

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 ~~adopt eligibility requirements for~~ *provide* mitigation measures for commuters and transit users of low ~~and moderate income, as defined, 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.*

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.

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

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

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

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

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

11 (B) *LACMTA may discontinue issuing hardship exemptions*
12 *pursuant to subparagraph (A) if it determines at a public hearing*
13 *that issuing additional hardship exemptions would significantly*
14 *jeopardize the amount of toll revenues necessary to operate and*
15 *maintain the program. In making that determination, LACMTA*
16 *shall not consider the cost of providing the mitigation measures*
17 *required by paragraph (1) as part of the costs necessary to operate*
18 *and maintain the program.*

19 (C) *This paragraph shall become inoperative on January 1,*
20 *2022.*

21 (3) *LACMTA shall report to the Legislature by January 31,*
22 *2019, the number of hardship exemptions provided pursuant to*
23 *paragraph (2) during the time period from January 1, 2017, to*
24 *December 31, 2018, inclusive, to commuters in total and to*
25 *commuters residing in the San Gabriel Valley. The report shall be*
26 *submitted in compliance with Section 9795 of the Government*
27 *Code. This paragraph shall become inoperative on January 31,*
28 *2023, pursuant to Section 10231.5 of the Government Code.*

29 (e) *LACMTA and the department shall report to the Legislature*
30 *by January 31, 2015. The report shall include, but not be limited*
31 *to, a summary of the program, a survey of its users, the impact on*
32 *carpoolers, revenues generated, how transit service or alternative*
33 *modes of transportation were impacted, any potential effect on*
34 *traffic congestion in the high-occupancy vehicle lanes and in the*
35 *neighboring lanes, the number of toll-paying vehicles that utilized*
36 *the HOT lanes, any potential reductions in the greenhouse gas*
37 *emissions that are attributable to congestion reduction resulting*
38 *from the HOT lane program, any comments submitted by the*
39 *Department of the California Highway Patrol regarding operation*
40 *of the lanes, and a description of the mitigation measures on the*

1 affected communities and commuters in the program. The report
2 shall be submitted in compliance with Section 9795 of the
3 Government Code. This subdivision shall become inoperative on
4 January 31, 2019, pursuant to Section 10231.5 of the Government
5 Code.

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

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

13 (h) LACMTA may issue bonds, as set forth in Chapter 5
14 (commencing with Section 130500) of Division 12 of the Public
15 Utilities Code, at any time to finance any costs necessary to
16 implement a value-pricing and transit development program
17 established in accordance with this section and to finance any
18 expenditures payable from the revenues generated from the
19 program.