

CITY OF LOS ANGELES

CALIFORNIA



JUNE LAGMAY
City Clerk

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ANTONIO R. VILLARAIGOSA
MAYOR

November 15, 2010

To All Interested Parties:

City Attorney (w/ blue slip)

The City Council adopted the action(s), as attached, under Council file

No. 09-2895, at its meeting held November 10, 2010.

A handwritten signature in cursive script, appearing to read 'June Lagmay', is written in black ink.

City Clerk
srb

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 09-2895

Your

**PUBLIC SAFETY
and TRANSPORTATION COMMITTEES**

reports as follows:

TRANSPORTATION and PUBLIC SAFETY COMMITTEES REPORT relative to the prevention of harassment of bicyclists in the city of Los Angeles.

Recommendation for Council action:

REQUEST that the City Attorney prepare and present an ordinance making it a civil violation of the Los Angeles Municipal Code (LAMC), including a fine of up to \$1,000, for anyone to harass, threaten, or assault a bicyclist.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

In a report to Council dated July 8, 2010 (attached to the Council file), the City Attorney discusses various issues related to, and recommendations for the prevention of harassment of bicyclists. According to the City Attorney, bicyclists are frequently subject to the following harassing actions: people spit at them; throw liquid and solid objects at them; verbally threaten them; drive too closely in their cars and dangerously cut in front of them; and honk automobile horns for the purpose of scaring them. Women bicyclists also report being physically touched by strangers while they ride and while they wait at stop lights and stop signs.

The City Attorney goes on to report that many of the harassing actions about which bicyclists complain already constitute California Penal Code and Vehicle Code violations. However, the City's authority to enact legislation regulating rules of the road with respect to automobiles and bicyclists is extremely limited. Furthermore, it is difficult to enforce the laws that do exist.

It is the belief of the City Attorney that the City could enact an ordinance making it a civil violation of the LAMC for anyone to discriminate against a bicyclist by unlawfully assaulting, threatening, or harassing a bicyclist, and create a private cause of action with attorneys' fees for a violation. This would allow bicyclists to seek redress for harassment in situations where the police or other enforcement personnel do not witness the harassment, or where there is insufficient evidence to warrant a criminal filing.

At its meeting held October 27, 2010, the Transportation Committee discussed this matter with representatives of the City Attorney's Office and the Department of Transportation (DOT). During the public comment period, bicyclists expressed support for the City Attorney's civil litigation remedy. Committee recommended that Council request that the City Attorney prepare the effectuating ordinance, as amended to include a civil fine of up to \$1,000.

At its meeting held November 1, 2010, the Public Safety Committee discussed this matter with representatives of the City Attorney's Office and DOT. Again, support for the City Attorney's proposal was expressed by bicyclists during the public comment period. Committee concurred with the action taken by the Transportation Committee.

Respectfully submitted,

TRANSPORTATION COMMITTEE



PUBLIC SAFETY COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
ROSENDAHL:	YES
LABONGE:	YES
ALARCON:	YES
KORETZ:	YES
PARKS:	YES

<u>MEMBER</u>	<u>VOTE</u>
SMITH:	YES
CARDENAS:	ABSENT
PERRY:	YES
REYES:	YES
ZINE:	YES

JAW
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ADOPTED
NOV 10 2010
LOS ANGELES CITY COUNCIL