

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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 amended, 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 *a value-pricing program consisting of high-occupancy toll (HOT) lanes in various corridors* 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~~, *conduct, administer, and operate a value-pricing program that includes HOT lanes and other toll facilities* on Interstate Highway

Routes 10 and 15, as toll facilities 15 in the County of San Bernardino and, with the agreement of affected transportation agencies, in specified extensions and connections into 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 revenue collection on a facility constructed under the bill from the value-pricing program. 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 Interstate Highway Routes  
 6 10 and 15 in the County of San Bernardino, including approaches  
 7 and departures to and from, and direct connectors between, the  
 8 two highways.  
 9 (2) "Transportation corridor connectors" means the approaching  
 10 and departing connectors on Interstate 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 Interstate Highway Route 15 express  
 14 lanes project in the County of Riverside, as designated by  
 15 agreement with the Riverside County Transportation Commission.

1 (3) “Transportation facilities” means toll lanes, high-occupancy  
2 toll lanes, high-occupancy vehicle lanes, lanes or improvements  
3 where tolls may be levied and may vary according to levels of  
4 congestion or according to the type or occupancy of the vehicle,  
5 improvements or lanes utilizing a combination of those options,  
6 and approaches to those lanes and facilities incidental to or related  
7 to the lanes or the operation of the lanes.

8 (b)

9 *149.11. (a) (1) Notwithstanding Sections 149 and 30800 of*  
10 *this code, and Section 21655.5 of the Vehicle Code, the San*  
11 *Bernardino County Transportation Commission Commission,*  
12 *created pursuant to Section 130054 of the Public Utilities Code,*  
13 *may finance, plan, develop, design, construct, reconstruct,*  
14 *rehabilitate, improve, acquire, administer, maintain, lease, and*  
15 *operate transportation facilities in the transportation corridors and*  
16 *the transportation corridor connectors. The commission may*  
17 *acquire property for the transportation facilities and transportation*  
18 *corridor connectors pursuant to Section 130220.5 of the Public*  
19 *Utilities Code conduct, administer, and operate a value-pricing*  
20 *program in the Interstate 10 and Interstate 15 corridors in the*  
21 *County of San Bernardino. The value-pricing program may include*  
22 *high-occupancy toll lanes or other toll facilities. The San*  
23 *Bernardino County Transportation Commission may also extend*  
24 *the program to include the approaching and departing connectors*  
25 *on Interstate 10 extending into the County of Los Angeles, as*  
26 *designated by an agreement with the Los Angeles County*  
27 *Metropolitan Transportation Authority, and the connection to the*  
28 *Interstate 15 express lanes project in the County of Riverside, as*  
29 *designated by an agreement with the Riverside County*  
30 *Transportation Commission. The San Bernardino County*  
31 *Transportation Commission may exercise its existing powers of*  
32 *eminent domain pursuant to Section 130220.5 of the Public Utilities*  
33 *Code to acquire property necessary to carry out the purposes of*  
34 *the value-pricing program.*

35 (2) The San Bernardino County Transportation Commission  
36 shall have the authority to set, levy, and collect tolls, user fees, or  
37 other similar charges payable for the use of the ~~transportation toll~~  
38 facilities in the County of San Bernardino, and any other incidental  
39 or related fees or charges, and to collect those revenues, in a  
40 manner determined by the commission, in amounts as required for

1 the following expenditures relative to the ~~transportation facilities~~  
2 ~~in the transportation corridors and transportation corridor~~  
3 ~~connectors~~ *program* and for the purposes of paragraph (3):

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

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

8 (C) Repair and rehabilitation.

9 (D) Indebtedness incurred and internal loans and advances,  
10 including related financial costs.

11 (E) Reserves.

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

14 (3) All revenue generated pursuant to paragraph (2) in excess  
15 of the expenditure needs of that paragraph shall be used exclusively  
16 for the benefit of the transportation corridors. These excess revenue  
17 expenditures shall be described in an excess revenue expenditure  
18 plan adopted and periodically updated by the board of directors  
19 of the San Bernardino County Transportation Commission and  
20 may include, but need not be limited to, the following eligible  
21 expenditures:

22 (A) Expenditures to enhance transit service designed to reduce  
23 traffic congestion within the transportation corridors in the County  
24 of San Bernardino. Eligible expenditures include, but are not  
25 limited to, transit operating assistance, the acquisition of transit  
26 vehicles, and transit capital improvements otherwise eligible to be  
27 funded under the state transportation improvement program  
28 pursuant to Section 164.

29 (B) Expenditures to make operational or capacity improvements  
30 designed to reduce traffic congestion or improve the flow of traffic  
31 in the transportation corridors in the County of San Bernardino.  
32 Eligible expenditures include, but are not limited to, any phase of  
33 project delivery to make capital improvements to on ramps, off  
34 ramps, connector roads, roadways, bridges, or other structures that  
35 are necessary for or related to the tolled or nontolled transportation  
36 facilities in the transportation corridors in the County of San  
37 Bernardino.

38 (4) To the extent the San Bernardino County Transportation  
39 Commission plans to ~~construct or operate transportation facilities~~  
40 ~~or transportation corridor connectors~~ in *extend the value-pricing*

1 *program into* the Counties of Los Angeles or Riverside, it shall  
2 enter into an agreement with the Los Angeles County Metropolitan  
3 Transportation Authority or the Riverside County Transportation  
4 Commission, as applicable, subject to approval of the board of  
5 directors of the San Bernardino County Transportation Commission  
6 and the board of directors of the affected ~~entity~~.

7 ~~(5) If the transportation facilities constructed~~ *entity. If the*  
8 *value-pricing program developed* and operated by the San  
9 Bernardino County Transportation Commission ~~connect~~ *connects*  
10 to, or ~~are~~ *is* near, similar toll facilities constructed and operated  
11 by the Los Angeles County Metropolitan Transportation Authority  
12 or the Riverside County Transportation Commission, the respective  
13 entities shall enter into an agreement providing for the coordination  
14 of the toll facilities operated by each entity.

15 (e)

16 (b) The San Bernardino County Transportation Commission  
17 shall carry out the program in cooperation with the department  
18 pursuant to a cooperative agreement that addresses all matters  
19 related to the design, construction, maintenance, and operation of  
20 state highway system facilities in connection with the ~~transportation~~  
21 ~~facilities~~ *value-pricing program*.

22 (d)

23 (c) Single-occupant vehicles that are certified or authorized by  
24 the San Bernardino County Transportation Commission for entry  
25 into, and use of, the ~~transportation facilities~~ *high-occupancy toll*  
26 *lanes* implemented pursuant to this section are exempt from Section  
27 21655.5 of the Vehicle Code, and the driver shall not be in violation  
28 of the Vehicle Code because of that entry and use.

29 (e)

30 (d) Agreements between the San Bernardino County  
31 Transportation Commission, the department, and the Department  
32 of the California Highway Patrol shall identify the respective  
33 obligations, liabilities, and responsibilities of each entity. The  
34 agreements shall provide for reimbursement of state agencies, from  
35 revenues generated by the ~~transportation facility~~ *program* or other  
36 funding sources that are not otherwise available to state agencies  
37 for transportation-related projects, or for costs incurred in  
38 connection with the implementation or operation of the  
39 ~~transportation facilities~~ *program*.

40 (f)

1 (e) (1) The San Bernardino County Transportation Commission  
 2 may issue bonds at any time to finance any costs necessary to  
 3 implement the ~~transportation facilities~~ *program* established  
 4 pursuant to this section and any expenditures provided for in  
 5 paragraphs (2) and (3) of subdivision ~~(b)~~ (a), payable from the  
 6 revenues generated from the ~~transportation facilities~~ *program* and  
 7 any other sources of revenues available to the commission that  
 8 may be used for these purposes, including, but not limited to, sales  
 9 tax revenue, development impact fees, or state and federal grants.

10 (2) The maximum bonded indebtedness that may be outstanding  
 11 at any one time shall not exceed an amount that may be serviced  
 12 from the projected revenues available as described in paragraph  
 13 (1).

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

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

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

22 (5) Bonds shall be issued pursuant to a resolution of the  
 23 governing board of the commission adopted by a majority vote of  
 24 its governing board. The resolution or bond authorizing instrument  
 25 shall state all of the following:

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

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

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

29 (D) The maximum term of the bonds and the maximum interest  
 30 rate.

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

33 (F) The form of the bonds.

34 ~~(g)~~

35 (f) Not later than three years after the San Bernardino County  
 36 Transportation Commission first collects revenues from ~~any of the~~  
 37 ~~transportation facilities~~ *the program* authorized by this section,  
 38 the commission shall submit a report to the Legislative Analyst  
 39 on its findings, conclusions, and recommendations concerning the  
 40 ~~transportation facilities~~ *program*. The report shall include an

1 analysis of the effect of the transportation facilities on the adjacent  
2 mixed-flow lanes and any comments submitted by the department  
3 and the Department of the California Highway Patrol regarding  
4 operation of the transportation facilities.

5 (h)

6 (g) This section shall not prevent the department or any local  
7 agency from constructing improvements in the transportation  
8 corridors that compete with the ~~transportation facilities program~~,  
9 and the San Bernardino County Transportation Commission shall  
10 not be entitled to compensation for the adverse effects on toll  
11 revenue due to those competing improvements.

12 (i)

13 (h) If any provision of this section or the application thereof is  
14 held invalid, that invalidity shall not affect other provisions or  
15 applications of this section that can be given effect without the  
16 invalid provision or application, and to this extent the provisions  
17 are severable.

18 (j)

19 (i) Nothing in this section shall authorize the conversion of any  
20 existing nontoll or nonuser-fee lanes into tolled or user-fee lanes,  
21 except that a high-occupancy vehicle lane may be converted into  
22 a transportation facility, as defined in paragraph (3) of subdivision  
23 (a): *high-occupancy toll lane*.

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

26 ~~5205.5. (a) For purposes of implementing Section 21655.9,~~  
27 ~~the department shall make available for issuance, for a fee~~  
28 ~~determined by the department to be sufficient to reimburse the~~  
29 ~~department for the actual costs incurred pursuant to this section,~~  
30 ~~distinctive decals, labels, and other identifiers that clearly~~  
31 ~~distinguish the following vehicles from other vehicles:~~

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

37 ~~(2) A vehicle that was produced during the 2004 model-year or~~  
38 ~~earlier and meets California's ultra-low emission vehicle (ULEV)~~  
39 ~~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 are~~  
5 ~~imposed pursuant to Section 149.11 of the Streets and Highways~~  
6 ~~Code.~~

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

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

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