

ORDINANCE NO. _____

An ordinance amending Sections 12.12(a), 13.18(B), 22.481(a)(4), 22.483(a)(6), 22.484(g)(2)(B) and 22.319 of the Los Angeles Administrative Code to transfer pipeline franchising responsibilities from the Department of Transportation to the Board of Public Works.

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

Section 1. Section 13.12(a) of the Los Angeles Administrative Code is amended to read as follows:

(a) Every application made to the City Council for a franchise, permit or privilege, or for any other action affecting an existing franchise, permit or privilege, mentioned in this chapter shall, before any action is taken thereon, be referred by the City Clerk, on behalf of the City Council, to the Board of Public Works, the Information Technology Agency, the Board of Transportation Commissioners or the Board of Taxicab Commissioners, as applicable, or to any other City board, commission, office or department having jurisdiction over the matter for review and recommendation on the application.

Sec. 2. Section 13.18(B) of the Los Angeles Administrative Code is amended to read as follows:

(B) To pay to the City such other compensation or consideration for the use, permit or privilege as may be prescribed by the City Council in the advertisement for bids and notice of sale; provided that Subsection A of this section shall not be included in any advertisement for bids for any franchise granted to any interstate railroad, or for any franchise for oil, gas or other pipeline, or for any other franchise where in the opinion of the Board of Transportation Commissioners in connection with any railroad franchise, or the Board of Public Works for any other franchise, it is impractical to compute net or gross receipts for that portion of the railroad, pipeline or other privilege covered by said proposed franchise; and provided that the City Council may, in said advertisement for bids and notice of sale, invite bids on any one, or all, or any part of the bases prescribed under Subsections (A) and (B) of this section.

Sec. 3. Section 22.481(a)(4) of the Los Angeles Administrative Code is amended to read as follows:

(4) Regulate and administer railroad franchises granted by the City under Sections 13.7(1), (2) and (3) of this Code.

Sec. 4. Section 22.483(a)(6) of the Los Angeles Administrative Code is amended to read as follows:

(6) Administration of railroad franchises granted by the City under Sections 13.7(1), (2) and (3) of the this Code;

Sec. 5. Section 22.484(g)(2)(B) of the Los Angeles Administrative Code is amended to read as follows:

B. Public Utilities.

1. The term "**Public Utility**," for purposes of this section, is defined as including the following:

(i) Any railroad public service declared by the Constitution or statutes of the State of California or the decisions of the Federal or State courts to be a public utility;

(ii) The operation of vehicles for hire, regardless of the form of transportation;

(iii) Any railroad public service declared to be a public utility by the City Council by ordinance.

2. The Transportation Commission shall exercise the following powers and duties with the exception of all matters pertaining to taxicab utilities which are hereby placed under the jurisdiction of the Board of Taxicab Commissioners:

(i) To investigate all privately owned Public Utilities in the City of Los Angeles (except Public Utilities at the Harbor under the jurisdiction of the Harbor Department) and compile such data as may be necessary to determine the proper services to be furnished by those Public Utilities or charges to be made therefor. The Transportation Commission shall have the right of access at all reasonable times to the property and records of the Public Utilities for the purpose of investigation and may require reports respecting those matters from the Public Utilities at a time and in a form as the Commission may prescribe.

(ii) Establish and prescribe, by resolution, regulations providing for the operation of, the extent, character and quality of service, the rates to be charged by and the extensions to be required of, any of the Public Utilities unless preempted by state or federal law. The

Secretary of the Transportation Commission shall publish once in a daily newspaper circulated in the City of Los Angeles, a certified copy of every proposed regulation tentatively approved by the Commission, together with a notice to any and all persons to show cause, if any, within five days from the date of publication of the notice, why the proposed regulation should not be made effective. Any persons interested in or affected by the proposed regulation may, within five days after the expiration of the publication, file objections with the Secretary of the Transportation Commission, specifying the grounds of the objections. The Secretary shall place all objections on the Transportation Commission's agenda for its next regular meeting after the expiration of the time for filing the objections, and the Commission shall then fix a date, not less than five days later, for hearing any and all objections, and shall, after the hearing, finally act on the proposed regulation by approving, changing or rejecting it, providing that any resolution of the Transportation Commission approving any regulation shall be published once before becoming effective and shall be subject to the referendum provisions of the Charter relating to ordinances. Any resolution fixing rates must be approved by the City Council, by ordinance, before taking effect. Rules and regulations previously adopted by the Board of Public Utilities and Transportation pursuant to former Charter Section 210 and operative at the effective date of this chapter shall remain in full force and effect.

(iii) Investigate complaints against the services or charges of any Public Utilities, and to make orders adjusting them.

(iv) Inspect all Public Utilities, as defined in this section, as to their compliance with their franchises, the ordinances of the City and the laws of the state, and as to their service generally; and to enforce in the manner prescribed by law a compliance with the terms of the applicable franchises, ordinances or laws.

(v) Keep a record of the Public Utilities granted by the City or exercised therein.

(vi) Administer and exercise those powers and duties provided by those procedures set forth in Division 13 of this Code, as amended, for the granting of franchises, permits and privileges.

Sec. 6. A new Section 22.326.2 is added to the Los Angeles Administrative Code to read as follows:

Sec. 22.326.2. Powers, Duties and Functions Related to Public Utilities.

A. The term “**Public Utility**,” for purposes of this section, is defined as including any non-railroad public service declared by the Constitution or statutes of the State of California or the decisions of the Federal or State courts to be a public utility or declared to be a public utility by the City Council by ordinance. Public Utility shall not include any service covered by Section 22.484(g)(2)(B)(1) of this Code.

B. The Board of Public Works, or its designee, shall exercise the following powers and duties:

1. To investigate all privately owned Public Utilities in the City of Los Angeles (except Public Utilities at the Harbor under the jurisdiction of the Harbor Department) and compile such data as may be necessary to determine the proper services to be furnished by those Public Utilities or charges to be made therefor. The Board of Public Works shall have the right of access at all reasonable times to the property and records of the Public Utilities for the purpose of investigation and may require reports respecting those matters from the Public Utilities at a time and in a form as the Board may prescribe.

2. Establish and prescribe by resolution regulations providing for the operation of, the extent, character and quality of service, the rates to be charged by and the extensions to be required of, any of the Public Utilities unless preempted by state or federal law. The Board of Public Works shall publish once in a daily newspaper circulated in the City of Los Angeles a certified copy of every proposed regulation tentatively approved by the Commission, together with a notice to any and all persons to show cause, if any, within five days from the date of publication of the notice, why the proposed regulation should not be made effective. Any persons interested in or affected by the proposed regulation may, within five days after the expiration of the publication, file objections with the Board of Public Works, specifying the grounds of the objections. The Board shall place all objections on the Board of Public Works’ agenda for its next regular meeting after the expiration of the time for filing the objections, and the Board shall then fix a date, not less than five days later, for hearing any and all objections, and shall, after the hearing, finally act on the proposed regulation by approving, changing or rejecting it, providing that any resolution of the Board of Public Works approving any regulation shall be published once before becoming effective and shall be subject to the referendum provisions of the Charter relating to ordinances. Any resolution fixing rates must be approved by the City Council, by ordinance, before taking effect. Rules and regulations previously adopted by the Board of Public Utilities and Transportation pursuant to former Charter

Section 210 and operative at the effective date of this chapter shall remain in full force and effect.

3. Investigate complaints against the services or charges of any Public Utilities, and to make orders adjusting them.

4. Inspect all Public Utilities, as defined in this section, as to their compliance with their franchises, the ordinances of the City and the laws of the state, and as to their service generally; and to enforce in the manner prescribed by law a compliance with the terms of the applicable franchises, ordinances or laws.

5. Keep a record of the Public Utilities franchises granted by the City or exercised therein.

6. Administer and exercise those powers and duties provided by those procedures set forth in Division 13 of this Code, as amended, for the granting of franchises, permits and privileges.

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with City 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 this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

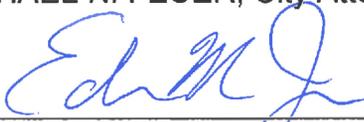
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____

EDWARD M. JORDAN
Assistant City Attorney

Date 5-24-2017

File No. 15-0387