

Date of Hearing: June 26, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 406 (Leyva) – As Amended May 26, 2017

SENATE VOTE: 38-2

SUBJECT: Vehicles: high-occupancy vehicle lanes: exceptions

SUMMARY: Authorizes blood transport vehicles, that are clearly marked on all sides of the vehicle, to use high-occupancy vehicle (HOV) lanes, regardless of occupancy level; conditions implementation of these provisions upon the California Department of Transportation (Caltrans) making a determination that application of this bill will not subject California to a reduction in federal transportation funds.

EXISTING LAW:

- 1) Authorizes Caltrans and local authorities, with respect to highways under the respective jurisdictions, to permit preferential use of highway lanes for HOVs, under specific conditions.
- 2) Permits motorcycles, certain low- and zero-emission vehicles, buses, bus maintenance vehicle (when responding to an existing emergency or breakdown) or paratransit vehicles to use HOV lanes, regardless of occupancy level.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: The author introduced this bill to ensure blood deliveries occur in a timely manner and lives are not lost to traffic delays. The American Red Cross (ARC), which is sponsoring this bill, notes that it holds over 50 blood drives every day across California and needs to ensure the blood it collects is quickly transported. However, because their delivery vans are typically occupied by only one individual, HOV lanes are not available to them. Consequently, traffic congestion in general purpose lanes and on surface streets may delay blood transport. Furthermore, blood banks, also writing in support of the measure, argue that if a hospital places a STAT order - meaning they need blood within an hour - traffic conditions can greatly hinder the driver's ability to deliver the blood within the hour. By authorizing access to HOV lanes for blood transport vehicles, this bill will increase the likelihood that blood will be transported or delivered more quickly.

At least one other state, Washington, is similarly considering allowing blood transport vehicles in HOV lanes. State legislation passed this year requires the Washington Department of Transportation (WDOT) to consider the benefits of allowing vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment that is registered with the Washington State Department of Health to use HOV lanes.

According to the Federal Highway Administration (FHWA), "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." Federal legislation, the Clean Air Act Amendments of 1990 and the Intermodal Surface Transportation Efficiency Act of 1991, specifically encourages states to consider, and implement, if feasible, HOV lanes in areas experiencing air quality or traffic congestion problems. In fact, HOV lanes have been used as a viable alternative and, in most cases is the only alternative, that meets the federal air quality conformity standards for capacity-increasing projects in metropolitan areas. There are roughly 1,500 miles of HOV lanes in California with an additional 1,000 miles either programmed or planned.

Committee comments:

- 1) Despite previous legislative proposals, access to HOV lanes for single-occupant drivers is generally restricted to vehicles that have two or more occupants, except in cases where access by single-occupant vehicle furthers one or both of the two primary goals of the HOV lane system - i.e., congestion relief and air quality improvements. 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 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 have not have a significant impact on operation of HOV lanes because there are only about 200 blood transport vehicles in operation currently.

- 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: 1) because it would allow vehicles that are not authorized under federal law to access HOV lanes; and 2) because adding blood transport vehicles will add to California's existing HOV degradation problem (albeit slightly).

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

Committee concern: This bill will likely set an unfortunate precedent whereby other, equally worthy groups will likely seek similar exemptions 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 AB 670 (B. Berryhill) of 2009 would have permitted a veteran or active duty member of the United States Armed Forces to use HOV lanes, regardless of occupancy.

Related legislation: AB 544 (Bloom) reconstitutes the clean air vehicle HOV lane access program. AB 544 is awaiting a hearing by the Senate Transportation and Housing Committee.

AB 697 (Fong) exempts privately owned emergency ambulances from requirements to pay tolls. AB 697 is set to be heard by the Senate Transportation and Housing Committee on June 27, 2017.

Previous legislation: AB 497 (Block) of 2009 would have allowed physicians, when traveling in response to an emergency call, to access HOV lanes, regardless of occupancy. AB 497 failed passage in the Senate Transportation and Housing Committee.

AB 670 (B. Berryhill) of 2009 would have permitted a veteran or active duty member of the United States Armed Forces to use HOV lanes, regardless of occupancy. AB 670 failed passage in the Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Red Cross (Sponsor)
Blood Centers of California
Blood Centers of the Pacific
BloodSource
Houchin Community Blood Bank
LifeStream
San Francisco Marin Medical Society
United Blood Services

Opposition

None on file

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