

AMENDED IN ASSEMBLY APRIL 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 946**

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**Introduced by Assembly Member Stone**  
*(Coauthor: Assembly Member Alejo)*

February 22, 2013

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An act to add Section 148.1 to the Streets and Highways Code, and to amend Section 21650 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 946, as amended, Stone. Transit buses: Counties of Monterey and Santa Cruz.

Existing law creates the Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District with various powers and duties relative to the operation of public transit in those counties. Existing law generally requires vehicles to be driven upon the right half of a roadway, defined to include only that portion of a highway improved, designed, or ordinarily used for vehicular travel. Existing law generally prohibits the driver of a vehicle from overtaking and passing another vehicle by driving off the paved or main-traveled portion of the roadway.

The bill would authorize the Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District, ~~in conjunction with the Department of Transportation,~~ to conduct a transit-bus only program using the shoulders of certain state highways as transit-bus only traffic corridors, ~~with the segments to be determined jointly~~ *subject to approval by the department and the Department of the California Highway Patrol. The highway segments to be used for the program would be jointly determined* by the districts and the department. The bill would thereby authorize the operation of transit buses on the shoulder of a segment of

a state highway designated under the program within the areas served by the transit districts. The bill would require the districts to *actively* work with the department and the Department of the California Highway Patrol to develop guidelines that ensure driver and vehicle safety and the integrity of the infrastructure. The bill would require monitoring of the state of repair of the highway shoulders used in the program, and would require the districts to be responsible for all costs attributable to the program.

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 148.1 is added to the Streets and  
 2 Highways Code, to read:  
 3 148.1. (a) Notwithstanding any other provision of law, the  
 4 Monterey-Salinas Transit District and the Santa Cruz Metropolitan  
 5 Transit District may conduct a transit bus-only program using the  
 6 shoulders of certain highways in the state highway system within  
 7 the areas served by the transit services of the districts,—~~in~~  
 8 ~~conjunction~~ with the *approval of the department and the*  
 9 *Department of the California Highway Patrol*. The program shall  
 10 designate segments of each highway where it is appropriate to  
 11 designate shoulders as transit bus-only traffic corridors, with the  
 12 segments to be determined jointly by the department and the  
 13 participating transit districts based upon peak congestion hours  
 14 and the most heavily congested areas. Under the program, the  
 15 participating transit districts shall *actively* work with the department  
 16 and the Department of the California Highway Patrol to develop  
 17 guidelines that ensure driver and vehicle safety and the integrity  
 18 of the infrastructure.  
 19 (b) *The development of the guidelines shall be done with*  
 20 *transparency, including the opportunity for public comment.*  
 21 (b)  
 22 (c) The department and the participating transit districts shall  
 23 monitor the state of repair of highway shoulders used in the  
 24 ~~demonstration~~ program, including repairs attributable to the  
 25 operation of transit buses on the shoulders.  
 26 (e)

1 (d) The participating transit districts shall be responsible for all  
2 costs attributable to this program.

3 ~~(d)~~

4 (e) The program may commence operation as soon as practicable  
5 after January 1, 2014, as soon as guidelines are agreed to by the  
6 transit districts, the department, and the Department of the  
7 California Highway Patrol.

8 ~~(e)~~

9 (f) As used in this section, “highway” includes “freeway.”

10 SEC. 2. Section 21650 of the Vehicle Code is amended to read:

11 21650. Upon all highways, a vehicle shall be driven upon the  
12 right half of the roadway, except as follows:

13 (a) When overtaking and passing another vehicle proceeding  
14 in the same direction under the rules governing that movement.

15 (b) When placing a vehicle in a lawful position for, and when  
16 the vehicle is lawfully making, a left turn.

17 (c) When the right half of a roadway is closed to traffic under  
18 construction or repair.

19 (d) Upon a roadway restricted to one-way traffic.

20 (e) When the roadway is not of sufficient width.

21 (f) When the vehicle is necessarily traveling so slowly as to  
22 impede the normal movement of traffic, that portion of the highway  
23 adjacent to the right edge of the roadway may be utilized  
24 temporarily when in a condition permitting safe operation.

25 (g) This section does not prohibit the operation of bicycles on  
26 any shoulder of a highway, on any sidewalk, on any bicycle path  
27 within a highway, or along any crosswalk or bicycle path crossing,  
28 where the operation is not otherwise prohibited by this code or  
29 local ordinance.

30 (h) This section does not prohibit the operation of a transit bus  
31 on the shoulder of a state highway in conjunction with the  
32 implementation of a program authorized pursuant to Section 148.1  
33 of the Streets and Highways Code on state highways within the  
34 areas served by the transit services of the Monterey-Salinas Transit  
35 District or the Santa Cruz Metropolitan Transit District.