
NEW MEXICO PUBLIC REGULATION COMMISSION
FROM THE OFFICE OF DISTRICT 3 COMMISSIONER VALERIE ESPINOZA

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FOR IMMEDIATE RELEASE

July 26, 2016

NEWS RELEASE

Tow Services Placed on Notice to Secure Cargo

Consumer Complaints to Commissioner's Office Prompts Action from Transportation Division

SANTA FE – At the urgent request of New Mexico Public Regulation Commission (NMPRC) Chair Valerie Espinoza, the NMPRC's Transportation Division has issued an advisory to tow services operating in the state to properly secure their cargo after the agency received a number of complaints from the public.

Commission Chair Espinoza, who represents District 3, stated, "Our chief concern is always public safety, for our families and those traveling to and within our state. I have personally observed many instances where something could have easily gone wrong, and thus prompted a letter being mailed on July 7 to towing companies, reminding them of their legal responsibilities in reference to the securement of cargo."

That letter informed all recipient companies that it had been brought to the Commission's attention that tow services had been observed transporting passenger vehicles on tow trucks with no more than the winch cable securing the vehicle to the tow truck.

According to NMPRC Transportation Division Director Avelino Gutierrez, "This practice is not only unsafe, but it violates state and federal law regarding securement."

The Commission's Motor Carrier Rules contain several technical requirements regarding various towing methods, with each method requiring adequate provisions of additional safety devices, such as safety chains, cables, or similar devices to prevent the towed vehicle from breaking loose, moving laterally, or shifting. The letter also included several technical requirements pertaining to the types of and performance requirements for securement devices and systems, each of which is required to prevent the load from shifting or falling from the tow vehicle.

"Timing is of the essence as we revise rules," Chair Espinoza stated. "It is extremely important that, as part of my duties, I want to ensure compliance and safety of all Motor Carrier Rules."

"Clearly, carrying passenger vehicles on the tow truck with no more than the winch cable securing the vehicle to the tow truck violates a number of laws," Gutierrez said. "While there are several methods for properly securing a vehicle, the prevailing compliant practice is to provide two safety devices securing the front of the towed vehicle and two safety devices securing the rear of the towed vehicle. These safety chains, cables, or similar devices will prevent the towed vehicle from breaking loose, moving laterally, or shifting. This requirement protects the public, protects the towed vehicle, and protects the tow vehicle's stability and maneuverability."

“I want to avoid the occurrence of any all possible accidents,” Chair Espinoza concluded. “We get into our vehicles daily, and need to know that the professionals on the road are behaving in a professional capacity, being ever vigilant toward public safety.”

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