

ASSEMBLY BILL

No. 2405

Introduced by Assembly Member Blumenfield

February 24, 2012

An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2405, as introduced, Blumenfield. Vehicles: high-occupancy toll lanes.

Existing law provides that a vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard is not exempt from toll charges imposed on single-occupant vehicles in lanes designated for tolls, as specified.

This bill would instead exempt a vehicle that meets California's enhanced AT PZEV standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law, and would make nonsubstantive changes to the provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5205.5 of the Vehicle Code, as amended
2 by Section 1 of Chapter 215 of the Statutes of 2010, is amended
3 to read:
4 5205.5. (a) For the purposes of implementing Section 21655.9,
5 the department shall make available for issuance, for a fee

1 determined by the department to be sufficient to reimburse the
2 department for the actual costs incurred pursuant to this section,
3 distinctive decals, labels, and other identifiers that clearly
4 distinguish the following vehicles from other vehicles:

5 (1) A vehicle that meets California's super ultra-low emission
6 vehicle (SULEV) standard for exhaust emissions and the federal
7 inherently low-emission vehicle (ILEV) evaporative emission
8 standard, as defined in Part 88 (commencing with Section
9 88.101-94) of Title 40 of the Code of Federal Regulations.

10 (2) A vehicle that was produced during the 2004 model-year or
11 earlier and meets California ultra-low emission vehicle (ULEV)
12 standard for exhaust emissions and the federal ILEV standard.

13 (3) A hybrid vehicle or an alternative fuel vehicle that meets
14 California's advanced technology partial zero-emission vehicle
15 (AT PZEV) standard for criteria pollutant emissions and has a 45
16 miles per gallon or greater fuel economy highway rating.

17 (4) A hybrid vehicle that was produced during the 2004
18 model-year or earlier and has a 45 miles per gallon or greater fuel
19 economy highway rating, and meets California's ULEV, SULEV,
20 or partial zero-emission vehicle (PZEV) standards.

21 (5) A vehicle that meets California's enhanced advanced
22 technology partial zero-emission vehicle (enhanced AT PZEV)
23 standard.

24 (b) Neither an owner of a hybrid vehicle that meets the AT
25 PZEV standard, with the exception of a vehicle that meets the
26 federal ILEV standard, nor an owner of a hybrid vehicle described
27 in paragraph (4) of subdivision (a), is entitled to a decal, label, or
28 other identifier pursuant to this section unless, ~~and until~~, the federal
29 government acts to approve the use of high-occupancy vehicle
30 (HOV) lanes by vehicles of the types identified in paragraph (3)
31 or (4) of subdivision (a), regardless of the number of occupants.

32 (c) The department shall include a summary of the provisions
33 of this section on each motor vehicle registration renewal notice,
34 or on a separate insert, if space is available and the summary can
35 be included without incurring additional printing or postage costs.

36 (d) The Department of Transportation shall remove individual
37 HOV lanes, or portions of those lanes, during periods of peak
38 congestion from the access provisions provided in subdivision (a),
39 following a finding by the Department of Transportation as follows:

1 (1) The lane, or portion thereof, exceeds a level of service C,
2 as discussed in subdivision (b) of Section 65089 of the Government
3 Code.

4 (2) The operation or projected operation of the vehicles
5 described in subdivision (a) in these lanes, or portions thereof, will
6 significantly increase congestion.

7 (e) The State Air Resources Board shall publish and maintain
8 a listing of all vehicles eligible for participation in the programs
9 described in this section. The board shall provide that listing to
10 the department.

11 (f) (1) For purposes of subdivision (a), the Department of the
12 California Highway Patrol and the department, in consultation
13 with the Department of Transportation, shall design and specify
14 the placement of the decal, label, or other identifier on the vehicle.
15 Each decal, label, or other identifier issued for a vehicle shall
16 display a unique number, which number shall be printed on, or
17 affixed to, the vehicle registration.

18 (2) Decals, labels, or other identifiers designed pursuant to this
19 subdivision for a vehicle described in paragraph (5) of subdivision
20 (a) shall be distinguishable from the decals, labels, or other
21 identifiers that are designed for vehicles described in paragraphs
22 (1), (2), (3), and (4) of subdivision (a).

23 (g) (1) (A) Except as provided in subparagraph (B), for
24 purposes of subdivision (a), the department shall issue no more
25 than 85,000 distinctive decals, labels, or other identifiers that
26 clearly distinguish the vehicles specified in paragraphs (3) and (4)
27 of subdivision (a).

28 (B) The department may issue a decal, label, or other identifier
29 for a vehicle that satisfies all of the following conditions:

30 (i) The vehicle is of a type identified in paragraph (3) or (4) of
31 subdivision (a).

32 (ii) The owner of the vehicle is the owner of a vehicle for which
33 a decal, label, or identifier described in subparagraph (A) was
34 previously issued and that vehicle for which the decal, label, or
35 identifier was previously issued is determined by the department,
36 on the basis of satisfactory proof submitted by the owner to the
37 department, to be a nonrepairable vehicle or a total loss salvage
38 vehicle.

39 (iii) The owner of the vehicle applied for a decal, label, or other
40 identifier pursuant to this subparagraph on or before March 31,

1 2009, or within six months of the date on which the vehicle for
2 which a decal, label, or identifier was previously issued is declared
3 to be a nonrepairable vehicle or a total loss salvage vehicle,
4 whichever date is later.

5 (2) The department shall notify the Department of Transportation
6 immediately after the date on which the department has issued
7 50,000 decals, labels, and other identifiers under this section for
8 the vehicles described in paragraphs (3) and (4) of subdivision (a).

9 (3) The Department of Transportation shall determine whether
10 significant HOV lane breakdown has occurred throughout the state,
11 in accordance with the following timeline:

12 (A) For lanes that are nearing capacity, the Department of
13 Transportation shall make the determination not later than 90 days
14 after the date provided by the department under paragraph (2).

15 (B) For lanes that are not nearing capacity, the Department of
16 Transportation shall make the determination not later than 180
17 days after the date provided by the department under paragraph
18 (2).

19 (4) In making the determination that significant HOV lane
20 breakdown has occurred, the Department of Transportation shall
21 consider the following factors in the HOV lane:

22 (A) Reduction in level of service.

23 (B) Sustained stop-and-go conditions.

24 (C) Slower than average speed than the adjacent mixed-flow
25 lanes.

26 (D) Consistent increase in travel time.

27 (5) After making the determinations pursuant to subparagraphs
28 (A) and (B) of paragraph (3), if the Department of Transportation
29 determines that significant HOV lane breakdown has occurred
30 throughout the state, the Department of Transportation shall
31 immediately notify the department of that determination, and the
32 department, on the date of receiving that notification, shall
33 discontinue issuing the decals, labels, or other identifiers for the
34 vehicles described in paragraphs (3) and (4) of subdivision (a).

35 (h) (1) Except as provided in paragraph (2), for purposes of
36 paragraph (5) of subdivision (a), the department shall issue no
37 more than 40,000 distinctive decals, labels, or other identifiers that
38 clearly distinguish a vehicle specified in paragraph (5) of
39 subdivision (a).

1 (2) The department may issue a decal, label, or other identifier
2 for a vehicle that satisfies all of the following conditions:

3 (A) The vehicle is of a type identified in paragraph (5) of
4 subdivision (a).

5 (B) The owner of the vehicle is the owner of a vehicle for which
6 a decal, label, or other identifier described in paragraph (1) was
7 previously issued and that vehicle for which the decal, label, or
8 other identifier was previously issued is determined by the
9 department, on the basis of satisfactory proof submitted by the
10 owner to the department, to be a nonrepairable vehicle or a total
11 loss salvage vehicle.

12 (C) The owner of the vehicle applied for a decal, label, or other
13 identifier pursuant to this paragraph within six months of the date
14 on which the vehicle for which a decal, label, or other identifier
15 was previously issued is declared to be a nonrepairable vehicle or
16 a total loss salvage vehicle.

17 (i) If the Metropolitan Transportation Commission, serving as
18 the Bay Area Toll Authority, grants toll-free and reduced-rate
19 passage on toll bridges under its jurisdiction to ~~any~~ a vehicle
20 pursuant to Section 30102.5 of the Streets and Highways Code, it
21 shall also grant the same toll-free and reduced-rate passage to a
22 vehicle displaying an identifier issued by the department pursuant
23 to paragraph (1) or (2) of subdivision (a) and to a vehicle displaying
24 a valid identifier issued by the department pursuant to paragraph
25 (3) or (4) of subdivision (a) if the vehicle is registered to an address
26 outside of the region identified in Section 66502 of the Government
27 Code.

28 (j) An owner of a vehicle specified in paragraph (3) or (4) of
29 subdivision (a) whose vehicle is registered to an address in the
30 region identified in Section 66502 of the Government Code and
31 who seeks a vehicle identifier under subdivision (a) in order to
32 have access to a HOV lane within the jurisdiction of the Bay Area
33 Toll Authority shall do both of the following:

34 (1) Obtain and maintain an active account to operate within the
35 automatic vehicle identification system described in Section 27565
36 of the Streets and Highways Code and shall submit to the
37 department a form, approved by the department and issued by the
38 Bay Area Toll Authority, that contains the vehicle owner's name,
39 the license plate number and vehicle identification number of the
40 vehicle, the vehicle make and year model, and the automatic

1 vehicle identification system account number, as a condition to
2 obtaining a vehicle identifier pursuant to subdivision (a) that allows
3 for the use of that vehicle in HOV lanes regardless of the number
4 of occupants.

5 (2) Be eligible for toll-free or reduced-rate passage on toll
6 bridges within the jurisdiction of the Bay Area Toll Authority only
7 if, at time of passage, the vehicle meets the passenger occupancy
8 rate requirement established for that toll-free or reduced-rate
9 passage.

10 (k) Notwithstanding Section 21655.9, a vehicle described in
11 paragraph (5) of subdivision (a) shall ~~not~~ be exempt from toll
12 charges imposed on single-occupant vehicles in lanes designated
13 for tolls ~~pursuant to the federally supported value pricing and~~
14 ~~transit development demonstration program operated pursuant to~~
15 ~~Section 149.9 of the Streets and Highways Code unless prohibited~~
16 ~~by federal law.~~

17 (l) If the Director of Transportation determines that federal law
18 does not authorize the state to allow vehicles that are identified by
19 distinctive decals, labels, or other identifiers on vehicles described
20 in subdivision (a) to use highway lanes or highway access ramps
21 for high-occupancy vehicles regardless of vehicle occupancy, the
22 Director of Transportation shall submit a notice of that
23 determination to the Secretary of State.

24 (m) (1) This section shall remain in effect only until January
25 1, 2015, or until the date the Secretary of State receives the notice
26 described in subdivision (l), whichever occurs first, and as of that
27 date is repealed.

28 (2) However, with respect to a vehicle described in paragraph
29 (3) or (4) of subdivision (a), this section shall be operative only
30 until July 1, 2011, or only until the date the Secretary of State
31 receives the notice described in subdivision (l), whichever occurs
32 first.

33 (3) With respect to a vehicle described in paragraph (5) of
34 subdivision (a), this section shall become operative on January 1,
35 2012, and shall be operative only until January 1, 2015, or until
36 the date the Secretary of State receives the notice described in
37 subdivision (l), whichever occurs first.

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