ORDINANCE NO. 177902


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

Section 1. The Los Angeles Municipal Code is amended by adding a new Section 62.251 to read:

SECTION 62.251. COORDINATION OF ACTIVITIES WITHIN THE PUBLIC WAY - PUBLIC WAY RESERVATION SYSTEM (PWRS).

A. General Provisions.

1. Purpose. The purpose of this section is to improve coordination of construction activities and other encroachments, reduce related effects on businesses and residents and minimize the loss of traffic capacity resulting from construction or maintenance (including rail, utility, private development, street improvement, street maintenance, location filming and still photo shoots), or any other activity within the Street.

2. Scope. This section shall apply to all permits issued by the City that will allow encroachment on any Street within a defined Impact Area commencing with the effective date of this ordinance. This section shall also apply to any activity not requiring a permit by any City agency or other entity that will encroach on any Street.

Twelve months after the effective date of this ordinance, the Public Way Reservation System Management Committee shall evaluate the effectiveness of this ordinance and transmit a report with recommendations to the Board of Public Works and City Council.

B. Definitions.

For the purposes of this article, the following definitions apply:

1. Activity or Work Within the Street.

Activity or Work is any occupation of the Street that requires the closure, restricts the full or partial use of any sidewalk(s), curb lane(s) and traffic lane(s) or the closure of Street(s) for any purpose and having a duration greater than four hours.
Activity includes, but is not limited to, Street and sidewalk maintenance, opening of utility maintenance access holes; block parties and other special events; location filming and still photo shoots; storage of material or equipment; placement of trash bin(s); pedestrian canopy(s) in the Street or sidewalk; or any activity performed with or without City issued permits that restricts public access to, or use of the Street.

Work is any construction or maintenance performed under permit or by City crews or contractors that require obstruction or partial closure of the Street. Work may include, but is not limited to, cutting, boring, excavating, installation of equipment, installation of utilities, installation of traffic signals or signs, pot-holing, resurfacing (including slurry sealing), street construction, street lighting, tree trimming, or any project in the Street that restricts the public access or use of the Street.

2. Central District Impact Area.

The Impact Area is the Bureau of Engineering Central District for the duration of the one-year pilot study. The Bureau of Engineering Central District is generally bounded by 120th Street to the south, the City boundary to the east, Mulholland Drive and Barham Boulevard to the north and Wonderland Avenue and Robertson Boulevard to the west.

3. Effective Period.

The Effective Period is a time period that commences 30 days after the publication of this ordinance and extends for a period of 12 months, or until the adoption by the Board of Public Works with recommendations from the Public Way Reservation System Management Committee evaluating the effectiveness of this ordinance.


Emergency Work is immediate action that must be taken to alleviate a hazardous condition that represents an immediate threat to life, health, safety, or property. This includes the restoration and repair of facilities damaged by accident, natural disaster or other emergency.

5. Encroachment.

Encroachment is any use, occupation or activity, which requires the closure of any portion of the Street.

The PWRS is an internet based geographic information system, which displays (geo-codes) proposed work or activity within an arterial street or highway and identifies the entity performing or permitting the work along with the scope and scheduled time.

7. Public Way Reservation System Applicant (PWRS Applicant).

PWRS Applicant(s) is any agency, entity or permit applicant which is attempting to reserve space for their proposed construction.

8. Street(s).

Street(s) is any arterial street classified as any Major Highway, Secondary Highway or Collector Street, as identified by the Master Plan, which includes any portion of the street, sidewalk or parkway.

9. Public Way Reservation System Management Committee (PWRSMC).

The PWRSMC is a group or committee that may be formed and that has a chairperson. The City Engineer or his representative shall be the chairperson of the Committee.

C. Public Way Reservation.

All entities that intend to encroach are required to reserve space within the Street and coordinate that activity or work, using the PWRS. Coordination shall include joint discussion with other PWRS Applicants as required to mitigate and minimize traffic interference. All reservations shall require a contact name and telephone number that other PWRS Applicants can call to resolve conflicts in scheduling reservations. This contact person shall have the knowledge and authority to resolve the conflict on the PWRS Applicant’s behalf.

1. City Agencies Performing Work Within the Street.

All City agencies that perform work within the Street are required to reserve space and coordinate their work through the PWRS. Before entering the Street, each agency shall update its reservation with any changes in scope, location or schedule. Each City department or agency performing work or activities within the Street, which work does not require a permit from the Department of Public Works, shall designate a PWRS Coordinator for authorizing that Department’s reservations. All reservations shall be reviewed and authorized by the Department’s PWRS Officer or designated representative in advance of performing the work. The authorization shall certify that the work has been
coordinated with all other reservations in the vicinity and that traffic interference has been minimized.

2. City Agencies Issuing Permits Within the Street.

All City Agencies that process permits for work or activities within the Street shall verify that each permit applicant has reserved the appropriate location using the PWRS, and has coordinated the work with all other activities in the vicinity. If the applicant has a reservation, and all other permit requirements are complied with, the City agency shall process the permit. If the applicant has no PWRS reservation, the permit shall be denied. Issuance of a permit shall constitute verification of the reservation by the issuing agency.

3. Requirements for Non-City Agencies Performing Work Within the Street Requiring a Permit from the Board of Public Works.

An applicant for a permit to perform work within the Street shall first verify with PWRS that no conflicts exist for the location and time of their activity. If no scheduling conflict exists, the permit applicant may continue with the permit issuance procedure. The appropriate City agency shall submit the reservation in PWRS. If a conflict exists, the permit applicant must coordinate the work activities prior to permit issuance. In certain cases, the non-City agency may be granted authorization to enter reservations in PWRS. These agencies will be determined by the PWRSMC.

4. Requirements for Non-City Agencies Performing Work Within the Street Not Requiring a Permit from the Board of Public Works.

All non-City agencies that perform work within the Street shall use the PWRS as a tool to coordinate the request for work prior to obtaining required approvals through the appropriate City agency. If no conflict exists, the non-City agency shall relate this information to the appropriate City agency prior to receiving approvals. If a conflict exists, the non-City agency must coordinate the work activities prior to receiving approvals for work. In certain cases, non-City agencies may be granted authorization to enter reservations in PWRS. In this case, the reservation must be submitted prior to receiving approvals from the appropriate City agency.

D. Dispute Resolution.

If a dispute arises amongst PWRS Applicants when coordinating conflicts, the Bureau of Engineering Central District Engineer may be requested to mediate the dispute. Decisions made by the District Engineer may be appealed to the PWRSMC. The committee will then make a determination on which activity or work will take precedence. The PWRSMC shall establish rules, guidelines and procedures for the use of PWRS and the appeal process.
E. Exemptions.

The following work or activity shall be exempt from the reservation requirements of this article:

1. Emergency Work as defined in Subsection B of this section. For Emergency Work requiring a permit, a permit must be obtained within one business day of the commencement of the Work.

2. Maintenance Work or Activity that will take no more than four hours.

3. Any Work or Activity within a Street classified as a Local Street.

4. Transportation related activities currently regulated by LAPD and LADOT such as delivery of freight.

F. Fees.

PWRS reservations will not require additional fees. Permit fees shall remain the same as currently authorized by the City Council. The PWRSMC shall evaluate the need for additional fees at the end of the 12-month period and present its findings to the Board of Public Works and the City Council.

Sec. 2. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, that decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions of this ordinance are declared severable.
Sec. 3. 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 SEP 12 2006.

FRANK MARTINEZ, City Clerk

By ________________________________
Deputy

Approved SEP 22 2006

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By ________________________________
KEITH W. PRITSKER
Deputy City Attorney

Date 6/22/06

File No. 03-0580