

ASSEMBLY BILL

No. 2090

Introduced by Assembly Member Fong

February 20, 2014

An act to amend Section 149.6 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2090, as introduced, Fong. High-occupancy toll lanes: Santa Clara County.

Existing law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer, and operate high-occupancy toll (HOT) lanes, under which single-occupancy vehicles may use high-occupancy vehicle lanes by paying a toll, on 2 state highway corridors within the county. Existing law requires that implementation of the HOT lanes ensure that specified levels of service, described as Level of Service C or D, as specified, be maintained at all times in the high-occupancy lanes and that unrestricted access to the lanes by high-occupancy vehicles be available at all times.

This bill would delete the reference to Level of Service C or D, and instead would require VTA to establish, with the assistance of the Department of Transportation, appropriate performance measures, such as speed or travel times, for the purpose of ensuring optimal use of the HOT lanes by high-occupancy vehicles without adversely affecting other traffic on the state highway system. The bill would provide for high-occupancy vehicles to have access to the lanes at all times rather than unrestricted access as under existing law.

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 149.6 of the Streets and Highways Code
2 is amended to read:

3 149.6. (a) Notwithstanding Sections 149 and 30800, and
4 Section 21655.5 of the Vehicle Code, the Santa Clara Valley
5 Transportation Authority (VTA) created by Part 12 (commencing
6 with Section 100000) of *Division 10* of the Public Utilities Code
7 may conduct, administer, and operate a value pricing program on
8 any two of the transportation corridors included in the
9 high-occupancy vehicle lane system in Santa Clara County in
10 coordination with the Metropolitan Transportation Commission
11 and consistent with Section 21655.6 of the Vehicle Code. A
12 high-occupancy toll (*HOT*) lane established on State Highway
13 Route 101 pursuant to this section may extend into San Mateo
14 County as far as the high-occupancy vehicle lane in that county
15 existed as of January 1, 2011, subject to agreement of the
16 City/County Association of Governments of San Mateo County.

17 (1) VTA, under the circumstances described in subdivision (b),
18 may direct and authorize the entry and use of those high-occupancy
19 vehicle lanes by single-occupant vehicles for a fee. The fee
20 structure shall be established from time to time by the authority.
21 A high-occupancy vehicle lane may only be operated as a
22 ~~high-occupancy toll (HOT)~~ *HOT* lane during the hours that the
23 lane is otherwise restricted to use by high-occupancy vehicles.

24 (2) VTA shall enter into a cooperative agreement with the Bay
25 Area Toll Authority to operate and manage the electronic toll
26 collection system.

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

1 of Service D operating conditions shall be subject to the written
2 agreement between the department and VTA. Unrestricted access

3 (b) *With the assistance of the department, VTA shall establish*
4 *appropriate performance measures, such as speed or travel times,*
5 *for the purpose of ensuring optimal use of the HOT lanes by*
6 *high-occupancy vehicles without adversely affecting other traffic*
7 *on the state highway system. Access to the lanes by high-occupancy*
8 *vehicles shall be available at all times. At least annually, the*
9 *department shall audit the level of service during peak traffic hours*
10 *and report the results of that audit at meetings of the program*
11 *management team.*

12 (c) Single-occupant vehicles that are certified or authorized by
13 the authority for entry into, and use of, the high-occupancy vehicle
14 lanes in Santa Clara County, and, if applicable, San Mateo County
15 as provided in subdivision (a), are exempt from Section 21655.5
16 of the Vehicle Code, and the driver shall not be in violation of the
17 Vehicle Code because of that entry and use.

18 (d) VTA shall carry out the program in cooperation with the
19 department pursuant to ~~a cooperative~~ *an* agreement that addresses
20 all matters related to design, construction, maintenance, and
21 operation of state highway system facilities in connection with the
22 value pricing program. ~~With the assistance of the department, VTA~~
23 ~~shall establish appropriate traffic flow guidelines for the purpose~~
24 ~~of ensuring optimal use of the high-occupancy toll lanes by~~
25 ~~high-occupancy vehicles without adversely affecting other traffic~~
26 ~~on the state highway system.~~

27 (e) (1) Agreements between VTA, the department, and the
28 Department of the California Highway Patrol shall identify the
29 respective obligations and liabilities of those entities and assign
30 them responsibilities relating to the program. The agreements
31 entered into pursuant to this section shall be consistent with
32 agreements between the department and the United States
33 Department of Transportation relating to this program. The
34 agreements shall include clear and concise procedures for
35 enforcement by the Department of the California Highway Patrol
36 of laws prohibiting the unauthorized use of the high-occupancy
37 vehicle lanes, which may include the use of video enforcement.
38 The agreements shall provide for reimbursement of state agencies,
39 from revenues generated by the program, federal funds specifically
40 allocated to the authority for the program by the federal

1 government, or other funding sources that are not otherwise
2 available to state agencies for transportation-related projects, for
3 costs incurred in connection with the implementation or operation
4 of the program.

5 (2) The revenues generated by the program shall be available
6 to VTA for the direct expenses related to the operation (including
7 collection and enforcement), maintenance, construction, and
8 administration of the program. The VTA’s administrative costs in
9 the operation of the program shall not exceed 3 percent of the
10 revenues.

11 (3) All remaining revenue generated by the program shall be
12 used in the corridor from which the revenues were generated
13 exclusively for the preconstruction, construction, and other related
14 costs of high-occupancy vehicle facilities and the improvement of
15 transit service, including, but not limited to, support for transit
16 operations pursuant to an expenditure plan adopted by the VTA.
17 To the extent a corridor extends into San Mateo County pursuant
18 to subdivision (a), VTA and the City/County Association of
19 Governments of San Mateo County shall, by agreement, determine
20 how remaining revenue shall be shared for expenditure in Santa
21 Clara County and San Mateo County consistent with this paragraph.

22 (f) (1) The VTA may issue bonds, refunding bonds, or bond
23 anticipation notes, at any time to finance construction and
24 construction-related expenditures necessary to implement the value
25 pricing program established pursuant to subdivision (a) and
26 construction and construction-related expenditures that are provided
27 for in the expenditure plan adopted pursuant to paragraph (3) of
28 subdivision (e), payable from the revenues generated from the
29 program.

30 (2) The maximum bonded indebtedness that may be outstanding
31 at any one time shall not exceed an amount that may be serviced
32 from the estimated revenues generated from the program.

33 (3) The bonds shall bear interest at a rate or rates not exceeding
34 the maximum allowable by law, payable at intervals determined
35 by the authority.

36 (4) Any bond issued pursuant to this subdivision shall contain
37 on its face a statement to the following effect:

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

- 1 (5) Bonds shall be issued pursuant to a resolution of VTA
2 adopted by a two-thirds vote of its governing board. The resolution
3 shall state all of the following:
- 4 (A) The purposes for which the proposed debt is to be incurred.
 - 5 (B) The estimated cost of accomplishing those purposes.
 - 6 (C) The amount of the principal of the indebtedness.
 - 7 (D) The maximum term of the bonds and the interest rate.
 - 8 (E) The denomination or denominations of the bonds, which
9 shall not be less than five thousand dollars (\$5,000).
 - 10 (F) The form of the bonds, including, without limitation,
11 registered bonds and coupon bonds, to the extent permitted by
12 federal law, the registration, conversion, and exchange privileges,
13 if applicable, and the time when all of, or any part of, the principal
14 becomes due and payable.
 - 15 (G) Any other matters authorized by law.
- 16 (6) The full amount of bonds may be divided into two or more
17 series and different dates of payment fixed for the bonds of each
18 series. A bond shall not be required to mature on its anniversary
19 date.
- 20 (g) Not later than three years after VTA first collects revenues
21 from any of the projects described in paragraph (1) of subdivision
22 (a), VTA shall submit a report to the Legislature on its findings,
23 conclusions, and recommendations concerning the demonstration
24 program authorized by this section. The report shall include an
25 analysis of the effect of the HOT lanes on adjacent mixed-flow
26 lanes and any comments submitted by the department and the
27 Department of the California Highway Patrol regarding operation
28 of the lanes.