

Introduced by Senator HernandezFebruary 21, 2014

An act to amend Section 149.7 of, and to repeal and add Section 149.9 of, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as introduced, Hernandez. High-occupancy toll lanes.

(1) Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit.

Existing law requires the commission to conduct at least one public hearing in northern California and one in southern California for each application and limits the number of approved facilities to not more than 4, 2 in northern California and 2 in southern California. Existing law provides that no applications may be approved on or after January 1, 2012.

This bill would remove the limitations on the number of HOT lanes that the commission may approve and would delete the January 1, 2012, deadline for HOT lane applications. The bill would also delete the requirement for public hearings on each application.

(2) Existing law, until January 15, 2015, specifically authorizes a value-pricing and transit development demonstration program involving HOT lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in the County of Los Angeles by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions.

This bill would enact new provisions revising and recasting these provisions and would repeal the existing provisions. The bill would specify additional requirements for agreements between LACMTA, the Department of Transportation, and the Department of the California Highway Patrol that identify the respective obligations and liabilities of each party relating to the program. The bill would require LACMTA, with the assistance of the department, to establish appropriate traffic flow guidelines for the purpose of ensuring the optimal use of the HOT lanes by high-occupancy vehicles.

The bill would delete the requirement that LACMTA may not change the vehicle occupancy requirement for access to the high-occupancy vehicle lanes in the identified corridors and would authorize LACMTA to define the hours of operation of the HOT lanes.

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 149.7 of the Streets and Highways Code
- 2 is amended to read:
- 3 149.7. (a) A regional transportation agency, as defined in
- 4 Section 143, in cooperation with the department, may apply to the
- 5 commission to develop and operate high-occupancy toll lanes,
- 6 including the administration and operation of a value pricing
- 7 program and exclusive or preferential lane facilities for public
- 8 transit, consistent with the established standards, requirements,
- 9 and limitations that apply to those facilities in Sections 149, 149.1,
- 10 149.3, 149.4, 149.5, and 149.6.
- 11 (b) The commission shall review each application for the
- 12 development and operation of the facilities described in subdivision
- 13 (a) according to eligibility criteria established by the commission.
- 14 ~~For each eligible application, the commission shall conduct at least~~
- 15 ~~one public hearing in northern California and one in southern~~
- 16 ~~California.~~
- 17 ~~(c) The number of facilities approved under this section shall~~
- 18 ~~not exceed four, two in northern California and two in southern~~
- 19 ~~California.~~
- 20 ~~(d)~~
- 21 (c) A regional transportation agency that develops or operates
- 22 a facility, or facilities, described in subdivision (a) shall provide

1 any information or data requested by the commission or the
2 Legislative Analyst. The commission, in cooperation with the
3 Legislative Analyst, shall annually prepare a report on the progress
4 of the development and operation of a facility authorized under
5 this section. The commission may submit this report as a section
6 in its annual report to the Legislature required pursuant to Section
7 14535 of the Government Code.

8 ~~(e) No applications may be approved under this section on or~~
9 ~~after January 1, 2012.~~

10 SEC. 2. Section 149.9 of the Streets and Highways Code is
11 repealed.

12 ~~149.9.—(a) Pursuant to Section 149.7 and the memorandum of~~
13 ~~understanding between the Los Angeles County Metropolitan~~
14 ~~Transportation Authority (LACMTA), the United States~~
15 ~~Department of Transportation, and the department, as adopted on~~
16 ~~July 24, 2008, and any subsequent, mutually agreed upon changes~~
17 ~~to that memorandum, the LACMTA may operate a value-pricing~~
18 ~~and transit development demonstration program involving~~
19 ~~high-occupancy toll (HOT) lanes to be conducted, administered,~~
20 ~~developed, and operated on State Highway Routes 10 and 110 in~~
21 ~~Los Angeles County by the LACMTA.~~

22 ~~(b) The LACMTA shall implement the program in cooperation~~
23 ~~with the department, and the active participation of the Department~~
24 ~~of the California Highway Patrol, pursuant to a cooperative~~
25 ~~agreement that addresses all matters related to design, construction,~~
26 ~~maintenance, and operation of state highway system facilities in~~
27 ~~connection with the value-pricing and transit program. With the~~
28 ~~consent of the department, the board of the LACMTA shall~~
29 ~~establish appropriate performance measures, such as speed or travel~~
30 ~~times, for the purpose of ensuring optimal use of the HOT lanes~~
31 ~~without adversely affecting other traffic on the state highway~~
32 ~~system.~~

33 ~~(c) The LACMTA and the department may implement the~~
34 ~~demonstration program under the following conditions:~~

35 ~~(1) The value-pricing program may be operated on State~~
36 ~~Highway Routes 10 and 110 in Los Angeles County on designated~~
37 ~~high-occupancy vehicle (HOV) lanes.~~

38 ~~(2) (A) Single-occupant vehicles, or those vehicles that do not~~
39 ~~meet minimum occupancy requirements, may be authorized to~~

1 ~~enter and use the HOV lanes in the identified corridors, under~~
2 ~~conditions as determined by the LACMTA.~~

3 ~~(B) The LACMTA may not change the vehicle occupancy~~
4 ~~requirement for access to the HOV lanes in the identified corridors~~
5 ~~during the demonstration period that is authorized under this~~
6 ~~section.~~

7 ~~(3) As part of the demonstration program, each proposed HOT~~
8 ~~lane shall have nontolled alternative lanes available for public use~~
9 ~~in the same corridor as the proposed HOT lanes.~~

10 ~~(4) The LACMTA shall implement a public outreach and~~
11 ~~communications plan in order to solicit public input into the~~
12 ~~development of the demonstration program.~~

13 ~~(5) In implementing the program, the LACMTA shall identify~~
14 ~~the affected communities in the respective corridors and work with~~
15 ~~those communities to identify impacts and develop mitigation~~
16 ~~measures.~~

17 ~~(6) The amount of the toll shall be established by the LACMTA,~~
18 ~~and collected and administered in a manner determined by the~~
19 ~~LACMTA. The LACMTA shall conduct a public hearing 30 days~~
20 ~~prior to setting or increasing the toll.~~

21 ~~(7) The LACMTA shall assess the impacts of the program on~~
22 ~~commuters of low income and shall provide mitigation to those~~
23 ~~impacted commuters. Mitigation measures may include, but are~~
24 ~~not limited to, reduced toll charges and toll credits for transit users.~~
25 ~~Eligible commuters for reduced toll charges or toll credits for~~
26 ~~transit users shall meet the eligibility requirements for assistance~~
27 ~~programs under Chapter 2 (commencing with Section 11200) or~~
28 ~~Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5~~
29 ~~(commencing with Section 17000) of, or Chapter 10 (commencing~~
30 ~~with Section 18900), Chapter 10.1 (commencing with Section~~
31 ~~18930), or Chapter 10.3 (commencing with Section 18937) of Part~~
32 ~~6 of, Division 9 of the Welfare and Institutions Code.~~

33 ~~(8) Toll paying commuters shall have the option to purchase~~
34 ~~any necessary toll paying equipment, prepay tolls, and renew toll~~
35 ~~payments by cash or by using a credit card.~~

36 ~~(9) The LACMTA may operate the demonstration program until~~
37 ~~January 15, 2015, during which time it may not issue bonds for~~
38 ~~the demonstration program.~~

39 ~~(10) The LACMTA and the department shall report to the~~
40 ~~Legislature by December 31, 2014. The report shall include, but~~

1 not be limited to, a summary of the demonstration program, a
2 survey of its users, the impact on carpoolers, revenues generated,
3 how transit service or alternative modes of transportation were
4 impacted, any potential effect on traffic congestion in the HOV
5 lane and in the neighboring lanes, the number of toll paying
6 vehicles that utilized the HOT lanes, any potential reductions in
7 the greenhouse gas emissions that are attributable to congestion
8 reduction resulting from the HOT lane demonstration project, and
9 a description of the mitigation measures on the affected
10 communities and commuters in this demonstration program. The
11 report shall be submitted in compliance with Section 9795 of the
12 Government Code. This paragraph shall be inoperative on
13 December 31, 2018, pursuant to Section 10231.5 of the
14 Government Code.

15 (11) Pursuant to Section 149.7, the revenue generated from the
16 program may be available to the LACMTA for the direct expenses
17 related to the maintenance, administration, and operation, including
18 collection and enforcement, of the demonstration program.
19 Administrative expenses shall not exceed 3 percent of the revenues.

20 (12) All remaining revenue generated by the demonstration
21 program shall be used in the corridor from which the revenue was
22 generated exclusively for preconstruction, construction, and other
23 related costs of high-occupancy vehicle facilities and the
24 improvement of transit service in the corridor, including, but not
25 limited to, support for transit operations pursuant to an expenditure
26 plan adopted by the LACMTA.

27 (13) This section shall not prevent the department or any local
28 agency from constructing facilities that compete with the HOT
29 lane demonstration project, and the LACMTA shall not be entitled
30 to compensation for adverse effects on toll revenue due to those
31 facilities.

32 SEC. 3. Section 149.9 is added to the Streets and Highways
33 Code, to read:

34 149.9. (a) Notwithstanding Sections 149 and 30800 of this
35 code, and Section 21655.5 of the Vehicle Code, the Los Angeles
36 County Metropolitan Transportation Authority (LACMTA), may
37 conduct, administer, and operate a value-pricing and transit
38 development demonstration program involving high-occupancy
39 toll (HOT) lanes on State Highway Routes 10 and 110 in the
40 County of Los Angeles. LACMTA may direct and authorize the

1 entry and use of the State Highway Route 10 and 110
2 high-occupancy vehicle lanes by single-occupant vehicles during
3 peak periods, as defined by LACMTA, for a fee. The amount of
4 the fee shall be established by, and collected in a manner to be
5 determined by, LACMTA.

6 (b) The LACMTA shall implement the program in cooperation
7 with the department, and with the active participation of the
8 Department of the California Highway Patrol, pursuant to an
9 agreement that addresses all matters related to design, construction,
10 maintenance, and operation of state highway system facilities in
11 connection with the program. With the assistance of the
12 department, LACMTA shall establish appropriate performance
13 measures, such as speed or travel times, for the purpose of ensuring
14 optimal use of the HOT lanes by high-occupancy vehicles without
15 adversely affecting other traffic on the state highway system.

16 (1) Agreements between LACMTA, the department, and the
17 Department of the California Highway Patrol shall identify the
18 respective obligations and liabilities of each party to the agreement
19 and assign them responsibilities relating to the program. The
20 agreements entered into pursuant to this section shall include clear
21 and concise procedures for enforcement by the Department of the
22 California Highway Patrol of laws prohibiting the unauthorized
23 use of the HOT lanes. The agreements shall provide for
24 reimbursement of state agencies, from revenues generated by the
25 program, federal funds specifically allocated to LACMTA for the
26 program by the federal government, or other funding sources that
27 are not otherwise available to state agencies for
28 transportation-related projects, for costs incurred in connection
29 with the implementation or operation of the program.
30 Reimbursement for LACMTA's program-related planning and
31 administrative costs in the operation of the program shall not
32 exceed 3 percent of the revenues.

33 (2) All remaining revenue generated by the program shall be
34 used in the corridor from which the revenue was generated
35 exclusively for preconstruction, construction, and other related
36 costs of high-occupancy vehicle facilities and the improvement of
37 transit service in the corridor, including, but not limited to, support
38 for transit operations pursuant to an expenditure plan adopted by
39 the LACMTA.

1 (c) Single-occupant vehicles that are certified or authorized by
2 LACMTA for entry into, and use of, the State Highway Routes
3 10 and 110 high-occupancy vehicle lanes are exempt from Section
4 21655.5 of the Vehicle Code, and the driver shall not be in violation
5 of the Vehicle Code because of that entry and use.

6 (d) In implementing the program, the LACMTA shall identify
7 the affected communities in the respective corridors and work with
8 those communities to identify impacts and develop mitigation
9 measures. The LACMTA shall assess the impacts of the program
10 on commuters of low income and shall provide mitigation to those
11 impacted commuters. Mitigation measures may include, but are
12 not limited to, reduced toll charges and toll credits for transit users.
13 Eligible commuters for reduced toll charges or toll credits for
14 transit users shall meet the eligibility requirements for assistance
15 programs under Chapter 2 (commencing with Section 11200) or
16 Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5
17 (commencing with Section 17000) of, or Chapter 10 (commencing
18 with Section 18900), Chapter 10.1 (commencing with Section
19 18930), or Chapter 10.3 (commencing with Section 18937) of Part
20 6 of, Division 9 of the Welfare and Institutions Code.

21 (e) Toll paying commuters shall have the option to purchase
22 any necessary toll paying equipment, prepay tolls, and renew toll
23 payments by cash or by using a credit card.

24 (f) This section shall not prevent the department or any local
25 agency from constructing facilities that compete with a HOT lane
26 demonstration project, and the LACMTA shall not be entitled to
27 compensation for adverse effects on toll revenue due to those
28 facilities.