

Date of Hearing: April 4, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2599 (Cervantes) – As Amended March 29, 2022

SUBJECT: High-occupancy vehicle lanes: County of Riverside

SUMMARY: Requires the California Transportation Agency (CalSTA) report to the Legislature on the feasibility and appropriateness of limiting the use of high-occupancy vehicle (HOV) lanes on specified routes, and removing double parallel solid lines from HOV lanes in Riverside County. Specifically, **this bill:**

- 1) Requires CalSTA to report to the transportation policy committees of the Legislature on or before January 1, 2024 on:
 - a. The feasibility and appropriateness of limiting the use of HOV lanes to high-occupancy vehicles and eligible vehicles only during heavy commuter traffic on both State Route 91 (SR-91) between Interstate 15 (I-15) and Interstate 215 (I-215), and State Route 60 (SR-60) in Riverside County; and,
 - b. The feasibility and appropriateness of removing any double parallel solid lines to restrict the entrance into or exit from those lanes, including the use of the appropriate markings and signage, as specified in the California Manual on Uniform Traffic Control Devices, from HOV lanes in Riverside County.

EXISTING LAW:

- 1) Requires the Department of Transportation (Caltrans) to report to the transportation policy committees of the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the use of HOV lanes to high-occupancy vehicles and eligible vehicles, as defined, only during the hours of heavy commuter traffic on both SR-91 between I-15 and I-215 in the County of Riverside, and SR-60 in the County of Riverside.
- 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) 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.
- 4) 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: Carpool lanes are a type of “managed lane.” A managed lane is an exclusive- or preferential-use lane that is managed proactively in response to changing conditions in order to achieve improved efficiency and performance. Managed lanes use operational strategies such as access control, vehicle eligibility, and tolling, or some combination thereof. Vehicle eligibility can be based on occupancy or vehicle type.

Carpool lanes are reserved for passenger vehicles with more than one occupant; an "occupant" is considered any person who occupies a safety restraint device (i.e., a seat-belt). Motorcycles and certain qualifying low-emission and zero-emission vehicles with only a single occupant are also eligible to use these lanes.

The concept of managed lanes was first put into practice in California, in 1962, when an exclusive bus-only lane was established as a temporary traffic management strategy during the reconstruction of the San Francisco-Oakland Bay Bridge. In 1969, the first permanent managed lane facility in the United States was opened as a bus-only lane on the Shirley Highway (I-395) in Washington, D.C./Northern Virginia. California’s first permanent managed lane facility began in April of 1970 with the HOV bypass lane at the San Francisco-Oakland Bay Bridge toll plaza.

Regional differences in HOV practices: Carpool lane operational hours vary in the northern and southern parts of the State. In northern California, carpool lanes are only operational Monday through Friday during posted peak congestion hours, for example, between 6 a.m. to 10 a.m. and 3 p.m. to 7 p.m. All other vehicles may use the carpool lanes during off-peak hours. This is referred to as "part-time" operation. The carpool lanes in southern California generally operate 24 hours a day, 7 days a week, which is 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 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.

Insufficient information for Riverside County: In 2019, Caltrans prepared the Riverside County Carpool Lane Hours of Operation Report, as required by AB 91 (Cervantes) Chapter 468, Statutes of 2018. AB 91 required Caltrans to report to the Legislature on the feasibility and appropriateness of limiting the use of HOV lanes (carpool lanes) to HOV and eligible vehicles only during the hours of heavy commuter traffic on both State Route 91 (SR-91) between Interstate 15 (I-15) and Interstate 215 (I-215) and State Route 60 (SR-60) in Riverside County.

The report gives little direction to Riverside County on the feasibility and appropriateness of limiting the use of HOV lanes. The report states, “Caltrans recommends that any decisions on the conversion of carpool lanes on SR-91 between I-15 and I-215, and SR-60 in Riverside County from full-time to part-time should be deferred until Caltrans District 8 develops a Managed Lanes System Plan. The department would not be able to make a fully informed decision on the impacts of these changes or how best to approach such a conversion until this study is concluded.”

As of the time of this analysis, Caltrans District 8 has not published a Managed Lanes System Plan. This bill requires CalSTA to report to the legislature on what was required of Caltrans in AB 91, and to report on the feasibility and appropriateness of removing double parallel solid lines to restrict entrance into or exit from HOV lanes in Riverside County.

According to the author, “As a result of the enactment of Assembly Bill 91 (Cervantes, 2018), the California Department of Transportation (CalTrans) released a wholly inadequate and insubstantial report to the Legislature on whether new or existing carpool lanes in Riverside County could use “part-time operation,” which would allow any vehicle to access the carpool lanes during non-peak traffic hours. Due to the failure of CalTrans to provide the Legislature with any actual data to help inform decision-making about the use of carpool lanes in Riverside County, Assembly Bill 2599 would have the California Transportation Agency provide a follow-up report to the Legislature. This report would provide information on the possible use of “part-time operation” for carpool lanes in certain parts of Riverside County, as well as the possibility of allowing vehicles traveling on Riverside County highways to enter and exit carpool lanes at any point. The data collected through this bill will help determine the viability of these options to make carpool lanes work better and reduce traffic in Riverside County. It would also provide both the Legislature and federal regulators with information needed to ensure that Riverside County continues to comply with federal clean air regulations.”

Prior legislation, AB 91 (Cervantes), Chapter 468, Statutes of 2018, requires the Department of Transportation (Caltrans) to report to the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the hours of high-occupancy vehicle (HOV) lanes in Riverside County.

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

None on file.

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