



# Memorandum

**TO:** THE HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Councilmember Lan Diep

**SUBJECT:** VEHICLE ABATEMENT AUDIT

**DATE:** 9/28/2018

Approved

*Lan Diep*

Date

*9/28/18*

## RECOMMENDATION

Accept the City Auditor's report on vehicle abatement and direct staff to:

1. Prioritize efforts to acquire the proper credentials for Parking and Traffic Control Officers so that they may have access to a mobile data terminal in the field; and
2. Adopt as standard procedure that upon the initial visit to chalk the tires of a vehicle suspected of violating parking rules, Parking and Traffic Control Officers will make a reasonable effort to call at least one of the registered owners of the vehicle and leave a message if necessary to provide notice that their vehicle is in danger of being towed.

## BACKGROUND

San José is the 10th largest city in the United States with a population of over a million people. We continue to grow and part of that growth means an influx of automobiles into our city. State law empowers cities to tow vehicles that have been parked on public roads for over 72 hours. The City takes a complaint-driven approach to removing automobile parked too long on a public street, relying on residents to flag problem vehicles. In the 2017-2018 fiscal year, the City received approximately 55,000 service requests for vehicle abatement. Yet only 8 percent of service requests, not including duplicate request, were towed.

After a vehicle is towed, it costs owners at least \$600 in fees to recover the car after one day. At present, some 73% of Parking and Traffic Control Officers have the required credentials to have direct in-field access to use a mobile data terminal in the field, which would allow them to run a search on vehicle license plates.

## ARGUMENT

Residents who make requests for vehicle abatement do not per se care about whether offending cars get towed. They only care that the vehicles are moved from their present spot. Thus, responding to resident complaints should not necessarily mean putting other

residents, who may have left their car in one spot for too long, in a position where they must pay hefty fines to regain access to their cars. Many residents cannot pay the hundreds of dollars needed to reclaim a towed vehicle, and temporary loss of the vehicle prevents them from going to work and earning the funds needed to pay the fines.

Although Parking and Traffic Control Officers do put a notice on vehicles, the message may not get to its intended recipient in time. A phone call and voice message is a much more direct form of notice, and gives the owner of the vehicle a decent chance of saving his or her car from being towed and saves space in our tow yards for truly abandoned vehicles.

### **CONCLUSION**

The Department of Transportation should make every effort to acquire the proper credentials for its Parking and Traffic Control Officers so that each one may properly access a mobile data terminal. With such access, it should be standard protocol for Parking and Traffic Control Officers to place a phone call to the owners of vehicles in danger of being towed to give them an opportunity to voluntarily move their car.

