



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JUNE 5, 2018**
FROM: COUNCILMEMBER SOUBIROUS **WARDS: ALL**
SUBJECT: EXEMPTION FOR CONTRACTED ON-CALL POLICE DEPARTMENT TOW TRUCK COMPANIES PARKING IN RESIDENTIAL AREAS

ISSUE:

Approve an exemption for contracted “on-call” Police Department tow truck companies that provide emergency services and that park in non-commercial areas.

RECOMMENDATIONS:

That the City Council:

1. Approve a temporary moratorium on parking enforcement pursuant to Riverside Municipal Code Sections 10.52.155 and 10.52.160 for contracted “on-call” Police Department contracted tow truck companies that provide emergency services and that park in non-commercial areas; and
2. Direct staff to return to the City Council in three to six months with a proposed program for consideration by the City Council to provide an exemption program for companies contracted through the City’s Tow Truck Service Agreements to allow for parking in areas restricted by Riverside Municipal Code Section 10.52.155 and 10.52.160.

LEGISLATIVE HISTORY:

Riverside Municipal Code, Chapter 10.52 Stopping, Standing or Parking on Streets; Restrictions

Section 10.52.155 A Parking of certain commercial vehicles, trailers, semi-trailers, and storage/pod containers prohibited;

No person shall park or leave standing any commercial vehicle having a manufacturer’s gross vehicle weight rating of ten thousand pounds or more, or any commercial trailer, semi-trailer, trailer coach, trailer bus or storage/pod containers regardless of weight, on any highway, street, or alley ..

Section 10.52.160 Parking of certain commercial vehicles prohibited in residential districts.

No person shall park any commercial vehicle or commercial non-self propelled vehicle on any highway, street, or alley in any residential district..

Riverside Municipal Code, Chapter 5.15 Regulation of Riverside Police Official Police Tow Truck Service

Section 5.15.120 *Response time.*

- A. When it becomes evident that there will be a delay in responding to a request for towing service, the towing company shall advise the Police Department of this delay and the reason for the delay.
- B. Official police tow services agree that, for any thirty day period, the average response time pursuant to requests for tow service by the Police Department, shall not exceed twenty (20) minutes. Official police tow service also agrees that the maximum response time for any single request for tow service by the Police Department shall not exceed thirty (30) minutes. Response time is defined as the elapsed time between the relaying of the tow service request to the answering service and arrival of the tow vehicle on the scene. (Ord. 6965 §6, 2007; Ord. 6454 §2, 1998)

BACKGROUND:

On-call tow trucks contracted by the Riverside Police Department (RPD), and/or other law enforcement agencies based in Riverside, are no longer receiving an exemption from parking citations when parked in non-commercial areas. In order to meet required response timeframes for emergency calls, “on-call” drivers have historically parked their tow trucks in front of their residences in order to quickly respond to an emergency situation. Police tow contracts require a tow truck response within specified timeframes, usually a 20 minute response from the time of call to arrival on-scene.

DISCUSSION:

Historically, tow trucks hired by the City and other law enforcement agencies, have been unofficially exempted from parking citations in residential areas. Recently, this unofficial exemption has apparently ended and drivers have been cited. These citations have been the result of an “on-call” tow driver parking their tow truck in front of their place of residence, usually during nighttime hours. The majority of these parking citations have been issued for RMC 10.52.155 & 10.52.160 (parking of commercial vehicles over a certain gross vehicle weight (GVW) rating in a residential neighborhood). This enforcement concern was first initiated by contract tow companies in 2009/2010. In response, RPD issued special parking permits to be displayed when tow trucks parked in non-commercial areas. This solution was reportedly effective until about the middle of 2017, when the Parking Services Division of Public Works began to receive complaints and confirmed with the Police Department that the City would no longer honor the exemption.

The official Police Tow Truck Service Agreement (TSA) requires tow operators to meet specified response times set forth in RMC 5.15.120. Additionally, the TSA sets penalty fines for not meeting the established response times. On-call tow trucks are often taken “home” to ensure the driver can adequately meet response times. Most tow company lots are located in commercial areas not usually located within the central part of the City’s geographic boundaries. Parking tow trucks at the company lot can/will result in: 1) Increased travel times for drivers, resulting in response times most likely not being met; 2) Increased risk of penalties for tow companies, which can create a financial/contractual burden; and 3) Increased wait times for officer(s) at an emergency or other enforcement scene requiring towing services, which can result in slower/less services being

afforded to the public, increased internal City costs, and a potential increase in officer exposure (officer safety issues).

Sample Program Guidelines

If the recommendation is approved, the Public Works Department, Police Department and City Manager's Office, should develop a plan to allow for strategic exemptions to the City's parking rules and regulations to encourage better response times and reduction of staff time during incidents. A program should include, but not be limited to the development of an exemption sticker, plaque or other suitable identification to alert parking enforcement officers to withhold enforcement. Additionally, the identification method can include an expiration date and/or number to allow for renewal or revocation should a tow company provider terminate service. These provisions should be designed to provide optimal program management and enforcement, while taking into consideration the concerns raised by the City's residents and other business owners, where applicable.

FISCAL IMPACT:

During the current fiscal year, the Public Works Department's Parking Division has issued approximately 1,000 citations for violations relating to Section 10.52.155 (\$116 per violation) and 17 citations for violations relating to Section 10.52.160 (\$71 per violation). Revenue loss by implementing a thoughtful program should be minimal. Additional personnel and supplies costs may be incurred through the program management and informational campaign.

If the recommendation is approved, City staff will provide a framework for the proposed program, including the number and dollar amounts of tow truck company parking citations issued and costs of operating the program.

Prepared by: Mike Soubirous, Councilmember Ward 3

Approved as to form: Gary G. Geuss, City Attorney

A handwritten signature in black ink, appearing to read 'Mike Soubirous', written over a horizontal line.

Mike Soubirous,
Councilmember Ward 3

Attachments:

1. RMC10.52.155
2. RMC10.52.160
3. RMC 5.15.120