

Operational Instruction

20.22

Disposal of Abandoned Vehicles



Government of South Australia

Department of Planning,
Transport and Infrastructure



TRAFFIC MANAGEMENT Operational Instructions

Disposal of Abandoned Vehicles - 20.22

AMENDMENT RECORD

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Manager, Traffic Services
16 / 02 / 2018

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1. Scope

The Operational Instruction is a procedure for operational personnel to remove, store and dispose of abandoned or unclaimed vehicles from roads under the responsibility of the Department for Planning, Transport and Infrastructure (DPTI).

It primarily applies to roads such as the South Eastern Freeway, Southern Expressway and other controlled access roads and the O-Bahn parking areas managed by the Department. Abandoned vehicles are also removed from “Out of District” roads (ie any roads maintained by the Department outside Council areas).

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This Operational Instruction interprets the requirements outlined in the Road Traffic Act 1961 for use by operational personnel. It also enables the Department to dispose of low value vehicles by more cost effective methods than public auction.

2. Background

With the responsibility for care and control of roads such as the South Eastern Freeway and Southern Expressway, together with other expressways – comes the removal of abandoned and broken down vehicles that cause obstruction or danger.

The procedure for the removal of such vehicles is outlined in the Road Traffic Act 1961 and up until 2006, required that the disposal of all abandoned vehicles be by public auction. As traditionally the abandoned vehicles had a low sale value, it resulted in substantial shortfall between the auction proceeds and the costs incurred by the Department (eg towing fees, auction fees, administration costs)

The Road Traffic Act was amended to give the Department (and other road authorities) the ability to dispose of low value vehicles by more cost effective methods than public auction. Parliament approved these changes that took effect from 16 November 2005.

3. Legislative Requirements

3.1 Road Traffic Act – 1961 – Section 40N and Section 40P

The whole process to remove, store and dispose of abandoned or unclaimed vehicles from roads is stated in detail in the following sections of the Road Traffic Act:

- *Section 40N – Removing unattended or broken down vehicle if danger or obstruction*
- *Section 40P – Notice of removal of vehicle and disposal of vehicle if unclaimed*

The Road Traffic Act is available from the following website:

<https://www.legislation.sa.gov.au/LZ/C/A/ROAD%20TRAFFIC%20ACT%201961.aspx>

It is only effective on roads where DPTI is the designated “road authority” under the definition of the Road Traffic Act 1961.

That is, “Road Authority” means—

- an authority, person or body that is responsible for the care, control or management of a road; or
- any person or body prescribed by the regulations for the purposes of this definition, in relation to specified roads or specified classes of roads;

3.2 Delegated Powers & Instruments of Approval

The Minister for Transport has delegated the powers relating to Section 40N and 40P of the Road Traffic Act to the:

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- Chief Operating Officer, Safety and Service Division, DPTI - 2015
- General Manager, Operational Services, Safety and Services Division, DPTI - 2015
- Manager, Traffic Operations, Operational Services, Safety and Services Division, DPTI - 2015

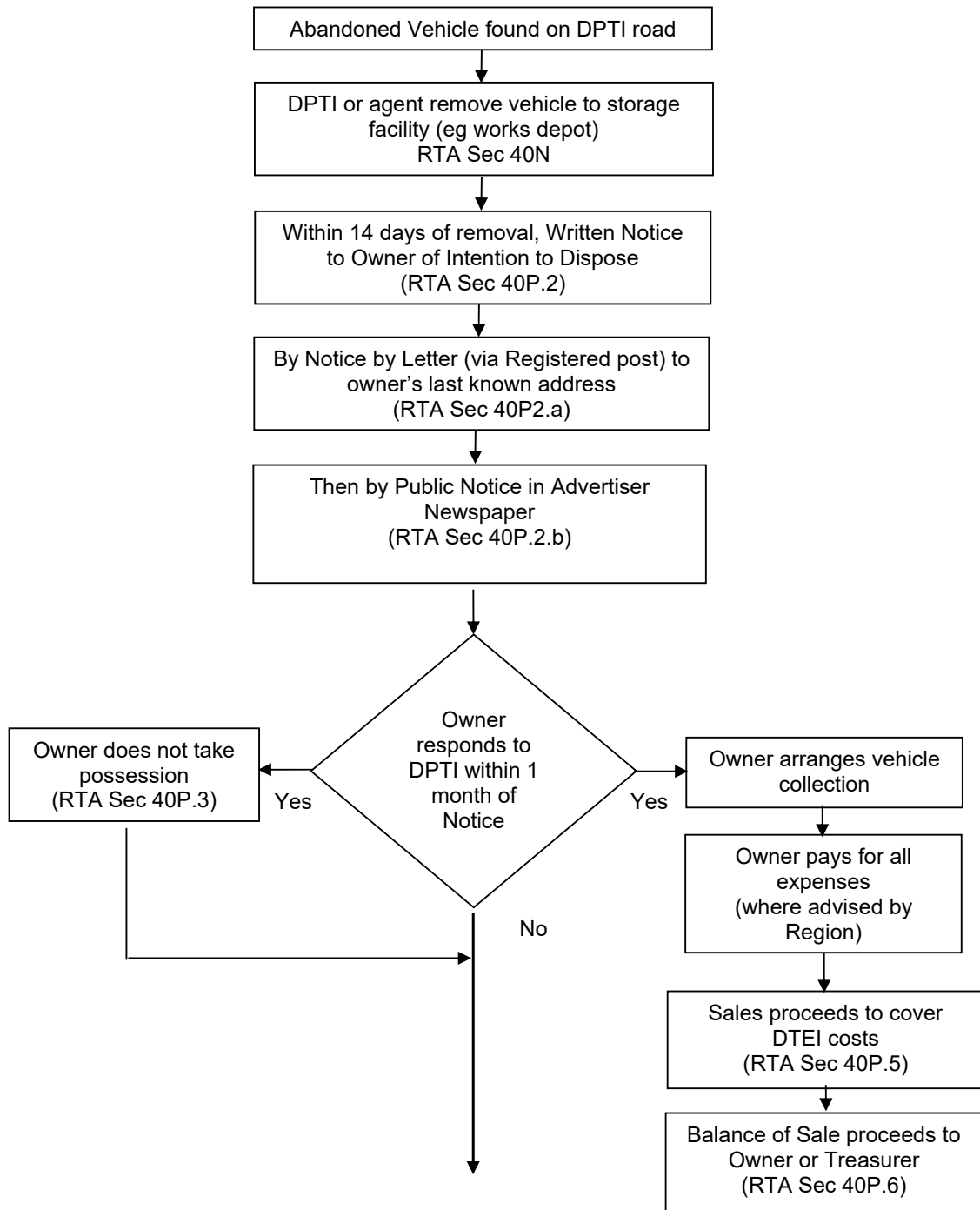
Refer to Appendix B

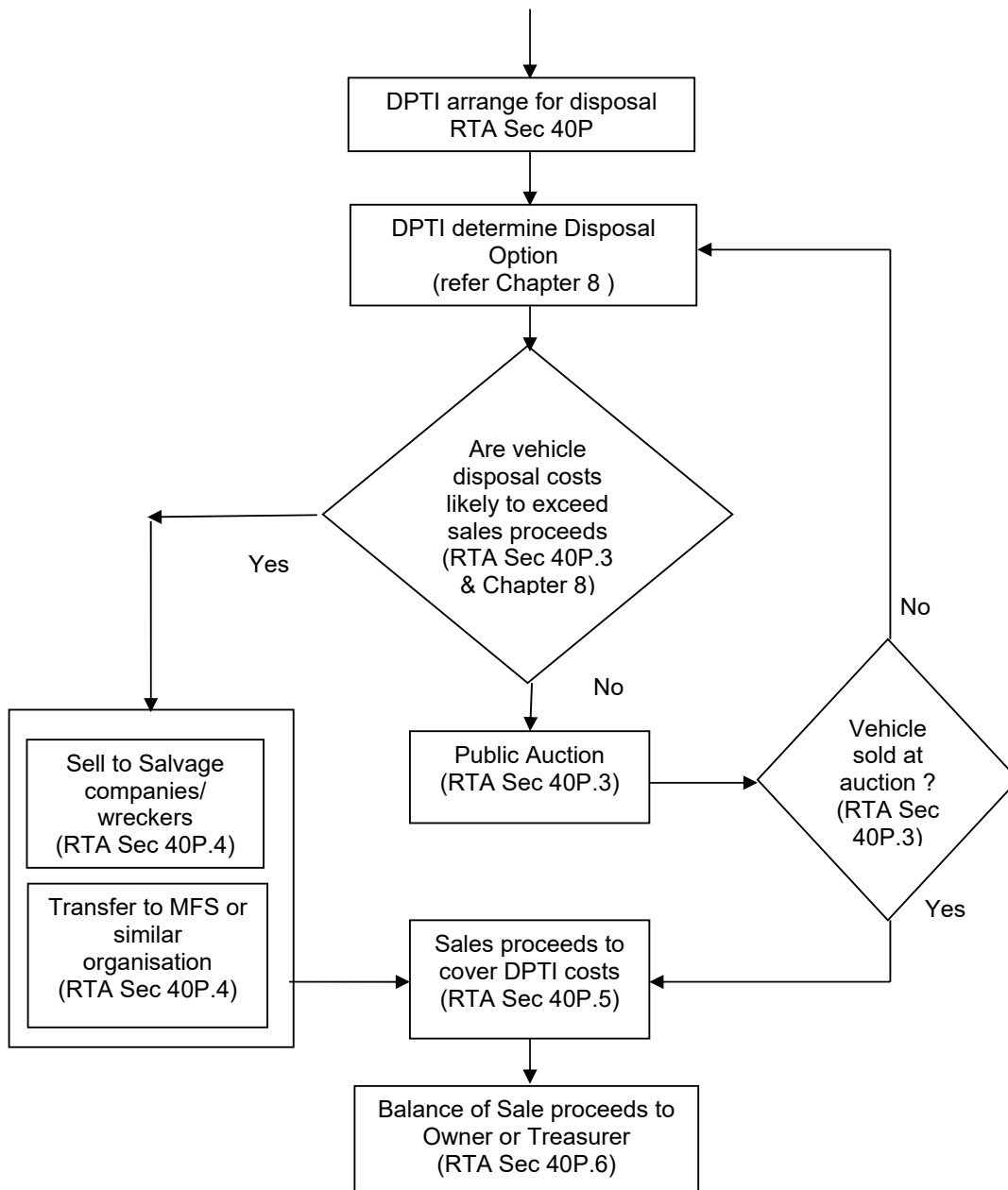
The Chief Operating Officer, Safety and Service Division has authorised a number of authorised officer to remove vehicles from a Freeway. Refer to Appendix C

The Manager, Traffic Management Centre, Traffic Operations is accountable for undertaking the operational aspects of the removal and disposal process. All recommendations must be signed off by the Manager, Traffic Operations.

4. Overview of Procedure

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5. Procedure for the Removal and Storage of Vehicles

A vehicle unattended or broken down on a bridge, culvert or freeway may be removed if, it is considered that:

- The vehicle is causing harm or a risk to public safety, the environment or road infrastructure, or
- Likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road.

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The vehicle is moved to a departmental storage facility for safekeeping – eg works depot. It is kept there until the disposal procedure is complete.

The safety of any officer undertaking removal is important, and protective measures and safe work systems should be used.

The Road Traffic Act *Section 40N "Removing unattended or broken down vehicle if danger or obstruction"* provides more comprehensive information.

Southern Expressway and South Eastern Freeway

In the case of the Southern Expressway and South Eastern Freeway, the Traffic Management Centre has arrangements in place to remove and tow vehicles which are believed to be abandoned. The approved Towing Company towing the vehicles for the Department, completes a damage assessment form.

This form is completed before the towing company loads the vehicle onto the truck, and a copy is forwarded to the Traffic Management Centre or the Regional Office. If there is any dispute about the vehicle's condition of the car, then there is evidence of the condition prior to being delivered to the depot.



6. Procedure for Notification of Abandoned Vehicle Owners

Several methods are available for notification to vehicle owners.

After removal of the vehicle, a written notice needs to be provided to the owner advising:

- The opportunity for owner to take possession of their vehicle within 1 month of removal date
- Payment of all costs associated with the removal and storage of the vehicle
- DPTI's intention to dispose of the vehicle if it is not collected and fees paid.

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Written notification to the owner can be in either of the following ways:

- served on the owner personally, or
- sent by registered post to the owner's last-known residential address, or
- public notice published in a newspaper circulating generally in the State , within 14 days after the removal of the vehicle

The owner has on (1) month after the date of the letter or publication to arrange collection of the vehicle and pay all expenses.

Upon collection, the owner should provide the following information to site or depot supervisor:

- Identification as the legal owner of the vehicle
- Verification or invoice to show any due costs have been paid.

7. Procedure for Collection of Abandoned Vehicles by Owner

If an owner or person wants to collect their vehicle, they must be advised to contact the Regional Office (or the Traffic Management Centre) and arrange for a Departmental representative or the authorised Towing Contractor to meet them at the depot.

If there is any dispute about the vehicle's condition of the vehicle, the towing company's damage assessment form has evidence of the condition prior to being delivered to the depot.

The owner needs to complete a form when the vehicle is collected and forward to the Regional (Departmental) representative or the authorised Towing Contractor. The form will verify:

- The sighting of a photo identification of the person collecting the car,
- A valid driver's licence or vehicle registration papers.
- The person has a key for the vehicle



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8. Procedure for Disposal of Abandoned Vehicles

The Department may arrange for the sale of the vehicle by the following methods, after

- the expiry of 1 month of service of a notice relating to the removal of the vehicle and
- the vehicle has not been collected.

(a) Public Auction

Public auction must be used where the sale proceeds of sale of the vehicle are likely to exceed departmental costs relating to the sale.

(b) Alternative Method

If the delegate of the Minister considers that the sale proceeds are unlikely to exceed the costs incurred in selling the vehicle then the following methods will be adopted:

- Selling the vehicle to salvage/wreckers; or
- Transfer vehicle to the Metropolitan Fire Service or other Emergency Service for training and operational use at an agreed value or no cost

For the purpose of establishing the method of disposal the cost factors set out at Annex A are to be considered.

9. Procedure for Revenue from Sales

The proceeds of any sales of the vehicle must be applied in the following manner:

- Firstly, to pay the costs of and incidental to the sale.
 - This includes auction fees, advertising fees and associated administrative costs.
- Secondly, to pay the costs of an incidental to the removal, custody and maintenance and notification costs
 - This includes costs such as towing fees, storage fees, vehicle maintenance, associated labour and material costs, administrative costs.
- Thirdly, in payment of the balance to the owner of the vehicle
- Fourthly, to pay the balance to the Treasurer, if the owner cannot be found after reasonable enquiry.

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10. References

The File 2007/00861 “Abandoned Vehicles – Vehicles abandoned on the Southern Expressway 2007 – 2010” contains background information used in the development of this Operational Instruction.

Appendix A Justification for Disposal other than public Auction

There will be situations when DPTI may see fit to use disposal of an abandoned vehicle other than public auction.

This occurs only after full notification process is completed and a determination has been made that sale by public auction is not financially viable.

The disposal methods include (where the delegate of the Minister has decided that a public auction is not to be used):

- sale to motor vehicle salvage/wreckers either by direct sale or tender process;
- transfer on request to the Metropolitan Fire Service or other Emergency Service for training or operational purposes.

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Justification for Methods other than public auction

The following calculations provides a determination that sale by public auction is not financially viable in most cases. Consideration of this information can assist in determining disposal method.

A 2008 review of costs and sale prices demonstrates that in nearly all Metropolitan Region cases between 2006 and 2008, the sales proceeds exceeded costs of removing and disposing abandoned vehicles. This was based on 20 to 30 abandoned vehicles per year. (Refer Table 1).

Therefore, methods other than public auction are the departmentally preferred methods.

Table 1

Average sale price per vehicle - \$ 105
Average Costs per vehicle - \$ 750 - \$ 820, based on: <ul style="list-style-type: none"> • Removal (eg tow fees) <ul style="list-style-type: none"> ○ \$ 80 Southern Expressway, \$ 150 SE Freeway • Notice served (letter & admin) <ul style="list-style-type: none"> ○ \$ 20 • Public Note via 2 newspaper advertisement (\$ 600 for 3-10 vehicles) <ul style="list-style-type: none"> ○ \$ 100 • Associated labour & administrative costs involved in running this process (Eg 2.5 person-days, ASO3 equivalent per abandoned vehicle) <ul style="list-style-type: none"> ○ \$ 550

Appendix B

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INSTRUMENT OF DELEGATION
Sections 40N and 40P Road Traffic Act 1961
REMOVAL OF LIGHT VEHICLES CAUSING OBSTRUCTION OR DANGER ON A
FREEWAY
NOTICE OF REMOVAL AND DISPOSAL OF UNCLAIMED LIGHT VEHICLES

REVOCATION OF PREVIOUS DELEGATION

I, **Stephen Campbell Mullighan, Minister for Transport and Infrastructure** in the State of South Australia, in accordance with the powers conferred on me pursuant to section 11 of the *Road Traffic Act 1961* ("the Act"), hereby **REVOKE** the previous delegations issued to the **Deputy Chief Executive, Transport Services, Department of Planning, Transport and Infrastructure (DPTI)**, the **Director, Road and Traffic Management, Transport Services Division (TSD), DPTI** and the **Regional Manager, Metropolitan Traffic and Road Operations, TSD, DPTI** of the powers and functions conferred on me under sections 40N and 40P of the Act dated 18 May 2014.

DELEGATION

I, **Stephen Campbell Mullighan, Minister for Transport and Infrastructure** in the State of South Australia, in accordance with the powers conferred on me pursuant to section 11 of the *Road Traffic Act 1961* ("the Act"), hereby **DELEGATE** to the persons for the time being holding or occupying the position of:

- **Chief Operating Officer, Safety and Service Division, Department of Planning, Transport and Infrastructure (DPTI)**
- **General Manager, Operational Services, Safety and Service Division, DPTI**
- **Manager, Traffic Operations, Operational Services, Safety and Service Division, DPTI**

the following powers and functions conferred on me under the Act, subject to the limitations and conditions specified in this Instrument of Delegation:

Section of Act	Brief Description of Power/Function
Section 40N	Power to authorise persons as authorised officers for the purposes of section 40N of the Act, in relation to light vehicles broken down or unattended on a freeway.
Section 40P	Powers and functions conferred on me as the "relevant authority" for the purposes of section 40P of the Act, in relation to giving notice of removal and disposal of unclaimed light vehicles.

CONDITIONS OF DELEGATION

This Delegation is subject to the following conditions:

1. This Delegation may not be further delegated.
2. This Delegation may be revoked or varied by me at any time by further instrument in writing.
3. Any authorisations made by a Delegate under section 40N of the Act must be subject to the following conditions:
 - (i) Authorisations must be made by notice in writing;
 - (ii) Authorisations are only valid for the duration of authorised officers' employment (including contract position) with DPTI, while in a position that requires the exercise of the duties and powers of an authorised officer pursuant to section 40N of the Act on a freeway.

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Hon Stephen Mullighan MP
Minister for Transport and Infrastructure

Dated this 16th day of February 2015

Appendix C

INSTRUMENT OF AUTHORISATION
Sections 40N Road Traffic Act 1961
REMOVAL OF LIGHT VEHICLES ON A FREEWAY

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I, Paul Anthony Gelston, Chief Operating Officer, Safety and Service Division, Department of Planning, Transport and Infrastructure (DPTI) in the State of South Australia, in accordance with the powers conferred on me pursuant to section 11 of the Road Traffic Act 1961 ("the Act"), hereby AUTHORISE the following persons employed within DPTI:


- BAKER, Joseph Edward
- BASFORD, Michael Clyde
- BEYNON, Mariela
- CHAOUSIS, Jim
- COLLINS, Gary Robert
- CORTOLEZZIS, Giacomo
- LISTEK, Kellie Maree
- LOVELL, James Benjamin
- MARAUN, Paul Stephen
- MINCHIN, Craig James
- NISOV, Tony
- PAPANTONIOU, George
- REINCKE, Robert Paul
- RIVERA, Adrienna Justine
- ROBINSON, Michelle Lynda
- SHOTTON, Mark James
- SOUTHERN, Michael Lyndon
- WEARNE, Justin Francis
- WILKINSON, Matthew Graham
- WILSON, Adam Joseph

as authorised officers for the purposes of section 40N of the Act, in relation to light vehicles broken down or unattended on a freeway, subject to the limitations and conditions specified in this Instrument of Authorisation.

CONDITIONS OF AUTHORISATION

This Instrument of Authorisation is subject to the following conditions:

1. Authorisations are only valid for the duration of authorised officers' employment (including contract position) with DPTI, while in a position that requires the exercise of the duties and powers of an authorised officer pursuant to section 40N of the Act.
2. This Instrument of Authorisation may not be further authorised.
3. This Instrument of Authorisation may be varied or revoked by me at any time by further instrument in writing.



Paul Anthony Gelston
 Chief Operating Officer, Safety and Service Division
 Delegate of the Minister for Transport and Infrastructure

Dated this 13 day of January 2017
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