

In Regard: Third Party Towing Service Pilot Program

Dear Mr. Chairman

Thank you Mr. Chairman for allowing me the opportunity to speak on behalf of the Pennsylvania Tow Responders. Please accept this as a summary of my testimony, all the while knowing that it will be supported by additional documentation.

We appreciate and support the policy of the PSP to provide assistance to motorists in a timely, safe, and efficient manner. In coordination with other service providers, we have worked diligently to quickly restore the free and safe movement of traffic, to move state commerce, and to provide effective operation of the roadways. We also understand the need for troopers to return to patrol duties as soon as possible. In our areas we have always provided quick professional response that enables your troopers to get back on patrol as soon as possible. To our knowledge there has never been a complaint on response time.

Out of respect the PSP, we will try to enumerate our issues and concerns with this pilot program as being implemented. Our discussion is by no means intended to be disrespectful. We are supportive of your stated goals. This testimony will discuss some of our concerns such as increased risk to health and safety, harm to PSP reputation, and increased state liability. Further, we will set forth a viable alternative to meet the PSP's stated goals.

In addition, we want to advise the PSP of the position being taken by numerous Volunteer Fire Companies. They have signed a petition and asked us to relay this information. The Volunteer Fire Departments state that since many of the tow companies they customarily work with will not be responding to AutoReturn dispatch tow responders from outside the area or tow responders that are improperly equipped and trained will most likely be responding. It is their position that this will cause delays in response and put their staff at risk. Therefore, out of concern for their volunteer staff they will stay on scene until entrapment (if there is one) is cleared. After that they will return to station. The Volunteer Fire Companies are then giving the dispatch advance notice in order to make arrangements for extra PSP or Penn DOT to do traffic control and incident management.

From a tow responder's viewpoint, the rollout of the pilot program has been problematic from the start. As an association or local focus group, we were never given the opportunity to discuss situational questions relating to our unique geographic areas, roadways, or weather conditions. Further, no contact or planning was done with the local Volunteer Fire Departments or other first responders prior to the intended implementation. Our tendency to have whiteouts and blizzards with high related incident count were of no concern. We were told to merely sign up, and we would work through our problems as we go. Our geography poses technological issues. As attested by your troopers, their computers and radios do not work in our areas a lot of the time. The ability to gain information about an incident beyond the initial computer dispatch was unsatisfactory. We were told we would need to call California and they would get the information from the PSP.

In fact, a live feed demonstration of an additional information request was viewed by two tow responders in a meeting at one of their shops. During this live demonstration, the AutoReturn representative, stated a tanker truck was involved in an accident and requested a dispatch. The tow responder had requested additional information relating to whether it was a roll over or not, so he could

respond with the appropriate equipment. As the AutoReturn representative was explaining his software during this live demo, he stated that if the response was not answered in 55 minutes, the area of the screen would turn red. To his surprise the screen turned red. He was embarrassed. During the next 20 minutes the tow responder's request was never answered. This was a 75 minute wait. Rather than dealing with the situation at hand, the representative, while obviously embarrassed, moved onto his next sales pitch.

According to the PSP objective, this did not meet the goals of opening roadways, promoting safety, or saving time for troopers or PSP dispatch. If this situation happened in our area, 911 or PSP dispatch would be talking to the responder on scene, which would allow him to respond immediately. In the above situation, we would have had immediate feedback, and would have been prepared with the right equipment and staff. The tanker truck wreck in the above live demonstration may well have turned into an emergency if it was not one already. We fail to see how California third party dispatch will put troopers back on patrol in a more timely fashion. To the contrary, we believe it will delay response and endanger lives. As we understand it, a trooper must report the incident to PSP dispatch, have them type it in the computer, send it to California, have California send dispatch to the tow responder via automated message, and then, if there is additional information requested, do this all over again. Currently one call does it all immediately. An automated dispatch from a third party cannot improve on that response time. It is not possible. In an interstate situation, it is imperative that the right information be given and quick situational awareness achieved. In many situations the tow responders need to go the wrong way on the interstate. If we get the wrong information we may end up in a head on collision. In the alternative, we will end up in a traffic jam and not be able to get to the scene. The interstate will be shut down for a protracted period of time, thus, increasing the risk of back accidents and putting public safety at risk. Further, in our countryside geography there is often no mile markers or street names like in San Diego or Harrisburg. We need feedback and situational awareness by dispatch to meet your stated goals.

It seems reasonable to assume that a pilot program would indicate that it is a test to see if it works. That would mean that feedback is needed to properly evaluate the effectiveness of the program. Further, the feedback would be used to make changes to properly serve the stated purposes. Instead, there was no discussion of, nor establishment of local feedback and discussion. Having a review in Harrisburg on a plan implementation seems disingenuous. Obviously, a third party dispatch may very well claim that it is going great since the financial reward is in the millions.

The desire to implement this program in the winter months in Northwest PA also seems unreasonable, especially without any preplanning or situational discussion. Instead, if we were a truly valued asset of the PSP and partners in public service, it would have seemed more reasonable to do this in the summer months after discussion and situational planning. We value the safety of all involved. Since the pilot plan requires indemnification of AutoReturn and the PSP, it seems reasonable that we should have been involved at the onset to air any safety concerns.

A tow responder for the group was contacted by Lt. Wendt in response to some questions asked. The Lieutenant was asked why there was such short notice on the pilot implementation. He stated "perhaps the public relations could have been better, but the PSP needed to get this area rolled out before the end of 2013, so that the rest of the state could be done in 2014." Lt. Wendt was asked how you can plan to roll this out to the rest of the state if you do not know it works. He responded that "we know it

works" and we are moving forward with it. Therefore, the term "pilot" seems a pretense since the decision that the system worked had already been made prior to implementation and the statewide rollout was a certainty. This seems to explain why we were never asked to help develop a workable program, to participate in feedback, or to establish a tow responder review panel. It also could explain why the implementation has been launched as far away from Harrisburg as physically possible. It must be stated that Lt. Wendt was respectful in all conversations.

Initially, a tow responder was provided a 23 page contract that is an entirely one sided document. It seemed only when resistance was apparent that AutoReturn modified the contract to a short term 8 page document. We were given numerous contracts, numerous fee proposals, and numerous conflicting statements. In the view of the tow responders, the third party dispatch choice has lost all credibility. No matter what the third party dispatch says today, the tow responders can reasonably assume it will be different tomorrow, and most likely for the worse. It is reasonable to assume that AutoReturn will once again insist on a 23 page, one sided contract once they are firmly entrenched.

AutoReturn may be exposing the state and PSP to liability as they try to bully tow responders into signing. In the past via the Highway Assistance Regulations, FR 6-2, 2/9/2001, and in the 23 page contract, there were standards that had to be met to qualify to tow for the PSP. They include liability coverage, garage keeper's insurance, cargo coverage, and equipment standards. Tow responders were also required to have a fenced in area for vehicle storage. It appears that the standards may be potentially being waived. This appears to be happening to pressure the approved tow responders to sign up to protect their business from other tow responders who may not be compliant. Obviously, indemnification is only as good as they are insured or have assets. If this is the case, the state would be exposing itself to liability by having standards, but not enforcing the same through your agent. The PSP is on notice that this may be happening, and as such, may be exposing the state to liability in the event of death or injury.

The PSP has always been beyond reproach for honesty and veracity. We have been proud to work with the PSP. AutoReturn will not be a good partner. They are a large multimillion dollar company that prides itself on their technology. It is surprising that they do not know who is signed up and who is not. They seem to tell one tow responder the other is signed up, and, then, mistakenly tell the opposite to the other tow responder. When the tow responders talk, it becomes apparent that neither had signed. This is either an example of incompetence (and therefore one has to question their ability to properly dispatch) or in the alternative, is a method of intimidation and manipulation to scare tow responders into registering to protect their family businesses. Either way the conduct tarnishes the PSP's image.

As stated in the beginning of this letter, we are not opposed to change and are amenable to a change of dispatch. We are also in agreement with your stated goals. We believe that a dispatch system that has direct control over all area emergency response assets and tow responders is a safer system, more efficient system, and a better system for the state. We believe that dispatch through local 911 is a better mechanism to meet the stated goals. 911 is directly tied to all emergency response services, tow responders, and resources in the county. They also thoroughly understand all the resources available. They have extensive operational experience in working with police and in dispatching emergency services as well as tow responders. In many instances a dispatch of a tow responder is part of an emergency response. 911 is better situated to coordinate all resources to protect the motorist as well as protect the public from hazardous materials. Their professionalism and expertise in dispatch service

is unsurpassed. We believe they are far more qualified than a third party dispatch sending out automated dispatch from California with no local asset or situational awareness. Therefore, the health and safety of all will be better protected for both the public and the responders. 911 will satisfy your stated goals. The most important, of which, is public safety. The local 911 in Venango County has stated that they will be happy to accommodate your third party dispatch goal.

If a fee is necessary, we would collect it and suggest a portion of it also go to fund the local fire response. This will keep the funds local, support local jobs, and thereby support our local economy instead of California's. If a fee is necessary, it will keep millions of dollars in the state instead of sending the funds to California.

We are family owned businesses that live, work, and pay taxes in PA. Most of us have lived in our communities all of our lives. We have professionally served the public and served the PSP's needs for years. We deserve to be treated fairly and with respect. Recently numerous other tow responders have joined our voice of reason and respectfully dissent.

Once again, we appreciate our long term relationship with the PSP. We would like to work out our differences. We respectfully request that you review our position and consider our 911 concept.

Sincerely,

Curt Hovis

Vice President

Hovis Auto Wrecking, Inc.