

Appendix G

Recommended Minimum Standards for Towing and Recovery Call-Out Lists

1. Purpose

- (a) To improve safety and efficiency of daily towing operations on public roadways.
- (b) To minimize delays in requests for towing and recovery services.
- (c) To establish minimum business, equipment and operator qualification standards for response to traffic incidents.

2. Definitions

The following words and terms, when used in this document, shall have the following meaning, unless the context clearly indicates otherwise:

Abandoned Vehicle – Any unattended motor vehicle, trailer, semitrailer or mobile home on any public highway, or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned and as further defined in WI Statute 342.40(1m).

Call – A request for Tow Company services resulting in that Tow Company receiving compensation for those services.

Call-Out List – A listing of qualified Tow Companies maintained and administered by the Department for the purpose of obtaining towing and recovery related services.

Consent Tow – Any tow of a motor vehicle initiated by the vehicle owner or operator or by a person who has possession, custody or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a law enforcement officer investigating a traffic crash or a traffic incident that involves the vehicle.

Department – Refers to [Insert Department Name Here]

Flatbed Car Carrier – A type of Tow Truck that conveys a vehicle in its entirety on the rear bed of the Tow Truck.

Heavy Duty Service – The recovery and/or transport of vehicles with 6 or more wheels and/or a gross weight of more than 4 tons.

Heavy Duty Operator – Any Operator who meets all of the standards herein for Heavy Duty Service.

Law Enforcement Tow – The towing of a vehicle at the direction of the Department or another law enforcement agency or Officer.

Light Duty Service – The recovery and/or transport of vehicles registered as automobiles, light trucks, motorcycles and those with a gross weight of 4 tons or less.

Light Duty Operator – Any Operator who meets all of the standards herein for Light Duty Service.

Non-Consent Tow – Any tow of a motor vehicle that is not a consent tow. Non-consensual tows include police-initiated tows from public or private property.

Officer – Any Wisconsin law enforcement officer.

Operator – Any person operating a Tow Truck for the Tow Company under the direction of the Department in reference to the Call-Out List.

Place of Business – A Tow Company's primary base of operations.

Tow/Towing – The use of a Tow Truck to lift, pull, move, haul or otherwise transport any other vehicle by means of:

- (a) Attaching the vehicle to and pulling the vehicle with the Tow Truck, or
- (b) Loading the vehicle onto and transporting the vehicle upon the Tow Truck.

Tow Company – Any person or legal entity owning or operating a towing and recovery service.

Tow Truck – A motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery or transport or both of wrecked, disabled, abandoned, used or replacement vehicles, as defined in WI Statute 340.01(67n).

Under-Lift – A Tow Truck deployed, hydraulically operated device for lifting the front or rear of a disabled vehicle by its axles or frame in preparation for towing/removal.

Vehicle – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains, as defined in WI Statute 340.01(74).

Vehicle Owner Preference – The right of the vehicle owner, his or her agent, or any competent occupant of any disabled or inoperative vehicle to request towing service of his or her choosing to take charge and care of the vehicle.

Wheel-Lift – A Tow Truck deployed, hydraulically operated device for lifting the front or back wheels of a disabled vehicle in preparation for towing/removal.

WisDOT – The Wisconsin Department of Transportation.

3. General Policies

- (a) All Tow Companies shall conduct operations in accordance with all applicable laws and rules of the State of Wisconsin and all applicable rules of the Department.
- (b) All Tow Companies must have a satisfactory business reputation, which may be verified with the Better Business Bureau for unresolved complaints or an analysis of service complaints documented by the Department.

- (c) Every Tow Company shall cooperate with the Department should it become necessary to review, audit, examine or investigate any records relating to the towing operations it may provide, or has provided, at the request of the Department. Failure to cooperate with any review, audit or investigation may result in exclusion from the Call-Out List.
- (d) Any violation of applicable rules or laws or failure to meet the standards herein may result in suspension or exclusion from the Call-Out List.
- (e) Every Tow Company shall maintain a Place of Business.
- (f) To ensure compliance with the provisions herein, all Tow Companies on the Call-Out List are subject to inspections of equipment, Operator qualifications, vehicle storage and Place of Business.

4. Place of Business

All Tow Companies' primary base of operations must meet the following requirements:

- (a) A permanent commercial building, occupied by the Tow Company, as shown in the records of the Department;
- (b) With phone service;
- (c) Where normal business is transacted and all towing service records are maintained;
- (d) Where equipment is domiciled and maintained; and
- (e) Complies with local zoning and conditional use requirements.

5. Level of Service

- (a) Tow Companies shall be available to respond to calls from the Department 24 hours a day and seven days a week for the removal of wrecked and disabled vehicles, abandoned vehicles, and other vehicles that may require removal due to vehicle operator violations.
- (b) Response times to the scene:
 - (i) Light Duty Calls – [Select Time - suggest 15 minutes (urban areas) or 30 minutes (rural areas)] from time the Tow Company receives a request for service from the Department.
 - (ii) Heavy Duty Calls – [Select Time - suggest 30 minutes (urban areas) or 60 minutes (rural areas)] from time the Tow Company receives a request for service from the Department.

It is understood that traffic and weather conditions may impact the Tow Company's ability to respond within the response times outlined above. However, if the Tow Company will not be able to respond within the required response time they shall contact the Department and provide an estimated time of arrival.

6. Equipment

- (a) Equipment required for Light Duty Service:
 - (i) One Tow Truck with a gross vehicle weight rating (GVWR) of 12,000 lbs or more equipped with a hydraulic boom and a winch or winches with a minimum factory rated capacity of 8,000 lbs and a wheel-lift.
 - (ii) One Flatbed Car Carrier with a GVWR of 14,500 lbs and a flatbed of at least 19 feet in length.

- (b) Equipment required for Heavy Duty Service:
 - (i) One Tow Truck equipped and meeting the following specifications:
 1. Hydraulically operated boom with a 25 ton capacity;
 2. Tandem axle;
 3. Equipped with air brakes;
 4. Equipped with an Under-Lift; and
 5. Capable of safely towing a loaded (maximum 80,000 lb.) tractor semi-trailer.

- (c) The Tow Company shall provide the Department with a list of their Tow Trucks both owned and/or leased to include the make, model, vehicle identification number and license plate number, and other equipment such as service vehicles, tractors, trailers, semi trailers, cranes and loaders which they may utilize in the recovery and transport of wrecked and disabled vehicles. The Tow Company is responsible for ensuring the list is both current and accurate.

- (d) All equipment must be compliant with the current laws, rules and regulations:
 - (i) WI Statute Chapter 347
 - (ii) WI Administrative Code Trans 302
 - (iii) WI Administrative Code Trans 305
 - (iv) 49 CFR 393 and 49 CFR 396 as adopted in WI Administrative rule Trans 327

- (e) All equipment is subject to random inspection by the Department.

- (f) The Department may grant a variance or exemption to a Tow Company for equipment requirements in paragraphs (a) and (b) of this section where strict compliance would likely result in reduced service.

7. Storage Facilities

All Tow Companies who may store, park or maintain possession of vehicles towed at the request of the Department, shall store such vehicles in a facility that is secure.

- (a) Every outdoor storage facility shall be surrounded by a fence of wood, metal, wire or masonry construction of not less than 6 feet in height.

- (b) Every Tow Company shall have a local business telephone number published in the local telephone directory that is accessible to the public twenty-four hours a day.

8. Insurance

As required of all motor carriers authorized by the Department to engage in contract carriage, each Tow Company shall maintain a valid insurance policy, issued by a surety or an insurance company currently authorized to issue policies of insurance covering risks in the State of Wisconsin in the following amounts:

- (a) Public liability as provided in the Schedule of Limits at 49 CFR 387.9 Financial Responsibility, Minimum Levels.

Federal Motor Carrier Safety Administration (FMCSA) Regulatory Guidance – 49 CFR 387.3 - Applicability

Question 3: When are tow trucks subject to financial responsibility coverage?

Guidance: For-hire tow trucks with a GVWR or GCWR of 10,000 pounds or more performing emergency moves in interstate or foreign commerce are required to maintain minimum levels of financial responsibility in the amount of \$750,000. For-hire tow trucks performing secondary moves are required to maintain levels of coverage applicable to the commodity being transported by the vehicle being towed.

Question 8: Are motor vehicles being transported considered to be hazardous materials (HM) for purposes of the financial responsibility requirements, thus requiring the higher limits set forth in the regulations?

Guidance: Yes. Even though vehicles being transported by motor vehicle are subject only to 49 CFR 173.220 of the Hazardous Materials Regulations (HMRs), they meet the definition of "Hazardous material" in 49 CFR 171.8 because "Vehicle, flammable gas powered" and "Vehicle, flammable liquid powered" are designated as hazardous in 49 CFR 172.101 [UN 3166]. For that reason, vehicles transporting other vehicles would have to carry \$1,000,000 of public liability insurance.

- (b) Garage Keeper's Legal Liability – Not less than \$100,000 with a deductible no greater than \$1,000, which must include comprehensive perils to the towed vehicle while being stored by the Tow Company.
- (c) On-Hook or In-Tow – Not less than \$100,000 in On-Hook or In-Tow Coverage with a deductible no greater than \$1,000, which must include comprehensive perils and collision to the towed vehicle while it is being towed by the Tow Company.

To ensure the Department receives prompt notification of any policy cancelations, the Tow Company shall add the Department to their insurance policy as an Interested Party.

9. Operator Qualifications

- (a) Operators shall possess a current and valid operator's license with any required endorsements for the class of vehicle to be operated.
- (b) Operator Certification:
 - (i) Light Duty Operators shall successfully complete the Level 1 *National Driver Certification Program* provided by the Towing and Recovery Association of America (TRAA) or another certification program approved by the Department.

- (ii) At least one Operator of a Tow Company providing Heavy Duty Service shall successfully complete the *Level 2 National Driver Certification Program* provided by TRAA or another certification program approved by the Department.
- (c) At the written request of the Tow Company, operators that have provided Light Duty Service and/or Heavy Duty Service, whichever is applicable, at the request of the Department during the 5 years previous to adoption of this minimum standard may be grandfathered from the requirements of paragraph (b) of Section 9 for a period not to exceed two years.

10. Safety

- (a) All Operators within the highway right-of-way who are exposed to traffic (vehicles using the highway for purposes of travel) shall wear high-visibility safety apparel that meets the Class 2 or 3 performance requirements of the ANSI/ISEA 107-2004 publication entitled *American National Standard for High-Visibility Safety Apparel and Headwear* as required by 23 CFR Part 634 and the Manual on Uniform Traffic Control Devices Section 6D.03.
- (b) All Operators shall be knowledgeable of and comply with WisDOT's Emergency Traffic Control and Scene Management Guidelines as they may be applicable to towing and recovery.
- (c) Where practical, all Operators shall utilize the operating controls of the tow truck furthest from the traveled portion of the highway.
- (d) All Tow Companies shall be compliant with the requirements for warning lamps on tow trucks required by WI Statute 347.26(6).

(6) WARNING LAMPS ON TOW TRUCKS AND SERVICE VEHICLES.

- (a) *Any vehicle which by reason of its use upon a highway creates a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing shall be equipped with a flashing or rotating amber lamp of the dome type at the highest practicable point, visible from a distance of 500 feet, or 2 flashing amber lamps, one showing to the front and one showing to the rear, visible from a distance of 500 feet and mounted approximately midway between the extremities of the width of the vehicle and at the highest practicable point. Such amber lamp or lamps shall be lighted when such vehicle is moving a disabled vehicle along or upon a public highway at a speed below the average speed of motor vehicle traffic on such street or highway and may not be lit at other times.*
- (b) *Operators of tow trucks or towing vehicles shall equip each tow truck or towing vehicle with a flashing or rotating red lamp, in addition to flashing type amber lamps. Such lamp shall be placed on the dome of the vehicle at the highest practicable point visible from a distance of 500 feet. This flashing red lamp shall be used only when such vehicle is standing on or near the traveled portion of a highway preparatory to towing or servicing the disabled vehicle.*

- (e) All Operators shall be responsible for the removal of any debris, except hazardous substances as defined in WI Statute 292.01(5), on the roadway or in the roadway right-of-way that may be the result of a vehicle disablement or crash prior to leaving the incident scene.

292.01(5) "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department.

- (f) All Operators shall properly light any vehicle in tow with functioning stop lamps and directional signal lamps in conformance with WI Statute 347.14 and 347.15 respectively.