



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of March 12, 2011

### SUPPLEMENTAL REPORT

**DATE:** March 10, 2011

**SUBJECT:** Request to advertise a public hearing for consideration of proposed amendments to Chapter 14.3 of the Arlington County Code, the County's towing ordinances.

**DISCUSSION:** This Supplemental Report addresses an additional proposed amendment to Chapter 14.3 of the Arlington County Code which will clarify the date by which all towing signs must come into compliance with the new proposed ordinance requirements. See revised § 14.3-5(A)(1)(h) of the updated version of Attachment A to this Supplemental Report. The proposed amendment to this section would remove the general one-year grace period, which elapsed in 2008 with respect to the other subsections of § 14.3-5(A)(1), and would set a compliance deadline of May 1, 2012, for property information to be included on towing-related signs.

This Supplemental Report also includes the Towing Hot Spots Report, as requested by the County Board. The Towing Hot Spots Report contains no recommendations for ordinance amendments at this time, rather it is meant to provide additional background information for the Board's discussion of towing and parking issues in Arlington.

County Manager:

*BMD/SFW*

County Attorney:

*BRC*

*[Signature]*

Staff: Brian Stout, CMO

23.

## CHAPTER 14.3

### TOWING AND STORAGE OF VEHICLES\*

---

\* **Editors Note:** Ord. No. 07-18, adopted December 15, 2007, amended former Ch. 14.3, relative to towing and storage of vehicles, in its entirety to read as herein set out. The provisions of former Ch. 14.3 derived from an ordinance of July 8, 2006, Ord. No. 06-11.

---

§ 14.3-1. Findings.

§ 14.3-2. Definitions.

§ 14.3-3. Applicability.

§ 14.3-4. Compliance with state licensing requirements.

§ 14.3-5. Removal of trespassing vehicles.

§ 14.3-6. Notice.

§ 14.3-7. Storage facilities.

§ 14.3- 8. Receipt required.

§ 14.3-9. Fees.

§ 14.3-10. Manner of payment.

§ 14.3-12. Violations.

#### § 14.3-1. Findings.

The County Board has found that some members of the public and their property have been placed at risk in circumstances where their vehicles have been towed without their consent and placed in storage because of a variety of factors including, but not limited to, unfair and predatory towing and pricing practices, inadequate notice of when vehicles are subject to towing, unreasonable prices for towing and storage, and lack of adequate recourse in the event of improper towing or storage, among others. Based upon the foregoing, the County Board has concluded that the regulations provided for by this Chapter are required to protect the public health, safety and welfare generally, and particularly the safety of those members of the public whose vehicles have been towed without their consent and stored, as well as the public interest in ensuring that the prices charged for non-consensual tows occurring in instances when vehicles are trespassing on private property are fair and reasonable.

(Ord. No. 07-18 enacted 12-15-07)

#### § 14.3-2. Definitions.

Except as hereinafter set forth, the words used in this Chapter shall have the same meaning as set forth in ~~Title~~section 46.2-100 of the Code of Virginia, as such may be amended from time to time.

*Storage fee* means the compensation payable for the storage of a towed vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service.

*Tow, tows, or towing* means the act of removing, by tow truck, a vehicle from privately-owned property within the County where it is parked. The preparation of a vehicle for removal by a tow truck or the attachment of a vehicle to a tow truck, or both, does not, for purposes of this chapter, constitute a tow or towing.

*Towing fee* means the compensation payable for the towing of a vehicle.

*Towing and recovery operator* means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated. The term includes any employee, authorized agent or legal representative of such individual or entity. Any person who in any way advertises himself as a towing and recovery operator or in any way conveys the impression that he is engaged in services of providing towing and recovery of vehicles shall be deemed to be engaged in towing and recovery services. The term does not, for purposes of this Chapter, include an individual or entity that removes vehicles from public streets and other locations, pursuant to a contract with the County.

*Tow truck* means a vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. *Tow truck* also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."

*Vehicle* means every device in, on or by which any person or property is or may be transported or drawn on a highway.

(Ord. No. 07-18, enacted 12-15-07; Ord. No. 11-\_\_, enacted \_\_-\_\_-11)

### **§ 14.3-3. Applicability.**

This Chapter applies (i) to the towing, by a towing and recovery operator, of vehicles from privately-owned property within the County without the consent of the vehicle owner or driver, (ii) to the fees that are charged for such towing of vehicles, and (iii) to the fees that are charged for the storage and retrieval of such towed vehicles. This Chapter does not apply to the towing of vehicles from public streets and other locations that is performed pursuant to a contract with the county, or to the storage of such vehicles.

(Ord. No. 07-18, enacted 12-15-07)

### **§ 14.3-4. Compliance with state licensing requirements.**

All towing and recovery operators and all tow trucks engaged in business in the County shall comply with state licensing requirements imposed by state law, and shall provide evidence of such upon request by any representative of the County authorized to enforce the provisions of this Chapter.

(Ord. No. 07-18, enacted 12-15-07)

**§ 14.3-5. Removal of trespassing vehicles.**

A. The owner, operator, or lessee, or authorized agent thereof, of any property, may have any vehicle occupying the property without the permission of its owner, operator, lessee, or authorized agent thereof, removed by towing to a storage facility until reclaimed by the owner or his agent provided the provisions of this Chapter are complied with, as well as the following;

1. Signs shall be posted at all vehicle entrances to the property clearly, conspicuously, and legibly disclosing that vehicles parked without permission will be towed. Such signs shall be posted so that the locations on the property subject to towing shall be clearly identified. The signs shall meet the following requirements and include the following information;
  - a. each sign shall be not less than 12 X 18 inches;
  - b. the lettering on each sign shall be as follows: “towing at owner’s expense” not less than three (3) inches in height; “24 hrs/7 days” not less than one (1) inch in height and placed just above the tow truck symbol; the tow truck symbol, not less than two (2) inches in height. Other lettering may vary in size but in no case be less than one-half (1/2) inch in height;
  - c. each sign shall contain a pictorial symbol of a tow truck;
  - d. each sign shall contain a statement to the effect that trespassing vehicles are subject to towing and storage at the expense of the vehicle owner;
  - e. each sign shall state the hours and days of the week when trespassing vehicles are subject to towing;
  - f. each sign shall provide the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from the property, which telephone number shall be answered by a person twenty-four (24) hours each day;
  - g. each sign shall provide the non-emergency telephone number of the County Police; and

~~h. there will be a grace period of one (1) year from the date of adoption to bring all signs into compliance~~ each sign, by May 1, 2012, shall include the name of the business or businesses on or adjoining the property, the street address of the property, or the name of the property.

2. The foregoing requirement for signs shall not apply on any parcel of property used at the time of removal for one single-family residence or one two-family residence; and provided further, however, that parking spaces parallel to or at an angle to a public street and entered directly from a public street shall be deemed to be providing signs properly when the signs are placed along the sidewalk (or in a similar location when there is no sidewalk) adjacent to the space or row of spaces and there is at least one (1) of the signs required by this Chapter within forty (40) feet of each such space.

3. The towing and recovery operator performing the tow shall obtain authorization of the owner, operator, or lessee of the property from which the vehicle is towed, or the authorized agent thereof. For the purposes of this ~~Subsection~~ subsection, “authorized agent” may include a representative of the towing and recovery operator. The towing and recovery operator, and the owner, operator, or lessee of the property, shall maintain for public inspection at its business offices, and at the property, respectively, copies of all contracts or other documents that appoint the operator as the authorized agent for the owner, operator or lessee of the property for purposes of authorizing tows from the property.

4. The towing and recovery operator performing the tow shall obtain and retain the following, and shall provide a copy of each to the owner, operator, or lessee of the property;

a. digital and/or Polaroid photographs or videos of the vehicle in the location from which the vehicle is being towed;

b. digital and/or Polaroid photographs or videos of the condition of the vehicle prior to the tow; and

c. to the extent available, other documentary evidence substantiating the reason for the removal.

5. The tow truck used to perform the tow shall include the name, street address, and current, local telephone number of the towing and recovery operator permanently affixed in a conspicuous location on the exterior of the truck.

B. This Section shall not apply to public safety and public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

(Ord. No. 07-18, enacted 12-15-07; Ord. No. 11-\_\_\_\_, enacted \_\_-\_\_-11)

**§ 14.3-6. Notice.**

A. Immediately prior to a trespassing vehicle being removed or towed as permitted by this Chapter, notice of this action shall be given by the towing and recovery operator to the County Police. Such notice shall include the following information:

1. the name of the towing and recovery operator removing vehicle;
2. a description of the vehicle towed including make, model, VIN number and license plate;
3. the location of trespassing vehicle and the date and time of the tow;
4. the location of the storage facility to which the vehicle was towed; and
5. the name and address of the individual and/or entity who authorized the tow.

B. Failure to report such tow as required by this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00). Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping.

(Ord. No. 07-18, enacted 12-15-07; Ord. No. 11-\_\_, enacted \_\_-\_\_-11)

**§ 14.3-7. Storage Facilities.**

A. All towing and recovery operators engaged in towing vehicles without the consent of their owners shall conspicuously display at their main place of business and at any other storage facilities where towed vehicles may be reclaimed, in locations readily visible to those reclaiming vehicles:

1. signs that clearly and legibly provide the following information:
  - a. a comprehensive list of all their fees for towing, recovery, and storage services. Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed or stored without his consent;
  - b. that payment may be made by cash, traveler's check, money order, insurance company check, or debit, credit or charge card;
  - c. that a receipt shall be provided;
  - d. that the vehicle owner shall have the opportunity to inspect the vehicle for damage prior to payment and a tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive

compensation for damages to the owner's vehicle as a condition of the vehicle's release.

2. a consumer information sheet, designed by Arlington County, which will include, among other things, the fee limits and operator requirements established by this Chapter, the non-emergency telephone number of the Police Department, the business telephone number of the County official responsible for handling consumer complaints, a reference to the Tow Ordinance on the County website, a summary of Frequently Asked Questions, and any other information the County determines is necessary to provide to the vehicle owner or his agent. The consumer information sheet shall also include a statement informing the consumer that a copy of the sheet shall be provided to them by the towing and recovery operator with their receipt and shall be provided and posted in both English and Spanish.
- B. The fees authorized by this Chapter shall be the maximum allowed and an additional fee for use of a debit, credit or charge card, or other form of payment, shall not be permitted.
- C. Towing and recovery operators shall make change, up to one hundred dollars (\$100.00), for those who pay in cash for towing and storage charges applicable to vehicles towed under the provisions of this Chapter.
- D. Storage facilities to which vehicles towed under the provisions of this Chapter are towed shall be open twenty-four (24) hours a day.
- E. Storage facilities to which vehicles towed under the provisions of this Chapter are towed shall be located within the County or at a location in the Commonwealth of Virginia that is within three (3) miles of the boundary line of the County.
- F. In the event that a vehicle is towed from the County and stored in or released from a location in another locality, the provisions of this Chapter shall apply.

(Ord. No. 07-18, enacted 12-15-07)

**§ 14.3- 8. Receipt Required.**

- A. At the time a vehicle owner or agent reclaims a towed vehicle, the towing and recovery operator shall provide a written receipt that contains the following information:
1. the name and address of the towing and recovery operator;
  2. the address from which the vehicle was towed;
  3. the date and time that the vehicle was towed;
  4. the date and time that the vehicle entered the facility at which it was placed for storage;

5. an itemized list of all the fees that are being charged; and
6. a signature of an authorized representative of the towing and recovery operator.

B. In addition, the towing and recovery operator shall provide to the vehicle owner or agent a photocopy of the ~~consumer~~consumer information sheet referenced in ~~Section~~subsection 14.3-7A(2).

(Ord. No. 11-XX, \_\_-\_\_-11)

**§ 14.3-9. Fees.**

A. Charges imposed for the towing, storage, and safekeeping of any vehicle removed, towed, or stored without the consent of its owner shall not be in excess of the maximum charges provided for in this Section.

B. The maximum fees that may be charged for the towing of vehicles and for the storage of such towed vehicles are as follows:

1. for the towing of a vehicle with a gross vehicle weight rating of seven thousand five hundred (7,500) pounds or fewer, the maximum fee shall be ~~one hundred and fifteen dollars (\$115.00)~~one hundred twenty-five dollars (\$125.00);

~~2.~~ 2. for the towing of a vehicle with a gross vehicle weight rating of between seven thousand five hundred and one (7,501) pounds or greater and ten thousand (10,000) pounds, the maximum fee shall be two hundred fifty dollars (\$250.00),

3. for the towing of a vehicle with a gross vehicle weight rating of ten thousand and one (10,001) pounds or greater, the maximum fee shall be five hundred dollars (\$500.00).

24. for the storage of any towed vehicle, the maximum fee for each twenty-four (24) hour period of storage, or portion thereof, shall be fifty dollars (\$50.00); provided that no storage fee may be charged for the first twenty-four (24) hours of storage, or any portion thereof, following the arrival of a towed vehicle at a storage facility.

C. Except for fees authorized by this Chapter, no other fees or charges shall be imposed.

D. No towing and recovery operator having custody of a vehicle towed without the consent of its owner may impose storage charges for that vehicle for any period during which the vehicle could not be reclaimed because the storage facility was closed.

E. If the owner or representative or agent of the owner of the trespassing vehicle is present, and ready, willing, and able to remove the trespassing vehicle from the premises at any time before it is removed from the premises by a towing and recovery operator, the vehicle shall be released to the owner or representative or agent of the owner for purposes of immediate removal

from the property, but the owner or representative or agent of the owner shall be liable for a reasonable “in lieu of towing” fee, not to exceed twenty-five dollars (\$25.00), provided that the towing and recovery operator provides a written receipt to the owner or representative or agent of the owner identifying the accepted forms of payment specified in Section 14.3-10.

(Ord. No. 07-18, enacted 12-15-07; Ord. No. 11-\_\_, \_\_-\_\_-11)

**§ 14.3-10. Manner of payment.**

A. Towing and recovery operators shall accept payment for towing fees, storage fees, retrieval fees and the “in lieu of towing” fee provided for in this Chapter in each of the following ways:

1. cash in United States currency;
2. insurance company check;
3. travelers’ checks or money orders payable in United States currency; and
4. any debit, credit or charge card that the towing and recovery operator is authorized by the issuing credit or charge card company to accept, and that is accepted by the towing and recovery operator in the ordinary course of business.

**§ 14.3-11. Records.**

A. Every towing and recovery operator shall maintain a record of the following information for each vehicle that it has towed from a location within the County:

1. the date and time that the vehicle was towed;
2. the date and time that the vehicle entered the facility at which it was placed for storage;
3. the make, model, year, VIN number, and license plate number of the vehicle;
4. the address of the property from which the vehicle was removed;
5. the name and address of the person and/or entity who authorized the tow;
6. the video or photographs taken at the time of the tow;
7. the towing and storage fees actually charged;
8. the date and time the vehicle was reclaimed, and by whom; and
9. a copy of the receipt provided to the vehicle owner or agent.

B. Such record shall be maintained for a period of at least one (1) year from the date of each tow, and shall be made available, during normal business hours, for inspection and copying by any representative of the County authorized to enforce the provisions of this Chapter. In addition, the portion of such log or record pertaining to a particular vehicle shall be made available, during normal business hours, for inspection and copying by the owner of the vehicle or the owner's authorized representative.

(Ord. No. 07-18, enacted 12-15-07)

**§ 14.3-12. Violations.**

A.—Except as otherwise specifically provided, any violation of this Chapter is unlawful and punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(Ord. No. 07-18, enacted 12-15-07; Ord No. 11-\_\_, enacted \_\_-\_\_-11)

# **ARLINGTON COUNTY TRESPASS TOWING HOT SPOTS REPORT**

Prepared at the request of the Arlington County Board

*March 2011*

## **Overview**

This report seeks to identify and examine privately-owned parking lots that have produced a large volume of the trespass vehicle tows in Arlington County over the course of the last several years. The purpose of this examination is to determine what additional actions, if any, are necessary to ensure that motorists in Arlington County are provided with sufficient information about where they are not allowed to park their vehicle on private property and to identify opportunities to support the County's transportation goals. The goal is that this report will help inform future actions, be they county-wide changes to the towing ordinance, individual actions taken by property owners with assistance from the County to address issues as they arise or actions possibly performed by the County to help motorists locate legal places to park.

On behalf of the County Board, this report was requested by Board Member Jay Fisette, County Board liaison to the Trespass Towing Advisory Board, during a review of the County's towing ordinance. Stating that the "ultimate goal of the ordinance is to protect the consumer...my goal is to reduce the number of tows in the County that are predatory," Mr. Fisette wanted to know the properties in the County where a disproportionate share of trespass tows were occurring, or "where it is likely people will park illegally." The County Board further directed the County Manager to work with individual property owners to identify additional actions that can be taken to reduce the overall number of trespass tows in Arlington.

## **Identification and Review**

The first step taken was a review of the towing complaints received by the County over the course of the last two fiscal years. According to the Police Department, out of the approximately 22,200 cars towed from private property in Arlington in FY2009, there were 37 complaints filed with the County. Out of these 37 tows there was only one property that was the subject of more than one complaint, and therefore this review did not reveal any particular lots in the County that were responsible for a significant number of towing complaints. In FY2010, out of a similar number of tows overall, Arlington received 59 complaints. A review of these complaints revealed several properties with more than one complaint – these properties are discussed in more detail below.

In order to fulfill the County Board's request, County staff reviewed all tows in Arlington, whether they were the result of a complaint or not. This process was complicated by the fact that the County does not compile all trespass tows that occur in the County into a separate database. Although all trespass tows are called in to the Arlington County Emergency Communications Center (ECC) by the tow truck driver, as required by the ordinance, the County does not separate these calls out from the other emergency calls unless there is a complaint associated with it. While it would be possible

to search the daily logs of the ECC database to manually identify every trespass tow that was called in that day, it was determined that this would take a considerable amount of staff time to accomplish.

Due to the inability to pull a list and location of all trespass tows from our ECC database, the County Manager's office staff worked with the Police Department, towing and recovery operators and business owners to identify a list of properties in Arlington where a large number of tows occur. While we do not know the exact number of tows from these properties over the course of the last year out of the 22,200 total tows in Arlington, it was agreed by all parties that these locations represent a significant number of trespass tows in Arlington.

After nine properties were identified, County staff visited these sites with an eye to not only determining ordinance compliance regarding signage, but to determine what other factors were resulting in an inordinate amount of towing from these locations. Staff also spoke with both the property owners and business owners at these locations in addition to the towing and recovery operator who holds the towing contract for each lot. The properties subject to our review were, in no particular order:

- **Gold's Gym Ballston** - 3910 Wilson Boulevard
- **Mobil Market Place** - 4150 South Four Mile Run Drive
- **Westmont Shopping Center** - Intersection of Glebe Road and Columbia Pike
- **CVS** - 2601 Columbia Pike
- **CVS** - 2400 Jefferson Davis Highway
- **Pio Pio** - 3300 Wilson Boulevard
- **Marymount University (Ballston Center)** - 1000 North Glebe Road
- **Boulevard Woodgrill** - 2901 Wilson Boulevard
- **International House of Pancakes** - 935 North Stafford Street

### **Review Findings**

Based on site visits to the above properties, in addition to conversations with individual property owners, business owners, and towing and recovery operators, County staff made the following findings:

1. All of the properties identified are located in high traffic areas of the County,
2. Signage at all of the properties far exceed the County's current signage requirements, both in terms of the number and size of the signs, under the towing ordinance,
3. Many of the properties are the most heavily and clearly signed lots in all of Arlington County,
4. Many of the property owners have worked with the towing and recovery operators to increase the size and number of signs on their lots in order to reduce the number of vehicles parked illegally,
5. Nearly all of the properties are located within 1/8 mile of public parking facilities, widely regarded as a desirable radius for parking for retail activities,
6. Many of the properties have taken into consideration their unique circumstances and have taken further action to increase the visibility of signage and other towing information, and

7. The County has been successful working with individual property owners and towing and recovery operators to address public perceptions of unclear and inadequate signage.

Based upon the review findings, when coupled with the low number of towing complaints filed with the County Police, driver behavior is the largest contributing factor to the number of tows from private property in Arlington. County staff has determined that the County's towing ordinance is in fact fulfilling its mission of providing information to drivers about where they can legally park and providing a means to address illegal actions by the towing and recovery operators should they occur. It would appear from all of the evidence that the County's towing ordinance has strengthened the rights of motorists whose vehicles are towed from private property without their consent.

That being said, it is important for all parties, including the Arlington County Board, the Arlington County Manager's Office, the Arlington County Police Department, the Arlington County Trespass Towing Vehicle Advisory Board, towing and recovery operators and property owners in Arlington County to remain committed to insuring that the types of practices that have occurred in the past are not allowed to occur again and to address towing issues as they present themselves.

### **Actions Taken**

While the signage at all of the properties subject to this review are fully compliant with the County's towing ordinance, County staff worked with property owners, business owners and the towing and recovery operators to identify specific actions that could be taken to address the unique aspects of a number of the lots that were examined in this review. In these instances, staff found all parties to be interested in taking reasonable actions to address areas of perceived ambiguity, particularly in instances where customers of the businesses were being impacted. For the identified properties, all reasonable actions that could be taken without creating adverse impacts, such as aesthetic degradation, have been taken. County staff will continue to monitor the towing complaints received and work with property owners where possible to address any issues that arise.

A summary of the actions taken is provided below and additional information can be found in Appendix A, which contains photographs and a more detailed assessment of all the properties that were the subject of this review.

Property	Actions Taken
<p><b>Gold's Gym Ballston</b> 3910 Wilson Boulevard</p>	<ul style="list-style-type: none"> <li>• Additional vertical signs placed in front of a series of spaces reserved for one commercial tenant</li> <li>• Tower stenciled each individual space on the property</li> </ul>
<p><b>Mobil Market Place</b> 4150 S. Four Mile Run Drive</p>	<ul style="list-style-type: none"> <li>• PRCR executed an MOU with the DMV to allow DMV employees to park at the Barcroft Garage</li> <li>• Tower placed additional vertical signs in front of a series of spaces owned by the Mobil Market Place but in close proximity to the DMV</li> <li>• DMV stenciled all of their spaces with “DMV” and posted a sign at their entrance alerting their customers that they must be parked in designated spaces</li> </ul>
<p><b>Westmont Shopping Center</b> Intersection of Glebe Road and Columbia Pike</p>	<p>No additional actions identified. Additional public parking expected to become available on other parcels with the redevelopment of Columbia Pike.</p>
<p><b>CVS</b> 2601 Columbia Pike</p>	<p>No additional actions identified. Additional public parking will become available this year at Penrose Square.</p>
<p><b>CVS</b> 2400 Jefferson Davis Highway</p>	<p>No additional actions identified.</p>
<p><b>Pio Pio</b> 3300 Wilson Boulevard</p>	<p>Working with the adjacent property owner, Mario’s, a fence was constructed between the two properties more clearly delineating the parking lots</p>
<p><b>Marymount University (Ballston Center)</b> 1000 North Glebe Road</p>	<p>No additional actions identified.</p>
<p><b>Boulevard Woodgrill</b> 2901 Wilson Boulevard</p>	<p>No additional actions identified.</p>
<p><b>International House of Pancakes</b> 935 North Stafford Street</p>	<p>No additional actions identified.</p>

### **Towing Ordinance Changes NOT Recommended**

In undertaking this effort, the County Manager's staff not only examined what actions could be taken at these specific properties to address concerns, but also worked with the Trespass Towing Vehicle Advisory Board (TTVAB) to determine if any of the issues raised or actions taken could inform ordinance changes that should be implemented County-wide. The TTVAB and County staff discussed two potential mechanisms for achieving the stated goal of lowering the number of tows from private property in Arlington. At this time, neither the TTVAB nor County staff support either proposal.

The first mechanism would include an ordinance change to require an explicit authorization, or second signature, by a property owner or their designee to approve a tow from their property. Ultimately, this action would most likely reduce the overall number of tows in Arlington and would certainly reduce the number of what some have called "predatory", or quick, tows. Such a requirement would place additional burdens on property owners and business owners by requiring them to invest additional resources in parking management and could result in additional costs being passed on to consumers. Due to these potential adverse impacts, other jurisdictions who have considered such requirements have chosen to not institute them.

The second mechanism examined was an ordinance change to increase signage requirements for surface parking lots that are shared by multiple businesses. When parking spaces in these lots are delegated to specific businesses as opposed to all businesses on the property, there exists a potential for confusion for vehicle owners. While taking action to require all parking spaces on these properties to be individually marked has the potential to nearly ensure all drivers are presented with the information that trespassing vehicles are towed from the property, there would be significant adverse impacts from this requirement. Particularly in the areas of the County where the parking spaces are located along the roadway, this would significantly degrade community aesthetics.

### **Areas for Further Staff Examination and Review**

This review has led staff to an understanding that examining these issues through simply a towing ordinance perspective will not achieve the County's goals – we must also examine opportunities for action through a parking management perspective to fundamentally change parking behaviors in Arlington. To this end, the County Manager's staff coordinated with staff from the Department of Environmental Services, the Department of Community Planning, Housing and Development, Arlington Economic Development and the Police Department to review the County's Parking and Curb Space Management Element of the Master Transportation Plan (MTP) and other County policies to determine what impact they can have on towing from private property in Arlington.

While the County will continue to promote transportation choice and incentivize the use of alternative modes of transportation, such as transit, we must also provide for an appropriate amount of parking that suits the commercial and residential needs of each neighborhood and corridor in the County. The County's long-standing policy has been to create shared parking opportunities in parking garages as a part of new development

projects. This has proven successful, and we should continue to focus on areas of the County in need of additional capacity and identify opportunities to address them. For a number of reasons, it is unrealistic for the County to implement a similar policy with the myriad of small surface lots that primarily serve small businesses in the County.

Privately owned parking in Arlington represents a substantial investment by the private sector in an asset designed to serve their commercial needs. In the same manner that the County prioritizes uses for public assets such as on-street parking, so to must private property owners prioritize the use of their asset. While the County's public assets can and should be used for the greatest community benefit, the same does not hold true for private assets. That being said, parking availability is not only a critical component in the success of each individual business, but also in the success and vitality of neighborhoods, commercial corridors and Arlington County generally. This success in turn helps drive demand for and support for the individual businesses that call Arlington home.

Therefore, there exists a compelling reason for greater collaboration between the County and private property owners on the coordination of parking resources owned and operated by both the private and public sectors. Moving forward, County staff reiterates its goal of effectively managing the County's parking supply for the thousands of people who visit, work, live, play and shop in Arlington.

To this end, the County could utilize the following strategies:

1. Community Outreach: Similar to the upcoming Shirlington Open House, being conducted jointly with Arlington Economic Development and the Department of Environmental Services, County staff should work with relevant stakeholders in areas/neighborhoods of the County where the availability of and access to public and private parking are concerns. The goal of these workshops will be to develop neighborhood specific solutions that meet the needs of both residents and business. Additional resources would be required for staff to undertake these activities.
2. Consumer Survey: Numerous studies have cited a desirability gap between surface parking lots and parking garages. In order to effectively encourage the use of public parking garages, this gap must be addressed. Should resources be provided, County staff could undertake a study to determine what specific issues and concerns deter people from using garages.
3. Park and Walk/Park Once Campaign: Building upon the County's success with past campaigns, staff recommends undertaking a campaign to reorient the community's concept of parking. In the past, there has been the belief that you should be able to park at the property where you are doing business, which led to the creation of inefficient single-purpose parking. This is not the most efficient use of real estate and parking resources in the urban setting that has come to define Arlington. In order to educate drivers about shared parking concepts and reorient behavior, the County should create a campaign to encourage the use of public parking facilities and walking the rest of the way to their destination.

4. Way-Finding Signs and Systems: Increasing the visibility and accessibility of public parking facilities is critical if we are to achieve the desired behavioral changes. Staff recommends increased funding to provide additional way-finding signage to public parking facilities, similar to the recently completed effort in Clarendon. Additionally, a more sophisticated way-finding system would include the installation of smart parking systems. Such systems, such as parking space counting systems, are costly and would require a significant investment to implement. In the same way that technology has changed the way our transit systems operate and encourage their use, technology also has the potential to encourage the use of public parking facilities, provide real-time information to motorists, make parking more efficient, and reduce traffic congestion during peak hours.
5. Promotional Materials: County staff recommends increased funding for promotional resources that inform the public of public parking opportunities available in the commercial corridors of Arlington County.
6. Extending Meter Hours: County staff should examine the feasibility of extending on-street parking meter hours to open up more on-street parking spaces later into the evening, in select commercial areas where necessitated by the needs of businesses.
7. Public Parking Garages: In the areas of the County with inadequate levels of public parking, the County should identify opportunities to create additional private parking facilities through the planning process where possible or public parking facilities if necessary. In particular, County staff should follow up on the 2003 Columbia Pike Parking Strategy and determine if more parking is needed near the intersection of Glebe Road and Columbia Pike

Using all of the above strategies, the County can, over time, dramatically impact the manner in which parking is provided and used in Arlington, transforming it from a system of individual lots that serve individual needs to a coordinated collection of parking resources that meet the needs of the larger community. All of the above strategies share the common goal of making it easier, for individuals who choose to drive a vehicle to their destination, to find public parking facilities in the County. Encouraging the use of these facilities and making them more customer-friendly will have many positive impacts on the County, which include discouraging illegal parking and therefore reducing the number of trespass tows in Arlington. This effort does not have to be in conflict with Arlington's goal of encouraging the use of transit and alternative modes of transportation whenever possible. We can and should continue to make improvements in both areas, as they not only impact our transportation network, but they directly contribute to making Arlington a place where people want to live, work and play.

## APPENDIX A

### 1. Gold's Gym Ballston 3910 Wilson Boulevard

Working with the property owners, the towing and recovery operator has increased the amount of vertical signage and stenciled every parking spot in the lot to notify drivers of what business in the lot owns each space. While the signs at the entrance to the parking lot off of Wilson Boulevard are in compliance with the ordinance and are visible, perhaps larger signs at the entrance, similar to signage in other lots in Arlington, would be helpful. Due to the lot's location and close proximity to the street, this might cause concerns with our Zoning Department regarding frontage signing and may degrade the appearance of the property.

County staff has been pleased with the recent engagement by the property owner on parking and towing issues from this property. County staff will continue to work with the property owner and the towing and recovery operator to increase the visibility of signage in this lot.





## **2. Mobil Market Place 4150 South Four Mile Run Drive**

Last year, due to the large number of individuals visiting the Virginia DMV Office who have parked in the lot that serves the retail stores along South Four Mile Run Drive, the property owner and the towing and recovery operator increased the number of signs and included the phrase “No DMV Parking” on these signs. Additionally, following a meeting with the towing and recovery operator, vertical signage was placed in front of each of the six spaces in the Mobil Market Place lot that are in the closest proximity to the DMV.

Parking at the DMV facility continues to be an issue given the limited access to transit for the site and the lack of sufficient parking to meet peak demand. Working with the Virginia DMV Real Estate office, County staff has completed a Memorandum of Agreement that allows DMV employees to utilize the parking garage at the Barcroft Sports Complex. This action will free up additional spaces on the DMV site for customer parking. The DMV has also stenciled the letters “DMV” in yellow in all of their parking spaces and have placed a sign on their front door informing customers that they are subject to towing if they did not park in a DMV designated spot.

While these actions will not completely relieve the parking congestion and resulting towing from the Mobil Market Place lot, we do believe that collectively these actions will provide an appropriate and sufficient level of notification to DMV customers on where they are allowed to park their vehicle.







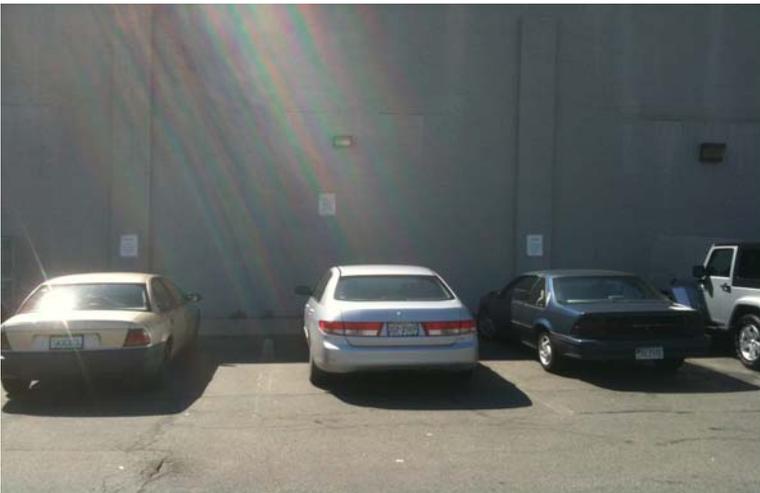
### 3. Westmont Shopping Center Intersection of Glebe Road and Columbia Pike

The property owner and the towing and recovery operator have placed 3 ft. x 5 ft. signs at both the Glebe Road and Columbia Pike entrances to notify drivers that they are allowed to park in this lot only if they are doing business in the Westmont Shopping Center. Despite these very visible signs, this remains one of the lots with the highest number of trespass tows. County staff will continue to work with the property owner to determine if additional signage on the landscaping within the lot itself is necessary.



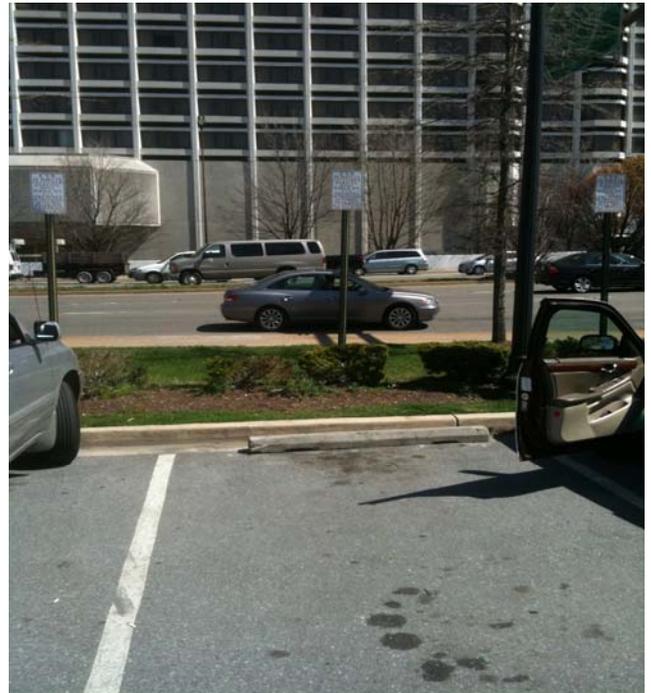
**4. CVS  
2601 Columbia Pike**

While the signs at the entrance to this lot meet the requirements of the ordinance, they are not nearly as large or recognizable as in the other lots subject to this review. In the lot itself, signs have been placed on the side of the building in front of each parking spot saying that parking is only for customers while they are on the premises. County staff does not believe any additional actions are necessary.



**5. CVS  
2400 Jefferson Davis Highway**

The sign at the entrance to this lot meets the requirements of the ordinance, however it is reasonable to believe that some individuals would not see the sign upon entering the parking lot. While not heavily signed at the entrance, however, this lot has vertical signage at each parking space in addition to having a towing sign at the entrance to the buisness notifying customers that parking is limited to 30 minutes for customers only. County staff does not believe any additional actions will be helpful in providing additional information to vehicle owners.



**6. Pio Pio**  
**3300 Wilson Boulevard**

The towing notification signs have been placed at each entrance to the lot in very close proximity to the lot entrance sign. Additionally, the lot owners have built a fence between the two properties in order to better delineate the separate lots, which is represented in the second picture by the wooden posts between the Mario's Pizza House lot and the Pio Pio lot. This action, which has served to remove any doubt that these are two separate parking lots serving two separate businesses, represents collaboration between business owners that County staff will attempt to replicate elsewhere in the County where possible and appropriate.



## 7. Marymount University – Ballston Center 1000 North Glebe Road

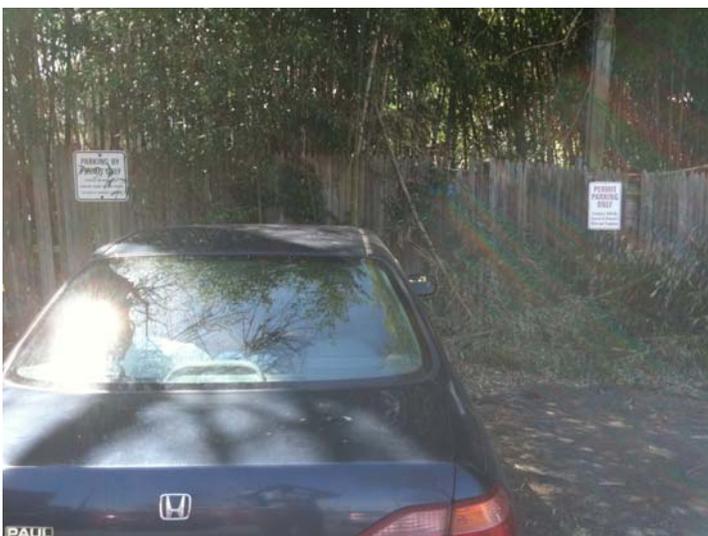
The Marymount University Ballston Center is one of the most heavily towed lots in Arlington County. Upon inspection, it was also learned that this lot is one of the most heavily signed lots in the County. The lot has two entrances – one on North Glebe Road and one on Wilson Boulevard – and each entrance is marked by both a large blue Marymount University sign and an ordinance-compliant towing sign provided by the towing and recovery operator. In addition, based upon multiple tows resulting from individuals parking in the Marymount lot while patronizing the CitiBank adjacent to the northern end of the parking lot, Marymount and CitiBank worked together to place signage in this area notifying parkers that those spots were not for CitiBank customers. While all spaces in this very large lot are not marked, there are multiple towing signs placed throughout the lot so as to be readily visible. County staff does not believe any additional actions will be helpful in providing additional information to vehicle owners.





## 8. Boulevard Woodgrill 2901 Wilson Boulevard

This very small lot off Wilson Boulevard behind Boulevard Woodgrill is typically manned by parking attendants during weeknights and weekends. The entrance to the lot itself is very heavily signed and additional signs have been placed along the fence at the western boundary of the lot. Additionally, a towing sign has been placed on a telephone pole at the southeastern end of the lot where individuals walk out to Wilson Boulevard after parking their vehicles in this lot. County staff does not believe any additional actions will be helpful in providing additional information to vehicle owners.



## 9. International House of Pancakes 935 North Stafford Street

The International House of Pancakes in Ballston is located in a densely developed and heavily trafficked portion of the County. The lot is very heavily signed for a lot that only has approximately 18 parking spots. The signs at both the Fairfax Drive and North Stafford Street entrances are double the size required under the County ordinance, and there is additional signage along the three different rows of parking spots. County staff does not believe any additional actions will be helpful in providing additional information to vehicle owners.

