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February 18, 2022

The Honorable Mike Bonin
Chair of Transportation Committee
Los Angeles City Council
200 Spring Street
Los Angeles, CA 90012

Re: Council File No.: 21-0956 Relative to the Current Process for Towing Oversized Vehicles in Violation of Posted Signs

Dear Chair Bonin and Transportation Committee Members:

On August 25, 2021 a Motion was introduced under Council File No. 21-0956 relative to the current process for towing oversized vehicles. The Motion was considered in the Transportation Committee on September 21, 2021 which directed the Department of Transportation (LADOT), Los Angeles Police Department (LAPD) with the assistance of the Police Commission Investigation Division (CID) to report on the current process of towing oversized vehicles and the report to include:

a. Recommended criteria for distinguishing between abandoned vehicles suitable for towing and vehicles used as dwellings that warrant additional engagement.

b. Recommended criteria for prioritizing among oversized vehicles that are eligible for towing.

c. Recommended criteria for areas that need to be subject to tow, such as blocked roadways, walkways, bike lanes, points of ingress/egress, public works projects, environmentally sensitive habitats at risk of pollution.

d. Recommended procedures for coordinating with the Unified Homelessness Response Center and/or homeless service providers to ensure that homeless individuals are provided access to services and housing prior to towing, in fashion similar to or using the protocols and resources of the Council's recently approved Street Engagement Strategy.

e. Recommended locations suitable for safe parking and/or safe storage of oversized vehicles. Evaluation of the performance and capacity of the current heavy duty tow contractor.

f. Consideration of alternative business models for providing towing services, including towing for relocation instead of impoundment.

The LADOT will submit their response separately to the Transportation Committee. The attached Fact Sheet includes the responses of LAPD and CID. Items a and c from the Transportation Committee Report are responded to by LAPD as 1 and 2 respectively and e, f and g are responded to by CID as 4, 5 and 6 respectively. The LAPD and CID staff will be prepared to respond when this report is considered by the Transportation Committee.

Should you or a member of your staff have any questions please do not hesitate to contact me at (213) 236-1400.

Respectfully

RICHARD M. TEFANK, Executive Director
Board of Police Commissioners

Attachment

cc: Department of Transportation, Chief Brian Hale
Los Angeles Police Department, Commander Billy Brockway

FACT SHEET

Response to Transportation Committee Report and Motion File No. 21-0956, dated October 20, 2021

Purpose

The purpose of this Fact Sheet is to address questions and concerns that were raised at the Transportation Committee meeting regarding the impound of abandoned and oversized vehicles, while also addressing the homeless component and providing recommendations and guidelines for outreach services.

Background

On September 21, 2021, the Transportation Committee held a meeting regarding the City's capability of impounding oversized and abandoned vehicles, coordinate homeless services, provide safe parking zones, and evaluate the performance of the current heavy-duty-tow contractors. At the request of Council member Mike Bonin, the chair of the Transportation Committee, the below six items were researched.

Findings

1) **Recommended criteria for distinguishing between abandoned vehicles suitable for towing and vehicles used as dwellings that warrant additional engagement.**

   The law defines "abandonment" as "the voluntary relinquishment of all rights, title, or claim to property that rightfully belongs to the owner of the property." Like many areas of law, this may be ***expressed*** (a statement of such voluntary relinquishment) or ***implied*** (i.e., walking away from the property in a way that intent of voluntary relinquishment is presumed.)

   Express abandonment would pose potential difficulties, as it would require a statement from the property owner that voluntarily relinquishes the rights and title to such property. The issue arises in circumstances in which the property owner is not present at the time the officer's investigation is unfolding.

   Implied abandonment also poses similar challenges. It would be difficult to presume the property owner's intent of relinquishment without constantly monitoring the location to determine if the owners in fact abandoned the property. This would require 24/7 surveillance which would be costly and time consuming.

   There are however, other instances in which implied abandonment should be ascertainable in times where police are be able to declare a vehicle "abandoned" based on circumstances where it is reasonable to believe that the property owner has relinquished ownership. Such circumstances should include:

   - Burnt vehicles
   - Complete stripped-down vehicle (vehicle with critical components removed / missing)

***NOTE**: In certain circumstances, although the vehicle might appear inhabitable, a presumption of "abandonment" should not be made. Such circumstances include*:

- Vehicles that are filled with trash/items where dwelling inside is improbable
- Vehicles appearing to be hazardous where dwelling inside is improbable or where effluent is leaking onto the street causing hazardous conditions for the neighborhood

Thus, it would also be helpful for the City Attorney's office to define "abandoned" for purposes of this section and provide criteria for "presumptions of abandonment."

As such, for purposes of implied abandonment, officers should be aware, and take note of, "evidence of active living" such evidence includes, but is not limited to:

- Actual observance of one or more people in the vehicle, or
- When upon multiple visits, items appear to have been moved, or other signs or activity.

No evidence of active living: If officers observe no evidence of active living, the officers may cite the vehicle and initiate the process of impound under the respective CVC section.

Evidence of active living: If officers do observe evidence of active living, officers should leave a notice (i.e., a business card) indicating that the said vehicle is subject to citation and / or impound. The notice should have a contact number to facilitate outreach services (See Section #3).

This warning process will allow those living out of their vehicles to avoid citation or impound and instead have an opportunity to seek appropriate services.

2) Recommended criteria for prioritizing among oversized vehicles that are eligible for towing.

Please see DOT document for recommended criteria prioritizing among oversized vehicles eligible for towing.

2.b) Recommended criteria for areas subject to immediate tow, such as blocked roadways, walkways, bike lanes, points of ingress/egress, public works projects, environmentally sensitive habitats at risk of pollution

Please see DOT document for categories requiring immediate tow.

3) **Recommended procedures for coordinating with the Unified Homelessness Response Center (UHRC) and/or homeless service providers to ensure that homeless individuals are provided access to services and housing prior to towing, in fashion like or using the protocols and resources of the Council's recently approved Street Engagement Strategy.**

The Los Angeles Homeless Service's Authority (LAHSA) representative at the UHRC would take lead to ensure outreach and services is provided prior to towing. Because outreach requires building rapport with the individual, several visits should be made prior to towing, to encourage acceptance of services provided.

As such, a process of tracking vehicles needing outreach, and outreach provided should be documented. Such process would include:

- LADOT tracks vehicle dwellings entered a shared doc with UHRC ("dozens weekly")
- LAHSA representatives have access to this information and can choose whether to engage (LAHSA would be responsible to prioritize referrals for outreach depending on their necessities criteria)

***NOTE**: For privacy reasons and HIPAA, Information does not come back from LAHSA, Instead, LAHSA reports to CAO, then LAPD has access to that report.*

LAHSA should create system for handling referrals from LADOT & LAPD so that appropriate agencies know that engagement has occurred

4) **Recommended locations suitable for safe parking and/or safe storage of oversized vehicles.**

The parking and/or safe storage of oversized vehicles, particularly motorhomes and recreational vehicles (RVs) pose many challenges above what is required to store a standard automobile. In addition to their larger size, which poses unique storage issues due to the lack of land availability; hazardous material (hazmat) considerations that must be mitigated, such as septic systems, propane tanks, food waste, vermin, etc. Should the City pursue a safe storage program OPG's have advised that depending on size 13-15 motorhomes/RV's can be stored per acre of land. Additionally, staff would work with all the OPG contractors to amend their contracts to require participation in the towing of vehicles for owners who participate in a safe parking or storage program with the appropriate reimbursement from the City.

5) Evaluation of the performance and capacity of the current heavy-duty tow contractor.

Not all oversized vehicles require a heavy-duty tow contractor. With some exceptions relative to number of axles etc., medium duty tow contractors can handle most vehicles between 10,001-26,000 lbs., the heavy-duty contractor handles anything over 26,001 lbs., therefore, many of the oversized vehicles are currently handled by medium duty contractors. There is currently only one heavy duty contractor to cover the entire City, and of the 18 OPG's currently, 11 have had their contracts amended to include the requirement to tow medium duty vehicles. The remaining OPG's will be required to handle medium duty as their contracts come up for renewal.

During the period January 2020 through January 2022, there have been 1,453 medium duty tows and 746 heavy duty tows. Of these vehicles, 359 had liens placed and were auctioned off and 132 were junk vehicles that were scrapped.

There has been a decrease in the overall impounding of vehicles (171,799 vehicles impounded in 2005 vs. 76,109 vehicles impounded in 2020), and many OPG contractors ended property leases that they had used for vehicle storage, creating a shortage of land that could be used to park and/or store oversized vehicles. The available land at that time has been rezoned for other uses and is not available today. The reduction in impounded vehicles is partly a result of the LAPD in 2005 ending the 30 day impound of vehicles being operated by unlicensed drivers or those with a suspended license and the City moratorium on impounding of vehicles being utilized as residences.

Due to the increase in impounding of motorhomes/RV's that began in approximately 2018 and the lack of available properly zoned land for an OPG storage lot on March 6, 2018, the Planning and Land Use Management (PLUM) Committee considered a Motion under Council File 17-1405 that instructed the Department of City Planning (DCP) to provide a summary of Zoning Code regulations that apply to the storage of impounded vehicles and OPG's, recommended options to expand siting locations for impounded vehicles and OPG's and recommended options to establish overflow lots on a short-term basis to provide additional needed capacity. The Committee recommended that Council approve the motion. According to the council file, no report came to the Committee or Council. Additionally, prior attempts to identify suitable City land to be used for the storage of oversized vehicles have been met with opposition by stakeholders.

Department of Motor Vehicles Regulation 462 allows for the disposal of an abandoned or unidentifiable vehicle with a value of $500.00 or less without having to go through the lien sale process. The value of the vehicle must be determined by Commission Investigation Division sworn personnel, all of which have been trained to identify vehicles that meet these criteria.

An uncontested lien sale process takes approximately 45 days before an OPG can start to locate a recycler to take the vehicle for salvage processing. The OPG will transport the vehicle to the recycling facility. In 2017 the City Council approved reimbursing the OPG's up to the current towing rate for a heavy duty or upright medium duty motorhome which currently is $615.50. As an example, the recycler values the metal at $300.00 the City will reimburse the OPG $315.50 to make them whole for the basic towing rate of $615.50.

An additional complication is that recyclers will only take so many vehicles for salvage due to the volume of their business and the low value of the recycled metal material. Vehicles going to salvage must be scheduled on a space available basis with the recycling facility.

The impact of having only one heavy duty contractor for the City with the distance and time required to travel to and from the impound location is often significant. The barriers to operating a financially successful heavy-duty tow business in the City have prevented interested operators from responding to the last three Request for Proposals (RFP) for heavy duty tow contractor. As mentioned above 66% of the oversized vehicles impounded for the previous two years where handled by medium-duty tows. The current contractors can handle the workload of towing oversized vehicles. The challenge is the available land where impounded vehicles can be stored

The Board of Police Commissioners is currently in the process of releasing a request for proposal for heavy duty tow contractors. Included in this RFP is the requirement that **"The Police Commission may require an OPG to tow and relocate a vehicle, with appropriate compensation and liability terms, when the vehicle's owner participates in a safe parking or safe storage program."** Should there be a lack of responses to the RFP, the Los Angeles Municipal Code could be modified to allow businesses outside the City to be awarded a heavy duty OPG contract in the hopes that neighboring Cities have more available land for tow operations.

6) **Consideration of alternative business models for providing towing services, including towing for relocation instead of impoundment.**

Legally, the towing of a vehicle is considered a seizure, and therefore requires consent from the owner, probable cause, a warrant issued by a judge, or other legal justification, which prevents vehicles from being relocated by law. Even in the event those requirements are met, the current scarcity of available land severely limits the possible locations that a vehicle could be relocated to.

On December 8, 2021, Councilmembers Blumenfield and Rodriguez introduced Motion 21-1468 requesting to identify a lot to accommodate the temporary storage of overflow unclaimed or salvaged oversized vehicles from OPGs. Prior attempts to identify suitable City land for this purpose have not been successful. Currently Police Commission staff is working with staff from the Planning and General Service Department's to identify any excess available land under the control of the proprietary Department's and City that could

be utilized for storage of impounded vehicles waiting to go to salvage and other possible zoning code changes for vehicle storage lots in the City. This would provide more available land for the current OPG's to store additional vehicles pending the release to the owner, lien sale or salvage. As of this date General Services Department has confirmed that there is no City owned and within the zoning requirements for an OPG. An ideal solution would be to identify available land that could store up to 100 vehicles, approximately 6.5 acres and be used by all the OPG's for vehicles that are pending lien sale or waiting to go to the recycler which would free up space on their land.

Although the Police Commission has not explored alternative business models to the current contracts with private OPGS, the New York Police Department (NYPD), who operates their towing internally, spent a week shadowing CID to explore alternatives to their internal model. After spending a week reviewing and discussing the alternative models, the NYPD representatives concluded that our model of issuing contracts to private companies is more efficient and cost effective than utilizing City property, vehicles and employees. The current model in the City of Los Angeles provides the most rigid oversight of towing operations in the Country and staff is contacted on a regular basis by other Cities and law enforcement agencies regarding our model and is viewed as the best practice in providing tow operations for a large City.

TRANSPORTATION

MOTION

California Vehicle Code Section 22507 authorizes cities to restrict the parking of vehicles, including but not limited to, those vehicles that are six feet or more in height, on identified City streets during certain hours. The Los Angeles Municipal Code Section 80.69.4 allows the Council to authorize by resolution, the streets upon which the parking of oversize vehicles shall be restricted between certain times. Areas have experienced public safety issues associated with large vehicles that are parked overnight and block travel lanes, thereby creating hazardous conditions. The Department of Transportation can post signs giving notice of a "tow away, no parking" restriction for oversized vehicles, with the specific hours detailed in the resolutions.

It is important to understand the Department of Transportation process for citing and towing oversized vehicles. It is also important to understand the role of the Los Angeles Police Department and Police Commission Investigation Division in this process.

I THEREFORE MOVE that the Department of Transportation and the Police Department with the assistance of the Police Commission Investigation Division be directed to report in 30 days on the current process for towing oversized vehicles in violation of posted signs.

PRESENTED BY: _____
MONICA RODRIGUEZ
Councilwoman, 7th District

SECONDED BY: _____

ORIGINAL

AUG 25 2021

File No. 21-0956

TRANSPORTATION COMMITTEE REPORT relative to the current process for towing oversized vehicles in violation of posted signs.

Recommendation for Council action, as initiated by Motion (Rodriguez – Blumenfield):

DIRECT the Los Angeles Department of Transportation and the Los Angeles Police Department with the assistance of the Police Commission Investigation Division to report in 30 days on the current process for towing oversized vehicles in violation of posted signs with said report to include:

a. Recommended criteria for distinguishing between abandoned vehicles suitable for towing and vehicles used as dwellings that warrant additional engagement.

b. Recommended criteria for prioritizing among oversized vehicles that are eligible for towing.

c. Recommended criteria for areas that need to be subject to tow, such as blocked roadways, walkways, bike lanes, points of ingress/egress, public works projects, environmentally sensitive habitats at risk of pollution.

d. Recommended procedures for coordinating with the Unified Homelessness Response Center and/or homeless service providers to ensure that homeless individuals are provided access to services and housing prior to towing, in fashion similar to or using the protocols and resources of the Council's recently approved Street Engagement Strategy.

e. Recommended locations suitable for safe parking and/or safe storage of oversized vehicles.

f. Evaluation of the performance and capacity of the current heavy duty tow contractor.

g. Consideration of alternative business models for providing towing services, including towing for relocation instead of impoundment.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On September 21, 2021, your Committee considered a Motion (Rodriguez – Blumenfield) relative to the current process for towing oversized vehicles in violation of posted signs. According to the Motion, California Vehicle Code Section 22507 authorizes cities to

restrict the parking of vehicles, including but not limited to, those vehicles that are six feet or more in height, on identified City streets during certain hours. Los Angeles Municipal Code Section 80.69.4 allows Council to authorize by resolution, the streets upon which the parking of oversize vehicles shall be restricted between certain times. Areas have experienced public safety issues associated with large vehicles that are parked overnight and block travel lanes, thereby creating hazardous conditions. The LADOT can post signs giving notice of a "tow away, no parking" restriction for oversized vehicles, with the specific hours detailed in the resolutions. It is important to understand the LADOT process for citing and towing oversized vehicles. It is also important to understand the role of the Los Angeles Police Department and Police Commission Investigation Division in this process. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion as amended and detailed in the above recommendation. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

Transportation Committee

COUNCILMEMBER	VOTE
BONIN:	YES
KORETZ:	YES
BUSCAINO:	YES

ARL
9/21/21

-NOT OFFICIAL UNTIL COUNCIL ACTS-