



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 4a

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*Memorandum*

TO: Legislation Committee

DATE: March 7, 2014

FR: Executive Director

W. I. 1131

RE: AB 1811 (Buchanan)/AB 2090 (Fong): Access to Express Lanes/ Performance Requirements

**Background**

These related bills are designed to improve operation of express lanes administered by the Alameda County Transportation Commission and the Santa Clara Valley Transportation Authority, which are jointly authorized to develop 280 miles of the region's 550-mile express lane network. Assembly Bill 1811 (Buchanan) revises current law as it relates to the Sunol Smart Carpool Lane Joint Powers Authority (which oversees the 680 Express Lanes) and future Alameda County Transportation Commission (ACTC) express lanes on I-580 in order to improve enforcement of toll requirements in express lanes. Assembly Bill 2090 (Fong) makes a similar change, while also modifying traffic speed requirements related to operation of express lanes operated by the Santa Clara Valley Transportation Authority (VTA).

**Recommendation: Support and Seek Amendment**

**Discussion**

*Express Lane Enforcement*

A fundamental principle behind the development of express lanes in California is that they remain free to carpool vehicles. This concept has been codified in several sections of the Streets and Highways Code (149.5 and 149.6) which require that "unrestricted access to the lanes by high-occupancy vehicles (HOV) shall be available at all times." These bills ensure access to HOV users at all times and allow for the use of technology that distinguishes toll payers from HOV lane users to be deployed. This technology creates a mechanism to ticket HOV violators, a key enforcement mechanism. Electronic enforcement, combined with CHP enforcement will be used together to ensure optimal efficiency and appropriate use of the lanes.

One of the most effective ways to improve express lane enforcement is to require that all vehicles using a facility carry a FasTrak® transponder known in the industry as a "switchable tag." When a vehicle is using the facility with the required number of occupants to qualify as a carpool, it switches to "carpool" mode, thereby authorizing free access; when used without the required number of occupants, the tag would be set to "toll" mode, authorizing payment. This approach automates enforcement to a much larger degree, though manual enforcement would still be needed to verify the accuracy of the reported mode. The chief benefit from an enforcement standpoint is that a vehicle using express lanes *without* a tag would be automatically be flagged as a toll violator. Such tags are currently in use on the I-10 and I-110 express lanes in Los Angeles.

While requiring a FasTrak account and toll tag in the vehicle as a condition of access to an express lane for carpools or single-occupant vehicles alike is a change from the current approach on the region's two operational express lanes, it is not without precedent in the Bay Area. In 2010, the Bay Area Toll Authority instituted a reduced rate toll for carpool vehicles and required payment via FasTrak®. While the change did result in a decline in the number of carpool vehicles, a significant portion of that reduction was attributed to a reduction in the number of carpool cheaters once the FasTrak requirement was imposed.

It is important to note that the bills themselves are quite straightforward and do not require any specific action on the part of ACTC or VTA with respect to enforcement. However, by removing the word "unrestricted" from the section of code related to carpool lane access, the bills clarify that technology may be deployed to facilitate efficient express lane operation and enforcement which warrants MTC's support as the use of switchable toll tags is also anticipated for the express lanes operated by MTC, under the auspices of the Bay Area Infrastructure Financing Authority.

### ***Express Lane Performance***

AB 2090 (Fong) goes one step further than AB 1811 and deletes the requirement to maintain a "Level of Service (LOS) C or D" traffic flow at all times. LOS definitions of traffic flow are contained in the Highway Capacity Manual, adopted and regularly updated by the Transportation Research Board. This performance standard exists in most of the route-specific express lane statutes, including ACTC's. While the interpretation of LOS varies based on the geometry of the roadway, LOS C can be interpreted as requiring very high speeds (as high as 65 mph). When an express lane is operating adjacent to a highly congested mixed-flow lane, this standard is not appropriate and actually serves to undermine the express lane's effectiveness. Federal law (Title 23, Section 166) has set a more flexible standard, requiring express lane facilities to meet minimum average operating speed of 45 mph for 90 percent of the time over a 180-day monitoring period during morning and evening weekday peak hours (or both) in the case of a HOV facility with a speed limit of 50 mph or greater. The Los Angeles I-10 and I-110 express lanes are already operating under this framework and it makes good sense to standardize this approach statewide.

### ***MTC Requested Amendments***

MTC's authority to develop a regional express lane network under Streets and Highways Code 149.7 requires adherence to standards set in various route-specific statutes (Sections 149, 149.1, 149.3, 149.4, 149.5, and 149.6.), including the requirement for "unrestricted" access as well as the Level of Service standards. As these bills move through the legislative process, it is likely that they will be amended into one bill. MTC staff would like to engage in that process and pursue amendments that provide clarity and consistency across all express lane statutes affecting the Bay Area's network.

### **Known Positions**

#### **Support**

VTA (sponsor), AB 2090  
ACTC (sponsor), AB 1811

#### **Oppose**

None on file



Steve Heminger