

ASSEMBLY BILL

No. 1721

Introduced by Assembly Member Linder

February 13, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as introduced, Linder. Vehicles: high-occupancy vehicle lanes.

Existing law authorizes, until September 30, 2017, a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs).

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs, which may also be used, until January 1, 2019, or until the date the federal authorization expires, or until the Secretary of State receives that specified notice, whichever occurs first, by certain eligible low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane if the vehicle displays a vehicle identifier issued by the Department of Motor Vehicles.

Existing law requires that a vehicle, eligible under these provisions to use HOV lanes, be exempt from toll charges imposed on single-occupant vehicles in designated high-occupancy toll (HOT) lanes unless prohibited by federal law. Existing law excludes from this exemption tolls pursuant to the federally supported value pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes conducted by the Los Angeles County Metropolitan Transportation Authority for State Highway Route 10 or 110.

This bill would also exclude from the above-described exemption a toll imposed for passage in HOT lanes designated for State Highway Route 15 in Riverside County.

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 is amended
2 to read:

3 5205.5. (a) For purposes of implementing Section 21655.9,
4 the department shall make available for issuance, for a fee
5 determined by the department to be sufficient to reimburse the
6 department for the actual costs incurred pursuant to this section,
7 distinctive decals, labels, and other identifiers that clearly
8 distinguish the following vehicles from other vehicles:

9 (1) A vehicle that meets California’s super ultra-low emission
10 vehicle (SULEV) standard for exhaust emissions and the federal
11 inherently low-emission vehicle (ILEV) evaporative emission
12 standard, as defined in Part 88 (commencing with Section
13 88.101-94) of Title 40 of the Code of Federal Regulations.

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

17 (3) A vehicle that meets California’s enhanced advanced
18 technology partial zero-emission vehicle (enhanced AT PZEV)
19 standard or transitional zero-emission vehicle (TZEV) standard.

20 (b) The department shall include a summary of the provisions
21 of this section on each motor vehicle registration renewal notice,
22 or on a separate insert, if space is available and the summary can
23 be included without incurring additional printing or postage costs.

24 (c) The Department of Transportation shall remove individual
25 HOV lanes, or portions of those lanes, during periods of peak
26 congestion from the access provisions provided in subdivision (a),
27 following a finding by the Department of Transportation as follows:

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

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

4 (3) The finding shall also demonstrate the infeasibility of
5 alleviating the congestion by other means, including, but not
6 limited to, reducing the use of the lane by noneligible vehicles or
7 further increasing vehicle occupancy.

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

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

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

24 (f) (1) Except as provided in paragraph (2), for purposes of
25 paragraph (3) of subdivision (a), the department shall issue no
26 more than 40,000 distinctive decals, labels, or other identifiers that
27 clearly distinguish a vehicle specified in paragraph (3) of
28 subdivision (a).

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

31 (A) The vehicle is of a type identified in paragraph (3) of
32 subdivision (a).

33 (B) The owner of the vehicle is the owner of a vehicle for which
34 a decal, label, or other identifier described in paragraph (1) was
35 previously issued and that vehicle for which the decal, label, or
36 other identifier was previously issued is determined by the
37 department, on the basis of satisfactory proof submitted by the
38 owner to the department, to be a nonrepairable vehicle or a total
39 loss salvage vehicle.

1 (C) The owner of the vehicle applied for a decal, label, or other
2 identifier pursuant to this paragraph within six months of the date
3 on which the vehicle for which a decal, label, or other identifier
4 was previously issued is declared to be a nonrepairable vehicle or
5 a total loss salvage vehicle.

6 (g) If the Metropolitan Transportation Commission, serving as
7 the Bay Area Toll Authority, grants toll-free and reduced-rate
8 passage on toll bridges under its jurisdiction to a vehicle pursuant
9 to Section 30102.5 of the Streets and Highways Code, it shall also
10 grant the same toll-free and reduced-rate passage to a vehicle
11 displaying an identifier issued by the department pursuant to
12 paragraph (1) or (2) of subdivision (a).

13 (h) (1) Notwithstanding Section 21655.9, and except as
14 provided in paragraph (2), a vehicle described in subdivision (a)
15 that displays a decal, label, or identifier issued pursuant to this
16 section shall be exempt from toll charges imposed on
17 single-occupant vehicles in high-occupancy toll lanes as described
18 in Section 149.7 of the Streets and Highways Code unless
19 prohibited by federal law.

20 (2) (A) Paragraph (1) does not apply to the imposition of a toll
21 imposed for passage on a toll road or toll highway, that is not a
22 high-occupancy toll lane as described in Section 149.7 of the
23 Streets and Highways Code.

24 (B) On or before March 1, 2014, paragraph (1) does not apply
25 to the imposition of a toll imposed for passage in lanes designated
26 for tolls pursuant to the federally supported value pricing and
27 transit development demonstration program operated pursuant to
28 Section 149.9 of the Streets and Highways Code for State Highway
29 Route 10 or 110.

30 (C) Paragraph (1) does not apply to the imposition of a toll
31 charged for crossing a state-owned bridge.

32 (D) *Paragraph (1) does not apply to the imposition of a toll*
33 *imposed for passage in lanes designated for tolls pursuant to*
34 *Section 149.8 of the Streets and Highways Code for State Highway*
35 *Route 15.*

36 (i) If the Director of Transportation determines that federal law
37 does not authorize the state to allow vehicles that are identified by
38 distinctive decals, labels, or other identifiers on vehicles described
39 in subdivision (a) to use highway lanes or highway access ramps
40 for high-occupancy vehicles regardless of vehicle occupancy, the

1 Director of Transportation shall submit a notice of that
2 determination to the Secretary of State.

3 (j) This section shall become inoperative on January 1, 2019,
4 or the date the federal authorization pursuant to Section 166 of
5 Title 23 of the United States Code expires, or the date the Secretary
6 of State receives the notice described in subdivision (i), whichever
7 occurs first, and, as of January 1, 2019, is repealed, unless a later
8 enacted statute, that becomes operative on or before January 1,
9 2019, deletes or extends the dates on which it becomes inoperative
10 and is repealed.

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