
Towing Industry Advisory Committee

Date

2019/04/23

Time

9:30 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members

Councillor Ron Starr	
Councillor Carolyn Parrish	
Councillor George Carlson	
Mark Bell	Citizen Member
Robert Fluney	Citizen Member
Daniel Ghanime	Citizen Member
John C. Lyons	Citizen Member
Tullio (Tony) Pento	Citizen Member
Armando Tallarico	Citizen Member

Contact

Stephanie Smith, Legislative Coordinator, Legislative Services
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Find it Online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

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1. **CALL TO ORDER**
 2. **APPOINTMENT OF CHAIR**
 3. **APPOINTMENT OF VICE-CHAIR**
 4. **APPROVAL OF AGENDA**
 5. **DECLARATION OF CONFLICT OF INTEREST**
 6. **MINUTES OF PREVIOUS MEETING**
 - 6.1. Towing Industry Advisory Committee Minutes - February 4, 2019
 7. **DEPUTATIONS** – Nil
 8. **PUBLIC QUESTION PERIOD** - 15 Minute Limit
(Persons who wish to address the Towing Industry Advisory Committee about a matter on the Agenda. Persons addressing the Towing Industry Advisory Committee with a question should limit preamble to a maximum of two (2) statements, sufficient to establish the context for the question, with a 5 minute limitation. Leave must be granted by the Committee to deal with any matter not on the Agenda.)
 9. **MATTERS TO BE CONSIDERED**
 - 9.1. Introduction of Committee Members and Staff
 - 9.2. Update Report on Tow Truck Chasing in the City of Mississauga
 - 9.3. Towing Industry Advisory Committee Action List
 10. **OTHER BUSINESS**
 11. **DATE OF NEXT MEETING** - June 3, 2019
 12. **ADJOURNMENT**

City of Mississauga
Minutes



Towing Industry Advisory Committee

Date

2019/02/04

Time

9:36 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members Present

Councillor Ron Starr, Ward 6 (Chair)
Councillor Carolyn Parrish, Ward 5
Councillor George Carlson, Ward 11
Mark Bell, Citizen Member
Robert Fluney, Citizen Member
Daniel Ghanime, Citizen Member
John C. Lyons, Citizen Member
Tullio (Tony) Pento, Citizen Member
Armando Tallarico, Citizen Member

Members Absent

Mark Bell, Citizen Member

Staff Present

Samuel Rogers, Director, Enforcement
Michael Foley, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Legislative Services

Find it online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

1. CALL TO ORDER ☐ 9:36AM

2. APPROVAL OF AGENDA

Approved Councillor Parrish

3. DECLARATION OF CONFLICT OF INTEREST ☐ Nil

4. MINUTES OF PREVIOUS MEETING

4.1. Towing Industry Advisory Committee Minutes - May 14, 2018

Approved Councillor Parrish

5. DEPUTATIONS ☐ Nil

6. PUBLIC QUESTION PERIOD ☐ Nil

(Persons who wish to address the Towing Industry Advisory Committee about a matter on the Agenda. Persons addressing the Towing Industry Advisory Committee with a question should limit preamble to a maximum of two (2) statements, sufficient to establish the context for the question, with a 5 minute limitation. Leave must be granted by the Committee to deal with any matter not on the Agenda.)

7. MATTERS CONSIDERED

7.1. Michael Foley, Manager, Mobile Licensing Enforcement to provide a verbal update on the status of towing issues within the industry

Mr. Foley provided updates on the following matters: an amendment to the bylaw regarding the criminal record search and the types of services that now require a permission to tow form.

Councillor Parrish spoke to the criminal record search and the confusion between a permission to tow form and a work order form. Mr. Foley provided clarification regarding the permission to tow form and a work order form.

Dan Ghamine, Citizen Member spoke to an online permission to tow forms. Mr. Foley spoke to the validation of an online signature.

7.2. ROUND TABLE DISCUSSION - Members of the Committee to bring your concerns regarding concerns within the towing industry

Members of the Committee made the following comments:

- Reduce the number of years of a G-Licence tow truck driver experience requirement. Mr. Foley noted it had been reduced to 5 years.
- Enquired about the status of the virtual pound. Mr. Foley spoke to the cost of the implementation of a virtual pound facility and that alternatives would be brought back to the committee.
- That staff bring back a report with the total cost of the previous centralized pound study.
- To implement an electronic tow form that would be controlled by the City of Mississauga. Mr. Foley spoke to encouraging the industry to use the permission to tow forms. Direction was given to staff to review implementing an electronic tow form.
- Review the tow rates and re-tow rates.
- Add vehicle recovery rates that are not currently listed on the rate sheets.
- That staff consider adding a fee for tow truck drivers who have to wait long periods of time at the Peel Police reporting station to report an accident.

7.3. Towing Industry Advisory Committee Action List

RECOMMENDATION

TIAC-0001-2019

That the Towing Industry Advisory Committee Action List be received for information.

Received (J. Lyons)

8. OTHER BUSINESS

Councillor Parrish thanked Lyons Towing for providing tow trucks for the Santa Clause Parade. Councillor Carlson spoke to the success of the Santa Clause Parade.

9. DATE OF NEXT MEETING - April 8, 2019

10. ADJOURNMENT □10:06AM (Councillor Parrish)

City of Mississauga

Corporate Report



Date: 2019/04/11

Originator's files:

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Meeting date:
2019/04/23

Subject

Update Report on Tow Truck Chasing in the City of Mississauga

Recommendation

That the report from the Commissioner of Transportation and Works dated April 11, 2019 entitled "Update Report on Tow Truck Chasing in the City of Mississauga", be received for information.

Background

The report from the Commissioner of Transportation and Works dated September 13, 2016 and entitled "Report on Tow Truck Chasing in the City of Mississauga" was received for information by the Council Subcommittee of Towing on September 26, 2016. A copy of the report is attached as Appendix 1. At this meeting, the Council Subcommittee of Towing approved the following recommendation:

"CSOT-0001-2016

That the Council Subcommittee on Chasing direct staff to produce a report in two years identifying trends in tow truck driver behaviour as measured by assessing the driver's abstracts and reported complaints of driver behaviour of licensed driver, to measure the effectiveness of amendments to the City of Mississauga Tow Truck Licensing By-Law, which was adopted in 2016 and in prior years."

The purpose of this report is to respond to CSOT-0001-2016.

Comments

This supplementary review will confirm that amendments made in prior years to the City of Mississauga Tow Truck Licensing By-law, as amended, relating to driver behaviour continues to have a positive effect on the driving behaviour of those engaged in the towing industry.

Towing Industry Advisory Committee	2019/04/11	2
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The previous amendments to the Tow Truck Licensing By-law relevant to this report include:

- A defined limit for acceptable number of demerit points appearing on a Driver's abstract;
- Seven years of full "G" class driver licence experience; and,
- Tow Truck Driver Training consisting of By-law, Sensitivity and Defensive Driving approved by the Ontario Safety League

For this report staff reviewed 240 licensed tow truck driver abstracts and recorded all *Highway Traffic Act (HTA)* offences that occurred between 2016 and 2017. The results were then compared with *HTA* offences of 100 licensed taxi drivers serving as a control group and who were actively operating during the same timeframe.

As in the previous report, the total number of *HTA* violations for the year was divided by the number of licensed drivers to establish a Rate of Violation (ROV). In 2016 the tow truck drivers Rate of Violation (ROV) was calculated at 20.8% while taxi drivers exhibited a ROV of 23, separating the two driver types by 2.2%, tow truck drivers being modestly subjacent to taxi drivers. Results from 2017 shows the ROV for tow truck drivers at 13.3% and taxi drivers following closely at 13%; separating the two groups of drivers by only a third of a percentage point.

Staff also reviewed the number of complaints received by Mobile Licensing staff concerning tow truck driver behaviour in 2016, 2017 and 2018. In 2016, there were a total of four complaints, while in 2017 and 2018 there were seven in each year. This review indicates a modest increase in the number of complaints.

Financial Impact

There is no financial impact.

Conclusion

The findings indicate that the amendments made to the Tow Truck Licensing By-law in 2016 and in prior years have had a sustained effect on tow truck driver behaviour, as measured by assessing the driver's abstracts. There does appear to be some fluctuation in the ROV, rising to 21% in 2016, however, the rate returns to 13% in 2017. While these ROVs are marginally higher than the historic low rate established in 2015 (10%), they remain well below the highest rates observed in 2015 (48%) and the median rate established between 2004 and 2015 (37%).

The strong correlation of results between tow truck drivers and the control group indicates that they are driving in a manner similar to taxi drivers who are widely seen as operating in a professional manner and who do not engage in "chasing" behaviour.

Attachments

Appendix 1: Report on Tow Truck Chasing in the City of Mississauga

Towing Industry Advisory Committee	2019/04/11	3
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Geoff Wright, P. Eng., MBA, Commissioner of Transportation and Works

Prepared by: Miranda DiLegge-Rivadeneira, Licensing Administration Clerk

City of Mississauga

Corporate Report



Date: 2016/09/13

Originator's files:

To: Chair and Members of Council Subcommittee of Towing

From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Meeting date:
2016/09/26

Subject

Report on Tow Truck Chasing in the City of Mississauga

Recommendation

1. That the report from the Commissioner of Transportation and Works dated September 13, 2016 entitled "Report on Tow Truck Chasing in the City of Mississauga" be received for information.
2. That the Council Subcommittee on Chasing direct staff to produce a supplementary report in two years identifying trends in tow truck driver behaviour as measured by assessing the driver's abstracts and reported complaints of driver behaviour of licensed drivers, to measure the effectiveness of amendments to the City of Mississauga Tow Truck Licensing By-law, which was adopted in 2016 and in prior years.

Report Highlights

- The driving abstracts submitted by tow truck driver applicants to the City of Mississauga indicate that there has been a substantial reduction in the number of *Highway Traffic Act* (HTA) violations committed by licensees.
- A review of the historic abstract submissions of drivers that are no longer licensed by the City of Mississauga indicates that the tow truck drivers leaving the industry had significantly worse driving records than those who are currently licensed.
- Enforcement staff believe that the overall improvement in tow truck driver performance is closely linked to amendments that have been developed, approved and enforced by the Towing Industry Advisory Committee, Enforcement staff, and Mayor and Council.
- New proposals designed to improve tow truck driver behaviour as a group would have a far reaching impact, cause significant disruption within the tow industry and would be met with significant resistance and would be difficult to evaluate for effectiveness in light of the recent approval of the Virtual Pound initiative.

Subcommittee of Towing	2016/09/13	2
------------------------	------------	---

Background

The Council Subcommittee of Towing was created for the purpose of addressing concerns related to the practice of tow truck chasing. For the purpose of this report, staff were asked to expand the definition of “chasing” to include not only the behaviour of tow truck drivers as they attempt to reach the scene of a motor vehicle accident, but also the presence of licensed tow truck drivers at an accident scene who have not been dispatched there by a vehicle owner or an authority recognized to do so on the vehicle owners behalf.

Based on this request, staff have identified traditional chasing as being behaviour that would expedite a driver reaching an accident scene, but would also pose a threat to public safety. Behaviours that include:

- speeding;
- inappropriate lane changes;
- reversing in a live lane of traffic; and,
- failing to obey traffic signals.

Expanded Definition Chasing (EDC) is more problematic to research, in that currently the activity does not represent a violation of the Tow Truck Licensing By-law, is commonplace and would not be something identified in a complaint, which could be tracked for frequency.

Why Chasing Takes Place

Automotive collision repair is capital intensive, requiring significant investment in building, equipment and highly skilled labour, for a service that many people will require infrequently, if ever. With the exception of a small number of national brands, most collision repair centres are locally owned and have a limited budget for advertising or brand promotion.

Chasing arose out of a desire to generate increased business and in many cases this was achieved through the re-tasking of assets often already owned by the auto body shop, that being a tow truck. Initially used to service the needs of existing customers, it became evident to those in the repair industry that these trucks could also drive business to a repair facility by responding to accident scenes and offering their services to those involved; a service model similar to the taxi industry.

This level of service was attractive to the public who often had no inkling as to who to call after being involved in an accident and often welcomed the presence of a person both willing and capable of assisting them.

Subcommittee of Towing	2016/09/13	3
------------------------	------------	---

As is often the case when there is a consumer lacking in knowledge who is attempting to make a decision during a period of intense stress, unscrupulous operators began to make their presence felt.

A variety of strategies have been employed in order to first get the tow and second to commit the vehicle owner to a specific facility to have the repair work completed. Strategies that included:

- inducements including free towing or rental vehicle;
- inability to deliver the vehicle to the requested location, resulting in the vehicle being taken to the tower's repair facility;
- accepting only cash as payment for a tow and when the vehicle owner is unable to pay as required, the vehicle is again taken to the tower's repair facility;
- signing a blank work order for a tow instead of an authorization to tow form; and,
- signing a blank work order for the purpose of providing an estimate.

The result being that subsequent to the initial tow, after speaking to their insurance carrier, or having had the time to do their own independent research, the vehicle owner wishing to have their vehicle moved to a different location for repairs might find themselves in difficulty. They may discover that in addition to the towing charge, there is also an exorbitant amount required for storage or for a "tear down" of the vehicle to identify the extent of the damages. They may also be faced with a charge for a breach of the contract implied by a signed work order.

Faced with an invoice that often ran into the thousands of dollars, the repair facility owner could then offer to waive these charges if the repair work was assigned to the shop. Customers would often choose the path of least resistance and simply agree to have the vehicle repaired where it was.

In some cases, insurance adjusters would negotiate for the removal of the vehicle to the desired repair facility by paying out the invoice or a negotiated portion of the invoice. Some might choose to seek redress in civil court, but this was often an expensive and time consuming proposition.

But the key to employing any of these strategies was the tow truck driver. The critical element to obtaining the tow was to arrive first; a situation that rewarded aggressive driving and aggressive salesmanship once on the scene. The tow truck driver would not only be compensated for the tow itself, but would also be rewarded by the repair shop in the form of a commission.

For the tow truck driver, the commission reflected between 5 and 10% of the total repair bill of the vehicle involved in an accident. For an accident vehicle, which may require \$10,000 in repairs, an additional \$500 to \$1000 in commissions from the repair facility would certainly be enticing.

Subcommittee of Towing	2016/09/13	4
------------------------	------------	---

In the 1998 study conducted by the Peel Regional Police “Towing in the Region of Peel”, as outlined in the “Amendments to the Tow Truck Licensing By-law 635-93-General Committee Report November 18, 1998” (Appendix 1), 86% of the stakeholders surveyed identified their belief that tow trucks would be less likely to speed to collision scenes “if repair shops did not offer commissions on the repairs”.

Who Engages In Chasing

A concern identified at the Council Subcommittee of Towing meeting held on May 26, 2016 was that the number of collisions identified by Peel Regional Police and the Ontario Provincial Police was insufficient to sustain the number of tow truck operators that are currently licensed.

The 1998 Peel Regional Police study identified that 64% of tow truck owners or managers and 73% of tow truck drivers, considered the payment of a commission or “finder’s fee” by the repair shop to be an ethical practice. The study also concluded that amongst all stakeholders surveyed, 71% identified the belief that the rate of compensation should be between 5 to 10%. It is common knowledge amongst industry members that some repair facilities pay incentives to tow truck drivers for vehicles requiring collision repairs.

However, even allowing for the existence of commissions being paid by body shops at a rate of between 5 and 10% of the total repair bill, it would be difficult to sustain the entire towing industry entirely on motor vehicle accidents.

In 2014, there were approximately 10,400 motor vehicle accidents in Mississauga requiring the services of a tow truck as reported by the Peel Regional Police and the Ontario Provincial Police as identified in the “Preliminary Report on Tow Truck Chasing in the City of Mississauga, Council Subcommittee of Towing, May 30, 2016” (Appendix 2). Using the assumption that every one of these vehicles was towed to a repair facility where a commission of between 5 and 10% was paid and based on an average collision repair cost of \$5000, this would only translate to approximately \$12,000 to \$18,000 per tow truck licence, including the tow charges. Clearly insufficient to sustain the equipment and overhead associated with the number of tow trucks licensed.

The reason for this is that some tow trucks drivers have no involvement in responding to accidents, while others only engage in the activity when the opportunity arises. Many drivers derive the most substantial portion of their income from activities that involve other aspects of the towing industry including:

- road side assistance;
- contract towing;
- daily duties as assigned by the Tow Company Owner; and,
- movement of vehicles already under repair.

Subcommittee of Towing	2016/09/13	5
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It is therefore difficult to establish to any degree of certainty, the number of tow truck drivers that derive a significant portion of their income from only wreck chasing.

The implementation of the Virtual Pound initiative should allow staff, in future, to gather and analyze data regarding this and determine conclusively whether there is strong correlation between poor driving behaviour and involvement in wreck chasing.

Amendments to the By-law to Address Chasing

1997 was a watershed year for the tow industry. In November of that year, a crash involving a tow truck licensed by the City of Mississauga, resulted in one fatality. Allegations arose that the driver of the vehicle was speeding towards an accident scene in hopes of obtaining a tow, when his truck struck a second vehicle killing one of the occupants. The driver of the tow truck was eventually convicted of dangerous driving causing death.

Former Mayor Hazel McCallion held an emergency meeting of tow truck operators on November 12, 1997 to address tow truck safety. One year later a report was brought forward, identifying specific recommendations to improve the safety of tow truck operators. The report identified a number of issues within the tow industry and provided the basis for some of the earliest amendments adopted to curtail chasing.

Vehicle Size

Based on recommendations from the Police Service Board's Report on Towing, the City of Mississauga Truck Licensing By-law 638-93 (Rescinded) was amended to require all new and replacement tow trucks to meet a minimum gross vehicle weight rating of not less than 4536 kg (10,000 lbs), with all tow licensed tow trucks required to meet the standard by June of 2000).

The amendment was identified as a mechanism to reduce aggressive driving, in that the vehicle's increased weight would reduce its maneuverability and make it less likely that the drivers would speed. The vehicle's increased gas/diesel consumption would also serve as a deterrent to chasing, where the operator had a lower probability to be first on the scene.

Tow Trucks on Scene

The Tow Truck Licensing By-law 638-93 (Rescinded) (Appendix 3) required that tow trucks remain 60 metres away from an accident, where sufficient tow trucks were already on scene to deal with the apparent number of vehicles involved. Police and enforcement staff identified their concern that congestion at the scene remained an issue, though to a lesser extent. It was the impression of those attending these scenes, that the 60 metre distance still allowed tow drivers to exit their vehicles and approach the accident scene on foot in order to solicit business.

Subcommittee of Towing	2016/09/13	6
------------------------	------------	---

In April of 2001 the by-law was amended pursuant to a recommendation from staff found in the “Tow Truck Licensing By-law, General Committee Report April 9, 2001” (Appendix 4), to increase the distance to 200 metres, which was identified to be sufficient to discourage additional trucks from speeding to a scene in the hopes of soliciting business.

Criminal Record Searches

While criminal record searches were required under the by-law previously, amendments brought forward in 2013 provided clarity as to the response of the Licensing Authority when the criminal record check was returned, showing that convictions had been registered.

The City of Mississauga Tow Truck Licensing By-law 521-04, as amended, now requires that applicants for an initial licence or a renewal supply:

A criminal record search issued within the past sixty (60) days by the Peel Regional Police, or other police service in Ontario, which contains no convictions for five (5) years prior to the date of application or renewal. (130-13)

Provisions were made for currently licensed drivers to maintain their status by providing documentation confirming that the renewal applicant was pursuing a Record Suspension through the Parole Board of Canada.

The amendments also affected drivers with criminal record searches older than five years, by prohibiting licensure when the criminal acts identified included offences deemed to be of a more serious nature and identified in Schedule 4 of the By-law as outlined in “Recommended Changes to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Trucks” dated March 13, 2013 (Appendix 5).

Drivers Records

The City of Mississauga Tow Truck Licensing By-law 521-04, as amended, was further amended in 2013 to require that applicants for a Tow Truck Drivers Licence, new or renewal submit:

a driver’s abstract issued within the past sixty (60) days which contains not more than six (6) demerit points or any one Ontario Highway Traffic Act conviction with a value of four (4) or more demerit points or similar convictions from outside of the Province of Ontario. (130-13)

This represented a significant shift in the licensing of tow drivers from the earlier iteration. Drivers were now subject to unambiguous expectations regarding their driving behaviour with meaningful consequences; licence revocation, being attached to issues of non-compliance.

Subcommittee of Towing	2016/09/13	7
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Driver Experience

A further amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, enacted in 2014 required that new applicants for a tow truck drivers licence are required to have a minimum of seven years driving experience, after having obtained a full G Province of Ontario.

This substantially increased the age and driving experience of applicants for new tow truck drivers licences.

Driver Professionalism

Improving not only the professional appearance of the tow truck drivers, but also the safety of the licensees and concomitantly other individuals at an accident scene, an amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, in 2014 requires:

3) At all times be neat and clean in personal appearance and properly dressed which must include but is not limited to: (11-14)

- a) a blaze orange, a blaze yellow or a combination of both orange and yellow safety vest with two fluorescent stripes, five centimetres in length in the shape of an "X" on both the front and the back of the vest;*
- b) patch green safety boots;*
- c) pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling each leg; and*
- d) an identification badge showing the Driver's first initial and last name.*

An amendment enacted in 2015 requires that all drivers complete a training course and pass a test based on course content. The amendment further requires that retraining of all licensed drivers take place every five years.

This training provides tow truck drivers with detailed information regarding the requirements of the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, and the expectations regarding their conduct when operating a tow truck.

Driver Responsibility

A 2015 amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, requires that the tow truck driver photograph all vehicles being towed prior to initiating the tow.

An amendment the following year (2016) changed the requirements surrounding Permission to Tow forms. Drivers are now required to submit copies of these forms to the Mobile Licensing

Subcommittee of Towing	2016/09/13	8
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Manager within 30 days of the tow taking place, as recommended in “Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requirements for the use of Permission to Tow Vehicle Form” dated March 14, 2016 (Appendix 6).

Improvements to the Existing Vehicle Pound System

In 2016 staff were directed, pursuant to the Central Vehicle Pound report, to develop and implement a mandatory on-line towing and storage software application to be used by the Enforcement Division of the Transportation and Works Department, and the towing industry. This Virtual Pound system will serve to address issues that arise after a vehicle has been towed and provide greater consumer protection to the vehicle owners (Appendix 7).

Comments

Analysis

While amendments to by-laws seek to address issues of significant municipal interest, there is often little quantifiable evidence available through which to measure impact.

With regards to tow truck driver behaviour, there is data available that can be utilized to provide insight. All tow truck drivers, when seeking either a new licence or the renewal of an existing licence, are required to submit a current driver's abstract issued by the Province of Ontario, identifying recent HTA convictions, current demerit points and licence status. Ostensibly, this requirement allows the licensing authority to establish that the applicant has the requisite class of Ontario Drivers Licence needed and that there are no impediments to a licence being issued, such as accumulated points.

These abstracts are maintained in each driver's file and when examined collectively, provide a record of driver behaviour over an extended period of time.

It was postulated that if amendments made to the by-law were designed to improve driver performance, then some evidence of this should be reflected in the collective records.

Methodology

The drivers' abstracts of all tow truck drivers whose files were currently available in the Mobile Licensing Enforcement Section were reviewed and were initially broken down into two groups; Licensed and Unlicensed.

These abstracts were then examined and a record made of HTA offences for which a conviction was entered for the period between 2004 and 2015 for Licensed Driver. The Unlicensed group provided reliable information only until 2014, due to insufficient data for the year 2015.

Subcommittee of Towing	2016/09/13	9
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In that the purpose of this report deals with the issue of “chasing”, only offences related to moving violations were recorded. Offences related to documentation such as lacking an insurance card are not reflected in the totals.

Drivers with less than one full year of licensed activity were excluded from the calculations, due to the fact that the abstract supplied shows only behaviour prior to being licensed as a tow truck driver and while useful in determining whether a candidate meets the requirements to be granted a licence, provides little insight into their activity as a tow truck driver.

It should be noted, that the abstracts supplied could not identify whether the infractions occurred while the driver was actually operating a tow truck. This is identified as a limitation, but is a limitation shared by the control group as well. This limitation is further mitigated by the fact that the by-law itself does not make a distinction between infractions taking place while driving a tow truck or a personal vehicle in its proscriptions regarding demerit points accumulated on the drivers licence.

In order to establish a point of comparison, the inquiry also examined the driving records of a control group, that being licensed taxicab drivers. The taxi drivers were identified as the ideal control group by the fact that they:

- drive similar long hours;
- drive on the same streets;
- are subject to the same police authorities; and,
- are predominantly male.

All new applicants for a Taxi Drivers licence receive mandatory training in defensive driving and periodic mandated “refresher” training”. There is a general consensus that Mississauga’s taxi drivers, as a group, provide consistently good service to the general public and operate in a safe manner.

The key difference between the licence groups being that taxi drivers do not “chase”; the success of their endeavours are not dependant on getting to a fare first as their calls are dispatched, based on a physical queue, on random chance (i.e. street hail) and there is no direct competitive force at play.

Approximately 100 taxi drivers were selected at random from the files maintained by Mobile Licensing Enforcement to be included in the control group. The file had to indicate that the driver was currently licensed as a taxi driver and that their licence did not include the “Not Driving” designation, which is assigned to drivers who wish to keep their licence from lapsing, but are not active within the industry at present. The drivers abstracts were then reviewed in the same manner as those of the tow truck drivers

Subcommittee of Towing	2016/09/13	10
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The number of drivers licensed in each category, in each calendar year were determined and then compared with the number of HTA violations that were issued to these drivers in that year. This provided a “rate of violation”, or “ROV”. For example, a result of 35% in a given year, would indicate 35 HTA convictions of various types were registered against every 100 drivers operating during that period.

From an enforcement perspective, staff would wish to see a rate of violation that is small, as this is the best indication that licence holders are driving in a responsible manner, both while driving a personal vehicle and while driving in their capacity as a City of Mississauga Licensee. There is, however, no stated target rate. No previous attempt has been made to attempt to measure driver behaviour collectively.

The Control Group

The randomly selected control group of 107 licensed taxi drivers provided a median ROV of 28.5% (28.5 violations per 100 drivers). With the highest rate of violation occurring in 2008 at 39% and the lowest rate occurring in 2014 when it fell to 20%.

Noteworthy, is the consistency across time for the group with a low standard deviation (5.7); a desirable characteristic for a control group. This group has been relatively stable and there have been few amendments to the Taxi Licensing By-law during the surveyed years, which were intended to directly impact driving behaviour. This information is illustrated in the attached graph (Appendix 8).

Unlicensed Tow Truck Drivers

The second group identified are tow truck drivers who have chosen not to renew their licence, have allowed their licence to lapse or have become ineligible for a Mississauga licence through failure to meet current requirements or through revocation. The files related to these drivers indicate a median ROV of 45%, significantly higher than that of the control group.

This group also achieved the highest single ROVs recorded, in 2004 (70%), 2007 (58%), 2010 (49%) and 2011 (48%) with rates that were almost double those of the control group. The ROV for this group began a steady decline in 2011 with the rate of violation for unlicensed drivers at 22% in 2014.

As a group, the unlicensed tow truck drivers showed the highest variations in findings with a standard deviation of 15.75. This information is illustrated in the attached graph (Appendix 9).

Currently Licensed Tow Truck Drivers

The group exhibited ROV consistently higher than the control group but never reaching the extreme of the unlicensed group. The median ROV for this group was calculated at 37.

Subcommittee of Towing	2016/09/13	11
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This group also shows a similar decline in the years following 2011, with reported ROV for 2015 being 10%, (less than half the ROV of the control group.) This current ROV also represents a 78% reduction in ROV from 2011. This information is illustrated in the attached graph (Appendix 10).

Interpretation

The review of driving records would strongly indicate that measures undertaken to address the issues of Tow Truck Driver operational behaviour have had an impact and that the impact has been positive, with current drivers engaging in significantly fewer violations now than during peak periods.

It might be interpreted that the decline in the ROV for tow truck drivers who are unlicensed, is the result of many of the drivers with the highest rates of violations have withdrawn from the towing industry in Mississauga. Whether they have changed professions entirely or moved to other jurisdictions cannot be identified by the records.

The licensed group also shows a similar decline from a high point that approached 50% in 2011 to approximately 10% in 2015.

Similar regulatory measures were not imposed upon the control group and the findings are consistent with expectations for a control group of this type. They exhibit a consistent rate of violation over a period of 10 plus years.

It would be difficult to establish which by-law amendments have had the most impact. There are multiple amendments in some years, so isolating the effect of one from another would be problematic.

Some stakeholders have identified the threat of licence revocation as having the greatest effect. Revocation of licence has traditionally been identified in the By-law as a possible outcome for multiple serious convictions under the HTA, but actual revocations have previously been rare. The fact that a number of revocations have occurred and survived review at the Licence Appeal Tribunal, may have had a chilling effect on the industry as a whole.

Other stakeholders have indicated that as the most aggressive of the wreck chasers have been weaned out of the industry there is a greater amount of work available, which has reduced the incentive to engage in higher risk driving behaviour.

Still other stakeholders have identified a shift in tenor, that occurred within the Mobile Licensing Enforcement section as partially responsible. This shift has included more rigorous enforcement of the by-laws and a more consistent response to violations that occur.

Subcommittee of Towing	2016/09/13	12
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Proposed Initiatives to Reduce Chasing

In the second portion of the report, staff were directed to investigate the feasibility of two proposals raised as possible responses to the issues of chasing; both the traditional definition and the expanded definition of chasing.

The proposals were evaluated based on the following criteria:

- effectiveness at reduction of chasing;
- cost;
- integration with the approved Virtual Pound initiative; and,
- potential impact on Tow Truck Industry.

Proposal #1 - Fleet Management Technology

A variety of fleet management solutions are commercially available “off the shelf” that permit the management of a large number of vehicles, simultaneously, through constant monitoring. This is achieved through the use of the Global Positioning System (GPS) and real time telemetry being uploaded from the vehicle to a centralized tracking location. The link to the tracking site is established through hardware connected to the vehicles diagnostic port.

The tracking station collects data related to a variety of factors that would be of interest to enforcement staff including:

- speed of the vehicle;
- direction traveled;
- turn by turn logging of each trip; and,
- use of the winching system on the vehicle.

Effectiveness

Through automated monitoring of every vehicle operating as a licensed tow truck, enforcement staff would be made aware of drivers engaging in a variety of activities that would meet the traditional definition of “chasing.” Activities that include:

- travelling at rates of speed higher than posted limits;
- sudden or erratic directional changes;
- cutting through private property to avoid traffic lights;
- sudden reductions in speed; and,
- presence of a passenger in vehicle.

Subcommittee of Towing	2016/09/13	13
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This information could then be evaluated as a result of a complaint or ongoing audit of the industry, by enforcement staff, and used as the basis for actions against the licence holder, both owner and the driver. The technology also permits cautioning the driver in real time audibly of undesired practices including over speed warnings and idling alerts.

Fleet management technology would also be effective in eliminating Expanded Definition Chasing, which at its highest level has been described as tow trucks towing vehicles from accident scenes where they have not been dispatched, either by the vehicle owner or a competent authority.

This activity however is currently not a violation of the City of Mississauga Tow Truck Licensing By-law, which does allow for licensed tow trucks to stop at the scene of an accident, as long as the number of tow trucks does not exceed the number of vehicles “apparently requiring the services of a tow truck.” Elimination of EDC would necessitate amending this section of the by-law.

With an amended by-law prohibiting licensed tow vehicles from stopping at the scene of an accident, fleet management could provide the data required to determine if each tow is in compliance. In that dispatch would in most cases occur based on a telephone call from the vehicle owner, a call that would be time stamped by the telephone and issues arising over a disputed dispatch could be easily confirmed.

Attempts to circumvent the system by stopping at an accident scene and soliciting a vehicle owner to call for the dispatch of his/her truck, would be easily countered by the fact that the vehicle would be identified by the fleet management system as having arrived at the scene prior to the dispatch call.

Costs

The costs associated with the monitoring and storage of data for a fleet management system, all in the range of \$600 per year, per vehicle.

Typically large fleets of vehicles will recover all or a portion of these fees through efficiencies gained through the systems use;

- fuel saving through reduced idling time;
- better route management; and,
- reduced wear and tear on vehicles due to improved driving maintenance practices.

While the information collected for each vehicle could be supplied to the vehicle owner for their own use, it is unlikely that significant savings would accrue to the vehicle owners.

Virtual Pound Integration

Subcommittee of Towing	2016/09/13	14
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The technology would provide a level of enhanced support to the approved Virtual Pound Initiative, in that it could provide confirmation of the location of pick-up and drop-off of each vehicle that is entered into the Virtual Pound system. It would also serve to discourage licensees from attempting to circumvent the Virtual Pound, by failing to report tow activity.

Potential Impact on Towing Industry

Stakeholders have identified that there would be significant resistance to the implementation of a system that constantly tracks every licensed tow truck. Privacy issues have been raised, as well as the expense that is attached to the system, an expense which would be borne by the licensees.

Some privacy concerns could be addressed through the ability to geofence the system limiting the tracking ability to a defined geographic area, but within the municipality and within the surrounding municipalities the system would be active.

Proposal #2 - Multiple Privately Operated Vehicle Pound Facilities

This proposal would require the City of Mississauga be divided into multiple geographic zones, with each zone maintaining one vehicle pound facility from which tow trucks would be dispatched to any motor vehicle accident taking place within the borders of the prescribed zone. Tow trucks wishing to engage in accident towing would be sequestered within the pound until such time that they were dispatched to the scene of an accident where vehicles require their services.

Once engaged, the tow truck operator would remove the vehicle to the originating vehicle pound facility where it would be held until such time that the vehicle owner decided, either on their own or through consultation, where the vehicle should be moved.

The selected operators of each pound would be required to segregate the vehicle pound operation from any vehicle repair facility that may be operating on the same property. This would likely require a separate office space, separate entrances and unambiguous signage.

Vehicles that were impounded at each location would incur a minimum charge for the service.

Effectiveness

In order for a multi-zone vehicle pound system to provide a positive impact on traditional chasing it would be necessary that the existing Tow Truck Licensing By-law be amended to restrict any tow truck from stopping at the scene of an accident, unless it was dispatched from the vehicle pound facility in that zone.

Subcommittee of Towing	2016/09/13	15
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A failure to implement an amendment of this type would likely lead to situations whereby, licensed tow trucks choosing not to wait in the zoned queue and continue the current practice of staking out a limited area, would then be placed with a distinct advantage in arriving at a scene first, with the possibility of being directed by the motorist to assist, the equivalent of a hailed tow truck.

The amendment would include the removal of the section which permits a number of tow trucks to stop within 200 metres equal to the number of vehicles that appear to be involved in the accident. Essentially, the proposal would make it necessary to eliminate any tow truck from stopping to render assistance at a motor vehicle accident, unless it was dispatched there through the pound system.

The issue would then become one where the definition of “dispatched” would have to be closely examined. While trucks would be dispatched from the zoned pound, this would not negate the ability of the motorist to request a tow vehicle of their own through cellular phone. A vehicle owner choosing to do this could easily call for a tow, which would then be ‘dispatched’ to the scene. In order to circumvent this scenario, it would become necessary to amend the by-law to require that the vehicle owner utilize the services of the tow truck dispatched from the zoned pound.

The proposal would have a positive effect on expanded definition chasing at the scene of accidents. The requirement that the vehicle initially be taken to the approved pound for initial release, would eliminate ploys such as work orders being signed in place of a permission to tow form and the requirement for cash to release the vehicle at the vehicle owners requested location.

This result would be predicated on significant amendments to the existing Tow Truck Licensing By-law.

Integration with the Approved Virtual Pound

The multiple private pound concept was reviewed with Mobile Licensing staff who are currently developing the approved Virtual Pound system. It was determined that it would be difficult to integrate the two proposals in a meaningful manner.

The Virtual Pound system is designed to work closely with the tow truck industry and the City of Mississauga Tow Truck By-law as currently configured. The adoption now of a multi-pound system, with the requisite changes to the by-law that would be required, would undermine the Virtual Pound initiative.

For example, one component of virtual pound requires that the location of the vehicle be recorded and that this be consistent with the wishes of the vehicle owner. This would not be the

Subcommittee of Towing	2016/09/13	16
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case with the multi-pound system, which would rely on the vehicle being taken to a predetermined drop off location for storage irrespective of consumer choice.

The proposed multiple pound concept also presents a number of other challenges that are not addressed in the approved Virtual Pound Initiative including:

Dispatch - The proposal was clear in its position that the tow trucks wishing to attend motor vehicle collisions would be sequestered at the pound within the zone they wished to operate. It remains unclear as to how these vehicles would be dispatched to the scene of an accident.

Consultation with representatives of Peel Regional Police identified concerns as to whether private “for hire” vehicles staffed by non- first responders could be dispatched to the scene of accidents through the 911 system. They are currently exploring other options that may exist.

Complexity - a system of four, eight or more privately operated vehicle pound facilities servicing a defined area could give rise to significant confusion amongst both the public and the tow industry. Zones would vary in the amount of activity and high levels of activity in a single area would necessitate secondary and tertiary protocols for response to a demand that is difficult to predict.

Industry Resistance - the requirement that tow truck operators wait in a queue at a vehicle pound to be dispatched to an accident scene where they would then be compelled to tow the customers vehicle back to the same pound, a vehicle pound that is associated with a competitor’s auto repair shop, would likely generate high levels of mistrust and the perception amongst licensees, that the City has favoured certain auto body shops to the detriment of others.

The perception that the City has “approved” certain repair facilities because of their association with designated vehicle pound facilities might also be transmitted to the public by the selected pound operators.

Resistance to the component of the proposal which would require trucks to queue up in compounds for an opportunity to respond to a motor vehicle accident was also highlighted. It has been identified in previous reports that the largest component of towing work is servicing vehicles that have experienced mechanical failure. Sequestration in a zoned pound would prohibit the tow truck from being assigned other work duties while in the queue.

Finally, it was noted that the same benefit related to EDC could be achieved by amending the by-law to prohibit any tow truck from stopping at an accident scene, unless dispatched there by a person with the authority to do so.

This would require that a tow truck driver be able to demonstrate that they had a valid reason to attend at a motor vehicle accident, other than proximity. This option is currently in place in

Subcommittee of Towing	2016/09/13	17
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Ottawa. It would require that motor vehicle owners make greater preparations in the event that they are involved in an accident, including contacting their insurance agents to identify preferred responders or preselecting tow truck brokerages to provide service.

Cost

The initial cost to set up the system of pounds needed would be substantial, but would be borne primarily by the industry. The establishment of each zone would be based on stakeholder feedback. There would be some increase in staffing resources required to co-ordinate “approved” Vehicle Pound activities.

Financial Impact

No direct impact would be experienced by the City of Mississauga.

Conclusion

The City of Mississauga, through the efforts of the Compliance and Licensing Enforcement Section and the Towing Industry Advisory Committee have developed and brought forward a number of amendments to City of Mississauga Tow Truck Licensing By-law. There is both anecdotal and empirical evidence that these amendments have shown positive results with regards to the behaviour exhibited by licensed tow truck drivers operating in the City.

The empirical evidence indicates that licensed tow truck drivers records currently show historically low numbers of highway traffic offences being committed.

The review of driving records of those who are no longer licensed by the City of Mississauga indicates that drivers with poorer driving records are over represented in this group. It can be inferred from this data that these drivers are not only modifying their behaviour but are leaving the industry.

The proposed strategies for reducing traditional chasing, and expanded definition chasing, were reviewed and evaluated. Based on the evaluation, the use of fleet management technology would provide the most effective method of regulating a large number of vehicles engaged in the towing industry and would be the easiest to implement. It was, however, also identified as being the most intrusive, and as such likely to meet significant resistance from the industry. It was also noted that, based on the current low rate of violation, the impact of fleet management technology may not be large enough to offset the disruption to the industry that it would cause.

Attachments

Appendix 1: Amendments to the Tow Truck Licensing By-law 638-93, General Committee Report November 18, 1998

Subcommittee of Towing	2016/09/13	18
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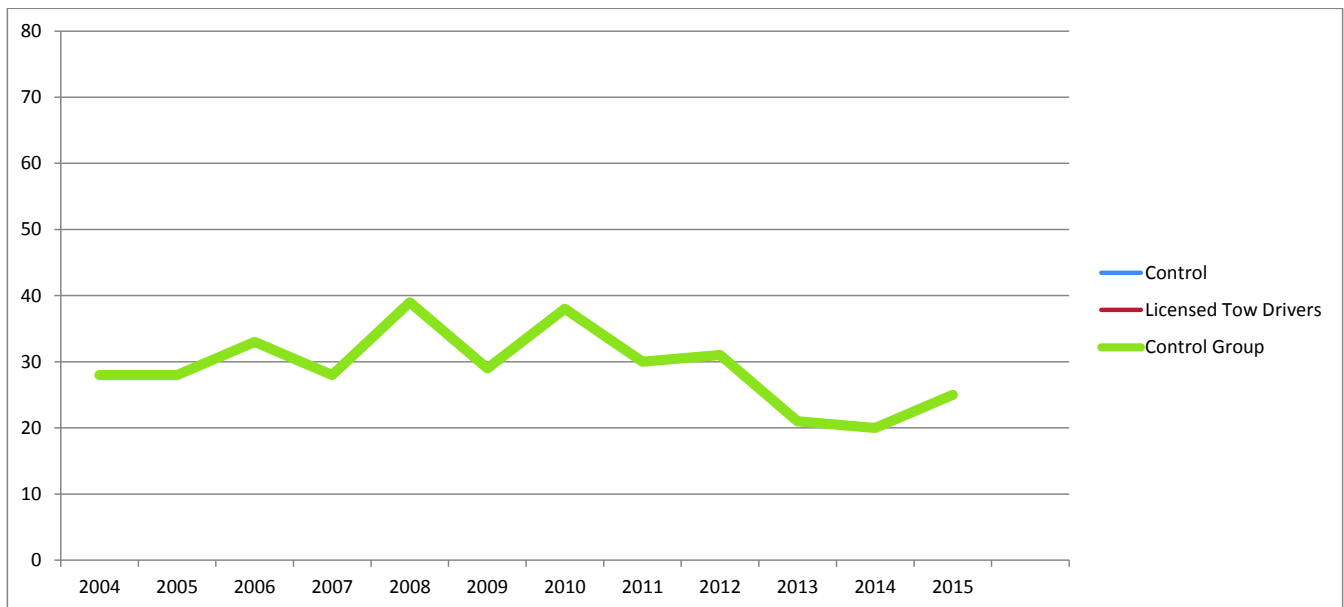
- Appendix 2: Preliminary Report on Tow Truck Chasing in the City of Mississauga, Council Subcommittee of Towing May 30, 2016
- Appendix 3: The Corporation of the City of Mississauga, The Tow Truck Licensing By-law 638-93 (rescinded)
- Appendix 4: Tow Truck Licensing By-law, General Committee Report April 9, 2001
- Appendix 5: Recommended Changes to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Trucks
- Appendix 6: Amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for the use of Permission to Tow Vehicle Form
- Appendix 7: Centralized Vehicle Pound Facility Feasibility Study – Recommendation Report
- Appendix 8: Control Group Graph
- Appendix 9: Unlicensed Tow Truck Drivers Graph
- Appendix 10: Licensed Tow Truck Drivers Graph



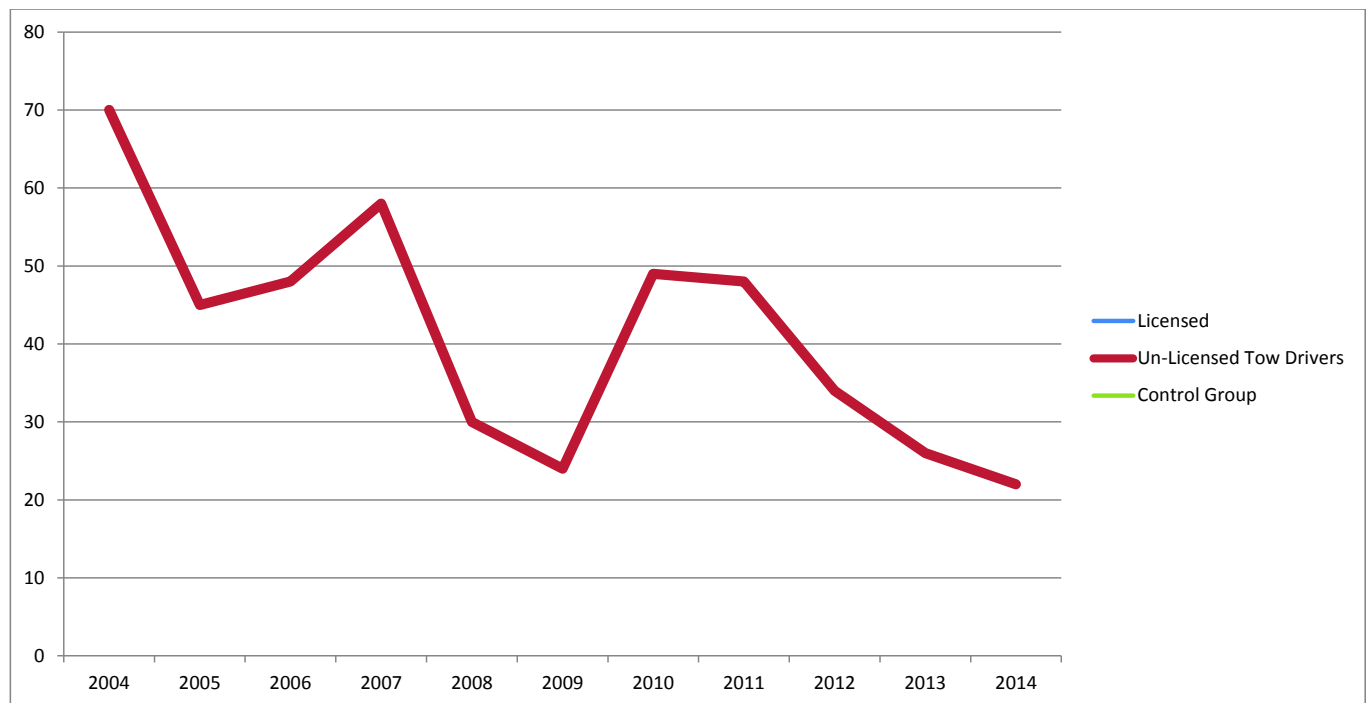
Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Prepared by: Michael Foley, Acting Manager, Compliance and Licensing Enforcement

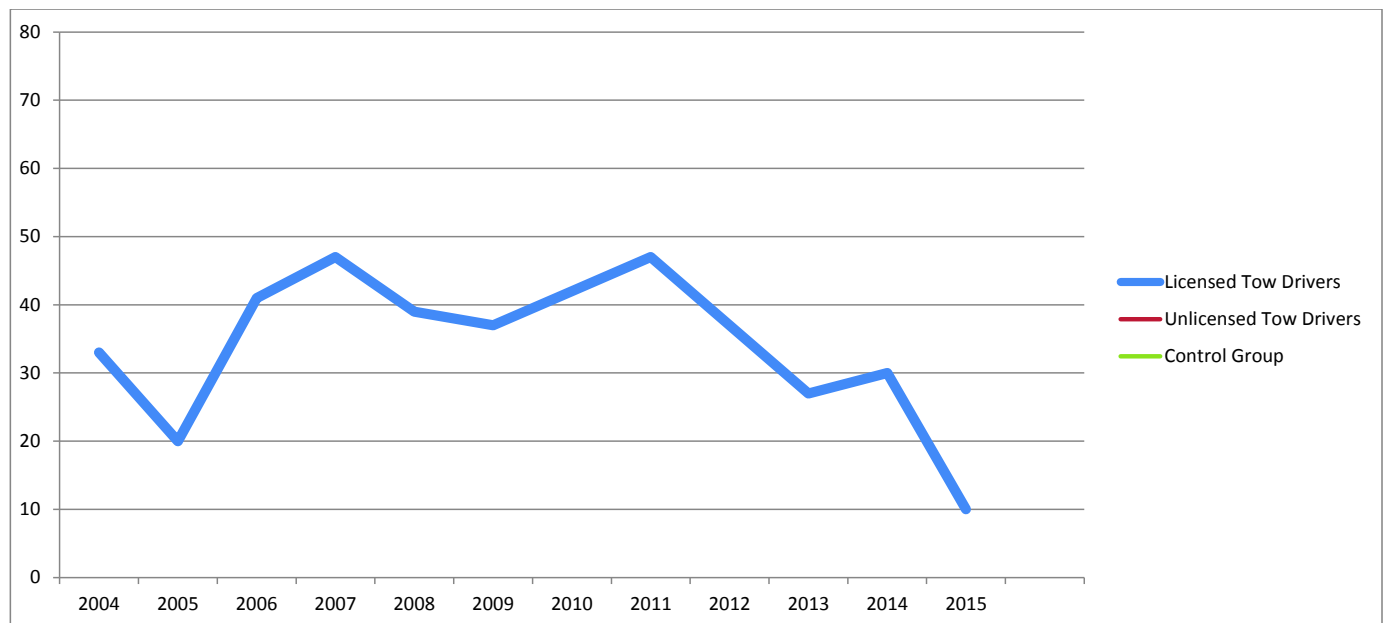
APPENDIX 8

CONTROL GROUP (Licensed Taxi Drivers)

APPENDIX 9

UNLICENSED TOW TRUCK DRIVERS

APPENDIX 10

LICENSED TOW TRUCK DRIVERS

Towing Industry Advisory Committee Action List

9.3

Issue	Last Discussed on	Who	Status
Training/qualifications for drivers	May 6, 2014 September 14, 2015	Enforcement Office	To be brought back to a future meeting
Central City pound facility	February 29, 2016	Enforcement Office	COMPLETED
By-law review <input type="checkbox"/> WSIB/Insurance requirements	September 20, 2016	Enforcement Office	In progress
Bill 15 Update	May 4, 2015	Enforcement Office	COMPLETED
Centralized Vehicle Pound Facility Feasibility Study	February 29, 2016	Chris Rouse	COMPLETED
Accepting all forms of payment	December 4, 2017	Enforcement Office	COMPLETED
Tow truck licensed ceases to engage in business for a period of longer than 30 days	March 26, 2018	Enforcement Office	To be brought back to a future meeting
Tow truck owners to notify Mobile Licensing Enforcement of the name of the licensed driver	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Having all licensed drivers renewed at the same time instead of being renewed by birthdate	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Increase for the re-tows and tow rates	March 21, 2017	Enforcement Office	To be brought back to a future meeting
Report on Tow Truck Owners License Moratorium	September 26, 2017	Enforcement Office	To be brought back to a future meeting
Report on Vehicle Pound Moratorium	June 13, 2017	Enforcement Office	To be brought back to a future meeting
Parked plates and the enforcement plan	January 22, 2018	Enforcement Office	COMPLETED