

CHAPTER 7
ROTATION TOW PROGRAM POLICY
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CHAPTER 7

ROTATION TOW PROGRAM POLICY

1. PURPOSE.

- a. The Public. The purpose of the CHP 234, Tow Service Agreement, is to provide prompt professional services to the motoring public and to ensure the motoring public is protected from unethical or unfair business practices on the part of private towing companies utilized by the Department.
- b. The Tow Industry. The Tow Service Agreement (TSA) was also developed to:
 - (1) Provide tow operators with an equitable system for the distribution of calls within a given tow district.
 - (2) Provide tow operators with clear and concise terms and conditions for acceptance and continued participation in the Department's Rotation Tow Program (RTP).
 - (3) Ensure statewide consistency in the interpretation and enforcement of the TSA.
 - (4) Provide a fair and equitable means to resolve disputes between tow operators and the Department.
- c. The Department. The TSA meets the needs of the Department by:
 - (1) Ensuring tow operators utilized by the Department are competent and respond to calls with minimal time delays.
 - (2) Providing Areas and Divisions with clear guidelines for the operation of the Department's RTP.

2. AUTHORITY.

- a. Section 2424 of the California Vehicle Code. The Commissioner of the California Highway Patrol may enter into agreements with providers of towing, emergency road, and storage services for the purpose of determining which providers shall be summoned by the Department, when those services are necessary for public assistance, or to carry out the duties and responsibilities of the Department. The Government Code, Chapter 3.5 (commencing with Section 11340), Part 1, Division 3 of Title 2, shall not apply to the agreement.

(1) The Department shall confer with the towing industry, as necessary, to reach agreements mutually beneficial to the public, the towing industry, and the Department.

(2) This section does not prohibit a member of the public from selecting any vehicle towing, emergency road service, or storage provider, except when towing or storage is ordered by a member of the Department under the provisions of the law.

(3) These agreements shall be implemented in cooperation with representatives of the towing industry, and shall include, but are not limited to, liability insurance requirements, towing, emergency road service, storage fees, inspection of business, storage facilities and equipment, record keeping, minimum equipment requirements, and the establishment of tow districts.

(4) The failure of a company to provide towing, emergency road service or storage complying with the provisions of the agreement may result in a written reprimand, suspension, or termination of the agreement.

(a) In the event of a written reprimand, suspension, or termination of the agreement, and at the request of the towing, emergency road service, or storage provider, the Department shall provide a hearing and appeal process to the provider.

(b) The Government Code, Chapter 5 (commencing with Section 11500), Part 1, Division 3 of Title 2, does not apply to the hearing and appeal process specified in Element 22, Hearing/Appeal, of the TSA.

3. CONTRACT VS. AGREEMENT. The Department's Special Counsel has provided an explanation of Rotation Tow Contracts vs. Rotation Tow Agreements.

a. The words "Contract" and "Agreement" are synonymous; however, the difference between a departmental Rotation Tow Contract and a departmental Rotation Tow Agreement is consideration. The Department does not receive enough consideration from the TSA to make it a contract. Consideration is the profit, benefit, or material cause to induce a contracting party to enter into a contract.

b. The difference between an agreement and contract is important for the following reasons:

(1) If an Area commander or scene manager has a need to request a specific tow company for a recovery and salvage operation, and the requested tow

company is not at the top of the rotation tow list, the commander or scene manager has the authority to by-pass the rotation tow list.

(2) Tow companies on the same rotation tow list, which were not requested or were by-passed and did not have an opportunity to earn the income associated with the missing request, do not have a cause for action against the Department, because the TSA is not a binding contract.

(3) This would also apply to other types of noncompliance with the TSA when they are based on an immediate and specific need to expeditiously mitigate a hazardous exposure to the public and to protect life and property. A deviation from the rotation tow list shall never be based on favoritism or discrimination.

(4) When an Area commander or scene manager makes a decision to by-pass the rotation tow list, it shall be based on personal knowledge that the tow company requested to respond has the trained personnel and necessary equipment to ensure a timely and successful clean-up of the scene. At the completion of the call, the rotation tow list should always be adjusted to maintain the equity of the list.

4. GENERAL. The RTP policy is intended to provide clarification and interpretation for the proper implementation of the TSA. Electronic copies of the TSA are available on the Department's Web site at www.chp.ca.gov/programs/rotation.html or may be obtained by contacting Research and Planning Section (RPS) at (916) 843-3340.

a. A tow operator's continued acceptance in the RTP is contingent upon their ability to comply with all of the terms and conditions specified within the TSA.

b. The Elements of the TSA are numbered and should be referenced by their number when applicable (e.g., Element 6, Response to Calls, Item A.). The TSA shall be referenced for the exact requirements when necessary.

c. The TSA provides an operational method to assist the Department in managing traffic and emergency incidents. The TSA is considered a living document and departmental policy which is reviewed and updated on an annual basis. Refer to the most current online version of the TSA at www.chp.ca.gov/programs/rotation.html.

5. RESPONSIBILITIES.

a. Commissioner.

(1) The Commissioner, or their designee, may establish terms and conditions for the TSA. In order to assist the Commissioner in the development of the terms and conditions of the TSA, the Tow Service Agreement Advisory Committee (TSAAC) has been established.

(a) The TSAAC shall consist of representatives from the Department, the tow industry, and private highway service organizations (motor clubs). The Department representatives shall be:

- 1 The RPS commander, or their designee, who shall act as chairperson.
- 2 The RPS, Special Operations Unit supervisor or their designee.
- 3 A representative from each field Division.

(2) The TSAAC shall submit its recommendations regarding the terms and conditions of the TSA to the Commissioner for review and approval.

(3) The needs and safety of the motoring public shall be the primary concern.

b. Enforcement and Planning Division, Research and Planning Section. The RPS shall:

(1) Provide assistance and information to field Divisions and Areas for implementing and maintaining the RTP.

(2) Coordinate meetings of the TSAAC to discuss items of mutual concern. The meetings shall be conducted as often as deemed necessary by the committee, but no less than once per year.

(3) Prepare the annual CHP 234.

c. Field Divisions. Field Divisions shall:

(1) Appoint an RTP coordinator to provide assistance and information to Areas and maintenance of the RTP.

(2) The appointed RTP coordinator shall meet annually with Area tow officers prior to the implementation of the current year's TSA.

(3) Designate a uniformed representative for the Department's TSAAC. The designee should be the Division's RTP coordinator.

(4) Review and approve completed Area rotation tow complaint investigations.

(5) Provide administrative appeals for the following:

(a) Area tow operators who are dissatisfied with an Area commander's decision following an Area hearing regarding a written reprimand, suspension, denial of application for inclusion in the RTP, or termination.

(b) Representatives and/or agents of the affected tow operators who disagree with an Area commander's decision regarding a mid-term review of the TSA.

(6) Review and approve all proposed addendums to the TSA from Area commands prior to their implementation.

d. Communications Center. A communications center shall:

(1) Ensure information provided by a requesting officer (e.g., the type of vehicle, extent of damage, and vehicle's location) is accurately relayed to the selected tow operator so the correct class and/or number of tow trucks respond.

(a) If an officer requests a specific class of tow truck (Class A, Class B, Class C, or Class D) the communications center shall ascertain the type of vehicle, the vehicle's gross vehicle weight rating, the vehicle's tire size, or any additional information (e.g., is it loaded with cargo). This additional information shall be relayed to the responding tow operator so the correct class of tow truck responds.

NOTE: Most officers have not been trained nor have the expertise regarding vehicle towing and/or recovery.

(2) Notify the requesting officer which tow operator is responding and the time of notification.

(3) Calls for an RTP tow service by officers or the public shall be rotated between tow operators and a call record shall be maintained on the distribution of calls for each class of tow truck in each tow district.

(4) Monitor the tow operator's response to calls for violations of excessive response time or missed calls and notify the Area tow officer.

e. Areas. Areas shall:

(1) Implement the Department's RTP and ensure uniformed members receive proper training regarding the RTP.

(2) Area commanders are designated by the Commissioner as having the authority to enter into agreements with tow operators for towing services within their Areas.

(3) Investigate complaints from civilians, allied agencies, and departmental personnel regarding violations of the TSA by rotation tow operators. The complaints shall be documented utilizing the CHP 234G, Rotation Tow Complaint Investigation, form.

(4) Completed tow complaint investigations shall be forwarded to Division for review and approval.

(5) Provide a hearing process for tow operators who have either been issued a written reprimand, suspended, denied an application to the RTP, denial of a tow operator's tow truck driver, or terminated and have requested a hearing.

(6) Provide their communications center with a current list of rotation tow operators for their Area's tow districts.

f. Area Tow Officer. The Area tow officer shall:

(1) Establish a file for each tow company involved in the RTP.

(a) A rotation tow company's file shall contain application information (i.e., completed CHP 234A, Rotation Tow Listing Application; CHP 234Bs, Tow Truck Inspection Guides; CHP 234Fs, Tow Operator/Driver Information forms; tow truck driver[s] training certificates; Employer Pull Notice [EPN]; proof of enrollment in a controlled substance and alcohol testing [CSAT] program; complaint investigations, and copies of disciplinary actions [i.e., written reprimands, letters of suspension]).

(b) A rotation tow company's file shall be kept for the current year plus three years.

g. Field Officers/Scene Managers.

(1) Shall honor a driver's/owner's request for a specific tow company or motor club (i.e., American Automobile Association) unless it is not practical to do so (e.g., vehicle blocking a freeway off ramp), or a vehicle is stored/impounded pursuant to statute.

(2) Shall clear the scene, restore normal traffic flow, and provide for the safety of the public as quickly as possible pursuant to General Order (GO) 100.6, Special Relationships; GO 100.45, Assistance to Pedestrians and Occupants of Disabled Vehicles, Response Protocol, and Inspection of Unoccupied

Vehicles; and GO 100.96, Operation Clearing Lanes Efficiently and Rapidly (CLEAR).

(a) Section 21719 of the California Vehicle Code (CVC) permits a tow driver to utilize the right shoulder or center median to respond to a scene to remove an impediment under the following conditions:

- 1 An officer is on scene and determines the impediment is the cause of the traffic congestion.
- 2 The on scene-officer gives explicit permission.
- 3 The tow truck driver does not operate on the shoulder or center median at a speed greater than what is reasonable and prudent.
- 4 The flashing amber warning lights are displayed.

(3) Shall not recommend any tow company to provide service.

(4) Shall provide the necessary information regarding an incident to the communications operator to ensure the proper equipment is sent in response to the call. The information needed from the officer includes, but is not limited to:

(a) Vehicle type and description: is it a car, truck (e.g., half ton, one ton), van (e.g., two-axle box van), or big rig/combination (e.g., three-axle Kenworth tractor and two-axle 28 foot Great Dane semi-trailer combination).

(b) Condition of the vehicle: is the vehicle upright, on its side, burned, missing wheels, etc.

- 1 If the vehicle(s) is an overturned big rig/combination describe damage and/or special recovery/towing requirements (e.g., overturned three-axle Kenworth tractor and two-axle 28 foot Great Dane semi-trailer loaded with broccoli).

(c) Location of vehicle: is it on the shoulder, center divider, blocking a lane/off ramp, or down an embankment (i.e., how far down the embankment).

(d) Number of vehicles.

NOTE: An officer should not request a specific class of tow truck (i.e., Class A, Class B, Class C, or Class D) since most officers are not trained

or have the expertise to determine what class of tow truck is required to complete a service/recovery.

(5) Shall not request a flatbed/car carrier tow truck, or auto loader, for vehicles which require recovery (e.g., overturned, down an embankment, or otherwise not upright).

(6) Ensure the equipment dispatched is adequate to perform the service. If the dispatched equipment is inadequate and/or the tow truck driver is incompetent, the officer may:

(a) Dismiss the tow truck driver on scene and request the next tow operator on the rotation tow list who possesses the proper equipment and/or experience/competence.

(b) Coordinate with the tow truck driver on scene if additional equipment is required to perform the service/recovery.

(7) Shall verify the responding tow truck represents the company called.

(8) Shall monitor response times, failures to respond, dispatching of the wrong equipment, dispatching of incompetent or unapproved drivers, failures to perform the required service, and report violations to the communications center at the time they occur.

(a) Any of these violations shall be reported to the Area tow officer as soon as possible.

(9) May direct a tow operator (not currently at the top of the rotation tow list) to assist with the movement of vehicles to clear the roadway. The tow operator would be directed to leave the vehicle in a safe location (e.g., moved to the shoulder or from an off ramp).

(a) The tow operator shall not be allowed to tow a vehicle away from the scene unless they are assigned to the call.

(b) This service shall be provided at no expense to the vehicle owner.

(10) Shall use discretion when assigning vehicles to tow operators when two or more tow trucks respond to the same incident involving multiple vehicles.

(a) The officer/scene manager may elect to assign vehicles on a first-to-arrive/first-choice basis.

(b) The officer/scene manager shall not make vehicle assignments which would favor a particular tow operator.

(c) If the on-scene tow truck driver requests additional tow trucks and/or equipment be dispatched to the scene, the officer/scene manager shall evaluate the need for additional equipment and the request shall be made through the communications center, not the tow truck driver contacting their company.

(11) When an officer encounters a situation where there are more passengers in a disabled vehicle than may be transported safely by the responding tow truck, the following shall apply:

(a) The officer and the tow truck driver at the scene shall coordinate their efforts to provide safe transportation in accordance with GO 100.6 and GO 100.45.

(b) Normally, passengers will not be permitted to ride in a towed vehicle or any vehicle carried as a load. A motorist/passenger with a physical disability may be transported in a vehicle towed or transported by a tow truck if all other reasonable means of transportation are unavailable and the motorist/passenger is properly restrained within the vehicle.

(12) Department personnel, as well as tow operators and their employees, shall not be offered nor accept gratuities pursuant to Section 12110(a) CVC.

6. APPLICATION FOR ENROLLMENT – ROTATION TOW PROGRAM.

a. Application Packages. Application packages may be requested either verbally or in writing by a tow operator. A notification of the last day to submit the application package shall be included with the package.

(1) Enrollment may be continuous throughout the year, but shall occur annually. The enrollment period shall be open for at least 30 days.

(2) The application package shall consist of the following:

(a) CHP 234.

(b) CHP 234A.

(c) CHP 234B.

(d) CHP 234F.

(3) The applying tow operator shall submit the following completed forms and information no later than the last day of the open enrollment period:

- (a) CHP 234, Element 26, Operator Approval.
- (b) CHP 234A.
- (c) CHP 234F.
- (d) Documentation of TSAAC approved tow truck driver training for all RTP drivers.
- (e) Documentation for all RTP drivers requiring a Class A, Class B, or commercial Class C (endorsed for hazardous materials transportation) are involved in a CSAT program. Drivers not required to possess a Class A, Class B, or commercial Class C shall be enrolled in a CSAT program substantially similar to the CSAT program requirements as defined in Title 49, Code of Federal Regulations, Parts 40 and 382.
- (f) Copy of Motor Carrier Property permit.
- (g) Copy of current Employee Pull Notice for all RTP drivers.
- (h) A list of all RTP drivers.
- (i) Documentation of completed TSAAC driver training for all drivers.
- (j) Documentation of completed Traffic Incident Management (TIM)/Strategic Highway Research Program (SHRP) training (commencing July 1, 2016).
- (k) Copy of certificate of insurance.
- (l) A Division approved signed addendum (if applicable).

(4) Completed application packages received during the enrollment period shall be processed as soon as possible and shall not exceed 30 calendar days.

- (a) If the Area has a limited enrollment period, applicants shall be advised in writing of the last available day to file an application.

(5) If a tow operator has a business/storage yard in more than one tow district, an application package **shall** be completed for **each** tow district in which they are operating.

(6) Incomplete application packages, and completed application packages submitted following the end of an enrollment period, shall be denied, in writing, by the Area commander.

(a) The written response shall include the reason(s) for denial, as well as information regarding the next enrollment period.

(7) Ownership status shall be determined by the Department.

(8) New operators, managers, and tow truck drivers shall be fingerprinted for the purpose of conducting criminal history inquiries.

(a) Any operator, manager, or tow truck driver who has separated from the RTP, in excess of one year, shall be re-fingerprinted.

(9) Tow operators, managers, or drivers who have been untruthful or omitted any misdemeanor/felony convictions on the CHP 234F shall be disqualified from the RTP and may reapply during the next enrollment.

(a) An operator, manager, or driver's application that has been denied based on the results of the fingerprint submission, shall be notified, in writing, within 30 days with a copy of the fingerprint results.

(10) An inspection of the tow operator's business/storage yard for compliance shall be conducted prior to final approval for the RTP.

(11) If a tow operator's application is disapproved, the operator shall be advised, in writing, by the Area commander of the specific reason(s) for the disapproval and their right to an appeal.

(12) Once the applications have been approved, the following information shall be included on the CHP 234C, Tow District Description, for each tow district.

(a) If a tow operator has a Class B tow truck operating both as a Class B and Class A tow truck, it would be included only on the Class B list.

(13) An operator **shall** submit an application package for each tow district they are applying to operate within.

(a) If an operator is applying for more than one CHP Area, they shall designate a separate full-time manager with three verifiable years of for-hire experience for each additional facility.

7. ACCEPTANCE OF A TOW OPERATOR.

a. Upon approval of the applicant, the Area shall complete the TSA effective dates on the Element 26, Operator Approval, page of the TSA.

(1) The Operator Approval page of the TSA shall be retained in the Area files.

b. Page 2 of the CHP 234A, regarding response times and specific hours for day and night operation, shall be completed by the Area office.

c. The term of the TSA should normally be for one fiscal year with an effective date of July 1st.

8. ADDENDUM TO THE TOW SERVICE AGREEMENT.

a. An addendum shall only be allowed when a unique operational condition(s) exists within a command, which requires additions or modifications, beyond the terms and conditions of the TSA to be imposed.

b. If a unique operational condition(s) exists, an Area commander shall request, and be granted permission by the Division chief or their designee, to make an addendum to the TSA.

(1) The addendum shall outline the command's specialized procedural or equipment requirement(s), and detail how the tow company shall be expected to comply.

(2) The request shall be in writing and shall include a complete explanation and justification for the addendum.

(3) Addendums with major cost incurring changes shall contain a fair and equitable projected date for compliance.

(4) Areas shall use the signature block format under Element 26, Operator Approval, page of the TSA as a guide for the addendum.

(5) An addendum to the TSA shall have the approval of the Division chief or their designee prior to implementation by an Area command. (Refer to Annex C.)

c. An addendum shall only be for one TSA term. The start and end dates shall be the same as the start and end dates of the current TSA.

d. Approved addendums to the TSA shall only apply to that Area.

e. An addendum shall be reviewed annually to determine if the condition(s) which originally gave rise to their creation continue to exist.

ANNEX A

CRIMINAL CONVICTION DISQUALIFICATIONS FOR ROTATION TOW OPERATORS/DRIVERS

1. GENERAL. Listed below is a synopsis of criminal convictions for which a tow operator/driver may be disqualified, suspended, or terminated from the Rotation Tow Program. Nothing herein shall prohibit the California Highway Patrol from suspending, terminating, or denying an application of any tow operator/driver whose conduct is deemed to be a danger to the motoring public (e.g., registered sex offender, extensive criminal history).

2. PERMANENT.
 - a. All felony convictions addressed under Element 18.B of the Tow Service Agreement should result in permanent disqualification.

 - b. An operator/driver shall be disqualified for a conviction of the following if the violations occurred within the previous seven years.
 - (1) Felony gross vehicular manslaughter while intoxicated – Section 191.5 Penal Code (PC).

 - (2) Felony driving under the influence (DUI) causing injury/death – Section 23153 of the California Vehicle Code (CVC).

 - c. An operator/driver shall be disqualified for a proven history of convictions for DUI of alcohol and/or drugs. This shall include three misdemeanor convictions of DUI within the previous ten years or any consecutive year DUI conviction.

 - d. The following felony criminal convictions shall result in a ten-year suspension:
 - (1) Section 261.5 PC – Statutory rape.

 - (2) Section 273(a) PC – Cruelty to child.

 - (3) Section 273(d) PC – Infliction of corporal punishment of child which results in traumatic conditions.

 - (4) Section 451, 451.5 PC – Arson.

 - (5) Section 453 PC – Possession of fire bomb.

 - (6) Section 459 PC – Burglary.

- (7) Section 470 PC – Forgery and Counterfeiting.
- (8) Section 477 PC – Counterfeiting gold or silver.
- (9) Section 484(e) PC – Possession of access card (i.e., bank, phone, or credit card).
- (10) Section 484(f) PC – Forgery of access card or signature.
- (11) Section 484(g) PC – Fraudulent use of access card.
- (12) Sections 487 PC – Grand theft, including theft of firearm.
- (13) Section 496 and 497 PC – Receiving stolen property.
- (14) Section 503 PC – Embezzlement.
- (15) Section 2800 CVC – Evading a peace officer.
- (16) Section 10851 CVC – Vehicle theft.
- (17) Section 20001 CVC – Hit and run collision causing injury/death.

ANNEX B

TOW TRUCK CRITICAL ITEM SAFETY INSPECTION GUIDELINES

1. GENERAL.

a. The references to out-of-service conditions apply only to those trucks whose gross vehicle weight rating (GVWR) is 10,001 pounds or more. Vehicles whose GVWR is under 10,001 pounds will not be placed out-of-service for the condition listed. For the purposes of the Tow Service Agreement, trucks applying for the California Highway Patrol (CHP) rotation tow list must comply with all equipment regulations regardless of the GVWR. If a truck is not in compliance, it will not be approved for a rotation tow list, but will not be placed out-of-service unless the GVWR is over 10,001 pounds.

b. Prior to the inspection of the tow truck, the proper class (A, B, C, or D) of the tow truck should be determined. This can be accomplished by using an equation to determine the maximum lifting capacity of the tow truck while retaining at least 50 percent of the unladen front axle weight on the front axle. To calculate the maximum lifting capacity of a tow truck:

(1) Weigh the tow truck at the front axle. The tow truck should be weighed with a full load of fuel, driver in the cab, and the tow truck loaded with all normal towing and road service equipment.

(2) Measure the wheelbase of the tow truck, which is the distance in inches from the center of the front axle to the center of the rear axle.

(3) Measure the rear overhang, which is the distance from the center of the rear axle to the point of pick-up. With a tow sling or tow bar, measure to the cross bar. With a wheel lift, measure to the center of the wheel lift or to the center of the wheel being lifted. Measure with the wheel lift extended to 85 inches for Class A and B tow trucks, and 100 inches for Class C and D tow trucks.

NOTE: This formula can also be used for three and four axle tow trucks. For the three axle tow truck, measure the overhang from the center of the rear two axles. For a four axle tow truck, measure from the center of the middle rear axle. For a tow truck with more than four axles, refer to the manufacturers specifications. Overhang measurements of a tow bar or tow sling shall only be used if the tow truck is not equipped with a wheel lift (Class D only).

c. With these measurements and a calculator, the maximum lifting capacity can be determined while retaining 50 percent of the truck's unladen front axle weight on

the front axle. This weight measurement, coupled with the wheel lift and under lift ratings, will assist in determining the proper class of tow truck.

d. The wheel lift and under lift ratings are noted on the CHP 234B, Tow Truck Inspection Guide, as follows:

(1) Class A tow truck: Wheel lift rating – 85” extension, 3,000 pounds.

(2) Class B tow truck: Wheel lift rating – 85” extension, 8,000 pounds.

(3) Class C tow truck: Wheel lift rating – 100” extension, 12,000 pounds.

(4) Class D tow truck: Wheel lift rating – 100” extension, 16,000 pounds.

e. The formula is: One half of the unladen front axle weight multiplied by the wheelbase (in inches), divided by the overhang (in inches). For example:

(1) After weighing a tow truck, it is determined the front axle weight is 4,000 pounds. With a tape measure, it is determined the wheelbase of the tow truck is 140 inches and the wheel lift overhang is extended to 85 inches.

(2) $0.5 \times 4,000 \text{ pounds} \times 140 \text{ inches}$ divided by an overhang of 85 inches = 3,294. This amount (3,294 pounds) is the maximum weight that can be lifted with this tow truck with an 85 inch overhang, while still retaining 50 percent of the unladen front axle weight on the front axle. Per this example, this tow truck would be rated as Class A.

f. Before the inspection begins, be sure to place chock blocks against the drive axle wheels. This will prevent the vehicle from rolling while the parking brake is released.

g. The vehicle’s engine should be shut off and the transmission should be in neutral or park.

h. Necessary equipment should include the following items:

(1) Channel locks.

(2) Tire tread depth gauge.

(3) Tape measure.

(4) Small screwdriver.

(5) Soap stone.

- (6) Wheel blocks.
- (7) Flashlight.
- (8) Small six-inch ruler.
- (9) Safety glasses.
- (10) Protective hat.
- (11) Gloves.
- (12) Portable scales.

2. WALK AROUND INSPECTION. The walk around inspection should cover the following items:

- a. All lighting equipment.
 - (1) Check head lamps (high and low beams and beam indicator on dash), taillamps, stop lamps, turn signals, reflectors, clearance lamps, (vehicles 80 inches or more in width), backup lamps, portable extension lights (drag lights), license plate lamp, and amber warning lights.
 - (2) Let the amber warning lights run for a few minutes to make sure they do not jam.
- b. Mirrors.
- c. Windshield.
- d. Windshield washer fluid reservoir.
- e. Windshield wipers.
- f. Horn.
- g. Fuel tank and fuel cap.
- h. Tire/wheel condition.
 - (1) Tires. If the GVWR is over 26,001 pounds, tread depth of the steering axle tires must be 4/32 inch or more and all other axles must be 2/32 inch or more.

- (a) Make sure the tires are not in contact with any part of the vehicle, including each other in a dual set.
- (b) Check the load limit stamped on the tire. The weight of the load cannot exceed this number.
- (c) Check the inflation by thumping the tire with a sturdy object such as channel locks. The tire should sound full and the channel locks should rebound easily.
- (d) Make sure the cord is not visible on the sidewall or on the tread area.

(2) Wheels.

(a) Check the wheels for cracks. The following items are considered out-of-service:

- 1 A single crack three inches or more in length.
- 2 A crack extending between any two holes (including hand holes and center holes).
- 3 Stud holes 50 percent or more elongated.
- 4 Lug nuts loose, missing, or broken. Tow operators on the CHP rotation list are expected to have all lug nuts present and properly secured. Out-of-service conditions are as follow:
 - a On a 10 lug wheel – 3 anywhere or two adjacent.
 - b On an 8 lug wheel or less – 2 anywhere.
 - c All wheel covers which prevent the inspection of the area between the lug nuts must be removed prior to the inspection.

i. Mud flaps/fenders.

j. Broom, shovel, covered trash can with absorbent, fire extinguisher with current fire marshal's tag, and emergency roadside warning devices (reflectors).

k. Identification signs.

(1) Make sure the identification signs include the company name, address, and telephone number.

(2) Make sure the signs are permanently affixed to both sides of the vehicle.

l. Master cylinder. Check the master cylinder fluid level. It is located under the hood of the driver's side. The cylinder should be topped off. Less than ¼ full is an out-of-service condition.

m. All required tow/recovery equipment found on the CHP 234B.

(1) Check condition of underlift or wheel lift pivot pin. There should not be much movement (side to side or up and down) from the hydraulic equipment.

(2) Check the mount bolts securing the towing/recovery equipment to the vehicle.

(3) When inspecting a car carrier, have the driver slide the bed back so the condition of the slide pads and bed locks can be checked. The slide pads should be adequately lubricated and the bed locks should not show substantial wear.

n. Vehicle registration.

3. EQUIPMENT INSPECTION.

a. After completing the walk around inspection, an inspection of the undercarriage shall be done. This shall include brakes, steering, suspension, exhaust, and frame. The following are guidelines for proper inspection of these components:

(1) Service brakes.

(a) Make sure no mechanical equipment is missing or broken.

(b) Check all hydraulic lines for leaking, seeping, or bulging. No fluid lines should be restricted, crimped, cracked, or broken.

(c) Check pedal reserve. While the engine is running, depress the brake pedal with your hand. The pedal should not go all the way to the floor. It may take two times to get an accurate indication.

(d) Check to see if the hydraulic system has air assist or vacuum assist. There will be a gauge on or under the dash indicating either pounds per square inch (psi) or inches of mercury. A low reading on this gauge indicates an imminent brake failure.

1 Check this system by having the driver pump the brake pedal until either the light or buzzer activates. This should happen at not more than 75 psi and not less than 55 psi for air assist brakes. Vacuum assist brakes also must have a warning system. This warning system

must activate when the vacuum supply system drops to eight inches of mercury or less.

2 Make sure no vacuum hose or line is restricted, crimped, cracked, broken, or collapsed when the vacuum is applied, nor abraded through the outer cover-to-cord ply.

(e) Check the rotors for cracks (make sure you are looking at a crack and not a heat check). Heat checks look like small lines on the surface of the rotor; cracks extend through the rotor itself. This can be seen by looking at the edge of the rotor.

(f) Look for scoring on the rotor. This is caused by a brake lining that has worn to the rivets or metal fastener. The rivets that are used to hold the shoe in place leave grooves on the surface of the rotor. The rotor surface should be smooth and shiny.

(g) Look for oil contaminated brakes. If the brake itself appears oil soaked (wet oil on or dripping from the brake), the vehicle should be placed out-of-service until the oil leak is repaired and the brake surface has been cleaned.

(h) Check for full application of the calipers while the driver applies the foot brake. There should be movement of the brake linings against the rotor surface.

(2) Parking Brakes.

(a) Check the parking brake by asking the driver to apply the parking brake, then tap the brake drum (outer cover) with a metal object such as channel locks. It should sound dull. Ask the driver to release the brake and tap the drum again. It should now ring. This indicates the brake applies and releases adequately. Most small trucks will have a parking brake located just behind the transmission on the drive line. If the brake is not located on the drive line, it may be in one of the following locations:

1 On the rear axle, indicated by a small cable running down the left side of the vehicle or down the center and splitting off to both sides of the rear axle.

2 On the rear axle, indicated by two small canisters, one on each side just behind the axle. The engine must be running to check for adequate release of this type of parking brake.

(b) Check these brakes the same way as the previously described brake system, by tapping the drum while the brake is applied and unapplied. The type with the cable will also show movement of the cable when the brake is applied.

(3) Exhaust System.

(a) Make sure there are no exhaust leaks under the vehicle that would permit entry of the fumes into the driver's compartment.

(b) Make sure no part of the exhaust system is located so it would cause heat damage to the electrical wiring system, the fuel supply, or any combustible part of the vehicle.

(4) Frame.

(a) Check the frame rails for cracks in the web or bottom flange. Pay special attention to the area around the steering gear box and the frame near the rear axle of car carriers. A vehicle with a crack in any frame or support of the vehicle, which may cause shifting or collapse of the body onto moving parts, should be placed out-of-service.

(b) Check all body to frame bolts. When checking any bolt for tightness, always attempt to loosen the bolt.

(5) Fuel System.

(a) Look for leaks, loose fuel tanks, or a missing fuel cap. This includes other items used as fuel caps, such as rags or pieces of plastic.

(6) Steering.

(a) Check for free play in the steering wheel. (Refer to the table in Highway Patrol Manual [HPM] 82.6, Commercial Enforcement Manual Chapter 3, Inspection Policies.)

(b) Check the steering wheel for securement, loose or missing mechanical parts, or loose or missing mount bolts, and any obvious welded repair.

(c) Make sure the connection at the pitman arm is tight, with no slack in movement. The pitman arm is located at the steering gear box, connected by the sector shaft. (Refer to HPM 82.6, Chapter 3.)

(d) Make sure there is no up and down movement of the drag link and tie rod ends. Rotational movement is acceptable. (Refer to HPM 82.6, Chapter 3.)

(e) Check the clamp bolts and threaded joints for looseness.

1 Check the steering components by having the driver rock the steering wheel back and forth as you conduct your inspection of these items. If a possible violation exists and the vehicle has power steering, ask the driver to start the engine and check the components again.

2 If excessive motion is visible, the vehicle is in violation. **Please use safety when inspecting a vehicle while the engine is running.**

(7) Suspension.

(a) The following items would constitute an out-of-service condition:

1 Any U-bolts or other spring axle clamp bolts are cracked, broken, loose, or missing.

2 Any spring hanger or other axle positioning part is cracked, broken, loose, or missing, resulting in the shifting of the axle.

3 Twenty-five percent or more of the leaves in any spring assembly are broken.

4 Any leaf or portion of any leaf in a spring assembly is missing or broken with separation.

5 Any broken main leaf in a spring assembly. A main leaf is any leaf in an assembly, if it extends from hanger to hanger.

(b) Look for one or more leaves displaced in a manner which could result in contact with a tire, rim, brake, or frame. Shifting of leaves may be an indication a U-bolt is loose.

(c) Look for broken torsion bar springs in a torsion bar suspension. (Refer to HPM 82.6, Chapter 3.)

(8) Wire Rope.

(a) Determine the type and class of wire rope being used. The strand type can be determined by counting the number of strands and the number of wires per strand.

(b) Check the specific requirements for each class of truck listed on the CHP 234B. All tow trucks are required to use a 6x19 class of wire rope. The 6x19 class should have 6 strands with 19 wires per strand.

(c) The following is a list of possible damage to look for:

- 1 Stranded rope. (A displacement of one or more strands from their normal lay.)
- 2 Knotted.
- 3 Crushed.
- 4 Excessive rust.
- 5 Kinked.
- 6 Badly worn.
- 7 Twelve or more wires broken in any lay. A lay is the distance in which one strand completes one wrap around a rope.
- 8 Other visible evidence of loss of strength.

(d) Check the type of eye used. The following is a list of possible eye types:

- 1 Swaged fitting.
- 2 Pressed sleeve.
- 3 Splicing.
- 4 Zinc-filled socket fitting. U-bolt clips are not permitted.

(9) Chain.

(a) The CHP 234B states that alloy chain or Original Equipment Manufacturers chain is to be used. Chain types will be indicated by an embossed stamp on the links of the chain. If the stamp is illegible, it is an indication the chain is overly worn and should be replaced. To determine the type of chain, look for the following:

- 1 The letters A or HT embossed on the chain links. These letters indicate Alloy or High Test.

2 The letter G followed by a number such as 43 (HT) or HA800 (A) embossed on chain links. These numbers indicate Grade 43 (HT) or Grade 80 (A).

(b) Look for these indications of damage which may include:

- 1 Stretched links.
- 2 Excessive wear.
- 3 Cracked welds.
- 4 Bent or twisted links.
- 5 Nicks, scoring, gouges, or pits.

(c) The damage listed above may appear to be minor, but may serve as a stress riser. The critical location of the defects listed above is at the ends of the links and the area surrounding the ends. This includes the rounded shoulders of the link barrel. Chain found with this type of damage can be used in an emergency, but must be replaced before being used again.

ANNEX C

SAMPLE ADDENDUM TO TOW SERVICE AGREEMENT

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Tow Service Agreement – 2013
Happy Valley Area Addendum
Effective July 1, 2013 – June 30, 2014

1. All operators shall provide to the Area an updated list of any additions or deletions of drivers or changes in the driver status within seven calendar days. A CHP 234F, Tow Operator/Driver Information, form shall be completed and signed by each driver added to the company's Tow Roster. An operator shall provide updated, signed copies of a CHP 234F on each driver, following the Area's annual tow meeting. Failure to comply with this requirement will disqualify the driver from responding to rotation calls for the remainder of the current Tow Service Agreement period.

ELEMENT 7

The Area commander may require an operator to provide copies of Pull Notice Reports to the Area.

1. All operators shall provide copies of Pull Notice Reports to the Happy Valley Area annually on or before the scheduled tow facility inspection. Pull Notice Reports on new drivers shall be forwarded to the Happy Valley Area within 30 calendar days of the date of hire.

ELEMENT 8

The operator shall obtain approval from the California Highway Patrol (CHP) prior to removal of any property from a stored or impounded vehicle and shall provide a receipt, with a copy placed in the stored vehicle. The requirement to obtain approval from the CHP prior to the removal of property may be excused by the Area commander if it is determined that proper safeguards and procedures are utilized by the operator.

1. No waiver will be allowed. An operator shall receive approval from the CHP prior to any release of property. In addition, the CHP employee's name and identification number shall be included on the original invoice.

ELEMENT 9

Invoices shall, at a minimum, include a description of each vehicle, nature of service, start time, end time, location of call, itemized costs of towing and storage, the tow truck driver's name, and truck used.

1. All invoices (including customer copy) shall include customer phone number, address, CHP log number, and release time.

OPERATOR APPROVAL

I certify that all drivers operating under this Tow Service Agreement (TSA) are qualified and competent. I further certify that I have read and understand this TSA and agree to abide by all the provisions. I further agree to indemnify, defend, and save harmless the state, its officers, agents, and employees from any and all claims and losses accruing or resulting to the operator in connection with the performance of the TSA, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by the operator in the performance of this TSA. The operator, and the agents and employees of the operator, in the performance of this TSA, shall act in an independent capacity and not as officers or employees or agents of the State of California. The terms of this TSA (2014-2015 TSA) will become effective:

_____ and end _____
Date Date

Operator Approval		
Signature	Typed Name	
Company	Title	Date
Business Address	Phone Number	
Motor Carrier Permit Number		

ANNEX D

DEFINITIONS

ABANDONED VEHICLE. A vehicle is considered “abandoned” if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intention to relinquish all further rights or interests in it may be reasonably concluded.

In reaching a reasonable conclusion, one must consider several elements, such as the amount of time the vehicle has been at the location without being moved, its condition, statements from the owner and/or witnesses, response or lack of response to the posted and/or mailed notices, etc.

In reference to highways or public right-of-ways, “abandonment” is presumed to have occurred if a vehicle, resting, or otherwise immobilized on any highway or public right-of-way, and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway in this condition. Such vehicles are presumed to be a hazard to public safety, health, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

AGENT. A person authorized by another to act for or in place of the registered or legal owner. A person entrusted with a registered or legal owner’s business who represents and acts for another. An agent transacts or manages for the registered or legal owner by their authority.

APPEAL. The final level of review for written reprimands, suspensions, or terminations of the CHP 234, Tow Service Agreement, or review of an Area commander’s decision regarding the approved towing and storage rates or the midterm review process. An informal hearing conducted by the Division commander, or their designee, at which the tow operators or their representatives may present evidence or witnesses to show an action taken by an Area commander was inappropriate, or to mitigate the action taken.

DAYS. Any reference to “days” designates calendar days unless specified.

DISMANTLED VEHICLE. Any vehicle which is partially or wholly dismantled.

ENROLLMENT PERIOD. The period of time when a tow company may submit an application for inclusion on an Area’s Rotation Tow List. The enrollment period may be open continuously throughout the year, but must be open at least 30 days a year.

EVIDENCE. Any tangible object or testimony which may be used to prove the existence or nonexistence of a fact.

HEARING. An informal process in which the tow operators, or their representatives, may present evidence or witnesses, which would show an action was inappropriate, or to mitigate the action taken. The first level of review for written reprimands, suspensions, or terminations of the Tow Service Agreement (TSA), or review of an Area commander's decision regarding the approved towing and storage rates or mid-term review process. The hearing will be conducted by the Area commander or their designee.

IMPOUNDED VEHICLE. "To seize and take into the custody of the law or of a court." (Reference Black's Law Dictionary.) An impounded vehicle is one which has been removed from a highway, public or private property, under legal authority, and is subject to a conditional release or is being held as evidence.

INOPERATIVE VEHICLE. Any motor vehicle that cannot be moved under its own power.

LIEN. A charge or security upon property.

LIENHOLDER. One who has a charge or security upon property.

LOAD SALVAGE OPERATION. Any operation involving the recovery of a load which has been spilled, or the off-loading and reloading of a load from an overturned vehicle performed in order to upright the vehicle. This will normally be limited to operations involving Class B, C, and D tow trucks.

MAJOR VIOLATIONS. Violations of the TSA which are serious enough to require suspension or termination as the first level of disciplinary action.

MINOR VIOLATIONS. Violations of the TSA which are not flagrant and will generally result in a written reprimand as the first level of discipline. Subsequent minor violations may result in suspension.

PARTY OF INTEREST. Refers to the registered owner of the vehicle or their agent. An agent is a party who may lawfully act on behalf of the registered or legal owner of the vehicle.

PORTAL TO END OF SERVICE. Service shall start from the point of dispatch or upon departure from the place of business, whichever is closer, and shall end at the estimated time of return of the place of business, including a reasonable and verifiable amount of time required to place the tow truck back into service, or the completion of the call, if another call is pending, whichever is shorter.

PORTAL TO PORTAL. Towing service shall start from the point of dispatch or upon departure from the place of business, whichever is closer, and shall end at the

estimated time of return of the place of business, including a reasonable and verifiable amount of time required to place the tow truck back into service.

POSSESSION. Pursuant to Section 3068 California Civil Code, possession is deemed to arise when the vehicle is removed and is in transit.

PRIVATE PROPERTY. Property that belongs solely to an individual or private entity which has the exclusive right of disposition. Property of a specific, fixed, and tangible nature, capable of being in possession of, and of being transmitted to another, such as houses, lands, vehicles, etc.

PUBLIC NUISANCE VEHICLE. Any vehicle which is abandoned, wrecked, dismantled, or any inoperative parts thereof, on public or private property, not including highways, and creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes a visual nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety, and general welfare.

PUBLIC PROPERTY. Those things or property which are considered to be owned by “the public,” the state, or community, and not restricted to dominion of a private person or entity. This definition may also apply to any property owned by a municipality or nation.

RECOVERED VEHICLE. A recovered vehicle is one which has been located and identified as a vehicle previously reported stolen or embezzled.

RECOVERED VEHICLE COMPONENT. A recovered vehicle component is a vehicle component which has been located and identified as a vehicle component that was previously reported stolen.

REPOSSESSOR. A reposessor or repossession company means and includes any person who, for any consideration whatsoever, engages in the repossession business of or accepts employment to locate or recover personal property, including but not limited to, personal property registered under provisions of the Motor Vehicle Code, which is subject to a security agreement. (Refer to Section 7500.2 Business and Professions Code.)

REPRESENTATIVE. A person or group of persons appointed by the tow operators within an Area, designated to represent their interests to the specified Area or Division commander.

RESPONSE TIME. The period of time from a tow operator’s notification by a California Highway Patrol (CHP) communications center of a call to the arrival of the tow truck at the location requested.

STORED VEHICLE. A stored vehicle is one which has been removed from a highway, public or private property, under legal authority, for the purpose of providing safe custody, and is subject to an unconditional release.

SUSPENSION. Removal of a tow operator from the Area's Rotation Tow List for a specified period of time. A suspension may be for a period of time which exceeds the current term of the TSA.

TERMINATION. Permanent removal of a tow operator from the Area's Rotation Tow List for the remainder of the term of the TSA and disqualification from any further participation in the Department's Rotation Tow Program.

TOW DISTRICT. The geographical area in which a tow operator may receive CHP referred calls. The number, as well as boundaries of tow districts will be determined solely by the Area commander in consideration of the needs of the Department.

TOW OPERATOR. A tow service which has been issued a letter of authorization, has signed the TSA, and is approved to receive CHP referred calls.

TOW SERVICE AGREEMENT. A document which sets forth the terms and conditions of an agreement between the tow operator and the Area commander representing the CHP. Also referred to as "the Agreement."

TOW TRUCK. A tow truck as defined in Section 615 California Vehicle Code. Also includes slide back carriers and wheel lift vehicles. (For the purposes of the TSA, a "Low-boy" is considered special equipment.)

VEHICLE RECOVERY OPERATION. For the purposes of establishing specific rates for services performed under the terms of the TSA, a "vehicle recovery operation" is an operation involving the process of up righting an overturned vehicle or retrieving a vehicle which has left the roadway and come to rest down an embankment. Such an operation would require the use of auxiliary equipment due to the size or location of the vehicle. This will normally be limited to operations requiring a Class B, C, or D tow truck. A "vehicle recovery operation" is consistent with a load salvage operation and does not refer to the simple towing service performed for a "recovered vehicle," which is defined above.

WAIVER OF REQUIREMENTS. Provides a temporary relief from selected terms and conditions of the TSA.

WRECKED VEHICLE. Any vehicle damaged to such an extent it cannot be operated upon a highway. A vehicle which has been wrecked in a traffic collision, and been removed from the roadway to a storage facility, but has not been claimed by its owner, shall not be considered an abandoned vehicle.

WRITTEN REPRIMAND. A written notice to a tow operator which specifies any violation of the TSA orders corrective action for minor violations of the Agreement.

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