

MIFACE INVESTIGATION REPORT: #08MI095

SUBJECT: Tow Truck Driver Dies When Pinned Under Car

Summary

On August 7, 2008, a 52-year-old male tow truck driver was critically injured when he was pinned under a vehicle he was attempting to start. A vehicle driver had pulled off to the side of the road after he thought he had run out of gas. The driver called for assistance and the decedent was dispatched to the site. After the decedent placed gas in the gas tank, the vehicle still did not start. The decedent made two attempts to jump start the vehicle by attaching jumper cables to the battery. Both attempts were unsuccessful. The decedent then laid on the ground in front of the vehicle to place power directly to the starter by attaching a jumper cable to the side of the starter that had a small wire on it, bypassing the gear selector. When power was supplied to the starter, the engine turned over and the vehicle lurched forward, apparently still in gear. The vehicle driver attempted to stop the forward movement of the vehicle by grabbing the front bumper, but was unsuccessful. The driver then ran to the driver's side and placed the vehicle in park. The driver tried to locate a jack on the tow truck, but could not find one. Another driver who drove by the scene stopped and called for emergency response on the CB in the tow truck. Emergency response arrived and pushed the vehicle off of the decedent. He was transported to a local hospital where he died four days later from his injuries.

RECOMMENDATIONS

- Tow and recovery companies should require all drivers to successfully complete a recognized tow driver certification course and/or ensure that the individuals providing tow driver training complete a recognized course.
- Tow and recovery companies should develop a training checklist to document topics covered and review the driver's demonstration of competence in each training area.
- Tow truck drivers should ensure that all safety equipment, including jacks and blocking (e.g. wheel chocks) is present on trucks before responding to a call.
- Tow and recovery companies should hold regularly scheduled safety meetings that address tow safety issues and document the content and attendance.
- National/state tow associations should develop a model safety and health program and training checklists which address the hazards unique to towing and recovery operations to assist tow/recovery companies in their health and safety program development, implementation, and training.
- City and county governmental agencies, road service assistance providers, and other entities who may sign tow service agreements should include contract language that requires the tow service owner to ensure that the tow truck drivers who respond to calls have completed an approved or nationally accredited tow truck driver training program.

INTRODUCTION

On August 7, 2008, a 52-year-old male tow truck driver was critically injured when he was pinned under a vehicle he was attempting to start. MIFACE was notified by both a newspaper clipping and the MIOSHA General Industry Safety and Health division that the above incident had occurred. On April 28, 2009, the MIFACE researcher interviewed the company owner and office manager at the company's headquarters. During the course of writing this report, the police report, death certificate, medical examiner report, and the MIOSHA file and citations were reviewed.

The tow truck company for whom the decedent worked had been in business for 41 years. There were 17 individuals employed at the firm, 14 of whom had the same job title as the decedent, tow truck operator. The decedent had been employed by this firm for five years as an hourly, full-time worker. He had five years of experience operating a tow truck. His work shift was 8 hours, beginning at 7:00 a.m. and concluding at 3:00 p.m. He had been working approximately 30 minutes on the day of the incident.

The employer did not have a comprehensive written health and safety program or a health and safety committee. Several elements of a written program had been developed. The office manager was responsible for safety-related purchases and to address any employee-raised safety issues. Employee training consisted of on-the-job training and informal training sessions. The informal training sessions were held by the company owner upon hearing that an unusual vehicle recovery operation or a difficult recovery operation had occurred. The employees present during that shift would participate, but the employees who were not there during the shift would hear about the information discussed by word-of-mouth. The company required safety vests be worn at all times on the road.

New employee training consisted of driving with an experienced tow truck operator for a couple of days to "learn the ropes." When the experienced driver felt the new employee was ready to be on his/her own, the new employee could work alone. All drivers had at least a chauffeur's license, and those employees who drove the bigger trucks had a CDL license.

MIOSHA General Industry Safety and Health Division issued the following Serious and Other-than-Serious citations to the company at the conclusion of its investigation:

SERIOUS:

AUTOMOTIVE SERVICE OPERATIONS, PART 72, RULE 7211(a)

An employer shall provide training to an employee as to the hazards, safe operations of the assigned job and applicable rules of this part.

Inadequate training for employees as to the hazards of trying to jump start a vehicle from under the vehicle at the starter.

OTHER-THAN-SERIOUS:

RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, PART OSH 11, RULE 1129(4):

Each recordable injury or illness was not entered on the MIOSHA 300 log and/or incident report (MIOSHA 301 or equivalent) within seven calendar days of receiving information that a recordable injury or illness had occurred.

RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, PART OSH 11, RULE 1139(1):

An oral report of a work-related incident resulting in a fatality or the inpatient hospitalization of three or more employees was not made within eight hours after the occurrence to MIOSHA.

Company Remediation

The company has instituted the following policies after the incident:

- No one is permitted to go under a vehicle. If the vehicle does not start, the vehicle will be towed.
- No “mechanic” work is to be performed, such as diagnosing and repairing minor problems regarding the disabled vehicle.
- All tow truck operators were reminded to ensure the vehicle is in PARK prior to beginning work on the vehicle.
- Expanded the scope of the firm’s written Health and Safety Program.

INVESTIGATION

The company received a call from a roadside assistance service that a passenger car had run out of gas, and that the vehicle’s driver had coasted to and pulled onto the northbound shoulder of a two-lane state highway. This call was assigned to the decedent. It was his first call of the day. The decedent gathered his equipment and a full gas can and drove his flatbed truck to the disabled car’s location.

Upon arriving at the location, the decedent activated his emergency flashers and parked the truck behind the disabled vehicle. After the decedent placed gas in the gas tank, the vehicle still did not start. The decedent made two attempts to jump start the vehicle by attaching jumper cables to the battery. Both attempts were unsuccessful.

The decedent then laid on his back on the ground in front of the vehicle. He placed power directly to the starter by attaching a jumper cable to the side of the starter, bypassing the gear selector. The car gearshift was not in Neutral or Park. When power was supplied to the starter, the engine turned over and the vehicle lurched forward.

The vehicle driver, who was standing outside of the vehicle alongside the front quarter panel attempted to stop the forward movement of the vehicle by grabbing the front

bumper, but was unsuccessful. The vehicle landed on the decedent, pinning his head and chest against the bottom of the vehicle and the ground. The driver ran to the driver's side and placed the vehicle in park. The driver tried to locate a jack on the tow truck to lift the car from the decedent, but could not find one. Another driver who drove by the scene stopped and called for emergency response on the CB in the tow truck. Emergency response arrived, and the vehicle's driver and EMS personnel pushed the vehicle from the decedent. He was transported to a local hospital where he died four days later from his injuries.

CAUSE OF DEATH

The cause of death as listed on the death certificate was multiple injuries. Toxicology was negative for alcohol and illegal drugs

RECOMMENDATIONS/DISCUSSION

- Tow and recovery companies should require all drivers to successfully complete a recognized tow driver certification course and/or ensure that the individuals providing tow driver training complete a recognized course.

The State of Michigan requires all operators of tow and recovery vehicles to have a commercial driver's license (CDL) with the proper group designation and necessary endorsement(s) for the tow truck. Although both a written vehicle inspection and a driving skills test (with a vehicle in tow) are required for tow truck drivers, the test does not include a test for safely securing a vehicle to the tow truck under likely conditions encountered in the field. The decedent's employer indicated that all company drivers had the appropriate CDL licensure. Specific tow truck training for the company employing the decedent was performed in-house.

Several organizations offer coursework and hands-on training to tow truck operators to provide real-life situational training. The Michigan Towing Association (MTA) offers light duty and heavy duty operator training schools using coursework from Wreckmaster. Per their website, Wreckmaster also offers other training materials, such as monthly safety meeting materials that provide a company employing four to eight operators with a wall safety poster, a safety meeting outline, driver reminder cards, and scratch quiz cards that encourage driver participation. The website indicates that insurance companies may rebate the cost of joining this monthly program.

The Towing and Recovery Association of America (TRAA) has safety training materials and offers several levels of driver certification. Through a grant from the Federal Department of Transportation, TRAA established the national standards for tow truck operators and from these standards developed the National Driver Certification Program. Certification tests are available for Light, Medium, and Heavy Duty Towing and Recovery in the areas of: (a) Customer Service, (b) Safety, (c) Incident Management, (d) Truck, and (e) Equipment.

While it may be self-evident that employees need training, it is important for employers to provide a carefully designed training program to provide employees the information they need to safely perform the assigned tasks. A well-rounded training program should include, but not be limited to, an employee orientation to learn about the company and its policies, a training manual and/or Standard Operating Procedures, and a training checklist that includes the requirements of the task(s) that employee needs to know in order to safely perform the job(s) and documents the employee's successful completion of each requirement.

MIFACE recommends that tow companies, if not mandating that all drivers complete an accredited driver course, should use a certified driver to provide the training; one who has successfully completed an accredited driving course for the class(es) of tow truck about which he will be providing training. A certified driver should have the knowledge necessary to provide the specialized training necessary and to determine that the trainee can safely perform all tasks necessary to tow a vehicle.

- Tow and recovery companies should develop a training checklist to document topics covered and review the driver's demonstration of competence in each training area.

A well-designed training checklist can serve as a guide for employees as they learn the elements of their job tasks (including both "big picture" and "nuts and bolts" issues). The advantage of using a checklist is that it provides a structured approach to each employee's training to ensure they are exposed to all the issues that should be included in the training program but may be inadvertently omitted by the trainer in the absence of the written list. As tasks are successfully learned and completed, the checklist could document the training progress of each worker.

The training should also incorporate a "hands-on" segment in which drivers would be expected to demonstrate their knowledge of the appropriate practices and techniques needed to safely tow and recover a vehicle from start to finish. Topics would include: initial scene/towed vehicle assessment; scene and customer safety; tow vehicle capacity, limitations, and operation; towed vehicle rigging; and towing basics and safety.

It is important that companies thoughtfully consider the items on the training checklist. One idea to gather ideas about the specific items to be placed on the checklist is to ask for suggestions from experienced tow drivers and newly trained workers. The checklist could also be based on the training received during the tow driver certification classes and testing programs offered by Wreckmaster, TRAA, State CDL requirements, tow company consulting firms, or tow driver training providers. While searching the internet for sample training checklists, a driver's training checklist available for purchase was found on the Tow Consulting Group (<http://www.towconsulting.com/products.php>) website. The checklist included the following items: truck, wrecker components, correct dolly use, pre-trips, correct wheel lift & carrier loading, safety procedures, recovery, radio procedures, invoicing, customer service and classroom training. Both the trainer

and the trainee sign off on each area of instruction. A safety manual and driver performance evaluation tool are also available for purchase.

Another resource available for developing a training checklist is the State of New York, Department of Motor Vehicles (DMV) “Supplement to Driver’s Manual For Tow Truck Driver’s Endorsement” (<http://www.nydmv.state.ny.us/forms/mv14.pdf>). Because the State of New York requires drivers of tow trucks to have a special endorsement on their driver’s license, the DMV has developed a training manual that is designed to be utilized by individuals taking the written test to receive the tow truck endorsement. The manual covers: types of tow trucks; tow truck and equipment limitations; tow truck parts and equipment; light-, medium- and heavy- duty safe towing practices; and car carriers.

- Tow truck drivers should ensure that all safety equipment, including jacks and blocking (e.g. wheel chocks) is present on trucks before responding to a call.

Because tow truck drivers are faced with many different types of recovery operations, employers should determine the necessary safety equipment that should be present on the tow truck. The police report indicated that the driver of the disabled vehicle could not find a jack on the tow truck. It is unknown if a jack was present on the truck (due to the dispatch of a car out of gas), or if in the driver’s panicked state, he could not find it.

Blocking devices, such as wheel chocks, are not typical pieces of safety equipment on a tow vehicle. Although the firm now prohibits its drivers to provide “mechanic” services upon request of a stranded motorist, blocking may still be necessary if the driver must go under the vehicle to attach the tow hooks. In this incident, if the driver had been provided with and used adequate blocking (number and size appropriate) to forestall inadvertent movement of the disabled vehicle, this incident may not have occurred.

- Tow and recovery companies should hold regularly scheduled safety meetings that address tow safety issues and document the content and attendance.

The company, on an informal basis, held safety meetings with the employees who were working at the time of the meeting. Individuals who may have been working on another shift were not part of the meeting. Although the impromptu meetings were beneficial in addressing the unique situation that had just occurred during that particular tow event, there was not a mechanism in place to ensure other employees received the information or even knew that such a discussion had taken place. The company should develop a mechanism to document the content of these informal meetings to ensure that all of the employees are able to benefit from the discussion.

The company should also schedule safety meetings at a time when most, if not all employees could attend, or simply provide training on all shifts. These regularly scheduled safety meetings could address all aspects of towing and recovery, from the hazards of preventing exposure to blood borne pathogens while at an accident scene to the items in the training checklist to remind experienced employees of the safety aspects of routine tasks. Topic areas could be developed from the State of New York, Department

of Motor Vehicles (DMV) Supplement to Driver's Manual For Tow Truck Driver's Endorsement manual.

- National/state tow associations should develop a model safety and health program and training checklists which address the hazards unique to towing and recovery operations to assist tow/recovery companies in their health and safety program development, implementation, and training.

Training, certification, policy, procedures and disciplinary actions spelled out and enforced in an employee manual would certainly have lessened the potential of this incident occurring. But developing a health and safety program can be a challenging task for many towing company owners, due to time constraints, lack of expertise, and lack of resources. Although MIOSHA does have a sample health and safety program for companies falling within the "general industry" categorization, there are few resources available to address the hazards unique to the towing industry. Towing associations can provide such a service to the tow and recovery industry.

MIFACE encourages MTA and TRAA to develop a sample health and safety program and/or manual, and associated resource material, such as appropriate employee training material and checklists to assist their membership in taking a proactive approach to safety, complying with state and federal health and safety regulations, and thus potentially reducing their insurance costs.

Limited internet resources are available for towing companies to begin their effort to develop and implement a safety program. The following free downloadable safety topics dedicated to the towing industry can be found on the TowPlus Municipal Tow Services Association website <http://towplus.org/Safety-Topics.html>

- Defensive Driving
- Distractions
- Fleet Safety
- Heat Exhaustion
- Overexertion
- Vehicle Inspection.

A downloadable Employee Manual is available from Georgia Towing on Scribd (<http://www.scribd.com/doc/5401651/1000-Employee-Manual-msw>)

- City and county governmental agencies, road service assistance providers, and other entities who may sign tow service agreements should include contract language that requires the tow service owner to ensure that the tow truck drivers who respond to calls have completed an approved or nationally accredited tow truck driver training program.

Unlike other states (Utah, California, Montana, etc), Michigan does not have a state requirement for tow truck companies engaged in tow service contract agreements to

ensure that drivers have successfully completed an approved tow truck driver training program.

MIFACE found several tow service agreements from Michigan city and county governments on the Internet. All tow service agreements had similar language, an example of which is illustrated by the Towing Policy from Allegan County: “All drivers, operators, and representatives of the towing service shall exhibit professional and courteous service to the public. Carriers shall verify that drivers and equipment to be used for ACCD requests are qualified under the provisions of the Motor Carrier Safety Act, 1963 PA 181, and the Michigan Vehicle Code, 1949 PA 300 as amended.” http://www.allegancounty.org/docs/CD/CD_TowingPolicy.pdf.

Most contract language found referred to the Motor Carrier Safety Act and the Michigan Motor Vehicle Code, both of which do not have specific driver training requirements for tow truck operators. MIFACE encourages agencies who administer tow service agreements modify the contracts for the next bid cycle to contain language (if not already included) requiring firms to ensure drivers have completed a tow truck driver training class.

REFERENCES

MIOSHA standards cited in this report may be found at and downloaded from the MIOSHA, Michigan Department of Energy, Labor & Economic Growth (DELEG) website at: www.michigan.gov/mioshastandards. MIOSHA standards are available for a fee by writing to: Michigan Department of Energy, Labor & Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909-8143 or calling (517) 322-1845.

- MIOSHA General Industry Safety and Health Standard, Part 72, Automotive Service Operations
- MIOSHA Recording And Reporting Of Occupational Injuries And Illnesses, Part OSH 11
- Michigan Towing Association. <http://www.michtow.com/>
- Towing and Recovery Association of America. <http://www.towserver.net/>
- Utah Administrative Code R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification. <http://rules.utah.gov/publicat/code/r909/r909-019.htm>
- Department of California Highway Patrol, Rotation Tow Program, Tow Service Agreement CHP234 03-2009) OPI 062. http://www.chp.ca.gov/programs/pdf/09_10TSA.pdf
- Montana Professional Tow Truck Act, Title 61, Motor Vehicles, Chapter 8, Traffic Regulation, Part 9 Professional Two Trucks. http://data.opi.mt.gov/bills/mca_toc/61_8_9.htm
- Training for New Arrivals. Government Leaders <http://govleaders.org/orientation.htm>

- TowPlus Municipal Tow Services Association. <http://towplus.org/Safety-Topics.html>
- Georgia Towing Employee Manual. <http://www.scribd.com/doc/5401651/1000-Employee-Manual-msw>

Key Words: Tow truck, Pinned

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MIFACE Investigation Report #08 MI 095 Evaluation

To improve the quality of the MIFACE program and our investigation reports, we would like to ask you a few questions about this report:

Please rate the report using a scale of:

Excellent	Good	Fair	Poor
1	2	3	4

What was your general impression of this MIFACE investigation report?

	Excellent 1	Good 2	Fair 3	Poor 4
<i>Was the report...</i>				
Objective?	1	2	3	4
Clearly written?	1	2	3	4
Useful?	1	2	3	4
<i>Were the recommendations ...</i>				
Clearly written?	1	2	3	4
Practical?	1	2	3	4
Useful?	1	2	3	4

How will you use this report? (Check all that apply)

- Distribute to employees/family members
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Thank You!

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Comments:
