

AMENDED IN SENATE MARCH 18, 1998

Senate Concurrent Resolution

No. 78

Introduced by Senator Rainey
(Coauthor: Senator Kopp)
(Coauthor: Assembly Member Papan)

March 9, 1998

Senate Concurrent Resolution No. 78—Relative to high-occupancy vehicle lanes.

LEGISLATIVE COUNSEL'S DIGEST

SCR 78, as amended, Rainey. High-occupancy vehicle lanes: study.

This measure would request the Department of Transportation, the Metropolitan Transportation Commission, and the Department of the California Highway Patrol to jointly conduct a study of a specified demonstration project involving a new high-occupancy vehicle lane on Interstate 80 and would require the Department of Transportation to make available to the public copies of the completed study. The bill also would request ~~that future decisions concerning high-occupancy vehicle lanes consider basing those decisions on established~~ *the departments, in consultation with regional transportation agencies, to develop statewide criteria and specific scientific data guidelines upon which to base future decisions involving HOV lanes and to develop a specified standardized review process.*

Fiscal committee: yes.

1 WHEREAS, Interstate 80 between the Carquinez
2 Bridge and the San Francisco-Oakland Bay Bridge is a
3 vital transportation corridor and is the most congested
4 freeway in the Bay Area; and

5 WHEREAS, The Department of Transportation has
6 added a new high-occupancy vehicle (HOV) lane to
7 alleviate the congestion in order to promote the welfare,
8 safety, and convenience of motorists; and

9 WHEREAS, Certain cities along the Interstate 80
10 corridor ~~have~~ threatened litigation to prevent this
11 freeway-widening project from proceeding and ~~have~~
12 demanded certain concessions in order to drop the threat
13 of this lawsuit; and

14 WHEREAS, One of these concessions was to create a
15 “demonstration project” that would restrict the use of the
16 west-bound segment of the new HOV lane, between the
17 Distribution Center and the Richmond Parkway, to
18 vehicles with three or more persons during the hours of
19 5 a.m. to 7 p.m.; and

20 WHEREAS, This concession ~~would result~~ *has resulted*
21 in this HOV lane having the longest and most restrictive
22 hours of operation in the Bay Area; and

23 WHEREAS, All other Bay Area HOV lanes are
24 restricted to use by carpoolers during peak congestion
25 hours only; and

26 WHEREAS, Most other Bay Area HOV lanes may be
27 used by vehicles with two or more persons; and

28 WHEREAS, The public has expressed confusion over
29 the discrepancies and inconsistencies of the ~~proposed~~
30 Interstate 80 HOV lane’s hours of operation, ~~and the~~ *and*
31 *the required number of occupants for each vehicle; and*

32 WHEREAS, The Department of the California
33 Highway Patrol is concerned about the safety risks ~~this~~
34 ~~confusion~~ *these confusions* may cause; and

35 WHEREAS, Bay Area courts have expressed concern
36 over the inconsistency of HOV lanes, and have indicated
37 that they may dismiss HOV-lane citations if the
38 inconsistencies are shown to cause confusion for
39 motorists; and



1 WHEREAS, The justification for this demonstration
2 project is not based on any established criteria, extensive
3 research, or scientific data; and it has not been effectively
4 demonstrated that operating HOV lanes during
5 noncommute hours encourages carpooling or reduces
6 congestion; and

7 WHEREAS, The demonstration project assurances
8 adopted by the Metropolitan Transportation Commission
9 state that the project shall continue for a period of 18
10 months, unless the operation demonstrates that the
11 operational integrity is seriously impaired; now,
12 therefore, be it

13 *Resolved by the Senate of the State of California, the*
14 *Assembly thereof concurring,* That the Department of
15 Transportation, the Metropolitan Transportation
16 Commission, and the Department of the California
17 Highway Patrol are hereby requested to jointly conduct
18 a thorough and comprehensive study of the
19 demonstration project, to be completed as soon as
20 feasible, but not later than six months after the HOV
21 lane's opening; and be it further

22 *Resolved,* That the study analyze the usage of the new
23 HOV lane and consider whether the restrictions
24 significantly change behavior and encourage carpooling
25 during both commute and noncommute hours; and be it
26 further

27 *Resolved,* That in weighing the costs of the
28 demonstration project, the study consider the possible
29 confusion to motorists of having a widely disparate
30 number of hours of operation for the HOV lane under this
31 demonstration project compared to other HOV lanes in
32 the Bay Area; the possible confusion to motorists of
33 having disparate requirements for the number of people
34 per vehicle compared to most HOV lanes in the Bay Area;
35 the risk that confusion and inconsistency may undermine
36 the public's acceptance of HOV lanes; the
37 appropriateness of enacting longer HOV-lane hours
38 without established criteria or extensive research; and
39 the enforcement and safety concerns raised by the



1 Department of the California Highway Patrol; and be it
2 further

3 *Resolved*, That in weighing the benefits of the
4 demonstration project, the study consider the travel-time
5 savings and reductions in congestion of the corridor for
6 both commute and noncommute hours; and be it further

7 *Resolved*, That the demonstration project be
8 terminated ~~in a timely fashion~~ *immediately* if the report
9 concludes that its costs outweigh its benefits; and be it
10 further

11 *Resolved*, That the Department of Transportation
12 make available to the public copies of the study; and be
13 it further

14 ~~*Resolved*~~, That the Department of Transportation,
15 local transportation agencies, and the Department of the
16 California Highway Patrol, in making future decisions
17 concerning HOV lanes, are hereby requested to base
18 those decisions on established criteria and scientific data
19 showing that the lanes will effectively increase the
20 utilization of the freeway and reduce congestion during
21 specific hours, without posing undue confusion or safety
22 risks to motorists; and be it further

23 *RESOLVED*, *That in order to promote statewide*
24 *consistency and to reduce confusion and safety risks to*
25 *motorists, the Department of Transportation and the*
26 *Department of the California Highway Patrol, in*
27 *consultation with regional transportation agencies, are*
28 *hereby requested to develop statewide criteria and*
29 *guidelines upon which to base future decisions*
30 *concerning the addition of, and operation hours of, HOV*
31 *lanes; and be it further*

32 *RESOLVED*, *That the Department of Transportation*
33 *and the Department of the California Highway Patrol, in*
34 *consultation with regional transportation agencies, are*
35 *hereby requested to develop a standardized review*
36 *process to periodically evaluate the effectiveness of each*
37 *HOV lane in the state in order to assess whether the lane's*
38 *objectives are being realized and to make appropriate*
39 *changes; and be it further*



1 *Resolved*, That the Secretary of the Senate transmit
2 copies of this resolution to the Director of Transportation,
3 the Commissioner of the Department of the California
4 Highway Patrol, and the Executive Director of the
5 Metropolitan Transportation Commission.

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