

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 16, 2017

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

FROM: Sharon M. Tso  Assignment No.: 17-02-0129
Chief Legislative Analyst

SUBJECT: Department of Transportation Legislative Proposals

CLA RECOMMENDATION: APPROVE the attached Resolutions recommending legislative positions for the 2017-2018 State Legislative Program, as submitted by the Department of Transportation.

SUMMARY

As requested by the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee, the Los Angeles Department of Transportation (LADOT) prepared eight proposals for the City's 2017-2018 legislative program. LADOT has prioritized Vision Zero and enhanced mobility. The following are LADOT's high priority legislative proposals:

1. *Clarifying Right-of-Way Law.* The California Vehicle Code (CVC) Section 21456 provides that pedestrians shall not start to cross the roadway when a pedestrian control signal displays a flashing or steady "DON'T WALK" or "WAIT" or "Upraised Hand." This provision was enacted prior to the development of crosswalk countdown timers. LADOT indicates that current enforcement of this provision often does not align with the common understanding of the right-of-way, as it pertains to countdown timers. The common understanding is that pedestrians have the right-of-way in a crosswalk for the duration of a green signal. The CVC is silent on the applicable right-of-way where there is a countdown timer.

LADOT recommends legislation to clarify that pedestrians have the right-of-way for the duration of the green signal, including the countdown, assuming pedestrians begin to cross within a reasonable amount of time and are not unduly delaying traffic. LADOT states that clarification of the pedestrian right-of-way will assist the City in implementation of Vision Zero.

2. *Automated Speed Enforcement.* Automated Speed Enforcement (ASE) is a safety tool which utilizes cameras and vehicle speed sensors to capture images of vehicles traveling at least 10 mph over the speed limit. ASE is an effective tool in deterring illegal speeding. Currently, CVC Section 21455.6(c) expressly prohibits the use of ASE. LADOT notes that over 140 communities across the nation have implemented ASE. The result has been up to a 70 percent decline in traffic fatalities in those communities.

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. Implementation of ASE would decriminalize speeding, making citations akin to parking tickets as opposed to a moving violation. ASE may prove instrumental in helping the City meet the 2025 Vision Zero goal. An “opt-in” provision would give Council an opportunity to consider this matter when more details are available for review.

The Department indicates that any revenue generated from the program would be earmarked to support the ASE program and/or support additional roadway safety enhancements.

In 2011, Assemblymember Miller introduced AB 1311 in an effort to implement ASE in school zones. However, those efforts did not succeed.

3. *Setting and Enforcement of Speed Limits.* CVC Section 21400(b) provides that when setting speed limits, a local authority must round speed limits to the nearest five miles per hour of the 85th percentile of the free-flowing traffic. However, where the speed limit must be rounded, a local authority may round down to the lower five miles per hour increment. The local authorities are then prohibited from further reducing the speed limit.

LADOT recommends amending this provision to permit local authorities to utilize modern methodologies to set speed limits. Specifically, LADOT recommends 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. LADOT indicates the setting of criteria allows the City to lower limits in specific locations and aids the City in reaching its Vision Zero goal.

CVC Section 40802(2) defines a “speed trap” as a section of highway which has a prima facie speed limit not justified by an engineering and traffic survey conducted within the preceding five years. LADOT recommends amending this provision to permit enforcement beyond the five year requirement or indefinitely, allowing the speed limit to be adjusted without a five year engineering review.

4. *Sign Posting Exemption for “72-Hour” Parking Rule.* After further discussion between this Office and LADOT, LADOT has elected to withdraw this proposal. Additional work is needed to determine the appropriate position for the City to consider.
5. *California Disabled Parking Placard Reform.* CVC Section 22511.5(a) provides that a California driver who has a disabled 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 shortage of parking spaces and a loss of parking meter revenue. LADOT recommends legislation to remedy this abuse while being responsive to the disabled community.

In 2015, 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 perspectives would be included in any proposed legislative changes.

Based on that recommendation, LADOT and the Department on Disability are co-leading a working group with numerous stakeholders in hopes of developing a system that better serves all Californians. This Office recommends that LADOT continue its efforts with the working group and recommends that the working group continue to develop a more detailed legislative proposal for future review by the City Council.

In 2016, Assemblymember Gatto introduced Assembly Bill 2602 which attempted to establish a two-tiered disabled person parking system. AB 2602 was referred to the Appropriations Committee, where it was not enacted during the last legislative session.

6. *On-Street Electric Vehicle Charging.* CVC Section 22511 currently allows local authorities to designate stalls or spaces in off-street parking facilities for the exclusive purpose of parking and charging electric vehicles. Use of those spaces or stalls for that purpose may be enforced by the authority which designated those spaces. However, the CVC is silent on the designation and enforcement of on-street spaces. The City now offers on-street charging stations. As a result of the gap in the CVC, the City's enforcement of these stations is limited to time enforcement. The City may not tow or cite non-electric vehicles parked in on-street charging stations or electric vehicles parked in on-street stations that are not actively charging.

LADOT notes that in order to further City environmental goals, there is a need to facilitate expanded use of electric vehicles. As demand increases, enforcement will become vital to ensuring the availability of charging stations necessary to meet demand.

LADOT is recommending amendments to CVC Section 22511 which would permit a local authority to designate stalls or spaces on a public street for the exclusive purpose of parking and charging electric vehicles and to enforce use of those spaces and stalls for that purpose.

7. *Regional Oversight of Taxicabs.* California Government Code Section 53075.5 provides that "every city or county shall protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to taxicab transportation services rendered in vehicles designed for carrying not more than eight persons, excluding the driver, which is operated within the jurisdiction of the city or county." This has resulted in challenges and inconsistencies in the for-hire industry, leading to unnecessary costs and a lack of coordination across jurisdictions.

During discussion of AB 650 (Low), the City Council expressed interest in developing a regional regulatory system for for-hire transportation. LADOT recommends state legislation permitting the development of regional oversight bodies for taxicabs, and ultimately other for-hire vehicles. The goal of this legislation would be to provide uniform regulations and ease the burdens and disadvantages associated with the current regulatory framework. Permitting regional oversight would likely improve service while allowing for uniform enforcement of regulations.

At this time, LADOT does not have a detailed proposal outlining specific recommendations for potential legislation permitting regional oversight. This Office recommends that LADOT work with the Taxicab Commission and other interested parties to develop a more detailed legislative proposal for future consideration by Council.

8. *Universal Motor Vehicle for Hire Driver Permits.* Under current law, there is no standard permitting process or requirements for the various types of for-hire vehicles. Permits for taxicabs and other local for-hire vehicles are issued by local cities and counties and are different from permits required for limousine drivers and drivers of other types of for-hire vehicles.

LADOT recommends legislation which would standardize the requirements for all for-hire drivers in California carrying no more than eight passengers at a given time. Such legislation would allow drivers to utilize one permit to easily move across platforms and would allow for standardized training, background checks, and enforcement. LADOT indicates that the fiscal impact will depend on the entity chosen to issue permits.

LADOT does not have a detailed proposal outlining specific recommendations. This Office recommends that LADOT develop a more detailed legislative proposal for future consideration by Council.



Jennifer Quintanilla
Analyst

Attachments: 1. Resolutions

SMT.MF:PS:JMQ

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 government 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) contains an outdated definition of jaywalking leading to confusing outcomes involving the right-of-way in crosswalks with countdown timers; and

WHEREAS, the common understanding is that a pedestrian has the right-of-way in a crosswalk on a green signal, regardless of whether the signal displays a “WALK” or “Walking Person” symbol or countdown timer but CVC Section 21456 is often not interpreted this way by law enforcement; and

WHEREAS, there is a need to ensure that pedestrians, motorists, and law enforcement understand that pedestrians have the right-of-way for the duration of the green signal cycle; and

WHEREAS, such an amendment to the CVC would align the law with the common understanding of the right-of-way and would assist in implementation of Vision Zero;

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 2017-18 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend California Vehicle Code Section 21456 to clarify that a pedestrian has the right-of-way when crossing the street in a crosswalk, regardless of whether the pedestrian entered the crosswalk when the countdown timer had already begun, provided the pedestrian had reasonable time to cross when entering the crosswalk and was not unduly delaying traffic.

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 government 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, the City has set a goal to achieve zero traffic deaths by 2025; and

WHEREAS, Automated Safety Enforcement (ASE) is a safety tool which 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 accidents involving bicycles, vehicles, and pedestrians; and

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

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 2017-18 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 government 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 85th 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, 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 the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend California Vehicle Code Section 21400(b) 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 that would warrant a reduction in the speed limit and Section 40802(2) to permit enforcement of speed limits beyond the five year sunset date or indefinitely.

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 government 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 22511 permits local authorities to designate stalls or spaces in off-street parking facilities for the exclusive purpose of parking and charging electric vehicles; and

WHEREAS, CVC Section 22511 is silent with regard to designating stalls or spaces on public streets; and

WHEREAS, the City currently provides electric vehicle parking and charging stations on public streets but the narrow scope of CVC Section 22511 limits the City's enforcement of these on-street spaces to time enforcement; and

WHEREAS, since the number of electric vehicles continues to increase, the City anticipates an increased demand for on-street charging stations; and

WHEREAS, enforcement of parking in those spaces will further the City's environmental goals;

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 2017-18 State Legislative Program SUPPORT or SPONSORSHIP of an amendment of California Vehicle Code Section 22511 to provide local authorities the authority to cite, and if necessary, tow a non-electric vehicle or an electric vehicle that is not charging in an on-street designated electric vehicle charging only parking space.