

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: November 26, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller *M. F. Miller* for Assignment No. 13-11-0979
Chief Legislative Analyst

SUBJECT: Department of Transportation Legislative Proposals

CLA RECOMMENDATION: APPROVE the attached Resolutions recommending legislative positions, as submitted by the Department of Transportation.

SUMMARY

As requested by the Mayor, the Department of Transportation (LADOT) prepared the following five proposals for the City's 2014 legislative program:

1. *Signage for the "Three Feet for Safety Act."* On September 23, 2013, the Governor signed AB 1371 (Bradford), the "Three Feet for Safety Act," which amended the California Vehicle Code (CVC) from a requirement for motorists to pass other vehicles and bicyclists at a "safe distance" to a distance of at least three feet. The new legislation goes into effect on September 16, 2014. To accompany implementation of the new law, LADOT is recommending legislation directing Caltrans to develop a roadway warning sign to educate motorists on the new three foot passing requirement, particularly in areas with very narrow roadways with limited passing opportunities.

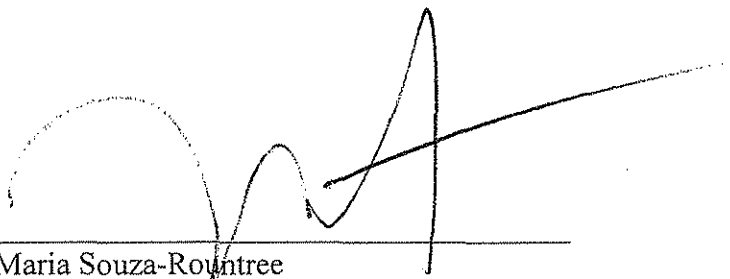
2. *Cycle Track Bikeway Design Guidelines.* Cycletracks serve to separate bicycles and motor vehicles in the roadway with a fixed buffer or barriers, signalization, and markings. LADOT is proposing to include a Class IV Cycletrack designation to the CVC that would establish a new type of statewide bikeway, as well as the development of supporting design guidelines, signage and pavement markings. The Streets and Highways Code defers roadway and bikeway design authority to Caltrans, which has been unwilling to develop and incorporate a standard cycletrack design in their manuals.

3. *Prohibit Small Claims Court jurisdiction over parking citation disputes.* The Legislature has established that parking citations are disputed by an initial review and administrative hearing within the local jurisdiction issuing the citation, which may be followed by a single appeal to the Superior Court, and no further review. Some parking citation recipients attempt to circumvent the process by filing cases contesting their citations in Small Claims Court. LADOT is requesting that amending language be added to the CVC that expressly prohibits the jurisdiction of Small Claims Court over parking citation disputes.

4. *Prohibit Superior Court appeals of parking citations if there was no administrative hearing*

decision. As described above, the CVC has established a process for individuals to contest parking citations, which requires an initial review and administrative hearing within the local jurisdiction issuing the violation, which may then be followed by a single appeal to the Superior Court, and no further review. The proposal requests that amending language be added to the CVC that would require proof of exhaustion of remedies as a prerequisite to filing an appeal from an administrative hearing in Superior Court.

5. *Provide design guidance for the implementation of "shared space" street design elements.* "Shared space" is a design approach that seeks to minimize the separation of vehicle traffic and pedestrians, often by removing features such as curbs, road surface markings, traffic signs, and regulations. Although California's "Complete Streets Act," passed in 2008, and Caltrans' Deputy Directive 64 provide guidance that embrace complete streets approaches, there is no State guidance or standards for the provision of "shared space" street design elements.



Maria Souza-Royntree
Legislative Analyst

RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, there are safety issues on the roadway for bicyclists due to high volumes of fast moving motor vehicle traffic; and

WHEREAS, the California Vehicle Code Section 21750 requires motorists "...overtaking another vehicle or a bicycle proceeding in the same direction shall pass to the left at a safe distance," but this distance was not defined; and

WHEREAS, on September 23, 2013, the Governor signed AB 1371 (Bradford), the "Three Feet for Safety Act," that amended the California Vehicle Code from requiring passing at a "safe distance" to a distance of at least three feet and establishes two penalties for drivers; and

WHEREAS, "The Three Feet for Safety Act" goes into effect on September 16, 2014; and

WHEREAS, new roadway signage is necessary to educate motorists on the requirement in the new law, particularly in areas with very narrow roadways with limited passing opportunities;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would require the State to develop a sign to be incorporated into the California Manual on Traffic Control Devices to accompany the new "Three Feet for Safety Act" that requires motorists overtaking another vehicle or a bicycle proceeding in the same direction to the left at a distance of at least three feet.

RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, cycletracks serve to separate bicycles and motor vehicles in the roadway with a fixed buffer or barriers, signalization, and markings; and

WHEREAS, several cities in California, including Los Angeles, have installed or are developing European-style cycletrack bicycle facilities; and

WHEREAS, the Streets and Highways Code Section 890.6 defers design authority for roadways and bikeways to Caltrans; and

WHEREAS, Caltrans does not recognize cycletrack bicycle facilities and has been reticent to incorporate new bikeway designs in their design manuals; and

WHEREAS, the cities that implement cycletracks are incurring liability from these new projects as no approved design guidelines exist in California and no consensus exists as to what constitutes a safe design;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would require the California Vehicle Code to be amended to include Class IV Cycletrack and direct Caltrans to establish a new type of statewide type of design.

RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Vehicle Code (CVC) Sections 40215 and 40230 state that parking citations are disputed by an initial review and administrative hearing within the local jurisdiction issuing the citation, which may be followed by a single appeal to the Superior Court, and no further review; and

WHEREAS, some individuals attempt to circumvent this process by filing cases purporting to contest their citations in Small Claims Court; and

WHEREAS, opposing these actions can be excessively burdensome and costly to local jurisdictions and ignoring them can result in unjustified dismissal of citations; and

WHEREAS, the Department of Transportation estimates that \$14,500, not including the costs of materials, overhead or costs borne by the court system, is spent each year addressing these court cases; and

WHEREAS, Small Claims Court commissioners or judges are often unfamiliar with parking citations and may not be aware of the jurisdictional issues nor the differences between a legitimate appeal and a wrongful small claims filing;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 40215 and 40230 and Code of Civil Procedure Section 116.226 by expressly prohibiting jurisdiction of Small Claims Court over parking citation disputes.

RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Vehicle Code (CVC) Sections 40215 and 40230 provide for three reviews when a parking citation is disputed; an initial review by City employees, an administrative review by a hearing examiner and a de novo review in Superior Court; and

WHEREAS, some individuals attempt to circumvent this process by filing cases purporting to contest their citations prematurely in Superior Court without first exhausting prescribed administrative procedures; and

WHEREAS, the City has been able to prevail in such situations, but only after drafting and filing briefs with the Superior Court, which is a costly and inefficient use of the City's scarce transportation resources; and

WHEREAS, the CVC should be amended to expressly and clearly prohibit court filings including appeals of parking citations, or original actions, unless and until there has been a decision in an administrative hearing;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 40230 clearly prohibiting the Superior Court from hearing parking citation appeals unless both an initial review and an administrative hearing were conducted.

RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the “Complete Streets Act” was passed in 2008 and requires local jurisdictions, when updating General Plan circulation or mobility elements, to ensure that those plans account for the needs of all roadway users; and

WHEREAS, Caltrans has issued an internal policy document that embraces a complete streets approach for all phases of state highway projects; and

WHEREAS, “shared space” street design elements use a combination of design elements and a low speed limit, minimize conflicts between vehicles and people walking and biking, and reduce collisions; and

WHEREAS, there is no precedent in the California Vehicle Code or the Manual on Uniform Traffic Control Devices for provision of shared space street design; and

WHEREAS, enabling legislation is needed to legitimize this street design approach and combination of treatments as a viable street designation, wherein the pedestrians can claim the right-of-way and vehicles retain access and parking;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would enable the use of “shared space” as a street designation.