

DRAFT

REQUEST FOR PROPOSALS (RFP) 0-2574

FREEWAY SERVICE PATROL SERVICES



**ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282**

Key RFP Dates

Issue Date:	October 13, 2020
Pre-Proposal Conference Date:	October 28, 2020
Question Submittal Date:	November 3, 2020
Proposal Submittal Date:	November 18, 2020
Interview Date:	December 10, 2020

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October 13, 2020

NOTICE OF REQUEST FOR PROPOSALS

(RFP): 0-2574: "FREEWAY SERVICE PATROL SERVICES"

TO: ALL OFFERORS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) acting on behalf of the Service Authority for Freeway Emergencies, in cooperation with the California Highway Patrol and the California Department of Transportation, invites proposals from qualified towing operators to provide Freeway Service Patrol operations in Orange County.

The budget for this project is \$28,575,552 for an approximately six-year term.

Proposals must be received in the Authority's office at or before 2:00 p.m. on November 18, 2020.

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Sue Ding**

Proposals delivered using the U.S. Postal Service shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management
P.O. Box 14184
Orange, California 92863-1584
Attention: Sue Ding**

Note: The Authority utilizes a third-party delivery service; therefore, anticipate a 48-hour delay in delivery of proposals mailed to the

P.O. Box listed above. Proposals are considered received once time stamped at the Authority's physical address.

Proposals and amendments to proposals received after the date and time specified above will be returned to the Offerors unopened.

Firms interested in obtaining a copy of this RFP may do so by downloading the RFP from CAMM NET at <https://cammnet.octa.net>.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at <https://cammnet.octa.net>. From the site menu, click on CAMM NET to register.

To receive all further information regarding this RFP 0-2574, firms and subcontractor must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:

Buses; Maintenance and
Services

Automotive; Maintenance and
Services

Commodity:

Towing Services - Bus

Towing Services - Automotive

IN-PERSON ATTENDANCE IS NOT AVAILABLE

A pre-proposal conference will be held on October 28, 2020, at 10:00 a.m. **via a Skype Teleconference Meeting.** All prospective Offerors are encouraged to join the pre-proposal conference by calling either of the following numbers:

(714) 558-5200, 820238# (1)

English (United States)

(714) 560-5666, 820238# (1)

English (United States)

Conference ID: 820238

Callers are requested to dial in and **mute the call.**

For those who can access via a web browser, Authority will share its desktop and display the pre-proposal presentation online. For those who join by telephone, a copy of the pre-proposal conference presentation will be part of Addendum No. 1.

All prospective Offerors are encouraged to attend the pre-proposal conference.

The Authority has established December 10, 2020, as the date to conduct interviews. All prospective Offerors will be asked to keep this date available.

This RFP will also consist of site visits. Details will be included in Addendum No. 1 to this RFP.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds adequate to carry out the provisions of the proposed agreement including the identified Scope of Services.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS

A. PRE-PROPOSAL CONFERENCE

IN-PERSON ATTENDANCE IS NOT AVAILABLE

A pre-proposal conference will be held on October 28, 2020, at 10:00 a.m. **via a Skype Teleconference Meeting**. All prospective Offerors are encouraged to join the pre-proposal conference by calling either of the following numbers:

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All prospective Offerors are encouraged to attend the pre-proposal conference.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Sue Ding
Contracts Administration and Materials Management Department
600 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
Phone: 714.560. 5631, Fax: 714.560.5792
Email: sding@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no proposer, subcontractor, lobbyist or agent hired by the proposer shall have any contact or communications regarding this RFP with any Authority's staff; member of the evaluation committee for this RFP; or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any proposer, subcontractor, lobbyist or agent hired by the proposer that engages in such prohibited communications may result in disqualification of the proposer at the sole discretion of the Authority.

E. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this RFP.

2. Submitting Requests

- a. All questions, including questions that could not be specifically answered at the pre-proposal conference must be put in writing and must be received via email to sding@octa.net no later than 5:00 p.m., on November 3, 2020.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions" in the subject line of the email. The Authority is not responsible for failure to respond to a request that has not been labeled as such.

3. Authority Responses

Responses from the Authority will be posted on CAMM NET, no later than November 10, 2020. Offerors may download responses from CAMM NET at <https://cammnet.octa.net>, or request responses be sent via U.S. Mail by emailing or faxing the request to Sue Ding .

To receive email notification of Authority responses when they are posted on CAMM NET, firms and subcontractor must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

<u>Category:</u>	<u>Commodity:</u>
Buses; Maintenance and Services	Towing Services - Bus
Automotive; Maintenance and Services	Towing Services - Automotive

Inquiries received after 5:00 p.m. on November 3, 2020 will not be responded to.

F. SUBMISSION OF PROPOSALS

Offeror is responsible for ensuring third-party deliveries arrive at the time and place as indicated in this RFP.

1. Date and Time

Offeror is responsible for ensuring third-party deliveries arrive at the time and place as indicated in this RFP.

Proposals must be received in the Authority's office at or before 2:00 p.m. on November 18, 2020.

Proposals received after the above-specified date and time will be returned to Offerors unopened.

2. Address

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Sue Ding**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
P.O. Box 14184
Orange, California 92863-1584
Attention: Sue Ding**

Note: The Authority utilizes a third-party delivery service; therefore, anticipate a 48-hour delay in delivery of proposals mailed to the P.O. Box listed above. Proposals are considered received once time stamped at the Authority's physical address.

3. Identification of Proposals

Offeror shall submit an **original and 5 copies** of its proposal in a sealed package, addressed as shown above in F.2. The outer envelope must show the Offeror's name and address and clearly marked with RFP number. In addition to the above, Proposers shall also include one (1) electronic copy of their entire RFP submittal package in "PDF" format, on a CD or DVD, or flash drive.

All proposals **must include Exhibit B, Price Summary Sheet as a separate sealed package from the proposal.**

4. Acceptance of Proposals

- a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.
- c. The Authority reserves the right to issue a new RFP for the project.
- d. The Authority reserves the right to postpone proposal openings for its own convenience.
- e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and

Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.

- f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.
- g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

- 1. Preparing its proposal in response to this RFP;
- 2. Submitting that proposal to the Authority;
- 3. Negotiating with the Authority any matter related to this proposal; or
- 4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

J. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

K. CONTRACT TYPE

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be a fixed revenue vehicle hourly (RVH) rate to perform all work specified in Exhibit A, "Scope of Services," incorporating a maximum payment obligation for the Authority's Freeway Service Patrol operations. Any contract resulting from this RFP will be awarded on a per-service area basis.

L. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Scope of Services is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

Offerors hired to perform services for the Authority are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

M. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT

A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed fifty (50) pages in length, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Sue Ding, Senior Contract Administrator and must, at a minimum, contain the following:

- a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than 120 days from the date of submittal.
- e. Signature of a person authorized to bind Offeror to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Qualifications, Related Experience and References of Offeror

This section of the proposal should establish the ability of Offeror to satisfactorily perform the required work by reasons of experience in

performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; workload; record of meeting schedules on similar projects; and supportive client references.

Offeror to:

- (1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.
- (2) Provide a general description of the firm's financial condition and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger) that may impede Offeror's ability to complete the project.
- (3) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project. Describe experience in working with the various government agencies identified in this RFP.
- (4) Describe the firm's drug and alcohol policy.
- (5) Identify subcontractors by company name, address, contact person, telephone number, email, and project function. Describe Offeror's experience working with each subcontractor.
- (6) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.
- (7) Provide a certification that there are no criminal convictions of the firm's owners, officers, or key personnel that would disqualify the firm from participating in the Freeway Service Patrol program.
- (8) Provide a statement regarding whether or not the firm has ever been suspended and/or terminated from an FSP program or California Highway Patrol rotation tow. Include dates of suspension and/or termination, if applicable.

b. Proposed Staffing and Project Organization

This section of the proposal should establish the method, which will be used by the Offeror to manage the project as well as identify key personnel assigned.

Offeror to:

- (1) Identify key personnel proposed to perform the work and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.
- (2) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager and other key personnel that includes education, experience, and applicable professional credentials.
- (3) Describe how your firm will select employees to provide the service for the project, ensure tow truck drivers are in compliance with log book requirements, ensure employees are properly paid, and any training your firm provides for the tow truck drivers.
- (4) Explain how and when your firm checks motor vehicle driving records for each driver.
- (5) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff and how this project fits within the organization.
- (6) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the Authority.

c. Work Plan

Offeror should provide a narrative, which addresses the Scope of Services, and shows Offeror's understanding of Authority's needs and requirements.

Offeror to:

- (1) Describe the approach to completing the work specified in the

Scope of Services. The approach to the work plan shall be of such detail to demonstrate the Offeror's ability to accomplish the project objectives and overall schedule. The work plan should include information on how vehicle/equipment will be maintained.

- (2) Furnish a project schedule for completing the phases associated with start-up, including acquisition of required vehicles, in terms of elapsed weeks from the project commencement date.
- (3) Identify methods the Offeror will utilize to ensure program safety, regulatory compliance with driver wage and hour requirements, compliance with log and seat time requirements, compliance with standard operating procedures, budget control, and schedule control for the project. Identify who will be responsible for each of these areas.
- (4) Provide a description (Make, Model, Body Type, Lift Type, etc.) of the vehicles that Offeror is proposing to utilize for the service. Please also provide a photo, drawing or diagram of the proposed vehicles in the attachment section of the proposal.
- (5) Identify any special issues or problems that are likely to be encountered in this project and how the Offeror proposes to address them.
- (6) Offeror is encouraged to propose enhancements or procedural or technical innovations to the Scope of Services that do not materially deviate from the objectives or required content of the project.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Services (Exhibit A) and Proposed Agreement (Exhibit C), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Services (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form or

any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

All exceptions and/or deviations will be reviewed by the Authority and will be assigned a “pass” or “fail” status. Exceptions and deviations that “pass” do not mean that the Authority has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a “fail” status means that the requested change is not something that the Authority would consider a potential negotiable issue. Offerors that receive a “fail” status on their exceptions and/or deviations will be notified by the Authority and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a “fail” status and the Offeror cannot or does not retract the requested change may result in the firm being eliminated from further evaluation.

e. Public Records Act Indemnification

Proposals received by Authority are subject to the California Public Records Act, Government Code section 6250 et seq. (the “Act”), except as otherwise provided in the Act. Proposers should familiarize themselves and exceptions thereto. In no event shall the Authority or any of its agents, representatives, contractor, directors, officers, or employees be liable to a Proposer for the disclosure of any materials or information submitted in response to the RFP. Proposers must complete and sign the Exhibit H, Public Records Act Indemnification – Proposal Documents, and submit it with the proposal. Failure to complete Exhibit H may cause the proposal to be deemed non-responsive to this RFP and may no longer continue in the evaluation process.

If a California Public Records Act request is received by Authority for the release of information identified by Proposer as propriety, trade secret, or confidential, the request will be referred to Proposer for review and consideration. If Proposer requests that the information be withheld from release, Proposer shall provide such request in writing with the legal basis under the Act for each requested withholding. Failure to notify the Authority in writing of its desire to withhold the records within three business days and/or to timely provide a legal basis for the withholding of documents, regardless of any marking or designation of such documents, shall constitute a waiver of any claims Proposer may have had related to such disclosure.

Authority will review the request, determine if the disclosure of the records is required by law, and notify Proposer of such determination. If Authority determines that the disclosure of records is required by law, Authority will notify Proposer of such determination and provide Proposer the opportunity to seek a protective order or other appropriate legal relief to protect the records.

Proposer shall defend and hold harmless Authority from any legal action arising from such withholding, as further detailed in Exhibit H, Public Records Act Indemnification – Proposal Documents.

4. Cost and Price Proposal

The Offeror must submit Exhibit B, Price Summary Sheet, **as a separate sealed package from the proposal.**

No information regarding price shall be mentioned anywhere in the proposal content.

The Offeror shall provide a firm-fixed rate specifying a price per revenue vehicle hour to perform all the work specified in the Scope of Services.

The proposal price shall be based on an hourly cost for supplying the required number of FSP vehicles and operators for the beat's hours of operation as described in Exhibit A, Scope of Services, as well as for furnishing all labor, materials, tools, equipment, operating costs, insurance, overhead and incidentals as defined in this Request for Proposals.

The proposal shall also take into consideration that operators are required and shall be paid by the contractor for attending mandatory training classes, and shall be required to respond to requests for service from Caltrans or CHP dispatchers and lend assistance to incidents encountered, whether or not it is at the end of operator's shift.

If a potential Offeror does not own the required vehicles, but plans to acquire the vehicles, a statement as to how these vehicles will be acquired and the timeline for acquisition shall be provided.

5. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS

1. Campaign Contribution Disclosure Form

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Board of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal.

This form **must** be completed regardless of whether a campaign contribution has been made or not and regardless of the amount of the contribution.

The prime contractor, subcontractor, lobbyists and agents are required to report all campaign contributions made from the proposal submittal date up to and until the Board of Directors makes a selection.

Offeror is required to submit only **one** copy of the completed form(s) as part of its proposal and it must be included in only the **original** proposal.

2. Status of Past and Present Contracts Form

Offeror shall complete and sign the form entitled "Status of Past and Present Contracts" provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals and it should be included in only the original proposal.

3. Proposal Exceptions and/or Deviations Form

Offerors shall complete the form entitled "Proposal Exceptions and/or Deviations" provided in this RFP and submit it as part of the original

proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the Authority.

4. Public Records Act Indemnification Form

Offerors shall complete and sign the form entitled “Public Records Act Indemnification” provided in this RFP and submit it as part of the original proposal. Proposers must complete and sign either Option 1 or Option 2 whichever applies.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

- 1. Qualifications of the Firm 30%**

Technical experience in performing work of a closely similar nature; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references.
- 2. Staffing and Project Organization 30%**

Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel.
- 3. Work Plan 15%**

Depth of Offeror's understanding of Authority's requirements and overall quality of work plan; logic, clarity and specificity of work plan; appropriateness of resource allocation among the work; reasonableness of proposed schedule; utility of suggested technical or procedural innovations.
- 4. Cost and Price 25%**

Reasonableness of the firm-fixed hourly rate per revenue vehicle hour for each service area, for the services outlined in Exhibit A, Scope of Services included in this RFP; competitiveness with other offers received; adequacy of data in support of figures quoted.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top-ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

During the evaluation period, the Authority may interview some or all of the proposing firms. The Authority has established December 10, 2020, as the date to conduct interviews. All prospective Offerors are asked to keep this date available. No other interview dates will be provided, therefore, if an Offeror is

unable to attend the interview on this date, its proposal may be eliminated from further discussion. The interview may consist of a short presentation by the Offeror after which the evaluation committee will ask questions related to the firm's proposal and qualifications.

At the conclusion of the proposal evaluations, Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to the Regional Planning and Highway Committee, the Offeror with the highest final ranking or a short list of top ranked firms within the competitive range whose proposal(s) is most advantageous to the Authority. The Board Committee will review the evaluation committee's recommendation and forward its decision to the full Board of Directors for final action.

C. AWARD

The Authority will evaluate the proposals received and will submit, with approval of the Regional Planning and Highway Committee, the proposal considered to be the most competitive to the Authority's Board of Directors, for consideration and selection. The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to the Authority's Accounting department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the

Authority must receive it within three (3) business days of notification of the contract award.

EXHIBIT A: SCOPE OF SERVICES

SCOPE OF SERVICES FREEWAY SERVICE PATROL SERVICES

Purpose

The Orange County Transportation Authority (OCTA) operates Freeway Service Patrol (FSP) services on Orange County freeways. The FSP project is to provide for the rapid clearing of traffic lanes blocked by disabled vehicles, minor accidents, and congestion causing debris. Project services shall also assist disabled vehicles on the shoulders and in the center divider. When necessary, assistance shall be provided to California Highway Patrol (CHP) as directed by the scene officer at any incident if within the limits of the FSP project.

FSP operator(s), who work for the Contractor(s), shall assist motorists involved in minor accidents and those with disabled vehicles. They shall be responsible for clearing the freeway of automobiles, small trucks (vehicles with a gross weight of 6,000 pounds or less), and small debris. When and where conditions warrant, service may be executed on the freeway shoulders. Where conditions do not warrant, FSP operators shall remove the vehicles from the freeway to provide service.

FSP operators shall be required to provide on-the-spot assistance to motorists, free of charge, and with no tip. An Operator may: jump start vehicles, change a flat tire, provide a gallon of gas, refill radiators, tape water hoses, or provide other quick fixes to mobilize the disabled vehicle. FSP operators should not spend more than 10 minutes per disablement in attempting to mobilize a vehicle.

If a vehicle cannot be mobilized within the ten (10)-minute time limit, the FSP operator shall tow the vehicle from the freeway to a designated drop location identified by the CHP. If the motorist desires alternate assistance, the motorist can request the FSP operator to take him/her to a nearby public phone if one is not available at the drop zone.

All Orange County FSP services shall be provided at no cost to the motorist. FSP operators shall not be allowed to accept gratuities (tips), perform secondary towing services, recommend secondary tows, or recommend repair/body shop businesses. FSP operators are prohibited to make referrals to specific tow companies, including their own tow company. FSP operators found not to be complying with Orange County FSP regulations may be suspended or disqualified from the FSP program and/or the Contractor may be penalized up to and including termination of the contract. Termination of the contract shall be at the discretion of OCTA, with recommendations from CHP.

There may be some instances where FSP operators may be requested to lend assistance to CHP officers in the field. FSP operators shall follow the instructions of the CHP officer at the scene of any incident within the scope of the Orange County FSP program. ***If a CHP officer should instruct an FSP operator to provide service that is outside of FSP guidelines, the FSP operator must clear such service with FSP dispatch prior to providing the service.***

Background

The FSP program is a statewide program that is operated and funded through cooperative agreements with the participating agencies. OCTA has entered into a Memorandum of Understanding with the California Department of Transportation (Caltrans) and the CHP for the operation of FSP on freeways throughout Orange County.

The authority for FSP operations derives from (a) Section 2435(A) of the California Vehicle Code, which allows FSP trucks supervised by the CHP to stop on freeways for the purpose of rapid removal of impediments to traffic, and (b) Article 3, Section 91, of the Streets and Highways Code, which states that Caltrans is responsible for traffic management and removing impediments from the highways as well as improving and maintaining the state highways.

Basic Qualifications

This Request for Proposals (RFP) is being issued by OCTA to select Contractor(s) for several FSP service areas outlined in Attachment A of this scope of services. Service areas may be awarded to a single Contractor, or may be awarded to multiple Contractors at the discretion of OCTA.

To be awarded a contract, a Contractor must have a tow facility within close proximity to the service area, have been in business a minimum of three years, and have a minimum of three years of tow business experience. CHP rotation tow, FSP program tow, or municipal tow experience (i.e. local law enforcement rotation tow program) may be beneficial, but is not required.

A Contractor with no prior Orange County FSP experience shall be considered *NEW* and may only be awarded one (1) service area (up to five (5) beats, including midday, weekend, and construction service beats). A Contractor that has been suspended or terminated for cause from any FSP Program or CHP rotation tow program within the State of California shall not be eligible to participate in the Orange County FSP program for five (5) years from the date of suspension or termination. A *NEW* Contractor, who remains in good standing, as determined by FSP Management, may be considered for additional service area awards in future procurements. For the purpose of this document, FSP Management includes both OCTA and CHP program supervisors.

An existing Contractor that is not in good standing, but has not been suspended or terminated from the program, as determined by information received by OCTA's FSP Project Manager at the time of their proposal submission shall be considered *NEW* and may only be awarded one service area.

FSP Management Staff reserves the right to limit the number of service areas awarded to any one Contractor.

Awarded Contractor(s) should anticipate a maximum of one hundred eighty (180) days to acquire the required equipment and have it inspected, hire and train drivers, and be fully operational. A successful Contractor will be expected to have all required equipment, inspections, hiring, and training completed at least ten (10) business days before the start of service. If the Contractor does not meet this operational requirement, the contract

may be terminated and the Contractor will be excluded from participating in the FSP program.

OCTA, Caltrans, and CHP jointly develop guidelines for the operation of the service. The CHP is responsible for driver's approval, background investigations, training, dispatching, vehicle inspections, supervising service performance, and ensuring that the Contractors abide by the terms of the contracts.

Locations and Hours of Service

The Orange County FSP operates on selected freeway segments referred to as beats. Each beat will have specific turnaround locations and designated drop locations identified by the CHP. Attachment A provides a service area description, number of designated tow trucks, number of backup tow trucks, and daily hours of operation for each beat. Weekday service beats 910, 220, 408, 500, 506, and 550 will operate all day from 5:30 until 19:30 with 30-minute meal-period breaks from approximately 9:30 to 10:00 and 16:30 to 17:00. All other beats will operate during their designated AM Peak, PM Peak, Weekend, or Construction Support hours.

Midday service will be canceled up to five (5) times each year from 10:00 to 15:00, approximately quarterly, so that drivers may attend mandatory service training. Attachment B provides a tentative holiday schedule for FSP service, there will be no FSP service operated on designated holidays. OCTA reserves the right to add or delete holidays to the work schedule; these changes will be kept to a minimum. Contractors will be given at least 30-days' notice of any change to the holiday schedule. Travel time (deadhead) and costs to and from the service beat will be at the expense of the Contractor, and should be included in the overall revenue vehicle hourly rate. The Contractor's vehicle must be on the beat when advising dispatch that it is available for service. Vehicles that are not on the beat by the required start time will be docked revenue vehicle service hours and may be subject to other penalties outlined in the CHP Standard Operating Guidelines (SOG) (Attachment C). Please use these service hour guidelines when calculating estimated revenue vehicle hours and developing cost proposals.

OCTA reserves the right to adjust beat specifications to better accommodate demand for the service. These changes can occur during the course of the contract through written direction from OCTA, followed by a written change order within seventy-two (72) hours. Any changes, if necessary, are expected to be in beat configurations that would not have a significant impact on the number of service hours provided or amount of deadhead time.

Data Collection

It is important that Contractors provide accurate information and data on the number and types of assists that are provided. Every attempt will be made to ensure that OCTA-provided equipment will be functional and capable of tracking the vehicle and providing a Wi-Fi signal for Contractor-provided tablet data devices. Contractors shall be required

to provide a new iPad tablet data device with the most current iOS Operating System and mounting hardware for each vehicle and backup vehicle, to collect assist data throughout the course of an FSP operator's shift. Contractors shall also be required to maintain and manage data devices in the same manner as any other piece of required equipment for their vehicle. Contractors should maintain at least one spare device, and should anticipate replacing all iPad devices at least once during the contract term. Vehicles without functional data collection devices will be placed out of service until another vehicle or device is provided. Each Contractor's FSP operator will be required to enter assist data into the data device as it is performed. In addition to inputting data into the data device, Contractor's FSP operators shall be required to maintain a manual log of all assists performed during the course of their shift.

Contractors shall be required to establish quality control processes that assure that all assist data is entered into the data collection system. This may include entering manually collected assist data from the assist log into the data system using a contractor data entry interface that is provided through the tracking application. Contractor is to manage the data entry and data collection process in a manner that ensures the timely and accurate collection of assist data. Manually collected assist data must be entered into the system within three (3) business days.

Payment, Pricing and Reporting

OCTA shall pay a firm-fixed rate per revenue vehicle hour (RVH) to perform all work specified in this scope of services. A revenue vehicle hour is defined as the time that the vehicle starts service within its defined service area during scheduled hours until the vehicle completes its scheduled shift or the final service during the shift, whichever is later. RVH does not include dead-head and other travel time to and from the beat area.

Reimbursement shall be on an hourly basis for services rendered during hours of operation as recorded by the CHP on its monthly report that is provided to both OCTA and the Contractor. Overtime (additional time) at the standard firm-fixed rate shall be paid for time worked outside the normal hours of operation only upon approval by the CHP. Penalties, as described in the Penalties section, as determined and recorded by the CHP, shall be deducted from the monthly payment. Except as explicitly identified in this document, OCTA shall not reimburse the Contractor for any other costs or equipment.

Diesel and gasoline fuel for the FSP service shall be provided by the Contractor. Contractor will provide four RVH rates for a range of fuel prices. RVH rates will be paid according to the pricing for the current average fuel rate. Pricing will remain firm for three (3) months at a time, based on the previous quarter's average fuel price. No other changes will be allowed to the RVH rate.

OCTA's Project Manager will review the fuel prices every quarter. Average fuel prices shall be calculated using data from the Energy Information Administration's Official Energy Statistics from the U. S. Government which can be found at <http://www.eia.doe.gov>. At the beginning of each quarter (January, April, July, and October), the average fuel cost for the previous quarter will be calculated using the retail gasoline price for all grades in the State of California. That average cost shall be the basis for the RVH rate to be billed. OCTA's Project Manager shall notify the Contractor

in writing of the average fuel cost and RVH rate to be used for billing purposes during the quarter no later than twenty-one (21) days following the beginning of the quarter.

Each Contractor shall be required to provide the following reporting documents monthly as part of the Contractors invoice package:

- 1) Monthly Overtime Log – A monthly log of hours worked beyond the scheduled beat end time, which will be submitted to CHP for consideration. Overtime logs must be submitted within two (2) business days after the close of the month.
- 2) Service invoice indicating the company name, contract number, service month, the service area, beat numbers, scheduled revenue vehicle hours, monthly docks and overtime by beat, actual revenue vehicle hours operated, revenue vehicle hour rate, billable amount, contract maximum obligation, amount billed against the contract to date, remaining contract balance, any notable events impacting billing and an authorized company signature.
 - a) OCTA and CHP will provide a monthly hourly summary that the Contractor may utilize as their invoice after verifying the hourly summary information, calculating contract to date expenditures, and returning with the Contractor's signature and required reports.
- 3) Monthly Collision and Incident Log – A monthly accident and incident log, providing a recap of any Contractor- involved collisions or incidents occurring during the month. The monthly collision and incident log must include the date and time of the occurrence, location of the occurrence, beat assignment, vehicle number, FSP operator's name, a description of the event, if any party (including the FSP operator) required medical attention, and if any vehicle was towed from the scene. NOTE: If any party required medical attention or any vehicle was towed from the scene, a drug and alcohol test must be performed immediately (or as soon as practical if medical attention is required).

In addition to the monthly collision log, all collisions and incidents must be reported to CHP program supervisors and to the OCTA Project Manager via telephone and email immediately after the occurrence.

Examples of incidents include, but are not limited to, service complaints received through the Contractor, failed cursory inspections, employee or company adverse actions issued by CHP program administrators, etc. The log must include a description of the incident and outline what is being done to prevent future occurrences.

- 4) Current Operator List – A current operator list that includes driver's license number, medical card, and DL 64 certification expiration dates. The operator list must also identify any new operators and operators that are no longer participating in the program and their program start or end date.

- 5) Current Vehicle List – A current vehicle list that includes the vehicle make, model, year, type, license plate number, primary beat assignment (or backup) and end of month odometer reading (odometer reading after the last service shift of the month).
- 6) Missed Service Log – A log outlining the beat number, vehicle number, date, time, duration, and reason for any missed service (late vehicle, breakdown, etc.) The missed service log is to identify the root cause of the missed service and an action plan to prevent future occurrences.
- 7) Safety Meeting Minutes – Safety meeting minutes outlining safety meeting date, start time, end time, topics covered, and meeting attendees.
- 8) Operator Assist Logs – Contractors may be required to submit FSP operator assist logs upon request.

Term of Contract Operation

FSP services awarded through this procurement shall begin in two (2) phases. Service areas 1, 3, 6, and 10 will begin on October 2, 2021, and shall continue in full force for six (6) years, through October 2, 2027, unless earlier terminated or extended. Service areas 5 and 8 will begin on December 4, 2021, and shall continue in full force for five (5) years and ten (10) months, through October 2, 2027, unless earlier terminated or extended.

Construction Service beat 402 may be terminated at any time, based on construction progress. At least thirty (30)-days' notice would be provided before terminating beat 402.

Vehicle Specifications

If awarded a contract, the Contractor's service vehicles assigned to this contract must be dedicated to the FSP program and may not be used for any other purpose for the life of the contract. Service vehicles must be returned to Contractor's facilities when not providing FSP service. All vehicles are to be crew cab in design and provide for the transportation of up to four (4) passengers (including the front passenger seat).

Vehicle Identification/Decals

If awarded a contract, a Contractor's trucks shall be in adherence with the vehicle-labeling requirements set forth in the following paragraphs. The purpose of the vehicle-labeling guidelines is to establish a standard that will improve public recognition of the FSP program as well as enhance the image of the FSP program.

Base Vehicle Color

FSP fleet vehicles shall be painted totally white, except for authorized and required markings. Descriptions of required markings are provided in this document.

Vehicle Letters/Numbers

Vehicle numbers (i.e. 134, 530, etc.) shall be applied on the left and right front quarter panel of each vehicle and shall be easily recognizable from a distance. Numbers also must be visible from the rear cab of the vehicle. See below for size and color requirements. If in the opinion of FSP Management they are not in an acceptable area, they must be re-applied. Contractors should contact FSP Management prior to application if there are any questions.

Contractor Information and Location on Vehicle

Contractor's name, address, telephone number, and Motor Carrier Permit number, as required by law, shall be labeled on the driver's and passenger's sides of the vehicle. The information shall be centered as much as possible (see below). Contractor information shall be placed in the lower rear bed section of the vehicle.

CONTRACTOR NAME
Street Address
City, State and Zip
Code
Telephone number with area
code Motor Carrier Permit
Number

Letter/Numbering for Contractor Information

Letter/number size shall be two (2) inches tall by two (2) inches wide. Vertical separation between lines shall not be greater than that font size.

Lettering on the FSP vehicles shall be parallel to the ground. Contractor name shall be in upper case letters. The remaining lines shall use upper case first letter and lower case string (except CA for California). The Motor Carrier Permit line should read "CA 12345" (sample). Lettering shall be standard black. No other color is acceptable. Metallic lettering is not acceptable. The color of the lettering shall not blend with the area in which they are placed. Shadowing is not acceptable.

Only block letter fonts shall be used for lettering or numbering on FSP vehicles. Italic or script fonts are not allowed. The following is the only acceptable block letter font:

Arial Font

Unallowable Items

No pin striping or underlining

No Contractor logos, non-FSP logos, symbols, pictures, markings, etc.

No hours of service, names, etc. on any part of the vehicle other than as specified herein

No lettering on booms, hoods, windows, and mud flaps, etc. other than as specified

No HSO numbers

No magnets (Other than CHP approved Not In Service signs)

No lettering in front or rear of vehicles, except what is required by this

RFP Exceptions

Any Contractor wishing to request a deviation from the lettering guideline must do so in writing and must receive approval in writing by the FSP Management prior to application. Any deviation from this guideline shall be cause for service suspension until corrected. Contract start-up inspections shall not be approved if the guidelines are not followed. Contractors shall not be allowed to begin service until the vehicle inspections are approved.

Light Bar Strip Label/ Bug Deflector

Light bars shall be mounted on a 4-inch (approximate) extended bracket (Contractor design). A strip metal panel shall be affixed to the bracket between the light bar and the cab roof section approximately 3-1/2 inches tall and 1/2 inch thick. The strip metal bar shall be labeled with "**Freeway Service Patrol**" on rear side (rear facing). The front face lettering shall be a mirror image on the Bug Deflector or if float truck front, it may be placed without the bug deflector, so that it can be read legibly through a motorist's rear view mirror. See sample below.

Front Facing Bug Deflector or flat truck surface:

lortaP ecivreS

yaweerF Rear Facing Light Bar:

Freeway Service

Patrol

Door Panels

The official FSP logo decal shall be placed on one door of each side (door closest to front of vehicle) of all FSP vehicles. OCTA shall provide the FSP logo decal, and the Contractor shall provide the FSP lettering.

Logo/Lettering on Booms (If Optional Boom Is Provided)

Contractor will be required to provide the following lettering on each side of the boom: **Freeway Service Patrol**. This lettering will adhere to specifications from the previous section.

511 Motorist Aid Decal

The official 511 Motorist Aid decal shall be placed on the rear and sides of all FSP vehicles, in a location that will be easy for motorists to see. Specific location is to be proposed by the Contractor, and approved by OCTA. OCTA shall provide the 11" by 14" 511 Motorist Aid decal for each vehicle.

Not In Service Signs

Contractor shall provide magnetic "Not In Service" signs (2) that shall be placed over the FSP logos, covering the entire logo (approximately 18" x 18" square), while deadheading to and from the service beat, and during other vehicle movements where the vehicle is not in service (transport to maintenance vendor, etc.)

OCTA/Contractor Furnished Material

OCTA will provide the Contractor with all FSP and 511 logos described in this RFP. The Contractor is required to furnish and install all of the material and requirements defined in these guidelines unless otherwise stated.

Equipment Requirements

A. Tow Truck Requirements (Must Be Crew Cab)

All vehicles must be exclusively dedicated to the Orange County FSP program. All maintenance activities shall be conducted during non-service hours.

The FSP will utilize at a minimum, Class A trucks with a minimum gross vehicle weight rating of 14,000 pounds, dual wheel chassis, and crew-cab cab configuration that will allow for the comfortable transport of up to four passengers (including the front passenger seat). All trucks proposed for use in the FSP program shall be less than one year old with a maximum of 25,000 miles at the start of service.

All tow truck bed assemblies shall either be new; or if used on a normal tow truck business, less than six (6) months old and re-certified by the manufacturer or assembler; or if used on an FSP beat, less than three years old and recertified by the manufacturer or assembler. The recertified certificate shall include a statement proving at a minimum:

1. Replacement of center pin, T-Bar, winch cable (if equipped with boom), sleeve, and wheel restraint straps; and
2. Crack inspection and new paint; and
3. Recertification of hydraulic lines and certification of no leaks.

Self-certification will not be allowed. Recertified beds must also pass CHP inspections. On all truck beds, the wheel lift assemblies shall have rust removed and be painted at least once a year.

Each tow truck shall be equipped in accordance with the CHP's Freeway Service Patrol Manual and Standard Operating Guidelines Manual and, at a minimum, shall include the following:

- (Required) Wheel lifts towing equipment, with a minimum lift rating of 3,000 pounds. All tow equipment shall include proper safety straps.
- (Optional) Boom with a minimum static rating of 8,000 pounds. A boom is not required as part of operating in the FSP program; however, a boom may be provided at the contractor's discretion in order to maintain vehicle resale value or for other purposes. If provided, the boom and all of its related components and equipment is expected to be operational, and will be subject to inspection and certification.
 - (Required only if boom provided) Winch Cable - 8,000 pound rating on the first layer of cable.
 - (Required only if boom provided) Winch Cable - 100 ft., 3/8-inch diameter, with a working limit of 3,500 pounds.
 - (Optional if boom is provided) Towing slings rated at 3,000 pounds minimum.
- (Required) Right-side and left-side drag light connectors that will allow operators to plug drag lights into either side based on the safest (traffic or non-traffic) side of the tow vehicle.¹

B. Tool, Equipment and Supply Requirements

Attachment C provides Freeway SOG, which are reviewed, updated, and distributed annually to all tow Contractors and Contractors' personnel. Contractors must assure that all Contractor vehicles assigned to the FSP program are equipped with the tools, equipment, and supplies identified in the FSP SOG. Contractor may, at their discretion, equip vehicles with additional tools, equipment, and supplies that allow their operators to perform their work more efficiently or safely. Please refer to section 2.1.5 of the FSP SOG, Contractors Duties and Responsibilities - Tools, Equipment, and Supplies, for a complete list of required tools, equipment, and supplies.

C. General Vehicle Requirements

Prior to commencement of service, the CHP will inspect each vehicle designated for the FSP program to ensure that it meets the vehicle specifications and meets or exceeds safety requirements. **These inspections must be completed no later than ten (10) working days prior to the start of service.** Succeeding

inspections will occur at the discretion of CHP and at least annually at a location designated by CHP and at the expense of the Contractor.

The CHP may randomly inspect vehicles at any time during service. Any unsafe or poorly maintained vehicle(s) or improperly equipped vehicle(s) shall be removed from service or repaired as directed and the Contractor shall be fined in one-quarter hour increments at double the Contractor's hourly rate. Backup vehicles will be required to complete the shifts of vehicles removed from service. The Contractor shall be required to have a backup vehicle available for service at all times. All backup vehicles will meet the specified requirements.

Orange County FSP vehicles bearing the freeway service patrol title, logo, and vehicle identification number will be painted white. There will be no color requirements for the trim. If trim is used, it shall be no greater than four (4) inches on the front and sides of the vehicle. No other accessory equipment shall be mounted or installed without prior CHP approval. This includes, but is not limited to, brass, chrome wheel covers, or window tint.

D. Pre-Operation Inspections

The FSP operator shall be required to complete a pre-operation inspection of the vehicle as well as inventory the required equipment prior to the start of each shift. An inspection/inventory sheet shall be completed prior to the start of each shift. Any item missing must be replaced prior to the start of the shift. For FSP program purposes, the inspection sheets must be kept on file at the Contractor's office and available for CHP or OCTA inspection, upon request for, 60 days from the service date.

E. Vehicle Identification

All vehicle identification must adhere to the guidelines as previously outlined.

Communications Equipment and Data

Collection Communications Equipment

Each Orange County FSP vehicle will be equipped with a radio that will allow the FSP operator to communicate with the CHP Communication Center and Caltrans Traffic Operations, a Cradlepoint Router or other GPS and Wi-Fi hot spot device, a radio antenna, and GPS antenna. This communications equipment will be supplied, installed, and maintained by OCTA, to assure continued operation.

Contractor will be responsible for providing electrical connection points for OCTA-provided equipment (radio and router/controller). Contractor will be responsible for monitoring and supervising the installation of OCTA-provided equipment (radio, router/controller, radio antenna, GPS antenna, etc.) by OCTA-provided communications system installers, to assure that no FSP contractor equipment is damaged during the installation process. Contractors are encouraged to perform any necessary drilling that may be required for installation, under the direction of OCTA-provided communications equipment installers, to avoid any potential damage to Contractor equipment. Contractor

should not pre-drill holes for OCTA-provided communications equipment as antenna location and other issues must be determined and coordinated with OCTA communications system installers to assure effective communications for all systems.

Contractor will be responsible for ensuring that the equipment is contained in a secure environment and protected from theft or damage. Contractors will be responsible for any replacement or repair cost for OCTA provided equipment that is not considered normal wear and tear.

Contractor shall be responsible for maintaining the security of the vehicle communication equipment. The Contractor shall be liable for any damage, other than normal wear and tear, to OCTA-provided equipment. The Contractor shall also be liable for the full replacement value of the equipment installed in the trucks while in the care, custody, and control of the equipment. OCTA shall deduct repair fees as well as the full replacement cost of any OCTA equipment from the Contractor's payment for the month in which OCTA must replace or repair equipment, if possible. If not possible, OCTA shall deduct the repair fees and or replacement costs from any funds owing to the Contractor. OCTA supplied vehicle equipment shall be returned upon contract termination. The cost of any equipment not returned in good working order shall be deducted from the Contractor's final payment.

Data Collection

It is important that Contractors provide accurate information and data on the number and types of assists that are provided. Contractor will be required to provide one iPad tablet computer (data device) with Wi-Fi internet capability and a modern web browser for each service vehicle and backup vehicle. Contractor will also be required to provide, install, and maintain Contractor selected in-vehicle mounting hardware for each data device. Contractor is to maintain and manage Contractor provided data devices in a manner that ensures the timely and accurate collection of assist data.

Contractor agrees to allow OCTA to install a Cradlepoint or other router / controller with GPS and Wi-Fi hot spot capabilities through the term of the agreement. Contractor-provided devices will connect to an OCTA-provided web or tablet application, through the OCTA installed controller, utilizing a wireless data account provided by OCTA.

Each FSP operator will be required to enter assist data into the reporting system, using the Contractor-provided data device, as it is performed. For data consistency, and to ensure the collection of service data, FSP operators may be required to maintain a manual log of all assists performed during the course of their shift in addition to entering the data into the system, or if for some reason assist data may not be entered into the system.

Contractors shall be required to establish quality control processes and sampling procedures that assure that the FSP operator enters all assist data into the system. This must include entering manually collected assist data from the assist log into the system, should there be a device failure or the driver otherwise does not enter assist data into the system. Manually collected assist data must be entered into the system within three business days.

Fuel

As described in the Payment, Pricing and Reporting section of this scope of services; diesel and gasoline fuel for the FSP service shall be provided by the Contractor. Contractor will provide four RVH rates for a range of fuel prices. RVH rates will remain firm for three (3) months at a time. No other changes will be allowed to the RVH rate.

FSP Operators

All potential FSP operators shall be required to have a safe driving record as specified by FSP guidelines, a current California Class C driver's license, a medical certificate (within two years of issuance), and be at least 20 years of age.

Potential FSP operators shall be subject to driving record and criminal background checks. The driving record and criminal background checks shall be performed by the CPH with the cost covered by the Contractor (See Standard Operating Guidelines). FSP operators will be required to submit to Livescan finger printing. FSP operators will not be eligible for the FSP program if they possess a felony or misdemeanor conviction as listed in Section 13377 of the Vehicle Code. Additionally, the CHP Standard Operating Guidelines Manual further outlines disqualifying violations which shall be applicable to this contract.

Potential FSP operators shall be sufficiently experienced in the tasks of tow truck operations and proficient with all required FSP equipment to provide safe and proper service. All potential FSP operators must be capable of demonstrating their tow operating abilities prior to going into service. Additionally, the FSP operators will be required to exercise good, sound judgment in carrying out their duties.

The Contractor, at its cost, shall be an active participant in the Department of Motor Vehicles' (DMV) Pull Notice Program.

FSP Safe Driver Guidelines

FSP safe driver guidelines specify that when a driving record print out from the DMV computer system is evaluated by CHP Officers assigned to the FSP program, all convictions listed will have the same point value as determined by DMV. Point values for Vehicle Code Sections, other code sections, and city or county ordinances involving the operation of a motor vehicle or motorcycle are assigned by the DMV, for the purpose of evaluating a driving record. In addition to the sections listed by the DMV as having a point value, Vehicle Code Section 40508 may be included in the one point category. Operators with these violations will be evaluated by the FSP supervisory staff on a case by case basis. Collisions that do not have a not at fault disclaimer will also be evaluated on a case by case basis.

A Contractor's operator may be denied certification and eligibility for the FSP program for not meeting FSP Program safe driver or other guidelines. Prospective Contractors should refer to Attachment C, FSP SOG chapter 3, for FSP program and safe driver guidelines. FSP program guidelines, including safe driver guidelines, apply equally to all Contractors, key personnel, and FSP Operators. Contractors, key personnel, and FSP

Operators who fail to continually meet FSP safe driver and other guidelines will be disqualified from participation in the FSP program.

Operating Guidelines

FSP operators shall be required to inform the CHP Communications Center at any time he/she leaves the assigned beat. This includes, but is not limited to, replenishing expendable items such as gasoline, fire extinguisher, etc., and removing a disabled vehicle to a location other than a CHP identified designated drop location, etc. The FSP operator shall be required to complete assist records for each incident.

All FSP operators, including backup operators, shall be required to complete the CHP/Caltrans training program, which costs \$50.00 per operator. The Contractor shall pay FSP operators for the time spent in the training class. No FSP operator will be allowed to begin patrolling without attending the mandatory training classes, subsequent proficiency tests, and required ride-alongs without prior approval of the CHP. Any FSP operator who is found on patrol without completing the mandatory training class shall be prohibited from further Freeway Service Patrol service and the Contractor's contract terminated immediately. These costs, including FSP operators' hours, are not reimbursable by OCTA.

Mandatory CHP/Caltrans refresher training classes shall be scheduled approximately quarterly. The required training shall occur for a **minimum of eight (8) hours per year**. Contractors shall pay all FSP operators and backup operators for attending the training. These costs, including FSP operators' hours, are not reimbursable by OCTA. Certified Contractor staff designated as key personnel in the contract who do not drive as part of their regular duties may be excused for up to one (1) training session each calendar year. Arrangements to be excused from training must be made with CHP program supervisors prior to the training date. The key personnel must also make arrangements to meet with CHP supervisors to cover the material presented at the training.

Mandatory training is scheduled from 12:00 pm until 2:00 pm approximately quarterly. Contractors will not operate midday service when scheduled for quarterly training. Quarterly training occurs during most operators meal period break. Program participants (Contractors and OCTA) alternate sponsoring the quarterly training lunch for up to 90 participants. Based on the current number of Contractors, each contractor should anticipate sponsoring a quarterly training lunch at least once each year.

Contractor shall designate a lead FSP operator for their FSP service. The lead FSP operator shall be approved by the CHP Field Supervisors. The lead FSP operator duties shall include distribution of materials and the communication of routine operational guidelines from the CHP to their FSP drivers. The lead FSP operator must have a cellular phone for communication with CHP supervisors during FSP operation at Contractor's expense.

Alcohol and Drug Policy

The CHP, Caltrans, and OCTA maintain a **ZERO** tolerance drug and alcohol policy. Contractors must maintain at a minimum, OCTA's policy which is available upon request.

Contractors shall have an alcohol and drug program that includes at a minimum, a drug and alcohol free workplace policy, and an employee alcohol/drug-testing program. Any Orange County FSP operator found working with any amount of drugs or alcohol in his/her system, on his/her person, or in his/her vehicle will be disqualified immediately. The Contractor shall be responsible for finding a replacement operator for that vehicle.

Driver Uniforms and Equipment

It shall be the responsibility of the Contractor to provide the FSP operator with specified uniforms, shoes, and other equipment as approved by CHP, OCTA, and Caltrans. The equipment includes navy blue coveralls or shirts and pants. If coveralls are worn, they shall have two-way zip front with heavy-duty brass zipper. Coveralls or shirtsleeves shall be half-raglan type or set-in sleeve with pleated-action back. Long sleeves may have plain barrel cuff or be equipped with snap or button closure on wrist. The length of the sleeve on short-sleeve coveralls/shirts shall come to within approximately 1 inch of 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. Legs shall be moderately tapered to avoid excessive fullness. Coveralls shall be H.D. Lee Company style No. 018-3041 (Navy Blue) or Commercial Uniform Co. style No. 201 (Navy Blue) or equal style. All main seams shall be at least double stitched with good quality thread.

Shirts or coveralls shall have one or two chest pockets. Single pocket coveralls/shirts shall have the chest pocket placed on the left.

The first initial of the first name and full last name shall be sewn above the left chest pocket so that it shall be clearly visible with the collar open. Letters shall not exceed ½ inch. A detachable metal or plastic nameplate may be worn in place of the embroidered name at the Contractor's option.

Reflective white stripes shall be sewn and worn around both leg cuffs of uniform pants. Uniforms shall be provided by the Contractor.

The CHP/FSP Field Supervisors will conduct random uniform inspections.

Safety Vests

The Orange County FSP logo shall be sewn across the middle portion of the back of each vest. It shall be centered. The small Freeway Service Patrol logo shall be sewn on the left front panel. Vest shall be worn at all times during FSP hours of operations except during authorized breaks. FSP Patches large and small shall be provided by OCTA. Vest shall be supplied by the Contractor and must conform to ANSI Class 3 standards, must be neon green and include an identification card holder sewn onto the vest.

All FSP operators shall wear general duty black leather utility-type work boots with protective steel toe. This will be provided by the Contractor.

Tee shirts worn under the uniform shall be white or navy blue and not exceed the length of the uniform shirt. During cold weather, a navy blue sweater or sweatshirt, without a

hood, may be worn under the uniform shirt/jumpsuit. A navy blue jacket may replace the sweater or sweatshirt at the Contractor's option, if it meets all the uniform specifications. Jackets and sweatshirts shall be worn under the safety vest.

Rain gear shall be waterproofed material, yellow in color. Reflective white tape shall be applied to both sleeve cuffs, both leg cuffs, and across the upper back.

Hats shall be provided by OCTA. The words "Freeway Service Patrol", the initials "FSP", or the FSP logo shall be embroidered above the brim. The words or initials shall be centered. It shall be sewn in white. No other hats, logos/names shall be accepted or authorized.

Penalties

Mechanical Breakdown - If a truck goes out of service for mechanical reasons, the Contractor will be penalized in fifteen(15)-minute increments at straight time up to forty-five (45) minutes, until such time that the truck either returns to service or a backup truck is deployed. If the repair takes longer than forty-five (45) minutes, the dock will be double the hourly rate. The start time for the dock will be the original time the Operator went out of service.

Missed Service - If an Operator arrives more than thirty (30) minutes late to the beat, or if a truck is unavailable other than due to a mechanical breakdown, or if an eligible operator is unavailable to work a shift, the Contractor will be penalized triple the hourly rate for each fifteen (15)-minute increment of missed service.

Operator/Vehicle Removed from Service - If an FSP operator or vehicle is removed from service due to any violation of the SOG or contract, the Contractor will be penalized double the hourly rate for each fifteen (15)-minute increment that the beat is not covered.

Tardiness - If an FSP operator arrives late to the beat, the Contractor will be penalized double the hourly rate for the first fifteen (15) minutes that the FSP operator is tardy. After the first thirty (30) minutes, the Contractor will be penalized as Missed Service from the beat start time, until the beat is covered.

Non-Compliance with Driver Wage and Hour Requirements - Contractors must comply with all federal, state and local wage and hour regulations, with specific emphasis on California Department of Industrial Relations Wage Order Nine, on-duty time, behind the wheel time, and rest time requirements. Contractors who fail to comply with commercial driver log book guidelines related to on duty, behind the wheel, and rest period requirements will be penalized \$100.00 for each employee occurrence.

A pattern of non-compliance, or non-compliance with other federal, state and local regulations, may result in contract actions up to and including termination of the agreement.

Local Office

The Contractor shall provide a local office for contract administration purposes. This office shall be staffed by either the Contractor or a person who has the authority to conduct business and make decisions on behalf of the Contractor. The office shall have business hours coinciding with Contractor's beat(s) hours of operation. The office shall be located within close proximity to the service area, and within close proximity to the Contractor's beat(s).

The Contractor shall also provide a telephone service, an internet connection, and a recent model CPU, monitor, and printer for use by office and management personnel. OCTA will provide access to OCTA's web based FSP monitoring application for

Contractor monitoring purposes, and to allow Contractors to enter service data that was not entered through the in-vehicle data device.

During non-business hours, an answering machine provided at the Contractor's expense, shall be available to log calls, take complaints, etc. All persons who have authority to make FSP decisions shall be trained by CHP staff by attending the SOG class.

Records relating to company drug and alcohol program training, required drug and alcohol testing, safety training, payroll, and DMV pull notices must be available at the local office for inspection at any time during regular business hours, 0800 hrs to 1700 hrs, Monday through Friday.

Standard Operating Guidelines (SOG)

The SOG is a living document supplied by FSP Management. This document contains the training and procedural guidelines for the FSP program as outlined in CVC 2435(B), 2438(A). All changes to the SOG will be generated by FSP Management and sent to the Contractor in electronic and paper form. Each Contractor must maintain a copy of the SOG in each FSP vehicle and at the office for the FSP operators to view. The SOG will be updated annually, and will be maintained by the CHP and OCTA. Contractor is required to consider all SOG guidelines as they develop their company policies and practices related to contractor employees working in the FSP program.

Vehicle Availability for Inspection, Service and Contract Transition

Contractor will be expected to make vehicles available for inspection, communications equipment installation, communications equipment maintenance and service, and for other business purposes during non-FSP hours at no cost to OCTA. Every effort will be made to coordinate inspection and communications system service activities during the course of a regular business day, between 0800 hrs to 1700 hrs, Monday through Friday.

Because of the nature of the service hours, starting at 0530 hrs., ending at 1930 hrs., Monday through Friday, contract transition activities for contract start and contract end, and the transition of OCTA-provided communications equipment will need to occur outside of regular FSP hours. These activities will be conducted after the close of

business on the last contract day, before the start of business on the first contract day, or over the weekend (when available). Contractors will be expected to make vehicles available before or after hours, or on the weekend at no additional cost to OCTA for the purpose of installing or removing communications equipment at the start and end of a contract period.

ⁱ Multiple drag light connector requirement added 8/12/2020 PLS

Orange County Freeway Service Patrol Service Areas

ATTACHMENT A

Effective 10/2/2021

Provider / Contract #	Service Area	Beat #	Location	Tow	Backup	Hours of Operation
State Route 91 (SR-91)						
Service Starts 10/2/21 through 10/2/2027	1	910	Carmenita Road - SR-57 (SB1 Rover) W/ Patrols through I-5 and SR-57 Interchange	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		911	Caemenita Road - Euclid Street	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		912	Euclid Street - Tustin Avenue	1		Monday through Friday
State Route 22 (SR-22)						
Service Starts 10/2/21 through 10/2/2027	3	220	Valley View Street - SR-55 (SB1 Rover) W/ Patrols through I-5 / SR-57 and SR-55 Interchanges	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		221	Valley View Street - Euclid Street	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		222	Euclid Street - SR-55	1		Monday through Friday
		225	SR-22 Through SR-57, I-5, & SR-55 Interchange Area	Existing Tow	Saturday and Sunday 10:30 to 19:00	
Interstate 405 (I-405)						
Service Starts 12/4/21 through 10/2/2027	5	408	Fairview Road - Bake Parkway W/ I-5 Interchange (Rover)	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		409	Fairview Road - Culver Road	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		410	Culver Road - Bake Parkway	1		Monday through Friday
		402*	I-605 to SR-73 (SB1 Construction Support) * * Service may be moved or discontinued at any time	Existing Tow	Construction Support Service Mon - Fri 20:00 to 00:00 Saturday and Sunday 10:30 to 19:00	
Interstate 5 (I-5)						
Service Starts 10/2/21 through 10/2/2027	6	500	Artesia Boulevard - 17th Street (SB1 Rover) W/ Patrols through SR-91 and SR-22 Interchange	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		501	Artesia Boulevard - Euclid Street	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		502	Euclid Street - 17th Street	1		Monday through Friday
Service Starts 12/4/21 through 10/2/2027	8	506	El Toro Road - Christianitos Road (Rover)	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		507	El Toro Road - Ortega Highway	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		508	Ortega Highway - Christianitos Road	1		Monday through Friday
		511 512	El Toro Road. - Ortega Highway Ortega Highway - Christianitos Road	Existing Tow Existing Tow	Saturday and Sunday 10:30 to 19:00	
State Route 55 (SR-55)						
Service Starts 10/2/21 through 10/2/2027	10	550	SR-55 From SR-91 - Mesa Drive (Rover)	1	1	5:30 to 19:30 Mon - Fri With Two 30 Minute Lunch Breaks
		551	SR-55 From SR-91 - 4th Street / Irvine Boulevard W/ Patrols through SR 22 Interchange	1	1	Peak Hour Service 6:00 to 10:00 and 15:00 to 19:00
		552	4th Street / Irvine Boulevard - Mesa Drive W/ Patrols through 405 and 73 Interchanges	1		Monday through Friday

ORANGE COUNTY FREEWAY SERVICE PATROL

ANNUAL HOLIDAY LIST

As Freeway Service Patrol (FSP) is principally a congestion-mitigation program, FSP service will not operate on the following holidays. Holidays and holiday hours may be added, removed, or modified annually with notice from the California Highway Patrol and OCTA. The designated holiday day may also be modified to the day before or after the holiday date if the holiday falls on a Saturday or Sunday.

New Year's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day After Thanksgiving
Holiday Break * (Christmas Day through New Year's Day)

*FULL FSP SERVICES RESUMES ON JANUARY 2

NOTE: Hours may be extended on the day before or after a holiday for getaway traffic.

Orange County

Freeway Service Patrol

STANDARD OPERATING GUIDELINESⁱ



ORANGE COUNTY TRANSPORTATION AUTHORITY
CALIFORNIA HIGHWAY PATROL
CALIFORNIA DEPARTMENT OF TRANSPORTATION

January 2021
Issued 12/1/2020

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**ORANGE COUNTY FREEWAY SERVICE PATROL
STANDARD OPERATING GUIDELINES**

**ACKNOWLEDGEMENT OF RECEIPT OF SOG
AND PERMISSION TO USE IMAGE**

I have received a copy of the Orange County Freeway Service Patrol Standard Operating Guidelines dated January 2021. I understand and acknowledge by my signature below that compliance with these guidelines is a condition of my participation as an Operator in the Freeway Service Patrol (FSP) Program. I understand that it is my responsibility to read, understand, and comply with these guidelines. I further understand that California Highway Patrol (CHP) and Orange County Transportation Authority (OCTA) Program Administrators may conduct inspections and searches of contractor owned vehicles to assure compliance with program policies and contract requirements at any timeⁱⁱ.

I hereby grant the OCTA, CHP, and the California Department of Transportation the irrevocable and unrestricted right to use, reproduce, and distribute photographs and/or video images taken of me during my association with the FSP program, and waive any right to compensation that may result from the use of the imagesⁱⁱⁱ.

Operator Name (Print)

Operator ID #

Operator's Signature

Date

**This form is to be removed, completed, and
returned to CHP Management Staff no later
than **January 15, 2021**.**^{iv}

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FOREWORD

Congratulations, and welcome to the Orange County Freeway Service Patrol (FSP) program; the premier program of its type in the country. The FSP program is a congestion-management program designed to quickly remove congestion-causing vehicles and debris from the roadway and assist congestion-causing motorists whose vehicles have become disabled on the side of the roadway. As an Orange County Freeway Service Patrol Operator, you are a member of an elite team of congestion-relief specialists. While, as the FSP Operator, you may be the first on-scene, you are not considered a first responder, are not trained by the program to perform advanced recovery work, fight fires, provide advanced medical aid, and are not required by the program to perform such actions. As an FSP Operator safety is your first priority! You are not to place yourself or the motorist public that you are assisting into a situation that may jeopardize your (or their) safety.

This Standard Operating Guideline (SOG)^v is a living document that will be updated annually, to reflect the constantly changing environment in which we work. Changes from the previously issued SOG are identified in red throughout this document, so that you may easily identify areas that have been added or modified.

The purpose of this document is to provide guidance and service standards for provided service through the FSP program. It does not replace or override your employer/tow company policies, procedures, or safety practices. While FSP program managers provide training on program guidelines and will test for basic proficiency, you are to follow your company provided training, policies, procedures, and safety guidelines when providing service. When in doubt, refer to your tow company policies and practices, or check with a company supervisor or manager.

Not all service situations arising in on the FSP program can be covered in this document, therefore sound judgment on the part of the FSP Operator should always be used. If you have any questions regarding any area of the Freeway Service Patrol Program, program guidelines, please see your company manager or a CHP Officer Supervisor Unit (David Unit).

Take pride in your job! You are fighting on the front line in a constant war to reduce congestion for Orange County motorists. Your smile can make someone's day.

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TECHNICAL DEFINITIONS

511 / Go 511	Orange County Motorist Assistance and Traveler Information website, smart phone application, and interactive voice response (IVR) system where travelers may obtain traffic information, transit information, or reach the freeway call box call center for freeway roadside assistance. Motorists may reach the 511 IVR system by calling 511 from their cell phone. ^{viii}
Callbox	The bright yellow box located alongside the freeway, spaced about every two miles, used to contact a call center to request roadside assistance.
Caltrans	California Department of Transportation
Center Divider Wall	The wall in the center of the freeway that separates opposing directions of traffic.
CHP	California Highway Patrol
Contract	The legal document (of which this document is a part) between the Orange County Transportation Authority (OCTA) and your tow company owner.
Contractor	A tow company contracted to provide service for the Freeway Service Patrol program.
Dispatch	The CHP personnel assigned to dispatch the service vehicles for the Freeway Service Patrol program.
Edge Line (Fog Line)	The painted lines on the roadway surface used to delineate the edge of the roadway and provide a visual reference. Also known as a fog line.
FSP / OC FSP	Orange County Freeway Service Patrol Program
HOV/Carpool Lane	The lane to the left of the #1 lane. It generally requires vehicle occupancy of more than one person.
IDT	Initial Driver (Operator) Training
Lane Numbering	Traffic lanes are numbered from left to right starting with the number one, directly to the right of the HOV lane.
Management	Caltrans and CHP personnel assigned to supervise the FSP in the field (formally referred to as FSP Supervisors), and OCTA staff assigned to FSP program.

Median/Center Divider	The portion of a divided highway separating the roadway for traffic in the opposite direction.
OCTA	Orange County Transportation Authority
Off Ramp	The freeway exit lane.
OJT	On-the-Job Training
On Ramp	The freeway entrance lane.
Operator	A trained contractor employed tow truck driver certified to work in the FSP program.
Overcrossing	A bridge for a roadway crossing over the freeway.
Redeployment	The deployment of alternate FSP Contractor resources to fill a service gap.
Service Truck	A pick-up truck (OC FSP no longer utilizes service trucks)
Service Vehicle	A tow truck or pick-up truck equipped and assigned to work for the FSP program.
Shoulder	The portion of the highway to the right of the traffic lanes, used by stopped vehicles and emergency stops.
SOG	The FSP program's Standard Operating Guidelines.
Tablet	iPad or other Tablet computer that has been approved for use as a mobile data device for the OCTA provided tracking and data collection system.
Disqualification^{ix}	Removal from the FSP Program.
Transition (Fly Over)	A connector road that joins two freeways.
Truck By-pass	A by-pass lane designed for truck traffic (such as on the I-5 between Lake Forest and the I-405.)
TMC	Orange County Traffic Management Center
Under Crossing	A bridge for a roadway crossing under the freeway.

ORANGE COUNTY FREEWAY SYSTEM



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CHAPTER 1

OVERVIEW OF ORANGE COUNTY'S FREEWAY SERVICE PATROL PROGRAM

1. WHY A FREEWAY SERVICE PATROL PROGRAM?

The purpose of the Freeway Service Patrol (FSP) is to provide congestion relief on the freeways, improve safety and air quality, and reduce fuel consumption by rapidly clearing incidents.

According to studies, over 50 percent of traffic congestion is the result of collisions and stalled vehicles. Prompt clearing of the roadway reduces the occurrence of additional collisions and slowing caused by curious onlookers and motorists trying to avoid the original incident. The keys to maintaining maximum capacity on the roadways are opening closed lanes and expediting the removal of disabled vehicles from the freeway.

2. SCOPE OF PROGRAM

FSP is a joint program of the Orange County Transportation Authority (OCTA), the California Highway Patrol (CHP), and the California Department of Transportation (Caltrans).

Tow companies enter into contractual agreements with OCTA to provide continuous patrol service during morning and evening commute hours on designated portions of Orange County's most congested freeways and highways. Additional limited service is provided during off-peak midday hours, weekends, and in specific construction areas.

Tow truck drivers, employees of the contracted tow company^x (hereinafter called "Operators") provide on-the-spot assistance to motorists, free of charge, and with no tip. An Operator may: jump start vehicles, change a flat tire, provide a gallon of gas, refill radiators, tape water hoses, or provide other quick fixes to mobilize the disabled vehicle.

If an FSP Operator is unable to get a vehicle running within 10 minutes, the Operator should tow the vehicle to a designated drop location where additional assistance can be requested.

An FSP Operator may be called upon to provide assistance in removing vehicles involved in collisions, removing debris from roadways, or assisting with other incidents as directed by the CHP.

3. FSP MANAGEMENT ROLES AND RESPONSIBILITIES

While an FSP Operator is in the spotlight for all the services he/she (hereinafter “he”) provides, there are three organizations in the background that provide support and guidance. These organizations are the OCTA, the CHP and Caltrans, that combined are herein called “FSP Management.” OCTA, CHP, and Caltrans are equal partners in overseeing the FSP Program. Their responsibilities include:

OCTA

- Develop, advertise, award, and manage the contracts of the tow truck companies
- Manage FSP field and vehicle communications equipment
- Manage program funds
- Develop Program (system enhancements)
- Procure and distribute program supplies
- Process contract invoices
- Monitor contract-required insurance policies
- Monitor contract compliance including, but not limited to, driving record checks, drug and alcohol policy compliance, mandatory training, and record retention.
- Administer redeployment operations
- Evaluate Contractor and program performance
- Evaluate Contractor and program complaint investigations
- Collect assist information
- Perform random and planned tow facility inspections
- Coordinate Contractor invoice adjustments

CHP

- Provide initial and quarterly refresher FSP Program training/certification to all Operators (classroom and practical training)
- Provide program law enforcement services
- Provide field supervision^{xi}
- Monitor Standard Operating Guideline (SOG) Compliance
- Perform cursory tow inspections
- Perform random and planned tow facility inspections
- Monitor Operator compliance with SOG
- Conduct Live Scan check of each applicant's fingerprints
- Monitor registration and Motor Carrier Permit status for program vehicles
- Conduct Operator complaint investigations
- Document SOG violations
- Dispatch FSP tow trucks
- Enforce Contract provisions
- Process monthly billing statements
- Coordinate Contractor invoice adjustments
- Monitor fleet of FSP tow trucks using the Automatic Vehicle Location (AVL) system, which monitors the precise location of all FSP trucks.

CALTRANS

- Coordinate construction support as it relates to FSP
- Prepare program quarterly report
- Review traffic patterns of existing and proposed beats
- Evaluate beat performance

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PROCUREMENT DRAFT

CHAPTER 2

CONTRACTOR DUTIES AND RESPONSIBILITIES

1. CONTRACT REQUIREMENTS

Compliance with the FSP vehicle requirements, vehicle maintenance, and Operator uniform standards are the responsibility of the Contractor, not the Operator. Each Contractor shall supply OCTA/CHP with a list of authorized agent(s)/manager(s).

To maintain the quality, safety, and professional standards of the FSP Program, Contractors shall at a minimum meet the following requirements:

1. All members of the contractors' management team identified as key personnel in the contract must attend OC FSP Initial Driver Training and must regularly attend quarterly training sessions to maintain a working knowledge of OC FSP program requirements, current issues, and program changes.^{xii} At least one member of the contractors' management team identified as key personnel in the contract must maintain valid certification as an Orange County FSP Operator. Certified contractor staff designated as key personnel in the contract who do not drive as part of their regular duties may be excused for up to one (1) quarterly training session each calendar year, if necessary to manage the contractors' other operations. Arrangements to be excused from training must be arranged with CHP program supervisors prior to the training date. The staff member must also make arrangements to meet with CHP supervisors to cover the material presented at the training.^{xiii}
2. Contractor is to assure that their employees/tow operators know, understand, and comply with all company policies, procedures, and safety guidelines. For operators working in the FSP program, company must reasonably assure that their employees/tow operators know, understand, and comply with FSP program service guidelines.
3. Pre-operation inspections shall be conducted on FSP trucks at the Contractor's facility prior to each shift. Exception – If the vehicle remains on the beat to work consecutive shifts (already in operation), the replacement operator shall perform a field vehicle check to assure that there is not vehicle damage and that all lights etc. are functional before continuing in service.
4. Contractor/agent/manager shall be on site during all pre-operation inspections and shall review and sign the pre-operation inspection sheet prior to the Operator beginning his work assignment. Additionally,

falsifying any pre-operation inspection form will result in suspension/disqualification of the involved individual(s) from the FSP Program.

5. Tool, Equipment and Supply Requirements^{xiv}

Contractor is to assure that each truck is equipped in accordance with the Freeway Service Patrol Manual and Standard Operating Guidelines and, at a minimum, include the following equipment and supplies listed below. Contractor may, at their discretion, equip vehicles with additional tools, equipment, and supplies that allow their operators to perform their work more efficiently or safely.

- Tow chains 3/8" alloy or Original Equipment Manufacturer ("OEM") specifications, J.T. hook assembly.
- Mounted spotlight capable of directing a beam both front and rear.
- Directional light bar system that will display four different patterns including right, left, split (center to outwards), and warning/flash, with on/off switch in cab.
- External speaker and public address system front and back, that will also broadcast FSP radio through a switchable direct connection between the public address system and the FSP radio external speaker port.
- Two (2) 12-volt 30 Amp protected circuit connection points for OCTA-provided communications equipment (two-way radio and Edge Controller). Connection points are to be connected through the vehicle ignition system so that the power to the components will be discontinued when the truck is turned off.
- One (1) 12-volt 30 Amp protected circuit connection point for OCTA-provided power timer. Connection point is to be connected to the vehicle battery power so that the power will be "hot" at all times. The connection will be utilized for a power timer that will allow the Edge Controller to remain active for approximately 60 minutes after the vehicle is turned off.
- iPad tablet data device capable of connecting efficiently to the FSP tracking and data application. Contractors must also provide appropriate power supplies for the devices, so that devices will have enough power to operate for the duration of their shift.

- Tablet device mounting hardware. Contractors may utilize whatever mounting hardware they deem appropriate, provided that the devices are securely affixed to the vehicle in some manner, and do not cause an obstruction for the safe operation of the vehicle.
- Power outlets (hot boxes), front and rear mounted, with outlets compatible to 12-volt booster cables.
- Heavy duty, 60+ amp battery.
- Radios with the ability to communicate with the Contractor's base office.
- Programmable scanners capable of scanning between the 42 and 47.24 frequencies used by both Caltrans and the CHP.
- Suitable cab lighting .
- Trailer hitches capable of handling a 1 7/8-in. ball and 2 in. ball.
- Rear work lights.
- A Thomas Brothers or other suitable Orange County map.
- Safety chain D-ring or eyelet mounted on rear of truck.

Each Orange County FSP truck will be required to have a toolbox with the following minimum number of tools/supplies. A tool kit for small equipment items is required. The list may be supplemented at the Contractor's option and expense.

- Screwdrivers - Standard-1/8", 3/16", 1/4", 5/16" (1 each, min.)

- Needle-Nose pliers (1)



- Adjustable Slip-Joint pliers, 2" minimum capacity (1)





- Tongue-and-Groove (Channel-lock) pliers 2" minimum capacity (1)^{xv}



- Crescent wrench - 8" (1)



- Crescent wrench - 12" (1)

- 4 lb. hammer (1) 
- Rubber mallet (1)
- Electrical tape, complete roll (1)
- Duct tape, 20 yard roll (1)
- Tire pressure gauge (1)
- Mechanic's wire (complete spool) (1)
- Bolt cutters (1) 
- Seatbelt Cutter (1)
(Must be seatbelt cutter, designed to protect vehicle occupants while in use, not a knife)

In addition to the above, each vehicle shall be required to have the following equipment to perform the Orange County FSP role. All equipment stored on top of the truck shall be secured to the truck.

- Unleaded gasoline in approved cans (red) (10 gallons)
(2-5 gallon cans may be used)
- (Optional) Diesel fuel in approved cans (yellow) (5 gallons)
(If provided, must be clearly marked "Diesel Fuel")
- Safety chains minimum 5 ft. (with positive locking device) (2)
5/16" alloy or OEM specifications
- First aid kit (small 5" x 9") (1)
- Fire extinguisher aggregate rating
of at least 10-B, C units (1)
- Fire extinguisher label affixed to the outside of truck (2)
- Pry bar - 36" or longer (1)
- Radiator water in plastic container (blue) (10 gallons)
(2-5 gallon cans may be used)
- 4" x 6" x 12" wood blocks (2)

- 4" x 4" x 48" wooden cross beam (1)
- 4" x 4" x 60" wooden cross beam (1)
- 24" wide street broom (1)
- Square point shovel (1)
- Fuses (highway flares), 15 minute (36)
- Cones 28" (6)
- Hydraulic jack, 2-ton, floor (1)
- Four-way lug wrench (1 std.) (1)
- Four way lug wrench (1 metric) (1)
- Thin-Wall Deep Socket Set* and Breaker Bar (1)
* Must include 17mm and 19mm sockets^{xvi}
- Onboard air compressor with 100 psi capacity and 50ft air hose (1)
- Flashlight and spare batteries (1)
- Tail lights/brake lights, portable remote with extension cord (drag lights) (1 set)
- Booster cables, 25 ft. long minimum 3-gauge copper wire with heavy-duty clamps and one end adapted to trucks power outlets (1 set)
- Funnel, multi-purpose, flexible spout (1)
- Pop-up dolly, portable for removing otherwise un-towable vehicles* (1)
- 2" Polyester Ratchet-Type Wheel Safety Straps with Flat Snap Hook (Minimum rating 2,000 lb.) (2)
- 5-gallon can with lid, filled with absorbent material (1)
- Lock out set (1)

- Trash can with lid (5 gallon) (1)
6. Contractor/agent/manager shall ensure that all deficient items identified on the pre-operation sheets are repaired **prior** to going into service and that trucks are not allowed into service until repairs are made.
 7. The Contractor shall keep the pre-operation inspection forms in the vehicle for the current week. After the one week period, the Contractor shall keep the forms on file at its facility for 60 calendar days.
 8. Contractor/agent/manager shall designate a Lead Operator or supervisor to assist in supervising the applicable FSP Beats. Contractors are required to provide the Lead Operator or supervisor a cellular device to conduct FSP related business.
 9. Contractors and/or their managerial agents are required to attend the Orange County FSP Quarterly Contractors Meeting.
 10. The Contractor shall provide OCTA and CHP with a list of authorized agents/managers. If an agent/manager leaves the company, the Contractor shall notify OCTA and CHP in writing. The Contractor shall not remove or replace key personnel as identified in the agreement between the Contractor and OCTA without prior written consent from OCTA.

2. MOTOR CARRIER PERMIT, REGISTRATION, AND INSURANCE

Part of the Contractor's responsibility is to keep current on all laws and regulations associated with being a tow operator. Failure to maintain continuous permitting and coverage, as required, may result in suspension or termination of the FSP contract.

1. The Contractor shall maintain a current/valid Motor Carrier Permit and provide CHP Management with a current copy. Failure to maintain a valid copy will result in immediate suspension, and possible termination, of all activity on FSP beats until a valid Motor Carrier Permit is obtained.
2. The Contractor shall maintain current registration on all FSP service vehicles. Each Contractor must provide CHP Management with a copy of the valid registration for each vehicle in his/her fleet. Failure to maintain current registration on any FSP vehicle will result in removing the vehicle from FSP service until valid registration is obtained. The Contractor will be docked for any period that the vehicle is not providing service on the beat, unless a certified FSP back-up truck with current registration is available.

3. The Contractor shall maintain current/valid insurance for each FSP vehicle and provide OCTA with a current copy. Failure to maintain current/valid insurance will result in immediate suspension, and possible termination, of all activity on FSP beats until current/valid insurance is obtained.
 4. The Contractor shall be responsible for maintaining current copies of the vehicle's registration and insurance in the vehicle in accordance with California Vehicle Code.
- 3. ON-THE-JOB (OJT) & BEHIND-THE-WHEEL (BTW) TRAINING FOR NEW OPERATORS**
1. The goal of OJT and BTW training is to provide the FSP Operator Trainee with field experience relating to the daily operations of the FSP program. Contractor **shall** provide a new Operator without prior FSP experience at least 24 hours of on-the-job training (OJT), 16 hours of which must be behind the wheel (BTW) in an FSP tow truck during the morning or afternoon peak-hour FSP shift, accompanied by an experienced FSP Operator approved by FSP management. OJT and BTW training must begin after the FSP Operator Trainee completes the three-day Initial Driver Training (IDT) class and passes the towing proficiency test. OJT and BTW must be completed within 45 calendar days of successful completion of the IDT class.
 2. OJT and BTW Training is to consist of the following:
 - a. Driving Safety and Roadside Safety
 - b. Knowledge of Standard Operating Guidelines and Tow Procedures.
 - c. Knowledge of Beats and Beat Areas
 - d. Knowledge and location of authorized drop locations (Drop Zones)
 - e. Interacting with Motorists and CHP At the Incident Scene
 - f. Proper radio guidelines
 - g. Effective use of mobile data device (Tablet)
 - h. Proper completion of required forms
 - i. CHP David Unit Contacts and Inspections
 - j. Interaction with CHP dispatch

k. Operator Breaks, Lunches, Vehicle Exchange, and Driver Exchange

3. A Contractor new to the FSP program, who does not have an experienced FSP Operator as well as other special situations, shall be handled on a case-by-case basis.

Dispatch must be notified at the beginning of each shift when OJT is being provided. If OJT occurs on back-to-back shifts, the information will need to be repeated.

Trainers shall document that OJT has been provided to the Trainee using the OJT Checklist Form. (Attachment E)

OJT shall be monitored by FSP Management and shall be subject to random inspections.

ALL ON THE JOB TRAINING MUST BE COMPLETED WITHIN 45 DAYS FOLLOWING THE LAST DAY OF THE INITIAL DRIVERS TRAINING CLASS.

4. REQUIRED SAFETY MEETINGS

The Contractor shall hold monthly scheduled safety meetings in accordance with California law SB 198 (Chapter 369, Statutes of 1989). Ten days prior to the safety meeting, Contractor shall notify FSP Management of the date and time of the meeting. FSP Management at its discretion may attend any or all safety meetings. These meetings shall be used to discuss safety topics, disseminate information regarding the FSP Program, and to provide a forum where the Operator may express his concerns.

Each Contractor shall document the date, time, and location of the safety meetings, including names of attendees and subjects covered, and maintain the documentation for FSP Management's inspection upon request.

5. FSP OPERATOR IDENTIFICATION CARD CHANGE CRITERIA

An Operator who is changing FSP employers is required to obtain a new FSP identification card (ID) **prior to** assuming FSP duties for the new employer. It is the responsibility of the Contractor to make an appointment with FSP Management for the Operator to obtain the new ID card. A minimum of 24 hours' notice is required to schedule an ID appointment. A new FSP ID card will not be issued until the old FSP ID card has been turned into FSP Management. The Operator will remain active in the FSP program if the change of employer is completed within 30 calendar days from the Operator's

last day worked. After 30 calendar days, an Operator will be considered to have left the program and will need to be reinstated.

The following guidelines must be adhered to for the issuance of Operator ID cards. ID cards will be issued only by the CHP FSP Unit at the following address:

CHP - FSP Unit
6681 Marine Way
Irvine CA, 92618
(949) 651-4542

1. Only Contractors can make appointment for Operator ID cards to be issued with a minimum of **24 hours notice**.
2. Contractors shall make appointments with CHP at (949) 651-4542.
3. Contractor shall notify CHP if an Operator cannot make his pre-scheduled appointment.
4. Due to space and time restrictions, only one (1) appointment can be made per hour. Exceptions may be made for multiple Operators from the same company, arriving in the same vehicle.
5. Operators must be on time for their appointment. Late arrivals will not be accepted and will need to be rescheduled.
6. Operators arriving for their appointments shall park in the Orange County Traffic Management Center (TMC) visitor parking lot located on Marine Way.
7. Upon arrival, Operators shall call the above number to arrange for an escort to the FSP Office or contact security for instructions.
8. Operators must bring all required paperwork to their scheduled appointment.
9. Operators' ID numbers will be given out **only** when the ID card is issued to the Operator. No ID numbers will be issued by telephone.
10. It is the Contractor's responsibility to make its Operators aware of the correct procedure to follow regarding the issuance of ID cards.

6. UTILIZING THE SERVICES OF AN OPERATOR FROM ANOTHER CONTRACTOR^{xvii}

A contractor utilizing operators or providing service through another Orange County FSP contractor does not relieve the primary contractor of their obligation to deploy service and meet service requirements and does not relieve the primary contractor from missed service penalties.

A contractor, who wishes to temporarily utilize the services of an Operator from another Orange County FSP Contractor must do the following:

1. Contact the Orange County FSP Contractor who will be providing services on behalf of the primary contractor.
2. Negotiate a subcontract with the FSP Contractor that specifically outlines the subcontract terms including revenue vehicle rate the primary contractor will pay to the subcontractor for services performed on their behalf, service beat(s) and agreement/work term, work request notification requirements, and any other areas that the parties believe will mutually protect the parties.
 - a. FSP Management recommends that subcontract service be deployed on a weekly basis, as opposed to a day-to-day basis.
 - b. FSP Management recommends that requests and notifications be issued to the subcontractor and to the OCTA Project Manager by 12:00 noon on the Thursday before the week that replacement service is to be deployed.
3. The primary contractor shall notify the OCTA Project Manager and CHP Lead Officer (David 1) of the arrangement and coverage in writing before 12:00 noon, the business day before the coverage is to be provided.
 - a. For the purposes of this section a business day is 8:00 to 17:00, Monday through Friday.

7. TIP PROCEDURE

Should a Contractor encounter a situation where an Operator is given a tip, the Contractor shall use the following procedure:

1. The Contractor shall maintain control of the tips, (money/items received) until the end of the calendar month in which the tip was received. The Contractor is required to turn in tips and Tip Logs to the CHP at the end of the month.
2. The Contractor shall maintain a Tip Log with the following information:
 - a. Date received

- b. Log Number
- c. Operator's ID number receiving the tip
- d. Amount of money/item received
- e. Running total of monetary tips received

8. FSP PROGRAM SUPPLIES

Contractors shall maintain a sufficient quantity of FSP supplies such as brochures, business cards, parking tags, FSP abandoned vehicle markers (FSP 422), and forms described in Attachments A through H. Supplies can be obtained from OCTA by contacting the Motorist Services Manager. The forms in this SOG are examples only and should not be copied for use in operations.

9. ANNUAL VEHICLE INSPECTIONS

All FSP contracted vehicles shall be inspected annually by FSP Management. Vehicles shall be required to comply with the vehicle inspection requirements defined in the latest bid solicitation requirements. CHP shall coordinate the scheduling of annual inspections.

10. DROP LOCATION BOOK AND SOG MANUAL

The Contractor is responsible for ensuring that each FSP truck has a current drop location binder. The Contractor shall place a drop location binder in each FSP vehicle and post the drop location and SOG updates in a conspicuous location within the company's office as soon as they are received from FSP Management. This SOG shall be carried by the Operator in the FSP vehicle during FSP service hours. (FSP Management recommends that it be placed next to the "drop location" binder.)

11. DOCK INFORMATION

1. Mechanical Breakdown
An Operator going out of service for mechanical reasons shall be docked in 15-minute increments at straight time up to 45 minutes, until such time that the truck either returns to service or a backup truck is deployed. If the repair takes longer than 45 minutes, the dock will be double the hourly rate. The start time for the dock will be the original time the Operator went out of service.
2. Missed Service

If an Operator arrives more than 30 minutes late to the beat, or if a truck is unavailable other than due to a mechanical breakdown, or if an eligible operator^{xviii} is unavailable to work a shift, the Contractor will be penalized triple the hourly rate for each 15-minute increment of missed service.

3. Operator/Vehicle Removed from Service

If an Operator or vehicle is removed from service due to any violation of the SOG or contract, the Contractor will be penalized double the hourly rate for each 15-minute increment that the beat is not covered.

4. Tardiness

If an Operator arrives late to the beat, the Contractor will be penalized double the hourly rate for the first 15 minutes that the Operator is tardy.

12. MAINTAINING FULLY-EQUIPPED BACKUP TRUCK AND OPERATOR

As identified in the Contract, the backup truck shall be outfitted with all the required equipment installed on regular FSP trucks and shall be ready to be placed into service during all shift hours. Contractors should consider using a backup Operator on occasion to keep them proficient in FSP policies and guidelines. Backup operators are required to work one, eight-hour shift every six months to maintain their FSP certification. Designated shop managers may conduct 12 hours of ride alongs with an FSP Operator every six months, instead of the required eight hours of driving.

13. FSP DEDICATED VEHICLE POLICY

All contracted FSP vehicles shall be dedicated to the FSP program. FSP vehicles must return to Contractor facilities when not providing FSP service. Non-Dedicated backup trucks are exempt from the dedicated vehicle requirement and may be used for non-FSP related service as described below.

1. Dedicated Vehicles at Approved Facility When Not in Service

All FSP dedicated trucks are required to be at their approved facility when not providing FSP service. Operators are not authorized to take vehicles to their residence, on errands, non-FSP related tows, or similar non-FSP related activities.

Contractors are allowed to take their dedicated FSP vehicles to dealers or other maintenance facilities as required to keep their vehicles properly maintained. FSP vehicles must have the “**Not In Service**” magnets displayed on the FSP vehicle, covering the FSP logo^{xix}, whenever the vehicle(s) are undergoing non-FSP related activities.

2. Non-Dedicated Backup Vehicles

Contractors are required to have all backup trucks match the vehicle design guidelines required of all primary contracted vehicles. The Contractor is required to cover the FSP logo and all other markings referring to FSP at its own expense, whenever the non-dedicated backup vehicles are used for non-FSP service. The Contractor may not modify these design guidelines (i.e. put its logo, change color, etc.) on the backup truck. As of this printing no FSP contracts currently include non-dedicated backup trucks as part of their agreement.

14. VEHICLE REFUELING

No refueling of vehicles is allowed during any FSP shift. FSP vehicles shall only be fueled during non-FSP hours. Should it become necessary to fuel a service vehicle during an FSP shift, the Operator shall immediately notify CHP dispatch, to initiate a dock log. The Operator shall notify Dispatch when he is back in service, to finalize the dock and receive a log number. Contractors who are unable to fill a shift or any portion of a shift because of insufficient fuel shall be docked as an open shift for the period that the vehicle is not in service.^{xx}

15. EQUIPMENT TAMPERING

Tampering with FSP communication or tracking equipment so that it does not function properly or is moved (without FSP Management authorization) from its original installed location is strictly prohibited. This includes but is not limited to breaking connection sealer on equipment connections, cutting wires or cable, moving mounted equipment (speakers, microphones, etc.), rerouting any wiring, disconnecting any connectors, or using the equipment for any other reason than it was intended.

If tampering is suspected, FSP Management will conduct an investigation to determine the party responsible for the damage.

Tampering Repairs

If tampering is verified, the vehicle will be taken out of service and remain out of service until the repair and documentation by FSP Management is completed.

Tampering Penalties

The Contractor will be responsible for any cost incurred by OCTA as a result of equipment tampering. Any cost incurred by OCTA will be deducted from the Contractor's monthly invoice. If it is determined that the Operator tampered with the equipment, the Operator may be disqualified from the FSP Program.

Violations of this nature will be handled on a case by case basis.

16. DRUG & ALCOHOL

Compliance

The Contractor is responsible for complying with all applicable federal, state, and local laws and regulations pertaining to a drug and alcohol free workplace. The Contractor is required to have a drug and alcohol policy in writing that is in compliance with the requirements of the contract and must be distributed and made easily accessible to all its employees.

Penalty

Failure to comply with the requirements of this document and the requirements set forth in the contract will be handled on a case by case basis and may result in suspension, and/or termination from the FSP program.

17. DISCLOSURE OF ALL FSP PROGRAM VIOLATIONS

Contractors are required to immediately report to FSP Management, any act, omission, or violation of the SOG by the Contractor, its staff, or their FSP Operators.

A Contractor having knowledge of and failing to immediately notify FSP Management of any program violations will be subject to disciplinary action including, but not limited to, beat suspension, contract termination, and criminal prosecution.

18. FALSIFYING INFORMATION TO FSP MANAGEMENT

Contractors providing false or misleading information to FSP Management shall be subject to disciplinary action and handled on a case by case basis based on the facts available.

19. FSP HOLIDAY VEHICLE DEPLOYMENT POLICY

FSP Holidays: Except as otherwise provided in the contract with OCTA, no service shall be provided during all recognized legal holidays*, in accordance with contracts, as follows: New Year's Day, Memorial Day, Independence Day (July 4th), Labor Day, **Veterans Day**, Thanksgiving and the day after Thanksgiving (Thursday and Friday), and December 25th through January 1st * Actual holiday date / days may be adjusted based on proximity to the weekend and other factors.

Exceptions: Holiday redeployment may be offered in special situations. Hours may be extended on the work day before the holiday for getaway traffic or on the day before the next work day

after a holiday. This may fall on any day during the week, including weekends.

PROCUREMENT DRAFT

CHAPTER 3

OPERATOR CERTIFICATION

All FSP trucks shall only be driven and operated by a certified Operator. To become a certified Operator, all applicants must pass a background screening test, a 24-hour classroom training program, a towing proficiency test, and complete 24 hours of on-the-job training. An Operator placed into FSP service by an FSP Contractor without authorization from FSP Management may result in beat suspension and/or Contract termination.

All Operators and key personnel are required to attend the initial drivers training class. All applicants for certified Operator are required to be in class on time and attend all three training days or be disqualified. There must be a minimum of three applicants for the initial drivers training class to proceed. If there are more than 11 applicants, CHP may provide an additional training class.

1. OPERATOR QUALIFICATIONS

1. An Operator shall be at least 20 years of age.
2. Contractors shall ensure that the prospective FSP Operator is “qualified, experienced, competent,” and is trained and proficient in the use of the tow truck and related equipment prior to the towing proficiency test. “Qualified, experienced and competent” means that the Operator can properly and safely hook up a vehicle. The Operator must also be able to tow vehicles safely and efficiently without causing damage to the vehicle being towed. Additionally, the Operator must be able to perform minor repairs in a timely manner and be able to exercise good sound judgment in carrying out his duties.
3. Each Operator, including any backup operator, shall be required to complete the FSP Management’s three-day FSP Initial Driver Training (IDT) program. The Contractor shall reimburse each employee for the time spent in the IDT class. No operator will be allowed to participate^{xxi} in FSP without successfully completing these mandatory classes unless he has prior approval from the CHP. Any operator who is found working as an FSP Operator without completing these mandatory classes shall be permanently prohibited from further Orange County FSP service and the Contractor will have their FSP contract terminated. The CHP shall certify any Operator who successfully completes the training.
4. A prospective FSP Operator, including any backup operator, shall be required to complete the FSP Management’s Operator Proficiency test. (Note that all beats shall require backup operators who must also be FSP

certified.) This test examines the technical knowledge and driving proficiency of each applicant and is overseen by experienced CHP Officers. The test is divided into five^{xxii} major sections: changing a tire, using the wheel lift and dolly guidelines (to be done on a vehicle with a flat rear tire), unlocking a vehicle, towing a vehicle, and demonstration of defensive driving techniques while in tow. Upon successful completion of this practical test, the prospective operator can continue with the next step of the training process.

5. The prospective FSP Operator must be able to read, write, and speak **English** and be able to communicate clearly on the radio. In emergency situations, it is critical that an Operator be able to clearly relay information to a Dispatcher so that the CHP can make a rapid assessment of what is needed at the scene. Whether this information is provided by voice radio or via text on computer screens, a CHP Dispatcher must be able to understand the Operator. In addition, the Operator must be able to read street signs to provide the CHP with accurate location information.
 - a. An Operator must be able to clearly communicate in English with the CHP Dispatch center.
 - b. An Operator must be able to read and write English well enough to be able to quickly read street signs while driving a vehicle and complete required documents and reports.

2. CERTIFICATION REQUIREMENTS

1. Background Screening and Certification:
Before an individual begins the IDT, he will be subject to a background screening conducted by the CHP, which will include fingerprinting and a California Driver License check. Utilizing information and fingerprints, the CHP will check the status of each applicant's California Driver License and search for any outstanding wants or warrants; in addition, a general criminal history will be obtained. Information received in this background screening, including any outstanding warrants, may result in disqualification and/or possible legal action.

Each Operator is required to have the following items for background screening:

- a. Money order or company check for \$50
- b. Valid California Driver License
- c. FSP application, CHP 234D, Applicant Questionnaire, Live Scan Worksheet
- d. No disqualifying felony convictions within the last 10 years *
- e. No disqualifying misdemeanor convictions within the last 5 years *

* Disqualifying convictions are identified in section 3.4 of the SOG and in CHP Manual section 100.47

The application fee is charged to perform a background check on the applicant. The amount charged is based on the approximate cost of a criminal background check through Live Scan fingerprinting and issuance of the initial DL64. A receipt shall be provided to the applicant for the amount of fee collected. The yellow copy of the DL64 (receipt) will be detached from the DL64 and given to the applicant. The yellow copy **is not** the tow truck certificate.

- The temporary tow truck certificate (page 2 of the DL64) shall not be issued unless the applicant meets and passes the established criteria.
- The application fee shall be collected at the time of the Live Scan fingerprinting. This fee is **non-refundable**, regardless of the applicant's approval or denial of a temporary clearance form.
- The fees collected shall be paid by money order or company check to "**CHP Accounting.**"

The CHP will issue a temporary DL64 during the Operator's initial operator training phase. Replacement certificates will be issued **only** at Department of Motor Vehicles (DMV) offices.

2. Background Screening Disqualifications

The following shall disqualify an applicant if found during the background screening phase:

- a. Three or more drug-related misdemeanor convictions within five years of an application for a DL64 certificate.
- b. Any drug-related felony conviction within five years of application for a DL64 certificate.

An applicant shall be disqualified for a conviction of the following if the violation occurred within the previous seven years:

- c. Gross vehicular manslaughter while intoxicated - 191.5 (F) PC
- d. Driving Under the Influence (DUI) causing injury/death - 23153 (a) VC

A proven history of convictions for driving under the influence of alcohol and/or drugs shall disqualify an applicant.

e. Two convictions of DUI within the previous two years - 23152 VC

f. Three DUI convictions within the previous seven years -23152 VC

The following criminal violations shall impose a ten-year limitation for felonies and a five-year limitation for misdemeanors before an applicant may be considered eligible to drive for the FSP Program.

- 1) Section 148 PC - Resisting/delaying a peace officer
- 2) Section 222 PC - Administering drugs with the intent to commit a felony
- 3) Section 273.5 PC - Infliction of injury to spouse, cohabitant, parent, or child
- 4) Section 261.5 PC - Statutory rape
- 5) Section 273a PC - Cruelty to a child
- 6) Section 273d PC - Infliction of corporal punishment on a child which results in traumatic conditions
- 7) Section 417 PC - Brandishing a firearm in a threatening manner
- 8) Section 450 PC - Arson
- 9) Section 453 PC - Possession of a firebomb
- 10) Section 459 PC - Burglary
- 11) Section 466 PC - Possession of burglary tools
- 12) Section 467 PC - Possession of deadly weapon with intent to commit assault
- 13) Section 470 PC - Forgery
- 14) Section 470a PC (M) - Reproduction or falsification of a driver license or ID card
- 15) Section 470b PC - Display or possession of a reproduced or falsified driver license or ID card

- 16) Section 477 PC - Counterfeiting money
- 17) Section 484e PC - Theft of an access card
- 18) Section 484f PC - Forgery of an access card signature
- 19) Section 484g PC - Fraudulent use of an access card
- 20) Sections 487 and 489 PC - Grand theft, including theft of firearm 487 PC (F); Grand theft of firearm, 489 PC
- 21) Section 496 PC - Receiving stolen property
- 22) Section 503 PC - Embezzlement
- 23) Section 538d PC - Fraudulent impersonation of peace officer
- 24) Section 2800 VC - Evading a peace officer
- 25) Section 10750 VC - Altering, defacing, or replacing vehicle identifying numbers from another vehicle
- 26) Section 10752 VC - Fraudulent acquisition or disposition of DMV or CHP issued Vehicle Identification Numbers (VIN)
- 27) Section 10851 VC - Vehicle theft
- 28) Section 20001 VC - Hit and run collision, causing injury or death

In addition to the preceding crimes, any tow DL64 certificate shall be revoked if the individual's driving privilege has been suspended or revoked in accordance with any provision of the California Vehicle Code. The most common reasons for such suspensions usually relate to arrest for driving under the influence, child services, multiple citations, or due to the designation as a "negligent driver." The affected individual may, however, reapply for the driver's tow certificate whenever the driving offenses/penalties are resolved, or the applicable felony or misdemeanor conviction is reversed or dismissed.

THE ABOVE DISQUALIFICATIONS APPLY EQUALLY TO CONTRACTORS, KEY PERSONNEL, AND OPERATORS.

3. REFRESHER TRAINING^{xxiii}

A Contractor/Operator desiring to maintain his FSP certification must attend eight (8) hours of Refresher Training within each calendar year. It is important that all FSP operators meet ongoing training requirements so that they maintain their FSP certifications. It is also important that, to the extent possible, operators attend quarterly training sessions provided by CHP Officers assigned to the Orange County FSP program so that all FSP operators are up to date on current training topics and issues. The Orange County FSP program satisfies annual training requirements by providing required refresher training on a quarterly basis.

The Contractor shall pay the Operators and backup operators to attend scheduled quarterly refresher training. These costs are considered part of a contractors overhead, cost and are not reimbursable by FSP program.

A Contractor/Operator who fails to attend a quarterly Refresher Training Class without having previously made other acceptable arrangements to meet annual training requirements may be immediately suspended from participating in the Orange County FSP program until all training requirements have been met. Any request to miss and make-up required quarterly training must be prearranged with FSP Management prior to the quarterly training date.

All requests to be excused from a quarterly training session and requests to make other arrangements to meet annual training requirements (one request) must be submitted in writing/email to the OCTA Manager of Motorist Services at least 48-hours before the scheduled training.

Each request must include the following information:

- Scheduled Quarterly Training Date
- Operator First and Last Name
- Operator FSP ID Number
- Reason for Missing Required Training
- Proposed Alternate Training to Meet Annual Training Requirements
- Timeline for Completion of Proposed Alternate Training

The OCTA Manager of Motorist Services Manager will confirm the FSP operator's status and training history with CHP Program Supervisors and will provide a written/email response to the tow contractor within 24 hours of the scheduled training.

If an FSP Operator should call in ill and not work on a scheduled training day, the contractor must notify the OCTA Manager of Motorist Services as soon as possible before the training providing the same information

requested above. A written/email response will be provided to the tow contractor as soon as practical.

A Contractor/Operator failing to attend refresher training or approved make-up training within approved timelines may be immediately suspended from the FSP program. An Operator who misses a training day without justification may be subject to additional disciplinary action as deemed appropriate by the FSP Policy Committee.

4. OPERATOR FROM FSP PROGRAM OUTSIDE OF ORANGE COUNTY

If an Operator, who is current and active in another California FSP Program (e.g. Los Angeles County or Bay Area), wishes to work in the Orange County Freeway Service Patrol program, he must successfully complete a proficiency test and the IDT class. This is to ensure that the individual wishing to participate in FSP receives all the information that is applicable to the Orange County area. This is a precautionary measure in the event there is disparity between the various programs.

5. OPERATOR CHANGING EMPLOYMENT TO ANOTHER FSP CONTRACTOR

Prior to working any FSP shift with a new FSP Contractor (employer), the Operator shall notify FSP Management of the change in employer. The new employer shall submit a new 234F, Tow Operator Information, to FSP Management. An appointment with CHP will be required to obtain a new FSP ID card unless other arrangements have been made in advance with CHP. Failure to notify FSP Management about a change of employer shall result in the Operator being taken out of service.

The new employer is encouraged to contact CHP to determine if the Operator is in good standing prior to assigning to an FSP shift. The former employer shall contact FSP Management to return the Operator's FSP ID card, along with any other FSP related supplies.

6. OPERATOR REINSTATEMENT

For the purposes of this section, an Operator is determined to have left the program and in need of reinstatement if he has not been employed by a Contractor of the Orange County FSP Program as an FSP Operator for 31 calendar days or more.

The following conditions shall apply to an Operator in need of reinstatement:

- a. The Operator shall possess a valid DL64 (Tow Certificate).

- b. The Operator shall possess a valid DL51 (Med Card).
- c. If the period of absence is 31 calendar days to three (3) months, the former Operator may begin working in the FSP Program as soon as an updated FSP application and DMV check are completed and the results are acceptable. The Operator must also be current with the applicable Refresher Training.
- d. If the period of absence is more than three (3) months and less than six (6) months, a former Operator who was in good standing, may begin to work in the FSP Program as soon as an updated FSP application, Live Scan fingerprinting, and DMV check are completed, and the results are acceptable. The former Operator must also successfully pass a written test on the SOG and complete a proficiency test.
- e. If the period of absence is more than six (6) months and less than one (1) year, the former Operator may begin to work in the FSP Program as soon as an updated FSP application, Live Scan fingerprinting and DMV check are completed, and the results are acceptable. The former Operator must also successfully complete a proficiency test and attend the next available IDT Class.
- f. If one (1) year or more has passed, the former Operator shall complete the entire Operator Certification Process. This includes the background check, fingerprinting, proficiency, classroom training, and required ride along.
- g. An Operator having a valid DL64, but needing to be fingerprinted, will be required to pay a non-refundable processing fee. The cost of fingerprinting (Live Scan) will be equal to the current fees charged by the Department of Justice or Federal Bureau of Investigations (FBI) for a Criminal Background Check.

7. FSP SAFE DRIVER GUIDELINES^{xxiv}

CHP driver record print outs* from the DMV computer system will be evaluated by CHP Officers assigned to the FSP program. Point values are assigned by the DMV to Vehicle Code Sections, or other code sections, and city or county ordinances involving the operation of a motor vehicle or motorcycle for the purpose of evaluating a driving record. All convictions listed in the DMV printout will have the same point value as determined by the DMV and will be evaluated based on the violation date. In addition to the sections listed by the DMV as having a point value, Vehicle Code Section 40508 (failure to appear), collision reports with the determination that the operator was determined to be that party most at fault, and at-fault collisions occurring in an FSP vehicle may be included as a one point violation regardless of the DMV point designation. Operators

with these violations and collisions that do not have a not at fault disclaimer will be evaluated by FSP supervisory staff on a case by case basis.

* The CHP DMV printout may include party most at fault determinations that are not available on a DMV K-4 printout or DMV Pull Notice report. If you have a question as to the possible assignment of points to a DMV-reported collision you should consult a CHP FSP Program Supervisor.

By applying the above point values, tow operators may be denied certification or continued eligibility for the FSP program under the following rules:^{xxv}

1. In any 12-month period, initially from the date of application, an operator has accumulated a total count of three (3) or more points. Once qualified, the review will be based on a rolling 12-month period.
2. In any 24-month period, initially from the date of application, an operator has accumulated a total count of five (5) or more points. Once qualified, the review will be based on a rolling 24-month period.
3. In any 36-month period, initially from the date of application, an operator has accumulated a total count of seven (7) or more points. Once qualified, the review will be based on a rolling 36-month period.

Point count totals may be determined by the following:

1. Vehicle code violations points only
2. At fault collision points only
3. A combination of vehicle code violation and at fault collision points together. Commercial endorsement for Class A or B on a driver license does not change the point guidelines within the FSP program

THE FSP PROGRAM DISQUALIFICATIONS APPLY EQUALLY TO CONTRACTORS, KEY PERSONNEL, AND OPERATORS.

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PROCUREMENT DRAFT

CHAPTER 4

PROFESSIONALISM

1. Demeanor/Courtesy

An FSP Operator is a professional who represents his employer as well as OCTA, Caltrans, and the CHP. An essential element of this public service is the Operator's demeanor. For this reason, an Operator shall conduct himself in a business-like manner and ensure all public contact is professional, courteous, and efficient. Members of the public should always be addressed and treated with respect.

- a. Use professional conduct whenever dealing with anyone while on FSP duty, including other tow operator(s). Upon contact with a motorist, the Operator shall explain the program and offer assistance. A motorist is not obligated to accept any assistance; however, refusal of FSP service shall be reported to CHP dispatch.
- b. To avoid being misunderstood or misquoted, and to facilitate the safe and timely removal of vehicles, the Operator shall avoid unnecessary conversation and should keep his conversations limited to the task of protecting the motorist from identifiable hazards and if necessary, removing his/her vehicle to a safe location.
- c. The Operator shall not attempt to solicit or initiate any personal conversation with motorists he assists. For example, asking a motorist if he/she is married or has a "significant other" is **inappropriate** conversation. The Operator shall not solicit addresses or telephone numbers for personal use. The Operator shall, however, attempt to answer any questions pertaining to the FSP program that are asked by the motorist.
- d. The Operator shall not use offensive language, smoke, chew tobacco, eat, drink, or have toothpicks or other items in his mouth while in contact with motorists.
- e. When stopping to help a motorist, FSP personnel shall initiate contact with the disabled vehicle's driver as soon as it is safe to proceed.
- f. The Operator should always remain calm. He will often be the first to encounter or respond to a traffic collision. The motorist will expect an Operator to initiate the request for proper emergency and police assistance. Knowledge of proper guidelines will enable an Operator to handle a collision scene calmly and efficiently.

- g. THE OPERATOR SHALL NOT REFER A MOTORIST TO ANY GARAGE, PRIVATE TOW SERVICE, SERVICE STATION, OR MECHANIC. The referral to, or recommendation of any private business shall result in **immediate disqualification** of the Operator from the FSP program and may jeopardize his Contractor's contract.
- h. THE OPERATOR SHALL NOT REFER ANY COLLISION VICTIM TO ANY LEGAL SERVICE OR MEDICAL FACILITY.
- i. The Orange County FSP program provides services to the public free of charge. The entire program is funded with public funds. **NO TIPS OR ANY OTHER GRATUITIES OF ANY KIND SHALL BE ACCEPTED.**

2. UNIFORM REQUIREMENTS

For public identification purposes, the Operator shall wear an authorized uniform while working for the FSP Program. Failure to meet uniform standards may result in the Operator being taken out of service and the Contractor being docked. Continued violations of the uniform requirements may result in the permanent dismissal of the Operator from the FSP program.

The Contractor shall supply each Operator with uniforms. The uniform shall either be a navy-blue jumpsuit or shirt and pants, with black steel toed boots and a Class III safety vest. Rain gear (optional) shall fit the individual Operator so as not to restrict his ability to move freely and must meet the FSP design requirements.

The uniform shall meet the following criteria described below:

- a. The basic uniform includes a shirt and pants or a jump suit. For safety reasons, legs shall be moderately tapered and not baggy. Uniforms shall not be worn unbuttoned or unzipped. If a two-piece uniform is worn, the shirt shall be tucked into the trousers. If an Operator cannot maintain a shirt that is tucked-in during the performance of his duties, a one piece jumpsuit shall be required to maintain a professional appearance. The length of the sleeve on the short sleeve jump suit and short sleeve shirt shall be approximately one inch above the inside forearm, when the wearers arm is bent at a 90-degree angle. Shirts or jump suits with long sleeves shall not be rolled up at any time. All uniform pant legs shall have reflective tape sewn around the bottom of the legs approximately (3) inches above the bottom hem.
- b. An Operator may wear a long or short sleeved navy-blue or white turtleneck/tee shirt/sweatshirt, **underneath** his long or short sleeve uniform shirts. If a short sleeve shirt is worn, a short sleeve tee shirt must

be worn (no “baseball” sleeves). Only navy-blue or white shirts can be worn underneath uniform shirts.

- c. A Class III safety vest shall be properly worn and zipped, along with a company issued blue uniform at all times while working FSP. The safety vest **may** be worn during an authorized break. The safety vest is not to be worn outside of FSP service.^{xxvi}
- d. A plain (no wording or design) navy-blue jacket may be worn over the FSP uniform and under the FSP vest. The jacket must be waist length and fitted, not oversized, may not have contrasting stitching, and may not have a hood.
- e. An Operator shall wear black steel-toed boots that can accept polish and have an adequate amount of sole (tread) to ensure a sure grip on slippery surfaces. All laces and stitching must be black. No canvas type tennis shoes or boots are allowed.
- f. The following items are required to be in the possession of the Operator during FSP hours and are considered part of the standard uniform: a valid California Driver License, DL64 tow certificate, medical card, and Orange County FSP identification card.
- g. Accessories
 - 1) Belts - A solid navy or black belt shall be worn. The belt shall be free from wear and the buckle shall not exceed the width of the belt and be gold or silver in color. No emblems or verbiage will be allowed on the buckle. Velcro style belts are acceptable
 - 2) Name Tag - A metal or plastic name tag with Operator's first initial of the first name and full last name shall be clearly visible and attached above the left front pocket of the safety vest. Safety vest with the ID window sewn on shall have the Operator's ID card displayed to meet this requirement.
 - 3) Pins or Emblems – FSP authorized pins or emblems may be worn on the right chest pocket area of the FSP vest. No other pins or emblems are to be worn.
 - 4) Rain Gear - During inclement weather, rain gear may be worn. For safety reasons, the rain gear must be yellow, with reflective tape on the jacket and pants leg. If the approved FSP rain gear is worn, the FSP vest need not be worn.

- 5) Orange County FSP Issued Baseball Style Cap - The uniform cap is navy blue with the FSP logo. Uniform hats will be presented to each Operator when certification is completed and replaced on an as needed basis. No other caps are authorized while working for the FSP program.
- 6) Cold Weather Watch Cap – The uniform watch cap is navy blue or black in color and may be worn during cold or inclement weather. For the purposes of FSP, a watch cap is a knit cloth cap that covers the head to retain warmth. Watch cap is synonymous with Beanie. The watch cap shall not take the place of the uniform cap.

3. GROOMING AND PERSONAL APPEARANCE STANDARDS

1. Grooming

Operators shall always maintain a well-groomed appearance and shall be clean at the beginning of each shift. Failure to meet the grooming standards may result in an Operator being taken out of service and the Contractor being docked. This includes both personal hygiene and uniform appearance and condition. Operators will be clean shaven or present neatly trimmed beards and/or mustaches prior to the start of their FSP shift^{xxvii}. Operators shall not have facial hair more than one and one-half inches in length. Hair will be clean and neat. Hair that is dyed or colored in any unusual manner (multi-colors, nonstandard colors, e.g. green, yellow, purple, fluorescent, etc.) is forbidden. 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 or ornamental ties (beads, elaborated leather ties, shells, etc.). Additionally, ponytails of such a length that hangs below the collar of the Operators hair shall be placed in clips and placed under the Operator's approved FSP hat. A hat alone would not preclude the hair from staying in place in the event the hat is blown off the head; therefore, the clips are a required item. Fingernails shall be kept short and clean. For safety reasons, Operators shall use work gloves when servicing vehicles.

2. Tattoos

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 Operators will be required to conceal all tattoos of this nature with gloves, collars, long sleeves, or by other means acceptable to FSP Management. Facial tattoos of any variety are not permitted. If there are any questions regarding which

tattoos are potentially offensive, clarification/authorization may be obtained by contacting FSP Management.

3. Personal Accessories

It is policy to minimize the wearing of jewelry for safety reasons. Jewelry includes, but is not limited to, bracelets, necklaces, earrings, finger rings, and ear/nose/eyebrow rings/studs. An Operator shall not wear jewelry more than one watch and one finger ring. Jewelry 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. An Operator may wear necessary medical alert bracelets.

4. **OCCURRENCE OF CRIMINAL CONDUCT ON/OFF DUTY**

Consistent with the established standards of initial qualification,^{xxviii} off-duty Contractors/Operators who are arrested for a crime, which would otherwise preclude their qualification in the FSP Program, will be immediately suspended pending the outcome of their criminal case. This directive is consistent with California Vehicle Code Section 2430.3 Arrest or Conviction Notification and Section 13377(a) Denial or Revocation of a Tow Truck Certificate (DL64). Should a conviction occur, or there is enough probable cause for FSP Management to believe that the crime was committed by the Contractor/Operator, even though it resulted in a lesser conviction or no conviction, the Contractor/Operator shall immediately be disqualified from participation in the Program.

The following is a list of crimes that will permanently preclude an individual from serving as a Contractor/Operator:

1. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation
2. Penal Code Section 261 or 264.1: Rape, or aiding and abetting a rape
3. Penal Code Section 267: Abducting person under 18 for prostitution
4. Penal Code Section 288: Lewd act with a child
5. Penal Code Section 289: Sexual assault
6. Any felony or combination of three misdemeanors that are crimes of violence

5. **SUSPENDED OR REVOKED DRIVER LICENSE**

In addition to the preceding crimes, an Operator's tow certificate (DL64) shall be revoked if the individual's driving privilege has been suspended or revoked. The most common reason for such a suspension usually relates to an arrest for driving under the influence, child services, multiple citations, or being labeled as a "negligent" driver by DMV. Any Contractor or Operator who has knowledge of an action against an Operator's driving privilege is required to immediately notify CHP Management. The affected individual may reapply for the tow certificate whenever the driving offenses/penalties are resolved or the applicable felony or the misdemeanor conviction is either reversed or dismissed. Contractors or Operators in violation of this policy are subject to suspension or disqualification on a case by case basis.

CHAPTER 5

OPERATOR DUTIES AND RESPONSIBILITIES

An Operator is expected to provide service to the motoring public only within the scope of his duties. The Operator is to refrain from any activities that exceed the scope of the program.

1. LIABILITY

An Operator can be held civilly liable if he performs any acts that are outside the scope of his duties,^{xxix} and may also be held liable for failing or neglecting to act as is required by these guidelines.

2. NO PEACE OFFICER POWERS

An FSP Operator **does not** have any peace officer powers. An Operator's duty is to patrol freeways to relieve congestion, not police them. An Operator should be a good witness and should avoid personal involvement in disputes and criminal actions, including pursuits or apprehensions of suspected violators. Should an Operator be injured, or cause damage or injury to other persons or property while acting outside the scope of their company policy or this SOG,^{xxx} the Operator may be personally held liable to remedy the damage or injury.

An FSP Operator **shall not** perform any of the following:

- a. Vehicle pursuit
- b. Traffic break (this includes slowing down a traffic lane)
- c. Traffic control after CHP arrives on scene of an incident unless directed to do so by a CHP officer
- d. Escort of any type
- e. Detention of motorists for a traffic-related offense
- f. Request a driver license from a motorist at a collision scene or hold said license
- g. Request insurance information from a motorist at a collision scene or hold said information
- h. Ask what happened at a collision scene
- i. Offer advice at a collision scene (do not suggest parties exchange info)^{xxxi}
- j. Discuss the collision with involved person(s) at a collision scene
- k. Decide/discuss fault at a collision scene
- l. Take any type of enforcement action against a member of the public
- m. Interrogate/question any person regarding matters that might concern violations of law
- n. Drive on the right shoulder or center median unless specifically authorized to do so by a CHP Dispatcher or CHP Program Supervisor.^{xxxii}

- o. Quote any tow fees
- p. Make referrals to businesses (auto body shop, law firm, etc.)

3. NO WEAPONS

An Operator shall not carry any weapons while on duty, such as knives, guns, etc., or any other item described in Section 16590 of the California Penal Code. An Operator wishing to carry “pepper spray” shall notify FSP Management in writing and receive approval prior to carrying said spray.

4. NOTIFYING DISPATCH OF CRIMINAL ACTIVITY

1. An Operator shall **immediately** advise Dispatch of any criminal activity encountered or observed and shall not stop at the location.
2. After reporting a possible intoxicated motorist, physical altercation, or illegal activity, whether moving or stationary, the Operator is to go 10-98.
3. Failure to advise Dispatch that an assignment is complete (10-98) will result in a disciplinary action.
4. Citizen arrest actions are strongly discouraged in the FSP Program. An Operator is to notify CHP of any situation warranting action outside the scope of FSP duties.^{xxxiii}

Do not become involved. An Operator is not trained to handle these types of situations.

5. USE OF TOBACCO AND OTHER SIMILAR PRODUCTS

Using any tobacco product, controlled substance, e-cigarette or vaping product, or other product or device designed to replace or mimic smoking of any kind inside or near FSP vehicles is prohibited. This includes the use of tobacco or other identified products and devices by passengers who may ride in an FSP vehicle as part of providing FSP service. The passenger compartment of the FSP vehicle shall be free of foul odors, including odor from tobacco or tobacco replacement products and devices.^{xxxiv}

6. USE OF ENTERTAINMENT DEVICE OR OTHER ELECTRONIC DEVICE^{xxxv}

An Operator who wishes to listen to a public radio station, or use any music, entertainment device, or other electronic device, may do so during non-FSP hours and while on his authorized 15 minute break.

7. SLEEPING WHILE IN OR AROUND AN FSP SERVICE VEHICLE

An FSP Operator shall not sleep while on duty or in a vehicle displaying the FSP logo, whether on duty or not. 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 work shift, he 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 each FSP Operator be honest and truthful regarding all aspects of FSP operations. An Operator shall provide truthful information to FSP Management, Dispatch, and his Contractor whether it is through voice radio, Tablet, in person, or by written document. Any violation of this will be handled on a case by case basis based on the facts available.

9. BEAT LIMITS

The beat limits are identified in the Contract. These limits include the turn-around points and must be followed. FSP Management understands that there will be times when it is necessary to drive beyond the limits, such as when an Operator observes a disabled vehicle ahead. However, this should not occur without notification and approval from Dispatch, as the additional driving time increases the response time to other incidents. If an Operator is at an incident that is beyond the limits of his beat, the Operator shall complete the call after obtaining approval from Dispatch. A second truck shall not stop even if it is the truck working that beat.

10. DAILY PRE-OPERATION VEHICLE INSPECTION

- a. An Operator shall inspect his truck each day, prior to the beginning of each shift.
- b. Each truck must be inspected using an FSP Truck and Equipment Pre-Operational Inspection Form; no other inspection forms may be used.
- c. The Operator shall use an ink pen (not pencil) when completing the form. The symbol "X" shall be used for items in compliance and the symbol "O" shall be used for items not in compliance on the form.
- d. Contractor/agent/manager shall be on site during all pre-operation inspections and shall review and sign the pre-operation inspection sheet prior to the Operator beginning his work assignment.
- e. Any problem shall be fixed prior to the start of the operation of the vehicle in FSP service.
- f. Falsifying any pre-operation inspection forms will result in suspension/disqualification for the involved individual(s).
- g. A copy of the current weeks form shall be kept in the vehicle and presented to FSP Management upon request.
- h. Operators shall not pre-fill out inspection sheets for future shifts.

If a truck is determined to be non-compliant with the contract prior to the beginning of the shift, a fully equipped backup truck shall be deployed after notifying Dispatch with the appropriate changes in vehicles.

The backup truck is required to have a pre-operation inspection by the FSP Operator prior to going out on the beat.

Operators or Contractors failing to comply with the above requirements are subject to suspension/disqualification on a case by case basis.

11. MILEAGE LOG

An Operator is required to keep a mileage log for his truck during the hours of FSP operation. The mileage information on page 2 of the Tow Truck and Equipment Pre-Operational Inspection Form will be completed by the Operator on a daily basis for each shift. Failure to maintain the log or providing inaccurate entries is a violation.

12. LOG BOOKS

All FSP Operators are required to maintain log books (hours of service) including when operating a service truck or as a part-time or back-up operator. This is to maintain consistency throughout the program and in the event a service truck Operator is needed to work in a tow truck or a part-time operator is needed to become a full-time operator.

If an Operator works for more than one employer, one log book must be maintained to include employment activities from all employers. Hours worked by all employers must be included in the log book even if the other employment does not include driving.^{xxxvi}

13. STAGING LOCATIONS

Each Contractor shall have a pre-designated area/location where all the Operators shall meet prior to the shift. This location is known as a “staging location,” and is usually at the tow company yard. A staging location allows the Contractor/manager/agent the opportunity to see that all Operators are in full uniform, neatly groomed, and confirm their equipment is ready to go.

- a. Operators are required to report to the staging area prior to the beginning of each shift.
- b. All operators must report to the staging area before the start of the AM and PM shifts. Operators working consecutive shifts are required to report to the staging area prior to the start of their first shift. For example: Operators working both the AM and Midday shifts **must** report to the

staging area prior to starting the AM shift. Operators working the Midday and PM shifts **must** report to the staging area prior to starting the Midday shift.

- c. Operators are required to be on the beat and working at the start of the shift. Operators remaining at the pre-shift staging location^{xxxvii} after the start of the shift without authorization will be in violation of FSP policy.
- d. If an FSP Operator arrives at the beat early, the Operator shall not stop on the shoulder to wait for the start of the shift. Additionally, Operators shall not apply/remove “Not in Service” signs on the shoulder of the freeway.

14. SIGNING ON/OFF

An Operator is required to log-on to the Tablet and set their status to roll out prior to leaving his company yard and change their status to on patrol (go 10-8) within their beat area at the beginning of their shift. An Operator is to go 10-10 and initiate a status of roll in on the beat at the end of the shift, and log-off the Tablet after returning to the company yard. All status changes except on assist are to be completed from a safe location off the freeway. Operators logging onto the Tablet or changing their status while driving will be considered to be in violation of this policy^{xxxviii}.

In the event the Tablet is not functioning, the voice radio shall be used to go 10-8 and 10-10 from the beat. A Contractor or designee shall notify Dispatch immediately when a truck or Operator is not available at the beginning of a shift.

15. LATE SIGN-ON/EARLY SIGN-OFF

A late sign-on and early sign-off will result in a dock situation. An Operator anticipating this situation shall contact Dispatch immediately and advise of the situation. Dispatch will create and assign the Operator to a “Dock” log which will be provided to FSP Management for invoicing. An Operator shall make **radio** notification to Dispatch when going 10-8 (in service) on the beat. Failure to do so could result in additional dock time.

In the event an Operator is late for the FSP shift, a complete pre-operation inspection shall still be performed. Failure to perform the pre-operation inspection may result in disciplinary action against the Operator.

16. DISPATCHED CALLS

An Operator is required to handle all calls assigned that are received prior to the end of shift, even if that means working overtime. Overtime is used for the completion of an ongoing assist or as directed by Dispatch or FSP

Management. The Operator is required to request and receive authorization from Dispatch if the estimated amount of overtime needed to complete the assist will exceed **15** minutes.

17. OVERTIME

The Contractor is paid for overtime at the hourly rate. To guarantee payment of overtime, the Operator shall document the date, the overtime log number, and the David Unit/Adam (Dispatch) approval number on the Daily Operators Incident Log Form. In addition, an Operator shall provide Dispatch with a complete description of the vehicle being serviced, including the license plate number, and the problem with the vehicle. Dispatch will approve overtime for up to 15 minutes and FSP Management will approve overtime greater than 15 minutes. This information is to be obtained from Dispatch at time of request. If an Operator refuses to work overtime, the Contractor shall be notified and the Operator subject to disqualification.

18. TEN-MINUTE MOBILIZATION PERIOD

An Operator can spend no more than ten minutes attempting to mobilize a vehicle. If the necessary service or tire change takes longer, the Operator shall tow the vehicle off the freeway to an approved drop location and complete the service. If an Operator is going to be on a call for more than 30 minutes, he shall notify FSP dispatch and advise the reason for the delay.

19. PATROL PERIOD/SHIFT

All trucks assigned to a beat shall be on the beat at the shift start time and remain on the beat until the shift end time. This provision does not allow an Operator to leave the Contractor's location at the shift start time or arrive at the shift end time. During the last 30 minutes of the shift, the Operator shall not focus patrol efforts adjacent to the freeway exit normally used to travel back to the shop. The Operator shall continuously patrol the **entire** beat until the end of the shift.

LEAVING THE BEAT WITHOUT AUTHORIZATION

Operators are prohibited from leaving the beat without authorization during the shift.

There are four (4) occasions when an Operator would receive authorization from FSP Management to leave the beat during the shift. They are as follows:

- a. When the truck becomes disabled or the Operator becomes ill or incapacitated.
- b. FSP Management places the Operator out of service.
- c. Operator is directed by Dispatch to go to a specific location because of a problem with the FSP radio equipment (Tablet, AVL, etc.).
- d. The Operator needs to re-supply after servicing a motorist. Re-supplying the vehicle must be done within the beat boundary and adjacent to the freeway.

In all the above cases, the Operator shall notify and receive authorization from Dispatch prior to leaving the beat.

20. BREAKS

Because of the limited number of Operators and to project a positive public image, only one Operator at a time, on adjacent beats, shall be allowed to take a break. An Operator shall coordinate breaks with beat partners so that their breaks do not overlap. The use of the shop radio will enable Operators to coordinate their breaks.

All Operators working a 4-hour shift are entitled to a 15-minute break. Breaks should be taken off the freeway and directly adjacent to the assigned beat, **but not at a residence.**

An Operator shall not take a break during the first hour of the shift, and all breaks shall be **completed** before the last half-hour of the shift. Any Operator working a complete four hour or three and one half hour shift is entitled to one 15-minute break.

When working weekend hours, an Operator shall not take a lunch break (30 minutes) during the first hour of his shift, and the lunch shall be completed before the last hour of the shift. Any Operator working a complete eight-hour shift during weekend service is entitled to one 15-minute break, a 30-minute lunch, and another 15-minute break after lunch. The breaks shall be taken at least one hour apart from each other so that the breaks are not stacked together to form one large break. If an eight-hour weekend shift is split by more than one Operator, each Operator is entitled to one 15-minute break. No 30-minute

break is granted to either Operator unless one Operator works more than six consecutive hours. That Operator is then entitled to a 30-minute lunch.

Dispatch will not authorize break periods for missed breaks or breaks at the end of shift. In addition, an Operator who does not take a break, regardless of the reason, shall not return to the shop fifteen minutes early.

A restroom break, outside of the regular 15-minute break, is allowed only when necessary. If an Operator must take a restroom break, the Operator shall do so at a service station or other facility having a public restroom, directly adjacent to the beat, and complete the break as quickly as possible. An Operator shall not loiter at that location or use the break to purchase food or beverages. In no instance shall two trucks be at the same location at the same time on a restroom break.

Abuse of restroom breaks will be handled on a case by case basis.

Unauthorized breaks shall result in discipline and the Contractor being docked.

21. OPERATOR BECOMES SICK OR UNABLE TO WORK

If, during a shift, an Operator becomes sick and feels unable to return to the beat, that Operator shall immediately notify Dispatch and the Contractor via the shop radio, so a backup Operator can be sent as a replacement.

22. MORE THAN ONE OPERATOR AT A SCENE^{xxxix}

It is prohibited for more than one FSP truck to be at the scene of an incident unless properly requested and approved by CHP Dispatch or an FSP Supervisor. This can be accomplished two ways:

- The Operator that is in need of assistance may request the assistance of another FSP truck through CHP Dispatch or,
- If an FSP Operator on routine patrol observes his beat partner with an incident that would benefit from additional assistance, the patrolling Operator may request approval from CHP Dispatch to assist.
- The requesting FSP Operator must briefly explain the reason for the request.

Under no circumstances should an Operator stop with another operator without CHP Dispatch or FSP Supervisor approval.

23. INOPERATIVE CALL BOXES

When an Operator is informed of or encounters an inoperative call box, the Operator shall notify Dispatch of the call box number and reported problem.

24. PATROLLING IN THE HOV LANE

An Operator will be allowed to access the High Occupancy Vehicle (HOV) lanes under certain conditions to render assistance to disabled vehicles or to remove traffic hazards. The following guidelines shall be followed to access the HOV lanes:

- When requested to do so by the CHP
- When assisting another Operator (advise Dispatch for authorization)
- When monitoring the CHP scanner for traffic hazards or traffic collisions that are within the HOV lane

The aforementioned only applies during hours of FSP operation and does not apply to the HOV lane on a freeway on-ramp, unless providing service on the on-ramp. All trucks providing service in an HOV lane must have FSP signs properly displayed.

25. PATROLLING TRANSITION ROADS

Transition roads are **NOT** to be routinely patrolled by FSP vehicles, except during Midday shifts. If the Operator sees a disabled vehicle on a transition road, the Operator shall stop to provide service. If the disabled vehicle needs to be towed, or needs service for longer than ten minutes, the Operator shall tow the disabled vehicle off the freeway to a designated drop zone.

26. PERSONAL PHONE USAGE^{xl}

Operators are not permitted to use the telephone (a wireless communication device or land line) during a shift except while on an authorized 15-minute break. Wireless devices including Bluetooth devices shall be stored in the tunnel box or other secure portion of the vehicle, but not in the cab. If an emergency arises where an Operator must use a wireless communication device while working, the Operator shall immediately notify FSP Dispatch of the emergency and shall stop the truck off the freeway before using the wireless device.

Lead Operators are allowed a wireless device to conduct FSP related business. The device may only be used in a hands-free mode in compliance with the California Vehicle Code.

Contractors shall ensure there is a procedure in place in the event of an emergency. If an emergency occurs that requires an Operator be notified in the field, the Lead Operator shall be contacted by shop air or wireless device. The Lead Operator shall relay the information to the appropriate Operator and FSP Dispatch. This will ensure timely dissemination of information to the field and Dispatch.

There will be ZERO tolerance to violations of this policy. Any Operator, other than the Lead Operator, found using a wireless communication device while on duty shall be disqualified from the FSP Program. Operators using a wireless communications device while driving in any manner may also be subject to a traffic citation. A Lead Operator found using a wireless communication device without being in hands free mode shall be disqualified from the FSP Program and may be subject to a traffic citation.

The first violation regarding the storage of a wireless device will result in a ten-day working suspension from FSP Duties. A second violation shall result in disqualification from the FSP Program.

27. NO EATING OR DRINKING WHILE OPERATING AN FSP VEHICLE

There shall be no eating or drinking while driving an FSP vehicle, or while in the presence of a motorist. Operators are reminded to keep their cabs clean and remove all trash from public view. All food items shall be stored out of view while providing transportation for a motorist. A closed spill-proof beverage container may be kept in the cab of the vehicle for use only when the vehicle is not in motion or when motorists are not present in the vehicle.

28. TOWING OF MOTORCYCLES PROHIBITED

Towing of motorcycles is prohibited, because of the possibility of damage during the tow. However, an Operator shall offer other assistance such as gasoline, water, or air. If the motorcycle requires towing, contact Dispatch for a rotation tow to handle. A motorcycle down in lanes may be dragged from the lanes at the direction of a CHP Officer if the motorcycle is so damaged that it cannot be salvaged. The Operator shall obtain the CHP Officer's badge number and report to Dispatch after following the CHP Officer's order.

29. NO REFERRALS

Referrals to commercial tow companies or automotive repair facilities (including themselves), or providing secondary tow services are not allowed. When asked by a member of the public for a referral, the correct procedure for an Operator is to politely explain that referrals to other businesses are prohibited. Operators may suggest that the customer might initiate a google or other web search if the customer is in possession of a personal data device.

30. TIPS/GRATUITIES

If a motorist offers an Operator a tip, the Operator shall inform the motorist that he is not allowed to accept tips. The Operator may further advise the motorist that while the gesture is certainly appreciated, the motorist can reward him by calling the phone number on the FSP Brochure and provide a positive comment about the Operator/Program.

Should an Operator encounter a situation where a motorist strongly insists that the tip be accepted, or the tip is discovered after the motorist has departed, the Operator is required to use the following procedure:

- a. Report the item or amount of the tip to Dispatch immediately.
- b. Receive a log number from Dispatch for the tip reported.
- c. Record the information on the Operators Daily Activity Log.
- d. Turn the tip in to the Contractor at the end of shift.

The solicitation of tips or gratuities is strictly prohibited.

31. PROVIDING FSP BROCHURE AND BUSINESS CARDS TO ALL MOTORISTS

An Operator is required to give every motorist assisted or approached an FSP brochure explaining the Program, along with an Operator's business card. When dealing with an abandoned vehicle, the FSP brochure shall be placed on a conspicuous portion of the vehicle, such as under the windshield wiper arm. Failure to provide the above information will result in disciplinary action. Each time an FSP Brochure and business card are not given out will constitute a separate violation.

32. UNATTENDED FSP VEHICLE

An Operator shall not leave the FSP truck unattended at any time other than on an authorized break. When leaving the truck unattended for any length of time, the engine shall be shut off, parking brake set, the keys removed, and the vehicle secured and locked.

33. DRIVER LICENSE/DL64 REQUIREMENTS

An Operator is required to be in possession of a current valid California Driver License (CDL), DL64, and DL51 Medical Examiners Certificate^{xli} during FSP hours. If an Operator is not in possession of or has an expired CDL and/or DL64, the Operator shall immediately be placed out of service and the Contractor docked. The Operator will not be allowed to resume FSP duties until the deficient items are made current.

If the CDL, DL64, Medical Card, or FSP identification card is mutilated, it is the responsibility of the Operator to obtain a replacement document within 10 calendar days. An operator without these documents in his possession is in violation of the California Vehicle Code and could be issued a citation.

34. “NOT IN SERVICE” MAGNETS

The Operator is responsible for placing “NOT IN SERVICE” magnets over the “Freeway Service Patrol” logo on the two front doors of an FSP vehicle when the vehicle is not providing FSP service. Signs shall be used:

- a. During the commute between the Contractor facility and the beat.
- b. During the commute to any scheduled service or equipment maintenance.
- c. When training prospective operators who have not yet passed the proficiency test.

Two magnets shall be carried by every FSP vehicle. The magnets shall be clean and in good condition. The magnets shall be placed to completely cover the FSP logo, so it is obvious that the vehicle is not in service.

CHAPTER 6

OPERATIONAL SITUATIONS AND POLICY

This section covers how to handle special operational situations and circumstances that may occur during FSP service. ^{xlii}

1. INTERACTION WITH PEACE OFFICERS

AN OPERATOR MUST OBEY ALL LAWFUL PEACE OFFICER ORDERS.

If a Peace Officer (any **sworn** member of a Law Enforcement Agency as defined in the California Penal Code) orders an Operator to complete a task, the Operator shall comply with the lawful order without complaint. Obeying the lawful order takes precedence over policies listed in this document.

When a Peace Officer directs an Operator to complete a task not consistent with FSP Policy, the Operator shall follow those directions provided the task can be accomplished safely. It is the Operator's responsibility to immediately notify Dispatch prior to performing the task.

Operator shall:

1. Advise the Officer that the task is not within FSP Policy prior to performing the task
2. Notify Dispatch of the incident and request notification to FSP Management
3. Obtain the Officer's: name, employing agency, and identification and/or badge number and place it on the Operator Daily Activity Log. The information collected shall be provided to CHP Dispatch as soon as possible.
 - a. If the Peace Officer is employed by the CHP, then only the identification number need be obtained.
 - b. If the Peace Officer is from an agency other than the CHP, and the request seems unreasonable per FSP Policy, the Operator shall contact Dispatch and obtain approval from CHP.
 - c. There will be three occasions when an Operator does not have to follow the direction of an Officer. They are when the request is either:
 1. Unsafe
 2. Unhealthy
 3. Illegal

2. DISABLED VEHICLES THAT ARE OCCUPIED

An Operator approaching a disabled vehicle, whether in the traffic lane, center median or on the right shoulder must always consider safety when determining FSP vehicle placement. Operators must follow their company policies as it relates to placing the FSP vehicle in front or behind a disabled vehicle, identifying and protecting your workspace, and working safely. If an operator has a question in any of these areas, the operator should consult their company manager or owner. ^{xliii}

At all times, an Operator shall look out for the safety of themselves and the motorist.

1. Disabled Vehicle in Traffic Lane

An Operator encountering a disabled vehicle in the traffic lane shall immediately determine the safest way to approach the situation rather than unduly risking collision or injury to remove the vehicle in a timely manner. Depending on visibility and the speed of traffic, the Operator shall consider two options.

- a. If visibility is good and traffic is moving slowly, the Operator shall hook up the vehicle and tow it to the closest out of lane position or authorized drop point where any necessary service can be completed.
- b. If visibility is poor and/or traffic is moving too fast, the Operator should position his truck on the right shoulder behind the location of the disabled vehicle and request a "traffic break" by a CHP Officer through Dispatch. **Under no circumstances is an Operator allowed to perform a traffic break!** Once a traffic break is accomplished, the disabled vehicle shall be removed by towing it, as quickly and as safely as possible. About speed and visibility, it is up to the Operator to make the proper decision as to which option should be employed.

The Operator will tow the vehicle off the freeway to an authorized drop point where further assistance may be provided or the motorist can make other necessary arrangements. Once arriving at a drop location, and upon the motorist's request, an Operator will request Dispatch to contact AAA, CHP rotation tow, or another towing service from a company of the motorist's choice.

2. Disabled Vehicle on the Right Shoulder

While servicing vehicles on the right shoulder is considerably safer than within traffic lanes, danger still exists. The following explains how this condition is to be handled:

- a. The motorist should be directed to sit in the right front seat of the tow truck or other place of safety. At no time is an Operator allowed to direct the motorist to stand or walk between vehicles.
- b. Tow truck hazard lights (emergency lights) and overhead lights should be off while the truck is parked safely on the right shoulder, unless there is an identifiably hazard that could be lessened using such lights (narrow shoulder, traffic side flat, fuel tank on traffic side, etc.). Operators utilizing hazard lights or overhead lights shall notify dispatch and provide a brief reason for using the lights (narrow shoulder, etc.).

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The appropriate use of the rear loading lights/working lights must be carefully considered as it pertains to the safety of traffic. Improper use can blind oncoming traffic and create an unnecessary safety hazard. It might be appropriate to use the lower work lights, but not the upper work lights.

- c. With safety always in mind, an Operator shall attempt to service the disabled vehicle as expeditiously as possible and not spend an excess of 10 minutes servicing the vehicle.
- d. Operators are encouraged to utilize company-provided jacks and tools that are known to be reliable and placed by the professional tow operator, unless otherwise directed by their tow company policies or procedures.^{xlv}
- e. If the necessary repair or services are unsuccessful or too time consuming, the Operator shall offer to tow the motorist off the freeway to an authorized drop point where the motorist can make other necessary arrangements. Once arriving at a drop location, and upon the motorist's request, an Operator will request Dispatch to contact AAA, CHP rotation tow, or another towing service from a company of the motorist's choice.
- f. If the motorist refuses or declines service, an Operator shall notify Dispatch. For documentation and liability purposes, an Operator shall advise Dispatch of the vehicle description and license plate number, as well as the reason the motorist is declining service. The Operator shall place an FSP 422 tag on the vehicle.

- g. As soon as safely possible, the Operator shall complete the motorist assist information on the Tablet or Operators Daily Activity Log in the event of a tablet failure.
3. Disabled Vehicles in the Center Divider
A vehicle which becomes disabled within the center median (or divider) is faced with additional problems, as it is restricted to a smaller area with little or no room for escape, and where call boxes are not located. As a result, a motorist stranded in the center median might be tempted to run across the freeway lanes to get to a telephone or call box. After encountering a disabled vehicle in the center median, an Operator shall **never** leave the motorist, even if they refuse service. The Operator shall notify Dispatch and request that CHP respond. Once CHP arrives at the scene, the Operator may then leave if no longer needed. If the motorist already has help en route, at the very least, the vehicle should be moved to the right shoulder. If possible, the disabled vehicle should be moved to the drop location. The Operator should inform the motorist that they may be towed to a drop location which will place them off the freeway and out of danger from oncoming traffic. In addition, an Operator shall also advise Dispatch of the drop location where the motorist has been taken.
4. Vehicles in Other Dangerous Locations
In addition to the center median, an Operator shall never leave a motorist in a gore point, within a traffic lane or HOV lane, partially within a lane, on a narrow shoulder, or any other location that would hinder a motorist's ability to safely enter and exit his/her vehicle. Failure to adhere to this policy could place the Operator in a serious liability situation.

The State of California Vehicle Code Section 22651(f) allows a motorist to leave his/her vehicle on the freeway for four hours if it is not a danger to others or is not in a traffic lane. In this case, the Operator is to tag the vehicle with an FSP 422 and go 10-98; CHP need not be called.
5. Passing of Disabled Vehicles
An Operator shall not pass a disabled vehicle while on routine patrol. If an Operator is dispatched to an immediate traffic hazard, they may pass a disabled vehicle if it is safely located on the right shoulder. However, if an Operator observes a disabled vehicle while en route to another call, and the incident is not one of a higher priority than the one he is responding to, Dispatch shall be advised so a second truck can be dispatched.
6. Disabled Vehicles on City Streets
If a disabled vehicle is encountered blocking an intersection while the Operator is driving on city streets, the Operator shall not stop to assist. Immediately notify Dispatch so the appropriate agency can be contacted to handle the incident. If the incident is blocking vehicles exiting the freeway

and is causing a backup onto the freeway, the Operator shall notify dispatch for instructions.

7. Disabled FSP Vehicle

If the FSP vehicle becomes disabled or required equipment is discovered to be lost or missing, the Operator shall immediately notify Dispatch and the truck will be deemed out of service (10-6 Mechanical). The Operator may then contact his Contractor, so a backup truck or replacement equipment can be deployed. Once a Contractor has knowledge of the breakdown or missing equipment, they shall notify FSP Supervision immediately. Failure to notify Dispatch and an FSP Supervisor when the breakdown occurs shall result in adverse action being taken. Operators shall not advise dispatch that he is on a break prior to notifying dispatch the truck is broken down. When a truck breaks down, an Operator is not allowed to take a break to avoid the dock situation.

3. **ABANDONED VEHICLE GUIDELINES^{xlvi}**

1) On the Right or Left Shoulder

An Operator is required to stop for abandoned vehicles parked on the shoulder only when an FSP 422 tag (yellow in color) cannot be seen. When stopping for an abandoned vehicle, the Operator shall leave an FSP 422 tag (blue and yellow in color) and an FSP brochure on the vehicle. The FSP 422 tag shall be placed in a visible location on the rear window and the brochure on the windshield. At no time should a CHP 422 tag or other decal be placed on the painted surface of any vehicle. If the vehicle is a motorcycle, a 422 tag may be looped on the handlebar or brake cable by exposing and attaching only the ends of the CHP 422 tag^{xlvii}.

If a motorist returns to a vehicle with a CHP 422 or FSP 422 tag on it, the Operator should stop to see if additional assistance is necessary. The Operator shall also stop for motorists who are out on the freeway for any amount of time, even if a CHP 422 or FSP 422 is placed on the vehicle, in the event the motorist changes his/her mind and decides to utilize FSP services.

2) Abandoned Vehicle in the Traffic Lane

An Operator encountering an abandoned vehicle within a lane shall request that Dispatch contact a CHP Officer so that they may respond. Authorization to tow an abandoned vehicle from the traffic lane must be obtained from a CHP Officer or from Dispatch prior to towing the vehicle. A CHP Officer may direct the Operator to tow the vehicle to the right shoulder or off the freeway. The CHP Officer will then be responsible to request, for storage purposes, a rotation tow provider to remove the abandoned vehicle. The Operator shall

not accept a vehicle storage request in this instance or in any other situation while on FSP duty.

a) If Traffic Is Moving Fast

- i) The Operator should position the truck on the shoulder behind the abandoned vehicle allowing traffic to avoid the debris and tow truck.
- ii) During evening hours, the Operator should illuminate the abandoned vehicle utilizing the tow truck spotlight, providing it can be done in a manner that will not interfere with traffic.
- iii) Advise Dispatch of the location of the abandoned vehicle, including the affected traffic lane(s) and request that a CHP Officer respond.

b) If Traffic is Moving Slowly

- i) The Operator should position their truck in the traffic lane behind the abandoned vehicle, activate their overhead warning lights to provide a warning to motorists that there is a vehicle stopped in the traffic lane, and request that a CHP Officer respond.
- ii) If CHP is extended and/or cannot respond the Operator may request that CHP send a Rotation Tow Operator to remove the vehicle from the traffic lane or grant permission for a second FSP Operator to remove the vehicle from the traffic lane.

(1) If permission is granted the first (FSP) vehicle on scene should remain in the traffic lane behind the abandoned vehicle to provide a warning to motorists and provide protection for the second tow responder.

(a) FSP Program preference is that a Rotation Tow provider remove the abandoned vehicle from the traffic lane when possible as it would be the rotation tow vehicle that would tow the abandoned vehicle from the freeway if necessary. It would also allow the FSP Operator to resume their patrol sooner (because the Rotation Tow Operator will need wait for CHP).

(b) Operators shall document the badge number of the officer granting permission to tow the abandoned vehicle.

(2) After the abandoned vehicle is towed from the traffic lane to the shoulder the towing operator, whether FSP or Rotation Tow, the

towing vehicle must wait for an FSP David Unit or CHP Officer to respond to take possession of the vehicle.

- 3) Any Operator directed by CHP to remove an abandoned vehicle from the freeway shall obtain the CHP Officer's ID number and write it on the Operator's Daily Activity Log. If for any reason an Operator is not followed off the freeway by the directing Officer, the abandoned vehicle shall not be dropped. The Operator shall contact Dispatch and request CHP respond for a storage report and request a rotation tow to take possession of the abandoned vehicle. Additionally, the Operator should ensure that Dispatch has contacted FSP Management.

4. TRAFFIC COLLISIONS

When an Operator encounters or responds to an incident and determines that the motorist(s) is involved in a collision, the following guidelines shall apply:

1. Collision investigation officers shall coordinate with the Operator for the expeditious removal of vehicles involved in property damage only (PDO) type collisions from the freeway lanes or shoulders to a location immediately off the freeway, e.g. adjacent surface street. (Established FSP drop locations shall not be used as the off-freeway parking location for collision-related incidents.)
2. **Prior** to leaving the collision scene, investigating officers shall coordinate the call out of either rotation or auto club tow services to respond to the off-freeway location. If these services were dispatched prior to CHP arrival, officers shall inform CHP dispatch of the new off-freeway location.
3. The motorist(s) and passenger(s) of non-operative vehicles should be transported to the off-freeway location by an Operator and/or CHP.
4. Any driver or registered owner of a vehicle involved in a PDO collision should ride in the tow truck with the Operator to accompany their vehicle to the off-freeway location. A motorist being transported by CHP or another FSP unit complies with this policy.
5. If involved vehicles are drivable, only officers shall determine the sobriety and/or injuries of involved motorists prior to requesting they drive their vehicles to the off-freeway location.
6. At the drop location, the CHP officer will determine if there are any safety concerns for the motorist(s). Such concerns may require that the FSP Operator transport the motorist(s) to a secondary location.

7. If a motorist desires to leave their vehicle at the off-freeway location, the FSP Operator shall advise the motorist of the potential for theft or vandalism to the vehicle and any local or state law parking restrictions.
8. If a CHP rotation tow is dispatched by the CHP and has arrived on scene, the Operator shall not stop. Towing responsibility shall be relinquished to the rotation tow company and the Operator shall continue FSP Patrol. To avoid confrontation, it is not the responsibility of the FSP Operator to request or demand a CHP log number from the rotation tow operator claiming if he/she was in fact dispatched.
9. If the Operator is involved in a traffic collision, the Operator shall immediately notify Dispatch. The Operator's Contractor can be notified after Dispatch has placed the truck and Operator out of service. Once the Contractor has knowledge of the collision, they shall notify an FSP Supervisor immediately. For this policy, a traffic collision shall include any event that results in damage or injury to the FSP Operator, truck, other party, or personal property. A report will be taken on all FSP involved collisions during the shift, no matter how minor.

5. WHEN TO REQUEST A ROTATION TOW

A rotation tow will be called any time a motorist needs more assistance than an Operator can provide. For instance, if a motorist desires to be towed to a residence, place of employment, service station, place of repair, or other location, and the motorist does not request a specific company (the motorist may not request the tow company currently providing the FSP assist), a rotation tow shall be requested via Dispatch. The Operator, however, should explain to the motorist the hazards that he/she may experience by remaining on the freeway, and the benefits of being towed to a safe drop location.

1. **When FSP and Rotation Tow are Present at the Same Scene**
There may be occasions when a rotation tow is sent by Dispatch to assist a motorist during an FSP shift. This is usually done for liability reasons, as sometimes an Operator may be too busy to handle all the disabled vehicles within his beat. As a rule, the first tow truck on scene should handle the motorist from contact to conclusion, unless the motorist requests otherwise. An Operator who is aiding a motorist, who encounters a rotation tow at the same location, **shall not** have any type of confrontation with the rotation tow operator. Instead, the Operator is to immediately notify Dispatch, so any problems can be quickly resolved. The Operator may complete the assist; however, should the CHP rotation tow operator become disagreeable, the Operator is to advise Dispatch and go 10-98 IMMEDIATELY. The Operator should obtain all the necessary information and write it down on the Operator's Daily Activity Log.

2. Unusual Tow Situations

An Operator encountering situations beyond the scope of his FSP duties,^{xlviii} such as an irate motorist/tow operator or perhaps a tow company soliciting on the freeway, shall adhere to the following:

- a. Immediately advise Dispatch of the situation.
- b. If possible and safe to do so, obtain the name(s) of the involved person(s) and/or company, phone number and addresses, vehicle description(s), and license plate number(s).
- c. Obtain the name(s) of any motorist that might be in the vicinity.
- d. Be a good witness and gather any pertinent information.
- e. Place all information on an Operators Daily Activity Log.
- f. After contacting Dispatch, go 10-98 as soon as possible.

6. REMOVAL OF DEBRIS FROM THE ROADWAY

1. If it is SAFE to do so

- a. Park the truck on the shoulder before the debris.
- b. If debris is in an adjacent lane or up ahead of the tow truck and traffic is stopped, the Operator may remove it with caution, always keeping an eye on traffic.
- c. Place debris on shoulder or center divider area.
- d. Advise Dispatch of the location of debris. (Dispatch knows who to notify to remove debris.)
- e. Do not take debris with you. This will result in a disciplinary action against the Operator.

2. When Traffic Is Moving

- a. Position the truck on the shoulder behind the debris allowing traffic to avoid the debris and tow truck. (Use caution, always keep your eyes on traffic, and be prepared to take evasive action.)
- b. During evening hours, the Operator should illuminate the debris utilizing the tow truck spotlight, providing it can be done in a manner that will not interfere with traffic.
- c. Advise Dispatch of the location of the debris, including the affected traffic lane(s) and request a traffic break from the CHP.
- d. When a traffic break is in place, move the debris to the right shoulder. If the CHP cannot respond to create a traffic break, the Operator is to

leave the location of the debris, so personnel can respond later to pick it up.

3. Live Animals

When dealing with animals on the freeway, assume that all are dangerous and may bite. Leave the capture and removal of these animals to those who know how to deal with them. Simply advise Dispatch of the situation so they may request the proper agency and continue patrolling the beat. An Operator should not stand by with, detain, or put the stray animal on or in his FSP truck.

4. Found Property on the Freeway (Including Shoulders and Ramps)

Property found on the freeway shall not be kept. Operators are to inform Dispatch of the location and item(s) found. Dispatch will contact the CHP and an officer working the beat will take possession of said item(s). Selling or keeping a found item(s) will result in disciplinary action.

7. **HAZARDOUS MATERIALS**

Taking a hazardous material incident too lightly can be deadly. Any unknown substance or object in any package (i.e. bags, boxes, barrels, etc.), or in any form (liquid, gas, or solid), should be considered a hazardous material. An Operator should be extremely careful when encountering unrecognizable, identifiable, or suspicious objects or substances. Exercise extreme caution. When in doubt, inquire with FSP Supervision or dispatch for direction

The use of flares vs. cones should be carefully considered. Traffic cones should be used instead of flares if there is a possibility or reason to believe that ignitable or flammable materials may be present. Do not request Caltrans cleanup crews or hazardous materials teams; this will be the responsibility of the CHP Incident Commander. Once CHP arrives on scene, the Operator should go 10-98.

Collision scenes involving big rig trucks may pose a hazard, since these vehicles often carry hazardous materials.

1. Hazardous Material Spills

In this type of situation, an Operator can never get too much information. Dispatch must be notified immediately and advised of any vehicle carrying an unknown substance is equipped with any placards. If so, that information should be conveyed to Dispatch.

Operators arriving at the scene of hazardous material spills or potential hazardous material spills are advised to stay as least 300 feet away from

the substance; uphill, upwind, and upstream. If there is a substance leaking, liquid, or powder, or if there are any flames, an Operator shall leave the area and should escort others nearby away from the scene. In addition, the Operator shall not step in or taste any unknown substance (what looks like sugar or salt could be hydrochloric acid). If possible, contact the driver of the vehicle carrying the material and obtain a description of the material. Notify Dispatch immediately of the description of the material and any other pertinent information.

2. Unknown or Hazardous Objects^{xlix}

Operators need to be aware of the threat of encountering explosive devices or bombs on any portion of the freeways. Threats might include any structure along, over or under the freeways, overcrossings, undercrossings, transitions, etc. Operators must be diligent and observant when encountering any suspicious device or package, especially in a location that seems unusual. Explosive devices may be contained in a manner that does not make it immediately recognizable as an explosive device. Containers may include a box, a bag, a barrel, a brief case, or any other container. It might look like dynamite or a pipe bomb, might have loose wires, timing devices, or possibly a cellular telephone for remote activation. When in doubt, get away from it and keep others away from it.

Operators are to immediately distance themselves and encourage others to distance themselves at least 300 feet away from the object and move away from any structure or bridge that may be effected in the event of an explosion. Do not make any notification until at least 300 feet away from the object. Do not activate the FSP radio, shop radio, cellular telephone, or any electronic transmission device near the object. This is extremely important because some explosive devices have been known to detonate because of an electronic device transmission.

Once 300 feet or more away from the object and structures:

- a. Notify dispatch providing a description.
- b. Wait for direction from dispatch. You may be required to meet responding emergency personnel to direct them to the object and offer a statement.

8. JUMP START

Jump-starting a dead battery can be dangerous. If a vehicle has electrical problems on the freeway, it may be a bigger problem than the battery. Tow the

vehicle off the freeway to a designated drop location and then assess the problem.

The Operator is not a mechanic and shall not work under the hood of vehicles. However, if it can be determined that the battery was not the cause of the vehicle being disabled but the battery may have run down because of any switches (lights, hazards, ignition) left in the on position while the vehicle was disabled, the following diagram may be used as a guideline to assist the motorist. Caution and safety are more important than jump starting a dead battery and good judgment should always be used .

Dangers Jump Starting a Dead Battery

The national Society to Prevent Blindness distributes a warning sticker with instructions on jump-starting vehicles with dead batteries. It includes this information:

WARNING: BATTERIES PRODUCE EXPLOSIVE GASES

Keep sparks, flames and cigarettes away from batteries at all times. Wear eye protection. Don't lean over batteries during jump-starting. See owner's manual for instructions

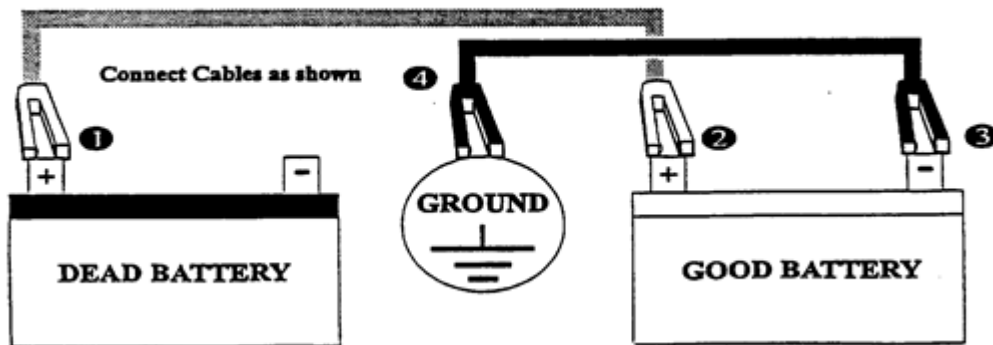
JUMP-START INSTRUCTIONS:

Be sure: vent caps are tight and level....damp cloth, if available, is placed over vent caps....vehicles are not touching....both electrical systems are the same voltage. Don't Jump-Start If Battery Fluid is Frozen!



ATTACHING THE CABLES: (Do in order listed)

- ❶ Clamp one jumper cable to the positive (+) terminal of dead battery (wired to starter or solenoid). Do not allow positive cable clamps to touch any metal other than on battery.
- ❷ Connect other end of positive (+) cable to positive (+) terminal of good battery.
- ❸ Connect one end of the second cable negative (-) to other negative (-) terminal of the good battery.
- ❹ Make final connection on engine block of stalled engine (not to negative post) away from battery, carburetor, fuel line, any tubing or moving parts.
- ❺ Stand back from both vehicles. Start vehicle with good battery-then start the stalled vehicle.
- ❻ Remove cables in reverse order of connections beginning by first removing cable from engine block or metallic ground.



PROCUREMENT

9. VEHICLE FIRES

1. Safety Precautions at the Scene of a Car Fire

At times, an Operator may encounter a car fire. Since an Operator is not adequately trained to deal with car fires, he should not become involved trying to put one out. In addition, an Operator should be aware that smoke inhalation is a dangerous health hazard, so always park upwind. The Operator's main objective should be to ensure the motorist's safety as well as his own. An Operator should keep himself and the motorist away from fire. Dispatch should be promptly notified so the fire department can be summoned.

2. Engine Fires

During an engine fire, opening the hood will only supply the fire with what it needs---oxygen. This, in turn, can cause a flare-up. Therefore, an Operator shall **never** open the hood if there is smoke coming from the engine area! In addition, battery fires are very dangerous as they emit toxic fumes and can explode.

3. Fire Extinguisher Use

As FSP Operators are not trained fire personnel, all Operators should refer to their company training and policies as to the use of fire extinguishers. Operators should seek direction from their company manager or owner if they have questions in this area.¹

10. VEHICLE DAMAGE OR INJURY ¹¹

Operators shall visually inspect disabled vehicles for damage before and after providing assistance, to ensure there is no damage present. If in doubt, call an FSP Supervisor for assistance. If damage or injury should occur while providing assistance or while at the scene of an assist, regardless of fault, the Operator shall **immediately** report the damage or injury to Dispatch. When an Operator causes damage or injury while servicing or towing a vehicle, the Operator must also provide company contact information to the motorist. Damage or injury of any type must be reported, regardless of how minor it appears. Broken lug nuts, dents, and scratches are examples of damage. Any FSP Operator that fails to report damage to a motorist's vehicle while on the scene of the assist or fails to provide company contact information to the motorist the damage is caused by the Operator, will be in violation of FSP policy and this SOG. The Operator violating this policy will be subject to adverse action.

11. OVERHEATED VEHICLES

Operators shall only open the radiator cap and/or add water to a radiator when all the following guidelines are followed:

- a. The radiator is cool to the touch.
- b. The vehicle is not running.
- c. The motorist is a safe distance from the front of the vehicle.

If it is not possible to meet all the requirements listed above, the Operator shall tow the vehicle off the freeway to a designated drop location and have the motorist obtain professional assistance.

The Operator shall inform the motorist of the hazards of opening the radiator cap of an overheated vehicle, such as, the potential for serious injury to the face, hands, and other parts of the body from the hot water/radiator fluid.

12. PEDESTRIANS

An Operator is prohibited from making contact with pedestrians.

Unless a pedestrian is clearly with a disabled vehicle, an Operator shall not make contact. If a pedestrian is observed on the freeway, the Operator is to immediately advise Dispatch of the location and general description of the pedestrian and continue patrolling.

13. ASSISTING THE VULNERABLE MOTORIST

1. Vulnerable Motorist

An Operator must be particularly aware of his responsibility when assisting a vulnerable motorist (female, handicapped, etc.). Among the Operator's many considerations should be the time of day and location. For example, a drop location in a certain part of town could pose a greater safety risk to females during the hours of darkness than it might during daylight hours. An Operator encountering a potentially unsafe situation at a drop location may consider the use of an alternate approved drop location. If an alternate drop zone is not reasonably available, the operator shall (a) immediately notify Dispatch of the situation, (b) request that CHP respond to standby with the motorist and (c) request permission to remain on scene until CHP or other assistance has arrived.

2. Motorists with Children

Pregnant females and persons with infants or small children present additional challenges for an Operator. An Operator must consider whether a pregnant female is physically able to step up high enough to be seated in the tow truck. The possibility of a rough ride in a tow truck aggravating her already delicate condition is another consideration. Additionally, the requirement that the Operator obey all traffic laws demands that an

Operator be aware of child seat/restraint mandates when servicing parties with infants or small children.

3. **Notification of Vulnerable Motorist**

Occasionally, an Operator encounters a vulnerable motorist who declines the offer of FSP assistance because the motorist has private assistance en route. In addition to advising Dispatch of the refusal for service, an Operator should also advise that the party is a vulnerable motorist. A female alone on the shoulder of a freeway in or about a disabled vehicle could be considered vulnerable. Notifying Dispatch of the female motorist's presence is important so that CHP can monitor the arrival of assistance as well as the individual's overall safety.

An Operator must be prepared to encounter motorists with a variety of special circumstances and problems. A courier's vehicle, for example, could become disabled on the freeway carrying valuables such as jewelry. The courier, male or female, understandably might fear for his/her safety unless special measures are taken to ensure his/her well-being. In these situations, the Operator is expected to assess the situation and contact CHP for instructions.

14. CLEARING INTERSECTIONS

When driving on city streets, an Operator should watch for dangers at intersections. To avoid a collision, an Operator should use the three-second rule when clearing an intersection; wait three seconds after the signal turns green, look left, right, and left again before proceeding. An Operator should also be alert for pedestrians who could suddenly walk or run into the path of his moving truck.

15. INCIDENT OFF OF THE FREEWAY

FSP responsibility is limited to congestion relief on the freeway. Therefore, a disabled vehicle not found on the freeway by an Operator is not the responsibility of FSP. In the case of a collision or 11-25, notify Dispatch so the proper authority can be notified. Vehicles moved or directed off the freeway by CHP Officers for safety reasons are to be given service as if they were on the freeway.

16. DRIVING ON THE RIGHT SHOULDER OR CENTER MEDIAN (CVC 21719)ⁱⁱⁱ

Effective January 1, 2016, Assembly Bill 198 adds vehicle code section 21719, which permits a tow truck driver to utilize the center median or right shoulder of the roadway if all the following conditions are met:

- (1) A peace officer employed by the investigating law enforcement agency is at the scene of the roadway obstruction and has determined that the

obstruction has caused an unnecessary delay to motorists using the roadway.

(2) A peace officer employed by the investigating law enforcement agency has determined that a tow truck can provide emergency roadside assistance by removing the disabled vehicle and gives explicit permission to the tow truck driver allowing the utilization of the center median or right shoulder of the roadway.

(3) The tow truck is not operated on the center median or right shoulder at a speed greater than what is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the roadway, and in no event at a speed that endangers the safety of persons or property.

(4) The tow truck displays flashing amber warning lamps to the front, rear, and both sides while driving in the center median or right shoulder of a roadway pursuant to this section.

For the purposes of the FSP program, operators may utilize the center median or right shoulder as outlined above **ONLY WHEN SPECIFICALLY INSTRUCTED TO DO SO** by a CHP Dispatcher or FSP Program Supervisor. Operators who are specifically authorized to utilize the center median or right shoulder must exercise extreme caution, operate at a speed that is reasonable and prudent, must display flashing amber warning lights, and must comply with any other conditions outlined in vehicle code section 21719 and as outlined above.

17. **SERVICE ANIMALS**^{liii}

The Americans with Disabilities Act grants full and equal access to accommodations, advantages, facilities, common carriers, lodging places, places of public accommodation, and other places to which the public is invited.

Generally, title II and title III permits service animals to accompany people with disabilities in all areas where members of the public are allowed to go. This means that, unless unsafe to do so, the service animal should be kept with the handler and travel with the handler in the tow truck when transporting a disabled motorist who is traveling with a service animal. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.

Beginning March 15, 2011, the US Department of Justice published revised final regulations stating that only dogs are recognized as service animals under titles II and III of the ADA. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming

a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Operators may ask two questions: (1) Is the dog a service animal required because of a disability, and (2) What work or task has the dog been trained to perform. Operators cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

A person with a disability cannot be asked to remove their service animal from the premises unless: (1) The dog is out of control and the handler does not take effective action to control it or (2) The dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, operators must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

To provide reasonable accommodation and minimize risk, Operators should transport service animals and their handler in the rear passenger area of the tow vehicle.

Operators must notify the CHP Dispatcher or FSP Program Supervisor when transporting a customer with a service animal. If the Operator should encounter difficulties managing a scene where a service animal is present, the Operator should notify the CHP Dispatcher so that a CHP Unit or FSP Program Supervisor may assist as appropriate.

18. **COMFORT ANIMALS^{liv}**

Comfort animals are an emotional support animal, typically a dog or cat, that provides a therapeutic benefit to its owner through companionship. The animal provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments. The animal is not specifically trained to perform tasks for a person who suffers from emotional disabilities.

Unlike a service animal, a comfort animal is not granted access to places of public accommodation or protected under the Americans with Disabilities Act. Unless in an appropriate animal carrier or necessary because of mental

impairment, comfort animals and family pets should not be transported in the tow truck.

Operators must notify the CHP Dispatcher or FSP Program Supervisor when transporting a comfort animal or family pet and must identify where the animal will be located during transport (in the tow truck or in the towed vehicle). If the Operator should encounter difficulties managing a scene where a comfort animal or family pet is present, the Operator should notify the CHP Dispatcher so that a CHP Unit or FSP Program Supervisor may assist as appropriate.

19. UNUSUAL INCIDENTS^{lv}

Should an operator encounter or become involved in an unusual situation not specifically addressed by this SOG or their tow company policies and procedures, the operator must immediately notify CHP Dispatch and receive a log number for the incident. Operators uncertain of what may qualify as “unusual” should check with their company manager. When in doubt, to protect the tow company and program from potential liability, the incident should be reported.

PROCUREMENT

CHAPTER 7

SAFETY

1. FOCUS ON SAFETY

THE MOST IMPORTANT ISSUE RELATING TO ALL ASPECTS OF FSP SERVICE IS SAFETY. Whether driving on the beat or stopping to assist a disabled vehicle, the Operator should always be thinking about safety.

2. SAFETY OF THE MOTORIST

Once an Operator encounters a motorist, the Operator is responsible for that motorist's safety and wellbeing as long as the Operator is there, until the motorist is safely underway, or until the motorist is taken off the freeway to a designated drop point. Accordingly, an Operator needs to take charge of the situation and impart all appropriate safety instructions to the motorist.

3. COMMON SAFETY RULES

(Safety Rules that Should Be Followed at all Times)

Above all else, the primary objective of FSP Management is to ensure the safety of all Operators and the motorists they are assisting. Although expediting the movement of traffic is the goal of the FSP program, **nothing** is worth the injury or death of an Operator or motorist. To ensure the safety of all concerned, the following activities are prohibited. Violating any of the following may result in a verbal/written warning, dock, suspension, or disqualification:

1. Any violation of law.
2. Failure to utilize seat belts (Operator or passenger).
3. Utilizing mobile data devices or other devices while driving.
4. Failure to properly use drag lights, two wheel lift safety straps, two safety chains and, if utilizing a tow dolly, two 2" Ratchet safety straps.^{lvi}
5. Failure to wear gloves while providing service not requiring precise manual dexterity (such as lockouts, using the radio, or writing).
6. Walking, standing, or working between the vehicles at any time (Operator or motorist).
7. Walking, standing, or working in a traffic lane, when the lane is not closed (Operator or passenger).

8. Turning back to traffic, unless looking over shoulder.
9. Allowing motorist to roam around an unsafe area.
10. Failure to park the FSP vehicle in a location that is safe and optimal, based on the assist location and nature of the assist. Operators must follow their company policies as it relates to placing the FSP vehicle in front or behind a disabled vehicle, identifying and protecting your workspace, and working safely. If an operator has a question in any of these areas, the operator should consult their company manager or owner.
11. Any other unsafe practice that can jeopardize the safety of the Operator or the motorist being assisted.

The Operator is expected to comply with all requests and directions that are given during and following cursory inspections. If the Officer places the Operator out of service for a safety or any other violation, the Operator is expected to comply without argument.

4. SAFETY POINTS

It has been proven repeatedly that **complacency is a killer** when working on the freeways. For this reason, each Operator is strongly encouraged not to become overconfident or comfortable during his daily routine. An Operator should take the extra steps to be safe and remember the following:

1. Whether driving or standing on the freeway, always have an escape route.
2. Request assistance whenever necessary (utilizing FSP Dispatch).
3. Take time to do the job safely and effectively. No shortcuts!

5. TRAFFIC CONTROL

1. An Operator is required to remain calm at all times. This is especially important at a collision scene where people could understandably be upset and/or excited. By remaining calm, an Operator can help those who are distressed. In addition to remaining calm, an Operator should also be courteous and polite.
2. While directing traffic, an Operator will be advising the motoring public of what to do. This requires a great deal of common sense on the part of the Operator. When dealing face to face with the public, an Operator should attempt to convince them that the direction given is the safest and easiest way to accomplish the goal. Most people will comply with reasonable

requests. Technically speaking, an Operator does not have the legal authority to direct traffic unless directed to do so by a peace officer. Thus, an Operator shall avoid any verbal confrontations that could arise if motorist(s) refuses to follow his direction. Additionally, a motorist may not hear an Operator's instructions due to noise, traffic, radios, sirens, or a language barrier.

REMEMBER: Resume FSP patrol as soon as a CHP Officer arrives on scene unless the Officer requests further assistance.

3. When directing traffic, an Operator should use uniform signals that a motorist can understand. By doing so, it not only creates credibility and respect, but the public understands what is expected of them. Ultimately, it makes the job of directing traffic much easier.
4. There are three goals that effective traffic control accomplishes:
 - a. Provides safety to both the Operator and the motoring public.
 - b. Prevents secondary collisions by reducing the number of conflicts.
 - c. Helps reduce and control traffic congestion.
5. An Operator should always expect the unexpected. A flare or cone pattern does not guarantee one's safety. An Operator should also watch for intoxicated and inattentive drivers. To better ensure individual safety, an Operator should become familiar with surroundings and have an escape route if needed. Many collisions involving Operators have to do with the tow trucks being rear-ended by other motorists. Therefore, a good safety rule is: **NEVER TURN YOUR BACK TO TRAFFIC!** Statistical data supports the above advice as 85% of disabling injuries that CHP Officers receive happen during the performance of traffic control duties.
6. Stopping Traffic
 - a. Attempt to stop traffic only at very low speeds such as stop and go traffic.
 - b. Stand sideways and point at the driver of the car you wish to stop.
 - c. Establish eye contact with the driver as you point your hand towards them.
 - d. After pointing, turn your hand so the palm is toward the driver with the fingers up.

- e. Hold the position until the driver stops.
- f. Ensure the driver has enough response time to stop.
- g. If the car is too close, let it go.
- h. If the car does not appear to be stopping, GET OUT OF THE WAY.

7. Starting Traffic

- a. To start traffic, place yourself so that your side is towards traffic. This helps you see from all directions and leaves less of your body exposed to traffic.
- b. Point towards the vehicle you want to start.
- c. Establish eye contact with the driver of the vehicle you wish to start.
- d. With your palm up, swing your hand up towards your chin.
- e. With your other hand, point towards the direction you want the driver to go.
- f. Directing traffic can be difficult. Therefore, it is always important for the Operator to maintain a high degree of professionalism and restraint .

8. Setting Up a Flare Pattern

- a. Assess the scene and determine which lane(s) is to be closed.
- b. Start away from the collision scene and work your way in toward the collision scene.
- c. Determine if there is a fire danger before lighting flares.
- d. Operator shall wear gloves when lighting flares.
- e. When lighting a flare, point it down and away from your body.
- f. Turn your face and eyes away.
- g. Keep flares away from your body by extending your arm.
- h. Never hold the burning end of a flare higher than the part you hold in your hand (the melting sulfur will burn your hand/arm).

- i. Attach cap to NON-LIT end of flare to keep it from rolling. Place lighted flare down while keeping your eyes on traffic.
 - j. No smoking at any time when using flares.
 - k. Avoid breathing toxic fumes from burning flares.
 - l. While walking back to the collision scene do not turn your back on traffic.
 - m. Do not rely on flares to keep traffic from entering the scene.
 - n. Do not step on burning flares.
 - o. Do not place flares on plastic striping or raised markers (Botts' Dots).
 - p. Place flares approximately 20 to 25 feet (about 10 steps) apart.
 - q. Flare patterns should be set to direct traffic to one side only. If possible, leave an escape route.
 - r. To extinguish the flare, pick it up from the unlit end and rub the burning end on the pavement. Do not throw flares or leave them burning unattended.
9. The use of traffic cones can also be an effective way to regulate traffic. There are a few instances where the application of traffic cones would be required. Common sense on the part of the Operator still must be applied. Situations requiring the use of traffic cones instead of flares are generally when the presence of a flame would deteriorate the situation.

The following are examples of when cones are better than flares:

- a. Gasoline/diesel is present at the scene of the collision (remember gas and diesel do not mix well with water; consequently, a hazard still exists during rain or fire department wash downs).
- b. Presence of another flammable substance.
- c. Presence of an explosive.
- d. Fire area: nearby dry brush could easily catch fire from a road flare.
- e. Rainy or windy weather conditions.

The following steps should be utilized when setting up traffic cones:

- a. The placement of traffic cones is essentially the same as road flares.
- b. Assess the scene and determine which lane(s) should be closed.
- c. Start away from the collision scene and work your way in toward the collision scene.
- d. Place cone down while keeping your eyes on traffic (use reflectorized sleeves on cones when deployed during the hours of darkness).
- e. While walking back to the scene, never take your eyes off traffic.
- f. Place cones approximately 20 to 25 feet (about 10 steps) apart.
- g. Cones should be set to direct traffic to one side only.

6. SAFE VEHICLE OPERATION

1. **Patrolling from the Right Lanes**
Since most of the vehicles to be serviced will be situated on the right shoulder, an Operator should patrol from the right hand lanes. The exception to this rule is when Dispatch sends an Operator to a call of a disabled vehicle located in the center divider, or in one of the other traffic lanes.
2. **Space Cushion, Following Too Close**
While driving, an Operator should allow for a proper space cushion between his truck and the vehicle ahead. As a rule, an Operator should maintain approximately one truck length for every 10-MPH increment of the vehicle speed. For instance, if traveling at 50 MPH, there should be at least five truck lengths between the truck and the car ahead of it. When towing another vehicle, an Operator should allow for a larger space cushion.

3. Blind Spots

An Operator should identify his vehicle's blind spots and should always use mirrors, as well as look over shoulders before changing lanes. When stopping and entering traffic, an Operator should also be aware of his surroundings.

4. Use of Emergency Lights

The use of emergency lights to aid while entering traffic or using another Operator to slow traffic down to enter traffic is strictly prohibited.^{lvii}

Operators may utilize their emergency lights to warn traffic that they will be slowing to stop for a disabled vehicle when necessary to warn fast moving traffic. Operators should discontinue the use of emergency lighting once stopped on the shoulder unless there is a high degree of danger associated with the location. The operator must evaluate the location and determine the need for emergency lights to warn oncoming traffic based on their training, experience, and sound judgement. The over use of emergency lights should be avoided, with emergency lights not being used when not absolutely necessary.^{lviii}

5. Inclement Weather

An Operator should be aware of weather and its effect on the operations of the FSP vehicle. When it is raining or when the roadway is wet or icy, a vehicle's stopping distance increases substantially, so an extra margin of safety is required.

7. SAFE BACKING OF VEHICLE

To ensure safe backing with a vehicle in tow, an Operator shall always use both mirrors as well as look behind to see that no potential hazards exist. This is especially important when children are playing nearby. If unsure about a hazard's existence, place your truck in park and *Get Out And Look* (GOAL).

8. EMERGENCY GUIDELINES/NATURAL DISASTER CONTINGENCIES

Orange County has often experienced natural disasters, earthquakes, fires, floods, mudslides, and civil unrest. To provide safety to both an Operator and the public, the following guidelines shall be observed when a disaster occurs:

- a. Each Operator should remain calm and not panic; fear is contagious.
- b. In an emergency, Dispatch will conduct a roll call. An Operator is to acknowledge with a Code-4 (OK) when his call sign is announced. Provide emergency information to Dispatch about the location and situation as appropriate. Unless information is life threatening, an Operator should not attempt to interrupt the dispatcher.

- c. An Operator shall use the shop radio if unable to make contact with CHP Dispatch and advise his company dispatcher of the situation. The company dispatcher will immediately telephone FSP Dispatch with an update.
- d. FSP Dispatchers will relay directions and information to all tow Operators in the case of an actual emergency. Unless notified, an Operator shall continue to patrol the beat and assist stranded motorist(s) unless it appears to be unsafe to do so.
- e. If a disaster occurs during non-FSP hours, Contractors are required to remove all FSP vehicles from a covered facility and relocate them to an open secure location to prevent damage.
- f. The Contractor(s) will be notified by FSP Management of possible redeployment and/or beat changes.

9. PERSONAL SAFETY

1. Avoiding Collisions

Avoiding traffic collisions is the responsibility of every member of the motoring public. Since the Operator logs several thousand miles per month assisting the public, it is imperative that an Operator employ defensive driving techniques to reduce the chance of collisions. First and foremost, an Operator should maintain a **High Visual Horizon** while patrolling his beat. This technique requires each Operator to keep his eyes up and look as far down the roadway as possible while driving. This enables the Operator to see problems on the roadway as far in advance as possible, allowing time for the Operator to safely react.

To avoid a traffic collision, an Operator must be **Alert and Rested** while driving his vehicle. Insufficient sleep reduces a driver's reaction time. The driver's reflexes become slowed and decision-making ability is impaired. A driver in this condition should not be operating a vehicle. This driver is a danger to himself and every person near him on the roadway.

2. Aggressive Motorist

The vast majority of motorists encountered by an Operator express gratitude for the assistance provided. However, some individuals are ungrateful and/or expect more than the Operator can provide. Sometimes these individuals threaten the safety of an Operator when the Operator cannot comply with the motorist's demands.

If an Operator encounters a motorist **outside** his truck who makes threats against the Operator's safety, the Operator should do the following:

- a. Do not engage the motorist in a verbal or physical confrontation. Tell the person, "OK, let me see what I can do," or "I'll see if I can get permission." Be polite and return to your truck.
 - b. Once back in the truck, lock the doors and immediately drive away from the scene.
 - c. Contact Dispatch immediately to report the incident. Give the dispatcher the location and a detailed description of the individual, if possible, including vehicle description. The dispatcher will notify the CHP, who will respond to the scene.
 - d. If the motorist and/or vehicle are a hazard (11-25) move your truck away from the scene. Stay in your truck and provide traffic control using the emergency lights. Notify dispatch of the situation to expedite CHP response.
3. Aggressive Passenger
- If the party making the threat is a passenger in the Operator's tow truck and the Operator fears for his safety, the Operator should do the following:
- a. Calm the individual by assuring them you are there to help.
 - b. If you can use your FSP radio to confirm your location without alerting the individual, do so.
 - c. Follow the individual's instructions while mentally gathering as much identifying information as possible.
 - d. While stopped and safe for the Operator to do so, place the vehicle in park and exit the truck taking the vehicles keys with you.

The CHP and FSP David units will be en route to your location to assist you. The main objective is to get this individual out of your truck.

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CHAPTER 8

TOW GUIDELINES AND POLICIES

1. HOOKING UP THE VEHICLE

1. Safety Chains - Use and Placement

An Operator shall use two (2) safety chains regardless of the distance traveled. The only temporary exception to the two-safety chain rule is when an Operator is towing a vehicle from an extremely hazardous location such as a traffic lane. In this situation, the Operator shall attach one safety chain and then tow the vehicle to the nearest right shoulder or out of lane location where the second safety chain shall be attached. The hook mount points should be as low as possible. An Operator shall use the anchor rings in the body of the tow truck. Hooks on the chains should always be facing down to ensure proper chain installation. An Operator should avoid using "J hooks" when "S hooks" or grab hooks can be used. All safety chains and winch hooks shall have retaining clips.

2. Drag Lights

An Operator shall use drag lights regardless of the distance traveled. The only temporary exception to using drag lights is when an Operator is towing a vehicle from an extremely hazardous location such as a traffic lane. In this situation, the Operator shall tow the vehicle to the nearest right shoulder or out of lane location where the drag lights shall be placed on the towed vehicle.

3. Placing the Vehicle in Neutral Prior to Towing

An Operator is to ensure that the towed vehicle's transmission is placed in neutral and that the parking brake is released prior to lifting the vehicle off the ground. Failing to do this (including front wheel drive vehicles) may place unnecessary stress on the transmission and may cause damage.

4. Wheel Lift Straps

An Operator shall use two (2) wheel lift straps regardless of the distance traveled. The only temporary exception to the two-wheel lift safety straps rule is when an Operator is towing a vehicle from an extremely hazardous location such as a traffic lane. In this situation, the Operator shall attach one safety strap and then tow the vehicle to the nearest right shoulder or out of lane location where the second safety strap shall be attached. Wheel lift straps are always required when using the wheel lift.

5. Maximum Weight FSP Trucks Shall Tow is 6,000 Pounds^{lix}

The weight specifications for the FSP require that vehicles weighing more than 6,000 pounds curb weight (not Gross Vehicle Weight) shall not be towed, even if the truck can tow a higher weight class. If a CHP Officer orders an Operator to tow a vehicle that has a curb weight of more than 6,000 pounds, the Operator shall tell the Officer that it is outside of FSP Policy to do so. If the Officer persists, the Operator shall immediately notify Dispatch and receive direction from FSP Management. The Operator shall obtain the Officer's agency and identification number and place it on the Operator's Daily Activity Log.

The curb weight of a vehicle is the weight of the vehicle with all the standard equipment and amenities, but without any passengers, cargo, or any other separately loaded items in it. The gross vehicle weight of a vehicle is the combined weight of the vehicle and all passengers and cargo pieces in gross (total). Operators should follow their company policy or consult their company owner, manager, or lead driver if they have any questions in this area.

6. Tow Dolly

A tow dolly is a four wheel carriage often used in towing to support the trailing end of a vehicle. A tow dolly is used when the towed vehicle's wheels will not roll freely. It is also used to keep the drive wheels of a towed vehicle from turning, thereby avoiding damage to the transmission. An Operator shall use tow dollies when the situation warrants its use. Operators are to tie down the wheels of the towed vehicle to the dollies using two 2" ratchet safety straps. ^{lix} The Operator is to drive at a very slow rate of speed (40-45 MPH) when using dollies. Additionally, when preparing to tow a vehicle, a traffic break shall not be requested or used to turn a tow truck around simply to avoid using the tow dollies.

Many late model vehicle manufacturers recommend having their vehicles towed with a flatbed. This does not preclude an Operator from towing the vehicle. If the motorist refuses to have their vehicle dollied after the procedure has been explained, the Operator is to call Dispatch to request a beat rotation flatbed tow truck or another private service.

2. TRAVELING WITH VEHICLE IN TOW

1. Avoid Excessive Speed and Over-Braking

An Operator shall be aware of speed and braking capabilities before and after hook-ups and avoid unnecessary hard braking and steering while towing. Items that are susceptible to damage by hard braking and steering include the disabled vehicle's sway bar, C.V. joints, and tie rods. While in tow with a

vehicle, Operators are restricted to 55 MPH in compliance with the California Vehicle Code.

2. Avoid Dragging of Safety Chains

An Operator shall avoid the dragging or binding of safety chains. The use of a bungee cord will help in achieving the proper slack. Dragging the chain diminishes its strength and reliability. If a chain has been dragged and has the appearance of excessive wear, the CHP may put the truck out of service until the chain can be replaced.

3. Passengers Prohibited in the Towed Vehicle

Operators are prohibited from towing a vehicle that has passengers inside. If there are too many passengers in the disabled vehicle for the Operator to transport, the Operator should contact CHP Dispatch for FSP/CHP assistance. If FSP has an extended ETA, a request for a CHP unit should be made via Dispatch to provide assistance in the transport of passengers. The only exception to this rule is a lane clearing measure where the motorist's or operators^{xi} safety outweighs waiting for assistance and the vehicle is moved to the closest out of lane position.

4. Flashing Amber Lights

Flashing Amber lights may be used when servicing a vehicle in a hazardous location, or when the truck is blocking traffic lane(s). Additionally, the rear 180-degree lights may be utilized when in tow if the truck and towed vehicle are going at a speed less than traffic.

3. DROP LOCATIONS

1. Description of Drop Locations

A drop location is a specific on-street public parking area that has been designated by Caltrans and the CHP as an appropriate place to leave a disabled vehicle that has been removed from the freeway. A drop location is usually adjacent to the freeway and no farther than one and one-half miles from the beat. A drop location should be near services that are beneficial to the motoring public, i.e., telephone, service station, restaurant, 24-hour business, etc.

2. Where/When Not to Drop Vehicles

An Operator is required to drop a towed vehicle off the freeway at a designated drop point only. A drop location is usually adjacent to every off-ramp of the freeway that the beat covers. An Operator is strictly prohibited from dropping any vehicle inside a service station or inside any private parking facility. There are, however, three exceptions to dropping a vehicle at a non-designated drop location:

- a. When given permission by Dispatch.

- b. When given permission by FSP Management.
 - c. When ordered by a CHP Officer to take the vehicle to another location other than an FSP drop point. If directed by the Officer, the Operator is required to obtain the CHP Officer's identification number and document it on the Operator's Daily Activity Log. The Operator shall immediately advise Dispatch of the circumstances.
3. Looking Up Drop Locations
An Operator shall not ask Dispatch to look up a drop location. Instead, the Operator shall use the Drop Location Book, which should always remain in the FSP vehicle, and advise Dispatch of the exact drop location to be used. Problems or suggestions regarding specific drop locations should be directed to the Contractor, who will forward them to FSP Management.
4. At the Drop Locations
Once at the drop location the operator shall ask the motorist if they have help enroute and must make sure that the motorist knows where they are. Operators should consider writing the location down for the motorist before leaving, to ensure that the motorist may provide that information to others coming to assist them. If additional assistance is required through the FSP Operator (AAA, etc.), all calls for additional assistance shall be made either through Dispatch, or by the motorist via telephone. Dispatch shall be advised when the Operator is clear (10-98) and available for additional calls. An Operator requiring more than 15 minutes at a drop location shall obtain approval from Dispatch.^{lxii}

It is possible that the Operator may encounter changing conditions at a drop location which may make it unsuitable to leave a motorist, as well as other situations which may compromise the safety of the motorist. **It is the Operator's responsibility to ensure the motorist's safety at a drop location.** If the motorist expresses he/she is fearful of the area where they are dropped or if in the Operator's opinion, the present conditions are less than safe, or a drop location is absent of a telephone and/or shelter, it may be a good idea to transport the motorist, without the vehicle, to a "safer location." An Operator transporting motorists to a secondary drop location, or waiting with motorists until assistance arrives, shall immediately notify Dispatch. Above all else, an Operator shall use common sense to ensure the safety of any motorist being assisted.

5. Ensuring Motorist Has Help En route
It is the Operator's responsibility to ensure a motorist has help en route or has access to other services. If the motorist has a private tow company, friend, or family member en route, the Operator should confirm that they have been advised of the drop location. In short, the Operator should confirm that the motorist is being assisted before returning to the beat.

6. Drop Locations Do's and Don'ts

- a. When leaving a motorist at a drop point, an Operator shall advise the motorist of any parking restrictions that may exist at that location.
- b. The Operator shall affix, in a conspicuous place, a completed FSP parking tag on the vehicle prior to leaving the drop location.
- c. An Operator shall use discretion when dropping a motorist in an area that, due to the time of day, may not be safe. When there is a question as to the motorist's safety, the Operator shall make arrangements to transport motorists to a place of adequate shelter and safety. Dispatch shall be advised of the situation.
- d. An Operator shall not tow a vehicle that has been involved in a collision or fire to drop locations; this is the responsibility of the rotation tow. An Operator shall advise the motorist that the drop location is for temporary use only and that the motorist must remove the vehicle as soon as possible, as it is subject to all applicable rules and regulations associated with the parking location.
- e. If an Operator drops a motorist's vehicle in a location where parking is restricted at the time of the drop, the Contractor will be held responsible for the error and any ensuing charges incurred by the motorist.
- f. An Operator shall have a thorough working knowledge of the drop locations for his specific beat. Since parking restrictions or safety margins can change, an Operator shall notify FSP Management via the Contractor's authorized agent/manager of any requested changes to the drop location(s). FSP Management shall determine the corrective action necessary to facilitate improvements or changes.
- g. An Operator **shall not** drop vehicles on private property. Drop locations are public on-street parking and park and rides, not private parking lots.
- h. An Operator should attempt to use as many different parking locations at a drop location as possible. Do not use the same spot each time if there is more than one parking location identified. Do not take up more than one parking space per vehicle.
- i. Designated drop locations are not always "safe" drop locations. Be aware of the motorist's safety as well as your own.
- j. When there is a question of the motorist's safety, consider a different drop zone if available or offer to transport the motorist and passengers to a safer location (i.e. a restaurant or coffee shop), leaving the vehicle at the drop zone. An Operator is only allowed to take the motorist to the nearest available drop location. The motorist shall not be transported from one end of the beat to the other for the motorist's convenience.^{lxiii}