CONVENED
The Board of Transportation Commissioners convened a regular meeting on Thursday, March 9, 2023 at 10:01 AM in Los Angeles, CA.

ADMINISTRATIVE ITEMS

Item 1 – Welcome
President Eisenberg called the meeting to order and welcomed all those present.

Item 2 – Roll Call
Present: Commissioners John Ly, Eric Eisenberg, Cris Liban, Jazmin Ortega, Donna Choi, and Douglas Tohom; Jay Kim, Assistant General Manager (AGM); and Jonathan Groat, Deputy City Attorney (DCA)

Item 3 – Commission Business

Comments, question, and answer were provided
- Commissioner Eisenberg shared that he had a productive meeting with Councilmember Traci Park, CD 11 on the RV report; received a lot of support from City officials; and commended Commissioners Ly and Liban for the hard work they put into the report.
- Commissioner Choi commended the Ad Hoc Committee especially Commissioner Ly for the great job writing the report and expressed how it is an honor to serve with the Commissioners.
- Commissioner Liban asked AGM Kim if there was an opportunity for hybrid meetings for public participation in the future.
- AGM Kim discussed the Department’s intent for the hybrid system and its continuing effort to work with ITA to be able to offer the hybrid option to the public.
- Commissioner Choi asked AGM Kim if what he discussed was part of AB 2449.
- AGM Kim stated that he believed AB 2449 was not necessarily explicit.
- Commissioner Liban requested for an update to the Commission on the viability of a hybrid-type public participation in three to six months.
- Commissioner Eisenberg reminded the Commissioners to state their name whenever they speak for public awareness.
• Commissioner Ortega asked DCA Jonathan Groat about the law in terms of the hybrid format for Commissioners – what is the provision if unable to attend a meeting in person.
• DCA Groat discussed why AB 361 was no longer in effect and advised on what is currently permissible.
• Commissioner Ly asked if there was a proposal to amend the Brown Act to allow this to happen.
• DCA Groat stated that he was not aware of any formal proposal that is before the state legislature at this time but that it does not mean there will not be one in the future.
• Commissioner Ly suggested that the Commission could write a letter and proposed some amendments.
• Commissioner Choi asked if the letter would go to the State Senate or Assembly.
• Commissioner Ly stated that either one can propose bills, and if it has not been done, then the Commission should do it and other Commissions will be on board with it.
• Commissioners Eisenberg and other Commissioners will support and vote on the letter if agendized next month.
• Commissioner Eisenberg mentioned a provision in AB 2449 that will allow each Commissioner to participate in a Body to miss two meetings in a calendar year under an emergency circumstance where they can teleconference.
• DCA Groat reported that their office is still assessing the details on AB 2449. He added that the Department has been working on the hybrid option policy but do not know when it will be presented to the Commission.
• Commissioner Choi expressed her wholehearted thanks to LADOT staff for the storm cleanup and how it was an incredible job, unprecedented, and they were flawless. She shared a public service announcement about the academy awards in the coming weekend with closures in Hollywood Boulevard, and to be aware.

Item 4 – Minutes

Commissioner Choi raised a question on page 5 of the Minutes, which stated that “Commissioner Eisenberg asked to agendize for the next meeting to allow for a robust discussion and decide whether to go that direction”, referencing a discussion about additional signage in parking lots when rates are being increased, and asked why the item was not on the agenda.

CES San Luis reported that staff was not ready to present the item and that the Commission President was informed in advance and agreed that the item will be agendized at a future meeting.

Commissioner Choi moved, seconded by Commissioner Liban to approve the Minutes of February 9, 2023. Minutes APPROVED.

Commissioner Ortega abstained.

Item 5 – Communications

No communications reported.
Item 6 – General Manager’s Report
AGM Kim reported on the following items:
- Budget season started; the Department had its budget meeting with the Mayor’s budget team; shared the main takeaway - a lot of focus on responding to the homelessness issue; and discussed the Department’s budget in support of the homelessness.

Comments, questions, and answers were provided.
- Commissioner Eisenberg asked how realistic would it be to get big lots for RV storage and whose job would it be to dispose of them if unclaimed.
- AGM Kim stated this was a multi-departmental issue and that he believes the Mayor’s Office has taken the lead on this and discussed the process that is underway in looking at underutilized potential lot locations throughout the City, not just DOT lots.
- Commissioner Tohom wanted to know the timeline of actually seeing the RV storage become available once the FY 23-24 budget recommendations was approved by Council.
- AGM Kim stated that he could not give a timeline and would probably depend on every single lot and the different challenges.
- Commissioner Tohom asked if there were any concerns with LADOT’s budget in regards to a recession that might impact residents in the City with potential budget cuts.
- AGM Kim explained what every department has been directed to do in terms of budget asks.
- Commissioner Choi asked how a Commissioner can report a DOT-owned lot for consideration.
- AGM Kim stated that it can be reported to Department staff and will then investigate.
- Commissioner Choi mentioned a program that Councilmember Rodriguez started where they were buying the RVs from people living in them and offering services and asked if this was being considered Citywide.
- AGM Kim stated that he was not aware of any formal motion directing departments to acquire these vehicles at City cost.
- Commissioner Eisenberg mentioned that there are a couple of Council offices looking to propose Citywide ordinances now where large oversized vehicles are prohibited from parking in residential neighborhoods that includes apartments, barred from parking near parks and recreation areas, schools, and churches.
- Commissioner Liban asked if there is an official list of different properties where folks can see what is or not being considered.
- AGM Kim reported that there is not a public list currently, but there is a list that has been worked on led by the Mayor’s Office and that it is not ready for public consumption.
- Commissioner Liban hoped that when the list becomes available for public consumption that there will be opportunities for folks to make comments on the locations before decisions are made.
- Commissioner Ly asked that the Department take bold action to address these issues, and if there are solutions that can be taken to address some of the issues, he would like the Commission to see potential solutions and do not want
to hear impediments. With regards to a Citywide ordinance, he gave a reminder that this was identified in a similar report Ms. Reynolds had prepared many years ago and that he hopes the Council take one of the iterations proposed by Ms. Reynolds because he believes that it is the only viable solution to the crisis, both short term and long term.

- Commissioner Eisenberg added that 5-6 years ago there was a list of surplus properties that was presented to the Commission when Safe Parking lots was being considered and suggested that the Department revisit that list and pass it on to the Mayor’s Office.
- AGM Kim agreed to research the list that Commissioner Eisenberg mentioned.

President Eisenberg mentioned that if anyone was a paid lobbyist to please contact the City’s Ethics Department and register to make sure it is okay to speak.

NEIGHBORHOOD COUNCIL COMMENT
No comments provided.

PUBLIC FORUM
No comments provided.

CONSENT ITEM

Item 7 – Recommend Approval of the Application of the Logistics Collective Incorporated for Two Unrestricted Non-Ambulatory Passenger Vehicle Permits

Commissioner Ly moved, seconded by Commissioner Tohom to approve Item 7. Unanimously APPROVED.

ACTION ITEM

Item 8 – Recommend to Assess a $1,000.00 Monetary Penalty and Revoke Four Unrestricted Non-Ambulatory Gurney and Two Unrestricted Non-Ambulatory Wheelchair Authorities Held by Art Med Trans, Inc. (Company ID #2677)

Patricia Barker, Sr. Transportation Investigator, presented the report.

Questions and answers were provided.

- Commissioner Eisenberg asked if staff had confirmation that the company knew this item was going to be heard at the current Board meeting.
- Ms. Barker confirmed that she sent the company the letter herself.
- Commissioner Eisenberg wanted to know how Ms. Barber knew the company received the letter.
- Ms. Barker stated that she did not receive the letter back as undelivered, and that she also sent the notice through their landing page in the TAVIS system, web notice, email, and regular mail.
- Commissioner Ly asked if the previous notice where the company had to show up and paid for it was sent to the same address and same procedure.
- Ms. Barker confirmed that it was sent to the same address and same procedure.
• Commissioner Eisenberg asked if considered sending registered mail when revoking permits.
• Ms. Barker explained that the Department used to send certified mail but had stopped for about two years now and that she makes sure that it is sent out in three versions – regular mail, email, and web notice on their landing page.

Continued discussion occurred.
• Commissioner Choi pointed out page 3 of the report under “Proposed Disciplinary Action” and wanted clarification for the one-year discipline.
• Ms. Barker confirmed that the proposed discipline is for one year.
• Commissioner Eisenberg asked that if the Board was to approve the item, would the company have the avenue to appeal the decision and be able to come back if they decide to plea their case.
• Ms. Barker stated that they are not allowed to appeal and the Board’s decision is final unless they have evidence that they can present that was not heard at the current meeting. She asked DCA Groat to confirm that her statement was correct.
• DCA Groat confirmed Ms. Barker’s statement was correct.
• Commissioner Tohom asked what the potential consequences would be if the company was caught again operating in the City of Los Angeles if the item was approved.
• Ms. Barker explained how the company would not be allowed to reapply for one year; what they would be required to pay; and what they need to show on the application if they should submit one and that they would be very highly scrutinized.
• Commissioner Tohom clarified and restated his question if the company was caught again during the one year.
• Ms. Barker stated that if the company was found illegally operating in the City of Los Angeles during their one-year exclusionary period where they can not submit an application, it would go on the record and if they submit a new application that it would be noted in the report to the Board as well as any other violations during that time period.
• Commissioner Ortega asked if the Department could extend the one year to a longer period.
• Ms. Barker responded that it would be up to the Commission and that as far as she knows, it would be applicable.
• Commissioner Liban asked to clarify that the company do not have to pay the $1000 fine right now, but could pay it if they wish to be reinstated within the City.
• Ms. Barker confirmed that Commissioner Liban’s statement was correct.
• Commissioner Liban further stated that in the previous violations, they were imposed a fine and had to pay it but this one is sort of an option.
• Ms. Barker clarified how staff was not taking a finalizing step of bringing it to the Board and explained what is required by Board Order 580.
• Commissioner Liban wanted to know if any of the drivers are affected and what could they be doing now that they might be unemployed.
• Ms. Barker stated that it depends on the company and that the revocation is only within the City of Los Angeles.
• Commissioner Liban asked Ms. Barker to elaborate about the cancel of permit and allow the driver to go to another company.
Ms. Barker discussed what happens once a company like Art Medical is revoked and shared that the idea is that the company itself is punished and not necessarily the employees.

Commissioner Ortega followed up and asked if the drivers would individually have to reapply for a permit, which in a sense does affect them.

Ms. Barker agreed that it does affect the drivers and explained the reason.

Commissioner Tohom asked to clarify how the customers of this company would be notified if the company chooses whatever action to take.

Ms. Barker explained how most of the companies operate through a healthcare system where they operate through a broker system.

Commissioner Eisenberg moved, seconded by Commissioner Ortega to approve Item 8. Unanimously APPROVED.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7
With no further business to come before the Board, Commissioner Choi moved, seconded by Commissioner Ortega to adjourn the meeting and recommended to close the meeting in honor of International Women’s Day and Women’s History Month. Unanimously APPROVED.

The meeting adjourned at 10:53 AM.

Approved: 4/28/2023
Board of Transportation Commissioners

Commission Executive Assistant