

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 16-033

WHEREAS, On February 16, 2016, the San Francisco Municipal Transportation Agency Board of Directors authorized the Director of Transportation to execute Contract No. SFMTA 2014-48, with TEGSCO, LLC., dba San Francisco AutoReturn, for the Towing and Storage of Abandoned and Illegally-Parked Vehicles; and,

WHEREAS, The Board of Directors also amended Transportation Code Division II, Section 305 to incorporate customer fees for vehicle towing, storage, sale and release, and extend San Francisco resident waiver provisions to non-residents, and,

WHEREAS, Because expenditures under the Towing Agreement will exceed \$10 million, the Towing Agreement requires approval by the Board of Supervisors; and,

WHEREAS, During their deliberations on the Towing Agreement, the Board of Supervisors requested the SFMTA to reconsider the administrative fee and establish a program to provide discounts for low income drivers; and,

WHEREAS, The proposed changes to changes to towing related fees are subject to the California Environmental Quality Act (CEQA); the CEQA Guidelines provide an exemption from environmental review for the establishment, modification, structuring, restructuring or approval of rates, tolls, and other charges, if these rates, tolls, and other charges will be used to meet operating expenses, including employee wage rates and fringe benefits, or purchase or lease of supplies, equipment, or materials. (Cal. Code Regs., Title 14, Section 15273); and,

WHEREAS, The SFMTA, under authority delegated by the Planning Department, determined that the proposed changes to changes to towing related fees and all related changes to Transportation Code Section 305 are statutorily exempt from environmental review and the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, The SFMTA Board finds that the proposed changes to changes to towing related fees and all related changes to Transportation Code Section 305 are statutorily exempt from environmental review under Section 15273 because the changes to changes to towing related fees is for the purpose of the establishment, modification, structuring, restructuring or approval of rates, tolls, or other charges, and that the rates, tolls, and other charges will be used to meet operating expenses, including employee wage rates and fringe benefits, or purchase or lease of supplies, equipment, or materials; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and are incorporated herein by reference; and,

WHEREAS, The California Vehicle Code authorizes an initial lien fee to be imposed at the start of the lien process and a second fee to be imposed when the lien process has been completed; and

WHEREAS, The second lien fee was not included in the Feb. 16 legislation, staff recommends inclusion of a second lien fee in the amount of \$35 for vehicles valued at \$4,000 or less and \$50 for vehicles valued at more than \$4,000; and,

WHEREAS, Following approval of amendments to the Transportation Code related to the Towing Agreement on February 16, 2016, staff discovered certain technical, non-substantive clarifications had been inadvertently omitted; now, therefore, be it

RESOLVED, The Board of Directors approves changes to towing related fees, including a discount program for low income vehicle owners and adding a new fee for vehicle liens, and amends the Transportation Code Division II, Section 305 to reflect these changes and rectify other non-substantive omissions.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 15, 2016.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.16-033

[Transportation Code – Tow Fees]

Resolution amending the Transportation Code to provide for a reduced administrative fee for first-time tows and a further-reduced administrative fee and waiver of first 48 hours of storage fees for first-time tows of vehicles owned by individuals with low incomes, and making technical and non-substantive changes; and making this ordinance retroactive to April 1, 2016.

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 owner of a towed vehicle the following fees to reimburse the City for its costs related to the ~~removal~~tow, storage, lien, or sale, ~~or~~ ~~release~~ of vehicles towed from the public right-of-way, public property, or private property:

Fee Type	Fee Amount
<u>SFMTA Administrative Fees</u>	
<u>Administrative Fee (First Tow/Low Income)</u>	<u>\$86.00</u>
<u>Administrative Fee (First Tow)</u>	<u>\$172.00</u>

SFMTA Administrative Fee (<u>Other Than First Tow or First Tow/Low Income</u>)		\$261.00
Tow Fees		
Fee Type	Fee Amount	
Passenger/ <u>Light Duty</u> Vehicles Under 10,000 GVW (e.g., cars, light duty trucks, passenger vehicles with / <u>without</u> trailers, unattached trailers, motorcycles, and scooters) - Up to 1 Hour	\$208.00	
<u> </u> Each Additional 1/4 Hour Labor Required	\$48.50	
Medium Duty Vehicles Over 10,000 GVW (e.g., trucks, buses, and unattached trailers) - Up to 1 Hour	\$265.00	
<u> </u> Each Additional 1/4 Hour Labor Required	\$60.25	
Heavy Duty Vehicles Over 26,000 GVW (e.g., buses, tractor trucks, and/or trailers) - Up to 1 Hour	\$419.50	
<u> </u> Each Additional 1/4 Hour Labor Required	\$73.25	
Flat Bed or Dolly Fee	\$50.50	
Storage Fees		
(waived if vehicle is picked up within four hours of arrival at storage facility)	Day 1 Fee	Additional Per Days Fee
Storage Fee - Motorcycle/ <u>Scooter</u>	\$22.25	\$26.00
Storage Fee – Passenger/Light/Regular <u>Passenger/Light/Regular</u> Duty Vehicles (<u>other than motorcycles/scooters</u>)	\$58.50	\$68.25
Storage Fee - Medium Duty Vehicles	\$85.75	\$93.75
Storage Fee - Heavy Duty Vehicles	\$138.00	\$138.00
Vehicle Transfer Fees		
(vehicles transferred to long-term storage facility after 48 hours at primary storage facility)		
Fee Type	Fee Amount	
Passenger/Light Duty Vehicles (<u>including motorcycles/scooters</u>)	\$27.75	
Medium Duty Vehicles	\$113.75	

Heavy Duty Vehicles	\$183.75
Tow-Back Fees	
(Contractor will, upon request, tow vehicle to customer's location after all fees are paid.)	
Fee Type	Fee Amount
Tow-back service for passenger cars, motorcycles, and scooters (per vehicle) towed within the City and County of San Francisco (passenger/light duty only)	\$95.00
Additional per-mile fee for any portion of tow-back occurring outside the limits of the City	\$9.50
Lien Fees	
Fee Type	Fee Amount
Vehicles valued at \$4000 or less (<u>upon lien initiation</u>)	\$35.00
Vehicles valued at more than \$4000 (<u>upon lien initiation</u>)	\$50.00
<u>Vehicles valued at \$4000 or less (upon lien completion)</u>	<u>\$35.00</u>
<u>Vehicles valued at more than \$4000 (upon lien completion)</u>	<u>\$50.00</u>

(A) The SFMTA shall charge the owner of the towed vehicle the Administrative Fee (First Tow) if the vehicle has not previously been towed while he or she was the registered owner of the vehicle.

(B) The SFMTA shall charge the owner of the towed vehicle the Administrative Fee (First Tow/Low Income) and shall waive the storage fees that would otherwise accrue during the first 48 hours that the vehicle is stored if the vehicle has not previously been towed while he or she was the registered owner of the vehicle, and he or she can demonstrate 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.

(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 Fee	
(based on vehicle sale amount)	
Fee Type	Fee Amount
\$0 - \$249.99	No charge
\$250 - \$499.99	\$110.00
\$500 - \$999.99	\$140.00
\$1,000 - \$1,499.99	\$185.00
\$1,500 - \$1,999.99	\$240.00
\$2,000 - \$2,499.99	\$300.00
\$2,500 - \$4,999.99	\$380.00
\$5,000 and above	\$635.00

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(h) **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; Retroactivity. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance. This ordinance shall be retroactive to April 1, 2016.

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.

Section 4. Section 305 of the Transportation Code, as reprinted in Section 1 of this ordinance, includes all amendments made to that section by SFMTA Board Resolution No. 16-024, adopted February 16, 2016. For purposes of Section 3 of this ordinance, the amendments contained in SFMTA Board Resolution No. 16-024 are treated as part of the existing Transportation Code.

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

By: _____
Mariam Morley
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 15, 2016.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency