

**ASSEMBLY BILL**

**No. 914**

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**Introduced by Assembly Member Brown**  
**(Coauthors: Assembly Members Chang, Linder, Mayes, Obernolte,**  
**Rodriguez, and Steinorth)**  
**(Coauthor: Senator Leyva)**

February 26, 2015

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An act to add Section 149.11 to the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as introduced, Brown. Toll facilities: County of San Bernardino.

Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of high-occupancy toll (HOT) lanes under certain circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll.

This bill would authorize the San Bernardino County Transportation Commission to construct and operate certain transportation facilities, as defined, on State Highway Routes 10 and 15, as toll facilities in the County of San Bernardino and, with the agreement of affected transportation agencies, in the Counties of Los Angeles and Riverside. The bill would require the toll revenues to be spent for specified transportation purposes and would authorize the commission to issue revenue bonds payable from toll revenues. The bill would require the

commission to report to the Legislative Analyst on specified matters within 3 years of commencement of toll collection on a facility constructed under the bill. The bill would enact other related provisions.

Existing law authorizes the Department of Motor Vehicles to issue decals to not more than 70,000 vehicles meeting certain air quality standards, and provides that vehicles with these air quality decals may use high-occupancy vehicle lanes without meeting the applicable vehicle occupancy requirements. Existing law generally provides that the vehicles with air quality decals are not exempt from tolls on state-owned toll bridges or certain other toll facilities.

This bill would provide that vehicles with air quality decals would not be exempt from tolls on toll facilities implemented in the County of San Bernardino or adjoining counties under this bill.

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 149.11 is added to the Streets and  
2 Highways Code, to read:

3 149.11. (a) For the purposes of this section, the following  
4 terms shall have the following meanings:

5 (1) "Transportation corridors" means State Highway Routes 10  
6 and 15 in the County of San Bernardino, including approaches and  
7 departures to and from, and direct connectors between, the two  
8 highways.

9 (2) "Transportation corridor connectors" means the approaching  
10 and departing connectors on State Highway Route 10 extending  
11 into the County of Los Angeles, as designated by agreement with  
12 the Los Angeles County Metropolitan Transportation Authority,  
13 and the connection to the State Highway Route 15 express lanes  
14 project in the County of Riverside, as designated by agreement  
15 with the Riverside County Transportation Commission.

16 (3) "Transportation facilities" means toll lanes, high-occupancy  
17 toll lanes, high-occupancy vehicle lanes, lanes or improvements  
18 where tolls may be levied and may vary according to levels of  
19 congestion or according to the type or occupancy of the vehicle,  
20 improvements or lanes utilizing a combination of those options,  
21 and approaches to those lanes and facilities incidental to or related  
22 to the lanes or the operation of the lanes.

1 (b) (1) Notwithstanding Sections 149 and 30800 of this code,  
2 and Section 21655.5 of the Vehicle Code, the San Bernardino  
3 County Transportation Commission may finance, plan, develop,  
4 design, construct, reconstruct, rehabilitate, improve, acquire,  
5 administer, maintain, lease, and operate transportation facilities in  
6 the transportation corridors and the transportation corridor  
7 connectors. The commission may acquire property for the  
8 transportation facilities and transportation corridor connectors  
9 pursuant to Section 130220.5 of the Public Utilities Code.

10 (2) The San Bernardino County Transportation Commission  
11 shall have the authority to set, levy, and collect tolls, user fees, or  
12 other similar charges payable for the use of the transportation  
13 facilities in the County of San Bernardino, and any other incidental  
14 or related fees or charges, and to collect those revenues, in a  
15 manner determined by the commission, in amounts as required for  
16 the following expenditures relative to the transportation facilities  
17 in the transportation corridors and transportation corridor  
18 connectors and for the purposes of paragraph (3):

19 (A) Capital outlay, including the costs of design, construction,  
20 right-of-way acquisition, and utilities adjustment.

21 (B) Operations and maintenance, including, but not limited to,  
22 insurance, collection, and enforcement of tolls, fees, and charges.

23 (C) Repair and rehabilitation.

24 (D) Indebtedness incurred and internal loans and advances,  
25 including related financial costs.

26 (E) Reserves.

27 (F) Administration, which shall not exceed 3 percent of the  
28 revenues of toll facilities and associated transportation facilities.

29 (3) All revenue generated pursuant to paragraph (2) in excess  
30 of the expenditure needs of that paragraph shall be used exclusively  
31 for the benefit of the transportation corridors. These excess revenue  
32 expenditures shall be described in an excess revenue expenditure  
33 plan adopted and periodically updated by the board of directors  
34 of the San Bernardino County Transportation Commission and  
35 may include, but need not be limited to, the following eligible  
36 expenditures:

37 (A) Expenditures to enhance transit service designed to reduce  
38 traffic congestion within the transportation corridors in the County  
39 of San Bernardino. Eligible expenditures include, but are not  
40 limited to, transit operating assistance, the acquisition of transit

1 vehicles, and transit capital improvements otherwise eligible to be  
2 funded under the state transportation improvement program  
3 pursuant to Section 164.

4 (B) Expenditures to make operational or capacity improvements  
5 designed to reduce traffic congestion or improve the flow of traffic  
6 in the transportation corridors in the County of San Bernardino.  
7 Eligible expenditures include, but are not limited to, any phase of  
8 project delivery to make capital improvements to on ramps, off  
9 ramps, connector roads, roadways, bridges, or other structures that  
10 are necessary for or related to the tolled or nontolled transportation  
11 facilities in the transportation corridors in the County of San  
12 Bernardino.

13 (4) To the extent the San Bernardino County Transportation  
14 Commission plans to construct or operate transportation facilities  
15 in the Counties of Los Angeles or Riverside, it shall enter into an  
16 agreement with the Los Angeles County Metropolitan  
17 Transportation Authority or the Riverside County Transportation  
18 Commission, as applicable, subject to approval of the board of  
19 directors of the San Bernardino County Transportation Commission  
20 and the board of directors of the affected entity.

21 (5) If the transportation facilities constructed and operated by  
22 the San Bernardino County Transportation Commission connect  
23 to, or are near, similar toll facilities constructed and operated by  
24 the Los Angeles County Metropolitan Transportation Authority  
25 or the Riverside County Transportation Commission, the respective  
26 entities shall enter into an agreement providing for the coordination  
27 of the toll facilities operated by each entity.

28 (c) The San Bernardino County Transportation Commission  
29 shall carry out the program in cooperation with the department  
30 pursuant to a cooperative agreement that addresses all matters  
31 related to the design, construction, maintenance, and operation of  
32 state highway system facilities in connection with the transportation  
33 facilities.

34 (d) Single-occupant vehicles that are certified or authorized by  
35 the San Bernardino County Transportation Commission for entry  
36 into, and use of, the high-occupancy toll lanes implemented  
37 pursuant to this section are exempt from Section 21655.5 of the  
38 Vehicle Code, and the driver shall not be in violation of the Vehicle  
39 Code because of that entry and use.

1 (e) Agreements between the San Bernardino County  
2 Transportation Commission, the department, and the Department  
3 of the California Highway Patrol shall identify the respective  
4 obligations, liabilities, and responsibilities of each entity. The  
5 agreements shall provide for reimbursement of state agencies, from  
6 revenues generated by the transportation facility or other funding  
7 sources that are not otherwise available to state agencies for  
8 transportation-related projects, or for costs incurred in connection  
9 with the implementation or operation of the transportation facilities.

10 (f) (1) The San Bernardino County Transportation Commission  
11 may issue bonds at any time to finance any costs necessary to  
12 implement the transportation facilities established pursuant to this  
13 section and any expenditures provided for in paragraphs (2) and  
14 (3) of subdivision (b), payable from the revenues generated from  
15 the transportation facilities and any other sources of revenues  
16 available to the commission that may be used for these purposes,  
17 including, but not limited to, sales tax revenue, development impact  
18 fees, or state and federal grants.

19 (2) The maximum bonded indebtedness that may be outstanding  
20 at any one time shall not exceed an amount that may be serviced  
21 from the projected revenues available as described in paragraph  
22 (1).

23 (3) The bonds shall bear interest at a rate or rates not exceeding  
24 the maximum allowable by law, payable at intervals determined  
25 by the commission.

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

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

31 (5) Bonds shall be issued pursuant to a resolution of the  
32 governing board of the commission adopted by a majority vote of  
33 its governing board. The resolution or bond authorizing instrument  
34 shall state all of the following:

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

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

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

38 (D) The maximum term of the bonds and the maximum interest  
39 rate.

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

3 (F) The form of the bonds.

4 (g) Not later than three years after the San Bernardino County  
5 Transportation Commission first collects revenues from any of the  
6 transportation facilities authorized by this section, the commission  
7 shall submit a report to the Legislative Analyst on its findings,  
8 conclusions, and recommendations concerning the transportation  
9 facilities. The report shall include an analysis of the effect of the  
10 transportation facilities on the adjacent mixed-flow lanes and any  
11 comments submitted by the department and the Department of the  
12 California Highway Patrol regarding operation of the transportation  
13 facilities.

14 (h) This section shall not prevent the department or any local  
15 agency from constructing improvements in the transportation  
16 corridors that compete with the transportation facilities, and the  
17 San Bernardino County Transportation Commission shall not be  
18 entitled to compensation for the adverse effects on toll revenue  
19 due to those competing improvements.

20 (i) If any provision of this section or the application thereof is  
21 held invalid, that invalidity shall not affect other provisions or  
22 applications of this section that can be given effect without the  
23 invalid provision or application, and to this extent the provisions  
24 are severable.

25 SEC. 2. Section 5205.5 of the Vehicle Code is amended to  
26 read:

27 5205.5. (a) For purposes of implementing Section 21655.9,  
28 the department shall make available for issuance, for a fee  
29 determined by the department to be sufficient to reimburse the  
30 department for the actual costs incurred pursuant to this section,  
31 distinctive decals, labels, and other identifiers that clearly  
32 distinguish the following vehicles from other vehicles:

33 (1) A vehicle that meets California’s super ultra-low emission  
34 vehicle (SULEV) standard for exhaust emissions and the federal  
35 inherently low-emission vehicle (ILEV) evaporative emission  
36 standard, as defined in Part 88 (commencing with Section  
37 88.101-94) of Title 40 of the Code of Federal Regulations.

38 (2) A vehicle that was produced during the 2004 model-year or  
39 earlier and meets California’s ultra-low emission vehicle (ULEV)  
40 standard for exhaust emissions and the federal ILEV standard.

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

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

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

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

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

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

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

26 (e) (1) For purposes of subdivision (a), the Department of the  
27 California Highway Patrol and the department, in consultation  
28 with the Department of Transportation, shall design and specify  
29 the placement of the decal, label, or other identifier on the vehicle.  
30 Each decal, label, or other identifier issued for a vehicle shall  
31 display a unique number, which number shall be printed on, or  
32 affixed to, the vehicle registration.

33 (2) Decals, labels, or other identifiers designed pursuant to this  
34 subdivision for a vehicle described in paragraph (3) of subdivision  
35 (a) shall be distinguishable from the decals, labels, or other  
36 identifiers that are designed for vehicles described in paragraphs  
37 (1) and (2) of subdivision (a).

38 (f) (1) Except as provided in paragraph (2), for purposes of  
39 paragraph (3) of subdivision (a), the department shall issue no  
40 more than 70,000 distinctive decals, labels, or other identifiers that

1 clearly distinguish a vehicle specified in paragraph (3) of  
2 subdivision (a).

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

5 (A) The vehicle is of a type identified in paragraph (3) of  
6 subdivision (a).

7 (B) The owner of the vehicle is the owner of a vehicle for which  
8 a decal, label, or other identifier described in paragraph (1) was  
9 previously issued and that vehicle for which the decal, label, or  
10 other identifier was previously issued is determined by the  
11 department, on the basis of satisfactory proof submitted by the  
12 owner to the department, to be a nonrepairable vehicle or a total  
13 loss salvage vehicle.

14 (C) The owner of the vehicle applied for a decal, label, or other  
15 identifier pursuant to this paragraph within six months of the date  
16 on which the vehicle for which a decal, label, or other identifier  
17 was previously issued is declared to be a nonrepairable vehicle or  
18 a total loss salvage vehicle.

19 (g) If the Metropolitan Transportation Commission, serving as  
20 the Bay Area Toll Authority, grants toll-free and reduced-rate  
21 passage on toll bridges under its jurisdiction to a vehicle pursuant  
22 to Section 30102.5 of the Streets and Highways Code, it shall also  
23 grant the same toll-free and reduced-rate passage to a vehicle  
24 displaying an identifier issued by the department pursuant to  
25 paragraph (1) or (2) of subdivision (a).

26 (h) (1) Notwithstanding Section 21655.9, and except as  
27 provided in paragraph (2), a vehicle described in subdivision (a)  
28 that displays a decal, label, or identifier issued pursuant to this  
29 section shall be granted a toll-free or reduced-rate passage in  
30 high-occupancy toll lanes as described in Section 149.7 of the  
31 Streets and Highways Code unless prohibited by federal law.

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

36 (B) On or before March 1, 2014, paragraph (1) does not apply  
37 to the imposition of a toll imposed for passage in lanes designated  
38 for tolls pursuant to the federally supported value pricing and  
39 transit development demonstration program operated pursuant to

1 Section 149.9 of the Streets and Highways Code for State Highway  
2 Route 10 or 110.

3 *(C) Paragraph (1) does not apply to the imposition of a toll*  
4 *imposed for passage on a transportation facility for which tolls*  
5 *are imposed pursuant to Section 149.11 of the Streets and*  
6 *Highways Code.*

7 ~~(C)~~

8 *(D) Paragraph (1) does not apply to the imposition of a toll*  
9 *charged for crossing a state-owned bridge.*

10 (i) If the Director of Transportation determines that federal law  
11 does not authorize the state to allow vehicles that are identified by  
12 distinctive decals, labels, or other identifiers on vehicles described  
13 in subdivision (a) to use highway lanes or highway access ramps  
14 for high-occupancy vehicles regardless of vehicle occupancy, the  
15 Director of Transportation shall submit a notice of that  
16 determination to the Secretary of State.

17 (j) This section shall become inoperative on January 1, 2019,  
18 or the date the federal authorization pursuant to Section 166 of  
19 Title 23 of the United States Code expires, or the date the Secretary  
20 of State receives the notice described in subdivision (i), whichever  
21 occurs first, and, as of January 1, 2019, is repealed, unless a later  
22 enacted statute, that becomes operative on or before January 1,  
23 2019, deletes or extends the dates on which it becomes inoperative  
24 and is repealed.

O