



ANTONIO R. VILLARAIGOSA
MAYOR

July 13, 2010

Honorable Members of the City Council
c/o City Clerk
Room 395, City Hall

Re: Council File 09-3036; Amending Section 80.69.4 of the Los Angeles
Municipal Code to revise the definition of oversize vehicles

Honorable Members:

I am hereby returning without signature the June 29, 2010, action of the City Council approving the above-referenced amendment to the Los Angeles Municipal Code.

In taking this unusual step, I would refer you to my recent letter returning without signature the action of the Council approving a lawsuit settlement regarding the California Coastal Commission and Overnight Parking Districts. In that letter I suggested that the City must do a better job of approaching the issues relating to homeless persons residing in vehicles in a serious and thoughtful manner. Since I am fully aware that this amendment to the Municipal Code regarding regulation of so-called "oversized vehicles" is the latest attempt to address certain of those issues, I would urge the Council to use it as a jumping-off point to something more positive.

Its impact on the homeless notwithstanding, this amendment is presented as an "enabling" ordinance that sets the stage for the potential introduction of Oversized Vehicle regulatory districts anywhere in the City. As such, it could conceivably impact commercial trucks, buses and any manner of large vehicle used for business purposes. I am concerned that this ordinance may have the potential to disrupt economic activity at the Port, near LAX and Van Nuys airports, and in industrial and commercial areas across the city. If we are going to open that door, we need to be careful in how we do it. However, I believe concerns can be addressed without vetoing the ordinance outright.



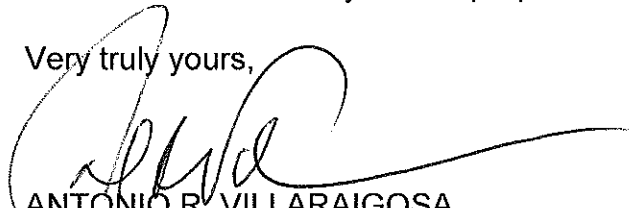
Honorable Members of the City Council
July 13, 2010
Page 2

I ask the Council, the City Attorney and the Department of Transportation to revisit this matter with a keen eye toward amending this enabling ordinance in the near future. Any implementation actions authorized by this ordinance that would lead to the establishment of Oversized Vehicle regulatory districts must set appropriate and consistent standards for the subsequent adoption of either implementing ordinances or resolutions.

This ordinance's preamble sets forth justifications for the imposition of these regulations and the ordinance should require the adoption of findings that fully justify taking the extraordinary step of banning certain vehicles from sections of the City. Affected communities and stakeholders should have input as to how the implementing actions are structured. And assurances should be provided for the operators of those vehicles being displaced, be they commercial vehicles, transit vehicles, or the economically disadvantaged, that viable alternatives are available to them when they are prevented from parking in a given location by the adoption of such regulations.

I ask that the Council and the Department of Transportation review this Code amendment as soon as possible and augment it with the kinds of safeguards I recommend herein. My staff is prepared to assist in that work.

Very truly yours,



ANTONIO R. VILLARAIGOSA
Mayor

ARV:jas

cc: The Honorable Carmen Trutanich, City Attorney
The Honorable Bill Rosendahl, Councilmember, 11th District
Rita Robinson, General Manager, Department of Transportation

("B" ORDINANCE)

ORDINANCE NO. _____

An ordinance amending Section 80.69.4 of the Los Angeles Municipal Code to revise the definition of oversize vehicles and to establish a procedure to investigate and make a determination regarding whether the parking of such vehicles between 2:00 a.m. and 6:00 a.m. on designated City streets is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses.

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

Section 1. Section 80.69.4 of the Los Angeles Municipal Code is amended to read:

SEC. 80.69.4. PARKING OF OVERSIZE VEHICLES

(a) No person shall stop, stand or park, when authorized signs are in place giving notice of the restriction, any oversize vehicle, defined as a motor vehicle in excess of 22 feet in length or over 84 inches in height, between 2:00 a.m. and 6:00 a.m. The registered owner of the oversize vehicle or other person having control of the oversize vehicle shall also be in violation of this section if he or she has knowledge that the oversize vehicle had been so parked and the person parking had the express or implied permission to operate the oversize vehicle.

(b) Oversize vehicle restricted areas or streets may be established in either of the following manners:

(1) The Council may authorize, by ordinance, the streets upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating streets with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those streets, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(2) A Councilmember representing the district in which fewer than six street segments are impacted by the unrestricted parking of oversize vehicles may request the Department of Transportation to investigate and make a determination whether or not the parking of oversize vehicles on those street segments between 2:00 a.m. and 6:00 a.m. is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. For the purpose of this section, a street segment consists of both sides of a street between two adjacent intersecting streets. To make this request, the Councilmember shall send a letter to the Department of Transportation identifying

the street segments to be included in the restricted area, the reasons for the request, and verifying receipt of petitions showing support for the restriction by a substantial number of affected community residents.

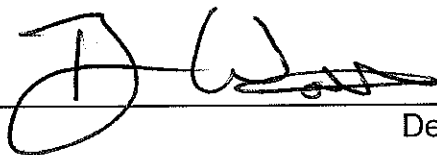
Upon receiving a written request from a Councilmember pursuant to this subdivision, the Department of Transportation shall conduct an investigation to determine whether or not the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. on the designated street segments is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. In making its determination, the Department shall consider all relevant factors, including without limitation, the location of driveways relative to parked oversize vehicles, the width of oversize vehicles when compared to other parked vehicles, the existing availability of parking, the impact the oversize vehicles are having on parking availability for residents and businesses, the effectiveness of restricting oversize vehicle parking in alleviating any adverse impact on the visibility of oncoming traffic, constrictions of the traveled way and reduced parking supply, and whether signs may be erected on the street segments in a manner that provides adequate notice of the restriction. The Department of Transportation shall report the results of its investigation and determination to the City Council. The City Council may by resolution authorize the street segments upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating street segments with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those street segments, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(c) Notwithstanding the above, the parking of oversize vehicles, as defined in Subsection (a) of this section, shall be allowed in areas established pursuant to the provisions of Subsection (b) of this section, provided that the oversize vehicle properly displays a valid permit that was issued in advance by the Department of Transportation. The permit shall be issued for a fee of \$10.00 per day and for a period not to exceed three consecutive days. The use of this permit shall be limited to the purchasing resident's street segment, or adjacent street segment if authorized by the Department. A permit issued pursuant to this subsection shall not guarantee or reserve to the holder an on-street parking space.

Sec. 2. 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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUN 29 2010.

JUNE LAGMAY, City Clerk

By  Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
JUDITH E. REEL
Deputy City Attorney

Date May 12, 2010

File No. 09-3036