

Communication from Public

Name: Barbara Broide

Date Submitted: 11/12/2019 03:07 PM

Council File No: 19-0104-S1

Comments for Public Posting: I write to voice my opposition to any digital advertising devices on vehicles on our City's streets and specifically I oppose the proposed measure for a pilot program for digital signage on taxicabs. These devices are a safety hazard and a distraction to roadway users. It is wrong to permit these devices on taxicabs or any other vehicles. There are already laws that render such signs as being illegal. Why isn't there enforcement? It is beyond me as to how a city that says that it seeks to reduce injuries and deaths on our streets could possibly allow for these devices. What is the City's commitment to Vision Zero? Permitting such rooftop digital signage shows zero vision. Instead, the City should be doing everything that it can do to enforce State and local law that renders these signs illegal. It will be nearly impossible for any enforcement to take place should uber and lyft vehicles be permitted to have these signs. Once allowed on any "for hire" vehicles, others will insist on the right to have them. If uber and lyft drivers have them, there could be individuals who sign on to drive just to have the digital rooftop signs and the income they bring from polluting our visual environment. This program is an unenforceable program. There is no practical way for those charged with enforcement to know whether or not a taxicab is permitted to have a digital rooftop sign and there are inadequate traffic safety officers and police to enforce existing laws-- much less new vehicle sign regulations or pilot programs. Law enforcement has submitted their comments on these signs and understand that they can confuse roadway users and make it difficult to see the lights on law enforcement vehicles. It is critical that first responder vehicles be the sole vehicles with rooftop lighted signage. Taxi cabs already have an exception for static rooftop signage and should be happy that they have this exception to vehicular rooftop signs. Digital rooftop signs can go anywhere that digital signage might otherwise be prohibited. They can carry any messages as they enjoy first amendment free speech rights. That means that frightening movie images, alcoholic beverages, etc. can be advertised and seen by all -- children and adults. Do we really need more advertisements in our face without the ability to turn them off? Who owns our streets, anyway? While the community and Council recognize the competitive marketplace in which taxicabs now operate, this program is not a reasonable

solution to the issues faced by these taxicab operators. Sacrificing public safety for the financial short-term gain of some is not a reasonable response to the challenges faced by taxi drivers. Neither uber, lyft or taxi cabs should have these signs. The City Council should stand firm on protecting our roadways and their users.

Communication from Public

Name: Marian Dodge

Date Submitted: 11/12/2019 05:01 PM

Council File No: 19-0104-S1

Comments for Public Posting: The Hillside Federation representing 42 HOAs spanning the Santa Monica Mountains urges you to oppose CF 19-0104-S1. Mini digital billboards on the top of vehicles is a violation of the California State Vehicle Code 25400 because of their excessive brightness. This motion would undermine the Mayor's Vision Zero initiative to reduce traffic deaths and injuries. These digital signs are designed to distract drivers to read their messages; increased accidents around digital signs are well documented. CF 19-0104-S1 would also undermine the City's long-time ban on billboards outside of specifically designated Sign Districts. Digital signs on taxicabs would bring mini billboards into every part of the city including quiet residential areas and parks. We thank CM Bonin for his opposition to this motion. CM Koretz has always supported a strong Sign Ordinance; he should be opposing this end-run around the Sign Ordinance. The City should be enforcing the state vehicle code, not violating it.

Communication from Public

Name: Craig Rich

Date Submitted: 11/12/2019 05:09 PM

Council File No: 19-0104-S1

Comments for Public Posting: Digital signage on vehicles should be prohibited. Does not matter if on a bus, taxis, individuals serving as drivers for rider sharing services, or just private vehicle drivers. These signs do not serve the public. There are already numerous methods for companies/organizations/groups to advertise to the general public. Those include radio, bill boards, television, and Internet related communication tools like email, social media, and SMS/text messaging. There seems to be no shortage of mechanisms to get advertisements to the public. Placing adds on moving vehicles is potentially distracting to drivers. The purpose of an advertisement is to catch a viewers attention. Distracted driving has become more and more a significant problem and adding more distractions (in the form of ads on vehicles) will only exacerbate the problem. Los Angeles is trying to encourage less single vehicle use, and more mass transit use. There's a long way to go there, but certainly providing single vehicle drivers with additional revenue and/or incentives to drive around town with an advertising platform which pays them to host on their vehicle, is not in alignment with LA city plan to get people out of their cars.

Communication from Public

Name: John Given

Date Submitted: 11/12/2019 06:43 PM

Council File No: 19-0104-S1

Comments for Public Posting: Honorable Councilmembers: Please see the attached letter submission and exhibits urging the Transportation Committee to vote "no" on the proposed motion and instead expeditiously schedule and approve original motion 19-0104 to enforce existing law prohibiting mobile digital message systems. Sincerely, John Given

November 12, 2019

Los Angeles City Council Transportation Committee
Honorable Mike Bonin, Chair
Honorable Nury Martinez
Honorable Paul Koretz
Los Angeles City Hall, Room 1010
200 North Spring Street
Los Angeles, CA 90012

RE: **OPPOSE** Council File 19-0104-S1
Nov. 13, 2019 Transportation Committee agenda item 15

Honorable Councilmembers:

I am writing to oppose Councilmember Martinez's motion regarding so-called digital dynamic messaging signs (DMS) (Council File 19-0104-S1).

The council has periodically considered approving mobile digital signs for taxicabs under the false premise that because the signs are ubiquitous on ride-sharing company vehicles it is only fair to "level the playing field" for taxi cab drivers to allow them to use these signs. But the motion to have LADOT inspect and report back on use of DMS systems in order to proceed with a "pilot" program to allow taxicabs to use the same or similar mobile digital signs ignores a significant and dispositive issue with the signs: they are illegal.

Councilmember Blumenfield's original motion (Council File 19-0104), to which the supplemental motion relates, explains how the mobile digital signs are illegal:

With respect to state law, the California Highway Patrol (CHP) has determined that the Firefly DMS devices are not in compliance with California Vehicle Code Section 25400, which states, among a number of restrictions, that a vehicle may be equipped with a lamp or device on the exterior of a vehicle that emits a diffused non-glaring light of not more than .05 candela per square inch of area. Firefly's DMS devices exceed that level of illumination. (Motion, Council File 19-0104 (Blumenfield)).

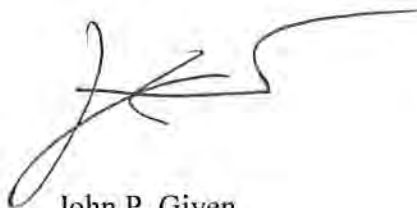
As Councilmember Blumenfield's motion notes, "[t]he question is not *whether* these advertisements cause accidents and other negative consequences, but how many distractions are enough to create an environment potentially too risky and dangerous for people traveling from one place to another." (*Id.*, emphasis added.) Rather than sanitizing clearly illegal behavior,

Councilmember Blumenfield's motion instead would require the City's DOT and LAPD to "take enforcement action against persons who operate vehicles with attached DMS devices within the City of Los Angeles." (*Id.*)

The City has only recently embarked on implementing its Vision Zero policy through the unanimous adoption of the Vision Zero Implementation Strategy, consistent with the Council's "goal of addressing all threats to the safety of the traveling public." (Motion, Council File 17-1137 (Krekorian/Ryu).) As recitals to that Vision Zero implementation motion emphasize, "[w]hether it is the design of the street or the condition of the street *or the public's behavior on the street* that causes a person to suffer a serious injury or death is not relevant to the victims or their loved ones." (*Id.*, emphasis added.) Adopting even a pilot program to allow further proliferation of illegal mobile digital signs rather than enforcement to make our streets safer would be an insult to the victims of our dangerous roadways and their loved ones and is in direct conflict with the City's stated goal to create a safe transportation environment for community members and visitors.

I urge the Transportation Committee to vote "no" on the proposed motion, and instead to expeditiously schedule and approve Councilmember Blumenfield's original motion to enforce the law prohibiting these illegal mobile digital signs.

Sincerely,

A handwritten signature in black ink, appearing to read 'John P. Given', with a long horizontal flourish extending to the right.

John P. Given
Brentwood

Exhibits

MOTION

On the streets of Los Angeles drivers have noticed an increasing number of digital billboards attached to the top of some Uber and Lyft ridesharing vehicles. These digital billboards are called dynamic message signs (DMS) and use digital LED technology to display changeable illuminated advertising.

The company behind this new form of mobile digital advertising is called Firefly. Firefly installs the rooftop DMS devices using Thule roof racks and wiring the screens to the car battery. At 52 inches long by 17 inches high, the boxes holding the screens are bigger than most rooftop cargo carriers. Uber and Lyft drivers who agree to mount the digital screens on their vehicles are paid by Firefly an average of \$300.00 monthly.

In November 2018, the City Attorney's Office told Firefly that installation and operation of its DMS devices in the City is illegal under state and City law. Disregarding that admonishment, Firefly continues to place its DMS devices on rideshare vehicles operating in the City.

In December 2018, representatives of Firefly appeared at the Board of Taxicab Commissioners ("Board") to request that the Board permit Firefly to install its DMS devices on the roofs of taxis pursuant to Board Rule 415(c). Board Rule 415(c) allows commercial advertising to be mounted on a taxicab roof or trunk. The Board has yet to act on that request.

Board Rule 415(c) was adopted by the Board of Public Works many years ago (before there was a Taxicab Commission or digital sign technology) and was intended to allow static advertisements to be installed on taxicabs as long as doing so complied with state and City law. Using Board Rule 415(c) to authorize Firefly's DMS devices on taxicabs or rideshare vehicles would conflict with current state and City law.

With respect to state law, the California Highway Patrol (CHP) has determined that the Firefly DMS devices are not in compliance with California Vehicle Code Section 25400, which states, among a number of restrictions, that a vehicle may be equipped with a lamp or device on the exterior of a vehicle that emits a diffused non-glaring light of not more than .05 candela per square inch of area. Firefly's DMS devices exceed that level of illumination.

CHP has expressed safety concerns with Firefly's DMS devices, including that the devices may detract from legal lighting requirements such as clearance lighting and hazard lights, and reduce the effectiveness of emergency vehicle lighting. CHP advised that the DMS devices may impact first responders while operating in a "code three" response.

State law authorizes vehicle digital advertising in only one setting: a pilot program on buses operated by the Antelope Valley Transit Authority, City of Santa Monica, and University of California Irvine.

At the time the Legislature authorized the pilot program, it stated its intent to study and identify any adverse impacts on pedestrians and drivers resulting from the use of illuminated signs on the exterior of moving buses. The Legislative record includes this statement: "While illuminated billboards, either on the side of the road or sides of buses, may not by themselves lead to adverse impacts, it is clear that they contribute to the multiple distractions drivers and pedestrians navigate each day. Adding distractions, especially ones that are particularly effective at drawing one's attention, can only increase the risk of negative outcomes."



The question is not whether these advertisements cause accidents and other negative consequences, but how many distractions are enough to create an environment potentially too risky and dangerous for people traveling from one place to another."

Santa Monica decided not to pursue the pilot program, citing concerns about safety and aesthetics. UC Irvine implemented the pilot but discontinued it after experiencing problems with the signs such as the pixels being overly bright. Antelope Valley also is discontinuing its participation in the pilot program.

With the exception of the state pilot program, the Legislature has not authorized the use of a DMS device on any other type of vehicle operating in the state, whether publicly or privately owned, including but not limited to, taxicabs, transportation network company (TNC or rideshare) vehicles, or tour buses.

With respect to City law, the City enacted LAMC Section 87.54, which prohibits the parking or standing of a vehicle on a City street when the vehicle contains a sign attached to the vehicle - unless the sign is painted or decaled directly on the body of the vehicle. The City's law was enacted under the authority granted by the state in California Vehicle Code Section 21100(p)(2) due to the passage of AB 1298 (Blumenfeld).

Firefly's DMS devices, which attach to vehicles, do not comply with any of the requirements listed in LAMC 87.54, nor do the devices comply with LAMC Sections 71.19, 71.20, and 71.21, which regulate advertising installed on taxis and other transit vehicles under the City's authority and Board Rule 415(c) is not consistent with current state and City law and should be repealed.

I THEREFORE MOVE that the Los Angeles City Council request the City Attorney to prepare and present a draft ordinance to repeal Taxicab Board Rule 415(c).

I FURTHER MOVE that the City Council request the Department of Transportation and the Los Angeles Police Department to take enforcement action against persons who operate vehicles with attached DMS devices within the City of Los Angeles.

PRESENTED BY:


BOB BLUMENFELD
Councilmember, 3rd District

SECOND BY: 

ORIGINAL

JAN 29 2019
CITY OF LOS ANGELES

Date: 2-13-19
Submitted in Tran Committee
Council File No: 19-0104
Item No.: 11
Deputy: CD3

OPINION

Setting the record straight, why digital mobile billboards must go



A taxi driver smokes a cigarette in his cab while waiting to pick up a fare in downtown Los Angeles, Wednesday, Feb. 16, 2011.

By **BOB BLUMENFIELD** |

PUBLISHED: February 13, 2019 at 8:00 am | UPDATED: February 13, 2019 at 8:00 am

Re: A proposal to ban rooftop advertising will harm L.A.'s taxi drivers

They are already illegal. In November 2018, the City Attorney's Office formally told Firefly that installation and operation of its DMS devices in the City is illegal under State and City law. Disregarding that admonishment, Firefly continues to place its DMS devices on rideshare vehicles operating in the City. State law authorizes vehicle digital advertising in only one setting: a pilot program on buses operated by the Antelope Valley Transit Authority, City of Santa Monica, and University of California Irvine. At the time the Legislature authorized the pilot program, it stated its intent to study and identify any adverse impacts on pedestrians and drivers resulting from the use of illuminated signs on the exterior of moving buses.

Industry lobbyists are pretending that we are banning mobile billboards out of the blue- this isn't true. I know because when I served in the State Assembly I wrote the State law that allowed local governments' to ban or regulate mobile billboards. The LA City Council then approved two local ordinances regulating It is wrong to use and abuse the public right of way for private advertising. mobile billboards that were the subject of first amendment litigation. The courts ruled for the City and against the blight merchants stating that the "advertising displays prohibited by the mobile billboard regulations detract from the cities' overall appearance; the outright ban directly serves this stated interest."

As I know all too well from my, almost decade long, fight with mobile billboard companies, they will go to great lengths to profit at the expense of the public. They will find any nook and cranny in our community to display ads, including in traffic on congested intersections, outside parks, schools and any place people might be gathering. It is no accident that public parks, schools, and neighborhood streets are not locations where traditional billboard companies can legally advertise; it defies all logic that we would open up these areas for new billboards simply because they are mobile.

If we don't formally prohibit them now, they will spread like the virus that they are. Nobody, whether you are a ride share driver or not, should profit by using the public right of way to spread blight and endanger others. This is about enhancing public safety, enforcing established law, preventing blight and making sure that companies aren't abusing our public space.

Bob Blumenfield represents the 3rd council district on the Los Angeles City Council

MOTION

TRANSPORTATION

In 2015, the City developed and announced the Vision Zero program, a set of data-backed policy strategies with the objective of reducing and eventually eliminating serious injuries and deaths from traffic collisions. The overall objective of Vision Zero is to achieve zero deaths on our streets by the year 2025.

As the program continues to develop, the Council can and should consider refinements to the Vision Zero model in order to serve the objective of more effectively increasing the safety of our streets. To date, for example, Vision Zero in Los Angeles has focused largely on the design of streets and their markings, sometimes without adequate consideration to the condition of streets as a matter of safety for their users.

Whether it is the design of the street or the condition of the street or the public's behavior on the street that causes a person to suffer a serious injury or death is not relevant to the victims or their loved ones – the injury or death has altered those lives irrevocably. Our work to protect the public's safety must address all of the causes of those dangers.

WE THEREFORE MOVE that the City Council INSTRUCT the Department of Transportation to develop a specific implementation strategy for the Vision Zero policy that reflects the City Council's goal of addressing all threats to the safety of the traveling public, whether the root causes are because of the design of infrastructure, or its state of repair or because of any other cause that has the potential to cause injury or death.

WE FURTHER MOVE that the Council INSTRUCT the Department of Transportation to begin reporting no later than December of each year with a set of proposed Vision Zero hazard mitigation projects for consideration by the Council and for inclusion in the Mayor's proposed budget that seeks to achieve the following objectives:

1. The Vision Zero implementation strategy should prioritize projects that are demonstrably likely to produce the greatest reductions of injuries and fatalities, and the order in which projects are proposed to be implemented should reflect this objective.
2. When the Department is developing projects for inclusion in the Vision Zero program each year, it should incorporate a data validation process to ensure that the high injury network supporting data was appropriate and reliable and endeavor to seek finer data from all sources to the extent that it is available.
3. Any proposed projects for Vision Zero should recommend roadway improvements that are backed by High Injury Network data, and select the most appropriate mitigation measures for the types of collisions and injuries that data indicates are most prevalent within the proposed project area.
4. In an effort to align the Vision Zero program with the City's parallel objectives of both reducing harm for the City's residents as well as achieving significant liability



cost savings, the Vision Zero strategy should appropriately prioritize projects that address known threats to public safety.

Presented by: Paul Krikorian
PAUL KREKORIAN
Councilmember, 2nd District

David E. Ryu
DAVID E. RYU
Councilmember, 4th District

Seconded by: Bob Bumpall

OCT 4 2017

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