



**METROPOLITAN  
TRANSPORTATION  
COMMISSION**

**Agenda Item 3c**

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***Memorandum***

TO: Legislation Committee

DATE: February 6, 2015

FR: Executive Director

W. I. 1131

RE: SB 39 (Pavley): Expansion of Access to High-Occupancy Vehicle Lanes by Low-Emission Vehicles

**Background**

Senate Bill 39 (Pavley) proposes to once again expand the number of vehicles allowed to use high-occupancy vehicle (HOV) lanes without the required number of occupants and without payment. Specifically, the bill increases by an unspecified amount the number of green Clean Air Decals that the Department of Vehicles (DMV) may issue to plug-in hybrid vehicles meeting the “enhanced advanced technology partial zero-emission vehicles (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV)” standard, as determined by the California Air Resources Board (ARB). Generally, plug-in hybrids qualify for these stickers, including five 2015 vehicle models and eight 2014 vehicle models, as well as some earlier year models. Last year the total number of green decals authorized was increased 75 percent, from 40,000 to 70,000. As of February 3, 2015 DMV had issued 58,552 green Clean Air Decals. Additionally, the DMV issues an unlimited number of white stickers, which may be issued for pure electric vehicles and certain alternative fuel vehicles.

**Recommendation: Oppose**

**Discussion**

Last year MTC opposed virtually identical legislation, AB 2013 (Muratsuchi). That bill raised the number of green Clean Air Decals from 55,000 to 70,000 (following a budget trailer bill that raised the cap from 40,000 to 55,000). While it is unusual for staff to recommend a position on a bill that leaves blank its key policy change, we believe it is important to express our concerns early in the legislative session so we can oppose the bill on principle when it is heard in its first policy committee. Put simply, the Clean Air Sticker program erodes HOV lane capacity by providing an incentive for vehicles that are neither reducing the number of trips on the road nor paying a toll. With congestion levels reaching new records, especially in the prosperous South Bay of the region where the purchase of such vehicles is more likely, we should not be giving single occupant vehicles free access to the region’s HOV lanes. If left unchecked, this program has the potential to undermine the viability of the Regional Express Lane Network, a core element of the Bay Area’s strategy for improving highway mobility. For these reasons, we recommend an oppose position on SB 39.

**Known Positions**

**Support**

None on file

**Oppose**

None on file



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Steve Heminger

SH: RL

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