

CONCURRENCE IN SENATE AMENDMENTS

AB 91 (Cervantes)

As Amended August 24, 2018

Majority vote

ASSEMBLY:

SENATE:

Original Committee Reference: **TRANS.**

SUMMARY: 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.

The Senate amendments delete the contents of the bill and instead require Caltrans to report to the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the use of HOV lanes to only during the hours of heavy commuter traffic on State Routes 91 and 60 in Riverside County.

AS PASSED BY THE ASSEMBLY, this bill:

- 1) Prohibited, notwithstanding any other law, an HOV lane from being established in Riverside County unless the HOV lane is established on a part-time basis, and requires any existing HOV lanes in Riverside County to be converted to part-time operation.
- 2) Provided exceptions to both of these provisions if Caltrans, with the concurrence of the Riverside County Transportation Commission (RCTC) and the Southern California Association of Governments, determines that compliance with the prohibition or conversion requirements will result in either of the following:
 - a) Federal financial penalties or disqualification from future funding; or,
 - b) Costs to local or regional governments to provide transportation control measures.
- 3) Required 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) Provided 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) Specifically provided that nothing in the bill prevents Caltrans or RCTC from developing and operating high-occupancy toll facilities.
- 6) Made 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.

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 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 and, for the most part, are in effect 24 hours a day, 7 days a week--referred to as "full-time" operation.

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.

According to the author, "AB 91 seeks to study whether any new carpool lane or existing carpool lane in Riverside County could use 'part-time operation,' which would allow any vehicle to access the carpool lanes during non-peak traffic hours. The data collected through this bill could not only determine the viability of that option, but also be provided to federal regulators in ensuring that Riverside County continues to comply with federal clean air regulations."