

INCIDENT HIGHLIGHTS

**DATE:**

December 31, 2023

**TIME:**

08:00 p.m.

**VICTIM:**

64-year-old male tow truck operator

**INDUSTRY/NAICS CODE:**

Motor vehicle towing /
488410

**EMPLOYER:**

Roadside assistance
company

**SAFETY & TRAINING:**

IIPP and worker training

**SCENE:**

Four lane interstate
highway

**LOCATION:**

California

**EVENT TYPE:**

Struck by



REPORT#: 23CA007

REPORT DATE: April 22, 2025

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

SUMMARY

On December 31, 2023, a 64-year-old male tow truck operator was struck and killed by an approaching car on a state highway. The incident occurred at night (8pm) as he was loading a disabled vehicle onto a tow truck. He was on the driver's side of the tow truck by the control panel when he was struck by the vehicle traveling in the adjacent #3 lane... [READ THE FULL REPORT>](#) (p.3)

CONTRIBUTING FACTORS

Key contributing factors identified in this investigation include:

- Failure to recognize an unsafe condition by working too close to the highway lane
- 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.6)

RECOMMENDATIONS

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

- Develop, implement, and enforce a comprehensive safety program for tow truck operators that emphasizes hazard recognition and avoidance of unsafe conditions.
- Promote awareness of the California 'Move Over' law.
- Promote use of variable messaging signs to help direct traffic away from roadside responders.
- Ensure tow truck operators work with law enforcement/emergency responders to secure the work area.
- Consider implementing an appropriate drug testing program...[LEARN MORE>](#) (p.6)



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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 California Occupational Health Branch, California Department of Public Health.

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INTRODUCTION

On Monday, December 31, 2023, at approximately 8:00 p.m., a 64-year-old tow truck operator (the victim) died when he was struck by an approaching car as he assisted a disabled vehicle on an interstate highway. The CA/FACE investigator received notification of this incident on January 21, 2024, 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 February 6, 2024. The CA/FACE investigator interviewed the owner of the company on February 6, 2024, by telephone. The California Highway Patrol 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 18 years. The company provided emergency roadside service, including towing. The company provided flatbed towing, wheel lift towing, wrecker service, fuel up, battery jump, car lockout, and tire change. The company had 48 tow trucks and 18 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 victim attended training sessions offered 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 stated that the victim attended an offsite 40-hour training course at an American Automotive Association (AAA) facility. 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), and to be on their list of tow companies for specific areas of the state¹.

WORKER INFORMATION

The victim was a 64-year-old male tow truck operator who had been employed with the company for 13 years. His work shift started at 6 p.m. and typically ended at 2 a.m. Prior to this job, he was a long-haul truck driver.

INCIDENT SCENE

The incident scene was a three-lane southbound divided state highway. The three asphalt lanes were each 12 feet wide and delineated by painted broken white lines and raised white reflectors. The shoulder of the highway was an asphalt shoulder designated by a painted solid white line. The stranded vehicle had been loaded into the bed of the tow truck and both were located on the asphalt shoulder (Exhibit 1). The incident occurred at night with no illuminated streetlights in this section of highway, and the speed limit was 65 miles per hour.

¹ <https://www.chp.ca.gov/ResearchAndPlanningSectionSite/Documents/2023-2024%20TSA.pdf>

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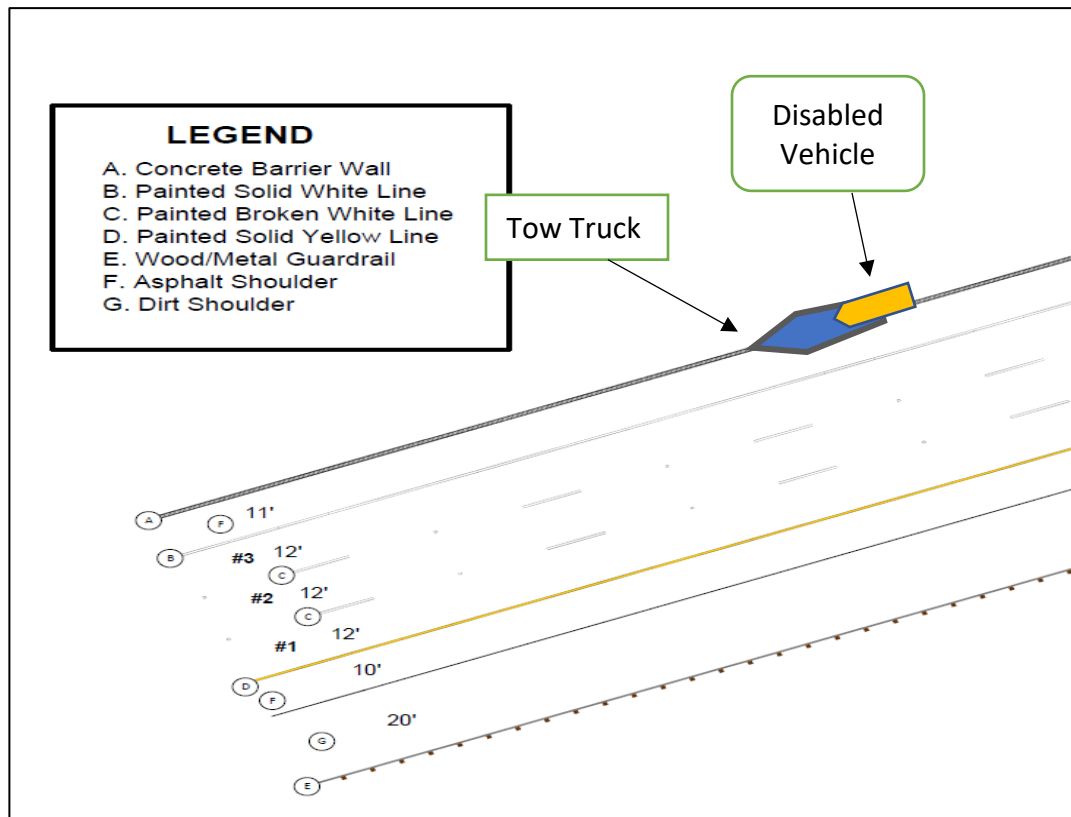


Exhibit #1. Illustration of the highway where the incident occurred (courtesy CHP).
The disabled vehicle had been loaded onto the bed of tow truck.

WEATHER

The weather on the evening of the incident was clear with the temperature 53 degrees Fahrenheit. The roadway was dry and was not a contributing factor in this incident.

INVESTIGATION

On the evening of the incident, a vehicle was traveling southbound on the interstate and pulled over to the asphalt shoulder due to a flat tire. The disabled vehicle driver called for assistance and the tow truck was dispatched to her location. The victim was dispatched to the scene with a flatbed tow truck to offer assistance. The victim decided to tow the disabled vehicle to a repair facility. He moved the tow truck in front of the disabled vehicle to begin the loading process. The victim instructed the driver of the disabled vehicle to get in the passenger seat of the tow truck while he finished securing her vehicle onto the bed of the truck.

A few minutes after entering the tow truck, the driver of the disabled vehicle suddenly felt the impact of another vehicle at the rear of the tow truck. She noticed that vehicle propel past the tow truck, roll over at least 3 times, land on its wheels, and crash into the center divider and come to a stop. She also witnessed

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several other vehicles come to a stop and pull over to the right shoulder of the highway. The driver of the disabled vehicle exited the cab of the tow truck, walked around the front of the truck, and observed the victim's body on the ground in front of the tow truck in the #3 lane.

According to the CHP report, the tow truck pulled in front of the disabled vehicle to load it onto its flatbed. The bed of the tow truck was in the raised position after the disabled vehicle was loaded. The driver's side (left side) of the tow truck may have slightly extended into the #3 lane. The tow truck's amber flashing lights were activated. At the time of the impact, the victim was standing by the control levers on the driver's side of the truck, and he was not wearing his high visibility garments.

According to the CHP report, a car (Toyota) was driving southbound in the #3 lane of the highway traveling at approximately 70 MPH. As it approached the disabled vehicle and tow truck, the Toyota remained in the #3 lane and did not reduce its speed. The Toyota struck the left rear corner of the tow truck, and then the victim, overturned several times, and struck the center divider where it came to rest. The driver survived the incident. Witnesses to the incident stated that they observed the Toyota's right tires drive partially up the raised bed of the tow truck, become airborne and then crash into the center divider. Several witnesses exited their vehicles, checked the status of the victim and called 911. They also stated that they noticed the tow truck on the right shoulder of the highway with its amber lights activated.

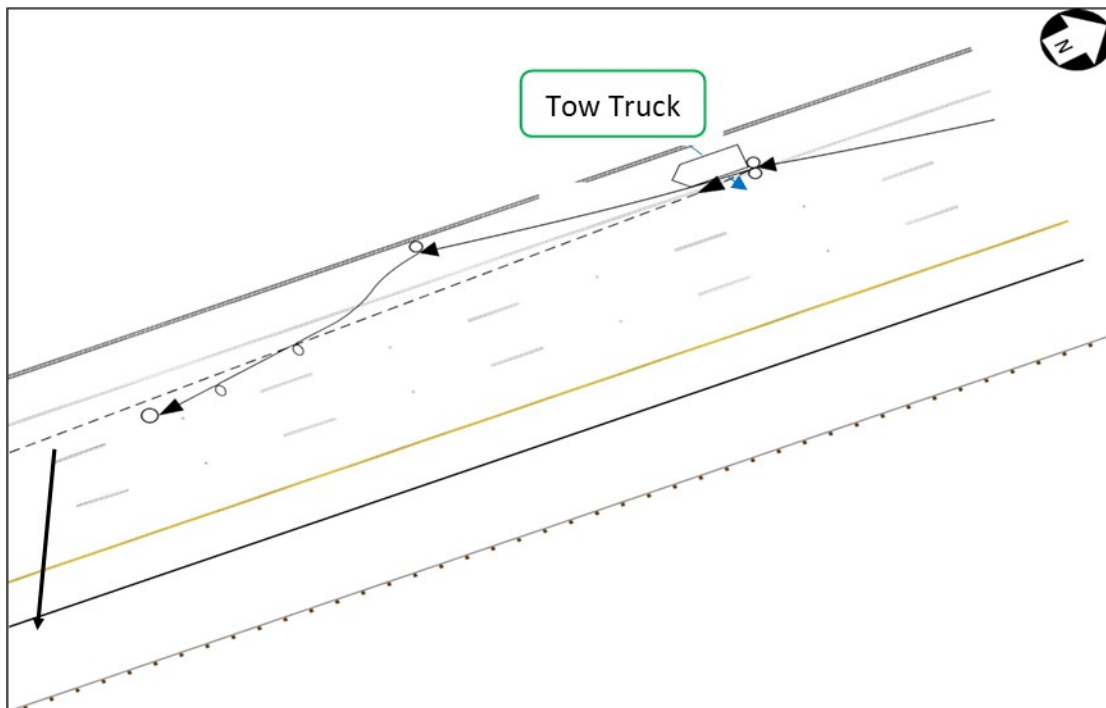


Exhibit #2. The Toyota's path (arrow) after it struck the tow truck and victim. Illustration courtesy CHP.

CAUSE OF DEATH

According to the county coroner, the cause of death was blunt force injuries. The toxicology report showed his blood tested positive for methamphetamines (1.3 mg/L) and 0.09 of amphetamine.

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. California FACE investigators identified the following hazards as key contributing factors in this incident:

- Failure to recognize an unsafe condition by working too close to the highway lane
- 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 approaching traffic and other hazards.

Discussion: When tow truck operators respond to areas along highways, they face multiple hazards, including working in close proximity to oncoming vehicles. Hazards increase at night because drivers have reduced vision and consequently reduced reaction time. The flatbed tow truck involved in the incident had towing equipment control levers on both the driver's and passenger's side of the truck. In this incident, the victim was using the control levers on the driver's side of the tow truck, which was closest to oncoming traffic. In addition, the victim was not wearing his reflective clothing.

Roadside assistance employers should provide supplemental training for operators so they are prepared to recognize and respond to unsafe or hazardous conditions. The American Automobile Association (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 attending 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 TIM trainings can help ensure operators are knowledgeable about roadside assistance best practices and aware of potential hazards that are inherent to the job.

Tow truck operators should know how to work next to vehicle traffic in a way that will minimize exposure, how to position the vehicle to act as a shield from the traffic whenever possible, and the proper techniques for warning device usage, placement, and retrieval. Employers should ensure that tow truck operators, when feasible, use the control levers located on the side of the truck that is the farthest from approaching traffic and always wear their reflective clothing. It is not clear whether the tow truck could have parked with enough

space to access the control levers on the side of the truck away from approaching traffic. If the driver had used these controls, he probably would not have been struck by the approaching vehicle. If he was unable to use these controls and had worn reflective clothing while on the traffic side of the tow truck, he may have been more clearly seen by the approaching vehicle who may have avoided the collision.

Recommendation #2: Promote awareness of California “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 Toyota stated that she did not move over one lane when she approached the tow truck with flashing lights. If the driver had been aware and followed the Move Over law, this incident may have been prevented. Access more information about the campaign at <http://beworkzonealert.com/move-over.html>.

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 VMS when aiding motorists during breakdowns². 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. In California, VMS are operated by the Department of Transportation and are primarily used for unexpected conditions, nonrecurring congestion, incidents, adverse weather conditions, travel times, and current and future road closure information. If a VMS could have been used to warn motorists of the disabled vehicle, the driver may have moved over to avoid the tow truck.

² AAA Foundation – [Protecting-Roadside-Workers-Field-Evaluation-of-Perceptions-and-Countermeasures.pdf](https://www.aaaoundation.org/Protecting-Roadside-Workers-Field-Evaluation-of-Perceptions-and-Countermeasures.pdf) ([aaaoundation.org](https://www.aaaoundation.org))

Recommendation # 5: *Implement a Workplace Supported Recovery Program using evidence-based policies and programs to reduce multiple risk factors for substance use.*

Discussion: In this incident, there was no program to ensure that employees are free from drugs that could endanger themselves or others. Pre-employment, periodic, and random drug testing programs can be effective in identifying employees who are at risk of drug-related work impairment or at greater risk of injury and illness. Employers implementing applicant or employee drug testing programs should develop and communicate clear policies that are permissible under the law, and legal consultation is recommended. Had such a program been in place, the risk of methamphetamine contributing to his death may have been minimized.

As described by the National Institute for Occupational Safety and Health (NIOSH), a Workplace Supported Recovery (WSR) Program can be valuable in preventing and responding to substance abuse problems in the workplace (see [Centers for Disease Control and Prevention – Workplace Supported Recovery Program](#)). A WSR Program can:

- Prevent work-related injuries and illnesses that could lead to the initiation of substance misuse.
- Decrease difficult working conditions or work demands that might lead to daily or recurrent pain.
- Promote the use of alternatives to opioids for pain management associated with a workplace injury or illness.
- Provide information and access to care for a substance use disorder when it is needed, including access to medication-based or medication-assisted treatment, together with individual counseling.
- Support second-chance employment.
- Provide workplace accommodations and other return-to-work assistance.
- Provide peer support and peer coaching to bolster the social supports available to workers in recovery.
- Promote a work culture and climate that is supportive of workers in recovery (for example, awareness building, stigma reduction, and alcohol-free and health-focused work social events).

Workplaces can engage in several activities to mitigate the risk factors for initiation or perpetuation of a substance use disorder, help maximize the likelihood that employees in need will seek treatment, and support employees in their recovery efforts.

Policy. Workplace policies regarding substance use should be clear and transparent, defining the reasons for the policy, the prohibited substances and behaviors, the persons covered by the policy, and disciplinary consequences and appeals. Workplace substance use policies should be sensitive to the nature of recovery efforts. For example, a recovery-supportive policy will recognize that recovery may involve one or more recurrences and, therefore, additional or modified treatment. Also, because employment increases the likelihood of entering treatment and maintaining recovery efforts, workplace policies should support recovering individuals attempting to maintain employment and those hoping to enter or return to the workforce.

Education. Recovery-supportive workplaces can provide training to all supervisors and employees. Trainings cover types of drugs (including alcohol), the health impacts of misusing them, how substance use can impact

behavior, performance at work, and implementation of workplace policies involving substance use. In-person training is recommended as a best practice and online training should be provided when in-person training is not feasible.

Work environment. Recovery-supportive workplaces evaluate their work environments to minimize adverse working conditions that may contribute to higher levels of employee substance misuse. These include but are not limited to excessive work demands, exposure to interpersonal aggression at work, and dangerous working conditions. Workplaces may promote a quality work environment by establishing and maintaining potentially protective working conditions, such as fair and equitable treatment, respectful supervision, and promotion of supportive social connections and friendships among co-workers.

Stigma reduction. Individuals with a substance use disorder experience extreme levels of stigmatization (negative attitudes and stereotypes) that lead to prejudice, discrimination, social exclusion, and limited opportunities to participate fully in employment and other life roles. Stigmatization is also experienced by individuals who have recovered from a substance use disorder. Therefore, visible educational materials, as well as consistent discussions of the actual nature of substance use disorders, treatment, and recovery, may help reduce stigma and encourage entry into treatment and recovery. A key talking point in these materials and discussions is that a substance use disorder is not a moral failing and recovery is possible. The Center on Addiction provides [recommendations](#) for reducing stigma related to substance use disorders.

Resources and support. Inform employees about resources available through the employer or union for the treatment of substance misuse and disorders and recovery support. These resources may be part of a company employee assistance program and health insurance. If an employee assistance program and health insurance are not available, an information sheet on available resources in the community can be made available.

- Employers should consider evaluating their employee assistance and health insurance programs to make sure they have adequately trained personnel to deal effectively with substance use problems and have adequate coverage for multiple episodes of treatment (inpatient, outpatient, medication-assisted treatment), long-term follow-up, and recovery support (such as recovery coaching).
- Support programs utilizing co-workers or peers, with appropriate training, may offer valuable and confidential support such as sharing information and providing referrals, advocacy, and accountability. Peers are not usually formally trained to provide clinical services, but their skills and support may help lower barriers for seeking help and following through with treatment. Peer-based approaches or links to peer-based organizations and their programs may be of significant value to workers and employers when developing WSR programs.

Sensitivity to disparities. Workers across all age ranges, races, ethnicities, and organizational levels within the workforce can engage in substance misuse and develop substance use disorders. However, barriers to treatment and willingness to enter treatment and recovery may vary across these groups, based on factors such as religious and cultural norms or expectations, family history, age, and education. Employers should



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consider having expertise available in their employee assistance or health insurance programs to address differences across various demographic groups as needed.

Health and well-being programs. Providing programs that promote and support employee health, well-being, and work-life fit, as well as teach functional coping skills, may help employees develop and maintain their recovery efforts by building recovery capital.

Employment. Employment provides economic stability, a meaningful social role, and often direct access to treatment and recovery services. Employment also provides relevant sources of recovery capital that can motivate and maintain a desire for treatment and recovery. Recovery-supportive employers aim to preserve employment for those with a substance use disorder and provide second-chance employment for recovering individuals attempting to enter or reenter the workforce.

Workplace substance use climate. Evaluate and reduce current levels of physical availability of substances during the workday, as well as workplace norms and drinking rituals that support substance use. Physical availability includes the ease of obtaining alcohol and other drugs at work, bringing alcohol or other drugs into the workplace, or using substances during work hours or breaks. Substance use norms include descriptive norms, which represent the extent to which workers use substances while at work or work while impaired. Substance use norms also include injunctive norms, which represent the extent to which workers approve of using substances while at work or working while impaired. Although after-work drinking rituals are a way for co-workers to unwind and develop friendships, they can undermine the recovery efforts of co-workers who want to avoid alcohol use but, as a result, may experience social exclusion at work for not participating.

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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 Code of Regulations, Title 8, Section 1598. Traffic Control for Public Streets and Highways.](#)

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



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

California Vehicle Code 21809 (right of way) [California Code, VEH 21809](#).

Kentucky FACE Report [FACE Report No. 16KY055, Tow Truck Driver Struck and Killed by Van While Entering His Tow Truck, Kentucky \(cdc.gov\)](#)

Michigan FACE Report [FACE Program: Michigan case Report: 18MI002 | NIOSH | CDC](#)

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

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[https://www.fhwa.dot.gov/goshp2/Solutions/Reliability/L12_L32A_L32B/National Traffic Inc](https://www.fhwa.dot.gov/goshp2/Solutions/Reliability/L12_L32A_L32B/National_Traffic_Inc)

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; Glenn Shor, PhD and Ryan Furtkamp, Cal/OSHA CFOI Program.