

OFFICIAL POLICE GARAGE ASSOCIATION OF LOS ANGELES

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February 1, 2018

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Honorable Mitchell Englander
Chair, Public Safety Committee
City Council
200 North Spring Street, Room 405
Los Angeles, California 90012

Subject: **Paylock IPT / Automatic Boot Release System (C.F. 16-1413)**

Dear Chair Englander:

I am writing on behalf of the Office Police Garage Association of Los Angeles (OPGs) to express concerns with the automatic boot release pilot program being operated by the Department of Transportation (DOT) and to respectfully request that you and the City Council ensure that there is a fair and comprehensive assessment of the pilot vis-à-vis both DOT and broader policy goals of the City of Los Angeles.

This letter addresses issues previously identified by the OPGs and communicated to DOT as well as the contents of DOT's recent report ("Preliminary Update on Paylock SmartBoot Pilot", January 24, 2018).

Officer Productivity

- 1.1 The report inaccurately characterizes the comparative time of booting versus towing. Specifically, the report states that the total towing process time is 30 minutes, implying that DOT traffic officers spend 30 minutes on the towing process. Traffic officers that request towing should only spend the time required to call in the tow request and write a citation and wait for a tow truck to arrive. They should then be able to immediately continue with other parking enforcement activities after handing the CHP 180 form to the tow truck driver. DOT should amend its report to clarify this issue so that the Council has an accurate view of booting versus towing.
- 1.2 DOT failed to mention that a pilot project that had OPGs pre-deploy with officers assigned to Habitual Parking Violations enforcement was a success. In the pilot project, there was **no** waiting time for the tow truck to arrive since OPG and DOT Offices worked as a team. DOT should amend its report to add in information regarding the successful pilot program so that the Council has an accurate view of booting versus towing.

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Members:

Absolute Towing-Hollenbeck Div., Inc.
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Viertel's Rampart Div., Inc.

- 1.3 The Council also should confirm if the average time expended for booting identified in the report is an estimate or based on data entered into each traffic officer's handheld device (which normally is used to track traffic officer activity).
- 1.4 We agree with DOT, the Council should request a longer, historical data set of average daily vehicle seizures to get a better perspective that is less prone to short-term anomalies. Also, the average daily vehicle seizures metric has no context regarding DOT resource allocation, i.e. how many total employee hours (excluding vacations, sick hours, etc.) were dedicated to scofflaw activities and vehicles seizures? Allocating more resources in a given period and then generating more vehicles seizures does not necessarily suggest higher productivity. While we clearly prefer towing, from an unbiased point of view, the report does not contain enough information for the Council to get an accurate view on productivity and make an accurate assessment of the booting program.

Improved Customer Service Experience

The report makes assertions (“...offers benefits to motorists...”) and uses conditional language (...can be back in operation within 15 minutes of their call...) without providing specific data and/or analysis to support these claims. The report also reaches conclusions (“...people prefer this enforcement model...”) without any evidence, e.g. did DOT conduct a customer satisfaction survey?

- 2.1 The report presents an incomplete assessment of the financial cost to motorists (\$150 for booting versus \$276.55 for one-day towing and storage). DOT's data does not characterize the motorist cost of the 37% of booted vehicles that are eventually towed, which would include both boot fees as well as towing and storage fees. The report also does not present the aggregate cost to motorists for towing versus a hybrid towing and booting program.
- 2.2 The purported redemption rate (i.e. vehicle owners who had their booted vehicles released after paying outstanding citations and fines) is inaccurately overstated as 76%. The data table in the report (Attachment 1) has mathematical errors. The correct figure is 71% compared to 66% for vehicles towed immediately *during* the pilot period.
- 2.3 The number of booted vehicles not released ($3,527 - 2,612 = 915$) does not correlate with the number of reported “Aged Boot Tow” vehicles (908). The Council needs an explanation for how and why the reported data is inaccurate and whether this affects DOT's preliminary conclusions. The table below re-summarizes the available data in the report, re-titles some headers and re-organizes some columns for clarity, and adds additional analysis.
- 2.4 The report failed to detail the increased financial burden on constituents whose vehicles were both booted and towed. Those constituents were forced to pay the booting costs and the towing and city fees.
- 2.5 The report did not mention how many boots were stolen or vandalized or how many people returned their boots late and how much Paylock collected from late fees.

- 2.6 The report’s analysis (even with the limited data) is incomplete. For example, 37% (1,533) of all booted vehicles are eventually towed, either later that same day or after 72 hours, i.e. accruing both booting and towing and storage fees. In total, 40% of all seized vehicles (including those towed immediately) are eventually towed.
- 2.7 An important metric is to compare what happens when a motorist is both booted and towed? Motorists whose vehicle are booted and towed the same day only see 56% of their vehicles released. Only 21% of vehicles booted and towed after 72 hours are released. In total, only 35% of all vehicles booted and towed are released versus 66% of vehicles that are towed immediately. This observation and the impacts on motorists needs more analysis.
- 2.8 At least 1,540 vehicles (37% of those booted) remained on city streets for up to 3 days before being towed, taking valuable parking away from constituents and business owners and contributing to visual blight in neighborhoods. DOT also should report on how many booted vehicles were vandalized. DOT should provide data on how long booted vehicles that are not towed but eventually released remain immobilized on city streets.
- 2.9 In the event that a vehicle operated by a disabled, elderly, or other person who physically cannot remove or lift the boot, PayLock calls LADOT for a Traffic Officer to assist and the city is **not** reimbursed by PayLock for the Traffic Officer’s time. The report does not mention how many times Traffic Officers were required to assist motorists.

	Pre-Pilot Tows	Pilot - Booted Vehicles					Pilot	
		Not		Total	Aged Boot Tow	Same Day + Aged	Immediate Tow	
		Same Day Tow	Immediate Tow					
Seizures	4,021	625	3,527	4,152	915	1,540	229	
Avg. Seizures/Day	46			50			3	
Releases	2,351	350	2,612	2,962	191	541	151	
% Released	58%	56%	74%	71%	21%	35%	66%	
(Same Day + Aged) / Total Booted Seizures						37%		
All Towed (Same Day + Aged + Immediate) / (Total Booted Seizures + Immediate Tow Seizures)						40%		

- 1) Total number of releases in report stated as 3,153, which appears to include the "aged boot tow" figure that DOT identifies as a subset of "booted - not immediately towed"
- 2) The "aged boot tow" "seizures" was stated as "908" in the report

Scofflaw Population and Collections

- 3.1 The report also is incomplete in this area, even noting the data issues identified by DOT. The report contains no analysis of the revenue associated with the scofflaw payment or the age of the scofflaw citations and fines. We agree with DOT that additional analysis is needed in this area.

Financial Impact

- 4.1 The report does not address the impact of reduced towing on City Revenue. The pre-pilot period had an average of 46 tow operations per day versus 21 per day under the pilot (booted-towed same day + booted-towed after 72 hours + towed immediately). This reduction in towing operations both reduces City Revenue and changes the economic viability of the OPGs as public safety partners to the City.
- 4.2 Under the new program, PayLock now collects and deposits all fines and fees collected on behalf of the City in an account designated by the Office of Finance. The City's current contract with Conduent Transportation/Xerox to collect unpaid parking citations still remains in force. Even if the City boots a vehicle, the City still pay Conduent Transportation/Xerox \$3.46 per citation processed in addition to any fee charged by the Paylock. In addition, scofflaw citations fall under the "special collections" provision of the Conduent Transportation/Xerox contract, meaning constituents already will be responsible for a \$27 special collections charge for being delinquent plus any additional fees charged by the booting company. This information was missing from the report and we believe should be included in order for the Council to understand the financial impacts to the City.
- 4.3 The report failed to show the loss of revenue to the City when vehicles are booted. The City no longer collects the Vehicle Release Fee (the City fee to recover the cost of Traffic Officers time) or the Parking Occupancy Tax. Unlike OPGs, in the no-bid contract, Paylock was not required to even pay a City Franchise Fee. All booting money other than the collection of the outstanding parking revenue, is kept by Paylock. Under the towing system, vehicles were not released until the parking tickets were paid or a payment agreement was made by the City with the vehicle owner.

Other Issues

- 5.1 The report contains no indication on whether the pilot program had any issues related to traffic officers, customer complaints, the unbanked, or the American with Disabilities Act (ADA). These issues should be analyzed as well as part of the pilot program evaluation.

Recommendations

In order to get a more comprehensive assessment of the booting pilot, we recommend that the Council direct DOT, with the assistance of the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) to report back on:

1. Booting activity (including vehicles that were both booted and eventually towed) and changes in parking citation issuance and towing activity.
2. Booting revenue and changes in non-booting parking citation and towing revenue.
3. Financial impact of booting on scofflaws and comparison to financial impact of towing, including impact of booting on the unbanked.

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4. Customer service impacts of booting, including the number and percent of scofflaws using each payment method (credit card, etc.), number and resolution of complaints, and Americans with Disabilities Act (ADA) and other issues experienced by scofflaws and/or traffic officers.
5. Assessment of traffic officer experience through consultation with Service Employees International Union (SEIU), Local 721.

Conclusion

We respectfully request that you direct DOT and the Council's advisors to report back with additional information on the booting pilot program. We do not believe that this report provides the information requested in the Council Motion, namely that the "Department of Transportation report should include, but not be limited to, public safety consequences, impacts on current DOT employees involved with parking enforcement and help center services, constituents subject to vehicle immobilization, program costs to DOT and citizens, and Charter Section 1022 review."

The OPGs thank you in advance for considering the issue we raised in this letter and would be happy to provide additional information on OPG operations (which is managed by the Los Angeles Police Commission) and answer any questions you, the Public Safety Committee, or Council may have.

Sincerely,



Eric Rose
OPG Executive Director

cc: Honorable Mike Bonin, Chair, Transportation Committee
Honorable Mitch O'Farrell, Vice Chair, Public Safety Committee
Honorable Joe Buscaino, Public Safety Committee
Honorable Monica Rodriguez, Public Safety Committee
Honorable David E. Ryu, Public Safety Committee
Seleta Reynolds, General Manager, Department of Transportation
Brian Hale, Chief, Parking Enforcement & Traffic Control, Department of Transportation
Richard Tefank, Executive Director, Los Angeles Police Commission
Sharon Dickinson, City Clerk
John White, City Clerk