

TAYLOR

3rd Party

TOWING POLICY & REGULATIONS

HARRISON/TAYLOR OEM & E911

2022

TAYLOR COUNTY COMMISSION PROMULGATION STATEMENT

WHEREAS no person, firm, corporation or other entity shall tow for the Taylor County Commission or provide services such as towing, removal, recovery or storage of a wrecked, abandoned, disabled or other vehicle unless they comply with the rules promulgated and approved by the Taylor County Commission to be implemented by the Director of E911; Director of Office of Emergency Management and the Towing Compliance Officer.

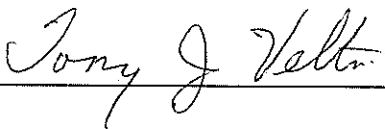
WHEREAS all parties involved need to know that the safety of all our citizens is the primary concern in all towing calls, from dispatch to pick-up. Common sense and safety must prevail.

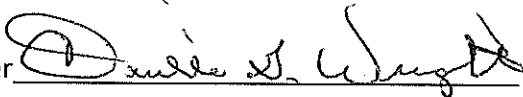
Upon promulgation and approval of the rules, the said rules and regulations shall be filed with the Office of the Clerk of the County Commission and shall be in effect from the date of the filing until such time that revisions are made and approved to the Agreement.

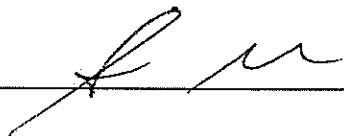
NOW THEREFORE IT IS RESOLVED that the Taylor County Commission does hereby approve and adopt the *Taylor Towing Policy and Regulations*. Said policies shall remain in effect until such time revisions are approved by the Taylor County Commission.

PASSED AND ADOPTED by the County Commission of Taylor County, State of West Virginia, this 1 day of NOVEMBER, 2022.

SIGNATURES

President 

Commissioner 

Commissioner 

FOREWARD

This towing policy provides Taylor County the basis for a systematic approach that provides for the most prompt, fair equitable and effective response to requests or dispatches for emergency towing services, following the rules set forth in §24-6-12, which state as follows:

§24-6-12. *Dispatching of towing services for emergency towing of vehicles; exceptions:*

- (a) *Every three years, the county commission of each county or the municipality operating an emergency telephone system or an enhanced emergency telephone system shall, in consultation with all public safety units, public agencies and all available towing services registered as common carriers pursuant to the provisions of chapter twenty-four-a of this code, establish a policy that provides for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services.*
- (b) *For each incident where towing services are required, the public agency procuring towing services shall maintain a public record of the name of the towing service utilized (Italics added for emphasis).*

Public officials and departmental personnel were involved in the planning process. The elected officials reviewed, studied, and made recommendations for changes and gave final approval to the policy. This version of the policy is the result of numerous revisions since its inception. This policy is intended to be used as the **only** towing agreement developed for Taylor County. All prior policies and regulations governing towing services in Taylor County are rescinded and deemed void as of the effective date of this policy and regulations.

All parties involved in the creation of the policy feel that the safety of all our citizens is the primary concern and in all towing calls, from dispatch to pick-up, common sense and safety is the priority.

This document establishes the format for Taylor County's towing policy and consists of four (4) different parts with attachments.

The requirements set forth in this document are in addition to any requirements set forth by Federal Code or Regulations, West Virginia State Code or Regulations, and the West Virginia Public Service Commission ("PSC")

PART 1

Additional Requirements

1. In addition to applicable state code and PSC Regulation, each truck shall be lettered commercially with the operator's logo on both doors in permanent letters at least three (3) inches high. **See PSC Rules Governing Motor Carriers (150 C.S.R. 9, effective January 13, 2022) ("Motor Carrier Rules") Rule 6.5 for additional requirements.**
2. A towing service's place of business should be easily accessible to the public. Motor vehicle storage must be at the place of business and in an area convenient to the public.
3. A towing service's place of business must be equipped with dispatch equipment (communication devices or cellular phones). Approved companies will provide the E911 Center with a single point of contact, i.e., one telephone number, which shall be used to contact the service twenty-four (24) hours per day, seven (7) days a week.
4. A towing service's place of business shall be open to the public during normal business hours, Monday thru Friday between the hours of 9:00 a.m. and 5:00 p.m.
5. A vehicle that has been towed to a towing service's lot is to be charged the appropriate fee regulated by the Public Service Commission (PSC) or the amount approved by the company tariff on file with PSC.
6. In addition to applicable state code and PSC Regulations, a towing service shall maintain a licensed salvage yard or an outside storage with a minimum of twenty-five hundred (2,500) square feet of space for the control and safekeeping of motor vehicles, encircled by a fence of suitable barrier with a sufficient height to deter trespassing and vandalism, with at least one gate for entrance and exit which shall be locked at all times when not in use. A towing service shall also provide a secure inside storage facility for the safekeeping and storage of at least one (1) vehicle. The facility shall be covered and enclosed and constructed in such a fashion as it will prevent unauthorized entry. **See, 150 C.S.R. 9, for additional requirements.**
7. Each towing service will need to have a current, valid Form 4 registered through the PSC.
 8. A towing service must have on file with the E911 Operations Center, Office of Emergency Management and the Towing Compliance Officer the following forms:
 - A. A completed insurance certificate with \$1,000,000 (One Million) minimum insurance liability requirements, and garage keepers insurance coverage for damage to towed and/or stored vehicles in an amount of not less than \$100,000 (One Hundred Thousand). **See, 150 C.S.R. 9, Rule 3, for additional requirements.**
 - B. Copy of current, valid Form 4 through the Public Service Commission.

- C. Proof of workers compensation coverage for all employees and/or verification from the IRS that coverage is not required for any "independent contract workers". Firms would need to file Form SS-8 with the IRS to determine workers status.
- D. Proof that employed drivers are insured by the service's automobile liability policy. If authorized independent contract workers, said individuals must maintain liability coverage as noted in "A" above.
- E. A written request to place the towing service upon a given rotational list as describe in 10a of this policy and written proof that the service meets the requirements as set forth in Legislative Rule Title 150, Series 9, effective January 13, 2022, Rules Governing Motor Carriers to be placed upon such list **(Rule 6.8. which provides the wrecker equipment specifications used for the rotation lists classes.)**
- F. Every calendar year in July, each towing company MUST submit a new updated application to remain on the towing rotation. This application packet will be sent out the first of July and will be due in the Office of the Towing Compliance Officer by July 30th. In the event that the towing company does not submit by the July 30th deadline, they will be suspended until such time the proper paperwork is received by the Towing Compliance Officer.
9. A towing service guarantees that they shall call the 911 center when in route, after contact by Harrison/Taylor E911.
10. There will be towing rotation lists for Taylor County.
- 10a. For Taylor County, there will be a single as well as county-wide heavy duty/large towing rotation list: **(20 ton or greater Heavy wrecker vehicle)** and a light towing rotations lists: **(one (1) ton wrecker vehicle, two (2) ton wrecker vehicle, Rollback wrecker (light) and Rollback wrecker (heavy),** that are rotated on a county basis. To qualify for any list a towing service must meet all state requirements to include Federal, State laws and the Legislative Rule Title 150, Series 9, dated **January 13, 2022, Rules Governing Motor Carriers, and/or any other requirement that is required by this Policy & Regulations.**
- 10b. In Harrison as well as Taylor Counties there will be an **"Abandoned Vehicle"** rotation consisting of all towers on the rotation. This rotation will not affect the towers location position of the normal "Emergency Rotation" and will be a separate stand-alone rotation.
11. If a towing service does not answer, 911 call, refuses, or is unable to respond to 911 calls, or is unable to respond within the timeline governed by this Policy and Regulations, three (3) times in a six (6) month period, or refuses a call three (3) consecutive time in a six (6) month period, they are subject to penalties as set forth in Part 2 of this Policy.

12. All towing services are subject to inspection by the Towing Compliance Officer or by other qualified individuals as approved by the Taylor County Commission, said inspection may include equipment and facilities.

13. Drivers will wear some type of reflective clothing as required by the code listed here:

The Code of Federal Regulations Title 23 (Highways) Part 634 was originally published in the Federal Register Volume 71, No. 226, pp 67792 – 67800. The Rule itself (634.3) simply states that:

“All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high visibility apparel.”

“Workers” is defined to mean people on foot whose duties place them within the “right-of-way of a Federal-aid highway, such as highway construction and maintenance forces, survey crews, utility crews, responders to incidents within the highway right-of-way, and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway”.

“High Visibility Safety Apparel” is defined to mean “personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004”.

14. All towing services are responsible for the clean-up of the accident scene, excluding hazardous waste. This is in accordance with PSC Title 150, Series 9: Rules and Regulations for the Government of Motor Carriers and Private Commercial Carriers, Rule 6.6, Highway Cleanup, which states: ***“Every wrecker vehicle must carry a broom and shovel and the driver and/or helper of the wrecker shall, when servicing a wreck leaving debris upon the highway, clean up and remove that debris upon the highway that can be removed by a broom and shovel.”*** In addition to PSC Title 150 listed above, each wrecker shall carry at least one container/bag of absorbent material for cleanup of liquids and or fluids.

15. If a 911 towing call is an owner request, it will not impact a service’s spot on the established rotations. A request from 911 for abandoned vehicle will **NOT** impact a service’s spot on the established rotations.

16. By submitting a request to be added to a specified light towing rotation list, a towing service agrees to be on scene no more than thirty (30) minutes from the time of notification for all locations covered by the rotation list in question. This includes *any* owner requests. If a towing service contacted as part of an owner request cannot comply

with this provision, 911 shall select the next available towing service off the applicable rotation list. The thirty (30) minute requirement shall be waived for the Taylor County-Wide Heavy Duty Wrecker rotations, due to the size of their respective coverage areas.

17. A towing service cannot accept a tow, knowing that they do not have the "specified" towing equipment (wrecker) available pursuant to a 911 as per this policy and regulations, which will be subject to penalties as set forth in Part 2 of this Policy and Regulations. Example: Not having a specified wrecker on a list or having a specified wrecker on the list that is not available and then responding to the scene with the wrong wrecker classification and request another wrecker and or sub-contract the wreck out.

(Heavy Wreck alert must get a "Heavy Wrecker" response)

18. A towing service must have at least one (1) towing vehicle registered to its established place of business in Taylor County.

19. A towing service must have an established place of business within at least one (1) of the coverage areas in which it wishes to participate.

20. All towing agencies that apply to be on the "Taylor 911 Towing Rotation" will be **"Required"** to attend the TIM (Traffic Incident Management) course offered by the Federal Highways Administration either in person class or the online class. The Towing Compliance Officer is a certified Instructor and classes will be offered through his office free of any charge.

21. A towing service must meet all requirements to include Federal and State laws, the **Legislative Rule Title 150, Series 9, dated January 13, 2022, Rules Governing Motor Carriers, and any other requirement that is required by this Policy.**

If at any time, through investigation or by any other means, there is found to be a deficiency with regard to this section of the policy, that towing service will be found to be in violation of this policy. That towing service will be advised in writing by the Towing Compliance Officer of the violation and said towing service will be removed from the towing rotation until such time that proof can be provided that such issue has been resolved.

(Revised 6-9-2022/RKM)

PART 2

Violations

Any violation(s) of the Taylor County Towing Policy will result in the following corrective action:

- a. **First offense** written warning, to be placed in the offending service's file at the Office of Emergency Management Director and the Towing Compliance Officer.
- b. **Second offense** within a six (6) month period, towing service will be removed from the rotation list for thirty (30) days.
- c. **Third offense** within a six (6) month period, towing service will be removed from the rotation list for one (1) year.

SPECIAL NOTE: Any false or misleading representation to any person or persons or any documented intentional abuse of this policy, will result in immediate suspension from the rotation.

A towing service shall be notified of any violation, in writing, by the Towing Compliance Officer. A towing service may appeal the findings of a violation within ten (10) days of receipt, in writing to Towing Compliance Officer.

A three (3) person review committee, consisting from the following individuals: Director Office of Emergency Management Director of E911 or designee, County Administrator or designee and the Sheriff or designee shall affirm or reverse the findings of violation within five (5) days of receipt of appeal. In the event such violation is upheld by the review committee, a towing service may appeal such finding to the Taylor County Commission, whichever is applicable, within ten (10) days of receipt.

All notices and appeals shall be completed by certified mail or hand delivered to the Taylor County Commission Office for review.

PART 3

E9-1-1 Policy on Dispatching Towing

Although this policy seeks to address all the issues involved in the dispatching of towing, all parties recognize that from time to time there will be incidents that occur that may not be covered by the policy. In view of this, all parties should contact Towing Compliance Officer when any questions arise that are not covered.

1. Each towing service shall immediately notify the E911 center when it has no towing vehicles in service, or any other reason which would make the towing service unavailable for **any** period of time. Upon a towing service's return to a useable status, it shall immediately notify the E911 center, at which time the towing service shall be placed at the bottom of the applicable rotation list.
2. Each towing service shall immediately notify E911 dispatch of a private towing call received, such as abandoned vehicle on roadway and to advise that you are responding. This is to prevent E911 dispatch from alerting another towing service for the same abandoned vehicle. This requirement shall apply for emergency situations only with regard to the towing policy rotation.
3. Law enforcement and fire department personnel should abide by the normal E911 rotation except in a situation that is deemed an immediate threat to life or property. All requests made by or through fire department personnel shall be cleared through law enforcement for approval.
4. Towing services shall advise the E911 center of their estimated in route time at the time of initial contact.
5. If it is found that any false representation, by a towing service owner or driver, has been made, it will be cause for immediate removal from the rotation lists. (Reference Part 2 of this policy)
6. All towing services will be dispatched from one of the following rotation lists:
 - A. Taylor County: Taylor County Regular
 - B. Taylor County: Wide Large/Heavy. (20 Ton or Greater)
 - C. Taylor Abandoned Vehicle Rotation: Will not affect the tower location position of "Emergency Rotation" and is a stand-alone rotation.

- D. In the event that any rotation list for a geographic area has been exhausted in an attempt to dispatch a towing service, E911 dispatch will draw from the list of another geographic area rotation in an effort to secure a towing service for the needed response.

- 7. If the towing service contacted is unavailable, for whatever reason, the service shall lose its spot on that rotation list in question and will be moved to the bottom of the list to await its next turn. If the towing service contacted is able and willing to accept the request, but is canceled for a reason beyond the towing service's control, the service shall remain at the top of the rotation in question to await the next call for service.

- 8. Under no circumstances shall any towing service assign, request or otherwise subcontract another towing service to any dispatch for towing services. The only allowed exception will be a responding towing service notified using either the Taylor County-Wide Heavy Duty Wrecker rotation, which may contact additional towing services for assistance as needed, and as long as the wrecker service has a wrecker on the respective list and is available.

- 9. Triple "A" (AAA) towing service is not a prerequisite for any towing service bound by this policy. Triple "A" (AAA) towing service is an owner request service and the dispatch of towing under this policy will not be involved in that service acquisition. That request will be the sole responsibility of the owner not the E911 Center.

- 10. The practice of "scanner hopping", whereby a towing service arrives at the scene of an incident without notification, is prohibited and shall be considered as violating this policy and regulations. (Reference Part 2 of this policy)

- 11. All towers are required to work with and respond to the "Abandoned Vehicle" rotation. Any tower not responding to this rotation will be subject to violation under Part 2, "Violations" of this policy.

PART 4

Closing Signatures

ALL PARTIES INVOLVED ARE REMINDED THAT THE SAFETY OF ALL OUR CITIZENS IS THE PRIMARY CONCERN. IN ALL TOWING CALLS, FROM DISPATCH TO PICKUP, COMMON SENSE AND SAFETY MUST PREVAIL.

THIS POLICY WAS ADOPTED BY THE TAYLOR COUNTY COMMISSION AT THEIR MEETING ON 11-1-2022.

SIGNATURE	DATE
<u>Tony J. Velts</u>	<u>11-01-2022</u>
<u>Daniel H. Wright</u>	<u>11-1-2022</u>
<u>[Signature]</u>	<u>11-1-2022</u>