

ASSEMBLY BILL

No. 620

Introduced by Assembly Member Roger Hernández

February 24, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as introduced, Roger Hernández. High-occupancy toll lanes: exemptions from tolls.

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

Existing law requires LACMTA, in implementing the program, to continue to work with the affected communities in the respective corridors and provide mitigation measures for commuters and transit users of low income, including reduced toll charges and toll credits. Existing law requires eligible commuters and transit users to meet the eligibility requirements for specified assistance programs.

This bill would instead require LACMTA, in implementing the program, to adopt eligibility requirements for mitigation measures for commuters and transit users of low and moderate income, as defined, and would also require LACMTA to provide hardship exemptions from the payment of toll charges for commuters who meet the eligibility requirements for specified assistance programs.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

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

3 149.9. (a) Notwithstanding Sections 149 and 30800 of this
4 code, and Section 21655.5 of the Vehicle Code, the Los Angeles
5 County Metropolitan Transportation Authority (LACMTA) may
6 conduct, administer, and operate a value-pricing and transit
7 development program involving high-occupancy toll (HOT) lanes
8 on State Highway Routes 10 and 110 in the County of Los Angeles.
9 LACMTA, with the consent of the department, may direct and
10 authorize the entry and use of the State Highway Routes 10 and
11 110 high-occupancy vehicle lanes by single-occupant vehicles and
12 those vehicles that do not meet minimum occupancy requirements,
13 as defined by LACMTA, for a fee. The amount of the fee shall be
14 established by, and collected in a manner to be determined by,
15 LACMTA. LACMTA may continue to require high-occupancy
16 vehicles to have an electronic transponder or other electronic device
17 for enforcement purposes.

18 (b) LACMTA shall implement the program in cooperation with
19 the department, and with the active participation of the Department
20 of the California Highway Patrol, pursuant to an agreement that
21 addresses all matters related to design, construction, maintenance,
22 and operation of state highway system facilities in connection with
23 the program. With the consent of the department, LACMTA shall
24 establish appropriate performance measures, such as speed or travel
25 times, for the purpose of ensuring optimal use of the HOT lanes
26 by high-occupancy vehicles without adversely affecting other
27 traffic on the state highway system.

28 (1) Agreements between LACMTA, the department, and the
29 Department of the California Highway Patrol shall identify the
30 respective obligations and liabilities of each party to the agreement
31 and assign them responsibilities relating to the program. The
32 agreements entered into pursuant to this section shall be consistent
33 with agreements between the department and the United States
34 Department of Transportation relating to programs of this nature.
35 The agreements entered into pursuant to this section shall include

clear and concise procedures for enforcement by the Department of the California Highway Patrol of laws prohibiting the unauthorized use of the HOT lanes. The agreements shall provide for reimbursement of state agencies, from revenues generated by the program or other funding sources that are not otherwise available to state agencies for transportation-related projects, for costs incurred in connection with the implementation or operation of the program, as well as maintenance of state highway system facilities in connection with the program.

(2) All remaining revenue generated by the 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, transportation corridor improvements, 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 LACMTA. LACMTA's administrative expenses related to the operation of the program shall not exceed 3 percent of the revenues.

(c) Single-occupant vehicles and those vehicles that do not meet minimum occupancy requirements that are certified or authorized by LACMTA for entry into, and use of, the State Highway Routes 10 and 110 high-occupancy vehicle lanes are exempt from Section 21655.5 of the Vehicle Code, and the driver shall not be in violation of the Vehicle Code because of that entry and use.

(d) (1) In implementing the program, LACMTA shall continue to work with the affected communities in the respective corridors and provide mitigation measures for commuters *and transit users* of low *and moderate* income, *within the meaning of Section 50093 of the Health and Safety Code*, including reduced toll charges and toll credits for transit users. ~~Eligible users, if they do not qualify under paragraph (2) for a hardship exemption.~~

(2) ~~LACMTA shall also provide hardship exemptions from the payment of toll charges for commuters for reduced toll charges or toll credits for transit users shall~~ who 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

1 (commencing with Section 18937) of Part 6 of, Division 9 of the
2 Welfare and Institutions Code.

3 (e) LACMTA and the department shall report to the Legislature
4 by January 31, 2015. The report shall include, but not be limited
5 to, a summary of the program, a survey of its users, the impact on
6 carpoolers, revenues generated, how transit service or alternative
7 modes of transportation were impacted, any potential effect on
8 traffic congestion in the high-occupancy vehicle lanes and in the
9 neighboring lanes, the number of toll-paying vehicles that utilized
10 the HOT lanes, any potential reductions in the greenhouse gas
11 emissions that are attributable to congestion reduction resulting
12 from the HOT lane program, any comments submitted by the
13 Department of the California Highway Patrol regarding operation
14 of the lanes, and a description of the mitigation measures on the
15 affected communities and commuters in the program. The report
16 shall be submitted in compliance with Section 9795 of the
17 Government Code. This subdivision shall become inoperative on
18 January 31, 2019, pursuant to Section 10231.5 of the Government
19 Code.

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

23 (g) This section shall not prevent the department or any local
24 agency from constructing facilities that compete with a HOT lane
25 program, and LACMTA shall not be entitled to compensation for
26 adverse effects on toll revenue due to those facilities.

27 (h) LACMTA may issue bonds, as set forth in Chapter 5
28 (commencing with Section 130500) of Division 12 of the Public
29 Utilities Code, at any time to finance any costs necessary to
30 implement a value-pricing and transit development program
31 established in accordance with this section and to finance any
32 expenditures payable from the revenues generated from the
33 program.