

EMERGENCY TOWING AND HIGHWAY ASSISTANCE

2.01 PURPOSE

This regulation establishes policy and procedures governing the provision of assistance to individuals on the highway, and the selection of towing services when a damaged or disabled vehicle must be removed from the highway, thereby ensuring the free, safe, and efficient movement of vehicles.

2.02 POLICY

It is the policy of the Department to provide necessary assistance to individuals in need in a timely, efficient, and safe manner. It is also the policy of the Department not to recommend a towing service.

2.03 DEFINITIONS

For the purpose of this regulation, these phrases shall have the following meaning, unless the context clearly indicates otherwise:

- A. Emergency Towing Service: A provider of road service; vehicle and cargo recovery; and/or towing of light, medium, or heavy vehicles as defined herein; who operates in accordance with the following requirements:
1. Is regularly open for the conduct of business, receiving of payments due, release of vehicles, etc., a minimum of 40 hours, Monday through Friday, between 0700 hours and 1700 hours.
 2. Maintains a license to collect sales tax.
 3. Uses vehicles to provide service that are properly titled and registered, with the appropriate sales tax paid.
 4. Displays business name on vehicles, as required by the Vehicle Code and Title 67.
 5. Equips service vehicles with appropriate safety equipment (e.g., fire extinguisher, warning devices), and any other equipment necessary to perform the function; and complies with the Vehicle Code regarding removal of debris.

6. Maintains liability insurance, ensuring compliance with the Vehicle Code and Federal Motor Carrier Safety Regulations, as appropriate, and garage-keeper's insurance in the amount specified for that classification of towing service.
 7. Charges fees that are reasonable and customary for the service provided in the emergency towing service's geographic area. Fees must be posted for public inspection in the place of business of the emergency towing service.
- B. Established Place of Business: A single location of an emergency towing service, not a subcontractor or substitute service, equipped with the following: published and active business telephone number, secure storage lot, and emergency towing vehicles which comply with the requirements for the class of service, as defined herein. The business shall be directly accessible 24 hours a day, by no more than two telephone numbers. The employment of answering services or devices is not considered as making a business "directly accessible."
- C. Heavy-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of vehicles weighing in excess of 17,000 pounds including, but not limited to, two heavy duty wreckers. Each required wrecker must have a gross vehicle weight rating (GVWR) of not less than 50,000 pounds and be equipped with a 25-ton winching capability. One wrecker must be equipped with at least a 25,000-pound under-wheel lift. Garage-keeper's insurance in the minimum of \$200,000 must be maintained.
- D. Light-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of vehicles weighing 7,000 pounds or less including, but not limited to, one conventional wrecker with a GVWR of at least 10,000 pounds and one rollback wrecker with a GVWR of at least 11,000 pounds. The conventional wrecker must be equipped with twin, four-ton winches, or greater, and a 6,000 pound, or greater, under-wheel lift. The rollback must be equipped with an 8,000 pound, or greater, winch. Garage-keeper's insurance in the minimum amount of \$100,000 must be maintained.
- E. Medium-duty Service: An emergency towing service which possesses the equipment required to perform emergency towing of multiple vehicles, weighing 7,000 pounds respectively, or less,

or vehicles weighing between 7,001 and 17,000 pounds. The equipment shall have a GVWR of not less than 22,000 pounds. Garage-keeper's insurance in the minimum of \$150,000 must be maintained.

- F. No-Contact Order: An order issued by the Commissioner of the Pennsylvania State Police (PSP), or designee, directing that the PSP will not contact an emergency towing service, as part of the rotational towing plan, for a specified period of time.
- G. **Non-Custodial Transport: The transporting of an individual who is not detained, under arrest, or otherwise in custody, in a Department vehicle, from the scene of a crash or other highway event to a safe location.**
- H. Recovery Service: A light-, medium-, or heavy-duty towing service which, by virtue of its specialized equipment, experience, and training, is capable of removing vehicles and cargo from unique locations. Examples include, but are not limited to, commercial vehicles that have rolled over or are hanging over a bridge, passenger cars at the bottom of a deep ravine, etc. A recovery service must maintain a minimum of \$250,000 garage-keeper's insurance.
- I. Secure Storage Lot: A location or facility capable of being locked and prevents general access to vehicle(s) therein by means of a barrier at least six feet high.
- J. Tow Zone: A geographic area within the primary jurisdiction of a Troop Headquarters/Station where emergency towing services have the ability to respond in a timely manner.
- K. Traffic Incident Management: A planned and coordinated multi-disciplinary process to detect, respond to, and clear traffic incidents so that traffic flow may be restored as safely and quickly as possible.

2.04 GENERAL PROCEDURES

- A. Station Commanders/Patrol Section Supervisors shall establish a written emergency towing plan utilizing tow zones to address the rotational distribution of emergency towing service calls within the geographic area of primary jurisdiction of their Troop Headquarters/Station.

1. Separate tow zones shall be established for each class of emergency towing service. Tow zones shall be configured based on geographical and other local factors. Tow zones are not required to match patrol zones or municipal boundaries. All emergency towing services assigned to a tow zone are considered to be equivalent for the purpose of response times to the scene of an incident.
 2. The written emergency towing plan shall address local conditions and the needs of the Station with respect to proper Traffic Incident Management (TIM) and the needs of motorists.
 3. The written emergency towing plan shall be approved by the Patrol Section Commander, or designee.
- B. All personnel shall strictly adhere to the requirements of the written emergency towing plan. Under no circumstances shall the "nearest available" emergency towing service be called, with the exception of honoring a vehicle owner's/operator's request for a specific emergency towing service or automobile club (e.g., AAA), or as otherwise permitted by this regulation.
1. Quickly restoring the free and safe movement of traffic is an essential element of TIM. Therefore, members shall use their discretionary authority to deny requests for a specific towing service whenever the request will impair the timely restoration of the required movement of traffic.
 2. Nothing contained in this regulation shall be construed as prohibiting members from exercising good judgment and utilizing all available resources necessary to preserve life when unusual circumstances exist. Members should be prepared to articulate the unusual circumstances that gave rise to deviation from this regulation.
- C. Members on-scene of an incident where emergency towing services are required shall provide Communications-Desk Unit personnel with the following information, which shall be relayed to the emergency towing service contacted for response:
1. All possible information regarding the specific location of the vehicle.

2. The vehicle's orientation (e.g., on its roof, side) and surrounding terrain.
 3. The potential gross weight of the vehicle as derived from any of the following: registered GVWR, information from the custodian, bills of lading, experience of the member, etc.
 4. Estimated time before the vehicle(s) can be removed, taking into consideration all of the following factors: extrication of injured parties, collection of evidence, photography, and traffic flow.
- D. Members shall consider the need for a recovery service and make requests to Communications-Desk Unit personnel regarding same. Final determination for the use of a recovery service shall rest with the shift supervisor or, if none, the investigating officer.
- E. Barring an absent towing service, or unforeseen or exigent circumstances, once an emergency towing service has been contacted by personnel of this Department to provide service, only the towing service contacted should be permitted to provide the service for compensation.
- F. For unusual instances requiring highly-specialized or very high-capacity equipment, a recovery service may hire or lease such equipment to accomplish a specific task.
- G. When emergency towing is required, the Emergency Towing Record, Form SP 6-123 (Appendage A), shall be utilized to record attempts and results of securing an emergency towing service.
- H. Members who encounter a stranded individual in need of transportation, travel directions, fuel, motor vehicle repairs, towing, or other general mechanical assistance, shall endeavor to obtain or provide the required assistance in a safe and expeditious manner. Arrangements for individuals in need of assistance should be made prior to the member's departure, unless exigent or other unusual circumstances require the immediate departure of the member from the scene (e.g., hazmat incident, violent felony in progress). If a member is required to depart the scene prior to arranging the needed assistance, the member shall then contact Communications-Desk Unit personnel to ensure other assistance is dispatched.

In all situations, members shall ensure that individuals requiring assistance are in a safe location prior to their departure. Whenever possible, members shall periodically return to the area to ensure the safety of the individual(s) and verify that the required assistance has been provided. Arranging for transportation or, in exceptional circumstances, providing transportation, may be necessary to ensure the safety of the individual(s).

- I. **Whenever an individual(s) is to be transported in a Department vehicle for the purpose of public assistance or some other non-criminal matter (i.e., non-custodial transport), members shall exercise judgement as to whether they should request a pat-down search of the individual(s) for officer safety purposes. If the decision is made to conduct a pat-down search, the member shall request permission from the individual(s) to conduct the search and explain to the individual(s) that it is for officer safety purposes only. Refusal by an individual(s) to submit to a pat-down search may warrant the member to deny transportation to the individual(s).**

- J. **When conducting a non-custodial transport, members shall properly identify the individual(s) being transported and conduct a Commonwealth Law Enforcement Assistance Network/National Crime Information Center (CLEAN/NCIC) query of the individual(s) prior to the transport. When an individual(s) is transported in a Department vehicle, members shall ensure the following information is documented in the Computer-Aided Dispatch system by Communications-Desk Unit personnel, or is recorded via the mobile data terminal by the transporting member: starting location, destination, number and sex of the individual(s), starting/ending time, starting/ending mileage, and the reason for the transport. Members shall also inform the individual(s) that the mobile video/audio recording equipment (if available in the vehicle) will be in use during the transport, and that the individual(s) shall be required to wear a seatbelt restraint during the transport. The seating location of the individual(s) within the vehicle shall be determined by the member.**

NOTE: Members shall refer to FR 7-2, Prisoner Security and Transportation, when an individual(s) is taken into custody and transported in a Department vehicle.

- K. Members who encounter an individual in need of medical, fire, or other emergency assistance shall obtain and/or provide the appropriate assistance. Appropriate assistance may include rendering first aid, utilizing a fire extinguisher, having ambulance or fire personnel dispatched to the scene, and/or directing or transporting an individual to a medical facility. Members shall not depart the location until assistance has arrived or the individual has been taken to a safe location where the necessary assistance can be obtained.

2.05 APPLICATION PROCEDURE FOR EMERGENCY TOWING SERVICES

- A. Towing services interested in receiving service calls from the PSP for emergency towing services must make application to each installation from which it wishes to receive such calls. The application and fee schedule can be found within the Application to Provide Emergency Towing Services, Form SP 6-151 (Appendage B).
- B. Towing services must have an established place of business and a secure storage lot, as defined in this regulation.
- C. Towing services shall indicate on the application all services it intends to provide: Heavy Duty, Medium Duty, Light Duty, or Recovery Service. The service shall be equipped for the service it intends to provide, as described in this regulation.
- D. Towing services shall advise the Department of its fees in accordance with the fee schedule contained in the Application to Provide Emergency Towing Services.

2.06 INVESTIGATIVE AND NO-CONTACT PROCEDURES FOR EMERGENCY TOWING SERVICES

- A. Upon receipt of a complaint, through an inspection, or upon learning of information suggesting that an emergency towing service is not in compliance with the requirements of the Application to Provide Emergency Towing Services, the Pennsylvania Towing and Towing Storage Facility Standards Act, this regulation, or any other applicable law, the appropriate Troop Vehicle Fraud Investigator (VFI) shall be assigned to conduct an investigation. Non-criminal conduct shall be documented as follows:

1. The investigation shall be documented on a General Investigation Report, Form SP 7-0025. The report shall document an interview with the owner of the emergency towing service or the owner's refusal to be interviewed. The VFI shall not express any assumptions, personal opinions, or conclusions in the report. The completed General Investigation Report shall be forwarded to the Patrol Section Commander for review.
 2. Upon receipt of the completed General Investigation Report, the Patrol Section Commander shall conduct a thorough review of the report. The Patrol Section Commander shall then prepare a supplemental General Investigation Report that includes a recommendation of either a warning letter, a no-contact order, or no further action. The supplemental General Investigation Report shall be attached to the initial General Investigation Report and submitted via email to the Director, Safety Program Division, Bureau of Patrol, at ra-psppatrol@pa.gov.
- B. When any member investigates an alleged criminal offense(s) involving an emergency towing service, they shall immediately notify the appropriate Patrol Section Commander via email. Investigations of alleged criminal conduct shall be documented on a General Offense (GO) Report, which shall be prepared and submitted via the Records Management System (RMS). A copy of the completed GO Report shall be forwarded to the Patrol Section Commander for review.

EXCEPTION: An Incident Report/Incident Report—Part II, Forms SP 7-0050 and SP 7-0050A, shall be prepared and submitted in lieu of a GO Report in the event the investigating member has not been trained on the use of the RMS, Phase II. A copy of the completed Incident Report/Incident Report—Part II shall be forwarded to the Patrol Section Commander for review.

1. Upon receipt of the completed GO Report or Incident Report/Incident Report—Part II, the Patrol Section Commander shall conduct a thorough review of the report.
2. The Patrol Section Commander shall then prepare Department Correspondence, Form SP 3-201, that

includes a recommendation of either a warning letter, a no-contact order, or no further action. The correspondence, along with a copy of the corresponding GO Report or Incident Report/Incident Report—Part II, shall be submitted via email to the Director, Safety Program Division, Bureau of Patrol, at ra-psppatrol@pa.gov.

- C. The following are considered to be valid reasons for a Patrol Section Commander to request a no-contact order for an emergency towing service:
1. Three instances of inability to respond due to circumstances within the control of the emergency towing service during any six-month period.
 2. Failure to maintain the standards for emergency towing services set forth in this regulation.
 3. The commission of an act by an owner or manager of a towing service involving dishonesty or corruption, when the act directly or indirectly affects the health, welfare, or safety of others. If the act constitutes a crime, conviction thereof in a criminal proceeding, is not a necessary condition precedent to the no-contact order.
 4. Furnishing false information on the Application to Provide Emergency Towing Services.
 5. Overcharging for services rendered, as determined in conjunction with the Fee Schedule filed with the Application to Provide Emergency Towing Services, or the institution of fees not listed on the Fee Schedule.
 6. Repeated conduct of a nature which, by means of the relationship the service has with the Department, tends to demean the public image of the Department.
- D. An emergency towing service that has been issued a no-contact order must take appropriate remedial action before it will become eligible to reapply for consideration of inclusion on the rotational emergency towing plan to receive service calls from the Department.
- E. When an employee of an emergency towing service has been convicted of a misdemeanor or felony, the Patrol Section

Commander, with the concurrence of the Troop Commander, reserves the right to indefinitely suspend that employee from responding to the Department's requests for emergency towing services.