

# BAY AREA FREEWAY SERVICE PATROL

## OPERATOR'S MANUAL



*Revised*

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*All previous revisions are obsolete*

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## FOREWORD

The purpose of this Freeway Service Patrol Standard Operating Procedures (SOP) Manual is to consolidate the Operator'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 (CHP) 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 oversight of FSP operators. The officers' duties include: conducting background checks of prospective FSP operators, providing initial and refresher training, carrying out random and planned tow inspections, conducting driver observations, evaluating the operators and investigating complaints. Additionally, the CHP is responsible for dispatching FSP trucks from the CHP Golden Gate Communications Center (GGCC). Caltrans' primary responsibility is for state allocation invoicing and monitoring freeways to ensure FSP resources are deployed in an efficient manner. Caltrans is also responsible for conducting special studies in support of local FSP programs. The Metropolitan Transportation Commission Service Authority for Freeways and Expressways (MTC SAFE) is responsible for contracting with tow service providers and with other consultants and contractors that may be necessary for the successful implementation of the project. They are also responsible for generating local matching funds, preparing annual program budgets, and coordinating service expansions and changes with partner agencies.

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. In the event of a discrepancy between this SOP and the contract, the more stringent provision with respect to Contractor performance shall apply.

This document refers to administrators and FSP administration. 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.

This document refers to operators and contractors. For the purpose of enforcement of FSP policies contractors shall refer to the owner, FSP manager, FSP operators or staff member who represents the tow contractor and can make business decisions on behalf of the tow contractor that is contracted by MTC SAFE. Operator shall refer to drivers that work for the FSP program. In some instances, operator and contractor are synonymous. The term operator and driver are synonymous.

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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 with 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 operators provide on-the-spot help to motorists free of any charges or tips. Operators 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 an FSP 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. An FSP applicant must demonstrate proficiency (Proficiency Testing) in the use of FSP equipment (tow truck, dolly, etc.), prior to being approved to attend the 24-hour certification class. The potential operator shall observe an experienced FSP operator 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 and driving 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 operators 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 operators are professionals who represent not only the contractor, 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. FSP operators must exercise common sense and good judgment when performing FSP duties. 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. FSP operators 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 operator 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 operator 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 operator 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 operators shall not refer a motorist to any garage, private tow service, service station or mechanic or solicit for secondary tow. The referral to or recommendation of any private business may result in immediate revocation of certification for the operator, contract and/or program termination for the contractor. Refer to Chapter 3, Section 14.
- F. FSP operators shall not refer any accident victim(s) to any legal services or medical facilities.
- 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 other gratuities of any kind, will be accepted. If an operator is placed in a position where the acceptance of a gratuity is unavoidable, an FSP administrator shall be immediately notified and the operator 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. MTC SAFE may require FSP vehicles to display an advertisement as specified in the Request for Qualifications Bid invitation (RFQBI).

## 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 cannot 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

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. Battle Dress or Tactical uniforms are strictly prohibited. If coveralls are worn, they shall have a two-way zip front, with a heavy-duty brass zipper. 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 coveralls 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 ¼ inches wide and the top layer should be a ½ inch wide reflective white striping. The striping is to be up to one (1) inch from the short sleeve hem line, or up to one (1) inch above the long sleeve cuff. The striping on the pant should be placed two (2) to four (4) inches above the hem line.

A three and a half (3.5) inch FSP logo patch shall be sewn above the left front pocket area of the shirt. A seven (7) inch FSP logo patch shall be attached to the center back area (See Illustration in Annex C) of the shirt.

The first initial of the first name, the first initial of the middle name (optional) and full last name shall be sewn in capital letters above the right chest pocket opposite the FSP logo, so that it can be clearly visible with the collar open. Letters (block type) shall not exceed ½ inch in size. The name may be embroidered directly onto the uniform (white lettering only). If preferred, the name may be embroidered on a navy-blue cloth with white lettering which may be attached on the uniform via Velcro. Plastic or metal name plates are prohibited.

**See Annex C for a mockup of the uniform requirements.**

Additionally, the contractor shall provide each FSP operator with yellow rain gear. The rain gear shall consist of trousers, coat, and a concealable or detachable hood. All rain gear shall 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. Refer to CHP for the authorized rain gear.

All reflective safety vests shall be a minimum of Class 3 safety vests requirements and shall be in accordance with California Code of Regulations, Title 8, Section 1598. That Section describes the color of the vests and states in hours of darkness the garments shall be retro-reflective and visible at a minimum of 1,000 feet. The FSP logo will appear on the center back of the vest and a small FSP logo will appear on the front left of the vest. A Velcro strip is provided on the right of the vest where the tow truck operator's name shall be located. The nametag requirement is the same as the standard FSP uniform. Operators are required to wear a complete uniform under the reflective safety vest.

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

- B. No operator shall wear the FSP uniform at any time other than FSP hours. In no event shall an FSP operator 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 end of an FSP shift. However, the FSP uniform may be worn to FSP training sessions, but in such cases, only the approved FSP cap shall be worn with the uniform.
- 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 operator's (i.e., any operators working 30 or more hours per week) with five (5) sets of uniforms. Additionally, the contractor shall provide each FSP operator with yellow, three-piece rain gear.
- E. Operators shall wear black boots with protective steel toes and oil-resistant soles. Operators may also wear composite type work boots if OSHA approved. 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 operator. Subsequent replacement caps will be purchased by the operator from MTC SAFE. These caps may be worn at the operator's discretion. FSP baseball caps are to be worn with the FSP logo/bill facing forward. A navy-blue watch cap, purchased from MTC SAFE, with the FSP Logo sewn on the watch cap (beanie/knit cap) may be worn during inclement weather. No other head gear is authorized.
- G. Operators shall start each day with a clean, well-maintained uniform. Examples of uniform violations include: dirty and/or 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/undergarment may be worn under the uniform shirt. No other color shall be worn. When short-sleeved shirts are worn, the operator may wear a long-sleeved undergarment granted it is the same color as the uniform (navy blue). Sweatshirts/sweaters (navy blue or white only) are acceptable and shall be tight fitting so they will not hinder job duties. Hooded undergarments are prohibited. 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 operator will be issued an FSP Identification card. The Identification card must be in the operator's possession during FSP operations and visible to the motorist while the operator is rendering service. This ID card shall be presented to any individual requesting to see FSP identification. Replacement of FSP ID cards shall be at the expense of the contractor. Additionally, a valid California driver's license, DL-64 (Tow Truck Certificate), and DL-51 (Medical Certificate) shall be in the operator's possession during FSP operations.
- J. Whenever an FSP operator is outside of their vehicle, they shall wear the reflective vest as the outermost garment. During inclement weather, the operator may wear the rain gear or FSP jacket without the reflective vest, granted the rain gear and/or jacket is in compliance with the current OSHA regulations and has the proper FSP signage.
- K. The rain gear shall have the letters "FSP" stenciled across the center of the upper back as well as on the upper left front. The cold weather gear (jacket) shall have the large FSP patch sewn on the center of the upper back and the small logo above the left front pocket opposite of the operator's name.
- L. Only authorized jackets may be worn. Navy blue jackets (with the same signage requirement) may be worn.

#### 4. GROOMING AND PERSONAL APPEARANCE STANDARD

- A. Operators will maintain a well-groomed appearance at all times. Operator 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. Operators 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, 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. Earrings shall be limited to small studs that are no larger than 1/8 inch in diameter at their widest point. No other body piercing is allowed during FSP operations. Due to the possibility of serious burns caused while working with electrical sources associated with motor vehicles, it is highly recommended that FSP operators 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 CHP on a case by case basis, but it shall be CHP's policy to minimize the wearing of jewelry for safety reasons and in order to uphold a professional image.

## 5. FSP DRIVER OF THE QUARTER AWARD

- A. Each quarter an outstanding operator will be selected for the "FSP Driver of the Quarter" Award.
- B. The selection of the "FSP Driver of the Quarter" award will be made from operators nominated by contractors, CHP administrators, and FSP partners. CHP administrators, with input from MTC SAFE and Caltrans, will select the award recipient. The selection will be based on field evaluation regarding the operator'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 operators for this award.
- C. The nominations for "FSP Driver of the Quarter" must be submitted to the CHP no later than April 15<sup>th</sup>, July 15<sup>th</sup>, October 15<sup>th</sup>, and January 15<sup>th</sup>. Any nominations received after that date will not be accepted.

## 6. SOCIAL MEDIA POLICY

- A. FSP Operators and Contractors shall not video record, take pictures, and/or publish images, recordings, or opinions related to their position while working in the FSP program. This includes those which are irresponsible, lewd, obscene, work against the values of the FSP Partners of dignity and respect, and/or bring harm to the FSP community. The FSP Partners will hold all FSP Operators and Contractors responsible for their published words and images. Those affiliated with the FSP Program who use technology in one of the ways listed above will face disciplinary action, up to and including having their contract terminated or operator certification revoked. Enforcement of this policy will be handled on a case-by-case basis, and the disciplinary action taken will be at discretion of the FSP Partners.

## 7. RECRUITING/SOLICITING FOR EMPLOYMENT

A. In any case, a driver, contractor or agent of any FSP Company shall not engage in employment recruiting activities during a FSP Shift, FSP Training, FSP Meeting or FSP sponsored event. Offering employment, mentioning of a job listing, or any conversation with the intent to recruit for employment from another contractor during FSP hours is strictly prohibited.

## CHAPTER 3

### FREEWAY SERVICE PATROL OPERATOR RESPONSIBILITIES

#### 1. LIABILITY

- A. Operators 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 /INCIDENT SCENE MANAGEMENT DIRECTIVE

- A. FSP operators must obey all peace officer orders. The peace officer does not have to be a California Highway Patrol officer. If an FSP operator receives a request from a peace officer or scene manager (e.g., Fire, Caltrans) to perform a task which violates the policy listed herein, the operator must inform the peace officer of the conflict. If the peace officer is insistent with the request, the FSP operator shall obtain approval from an FSP administrator (601) through CHP Dispatch. However, if exigent circumstances exist the orders take precedence over the policies and procedures listed in this document. The FSP operator shall document and notify an FSP administrator and CHP Dispatch immediately after the incident.

#### 3. NO PEACE OFFICER POWERS

- A. FSP operators **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 operators 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, operators shall report it to CHP Dispatch.

#### 4. ALCOHOL AND/OR DRUGS

- A. The use of alcohol and/or drugs while in service is absolutely forbidden. Any operator found to be under the influence of drugs and/or alcohol will be handled by Violation #34, Chapter 10 and may face criminal prosecution.
- B. Operators shall not be on duty while having the odor of an alcoholic beverage on their breath or person. Operators 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 by Violation #35, Chapter 10.



- 1) Whenever any operator is removed from FSP duty by the CHP for having the odor of an alcoholic beverage on his/her breath or person, that operator 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 operator 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 operator 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 operator 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. Operators 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. Operators found to be in possession of illegal drugs while on duty will be charged with all applicable violations of law and immediately decertified or have their certification revoked from the program.

If an FSP operator is arrested while off duty, for any offense(s), he/she is required to notify his/her contractor immediately. Failure to do so will result in a suspension and/or decertification from the FSP program. Furthermore, the contractor shall notify the FSP Sergeant of the arrest immediately.

## 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 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. If an operator is legally prescribed medication that could cause impairment, that operator shall report this to their contractor and the FSP unit before performing FSP duties.
- 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 FSP operators shall be immediately reported to the California Highway Patrol.

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

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 affect this requirement. The employer shall test for alcohol and controlled substances if:

- 1) An on-duty FSP operator 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.
- 2) An on-duty FSP operator 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 operator may have caused the collision or contributed to the cause of the collision.
- 3) 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 operator(s).
- 4) This policy shall not be interpreted as requiring the contractor to retain operators testing positive for alcohol or controlled substances, if the contractor has a written policy requiring the operator's termination of employment in such cases.
- 5) Those operators terminated by a contractor for positive substance abuse tests shall be prohibited from performing any FSP duties. 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, decertification and/or termination from the FSP program for the operator and/or contractor.

No operator working in the Freeway Service Patrol (FSP) program shall refuse to submit to an alcohol or substance abuse test. Any operator who refuses to submit or fails to complete an alcohol or substance abuse test, shall be assessed the same penalty as a positive test result.

No contractor shall permit an operator who refuses to submit to or fails such tests to perform FSP duties for a minimum of one (1) year.

No contractor having actual knowledge that an operator has used a controlled substance shall permit the operator to continue to perform FSP duties.

If a contractor fails to notify CHP of a positive test result, refusal to submit to a test, or failure to complete a test, it shall be treated as Violation #33, Chapter 10.

## 6. SMOKING

Smoking or chewing tobacco in FSP vehicles is strictly prohibited. FSP operators shall also not chew or smoke tobacco during encounter with motorist.

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

FSP operators shall not sleep while on or off duty in an FSP vehicle. 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 operators and contractors be honest and truthful regarding all aspects of FSP operations. Operators and contractors shall provide truthful information to CHP dispatchers, CHP officers, Caltrans Staff, MTC Staff, their employers, and the motoring public whether it is by voice radio, tablet computer, in person, and/or by written document. Any violations will be handled on a case-by-case basis based on the facts available. Fabrication or omission of any information during an interview or on any required document (verbal or written) is deemed untruthful and is subject to the same penalties as indicated in Chapter 10 of this document.

## 9. PATROL RESPONSIBILITY

- A. Before each FSP shift, all operators shall physically and visually inspect the truck's equipment and complete the Equipment Inspection Report. Equipment shall be checked for its functionality. All equipment that fails must be replaced or repaired prior to the subsequent shift. 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. Contractors are under contract to provide the equipment as listed in the RFQBI. If a contractor chooses to use equipment that is not listed, the contractor is still under contractual obligation to ensure the required equipment is in the vehicle. Example one: Tow trucks are required to have tow lights with an extension cord. If the contractor selects to use "wireless" tow lights, the contractor shall still have the tow lights with an extension cord within the tow truck. Example two: FSP vehicles shall be equipped with jumper cables. If the contractor selects to provide a "portable battery booster pack", they are still under obligation to ensure that FSP vehicle has jumper cables.

- C. FSP operators 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 operator's summary report (no exceptions). In those cases where the operator may drive more than one service vehicle, an explanation shall be recorded in the narrative portion of the daily activity log.
- D. FSP operators shall patrol their beat continuously. Parking in one specific location and waiting to be dispatched to an incident is a violation of policy, unless directed to do so by the FSP partners. The success of the program depends on how quickly an incident is detected. An FSP operator may encounter and assist a disabled motorist before Dispatch receives a call. Operators shall also check on and off-ramps and transition roads for disabled motorists.
- E. It is recommended that operators patrol in the slow lane. Most incidents encountered will be on the right shoulder. Operators 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.). Operators should always maintain a high visual horizon while on patrol.
- F. FSP operators are not exempt from traffic laws. FSP operators shall 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 vehicle (HOV or diamond lane) 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, operators will proceed at a speed no greater than 15 mph. Obtaining permission does not release the operator from liability if an accident or property damage occurs from using the right shoulder or center divider.
- G. FSP operators working on the same beat or in the same area are encouraged to assist each other and emergency personnel whenever possible. However, FSP operators shall not remain at the scene of any incident any longer than they are needed. When one FSP operator cannot handle an incident, an additional FSP operator may stop to offer assistance. However, FSP operators 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. Though FSP response and assistance at the scene is appreciated by emergency personnel, operators 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 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 operator shall respond to any incidents outside of their assigned beats without prior approval from a CHP field administrator.
- 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 immediately reported to an FSP administrator. Conflicts, arguments or other displays of unprofessional conduct in the presence of motorists will not be tolerated.

- C. When tow operators encounter an accident and/or disabled vehicle blocking the roadway while en route to and/or from their assigned beats, they should immediately notify Golden Gate Communications Center (GGCC) of the situation and request to go in service or be put back into service. When the operator has finished assisting with the incident, he/she shall advise GGCC of his/her status and request approval for overtime earned and go off duty. Tow operators shall not search for incidents to obtain overtime after going off duty.

## 11.MOTORIST CONTACTS

- A. While on duty, FSP operators 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. If the motorist refuses FSP services, the FSP operator shall ensure the motorist is aware on how to contact CHP Dispatch should their FSP refusal status change (via cellular telephone or call box if applicable). 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 incident and somebody else must respond. Failing to stop for 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 serious violations of FSP policy. The penalties shall always be significant and will be handled on a case-by-case basis. Decertification from the FSP program shall always be considered for these failures of FSP duties.
- B. An FSP operator'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 operators 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 operator 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.
- C. When making contact with the motorist's vehicle, the operator shall approach the vehicle from the non-traffic side. Upon initial contact with a disabled motorist, the operator shall identify him or herself as a member of the Freeway Service Patrol. The operator 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 the FSP issued business card and asked to complete the online motorist survey form. The operator shall explain to the motorist that the completion of the online survey helps to evaluate the effectiveness of the FSP program.

- D. While motorists are not required to accept service, FSP operators shall always offer their services. FSP operators are 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 operators 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 services or if the FSP operator leaves the motorist, the operator shall inform the motorist of potential hazards and provide freeway safety tips to the motorist. As stated previously in the document, the FSP operator shall ensure the motorist is aware of how to contact CHP Dispatch should their refusal status change (via cellular phone or call box if applicable) and relay safety admonishments (i.e., SAG [safety admonishment given]). FSP operators shall notify CHP if a motorist refuses to accept FSP services.
- E. When preparing to tow a vehicle, FSP operators 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 a tow 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. Operators 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. 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 operator shall give Dispatch the ending mileage. The motorist and the vehicle shall not be separated unless specifically directed by a peace officer.
- F. Operators should employ common sense when leaving motorists at drop locations. **MOTORIST SAFETY COMES FIRST.** After rendering service to the motorist and/or the motorist refuses service, operators may stand by with the motorist for a maximum of thirty (30) minutes, only at the motorist's request. If no further assistance arrives and the motorist is uncomfortable about being left alone at a drop location, advise CHP Dispatch and request for a CHP unit to respond.
- 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 an FSP administrator through CHP Dispatch.
- H. Operators shall utilize the tablet computer to enter required information regarding their daily activity. In the event the tablet computer becomes non-functional, operators shall record their daily activities on a 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 0600 to 1000 hours and 1500 to 1900 hours on weekdays. Some beats may have fewer hours or may have continuous all-day coverage. It is the contractor's responsibility to adhere to labor laws regarding shift hours and breaks.
- B. Operators shall arrive on their beat at the beginning of their shift and sign on after their arrival.
- C. Operators shall remain on their beat until the end of their shift, indicate on their tablet computer when they have left the beat and log off their tablet computer from their tow yard. Contractors will only be paid for the time that their operators are on the beat.
- D. Each truck shall be clean (inside and out) and properly equipped at the beginning of each shift. This means the truck is supplied with all required supplies/materials and it has sufficient fuel to complete a SIX-hour shift without refueling. Trucks assigned to work an "all-day" shift are permitted to refuel except during the first hour or the last half hour of their assigned shift. Trucks will only be allowed to replenish their supply (i.e. motorist's fuel, water, etc.), due to usage during the same shift. The operator may leave the beat only for as long as necessary to replace supplies. The operator shall notify Dispatch of his/her "temporary out of service" status (10-6, replacing supplies).
- E. Rest or lunch periods may be taken according to the following guidelines:

### AM/PM Shifts (Monday – Friday):

One paid rest period of 15 minutes is allowed during the AM and PM shifts.

### Mid-day Service:

One paid rest period of 15 minutes is allowed during the mid-day shift.

### All Other Shifts (Weekends and Holidays):

Two paid 15-minute rest periods and a non-paid lunch (30 minutes) is allowed if these hours of operation are worked consecutively by the same operator for six (6) or more hours.

Only one FSP operator per beat shall be on a rest/lunch period at any given time. Rest/lunch periods may not be taken during the first hour and last half hour of the operator's shift and may not be taken consecutively resulting in an extended rest period. Further, operators cannot respond to their beat late or return to their shop early in lieu of taking a rest/lunch period. Operators shall change their status to "out of service" (10-7) during a rest/lunch period. Rest/lunch periods shall not be taken on freeways or on/off ramps, contractor's yard, shopping malls or residences. Rest/lunch periods must be taken within ½ mile from the operator's designated beat.

If a contractor voluntarily extends an AM/PM shift of an operator to cover a mid-shift service and the adjustment is such that it qualifies the operator for a non-paid lunch, the contractor must still meet their contract obligations (Example: by sending a replacement operator during the lunch period to provide FSP services). Contractors shall ensure all FSP Operators are in compliance with the California Code of Regulations (CCR) Title 13, Section 1212 and the FSP SOP.

- 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.
- G. When a service/detail at the end of a shift requires overtime to complete, the operator 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 operator 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 tablet computer. FSP operators shall not search for incidents while on or to obtain overtime.
- H. All drivers shall comply with Federal and State Hours of Service driving laws while operating a commercial vehicle in the FSP program, which include Log Book documentation.

### 13. DISPLAY OF FSP SIGNAGE/LETTERING AND VEHICLE STORAGE

Tow/service vehicles are exclusively for FSP use only. The use of any FSP vehicles for commercial (profit or non-profit) or personal use is strictly prohibited, with the exception of flexible back-up trucks.

- A. Trucks shall display the authorized FSP logo placards or decals on both sides and rear bumper, boom or tailgate area of the vehicle at all times while engaged in FSP operations. Trucks without proper equipment, including placards or decals, shall be removed from service. In no event shall trucks display the FSP door logo outside of FSP hours
- B. The decals must be affixed on the doors and bumper, boom or tailgate area of the FSP vehicle. The permanent door decals must be covered by a white magnetic placard indicating "NOT IN SERVICE" when responding to the beat at the beginning of the shift. The operator shall uncover the decals only after he/she advises GGCC of his/her "on-duty" status. Conversely, the FSP operator shall cover the decals after he/she advises GGCC of his/her "off-duty" status.

C. Rooftop lettering will be provided by MTC SAFE. Other lettering placed on the trucks, related to FSP requirements, shall be as follows:

- Truck number shall be placed on each door, centered two (2) inches below the FSP door decal.
- Color: Black is the only authorized color that will 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 two (2) by two (2) inches with spacing of no more than one (1) inch between letters.
- Location: Required contractor and yard location lettering shall only be placed on the lowest possible portion of the body of the truck toward the cab (left justified on the left side and right justified on the right side) and on the roof. Lettering/Markings, other than authorized FSP reflective decals, shall not be placed on the boom, at the front of the truck, bumper/fender, or in any other location.
- Truck number shall be placed on each door, centered two (2) inches below the FSP door decal.
- With the exception of the FSP decals and truck number, no other signage is permitted on the front doors of an FSP vehicle.

- D. FSP vehicles shall be stored (parked) at the “beat-assigned” contractor’s office/location during non-FSP hours (midday breaks, nights, weekends or holidays). At no time shall FSP vehicles be stored at an alternate location. Should a need arise for an FSP vehicle to be stored (parked) at another location, the contractor must seek approval from CHP who will grant exceptions at their discretion. FSP vehicles shall not be relocated until a written approval has been received by CHP.

#### 14. SECONDARY TOWS & SOLICITATIONS

- A. FSP operators are prohibited from providing secondary tow services to motorists they have assisted during FSP hours. If additional tow services are needed from rotation tow or motorist’s request, approval from CHP Dispatch must be obtained. If a motorist requests a rotation tow for which the contractor is the next scheduled tow, or if a motorist specifically requests the tow operator’s company, the contractor shall send a different truck and operator. At no time shall an FSP operator solicit additional tow service or refer motorist to a specific tow company. A violation of this section shall result in the flagrant Violation #24, Chapter 10.

#### 15. WEAPONS

- A. FSP operators shall not carry firearms or weapons (mace, oleoresin capsicum [Pepper Spray], baseball bats, hunting-type knives, short chains, etc.), on their persons or in the FSP vehicles. Any FSP operator found to be in possession of a firearm or any weapon 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. 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. FSP operators also have the option to carry on their belt a Leatherman-type multi-tool in a holster.

#### 16. 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 operator has been separated/absent from the FSP program 120 days or less, the operator must:
  - Accurately complete and submit a CHP 234F and Questionnaire
  - The operator must possess a valid California Driver’s License
  - The operator must possess a valid DL 64 (Tow Truck Certificate)
  - The operator must possess a valid DL 51 (Medical Certificate)

2. If the period of separation/absence is 121 days or more, all of the above must be completed including a Live Scan plus all applicable fees.
3. One (1) year or more, the operator must complete the entire application process.

## 17. OPERATOR TRANSITIONAL PERIOD

FSP operators leaving an 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 or email), before they are allowed to work for his/her new contractor. However, if the employee submits a two-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 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. If safe, minor repairs, refueling vehicles or changing a flat tire may be performed on the shoulder.
- 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. FSP operators shall provide service to all vehicles stopped on the freeway. If repairs are needed and not readily available from FSP, the operator shall advise the motorist that his/her vehicle can be towed to a drop location.
- D. Overhead amber lights shall not be used when stopped on the shoulder unless a portion of the disabled or FSP vehicle is determined to be in a hazardous location (blocking a lane). Additionally, FSP vehicles shall not utilize the overhead amber lights when towing vehicles. As a general rule, overhead 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 an FSP 422 (green) on all vehicles located on the shoulders of the freeway, whether a CHP 422 (yellow) is present or not. The FSP 422 shall only be placed on the non-traffic side of the rear window or antennas. The FSP 422 shall not be placed on painted surfaces. FSP Operators shall advise the motorists on how to contact CHP Dispatch if further assistance is needed (via cellular phone or call box is applicable). Additionally, an FSP 422 shall be placed on vehicles left at drop locations. In those locations where vandalism has proven to be a problem, an FSP administrator may elect to overrule this practice. In the event an FSP 422 is removed or missing, an FSP operator shall replace the FSP 422.
- 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 (by motorist request only) with the motorist until help arrives and/or for up to 30 minutes, whichever comes first. Dispatch shall notify an FSP/CHP (601) Administrator of the request. If after 30 minutes the motorist's help still has not arrived, the FSP operator shall notify Dispatch and request a CHP unit to respond. The FSP operator will go back in service and check on the motorist periodically.
- H. When an FSP operator encounters a vehicle disabled in the center median (or divider) the FSP operator shall not leave the motorist, even if service is refused. The operator shall notify Dispatch and request for a CHP unit to respond. Once beat unit arrives the operator may leave if no longer needed. In addition to the center median, an operator shall not leave a motorist in the gore point (or reverse 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 administrator or a CHP unit. 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 operator encounters an abandoned vehicle in the lane, the operator shall request Dispatch to respond a CHP unit. 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 operator is unable to obtain permission in a timely manner, the operator must remove the vehicle to the right shoulder. In such instances, the dispatcher must be notified of the removal. With the approval of CHP (either Dispatch or a beat unit), a vehicle that has been moved without the owner's consent (example, 11-25) should be stored. If a beat unit is not on scene, the operator shall request for a CHP unit to respond. The operator shall remain with the vehicle until the beat unit arrives or unless otherwise directed by Dispatch. 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 an FSP 422, and notify Dispatch whether the vehicle is a hazard or not (*Operators must use sound judgment when determining whether the vehicle is a hazard or not*).

### 3. VEHICLE COLLISIONS (FSP IS NOT INVOLVED)

A. The FSP operator 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 operators 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 operator should then tell them he/she is on scene 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 OPERATOR'S OWN SAFETY AND THE PUBLIC'S SAFETY ARE THE MOST IMPORTANT FACTORS IN MAKING DECISIONS. THE PUBLIC AND OPERATOR'S OWN SAFETY ARE THE MOST IMPORTANT FACTORS IN MAKING DECISIONS.*
- 3) If seriously injured persons are observed, the operator 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 operator should call for medical personnel.
- 7) When time and safety issues allow, cones or flares should be utilized to protect the scene. The operator 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 unit to arrive before moving the vehicles.
- 8) If no injuries are claimed by anyone involved in the collision, the operator 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 refuses to move their vehicle, operators shall protect the scene until the CHP unit arrives. Operators shall not cancel the CHP unit from responding to an accident, unless the involved motorist indicates that a report is not needed. If all parties leave the scene prior to the arrival of the CHP unit, FSP 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 decertification 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 operators shall document the license plate numbers of all vehicles involved in collisions. These license plate numbers shall be documented on the operator's tablet computer. If a vehicle does not display a license plate number, then a description of the vehicle shall be documented. This requirement is applicable to all collisions and only to those vehicles at the same location as the FSP operators.

#### 4. DEBRIS IN THE ROADWAY

- A. Traffic is flowing: The operator should position the tow truck on the shoulder *just before* the debris. Operators 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 operator may proceed to the debris and remove it to the shoulder. (CAUTION: Operators should keep their eyes on traffic and be prepared to take evasive action, if necessary.) Finally, the operator should advise Dispatch of the location of the removed debris.
- B. Traffic is stopped: The operator should activate the amber warning lights and position the FSP vehicle so as to provide protection to oneself while collecting the debris. The operator 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 a CHP unit or Caltrans.

- D. If an operator is unable to stop safely for debris, the operator shall return immediately to the location of where debris was observed and remove it safely. If unable to remove safely, the FSP operator shall standby until the hazard is safely removed. Driving by debris and not arranging for someone to respond or failing to respond to incidents to which they have observed are considered a serious violation of the FSP policy.

## 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 (wallets, purses, money, suitcases, etc.), Dispatch will be immediately advised and a CHP unit shall be requested to respond. All valuables shall be turned over to the beat unit. The valuable(s) will be handled according to CHP policy. FSP operators shall note the name and badge number of the officer taking possession of the item(s) on the tablet computer.

## 6. HAZARDOUS MATERIALS

- A. 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. Operators 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, with safety being of the utmost importance.
- B. The operator should not approach any suspected hazardous spill. They should immediately request Dispatch to notify CHP units. Any FSP operator 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. Operators 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, operators 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. Operators 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 and approved by the CHP, as appropriate tow sites for disabled vehicles. Taking vehicles involved in traffic collisions to drop sites are highly discouraged and should only be taken as a last resort, or directed to do so by a peace officer.
- B. Operators are to tow vehicles only to the designated drop locations indicated on the beat maps. Vehicles shall not be towed to any private parking areas such as service station lots, malls, restaurant lots, etc. unless so directed by a peace officer. Operators should utilize the nearest drop site unless special circumstances dictate otherwise. The motorist shall be advised of any restriction at the drop site location (time limits, etc.). Operators shall document the notification on the tablet computer.
- C. The operator shall also document the use of the drop site on the tablet computer.
- D. Operators should notify an FSP administrator if any corrections or modifications need to be made to the drop locations or beat maps.
- E. FSP operators shall notify an FSP administrator of any abandoned vehicles left at drop locations for extended periods (three or more days). Vandalized vehicles at drop locations should be reported to an FSP administrator immediately.
- F. Good judgment must prevail. If conditions lead an operator 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 administrator. **Operators should not jeopardize the motorist's safety.** Operators shall take all reasonable steps to ensure 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, operators should consider their options. If appropriate, operators may call for a CHP unit for 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 operator 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 may be 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. Operators 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 is generally limited to tow services performed while in the traffic lane or partially blocking a lane. When assisting disabled vehicles on the right shoulder or center median of the freeway, the operator shall perform the work from the non-traffic side.
- B. FSP procedures require two safety chains be used for every towed vehicle. If there is risk of danger to the operator, the operator may tow the vehicle without chains to the nearest place of safety (shoulder, surface streets, etc.) where safety chains shall be attached. Chains shall not drag on the ground, but can be crossed if necessary. Operators failing to follow these procedures may be suspended from the program.
- C. FSP procedures require operators to place portable stop/signal lamps (tow lights) on every towed vehicle. It is recommended that a piece of paper or cloth be placed under the tow lights to prevent damaging the motorists' vehicle. 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 operator involved in a traffic collision or accidental contacts with other vehicles while on duty shall immediately notify CHP Dispatch of the collision and request an FSP administrator and CHP unit 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 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 tablet computer and reported to the FSP operator's employer, by the involved operator.

- B. At the time of the collision, the tow operator shall create a self-dispatched log from the tablet computer and contact Dispatch to report the details of the incident. The 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 operator shall use the voice radio to have the dispatcher assign him/her to a log.
- C. The 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 administrator or CHP unit shall be requested to determine if a report is warranted.
- E. Contractors who become aware of any damage to FSP vehicles or to other private or public property that could be reasonably believed to have occurred during FSP service hours shall immediately ensure the damage has been reported to CHP Dispatch or a 601 administrator. Failure to do so may result in the termination of the contractor from the FSP program
- F. Any FSP operator involved in a traffic collision or accidental contacts with other vehicles that results in injury or fatality may be immediately suspended from working in the FSP program until the law enforcement investigation is completed.

## 11. PUSHING POLICY:

Operators 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 contractor's policies/procedures. When an operator encounters a vehicle in the traffic lanes, he/she should (using sound judgment) push the vehicle safely to the right shoulder of the freeway. Operators should only push the vehicles to the right shoulder of the freeway, unless the right shoulder puts them in a more hazardous position, they should then push the vehicle off the freeway. Operators shall advise the motorists their vehicle's steering or braking system may be affected due to the lack of power.

## 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, a CHP unit will be requested to respond to make decision as to how to mitigate the incident. The operator shall not leave the scene until released by the CHP unit or Dispatch.
- If the motorist is unable to be moved from their vehicle and all other resources have been exhausted, operators may tow the vehicle with the motorist inside with CHP approval. 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 administrator for guidance.

### 14. USE OF COMMUNICATIONS DEVICES

The use of personal communication device which has the capability of reading/sending text messages, emailing or verbally communicating, may only be done during the operator's authorized break. At no time shall an operator use a personal communication device while in service or when the FSP vehicle is moving

## CHAPTER 5

### RADIO/TABLET COMPUTER 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 (i.e. Golden Gate) then advise Golden Gate who is calling (e.g. 601-13). Operators 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. Operators shall keep voice radio traffic to a minimum and utilize the tablet computer as much as possible. Operators shall not, however, use the tablet computer while the FSP vehicle is in motion.
- E. Operators must use the phonetic and aural brevity codes (listed on pages 5-3 and 5-4). It is necessary to keep all radio traffic uniform so that all concerned will understand radio transmissions.
- F. Operators 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, operators should refer motorists to a call box or public phone.
- H. If an 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 tablet computer, whichever is appropriate, and handle the most hazardous incident first. It is important to communicate with the dispatcher of any change in assignments.
- I. Operators shall keep the FSP radio, tablet computer, and scanners “on” during FSP operation. When leaving the truck, operators shall activate the outside speaker so that Dispatch can be heard.

The scanner shall be programmed to the CHP Area where the operator is working and shall be monitored by the operator. Operators are encouraged to respond to incidents on their beats that are monitored over the scanner (if the incident is FSP service related). FSP operators shall only respond to those incidents that are in their scope of employment. Operators shall not respond to emergency incidents such as shootings or hazardous material 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/TABLET COMPUTER 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. TABLET COMPUTER PROCEDURES

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

The touch screen tablet computer provides the most efficient use of the communications system. The tablet computer application uses dedicated buttons and keyboard functionality.

To utilize the tablet computer, the operator signs on to the LATATRAX web application through the Google Chrome browser application. The operator will be prompted to enter the Driver #, Truck #, Call-Sign #, Shift, the truck's odometer reading and a password. After an operator has signed on, the screen will display an automated message indicating that the log-on was successful.

If the LATATRAX system fails and the log-on message does not transmit successfully, the computer sends an error message. 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. If the tablet computer becomes non-functional, the FSP operator shall document the problem on the Daily Shift Record (DSR) and report the problem to the contractor immediately.

The tablet computer application has five primary functions:

- A. VEHICLE SIGN-ON: The operator can sign on at the start of each shift.
- B. INDICATE WORK STATUS: The operator can indicate if she/he is rolling out to the beat, patrolling the beat, en route to an incident, on scene at an incident, taking a break or rolling in to the tow yard.
- C. RECEIPT OF MESSAGES: The operator can receive status or command text messages from the FSP personnel, including dispatches from Golden Gate.
- D. TRANSMIT MESSAGES/INCIDENT REPORTS: The operator can send messages to MTC and/or Dispatch, report on an incident or indicate receipt of a message.
- E. MAP FUNCTIONS: The operator can see her/his FSP vehicle's real time location, drop-site locations, beat partners' location, and other information via a map screen.

#### SAMPLE SHIFT TASK FLOW USING TABLET COMPUTER

- 1) START OF SHIFT
  - a) Operator logs on via the tablet computer to the LATATRAX driver web page, while in the tow yard.
  - b) Operator presses the 'Roll Out' button before leaving contractor yard
  - c) Operator presses 'On Patrol' status button immediately before entering the beat

## 2) SELF DISPATCH

### Before Assisting Motorist (if incident is not in-lane and it safe to do so)

- a) Operator becomes aware of incident, pulls over and presses 'On Incident' to go 10-97
- b) Operator enters the incident route, direction and location
- c) Operator enters incident type and detail
- d) Operator transmits the brief incident report

### After Assisting Motorist

- f) Operator completes the full incident report

## 3) UNIT ASSIGNED BY THE DISPATCHER:

- a) Dispatcher assigns the tow operator to an incident.
- b) Operator updates the dispatched incident with status and, if safe to do so, the brief incident report
- c) Operator submits full incident report details after assisting motorist

## 4) MISCELLANEOUS TABLET COMPUTER OPERATIONS:

- a) Operator will indicate meal and break periods through the tablet computer.

## 5) END OF SHIFT:

- a) Operator enters mileage information and logs off of the web application.

## 6. TELECOMMUNICATIONS EQUIPMENT, (AVL, RADIO AND TABLET COMPUTER):

The Automatic Vehicle Locator (AVL) system is the most effective means for dispatching and administrating 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 administrator purposes, such as monitoring the movements of each operator to ensure proper policy and patrol procedures are being followed.

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 decertification 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 numerous violations as listed above, the fleet manager will advise CHP and an investigation will be conducted as outlined in Chapter 10.

- A. The FSP tow truck will be equipped with an MTC SAFE-supplied communications and tracking device as well as a radio. Contractors are responsible for providing their own proprietary communications system and the tablet computer equipped with Wi-Fi that will communicate with the AVL communications and tracking device.
- B. While MTC SAFE is responsible for the maintenance of the telecommunication equipment it provides, the FSP contractor shall be responsible for any damage to the equipment that occurs after MTC SAFE has provided such equipment.
- C. Any operator 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 subjected to penalties.
- D. Contractors are required to immediately notify CHP and/or MTC of any telecommunication problems, via Trouble Ticket through the AVL website.

## CHAPTER 6

### BACKUP TRUCK SERVICE

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#### BACKUP TRUCK SERVICE

Each FSP contractor has at least one backup truck. While the backup truck purchase is reimbursed from a specific contract, it is to be used to cover any beat held by that contractor. The purpose of the backup truck is to continue the level of service when a truck is non-operable. Backup trucks are to be used in place of vehicles that are out of service due to mechanical failure, accidents, etc. and not to be used to provide backup 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.).

##### 1. MISSED SHIFT NOTIFICATION

If a Contractor is unable to provide service for any reason, 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) 641-8369/8368 (direct) or via the CHP/FSP radio within 20 minutes after the truck has been determined to be out of service. Prior to the end of the shift the contractor must send an email to the FSP Fleet Manager and FSP Program Manager detailing why the shift was missed. In addition to verbal communication, a LATAtrox Trouble Ticket notifying CHP and MTC SAFE of any mechanical failure must be submitted by the contractor. Failure to properly notify the FSP Partners shall result in violation #15 in Chapter 10. Missing a shift shall result in violation #46 in Chapter 10, although this fine may be reduced if all notifications for each missed shift are made on time. The violation #15 fine may not apply if contractors can prove extenuating conditions prevented the contractor from making the necessary notifications within the specified time.

The contractor's notification to CHP that his/her truck is out of service does not fulfill this requirement. CHP will not make arrangements for backup service. Contractors shall ensure that their backup truck is always available for service so that it may be put into service as quickly as possible after it can be reasonably assumed a backup vehicle will be required.

If a truck goes out of service while working the beat, and there are less than two hours remaining on the shift, the contractor may elect not to replace the vehicle with a backup 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 only if appropriate notifications have been made to CHP and MTC SAFE, otherwise associated fines per Chapter 10 will apply.

## CHAPTER 7

### DOCUMENTATION

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#### 1. REQUIREMENTS

- A. FSP operators are required to complete a variety of forms and provide a range of written or electronic documentation deemed necessary by FSP during their shifts. It is 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 operator activities can result in monetary penalties, suspensions and/or decertification. 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. All missing items shall be replaced and all deficient/defective items shall be repaired before completing the form and beginning FSP service.
- C. The inspection report shall 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 administrator.

#### 3. OPERATOR'S DAILY SHIFT RECORD (DSR) – APPLICABLE WHEN TABLET COMPUTER IS NON- FUNCTIONING

- A. DSR shall be completed in a bold, black pen for each shift. If an error is made, use "Wite-Out" or "corrective tape" to clearly cover the error. If that cannot be completed to make the form legible, a new DSR shall be completed. If an operator 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 quarterly and certification training. The time will be recorded using the 24-hour clock. In service (10-8) is the actual time the operator arrives on his/her beat, off duty (10-10) is the actual time the operator leaves his/her beat.
- C. It is the contractor's responsibility to review the DSR's for accuracy and completeness.
- D. Every work week in which one of their operators recorded a DSR, contractors shall upload the contents of all DSRs from that week to the AVL website as instructed to by the FSP Partners.
- E. Any activity an operator performs shall be recorded on the daily shift record. Note: Operators 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. 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 operator 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 operator 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) "Highway" is the route number where the incident was encountered. (e.g. I-880 = 880, SR24 = 024)



- 6) "Position" refers to the actual physical location of the distressed vehicle when found. Refer to the back of the shift record for position 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. 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 an operator works overtime. Overtime will not be paid if an operator does not obtain authorization from either Dispatch or an FSP administrator. The operator should enter the dispatcher's "A" number or the FSP administrator's call sign in the box with the assist's notes in the back. This information should also be recorded if a administrator 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 operator should politely ask for the "A" number and enter it in the notes for later reference.
- 12) "Notes" is where the operator will indicate that there are comments pertaining to the incident. The comments shall be written on the back of the form in the box identified by the assist ID number on the front of the form. If a vehicle was towed off the freeway to a drop location, the operator should enter the drop location number in this section (e.g., 4A#2).

#### 4. FREEWAY SERVICE PATROL FORMS/BROCHURE

- A. Operators shall keep a sufficient supply of the FSP survey cards and brochures with them at all times.
- B. All motorists receiving service shall be provided an FSP issued survey card. FSP operators shall enter their own NAME, 5-digit Operator number # (i.e. DRIVER ID), DATE, unique Survey ID #, and BEAT # before giving it to the motorist. Date shall be written in MM/DD/YYYY format. Operators must politely ask the motorist to scan the QR code or follow the hyperlink on the card to the FSP online survey. Operators 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. Operators should use a bold, black pen to complete the survey card.

## 5. REQUIRED FSP RECORDS

Certified operator rosters, records and Daily Shift Record (if applicable) 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, termination 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 current operator roster listing the following (this roster is required by California Vehicle Code Section 2430.50):

- A. All operators who have valid FSP tow truck driver's certificates
- B. All operators who are prohibited from working for the FSP

An operator records files shall be maintained for each individual active operator working in the FSP program, separate from other towing business (ex: car club, rotation tow, etc.) 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 operator's full name, current address and telephone number.
- 3) The FSP operator's driver's license number and the license date of expiration. This date is also the expiration date for the DL 64.
- 4) The operator's current hourly wage.
- 5) Health care benefits, retirement benefits, incentive pay programs, or any other benefits for the operator 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 operator employee be involved in an accident or emergency.
- 7) An ongoing record of all citizens' complaints made against this operator.
- 8) An ongoing record of any on-duty accidents this operator is involved in.
- 9) An ongoing record of any property damage caused or alleged to have been caused by this operator.
- 10) An ongoing record of any disciplinary actions affecting the operator.
- 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.

In addition, contractor shall refer to the contract for additional record requirements.

## CHAPTER 8

### SPECIAL RELATIONSHIPS

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#### 1. DEFINITION OF SPECIAL RELATIONSHIPS

- A. Once an FSP operator establishes any contact with a motorist, that operator has established what is referred to as “special relationship.”
- B. FSP operators are to exercise reasonable care for motorists once a special relationship has been established.
- C. FSP operators 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 operator not to leave the motorist in a worse situation than existed before the operator 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 operator’s responsibility to ensure that help is en route or that the motorist has access to additional public services.
- E. Operators should treat motorists as if they were members of their own family. Operators 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 operator’s opinion a drop site is unsafe, he/she should immediately notify an FSP administrator.
- G. Center dividers, gore points and narrow shoulders are always considered **dangerous** locations. Once an operator establishes contact with a motorist in any situation that may be dangerous, it is that operator’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 operators. Immediate and appropriate disciplinary action will be taken against those individuals determined to be in violation of this policy, up to and including decertification from the FSP program. Report of an incident of sexual harassment will not automatically result in action being taken against operators 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.

## CHAPTER 10

### VIOLATIONS AND PENALTIES

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#### 1. VIOLATIONS AND PENALTIES (GENERAL)

A standard set of penalties for failure to meet the guidelines and policies set specifically for the FSP program are set forth in this Chapter but are not all inclusive. 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. Each offense will be weighed on its own merit.

The FSP PARTNERS shall utilize a “progressive discipline” policy when deciding adverse actions. Disciplinary actions can escalate from verbal warnings, to written reprimands, suspension, up to decertification or revocation of certification 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 revocation of certification for operators and termination of contractors from the FSP program. All penalties shall be based on the totality of facts available.

Investigative reports will be sent to each contractor informing them of both operator and/or contractor violations. All documentation of investigations shall be retained by the CHP for a minimum of three years from the date the violation occurred.

If a violation requires a suspension of an operator, the contractor has 30 days from notification by CHP to serve suspension to the operator. For each day the contractor fails to suspend the operator, the contractor shall be fined the operator’s original violation that resulted in the suspension. If a violation involves an operator not roving or being placed out of service, a deduction for the time not providing service is applied in addition to applicable fines associated with the violation. If a violation involves a violation of the law, CHP shall make appropriate enforcement.

## 2. VIOLATIONS THAT MAY LEAD TO OPERATOR DECERTIFICATION/ CONTRACTOR TERMINATION

Contractors are ultimately responsible for the condition of their FSP equipment at all times and the actions of their employees during FSP operating hours. Contractors will be notified of all violations being investigated. FSP partners will utilize “progressive discipline” for any recurring problems that an FSP operator fails to address. For example, the contractor may receive a “minor violation” letter or a letter stating that they may be placed on probation. If the problem(s) continue, Contractors shall be subject to probation or termination of their contract(s) and/or from the FSP program. Any activities constituting a FLAGRANT violation during the term of the contract or the withholding of required reporting of such violations to FSP administrators shall be subject to immediate termination of the contract and/or the contractor from the program.

FSP operators are subject to immediate decertification if any activities constituting a FLAGRANT violation are committed during the term of the contract or the withholding of required reporting of such violations to FSP administrators. FSP operators whose certification has been revoked are permanently prohibited from performing FSP duties. FSP operators who are decertified for lesser violations will be prohibited from performing FSP duties for a period of one year, after which he/she may go through the application process in its entirety. CHP will have the final decision in approving or denying applicants that have been previously decertified.

The term contractor can refer to the owner, FSP manager, FSP operators or staff member who represents the tow contractor and can make business decisions on behalf of the tow contractor that is contracted by MTC SAFE.

## 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. Such classifications are only a guide and examples provided are not 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. Penalties assessed against a contractor will specify whether the penalty applies to an operator or contractor.

A. Minor violations can include but are not limited to operator not complying with uniform standards, required FSP paperwork issues, or insufficient supplies in service vehicles. An accumulation of 10 or more violations categorized as “minor” over a 12-month period may result in suspension for the operator who committed the violations. Suspension duration shall be determined by FSP partners depending on the severity of the minor violations committed. In addition, an operator who commits over 20 minor violations over a 12-month period shall be decertified per the discretion of FSP partners.

B. Major Violations can include but are not limited to FSP vehicles not insured or registered, operator purposely tampering with FSP telecommunications equipment, or failure to notify FSP Partners of truck breakdown. An accumulation of 5 or more violations categorized as “major” over a 12-month period may result in decertification for the operator or probation for the contractor. Operators who commit more than 5 major violations over a 12-month period shall be handled on a case by case basis by the FSP partners. Those violations may result in certification revocation for the operator or contract termination for the contractor.

C. Flagrant violations can include but are not limited to charging fees, retaining tips for FSP service, soliciting any services, or operating under the influence of alcohol and/or drugs: Due to the severity of these violations, certification of the operators will be revoked immediately and the contractor will be subject to immediate termination of the contract and/or program if they had knowledge of the violation(s).

The activities listed in each of the three categories are not intended to be an exhaustive list.



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

- 1) Sleeping (or giving the appearance of sleeping) while in or around an FSP vehicle during FSP hours. (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Three workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

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

Any act or violation of FSP policy that is deemed to be accidental, egregious, negligent, intentional or malicious in nature can result in the following penalties.

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three to five workday suspension
3 <sup>rd</sup> Offense:	Decertification

- **CONTRACTOR:**

1 <sup>st</sup> and subsequent Offenses:	Handled on a case by case basis
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- 3) Leaving a motorist stranded at a drop location without a phone, shelter, or other help en route. (**Minor to Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

4) Stealing or charging for FSP service, not related to gratuities or solicitation (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to certification revoked
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5) Inappropriate display of FSP placards decals and/or inappropriate use of FSP uniforms (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

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

These examples are not all inclusive: rudeness, vulgarity, taunting or intentionally unsafe driving or other inappropriate behavior towards motorist, officers, dispatchers, or other tow operators.

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three work day suspension
3 <sup>rd</sup> Offense:	Five workday suspension

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

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to certification revoked
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#### 8) Providing false information/lying to CHP, MTC, Caltrans or employer related to an on-going investigation. (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to a three workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Handled on a case by case basis
2 <sup>nd</sup> Offense:	Contract subject to termination

9) Falsifying FSP documents (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to a three-workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Handled on a case by case basis
2 <sup>nd</sup> Offense:	Contract subject to termination

10) Contractor not in possession of required paperwork (i.e. completed pre-inspection forms for all FSP trucks for the previous 30 days and FSP personnel file folder containing required documentation) (**Minor**)

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$75 fine
2 <sup>nd</sup> Offense:	\$150 fine
Subsequent Offenses:	\$300 fine

11) Contractor failing to complete and submit all required FSP paperwork to Caltrans, CHP, and/or MTC as specified in the SOP (**Minor**)

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$75 fine
2 <sup>nd</sup> Offense:	\$150 fine
Subsequent Offenses:	\$300 fine

12) Uniform/Grooming Violations per requirements in Chapter 2 including not in possession of FSP driving requirements (**Minor to Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Operator is placed out of service until the problem is corrected and a written reprimand.
2 <sup>nd</sup> Offense:	Operator is placed out of service until the problem is corrected and a written reprimand.
3 <sup>rd</sup> Offense:	Five workday suspension

- **CONTRACTOR:**

1 <sup>st</sup> and Subsequent Offenses:	\$25 fine for each operator not in compliance and written reprimand, if applicable
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13) Equipment Violation (**Minor**)

Examples of minor equipment violations include but not limited to: insufficient supplies (flashlight, fuel, water, flares, etc.), dirty truck, and/or missing equipment.

- **OPERATOR:**

1 <sup>st</sup> Offense:	Operator/truck is placed out of service until the problem is corrected and a written reprimand
2 <sup>nd</sup> Offense:	Operator/truck is placed out of service until problem is corrected and three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

- **CONTRACTOR**

1 <sup>st</sup> Offense:	\$50 fine and written reprimand, if applicable
Subsequent Offenses:	\$75 fine

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

Includes, but not limited to, equipment that is safety related and/or violates the California Vehicle Code when it is not serviceable and/or missing (i.e. worn tires, expired or missing fire extinguisher, cracked windshield, etc.).

- **OPERATOR:**

1 <sup>st</sup> Offense:	Operator/truck is placed out of service until the problem is corrected and written reprimand
2 <sup>nd</sup> Offense:	Operator/truck is placed out of service until problem is corrected and three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$150 fine
2 <sup>nd</sup> Offense:	\$300 fine and may be placed on probation

#### 15) Failure to notify CHP Dispatch and MTC of a truck breakdown, truck not in service, and/or the use of a backup truck (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three workday suspension
Subsequent Offenses:	Five workday suspension

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$150 fine
Subsequent Offenses:	If within a year of first offense, \$200 fine. If subsequent offense is more than a year after the first offense, it will be handled as a first offense.

16) Failure to notify an FSP administrator or CHP Dispatch of any FSP involved traffic collision or operational damage during FSP hours (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Three workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to contract termination
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17) Preventable Traffic Collision (**Minor to Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension
Subsequent Offenses:	Decertification

18) Use of communications devices for non FSP-business reasons while in service (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

19) Late log-on or early log-off of duty from beat (via AVL Fleet Manager or Administrator). Violation will be applied to operator not on beat for up to one (1) hour of the shift. See Violation #46 for offenses over one hour. (**Minor**)

- **OPERATOR/CONTRACTOR:**

1 <sup>st</sup> - 3 <sup>rd</sup> Offense:	\$25 fine
Subsequent Offenses:	\$25 fine; handled on a case by case basis, up to decertification of operator

20) Failure to distribute FSP issued business card and/or the FSP brochure (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

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

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
Subsequent Offenses:	Five workday suspension or decertification

22) Failing to patrol or sitting stationary without authorization (Minor to **Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, from written reprimand to suspension
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension



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

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

24) Solicitation or referrals (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis; up to certification revoked
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- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Subject to termination of contract and from FSP program
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25) Using FSP vehicles (including backup truck) for other than FSP service during FSP hours. (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis; up to certification revoked
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- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Subject to termination of contract and from the program
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26) Use of FSP vehicles (including backup truck) for other than FSP service during non-FSP hours. (**Flagrant**)

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$1,000 fine
Subsequent Offenses:	\$1,000 and subject to termination of the contract and from the program.

27) Operating an FSP truck with a suspended or expired driver's license, DL-51, or DL-64 (**Case by Case, Including Decertification**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Immediate suspension until violation corrected, Citation
2 <sup>nd</sup> Offense:	Decertification

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$100 fine
Subsequent Offenses:	\$200 fine

28) Unauthorized storage of an FSP vehicle (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by Case, up to three workday suspension
2 <sup>nd</sup> Offense:	Three work-day to five workday suspension
Subsequent Offenses:	Five workday suspension and up to decertification

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$150 fine
2 <sup>nd</sup> Offense:	\$300 fine
Subsequent Offenses:	\$500 fine

29) FSP operator causing damage or failing to report any property damage and the damages are the result of unacceptable/unreasonable towing practices. (**Major**)

- **OPERATOR:**

- |                 |   |
|-----------------|---|
| 1 <sup>st</sup> | Case by Case, up to Three Day work suspension |
| 2 <sup>nd</sup> | Three workday suspension and retraining       |
| 3 <sup>rd</sup> | Five workday suspension                       |

- **CONTRACTOR**

All Offenses:	Contractor will be liable for all damages and multiple offenses may subject contractor to be placed on probation.
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30) Non-certified FSP operator performing FSP duties (**Flagrant**)

- **CONTRACTOR:**

- |                          |  |
|--------------------------|--|
| 1 <sup>st</sup> Offense: | Subject to contract termination and termination from the program |
|--------------------------|--|

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

- **OPERATOR:**

- |                          |   |
|--------------------------|---|
| 1 <sup>st</sup> Offense: | Case by case basis, up to certification revoked |
|--------------------------|---|

- **CONTRACTOR:**

- |                          |   |
|--------------------------|---|
| 1 <sup>st</sup> Offense: | Case by case basis, up to contract termination and termination from the program |
|--------------------------|---|

32) Insubordination, example (Operator refusing to respond to an incident authorized by a 601 Unit or Peace Officer, given by Dispatch). (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Three workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

33) Operator failing or refusing a substance abuse test (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Suspension from the program for a minimum of one year
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- **CONTRACTOR:** (fails to report the violation)

1 <sup>st</sup> Offense:	Suspension from the program for a minimum of one year, possible contract termination.
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34) Operator under influence of drugs and/or alcohol or in possession of alcohol or illegal drugs while on duty (**Flagrant**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Certification revoked; the H & S and CVC sections to be enforced.
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35) Operator having an odor of an alcoholic beverage but not under the influence (**Major**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Immediately placed out of service and five day suspension
Subsequent Offense:	Decertification

- **CONTRACTOR:**

All Offenses:	\$150 fine
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36) Operator failing to complete and submit required FSP paperwork as required by FSP Program. (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

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

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand and truck taken out of service until repaired or supplies replaced
2 <sup>nd</sup> Offense:	Three work-day suspension
3 <sup>rd</sup> Offense:	Five work day suspension or decertification

38) Unauthorized refueling of an FSP vehicle during FSP Hours. (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension

- **CONTRACTOR:**

1 <sup>st</sup> Offense and Subsequent Offenses:	\$50 fine
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39) Failing to use and/or follow correct procedures regarding tablet computer and AVL use (e.g., Log on, Log off, incomplete logs) (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> – 3 <sup>rd</sup> Offenses:	\$25 fine for each offense
Subsequent Offenses:	\$25 fine and case by case basis, from retraining to decertification.

40) Towing a vehicle to a non-designated drop location without permission of an FSP administrator (**Minor**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
3 <sup>rd</sup> Offense:	Five workday suspension, up to decertification

41) Substandard performance. This applies to operators 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**)

- **OPERATOR:**

1 <sup>st</sup> Offense:	Case by case basis, from written reprimand to decertification
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- **CONTRACTOR:**

1 <sup>st</sup> Offense:	Case by case basis, up to contract termination and program termination
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42) Operator going in service, via voice or tablet computer, while not on their assigned beat **(Major)**

- **OPERATOR:**

1 <sup>st</sup> Offense:	Written reprimand
2 <sup>nd</sup> Offense:	Three workday suspension
Subsequent Offenses:	Five workday suspension

- **CONTRACTOR:**

1 <sup>st</sup> and Subsequent Offense:	\$25 fine
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43) Operator intentionally becomes involved in the apprehension of suspect(s), enforcement contact(s), and/or pursuit(s). **(Major)**

- **OPERATOR:**

1 <sup>st</sup> Offense:	Handled on a case by case basis written reprimand up to three workday suspension
2 <sup>nd</sup> Offense:	Five workday suspension
3 <sup>rd</sup> Offense:	Decertification

44) Operator missing Quarterly Training **(Case by Case, Major)**

- **OPERATOR:**

1 <sup>st</sup> Offense:	Suspension up to Decertification
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45) Failure to provide a backup truck within the required response time or without reasonable justification. **(Major)**

- **CONTRACTOR:**

1 <sup>st</sup> – 2 <sup>nd</sup> Offense:	\$100 fine
3 <sup>rd</sup> – 4 <sup>th</sup> Offense:	\$200 fine
Subsequent Offenses:	\$300 fine

46) Failure to meet service obligation on contracted beats (defined as over one hour out of service), as indicated in the RFQBI and Implementation Plan. **(Major)**

- **CONTRACTOR:**

1 <sup>st</sup> Offense:	\$200 fine
Subsequent Offenses:	Case by case basis, up to contract and program termination

47) An FSP operator not on or leaving the beat during FSP hours without authorization, as established via AVL system, eyewitness or CHP administrator. **(Major)**

- **OPERATOR/CONTRACTOR:**

1 <sup>st</sup> – 3 <sup>rd</sup> Offense:	\$25 fine
Subsequent Offenses:	\$25 fine; handled on a case by case basis, up to decertification of operator or termination of contract.

48) Tampering, damaging, or modifying any FSP telecommunications equipment (unplugging wires, obstructing or removing equipment, etc.). **(Major)**

- **OPERATOR/CONTRACTOR:**

1 <sup>st</sup> Offense:	\$250 fine
2 <sup>nd</sup> Offense:	\$500 fine; handled on case by case basis, up to decertification of operator or termination of contract.



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

- **OPERATOR/CONTRACTOR:**

1 <sup>st</sup> – 3 <sup>rd</sup> Offense:	\$25 fine
Subsequent Offenses:	\$25 fine; handled on a case by case basis, up to decertification of operator or termination of contract.

50) Operator not in possession of California Driver's License, DL-64 and/or DL-51 (**Major**)  
For this particular violation, each shift the operator works without valid documentation shall constitute a separate offense.

- **OPERATOR:**

1 <sup>st</sup> Offense:	Taken out of service and a written reprimand
2 <sup>nd</sup> Offense:	Taken out of service and a three-workday suspension
Subsequent Offenses:	Taken out of service and a five-workday suspension

- **CONTRACTOR:**

Each Offense:	\$25 fine
2 <sup>nd</sup> Offense:	\$200 fine
Subsequent Offenses:	\$300 fine

51) Illegitimate use of backup service (such as routine maintenance, lack of operators, etc.) or failure to notify backup contractor within 4 hours of when backup truck is no longer needed. (**Major**)

- **CONTRACTOR:**

1st Offense:	\$75 fine
2nd Offense:	\$150 fine
Subsequent Offenses:	\$300 fine

52) Failure to respond to CHP/MTC SAFE/Caltrans within the 2-hour period specified in the RFQBI (**Minor**)

- **CONTRACTOR:**

Each Offense: \$100 fine

53) Unsafe use of tablet computer or telecommunications devices (e.g., using tablet computer while FSP vehicle is in motion). (**Major**)

- **OPERATOR**

1 <sup>st</sup> Offense:	case by case
2 <sup>nd</sup> Offense:	three day suspension
Subsequent Offenses:	from five day suspension up to decertification

- **CONTRACTOR:**

Each Offense \$100 fine

## 5. APPEAL PROCESS

Contractors and operators may submit a Request for Appeal for invoice credits and deductions or violations resulting in operator suspension/decertification, or program termination of contractors by Appeal form via the AVL website.

The Technical Advisory Committee (TAC), consisting of staff from the MTC SAFE, Caltrans and CHP is responsible for reviewing appeals for invoice deductions/credits, violations, suspensions and is also responsible for making final decisions regarding these appeals.

The Policy Committee, consisting of directors from MTC SAFE, Caltrans and CHP is responsible for making final decisions regarding operator decertification appeals and program termination of contractors. If the operator decertification is related to criminal convictions, final decisions will be made by CHP.

### A. Invoice Deductions

The contractor has ten (10) business days from the date the invoice is mailed to appeal a fine levied for a violation or a credit for tow operations. To initiate an appeal, a contractor must complete the Request for Appeal web form. Within ten (10) business days of receiving the appeal, the contractor will be notified of the TAC's decision.

### B. Violations and Suspensions

The FSP operator and/or contractor have ten (10) business days, from the date of notification of the violation, to file an appeal for violations and/or suspensions. The Request for Appeal form must be completed via the AVL website. Within ten (10) business days of receiving the appeal, the contractor will be notified of the TAC's decision.

### C. Operator Decertification/Certification Revocation

The FSP operators and/or contractor representing the operator will have five (5) business days, from the date of notification of decertification, to submit the Request for Appeal form for operator decertification/certification revocation to the Policy Committee (contact information is the same as listed on the form). Upon receipt of the appeal, the TAC will determine whether the operator can work during the appeals process. Within ten (10) business days of receiving the appeal, the contractor will be notified of the Policy Committee's decision regarding the appeal. The Policy Committee is the ultimate authority in these cases and their decision is final. Because of the confidentiality of criminal histories, those operators decertified from working in the FSP program for criminal convictions may only appeal to the CHP.

If an operator decertification is upheld after review of the appeal, the operator will be decertified from the FSP program for a term determined by CHP depending on the severity of the cause for decertification. If the operator certification revoked is upheld after review of the appeal, the operator will be permanently decertified from the FSP program.

#### D. Program Termination of Contractors

Procedures for termination of the FSP contract will be according to the contract.

Contractors can also be terminated from the FSP program. The committing of any violations by operators may adversely affect the contractor regardless of contractor knowledge. For example, any activity by an operator constituting a FLAGRANT violation during the contract term shall subject a contractor to immediate termination of its FSP contract and from the FSP program. Termination from the FSP program may affect the contractor's eligibility to participate in future FSP procurements.

A contractor that has been terminated from the FSP program and desires reinstatement to be eligible to bid in future FSP contracts may submit the Request for Appeal to the Policy Committee. The contractor will be given five (5) business days, from the date of notification of termination, to file an appeal. Within ten (10) business days, the contractor will be notified of the Policy Committee's decision regarding the appeal. The Policy Committee is the ultimate authority in these cases and their decision is final.

## ANNEX A

### CRIMINAL HISTORY DISQUALIFICATIONS

Criminal history disqualification should 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 operator 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 should be cause for denial of application in the FSP program or termination from the FSP program.

Any FSP operator convicted of the above stated crimes should be disqualified from working in the FSP program.

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

Additionally, FSP operators should 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 operator should 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 operator should 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 operator should 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 operator should 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 operator should be **disqualified** if he/she has a violation of Section 191.5 PC within the previous seven years.
- (6) An operator should be **disqualified** if he/she has had a violation of Section 23153 VC within the previous seven years.

(7) An operator 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 operator 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 operator 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 operator to demonstrate that an exception is appropriate.

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 operators applying for or participating in the Freeway Service Patrol.

A contractor or operators 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 operator 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

NOTE: Failure to disclose or be truthful on the CHP 234F and Questionnaire will be grounds for disqualification or termination from the FSP program.

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## **ANNEX B**

### **EMERGENCY OPERATION PROCEDURES NATURAL DISASTER CONTINGENCIES**

The Bay Area has the potential for emergency events precipitated by civil unrest, acts of terrorism or natural disasters such as earthquakes, fires, floods, or mud slides. In order to ensure the safety of both tow operators and the public, the following emergency guidelines shall be implemented when a disaster occurs during while on-duty. Below is a guideline that should be followed. However, it is not all inclusive. As with everything, it is incumbent on each operator to exercise sound judgment when making a decision.

- Each operator should remain calm and not panic.
- If CHP communication is functional:
  - o CHP Dispatch will contact each on-duty FSP operator and conduct a roll call. Each operator should provide their status to CHP Dispatch. Additional information should also be provided (i.e., visible damage to the freeway infrastructure, injuries to civilian or FSP operator and other pertinent/emergency information).
- If CHP communication is non-functional:
  - o Each operator shall report to the first drop location (i.e. A or A1) listed for your respective beat guides to ensure all operators on the beat are accounted for and safe. Each operator should wait for further instructions from CHP Dispatch which may come via cellular telephone, direct-connect or word of mouth.
  - o Report your status to your company via shop radio. Each contractor will then immediately telephone FSP Dispatch with an update.
  - o FSP dispatchers will relay directions and information to all operators following an actual emergency. Unless otherwise notified, continue to patrol your beat.
  - o The Contractor will be notified by the FSP Partners of possible redeployment and/or beat changes.

- Emergencies that occur during non-FSP hours:
  - Contractors shall remove all FSP trucks from a covered facility and relocate them to an open but (fenced or gated) secure location.
- Unless instructed otherwise, operators should report to their respective contractor offices to await instructions prior to their shift. The FSP partners will conduct periodic testing of the Emergency Procedures Policy. Contractors will receive advance notification should the FSP Partners decide to conduct any testing of this procedure. Contractors should be aware that after a major disaster, the FSP Partners may redeploy specific beats to other freeway or non-freeway areas based on the situational needs that may arise from the event itself.

## FRONT LONG SLEEVE

## BAC K

2.25" lime green

.5" white reflective

1. Navy blue shirt, pants, or coveralls
2. Reflective double striping requirements:
  - a.) 2.25" lime green striping
  - b.) .5" reflective white striping
3. Tape sewn 1" from cuff/hem
4. 3.5" FSP patch sewn on above the left pocket.
5. Nametag opposite the logo
6. Reflective double striping sewn across the upper back
7. 7" FSP patch sewn back center
8. All main seams double stitched with good quality thread

J. SHMOE

## FRONT LS

J. SHMOE

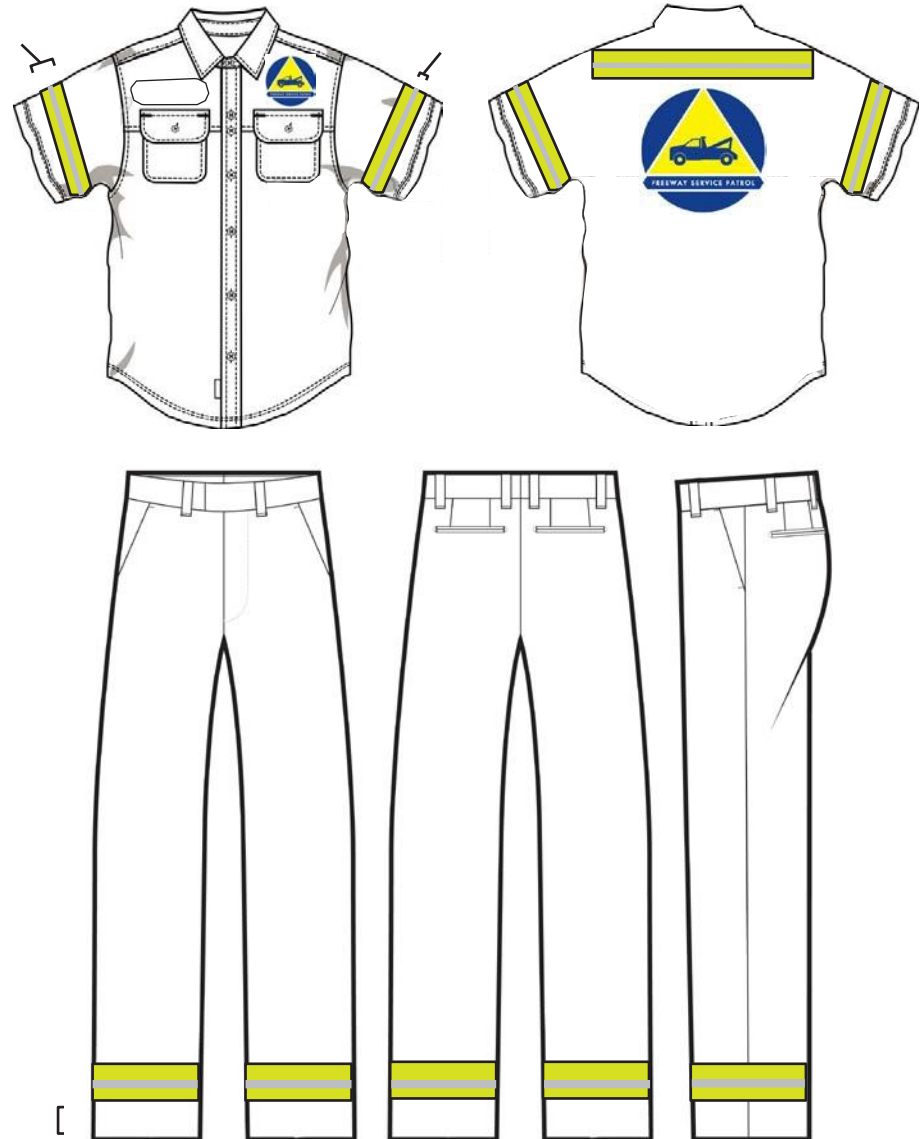


**SHORT  
SLEEVE**

***FRONT  
AND  
BACK***

1. S/S  
Shirt
2. PANTS

2. Moderately tapered



1" from cuff

- 3. All main seams double stitched with good quality thread
- 4. Reflective double striping 2-4" above the cuff 2-4"

PANTS

FRONT, BACK, SIDE: 2012

