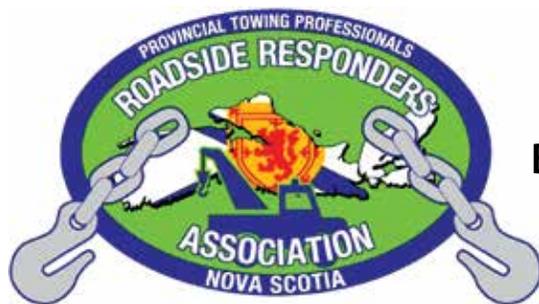


July 2013



Professionals Working Together

Roadside Responders Association (RRA)



30 Farnham Gate Road
Box 51009 Rockingham Ridge,
Halifax, NS B3M 3W0



President's Message

It's hard to believe, it has been four years since the Roadside Responders was formed and united tow truck operators from across the province. Thank you to all of you who have supported the association, it is truly appreciated. I would also like to give a special thank you to board members; Paul Beaton, Lindsey Milne and Donnie Horne for their tireless contributions to see the RRA succeed, and Atlantic Towing Equipment and Tow-Tech for sponsoring our meetings by providing door prizes to attract participants.

The past few months have been busy and exciting as we address many industry concerns, recruit new members and work with government addressing several issues that affect our industry. Our membership is growing steadily, and we are very excited about that. We are addressing the Move-over Law with the Minister of Transportation and operators are being faced with new and old challenges such as OHS regulations, privacy law issues and of course, the never ending saga with the province's impounding programs. You will see in this issue of RRA news we are moving forward and tackling some pretty tough issues that affect our industry.

We are excited to announce the RRA will be expanding its incorporation to add the three remaining Atlantic Provinces. We are developing training programs for light and heavy towing to assist operators keep in compliance with OHS regulations and we are adding a website to have information readily available for members. The website address will be rra.towing.com. Have a great summer.

Heather Llewellyn
July 2013

RRA and Transportation Officials Discuss Move Over Law

Nova Scotia Transportation Minister, Maurice Smith says, while he can't comment on the outcome at this point, the department agrees there is merit in reviewing the move over law to include protection of tow truck operators.

The legislation was introduced to offer protection to designated first responder vehicles that would normally respond to an emergency situation. This would generally include police, fire and ambulance that would be acting in the course of their official duties as first responders. These personnel have necessary and recognized emergency response training, as well as the necessary equipment on their vehicles designating them as emergency first responder vehicles. (e.g. flashing red and/or blue lights), so that the public can be alerted to a possible emergency situation and can act appropriately. The use of flashing red and blue lights and sirens allows these vehicles to be conspicuous and easily identifiable by the public as being an emergency vehicle.

Tow trucks were not considered because they are not equipped with the proper lights that warn other motorists that there are workers on the side of the road. The same amber lights that are used by tow trucks are used by snow plows, construction equipment, oversized vehicles, and many others. The presence of amber lights alerts the driver of potential hazard, whereas lights from police, ambulance, or fire vehicles warn of an immediate hazard. Because of the ambiguous nature of the amber warning light, it was decided to only include emergency vehicles in the "move over" legislation and not tow trucks.

The RRA emphasized there are several studies that claim the greatest risk to emergency responders occurs during two phases of traffic management, the set-up and the take down.

During the set-up phase, emergency vehicle staging and the placement of equipment establishes an emergency traffic control zone. Until warning devices are in position, approaching motorists may not be expecting to find emergency responders and their equipment on the highway. During the takedown phase, tasks are performed under non-emergency conditions, yet the removal of equipment and personnel is just as critical as the set-up.

Studies conducted show emergency workers are at a higher risk being injured at the take down point because there are less hazard warning devices or emergency vehicles to warn oncoming traffic.

Tow trucks are not emergency responders, but they are a vital part of the emergency crew who are usually the last responder dispatched. They are often left on their own to clear the scene of an accident and work in conditions with less emergency responder vehicles to warn motorists of their presence. If research is correct and emergency responders are more likely to be injured at take-down then this raises considerable concern for the RAA, as the lives of tow operators would be equally at risk as other emergency personnel being the last to be dispatched and the last to leave the scene of an accident.

Each year 60 to 80 tow truck operators are killed on North American roads, giving our industry the second highest occupational death rate per capita. Tow truck operators are almost as likely as law enforcement officers, fire personnel and vehicle compliance officers to be killed on the job. According to the national Safety Administration in the US, work related fatality and injury rates for tow truck drivers and emergency responders are more than twice the average of other professions.

Tow trucks are not just an essential service to emergency responders. Every day operators in Nova Scotia put their lives on the line to protect vulnerable motorists from all sorts of different situations including; scenes when police are unable to attend and their lives should be considered just as valuable as anyone else who works at roadside.

Nova Scotia enacted the Move over Law in 2010. The law requires motorists to "move over" and switch lanes when they see the flashing lights of emergency vehicles along the roadside.

Provinces Junk Pile Restraining Nova Scotia Towing Industry

Heather Llewellyn

Tow truck operators across Nova Scotia will recall past Transportation Minister Bill Estabrooks was shocked and expressed shame upon learning of problems tow operators are faced with in towing and impounding vehicles at the request of police, Service Nova Scotia and Department of Transportation. The RRA has taken a prominent role in combatting this unfair treatment and are apprised of government attitude to address this issue and the facts and circumstances surrounding the impoundment of vehicles.

At the outset paramount concern to the RRA are the effects of motor vehicle laws that allow police to seize vehicles and Service Nova Scotia the authority to impound for 90 days, vehicles from impaired drivers, persons driving with suspended licenses or have outstanding fines with Service Nova Scotia.

Since the program was put into place, small businesses operating in the towing and storage industry have been engaged in a storage nightmare and have absorbed the cost of the enforcement of legislation for repeat violators of the MVA on behalf of the province.

Tow operator's yards are stockpiled with unclaimed junk and it is the tow operators who are forced to cover the legal expense related to the seizure, removal, holding and disposal of vehicles on behalf of the province. Clearly, the legislation has inadvertently caused towing companies to suffer financially when vehicle owners fail to take responsibility for their own vehicular garbage.

Tow truck operators in Nova Scotia say they had enough. They are tired of being treated like charities and are frustrated. They are broke from having inadequate legislation being forced on them and they can no longer afford to subsidize the government's enforcement programs.

Since the MVA was changed to allow government to pressure vehicle owners to pay their debts with the Registrar, tow operators have been stuck with approximately 80% of the vehicles being seized and impounded by authorities.

When operators complain or try to seek an avenue to dispose of these vehicles the province has been telling operators to get a lawyer. They've also been telling operators to refuse the calls when the police request their services. This is a difficult task for a tow operator because police dispatch don't know

if the call is a seizure under the province's impound program and operators usually don't discover it's an impound until a few days after the seizure when they receive a fax from Service Nova Scotia. Another option Service Nova Scotia has been recommending is for tow operators to attend the scene to determine the value of the vehicle and advise the police officer if it's worth their while to impound or not. This all has to be done at the tow operators expense-paying a driver to attend (sometimes overtime), their source deductions, WCB and cost of fuel, not to mention the wear and tear on equipment and the safety risk to operators. Are we to assume this suggestion also requires you to certify your driver's as vehicle appraisers?

Owners of new vehicles don't seem to have a problem paying the towing and storage fees, and in most cases they are posting bonds with the Registrar and their vehicles are released shortly after the impoundment. The problem is, the majority of the vehicles being seized are beer cans on wheels, one step from the junkyard, and owners of those vehicles are abandoning them at the tow yard, creating a storage and disposal headache.

The province says, vehicle impounding is an essential road safety tool for law enforcement because it allows police to take drivers off the road and dispose of valueless vehicles in a clear process by signing valueless motor vehicles over to impound operators. They are looking to expand legislation to impose impounding vehicles of drivers who are repeat violators of commercial vehicle compliance and among other classes of driver's such as those who operate motor homes.

These amendments have been tossed as the RRA and province go head to head with the issue that tow operators are not being compensated for the services they provide to the province. When the RRA first apposed government intentions we were told we would be contacted for consultation and a payment plan would have to be established. Consultations were conducted; however the tow industry was once again excluded.

When the RRA addressed government of the issue a memo was released for the police departments to dismiss impounding vehicles of little or no value to prevent the accumulation of unclaimed vehicles at tow yards. The province recently advised the RRA no action would be taken to assist our members

because motor vehicle amendments are not a priority to the province at this time.

The RRA praised the government for holding back on legislative amendments and agreed further amendments to the Motor Vehicle Act shouldn't be a priority. We have too many issues to deal with the current legislation and introducing further impound authority doesn't terminate the fact tow operators are being forced to act as debt collectors for the provinces impound programs and are not being compensated for it.

The province doesn't dispatch dump trucks to a road project and tell truckers to sue the government for payment. They don't load dump trucks with gravel and tell haulers to stick it in their backyard and do what they want with it. Government policies, or should we say lack of government policies for dealing with tow operators are unacceptable. They have a system to pay for anything but not the people who provide the vital service of keeping the provinces highways clear of obstruction, repeat offenders or environmental hazards.

The government is clearly robbing the industry of its trade and right to be paid. They are taking advantage of small business operators while they gain a huge advantage over

tow operators. The courts refer to "unjust enrichment" in three elements. First, the plaintiff must have provided the defendant with something of value while expecting compensation in return. Second, the defendant must have acknowledged, accepted and benefited from what the plaintiff provided. Third, the plaintiff must show that it be equitable or unconscionable for the defendant to enjoy the benefit of the plaintiffs actions without payment for it. Llewellyn said RRA members don't enjoy being used as dumps; the cost to run their yards comes with an expense. Our members deserve fair legislation and rules that pay operators for the services they provide and they need a fast track route for disposal of these vehicles and means to be paid.

In the meantime, the Auditor General conducted a review of the vehicle impound program and discovered Service Nova Scotia has no tracking system to record 24-hour and 90 day suspension reports prepared by police and recommended a tracking log should be used to reconcile and ensure all vehicle suspensions have been recorded and properly dealt with. Perhaps this is a practice to avoid paying tow operators or a message that Service Nova Scotia needs to start behaving more like a responsible government body.

Privacy Laws Harm Tow Operators

Can it get any worse? One must be curious how many more legal barriers the government can create for tow operators. Many police departments in Nova Scotia fear their obligation to the public under Privacy Laws and are refusing to provide tow operators with registered vehicle ownership information because they fright recourse by vehicle owners.

The RRA advised officials these practices will harm tow operators and expose them to unnecessary liability if the government doesn't urgently do something to help. Service Nova Scotia, claim tow operators are out of luck. There is nothing the department can do, until legislation is changed and regulatory amendments is not their priority right now. The RRA has submitted a letter to the federal and provincial Attorney Generals seeking their direction and assistance to help rectify this problem.

The problem arises when vehicles are impounded by police and vehicles remain unclaimed at the tow yard. As a condition of the MVA and municipal contracts tow operators must prepare the vehicle for sale by public auction or tender. When the tow operator attempts to coordinate the disposal procedure, the seizing police departments are refusing to supply tow operators with the contact information for the last registered owner of the vehicle. The authorities claim they cannot provide this information as a condition of the Privacy Act, because of the purchaser's and seller's right to privacy. As a result, tow operators are being "hung out to dry" with no means to properly follow the law, fulfill their contract agreement with the municipalities and are being denied to commence further action if necessary for payment. Under this policy members of the motoring public lose their right to be informed or given the opportunity to reclaim their property in a reasonable time.

Changes to Workplace Health and Safety- Record Keeping

According to the latest WCB statics the towing industry in Nova Scotia has seen significant increases in WCB claims. Still, because of Nova Scotia's high injury rate and the length of time injured workers are off work, rates for workplace injury insurance in Nova Scotia are among the highest in the country.

As of June 12, 2013, the government is stepping up enforcement on workplace safety and will require all employers to keep detail safety records very similar to the system required for vehicle compliance. These records range from maintenance and inspection records to employee assessments and testing. The Act also has a more general provision within Section 28 of the Act. This section states that an employer establish and maintain a written health and safety program requiring maintenance of records and statistics, including reports of OHS inspections and safety investigations.

Aside from any regulatory reason for record keeping, the maintenance of good records will allow a business to be able to identify possible harmful trends and address issues before they become more series in nature. Ultimately good records are needed when trying to prove "due diligence" if charged with a safety offence. Some examples of records to keep include; training records, written safe work procedures, hazard assessments and result, incident investigations, equipment logbooks, maintenance records, PPE fit testing, Inspection reports, OHS disciplinary measures and OHS meeting minutes.

The new laws will strengthen regulations, increase accountability through better public reporting, make consequences for law-breakers harsher and target more surprise. The province is also working with the Public Prosecution Service to pursue harsher penalties for employers with series and repeat offences. This includes establishing a prosecutor responsible only for occupational health and safety.

Together with the introduction of the new regulations, tow truck operators will be subject to the expanded "Temporary Workplace on Traffic control Regulations. For the purpose of this regulation, temporary workplace traffic control is comprised of the methods used to control traffic when work is taking place that will cause traffic to slow down, stop, change lanes, including signage, traffic control persons, traffic cones etc. The regulations require an employer doing this type of activity to develop a code of practice and submit it to the Executive Director of the OHS Division for approval.

Personal Protective Equipment

OHS will step up enforcement on Personal Protective Equipment (PPE). The updated regulations deal with general personal protective equipment and its use. It is important to note that not all PPE is covered by the regulations. For example, hearing protection is not specifically mentioned in the regulations, but it is still the responsibility of the employer to ensure equipment, appropriate to the hazard is used. An employer's general duties in regard to PPE are to ensure that it be adequate to the nature of the task. For example, is it adequate to permit employees to wear shorts if they are kneeling while on the job where they can risk skin injury? Employers are now required to provide training in the use and care of the equipment that employees are required to wear. Employers are also required to visually inspect PPE to make sure it is being used in accordance with manufacturer specifications.

All footwear worn will have to be color coded and meet CSA standard CAN/CSA Z195-M92. The standard has three grades of footwear; all have toe protection and may provide additional types of protection-sole, electrical shock, etc. The grades are identified by a coloured triangle and the standard offers some suggested uses for the various grades;

- **Grade 3** - red triangle; suggested use, hospital workers
- **Grade 2** - yellow triangle; suggested use, retail workers
- **Grade 1** - green triangle; suggested use, all other work environments

If the footwear also has the electrical shock resistance as part of its safety features, it will have a white rectangle on it. The regulation does not specify the design of the shoe; the potential hazard an employee will face should guide the selection. For example, if there is a hazard of having the foot and ankle caught between two objects then a high boot style is appropriate.

Welcome to TOWSPEC.COM the most Comprehensive Towing Information Site on the Internet.

What is Towspec.com?

TOWSPEC.COM is an up-to-date resource to find the latest towing instructions for all vehicles on the road today. The site provides tow limits, hook and jack points, and manufacturer warnings. An operator is able to retrieve the information by typing all or part of a make, model and/or year of the desired vehicle. Once the information is displayed, it may be printed; sent to an email address; or sent to a driver's alphanumeric pager. TOWSPEC.COM is the first of several FREE utilities that will provide information and functionality through the internet for the entire industry.



How do I start using TowSpec.com?

To begin using the site you must register your company information. This information is required so that you may send the towing information to an alphanumeric pager or email address.

1927 October 15

Longest Tow

Road Vehicles, Longest Tow: The longest tow on record was one of 7658 km 4759 miles from Halifax, Nova Scotia, to Canada's Pacific coast, when Frank J. Elliott and George A. Scott of Amherst persuaded 168 passing motorists in 89 days to tow their Model T Ford (in fact engineless) to win a \$1,000 bet on 15 October 1927.

Guinness Book of Records, 1975, ISBN 0900424265

Hours of Service

Since 2011 Paul Beaton, Director of RAA has been asking government to recognize the towing industry as an essential service and be taken out of the umbrella of transport and put back to operating under the 160 kms of our office without a log book. The request is a result of federal law for transport compliance on hours of service that have been imposed and enforced on tow trucks where drivers must log 10 hours off duty per day, with 8 hours of those being consecutive.

Paul says, transport trucks have scheduled runs whereas towing companies can't predict when the phone will ring or when emergency calls will happen. Examples of this would be police calls (accidents, impaired driver, and seizures for illegal drivers) and for the public who went in the ditch, have a flat tire or broken down on a highway.

If we were to comply with 8 consecutive hours of off duty time the public will not be able to receive our services in the middle of the night, possibly on a night when there is a blizzard, heavy rain, or maybe -20 degrees. This leaves the motoring public very vulnerable to many potentially dangerous situations like being hit by another vehicle while sitting on the side of a hundred series highway, winding county road or busy intersection. There is also the danger of people being physically attacked, robbed, raped or possibly killed while waiting for help that may or may not be coming.

What would be the ramification of this if it were to happen? Four years ago a women's car broke down in Bourne, Massachusetts. She called AAA for help. The tow truck told her it would be another four hours before they could come out. In the meantime she accepted a ride from a stranger who murdered her. The family successfully sued the towing company and the AAA for violation of State Consumer Protection laws and wrongful death for failing to provide help for the lady was in need of help.

The towing industry is an industry that is experiencing a short fall of people with less desire to do this job making it difficult to fulfill a regular shift let alone two shifts to accommodate these rules imposed on us. As an industry we are not looked upon as an emergency vehicle, however people who are stranded in extreme conditions believe we are their saviour to their safety.

The towing industry needs to be recognized as an essential service so we can continue to give a high level of service to those who need us being police, public transportation services. We advertise 24 hour emergency roadside service. We do not pre-book our work in the middle of the night, but respond to people in need. When people break down or accidents happen we work around the circumstances as they happen. If there is an accident and we are involved in a major clean-up it would be very difficult to advise DOT or attending police department, sorry we have leave when our hours of service are up. Our drivers deal with fatigued drivers on the roads on a regular basis because they have had an accident and we must respond to clean it up, so they are very aware of the consequences while driving tired.

Fatigue driving is a concern and the RRA is taking measures to provide its members with training and manuals to properly educate drivers. We just signed an agreement with the Quebec government to adapt their provincial fatigue management manual and hired a consulting firm to produce a fatigue management written policy for employers and employees. Paul will continue to work with government and hopefully they will recognize the essential service we provide to the motoring public similar to several of the other provinces and grant an exemption of hours for emergency calls.

Workplace Traffic Safety Regulations

As part of the provinces ongoing strategy to step up enforcement on Occupational Health and Safety legislation there are many changes that went into effect, June 12, 2013. One of Particular concern to the RRA is the "Nova Scotia Traffic Workplace Safety Regulations".

Changes to this legislation and regulations will require all business owners who have employees that work at roadside to adapt safety procedures from the Nova Scotia Highway Workplace Safety Manual (NSHWSM).

What does this mean to towing companies working or operating in the province of Nova Scotia?

As an employer you will be required to develop a training program with a safe-work procedure and implement a written policy before allowing any person to operate a towing truck or carrier on the side of a roadway. The training and policies that you adapt will have to be authorized by the Department of Occupational Health and Safety.

The RRA realizes the resources available to specifically train in the towing and recovery industry are limited and such regulations impose considerable financial stress towards many small business owners.

On September 21, 2013, the RRA will host a Temporary Workplace Traffic Control Seminar. The seminar will be

instructed by Angela Roper, the owner of Nationwide Safety Consulting. She has been involved in the towing industry since 1997, owning two towing companies in Texas.

Over the years, Angela has found herself involved in everything towing or safety related. Angela started by becoming involved in her state's (TX) towing association, moving up to being involved on committees with the Towing and Recovery Association of America (TRAA), to eventually becoming its 3rd Vice President. In 2007 she was named Tow Woman of the Year. She led the committee that produced two safety videos for the towing industry on safety. Angela also served on the Women's Towing and Recovery Associations board for two terms. She joined the International Towing and Recovery Museum 6 years ago where she was asked to serve on its Survivor Fund Committee.

During these many years where she has devoted her time and effort to safety and education, she also became an instructor for American Traffic Safety Services Association in 2004. Angela has traveled the U.S. instructing responders on Incident Management procedures and awareness. Angela has been apart of the NUG summits, and is a current member of the CVVFA and its Emergency Responder Safety Institute. Angela was recently appointed to the NFPA (National Fire Protection Association) Traffic Control Incident Management Professional Qualifications Committee.

We Would Like to Thank the Following Members for Renewing or Joining the Association.

- A-1 Towing - *Lower Sackville*
- AAC Towing - *Westville*
- Beaton's Towing - *Lower Sackville*
- Belliveau Ford - *Church Point*
- Chester Service - *Chester*
- Denny's Towing - *Springhill*
- Don McNeill's Towing - *Elmsdale*
- Kelly's Towing - *Hants Port*
- Lindsey Milne Roadside
- MacKenzie's Towing - *Truro*
- Miller's Towing - *Shubenacadie*
- Ruggles Towing - *Dartmouth*
- Scotia Recovery - *New Glasgow*
- Tusket Ford - *Tusket*
- Yorke's Towing - *Pubnico*

On average 60 to 80 tow truck drivers are killed each year, while hundreds are seriously injured on North America roadways.

We don't want you to become a statistic!

Effective June 12, 2013, it became mandatory that all Nova Scotia employers ensure employees receive the information and training necessary, under the Emergency Management Guidelines for Emergency Scenes and the Manual on Temporary Workplace Traffic Control.

Temporary Workplace Traffic Control Seminar

Instructed by Angela Roper

September 21, 2013 10 a.m.

Quality Inn Suites Parkland Drive, Halifax, NS

Pre-registration is necessary and required before August 10, 2013. \$150.00 per individual. Cheques are to be forwarded to RRA, 30 Farnham Gate Road, Halifax, NS B3M 4R8