

POLICY: STANDARDS FOR TOWING PROVIDERS

DATE OF INCEPTION: October 18, 2017

DATE OF REVISION: January 1, 2020

TO BE REVIEWED: January 1, 2023

PURPOSE:

The Morgan County Commission recognizes that the Morgan County Communications Center (MCCC) operates in accordance with WV 524-6-12 for towing dispatch. Per WV 524-6-12, the Morgan County Commission shall, every 3 years, consult with public safety units, public agencies and available towing services registered as common carriers pursuant to WV S24A to establish and/or revise a policy that provides for efficient and equitable response to dispatches or requests for emergency towing services

Therefore, this policy has been created to provide the following:

- A registration process for Common Carriers wishing to provide NIL services within Morgan County.
- An understanding of the requirements that NIL providers must adhere to.
- An understanding of the consequences that NIL providers will face if the requirements are not met.
- An understanding of the process by which an NIL provider may request records.

DEFINITIONS:

Emergency Communications Center (ECC) — commonly understood to mean the emergency dispatch center where emergency calls for service, such as 9-1-1 calls, are received and processed.

Computer Aided Dispatch (CAD) — computer software designed to aid in the dispatch and tracking of emergency resources and their reported activity.

Common Carrier - means any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public over the highways of this state by motor vehicles for hire, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail, water or air and of express or forwarding agencies, and leased or rented motor vehicles, with or without drivers;

ETA — means Estimated Time of Arrival to the location of an incident.

Next-In-Line (NIL) — means any Common Carrier registered with the Morgan County Commission to provide emergent — 24 hr. — towing service upon telephone dispatch by the Emergency Communications Center.

Officer's Request — means a request for a specific Common Carrier as indicated by Law Enforcement or other emergency service provider.

Owner's Request — means a request for a specific Common Carrier as indicated by the owner of a motor vehicle.

Normal Large Rotation — means the CAD term used to record and track the rotation cycle of any carrier registered with the PSC with equipment necessary for the towing of commercial vehicles such as Class IV — VIII commercial vehicles.

Normal Small Rotation — means the CAD term used to record and track the rotation cycle of NIL resource requests.

(A) Assigned — as used in the CAD, means any Common Carrier assigned to a specific incident or request for service. This is indicated with the CAD code "A."

(E) Insufficient equipment— as used in the CAD, means any Common carrier requested, however, the Common Carrier reports they do not have the equipment necessary to process the request. This is indicated with the CAD code "E."

Line Busy — as used in the CAD, means the ECC has attempted to contact the Common Carrier at the telephone number provided by the carrier however the telephone line indicated the line was busy. This is indicated with the CAD code "L."

(N) No Answer — as used in the CAD, means the ECC has attempted to contact the Common Carrier at the telephone number provided by the carrier however no one picked up the phone. This is indicated with the CAD code "N," .

(R) Responded — is not typically used in the CAD, however, it is an optional assignment. This is indicated with the CAD code "R." This code, for purposes of record keeping, shall be understood to be synonymous with (A) assigned.

(S) Strike / Cancel — as used in the CAD, means the ECC has assigned a Common Carrier, however, while responding, an Incident Commander or Law Enforcement Officer has indicated towing services are no longer required and instructs the ECC to place the carrier available. This is indicated with the CAD code "S."

(U) Unavailable —as used in the CAD, means the ECC has contacted the Common Carrier, however, the carrier has indicated they are not available to provide the service.

(X) Refused To Respond — as used in the CAD, the ECC has contacted the Common carrier, however, the carrier refused to respond.

The County — means Morgan County and all political subdivisions therein.

The State — means the State of West Virginia.

WV PSC — means the West Virginia Public Service Commission

POLICY:

Motor Carriers wishing to provide NIL services within Morgan County must register with the Office of the Morgan County Commission by using the request form listed as appendix B of this policy.

Registration must include the following:

1. Name of the Common Carrier
2. Address of Common Carrier
3. At least one viable telephone number
4. Department of Transportation number
5. Type of equipment available
6. Signed statement of availability
7. Signed statement of understanding

There is no registration fee associated with registering to be included in the NIL rotation. The purpose of registering is to indicate availability and the Common Carrier's understanding of their critical role in emergency response and recovery operations.

The towing service provider shall understand that, in order to be on the Normal Small Rotation or Normal Large Rotation, they must:

1. Operate or be available for service twenty-four (24) hours a day, seven (7) days a week, and three hundred sixty-five (365) days a year.
2. Be licensed to do business in WV. Additionally, having a physical location within Morgan County will be given preference on the list, but is not a necessity to be placed on the normal

small rotation or the normal large rotation list. Example: A call comes in and all next in line tow companies with a physical location within Morgan County are unavailable to respond to the call, the call can be dispatched to the next tow company on the rotation.

3. Be registered through the WV PSC.
4. Be accessible, via telephone, and provide at least one (1) viable telephone number for use by the ECC.
5. Provide notice to the ECC, in writing or via telephone call, when temporarily out of service due to mechanical failure.
6. Demonstrate consistent and dependable availability.
7. Provide an ETA to the ECC at the time of telephone notification. Common Carriers should allow for inclement weather, driving time, traffic conditions, etc., when providing their ETA.
8. If reporting to be "unavailable" shall provide a brief description of the unavailability (i.e. on another call, out of town, etc.).
9. Once on scene, the Common Carrier must adhere to Safety Instructions of the Incident Commander or the Incident Commander's designee.
10. Adhere to the WV PSC Hourly Rates / Rate per Hour / Minimum, Mileage Rules, Additional Labor Rules, rules regarding Additional Charge for Sundays, Evenings and Holidays, Storage, and all other WV PSC Rules and Regulations regarding "third party tows." CASE NO. 06-1915-MC-GI

Types of Requests for Service:

Requests for Next-In-Line — These requests are initiated by emergency service field responders at the incident scene. In turn, the ECC communicates this request via telephone to the applicable Common Carrier registered for the Normal Small Rotation or Normal Large Rotation. The rotation shall be understood to mean that one Common Carrier shall be notified for each motor vehicle accident necessitating transport. In practice, for a motor vehicle accident involving two vehicles or more, the next in line should they have the equipment to handle the job will be able to tow all vehicles during their next in line turn. In the event they do not have enough equipment, the next in line will be called to assist.

Requests by the WV State Police and/or the Municipal Police Departments — These requests are initiated by emergency service field providers at the incident scene. In turn, the ECC communicates this request via telephone to the applicable Common Carrier.

Officer's Requests — The "Officer's Request" communicates a request for a specific towing service provider. The only "Officer's Request" from the Morgan County Sheriff Department should be for a department vehicle, a criminal investigation seizure or court seizure, or in the event the situation is deemed an emergent situation by the responding officer, they will need to make a decision to call the closest carrier. Neither the County Commission nor the ECC is responsible for anything other than conveying the request from the respective emergency service provider. The Morgan County Commission has no authority over "Officer's Requests" submitted by the WVSP or municipal police departments.

Owner's Request — These requests are initiated by emergency service field providers at the incident scene. In turn, the ECC communicates this request via telephone to the applicable Common Carrier. The "Owner's Request" communicates a request for a specific towing service provider. If the citizen in the incident is arrested for any reason, the law enforcement officer on scene will request NIL. Neither the County Commission nor the ECC is responsible for anything other than conveying the request from the respective emergency service provider who is conveying the request on the part of the owner / operator of the motor vehicle necessitating transport.

Consequences for not being registered with the WV PSC:

1. Common Carriers not registered with the WV PSC will be immediately removed from the Normal Small Rotation and / or Normal Large Rotation.

Consequences for repeated "No Answer", "Unavailable", and "Refused to Respond" incidents:

2. Common Carriers who fail to pick up the telephone line as provided may, after four (4) occurrences in a six (6) month period, may be removed from the Normal Small Rotation or Normal Large Rotation as applicable.
3. Common Carriers who refuse to respond for reasons other than a declared State of Emergency, as issued by a municipality within the County, the County, or the State may be removed from their respective Normal Small Rotation and / or Normal Large Rotation for a period of six (6) months.
4. Should it be determined that a Common Carrier's repeated unavailability has adversely impacted emergency services or has been cause of delay of delivery of emergency services to other incidents, the County Commission may, upon consultation with the Director of Emergency Communications, the Morgan County Sheriff, and other emergency service department heads, remove the Common Carrier from the Normal Small Rotation and / or Normal Large Rotation for a period of six (6) months.

5. Common Carriers removed from their respective rotations shall be removed for a period of six (6) calendar months and must re-register with the Morgan County Commission in order to be placed back in their respective rotations.
6. Common Carriers removed from the Normal Small Rotation or Normal Large Rotation may be reported to the WV PSC.

Consequences for failure to adhere to safety instructions from the Incident Commander:

1. Upon receipt of a report that a Common Carrier failed to adhere to safety instructions of an Incident Commander, a written warning detailing the account may be submitted to the Common Carrier.
2. Repeated violations may result in removal of the Common Carrier from the Normal Small and / or Normal Large Rotation for a period of six (6) months and the matter may be reported to the WV PSC.

Consequences for repeated and unnecessary delay of response:

1. Common Carriers included in the Normal Small Rotation and Normal Large Rotation shall understand that they may be removed from the rotation for a period of six (6) months should their reported ETA be repeatedly and consistently inaccurate and adversely impact emergency operations - or - should the inaccuracies result in repeated delay of delivering emergency services to other incidents.

"Delayed Response" shall be understood to mean arrival times later than thirty (45) minutes from the time the request for towing service is received by the Common Carrier from MCECC.

Consequences for showing up to the scene of an accident without first being requested by the MCECC, by Officer's Request or by Owner's Request:

1. Common Carriers who repeatedly show up to the scene of an accident unrequested may be removed from their respective Normal Small Rotation and / or Normal Large Rotation for a period of six (6) months.

Towing Advisory Committee

In order for the Morgan County Commission, Morgan County Sheriff's Department & E911 to maintain fairness and transparency the Morgan County Commission will appointment no less than three voting members and two non-voting members to an advisory committee who will hear all complaints in reference to Morgan County WV's towing policy. In the event of a dispute, the complaint will be logged with the Morgan County Towing Advisory Committee who will then gather the necessary information to make a decision. Their findings will be reported to the proper parties.

Liability and Responsibility:

The County assumes no responsibility nor any liability for any motor vehicle in the possession of a Common Carrier nor does the County assume any responsibility for a motor vehicle while it is being loaded, hauled, winched, or otherwise moved by a Common Carrier. The County assumes no responsibility for property inside the motor vehicle.

Records Requests:

Records requests for Common Carrier activity and requests for service may be submitted in writing or via email to the Morgan County Emergency Communications Center at:

**Attn: Morgan County Emergency Communications Center
77 Fairfax Street — Room 101
Berkeley Springs, WV 25411**

These requests may also be submitted via email to:
rmason@morgancountywv.gov

Records requests are subject to the Emergency Communications Center Policy "ECC-POL0016.2" — schedule of fees; in accordance with WV S 29B-1-3.

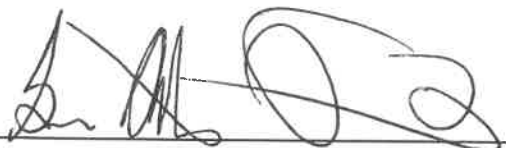
No records involving ongoing criminal investigations or personally identifiable medical patient information may be disclosed.

Policy Code: CC
Issued by: Morgan County Commission

Date of Original Issue: 10/18/2017
Date Amended: 1/1/20


Morgan County Commissioner


Morgan County Commissioner


Morgan County Commissioner

APPENDIX B

Request to Provide Next In Line Towing Services	
Common Carrier	
Name	
Address	
DOT #	
Equipment	

I understand that, in order to be placed in the Normal Small Rotation or Normal Large Rotation, I (or my e designee) must be available twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year; that I (or my designee) must be available at the phone number listed above; and that repeated reports of unavailability may result in my being removed from the Normal Small Rotation and/or Normal Large Rotation.

I understand that the Morgan County Commission does not directly determine Officer's Requests for Service or Owners Requests for Service and that the purpose of this registration is to put me into the Next in Line rotation. I understand that the Morgan County Commission has no authority regarding requests for towing service submitted through the West Virginia State Police or Municipalities. I have received a copy of the Morgan County Commission's policy regarding Common Carriers and understand that it is my responsibility to review, understand, and abide by the contents therein.

The County Commission is, in no way, responsible for the requests for service made by emergency service providers. Requests for towing service are submitted through the Morgan County Emergency Communications Center; not by the Emergency Communications Center or the County Commission.

Common Carrier Representative, Please Print

Date

Common Carrier Representative, Signature

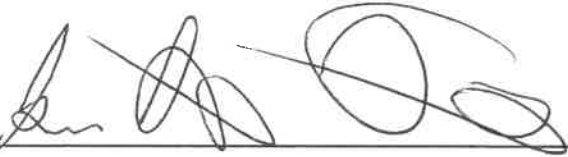
Date



Morgan County Commissioner



Morgan County Commissioner



Morgan County Commissioner