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PURPOSE

Amend the Transportation Code, Division II, Section 305, to: clarify, expand, or restrict requirements for owners of vehicles towed by the San Francisco Municipal Transportation Agency to qualify for reductions in or waivers of certain towing and storage fees; clarify how storage fees accrue on a full calendar-day basis following the first 24-hours of storage; modify towing and storage fees; and expand optional towing services available to medium and heavy-duty vehicles.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan goals and objectives:

Goal 1: Create a safer transportation experience for everyone

Objective 1.3: Improve the safety of the transportation system

Goal 2: Make transit, walking, bicycling, taxi, ride sharing and car-sharing the most attractive and preferred means of travel

Objective 2.1: Improve customer service and communications

Objective 2.4: Improve parking utilization and manage parking demand

Goal 3: Improve the environment and quality of life in San Francisco

Objective 3.1: Reduce the Agency's and the transportation system's resource consumption, emissions, waste, and noise

Objective 3.2: Increase the transportation system's positive impact to the economy

Objective 3.4: Deliver services efficiently

Goal 4: Create a workplace that delivers outstanding service

Objective 4.4: Improve relationships and partnerships with our stakeholders

This action supports the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

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DESCRIPTION

Background

The SFMTA is responsible for controlling City streets and removing illegally parked, abandoned, and other vehicles that pose a hazard to the public. The SFMTA also provides towing services requested by the SFPD, which is responsible for removal of illegally parked vehicles, recovery of stolen vehicles, removal of vehicles involved in accidents and vehicles involved in crimes, including DUIs (Driving Under the Influence) and other infractions.

The removal of vehicles helps maximize on-street parking, manage traffic congestion, move and preserve crime-scene evidence, and maintain clean, safe, and functional streets for the public's use. Vehicle removal also helps provide homeowners access to their driveways when obstructed. Removing vehicles from blocked driveways is the most common towing request received from the public for a total of 18% in Fiscal Year 2016. In the same period, SFMTA towed approximately 43,000 vehicles for a variety of infractions, of which SFPD requested 18%.

The various towing and storage fees the SFMTA is authorized to charge the public are set forth in San Francisco Transportation Code, Division II, Section 305. All towed vehicles incur a Tow Fee and an SFMTA Administrative Fee. Vehicles stored for more than four hours will incur storage fees. In 2016, the SFMTA amended Section 305 to do the following:

- Reduce the SFMTA's administrative and other towing fees for all customers;
- Make the fee waiver amount for stolen vehicles the same for residents and non-residents of San Francisco;
- Reduce the administrative fees for vehicles not previously towed in San Francisco while registered to the current owner (First Tow);
- Provide an additional reduction in the administrative fee for persons from low income families (First Tow/Low Income); and,
- Provide an additional waiver of storage fees (up to 48 hours) for First Tow/Low Income.

In 2016, the SFMTA also executed a vehicle towing contract with AutoReturn for a term of five years with a five year extension option. AutoReturn currently provides towing, storage, and related services to the SFMTA. The contract, including the extension option expires on March 31, 2026.

Proposed Amendments to Section 305

After implementing the 2016 amendments to Section 305, the SFMTA considered feedback provided by customers and AutoReturn, who interacts with customers on a daily basis. Based on this feedback, the SFMTA determined some of the language in the 2016 amendments was unclear, which created confusion as to the applicability of, and eligibility for, certain reductions and waivers of towing and storage fees.

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The reason for the proposed action is to clarify the SFMTA's intent regarding eligibility requirements for reductions and waivers of certain towing and storage fees, modify and clarify certain fees and how those fees accrue, and offer new, optional towing services for larger vehicles, which are currently offered only to smaller vehicles. Specifically, the proposed amendments would:

1. Expand to persons in lawful possession of towed vehicles eligibility for reductions in the SFMTA's administrative fees for First Tows;
2. Exclude vehicles used for peer-to-peer carsharing enterprises from certain waivers or reimbursements of towing and storage fees;
3. Clarify that storage fees accrue on a full calendar day basis (i.e., for each full calendar day or fraction thereof) following the first 24 hours of storage;
4. Clarify that certain customers are eligible for waivers of storage fees for up to three days;
5. Lower fees for the first day of storage to account for the SFMTA's existing four-hour grace period;
6. Eliminate Section 305(c) as it applies to waivers and reimbursements for indigent persons because it is redundant with provisions found in 305(b);
7. Shorten the timeline for customers to request reimbursement or waiver of towing and storage fees if vehicle is valued at \$500 or less and has not been claimed;
8. Provide for additional towing services and fees for towing medium and heavy-duty vehicles from the impound facility to locations requested by customers; and
9. Increase the fee for tow-back for light duty-vehicles to cover the tow contractor's fees under the new towing services contract.

The sections below describe each of the proposed amendments in detail.

1. Expand to Persons in Lawful Possession of Towed Vehicles Eligibility for Reductions in the SFMTA's Administrative Fees for First Tows:

The 2016 amendments to Section 305 provide for a reduction in administrative fees for First Tows. Vehicles are eligible for this reduction only if not previously towed in San Francisco while registered to the current owner. Currently, these reduced fees are available only when the registered owner of the towed vehicle retrieves the vehicle. In cases where a person other than the registered owner retrieves a towed vehicle, the person retrieving the vehicle must pay the full administrative fee. Thereafter, the registered owner may apply to the SFMTA for reimbursement of the difference between the full and the reduced administrative fee.

Based on customer feedback, this reimbursement process is inconvenient, lengthy, and overly bureaucratic. In addition, this process necessitates additional SFMTA resources, including data entry, a review of records, verification of ownership with the Department of Motor Vehicles (DMV), and the City Controller's involvement to issue and mail a check to the owner.

The proposed change to Section 305 (a) (1) (A) addresses customers' concerns by allowing anyone in lawful possession of the vehicle to pay the reduced administrative fee so long as the vehicle is eligible as a First Tow.

2. Exclude Vehicles Used for Peer-To-Peer Carsharing from Certain Waivers or Reimbursements of Towing and Storage Fees:

Privately owned vehicles used for peer-to-peer carsharing via a car sharing enterprise are essentially car rentals. These vehicles are shared with multiple persons and are often parked on a public street multiple times a day. Because of the frequent change of drivers, these vehicles may be at a higher risk of being parked illegally or being stolen. These conditions increase the chances of being towed for illegal parking or for stolen vehicle recovery.

The 2016 amendments exclude vehicles registered to any businesses from waivers and reimbursements of towing and storage fees available for First Tow, First Tow/Low Income, and vehicles towed in connection to a theft. Nevertheless, this exclusion does not currently apply to vehicles registered to individual owners that rent their vehicles to other motorists for peer-to-peer carsharing via a car sharing enterprise. The proposed change will prohibit individual owners who engage in peer-to-peer carsharing from requesting reimbursement or waiver for the categories mentioned above, while retaining their right to request reimbursement or waiver for other reasons as described in Section 305 (e.g. to contest the validity of the tow).

The proposed change to Section 305 (a) (1) (A) and (B) and Section 305 (b) (2) ensures that vehicles used for peer-to-peer carsharing are not eligible for the certain waivers and reimbursements otherwise available for First Tow, First Tow/Low Income, and vehicles towed in connection to a theft.

3. Clarify that Storage Fees Accrue on a Full Calendar Day Basis (i.e., for each full calendar day or fraction thereof) Following the First 24 Hours of Storage

Currently, storage fees accrue on the basis of a full calendar day following the first 24 hours of storage. The proposed amendment will not change SFMTA's currently policy, simply clarify.

Based on customer feedback, the existing schedule of storage fees may be misread to state that storage fees accrue on a prorated basis for partial days following the first 24 hours of storage. For example, if the daily (24-hour) storage rate is \$26, then the prorated storage fee for 12 hours would be \$13. The SFMTA's intent is to charge storage fees on the basis of a full calendar day following the first 24 hours of storage. In this example, the storage fee for 12 hours is \$26.

The proposed change to Section 305 (a) (1) makes it clear that storage fees accrue on the basis of a full calendar day following the first 24 hours of storage.

4. Clarify That Certain Customers are Eligible for Waivers of Storage Fees for up to Three Days

The 2016 amendments provide a waiver of up to 48 hours of storage fees for First Tow/Low Income and for vehicles towed in connection to a theft. The first day of storage fees occurs within four hours of storage; the second day of storage fees occurs within 24 hours of storage; and, the third day of

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storage occurs at 12:00 am following the first 24 hours of storage. These 48 hours result in the accrual of three days of storage fees because the calculation of storage fees is calculated on a full calendar day basis.

The SFMTA's intent is to waive up to three days of storage fees. Based on customer feedback, it is not always clear to customers that the 48-hour waiver covers three days of storage fees.

The proposed change to Section 305 (a) (1) (B) and Section 305 (b) (2) (B) makes it clear that the 48-hour waiver of storage fees is for up to three days of storage fees.

5. Lower Fees for the First Day of Storage to Account for the SFMTA's Four-Hour Grace Period

The current schedule of towing and storage fees for heavy-duty vehicles in Section 305 mistakenly shows that the fees for the first day of storage are the same as all subsequent days. The fee for the first day of storage should be lower to take into account the four-hour grace period that the SFMTA offers customers. The correct rates for the first days of storage should be the prorated rate for twenty hours based on the rates for each subsequent day of storage. The fee for light and medium-duty vehicles correctly takes into account the four-hour grace period.

The proposed change to Section 305 (a) (1) replaces the existing first-day storage fees for heavy-duty vehicles with the correct, lower fees, and would become effective 30 days after SFMTA Board approval.

6. Eliminate Section 305(c) as it applies to waivers and reimbursements for indigent persons because it is redundant with provisions found in 305(b)

Section 305 (c)(1) provides that the SFMTA will make an immediate investigation as to the validity of the tow if an indigent person's vehicle is towed and he or she cannot afford to get the vehicle out of storage. This provision is unnecessary because state law (Cal. Veh. Code section 22852 (c)) already requires that the SFMTA conduct post-towing hearings for all customers within 48 hours of the hearing request. In the case of indigent customers, the SFMTA's practice is to conduct hearings in less than 48 hours.

In addition, Section 305 (c)(2) allows for a waiver of the tow and storage fees for an indigent person if the tow is found to be invalid under section 305 (b)(1) (invalid tow) or 305 (b)(2) (stolen vehicle). This waiver is unnecessary and redundant because the 2016 amendments provide reductions and waivers for First Tow/Low Income and all victims (whether indigent) of vehicle theft.

The proposed change eliminates Section 305 (c).

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7. Shorten the Timeline for Customers to Request Reimbursement or Waiver of Towing and Storage Fees if Vehicle is Valued at \$500 or Less and Has Not Been Claimed

Section 305 currently gives all customers 30 days from the day their vehicle is towed to contest (i.e., request reimbursements or waivers of) tow and storage fees, regardless of the value of their vehicle. State law authorizes the SFMTA to sell unclaimed vehicles to dismantlers when the vehicle is valued at \$500 or less (Lien 1 vehicles) within 15 days of providing the customer notice of intent to dispose of the vehicle. The SFMTA provides this notice three days after the tow date. The 15-day period ends before the 30-day period all customers have to contest tow and storage fees, which creates the situation where vehicles are eligible for disposal before the expiration of the 30-day period. The proposed reduction from 30 days to ten days, for customers to contest tow and storage fees for Lien 1 vehicles, eliminates this situation and allows the SFMTA to sell these vehicles to dismantlers within the time period authorized under state law.

The proposed change to Section 305 (e) (1) reduces the time frame to request a reimbursement or waiver for unclaimed Lien 1 vehicles from within 30 days of the date of tow to ten days, and thereby allows the SFMTA to dispose of such vehicles within the time period authorized under state law.

8. Provide for Additional Towing Services and Fees for Towing Medium and Heavy-Duty Vehicles from the Impound Facility to Locations Requested by Customers

Section 305 currently provides owners of smaller vehicles (i.e., vehicles with maximum operating weights of 10,000 lbs. or less) the option to request the SFMTA tow their vehicles from the impound facility to a location of the customer's choosing such as home, work, or repair facility. This is known as tow-back. The SFMTA provides tow-back service for light-duty vehicles for a fee of \$95 per tow. Section 305 does not currently authorize tow-back services to customers with medium and heavy-duty vehicles.

Customer feedback indicates demand exists for tow-back services for medium and heavy-duty vehicles. To satisfy customer demand the SFMTA proposes to offer tow-back services for medium-duty vehicles (i.e., vehicles between 10,000 lbs. and 26,000 lbs.) at a fee of \$275.75 for the first hour of towing labor, and for heavy-duty vehicles (i.e., vehicles over 26,000 lbs.) at a fee of \$436.50 for the first hour of towing labor. Additional towing labor will be charged in 1/4 hour increments as follows: \$50.50 for light-duty vehicles; \$62.75 for medium-duty vehicles; and \$76.25 for heavy-duty vehicles. Tow-back services outside San Francisco city limits currently incur an additional fee of \$10 per mile for every mile driven outside San Francisco city limits for light-duty vehicles. This per-mile fee would also apply to medium and heavy-duty vehicles.

The proposed change to Section 305 (a) (1) adds two new fees to allow owners of larger vehicles to request their vehicle be towed from the impound facility to a location of the customer's choosing. These tow-back services for larger vehicles would commence and corresponding fees would become effective 30 days after MTA Board approval.

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9. Increase the Fee for Tow-Back for Light-Duty Vehicles to Account for the Tow Contractor's Fees Under the New Towing Services Contract

The current schedule of towing and storage fees in Section 305 mistakenly shows that the fee for tow-back services for light-duty vehicles is \$95 for Fiscal Year 2017 and \$99 for Fiscal Year 2018. These fees are incorrect because those rates are based on terms in the previous towing contract, which did not require the SFMTA to pay the towing contractor a per-vehicle and management fee.

The new towing contract requires the SFMTA to pay the towing contractor per-vehicle fees and management fees for each tow-back service the contractor performs. To cover these additional costs to the SFMTA, the fee for tow-back services for light-duty vehicles should be increased to \$214.

The proposed change to the schedule of towing and storage fees in Section 305 (a) (1) changes the tow-back fee for light duty vehicles from \$95 to \$214. This fee would become effective 30 days after MTA Board approval.

STAKEHOLDER ENGAGEMENT

In developing the amendments to the Transportation Code proposed under this action, the SFMTA considered feedback received from vehicle owners and from AutoReturn who interacts on a daily basis with persons who retrieve towed vehicles. Applicable industry standards have also been taken into account.

Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charge or fare that affects the public. Section 10 of the SFMTA Board's Rules of Order requires that the advertisement run for at least five days and not less than fifteen days prior to the public hearing regarding any increase to any rate, charge, fare, fee, or fine. In compliance with this requirement, an advertisement ran regarding the proposed changes in the San Francisco Examiner for a five-day period beginning May 16, 2017.

ALTERNATIVES CONSIDERED

The SFMTA can choose not to implement one or all of these amendments. If any or all of these amendments are not implemented, the public will be affected as follows:

1. Vehicle owners who qualify for First Tow reductions of the administrative fee and who send authorized persons to claim their towed vehicles will continue to pay the full fee and be inconvenienced with the lengthy and unnecessary process for seeking reimbursement. In addition, the SFMTA will continue to use resources to process this otherwise avoidable reimbursement requests.
2. Owners of towed vehicles used for peer-to-peer car-sharing enterprises will continue to take advantage of towing fee waivers and reimbursements for First Tows, low-income families, and stolen vehicles, all of which are intended for individual owners and not businesses.

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3. Customers will continue to misread existing schedule of towing and storage fees to state that storage fees accrue on a prorated basis for partial days following the first 24 hours of storage.
4. Customers will continue to misinterpret the existing 48-hour storage fee waiver available to eligible low-income families and owners of stolen vehicles as covering a two-day period instead of a three-day period.
5. Customers of medium and heavy-duty vehicles will continue to be overcharged for the first day of storage fees.
6. Preserving Section 305(c) will continue to create redundancies with state law and Section 305(b).
7. Preserving the 30 days available for owners of Lien 1 vehicles to contest towing and storage fees delays the SFMTA's ability to dispose of these vehicles, which typically unclaimed and take up valuable storage space on SFMTA's impound facility.
8. Limiting tow-back services to smaller vehicles ignores customer requests to provide similar services for larger vehicles.
9. Customers will continue to be charged the incorrect rate for tow-back service for light-duty vehicles

FUNDING IMPACT

The proposed amendments have little to no impact on the SFMTA's budget.

ENVIRONMENTAL REVIEW

On March 23, 2017, the SFMTA determined, under authority delegated by the Planning Department, that the amendments to the Transportation Code proposed under this action do not constitute a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

The City Attorney's Office has reviewed this calendar item.

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RECOMMENDATION

Staff recommends that the Board of Directors amend the Transportation Code, Division II, Section 305, to: clarify, expand, or restrict requirements for owners of vehicles towed by the San Francisco Municipal Transportation Agency to qualify for reductions in or waivers of certain towing and storage fees; clarify how storage fees accrue on a full calendar-day basis following the first 24-hours of storage; modify towing and storage fees; and expand optional towing services available to medium and heavy-duty vehicles.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA is responsible for controlling City streets and removing illegally parked, abandoned vehicles, and other vehicles which pose a hazard to the public; and,

WHEREAS, The SFMTA also provides towing services to the San Francisco Police Department, which is responsible for stolen vehicle recovery, vehicle accidents, crime, DUI, and other infractions; and,

WHEREAS, Vehicle tows helps maximize on-street parking, manage traffic congestion, move crime scene evidence, and maintain clean, safe, functional streets for the public's use; and,

WHEREAS, In 2016, the SFMTA amended Transportation Code, Division II, Section 305, to: reduce the administrative fee and other towing fees; expand the stolen vehicle waiver to non-residents of the City; provide a reduction in the administrative fee for vehicles which were towed for the first time; and provide an additional reduction in the administrative fee for persons who demonstrate participation in an eligible program for low income families; and,

WHEREAS, The SFMTA wishes to amend the Transportation Code, Division II, to clarify, expand, or restrict, as applicable, eligibility requirements for owners of vehicles removed by the San Francisco Municipal Transportation Agency to qualify for reductions in, or waivers of, certain towing and storage fees; clarify how storage fees accrue on the basis of a full calendar day; update pricing in schedule of towing and storage fees; and expand optional towing services; and,

WHEREAS, Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charge or fare that affects the public. Section 10 of the SFMTA Board's Rules of Order requires that the advertisement run for at least five days and not less than fifteen days prior to the public hearing regarding any increase to any rate, charge, fare, fee, or fine; and,

WHEREAS, In compliance with Charter Section 16.112, an advertisement ran regarding the proposed changes in the San Francisco Examiner for a five-day period beginning May 16, 2017; and,

WHEREAS, On March 23, 2017, the SFMTA determined, under authority delegated by the Planning Department, that the amendments to the Transportation Code proposed under this action do not constitute a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code, Division II, Section 305, to: clarify, expand, or restrict requirements for owners of vehicles towed by the San Francisco Municipal Transportation Agency to qualify for reductions in or waivers of certain towing and storage fees; clarify how storage fees accrue on a full calendar-day basis following the first 24-hours of storage; modify towing and storage fees; and expand optional towing services available to medium and heavy-duty vehicles.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 6, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Towing and Storage Fees]

Resolution amending Division II of the Transportation Code to clarify, expand, or restrict requirements for owners of vehicles towed by the San Francisco Municipal Transportation Agency to qualify for reductions in or waivers of certain towing and storage fees; clarify how storage fees accrue on a full calendar-day basis following the first 24 hours of storage; modify towing and storage fees; and expand optional towing services to medium and heavy-duty vehicles.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by revising Section 305, to read as follows:

Sec. 305. TOWING AND STORAGE FEES.

(a) **Fees.**

(1) The SFMTA shall charge the registered owner of a towed vehicle, or the registered owner's agent claiming the towed vehicle, the following fees to reimburse the City for its costs related to the removal, storage, sale, or release of vehicles towed from the public right-of-way, public property, or private property:

RESOLUTION NO.

Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017 (unless otherwise indicated below)
SFMTA Administrative Fees		
<u>Administrative Fee (other than First Tow or First Tow/Low Income)</u>	\$261	\$269
<u>First Tow (reduced fee available only to registered owner or registered owner's agent claiming the towed vehicle)</u>	\$172	\$177
Administrative Fee (First Tow/Low Income) (reduced fee available only to registered owner)	\$86.00	\$89.00
Administrative Fee (First Tow)	\$172.00	\$177.00
Administrative Fee (Other than First Tow or First Tow/Low Income)	\$261.00	\$269.00
Tow Fees (Tow fees charged to registered or legal owner, or owner's agent claiming the towed vehicle; reduced tow fees are not available.)		
Passenger/Light Duty Vehicles Under 10,000 GVW (e.g., cars, light duty trucks, passenger vehicles with trailers, unattached trailers, motorcycles, and scooters) – Up to 1 Hour of labor	\$208.00	\$214.00
Each Additional 1/4 Hour of Labor Required	\$48.50	\$50.50
Medium Duty Vehicles Over 10,000 GVW (e.g., trucks, buses, and unattached trailers) – Up to 1 Hour of labor	\$265.00	\$275.75
Each Additional 1/4 Hour of Labor Required	\$60.25	\$62.75

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Heavy Duty Vehicles Over 26,000 GVW (e.g., buses, tractor trucks, and/or trailers) – Up to 1 hour of labor	\$419.50	\$436.50
Each Additional 1/4 hour of labor required	\$73.25	\$76.25
Flat Bed or Dolly Fee	\$50.50	\$53.25
Storage Fees		
(Storage fees charged to registered or legal owner, or owner's agent claiming the towed vehicle; storage fees waived if vehicle is picked up within four hours of arrival at storage facility.)		
Storage Fee – Motorcycles/Scooters – Day 1 first 24 hours or part thereof	\$22.25	\$22.75
Storage Fee – Motorcycles/Scooters – Additional Days every full calendar day (or part thereof) following the first 24 hours	\$26.00	\$27.25
Storage Fee – Passenger/Light Duty Vehicles (other than motorcycles/scooters) – Day 1 first 24 hours or part thereof	\$58.50	\$59.25
Storage Fee – Passenger/Light Duty Vehicles (other than motorcycles/scooters) – Additional Days every full calendar day (or part thereof) following the first 24 hours	\$68.25	\$71.00
Storage Fee – Medium Duty Vehicles – Day 1 first 24 hours or part thereof	\$85.75	\$82.00
Storage Fee – Medium Duty Vehicles – Additional Days every full calendar day (or part thereof) following the first 24 hours	\$93.75	\$98.25
Storage Fee – Heavy Duty Vehicles – Day 1 first 24 hours or part thereof	\$138.00	\$120.75 \$144.75 (fee effective July 7, 2017)
Storage Fee – Heavy Duty Vehicles – Additional Days every full calendar day (or part thereof) following the first 24 hours	\$138.00	\$144.75

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Vehicle Transfer Fees		
(Apply to V vehicles transferred to long-term storage facility after 48 hours at primary storage facility. Vehicle transfer fees charged to registered or legal owner, or owner's agent claiming the towed vehicle; reduced vehicle transfer fees are not available.)		
Passenger/Light Duty Vehicles (including motorcycles/scooters)	\$27.75	\$29.25
Medium Duty Vehicles	\$113.75	\$119.50
Heavy Duty Vehicles	\$183.75	\$193.00
Tow-Back Fees		
(Contractor will, u Upon customer's request, and only if all towing and storage fees are paid, SFMTA may tow vehicle to customer's a location customer specifies. after all fees are paid)		
Tow-back service for passenger cars, motorcycles, and scooters (per vehicle) towed within the City and County of San Francisco (passenger/light duty only) <u>Light Duty Vehicles – first hour (or part thereof) of labor</u>	\$95.00	\$214 <u>\$99.00</u> (fee effective July 7, 2017)
<u>Tow-back service for Light Duty Vehicles – each additional 1/4 hour (or part thereof) of labor</u>	n/a	<u>\$50.50</u> (fee effective July 7, 2017)
<u>Tow-back service for Medium Duty Vehicles – first hour (or part thereof) of labor</u>	n/a	<u>\$275.75</u> (fee effective July 7, 2017)
<u>Tow-back service for Medium Duty Vehicles –each additional 1/4 hour (or part thereof) of labor</u>	n/a	<u>\$62.75</u> (fee effective July 7, 2017)
<u>Tow-back Service for Heavy Duty Vehicles – first hour (or part thereof) of labor</u>	n/a	<u>\$436.50</u> (fee effective July 7, 2017)
<u>Tow-back Service for Heavy Duty Vehicles – each additional 1/4 hour (or part thereof) of labor</u>	n/a	<u>\$76.25</u> (fee effective July 7, 2017)
<u>Additional fee per-mile fee for any portion of (or portion thereof) for tow-back occurring outside the limits of the City</u>	\$9.50	\$10.00

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Lien Fees		
Vehicles valued at \$4000 or less (upon lien initiation)	\$35.00	\$35.00
Vehicles valued at more than \$4000 (upon lien initiation)	\$50.00	\$50.00
Vehicles valued at \$4000 or less (upon lien completion)	\$35.00	\$35.00
Vehicles valued at more than \$4000 (upon lien completion)	\$50.00	\$50.00

(A) The SFMTA shall charge the registered owner or the registered owner's agent claiming of the towed vehicle the Administrative Fee (First Tow) reduced administrative fee only if the vehicle has not previously been towed while ~~he or she was the registered to its current owner of the vehicle.~~

(B) The SFMTA shall charge the registered owner of the towed vehicle the Administrative Fee (First Tow/Low Income) reduced administrative fee and shall waive the storage fees that would otherwise accrue during the first ~~48~~ 24 hours and two consecutive calendar days thereafter that the vehicle is stored only if the vehicle has not previously been towed while ~~he or she was the registered to its current owner of the vehicle,~~ and ~~he or she can~~ the registered owner demonstrates his or her participation in an eligible program for low income families or individuals. The SFMTA shall publish the list of eligible low income programs on its website.

(C) Neither the First Tow nor the First Tow/Low Income reduced administrative fees under subsections (A) and (B) above shall be available if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation, or if the registered owner rents the towed vehicle to other persons as part of a peer-to-peer, person-to-person, or other social car sharing enterprise.

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(2) The SFMTA shall charge the purchaser of a towed vehicle sold at a lien sale the following fees related to the sale:

Auction Sales Service Fees (Based on vehicle sale amount)		
Fee Type	Fee Amount Effective April 1, 2016	Fee Amount Effective July 1, 2017
\$0 - \$249.99	No charge	No charge
\$250 - \$499.99	\$110.00	\$115.00
\$500 - \$999.99	\$140.00	\$150.00
\$1,000 - \$1,499.99	\$185.00	\$200.00
\$1,500 - \$1,999.99	\$240.00	\$260.00
\$2,000 - \$2,499.99	\$300.00	\$325.00
\$2,500 - \$4,999.99	\$380.00	\$410.00
\$5,000 and above	\$635.00	\$670.00

(b) **Reimbursement and Waiver of Towing and Storage Fees.**

(1) Any fees ~~imposed~~ charged or authorized under subsection (a) in connection with the towing, storage, or lien of vehicles towed from the public right-of-way, public property, or private property may be waived for, or reimbursed to, the registered owner of the vehicle if the fees were incurred:

(A) Because the vehicle was towed or stored by order of the ~~San Francisco~~ Police Department to examine the vehicle for evidence of a crime;

(B) Because the vehicle was towed ~~and~~ or stored by order of the ~~San Francisco~~ Police Department or the SFMTA and said towing or storage was not authorized by state or local law;

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(C) Because the ~~San Francisco~~ Police Department or the SFMTA erroneously reported, filed, or recorded the circumstances of the towing or storage of the vehicle; or

(D) Because the vehicle was towed or stored by order of the ~~San Francisco~~ Police Department or the SFMTA for removal of components of the vehicle, which components were placed on the vehicle in violation of Section 10751 of the Vehicle Code.

(2) Upon verifiable proof that the vehicle was reported stolen before it was towed, or upon a determination by the ~~San Francisco~~ Police Department that the vehicle was stolen, and if the vehicle owner is an individual, the SFMTA shall waive for, or reimburse to, the registered owner:

(A) The administrative, towing, vehicle transfer, and lien fees established in subsection (a), above; and

(B) The storage fees that would otherwise accrue during the first ~~48~~ 24 hours and two consecutive calendar days thereafter that the vehicle is stored, ~~established in~~ subsection (a), above.

(3) Neither the waivers nor reimbursements of fees available under subsection (b)(2) above for stolen vehicles shall be available if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation, or if the registered owner rents the towed vehicle to other persons as part of a peer-to-peer, person-to-person, or other social car sharing enterprise.

~~(e)~~ — **Indigent Owner.**

~~(1) — Should the owner of the vehicle or one in lawful possession sign an affidavit, under penalty of perjury, that said person is indigent and does not immediately have the funds to pay the accrued fees related to the tow, storage, or lien of the vehicle, the Director of the SFMTA or his or~~

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~~her designee shall immediately make such investigation as necessary to ascertain if said indigent person is entitled to immediate possession of his or her vehicle without the payment of the fees.~~

~~(2) — Should the Director of the SFMTA or his or her designee, after an investigation, decide that the towing, or storage of a vehicle comes within the provisions of subsections (b)(1) or (2), above, and the owner of the vehicle or one in lawful possession signs an affidavit of indigency, the Director of the SFMTA shall issue a waiver directed to the person, firm or corporation having custody of the vehicle. Said affidavit shall be on a form approved by the Director of the SFMTA.~~

~~(3) — Upon presentation of this waiver to the person, firm, or corporation having custody of the vehicle, the vehicle shall be repossessed by the person presenting the waiver, without further payment.~~

~~(4) — The person, firm or corporation receiving the waiver may present the waiver to the office of the SFMTA designated by its Director for payment of the fees stated on the waiver.~~

(cd) **Prohibition on Waiver and Reimbursement of Towing and Storage Fees.**

No reimbursement or waiver shall be made to the registered or legal owner of a vehicle pursuant to the provisions of subsection (b)(1) or (2), above, if:

(1) The owner or person in lawful possession of the vehicle is chargeable with violation of any law of the City and County of San Francisco, the State of California, or the United States, and said charge relates to the towing and storage of the vehicle or the removal of component parts thereof; or

(2) Reimbursement or waiver is requested pursuant to subsections (b)(1)(B) or (b)(1)(C), above, and the City's error in ordering, reporting, filing, or recording the tow is attributable, in part, to the conduct of the registered owner, legal owner, or one in lawful possession of the vehicle; or

(3) The registered or legal owner of the vehicle, including a firm or corporation that owns vehicles used for commercial purposes, cannot show evidence of

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financial responsibility for said vehicle as required by Section 16020 of the California Vehicle Code.

(de) **Application for Reimbursement or Waiver.**

(1) Requests for reimbursement or waiver must be presented to the Director of the SFMTA or his or her designee, on a form provided therefor, within ~~30~~10 days of the date of the tow ~~of the vehicle~~ of unclaimed Lien 1 vehicles and within 30 days of the date of the tow for claimed Lien 1 vehicles and within 30 days of the date of the tow for all other claimed or unclaimed vehicles. The Director, or his or her designee, may, in his or her sole discretion, extend this deadline for good cause shown.

(2) Requests for reimbursement or waiver shall be itemized, describing all circumstances known to the requesting party. The Director of the SFMTA or his or her designee may request such additional information as necessary to determine the legitimacy of the request for reimbursement or waiver.

(3) All requests for reimbursement or waiver shall be made under penalty of perjury.

(4) The amount of the requested reimbursement or waiver shall not exceed the actual fees charged to the individual or entity requesting reimbursement or waiver.

(ef) **Prosecution of Person Responsible.** No request for reimbursement or waiver shall be considered by the Director of the SFMTA or his or her designee unless and until the person requesting reimbursement or waiver agrees in writing that said person will fully cooperate in the investigation or prosecution of any person or persons responsible for any violation of law giving rise to the request for reimbursement or waiver.

(fg) **Subrogation.** Whenever reimbursement or waiver is made pursuant to this Section 305, the City and County of San Francisco is subrogated to all rights and privileges, at law or equity, of the person, or his or her heirs or assigns, to whom payment was made to

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recover any monies, from any source whatsoever, due to the person requesting reimbursement or waiver arising from the activity that caused the fees to be incurred.

(g) **Procedures.** The Director of Transportation may establish such procedures as he or she deems appropriate to facilitate the waiver and reimbursement of towing and storage fees, and the reduction of administrative fees, in accordance with this Section 305.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Isidro A. Jiménez
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 6, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency