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August 30, 2023

BPC #23-169

The Honorable City Council
City of Los Angeles, Room 395
Los Angeles, CA 90012
c/o City Clerk's Office

Dear Honorable Members:

RE: COUNCIL FILE NO. 23-0363, TRANSPORTATION COMMITTEE REPORT.

At the regular meeting of the Board of Police Commissioners held Tuesday, August 22, 2023, the Board APPROVED the Department's report relative to the above matter.

Respectfully,

BOARD OF POLICE COMMISSIONERS

Handwritten signature of Rebecca Munoz in blue ink.

REBECCA MUNOZ
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

23-169
REVIEWED
RICHARD M. TANK
EXECUTIVE DIRECTOR
8/16/23
DATE

August 16, 2023

8.1.3

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO LOS ANGELES CITY COUNCIL (CITY COUNCIL FILE NO. 23-0363)

RECOMMENDED ACTION

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the Los Angeles Police Department's (Department) response to the City Council.
2. That the Board TRANSMIT to the Los Angeles City Council this response.

DISCUSSION

On June 23, 2022, the Los Angeles City Council adopted a Transportation Committee Report relative to motorist obligations in connection with pedestrian and bicyclist safety pursuant to Assembly Bills (AB) 2147 and 1909. Both pieces of legislation revised various provisions of the California Vehicle Code (CVC) regarding walking and bicycling, and the obligations of motorists towards people who are walking or bicycling.

As of result of AB 2147, various sections of the CVC that regulated pedestrians on the roadways have changed to allow pedestrians to cross the street at any location, provided that crossing the street is safely completed with due care. Assembly Bill 1909 established that local jurisdictions may no longer ban electric bicycles on bike paths and implements requirements for motorists seeking to pass bicyclists on multi-lane roads.

The City Council instructed the Los Angeles Department of Transportation (LADOT), with assistance of the Department, to report within 90 days on the resources needed to conduct a robust public education campaign to educate Angelenos about AB 2147 and AB 1909 that is focused on motorists' obligations to exercise due care for the safety of pedestrians and bicyclists. A Fact Sheet is attached for review with the findings relative to the Department's recommendations to and coordination with the LADOT to establish signage, educational information, and contact media resources to distribute the applicable laws to the public to comply with these Bills.

The City Council requested that Department personnel become aware of these changes. Consequently, the Department was directed to report on the steps taken to ensure that officers are aware of the revisions contained in AB 2147 and AB 1909, and the plans regarding enforcement of the new law pertaining to motorists that pass bicycles, as delineated in AB 1909. The Department has taken the following steps:

1. A Department Traffic Coordinator Notice titled, "2023 New California Vehicle Laws" was published on December 5, 2022. This Notice specifically addresses the new laws pertaining to pedestrians and bicyclists established by AB 2147 and AB 1909.
2. Risk Management and Legal Affairs Division posted the California Legislative & Legal Digest outlining the 2023 Laws on the Local Area Network, which included AB 2147 and AB 1909.

If you have any questions, please contact Commander Valenzuela of Traffic Group at (213) 486-0680.

Respectfully,



MICHEL R. MOORE
Chief of Police

Attachment

BOARD OF
POLICE COMMISSIONERS
Approved August 22, 2023
Secretary Rebeca Munoz

FACT SHEET
LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO
LOS ANGELES CITY COUNCIL (CITY COUNCIL FILE NO. 23-0363)
August 3, 2023

BACKGROUND

On June 23, 2022, the Los Angeles City Council adopted a Transportation Committee Report (City Council File No. 23-0363) relative to the obligations of motorists in connection with pedestrian and bicyclist safety measures implemented by Assembly Bills (AB) 2147 and AB 1909. These Bills revised various provisions of the California Vehicle Code regarding walking and bicycling, and the obligations of motorists toward people who are walking or bicycling. The City Council directed the following:

- Instruct the Los Angeles Department of Transportation (LADOT), with assistance of the Los Angeles Police Department (LAPD), to report within 90 days on the resources needed to conduct a robust public education campaign to educate Angelenos about AB 2147 and AB 1909 that is focused on motorists' obligations to exercise due care for the safety of pedestrians and bicyclists;
- Instruct the LADOT, with the assistance of the Department of Recreations and Parks and any other Department that has the responsibility for any bike path in the City, be instructed to remove, by June 30, 2023, any signs that purport to exclude electric bicycles from any bike path; and,
- Instruct the LAPD to report within 90 days regarding the steps it is taking to ensure that its officers are aware of the changes in AB 2147 and AB 1909, and its plans regarding the enforcement of the new passing rule in AB 1909.

FINDINGS

A review of the instructions revealed that the City Council has directed the LADOT to be the lead agency in this request. The Department was mentioned in two of the three instructions.

The below listed information are the findings for each request:

Request: Instruct the LADOT, with assistance of the LAPD, to report within 90 days on the resources needed to conduct a robust public education campaign to educate Angelenos about AB 2147 and AB 1909 that is focused on motorists' obligations to exercise due care for the safety of pedestrians and bicyclists.

Findings: Assistant General Manager Dan Mitchell, LADOT, and Fernando Navarrete, LADOT City Council Liaison, were contacted and advised that the Department will assist to determine resources needed to disseminate any traffic safety information to the public to raise awareness regarding AB 2147 and AB 1909 to ensure pedestrian and bicyclist safety.

FACT SHEET
LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO
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August 3, 2023

Traffic Group provided the following recommendations to LADOT:

- An audit of “No Pedestrian” signs should be conducted to determine whether signs need to be removed. This new law allows pedestrians to cross mid-block, of which many of these signs had been initially posted to prevent.
- Signage should be posted advising motorists to watch for pedestrians crossing mid-block.
- Conduct an audit of pedestrian crashes that occurred outside of a marked crosswalk and install in-pavement lighted marked crosswalks to protect pedestrians.
- Signage should be strategically placed on road segments with high incidents of bicycle crashes, advising motorists to pass bicyclists safely by changing lanes or providing bicycles three feet of space, while passing them.
- Public Service Announcement – A YouTube video should be created, advising motorists regarding this new law. The video would be similar to the existing YouTube videos produced and uploaded on the LADOT website and emailed to community members.
- Public Service Announcements – Produce educational videos and seek air time on local channels, movie trailers, sporting events video boards, billboards, video games, and social media platforms.
- Educational Materials – Create and distribute educational materials at public events, such as the Annual Auto Show and sporting events. Materials can be distributed via the LADOT’s Pedestrian and Bicycle Advisory Committees.
- Westways Magazine – Outreach to the Automobile Club of Southern California, which is an affiliate of the American Automobile Association, should be conducted and request an article to be included in their monthly magazines.

Request: Instruct the LAPD to report within 90 days regarding the steps it is taking to ensure that its officers are aware of the changes in AB 2147 and AB 1909, and its plans regarding enforcement of the new passing rule in AB 1909.

Findings: The Department has taken the following steps:

- A Department Traffic Coordinator Notice titled, “2023 New California Vehicle Laws” was published on December 5, 2022. This Notice specifically addresses the new laws pertaining to pedestrians and bicyclists established by AB 2147 and AB 1909.

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- Risk Management and Legal Affairs Division posted the California Legislative & Legal Digest outlining the 2023 Laws on the Local Area Network, which included AB 2147 and AB 1909.

SUMMARY

The Department is committed to working with the LADOT to implement and disseminate traffic safety information to raise awareness in the community. This public educational campaign will focus on the responsibilities of all road users to enhance the safety of pedestrians and bicyclists. The Department will utilize personnel assigned to the Community Traffic Safety/Services Units; Senior Lead Officers within Community Relations Offices; Transit Services Division; Community Safety Partnership Bureau; and Community Relations Section to engage the community relative to the new laws.

Prepared by:
Traffic Coordination Section,
Traffic Group

TRANSPORTATION COMMITTEE REPORT relative to motorist obligations in connection with pedestrian and bicyclist safety pursuant to AB2147 and AB1909.

Recommendations for Council action, pursuant to Motion (Blumenfield – Harris-Dawson):

1. INSTRUCT the Los Angeles Department of Transportation (LADOT), with the assistance of the Los Angeles Police Department (LAPD), to report within 90 days on the resources needed to conduct a robust public education campaign to educate Angelinos about AB 2147 and AB 1909 that is focused on motorists' obligations to exercise due care for the safety of pedestrians and bicyclists.
2. INSTRUCT the LADOT, with the assistance of the Department of Recreation and Parks and any other Department that has responsibility for any bike path in the City, be instructed to remove, by June 30, 2023, any signs that purport to exclude electric bicycles from any bike path.
3. INSTRUCT the LAPD to report within 90 days regarding the steps it is taking to ensure that its officers are aware of the changes in AB 2147 and AB 1909, and its plans regarding enforcement of the new passing rule in AB 1909.

Fiscal Impact Statement: The CAO reports that approval of the recommendations contained in the May 2, 2023 CAO report, attached to the Council File, will not result in a General Fund impact.

Community Impact Statement: Yes

For:
Westside Neighborhood Council

Summary:

On June 3, 2023, your Committee considered a Motion (Blumenfield – Harris-Dawson) relative to motorist obligations in connection with pedestrian and bicyclist safety pursuant to AB2147 and AB1909. According to the Motion, in September 2022, Governor Newsom approved AB 2147 (Ting), the Freedom to Walk Act, and AB 1909 (Friedman), the OmniBike Bill. Both pieces of legislation change provisions of the California Vehicle Code regarding walking and bicycling, and the obligations of motorists toward people who are walking or bicycling. It is important that all Angelinos become aware of these changes.

In addition, because these laws change some violations under the Vehicle Code, and limit the circumstances when citations may be issued to people who are walking or bicycling, it is also important for the LAPD to ensure that its officers are aware of these changes. Under the Freedom to Walk Act (AB 2147), as long as a person walking uses due care, they may cross a street at any location (sometimes referred to as "jaywalking," a term promoted by automobile interests 100 years ago to help ensure automobile domination

of our streets). A peace officer may no longer cite a pedestrian for violations of various statutes regulating pedestrian behavior "unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power." AB 2147 also adds to many sections of the Vehicle Code an explicit statement of the general rule that a driver of a vehicle has the duty to exercise due care for the safety of any pedestrian within the roadway. These provisions become effective January 1, 2023.

Also under AB 2147, effective January 1, 2024, people who are bicycling may cross a street when allowed by a pedestrian signal, which will have the most effect at intersections with leading pedestrian intervals. Under the OmniBike Bill (AB 1909), local jurisdictions may no longer ban electric bicycles on bike paths. More importantly, it changes the rules motorists must observe when passing bicyclists on multi-lane roads. Just as if passing another vehicle, motorists must make a complete lane change before passing a bicyclist. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion. This matter is now submitted to Council for its consideration.

Respectfully Submitted,
Transportation Committee

COUNCILMEMBER	VOTE
HUTT:	YES
PARK:	YES
HERNANDEZ:	YES
RAMAN:	ABSENT
YAROSLAVSKY:	ABSENT

ARL
6/3/23

-NOT OFFICIAL UNTIL COUNCIL ACTS-