

ADVISORY BOARD ON TRESPASS VEHICLE TOWING

MINUTES OF OCTOBER 2, 2007 MEETING

The Advisory Board on Trespass Vehicle Towing meeting was held at 2100 Clarendon Boulevard, Room 311.

The meeting was attended by: Captain Kamran Afzal, Sgt. Darrin Cassedy, Corporal Christopher Hennigh, Nancy Iacomini, Al Leach, Bruce MacQueen, John O'Neill, Roslyn Rubin, Fred Scheler, Ralph Wilcher, and staff coordinator, Mary-Alice Gray. Two non-voting members, Susan Anderson and Guillermo Christensen were unable to attend. Several guests (other tow operators and one interested party) also were in attendance.

The meeting was called to order at approximately 6:30 pm by staff coordinator, Mary-Alice Gray. The staff coordinator thanked the members for agreeing to serve. Guests were advised that this was a public meeting but not a public hearing and only Advisory Board members were allowed to participate in the discussion. Guests also were reminded that they would have an opportunity to speak at the County Board Meeting.

The staff coordinator introduced JoAnn Harrison from the County Manager's Office. Ms. Harrison attended the meeting because she will be the point of contact in the Manager's Office for towing complaints. Introduction of all attendees followed.

The staff coordinator then briefly reviewed the Charge & Scope, the composition of the Advisory Board and explained the voting/non-voting members' participation. The first order of business was the election of a Chairman as required by Code of Virginia § 46.2-1233.2. Nancy Iacomini nominated herself, seconded by Captain Afzal. Al Leach nominated John O'Neill, seconded by Fred Scheler. A vote was taken. Nancy Iacomini received four votes and John O'Neill received three votes. Nancy Iacomini was elected Chairman of the Advisory Board on Trespass Vehicle Towing.

Ms. Iacomini asked if any members would like to make additions to the Tentative Agenda. There were several: Rate increase, addition of a drop fee (John O'Neill); clarification of § 14.3-6 "Notice" provisions with regard to when the car may be moved/hooked up (Kamran Afzal); clarification of signage provisions with regard to placement and consistent definitions throughout (e.g., vehicle/motor vehicle) (Christopher Hennigh); second signature (Bruce MacQueen).

The Board then discussed the experiences of the first year under the new ordinance: The number and types of complaints were discussed. Both the towers and the Police indicated that complaints are fewer and more are resolved through the cooperation of towers and Police.

The Board then reviewed and discussed the 2006 consensus recommendations and made additional recommendations:

## 14.3-2. Definitions.

Add: "Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway and having a registered gross vehicle weight of less than 10,000 pounds. *[I am asking the County Attorney if we can add to the Code of Virginia definition of "Vehicle."*

14.3-5.A.1(a): The tow operators suggested changing the size of the sign from 100 square inches to 12 X 18 which is larger and the size typically used now. All members agreed.

14.3-5.A.1(b): There was a lot of discussion about the size of the lettering on the signs. The ordinance now requires "not less than three inches in height." With the amount of information needed to be included on the sign, the towers pointed out that the sign would need to be very large with three-inch lettering. It was decided that "towing at owner's expense" should be in three-inch lettering; "24 hrs/7 days" should be in one-inch lettering just above the tow truck symbol; *[It does not appear that we can reach consensus on this issue. I suggest the minutes reflect what we actually discussed. I will flag this section for the County Manager and let him know we did not have a discussion about the size of the remaining lettering.]*

14.3-5.A.1(e): Remove the final phrase "unless towing may occur at all times" because it is important to state the actual times on the signs even if 24 hours a day, 7 days a week. All members agreed.

Tow operators will have a grace period of one year to bring all signs in compliance with the provisions of 14.3-5.A.1.

14.3-5.A.4: None of the members objected to the requirement to take pictures. However, the tow operators requested the use of "digital" photographs and Ms. Iacomini favored Polaroids. The tow operators suggested the expense of Polaroids could become prohibitive if needed for every trespass tow. Ms. Iacomini objected to the use of digital photos because they can be altered. No real consensus was reached but the vote was to include the words "digital and/or Polaroid."

14.3-5.A.5: This section currently reads: "The tow truck used to perform the tow shall include the name, street address, and telephone number of the towing and recovery operator in a conspicuous location on the exterior of the truck." The Advisory Board voted to insert the words "current, local" before telephone number and "permanently affixed" before in a conspicuous location.

The proposed 14.3-5.A.5 would read: "The tow truck used to perform the tow shall include the name, street address, and *current, local* telephone number of the towing and recovery operator *permanently affixed* in a conspicuous location on the exterior of the truck."

**14.3-6.A:** This section deals with notifying Police prior to tow and generated a lot of discussion. The tow operators object to the current provisions because of driver safety concerns. John O'Neill cited an instance when one of his driver's had a gun pulled on him because it took so long for the driver to call the information in to the ECC.

The tow operators said their usual practice is to remove the car from the lot and stop a short distance away to call in the information. John O'Neill also noted that on busy nights (such as July 4) the tow representative trying to call the Emergency Call Center (ECC) may be kept on hold for as much as ten minutes. Captain Afzal suggested that the driver could remain at a distance from the vehicle and immediately call in the license plate number, make and model of the vehicle. Then, within fifteen minutes, the remaining information would be provided to the County Police. Sgt. Hennigh offered to find out if it would be possible to send the remaining information by fax within fifteen minutes. That would eliminate two calls to the ECC for each vehicle and it would be easier for the tow operator to comply within fifteen minutes. *[Sgt. Hennigh: Are you going to follow-up with ECC on whether they will accept the remaining information by fax?]*

**14.3-7.A(f):** This section was changed to read "the non-emergency telephone number of the Police Department where the storage facility is located" to avoid a situation where the Arlington Police Department telephone number is posted at a storage facility located outside of Arlington.

**14.3-9.B.(a):** There was considerable discussion about rates. The towers made note of the fact that it is very expensive to do business in Arlington County because of the cost of land. Towers also noted that the new registration/licensing requirements imposed by the state Board of Towing and Recovery Operators add to the fees each tow operator will be required to pay. In addition, the State Code allows for a \$125 base tow rate. The Advisory Board proposed a flat rate of \$125.00 for the towing of a vehicle – no extra charge for evenings, weekends or holidays; and no storage fee for the first twenty-four hours whether or not the vehicle was picked up after the initial twenty-four-hour period. The final vote on the base rate of \$125.00 was 5 in favor; 1 opposed; 1 abstention.

**14.3-9.B.(b):** See comments in (a) above. Also apply to storage rate. The Advisory Board proposed an increase to \$50.00. The final vote on the storage rate of \$50.00 was 5 in favor; 1 opposed; 1 abstention.

**14.3-9.E:** The tow operators proposed reinstating the "drop fee." Section 14.3-9.E would read: "Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$25 or such other limit as the governing body of the county, city, or town may set by ordinance, in lieu of towing; provided that the towing and recovery operator issues a receipt to the vehicle owner or agent." *[The rationale for reinstating the drop fee was that this will serve as a disincentive for people playing chicken with the tow truck driver. It will give the management some teeth to keep non-compliant folks off their property.]*

*Add the following new section:*

**14.3-9.F: If a vehicle is not redeemed by the owner or agent within seventy-two (72) hours after it is towed, the towing and recovery operator shall be entitled to recover an additional fee, not to exceed seventy-five dollars (\$75.00), as payment for the cost of any search conducted to determine the registered owner and lien holder, if any, of the vehicle. The final vote on the addition of an administrative fee was 7-0 in favor.**

**Bruce MacQueen raised the question of second signature and Chairman Nancy Iacomini added that she would like to discuss this, as well. Mr. MacQueen said he thought the prospect of including a second signature requirement placed too great a burden on the property owners/managers and should not be considered. Mr. Scheler, who serves on the State Ad Hoc Second Signature Committee, said second signature is as good as defeated at the State level. Nancy Iacomini said she is still of the opinion that the property owners/managers should have some level of responsibility in the trespass vehicle tow process. It is her opinion that the property owners/managers are allowed to take a completely hands-off approach and doesn't think that is appropriate. Ms. Iacomini also suggested that, if property owners/managers are not interested in a provision such as second signature, perhaps they should be required to pay the tow company for the services provided. Mr. MacQueen strongly disagreed with that concept. The Advisory Board is not making a recommendation with regard to second signature.**

**The meeting was adjourned at 9:00 pm.**

**Attachments to Minutes:**

**Handouts provided by Advanced Towing:**

**Arlington Non Consent Towing Fee Limit Increase  
Administrative Fees – Non Consent Towing  
Warning Signs – Non Consent Towing  
Non Consent Towing – Complaints**

**Handout provided by Henry's Wrecker Service:**

**Board of Towing and Recovery Operators  
Working Paper dated September 26, 2007**