



TO: Karen Bass, Mayor, City of Los Angeles

CC: Stephanie Wiggins, CEO, LA Metro
Laura Rubio-Cornejo, General Manager, LADOT
Hydee Feldstein Soto, Los Angeles City Attorney

Monday, September 30, 2024

Dear Mayor Bass,

We support Vermont Transit Corridor Bus Rapid Transit along Vermont Avenue from Hollywood Boulevard to 120th Street. At the same time, we strongly encourage the City to ensure compliance with the Los Angeles Safe Streets For All Initiative (Measure HLA) before permitting Los Angeles County Metropolitan Transportation Authority (Metro) to build the project.

Vermont Ave is a critical transportation corridor in the City of LA. The street has higher bus ridership than any other in Metro's system. It is also one of the most dangerous for active transportation. Vermont earns its place on the City's High Injury Network with more pedestrians killed and more cyclists injured than any other street in LA over the last 10 years.

As designed, the BRT project brings (welcome) improvements to Vermont Avenue, such as bus only lanes, raised crosswalks, and bulbouts. Those trigger the City's obligation to install Mobility Plan enhancements. Therefore, were the City to issue permits for the project without assuring implementation of its Mobility Plan enhancements at the same time, the City would violate its ordinance, waste public funds, and allow Vermont's dangerous conditions to remain despite the voters' mandate.

Street Improvements Trigger the Mobility Plan's Enhancement Requirements

Measure HLA – the Los Angeles Safe Streets For All Initiative – passed by a supermajority of voters and took effect on April 9, 2024. It is codified as Municipal Code section 85.11. Its operative provision – subdivision (b)(1) of section 85.11 –



requires that, **“Whenever the City makes Improvements to a segment of a City-owned Mobility Plan Street, the Mobility Plan street enhancements described in the Enhanced Complete Street System shall be installed along that segment as part of the improvements undertaken by the City.”** (Emphasis added.)

In subdivision (a), the Ordinance defines the sort of “improvements” that trigger the “enhancements” requirement: **“‘Improvements’ means any paving project or other modification of at least one-eighth (1/8) of a mile in length on a City-owned right of way (including a street, parking strip, or sidewalk).”** In defining improvements, the ordinance includes narrow, common sense exceptions: *“Improvements’ do not include restriping of the road without making other improvements, routine pothole repair, utility cuts, or emergency repairs.”* (Subd. (a), emphasis added.) No other exceptions are implied. (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1230 [“if exemptions are specified in a statute, we may not imply additional exemptions unless there is a clear legislative intent to the contrary.”].) In other words, restriping worn out lane lines would not require implementing Mobility Plan enhancements. However, new striping (such as bus lanes) or other improvements (such as bulbouts) are street improvements that trigger the initiative’s Mobility Plan enhancement requirements.

Finally, the mileage requirements are readily met by Metro’s new striping along the project’s 12 mile length. Apart from that, the sidewalk and crosswalk improvements, such as raised crosswalks and bulbouts, cumulatively cover more than one-eighth of a mile in length.

Vermont is a City-owned Mobility Plan Street

Vermont is on the City of Los Angeles’ Mobility Plan with several designations:

- From a transit point of view, it is a Comprehensive Transit Enhanced Street, calling for dedicated full time bus lanes.



- From a pedestrian point of view, it is a Pedestrian Enhanced District calling for pedestrian improvements such as crosswalks, curb extensions, bulb outs, better timing, and shade.
- From a bike point of view, it is on the Bike Lane Network (calling for at least Class 2 bike lanes) from Gage to Los Feliz Blvd, and on the Bicycle Enhanced Network (calling for at least Class 4 protected bike lanes) between Gage and West Del Amo Boulevard.

Missing Mobility Plan Elements

Metro's project does not implement the City's Mobility Plan with the bike networks, and excludes both the unprotected bike lanes north of Gage, and protected bike lanes south of Gage.

Wasting Money

One reason voters approved the Los Angeles Safe Streets For All Initiative was to more efficiently spend their tax dollars. They wanted to “save money over the status quo by preventing the need to tear up a street to add improvements at a later date.” (See HLA [website](#) incorporated by reference by Voter Pamphlet.)¹

¹ *People v. Holm* (2016) 3 Cal.App.5th 141, 145-146, explains:

In interpreting a voter initiative we apply the same principles that govern statutory construction. Thus, we turn first to the language of the statute, giving the words their ordinary meaning. The statutory language must also be construed in the context of the statute as a whole and the overall statutory scheme in light of the electorate's intent. When the language is ambiguous, we refer to other indicia of the voters' intent, particularly the analyses and arguments contained in the official ballot pamphlet. In other words, our primary purpose is to ascertain and effectuate the intent of the voters who passed the initiative measure.

(Ellipses, brackets, internal quotation marks, and citations omitted.)



Legal Exposure

If permitted without requiring the Mobility Plan enhancements, the Vermont project would be an “illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a local agency” which could be enjoined under California Code of Civil Procedure section 526a.

Even if not enjoined, by approving the project without implementing Mobility Plan elements, the City would open itself up to the private lawsuits the initiative authorized to ensure compliance with it.²

Finally, Vermont is on the City of Los Angeles’ High Injury Network and is one of the most dangerous streets in the City, with 4,305 injuries and 42 deaths in the past 10 years. Delaying implementation of the Mobility Plan’s safety enhancements means delaying saving lives – at a cost to those people who are killed or hurt, to their families, and to our society. It may also further expose the City to tort liability for failing to follow its own plan to mitigate known dangerous conditions.

Conclusion

Los Angeles overwhelmingly approved Measure HLA which mandates the implementation of the City of Los Angeles’ Mobility Plan 2035 whenever a street

² Subdivision (c) says about enforcement:

(1) Any individual residing within the City may bring a civil action to enjoin violations of or compel compliance with the provisions of this Ordinance.

(2) The court may award to a party, other than the City or any of its commissions, boards, departments or agencies, who prevails in any civil action authorized by this Ordinance, the party’s costs of litigation, including reasonable attorneys’ fees.



is improved. Specifically, the measure mandates things like bike lanes, bus lanes, or pedestrian improvements on city streets pursuant to the City's Mobility Plan.

Several of the Vermont project's improvements are in line with HLA. They are urgently needed and are commendable. They also trigger the legal requirement that the job be finished – that the taxpayers' money not be wasted by tearing up and rebuilding.

While the Vermont BRT project is an important example, Metro has many other projects within the City of Los Angeles right of way. All of these projects must comply with the requirements of Measure HLA; we suggest that you direct Metro, perhaps via a board motion, to review all of their projects that impact the City of Los Angeles ROW, and modify them to comply with the law.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

Michael Schneider
Founder & CEO