

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 946

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

February 22, 2013

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~~

This bill would authorize the Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District to conduct a ~~transit-bus~~ *only transit bus-only* program using the shoulders of certain state highways as ~~transit-bus-only transit bus-only~~ traffic corridors, 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 districts, the department, department, and the Department of the California Highway Patrol, as provided.~~ 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.~~ *program, including costs related to repairs attributable to the operation of transit buses on shoulders.*

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, with the
 8 approval of the department and the Department of the California
 9 Highway Patrol. ~~The program shall designate segments of each~~
 10 ~~highway where it is appropriate to designate shoulders as transit~~
 11 ~~bus-only traffic corridors, with the segments to be determined~~
 12 ~~jointly by the department and the~~ *The department, the Department*
 13 *of the California Highway Patrol, and participating transit districts*
 14 *shall jointly determine the segments of each highway where it is*
 15 *appropriate to designate the shoulders as transit bus-only traffic*
 16 *corridors, based upon factors that shall include, but not be limited*
 17 *to, right-of-way availability and capacity, peak congestion hours*
 18 *hours, and the most heavily congested areas. Under the program,*
 19 *the participating transit districts shall actively work with the*
 20 *department and the Department of the California Highway Patrol*
 21 *to develop guidelines that ensure driver and vehicle safety and the*
 22 *integrity of the infrastructure.*

1 (b) The development of the guidelines shall be done with
2 transparency, including the opportunity for public comment.

3 (c) The department and the participating transit districts shall
4 monitor the state of repair of highway shoulders used in the
5 program, including repairs attributable to the operation of transit
6 buses on the shoulders.

7 (d) The participating transit districts shall be responsible for all
8 costs attributable to this ~~program~~. *program, including costs related*
9 *to repairs attributable to the operation of transit buses on*
10 *shoulders.*

11 (e) The program may commence operation—, as soon as
12 guidelines are agreed to by the transit districts, the department,
13 and the Department of the California Highway Patrol.

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

15 SEC. 2. Section 21650 of the Vehicle Code is amended to read:
16 21650. Upon all highways, a vehicle shall be driven upon the
17 right half of the roadway, except as follows:

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

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

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

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

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

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

30 (g) This section does not prohibit the operation of bicycles on
31 any shoulder of a highway, on any sidewalk, on any bicycle path
32 within a highway, or along any crosswalk or bicycle path crossing,
33 where the operation is not otherwise prohibited by this code or
34 local ordinance.

35 (h) This section does not prohibit the operation of a transit bus
36 on the shoulder of a state highway in conjunction with the
37 implementation of a program authorized pursuant to Section 148.1
38 of the Streets and Highways Code on state highways within the

- 1 areas served by the transit services of the Monterey-Salinas Transit
- 2 District or the Santa Cruz Metropolitan Transit District.

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