Barbour County, WV
911 Wrecker and Tow Rotation Policy

Purpose:

It is the policy of the Barbour County Commission (Commission) to dispatch wrecker companies in a safe, efficient and equitable manner. The primary responsibility of the Barbour County Commission is the administrative implementation of this policy and its practical application as it affects public safety.

Wrecker services will be expected to adhere to this policy, as well as all applicable rules and laws including, but not limited to, West Virginia Code Chapter 17; West Virginia Secretary of State Code of State Rules; Title 150 of the Legislative Rules of the West Virginia Department of Transportation, Division of Highways, as well as all other pertinent laws contained in the State Code of West Virginia.

Authority:

Pursuant to WV Code 24-6-12, the Commission hereby promulgates the following regulations for the dispatch of wrecker companies in Barbour County, WV and will review every three years in order to maintain a policy that provides for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services.

Effective Date:

This policy becomes effective on April 6, 2021 at 12:00am.

Definitions:

For the purpose of these regulations, the following definitions shall apply:

1. ***Vehicle*** means every device in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rail or tracks, as defined by WV Code 17C-1-2.
2. ***Wrecker Company*** means a business engaged in the transportation upon the public street and highways of the State of West Virginia and damaged, disabled, unattended, or abandoned vehicles together with their personal effects and/or cargo. The terms wrecker company, wrecker service, tow truck service and towing company are synonymous.
3. ***Wrecker company location, wrecker location, and location*** means any and all physical locations maintained by a wrecker company from which it operates.

General Guidelines:

Wrecker services shall be called for the removal of wrecked, stolen, illegally parked or abandoned vehicle, and those vehicles which constitute an obstruction to traffic from the streets, highways, roads and other property lying within Barbour County, WV.

In order to be included on the Dispatch Tow Rotation List, a wrecker company must conform with all federal, state and local laws, rules, regulations; must be licensed to conduct business with in the State of West Virginia and at their physical location in Barbour County, WV; be in good standing with the Public Service Commission and Barbour County Agencies; meet and agree to comply with the requirements set forth in this policy.

Tow Rotation Application:

Submit a properly completed ***Barbour County 911 Wrecker Service Application*** with legible copies of all required documents. Applications can be obtained from the Barbour County 911 Communication Center. Such documentation include:

1. A list of all vehicles and equipment to be used while responding to calls.
2. A list of all wrecker operators, including full legal name, date of birth, and driver's license number.
3. Copy of WV Business Registration Certificate.
4. Proof of Insurance for each wrecker vehicle.
5. Copy of each vehicle registration form
6. Copy of most recent WV PSC annual inspection form.
7. Physical Address of business and all contact numbers for wrecker operators.

The Barbour County 911 Communication Center and Barbour County Commission will review applications to determine if the wrecker service qualifies to be placed on the dispatch tow rotation list.

All applicants will be formally notified of their request by certified mail.

Physical Location:

The wrecker service must maintain a physical location within the geographical boundaries of Barbour County, WV and be available on a twenty-four (24) hour basis, from which wreckers may respond to calls for service and at which towed vehicles are stored. Only those locations within the geographical boundaries of Barbour County, WV and so approved, will be eligible for inclusion on the Dispatch Tow Rotation List. Pagers, answering machines, and answering services do not qualify as "staffed" or "responding."

1. No wrecker company may consider an individual driver's place of residence as a substation or extension of the wrecker company, nor shall any other location be considered as the wrecker company's place of business.
2. No out of county wrecker services will be placed on the Dispatch Tow Rotation list.

Facility Storage:

1. Each location shall have adequate facilities to keep, maintain and preserve records, papers and documents necessary to carry on the business, and shall be available upon request.

2. Each Location shall maintain a storage facility for towed vehicles that shall comply with Public Service Regulations 150 CSR 9, 5.9 through 5.9d, as summarized below.
    a. Have ability to store minimum of six (6) vehicles in-doors for law enforcement investigations, fatalities, etc.
    b. Storage Facility shall be within Barbour County, WV.
    c. Vehicles shall be stored within the legal boundaries of the property owner.
    d. Facility area shall be enclosed with a suitable barrier
    e. Sufficient lighting and gating shall be provided for protection of vehicles and property being towed. Indoor facilities meeting requirements are acceptable.

Wrecker Equipment and Operations:

All Wrecker company locations will have the following minimum equipment as required by federal and state law, and by regulations set forth by the Department of Motor vehicles, the Division of Highways, the Public Service Commission, and by any local, state or federal regulatory agency. Wrecker companies must meet all PSC towing service requirements and be registered with PSC as a legal towing service.

Rollback Wrecker

Must have at a minimum of one (1) Rollback Wrecker that meets the following standards.

1. WV Code 5.8.d.- A truck chassis with a manufacturer's rated capacity of at least ten thousand (10,000) pounds, gross vehicle weight with 102" CA dimension. Mounted on the chassis must be a complete commercially manufactured hydraulic operated slide back carrier with a manufacturer's capacity rating of at least four (4) tons and a minimum length of 17 feet.
2. WV Code 5.8.d.2- One (1) hydraulic winch of not less than four (4) tons capacity.
3. WV Code 5.8.d.3- A minimum of 30 feet of 3/8" diameter cable

Conventional One-Ton Wrecker

Must have at a minimum of one (1) Conventional One-Ton Wrecker that meets the following standards.

1. WV Code 5.8.a- A truck chassis with a manufacturer's rated capacity of at least ten thousand (10,000) pounds, gross vehicle weight. Mounted on the chassis must be a complete commercially manufactured crane and winch having a manufacturer's capacity rating of at least four (4) tons.
2. WV Code 5.8.a.2- At least 100 feet (with a tolerance of twenty-five percent [25%]) of 3/8" diameter cable attached to the wrecker winch.
3. WV Code 5.8.a.3- A tow sling which must be commercially manufactured and designed to prevent damage to vehicle. Electric or hand crank winches do not satisfy the requirements of Rule 5.8.

1. All towing services are responsible for the cleanup of the accident scene, excluding hazardous waste in accordance with PSC Title 150, series 9: Rules and Regulations for the Government of Motor Carriers and Private Commercial Carriers, Section 6.6, Highway Cleanup. Every Wrecker Vehicle shall also be equipped with the following:

    a. fire axe, or single-bitted axe and crowbar;
    b. first-aid kit complying with Title 49 CFR 393.96(c) as amended;
    c. fire extinguisher (charged);
    d. chock blocks;
    e. safety flares;
    f. safety triangles.

2. All wrecker company employees shall wear reflective apparel as set forth in the Federal Department of Transportation regulation 23CFR Part 634.
3. All wreckers shall have the company name and telephone number clearly displayed on the driver side and passenger side doors.
4. Towing companies shall not have correspondence on its vehicles or building that implies any official relationship between the wrecker service/operator and the Barbour County Commission.
5. Any changes of insurance, new operators, new equipment or any changes to required information stated in the Wrecker Service Rotation Application and policy must be supplied to the Barbour County Commission or Barbour County 911 Communication Center within 48 hours of the time the change took place or went into effect.

Dispatch Tow Rotation List:

Barbour County 911 Communication Center shall maintain a Dispatch Tow Rotation List of the wrecker companies and locations that meet requirements of this policy and are to be utilized along with their designated areas of responsibility.

Wrecker companies must provide the Barbour County 911 Communication 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, including weekends and holidays.

North and South Districts:

The county shall be divided into two (2) districts for the tow rotation. North Tow Division and South Tow Division. The boundary shall be drawn to divide the county into northern and southern section's using the following reference points:

a. Route 250 at Mouse Run Road,
b. Audra Park Road at Audra Park Bridge, and
c. Route 92 at Baughman Road.

Two (2) wrecker companies per district is considered sufficient at this time. During policy review, the Barbour County Commission and Barbour County 911 Communication Center will reevaluate this need in order to promote public safety and efficient service. Dispatch areas are not "owned" by wrecker companies, but are geographical areas designated to assist in the timely dispatch of wrecker services.

Call Allocation:

The Barbour County 911 Communication Center, located at 111 Overlook Dr, Philippi, WV, will be the primary dispatching agency for all law enforcement agencies, fire departments, and emergency medical agencies within Barbour County. Wrecker and towing logs will be maintained by the 911 Communication Center including each call for service, the tow service to which it was given, and any failures to respond from tow services.

1. The rotation list for each geographic region and category shall be maintained at the 911 Communication Center by use of the Computer Aided Dispatching System (CAD) along with a hard copy. Wrecker services will be called in succession from the top of the list. The Dispatch Tow Rotation List shall include the name, physical address and dispatch area (as defined by this policy) of each location, names of the owners and telephone number.
2. The law enforcement officer on the scene shall advise the 911 Communication Center of the necessary information required to contact the appropriate wrecker service. This includes, but not limited to: number of vehicles requiring towing services, the type of vehicle(s), specific location of the vehicle(s) and type of wrecker required.
3. In the event of a multi-vehicle accident, only one wrecker service will be sent from the rotation list unless the service cannot handle the number of vehicles in a timely manner to restore the flow of traffic.
4. The law enforcement officer or 911 dispatcher shall not suggest a wrecker service to the owner/operator if the owner/operator does not specifically ask for a wrecker service by name.

Dispatch Protocol:

1. 911 Dispatchers will make contact with the tow company next on rotation and shall abide by the following procedures:
   a. Contact the tow company that is located next on the Dispatch Tow Rotation List based on geographic location by using the provided telephone numbers. If there is no response after attempting all provided numbers, dispatch will allow three (3) minutes for a response from the tow company.
   b. If there is no response after three (3) minutes, dispatch will contact the next tow company on the list. The tow company that did not respond will move to the bottom of the rotation.
   c. If negative contact with any tow company in appropriate rotation, dispatch will immediately attempt all appropriate tow companies one last time. If still no response

dispatch will immediately attempt contact with the next tow company on the opposite geographic rotation.

d. Dispatch will provide each tow company with adequate information to determine the type of equipment needed and the location of the accident.

2. Certain emergency situations may require the immediate notification of the closest wrecker service to the scene of an incident. If the 911 dispatcher, upon taking an emergency call, feels that a wrecker may be necessary to prevent loss of life, the dispatcher has the right to contact the closest wrecker service and does not have to utilize the rotation list.
3. If a wrecker service is dispatched and then cancelled while in route, that company will maintain their spot on the list.
4. Calls made directly to the 911 Communication Center from a vehicle owner/operator for non-emergency towing will be provided the names and numbers of all wrecker services in the county, if time permits. Such calls will not be made by the 911 dispatcher to the requested service, nor will rotation be utilized.
5. In addition, in a situation where law enforcement has not arrived on the scene of an accident, and a wrecker is needed to stabilize a vehicle for rescue, the fire department officer-in-charge (OIC) can request the closest wrecker service be contacted. The 911 dispatcher will notify the responding law enforcement officer and advise that a wrecker has been called out prior to his/her arrival due to emergency needs.
6. The Barbour County Communication Center maintains a separate list of Heavy Wrecker services and is not part of the Dispatch Tow Rotation list.

Requests for Wrecker Services:

If the owner/operator of the vehicle requests a specific wrecker service, the law enforcement officer shall advise the 911 Communication Center of such and indicate "per owner's request". If the specified service is not available, the 911 Communication Center shall advise the officer and the rotation list shall be utilized.

Responding to Calls and Responsibilities:

1. Wrecker companies must be able to respond to scene within 30-minutes including on weekends and holidays. *The only exception is adverse weather conditions.*
2. The wrecker company shall advise the Barbour County 911 Communication Center an estimate response time.
3. The tow company may not assign, transfer, pledge, surrender, or otherwise encumber or dispose of its place on the rotation list.
4. When a tow company wishes to be unavailable for any period of time, it is the responsibility of each tow company to give proper notification to Barbour County 911 Communications Center. The tow company shall provide dates and times of when they will be out of service and when they are back in service. Barbour County 911 will not restore a tow company back

on rotation until the tow company makes contact. No disciplinary actions will be taken against a tow company that abides by proper notification of when they are in/out of service.

5. Wrecker services on the Dispatch Tow Rotation list are prohibited from responding to any accident within Barbour County that may involve death, injury, or property damage. If a tow company receives any calls directly from a vehicle owner stating any of the above, the tow company is to contact Barbour County 911 immediately.
6. When responding to calls, no service operator will speed, drive recklessly, create a traffic problem, or be under the influence of drugs or alcohol.
7. The wrecker service/operator called to the scene will be responsible to the law enforcement officer in charge of the investigation of the accident or other incident. The officer will have charge over the wrecker and wrecker operator until the scene is cleared. No wrecker service will remove any vehicle(s) from the scene of an accident until notified to do so by the investigating officer in charge at the scene.
8. In accordance to WV Code 17C-14-11(c), it shall be the responsibility of the wrecker service to thoroughly clear the street/road of all debris, glass and liquid created by the involvement of the vehicles its operator has been called to tow.
9. When a vehicle is released at the scene by the investigating officer, the wrecker service shall tow it to any location the owner requests. If the owner is absent or is incapacitated, the wrecker service shall tow the vehicle to its storage area for safekeeping.
10. The vehicle owner/operator is responsible for payment of any and all charges imposed by the wrecker service.
11. If a law enforcement officer places a hold on a vehicle and its contents, the wrecker service should advise the owner of which agency placed the hold. Only the law enforcement agency that placed the hold on the vehicle and its contents can provide a release; the Barbour County 911 Communication Center has no authority to release such vehicles.

Complaint Procedure:

The following complaint procedure applies to any and all complaints in relation to towing services regardless of who is filing the complaint and what the complaint is in regards to.

Complaints shall be typed and include the following information:

1. The date, time and location of the incident;
2. A detailed description of the adverse action along with any supporting documents;
3. The name, address and telephone number of any witnesses who may support its claim of adverse action;
4. The person(s) believed to be or may be responsible for the adverse action;
5. The notice must be signed.

Complaints must be submitted within seven (7) days of the occurrence by mail to 111 Overlook Drive, Philippi, WV 26416 or email at barbour911@barbourcountywv.org. The complaint will be investigated and reviewed by Barbour County Commission and Barbour County 911 Director in a timely manner.

Violation to the Barbour County 911 Wrecker and Towing Rotation Policy

First Offense: written warning, that will be placed in the offending service's file at the Barbour County 911 Communication Center at 111 Overlook Dr. Philippi, WV 26416.

Second Offense: within a six (6) month period, towing company will be removed from the Dispatch 911 Tow Rotation policy for thirty (30) days.

Third Offense: within a six (6) month period, towing company will be removed from the 911 rotation for one (1) year.

Any wrecker company may be suspended and/or removed from the Dispatch Tow Rotation List for the following reasons:

1. Failure to arrive at the scene in appropriate time frame of thirty (30) minutes. *With the exception of adverse weather conditions.*
2. Acknowledging calls from dispatch and refusing.
3. Dishonesty
4. Causing damage by negligence or other acts that are determined inappropriate.
5. Pending any complaint filed against it either by the Public Service Commission, any law enforcement agency, or any member of the public
6. Pending the outcome of a criminal investigation
7. Arguing or being argumentive, creating/causing a disturbance or conflict, berating, taking issue with, making lewd/obscene/derogatory hand gestures on the scene of an incident over the Dispatch Tow Rotation policy and/or application.
8. Failure to respond to requests for information and/or failing to cooperate with investigations within a specified time frame.
9. A tow company will be removed IMMEDIATELY from the rotation list if:
    a. The wrecker operator arrives at a scene under the influence of drugs and/or alcohol.
    b. The wrecker operator obstructs the scene by arguing and/or fighting with emergency personnel on scene and/or dispatch personnel.
    c. A vehicle has been removed by a tow company without being investigated or cleared by law enforcement.
    d. The wrecker service fails to meet the requirements set by this policy.
    e. Responding to an accident involving death, injury, or property damage without being dispatched or contacting Barbour 911.
10. The Barbour County Commission has the right to remove any wrecker service from the rotation list at any time when a formal complaint has been filed against them. This policy does not create a contract between the wrecker service and the Barbour County Commission.

Compliance to Violation:

1. Wrecker companies that have been suspended will have thirty calendar days to comply.
2. Wrecker companies that have been suspended and have not complied by the end of the last business day before the thirty days has transpired, shall be removed from the Dispatch Tow Rotation List.

Violation Appeal:

Any wrecker company who feels that it has been wrongfully suspended or moved from the Dispatch Tow Rotation List shall have the right to appeal its case to the Barbour County Commission for a public hearing.

Wrecker companies wishing to appeal such cases must make their intentions known by notifying the Barbour County Commission Office, 26 N Main, Philippi, WV 26416, by certified letter, return receipt requested, and/or email to barbcomm@barbourcountywv.org within ten (10) business days of the start of the suspension or removal.

Liabilities:

1. Barbour County 911 Commination Center shall assume no liability for the type of wrecker and/or equipment that is requested from the scene.
2. The Barbour County Commission, Barbour County 911 Communication Center, or any emergency services agency utilizing this rotation policy shall assume no liability for wrecker requests where the vehicle(s) has already left the scene.
3. The Barbour County Commission, Barbour County 911 Communication Center, or any other emergency services agency will not be held responsible for any charges imposed by the wrecker service or any damage caused to the vehicle by the wrecker operator.
4. The Barbour County Commission, Barbour County 911 Communication Center, and/or any other emergency services agency will not be held responsible for charges imposed by the wrecker service where their response has been requested utilizing the rotation list and the owner/operator refuses their service and/or has contacted another wrecker service without notification to the officer or 911 Communication Center.

Reviewed by Attorney for Barbour County Commission

Johnnie Brown
c/o Barbour County Commission

Accepted and Approved by the Barbour County Commission this _____ day of _____ 2021.

Susie Cvechko
Commission President

Jamie Carpenter
Commission

David Strait
Commission

Cory Cox
Barbour County 911 Director