

Senate Bill 1546

We are a leader in Parking Enforcement Services and solutions for Private Property Parking issues. We believe any changes to Chapter 98 should be with the goal to:

- Ensure citizen protection from unreasonable rates; and
- Eliminate Unscrupulous towing practices; and
- Improve towing regulations

Retriever has always stood for ethical Business practices

- We were the 1st to use photos to prove the infraction before removing the vehicle (a standard required by many municipalities today)
- We were the 1st to set standards for signage and notification of parking rules
- We standby every tow and if the tow is found faulty we return the money
- We have signed agreements stating what we are to patrol for

1. Section 1a & b limits towing companies from being able to by use of contract patrol properties for vehicle that are in violation of posted and renter contracted parking rules.

There was limited time to prepare for this discussion but I have prepared the following:

- Document 1: Towing Education (talks about impound rates and practices)
- Document 2": Predatory Towing vs Patrol Towing (what patrol towing is and why it is necessary)
- Comments from Managers/Owners for Private Property (Limited time to gather from customers)
- The elimination of Patrol Towing in Tualatin, Fairview, Gresham and Washington State has raised properties costs and legal liability.
 - Municipal Fines (Fire Code Violations)
 - Higher tenant frustration (causing turnover)
 - Forced higher labor costs to the property because they have to patrol in house, or contract to security companies. These higher costs are pasted on to tenants in higher rent costs.
 - Removes Private Property Rights from Property Owners
 - Higher rates of garbage and vandalism from cars in states of disrepair or camping
 - Higher crime risks

What this Bill is missing:

- Lien law updates – supported by most towers in the state
- Changes to ORS 98.856 (Drop Fees)
- Requirement for municipalities that chose to regulate towing must change rates annually based on CPI
- Adequate Protections and Standards for Patrol Towing that eliminate "Fly by Night" towers.
 - The State Towing Association is currently working on a standard and practices within the industry that Leads to some kind of industry certification.

We recommend the legislature work with the towing industry to solves problems, educate all parties, come up with rules that protect citizens and fair to all parties rather than impact the rights of properties owners.

Michael Coe
Retriever Towing

Towing Education

Vehicle towing may be performed for the following reasons:

- **Emergency Roadside Assistance:** Towing of disabled or damaged car at request of owner (the most common form)
- **Vehicle Transport:** Towing a car as a form of long distance shipping, such as during its owner's move to a new location, rather than driving the car
- **Repossession:** Repossession of a car by a lender for the delinquency of money owed for that lender.
- **Police Towing:** As part of impoundment of vehicles by government agencies for infractions involving the vehicle in question, such as unpaid parking or moving violations ("tickets"), vehicle accidents, or situations of arrest of the vehicle owner.
- **Private Property Impound Towing:** Protection of a property owners from the abuse or misuse of a property and posted parking rules. Protection from fines and or civil penalties for the property. To make available space for the correct or authorized use of the property by parkers.

We do not support the elimination of patrolled towing. There are misconceptions as to what patrolling is and is not, and why it is necessary. The following explains what Private Property impounds are and why patrols are needed.

Parking is a problem in most cities where the amount of available parking spaces does not meet the level of demand. Problems arise when someone disregards the property owner's parking rules or misuses the limited space made available to customers and tenants. Many people do not read impound signs and disregard them for their own convenience while disregarding property rights and the rights of authorized parkers.

A property owner, a management company, or business has the same right that municipalities do to enforce parking rules. Municipalities have similar issues parking in handicap spaces, double parking, fire lanes and extended overtime parking. Providing adequate parking to residents, visitors, patrons, and homeowners can be a difficult task. Vehicle owners who disregard parking rules only add to the parking problems that already exist on a property. Illegally parked and/or abandoned vehicles can cause an unsafe, cluttered parking area, creating an inconvenience to authorized parkers and residents. Parking issues can lead to increased legal risks, liability, crime, and vandalism on your property. Impound towing has been the only one option to address these issues and concerns.

A business or property manager cannot be available all hours (24/7) to ensure parking rules are followed. For this reason, properties enter into a services agreement with a tow company to remove vehicle for impound, or they give authority to a tower to remove cars if certain conditions are met (patrolling). The conditions are spelled out in a services agreement. If a

vehicle owner's needs to park close to a desired location for their own convenience, that should not be at the expense or inconvenience of someone else.

- If a vehicle is parked in a fire lane, and an apartment complex is on fire, it is not the owner of the parked car who may get sued or receive a fine from the county for not providing access to emergency services.
- If you have a small business, and all of your parking spaces are being used by patrons of a drinking establishment around the corner, this will impact potential customers deciding not to visit your business because parking is never available.
- If a vehicle uses multiple parking spaces, it is taking up space available for another patron/tenant.
- If a permit or parking pass is not displayed correctly, there is no way to validate a vehicle's authorization to park.
- Patrol towing also provides an additional set of eyes on the property to chase off loiters, crime, garbage and vandalism.

Patrol Towing simply enforces the rules of the property to ensure safe, convenient parking for those who are allowed, or those following the rules.

A good towing company will:

- Follow the laws of the state and local municipalities regarding towing.
- Have a current business license.
- Have a valid current patrol agreement/contract with the authorized property personnel.
 - Contract information is only available to the tower, property owner, and any legal authority or municipality.
 - The tower should always be willing to disclose what the patrol violations are for the property.
- Take photos of the violation.
- Make sure that the property owner has lessees and tenants sign recognition of parking rules.
- Make sure that impound signage is legal and proper for the property.

Towing and Storage Rates

Towing Fees for most companies are based on the cost to perform services and there for are listed per event charged. Below is a list of fee's commonly charged.

- **Hook up fees:** Average is currently \$160.00. The cost of a tow truck is between \$70,000 and \$100,000. The miles per hour for most tow trucks is between 7-10 MPH.
- **Dollies:** The average is \$40.00. Dollies are used 95% of the time on an impound tow due to the fact that we have no permission to access or enter the vehicle. If wheels are turned, brakes set, car in gear, then we need to lift the entire car off the ground to avoid damage. Dollies are heavy and do not last a long time and there for have to be repaired and replaced often.
- **Photos:** The photo fee started about 20 years ago. It was used to confirm the condition and location of the vehicle. Even this code requires (see 6.07.070, J) photos and storage. To meet this requires a couple Terabytes of storage and redundancy. There is also the cost of Digital devices and their replacement.
- **Mileage:** The miles per hour for most tow trucks is between 7-10 MPH. We recommend at least \$5 per mile.
- **Dispatch Fees:** Most tow companies do not have dispatch personal past business hours and as such have to hire dispatch services. Many tow company owners take the phones at night and work 24/7. Most companies have single digit profits monthly.
- **After Hours Releases:** We recommend \$40.00 on after hour release fee's. Most releases are 30-45 minutes long. \$25 is below most municipal rates and most of those have not changed in 10 years do they are not current. Most drivers are paid commission and \$25 is less then minimum wages. \$25 is less then Washington Co. and Beaverton Police rates for the same service.
- **Storage:** Industrial zoning and garage keepers insurance is very expensive for towers. Because Police and Private Property impounds are considered forced towing, towers are often challenged with false damage and legal claims. The other reason is the price of available property. For these reasons almost all companies charge \$40.00 per day. Buses, trailers and large trucks take double the lot space and we recommend \$50.00 per day.

The cost of a tow is similar a moving infraction. Most red light tickets are \$260.00. Most red light cameras do not have the expenses of most tow companies (fuel, labor, maintenance, licensing, etc.).

The reason for the higher costs of an impound vs a customer service tow is most tow companies provide free signage and posting, they provide free permits. Impounds have higher number of complaints (like municipal parking citations) that need to be investigated and responded to. Higher risk of damage to the towed vehicle or to the towers property from vindictive parkers. Higher rates of unclaimed (abandoned vehicles) about 15% of cars impounded, this increases the towers costs of disposal after still paying the driver, fuel, insurance, storage and Lien costs.

Michael Coe
Retriever Towing

Predatory Towing vs Patrol Towing

What is Predatory Towing

In contrast to media hype of the last few years, Predatory Towing is not Patrol Towing. Predatory Towing is when an employee of the tow company waits stationary for a violation to occur (similar to a Traffic Officer or a speed trap). The tow truck driver parks close by the problem parking area then waits for the parker to leave; They then pull in and impound the vehicle. Patrol Towing is a random patrol made by the tow truck driver. Patrol towing (Impound towing or PPI tows) targets no parkers based on sociological, ethnic, racial or religious guidelines. A car either is or is not parking according to the rules of the property. This is similar to municipal parking enforcement; the car is either in violation or not in violation.

Impound towing is very common and not always on Private Property. The Police, Federal Authorities & Municipalities may call a tow operator to request an impound. Municipal impounds are commonly the result of the following situations:

- DUII tows
- NPAs: No Parking Anytime
- Excessive O/T
- Loading Zones
- Tag Warrants
- No Parking
- Restricted Parking

Private parking facilities have many of the same needs as public property and therefore need the same rights to enforce parking that municipalities have. As population grows and parking congestion occurs many properties have to make choices otherwise they risk tenant complaints, risk fines, increased liability, crime and vandalism. Properties currently have the following options:

- Do nothing – This solves no problems, and creates more issues as people are trained by other parking violators how to skirt the rules, and accept the risk municipal fines for fire lanes.
- Hire a security company – which has to be factored into increased rent costs to the tenant, this option does not remove the problem (vehicle).
- Self monitoring – Not all complexes are large and therefore have to pass on the extra labor costs into the rent prices.
- Tow company patrol – There is no cost to the property as the tow is paid by the offender.

Patrol Towing

Random patrols enforce parking rules. The presence of random patrols (drive through) tend to chase away crime and vandalism issues on the property. It wards off the risk of fire lane fines violation (up to \$10,000) for the property. Random patrols assist in the adherence to parking rules and cut down on the effects of doing nothing. It increases tenant satisfaction and convenience due to the fact they have parking availability and usage of spaces they have paid for

or are reserved for them. The property owner/manager establishes a services agreement/contract with the tow to patrol for certain conditions. Common reasons include:

- For Sale Vehicles: Can use up available parking, be vandalized & present liability issues for the property owners if the car is stolen or broken into.
- Abandoned Vehicles: These cars can be an eyesore, bring in crime, garbage, Vandalism, uses up parking spaces. The cars are often in states of dis-repair, diminishes property and tenant values. This is similar to the reason municipalities tow abandon vehicles off the city streets.
- Expired Plates: Per state law we are unable to tow for this reason any more but Property Manager's used to prefer tow for these because for many of the same reasons as abandoned vehicles. Cars that are not street legal tend to be in various states of dis-repair.
- Fire Lanes: These present legal and liability problems for Manager's. Fire Lanes being blocked can be a finable offence up to \$10,000 by the county. There have been fires in the past and law suits have been made against the property's because the Fire lanes were not kept clear therefore increasing the risk of life and property.
- Specified/Business Use: Keep other business's and tenants from using each other's parking. Inconvenient access for authorized parkers.
- No Parking: Many properties have restricted parking in certain areas due to various reasons such as, loading zones, spaces in front of recycling and dumpsters, if not enforced properties may be charged for a second pick up charge by recycle or waste handlers.
- Permit Parking: Many properties that regulate the number of spaces that can be used or allow permissible by handing out permits.
- Improper Parking:
 - Back In Parking: Avoids blowing exhaust into ground floor units (fire code), limit pavement damage (oil stains, drips), Vehicle overhang over sidewalks.
 - Double Parked Cars: This is a convenience matter for traffic, similar to reasons they do not allow for double parking on city streets.
 - In front of Garages: Parking in these areas prevents people for obtaining access to space which they pay for convenience to utilize.
- Reserved Parking: Many parking facilities have designated or reserved spaces for Tenants and customers. Space poaching limits convenience to authorized parkers and often encourages them to go someone where parking is available. This cost them tenants and customers.
- Limited Parking: No After Hours parking, no event parking, parking for specific hours. There are a variety of reasons for these types of parking restrictions. Park & riders could be a issue, crime, vandalism, space and access during certain hours.

There are a variety of reasons to control and enforce parking on a space/lot a property owner may be paying for in leases and property taxes. Just as there are municipal rules and consequences for parking there are similar needs on private property.

Why are Impound prices higher than most tow fees?

An impound is commensurate to a moving violation. A patrol is not guaranteed to yield a tow. Lots can be patrolled multiple times (usually 5-10 times) before producing a tow (finding someone in violation). In a Patrol situation we are a quasi security company in addition to a tow. There various reasons why impound rates are greater than a breakdown or police tow. The information below compiles many of the justifications:

- Impounds require greater insurance cost
 - Many properties currently require the tower to belong to a Vendor Compliance Service. This screens the tower and makes fulfill necessary vendor requirements, such as Insurance, and tax and regulatory credentials
 - Many properties require extra insurance, umbrella coverage and indemnification
- Costs of signage
 - Signs are provided for free by the tower
 - Signs have to be regularly replaced due to age or vandalism from disgruntled customers
- Risks and cost of potential tow damage
 - State Law prevents towers from charging drop fees if a customer walks up while in the process of hooking up (preparing) the vehicle for tow. Once the car is touched towers risk damage or the claim of damage. If it is a claim it still takes time to investigate.
- Comebacks
 - Often a property owner has a vehicle mistakenly towed or they forgot to distribute a permit which results in a tow. The tower often will give the vehicle back at no charge in some cases the vehicle is towed back (depends on the policy of the tower). In these cases the tower still has the risk of damage, paying the driver, fuel, and other expenses.
- No ability to charge drop fees (State Law)
- Increased fuel expenses than regular tows
 - Due to multiple times to and through a property
 - Most tow trucks get 6 to 12 gallons per mile
 - In addition to towing we are providing a security service to the property
 - No access to vehicle
- More time and procedures involved compared to a normal tow.
 - Complaint investigation
 - Damage Claims
- Cost of Equipment
 - Almost all impounded cars require the tower to lift the whole car off the ground so dollies are required because we have no access to keys or the inside of the vehicle.
 - New tow trucks generally cost between \$65,000 to \$95,000.

Other Facts:

- Most towers rates in Beaverton are within 5% of one another

In summary, the reason that cost of impounds are high is because there is so many costs for the tower to provide a service of this type.

- Not every visit to a property, or car picked up results in revenue for the service. This means that the cost has to be higher than a road service tow or a police tow which offers confirmed revenue for service.
- There is a higher risk and cost expenses for performing work of this type.
- These calls require more front end labor (contract, posting signage) and back end labor (explaining to violators why they were towed, complain investigation, damage claims or investigation) than any other tow completed by a tower.

- There is no payment for Release at scene fees. Unless the car is fully hooked up and transmission is engaged the tower does not get paid for services rendered. The risk and possibility of damage is still present despite it being a non-revenue producing event.

As a general comparison, impound towing is a violation of rules and should be compared to moving violations. Most red light tickets are \$250. There are a lot of costs in providing these services and not all are easy or . It can be higher risk and higher chance of damage.

Rate Assessment

In the cities that regulate towing (Tualatin, Portland, and Gresham) were analyzed for comparative purposes. The problem is none of those rates have been adjusted for years. Those rates fall far below unregulated PPI rates and under other Municipal regulated rates.

City	Years since last increase	Cost of Living Increase Y/N	Notes
Tualatin	2	No	Tualatin does not allow Patrolling the effect is most of the residential complex have hired security companies and as such increased rates on tenants, or the parking problems have returned
Gresham	4	No	
Portland	3	No	In Portland's case there was a change to the base rates but none to State and After hours fees

Other comparative rates:

State of Washington	\$260 per hour	\$90 for after hours fees. WA does allow for COL increases annually
City of Portland	\$168.00	The \$168 has only increased 5% in eight years, Portland is currently building in a COL annual increase. Had the rate since regulation kept pace with Cost of Living increases the rate would be \$202.00
CA Highway Patrol	\$197.00	

The best rate regulation is done by the state of Washington, not because the charge the most. Washington did the more complete analysis and investigating of rates and the had the foresight to build in an annual COL increase.

Existing Rates (most Towers)

The following is a current average fee for most towers and what makes up that rate

Current average fee by most towers	Rate	Fee Reasons
Hook Fee (class A tow)	\$160.00	The average cost of a tow truck is between \$65k and \$85k. This fee goes to contribute towards the truck & equipment costs. It covers 1/2 hour time on scene, driver labor, fuel, insurance, invoices, registration fees and permits. It also includes signs and sign install on the property
Mileage	\$6.00	This goes to fuel used while in tow - tow trucks get between 6-11 miles per gallon (less when loaded).
Dollies	\$40.00	The costs for a set of Dollies is about \$1200. Since we do not have keys or access to the inside of the vehicle we have to pick up the vehicle where it sits so it will track appropriately down the road behind the truck. Because Dollies are used 90% of the time in an impound situation you have the cost of dolly tire replacement every couple months and repair to the dollies. An average set of dollies will last about 6-8 months.
Storage	\$40.00	Storage goes towards insurance, utilized space, security cameras and system maintenance. It goes towards the lease and utilities.
Dispatch Fee	\$15.00	Many companies have to pay for a night answering service as we have to run 24/7 - 365 for releases, police calls support, customer and driver support. This fee goes toward those expenses.
Photo Fee	\$20.00	This covers the cost of cameras, storage cards, hard drives for long term storage required by state law and municipal regulations.
Gate Fee/After Hours Fees	\$40.00	Total time for most releases is 30 – 60 minutes. This takes the driver out of service for the duration and as such the tower has to hire more drivers and purchase more trucks. There are is not always enough demand to staff an office 24/7. The After Hours Fee/Gate Fee is to pay the driver for someone wanting their vehicle right away.

A suggestion is to require towers rates to be within 10% of each other.

Retriever Towing

1551 NW Quimby St., Portland Oregon
Phone: 503-222-4763 Fax 503.296.2521

PRIVATE PROPERTY IMPOUND AUTHORIZATION AGREEMENT

THIS AGREEMENT is made and entered into on (date) 10/01/2014 by and between:
Easton Ridge Apartments (property owner/manager or property Management Company) and
Retriever Towing Company.

FOR AND IN CONSIDERATION OF the mutual agreement between the aforementioned parties. The parties agree as follows: the tower, its agents and/or employees are hereby authorized and directed to act as agent of the property owner/operator or manager in impounding any and all unauthorized or improperly parked vehicles found upon the real property described as follows:

Property Name: Easton Ridge Apartments

Property Address: 9009 SE Causey Ave

City: Happy Valley State: OR Zip: 97086

Phone: 503-654-1234 Fax: 503-654-1267 Cell: 480-296-3934

This agreement shall be effective 24-hours a day, 365 days a year. This agreement is cancelable by either party with a 24-hour written notice and may only be amended in writing and executed by both parties. Persons authorized to amend this agreement are those who have executed this agreement. If management or ownership of the property changes it is the new managements responsibility to notify Retriever towing of any changes. This agreement is considered on-going and continuous until Retriever Towing is notified otherwise. Persons authorized to request an impound are listed below.

Name: Ariana Amavisca Name: _____

Name: _____ Name: _____

Name: _____ Name: _____

Name: _____ Name: _____

Security Code: 1219 (be sure all authorized callers are aware of the code you have selected). Your **Security Code** can be anything you'd like, numbers or names of your choice. We use this to ensure only authorized callers are requesting an impound.

Signature of Property Owner/Manager or Designee: 
Printed Name of signer: Ariana Amavisca

Management Company (where applicable): Quantum

Address (if different from above): 601 E 16th Street Vancouver, WA

Phone Number (If different from above): _____

Signature: Charles White
Printed name: Charles White

Check here for Patrol Option
See "Patrol Options" Addendum

Please fax, E-mail or mail to Retriever towing

Michael Coe

Subject: FW: Service help need at San Rafael Shopping Center

From: Lindy Goodling [<mailto:lindyg@harsch.com>]
Sent: Monday, May 18, 2015 3:26 PM
To: Michael Coe (office@parkingenforce.com); Michael Coe
Cc: charles@retrievertowing.com
Subject: Service help need at San Rafael Shopping Center
Importance: High

Happy Monday,

We have a property at NE 122nd and San Rafael that is having issues with cars and motor homes being parked overnight and for days on end that we would like to control.

Is that something you can help us out on. I have spoken with Dollar Tree as their staff gets to the property at 5 am to unload the truck and they are concerned with the number of vehicle on site with people sleeping in them....we need to nip this in the bud asap.

Let me know if you are able to assist.

San Rafael Shopping Center
1614-1950 NE 122nd Ave
Portland OR 97230

Regards,

Lindy

 **Lindy Goodling** | Property Manager - Retail | Harsch Investment Properties
1121 SW Salmon Street Suite 500 | Portland, OR 97205
Desk: 503.973.0214 | Mobile: 503.975.5489 | lindyg@harsch.com
www.harsch.com |   

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5941 / Virus Database: 4342/9784 - Release Date: 05/15/15

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Version: 2015.0.5941 / Virus Database: 4342/9784 - Release Date: 05/15/15



PORTLAND DISPATCH <retrieverdispatch@gmail.com>

Forest Green Ford F250

1 message

SH Assistant Manager <shassistant@tandemprop.com>

Sun, Feb 7, 2016 at 3:54 PM

To: "retrieverdispatch@gmail.com" <retrieverdispatch@gmail.com>

Please tow the forest green ford F250 located at the back of our property behind the trash compactor. The vehicle is back in parked, inoperable and has a bright orange tag to tow sticker on the window.

Thank you,

Kelli Peterson | Assistant Property Manager
Commons at Sylvan Highlands
Tandem Property Management, Inc.
P | 503.292.0696 • [google.com/+Commonsatsylvanhighlands](https://www.google.com/+Commonsatsylvanhighlands)
F | 503.291.7876 • [facebook.com/TandemPropertyManagement](https://www.facebook.com/TandemPropertyManagement)

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Michael Coe

Subject: FW: Emailing - SSRS_SelectBills (3).pdf

-----Original Message-----

From: Gary Coe [mailto:gary@coegroup.com]
Sent: Saturday, February 6, 2016 12:11 PM
To: Mike Wagner <Mike@santiamenters.com>
Cc: alvinelkins@yahoo.com; mscoe32@gmail.com
Subject: RE: Emailing - SSRS_SelectBills (3).pdf

Thanks for sending this Mike Wagner, I would love to testify in opposition of this bill however I will be on my way driving to California.

As an owner of apartments, in Eugene, Salem, Albany, and Beaverton, I can not be there to monitor everything that happens at each complex. Our biggest problem is people blocking the dumpster when the garbage truck comes, continual problem with fire lanes being blocked with cars parked next to the red curb, and visitors parking in a tenants paid for parking stall. It is unreasonable to ask my on site managers to walk the property several times an evening and make the call for a tow truck when we cannot find who parked incorrectly.

In addition, the short session was billed as taking care of needed emergency budget issues, not to push through legislation without proper notice for the citizens to be involved in the process.

Gary Coe
503.233.3577 office
503.789.2071 cell

Michael Coe

Subject: FW: PHC towing
Attachments: Retriever Towing Agreement Chuck.pdf; Patrol Options Addendum Revised.pdf

-----Original Message-----

From: Barbara Canaday [mailto:BCanaday@phcnw.com]
Sent: Friday, November 27, 2015 6:38 PM
To: Charles White
Cc: Mike Coe; Walter R. Kuechler
Subject: Re: PHC towing

Hi Chuck,

Great news! Our Oak Plaza Apartments in Albany has parking for residents only, but we are getting a lot of people ignoring us since we've had no service patrolling.

Let's get the paperwork started next week. We'll need to issue permits to the approved vehicles and have you guys properly sign the lot.

Talk to you soon,

Barb Canaday
Sent from my iPhone