

**Pennsylvania State Police Testimony  
Hearing on Towing Pilot Project  
May 14, 2014**



**Presented by:  
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Deputy Commissioner of Operations  
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Good morning chairmen and members of the committees. I am Lt. Colonel George Bivens, Deputy Commissioner of Operations, Pennsylvania State Police (PSP). Seated with me are Major Edward Hoke, Director, Bureau of Patrol, and Captain Patrick Brinkley, Director, Bureau of Research and Development. Thank you for the opportunity to appear before you today to discuss the emergency towing pilot project being conducted by our Department.

It has always been the policy of the PSP to provide assistance to individuals involved in highway incidents in a timely, efficient, and fair manner. Each year, Troopers respond to thousands of such calls requiring emergency towing services. These incidents range from assisting motorists whose vehicles have become inoperable, to those incidents requiring in-depth crash and criminal investigations. Despite not being statutorily required, the PSP has always taken the responsibility of coordinating towing services very seriously as it is critical to the restoration of the flow of traffic and the protection of the motoring public and their property. To accomplish this, we have crafted complex and comprehensive internal policies. These policies involve such things as inspecting private towing businesses to determine if they have sufficient equipment and facilities, accounting for the injured motorist's belongings and ensuring their safe storage, attempting to keep motorists from being charged exorbitant rates, as well as maintaining background standards for those who are given this critical public safety task. In an attempt to be fair to the towing industry, the PSP has gone to great lengths to construct protocols that attempt to achieve equality in how calls for services

are distributed, as well as internal regulations that attempt to apply these standards consistently as not to create an unfair business advantage among competitors.

We believe these common-sense measures have aided in the safety of the motoring public and have been very beneficial to the towing industry. Over the years, we have developed many positive business partnerships in the towing industry, and our experience shows most towers to be highly professional. But, the system is simply not sustainable. Adhering to these complex protocols during emergency dispatch and response has always been at the cost of efficiency. Further, we invest significant administrative resources into the process only to be highly vulnerable to litigation and criticism of partiality; related lawsuits have resulted in millions of dollars lost to taxpayers. Instead of resources being spent on our primary law enforcement function, they are frequently spent conducting conflict resolution between motorists and towers and time-consuming internal investigations, much for the purpose of consumer protection. Some even result in discipline to our own members, whose primary function and training is emergency response, not business management or resolution of civil disputes.

The PSP is a unique organization in that it has primary jurisdiction in parts of every county in the Commonwealth. Some of our patrol zones, on interstate highways, span several counties. Thus, we rely heavily on county emergency management services and communication centers. Because of this relationship, we have considered the prospect of utilizing county resources for towing management. However, we

recognize that adding the responsibility of all of the aforementioned administrative requirements of inspection, conflict dispute, litigation, and dispatching would be a significant increase in their operational workload and fiscal liability. Further, actually requiring them to take on all of these tasks in a uniform manner across the entire state would surely require comprehensive legislation.

Given these challenges, the PSP has undertaken an initiative to evaluate the feasibility of establishing a no-cost contract with a third-party administrator to manage the process for the PSP. The private entity is responsible for establishing and maintaining a list of authorized towing service providers, ensuring compliance with professional standards, dispatching towers to the scene of highway incidents, and resolving disputes. Those providers, who are interested in participating, pay a maximum of \$35 per call to the administrator for these services. Providers may absorb this cost or pass it on to the motorist. Importantly, those motorists who request a towing provider of their choice are unaffected by this system, provided their request is in conformance with current law. Also, this does not affect towing requests to municipal police departments. The pilot program was intentionally started in the challenging terrain of northwest Pennsylvania, beginning in December 2013. While initially focused on a small area, it now encompasses 8 stations spread over 2 Troops and involves the participation of 43 towing service providers. We have worked with individual business owners, industry-wide representatives, our volunteer emergency service partners, and legislators to gather feedback and make changes where necessary. Although the project has not been a seamless transition in the affected areas, it has shown very

promising results. We are very optimistic about its future success and we continue to incorporate lessons learned along the way, particularly as they relate to safety.

Our Department has taken on a significant number of statutorily related initiatives and administrative duties over the last several decades. Many of these are well suited to our organizational structure, but our finite fiscal and administrative resources need to be efficiently utilized. The Pennsylvania State Police has long been considered one of the most progressive law enforcement agencies in the nation. Consistently, this pilot is designed to determine if we can leverage competitive private sector resources to manage a public sector need in a cost-effective manner. In other words, let business manage business. But, most importantly, this initiative is designed to allow us to remain focused on our core function, to provide the highest quality law enforcement and public safety services possible for the citizens of Pennsylvania. Thank you for your attention, I am happy to answer any specific questions regarding the pilot that you may have.