

Date of Hearing: April 18, 2016

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1908 (Harper) – As Amended March 17, 2016

**SUBJECT:** High-occupancy vehicle lanes

**SUMMARY:** Prohibits the establishment of high-occupancy vehicle (HOV) lanes on state highways in southern California unless the lane is established on a part-time basis; requires all southern California HOV lanes to be converted from full-time to part-time operation.

Specifically, **this bill:**

- 1) Prohibits the Department of Transportation (Caltrans), notwithstanding any other provision of law, from establishing an HOV lane on a state highway in southern California unless the lane is operated on a part-time basis.
- 2) Requires all existing HOV lanes in southern California also to be converted to part-time operation.
- 3) Requires Caltrans to report to the Legislature by January 1, 2019, on the impact to traffic by converting these HOV lane segments to part-time operation.
- 4) Provides that, on or after May 1, 2018, 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 specific routes to part-time HOV operation operative on July 1, 2017, 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 web site.

**EXISTING LAW:**

- 1) Authorizes Caltrans to permit preferential use of highway lanes for HOVs, under specific conditions.
- 2) Requires Caltrans 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:** Unknown

**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 in 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., where air quality is worse than the national ambient air quality standards.

In northern California, HOV lanes are 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. The HOV lanes are in effect 24 hours a day, 7 days a week--referred to as "full-time" operation. State Route (SR) 14 is an exception. Previous legislation [AB 1871 (Runner), Chapter 337, Statutes of 2000], created a demonstration project to evaluate part-time use of the HOV lanes on this route.

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. Using a full-time operation would leave the HOV lane relatively unoccupied during off-peak hours and would not constitute an efficient utilization 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.

*Committee concerns:*

- 1) The author asserts that HOV lanes in southern California are under-utilized during off-peak hours, thereby increasing congestion and vehicle emissions. He proposes to convert HOV lanes to part-time operation, thereby relieving congestion in mixed flow lanes during off-peak hours. However, it is during periods of congestion that the real benefits of HOV lanes are realized. This is when HOV lanes have the greatest people throughput. Furthermore, incentives to carpool are greatest when HOV lanes offer quicker, more reliable travel times than adjacent mixed flow lanes.
- 2) While there is evidence that at least some of the HOV lanes in southern California experience a drop in usage after peak commute hours, the same is often true of the mixed flow lanes adjacent to the HOV lanes. Consequently, opening up the HOV lane to mixed flow use would provide little or no congestion relief. It is for this reason that the Legislative Analyst's Office (LAO) concluded, in a 2002 report that evaluated the conversion to part-time

operation of SR 14 in Los Angeles County, that converting SR 14 HOV lanes from full-time to part-time had "essentially no effect on traffic congestion, either positive or negative."

- 3) The committee was unable to obtain traffic volume data to confirm or refute the author's assertion that the lanes are under-utilized. However, it may be helpful to note that optimum HOV lane usage is generally considered to be about 1,650 vehicles per hour—75% of the maximum capacity of mixed-flow lanes. In a report published in 2000 that evaluated the effectiveness of HOV lanes in California, the LAO suggests that this disparity is the reason that, even when an HOV lane has reached its operating capacity, it would always appear to have room for additional vehicles as compared to the adjacent mixed-flow lanes.

*Previous legislation:* AB 210 (Gatto) of 2015 and AB 405 (Gatto) of 2013 would have required the conversion of HOV lanes on State Routes 134 and SR 210 from full-time to part-time operation. Both bills passed the Legislature but were vetoed by Governor Brown. In his veto messages, the Governor stated that he believed carpool lanes are especially important in Los Angeles County to reduce pollution and maximize the use of freeways and, therefore, the current 24/7 carpool lane controls should be retained.

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 LAO 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**

Automobile Club of Southern California  
National Motorists Association

### **Opposition**

None on file

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