flow of traffic, protect the safety of emergency responders, and restore the roadway to full capacity as soon as possible following an incident.

WHEREAS, traffic congestion is a growing problem in Tennessee, especially on the controlled-access highways which carry the highest traffic volumes, and

WHEREAS, when congestion increases, so do the costs—in wasted time, fuel and money, missed schedules and late deliveries, increased air pollution and road rage, and

WHEREAS, national studies have shown that approximately 60% of all congestion is related to incidents (e.g., crashes, stalled vehicles, debris, special events, road work) rather than inadequate roadway capacity, and

WHEREAS, national studies have shown that up to 20% of all collisions on controlled-access highways are "secondary," attributable to an earlier incident that has not been fully cleared, and

WHEREAS, emergency responders are especially at risk at the scene of incidents on high-speed, controlled-access roadways, and

WHEREAS, TDOSHS and TDOT have responsibilities and resources to address the problems caused by highway incidents.

NOW, THEREFORE, BE IT RESOLVED THAT:

The purpose of this memorandum is to facilitate joint efforts to alleviate the growing problems associated with incidents on Tennessee's roadways, especially the controlled-access roadways, by emphasizing URGENT AND SAFE CLEARANCE of highway incidents.

Goals	Objectives
Early determination of magnitude of Incident	<p>Assess incident scene to classify incident in terms of estimated length of road closure. For clarification and consistency, the following category definitions will be used:</p> <ul style="list-style-type: none"> <li>• <b>Major</b> – duration of 2 hours and more</li> <li>• <b>Intermediate</b> – duration of 30 min to 2 hours</li> <li>• <b>Minor</b> – duration of less than 30 minutes</li> </ul>
Early communication among agencies	<p>In the event of a major or intermediate incident, inter-agency communication will be initiated within 30 minutes of the assessment of the incident scene. TDOSHS Dispatchers will notify TDOT by phone contact with incident information and requests. Incident Command will be established in accordance with provisions and training of the National Incident Command System (NIMS)</p>
Reduce Impact of Incident	Early detection and verification of occurrences
Reduce Secondary Events	Reduce Average time to clear Highway
Reduce Traffic Queue/Back-up	<ul style="list-style-type: none"> <li>• Increase use of alternate routes</li> <li>• Use Advanced Information</li> </ul>
Reduce Erratic Behavior due to Motorists Frustration	<ul style="list-style-type: none"> <li>• Improve Motorists Information</li> <li>• Decrease roadway and lane closure times</li> </ul>
Improve Safety for Responders and Motorists	Improve Recovery and Clearance
Quick Clearance of Lane Closing Incidents	<ul style="list-style-type: none"> <li>• Open one lane as soon as possible</li> <li>• Clearance of major incidents within 90 minutes, when possible.</li> <li>• Reassessment of clearance activities every 30 minutes and open lanes as soon as possible</li> </ul>
Improve Motorist Information	Provide timely updates to Tennessee’s 511 Traveler Information System every 30 minutes

## **Department of Safety & Homeland Security Responsibilities**

When notified of an emergency incident, the TDOSHS will respond and take charge of the scene. The first arriving Trooper(s) will be responsible for certain functions to expedite the safe removal of all vehicles and to ensure the safety of all parties. Communication with TDOSHS Dispatch Center will be made within 30 minutes of the assessment of the incident scene, with information concerning severity of incident and request for any TDOT assistance for resources necessary for providing safe and expedient recovery of the incident scene.

If the scene involves a hazmat spill or incident, TEMA will be immediately notified and respond. Upon arrival TEMA will take charge of the Hazardous area of the event.

1. TDOSHS will conduct investigations in as expedient a manner as possible considering the severity of the incident. No removal shall occur until the investigating law enforcement officer determines that adequate information has been obtained for preparation of an accident report (TCA 54-16-113 (b) (1). *See Appendix 4*
2. Law Enforcement Investigators will work diligently to minimize traffic delays and make clearing the roadway a high priority. When possible, non-critical aspects of an investigation will be conducted away from the immediate scene or at another time when the impact on traffic would be less.
3. At the scene of non-injury collisions, TDOSHS troopers will quickly relocate vehicle(s), spilled cargo, and debris from the travel lanes and conduct investigations as far from the roadway as practical.
4. TDOSHS troopers will encourage and assist other emergency responders in clearing incident scenes as soon as possible after their respective duties have been performed so as to reduce distractions for motorists and restore the roadway to more normal conditions.
5. When one or more lanes of a controlled-access highway are blocked or a traffic queue is developing, TDOSHS will call for a wrecker capable of removing the vehicle or cargo as quickly as possible in accordance with established TDOSHS policies and procedures. TDOSHS will ensure all authorized tow truck operators have met the established competency levels and equipment used to clear the scene is of appropriate size, capacity, and design to clear the travel portions of the roadway within 90 minutes, unless extenuating circumstances such as the presence of hazardous materials, serious bodily injury or a fatality exists.
6. If the owner of a vehicle requests that a specific towing company be contacted to remove the vehicle or cargo that is blocking the roadway, TDOSHS will only approve the request if there is reason to believe that the requested company can respond as quickly as other available towing companies with comparable equipment.
7. TDOSHS will not allow a tow company to cause delay in re-opening all or parts of a highway to dispatch its own equipment to off load cargo or recover a vehicle that is impacting traffic.

8. TDOSHS will not allow a lane to be blocked for the sole purpose of transferring non-hazardous cargo from one vehicle to another unless no other reasonable alternative is available.
9. In the enforcement of state laws and regulations, TDOSHS will try to minimize the impacts on traffic, especially during peak commuting periods, and will not block or restrict lanes except as necessary for safety or critical investigations.
10. TDOSHS will seek assistance from the trucking industry to continue encouraging proper loading of cargo and proper operating procedures to minimize incidents caused by truck rollovers.
11. TDOSHS will include information about safe and efficient traffic incident management and urgent clearance of roadways in the training provided by the TDOSHS Training Academy.

### **Department of Transportation Responsibilities**

12. Within the areas served by the HELP program, TDOT will dispatch HELP trucks to incident scenes when requested by TDOSHS. Whenever possible TDOT will also dispatch HELP trucks outside of the normal service areas when requested by TDOSHS.
13. TDOT will install reference markers, signs and other FHWA-approved markings as requested by TDOSHS to allow quicker location of incidents and to facilitate investigation and reporting of incidents.
14. Whenever requested, and if possible, TDOT will provide equipment and personnel to facilitate quick removal of vehicles, cargo and debris from the roadway.
15. When requested, TDOT will assist in establishing temporary detours and associated traffic control. All traffic control will be in accordance with Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). *See Appendix 3*
16. When requested, TDOT may provide space, if available, for emergency storage of vehicles, cargo or debris to facilitate prompt reopening of the roadway.
17. TDOT will designate a primary contact person(s) and alternates for each of TDOT's Regions and Districts to work with the TDOSHS on the use of TDOT equipment and personnel, and other matters to promote "quick clearance." The list of contacts will be updated as changes occur.
18. TDOT will strive to minimize the traffic impacts of highway construction and maintenance and will consult with TDOSHS about ways to accomplish that objective.

19. TDOT will advise TDOSHS as far in advance as possible of all construction and maintenance activities that may have a significant impact on traffic flow and safety along state highways.
20. TDOT will include information about the needs and priorities of law enforcement officers, fire and emergency medical services, towing and recovery operators, and other incident responders in the training provided to HELP operators, traffic management center operators, and maintenance personnel with incident management responsibilities.

### **Shared Responsibilities**

21. TDOSHS and TDOT will work together at incident scenes to promote urgent clearance, safety for motorists and emergency responders, and thorough investigations as required by the circumstances.
22. TDOT and TDOSHS will carry out the processes and procedures for removal of vehicles, spilled cargo, or other personal property as outlined in TCA 54- 16-113. *See Appendix 4*
23. TDOT and TDOSHS will position emergency equipment at incident scenes to minimize the impacts on traffic flow and to avoid blocking or restricting lanes unnecessarily. Further, the parties will coordinate the use of emergency lights at incident scenes, as practical and consistent with on-scene safety, to minimize distractions to motorists. The parties will also encourage other emergency responders to position their equipment and use emergency lights in the same manner.
24. For incidents involving hazardous materials, TDOSHS and TDOT will work together with the Tennessee Emergency Management Agency (TEMA), fire services, and other responsible agencies. Once public safety has been assured, the priority will shift to opening one lane of travel and restoring the roadway to full capacity as soon as possible.
25. TDOT and TDOSHS will actively promote the idea of “quick clearance” and will seek the cooperation of the Tennessee Chiefs of Police, Sheriff’s Association, other emergency response agencies, trucking companies, towing operators, and the news media throughout Tennessee.
26. TDOT and TDOSHS will determine and deploy necessary heavy equipment and manpower to re-open the roadway if there is a delay in clearing the travel lanes, or if the task is beyond the capabilities of the tow company / wrecker service on the scene.
27. TDOSHS and TDOT understand that additional damage to vehicles or cargo may occur as the result of clearing the roadway on an urgent basis. The priority is treatment and recovery of injured parties, public and responder safety, and restoring the roadway to normal conditions as soon as possible.

28. TDOT, TDOSHS, local responders, and other agencies as needed, will conduct an after-action review within ten (10) working days, unless unusual circumstances require more than ten days, following any incident that requires complete closure of an Interstate highway (in one or both directions of travel) for more than two (2) hours and following any incident that requires closure of one or more lanes for more than five (5) hours.

The purpose of the meeting will not be to find fault or to assign blame but to identify opportunities for improvements in agency procedures, training, or allocation of resources. The after-action review will not substitute for critical incident stress debriefings (CISD) and will not address issues that are more appropriate for CISD.

A one-page report will be prepared jointly by the representatives of TDOSHS and TDOT and forwarded through the chain-of-command to the Commissioners of TDOSHS and TDOT within one month of the date of the incident, unless unusual circumstances require more than one month.

Regardless of the duration, extent, or location of closure, either agency may request an after-action meeting following any highway incident, and that meeting will be held and a report prepared as described above.

29. TDOSHS and TDOT will meet periodically to discuss experiences with incident management and to work toward improvements. In addition to the after-action reviews described above, periodic working sessions will be held in each of TDOT Region Offices with TDOSHS, TDOT, and other state and local agencies to discuss overall incident management and related issues.
30. TDOSHS will notify THP Dispatch, who will then notify TDOT of any situation that calls for closing any lane(s) of a controlled-access highway for more than thirty (30) minutes and advise TDOT of any traffic control devices or other resources needed for safe and efficient movement of vehicles through the incident scene. *See Appendix 2*
31. TDOSHS and TDOT will assess and communicate the magnitude of the incident with appropriate incident command staff in order to determine alternatives to minimize the impact of traffic. That notification will be made as far in advance as possible, recognizing that not all closures can be planned in advance and that immediate action without notification will sometimes be necessary to ensure safety and/or to minimize overall traffic disruptions.
32. It is the goal of all parties that all incidents be cleared from the roadway within ninety (90) minutes of the arrival of the first responding officer. This goal is being made with the understanding that more complex crash environments may require additional time for complete clearance. If the ninety (90) minute goal is unattainable, a report on the current conditions and expected clearance time shall be made every 30 minutes to the on duty TDOSHS Supervisor and / or the Incident Commander. This information shall be provided to the THP Dispatch Centers (*see Appendix 2*) to be included in the TDOT Smartway Information System (TSIS).

33. TDOT and TDOSHS will work together to develop plans and procedures for diverting traffic from controlled-access highways, including pre-designated alternate routes, to facilitate the management of traffic incidents and other emergencies.
34. TDOSHS and TDOT will be vigilant in determining the well-being of motorists in the event of a lengthy traffic queue and / or road closure of two (2) or more hours, and provide assistance to travelers within the stopped traffic queue wherever possible.
35. TDOSHS and TDOT will work together to include highway incident management topics in their public education and outreach programs, including but not limited, to driver education, highway safety programs, public information campaigns, publications such as the *Official State Highway Map* and the *Tennessee Driver's Handbook*, and web pages.
36. TDOT and TDOSHS will work together to ensure that safe and efficient traffic incident management and urgent clearance of roadways is part of the training provided for all law enforcement, fire and emergency medical services, rescue squads, towing and recovery operators, and other incident responders in Tennessee.
37. TDOT and TDOSHS will develop and maintain official contact lists and work together to improve the management of information related to traffic incidents in Tennessee, including but not necessarily limited to, improved reporting of major incidents and related traffic problems to the public, implementation of a statewide "511" system, and development of a framework for a comprehensive information system to support all aspects of traffic incident management.
38. TDOT and TDOSHS will work together to implement components of the Tennessee Strategic Highway Safety Plan and this MOU will be an attachment in support of the ongoing planning process, including annual reviews, updates, and approvals of the plan.
39. In carrying out their respective and shared responsibilities, TDOSHS and TDOT will adopt and implement the doctrine, concepts, principles, terminology, and organizational processes set forth in the National Incident Management System (NIMS) to enable effective, efficient, and collaborative incident management.
40. TDOT and TDOSHS will advise their personnel of this Agreement and promote implementation at every level of their organizations through established channels and protocol. TDOT will distribute advisory memorandums to personnel in Headquarters, Regions, Districts and County Offices.

Nothing in this MOU shall restrict or prohibit any Local Law Enforcement Agency from entering into a separate MOU similar or the same in nature as this.

This Memorandum of Understanding is not an enforceable agreement among the parties but is a statement of cooperative intent. In no matter, whether directly or indirectly, does this MOU establish a standard of care or in any way create third party beneficiary rights.

AGREED AND EXECUTED BY:

Brian K. Smith Date: 2/10/12  
Commissioner of Safety and Homeland Security

[Signature] Date: 2-16-12  
Commissioner of Transportation

Colonel TG Trotter Date: 2/16/12  
Colonel, Tennessee Highway Patrol

Paul Dege Date: 2/16/12  
Chief Engineer, TDOT

**GLOSSARY OF ACRONYMS AND TERMS**

EMA	Local Emergency Management Agency
NIMS	National Incident Management System
TSIS	TDOT SmartWay Information System
TDOT	Tennessee Department of Transportation
TDOSHS	Tennessee Department of Safety and Homeland Security
Tennessee 511	Motorist information system to provide traveler info on via cell number 511
MUTCD	Manual on Uniform Traffic Control Devices of the Federal Highway Administration providing standard roadway marking, signing and work zone guidelines

## CHAPTER 6-I. CONTROL OF TRAFFIC THROUGH TRAFFIC INCIDENT MANAGEMENT AREAS

### Section 6I.01 General

#### Support:

The National Incident Management System (NIMS) requires the use of the Incident Command System (ICS) at traffic incident management scenes.

A traffic incident is an emergency road user occurrence, a natural disaster, or other unplanned event that affects or impedes the normal flow of traffic.

A traffic incident management area is an area of a highway where temporary traffic controls are installed, as authorized by a public authority or the official having jurisdiction of the roadway, in response to a road user incident, natural disaster, hazardous material spill, or other unplanned incident. It is a type of TTC zone and extends from the first warning device (such as a sign, light, or cone) to the last TTC device or to a point where vehicles return to the original lane alignment and are clear of the incident.

Traffic incidents can be divided into three general classes of duration, each of which has unique traffic control characteristics and needs. These classes are:

- A. Major—expected duration of more than 2 hours,
- B. Intermediate—expected duration of 30 minutes to 2 hours, and
- C. Minor—expected duration under 30 minutes.

The primary functions of TTC at a traffic incident management area are to inform road users of the incident and to provide guidance information on the path to follow through the incident area. Alerting road users and establishing a well-defined path to guide road users through the incident area will serve to protect the incident responders and those involved in working at the incident scene and will aid in moving road users expeditiously past or around the traffic incident, will reduce the likelihood of secondary traffic crashes, and will preclude unnecessary use of the surrounding local road system. Examples include a stalled vehicle blocking a lane, a traffic crash blocking the traveled way, a hazardous material spill along a highway, and natural disasters such as floods and severe storm damage.

#### *Guidance:*

*In order to reduce response time for traffic incidents, highway agencies, appropriate public safety agencies (law enforcement, fire and rescue, emergency communications, emergency medical, and other emergency management), and private sector responders (towing and recovery and hazardous materials contractors) should mutually plan for occurrences of traffic incidents along the major and heavily traveled highway and street system. On-scene responder organizations should train their personnel in TTC practices for accomplishing their tasks in and near traffic and in the requirements for traffic incident management contained in this Manual. On-scene responders should take measures to move the incident off the traveled roadway or to provide for appropriate warning.*

*All on-scene responders and news media personnel should constantly be aware of their visibility to oncoming traffic and wear high-visibility apparel.08 Emergency vehicles should be safe-positioned (see definition in Section 1A.13) such that traffic flow through the incident scene is optimized. All emergency vehicles that subsequently arrive should be positioned in a manner that does not interfere with the established temporary traffic flow. Responders arriving at a traffic incident should estimate the magnitude of the traffic incident, the expected time duration of the traffic incident, and the expected vehicle queue length, and then should set up the appropriate temporary traffic controls for these estimates.*

**Option:**

Warning and guide signs used for TTC traffic incident management situations may have a black legend and border on a fluorescent pink background (see Figure 6I-1).

**Support:**

While some traffic incidents might be anticipated and planned for, emergencies and disasters might pose more severe and unpredictable problems. The ability to quickly install proper temporary traffic controls might greatly reduce the effects of an incident, such as secondary crashes or excessive traffic delays. An essential part of fire, rescue, spill clean-up, highway agency, and enforcement activities is the proper control of road users through the traffic incident management area in order to protect responders, victims, and other personnel at the site. These operations might need corroborating legislative authority for the implementation and enforcement of appropriate road user regulations, parking controls, and speed zoning. It is desirable for these statutes to provide sufficient flexibility in the authority for, and implementation of, TTC to respond to the needs of changing conditions found in traffic incident management areas.

**Option:**

For traffic incidents, particularly those of an emergency nature, TTC devices on hand may be used for the initial response as long as they do not themselves create unnecessary additional hazards.

## **Section 6I.02 Major Traffic Incidents**

**Support:**

Major traffic incidents are typically traffic incidents involving hazardous materials, fatal traffic crashes involving numerous vehicles, and other natural or man-made disasters. These traffic incidents typically involve closing all or part of a roadway facility for a period exceeding 2 hours.

**Guidance:**

*If the traffic incident is anticipated to last more than 24 hours, applicable procedures and devices set forth in other Chapters of Part 6 should be used.*

**Support:**

A road closure can be caused by a traffic incident such as a road user crash that blocks the traveled way. Road users are usually diverted through lane shifts or detoured around the traffic incident and back to the original roadway. A combination of traffic engineering and enforcement preparations are needed to determine the detour route, and to install, maintain or operate, and then to remove the necessary traffic control devices when the detour is terminated. Large trucks are a significant concern in such a detour, especially when detouring them from a controlled-access roadway onto local or arterial streets.

During traffic incidents, large trucks might need to follow a route separate from that of automobiles because of bridge, weight, clearance, or geometric restrictions. Also, vehicles carrying hazardous material might need to follow a different route from other vehicles.

Some traffic incidents such as hazardous material spills might require closure of an entire highway. Through road users must have adequate guidance around the traffic incident. Maintaining good public relations is desirable. The cooperation of the news media in publicizing the existence of, and reasons for, traffic incident management areas and their TTC can be of great assistance in keeping road users and the general public well informed.

The establishment, maintenance, and prompt removal of lane diversions can be effectively managed by interagency planning that includes representatives of highway and public safety agencies.

**Guidance:**

*All traffic control devices needed to set up the TTC at a traffic incident should be available so that they can be readily deployed for all major traffic incidents. The TTC should include the proper traffic divisions, tapered lane closures, and upstream warning devices to alert traffic approaching the queue and to encourage early diversion to an appropriate alternative route. Attention should be paid to the upstream end of the traffic queue such that warning is given to road users approaching the back of the queue.*

*If manual traffic control is needed, it should be provided by qualified flaggers or uniformed law enforcement officers.*

**Figure 6I-1. Examples of Traffic Incident Management Area Signs****Option:**

If flaggers are used to provide traffic control for an incident management situation, the flaggers may use appropriate traffic control devices that are readily available or that can be brought to the traffic incident scene on short notice.

**Guidance:**

*When light sticks or flares are used to establish the initial traffic control at incident scenes, channelizing devices (see Section 6F.63) should be installed as soon thereafter as practical.*

**Option:**

The light sticks or flares may remain in place if they are being used to supplement the channelizing devices.

**Guidance:**

*The light sticks, flares, and channelizing devices should be removed after the incident is terminated.*

## Section 6I.03 Intermediate Traffic Incidents

### Support:

Intermediate traffic incidents typically affect travel lanes for a time period of 30 minutes to 2 hours, and usually require traffic control on the scene to divert road users past the blockage. Full roadway closures might be needed for short periods during traffic incident clearance to allow traffic incident responders to accomplish their tasks.

The establishment, maintenance, and prompt removal of lane diversions can be effectively managed by interagency planning that includes representatives of highway and public safety agencies.

### Guidance:

*All traffic control devices needed to set up the TTC at a traffic incident should be available so that they can be readily deployed for intermediate traffic incidents. The TTC should include the proper traffic diversions, tapered lane closures, and upstream warning devices to alert traffic approaching the queue and to encourage early diversion to an appropriate alternative route.*

*04 Attention should be paid to the upstream end of the traffic queue such that warning is given to road users approaching the back of the queue. If manual traffic control is needed, it should be provided by qualified flaggers or uniformed law enforcement officers.*

### Option:

If flaggers are used to provide traffic control for an incident management situation, the flaggers may use appropriate traffic control devices that are readily available or that can be brought to the traffic incident scene on short notice.

### Guidance:

*When light sticks or flares are used to establish the initial traffic control at incident scenes, channelizing devices (see Section 6F.63) should be installed as soon thereafter as practical.*

### Option:

The light sticks or flares may remain in place if they are being used to supplement the channelizing devices.

### Guidance:

*The light sticks, flares, and channelizing devices should be removed after the incident is terminated*

## Section 6I.04 Minor Traffic Incidents

### Support:

Minor traffic incidents are typically disabled vehicles and minor crashes that result in lane closures of less than 30 minutes. On-scene responders are typically law enforcement and towing companies, and occasionally highway agency service patrol vehicles.

Diversion of traffic into other lanes is often not needed or is needed only briefly. It is not generally possible or practical to set up a lane closure with traffic control devices for a minor traffic incident. Traffic control is the responsibility of on-scene responders.

### Guidance:

*When a minor traffic incident blocks a travel lane, it should be removed from that lane to the shoulder as quickly as possible.*

## Section 6I.05 Use of Emergency-Vehicle Lighting

### Support:

The use of emergency-vehicle lighting (such as high-intensity rotating, flashing, oscillating, or strobe lights) is essential, especially in the initial stages of a traffic incident, for the safety of emergency responders and persons involved in the traffic incident, as well as road users approaching the traffic incident. Emergency-vehicle lighting, however, provides warning only and provides no effective traffic control. The use of too many lights at an incident scene can be distracting and can create confusion for approaching road users, especially at night. Road users approaching the traffic incident from the opposite direction on a divided facility are often distracted by emergency-vehicle lighting and slow their vehicles to look at the traffic incident posing a hazard to themselves and others traveling in their direction.

The use of emergency-vehicle lighting can be reduced if good traffic control has been established at a traffic incident scene. This is especially true for major traffic incidents that might involve a number of emergency vehicles. If good traffic control is established through placement of advanced warning signs and traffic control devices to divert or detour traffic, then public safety agencies can perform their tasks on scene with minimal emergency-vehicle lighting.

### Guidance:

*Public safety agencies should examine their policies on the use of emergency-vehicle lighting, especially after a traffic incident scene is secured, with the intent of reducing the use of this lighting as much as possible while not endangering those at the scene. Special consideration should be given to reducing or extinguishing forward facing emergency-vehicle lighting, especially on divided roadways, to reduce distractions to oncoming road users.*

*Because the glare from floodlights or vehicle headlights can impair the nighttime vision of approaching road users, any floodlights or vehicle headlights that are not needed for illumination, or to provide notice to other road users of an incident response vehicle being in an unexpected location, should be turned off at night.*

**T.C.A 54-16-113. Removal of vehicles, spilled cargo or other personal property.**

(a) The department of safety, department of transportation, or local law enforcement agency may immediately remove or cause to be removed any wrecked, abandoned, unattended, burned or partially dismantled vehicle, spilled cargo or other personal property from the roadway of a controlled-access highway if the vehicle, cargo or personal property is creating an obstruction or hazard to traffic because of its position in relation to the highway, as determined by authorized officers or employees of such department or agency.

(b) (1) Vehicles, cargo or personal property may be removed to any place within the immediate vicinity without any further action or obligation by the department of transportation, department of safety, local law enforcement agency or others acting at the direction of such department or agency; provided, however, that in the event of a motor vehicle accident which results in apparent serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for preparation of an accident report.

(2) When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in § 65-15-102(4), the agency causing its removal shall make a reasonable effort to allow the owner of the vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a licensed towing service capable of safely moving the vehicle in question. The final decision on removal shall rest with the agency causing the removal.

(c) The removal of vehicles away from the immediate vicinity by law enforcement agencies pursuant to this section shall be subject to the same procedures as set forth in § 55-16-101 et seq. If the department of transportation removes or orders the removal of a vehicle away from the immediate vicinity, the department shall notify the department of safety or the local law enforcement agency, and the department of transportation shall follow the same procedures as in § 55-16-101 et seq., provided that the department of transportation may make arrangements with the department of safety or local law enforcement agency to act on behalf of the department of transportation in complying with § 55-16-101 et seq.

(d) If the department of safety, department of transportation, or local law enforcement agency removes or orders the removal of spilled cargo or personal property away from the immediate vicinity, the department or agency shall make reasonable efforts to notify the owner, if known, and shall allow the owner at least 48 hours to claim the cargo or personal property. However, the department or agency may immediately dispose or arrange for the disposal of any cargo, personal property or other debris that is damaged beyond use or repair.

(e) (1) Any liability of the department of safety or the department of transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of § 9-8-301, et seq.

(2) Any liability of local law enforcement agencies for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of § 29-20-101, et seq.

(f) The department of safety, department of transportation, or local law enforcement agency may require the owner and carrier, if any, of the vehicle, spilled cargo or other personal property removed or disposed of under the authority of this section to pay for any costs incurred in the removal and subsequent disposition of such vehicle, spilled cargo or other personal property.