

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1908**

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**Introduced by Assembly Member Harper**  
**(Coauthors: Assembly Members Brough and Gatto)**

February 11, 2016

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An act to add and repeal Section 149.2 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as amended, Harper. High-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive or preferential use of high-occupancy vehicles. When those exclusive or preferential use lanes are established and double parallel solid lines are in place to the right thereof, existing law prohibits any person driving a vehicle from crossing over those double lines to enter into or exit from the lanes, and entrance or exit from those lanes is authorized only in areas designated for these purposes or where a single broken line is in place to the right of the lanes, except as specified.

This bill would prohibit, commencing July 1, 2017, a high-occupancy vehicle lane from being established on a state highway in southern California, unless that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the department. The bill would require any existing high-occupancy vehicle lane in southern California to be modified to conform with those requirements. The bill would authorize the department, on or after May 1, 2018, to reinstate 24-hour high-occupancy vehicle lanes in southern California if the department makes a specified determination, and would

require the department to report to the Legislature on the impact on traffic of limiting the use of high-occupancy lanes only during the hours of heavy commuter traffic, as provided in the bill.

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

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

1 SECTION 1. Section 149.2 is added to the Streets and  
2 Highways Code, to read:

3 149.2. (a) Notwithstanding any other law, except as otherwise  
4 provided in subdivision (d), a high-occupancy vehicle lane shall  
5 not be established on a state highway in southern California, unless  
6 the lane is established as a high-occupancy vehicle lane only during  
7 the hours of heavy commuter traffic, as determined by the  
8 department.

9 (b) Any existing high-occupancy vehicle lane located in southern  
10 California shall be modified as necessary to conform with  
11 subdivision (a).

12 (c) (1) The department shall report to the Legislature, in  
13 compliance with Section 9795 of the Government Code, on or  
14 before January 1, 2019, on the impact on traffic of limiting the use  
15 of high-occupancy vehicle lanes only during the hours of heavy  
16 commuter traffic as provided in subdivision (a).

17 (2) The requirement for submitting a report imposed under  
18 paragraph (1) is inoperative on January 1, 2023, pursuant to Section  
19 10231.5 of the Government Code.

20 (d) On or after May 1, 2018, if the department determines that  
21 there is an adverse impact on safety, traffic conditions, or the  
22 environment by limiting the use of high-occupancy vehicle lanes  
23 only during the hours of heavy commuter traffic as provided in  
24 subdivision (a), the department may submit to the Assembly  
25 Committee on Transportation and the Senate Committee on  
26 Transportation and Housing a notice of that determination and *of*  
27 *the* intent to reinstate 24-hour high-occupancy vehicle lanes. The  
28 department thereafter may reinstate 24-hour high-occupancy  
29 vehicle lanes.

30 (e) This section shall become operative on July 1, 2017.

31 (f) This section shall become inoperative 60 days after the date  
32 the Legislature receives the notice described in subdivision (d)

1 and is repealed on January 1 thereafter. The department shall post  
2 the date that the Legislature receives this notice on the department's  
3 Internet Web site.

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