

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: December 5, 2018

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

FROM: Sharon M. Tso 
Chief Legislative Analyst

Assignment No: 18-10-0954

SUBJECT: Department of Transportation Legislative Proposals

CLA RECOMMENDATION: APPROVE the attached six 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 Mayor and City Council President, the Los Angeles Department of Transportation (LADOT) prepared six proposals for the City's 2019-2020 Federal and State Legislative Program. The Department seeks to continue pursuing many of their ongoing priorities such as disabled placard reform, speed setting methodology changes, and automated speed enforcement, as well as expanding efforts around autonomous vehicles and transportation technology, and a new proposal regarding automated license plate reading technology. The revised resolutions are attached.

BACKGROUND

Automated Speed Enforcement. Executive Directive 10 was signed by Mayor Eric Garcetti on August 2015, prioritizing safety as the City's number one priority in street design and committing to end all traffic deaths by 2025. Traveling at unsafe speed has been identified as a top factor in the likelihood and severity of crashes that result in the death or serious injury. Automated Speed Enforcement (ASE) is a safety tool that utilizes cameras and vehicle speed sensors to capture images of vehicles traveling at least 10 miles per hour over the speed limit and issuing automated citations for speeding. According to LADOT, ASE is an effective tool in deterring unsafe speeding. LADOT notes that over 140 communities across the nation have implemented ASE and have experienced a 70 percent decline in traffic fatalities. Currently, CVC Section 21455.6(c) expressly prohibits the use of ASE. Last year, LADOT submitted a proposal recommending legislation that would amend CVC Section 21455.6(c) to allow cities to "opt-in" to an ASE program.

The Department indicates that any revenue generated from the program would be used to support the ASE program and additional safety improvement projects.

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 seeks legislative authority to administer a pilot for the use of an alternative speed setting methodology. 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. This methodology, mandated by state law, is inconsistent with helping the City meet the 2025 Vision Zero goal. Under the pilot, the effectiveness of the new methodology would be measured by deploying speed enforcement cameras and analyzing whether excessive speeding is reduced in areas where the pilot methodology was used versus an area that used the standard 85th percentile.

On October 2018, Governor Brown signed into law AB 2363 (Friedman) which creates a Task Force to review current methodology when setting speed limits. The Task Force, is required to convene by July 1, 2019 and report to the legislature by January 1, 2020. The Task Force will look at: the existing process for establishing speed limits, existing speed reduction policies, engineering recommendations to increase safety, existing reports and data on the 85th percentile, how local bicycle and pedestrian plans affect the 85th percentile, and recommendations for alternatives to the 85th percentile.

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.

This proposal has been included in LADOT's legislative proposal since 2015 to remedy this abuse while being responsive to the disabled community. 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 to the General Fund.

During its nine months of work, the Los Angeles Accessible Parking Policy Advisory 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 seek support for legislation and/or administrative action to: limit the type of placard certifier professionals, implement a two-tiered pricing system, increase the number of blue zones and accessible spaces, and install accessible meters in blue zones, when metered.

Automated License Plate Recognition. Automated License Plate Recognition (ALPR) systems capture images of vehicles, their license plate, the geographic coordinates, and the date/time of the recording. ALPR allows law enforcement to compare license plate numbers against the plates of stolen cars or vehicles driven by individuals wanted for criminal charges. These devices are typically mounted on police vehicles, road signs or traffic signals, and capture thousands of images

of license plates per day. At least fourteen states have statutes relating to the use of ALPRs, including California. CVC Section 2413 allows the California Highway Patrol to use data captured by a license plate reader "...for all felonies being investigated." The CVC, however, does not expressly authorize the City to use such data to enforce parking regulations. For this reason, the City Attorney's Office has determined that legislation is necessary to clarify a local government's use of ALPR technology.

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.

Transportation Technology. As transportation technology is evolving, LADOT recommends expanding efforts around autonomous vehicles (AVs) and unmanned aircraft systems (UAS) commonly referred to as drones. As of October 2018, twenty-nine states – Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New York, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Vermont, Washington and Wisconsin – and the District of Columbia have enacted legislation concerning autonomous vehicles. Additionally, the governors of ten states have issued executive orders regarding the regulation of autonomous vehicles.

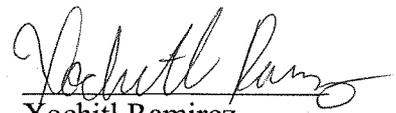
LADOT seeks to reiterate Council support for legislation and/or administrative action that would prioritize the following policies relative to AVs: local government access to data, such as accidents and unplanned disengagements, generated by these vehicles; the need for standardized operating plans for law enforcement personnel; development and deployment of uniform signage and signaling; equitable regulation of all shared use vehicles, including transit and freight vehicles; creation of licensing requirements to individuals of varying levels of mobility and disability; and retention of local assets, such as parking and network pricing, by local jurisdictions.

Additionally, LADOT recommends expanding Council's support for legislation and/or administrative action that would also prioritize the following policies relative to AVs: requirements for integration with City Application Programming Interface (API) by mobility companies, retention of physical and digital right of way, comprehensive engagement with public safety, and safety integration of AVs into the complex airport environment, and allow airports to effectively regulate access by commercial AVs. As AVs proceed through testing to active use, Los Angeles World Airports (LAWA) is concerned that the airport environment will present unique technical challenges, both in terms of traffic management, as well as licensing/permitting and revenue controls for any commercial operations. Any legislative and regulatory action needs to account for LAWA's unique situation, much as the State has done with respect to Transportation Network Companies such as Uber and Lyft.

At this time LADOT also recommends expanding efforts around UAS by supporting legislation and/or administrative action that would allow local government control over drone activity for the delivery of goods and people. On May 25, 2017, S. 1272 (Feinstein) also referred to as the Drone Federalism Act, was introduced to establish a process for federal, state, and local and tribal governments to work together to manage the use of recreational and commercial drones. The Federal Aviation Administration (FAA) anticipates there will be up to four million drones by 2020. The Drone Federalism Act:

- recognizes FAA's general authority over the national airspace while preserving the authority of state, local and tribal governments to issue reasonable restrictions on the time, manner and place of drone operations within 200 feet of the ground or a structure. These could include reasonable low-altitude speed limits, local no-fly zones, temporary restrictions and prohibitions on reckless or drunk operators.
- reaffirms that the federal government will respect private property rights to the airspace immediately above a property, including the first 200 feet.
- promotes cooperation between the levels of government by directing the FAA to partner with a diverse group of cities and states to test out different approaches, inform the unmanned traffic management pilot program and report best practices.

S. 1272 is supported by The United States Conference of Mayors, the National League of Cities and the National Association of Counties.


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Analyst

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Attachment: 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, 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 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 currently prohibits the use of ASE by local jurisdictions;

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, 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 when setting speed limits 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, 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, AB 2363 (Friedman) creates a Task Force to review current methodology when setting speed limits and may propose new options to revise state law;

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 the California Vehicle Code Section 21400(b) to allow the use of an alternative speed setting methodology.

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 to: limit the type of disabled placard certifier professions, implement a two-tiered pricing system, increase the number of blue zones and accessible spaces, and install accessible meters in blue zones, when metered.

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, automated license plate recognition (ALPR) systems capture images of vehicles, their license plate, the geographic coordinates of where the image was captured, and the date and time of the recording; and

WHEREAS, ALPR allows law enforcement to compare plate numbers against plates of stolen cars or cars driven by individuals wanted for criminal charges; and

WHEREAS, recent changes to California law do not clearly stipulate whether local governments can use ALPR under the California Vehicle Code (CVC) for use in enforcing parking regulations;

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 sections of the Civil Code and/or California Vehicle Code (CVC) to clarify whether a local authority can use Automated License Plate Recognition (ALPR) in the issuance of civil parking violations and set forth requirements that would limit a parking enforcement agency's liability for the use of ALPR.

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, autonomous vehicles (AVs) have the potential to dramatically change the future of transportation and mobility for people by minimizing human error and improving traffic congestion; and

WHEREAS, as AVs proceed through testing, the City will face unique technical challenges both in terms of traffic management, as well as licensing and revenue controls for any commercial operations;

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 allow local authorities to regulate access by commercial autonomous vehicles to settings such as Los Angeles World Airports (LAWA).

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 United States has seen a significant increase in the number of small Unmanned Aircraft Systems (UAS) – also known as drones – in recent years; and

WHEREAS, this technology can be used for a variety of purposes, including emergency services, delivery and photography, and more uses are being tested every day; and

WHEREAS, there are no clear rules related to the regulation of UAS at low altitudes, and it is not clear what the role of state or local government is in regulating UAS; and

WHEREAS, in 2017, Senator Dianne Feinstein introduced S. 1272, the Drone Federalism Act, which would have established rules that would enable state and local governments to establish reasonable regulations on the time, place and manner of UAS use in their jurisdictions up to 200 feet above ground level, or within 200 feet of a structure; and

WHEREAS, as businesses across industries continue to test drones for commercial purposes, it will become increasingly important for local government to establish regulations such as those proposed by the Drone Federalism Act;

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 Federal Legislative Program SUPPORT for the Drone Federalism Act or any other similar legislation that would preserve state, local, and tribal authorities and private property rights with respect to Unmanned Aircraft Systems (UAS).