

ASSEMBLY BILL

No. 1624

Introduced by Assembly Member Figueroa

January 5, 1998

An act to amend Section 21655.6 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1624, as introduced, Figueroa. Highways: high-occupancy vehicle lanes.

(1) Existing law authorizes 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. Existing law also prohibits the department, pursuant to a specified federal law, from restricting or requiring the restriction of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, except for approaches to controlled access highways, toll roads, or bridges.

This bill would delete that prohibition.

The bill also would require the Metropolitan Transportation Commission, if the Department of Transportation restricts or requires the restriction of the use of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, to review the use patterns of those lanes and to determine if congestion relief is being efficiently achieved by the creation of the high-occupancy vehicle lanes. The bill also would require the commission to

report its findings and recommendations in its HOV Master Plan Update for the San Francisco Bay area, as specified. Thus, because the bill would increase the duties and responsibilities of a local area planning agency, it would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 21655.6 of the Vehicle Code is
2 amended to read:

3 21655.6. (a) Whenever the Department of
4 Transportation authorizes or permits exclusive or
5 preferential use of highway lanes for high-occupancy
6 vehicles on any highway located within the territory of a
7 transportation planning agency, as defined in Section
8 99214 of the Public Utilities Code, or a county
9 transportation commission, the department shall obtain
10 the approval of the transportation planning agency or
11 county transportation commission prior to establishing
12 the exclusive or preferential use of the highway lanes.

13 ¶
14 (b) If the department authorizes or permits additional
15 exclusive or preferential use of highway lanes for
16 high-occupancy vehicles on that portion of State
17 Highway Route 101 located within the boundaries of the
18 City of Los Angeles, the department shall obtain the



1 approval of the Los Angeles County Transportation
2 Commission by at least a two-thirds majority vote of the
3 entire membership eligible to vote prior to establishing
4 the additional exclusion or preferential use of the
5 highway lanes. For *the* purposes of this section, eight of
6 the 11 voting members constitute a two-thirds majority of
7 the commission.

8 ~~Pursuant to Section 146 of the federal Surface~~
9 ~~Transportation Assistance Act of 1982 (P.L. 97-424), the~~
10 ~~department shall not restrict or require the restriction of~~
11 ~~the use of any lane on any federal-aid highway in the~~
12 ~~unincorporated areas of Alameda County to~~
13 ~~high-occupancy vehicles, exclusive of approaches to~~
14 ~~controlled access highways, toll roads, or bridges.~~

15 *(c) If the department restricts or requires the*
16 *restriction of the use of any lane on any federal-aid*
17 *highway in the unincorporated areas of Alameda County*
18 *to high-occupancy vehicles, the Metropolitan*
19 *Transportation Commission (MTC) shall review the use*
20 *patterns of those lanes and shall determine if congestion*
21 *relief is being efficiently achieved by the creation of the*
22 *high-occupancy vehicle lanes. The MTC shall report its*
23 *findings and recommendations in its HOV Master Plan*
24 *Update for the San Francisco Bay area no later than two*
25 *years after those high-occupancy vehicle lanes become*
26 *operational.*

27 SEC. 2. Notwithstanding Section 17610 of the
28 Government Code, if the Commission on State Mandates
29 determines that this act contains costs mandated by the
30 state, reimbursement to local agencies and school
31 districts for those costs shall be made pursuant to Part 7
32 (commencing with Section 17500) of Division 4 of Title
33 2 of the Government Code. If the statewide cost of the
34 claim for reimbursement does not exceed one million
35 dollars (\$1,000,000), reimbursement shall be made from
36 the State Mandates Claims Fund.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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