



AGENDA

TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, DECEMBER 16, 2013 - 9:00 A.M.

COUNCIL CHAMBER

SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

www.mississauga.ca

Members

Councillor Ron Starr, Ward 6 (**Chair**)

John C. Lyons, Citizen Member (**Vice Chair**)

Councillor Nando Iannicca, Ward 7

Mark Bell, Citizen Member

Daniel Ghanime, Citizen Member

Tullio (Tony) Pento, Citizen Member

Armando Tallarico, Citizen Member

Daniel R. Wallace, Citizen Member

Contact: Stephanie Smith, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDERDECLARATIONS OF CONFLICT OF INTERESTPRESENTATIONS/DEPUTATIONSMATTERS TO BE CONSIDERED1. Minutes of Previous Meeting

Minutes of the Towing Industry Advisory Committee meeting held June 11, 2013.

RECOMMEND APPROVAL2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, to Include a Two Tier Tow Truck Licensing System

Corporate report dated December 4, 2013 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, to include a two tier tow truck licensing system.

RECOMMENDATION

That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, to include a two tier tow truck licensing system, more specifically "General Towing for Hire" and "Contract Towing Not for Hire" as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

RECOMMEND APPROVAL3. Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requiring Tow Truck Driver Safety Clothing and Identification

Corporate report dated December 4, 2013 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring tow truck driver safety clothing and identification.

(3)

RECOMMENDATION

That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, outlining the requirements for tow truck driver safety clothing and identification as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

RECOMMEND APPROVAL4. 2014 Towing Industry Advisory Committee Meeting Dates

Memorandum dated December 5, 2013 from Stephanie Smith, Legislative Coordinator with respect to the proposed 2014 Towing Industry Advisory Committee meeting dates.

RECOMMEND RECEIPT5. Action List – Towing Industry Advisory Committee Meeting Held on June 11, 2013

Action list of the Towing Industry Advisory Committee meeting held on June 11, 2013 provided to the Committee to provide an update on the status of initiatives raised at prior meetings.

RECOMMEND RECEIPTOTHER BUSINESS

DATE OF NEXT MEETING – 9:00 a.m., Monday, February 11, 2013 - Council Chamber

ADJOURNMENT



Towing Industry Advisory Committee
DEC 16 2013

MINUTES

TOWING INDUSTRY ADVISORY COMMITTEE

TUESDAY, JUNE 11, 2013 – 9:06 AM

COUNCIL CHAMBERS
SECOND FLOOR, MISSISSAUGA CIVIC CENTRE, MISSISSAUGA, ONTARIO
www.mississauga.ca

Members Present: Councillor Ron Starr, Ward 6 (Chair)
John C. Lyons (Citizen Member) (Vice Chair)
Councillor Nando Iannicca, Ward 7
Daniel Ghanime (Citizen Member) (Arrived at 9:10am)
Tullio (Tony) Pento (Citizen Member)
Daniel R. Wallace (Citizen Member)

Staff Present: Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Office of the City Clerk

Stephanie Smith, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDER – 9:06 a.m.

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST –nil

Elliott Silverstein, Manager, Government Relations, CAA South Central Ontario spoke to existing tow truck by-laws related to auto clubs, such as CAA. Mr. Silverstein outlined the number of current CAA members, how CAA advocates for protecting the consumer and how CAA differs from regular tow truck companies. He noted that Section 28 in the Towing By-law does not outline how companies such as CAA can operate in Mississauga without owning a pound facility. Mr. Silverstien requested an exemption for CAA to ensure business can continue with residents of Mississauga.

Councillor Starr inquired if the tow truck are owned by CAA or contracted out and what percentage of CAA drivers respond to accident scenes. Mr. Silverstien responded that CAA has a branded network and are contracted out to a preferred network as they are not owned exclusive by CAA and that 99% of calls received are non-collision calls.

Direction was given to staff to report back to the Committee on this matter.

MATTERS CONSIDERED

1. Minutes of Previous Meeting

That the minutes of the Towing Industry Advisory Committee meeting held on February 19, 2013 be approved as presented.

Approved (Councillor Jannicca)

2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, Identification Markings on Tow Trucks

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the matter of identification markings on tow trucks and noted that staff have encountered a number of concerns with drivers not complying with the amended by-law. He noted that the amended by-law is seeking a distance requirement to which the letters on the truck can be visible.

Daniel R. Wallace, Citizen Member noted that the provision of not allowing outlining colours of lettering is a major concern of drivers, as many vehicles are branded by the look of their trucks. Mr. Bell noted that clear direction is needed for consistency and that drivers have one year to comply with the amendments.

Councillor Starr noted that staff are trying to be fair with all drivers with contrasting colours on trucks and that the City has an obligation to protect the public.

George Clarke, JP Towing, noted that JP operates in multiple municipalities and that each City has slightly different rules to comply to. He outlined the financial concerns with converting the decals to comply with the By-law.

Lisa Goncalves, Abram Towing, raised concerns with the financial costs associated with re-branding trucks. Councillor Starr asked staff to bring forward information to TIAC outlining why some trucks had failed the inspection.

RECOMMENDATION

1. That Section 33(8) of the Tow Truck Licensing By-law 521-04, as amended, be deleted and replaced with the following:

"have attached to or painted on both sides of the body of the Tow Truck in a location close to the middle of the body panels or as near as possible and as approved by the Licence Manager, in letters and figures of solid contrasting colour to the colour of the vehicle and not less than eight centimetres (approximately three inches) in height and a minimum two centimeters (approximately .78 inch) in thickness the name and telephone number of the business as shown on the Owner's Business Licence and must be a material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet)."

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2. That Section 33(10) of the Tow Truck Licensing By-law 521-04, as amended, be deleted and replaced with the following:

“have affixed to the Tow Truck rear window, on the driver’s side, the Owner’s Plate issued for that Tow Truck and have the municipal licence number painted or attached to both front fenders in letters and figures of solid contrasting colour to the colour of the vehicle and not less than eight centimetres (approximately three inches) in height and a minimum two centimeters (approximately .78 inch) in thickness and must be a material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet). The number shall include a designation of ML as a precursor to the number.”

Approved (Councillor Iannicca)

TIAC-0005-2013

3. Amendments to the Tow Truck Licensing By-Law 521-04, as amended, to Include a Grandfathering Clause For Existing Tow Truck Driver for Driving Experience

Daryl Bell, Manager, Mobile Licensing Enforcement noted that the report outlines the 7 year driving experience and that a grandfathering clause be included for existing tow truck drivers.

RECOMMENDATION

1. That a by-law be enacted to amend Section 4(1) of the Tow Truck Licensing By-law 521-04, as amended, to include driver experience and a grandfathering clause for existing Tow Truck Drivers.
2. That Section 4(1) of the Tow Truck Licensing By-law 521-04, as amended, shall be repealed and replaced as follows:

No Person shall be licensed under this by-law unless:

3. That Section 4(1)(a) of the Tow Truck Licensing By-law 521-04, as amended, be added and shall state the following:

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“he/she has at least seven years driving experience after completing the requirements of a full Ontario “G” driver’s licence; is a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a Driver and has a working knowledge of English. Any applicant applying as a licensed driver shall supply at their expense a Driver’s History from the Ministry of Transportation.”

- 4. That Section 4(1)(b) of the Tow Truck Licensing By-law 521-04, as amended, be added and shall state the following:

“Any existing Driver who does not meet the requirements as stated in Section 4(1)(a) on the date of passing of the amendment shall be grandfathered provided that they maintain a clear driver abstract until they have fulfilled the requirements of Section 4(1)(a).”

Received (Councillor Iannicca)
TIAC-0006-2013

- 5. Action List – Towing Industry Advisory Committee Meeting Held on February 19, 2013

Members of the Towing Industry Advisory Committee (TIAC) reviewed the action list.

RECOMMENDATION

That the action list of the Towing Industry Advisory Committee meeting held on February 19, 2013 provided to the Committee to update on the status of initiatives raised at prior meetings be received.

Received (Councillor Iannicca)
TIAC-0007-2013

OTHER BUSINESS

John C. Lyons, Citizen Member inquired if staff would be looking into WSIB as being a requirement for tow truck drivers. Mr. Bell noted that staff are looking into it.

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Councillor Starr asked staff to bring a report forward outlining the various enforcement infractions that tow truck drivers have faced and if they are coming from Peel Regional Police or City Enforcement officers.

ADJOURNMENT - 9:31 A.M

DRAFT



Corporate Report

Clerk's Files

Originator's
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Towing Industry Advisory Committee

DEC 16 2013

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DATE: December 4, 2013

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: December 16, 2013

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04, as amended, to include a two tier tow truck licensing system**

RECOMMENDATION: That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, to include a two tier tow truck licensing system, more specifically "General Towing for Hire" and "Contract Towing Not for Hire" as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

**REPORT
HIGHLIGHTS:**

- Issues have been raised as a result of tow truck companies operating in the city without a registered vehicle pound facility (VPF) in the City of Mississauga.
- The Canadian Automobile Association (CAA) requested a licence so that they could perform their business, which is a "not for hire" industry related to dispatched calls and not to chasing accidents.
- Mobile Licensing Enforcement previously started a process to accept a letter to set the terms for tows conducted by towing companies located outside the City of Mississauga, notwithstanding the requirements of the Tow Truck Licensing By-law 521-04, as amended.

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- A two tier licence system provides protection for the public, will more effectively regulate chase and contract tow trucks, and will address concerns with unlicensed and possibly unsafe tow trucks operating on Mississauga roads.

BACKGROUND:

Concerns have been raised by staff and the insurance industry regarding the issue of tow truck companies who are not located in Mississauga and do not have a registered VPF in the City of Mississauga, which contravenes the requirements of the Tow Truck Licensing By-law 521-04, as amended. The by-law requires that the tow truck driver take the vehicle to their registered VPF located in the City of Mississauga or to a location at the direction of the hirer.

Notwithstanding the requirements of the by-law, past practice by previous management was to accept a letter from tow truck companies located outside the boundaries of the City of Mississauga stating that the tow rates they would charge would not be more than what is permitted within the City of Mississauga in accordance with the by-law. This practice was originally put in place to allow contract tow truck companies, including the CAA, to operate in the City of Mississauga. However, a number of general towing companies with chase trucks were granted the same permission.

CAA and other contract tow truck companies operate on a dispatch call system for their customers under prearranged contracts to service their clients. The contract tow trucks are not permitted to attend accident scenes or other random towing situations except if they maintain a registered VPF in the City of Mississauga in accordance with the requirements of the by-law.

In early 2013, the present Manager of Mobile Licensing Enforcement recognized this issue and began to remedy the situation due to the number of non-contract tow truck companies which were operating in the City of Mississauga from cities such as Brampton and as far away as Orillia, which did not maintain a registered VPF in the City of Mississauga. Moreover, staff streamlined the licensing process to license the tow trucks in compliance with the licensing by-law and insisted that to be licensed they must have a registered VPF in the City of Mississauga. This caused concerns for a number of contract tow

truck companies who operate without a registered VPF and only tow the vehicle following the owner's directions. Due to the concerns caused by the change, staff granted conditional licences to the tow truck companies that operate within the City without a registered VPF in the City of Mississauga.

A representative for CAA attended the Public Vehicle Advisory Committee (PVAC) meeting of June 11, 2013 to raise their concerns and PVAC directed staff to bring forward a report on this issue. Staff met with representatives of the CAA on September 25, 2013 and discussed their concerns, including staff's proposal to consider a two tier licence system for "contract" also known as "not for hire" tow trucks and "general" tow trucks also known as "chase" tow trucks. CAA representatives agreed that this would be an acceptable solution as this would ensure that the CAA could continue to serve their customers in the City of Mississauga and that the tow truck drivers that operate for the CAA would be prohibited from operating as a chase tow truck.

Staff also met with representatives from various licensed tow truck companies that operate in the City of Mississauga and maintain VPF's in the City. The consensus was that this change would benefit both sides of the industry.

COMMENTS:

Staff reviewed the surrounding municipalities and found that none have specific licence types for the operation of contract tow trucks versus general tow trucks. Staff carefully reviewed all of the industry concerns and found that the best solution would be a separate licence type to allow contract towing which for the most part are companies which are located outside of the City of Mississauga; do not have a VPF in the City of Mississauga, and, operate under pre-arranged contracts for their customers and only take the vehicles to locations as directed by the hirer. This type of operation does not meet the current requirements of the by-law but the addition of a "Contract Towing Not For Hire" licence type would permit the business to continue to service their clientele in the City of Mississauga.

Furthermore, the addition of the "Contract Towing Not For Hire" licence type would capture private tow trucks which are not chasing accident scenes but are towing for small shops and private individuals

for the purpose of moving vehicles from one location to another and scrap vehicle businesses which are operating on public roads. This has become a safety concern in recent years due to the lack of regulation. In particular, many of the towing vehicles are simply underrated as they are using towing vehicles such as half ton pickup trucks with towing apparatus attached. The vehicles may not meet the requirements of the Ministry of Transportation, or city by-laws, for tow trucks and hence create a safety hazard due to underrated steering, braking and handling with the addition of a second vehicle attached to the towing apparatus. The towing vehicles often lack proper safety equipment, insurance and driver training.

The current by-law covers the requirements for “General Towing For Hire” and provides all the responsibilities for a tow truck driver to operate in the City of Mississauga. As a result, it is recommended that the Tow Truck Licensing By-law 521-04, as amended, be amended effective February 1, 2014 to create a new tow truck driver licence class for “Contract Towing Not For Hire”. Staff further recommend that the fees for the new class be the same as for the “General Towing For Hire” class.

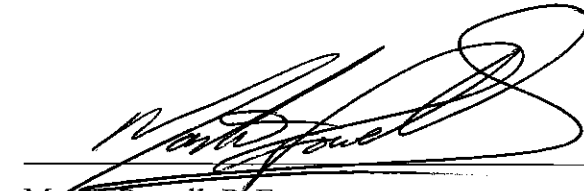
This would further assist with enforcement of the by-laws for both Mobile Licensing Enforcement staff and police services as it would be clearly defined which licence type would be permitted to attend accident scenes, police seizures or highway break downs. This would assist in regulating the tow truck industry to ensure that all “General Towing For Hire” tow trucks maintain a registered VPF within the City of Mississauga.

FINANCIAL IMPACT: This recommendation may increase tow truck licensing revenues.

CONCLUSION: Following consultation with representatives from the CAA and from the Mississauga towing industry, staff recommend that the Tow Truck Licensing By-law 521-04, as amended, be amended to include two licence types: “General Towing For Hire” and “Contract Towing Not For Hire”.

The current by-law provides clear direction for the licensing of “General Towing For Hire” towing and requires amendments to allow

for inclusion of a new licence class: "Contract Towing Not For Hire" with similar licensing fees. This amendment will assist in regulating the tow truck industry by ensuring that tow truck drivers chasing accidents in the city have the appropriate licence to do so.



Martin Powell, P. Eng.

Commissioner of Transportation and Works

Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement



Corporate Report

Clerk's Files

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Towing Industry Advisory Committee
DEC 16 2013

DATE: December 4, 2013

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: December 16, 2013

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring tow truck driver safety clothing and identification**

RECOMMENDATION: That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, outlining the requirements for tow truck driver safety clothing and identification as outlined in the report from the Commissioner of Transportation and Works dated December 4, 2013.

BACKGROUND: Concerns have been raised by the public, Peel Regional Police, members of the towing industry and staff regarding the manner in which tow truck drivers represent the industry including a disregard for safety while in the process of towing vehicles at both accident and non-accident scenes. Many tow truck drivers attend accident scenes wearing tank tops, shorts, jeans, running shoes or sandals. There is no identification on the tow truck drivers and often it is difficult to identify the tow truck drivers from the general public at an accident scene.

In addition, the public often files complaints about tow truck driver's conduct at an accident scene and are only able to identify the tow truck and very little information on the actual tow truck driver given the lack of tow truck driver identification and the varied clothing that tow truck drivers wear while performing their duties on the roadway in traffic. This creates issues with enforcement agencies should any

follow-up be required with the actual tow truck driver after the accident.

Further, the *Occupational Health and Safety Act*, includes provisions for when workers, who perform their duties in vehicular traffic, must wear reflective safety vests and pants.

COMMENTS:

Staff reviewed the by-laws of the surrounding municipalities and found that Brampton and Vaughan have a requirement for tow truck drivers to wear safety vests at accident scenes. The Ontario Provincial Police require all tow truck drivers to wear reflective safety vests and reflective striped pants while attending to towing situations on all highways as per the *Occupational Health and Safety Act*, as outlined below:

“69.1(1) A worker who may be endangered by vehicular traffic shall wear a garment that covers at least his or her upper body and has the following features:

- 1. The garment shall be fluorescent blaze or international orange in colour.*
- 2. On the front and the back, there shall be two yellow stripes that are 5 centimetres wide. The yellow area shall total at least 500 square centimetres on the front and at least 570 square centimetres on the back.*
- 3. On the front, the stripes shall be arranged vertically and centred and shall be approximately 225 millimetres apart, measured from the centre of each stripe. On the back, they shall be arranged in a diagonal “X” pattern.*
- 4. The stripes shall be retro-reflective and fluorescent. O. Reg. 145/00, s. 23.*
 - (2) If the garment is a vest, it shall have adjustable fit. O. Reg. 145/00, s. 23.*
 - (3) On and after January 1, 2001, a nylon vest to which this section applies shall also have a side and front tear-away feature. O. Reg. 145/00, s. 23.*
 - (4) In addition, a worker who may be endangered by vehicular traffic during night-time hours shall wear retro-reflective silver stripes encircling each arm and leg, or equivalent side visibility-enhancing stripes with a minimum area of 50 square centimetres per side. O. Reg. 145/00, s. 23.”*

As a result, staff recommend that a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, effective February 1, 2014, to require tow truck drivers when out of the tow truck at both accident and non-accident scenes, to wear the following:

- a blaze orange safety vest with two five centimetre yellow fluorescent stripes across the front and a "X" on the back of the vest;
- green patch safety boots;
- pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling both legs; and,
- an identification badge showing the tow truck driver's full name (first and last) and the name of their employer, worn in a location on their upper chest with lettering large enough that it is readily visible when speaking with the tow truck driver at a socially acceptable distance.

FINANCIAL IMPACT: This report has no financial impact on The Corporation of the City of Mississauga.

CONCLUSION: The Tow Truck Licensing By-law 521-04, as amended, requires an amendment to include visible safety provisions for tow truck drivers while attending at both accident and non-accident scenes. The requirement to have tow truck drivers wear safety boots provides protection from accidental injury during the towing process. Further, tow truck drivers must have their name and employer clearly visible to ensure that members of the public and enforcement agencies can identify the tow truck driver. These changes will also assist in projecting a professional image for tow truck drivers.



Martin Powell, P. Eng.

Commissioner of Transportation and Works

Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement

Memorandum



Towing Industry Advisory Committee

DEC 16 2013

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DATE: December 5, 2013

TO: Towing Industry Advisory Committee

RE: 2014 Towing Industry Advisory Committee Meeting Dates

This is to advise that the following meeting dates for the Towing Industry Advisory Committee (TIAC) have been scheduled for 2014:

Tuesday, February 11, 2014
Tuesday, April 15, 2014
Tuesday, June 10, 2014
Tuesday, September 16, 2014
Tuesday, November 11, 2014

Unless advised otherwise, all TIAC meetings will be held at 9:00 a.m. in the Council Chamber, 2nd Floor, Civic Centre, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1.

If you foresee being absent from a TIAC meeting please contact the Legislative Coordinator so issues with quorum can be rectified.

Stephanie Smith
Legislative Coordinator
Legislative Services Division, Office of the City Clerk
Phone: 905-615-3200 Ext. 3795
E-Mail: stephanie.smith@mississauga

Towing Industry Advisory Committee Action List- June 11, 2013

Towing Industry Advisory Committee
DEC 16 2013

Issue	Last Discussed on	Who	Status
Gross Vehicle Weight Rating (GVWR)	June 18, 2012	Enforcement Office	COMPLETED
Dual-Wheel Trucks	June 18, 2012	Enforcement Office	COMPLETED
Accident tow rate – amending flat rate	October 22, 2012	Enforcement Office	COMPLETED
Compliance and enforcement of Licensed Vehicle Impound Facilities (VPF)	October 22, 2012	Enforcement Office	COMPLETED
Bi-yearly Ontario Drivers Abstract and a Peel Regional Police criminal record search for all drivers	October 22, 2012	Enforcement Office	COMPLETED
Any company applying for a Tow Truck Owner's License must also show proof of an approved Vehicle Impound Facility which is located within the boundaries of the City of Mississauga	June 18, 2012	Enforcement Office	COMPLETED
Proof of insurance credentials	October 22, 2012	Enforcement Office	COMPLETED
Drivers complete the following – criminal record search every 6 months, drivers abstract every 6 months, and WSIB	October 22, 2012	Enforcement Office	COMPLETED
Towing Practices and Policies for the Peel Regional Police	June 18, 2012	Enforcement Office	COMPLETED
Capping the Number of Tow Truck Licenses	February 28, 2012	Enforcement Office	COMPLETED
Training/qualifications for drivers	December 10, 2012	Enforcement Office	In progress
Central City pound facility	February 19, 2013	Enforcement Office	Enforcement staff to report back
By-law review – Towing out of City boundaries	February 19, 2013	Enforcement Office	Enforcement staff to report back
By-law review – WSIB/Insurance requirements	February 19, 2013	Enforcement Office	Enforcement staff to report back
Auto clubs operating without owning a pound facility	June 11, 2013	Enforcement Office	On the December 16, 2013 agenda