

**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

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL\17-1115 Tour Bus Ordinance.docx

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 \_\_\_\_\_