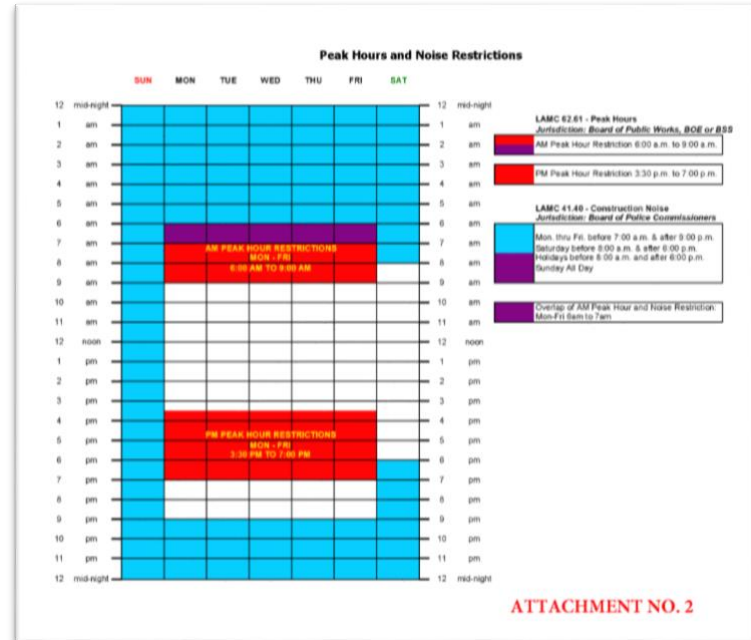


Peak Hour Restriction/Exemption Guidelines

Revision Date: January 11, 2019

Pursuant to [LAMC 62.61](#) (formerly Mayor Antonio Villaraigosa Executive Directive No. 2 - Rush Hour Construction on City Streets) 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," as defined as Monday through Friday, 6:00 am to 9:00 am and 3:30 pm to 7:00 pm unless a Peak Hour Exemption (PHE) is obtained ([May 2, 2018 BOE Special Order #02-0418](#)). Any violation of the permittees obligations would be enforced under [LAMC 80.06.1](#).



Peak Hour Exemption Requests

A Peak Hour Exemption (PHE) is obtained per the guidelines of the [May 2, 2018 Bureau of Engineering Special Order No. 02-0418](#). A sample application can be found at the end of this section.

Staff will review applications for completeness and proper justification for the PHE. Applicants may choose to address one or more of the following topics (not required to address all):

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.

City Council Office Concurrence

Because 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. This also allows the Council District Offices to become more familiar with local events and activities that may conflict with a requested PHE request.

Staff should confirm the affected City Council District(s) have been coordinated with y the applicant. Applicant should submit the following:

- A copy of an email from the affected City Council District confirming concurrence with the requested PHE. If no email can be submitted, the applicant may submit ALL the following "other" documentation:
 - A copy of the email sent to the City Council District addressed 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
- Programmatic concurrence documentation: In lieu of individual City Council Office concurrences, City Council Offices may choose to provide PHE concurrences on a programmatic basis.

Decision on the PHE Request

Denied

Via email, City staff should send an email to the applicant with a brief explanation of why the request is being denied.

Approved

Via email, City staff will send a PHE Approval Letter (sample at the end of this document). This letter must include the following:

- Address (closest physical address, intersection, or centerline tie)
- Project name
- Permit log number
- Exact lane closures with physical limits
- Street classification
- Specific dates and times of the exemption
- Any disclaimer information
- Extension renewal deadline

Other Exemption Conditions

- 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.
- Contractor's shall have a copy of the Letter and the approved TMP on all active work sites for the duration of the exemption.

- Exemption documents must be available to City Staff from all inquiring Departments always. 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.

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.

Extensions

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

PEAK HOUR EXEMPTION FORM

The following is the form developed for Peak Hour Exemptions. Editable forms can be found on the following pages.

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 boe@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 [213-480-1234](tel:213-480-1234) or send an e-mail to boe@LACity.org.

BOE PERMIT TYPE (A, B, U, ETC) AND PERMIT NUMBER: _____
Please Note, if you are applying for a **Business 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 6:00 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 4-6 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 & 1/2) 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/CP/WTCP? YES _____ NO _____
To avoid the 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 BOE Page 1 of 2

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 District(s): _____
 Did the affected City Council District occur with the PHE request?
 YES _____ NO _____
 If YES, please attach your communication with the City Council District list.
 If NO, please attach documentation of outreach to 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 the TMP accepted by LADOT. Extensions are available.

Peak Hour Exemption Request Form BOE Page 2 of 2

PEAK HOUR EXEMPTION APPROVAL LETTER

The following is the letter developed for Peak Hour Exemption Approval. This letter should be on official City of Los Angeles letterhead.

A sample letter can be found on the following pages.

CITY OF LOS ANGELES
CALIFORNIA

OFFICE OF THE BOARD OF PUBLIC WORKS
DE FERNANDEZ CAMPOS
300 SOUTH MAIN STREET
LOS ANGELES, CA 90012
TEL: (213) 475-3001
FAX: (213) 475-3079
WWW.PSOMAS.COM

ERIC GARCETTI
Mayor

[Letter Date]

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

Attention: [Applicant Name]

SUBJECT: [PROJECT NAME] EXEMPTION FROM LAMC 62.41(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:

- Closures will be executed per requirements shown on the attached WTCP drawing for [AM/PM] peak hours.
- 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.
- Notify Emergency response services, POLICE and FIRE.
- [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:

- 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.

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

The street and lane closures shall comply with the attached approved traffic management plan and shall only be placed during the hours of such plan.

Failure to comply with the above-stated conditions could subject you to administrative enforcement pursuant to the Los Angeles Municipal Code Division 62.41(b) and 62.06.1. The Assessor can be levied a penalty or permit violation if any time in the City Engineer determines that special events or other unapproved conditions combined with your lane closure would cause a traffic hazard or bottleneck.

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

Sincerely,

[Division Manager]
[Issuing DOC Permit]

REC-100

- When you receive this Request for Exemption Report 2008
- Go to the City Engineer's website at www.psomas.com to obtain the Permit Fee
- Go to the City Engineer's website at www.psomas.com to obtain the Permit Fee
- Go to the City Engineer's website at www.psomas.com to obtain the Permit Fee

RECEIVED: [Date and Time]
[Signature]
[Title]

PEAK HOUR EXEMPTION APPROVAL LETTER TEMPLATE

[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]

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: Click or enter the permit #

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): Click here to enter the name of the project

Job Address or Intersection: Click here to enter the 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: Click to enter morning hours **Afternoon Hours:** Click or enter 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: Click or enter a date To: Click or enter a date

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):

Click or tap here to enter text.

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

Business Name: Click or enter business name

Address: Click or enter address of business

Contact Name: Click to enter contact name Contact Number: Click or enter contact number

E-mail: Click or enter email address

Are you a subcontractor? Yes No

If yes, who is the primary contractor? Click or enter 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.

Click to enter a description of the work

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

Click to enter an explanation of why the obstruction is needed during Peak Hours

3. Affected City Council Districts(s): Click or enter affected Council District(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? Click to enter the duration of the project
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.