

# Preston County, WV

## 911 Wrecker and Tow Rotation Policy

### **Purpose:**

It is the policy of the Preston County Commission (Commission) to dispatch wrecker companies in a safe, efficient and equitable manner. The primary responsibility of the Preston 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.

The call rotation policy shall be construed as the E911 Center's internal operating policy with voluntary compliance by participating wrecker service providers, and in no way limits the discretion of law enforcement officers or fire department personnel to manage an incident scene in the manner deemed appropriate under the circumstances by the first responder agency.

### **Authority:**

Pursuant to WV Code 24-6-12, the Commission hereby promulgates the following regulations for the dispatch of wrecker companies in Preston 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 January 1, 2025 at 12:00am.

### **Definitions:**

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

- I. **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 of 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.
4. **Call-jumping** means any practice of arriving at an incident scene without being summoned there by an E911 dispatcher, law enforcement officer, or other first responder representative or vehicle owner or operator.

### **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 Preston 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 within the State of West Virginia and at their physical location in Preston County, WV; be in good standing with the Public Service Commission and Preston County Agencies; and agree to comply with the requirements set forth in this policy.

### **Tow Rotation Participation:**

Submit legible copies of all required documents. Such documentation is due by July 31<sup>st</sup> of each year and includes:

1. A list of all vehicles and equipment to be used while responding to calls.
2. A list of all wrecker operators, including a copy of their driver's license.  
Driver's license must be Class D or appropriate class CDL.
3. Copy of WV Business Registration Certificate.
4. Proof of Insurance for each wrecker vehicle.
5. Copy of each vehicle registration card.

6. Copy of non-expired PSC Cab Card.
7. Physical Address of business and contact numbers for office.
8. Signed annual application.

The Preston County E911 Center and/or Preston County Commission will review documentation to determine if the wrecker service qualifies to be placed on the dispatch tow rotation list.

All applicants will be formally notified of the decision to place them on the rotation by certified mail or email.

Any wrecker service on E911 rotation may request a review of the Preston County Tow Rotation Policy, annually. Requests will be made in writing to the Preston County Commission to be further reviewed by the Preston County Commission and the Preston County E911 Advisory Board.

### **Physical Location:**

The wrecker service must maintain a physical location within the geographical boundaries of Preston 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 Preston 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, unless no tow service is located in that fire department area or adjoining area.
3. Upon initial tow application, a site inspection will be required to confirm compliance with this policy. The site inspection may be performed by a representative of the Preston County Commission and/or its agent including a representative of the Office of Prosecuting Attorney to ensure compliance with this policy. Random inspections may be performed to ensure continued

compliance with this policy.

### **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 9.6.9, WV Code 17-23-4 and 5, and the following:
  - a. Have ability to store a minimum of two (2) vehicles in-doors for law enforcement investigations, fatalities, etc. Only one indoor storage facility is required by each tow agency, if they have multiple locations.
  - b. Storage Facility shall be within Preston 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.
  - f. All evidence stored must be monitored by video surveillance.

### **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. Existing operators will be exempt from having both a rollback and a wrecker.

#### **Rollback Wrecker**

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

1. §150- 9-6.8.4.a. - 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. §150- 9-6.8.4.b. - One (1) hydraulic winch of not less than four (4) tons capacity.
3. §150- 9-6.8.4.c. - 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. §150- 9-6.8.1.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. §150- 9-6.8.1.b - At least 100 feet (with a tolerance of twenty-five percent [25%]) of 3/8" diameter cable attached to the wrecker winch.
  3. §150- 9-6.8.1.c.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, per §150- 9-6.7.
    - 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. All wreckers shall have the company name and telephone number clearly displayed on the driver side and passenger side doors.
3. Towing companies shall not have correspondence on its vehicles or building that implies any official relationship between the wrecker service/operator and the Preston County Commission or E911.
4. 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 Preston County Commission or Preston County E911 Communication Center within ten (10) business days of the time the change took place or went into effect.

### **Dispatch Tow Rotation List:**

Preston County E911 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 Preston County E911 Center with two (2) points 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.

1. Wrecker services will be put on a rotation for the fire department area in which the wrecker service has an established place of business.
2. Wrecker services will also be put on the rotation list for all surrounding fire department areas that, in normal weather conditions, will have less than a thirty (30) minute response time from the place of business to the farthest point in the surrounding fire departments' areas, as determined by Preston County E911 personnel.
3. Wrecker services on the rotation list shall supply the Preston County E911 Center with a primary and a secondary public service number by which they may be reached.

### **Call Allocation:**

The Preston County E911 Communication Center will be the primary dispatching agency for all law enforcement agencies, fire departments, and emergency

medical agencies within Preston County. Wrecker and towing logs will be maintained by the E911 Center including each call for service, the tow service to which it was given, vehicle holds, and any failures to respond from tow services. If the rotation is not used, the dispatcher shall document in additional comments, a succinct reason for not using the rotation. If the call is refused, by the tow service, E911 will document the reason why.

1. The rotation list for each geographic region and category shall be maintained at the E911 Communication Center by use of the Computer Aided Dispatching System (CAD). 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 or Incident Commander on the scene shall advise the E911 Center of the necessary information required to contact the appropriate wrecker service. This includes, but not limited to: owner's preference, 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, fire department, EMS provider or E911 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. E911 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 dispatch has completed attempts to all companies in the geographic rotation and no one responded, dispatch will restart calls to companies in the same geographic rotation for a second full rotation. If still no response, then dispatch will immediately attempt contact with the next tow company on the opposite geographic rotation.
2. Certain emergency situations may require the immediate notification of the closest wrecker service to the scene of an incident. If the Incident Commander feels that a wrecker may be necessary to prevent loss of life, they have the right to contact the closest wrecker service and do not have to utilize the rotation list.
3. If a wrecker service is dispatched and then cancelled while en route, that company will maintain their spot on the list.
4. Calls made directly to the E911 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 E911 dispatcher to the requested service, nor will rotation be utilized.
5. No wrecker will be dispatched until a first responder, with jurisdiction, has arrived on scene to survey the need.
6. The Preston County E911 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 or Incident Commander shall advise the E911 Center of such and indicate "per owner's request". If the specified service is not available, the E911 Center shall advise the officer, and the rotation list shall be utilized. An owner's request may be denied in situations where matters of public safety dictate immediate action by the closest available service.

### **Responding to Calls and Responsibilities:**

1. Wrecker companies must be able to respond to scene within 45 minutes including on weekends and holidays. *The only exception is*

*adverse weather conditions.*

2. The wrecker company shall advise Preston County E911 Center an estimated response time.
3. The tow company may not assign, transfer, pledge, surrender, or otherwise encumber or dispose of its place on the rotation list. Upon arrival at the scene, however, a tow company may contact other agencies for assistance as needed.
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 Preston County E911 Center. The tow company shall provide dates and times of when they will be out of service and when they are back in service. Preston County E911 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 a request from a vehicle owner regarding any accident within Preston 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 Preston County E911 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 or the Incident Commander. 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. Law enforcement and/or fire department personnel are in charge of the incident scene. Unneeded units will vacate the scene for safety or scene management purposes, with or without providing a service, if so directed by the law enforcement or fire department officer.
9. 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.

10. When a vehicle is released at the scene by the investigating officer, the wrecker service shall tow it to a location at the owner's request that is agreed upon by the towing company. If the owner is absent or is incapacitated, the wrecker service shall tow the vehicle to its storage area for safekeeping.
11. The vehicle owner/operator is responsible for payment of all charges imposed by the wrecker service.
12. 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 Preston County E911 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. Any complaint involving WV PSC rules or regulations must be directed to the WV Public Service Commission, following their procedures.

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.
6. Complaints must be submitted within seven (7) days of the occurrence by mail to 300 Rich Wolfe Drive, Kingwood, WV 26537 or email at [jwolfe@preston911.com](mailto:jwolfe@preston911.com). The complaint will be investigated and reviewed by Preston County Commission, Preston County E911, and the involved tow company, in a timely manner.

## Violation to the Preston County 911 Wrecker and Towing Rotation Policy

**First Offense:** written warning, that will be placed in the offending service's file at the Preston County E911 Center at 300 Rich Wolfe Drive, Kingwood, WV 26537.

**Second Offense:** within a six (6) month period, towing company will be removed from the Dispatch E911 Tow Rotation policy for thirty (30) days.

**Third Offense:** within a six (6) month period, towing company will be removed from the E911 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 an appropriate time frame of 45 minutes. *With the exception of adverse weather conditions.* Allotment of three (3) times within 365 days, without reasonable justification.
2. Acknowledging calls from dispatch and refusing. Allotment of three (3) times within 30 days, without reasonable justification.
3. Dishonesty in regards to the Dispatch Tow Rotation Policy.
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. Abusive conduct on scene or towards first responders, dispatchers, or customers.
8. Failure to respond to requests for information and/or failing to cooperate with investigations within a specified time frame.
9. Failure to cleanup of the accident scene within reason, 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.
10. Call-jumping. Allotment of two (2) times within 365 days, without reasonable justification.
11. Responding to a tow call for service while driving in a reckless manner.
12. 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. If the Incident Commander/law enforcement is not on scene when the wrecker operator arrives, a wrecker operator shall call or radio dispatch prior to the removal of any vehicle to obtain instruction from the Incident Commander/law enforcement; failure to do so will result in immediate removal from the rotation list.
  - 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 Preston County E911.
  - f. Not ensuring the safety of the client. Abandoning the client under adverse conditions.
13. The Preston County Commission reserves the right to remove any wrecker service from the rotation list at any time during the Commission's review period of a formal complaint against said service. The Complaint procedure is outlined on page ten (10) of this document. All correspondence for revocations from the Dispatch Tow Rotation will be handled via certified mail. This policy does not create a contract between the wrecker service and the Preston 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 Preston County Commission for a public hearing.

Wrecker companies wishing to appeal such cases must make their intentions known by notifying the Preston County Commission Office, 106 W. Main St., Ste. 202, Kingwood, WV 26537 by certified letter, return receipt requested, and/or email to [jwolfe@preston911.com](mailto:jwolfe@preston911.com) within ten (10) business days of the start of the suspension or removal.

**Liabilities:**

1. Preston County E911 Center assumes no liability for the type of wrecker and/or equipment that is requested from the scene.
2. The Preston County Commission, Preston County E911 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 Preston County Commission, Preston County E911 Center, or any other emergency services agency is not responsible for any charges imposed by the wrecker service or any damage caused to the vehicle by the wrecker operator.
4. The Preston County Commission, Preston County E911 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 Center.

I, \_\_\_\_\_, have received and reviewed the Preston County, WV 911 Wrecker and Tow Rotation Policy.

\_\_\_\_\_  
Tow Company Representative

\_\_\_\_\_  
Date