



**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
JUNE 19, 2008**

**SUBJECT: FEDERAL HIGH OCCUPANCY VEHICLE (HOV) LEGISLATION
H.R. 6002 (MILLER) PROHIBIT CONVERSION OF HOV LANES INTO
HIGH OCCUPANCY TOLL LANES (HOT)**

ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION

RECOMMENDATION

Adopt position on H.R. 6002 (Miller) – Legislation that seeks to prohibit tolling high occupancy vehicles that were permitted to use a high occupancy vehicle facility at no cost before December 31, 2007. **OPPOSE**

ATTACHMENT

Attachment A Legislative Analysis of H.R. 6002
Attachment B H.R. 6002 Bill Language

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BILL: H.R. 6002

AUTHOR: U.S. REPRESENTATIVE GARY MILLER (R-CA)

SUBJECT: HOV LEGISLATION

STATUS: REFERRED TO THE HOUSE TRANSPORTATION & INFRASTRUCTURE COMMITTEE

ACTION: OPPOSE

RECOMMENDATION

Adopt an “OPPOSE” position on H.R. 6002 (Miller), which prohibits tolling high occupancy vehicles that were permitted to use a HOV facility at no cost before December 31, 2007.

ISSUE

The surface transportation authorization bill that Congress adopted in 2005 (SAFETEA-LU) included a new provision (Section 166) that clarified several aspects of the operation of HOV facilities and provided more exceptions to the vehicle occupancy requirements for HOV facilities. The legislation authorized States to create HOT lanes. According to the U.S. Department of Transportation (USDOT), this section allows States to charge tolls to vehicles that do not meet the established occupancy requirements to use an HOV lane, if the State establishes a program that addresses the selection of certified vehicles and procedures to manage the demand of the facility by varying the toll amount and enforcing violations. It is this provision on which the USDOT launched its congestion reduction demonstration initiative.

Prior to SAFETEA-LU, the Transportation Equity Act for the 21st Century authorized the U.S. Secretary of Transportation to create a Value Pricing Pilot Program by entering into cooperative agreements with up to fifteen State (including the State of California) or local governments or other public authorities, to establish, maintain, and monitor local value pricing pilot programs. The Value Pricing Pilot Program replaced the Congestion Pricing Pilot Program that was authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

On April 24, 2008, the Los Angeles County Metropolitan Transportation Authority (LACMTA) unanimously voted to authorize its Chief Executive Officer to negotiate and execute a congestion reduction demonstration agreement with the USDOT. The California Department of Transportation (Caltrans) is a lead agency with the LACMTA on this initiative.

The agreement would convert existing HOV lanes to HOT lanes on three area roadways. Specifically, the roadways include Interstate 10 from downtown Los Angeles to I-605, which represents a total of 28 lane-miles and Interstate 210 from State Route 134 to I-605, which represents a total of 24 lane-miles. The conversion of HOV lanes to HOT lanes on I-110 from the Artesia Transit Center to Adams Boulevard (a total of 33 lane-miles) would be contingent on the availability of additional financing.

PROVISIONS

This legislation would prohibit tolling high occupancy vehicles that were permitted to use an HOV facility at no cost before December 31, 2007. The legislation does not affect a state's authority to establish regular toll roads or build new toll facilities. The clear goal of the legislation is to prevent the establishment of new tolls to be imposed on HOV vehicles that were previously able to access HOV lanes for free. It would not affect the ability to toll single occupant vehicles using HOT lanes.

IMPACT ANALYSIS

Should H.R. 6002 be adopted into law, it may hamper the flexibility needed to ensure the successful implementation of our congestion reduction demonstration initiative. Specifically, this legislation would mandate that HOV standards currently in place on the I-210 and I-10 could not be modified to guarantee reliable travel speeds of at least 45-50 mph and to avoid congestion. This lack of flexibility on HOV standards may result in the failure to finalize our congestion reduction demonstration initiative with USDOT. The collapse of this agreement for \$213.6 million in federal transportation funding would eliminate our ability to use this funding to purchase dozens of clean fuel high capacity buses that would improve transit services in areas adjacent to I-10 and I-210 in the San Gabriel Valley. Eliminating the grant may also result in the loss of funds to provide park-and-ride, transit station improvements and/or other facilities in the San Gabriel Valley.

H.R. 6002 is currently pending before the House Transportation & Infrastructure Committee. It is unlikely that the chairman of this committee, Rep. James Oberstar (D-MN), will hold a mark-up on this legislation during the remainder of the 110th Congress. Congressman Miller has indicated an interest in working to have the language of this bill integrated into legislation to reauthorize SAFETEA-LU that Congress will likely consider next year.

SUPPORT:

U.S. Representatives
David Dreier (R-CA)
Howard "Buck" McKeon (R-CA)
Grace Napolitano (D-CA)
Hilda Solis (D-CA)

OPPOSITION:

No registered opposition at this time