CONVENED

The Board of Transportation Commissioners convened a regular meeting on Thursday, June 8, 2023 at 10:06 AM in Los Angeles, CA.

ADMINISTRATIVE ITEMS

ITEM NO. 1 – WELCOME

President Eisenberg called the meeting to order and welcomed all those present noting that those wishing to testify before the Board must fill out a speaker’s form. He informed the audience that if anyone is a registered lobbyist, City ordinance requires that it should be indicated on the speaker’s form.

President Eisenberg welcomed newly appointed Commissioner Erin Pak.

ITEM NO. 2 – ROLL CALL

Present: Commissioners Cris Liban, Eric Eisenberg, Douglas Tohom, Viggen Davidian, and Erin Pak; and Michael Nagle, Deputy City Attorney (DCA)

Arrived after roll call: Commissioner Selika Talbott

Absent: Commissioner Jazmin Ortega

ITEM NO. 3 - MINUTES

Commissioner Pak pointed out a typo on the May 11, 2023 Minutes. On page 5, “HEPPA, from Ms. Barker’s response” should be corrected to HIPAA.

Commissioner Eisenberg moved, seconded by Commissioner Tohom to approve the May 11, 2023 Minutes with the typo correction on page 5 from “HEPPA” to “HIPAA”. Minutes was APPROVED. Commissioner Pak abstained due to her absence at the meeting.
ITEM NO. 4 – COMMISSION BUSINESS

Commissioner Eisenberg briefly announced that there will be no General Manager report.

Commissioner Liban mentioned that there has been a number of community activities and outreach to him pertaining to safety at intersections and acknowledged that they have been addressed by staff expeditiously to the satisfaction of the community. He specifically recognized Transportation Engineer Oliver Hou for his responsiveness to the requests.

ITEM NO. 5 – COMMUNICATIONS


President Eisenberg reported on the continued involvement by the Los Feliz community regarding the danger in their streets particularly Franklin Avenue and Los Feliz Boulevard, which is on the high accident network and that LADOT has yet to address the safety of these streets.

Commissioner Liban requested that staff provide an update on the Vision Zero goals and its progress.

Commissioner Eisenberg would also like staff to report on how the Department is fitting Vision Zero into these neighborhoods who keep reaching out.

ITEM NO. 6 – GENERAL MANAGER’S REPORT

No report due to the absence of the Assistant General Manager.

NEIGHBORHOOD COUNCIL COMMENT

There were no comments provided.

PUBLIC FORUM

A public comment was taken.

CONSENT ITEM

ITEM NO. 7 – Recommend Approval of Application of GL Ride LLC for Three Unrestricted Non-Ambulatory Passenger Vehicle Permits

Commissioner Liban moved, seconded by Commissioner Davidian to approve Item No. 7. Unanimously APPROVED.

ACTION ITEM

ITEM NO. 8 – Hearing on Objection to the Recommended Amendments to Board Order 598 filed by Michael P. Borom, Ambiance Transportation Co LLC
Public comments were taken.

Brian Moffett, Co-Owner Ambiance Transportation Co LLC, was present and addressed the Board regarding the email letter from Michael Borom. He clarified per the agenda that they were not objecting to the amendments to BO 598 and explained the point of their letter and to provide comments to some of the matters that they thought were not covered in the amendments to BO 598.

Commissioner Eisenberg gave a brief recap from last month’s meeting regarding the amendments to BO 598 and added that it would require ratification a month later and between that time, the Commission received an email letter (Item No. 8), which was not an opposition to the EMT but a request to add two other requirements (2a and 2b) to the amendments.

Patricia Barker, Sr. Transportation Investigator, reported that she reviewed the Borom email letter and agreed that in most of the industry, EMT is no longer required on wheelchair or gurney transports and explained the different forms that require an ambulance transport. She pointed out the following: 1) on-going issue with rate surveys; and 2) noted that nothing in the amendments to BO 598 precludes a company from hiring an EMT and nothing in the Board report is going to ask that an EMT submit a first aid CPR and that there is a caveat. She discussed CA Code Regulations 51231.2d (DL-51), a CA State requirement that she just learned about and added that the Board has the final decision but DL-51 would have to be included.

Questions, answers, and comments were provided.

- Commissioner Eisenberg asked to explain what DL-51 is and if it is still a requirement.
- Ms. Barker described DL-51 (a medical certificate issued by a CA State licensed doctor, podiatrist, chiropractor, and a dentist). It certifies that a person is physically fit to perform the job and added that it safeguards the employee and is required every two years.
- Commissioner Pak shared how DL-51 is provided at her daytime job in healthcare, which is basically a fit test. She talked about how it is a barrier for the low-income individuals and that it safeguards the employers more than the public who receives service from these individuals.
- Commissioner Tohom raised two questions: 1) what public engagement was conducted with the private sector and the research; and 2) following the action that the Board may take at the present meeting, would staff be able to reach out to the individuals to talk about the rates and survey participation.
- Irene Sae Koo, Sr. Management Analyst, discussed the engagement process that took place with the industry and gurney van providers and the rates and survey. She added that the new additional amendment request from Ambiance is being reviewed by their Chief and does not have an answer for the Board at the moment.
- Commissioner Eisenberg suggested that the next time a rate survey is sent out and staff is not receiving any response from the industry that the Board may be able to help in figuring out a different approach in sending out the survey to get the providers to respond.
Ms. Sae Koo added that a rate survey is sent out every other year and last year they tried to adjust the rate from the previous year and that the rate was adjusted in 2022.

Commissioner Eisenberg asked if there was a staff recommendation on these adjusted amendments.

Ms. Sae Koo stated that there are certain ones they will take into consideration but there are some that will still need to be reviewed.

Commissioner Eisenberg asked if it was the will of staff that the Board do not take action on this item at the current time to allow staff to review it first.

Ms. Sae Koo stated that DL-51 is something new to BO 598, but do not feel there will be a problem removing the EMT requirement for the gurney van attendant.

Commissioner Eisenberg made a suggested motion to remove the EMT for the gurney vans for now and that staff will bring this back to the Board after the other suggested items have been reviewed. He asked for a Commissioner to move.

Commissioner Talbott moved.

Commissioner Liban seconded with a comment that it may be prudent for the Commission to continue with the provisional nature of the amendments until the full review and the completed recommendation package is returned to the Board.

Commissioner Eisenberg clarified that a full staff report was completed already with removing the EMT requirement and that staff was still okay with the removal and talked about the reason for the waiting period.

Commissioner Talbott commented on how DL-51 poses some questions that need to be answered before the Board makes decisions on it and does not know if that implicates or impacts the decision to remove an EMT.

Commissioner Eisenberg agreed with Commissioner Talbott's comment and added that it was the reason why the Board is only taking action on the removal of the EMT requirement. He confirmed that staff will come back with the two suggested amendments (DL-51 and EMT not required to take the first aid class) but will affirm the action that was taken at the previous meeting.

Commissioner Tohoma commented on the continued public engagement with staff, that additional comments are brought up at the same time, and encouraged the public to reach out to staff.

Commissioner Talbott moved, seconded by Commissioner Liban to remove the EMT requirement from the amendments to BO 598. Unanimously APPROVED.

ITEM NO. 9 – Appeal of Empire Transportation, Inc. (ID #2546) Concerning the Department’s Assessment of a $1,000 Monetary Penalty for Violation of Los Angeles Municipal Code 71.02(A) and 71.03(B) as Required by Board Order 580

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

Question and answer was provided:

- Commissioner Eisenberg asked to clarify if the $1000 fine meant that there were multiple violations over a period of time.

- Ms. Barker stated that with BO 580, the initial first violation is $500, a second violation within two years is $750, and every violation after that within two years is a $1000. She explained the violations for the $1000 fine.
Ulyises Serpas, Representative of Empire Transportation, Inc., was present and addressed the Board.

Comments, questions, and answers continued.

- Commissioner Eisenberg stated clearly what the BO requires and asked Mr. Serpas for a compelling reason why the Board should make an exception to the rule.
- Mr. Serpas responded that they have no problem with paying the $1000 fine and discussed the issues they continue to have with their software and the process in obtaining a permit.
- Ms. Barker provided additional information about the violation history. She talked about when and why Mr. Duran's application was revoked/denied; staff's efforts to contact companies; and provided the name of staff (Ms. Montelongo) who should be contacted and who will definitely respond to the company.
- Commissioner Eisenberg asked how the company was informed that the driver's license was expired.
- Ms. Barker explained how the TAVIS system is used by staff to generate an automatic notification to the company that a driver's application has been declined.
- Commissioner Eisenberg asked if the other past violations were for unpermitted drivers and asked for the ballpark number of violations.
- Ms. Barker confirmed that the number of violations was at least 25.
- Commissioner Liban asked to clarify if just one particular individual had the issue or several other individuals had the same kind of issues.
- Ms. Barker stated that she did not do a survey on how many of the company's drivers had been declined for this reason and only looked at this particular driver.
- Commissioner Pak asked Ms. Barker to walk them through the permitting process and to provide a brief overview as to why some of the companies have so many issues with unpermitted drivers.
- Ms. Barker stated that Ms. Sae Koo would be a better source of information since she has not done processing of permits for years and described how she processed applications in the past.
- Commissioner Eisenberg suggested scheduling a presentation from staff about the permitting process.
- Commissioner Liban agreed with Commissioner Eisenberg's suggestion that staff should be invited in the future to help the Commission understand the system better.

Commissioner Eisenberg moved, seconded by Commissioner Liban to deny the appeal of Empire Transportation, Inc. Unanimously APPROVED.

ITEM NO. 10 – Appeal of Monetary Penalty of $1,000 Assessed on May 5, 2023 Against Smooth Ride Services and Imposition of a One-Year Probationary Period

Patricia Barker, Sr. Transportation Investigator, presented the report. She informed the Board that two days prior to the meeting, she received an email from the company stating that they no longer wish to appeal the decision and wish to pay. She asked that the Board consider the report and explained why.
Questions, answers, and comments were provided.

- Commissioner Liban stated that since the company is going to pay, he asked for clarity that if the Board does not take action on this item at the present meeting that they could still appeal any future violation, but if the Board accepts the report as written imposing the penalty, they will not be able to appeal in the future.
- Ms. Barker confirmed Commissioner Liban’s statement was correct and added that any company can appeal any action by the Department even if the report states that they are instantly revocable.
- Commissioner Eisenberg clarified that if the Board does not take action, the company can appeal the fines, fees, and probationary period on this particular violation, but if the Board do take action then they have already used up their appeal by not showing up.
- Commissioner Pak wanted to know how often during the probationary period that companies incur infractions.
- Ms. Barker stated that more often that she would like to admit and added that 20% - 30% of her companies will re-violate.
- Commissioner Pak shared her concerns about unintended consequences when companies do not comply during their probationary period and licenses revoked, and immediately there is patient abandonment issue and asked how the Department will address this.
- Ms. Barker discussed the reasons why she has not had any problems with abandoned patients and explained how she would balance a company who continues to act badly or allow another company that will comply with the rules and regulations.
- As a former transportation enforcement officer, Commissioner Talbott expressed her concerns about not appropriately responding to behavior that is dangerous and what message it sends throughout the community.

Commissioner Eisenberg moved, seconded by Commissioner Tohom to deny the appeal of Smooth Ride Services. Unanimously APPROVED.

ITEM NO. 11 – Subsequent Report Regarding the Recommended Penalty Assessment and Permanent Revocation of 16 Unrestricted Private Ambulance and 6 Unrestricted Non-Ambulatory Gurney Vehicle Permits Held by Skori, Inc. dba West Coast Ambulance (Company ID#2482)

Steve Chiu, Manatt, Phelps & Phillips, LLC and Legal Counsel for West Coast Ambulance, was present and addressed the Board. He stated that it was his understanding that the hearing may be continued next month.

Commissioner Eisenberg provided Mr. Chiu his options and mentioned that there was a request to continue this hearing until next month and the Board is willing to accommodate.

Mr. Chiu stated that they would like to exercise that option.

Commissioner Eisenberg agreed to continue the hearing next month. He instructed Mr. Chiu that any new information or documents should be submitted to Inspector Barker.
by July 3rd electronically. Additionally, he proposed that the next meeting be moved up to Friday, July 7th at 10 AM. All Commissioners concurred.

Commissioner Liban moved, seconded by Commissioner Talbott to Continue Item No. 11 to the July 7th meeting. Unanimously APPROVED.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

With no further business to come before the Board, Commissioner Eisenberg moved, seconded by Commissioner Tohom to adjourn the meeting. Unanimously APPROVED.

The meeting adjourned at 12:02 PM.