

**ASSEMBLY BILL**

**No. 1746**

---

---

**Introduced by Assembly Member Mark Stone**

February 2, 2016

---

---

An act to amend Section 148.1 of the Streets and Highways Code, and to amend Section 21650 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1746, as introduced, Mark Stone. Transit buses.

Existing law authorizes the Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District to conduct a transit bus-only program using the shoulders of certain state highways as transit bus-only traffic corridors, subject to approval by the Department of Transportation and the Department of the California Highway Patrol. Existing law requires that the highway segments to be used for the program are to be jointly determined by the districts, the department, and the Department of the California Highway Patrol, and imposes other conditions and requirements.

Existing law creates the Alameda-Contra Costa Transit District, the Central Contra Costa Transit Authority, the North County Transit District, the San Diego Association of Governments, the San Diego Metropolitan Transit System, and the Santa Clara Valley Transportation Authority with various powers and duties relative to the operation of public transit.

This bill would additionally authorize the operation of transit buses on the shoulder of a segment of a state highway designated under the program within the areas served by the transit services of the 6 entities described above, subject to the same conditions and requirements.

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 148.1 of the Streets and Highways Code  
 2 is amended to read:  
 3 148.1. (a) Notwithstanding any other ~~provision of law, the~~  
 4 *Alameda-Contra Costa Transit District, the Central Contra Costa*  
 5 *Transit Authority, the Monterey-Salinas Transit ~~District and~~*  
 6 *District, the North County Transit District, the San Diego*  
 7 *Association of Governments, the San Diego Metropolitan Transit*  
 8 *System, the Santa Clara Valley Transportation Authority, and the*  
 9 *Santa Cruz Metropolitan Transit District* may conduct a transit  
 10 bus-only program using the shoulders of certain highways in the  
 11 state highway system within the areas served by the transit services  
 12 ~~of the districts, each entity,~~ with the approval of the department  
 13 and the Department of the California Highway Patrol. The  
 14 department, the Department of the California Highway Patrol, and  
 15 ~~each participating transit districts~~ *entity* shall jointly determine the  
 16 segments of each highway where it is appropriate to designate the  
 17 shoulders as transit bus-only traffic corridors, based upon factors  
 18 that shall include, but ~~not be~~ *are not* limited to, right-of-way  
 19 availability and capacity, peak congestion hours, and the most  
 20 heavily congested areas. Under the program, the participating  
 21 ~~transit districts entities~~ shall actively work with the department  
 22 and the Department of the California Highway Patrol to develop  
 23 guidelines that ensure driver and vehicle safety and the integrity  
 24 of the infrastructure.  
 25 (b) The development of the guidelines shall be done with  
 26 transparency, including the opportunity for public comment.  
 27 (c) The department and the participating ~~transit districts entities~~  
 28 shall monitor the state of repair of highway shoulders used in the  
 29 program, including repairs attributable to the operation of transit  
 30 buses on the shoulders.  
 31 (d) The participating ~~transit districts entities~~ shall be responsible  
 32 for all costs attributable to this program, including costs related to  
 33 repairs attributable to the operation of transit buses on shoulders.

1 (e) The program may commence operation as soon as guidelines  
2 are agreed to by the *participating* transit ~~districts~~, *entities*, the  
3 department, and the Department of the California Highway Patrol.

4 (f) As used in this section, “highway” includes “freeway.”

5 SEC. 2. Section 21650 of the Vehicle Code is amended to read:  
6 21650. Upon all highways, a vehicle shall be driven upon the  
7 right half of the roadway, except as follows:

8 (a) When overtaking and passing another vehicle proceeding  
9 in the same direction under the rules governing that movement.

10 (b) When placing a vehicle in a lawful position for, and when  
11 the vehicle is lawfully making, a left turn.

12 (c) When the right half of a roadway is closed to traffic under  
13 construction or repair.

14 (d) Upon a roadway restricted to one-way traffic.

15 (e) When the roadway is not of sufficient width.

16 (f) When the vehicle is necessarily traveling so slowly as to  
17 impede the normal movement of traffic, that portion of the highway  
18 adjacent to the right edge of the roadway may be utilized  
19 temporarily when in a condition permitting safe operation.

20 (g) This section does not prohibit the operation of bicycles on  
21 any shoulder of a highway, on any sidewalk, on any bicycle path  
22 within a highway, or along any crosswalk or bicycle path crossing,  
23 where the operation is not otherwise prohibited by this code or  
24 local ordinance.

25 (h) This section does not prohibit the operation of a transit bus  
26 on the shoulder of a state highway in conjunction with the  
27 implementation of a program authorized pursuant to Section 148.1  
28 of the Streets and Highways Code on state highways within the  
29 areas served by the transit services of the *Alameda-Contra Costa*  
30 *Transit District, the Central Contra Costa Transit Authority, the*  
31 *Monterey-Salinas Transit ~~District~~ or District, the North County*  
32 *Transit District, the San Diego Association of Governments, the*  
33 *San Diego Metropolitan Transit System, the Santa Clara Valley*  
34 *Transportation Authority, or the Santa Cruz Metropolitan Transit*  
35 *District.*

O