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COMMONWEALTH OF VIRGINIA
BOARD OF TOWING AND RECOVERY OPERATORS
PUBLIC SAFETY TOWING
PUBLIC COMMENTS

DATE: JULY 24, 2008

TIME: 7:55 P.M.

LOCATION: WYTHEVILLE MEETING CENTER
333 COMMUNITY BOULEVARD
WYTHEVILLE, VIRGINIA

WYTHE COURT REPORTING
P. O. Box 326
Wytheville, VA 24382
(276) 228-7881

ORIGINAL

1 APPEARANCES:

2 BOARD MEMBERS: Ron Miner
3 Archie Orr
4 Lieutenant Curtis Hardison
5 Charles Brown
6 Ray Drumheller
7 Ray Hodge
8 Woody Herring
9 Roy Boswell
10 Mark Sawyers
11 Scott Wyatt
12 Gary Teter

13 REPORTED BY: Peggy N. Pierce
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15 P. O. Box 326
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1 MEMBER BROWN: To save a little bit
2 of time, we'll start with the people on this
3 side. This will be for the comments on public
4 safety, police towing, what your comment is on
5 what you think regulations should be on that.
6 If you -- equipment, facilities, whatever it may
7 be. Anyone add, need to add anything to what
8 I'm saying with that? You all ain't helping me
9 much. I ain't winging this.

10 All right. We're gonna start right
11 here. If, if, if the first five that want to
12 line up and we want to keep this -- see, you sat
13 at the wrong place, Lee. Now I will have to ask
14 you on this -- we will take -- let me add this.
15 We will take written comments. I'd like for
16 everybody to be quiet through these people
17 because we're gonna have to give 'em a short
18 time frame to talk and I think Curt, what'd you
19 say, Curtis, about three?

20 LIEUTENANT HARDISON: Three
21 minutes.

22 MEMBER BROWN: About three minutes.
23 Don't think that this, we're not gonna listen to
24 you after that. If you got any more comments,
25 write 'em, email 'em, call 'em in to the office,

1 whatever you will because I, I can tell you we
2 went through every single comment. How many
3 meetings did we have going through comments? I
4 mean we just sat down and all we did is go
5 through and we read every word of every wri-,
6 written comment there was and we'll read these,
7 too. So, so the three minutes is not the end of
8 your, your, your talking. You can talk, you can
9 send in anything you want, any comments. It can
10 be ten pages. Whatever you gotta send, send it
11 in.

12 And three minutes, keep it civil.
13 Keep it civil. Curtis, you all kind of pay
14 attention to Curtis. He's, he's gonna be your
15 timekeeper for you. And, and if -- and you need
16 to kinda, like I said, stay on the subject of
17 public safety and police towing for this.

18 And I want to thank everyone and if
19 there's nothing else to say, we'll start with,
20 oh, start with your name and where you're from
21 and we'll start with Mr. Bowman here.

22 LEE BOWMAN: Lee Bowman from
23 Bowman's Towing, Harrisonburg, Virginia.

24 I personally feel that the
25 equipment should be left up to the owners of the

1 business to decide how much of the towing
2 business that they want to do. I can't
3 personally see a twenty-five or thirty-five ton
4 wrecker setting in my driveway, when I don't
5 have a need for it. I don't think that the
6 Board should require us to have it. I think if
7 it needs to be done, it should be done on a
8 local level through the local police
9 departments, the local State Police, and the
10 Sheriff's Department. They know the needs of
11 the area and the terrain. So I just ask the
12 Board to give that some consideration, please.

13 Thank you.

14 LIEUTENANT HARDISON: Thank you,
15 sir.

16 DAVID ADAMS: I'm David Adams,
17 Adams Wrecker Service, and I'm also the vice
18 president of Commonwealth Towers Association.

19 I'm a single truck operator from
20 down Providence Forge. I believe that the
21 trucks, the equipment should be left to the,
22 like Mr. Bowman said, to the operator. There
23 are a lotta single truck operators out here. I
24 believe the State Police has approximately four
25 hundred in the state.

1 LIEUTENANT HARDISON: That is
2 correct.

3 DAVID ADAMS: And I think they do a
4 pretty, pretty good job. I'm one of 'em. I've
5 had more than one truck, but with, with drivers
6 hard to keep like they are I don't know see
7 where, you know, where that's necessary. If, if
8 I want to do it with a rollback and can do it
9 with a rollback, it should be my business to do
10 so.

11 Another thing that's come up in the
12 past is -- and which I, I understand we're
13 supposed to be starting fresh here, so
14 everything that was done in the past is supposed
15 to be gone, but storage lots. I think storage
16 lots and office hours and, and the way I run my
17 office and all should be left up to me. And if
18 the county has a, a, a zoning ordinance, we
19 should have to meet that and the state should
20 otherwise stay out of it. It's worked pretty
21 good. I mean it's tough enough now to get a
22 storage lot zoned anywhere anyway, so if you've
23 got one, you know, you pretty well must be doing
24 something right.

25 I, I, you know, I'm very

1 independent and I, I can't see all these rules
2 and all coming down being a, anything that's
3 gonna help us. Government regulations, I hate,
4 I hate red tape, you know.

5 So I guess that's all I have to say
6 right now, but I hope you all will consider the
7 small operators and the young people coming on
8 in the future, as Mr. Carrico mentioned earlier.
9 It didn't cost me a lot to start and didn't cost
10 a lotta these people sitting on this Board a lot
11 to start, but if a lotta these regulations had a
12 been passed the way they wanted to, young man
13 coming outta high school today, who might not
14 want to go to college, would have a hard time
15 meeting the requirements because he'd have to
16 have a whole lotta money to start with.

17 Thank you.

18 JASON PENCE: Evening. I'm Jason
19 Pence again, Keller Towing and Valley Towing
20 outta Mount Jackson.

21 I do want to respond real quick to
22 what Charlie Brown said. They did -- I was
23 shocked and surprised pleasantly -- the Board
24 did address every one of the public comments
25 made. And I'm not an apologist for the BTRO by

1 any means, but I have to admit I think the Board
2 did a decent job in looking at each one of 'em.

3 So now on to my comments.

4 Gentlemen, we have some serious concerns, as
5 apparently a majority of towers within the
6 Commonwealth do from all areas with public
7 safety regulations. While we realize that as a
8 result of Senate Bill 707, the Board has to
9 start from scratch, it'd be naive to think that
10 the last working paper won't be a starting
11 point, whether it be on paper or in somebody's
12 head.

13 Let's be perfectly clear here. The
14 Board is required by statute to draft
15 regulations for public safety towing, minimum
16 regulations. There's no requirement in the
17 statute to go whole hog in an attempt to enact a
18 whole, huge wish list of regulations from the
19 start.

20 We recommend that the text of the
21 public safety regulation read something like
22 this, quote, Any towing and recovery operator
23 who performs public safety towing shall perform
24 these tasks and duties in accordance with the
25 general regulations of the BTRO and additionally

1 shall comply with any requirements set forth by
2 either the local contracting agency or the law
3 enforcement agency who administers the rotation
4 list, close quote, period.

5 That seems to settle the argument
6 because the locality should know what's required
7 in their locality. We've got towers who have
8 been doing the job for many, many years, been
9 doing it safely, and been doing it efficiently.
10 There's no reason to go ape on the regulations
11 as has been done. And State Police have kicked
12 a few people off rotation lists that I'm aware
13 of. I would expect that that's the same in
14 other areas.

15 It seems to these observe, these
16 observers, un-knot tongue, that some of the BTRO
17 members are attempting to gain a marked
18 competitive advantage in writing the public
19 safety regulations designed to knock as much of
20 the, their competition out of the running as
21 possible.

22 The Board's already far overreached
23 its mandate once before, which resulted into, in
24 the passage into law of Senate Bill 707, and
25 it's why we're sitting here tonight. The Board

1 was required to do these public safety meetings.
2 It wasn't something they volunteered to do. The
3 General Assembly said you will do this.

4 Honestly, in the interest of
5 furthering the industry and not throwing the
6 baby out with the bath water, we do warn the
7 Board to take baby steps from this point on and
8 do not attempt to knock your smaller competition
9 out via regulatory fiat. Is that you?

10 LIEUTENANT HARDISON: Yes, sir.

11 MR. PENCE: All right. I'm wrapped
12 up. I have written comments that I'll -- who
13 should I pass 'em to, Lieutenant? Daphne?

14 LIEUTENANT HARDISON: Yes, sir, if
15 you would.

16 MR. PENCE: Thank you.

17 LIEUTENANT HARDISON: If, if I
18 could, before Mr. Young gets up, to, to comment
19 on the public safety towing just to -- the State
20 Police had a meeting with Delegate Carrico a
21 little while ago just to talk about the public
22 safety regulations and, and his comments to us
23 were that he wanted to make sure that everybody
24 was taken care of.

25 So what we have done is, and a

1 supervisor or someone from the State Police
2 should be contacting you, if you are on the
3 State Police towing list, and they're inquiring
4 about what equipment you have as well as the
5 tonnage of the boom rate, your GVW, your make
6 and model. I, I'll be honest with you, I'm the
7 one who wrote the survey on that.

8 And it's so that these comments
9 here tonight and when we actually collectively
10 bring all this information together, we know
11 what trucks are out there, we know what
12 equipment that we have on, on our list so that
13 it, it benefits you in the long run.

14 So I just wanted to let you know
15 that we're, we're looking into absolutely
16 everything we can before a, a draft is even done
17 about the public safety towing. So we're trying
18 to give everybody the benefit of any and all
19 doubt with that. Just so we, we -- just so you
20 know what the, the survey is about.

21 ROBERT YOUNG: I'm Robert Young.
22 I'm from Roanoke, Virginia.

23 There's two different towing, B and
24 A. B is your small. I think you need to have
25 some kinda recovery vehicle. If you're gonna be

1 out here doing police recovery, you've got to be
2 able to do the recovery, so you've gotta have a
3 truck that's rated for recovery. If you're
4 doing large work, you need a, at least a twenty-
5 five ton and a thirty-five ton minimum. You
6 need to be trained. You need to be certified.

7 You wouldn't go to a doctor that
8 had equipment from the '50s that didn't know
9 what he was doing that had just been doing it,
10 well, he learned from his grandpa, but you want
11 a doctor that's been trained. You gonna get
12 operated on, you want to know that you're gonna
13 survive.

14 If you're standing there helping
15 another operator, working something together,
16 you don't want him to kill you. You want to
17 survive.

18 If a person comes to get their
19 vehicle, they should have a storage facility.
20 They, they should have somebody there to handle
21 the business. They should have a building to
22 walk in. If they have to use the facilities,
23 they should have facilities there. They
24 shouldn't be out there in a garden building or
25 in a field.

1 Thank you.

2 EUGENE MASON: My name's Eugene
3 Mason. I'm with Campus Exxon out of Blacksburg,
4 Virginia.

5 MEMBER WYATT: Mr. Chairman, could
6 -- Robert Young or -- just spoke, what is -- is
7 he a tower?

8 CHAIRMAN HODGE: Yes.

9 UNKNOWN MALE: He's also an
10 equipment salesman, too.

11 MEMBER WYATT: Equipment salesman.
12 Thank you.

13 EUGENE MASON: Sorry, Sir.

14 MEMBER WYATT: I apologize. Go
15 ahead.

16 EUGENE MASON: Again my name's
17 Eugene Mason. I'm with Campus Exxon outta
18 Blacksburg, Virginia.

19 It is my understanding that the
20 Board has not looked very far into training or
21 certification standards. I, too, believe that
22 that is something that we need to do to move
23 forward to and do need to require. The start of
24 this public safety training, training is safety.

25 I do feel that through training you

1 can determine as to whether your own equipment
2 is up to par or not. You know what your
3 equipment is. Today's times you have a lotta
4 people who are now coming out to start towing,
5 getting into towing because of other jobs have
6 gone away and they are getting into towing to do
7 this. You don't have the father and son coming
8 up through the system anymore and you don't have
9 anybody that's really, truly teaching anybody
10 anymore.

11 I do feel that you need not just a
12 certification. I am TRAA, I'm wreckmaster on
13 West Wilburn. Just getting certification
14 doesn't make you a tower. I do feel that you
15 need to be trained.

16 You take all your sports people out
17 here, your firefighters, everybody that work
18 together, when they work together, it's because
19 of the training they have taken. I mean take a
20 firefighter from New York, bring him to
21 Virginia, he's still fighting the same fire,
22 he's still fighting the same training, he's
23 still doing the same thing.

24 Had a friend make an analogy to me
25 that kinda made sense. You can go out here,

1 give me a brand new set of golf clubs, best ones
2 you ever seen. Take Tiger Woods, give him the
3 worst ones you've ever seen. He's gonna beat
4 me. I've never seen a golf ball, never been on
5 a golf course. I've got the best equipment, but
6 I can't hit the golf ball.

7 That's all I have to say. Thank
8 you.

9 MATT McMURRAY: I'm Matt McMurray
10 from Campus Exxon in Blacksburg, Virginia.

11 I think that hands-on training and
12 certification should be of utmost priority to
13 the Board.

14 Equipment standards, I really
15 couldn't care less what you got out there, but
16 you need to be trained and certified. And I
17 think there should be a minimum level of
18 equipment that you should carry on your truck.
19 However, I'm not really too concerned with how,
20 how modern it is.

21 That's all I have to say.

22 ALAN WOODS: Mr. Chairman, members
23 of the Board, my name is Alan Woods, speaking on
24 behalf of Tony Troilo, President of, of Major
25 Incident Heavy Recovery Operators Association,

1 known more commonly by its acronym MIHROA. I'm
2 also an owner of Woods Towing and Recovery in
3 Roanoke, Virginia.

4 I'm very pleased to be here today
5 because we are all part of a very important and
6 historical turning point in the professionalism
7 of our industry, not only in Virginia, but
8 around the country. What we do here is being
9 closely watched by towing associations and will
10 likely be emulated in states from Maine to
11 Hawaii. We should never forget throughout this
12 process that we are also being watched closely
13 by our detractors, those who do not want to see
14 our industry professionalized due to their
15 company's monetary interest or personal gain.

16 To be perfectly clear, MIHROA does
17 not and has never wanted regulation for our
18 industry. More than three years ago, however,
19 it became clear that the General Assembly was
20 going to regulate us. Therefore, we bonded
21 together and spent a considerable amount of
22 time, energy, and money to work to insure that
23 this Board was made up of a majority of towers
24 and that the chairman of the Board was and will
25 always be a tower.

1 Because of MIHROA's work on this
2 Board, the BTRO is the most autonomous
3 regulatory board in the Commonwealth. This was
4 a very difficult task and I can tell you it will
5 be just as hard, if not harder, to insure we
6 keep this board autonomous and in the hands of
7 the towing industry.

8 During the long process of building
9 this Board, MIHROA took a leading role in
10 negotiations with the General Assembly and state
11 agencies. We did not take this responsibility
12 lightly. We did so on behalf of all towers, not
13 just the interests of members and their
14 businesses.

15 As a result, I am very proud that
16 MIHROA won approval for many long sought
17 improvements in the towing industry, including,
18 for the first time in more than ten years, a
19 significant increase in the trespass towing fee
20 rate from eighty-five dollars to one twenty-
21 five. We also raised the rates for additional
22 fees, which can be charged to trespass towing
23 bills for nights, weekends, and holidays.

24 We improved the mechanic's lien
25 law.

1 We raised the inoperable vehicle
2 amount to allow us the ability to get rid of
3 vehicles faster.

4 We insured that the public safety
5 towing will not be price regulated by the Code
6 of Virginia.

7 And we have significantly improved
8 the relationship our industry has with many of
9 our partners, including the General Assembly.

10 MIHROA is proud of its record of
11 accomplishment and will continue to look out for
12 all towers.

13 MIHROA's number one concern
14 regarding these public safety regulations is and
15 always will be the safety of Virginia's
16 motorists, towers, police officers, and fire and
17 rescue personnel. Every year more towers are
18 killed in America than police officers, fire and
19 rescue personnel combined. This is a
20 significant statistic by itself, but we in this
21 room very likely know someone who has been
22 killed in the line of duty. We would like to
23 see these numbers drop substantially as a result
24 of these regulations.

25 MIHROA also supports commonsense

1 regulation of the industry when it comes to
2 equipment and educational requirements. We know
3 that if this Board does not develop reasonable
4 regulations, then the General Assembly or other
5 state body will take away our ability to self-
6 govern. This is a fact.

7 Thank you.

8 MEMBER WYATT: Mr. Chairman, can I
9 ask a question to Mr. Woods? Mr. Woods?

10 MR. WOODS: Oh, I'm sorry, yes,
11 sir.

12 MEMBER WYATT: I, I'm, of course,
13 the newest member of the Board. How many
14 members does MIHROA have, operators in the State
15 of Virginia?

16 MR. WOODS: Members on MIHROA as
17 far as companies I, I would guess around twelve
18 operate, twelve companies I'm gonna say. And
19 I'm gonna be honest with you, I'm, I'm a new
20 member of the association, so I don't know the
21 specifics.

22 MEMBER WYATT: Thank you. Thank
23 you very much.

24 MEMBER SAWYERS: I, I have one
25 question.

1 MR. WOODS: Oh, I'm sorry. Is --
2 I'm sorry.

3 MEMBER SAWYERS: Did VATRO help
4 with any of those regulations?

5 MR. WOODS: I'm sorry?

6 MEMBER SAWYERS: Did VATRO help
7 with any of those?

8 MR. WOODS: Absolutely. And I
9 think it was stated in here with the interest
10 of, of, and hard work of, of various
11 associations as well. Absolutely. And it's
12 like we said here, we need, we need uniform with
13 every, every operator in the state.

14 LISA EATON: Good evening,
15 gentlemen. I'm Lisa Eaton and I'm representing
16 Complete Towing and Recovery.

17 MEMBER BROWN: Lisa, turn that down
18 to you some there. There you go.

19 LISA EATON: Okay.

20 MEMBER BROWN: Thank you.

21 LISA EATON: My question is -- and,
22 and there, there are some things that I don't
23 necessarily agree with. Everyone's gonna have
24 that problem with some things on it. The
25 majority of it I do as far as training and

1 bettering your employees and bettering your
2 companies, that's a wonderful thing that you all
3 are offering and I think it's very important for
4 anyone to want to be ambitious and do better for
5 themselves and for their customers.

6 My concern with the public safety
7 and us being regulated on a standard of practice
8 is how that is going to be regulated on these
9 rotation lists and how it is going to be done
10 fairly on that. Are there going to be standards
11 on how many rotation lists a wrecker provider
12 can be on? Are we going to be able to opt and
13 be on more than one rotation list in our
14 vicinity? Or are we going to be limited, as we
15 are now, to being on one rotation list?

16 And I just, I have a huge concern
17 that things -- I don't, I, I don't have a
18 problem being a standard, if it is a fair
19 standard and it is across the board for
20 everyone. I don't think that you allow one
21 company to do one thing on a rotation list and
22 you don't allow the others the same opportunity.
23 If we're offering one wrecker company two lists,
24 then we offer every wrecker company two lists.
25 If we're offering one wrecker company to operate

1 outside limits, then you let the other wrecker
2 companies do that, also. And I think that
3 standard of practice should also be regulated
4 along with our standard as far as with the State
5 Police, with the, any of the rotation lists that
6 this is going to be required on, that every list
7 should be regulated just like we are.

8 And that was my concern with, with
9 the public safety is if there's gonna be these
10 requirements on education and on equipment, that
11 everybody be on a level playing field. It's
12 apples and apples, not apples and oranges.

13 So thank you all.

14 DONNIE WYATT: My name's Donnie
15 Wyatt. I'm from I81 Travel Plaza right here in
16 Wythe County.

17 We have two, two wreckers and a
18 rollback. I don't have a problem with equipment
19 standards. The only problem I have, if you're
20 gonna have a standard, you need to have that
21 standard set high enough to take care of what's
22 on the road. You need something that's gonna
23 come out, move the vehicle off the interstate in
24 a timely manner. You don't want it to, you
25 don't want somebody to have to sit there four

1 hours doing something it'd take somebody else an
2 hour. You gotta have your equipment standards
3 right.

4 Training is part of it. If you
5 don't have the training, you don't know how to
6 use your equipment. Every one of you guys have
7 had some kinda training. State Police have,
8 fire department, everybody. You know, with that
9 it just, that's just straight up. I mean if you
10 don't have a standard somewhere, it's not gonna
11 work.

12 I also think that the State Police
13 that call you to do a scene, they need to be
14 educated on what it takes to get the job done.
15 Somebody sitting there throwing their arms up
16 saying what's taking you so long, let them crawl
17 under the truck and do it. Let them see what it
18 takes.

19 That's about all I have to say.
20 Thank you for your time.

21 CRAIG SHEETS: My name's Craig
22 Sheets. I'm from the Roanoke, Virginia area.

23 I have a twenty year history in
24 public safety, both in fire and EMS. I've had
25 the unfortunate circumstances of being on both

1 interstate I81, the 220 corridor, and the 460
2 corridor in southwest Virginia working both
3 fatality and minor accidents.

4 What I'm here to speak to you about
5 tonight is about the training aspect. Everyone
6 operating on the scene of an accident has a
7 standard training that they must meet, they must
8 operate on a highway.

9 The Federal government recently has
10 pushed down onto us the NIMS training and the
11 ICS training, something we've been doing since
12 we got into the business, but it's never been
13 called that. However, because we've been doing
14 it for twenty years, we've still had to go
15 through the basic rank and file training, even
16 whether we were the brand new firefighter or the
17 chief that's been chief for fifteen years.

18 I think it's very important that
19 there be a minimum standard of training for all
20 operators and all drivers because when we get
21 out there, you need -- when you start to think
22 about what regulations you want to set, I think
23 it's important for you also to think about the
24 lives and the safety of the passing motorists
25 and the other public safety providers that are

1 on the scene. Fortunate enough for fire and
2 EMS, we have a little heavier protective
3 equipment should something fail on a truck. A
4 state trooper doesn't, a law enforcement officer
5 doesn't.

6 A lotta times we're put in
7 situations we may not be comfortable with a
8 wrecker equipment that shows up, but right now
9 there's nothing to say that they can't be doing
10 the job.

11 So I want to emphasize to you when
12 you start thinking about the regulations for
13 training, that you not only consider the impact
14 it's gonna have for the towing companies, but
15 also the impact that it will have on your public
16 safety providers out there with them.

17 ERIC FLY: Mr. Chairman, members of
18 the Board, Eric Fly, representing the Virginia
19 Beach Wrecker Association and the Commonwealth
20 Towing Association outta Richmond.

21 First I'd like to thank the General
22 Assembly for giving us this op-, this
23 opportunity to be here tonight for without them
24 this meeting would have never taken place and
25 I'd especially like to thank Delegate Carrico

1 for his patience. He had us coming to his
2 subcommittee on a constant basis with towing
3 issues, which I know he has grown weary of, but
4 we appreciate his attention to our concerns.

5 I expressed my disappointment that
6 the Board meeting was canceled today that was
7 scheduled for 4:00 o'clock and it would have
8 been a good opportunity for the citizens of
9 southwest Virginia to have seen this Board
10 operate because we know that it's, it's
11 difficult for people to come to Richmond and see
12 the, and see the meeting take place.

13 We stand before you tonight to
14 express our concerns about the speed at which
15 the Board continues to move forward, especially
16 as, as we enter into the public safety tow
17 arena.

18 It is a fact that this Board has
19 been tasked by the General Assembly to draw up
20 minimum standards for public safety tow
21 regulations. However, there's also a fact that
22 not one law enforcement agency has ever
23 requested of this Board, to my knowledge, help
24 in this area. With over a hundred different law
25 enforcement agencies in the Commonwealth of

1 Virginia, according to our Association's
2 knowledge, none has sought out this Board for
3 help in this area. So the question we have is
4 what's the problem?

5 And we would ask this Board to slow
6 down, to take the time. We know that there was
7 a draft copy circulated in November of 2007 and
8 that in this draft copy we know that certain
9 associations came in and asked that separate
10 offices be established, separate lots be
11 established, and multiple trucks and equipment,
12 including air bags and other things, would have
13 to be on board.

14 We would ask that you throw that
15 document out, that you start again as the
16 General Assembly has instructed you to, and in
17 these hard economic times to remember that the
18 basic minimum requirements is all we need at
19 this point in time and that if these
20 regulations, which are passed by this Board, are
21 too stringent and the equipment requirements are
22 too high, that you will force towers out of the
23 safety towing arena; therefore delaying and, and
24 increasing the response times and absolutely
25 being contrary to the General Assembly's wishes

1 to increase the response times to clear the
2 highways of the Commonwealth. We would simply
3 ask, as two of the towing, towing associations
4 in the Commonwealth, that you slow down and
5 think about the economic times in which we're in
6 and know that you're only required to set the
7 minimum standards for towing, for public safety
8 towing regulations and leave the, the
9 responsibility of public safety towing and the
10 equipment needed for public safety towing and
11 the facilities needed for public safety towing
12 with the law enforcement officers of this
13 Commonwealth, where it should be.

14 Thank you.

15 FLOYD MAYS: My name is Floyd Mays.
16 I'm an insurance agent from Richmond, Virginia.
17 I insure about a thousand tow trucks. Actually
18 nine hundred and ninety-one now.

19 What I see this Board is trying to
20 do is to regulate the most regulated un-
21 regulated industry in America. I want you to
22 think about it. Already tow truck companies
23 have to account to VDOT, the State Corporation
24 Commission for MC11s and cargo certificates, the
25 Form E, Federal Form E. There are municipal

1 towing boards like the Hampton Tow Board and
2 county boards like the Chesterfield Tow Board
3 that have stringent regulations on their towers
4 for public safety towing. The requirements that
5 they have to meet to be on the State Police
6 list, the county police list, the city police
7 list, and then they've got me to deal with in
8 getting approval on the drivers before they can
9 sit in the truck. And if that's not bad enough,
10 they got motor clubs that they have to meet
11 those standards, too. Not to mention the
12 individual tow company reputations that they
13 have to maintain. And the power of the free
14 market society, the demand of the consumer for a
15 reasonable level of performance to stay in
16 business.

17 Those of you on the Board who don't
18 have any personal agenda know exactly what I'm
19 talking about and will freely agree if the
20 public knew how many hoops these guys have to
21 jump through in the course of trying to run
22 their business, the public would be shocked.

23 I believe it matters greatly that
24 an extremely rich, exclusive, by invitation only
25 towing association whose members pay dues that

1 would render the average tow company owner
2 speechless is trying to influence the
3 Legislature to favor their make us rich and
4 powerful agenda by having a high paid lobbyist
5 on duty twenty-four/seven and passing out
6 political contributions by the bushel basket.
7 And by the way, these political contributions
8 are public record. You need to see who's
9 getting the money from these people and you need
10 to get 'em outta office.

11 However, I also believe that there
12 are enough Senators and Delegates of integrity
13 and intelligence serving in the Virginia
14 Legislature that will see through all this
15 lobbying and all these political contributions
16 and all these we need to fix the towing industry
17 in Virginia claims and will make reasonable
18 judgments relative to the future of VATRO.

19 I've been insuring tow trucks for
20 thirty years and I speak with authority. You're
21 trying to fix something that isn't broken,
22 except that I don't believe the VATRO leadership
23 is completely really trying to fix it. I
24 believe the, the leadership is trying to create
25 an environment where the towing industry can be

1 controlled to the advantage of the leadership's
2 exclusive association and membership.

3 When I'm told that the Board of
4 Consumers Affairs has had six complaints in
5 three years, where's the problems?

6 That's all I've got for right now.

7 MIKE GRUBB: I'm Mike Grubb from
8 East Tennessee Wrecker and I, I addressed you
9 all earlier today.

10 Guys, you all ought to be thankful
11 that they're trying to do this because I'm
12 telling you I will operate outta Tennessee
13 before I operate outta Virginia and I've had two
14 drivers to get killed in, in the line of duty in
15 Tennessee because they left our ass out there
16 with no help. VDOT comes in and they block the
17 highway. They'll come in and ask us what you
18 need, how long are you gonna be here, you know.
19 We give 'em an estimated time.

20 And, and I appreciate what you all
21 are doing because in Tennessee, and I operate on
22 both sides, I operate in Tennessee and Virginia,
23 large, small, we do it all. But I'm telling you
24 guys in Virginia you all ought to thank these
25 guys because Tennessee will leave you out there

1 with one trooper, no, no road blocked, no lane
2 blocked, but VDOT don't. They come in. If I
3 tell them I need one lane, they'll block it.
4 Now they don't want me to close the interstate
5 down and I understand that. But you go to
6 Tennessee and you try to do the same job that
7 we're doing in Virginia, you don't got no help.

8 And I, I want to thank them for
9 what they're trying to do. I don't agree with
10 everything they're doing, that's for sure. But
11 bottom line is VDOT and the State of Virginia
12 does more for the wrecker companies as far as
13 trying to keep us safe than Tennessee. And I
14 mean I can't speak for no other state, but I've
15 worked in both of 'em for thirty years and I
16 would rather do a police call in the State of
17 Virginia any day, even though I don't agree with
18 a lotta things they do. But I'm telling you,
19 you work in Tennessee, you better not turn your
20 back or you're gonna be dead. They don't take
21 care of you like VDOT and the State of Virginia
22 does.

23 So in my opinion, you know, it's
24 gonna be a good thing, but I think there's a
25 lotta changes to be made. But man, I'm telling

1 you, when you've had a driver to get killed and
2 you remember it, so I think VDOT does a good job
3 and I think what you all are trying to do is
4 good. But there again I don't agree with
5 everything, but you all ought to work in
6 Tennessee. You won't like it.

7 Thank you.

8 HOWIE DAVIS: My name's Howie
9 Davis. I operate Davis Service Center and
10 Towing Center in Clintwood, Virginia.

11 Like the person before me, I work
12 two states. I work Kentucky and Virginia and
13 like he said about Tennessee, Kentucky's the
14 same way. You, you go onto a wreck in Kentucky,
15 the State Police says okay, you're here, you got
16 it under control, we're gone. Kentucky,
17 Kentucky offers nothing; you provide it all.
18 Then they're, you know, you do the job, you're
19 gone and clean up your mess and nobody's there
20 except for you. You have no fire department,
21 you have nothing there to help you on that.
22 Virginia does. VDOT is real good to help on
23 that.

24 But going back to this other stuff
25 now. My dad, Randy Davis, was on this Board.

1 He was pretty much kicked off of the Board
2 because he was speaking up for the small towers
3 and stuff like that.

4 I'm, I'm not considered actually a
5 small tower, but a lotta the people in the
6 county is small towers. I have five wreckers,
7 the rest of 'em in our county has one wrecker.
8 I do A and B. I have two large wreckers, medium
9 size wrecker, small wrecker, rollback,
10 everything like that. We do it all. I'm the
11 only large wrecker service in the county.

12 Mine is all mechanical large
13 wreckers, 750 and an 850. They can do the work
14 of any hydraulic wrecker. We've worked along
15 beside hydraulic wreckers. My 850 has out-
16 pulled any hydraulic wrecker I have worked
17 against. It can be done just as fast as a
18 hydraulic wrecker. It does not slow up
19 anything.

20 We do not need air cushions in our
21 county. All of our wrecks are dump trucks, dump
22 trailers, stuff like that. We can set 'em back
23 up without air cushions.

24 Loaders, stuff like that, VDOT
25 provides all that. That's another thing we

1 don't need. VDOT brings in loaders, whatever
2 they need to clean up the spill.

3 I just ask that a lotta these
4 regulations on mechanical stuff be looked at
5 again. We don't, we don't need the expense to
6 do that.

7 That's all I have to say.

8 CINDY DAVIS: My name is Cindy
9 Davis. My husband runs Davis Service Center in
10 Clintwood.

11 We are one of the only bigger
12 wrecker services and we're not big by any means,
13 but what I look at is, you know, there's some
14 others that only have one and they could not
15 even come because they have to stay there and
16 take their calls. You know, they can't come
17 here and voice their opinions. And at least one
18 has been doing it for so many years he can blow
19 your mind with what he can do with his old
20 little wrecker. You know, all of this, you
21 know, while a lotta people says it's not a lot,
22 it will still put him outta business, and this
23 is his only source of income.

24 What, you know, the insurance
25 requirements and the training requirements,

1 that's all fine and good. Everything needs some
2 regulation. But don't forget about the one man.
3 You know, this other gentleman said that he had
4 one. You know, he may have other sources of
5 income. Some of these do not.

6 And keep in mind I'd say our little
7 town could probably fit almost on the campus of
8 this college. One wreck will shut down the
9 entire road. And a lotta these wreckers and
10 stuff, you know, they would shut down an entire
11 curve just trying to go through it, they are so
12 big. So do keep in mind that a lotta these
13 places, you talk about Bristol and everything
14 with southwest Virginia, that's huge compared to
15 our town. We don't deal with the same things.

16 If any of you all want to come,
17 ride with our wrecker drivers, look at what they
18 deal with, you all are welcome. If you all want
19 me to go out, take video, I'll send it to you.
20 Just do not forget about the little people.

21 Thank you.

22 DENNIS CARTER: I'm Dennis Carter
23 with Carter's Towing in Salem.

24 I want to thank the Board for being
25 here and hearing what we do have to say and I

1 want to apologize for my comments because I'm a
2 new public speaker.

3 There was a comment made about the
4 public would be outraged or astonished, if they
5 understood just what hoops we have to jump
6 through.

7 They would also be astonished when
8 you look at the fact that a dog groomer has to
9 have a license. A carpenter has to have a
10 license. Volunteer firefighters go through X
11 amount of training. But anybody that can go out
12 and buy a tow truck could go out tomorrow night,
13 be dealing with a load, an acid tanker upstream
14 from a, upriver from a water treatment facility.
15 The guy just bought the truck, has no idea what
16 he's doing. Our state trooper buddy could be
17 calling him. There's no, no -- you -- currently
18 there's no criteria saying that they can't call
19 him.

20 And as far as equipment standards,
21 it's my, my opinion if you're gonna be a small
22 tower, you need a wrecker and a rollback.
23 There's only one foreign manufacturer that says
24 they'll rate their rollback for recovery. None
25 of the domestic manufacturers or U.S.

1 manufacturers will rate a rollback for recovery
2 unless you put a side puller on it, which that's
3 another ten thousand dollar option. The wrecker
4 is rated as a recovery vehicle.

5 When it comes to the large
6 wreckers, I held out buying a hydraulic for as
7 long as I could. I love my old mechanical
8 units, but with the hydraulic, you can do a lot
9 more work, you can do it quicker. And I hate to
10 say it. I've got an 850 and I ran 750s and
11 650s, but you can get the work done with those,
12 but the right man with the hydraulic is gonna
13 get the work done a little bit quicker.

14 The training part, I feel that's,
15 that's the most important part.

16 And as far as I don't think you can
17 make standards to suit the whole state. You're
18 gonna have to look out for the little people in
19 the rural areas. I mean I'm unlucky enough to
20 be in an area where there's pretty, you know,
21 several big hitters, so I'm probably, you know,
22 I would venture to say I may have to come up
23 with different equipment than what somebody in a
24 rural area should have to come up with.

25 Thank you.

1 MICHAEL COMPTON: My name's Michael
2 Compton. I'm with Nelson Ford, Incorporated in
3 Martinsville, Virginia.

4 I've been in the towing industry
5 now for a little over twenty years and I'm, I'd
6 like to echo what I've heard from a number of
7 the people in reference to the requirements for
8 equipment. I think there should be requirements
9 for equipment, but I certainly believe that that
10 requirement should vary depending upon the area
11 that you're working in.

12 I don't think a blanket requirement
13 for equipment for rural areas is gonna be
14 consistent with what that of a larger
15 municipality with interstate, commerce travel,
16 and the areas that require quicker cleanup than
17 the rural areas do.

18 I think volume will depict the, the
19 areas that can tolerate having those
20 requirements put upon them. I think as, as the
21 guys say, with these smaller areas and the
22 rural, rural communities, there's not volume to
23 be able to support some of the requirements that
24 have been proposed. Obviously haven't been put
25 into place yet, but, but proposals for some of

1 this equipment would just, would break any rural
2 operator because of the traffic volume that they
3 deal with.

4 But I strongly believe that
5 education, hands-on training is a very important
6 part of this. And I think that if you put the,
7 any equipment in a particular operator's hands,
8 if they're not trained properly, if they've been
9 doing it for ten years, twenty years, or thirty
10 years, fifty years, if they don't do it
11 properly, they don't understand their equipment,
12 they don't understand their ratings, then the
13 potential is there for injury to themselves or
14 the general public.

15 The cost of vehicles and the repair
16 of vehicles has increased to the point where
17 the, the insurance industry should be looking at
18 why do they not want people out here that don't
19 have the proper training to handle, handle their
20 equipment because the indus-, insurance industry
21 is the one that, that's gonna be cost for this.

22 But, but I think good hands-on
23 training, reasonable regulations that, that,
24 that the rural as well as the, as the larger
25 areas can tolerate, and, and to, to regulate

1 that, make everything reasonable to where people
2 can, can afford it. But, but education is key.
3 It's something you can't take away from anybody.
4 It's not that expensive to get education.

5 I was in the business for well over
6 fifteen years before I ever got my first
7 certification and the first class that I took,
8 aft-, after about four hours of that class, I
9 was surprised that I hadn't killed, maimed
10 somebody out there, myself in-, included, so I
11 think it's very good what you're doing and
12 continue to do it properly.

13 MEMBER BROWN: Do we have anyone
14 else that'd like to make some public, comments
15 on public safety towing? Anyone at all? If
16 you're, if you're not a public speaker, I know a
17 couple of you are probably like me, I'm not
18 either, write your comments down, send 'em in.
19 I hope that you have, yeah, on the information
20 you got, you'll have the address and everything
21 for the Board, the phone numbers for the Board.
22 Daphne will direct you to anyone that has a
23 question. Questions will -- she'll direct 'em
24 to one of us up here to call you and ask, answer
25 what we can out of it.

1 We heard a gentleman talk about the
2 having meetings down here. I know what, a year
3 ago or so we discussed and I was requesting to
4 have a, a Board meeting in this area and I hope
5 we can have another Board meeting in this area
6 because everyone needs to see more of how the
7 process works on this. Anyone else on the Board
8 that would have this, would like to address
9 right now?

10 LIEUTENANT HARDISON: I do.

11 MR. BROWN: You do? All right,
12 Curt.

13 LIEUTENANT HARDISON: First I'd
14 like to thank everybody for coming this evening.

15 When we go through these type
16 hearings or have Board meetings, it's nice to
17 see you take the time to come and express your
18 opinions and to let us know the good, as well as
19 the bad.

20 The State Police takes it very
21 seriously with everything. We've tried to
22 provide numbers to the Board at just about every
23 meeting about how many towers we have had, as
24 well as what equipment and things like that.

25 But it means a lot to us to be able to

1 see your side of, of everything, the good as
2 well as the, the bad. And on that we certainly
3 appreciate everything you've done this evening
4 and, and across the board. So I, I just want to
5 tell you thank you very much.

6 MEMBER BROWN: Delegate Carrico,
7 you look like you'd like to say some more here
8 and --

9 DELEGATE CARRICO: I'd just like to
10 follow up with just a comment to the Board and a
11 comment to the towers that are in here.

12 Just listening to everything that's
13 been said, understanding what the dilemmas are
14 that you're facing, having the meetings with the
15 State Police and, and members of the Board, I
16 can assure you that the General Assembly never
17 gave this Board authority to take your
18 livelihood away and that's not what they're here
19 for. They're trying their best to put some
20 regulations in place that will help you.

21 And I feel very confident tonight
22 that they've heard a lotta comments, whether you
23 have one wrecker or whether you have ten,
24 they're gonna look at this and they're not gonna
25 take your livelihood away because if they do,

1 they'll have to answer to us because that was
2 not our inten-, intentions.

3 As far as the state lines are
4 concerned, you know, we've got to do something
5 because if the other states are not gonna
6 regulate their industry, then we're gonna do it
7 for 'em. We're gonna regulate what they can do
8 in this state, if we're gonna require you to do
9 the same thing. And I think that they need to
10 look at this, you know, really closely that the
11 wreckers from out-of-state that are operating
12 and are coming into Virginia, if they're not
13 gonna be held to the same standards that you're
14 gonna be held to, then they should not be
15 allowed to come and do the same business that
16 you're doing.

17 The final thing is I want to defend
18 the State Police because I know that they're not
19 gonna do it on their own. I've been in that
20 organization for too long. We put exemptions in
21 the laws that allow the State Police to make
22 decisions based upon what situation they're in.
23 Their, their number one goal is to save lives,
24 so if there is a wreck and someone's pinned in a
25 car and there's a four-wheel drive that drives

1 by that can pull that vehicle away from that
2 person, they're gonna do it and I'm gonna defend
3 them as a Legislator to be able to have that
4 right to do so.

5 The other thing is they are in
6 emergency situations, when they pull up on the
7 scene. I've been in their shoes and walked a
8 many mile in it, so I know what they do. I know
9 how dedicated they are, and I know everyone in
10 here realizes that they have no knowledge about
11 what the regulations are at this point because
12 the regulations are not in effect. They're
13 still being deliberated. That's why you're here
14 tonight. That's why the changes can be made.

15 But when, I can assure you when
16 those regulations are finalized, these guys are
17 gonna know exactly what you're required to do
18 and what you can't do and I can tell you from
19 experience that if we had enforced, as a
20 trooper, everything that's on the books that
21 you're regulated by, half of you wouldn't be in
22 this room today. There was a lotta lead-way
23 given to you as law enforcement officers to get
24 you to understand.

25 And, and I -- most of you in here I

1 probably don't know. There's a few of you that
2 I worked with. Randy Lineberry who's here, dear
3 friend, neighbor, we talk a lot. He can tell
4 you we just try to get along. We want you there
5 to help us.

6 And when the State Police looks at
7 these public safety things, they're gonna do
8 everything possible that they can to make sure
9 that you're in operation at the end of the day
10 and that you can help them clean up these scenes
11 and save these peoples' lives when it's, when
12 it's needed to be done.

13 The final thing is I appreciate the
14 Board coming down here. I know you didn't have
15 a choice. You were, you were made to do it.
16 But I welcome you back to southwest Virginia any
17 time and hopefully you will come back. And if
18 anyone has any questions of me, I'll be happy to
19 answer 'em.

20 Thank you.

21 MEMBER WYATT: Mr. Chairman, I have
22 one comment. As, actually this is my first
23 Board meeting. I am the, probably the newest
24 appointed member and I had no idea I'd come out
25 here and see this many folks here in

1 southwestern Virginia. I want to thank you all
2 for coming out.

3 I can tell you have two good
4 representatives in this part of the state,
5 Delegate Carrico, who subs, who chairs one of
6 the subcommittees in the transportation side,
7 and Senator Puckett.

8 And I probably first got involved
9 with this Board prior to my appointment during
10 the legislative process when the regs were
11 getting ready to be passed last year and started
12 attended some of the meetings and went to the,
13 the subcommittee meetings and then the full
14 transportation committee meetings on both the
15 Senate side and the House side.

16 And I can tell you these two guys,
17 Delegate Carrico and Puckett, actually really
18 fought and really had positive input and really
19 supported and had each one of your all's
20 interest at heart, so you, you all are fortunate
21 to have them out here.

22 I want to thank you and for him to
23 come out and spending his evening with us this
24 evening, thank you a lot.

25 DELEGATE CARRICO: Thank you.

1 MEMBER BROWN: To echo on that I do
2 want to thank everyone for coming out. That
3 shows that you're concerned about your industry.
4 It shows that you're concerned about your
5 business. I'm disappointed in those that didn't
6 come out. I'm really glad to see that, you
7 know, I really hate that they didn't care enough
8 about their business not to come. I'm glad you
9 all cared enough to come and, and protect the
10 future of our industry.

11 At this time we'll close the
12 meeting unless any other Board members have any
13 other comments they'd like to make.

14 Once again I'd like to say, you
15 know, echo again send your comments in by email,
16 fax, letters, phone calls, any way possible you
17 can do it. Make sure everyone has the
18 information that was available back there. If
19 you did not get the information, I'll surrender
20 mine. And thank you all very much.

21 (The meeting concluded at 8:47
22 p.m.)

23

24

25

1 STATE OF VIRGINIA, at large
2 COUNTY OF GRAYSON, to-wit:

3 CERTIFICATE

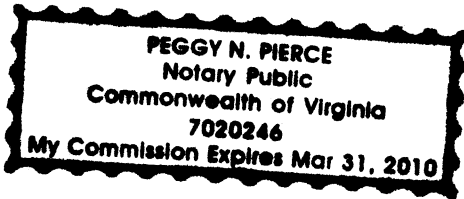
4 I, Peggy N. Pierce, Court Reporter and
5 Notary Public, at large, do hereby certify that
6 the above and foregoing proceeding was duly
7 recorded and transcribed by me and that the
8 foregoing represents a true and correct
9 transcript of the proceeding given.

10 I further certify that I am neither of
11 counsel nor of kin to the parties to the action,
12 nor am I in any way interested in the outcome of
13 said cause.

14 Given under my hand this 5th day of
15 August, 2008.

16 My commission expires: 03/31/10

17
18 Peggy N. Pierce
19 Court Reporter
20 Notary Public



21
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25