


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 18, 2019

TO: Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention: Honorable Mike Bonin, Chair, Transportation Committee

FROM: Seleta J. Reynolds,  General Manager, Department of Transportation

SUBJECT: TOUR BUS ORDINANCE (CF 17-1115)

SUMMARY

This report is in response to the City Council's directive to the Los Angeles Department of Transportation (LADOT), with assistance from the Los Angeles Police Department (LAPD) and Los Angeles Fire Department (LAFD), to report with a list of routes or streets, particularly including hillside substandard streets, which are unsafe for tour buses. This report also provides the process by which the Council may adopt this list of restricted streets.

RECOMMENDATIONS

That the City Council:

1. ADOPT the accompanying ORDINANCE dated August 2, 2019, adding LAMC Section 80.36.11, making it unlawful to operate a Tour Bus on any street the LADOT has determined unsafe for Tour Bus operation and posted with signs providing notice of such Tour Bus restrictions.
2. APPROVE the proposed "Tour Bus Prohibition Criteria" which provides an evaluation methodology for LADOT to determine whether a specific roadway segment has unique safety challenges for tour buses that may require prohibiting tour buses. (See Attachment "A")
3. AUTHORIZE LADOT, in coordination with LAPD, to make technical corrections and adjustments to the "Tour Bus Prohibition Criteria" as necessary, to ensure that the policy is flexible to address ongoing safety concerns as well as unique problems that may arise, and to address any enforcement-related concerns.
4. DIRECT LADOT to work with the tour bus operators to identify and provide additional locations for Sightseeing Bus Zones.

BACKGROUND

Under California Vehicle Code Section 21118.(a), a local authority may adopt rules and regulations by ordinance or resolution to restrict the routes or streets upon which a tour bus described in subdivision (b) of Section 612 may be operated, if the local authority determines it is unsafe to operate those vehicles on those routes or streets. California Vehicle Code Section 612.(a) defines a "tour bus" as "a bus, which is operated by or for a charter-party carrier of passengers, as defined in Section 5360 of the Public Utilities Code, or a passenger stage corporation, as defined in Section 226 of the Public Utilities

Code.” Section 612.(b) goes on to specify that “a ‘tour bus’ includes a bus described in subdivision (a) that has had its roof substantially structurally modified or removed.” Section 612.(b) also defines an “unenclosed tour bus” as “a tour bus that has had its side panels substantially structurally modified and/or removed, such that it can be and is operated without side panels fully enclosing the sides of the vehicle.”

Council File 17-1115 directs LADOT, with assistance from the LAPD and LAFD, to report within 60 days with a list of routes or streets, particularly including hillside substandard streets, which are unsafe for tour buses to operate on, and requests the City Attorney to report within 60 days on the process by which Council may adopt this list of restricted streets through either Ordinance or Resolution.

DISCUSSION

The Los Angeles Municipal Code (LAMC) Section 80.36.1 authorizes LADOT to post signs prohibiting vehicles over 6,000 pounds gross weight from using public roadways not designated as major or secondary highways (except those specifically designated in LAMC Section 80.36.1.(d)), when LADOT determines their continued use of any street or portion thereof, would cause traffic congestion, create a hazard to life or property, or detrimentally affect the public welfare, and when alternate routes are available. There are several exemptions to this section; however, LAMC Section 80.36.1.(c).3 specifically states “this exemption shall not apply to vehicles operated as a round-trip sightseeing tour service as defined by the Public Utilities Commission.”

LAMC Section 80.36.1.(b) also specifies that “no vehicle used for round-trip sight-seeing tour vehicle, as defined by the Public Utilities Commission, namely round-trip travel in the same vehicle with guide service for an informational purpose, in excess of 6,000 pounds gross weight, shall use any other street other than a major or secondary highway, as defined by Section 18.01 of this Code despite any lack of such determination by the Department, and any erection of signs, as hereinabove described, so long as appropriate notice of the restriction is given in compliance with CVC Section 35701.(b).”

LADOT has restricted tour buses on roadways other than major or secondary highways by posting signs giving notice that vehicles over 6,000 pounds were prohibited and providing the LAMC section on the sign indicating that tour buses were not exempt. LAPD has indicated that enforcement of these signs is not feasible because they do not have the necessary resources to pull vehicles over and weigh them, especially on narrow, hillside roadways.

On September 27, 2017, AB 25 (Nazarian) became law, allowing local jurisdictions to impose reasonable restrictions on tour buses regarding route restrictions and the use of public address systems. This legislation stemmed from the numerous complaints from residential neighborhoods about the public safety impact from sightseeing tour buses on narrow hillside streets and frequent traffic violations. Many residents in the Hollywood Hills area, as well as from other neighborhoods in Los Angeles have raised these concerns.

Rather than continuing to use LAMC Section 80.36.1 to restrict undesired tour buses from roadways other than major and secondary highways, LADOT worked with the City Attorney’s Office, LAPD, and staff from the California Public Utilities Commission (CPUC) to develop a new ordinance using AB 25, now CVC Section 21118.(a). This ordinance establishes new regulations to restrict the routes or streets where LADOT has determined that there are safety concerns specifically related to tour buses. LADOT

analyzed the tour bus restrictions used in the City of San Francisco and used their program as a starting model. Based on detailed discussions with the City Attorney's office, LADOT, LAPD, and CPUC staff, the City Attorney's Office recommends a new ordinance that uses the legal definition of a "tour bus," which is more efficient and safer for LAPD to enforce. Additionally, under CVC Section 21118.(a), the tour bus prohibitions are no longer limited to streets that are not major or secondary highways. LADOT can restrict tour buses on any street in the City once it has determined that the roadway may be unsafe for tour buses.

For the proposed ordinance, a "Tour Bus" means "a privately-owned bus or passenger vehicle for hire, which is operated by or for a charter-party carrier of passengers or a passenger state corporation, as set forth in CVC Section 612.(a), and as defined in CPUC Sections 226 and 5359.(b); and, as set forth in CVC Section 612.(b), includes a bus that has had its roof substantially structurally modified or removed. A Tour Bus includes any for-hire vehicle that is used primarily for the conveyance of passengers over the public streets for the purpose of viewing or visiting places of interest."

An amendment to LAMC Section 80.76.2 to add Section 80.36.11.(c).(1), to read "Traveling of a tour bus on a street determined to be unsafe for the operation of a tour bus" as a criminal penalty is necessary for LAPD enforcement purposes. This section allows LAPD to cite the "Operator" of the tour bus company for violations, rather than the driver. The first violation by an Operator shall constitute an infraction pursuant to CVC Sections 40000.1 and 42001, and punishable by conviction by a fine of \$100. For the second and third infractions within the same 12-month period, the fine can increase to \$200 and \$250, respectively. A penalty for a fourth and subsequent violation by the Operator shall be a misdemeanor if the Operator has been convicted of three or more violations within the 12-month period immediately preceding the commission of the offense. For this purpose, a bail forfeiture is deemed to be a conviction of the offense charged.

An amendment of LAMC Section 80.76.2 to add Section 80.36.11.(d).(1) to read as "Stopping, standing, or parking of a tour bus on a street determined to be unsafe for the operation of a tour bus," as a civil penalty, and an amendment of LAMC Section 89.60 to add Section 80.36.11.(d).(1) to the schedule of parking penalties is necessary for enforcement purposes. The suggested first-time violation penalty for stopping, standing, or parking of a tour bus in a location posted with signs prohibiting this activity is \$300. Due to the nature of this offense, in which the driver of the tour bus may be following directions from their employer, the Operator of the tour bus company will receive the penalties. As these offenses are all justified based on public safety, including the safety of the passengers of the tour buses, there is a step increase for subsequent violations of 100 percent within the same 12-month period, up to the third offense.

Proposed tour bus ordinance program

These tour buses, based on their size and weight, pose a clear hazard on certain streets not built to accommodate these vehicles. Additionally, many tour bus companies are also using unenclosed tour buses, which expose the passengers of these buses to additional risk.

LADOT has focused its efforts on identifying factors that are expected to be more of a safety concern for tour buses than automobiles, such as roadway geometry, parking availability, crash patterns, and tour bus volumes. The "Tour Bus Prohibition Criteria" developed by LADOT uses combinations of these

conditions to identify locations where tour bus restrictions are necessary for safety reasons, and not just due to undesirable volumes of tour buses.

LADOT has verified roadways where many of the safety issues exist, and where there are over 100 tour buses per day. A manual count conducted by the LADOT on a sunny day on October 10, 2018, identified 71 tour buses on Mulholland Drive between Torreyson Drive and the Universal City Overlook, and 111 tour buses on Mulholland Drive between Outpost Drive and the Jerome Overlook, in 6 hours from 10 AM to 4 PM. During the summer months, the number of tour buses may be even higher.

LADOT recommends prohibiting tour bus operations for one or more continuous street segments, under the following conditions:

1. LADOT receives a request in writing from either the affected Council Office, Police Department, or an affected school, requesting a tour bus prohibition, because one or more street segments are unsafe for tour buses.
2. LADOT conducts an investigation using the LADOT Tour Bus Prohibition Guidelines, and the roadway segment studied satisfies one or more of the following qualifying conditions:
 - Safety - Crash Patterns
 - Safety - Roadway Width
 - Safety – Dead End/No Outlet Street/Residential Driveway
 - Safety - Roadside Vegetation/Bridges
 - Safety - Curved Roadway
 - Safety - Neighborhood Traffic Trip Limit
 - Safety - Inadequate Parking
 - Safety - Narrow Parking Lanes
 - Safety – Roadway Grade
 - Safety – Crime Abatement
 - Safety – Parking/Driveway Visibility
 - Safety – Non-Arterial Roadway Saturation
 - Safety – School Zone Child Safety
 - Safety – Pedestrian Safety
 - Safety – Deer Crossing
3. LADOT installs signs advising drivers of the prohibitions

Community input

On April 17, 2019, the Hollywood Hills West Neighborhood Council (HHWNC) held a neighborhood council meeting, at the American Legion Hollywood Post, 2037 Highland Avenue, Los Angeles, CA, from 7 AM to 9 AM, to discuss the proposed Tour Bus Ordinance. LADOT reached out to the tour bus operators to provide them with notification of this meeting, to inform them of the proposed program, and to solicit their comments. Councilmember David Ryu, 4th District, and his staff attended this meeting, as did LADOT, LAPD, members of the HHWNC, and members of the public. LADOT met twice after this with tour bus operators and has considered their feedback in developing our recommendations.

Staff and training

Existing LADOT District Operations staff will evaluate all requests submitted to LADOT and will prepare reports and work orders for any locations where restrictions are approved. Existing LADOT Field Operations staff will fabricate, install, and maintain the new signs. LADOT anticipates a surge of studies following the approval of this report. Depending on the popularity of this program, LADOT may require additional staff in future years to sustain this program.

FISCAL IMPACT

No impact at this time, but the recommended actions may result in future budgetary requests for new staff.

SJR:brg

Attachments:

- A - LADOT Tour Bus Prohibition Guidelines
- B - Draft Ordinance

LADOT TOUR BUS PROHIBITION GUIDELINES (REV. 9/6/19)

The satisfaction of guideline(s) shall not in itself require the tour bus prohibition.

Prepared by: _____ Date: _____

Checked by: _____ Date: _____

Name of Street Segment: _____

Tour bus operation should be prohibited for one or more continuous street segments, once the Department of Transportation has received a request in writing from either the affected Council Office, Neighborhood Council, Police Department, or an affected school, requesting that tour bus operations be prohibited, because one or more street segments are unsafe for tour buses to operate on, and then only after one or more of the qualifying conditions established by the Department of Transportation are verified to exist, in accordance with LAMC Section 80.36.11. The qualifying criteria are as follows, but the satisfaction of guideline(s) shall not in itself require the tour bus prohibition.

Warrant 1: Crash Patterns

SATISFIED?

This guideline is used to improve safety at a section of roadway involving larger vehicle crashes where a collision pattern has developed that is susceptible to correction. This guideline identifies a higher than the usual number of crashes for the section of roadway involving vehicles classified as a bus, truck, or passenger van. An average of more than 3 crashes per street segment, for all of the street segments included within the segment specified, during the most recent 12-month period, or 2 crashes per street segment during each of the last two 12-month periods, or an average of these values for the entire segment, are considered a higher than usual number of crashes. (*i.e., if the segment has 3 blocks, then 9 total crashes in the last year would qualify*)

Last two 12-month periods that crash data is available for	Required	Qualified (Yes/No)	Dates of crashes involving vehicles classified as bus, truck, or passenger van
From: To:	3 in the most recent year or 2 in both rows		1) 2) 3)
From: To:	2 in both rows		1) 2) Other)

Warrant 2: Roadway Width**SATISFIED?**

This guideline is used to improve safety at a section of roadway where the roadway width is too narrow to accommodate existing on-street parking and through traffic, or just two-way traffic at the same time, where the parking of tour buses forces drivers to use the wrong side of the road to get by.

Number of sides allowed for on-street parking	Number of Edgelines	Threshold	Roadway Width (feet)	Qualified? (Yes/No)
0	0-2	<20'		
1	1	<27'		
1	0	<28'		
2	2	<34'		
2	1	<35'		
2	0	<36'		

Warrant 3: Dead End / No Outlet Street / Residential Driveway**SATISFIED?**

This guideline is used to improve safety by providing a tour bus prohibition where there are blocks or street segments posted with "DEAD END," "NOT A THROUGH STREET," or "NO OUTLET" signs, where a U-turn is necessary to get back out of the neighborhood, and where the roadways are not wide enough (28 feet from center of roadway to the curb) for an average tour bus or tour van of 10 people to make a U-turn in one motion. This guideline can also be satisfied where the Department receives at least 3 complaints from any property on a cul-de-sac or other street segment documenting tour buses or vans using their driveway to turn around.

Name of locations within the street segment where one or more signs in column 2 are posted	Type of sign posted: Existing "Dead End," "Not a Through Street," "No Outlet," or other (driveway) (specify sign or dwy. complaints)	Is U-Turn necessary for tour buses or tour vans? (Yes/No)	Roadway Width (measured from the center of roadway to the curb) (feet)	Width Threshold (<28')	Qualified? (Yes/No)

Warrant 4: Roadside Vegetation/Bridges**SATISFIED?**

This guideline is used to provide additional safety by restricting tour bus operation for street segments with branches and tree limbs that are low hanging or regularly extend out into the roadway, or below bridges with advisory height limit signs posted, or where there has been a recent history of crashes or injuries to tour bus riders exposed to tree limbs or brush, or bridges due to open top/sided tour buses or vans. The warrant is satisfied if YES to questions "a," "c," and "d" below. If YES to "b," take additional actions.

- a. Does the location have low hanging branches, tree limbs, or any other vegetation, or a bridge with a posted height restriction that might injure someone in an open-air tour bus or van (no top/side)? Specify.

YES NO

- b. Can the low hanging branches/tree limbs/vegetation/low bridge injure riders in a convertible automobile?

YES NO

- c. Is there any significant history of incidents occurring at this location due to roadside trees and vegetation, or a low bridge? Specify in the table below.

YES NO

- d. Does the vegetation at this location appear to require frequent trimming and maintenance, or is this location a bridge with a height restriction already posted?

YES NO

Location(s) of low hanging branches, tree limbs, excessive brush, or foliage that may extend into or above the roadway, or where roadway passes under a bridge structure (provide height limit posted for bridges)	Recent Available Collision Data	Number of incidents caused by trees or vegetation that cannot be regularly trimmed	Dates of Incidents
	From: To:		1.) 2.) Other)

Warrant 5: Curved Roadway**SATISFIED?**

This guideline is used to provide roadway safety where a tour bus operation restriction is needed for curved or super-elevated roadways that create higher than normal challenges for drivers of tall vehicles or vehicles with a higher than usual center of gravity. This guideline is satisfied when there are curve warning signs posted with advisory speed signs for speeds of less than 25 mph, or where warning signs and advisory speed signs for speeds of 25 mph or higher are posted combined with more than one crash involving a vehicle taller than 6 feet (where the height is known) or truck, during the last 12-month period, or one crash per year for each of the last two years.

Curved/ Super-elevated (specify)	Speed limit or the advisory speed (mph)	Recent collision data for the last 24-month period	Dates of incidents	Vehicle Height (ft) Or Truck
		From:	1)	1)
		To:	2)	2)
			3)	3)

Warrant 6: Neighborhood Traffic Trip Limit**SATISFIED?**

This guideline is used to provide additional roadway safety where a tour bus prohibition is needed on roadway segments where a Council Resolution/Ordinance has been adopted by City Council that places a vehicle trip limit on that specific roadway, usually for neighborhood safety concerns. The use of such streets by numerous tour/sightseeing buses threatens the hourly/daily vehicle trip limits. The warrant is met when YES is answered for all items below.

- a. There is an existing vehicle trip limit adopted by City Council on a specific roadway, for neighborhood safety concerns, and use of such streets by tour buses threatens hourly/daily vehicle trip limits.

Council File No. for Resolution/Ordinance: _____ YES NO

- b. Hourly/daily volumes are within 90 percent of the maximum trip limit.

Trip Limit: _____ Percent of Limit: _____ YES NO

Hourly/Daily Volume: _____ Time/Date: _____

- c. Tour bus volumes are at least 2% of the hourly volume. YES NO

Tour bus hourly volume: _____ Percent of hourly volume: _____

Warrant 7: Inadequate Parking**SATISFIED?**

This guideline is used to provide additional roadway safety with tour bus prohibitions at roadway segments where there is inadequate parking availability for tour buses, such that a.) tour buses would need to stop or park in a through traffic lane for reasons other than as required by traffic control devices, or to avoid hitting a roadway user in front of them, resulting in unexpected roadway blockages or excessive congestion, or b.) where there are existing parking restrictions that prohibit the parking of oversize vehicles. This guideline is met when Case "a" and any of the other items below are YES.

- a. There has been documented pattern of tour buses stopping in a through lane, but not to comply with traffic control devices or avoid hitting a roadway user?

Specify:

YES NO

- b. There is one single lane in either direction, and the lane width is less than 18 feet, and there is no legal off-street parking nearby within 300 feet.

Specify:

YES NO

- c. The availability of legal on-street or off-street parking (excluding parkway parking) during the hours when tour buses usually use that section of roadway is less than 20% of the available remaining parking spaces.

Specify (time/parking occupancy):

YES NO

- d. There are multiple lanes of traffic in either direction, the curb lane is less than 18 feet wide, and there is no legal on-street parking within 300 feet, except when the curb lane is designated as a peak hour parking lane.

Specify:

YES NO

- e. The roadway has parking restrictions posted with "No Parking, Vehicles Over 6' High," or "No Parking, Vehicles over 7' High or Over 22' Long" in effect during hours when tour buses are usually using that section of roadway.

Specify:

YES NO

- f. The roadway has "No Stopping/Parking, Vehicles Over 6 Feet High" signs posted within 100 feet of an intersection and tour buses have been observed stopping or parking in that area.

Specify:

YES NO

Warrant 8: Narrow Parking Lanes**SATISFIED?**

This guideline is used to provide additional roadway safety where a tour bus prohibition is needed for narrow parking lanes; where there is on-street parking, and the width of parking spaces is at least 7 feet, but there is a high percentage of wide vehicles, such as tour buses and vans that park there, and any spillover into traffic lane or bike lane is resulting in increased collisions, due to unexpected roadway blockage or congestion. This warrant is met when there are 3 sideswipe, head-on, or rear-end collisions (or other crashes specifically attributed to these conditions) in the most recent 12-month period, or 2 in each of the last two years.

Name of Roadway	Width of on-street parking spaces	Percentage of vehicles over 7 feet wide	Pedestrian Volume Per Hour	Existing Sidewalk? (Y/N)

Recent collision data for the last 24-month period	Number of Sideswipes, rear-end, or other qualifying crashes	Required	Dates of crashes	Qualified (Yes/No)
From: To:		3 in 1 yr/ 2 per year in 2 yrs	1) 2) 3) 4) 5)	

Warrant 9: Roadway Grade**SATISFIED?**

This guideline is used to provide increased roadway safety where a tour bus restriction is needed for street segments where the grade of roadway is too steep for buses or tall vehicles with a high center of gravity, and there is a documented pattern or engineering study documenting that trucks, buses, or passenger vans, especially with open tops, are having difficulties navigating the slope, or stopping on wet pavement on a downhill grade. This guideline may also be applied for cases where there is a crest of a vertical curve at an intersection, and vehicles are "bottoming-out."

Specify conditions:

Name of Roadway	Grade of Roadway (%)	Too steep for open-top vehicles? (Yes/No)	Too steep for vehicles with a high center of gravity? (Yes/No)	Vertical crest curve causing longer than usual vehicles to bottom out? (Yes/No)

Warrant 10: Crime Abatement**SATISFIED?**

This guideline is used to provide additional roadway safety where there is a documented pattern, or specific instances of criminal activity or roadway violations directly associated with allowing tour buses or tour vans to use a specific roadway segment, including repeated violations of LAMC sections 66.28, 115.03, 80.53, 80.69, or other sections of the LAMC or CVC related to moving violations or public nuisance crimes detrimental to the quality of life, and when the Police Captain (or higher) has requested in writing for DOT to prohibit tour buses from using that roadway segment, as a crime abatement measure.

Name of Roadway	A documented pattern of criminal activity or roadway violations directly related to tour buses (Specify criminal activity)	Request from Police Captain or higher to prohibit tour buses from using the roadway segment (Yes/No)

Warrant 11: Parking / Driveway Visibility**SATISFIED?**

This guideline is used to provide additional roadway safety where a tour bus prohibition is necessary for roadway segments where the combination of roadway and/or driveway geometry and parking of tour buses over 6 feet high or over 22 feet long creates visibility issues for drivers entering the roadways from driveways of on-street parking spaces, and where the percentage of all parked tour buses is high enough to make it a regular concern. Examples of locations to be considered for problematic parking or stopping of tour buses are as follows:

- Tour buses blocking visibility of cross traffic at intersections (including parking/stopping in red curb zones)
- Tour buses stopping/parking within an intersection
- Tour buses blocking driveways
- Tour buses parking on railroad tracks
- Tour buses parking in alleys
- Tour buses stopping/parking in bike lanes and forcing bicyclists to drive out of bike lanes
- Tour buses parking on the sidewalk or parkways forcing pedestrians to walk in the roadway
- Where a crash pattern develops related to instances of reduced visibility due to illegally parked/stopped tour buses or tour vans.

This warrant is met when the DOT has received numerous complaints about visibility issues at driveways due to tour buses and where have been more than 2 crashes within the most recent 12-month period or where there an engineering study has verified that for at least one 15-minute period, more than 15 percent of the parked vehicles on the block are tour buses, or at least 15 percent of the tour buses are parked there for more than 15 minutes.

Number of complaints received recently from residents or businesses about access to their property, or where there have been complaints about illegally parked/stopping tour buses in any of the categories listed above (specify)	Number of crashes related to visibility caused by oversize vehicles (Specify dates)	Is the percentage of tour buses parked on the block at least 15%? (% , Yes/No)	Is the percentage of tour buses parking for longer than 15 minutes in any spaces not designated as a "Sightseeing Bus/Tour Bus Zone" over 15%? (% , Yes/No)
	1) 2) Other)		

Warrant 12: Non-Arterial Roadway Saturation**SATISFIED?**

This guideline is used to provide additional tour bus prohibition for roadway segments where peak hour or hourly volumes exceed the design volume of the roadway, and where the prohibition of tour buses/sightseeing vans would get the volumes under or close to the design limit, such that safety issues associated with oversaturated roadway conditions might be able to be avoided. This guideline is satisfied when:

- a. Local Street, ADT exceeds 2,000 vpd or peak hour volume exceeds 133 vehicles per hour, and the volume of tour buses is at least 3 per hour; or
- b. Collector Street, ADT exceeds 10,000 vpd or peak hour volume exceeds 667 vehicles per hour, and the volume of tour buses is at least 13 per hour, or
- c. On any street in a residence district, as defined by CVC section 515; where there is an average of one car in either direction every 10 seconds or less, based on one hour of data, and the volume of tour buses is at least 3 per hour.
- d. On a Local or Collector Street where the peak hour volume or ADT exceeds the thresholds in cases "a" or "b," and where the Captain or higher at the Fire Department or Police Department have specifically requested that the Department of Transportation prohibit tour buses during specific hours in order to address roadway blockages that are impeding emergency vehicles, and due to the combination of narrow roadways, excessive traffic, and tour buses.

Cases a. and b.

Name of roadway	Designated street classification	Peak Hourly Volume	Average Daily Traffic (ADT)	Design Volume

Oversaturated? (Yes/No)	The volume of tour buses per hour	Qualified? (Yes/No)

Case c.

Name of roadway	One hour of data (specify time)	Street within residence district? (Y/N)	Average Headway (sec)	Threshold Required (sec)	The volume of tour buses per hour	Qualified? (Yes/No)
				≤10 sec		

Case d.

Specify the location and nature of complaint from LAFD/LAPD:

Roadway designation	Peak Hourly traffic (vph)	Average Daily Traffic (ADT)	Design volume	Over-saturated? (yes/no)	Qualified? (Yes/No)

Warrant 13: School Zone Child Safety

SATISFIED?

This guideline is used to provide additional roadway safety at locations where DOT is notified in writing by LAPD, LAUSD, or the Principal of any non-LAUSD school (K-12), of any recurring safety issues specifically related to tour buses, and the issues are verified by DOT, including:

- Within any school zone, where drivers of tour buses are frequently observed to be stopping during school pick-up/drop-off hours, and by doing so, creating safety issues related to parking access, ped crossings, driveway or parking lot access, or blocking through traffic lanes.
- Locations where there are a chronic, documented safety or criminal issue with paparazzi, or passengers of tour buses, taking photographs or attempting to interact with minor students at the school.

In these cases, tour bus restrictions should be limited to school hours when the problem could exist, unless there are other factors justifying extended hours for tour bus restriction. This warrant is met when any of the cases below are YES.

- a. DOT is notified in writing by LAPD, LAUSD, or Principal of any non-LAUSD K-12 school of any recurring safety issues related to tour buses, and the issues are verified by DOT.

YES NO

- b. Drivers of tour buses are frequently observed to be stopping during school pick-up/drop off hours, creating safety concerns regarding parking access, pedestrian crossing, driveway or parking lot access, or blocking through lanes.

YES NO

- c. The location has a chronic, documented safety or criminal issue with paparazzi, or passengers of tour buses taking photos of minor students at the school.

YES NO

Warrant 14: Pedestrian Safety**SATISFIED?**

This guideline is used to ensure roadway safety for pedestrians via tour bus prohibitions for roadway segments where tour buses or sightseeing vans are observed to be stopping and unloading/loading pedestrians, and there is inadequate visibility of pedestrians crossing the roadway, or inadequate off-street area to store pedestrians without them spilling into undesirable location. This warrant is met when tour bus passengers are observed on multiple instances to be crossing the roadway, and any of the cases below are YES.

Roadway segment: _____

Dates of observations of tour bus stops that include passengers getting on/off:

Additional information: _____

- a. The roadway has inadequate street lighting for safe stopping distance of posted speed limit for a pedestrian waiting to enter the roadway, or at any point while crossing the roadway.

YES NO

- b. The roadway has inadequate visibility for safe stopping distance of posted speed limit, for a pedestrian waiting to enter the roadway, or at any point while crossing the roadway, due to roadside curvature, grade, parked vehicles, roadside furniture, trees, or any other fixed object.

YES NO

- c. There is inadequate off-street storage for pedestrians to safely wait to cross the street, to accumulate once they have finished crossing the street, or where there is a barrier preventing pedestrians from getting out of the street once they have crossed.

YES NO

- d. There are barriers to the disabled pedestrian, where disabled pedestrians are directed to cross the street at a location without necessary curb ramps or other facilities necessary to provide reasonable accommodations under Caltrans' Design Information Bulletin (DIB) or most recent adopted standard. This includes locations where accessible loading zones do not exist, or cannot be provided in a timely manner, and other reasonable accommodations cannot be identified by the Department on Disability.

YES NO

- e. Two pedestrian-related crashes involving tour buses in the last 12-months, or three pedestrian crashes in the last two years is an indication of a pedestrian safety problem that would justify the prohibition of tour buses.

YES NO

Most recent 12-month period that collision data is available	Required	Qualified	Dates of collision reported
from to	2		1) 2)

Single 24-month period within the most recent two years of available collision data involved with pedestrians	Required	Qualified	Dates of collision reported
from to	3		1) 2) 3)

- f. There are signs prohibiting pedestrian crossing posted on either side of the roadway, and tour bus drivers have been observed stopping and leading their clients across the roadway in disregard of the "No Pedestrian Crossing" signs.

YES NO

Warrant 15: Deer Crossing

SATISFIED?

This guideline is used to provide increased roadway safety for passengers in open-roofed or open-sided tour buses or vans, along street segments where deer or elk regularly cross the roadway, due to the increased exposure of passengers in those types of vehicles. This guideline is satisfied when there has been at least one reported incident of a collision between a tour bus or van, and a deer or elk, and the roadway has "Deer Crossing" or "Elk Crossing" signs already posted.

Roadway location	Date(s) of collisions involving tour bus and deer/elk	Are "Deer XING" or "Elk XING" signs posted? (Yes/No)

EXCEPTIONS:

The requirements of LAMC Section 80.36.11 shall not apply to any of the following:

1. Any vehicle subject to provisions of Sections 1031 to 1036 of the California Public Utilities Code, and which has received a certificate from the CPUC declaring the public necessity and convenience require the operation of the vehicle. This exemption shall not apply to vehicles operated as round-trip sightseeing tour service as defined by CPUC;
2. Any commercial vehicle coming from an unrestricted Street having ingress and egress by direct route to and from that portion of the restricted Streets, posted with the tour bus prohibitions, when necessary for the purpose of making pickups or deliveries of passengers, goods, wares, and merchandise from or to any building or structure located on such restricted street;
3. Any vehicle owned by a public utility while in use in the construction, installation, or repair of any public utility;
4. Transit vehicles operated by LAMTA or City of Los Angeles along a regularly scheduled route, or other public transit agency authorized in writing by the LADOT to operate along a scheduled route on one or more of the restricted streets posted with tour bus prohibitions;
5. School buses operated for the transportation of school pupils to and from school (K-12), or any official school event, and not for any event that may be considered as a "sightseeing event" by LAPD;
6. Jitney buses when operating under authority granted by a City permit or City Council resolution to operate on one of the restricted streets, posted with the tour bus restrictions;
7. Any vehicle owned by the city of Los Angeles, while being used in the course of official business;
8. Any private vehicle that is operating under a contract with the City of Los Angeles for the purpose of providing services to the public;
9. Any vehicle owned by another government agency in the State of California, operating with an "Exempt" license plate, while being used in the course of official business;
10. Employer shuttle buses, Hotel shuttle buses, or any other sightseeing buses specifically exempted by resolution for specifically restricted streets, posted with tour bus prohibitions. The exempted buses shall be identified either by permits, placards or specified on the tour bus signs, as determined by resolution.



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 19-0238
AUG 02 2019

REPORT RE:

**DRAFT ORDINANCE ADDING SECTION 80.36.11 TO THE LOS ANGELES
MUNICIPAL CODE MAKING IT UNLAWFUL TO OPERATE A TOUR BUS ON ANY
STREET THE DEPARTMENT OF TRANSPORTATION HAS DETERMINED UNSAFE
FOR TOUR BUS OPERATION**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 17-1115

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds Section 80.36.11 to the Los Angeles Municipal Code (LAMC). The draft ordinance makes it unlawful for a tour bus operator or operator's lessee, employee, agent, independent contractor, or other person engaged by the operator, to conduct tour bus operations, including the traveling, stopping, standing, or parking of a tour bus, on a street, segment of a street, or route within the City of Los Angeles, which the Department of Transportation (DOT) has determined is unsafe for use by a tour bus and where the Department has posted signs providing notice of the restriction.

Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the DOT and the Los Angeles Police Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

The Honorable City Council
of the City of Los Angeles
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If you have any questions regarding this matter, please contact Deputy City Attorney Michael Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:MDN:ev
Transmittal

ORDINANCE NO. _____

An ordinance adding section 80.36.11 to the Los Angeles Municipal Code making it unlawful to operate a Tour Bus on any street the Department of Transportation has determined unsafe for Tour Bus operation.

WHEREAS, California Vehicle Code Section 21118 states that a local authority may adopt rules and regulations by ordinance or resolution to prohibit the operation of a Tour Bus on a route or street which the local authority has determined is unsafe for a Tour Bus;

WHEREAS, California Vehicle Code Section 22507 states that local authorities may prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain parts of the day;

WHEREAS, California Vehicle Code Section 612 states that a "Tour Bus" means a bus, which is operated by or for a charter-party carrier of passengers, as defined in Section 5360 of the Public Utilities Code, or a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, which also includes a Tour Bus that has had its roof substantially structurally modified or removed;

WHEREAS, recent state amendments were enacted as the result of numerous complaints from citizens in residential neighborhoods in the City of Los Angeles and elsewhere regarding the public safety hazards, including, but not limited to, numerous near collisions, accidents, injuries to Tour Bus passengers, and traffic violations created by sightseeing Tour Buses making unsafe turns, illegal U-turns, speeding, slowing, or suddenly stopping while traveling on narrow hillside streets not built to accommodate these type of vehicles;

WHEREAS, Tour Buses often create a public safety hazard on narrow hillside streets or other residential streets when stopped or parked by blocking sight lines of residents attempting to exit or enter their driveways;

WHEREAS, Tour Buses, whose weight exceeds 6,500 lbs., often ignore posted signs restricting street access for travel by vehicles exceeding that weight limit, creating excessive wear and premature damage to the streets;

WHEREAS, many of the Tour Buses operating on City streets include buses whose roofs or sides have been substantially structurally modified, or, in many cases, removed entirely, creating the potential for greater injury to passengers when a bus is operating in an unsafe manner on a street not designed or built to accommodate Tour Bus operations; and

WHEREAS, the unsafe conditions described above diminish the quality of life of the residents whose homes are along routes consisting of old or narrow streets in

hillside residential areas, not designed or built to accommodate the daily influx of Tour Buses.

NOW, THEREFORE,

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

Sec. 1. Section 80.36.11 is added to the Los Angeles Municipal Code to read as follows:

SEC. 80.36.11. REGULATION OF TOUR BUS ON CITY STREETS.

(a) **Tour Buses Restricted on City Streets.** It shall be unlawful for a Tour Bus to operate or travel on a City street, segment of a street, or route, which the Department of Transportation has determined is unsafe for a Tour Bus to operate or travel on, either at any time, or for certain hours of the day. The Department shall establish rules, policies, and procedures to identify streets, street segments, or routes which for safety reasons shall be restricted or limited from use by a Tour Bus. No prohibition shall be effective on a street, street segment, or route until the Department has installed signs providing notice of such Tour Bus restrictions.

(b) For the purpose of this section, the following definitions shall apply:

(1) **Operator** means any person or corporation who conducts a business or enterprise that operates one or more Tour Buses, including through Operator's use of a lessee, agent, independent contractor, or other person engaged by the Operator to conduct Operator's business or enterprise on Operator's behalf.

(2) **Tour Bus** means a privately-owned bus or passenger vehicle for hire, which is operated by or for a charter-party carrier of passengers or a passenger state corporation, as set forth in California Vehicle Code Section 612, Subsection (a), and as defined in California Public Utilities Code Sections 226 and 5359(b); and, as set forth in California Vehicle Code Section 612(b), includes a bus that has had its roof substantially structurally modified or removed. A Tour Bus includes any for-hire vehicle that is used primarily for the conveyance of passengers over the public streets for the purpose of visiting or viewing places of interest.

(c) **Criminal Penalties.**

(1) It shall be unlawful for an Operator to conduct its Tour Bus operations by travel of one or more of its Tour Buses on a street, segment of a street, or route within the City of Los Angeles which the Department has determined is unsafe for use by a Tour Bus and where the Department has posted signs providing notice of the restriction.

First violation. A first violation of this section by an Operator shall constitute an infraction pursuant to California Vehicle Code Sections 40000.1, and 42001, and punishable upon conviction by a fine of \$100.

Second violation. For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding \$200.

Third violation. For a third infraction occurring within one year of two prior infractions that resulted in a conviction, a fine not exceeding \$250.

Fourth and subsequent violations within a one-year period. A penalty for a fourth and subsequent violation by an Operator shall be a misdemeanor if the Operator has been convicted of three or more violations within the 12-month period immediately preceding the commission of the offense, and such prior convictions are admitted by the Operator or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

(d) **Civil Penalties.**

(1) It shall be unlawful for any Operator to stop, stand, or park a Tour Bus on a street, segment of a street, or route within the City of Los Angeles which the Department has determined is unsafe for use by a Tour Bus and where the Department has posted signs providing notice of this restriction.

First Violation. A first violation of this subsection by an Operator shall constitute a civil penalty in the amount of \$300.

Second Violation. A second violation of this subsection occurring within 12 months of the first violation by an Operator shall constitute a civil penalty in the amount of \$600.

Third and Subsequent Penalty. A third and any subsequent violation of this subsection occurring within 12 months of the first violation by an Operator shall constitute a civil penalty in the amount of \$900.

(e) The Operator shall be guilty of a separate offense for each and every day during which any violation of this section is committed, continued, or permitted by the Operator.

(f) **Severability.** If any subsection, subdivision, clause, sentence, phrase or portion of this section is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining subsections, subdivisions, clauses, sentences, phrases or portions of this section shall remain in full force and effect, and to this end the provisions of this section are severable.

Sec. 2. Section 80.76.1 of the Los Angeles Municipal Code is amended to add Section 80.36.11(c)(1) in numerical order to read as follows:

SECTION	DESCRIPTION
80.36.11(c)(1)	TRAVELING OF A TOUR BUS ON A STREET DETERMINED TO BE UNSAFE FOR THE OPERATION OF A TOUR BUS.

Sec. 3. Section 80.76.2 of the Los Angeles Municipal Code is amended to add Section 80.36.11(d)(1) in numerical order to read as follows:

SECTION	DESCRIPTION
80.36.11(d)(1)	STOPPING, STANDING, OR PARKING OF A TOUR BUS ON A STREET DETERMINED TO BE UNSAFE FOR THE OPERATION OF A TOUR BUS.

Sec. 4. Section 89.60 of the Los Angeles Municipal Code is amended to add LAMC Section 80.36.11(d)(1) in numerical order to the schedule of civil parking penalties to read as follows:

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.36.11(d)(1)	STOPPING, STANDING, OR PARKING OF A TOUR BUS ON A STREET DETERMINED TO BE UNSAFE FOR THE OPERATION OF A TOUR BUS			
	FOR FIRST VIOLATION	\$300	\$350	\$375

	FOR SECOND VIOLATION WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$600	\$650	\$675
	FOR THIRD AND SUBSEQUENT VIOLATIONS WITHIN TWELVE MONTHS OF FIRST VIOLATION	\$900	\$950	\$975

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle
MICHEL D. NAGLE
Deputy City Attorney

Date 8/2/19

File No. 17-1115

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____