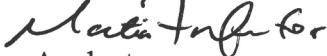


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: January 10, 2020

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

FROM: Sharon M. Tso   
Chief Legislative Analyst

Assignment No: 19-11-1011

SUBJECT: Department of Transportation (LADOT) Legislative Proposals

CLA RECOMMENDATION: That the City Council, subject to the concurrence of the Mayor, APPROVE the attached Resolutions recommending legislative positions for the 2019-2020 Federal and State Legislative Program, as submitted by the Department of Transportation.

## SUMMARY

As requested by the Rules, Elections, and Intergovernmental Relations Committee, LADOT prepared several proposals for the City's 2019-2020 Legislative Program. The following are the Department's high priority legislative proposals:

### 1. Setting and Enforcement of Speed Limit

California State law requires jurisdictions to set speed limits on most streets with speed surveys that justify speed limits at the speed at which 85 percent of drivers are traveling at or below. If a street's speed survey has expired, enforcement officers can no longer use radar detection, allowing more drivers to travel at higher speeds. LADOT notes that this process has proven to unintentionally increase speeds over time, and often means the City must raise speed limits on streets with an already high incidence of death and serious injury.

For the past few years, LADOT has submitted proposals recommending amending CVC Section 21400(b) to permit local authorities to utilize modern methodologies to set speed limits. Specifically, LADOT has recommended that the CVC be amended to permit reduction of the speed limit by an additional five miles per hour based on criteria such as residential density, crash patterns, and other relevant characteristics warranting reduction in the speed limit.

This year, LADOT recommends legislation that allows local jurisdictions to set speed limits based on the safest maximum speed, rather than prevailing speeds. While work is done toward this long-term goal, LADOT recommends the following set of interim solutions that work within the existing 85<sup>th</sup> percentile methodology:

- **Bring down speeds on the streets where people are dying.** Allow jurisdictions to lower speed limits by 5 mph on streets with the greatest number of fatal and serious injury crashes.
- **Bring down speeds on more local streets without undue cost.** Expand the types of local streets that are eligible for radar-enforceable prima facie speeds without the use of an engineering and traffic survey.

- **Protect children at school.** Modify the requirement for an engineering and traffic survey for school zones and amend the current road geometry conditions that limit flexibility to lower speed limits in school zones.
- **Protect older adults where they live and where they go during the day.** Expand flexibility for school zones to also lower speeds for other vulnerable populations, including near sites such as homeless shelters, senior housing or senior centers, and healthcare facilities.
- **Match posted speed limits with operating speeds on streets that are already slow.** Allow speeds to be set below 25 mph if the current methodology using speed surveys and the 85<sup>th</sup> percentile justifies a lower speed.
- **Maintain consistent speed limits over time.** Eliminate the requirement to increase speed limits after a speed survey if the roadway conditions have not changed since the last survey.

The listed set of interim solutions are based on discussions held at the Zero Traffic Fatalities Taskforce. In September 2018, the Governor signed AB 2363 which established the Zero Traffic Fatalities Taskforce. The bill requires the taskforce to develop a structured process to develop policies to reduce traffic fatalities to zero and submit a report of its findings to the Legislature by January 1, 2020. LADOT is a member of the task force and anticipates recommendations will include a legislative proposal for reformed speed setting methodology.

## 2. Automated Speed Enforcement (ASE)

Automated Speed Enforcement (ASE) is a safety tool that uses cameras and vehicle speed sensors to capture images of vehicles traveling at excessive speeds. LADOT notes that over 140 communities across the nation have implemented ASE programs. The result has been up to a 70 percent decline in traffic fatalities in those communities. Currently, ASE is expressly prohibited under California Vehicle Code (CVC) Section 21455.6. A proposal for Automated Speed Enforcement was previously submitted by LADOT as part of their 2017-2018 legislative proposals which was adopted by Council on March 24, 2017.

In 2011, Assembly Member Miller introduced AB 1311 in an effort to implement ASE in school zones, however, this effort did not succeed.

LADOT recommends legislation that would amend CVC Section 21455.6(c) to permit cities to “opt-in” to an ASE program. LADOT proposes a program which would utilize extensive driver education prior to full implementation, as well as an initial grace period featuring warnings rather than citations. It is expected that the Zero Traffic Fatalities Taskforce will recommend a legislative proposal to authorize the use of an ASE program in California.

## 3. Vulnerable Road User Laws

Pedestrians, bicyclists, and other vulnerable road users are at a greater risk of death and serious injury in a vehicle crash. LADOT notes that the CVC does not currently provide sufficient legal protection for these road users who are physically vulnerable in circumstances of collision with a vehicle, and for whom instances of driver carelessness or distraction can be fatal though with legally low stakes. Vulnerable Road User laws increase civil fines and penalties for cases of carelessness or driver distraction in which a driver would otherwise receive a minor traffic offense.

LADOT recommends legislation that would amend CVC Section 42001.19 to provide a definition of Vulnerable Road Users and provide heightened penalties that are appropriate to the disproportionate physical risk posed by negligent or errant behavior of motor vehicle drivers.

#### 4. Urban Aviation and Autonomous Vehicles

As transportation technology is evolving, LADOT recommends continued efforts regarding local control to ensure ongoing evolution supports City objectives, including safety, equity, and sustainability. Since the adoption of the City's 2017-2018 Federal and State Legislative Program, LADOT has further developed and identified key areas for government engagement prioritizing local authority, including asset retention and data access, equitable regulation of shared use vehicles including for freight, creation of licensing requirements, and standardized operating plans for law enforcement. The Department's legislative proposals reiterate Council support for the areas identified in the 2017-2018 State and Federal Legislative Program, as well as the Council's opposition to AB 1112 in 2019. This legislation was introduced by Assembly Member Friedman to create Statewide regulations for dockless micro-mobility programs (e-bikes and e-scooters). The City's opposition centered on the bill's intent to pre-empt local control and the need for cities to set regulations that reflect the complex urban environment and the transportation needs of local residents. LADOT anticipates ongoing legislation that may undermine local efforts to safely regulate new transportation modes.

Pending federal legislation on both urban aviation and autonomous vehicles requires the City to participate in ongoing dialogue to ensure local control is protected. The House and Senate have introduced a bicameral, bipartisan effort to legislate autonomous vehicles in 2020, which will provide an opportunity for the City to clearly articulate the need for local input on safety, equity, and sustainability.

Additionally, the Department is including the following initiatives:

- Local permitting authority over commercially deployed autonomous vehicle fleets, including authority to require disaggregated data such as crashes and unplanned disengagement data and trip data for shared modes.
- Public safety requirements for new technology deployment, including but not limited to urban aviation and autonomous vehicles, and engagement with local public safety agencies to ensure safe enforcement of local regulations over autonomous technology.
- Local authority over short-range, low-altitude aircraft travel, including unmanned aerial vehicles (drones) and urban aviation for passenger and goods movement, and designation of explicit authority over the City's complex airspace.
- Safe autonomous vehicle integration into the complex airport environment that allows airports to effectively regulate access by commercial fleets.
- Incentivized deployment for new modes, including autonomous vehicles and urban aviation, that are electric and shared.

#### 5. Local Transportation Network Company Regulatory Pilot

The California Public Utilities Commission (CPUC) oversees Statewide policy making for Transportation Network Companies (TNCs), such as Uber and Lyft. Local regulation of TNCs is limited to business regulation, airport permit requirements, parking, and other curbside management policies. Although the CPUC initiated its rulemaking process to regulate TNCs in 2012, it has yet to make decisions on data sharing, accessibility, transport of minors, or emission standards. Under existing CPUC regulations, TNC drivers are not held to the same stringent background checks the City demands of taxicab drivers. Furthermore, numerous studies over the past few years indicate that TNCs are not reducing vehicular trips but are worsening traffic congestion in urban areas by competing with existing taxicab service, public transportation, walking, and biking.

LADOT recommends legislation that authorizes cities with a population over 750,000 to implement a pilot local TNC permit program. Specifically, a local pilot program could allow the City to enforce business license requirements, driver registration, background checks, vehicle inspection, minimum wage standards, trip fee collection, and disaggregated data requirements. As a result of the passage of AB 1069, beginning in 2020, LADOT will regulate taxis through a streamlined permitting system that LADOT notes could be readily applied to TNCs operating in Los Angeles.

In response to Council instruction, on December 4, 2019, the CLA issued a report that provides options for sponsoring State legislation to improve regulatory oversight of TNCs (C.F. 18-0449). The report, with a “Receive and File” recommendation, identifies seven options for consideration. One of the options is consistent with LADOT’s request to seek authority to implement a pilot program to permit TNC operations that originate within its jurisdiction. The report is currently pending in the Transportation Committee.

The Council has previously supported legislation related to TNC topics such as AB 1142 (Friedman), which is pending in the State Senate, regarding data sharing with governmental entities, as well as AB 5 (Gonzalez), which was signed by the Governor on September 18, 2019, related to worker status of independent contractors. As instructed by the Council on October 15, 2019, the CLA is procuring an independent study to develop recommendations on how to establish an hourly minimum wage in the City (C.F. 19-1214).

#### 6. Automated License Plate Recognition

The City Attorney’s Office has concluded that recent changes to California law do not clearly explain whether and how local governments can use Automated License Plate Recognition (ALPR) technology under the CVC for use in enforcing parking regulations. These systems capture images of vehicles, their license plate, the geographic coordinates, and the date/time of the recording. CVC Section 21 states that the City cannot enforce an ordinance unless expressly authorized by the CVC. LADOT and the Los Angeles County Metropolitan Transportation Authority (Metro) believe that the use of bus only lanes is a key tool in the effort to facilitate increased transit use, reduce traffic congestion, and improve air quality. Without the use of ALPR technology, enforcement of laws restricting the use of bus lanes by motorists is severely limited.

In 2015, SB 34 was enacted that amended sections of the Civil Code to establish regulations on the privacy and usage of ALPR data. Under this legislation, local agencies were approved to allow the use of ALPR systems provided that they: follow specific stringent privacy and security protocols and allow public comment prior to implementation. SB 34, however, did not amend the

CVC and does not expressly allow local governments to use ALPR to enforce parking ordinances and issue parking citations.

LADOT recommends legislation that would amend the Civil Code and/or CVC to clarify whether local authorities can use ALPR in the issuance of civil parking violations to enforce parking regulations in bus only lanes and set forth requirements that would limit a parking enforcement agency's liability for use of ALPR. Upon legislative adoption of this proposal, LADOT recommends that the City implement a pilot program to utilize ALPR to enforce parking regulations in bus only lanes.

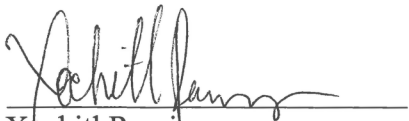
7. California Disabled Parking Placard Reform

CVC Section 22511.5(a) provides that a California driver who has a disabled parking placard may park for free, in any parking zone, for any length of time even if there are posted time restrictions. This benefit has resulted in widespread abuse, including high volume use of placards by individuals who do not appear to be eligible, use of expired placards, registration of placards to the deceased, and the use of counterfeit or altered placards. This has resulted in frequent shortages of parking spaces and loss of parking meter revenue.

In 2015, when LADOT included this issue as part of its legislative proposals, this Office recommended that before including disabled parking placard reform in the City's State Legislative Program, LADOT needed to coordinate with the Department on Disability to ensure that their perspective would be included in any proposed legislative changes. In 2016, the Los Angeles Accessible Parking Committee was formed at the request of the Mayor. During its nine months of work, the Committee reviewed several approaches to address the problems identified, drawing on best practices and case studies across North America, as well as parking policy research. The committee arrived at a package of policy recommendations to increase access to street parking for drivers with disabilities and reduce parking placard misuse. Those recommendations include: limiting the type of placard certifier professionals, implementing a two-tiered pricing system, increasing the number of blue zones and accessible spaces, and installing accessible meters in blue zones, when metered.

LADOT states the increased enforcement of placard abuse will involve additional workload by Traffic Enforcement Officers to a degree yet to be determined. It is anticipated however, that the costs of increased enforcement will be mitigated by increased citation revenue.

Based on the Committee's recommendations, LADOT recommends legislation that would implement a two-tiered system that better addresses the needs of the City's diverse communities. In 2016, Assembly Member Gatto introduced Assembly Bill 2602 which attempted to establish a two-tiered disabled person parking system. However, those efforts did not succeed.

  
Xochitl Ramirez  
Analyst

SMT:xr

Attachments: Legislative Position Resolutions

## RESOLUTION

WHEREAS, any official position of the City of 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) Section 21400(b) requires that a local authority round speed limits to the nearest five miles per hour of the 85<sup>th</sup> percentile of the free flowing traffic; and

WHEREAS, a local authority may round down to the lowest five miles per hour increment where the speed limits must be rounded but the CVC prohibits further reduction of the speed limit for any reason; and

WHEREAS, CVC Section 21400(b) does not permit the use of modern methodologies to set speed limits to increase safety on roadways; and

WHEREAS, CVC Section 40802(2) prohibits local authorities from enforcing the speed limit on a section of roadway where an engineering or traffic survey has not been conducted within the previous five years; and

WHEREAS, the current methodology used to set and enforce speed limits has previously led the City to raise speed limits on streets with an already high incidence of death and serious injuries; and

WHEREAS, revision of these provisions would increase public safety and further the City's Vision Zero goal;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would bring down speeds on the streets where people are dying, bring down speeds on more local streets without undue cost, modify the requirement for an engineering and traffic survey for school zones, protect older adults by expanding flexibility for school zones to also lower speed for other vulnerable populations, match posted speed limits with operating speeds on streets that are already slow, and maintain consistent speed limits over time.

## RESOLUTION

WHEREAS, any official position of the City of 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, unsafe speeding has been identified as a top factor in the severity of crashes that result in death or serious injury on the streets; and

WHEREAS, in 2015, through Executive Directive 10, the City committed to achieve zero traffic deaths by 2025 and prioritize safety as the City's number one priority in street design; and

WHEREAS, Automated Speed Enforcement (ASE) is a safety tool that utilizes cameras and vehicle speed sensors to capture images of vehicles traveling at least 10 mph over the speed limit; and

WHEREAS, ASE has been shown to deter illegal speeding and would reduce the incidence of crashes involving bicycles, vehicles, and pedestrians; and

WHEREAS, the California Vehicle Code Section currently prohibits the use of ASE;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP of legislation to amend the California Vehicle Code Section 21455.6(c) to allow cities to "opt-in" to an Automated Speed Enforcement System.

## RESOLUTION

WHEREAS, any official position of the City of 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, while speed is a high determinant of crash severity, it is not the only contributing factor to death and serious injury; and

WHEREAS, pedestrians, bicyclists, and other vulnerable road users are at a greater risk of death and serious injury in a vehicle crash; and

WHEREAS, the California Vehicle Code (CVC) does not currently provide sufficient legal protection for these road users who are physically vulnerable in circumstances of collision with a vehicle, and for whom instances of driver carelessness or distraction can be fatal though with legally low-stakes; and

WHEREAS, Vulnerable Road User laws increase civil fines and penalties for cases of carelessness or driver distraction in which a driver would otherwise receive a minor traffic offense;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend CVC Section 42001.19 to provide a definition of Vulnerable Road Users and provide heightened penalties that are appropriate to the disproportionate physical risk posed by negligent or errant behavior of motor vehicle drivers.

## RESOLUTION

WHEREAS, any official position of the City of 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, new technologies, such as drones and driverless/autonomous vehicles (AV), have the potential to dramatically change the future of transportation and mobility for people by minimizing human error, upending the commercial delivery system, improving traffic congestion, improving environmental issues, equity, and improving accessibility; and

WHEREAS, the United States Department of Transportation (USDOT) has published an Automated Vehicles Policy that highlights important areas that manufacturers and entities developing AV systems should address as they design, test, and deploy these vehicles; and

WHEREAS, the Federal Aviation Administration (FAA) oversees the regulation of drones; and

WHEREAS, urban aviation and autonomous vehicles are rapidly evolving and may soon be a reality and the City should take an active role in the development and regulation of new transportation technologies; and

WHEREAS, in order to protect the interests of residents and foster new mobility technology, the City should advocate for the development of AV policy goals in the areas of data sharing, law enforcement interaction plans, signage and signaling, types of vehicles, accessibility, and retention of local assets; and

WHEREAS, federal and state regulations that include these goals will ensure that AV fulfills its potential to positively transform personal mobility in Los Angeles;

**NOW, 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 2019- 2020 State Legislative Program and 2019-2020 Federal Legislative Program SUPPORT and/or SPONSORSHIP of legislation and/or administrative action that would implement the following provisions relative to autonomous vehicles: provide local government access to data; require standardized operating plans for law enforcement personnel; development and deployment of uniform signage and signaling; provide equitable regulation of all shared-use vehicles; creation of licensing requirements to meet the needs of individuals of varying levels of mobility; and enable retention of local assets by local jurisdictions.

## RESOLUTION

WHEREAS, any official position of the City of 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, recent studies have found that the rapid expansion of Transportation Network Companies (TNCs), such as Uber and Lyft, are increasing vehicle miles traveled and decreasing transit ridership, which is leading to more congestion; and

WHEREAS, California is not on track to meet its greenhouse gas (GHG) reductions targets for the automobile and light truck sector for 2020 and 2035; and

WHEREAS, the primary factor driving up GHGs from the transportation sector is the increasing use of single-occupancy passenger vehicles that began in 2010, including the popularity of TNCs; and

WHEREAS, the California Public Utilities Commission (CPUC) oversees statewide policy making for TNCs, preempting local jurisdictions from enacting their own regulations; and

WHEREAS, it is important to implement local regulatory models to better reflect the individual character and needs of large and densely population cities, including issues related to safety, equitable access, environmental concerns, and multi-modal transportation system usage;

**NOW, 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 2019- 2020 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation that would amend the Public Utility Code and Government Code to explicitly allow for piloted local regulation of Transportation Network Companies (TNCs).

## RESOLUTION

WHEREAS, any official position of the City of 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 City Attorney's Office has concluded that recent changes to California law do not clearly explain whether and how local governments can use Automated License Plate Recognition (ALPR) technology under the California Vehicle Code (CVC) for use in enforcing parking regulations; and

WHEREAS, ALPR systems capture images of vehicles, their license plate, the geographic coordinates, and the date/time of the recording; and

WHEREAS, CVC Section 21 states that the City cannot enforce an ordinance unless expressly authorized by the CVC; and

WHEREAS, In 2015, SB 34 was enacted that amended sections of the Civil Code to establish regulations on the privacy and usage of ALPR data, however, SB 34 did not amend the CVC and does not expressly allow local governments to use ALPR to enforce parking ordinances and issue parking citations; and

WHEREAS, bus only lanes are a key tool in the effort to facilitate increased transit use, reduce traffic congestion, and improve air quality;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP for legislation and/or administrative action that would amend the Civil Code and/or the California Vehicle Code to clarify whether local authorities can use Automated License Plate Recognition technology in the issuance of civil parking violations to enforce parking regulations in bus only lanes and set forth requirements that would limit a parking enforcement agency's liability for use of Automated License Plate Recognition.

## RESOLUTION

WHEREAS, any official position of the City of 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, California Vehicle Code Section 22511.5(a) provides that a California driver who has a disabled placard may park for free in any parking zone and for any length of time; and

WHEREAS, this benefit has resulted in widespread abuse, including high volume use of placards by individuals who do not appear to be eligible, use of expired placards, registration of placards to the deceased, and the use of counterfeit or altered placards; and

WHEREAS, the Los Angeles Accessible Parking Policy Advisory Committee has created a list of policy recommendations to increase access to street parking for drivers with disabilities and reduce parking placard misuse; and

WHEREAS, the recommendations include directives for both city and state policy and operational changes, implying a multi-level implementation;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP for legislation and/or administrative action that would implement a two-tiered disabled parking placard pricing system that better addresses the needs of the City's diverse communities.