

Bureau of Engineering

Special Order

May 2, 2018

Special Order No. 02-0418

To All: Deputy City Engineers
Senior Managers
Group Managers
Division/District Managers

Subject: **PROCEDURES FOR PEAK HOUR EXEMPTION REQUESTS IN ACCORDANCE WITH LOS ANGELES MUNICIPAL CODE (L.A.M.C.) SECTION 62.61**
(Supersedes Special Order No. 001-0406, dated April 14, 2006)

Los Angeles Municipal Code (L.A.M.C.) Section 62.61 (Attachment No. 1) prohibits work or obstructions within designated street classifications during **Peak Traffic Hours [Monday through Friday, 6:00 a.m. to 9:00 a.m. and 3:30 p.m. to 7:00 p.m.]** (Attachment No. 2), unless a Peak Hour Exemption (PHE) is obtained. This Bureau of Engineering (BOE) Special Order provides the procedure for PHE Requests.

Purpose

This BOE Special Order supersedes Special Order No. 001-0406 *Guidelines Pursuant to Mayor's Executive Directive No. 2 - Rush Hour Construction on City Streets*. This BOE Special Order updates the process for PHE requests to conform to L.A.M.C. Section 62.61, updated street classifications per Standard Plan S-470-1, and guidance from the Mayor's Transportation Infrastructure Steering Committee.

History/References

- August 12, 2005 (re-issued on October 20, 2005), Mayor Villaraigosa's Executive Directive No. 2 - Rush Hour Construction on City of Los Angeles (City) Streets.
- April 14, 2006, BOE Special Order No. 001-0406 - Guidelines Pursuant to Mayor's Executive Directive No. 2 - Rush Hour Construction on City Streets
- January 9, 2007, Ordinance 178,103/L.A.M.C. Section 62.61 Work Within or on a Public Street or Right-of-Way, Obstruction of a Public Street or Right-of-Way - Permit Required, Regulations, Penalties for Non-Compliance.
- October 21, 2015, BOE Standard Plan S-470-1 Standard Street Dimensions.
- January 6, 2017, Mayor Eric Garcetti's letter to City Departments - Accountability and Responsible Delivery of Transportation Infrastructure.
- March 9, 2017, Mayor Garcetti's Executive Directive No. 19 - Planning and Developing Housing and Transportation

Attachments

1. L.A.M.C. Section 62.61 Work Within or on a Public Street or Right-of-Way, Obstruction of a Public Street or Right-of-Way - Permit Required, Regulations, Penalties for Non-Compliance.
2. Peak Hours and Construction Noise Restrictions Figure.
3. Peak Hour Exemption Request Form Template.
4. Peak Hour Exemption Approval Letter Template.

Discussion

The L.A.M.C. Section 62.61, established by Ordinance No. 178103, prohibits work or obstructions on Major Highways, Secondary Highways and Collector Streets during peak traffic hours unless an exemption is obtained. With City Council's adoption of *Mobility Plan 2035, An Element of the General Plan*, the street classifications stipulated in L.A.M.C. Section 62.61 are outdated. Until L.A.M.C. Section 62.61 is updated with current street classifications, BOE staff is hereby instructed to use the street classifications listed in Table 1.

Table 1 - Street classifications subject to work hour restrictions	
Current Street Classifications per BOE Standard Plan S-470-1	Street Classifications per superseded BOE Standard Plan S-470-0
Boulevard I	Major Highway Class I
Boulevard II	Major Highway Class II
Avenue I	Secondary Highway
Avenue II	Secondary Highway
Avenue III	Secondary Highway
Collector Street	Collector Street
Industrial Collector Street	Industrial Collector Street
Hillside Collector	Hillside Collector Street

Peak Hour Exemption Process Steps:

1. **Applicant answers the questions on the Peak Hour Exemption Request Form.** Each reviewing BOE division is responsible for developing their own Peak Hour Exemption Request Form. See the sample form template (Attachment No. 3).
2. **Applications shall be submitted as follows:**

Table 2 – PHE Review Responsibilities		
PHE Requests Types	Applicant	Reviewer
BOE Permits (A, B, E, MH, & U Permits)	Permit applicant	BOE District Engineer
BOE Project	BOE Project Manager	BOE Program/Division Manager
Metro Project	Metro Project Manager	BOE Metro Transit Division Manager

3. Application Review

The Reviewers or designee shall check the application for completeness and accuracy. The following are factors for the designated Reviewer to consider in reviewing PHE requests. In justifying the PHE request, the applicant may choose to address one or more of the following topics. The applicant is not required to address every topic area:

A. Technical justification:

- Construction activity is an un-interruptible process that must be completed once it is started. Examples include curing of sewer lining material, curing of concrete pavement, on-site fabrication of telecommunications systems, assembly and mobilization of drilling equipment.
- Construction activity requires continuous traffic lane closure. Examples of this include excavations of deep shafts, delivery of perishable construction materials, operation of tunneling equipment, sewer bypass operations, and the situation where the physical condition of the construction site prevents re-opening of the street.

B. Circumstances that prevent work from being limited to non-rush hour periods:

- Time constraints outside the control of the Applicant. Examples include Federal, State or Local labor laws, prescribed labor agreements, work time conditions imposed by environmental clearances, limited construction material delivery periods, time restrictions imposed by regulatory agencies, time restrictions caused by railroad or rail transit operations.

C. Denial of the exemption request would result in an unreasonable extension of overall project duration:

- Examples of unreasonable extensions include time delays for power, water, sewer, gas, or critical telecommunication service to a customer, public facility, or community.
- Time delays that extend construction impacts to local residents and businesses should be given careful consideration. Examples of construction impacts include construction traffic, noise, dust, impeded access to private property, impeded access to business customers, potential loss of business activity, conflicts with holidays and public events.

D. Legal requirements or constraints that justify work during rush hour:

- Examples include deadlines contained in grant funding agreements, court ordered agreements, regulatory compliance requirements, prescribed contractual agreements, railroad agreements, prescribed maintenance agreements, and City Franchise agreements.

- If the City does not have jurisdiction to permit the construction activity, the construction work hours will be governed by the permitting authority and not this Special Order. For example, for construction activity of State Highways, the permitting authority is Caltrans.

E. Cost impacts:

- Denial of the request would result in an unreasonably high cost.
- Compare the cost to implement non-rush hour work to the total project cost and total project budget.
- Examples of acceptable costs to consider include additional labor costs, additional material costs, material delivery surcharges, costs for additional mobilization and de-mobilization, additional fuel costs, additional rental or lease costs, additional overhead costs, costs associated with contractual compliance, costs associated with loan guarantees.

F. Public outreach and coordination with community events:

- Examples include documentation of public and political office outreach and efforts to mitigate community concerns.
- Examples include documentation that the applicant has coordinated with event listed in the Public Way Reservation System.

G. Traffic Management Plan:

- Traffic Management Plan (TMP) - While L.A.M.C. Section 62.61 refers to a "Traffic Management Plan", for the purposes of this BOE Special Order, this can refer to any Los Angeles Department of Transportation (LADOT) approved traffic plan including a Worksite Traffic Control Plan (WTCP) or a Traffic Control Plan (TCP) or a LADOT approved application of the Work Area Traffic Control Handbook (WATCH).
- Review the TMP to confirm that LADOT has approved the plan for use during Peak Traffic Hours. The LADOT's approval must stipulate that the TMP is approved for AM peak hours, PM peak hours, or both AM and PM peak hours.
- The TMP may optionally stipulate that the plan approval is valid for durations longer than 60 days. If this is not stipulated, then the exemption, if granted, will be valid for 60 days.
- Contact LADOT to understand the potential traffic impact of the request.

- Requests that have less traffic impacts should require less justification.
- Requests that have greater traffic impacts should have better documented justification.

4. City Council Office concurrence

- City Council Districts are often the first City offices to be contacted by the public when traffic is impacted and need to be made aware of potential impacts to traffic within their districts.
- City Council Districts are also more familiar with local events and activities that may conflict with a requested Peak Hour Exemption request.

For City of Los Angeles departments:

To confirm coordination with the affected City Council Districts:

- a. The applicant shall provide a copy of an email from the affected City Council District confirming concurrence with the requested PHE.
- b. In lieu of individual City Council Office concurrences, City Council Offices may choose to provide PHE concurrences on a programmatic basis. This documentation shall be provided as part of the PHE request.

For all other applicants:

To confirm coordination with the affected City Council Districts:

- a. The applicant shall provide a copy of an email from the affected City Council District confirming concurrence with the requested PHE.
- b. If the applicant is unable to secure an email confirmation from the City Council District, the following documentation is also acceptable:
 - A copy of the email sent to the City Council District to at least two designated staff in a City Council District.
 - An email “read receipt” to confirm that the email has been opened.
 - Emails to the City Council District summarizing phone conversations or messages.
 - City Council Districts should be given 10 business days to respond to emails.
 - A log containing dates of each of the above steps.

5. Responding to the PHE Request

If the PHE request is **denied**, inform the applicant by email providing a brief explanation of why the request is being denied.

If the PHE request is **approved**, the PHE Letter (Letter) will be prepared by the Reviewing office based upon the information provided. The Letter will contain the address and project name, permit log number, the exact lane closures with physical limits, the street classification, the specific dates and times of the exemption, disclaimer information and an extension renewal deadline. A sample Letter is included as Attachment No. 4. No blanket exemptions will be granted. A single Letter should not cover more than 60 days unless otherwise stipulated on the LADOT approved TMP, though extensions may be granted if needed. The contractor shall have a copy of the Letter and the approved TMP on all active work sites for the duration of the exemption. These documents must be available to City Staff from all inquiring Departments at all times. Failure to do so may result in an order to stop work and/or penalties assessed per LAMC Section 80.06.1. A copy of the exemption Letter shall be provided to the Bureau of Contract Administration, the Bureau of Street Services, the LADOT, and the affected City Council District.


6. Geocode the Approved PHE in Navigate LA

Geocode the geographic limits of the approved PHE on Navigate LA's layer for Peak Hour Exemptions. The PHE Letter should also be uploaded.

7. Extensions

The applicant can apply for an extension two weeks prior to the expiration of the Letter. Extensions shall be processed following the same steps as the original exemption request.

(LLH RMK ALM)

EXE/ADM/LLH/gva Special Order No. 02-0418	Approved By:  Gary Lee Moore, PE, ENV SP City Engineer
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SEC. 62.61. WORK WITHIN OR ON A PUBLIC STREET OR RIGHT-OF-WAY, OBSTRUCTION OF A PUBLIC STREET OR RIGHT-OF-WAY – PERMIT REQUIRED, REGULATIONS, PENALTIES FOR NON-COMPLIANCE.

(Added by Ord. No. 178,103, Eff. 1/9/07.)

(a) Definitions.

1. "**Activity or Work Permissible within a Public Street**" is defined as any work or activity permitted by this Code, or authorized by the Board of Public Works.

2. "**Emergency Work**" is defined as immediate and unplanned action that must be taken to alleviate a hazardous condition, which represents an immediate threat to life, health, safety, or property. This includes continuous efforts to effect the restoration of interrupted utility services (electrical, water, gas, wastewater and telecommunications).

3. "**Peak Hour Construction and Right-of-Way Obstruction Regulations**" is defined as all regulations contained in this section that control and limit all construction and obstruction activity in the public right of way during "Peak Traffic Hours."

4. "**Peak Traffic Hours**" is defined as Monday through Friday, 6:00 am to 9:00 am and 3:30 pm to 7:00 pm.

5. "**Street Classifications Subject to Work Hour Restrictions**" is defined as major and secondary highways, or collector streets, as designated in the transportation element of the general plan.

6. "**Temporary Street Closure**" is defined as the temporary restriction of all vehicular traffic for construction purposes authorized by a valid permit, and an approved "Traffic Management Plan."

7. "**Traffic Lane Closure**" is defined as any activity within the public street (from curb-line to curb-line), or in an alley, which reduces the usable width to the point where one or more lanes of traffic cannot move safely and efficiently.

8. "**Traffic Management Plan**" is defined as a Plan that addresses traffic control requirements in a construction area, and along detour routes. The operation of a Traffic Management Plan is affected by the project's construction phasing, construction schedules, and work area required by the contractor, and shall be consistent with the contractor's project requirements, provided by the Department of Public Works.

9. **"Worksite Traffic Conditions"** is defined as those physical conditions, including signage, signal devices, operation of equipment, and conduct of workers (which are required by law), permit and plans to provide adequate street space, and accommodate traffic demands, particularly during peak traffic hours.

(b) **Permit Required.** No person shall effect a Traffic Lane Closure, perform work within or on any Public Street or public right-of-way, or obstruct any Public Street or public right-of-way for any reason without first applying for and obtaining a permit from the Bureau of Engineering. The person or entity requesting the permit shall pay all applicable permit fees for the issuance of "A", "B", Excavation, Maintenance Hole, Sewer, Excavation "E" and Excavation Utility ("U") permits for work in the public right-of-way or any permit issued by the Bureau of Street Services for obstruction of the public right-of-way. In addition to all other applicable fees, the Bureau of Engineering shall charge and collect a Bureau of Street Services Peak Hour Compliance Fee of \$257.00 for each Excavation Utility ("U") permit for work within Street Classifications Subject to Work Hour Restrictions. **(Amended by Ord. No. 182,985, Eff. 5/28/14.)**

1. **Prohibition on Work or Obstructions During Peak Traffic Hours.** Notwithstanding any other provision of this code, no person or entity shall effect a "Traffic Lane Closure," perform work within or on any public street or right-of-way or in any manner obstruct a public street or right-of-way on those "Street Classifications Subject to Work Hour Restrictions" during "Peak Traffic Hours," all as defined above.

2. **Exemption from Work or Obstruction Prohibition During Peak Traffic Hours.**

A. "Emergency Work" as defined above shall be exempt from the prohibition on work or obstruction of public streets or rights-of-way during "Peak Traffic Hours" if the party performing the emergency work contacts the designated City agency as determined by the Board of Public Works prior to the work being initiated in the right of way and obtains a permit within 48 hours of beginning the emergency work.

B. If a party desires to have a non-emergency public right-of-way construction project or other "Traffic Lane Closure" exempted from the prohibition on work or obstruction of public streets or rights-of-way during "Peak Traffic Hours," the party shall submit the request with its permit application to the appropriate City permitting agency along with a "Traffic Management Plan." If the "Traffic

Management Plan" is approved by the City for work during "Peak Traffic Hours," the project is exempt.

3. Fee for Processing Applications for Exemption from Work or Obstruction Prohibition during Peak Hours. (Amended by Ord. No. 182,237, Eff. 9/28/12.) The Bureau of Engineering shall charge and collect a fee of \$250 for processing each request submitted pursuant to the provisions of Paragraph B. of Subdivision 2. of this Subsection.

(c) Application for Permit. Any application for a permit under this Section shall include the following information:

1. The name, address and telephone number of the applicant and the person responsible for the work or obstruction of the public street or right-of-way;
2. The name, location and area of the street for which the permit is desired; and
3. A description of the work to be done within the public street or right -of-way and an explanation of why the proposed obstruction of the public street or right-of-way is necessary.

(d) Penalties for Non-Compliance.

1. Administrative Penalties.

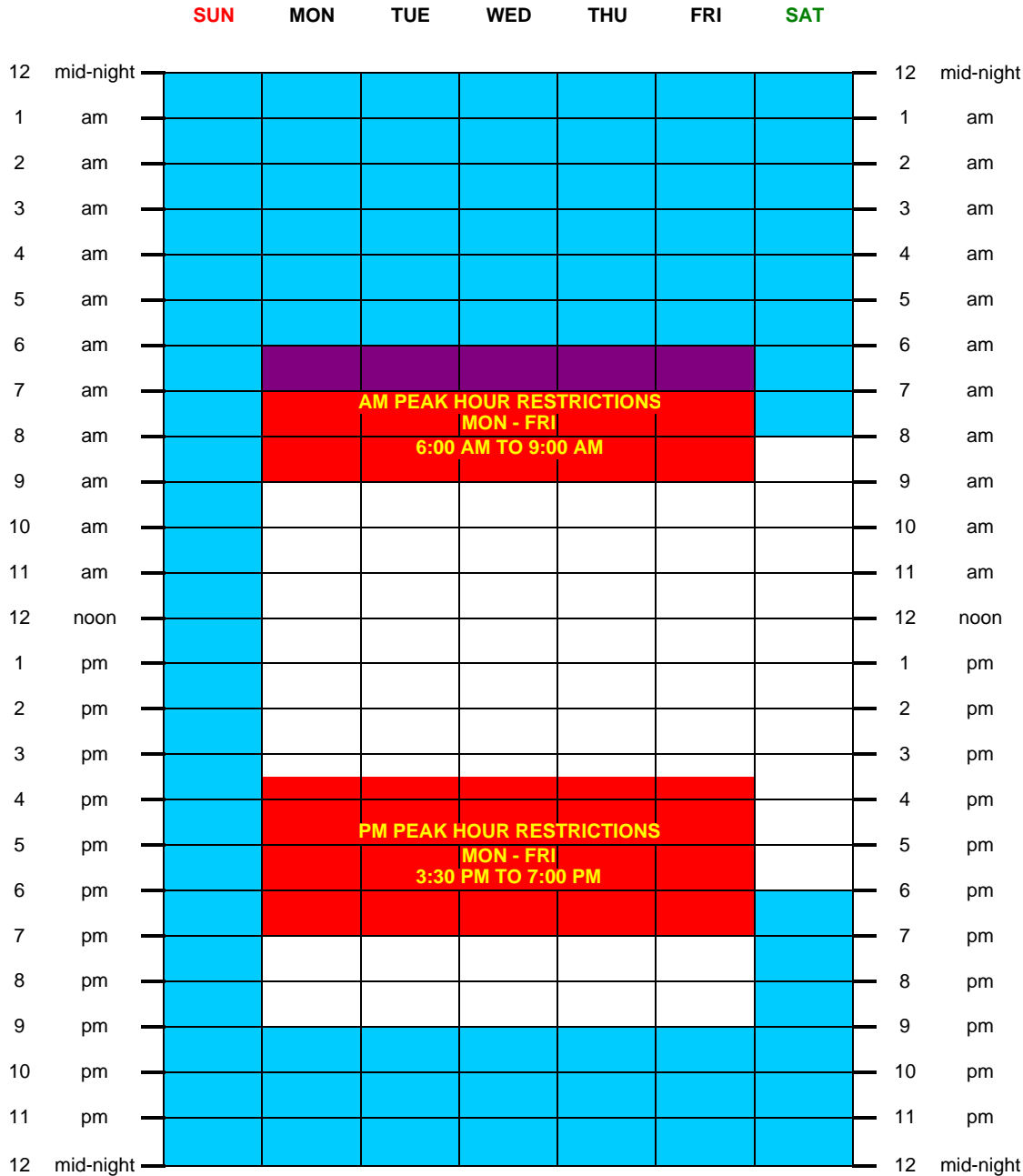
A. The failure to obtain a permit pursuant to this section, the failure to abide by the "Peak Hour Construction and Public Right-of-Way Obstruction Regulations" contained in this section, the failure to comply with "Worksite Traffic Conditions" or the violation of any special condition or requirement of a valid construction permit issued pursuant to the Los Angeles Municipal Code, shall subject the violator to administrative penalties as follows: (1) For each violation listed on the initial citation, \$250.00; (2) For each violation on a second citation, issued to the same person or entity, if the violations occurred within 12 months of the first citation date, \$500.00; (3) For each violation on a third citation, issued to the same person or entity, if the violations occurred within 12 months of the first citation date, \$1,000.00.

B. Any administrative penalty issued pursuant to this section shall be governed by the provisions set forth in Section [80.06.1](#) of this Code. The Department of Transportation, Administrative Adjudication Division shall conduct any required

administrative hearings for any appeal of a citation issued pursuant to Section [62.61](#) of this Code in the same manner in which it conducts processes pursuant to Section [80.06\(c\)](#) of this Code for parking citations.

2. **Criminal Prosecution for Multiple Violations.** Four or more administrative citations issued to the same person or entity within 12 months may constitute a misdemeanor under the Los Angeles Municipal Code, may subject the violator to prosecution by the Los Angeles City Attorney's Office and may subject the violator to other potential criminal penalties as allowed by law.

Peak Hours and Noise Restrictions



LAMC 62.61 - Peak Hours
Jurisdiction: Board of Public Works, BOE or BSS

AM Peak Hour Restriction 6:00 a.m. to 9:00 a.m.

PM Peak Hour Restriction 3:30 p.m. to 7:00 p.m.

LAMC 41.40 - Construction Noise
Jurisdiction: Board of Police Commissioners

Mon. thru Fri. before 7:00 a.m. & after 9:00 p.m.
 Saturday before 8:00 a.m. & after 6:00 p.m.
 Holidays before 8:00 a.m. and after 6:00 p.m.
 Sunday All Day

Overlap of AM Peak Hour and Noise Restriction:
 Mon-Fri 6am to 7am

PEAK HOUR EXEMPTION REQUEST FORM TEMPLATE

BOE Special Order No. 02-0418 - Peak Hour Exemption (PHE) Request
“Peak Hour Construction Exemption” and “Peak Hour Compliance Fee” per BOE’s Standard Permit & Services Fee List will be due upon submission

PEAK HOURS are 6:00 a.m. to 9:00 a.m. and 3:30 p.m. to 7:00 p.m. Monday through Friday.

Please complete this form. Once completed, please submit to _____@LACity.org. Your submission will be reviewed by the Bureau of Engineering (BOE) and if granted, an Peak Hour Exemption letter will be issued and the location geocoded on the NavigateLA system. Your Project may require multiple Peak Hour Exemption Applications due to multiple dates, phases and/or locations. If you have any questions, please call _____ at (213) _____ or send an e-mail to _____@lacity.org.

BOE PERMIT TYPE (A,B, U, ETC) AND PERMIT NUMBER: _____

Please Note: If you are applying for a **Bureau of Street Services** (BSS) permit or have one, you must file for a PHE with BSS. Call (213) 847-6000 for further information.

Project Name (if applicable): _____

Job Address or Intersection: _____

REQUESTED EXEMPTION TIMES: Peak Hours are Monday through Friday from 6:00 a.m. to 9:00 a.m. and from 3:30 p.m. to 7:00 p.m. You may request exemptions for morning work, evening work or a combination. Please be aware that from 6:00 a.m. to 7:00 a.m. also requires a Police Commission Noise Variance -it is considered to be Night Work.

Morning Hours: _____ **Afternoon Hours:** _____

Check all that apply: ___Monday ___Tuesday ___Wednesday ___Thursday ___Friday

LAMC 41.40(a) & 41.40(c) defines **Night Work** as 1) 9:00 p.m. to 7:00 a.m. Monday through Friday; 2) before 8:00 a.m. and after 6:00 p.m. on Saturday; 3) all of Sunday; and 4) any National Holiday. Night Work requires Police Commission approval (323) 236-1400 prior to work start. The process can take 4-8 weeks prior to issuance. Please plan accordingly.

REQUESTED DATES: M/D/YR From _____ To _____

LANES IMPACTED List specific lanes & directions impacted - “see attached” is not acceptable. Include all impacted lanes (i.e. parking & 1st) and the direction (i.e. north bound):

Business Name, Complete Address & Contact Person (must be technically qualified to discuss project):

Business Name _____

Address _____ Contact

Name _____ Contact Number (_____) _____

E-mail: _____

Are you a subcontractor? Yes ___ No ___

If yes, who is the primary contractor? _____

Did you attach your LADOT Reviewed & Accepted TMP/TCP/WTCP? YES ___ NO ___

Be advised that submission of a TMP (Traffic Management Plan), TCP (Traffic Control reviewed by LADOT or LADOT sign off on a WATCH set up is required. Failure to provide LADOT TMP/WATCH set up will result in the Peak Hour Exemption Request being denied.

PEAK HOUR EXEMPTION REQUEST FORM TEMPLATE (continued)

BOE Special Order No. 02-0418 - Peak Hour Exemption (PHE) Request

1. Please provide a description of the work or activity.

2. Please provide an explanation of why the obstruction is needed during Peak Hours.

3. Affected City Council Districts(s):_____
- Did the affected City Council District concur with this PHE request?
YES___ NO___
- If YES, please attach your communication with the City Council District(s).
If NO, please attach documentation of outreach the City Council District(s).

4. What is the duration of the project in months?_____
- For project lasting 24 months or longer, please attach a schedule of street closures.

Peak Hour Exemptions are issued for no more than 2 months unless otherwise indicated by on the TMP accepted by LADOT. Extensions are available.

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FAX: (213) 978-0278

<http://bpw.lacity.org>

[Letter Date]

[Applicant Name]
[Project Name]
[Company or Agency]
[Company or Agency Address]

Attention: [Applicant Name]

SUBJECT: [PROJECT NAME]: EXEMPTION FROM LAMC 62.61(B): PROHIBITION FROM WORK OR OBSTRUCTIONS DURING PEAK TRAFFIC HOURS – W.O. [W.O. #]

[Applicant's] request, dated [Date request received] for the exemption from the Peak Traffic Hours Prohibition for [work description] [closure description] on [Affected street] between [Cross Street 1] and [Cross Street 2], for **[Duration of Closure] beginning [Start date of Closure] to [End date of Closure] from [Start time of Closure] to [End time of Closure]** is hereby granted with the following conditions:

1. Closures will be executed per requirements shown on the attached WTCP drawing for [AM/PM] peak hours.
2. For any nighttime work, [Applicant] shall obtain a noise variance from the Los Angeles Police Commission. Monday through Friday nighttime is defined as 9:00 p.m. to 7:00 a.m.
3. Notify: Emergency response services, POLICE and FIRE.
4. [Additional Requirements]

This exemption is only valid for the above described street lane closure at [Affected street] between [Cross Street 1] and [Cross Street 2], for [Duration of Closure] beginning [Start date of Closure] to [End date of Closure] from [Start time of Closure] to [End time of Closure].

Please note that Peak Hour is defined as Monday through Friday from 6:00 a.m. to 9:00 a.m. and 3:30 p.m. to 7:00 p.m.

Your compliance with the following conditions is a requirement of this exemption:

1. A copy of this exemption letter shall be kept on-site at all times and upon request made available to City personnel for their review.



2. The street and lane closures shall comply with the attached approved traffic management plan and shall only include streets and lanes shown on such plan.

Failure to comply with the aforementioned conditions could subject you to administrative and criminal penalties as outlined in the Los Angeles Municipal Code Sections 62.61(d) and 80.06.1. This exemption can be temporarily or permanently revoked at any time if the City Engineer determines that special events or other unforeseen conditions combined with your lane closure would cause a traffic hazard or bottleneck.

If you have any questions, please contact [BOE Permit Engineer] at [BOE Permit Engineer Phone].

Sincerely,

[Division Manager]
[Issuing BOE Division]

Attachments:

- [Peak Hour Exemption Request Letter Title] dated [Request Date]
- S.O. No. 02-0418 - Peak Hour Exemption Request Form for the [Project Closure]
- LADOT approved ([LADOT Approval Date]) Closure Request for the [Project traffic Phases] ([Traffic Control Plan Page Numbers])
- CD- [#] concurrence e-mail dated [date of concurrence]

cc: [Relevant City, Council District(s)]
[Bureau of Street Services Inspection staff]
Bureau of Contract Administration Inspection staff]
[LA Department of Transportation staff]