MINUTES
July 7, 2023
10:00 AM

CONVENED

The Board of Transportation Commissioners convened a regular meeting on Friday, July 7, 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.

ITEM NO. 2 – ROLL CALL

Present: Commissioners Cris Liban, Eric Eisenberg, Jazmin Ortega, Douglas Tohom, Viggen Davidian, Selika Talbott, and Erin Pak; Jay Kim, Assistant General Manager (AGM); and Michael Nagle, Deputy City Attorney (DCA)

ITEM NO. 3 - MINUTES

Commissioner Liban moved, seconded by Commissioner Pak to approve the June 8, 2023 Minutes. Minutes APPROVED. Commissioner Ortega abstained due to her absence at the meeting.

ITEM NO. 4 – COMMISSION BUSINESS

Commissioners Liban and Davidian shared some positive feedback as a result of the meet & greet with Interim GM Connie Llanos and the Commissioners, and thanked AGM Kim and Ms. Llanos for the meeting.

ITEM NO. 5 – COMMUNICATIONS

There was no communication reported.
• Commissioner Talbott asked if LADOT has an education component in terms of school safety to affect behavior.
• Ms. Lee stated that the Vision Zero program and all projects have a budget for the educational component/community engagement as part of the Department’s general work program.
• Commissioner Tohom asked about the general timelines for the different phases of the mitigation efforts being implemented.
• Ms. Lee explained how it varies by the political buy-in as well as community support; and in terms of readiness, phase 1 is the fastest, phase 2 is medium, and phase 3 is the longest, but there are exceptions to the rule.
• Of the 126 priority miles in Vision Zero being worked on, Commissioner Tohom asked what percentage of the mitigation has been completed.
• Ms. Lee responded that all priority corridors have already been touched and able to put baseline improvements.
• Commissioner Tohom asked if the consultant will be brought in during calendar year 2024 or fiscal year 2024.
• Ms. Lee stated that it is currently and both fiscal year 22 and 23.
• Commissioner Tohom asked for the timeline once the analysis is completed.
• Ms. Lee stated that the consultant will complete the work by January 2024.
• Commissioner Liban asked about the temporary treatment and how it is maintained; when the permanent treatment is brought in; and the criteria.
• Ms. Lee shared the goal, which is to retire some of the corridors in the evaluation and would retire those corridors when there is concrete or permanent improvement. She explained how the criteria works; mentioned how it is out of DOT’s hand and that Public Works takes on projects when funding is available; and that DOT works with BOE to rank the order of safety need and priority to determine what grant to seek.
• Commissioner Liban asked about the intermediate response between evaluations, if there is a step up in the treatments, and if none, how are adjustments made on future treatments.
• Ms. Lee explained how it is dependent on what happens on the street that leads them to make changes.
• Commissioner Liban wanted clarification on the staff’s plan to disaggregate the information into different demographics and if it would be part of the consultant’s work.
• Ms. Lee clarified that the thought process would be by travel mode (bicyclists or pedestrians) and confirmed that it would be part of the consultant’s work by January.
• Commissioner Liban asked to provide the overall vision for the travel mode.
• Ms. Lee discussed the thoughts on the overall vision and added that it will help zone in on a certain type of treatment catered towards a pedestrian and a cyclist.

ITEM No. 8 – Los Feliz Community Traffic Safety

Brian Gallagher, Principal Transportation Engineer, provided a verbal report. He reported he received a request from someone to install red curbs at Franklin and Hobart.

Questions, answers, and comments were provided.
• Commissioner Eisenberg clarified that the request came from LAPD for more and larger red curbs at the corners to increase vision when vehicles are entering Franklin. Mr. Gallagher reported that they have provided additional red curbs and closed out that request.
• Commissioner Eisenberg asked if the request covered all of Franklin.
• Mr. Gallagher confirmed that it were just Franklin and Hobart.
• Commissioner Eisenberg asked to look into Franklin between Western and Vermont.
• Mr. Gallagher stated that it is an easy request and guaranteed that it will be completed by the end of this month.
• Commissioner Eisenberg provided some context on the Los Feliz neighborhood community and asked if there is any hope to get Vision Zero money for the curb cut.
• Mr. Gallagher reiterated what Vision Zero funds are used for, that it would have to go to a different department or will require a larger amount of money, and not something LADOT can handle independently.
• Commissioner Davidian asked how the results of the investigation and the decision, as reported, communicated with either the Council District staff or the Neighborhood Council.
• Mr. Gallagher stated that they usually try to match the format of the response with how it came in, but now have migrated over to the City’s MyLA311 system and described how the system works and used.
• Commissioner Pak thanked Mr. Gallagher for his detailed overview, for representing DOT, and educating the Commission as well. She also commented and recognized the Los Feliz Neighborhood Council for representing its community to make sure their community is safe.
• Commissioner Ortega wanted to know about the boundaries of the Hillhurst bike lane, northern and southern end, and asked if it connects to Los Feliz.
• Commissioner Eisenberg commented that it would be great if the bike lane went up Hillhurst and find its way to the Griffith Park entrance.
• Mr. Gallagher stated that it seemed like an excellent idea and explained what needs to be done in order to put a bikelane along Los Feliz. He shared that the Department is currently working on looking at potential for removing or repurposing all the peak our lanes. He added that he will get back to Commissioner Ortega with the information on the length of the bike lane, and will let the bike lane staff know about the suggested opportunity to connect Hillhurst over to the entrance of Ferndale.
• Commissioner Davidian shared that while driving in some locations in the City, have noticed that due to some restriping on a bus lane or bike lane that the previously restricted parking for peak hours no longer makes sense in some cases and asked if that could be re-evaluated in certain locations.
• Mr. Gallagher asked the Board to send him an email of any ideas or suggestions they may have and he will handle it or assign it to his staff or other staff who specializes on the suggestion or the question.

CONSENT ITEM
ITEM NO. 9 – Recommend Approval of Reassignment of 27 Unrestricted Private Ambulance Vehicle Permits to New Owners of Liberty Ambulance LLC Due to Change of Ownership

ITEM NO. 10 – Recommend Approval of the Application of MedEx for Two Unrestricted Non-Ambulatory Passenger Vehicle Permits

Commissioner Ortega moved, seconded by Commissioner Davidian to approve Items 9 and 10. Unanimously APPROVED.

ACTION ITEM

ITEM NO. 11 – Final Approval of Rules and Regulations Applicable to Drivers and Attendants of Non-Ambulatory Passenger Vehicles

Irene Sae Koo, Sr. Management Analyst, presented the report.

Commissioner Talbott moved, seconded by Commissioner Liban to approve Item 11. Unanimously APPROVED.

ITEM NO. 12 – Appeal of Monetary Penalty of $750.00 Assessed on June 1, 2023 Against EastWestProto, Inc. dba Lifeline Ambulance for Violation of Los Angeles Municipal Code 71.03(A) – Unpermitted Driver

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

Dillon Brock, Vice President of Operations - Lifeline Ambulance, was present and addressed the Board.

Questions, answers, and comments were provided.

- Commissioner Eisenberg asked Ms. Barker if there is an implied time for an applicant to receive an answer after submitting an application for a permit 10 days prior to its expiration.
- Ms. Barker explained the application permitting process; effects on missing information in an application; and the third party live scan and how it presents timely issues.
- Commissioner Eisenberg asked what the case with Tapia was.
- Ms. Barker stated that it was a time issue with another group of staff downstairs.
- Commissioner Eisenberg asked if there is no information provided as far as how much time a person should apply in advance when they are online.
- Ms. Barker responded that they are suppose to apply 60 days prior to the expiration date of the current permit.
- Commissioner Eisenberg asked how they are notified of that information.
- Ms. Barker stated that they are notified on TAVIS as well as by emails and web notices that they have to have the application in a maximum of 60 days prior to the expiration.
- Commissioner Eisenberg asked Mr. Brock why they waited until 10 days prior instead of 60 days.
• Mr. Brock stated that he was unaware that it was a requirement or was suggested.
• Commissioner Eisenberg clarified what pending meant and added that the Commission’s job is to make sure the public is safe and that drivers and vehicles are permitted.
• Mr. Brock expressed his concerns about not having the time to be able to get folks on the trucks appropriately to continue doing their business and get their patients where they need to go.
• Commissioner Talbott wanted clarity as to why the process could take up to 60 days for someone to be approved after having paid for the application and payment submitted.
• Ms. Barker stated that the question was kind of complicated; discussed in detail the permitting process when a company submits applications; and the causes that contributes to the delay in processing, including the third party live scan which the Department now uses.
• Commissioner Eisenberg commented that the main issue is when the applicant indicates “no” on an application when it is really a “yes” which causes a huge delay.
• Commissioner Talbott stated that there is a processing problem.
• Commissioner Pak raised a question regarding the two permit application numbers that were issued, one in March 1st and April 20th and asked if TAVIS has the ability to identify duplicate applications if the driver’s name and SSN are identical.
• Ms. Barker responded that it takes human intervention to identify duplicate applications; talked about the part of the system and what staff does when a new application comes in and the DOJ is received for that person; and explained what had occurred and how the two permit numbers were issued.
• Mr. Brock clarified why the company was not able to enact on the March 1st application.
• Commissioner Liban asked a clarifying question about a pending application when a “no” is indicated.
• Ms. Barker stated that pending means it is in process and not everything has been accomplished. She discussed next steps if a “no” was shown under question 13 (conviction history).
• Commissioner Liban asked Mr. Brock how many drivers they have.
• Mr. Brock responded that they employ 250 EMTs currently.
• Commissioner Liban commented that part of the argument is that Lifeline switched to a new system and asked if this was the only one that has this problem.
• Mr. Brock confirmed that this is the only person left that has this problem and that they were able to rectify all the pending applications. He further discussed why this issue was brought to the Board now and explained how they have dealt with pending and operating vehicles historically, even to the point where at some point in time as long as the pending application was put on company letterhead and signed by the company and kept with the person, then they were okay.
• For clarification, Ms. Barker stated that Mr. Brock was referring to a temporary training letter that the Department put in place for company’s ambulance drivers only. She discussed how the company creates the letter, reason for the letter and for whom, and how long it is good for.
- Commissioner Ortega asked how long can someone hold a letter.
- Ms. Barker stated that letter is good for only 60 days maximum.
- Commissioner Eisenberg asked Mr. Brock why Mr. Tapia was not carrying a pending letter when they were obviously aware that a driver can carry a pending letter.
- Mr. Brock responded that during COVID they thought they were no longer requiring those letters.
- Commissioner Talbott expressed her thoughts about the Department possibly having a de facto system and stated that she was not comfortable making a determination until the Commission finds out that hearing after hearing the Department has allowed pending to be a justification for not being fully licensed at the time drivers are stopped.
- Ms. Barker informed the Commission that she will ask all the investigators if they have ever made decisions as Commissioner Talbott described, and if they have, she will report back to the Board next month and will correct it as well.
- Commissioner Eisenberg asked Mr. Brock, as a refresh, why he did not attend the hearing.
- Mr. Brock restated the reason he did not attend the hearing.
- Commissioner Eisenberg agreed with Commissioner Talbott’s statement and that he can not make a decision until they know what the process has been and would recommend to continue this item until the next meeting.
- Commissioner Tohom commented that not until the permit is on hand can someone come in the City boundaries.
- Commissioner Ortega commented that she would like to hear more about what other companies think about the pending process.
- To be clear, Commissioner Eisenberg stated that pending is not a permit. He entertained a motion to accept or deny the appeal, and if no one makes a motion, then will continue this item to the next meeting.
- Commissioner Pak wanted clarification on the permitting process for the drivers once they are permitted and asked if the permit expire or is there a renewal process.
- Ms. Barker stated that per LAMC Section 71.11, a driver or an attendant permit can only last for one year and a renewal is two years and explained the process including the process for a replacement permit.
- Commissioner Pak shared their operation of two adult day care centers licensed by the State Departments of Public Health and Aging also with staff shortage and discussed their extension process. She asked Ms. Barker if this was something she would entertain as a temporary measure since the Department is short staffed.
- Ms. Barker stated that it would have to be addressed to her management as she does not do permits, she only reviews them. She suggested that it would be better if the office opened up to live scanning again so there would be less of a lag time, but if a pre-licensing letter will help, it would need to be discussed with the General Manager or the Assistant General Manager Jay Kim.
- AGM Kim stated that it is worthwhile to explore both options; talked about the live scan issue; and offered to have internal discussions about the extended option.
- Irene Sae Koo, Senior Management Analyst, addressed the Board and discussed staffing, the accommodation policy for ambulance companies, and the process.
Commissioner Talbott recommended that there be a thorough review of the process in terms of legal responsibilities and fiduciary duties and how we are issuing policies that are abutting up against regulation and law.

Commissioner Eisenberg agreed with Commissioner Talbott’s statement and suggested having a small ad hoc committee to look into this matter and will need two or three volunteers.

Ms. Sae Koo provided additional information regarding a company transfer.

Commissioner Liban commented based on what he has heard in terms of the explanation and how he would like to come back next month, if needed, to hear what the inspectors are saying to the companies.

Ms. Barker explained why the program ceased, how and when it was brought back again, stated the issue, and asked the Board for instructions as to whether or not this should move forward and not make a decision on the report and still have an additional discussion next month regarding the issue brought up about pending. She restated and explained the appeal.

Commissioner Liban moved, seconded by Commissioner Ortega to accept staff’s recommendation to deny the appeal. Motion APPROVED. Commissioner Talbott voted no and Commissioner Pak abstained.

The Board agreed to take a 5-minute break and reconvene at 5 minutes to 12pm.

ITEM NO. 13 – Supplemental Report Regarding the Department’s Recommendation to Assess a Monetary Penalty and Permanent Revocation of Skori, Inc. dba West Coast Ambulance (ID #2482)

Patricia Barker, Senior Transportation Investigator, presented the report.

Ruben Balayan, CEO of West Coast Ambulance, was present and addressed the Board.

Questions and answers were provided.

- Commissioner Eisenberg asked to clarify recommendations item #5 and #6.
- Ms. Barker explained recommendations #5 and #6.
- Commissioner Eisenberg asked Ms. Barker to state the nature of unpermitted drivers and if those drivers had been permitted and lapsed or new drivers brought on and never permitted.
- Ms. Barker explained how they were mixed, including West Coast drivers who had their permit applications denied for various reasons, and those that expired because they did not bother submitting a new application for the person. She reported that she never saw any documents and nothing was submitted from West Coast given their deadline of July 3rd.
- AGM Kim expressed his understanding of the gravity of the fine; reminded the Board that the fine started as $1.6M with roughly 1600 violations at $1000 per violation and now reduced to $182K; and explained the reasons why the Department landed on the decision for the huge reduction.
- DCA Nagle stated briefing the Commission’s role - to evaluate the report from Ms. Barker’s testimony and testimony from the company.
For clarification, Commissioner Eisenberg provided the options to the Board: 1) accept the staff report and recommendations as is; 2) accept the reduction of the fines; 3) not accept the reduction of the fines; and 4) say that $182K is a little expensive and should be $150K or any number the Commission chooses.

Commissioner Liban asked Mr. Balayan why he did not take the opportunity to clear his name.

Mr. Balayan corrected Commissioner Liban’s statement and explained why they did not submit the additional documents as instructed at the last meeting.

Commissioner Liban asked Mr. Balayan if he was admitting to all the violations submitted by staff from the last meeting.

Mr. Balayan admitted that majority of violations were correct.

Commissioner Tohom shared that he will be leaving the meeting early and will not be voting on the item. He commented on the reduction to the $182K and how it was more than generous from the City and expressed why he felt that the $162K should be taken into consideration.

Commissioner Ortega shared her thoughts on the situation and supported the reduction in the fine; the company to take the fine and do their best for two years and hoped that there will be no more violations; and how this should send a message to other companies.

Commissioner Davidian asked Mr. Balayan to elaborate on his statement about the hardship and why this is being blamed on the pandemic.

Mr. Balayan elaborated and talked about the chaos in the EMS industry due to the COVID-19 pandemic and as a result an administrative mistake occurred.

Commissioner Davidian asked Ms. Barker if she had the same experience during the pandemic that the number of violations increased across the board with other companies.

Ms. Barker stated that she have not had an ambulance company fold because of COVID that is permitted in the City of LA.

Commissioner Eisenberg asked when the three-month period was.

Ms. Barker stated that it was July 1 thru September 30, 2022. She added that she had already reinstituted the requirement that we now audit all companies on a random basis.

Commissioner Talbott commented that it is important that we audit the companies as frequently as possible and shared her thoughts.

Commissioner Pak talked about Mr. Balayan’s responsibility as the leader of the organization; thanked Inspector Barker and her team for being proactive and for being thoughtful in the process of including the clauses; and asked Ms. Barker to consider changing when the payment of $182K is due from within 30 calendar days to 45 or 60 calendar days since not a lot of businesses have that kind of cash sitting around.

Ms. Barker stated that the 30 days is set in the LAMC and that the Board has the option to amend it to whatever amount of time.

Commissioner Eisenberg agreed with Commissioner’s Pak statement that businesses do not have that kind of cash sitting around and if the Board accepts this, will need to lengthen the time to allow the company to get the funds.

Commissioner Ortega commented that Mr. Balayan would be hiring a consultant to deal with record keeping and shared her thoughts and recommendation about handling in house.
Mr. Balayan stated that he has already taken that initiative and explained the role of the consultant.
Commissioner Ortega asked if the bond is in addition to the fine under Item 3.
Ms. Barker confirmed that the bond is in addition to the fine.

Commissioner Liban moved with a recommendation of extending staff’s recommendation No. 1 from 30 days to 90 days to pay, and the rest of the recommendations would be part of the motion, and the revocation starts immediately as soon as this motion is approved if the Commissioners so wished it.

Commissioner Eisenberg restated that the revocation is if you have any violations, although the payment is being extended out 90 days, the immediate revocation if a violation occurs still is in effect as of today or as of the last meeting when we put it effect.

Commissioner Ortega seconded with a friendly amendment to 60 days. Unanimously APPROVED.

Commissioner Liban moved, seconded by Commissioner Eisenberg to go into Closed Session. Unanimously APPROVED.

EXECUTIVE SESSION

ITEM NO. 14 – Appeal of Dederick Ramel Norwood, Sr., Concerning the Department’s May 12, 2023 Cancellation of His Motor Bus Driver Permit (#625501), Pursuant to Los Angeles Municipal Code 71.06 – DOT Transit

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

Commissioner Eisenberg commented on Mr. Norwood’s conviction from 20 years ago and what it meant for Mr. Norwood’s ability to hold a license in the City of Los Angeles. He added that the only real violation is the lack of disclosure in the application.

Appellant Dederick Ramel Norwood, Sr., was present and addressed the Board.

Comment, question, and answer were provided.
• Commissioner Eisenberg commented on how he felt that this was pretty clear cut and will give the other Commissioners the opportunity to give comments. He would like to grant the appeal and make the motion with a caveat that Mr. Norwood fill out a new application the way it needs to be filled out, pay the fee so that there will be no gap in his ability to drive.
• Ms. Barker commented that if the Board grants Mr. Norwood’s appeal, his first permit is free.
• Commissioner Ortega asked if there are penalties for not disclosing.
• Ms. Barker explained the next steps for Mr. Norwood.

Commissioner Eisenberg moved, seconded by Commissioner Talbott to grant the appeal of Dederick Ramel Norwood, Sr. Unanimously APPROVED.
ITEM NO. 15 – Appeal of Kporlegbay Yealu Concerning the Department’s May 24, 2023, Cancellation of His Motor Bus Driver Permit (625656), Pursuant to Los Angeles Municipal Code 71.06 Falsification of Application – DOT Transit

Patricia Barker, Senior Transportation Investigator, presented the report.

Appellant Kporlegbay Yealu was present and addressed the Board.

Comment, question, and answer were provided.
- Commissioner Eisenberg commented that Mr. Yealu was fully qualified to drive and the only issue was the falsification of the first permit. He added that if the Board approved Mr. Yealu’s appeal, he would be able to reapply and his fee will be waived.
- Commissioner Ortega asked if it was expunged from Mr. Yealu’s record and if he will still have to disclose it.
- Commissioner Eisenberg stated that it will show up on his DOJ.

Commissioner Liban moved, seconded by Commissioner Eisenberg to grant the appeal of Kporlegbay Yealu. Unanimously APPROVED.

ITEM NO. 16 – Appeal of Armen Lomlomdzhyan Concerning the Department’s May 24, 2023, Cancellation of His Non-Ambulatory Gurney Driver Permit (#626825), Pursuant to Los Angeles Municipal Code 71.06 Falsification of Application and Board Order 600, Rule D2 – Convictions – American Regal Trans, Inc.

Patricia Barker, Senior Transportation Investigator, presented the report. She reported that she received an email that morning stating the company wanted to vacate the appeal and will submit a new application. She asked the Board to deny the appeal because the appellant vacated it.

Questions and answers were provided.
- Commissioner Pak asked if the appellant would still be allowed to submit another application if the appeal was denied.
- Ms. Barker stated that she can not stop them from applying.
- Commissioner Ortega asked how much it cost to apply.
- Ms. Barker stated that it is $170 and used to be more.
- Commissioner Ortega asked if there is a way to filter out people who reapply.
- Ms. Barker confirmed that there is no way to filter out people who reapply. She explained what will happen if the appellant reapply and lists his conviction on the application.

Commissioner Liban moved, seconded by Commissioner Ortega to deny the appeal of Armen Lomlomdzhyan. Unanimously APPROVED.

Commissioner Liban brought up, as mentioned earlier, an ad hoc or committee to review some of the practices in terms of the application and change in the procedure.
Commissioner Eisenberg added that it would be just to look into and come up with recommendations. He added that the creation of an ad hoc will be added to next month's agenda and will be voted on.

Commissioner Ortega moved, seconded by Commissioner Eisenberg to go back to Regular Session. Unanimously APPROVED.

DCA Nagle reported that in the Executive Session, the Board granted the appeal of Dederick Ramel Norwood, Sr., in Item No. 14; in Item No. 15, the Board granted the appeal of Kporlegbay Yealue; and Item No. 16, the Board denied the appeal of Armen Lomlomdzhyan.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

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

The meeting adjourned at 1:12 PM.