

AMENDED IN ASSEMBLY MARCH 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1746**

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**Introduced by Assembly Member Mark Stone**

February 2, 2016

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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 amended, 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. *Two years after commencing the operation of the program, the bill would require a participating entity, in conjunction with the department and the Department of the California Highway Patrol, to submit a report to the Legislature that includes specified information about the program. The bill would also require the participating entity to post the report on its Internet Web site to enable the public to access the report.*

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

1 (d) The participating transit entities shall be responsible for all  
2 costs attributable to this program, including costs related to repairs  
3 attributable to the operation of transit buses on shoulders.

4 (e) The program may commence operation as soon as guidelines  
5 are agreed to by the participating transit entities, the department,  
6 and the Department of the California Highway Patrol.

7 (f) (1) *Two years after commencing the operation of the*  
8 *program, a participating transit entity, in conjunction with the*  
9 *department and the Department of the California Highway Patrol,*  
10 *shall submit a report to the Legislature that includes all of the*  
11 *following:*

12 (A) *Information regarding the geographic scope of the program.*

13 (B) *A copy of the guidelines agreed to by the participating entity,*  
14 *the department, and the Department of the California Highway*  
15 *Patrol.*

16 (C) *Information about any highway modifications.*

17 (D) *Information regarding the costs associated with the*  
18 *program.*

19 (E) *Performance measures used to evaluate the success of the*  
20 *program, such as safety, freeway operations, and transit travel*  
21 *time reliability and savings.*

22 (2) *The participating entity shall post the report required by*  
23 *this subdivision on its Internet Web site to enable the public to*  
24 *access the report.*

25 (3) *The report submitted pursuant to paragraph (1) shall be*  
26 *submitted in compliance with Section 9795 of the Government*  
27 *Code.*

28 (f)

29 (g) As used in this section, “highway” includes “freeway.”

30 SEC. 2. Section 21650 of the Vehicle Code is amended to read:  
31 21650. Upon all highways, a vehicle shall be driven upon the  
32 right half of the roadway, except as follows:

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

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

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

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

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

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

5 (g) This section does not prohibit the operation of bicycles on  
6 any shoulder of a highway, on any sidewalk, on any bicycle path  
7 within a highway, or along any crosswalk or bicycle path crossing,  
8 where the operation is not otherwise prohibited by this code or  
9 local ordinance.

10 (h) This section does not prohibit the operation of a transit bus  
11 on the shoulder of a state highway in conjunction with the  
12 implementation of a program authorized pursuant to Section 148.1  
13 of the Streets and Highways Code on state highways within the  
14 areas served by the transit services of the Alameda-Contra Costa  
15 Transit District, the Central Contra Costa Transit Authority, the  
16 Monterey-Salinas Transit District, the North County Transit  
17 District, the San Diego Association of Governments, the San Diego  
18 Metropolitan Transit System, the Santa Clara Valley Transportation  
19 Authority, or the Santa Cruz Metropolitan Transit District.

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