

Date of Hearing: March 20, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 91 (Cervantes) – As Introduced January 9, 2017

**SUBJECT:** High-occupancy vehicle lanes

**SUMMARY:** Requires conversion of high-occupancy vehicle (HOV) lanes in Riverside County. Specifically, **this bill:**

- 1) Prohibits, notwithstanding any other law, an HOV lane from being established in Riverside County unless the HOV lane is established on a part-time basis; provides an exception to this requirement if the California Department of Transportation (Caltrans) makes a specific determination, described below.
- 2) Requires any existing HOV lanes in Riverside County also to be converted to part-time operation.
- 3) Requires Caltrans to report to the Legislature by January 1, 2020, on the impact to traffic by converting these HOV lane segments to part-time operation.
- 4) Provides that, on or after May 1, 2019, if Caltrans determines that part-time operation of these lanes has resulted in an adverse impact on safety, traffic conditions, or the environment, it may notify the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing of its intent to reinstate the lanes to 24-hour operation; thereafter, specifically authorizes Caltrans to reinstate full-time operation of the HOV lanes.
- 5) Makes provisions requiring the conversion of HOV lanes in Riverside County to part-time HOV operation operative on July 1, 2018, and repeals these same provisions 60 days after Caltrans notifies the Legislature of its intent to reinstate the lanes to 24-hour operation; requires Caltrans to post the date that the Legislature receives the notice on the department's Internet website.

**EXISTING LAW:**

- 1) 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.
- 2) Requires Caltrans, or the appropriate local entity, to produce engineering reports that estimate the effect of an HOV lane prior to establishing the lane. The reports must evaluate the proposals for safety, congestion, and highway capacity.
- 3) Vests, under federal law, state departments of transportation with responsibility for establishing occupancy requirements for vehicles using HOV lanes, except that the requirement can be no less than two occupants.

**FISCAL EFFECT:** Caltrans will incur unknown costs to replace signs noting the part-time operation of HOV lanes. Similar costs may have to be incurred again if the HOV lanes revert back to full-time operation.

**COMMENTS:** 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 non-attainment areas—i.e., areas where air quality is worse than the national ambient air quality standards.

In northern California, HOV lanes are generally only operational Monday through Friday during posted peak congestion hours, for example between 6 a.m. - 10 a.m. and 3 p.m. - 7 p.m. All other vehicles may use the lanes during off-peak hours. This is referred to as "part-time" operation. In southern California, HOV lanes are generally separated from other lanes by a buffer zone. HOV lanes are in effect 24 hours a day, 7 days a week--referred to as "full-time" operation, except for two exceptions:

- 1) The Moreno Valley Freeway, between the east Junction of SR 60 at Interstate 215 and Redlands Boulevard in Moreno Valley, operates Monday through Friday from 6 a.m. to 10 a.m. and 3 p.m. to 7 p.m.
- 2) Previous legislation [AB 1871 (Runner), Chapter 337, Statutes of 2000] created a demonstration project to evaluate part-time use of the HOV lanes on State Route (SR) 14. Caltrans continues to operate part-time HOV lanes on a portion of SR 14.

The operational practices vary differently between northern California versus southern California because of traffic volumes and commuter patterns in the two regions. Northern California highways usually experience two weekday congestion periods during peak morning and afternoon commute hours, followed by a long period of non-congestion. Full-time operation would leave the HOV lane relatively unoccupied during off-peak hours and would not constitute an efficient use of the roadway. Southern California normally experiences very long hours of congestion, typically between six to eleven hours per day, with short off-peak traffic hours. Part-time operation under these conditions is generally considered infeasible.

HOV lanes work best where significant roadway congestion during peak periods occurs. 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.

The author introduced this bill to be responsive to a California Transportation Commission (CTC) recommendation made in its 2016 annual report to the Legislature. Specifically, CTC recommended that Caltrans review the hours of HOV operation in Southern California as part of

the department's statutorily-required report to the Legislature on the degradation status of the HOV lanes on the state highway system. Furthermore, the author believes conversion of the HOV lanes to part-time operation will reduce traffic congestion and help the environment by cutting air pollution caused by freeway congestion.

The Riverside County Transportation Commission (RCTC) opposes this bill. RCTC asserts that, because of the volume of bidirectional traffic flow on both SR 60 and SR 91, part-time operation of HOV lanes in Riverside County is not feasible. RCTC further asserts that conversion of the lanes to part-time operation would likely result in the commission having to implement costly replacement transportation control measures in order to maintain compliance with the federal Clean Air Act.

*Committee concerns and suggested amendments:* Typically, decisions to substantially change the operational characteristics of HOV lanes are made cooperatively between Caltrans, the regional transportation agency, and the Federal Highway Administration (FHWA), based on traffic engineering analyses. Were the state to unilaterally change the operational characteristics of HOV lanes in Riverside County, FHWA could technically require repayment of federal funds used to construct the lanes. Furthermore, if converting the HOV lanes to part-time operation is determined to undermine the air quality emission benefits, RCTC may be required to implement other measures that would at least equal the emission benefits provided by full-time HOV operations.

To mitigate these concerns, the committee suggests that the bill be amended to condition its implementation upon ensuring that federal funding would not be jeopardized, as follows:

1) On page 2, in line 4, after “in” insert:

paragraph (3) and

2) On page 2, between lines 11 and 12, insert:

(3) Paragraphs (1) and (2) apply only to the extent that they do not endanger federal funding.

The author has agreed to accept these amendments in the committee as author's amendments.

*Previous legislation:* SB 838 (Committee on Budget and Fiscal Review), Chapter 339, Statutes of 2016, directed Caltrans to prepare and submit a report to the Legislature on or before December 1, 2017, on the degradation status of HOV vehicle lanes on the state highway system.

AB 210 (Gatto) of 2015, would have required the conversion of HOV lanes on SR 134 and SR 210 from full-time to part-time operation. AB 210 was passed by the Legislature with only one “NO” vote recorded on the Assembly Floor. Governor Brown vetoed the bill stating, “I continue to believe that carpool lanes are especially important in Los Angeles County to reduce pollution and maximize the use of freeways. Therefore, we should continue to retain the current 24/7 carpool lane control.”

AB 405 (Gatto) of 2013 was nearly identical to AB 210 (of 2016) and met the same fate. AB 405 passed the Legislature almost unanimously only to be vetoed by Governor Brown.

AB 2200 (Ma) of 2012 would have suspended the HOV lane on eastbound Interstate 80 in the San Francisco Bay Area during the morning commute. AB 2200 was passed by the Legislature but ultimately vetoed by Governor Brown. In his veto message, the Governor stated, "Encouraging carpooling is important to reduce pollution and make more efficient use of our highways. This bill goes in a wrong direction."

AB 1871 (Runner), Chapter 337, Statutes of 2000, prohibited, until June 1, 2002, HOV lanes from being constructed on SR 14 between the City of Santa Clarita and the City of Palmdale unless the lane was established as an HOV lane only during the hours of heavy commuter traffic. AB 1871 also required the Legislative Analyst Office to report on the traffic impact of the part-time HOV lanes. That report found that limiting the HOV lane to part-time operation had "essentially no effect on traffic congestion, either positive or negative."

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

Riverside County Transportation Commission

**Analysis Prepared by:** Janet Dawson / TRANS. / (916) 319-2093