

Public Works Financing

Published monthly since 1988
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Reprinted from March 2011

Transportation Policy Review

Time to Defend HOT Lanes

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Just when we all thought that high-occupancy toll (HOT) lanes had gone fully mainstream, several members of Congress from Los Angeles are attempting to stop the impending conversion of HOV lanes on I-10 and I-110 to HOT lanes. You may think this is strictly a small-potatoes local problem, but if so you'd be wrong. Their actions pose a major threat to the future of tolling and P3s in this country.

In the first place, for companies hoping to finance and/or implement the large-scale networks of priced "managed lanes" (the umbrella term for HOT and express toll lanes), conversions of HOV to HOT will be a key element. That's especially true on the west coast, where HOV lanes exist on the majority of all freeways in greater Los Angeles, San Francisco, and Seattle. Such networks are already in the long-range transportation plans of Atlanta, Dallas, Houston, Minneapolis, San Diego, San Francisco, and Seattle, and before long will probably also be in the plans of Los Angeles, Miami, and Washington, DC. If you are trying to finance a 500 lane-mile network of HOT lanes, it's a lot easier to make the numbers work out if 300 of those lane-miles already exist as HOV lanes and you only have to build the other 200 from scratch.

What Rep. Gary Miller (R, CA) and Rep. Maxine Waters (D, CA) are trying to do is to ban such conversions in the forthcoming federal surface transportation reauthorization bill. They have picked up on statements by House Transportation & Infrastructure Committee Chair John Mica (R, FL) and DOT Secretary Ray LaHood that they are fine with tolling for new capacity but opposed to tolling existing free lanes. So their aim is to persuade Mica to extend this concept to HOV-to-HOT conversions. For Miller, the argument is the old populist claim that these lanes are "already paid for," while Waters says tolling would create a "traffic system of haves and have-

nots.”

Should Miller and Waters actually succeed in this quest, it would turn back the clock to 1991, prior to enactment of ISTEA, under which the Value Pricing Pilot Program first permitted HOV-to-HOT conversions. That process succeeded everywhere it was tried, so that by 2005, when SAFETEA-LU was enacted, such conversions were mainstreamed, meaning road owners in any state can do them, whether or not their state is a “Value Pricing Partner” state. And it would be tragically ironic were Mica to fall for this ploy, after his having loudly championed the hugely successful I-95 Express conversion project in Miami.

There are two cases where converting HOV lanes to HOT lanes makes sense. First, if such lanes are underutilized and have significant unused capacity (the empty lane syndrome), it makes good sense to sell the excess capacity to enough willing buyers to make good use of it, without overloading the lanes and undercutting their time savings. The other case is if they are overcrowded, and no longer delivering their intended time-saving benefits. In that case, the obvious remedy is to increase the occupancy level by one (usually from 2 to 3). We know from experience that such an occupancy increase will create a lot of unused capacity, which once again it makes sense to sell. Miller’s argument about the lanes being “paid for” completely ignores the widespread failure of HOV lanes in Los Angeles to deliver time-saving benefits. Indeed, the Federal Highway Administration has been leaning on CalTrans over the latter’s failure to comply with the federal performance requirement of at least 45 mph average speed in HOV lanes during peak periods. And Waters’ egalitarian argument ignores the popularity of HOT lanes with lower-income people, some of whose trips are highly time-sensitive (e.g., picking up a child from day-care before late fees kick in).

So now is the time for the tolling and P3 communities to go to bat for HOT lanes—and especially HOV to HOT conversions. The arguments in favor need to be made often and everywhere—in letters to the editor, blog posts, op-ed articles, and in lobbying members of the key authorizing committees in Congress: House Transportation & Infrastructure and Senate Environment & Public Works.

But we need to go beyond just defending the status quo. One reason for the large number of failing (congested) HOV lanes is that there are intense political pressures on state and local elected officials not to raise HOV lane occupancy levels, which is portrayed as “kicking out the two-person carpools,” or “dumping the fam-pools.” So we should encourage those writing reauthorization legislation to give FHWA the authority to require HOV lane owner/operators to increase the occupancy level of any HOV lane that regularly fails to meet the federal performance standard. Many state and local officials would welcome this, since they would then be able to do what they know makes sense, but could deflect the blame, saying “the feds made us do it.”

Second, we need to enlist the transit community to support HOV-to-HOT conversion, on the grounds that (1) buses in congested HOV lanes can’t compete with driving, and (2) variably

priced HOT lanes can deliver sustainably fast and reliable travel times, making express buses (BRT) competitive with driving. Two measures that would help in this regard are changes to current Federal Transit Administration policy. The small one would permit new lane-miles developed as HOT lanes to count toward a transit agency's total of "fixed guideway miles" for federal transit funding purposes. HOT lanes developed by converting HOV lanes already count for this purpose, but brand new HOT lanes (like those on the Capital Beltway outside Washington, DC) do not. The larger change would allow FTA New Starts grants to be used for developing HOT lanes in addition to rail lines and exclusive busways, on the legitimate grounds that HOT lanes function as "virtually" exclusive busways, thanks to variable pricing.

Those changes should be added to the existing transportation P3 agenda of expanded private activity bonds and TIFIA, along with mainstreaming all existing federal tolling/pricing pilot programs and ensuring that the FHWA's Office of Innovative Program delivery operates as a best-practices clearinghouse. n