

June 4, 2008

Rep. Gary Miller  
2438 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Miller:

I am writing in regard to your proposed “Free Way Act of 2008” legislation. As I understand it, the intent of the bill is to prevent transportation agencies that currently operate HOV lanes from converting them to HOT (high occupancy/toll) lanes in which some or all of those who previously used the lanes as carpools would be charged.

Many of us in the transportation field have concluded that HOV lanes (especially those focused on HOV-2 use, like nearly all those in Southern California) have been ineffective transportation solutions. The original intent was to reduce the number of cars on the road during rush hour, by giving commuters an incentive to share rides with fellow workers. Available data reveal that in most cases, the majority of HOV-2 “carpools” are actually made up of family members who would be traveling together in any case; such “fam-pools” do not reduce vehicle trips at rush hour. Between fam-pools and hybrids, many of California’s HOV lanes are now so crowded that they are losing their original time-saving advantage; many of them now fail to meet FHWA criteria and therefore must be reformed.

Converting under-performing HOV lanes to HOT lanes (sometimes called Managed Lanes) is one of the most promising transportation developments of the past decade. It was pioneered in California on I-15 in San Diego, but the most impressive performance has been delivered by the Express Lanes on SR 91 in Orange County. The success of these two projects is known nationwide, and has inspired recent HOT lane projects in the San Francisco Bay Area, Seattle, Salt Lake City, Denver, Minneapolis, Houston, Dallas, Miami, and on the Beltway in Northern Virginia.

HOT lanes are a great free-market success story. They work by charging a variable price to use the lane, with the highest price at the time of greatest demand. This does several things simultaneously:

- It meters the traffic flow, to prevent overloading the lanes into stop-and-go conditions. The result is that hourly throughput on priced lanes is about double that of throughput in congested regular lanes (about 1600 cars/lane/hour vs. about 800).
- It provides strong incentives for real carpooling (3 or more people), since those who share rides either get a discounted toll rate (in some projects) or can split the toll.

- It gives transit providers an uncongested guideway for express bus service, that can remain uncongested permanently, thanks to variable pricing; this is far more cost-effective than building exclusive busways that are empty most of the time.
- It generates revenue that can be used to expand the HOT lanes system, especially by building expensive freeway-to-freeway flyover connectors, and to expand express bus service on these lanes.

The idea for HOT lanes was developed and publicized by my organization, the Reason Foundation, a free-market think tank, in the early 1990s. It has been embraced by other national and state free-market groups (Heritage Foundation, Goldwater Institute, etc.) across the country. And it has been supported by Congress in the last several reauthorizations, especially the creation and expansion of the Value Pricing Pilot Program within FHWA.

I strongly support what Los Angeles Metro is planning to do, with federal support, in converting up to three HOV lanes to HOT lanes. This could—and should—be the first step toward turning LA's poorly performing set of HOV lanes into a seamless network of high-performance HOT lanes, spanning the entire greater Los Angeles area. That network would offer congestion relief to every driver in the region, for those trips when getting there on time is essential. And it would also offer a faster and more reliable region-wide transit service (express bus or BRT on uncongested guideways). Best of all, a significant portion of the cost of this network would come from the voluntary payments of those choosing to use it as an alternative to the congested regular freeway lanes.

Legislation that would prohibit such conversion would stop this promising reform in its tracks, not just in Los Angeles but in more than a dozen other large congested metro areas. I hope you will reconsider this measure in light of this new information

I would be happy to answer any questions you may have.

Sincerely,

Robert W. Poole, Jr.  
Director of Transportation Studies