

RULE 14 . ENHANCED TOW VEHICLE LICENSE FOR HEAVY DUTY NON-CONSENT ROTATION

14.1 A tow business meeting the definition and standards as defined in this rule may apply for an enhanced license to be designated as a heavy-duty motor vehicle incident management tow facility for participation in a law enforcement rotation program, heavy duty non-consent rotation.

14.2 A tow facility must

A. Complete in its entirety the application for a Heavy-Duty Motor Vehicle Incident Management Tow Facility which includes an on-site inspection by an investigator or the director.

B. Comply with all applicable state and federal laws for a tow business operating in the State of Arkansas.

C. Have at least one (1) person (Owner, partner or employee) who has proof of:

1) documented training through a nationally recognized towing and recovery program in heavy-duty on-scene recovery techniques; or

2) five (5) years or more experience in the towing and recovery of heavy-duty vehicles that can be verified.

D. Each tow facility owner, partner and employee must complete a minimum of four (4) hours of Traffic Incident Management Training sanctioned by the Arkansas Towing & Recovery Board in a classroom setting or an on-line program sanctioned by the board.

14.3 A tow vehicle used in the towing and/or recovery by a Heavy-Duty Motor Vehicle Incident Management Tow Facility must:

A. Meet the criteria in the Required Tow Vehicle & Equipment List established through Rule 14.4 by the Arkansas Towing & Recovery Board.

B. Successfully complete a Tow Vehicle Safety Inspection administered by the Arkansas Towing & Recovery Board staff including:

1. Proof of safety inspection by the Arkansas Highway Police for the North American Standard Level I Inspection Procedure of the Commercial Vehicle Safety Alliance.

C. Comply with all other applicable state and federal laws.

14.4 The following tow vehicle(s) and equipment must be accessible for use at all times either through ownership, shared with other licensed tow facilities with a common ownership, located within a reasonable distance or available through contract on a 24-hour, seven (7) day a week basis.

A. Items requiring ownership shall include the following:

1. Required tow vehicles, trailers and other support vehicles:

(a) Two (2) heavy duty tow and recovery vehicles with a combined integrated unit capacity rating of seventy (70) tons established by the manufacturer's specifications (Including but not limited to GVWR, boom capacity, winch rating, wheel lift capacity and wheelbase.) noted on the data plate of the unit. A rotator may be substituted for one of the tow vehicles.

(b) A medium duty rollback.

(c) Support vehicle, service truck or other vehicle capable of transporting equipment and supplies to the scene in a timely manner.

(d) Skid steer or tractor with a front-loaded bucket and forks.

2. Required equipment and supplies:

(a) Shovel(s)

(b) Broom(s)

- (c) Crowbar(s)
- (d) Bolt Cutter(s)
- (e) Pike Bar
- (f) Sledgehammer(s)
- (g) Snatch blocks-Four (4) On each Truck
- (h) Hydraulic jacks(s) and one (1) 20 ton mat jack, a high pressure lift jack.
- (i) Ladder-20' Type 1A OSHA Standard
- (j) Wheel chocks
- (k) Hand truck
- (l) Pallet jack
- (m) Transfer pump, 20 gallon/minute minimum.
- (n) 55 gallon drum (2)
- (o) Brake release kit
- (p) Full set of tools, standard & metric
- (q) Transport chains and binders
- (r) Miscellaneous chains & straps for recovery
- (s) Hardwood cribbing and angle iron (various sizes)
- (t) Heavy duty flashlights
- (u) Acetylene/Oxygen torch with tanks

(v) Portable air compressor or other means of continuous air supply

(w) Chop saw

(x) Impact wrench with sockets

(y) Light plant or truck mounted auxiliary flood lights

B. Items which may be shared with other tow facilities with common ownership and that can be accessed within thirty (30) minutes or less shall include:

1. Required tow vehicles, trailers and other support vehicles:

(a) Sliding or traveling axle trailer such as a landoll or a heavy duty low boy trailer or a heavy duty construction trailer.

(b) Box trailer for purposes of transloading cargo and the power unit to move the trailer to the scene.

C. Items that can be rented on a 24-hour, seven (7) day a week basis shall include:

1. Required tow vehicles, trailers and other support vehicles:

(a) Rough Terrain Forklift

(b) Standard Forklift

(c) Track Hoe

(d) Dumpsters and Hoppers

(e) Dump Truck

(f) 40 Yard Roll-Offs

14.5 Safety standard for on-scene personnel.

A. Every person working on scene should have Personal Protective Equipment (PPE).

Reference, 2009 Edition, Manual on Traffic Devices, Section 6D.03 Worker Safety

Consideration, Standard 04. including:

1. High-visibility apparel meeting Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled “American National Standard for High-Visibility Safety Apparel and Headwear” (see Section 1A.11), or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure,

2. Eye protection

3. Head protection

4. Foot protection

5. Hand protection

14.6 A law enforcement agency may utilize any properly licensed tow facility to respond to an incident when:

A. Response time is of the essence; and

B. A heavy-duty motor vehicle incident management tow facility is not available in or near the local area.

14.7 A Heavy-Duty Motor Vehicle Incident Management Tow Facility must perform in a manner that reflects the intent of Rule 14, to maintain or re-establish traffic flow as quickly as reasonable, enable commerce and protect the safety and well-being of the motoring public.

A. Poor or inadequate on-scene performance by a Heavy-Duty Motor Vehicle Incident Management Tow Facility resulting in lengthy lane closures or unreasonable clean-up times

may result in the suspension or revocation of its enhanced license. Criteria for a final determination will include:

1. Inability to access tow vehicles or equipment required for the issuance of an enhanced heavy-duty tow license in a timely manner.
2. Improper maintenance of tow vehicles or equipment resulting in poor performance and unnecessary time delays.
3. Demonstrating inadequate performance due to a lack of training by the owner, partner or employee in accordance with Rule 14.2(C).
4. Lack of personnel to operate tow vehicles or utilize equipment in a timely manner.

B. A tow business will not be held accountable for any delay prior to the accident scene being turned over to their care or instructions or requests that may be made by law enforcement or other on-scene state or federal agencies with additional requirements for recovery and/or clean-up.

C. A law enforcement agency that uses an enhanced heavy-duty non consent rotation list and manages a traffic incident may submit to the board for review a performance/safety related issue.