

## Assembly Bill No. 1381

### CHAPTER 289

An act to amend Section 149.9 of the Streets and Highways Code, relating to transportation.

[Approved by Governor October 11, 2009. Filed with Secretary of State October 11, 2009.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1381, John A. Perez. High-occupancy toll lanes.

Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit.

Existing law specifically authorizes a value-pricing and transit development demonstration program involving HOT lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions.

This bill would require the LACMTA program to be implemented with the active participation of the Department of the California Highway Patrol. The bill would require LACMTA, with the consent of the department, to establish appropriate performance measures for the purpose of ensuring optimal use of the HOT lanes without adversely affecting other traffic on the state highway system. The bill would also state that the authorization for this project shall not prevent the construction of competing facilities, and that LACMTA is not entitled to compensation for the adverse effects on toll revenue due to those facilities.

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

SECTION 1. Section 149.9 of the Streets and Highways Code is amended to read:

149.9. (a) Pursuant to Section 149.7 and the memorandum of understanding between the Los Angeles County Metropolitan Transportation Authority (LACMTA), the United States Department of Transportation, and the department, as adopted on July 24, 2008, and any subsequent, mutually agreed upon changes to that memorandum, the LACMTA may operate a value-pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes to be conducted, administered,

developed, and operated on State Highway Routes 10 and 110 in Los Angeles County by the LACMTA.

(b) The LACMTA shall implement the program in cooperation with the department, and the active participation of the Department of the California Highway Patrol, pursuant to a cooperative agreement that addresses all matters related to design, construction, maintenance, and operation of state highway system facilities in connection with the value-pricing and transit program. With the consent of the department, the board of the LACMTA shall establish appropriate performance measures, such as speed or travel times, for the purpose of ensuring optimal use of the HOT lanes without adversely affecting other traffic on the state highway system.

(c) The LACMTA and the department may implement the demonstration program under the following conditions:

(1) The value-pricing program may be operated on State Highway Routes 10 and 110 in Los Angeles County on designated high-occupancy vehicle (HOV) lanes.

(2) (A) Single-occupant vehicles, or those vehicles that do not meet minimum occupancy requirements, may be authorized to enter and use the HOV lanes in the identified corridors, under conditions as determined by the LACMTA.

(B) The LACMTA may not change the vehicle occupancy requirement for access to the HOV lanes in the identified corridors during the demonstration period that is authorized under this section.

(3) As part of the demonstration program, each proposed HOT lane shall have nontolled alternative lanes available for public use in the same corridor as the proposed HOT lanes.

(4) The LACMTA shall implement a public outreach and communications plan in order to solicit public input into the development of the demonstration program.

(5) In implementing the program, the LACMTA shall identify the affected communities in the respective corridors and work with those communities to identify impacts and develop mitigation measures.

(6) The amount of the toll shall be established by the LACMTA, and collected and administered in a manner determined by the LACMTA. The LACMTA shall conduct a public hearing 30 days prior to setting or increasing the toll.

(7) The LACMTA shall assess the impacts of the program on commuters of low income and shall provide mitigation to those impacted commuters. Mitigation measures may include, but are not limited to, reduced toll charges and toll credits for transit users. Eligible commuters for reduced toll charges or toll credits for transit users shall meet the eligibility requirements for assistance programs under Chapter 2 (commencing with Section 11200) or Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5 (commencing with Section 17000) of, or Chapter 10 (commencing with Section 18900), Chapter 10.1 (commencing with Section 18930), or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code.

(8) Toll paying commuters shall have the option to purchase any necessary toll paying equipment, prepay tolls, and renew toll payments by cash or by using a credit card.

(9) The LACMTA may operate the demonstration program until January 15, 2013, during which time it may not issue bonds for the demonstration program.

(10) The LACMTA and the department shall report to the Legislature by December 31, 2012. The report shall include, but not be limited to, a summary of the demonstration program, a survey of its users, the impact on carpoolers, revenues generated, how transit service or alternative modes of transportation were impacted, any potential effect on traffic congestion in the HOV lane and in the neighboring lanes, the number of toll paying vehicles that utilized the HOT lanes, any potential reductions in the greenhouse gas emissions that are attributable to congestion reduction resulting from the HOT lane demonstration project, and a description of the mitigation measures on the affected communities and commuters in this demonstration program.

(11) Pursuant to Section 149.7, the revenue generated from the program may be available to the LACMTA for the direct expenses related to the maintenance, administration, and operation, including collection and enforcement, of the demonstration program. Administrative expenses shall not exceed 3 percent of the revenues.

(12) All remaining revenue generated by the demonstration program shall be used in the corridor from which the revenue was generated exclusively for preconstruction, construction, and other related costs of high-occupancy vehicle facilities and the improvement of transit service in the corridor, including, but not limited to, support for transit operations pursuant to an expenditure plan adopted by the LACMTA.

(13) This section shall not prevent the department or any local agency from constructing facilities that compete with the HOT lane demonstration project, and the LACMTA shall not be entitled to compensation for adverse effects on toll revenue due to those facilities.