

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 405**

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**Introduced by Assembly Member Gatto**

February 15, 2013

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An act to amend Section 149 of, and to add and repeal Section 149.2 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 405, as amended, Gatto. Highways: high-occupancy vehicle lanes: County of Los Angeles.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive or preferential use of high-occupancy vehicles. When those exclusive or preferential use lanes are established and double parallel solid lines are in place to the right thereof, existing law prohibits any person driving a vehicle from crossing over those double lines to enter into or exit from the lanes, and entrance or exit from those lanes is authorized only in areas designated for these purposes or where a single broken line is in place to the right of the lanes, except as specified.

This bill would prohibit the department from converting an existing mixed-flow lane in the County of Los Angeles into a high-occupancy vehicle lane.

This bill would prohibit, commencing July 1, 2014, any high-occupancy vehicle lane from being established on specified portions of state highway routes in the County of Los Angeles, unless

that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the department. This bill would require any existing high-occupancy vehicle lane established on the specified portions of these routes to be modified to conform with those requirements. This bill would authorize the department, on or after May 1, 2015, to reinstate 24-hour high-occupancy vehicle lanes on the specified portions of these routes if the department makes a specified determination. This bill would require the department to report to the Legislature on the impact on traffic by limiting the use of high-occupancy lanes as provided in the bill.

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

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

1 SECTION 1. Section 149 of the Streets and Highways Code  
 2 is amended to read:  
 3 149. (a) The department may construct exclusive or preferential  
 4 lanes for buses only or for buses and other high-occupancy  
 5 vehicles, and may authorize or permit exclusive or preferential use  
 6 of designated lanes on existing highways that are part of the State  
 7 Highway System. Prior to constructing those lanes, the department  
 8 shall conduct competent engineering estimates of the effect of the  
 9 lanes on safety, congestion, and highway capacity.  
 10 (b) To the extent they are available, the department may apply  
 11 for and use federal funds appropriated for the design, construction,  
 12 and use of those exclusive or preferential lanes, but may also use  
 13 other State Highway Account funds, including other federal funds,  
 14 for those purposes where proper and desirable.  
 15 (c) Notwithstanding any other law, the department shall not  
 16 convert an existing mixed-flow lane in the County of Los Angeles  
 17 into a high-occupancy vehicle lane, unless required by federal law.  
 18 (d) This section shall be known and may be cited as the Carrell  
 19 Act.  
 20 SEC. 2. Section 149.2 is added to the Streets and Highways  
 21 Code, to read:  
 22 149.2. (a) Notwithstanding any other law, *except as otherwise*  
 23 *provided in subdivision (d)*, a high-occupancy vehicle lane shall  
 24 not be established on State Highway Route 134 between State

1 Highway Route 170 and State Highway Route 5, or on State  
2 Highway Route 210 between State Highway Route 134 and State  
3 Highway Route 57, unless the lane is established as a  
4 high-occupancy vehicle lane only during the hours of heavy  
5 commuter traffic, as determined by the department.

6 (b) Any existing high-occupancy vehicle lane located as  
7 described in subdivision (a) shall be modified as necessary to  
8 conform with subdivision (a).

9 (c) (1) The department shall report to the Legislature on or  
10 before January 1, 2016, on the impact on traffic ~~by~~ of limiting the  
11 use of high-occupancy vehicle lanes *only* during the hours of heavy  
12 commuter traffic as provided in subdivision (a).

13 (2) The requirement for submitting a report imposed under  
14 paragraph (1) is inoperative on January 1, 2020, pursuant to Section  
15 10231.5 of the Government Code.

16 (3) A report to be submitted pursuant to paragraph (1) shall be  
17 submitted in compliance with Section 9795 of the Government  
18 Code.

19 (d) On or after May 1, 2015, if the department determines that  
20 there is an adverse impact on safety, traffic conditions, or the  
21 environment by limiting the use of high-occupancy vehicle lanes  
22 *only* during the hours of heavy commuter traffic as provided in  
23 subdivision (a), the department may submit to the ~~Legislature~~  
24 *Assembly Committee on Transportation and the Senate Committee*  
25 *on Transportation and Housing* a notice of that determination and  
26 intent to reinstate 24-hour high-occupancy vehicle lanes. *The*  
27 *department thereafter may reinstate 24-hour high-occupancy*  
28 *vehicle lanes.*

29 (e) In addition to the routes identified in subdivision (a), the  
30 department is encouraged to introduce offpeak hours on other  
31 high-occupancy vehicle lanes in the County of Los Angeles in  
32 order to provide greater mobility benefits to the community.

33 (f) This section shall become operative on July 1, 2014.

34 (g) This section shall remain in effect until 60 days after the  
35 date the Legislature receives the notice described in subdivision  
36 (d) and is repealed thereafter. *The department shall post the date*  
37 *that the Legislature receives this notice on the department's*  
38 *Internet Web site.*

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