

BAY AREA FREEWAY SERVICE PATROL

OPERATOR'S MANUAL



*(Revised 6/08)*

## FOREWORD

The purpose of this Freeway Service Patrol Standard Operating Procedures (SOP) Manual is to consolidate the Driver's Manual and all subsequent updates to provide a comprehensive manual. It is intended to provide Freeway Service Patrol (FSP) operators in the Bay Area a better understanding of the rules, policies and regulations of the FSP program. Not all situations arising in the FSP program will be covered in this manual; therefore, good judgment should always prevail.

The California Highway Patrol's primary role in the FSP program is to oversee training and operations. CHP officers assigned to the FSP unit are directly responsible for the field supervision of FSP operators. The officers' duties include: conducting background checks of prospective FSP drivers, providing initial and refresher training, carrying out random and planned tow inspections, conducting ride-along, evaluating the drivers and investigating complaints. Additionally, the CHP is responsible for dispatching FSP trucks from the CHP Golden Gate Communications Center (GGCC).

This document is referred to in the contract signed by tow contractors to provide FSP service. As such, it is a part of the contract, and it is the contractors' (and their FSP operators) responsibility to see that these procedures are followed.

This document makes reference to drivers, FSP drivers, operators, and FSP operators. For the purpose of enforcement of FSP policies, these terms are synonymous. They refer to any employee who is on FSP duty and providing services from an FSP service vehicle.

This document also makes reference to supervisors and FSP supervisors. For the purpose of enforcement of FSP policies, these terms are synonymous and shall mean an officer or sergeant with the California Highway Patrol who is assigned to the FSP program.

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## CHAPTER 1

### OVERVIEW OF FREEWAY SERVICE PATROL PROGRAM

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#### 1. WHY A FREEWAY SERVICE PATROL PROGRAM?

- A. Studies have shown that over 50 percent of traffic congestion is a result of accidents and stalls. Quickly clearing such incidents cuts down on traffic jams. Prompt clearing of the roadway reduces accidents caused by people trying to avoid the original traffic jam and accidents caused by those slowing to observe the accident scene. The keys to maintaining maximum capacity is getting closed lanes open and vehicles off the freeway as quickly as possible.
- B. The purpose of the Freeway Service Patrol is to provide congestion relief, improve safety and air quality, and reduce fuel consumption by rapidly clearing incidents.

#### 2. SCOPE OF PROGRAM

- A. The Freeway Service Patrol (FSP) is a joint project of the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (MTC SAFE), the California Department of Transportation (CalTrans), and the California Highway Patrol (CHP).
- B. Private tow truck companies are under contract to MTC SAFE to provide continuous patrol service during morning and evening commute hours on designated portions of the Bay Area's most congested roadways. Additional services are provided in construction areas.
- C. FSP drivers provide on-the-spot help to motorists free of any charges or tips. Drivers may jump start cars, provide a gallon of gas, refill radiators, tape hoses or provide other quick fixes to put the motorist back on the road.
- D. If a tow operator is unable to get a vehicle running within 10 minutes, he/she should tow the vehicle to a designated drop location where additional assistance can be requested.
- E. All FSP operators are required to be trained and proficient in towing operations and use of towing equipment prior to coming to the CHP Proficiency and Certification Class. The potential driver shall ride-along with an experienced FSP driver for an entire morning and evening shift prior to class. FSP operators are required to perform services described within this SOP, in a safe and efficient manner. Those operators found to demonstrate deficient towing skills during the proficiency testing or during any subsequent period shall be removed from the program by the CHP, acting on behalf of the FSP partners, until their proficiency is satisfactory.**
- F. FSP drivers also may be called upon to provide assistance in removing vehicles involved in collisions, tagging abandoned vehicles, removing debris from roadways, or assisting with other incidents as directed by the California Highway Patrol.

CHAPTER 2  
PROFESSIONALISM

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1. DEMEANOR/COURTESY

- A. FSP drivers are professionals who represent not only their employer, but also MTC SAFE, CalTrans, and the CHP. An essential element of this public service is an operator's demeanor. For this reason, operators shall approach the public with courtesy, an air of professionalism, and in a business-like manner. Accordingly, the words "sir" and "ma'am" should be used when addressing the public. Caution must be utilized when the motorist's gender is not clearly recognized.
- B. Drivers shall conduct themselves in a professional, courteous and efficient manner at all times. This professional conduct is applicable while dealing with anyone while on FSP duty, including other tow operators. Upon contact with a motorist, the FSP driver shall explain the program and offer assistance. A motorist is not obligated to accept any assistance.

To avoid being misunderstood or misquoted, and to facilitate the timely removal of vehicles, operators should keep their conversations limited to the task of protecting motorists from identifiable hazards and quickly removing their vehicles to a safer environment. Some motorists contacted may not be in a good mood due to their situation and/or their vehicle's condition. Attempting to initiate unneeded discussion, **such as religious or political conversations**, may further upset them. In addition, operators shall not attempt to solicit or initiate any social contacts with motorists they assist. For example, asking a motorist if he/she is married or has a significant other is inappropriate conversation. Operators shall not solicit addresses or telephone numbers for personal use. Operators shall, however, attempt to answer any questions pertaining to the program that are presented to them by the motorist.

- C. FSP operators shall not use offensive language, smoke, chew tobacco, eat or drink, or have toothpicks or other items in their mouths, while in contact with motorists.

When stopping to help a motorist, FSP personnel shall initiate contact as soon as it is safe to do so. Motorists should never be made to wait for assistance while the tow operator is involved in other task inside the tow truck.

- D. Always maintain a calm attitude. FSP operators will often be the first to encounter or respond to a traffic collision. The motorist will expect the FSP driver to initiate proper emergency and police assistance. Knowledge of proper procedures will enable FSP operators to handle a collision scene calmly and efficiently.

- E. FSP DRIVERS SHALL NOT REFER A MOTORIST TO ANY GARAGE, PRIVATE TOW SERVICE, SERVICE STATION OR MECHANIC. The referral to or recommendation of any private business may result in immediate termination of the driver from the program and may jeopardize his/her employer's contract.
- F. FSP DRIVERS SHALL NOT REFER ANY ACCIDENT VICTIM TO ANY LEGAL SERVICE OR MEDICAL FACILITY.
- G. The Freeway Service Patrol provides services to the public free of any charges or tips. The entire program is paid for by public funds and NO TIPS OR ANY OTHER GRATUITIES OF ANY KIND, WILL BE ACCEPTED. If a driver is placed in a position where the acceptance of a gratuity is unavoidable, an FSP supervisor shall be notified and the driver shall document the incident. All gratuities shall be turned over to MTC SAFE for distribution to charitable organizations.
- H. Advertisements, **religious paraphernalia**, or political statements, of any kind, are forbidden from being displayed on any FSP vehicle unless prior approval has been obtained from the MTC SAFE, CHP, and CalTrans.

## 2. ABILITY TO READ AND COMMUNICATE CLEARLY ON RADIO

In emergency situations, it is critical that FSP operators be able to clearly relay information to CHP dispatchers so that the CHP can make rapid assessments of what is needed at the scene. Whether this information is provided by voice radio or via text on computer screens, CHP dispatchers must be able to understand the FSP operator. In addition, the operator must be able to read street signs in order to provide the CHP with accurate location and information.

- A. Due to the safety reasons listed above, persons who cannot clearly communicate with the CHP dispatch center in the English language shall be prohibited from working in the FSP program.
- B. Due to safety reasons listed above, persons who can not read the English language at a rate whereby they can quickly read street signs while driving a vehicle shall be prohibited from working in the FSP program.

## 3. UNIFORM REQUIREMENTS

- A. Uniform and grooming requirements will be strictly enforced. Failure to meet uniform or grooming standards may result in the driver being taken out of service and the contractor fined. Continued violations of the uniform or grooming requirements may result in the dismissal of the driver from the FSP program. FSP drivers shall be in an authorized uniform at all times during FSP hours. If a driver is out of uniform or is wearing an unauthorized uniform, that driver will be removed from service.

- B. No driver shall wear the FSP uniform at any time other than FSP hours. IN NO EVENT SHALL AN FSP DRIVER WEAR AN FSP UNIFORM WHILE PERFORMING ANY TOW SERVICE OUTSIDE OF THE FSP PROGRAM. The FSP uniform shall be removed as promptly as possible following the termination of FSP hours. The FSP uniform may be worn to FSP training sessions, but in such cases, only the approved FSP cap shall be worn.
- C. Uniforms shall not be worn unbuttoned or unzipped. If a two-piece uniform is worn, the shirt shall be tucked into the trousers. When long sleeved shirts are worn, sleeves may be rolled up only for that period of time required by a specific job performance.
- D. Tow contractors shall supply each full time driver (i.e., any driver working 30 or more hours per week) with five (5) sets of uniforms. The uniform shall either be a navy-blue jumpsuit or navy-blue shirt and pants and shall have lime green and reflective tape on both sleeve and leg cuffs, and across the upper back. Additionally, the contractor shall provide each FSP driver with yellow, three-piece rain gear. The rain gear shall consist of trousers, coat, and a detachable hood. All rain gear shall also have reflective tape on both sleeve and leg cuffs, and across the upper back. All rain gear shall fit the individual FSP operator so as not to restrict his/her ability to move freely. The uniform shall meet the specifications as described in ANNEX A.
- E. Operators shall wear black boots with protective steel toes and oil-resistant soles. The boots must be of a minimum ankle height. No other footwear is acceptable. The acquisition of work boots is the individual employee's responsibility. Boots do not have to be supplied by the contractor. The boots shall be replaced when there is any part of the steel showing, the soles are separated from the uppers, or there is any other defect.
- F. One navy blue baseball cap with the Freeway Service Patrol logo will be provided to each new employee. Subsequent replacement caps will be purchased by the employee. These caps may be worn at the driver's discretion. FSP baseball caps are to be worn with the FSP logo/bill facing forward. On specified beats, hard hats may be required. No other headgear shall be worn.
- G. Drivers shall start each day with a clean, well-maintained uniform. Examples of uniform violations include: torn uniforms, torn/missing patches, non-steel-toed boots, improper placement of patches, unauthorized hat, torn/faded/missing reflective tape, etc.
- H. During inclement weather, a navy-blue or white T-shirt/undershirt may be worn under the uniform shirt. No other color shall be worn. Sweatshirts/sweaters (navy blue or white only) are acceptable and shall be tight fitting so they will not hinder job duties. If garments have hoods, the hoods shall not be worn. A navy blue or black watch cap (knit cap) may be worn. The watch cap shall not have any logos on it. Rubber steel-toed boots will be allowed as an option during inclement weather. A navy blue jacket may be worn as outerwear, providing the jacket meets all the uniform specifications (logo, reflective tape, etc). No other outerwear is acceptable.

- I. Each driver will be issued a “smart” identification card. The smart card must be in his/her possession during FSP operations and visible to the motorist while the driver is rendering service. Additionally, a California driver’s license and DL-64 shall be in the driver’s possession during FSP operations. This ID card shall be presented to any individual requesting to see FSP identification.
- J. No FSP operator shall be on FSP duty without displaying an appropriate nametag. Nametags may be made of metal, plastic or cloth and shall include the first initial of the operator’s first name and his/her full last name. Showing the full first name is also permissible. Nametags shall be attached at the top of chest pockets and shall be clearly visible.

#### 4. GROOMING AND PERSONAL APPEARANCE STANDARD

- A. Operators will maintain a well-groomed appearance at all times. Drivers shall be clean when they begin their shifts. This includes both uniforms and bodies. Obtrusive odors, whether they be body odors or others, such as fuel odors, are offensive to motorists. Drivers will either be clean-shaven or present neatly trimmed beards and/or mustaches. Hair will be clean and neat. Long hair is discouraged. If hair is long, it shall be worn pulled back in a ponytail. Ponytails shall not be tied with multi-colored ribbons. Hair that is dyed/colored in any unusual manner (multiple colors, non-standard colors, e.g., green, yellow, purple, fluorescent, etc.) is forbidden. Additionally, no ornamental ties (beads, elaborate leather ties, shells, etc.) will be utilized for securing hair. Ponytails that are of a length such that in the opinion of the CHP are unsafe while working around operating automobile engines shall be forbidden. Fingernails shall be kept short. For safety reasons, work gloves are recommended when servicing vehicles.
- B. In order to ensure a professional appearance for all FSP operators, all tattoos that are potentially offensive or disturbing to motorists must be concealed by operators while working. For example, any tattoo that is satanic, racist, threatening, street-gang related or sexually explicit will be deemed potentially offensive or disturbing to motorists. All FSP tow operators will be required to conceal any tattoos of this nature with gloves, collars, long sleeves, or by other means acceptable to the CHP. The display of any facial tattoos is prohibited. If there are any questions regarding which tattoos are potentially offensive, clarification/authorization may be obtained by contacting CHP personnel in the FSP unit.

- C. Operators shall not wear any unusual jewelry. Jewelry, of any type, worn around the neck shall remain under the shirt. This includes religious accouterments. Rings displaying any affiliation with any satanic, racist, sexually explicit, gang-related, or other potentially offensive groups or beliefs shall not be worn while on FSP duty. No rings, studs, or any other accouterments will be worn in the nose, tongue, or eyebrow. Earrings shall be limited to small stud type earrings that are no larger than 1/8 inch in diameter at their widest points. No parts of the earring may protrude around or below the ear lobe. No more than one stud will be allowed in or on each ear lobe. Due to the possibility of serious burns caused while working with electrical sources associated with motor vehicles, it is highly recommended that FSP personnel wear no finger rings and that they wear only non-metallic watchbands. Operators may, however, wear necessary medical alert bracelets. The approval of specific jewelry shall be handled by the CHP on a case-by-case basis, but it shall be the CHPS' policy to minimize the wearing of jewelry for safety reasons and in order to uphold a professional image.

## **5. DRIVER OF THE QUARTER AWARD**

- A. Each quarter an outstanding driver will be selected for the "Driver of the Quarter" award. The selected driver will be awarded a polo shirt indicating "Driver of the Quarter". In addition, selected drivers will be given a "Driver of the Quarter" award certificate.
- B. The selection of the "Driver of the Quarter" award will be made from drivers nominated by contractors, CHP supervisors and FSP partners. CHP supervisors, with input from MTC SAFE and CalTrans, will select the award recipient. The selection will be based on field evaluation regarding the driver's appearance, performance, professional conduct, and favorable comments received from motorist survey forms or letters and emails. CHP, MTC SAFE or CalTrans personnel may also nominate drivers for this award.
- C. The nominations for "Driver of the Quarter" must be submitted to the CHP no later than the second Tuesday of the quarter following the quarter for which the driver is nominated. Any nominations received after that date will not be accepted.

## CHAPTER 3

### FREEWAY SERVICE PATROL DRIVER RESPONSIBILITIES

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#### 1. LIABILITY

- A. Drivers can be held civilly liable if they perform any acts that are outside the scope of their duties or employment. They may also be held liable for failing to act as is required by these policies.

#### 2. PEACE OFFICER ORDERS

- A. FSP OPERATORS MUST OBEY ALL PEACE OFFICER ORDERS. THE PEACE OFFICER DOES NOT HAVE TO BE A CALIFORNIA HIGHWAY PATROL OFFICER. If a peace officer orders an FSP operator to do something, the FSP operator shall comply with the orders. The orders take precedence over policies listed in this document. FSP employees shall document all incidents whereby they are ordered by a peace officer to perform duties outside of conduct normally permitted by this document.

#### 3. NO PEACE OFFICER POWERS

- A. FSP drivers **do not** have any peace officer powers. A tow operator's duty is to patrol freeways to relieve congestion, not police them. FSP operators shall not become involved in enforcement contacts and/or pursuits unless specifically requested to do so by an officer. They should be good witnesses, not police officers. FSP drivers shall not attempt apprehension of any suspected violators.
- B. CHP shall be notified of any significant criminal activity or suspected intoxicated motorists observed. Observations of minor traffic infractions need **not** be reported (examples of minor infractions: routine speeding vehicles, passing on the shoulder in congested traffic, following too closely, smoking vehicles, etc.). Good judgment must be utilized. If an extremely hazardous condition exists, report it.

#### 4. ALCOHOL AND/OR DRUGS

- A. THE USE OF ALCOHOL AND/OR DRUGS WHILE IN SERVICE IS ABSOLUTELY FORBIDDEN. ANY DRIVER FOUND TO BE UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL WILL BE IMMEDIATELY TERMINATED FROM THE PROGRAM AND WILL FACE CRIMINAL PROSECUTION.
- B. DRIVERS SHALL NOT BE ON DUTY WHILE HAVING THE ODOR OF AN ALCOHOLIC BEVERAGE ON THEIR BREATH OR PERSON. DRIVERS FOUND TO HAVE THE ODOR OF AN ALCOHOLIC BEVERAGE ON THEIR BREATHS OR PERSONS SHALL BE IMMEDIATELY REMOVED FROM DUTY. PENALTIES FOR BEING ON FSP DUTY WHILE SMELLING OF AN ALCOHOLIC BEVERAGE WILL BE HANDLED ON A CASE-BY-CASE BASIS, DEPENDING ON THE FACTS OF EACH INCIDENT. THE PENALTY MAY INCLUDE TERMINATION FROM THE PROGRAM.
- 1) Whenever any employee is removed from FSP duty by the CHP for having the odor of an alcoholic beverage on his/her breath or person, that employee shall be offered the opportunity to voluntarily submit to a breath test on a CHP Pre Alcohol Screen (PAS) device to measure the alcohol level of his/her breath.
  - 2) If an employee is removed from FSP duty by the CHP for having the odor of an alcoholic beverage on his/her breath or person, the contractor responsible for that employee shall be immediately contacted by the CHP and a request will be made for the contractor or the contractor's supervisor to respond to the scene.
  - 3) These requirements shall only be applicable in those cases where an employee is not believed to be under the influence of alcohol and is being removed from duty due only to the odor of an alcoholic beverage on his/her breath or person. Drivers believed to be under the influence of alcohol shall be arrested by the CHP and the arrest, blood alcohol testing, and booking shall be handled as required by law.
- C. DRIVERS FOUND TO BE IN POSSESSION OF ILLEGAL DRUGS WHILE ON DUTY WILL BE CHARGED WITH ALL APPLICABLE VIOLATIONS OF LAW AND IMMEDIATELY TERMINATED FROM THE PROGRAM.
- D. IF ANY FSP OPERATOR IS ARRESTED, WHILE OFF DUTY, FOR ANY ALCOHOL AND/OR DRUG-RELATED OFFENSE(S), HE/SHE IS REQUIRED TO NOTIFY HIS/HER CONTRACTOR IMMEDIATELY. FAILURE TO DO SO WILL RESULT IN A SUSPENSION AND/OR TERMINATION FROM THE FSP PROGRAM. **FURTHERMORE, THE CONTRACTOR SHALL NOTIFY THE FSP SERGEANT OF THE ARREST.**

## 5. IMPLEMENTATION OF SUBSTANCE ABUSE POLICY

- A. The Freeway Service Patrol program is dedicated to providing safe and efficient service to the public. Because of the nature of our work, this program has a **zero tolerance** for substance abuse. Freeway Service Patrol operators/drivers are prohibited from using, selling, possessing, distributing, or being under the influence of a controlled substance or alcohol while on duty or driving an FSP vehicle to and from duty.
- B. It is the contractor's responsibility to comply with all applicable federal, state, and local law and regulations pertaining to a drug and alcohol free workplace. Each FSP Contractor will implement and maintain an Alcohol and Substance Abuse Policy, while working in the FSP Program.
  - 1) Written substance-abuse policies and complete records pertaining to the implementation of the policy shall be maintained by the contractor for the duration of each contract.
  - 2) All records shall be subject to unannounced inspection by the California Highway Patrol at any time.
  - 3) All positive test results of drivers shall be immediately reported to the California Highway Patrol.

### C. POST-ACCIDENT SUBSTANCE-ABUSE TESTING:

- 1) Since the California Highway Patrol and many other police departments often do not issue citations at the scenes of traffic collisions, the following minimal testing requirements shall apply to all FSP operators. Whether a citation was issued or not does not effect this requirement. The employer shall test for alcohol and controlled substances if:
  - 2) An on-duty FSP employee is involved in a collision resulting in a death and there is reasonable cause to believe the employee may have caused the collision or contributed to the cause of the collision.
  - 3) An on-duty FSP employee is involved in a collision resulting in serious injuries that require immediate transportation to a hospital or other source of medical aid and there is reasonable cause to believe the employee may have caused the collision or contributed to the cause of the collision.
- 4) Contractors may have further testing requirements, as they determine appropriate for their operations, but contractors shall have their policies in writing and those policies shall be reviewed with all affected employees.

- 5) This policy shall not be interpreted as requiring the contractor to retain employees testing positive for alcohol or controlled substances, if the contractor has a written policy requiring the employee's termination of employment in such cases.
- 6) Those employees terminated from working for a contractor for positive substance abuse tests shall be forbidden to work for any other FSP contractor in the FSP program for a minimum of one year, unless the employee can pass the pre-employment testing and agree to submit to all of the conditions required in this section. The one-year moratorium will begin on the date the sample for the testing was obtained.

#### D. PENALTY

Failure to comply with the requirements or further requirements listed in this document will be handled on a case-by-case basis and may result in fines to the contractor, suspension, and/or termination from the FSP program.

#### 6. SMOKING

Smoking in FSP vehicles is highly discouraged. Vehicles should not only be clean at all times but also not smell like ashtrays. DRIVERS SHALL NOT SMOKE IN THE VEHICLE WHILE TRANSPORTING ANY PASSENGER.

#### 7. SLEEPING WHILE IN OR AROUND AN FSP SERVICE VEHICLE

FSP personnel shall not sleep while on or off duty in a service vehicle displaying the FSP signs. This prohibition is applicable to rest breaks and lunch periods. Sleeping is not permitted at any time during a shift. If an operator is fatigued to the point of needing sleep during his/her work shift, they should not be working on the roadways. For the purpose of this section, sleeping is defined as actually sleeping or presenting the appearance that one is asleep.

## 8. HONESTY AND TRUTHFULNESS

It is imperative that all FSP employees be honest and truthful regarding all aspects of FSP operations. Operators shall provide truthful information to CHP dispatchers, CHP officers, and their employers whether it is by voice radio, RANGER, in person, and/or by written document. **Any violations** will be handled on a case by case-basis-based on the facts available.

## 9. PATROL RESPONSIBILITY

- A. Before each FSP shift, all operators shall inspect the truck's equipment and complete the Equipment Inspection Report. This report shall be forwarded to the contractor every week. The report shall be kept in the contractor's office and made available for inspection by FSP staff.
- B. FSP drivers shall record the complete odometer reading (starting mileage) on their vehicle at the beginning of their shift and the complete odometer reading (ending mileage) on their vehicle at the end of their shift. These records shall be listed on the driver's summary report (no exceptions). In those cases where the driver may drive more than one service vehicle, an explanation shall be recorded in the narrative portion of the daily activity log.
- C. FSP drivers shall patrol their beat continuously. Parking in one specific location and waiting to be dispatched to an incident is a violation of policy. The success of the program depends on how quickly an incident is detected. An FSP driver may encounter and assist a disabled motorist before dispatch receives a call. Drivers shall also check on and off-ramps and transition roads for disabled motorists.
- D. It is recommended that tow operators patrol in the slow lane. Most incidents encountered will be on the right shoulder. Drivers shall not drive at speeds in excess of the speed limits and shall not drive faster than that speed which is safe. The safe speed may be much less than the posted speed limit due to prevailing conditions (e.g., rain, flooding, heavy traffic, frosty roadways, etc.). Drivers should always maintain a high visual horizon while on patrol.
- E. FSP drivers are not exempt from traffic laws. **FSP PERSONNEL MUST OBEY ALL LAWS. At no time shall an FSP operator become engaged in any verbal or physical altercation with a motorist.** Driving on the shoulder, in the center divider, or in the high-occupancy lane (diamond lane) is not allowed unless permission has been granted by an officer. If permission is granted to drive on the shoulder or in the median area, drivers will proceed at a speed no greater than 15 mph.

- F. FSP personnel working on the same beat or in the same area are encouraged to assist each other and emergency personnel whenever possible. However, FSP units shall not remain at the scene of any incident any longer than they are needed. When one FSP unit can handle an incident, additional FSP units may stop to offer assistance. Subsequent FSP units, however, shall leave the scene of the incident as soon as it can be determined their presence is not requested or needed. This is particularly applicable at the scene of collisions. FSP response and assistance at the scene appreciated by emergency personnel, but drivers **shall quickly** leave the scene when no longer needed. Remaining at accident scenes to merely observe is not acceptable.

## 10. CONTACTS OUTSIDE OF ASSIGNED BEAT

- A. FSP tow operators may be dispatched to incidents outside of their normal beats if the need is present. This will normally only occur when it involves an emergency or the unavailability of other tows. This practice shall be monitored and controlled so as to be kept at a minimum. No FSP driver shall respond to any incidents outside of their assigned beats without prior approval from a CHP field supervisor.
- B. FSP operators shall not routinely patrol areas beyond their assigned beats. They are expected to turn around at the end of the assigned beat. In those cases where an FSP operator is outside of his/her assigned beat and encounters an incident where a motorist's safety is in jeopardy (in the case of a collision, if the breakdown occurs in a traffic lane, or if a school bus or elderly person is involved, etc.), the FSP operator shall proceed to handle the situation as if it were on his/her assigned beat. Other tows, such as CalTrans bridge tows, are expected to operate in the same manner. When an FSP operator encounters another tow operator attempting to handle a situation where there are motorist safety issues involved, the FSP operator shall offer his/her assistance. If no assistance is needed, the FSP operator shall leave the scene and the original tow assisting the motorist will be expected to complete the assist.

FSP operators shall avoid conflicts with other tow operators. The motorist's safety takes precedence over all tow boundary issues. Conflicts shall be reported to an FSP supervisor. Conflicts, arguments or other displays of unprofessional conduct in the presence of motorists will not be tolerated.

- C. When a tow driver encounters an accident and/or disabled vehicle blocking the roadway while enroute to and/or from their assigned beat, they should immediately notify Golden Gate Communications Center (GGCC) of their situation and request to go in service or be put back into service. When the driver has finished assisting with the incident, he/she should advise GGCC of his/her status and request approval for overtime earned.

## 11. MOTORIST CONTACTS

- A. While on duty, FSP personnel shall stop and check all vehicles involved in collisions or observed stopped on the shoulders of the roadway (including vehicles appearing to be abandoned) unless the vehicle has been previously tagged with an FSP 422 form or the FSP operator shall ensure that his/her beat partner will check the vehicle or the FSP operator shall advise CHP dispatch of the need for the vehicle to be checked. Additionally, FSP operators shall respond to all incidents to which they are dispatched by the CHP or they shall ensure that CHP dispatch understands that they are not handling the call and somebody else must respond. Driving by stranded motorists and not arranging for someone to respond to the motorist or failing to respond to incidents to which they are dispatched are both very serious violations of FSP policy. The penalties shall always be significant and will be handled on a case-by-case basis. Termination from the FSP program shall always be considered for these failures of FSP duty.
- B. An FSP driver's basic duty to the public is to provide a "quick fix" for a disabled motorist. This may consist of providing a gallon of gas, changing a flat tire, refilling a radiator, and/or similar minor repairs. FSP drivers may attempt minor repairs to the vehicle if it is possible and safe to do so. If a vehicle cannot be repaired within 10 minutes, the driver shall inform the motorist that the vehicle can be towed to a designated drop location where he or she can summon additional assistance (e.g., AAA tow, phone call to repairman, rotation tow, and taxi). Operators shall explain to the motorist that removal from the freeway is for safety reasons and to prevent congestion. FSP operators shall transport the driver of the disabled vehicle that is being towed, to ensure that the driver and the vehicle do not become separated.
- C. Upon initial contact with a disabled motorist, the driver shall identify him or herself as a member of the Freeway Service Patrol. The driver shall provide a brief description of the program, explaining that it is a free service and designed to relieve traffic congestion. If a motorist speaks a foreign language, the operator should utilize the introductory card. The motorist shall then be given an FSP brochure and asked to complete the motorist survey form. The driver shall explain to the motorist that the completion of the form helps to evaluate the effectiveness of the FSP program.

- D. While motorists are not required to accept service, FSP personnel shall always offer their services. FSP operators are required to provide information regarding freeway safety to all stranded motorists. Motorists may request AAA club or other services or elect to handle their situation themselves, but FSP personnel shall still explain the FSP program and offer their assistance. Operators shall be professional and courteous at all times. Remember, we would like the motorist to agree to be moved from the freeway to a safer location. If a motorist refuses FSP service or if the FSP operator leaves the motorist, the operator must inform the motorist of potential hazards and provide freeway safety tips to the motorist. (Safety admonishment given {SAG}). FSP drivers shall notify CHP if a motorist refuses service/tow or if any unusual incident occurs.
- E. When preparing to tow a vehicle, FSP employees shall explain where the vehicle will be taken and what the motorist's options will be once arriving at the drop site. If any motorist requests towing to another site, the tow operator shall contact FSP dispatch and request additional service. Normally, FSP operators can only summon AAA or a rotation tow. Vehicles shall not be towed to any private facilities. The motorist may call for any other service necessary. DRIVERS SHALL NOT LEAVE A MOTORIST STRANDED AT A DROP LOCATION WITHOUT SERVICES AND/OR PHONE. THE MOTORIST (NOT THE VEHICLE) SHOULD BE TRANSPORTED TO THE NEAREST PHONE AT AN OPEN ESTABLISHMENT WHERE BUSINESS IS CONDUCTED. DRIVERS MUST ENSURE THE PHONE IS OPERATIONAL PRIOR TO LEAVING THE DROP SITE. When providing transportation to a female (11-48x), the operator shall by voice, advise of the transportation, advise dispatch of the destination, and give the starting mileage. Upon completion of the detail the FSP driver shall give dispatch the ending mileage.
- F. Operators should employ common sense when leaving motorists at locations off the freeway. MOTORIST SAFETY COMES FIRST. Drivers may stand by with the motorist for a maximum of thirty (30) minutes. If no further assistance arrives and the motorist is uncomfortable about being left alone at a drop location, the CHP shall be contacted.
- G. Usually, motorists shall not be transported from gas stations, restaurants, etc., back to their vehicles. When unusual circumstances dictate the need to return the motorist to his/her vehicle from these locations, permission must be obtained from the CHP.
- H. Drivers shall record all assists and responses on their Daily Shift Record (DSR) form, and turn it in to their contractor at the end of each shift.

## 12. WORK HOURS AND ASSOCIATED REQUIREMENTS

- A. Work hours vary from beat to beat but generally are between 6 a.m. to 10 a.m. and 3 p.m. to 7 p.m. on weekdays. Some beats may have fewer hours or may have continuous all-day coverage.
- B. Drivers shall arrive on their beat at the beginning of their shift, and sign on after their arrival.

- C. Drivers shall remain on their beat until the end of their shift, and sign off while still on their beat, not from the tow yard or any other location off the beat. Contractors will only be paid for the time that their drivers are on the beat.
- D. Each truck shall be clean (inside and out) and properly equipped at the beginning of each shift. This means that the truck is supplied with all required supplies/materials and that it has sufficient fuel to complete a four-hour shift without refueling. Trucks shall be allowed to refuel while on duty so the trucks will be ready for the next scheduled shift, but trucks shall not be refueled during the first hour or the last 30 minutes of their assigned shifts. If supplies need replacing due to usage during the same shift, the driver may leave the beat only for as long as necessary to replace supplies. The driver shall notify dispatch of his/her "temporary out of service" status (10-6, replacing supplies).
- E. Rest breaks may be taken according to the following guidelines: One rest period of 15 minutes is allowed per each three- to four-hour shift. Those drivers who work (Monday-Friday) all-day, weekends and holidays, for 6 or more consecutive hours, are allowed two paid 15 minute breaks, (not to exceed a total of 30 minutes), and a non-paid lunch break of 30 minutes. Only one FSP truck per beat shall be out of service at one time due to a break or lunch break. The lunch break shall not be taken between the hours of 0600-1000 hours or between 1500-1900 hours. Drivers cannot return to their shop early as an option to skipping their break. Rest breaks and lunch breaks cannot be used consecutively resulting in a 30-, 45- or 60-minute break. Drivers shall change their status to "out of service" (10-7) while taking a lunch break or other breaks. Rest breaks shall not be taken on freeways or on- and off-ramps. Breaks shall not be taken during the first hour or last 1/2 hour of the driver's shift.
- F. Restroom breaks are allowed only when necessary and within reason. It is not necessary to advise dispatch (10-7) when stopping for a short time to use the restroom. Restroom breaks shall be taken near the FSP beat.
- G. When a service/detail at the end of a shift requires overtime to complete, the driver must obtain authorization from CHP dispatch for the overtime. Overtime will be authorized in increments of 15 minutes. Each 15-minute extension must be requested by the driver and authorized by the dispatcher. Only the amount of overtime authorized by dispatch will be paid. All pertinent information justifying the need for the overtime shall be documented by the FSP operator in his/her DSR. FSP personnel shall not search for incidents while on overtime.

### 13. DISPLAY OF FSP PLACARDS & LETTERING

- A. Trucks shall display the authorized FSP logo placards on both sides of the service vehicle at all times while engaged in FSP operations. Trucks without proper equipment, including placards, shall be removed from service.
- B. IN NO EVENT SHALL TRUCKS DISPLAY THE FSP LOGO OUTSIDE OF FSP HOURS. As soon as possible, after the end of his/her shift, the driver shall remove the FSP placards. Drivers shall not respond to a rotation call displaying FSP placards.
- C. Rooftop lettering will be provided by MTC SAFE. Optional lettering placed on the trucks, not related to FSP requirements, shall be provided as follows:
  - Color. BLACK is the only color that may be used for lettering.
  - Style. Block lettering only, no shadowing will be allowed. Lettering shall be parallel to the ground.
  - Size. Letter size shall be no smaller than two (2) by two (2) inches and no larger than four (4) by four (4) inches.
  - Location. Lettering shall only be placed on the lower body of the truck toward the cab and on the roof. Lettering/Markings shall not be placed on the boom, at the front of the truck, bumper/fender, or in any other location. Lettering may be placed on the door if covered by the FSP sign during hours of FSP operation.

### 14. SECONDARY TOWS

- A. When an FSP tow truck has assisted a motorist during FSP hours, the driver shall not provide assistance as a secondary tow, such as a rotation tow or owner's request. If a motorist requests a rotation tow for which the contractor of the FSP operator is the next scheduled tow, or if a motorist specifically requests the tow operator's company, the contractor shall send a different truck and driver.

### 15. WEAPONS

- A. FSP OPERATORS SHALL NOT CARRY ANY FIREARMS ON THEIR PERSONS OR IN THE FSP SERVICE VEHICLES. Any FSP operator found to be in possession of a firearm while on FSP duty will be charged with applicable violations of the law and will be terminated from the FSP program. The possession of a permit to carry a concealed weapon does not cancel this prohibition.
- B. FSP OPERATORS SHALL NOT CARRY WEAPONS OF ANY TYPE (MACE, OLEORESIN CAPSICUM "PEPPER" SPRAY, BASEBALL BATS, HUNTING-TYPE KNIVES, SHORT CHAINS, ETC). A folding knife, carried on the belt in a closed pouch (Buck-Knife type), will be permitted, but no fixed blade knives (hunting type knife) are permitted.

## 16. DISQUALIFICATION BASED ON CRIMINAL HISTORY

Criminal history disqualification shall be applicable to all FSP operators/employees working under FSP contracts. They will also be applicable to all newly hired or trained FSP employees.

Any felony conviction of the FSP contractor or any FSP employees involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, felony driving while under the influence of alcohol and/or drugs, misdemeanor driving while under the influence of alcohol and/or a drug while involved in FSP operations, or moral turpitude shall be cause for denial of application in the FSP program or termination from the FSP program.

Any FSP employee convicted of the above stated crimes shall be disqualified from working in the FSP program.

Any FSP employee arrested or charged with a violation involving the above crimes or any drug- or alcohol-related charges shall be suspended from working in the FSP program until the case is adjudicated.

Additionally, an FSP employee shall be disqualified from the FSP program for a conviction of any of the following offenses. These disqualification offenses are based on the recommendations made by the Emergency Roadside Assistance Advisory Committee (ERAAC). A conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

- (1) An FSP driver shall be **permanently disqualified** for any violation of Sections 210.5, 217.1, 220, 237, 240-247.5, 261, 262, 264.1, 266a, 266j, 267, 288, 288.5, 289, 311.3, or 11105.3 of the Penal Code (PC), or any violent felony as defined in Section 667.5 PC.
- (2) An FSP driver shall be **permanently disqualified** for any violation of Chapter 3 (commencing with Section 207) or Chapter 8 (commencing with Section 236) of the Penal Code.
- (3) **A contractor or driver shall be disqualified if he/she has three or more drug-related misdemeanors or any drug related felony within five years of application.**
- (4) An FSP driver shall be **disqualified** if he/she has three or more violations of Section 23152 of the Vehicle Code (VC) within the previous seven years. Convictions of 23103 VC (Reckless Driving, alcohol related) shall count as violations of 23152 VC.
- (5) A contractor or driver shall be **disqualified** if he/she has a violation of Section 191.5 PC within the previous seven years.
- (6) A driver shall be **disqualified** if he/she has had a violation of Section 23153 VC within the previous seven years.

(7) A driver who has had a felony conviction within the previous 10 years or a misdemeanor conviction within the previous five years for any of the following offenses shall be **disqualified** from working in the FSP program:

(a) A violation of Section 148, 222, 237.5, 261.5, 273a, 273d, 417, 450, 453, 459, 466, 467, 470, 470a, 470b, 477, 484e, 484f, 484g, 487, 496, 503, or 538d of the Penal Code.

(b) A violation of Section 2800, 10750, 10752, 10851, or 20001 of the Vehicle Code.

(c) A violation of Chapter 9 (commencing with section 240) of the Penal Code.

(d) Three or more misdemeanor violations of any violent crime as defined in Section 667.5 of the Penal Code.

A contractor or driver may reapply for participation in the FSP program if the applicable felony or misdemeanor conviction is reversed or dismissed. A termination of probation and dismissal of charges pursuant to Section 1203.4 PC or a dismissal of charges pursuant to 1203.4(a) PC is not a dismissal for purposes of this policy.

A contractor or driver may request a hearing with the CHP, regarding disqualification due to a criminal conviction. Requests for a hearing must be submitted in writing to the CHP within 10 working days following any notice of disqualification. Exceptions to the criteria listed above generally will not be granted, unless extenuating circumstances indicate an exception is appropriate and disqualification is unreasonable. No exceptions shall be granted if the individual cannot demonstrate he/she is not a threat to public safety and not a liability to the FSP program. The burden of proof will rest upon the contractor or driver to demonstrate that an exception is appropriate.

A full synopsis of the criminal convictions referenced in this policy for FSP contractors and drivers is listed in Annex B.

## 17. REINSTATEMENT TO THE FSP PROGRAM:

If an operator leaves the Bay Area FSP Program and wishes to be reinstated, the following conditions shall apply:

1. If the period of absence is less than 1 year, and the operator still possesses a valid DL-64, the operator may begin work in the FSP program as soon as he/she clears a criminal history and DMV background check.
2. If the period of absence is one (1) year or more, the operator must complete the entire application process, which includes the Background check, Fingerprinting, Proficiency testing, and Certification training class.

CHAPTER 4  
VEHICLE OPERATIONS

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1. DISABLED VEHICLES

- A. Disabled vehicles in traffic lanes shall be cleared, as soon as possible and without delay by either pushing or towing. Minor repairs, refueling vehicles or changing a flat tire may be performed on the shoulder, if safe. Under no circumstances will an FSP Operator repair a motorists' tire, such as a temporary plug or patch. **Disabled vehicles shall never be left in the center divider, unless authorized by a CHP officer.**
- B. **SAFETY FIRST.** If a vehicle is located in the traffic lane and a traffic break is required, operators are to request CHP for assistance. **FSP operators shall not provide traffic breaks** unless directed to do so by a peace officer or it is necessary due to an extreme hazard such as a body lying in the roadway, etc.
- C. Freeway Service Patrol personnel shall provide service to all vehicles stopped on the freeway. If repairs are needed and not readily available from the FSP, the operator shall advise the motorist that his/her vehicle can be towed to a drop location. FSP operators shall transport the driver of the disabled vehicle that is being towed, to ensure that the driver and the vehicle do not become separated. If a motorist refuses the service, or if the FSP operator leaves the motorist, the operator must inform the motorist of potential hazards and provide freeway safety tips to the motorist. (Safety admonishment given {SAG}) CHP dispatch will be so advised.
- D. Normally, overhead amber lights shall not be used when stopping on the shoulder or when towing a vehicle. Amber lights should be used only when the tow truck is stopped and blocking the traffic lane or when an unusually hazardous situation exists.
- E. FSP operators shall place a green 422 on all vehicles located on the shoulders of the freeway, whether a yellow 422 is present or not. The 422 shall only be placed on the non-traffic side of the rear window and antennas. The 422 shall never be placed on painted surfaces. Additionally, a green 422 shall be placed on vehicles left at drop locations. In those locations where vandalism has proven to be a problem, an FSP supervisor may elect to overrule this practice.
- F. FSP operators shall leave an FSP brochure with every vehicle serviced/checked, whether it is occupied or not. Normally, the brochure will be left under the windshield wiper blade on those vehicles that are not occupied. The practice of leaving brochure on abandoned vehicles need not be followed during inclement weather, where the brochure would be destroyed by the weather conditions.

- G. If an FSP operator assists a disabled vehicle occupied by a female motorist, the FSP operator may stay with the motorist until help arrives and/or 30 minutes, whichever comes first. If after 30 minutes the motorist's help still has not arrived, the FSP operator shall notify dispatch that they will be standing by with *the motorist*, and/or will be back in service, and will check on the motorist periodically. If the operator leaves the motorist, he/she shall advise dispatch to notify CHP to please check on the motorist.
- H. When an FSP operator encounters a vehicle disabled in the center median (or divider) the FSP operator shall never leave the motorist, even if service is refused. The operator shall notify dispatch and request for a CHP officer to respond. Once CHP arrives the operator may leave if no longer needed. In addition to the center median, an operator shall never leave a motorist in the gore point, traffic lane, or any other location that hinders a motorist's ability to safely enter and exit his/her vehicle.

## 2. ABANDONED VEHICLES

- A. Authorization to tow an abandoned vehicle from the traffic lane must be obtained from either an FSP supervisor or a CHP beat officer. The law does not provide FSP operators authorization to tow abandoned vehicles. Authorization can be given by a peace officer by way of dispatch. If an FSP driver encounters an abandoned vehicle in the lane, the driver shall request dispatch to respond CHP. An FSP operator may remove an abandoned vehicle if it is deemed to be in a dangerous location such as a blind curve and/or during inclement weather such as heavy rain or fog. The operator shall always attempt to notify dispatch and get permission prior to removing the hazardous abandoned vehicle. If the dispatcher is unable to obtain permission in a timely manner, the operator may remove the vehicle to the right shoulder. In such instances, the dispatcher must be notified of the removal. An officer shall be requested for all vehicle storages and the operator shall remain with the vehicle until the officer arrives. Sound professional judgment shall be used when handling vehicles found abandoned in hazardous locations. **THE FSP OPERATOR'S SAFETY SHALL ALWAYS BE THE TOP PRIORITY IN MAKING HIS/HER DECISIONS.**
- B. If an FSP operator encounters an abandoned vehicle in the center divider, he/she shall tag the vehicle with a 422, and notify dispatch whether the vehicle is a hazard or not (DRIVERS MUST USE SOUND JUDGMENT, WHEN DETERMINING WHETHER THE VEHICLE IS A HAZARD OR NOT).

## 3. VEHICLE COLLISIONS (WHERE THE FSP IS NOT INVOLVED IN THE COLLISION)

- A. The FSP driver is likely to be the first responder to a vehicle collision. If a vehicle is in a traffic lane, the following subsequent steps may be used as a guideline. **EVERY SITUATION WILL BE DIFFERENT, THIS IS ONLY A GUIDELINE. FSP DRIVERS SHOULD USE THEIR BEST JUDGMENT IN EACH CIRCUMSTANCE AND REMAIN CALM.**

- 1) While approaching the scene and still in his/her truck, the operator should pre-alert dispatch of an accident (11-83). When dispatch responds, the driver should then tell them he/she is on scene at an accident and give the location (10-97 with an 11-83 at).
- 2) The operator should activate the truck's amber warning lights, then decide whether to park in front of the damaged vehicles or behind the accident scene (This depends on whether parties are in the roadway, amount of congestion, speed of passing traffic, location of collision, etc.; the operator should use good judgment). **THE DRIVER'S OWN SAFETY AND THE PUBLIC'S SAFETY IS THE MOST IMPORTANT FACTOR IN MAKING DECISIONS.**
- 3) If seriously injured persons are observed, the driver should immediately request dispatch to roll an ambulance. (11-41).
- 4) The operator should not move an injured person unless that person's life is in imminent danger at his/her present location; e.g., in or near a burning vehicle.
- 5) If injuries are suspected, the operator should ask involved persons if they would like to have an ambulance or paramedics called to the scene.
- 6) The operator should be alert and cautious with individuals involved in a minor collision. They may appear uninjured, but can develop serious complications. When in doubt, the driver should call for medical personnel.
- 7) When time and safety issues allow, cones or flares should be utilized to protect the scene. The driver should **BE AWARE OF FUEL SPILLAGE AND THE USE OF FLARES**, and advise parties of danger from passing traffic. The operator should wait for the CHP to arrive before moving the vehicles.
- 8) If no injuries are claimed by anyone involved in the collision, the driver should advise dispatch that there are no injuries (11-82).
- 9) The FSP operator shall attempt to clear vehicles to the right shoulder or center divider only if there are no injuries and all involved parties give their permission to move the vehicles. If one of the parties does not wish to move his/her vehicle, operators shall protect the scene until the CHP arrives. Operators shall not cancel any CHP officer responding to an accident, unless the involved motorist indicates that a report is not needed. If all parties leave the scene prior to CHP arrival, CHP dispatch should be so advised.

10) FSP OPERATORS SHALL NOT RECOMMEND ANY ATTORNEYS OR MEDICAL PRACTITIONERS TO INVOLVED PARTIES. REFERRALS OF THIS NATURE WILL BE GROUNDS FOR DISMISSAL FROM THE PROGRAM. ADDITIONALLY, NO FSP OPERATOR SHALL OFFER ANY OPINIONS CONCERNING WHETHER A POLICE REPORT SHOULD OR SHOULD NOT BE PREPARED.

11) Whenever safety allows, FSP personnel shall record the license plate numbers of all vehicles involved in collisions. These license plate numbers shall be recorded on the operator's DSR. If a vehicle does not display a license plate number, then a description of the vehicle shall be recorded. This requirement is applicable only to those vehicles that are at the same location as the FSP operator and applies to all collisions, regardless of the extent of damages.

#### 4. DEBRIS IN THE ROADWAY

- A. If traffic is flowing: The operator should position the tow truck on the shoulder *just before* the debris. Drivers should remember traffic might swerve toward them while avoiding debris. The operator should advise dispatch of his/her location and request a traffic break. He/she should be prepared to remove the hazard immediately after calling for the break. Once the break is established, the driver may proceed to the debris and remove it to the shoulder. (CAUTION: Drivers should keep their eyes on traffic and be prepared to take evasive action, if necessary.) Finally, the driver should advise dispatch of the location of the removed debris.
- B. If traffic is stopped: The operator should activate the amber warning lights and position the FSP service vehicle so as to provide protection to ones self while collecting the debris. The driver should remove the debris from the roadway with caution, keeping his/her eyes on traffic at all times.
- C. If debris is too large to be removed, the operator should notify dispatch, divert traffic around debris by use of cones and/or flares, and remain at the scene until relieved by CHP or CalTrans.

#### 5. LOST AND FOUND ITEMS

- A. Under no circumstances will FSP operators take possession of any articles found on the freeway. They should leave non-valuable articles on the shoulder for CalTrans to retrieve and advise CHP dispatch of significant items and their location.

- B. If any items of value are found (money, suitcases, etc.), dispatch will be immediately advised and an officer shall be requested to respond. All valuables shall be turned over to the officer. The valuable(s) will be placed in a "Found Property" locker at the CHP area office. FSP drivers shall note the name and badge number of the officer taking possession of the item(s). This notation shall be documented on the driver's activity log.

## 6. HAZARDOUS MATERIALS

- A. Hazardous material incidents are common in the greater Bay Area. Any unknown substance in any package (bags, boxes, or barrels) or in any form (liquid, gas, or solid) should be considered a hazardous material. Operators are to put a distance between themselves and the substance. Drivers should not expect the odor to tell them if the material is dangerous or not. Some deadly chemicals are odorless. If the operator can smell it, see it on his/her clothing, or feel the effects of it, he/she has been contaminated. The operator should advise dispatch as soon as possible. All trucks not needed at the scene are to avoid the area. **All hazardous material incidents shall be handled with extreme caution, and safety being the utmost importance.**
- B. The operator should not approach any suspected hazardous spill. They should immediately request dispatch to notify CHP. Any FSP driver who suspects a hazardous material spill or a potential hazardous material spill shall avoid the substance. **IF ANY SUBSTANCE IS LEAKING (LIQUID OR POWDER), OR IF THERE ARE FLAMES, IT SHALL BE TREATED AS A HAZARDOUS MATERIAL.** Drivers should not step in or taste the material. They should stay upwind, uphill, and upgrade from the spill, and notify dispatch immediately. If hazardous material placards can be seen, drivers should relay the information to dispatch (e.g., label, color, sign, describe the picture, numbers etc.).
- C. The operator should be extremely careful at accident scenes involving big rig trucks and hazardous materials. **THEY SHOULD NOT LIGHT FLARES.** Drivers should use traffic cones whenever incident conditions permit.

## 7. DROP LOCATIONS

- A. Drop locations are specific on-street public parking areas, generally adjacent to the freeway, that have been selected by the CHP, as appropriate tow sites for disabled vehicles.
- B. Operators are to park vehicles only at the designated drop locations indicated on the beat maps. Vehicles shall not be parked in any private parking areas such as service station lots, malls, restaurant lots, etc. unless so directed by a peace officer. Drivers should utilize the nearest drop site unless special circumstances dictate otherwise. If a location is in a restricted parking zone (time limits on parking, etc.), the motorist shall be notified. Operators shall document notification on driver activity log.

- C. After a vehicle is towed to a drop location, and the motorist requests additional assistance, the operator should advise dispatch of the location by referring to the beat map page and drop location number. Example: 5-A, #2. If a rotation tow or AAA is called, the driver should provide dispatch with the cross streets of the drop location.
- D. Operators should notify an FSP officer if any corrections or modifications need to be made to the drop locations or beat maps.
- E. FSP operators shall notify an FSP supervisor of any abandoned vehicles left at drop locations for extended periods (over three to four days). Vandalized vehicles at drop locations should be reported to an FSP supervisor immediately.
- F. Good judgment must prevail. If conditions lead a driver to believe that a vehicle or motorist should be transported to a location other than that required by the procedures described above, then he/she should contact an FSP supervisor. **Drivers should not jeopardize the motorist's safety.** Operators shall take all reasonable steps to ensure that the motorists do not feel fearful or abandoned if left at a drop site. Extra care must be taken with female, juvenile, and elderly motorists. If the motorist is uncomfortable with the setting, drivers should consider their options. If appropriate, drivers may call for CHP assistance. If the motorist expresses concern about his/her safety, the operator should not leave him/her without getting help or transporting him/her to another location. The driver should not hesitate to get permission to transport the motorist to another location.

## 8. PEDESTRIANS

- A. FSP operators shall not make contact or standby with a pedestrian who is not associated with a vehicle unless directed to do so by CHP or other peace officers. Pedestrians wandering along the freeway are often mentally disturbed and/or under the influence of drugs and/or alcohol. All pedestrians observed on the freeways shall be reported to CHP dispatch. FSP operators do not have any authority to order pedestrians from the freeway.

## 9. TOW PROCEDURES

- A. Operators shall not use the tow truck's overhead lights when performing services on the shoulder of the roadway. Overhead flashing lights are distracting to passing motorists and tend to slow down traffic. Drivers shall use the truck's four-way emergency flashers while performing services that are not in the traffic lane. The use of overhead flashing or rotating lights will generally be limited to tow services performed while in the traffic lane or partially blocking a lane.

- B. FSP procedures require that two safety chains be used for every towed vehicle. If there is risk of danger to the tow driver, the driver may tow the vehicle without chains to the nearest place of safety (shoulder, surface street, etc.) where safety chains shall be attached. Chains shall not drag on the ground, but can be crossed if necessary. Drivers failing to follow these procedures may be suspended from the program.
- C. FSP procedures require drivers to place portable stop/signal lamps (tow lights) on every towed vehicle. It is recommended that the driver place a piece of paper or cloth under these lights to prevent damage to the towed vehicle's paint. When vehicles are in extremely hazardous location, they may be moved to the closest location of safety prior to placement of these lights. Four-way flashers on the towed vehicle shall be turned off. Exceptions to these lighting requirements must be approved by CHP.

#### 10. ON-DUTY FSP TRAFFIC COLLISION/OPERATIONAL DAMAGE:

- A. Any FSP tow driver who is involved in a traffic collision while on duty shall immediately notify dispatch of the collision and request an FSP supervisor and CHP for a report. For the purposes of this policy, a traffic collision shall include any event that results in damage or injury (scratches or complaints of possible injury are applicable). All traffic collisions and accidental contacts with other vehicles shall be reported to CHP dispatch. All damages to a motorists' vehicle or property, whether considered by the FSP operator to be traffic collisions or "operational damage", shall be reported to CHP dispatch. All damages also will be recorded on the operator's DSR and reported to the FSP operator's employer, by the involved operator.
- B. At the time of the collision, the tow operator shall create an RANGER log and contact dispatch to report the details of the incident. The tow operator shall not indicate 10-7 (out of service) while waiting for assistance to arrive. If, for any reason, a tow operator is unable to create a log, the driver shall use the voice radio to have the dispatcher assign him/her to a log.
- C. The tow operator will not be docked for the time required to complete the accident investigation.
- D. If any contact occurs between an FSP truck and another vehicle, an FSP supervisor or beat officer shall be requested to determine if a report is warranted.
- E. Contractors who become aware of unreported damage to FSP service vehicles or to other private or public property that could be reasonably believed to have occurred during FSP service hours shall immediately ensure that the damage has been reported to an FSP supervisor. Failure to do so may result in the termination of the contractor from the FSP program

## 11. PUSHING POLICY:

Drivers are encouraged to push disabled vehicles out of traffic lanes (as another tool for clearing the roadway) in order to expedite the flow of traffic, regardless of tow company policies/procedures. When a driver encounters a vehicle in the traffic lanes, he/she should (using sound judgment) push the vehicle safely to the right shoulder of the freeway. Drivers should only push the vehicles to the right shoulder of the freeway, unless the right shoulder puts them in a more hazardous situation, they should then push the vehicle off the freeway.

## 12. MOBILITY IMPAIRED MOTORIST

For the purposes of this section, a mobility-impaired motorist is defined as an individual who has a long term and/or permanent physical disability, and is unable to walk under his/her own power. The following steps should be followed when an operator encounters a mobility-impaired motorist whose vehicle is in need of a tow.

- Ascertain what help, if any, may have already be underway to assist the motorist.
- If help is already en route, dispatch shall be notified of the situation and the operator shall stay with the motorist until help arrives.
- If the motorist has no help en route, the operator shall ascertain the motorist's ability and using sound and good judgment, decide the best method for removing the motorist from the freeway.
- If the motorist can be moved, the operator shall safely move the motorist from his//her vehicle, then tow the vehicle off the freeway.
- If the motorist is unable to be moved into the tow truck, the CHP will be requested to respond to the location to make decision as to what action shall next be made. The operator shall not leave the scene until released by the CHP officer or dispatch.
- If the motorist is unable to be moved from their vehicle, you may tow the vehicle with the motorist inside with CHP approval, if all above resources have been exhausted. (CHP will refer to Highway Patrol Manual 81.2 and General Order 100.45).

### 13. TOWING THE VEHICLE OF A MOBILITY IMPAIRED MOTORIST

Use caution when towing vehicles that may have been altered to accommodate the mobility impaired motorist. Modifications may have been made that prohibit towing by conventional means. If there is any doubt about modifications, operators shall dolly the vehicle to the drop location to avoid any damage or contact dispatch or and FSP Supervisor for guidance.

## CHAPTER 5

### RADIO/RANGER COMMUNICATIONS

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#### 1. GENERAL RADIO PROCEDURES

- A. All communications shall be conducted in a professional manner. Operators should remain calm, think about what to say before saying it, and speak slowly, clearly and briefly.
- B. Operators shall use call signs. They shall call dispatch by name (Golden Gate), then advise them who is calling (601-13). Drivers shall always pre-alert the dispatcher so the information is not “in the blind” (ex: Golden Gate \*\*\* 601-13 \*\*\* 11-25).
- C. Operators should always know and give their location, when requesting assistance from the dispatcher.
- D. Drivers should keep voice radio traffic to a minimum, and utilize the RANGER as much as possible.
- E. Operators must use the phonetic and aural brevity codes (listed on pages 5-3, 5-4). It is necessary to keep all radio traffic uniform so that all concerned will understand radio transmissions.
- F. Drivers should not carry on personal conversations with dispatch. Greetings such as “Have a good day”, “Nice to hear you again” etc., are inappropriate radio traffic that tie up the air.
- G. Requesting dispatch to make telephone calls takes a great deal of airtime and should be avoided if at all possible. **Whenever possible**, drivers should refer motorists to a call box or public phone.
- H. If a tow operator is dispatched to an incident and encounters another incident while en route, he/she shall notify the dispatcher of the new incident via voice and RANGER, whichever is appropriate, and handle the most hazardous incident first. **It is important to communicate with the dispatcher of** any change in assignments.

- I. Drivers shall always keep the FSP radio, RANGER, and scanners “on” during FSP operation. When leaving the truck, they shall activate the outside speaker so that dispatch can be heard.
  
- J. The scanner shall be programmed to the CHP area where the operator is working and shall be monitored by the driver. Operators are encouraged to respond to incidents on their beats that are monitored over the scanner (IF THE INCIDENT IS FSP SERVICE RELATED). FSP personnel shall only respond to those incidents that are in their scope of employment. **DRIVERS SHOULD NOT ROLL TO EMERGENCY INCIDENTS SUCH AS SHOOTINGS OR HAZMAT SPILLS UNLESS SPECIFICALLY REQUESTED TO DO SO.**

## 2. AURAL BREVITY CODES

10-1	POOR RECEPTION
10-2	GOOD RECEPTION
10-4	MESSAGE RECEIVED
10-5	RELAY MESSAGE
10-6	BUSY, STAND BY
10-7	OUT-OF-SERVICE
10-8	IN-SERVICE
10-9	REPEAT TRANSMISSION
10-10	OFF DUTY
10-19	RETURN TO
10-20	LOCATION
10-21	TELEPHONE
10-22	DISREGARD
10-23	STAND BY
10-39	MESSAGE/ITEM DELIVERED
10-97	ARRIVED AT SCENE
10-98	ASSIGNMENT COMPLETE
11-24	ABANDONED VEHICLE
11-25	TRAFFIC HAZARD
11-26	DISABLED VEHICLE
11-41	AMBULANCE REQUIRED
11-48	PROVIDE TRANSPORTATION
11-48X	TRANSPORT FEMALE
11-79	T/C, AMBULANCE RESPONDING
11-80	T/C - MAJOR INJURY
11-81	T/C - MINOR INJURY
11-82	T/C - PROP. DAMAGE
11-83	T/C - NO DETAILS
11-84	DIRECT TRAFFIC
11-85	TOW TRUCK REQUIRED
11-98	MEET OR MEET WITH

### 3. PHONETIC ALPHABET

A -	ADAM
B -	BOY
C -	CHARLES
D -	DAVID
E -	EDWARD
F -	FRANK
G -	GEORGE
H -	HENRY
I -	IDA
J -	JOHN
K -	KING
L -	LINCOLN
M -	MARY
N -	NORA
O -	OCEAN
P -	PAUL
Q -	QUEEN
R -	ROBERT
S -	SAM
T -	TOM
U -	UNION
V -	VICTOR
W -	WILLIAM
X -	X-RAY
Y -	YELLOW
Z -	ZEBRA

#### 4. COMMON RADIO/RANGER MESSAGE ABBREVIATIONS

<b>B.O.</b>	BAD ORDER, NOT WORKING
<b>E.T.A.</b>	ESTIMATED TIME OF ARRIVAL
<b>D.O.T.</b>	DEPARTMENT OF TRANSPORTATION
<b>F.Y.I.</b>	FOR YOUR INFORMATION
<b>G.O.A.</b>	GONE ON ARRIVAL
<b>P.D.</b>	POLICE DEPARTMENT
<b>S.O.</b>	SHERIFF'S DEPARTMENT
<b>T.C.</b>	TRAFFIC COLLISION
<b>U.T.L.</b>	UNABLE TO LOCATE
<b>ACC</b>	ACCESS FROM (I.E., WHAT RAMP)
<b>C/D</b>	CENTER DIVIDER
<b>JNO</b>	JUST NORTH OF
<b>JSO</b>	JUST SOUTH OF
<b>NFD</b>	NO FURTHER DETAILS
<b>OBS</b>	OBSERVED
<b>RSP</b>	RESPOND
<b>UNK</b>	UNKNOWN
<b>O.O.G.</b>	OUT OF GAS
<b>FLT/GS</b>	FLAT TIRE - GOOD SPARE
<b>FLT/NS</b>	FLAT TIRE - NO SPARE

## 5. RANGER PROCEDURES

Tow operators will use the Ranger for communicating with dispatch and documenting information regarding incidents to which they have either been dispatched or self-dispatched. The tow operator will utilize the voice radio when information regarding the incident is not reflected in the predefined RANGER codes.

The Ranger provides the most efficient use of the communications system. The Ranger consists of numeric and function buttons, as well as keyboard functionality. The screen consists of several lines, so that written messages can be received from the dispatcher. Additional lines can be utilized by scrolling down.

To utilize the Ranger, the operator signs on at the beginning of each shift by pressing the "LOG ON" button on the keypad. The driver will then be prompted to enter the Contractor #, Truck #, Driver #, Area #, Beat #, Shift # and the truck's odometer reading. Once all the required information has been entered, press "LOG ON". After a driver has signed on, the screen will display a message from the Communications Center indicating "Sign-On Successful: Call sign XXX-XXX."

If the Ranger fails and does not transmit successfully, the computer sends an error message such as, "Could not deliver message, try again". If the wrong driver ID is entered, an error message appears asking to try again. Additional error messages include: Unable to Send; Poor Wireless Connection to Network; or System Error. Operators shall attempt to sign-on once more. If the operation remains unsuccessful, the operator shall advise the FSP dispatcher via voice communications that they are in service (10-8), to avoid being considered late for shift.

The RANGER has four primary functions:

- A. VEHICLE SIGN-ON: The operator can sign on at the start of each shift.
- B. TRANSPORT PASSENGERS: The operator shall document mileage information regarding transportation of female passengers for any purpose.
- C. STATUS MESSAGES: The operator can send messages describing vehicle or incident status or incident details.
- D. RECEIPT OF MESSAGES: The operator can receive status or command text messages from the dispatcher.
  - 1) START OF SHIFT:  
Driver LOG ON
  - 2) SELF DISPATCH
    - a) Operator self assigns to an incident
    - b) Operator updates self-assigned incident a "Type Code".
    - c) Operator updates self-assigned incident a "Detail Code".
    - d) Operator updates self-assigned incident a "Status Code".
  - 3) UNIT ASSIGNED BY THE DISPATCHER:
    - a) Dispatcher assigns the tow operator to an incident.
    - b) Tow operator updates the dispatched incident with status.
    - c) Tow operator updates incident with details.
  - 4) MISCELLANEOUS RANGER OPERATIONS:
    - a) Operator will utilize the RANGER for meal and rest periods.
    - b) Operator may utilize the RANGER for emergency help.
  - 5) END OF SHIFT:
    - a) Operator LOG OFF.

## 6. TELECOMMUNICATIONS EQUIPMENT:

- A. The FSP tow truck will be equipped with an MTC SAFE-supplied RANGER and radio. Contractors are responsible for providing their own proprietary communications system.
- B. While MTC SAFE is responsible for maintenance of the telecommunication equipment, the FSP contractor shall be responsible for any damage to the MTC/SAFE equipment caused through negligence of the FSP driver or contractor's personnel.
- C. Any driver and/or contractor found to be tampering, modifying or purposely damaging any FSP equipment, (unplugging wires, removing parts, or any physical modifications) which prohibits the proper functionality of the equipment, will be subject to penalties from suspension up to termination from the program.
- D. Contractors are required to immediately notify CHP and/or MTC of any telecommunications problems.

## CHAPTER 6

### VIOLATIONS AND PENALTIES

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#### 1. GENERAL: STANDARD OPERATING PROCEDURES

The California Highway Patrol (CHP), and the California Department of Transportation (CalTrans), in cooperation with the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (MTC SAFE), has developed a standard set of penalties for failure to meet the guidelines and policies set specifically for the FSP program.

The list of violations in this chapter is not all-inclusive, and each offense will be weighed on its own merit. *The violations, which are classified as Minor, Major, & flagrant, are only a guide. The CHP shall utilize a “progressive discipline” policy when deciding adverse actions. Disciplinary actions can escalate from a verbal warning, to a written reprimand, to a suspension, or to termination from the FSP Program. An employee who has been penalized for inappropriate behavior on prior occasions can expect a more severe penalty than an employee who does not have a negative work history.* Thus, multiple violations of policies and procedures can result in increasingly severe actions, up to and including termination from the FSP program. All penalties shall be based on the totality of facts available. The FSP Partners reserve the right to levy fines and assess penalties as deemed appropriate for offenses above and beyond the scope of what is included in this chapter.

Contractors are ultimately responsible for the actions of their employees/drivers, both contractors and the cited employee(s) shall receive an appropriate violation letter. Penalty assessment can be issued to either the driver or contractor. Penalties assessed against a contractor will specify whether the penalty applies to an individual(s) or a beat(s). Program managers retain the right to enforce such penalty(s), provided adequate documentation exists.

Investigative reports will be sent to each contractor informing them of both driver and/or contractor violations. All documentation of investigations shall be retained by the CHP for a minimum of three years, rotating monthly, beginning on the date the violation occurred. Contractors and drivers are able to submit an administrative appeal for invoice deductions, violations, driver and/or contractor terminations.

Contractors not suspending a driver within 30 days of notification by CHP will be fined a monetary amount commensurate with the contractor’s hourly truck wage, and/or the suspension amount for the driver’s violation.

## 2. VIOLATIONS THAT MAY LEAD TO CONTRACTOR TERMINATION

- A. Per beat: Contractor receiving fifteen (15) or more **minor** violations within any twelve (12) month period, shall be subject to termination from the FSP contract.
- B. Per beat: Contractor receiving eight (8) or more **major** violations within any twelve (12) month period, shall be subject to termination from the FSP contract.
- C. Per beat: Contractor receiving six (6) or more **major** violations and six (6) or more minor violations within any twelve (12) month period, shall be subject to termination from the FSP contract.
- D. Contractor participating in or encouraging any activity constituting a **FLAGRANT** violation, or withholding required reporting of such violations to FSP supervisors shall be subject to immediate termination of their FSP contract.

**Contractors are ultimately responsible for the actions of their employees during FSP operating hours.** Contractors will be notified of all violations investigated. For any recurring problems that an FSP operator fails to address, the contractor will receive a “minor violation” letter.

## 3. CLASSIFICATION OF VIOLATIONS

In order to better clarify the seriousness of these violations, as well as to explain their ensuing consequences, violations have been assigned to three basic categories: **MINOR**, **MAJOR**, and **FLAGRANT** violations. “The following common violations are only examples to illustrate the three categories.”

### A. Minor Violations:

- 1) Wearing FSP uniform while off duty or during non-FSP hours while performing other tow services
- 2) FSP driver not complying with established basic uniform standards as specified in the SOP
- 3) Contractor failing to possess pre-operation inspection forms for the previous 30-day period at their place of business.
- 4) Contractor or driver violating the conditions set forth in this SOP.
- 5) Operator not utilizing a properly functioning **RANGER** while on FSP duty.

## B. Major Violations:

- 1) FSP trucks not insured.
- 2) Contractor falsifying information, orally or in written form, to an FSP supervisor or dispatcher.
- 3) Contractor having knowledge of and failing to notify an FSP supervisor of any level of violation that could result in suspensions or termination to either contractor or driver, pursuant to the SOP.
- 4) FSP trucks operating with expired registration.
- 5) Providing or recommending a secondary tow service, following an initial service.
- 6) Contractor having knowledge of, and failing to report to an FSP supervisor, any act, omission, or violation of the SOP by an FSP driver that most likely would result in a written reprimand or minor suspension (five days or less) shall receive a written reprimand.  
**Examples of these violations include:**
  - i. FSP operator using poor judgment
  - ii. FSP operator displaying inappropriate behavior or using foul language
- 7) FSP operator off the beat for an extended amount of time (30 minutes) without authorization, via AVL system.

Numerous violations committed on the same incident will be dealt with on an individual basis. Each violation will be handled separately and can range in discipline from a written reprimand up to and including termination.

## C. Flagrant Violations:

Due to the severity of these violations, the contractor/operator will be subject to immediate termination of the contract when having knowledge of, or encouraging/participating in the following:

- 1) Stealing or charging for FSP service
- 2) Retaining tips or other gratuities, selling any items,
- 3) Soliciting any service that would require subsequent compensation
- 4) Contractor allowing an uncertified FSP driver to perform FSP duties
- 5) Driver operating an FSP vehicle while under the influence of alcohol and/or drugs.
- 6) Operator purposely tampering, modifying or damaging FSP telecommunications equipment.

The activities listed in each of the three categories are not intended to be an exhaustive list. CalTrans, MTC SAFE, and the CHP reserve the right to characterize any activities that violate the contract, but which are not listed in the SOP, in the manner they see fit.

#### 4. LIST OF VIOLATIONS (SPECIFIC)

- 1) Sleeping while in or around an FSP service vehicle (includes sleeping during any break). (**Major**)

- **DRIVER:**

FIRST OFFENSE:	Three work day suspension.
SECOND OFFENSE:	Five day work suspension.
THIRD OFFENSE:	Termination.

- 2) Using poor judgment. (**Minor**)

Examples: Driving in an unsafe manner for any reason include leaving a motorist in a dangerous location, such as the center divider, a narrow shoulder, or in the gore point, without CHP or another tow company at the scene. (The center divider and the gore point are considered dangerous locations.)

- **DRIVER:**

FIRST OFFENSE:	Handled on a case by case basis, from a three day work suspension up to termination.
SECOND OFFENSE:	Three day work suspension.
THIRD OFFENSE:	Termination.

- 3) Leaving a motorist stranded at a drop location without a phone, shelter, or other help en route. (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Three work day suspension.
THIRD OFFENSE:	Five work day suspension.

4) Stealing or charging for FSP service. (**Flagrant**)

- **DRIVER**

FIRST OFFENSE: Termination.

5) FSP logos displayed on trucks during non-FSP hours or failing to display FSP logos during FSP hours, and/or wearing FSP uniforms during non-FSP hours. (**Minor**)

- **DRIVER:**

FIRST OFFENSE: Written reprimand.

SECOND OFFENSE: Three work day suspension.

THIRD OFFENSE: Five day work suspension.

(This does not include the time en route to and from the FSP beat, before and after shifts.)

6) Inappropriate behavior (**Minor to Major**)

Examples of inappropriate behavior: Rudeness, vulgarity, unsafe driving or other inappropriate behavior towards motorist, officers, or other tow operators are prohibited.

- **DRIVER:**

FIRST OFFENSE: ***Handled on a case by case basis.***

SECOND OFFENSE: Three work day suspension.

THIRD OFFENSE: Five day work suspension.

7) Selling found items (**Flagrant**)

- **DRIVER:**

FIRST OFFENSE: Termination.

8) Providing false information/lying to CHP, MTC, CalTrans or employer (includes falsifying motorist assist forms, drivers' logs, creating fictitious RANGER logs, requesting unnecessary overtime, Back Up Service or Mechanical Failure Form) (**Major**)

- **DRIVER:**

FIRST OFFENSE: Three work-day suspension.

SECOND OFFENSE: Five work-day suspension.

THIRD OFFENSE: Termination.

- **CONTRACTOR:**

FIRST OFFENSE: Handled on a case by case basis.

SECOND OFFENSE: Contract subject to termination.

9) Falsifying pre-operation inspection forms (**Major**)

- **DRIVER:**

FIRST OFFENSE: Handled on a case-by-case basis.

SECOND OFFENSE: Five workday suspension.

THIRD OFFENSE: Termination.

10) Contractor not in possession of pre-operation inspection sheets at his/her office for all FSP trucks for the previous 30 days (**Minor**)

- **DRIVER:**

FIRST OFFENSE: Written reprimand.

SECOND OFFENSE: Fined the hourly truck rate for two hours.

THIRD OFFENSE: Fined the hourly truck rate for four hours.

11) Contractor failing to submit all required paperwork (including Back Up Truck and Mechanical Failure Forms) to CalTrans, CHP, and/or MTC as specified in the SOP (**Minor**)

- **CONTRACTOR:**

FIRST OFFENSE:	Fined 1 hour at the contractor's lowest hourly rate.
SECOND OFFENSE:	Fined 2 hour at the contractor's lowest hourly rate.
SUBSEQUENT OFFENSES:	Fined 4 hours at the contractor's lowest hourly rate.

12) Uniform violations/poor grooming (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Driver/truck is placed out of service until the problem is corrected and a written reprimand is issued.
SECOND OFFENSE:	Driver/truck is placed out of service until problem is corrected and the driver is suspended for three work days.
THIRD OFFENSE:	Five day work suspension.

- **CONTRACTOR:**

FIRST OFFENSE:	The contractor will be fined at the hourly contract rate from the beginning of the shift until the driver/truck is placed back into service.
SECOND OFFENSE:	Handled on a case-by-case basis.

### 13) Equipment Violation (**Minor**)

Examples of minor equipment violations include: dirty trucks, insufficient supply of flares, lack of other required materials (e.g., fuel, water) and missing equipment such as pry bar, bolt cutters, individual wrenches, or screwdrivers

- **DRIVER:**

FIRST OFFENSE:	Driver/truck is placed out of service until the problem is corrected and a written reprimand issued.
SECOND OFFENSE:	Driver/truck is placed out of service until problem is corrected, and the driver is suspended for three work days.
THIRD OFFENSE:	Five day work suspension.

- **CONTRACTOR:**

FIRST OFFENSE:	Truck taken out of service for two or more violations. Contractors will receive a written reprimand, and contractor fined in 15-minute increments until truck is fully equipped or replaced by a backup truck.
SECOND OFFENSE:	Same as first.
THIRD OFFENSE:	Same penalty as for major equipment violation.

### 14) Equipment Violation (**Major**)

Examples of major equipment violations include: worn tires, equipment damage or lack of equipment essential to FSP service (broom, safety chain, safety straps, wheel lift, sling, lockout tools, supply items, jack, etc.)

- **DRIVER:**

FIRST OFFENSE:	Driver/truck is placed out of service until the problem is corrected, and written reprimand is issued.
SECOND OFFENSE:	Driver/truck is placed out of service until problem is corrected, and the driver is suspended for three work days.
THIRD OFFENSE:	Five day work suspension.

- **CONTRACTOR:**

FIRST OFFENSE: Written reprimand and contractor fined from the start of shift at the contract rate for that truck until truck is properly equipped or replaced by a backup truck.

15) Failure to notify CHP dispatch of a truck breakdown and/or truck not in service  
**(Major)**

- **DRIVER:**

FIRST OFFENSE: Three work-day suspension.

SUBSEQUENT OFFENSES: Five work-day suspension.

- **CONTRACTOR:** (If contractor had knowledge or should have knowledge of truck being out of service)

FIRST OFFENSE: Fined for actual time truck was out of service, in 15-minute increments, at double the hourly rate.

SUBSEQUENT OFFENSES: If within a year of first offense, fine is same as for first offense plus an additional \$50 fine. If subsequent offense if more than a year after the first offense, it will be handled as a first offense.

16) Failure to notify FSP supervisor or dispatch if involved in **any** traffic collision during FSP hours **(Major)**

- **DRIVER:**

FIRST OFFENSE: Three work-day suspension.

SECOND OFFENSE: Five work-day suspension.

THIRD OFFENSE: Termination.

- **CONTRACTOR:** (If contractor had knowledge of violation)

FIRST OFFENSE: Contract subject to termination.

17)An FSP driver not on the beat or leaving beat during FSP hours without authorization. (**Major**)

- **DRIVER:**

FIRST OFFENSE:	Case-by-case basis, up to three work-day suspension.
SECOND OFFENSE:	Five work-day suspension.
THIRD OFFENSE:	Termination.

- **CONTRACTOR:**

FIRST OFFENSE:	Fined double the hourly rate in 15-minute increments for the amount of time the truck is off the beat.
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18)Violation of break policy (examples: prolonged breaks, not in area of beat, two drivers from same beat at the same time, as established via AVL or supervisor) (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Three work-day suspension.
THIRD OFFENSE:	Five work-day suspension.

- **CONTRACTOR:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Fined double the hourly rate in 15-minute increments for each truck.
THIRD OFFENSE:	Fined double the hourly rate in 15-minute increments for each truck.

19)Late sign-on or early sign-off (as established via AVL or Supervisor) (**Minor**)

- **DRIVER:**

1ST THRU 4TH OFFENSE:	Written reprimand.
5TH THRU 9TH OFFENSE:	Case-by-case basis, up to three work-day suspension.
10TH OFFENSE:	Case-by-case basis, up to five work-day suspension.

**CONTRACTOR:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Fined double the hourly rate in 15-minute increments for each truck.
THIRD OFFENSE:	Fined double the hourly rate in 15-minute increments for each truck.

20) Failure to distribute motorist assist forms **and** brochures (**Minor**)

• **DRIVER:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Three work-day suspension.
THIRD OFFENSE:	Five work day suspension.

21) Failure to advise dispatch when transporting a female. Driver may move to a safer location such as the shoulder before advising dispatch or if unable to contact dispatch, may contact shop via shop radio and have shop dispatcher telephone CHP dispatcher with information. (**Minor**)

• **DRIVER:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Three work-day suspension.
SUBSEQUENT OFFENSES:	Five work-day suspension; subject to termination.

22) Improper radio traffic (**Minor**)

• **DRIVER:**

FIRST OFFENSE:	Case-by-case basis, up to three work-day suspension..
SECOND OFFENSE:	Five work day suspension.
THIRD OFFENSE:	Termination.

23) Safety violations (may include no safety chains, standing between vehicles, not protecting motorists and misuse of equipment) (**Major**)

- **DRIVER:**

FIRST OFFENSE: Written reprimand.  
SECOND OFFENSE: Three work-day suspension.  
THIRD OFFENSE: Five work-day suspension.

24) Solicitation or referrals (Flagrant)

- **DRIVER:**

FIRST OFFENSE: Decided on a case-by-case basis, from written reprimand to termination.  
SUBSEQUENT OFFENSES: Termination.

- **CONTRACTOR:** (If contractor has knowledge of solicitation)

FIRST OFFENSE: Termination of Contract.

25) Providing commercial services during FSP hours (**Flagrant**)

- **DRIVER**

FIRST OFFENSE: Termination.

- **CONTRACTOR:** (If contractor has knowledge of incident,)

FIRST OFFENSE: Termination.

26) FSP driver operating a vehicle with a suspended or expired driver's license (**Major**)

- **DRIVER:**

FIRST OFFENSE: Immediate suspension until violation corrected. Each offense will be handled on a case-by-case basis, with up to a three work-day suspension.  
SECOND OFFENSE: Five day work suspension.  
THIRD OFFENSE: Termination.

- **CONTRACTOR:**

FIRST OFFENSE: Fined at the contractors hourly rate from the beginning of the shift to the time the driver is replaced by a certified FSP driver.

SECOND OFFENSE: Double the contractor's hourly rate (when same driver involved).

THIRD OFFENSE: Double the contractor's hourly rate (when same driver involved).

27) ***Non-Certified FSP truck on the beat without prior authorization or approval from the FSP Program. (Major)***

- **CONTRACTOR:**

ALL OFFENSES: Handled on a case by case basis, up to Contract termination.

28) ***FSP driver causing damage or failing to report any damages to disabled vehicle when servicing or towing and the damages are the result of unacceptable/unreasonable towing practices. (Major)***

- **DRIVER:**

FIRST OFFENSE: Verbal or Written reprimand.

SECOND OFFENSE: Retraining and a three work-day suspension.

THIRD OFFENSE: Five work-day suspension.

- **CONTRACTOR:** (If contractor has knowledge of damage and fails to report)

FIRST OFFENSE: Contractor responsible for all damages.

29) ***Non-certified FSP driver working FSP (Flagrant)***

- **CONTRACTOR:** (If contractor has knowledge of violation and fails to report)

FIRST OFFENSE: Contract subject to termination.

30) Retaining gratuities or tips (**Flagrant**)

- **DRIVER:**

FIRST OFFENSE: Termination.

- **CONTRACTOR:** (If contractor has knowledge of and fails to report the violation)

FIRST OFFENSE: Contract subject to termination.

31) Insubordination to FSP staff (**Major**)

- **DRIVER:**

FIRST OFFENSE: Three work-day suspension.

SECOND OFFENSE: Five work-day suspension.

THIRD OFFENSE: Termination.

32) Driver failing a substance abuse test (**Flagrant**)

- **DRIVER:**

FIRST OFFENSE: Suspension from the program for a minimum of one year.

33) Driver under influence of drugs and/or alcohol while on duty (**Flagrant**)

- **DRIVER:**

FIRST OFFENSE: Termination, driver will be arrested and prosecuted for the violation.

34) Driver having an odor of an alcoholic beverage but not under the influence (**Major**)

- **DRIVER:**

FIRST OFFENSE: Handled on a case by case basis.

SECOND OFFENSE: Termination.

35) Driver failing to complete required paperwork (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Written reprimand.
SECOND OFFENSE:	Three day work suspension.
THIRD OFFENSE:	Five day work suspension.

36) Driver failing to replace/repair deficiencies noted on pre-operation inspection sheet (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Written reprimand and truck taken out of service until repaired or replaced.
SECOND OFFENSE:	Three work-day suspension.
THIRD OFFENSE:	Five work day suspension or termination.

37) Driver found to be refueling vehicle during first hour or last half hour of his/her assigned shift (**Minor**)

- **DRIVER:**

FIRST OFFENSE:	Fined double the hourly rate for duration of refueling.
SECOND OFFENSE:	Three work-day suspension.
THIRD OFFENSE:	Five work-day suspension or termination.

38) Failing to use or follow correct procedures regarding RANGER use (e.g., LOG ON, LOG OFF, incomplete logs) (**Minor**)

- **DRIVER:**

1ST THRU 10TH OFFENSE:	\$25 Deduction for each offense
SUBSEQUENT OFFENSES:	CASE BY CASE, Retraining and/or suspension, via CHP investigation.

39) Towing a vehicle to a destination other than a designated drop location without permission of FSP supervisor (**Minor**)

- **DRIVER:**

FIRST OFFENSE: Written reprimand.  
SECOND OFFENSE: Three work-day suspension.  
THIRD OFFENSE: Five work-day suspension, up to and including termination.

40) Substandard performance (This applies to drivers and contractors who compile a history of various offenses which, individually, could be considered minor, but taken as a whole indicate a more serious problem.) (**Major**)

- **DRIVERS:** (Can receive a written reprimand up to and including termination)

FIRST OFFENSE: Substandard performance will be handled on a case-by-case basis.

- **CONTRACTOR:** (Can receive fines and a written warning up to and including termination of contract for one or all beats)

FIRST OFFENSE: Substandard performance, including failure to disclose information relevant to the operations of the FSP Program, will be handled on a case-by-case basis.

41) Driver going in service, via voice or RANGER, while not on their assigned beat (**Minor**)

- **DRIVER:**

FIRST OFFENSE: Written reprimand.  
SECOND OFFENSE: Three work-day suspension.  
THIRD OFFENSE: Five work-day suspension.

- **CONTRACTOR:**

FIRST OFFENSE: Fined for one half hour, at the contractor's hourly rate.  
SECOND OFFENSE: Fined for one half hour at double the contractor's hourly rate.  
THIRD OFFENSE: Fined for one hour at double the contractor's hourly rate.

42) Driver intentionally becoming involved in apprehension of suspects, enforcement contacts, or pursuits. (Not applicable when acting under the directions of a police officer) **(Major)**

- **DRIVER:**

FIRST OFFENSE: Handled on a case-by-case basis written reprimand up to 3-work day suspension.  
SECOND OFFENSE: Five work-day suspension.  
THIRD OFFENSE: Termination.

43) Driver missing quarterly driver's training without reasonable justification **(Major)**

- **DRIVER:**

FIRST OFFENSE: Written reprimand.  
SECOND OFFENSE: FSP driver will be de-certified until driver attends and passes both the proficiency testing and certification class

- **CONTRACTOR:**

FIRST OFFENSE: Contractor will be fined two hours at double the hourly rate for each driver who misses quarterly training  
SECOND OFFENSE: Contractor will be fined two hours at double the hourly rate for each driver who misses quarterly training

44) Failure to provide a back up truck without reasonable justification. (**Major**)

- **CONTRACTOR:**

1 <sup>st</sup> – 5 <sup>th</sup> OFFENSE:	Fined for time out of service at the contractor's hourly rate.
6 <sup>th</sup> – 10 <sup>th</sup> OFFENSE:	Fine for time out of service at double the contractor's hourly rate.
SUBSEQUENT OFFENSES:	Reassignment of Back up truck.

45) Failure to meet regular everyday service obligation on contracted beats, as indicated in the RFP and Implementation Plan will result in: (**Major**)

- **CONTRACTOR:**

FIRST OFFENSE:	Fined for time out of service at the contractor's hourly rate.
SECOND OFFENSE:	Fined for time out of service a double the contractor's hourly rate.
THIRD OFFENSE:	Same as second offense (within 18 months).

**NOTE: See Annex E for Automatic Vehicle Locating (AVL) monitored penalties**

## 5. BACK UP TRUCK SERVICE

The FSP fleet has seven back up trucks. Each truck has been geographically assigned to seven beats. The purpose of the back up truck is to continue the level of service when a truck is non-operable. Back up service is to be used to back up vehicles that are out of service due to mechanical failure, accidents etc. Back up service is not to be used to provide back up service for a truck that is unavailable due to routine maintenance and/or to back up a contractor with personnel issues (i.e., vacation, sick time, personal business, etc).

*Contractors requesting backup service for illegitimate reasons, such as personnel issues or routine maintenance will be fined one hour at the hourly rate for each occurrence. Contractors should continue to seek out back up service to avoid additional fines as listed under violation #45, of chapter 6. **For Contractor's privately used Back-Up Truck Policy, see ANNEX C.***

### (1) REQUESTING BACK UP SERVICE

If a regular FSP truck is unable to provide service, whether determined prior to the shift or during the first half of the shift, the contractor must notify the CHP Communications Center by telephone at (707) 551-4112/4140 or via the CHP FSP radio as soon as possible.

A contractor who fails to notify the CHP Communications Center that a truck will be out of service shall be fined. The driver or other agent may make this notification, but the contractor shall be held responsible for the notification.

Contractors failing to report out of service vehicles more than 20 minutes after the truck has been determined to be out of service, shall be fined double the hourly rate in 15-minute increments from the beginning of the "out of service" status until the service was renewed or the end of the shift, whichever occurs first. This fine shall not apply when extenuating conditions prevent the contractor from making the necessary notifications within the specified time.

It is always the borrowing contractor's responsibility to obtain a back up truck when needed. The contractor's notification to the CHP that his/her truck is out of service does not fulfill this requirement. The CHP is not going to make arrangements for back up service. Contractors shall ensure that a request for a back up truck is made as quickly as possible after it can be reasonably assumed a back up vehicle will be required.

If a truck goes out of service while working the beat, the contractor may elect not to replace the vehicle with a back up truck for the time remaining on the same shift. In this case, the contractor will only be docked for that time service is not provided.

When a truck is unavailable for the next shift, the contractor shall arrange for a back up truck.

On Beats 16 and 17, trucks going out of service must be replaced with a back up truck as quickly as possible if two or more hours remain on the affected shift when the truck goes down.

The contractor in need of a back up truck must exhaust all resources to obtain a back up truck before it can be justified that he/she has made a good faith effort to obtain services from the contractors with back up trucks. The borrowing contractor shall contact their primary, secondary and tertiary back up contractors to obtain a truck. **Should all three back up contractors be unavailable, contractors in need of back up service MUST continue down the list of back up (listed below) contractors to obtain back up service.** Please be advised the backup contractors are subject at the start of each contracting round.

- *A-1 Tow in Richmond* (510) 237-5239 (Beat 2)
- *K & S Towing in Baypoint* (925) 260-4764 (Beat 5)
- *B&A Body Works in San Francisco* (415) 822-4887 (Beat 6)
- *Bills Tow in Novato* (415) 897-6610 (Beat 13)
- *Campbell's Tow in San Jose* (408) 295-7490 (Beat 8)
- *Campbell's Tow in San Jose* (408) 295-7490 (Beat 9)
- *Sierra Hart in W. Sacramento (Weekday)* (916) 371-8026 (Beat 17)
- *Matos Tow in San Jose* (408) 259-2000 (Beat 21)

Once the contractor has secured a back up contractor, the borrowing contractor shall then complete and fax the "Request for Back up Service" form and Mechanical Failure form (if applicable) indicating that the regular truck is down. In addition, if a back up contractor is using their back up truck to cover their own fleet, or a contractor is using their in-house authorized company back up truck to cover their own fleet, they must still fax CHP at (707) 648-5311 and MTC SAFE at (510) 817-5848. This will inform the FSP staff as to which contractor will be providing back up service and which back up contractors were not able to provide back up service. If there are no back up contractor's available, the borrowing contractor is still required to complete and fax the "Request for Back up Service" and "Mechanical Failure" forms to CHP and MTC indicating that no back up service was available. Failure to submit both of these forms to MTC SAFE and CHP will result in fines listed under violation #11 of chapter 6.

Contractors requesting back up service for multiple days are advised to fax the written request over to the back up contractor, so that both parties clearly understand the duration of the back up service. Once the back up has been secured, the requesting contractor must give the back up contractor at least four hours notice prior to the start of the shift if they wish to cancel the back up service.

## (2) BACK UP CONTRACTOR RESPONSIBILITY

Primary, Secondary and Tertiary back up contractor assignments have been established. Contractors in possession of a back up truck are required to provide service to all contractors in need of back up service. If a contractor in possession of a back up truck is not able to provide service, without reasonable justification, they WILL BE FINED. The lack of or unavailability of a driver is not considered reasonable justification for the failure to provide back up service. The fines for failure to provide back up service range from fines at the contractor's hourly rate to the reassignment of the back up truck to another contractor. Each incident will be handled on a case-by-case basis.

The CHP assumes that all back up trucks are available for service, unless the contractor reports otherwise. If a back up truck is unavailable for service at anytime, the contractor must notify CHP and MTC immediately, by faxing in a "Request for Back up Service" form and "Mechanical Failure" form, (if applicable) indicating the back up truck is down. In addition, if a back up contractor is using their back up truck to cover their own fleet, they must still notify CHP and MTC of the unavailability. Failure to notify CHP and MTC when a back up truck is unavailable for service will again result in fines listed under violation #11, of chapter 6.

Contractors with back up trucks are required to have the back up trucks available for FSP needs during FSP hours. Any contractor who uses an FSP-back up truck for business other than FSP-related business during FSP hours, and as a result, impedes or slows the delivery of a back up truck to a beat, shall be fined \$300 for the first offense and \$500 for each subsequent offense. This fine will be in addition to the fines for exceeding the allowable response time.

## (3) BACK UP CONTRACTOR RESPONSE TIME

Recognizing that some of our FSP beats are close to back up contractors while others are a substantially distant away, the CHP developed an appropriate response time for all contractors by driving the distances from the back up truck locations to the beats and timing the travel during peak commute hours. Based on this experience, primary contractors will be allowed 45 minutes to respond, secondary back up contractors will be allowed 1 hour (60 minutes) to respond and the tertiary back up contractors will be allowed 1 hour and 15 minutes (75 minutes) to respond to a beat.

The response time starts upon the initial request from the contractor requesting the service, back up contractors are required to respond to the beat in the response time described above. If the back up truck does not respond within the required response time, the back up contractor will be fined double the hourly rate in 15-minute increments. The fine assessed will be for exceeding the allowed response time until the end of the shift, or until the vehicle goes in service, whichever occurs first.

The listed response times may be exceeded, without fines, if reasonable cause can be shown by the contractor, e.g., road closures, unusual traffic conditions, weather, etc. However, it shall be the contractor's responsibility to fully justify, in writing, any exceeded response times. The unavailability of a driver will not be considered as reasonable cause for delay beyond the times allowed. The CHP will determine whether excessive response times are justified or not.

#### (4) DISPATCH NOTIFICATION

In order to efficiently manage the back up truck fleet and be aware of each truck's availability, FSP dispatch must be notified of back up truck usage during FSP service hours, including internal usage. Back up truck drivers therefore must notify FSP dispatch when a back up truck is going into service on a beat. Noncompliance will result in a \$100 fine to the contractor.

#### (5) BACK UP CONTRACTOR COMPENSATION

The back up contractor will be paid for services from the time the back up truck arrives on the beat (10-8 to CHP dispatch) until the back up truck completes its shift on the beat. The rate paid shall be in accordance with the back up contractor's hourly rate, regardless of the beat on which it is utilized. Back up contractors should submit an itemized invoice to MTC SAFE, once a week, to ensure inclusion in the monthly invoice for payment.

#### (6) TRAVEL TIME COMPENSATION

The first 30 minutes of travel time, the back up contractor shall absorb both responding to and leaving the beat. There will be no compensation for this time. Travel time exceeding 45 minutes, both to and from, shall be compensated at the back up contractor's normal hourly rate, in 15-minute increments. This "excess travel time" should be itemized and invoiced to MTC SAFE for payment.

### 6 BACK UP TRUCK PAPERWORK REQUIREMENTS

When a back up truck is utilized for five days or more, it is the responsibility, of the back up contractor to complete the Daily Shift Records (DSR) and submit to CalTrans in a timely manner.

TABLE 4: Back-Up Truck Assignments

BEAT	Primary Beat	Secondary Beat	Tertiary Beat
1	Beat 2-Back-up Truck	Beat 5-Back-up Truck	Beat 6-Back-up Truck
2	Beat 2-Back-up Truck	Beat 13-Back-up Truck	Beat 5-Back-up Truck
3	Beat 21-Back-up Truck	Beat 6-Back-up Truck	Beat 5-Back-up Truck
4	Beat 2-Back-up Truck	Beat 5-Back-up Truck	Beat 6-Back-up Truck
5	Beat 5-Back-up Truck	Beat 2-Back-up Truck	Beat 6-Back-up Truck
6	Beat 6-Back-up Truck	Beat 2-Back-up Truck	Beat 13-Back-up Truck
8	Beat 8-Back-up Truck	Beat 21-Back-up Truck	Beat 9-Back-up Truck
9	Beat 9-Back-up Truck	Beat 8-Back-up Truck	Beat 21-Back-up Truck
10	Beat 6-Back-up Truck	Beat 9-Back-up Truck	Beat 8-Back-up Truck
11	Beat 6-Back-up Truck	Beat 2-Back-up Truck	Beat 13-Back-up Truck
12	Beat 2-Back-up Truck	Beat 5-Back-up Truck	Beat 13-Back-up Truck
13	Beat 13-Back-up Truck	Beat 2-Back-up Truck	Beat 6-Back-up Truck
14	Beat 21-Back-up Truck	Beat 8-Back-up Truck	Beat 6-Back-up Truck
15	Beat 17-Back-up Truck	Beat 13-Back-up Truck	Beat 2-Back-up Truck
16	Beat 9-Back-up Truck	Beat 8-Back-up Truck	Beat 21-Back-up Truck
17	Beat 17-Back-up Truck	Beat 13-Back-up Truck	Beat 5-Back-up Truck
18	Beat 21-Back-up Truck	Beat 8-Back-up Truck	Beat 9-Back-up Truck
19	Beat 9-Back-up Truck	Beat 8-Back-up Truck	Beat 21-Back-up Truck
20	Beat 6-Back-up Truck	Beat 13-Back-up Truck	Beat 2-Back-up Truck
21	Beat 21-Back-up Truck	Beat 8-Back-up Truck	Beat 9-Back-up Truck
22	Beat 21-Back-up Truck	Beat 5-Contractor	Beat 8-Back-up Truck
23	Beat 8-Back-up Truck	Beat 21-Back-up Truck	Beat 9-Back-up Truck
24	Beat 17-Back-up Truck	Beat 5-Back-up Truck	Beat 2-Back-up Truck
25	Beat 5-Back-up Truck	Beat 2-Back-up Truck	Beat 13-Back-up Truck
26	Beat 2-Back-up Truck	Beat 5-Back-up Truck	Beat 21-Back-up Truck
27	Beat 5-Back-up Truck	Beat 21-Back-up Truck	Beat 2-Back-up Truck
28	Beat 13-Back-up Truck	Beat 17-Back-up Truck	Beat 2-Back-up Truck
29	Beat 17-Back-up Truck	Beat 5-Back-up Truck	Beat 2-Back-up Truck
30	Beat 6-Back-up Truck	Beat 9-Back-up Truck	Beat 8-Back-up Truck
31	Beat 8-Back-up Truck	Beat 9-Back-up Truck	Beat 21-Back-up Truck
32	Beat 8-Back-up Truck	Beat 9-Back-up Truck	Beat 21-Back-up Truck
33	Beat 13-Back-up Truck	Beat 17-Back-up Truck	Beat 2-Back-up Truck
34	Beat 17-Back-up Truck	Beat 5-Back-up Truck	Beat 2-Back-up Truck
35	Beat 5-Back-up Truck	Beat 21-Back-up Truck	Beat 2-Back-up Truck
36	Beat 5-Back-up Truck	Beat 2-Back-up Truck	Beat 17-Back-up Truck
37	Beat 8-Back-up Truck	Beat 9-Back-up Truck	Beat 21-Back-up Truck
Santa Cruz	Beat 9-Back-up Truck	Beat 8-Back-up Truck	Beat 21-Back-up Truck
Santa Cruz	Beat 9-Back-up Truck	Beat 8-Back-up Truck	Beat 21-Back-up Truck

**Beats  
with  
Back-up  
Trucks**

Beat 2  
Beat 5  
Beat 6  
Beat 8  
Beat 9  
Beat 13  
Beat 17  
Beat 21  
8 Trucks

\*IF PRIMARY, SECONDARY, AND TERTIARY BACK UP CONTRACTORS ARE UNAVAILABLE, CONTRACTORS MUST CONTINUE DOWN THE LIST TO AVOID A FINE AND TO ENSURE THE FSP SERVICE IS PROVIDED AS CONTRACTED.

## 7. APPEAL PROCESS

Contractors and drivers have the right to appeal an invoice deduction, violation and the termination of a driver and/or contractor. The "FSP Request for Appeal" form should be completed and submitted for all appeals. Appeals should be faxed or mailed to the MTC SAFE (101-8<sup>th</sup> Street, Oakland, CA 94607; Fax (510) 817-5848).

The TAC Sub-Committee, consisting of staff from the MTC SAFE, CalTrans and CHP are responsible for reviewing appeals for invoice deductions/credits, violations and driver and/or contractor terminations. The Policy Committee, which consists of executive staff from MTC SAFE, CalTrans and the CHP, is responsible for making final decisions regarding driver and contractor termination appeals.

### A. Invoice Deductions/credits

The contractor has two weeks, from the date the invoice is signed, to appeal a fine levied for a violation **or a credit for tow operations**. Contractors should complete the appeals form and fax to MTC SAFE to the attention of the TAC Sub-Committee.

### B. Violations

The FSP operator and/or contractor have 30 calendar days, from the date of notification of the violation, to file an appeal. The request for appeal must be submitted in writing and faxed or mailed to the TAC Sub-Committee. Once the request has been received, the Committee will review the appeal for "good cause". Within 2 weeks, the contractor will be notified of the Committee's decision.

### C. Driver and Contractor Termination

An FSP driver and/or contractor who have been terminated from the program and who desires reinstatement, may submit a request of appeal. The FSP operator and/or contractor will be given 30 calendar days, from the date of notification of termination, to file an appeal. Within 2 weeks, the contractor will be notified of the Policy Committee's decision. Because of the confidentiality of criminal histories, those persons disqualified from working in the FSP program for criminal convictions may only appeal to the CHP.

## 8. CONTRACTORS' AND DRIVERS' MANDATORY MEETINGS

Contractors are required to be represented at all bi-monthly tow contractor meetings. The contractor must be represented by the contract owner or the contractor's FSP manager at all contractors' meetings. Contractors who cannot meet these meeting requirements must contact the FSP project manager as soon possible. Contractors failing to have the required representation at a contractors' meeting will be fined for two hours at the contractor's lowest hourly rate.

***All contractors/agents will be mandated to attend an initial session of EEO Training at the beginning of their contract. Additionally, each contractor/agent will be required to attend 1 (one) 2 hour session of Refresher EEO training each year, for the duration their contract.***

All FSP tow operators are required to participate in two hours of FSP-related training once each quarter of the calendar year.

CHAPTER 7  
DOCUMENTATION

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1. REQUIREMENTS

- A. All documentation is mandatory. FSP drivers are required to complete a variety of forms and provide a range of written documentation deemed necessary by the FSP during their shifts. Proper completion of these forms is essential to the success of the Freeway Service Patrol program. It is vitally important to ensure proper completion and readability of these forms for the success and management of the Freeway Service Patrol.
- B. Failure to properly complete and adequately record driver activities can result in monetary penalties, suspensions and/or dismissal. Contractors will also be subjected to fines or contract termination for noncompliance with documentation requirements.

2. TOW TRUCK AND EQUIPMENT DAILY/WEEKLY INSPECTION REPORT

- A. The Inspection Report shall be completed prior to the beginning of each FSP shift.
- B. Any missing items will be replaced before completing the form and beginning FSP service.
- C. The inspection report will be kept inside the truck until the end of each week, at which time the completed report shall be submitted to the contractor's office.
- D. Contractors are required to maintain all completed inspection reports on file in their offices for inspection by an FSP supervisor.

3. DRIVER'S DAILY SHIFT RECORD (DSR)

- A. Daily shift records shall be completed in a bold, black pen for each shift. If an error is made, use "white out" or "corrective tape" to clearly cover the error. If that cannot be completed to make the form legible, a new Daily Shift Record shall be completed. If a driver works a split shift in one day, two separate shift records must be completed.
- B. The top two sections of the form shall be completed at the beginning of the shift, with the exception of the end mileage and end time (10-10), which cannot be filled out until the end of shift. All categories on the form are to be completed per instructions given at the DSR training class. The time will be recorded using the 24-hour clock. In service (10-8) is the actual time the driver arrives on his/her beat, off duty (10-10) is the actual time the driver leaves his/her beat.

C. Any activity a driver performs shall be recorded on the daily shift record. Note: drivers should make an entry on the daily shift record at the time of the service before continuing to the next call. Each entry is described as follows:

- 1) "Activity code" is defined as any service tow operators provide or offer to provide. For example, if an operator assisted a disabled motorist with a flat tire, the operator would enter "11" in the activity code box. The choices are listed on the reverse side of the shift record, **and are the only codes applicable.**
- 2) "10-97" is the time that an incident is first encountered or the time the operator arrives at the incident to which he/she is sent by dispatch. This time should be filled in only after the driver has arrived at the incident. The time will be recorded using the 24-hour clock.
- 3) "10-98" is the time the incident is completed. This time should be filled in only after the driver has completed the incident. The time will be recorded using the 24-hour clock.
- 4) "Direction" refers to the highway direction at which the incident is encountered. (e.g. northbound- "N")
- 5) "Route" is the route number where the incident was encountered. (e.g. I-880 = 880, SR24 = 024)
- 6) "Hwy. Code" refers to the actual physical location of the distressed vehicle when found. (e.g. 1 = In-Lane, 2 = Right Shoulder.) Refer to the back of the shift record for highway codes.
- 7) "P/T/N/" refers to whether a vehicle was pushed (P), towed (T), or neither (N).
- 8) "Vehicle Type" is the type of vehicle serviced. (e.g. 1 = Auto/Van, 2 = Pick-up) The choices are listed on the reverse side of the shift record.
- 9) "Vehicle License Plate, State" is where the license plate and state in which it is registered is indicated. If there is no license plate, indicate the last four numbers of the vehicle VIN (vehicle identification number).
- 10) "CHP Log Number" shall contain the CHP log number when applicable.

11)“CHP Authorization Number” is required if a driver works overtime. Overtime will not be paid if a driver does not obtain authorization from either dispatch or an FSP supervisor. The operator should enter the dispatcher’s “A” number or the FSP supervisor’s call sign in the box. This box shall also be marked (Using the driver’s company ID) if a supervisor or dispatcher requests the operator to perform duties outside the assigned beat. If any problems or concerns arise with regards to a dispatcher on a particular incident, the driver should politely ask for the “A” number and enter it in the box for later reference.

12)“Notes” is where the tow operator will indicate that there are comments pertaining to the incident. The comments shall be written on the back of the form identified by the incident start (10-97) time. If a vehicle was towed off the freeway to a drop location, the driver should enter the drop location number in this section (e.g., Drop 4A#2).

#### 4. FREEWAY SERVICE PATROL SURVEY FORM

- A. Operators shall keep a sufficient supply of Freeway Service Patrol Surveys with them at all times.
- B. All motorists receiving service shall be provided with a FSP Survey Form. FSP operators shall enter their own 5-digit DRIVER ID and BEAT #, the DATE, and 10-97 TIME on the top of the motorist survey form before giving it out to the motorist. (e.g., DATE: January 3, 2005, “01” for the month; “03” for the day; and “05” for the year). Drivers should use military time for the “10-97” time. (e.g., mark “15:00” for 3p.m.). It is imperative that the 10-97 time on the Survey match the 10-97 time on the Daily Shift Record for a particular incident. Drivers must politely request that the survey be completed and mailed. At no time shall a driver request that the form be completed and returned to the operator on-scene. Drivers should give a brief explanation of the survey and indicate to the motorist that the effectiveness of the program is evaluated from the completed surveys.
- C. Drivers should use a bold, black pen to complete, and if an error is made use a new FSP survey form.

#### 5. FREEWAY SERVICE PATROL BROCHURE

- A. Operators are to keep an adequate supply of FSP brochures in trucks at all times.
- B. Each motorist shall be given a brochure explaining the program. A good time to do this is during the initial contact with the motorist.
- C. Brochures are to be left on the windshield of abandoned vehicles.

D. Foreign language introduction cards shall be used as needed.

## 6. CONTRACTORS' RESPONSIBILITY

- A. It is the contractors' responsibility to review the Daily Shift Records for accuracy and completeness.
- B. Contractors shall have all documentation from the previous week delivered or mailed (postmarked first class U.S. mail) to CalTrans personnel (address: Attn: Kane Wong, Traffic Management Center 6<sup>th</sup> Floor, 111 Grand Ave., Oakland, CA 94623) by 3 p.m. the following Tuesday.

## 7. REQUIRED FSP RECORDS

Employee rosters, employee record, and Daily Shift Record duplicates must be maintained by each contractor providing FSP services for a period of up to 180 days. Failure to comply with these requirements shall be handled on a case-by case-basis and may include monetary fines to the contractor or, if warranted, cancellation of contract(s). The following records shall be maintained and shall be subject to inspection by the CHP, CalTrans or the MTC SAFE at any time.

- A. A current employee roster listing the following: (This roster is required by California Vehicle Code Section 2430.50)
- B. All employees who have valid FSP tow truck driver's certificates  
All employees who are prohibited from working for the FSP

An employee records file shall be maintained for each individual employee working in the FSP program. This file shall contain the following information:

- 1) A copy of the FSP training certificate issued upon completion of required initial training. (This copy is required by Vehicle Code Sections 2430.5 and 2436.7).
- 2) The FSP employee's full name, current address and telephone number.
- 3) The FSP employee's driver's license number and the license date of expiration. This date is also the expiration date for the DL 64.
- 4) The employee's current hourly wage.
- 5) Health care benefits, retirement benefits, incentive pay programs, or any other benefits for the employee shall be recorded in his/her personnel file. If there are no benefits, the record shall so indicate.

- 6) Addresses and telephone numbers of the person(s) who should be contacted should this employee be involved in an accident or emergency.
- 7) An ongoing record of all citizens' complaints made against this employee.
- 8) An ongoing record of any on-duty accidents this employee is involved in.
- 9) An ongoing record of any property damage caused or alleged to have been caused by this employee.
- 10) An ongoing record of any disciplinary actions affecting the employee.
- 11) An ongoing record of any commendations.
- 12) An ongoing record of all FSP and other tow-related training. This record shall include any training for interpersonal-type skills.

C. Daily Shift Record duplicates shall be kept on record prior to sending originals to CalTrans. The photocopied duplicates shall capture both the front and the back of the original Daily Shift Records.

#### 8. DRIVER TRANSITIONAL PERIOD

***FSP operators leaving the FSP contractor for whom they are employed shall be required to wait a minimum of ten (10) business days (Monday-Friday) after the hiring contractor notifies the CHP, via fax, before they are allowed to work FSP for his/her new contractor. The transitional period shall also apply to FSP operators who are concurrently employed by two different FSP contractors. However, if the employee submits a 2-week (or longer) written notice to his/her employer with intentions on seeking other employment, the 10-business day (transitional period) rule shall be waived, with CHP approval. The ten (10) business day rule may also be waived, if the employee leaves their current employer in good standing and there is a mutual agreement between the releasing and acquiring contractors.***

CHAPTER 8  
SPECIAL RELATIONSHIPS

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1. DEFINITION OF SPECIAL RELATIONSHIPS

- A. Once an FSP driver establishes any contact with a motorist, that driver has established what the FSP refers to as a “special relationship.”
- B. Tow personnel are to exercise reasonable care for motorists once a special relationship has been established.
- C. Tow personnel shall not place motorists, passengers, or pedestrians in a position of foreseeable danger from either traffic or other potentially hazardous factors after contact has been made.
- D. It is the responsibility of the driver not to leave the motorist in a worse situation than that which existed before the driver made contact. This includes not leaving a motorist stranded at a drop site where the safety of the motorist may be compromised. IT IS THE DRIVER’S RESPONSIBILITY TO ENSURE THAT HELP IS EN ROUTE OR THAT THE MOTORIST HAS ACCESS TO ADDITIONAL PUBLIC SERVICES.
- E. Drivers should treat motorists as if they were members of their own family. Drivers should ask themselves if they would leave one of their family members in the same situation they would leave a motorist.
- F. While all drop sites have been checked by the CHP, operators should be aware of any changing conditions that may adversely affect the suitability of any drop site. If in the driver’s opinion a drop site is unsafe, he/she should immediately notify an FSP supervisor.
- G. CENTER DIVIDERS, GORE POINTS AND NARROW SHOULDERS ARE ALWAYS CONSIDERED DANGEROUS LOCATIONS. ONCE A DRIVER ESTABLISHES CONTACT WITH A MOTORIST IN ANY SITUATION THAT MAY BE DANGEROUS, IT IS THAT DRIVER’S RESPONSIBILITY TO STAY WITH THE MOTORIST UNTIL RELIEVED BY THE CHP, ANOTHER TOW COMPANY OR UNTIL THE MOTORIST IS MOVED TO A SAFER LOCATION.
- H. If a motorist refuses FSP service or if the FSP operator leaves the motorist, the operator must inform the motorist of potential hazards and provide freeway safety tips as well as informing dispatch.

## CHAPTER 9

### POLICY ON SEXUAL HARASSMENT

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It is the policy of the FSP program that the working environment be free of sexual harassment. The CHP, CalTrans and MTC SAFE prohibit and do not tolerate sexual harassment by any FSP personnel. Immediate and appropriate disciplinary action will be taken against those individuals determined to be in violation of this policy, up to and including dismissal from the FSP program. Report of an incident of sexual harassment will not automatically result in action being taken against personnel accused of harassment.

**Definition:** Sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for favors, and other verbal, physical, or visual conduct of a sexual nature.

1. Title VII of the Civil Rights Act and Government Code Section 12940 make it an unlawful employment practice for employers to discriminate against any individual with respect to terms, conditions or privileges of employment on the basis of sex. The Federal Equal Opportunity Commission (FEOC) issued guidelines that make an employer responsible for acts of sexual harassment in the work place, regardless of whether the specific acts are forbidden by the employer.
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
3. Sexual harassment has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment. While sexual harassment may be manifested in various forms, the most common examples may include:
  - A. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones.
    - Written examples: suggestive or obscene letters, notes, invitations
    - Verbal examples: derogatory comments, slurs, jokes, epithets
    - Physical examples: assault, touching, impeding, or blocking movement
    - Visual examples: gestures leering, display of sexual suggestive objects or pictures, cartoons
  - B. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)

- C. Making reprisals, threats of reprisal or implied threats of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.
- D. Engaging in implicit or explicit coercive sexual behavior that is used to control, influence or affect the career, salary, and/or work environment of another employee.
- E. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, re-classifications, etc., in exchange for sexual favors.

## ANNEX A

### OPERATOR UNIFORM REQUIREMENTS

It is the responsibility of the tow contractor to provide the tow operator with specified uniforms and other required equipment. The equipment includes navy blue jump suits or shirts, pants, and safety vest. If coveralls are worn, they shall have a two-way zip front, with a heavy-duty brass zipper. Coverall or shirtsleeves shall be half-raglan type or set-in sleeve with pleated-action back. Long sleeves may have plain barrel cuffs or be equipped with snap or button closure at the wrist. The length of the sleeve on short-sleeved coveralls and shirts shall be approximately one (1) inch above the inside forearm when the wearer's arm is bent at a 90-degree angle.

The coveralls shall have shape-holding Sanforized waist banding with elastic inserts for trim fit. The legs shall be moderately tapered to avoid excessive fullness. All main seams shall be at least double stitched with good quality thread.

***The uniform shall either be a navy-blue jumpsuit or navy-blue shirt and pants and shall have double striping sewn around both sleeve and leg cuffs, and across the upper back. The first layer of striping shall be lime green 2 ¾ inches wide and the top layer should be a ½ inch wide reflective white striping. Additionally, the contractor shall provide each FSP driver with yellow, three-piece rain gear. The rain gear shall consist of trousers, coat, and a detachable hood. All rain gear shall also have reflective tape on both sleeve and leg cuffs, and across the upper back. All rain gear shall fit the individual FSP operator so as not to restrict his/her ability to move freely.***

***Shirts or coveralls shall have one or two chest pockets. Single-pocket coveralls or shirts shall have the chest pocket placed on the left. The small FSP logo shall be sewn on either front pocket opposite the driver's name.***

***The first initial of the first name and full last name shall be sewn above the either chest pocket opposite the FSP logo, so that it can be clearly visible with the collar open. Letters shall not exceed 1/2 inch in size. A detachable metal nameplate may be worn in place of the embroidered name at the contractor's option.***

All Freeway Service Patrol operators shall wear black work boots with protective steel toes and oil-resistant soles. During cold weather, a navy blue or white sweater or sweatshirt may be worn under the uniform shirt/coverall. A navy blue jacket may replace the sweater or sweatshirt at the contractor's option, if it meets all the uniform specifications.

Hats are optional. The only allowable hats will be hard hats or baseball caps provided by MTC SAFE. No other hats shall be worn.

## ANNEX B

## **CRIMINAL HISTORY DISQUALIFICATIONS**

Listed below is a synopsis of criminal convictions referenced on pages 3-11 through 3-12 of this manual as it relates to the FSP contractors and drivers applying for or participating in the Freeway Service Patrol.

A contractor or driver shall be permanently disqualified for the following offenses:

- (1) Section 210.5 of the Penal Code (PC)(defined in Section 667.5 PC)- False imprisonment
- (2) Section 217.1 PC - Assault or attempted murder of a government officer
- (3) Section 220 PC - Sexual assault
- (4) Section 236 - 237 PC, Chapter 8 - False imprisonment
- (5) Section 240 - 247.5 PC, Chapter 9 - Assault and battery
- (6) Section 261 PC - Rape
- (7) Section 262 PC - Rape of spouse
- (8) Section 264.1 PC - Rape with the use of a foreign object
- (9) Section 266(a) PC - Procurement by force or fraud
- (10) Section 266(j) PC - Procurement of a child
- (11) Section 267 PC - Abduction of a person under 18 for the purpose of prostitution
- (12) Section 288 PC - Lewd or lascivious acts with a child under 14
- (13) Section 288.5 PC - Continuous sexual abuse of child
- (14) Section 289 PC - Penetration of genital or anal opening by foreign object
- (15) Section 311.3 PC - Sexual exploitation of child

(16) Section 11105.3 PC - Any felony conviction or three misdemeanor convictions covered by this section.

(a) 667.5 PC - Prior prison terms; enhancement of prison terms for new offenses as follows:

1. Murder or voluntary manslaughter
  2. Mayhem
  3. Rape (Section 261 - 262 PC)
  4. Sodomy by force, violence, duress, menace, or fear
  5. Oral copulation by force, violence, duress, menace, or fear
  6. Lewd acts on child under 14 (Section 288 PC)
  7. Any felony punishable by death or life in state prison
  8. Any felony in which the defendant inflicts great bodily harm on another person except accomplice
  9. Robbery
- (b) Kidnapping - Chapter 3, 207-210 PC
- (c) False imprisonment - Chapter 8, 236-237 PC
- (d) False imprisonment/hostages - 210.5 PC
- (e) Assault and battery - Chapter 9, 240 -247.5 PC
- (f) Assault or attempted murder of a government officer - 217.1 PC
- (g) Procurement by force or fraud - 266(a) PC (felony or misdemeanor)
- (h) Procurement of child - 266(j) PC (felony)
- (i) Continuous sexual abuse of child - 288.5 PC (felony)
- (j) Sexual exploitation of child - 311.3 PC (misdemeanor)

The following shall disqualify an applicant or driver if the drug related offenses listed have occurred **within five years**:

- (1) Three or more drug-related misdemeanor convictions
- (2) Any drug-related felony conviction

The following shall disqualify an applicant or driver if the violation occurred within the previous **seven years**:

- (1) Gross vehicular manslaughter while intoxicated - 191.5 PC (felony).
- (2) DUI causing injury/death - 23153 VC (felony).
- (3) Three convictions of DUI.

The following criminal violations shall impose a **10-year limitation for felonies** (F) and a **five-year limitation for misdemeanors** (M) before an application to work in the FSP program may be considered:

- (1) Section 148 PC (M) - Resisting/ delaying a peace officer
- (2) Section 222 PC (F) - Administering drugs with the intent to commit a felony
- (3) Section 273.5 PC (F/M) - Infliction of injury to spouse, cohabite, or parent of child
- (4) Section 261.5 PC (F/M) - Statutory rape
- (5) Section 273(a) PC (F) - Cruelty to child
- (6) Section 273(d) PC (F) - Infliction of corporal punishment of child which results in traumatic conditions
- (7) Section 417 PC (M) - Brandishing a firearm in a threatening manner
- (8) Section 450 PC (F) - Arson
- (9) Section 453 PC (M/F) - Possession of fire bomb
- (10) Section 459 PC (F/M) - Burglary
- (11) Section 466 PC (M) - Possession of burglary tools
- (12) Section 467 PC (M) - Possession of deadly weapon with intent to commit an assault
- (13) Section 470 PC (F/M) - Forgery

- (14) Section 470(a) PC (M) - Reproduction or falsification of driver license or ID card
- (15) Section 470(b) PC (M) - Display or possession of reproduced or falsified driver license or ID card
- (16) Section 477 PC (F) - Counterfeiting money
- (17) Section 484(e) PC (F/M) - Theft of access card
- (18) Section 484(f) PC (F/M) - Forgery of access card or signature
- (19) Section 484(g) PC (F/M) - Fraudulent use of access card
- (20) Sections 487 and 489 PC - Grand theft, including theft of firearm 487 PC (F); Grand theft of firearm, punishment 489 PC (F)
- (21) Section 496 PC (F/M) - Receiving stolen property
- (22) Section 503 PC (F/M) - Embezzlement
- (23) Section 538(d) PC (M) Fraudulent impersonation of peace officer
- (24) Section 2800 VC (F/M) - Evading a peace officer
- (25) Section 10751 VC (M) - Altering, defacing, or replacing vehicle identifying numbers
- (26) Section 10752 VC (M) - Fraudulent acquisition or disposition of DMV- or CHP- issued Vehicle Identification Numbers
- (27) Section 10851 VC (F) - Vehicle theft
- (28) Section 20001 VC (F) - Hit-and-run collision causing injury/death

## ANNEX C

### CONTRACTOR BACK-UP TRUCK POLICY

*The purpose of this memo is to clarify the newly implemented “Contractor Back-Up Truck Policy”, formalize the company back-up truck request process, as well as, modify the vehicle requirements for the contractor’s internal use of a company back-up truck.*

#### **VEHICLE REQUIREMENTS**

*A contractor may purchase a new vehicle or use an existing vehicle, from a recently expired beat, as a company back-up truck. The proposed back-up truck must meet the following requirements to be considered for use as a company back-up truck.*

- *At the time of the initial request for approval, the back-up truck shall be no older than 5 years;*
- *Vehicles must meet all the required FSP vehicle specifications (except for the minimum miles requirement) and;*
- *Vehicle must be in good operating condition, and*
- *Pass a Yearly “Level 1” Inspection, in addition to an initial CHP Inspection for service operation.*

#### **AUTHORIZATION REQUEST FORM**

*Each contractor that is interested in establishing a company back-up truck must request and submit a “Contractor Back-up Truck Authorization Request Form”. The back-up truck must pass a thorough CHP inspection prior to being authorized for use. The “Contractor Back-up Truck Authorization Form” will be returned to the contractor indicating whether or not the back-up truck has been approved. No vehicle, other than that which has been approved, may be used as a company back-up truck. The use of an unauthorized vehicle for FSP operations may result in a fine.*

#### **VEHICLE INSPECTION**

*All proposed back-up vehicles must pass a thorough CHP inspection prior to being approved to serve as a company back-up truck. The proposed back-up truck will be inspected by your FSP field supervisor for appearance & equipment and a Level 1 safety test will be conducted by a commercial officer at a CHP scale location. The FSP Sergeant will coordinate the CHP scale inspection after the vehicle has passed the initial inspection.*

#### **TELECOMMUNICATIONS EQUIPMENT**

*During the current FSP equipment installs and de-installs, all telecommunication equipment should be de-installed from all vehicles, including the truck that has been designated as your company internal back-up truck. Unfortunately, not all proposed vehicles will pass the CHP inspection therefore; the re-installation of the telecommunication equipment is contingent upon the approval your “Contractor Back-up Truck Authorization Request”.*

***If the contractor's request for a back-up truck is approved, the contractor must initiate the installation of telecommunication equipment in the back-up truck, by submitting the "Hot Fax Request Form" to MTC SAFE. MTC SAFE will pay all costs associated with the installation and maintenance of all FSP telecommunication equipment.***

**ACCEPTABLE USE**

***The approved vehicle is the only vehicle that may be used as a company back-up truck. Similar to the FSP back-up trucks, the "company back-up truck" shall only be used to back-up a vehicle within your fleet that is out of service due to mechanical failure or an accident. It shall not be used to provide service for a vehicle that is unavailable due to routine maintenance.***

## **ANNEX D**

### **REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE ABUSE TEST**

NO DRIVER WORKING IN THE FREEWAY SERVICE PATROL (FSP) PROGRAM SHALL REFUSE TO SUBMIT TO AN ALCOHOL OR SUBSTANCE ABUSE TEST. ANY DRIVER WHO REFUSES TO SUBMIT TO AN ALCOHOL OR SUBSTANCE ABUSE TEST, SHALL BE ASSESSED THE SAME PENALTY AS A POSITIVE TEST RESULT.

NO EMPLOYER SHALL PERMIT A DRIVER WHO REFUSES TO SUBMIT TO SUCH TESTS TO PERFORM DUTIES AS A DRIVER IN THE FSP PROGRAM.

NO EMPLOYER HAVING ACTUAL KNOWLEDGE THAT A DRIVER HAS USED A CONTROLLED SUBSTANCE SHALL PERMIT THE DRIVER TO PERFORM OR CONTINUE TO PERFORM DUTIES AS AN FSP DRIVER.

NO FSP CONTRACTOR SHALL EMPLOY AN FSP DRIVER WHO FAILED OR REFUSED TO SUBMIT AN ALCOHOL/SUBSTANCE ABUSE TEST.

## ANNEX E AUTOMATIC VEHICLE LOCATING (AVL) PENALTIES

The Automatic Vehicle Locating (AVL) system is the most effective means for dispatching and supervision of the Freeway Service Patrol (FSP) operations. The AVL system can be used for dispatching, which allows the dispatcher to select the closest operator to an incident requesting FSP assistance. In addition, the AVL system can also be utilized for supervision purposes, such as monitoring the movements of each operator to ensure proper policy and patrol procedures are being adhered to.

The AVL has the capability of monitoring operator locations during breaks, lunch, and motorist to drop site locations, as well as signing on and/or off their assigned beat. The Fleet Manager will have the responsibility of monitoring these activities on the AVL, as well as having the responsibility for levying fines. Violations which are a result of AVL monitoring can result in penalties ranging from verbal/written reprimands up to and including suspensions and termination from the FSP program.

When an operator violates any of these policies, the fleet manager will document and track the violations cumulatively. When an operator has accumulated 10 violations from any of the above violations, the fleet manager will advise CHP and an investigation will be conducted. Below are the following penalties assessed to each operator.

46) An FSP driver not on or leaving the beat during FSP hours without authorization, as established via AVL system (**Major**)

- **DRIVER/CONTRACTOR:**

1<sup>ST</sup> THRU 10<sup>TH</sup> OFFENSE:       \$25 Deduction for each offense.  
SUBSEQUENT OFFENSES:       CASE BY CASE, CHP investigation

47) Purposely tampering, damaging, or modifying any FSP telecommunications equipment (unplugging wires, obstructing or removing equipment, etc). (**Major**)

- **DRIVER/CONTRACTOR:**

FIRST OFFENSE:               \$250  
SECOND OFFENSE:             \$500 AND TERMINATION

48) Violation of break policy (examples: prolonged breaks, not in area of beat, two drivers from same beat at the same time, as established via AVL system) (**Minor**)

- **DRIVER/CONTRACTOR:**

1<sup>ST</sup> THRU 10<sup>TH</sup> OFFENSE: \$25 Deduction for each offense  
SUBSEQUENT OFFENSES: CASE BY CASE, CHP Investigation, from three day work suspension to termination

49) Late sign-on or early sign-off, Via AVL system (**Minor**)

- **DRIVER/CONTRACTOR:**

1<sup>ST</sup> THRU 10<sup>TH</sup> OFFENSE: \$25 Deduction for each offense  
SUBSEQUENT OFFENSES: Case-by-case basis, from three work-day suspension to termination