

1. Emerging Mobility

The emergence of technology, particularly digitally enabled modes, continues to evolve and disrupt urban transportation systems. LADOT supports emerging modes, such as carshare, dockless mobility, urban aviation, and autonomous vehicles that offer additional mobility options for residents and advance safety, equity, and sustainability. Recently, LADOT implemented the City's on-demand mobility program to permit emerging modes and developed new rules and guidelines for permitting taxi operations; the Department is also developing a comprehensive approach to regulate future aerial mobility. Regulatory efforts, however, struggle to keep pace with technological innovations, leaving cities to respond to new uses of the public right-of-way. Legislation that addresses local concerns will ensure that the evolution of emerging mobility options support the City's goals.

The current lack of regulation poses challenges to the collection, distribution, and analysis of data from shared mobility providers. LADOT seeks legislation that supports and clarifies the rights of local governments to continue requiring verifiable, de-identified mobility data from private mobility companies operating in the public right-of-way. This proposal recognizes the increased need for data to regulate new transportation/technology modes and reiterates Council support for legislative proposals in previous sessions. Specifically, LADOT seeks legislation that:

- Continues local permitting authority over commercially deployed fleets, including authority to require device-specific data, such as crashes and unplanned disengagement data for autonomous vehicles and trip data for shared modes;
- Governs public safety requirements for new technology deployment, including, but not limited to, urban aviation and autonomous vehicles, to ensure safe enforcement of local regulations over new mobility technology;
- Ensures local authority over short-range, low-altitude aircraft travel, including unmanned aerial vehicles and urban aviation for passenger and goods movement, and designation of explicit authority over the City's complex air space; and
- Incentivizes deployment for new modes, including autonomous vehicles and urban aviation that are electric and shared.

In the 2020 and 2021 legislative sessions, Assembly bills were introduced to prohibit cities from requiring mobility data from permitted operators. LADOT anticipates similar legislation to be introduced during the 2023 legislative session, which, if passed, would threaten the City's efforts to regulate current and future modes.

2. Local Transportation Network Company Regulatory Pilot

The rapid expansion of Transportation Network Companies (TNCs), such as Uber and Lyft, has increased congestion throughout California with studies finding an increase in vehicle miles traveled and a decrease in transit ridership. In addition, various studies and TNC records

have shown an increase in national traffic fatalities, drivers with criminal records, and an increase in gas consumption and associated greenhouse gas emissions.

The California Public Utilities Commission (CPUC) oversees statewide policy making for TNCs. However, without local permitting authority, cities cannot adequately manage TNC services. Currently, the City does not have the ability to require TNC operators to implement business practices that meet safety, equity, and sustainability goals. Additionally, under existing CPUC regulations, TNC drivers are not held to the same stringent background checks the City demands of its for-hire transportation drivers.

LADOT recently adopted several taxi reforms to regulate taxis and other for-hire transportation modes, such as on-demand shared ride, non-emergency transportation, and electric car share services, through one streamlined permitting system that can also be applied to TNCs operating within its jurisdiction. LADOT seeks legislation that authorizes cities to pilot local TNC permit programs and allow the enforcement of:

- Business license requirements
- Driver registration and background checks
- Vehicle inspections
- Minimum wage standards
- Trip fee collection
- Disaggregated data requirements for commercial fleets deployed in the public right-of-way

In December 2019, this office issued a report that provided options for sponsoring state legislation to improve regulatory oversight of TNCs (CF 18-0449). The report identified seven options, one of which is consistent with LADOT's request seeking authority to implement a pilot program to permit TNC operations originating within its jurisdiction. Both the California Public Utilities Code and Government Code must be amended to allow for local pilot regulation of TNCs.

In September 2019, Governor Newsom signed into law AB 5 (Gonzalez), directing companies to reclassify drivers as employees, if they are central to the TNC business model. The Council supported AB 5 and related legislation to ensure that TNCs met local wage mandates. In response to AB 5, the TNCs introduced Proposition 22, approved by voters on November 3, 2020, to allow the exemption of app-based TNC drivers from employee classification. However, on August 20, 2021, the Alameda County Superior Court issued a ruling that Proposition 22 is unconstitutional and unenforceable. In July 2022, the TNCs filed an appeal, which is pending with the Ninth Circuit U.S. Court of Appeals.

3. Parking Reform

Parking management and enforcement are core functions for LADOT. The Department seeks legislation that would allow virtual administrative hearings and improve disabled placard policies.

Virtual Administrative Hearings

The California Vehicle Code (CVC) requires LADOT to conduct administrative hearings through mail or in person within the jurisdiction of the agency. In response to the COVID-19 pandemic

and Governor Newsom's Executive Order, the Department reduced in-person hearings to emergency situations only, and has been conducting most hearings by mail to reduce in-person interaction and maintain the safety of hearing participants. Currently, state law does not permit hearings via telephone and/or video conferencing.

LADOT states that electronic hearing options comply with traditional notions of due process. While an issuing agency does not force hearing participants to select a particular hearing option, LADOT indicates that the majority of participants willingly selected a telephone hearing because it is perceived as a better option than a hearing by mail, and offers the convenience of speaking with the hearing examiner.

LADOT recommends permanently offering telephone and video conferencing options to the public for administrative parking hearings by revising CVC 40215(c)(1) as follows:

The person requesting a hearing shall have the choice of a hearing by mail, in person, telephone, or by other electronic means. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with an administrative provider, in-person hearings shall be held within the jurisdiction of the issuing agency or within the county of the issuing agency.

California Disabled Parking Placard Reform

LADOT seeks legislation that would amend disabled placard policies to reduce fraud and abuse. California Department of Motor Vehicles records indicate there are approximately 2,800,000 active disabled parking placards. The benefits of the existing disabled parking program include exemptions from parking fees and time limits, which are intended to accommodate the specific challenges of people with mobility impairments. However, they unintentionally incentivize significant fraud and abuse, contribute to a shortage of parking spaces for people with disabilities, reduce parking turnover, and increase congestion from drivers looking for parking.

LADOT notes that a number of large cities, including Los Angeles, continually experience the widespread problem of disabled placard fraud and abuse, as cited below:

- In 2016, LADOT parking enforcement conducted 206 stings, cited 1,867 individuals, and confiscated 836 placards.
- In some urban areas (including Downtown Los Angeles, Hollywood and Westwood Village) nearly 40 percent of vehicles parked at meters do not pay because of disabled placards. While many of these users have legitimate placards, street blocks are commonly occupied with up to 80 percent of the metered parking spaces, for the majority of the day, by a vehicle displaying a disabled parking placard.
- An April 2017 California State Auditor analysis of the Department of Motor Vehicle registration files found evidence that many approved placard applications lacked sufficient information to validate issuance; an estimated 260,000 applications approved from July 2013 through June 2016 may not be valid due to questionable medical provider signature, and a high number of active placards are registered to thousands of people who are most likely deceased.

Council has supported proposals related to disabled parking placard reform in prior legislative years. In March 2022, LADOT submitted a proposal for Disabled Parking Placard Reform as part of the Transportation Omnibus bill, however, it was not included in the adopted version of the bill.

4. Vision Zero

In accordance with the City's Vision Zero goals, the City sponsored legislation in 2022 that set safer speed limits and enabled LADOT to reduce speed limits on 177 miles of streets. In 2023, to further the City's Vision Zero goals, LADOT seeks legislation to help reduce speeding near schools and promote driver compliance with posted signage, as well as legislation that incentivizes safety-focused technology.

School Zones

The CVC authorizes cities to set a 15 miles-per-hour speed limit when approaching or passing a school building while children are going to, or leaving, the school during school hours. In order to set a 15 miles-per-hour speed limit in a school zone, cities must post standard signs stating "School/Speed Limit 15/When Children Are Present." Currently, the level of driver compliance is low with existing posted signage. The Department suggests posting signage with specific hours or a flashing beacon to improve driver compliance with speed limits would provide for more consistent and predictable school zone enforcement.

Specifically, LADOT seeks legislation that would amend the CVC to authorize cities to implement 15 miles-per-hour speed limits when approaching or passing a school building during specified hours, or when a flashing yellow beacon is used as a traffic control device to indicate that children may be arriving at or leaving school.

Safety Technology

Throughout the pandemic, cities across the country, including Los Angeles, saw an epidemic of speeding and reckless driving, causing an increase in fatal crashes nationwide. LADOT notes that despite improvements to street design and reduced speed limits, serious injuries and fatalities in the City continue to rise. To curb this trend, LADOT seeks legislation that allows for technology-based enforcement to increase accountability for reckless driving.

According to LADOT, over 140 communities across the United States have implemented automated speed enforcement (ASE) programs, resulting in a reduction of fatalities by as much as 70 percent. These programs use speed sensors and license plate readers to issue speeding tickets, which allows for consistent and predictable enforcement. In addition to improving compliance with posted speed limits, ASE programs can also bring down the price of citations, reducing the cost burden for low-income drivers. LADOT seeks legislation that allows for ASE pilots and reduces the fines, fees, and criminal penalties associated with automated citations.

In October 2020, Council directed LADOT to evaluate methods that reduce the presence of armed enforcement in traffic violations, including through an ASE program. The Department indicates that this technology has the potential to reduce the risk of violence for both civilians and enforcement officers by eliminating the need to stop drivers to enforce speed limits. An

ASE program could be particularly significant as the City addresses inequity issues as they relate to traffic stops.

Currently, ASE is expressly prohibited under California state law. The CVC must be amended to allow cities to employ ASE. Implementing an ASE program in Los Angeles may include, but would not be limited to, the following components:

- *Equity Considerations* – Locations and technical considerations will be evaluated to ensure that automated enforcement does not unduly burden low-income communities or communities of color that have historically experienced a disproportionate concentration of enforcement.
- *Notification, Outreach, and Warning Period* – Drivers will be informed no later than 30 days prior to any system implementation. Education will include ample signage and extensive outreach. Additionally, there will be an initial “grace period” where warnings will be issued, instead of citations.
- *Privacy Protections* – Cameras can be programmed to capture license plate data only, and not the driver, and should incorporate best practices in surveillance technology.

Mandana Khatibshahidi

Mandana Khatibshahidi
Analyst

SMT:mk

Attachments: LADOT Legislative 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, urban transportation systems continue to evolve and integrate digitally enabled modes from carshare and dockless mobility, to urban aviation and autonomous vehicles and the potential to dramatically change the future of transportation and mobility for people by minimizing human error, upending the commercial delivery system, improving traffic congestion, environmental issues, equity, and accessibility; and

WHEREAS, local governments authority to require verifiable, de-identifiable mobility data from provide providers operating on and profiting from the public right-of-way is unclear; and

WHEREAS, there are significant challenges in collecting, distributing, and analyzing this data, which restricts the City's ability to add benefit to residents and communities; and

WHEREAS, by seeking clear authority to require verifiable, de-identified trip data in shared mobility permit programs, the City would be able to manage data to meet transportation planning and regulatory goals in a secure and appropriate manner;

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 2023-2024 State Legislative Program and 2023-2024 Federal Legislative Program SUPPORT and/or SPONSORSHIP of legislation and/or administrative action that would clarify and prioritize the following policies relative to new mobility technologies: local government permitting authority over commercially deployed fleets; public safety requirements for new technology deployment; local authority over short-range, low-altitude aircraft travel; safe autonomous vehicle integration into the complex airport environment; and incentivize deployment of new modes that are electric and shared.

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, recent studies have found that the rapid expansion of Transportation Network Companies (TNCs), such as Uber and Lyft, are increasing vehicle miles traveled and decreasing transit ridership, which is leading to more congestion; and

WHEREAS, California is not on track to meet its greenhouse gas (GHG) reductions targets for the automobile and light truck sector for 2020 and 2035; and

WHEREAS, the primary factor driving up GHGs from the transportation sector is the increasing use of single-occupancy passenger vehicles that began in 2010, including the popularity of TNCs; and

WHEREAS, the California Public Utilities Commission (CPUC) oversees statewide policy making for TNCs, preempting local jurisdictions from enacting their own regulations; and

WHEREAS, it is important to implement local regulatory models to better reflect the individual character and needs of large and densely populated cities, including issues related to safety, equitable access, environmental concerns, and multi-modal transportation system usage;

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 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation that would amend the California Public Utility Code and Government Code to explicitly allow for piloted local regulation of Transportation Network Companies.

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 requires the City to conduct administrative hearings through mail or in person; and

WHEREAS, in response to the COVID-19 Pandemic, the Los Angeles Department of Transportation (LADOT) conducts most administrative hearings by mail to prevent the spread of the virus and ensure motorists are afforded due process; and

WHEREAS, the public and LADOT have embraced expanded hearing options that provide to be convenient, secure, and effective; and

WHEREAS, the state law does not permit hearings via telephone and/or video conferencing on a permanent basis; and

WHEREAS, electronic hearing options would comply with notions of due process and provide motorists with an opportunity to submit all evidence prior to the hearing and furnish participants with the ability to contest parking citations by communicating directly with a hearing examiner;

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 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation that would revise California Vehicle Code Section 40215(c)(1) to authorize the use of innovative technology for expanded administrative hearing options, including the use of telephonic and videoconferencing.

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 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 the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation and/or administrative action that would implement a two-tiered disabled parking placard pricing system that better addresses the needs of the City's diverse communities while reducing widespread abuse of disabled placards.

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) authorizes cities to set a speed limit of 15 miles per hour (mph) when approaching or passing a school building while children are going to, or leaving, the school during school hours; and

WHEREAS, in order to set a 15-mph speed limit in a school zone, cities must post standard signs stating “*School/Speed Limit 15/When Children Are Present;*” and

WHEREAS, the level of driver compliance with existing posted signage is low because it is difficult for drivers to assess whether children are present before they adjust their speed based on their observation; and

WHEREAS, posting signage with specific hours or a flashing yellow beacon would improve driver compliance with speed limits, and provide for more consistent and predictable school zone enforcement;

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 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 22352 to authorize cities to implement 15 miles-per-hour speed limits when approaching or passing a school building during specified hours, or when a flashing yellow beacon is used as a traffic control device, to indicate that children may be arriving at or leaving school.

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, in 2015, through Executive Directive 10, the City committed to achieve zero traffic deaths by 2025 and prioritize safety as the City's number one priority in street design; and

WHEREAS, Automated Speed Enforcement (ASE), also known as speed safety cameras, 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

WHEREAS, ASE provides predictability and consistency of enforcement that has been shown to deter illegal speeding and reduce the incidence of crashes involving bicycles, vehicles, and pedestrians; and

WHEREAS, The California Vehicle Code currently prohibits the use of ASE;

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 2023-2024 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 21455.6(c) to allow cities to "opt-in" to an Automated Speed Enforcement System.

CITY OF LOS ANGELES
INTER-DEPARTMENTAL MEMORANDUM

Date: September 23, 2022

To: Arthur Mandel, Chief of Intergovernmental and Legislative Affairs
Office of the Mayor
Mail Stop 370

Sharon Tso, Chief Legislative Analyst
Office of the Chief Legislative Analyst
Mail Stop 136

From: Connie Llanos, Interim General Manager
Department of Transportation

Subject: **LADOT 2023-2024 LEGISLATIVE PROPOSALS**

On August 29, 2022, Mayor Eric Garcetti and Council President Nury Martinez requested that City departments provide new proposals for the State and Federal legislative sessions beginning in January 2023. LADOT is grateful for the opportunity to frame our policy needs and appreciates the support of the Mayor and City Council in pursuit of our legislative priorities.

For the upcoming legislative session, the Department seeks authority to pursue several ongoing priorities. These include changes in law that help address recent increases in fatal traffic deaths and support the City's street safety needs, advance transportation technology responsibly and equitably, and launch common sense parking reforms. These proposals will support LADOT's operations at a time of increased and fast evolving transportation demands, and reduced staff capacity and resources. As the department and the City continue recovering from the COVID-19 pandemic, these proposals move us towards our goals of creating safer, more equitable, and more sustainable transportation options for all Angelenos.

Thank you very much for your consideration of these proposals. If you have any questions regarding these proposals, please contact Makenzi Rasey (213) 500-0655 or makenzi.rasey@lacity.org.

CL:mr

Attachments

c: Doug Mensman, Office of the Mayor
John Wickham, Office of the Chief Legislative Analyst

**CITY OF LOS ANGELES
2023 LEGISLATIVE PROPOSAL**

Department: Transportation
Proposed Legislation: Emerging Mobility
Request prepared by: Makenzi Rasey (213) 500-0655; makenzi.rasey@lacity.org

1. Issue and proposed legislative solution

Technology continues to disrupt urban transportation systems, integrating a growing number of new digitally enabled modes. LADOT supports innovation and creativity in transportation that can help provide more mobility options for residents and visitors, support the local economy, and advance key policy goals including sustainability and safety targets. The department recently implemented the City's on-demand mobility program to efficiently permit emerging modes, developed new rules and guidelines for permitting taxi operations, and is developing a comprehensive approach to regulate aerial mobility in the future. Its Mobility Data Specification was designed to effectively govern these new modes, and to eventually support the City's adoption of autonomous vehicles. However, regulatory efforts struggle to keep pace with technological developments, forcing cities to react to unexpected uses of the public right of way, instead of strategically planning for the innovation. Legislation that addresses local concerns will ensure this ongoing evolution supports City of Los Angeles (City) objectives including safety, equity, and sustainability.

In support of these goals, LADOT seeks legislation that clarifies local government's continued right to require verifiable, de-identified mobility data from private mobility companies operating on the public right-of-way. The benefits to our citizens and to our community are clear. For instance, in its recent report, *Sharing Mobility Data for Planning and Policy Research*, the University of California's Institute of Transportation Studies notes that, "City, regional, and state mobility planning and regulatory authorities have much to gain from access to data from shared mobility providers. But to date, significant challenges in collecting, distributing, and analyzing the data have kept these insights 'locked up.'" Similarly, the National Association of City Transportation Officials (NACTO) released *Managing Mobility Data*, which sets out principles and best practices for city agencies and private sector partners to share, protect, and manage data to meet transportation planning and regulatory goals in a secure and appropriate manner.

By seeking clear authority to require verifiable, de-identified data in shared mobility permit programs, this proposal recognizes the increased need for data to regulate new modes and reiterates Council support for legislative proposals in previous sessions.

To further support the City's policy goals, LADOT seeks legislation that:

- Continues local permitting authority over commercially deployed fleets, including authority to require device-specific data such as crashes and unplanned disengagement data for autonomous vehicles and trip data for shared modes.
- Governs public safety requirements for new technology deployment, including, but not limited to, urban aviation and autonomous vehicles, to ensure safe enforcement of local regulations over new mobility technology.

- Ensures local authority over short-range, low-altitude aircraft travel, including unmanned aerial vehicles and urban aviation for passenger and goods movement, and designation of explicit authority over the City's complex airspace.
- Incentivizes deployment for new modes, including autonomous vehicles and urban aviation, that are electric and shared.

II. Previous legislation

Introduced by Assembly Member Friedman in the 2019 legislative session, AB 1112 aimed to create statewide regulations for dockless micro mobility programs. Los Angeles along with many other cities, took an oppose position because the bill would have preempted cities' existing dockless pilot programs. The bill did not pass.

In the 2020 session AB3116, introduced by Assemblymembers Irwin and Wicks aimed to prohibit cities from requiring mobility data from permitted operators, effectively making the City's dockless mobility program, the largest in the nation, unmanageable. The City, along with other cities and stakeholders, took an oppose position and the bill did not pass. Assemblymembers Irwin and Wicks reintroduced the same legislation in the 2021 session as AB859, but the bill failed again. LADOT anticipates similar legislation to be introduced again in the 2023 session, which would threaten the city's efforts to regulate current and future modes.

The 2021 state legislative session also considered SB 66 , introduced by Senator Allen, to establish an advisory committee to provide the Legislature with recommendations on necessary changes to state policy and ensure California continues to lead the way in developing and regulating autonomous vehicle technology. Objectives of the bill include that autonomous vehicle deployment enhance the state's efforts to increase road and transit safety, promote equity, and meet public health and environment goals. Although the bill did move through several committee hearings, it did not pass in the 2021 session. However, the bill indicates a broad and continuing interest in developing state policy in this area.

During the 2022 legislative session, Senator Durazo introduced SB 1276 to authorize regulating agencies to require shared mobility companies to provide shared mobility service data as a condition of their permit. The bill placed strict controls on the disclosure of the data to other public agencies and to the public. However, this bill did not advance through the legislative process in 2022.

Pending federal legislation on both urban aviation and autonomous vehicles requires City input to ensure local control over our complex airspace and dense urban infrastructure. The AV Start bill, which was not passed by Congress in 2017, made clear the need for local input on safety, equity, and sustainability. The federal infrastructure bill of 2021, known as the Infrastructure and Jobs Act, passed both houses of Congress and has been signed by the President. The bill includes a Research and Innovation section (Title V) that will provide ongoing opportunities for local input into advanced transportation policy, including autonomous vehicles.

III. Fiscal impact

There is no fiscal impact to the City at this time. However, new permitted mobility programs may include fees to support ongoing staff needs and/or infrastructure improvements.

**CITY OF LOS ANGELES
2023 LEGISLATIVE PROPOSAL**

Department: Transportation
Proposed legislation: Local Transportation Network Company Regulatory Pilot
Request prepared by: Makenzi Rasey (213) 500-0655 makenzi.rasey@lacity.org

I. Issue and proposed legislative solution

The rapid expansion of Transportation Network Companies (TNCs) increased congestion throughout California, with studies finding they both increase vehicle miles traveled and decrease transit ridership. This is especially true in larger cities with dense populations and higher demands on transportation infrastructure.

The University of Chicago found that TNCs like Uber and Lyft have increased traffic fatalities nationally by as many as 1,100 deaths. Records provided by both companies to the California Public Utilities Commission demonstrate that drivers have also been responsible for various criminal actions, including sexual assault. A recent study from Carnegie Mellon found that increased vehicle travel from TNCs creates a nearly 20 percent increase in fuel consumption and associated greenhouse gas emission, as well as approximately 60 percent increased external costs related to congestion, crashes, and noise when replacing private vehicle trips. The study found that this increase in externalities is threefold when TNCs displace transit or active transportation.

The California Public Utilities Commission (CPUC) oversees statewide policy making for TNCs, however, without local permitting authority, cities cannot adequately manage their service in the public interest.

In the City of Los Angeles (City), where safety, equity, and sustainability inform all transportation policy decisions, there is currently no way to determine or require TNC operators to implement business practices that meet our policy needs. We cannot determine equitable service, ensure TNCs provide accessible rides, or assess their environmental impact. Under existing CPUC regulations, TNC drivers are also not held to the same stringent background checks the City demands of our own for-hire transportation drivers, creating rider safety concerns.

Following the passage of AB 1069, cities and counties are able to permit taxi operations regionally, a regulatory model to which TNC regulations can easily be added. The Los Angeles Department of Transportation (LADOT) recently adopted several taxi reforms to regulate taxis and other for-hire transportation modes through one streamlined permitting system that can be readily applied to TNCs operating within its jurisdiction. To build on these existing regulatory models, better reflect the individual character and needs of large and densely populated cities, and to address the significant safety concerns presented by existing CPUC regulations, LADOT seeks legislation that authorizes cities to pilot local TNC permit programs. Local pilots will allow cities to enforce business license requirements, driver registration and background checks, vehicle inspection, minimum wage standards, trip fee collection, and disaggregated data requirements for commercial fleets deployed in the public right of way.

In the 2023 legislative session, LADOT seeks authority to implement a pilot program to permit and regulate TNC operations that originate within its jurisdiction. Both the Public Utility Code and

Government Code must be amended to allow for piloted local regulation of TNCs.

Public Utilities Code 5371.4 essentially provides that Cities and Counties may:

- Impose a business license fee on charter-party carriers;
- Adopt and enforce any reasonable rules and regulations pertaining to operations within its boundaries for any charter-party carrier domiciled or maintaining a business office within that city, county, or city and county;
- Adopt and enforce reasonable permit requirements, fees, rules, and regulations applicable to charter-party carriers of passengers other than those operating limousines; and
- Impose reasonable rules for the inspection of waybills of charter-party carriers of passengers operating within the jurisdiction of the city, county, or city and county, for purposes of verifying valid pre-arranged travel.

The Public Utilities Code should be amended to allow local pilots to regulate TNC operations that begin within the jurisdiction of the city, county, or city and county of a certain population size. Government Code 53075.5, which allows for local regulation of taxicabs, should also be amended to allow for piloted local regulation of TNCs.

II. Previous legislation

There is no known previous legislation to allow for local regulation of TNCs. However, AB 1142, introduced by Laura Friedman in the 2018-2019 legislative session, aimed to increase access to TNC data so that local jurisdictions could better plan for and accommodate TNC demand. City Council supported this legislation. While ultimately defeated in the Senate Appropriations committee, several committees in both houses approved the bill, suggesting increased interest in changing the current regulatory framework.

AB 5, signed into law by Governor Newsom on September 18, 2019, reaffirms the need to regulate the TNC industry, directing companies to reclassify drivers as employees, provided they are central to the TNC business model. City Council also took a support position on AB 5, and has supported further legislation to ensure local wage mandates are met by TNCs. In response to AB 5, TNC's introduced Proposition 22, which was approved by voters, and allowed TNC's to exempt app-based ride-hail drivers from employee classification under AB 5. However, in a decision that will likely be appealed, Proposition 22 has been ruled unconstitutional and unenforceable by a Superior Court Judge. This legal uncertainty underscores the need for clarifying legislation in this area.

The Chief Legislative Analyst office, in response to Council direction, on December 4, 2019, issued a report that provided options for sponsoring state legislation to improve regulatory oversight of TNCs (CF 18-0449). The report identified seven options for consideration. One of the options is consistent with LADOT's request to seek authority to implement a pilot program to permit TNC operations that originate within its jurisdiction. On January 22, 2020, the Transportation Committee received and filed the report.

Although this proposal did not move forward during the 2022 legislative session, in 2022 both the CLA and Council supported this proposal (CF 21-0002-S8).

III. Fiscal impact

If authorized, the City's local TNC regulatory pilot could include rate structures that allow for cost recovery. Enforcement costs may increase but can be offset based on fines and penalties.

**CITY OF LOS ANGELES
2023 LEGISLATIVE PROPOSAL**

Department: Transportation
Proposed legislation: Parking Reform
Request prepared by: Makenzi Rasey (213) 500-0655; makenzi.rasey@lacity.org

I. Issue and proposed legislative solution

Parking management and enforcement are core functions for the Los Angeles Department of Transportation (LADOT) and represent our primary interaction with Angelenos. To ensure these critical services are efficient, effective, and equitable, LADOT seeks legislation that allows for virtual administrative hearings and improves disabled placard policies to increase benefits for those who need it most.

A. Virtual Administrative Hearings

The California Vehicle Code (CVC) requires LADOT to conduct administrative hearings through mail or in person within the jurisdiction of the agency. During the early months of the COVID-19 pandemic, LADOT reduced in-person hearings to emergency situations only and now conducts most administrative hearings by mail to prevent the spread of the virus. Reducing in person interactions is necessary to preserve the safety of hearing participants while ensuring motorists are afforded due process. State law, however, does not permit hearings via telephone and/or video conferencing.

Thus far, the public and LADOT have embraced expanded hearing options that prove to be convenient, secure, and effective. Other agencies throughout California, including the California Office of Administrative Hearings, Los Angeles County Court system, San Diego Community College District, UC Davis, and the cities of Fresno, Newport Beach, and Pasadena have implemented telephone and videoconferencing options for administrative hearings. These entities report that hearing participants enthusiastically welcomed the alternative hearing methods and felt the options better accommodated individuals with disabilities.

LADOT believes that electronic hearing options comply with traditional notions of due process. Specifically, the issuing agency provides motorists with an opportunity to submit all evidence prior to the hearing and the new hearing options furnish participants with the ability to contest parking citations by communicating directly with the hearing examiner. The issuing agency does not force hearing participants to select a particular hearing option, yet the vast majority of participants willingly selected a telephone hearing because it is perceived as a better option than a hearing by mail and offers the convenience of speaking with the hearing examiner.

LADOT recommends permanently offering these options to the public for parking administrative hearings, by revising CVC §40215 (c)(1) as follows: *The person requesting a hearing shall have the choice of a hearing by mail, ~~or in person~~, telephone, or by other electronic means. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with an administrative provider, in-person hearings shall be held within the jurisdiction of the issuing agency or within the county of the issuing agency.*

B. California Disabled Parking Placard Reform

LADOT further seeks legislation that amends disabled placard policies to reduce misuse and ensure benefits are delivered to those who need them most. California DMV records show that there are approximately 2,800,000 active disabled parking placards. The full benefits of the existing disabled parking program include exemptions from parking fees and time limits. These benefits - intended to recognize and accommodate the specific challenges for people with mobility impairment - unintentionally incentivize significant fraud and abuse, which contributes to parking shortages for people with disabilities, reduced parking turnover, and increased congestion from drivers looking for parking. Increasing demand at the curb from delivery vehicles, shared vehicles, and new for-hire transportation exacerbates this issue. Improving disabled placard policies and reducing misuse will protect curb access for those who need it the most.

Enforcement operations in a number of large cities indicate disabled placard fraud and abuse is a widespread problem.

- In the City of Los Angeles during 2016, parking enforcement conducted 206 stings, citing 1,867 individuals, and confiscating 836 placards.
- In some urban areas (including Downtown Los Angeles, Hollywood and Westwood Village) nearly 40% do not pay for parking at meters because of disabled placards. And while many of these are likely legitimate users, it is not uncommon to find blocks with up to 80% of the metered parking spaces occupied most of the day by a vehicle displaying a disabled parking placard. Data and enforcement history suggests that many of these may be legitimate placard users.
- An April of 2017, a California State Auditor analysis of the DMV vehicle registration files found evidence that many approved placard applications lacked sufficient information to validate issuance—an estimated 260,000 applications approved from July 2013 through June 2016 may not be valid due to questionable medical provider signatures; a high number of active placards registered to thousands of people who are most likely deceased.

LADOT first submitted a proposal for Disabled Placard Reform for the 2017-2018 legislative session. The proposal was endorsed by the Department on Disability/LADOT taskforce on accessible parking. After review by the Chief Legislative Analyst, the proposal was supported by a CLA report dated May, 17, 2018 (CF 18-0002-S2), with the report being adopted by City Council. In addition, the proposal was supported by a subsequent CLA report, dated November 19, 2020 (CF 21-0002-S8), also adopted by Council. This proposal is being resubmitted for the 2023 legislative session.

As described in the CLA report, dated May 17, 2018, Mayor Garcetti's Los Angeles Accessible Parking Policy Advisory Committee found that a multifaceted approach would best address the problems with disabled placards. Accordingly, the committee developed ten recommendations, including the implementation of a two-tiered disabled parking placard system. The concept of separate tiers of placard benefits has already been implemented in other states, including Illinois and Michigan. The City reviewed these models and is interested in a two-tiered system that better addresses the needs of our diverse communities.

II. Previous legislation

A. Virtual Administrative Hearings

On May 7, 2020, California Governor Newsom issued Executive Order N-63-20 to suspend certain requirements and allow alternative means to conduct business. Specifically, item 11 of the Executive Order permitted hearings “by telephone, television or other electronic means.” The Governor may rescind this permission to allow telephone and video hearings once the State of Emergency for California ends, and legislation is required to continue this practice.

In March, 2022, LADOT submitted this proposal for the Transportation Omnibus bill (AB 2956: Transportation). However, following review by legislative staff, this proposal was not included in the adopted version of AB 2956. LADOT was informed that legislative staff thought that this proposal was of sufficient importance that it should be considered as a separate bill.

B. California Disabled Parking Placard Reform

LADOT is not aware of any previous California state legislation proposing a two-tier disability placard system. However, this proposal has received previous support from both the City Council and Mayor.

Although these proposals did not move forward during the 2022 legislative session, in 2022 both the CLA and Council supported the proposals (CF 21-0002-S8).

III. Fiscal impact

A. Virtual Administrative Hearings

There is no fiscal impact to the State of California should it allow for new virtual methods to conduct administrative hearings. Cities across the state could benefit from the flexibility of the alternative administrative hearing methods by allowing the convenience of remote access for employees and the public. This allows the possibility for reduced vehicle travel, greenhouse gas emissions, real estate requirements, utility expenses, office supplies, and transit subsidies. The City of Los Angeles savings could result in tens of thousands to over a hundred thousand per year. Ultimately, the overall increase in efficiency and convenience from alternative hearings will reduce City costs to the General Fund.

B. California Disabled Parking Placard Reform

The cost of accessibility to individuals with disabilities is not fiscally quantifiable; however, we can quantify lost meter revenue. Under the current law, it is estimated that the City does not capture approximately \$22,000 per day (excluding Sundays and holidays) in meter revenue in Downtown alone, which translates to over \$6 million annually. The City of San Francisco recently estimated that their annual loss citywide because of disabled placard abuse is over \$22 million. Given the larger size of Los Angeles, the City would likely exceed that number. The increased enforcement of placard abuse will involve additional workload by Traffic Enforcement Officers to a degree yet to be determined. However, it is anticipated that the costs of increased enforcement will be mitigated by increased citation revenue to the General Fund as described above.

**CITY OF LOS ANGELES
2023 LEGISLATIVE PROPOSAL**

Department: Transportation
Proposed Legislation: Vision Zero
Request prepared by: Makenzi Rasey (213) 500-0655; makenzi.rasey@lacity.org

1. Issue and proposed legislative solution

Mayor Garcetti signed Executive Directive 10 on August 10, 2015, prioritizing transportation safety and committing to end all traffic deaths in the City of Los Angeles (City) by 2025. In 2018, then Governor Jerry Brown established a statewide Zero Traffic Fatalities Task Force to develop policy recommendations to reduce traffic fatalities to zero statewide. In accordance with those recommendations, the City of Los Angeles sponsored legislation that set safer speed limits in 2022, and reduced speed limits on 177 miles of City streets. This is a significant safety improvement in the City of Los Angeles, but enacts just one recommendation from the State's Zero Traffic Fatalities Task Force. To further meet the City's Vision Zero goals, LADOT seeks legislation that reduces speeding near schools. LADOT further seeks legislation that allows for and incentives technology that can improve safety and reduce deaths.

School Zones

The California Vehicle Code (CVC) authorizes cities to set a 15 miles per hour (mph) speed limit approaching or passing a school building or the grounds thereof, while children are going to or leaving the school during school hours or during the noon recess period [CVC 22352]. In order to set a 15mph speed limit in a school zone, cities must post standard signs that state "SCHOOL/SPEED LIMIT 15/WHEN CHILDREN ARE PRESENT".

Driver compliance with posted signage in school zones is poor. It is difficult for drivers to first assess whether children are present and then adjust their speed based on their observation. To create more consistent and predictable school zones, many states allow cities to post school zone speed limits with specific hours, or "WHEN FLASHING" in tandem with a flashing yellow beacon, as allowed by the Federal Manual of Traffic Control Devices.

LADOT seeks legislation amending the California Vehicle Code section 22352 to authorize cities to implement 15mph speed limits approaching or passing a school building or the grounds thereof during specified hours, or when a flashing yellow beacon, used as a traffic control device and operated to indicate that children may be arriving at or leaving school, is operating. This will create more consistent and predictable school zone enforcement and improve driver compliance with posted speed limits. Better compliance with 15mph speed limits in school zones will improve safety for children as they enter and exit their school grounds.

Safety Technology

Despite improvements to street design and reduced speed limits, serious injuries and fatalities in Los Angeles continue to rise. While many factors contribute to a crash, the severity of a crash is primarily determined by speed. During the pandemic, cities across the country saw an epidemic of speeding and

reckless driving, causing an increase in fatal crashes nationwide. To curb this trend, LADOT seeks legislation that allows for technology-based enforcement that increases accountability for reckless driving.

Over 140 communities across the U.S. have implemented automated speed enforcement (ASE) programs, reducing fatalities by as much as 70 percent. These programs use speed sensors and license plate readers to issue speeding tickets. This is proven to deter illegal speeding because the technology provides consistent and predictable enforcement.

In addition to improving compliance with posted speed limits, consistent and predictable enforcement can also bring down the price of citations, reducing the cost burden for low income drivers. Our current model for accountability relies on infrequent, high consequence citations that can be devastating for those who can't afford to pay. Studies show that when consequences are consistent, penalties can be much lower and still have a significant impact on behavior. LADOT seeks legislation that allows for ASE pilots and reduces the fines, fees, and criminal penalties associated with automated citations.

In October, 2020 the City Council directed LADOT to evaluate methods that reduce the presence of armed enforcement in traffic violations, including through ASE. This technology has the potential to reduce the risk of violence for both civilians and enforcement officers by eliminating the need to pull drivers over in order to enforce speed limits. This is particularly significant as the City looks to address inequity in traffic stops, with studies showing that Black and Brown male drivers are involved in traffic stops at much higher rates than their White peers.

Implementing an ASE program in Los Angeles may include, but would not be limited to, the following components:

- **Equity considerations:** Legislation should reduce penalties from a criminal to civil violation and reduce fines and fees. A local program will evaluate technical elements and locations to ensure that automated enforcement does not unduly burden low-income communities or communities of color that have historically experienced a disproportionate concentration of enforcement.
- **Notification, outreach, and warning period:** Drivers will be informed no later than 30 days prior to any system being implemented. Education will include ample signage and extensive outreach. Additionally, there will be an initial "grace period" where warnings, and not citations, will be distributed.
- **Privacy protections:** ASE cameras can be programmed to only capture license plate data and not the driver and should incorporate best practices in surveillance technology.

ASE is expressly prohibited under California state law. To allow cities to employ ASE the legislature must amend CVC 21455.6 clause 21455.6(c) to allow cities to pilot automated speed enforcement. LADOT has submitted proposals for ASE in prior legislative sessions. After review by the Chief Legislative Analyst, these proposals were supported, recommended to Council, and adopted as part of LADOT's approved legislative program. The most recent CLA report and recommendations is attached, and this proposal is being resubmitted for the 2023 legislative session.

Driver behavior and increased speeding also reflects changes in vehicle design. Larger vehicles with faster acceleration, smoother handling, and better noise dampening allow drivers to operate at higher speeds and with less awareness of others on the road. The U.S. federal government, which sets vehicle design

standards, should consider legislation that requires specific safety features that reduce speeds and limit distracted driving. While cities and states cannot set vehicle safety standards, they can create programs to encourage market adoption. LADOT seeks legislation that requires or otherwise encourages vehicle manufacturers to incorporate critical safety features.

II. Previous legislation

AB 2363, signed by the Governor in September 2018, established the Zero Traffic Fatalities Task Force. The bill required the task force to develop a structured process to develop policies to reduce traffic fatalities to zero. The bill required that the task force prepare and submit a report of its findings to the Legislature by January 1, 2020. LADOT was a member of the task force, and contributed to a set of recommendations that include a legislative proposal for both reformed speed setting methodology and an ASE program similar to that described herein.

In the 2021 session, Assemblymember Friedman introduced AB 43 to implement the recommendations of the AB 2363 Zero Traffic Fatalities Task Force by granting municipalities greater control in setting speed limits on city streets. Approved by the Governor in October, 2021, AB 43 is a major step forward in increasing traffic safety. Prior to passage of AB 43, the CVC required cities to conduct regular speed surveys to set and enforce speed limits, which were determined by the 85th percentile of driver speeds recorded in the survey. In practice, this resulted in streets where speed limits regularly increased with every survey cycle regardless of safety concerns. This bill allows local authorities to reduce prima facie speed limits by ordinance in order to facilitate the orderly movement of traffic at reasonable and safe speeds. The declared new speed limits become effective when appropriate signs giving notice thereof are erected on the street.

In the 2021 session two bills were introduced to authorize ASE in California cities. Both bills, AB 550 by Assemblymembers Chiu and Friedman, and SB 735 by Senator Rubio, were supported in reports by the Chief Legislative Analyst (21-0002-S77 and 21-0002-S80), and City Council adopted the AB 550 CLA report. AB 550 sought to establish an ASE program known as a "Speed Safety System Pilot Program." The bill would have authorized ASE provided specified conditions were met, including extensive public engagement, an appeals process, assistance for the indigent, privacy protections, and reports to the Legislature on the program's effectiveness. SB 735 sought to authorize ASE in areas adjacent to schools.

In addition to setting safer speed limits, The Zero Traffic Fatalities Task Force also recommended the use of Automated Speed Enforcement. During the 2022 legislative session, Assemblymember Friedman introduced AB 2336 to establish the Speed Safety System Pilot Program. The bill would have authorized Los Angeles and several other cities to establish an ASE pilot program providing the system met specified requirements, including a public outreach campaign, development of guidelines to protect confidential information, and that a violation of a speed law detected by the system would be subject only to civil penalties. The CLA issued a report in support of AB 2336, dated June 2, 2022 (CF 22-0002-S58). Although AB 2336 received the support of many stakeholders, it did not move forward during the 2022 legislative session.

III. Fiscal impact

These proposals do not have an inherent cost to the City. Automated Speed Enforcement programs are cost recoverable and can even generate additional revenue for transportation safety programs. There are costs associated with installing flashing beacons with school zone signage, but that would be at the discretion of the City and subject to available funding. School zone signage that provides for consistent enforcement hours can lead to additional citation revenue that can be used to offset these costs.