

AMENDED IN SENATE AUGUST 20, 1998
AMENDED IN SENATE JULY 28, 1998
AMENDED IN SENATE JULY 9, 1998
AMENDED IN SENATE JUNE 24, 1998
AMENDED IN SENATE MARCH 30, 1998
AMENDED IN SENATE AUGUST 25, 1997
AMENDED IN SENATE JULY 23, 1997
AMENDED IN SENATE JULY 2, 1997
AMENDED IN ASSEMBLY MAY 12, 1997
AMENDED IN ASSEMBLY APRIL 28, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 466

**Introduced by Assembly Member Campbell
(Coauthor: Assembly Member Baugh)**

February 24, 1997

An act to amend Section 91.5 of, and to add and repeal Sections ~~91.7 and 149.4 of, the Streets and Highways Code, and to add and repeal Section 21655.10 of the Vehicle~~ *Section 91.7 of, the Streets and Highways Code*, relating to highways.



LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Campbell. Highway Demonstration demonstration programs: courtesy signs: ~~preferential vehicle lanes.~~

~~(1) Existing~~

~~Existing~~ law authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The Director of Transportation is authorized to recognize the sponsoring person with the erection of a courtesy sign on the highway. The director is authorized to conduct a demonstration program in the County of Los Angeles to recognize the sponsoring person by authorizing the placement of recognition on the sponsored materials, other than safety equipment, or authorizing the planting and maintenance by the sponsor of organizational logos created from live plant materials, instead of the courtesy sign.

This bill would extend the demonstration program to Orange County and would make the program inoperative on July 1, 2002.

The bill would require the department to provide a report to the Legislature regarding the utilization of this authority.

~~(2) Existing law authorizes the Department of Transportation to construct exclusive or preferential lanes under specified conditions.~~

~~This bill would authorize the Orange County Transportation Authority to conduct, administer, and operate one congestion pricing and transit development demonstration program on a designated and approved section of State Highway Route 57 within Orange County, including the use, for a toll, of high-occupancy vehicle lanes or new lanes by vehicles with less than the minimum number of passengers otherwise required to lawfully use the lanes. The bill would authorize the authority, with the approval of the department, to enter into agreements with private entities, and, not less than 6 months prior to commencing construction of the HOT lanes, to, among other things, define vehicle occupancy requirements and set and impose tolls for use of HOT lanes. The bill would require the authority to report to~~



~~the department and the Legislature, as specified. The bill would provide for the disbursement of the revenues collected from the tolls and would make conforming changes.~~

~~The bill would prohibit any person from driving a vehicle in an established HOT lane with less than the number of passengers otherwise required in order to lawfully use that lane, unless the applicable toll has been paid. Because under existing law a violation of that provision would be a crime, this bill would impose a state-mandated local program by creating a new crime. The bill would specify the provisions that apply and those that do not apply to established HOT lanes.~~

~~The bill would require the department to evaluate the program and submit, on or before 3 years after commencement of operations of the program, a written copy of the evaluation to the Legislature.~~

~~These provisions would remain in effect only until January 1, 2004, unless that date is deleted or extended by a later enacted statute.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 91.5 of the Streets and Highways
- 2 Code is amended to read:
- 3 91.5. (a) The department may enter into an
- 4 agreement to accept funds, materials, equipment, or
- 5 services from any person for maintenance or roadside
- 6 enhancement of a section of a state highway. The
- 7 department and the sponsoring person may specify in the
- 8 agreement the level of maintenance that will be
- 9 performed.
- 10 (b) The director may authorize a courtesy sign. These
- 11 courtesy signs shall be consistent with existing code



1 provisions and department rules and regulations
2 concerning signs.

3 SEC. 2. Section 91.7 is added to the Streets and
4 Highways Code, to read:

5 91.7. (a) Instead of the courtesy sign authorized
6 under subdivision (b) of Section 91.5, the director may
7 authorize a demonstration program providing for the
8 placement of recognition on the sponsored materials,
9 other than safety equipment, or the planting and
10 maintenance by the sponsor of organizational logos
11 created from live plant materials. The planting, materials,
12 and equipment shall be consistent with federal and
13 departmental rules and regulations.

14 (b) A demonstration program undertaken pursuant to
15 this section may be authorized only in the Counties of Los
16 Angeles and Orange.

17 (c) The department shall provide a report to the
18 Legislature on or before July 1, 2002, regarding the
19 utilization of the authority provided under this section.

20 (d) This section shall become inoperative on July 1,
21 2002, and, as of January 1, 2003, is repealed, unless a later
22 enacted statute that is enacted on or before January 1,
23 2003, deletes or extends the dates on which it becomes
24 inoperative and is repealed.

25 ~~SEC. 3. Section 149.4 is added to the Streets and
26 Highways Code, to read:~~

27 ~~149.4. (a) Notwithstanding Sections 149 and 30800,
28 the Orange County Transportation Authority may
29 conduct, administer, and operate one congestion pricing
30 and transportation development demonstration program
31 on Route 57 between Interstate Route 5 and the Los
32 Angeles County line using high-occupancy vehicle lanes
33 or new lanes on one section of the state highway. The
34 location of the section of state highway used for this
35 program shall be within Orange County subject to the
36 approval of the department. The program may authorize
37 the imposition of a toll for the entry and use of the Route
38 57 high-occupancy vehicle lanes or new lanes by vehicles
39 with less than the number of passengers otherwise
40 required to lawfully use the lanes. These lanes shall be~~



1 known as high-occupancy toll (HOT) lanes. No lanes that
2 are available for use by all vehicles on January 1, 1999,
3 shall be incorporated into the HOT lanes. Existing High
4 Occupancy Vehicle (HOV) lanes may be incorporated
5 into the HOT lanes if the authority determines that not
6 more than two lanes in each travel direction are required
7 for effective operation of the HOT lanes.

8 (b) HOT lanes implemented under this section shall
9 enhance public use of improvements funded, in part, by
10 the authority or private sources. To further the purposes
11 of subdivision (a) and notwithstanding Section 143, the
12 authority may, with the approval of the department,
13 obtain bids or proposals and enter into agreements with
14 private entities to undertake all or a portion of the
15 program, including planning, design, development,
16 financing, installation, construction, improvement, or
17 operation, or any combination of those, using in whole or
18 in part, private sources of financing. Financial and
19 operational control of the HOT lanes shall, at all times, be
20 the direct responsibility of the authority. All financial and
21 operational records of the HOT lanes shall be available for
22 public inspection annually.

23 (c) Not less than six months prior to commencing
24 construction of the HOT lanes, the authority, with
25 approval of the department, shall (1) define the vehicle
26 occupancy requirements and other conditions for the use
27 of the HOT lanes by high-occupancy and other vehicles;
28 (2) define measurable goals to be achieved by the HOT
29 lane demonstration project; (3) project capital and
30 operating costs; and (4) define the terms and conditions
31 of proposed agreements, including rate of return on
32 investment, with private entities, if any. The authority
33 shall conduct at least one public hearing prior to adopting
34 or substantially changing the operational characteristics,
35 goals, or terms and conditions of agreements with private
36 entities. The travel-time level of service shall be
37 maintained at the level of high-occupancy vehicle lanes
38 within the district as determined by the department.
39 Access to the lanes by high-occupancy vehicles shall be



1 available at all times. At least annually, the department
2 shall audit the level of service during peak traffic hours.

3 (d) The authority, with approval of the department,
4 shall set and impose tolls for the use of HOT lanes
5 constructed by it or a contracting private entity.

6 (e) Net revenues from tolls in excess of capital and
7 operating costs shall accrue to the authority and shall be
8 used to reimburse state agencies, including, but not
9 limited to, the Department of the California Highway
10 Patrol and the Department of Transportation, for added
11 costs for services rendered that would not have been
12 incurred if the demonstration program had not become
13 operational. The balance remaining after reimbursing
14 the state agencies may be used for redeeming bonds and
15 for transportation improvements in the corridor of the
16 state highway used for this demonstration program.

17 (f) The department shall maintain the rights-of-way
18 and the Department of the California Highway Patrol
19 shall enforce the operation of vehicles on the HOT lanes
20 projects in conjunction with the nonproject portions of
21 Route 57.

22 (g) Upon commencement of operation of the
23 program, the authority shall, on or before January 1 of
24 each year, submit a report to the department and the
25 Legislature regarding revenues and costs and
26 expenditure of net revenues.

27 (h) Prior to commencing the program, the authority
28 shall define, to the extent practicable, baseline travel
29 conditions on the section of state highway used for this
30 program. Once HOT lanes are established, the authority
31 shall, at least annually, evaluate and report its findings to
32 the department regarding changes in those baseline
33 conditions.

34 (i) Unless otherwise prohibited by any other law, all
35 contracts entered into by the authority for the purpose of
36 carrying out the congestion pricing and transportation
37 development demonstration program authorized under
38 this section shall be awarded through a competitive
39 sealed bidding process.



1 ~~(j) The department shall evaluate the efficiency of the~~
2 ~~demonstration program. The department shall submit a~~
3 ~~written copy of that evaluation to the Legislature on or~~
4 ~~before three years after commencement of operations of~~
5 ~~the programs.~~

6 ~~(k) This section shall remain in effect only until~~
7 ~~January 1, 2004, and as of that date is repealed, unless a~~
8 ~~later enacted statute, which is enacted on or before~~
9 ~~January 1, 2004, deletes or extends that date.~~

10 ~~SEC. 4. Section 21655.10 is added to the Vehicle Code,~~
11 ~~to read:~~

12 ~~21655.10. (a) No person shall drive a vehicle in a~~
13 ~~high-occupancy toll (HOT) lane established pursuant to~~
14 ~~Section 149.4 of the Streets and Highways Code, with less~~
15 ~~than the number of passengers otherwise required in~~
16 ~~order to lawfully use that lane, unless the applicable toll~~
17 ~~has been paid.~~

18 ~~(b) Sections 21655.5 and 21655.8 apply to HOT lanes~~
19 ~~and Section 23302 does not apply to those lanes.~~

20 ~~(c) This section shall remain in effect only until~~
21 ~~January 1, 2004, and as of that date is repealed, unless a~~
22 ~~later enacted statute, which is enacted on or before~~
23 ~~January 1, 2004, deletes or extends that date.~~

24 ~~SEC. 5. No reimbursement is required by this act~~
25 ~~pursuant to Section 6 of Article XIII B of the California~~
26 ~~Constitution because the only costs that may be incurred~~
27 ~~by a local agency or school district will be incurred~~
28 ~~because this act creates a new crime or infraction,~~
29 ~~eliminates a crime or infraction, or changes the penalty~~
30 ~~for a crime or infraction, within the meaning of Section~~
31 ~~17556 of the Government Code, or changes the definition~~
32 ~~of a crime within the meaning of Section 6 of Article~~
33 ~~XIII B of the California Constitution.~~

34 ~~Notwithstanding Section 17580 of the Government~~
35 ~~Code, unless otherwise specified, the provisions of this act~~
36 ~~shall become operative on the same date that the act~~
37 ~~takes effect pursuant to the California Constitution.~~

