

REVIEW OF TRESPASS TOWING FEES

MAY 2001



CITY OF GAINESVILLE, FLORIDA

City of
Gainesville

Inter-Office Communication

May 9, 2001

To: Audit and Finance Committee
Mayor Paula M. DeLaney, Chair
Commissioner Mayor Pro-Tem John Barrow

From: Alan D. Ash, City Auditor *aa*
Wayne Bowers, City Manager *WB*

Subject: Review of Trespass (Roam) Towing Fees - Rate Increase Request

Recommendation

The Audit and Finance Committee recommend that the City Commission accept our report and consider recommendations on the following issues:

- 1) Pricing options for the current rate increase request;
- 2) Options for future rate adjustments;
- 3) Implementation of application and/or inspection fees; and
- 4) Enhancements to improve public information related to towing.

Explanation

On December 11, 2000, the City Commission discussed a Public Safety Committee agenda item related to trespass towing, also known as "roam" towing. The towing issues, including a September 2000 rate increase request, were previously reviewed by the Public Safety Committee without conclusion. The City Commission requested that the City Auditor, City Manager and City Attorney further review the rate adjustment issue for final review by the Audit and Finance Committee. The Public Safety Committee was requested to further study other towing issues related to the current ordinance.

Our procedures included gathering objective information and obtaining community feedback to the extent possible. After much public debate and discussion, we are presenting several proposed rate options for City Commission consideration prior to a final rate adjustment determination. The final rate decision needs to comply with provisions of current local law established by Ordinance No. 3923 adopted on May 9, 1994. If other fee structures are sought, the City Attorney can assist in drafting a new ordinance.

Our towing fee analysis is within the boundaries of the current ordinance, however, we have included some suggestions related to a potential revenue source and enhancements to public information. Therefore, we request the Audit and Finance Committee accept our report and consider final recommendations for the identified issues. The Public Safety Committee will present its report to the City Commission on May 29, 2001.

The City Attorney has reviewed and concurs with this report.

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Acknowledgments

We would like to express our sincere appreciation to the following individuals participating on our "Towing Fee Panel". The panel was a composite of business owners, citizens and towing companies designed to provide a forum for community insight and feedback and ensure the fee review process was fair and balanced. Our thanks go to:

Mr. Marc Adler, UF Senate President

Mr. Fred Cantrell, UF Assistant Vice-President of Administrative Affairs

Mr. John MacMillan, Citizen

Mr. Tom Massagee, Owner, Tom's Towing

Mr. Jim Mullins, Owner, Northwood Towing

Mr. Robert E. Roundtree, Clayton, Johnston, Quincey, Ireland, Felder, Gadd & Roundtree, P.A.

Mr. Todd Rousseau, Vice President, Ultimate Towing

Ms. Kim Swiegard, Gainesville Apartment Association

Mr. Kinnon Thomas, Gainesville Downtown Owners & Tenants Association

Mr. Gene Watson, Manager, Watson's Towing

Ms. Sonia Winters, Vice-President, Chamber of Commerce

City staff providing support included Ron Combs, Assistant City Attorney, Marlene Hanna, Executive Assistant, Eileen Marzak, Assistant City Auditor and Captain Robert Mitchell, GPD.

Executive Summary

In May 1994, after two years of public discussion, the City of Gainesville adopted a trespass towing ordinance setting the maximum trespass towing rate at \$70. Although allowed by ordinance, no rate adjustment request was made by the local towing industry until September 2000. The fee request immediately became controversial as the issue of pricing turns emotional and even hostile at times during discussions. In December 2000, after several months of effort by the Public Safety Committee, the City Commission requested further information on the trespass towing rate adjustment from the City Auditor, City Manager and the City Attorney. Our role was to ensure a proper framework exists for assessing a rate adjustment. The framework needs to be fair and balanced in protecting the property rights of the landowner as well as the personal property of the trespasser. We sought further advice from a citizen panel comprised of 15 individuals, including staff, during several public meetings.

When it comes to trespass towing, the key word "trespass". The trespass towing service by nature does not lend itself to traditional customer service analysis because the person whose car is towed is not the "customer". The principal service performed is between the private property owner and the tow company. The tow company is a hired agent given specific instructions by the property owner to remove all vehicles considered as trespassing on private property. The private property owner has the right to restrict access and remove the personal property of the trespasser at will and without consent. Given these circumstances, the trespasser has no inclination to appreciate a service that is extremely inconvenient, irritating and costly. It can be safely said that no one is happy to have his or her car towed. One can speculate that even the vehicle owner knowingly aware of the parking restriction was hopeful that it would not happen. No doubt, discovery of any nonconsensual tow results in a high degree of agitation.

Several laws provide regulations recognizing the right of the private property owner to free and clear use of their property. However, State law and our local ordinance also protect the trespasser in recognizing a need to properly notice the potential risk and consequences of trespassing and ensure the speedy recovery of the valuable personal property taken during the towing process. Although the Federal courts have preempted some state and local laws regulating towing, it seems that municipalities still maintain some authority over regulating rates. We recognize that the mechanism for fee regulation needs to be fair. There is concern by the property owners that if the fee is set too low, people will not adhere to parking regulations. On the other hand, citizens should not be subject to inconsistent or excessive towing prices.

Our efforts to negotiate a fee compromise in a public setting might be considered unsuccessful. Although the issue of a rate adjustment seems harmless enough, the topic of trespass towing strikes a nerve in all parties associated with a tow: the property owner, the tow company and the "towee". The lack of a working relationship makes collaborating or negotiating a fee difficult because of opposing positions and interests and an unwillingness to compromise. Nevertheless, we gained valuable insight and feedback from the towing panel. Our approach then focused on collecting objective facts within Federal, State and local laws. Our report outlines several rate options for City Commission consideration. In recognizing the impact of towing on community relations, we are also offering other information that may help in improving educational efforts and seeking advice of advisory boards.

Scope, Objectives and Methodology

The scope of our review focused on City Ordinance No. 3923 and the September 28, 2000 request from the local towing industry to increase the trespass towing rate from the current rate of \$70. Our primary objective was to ensure compliance and provide a fair, equitable and independent method for assessing a rate adjustment. We reviewed the rate increase request and performed other procedures we considered necessary in the circumstances to evaluate assumptions used in requesting the rate increase. Our objective was to determine whether the data and assumptions provided a reasonable basis for an increase. Our procedures included:

- Discussions with the Downtown Redevelopment Advisory Board
- Discussions with the College Park/University Heights Redevelopment Advisory Board
- Discussions with towing company representatives
- Conducting workshops with citizens, towing companies and private property owners
- Conducting municipal surveys of towing fees
- Reviewing Consumer Price Index (CPI) information

Since Florida law protects proprietary financial records and no specific contractual agreement exists otherwise between the tow companies and the City of Gainesville, our procedures could not include an inspection or review of any private financial records. The City of Gainesville is not able protect the confidentiality of proprietary information received.

City Commission Referral

In accordance with Article III, Section 14.5-27(b) of the Code of Ordinances, a request was made by the local towing industry to increase the maximum fee for the removal of private vehicles from private property. Inflationary factors and other increasing cost factors since 1994 were cited as justification. Although the request to increase the fee from \$70 to \$100 was reviewed by the Public Safety Committee during October and November 2000, no conclusion was reached. The item was submitted to the City Commission in December 2000 without a recommendation.

After much public discussion on December 11, 2000, the City Commission assigned the City Auditor, City Manager and City Attorney to review the rate adjustment request and report to the Audit and Finance Committee. The Public Safety Committee was requested to review all other non-fee related issues addressed in the towing ordinance.

Summary of Laws and Issues

Three laws provide guidance regarding trespass towing:

1. Florida Statue 166, Municipalities
2. Florida Statutes 715.07, Vehicles Parked on Private Property; Towing
3. City Ordinance No. 3923, Regulation of Towing from Private Property

Recent federal lawsuits have severely limited the abilities of states and municipalities to regulate the towing industry. The City Attorney advises that fee regulation for nonconsensual tows remains permissible.

State Statute 166, Municipalities

Guidance related to price controls is contained in Florida Statutes 166.043, Ordinances and Rules Imposing Price Controls; Findings Required; Procedures. In general, municipalities may not impose price controls upon a business activity that is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law. F.S. Section 166.043(1)(b) specifically permits a City to regulate towing fees from private property:

The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles from or immobilization of vehicles on private property, or rates for removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle.

Florida Statute 715.07, Vehicles Parked on Private Property; Towing

Florida Statute 715.07 provides further detailed guidance for towing of vehicles parked on private property relating to signage, compound hours and location, response times, disconnection rules, law enforcement notification and other rules. The State considers the guidelines to be the minimum standards and further allows a municipality or county to enact additional regulation including the right to regulate rates when vehicles are towed from private property.

City Ordinance No. 3923, Regulation of Towing from Private Property (Part II, Gainesville Code of Ordinances, Chapter 14, Article III)

The issue of “aggressive vehicle towing in downtown Gainesville” was originally referred to the Public Safety Committee on April 20, 1992. The passage of Ordinance No. 3973 occurred over two years later on May 9, 1994. During that two-year period, the Public Safety Committee discussed the issue at nine meetings. In addition, three more meetings were held by a towing subcommittee delegated the task of refining ordinance details. The committee meetings were well attended by citizens, tow companies, downtown business owners, Downtown Redevelopment staff and City staff from police, legal and code enforcement. Since the issue spanned the course of two years, the final ordinance received input or commentary from seven individual City Commissioners.

Various towing issues, including the fee amount and methodology, were discussed at length during these sessions. It was eventually determined and agreed that the maximum fee be an all-inclusive amount for the first 24 hours of service. That is, no additional charges for equipment or storage could be charged until after the initial 24-hour period. The City Commission, agreeing that a flat standardized rate for a 24-hour period was the preferred method, approved the maximum trespass towing rate at \$70.

The ordinance provides for rate adjustments annually if requested. Until September 2000, no rate requests were made since the original passage in May 1994.

Rate Regulation Information

What is the basis for the City's regulation of towing fees? We believe the answer is primarily to prevent price gouging. Rate regulation usually occurs when companies have economic and operational characteristics setting them apart from other business enterprises. Rate regulation usually includes prescribing separate accounting practices to be followed by the regulated industry. Neither of these situations applies to the local towing industry.

Governments generally apply rate regulation to industries whose services involve the public interest, but exhibit extreme economies of scale. Because efficient production requires a single "natural monopolistic" supplier, such as electric, gas and telephone services, the normal, competitive marketplace forces cannot operate freely to regulate supply, demand and pricing. Again, the rate regulation of the local towing industry does not arise from this aspect.

The City's basis for regulation arose from an attempt to prevent overpricing and ensure fair practices. The regulation was established with the support of the private tow companies. The City should be cautious, as the nature of the towing industry does not lend itself completely to a regulated setting and is contrary to the deregulation mindset in the utilities, telephone and airline industries. Laws provide the towing of vehicles from private property because it affirms the right of property owners to have the exclusive use of the property for intended purposes and remove any trespasser at will. However, because the trespass tow involves the taking of personal property without the consent of the owner, the law provides guidelines. The tow company is an agent acting on behalf of the property owner via contract. The tow company becomes the more recognizable and visible party to the contract. However, private property owners can freely enter into or terminate contracts as they see fit.

The City's role becomes one of protecting the various parties involved in the trespass tow, the private property owner, delegated agents and the trespasser. Through Ordinance No. 3923, the City asserts influence over a tow company's (the agent) rate levels and ultimate profitability. However, this power does not derive from normal business concerns and is limited by public record laws. The profitability of each company is confidential and protected by law. Furthermore, current Federal lawsuits have challenged the abilities of states and other government agencies to regulate various aspects of towing and have pre-empted both state statutes and local ordinances.

Rationale for an Inclusive Fee

Our review indicated that the prior rationale for the \$70 inclusive fee was to standardize the operation of the trespass tow. The regulation of a maximum rate was seen as an avenue toward decreasing citizen price gouging complaints. There was apprehension on both sides of requiring tow companies to detail every item or service of a tow. The flat rate for a standard trespass tow would be inclusive of equipment, labor and storage up to 24 hours. It was agreed to be a fair and equitable method as tow companies have a variety of items and services that can be added to the base price of a tow, such as:

- Waiting time
- Mileage from pickup to drop off
- Labor
- Recovery
- Storage
- Dollies or other equipment
- After hours opening
- Unlocking/dropping drive shaft

Results and Conclusion

In 1994, two years worth of efforts reflecting the concerns of various interested parties in trespass towing culminated with the passing of Ordinance No. 3923. The \$70 fee became the rule of law after being subjected to a fair and reasonable process including public discussions and final agreement that the rate be standardized and based on local and statewide rate comparisons. Although the ordinance provided for future price increases, no rate increase request occurred, and the rate has remained unchanged since 1994. Since this is the first request for a rate increase, we relied considerably on past proceedings, collected current objective data and reflected on current community concerns and issues.

Our results and conclusions are guided by an underlying principle to honor and comply with existing laws. We found no reason to abolish the former law making process established by former City Commissions, but rather sustain it. In the absence of evidence that prior actions were flawed, we proceeded with our review. Proprietary restrictions also prohibited corroboration of profit margins or ratios. Since the City lacks the authority to audit the books and records of a private enterprise, our approach was to gain a firm understanding of the laws, issue and concerns, collect current objective data and identify options. Based on our efforts, our report discusses various options for consideration as follows:

- 1) Price Options – Current and Future
- 2) Administrative Fee
- 3) Education/Information Enhancements
- 4) Community Cooperation/Advisory Board Assistance

The current rate adjustment decisions before the City Commission requires fairness and objectivity. Good faith efforts will ensure the City is not later placed in a defensive position of being arbitrary.

Current Price Standards and Options

City Commission action on the rate adjustment request should comply with Ordinance No. 3923 and balance and protect the rights of the private property owners, tow companies and the public. Our efforts in reviewing the current fee structure concentrated on collecting and reviewing current objective data. The towing fee panel reviewed and discussed the following information explained below.

- Local towing industry cost increase information
- General price increases in the Consumer Price Index
- Municipal Rate Surveys
- Florida Highway Patrol wrecker rotation rates
- Local towing rate comparison

Local Towing Industry Cost Increase Information

The current ordinances established the maximum rate of a trespass tow at \$70 in 1994. In September 2000, the local towing industry cited the following major price changes experienced since 1994 and requested fees be increased by almost 43% to \$100:

| | |
|-----------------------------|----------------|
| Replacement Cost of Trucks: | 36.2% Increase |
| Insurance Costs: | 78.8% Increase |
| Fuel: | 58.4% Increase |

Consumer Price Index (CPI)

Escalation agreements often use the CPI, the most widely used measure of price change, to adjust contracts for changing prices. The CPI is published by the US Bureau of Labor Statistics (BLS) and measures the average change in prices paid for a market basket of goods and services. The CPI is calculated for two population groups, All Urban Consumers (CPI-U) and Urban Wages Earners and Clerical Workers (CPI-W). The CPI-U represents about 87 percent of the total US population and is based on the expenditure of all families living in urban areas. Because the CPI-U population coverage is more comprehensive, it is used in most escalation agreements. The data is published for the US City Average, four regions and 26 major metropolitan areas. The national index is considered less volatile than regional and metropolitan, and BLS strongly recommends users adopt the U.S. City Average CPI for escalator clauses. The cumulative increase in the CPI Index (CPI-U, U.S. City Average) from the period May 1994 to March 2001 is 19.5%. The annual increase for calendar year 2000 was 3.7%.

Municipal Rate Surveys

The City Auditor conducted a survey of other cities and counties that is presented in **Exhibit 1**. The list shows Florida municipalities having ordinances similar to the City of Gainesville and others following State law. The results indicate the average price charged for trespass towing in Florida municipalities with towing ordinances is \$90, with Gainesville and Tallahassee the lowest at \$70. The average price for trespass towing in municipalities following Florida statute is \$86. Responses from our local government audit agency list server indicated an average towing fee of \$105 in other parts of the country. The exhibit includes a notation of whether they are university communities.

Florida Highway Patrol (FHP) Wrecker Rotation Rates

Wrecker rotation rates are regulated by FHP and pertain to towing of vehicles involved in accidents. These rates are used by FHP and local law enforcement agencies, such as GPD and the Alachua County Sheriff's Office. Wreckers are on call and a rotational system is used to dispatch wreckers to accident scenes. FHP began regulating these rates around 1993. Rate adjustments were provided in 1995, 1998 and June 2000. The current base rate is \$90 for cars and light trucks with additional fees allowed for mileage, hours and storage. **Exhibit 2** provides information on the rate structure and equipment standards.

Local Rate Comparisons

Although many companies are engaged in towing activities in the area, eight towing companies engage in contractual trespass towing. There are 217 property owners utilizing towing services with contracts filed with GPD. The majority, or 97%, of all contracts reside with four towing companies. **Exhibit 3** compares local rates for private towing, trespass towing and wrecker rotation calls. Notice that the price of a private tow varies depending on the circumstances. The intent of the City's Ordinance was to standardize the trespass tow rate making it inclusive for the first 24 hours to eliminate the variable add-on charges that may occur in a private tow.

Based on the above information, we present a list of rate change options for City Commission consideration. The options can be used as a guideline or for generating other options. Generally, it is recognized that rates increase over time and that some expectation to increase fees is reasonable.

Table 1

Options for Current Rate Adjustment

- Option 1: Approve the local towing industry request based on three specific cost factors and increase the rate to **\$100**.
- Option 2: Apply an annual price increase based on the CPI (CPI-U, U.S. City Average) for calendar year 2000 of 3.7% resulting in a new fee of **\$73**.
- Option 3: Apply a cumulative price increase (May 1994 – March 2001) CPI of 19.5% to \$70 resulting in a new fee of **\$84**.
- Option 4: Apply a cumulative price increase (1994 – 2000) based only on the transportation element of the CPI of 13% resulting in a new fee of **\$79**.
- Option 5: Apply a price increase based on a weighted composite created by using the CPI and other specific costs such as insurance and fuel. This option needs further refinement if selected.
- Option 6: Benchmark to the cumulative price increase allowed by the FHP during the period June 1993 – June 2000, or 15.4%, resulting in a new fee of **\$81**.
- Option 7: Benchmark to the FHP base rate, currently **\$90**.
- Option 8: Benchmark to particular cities. For instance, apply the average of Florida cities with roam towing of **\$90**.
- Option 9: Deny the request and leave the rate at **\$70**. Although this option may satisfy the critics of trespass towing, we found no rational basis for denying the request and believe it would be contrary to the spirit of the existing ordinance. Absent a rational basis for denial, the denial may be perceived as arbitrary and capricious.

Future Price Adjustments

Currently, the City Commission must establish the towing rate annually as Sec. 14.5-27(b) of the ordinance requires the maximum rate be adopted via resolution by December 31 of each year. The fee is effective during the following calendar year and until changed by subsequent resolution. Towing companies must provide recommendations by September 30 to meet the December 31 deadline. Other than establishing fees “after receiving recommendations based on financial information submitted by the towing companies” not much procedural guidance exists.

Since 1992, the City has spent a significant amount of resources in establishing a maximum rate as well as examining other aspects of towing. Recently, the Public Safety Committee learned that federal law prevents most forms of state and local regulation, except for nonconsensual tow rates. Since rate regulation remains permissible, we suggest that future City efforts be placed on collecting objective data to be used as guidelines including:

- Local cost increase information provided by towing industry
- Survey of towing fees of other communities
- Local towing rate comparison
- Florida Highway Patrol wrecker rotation rates
- General price increases in the Consumer Price Index (CPI)

Simplifying the overall process should also be considered. The City may want to explore amending the ordinance by adopting an automatic indexing method such as:

- Option 1: U.S. City Average CPI;
- Option 2: FHP general price allowance; or
- Option 3: FHP Wrecker Rotation Base Rate

Administrative Fee

Currently, GPD provides staff for monitoring trespass towing contracts including sign inspection. There are currently 217 contracts on file with GPD. Since trespass towing is a civil matter, the City receives no fiscal benefit from providing these services. Thus, public funds are used for essentially monitoring private property issues. At a minimum, GPD estimates staff resources are approximately \$7,500. These estimates exclude City Attorney resources related to the ordinance and annual resolutions, current efforts of staff in reviewing the fee request and other indirect costs. We recommend the City initiate a cost recovery program and explore charging an administrative fee to private property owners of \$35 - \$50 to offset the cost of public funding. These fees could be remitted upon filing of contracts.

Education/Information Enhancements

We recommend the City examine methods to take proactive efforts in educating and informing the public about parking and towing. Although the Public Safety Committee and local tow companies discussed the issue of a “towee” bill of rights, that information would be distributed after the tow. The distribution depends on the voluntary efforts of the tow companies and cannot be regulated by the City. Mechanisms for on-going education and information are needed to apprise citizens and visitors of parking and towing rules to reduce the risk of being towed.

Currently, GPD has some web-based information on towing. In addition, we reviewed several interesting websites maintained by Arlington, Virginia and Ann Arbor, Michigan providing educational information on towing that may be helpful to enhance our site. See **Exhibit 4** for a website design that may be suitable for the City of Gainesville's home page as well as GPD.

Public notification, announcements and reminders in local news media prior to and during festivals and other community events may also be considered.

Community Cooperation/Advisory Board Assistance

We recommend the City work with other boards and agencies such as GDOT and the Community Redevelopment Agency's Advisory Boards to improve cooperation with private property owners during special community events. Issues to explore could include temporary suspension of trespass towing during events and assistance in clean up.

The economic health of the City depends much on the hospitality of the City and clear posting of ground rules. Although trespass towing can dampen hospitality, we should be mindful that private property owners establish the ground rules and set tolerance levels for allowing others the use of their property. The property owners are left to cleanup or repair the property at the expense of someone else having fun.

City efforts to improve parking downtown include on-street parking and late night bus service. The City Commission may further request their advisory boards or other organizations to review hotspots and explore opportunities for working with property owners to ease restrictions during large events, offer clean up assistance and provide public service announcements on parking.

**Municipal Towing Rates
City Auditor's Office
April 2001**

| City | University | Cost | Other Charges |
|---|--------------------|--------------|--------------------------------------|
| <u>Florida - Roam Ordinance</u> | | | |
| Daytona Beach, FL | | \$100 | |
| Ft. Lauderdale, FL | | \$80 | |
| Gainesville, FL | Univ of Florida | \$70 | |
| Hialeah, FL | | \$100 | |
| Okaloosa County, FL | | \$90 | includes 6 hrs storage |
| Orange County, FL | | \$100 | +\$3/mile+ \$60/hr + storage |
| Orlando, FL | | \$100 | |
| Pensacola, FL | | \$85 | |
| Pinellas County, FL | | \$100 | +\$3/mile+ \$20 storage+\$30 Adm fee |
| Tallahassee, FL | Florida State | \$70 | |
| | | \$90 | Roam Average |
| <u>Florida- Private Property Statute</u> | | | |
| Boca Raton, FL | | \$82 | \$65-\$100, \$82 Avg |
| Bradenton, FL (Manatee) | | \$100 | |
| Brevard County, FL | | \$100 | +\$2.5/mile+ \$66/hr |
| Broward County, FL | | \$78 | |
| Collier County, FL | | \$90 | +\$2/mile+\$64/hr + \$32 storage |
| Hollywood, FL | | \$78 | +\$28 storage |
| Jacksonville, FL | | \$70 | |
| Lakeland, FL | | \$88 | \$75-100 + \$20 storage, \$88 Avg |
| Manatee County, FL | | \$100 | +\$3/mile+\$80/hr+other fees |
| Ocala, FL | | \$90 | \$85-95, 90Avg +mi + storage |
| Plantation, FL | | \$60 | |
| Seminole County, FL | | \$100 | +\$3/mile+\$15/day storage |
| | | \$86 | Private Property Average |
| <u>Out of State</u> | | | |
| Berkeley, CA | Univ of California | \$75 | |
| East Lansing, MI | Michigan State | \$110 | |
| Hamilton, Ontario | | \$100 | |
| Hayward, CA | | \$100 | |
| Kansas City, MO | | \$130 | |
| Louisville, KY | Univ of Louisville | \$107 | (up to 3 days storage) |
| Palo Alto, CA | Stanford | \$90 | |
| Santa Cruz, CA | Univ of California | \$130 | |
| | | \$105 | Out of State Average |

Note: Quotes are for vehicles with gross weight less than 10,000 pounds (car and light trucks).
Many ordinances/resolutions allowed for much higher fees for heavier vehicles.

DIVISION OF FLORIDA HIGHWAY PATROL.

TROOP B - LAKE CITY

OFFICE OF TROOP COMMANDER

June 13, 2000

1 - 800 - 226 - 6031

TO: Gainesville Sub-District Rotation Wrecker Operators
Alachua County

FROM: Major Billy R. Lee *BRL*

SUBJECT: FHP Wrecker Rates

You were notified by correspondence dated June 10, 1993, of rates for wrecker rotation calls rendered on or after July 01, 1993, in the Gainesville-District.

During the rate setting process which established these rates, you were informed that they would be periodically revisited and adjusted as necessary and feasible. Rates were last adjusted in December 1995 and in January 1998.

Therefore, I am attaching an amended rate sheet for use in this district, which increases Class A Wrecker rotation calls. These new rates will be effective for any wrecker rotation calls rendered on or after July 01, 2000. Also adjusted are your storage rates.

It should be remembered that these represent maximum rates for FHP rotation wrecker calls and that each operator may set their own rates at reduced amounts, according to individual situations. Any changes above these rates will result in the implementation of discipline under the wrecker rules, with repeated violations leading to removal from the wrecker list.

BRL:rn

Attachments

Cc: Colonel Charles C. Hall
Chief Christopher A. Knight
Captain Leroy Smith
Lieutenant Keith A. Gornto
File

EXHIBIT 2

FLORIDA HIGHWAY PATROL ROTATION TOWING RATE STRUCTURE

ALACHUA COUNTY

CLASS A WRECKERS (INCLUDING ROLL-BACK OR SLIDE-BACK CARRIES):

| | |
|-------------------------|----------------|
| BASE RATE | <u>\$90.00</u> |
| MILEAGE RATE (>10 m:hr) | <u>\$ 3.25</u> |
| HOURLY RATE | <u>\$65.00</u> |

CLASS B WRECKERS:

| | |
|--------------|-----------------|
| BASE RATE | <u>\$135.00</u> |
| MILEAGE RATE | <u>\$ 3.25</u> |
| HOURLY RATE | <u>\$80.00</u> |

CLASS C WRECKERS:

| | |
|--------------|-----------------|
| BASE RATE | <u>\$185.00</u> |
| MILEAGE RATE | <u>\$ 5.50</u> |
| HOURLY RATE | <u>\$160.00</u> |

SEPARATE CHARGES:

| | |
|---|----------------------|
| A. REMOVAL OF DRIVE SHAFT | <u>\$35.00</u> |
| B. AIR HOOK-UP | <u>\$25.00</u> |
| C. REMOVE/PULL AXLE | <u>\$25.00</u> |
| D. REMOVE BUMPER | <u>\$50.00</u> |
| E. REMOVE AIR FOILS | <u>\$35.00</u> |
| F. LANDOLL TRAILER -Semi roll back of Drop back trailer or truck | <u>\$125.00/hour</u> |
| G. AIRBAG | <u>\$500.00/hour</u> |
| H. EXTRA MANPOWER -per man hour charge | <u>\$ 20.00</u> |

STORAGE FOR ALL CLASSES OF SERVICE

| | |
|--------------------------------|--------------------------|
| INSIDE STORAGE - per day rate | CLASS A - <u>\$20.00</u> |
| OUTSIDE STORAGE- per day rate | CLASS A - <u>\$15.00</u> |
| INSIDE STORAGE - per day rate | CLASS B - <u>\$40.00</u> |
| OUTSIDE STORAGE - per day rate | CLASS B - <u>\$20.00</u> |
| INSIDE STORAGE - per day rate | CLASS C - <u>\$40.00</u> |
| OUTSIDE STORAGE - per day rate | CLASS C - <u>\$20.00</u> |

Revised 07/01/00

FLORIDA HIGHWAY PATROL
CLASS A
WRECKER INSPECTION FORM

ZONE: _____

DATE OF INSPECTION: _____

WRECKER COMPANY: _____ Address: _____

Telephone # Day: _____ Night: _____ Mobile: _____ Wrecker Owner: _____

Vehicle: Year/Make _____ Tag #: _____ Unit #: _____ Vin: _____

Wrecker: Make/Model: _____ Winch(es): Make/Serial #: _____

INSURANCE REQUIREMENTS

Company: _____ Ins. Agency: _____ Expiration Date: _____

Insurance Statement of Compliance on file Current Certificate of Insurance on file

REQUIRED EQUIPMENT TO BE INSPECTED - (Each Wrecker)

- | | |
|--|---|
| <input type="checkbox"/> Wrecker Commercially Manufactured | <input type="checkbox"/> Bolt cutters (min. 1/2" opening) |
| <input type="checkbox"/> Min. manufacturer's rated capacity-truck chassis - 10,000 GVW | <input type="checkbox"/> Jumper cables (1 set) |
| <input type="checkbox"/> Winch - min. capacity of 4 tons | <input type="checkbox"/> Flashlight - (1 ea.) |
| <input type="checkbox"/> Dual rear wheels | <input type="checkbox"/> 30-minute fuses (5 ea.) |
| <input type="checkbox"/> 100 ft. 3/8 inch cable | <input type="checkbox"/> Safety cones or triangle reflectors (3 ea.) |
| <input type="checkbox"/> Cradle or tow plate or tow sling with safety chains | <input type="checkbox"/> Fire extinguisher - CO ₂ or dry chemical (5 lb. min.) |
| <input type="checkbox"/> Dollies | <input type="checkbox"/> 4-way lug wrench (1 ea.) |
| <input type="checkbox"/> Statch block (each winch) | <input type="checkbox"/> Red reflectors (1 set) |
| <input type="checkbox"/> Extra towing chain 6 to 8 ft. with hooks | <input type="checkbox"/> Heavy duty push broom (min. 24" width) (1 ea.) |
| <input type="checkbox"/> Amber emergency lights (rotor beam or strobe) | <input type="checkbox"/> 50 lbs. of sand or equivalent |
| <input type="checkbox"/> Clearance and marker lights | <input type="checkbox"/> Proper lettering-professionally painted (both sides) |
| <input type="checkbox"/> Floodlights on hoist | <input type="checkbox"/> Square shovel (1 ea.) |
| <input type="checkbox"/> Two-way radio or mobile telephone | <input type="checkbox"/> Axe (1 ea.) |
| <input type="checkbox"/> Crowbar or prybar (min. length 30 in.) (1 ea.) | <input type="checkbox"/> All other equipment required by law |

Inspected by: _____ Company Representative: _____

ADDITIONAL COMMENTS: _____

**Local Rate Comparison
City Auditor's Office
April 2001**

| | <u>Private</u> | <u>Trespass</u> | <u>Rotational</u> |
|---------------------------------------|--|-----------------|-------------------|
| Elite Towing | \$45-80 \$45/50 + \$2/mile (> 5mi.) + \$35 possible release fee, + storage | \$70 | \$90 |
| Northwood Towing | \$45-80 \$45 + \$2/mi. (> 5 mi.), + \$25 - \$35 possible release fee, + storage | \$70 | \$90 |
| Ultimate Towing & Recovery | \$45 \$45 + \$2/mi. (>5 mi.), + storage | \$70 | \$90 |
| University Towing | \$45-80 \$45 + \$2/mi. (>5 mi.) + \$35 possible gate fee, + storage | \$70 | \$90 |
| Watson's Towing | \$45-60 \$45(city) + \$15 possible gate fee, + storage | \$70 | \$90 |

Note: Various other price agreements have been established through competitive bidding with public agencies, such as GPD or ASO.

City of Gainesville
(Home Page)

PARKING AND TOWING

As is true in many cities, it is never a good idea to park unauthorized – even after business hours - in the parking lot of any business establishment or other private property, such as an apartment complex. If you do not have legitimate business in a private parking lot, **YOUR AUTOMOBILE WILL PROBABLY BE TOWED!** [Click here](#) to find out more about parking and towing. (Click #1 takes you to a FAQ page and an opportunity for Click #2, which takes you to a consumer quiz.)

Has your car been towed? Having your vehicle towed and impounded is unpleasant, regardless of the reason. This information ([Click here](#)) will give you a better understanding of what to expect and how to recover your vehicle. (Click #3 takes you to detailed towing information.)

FREQUENTLY ASKED QUESTIONS
Parking and Towing
(Click Option #1 - from Home Page)

Can I park in any city owned lot after business hours or on the weekend?

For special events held downtown or throughout the City, whom should I call for parking information?

Is it legal to park on the grass or sidewalk during the football season?

Can I park in a vacant lot where the establishment is out of business?

Should I avoid all handicapped spaces during all times of the day and week?

Is it legal to park in a reserved space on the weekend?

To test your parking and other consumer savviness [Click here!](#) (Click #2 takes you to a Consumer Quiz.)

What To Do When Your Car Gets Towed

(Click Option #3 – from Home Page)

(Click Option #1– from GPD Page)

City of Gainesville

Towing Information

Having your vehicle towed and impounded is unpleasant, regardless of the reason. The following information will give you a better understanding of what to expect and how to recover your vehicle. If you have any further questions, comments, or suggestions, please contact the Police Department front desk at (352) 334-2400.

Norman B. Botsford, Chief of Police

How Do I Recover My Towed and Impounded Vehicle?

General Information Applicable to All Towed Vehicles:

1. The Gainesville Police Department front desk is located at 721 NW 6th Street and open 24 hours/7 days a week. The telephone number is 352-334-2400.
2. Recover your vehicle as soon as possible, as impound fees accumulate on a daily basis, regardless of the reason that it was towed and impounded. Towing and impound fees are paid directly to the towing company. Fees and fines owed the City are paid directly to the City.
3. Cash, credit card and checks payable to the City of Gainesville drawn on local banks are the only accepted forms of payment for amounts due the City. The form of payment to towing companies is similar (with check payable to the towing company), ***except if you were towed from private property the company may accept cash only***. To make sure a non-cash payment will be accepted, call the towing company.
4. Approved towing companies are open 24 hours/7 days a week for recovering vehicles. ***If you were towed from private property, call the towing company to make sure it is open.***
5. If you want to contest the towing of your vehicle, or the reasonableness of the towing and impound fees, you must file a form petition with the court requesting a hearing. Contact the 11th District Court for the form petition. It is located at the Alachua County Courthouse at 201 East University Avenue, Gainesville, FL 32601, phone xxx-xxx-xxxx). To obtain immediate release of your vehicle, you must still pay the amount of any outstanding parking tickets, and all towing and impound fees.
6. Attach the receipt you receive from the towing company for the towing and impound fees to the form petition you file with the court. The receipt serves as your bond; you will be reimbursed to the extent the court rules in your favor.
7. You must also file with the court a form "Motion to Set Aside Default Judgment(s) and/or Execution Traffic/Parking" if your vehicle was towed because you had four or more tickets on which default judgments had been issued against you and the court had issued a writ of execution. This form is also available from the court.
8. Depending on the circumstances, you may be able to recover towing and impound fees from your insurance company. Contact your insurance company for further information.

To Recover a Vehicle Towed From Private Property and Impounded:

It is unlawful to park a vehicle on private property without the property owner's consent ("vehicle trespass"). If you have done this and you find your vehicle missing, the private property owner may have authorized a towing company to tow and impound your vehicle. If so, the towing company must report the vehicle identification information to the Gainesville Police Department for entry into the computerized Law Enforcement Information Network to ensure its status and location can be determined when the vehicle owner appears to recover the vehicle.

1. Call the Communications Center. If your vehicle was towed from private property at the property owner's request, it is not necessary to appear in person at the police front desk nor do you make any payments to the City.
2. Communications staff will inform you where your vehicle is impounded and how to get there.
3. Take enough money with you to the towing company to pay all the towing and impound fees to recover your vehicle. You will also need your driver's license, vehicle registration and insurance card.

To Recover a Vehicle Towed and Impounded For Outstanding Parking Tickets:

1. Bring your driver's license, vehicle registration and insurance to the police front desk.
2. Pay the amount shown on the complaint for outstanding parking tickets. Once you have a receipt for payment of the outstanding parking tickets, police staff will complete and provide a Vehicle Release Form.
3. Police staff will give you directions to the towing company. Take the receipt, the completed Vehicle Release form, and enough money with you to the towing company to pay all towing and impound fees to recover your vehicle.

To Recover a Recovered Stolen Vehicle:

1. Bring your driver's license, vehicle registration and insurance to the police front desk.
2. Pay the city administrative fee of \$xx. Once you have a receipt for the administrative fee, police staff will complete and provide to you a Vehicle Release Form.
3. Police staff will give you directions to the towing company. Take the receipt, the completed Vehicle Release Form, and enough money with you to the towing company to pay all towing and impound fees.

To Recover a Vehicle Towed and Impounded Under Other Circumstances:

1. Bring your driver's license, vehicle registration and insurance to the police front desk.
2. Pay the city administrative fee of \$xx. Once you have a receipt for payment of the administrative fee, police staff will complete and provide to you a Vehicle Release Form.
3. Police staff will give you directions to the towing company. Take the receipt, the completed Vehicle Release Form, and enough money with you to the towing company to pay all towing and impound fees.

How Do I Get To My Impounded Vehicle?

By Personal Vehicle: Police staff will provide you with directions.

By Taxi: (List out various cab companies and maybe a few rates)

Gainesville Cab Company 371-1515

Gator Cab Company 375-0313

By Bus: Copies of the RTS route map schedule are located in the lobby of GPD. Buses may be boarded at the Downtown Plaza or various locations throughout the City.

RTS Price: \$1.00 each way (subject to change)

Hours: Monday-Friday 7:00 AM – 9:00 PM

Saturday & Sunday 7:00 AM – 6:00 PM

Locations of Several Local Impound Lots:

Watson's Towing
516 SW 1 Street
Gainesville, FL 32601
373-7475

Northwood Towing
1540 NW 53 Ave
Gainesville, FL 32653
373-6445

Elite Towing
907 SW 3rd Street
Gainesville, FL 32601
335-7799

Tom's Towing
PO Box 916
Archer FL 32618
495-9155

Ultimate Towing & Recovery
4131 NW 6th Street
Gainesville, FL 32609
331-6942

Gainesville Towing
1308 South Main Street
Gainesville, FL 32601
379-3533

University Towing
2546 NW 74 Place
Gainesville, FL 32609
373-4671

**Gainesville Police Department Site
Frequently Asked Questions**

Question: How do I find out if my vehicle was towed?

Answer: Dial our 24-hour communications center at xxx-xxx-xxxx. If your vehicle was towed off private property, you would be advised which towing company has your vehicle. You must go to that location to pay the towing fees. If your vehicle was towed for other reasons such as outstanding parking violations, you need to come to the police desk and pay the violations. Then you would be sent to the towing company to pay the towing fees. Recover your vehicle as soon as possible, as impound fees accumulate on a daily basis. Towing fees vary, but are usually about \$70. [Click here](#) for more information. (Click #1 takes you to detailed towing information)

TEST YOUR CONSUMER SAVVY!
(From Click #2 on FAQ)

DO YOU KNOW THE CORRECT ANSWER TO THE FOLLOWING QUESTIONS?

1. **IF A DOOR-TO-DOOR OR TELEPHONE SALESPERSON SELLS YOU SOMETHING, BY LAW YOU HAVE HOW MANY DAYS TO CHANGE YOUR MIND?**
 - a. Three (3)
 - b. None (0)
 - c. Six (6)

2. **IF YOU RECEIVE MERCHANDISE THAT YOU DID NOT ORDER OR REQUEST, FLORIDA LAW SAYS YOU**
 - a. Must pay to return the merchandise
 - b. May consider the merchandise an unconditional gift and do whatever you want to with it
 - c. Must pay for the merchandise

3. **IF YOU BUY A CAR THAT IS SOLD "AS IS" AND IT LATER BREAKS DOWN, THE DEALERSHIP IS RESPONSIBLE FOR ANY REPAIRS FOR AT LEAST 30 DAYS AFTER PURCHASE.**
 - a. True
 - b. False

4. **YOU HAVE AT LEAST THREE DAYS TO CANCEL THE CONTRACT IF YOU CHANGE YOUR MIND ABOUT A CAR DEAL.**
 - a. True.
 - b. False

5. **YOU SEE A SIGN THAT SAYS, "CUSTOMER PARKING ONLY - TOWING ENFORCED". THE BANK IS CLOSED. CAN YOU PARK ON THE LOT?**
 - a. No, you could legally be towed off the lot
 - b. Yes, it's after business hours and the lot is vacant

6. **YOU SHOULD SUSPECT FRAUD IF A SOLICITOR**
 - a. Asks you to send money in advance by some means other than U.S. mail
 - b. Asks for your credit card number or expiration date for verification
 - c. Claims the deal is "only good for today" and pressures you to make a hurried decision

ANSWERS TO CONSUMER QUIZ

1. a
2. b
3. b
4. b
5. a
6. a, b and c

How did you rate?

0 - 2 questions answered correctly: Boy! do we have swampland to sell you!

3 - 5 questions answered correctly: Very good!

More than 5 questions answered correctly: You are a consumer whiz!

