

## ATTACHMENT B

**BILL:** ASSEMBLY BILL 91  
AS AMENDED MARCH 22, 2017

**AUTHOR:** ASSEMBLYMEMBER SABRINA CERVANTES (D-RIVERSIDE)

**SUBJECT:** HIGH-OCCUPANCY VEHICLE LANES

**STATUS:** ASSEMBLY APPROPRIATIONS COMMITTEE  
SCHEDULED HEARING: APRIL 5, 2017

PASSED ASSEMBLY TRANSPORTATION COMMITTEE  
MARCH 21, 2017 (11-2)

**ACTION:** OPPOSE

### **RECOMMENDATION**

Staff recommends that the Board of Directors adopt an OPPOSE position on Assembly Bill 91 (Cervantes) as amended on March 22, 2017.

### **ISSUE**

Assemblymember Sabrina Cervantes introduced AB 91 which would amend existing law related to the operation of High-Occupancy vehicle (HOV) lanes in Riverside County.

Specifically the bill would:

- Prohibit, beginning July 1, 2018 a high-occupancy vehicle (HOV) lane from being established in the County of Riverside, unless the lane is established to be operational only during peak hours;
- Require any existing HOV lane in the County in Riverside that is not a toll lane to be converted to be operational only during peak hours;
- Authorize Caltrans on or after May 1, 2019 to reinstate 24-hour HOV lanes in Riverside County if specified findings are made, and would require a report to be submitted to the Legislature regarding impacts to traffic as a result of the prescribed provisions.
- Provide that these provisions apply only to the extent that they do not endanger federal funding.

### **DISCUSSION**

AB 91 (Cervantes) would require that high-occupancy vehicle (HOV) lanes be converted to be enforced only during peak hours. HOV lanes, also known as “carpool lanes,” are restricted-access lanes intended to increase the capacity of California’s highways,

provide incentives for carpooling, and protect the environment. The lanes are identified by diamond symbols painted on the pavement and their use is limited to the restrictions indicated by signs posted along the freeway.

In Northern California, HOV lane restrictions are in place Monday through Friday during the posted peak hours, permitting other vehicles to access the lanes during off-peak hours; however, in Southern California, HOV lane restrictions are in place 24-hours a day, seven days a week. Currently, AB 91 applies only to Riverside County; however, staff finds that this could set a precedent for other counties in Southern California, should it go into effect. A 2015 Caltrans report cites that Los Angeles County is unique in its highway congestion; with peak hours lasting beyond the normal commuter am and pm peak hours.

If the measure is passed, in its current form, it would be highly detrimental to Riverside County Transportation Commission (RCTC) which operates HOV lanes and High-Occupancy Toll (HOT) lanes. This bill is precedent setting, and its implementation could have potential unforeseen impacts on traffic congestion and HOV lane operation if expanded to Los Angeles County.

In its current form, AB 91 excludes HOT lanes from the peak only provision. Currently Metro operates ExpressLanes on the I-10 and I-110 corridors, with plans to expand the HOT lane network in the county. This could impact Caltrans and Metro's plans for future expansion of HOV/HOT lane network to address the congestion in Los Angeles County.

Staff recommends that the Board adopt an OPPOSE position on the measure AB 91 (Cervantes).

### **DETERMINATION OF SAFETY IMPACT**

There is no determined safety impact due to the enactment of the proposed legislation.

### **FINANCIAL IMPACT**

Staff has determined that there is no direct financial impact to Metro due to the enactment of the proposed legislation. Short-term impacts to Caltrans in Riverside County would include costs for new signage and lane re-striping to implement the new provisions, and the costs would be incurred again, upon lifting the peak-only provisions.

### **ALTERNATIVES CONSIDERED**

Staff has considered adopting either a support or neutral position on the bill. A support or neutral position would be inconsistent with Metro's Board approved 2017 State Legislative Program Goal #9, which is to oppose any legislation that could negatively impact Metro's ability to operate the ExpressLanes program. A support position on this legislation would be contrary to our agency's goal of preserving Metro's ExpressLanes operation and cost-effectively building highway and transit projects funded under Measure R and Measure M.

## **NEXT STEPS**

Should the Board decide to adopt an OPPOSE position on this measure, staff will communicate the Board's position to the author and work to oppose the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.