

Senate Bill No. 1298

Passed the Senate August 22, 2014

Secretary of the Senate

Passed the Assembly August 21, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, Hernandez. High-occupancy toll lanes.

Existing law, until January 15, 2015, specifically authorizes a value-pricing and transit development demonstration program involving high-occupancy toll (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 revise and recast these provisions and would extend the program indefinitely. 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 and clear and concise procedures for law enforcement. The bill would require the agreements to provide for reimbursement of state agencies from toll revenues of the costs incurred in the implementation or operation of the program and the maintenance of state highway facilities in connection with the program and would require remaining revenue to be used for improvements to the transportation corridor from which the revenue was generated.

The bill would require LACMTA and the Department of Transportation to report to the Legislature by January 31, 2015, on various aspects and effects of the program. The bill would also authorize LACMTA to issue bonds pursuant to the Los Angeles County Transportation Commission Revenue Bond Act at any time to finance any costs necessary to implement the program and to finance any expenditures payable from the revenues generated from the program.

The people of the State of California do enact as follows:

SECTION 1. Section 149.9 of the Streets and Highways Code is repealed.

SEC. 2. Section 149.9 is added to the Streets and Highways Code, to read:

149.9. (a) Notwithstanding Sections 149 and 30800 of this code, and Section 21655.5 of the Vehicle Code, the Los Angeles County Metropolitan Transportation Authority (LACMTA) may conduct, administer, and operate a value-pricing and transit development program involving high-occupancy toll (HOT) lanes on State Highway Routes 10 and 110 in the County of Los Angeles. LACMTA, with the consent of the department, may direct and authorize the entry and use of the State Highway Routes 10 and 110 high-occupancy vehicle lanes by single-occupant vehicles and those vehicles that do not meet minimum occupancy requirements, as defined by LACMTA, for a fee. The amount of the fee shall be established by, and collected in a manner to be determined by, LACMTA. LACMTA may continue to require high-occupancy vehicles to have an electronic transponder or other electronic device for enforcement purposes.

(b) LACMTA shall implement the program in cooperation with the department, and with the active participation of the Department of the California Highway Patrol, pursuant to an agreement that addresses all matters related to design, construction, maintenance, and operation of state highway system facilities in connection with the program. With the consent of the department, LACMTA shall establish 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.

(1) Agreements between LACMTA, the department, and the Department of the California Highway Patrol shall identify the respective obligations and liabilities of each party to the agreement and assign them responsibilities relating to the program. The agreements entered into pursuant to this section shall be consistent with agreements between the department and the United States Department of Transportation relating to programs of this nature. The agreements entered into pursuant to this section shall include clear and concise procedures for enforcement by the Department

of the California Highway Patrol of laws prohibiting the unauthorized use of the HOT lanes. The agreements shall provide for reimbursement of state agencies, from revenues generated by the program or other funding sources that are not otherwise available to state agencies for transportation-related projects, for costs incurred in connection with the implementation or operation of the program, as well as maintenance of state highway system facilities in connection with the program.

(2) All remaining revenue generated by the program shall be used in the corridor from which the revenue was generated exclusively for preconstruction, construction, and other related costs of high-occupancy vehicle facilities, transportation corridor improvements, and the improvement of transit service in the corridor, including, but not limited to, support for transit operations pursuant to an expenditure plan adopted by LACMTA. LACMTA's administrative expenses related to the operation of the program shall not exceed 3 percent of the revenues.

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

(d) In implementing the program, LACMTA shall continue to work with the affected communities in the respective corridors and provide mitigation measures for commuters of low income, including reduced toll charges and toll credits for transit users. Eligible commuters for reduced toll charges or toll credits for transit users shall meet the eligibility requirements for assistance programs under Chapter 2 (commencing with Section 11200) or Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5 (commencing with Section 17000) of, or Chapter 10 (commencing with Section 18900), Chapter 10.1 (commencing with Section 18930), or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code.

(e) LACMTA and the department shall report to the Legislature by January 31, 2015. The report shall include, but not be limited to, a summary of the program, a survey of its users, the impact on carpoolers, revenues generated, how transit service or alternative modes of transportation were impacted, any potential effect on

traffic congestion in the high-occupancy vehicle lanes and in the neighboring lanes, the number of toll-paying vehicles that utilized the HOT lanes, any potential reductions in the greenhouse gas emissions that are attributable to congestion reduction resulting from the HOT lane program, any comments submitted by the Department of the California Highway Patrol regarding operation of the lanes, and a description of the mitigation measures on the affected communities and commuters in the program. The report shall be submitted in compliance with Section 9795 of the Government Code. This subdivision shall become inoperative on January 31, 2019, pursuant to Section 10231.5 of the Government Code.

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

(g) This section shall not prevent the department or any local agency from constructing facilities that compete with a HOT lane program, and LACMTA shall not be entitled to compensation for adverse effects on toll revenue due to those facilities.

(h) LACMTA may issue bonds, as set forth in Chapter 5 (commencing with Section 130500) of Division 12 of the Public Utilities Code, at any time to finance any costs necessary to implement a value-pricing and transit development program established in accordance with this section and to finance any expenditures payable from the revenues generated from the program.

Approved _____, 2014

Governor