

ORDINANCE NO. 186854

An ordinance amending Sections 62.00, 62.02, 62.04, 62.61, and 62.251 of the Los Angeles Municipal Code to upgrade the Public Right of Way Reservation System and improve the public notification of construction activities within the public right-of-way.

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

Section 1. Section 62.00 of the Los Angeles Municipal Code is amended to add the following definition in alphabetical order:

“**Emergency Work**” shall be defined as immediate and unplanned action that must be taken to alleviate a hazardous condition, which represents an immediate threat to life, health, safety, or property. Emergency Work includes, but is not limited to, efforts to effect the restoration of interrupted utility services (electrical, water, gas, wastewater, and telecommunications).

Sec. 2. Section 62.02(f) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(f) **Liability Insurance and Deposits.**

1. **Insurance Required.** A permit to excavate issued pursuant to the provisions of this section shall not be issued until the applicant has filed with the City Engineer a policy of protective liability insurance naming the City as an insured or a co-insured with the permittee. The policy of insurance shall insure the City and its departments, officers and employees, while acting within the scope of their duties, against all claims arising from or in connection with the operations of the permittee, or any contractor or subcontractor of the permittee, undertaken pursuant to the provisions of the permit.

Exception. The provisions of this subsection shall not apply to the Federal Government, the State of California, any county, city, city and county, municipal corporation, irrigation district, school district, district established by law, any political subdivision of the Federal Government or State of California, any public utility regulated by the Public Utilities Commission of the State of California, or any contractor or subcontractor while performing work under contract to any such entity pursuant to a permit issued under the provisions of this section.

(A) **Amounts.** The policy of insurance required by the provisions of this subsection shall provide the following minimum coverage:

Bodily Injury: \$1,000,000 for each person

\$1,000,000 for each occurrence
\$1,000,000 aggregate - products and
completed operations

Property Damage: \$1,000,000 for each occurrence
\$1,000,000 aggregate

A combined single limit policy with aggregate limits in the amount of \$1 million will be considered equivalent to the required minimum limits.

The coverage amounts identified in this subdivision are minimum amounts, and the Bureau of Engineering has the authority to require coverage in larger amounts if it determines that increased coverage is required to adequately protect the City.

2. **Deposit.** Prior to the issuance of an excavation permit, each applicant for an Excavation Utility (U) Permit pursuant to LAMC 62.05(a) shall submit and maintain with the City of Los Angeles a deposit. An applicant may submit a single deposit for all its excavations so long as a minimum balance for the estimated value of all of the permits, as determined by the Bureau of Engineering, is maintained. In the event the Bureau of Engineering applies deductions from the deposit, the Bureau of Engineering may withhold the issuance of subsequent Excavation Utility (U) Permits to the applicant until the minimum balance has been restored.

3. **Deposit or Bond Where Lateral Support is Imperiled.** If a proposed excavation on private property would imperil the lateral support of a public street or improvements on a public street, in addition to providing the insurance required by the provisions of Subsection (f), a permittee must provide to the Bureau of Engineering cash or a surety bond in an amount determined by the Bureau to compensate the City for damage that may be caused to City property by the excavation. If a bond is provided, it must be executed to the satisfaction of the City's Risk Manager. The bond must be in effect for a minimum of two years after completion of the permitted work, and if cash is provided instead of a bond, the Bureau of Engineering shall keep the cash for a minimum of two years after completion of the permitted work. The Bureau of Engineering has the authority to modify for good cause the length of time it maintains custody of a cash deposit or the length of the effectiveness of a surety bond.

Exception. The provisions of this subsection shall not apply to the Federal Government, the State of California, any county, city, city and county, municipal corporation, irrigation district, school district, district established by law, any political subdivision of the Federal Government or State of California, any public utility regulated by the Public Utilities Commission of the State of California, or any contractor or subcontractor

while performing work under contract to any such entity pursuant to a permit issued under the provisions of this section.

Sec. 3. Section 62.02(i) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(i) **Duration of Permit.** Every permit issued pursuant to this section shall have a duration based on the size and nature of the work. When deemed necessary, the Bureau of Engineering may grant an extension of time for a permit. Once permitted excavation work has begun, the work must be diligently prosecuted to completion. The Bureau of Engineering may grant an extension to an expired permit within three months after the permit expiration date. The Bureau of Engineering reserves the right to impose new conditions on an extended permit when deemed necessary. No work shall be performed during the time that a permit is expired other than work necessary to ensure the safety of the worksite.

Sec. 4. Section 62.04(b) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(b) **Notification of Start of Work.** The permittee shall notify the Bureau of Contract Administration not less than one working day prior to starting work on any excavation. In the case of an excavation by a department of this City, such notification shall be made by the responsible supervisor.

Sec. 5. Section 62.04(m) of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(m) **Resurfacing.**

(1) **Temporary Resurfacing.** Except as otherwise provided herein, after completion of backfilling operations, the portion of the paved surface of any public street or public place excavated or damaged shall be immediately resurfaced with temporary resurfacing material by the permittee. Temporary resurfacing shall consist of premixed bituminous material conforming to the specifications for material to be used for such purpose contained in the current Standard Specifications of the Department of Public Works. Resurfacing after compaction shall be not less than one inch thick in sidewalk areas and not less than two inches thick in driveway and roadway areas. The surface after compaction shall conform to the finished surface of the adjacent roadway or sidewalk. The material shall be compacted so that it is dense and smooth enough to be safe for members of the public, at the maximum speed permitted by law.

(2) **Maintenance of Temporary Resurfacing.** The permittee shall maintain the surfacing so that it is safe for members of the public until the excavation is permanently resurfaced.

If it is impracticable to maintain the surface of the backfill in a safe condition for members of the public, the permittee shall maintain barriers and lights around it until the excavation has been resurfaced in accordance with all permit conditions and any other City-imposed requirements.

In cases where permanent resurfacing by permittee is required, the permanent resurfacing may be placed immediately in lieu of placing and maintaining temporary resurfacing.

(3) **Permanent Resurfacing.** Unless otherwise authorized herein or specifically authorized by the Board and indicated by the permit, the improved surface of a Public Street excavated or damaged in connection with work being performed by authority of a permit issued under the provisions of Section 62.02 will be permanently resurfaced by the permittee. Unless otherwise provided by permit or franchise, the permittee shall mark each resurfacing in the manner prescribed by the City Engineer.

The Board may require the area to be permanently resurfaced immediately after completion of the backfilling where such is practical and in the interest of public safety and welfare. Any immediate resurfacing requirement shall be specified on the permit.

Leakage detection holes in any Public Street shall be immediately repaired in the manner prescribed by the Board.

When an excavation is made to install, remove, or abandon a pole or a structure which forms a portion of the finished surface of a sidewalk or concrete driveway, in lieu of the placement of temporary resurfacing, the person or department of the City making the excavation may permanently restore the surface of the sidewalk or driveway to the nearest scoring line of the square or squares of which the pole does or did occupy or the structure forms or did form a portion of the finished surface. Restoration shall be made by removing and replacing the entire portion of the walk or driveway between the nearest scoring lines. Restoration beyond the nearest scoring shall be required when necessary to transition an ADA compliant sidewalk to non-ADA compliant sidewalk. The surface of an alley may be similarly restored when the purpose of the excavation therein is the installation, relocation, or removal of a pole or pole anchor. Construction of the walk, driveway, or alley surface shall be done in accordance with the current Standard Specifications for Public Works Construction.

Sec. 6. A new Subsection (n) is added to Section 62.04 of the Los Angeles Municipal Code to read as follows:

(n) **Responsibility and Warranty of Work.**

Unless otherwise provided by permit or franchise, the permittee shall be responsible for the integrity of all work authorized or required pursuant to an excavation permit under Section 62.02 throughout the course of such work and through and including a period of five years following the request for final inspection after completion of the work. Any subsequent request for final inspection shall restart the five-year warranty.

Any person, including any City Department or Proprietary Department, performing work without a permit under Section 62.02, or who fails to request a final inspection, shall be responsible for the integrity of such work for the lifetime of the work.

Unless otherwise provided by franchise, all permits issued pursuant to Section 62.02 shall include a provision requiring the permittee to defend, indemnify, and hold harmless the City and all of the City's boards, officers, agents, employees, assigns, and successors in interest from any injury, harm, or liability of any kind caused by permittee's work.

Sec. 7. Section 62.61 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 62.61. WORK WITHIN OR ON A PUBLIC STREET OR RIGHT-OF-WAY; OBSTRUCTION OF A PUBLIC STREET OR RIGHT-OF-WAY – PERMIT REQUIRED, REGULATIONS, PENALTIES FOR NON-COMPLIANCE.

(a) **Definitions.**

1. **“Activity Permissible within a Public Street”** is defined as any activity permitted by this Code, or authorized by the Board of Public Works.

2. **“Peak Hour Construction and Right-of-Way Obstruction Regulations”** is defined as regulations contained in this section that control and limit construction and obstruction activity in the public right of way during “Peak Traffic Hours.”

3. **“Peak Traffic Hours”** is defined as Monday through Friday, 6:00 am to 9:00 am and 3:30 pm to 7:00 pm.

4. **“Street Classifications Subject to Work Hour Restrictions”** is defined as boulevards and avenues, or collector streets, as designated in the Mobility Plan 2035.

5. **“Temporary Street Closure”** is defined as the temporary restriction of vehicular traffic for construction purposes authorized by a valid permit, and an approved “Traffic Management Plan.”

6. **“Traffic Lane Closure”** is defined as any activity within the public street (from curb-line to curb-line), or in an alley, which reduces the usable width to the point where one or more lanes of traffic cannot move safely and efficiently.

7. **“Traffic Management Plan”** is defined as a plan that addresses traffic control requirements in a construction area, and along detour routes.

(b) **Permit Required.** Unless otherwise exempt, no person shall effect a Traffic Lane Closure, perform work within or on any Public Street or public right-of-way, or obstruct any Public Street or public right-of-way for any reason without first applying for and obtaining the applicable permit from the Bureau of Engineering or the Bureau of Street Services, and following all applicable conditions and requirements of the permit.

(c) **Work During Peak Traffic Hours.** In addition to all other applicable fees, the Bureau of Engineering shall charge and collect a Bureau of Street Services Peak Hour Compliance Fee of \$257 for each Excavation Utility (“U”) permit for work within Street Classifications Subject to Work Hour Restrictions.

1. **Prohibition on Work or Obstructions During Peak Traffic Hours.** Notwithstanding any other provision of this Code, no person or entity shall effect a “Traffic Lane Closure,” perform work within or on any public street or right-of-way, or in any manner obstruct a public street or right-of-way on those “Street Classifications Subject to Work Hour Restrictions” during “Peak Traffic Hours.”

2. **Exemption from Work or Obstruction Prohibition During Peak Traffic Hours.**

A. “Emergency Work” as defined in LAMC 62.00 is exempt from the prohibition on work or obstruction of public streets or rights-of-way during “Peak Traffic Hours” if the party performing the emergency work contacts the designated City agency as determined by the Board of Public Works prior to the work being initiated in the right-of-way and applies for a permit within one business day of the emergency work.

B. If a party desires to have a non-emergency public right-of-way construction project or other “Traffic Lane Closure” exempted from the prohibition on work or obstruction of public streets or rights-of-way during “Peak Traffic Hours,” the party shall submit the request with its permit application to the appropriate City permitting agency along with a “Traffic Management Plan.” If the “Traffic Management Plan” is approved by the City for work during “Peak Traffic Hours,” the project is exempt.

3. **Fee for Processing Applications for Exemption from Work or Obstruction Prohibition during Peak Hours.** The Bureau of Engineering shall charge and collect a fee of \$258 for processing each request submitted pursuant to this subsection.

(d) **Application for Permit.** Any application for a permit under this section shall include the following information:

1. The name, address, and telephone number of the applicant and the person responsible for the work or obstruction of the public street or right-of-way. If the work will be done by one or more subcontractor(s), the subcontractor(s) and the contact information must be included in the application.

2. The name, location, and area of the street for which the permit is desired.

3. A description of the work to be done within the public street or right-of-way and an explanation of why the proposed obstruction of the public street or right-of-way is necessary.

(e) **Penalties for Non-Compliance.**

1. **Administrative Citations.**

The violation of any provision of this section, including any special condition or requirement of a valid construction permit issued pursuant to the Los Angeles Municipal Code, shall subject the violator to administrative penalties as follows:

VIOLATION	ADMINISTRATIVE FINE PER OCCURRENCE
Work without permit	\$4,000/day
Work without proper Public Notification (when required)	\$1,000
Work without requesting inspection	\$4,000
Improper site protection	\$500/day
No permit on site	\$500/day

Other permit or Work related violations	\$500/day
Failure to complete requested warranty repair within six months	\$100/day

Unless otherwise specified herein, all Citations issued for violations of this section shall be subject to the provisions set forth in Article 1.2 of Chapter 1 of this Code, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

The responsibility of compliance with permit requirements and work completion lies with the permittee. Any penalty of permit violation shall be assessed to the permittee. Work by any party who is not listed on the permit shall be considered as work without a permit.

2. Criminal Prosecution for Multiple Violations.

Any violation of this section may be prosecuted as a misdemeanor. In cases where the City Attorney elects to criminally prosecute a violation, the defendant shall be subject to all applicable penalties authorized by Section 11.00 (m) of this Code, and not the administrative fines authorized by this section.

Sec. 8. Section 62.251 of the Los Angeles Municipal Code is renumbered as Section 62.61.1, and is amended in its entirety to read as follows:

SEC. 62.61.1. 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, but not limited to, rail, utility, private development, street improvement, street maintenance, Special Events, parades, assemblies, vending, 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 allow encroachment on any Public Street as defined in LAMC 62.00. This section also shall apply to any Activity not requiring a permit by any City agency or other entity that will encroach on any Street.

B. Definitions. For the purposes of this article, the following definitions apply:

1. **Activity.** Activity is any temporary occupation of a Public Street that requires the temporary closure or restricts the full or partial use of a Public Street having a duration of greater than four hours.

2. **Designated Administrative Agency (DAA).** The City's Department of Public Works is hereby charged with serving as the Designated Administrative Agency (DAA), for the purposes of this ordinance. The DAA shall promulgate rules, protocols, procedures, and exemptions for the implementation and enforcement of this ordinance, consistent with the provisions herein.

3. **Public Way Reservation System (PWRS).** The PWRS is a geographic information, right-of-way management system, which displays proposed Activity within a Public Street and identifies the entity performing the Activity along with the scope and scheduled time.

4. **Public Way Reservation System Applicant (PWRS Applicant).** PWRS Applicant is any Person or any department or officer of the City which is attempting to reserve space in a Public Street for their proposed Activity.

C. Public Way Reservation. Any Person that engages in an Activity within a Public Street is required to reserve space within the Public Street and coordinate that activity or work using the PWRS.

D. Dispute Resolution. Disputes amongst PWRS Applicants when coordinating conflicts shall be handled in accordance with rules and regulations established by the DAA.

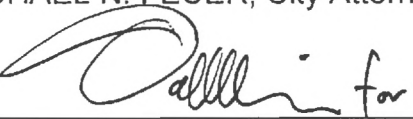
E. Exemptions. The following Activity shall be exempt from the PWRS requirement of this section:

1. Emergency Work.
2. Any other Activity exempted by the DAA.

Sec. 9. 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  _____
EDWARD M. JORDAN
Assistant City Attorney

Date 1-15-20

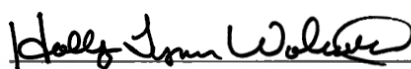
File No. 17-0988


M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\LAMC 62.61.1 Public Way Reservation System.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 11/25/2020

Approved 12/07/2020

Published Date: 12/14/2020
Ordinance Effective Date: 01/14/2021
Council File No.: 17-0988