

Assembly Bill No. 2617

Passed the Assembly August 19, 2008

Chief Clerk of the Assembly

Passed the Senate August 18, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 21655.5 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 2617, Duvall. Highways: high-occupancy vehicle (HOV) lanes.

Existing law authorizes the establishment of high-occupancy vehicle (HOV) lanes for the exclusive or preferential use of high-occupancy vehicles, as prescribed. Existing law also authorizes the operation of a motorcycle upon those exclusive or preferential use lanes unless specifically prohibited by a traffic control device.

This bill would require the Department of Transportation or the local authority, where a motorcycle is permitted upon an exclusive or preferential use lane, to ensure that signs advertising such use are in place along the HOV lanes of the highways under their respective jurisdictions, to place and maintain these signs, as specified, and to comply with these requirements through the placement of signs or decals on existing signs or posts, as appropriate.

The bill would also make technical, nonsubstantive changes to these provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the purpose of this act is to ensure that motorists who use high-occupancy vehicle (HOV) lanes have regular and frequent notification that motorcyclists are authorized to ride in HOV lanes.

SEC. 2. Section 21655.5 of the Vehicle Code is amended to read:

21655.5. (a) The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Prior to establishing

the lanes, competent engineering estimates shall be made of the effect of the lanes on safety, congestion, and highway capacity.

(b) (1) The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, shall place and maintain, or cause to be placed and maintained, signs and other official traffic control devices to designate the exclusive or preferential lanes, to advise motorists of the applicable vehicle occupancy levels, and, except where ramp metering and bypass lanes are regulated with the activation of traffic signals, to advise motorists of the hours of high-occupancy vehicle usage.

(2) A person shall not drive a vehicle upon those lanes except in conformity with the instructions imparted by the official traffic control devices. A motorcycle, a mass transit vehicle, or a paratransit vehicle that is clearly and identifiably marked on all sides of the vehicle with the name of the paratransit provider may be operated upon those exclusive or preferential use lanes unless specifically prohibited by a traffic control device. Where a motorcycle is permitted upon an exclusive or preferential use lane, the Department of Transportation or the local authority shall ensure that signs advertising this use along the high-occupancy vehicle (HOV) lanes of the highways under their respective jurisdictions are in place. The department or the local authority shall determine the appropriate locations for signage and shall coordinate the placement and maintenance of the signs in conjunction with other work along the exclusive or preferential use lane to minimize lane closures. The department or the local authority shall comply with the requirements of this section through placement of signs or decals on existing signs or posts, as appropriate.

(c) When responding to an existing emergency or breakdown in which a mass transit vehicle is blocking an exclusive or preferential use lane, a clearly marked mass transit vehicle, mass transit supervisor's vehicle, or mass transit maintenance vehicle that is responding to the emergency or breakdown may be operated in the segment of the exclusive or preferential use lane being blocked by the mass transit vehicle, regardless of the number of persons in the vehicle responding to the emergency or breakdown, if both vehicles are owned or operated by the same agency, and that agency provides public mass transit services.

(d) For purposes of this section, a "paratransit vehicle" is defined in Section 462.

(e) For purposes of this section, a “mass transit vehicle” means a transit bus regularly used to transport paying passengers in mass transit service.

(f) It is the intent of the Legislature, in amending this section, to stimulate and encourage the development of ways and means of relieving traffic congestion on California highways and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby conserve fuel and lessen emission of air pollutants.

(g) The provisions of this section regarding mass transit vehicles and paratransit vehicles shall only apply if the Director of Transportation determines that the application will not subject the state to a reduction in the amount of federal aid for highways.

Approved _____, 2008

Governor