

AMENDED IN ASSEMBLY JANUARY 27, 2016

AMENDED IN ASSEMBLY JANUARY 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 provide mitigation measures for commuters and transit users of low income and would also require LACMTA, until January 1, 2022, to provide hardship exemptions from the payment of toll~~

~~charges for commuters who meet the eligibility requirements for specified assistance programs. The bill would authorize LACMTA to discontinue issuing hardship exemptions if it determines at a public hearing that issuing additional exemptions would significantly jeopardize the amount of toll revenues necessary to operate and maintain the program. The bill would require LACMTA to report to the Legislature by January 31, 2019, the number of hardship exemptions provided during the time period from January 1, 2017, to December 31, 2018, inclusive, to commuters in total and to commuters residing in the San Gabriel Valley. require LACMTA to take additional steps, beyond the previous implementation of a low-income assistance program, to increase enrollment and participation in the low-income assistance program, as specified, through advertising and work with community organizations and social service agencies. The bill would also require LACMTA and the Department of Transportation to report to the Legislature by December 31, 2018, on efforts to improve the HOT lane program, including efforts to increase participation in the low-income assistance program.~~

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

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *Section 149.9 of the Streets and Highways Code, the statute*
- 4 *authorizing the Los Angeles County Metropolitan Transportation*
- 5 *Authority (LACMTA) and the Department of Transportation to*
- 6 *pursue the implementation of high-occupancy toll (HOT) lanes on*
- 7 *State Highway Routes 10 and 110, requires LACMTA to develop*
- 8 *a program to offset the impact on tolls on certain income groups*
- 9 *in Los Angeles County.*
- 10 (b) *LACMTA has implemented a low-income assistance program*
- 11 *in this regard and has developed other ways to respond to this*
- 12 *requirement.*
- 13 (c) *LACMTA's report to the Legislature and subsequent*
- 14 *information provided by LACMTA identified the progress of the*
- 15 *HOT lanes overall and the level of participation in the low-income*
- 16 *assistance program.*

(d) While the HOT lanes have met their stated objectives, and while participation in the low-income assistance program has grown over time, improvements can be made.

(e) LACMTA and the department should continue to improve the overall performance of the HOT lanes, including identifying ways to improve travel speeds in both corridors.

(f) LACMTA and the department should continue to work to improve awareness of the low-income assistance program through advertising and working with local community groups and social service agencies to distribute information about the program.

(g) LACMTA should consider offering greater incentives in the low-income assistance program in order to incentivize participation in the program.

SECTION 1.

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

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

(b) LACMTA shall implement the program in cooperation with the department, and with the active participation of the Department of the California Highway Patrol, pursuant to an agreement that addresses all matters related to design, construction, maintenance, and operation of state highway system facilities in connection with the program. With the consent of the department, LACMTA shall establish appropriate performance measures, such as speed or travel times, for the purpose of ensuring optimal use of the HOT lanes

1 by high-occupancy vehicles without adversely affecting other
2 traffic on the state highway system.

3 (1) Agreements between LACMTA, the department, and the
4 Department of the California Highway Patrol shall identify the
5 respective obligations and liabilities of each party to the agreement
6 and assign them responsibilities relating to the program. The
7 agreements entered into pursuant to this section shall be consistent
8 with agreements between the department and the United States
9 Department of Transportation relating to programs of this nature.
10 The agreements entered into pursuant to this section shall include
11 clear and concise procedures for enforcement by the Department
12 of the California Highway Patrol of laws prohibiting the
13 unauthorized use of the HOT lanes. The agreements shall provide
14 for reimbursement of state agencies, from revenues generated by
15 the program or other funding sources that are not otherwise
16 available to state agencies for transportation-related projects, for
17 costs incurred in connection with the implementation or operation
18 of the program, as well as maintenance of state highway system
19 facilities in connection with the program.

20 (2) All remaining revenue generated by the program shall be
21 used in the corridor from which the revenue was generated
22 exclusively for preconstruction, construction, and other related
23 costs of high-occupancy vehicle facilities, transportation corridor
24 improvements, and the improvement of transit service in the
25 corridor, including, but not limited to, support for transit operations
26 pursuant to an expenditure plan adopted by LACMTA. LACMTA's
27 administrative expenses related to the operation of the program
28 shall not exceed 3 percent of the revenues.

29 (c) Single-occupant vehicles and those vehicles that do not meet
30 minimum occupancy requirements that are certified or authorized
31 by LACMTA for entry into, and use of, the State Highway Routes
32 10 and 110 high-occupancy vehicle lanes are exempt from Section
33 21655.5 of the Vehicle Code, and the driver shall not be in violation
34 of the Vehicle Code because of that entry and use.

35 (d) (1) In implementing the program, LACMTA shall continue
36 to work with the affected communities in the respective corridors
37 and provide mitigation measures for commuters ~~and transit users~~
38 of low income, including reduced toll charges and toll credits for
39 ~~transit users, if they do not qualify under paragraph (2) for a~~
40 ~~hardship exemption as long as paragraph (2) remains operative.~~

1 *users. Eligible commuters for reduced toll charges or toll credits*
 2 *for transit users shall meet the eligibility requirements for*
 3 *assistance programs under Chapter 2 (commencing with Section*
 4 *11200) or Chapter 3 (commencing with Section 12000) of Part 3*
 5 *of, Part 5 (commencing with Section 17000) of, or Chapter 10*
 6 *(commencing with Section 18900), Chapter 10.1 (commencing*
 7 *with Section 18930), or Chapter 10.3 (commencing with Section*
 8 *18937) of Part 6 of, Division 9 of the Welfare and Institutions*
 9 *Code.*

10 ~~(2) (A) Except as provided in subparagraph (B), LACMTA~~
 11 ~~shall also provide hardship exemptions from the payment of toll~~
 12 ~~charges for commuters who meet the eligibility requirements for~~
 13 ~~assistance programs under Chapter 2 (commencing with Section~~
 14 ~~11200) or Chapter 3 (commencing with Section 12000) of Part 3~~
 15 ~~of, Part 5 (commencing with Section 17000) of, or Chapter 10~~
 16 ~~(commencing with Section 18900), Chapter 10.1 (commencing~~
 17 ~~with Section 18930), or Chapter 10.3 (commencing with Section~~
 18 ~~18937) of Part 6 of, Division 9 of the Welfare and Institutions~~
 19 ~~Code.~~

20 ~~(B) LACMTA may discontinue issuing hardship exemptions~~
 21 ~~pursuant to subparagraph (A) if it determines at a public hearing~~
 22 ~~that issuing additional hardship exemptions would significantly~~
 23 ~~jeopardize the amount of toll revenues necessary to operate and~~
 24 ~~maintain the program. In making that determination, LACMTA~~
 25 ~~shall not consider the cost of providing the mitigation measures~~
 26 ~~required by paragraph (1) as part of the costs necessary to operate~~
 27 ~~and maintain the program.~~

28 ~~(C) This paragraph shall become inoperative on January 1, 2022.~~

29 ~~(3) LACMTA shall report to the Legislature by January 31,~~
 30 ~~2019, the number of hardship exemptions provided pursuant to~~
 31 ~~paragraph (2) during the time period from January 1, 2017, to~~
 32 ~~December 31, 2018, inclusive, to commuters in total and to~~
 33 ~~commuters residing in the San Gabriel Valley. The report shall be~~
 34 ~~submitted in compliance with Section 9795 of the Government~~
 35 ~~Code. This paragraph shall become inoperative on January 31,~~
 36 ~~2023, pursuant to Section 10231.5 of the Government Code.~~

37 *(2) Beyond the measures already implemented to create a*
 38 *low-income assistance program, LACMTA shall take additional*
 39 *steps to increase enrollment and participation in the low-income*
 40 *assistance program. LACMTA, in that regard, shall improve*

1 *awareness of the low-income assistance program through*
2 *advertising and by working with local community groups and*
3 *social service agencies to distribute information about the*
4 *low-income assistance program. In addition, LACMTA shall*
5 *consider offering greater incentives to encourage participation in*
6 *the low-income assistance program.*

7 (e) (1) LACMTA and the department shall report to the
8 Legislature by January 31, 2015. The report shall include, but not
9 be limited to, a summary of the program, a survey of its users, the
10 impact on carpoolers, revenues generated, how transit service or
11 alternative modes of transportation were impacted, any potential
12 effect on traffic congestion in the high-occupancy vehicle lanes
13 and in the neighboring lanes, the number of toll-paying vehicles
14 that utilized the HOT lanes, any potential reductions in the
15 greenhouse gas emissions that are attributable to congestion
16 reduction resulting from the HOT lane program, any comments
17 submitted by the Department of the California Highway Patrol
18 regarding operation of the lanes, and a description of the mitigation
19 measures on the affected communities and commuters in the
20 program. The report shall be submitted in compliance with Section
21 9795 of the Government Code. This subdivision shall become
22 inoperative on January 31, 2019, pursuant to Section 10231.5 of
23 the Government Code.

24 (2) *LACMTA and the department shall report to the policy*
25 *committees of the Legislature with responsibility for transportation*
26 *matters by December 31, 2018, on the efforts to improve the*
27 *program authorized by this section. The report shall address efforts*
28 *by LACMTA to increase participation in the low-income*
29 *participation program, any additional incentives that have been*
30 *developed to encourage participation in the low-income*
31 *participation program, and the performance of the HOT lanes*
32 *overall in improving congestion in the affected corridors and*
33 *offsetting the impact to low-income commuters. This paragraph*
34 *shall become inoperative on January 1, 2021, pursuant to Section*
35 *10231.5 of the Government Code.*

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

39 (g) This section shall not prevent the department or any local
40 agency from constructing facilities that compete with a HOT lane

1 program, and LACMTA shall not be entitled to compensation for
2 adverse effects on toll revenue due to those facilities.
3 (h) LACMTA may issue bonds, as set forth in Chapter 5
4 (commencing with Section 130500) of Division 12 of the Public
5 Utilities Code, at any time to finance any costs necessary to
6 implement a value-pricing and transit development program
7 established in accordance with this section and to finance any
8 expenditures payable from the revenues generated from the
9 program.

O