

TRANSMITTAL MEMO

TO: Bernard C. "Jack" Young, President City Council
FROM: Peter Little, Executive Director *P. Little*
DATE: May 23, 2011
RE: Ordinance 11-0695



I am herein reporting on City Council Bill 11-0695 introduced by City Council President Bernard C. "Jack" Young, and Councilmembers Robert Curran, Bill Henry, William H. Cole IV, Warren Branch, Edward Reisinger, William "Pete" Welch, Mary Pat Clarke, Helen Holton, and Sharon Green Middleton.

The purpose of this bill is to impose a surcharge on towing companies who engage in the trespass towing of vehicles; providing for the administration and collection of the surcharge; defining certain terms; prohibiting certain activities; imposing certain penalties; providing for a special effective date; and generally relating to surcharges on trespass towing activities.

The Parking Authority understands and appreciates what we believe is the intent of City Council Bill 11-0695 – to curb the predatory trespass towing of vehicles. Such predatory towing is a scourge that needs to be eliminated. However, we think that this legislation may attack the predatory towing problem with "too big a stick". Trespass towing is a required tool for many parking operations. Parking facility owners and operators depend on towing to manage their parking facilities, and parking customers who have paid for parking at those facilities expect unauthorized vehicles to be removed.

For example, there are several City-owned parking lots, managed on behalf of the City by the Parking Authority, at which we have monthly contract parkers paying to park. The lots are clearly signed to indicate that only authorized parkers are allowed to park there. We contract with private towing companies to tow unauthorized vehicles from those lots. Towing companies provide an essential service to us in this regard. Furthermore, our monthly contract parkers, who oftentimes pay hundreds (if not thousands) of dollars per year to park at those lots, require that the unauthorized vehicles be towed from those lots, so that they can park in the space for which they have paid. From the language of the bill, it appears that the Parking Authority's contracted trespass towing firms would be subject to the surcharge.

We are concerned that, by adding a surcharge on towing companies for the trespass towing of vehicles, legitimate trespass towing may be deterred. We recommend that other means of curbing predatory trespass towing be explored, and we are ready to help identify those alternative means. However, based on our concerns, the Parking Authority does not support Bill 11-0695 as it is currently written.

