

AMENDED IN SENATE MAY 24, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

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 Livermore Amador Valley Transit Authority, *the Los Angeles Metropolitan 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 78 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 Livermore Amador Valley Transit Authority, *the Los Angeles*  
6 *Metropolitan Transit Authority*, the Monterey-Salinas Transit  
7 District, the North County Transit District, the San Diego  
8 Association of Governments, the San Diego Metropolitan Transit  
9 System, the Santa Clara Valley Transportation Authority, and the  
10 Santa Cruz Metropolitan Transit District may conduct a transit  
11 bus-only program using the shoulders of certain highways in the  
12 state highway system within the areas served by the transit services  
13 of each entity, with the approval of the department and the  
14 Department of the California Highway Patrol. The department,  
15 the Department of the California Highway Patrol, and each  
16 participating transit entity shall jointly determine the segments of  
17 each highway where it is appropriate to designate the shoulders  
18 as transit bus-only traffic corridors, based upon factors that shall  
19 include, but are not limited to, right-of-way availability and  
20 capacity, peak congestion hours, and the most heavily congested  
21 areas. Under the program, the participating transit entities shall  
22 actively work with the department and the Department of the

1 California Highway Patrol to develop guidelines that ensure driver  
2 and vehicle safety and the integrity of the infrastructure.

3 (b) The development of the guidelines shall be done with  
4 transparency, including the opportunity for public comment.

5 (c) The department and the participating transit entities shall  
6 monitor the state of repair of highway shoulders used in the  
7 program, including repairs attributable to the operation of transit  
8 buses on the shoulders.

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

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

15 (f) (1) Two years after commencing the operation of the  
16 program, a participating transit entity, in conjunction with the  
17 department and the Department of the California Highway Patrol,  
18 shall submit a report to the Legislature that includes all of the  
19 following:

20 (A) Information regarding the geographic scope of the program.

21 (B) A copy of the guidelines agreed to by the participating entity,  
22 the department, and the Department of the California Highway  
23 Patrol.

24 (C) Information about any highway modifications.

25 (D) Information regarding the costs associated with the program.

26 (E) Performance measures used to evaluate the success of the  
27 program, such as safety, freeway operations, and transit travel time  
28 reliability and savings.

29 (2) The participating entity shall post the report required by this  
30 subdivision on its Internet Web site to enable the public to access  
31 the report.

32 (3) The report submitted pursuant to paragraph (1) shall be  
33 submitted in compliance with Section 9795 of the Government  
34 Code.

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

36 SEC. 2. Section 21650 of the Vehicle Code is amended to read:  
37 21650. Upon all highways, a vehicle shall be driven upon the  
38 right half of the roadway, except as follows:

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

- 1 (b) When placing a vehicle in a lawful position for, and when
- 2 the vehicle is lawfully making, a left turn.
- 3 (c) When the right half of a roadway is closed to traffic under
- 4 construction or repair.
- 5 (d) Upon a roadway restricted to one-way traffic.
- 6 (e) When the roadway is not of sufficient width.
- 7 (f) When the vehicle is necessarily traveling so slowly as to
- 8 impede the normal movement of traffic, that portion of the highway
- 9 adjacent to the right edge of the roadway may be utilized
- 10 temporarily when in a condition permitting safe operation.
- 11 (g) This section does not prohibit the operation of bicycles on
- 12 any shoulder of a highway, on any sidewalk, on any bicycle path
- 13 within a highway, or along any crosswalk or bicycle path crossing,
- 14 where the operation is not otherwise prohibited by this code or
- 15 local ordinance.
- 16 (h) This section does not prohibit the operation of a transit bus
- 17 on the shoulder of a state highway in conjunction with the
- 18 implementation of a program authorized pursuant to Section 148.1
- 19 of the Streets and Highways Code.