



**Office of the City Auditor**

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**Report to the City Council  
City of San José**

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**AUDIT OF VEHICLE  
ABATEMENT: THE CITY  
COULD IMPROVE  
CUSTOMER SERVICE FOR  
VEHICLE ABATEMENT  
REQUESTS**

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**Report 18-04  
August 2018**

August 31, 2018

Honorable Mayor and Members  
Of the City Council  
200 East Santa Clara Street  
San José, CA 95113

**Audit of Vehicle Abatement: The City Could Improve Customer Service for Vehicle Abatement Requests**

In accordance with state and local laws, the City operates a complaint-driven program that removes vehicles from public streets that are inoperable, abandoned, or have been stored for long periods of time. The City refers to this service as “vehicle abatement.” In 2017-18, the City’s Department of Transportation (DOT) responded to 55,000 service requests to abate abandoned vehicles.

The objective of our audit was to review the efficiency and effectiveness of vehicle abatement including the division of responsibility, response times, and costs per vehicle towed. This is the first of two audits of the vehicle abatement and towing programs. The second audit will focus on towing services.

**Finding 1: DOT Should Prioritize Cases to Improve Customer Service.** Vehicle abatement service requests have grown since FY 2010-11 while the Parking Compliance Unit has seen a growth in other responsibilities and staffing has remained constant. Over the past year, DOT has made changes to the program to address timeliness and program efficiencies including the addition of contracted staff, but response times remain slower than in previous years. During the period we reviewed, DOT performed an initial site visit in an average of 11 days and a follow-up visit in an average of 13 days. Although many of the reported vehicles were gone or found to be legally parked when DOT’s parking and traffic control officers (PTCOs) or contract staff made their initial visit, many were issued a warning notice and marked for a follow-up visit. About 8 percent of service requests, excluding duplicate requests, were ultimately towed. Given their limited resources, we recommend that DOT establish an internal set of performance targets for response and follow-up times, prioritize initial visits, expedite follow-up on those vehicles that are more likely to be eventually towed, and establish and monitor performance expectations for site visits.

**Finding 2: The City Can Improve Communication for its Vehicle Abatement Services.** The vehicle abatement program spans multiple departments and has multiple avenues to communicate with customers, including the My San Jose app. The My San Jose app (launched July 31, 2017) provides customers a convenient method for sending and tracking requests. The City’s orange warning notices inform vehicle owners of parking laws. To improve these communications and ensure quality customer service, we recommend addressing data synchronization, user interface, customer communication, and language access issues in the development of My San Jose 2.0. In addition, we recommend clarifying and updating the text of warning notices, updating the City’s vehicle abatement and vehicle impound

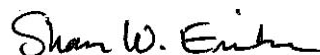
websites to include information about the tow hearing process, and providing information about private property vehicle abatement and the courtesy tow service on the City's website and the My San Jose app.

**Finding 3: The City Should Improve the Process for Responding to Concerns about Inhabited Vehicles.** In the midst of the ongoing housing affordability crisis, some San José residents are living in vehicles on public streets. The Housing Department maintains a Homeless Concerns Hotline for residents to submit concerns about homeless individuals. When a customer calls the Hotline with a concern about an inhabited vehicle, Housing advises the resident to contact the vehicle abatement program. DOT staff report that their process is to mark the vehicle at the first visit and, if the vehicle is still there and is occupied when they follow-up on a second visit, to refer the case to Housing or Housing's outreach contractor. This could be weeks later. To ensure that the City's homeless population receives social services more timely, we recommend that DOT staff refer inhabited vehicle cases to Housing after their first visit to the vehicle.

**Finding 4: The Fee to Collect an Impounded Vehicle Should Be Reevaluated.** When City staff impound a vehicle, the Police Department Vehicle Records Unit processes the impound. This includes data entry, notifying vehicle owners about the impound, and processing the fees and paperwork when an owner wishes to retrieve their vehicle from impound. Including fees and fines, San José's total cost to a vehicle owner after one day of storage is \$639.50 – higher than other jurisdictions we surveyed. Our analysis indicates the vehicle release fee should be reevaluated to account for a more realistic time analysis, and for the fact that many impounds are conducted by PTCOs whose time is about half as expensive as that of a police officer. Finally, even with an updated fee, we recommend the City consider subsidizing the fee from the City's General Fund for low-income vehicle owners to make the fee less cost-prohibitive.

This report includes 12 recommendations. We plan to present this report at the September 10, 2018 meeting of the Transportation and Environment Committee. We would like to thank the Department of Transportation (DOT); Planning, Building and Code Enforcement (PBCE); the Police Department (PD); the Housing Department; and the Finance Department for their time and insight during the audit process. The Administration has reviewed this report and their response is shown on the yellow pages.

Respectfully submitted,



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This report is also available online at [www.sanjoseca.gov/audits](http://www.sanjoseca.gov/audits)

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# Introduction

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, and effectiveness of City operations and services.

In accordance with the City Auditor's fiscal year (FY) 2017-18 work plan, we have completed an audit of vehicle abatement. The objective of our audit was to review the efficiency and effectiveness of vehicle abatement including the division of responsibility, response times, and costs per vehicle towed. This is the first of two audits of the vehicle abatement and towing programs. The second audit will focus on towing services.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We limited our work to those areas specified in the "Audit Objective, Scope, and Methodology" section of this report.

The Office of the City Auditor thanks the management and staff from the Department of Transportation (DOT); Planning, Building and Code Enforcement (PBCE); the Police Department (PD); the Housing Department; and the Finance Department for their time, information, insight, and cooperation during the audit process.

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## Background

In accordance with state and local laws, the City operates a complaint-driven program to remove vehicles from public streets<sup>1</sup> that have been stored for long periods of time, are inoperable, or are abandoned completely. The City refers to this service as "vehicle abatement." The program's philosophy is to give vehicle owners an opportunity to voluntarily comply with parking laws before taking enforcement action (generally an impound and citation if the vehicle is unmoved at a second visit).

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<sup>1</sup> Planning, Building and Code Enforcement tows inoperable vehicles from private property. This process is conducted by Code Enforcement inspectors as a separate program.



Though the vehicle abatement program has been housed in different departments over the past 25 years,<sup>2</sup> this service is now primarily performed by the Parking Compliance Unit within the City's Department of Transportation (DOT). DOT parking and traffic control officers (PTCOs) respond to requests submitted by customers to abate vehicles. If a customer has a complaint about an abandoned or stored vehicle, the standard process<sup>3</sup> is that the customer submits a request through My San Jose (available through either an app or a website).<sup>4</sup>

Additionally, Police Officers and Police Department Community Service Officers (CSOs) may help abate stored or abandoned vehicles from City streets when flagged down by a resident, or if the officer notices a vehicle that may be abandoned (or if directed by command staff to address an issue).<sup>5</sup>

### **DOT Parking Vehicle Abatement Program**

The DOT vehicle abatement program is part of the on-street parking management program, which is under the Transportation, Safety, Operations and Parking Division. In FY 2017-18, there was approximately \$6.4 million budgeted for the DOT Parking Compliance Unit.

DOT has 39 FTE full-time PTCOs and 4 FTE that are part-time PTCOs<sup>6</sup> assigned to enforce parking regulations and provide other parking or traffic related services. These staff work in three shifts that cover 24 hours of the day, 7 days a week.

DOT's ability to respond quickly to vehicle abatement requests is limited by the resources available. Parking Compliance Unit staffing has remained nearly constant since FY 2009-10, despite increases in vehicle abatement requests and other parking enforcement services. The following exhibit illustrates the change in parking compliance staffing compared to key additions to workload since 2006-07.

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<sup>2</sup> In 1993-94, the parking control program was moved from the Police Department to the then-Streets and Parks Department (Traffic Operations Program) and the Abandoned Vehicles Towing was moved from the Police Department to the then-Neighborhood Services Department (Code Enforcement Program). In 2005-06, the vehicle abatement program was moved from PBCE to DOT following a year-long pilot program.

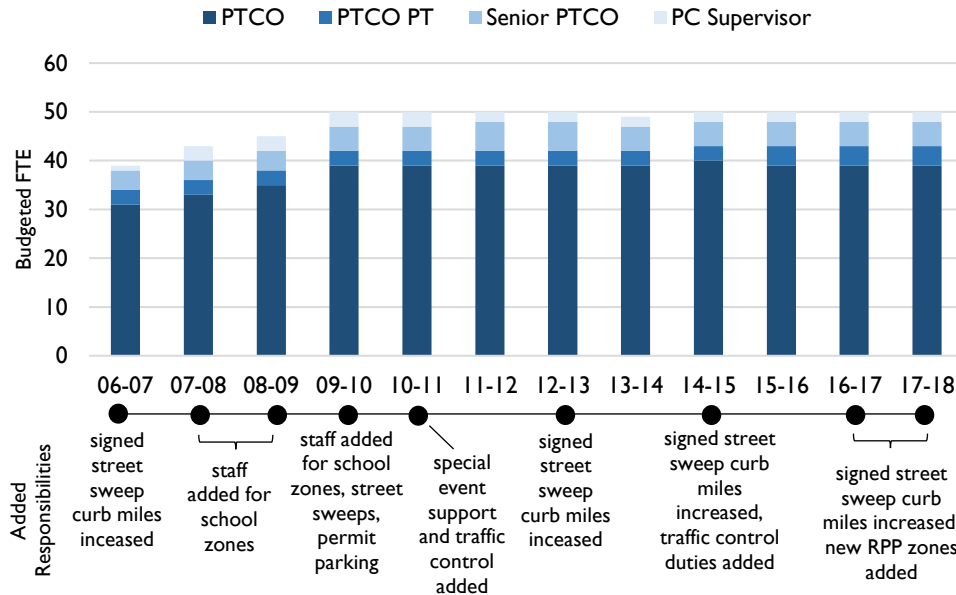
<sup>3</sup> When customers call the 311 or the Parking Control Unit directly to report vehicles, City staff will encourage them to use My San Jose. If the customer is not able to access My San Jose, City staff will accept service requests over the phone.

<sup>4</sup> My San Jose is available as an app for smartphones and at <https://sanjose.custhelp.com/>. In addition to service requests about abandoned vehicles, customers can use My San Jose to report: graffiti, illegal dumping, potholes, streetlight outages, and general requests.

<sup>5</sup> The City tows vehicles for a variety of reasons beyond just the vehicle abatement program. For example, a police officer may tow a vehicle that has been reported stolen to store at a tow yard until the registered owner can reclaim the vehicle. In addition, the City's Code Enforcement Division can authorize tows of inoperable or abandoned vehicles on private property.

<sup>6</sup> It should be noted that there have recently been between 4 and 6 vacant PTCO positions (about a 10 to 15 percent vacancy rate).

### Exhibit I: Parking Compliance Unit Staffing Has Remained Nearly Constant Despite Added Responsibilities



Source: Auditor review of budget documents and memoranda to the City Council, and information provided by DOT

Starting in late 2017, DOT contracted with the company First Alarm to perform initial visits to vehicle abatement service requests during daytime hours. This has resulted in 3 contracted staff performing initial visits for vehicle abatement since December 2017. First Alarm contractors have visited an average of 30 vehicles per day for first marks since January 2018. For FY 2018-19, DOT has budgeted twice the original contract amount to increase staffing from 3 FTE to 8 FTE. DOT expects that the additional contracted staff will have a significant impact on DOT's ability to perform first visits more timely.

DOT reports that the contract staff have also helped significantly reduce the backlog of vehicle abatement cases, from over 4,000 pending cases in early October 2017 to under 750 in mid-January 2018.<sup>7</sup> However, by mid-June 2018, the pending cases were around 2,300.<sup>8</sup>

#### *Parking Compliance Unit Has Competing Responsibilities*

PTCOs are tasked with performing a wide range of parking compliance activities. Staff report that other parking enforcement responsibilities are typically prioritized ahead of vehicle abatement. Even as vehicle abatement requests have increased, the time available to complete these requests is limited by PTCOs' other competing responsibilities.

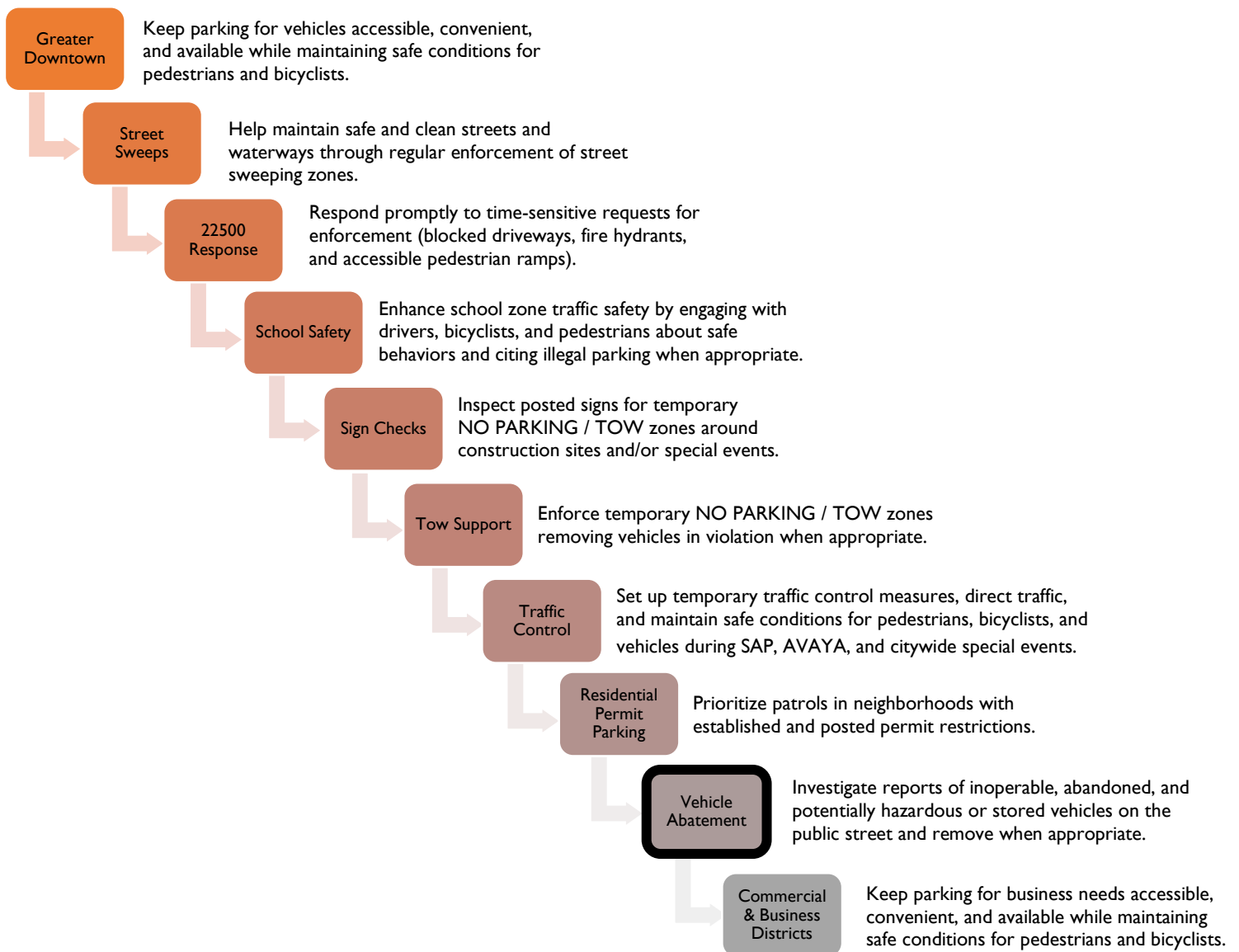
<sup>7</sup> In January 2018, contractors completed over 50 percent of the initial visits, amounting to over 1,800 initial visits.

<sup>8</sup> As described in Finding I, vehicle abatement workload typically increases in summer months.

## Audit of Vehicle Abatement

The following exhibit indicates the various activities the Parking Compliance Unit performs, and the relative prioritization of vehicle abatement. On a daily basis, PTCOs are deployed and resources are prioritized for downtown routes, street sweeping, time-sensitive responses (also called 22500 responses), and school visits. PTCOs also have to handle construction and event signage, tow support, traffic control, and Residential Permit Parking (RPP) zones, as needed. PTCOs will typically handle vehicle abatement activity when other responsibilities are covered.

### Exhibit 2: The Parking Compliance Unit Has Many Other Responsibilities Prioritized Before Vehicle Abatement



Source: Auditor rendition of a DOT diagram showing balancing parking service delivery priorities

## **The City Tows Stored or Abandoned Vehicles in Accordance With State and Local Laws**

The vehicle abatement program tows vehicles under the authority of the “72-hour rule” or for having expired registration. The California Vehicle Code (CVC) §22651 states:

*A peace officer, as defined in Chapter 4.5 [...] of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances: [...]*

*(k) When a vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal [...]*

*(o) (1) When a vehicle is found or operated upon a highway, public land, or an offstreet parking facility [...] [w]ith a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the offstreet parking facility.*

In addition, CVC §22669 states:<sup>9</sup>

*(a) Any peace officer, as that term is defined in Chapter 4.5 [...] or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to perform this function, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that the vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.*

*(d) Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.*

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<sup>9</sup> In San José, police officers tow under the authority of 22669(a) but PTCOs do not.

The San José Municipal Code §11.36.220 incorporates and expands on the state law:

*No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley and fail to move the vehicle more than one-tenth (1/10) of a mile from the original parking space for more than a consecutive period of seventy-two (72) hours. For the purpose of this section, attempting to eradicate or hide the tire markings placed by an authorized city employee may result in the issuance of a citation and removal of the vehicle without further warning pursuant to the requirements of California Vehicle Code Section 22669.*

In other words, state and local laws give the City the authority to tow vehicles that do not move for 72 hours, have expired registration, appear abandoned, or are missing major components. Though the vehicle abatement program tows under the authority of these specific laws, some residents may make requests about vehicles that are considered nuisances or blight. DOT processes all cases in accordance with their standard procedures, but may not fully resolve a resident's underlying concern if the vehicle continues to move after being marked by DOT staff.

### **DOT's Approach Emphasizes Voluntary Compliance**

For abandoned or stored vehicles, the DOT vehicle abatement program's approach is to get vehicle owners to voluntarily comply with the law by moving their vehicles, and to tow vehicles remaining in violation. The DOT program is primarily complaint-driven from customer requests, but DOT staff will self-initiate cases if they observe vehicles with certain conditions.

The vehicle abatement program has two customer bases: the customers reporting potentially abandoned vehicles, and the individuals who own those vehicles. This means the vehicle abatement program tries to balance addressing service requests in a timely fashion with ensuring vehicle owners are notified about the law and are given a chance to comply. However, if DOT staff have evidence that a violation exists, they will cite and/or tow the vehicle.

The vast majority of the cases reported to DOT are for vehicles that eventually move voluntarily: less than 8 percent of all cases DOT responds to result in a tow, while 88 percent are either moved, found in a driveway, or found to be legally parked.<sup>10</sup>

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<sup>10</sup> Five percent of cases are either not on a public street in the City limits, referred to the Police Department as a stolen vehicle, or the PTCO did not have enough information to determine the legality of the vehicle's parking. This data represents unduplicated cases from August 2017 to June 2018. (Numbers may not add due to rounding.)

### *Other Jurisdictions Have Varying Approaches*

Jurisdictions we surveyed take a variety of approaches to vehicle abatement, and no single approach seems most common or most preferable. In other cities, Police, Transportation, or Code Enforcement may be responsible for removing vehicles from the street. Some jurisdictions encourage their staff to proactively enforce vehicle abatement, while others (like San José) are primarily complaint-based. In addition to varying approaches, cities have different resources to address customer complaints.

Some jurisdictions clearly state on their websites that the program focuses on stored vehicles that have signs of abandonment, such as spider webs, flat tires, and expired registration.

Others indicate that they consider an “abandoned” vehicle to be any vehicle parked for more than 72 hours. Both San Francisco and Los Angeles prioritize enforcement and removal of vehicles in violation of the 72-hour rule. For example, San Francisco aims to respond to resident requests within 24 hours, and they report that they meet service delivery goals for about 75 percent of cases. To accomplish this, San Francisco has an abandoned vehicles detail of 17 officers. Staff in Los Angeles state that their goal is to respond within 1-2 days, but say that their average is closer to 3-5 days, which they consider acceptable. Los Angeles has 14 officers who handle abandoned vehicles full-time, and enforcing the 72-hour rule is also part of all parking officers’ various duties.

Additionally, some jurisdictions have a three-step enforcement process: after marking a vehicle, a parking officer will visit a vehicle after at least 72 hours have elapsed to issue a parking citation. Then, at a later date, they will return to tow the vehicle if it still has not moved.

DOT staff have reported that a more aggressive approach toward enforcement of the law is not desired, nor is it necessarily feasible given the current resources dedicated to vehicle abatement.

### *Recent Changes to the Vehicle Abatement Program*

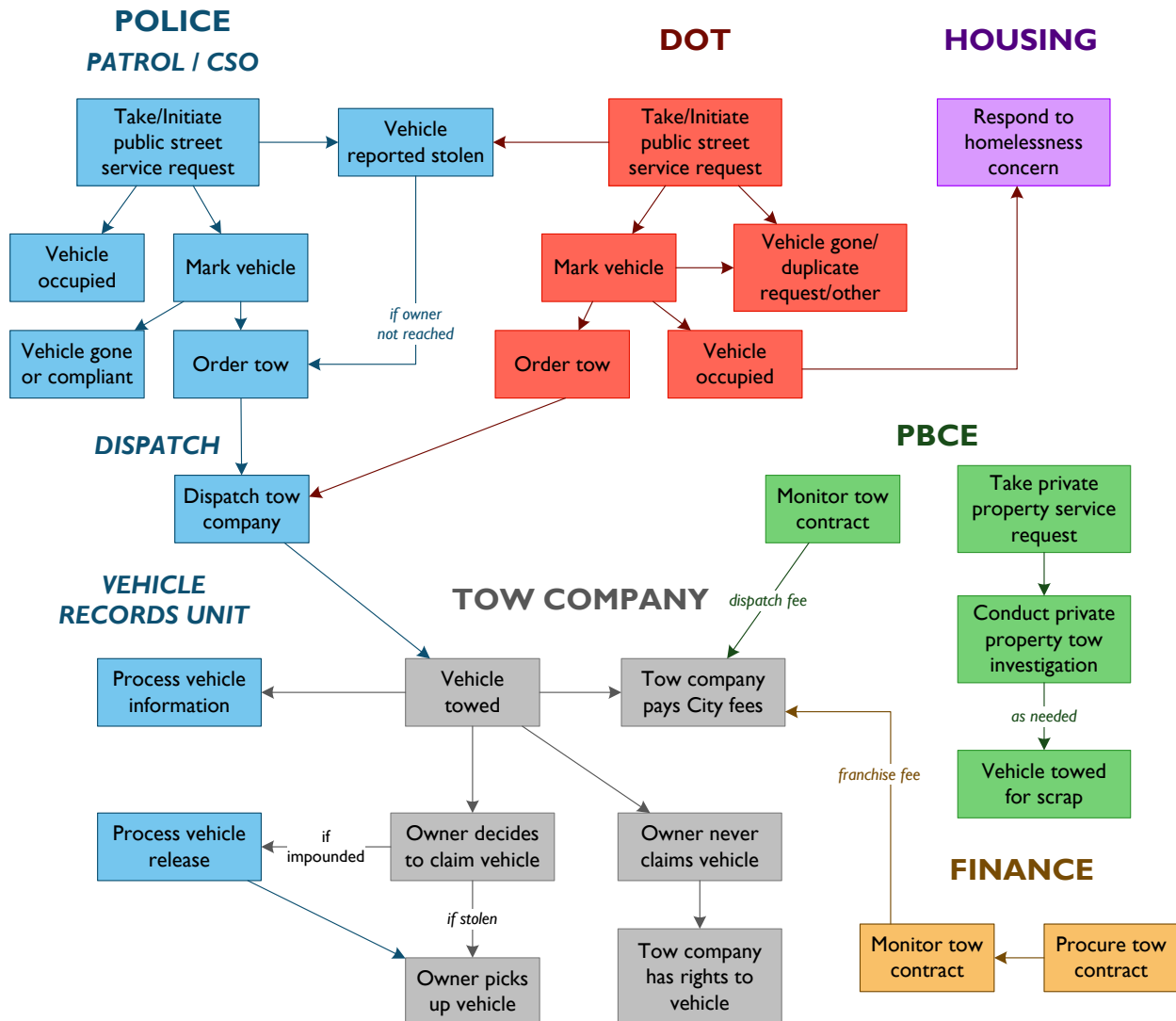
Over the past year, DOT has implemented several changes to the vehicle abatement program in an effort to make the program more efficient and timely.

On July 31, 2017, My San Jose officially launched with an Abandoned Vehicle reporting tool. As will be discussed in Finding 2, My San Jose has enabled DOT to communicate with customers and has allowed customers to track their vehicle abatement requests. Internally, the vehicle abatement program began using a new customer relationship management (CRM) database to allow staff to better monitor cases and deploy staff. Additionally, DOT contracted with First Alarm to provide first marks on vehicle abatement cases.

### Multiple City Departments Are Involved in the Vehicle Abatement Process

Though DOT staff respond to customer requests to investigate abandoned vehicles, the process to mark and potentially tow a vehicle involves multiple departments and private tow companies. The following flowchart outlines the roles of different departments in the vehicle abatement process.

**Exhibit 3: Abating a Vehicle Involves Multiple Departments**



Source: Auditor analysis of interviews with City staff regarding the City's response to vehicle abatement requests

This audit covers the vehicle abatement programs. Tow company contract monitoring (conducted by PBCE and Finance, as shown in the preceding exhibit) and towing services will be reviewed in an upcoming audit.

### **The City Has a Multi-Step Process to Respond to Customer Requests**

If a customer suspects that a vehicle may be abandoned or stored in violation of parking laws, they can make a request through My San Jose (described in more detail in Finding 2 of this report). DOT staff then respond to the request and notify customers of the progress. Staff typically performs two visits to a vehicle unless the vehicle is not located on the first visit.<sup>11</sup> For requests received from August 2017 to June 2018, half of initial visits required a follow-up visit. The number of service requests and timeliness of visits is discussed further in Finding 1.

The following flowchart indicates the steps of this process, including how the steps differ if the case is handled by the Police Department—namely, there is less communication with the customer during the case, and the cases are generally flag-downs or self-initiated. A police officer or CSO may tow a vehicle if they come across a vehicle that has been marked by DOT staff. DOT does not follow-up on cases that are marked by police staff.<sup>12</sup>

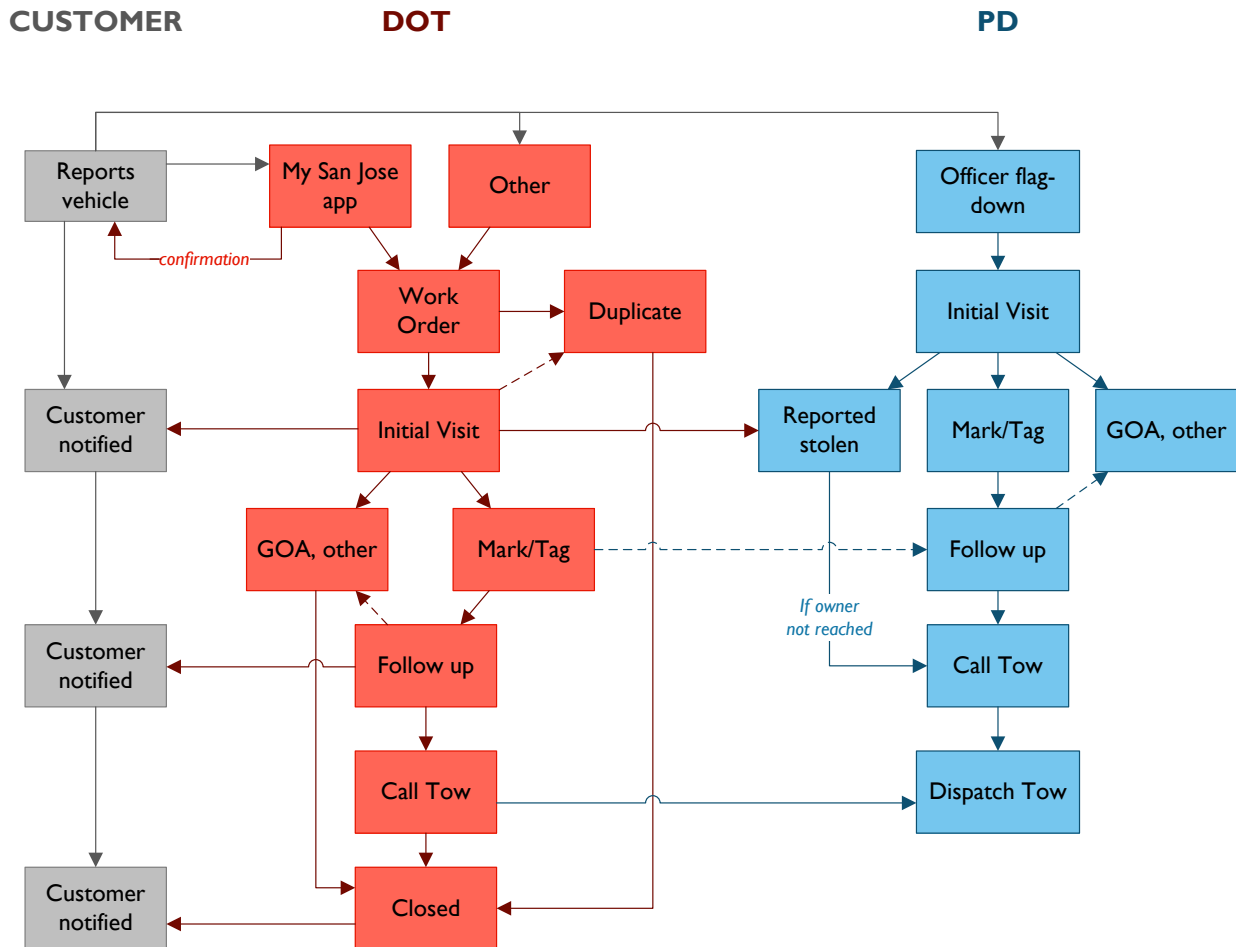
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<sup>11</sup> A vehicle may also be found in another location than was reported, on private property, or in an area that is not within San Jose's jurisdiction. In these cases, a second visit would not be performed.

<sup>12</sup> There is not currently a process by which Police personnel notify DOT personnel after a vehicle has been marked. DOT staff advise that even if a PTCO comes across a vehicle marked by Police personnel, because the date of the site visit and the original vehicle markings are not recorded for DOT to verify, they will not tow the vehicle.



## Exhibit 4: How a Customer's Vehicle Abatement Request Is Handled



Source: Auditor analysis of interviews with City staff regarding the City's response to vehicle abatement requests

### DOT's Vehicle Abatement Process

Typical DOT vehicle abatement cases<sup>13</sup> proceed as follows:

1. A customer uses My San Jose to request that the City investigate a vehicle that may be abandoned or stored on the street.
2. This request creates an entry in the DOT database.
3. If the request was made for a vehicle about which there is already an open request, the request will be closed as a duplicate.<sup>14</sup>

<sup>13</sup> Vehicles that are inhabited follow a separate process. PTCOs contact the Housing Department or the Housing Department's outreach contractor who sends staff to respond. See Finding 3 for more information.

<sup>14</sup> A vehicle must be in the same reported location for a duplicate request to be closed. If a request is missing key information, such as location, the case will also be closed.

4. First visit: If a request is not closed as a duplicate, a PTCO or one of the DOT contracted vehicle abatement staff responds to the request. Staff might find:
  - a. The vehicle is in the location where it was reported.
  - b. The vehicle is not in the location where it was reported (Gone on Arrival, or GOA).
  - c. The vehicle is near where it was reported, but appears to have moved since the request was made.
  - d. The vehicle is in a driveway, on private property, or in another government's jurisdiction near where it was reported.
  - e. The vehicle was previously reported stolen. Staff will contact the Police Department to notify them that they have found the stolen vehicle.
5. Unless the staff person finds the vehicle in the same location that was reported by the customer (listed as a. above), the case will be closed.<sup>15</sup> The customer will be notified of what staff found and if the case was closed.
6. If the vehicle is in the location as reported, staff put a bright orange warning notice on the window or windshield, and mark the vehicle.<sup>16</sup> Marking a vehicle includes chalking the vehicle's tire and noting the position of the tire's valve stems (the part used to inflate the tire). These markings are noted in DOT's database, and the customer is notified of the status of their request. Note that parking citations for vehicle storage generally are issued only after a **second** visit. This is because of the need to document that the vehicle has not moved at all for at least 72 hours.
7. Second visit: After several days (at least 72 hours), staff return to the vehicle to determine whether the vehicle has moved. If the vehicle is in the same location, the staff check to see if the chalk marks align and if the valve stems are in the same position. Valve stem position is the key indicator for whether a car has moved, because cars may move but return to park in the same parking space.<sup>17</sup>
8. If the vehicle has moved, the case is closed and the customer is notified.

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<sup>15</sup> Between August 2017 and June 2018, 50 percent of cases did not require a follow-up visit, because the vehicle had moved, was legally parked or was not in the jurisdiction.

<sup>16</sup> If the vehicle is found to be inoperable, in accordance with CVC Section 22669, DOT staff will immediately tow the vehicle.

<sup>17</sup> As described above, valve stems are the parts used to inflate the tire. As a car's tires rotate, the valve stems move along with the tire. When staff visit the car initially, they note what direction the valve stems are facing. If the tire was a clock, one stem may be facing 10 o'clock and the other 2 o'clock. If the staff person returns and the stems are still facing 10 o'clock and 2 o'clock, the car very likely has not moved. If the stems are facing 12 o'clock and 6 o'clock, for example, it's very likely that the car has moved.

9. If the vehicle hasn't moved by the second visit, then the car is ready to be cited and towed.<sup>18</sup> Staff record all the vehicle's details, issue a parking citation, and contact Police dispatch for a tow truck. The vehicle is towed to a tow yard, the case is closed, and the customer is notified.

In a limited number of cases, tow companies refuse to tow a vehicle after being requested by City staff. DOT records show that there were at least 62 tow refusals on 48 vehicle abatement cases between March 2018 and late July 2018. Some cases had tows refused multiple times. As stated previously, towing services will be reviewed in an upcoming audit.

### **The Police Department's Vehicle Impound Process**

Vehicles towed as part of the vehicle abatement program are impounded<sup>19</sup> – which means the vehicle was legally taken from the owner (as opposed to a vehicle towed to a body shop). When a vehicle is impounded, the registered owner must first pay an administrative release fee to the Police Department prior to retrieving their vehicle from the tow yard.<sup>20</sup> The registered owner must have a valid driver's license and the vehicle must have a current registration in the name of the person seeking to have the vehicle released.

Once a vehicle is towed, whether by a DOT PTCO or by police personnel, information about the vehicle is provided to the Police Department's Vehicle Records Unit. The Vehicle Records Unit reports information to the state's Department of Justice, notifies registered owners that their cars have been impounded, and processes vehicles that are reclaimed by owners. Once an owner has paid the administrative release fee and received the necessary paperwork, they can then go to the tow yard to reclaim their vehicle.<sup>21</sup>

Tow companies can sell or scrap vehicles that are not claimed by their owners.<sup>22</sup>

### **The City Keeps Records of Tows Primarily on Paper**

Though the City keeps paper copies of towed vehicle records in the Police Records Unit, the electronic data that the City uses to track towed vehicles is

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<sup>18</sup> There are some cases in which a vehicle is visited more than two times. This varies case-by-case and depends on PTCO observations of the vehicle, but is not standard practice.

<sup>19</sup> Other reasons a vehicle might be impounded are that the vehicle was blocking a fire hydrant or driveway, the driver of the vehicle was arrested, or the vehicle was obstructing traffic.

<sup>20</sup> Victims of certain crimes, including persons whose vehicles have been stolen, do not have to pay the administrative release fee.

<sup>21</sup> The vehicle owner is also responsible for updating the vehicle's registration and paying any parking citations.

<sup>22</sup> There are certain legal notification procedures that tow companies must adhere to before selling or scrapping a vehicle.

what Police Department staff submit to the California Department of Justice through the Stolen Vehicle System.<sup>23</sup>

That system indicates that 4,000 vehicles were impounded between August 1, 2017 and February 28, 2018.<sup>24</sup> However, based on our reconciliation with data kept by DOT, this number may be an understatement. We will be reviewing data on all tows and how the City tracks tows as part of the upcoming audit of towing services.

DOT records for that period indicate that DOT staff towed 1,940 vehicles – or about half of the total impounds in the Department of Justice’s Stolen Vehicle System during that timeframe.

The Police Department does not currently have a method for separately tracking their own vehicle abatement cases. Police Officers and CSOs must individually keep track of vehicles they have marked.

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### **Audit Objective, Scope, and Methodology**

The objective of our audit was to review the efficiency and effectiveness of vehicle abatement including the division of responsibility, response times, and costs per vehicle towed. We sought to understand and evaluate the controls over the City’s vehicle abatement program. To achieve our objective, we:

- Interviewed City staff about their responsibilities and programs, and created corresponding flow charts of processes;
- Analyzed tow and impound data, including from dispatch records, DOT’s Unity system, and the State of California Department of Justice Stolen Vehicle System database;
- Reviewed relevant budget documents to understand the growth in the Parking Compliance Unit duties and applicable performance measures;
- Reviewed relevant State laws from the California Vehicle Code and City ordinances regarding the vehicle abatement program;
- Mapped the geographic locations of My San Jose app requests for abandoned vehicles;
- Mapped and graphed the timeliness of DOT’s responses to vehicle abatement requests by geographic area and over time;
- Evaluated how Parking Compliance Unit staff daily duties are assigned;

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<sup>23</sup> Though it is called the Stolen Vehicle System, this database also tracks vehicles that are not reported stolen but are towed for other reasons by jurisdictions, such as impounding.

<sup>24</sup> A portion of these impounds were performed by DOT. DOT tracks the vehicles that DOT staff towed in their own database in addition to submitting paperwork to the Police Department.

- Rode-along with Parking and Traffic Control Officers (PTCOs) from DOT and the tow liaison from PBCE;
- Assessed how customers use My San Jose and the communication provided by the app to customers;
- Reviewed contracts and documents related to the development of My San Jose;
- Observed interactions between City staff and members of the public at the Vehicle Records Unit Auto Desk;
- Evaluated the calculation of the Police Department's impound fee and related time-task and staffing analyses;
- Reviewed the requirements for tow hearings and the related processes;
- Assessed the use of police dispatchers to dispatch tows and the related impact on workload;
- Reviewed PBCE's process for conducting private property tows of inoperable vehicles;
- Interviewed the Housing Department's outreach contractor, HomeFirst, to understand HomeFirst staff's response to concerns about inhabited vehicles;
- Reviewed the Request for Proposal (RFP) for the City's safe parking program and researched other similar programs in Santa Clara County; and
- Benchmarked relevant information to other jurisdictions by interviewing staff and/or reviewing website information for: City of San Mateo, City of Santa Clara, City of Los Angeles, City of San Diego, City and County of San Francisco, City of Sacramento, City of Milpitas, City of Palo Alto, and City of Oakland.

As stated in the introduction, this is the first of two audits of the vehicle abatement and towing programs. The second audit will focus on towing services.

## **Finding I      DOT Should Prioritize Cases to Improve Customer Service**

### **Summary**

Vehicle abatement service requests have grown since FY 2010-11 while the Parking Compliance Unit has seen a growth in other responsibilities and staffing has remained constant. Over the past year, DOT has made changes to the program to address timeliness and program efficiencies, but response times remain slower than in previous years. During the period we reviewed, DOT performed an initial site visit in an average of 11 days and a follow-up visit in an average of 13 days. We recommend that DOT prioritize initial visits after receiving a customer service request, and use those earlier initial visits to identify vehicles that are more likely to be towed for expedited follow-up.

In addition, we found staff productivity varied widely, even accounting for other responsibilities and the technology available to staff in the field. To ensure the timeliness of DOT response to customer service requests, we recommend that DOT establish performance expectations for site visits, and monitor against those expectations.

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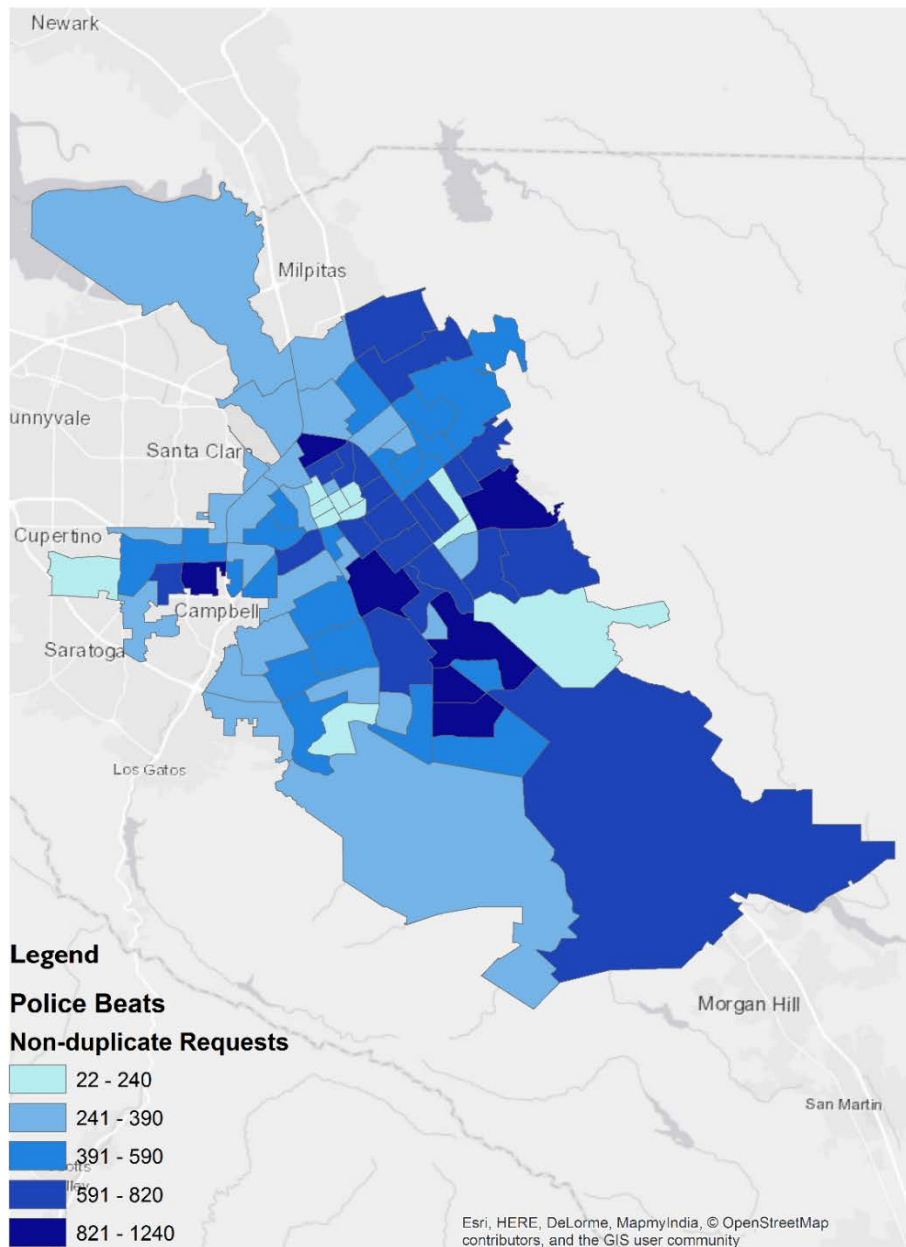
### **Vehicle Abatement Requests Are Distributed Across the City**

Customers report potentially abandoned vehicles all over the city. Exhibit 5 shows the distribution of DOT vehicle abatement requests across the city based on police beats.<sup>25</sup>

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<sup>25</sup> This map excludes requests which DOT closed as duplicates. DOT's database allows PTCO's to flag and close requests for the same vehicle as duplicates when there is still an open request for that vehicle. Around 14 percent of vehicle abatement requests were closed as duplicates between August 1, 2017 and June 30, 2018.

**Exhibit 5: DOT Receives Vehicle Abatement Requests Throughout San José**



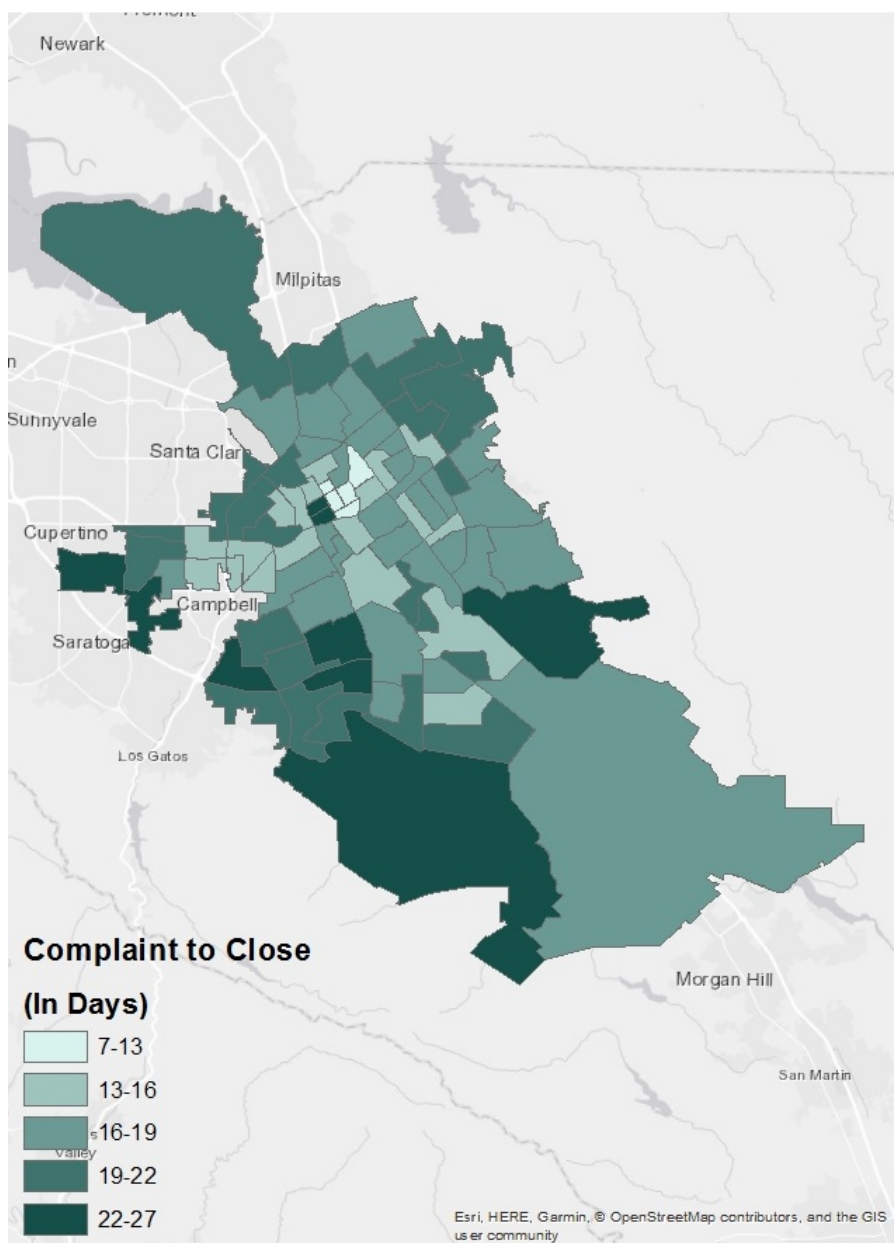
Source: Auditor analysis of DOT Unity data, August 1, 2017 to June 30, 2018

As can be seen from the map, certain areas of the city receive more requests than others, particularly in the central and eastern parts of the city. Some neighborhoods in west San José also experienced high request volume.

### DOT Responds to Some Areas of the City Slower Than Others

Due to staff deployment and other parking compliance responsibilities, there are geographical disparities in the length of time it takes to close cases between different police beats. Citywide, the average time to close a case between August 2017 and June 2018 was 18 days (including cases closed after the first visit). Areas closer to the downtown core tend to receive faster abatement than those in more outlying areas, which may wait over 20 days on average for a complaint to be completed.

#### Exhibit 6: Average Time from Customer Complaint to Close of Case



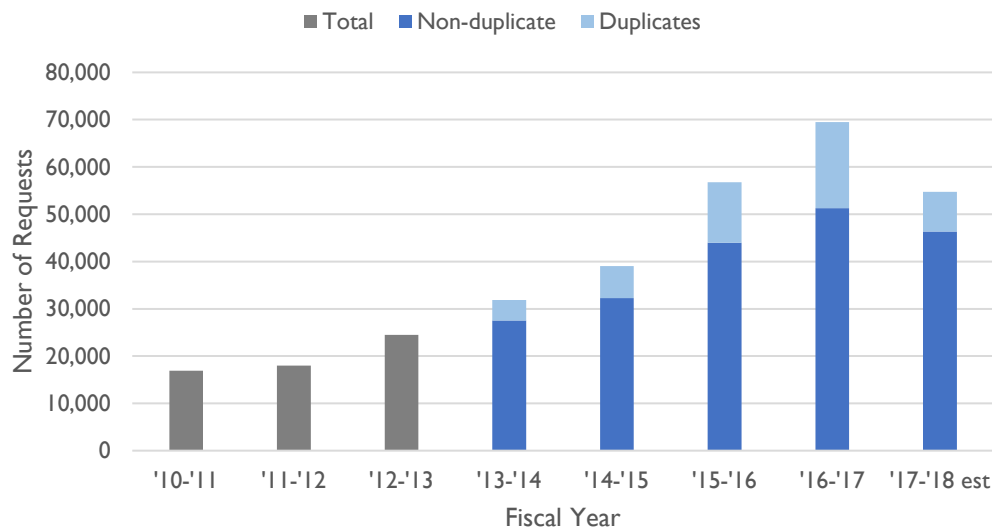
Source: Auditor analysis of DOT timeliness data, August 1, 2017 – June 30, 2018



## As Vehicle Abatement Cases Grow, DOT's Response Time Is Slower

The number of vehicle abatement requests submitted to DOT has more than tripled since FY 2010-11, totaling 55,000 requests in FY 2017-18. As shown in Exhibit 7, since the My San Jose app officially launched in July 2017, there have been fewer duplicate requests submitted. The number of duplicate requests submitted in FY 2017-18 was less than half of those submitted in the previous year.

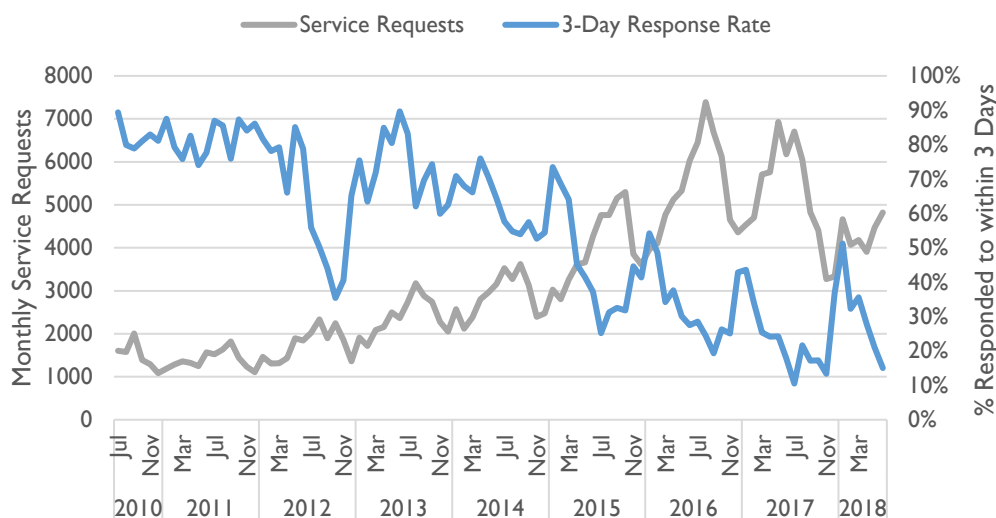
### Exhibit 7: Vehicle Abatement Requests Are Higher Than Eight Years Ago



Source: DOT performance reports and auditor analysis of DOT Unity data. Note that July 2017 request data is estimated. For FY 2010-11 to 2012-13, total figures include duplicates and non-duplicate requests due to data availability.

The following exhibit illustrates that as the number of vehicle abatement cases grows, DOT is less able to respond quickly to requests. There is generally an increase in the number of cases and a related increase in the amount of time it takes to respond to a case in the summer months.

### Exhibit 8: As Vehicle Abatement Cases Increase, Responses Are Slower



Source: DOT performance measure reports, FY 2010-11 through 2016-17 and DOT Unity data, August 1, 2017 through June 30, 2018 (July 2017 data is estimated)

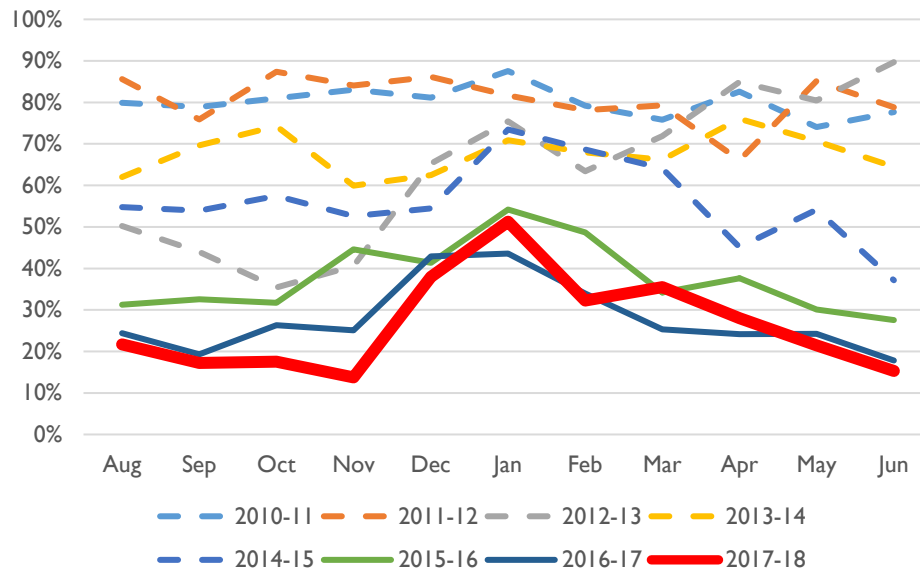
Furthermore, as was described in the Background section of this report, staffing since FY 2009-10 has remained nearly constant while vehicle abatement caseload and other responsibilities have increased. Since December 2017, DOT has used contracted staff to augment the vehicle abatement work performed by City staff.

#### Response Times Remain Below FY 2010-11 Levels

DOT has historically tracked responsiveness within 3 days and 10 days (shown in the following exhibits), though these are not currently department performance standards.<sup>26</sup> As shown in Exhibit 9, the program's ability to respond within three days of a customer request has declined significantly since FY 2010-11. In June 2018, DOT performed an initial visit to a vehicle within 3 days in 15 percent of cases; the average time to a first visit between August 2017 and June 2018 was 11 days.

<sup>26</sup> Because DOT changed databases in August 2017, these timeliness measures are the best available data to show year-over-year comparisons.

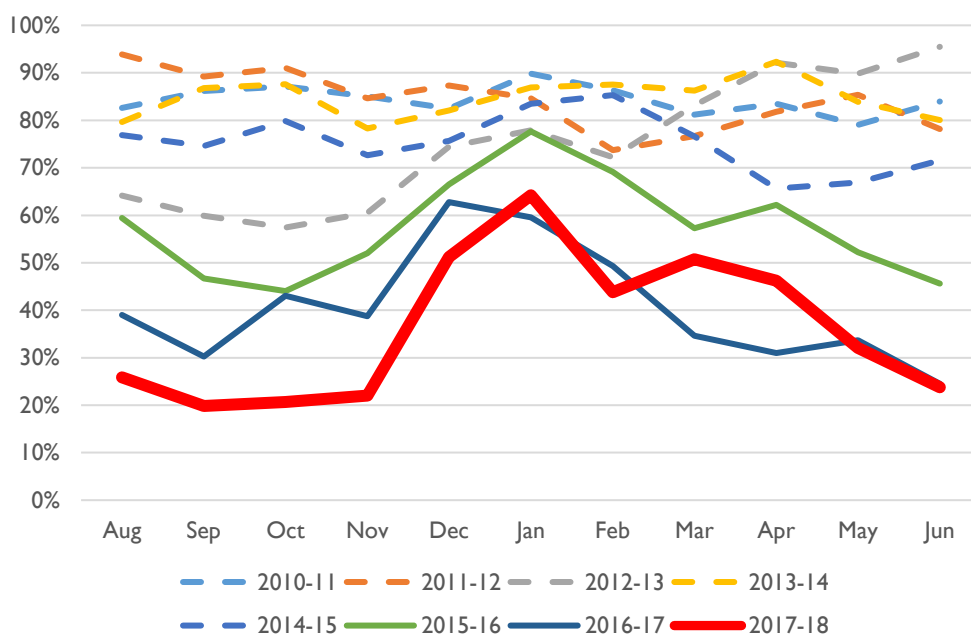
**Exhibit 9: Year Over Year Initial Response (First Visit) Within Three Days**



Source: Auditor analysis of DOT data

The time to close a case shows a similar trend. Closing a case might mean that the vehicle was gone when an officer arrived on scene, had moved, was legally parked, or was towed.

Some months in 2018 show an improvement over 2017, but timeliness of case closure generally remains below the levels in prior years. In June 2018, 24 percent of cases were closed in 10 days. On average, it took DOT 18 days to complete a case between August 2017 and June 2018 (including cases which were closed on the first visit because the vehicle was moved or legally parked). For visits that required a follow-up, the average time to complete a follow-up visit was 13 days.

**Exhibit 10: Year over Year Case Closure Within 10 Days**

Source: Auditor analysis of DOT data

### **DOT Should Clarify Its Vehicle Abatement Performance Expectations**

Historically, DOT has tracked how often the program can respond to requests within 3 days and how often it can close requests within 10 days, with target goals set for each measure. However, DOT staff have reported that these targets are no longer used and may not be appropriate for the current vehicle abatement program. In addition to the growth in workload, recent changes, such as the My San Jose app and the addition of contract staff, have also affected the vehicle abatement service delivery.

The complexity of the vehicle abatement program makes establishing one set of standards for all cases difficult. Currently, the vehicle abatement program receives different types of requests: stored vehicles, abandoned or blight vehicles, vehicles with expired registration, and inhabited vehicles. To accurately reflect the different services that the vehicle abatement program provides, we recommend that the program establish different targets for responding to and completing the various types of requests that it receives. This could include:

1. Average initial response time for all requests
2. Average follow-up time for priority vehicles (vehicles likely to be abandoned or blight)

3. Average follow-up time for non-priority vehicles (vehicles that may be stored, but not necessarily abandoned).<sup>27</sup>

As previously mentioned, DOT's average response time for an initial visit was 11 days. With additional contracted staff, DOT has reported that they expect to complete initial visits more quickly. Developing a target for first visit response times would allow DOT to communicate service response expectations and provide an additional metric to review the effectiveness of the additional contracted staff.

The following sections will describe recommended approaches for prioritizing timely responses to first visits and timely follow-up visits for vehicles that are identified as more likely to eventually result in a tow. Setting appropriate follow-up response times for both priority and non-priority vehicles (vehicles less likely to be abandoned) would enable DOT to communicate the program's targets to customers and evaluate the sufficiency of current resources.

### *Budget Performance Measure*

In the DOT chapter of the City's budget, the only vehicle abatement-related performance measure is listed as "[percent] of reported abandoned or stored vehicles in voluntary compliance by staff's second visit." This measure captures the percentage of vehicles first marked by PTCOs that did not end up needing a tow. In other words, these vehicles may have been stored on the street for some time, but did not turn out to be completely abandoned or otherwise illegally parked.

While this measure provides one view of vehicle abatement service delivery and is in line with the program's overall philosophy of voluntary compliance, having internal targets for responding to and completing the different types of vehicle abatement requests would help supplement this public-facing performance measure.

**Recommendation #1: The Department of Transportation should establish an internal set of performance targets for response times and follow-up times, including distinctions for any type of prioritization that the Department uses.**

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<sup>27</sup> We are recommending a separate process for responding to inhabited vehicles in Finding 3. Depending on the type of response Housing and DOT determine to implement, DOT may want to report on responses to inhabited vehicles separately.

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**DOT Should Prioritize Timeliness of First Visits to Vehicle Abatement Cases**

As described in the Background, DOT staff resources are spread between multiple parking services. Prioritizing timeliness of first visits to vehicle abatement cases would provide better customer service in response to My San Jose app requests, and potentially allow DOT staff to identify vehicles more quickly that may warrant quicker follow-up. Quicker responses to customer requests demonstrate to customers that the City values their civic engagement and that the City takes its responsibility to residents seriously. This is particularly true given that the DOT vehicle abatement program is almost entirely complaint-based, so customers' complaints are the backbone of the service delivery model.

**Prioritizing First Visits Would Allow DOT to Provide Better Customer Service**

As has been noted, DOT now uses First Alarm contractors to perform initial visits more quickly, and will expand this program in FY 2018-19.<sup>28</sup>

Overall, half of vehicles have moved by the time that DOT first visits the vehicle.<sup>29</sup> Unsurprisingly, the longer it takes DOT to make that initial visit, the more likely it is that the vehicles are gone or have moved in the interim.<sup>30</sup>

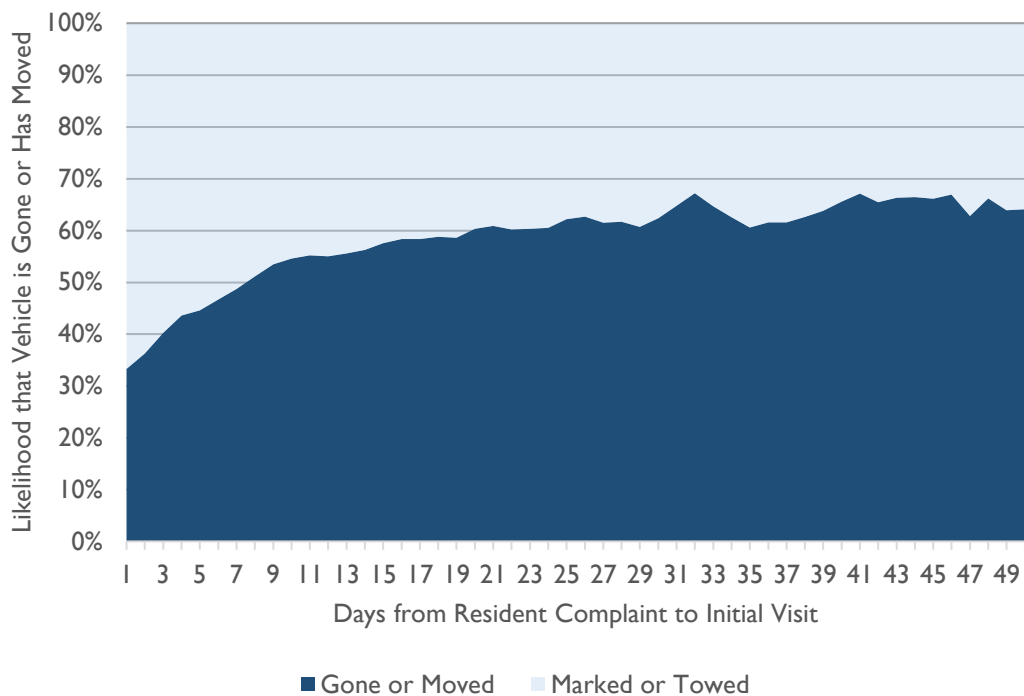
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<sup>28</sup> The 2018-19 Operating Budget includes an increase for more contracted First Alarm staff to provide vehicle abatement services, from \$250,000 to \$552,500. Staff report that they trained new contractors in July.

<sup>29</sup> Between August 2017 through June 2018, 20,000 vehicles out of 41,000 had moved, were legally parked or otherwise outside of jurisdiction by the first visit.

<sup>30</sup> Gone or moved, in this analysis, refers to vehicles where there is insufficient evidence or it is gone on arrival, legally parked, not in jurisdiction, or parked in a driveway.

**Exhibit 11: Percentage of Vehicles Gone or Moved Before First Visit**



Source: Auditor analysis of DOT data for August 2017 through June 2018 (only includes cases reported through My San Jose). Percentages calculated on a rolling three-day average. For the data shown, only 1 percent of vehicles were towed on the first visit.

DOT's slow response means fewer vehicle owners are notified that they may have violated the City's rule that does not allow storing a vehicle on the street for more than 72 hours (i.e. the 72-hour rule). The data shows that when DOT responds in 10 days, only about 45 percent of reported vehicles receive a notification that they may be in violation of the City's parking storage law. However, when staff responded in three days, 60 percent of vehicles were located and marked.

If during this same period, DOT had responded to requests for service within 3 days, they would have provided notifications to 60 percent of vehicle owners who were reported as violating the City's parking laws. Quicker first responses (resulting in more warning notices being issued) demonstrate to residents who see the notice that the City enforces vehicle abatement.<sup>31</sup>

The following section will discuss the benefits of also prioritizing follow-up on cases that are likely to result in a tow. By making a timely initial visit, DOT can more promptly evaluate whether a vehicle needs expedited follow-up, allowing them to more effectively remove likely abandoned vehicles from the streets as soon as possible.

<sup>31</sup> Because most vehicles move once they receive notifications, quicker first visits may also help increase parking turnover. This may be beneficial for residents, particularly in denser neighborhoods.

### Competing Priorities with Constrained Resources

As shown in Exhibit 2 in the Background section of this report, most other parking services are prioritized ahead of vehicle abatement. Because of staffing constraints, if DOT sets a performance standard for vehicle abatement first visits lower than 11 days (the average for the time of our review), it will affect DOT's ability to respond to follow-up cases within their 13-day average. Additionally, because more vehicles may be tagged with a first mark if DOT responds more quickly, DOT may see an increase in the number of follow-up visits they have to perform. This would likely impact the timeliness of a follow-up visit.<sup>32</sup> However, providing a vehicle owner with an earlier warning and a longer follow-up gives them more time to move their vehicle after receiving a warning notice, helping owners avoid having their vehicles towed.

DOT has already begun to prioritize first visits to vehicles using contract staff. Contract staff have been completing a significant portion of DOT's first visits in recent months. In January 2018, half of the first visits DOT completed were done by contract staff. However, the current program has been funded on a one-time basis, so funding is not guaranteed for future fiscal years.

In addition, described later in this Finding are opportunities to improve staff productivity, enabling staff to perform more vehicle abatement visits overall.

**Recommendation #2: To improve customer service to My San Jose app requests, the Department of Transportation should prioritize the timeliness of visiting a vehicle for an initial visit. This could include continuing to use contracted staff to perform initial visits.**

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### DOT Should Prioritize Follow-up on Vehicles That Are Likely Abandoned to Better Direct Department Resources

DOT currently deploys staff based on the needs of a particular day, including street sweeping routes, school visits, and police dispatch requests. After officers are assigned those responsibilities, Senior PTCOs assign specific police beats for vehicle abatement to PTCOs. They do this based on a review of the current caseload, including the number of cases per beat and the age of the cases.

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<sup>32</sup> As mentioned in the Background, some jurisdictions surveyed have a 3-visit process by which vehicles are cited before they are towed. DOT generally performs 2 visits to a vehicle: the first to mark the vehicle and notify the owner, and the second to tow the vehicle if needed. Adding a middle step to cite a vehicle before towing would increase workload, as this would generate more follow-up visits. Providing a clear warning notice to vehicle owners at the first visit and then returning in sufficient time later for a follow-up visit allows time for the owner to voluntarily comply before their vehicle is towed.



Once out in the assigned area, PTCOs visit vehicles that have received service requests, and follow-up on cases that were previously marked. If they follow-up on a previous mark and determine that the vehicle has not moved in more than 3 days, they issue a parking citation and authorize a tow of the vehicle.

PTCOs generally are instructed to visit the oldest cases first. Staff do not currently have a system to prioritize follow-up on cases based on conditions that were observed during the first visit. Prioritizing vehicles that are more likely to be towed would allow DOT to remove blight and likely abandoned vehicles more quickly.

### **Some Vehicles Are Towed Immediately**

As described in the Background section of this report, some vehicles can be towed immediately when a PTCO arrives for a first visit. PTCOs can tow vehicles immediately if they fall under a very specific set of criteria listed in the California Vehicle Code that classifies the vehicle as inoperable and may tow a vehicle for having excessive expired registration. Between August 2017 and June 2018, 2 percent of vehicles reported were towed on the first visit (854 towed vehicles, of which 100 were towed for being inoperable).<sup>33</sup>

### **Most Vehicles Are Not Towed**

Most vehicles reported to the City through the vehicle abatement program are not actually towed (92 percent of all vehicles reported from August 2017 through June 2018 were not towed).<sup>34</sup> As noted previously, after a vehicle had been marked and tagged by a PTCO, it took an average of 13 days to make a follow-up visit.

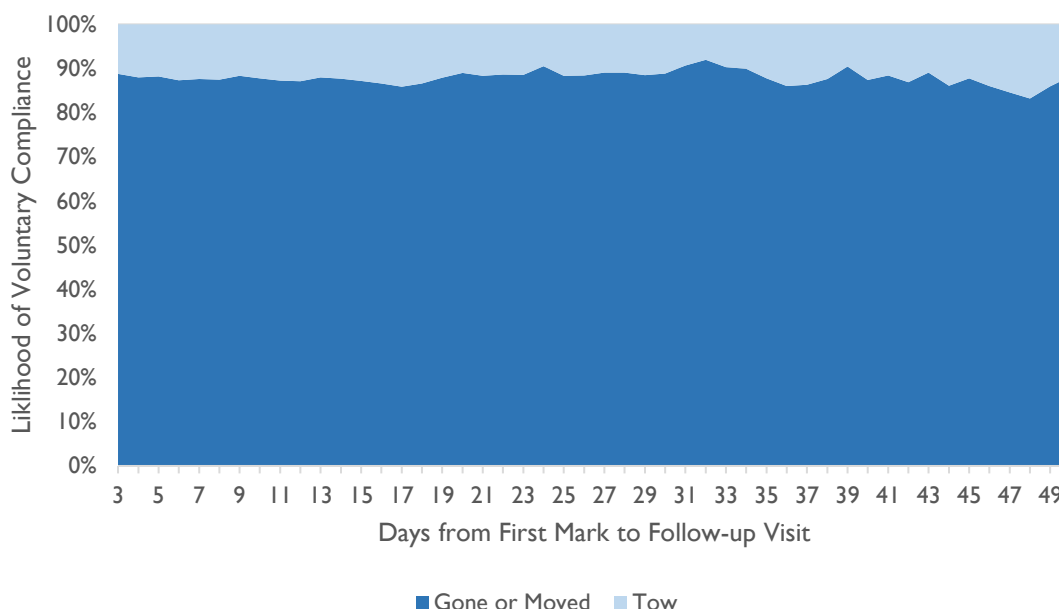
The following exhibit includes only those vehicles that received two visits (i.e., excluding the immediate tows listed previously as well as vehicles that were gone or moved on the first visit). It shows that regardless of the length of time between the initial visit and the follow-up, most vehicles will become compliant during intervening days. The percentage of follow-up cases that result in a tow hovers around 12 percent. This includes all types of tows.

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<sup>33</sup> In cases where First Alarm contractors make an initial visit to a vehicle that they determine is inoperable, they notify their supervisor who, in turn, notify Senior PTCOs. Because contractors do not have the authority to tow a vehicle, a PTCO follows-up on the case. DOT staff report that PTCOs prioritize following-up on these possible inoperable vehicles.

<sup>34</sup> 3,300 tows were performed out of 41,000 service requests (excluding duplicate requests).

**Exhibit 12: 88 Percent of Vehicles Are Gone or Moved Between First Marks to Follow-up**



Source: Auditor analysis of DOT data (rolling three-day average August 2017 through June 2018).

If DOT could determine which vehicles are most likely to be in the 12 percent, they could expedite follow-ups for those vehicles to remove potential blight from streets and increase parking turnover as quickly as possible.

### **Objective Criteria May Indicate the Likelihood of a Tow**

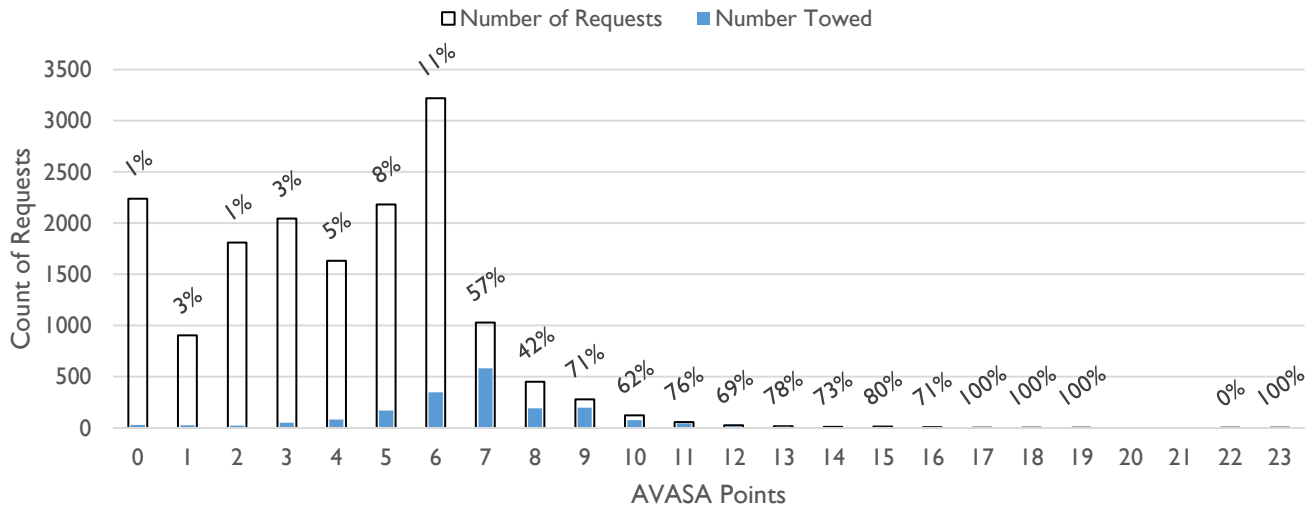
Vehicles that are eligible for immediate tows for being inoperable can be identified relatively clearly: there are specific criteria in the California Vehicle Code for what qualifies as inoperable. As cited in the Background, the criteria are if the vehicle lacks: an engine, transmission, wheels, tires, doors, or windshield. Beyond inoperable vehicles, however, determining which vehicles will be towed presents significant grey area. DOT staff have made it clear that they are not able to tow a vehicle merely because it is old or rundown.

Using objective criteria, such as Abandoned Vehicle Abatement Service Authority (AVASA)<sup>35</sup> points, may be one way to identify a vehicle that may be towed on a follow-up visit. When PTCOs or contracted staff mark vehicles, they record the number of AVASA points, which can be used to claim reimbursement from the state for vehicle abatement on egregious violations. Vehicles receive points for conditions observed, such as body damage, cobwebs, flat tires, or debris under the

<sup>35</sup> The California Vehicle Code allows for counties to establish an Abandoned Vehicle Abatement Service Authority for the purpose of removing or abating abandoned wrecked, dismantled, or inoperable vehicles as public nuisances from public or private property. Service Authorities (i.e., Santa Clara County) and participating cities, like San José, receive reimbursement from the state for the cost of removing public nuisance vehicles as outlined in the CVC. San José's vehicle abatement staff assess AVASA points for all vehicles investigated, but only vehicles with at least 4 points can qualify as abated vehicles under the County's Abandoned Vehicle Abatement program.

vehicle, among others.<sup>36</sup> As shown in Exhibit 13, vehicles with seven or more AVASA points are much more likely to be towed.

**Exhibit 13: Vehicles With Seven or More AVASA Points Are More Likely To Be Towed**



Source: Auditor analysis of DOT data, August 1, 2017 to April 30, 2018.

Note that this chart shows the number of service requests grouped by the number of AVASA points. The percentage indicates which portion of those complaints were eventually towed.<sup>37</sup>

### *Examples of Cases That Had Few Points*

Most of the vehicles to which PTCOs were deployed had six or fewer AVASA points. Our analysis shows that between August 2017 and April 2018, 31 percent of vehicles that PTCOs visited had 0 to 2 points; 57 percent had 3 to 6 points.

Exhibit 14 provides an example of a vehicle that was reported as abandoned, but received only one point for having debris under the vehicle. PTCOs marked this vehicle 27 days after a customer complained. When PTCOs followed up 35 days later, it was gone.<sup>38</sup>

<sup>36</sup> Some points are only awarded at the time of tow, such as being parked in the same location for more than 72 hours, expired registration, or registered owner out of the area. Excluding points that are awarded at the time of a tow, between August 2017 and April 2018, towed vehicles received an average of 6.9 points while cases that were not eventually towed received an average of 3.6 points.

<sup>37</sup> The AVASA points for this analysis were adjusted to exclude points that are only awarded at the time of a tow (e.g., vehicles are given two points for violating the 72-hour rule). This data also only includes requests where a vehicle was marked on the first visit. No requests during the timeframe reviewed were given 20 or 21 AVASA points.

<sup>38</sup> This case involved a third visit, eight days after the follow-up, when the vehicle was determined to be gone on arrival. The total time from service request to closure was 70 days.

**Exhibit 14: Photograph of a Vehicle Reported as Abandoned**

Source: PTCO photo taken during a site visit (December 19, 2017)

Exhibit 15 presents a similar case: a vehicle that received only one point for having debris under the vehicle. In this case, the vehicle was marked two days after a customer complained. It received a follow-up visit nine days later, and it was deemed to be legally parked by the PTCO.

**Exhibit 15: Photograph of a Vehicle Reported as Abandoned**

Source: User submitted photo through My San Jose app (March 11, 2018)

### *Examples of Cases with Many Points*

Because the current deployment model treats follow-up on cases equally – regardless of conditions observed by staff at the time of the first visit – vehicles that could be considered “blight” may be left on the street as long as vehicles that are not “blighted.” None of the following cases qualified as inoperable on the first visit, based on DOT staff observations, which would have qualified them for an immediate tow.

For example, a customer submitted a service request about the vehicle in Exhibit 16 in February 2018. The first visit was performed 19 days later, and a second visit 19 days after that—a total of 38 days. Although the car had 11 AVASA points at the time it was towed (of these, 3 points were likely awarded at the time of the tow), the response times on this vehicle were slower than average. In February 2018, on average, service requests received a first visit in 8 days, and marked vehicles received a follow-up visit in 9 days.

### **Exhibit 16: Photograph of a Damaged Sedan Reported as Abandoned**



Source: User submitted photo through My San Jose app (February 17, 2018)

In another case, a user submitted a service request about the trailer shown in Exhibit 17. The first visit was performed 3 days later but, despite having 12 points at the time it was towed (2 of which were likely awarded at the time of the tow), it took an additional 9 days until the trailer was towed.

**Exhibit I7: Photograph of a Trailer in Public Street Before Tow**

Source: PTCO photo at the time of tow (February 24, 2018)

Finally, in September 2017, a customer submitted a service request about the two vehicles shown in Exhibit I8. At that time, DOT had a high volume of cases and a slow response time for all cases – on average vehicles received a first visit 17 days after the service request was made and follow-up visits 23 days after that.<sup>39</sup> Nonetheless, the first visit to these vehicles was not performed until about six weeks later, and a follow-up visit occurred nearly 4 weeks after that – much longer than the average at that time. When they finally were towed, the cars each had 18 points (of which an estimated 6 were likely awarded at the time of tow). In our opinion, these cars should have been prioritized for a tow.

**Exhibit I8: Photographs of Damaged Sedans Reported as Abandoned**

Source: User submitted photos through My San Jose app (September 6, 2017)

<sup>39</sup> At that time, contracted staff had not yet been deployed.

### **Prioritizing Cases Would Allow DOT to Address Multiple Goals of the Vehicle Abatement Program**

While most reported vehicles do not look like the vehicles in Exhibit 18, prioritizing response to those vehicles is, in our opinion, important. Prioritizing timelier follow up on the small number of vehicles with many AVASA points or with other indicators of blight, would allow staff to more effectively address the problem of abandoned vehicles. Furthermore, other observations that are not recorded as AVASA points might warrant a more timely tow – graffiti, for example.

The average response time during the period we reviewed was 13 days for a follow-up visit. If first visits are performed more quickly, and priority cases are given a shorter timeline, the consequence may be a longer follow-up period for other cases. However, a longer follow-up response time would allow more time for vehicle owners to voluntarily comply with parking storage rules.

The DOT Unity system contains a field for “Due Date,” which currently notifies staff when a vehicle is eligible for a follow-up visit. This field potentially could be used more dynamically to help staff prioritize certain cases.

**Recommendation #3: Based on the conditions observed at the first visit (such as number of AVASA points), the Department of Transportation should prioritize cases that are likely abandoned and warrant quicker follow-up.**

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### **Productivity Varies Among Staff**

At the time of our audit, there were four days per month that did not have signed street sweeping routes that allowed PTCOs to prioritize vehicle abatement.<sup>40</sup> On these “vehicle abatement-only” days between January and March 2018, our analysis showed a wide range in productivity among PTCOs.

#### **Staff With MDTs Generally Complete More Cases**

One of the factors that appears to increase officer effectiveness is having access to a Mobile Data Terminal (MDT), which is a laptop that the PTCO can access from within their vehicle. To have access to an MDT, staff have to pass a police background. Historically, passing a police background was not part of the PTCO minimum qualifications so not all staff have done so.

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<sup>40</sup> On the other days, depending on the number of street sweeping routes and the number of staff available, a few staff will exclusively handle vehicle abatement cases, while other staff may handle vehicle abatement once they have completed their other assignments, including street sweeping routes and school visits.



Possession of an MDT enables a PTCO to research a vehicle's registration information to determine whether its registration is current and see if there are any criminal concerns about the vehicle (such as if it is stolen). A PTCO without an MDT would need to call Police dispatch to make those determinations, which may take time if the dispatchers have other higher-priority cases. All PTCOs have access to the DOT database in their vehicles through a separate tablet.

Our analysis showed that on vehicle abatement-only days between January and March 2018, staff with MDTs completed 30 percent more vehicle abatement visits than staff without MDTs.<sup>41</sup>

According to staff, an MDT isn't used for the typical parking enforcement activities in the downtown core like it is for vehicle abatement, unless staff come across a vehicle that is stolen or lacking current registration. However, DOT staff explained that having access to an MDT is not a consideration during staffing and deployment, because a side letter between the City and the International Union of Operating Engineers, Local No. 3 (OE#3), representing PTCOs, gives them the right to bid on shifts based on seniority:

1. *All full-time non-probationary employees in the classification of Parking Traffic & Control Officers (2451) will bid for a six (6) month rotation based on seniority as follows: [...] Number of hours in the classification of Parking Traffic & Control Officer (2451) [...]*

DOT has already addressed this issue on a go-forward basis. New entrants into the PTCO job classification are required to pass backgrounding so they can have access to an MDT. The class specification lists backgrounding as a minimum qualification for the job, but notes that incumbents may have different requirements.

### **Other Differences in Staff Productivity**

Not all vehicle abatement staff perform similar numbers of cases, even accounting for their shift time, the geographic area in which they work, and whether they have an MDT. DOT staff informed us that productivity can vary significantly. For example, a PTCO who responds to parking issues reported to the Police Department (called 22500s) and issues citations may not complete as many vehicle abatement cases.

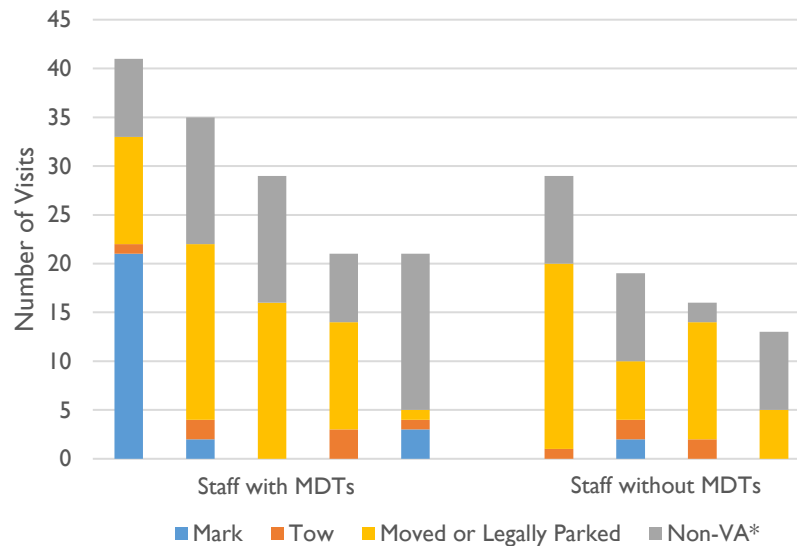
We reviewed the number of vehicle abatement visits completed by staff between January and March 2018. The following exhibit shows the differences in productivity on one sample day. On March 8, 2018, most of the PTCOs who used

<sup>41</sup> There were twelve vehicle abatement only days between January and March 2018. Staff with MDTs completed an average of nearly 200 visits per day, while staff without MDTs completed about 150 visits. The averages reported here account for time off and days in which staff may not have been assigned to vehicle abatement.



an MDT were more productive than the staff who did not. However, there was variation in staff performance even accounting for the use of an MDT. These discrepancies persist, even when taking into account geographical differences and number of tows (which can be time-consuming).

### Exhibit 19: Staff Activity on March 8, 2018 Varied Significantly



\*This data represents activities not part of the vehicle abatement program, which were not reviewed as part of this audit.

Source: Auditor analysis of DOT data<sup>42</sup>

### Increasing Staff Productivity

The Department reports that Senior PTCOs regularly check the performance of staff and that productivity may be formally discussed with staff when reviewing performance. Nonetheless, the data shows a potential to increase staff productivity. For example, on March 8<sup>th</sup> shown above, PTCOs each made an average of 15 site visits for vehicle abatement. If lower performing staff had been able to visit at least 15 sites (in addition to other duties), an additional 29 sites could have been visited that day.

**Recommendation #4:** The Department of Transportation should establish performance expectations for site visits, and monitor program and employee performance against those expectations.

<sup>42</sup> This includes only daytime, non-downtown shift staff. No PTCOs were assigned to school visits on this day.

## **Finding 2      The City Can Improve Communication for Its Vehicle Abatement Services**

### **Summary**

The vehicle abatement program spans multiple departments and has multiple avenues to communicate with residents, including the My San Jose app. The My San Jose app provides customers a convenient method for sending and tracking requests. The City's orange warning notices inform vehicle owners of parking laws. To improve these communications and ensure quality customer service, we recommend clarifying language addressing issues in the next version of the app, and updating warning notices – particularly about the steps vehicle owners should take to avoid being towed. Information about contesting an impound is provided in a letter and when a vehicle owner calls, but this information is not available on the City's website. Finally, we recommend the City should provide information about private property vehicle abatement and the courtesy tow service on the City's website and the My San Jose app.

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### **Vehicle Abatement Uses the My San Jose App to Receive Service Requests**

The My San Jose app officially launched on July 31, 2017 as a web and mobile app San José residents, business owners, or visitors could use to request City services. Customers can currently request services for issues relating to abandoned vehicles, graffiti, illegal dumping, potholes, and streetlight outages. There is also an option to send general City-service requests. Of the vehicle abatement requests routed to DOT between August 1, 2017 and June 30, 2018, about 95 percent were sent through the My San Jose app.

A customer can make vehicle abatement requests through My San Jose using the “Abandoned Vehicle” category. When entering a request, users can specify the location of the vehicle, either by address or by dropping a pin on an embedded map. There are fields for entering vehicle and license plate information, and users can specify if the vehicle is blocking a fire hydrant, ramp, or red curb, or if the vehicle is significantly damaged. Users can also add a description, upload photos, and opt to make the request publicly available to other app users.

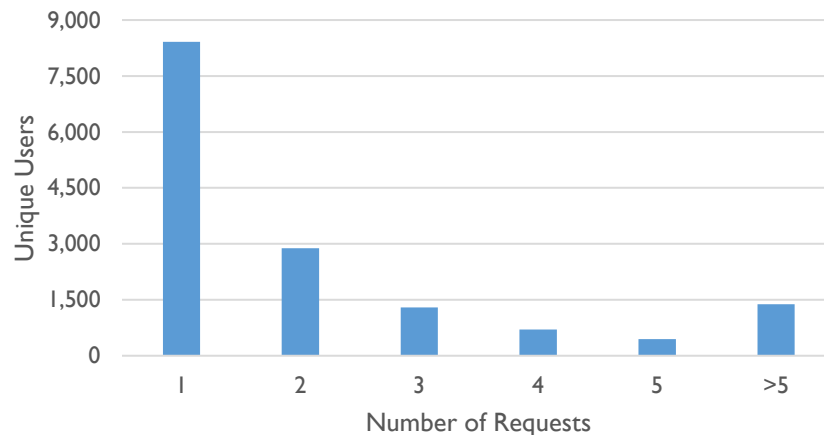
Location, license plate number, a description, and whether to make the request public are the only required fields. However, users must have a registered account with the My San Jose app to make vehicle abatement requests. This is not a requirement for other service request categories.

### Most Users Make Few Requests

There were about 15,000 unique users who sent over 44,000 abandoned vehicle service requests between August 1, 2017 and June 30, 2018.

The majority of users sent only one request during this period. However, some users sent multiple requests, sometimes for the same vehicle. Exhibit 20 shows the distribution of users by how many vehicle abatement requests they sent.

#### Exhibit 20: Most Users of the My San Jose App Send Only a Few Requests



Source: Auditor analysis of DOT Unity data, August 1, 2017 to June 30, 2018

### Some Users Make Multiple Requests

It should be noted that some users of the My San Jose app send a significant number of vehicle abatement requests. Without duplicates, between August 1, 2017 and June 30, 2018, the top 10 users sent over 2,000 requests, or 6 percent of the requests for that period. When including duplicate requests, the top 10 users make up around 10 percent of all requests for that same period.<sup>43</sup>

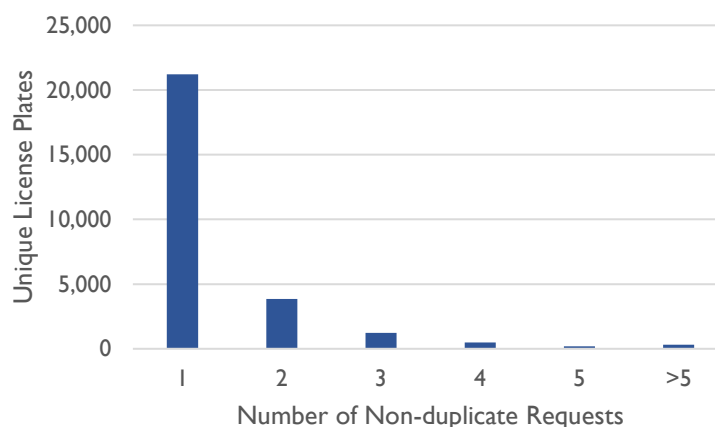
### Most Vehicles Are Reported Only Once

Users submit certain vehicle information, such as a license plate, when creating a vehicle abatement request. Based on this license plate information, there were around 27,000 vehicles reported from 38,000 requests between August 1, 2017 and June 30, 2018, not including duplicates.<sup>44</sup> The following exhibit shows the distribution of vehicles by the number of times they were reported.

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<sup>43</sup> This includes only requests for which DOT has a recorded email address.

<sup>44</sup> This number may represent a slight overestimate since license plate data is user-submitted, and there may be typos or invalid entries. In some cases, users may write short messages in place of entering license plates information, while some cases may have no entry at all. For this analysis, some license plates were removed by flagging entries containing common characters, words, or phrases indicating there were no license plates or there was an otherwise invalid entry. This process removed 3,500 cases from 270 different types of entries. Misspelled license plates may have been duplicated in this data. Numbers in Exhibit 21 should be considered best estimates.

**Exhibit 21: Most Vehicles Are Reported Once**

Source: Auditor analysis of DOT Unity data, August 1, 2017 to June 30, 2018

DOT closes duplicate requests when another request about the same vehicle is currently open and reported in the same location. After a request has been closed, the vehicle could be reported again, and DOT may investigate that same vehicle again. Although most vehicles are only reported one time, there are some vehicles DOT may regularly investigate.<sup>45</sup> As shown in the preceding exhibit, this process occurred more than five times for 310 different vehicles.

**Customers Can Track Vehicle Abatement Requests**

Customers can track service requests of all types through the My San Jose app. Every service request is assigned a unique reference number, based on the date it was submitted. My San Jose account holders can view all the requests they have sent within the app.

Any customer can also access all publicly posted service requests through the app and view their status. Publicly viewable requests can be displayed as a map or as a list, and either of these can be filtered by date or type of service.

Status updates are sent to requestors by email and push notification. If other users wish to receive updates on requests they did not submit, they can choose to “follow” those requests through the app. The idea behind these features was to improve the transparency and accountability of City services, and better engage San José’s residents.

<sup>45</sup> It should be noted that 8 of the top 10 most reported vehicles (including duplicates), from August 2017 to May 2018, were motorhomes or other vehicles which may have had people living in them. This was determined based on user-submitted descriptions or whether PTCOs made a referral to Homeless Concern. Some of the users who sent the most abatement requests are also responsible for most, (or, in some cases, all) of the requests regarding these inhabited vehicles.

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### Addressing Issues with My San Jose Could Improve Communication With Customers

The My San Jose app is a relatively new initiative for the City of San José. As with any newly implemented technology solutions, issues arise that must be continually resolved and improved upon. The City has been addressing some issues with the app and has plans for development of My San Jose version 2.0 beginning in July 2018.

With this in mind, there are several areas for improvement with the My San Jose app (as of version 1.5), that could enhance communication and service delivery for customers, particularly for vehicle abatement requests.

#### Fixing Data Synchronization Issues

The My San Jose app communicates back and forth with multiple City software systems to assign service requests appropriately and to update customers as needed. Since multiple systems are constantly communicating, issues can arise with synchronizing data.

This occurred for 2,400 vehicle abatement requests received between September 2017 and the end of January 2018. Those requests were addressed and closed by DOT but did not have their statuses changed in the My San Jose app as of April 2018. However, users still received notifications as their requests were investigated. This affected around 900 users.

In February 2018, the City reported that it had fixed the synchronization issue for all service requests going forward. However, at the time of our review, those 2,400 service requests had not had their statuses changed and the affected users were not notified of this issue. Additionally, we found that synchronization issues continued to be a problem as of August 2018, including cases that were closed by DOT but were not updated in My San Jose.

The City is currently assessing how to approach updating the requests and communicating this issue to users. It should be noted that the affected requests and users make up a small percentage of total requests and users during that timeframe.

Also, during this audit, some service requests in My San Jose were observed where notifications that should have been received on different days appeared to arrive on the same day, potentially confusing users due to the conflicting messaging. For example, in one case, notifications that the vehicle was marked and that the vehicle was found to be legally parked were received at the same time. This occurred for about 16 percent of cases where comments were submitted between May 1, 2018 and July 19, 2018.

### Customer Comments and Cancellations

My San Jose users can submit comments on their own service requests as well as publicly viewable service requests. Currently, PTCOs do not regularly review comments submitted by customers after a request is made, though those could provide helpful information. DOT advises that those comments cannot be easily viewed by PTCOs through their system.

For example, a user may attempt to update the request with a comment informing vehicle abatement that the reported vehicle already left the area. If the assigned PTCO could view and act upon that information, it could save unnecessary visits.

Relatedly, users are currently unable to cancel requests after they have been submitted. Giving users the ability to cancel requests within a certain timeframe after submission could help manage vehicle abatement workload to some degree.

### Clearer Customer Notifications

Customer communication is highlighted as a key feature of the My San Jose app. Mobile app users receive notifications and emails whenever their requests are updated. There are two general sets of notifications users receive for vehicle abatement requests: a status change, and an explanation of the vehicle disposition (the outcome for a visit). For example, if a PTCO responds to a request and marks a vehicle, the user is notified that their request status changed from “Open” to “In Progress” and they receive a separate explanation of a vehicle being marked.

At the time of our review, some of the automated messages were vague, formal, and potentially confusing. For example, this is the message users received after a PTCO marked a vehicle:

*An initial field investigation on the reported vehicle has been completed. The vehicle operator was educated on potential parking violations and a follow up field visit will occur as staffing resources permit.*

A clearer statement could read: “Thank you for your service request. We placed a warning notice on the vehicle and will follow up when we’re back in the area.”

Following our review, DOT updated the automated messages. This included changing responses to have clearer explanations and thanking customers for their request. Ensuring the automated messages for vehicle abatement requests are clear and not overly formal improves the app’s customer-friendliness, and helps better inform customers why certain requests needed to be closed.<sup>46</sup>

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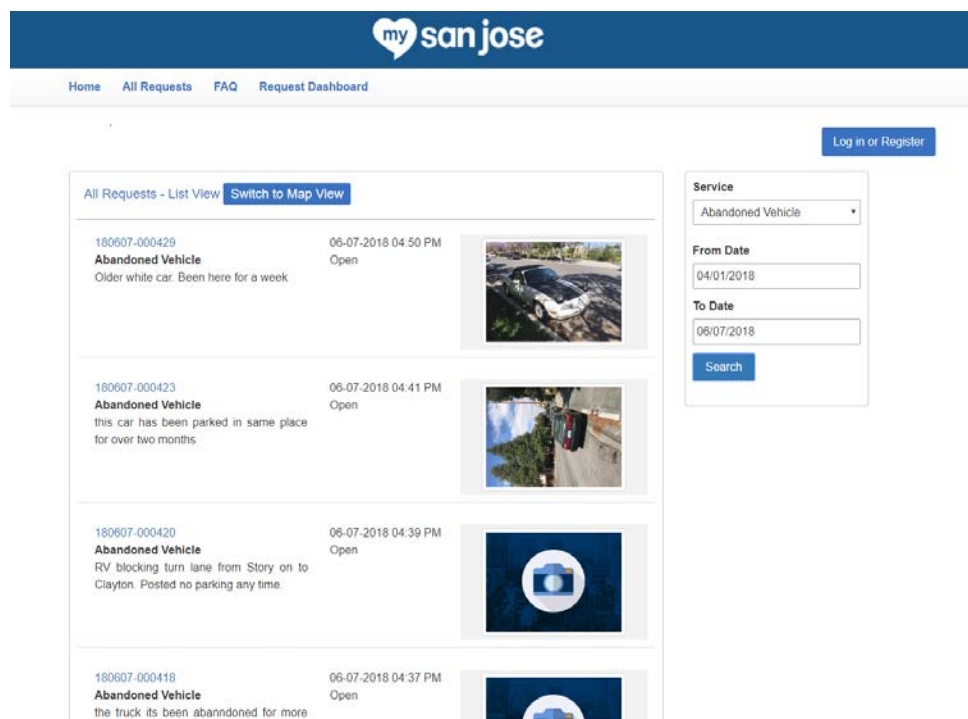
<sup>46</sup> Currently, when a request is closed as a duplicate, customers are notified but not rerouted to follow the original request. City staff overseeing My San Jose reported that this feature may be under consideration in the development of the next version of the app.

### Improved Search Feature

There are a few potential improvements for tools customers can use within the app. One is the search feature. The web application allows users to search for service requests by the reference number (when viewing requests on a map). However, this is still not possible in the mobile app.<sup>47</sup>

Also, when searching for publicly viewable service requests, web application users can filter requests by a date range, by the type of service, or both. However, the mobile app only allows one filter or the other. These searching and filtering features should be made consistent across the web and mobile apps.

### Exhibit 22: Customers Can View Other Service Requests in My San Jose



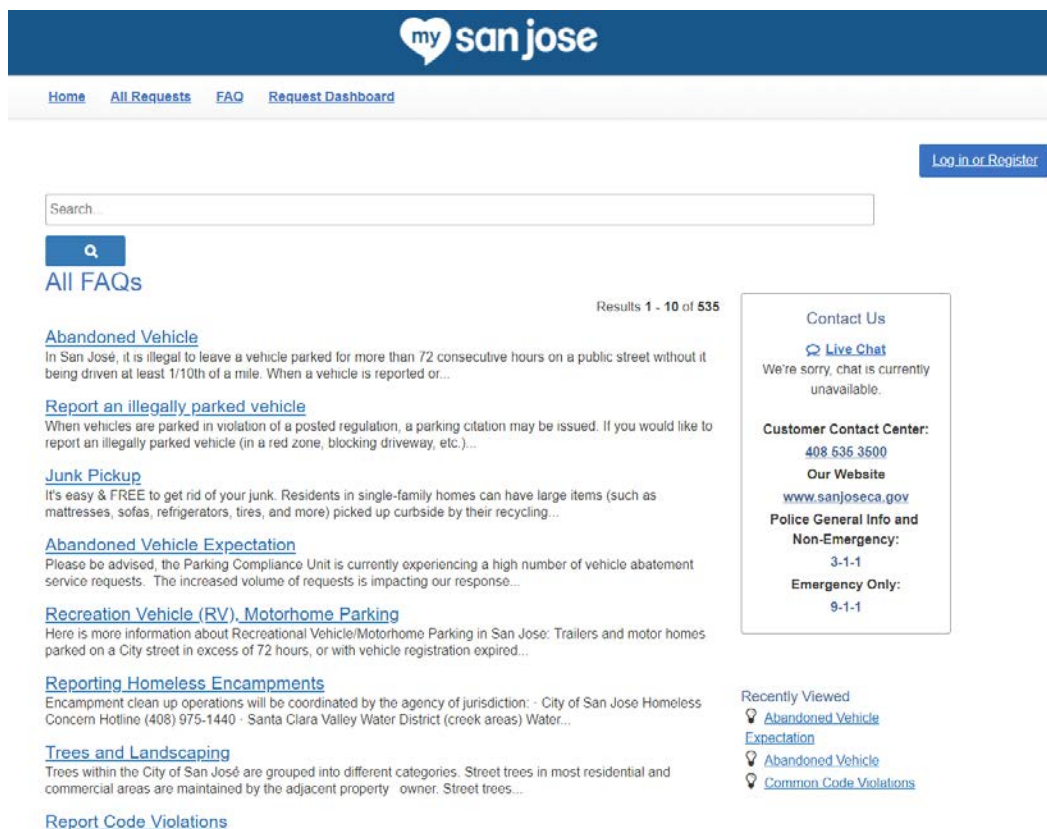
Source: Auditor screenshot of My San Jose web application

Also, the My San Jose app has an expansive Frequently Asked Questions (FAQ) section, with information on many kinds of City services. Although a dedicated search bar allows users to narrow down the FAQ results, having the full set of 535

<sup>47</sup> A mobile app user must instead search for a type of service (e.g., illegal dumping) in the search bar, which may not be intuitive.

results organized into categories could make this feature easier for customers to navigate.<sup>48</sup>

### Exhibit 23: The My San Jose FAQ List Covers Many City Services



Source: Auditor screenshot of My San Jose web app

### Languages Other Than English

The My San Jose app is currently only available in English. The City has plans to add multilingual support in the development of My San Jose 2.0, though City staff have expressed a desire to conduct community research first to inform the addition of multiple languages. Given that San José is a linguistically diverse city, translating the My San Jose app into multiple languages would help to ensure more San José residents have access to the convenient method of requesting City services that the app provides.

<sup>48</sup> The My San Jose FAQ section also does not contain instructions for using the My San Jose app or accessing its features, which could be helpful to some users. City staff overseeing My San Jose reported that this may be under consideration for the next version of the app.



Per the City's contract with AST Corporation (the app's developer), the My San Jose app's interfaces are to be made available in English, Spanish, and Vietnamese.

**Recommendation #5: The City should address data synchronization, user interface, customer communication, and language access issues in the development of My San Jose 2.0.**

### Abandoned Versus Stored Vehicles

The vehicle abatement service request category in the My San Jose app is labeled as "Abandoned Vehicles." However, customers send numerous requests for vehicles that appear to be stored on the street in violation of the 72-hour rule, but not necessarily abandoned.<sup>49</sup> As mentioned previously, only around 8 percent of requests end with the vehicle being towed.

Both customers and DOT staff may benefit from distinguishing these types of requests within the My San Jose app. Because the majority of service requests do not turn out to be abandoned vehicles, an alternative request category or renaming of the current category ("abandoned vehicles") would help clarify requests from customers who wish to report a vehicle that they do not suspect is abandoned but has been parking for longer than three days.

**Recommendation #6: The Department of Transportation should develop an alternative service request category or rename the "abandoned vehicle" category in My San Jose.**

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### The City's Warning Notice Could Be Improved

PTCOs mark the tires of a reported vehicle on their first visit and place a bright orange warning notice on the vehicle to notify the registered owner that the vehicle may be towed under the authority of the 72-hour rule.

The notice describes the relevant legal codes in English, Vietnamese, and Spanish, and includes information about the City staff member who marked the vehicle. A sample notice is provided.

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<sup>49</sup> In the FAQ for Abandoned Vehicles, the first statement reads, "In San José, it is illegal to leave a vehicle parked for more than 72 consecutive hours on a public street..."

## Exhibit 24: Sample Orange Warning Notice Posted to Vehicles When City Staff Mark the Vehicle

**WARNING**  
YOUR VEHICLE MAY BE IN VIOLATION OF THE LAW:

Ω Vehicles that are not being **USED** should not be abandoned or stored on the street. California Vehicle Code section 22523 prohibits the abandonment of any vehicle on public property. Your vehicle is considered abandoned if it is left unattended, does not have current registration, is inoperable or is deemed a hazard and may be removed **WITHOUT NOTICE**. Your vehicle is considered to be stored if it is parked on the street for over 72 consecutive hours (3 days) and may be cited under San Jose Municipal Code section 11.36.220 and towed under California Vehicle Code section 22651(k). **Note:** Any vehicle not moved at least 1/10 of a mile (approximately 528 feet) after 72 hours of being marked and tagged may be towed without re-marking. **WITHOUT ANY FURTHER WARNING.** For information call the Vehicle Abatement Unit at 408-535-3850.

**YOU WILL BE LIABLE FOR THE COST OF ANY CITATION, TOWING, AND STORAGE FEES THAT RESULT FROM YOUR VEHICLE REMAINING IN VIOLATION OF ANY OF THESE ORDINANCES**

**XE CỦA BẠN CÓ THỂ VI PHẠM LUẬT LỆ:**

Ω Xe cộ không **DÙNG** không nên bỏ phế hoặc để ở ngoài đường. Bộ luật xe cộ của tiểu bang California điều 22532 cấm vứt bỏ mọi loại xe cộ ở các nơi công cộng. Xe của bạn bị coi là phế thải nếu nó bị bỏ phế, không có đăng bộ, không chạy được hoặc tỏ ra nguy hại. Nó có thể bị kéo đi **KHÔNG CẦN THÔNG BÁO**. Xe của bạn bị coi như cất giữ nếu đậu trên đường quá 72 giờ liên tiếp (3 ngày) và có thể bị phạt theo Bộ luật Thành phố San Jose điều 11.36.220 và bị kéo đi theo Bộ luật Lưu thông California điều 22651(k). **CHÚ Ý:** Những xe đậu trên đường quá 72 tiếng đồng hồ sau khi bị đánh dấu mà vẫn không được di chuyển hơn 1/10 dặm (khoảng 528 thước tây) có thể sẽ bị kéo đi mà không cần phải đánh dấu lại. Muốn biết tin tức xin gọi cho Đơn vị Giải quyết Xe cộ tại số 408-535-3850.

**BẠN SẼ CHỊU TRÁCH NHIỆM VỀ TIỀN PHẠT, TIỀN KÉO XE, VÀ PHÍ TỔN GIỮ XE DO XE CỦA BẠN Ở TRONG TÌNH TRẠNG VI PHẠM BẤT CỨ ĐIỀU LUẬT NÀO.**

**SU VEHICULO PUEDEN ESTAR EN VIOLACION DE LA LEY**

Ω Vehículos que no se utilizan, no deben de ser abandonados o estacionados en la calle. El Código de Vehículos del estado de California, sección 22523 prohíbe el abandono de vehículos en propiedad pública. Su vehículo se considerará abandonado si no mueve, no tiene registracion corriente, es inoperante or es un peligro y puede ser removido **SIN PREVIO AVISO**. Si su vehículo esta en la calle por más de 72 horas consecutivas (3 días), la ciudad puede darle una citacion debajo del Código Municipal de San José, sección 11.36.220. La ciudad puede remolcar el vehículo segun el Código de California de Vehículos, sección 22651(k). **Nota:** Cualquier vehículo que no sea movido por lo menos 1/10 de milla (aproximadamente 528 pies) dentro de 72 horas de ser marcado y señalado, podría ser remolcado sin volver a ser marcado. Para más informacion, llama al Unidad de Abajamiento de Vehículos al 408-535-3850.

**USTED ESTA OBLIGADO POR EL COSTO DE LA CITACION, REMOLCACION, Y ALMACENAMIENTO QUE PUEDE RESULTAR CUANDO SU VEHÍCULO ESTA EN VIOLACIÓN DE ESTAS ORDENANZAS.**

DATE MARKED \_\_\_\_\_ HRS. \_\_\_\_\_ VEHICLE LICENSE # \_\_\_\_\_

OFFICER \_\_\_\_\_ BADGE# \_\_\_\_\_

☐ Code Enforcement  
☐ Police Department  
☐ Department of Transportation

Vehicle Abatement Unit • Parking Compliance Section • Department of Transportation  
200 E. Santa Clara Street San Jose, California 95133

200-27A (12/17)

Source: Official City notice provided to audit staff by DOT

Though the notice is easy to spot—as it is printed on extremely bright orange paper—the information is not clear to understand. The text contains jargon and legal language may be confusing to customers.

For example, the notice starts by saying: “Vehicles that are not being **USED** should not be abandoned or stored on the street.” An owner might not interpret “using” a vehicle to mean moving or driving the vehicle regularly. Additionally, the notice

reads: “Your vehicle is considered abandoned if it is left unattended [...]” However, it is not clear what “unattended” means in this context, since most parked vehicles are unattended.

The most important information—that the registered owner must move their vehicle within 72 hours to avoid towing—is not immediately clear. About halfway through the paragraph, the notice states that if the vehicle hasn’t moved at least 1/10 of a mile in 72-hours, it may be towed.

The notice informs owners that they can call to get more information. During our audit, a PTCO provided us with an orange notice that listed a phone number that had not been in service since October 1, 2017. Staff have advised us that they are taking steps to ensure that all PTCOs are marking vehicles with an updated notice with a working phone number. However, Police Department staff still appeared to be using the outdated notice. On June 6, 2018, after staff advised us that they had circulated the new notice to PTCOs, we observed an outdated warning notice placed by a Police Officer on a vehicle.

### **A Simplified, More Direct Approach Would Better Communicate the Message**

The current warning notice complicates what is, in fact, a simple warning: This vehicle has been reported as potentially abandoned. The City has marked this vehicle’s location and will visit again to check if the vehicle has moved. Someone must move this vehicle at least 1/10 of a mile within 72-hours or the vehicle may be towed.

Clearly stating this warning at the beginning of the notice could better communicate the message to vehicle owners. Legal citations, though important to establish authority, are difficult to read and could be provided simply as references at the end of the message.

Indicating how much a tow might cost the owner may also help spur compliance. The City of Oakland prints the cost of a potential fine on their courtesy warning notice. Including an estimate of San Jose’s fees to retrieve a vehicle—currently \$639.50 when including storage and a citation—would be sure to impress upon owners the consequences of not moving the vehicle.

**Recommendation #7: The Department of Transportation should revise the text of 72-hour warning notice to provide clear, accurate information to vehicle owners about next steps to avoid their vehicle being towed. This should include providing a telephone number, website address, and referral to the My San Jose app for more information. DOT should also ensure that all City staff that use the warning notice have accurate versions, and are provided with updated notices when changes occur.**

### **Parking Citations Generally Are Issued at the Time of the Tow**

After a vehicle has been marked with the orange warning notice and at least 72 hours have elapsed, if a PTCO finds the vehicle is in the same location, they can authorize the vehicle to be towed. At that time the PTCO also issues a parking citation. Generally, that is the first and only time a citation related to the vehicle abatement process will be issued on that vehicle in that location.

It should be noted that some jurisdictions, such as Los Angeles, issue parking tickets as a warning before authorizing a tow. Sacramento will issue a citation before a tow if the registered owner lives in the immediate area, and will perform a third visit to potentially tow the vehicle. If the registered owner does not live in the immediate area, they will tow on the second visit. Marking then towing on the second visit has been San Jose's policy, in part because issuing a citation as a warning would require another site visit.

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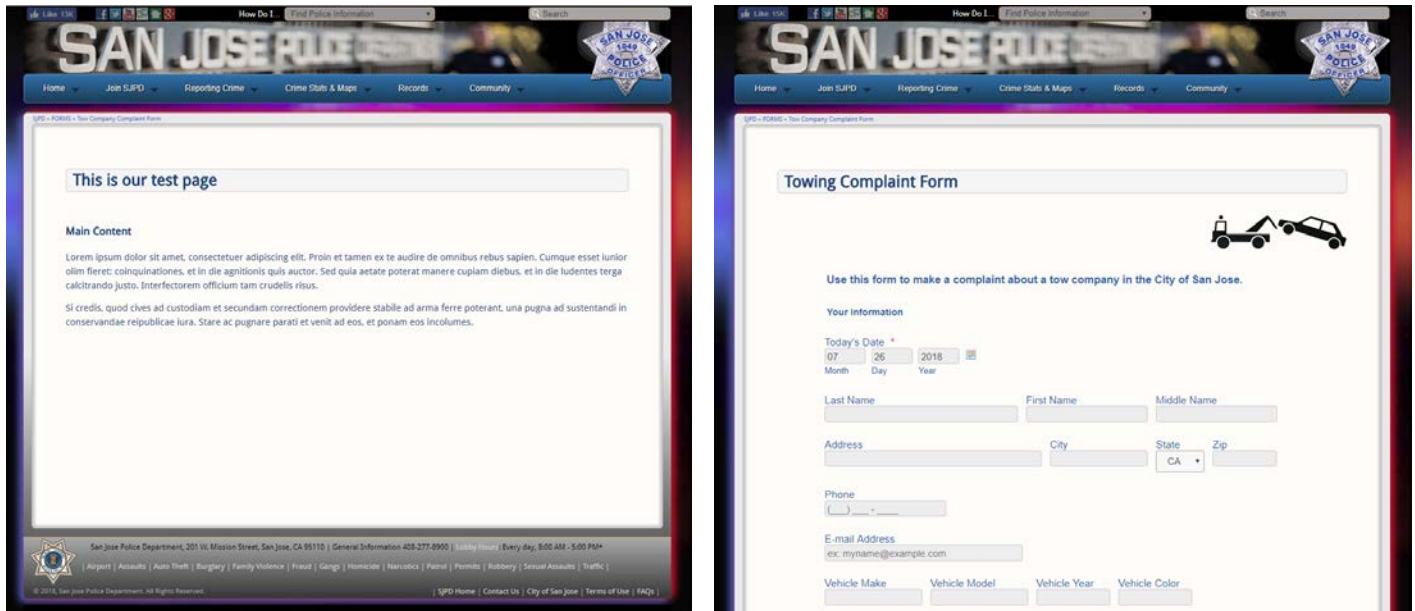
### **The City's Websites Should Provide Information About the Tow Hearing Process**

In accordance with state law, the City provides hearings to vehicle owners who wish to contest a tow. There is a tow hearing officer in both the Police Department and in the Department of Transportation. Vehicle owners can call the tow hearing officers to have an informal conversation about their tow, and they can request a formal hearing if they still believe that their vehicle was towed in error. That hearing can take place over the phone or in person, after which the tow hearing officer will decide whether the tow was valid. If officer determines it was valid, the vehicle owner can file a claim with the City if they still disagree.

When the City impounds a vehicle, PD sends the registered owner a "rights and obligations" letter, which explains what the vehicle owner must do to either retrieve their vehicle or contest the impound. There is information on "post-storage hearings" (or tow hearings) and contact information for both the DOT and PD tow hearing officers. State law requires that this letter be sent within 48 hours of the impound. Additionally, tow hearing officers report that they provide information about the tow hearing process when they receive phone calls. Including information about the tow hearing process on the City's websites would also help communicate to vehicle owners their rights if their vehicle is impounded.

However, the DOT vehicle abatement website does not contain information about how to contest a tow. The website directs a user to the Police Department page if they suspect that their vehicle has been impounded. That website also does not mention the tow hearing process, but does contain a link on a sidebar titled "Towing Complaint." At the time of our review, that website was a test page with no actual information. Following our review, the website was updated to include a form to submit a complaint about a towing company in San José.

### Exhibit 25: SJPD Tow Complaint Website Contained no Useful Information



Source: Auditor screenshots of website entitled “Tow Company Complaint Form taken June 2018 (left; [http://www.sjpd.org/\\_forms/TowComplaint.html](http://www.sjpd.org/_forms/TowComplaint.html)) and July 2018 (right; and [https://www.sjpd.org/\\_forms/TowComplaint.asp](https://www.sjpd.org/_forms/TowComplaint.asp))

Although phone numbers for a “Tow Hearing Detail” for PD and non-PD tows are available on the SJPD phone directory list, the page does not provide information about what the tow hearing detail does or what the process entails.

**Recommendation #8: The City should include information about the tow hearing process on the vehicle abatement and vehicle impound websites.**

### The City’s Websites Should Provide More Information About Private Property Tows

Currently, the City’s vehicle abatement website provides information about public street tows and how to retrieve an impounded vehicle. It does not mention, however, that the City’s Code Enforcement division of Planning, Building and Code Enforcement has a separate program for responding to inoperable vehicles on private property.

The Code Enforcement services website and the My San Jose FAQ website list “inoperable vehicles” as a service provided by staff, but do not elaborate as to what the service entails or mention that staff provide courtesy tows by resident request. Code Enforcement staff report that the vast majority of the residents they interact

with for the private property vehicle abatement program do not know that vehicles can currently be towed off their property for free.<sup>50</sup>

Notifying residents about the various parts of the vehicle abatement program could help direct requests to the appropriate staff. Additionally, more notifications to residents about Code Enforcement's courtesy tow program could help reduce blight in neighborhoods and potentially reduce the number of cars abandoned on public streets.

**Recommendation #9: The City's vehicle abatement website and the My San Jose FAQs should provide information about Planning, Building and Code Enforcement's private property vehicle abatement program.**

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<sup>50</sup> Residents can contact Code Enforcement to report inoperable vehicles on either their own property or another person's private property. Vehicles towed off private property under this process are immediately scrapped, in accordance with state law and the Municipal Code. For this reason, the process for involuntary tows can be quite lengthy (about six months), and administrative citations and inspection fees may apply. PBCE's tow liaison is responsible for overseeing private property tows, performing proactive enforcement, and monitoring the agreements with tow companies. Very few vehicles are towed under this program – a total of ten vehicles were towed in 2017. PBCE's contracts and towing program will also be included in the upcoming audit of towing services.

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## **Finding 3      The City Should Improve the Process for Responding to Concerns About Inhabited Vehicles**

### **Summary**

In the midst of the ongoing housing affordability crisis, some San José residents are living in vehicles on public streets. The Housing Department maintains a Homeless Concerns Hotline for residents to submit concerns about homeless individuals. When a resident calls the Hotline with a concern about an inhabited vehicle, Housing advises the resident to contact the vehicle abatement program. Staff report that DOT's process is to mark the vehicle at a first visit and, if the vehicle is still there and is occupied when they follow-up on a second visit, to refer the case to Housing or Housing's outreach contractor. To ensure that the City's homeless population receives social services more timely, we recommend that DOT staff refer inhabited vehicle cases to Housing at their first visit to the vehicle.

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### **Residents Submit Requests for the City to Respond to Inhabited Vehicles**

Across California, people are living in vehicles as housing becomes less affordable. The Mercury News reported in December 2017:

*Bay Area cities have for years generally taken a laissez-faire attitude toward RV encampments, often responding only to neighborhood complaints. But as housing prices and rents rise — the median cost of a two-bedroom apartment is now about \$2,500 in San Jose and \$2,200 in Oakland — more residents are being pushed into alternative forms of housing.*

*As a result, local officials across the region are starting to conduct more aggressive parking enforcement and outreach to address housing for the working poor.<sup>51</sup>*

Media reports about other California cities, including Los Angeles, Santa Barbara, and Mountain View, indicate that other jurisdictions are also struggling with how to best respond to individuals living in vehicles in the midst of the current housing affordability crisis. In March 2018, the LA Times reported:

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<sup>51</sup> <https://www.mercurynews.com/2017/12/17/cities-face-growing-crisis-as-rvs-become-homes-of-last-resort/>



*In a region where rents and home prices skyrocket year after year, recreational vehicles now qualify as residences for people who would otherwise be homeless.*

*The 2017 Greater Los Angeles Homeless Count tallied 4,545 campers and RVs in L.A. County that possibly serve as makeshift dwellings. In short, one of America's least affordable housing market forces people to find creative alternatives for shelter.<sup>52</sup>*

In the 2017 City of San José Homeless Census and Survey, 3 percent of the homeless population surveyed, or about 130 individuals, lived in a vehicle. This is lower than the surveys in 2011, 2013, and 2015, which reported that between 8 and 11 percent of the homeless population lived in vehicles. The report notes that due to the timing of the survey (taken in the morning), it is difficult to get an accurate count of the homeless population that is living in vehicles and the number is often under-reported.

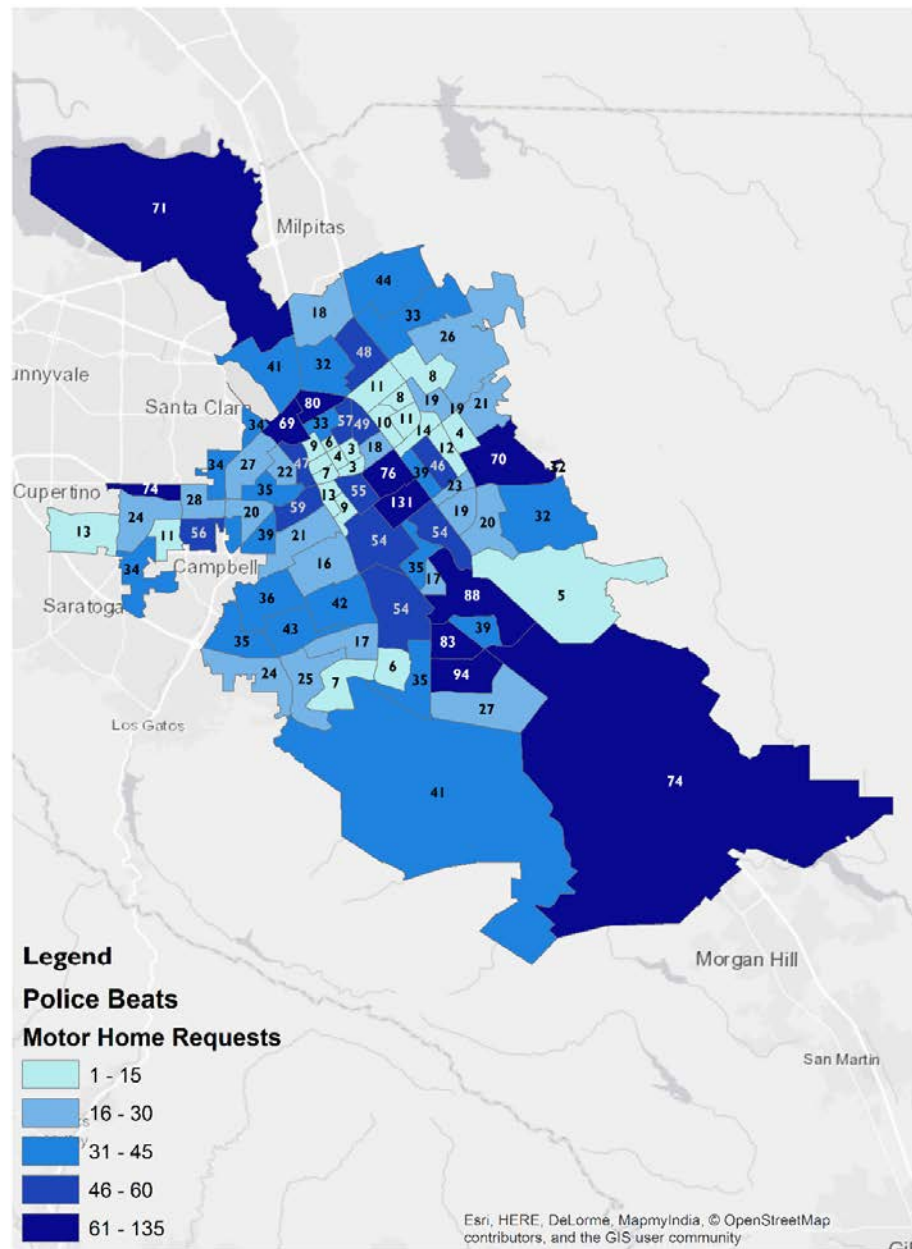
The Housing Department maintains a Homeless Concerns Hotline for residents to report concerns about homelessness or homeless individuals. Between January 2017 and December 2017, the Housing Department reported that there were 486 calls to the hotline about people inhabiting their vehicles. 354 of those 486 calls involved motorhomes.

The following exhibit demonstrates that vehicle abatement requests about motorhomes come from across the entire city. It is important to note that homeless individuals also live in other types of vehicles on City streets, and not every motorhome that was reported to vehicle abatement as an abandoned vehicle was inhabited.

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<sup>52</sup> <http://www.latimes.com/local/california/la-me-rv-homeless-20180304-htlstory.html>

### Exhibit 26: Vehicle Abatement Requests for Motor Homes



Source: Auditor analysis of DOT data, August 1, 2017 – June 30, 2018 (Excluding Cases Marked as Duplicates)<sup>53</sup>

<sup>53</sup> DOT's database allows PTCOs to flag and close requests for the same vehicle as duplicates when there is still an open request for that vehicle. However, a vehicle may be represented on the map multiple times if it was reported after previous requests had already been closed or if the request was for a different location.

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### The City's Response to Individuals Living in Vehicles Could Be Improved

According to Housing Department staff, if a resident calls Housing's Homeless Concerns Hotline with a concern about people living in a vehicle, the resident is encouraged to submit an "Abandoned Vehicle" request via the My San Jose app.

DOT PTCOs or contracted staff then respond to these requests in the same manner that they respond to other vehicle abatement requests. Between September 1, 2017 and May 1, 2018, DOT's database showed there were 251 cases, or 194 vehicles,<sup>54</sup> that were given the disposition "Referred to Homeless Concern" or "Occupied Vehicle." However, because of how DOT records information about visits to inhabited vehicles, this number is likely understated. Even though some customers may include comments in their request specifying that it is an inhabited vehicle, those comments are not considered when deploying PTCOs to certain cases.

#### Earlier Outreach Referrals

Staff have reported that even if a vehicle is suspected to be inhabited, PTCOs will mark the vehicle as normal on a first visit. Then, on a follow-up visit, if they determine that the vehicle is inhabited, they will refer the case as a homelessness concern. The PTCO will either contact the Housing Department or Housing's outreach contractor which will send staff to meet with the individual and offer resources.<sup>55</sup> If the vehicle is gone on the second visit, there may be no indication in DOT's database that a vehicle may have been inhabited.

During the period we reviewed, there were a number of cases (189 in total) in which contracted staff did not follow this process, but rather indicated that a vehicle had a homeless concern on the first visit.<sup>56</sup> In 104 of those 189 cases, the vehicle moved after the initial visit. During the same time period, there are also a small number of cases in which a vehicle was repeatedly noted as a homeless concern that needed a follow-up visit; there are also a handful of cases in which a vehicle was noted as having a homeless concern and then closed with no follow-up visit.

Due to low staffing in Housing and DOT, staff determined that it was most efficient for only one department to make an initial visit to an inhabited vehicle. Because concerns about stored vehicles fall under PTCO responsibilities, Housing and DOT developed the current process in which PTCOs respond to concerns

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<sup>54</sup> This figure is an estimate based on the license plates in Unity. Some cases have "Unknown" or "None" on listed as the license plate, so they may be under- or overestimating the correct number.

<sup>55</sup> At the time of our review, Housing's outreach contractor was HomeFirst.

<sup>56</sup> This occurred primarily during December and January when DOT was onboarding First Alarm contract workers who may not have been familiar with the expected procedure.

initially. Under this process PTCOs confirm that vehicles are in the locations reported by customers before an outreach team is deployed.

However, in order for this process to be most effective in ensuring that homeless populations receive support and access to services, PTCOs should notify Housing of an inhabited vehicle as soon as possible. This process would not involve PTCOs making direct contact with homeless individuals.

**Recommendation #10: To ensure that homeless outreach teams are providing support to homeless individuals as quickly as possible, the Department of Transportation should refer cases to the Housing Department following a first visit to a vehicle that appears to be inhabited.**

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### The City Should Continue to Work Towards a Safe Parking Program

The San José Municipal Code prohibits sleeping overnight in certain types of vehicles on City streets. Section 6.46.040 states:

*No person shall use any automobile trailer or house car for living or sleeping quarters in any place in the city, outside of a lawfully operated mobilehome park or auto camp [...]*

However, many people living in vehicles may not have other options for where to park their vehicles, which forces them to be in violation of the law.

One option to address this problem is a City-funded safe parking program. A safe parking program is a program where homeless individuals who live in vehicles may park in an unused parking lot at night. Non-profits generally run these programs and provide security and access to bathrooms. For example, the City of Santa Barbara has established a partnership with a safe parking program that is run by a local non-profit. The contract that Santa Barbara has with the non-profit includes funding and use of some city-owned parking lots. The Santa Barbara program includes 24 lots which are generally open for homeless residents from 7pm to 7am, and offer counseling services. In the San José area, some non-profits, local churches, and others allow parking at their facilities, but these parking lots have limited space.

Providing opportunities for homeless individuals to inhabit their vehicles without violating any laws would provide some security for these homeless individuals, decrease workload for PTCOs, and alleviate quality-of-life concerns for residents living near a homeless encampment.

The Housing Department is in the process of evaluating an RFP for a pilot Safe Parking Program. The RFP states:

*The Safe Parking Pilot Program is a parking program operated on City-owned property outside of the public right of way and managed by a non-profit homeless service provider (grantee). The City anticipates that a Safe Parking Pilot Program would create a safe and secure place for car and recreation vehicle dwellers to park and sleep, increase access to available services, reduce traffic and the number of people living illegally in their vehicles on the streets, decrease enforcement actions and resulting legal costs to homeless individuals, and provide resources to secure permanent housing and economic stability.*

In recent years, there have been two previous RFPs issued for a safe parking program but no grantee has been selected.

**Recommendation #11: The City should continue work to establish a safe parking program for individuals inhabiting vehicles on public streets.**

## **Finding 4      The Fee to Collect an Impounded Vehicle Should Be Reevaluated**

### **Summary**

When City staff impound a vehicle, the Police Department Vehicle Records Unit processes the impound. This includes data entry, notifying vehicle owners about the impound, and processing the fees and paperwork when an owner wishes to retrieve their vehicle from impound. Including the vehicle release fee, towing fee and storage fee, San José's costs are higher than other jurisdictions surveyed. With the addition of a citation fine, San José's total cost to a vehicle owner after one day of storage is \$639.50. We recommend the Police Department review their fee analysis, including accounting for the fact that many impounds are conducted by PTCOs in DOT whose time is about half as expensive as that of a police officer. Even with an updated fee, we recommend the City consider subsidizing the fee from the City's General Fund for low-income vehicle owners to make the fee less cost-prohibitive.

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### **The Police Department Vehicle Records Unit Processes Impounds**

Whenever a police officer or a PTCO impounds a vehicle, that impound is processed by the Police Department Vehicle Records Unit (Records). Records is also responsible for staffing the Auto Desk, which collects a vehicle release fee from vehicle owners seeking to recover impounded vehicles. For impounds, a vehicle owner cannot pick up their vehicle from the tow yard until they have paid a release fee to Records. Vehicles that are stolen, towed, or repossessed anywhere in the city are reported to Records.

For processing impounds, Records has two main functions: data entry and assisting vehicle owners at the Auto Desk. For data entry, an officer will usually call in an impound, giving Records staff all the necessary information about the vehicle to check its registration and enter it into their system. The officer performing the impound will also turn in the corresponding California Highway Patrol (CHP) 180 form to Records by the end of shift. Records will then mail a Notice of Storage with a vehicle rights and obligations letter to the registered owner within 48 hours. After a quality control check, Records staff file the original CHP 180 by the date of the impound.

Some impounds require a hold on the vehicle, such as when the vehicle is held for investigation.<sup>57</sup> In those cases, Records will also enter the vehicle into another

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<sup>57</sup> Impounds related to vehicle abatement typically do not require holds.

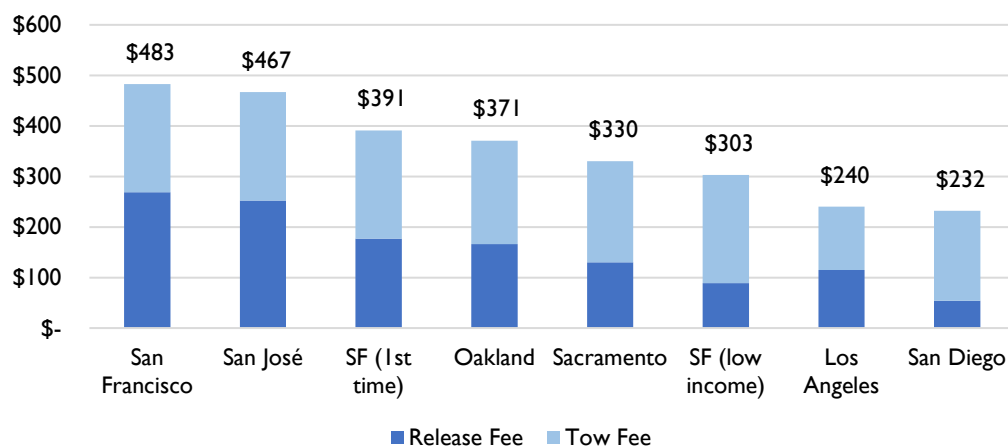
database and notify the owner of the hold through a Notice of Storage. The owner and tow company are then notified when the hold clears.

For the Auto Desk process, a resident will come to the San José Police Department to pick up their vehicle. The vehicle owner gives the Auto Desk staff the necessary information to find the vehicle's case file. To have their vehicle released, the vehicle owner must be the registered owner, have a valid driver's license, and the vehicle must have current registration. If those criteria are met, the vehicle owner then pays the Auto Desk the vehicle release fee. In FY 2017-18, the release fee was \$252. After receiving payment, the Auto Desk staff will direct the vehicle owner to the appropriate tow company. The vehicle owner then must pay the tow company all incurred tow and/or storage fees.<sup>58</sup>

### San José Has a Relatively High Vehicle Release Fee

When a vehicle owner has their vehicle impounded in most California cities, they must pay a fee to the city to release their vehicle and then pay fees to the tow company. The tow company will charge storage fees after a certain time as well. It should be noted that the California Highway Patrol limits towing and storage fees for each region in the state. The following chart shows the cost of picking up an impounded vehicle immediately (no storage fees) in several cities across California.

**Exhibit 27: San Jose's \$467 Minimum Fee to Recover a Vehicle Is Higher Than Several Other Large California Cities<sup>59</sup>**



Source: City websites and fee schedules, data as of July 2017.

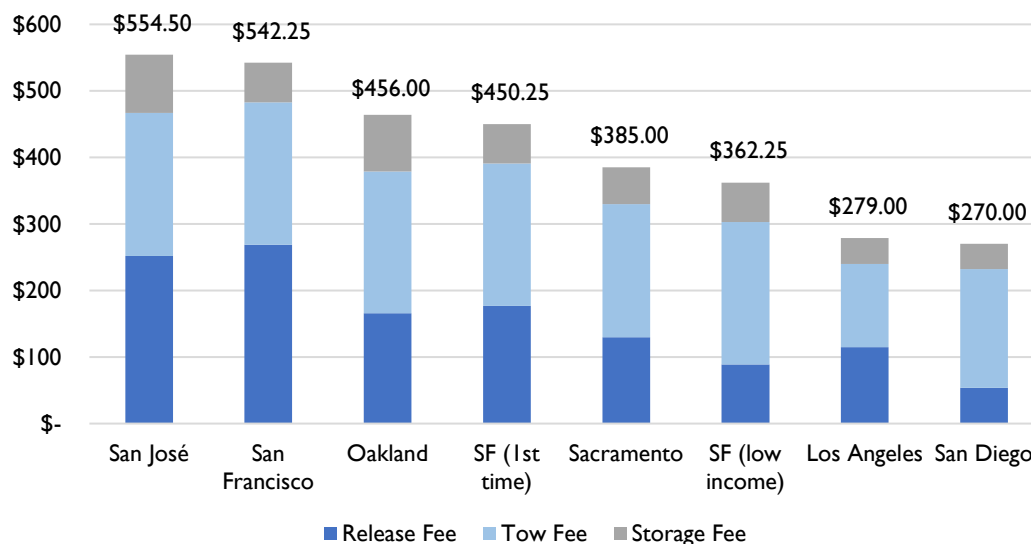
Note: San Francisco has a subsidized release fee for drivers having their car impounded for the first time, with a further subsidy if the driver is low-income.

<sup>58</sup> A vehicle owner may choose not to pick up their vehicle, in which case they will not be required to pay a vehicle release fee. However, the Auto Desk will direct the vehicle owner to contact the tow company, since the tow company charges separate fees, including tow and storage fees. The vehicle owner would still be responsible for those fees, even if they elect not to recover their vehicle.

<sup>59</sup> For vehicle release fees, or administrative fees, different jurisdictions may have different requirements or methodologies for determining cost recovery, which may attribute to differences in these fees.

If a vehicle owner is unable to pick up their vehicle within a specified grace period, they begin accruing storage fees. The following chart shows what the impound fees would look like with one day of storage.

**Exhibit 28: San José Has the Highest Fees of the Other Cities Surveyed When Including First Day Storage Fees<sup>60</sup>**



Source: City websites and fee schedules, data as of July 1, 2017.

Note: Assumes San José outdoor storage fee of \$87.50. Indoor storage fee was \$95. San Francisco had a discounted first day storage fee of \$59.25 compared to \$71 per day after.

In addition to the vehicle release fee, tow fee, and storage fee, some cars impounded by the City are also issued a parking citation at the time of the tow. For a violation of the 72 hour-rule, for example, a citation could cost an additional \$85, bringing the total cost of the impound for a vehicle owner to \$639.50 after one day of storage.

### The City's Vehicle Release Fee Should Be Reevaluated

The Police Department estimates the cost of performing and processing an impound by calculating the time department staff spend on impounds (including the officer authorizing the impound) and applies the staff's corresponding hourly rates. For FY 2017-18, the \$252 vehicle release fee recovered an estimated 99.7 percent of the cost of impounding. The Police Department estimated that the cost of impounding will increase to \$313 for FY 2018-19 and set a new vehicle release fee of \$290, with an expectation to phase in a higher fee over the next few years.

<sup>60</sup> For vehicle release fees, or administrative fees, different jurisdictions may have different requirements or methodologies for determining cost recovery, which can attribute to differences in these fees.



### **Time Analysis Should Be Revisited**

To calculate how long it takes to process a tow (data entry and the Auto Desk), the Police Department performs a time analysis. The most recent time analysis estimated that it takes staff around 2 hours and 20 minutes on average for the entire process. This is almost a one hour increase from the year prior, though updates to the process alone do not explain this increase. Interfacing with a vehicle owner at the Auto Desk was estimated to take 42 minutes on average. Because of the estimated time involved, processing an impound is the largest contributor to the cost of impounding.

Based on auditor observation of the Auto Desk, interactions with vehicle owners took no more than 10 minutes, though there were cases where vehicle owners did not have the right documentation and would have to come back later. Auto Desk staff typically converse with vehicle owners by phone beforehand, providing information on the case and the documentation needed to recover the vehicle. In one instance, the complete interaction (the Auto Desk released the vehicle to the vehicle owner) took five minutes. Assuming a typical interaction takes 10 minutes, this is about one fourth of the time estimated by the department's time analysis. It is possible that the rest of the process (including data entry) would similarly take shorter than the Department estimated. If that were true, the total impound processing time could be as low as 35 minutes, compared to the estimated 2 hours and 20 minutes.

### **Cost of Staff Should Reflect PTCO Time**

In calculating the cost of impounding, the Police Department assumes that a police officer conducts every impound and it takes 30 minutes of their time. The officer's hourly rate assumes that the officer is at the top salary step and in the Tier 1 Police and Fire pension plan. It is also assumed that a sergeant spends 15 minutes supervising the impound. The officer and sergeant together contribute the second largest component of the cost of impounding.

However, based on data from DOT's Unity database and impound data from the state Department of Justice, around half of impounds are performed by PTCOs. The PTCOs have lower hourly rates than police officers, and many are in the Federated Tier 2 pension plan, which costs less than the Tier 1 Police and Fire plan. Factoring in the share of impounds performed by PTCOs significantly reduces the cost of impounding.

### **Potential Reduction of the Vehicle Release Fee**

Accounting for a shorter impound processing time and the share of impounds done by PTCOs would reduce the cost of impounding for FY 2018-19.

- The FY 2017-18 fee was **\$252**.
- The FY 2018-19 100 percent cost-recovery fee was calculated to be \$313. This is based on a processing time of 2 hours and 20 minutes, and all

impounds conducted by Police Officers. To minimize the large growth in the fee, the fee was actually set at **\$290**.

- Reducing the processing time to  $\frac{1}{4}$  of the Department's analysis (i.e., 35 minutes), similar to what we observed, and accounting for the percent of impounds conducted by PTCOs would result in an estimated 55 percent reduction in the vehicle release fee. This fee would be an estimated **\$142**.
- The estimated time for all steps of the impounding process may not have been as different as what we observed. If the impound process takes half as long as the Department estimated (double what we observed, i.e., 70 minutes) and the percent of impounds conducted by PTCOs is accounted for, there would still be a 41 percent reduction in the cost of impounding. This fee would be an estimated **\$185**.

Using these estimates, the vehicle release fee could be set at 100 percent cost-recovery and still be significantly lower than the proposed fee for FY 2018-19. Using this type of analysis, the Police Department should revise their calculation of the cost of impounding and adjust the vehicle release fee accordingly.

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### **Even a Revised Impound Fee May Be Too High for Low-Income Vehicle Owners**

San José's relatively high fees to recover vehicles can have an adverse impact on vehicle owners. Vehicle owners may be more likely to abandon their vehicle in the tow yard if the cost exceeds the value of their vehicle. For example, between January 1 and June 27, 2017, the average vehicle impounded by the City for a 72-hour violation was a model year of 1997. After a few days of storage, the fees to pick up a 20-year old vehicle could likely exceed the value of that vehicle. The loss of a vehicle in that case could impact a vehicle owner's mobility and even employment. On the other hand, if a vehicle owner does pay for all fees incurred, it can pose a significant financial burden. The CHP regulates towing and storage fees for impounds, while the City sets the vehicle release fee according to its cost-recovery policies.

In recognition of its high towing fees, San Francisco implemented reduced administrative (release) fees for vehicle owners whose vehicles were impounded for the first time and for vehicle owners who qualified as low-income. San Francisco's administrative fee as of July 1, 2018 was \$283.75. With the discounts, it was \$200.75 for the first-time fee and \$0 for the low-income fee.<sup>61</sup>

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<sup>61</sup> To qualify for the first-time discount, San Francisco uses their towed vehicle management database to verify if the vehicle owner had not had their vehicle towed by either the San Francisco Police Department or the San Francisco Municipal Transportation Agency before. To qualify for the low-income discount, a vehicle owner may either present one of several qualifying documents (e.g., MediCal card) or obtain a letter from the San Francisco Human Services Agency verifying their income as at or below 200 percent of the federal poverty line. Low-income vehicle owners may also qualify for waivers of some special equipment fees and storage fees.

Even if San José were to lower its fees to the auditor-estimated amount—about \$142—this may still be cost-prohibitive particularly on top of tow fees and storage fees. However, due to San José’s current record keeping for impounds, it may not be feasible to track whether a vehicle owner has been impounded for the first time. This is something that should be considered in the implementation of a subsidized release fee.

### *Impact to the General Fund*

Reviewing the cost of impounding and potentially lowering the vehicle release fee accordingly would impact revenues to the General Fund. Likewise, a subsidized release fee for low-income vehicle owners would have to be funded from the General Fund. The vehicle release fee is meant to be 100 percent cost recovery per City policy, but any fee amount below this cost-recovery cannot be subsidized by other fee payors.

#### **Recommendation #12: The Police Department should:**

- a) revisit the calculation of impound costs and recommend that the City Council approve an adjustment to the vehicle release fee accordingly, and**
- b) bring forward to the City Council a recommendation for the City to institute a subsidized vehicle release fee for low-income vehicle owners.**

## Conclusion

In accordance with State and City laws, the City may tow abandoned and stored vehicles that have been parked on City streets for over 72 hours. To provide better customer service to customers who make requests, DOT should prioritize timeliness of initial visits to reported vehicles and follow-up visits to vehicles that are more likely to be towed. DOT should also establish internal performance targets and productivity targets. In addition, the City can improve communication and customer service by incorporating changes in the development of My San Jose 2.0, and provide more information on the City's website about the vehicle abatement program. The City should also improve the process for responding to concerns about inhabited vehicles to ensure that homeless outreach teams provide social services as quickly as possible. Finally, the vehicle release fee to collect an impounded vehicle should be reevaluated, with consideration to offering a reduced fee, subsidized by the City's General Fund, for low-income vehicle owners.

## RECOMMENDATIONS

### Finding 1: DOT Should Prioritize Cases to Improve Customer Service

Recommendation #1: The Department of Transportation should establish an internal set of performance targets for response times and follow-up times, including distinctions for any type of prioritization that the Department uses.

Recommendation #2: To improve customer service to My San Jose app requests, the Department of Transportation should prioritize the timeliness of visiting a vehicle for an initial visit. This could include continuing to use contracted staff to perform initial visits.

Recommendation #3: Based on the conditions observed at the first visit (such as number of AVASA points), the Department of Transportation should prioritize cases that are likely abandoned and warrant quicker follow-up.

Recommendation #4: The Department of Transportation should establish performance expectations for site visits, and monitor program and employee performance against those expectations.

### Finding 2: The City Can Improve Communication for Its Vehicle Abatement Services

Recommendation #5: The City should address data synchronization, user interface, customer communication, and language access issues in the development of My San Jose 2.0.

Recommendation #6: The Department of Transportation should develop an alternative service request category or rename the "abandoned vehicle" category in My San Jose.

Recommendation #7: The Department of Transportation should revise the text of 72-hour warning notice to provide clear, accurate information to vehicle owners about next steps to avoid their vehicle being towed. This should include providing a telephone number, website address, and referral to the My San Jose app for more information. DOT should also ensure that all City staff that use the warning notice have accurate versions, and are provided with updated notices when changes occur.

Recommendation #8: The City should include information about the tow hearing process on the vehicle abatement and vehicle impound websites.

Recommendation #9: The City's vehicle abatement website and the My San Jose FAQs should provide information about Planning, Building and Code Enforcement's private property vehicle abatement program.

### **Finding 3: The City Should Improve the Process for Responding to Concerns about Inhabited Vehicles**

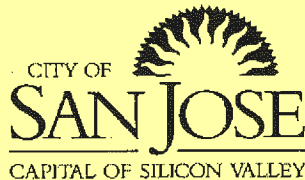
Recommendation #10: To ensure that homeless outreach teams are providing support to homeless individuals as quickly as possible, the Department of Transportation should refer cases to the Housing Department following a first visit to a vehicle that appears to be inhabited.

Recommendation #11: The City should continue work to establish a safe parking program for individuals inhabiting vehicles on public streets.

### **Finding 4: The Fee to Collect an Impounded Vehicle Should Be Reevaluated**

Recommendation #12: The Police Department should:

- a) revisit the calculation of impound costs and recommend that the City Council approve an adjustment to the vehicle release fee accordingly, and
- b) bring forward to the City Council a recommendation for the City to institute a subsidized vehicle release fee for low-income vehicle owners.



# Memorandum

**TO:** Sharon Erikson, City Auditor**FROM:** John Ristow  
Eddie Garcia  
Rob Lloyd  
Jacky Morales-Ferrand**SUBJECT: RESPONSE TO THE AUDIT OF  
VEHICLE ABATEMENT  
SERVICES****DATE:** August 22, 2018

Approved

Date

8-30-18

The Administration has reviewed the *Audit of Vehicle Abatement Services* and is in general agreement with many of the recommendations identified in the report. The following is a brief background on the Vehicle Abatement program and the Administration's response to each recommendation.

## **BACKGROUND**

Vehicle abatement (VA) services, which are intended to address vehicles that have been abandoned or parked in the same spot for more than 72 hours within the public right-of-way, are provided primarily by the Department of Transportation's (DOT) Parking Compliance Unit (PCU). In addition to VA, the PCU provides a wide variety of parking compliance and related services throughout the City, with Parking and Traffic Control Officers (PTCO's) on patrol nearly 24/7.

The primary purpose of the PCU is to obtain compliance with parking regulations using a variety of tools, including education, warnings, and citations, in order to help provide safe and efficient access to street parking within the public right-of-way. Consistent with this purpose, the approach used by the PCU in the VA program is to provide a reasonable opportunity for a vehicle owner or motorist to comply with the parking regulations in order to avoid issuing a citation and/or towing a vehicle.

The City Auditor's report recognizes that the Vehicle Abatement program is currently used to address three situations:

1. A vehicle is abandoned (damaged, inoperable, or otherwise abandoned), creating a blight or safety problem.
2. A vehicle is being stored in the same location without moving for a period of at least 72-hours.
3. A vehicle is inhabited and being used as shelter.

The VA Program is primarily reactive in nature, responding to reports from the public about suspected abandoned, stored, or inhabited vehicles. However, it is important to note that residents and other members of the public also submit requests to the VA program for other reasons, such as for vehicles that are perceived as “undesirable” in front of their residence or in their neighborhood, or due to neighbor disputes.

Additionally, while responding to VA requests in a timely and efficient manner is important, many of the other services provided by the PCU are prioritized above the delivery of VA services. As highlighted on Attachment A, the PCU provides services that support:

- Downtown and business district vitality (loading zones, meters, other short-term parking)
- Safe access (school zones, crosswalks, bike lanes, disabled parking, bus zones, red curbs, driveways, curb ramps, fire hydrants)
- Established neighborhood parking programs (permit zones, street sweeping)
- Special events and construction zones (traffic control, tow-away sign validation, towing)
- Abatement of abandoned or stored vehicles (Vehicle Abatement)

As described in the City Auditor’s report, the number of vehicle abatement requests significantly grew since FY 2010-11 from approximately 17,000 requests to approximately 69,000 requests in FY 2016-17 (400% increase) while staffing resources remained nearly constant. In response to this increase in work load and the impact it has been having on the delivery of the VA program and other PCU services, DOT has made considerable effort to improve VA services, through operational strategies, staffing, technology and equipment. These efforts are highlighted below:

1. Operational Strategies and Staffing

- The VA workload was distributed across the entire PCU, maximizing the number of staffing hours available for VA services.
- On the three to four days per month during which no street sweeps were scheduled, the PCU focused primarily on providing VA services.
- VA activities are also being coordinated with other enforcement activities to improve efficiencies through reduced overall unit travel time. For example, PTCOs assigned to enforce a street sweeping zone are also assigned to work VA service requests located within or nearby the zone.
- A pilot using 3.0 contract staff (First Alarm Security) to augment PCU resources was implemented beginning in December 2017. With the 2018-19 Adopted Budget, the pilot was expanded to 8.0 contract staff. The additional staff became operational in July 2018. It is anticipated that the expanded contract staff will be able to conduct a majority of the required initial field visits within 5-7 days on average, based upon current VA service request activity, and will allow PTCOs to focus their efforts on follow-up visits that may require enforcement actions, along with other service priorities of the PCU.
- Through intensive data analytics, a data-driven deployment model is being used to provide for optimal deployment of resources. Managers use the data available from

Unity (discussed below) to better understand VA case information (volume and response times within geographical areas), and to assign specific VA service requests to officers daily, while balancing the other service needs of the PCU.

- A focus has been placed on increasing the number of PTCOs that have received the required credentials from the Police Department to have direct in-field access to secure police and Department of Justice databases through a Mobile Data Terminal (MDT). Use of the MDT significantly reduces administrative processing time and reduces workload on SJPD dispatch staff. The percentage of PTCOs that have received the required credentials has increased significantly from the 30% in 2015, to 73% currently.

## 2. Technology and Equipment

- Additional vehicles were equipped with MDT equipment, allowing direct in-field access to necessary vehicle registration information and notice of stolen vehicles, increasing PTCO efficiency and reducing workload on SJPD dispatch staff.
- PTCOs were equipped with iPads which have helped to process information and data inputs quicker, reduce data entry requirements, and provide enhanced mapping capabilities to increase field efficiency.
- A workflow management system (Unity) was developed to assist with oversight of the VA program. Unity is integrated with the *My San Jose* app, and has improved the tracking of service requests, data collection, customer communication, and workflow efficiencies. For example, service requests and officer activity can be tracked in real time, and Unity has facilitated the coordinated service delivery and directed deployment approaches discussed above.

## RECOMMENDATIONS AND ADMINISTRATION RESPONSES

A majority of the recommendations in the audit of Vehicle Abatement services have already been, or will be implemented during FY 2018-19. A few of the recommendations will depend on future Council actions (Recommendations 2, 11 and 12). Full implementation of the audit recommendations, however, is anticipated to result in only moderate incremental enhancements to the VA program and related services. As stated in the audit report and this response, VA service request activity has increased significantly in prior years without a commensurate increase in PCU resources. To significantly improve VA services, additional resources will need to be allocated to this program.

It also is important to note that some of the recommendations may not result in a perceived improvement in the program to some customers. For example, an outcome of quicker initial response times may be that more vehicles are being moved from place-to-place more frequently, and individuals submitting VA service requests may not view this as effective if the vehicles are moving, yet remain in the neighborhood. Increasing response and follow-up times may also result in more cars being towed and impounded, which could be devastating in a number of ways to a person or family who does not have the financial capacity to retrieve the vehicle.



Also of importance to understand is that this dramatic increase in VA activity is primarily due to a variety of societal factors that are beyond the scope, intent, and abilities of the Vehicle Abatement program to address. Included in these factors are an increased number of vehicles in many neighborhoods as the population grows, the City densifies, and more people live in a single residence or in a vehicle due to rising housing and living costs. Using the VA Program as a tool to deal with the symptoms of our societal challenges may not be the best course of action.

**Recommendation #1:** DOT should establish an internal set of performance targets for response times and follow-up times, including distinctions for any type of prioritization that the Department uses.

**Administration Response to Recommendation #1:** The Administration agrees with this recommendation.

**Green** – The Administration will develop an internal set of performance targets by December 31, 2018. These performance measures will account for a variety of factors, including PTCO and contract staffing levels, volume and seasonality of service requests, and tow company responsiveness and performance.

**Recommendation #2:** To improve customer service to *My San Jose* app requests, DOT should prioritize the timeliness of visiting a vehicle for an initial visit. This could include continuing to use contracted staff to perform initial visits.

**Administration Response:** The Administration agrees with this recommendation.

**Yellow** – As noted previously, DOT initiated a pilot program deploying contract staff to perform initial field visits, allowing PTCOs to focus their time on follow-up visits that may require enforcement actions, along with other PCU service priorities. The pilot began in December 2017 with three contract staff, which was increased to eight in July 2018. The VA contract staff pilot has helped improve initial response timeliness by nearly 50% from the average of 15 days experienced in August 2017 to approximately 8 days in July 2018. As the contract staff become more efficient and effective with time, it is estimated that initial response times will be improved to 5-7 days. Approximately \$500,000 was provided for the expanded pilot through June 2019 as part of the 2018-2019 Adopted Budget. If the pilot continues to be effective, ongoing funding to provide for contract staff to continue performing field visits beyond Fiscal Year 2018-19 will need to be approved. The Administration will consider proposing continuation of this service strategy during the 2019-2020 Proposed Budget process. If approved, the target date for permanent implementation would be July 1, 2019.

**Recommendation #3:** Based on the conditions observed at the first visit (such as number of AVASA points), DOT should prioritize cases that are likely abandoned and warrant quicker follow-up.

**Administration Response:** The Administration conceptually agrees with this recommendation.

**Yellow** – Following a pilot process by DOT using AVASA points during July and August 2018, DOT is concerned that prioritizing staff deployment based on AVASA points without additional resources may decrease efficiency and overall productivity, having a negative impact to overall follow-up response times city-wide. The Administration will continue to pilot and evaluate this approach during Fall 2018, along with other potential options to prioritize VA service requests, to determine if a prioritization approach would result in meaningful improvement in VA service delivery. A final determination regarding implementation of this recommendation will be made by December 31, 2018.

**Recommendation #4:** DOT should establish performance expectations for site visits, and monitor program and employee performance against those expectations.

**Administration Response:** The Administration conceptually agrees with this recommendation.

**Green** – The Administration agrees that establishing program and staff performance expectations for Vehicle Abatement site visits and monitoring performance against those expectations is an effective management practice. Therefore, the Administration agrees with the recommendation in concept. However, it is important to recognize that there are many factors that impact the collective and individual performance of the PCU related to VA site visits which must be considered when establishing and monitoring performance expectations. Complications occur almost daily that effect the overall performance of the unit, from other service priorities and staff availability, to refusal by tow companies to impound a vehicle. Individual PTCO productivity is also affected by these and other factors, such as the type of activities being performed, geographical coverage and proximity of the activities, public interactions, degree of non-compliance, equipment, PTCO experience, etc.

DOT currently utilizes the process of assigning and reviewing the completion of daily PTCO work assignments as a means to establish expectations and monitor performance. PTCO's receive their assignments daily from the PTCO Supervisor or a Senior PTCO. The daily assignments often include multiple activities, such as patrolling a school zone, street sweeping route, or permit parking zone, along with VA site visits. The PTCO Supervisor or Senior PTCO considers many factors in determining the VA site visit workload assigned to a PTCO on a certain day based on the typical workload associated with the assignments, the geographical proximity among the activities, individual experience and skill, etc. For example, in general, a PTCO assigned to patrol a street sweeping zone that is large and typically has a high rate of non-compliance would be assigned fewer VA cases than another PTCO working a school zone. Such individual circumstances are considered when assigning VA cases. As the PTCO works the assignments, his/her activity level is

tracked on a Daily Activity Report (DAR) and within the Unity workflow management system. The PTCO Supervisor and Senior PTCOs review DARs and Unity activity to monitor performance of the PTCOs. If a PTCO does not consistently complete assigned activities, the PTCO Supervisor or Senior PTCO will follow-up with the PTCO accordingly.

In moving forward, DOT will continue with its practice of assigning and reviewing daily PTCO activity. DOT will also begin tracking and reviewing the average number of daily site visits completed by the entire PCU and individual PTCOs to establish an objective understanding of site visit performance. This information would then be used to identify, implement, and monitor program and employee performance improvements. Regular tracking and reviewing of site visit performance will begin prior to December 31, 2018.

**Recommendation #5:** The City should address data synchronization, user interface, customer communication, and language access issues in the development of *My San Jose 2.0*.

**Administration Response:** The Administration generally agrees with this recommendation.

**Green** – Some elements of the recommendation will be implemented in Fall 2018, and some will be addressed as part of *My San Jose 2.0* to be released during 2019, as follows:

Fall 2018 implementation: - All automated messages are being reviewed and will be updated as needed to provide a simpler message

2019 implementation: - Case and status search to be available in the mobile app  
- FAQ database section will be organized into categories to improve customer navigation  
- Staff are conducting research to better understand the barriers to *My San Jose* usage among non-English speaking residents. The research will inform how multi-lingual support is implemented in the *My San Jose* app.

**Yellow** - Some improvements need to be analyzed in terms of the work required and associated cost, and weighed against other citywide service needs, to determine if the recommendation can be implemented as part of *My San Jose 2.0*, or as part of a future update; or if a technology solution is possible.

2018-19 analysis: - Comments submitted by customers after initial concern logged into app, or cancellation of a concern, relayed to PTCOs will be analyzed for incorporation into *My San Jose 2.0*  
- Information Technology Department and DOT have been working to address synchronization issues as they occur. Analysis is needed to determine the most feasible solution to support specialized vendor integrations.

**Recommendation #6:** DOT should develop an alternative service request category or rename the “abandoned vehicle” category in *My San Jose*.

**Administration Response:** The Administration conceptually agrees with this recommendation.

**Yellow** – Staff will explore and test alternate names for the service request category in *My San Jose*, with the goal of more accurately describing the service using words that are easily understood by customers. This will be done by December 31, 2018.

**Recommendation #7:** DOT should revise the text of 72-hour warning notice to provide clear, accurate information to vehicle owners about next steps to avoid their vehicle being towed. This should include providing a telephone number, website address, and referral to the *My San Jose* app for more information. DOT should also ensure that all City staff that use the warning notice have accurate versions, and are provided with updated notices when changes occur.

**Administration Response:** The Administration agrees with this recommendation.

**Green** – The Administration has already taken steps to implement this recommendation. A list of Frequently Asked Questions (FAQs) pertaining to the VA program was developed, focusing on potential questions vehicle owners that receive a warning notice may have. Beginning in July 2018, the FAQs were printed on the back of all current version warning notices issued by DOT.

Additionally, the warning notice language has been revised to reduce the legalese and to more simply communicate the reasons for the warning notice being placed on a vehicle. The warning notice contains information in English, Spanish, and Vietnamese. New warning notices with updated language are being finalized, ordered, and anticipated to be available for use in mid-September. DOT will provide all PTCOs with new notices and ensure that older versions are removed from vehicles and personal supplies. DOT will also inform other departments (PD) when the new notice is available from the vendor and request old stocks be replaced with the new version. These actions will be completed by September 30, 2018. DOT will follow a similar process in the future as changes are made to the notice.

**Recommendation #8:** The City should include information about the tow hearing process on the vehicle abatement and vehicle impound websites.

**Administration Response:** The Administration agrees with this recommendation.

**Green** – The Administration has partially implemented this recommendation. In July 2018, DOT updated the Vehicle Abatement page on the City’s website to include information on how to request a tow hearing and the tow hearing process. In addition, the FAQs developed as part of the response

to Recommendation #7 have also been posted on the website. The Police Department is currently developing information about the tow hearing process for inclusion on its Vehicle Impound webpage by December 31, 2018.

**Recommendation #9: The City's vehicle abatement website and the *My San Jose* FAQs should provide information about Planning, Building and Code Enforcement's private property vehicle abatement program.**

**Administration Response:** The Administration agrees with this recommendation.

**Green** – The Administration is in the process of drafting language outlining the Private Property Voluntary Tow Program to be posted on PBCE's web-page as PBCE oversees the program. Once it is posted, DOT will include a link to PBCE's private property program from the Vehicle Abatement web-page. PBCE's program information will also be made available within the *My San Jose* FAQs. It is estimated that the Private Property Tow Program information will be developed and posted on the PBCE web-page, with a link from the VA web-page established by December 31, 2018.

**Recommendation #10: To ensure that homeless outreach teams are providing support to homeless individuals as quickly as possible, DOT should refer cases to the Housing Department following a first visit to a vehicle that appears to be inhabited.**

**Administration Response:** The Administration agrees with this recommendation.

**Green** – DOT and the Housing Department will develop procedures and protocol for when the contract staff that are performing the VA service request first visits will refer a vehicle to the Housing Department's outreach partner for follow-up by December 31, 2018.

**Recommendation #11: The City should continue work to establish a safe parking program for individuals inhabiting vehicles on public streets.**

**Administration Response:** The Administration conceptually agrees with this recommendation.

**Green** – Establishing a Safe Parking Program ordinance is one of the 27 Council Policy Priorities as adopted by the City Council in June 2018. The Housing Department is currently working on a contract for a Safe Parking Pilot program to bring to the City Council in October 2018, for approval. The Housing Department is also working with PBCE and the City Attorney's Office to develop an ordinance to allow for legal use of "safe parking" in public and privately-owned parking lots for people who live in their vehicles. The ordinance would provide those in vehicles with a legal place to temporarily park overnight. The goal is to bring the ordinance to City Council in December 2018 for consideration.



**Recommendation #12:** The Police Department should: a) revisit the calculation of impound costs and recommend that the City Council approve an adjustment to the vehicle release fee accordingly, and b) bring forward to the City Council a recommendation for the City to institute a subsidized vehicle release fee for low-income vehicle owners.

**Administration Response:** The Administration conceptually agrees with this recommendation.

**Yellow** – In the Adopted 2018-2019 Fees and Charges Report, the Police Department's Vehicle Impound Release Fee is a Category I Fee, which means that the fee should be 100% cost recovery. In order to determine the amount of staff time involved in a given fee, staff conduct a time task analysis. The Police Department will expand the number of samples used and re-evaluate classifications of staff who participate in the process, in preparation for the 2019-2020 budget process. The Administration will also review the possibility of a subsidized program for low income/first time vehicle owners and may bring forward a proposal for Council consideration during the 2019-2020 budget process.

### **COORDINATION**

This memorandum has been coordinated with the Attorney's Office, the Planning, Building, and Code Enforcement Department, and the Finance Department.

### **CONCLUSION**

We thank the City Auditor and her staff for the recent audit of the Vehicle Abatement Program. The audit report contains 12 recommendations that are intended to improve VA service delivery, enhance the *My San Jose* app and communication regarding VA and other related services, improve services to homeless individuals, and reconsider fees for release of impounded vehicles.

/s/

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/s/

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/s/

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/s/

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Director of Housing

For questions, please contact Kevin O'Connor, DOT Assistant Director, at 408-535-3563.

Attachment

# Balancing Parking Service Delivery Priorities

