i. A peace officer certified, in accordance with §4.13 of this title (relating to Authority to Enforce, Training and Certificate Requirements), to enforce the Federal Hazardous Material Regulations, as adopted in this section, may declare a vehicle out-of-service using the North American Standard Hazardous Materials Out-of-service Criteria as a guideline.

05.04.120.02 On-Site Coordination (OSC) of Hazardous Material Transportation Emergencies (Rule §4.2, Texas Administrative Code, Title 37, Part 1, Chapter 4, Subchapter A)

1. The Texas Department of Public Safety will be responsible for on-site coordination of transportation emergencies for all unincorporated areas and may assume the on-site coordination role within cities when requested to do so by local government.

2. The initial Texas Department of Public Safety commissioned law enforcement officer who responds, on site, will be responsible for the on-site coordination of transportation emergencies, as provided in subsection (c) of this section. This officer shall perform the coordination responsibility until relieved by appropriate Department of Public Safety authority or the incident is concluded.

3. On-site coordination of hazardous material transportation emergencies may include but not be limited to:

   a. Assessing the seriousness and magnitude of the incident

   b. Identifying the type of hazardous material

   c. Notifying the appropriate communications center

   d. Controlling access to the location

   e. Determining if evacuation is necessary

   f. Assisting in evacuation

   g. Providing safe traffic control

   h. Notifying and communicating with special response teams

   i. Communicating with transportation carrier

   j. Notifying and requesting appropriate state agency response teams

   k. Responding to any other emergency needs

   l. Performing any other functions necessary to facilitate a safe and successful conclusion of the incident

4. Officers of the Department have a duty to make emergency rules when normal operating procedures prove inadequate pursuant to Rule §3.42 (Texas Administrative Code, Title 37, Part 1, Chapter 3, Subchapter C), relating to Making of Emergency Rules.

05.04.125.00 PROCEDURES FOR STORING AND REPORTING OF VEHICLES REMOVED FROM THE HIGHWAY (Rule §3.54, Texas Administrative Code, Title 37, Part 1, Chapter 3, Subchapter D)

In order to establish a uniform system for recording the circumstances surrounding the storing of vehicles removed from the highway the following procedures are prescribed:

05.04.125.01 When an officer causes the removal of a vehicle due to an arrest, crash investigation, abandoned vehicle, motorist assist, or other reason; a local county or city wrecker rotation will be used. If there is justification to not use the local county or city rotation, a memorandum should be submitted to the Service Commander justifying the reason why. The Highway Patrol Sergeant in each area is responsible to make every effort to use the local county or city wrecker rotation. If unsuccessful the steps taken should be listed in the memorandum to the Service Commander. A DPS communications facility will not create a wrecker rotation. If an area is not able to use the local county or city wrecker rotation, a fair means of selecting a wrecker will be utilized. Prior to implementing a selection process, the Highway Patrol Service Sergeant will submit the selection process to the Service Commander for approval. An example of a fair selection process could be providing a list of available wreckers to the subject responsible for the vehicle to be towed. If the driver is unresponsive, a random and fair process for choosing a wrecker will be documented.

05.04.125.02 When any officer causes the removal and storage of any vehicle which has been abandoned or when the owner cannot be otherwise located to advise disposition he will inventory the vehicle and follow the procedures in GM 01.24.10.0