

**CITY OF LOS ANGELES**  
INTERDEPARTMENTAL CORRESPONDENCE

Date: January 17, 2024

To: The Honorable City Council  
c/o City Clerk, Room 395  
Attention: Honorable Heather Hutt, Chair, Transportation Committee  
Honorable John Lee, Chair, Public Works Committee

From: Laura Rubio-Cornejo, General Manager  
Department of Transportation

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Subject: **Draft Mobility Plan 2035 Implementation Ordinance (C.F. 15-0719-S26)**

The adoption of a Mobility Plan Implementation Ordinance is an opportunity to streamline and clarify decision-making about projects in the public right-of-way and ensure all agencies work together effectively to achieve our shared goals of providing safe, sustainable, and equitable mobility for all Angelenos. On August 7th, the City Attorney provided a draft ordinance for the City Council's review. A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Departments of Public Works, Transportation, City Planning, and the City Administrative Officer with a request that any comments be presented directly to the City Council for consideration. The following comments on this draft ordinance are intended to support the Council's objectives and aid in implementation of the City's Mobility Plan 2035.

### **1. Clarification of Project Definition**

This ordinance would apply new procedural requirements to subject projects that involve substantial coordination between departments. The definition of a project would benefit from being clear and unambiguous about the types of projects subject to the ordinance so that project and program managers know early on in scoping what requirements will apply to avoid unplanned scope and associated cost and schedule impacts.

*We recommend that the ordinance clearly articulate which projects and programs are to be covered by the ordinance's requirements and which projects and programs are exempted. Ideally there would be a nexus between the scale and budget of a project and the expected level of coordination that would be required to achieve Mobility Plan implementation. For example, basic maintenance and spot repairs like slurry sealing and pothole filling are low-cost treatments that do not stymie future mobility plan implementation and are critical for preserving the useful life of a roadway. In contrast,*

resurfacing is a significant program with a planned schedule that can be more readily coordinated with Mobility Plan implementation. Resurfacing also triggers capital elements like curb ramps that already require civil design and construction that should be consistent with the Mobility Plan.

*We also recommend that the ordinance clarify that linear projects that do not alter the entire roadway, such as a utility trench, would be exempt, while curb-to-curb resurfacing after a large utility project may not be. Other considerations may include exempting additional categories of projects that might be greater than one-fourth of one mile in length, but do not typically involve extensive or continuous alteration of the street, such as the installation of street lights or a series of bus pads on the same street. The Public Works bureaus could assist with providing example project types for policymakers to categorize.*

*Additionally, we recommend that the ordinance be clarified to apply prospectively and not retroactively. The draft ordinance implies this, but could benefit from a more explicit statement of when applicability starts. The City has many projects with delivery timelines that are determined by outside funding sources that cannot change their scope past the design phase. This clarity could be provided by including language exempting projects that are past a specified funding or design threshold in the "Project" definition as of the date of adoption.*

## **2. Clarification of Roles and Responsibilities**

The draft ordinance establishes new authorities to be exercised by different entities in the City. These new authorities should build on existing roles and responsibilities to the extent possible to avoid redundancy and conflict in the administration of the ordinance. In general, the Department of City Planning sets high-level planning and policy direction for the City through the General Plan process. LADOT has statutory responsibility for the planning and operation of the City's transportation system. The bureaus of the Department of Public Works build and maintain physical infrastructure in the public right of way. The Street Standards Committee, established by LAMC Section 17.05, is an existing interdepartmental committee of the Director of Planning, the General Manager of Transportation, and the City Engineer tasked with setting street design standards and associated policy.

*We recommend that some functions contemplated by the draft ordinance, especially the establishment and periodic revision of "Standard Elements," will be best achieved by assigning the authority to be shared among the Director of Planning, the General Manager of Transportation, and the City Engineer, or their designees. Under the code, these individuals are already charged with recommending minimum improvement standards for all classes of public and private streets and alleys as necessary for the safe and adequate movement of pedestrians, bicyclists, transit service, and vehicular traffic. Additionally, these individuals are responsible for modifying the Complete Street Design Guide as needed to align with current and innovative street design practice. Establishing "Standard Elements" should be closely coordinated with these existing responsibilities to*

ensure that they are appropriately integrated into all relevant planning documents and design standards.

*We also recommend that the advisory roles of the Police and Fire Departments and the City Attorney in network designations be clarified as such.* Planning and designing streets are inherently interdisciplinary and should be done in consultation with partner agencies, however the ordinance should ensure that the need for consultation does not supersede the statutory planning authorities held by the Departments of City Planning and Transportation.

*We recommend establishing a standard of review for appeals and making minor clarifications to departmental responsibilities and timelines in the appeals process outlined in the draft ordinance.* Clarity and consistency around the procedures for appeal filing, routing between departments, reporting appeal information and decisions on the Dashboard, and the standard for review of an appeal made will help ensure the appeals process runs smoothly. We believe that a “de novo” standard is appropriate for mobility corridor appeals to allow for the appeals body to consider the whole of the issue and use their judgment about the most holistic solution to maintain the integrity of the network. We believe that the standard for project appeals should be a more straightforward and streamlined “error or abuse of discretion” standard as these are intended to be simpler judgments about whether or not a project includes required scope elements.

*We recommend that the Council consider which is the appropriate appeals body for Mobility Corridor appeals.* The Board of Public Works has administrative capacity for hearing various appeals types and likely can hear appeals faster than some other bodies that either meet less frequently or have fewer administrative resources. We recommend that the ordinance continue to designate the Board as the appropriate appeals body for project appeals, which can delay critical infrastructure projects if not heard expeditiously. However, the Council did not make an affirmative decision about the appeals body for Mobility Corridor appeals and may want to evaluate options with consideration of expediency of administrative processing and expertise of the appeals body.

*Finally, we recommend that the role of the Dashboard and the required information to be posted be clarified to refer to the posting of project determinations by the General Manager of Transportation.* The draft ordinance requires information to be posted about all Mobility Corridor Projects, but LADOT could not be expected to be aware of all projects sponsored by other agencies that have not yet reached out for review. It would therefore be clearer to specify the role of the Dashboard as the public repository for General Manager determinations, and that those determinations shall include the required information about the subject projects. While this basic function of the Dashboard could be established relatively quickly, we hope that over time and with sufficient resources, the Dashboard may be able to provide additional support functions to project sponsors and the public, such as public notification, engagement, advanced planning, and reporting.

### 3. Mobility Corridor Designation Process

The draft ordinance provides for a process by which the City may establish or revise Mobility Corridors. We recognize that revisions of the networks first envisioned by Mobility Plan 2035 may be necessary from time to time for reasons ranging from the need for a major update in a portion of the city to minor technical corrections of drafting errors in the original plan. We also foresee demand for adding new corridors in portions of the city with relatively underdeveloped networks for local travel. Handling these revisions carefully and transparently is important to maintain the plan's integrity while also providing enough flexibility to implement its envisioned networks in a context-sensitive way.

*We recommend that the draft ordinance clarify that the Mobility Corridors designated in Mobility Plan 2035 are established with the adoption of the ordinance, and then subject to revision by LADOT and Planning via the process outlined. City Planning and LADOT conduct Community Plan Updates or other neighborhood-level planning with public engagement that may result in proactive desires to adjust or expand planned networks based on local mobility needs. There are also circumstances in which there may be a desire to revise a Mobility Corridor designation in reaction to a proposed project that would otherwise trigger a required improvement. In order to ensure that mobility is in fact improved in such project-related cases, the Council may wish to require that any alternative alignment be implemented concurrently with the subject project.*

*We further recommend that the required findings include that the revision provides equal or greater safety and mobility for the subject mode (i.e. bike, bus). Mobility Plan 2035 specifically calls for a complete network for each mode to achieve the City's overall mobility goals, and the ordinance should be clear that revisions to Corridors, such as replacement of one segment with another, must provide equal or greater safety and utility for the mode in question. The finding required to revise a Corridor should be clarified by adding that the revision must further to an equal or greater extent the public safety and utility for users of the relevant transportation mode. For this purpose, utility should be defined to include both local access and regional connectivity for users of the relevant transportation mode.*

*We recommend that the draft ordinance should provide for an option to revise Mobility Corridors as part of a comprehensive General Plan Element update process (such as a Community Plan or Mobility Element update) per Charter Section 555. A General Plan update considers complementary changes to land use, zoning, and street designations (including Mobility Corridor establishment/revisions). Most importantly, a General Plan update process presents multiple opportunities for outreach beyond that otherwise required by this ordinance, and requires a presentation to the City Planning Commission for a recommendation of approval, followed by City Council consideration. We recommend that the draft ordinance recognize this alternative revision process, but continue to require proposed revisions under this alternative process to make the same safety and utility findings to justify the revisions, and to include notification via the Dashboard of the changes under consideration and how to participate. Decisions made within a formal General Plan Element update process should be subject to the recourse*

available under that process and not the Mobility Corridor appeals process defined by this ordinance.

#### **4. Fiscal Impact**

The draft ordinance creates a new process for project scoping and new responsibilities for administration and oversight. Resources will be required in the current fiscal year to create the Dashboard and develop administrative procedures to implement the ordinance. Starting in Fiscal Year 2024/25, resources would be required for project plan review, geometric design, community engagement, further Dashboard development and support, and appeal process administration. The draft ordinance gives LADOT new project review functions that will likely require dedicated positions to prevent project delays. The draft ordinance also assigns technical support functions to LADOT, City Planning, and the Bureau of Engineering to establish and administer the Dashboard that may require ongoing staff and/or consultant resources. Additionally, the Board of Public Works is assigned as the body to administer appeals, which may increase their workload depending on the volume. We look forward to working with the CAO, Mayor's Office, and the City Council to determine these initial and ongoing resource needs and identify funding sufficient to realize the ordinance's purpose.

A separate but related budget issue for Council's consideration is the eligibility of special funds for work beyond restoration of the street. For example, the Sewer Construction and Maintenance fund can and does pay for the restoration of asphalt and restriping related to the restoration of areas directly impacted by the project, but may be limited in the ability to pay for additional street elements required by the ordinance. Similarly, some projects may receive grant funds that would not be sufficient to cover all of the required elements. We recommend that Council provide guidance to departments and the CAO on how to secure funding for scope elements required by the proposed ordinance that do not have an identified funding source and/or clarify the eligibility of these additional street elements for existing capital funding sources. Flexibility and coordination during the budget and/or capital planning process may be required to achieve Council's goals for comprehensive projects.

As signatories to the *Interdepartmental Memorandum of Understanding for Improving Project Planning and Delivery in the Public Right-of-Way (2022)*, we are united in our commitment to efficiently plan, design, conduct outreach and engagement, implement, and maintain multimodal projects in the public right-of-way. We look forward to working with the City Council to realize Mobility Plan 2035's vision for a balanced mobility network serving all Angelenos.

LC:TC:rg  
VB:AV:cpt  
TA:KM:eb