

## INCIDENT HIGHLIGHTS



**DATE:**  
May 31, 2023



**TIME:**  
11:00 p.m.



**VICTIM:**  
41-year-old tow truck operator



**INDUSTRY/NAICS CODE:**  
Motor vehicle towing/  
488410



**EMPLOYER:**  
Roadside assistance company



**SAFETY & TRAINING:**  
IIPP and worker training



**SCENE:**  
Interstate highway



**LOCATION:**  
California



**EVENT TYPE:**  
Struck by



**REPORT#:** 23CA004

**REPORT DATE:** December 1, 2024

## A Tow Truck Operator Dies on a Highway When He Is Struck by a Car While Loading a Vehicle onto a Tow Truck — California

### SUMMARY

On May 31, 2023, a 41-year-old male Hispanic tow truck operator was struck and killed by a passing vehicle on an interstate highway as he was loading a disabled vehicle onto a tow truck. Both the vehicle and tow truck were stopped on a triangular gore adjacent to the #6 lane and an onramp. The victim exited the driver's side of the flatbed truck and was standing within the #6 lane when he was struck by the vehicle traveling 65-70 mph... [READ THE FULL REPORT](#)> (p.3)

### CONTRIBUTING FACTORS

- Failure to recognize an unsafe condition posed by the gore
- Lack of awareness of California's Move Over law
- Failure to call law enforcement to secure the work area prior to loading a vehicle onto the tow truck...[LEARN MORE](#)> (p.7)

### RECOMMENDATIONS

The California FACE (CA/FACE) investigator determined that, in order to prevent similar incidents, roadside assistance companies should:

- Develop and implement a safety training program for tow truck operators that emphasizes how to recognize and respond to unique situations (e.g., a gore), approaching traffic, and other hazards.
- Promote awareness of the California Move Over law.
- Ensure tow truck operators work with law enforcement/emergency service providers to secure the work area prior to loading a vehicle.
- Promote use of variable messaging signs to help direct traffic away from roadside responders...[LEARN MORE](#)> (p.7)



# CALIFORNIA

## State **FACE** Program

**Fatality Assessment & Control Evaluation**

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### Fatality Assessment and Control Evaluation (FACE) Program

This case report was developed to draw the attention of employers and employees to a serious safety hazard and is based on preliminary data only. This publication does not represent final determinations regarding the nature of the incident, cause of the injury, or fault of employer, employee, or any party involved.

This case report was developed by the California Fatality Assessment and Control Evaluation (FACE) Program. California FACE is a NIOSH-funded occupational fatality surveillance program with the goal of preventing fatal work injuries by studying the worker, the work environment, and the role of management, engineering, and behavioral changes in preventing future injuries. The FACE program is located in the Occupational Health Branch, California Department of Public Health.

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## INTRODUCTION

On Monday, May 31, 2023, at approximately 11:00 p.m., a 41-year-old male Hispanic tow truck operator (the victim) was struck by an approaching car as he assisted a disabled vehicle on a major interstate highway. The CA/FACE investigator received notification of this incident on June 2, 2023, from the weekly summary from the California Department of Industrial Relations Public Information Office. Contact with the employer was made by the CA/FACE investigator on August 31, 2023. The CA/FACE investigator interviewed the owner of the tow truck company (employer) and a dispatcher. The California Highway Patrol (CHP) and fire department reports (including co-worker statements) were requested and reviewed.

## EMPLOYER

The employer of the victim was a roadside assistance company that had been in business for 20 years. The company provided emergency roadside service (local and long distance). The company provided flatbed towing, wheel lift towing, wrecker service, fuel up, battery jump, car lockout, and tire change. The company had five permanent employees, including the victim.

## WRITTEN SAFETY PROGRAMS and TRAINING

The employer had a written injury and illness prevention program (IIPP) with all the required elements. The employer had a Tow Service Agreement with the California Highway Patrol (CHP) that included the use of appropriate warning garments (e.g., vests, jackets, shirts, reflective clothing). The victim attended an in-house training session by the employer which reviewed the technical and safety aspects of the job and participated in on-the-job training (OJT) prior to working alone. The employer also stated that the victim also attended an offsite 40-hour training course training at an American Automobile Association (AAA) facility.

## WORKER INFORMATION

The victim was a 41-year-old male Hispanic tow truck operator who had been employed with the company for six months. He worked the night shift, which began at 6 p.m. and ended at 6 a.m. Before he was dispatched to this incident, he had completed three other roadside assistance calls during that work shift. Prior to working for this employer, he was a long-haul truck driver.

## INCIDENT SCENE

The incident scene was a six-lane southbound interstate highway located within a major city/county. The six asphalt lanes were each 12 feet wide and delineated by painted broken white lines. The incident occurred in the #6 lane adjacent to a triangular shaped gore<sup>1</sup> that was between the highway and a southbound onramp. The #6 lane merged just ahead of the incident scene with the southbound onramp

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<sup>1</sup> A gore is a triangular plot of land between through travel lanes and an on ramp

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(Exhibit 1). There were illuminated streetlights on this section of the highway, and the speed limit was 65 miles per hour.

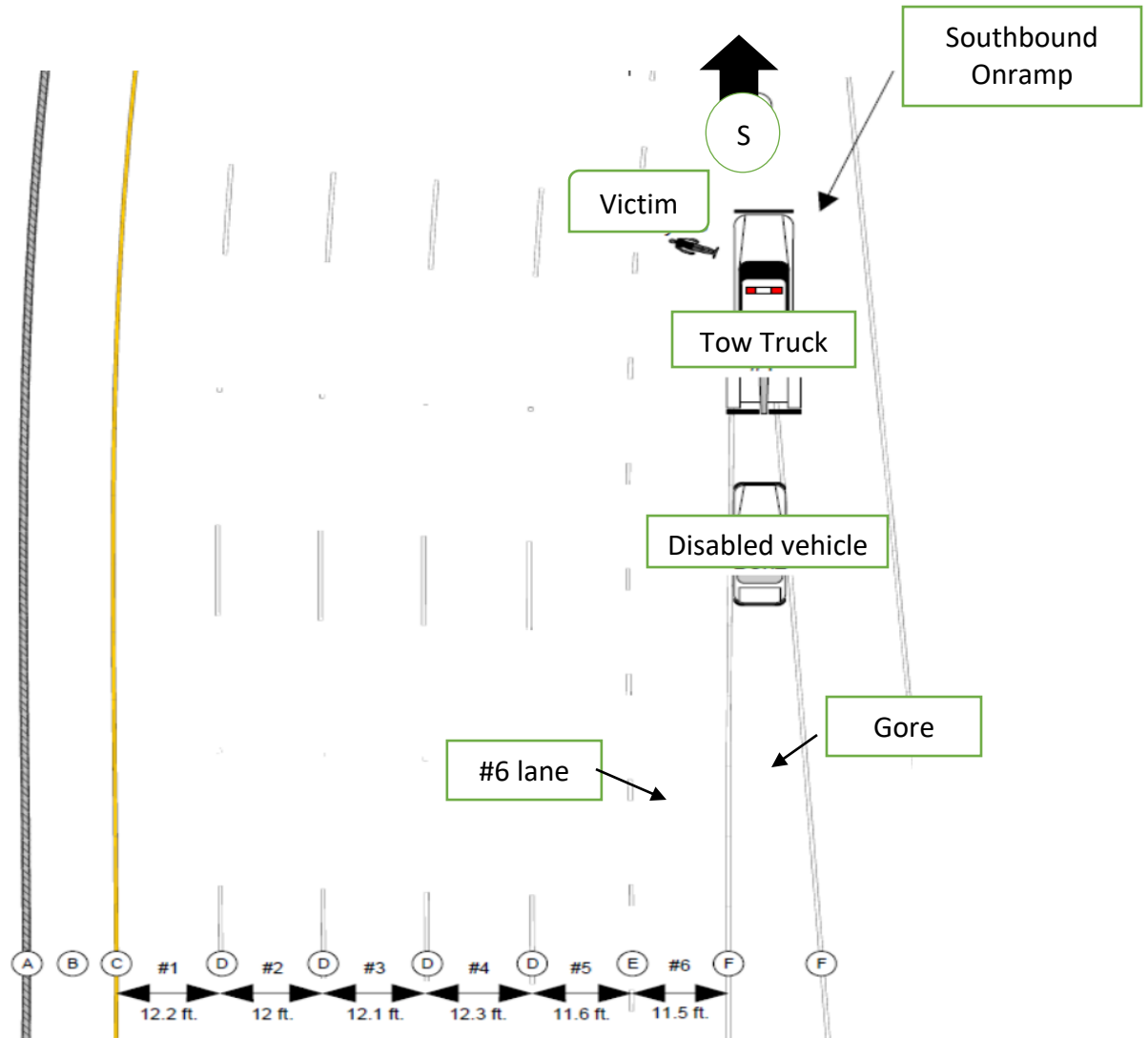


Exhibit 1. A diagram of the incident scene. Photo courtesy of the CHP.

**WEATHER**

The weather on the evening of the incident was 66 degrees Fahrenheit and mostly cloudy, and the roadway was dry [Weather Underground]. The weather is not believed to have been a contributing factor in this incident.

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## INVESTIGATION

On the night of the incident, a vehicle was driving southbound in the #6 lane of the highway when it suddenly developed engine problems. The driver pulled her vehicle over and stopped on a gore in between the #6 lane and the highway southbound onramp (Exhibit 2). It is not known why the driver pulled onto the gore and not the shoulder of the road. The driver called for emergency roadside service and the company initially dispatched a roadside assistance pickup truck to the incident scene. After the co-worker in the pickup truck was unable to jump start the disabled vehicle, the victim was dispatched in a flatbed tow truck to the incident scene to load and remove the vehicle. The pickup truck moved to the shoulder of the highway adjacent to the onramp with the driver of the disabled vehicle.

The victim arrived on scene with flashing amber lights and pulled in front of the disabled vehicle in preparation for towing. Photos from the scene show that the flatbed truck was partially in the #6 southbound lane (Exhibit 3) and the southbound onramp (Exhibit 4) due to the relatively narrow triangular area of the gore.

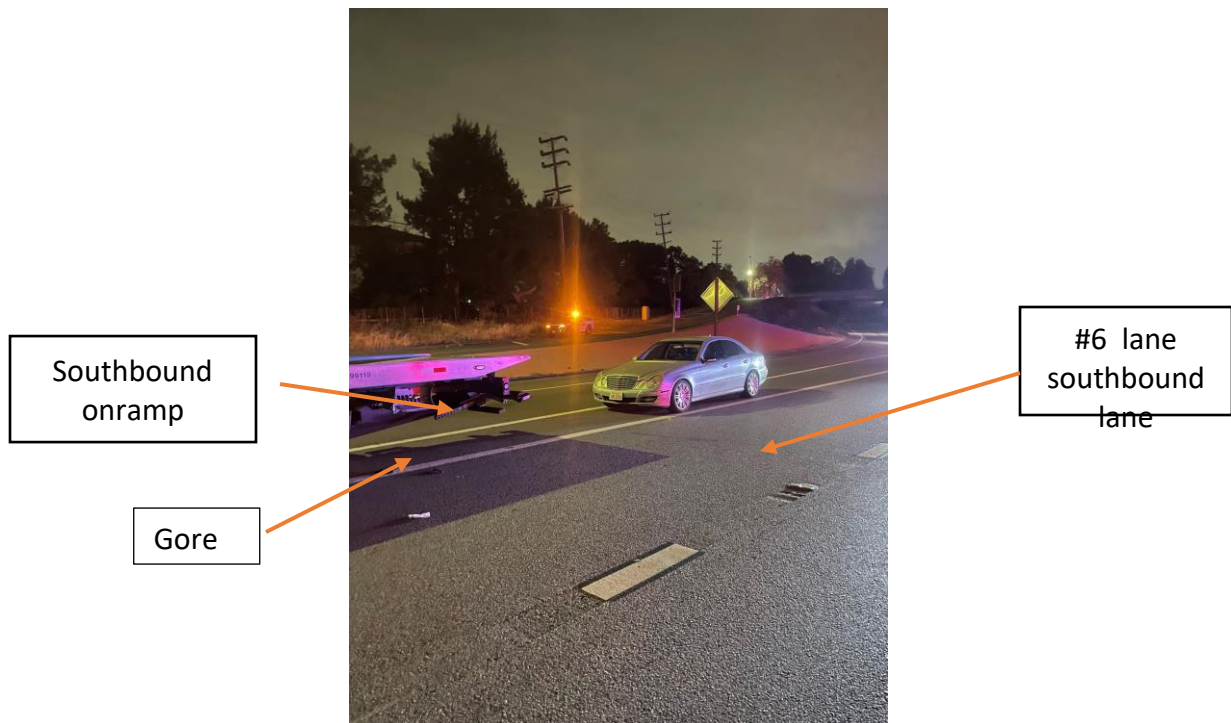


Exhibit 2. The tow truck's position after backing in front of the disabled vehicle.  
Photo courtesy of the CHP.



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Tow truck  
control levers



Exhibit 3. The tow truck partially in the #6 lane with control levers in front of the back tire. Photo courtesy of the CHP.

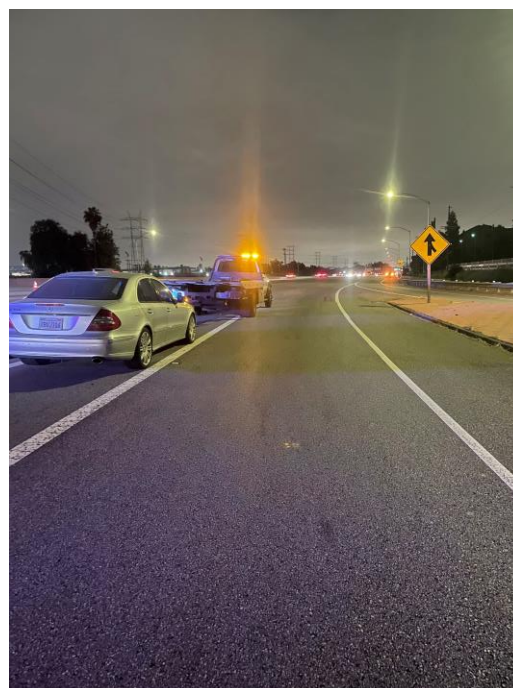


Exhibit 4. The tow truck partially in the southbound onramp. Photo courtesy of the CA/FACE program.



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The victim was wearing a blue and green work uniform with fluorescent striping on the arm sleeves, shoulders, and upper legs. No cones or other lane warning devices were put in place behind the disabled vehicle, and the CHP or other traffic-control entity was not contacted to secure the scene in preparation for towing. The victim likely exited the driver's side of the tow truck (adjacent to the #6 lane) to prepare to load the disabled vehicle. According to the CHP investigation, the victim was standing within the #6 lane when he was struck by an approaching vehicle traveling 65-70 mph (the speed limit was 65 mph). The driver of the vehicle stated that she swerved to the left to avoid the flatbed tow truck and felt an impact. Shortly after multiple 911 calls from the public, the CHP arrived and attempted to resuscitate the victim. The fire department arrived and pronounced the victim deceased at the scene.

### CAUSE OF DEATH

According to the county coroner, the cause of death was traumatic injuries.

### CONTRIBUTING FACTORS

Occupational injuries and fatalities are often the result of one or more contributing factors or key events in a larger sequence of events that ultimately result in the injury or fatality. CA/FACE investigator identified the following issues as key contributing factors in this incident:

- Failure to recognize an unsafe condition posed by the gore
- Lack of awareness of California's Move Over law
- Failure to call law enforcement to secure the work area prior to loading a vehicle onto the tow truck

### RECOMMENDATIONS / DISCUSSION

The CA/FACE investigator determined that, in order to prevent similar incidents, roadside assistance companies should:

***Recommendation #1: Develop and implement a safety training program for tow truck operators that emphasizes how to recognize and respond to unique situations (e.g., a gore), approaching traffic, and other hazards.***

Discussion: In this incident, the victim pulled his flatbed truck onto the gore in front of the disabled vehicle, activated his amber flashing lights, and exited the truck on the driver's side (adjacent to the #6 lane) to begin towing hook up procedures. Although it was unwitnessed, he was likely accessing the controls on that side of the tow truck when he was struck. Roadside assistance employers should provide supplemental training for operators so they are prepared to recognize and respond to unsafe or hazardous conditions. The AAA and the Towing and Recovery Association of America (TRAA) offers enhanced training on how to respond safely to disabled vehicles and secure work zones when the vehicle is adjacent to traffic lanes. Tow truck operators should also consider National Traffic Incident Management (TIM) Responder Training. TIM training offers both hands-on and web-based training on how to safely and properly execute a roadside response. AAA, TRAA, and



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TIM trainings can help ensure drivers are knowledgeable about roadside assistance best practices and aware of potential hazards that are inherent to the job.

In this incident, the disabled vehicle was on the triangular gore and there was traffic on both sides. If the victim had been trained to recognize the unique condition posed by the gore, he may have placed cones or other portable warning devices (bidirectional reflective triangles) to alert approaching traffic that the tow truck was ahead. Alternatively, the CHP or other traffic control entity could have been called to safely move the vehicle off the gore. If these safety procedures were implemented, this incident may have been prevented.

***Recommendation #2: Promote awareness of California’s Move Over law.***

Discussion: In 2009, California enacted the Move Over law, which requires all drivers to move over a lane, or if they are unable to do so safely, slow down, when they see amber flashing lights on Caltrans vehicles, law enforcement or emergency vehicles, or tow trucks. To increase awareness of this law, roadside assistance companies and associations should continue partnering with other highway agencies such as AAA, Caltrans, CHP, and the Office of Traffic Safety (OTS) to promote the law with public service announcements, billboards, electronic traffic signs, radio, television and social media. In this incident, the driver of the oncoming vehicle stated that she tried to swerve to avoid the flatbed tow truck. She was traveling at the speed limit but did not move over one lane when she approached the tow truck with flashing lights. If the driver had been aware of the Move Over law, this incident may have been prevented.

***Recommendation #3: Ensure tow truck operators work with law enforcement/emergency service providers to secure the work area prior to loading and securing a vehicle.***

Discussion: Tow truck operators often work in areas where shoulder or other workspace is narrow, and they are facing away from oncoming traffic while securing loads. In this situation, or when there are weather-related concerns or other hazards, tow truck operators should request traffic-control assistance from law enforcement or other organizations (e.g., fire department, Department of Transportation, etc.). Operators should wait to load and secure the vehicle until the traffic control assistance arrives. At a minimum, the CHP should leave their light bar engaged during the entire duration of the loading procedure. In certain instances where the tow truck driver is lacking shoulder space to load safely, law enforcement officers should position their vehicles to temporarily block the adjacent traffic lane until towing procedures are concluded.

***Recommendation #4: Promote use of variable messaging signs (VMS) to help direct traffic away from roadside responders.***

Roadside service and incident response personnel, including law enforcement officers, emergency responders, and towing and service operators, have a high incidence of severe occupational injury while responding to traffic incidents and providing roadside services. Research was conducted in 2023 on the efficacy of variable





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messaging signs (VMS) when aiding motorists during breakdowns<sup>2</sup>. This study found that when the VMS was active, drivers were more likely to move over (change lanes) and slow down than when the VMS was not active. The odds of a vehicle moving over were 95% higher when the VMS was used. Had a VMS sign been used in this incident, the driver may have moved over to avoid the tow truck.

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### REFERENCES

AAA Foundation for Safety. [Protecting Roadside Workers: Field Evaluation of a Vehicle-Mounted Variable Message Sign and Examination of Worker Perceptions and Use of Countermeasures.](#)

Cal/OSHA Title 8 ,Subchapter 4. CSO, Article 11. [§1598: Traffic Control for Public Streets and Highways](#)

California Vehicle Code, Division 11. Rules of the road, [Chapter 4. Right-of-way, 21809](#)

California Vehicle Code, Division 12, Equipment of vehicles, [Chapter 2. Lighting equipment, Article 7. Flashing and colored lights, 25253](#)

California Vehicle Code 21809 [CHAPTER 4. Right-of-Way](#)

Kentucky FACE Report [Tow Truck Driver Struck and Killed by Van While Entering His Tow Truck, Kentucky](#)

Michigan FACE Report [Tow Truck Driver Securing Vehicle to Tow Bed Struck by SUV Driver, Michigan](#)

Move Over, America [Move Over America | Protect Law Enforcement Officers](#)

U.S. Department of Transportation [Federal Highway Administration](#)

<sup>2</sup> [Protecting Roadside Workers: Field Evaluation of a Vehicle-Mounted Variable Message Sign and Examination of Worker Perceptions and Use of Countermeasures](#)



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## **INVESTIGATOR INFORMATION**

This investigation was conducted and authored by Hank Cierpich, Fatality Investigator/Consultant. Additional contributions to the report were provided by Robert Harrison, MD, MPH, CDPH FACE Project Officer; Laura Styles, MPH, FACE Research Scientist; and Glenn Shor, PhD, Cal/OSHA CFOI Program.