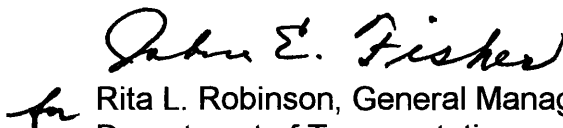


CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Date: October 3, 2007

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention: Honorable Wendy Greuel, Transportation Committee

From:  Rita L. Robinson, General Manager
Department of Transportation

Subject: **ORDINANCE ESTABLISHING FREE METERED PARKING FOR VEHICLES
WITH CLEAN AIR VEHICLE DECALS,
C.F. NO. 04-1362**

RECOMMENDATIONS:

That the City Council, subject to the concurrence of the Mayor:

1. ADOPT the attached Ordinance amending Sections 88.00, 88.07, 88.13, 88.57 and 88.63 of the Los Angeles Municipal Code to:
 - a. Establish an hourly rate of \$0.00 (i.e., free) for Alternate Fuel Vehicles properly displaying California Department of Motor Vehicle (DMV) Clean Air Vehicle Decals at all on- and off-street parking meters in the City of Los Angeles managed by the Department of Transportation until January 1, 2008.
 - b. Exempt Alternate Fuel Vehicles properly displaying California Department of Motor Vehicle (DMV) Clean Air Vehicle Decals from the requirements to deposit coins in on- and off-street parking meters in the City of Los Angeles managed by the Department of Transportation until January 1, 2008.
2. DIRECT the Department of Transportation to extend the free metered parking pilot program for hybrid vehicles as currently configured until the ordinance modifying the program as described above is in effect.
3. DIRECT the Department of Transportation to publicize the changes to the free metered parking pilot program for hybrid vehicles once the ordinance described above becomes effective.
4. DIRECT the Department of Transportation to issue warning notices instead of citations to any of the four, previously eligible, hybrid vehicles observed parked

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TRANSPORTATION

at expired City parking meters without properly displaying California Department of Motor Vehicle (DMV) Clean Air Vehicle Decals for 30 days after the ordinance described above becomes effective.

DISCUSSION:

On September 28, 2004, the City Council directed the Department of Transportation (DOT) to modify its parking enforcement policy to add four designated hybrid vehicles to the existing Zero Emission Vehicle/Super Ultra Low Emission Vehicle (ZEV/SULEV) free metered parking program for the period from October 1, 2004 through March 31, 2005. The City Council subsequently extended the hybrid pilot program until June 30, 2006. On June 21, 2006, the Council took the following actions:

1. Requested that the City Attorney prepare and present an ordinance amending Sections 88.00, 88.07, 88.13, 88.57 and 88.63 of the Los Angeles Municipal Code to make the program "permanent" by:
 - a. Establishing an hourly rate of \$0.00 (i.e., free) for Alternate Fuel Vehicles properly displaying California Department of Motor Vehicle (DMV) Clean Air Vehicle Decals at all Department of Transportation (DOT) on- and off-street parking meters in the City of Los Angeles until January 1, 2008.
 - b. Exempting Alternate Fuel Vehicles properly displaying California DMV Clean Air Vehicle Decals from the requirements to deposit coins in parking meters at DOT on- and off-street parking meters in the City of Los Angeles until January 1, 2008.
2. Directed DOT to extend the free metered parking pilot program for hybrid vehicles as currently configured until the ordinance modifying the program as described above is in effect.

Pursuant to Council action, DOT has continued to allow the four hybrid vehicle models that were part of the Council's pilot program to park for free at on- and off-street parking meters managed by DOT while DOT staff worked with the City Attorney's office to draft an ordinance making the program "permanent". The City Attorney has drafted the requested ordinance, approved it as to form and legality and forwarded it to the City Council (copy attached).

Background

The Council action establishing this pilot program for hybrid vehicles added four eligible hybrid vehicles (Toyota Prius, Honda Civic Hybrid, Honda Insight and Ford Escape Hybrid) to the City's existing ZEV/SULEV free metered parking pilot program. This was accomplished by revising the current parking enforcement policy that allows vehicles with Clean Air Vehicle decals issued by the California Department of Motor Vehicles to park for free at City parking meters as long as they obey all posted time limits and higher-order

parking restrictions (e.g., Tow Away No Stopping during peak periods, No Parking Street Cleaning, etc.). The four hybrid vehicle models were added to the list of vehicles eligible to receive the free parking benefits of this program but were not required to display Clean Air Vehicle decals. The Department's Traffic Officers were trained to recognize these four eligible vehicles and afford them the same free parking privileges as vehicles with Clean Air Vehicle decals. The required enforcement policy revision was prepared, adopted by the Board of Transportation Commissioners and implemented in the field on October 1, 2004. The DOT website was also updated to reflect the inclusion of the four hybrid vehicles in the Free Metered Parking program.

Participation in the Pilot Program

The number of vehicles participating in the free metered parking pilot program for hybrid vehicles was sampled on June 1, 2006, and again on January 18, 2007. On these dates Traffic Officers throughout the City of Los Angeles were instructed to record every eligible hybrid vehicle they saw parked at a City meter. During a typical ten-hour day (8:00 a.m. to 6:00 p.m.), Traffic Officers recorded time of observation, vehicle license plate number, and parking meter number. This allowed DOT to identify how many observations were of the same vehicle at the same meter on successive passes of the Traffic Officer. The 2006 survey yielded 261 observations of eligible hybrid vehicles parked at City meters, representing only 218 different hybrid vehicles. The 2007 survey recorded 580 observations of eligible hybrid vehicles parked at City meters, representing 496 different hybrid vehicles – a 128 percent increase during the seven months between the two surveys.

DMV Clean Air Vehicle Decal Program

California Vehicle Code (CVC) Section 5205.5 authorizes the California Department of Motor Vehicles (DMV) to issue distinctive decals to vehicles that meet certain fuel economy and/or exhaust emission standards. Currently, Clean Air Vehicle Decals with a white background are issued to vehicles meeting super ultra-low emission vehicle (SULEV) standards; and Clean Air Vehicle Decals with a yellow background are issued to hybrid vehicles or alternative fuel vehicles with a 45 miles per gallon or greater highway mileage rating and that meet California's advanced technology partial zero-emission vehicle (AT PZEV), ultra-low emission vehicle (ULEV), SULEV or partial zero-emission vehicle (PZEV) standards.

Of the four hybrid vehicles eligible for free metered parking in the City's pilot program (Toyota Prius, Honda Civic Hybrid, Honda Insight and Ford Escape Hybrid), both the Ford Escape Hybrid (does not meet mileage standard) and the Honda Insight from the 2005 model year on (does not meet AT PZEV standard) do not qualify for Clean Air Vehicle Decals. However, these two models represent only one percent and four percent, respectively, of all hybrids observed during the Traffic Officer surveys.

CVC Section 5205.5 originally authorized the issuance of no more than 75,000 Clean Air Vehicle Decals to hybrid and alternative fuel vehicles, and the law authorizing the issuance

of the Clean Air Vehicle Decals (both white and yellow backgrounds) contains "sunset" language automatically repealing the law no later than January 1, 2008.

On January 1, 2007, the State Legislature amended CVC Section 5205.5 to allow an additional 10,000 Clean Air Vehicle Decals to be issued to hybrid and alternative fuel vehicles and extended the automatic repeal date to January 1, 2011. By February 2007, the DMV had issued all 85,000 authorized decals.

On September 12, 2007, the Los Angeles Times reported that the Federal Highway Administration had declared that California's carpool lanes were not meeting federal requirements to flow at speeds of 45 miles per hour or faster at rush hour. Since CVC Section 5205.5 allows single occupant vehicles with Clean Air Vehicle Decals to use the state's carpool lanes, the federal declaration may force the DMV to terminate the Clean Air Vehicle Decal program prematurely to avoid the loss of federal highway funds.

Revenue Loss from the Hybrid Pilot Program

Parking meter rates in the City of Los Angeles range from \$0.25 to \$2.00 per hour. Based upon the number of meters charging a particular meter rate, DOT has determined the weighted average parking meter rate in the City to be \$0.47 per hour. Assuming that each of the 496 hybrid vehicles observed on January 18, 2007, represented a vehicle parked for free for the typical maximum time limit of two hours at the weighted average meter rate of \$0.47 per hour, the estimated annual revenue loss would be \$116,560 (e.g., 496 vehicles/day X 2 hours X \$0.47/hour X 250 operating days/year).

With total anticipated meter revenues this fiscal year of approximately \$21.0 million, the projected loss of revenue represents less than a 0.56 percent reduction in annual meter revenue.

CONCLUSION

Due to the success of the free metered parking pilot program in achieving higher levels of hybrid vehicle ownership and the current, relatively small financial impact on City meter revenues, the Council asked the City Attorney to make the program "permanent" through changes to existing City ordinances but limiting eligibility to vehicles with Clean Air Vehicle decals issued by the California DMV. The Council directed the City Attorney to draft the City's enabling ordinance to expire on January 1, 2008, when the Clean Air Vehicle Decal program was due to be repealed.

FISCAL IMPACT STATEMENT:

At this time only 496 eligible hybrid vehicles have been observed participating in the free metered parking pilot program on a typical day resulting in an estimated annual revenue loss of \$116,560, or approximately 0.56 percent of total annual meter revenue. In spite of the potential for increased levels of hybrid ownership, linking the City's program to the DMV's Clean Air Vehicle decal program, with its cap of 85,000 total decals, is expected to

limit any further decrease in parking meter revenue to the Special Parking Revenue Fund as well as any reduction in General Fund revenue from parking citations issued for parking meter violations.

Subsequent to the Council direction to draft the City's enabling ordinance with a January 1, 2008, expiration date, CVC Section 5205.5 was extended until January 1, 2011. The attached ordinance is worded to "remain in effect only until January 1, 2008, or only until California Vehicle Code Section 5205.5 is repealed, whichever occurs first, and as of that date is repealed". With the extension of the Clean Air Vehicle Decal program until as late as January 1, 2011, the Council may wish to change their instructions regarding the expiration date for the City's enabling ordinance.

COORDINATION:

DOT staff assisted the City Attorney's office with the language of the draft ordinance.

AEW:

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Attachment



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 7 - 0 3 2 1

SEP 0 5 2007

REPORT RE:

A DRAFT ORDINANCE AMENDING SECTIONS 88.00, 88.07, 88.13, 88.57 AND 88.63 OF THE LOS ANGELES MUNICIPAL CODE TO PROVIDE FOR FREE PARKING OF CERTAIN ALTERNATE FUEL VEHICLES AT PARKING METERS MANAGED BY THE DEPARTMENT OF TRANSPORTATION THROUGH JANUARY 1, 2008

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 04-1362

Honorable Members:

This office has prepared and now transmits, approved as to form and legality, a draft ordinance, which amends Sections 88.00, 88.07, 88.13, 88.57 and 88.63 of Chapter VIII of the Los Angeles Municipal Code, to establish a free parking rate for certain alternate fuel vehicles and to provide an exemption from the requirement to deposit coins at City parking meters controlled by the Department of Transportation. Pursuant to your instructions, this ordinance will extend the free parking rates for these vehicles through January 1, 2008.

Should you have any questions, please contact Assistant City Attorney Shelley I. Smith at (213) 978-8147. Either she or another member of this office will be available when you consider this matter and to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By *Claudia Culling*
CLAUDIA CULLING
Special Counsel – Municipal

M:\General Counsel (GC)\SHELLEY SMITH\REPORTS TO COUNCIL\Report re Hybrid Pkg Ord.doc

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ORDINANCE NO. _____

An ordinance amending Sections 88.00, 88.07, 88.13, 88.57 and 88.63 of Chapter VIII of the Los Angeles Municipal Code to establish a \$0.00 hourly rate and provide an exemption from the requirement to deposit coins for those vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles when parked at Department of Transportation controlled on- and off-street parking meters in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first paragraph of Section 88.00 of Division U of Chapter VIII of the Los Angeles Municipal Code is amended to read:

SEC. 88.00. PARKING METER ZONES AND RATES ESTABLISHED.

The following parking meter zones and hourly rates for those zones are hereby established. Notwithstanding the hourly rates specified in this section for each Parking Meter Zone, the rate in every Parking Meter Zone for vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles pursuant to California Vehicle Code Section 5205.5 shall be \$0.00 per hour. Payment of the rates established in this section shall be in accordance with the appropriate schedules established by the Board.

Sec. 2. Section 88.07 of Division U of Chapter VIII of the Los Angeles Municipal Code is amended by adding the following sentence at the end of the section to read:

The provisions of this section shall not apply to vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles pursuant to California Vehicle Code Section 5205.5.

Sec. 3. Subsection (b) of Section 88.13 of Division U of Chapter VIII of the Los Angeles Municipal Code is amended to read:

(b) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to remain in any parking meter space for more than the time indicated by proper signs placed on the parking meter indicating the maximum parking time allowed in the parking meter space, or during any time the parking meter is indicating that the time has elapsed for which coins of the United States of America have been deposited in the parking meter, provided, however, that the provisions of this section shall not apply to any vehicle described in Section 80.05, vehicles owned by the City of Los Angeles, vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles pursuant to California Vehicle Code Section 5205.5 or vehicles operated pursuant to Sections 88.01.1, 88.03.1 and 88.06.1.

Sec. 4. Section 88.57 of Division U of Chapter VIII of the Los Angeles Municipal Code is amended by adding the following sentence to the end of the section to read:

The provisions of this section shall not apply to vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles pursuant to California Vehicle Code Section 5205.5.

Sec. 5. Subsection (b) of Section 88.63 of Division U of Chapter VIII of the Los Angeles Municipal Code is amended to read:

(b) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to remain in any off-street parking meter space for more than the time indicated by proper signs placed on the off-street parking meter indicating the maximum parking time allowed in the off-street parking meter space, or during any time the off-street parking meter is indicating that the time has elapsed for which coins of the United States of America have been deposited in the off-street parking meter; provided, however, that the provisions of this section shall not apply to any vehicle described in Section 80.05 or vehicles displaying Clean Air Vehicle Decals issued by the California Department of Motor Vehicles pursuant to California Vehicle Code Section 5205.5.

Sec. 6. This ordinance shall remain in effect only until January 1, 2008, or only until California Vehicle Code Section 5205.5 is repealed, whichever occurs first, and as of that date is repealed.

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles on _____, and was passed at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
SHELLEY I. SMITH
Assistant City Attorney

Date 8/30/04 _____

File No. CF 04-1362

SIS
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