

Columbia Heights Civic Association

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From: Ron Haddox, CHCA President, Member of the TTAB
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To: Brian Stout, Office of the County Manager
Nancy Iacomini, Chair, Trespass Towing Advisory Board (TTAB)
Arlington County Board Members

Comments in response to September 15, 2016 meeting of the Trespass Towing Advisory Board

Columbia Heights Civic Association has been concerned for several years about the prevalence of predatory towing in Arlington. Our members have observed this phenomenon on Columbia Pike and the negative impacts, not only on ordinary citizens, but also on small businesses. The Arlington County Board has before it the opportunity to address this problem and make changes in its policies that can address these issues. In November the County Board will consider recommended changes to the 2016 County Ordinance on Trespass Towing.

Arlington staff is forwarding to the Board an updated version of the policies that guide towing in Arlington. On September 15, 2016 the “TTAB” convened, a once-a-year event. Unfortunately, this committee is unlike any other citizen board or committee in Arlington. Its makeup and rules for voting are dictated by Virginia State law. The voting members consist of three members from the towing companies, three police officers and only one consumer representative—the Chair. Other “non-voting” members do not determine the outcome. Our observation of this meeting showed that the Chair and the attorneys present who represented Arlington County made excellent recommendations to protect consumer interests, most of which were voted down. There is simply not a reasonable representation of consumers as voting members of this body. Therefore, the recommendations forwarded to the County Board by the TTAB are skewed in favor of the towing companies.

The following are our recommendations for your consideration. Our position on these three issues mirrors the recommendations made by the Chair of the TTAB and supported by the County attorneys. We ask that these three changes be reinstated in the proposed ordinance to eliminate predatory towing in our community and achieve a better balance. These three changes are:

- 1) Require two signatures before a vehicle is towed, with only one signature provided by the towing company, regardless of their contracts with property owners.
- 2) Require the towing company to call in information about a vehicle to the police PRIOR to hooking up the vehicle for towing.
- 3) Require the towing company to photograph the vehicle from all four sides before securely hooking up the vehicle for towing.

Double Signatures

Towing companies act under contracts they have signed with property owners, many or most of which are not available on site. Many of these owners are out of state. These contracts state that the towing companies are acting “on behalf of” the owner. The towing companies contend that they should be able to tow without any other signature.

The Chair of the TTAB argued that a second signature, representing the businesses on site, should be considered. She did not succeed in carrying her motion, but we adamantly support this change.

First, there is a misunderstanding about who benefits from the towing. The interests of the property owner are not synonymous with the small business operators who rent space for their retail establishments in these buildings. We wonder whether land owners or property managers receive financial benefit from the towing companies in exchange for signing the agreements.

On the other hand, many of the businesses operating on site are not in favor of predatory towing because it drives away customers. This is evidenced by the many restaurants and other establishments along the Pike that include signs warning customers of the possibility of towing. They know that when a customer is towed just once, they have probably lost that customer forever.

Requiring a second signature from the business owners ensures that only those vehicles that are actually doing damage to the business operations will be towed. This would include cars that are left for days on end. This change in practice would prevent people from using these lots as long-term storage or a convenient place to abandon vehicles.

Simply requiring a second signature would go far in eliminating predatory towing altogether and make Arlington a more business-friendly community. In lots with multiple

businesses, owners and businesses could be encouraged to designate one or two managers who would be in charge of handling towing requests.

The towing companies argue that requiring a second signature from a local business places these people in danger because of an exaggerated concern that outraged car owners could threaten them with physical harm. This is not a reasonable argument. We don't believe that our citizens are violence-prone and we have full confidence in our police to handle any situation that might arise. From our contacts with the business community, we believe that it is far more reasonable to believe that small business operators are afraid that their relationship with the landlord or property manager will suffer if they complain about predatory towing.

Proper signage in parking lots is also key. For example, most people who park in small shopping centers don't understand that, even if they are legitimately shopping there, the moment they take a step outside of that property to pop into a neighboring store for a quick purchase they risk being towed, because predatory tow trucks are parked across the street with binoculars watching their every move, and poised to swoop in to hook up their car. CHCA knows this happens because we have witnessed this practice.

We further encourage Arlington County to continue educating and persuading property owners to resist signing "blank" towing contracts and require local business' consent for each tow as a standard practice. In highly walkable areas with public shared parking facilities Arlington County should resume and intensify outreach efforts to educate the general public about available parking options. Such efforts should include enhanced public parking signage and regular distribution of parking maps, together with transit information, to be on display at the affected businesses and other public places.

Calling the Police FIRST

One change proposed by the towing companies over the objection of the Committee's Chair was a provision that would allow the company to call the police within 10 minutes of taking the vehicle, rather than prior to towing. Why is this important? If the owner of the vehicle comes back quickly, s/he has the option of paying a \$25 "drop fee" instead of having to go miles to the towing lot to pay \$130-\$170 for the tow. So the faster the towing company gets away the more likely they will make higher profits. Forcing the company to make the initial call to the police makes it more likely that a vehicle will not actually be towed to the lot.

The Chair wisely suggested that it would not be safe for the towing operator to be calling the police while in motion, or by parking somewhere else before taking off. The towing company responded that they can get out of there fast and make the call fairly soon after. One attorney commented that the owner of the car should be able to learn immediately what happened to their vehicle. Waiting to call this information to the police makes this

more difficult. Some car owners may believe their vehicle has been stolen and call the police first. For many reasons, calling in the information prior to towing is obviously in the public interest.

Photographing the Vehicle from All Sides

Towing companies have cameras and regularly photograph the vehicle they are towing to demonstrate that it was parked illegally. Some customers have commented that their cars were damaged during the tow. Taking pictures from four-points would provide evidence one way or the other in many cases. In addition, these photographs should be taken BEFORE the vehicle is hooked up to the tow truck. It is also possible that taking these photos would exonerate a towing company, if a vehicle owner claimed that existing problems were caused by the company. Again, we agree with County attorneys that this requirement would be a reasonable accommodation to ensure consumer rights.

We urge Arlington County to take steps to reduce predatory towing and support the small business owners of our community, as well as ordinary shoppers. Lots known to be watched by predatory tow trust tend to be empty or nearly empty. We believe this reflects the damage to local businesses when potential patrons opt never to use a high risk lot. With shortages of parking in the county, empty surface lots are an indicator that something is very wrong. We need to demonstrate that we are a community that is friendly to the shopping experience.