

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

April 9, 2021

Agenda Item 3b

Assembly Bill 476 (Mullin): Transit Bus on Shoulder Pilot Program

- Subject:** Authorizes the Department of Transportation (Caltrans) to establish a pilot program of up to eight projects allowing for the operation of transit buses on the shoulders of state highways.
- Overview:** To help attract commuters to transit, transit agencies need new tools that can offer bus riders a travel time savings advantage over commuters who choose to drive alone. “Bus-on-Shoulder” (BOS) describes the limited use of highway shoulders for low-speed transit bus operations, primarily during peak commute periods.
- Recommendation:** Support and Seek Amendments
- Discussion:** According to a 2016 report by the Federal Highway Administration, there are over 30 shoulder use cases in operation in the U.S. covering 14 states, including Seattle, Miami, Minneapolis/ St. Paul, Atlanta, and the Washington, D.C. area. BOS was also successfully piloted on State Route 52 in San Diego County.

MTC has formally supported the concept of authorizing buses to use the highway shoulder during peak periods for a number of years, including in our 2019 Advocacy Program. While no legislation was introduced that year, in 2020 the California Transit Association sponsored SB 1283 (Beall), which unfortunately did not advance due to limitations on bills as a result of COVID-19. For years, MTC has also been partnering with the Contra Costa Transportation Authority on the potential to deploy BOS in the I-680 corridor and jointly conducted a feasibility analysis in 2017. In addition, MTC has been working with Caltrans to convert the shoulder along the SR84/Bayfront Expressway corridor to a part-time bus-only lane for use by public and private buses. MTC is also conducting a regional bus on shoulder study to identify potential highways for bus on shoulder implementation.

Currently, state law authorizes Monterey-Salinas Transit District and the Santa Cruz Metropolitan Transit District to deploy a BOS program, subject to approval by Caltrans and the Department of the California Highway Patrol (CHP) but no statutory authorization exists for projects in the San Francisco Bay Area.

Guidelines Establish Key Program Parameters

The bill requires that Caltrans develop guidelines with input from CHP and the public to ensure driver and vehicle safety and the “integrity of state highway infrastructure.” The bill requires a maximum speed limit of 35 miles per hour. The bill requires that an operator applying to participate in the program submit a joint application with a regional transportation agency.

Bill Imposes All Costs Associated with Project on Regional Transportation Agency

The bill provides that the regional transportation agency that submits the application with the transit operator shall be responsible for all costs attributable to the project, including costs related to necessary maintenance/repairs resulting from the operation of transit buses on shoulders. This provision seems likely to deter many projects from advancing given that most projects are funded by multiple funding sources, including state funds. Moreover, the state has a strong interest in promoting time-savings on buses given the important role that mode shift to transit from passenger vehicles plays in the state's climate protection strategy. Given that Caltrans is required to develop guidelines for the program, the issue of cost-sharing can be covered in that process. For these reasons, we recommend the bill be amended to remove this provision.

Program Evaluation

The bill requires agencies with an approved pilot project, submit a report to the Legislature within two years after beginning operations, including information about how the BOS has performed in terms of safety, freeway operations, transit travel time savings and reliability, among other items. This information will be critical to help inform whether or not to extend, expand or discontinue the program.

Consistent with MTC's 2021 Advocacy Program, which expresses support for legislation aimed at getting transit out of traffic, staff recommends a "support and seek amendment" position on AB 476, so as to give transit operators more tools to offer riders a faster trip.

Bill Positions:**Support:**

California Transit Association (sponsor)

Oppose:

None on file


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