

ASSEMBLY BILL

No. 1811

Introduced by Assembly Member Buchanan

February 18, 2014

An act to amend Section 149.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1811, as introduced, Buchanan. High-occupancy vehicle lanes.

Existing law authorizes the Sunol Smart Carpool Lane Joint Powers Authority and the Alameda County Congestion Management Agency to conduct, administer, and operate a value pricing high-occupancy vehicle program, on specified highway corridors, that may authorize the entry and use of high-occupancy vehicle lanes by single-occupant vehicles for a fee. Existing law requires that the implementation of the program ensure that specified levels of service be maintained at all times in the high-occupancy vehicle lanes and that unrestricted access to the lanes by high-occupancy vehicles be available at all times.

This bill would instead require that access to the lanes by high-occupancy vehicles be available at all times.

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 149.5 of the Streets and Highways Code
- 2 is amended to read:
- 3 149.5. (a) (1) Notwithstanding Sections 149 and 30800 of
- 4 this code, and Section 21655.5 of the Vehicle Code, the Sunol

1 Smart Carpool Lane Joint Powers Authority (SSCLJPA), consisting
2 of the Alameda County Transportation Commission and the Santa
3 Clara Valley Transportation Authority, may conduct, administer,
4 and operate a value pricing high-occupancy vehicle program on
5 the Sunol Grade segment of State Highway Route 680 (Interstate
6 680) in Alameda and Santa Clara Counties and the Alameda
7 County Transportation Commission may conduct, administer, and
8 operate a program on a corridor within Alameda County for a
9 maximum of two transportation corridors in Alameda County
10 pursuant to this section in coordination with the Metropolitan
11 Transportation Commission and consistent with Section 21655.6
12 of the Vehicle Code.

13 (2) The program, under the circumstances described in
14 subdivision (b), may direct and authorize the entry and use of the
15 high-occupancy vehicle lanes in the corridors identified in
16 paragraph (1) by single-occupant vehicles for a fee. The fee
17 structure for each corridor shall be established from time to time
18 by the administering agency. A high-occupancy vehicle lane may
19 only be operated as a high-occupancy toll (HOT) lane during the
20 hours that the lane is otherwise restricted to use by high-occupancy
21 vehicles.

22 (3) The administering agency for each corridor shall enter into
23 a cooperative agreement with the Bay Area Toll Authority to
24 operate and manage the electronic toll collection system.

25 (b) Implementation of the program shall ensure that Level of
26 Service C, as measured by the most recent issue of the Highway
27 Capacity Manual, as adopted by the Transportation Research
28 Board, is maintained at all times in the high-occupancy vehicle
29 lanes, except that, subject to a written agreement between the
30 department and the administering agency that is based on operating
31 conditions of the high-occupancy vehicle lanes, Level of Service
32 D shall be permitted on the high-occupancy vehicle lanes. If Level
33 of Service D is permitted, the department and the administering
34 agency shall evaluate the impacts of these levels of service on the
35 high-occupancy vehicle lanes, and indicate any effects on the
36 mixed-flow lanes. Continuance of Level of Service D operating
37 conditions shall be subject to the written agreement between the
38 department and the administering agency. ~~Unrestricted access~~
39 *Access* to the lanes by high-occupancy vehicles shall be available
40 at all times. At least annually, the department shall audit the level

1 of service during peak traffic hours and report the results of that
2 audit at meetings of the administering agency.

3 (c) Single-occupant vehicles that are certified or authorized by
4 the administering agency for entry into, and use of, the
5 high-occupancy vehicle lanes identified in paragraph (1) of
6 subdivision (a) are exempt from Section 21655.5 of the Vehicle
7 Code, and the driver shall not be in violation of the Vehicle Code
8 because of that entry and use.

9 (d) The administering agency shall carry out the program in
10 cooperation with the department pursuant to a cooperative
11 agreement that addresses all matters related to design, construction,
12 maintenance, and operation of state highway system facilities in
13 connection with the value pricing high-occupancy vehicle program.
14 With the assistance of the department, the administering agency
15 shall establish appropriate traffic flow guidelines for the purpose
16 of ensuring optimal use of the high-occupancy toll lanes by
17 high-occupancy vehicles without adversely affecting other traffic
18 on the state highway system.

19 (e) (1) Agreements between the administering agency, the
20 department, and the Department of the California Highway Patrol
21 shall identify the respective obligations and liabilities of those
22 entities and assign them responsibilities relating to the program.
23 The agreements entered into pursuant to this section shall be
24 consistent with agreements between the department and the United
25 States Department of Transportation relating to programs of this
26 nature. The agreements shall include clear and concise procedures
27 for enforcement by the Department of the California Highway
28 Patrol of laws prohibiting the unauthorized use of the
29 high-occupancy vehicle lanes, which may include the use of video
30 enforcement. The agreements shall provide for reimbursement of
31 state agencies, from revenues generated by the program, or other
32 funding sources that are not otherwise available to state agencies
33 for transportation-related projects, for costs incurred in connection
34 with the implementation or operation of the program.

35 (2) The revenue generated from the program shall be available
36 to the administering agency for the direct expenses related to the
37 operation (including collection and enforcement), maintenance,
38 construction, and administration of the program. Administrative
39 expenses shall not exceed 3 percent of the revenues.

1 (3) All net revenue generated by the program that remains after
2 payment of direct expenses pursuant to paragraph (2) shall be
3 allocated pursuant to an expenditure plan adopted biennially by
4 the administering agency for transportation purposes within the
5 program area. The expenditure plan may include funding for the
6 following:

7 (A) The construction of high-occupancy vehicle facilities,
8 including the design, preconstruction, construction, and other
9 related costs of the northbound Interstate 680 Sunol Smart Carpool
10 Lane project.

11 (B) Transit capital and operations that directly serve the
12 authorized corridors.

13 (f) (1) The administering agency may issue bonds, refunding
14 bonds, or bond anticipation notes, at any time to finance
15 construction and construction-related expenditures of programs
16 adopted pursuant to subdivision (a) and construction and
17 construction-related expenditures that are included in the
18 expenditure plan adopted pursuant to paragraph (3) of subdivision
19 (e), payable solely from the revenues generated from the respective
20 programs.

21 (2) The maximum bonded indebtedness that may be outstanding
22 at any one time shall be an amount equal to the sum of the principal
23 of, and interest on, the bonds, but not to exceed the estimated
24 revenues generated from the respective programs.

25 (3) Bonds shall be issued pursuant to a resolution adopted by a
26 two-thirds vote of the governing board of the administering agency.
27 The resolution shall state all of the following:

28 (A) The purposes for which the proposed debt is to be incurred.

29 (B) The estimated cost of accomplishing those purposes.

30 (C) The amount of the principal of the indebtedness.

31 (D) The maximum term the bonds proposed to be issued shall
32 run before maturity.

33 (E) The maximum rate of interest to be paid, which shall not
34 exceed the maximum allowable by law.

35 (F) The denomination or denominations of the bonds, which
36 shall not be less than five thousand dollars (\$5,000).

37 (G) The form of the bonds, including, without limitation,
38 registered bonds and coupon bonds, to the extent permitted by
39 federal law, the registration, conversion, and exchange privileges,

1 if any pertaining thereto, and the time when all of, or any part of,
2 the principal becomes due and payable.

3 (H) Any other matters authorized by law.

4 (4) The bonds shall bear interest at a rate or rates not exceeding
5 the maximum allowable by law, payable at intervals determined
6 by the administering agency.

7 (5) The full amount of bonds may be divided into two or more
8 series and different dates of payment fixed for the bonds of each
9 series. A bond shall not be required to mature on its anniversary
10 date.

11 (6) Any bond issued pursuant to this subdivision shall contain
12 on its face a statement to the following effect:

13 “Neither the full faith and credit nor the taxing power of the
14 State of California is pledged to the payment of principal of, or
15 the interest on, this bond.”

16 (g) Not later than three years after the administering agency
17 first collects revenues from the program authorized by this section,
18 the administering agency shall submit a report to the Legislature
19 on its findings, conclusions, and recommendations concerning the
20 demonstration program authorized by this section. The report shall
21 include an analysis of the effect of the HOT lanes on the adjacent
22 mixed-flow lanes and any comments submitted by the department
23 and the Department of the California Highway Patrol regarding
24 operation of the lane.