

D 800 TEMPORARY STREET & ALLEY CLOSURES

D 810 BACKGROUND

The State of California has preempted the entire field of traffic control and procedures previously used by the City of Los Angeles for either “permanent” or “temporary” type closures are no longer permissible in most cases. Any right of local authority to interfere with the free flow of traffic, as by closing a street or alley, must be derived from an express delegation of authority from the Legislature of the State of California. Therefore, a procedure has been developed so that streets can be closed under the State Vehicle Code Section 21101.4 to alleviate criminal activity problems.

D 820 LEGAL AUTHORITY

Section 21101.4 of the California State Vehicle Code reads as follows:

- (a) A local authority may, by ordinance or resolution, adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when all of the following conditions are, after a public hearing, found to exist:
 - (1) The local authority finds and determines that there is serious and continual criminal activity in the portion of the highway recommended for temporary closure. This finding and determination shall be based upon the recommendation of the police department or, in the case of a highway in an unincorporated area, on the joint recommendation of the sheriff’s department and the Department of California Highway Patrol.
 - (2) The highway has not been designated as a through highway or Arterial Street.
 - (3) Vehicular or pedestrian traffic on the highway contributes to the criminal activity.
 - (4) The closure will no substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway proposed to be temporarily closed.

(b) A highway may be temporarily closed pursuant to subdivision (a) for not more than 18 months, except that this period may be extended for not more than five additional consecutive periods of not more than 18 months each if, prior to each of those extensions, the local authority holds a public hearing and finds, by ordinance or resolution, that all of the following conditions exist:

(1) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity found to exist when the immediately preceding temporary closure was authorized. This finding and determination shall be Based upon the recommendation of the police department or, in the case of a highway in unincorporated area, on the joint recommendation of the sheriff's department and the Department of the California Highway Patrol.

(2) The highway has not been designated as a through highway or arterial street.

(3) Vehicular or pedestrian traffic on the highway contributes to the criminal activity.

(4) The immediate preceding closure has not substantially adversely affected traffic flow, safety on adjacent streets or in surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility service, or the delivery of freight by commercial vehicles in the area of the highway that was temporarily closed.

(c) The local authority shall mail written notice of the public hearing required under subdivision (a) or (b) to all the residents and owners, as shown the last equalized assessment roll, of property adjacent to the portion of highway where a temporary closure or extension of temporary closure is proposed.

D 830 FINDINGS BY THE CITY COUNCIL

The following five findings must be adopted by the City Council for a temporary street closure:

1. There is substantial evidence of serious and continual criminal activities in the street recommended for temporary closure.
2. The temporary closure of the street will reduce the criminal activities in the street.

3. The street does not provide necessary vehicular or pedestrian access to adjacent properties or the affected property owners have agreed to the temporary closure.
4. The closure will not adversely affect the operation of emergency vehicles, the performance of municipal or public utility service, or the delivery of freight by commercial vehicles in the street proposed to be temporarily closed.
5. Vehicular or pedestrian traffic on the street contributes to the criminal activity.

D 840 CLOSURE PROCEDURE

The following procedure has been established for the implementation of temporary street closures on a “block” by “block” basis:

1. The Councilmember of the District introduces a motion directing the City Engineer to investigate the feasibility of a temporary street closure, or forward a written request to the City Engineer requesting this investigation.
2. The City Engineer or Council Office requests the Police Department to provide information and data that verifies substantial criminal activities within the street proposed to be temporarily closed.
3. The adjoining property owners must sign a consent form agreeing to the closure. The percentage of adjoining property owners agreeing to the closure by signing the consent form must be satisfactory to the Council Office of the District.
4. The City Engineer refers the closure request to the appropriate City offices and outside agencies for comments and recommendations,
5. The City Engineer now prepares a report making appropriate recommendations as to the feasibility of the closure.
6. The City Clerk then notifies the adjacent property owners of the proposed closure and the date of the public hearing. Additionally, notification will be published in a local newspaper and affected schools will be notified.
7. If a temporary closure by Ordinance or Resolution is approved by the the City Council, the adjoining property owners shall effect the closure within 6 months at no cost to the City or the City Engineer may

recommend the approval be rescinded. Or if the City Council determines the closure shall be affected at no cost to the property owners, an appropriation must be made to the respective Departments to close the street or alley and install warning signs. Appropriate closure devices acceptable to the City Engineer with concurrent approval of the Fire Department shall be used.

8. The period of the closure shall be for eighteen months, extendable upon request and with necessary Council approval, for five (5) additional consecutive periods of not more than eighteen months. A review of the closure area will be conducted every six (6) months to evaluate the effectiveness of the closure. The evaluation will be based on the criteria established at the time of the closure. The street or alley may be reopened prior to the expiration of any of the eighteen month periods if the evaluation indicates it is safe to do so.
9. When the closure devices are installed by the adjoining property owners, they shall also be responsible for the removal of the devices at the end of the allowed closure or closure extension period at no cost to the City.

D 850 REQUIRED PERMITS

Street or alley closures shall be done under a Class B Permit or a Class A Permit with an additional Special Engineering Fee charged depending on the complexity of the closure and the degree of engineered plans required.

D 860 APPROVALS AND CONDITIONS

D 861 APPROVALS

If gates are used to effectuate the physical closure of a street or alley, the gates and their placement location must be approved by the following

- a. Fire Department
- b. Department of Water and power
- c. Department of Transportation
- d. Bureau of Sanitation, Wastewater Collection Systems Division.

D 862 STANDARD CONDITIONS

1. The keys to any gates to be installed must be provided to all adjoining property owners, affected City Departments, Public Utility Companies with facilities in the closure area and the County of Los Angeles

Department of Public Works if they have any installations in the closure area.

2. Routine clean up of the closure area shall be provided by the adjoining property owners and/or residents.
3. That the closure area be physically closed within six (6) of the Council approval for the temporary closure or the approval will be rescinded.
4. The property owners/petitioners agree to remove any gate or fences installed upon termination of the allowed closure period at no cost to the City.