

MOTION

On the streets of Los Angeles drivers have noticed an increasing number of digital billboards attached to the top of some Uber and Lyft ridesharing vehicles. These digital billboards are called dynamic message signs (DMS) and use digital LED technology to display changeable illuminated advertising.

The company behind this new form of mobile digital advertising is called Firefly. Firefly installs the rooftop DMS devices using Thule roof racks and wiring the screens to the car battery. At 52 inches long by 17 inches high, the boxes holding the screens are bigger than most rooftop cargo carriers. Uber and Lyft drivers who agree to mount the digital screens on their vehicles are paid by Firefly an average of \$300.00 monthly.

In November 2018, the City Attorney's Office told Firefly that installation and operation of its DMS devices in the City is illegal under state and City law. Disregarding that admonishment, Firefly continues to place its DMS devices on rideshare vehicles operating in the City.

In December 2018, representatives of Firefly appeared at the Board of Taxicab Commissioners ("Board") to request that the Board permit Firefly to install its DMS devices on the roofs of taxis pursuant to Board Rule 415(c). Board Rule 415(c) allows commercial advertising to be mounted on a taxicab roof or trunk. The Board has yet to act on that request.

Board Rule 415(c) was adopted by the Board of Public Works many years ago (before there was a Taxicab Commission or digital sign technology) and was intended to allow static advertisements to be installed on taxicabs as long as doing so complied with state and City law. Using Board Rule 415(c) to authorize Firefly's DMS devices on taxicabs or rideshare vehicles would conflict with current state and City law.

With respect to state law, the California Highway Patrol (CHP) has determined that the Firefly DMS devices are not in compliance with California Vehicle Code Section 25400, which states, among a number of restrictions, that a vehicle may be equipped with a lamp or device on the exterior of a vehicle that emits a diffused non-glaring light of not more than .05 candela per square inch of area. Firefly's DMS devices exceed that level of illumination.

CHP has expressed safety concerns with Firefly's DMS devices, including that the devices may detract from legal lighting requirements such as clearance lighting and hazard lights, and reduce the effectiveness of emergency vehicle lighting. CHP advised that the DMS devices may impact first responders while operating in a "code three" response.

State law authorizes vehicle digital advertising in only one setting: a pilot program on buses operated by the Antelope Valley Transit Authority, City of Santa Monica, and University of California Irvine.

At the time the Legislature authorized the pilot program, it stated its intent to study and identify any adverse impacts on pedestrians and drivers resulting from the use of illuminated signs on the exterior of moving buses. The Legislative record includes this statement: "While illuminated billboards, either on the side of the road or sides of buses, may not by themselves lead to adverse impacts, it is clear that they contribute to the multiple distractions drivers and pedestrians navigate each day. Adding distractions, especially ones that are particularly effective at drawing one's attention, can only increase the risk of negative outcomes."



The question is not whether these advertisements cause accidents and other negative consequences, but how many distractions are enough to create an environment potentially too risky and dangerous for people traveling from one place to another."

Santa Monica decided not to pursue the pilot program, citing concerns about safety and aesthetics. UC Irvine implemented the pilot but discontinued it after experiencing problems with the signs such as the pixels being overly bright. Antelope Valley also is discontinuing its participation in the pilot program.

With the exception of the state pilot program, the Legislature has not authorized the use of a DMS device on any other type of vehicle operating in the state, whether publicly or privately owned, including but not limited to, taxicabs, transportation network company (TNC or rideshare) vehicles, or tour buses.

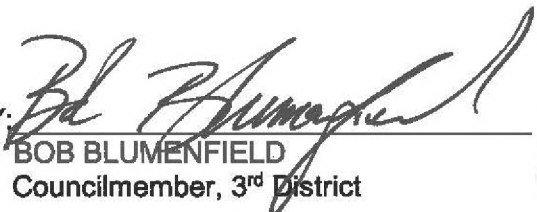
With respect to City law, the City enacted LAMC Section 87.54, which prohibits the parking or standing of a vehicle on a City street when the vehicle contains a sign attached to the vehicle - unless the sign is painted or decaled directly on the body of the vehicle. The City's law was enacted under the authority granted by the state in California Vehicle Code Section 21100(p)(2) due to the passage of AB 1298 (Blumenfield).

Firefly's DMS devices, which attach to vehicles, do not comply with any of the requirements listed in LAMC 87.54, nor do the devices comply with LAMC Sections 71.19, 71.20, and 71.21, which regulate advertising installed on taxis and other transit vehicles under the City's authority and Board Rule 415(c) is not consistent with current state and City law and should be repealed.

I THEREFORE MOVE that the Los Angeles City Council request the City Attorney to prepare and present a draft ordinance to repeal Taxicab Board Rule 415(c).

I FURTHER MOVE that the City Council request the Department of Transportation and the Los Angeles Police Department to take enforcement action against persons who operate vehicles with attached DMS devices within the City of Los Angeles.

PRESENTED BY:


BOB BLUMENFIELD
Councilmember, 3rd District

SECOND BY: 

ORIGINAL

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