

SANTA BARBARA COUNTY
FREEWAY SERVICE PATROL
STANDARD OPERATING PROCEDURES



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FOREWORD

The purpose of this Freeway Service Patrol Standard Operating Procedures (SOP) Manual is to consolidate the Driver's Manual and all subsequent updates to provide a comprehensive Standard Operating Procedures Manual. This manual is intended to provide Freeway Service Patrol (FSP) operators in Santa Barbara County a better understanding of the rules, policies, and regulations of the FSP program. Not all situations arising in the FSP program will be covered in this manual; therefore, good judgment should always prevail. The primary goal of the FSP program is to keep the Santa Barbara County freeways flowing in a safe and efficient manner. Above all else, always remember the freeways are a dangerous place to work, so safety is top priority.

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

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

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

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

The Santa Barbara Freeway Service Patrol Standard Operating Procedures Manual is a living document that will be occasionally updated. This document shall be carried by the Operator in the FSP service vehicle during FSP service hours.

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CHAPTER 1

OVERVIEW OF FREEWAY SERVICE PATROL PROGRAM

1. WHY A FREEWAY SERVICE PATROL PROGRAM?

A. Studies have shown over 50 percent of traffic congestion is a result of accidents and stalls. Quickly clearing such incidents will cut down on traffic jams. Prompt clearing of the roadway reduces accidents caused by people trying to avoid the original traffic jam and accidents caused by rubberneckers. Therefore, the key to maintaining maximum capacity is getting closed lanes open and vehicles off the freeway as quickly as possible.

B. The purpose of the Freeway Service Patrol is to provide congestion relief, keep freeways flowing smoothly, and improve air quality.

2. SCOPE OF PROGRAM

A. The Freeway Service Patrol (FSP) is a joint project of the Santa Barbara County Association of Governments (SBCAG), the California Department of Transportation (Caltrans), and the California Highway Patrol (CHP).

B. Private Tow truck companies are under contract to SBCAG to provide continuous patrol service during morning and evening commute hours on designated portions of Santa Barbara County's most congested roadways. Additional services are provided in construction areas as needed.

C. FSP drivers provide on-the-spot help to motorists free of any charges or tips. Drivers may provide a gallon of gas or provide other quick fixes, such as changing a flat tire, to put the motorist back on the road.

D. If a tow operator is unable to get a vehicle running within 10 minutes, he/she should tow the vehicle to a designated drop location where additional assistance can be requested.

E. FSP drivers may also be called upon to provide assistance in removing vehicles involved in collisions, tagging abandoned vehicles, removing debris from roadways, or assisting with other incidents as directed by the California Highway Patrol.

CHAPTER 2

PROFESSIONALISM

1. DEMEANOR/COURTESY

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

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

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

Upon arrival with motorists, FSP personnel shall not delay their initial contact with the motorist. Upon stopping, the FSP operator shall contact involved citizens as soon as safety will allow. Motorists should never be required to monitor a tow operator sitting behind them doing something for extended periods when the operator has not had any prior contact with them.

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

E. FSP DRIVERS SHALL NOT REFER A MOTORIST TO ANY GARAGE, PRIVATE TOW SERVICE, SERVICE STATION OR MECHANIC. The referral to or recommendation of any private business may result in immediate termination of the driver from the program and may jeopardize his/her employer's contract.

F. FSP DRIVERS SHALL NOT REFER ANY ACCIDENT VICTIM TO ANY LEGAL SERVICE OR MEDICAL FACILITY. The referral to or recommendation of any private business may result in immediate termination of the driver from the program and may jeopardize his/her employer's contract.

G. The Freeway Service Patrol provides services to the public free of any charges or tips. The entire program is paid for by public funds and **NO TIPS OR ANY OTHER GRATUITIES, OF ANY KIND, WILL BE ACCEPTED.** If a driver is placed in a position where the acceptance of a gratuity is unavoidable, an FSP supervisor shall be notified and the driver **SHALL** document the incident. All gratuities shall be turned over to the Santa Barbara County Association of Governments (SBCAG) for deposit into the Service Authority for Freeway Emergencies (SAFE) account for motorist aid service expenditures.

H. Advertisements or political statements, of any kind, are forbidden from being displayed on any FSP vehicle unless prior approval has been obtained from SBCAG, CHP, and Caltrans.

2. ABILITY TO READ AND COMMUNICATE CLEARLY

FSP operators are dispatched both by voice radio and by cellular telephone. It is common for FSP operators to become involved with emergency incidents. Information relayed from FSP operators to CHP dispatchers is often critical in making rapid assessments of what is needed at the scene. CHP dispatchers must be able to clearly understand the FSP operator. Additionally, the operator must be able to read street signs in order to provide accurate locations.

A. Due to the safety reasons listed above, persons who cannot clearly communicate with the CHP dispatch center, in the English language, shall be prohibited from working in the FSP program.

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

3. UNIFORM REQUIREMENTS

A. Uniform and grooming requirements will be strictly enforced. Failure to meet uniform or grooming standards may result in the driver being taken out of service and the contractor fined. Continued violations of the uniform or grooming requirements may result in the dismissal of the driver from the FSP program.

FSP drivers shall be in an authorized uniform at all times during FSP hours. If a driver is out of uniform or is wearing an unapproved uniform, that driver will be removed from service.

B. No driver shall wear the FSP uniform at any time other than FSP hours. **IN NO EVENT SHALL AN FSP DRIVER WEAR AN FSP UNIFORM WHILE PERFORMING REGULAR TOWING OUTSIDE OF THE FSP PROGRAM.** The FSP uniform shall be removed as promptly as possible following the termination of FSP hours. The FSP uniform may be worn to FSP training sessions. If the uniform is worn to training sessions, no caps shall be worn unless they are the approved FSP cap.

C. Uniforms shall not be worn unbuttoned or unzipped. If a two-piece uniform is worn, the shirt shall be tucked into the trousers. Long sleeve shirts shall not be worn rolled up. Long sleeves may be rolled up only for that period of time required by a specific job performance.

D. Tow contractors shall supply each "full time" driver (any driver working 30 or more hours per week) with five (5) sets of uniforms. The uniform shall either be a navy blue jumpsuit or navy blue shirt and pants. Additionally, tow contractors operating under FSP contracts shall provide, during inclement weather only, each FSP driver with yellow three-piece rain gear. The rain gear shall consist of trousers, coat, and a detachable hood. All rain gear shall have reflective tape on both sleeve cuffs, both leg cuffs, and across the upper back. All rain gear shall fit the individual FSP operator so as not to restrict his/her ability to move freely. The uniform shall meet the specifications as described in ANNEX A.

E. Operators shall wear black boots with protective steel toes and oil resistant soles. The boots must be of a minimum ankle height. No other footwear is acceptable. The acquisition of work boots is the individual employee's responsibility. Boots do not have to be supplied by the contractor.

F. One navy blue baseball cap with the Freeway Service Patrol logo will be provided to each new employee. Subsequent replacement caps will be purchased by the employee. These caps may be worn at the driver's option. On specified beats, hard hats may be required. No other headgear shall be worn.

G. Drivers shall start each day with a clean, well-maintained uniform. Examples of uniform violations include: torn uniforms, torn/missing patches, non-steel-toed boots, improper placement of patches, unapproved hat, torn/faded/no reflective tape, etc. (during cold weather, a navy blue or white undershirt may be worn). Rubber steel toe boots will be allowed as an option during inclement weather.

H. Each driver will be issued an identification card that must be in his/her possession during FSP operations. Additionally, a California Drivers License and DL-64 shall be in possession during FSP operations. This ID card shall be presented to any individual requesting to see FSP identification.

I. No FSP operator shall be on FSP duty without displaying an appropriate nametag. Nametags may be made of metal, plastic, or cloth and shall include the operator's first initial of the first name and the full last name. Showing the full first name is also permissible. Nametags shall be attached at the top of chest pockets and shall be clearly visible.

4. GROOMING AND PERSONAL APPEARANCE STANDARDS

A. Operators will maintain a well-groomed appearance at all times. Drivers shall be clean when they begin their shifts. This includes both uniforms and bodies. Obtrusive odors, whether body odors or others such as fuel odors, are offensive to motorists. They must be minimized. Drivers will either be clean-shaven or present neatly trimmed beards and/or mustaches. Hair will be clean and neat. Long hair is discouraged. If hair is long, it shall be worn pulled back in a ponytail. Ponytails shall not be tied with multi-colored ribbons. Hair that is dyed/colored in any unusual manner (multiple colors, non-standard colors, green, yellow, purple, fluorescent, etc.) is forbidden. Additionally, no ornamental ties (beads, elaborate leather ties, shells, etc.) will be utilized for securing hair. Ponytails that are of a length such that in the opinion of the California Highway Patrol are unsafe while working around operating automobile engines shall be forbidden. Fingernails shall be kept short. For safety reasons, work gloves are recommended when servicing vehicles.

B. Tattoos: In order to ensure a professional appearance for all FSP operators, all tattoos that are potentially offensive or disturbing to motorists must be concealed by operators while working. As examples, any tattoo that is satanic, racist, threatening, street gang related or sexually explicit will be deemed potentially offensive or disturbing to motorists. All FSP Tow Operators will be required to conceal any tattoos of this nature with gloves, collars, long-sleeves, or by other means acceptable to CHP. The display of any facial tattoos is prohibited. If there are any questions regarding what tattoos are potentially offensive, clarification/authorization may be obtained by contacting CHP personnel in the FSP unit.

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

CHAPTER 3

FREEWAY SERVICE PATROL DRIVER RESPONSIBILITIES

1. LIABILITY

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

2. PEACE OFFICER ORDERS

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

3. NO PEACE OFFICER POWERS

A. FSP drivers do not have any peace officer powers. A tow operator's duty is to patrol freeways to relieve congestion, not police them. FSP operators shall not become involved in enforcement contacts and/or pursuits unless specifically requested to do so by an officer. They should be good witnesses, not police officers. FSP drivers shall not attempt apprehension of any suspected violators.

B. CHP shall be notified of any significant criminal activity or suspected intoxicated motorists observed. Observations of minor traffic infractions need not be reported (examples of minor infractions: routine speeding vehicles, passing on the shoulder in congested traffic, following too closely, smoking vehicles, etc.). Good judgment must be utilized. If an extremely hazardous condition exists, report it.

4. ALCOHOL AND/OR DRUGS

A. THE USE OF ALCOHOL AND/OR DRUGS WHILE IN SERVICE IS ABSOLUTELY FORBIDDEN. ANY DRIVER FOUND TO BE UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL WILL BE IMMEDIATELY TERMINATED FROM THE PROGRAM AND WILL FACE CRIMINAL PROSECUTION.

B. DRIVERS SHALL NOT BE ON DUTY WHILE HAVING THE ODOR OF AN ALCOHOLIC BEVERAGE ON THEIR BREATHS OR PERSON. DRIVERS FOUND TO HAVE THE ODOR OF ALCOHOLIC BEVERAGE ON THEIR BREATH OR PERSON SHALL BE IMMEDIATELY REMOVED FROM DUTY. PENALTIES FOR BEING ON FSP DUTY WHILE SMELLING OF AN ALCOHOLIC BEVERAGE WILL BE HANDLED ON A CASE-BY-CASE BASIS DEPENDING ON THE FACTS OF EACH INCIDENT. THE PENALTY MAY INCLUDE TERMINATION FROM THE PROGRAM.

1. When an FSP driver is determined by the California Highway Patrol to have the odor of an alcoholic beverage on his/her breath or person that officer or supervisor shall always attempt to obtain a second opinion from an adult (preferably a CHP supervisor) verifying the presence of the odor of an alcoholic beverage.

2. Whenever any employee is removed from FSP duty by the CHP for having the odor of an alcoholic beverage on his/her breath or person that employee shall be offered the opportunity to voluntarily submit to a breath test on a CHP PAS device to measure the alcohol level of his/her breath.

3. Whenever any employee is removed from FSP duty by the CHP for having the odor of an alcoholic beverage on his/her breath or person, the contractor responsible for that employee shall be immediately contacted by the CHP and a request will be made for the contractor or the contractor's supervisor to respond to the scene to participate in the determination to remove the employee from duty. If the contractor or his/her supervisor is not available or cannot respond in a reasonable time frame, the driver shall be removed from duty without the contractor or contractor's supervisor's personal observations.

4. These requirements shall only be applicable in those cases where an employee is not believed to be under the influence of alcohol and is being removed from duty due only to the odor of an alcoholic beverage on his/her breath or person. Drivers believed to be under the influence of alcohol shall be arrested by the CHP and the arrest, blood- alcohol testing, and booking shall be handled as required by law. **ADD LANGUAGE SINCE MARIJUANA IS NOW LEGAL??**

C. DRIVERS FOUND TO BE IN POSSESSION OF ILLEGAL DRUGS WHILE ON DUTY WILL BE CHARGED WITH ALL APPLICABLE VIOLATIONS OF LAW AND IMMEDIATELY TERMINATED FROM THE PROGRAM.

5. IMPLEMENTATION OF SUBSTANCE ABUSE POLICY

The Freeway Service Patrol program is dedicated to providing safe and efficient service to the public. Due to our safety sensitive type work, this program has a zero tolerance for substance abuse. Freeway Service Patrol operators/drivers are prohibited from using, selling, possessing, distributing, or being under the influence of a controlled substance or alcohol while on duty or driving an FSP vehicle to and from duty.

All FSP operators/drivers who operate on FSP beats under FSP contracts shall be subject to the requirements of the Code of Federal Regulations, Title 49, Chapter III, Part 382 (Controlled Substances and Alcohol Use and Testing). A copy of Part 382 is attached in Annex C.

Post-accident substance abuse testing:

Since the California Highway Patrol and many other police departments many times do not issue citations at the scenes of traffic collisions, the following minimal testing requirements shall apply to all FSP operators working under contracts requiring substance abuse policies. Whether a citation was issued or not does not affect this requirement. The employer shall test for alcohol and controlled substances if:

- A. An on-duty FSP employee is involved in a collision resulting in a death and there is reasonable cause to believe the employee may have caused the collision or contributed to the cause of the collision.
- B. An on duty FSP employee is involved in a collision resulting in serious injuries that require immediate transportation to a hospital or other source of medical aid and there is reasonable cause to believe the employee may have caused the collision or contributed to the cause of the collision.

Contractors may have further testing requirements, as they determine appropriate for their operations, but contractors shall have their policies in writing and those policies shall be reviewed with all effected employees.

Section 382.605, Part 382 of Title 49 CFR (Referral, evaluation, and treatment). This section shall not be interpreted as requiring the contractor to retain employees testing positive for alcohol or controlled substances, if the contractor has written policy requiring the employee's termination of employment in such cases.

Those employees terminated from working for a contractor for positive substance abuse tests shall be forbidden to work for any other FSP contractor in the FSP program for a minimum of one year unless the employee can pass the pre-employment testing and agrees to submit to all of the conditions required in section 382.605, Part 382 of Title 49 CFR. The one year will begin on the date the sample for the testing was obtained.

Failures to comply with the requirements of Part 382, of Title 49 CFR or further requirements listed in this document will be handled on a case-by-case basis and may result in fines to the contractor, suspensions, or termination from the FSP program.

Written substance abuse policies and complete records pertaining to the implementation of the policy shall be maintained by the contractor for the extent of each contract.

All records shall be subject to unannounced inspection by the California Highway Patrol at any time.

All positive test results of drivers shall be immediately reported to the California Highway Patrol.

6. SMOKING

Smoking in FSP service vehicles is highly discouraged. The service vehicles should not only be clean at all times but also not smell like ashtrays. **DRIVERS SHALL NOT SMOKE WHILE IN CONTACT WITH ANY MOTORISTS.**

7. SLEEPING WHILE IN OR AROUND AN FSP SERVICE VEHICLE

The future of the FSP program is heavily dependent on the public's perception of the program. Perceptions created by FSP operators must be positive perceptions. Taxpayers will not tolerate their taxes being spent for employees to sleep. The motoring public has no way of knowing whether an employee is on break or not, or even on duty. All they see is they are in an FSP truck. Accordingly, FSP personnel shall not sleep while on duty or in a service vehicle while displaying the FSP signs 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/her work shift, they should not be working on our roadways. For the purpose of this section, sleeping is defined as actually sleeping or presenting the appearance that one is asleep.

8. HONESTY AND TRUTHFULNESS

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

9. PATROL RESPONSIBILITY

- A. Before each FSP shift, all operators shall inspect the truck's equipment and complete the Equipment Inspection Report. This report shall be forwarded to the contractor every week. The report shall be kept in the contractor's office and made available for inspection by FSP staff.
- B. FSP drivers shall record the complete odometer reading (starting mileage) on their service vehicle at the beginning of their shift and shall record the complete odometer reading (ending mileage) on their service vehicle at the end of their shift. These records shall be on the driver's daily activity log (no exceptions). In those cases where the driver may drive more than one service vehicle, explanation shall be recorded in the narrative portion of the daily activity log.
- C. FSP drivers shall patrol their beat continuously. Parking in one specific location and waiting to be dispatched to an incident is a violation of policy. The success of the program depends on how quickly an incident is detected. An FSP driver may encounter and assist a disabled motorist before dispatch receives a call.

- D. It is recommended tow operators patrol in the right hand lane. Most incidents encountered will be on the right shoulder. Drivers shall not drive at speeds in excess of the speed limits and shall not drive faster than that speed which is safe. The safe speed may be much less than the posted speed limit due to prevailing conditions, i.e., rain, flooding, heavy traffic, frosty roadways, etc.
- E. FSP drivers are not exempt from traffic laws. **FSP PERSONNEL MUST OBEY ALL LAWS.** Driving on the shoulder, in the center divider, is not allowed unless permission has been granted by a peace officer. Drivers shall obtain permission from an FSP supervisor or beat officer to use the shoulder or center divider to respond to incidents. If permission is granted to drive on the shoulder or in the median area, drivers will proceed at a speed no greater than 15 MPH.
- F. FSP personnel working on the same beat or in the same area are encouraged to assist both each other and emergency personnel whenever possible; however, FSP units shall not remain at the scene of any incident any longer than they are needed. When one FSP unit can handle an incident, additional FSP units may stop to offer assistance, however, subsequent FSP units shall leave the scene of the incident as soon as it can be determined their presence is not requested or needed. This is particularly applicable at the scenes of collisions. FSP's response to the scene and offer of assistance is very much appreciated by emergency personnel; however, the operator is expected to leave the scene quickly if he/she is not needed. Remaining at accident scenes to "merely observe" is not acceptable.

10. CONTACTS OUTSIDE OF ASSIGNED BEAT

- A. FSP tow operators may be dispatched to incidents outside of their normal beats if the need is present. This will normally only occur when it involves an emergency or the unavailability of other tows. This practice shall be monitored and controlled so as to be kept at a minimum.

- B. FSP operators shall not routinely patrol areas beyond their assigned beats. They are expected to turn around at the end of the assigned beat. In those cases where an FSP operator is outside of his/her assigned beat and encounters an incident whereby a motorist's safety is in jeopardy (collision, in traffic lane, school bus, elderly, etc.), the FSP operator shall proceed to handle the situation as if it were on his/her assigned beat. Where an FSP operator encounters another tow operator attempting to handle a situation, where there are motorist's safety issues involved, the FSP operator shall offer his/her assistance. If no assistance is needed, the FSP operator shall leave the scene and the original tow assisting the motorist will be expected to complete the assist. FSP operators shall avoid conflicts with other tow operators. The motorist's safety takes precedence over all tow boundary issues. Conflicts shall be reported to an FSP supervisor. Conflicts, arguments, or other displays of unprofessional conduct, in the presence of motorists, will not be tolerated.

11. MOTORIST CONTACT

- A. While on duty, FSP personnel shall stop and check all vehicles involved in collisions or observed stopped on the shoulders of the roadway (this includes those vehicles appearing to be abandoned) unless the vehicle has been previously tagged with an FSP 422 form or the FSP operator shall ensure his/her beat partner responds to check the vehicle or the FSP operator shall advise CHP dispatch of the need for the vehicle to be checked. Additionally, FSP operators shall respond to all incidents dispatched to by CHP or they shall ensure CHP dispatch understands that they are not handling the call and somebody else must respond. Driving by stranded motorists and not arranging for someone to respond to the motorist or failing to respond to incidents dispatched to are both very serious violations of FSP policy. The penalties shall always be significant and will be handled on a case-by-case basis. Termination from the FSP program shall always be a primary consideration for these failures of FSP duty.
- B. An FSP driver's basic duty to the public is to provide a "quick fix" for a disabled motorist. This may consist of providing a gallon of gas, changing a flat tire, and/or similar minor repairs. Attempt minor repairs to the vehicle if possible and safe to do so. If a vehicle cannot be repaired within 10 minutes, inform the motorist that the vehicle can be towed to a designated drop location where he or she can summon additional assistance. (i.e., AAA tow, phone call to repair person, rotation tow, taxi.) Operators shall explain to the motorist that removal from the freeway is for their safety and to prevent congestion.

- C. Upon initial contact with a disabled motorist, the driver shall identify him or herself as a member of the Freeway Service Patrol. The driver shall provide a brief description of the program, explaining that it is a free service and designed to relieve traffic congestion. If a motorist speaks a foreign language, the operator should utilize the introductory card. The motorist shall then be given an FSP brochure and asked to complete the motorist survey form. Explain to the motorist that the completion of the form helps to evaluate the success of the FSP program.
- D. Citizens are not required to accept service; however, FSP personnel shall always offer their services. Motorists may request AAA club or other services or elect to handle their situation themselves but FSP personnel shall still explain the FSP program and offer their assistance. Remember: we would like the motorist to agree to be moved from the freeway to a safer location. Be professional and courteous at all times. Notify CHP if a motorist refuses service/tow or if an unusual incident occurs. FSP operators are required to provide information regarding freeway safety to all stranded motorist.
- E. When preparing to tow a vehicle, FSP employees shall explain where the vehicle shall be taken and what the motorist's options will be after arriving at the drop site. If any motorist requests towing to another site, the tow operator should contact FSP dispatch and request additional service. Normally, FSP operators can only summon AAA or a rotation tow. Vehicles shall not be towed to any private facilities. Normally, the motorist shall call for any other service requested. **DO NOT LEAVE A MOTORIST STRANDED AT A DROP LOCATION WITHOUT SERVICES AND/OR PHONE. YOU SHOULD TRANSPORT THE MOTORIST (NOT THE VEHICLE) TO THE NEAREST PHONE AT AN OPEN ESTABLISHMENT WHERE BUSINESS IS CONDUCTED.**
- F. Employ common sense when leaving motorists at locations off the freeway. **MOTORIST SAFETY COMES FIRST!** Drivers can stand by with the motorist until further assistance arrives. CHP shall be contacted if a motorist is uncomfortable about being left alone at a drop location.
- G. Normally, motorists shall not be transported from gas stations, restaurants, etc., back to their vehicles. When unusual circumstances dictate the need to return motorist from these locations, permission will be obtained from CHP.
- H. Record all assists and responses on your Daily Field Record form. Turn in your Daily Field Record form to your company at the end of each shift.

12. WORK HOURS AND ASSOCIATED REQUIREMENTS

- A. Work hours vary from beat to beat but generally fall between the hours 6:00 a.m. to 10:00 a.m. and 3:30 p.m. to 7:30 p.m. A beat may have fewer hours.
- B. Drivers shall to be on beat at the beginning of their shift. Drivers shall sign on from the beat.
- C. Drivers shall be on the beat until the end of the shift. They shall sign off from their beat, not from the tow yard or any other location off the beat. Contractors will only be paid for the time that their drivers are on the beat.
- D. Each truck shall be properly equipped at the beginning of each shift. Properly equipped means the truck is supplied with all required supplies/materials and the truck has sufficient fuel to complete a 4-hour shift without refueling. Trucks shall be allowed to refuel while on duty so the trucks will be fueled for the next scheduled shift, however, trucks shall not refuel during the first hour or the last 30 minutes of their assigned shifts. If supplies need replacing due to usage during the same shift, the driver may leave the beat only for as long as necessary to replace supplies. The driver shall notify dispatch of their "temporary out of service" status (10-6, replacing supplies).
- E. Rest breaks may be taken according to the following guidelines: one rest period of 15 minutes is allowed per each 3 to 4 hour shift. Drivers cannot return to their shop early as an option to skipping their break. Rest breaks and lunch breaks cannot be used consecutively resulting in a 30, 45 or 60-minute break. Drivers shall change their status to "out of service" (10-7) while taking a lunch break or other breaks. Rest breaks shall not be taken on freeways or on and off ramps. Breaks shall not be taken during the first hour or last 1/2 hour of the driver's shift.
- F. Restroom breaks are allowed only when necessary and within reason. It is not necessary to advise dispatch when stopping for a very short time to use the restroom. Restroom stops shall be taken near the FSP beat.
- G. When a service/detail at the end of a shift requires overtime to complete, the driver must obtain authorization from CHP dispatch for the overtime. The overtime will be authorized in increments of 15 minutes and each 15-minute extension must be requested by the driver and authorized by the dispatcher. Only the amount of overtime authorized by dispatch will be paid. All pertinent information justifying the need for the overtime shall be documented by the FSP operator in his/her log. FSP personnel shall not search for incidents on overtime.

13. DISPLAY OF FSP PLACARDS

- A. Trucks shall display the authorized FSP logo placards, on both sides of the service vehicle, at all times while engaged in FSP operations. Trucks without proper equipment, including placards, shall be removed from service.
- B. **IN NO EVENT SHALL TRUCKS DISPLAY THE FSP LOGO OUTSIDE OF FSP HOURS.** At the end of the shift and as soon as possible, the driver shall remove the FSP placards. Drivers shall not respond to a rotation call displaying FSP placards.

14. SECONDARY TOW

- A. FSP tow trucks shall not provide secondary towing to any motorist, when the motorist has had prior contact with that specific contractor. If a subsequent tow is requested and the request is made for the same company, the tow company must dispatch a separate truck. An example of the above: an FSP operator tows a motorist to a drop location at the end of the FSP shift and the motorist requests a rotation tow. If the dispatch center contacts the FSP operator's company to handle the incident, that FSP operator shall not handle that specific call and will request another driver and tow truck.

15. WEAPONS

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

16. CRIMINAL HISTORY REQUIREMENTS

These criminal history disqualifications shall be applicable to all FSP operators/employees working under FSP contracts. They will also be applicable to all new FSP employees hired/trained, regardless of starting date of contract. Those employees working for contractors as FSP employees first hired/trained prior to March 1, 1998, and working for a contract issued prior to March 1, 1998, shall be exempt from these disqualification's until the end of the current contract as long as they remain with the same employer.

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

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

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

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

- A. An FSP driver shall be permanently disqualified for any violation of Sections 210.5, 217.1, 220, 237, 240-247.5, 261, 262, 264.1, 266a, 266j, 267, 288, 288.5, 289, 311.3, or 11105.3 of the Penal Code (PC), or any violent felony as defined in Section 667.5 PC.
- B. An FSP driver shall be permanently disqualified for any violation of Chapter 3 (commencing with Section 207) or Chapter 8 (commencing with Section 236) of the Penal Code.
- C. A contractor or driver shall be disqualified if he/she has three or more drug related misdemeanors or any drug related felony within 5 years of application.

An FSP driver shall be disqualified if he/she has three or more violations of Section 23152 of the Vehicle Code (VC) within the previous seven years. Convictions of 23103 VC as a result of 23152 VC arrests ("wet reckless plea bargains") shall count as violations of 23152 VC.

- D. A contractor or driver shall be disqualified if he/she has a violation of Section 191.5 PC within the previous seven years.
- E. A driver shall be disqualified if he/she has a violation of Section 23153 VC within the previous seven years.
- F. A driver that has a felony conviction within the previous ten years or a misdemeanor conviction within the previous five years for any of the following offenses shall be disqualified from working in the FSP program:
 - 1. A violation of Penal Code Sections 148, 222, 237.5, 261.5, 273a, 273d, 417, 450, 453, 459, 466, 467, 470, 470a, 470b, 477, 484e, 484f, 484g, 487, 496, 503, or 538d.
 - 2. A violation of Section 2800, 10750, 10752, 10851, or 20001 of the Vehicle Code.
 - 3. A violation of Chapter 9 (commencing with section 240) of the Penal Code.
 - 4. Three or more misdemeanor violations of any violent crime as defined in Section 667.5 of the Penal Code.

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

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

An expanded synopsis of criminal convictions contained in this policy for FSP contractors and drivers is listed in Annex B.

CHAPTER 4

VEHICLE OPERATIONS

1. DISABLED VEHICLES

- A. Disabled vehicles in traffic lanes shall be cleared as soon as possible and without delay by either pushing or towing. Minor repairs, refueling vehicles, or changing a flat tire may be performed on the shoulder, if safe.
- B. SAFETY FIRST!! If a vehicle is located in the traffic lane and a traffic break is required, operators are to request CHP for assistance. FSP OPERATORS SHALL NOT PROVIDE TRAFFIC BREAKS unless directed to do so by a peace officer or it is necessary due to an extreme hazard such as a body lying in the roadway, etc.
- C. Freeway Service Patrol personnel shall provide service to all vehicles stopped on the freeway. If repairs are needed and not readily available from FSP, advise the motorist their vehicle can be towed to a drop location. If a motorist refuses the service, CHP dispatch will be so advised.
- D. Normally, overhead amber lights shall not be used when stopping on the shoulder or when towing a vehicle. Amber lights should be used only when stopped and blocking the traffic lane or when an unusually hazardous situation exists.
- E. FSP Operators shall place a green FSP 422 on all vehicles located on the shoulders of the freeway, whether a yellow CHP 422 is present or not. Additionally, a green FSP 422 shall be placed on those vehicles left at drop locations. In those locations where vandalism has proven to be a problem a CHP officer in charge may elect to overrule this practice.
- F. FSP Operators shall leave an FSP handout with every vehicle serviced/checked, whether it is occupied or not. Normally, the handout will be left under the windshield wiper blade on those vehicles not occupied. The practice of leaving handouts on abandoned vehicles need not be followed during inclement weather, where, in the opinion of the operator, the handout would be destroyed by the weather conditions.

2. ABANDONED VEHICLES

- A. Authorization to tow an abandoned vehicle from the traffic lane must be obtained from a CHP officer. The law does not give FSP operators any authorization to tow abandoned vehicles. Authorization can be given, by a peace officer, by way of dispatch. If an FSP driver encounters an abandoned vehicle in the lane, the driver shall request dispatch to respond CHP. An FSP operator may remove an abandoned vehicle if it is deemed to be in a dangerous location such as a blind curve and/or inclement weather such as heavy rain or fog. The operator shall always attempt to notify dispatch and get permission prior to removing the hazardous abandoned vehicle. If the dispatcher is unable to obtain permission in a timely manner, the operator may proceed and remove the vehicle to the right shoulder. The dispatcher must be notified of the removal. An officer shall be requested for a vehicle storage. The operator should remain with the vehicle until relieved by an officer. Sound professional judgment shall be used when handling vehicles found abandoned in hazardous locations. **THE FSP OPERATOR'S SAFETY SHALL ALWAYS BE OF TOP PRIORITY IN MAKING HIS/HER DECISIONS.**

3. VEHICLE COLLISIONS (FSP NOT INVOLVED)

- A. The FSP driver will likely be the first responder to a vehicle collision. If a vehicle is in a traffic lane, the following subsequent steps may be used as a guideline. **EVERY SITUATION WILL BE DIFFERENT - THIS IS ONLY A GUIDELINE. USE YOUR BEST JUDGMENT IN EACH CIRCUMSTANCE. REMAIN CALM.**
1. While approaching the scene and still in your truck, pre-alert dispatch of an accident. When dispatch responds, tell them you are on scene at an accident and give the location.
 2. Activate the truck's amber warning lights. Decide whether to park in front of the damaged vehicles or behind the accident scene. (This depends on whether parties are in the roadway, amount of congestion, speed of passing traffic, location of collision, etc.; use good judgment). **YOUR OWN SAFETY AND THE PUBLIC'S SAFETY ARE THE MOST IMPORTANT FACTOR IN MAKING YOUR DECISIONS.**
 3. If seriously injured persons are observed, immediately request dispatch to roll an ambulance.

4. DO NOT MOVE AN INJURED PERSON UNLESS THEIR LIFE IS IN IMMINENT DANGER AT THEIR PRESENT LOCATION; e.g., burning vehicle.
5. If injuries are suspected, ask involved persons if they would like to have an ambulance or paramedics called to the scene.
6. Be alert and cautious with individuals involved in a minor collision. They may appear uninjured, but can develop serious complications. When in doubt, call for medical personnel.
7. When time and safety issues allow, cones or flares should be utilized to protect the scene. BEWARE OF FUEL SPILLAGE AND THE USE OF FLARES. Advise parties of danger from passing traffic; wait for CHP to arrive before moving the vehicles.
8. If no injuries are claimed by anyone involved in the collision, advise dispatch that there are no injuries.
9. An FSP operator may clear vehicles to the right shoulder only if there are no injuries and all involved parties give their permission to move the vehicles. If one of the parties does not wish to move to the shoulder, operators shall protect the scene until CHP arrives. Operators shall not cancel any CHP officer responding to any accident. If all parties leave the scene prior to CHP arrival, CHP dispatch should be so advised.
10. FSP OPERATORS SHALL NOT RECOMMEND ANY ATTORNEYS OR MEDICAL PRACTITIONERS TO INVOLVED PARTIES. REFERRALS OF THIS NATURE WILL BE GROUNDS FOR DISMISSAL FROM THE PROGRAM. ADDITIONALLY, NO FSP OPERATOR SHALL OFFER ANY OPINIONS CONCERNING WHETHER A POLICE REPORT SHOULD OR SHOULD NOT BE PREPARED.

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

4. DEBRIS IN THE ROADWAY

- A. If traffic is flowing, position the tow truck on the shoulder ahead or behind the debris. Remember traffic may swerve toward you while avoiding debris. Advise dispatch of your location and request a traffic break. Be prepared to remove the hazard immediately after calling for the break. When the break is in place, proceed to the debris and remove it to the shoulder. CAUTION: keep your eyes on traffic and be prepared to take evasive action, if necessary. Advise dispatch of location of removed debris.
- B. If traffic is stopped, activate the amber warning lights. Position the FSP service vehicle to provide protection to you while collecting the debris. Remove the debris from the roadway with caution (again, keep your eyes on traffic at all times).
- C. If debris is too large to be removed, notify dispatch, divert traffic around debris by use of cones and/or flares, and remain at the scene until relieved by CHP or Caltrans.

5. LOST AND FOUND ITEMS

- A. Under no circumstances will Freeway Service Patrol Operators take possession of any articles found on the freeway. Leave non-valuable articles on shoulder for Caltrans to retrieve. Advise CHP dispatch of significant items and their location.
- B. If any items of value are found (money, suitcases, etc.), dispatch will be immediately advised and an officer shall be requested to respond. Valuables shall be turned over to an officer. The article will be placed in a "found property" locker at the CHP Area office. FSP drivers shall note the name and badge number of the officer taking possession of the item. This notation should be on the driver's log.

6. HAZARDOUS MATERIALS

- A. Hazardous material incidents are common in Santa Barbara County. Any unknown substance in any package (bags, boxes, or barrels) or in any form (liquid, gas, or solid) should be considered a hazardous material. Operators are to put a distance between themselves and the substance. Do not expect the odor to tell you if the material is dangerous or not. Some deadly chemicals are odorless. If you can smell it, see it on your clothing, or feel the effects of it, you have been contaminated. Advise dispatch as soon as possible. All trucks not needed at the scene are to avoid the area. Taking a hazardous material incident too lightly may be the last mistake a driver ever makes!
- B. DO NOT APPROACH any suspected hazardous spill. Immediately request Dispatch to have a CHP officer respond. Any FSP driver who suspects a hazardous material spill or a potential hazardous material spill shall avoid the substance. IF ANY SUBSTANCE IS LEAKING (LIQUID OR POWDER), OR IF THERE ARE FLAMES, IT SHALL BE TREATED AS A HAZARDOUS MATERIAL. Do not walk in or taste the material. Stay upwind, uphill, and upgrade from the spill. Notify the dispatcher immediately. If hazardous material placards can be seen, relay the information to dispatch (e.g., label, color, sign, describe the picture, numbers etc.).
- C. Be extremely careful at accident scenes involving big rig trucks and hazardous materials. DO NOT LIGHT FLARES. Use traffic cones whenever incident conditions permit.

7. DROP LOCATIONS

- A. Drop locations are specific on-street public parking areas, determined by the CHP, for disabled vehicles. Drop locations are normally adjacent to the freeway.
- B. Operators are to park vehicles only at designated drop locations. Vehicles shall not be parked in any private parking areas such as service station lots, malls, restaurant lots, etc. unless so directed by a peace officer. Utilize the nearest drop site unless special circumstances dictate otherwise. If a location is in a restricted parking zone (time limits on parking, etc.) the motorist shall be notified.

- C. After a vehicle is towed to a drop location, and the party requests additional assistance, advise dispatch by referring to the beat map and drop location number. Example: 5-A, #2. If a rotation tow or AAA is called, provide dispatch with the cross streets of the drop location.
- D. Notify an FSP officer if any corrections or modifications need to be made to the drop locations or beat maps.
- E. FSP operators shall notify an FSP supervisor of any abandoned vehicles left at drop locations for extended periods (over 3-4 days). Vandalized vehicles at drop locations should be reported to an FSP supervisor immediately.
- F. Whenever possible, drop locations shall be inspected by CHP on a quarterly basis.
- G. Good Judgment must prevail. If current conditions lead you to believe a vehicle or motorist should be transported to a location other than required in the preceding, then contact a CHP supervisor. **DO NOT JEOPARDIZE THE MOTORIST'S SAFETY.**

Operators shall take all reasonable steps to ensure motorists are not left at drop sites with feelings of fear or abandonment. Extra care must be taken with female, juvenile, disabled, and elderly motorists. If the motorist is uncomfortable with the setting, consider your options to assist them. If appropriate, call for CHP assistance. If the motorist expresses concern about their safety, do not leave them without getting them help or transporting them to another location. Do not hesitate to get permission to transport to another location.

8. PEDESTRIANS

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

9. TOW PROCEDURES

- A. DO NOT USE THE TOW TRUCK'S OVERHEAD LIGHTS WHEN PERFORMING SERVICES ON THE SHOULDER OF THE ROADWAY. Overhead flashing lights are distracting to passing motorists and tend to slow down traffic. THE USE OF OVERHEAD FLASHING OR ROTATING LIGHTS, NORMALLY, WILL BE LIMITED TO TOW SERVICES WHILE IN THE TRAFFIC LANE OR PARTIALLY BLOCKING A LANE. Drivers shall use the truck's four-way emergency flashers while performing services that are not in the traffic lane.
- B. TWO SAFETY CHAINS ARE REQUIRED. FSP procedures require two safety chains be used for every towed vehicle. If there is risk of danger to the tow driver, the driver may tow the vehicle without chains to the nearest place of safety (shoulder, surface street, etc.) where safety chains shall be attached. Chains shall not drag on the ground, but may be crossed if necessary. Drivers failing to follow these procedures may be suspended from the program.
- C. PORTABLE STOP/SIGNAL LAMPS (TOW LIGHTS) SHALL BE USED ON EVERY TOWED VEHICLE. FSP procedures require drivers to place portable lights on every towed vehicle. It is recommended that the driver place a piece of paper or cloth under these lights to prevent damage to the towed vehicle's paint. When vehicles are in extremely hazardous location, they may be moved to the closest location of safety prior to placement of these lights. Four-way flashers on the towed vehicle shall be turned off. Exceptions to these lighting requirements must be approved by CHP.

10. ON-DUTY FSP TRAFFIC COLLISION/OPERATIONAL DAMAGE

- A. Any FSP tow driver who is involved in a traffic collision while on duty shall immediately notify dispatch of the collision and request a CHP officer. For the purposes of this policy, a traffic collision shall include any event that results in damage or injury (scratches or complaints of possible injury are applicable). All accidental contacts with other vehicles shall be reported. All damages to motorist's vehicles or property, whether considered by the FSP operator to be traffic collisions or "operational damage" shall be reported. A CHP officer shall determine the need for all reports. All damages will also be recorded on the operator's daily activity log and reported, by the involved operator, to the FSP operator's employer.

- B. At the time of the collision, the tow operator shall contact dispatch, advising the details of the incident. The tow operator shall not indicate 10-7, out of service, while waiting for assistance to arrive.
- C. The tow operator will not be docked for the time required to complete the accident investigation.
- D. If any contact occurs between an FSP truck and another vehicle, a beat officer shall be requested to determine if a report is warranted.
- E. Contractors becoming aware of unreported damages to FSP service vehicles or to other private or public property, which could be reasonably believed to have occurred during FSP service hours, shall ensure that the damages have been reported to a CHP officer. Failure to do so may result in the contractor's termination from the FSP program.

CHAPTER 5

COMMUNICATION PROCEDURES

1. GENERAL COMMUNICATION PROCEDURES

- A. All communications shall be conducted in a professional manner. Remain calm; think about what to say before saying it. Speak slowly, clearly and briefly.
- B. Use call signs. Call dispatch by name Ventura, and then advise them who is calling (601-13).
- C. ALWAYS KNOW AND GIVE YOUR LOCATION.
- D. Keep cellular telephone traffic to a minimum.
- E. Use the phonetic and aural brevity codes (listed on next page). It is necessary to keep all radio traffic uniform so that all concerned will understand radio transmissions.
- F. Do not carry on personal conversations with dispatch. Greetings such as "Have a good day", "Nice to hear you again", etc., are inappropriate radio traffic that tie up the air.
- G. Requesting dispatch to make telephone calls takes a great deal of airtime and should be avoided. Whenever possible, refer motorists to a public phone.
- H. If a tow operator is dispatched to an incident and encounters another incident while en route, notify the dispatcher of the new incident via voice, whichever is appropriate, and handle the most hazardous incident first. Communicate with the dispatcher.
- I. Always keep the cellular telephone "on". Keep the cellular telephone accessible when leaving the truck.
- J. The scanner shall be programmed to the CHP area where the operator is working and shall be monitored by the driver. Operators are encouraged to respond to incidents on their beats that are monitored over the scanner **IF THE INCIDENT IS FSP SERVICE RELATED**. FSP personnel shall only respond to those incidents that are in their scope of employment. **DO NOT ROLL TO EMERGENCY INCIDENTS SUCH AS SHOOTINGS OR HAZMAT SPILLS UNLESS SPECIFICALLY REQUESTED TO DO SO.**

2. AURAL BREVITY CODES

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

3. PHONETIC ALPHABETS

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

4. COMMON RADIO/MDT MESSAGE ABBREVIATIONS

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

CHAPTER 6

VIOLATIONS AND PENALTIES

1. STANDARD OPERATING PROCEDURES

The California Highway Patrol (CHP), and the California Department of Transportation (Caltrans), in cooperation with the Santa Barbara County Association of Governments (SBCAG), have developed a standard set of penalties for failure to meet the guidelines and policies set specifically for the FSP program.

This list is not all-inclusive, and each offense will be weighed on its own merit. The penalties are only a guide. The CHP shall utilize a “progressive discipline” policy when deciding adverse actions. An employee who has been penalized for inappropriate behavior on prior occasions can expect to get a more severe penalty than that employee who does not have a negative work history. All penalties shall be based on the totality of facts available. As an example: The employee caught sleeping for one hour in full view of the public, who has been penalized for other flagrant violations in the past, is not going to receive the same penalty as the employee who is caught sleeping for 5 minutes, while on his break during the hours of darkness and has been a model employee in the past. Both shall be penalized, however, one of them may be terminated from the program. Multiple violations of policies and procedures can result in more severe actions including termination from the FSP program.

Continual violation of the contract, as clarified by these Standard Operating Procedures, may result in contract termination.

Retention of violations and penalties documentation

All documentation of investigations shall be retained for a minimum period of three years, rotating monthly beginning on the date the violation occurred.

The FSP Operator and/or Contractor has 30 calendar days to file an administrative appeal to an adverse action. The request for appeal must be submitted in writing. Once the request has been received, a review session will be scheduled with SBCAG, Caltrans, CHP, and the contractor. The 30-day period will commence upon the date that the adverse action notice is served to the contractor. See criminal history sections for appeals concerning disqualifications due to criminal histories.

2. LIST OF VIOLATIONS

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

First offense: Five work day suspension
Second offense: Termination

- B. Using poor judgment

Examples: Driving in an unsafe manner for any reason; leaving a motorist in a dangerous location, such as the center divider, a narrow shoulder, or in the gore point without CHP or another tow company at the scene.

First offense: Handled on case by case basis
Second offense: Three work day suspension

- C. Leaving a motorist stranded at a drop location without a phone, shelter, or other help enroute.

First offense: Written reprimand or three work day suspension
Second offense: Five work day suspension

- D. Stealing or charging for FSP service.

First offense: Termination

- E. FSP logos displayed on trucks during non-FSP hours or failing to display FSP logos during FSP hours, and/or wearing FSP uniforms during non-FSP hours.

First offense: Written reprimand
Second offense: Three work day suspension
Third offense: Five work day suspension

(This does not include enroute to and from the FSP beat, before and after shift)

- F. Inappropriate behavior.

Examples of inappropriate behavior are rudeness, behavior with sexual overtones, or other inappropriate behavior towards motorists, officers, or other tow operators.

Penalty is decided on a case-by-case basis ranging from written reprimand to termination.

- G. Selling found items

First offense: Termination

- H. Providing false information to CHP or employer (includes falsifying motorist assist forms or drivers logs or requesting unnecessary overtime)

Driver:

First offense: Handled on a case-by-case basis
Second offense: Termination

Contractor (if knowledge of violation)

First offense: Handled on a case by case basis
Second offense: Contract subject to termination

- I. Falsifying legal documents (accident reports)

First offense: Termination

- J. Falsifying pre-operation inspection forms.

First offense: Five work day suspension
Second offense: Termination

- K. Contractor not in possession of pre-operation inspection sheets at their office for all FSP trucks for the previous 30 days

First offense: Written reprimand
Second offense: Fined for one truck for two hours
Third offense: Fined for one truck for four hours

- L. Failure to submit all required drivers' logs and assist forms in timely manner.

First offense: Written reprimand
Second offense: Fined for one truck for two hours
Third offense: Fined for one truck for four hours

M. Uniform violations/poor grooming

Driver:

- First offense: Driver/truck is placed out of service until the problem corrected; written reprimand
- Second offense: Driver/truck is placed out of service until problem is corrected and a three workday suspension
- Third offense: Five work day suspension

Contractor: The contractor will be fined at the hourly contract rate from the beginning of the shift until the driver/truck is placed back into service.

N. Equipment Violation - Minor

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

- First offense: Truck taken out of service for 2 or more violations. Written reprimand to contractor. Contractor fined in 15-minute increments for that truck until truck is fully equipped or replaced by a backup truck.
- Second offense: Same as first
- Third offense: Same penalty for Major Equipment Violation

O. Equipment Violation - Major

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

- First offense: Written reprimand and contractor fined from the start of shift at the hourly contract rate for that truck until truck is properly equipped or replaced by a backup truck
- Subsequent offenses: Written reprimand and contractor fined from the start of shift at double the hourly rate for that truck until the truck is properly equipped or replaced by a backup truck

P. Failure to notify CHP dispatch of a truck breakdown

Driver:

First offense: Three work day suspension
Subsequent offenses: Five work day suspension

Contractor: (If contractor had knowledge or should have had knowledge of truck being out of service)

First offense: Fined for actual time truck was out of service, in 15-minute increments, at double the hourly rate
Subsequent offenses: If within a year of first offense, same as first offense plus \$50. If subsequent offense is more than a year after first offense, it will be handled as a first offense.

Q. Failure to notify FSP supervisor or dispatch if involved in a traffic collision during FSP hours.

Driver:

First offense: Five work day suspension
Second offense: Termination

Contractor: If knowledge of, subject to contract termination

R. An FSP driver not on the beat or leaving beat during FSP hours without authorization

Driver:

First offense: Three work day suspension
Second offense: Five work day suspension

Contractor: Fined double the hourly rate in 15-minute increments for the amount of time the truck is off the beat

- S. Violation of break policy (prolonged breaks, two drivers from same beat taking a break at the same time)

Driver:

First offense: Written reprimand
Second offense: Three work day suspension
Third offense: Five work day suspension

Contractor: Written reprimand and fined double the hourly rate in 15-minute increments for each truck

- T. Late sign on or early sign off

Driver:

First offense: Written reprimand
Second offense: Three work day suspension (case-by-case)
Third offense: Five work day suspension

Contractor: Written reprimand and fined double the hourly rate in 15-minute increments for each truck.

- U. Failure to distribute motorist assist forms/brochures

First offense: Written reprimand
Second offense: Written reprimand
Third offense: Three work day suspension

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

First offense: Written reprimand
Second offense: Three work day suspension
Subsequent offenses: Three work day suspension, subject to termination

- W. Improper radio traffic

First offense: Written reprimand
Second offense: Retraining and written reprimand
Third offense: Three work day suspension

X. Safety violations

(May include no safety chains, standing between vehicles, not protecting motorists and misuse of equipment) Decided on by a case-by-case basis, from a written reprimand to termination

Y. Solicitation or referrals

Driver:

First offense: Termination

Contractor: If contractor has knowledge of solicitation, contract subject to termination

Z. Providing commercial services during FSP hours

Driver:

First offense: Termination

Contractor: If contractor has knowledge of incident - contract subject to termination

AA. FSP driver operating with a suspended or expired driver's license

Driver:

First offense: Immediate suspension until violation corrected (Handled on case-by-case basis)

Contractor:

First offense: Fined at the hourly contract rate from the beginning of the shift to the time the driver is replaced

Second offense: Subject to contract termination

BB. FSP driver causing damage to disabled vehicle when servicing or towing and the damages are the result of unacceptable/unreasonable towing practices

Driver:

First offense: Verbal or written reprimand

Second offense: Retraining and a three workday suspension

- Contractor: Contractor responsible for damage
- CC. Driver failing to report any damage caused when servicing a vehicle
- Driver:
- First offense: Five work day suspension
Second offense: Termination
- Contractor: If knowledge of, contract subject to termination
- DD. Non-certified FSP driver working FSP
- Contract subject to termination
- EE. Retaining gratuities or tips
- Driver:
- First offense: Termination
- Contractor: If knowledge of and fails to report, contract subject to termination
- FF. Insubordination to FSP staff
- First offense: Five work day suspension
Second offense: Termination
- GG. Driver failing a substance abuse test
- First offense: Termination from the program for a minimum of one year
- HH. Driver under influence of drugs or alcohol
- First offense: Termination
Driver will be arrested and prosecuted for the violation.
- II. Driver having an odor of an alcoholic beverage but not under the influence
- First offense: Handled on case by case basis
Second offense: Termination

JJ. Failing to complete required paperwork

First offense: Written reprimand
Second offense: Suspension, maximum five work day.
(Each case handled individually)
Third offense: Suspension or termination
(Case-by-case basis)

KK. Failing to replace/repair deficiencies noted on pre-operation inspection sheet

First offense: Written reprimand and truck taken out of service
until repaired or replaced
Second offense: Three work day suspension
Third offense: Five work day suspension or termination.
(Case-by-case basis)

LL. Driver found to be refueling vehicle during first hour or last ½ hour of their assigned shift.

First offense: Fined double the hourly rate for duration of
refueling
Second offense: Three work day suspension
Third offense: Five work day suspension or termination.
(Handled on a case by case basis)

MM. Failing to follow correct procedures regarding MDT use (e.g., incomplete logs)

First offense: Written Reprimand
Second & subsequent offenses:
Penalty will be handled on a case-by-case basis, up
to and including termination, depending on the
severity of the violation

NN. Towing a vehicle to a destination other than a designated drop location (excludes at the direction of CHP)

First offense: Written reprimand
Second offense: Three work day suspension
Third offense: Handle on a case-by-case basis, up to and including
termination.

OO. Substandard performance: This applies to drivers who compile a history of various offenses that, individually, would be considered minor, but taken as a whole indicate a more serious problem. Drivers can receive a written reprimand up to and including termination. Substandard performance will be handled on a case-by-case basis.

PP. Driver failing to sign on their respective shift as required

Contractor will be fined for one half hour, at the contractors' hourly rate.
Driver will receive a written reprimand.

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

First offense: Determined on a case-by-case basis, from written reprimand to termination

RR. Driver missing quarterly driver's training without reasonable justification.

First offense: Three work day suspension

Second offense: Five work day suspension
(within 18 months)

Third offense: Suspended until completion of next quarterly training
(within 18 months)

3. CONTRACTORS' PENALTIES

The purpose of this overview to the Freeway Service Patrol's SOP is to establish a fair and equitable system of objectively assessing fines and penalties for various types of violations charged to the contractor. By establishing these procedures, Program Managers will ensure that all contractors will be treated fairly and uniformly.

Penalty assessment can be issued to either the driver or contractor. However, since the contractor is ultimately responsible for the actions of their employees/drivers, the contractor shall also receive an appropriate violation letter, as well as the cited employee(s). Program managers retain the right to enforce such penalty(s), provided adequate documentation exists.

Penalties assessed against a contractor will specify whether the penalty applies to individuals or beat(s).

4. SUBJECT TO TERMINATION

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

Contractors are ultimately responsible for the actions of their employees during FSP operating hours. For any recurring problems that an FSP operator fails to address, the contractor will receive a "minor violation" letter.

In order to better clarify the seriousness of these violations, as well as to explain their ensuing consequences, possible violations have been assigned to three basic categories. These categories include MINOR, MAJOR, and FLAGRANT violations. The following, common violations have been placed into the above categories for guidance only.

LIST OF VIOLATIONS

MINOR VIOLATIONS:

1. Failing to display FSP operating logos during FSP hours
2. Display of FSP vehicle logos while off duty or during non-FSP hours.
3. Wearing FSP uniform while off duty or during non-FSP hours while performing other tow services
4. FSP driver displaying poor grooming as specified in the SOP.
5. FSP driver not complying with established basic uniform standards as specified in the SOP.
6. Minor equipment violations constituting an out-of-service status
7. Driver failing to complete pre-operation inspection form
8. Contractor failing to possess pre-operation inspection forms for a previous 30-day period at the place of business.
9. Contractor having knowledge of, and failing to report to an FSP supervisor, any FSP driver committing an act, omission, or violation that most likely would result in a written reprimand or minor suspension (5 days or less) to the SOP, shall receive a written reprimand. Examples of these violations include:
 - A) FSP operator using poor judgment
 - B) FSP operator displaying inappropriate behavior or using foul language
 - C) Poor performance
10. In addition to the above, all other SOP violations not categorized as MAJOR or FLAGRANT

MAJOR VIOLATIONS:

1. Major equipment violations
2. FSP trucks not insured
3. FSP driver having an invalid, suspended, or revoked driving license
4. Contractor falsifying information, orally or in written form, to an FSP supervisor or dispatcher
5. Contractor having knowledge of or falsifying pre-operation inspection forms.
6. Contractor having knowledge of and failing to notify an FSP supervisor of any level of violation that could result in suspensions or termination to either contractor or driver, pursuant to the SOP. Some examples include:
 - A) FSP operator involved in any type of collision without subsequent notification to an FSP supervisor
 - B) FSP operator leaving the FSP beat without authorization during FSP hours.
 - C) FSP operator failing to report intentional or unintentional damage to a vehicle serviced, towed, or pushed.
 - D) FSP operator failing to report a breakdown of an FSP truck
 - E) FSP operator lying to a dispatcher or FSP supervisor
 - F) FSP operator sleeping during an FSP shift (including during rest break)
7. FSP trucks operating with expired registration
8. Providing or recommending a secondary tow service, following an initial service

Numerous violations committed on the same incident will be dealt with on an individual basis. Each violation will be handled separately.

FLAGRANT VIOLATIONS:

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

1. Stealing or charging for FSP service
2. Selling any items
3. Soliciting any service that would require subsequent compensation
4. Providing or recommending a secondary tow service, for compensation, following an initial service
5. Contractor allowing an uncertified FSP driver to perform FSP duties
6. Retaining tips or other gratuities
7. Driver operating an FSP vehicle while under the influence of alcohol and/or drugs

The activities listed in each of the three categories are not intended to be an exhaustive list (refer to the SOP for further penalties). Caltrans, SBCAG, and the CHP reserve the right to characterize any activities that violate the contract, but which are not listed in the SOP, in the manner they see fit.

ALL VIOLATIONS WILL INVESTIGATED BY THE SANTA BARBARA AREA CHP TOW OFFICER

5. CONTRACTORS MANDATORY MEETINGS

Contractors are required to be represented at all quarterly tow contractor meetings. The Contractor must be represented by the Contract Owner or the Contractor's FSP manager at all contractors' meetings. Contractors who cannot meet these meeting requirements must contact the FSP project manager at 805-961-8915 as soon possible. Contractors failing to have the required representation at a contractor's meeting will be fined for two hours at the Contractor's lowest hourly rate.

6. TERMINATIONS AND APPEALS

Termination of employees from the FSP program is considered permanent. An FSP driver terminated from the program by the FSP staff, desiring reinstatement, may appeal in writing to the FSP review committee. Appeals will be denied unless "good cause" can be established, in writing, by the individual making the appeal. Due to the confidentiality of criminal histories, those persons disqualified from working in the FSP program for criminal convictions may only appeal to the CHP.

CHAPTER 7

DOCUMENTATION

1. REQUIRED DOCUMENTATION

- A. FSP drivers are required to complete various forms and documentation during their shifts. Proper completion of these forms is essential to the success of the Freeway Service Patrol Program.
- B. Failure to properly complete and adequately record driver activities can result in written reprimands, suspensions and/or dismissal. Contractors can also be fined for failure to complete required documentation.

2. TOW TRUCK AND EQUIPMENT DAILY/WEEKLY INSPECTION REPORT

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

3. DRIVERS' DAILY FIELD REPORT (DAILY LOG)

- A. Daily field reports shall be completed for each shift. If a driver works a split shift in one day, two separate field reports must be completed.
- B. The top section of the form shall be completed at the beginning of the shift. The time will be recorded in military time (24-hour clock). (10-8 is the time the shift begins, 10-10 is the time the shift ends)
- C. Any activity a driver performs shall be recorded on the field report log. Note: **MAKE AN ENTRY ON THE DAILY FIELD REPORT AT THE TIME OF THE SERVICE BEFORE CONTINUING TO YOUR NEXT CALL.**
- D. "Start time" is the time that an incident is first encountered or the time you arrive at the incident sent to you by dispatch.
- E. "End time" is the time the incident is completed.

- F. "Activity" is defined as any service tow operators provide or offer to provide. For example, if an operator assisted a disabled motorist, the operator would enter 11-26 in the activity box.
- G. "License Plate" numbers are required each time the operator has any contact with a motor vehicle other than providing traffic control. If a vehicle does not have a license plate, write in a short vehicle description (e.g., blue Toy. p/u).
- H. "Location of Incident" is defined as the actual location the contact took place. Use abbreviations for directions of travel. (e.g., northbound - N/B)
- I. In the "Comments" section drivers are to describe what type of service was provided, and/or refused FSP service. (e.g., jump start, flat tire, gas, etc.) Additionally, provide the license plate of the party refusing the service, and if possible provide the reason. If a vehicle was towed off the freeway to a drop location, enter the drop location number in this section. (e.g., Drop 4A#2.)
- J. "Auth. No." is required if a driver works overtime. Overtime will not be paid if a driver does not obtain authorization from a FSP supervisor. Enter the dispatcher's "A" number or the FSP supervisor's call sign in the box. This box shall also be marked if a supervisor or dispatcher requests the operator to perform duties outside the assigned beat. If any problems or concerns arise about a dispatcher on a particular incident, politely ask for the "A" number and enter it in the box for later reference.

4. MOTORIST ASSIST FORM

- A. Operators shall keep a sufficient supply of motorist assist forms with them at all times.
- B. All motorists shall be provided with a motorist assist form. Politely request that the form be completed and mailed. Drivers should give a brief explanation of the form and indicate to the motorist that the effectiveness of the program is evaluated from the completed assist forms.
- C. Drivers will complete their portion of the motorist assist form each time a service is provided. Drivers shall normally attempt to complete the assist form as soon as possible after ending the service.
- D. All columns are required to be completed. (e.g., DATE: January 3, 1995, "01" for the month; "03" for the day; and "95" for the year, shall be filled in.)
- E. For the "Direction/Rte. No.", mark the direction of the freeway and then mark the numbers corresponding to the designated route number. (e.g., mark "101" for Highway 101)

- F. The "Beat No." is the FSP contract beat number. (e.g., 01 for Beat 1)
- G. After the column sections of the form are completed, complete the remainder of the form, if applicable.
- H. **SIGN AND DATE EACH MOTORIST ASSIST FORM.** Any comments operators may have pertaining to the incident may be written in the comments section. (e.g., further explanation regarding any previous damage to the towed vehicle)

5. INFORMATION PAMPHLET

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

6. CONTRACTORS' RESPONSIBILITIES

- A. It is the contractors' responsibility to review the driver's logs and motorist assist forms for accuracy and completeness.
- B. Contractors shall have all documentation from the previous week available for SBCAG personnel to pick up the following Monday.

7 REQUIRED FSP EMPLOYEE RECORDS

In order to properly manage FSP employees, employee records must be maintained by each contractor providing FSP services. The following records shall be maintained and shall be subject to inspection, by the CHP or SBCAG at any time. Failure to comply with these requirements shall be handled on a case-by-case basis and may include monetary fines to the contractor or, if warranted, cancellation of contracts.

- A. A current employee roster listing the following: (This roster is required by Vehicle Code Section 2430.50)
 - (a) All employees who have valid FSP tow truck drivers' certificates.
 - (b) All employees who are prohibited to work for FSP
- B. An employee records file shall be maintained for each individual employee working in the FSP program. This file shall contain the following information:

A copy of FSP training certificate issued upon completion of required initial training. (This copy is required by Vehicle Code Sections 2430.5 and 2436.7)

The FSP employee's full name, current address and telephone number

The FSP employee's Drivers License number and the license date of expiration. This date is also the expiration date for the DL 64.

The employee's current hourly wage

Health care benefits, retirement benefits, incentive pay programs, or any other benefits for the employee shall be recorded in his/her personnel file. If there are no benefits, the record shall so designate.

Addresses and telephone numbers of who should be contacted should this employee be involved in an accident or emergency

An on-going record of all citizens' complaints made against this employee

An on-going record of any on-duty accidents this employee was involved in

An on-going record of any property damages caused or alleged to have been caused by this employee

An on-going record of any disciplinary actions with the employee

An on-going record of any commendations

An on-going record of all FSP and other tow related training. This record shall include any training for interpersonal type skills.

CHAPTER 8

SPECIAL RELATIONSHIPS

1. SPECIAL RELATIONSHIPS

- A. Once an FSP driver establishes any contact with a motorist, that driver has established a "special relationship."
- B. Tow personnel are to exercise reasonable care for others once a special relationship has been established.
- C. Tow personnel shall not place motorists, passengers, or pedestrians in a position of foreseeable danger from either traffic or other potentially hazardous factors after contact has been made.
- D. It is the responsibility of the driver not to leave the motorist in a worse situation than that which existed before the driver made contact. This includes not leaving a motorist stranded at a drop site where safety of the motorist may be compromised. **IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THE MOTORIST HAS HELP ENROUTE OR HAS ACCESS TO ADDITIONAL PUBLIC SERVICES.**
- E. Drivers should treat each motorist as if they were members of their own family. Drivers should ask themselves if they would leave one of their family members in the same situation they would leave a motorist.
- F. While all drop sites have been checked by the CHP, operators should be aware of any changing conditions that may adversely affect the suitability of any drop site. If in the driver's opinion a drop site is unsafe, he/she should immediately notify an FSP supervisor.

2. PROTECTING THE MOTORIST

- A. CENTER DIVIDERS, GORE POINTS AND NARROW SHOULDERS ARE ALWAYS CONSIDERED DANGEROUS LOCATIONS. ONCE A DRIVER ESTABLISHES CONTACT WITH A MOTORIST IN ANY SITUATION THAT MAY BE DANGEROUS, IT IS THAT DRIVER'S RESPONSIBILITY TO STAND BY WITH THE MOTORIST UNTIL RELIEVED BY CHP, ANOTHER TOW COMPANY, OR UNTIL THE MOTORIST IS MOVED TO A SAFER LOCATION.

- B. If a motorist refuses FSP service or if the FSP operator leaves the motorist, the operator must inform the motorist of potential hazards and provide freeway safety tips.

CHAPTER 9

SEXUAL HARASSMENT POLICY

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

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

1. Legal Authority: Title VII of the Civil Rights Act and Government Code Section 12940 make it an unlawful employment practice for employers to discriminate against any individual with respect to terms, conditions or privileges of employment on the basis of sex. The Federal Equal Opportunity Commission (EEOC) issued guidelines that make an employer responsible for acts of sexual harassment in the work place, regardless of whether the specific acts are forbidden by the employer.
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
3. Such conduct has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment. While sexual harassment may be manifested in varied forms, the most common examples may include:

- A. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones

Written examples: suggestive or obscene letters, notes, invitations

Verbal examples: derogatory comments, slurs, jokes, epithets

Physical examples: assault, touching, impeding, or blocking movement

Visual examples: gestures, leering, display of sexual suggestive objects or pictures, cartoons

CHP WILL INVESTIGATE ALL EQUAL EMPLOYMENT OPPORTUNITY (EEO)
ALLEGATIONS

- B. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment).
- C. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example: either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.
- D. Engaging in implicit or explicit coercive sexual behavior that is used to control, influence, or affect the career, salary, and/or work environment of another employee.
- E. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, re-classifications, etc., in exchange for sexual favors.

ANNEX A

OPERATOR UNIFORM REQUIREMENTS

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

The coveralls shall have shape-holding Sanforized waist banding with elastic inserts for trim fit. Legs shall be moderately tapered to avoid excessive fullness. 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 or 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 1/2 inch in size. A detachable metal nameplate may be worn in place of the embroidered name at the contractor's option.

Reflective white stripes shall be sewn around both sleeve cuffs and both leg cuffs and across the upper back.

The FSP logo shall be sewn across the middle portion of the back of each uniform. It shall be centered. The small FSP logo shall be sewn on the left front pocket.

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

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

If worn, the only allowable hats will be hard hats or baseball caps approved by SBCAG. No other hats shall be worn.

ANNEX B

CRIMINAL HISTORY DISQUALIFICATIONS

1. GENERAL

Listed below is a synopsis of criminal convictions contained on pages 3-8 through 3-10 of this manual as it relates to the FSP contractors and drivers applying for or participating in the Freeway Service Patrol.

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

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

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

- a. 667.5 PC - Prior prison terms; enhancement of prison terms for new offenses as follows:
 - 1. Murder or voluntary manslaughter
 - 2. Mayhem
 - 3. Rape (Section 261 - 262 PC)
 - 4. Sodomy by force, violence, duress, menace, or fear
 - 5. Oral copulation by force, violence, duress, menace, or fear
 - 6. Lewd acts on child under 14 (Section 288 PC).
 - 7. Any felony punishable by death or life in state prison
 - 8. Any felony in which the defendant inflicts great bodily harm on another person except accomplice
 - 9. Robbery
- b. Kidnapping - Chapter 3, 207-210 PC
- c. False imprisonment - Chapter 8, 236-237 PC
- d. False imprisonment/hostages - 210.5 PC
- e. Assault and battery - Chapter 9, 240 -247.5 PC
- f. Assault or attempted murder of a government officer - 217.1 PC
- g. Procurement by force or fraud - 266(a) PC (felony or misdemeanor)
- h. Procurement of child - 266(j) PC (felony)
- i. Continuous sexual abuse of child - 288.5 PC (felony)
- j. Sexual exploitation of child - 311.3 PC (misdemeanor)

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

- A. Three or more drug related misdemeanor convictions.
- B. Any drug related felony conviction.

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

- A. Gross vehicular manslaughter while intoxicated - 191.5 PC (felony)
- B. DUI causing injury/death - 23153 VC (felony)
- C. Three convictions of DUI

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

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

- 12) Section 467 PC (M) - Possession of deadly weapon with intent to commit an assault
- 13) Section 470 PC (F/M) - Forgery.
- 14) Section 470(a) PC (M) - Reproduction or falsification of driver license or ID card.
- 15) Section 470(b) PC (M) - Display or possession of reproduced or falsified driver license or ID card.
- 16) Section 477 PC (F) - Counterfeiting money.
- 17) Section 484(e) PC (F/M) - Theft of access card.
- 18) Section 484(f) PC (F/M) - Forgery of access card or signature.
- 19) Section 484(g) PC (F/M) - Fraudulent use of access card.
- 20) Sections 487 and 489 PC - Grand theft, including theft of firearm 487 PC (F); Grand theft of firearm, punishment 489 PC (F)
- 21) Section 496 PC (F/M) - Receiving stolen property.
- 22) Section 503 PC (F/M) - Embezzlement.
- 23) Section 538(d) PC (M) Fraudulent impersonation of peace officer
- 24) Section 2800.1 or 2800.2 VC (F/M) - Evading a peace officer.
- 25) Section 10751 VC (M) - Altering, defacing, or replacing vehicle-identifying numbers.
- 26) Section 10752 VC (M) - Fraudulent acquisition or disposition of DMV or CHP issued Vehicle Identification Numbers.
- 27) Section 10851 VC (F) - Vehicle theft.
- 28) Section 20001 VC (F) - Hit and run collision causing injury/death
- 29) Section 20002 VC (M) – Hit and run collision without injury

ANNEX C

Annex C consists of the copies of Section 382 of Title 49, Chapter III, of the Code of Federal Regulations as they apply to Controlled Substances and Alcohol Use and Testing. These regulations shall be applicable to Freeway Service Patrol operations.

ANNEX D

DROP ZONE LOCATIONS

The following areas have been verified as Drop Zones for the Freeway Service Patrol contract tow trucks. Also included are amenities and adjacent facilities for each location.

BEAT 1

S. Padaro to Mission

0630 to 0930

1600 to 1900

DROP ZONE 106

Loon Point off N. Padaro Lane

-Large parking lot on N. Padaro Lane, just S/ of US-101

-No services

DROP ZONE 105

Lillie Ave. and N. Padaro Lane

-Roadside parking on Lillie Ave., just W/ of N. Padaro Lane.

-Closest services are in Summerland, just west of the drop zone.

-Phones, restaurants, and markets

DROP ZONE 104

Evans Ave. under the US-101

-Roadside parking under US-101

-Public phones, businesses, stores, and restaurants.

-Lodging

DROP ZONE 103

San Ysidro Road and S. Jameson Lane, next to Miramar

-Roadside parking along side the Miramar Hotel

-No services

DROP ZONE 102

Olive Mill Road S/ of US-101

-Roadside parking on Olive Mill Road S/ of US-101

-Closest services are at Coast Village Road N/of US-101.

-Phones, restaurants, and markets

DROP ZONE 101

Los Patos Way and Cabrillo Blvd

-Roadside parking on Los Patos Way

-Parking lot on Los Patos Way, just west of Cabrillo Blvd.

-Restaurants and businesses on Los Patos Way

BEAT 2

S. Padaro Lane to Ventura County Line

0630 to 0930

DROP ZONE 206

Bates Road under US-101

- Roadside parking under US-101
- Public phone at the entrance to the Rincon Park
- No other services

DROP ZONE 205

SR-150 at Carpinteria Ave

- Roadside parking on Carpentaria Ave.
- No services

DROP ZONE 204

Bailard Ave. and Via Real

- Roadside parking on Via Real E/ of and W/of Bailard Ave.
- No services

DROP ZONE 203

Casitas Pass Road and Via Real

- Roadside parking on Casitas Pass Road, just north of US-101
- Public phones, businesses, stores, and restaurants, just south of US-101.
- Lodging just south of US-101
- Regulated "No Parking" for trucks.

DROP ZONE 202

Santa Monica Road and Via Real

- Roadside parking alongside Santa Monica Road, just north of Via Real
- Roadside parking on Via Real, just west of Santa Monica Road
- Gas stations, public phones, and convenient store.
- Lodging

DROP ZONE 201

Santa Claus Lane

- Roadside parking on Santa Claus Lane
- Roadside parking on S. Padaro Lane under US-101
- Phones and Restaurants on Santa Claus Lane E/ of the drop zone

BEAT 3

Garden to Patterson

1600 to 1900

DROP ZONE 307

Yanonali Street W/ of Garden Street

- Roadside parking on Yanonali Street W/ of Garden Street
- No services

DROP ZONE 306

Castillo Street and Montecito Street

- Roadside parking on Montecito Street, just east of Castillo Street
- Roadside parking along Bath Street at Montecito Street
- Roadside parking on Yanonali Street, just east of Castillo Street
- Public phones, businesses, restaurants, and markets.
- Lodging

DROP ZONE 305

Castillo Street and Carrillo Street

- Roadside parking on Castillo Street
- Downtown restaurants and markets nearby
- Gas stations and phones at that intersection

DROP ZONE 304

Castillo Street and Arrellaga Street

- Roadside parking on Castillo Street
- No services

DROP ZONE 303

Castillo Street and Mission Street

- Roadside parking on Castillo Street
- Phone and gas station at that intersection

DROP ZONE 302

Las Positas Road - Mobil Sta. Area

- Roadside parking at Mobil Station
- Gas station, phone, and restaurant in area

DROP ZONE 301

Patterson Ave. and Overpass Road

- Roadside parking on Overpass Road, just W/ of Patterson Ave.
- No services