

MIFACE INVESTIGATION: #05MI045

SUBJECT: Tow Truck Operator Dies When Car Being Driven By Intoxicated Driver Leaves Road and Strikes Him

Summary

On February 11, 2005, a 34-year-old male tow truck driver was killed when a car driven by an intoxicated individual left the roadway and hit him. The victim positioned the tow truck in front of the disabled car, which had a flat tire. Both the tow truck and disabled car were on the east shoulder of the road, facing north. The tow truck beacon lights were activated. The victim was operating a flatbed-style tow truck. He tilted the bed down and attached the cables to the car. While he was on his cell phone, he asked the customer for his keys so he could place the car's transmission into neutral. He instructed the customer to go on the passenger side of the tow truck and sit in the truck cab. It is unknown if the victim was getting into or out of the car on the driver's side; the car door was open. A northbound car, driven by an intoxicated individual, left the roadway and struck the disabled car on the driver's rear side. The northbound car struck the victim, and then flipped over, landing on its roof several yards north of the incident scene. The disabled vehicle may have hit the tow truck causing it to overturn and enter a nearby ditch. Emergency response was called. The victim was pronounced dead at the scene.

RECOMMENDATIONS

- Tow truck operators should place portable emergency warning devices such as reflective triangles on the roadway shoulder to alert oncoming traffic.
- Tow truck operators should wear appropriate personal protective equipment, such as high visibility vests.
- Employers should consider developing a cell phone usage policy and instructing employees regarding the cell phone policy.
- Operators should use the tow truck controls located on the shoulder side of the road.

Key Words: Motor Vehicle, Tow Truck
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INTRODUCTION

On February 11, 2005, a 34-year-old male tow truck driver was killed when a car driven by an intoxicated individual left the roadway and hit him. MIFACE investigators were notified of this work-related fatality by a newspaper clipping. On August 17, 2005, MIFACE interviewed the owner of the tow truck company. During the course of writing the report, the police report, medical examiner's report and death certificate were reviewed. MIFACE interviewed the owner of a service station that also had wrecker services.

The employer provided roadside service and vehicle recovery and towing. The company was a designated AAA responder, and had been in business for 26 years. The company also repaired vehicles. The company employed six individuals. The victim's job title was wrecker operator, but he performed many "odd jobs" at the business. The victim had been employed full time with this company for approximately eighteen years. He worked eight-hour shifts, and began his workday at 8:00 a.m. The company does not have an employee handbook or written health and safety policy. The company relied upon the AAA Vehicle Towing Guidelines to provide guidance for towing different types of vehicles. On-the-job health and safety training was provided by the employer. Safety meetings with employees were not held.

INVESTIGATION

The incident occurred on an asphalt two-lane roadway with a grass median dividing the two northbound and two southbound lanes. The roadway was clearly marked on each side of the road. The road shoulders were improved with asphalt and rumble strips. The roadway was dry and the temperature was approximately 30 degrees F. The speed limit was 70 mph.

The disabled vehicle had been traveling northbound and had pulled off on the east shoulder due to a flat right front tire.

The victim was operating a 1991 International wrecker. He was on his second tow call of the day. The firm received a call that a vehicle had pulled off on the shoulder with a flat tire. The decedent left for the disabled vehicle's location shortly after lunch at approximately 12:45 p.m. He was not wearing a high visibility vest or clothing.

Upon arrival, he traveled a short distance north of the vehicle, pulled onto the shoulder, and then backed to the vehicle. The truck's red flashing lights were activated. He tilted the truck bed down and had hooked the tow cables to the car. He asked his customer for his keys so he could place the car transmission into neutral. After the customer gave his car keys to the victim, the victim instructed the customer to sit in the tow truck cab while he completed loading the car onto the flatbed. The customer walked towards the passenger side of the wrecker.

During this time, the victim was on his cell phone talking with a family member. The disabled vehicle's driver side door was open. It is unknown if the victim was getting into or out of the disabled vehicle when he was hit by the oncoming car.

The driver of a northbound car was operating his vehicle while intoxicated. Traveling 70-75

mph, he fell asleep and veered off of the roadway. He awoke and his vehicle hit the rear of the disabled vehicle on the driver's side. Then his vehicle hit the victim. The customer, who was at the tow truck's passenger right rear tire heard a loud noise and was then knocked to the ground. The northbound vehicle flipped over and came to rest on the west shoulder of the roadway, north of the incident scene. The disabled vehicle struck the wrecker and rolled into a ditch by the side of the road.

Emergency response was called. The victim was declared dead at the scene.

CAUSE OF DEATH:

As stated by the Medical Examiner on the death certificate, the cause of death was multiple trauma. Toxicology was negative for alcohol and screened drugs.

RECOMMENDATIONS/DISCUSSION

- Tow truck operators should place portable emergency warning devices such as reflective triangles on the roadway shoulder to alert oncoming traffic.

Although time consuming to position, the emergency warning devices will further alert oncoming vehicles to work being performed on the road shoulder. The rotating beacon lights on the truck should be activated at all times while on the road shoulder.

Operators should carry the reflective triangles with the reflective side toward oncoming traffic when placing them. A good "rule-of-thumb" to estimate distance is that a normal stride measures 30 inches, or 2.5 feet. Place the warning devices as follows:

- On a two-lane road with traffic in both directions or on an undivided highway, place warning devices within 10 feet of the front or rear corners to mark the location of the vehicle and 100 feet behind and ahead of the vehicle, on the shoulder or in the lane in which you stopped.
 - If a motor vehicle is stopped or disabled within 500 feet of a curve, crest of a hill or other obstruction to view, place the warning device in that direction as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle
 - On or by a one-way or divided highway, place warning devices 10 feet, 100 feet, and 200 feet toward the approaching traffic.
- Tow truck operators should wear appropriate personal protective equipment, such as high visibility vests.

Tow truck operators work in situations that make it difficult for them to be seen. They are routinely exposed to the hazards of low visibility on the job; they are on foot, near disabled vehicles, and working near roadway traffic. Reflective vests and high visibility clothing assist an oncoming driver to see the operator both day and night.

The Manual on Uniform Traffic Control Devices (MUTCD) states that all workers shall wear bright highly visible clothing when working in or near moving traffic. The International Safety Equipment Association has published the American National Standard for High-visibility Safety Apparel (ANSI/SEA 107) that recommends specific types of reflective equipment while working in or near moving traffic.

The standards specify three conspicuity classes of garments based on the wearer's activities. Class 3 garments provide the highest level of conspicuity to workers with high task loads in a wide range of weather conditions where traffic exceeds 50 mph. Class 2 garments are intended for users who need greater visibility in inclement weather conditions and whose activities occur near roadways where traffic speeds exceed 25 mph.

During wet weather when working outside the tow truck, the operator should wear protective rain gear that has reflective markings. Protective gloves should be worn where appropriate. Appropriate personal protective equipment, such as that needed for bloodborne pathogens should be kept in the truck to provide for operator protection.

- Employers should consider developing a cell phone usage policy and instructing employees regarding the cell phone policy.

Cell phones are widely used, and at the time the victim was hit, he was talking on his cell phone to a family member. A person using a cell phone can become distracted when using a cell phone.

In discussion with the victim's employer and another large towing company, both owners indicated that the operator should be giving "100% attention" to servicing the vehicle and the client. Both company owners are reviewing their employee's cell phone usage on the job while involved in a vehicle recovery situation and while operating a company vehicle on the road.

After developing the policy, employers should instruct employees regarding the company's policy on cell phone usage.

Appendix I contains an example cell phone usage policy from the Employment Law Information Network. This resource can be found at <http://www.elinfont.com/>. Click on Human Resources and then under the Policies: C, and then click on cell phone.

- Operators should use the tow truck controls located on the shoulder side of the road.

Controls for the boom and lifting the vehicle are located on both the roadside and the shoulder side of the truck. Although it is unknown which set of lift controls the victim was operating, an operator should use the controls on the shoulder side to provide additional protection from oncoming traffic.

RESOURCES

Manual on Uniform Traffic Control Devices (MUTCD) 2003. US Department of Transportation,

Federal Highway Administration. Internet Address: <http://mutcd.fhwa.dot.gov/index.htm>

Braun Consulting News. Volume 8, Number 1, Summer 2005.

Internet Address: www.braunconsulting.com/bcg/newsletters/summer2005/summer20051.html

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APPENDIX I

USE OF CELL PHONES WHILE AT WORK

Purpose

The use of a personal cell phone while at work may present a hazard or distraction to the user and/or co-employees. This policy is meant to ensure that cell phone use while at work is both safe and does not disrupt business operations.

Use of Cell Phones While at Work

Unless otherwise authorized, employees may only use personal cell phones for an emergency. To the extent authorized or as the circumstances may warrant, cell phone use should be limited to making telephone calls.

Additional Cell Phone Functions and Services

In addition to telephone service, many cell phones or cellular providers offer a host of additional functions and/or services, including text messaging and digital photography. It is not possible to list all of the services that are now -- or may become -- available. Whether enumerated or not, employees are strictly prohibited from using *any* of these services while at work.

Discipline

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination.

MIFACE

Investigation Report # 05 MI 045

Evaluation

To improve the quality of the MIFACE program and our investigation reports, we would like to ask you a few questions regarding 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	Good	Fair	Poor
1	2	3	4

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

<i>Were the recommendations ...</i>	Excellent	Good	Fair	Poor
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
- ☐ Post on bulletin board
- ☐ Use in employee training
- ☐ File for future reference
- ☐ Will not use it
- ☐ Other (specify) _____

Thank You!

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