

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE ADOPTING A FEE SCHEDULE FOR TOW
SERVICES AGREEMENTS**

WHEREAS, on April 4, 2017, the City Council adopted Resolution No. 78118 establishing a Fee Schedule for Tow Services Agreements; and

WHEREAS, the tow rates are set in accordance with the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region - San José Office ("CHP Agreement"), with the exception of the Contract Compensation Rate and the Dispatch Rate, which are set by the City of San José ("City"); and

WHEREAS, on July 1, 2018, the adjusted tow rates for the CHP Agreement took effect; and

WHEREAS, in accordance with Council Policy 9-8, City staff has completed its review of the adjusted rates and recommends that the City Council adjust the City's fee schedule to remain consistent with the CHP Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. Effective as of 12:01 am on January 16, 2019, in addition to fees set by state and federal law, the following maximum charges are hereby established for services or materials furnished by the Contractor engaged in the tow-car business in connection with any vehicle tow pursuant to an Agreement for Tow Services entered into by the City of San José. (All charges shall include any charge for unlocking a vehicle when necessary):

1. Basic Tow - For any tow of a disabled vehicle from the scene of an accident; or of an unattended or abandoned vehicle from a public street when authorized by a police officer or other authorized employee of City; or of a driverless vehicle from a public street or private property, when authorized by a police officer, or other authorized employee of City; and when required on account of the disability of the driver. For any tow of a vehicle from a public street or private property when authorized by the person lawfully entitled to the possession of the vehicle; or of a vehicle parked without authorization on private property by the person lawfully entitled to the possession of the real property. For any tow of a vehicle authorized by a San José police officer or other authorized City employee from a location on a freeway within the city limits of the City of San José \$225.00

2. Service call - response by a tow truck to a request by or on behalf of the person in lawful possession of a vehicle, or by a police officer, but towing is found not to be necessary, required to be spent from the time of departure to return to the customary tow-car location or to release to another assignment:

Class "A" regular duty tow-trucks	\$56.25 per quarter hour
Class "B" medium duty tow-trucks	\$107.50 per quarter hour
Class "C" heavy duty tow-trucks	\$137.50 per quarter hour
Class "D" heavy duty tow-trucks	\$150.00 per quarter hour

3. Extraordinary Service Tows

Where one or more of the following conditions is met:

- a. tow services authorized in writing by the City as requiring more than the use of one Class "A" tow truck for more than one hour from the time of dispatch to the time of departing the scene
- b. vehicles that have been driven off of embankments;
- c. accidents where a vehicle is overturned, burned, or imbedded in a structure or another vehicle;
- d. vehicles which must be recovered over six feet from the roadway.
- e. Heavy Vehicle Tows (Special Tows):
Class "B" – for towing vehicles which are under 6,000 lbs. (empty) which require Class "B" truck recovery, e.g. fifth wheel trailers, small motor homes, horse trailers and heavily loaded one-ton trucks; and for towing vehicles which exceed 6,000 lbs. (empty), e.g. medium to large motor homes, commercial trucks and trailers and trailers less than 26,000 lbs. (empty);

- Class "C" and "D" - for towing vehicles where weight or complex recovery requires the use of a Class "C" or "D" Tow Truck (e.g. vehicles with a weight exceeding 26,000 lbs. (empty) such as a very large motor home bus or semi-truck and trailer rig;
- f. Vehicles which are in more than one piece as a result of a collision;

and it has been documented by requiring the written authorization of the impounding officer on the CHP 180 form (impounds only) or Tow Authorization Form when the CHP 180 form is not required, then the following rates are applicable as authorized:

Class "A" regular duty tow-trucks	\$225.00 per hour
Class "B" medium duty tow-trucks	\$430.00 per hour
Class "C" heavy duty tow-trucks	\$550.00 per hour
Class "D" heavy duty tow-trucks	\$600.00 per hour

The foregoing rates shall be charged as a one hour minimum charge plus a prorata charge for each quarter hour as authorized.

4. Storage fee:
- | | |
|--|---------|
| Passenger vehicles, motorcycles, vans and light trucks (per day) | |
| Per Space, Outside | \$90.00 |
| Per Space, Indoors | \$95.00 |
5. After Hours Gate Fee - for the release of a vehicle one hour after close of the SJPd desk hours until the desk re-opens. \$85.00

SECTION 2. During the term of the Agreement for Tow Services, from the effective date of this Resolution until this Resolution is superseded, each Contractor shall pay City, as consideration for the right to perform City-generated tows pursuant to the Agreement for Tow Services the following fees:

Contract Compensation Rate - per tow (all tows including motorcycles)	\$80.00
Dispatch Rate - per dispatch	\$8.00

SECTION 3. Resolution No. 78118 is superseded as of the date and time set forth in Section 1 above.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk