Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 2224 (Mullin) – As Amended April 10, 2018

SUBJECT: Vehicles: narrow track vehicles

SUMMARY: Defines narrow track vehicle in statute and allows operators of these vehicles to access high-occupancy vehicle (HOV) lanes without meeting posted occupancy requirements. Specifically, **this bill:**

1) Defines "narrow track vehicle" as a fully enclosed motor vehicle with three or four wheels that does not exceed 40 inches in width.

2) Defines "short narrow track vehicle" as a narrow track vehicle that does not exceed 102 inches in length.

3) Allows operators of narrow track vehicles, until January 1, 2027, to access HOV lanes without meeting the posted occupancy requirements if either of the following circumstances occur:

    a) California Department of Transportation (Caltrans) determines that the use of HOV lanes by narrow track vehicles will not cause a loss of federal highway funding or is not inconsistent with federal law or regulations.

    b) The Federal Highway Administration (FHWA) makes a determination that the use of HOV lanes by narrow track vehicles will not cause a loss of federal highway funding or is not inconsistent with federal law or regulations.

4) Requires all parking regulations in the state related to motorcycles to also apply to short narrow track vehicles once signs or markings to that affect have been placed.

5) Includes "narrow track vehicle" in the list of vehicle types requiring an operator to have a Class C driver's license.

EXISTING LAW:

1) Defines a wide variety of types of vehicle including, but not limited to, armored car, autoette, blood transport vehicle, camp trailer, collector motor vehicle, electric bicycle, electrically motorized board, gantry truck, golf cart, house car, motorcycle, motorized scooter, pocket bike, snowmobile, station wagon, schoolbus, tour bus, and youth bus.

2) Authorizes Caltrans and local authorities, with respect to highways under their respective jurisdictions, to permit preferential use of highway lanes for HOVs, under specific conditions.

3) Permits motorcycles, certain low- and zero-emission vehicles, public transit buses, bus maintenance vehicles (when responding to an existing emergency or breakdown), paratransit vehicles, and blood transport vehicles to use HOV lanes, regardless of occupancy level.

4) Requires drivers on public streets and highways to have valid driver's licenses for the operation of specific types of vehicles.

5) Requires the driver of a motor vehicle to drive entirely within a single lane and not move from the lane until the movement can be made with reasonable safety.

6) Requires the driver of a motor vehicle to not follow another vehicle closer than is reasonable and prudent, having due regard for the speed of the vehicles and traffic conditions.

7) Defines "lane splitting" as driving a motorcycle between rows of stopped or moving vehicles in the same lane.

FISCAL EFFECT: Unknown

COMMENTS: Over the years, the Legislature has enacted various vehicle and traffic laws in order to ensure the safe movement of people and goods throughout the state. As vehicles change and new technologies are implemented, the state updates its laws to attempt to reflect the changes. For example, since 1977 state law has prohibited the use of motorized skateboards in California. This prohibition came about in response to skateboards that were being equipped with loud, polluting gas motors and that had no brakes or other safety features. Because technologies have improved since the 1970s, motorized skateboards today are a very different product. The boards are difficult to distinguish from regular skateboards while in use, are silent and produce no emissions, and include brakes. In response to the changing technology, the Legislature passed and Governor Brown signed into law AB 604 (Olsen), Chapter 777, Statutes of 2015, which enables the use of "electrically motorized skateboards" under certain conditions.

This bill, similarly attempts to update state law to reflect a new type of vehicle made possible by improved technologies. A narrow track vehicle is essentially a thin car about as wide as an average adult driver. Innovations in electric motors and safety mechanisms have enabled several manufacturers to begin developing and producing these types of vehicles including Nissan, Toyota, Alpha Motors and startups like Commuter Cars.

The author states that this bill provides the necessary regulatory parameters for the accelerated adoption of a class of vehicles that can provide a safe, efficient transportation option that mitigates traffic congestion, parking scarcity, pollution and fossil fuel consumption. As long as these vehicles include all the required safety features (e.g. headlights, seat belts, bumpers) and licensing, they can be driven legally on the roads today. What this bill does is specifically define a narrow track vehicle in law and then attempt to give them some of the benefits current law already bestows upon motorcycles because of their similar size dimensions.

It is important to note, however, that narrow track vehicles are not motorcycles. While the dimensions are generally similar, experts argue that motorcycle maneuverability is far superior to that of these cars because of the way they can lean, turn, and squeeze through spaces when necessary. Proponents point to the fact that some of these narrow track vehicles can lean to some degree much like motorcycles, but it is not clear if these models can handle as versatilely as motorcycles. This bill provides some benefits to narrow track vehicles that are currently enjoyed by motorcycles, including access to HOV lanes and motorcycle parking spots. This bill does not authorize narrow track vehicles to engage in certain driving actions reserved for motorcycles, such as lane splitting or lane sharing.

HOV Lanes. The primary purpose of an HOV lane is to increase the total number of people moved through a congested corridor by offering two kinds of incentives: a savings in travel time and a reliable and predictable travel time. Because HOV lanes carry vehicles with a higher number of occupants, they may move significantly more people during congested periods, even when the number of vehicles that use the HOV lane is lower than on the adjoining general-purpose lanes.

State and regional transportation agencies are required to ensure that federally-supported highway and transit projects do not cause new air quality violations, worsen existing violations, or delay timely attainment of air quality standards. Consequently, when transportation agencies identify a need to add highway capacity, their options are limited. They often rely on the addition of HOV lanes, which are generally considered a viable solution to adding highway capacity in air quality non-attainment areas – i.e., where air quality is worse than the national ambient air quality standards.

HOV lanes work best where significant roadway congestion exists during peak periods. Optimum HOV lane usage is generally considered to be about 1,650 vehicles per hour. In contrast, mixed-flow lanes are generally expected optimally to carry between 1,800 and 2,000 vehicles per hour. Experience with HOV lanes from around the country has shown a positive relationship between ridership and travel time savings, suggesting that, as congestion grows, the travelers' willingness to carpool or ride on a bus that uses an HOV lane also grows.

According to a report by Caltrans released in October of 2017, the performance of 68% of the miles of the state's HOV lanes have degraded below acceptable federal standards. By federal definition, an HOV lane is considered degraded if the average speed of traffic during morning or evening weekday peak commute hour periods is less than 45 miles per hour (mph) for more than 10% of the time over a consecutive 180-day period. In this condition, the state's HOV lane network is not accomplishing its goals, and the state runs the risk of losing federal highway funds if it cannot address this issue.

HOV lane degradation occurs when too many vehicles access the lane and the congestion causes slowdowns similar to the congestion experienced in the other highway general purpose lanes. Data suggests that the high number of vehicles in HOV lanes is not the result of an increase in carpoolers, but is caused by a combination of factors, such as single-occupant drivers illegally driving in the restricted lanes. Another factor involved is the number of clean air vehicles with legal access to the lanes through the state's clean air sticker program, which allows drivers of vehicles that run on electricity or other alternative fuels to use the HOV lane without meeting the minimum occupancy requirements. According to the Department of Motor Vehicles, it has issued clean air vehicle decals to over 300,000 vehicles by the end of 2017, which is up from less than 70,000 statewide in 2012.

Committee comments:

1) Despite previous legislative proposals, access to HOV lanes is generally restricted to vehicles that have two or more occupants, except in cases where access by a single-occupant vehicle furthers one or both of the two primary goals of the HOV lane system - i.e., congestion relief and air quality improvement. Reasons for restricting access to the lanes by other categories of vehicles, despite laudable goals, have included limited HOV lane capacity and non-compliance with federal law.

Regarding the issue of limited capacity in the lanes (which causes operation of the lanes to degrade), Caltrans has been wrestling with strategies to improve HOV lane performance, at the direction of the FHWA, for a number of years. In December 2016, Caltrans submitted to FHWA an action plan to remedy the state's HOV lane degradation. That plan called for, among other strategies, increased enforcement, improved incident management response times, improved vehicle detection, and improved motorist compliance. FHWA responded to Caltrans' proposed action plan, indicating that the plan did not adequately provide "proactive or tangible strategies to affect immediate mitigation for bringing the facilities into compliance or at least leading towards that goal." As a result, Caltrans will be considering other options to improve HOV lane performance, such as raising vehicle occupancy levels.

The author suggests that this bill will not have a significant impact on operation of HOV lanes because there are very few narrow track vehicles currently in operation. The stated intent of this bill, however, is to encourage production and use of these vehicles in California. Presumably, if this bill is successful, there will be more narrow track vehicles operating in the state soon. This bill includes an eight-year sunset for access to HOV lanes in the state in order to give the Legislature the opportunity to reassess the impacts these vehicles are having on HOV lane performance.

2) Under existing federal law, FHWA may be able to withhold 10% of transportation funds (which amount to about $350 million annually) for failure to comply with laws that govern federal-aid highways. FHWA may find that this bill does not comply with federal law in two areas: a) because it would allow vehicles that are not authorized under federal law to access HOV lanes; and b) because allowing narrow track vehicles to access these lanes will add to California's existing HOV degradation problem.

   This bill protects against the loss of federal transportation funding, however, by conditioning implementation on a determination by Caltrans that there will not be a reduction in federal transportation funds.

3) One of the arguments the author makes in favor of narrow track vehicles is that wide adoption of these cars will help address congestion because you could fit more of them than full size cars in existing highway rights-of-way. This would only be true if a) lanes were restriped to safely accommodate these smaller cars (and therefore more lanes could be added to the existing roadway) or b) these cars are authorized to share existing lanes and travel side-by-side. It would seem that there would have to be a significant number of these cars on the road for Caltrans to restripe highways to accommodate them. Alternatively, it seems at best ill-advised and at worst dangerous to authorize these vehicles to drive in tandem, sharing lanes. So it is unclear what level of congestion relief can be expected from increased adoption of these cars.

Committee concern: This bill will likely set an unfortunate precedent whereby other groups representing various types of vehicles will likely seek similar legislation for HOV access. To illustrate, previous attempts to grant access to HOV lanes include AB 497 (Block) of 2009 that would have allowed physicians to use HOV lanes regardless of occupancy when traveling in response to an emergency call and SB 406 (Leyva), Chapter 392, Statutes of 2017, which allows blood transport vehicles to use HOV lanes regardless of occupancy.

In particular, programs which include a vehicle type in the list of vehicles that can access HOV lanes in order to incentivize the adoption of that vehicle can become very difficult to end. In 1999, the Legislature began the clean air vehicle sticker program as a way to encourage the purchase and adoption of clean air vehicles, and because of its popularity this program continues today despite the fact that there are so many of these vehicles on the road in California that they are contributing to the degradation of HOV lane performance and putting the state at risk of losing federal highway funding.

Prior legislation: AB 544 (Bloom), Chapter 630, Statutes of 2017, reconstituted the clean air vehicle HOV lane access program.

SB 406 (Leyva), Chapter 392, Statutes of 2017, allowed blood transport vehicles to use HOV lanes regardless of occupancy.

AB 51 (Quirk), Chapter 141, Statutes of 2016, defined lane splitting and authorized the California Highway Patrol to develop educational guidelines related to safe lane splitting.

AB 2272 (Fuentes), Chapter 672, Statutes of 2008, allowed a fully enclosed 3-wheeled motor vehicle to use HOV lanes regardless of occupancy.

REGISTERED SUPPORT / OPPOSITION:

Support

Commuter Cars Corporation

Opposition

None on file

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