

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170606-070

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,

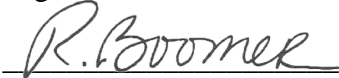
WHEREAS, In compliance with Charter Section 16.112, an advertisement ran regarding the proposed changes in the San Francisco Examiner for a five-day period beginning May 16, 2017; and,

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

[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. 170606-070

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

RESOLUTION NO. 170606-070

Heavy Duty Vehicles Over 26,000 GVW (e.g., buses, tractor trucks, and/or trailers) – Up to 1 <u>Hour of labor</u>	\$419.50	\$436.50
Each Additional 1/4 <u>Hour of Labor</u> 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 <u>first 24 hours or part thereof</u>	\$22.25	\$22.75
Storage Fee – Motorcycles/Scooters – Additional <u>Days every full calendar day (or part thereof) following the first 24 hours</u>	\$26.00	\$27.25
Storage Fee – Passenger /Light Duty Vehicles (other than motorcycles/scooters) – Day 1 <u>first 24 hours or part thereof</u>	\$58.50	\$59.25
Storage Fee – Passenger /Light Duty Vehicles (other than motorcycles/scooters) – Additional <u>Days every full calendar day (or part thereof) following the first 24 hours</u>	\$68.25	\$71.00
Storage Fee – Medium Duty Vehicles – Day 1 <u>first 24 hours or part thereof</u>	\$85.75	\$82.00
Storage Fee – Medium Duty Vehicles – Additional <u>Days every full calendar day (or part thereof) following the first 24 hours</u>	\$93.75	\$98.25
Storage Fee – Heavy Duty Vehicles – Day 1 <u>first 24 hours or part thereof</u>	\$138.00	\$120.75 <u>\$144.75</u> (fee effective July 7, 2017)
Storage Fee – Heavy Duty Vehicles – Additional <u>Days every full calendar day (or part thereof) following the first 24 hours</u>	\$138.00	\$144.75

Vehicle Transfer Fees		
<p><u>(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.)</u></p>		
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		
<p><u>(Contractor will, uUpon 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)</u></p>		
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>	\$214 \$99.00 \$95.00	(fee effective July 7, 2017) \$99.00 (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	\$50.50 (fee effective July 7, 2017)
<u>Tow-back service for Medium Duty Vehicles – first hour (or part thereof) of labor</u>	n/a	\$275.75 (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	\$62.75 (fee effective July 7, 2017)
<u>Tow-back Service for Heavy Duty Vehicles – first hour (or part thereof) of labor</u>	n/a	\$436.50 (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	\$76.25 (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

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.

(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;

(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~~

~~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

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

(~~d~~) **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.

(~~e~~) **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.

(~~f~~) **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

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

n:\legana\as2017\1700454\01191854.docx

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