



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 4b

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TDD/TTY 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: May 1, 2009

FR: Executive Director

RE: AB 670 (Berryhill), AB 1500 (Lieu), SB 535 (Yee): HOV Lane Occupancy Exceptions

Description

A number of bills have been introduced this session dealing with single-occupant vehicle access to high-occupancy vehicles (HOV) lanes, as outlined below:

- **AB 670 (Berryhill)** would authorize Caltrans and local transportation authorities to permit a vehicle driven by a veteran or active duty member of the United States Armed Forces to use the HOV lanes, regardless of the number of passengers in the vehicle, provided the vehicle displays an insignie approved by the Department of Motor Vehicles (DMV).
- **AB 1500 (Lieu)** would extend the sunset date for hybrid and electric vehicles from 2011 to 2016.
- **SB 535 (Yee)** indefinitely authorizes plug-in hybrid vehicles access into HOV lanes regardless of the number of occupants.

Recommendation: Oppose

Discussion

The purpose of HOV lanes is to reduce congestion and improve air quality. While MTC's proposed express lane network legislation would be structured in such a way as to promote both of these objectives, these bills are not; furthermore, they would undermine the success of an express lane network in the Bay Area.

AB 670

This bill proposes to allow veterans and active-duty personnel access to HOV lanes regardless of the number of occupants. This bears no relationship with congestion relief or air quality. In fact, the bill could impede these goals by resulting in overcrowding in the lanes and thereby undermining the incentive to carpool or ride transit along the HOV corridor.

According to a 2007 estimate by the U.S. Department of Veterans Affairs and the Department of Defense, there are over 2 million military veterans and approximately 160,000 active duty personnel in California. Given that some of the region's carpool lanes, including west-bound Interstate 80 towards the San Francisco-Oakland Bay Bridge, are already operating below the recommended level of service for HOV lanes, allowing access to single-occupant vehicles – without any mechanism, such as a variable toll by which to regulate their access – would cause further backups in the lanes. Moreover, we dispute the bill's underlying premise that access to HOV lanes should be provided to certain classes of individuals that the Legislature deems worthy of special treatment. While the

country owes a great debt to our veterans and active-duty military personnel, we do not believe it is appropriate to discharge that debt through access to HOV lanes. Accordingly, we recommend an oppose position on AB 670.

AB 1500

Under current law, hybrid vehicles with a fuel efficiency of 45-miles per gallon or greater that meet certain low-emission vehicle criteria are allowed access into HOV lanes regardless of the number of occupants until January 1, 2011. This bill would extend that date to 2016. Current law caps the number of hybrid decals that the DMV may issue at 55,000 and all decals have been issued. When the original legislation, AB 2628 (Pavley), was enacted in 2004, hybrid vehicles were still in their relative infancy and the legislation was advanced under the argument that additional incentives were needed to encourage the purchase of hybrid vehicles. The same cannot be said today when sales of hybrid vehicles outpaces those of standard vehicles. For these reasons, we recommend an oppose position on AB 1500.

SB 535

This bill would grant vehicles that use advanced lithium ion battery plug-in technology indefinite access to HOV lanes regardless of the number of occupants. While MTC is strongly supportive of governmental efforts to encourage plug-in hybrids, we oppose the use of HOV lanes as a mechanism to do so. Individuals who are inclined to purchase a plug-in hybrid vehicle, which costs significantly more than standard hybrids, are likely to be highly motivated by environmental considerations. It is therefore ironic and ill advised to adopt legislation to encourage such individuals to make certain purchases through a mechanism that could ultimately increase vehicle emissions by eroding the incentive to carpool or use transit in carpool lanes. For these reasons, we recommend an oppose position on SB 535.

Known Positions

AB 670

Support

American Legion, Department of California
Vietnam Veterans of America, California State Council

Oppose

None

AB 1500

Support

None

Oppose

None

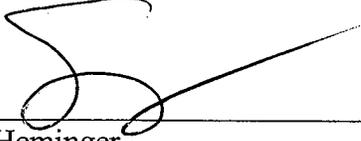
SB 535

Support

None

Oppose

None



Steve Heminger