

Report of the High-Occupancy Vehicle Enforcement Task Force

**Prepared for
Secretary of Transportation Whittington W. Clement
and
Secretary of Public Safety John W. Marshall**

**Submitted by
Thomas F. Farley
Virginia Department of Transportation
and
Captain Tom Martin
Virginia Department of State Police**

August 15, 2003

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The Honorable John W. Marshall
Secretary of Public Safety
202 North Ninth Street, Room 613
Richmond, Virginia 23219

The Honorable Whittington W. Clement
Secretary of Transportation
202 North Ninth Street, Room 523
Richmond, Virginia 23219

Gentlemen:

It is our pleasure to present to you the High-Occupancy Vehicle Enforcement Task Force final report. The high-occupancy vehicle (HOV) system in Northern Virginia is one of the most successful in the country. Every day, more than 37,000 commuters, using only 12,500 carpools, vanpools and buses, take advantage of the timesavings that HOV lanes provide.

However, in order to operate successfully, HOV facilities require an effective enforcement policy and program. Over the past decade, low occupancy vehicles have clogged the HOV lanes in Northern Virginia, minimizing their effectiveness and reducing the travel time benefits for commuters willing to rideshare.

Over the past three months, the Task Force has met and deliberated over a wide range of issues and concerns related to enforcement of the HOV lane restrictions in Northern Virginia. This report presents a background and summary of the key issues identified by the Task Force and concludes with a series of important recommendations designed to improve and enhance HOV enforcement efforts in the region. As requested, these recommendations include:

- Legislative changes that enhance sanctions for HOV violations and ensure the number of low occupancy vehicles in HOV lanes remains limited;
- Ways to enhance the identification and protection of legitimate Dulles Airport users;
- Proposals for increasing visibility of enforcement efforts;
- Suggestions for additional enforcement resources and defined enforcement service levels; and
- Improvements to enforcement policy and communications strategies for all commuters in the region.

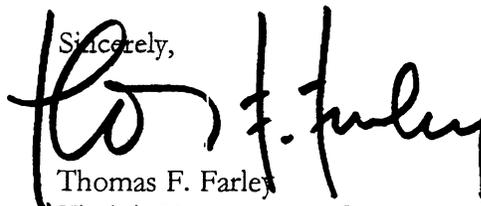
On behalf of the other members of the Task Force, we thank you for providing us with the opportunity and privilege of serving you, the Governor and, most important, the citizens of the Commonwealth.

Sincerely,



Captain Tom Martin
Virginia State Police

Sincerely,



Thomas F. Farley
Virginia Department of Transportation

High-Occupancy Vehicle Enforcement Task Force

Members

Thomas F. Farley
Virginia Department of Transportation

Captain Tom Martin
Virginia State Police

Young Ho Chang
Fairfax County

J. Marc Copeland
Virginia Department of Motor Vehicles

Elmer Tippet
Metropolitan Washington Airports Authority

Lon Anderson
American Automobile Association, Mid-Atlantic Chapter

Other Participants

Pierce Homer
Office of the Secretary of Transportation

Major Richard L. George
Metropolitan Washington Airports Authority

Valerie Pardo
Virginia Department of Transportation

Lieutenant Roscoe Evans
Metropolitan Washington Airports Authority

Joan Morris
Virginia Department of Transportation

Charlene "Gus" Robey
Virginia Department of Rail and Public Transportation

First Sergeant Rick Keevil
Virginia State Police

Richard K. Taube
Northern Virginia Transportation Commission

First Sergeant Douglas Hendley
Virginia State Police

Jana Lynott
Northern Virginia Transportation Commission

Purpose of the Task Force

The HOV Enforcement Task Force (Task Force) was established by the Secretary of Transportation Whittington W. Clement and Secretary of Public Safety John W. Marshall on May 15, 2003 (see **Appendix A**). Both Secretaries were responding to the growing concerns by citizens, local governments, businesses and the media over the need to improve enforcement of HOV lane restrictions in Northern Virginia.

The Task Force included representatives from the Virginia Departments of Transportation, State Police and Motor Vehicles, Fairfax County, the Metropolitan Washington Airports Authority (MWAA) and the American Automobile Association (AAA). Other participants included representatives from the Northern Virginia Transportation Commission (NVTC), the Virginia Department of Rail and Public Transportation and the Office of the Secretary of Transportation.

The HOV system in Northern Virginia is one of the most successful in the country. Every day, more than 37,000 commuters, using only 12,500 carpools, vanpools and buses, take advantage of the timesavings that HOV lanes provide. Based on average vehicle occupancies, without HOV lanes, it would take almost 30,000 vehicles to carry that same number of commuters.

The 70 miles of HOV lanes on I-95, I-395, I-66 and the Dulles Toll Road help move more people in fewer vehicles than conventional lanes, and contribute significantly to the Metropolitan Washington region's air quality goals. An October 2000 report from the Metropolitan Washington Council of Governments showed that during peak morning rush hours (6:00 AM to 9:00 AM), HOV lanes on I-395 north of Glebe Road each carry 3,800 persons per hour versus conventional lanes that only carry 2,200 per hour during the same period.

However, in order to operate successfully, HOV facilities require an effective enforcement policy and program. Over the past decade, usage of HOV lanes in Northern Virginia by low occupancy vehicles has risen dramatically. These vehicles have clogged the HOV lanes in Northern Virginia, minimizing their effectiveness at moving people quickly and predictably, and thereby reducing the travel time benefits for commuters willing to rideshare.

Recognizing the need for a better means of enforcing the HOV restrictions in this region in order to improve overall regional mobility and enhance clean air efforts, both Secretaries gave the Task Force a broad purpose and mandate to find and recommend solutions, which included, but were not limited to:

- Legislative changes and enhanced sanctions for HOV violations;
- Identification and protection of legitimate Dulles Airport users;

- Increased visibility of enforcement efforts;
- Additional enforcement resources and defined enforcement service levels; and
- Improved policy and communications strategies for all commuters in these corridors.

The Task Force was charged with reporting back to the Secretaries by August 15th of this year. Over the course of its three meetings (June 5th, June 26th and July 21st), the Task Force reviewed and discussed a number of key issues and developed various recommendations designed to improve the performance of the HOV facilities in Northern Virginia.

Key Issues

HOV Enforcement Issues in General

The Task Force found that effective enforcement of HOV restrictions is the **number one complaint** that law enforcement receives in Northern Virginia. The Task Force reviewed and discussed the following enforcement issues that generally apply to all Northern Virginia HOV facilities (see **Appendix B** for summaries of all three Task Force meetings):

- Many locations along the HOV corridors are not conducive to police enforcement. Troopers have been injured and even killed while writing HOV tickets due to the narrow shoulders and fast moving traffic.
- The Virginia State Police do not have the resources to support HOV enforcement at the levels that are needed. There is a significant shortage of officers, and they have many other responsibilities in a time of heightened national security. As a result, day-to-day HOV enforcement must be supplemented by paying overtime to off-duty officers in order to maintain a sustained and effective level of service. HOV enforcement is difficult and labor-intensive, as illustrated by the HOV conviction data (see **Appendix C**).
 - The combination of limited enforcement resources and a growing number of HOV exemptions creates a public perception of unfairness.
 - Public transportation in Northern Virginia (buses, ridesharing, etc.) is highly dependent on properly functioning HOV lanes.
- Fines for HOV violations have remained unchanged for over a decade and are no longer deterrents.
- Currently, there are no demerit points associated with an HOV violation. This was instituted in 1989-1990, and was previously charged as failure to obey a highway sign, subject to three demerit points (see **Appendix D** for HOV penalties in other cities and states). Assigning demerit points for an HOV violation should provide people with an added incentive to not violate the HOV restrictions, thereby having the real potential to reduce the overall costs associated with HOV enforcement efforts.

- Enforcement of HOV restrictions often causes back-ups in the HOV lanes as well as in conventional lanes.
- The Code of Virginia provides exemptions for law enforcement vehicles. Consequently, many federal employees who are, or consider themselves to be, law enforcement personnel, travel to and from work in their personal vehicles on the HOV lanes without the required occupancy level.

Specific Enforcement Issues

Issues reviewed and discussed by the Task Force that related to enforcement in the I-66 corridor, I-95 and I-395 include the following:

I-66 Corridor & the Dulles Toll Road

- As a condition federal approval for construction of I-66 inside the Beltway, the Coleman Decision of 1977 * required that low occupancy vehicles traveling to and from Dulles Airport be allowed to use I-66 at all hours, even during restricted periods. The Coleman Decision recognized that by allowing for this exception, enforcement of the HOV restrictions would be difficult. Besides the airport itself, there are a number of businesses at the airport that people can access as well, adding to the enforcement difficulty. The Commonwealth, the federal government and the MWAA all have authority over various aspects of airport access. However, a consensus approach as to what constitutes legitimate travel to and from Dulles Airport by a low occupancy vehicle has not been developed at this time. The lack of this consensus approach makes consistent enforcement of HOV restrictions on I-66 virtually impossible.
- The use of I-66 by low occupancy vehicles going to and from Dulles Airport during the HOV restricted time periods has increased significantly since the highway opened. Many of these low occupancy vehicles cut through the airport, stop to purchase gasoline, beverages or newspapers at the airport, and backtrack in order to use the Dulles Access Road and I-66 during the HOV restricted time periods.
- Growth in Loudoun County has caused an increase in traffic to Arlington and the District of Columbia as well as an increase in HOV violations. The back gate of Dulles Airport from Loudoun County (Route 606) is open to general traffic, and hundreds of residents use this route to cut through the airport to access I-66.
- Police officers do make HOV violator stops at the access ramps to I-66, but since they are not visible from the main flow of traffic, the public perceives that they are not enforcing HOV restrictions.

* Former U. S. Secretary of Transportation William T. Coleman, Jr. issued this decision on January 5, 1977. No part of the decision has been codified in Virginia and much of it has since been rescinded.

- Like the State Police, MWAA does not have the resources to provide for optimum enforcement. MWAA does enforce the backtracking and cut-through provisions one to two times per month, but ensuring the security of the airport takes precedence over HOV and Dulles access road issues.

I-95 & I-395

- According to traffic counts conducted by the Council of Governments in the fall of 2002, the highest volume of traffic on the I-95 HOV facility occurs during the 6:00-6:30 AM restricted time period. The lowest volume occurs during the 8:30-9:00 AM restricted time period (see **Appendix E**).
- The most significant number of violations on I-95 occurs during the first half-hour of the restricted time period (6:00-6:30 AM), when vehicles with less than three occupants comprise 68% of the traffic (see **Appendix E**).
- Until July 2003, low occupancy vehicles could enter the HOV lanes a few minutes prior to the 6 AM restriction provided they exited at the first available exit. This meant a motorist entering the HOV lanes at Route 234 in Prince William could legally travel 14 miles to the next available exit. Signs were posted in the HOV lanes advising low occupancy vehicles to exit. Those signs were removed when the “No Excuses” campaign began on July 16, 2003 (see below).
- There are six access points south of Springfield, which makes it difficult to effectively patrol, thereby limiting enforcement efforts.

HOV Exemptions for Clean Special Fuel Vehicles

Virginia Code § 46.2-749.3 authorizes the issuance of clean special fuel license plates to qualifying vehicles. Vehicles registered with these plates are exempt from the HOV occupancy requirements until July 1, 2006. However, this exemption will expire anytime prior to the end of the exemption period if and when the Governor receives a written statement from the Federal Highway Administration indicating the statute contravenes federal law. The statute also provides the means for any qualifying government-owned clean special fuel vehicles to take advantage of this exemption.

Vehicles eligible for this exemption include, among others, hybrid gasoline/electric vehicles, such as the Honda Insight and the Toyota Prius. Since the introduction of hybrid vehicles into the retail market in Virginia in 2000, the number of vehicles registered with clean special fuel plates has risen dramatically (see **Appendix F**). Most of these vehicles are registered in Northern Virginia (over 84%), with more added each year. Although they are legally exempt, these vehicles add to the low occupancy traffic volume in HOV facilities.

“No Excuses” Enforcement Campaign

During the course of the Task Force meetings, the “No Excuses” campaign for stepped-up enforcement on all HOV lanes was reviewed and discussed. The campaign targets those low occupancy vehicles that enter the HOV facilities before the occupancy restrictions begin who have not exited the HOV lanes once the restricted period begins.

In a letter to the Secretaries of Transportation and Public Safety, the Task Force recommended the implementation of the “No Excuses” campaign in mid-July (see **Appendix G**). Following its approval, the campaign was announced to the public at a joint press conference held by VDOT and State Police on July 14th (see **Appendix H**) and implemented on July 16th. Representatives from the Task Force attended the press conference announcing the new enforcement measures. To date, based on coverage by the media and reactions from citizens, law enforcement officers and local government officials, the “No Excuses” campaign has been successful.

Recommendations

The following are a list of recommendations (not prioritized) from the Task Force, based on the review and discussion of the key issues and other relevant materials reviewed and discussed by the Task Force:

- 1) Continue strict enforcement of HOV laws and regulations in order to preserve the timesaving benefits HOV lanes provide while continuing to communicate and educate commuters about the rules and regulations of the HOV lanes and the benefits they provide.
- 2) Double the fines for second and subsequent offences that occur in Planning District Eight when the violator is charged by law enforcement for such offenses (see **Appendix I.1**).
- 3) Assign demerit points for second and subsequent offences that occur in Planning District Eight when the violator is charged by law enforcement for such offenses (see **Appendix I.1**).
- 4) Increase HOV enforcement resources for the State Police from \$140,000 to \$300,000 annually with assurances on service levels. In addition, allow the State Police to share an appropriate portion of these resources with MWAA and other law enforcement agencies supporting its efforts.

- 5) Improve HOV access and enforcement for Dulles Airport users by:
 - a) Enhancing enforcement efforts at the back entrance to Dulles via Route 606.
 - b) Clearly defining what legitimate travel to and from Dulles Airport is in order to reduce the use of the I-66 HOV lanes by low occupancy vehicles. The determination of a consistent and enforceable definition of legitimate travel to and from Dulles Airport on I-66 and the Dulles Access Road should be a coordinated effort that includes the Secretaries of Transportation and Public Safety, VDOT, State Police and MWAA.
 - c) Having State Police and MWAA develop better long-term enforcement mechanisms for the Dulles Access Road and I-66, in part by performing a coordinated exercise designed to determine effective enforcement levels in and around Dulles Airport.

- 6) Clarify various HOV exemptions:
 - a) Clarify that the law enforcement vehicle exemption is not for an officer's personal vehicle by issuing a joint letter from the Secretaries of Transportation and Public Safety to all law enforcement agencies emphasizing that their law enforcement personnel cannot legally commute on the HOV lanes in their personal vehicles without the required occupancy levels. The Secretaries should better define what the statutory exemption is for law enforcement vehicles.
 - b) Do not extend Virginia's clean special fuel license plate exemption, which expires in July 1, 2006, pending the outcome of current federal legislative reauthorization efforts and the completion of a Transportation Research Council regional value pricing study due to begin in the very near future.
 - c) Eliminate the government-owned clean special fuel vehicle exemption specified under Va. Code § 46.2-749.3 (see **Appendix I.2**). This particular provision has not been implemented as set forth in statute primarily because of concerns about the means of identifying qualifying vehicles.

- 7) Re-instate HOV-3 on the I-395 southbound HOV lanes between Duke Street and Route 644 as soon as capacity is increased as part of the Springfield Interchange Improvement Project. Low occupancy vehicles have been permitted to use this four-mile stretch during HOV hours since the mid-1980's due to severe congestion in the regular lanes.

Future Issues

In addition to the above recommendations, the Task Force viewed the following as emerging future issues. These and other HOV enforcement issues should be considered as part of the Transportation Research Council regional value pricing study or other appropriate forums:

- **The use of special license plates for a limited number of low occupancy vehicles to access the HOV lanes during all or portions of the restricted use periods.** In the short-term, this flexible, inexpensive approach could (i) provide a way to help ease overall Northern Virginia traffic congestion and thereby help improve overall air quality in the region, (ii) help ease the overall HOV enforcement burden on law enforcement and (iii) raise dedicated funds for state and local HOV enforcement, DMV and VDOT.
- **The establishment of HOT lanes in the Northern Virginia region.** A private proposal to build HOT lanes on the Beltway between Springfield and the Dulles Toll Road was approved last month by the Commonwealth Transportation Board for further review.
- **The use of thermal imaging as a HOV lane enforcement tool to help determine vehicle occupancy.** This proven technology can assist enforcement efforts while greatly improving the safety of police officers patrolling HOV facilities in Northern Virginia.
- **HOV lanes with enforcement-friendly designs.** Ensure that newly constructed HOV facilities are designed to make it easier for police officers to conduct their enforcement activities; for example, have sufficient lane space to allow for safe traffic stops.
- **Uniformity of HOV requirements.** Current HOV requirements vary somewhat from facility to facility. Consistent, uniform HOV requirements are easier for commuters to follow and for police officers to enforce.

Appendices

- Appendix A:** Copy of Letter from Secretaries of Transportation & Public Safety Establishing the Task Force
- Appendix B:** Meeting Summaries
 - Appendix B.1:** June 5, 2003 Meeting
 - Appendix B.2:** June 26, 2003 Meeting
 - Appendix B.3:** July 21, 2003 Meeting
- Appendix C:** HOV Conviction Data
- Appendix D:** Other Cities & States HOV Enforcement Methods (*Source: Puget Sound Regional Council*)
- Appendix E:** HOV Use Data
- Appendix F:** Clean Special Fuel License Plate Data
 - Appendix F.1:** Clean Special Fuel License Plates by Garaged Jurisdiction/Origination Year
 - Appendix F.2:** Clean Special Fuel License Plates by Garaged Jurisdiction/Fuel Type
 - Appendix F.3:** Emissions Inspection Program (EIP) Jurisdiction Percentages
- Appendix G:** Copy of Letter from Captain Tom Martin & Thomas F. Farley to the Secretaries of Transportation & Public Safety Requesting Approval for Implementing the “No Excuses” Campaign
- Appendix H:** “No Excuses” Press Release
- Appendix I:** Draft Legislative Proposals
 - Appendix I.1:** Increased Fines & Assignment of Demerit Points for HOV Violations in Planning District Eight
 - Appendix I.2:** Elimination of Unimplemented Exemption for Government-owned Clean Special Fuel Vehicles

Appendix A: Copy of Letter from Secretaries of Transportation & Public Safety Establishing the Task Force



COMMONWEALTH of VIRGINIA

Office of the Governor

Whittington W. Clement
Secretary of Transportation

P.O. Box 1475
Richmond, Virginia 23218

(804) 786-8032
Fax: (804) 786-6683

May 15, 2003

Colonel W. Gerald Massengill
Superintendent
Department of State Police
7700 Midlothian Turnpike
Richmond, Virginia 23235

Mr. Philip A. Shucet
Commissioner
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Gentlemen:

One of the most difficult issues facing the Northern Virginia region is the enforcement of HOV restrictions in the I-66, I-95, and Dulles corridors. In recent months, the Commonwealth has received numerous inquiries from the media, local governments, citizens, and businesses, and it is clear that we must improve the enforcement of HOV restrictions in these critical transportation corridors.

HOV lanes in the I-95/I-395, I-66, and Dulles corridors carry more persons during the peak hours than any single conventional lane in these corridors. In the I-95/I-395 corridor the dedicated HOV lanes carry more passengers than all of the conventional lanes combined.

At the same time, numerous exemptions from HOV restrictions and rapid growth in HOV violations have reduced the carrying capacity of these HOV lanes. For example, approximately 38% of the vehicles on I-66 inside the Beltway are currently estimated to be non-HOV. And, approximately 26% of the vehicles in the I-395 HOV lanes are non-HOV.

As a result of these trends, the commuting public is requesting more stringent enforcement of the existing HOV restrictions. Clearly, the 15,000 to 17,000 summonses issued each year for HOV violations in Northern Virginia are not a sufficient deterrent to HOV violators.

In response to this problem we are creating a task force to develop immediate recommendations to improve HOV enforcement in Northern Virginia. The task force will consist of Lieutenant Tom Martin of the Virginia State Police, Tom Farley of VDOT, Young Ho Chang of Fairfax County, Marc Copeland of the Virginia Department of Motor Vehicles, Elmer Tippett of the Metropolitan Washington Airports Authority, and Lon Anderson of the Mid-Atlantic Chapter of the AAA.

Colonel W. Gerald Massengill
Mr. Philip A. Shucet
May 15, 2003
Page Two

The task force has a broad mandate to find and recommend solutions to this difficult problem, including but not limited to:

- Legislative changes and enhanced sanctions for HOV violations
- Identification and protection of legitimate Dulles Airport users
- Increased visibility of enforcement efforts
- Additional enforcement resources and defined enforcement service levels
- Improved policy and communication strategies for all commuters in these corridors

We have charged the task force with reporting back to us not later than August 15, 2003.

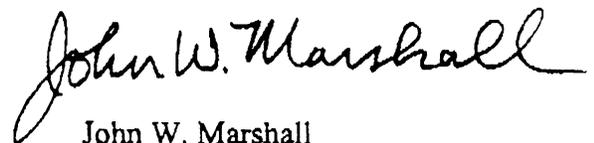
It is our hope that through increased performance on the HOV facilities in Northern Virginia, commuters will be treated more fairly, and the region will be better positioned to reach its mobility and clean air goals. We look forward to implementing successful recommendations this fall.

Sincerely,



Whittington W. Clement
Secretary of Transportation

Sincerely,



John W. Marshall
Secretary of Public Safety

/es

Copy: Northern Virginia Transportation Authority Membership
Task Force Membership
Dr. Gridlock

Appendix B: Meeting Summaries

- **Appendix B.1:** June 5, 2003 Meeting
- **Appendix B.2:** June 26, 2003 Meeting
- **Appendix B.3:** July 21, 2003 Meeting

Appendix B.1: June 5, 2003 Meeting

HOV Enforcement Task Force Meeting #1 Summary

Date: Thursday, June 5, 2003

Attendees: Marc Copeland, Virginia DMV
Lt. Tom Martin, VSP
Elmer Tippet, MWAA
Lon Anderson, AAA
Pierce Homer, Deputy Secretary of Transportation
Young Ho Chang, Fairfax County DOT
Jana Lynott, NVTC
First Sergeant Doug Hendley, VSP
Police Major Richard L. George, MWAA PD
First Sergeant Rick Keevill, VSP
Joan Morris, VDOT Public Affairs
Gus Robey, VDRPT
Valerie Pardo, VDOT NOVA

Deputy Secretary Pierce Homer opened the meeting, discussed the charge of the group and that he anticipated two to three meetings to prepare the requested recommendations.

First Sergeants Rick Keevill and Doug Hendley gave a briefing on the current enforcement issues on the Northern Virginia HOV lanes. Lack of HOV enforcement is the number one complaint that the police receive. In the past three years, HOV violations have gotten significantly worse on both I-66 and I-95.

I-66

- As a condition for construction of I-66 inside the Beltway, the Coleman Decision of 1977 permits Dulles Airport traffic use of I-66 during the HOV restricted times without the required number of occupants. This has led to significant “cheating” as drivers cut through the airport, stop to purchase gas/beverages at the airport, and backtrack in order to use the Dulles Access Road and I-66 during the HOV time periods.
- Explosive growth in Loudoun County has caused an increase in traffic to Arlington and DC as well as an increase in HOV violations.
- The back gate of Dulles Airport from Loudoun Co. Rt. 606 is open and unattended, and hundreds of residents use this route to cut through the airport.
- The Coleman Decision allows vehicles that are conducting official business at the airport to use the HOV lanes. Much discussion has taken place as to what is “official business”. Federal Highways has detailed that purchasing gas or coffee at the airport is not official business.

- The Coleman Decision makes the enforcement of HOV east of the Dulles Connector roadway on I-66 virtually impossible, because anyone can say they are going to or from the airport.
- Troopers do enforce at the access ramps to I-66, but since they are not visible from the mainline the public perceives that they are not enforcing HOV.
- Mr. Tippet and Police Major George added that the Airports Authority does enforce the backtracking and cut-through provisions 1-2 times per month, but ensuring the security of the airport takes precedence over HOV/Dulles Access Road issues.

I-95

- Main violation problem on I-95/395 is during the first half hour of the restricted time period, when vehicles with less than three occupants comprise 68% of the traffic. The low occupant vehicles get on the facility a few minutes before 6:00 am with the understanding that they can travel legally to the first available exit, which is up to 14 miles away. There are six access points south of Springfield, which makes it difficult to patrol.
- The suggestion was made that we move the hours of HOV operation to begin at 5:30 am to ensure that the non-HOV vehicles are off the facility by 6:00. Also noted was that there are few vehicles on the facility in the 8:30-9:00 time period.

Common HOV issues

- The Code of Virginia provides exemptions for law enforcement vehicles. Consequently, many federal employees consider themselves law enforcement personnel, and travel to and from work in their personal vehicles on the HOV lanes without the required occupancy level.
- Judges around the region vary in their support of HOV, and enforcing the HOV code. Some dismiss HOV tickets, others follow through on penalties.
- HOV violation is not a moving violation, therefore there are no demerit points associated with an HOV ticket. This was instituted in 1989-1990, and was previously charged as failure to obey a highway sign (as it is in Maryland today).
- The Virginia State Police do not have the manpower to support HOV enforcement at the levels that are needed. There is a significant shortage of officers, and they have many other responsibilities in a time of heightened national security.
- Many locations along the HOV corridors are not conducive to police enforcement. Troopers have been injured and even killed while writing HOV tickets due to the narrow shoulders and fast moving lanes.
- Enforcement often causes back-ups in the HOV lanes as well as the conventional lanes.

Valerie Pardo presented HOV data for the past 7-8 years which illustrates the magnitude of the problem for the three HOV corridors. The counts presented are one day counts from last fall, and actual violations may be higher today.

Joan Morris detailed a proposed change on the I-95 HOV lanes which would help reduce the 6:00-6:30 violation issue. Meetings have been held between VDOT and VSP to come up with a comprehensive approach to begin strict enforcement of the restriction at 6:00 am. The program consists of removing the static signs that say "NON-HOV VEHICLES MUST EXIT NEXT RIGHT 6-9 AM MON-FRI", and use the overhead variable message boards to indicate that low occupant vehicles must be off the facility at 6:00 am or risk being ticketed. A communications plan would be implemented to make sure the word gets out to commuters. It was recommended that this be implemented this summer to give commuters time to adjust as well as to implement before daylight savings time ends. The group generally supported moving forward with this program, but the impacts this may have on the conventional lanes during this time period were noted.

The group discussed possible solutions for examination, both short term and long term.

Short Term

- The group needs to examine the fines and reinstating points for HOV violations.
- The Airports Authority said they would examine the possibility of closing the back gate or better monitoring its usage.
- Should the HERO program be re-instated to let citizens report HOV violations?
- Look into the possibility of returning HOV violation to a moving violation.
- Examine the possibility of changing the language in the Code of Virginia to further define the exemption for law enforcement vehicles.
- Review all remaining HOV exemptions.

Long Term

- Can we contract out enforcement on HOV lanes?
- What about HOT lanes?
- Need to consider enforcement as part of the design process of an HOV facility.
- Look into making the HOV hours consistent throughout the region.

Tasks to complete before next meeting:

1. Research fines and points applied around the country for HOV violations- *Gus Robey*.
2. Look into why the HOV violation was changed from a moving violation; discuss implications with insurance industry- *Marc Copeland*.
3. Research within the VSP the law enforcement vehicle issue in the code and how it can be changed- *First Sergeant Rick Keevill*.
4. Craft a letter to Secretaries to enable VDOT and VSP to move forward with program for I-95- *Deputy Secretary Pierce Homer*.
5. Begin to draft report for Secretary- *Marc Copeland, Valerie Pardo*.

The group will meet again in 2-3 weeks. VDOT/NOVA will make arrangements.

Appendix B.2: June 26, 2003 Meeting

HOV Enforcement Task Force Meeting #2 Summary

Date: Thursday, June 26, 2003

Attendees: Marc Copeland, Virginia DMV
Lt. Roscoe Evans, MWAA PD
Lon Anderson, AAA
Tom Farley, VDOT NOVA
Pierce Homer, Deputy Secretary of Transportation
Young Ho Chang, Fairfax County DOT
Rick Taube, NVTC
First Sergeant Doug Hendley, VSP
Police Major Richard L. George, MWAA PD
First Sergeant Rick Keevill, VSP
Joan Morris, VDOT Public Affairs
Valerie Pardo, VDOT NOVA

Tom Farley opened the meeting saying that he and Pierce Homer would Co-chair the group.

Joan Morris briefed the group on proposed plans for a press conference to announce stepped-up enforcement on all HOV lanes. The press conference is scheduled for July 14, 10 a.m., at VDOT's Smart Traffic Center on Columbia Pike in Arlington and will feature Tom Farley and Tom Martin. VDOT and VSP will announce that the crackdown begins Wed. morning, July 16. Joan asked if AAA and MWAA would be interested in participating in the press conference. Lon Anderson agreed to speak on behalf of AAA; Richard George said he would run the request through MWAA Public Affairs.

The group members made the following suggestions concerning this enforcement effort:

- Make sure motorists understand the changes being made in the enforcement .
Need to convey that non-HOV's plan their trip to be off the HOV lanes by the start of the restriction.
- Erect portable message signs several days in advance of the July 16 enforcement effort with the message "VIOLATORS WILL BE TICKETED AT - A.M."
- We need to be prepared to answer questions on extending the hours of HOV.
- Promote Commuter Connections information as well as the HOV Calculator Web site.
- The press release should be sent to Northern Virginia elected officials.
- The task force should brief legislators on its final recommendations.
- VDOT should put together a strategy to address any problems/congestion issues which come up on the 16th.

Marc Copeland next distributed information detailing the DMV policies concerning demerit points. He also briefly discussed the history behind the change of the Virginia

Code for HOV from a moving violation to a non-moving violation. Discussion ensued as to what the points should be for an HOV infraction.

Rick Keevill and Doug Hendley of Virginia State Police discussed the funding levels needed for adequate HOV enforcement. Recommended \$180,000-200,000 per year, which seemed reasonable to the group.

Rick Keevill presented a proposal for modification of the Virginia Code to include driver demerit points and higher fines. Recommendations from the group included:

- Keep legislation as simple as possible;
- Keep first offense relatively low cost (\$50), with no points;
- Fines presented were \$50 for the first offense, \$200 and three points for second offense, \$500 and three points for a third offense (within two years of second offense), and \$1000 and three points for a fourth offense within three years of the second offense.
- Don't see the increased fines working without points.
- Can this be implemented in Planning District 8 only?

Items for next meeting:

- 1) Joan will present information on the HOV marketing program for the next six months.
- 2) Follow up research on sanctions.
- 3) Discussion on backtracking, definition of airport business, Coleman Decision
- 4) Exemptions for HOV- clean fuels, law enforcement vehicles
- 5) Future of HOV in the region; consistent hours, occupancy, etc.

Appendix B.3: July 21, 2003 Meeting

HOV Enforcement Task Force Meeting #3 Summary

Date: Monday, July 21, 2003

Attendees: Marc Copeland, Virginia DMV
Tom Farley, VDOT NOVA
Pierce Homer, Deputy Secretary of Transportation
Police Major Richard L. George, MWAA PD
Elmer Tippet, MWAA
Dennis Dayton, MWAA
First Sergeant Rick Keevill, VSP
Joan Morris, VDOT Public Affairs
Valerie Pardo, VDOT NOVA
Gus Robey, Virginia DRPT
Jana Lynott, NVTC

This was the final meeting of the task force to prepare and refine their recommendations to the Secretary of Transportation and the Secretary of Public Safety.

Joan Morris opened the meeting with a briefing on the news conference on the stepped up HOV enforcement. News coverage for the event was very thorough and we got our point across. The police issued 189 summons on the first day (the 16th of July) compared to the normal 40. As a result of this enforcement effort, many questions have been coming in about rules and regulations surrounding HOV usage.

Marc Copeland distributed draft HOV legislation which includes the Task Force recommendations for increased fines and additional demerit points for the second, third and fourth HOV offenses. He noted that DMV has some concern that demerit points are traditionally for "risky" behaviors, and HOV violation is not in this category. **The group supported forwarding this draft legislation as a recommendation from the Task Force.**

The discussion moved to the funding levels for the VSP. **The recommendation is that the VSP be provided \$250,000 for HOV enforcement each year.**

Dulles Airport traffic using the HOV lanes was the next topic for discussion. Rick Keevill asked that the VSP be allowed to pass some funds through to the airport to help fund their enforcement efforts and perhaps this should be included in the recommendations from the group. Tom Farley agreed to look into this.

The definition of airport business was raised as an issue, since many commuters stop at businesses at the airport so they can use the HOV lanes. The MWAA staff agreed that the airport was willing to use their regulatory authority to better define airport business. **The VSP will work with MWAA to conduct a coordinated exercise to define**

enforcement levels and airport business, and to make recommendations to the Airport Authority Board by the end of October.

Under the discussion on the clarification of exemptions, it was recommended that:

- **Virginia does not extend the sunset date for the hybrid vehicle exemption of 2006;**
- **The Secretary of Transportation and the Secretary of Public Safety write a letter to the federal agencies emphasizing that their law enforcement personnel cannot legally commute on the HOV lanes in their personal vehicles without the required occupancy levels;**
- **The Secretary of Public Safety and the Secretary of Transportation come up with language to clarify the current law enforcement vehicle language in the HOV Code of Virginia;**
- **VDOT look at restricting the HOV lane access on I-395/95 between Duke Street and Old Keene Mill Road to HOV only in the pm southbound direction (it is now open to all traffic), to improve safety and reduce congestion on this portion of the HOV lanes. Restricting this access should coincide with increased capacity in the southbound direction through the Springfield Interchange.**

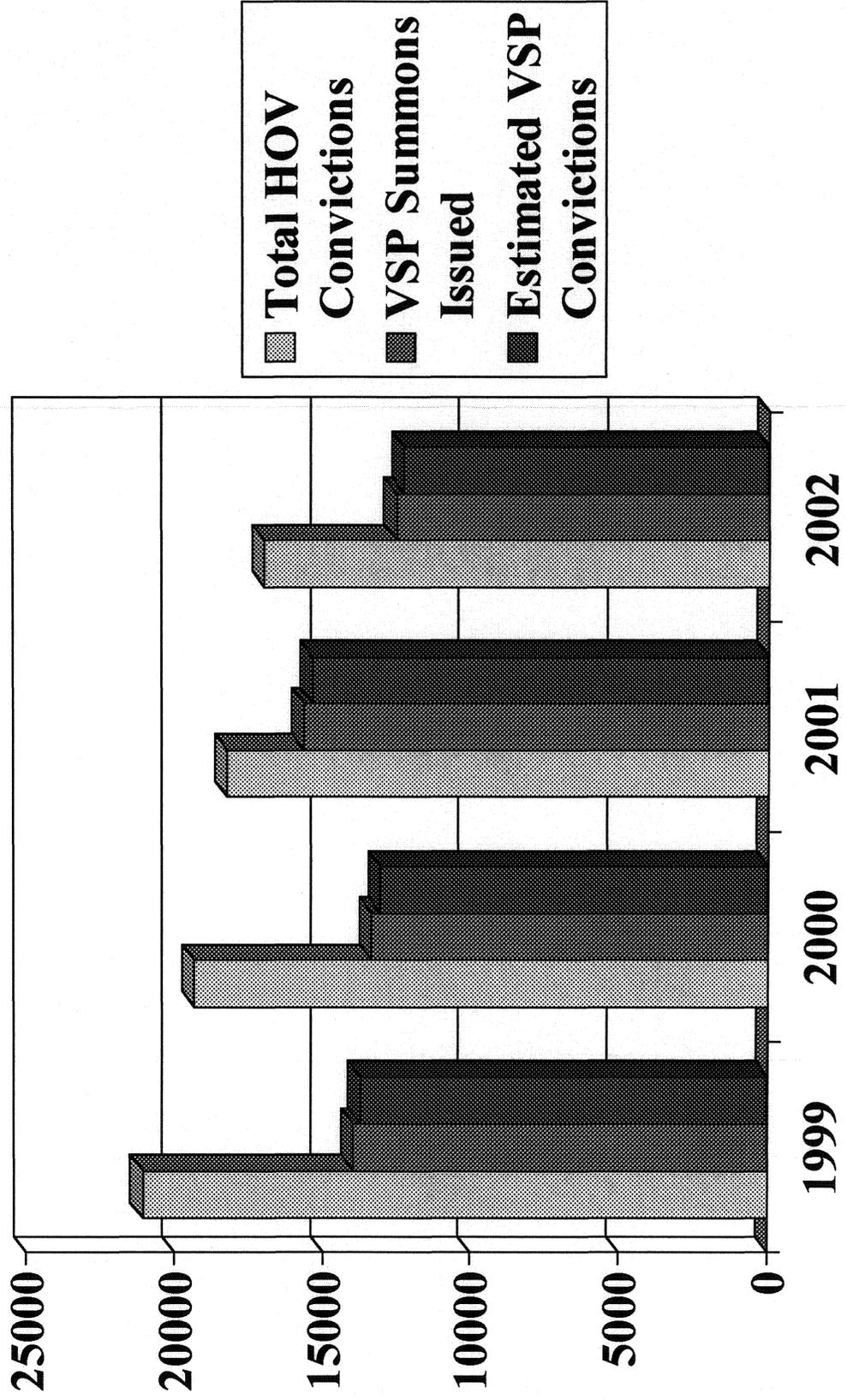
The meeting concluded with a discussion on innovative solutions for the future of HOV in the region. Marc Copeland presented a proposal to enable commuters to purchase a special license plate which would allow them access to the HOV lanes during all or portions of the HOV restricted times. The group supported further review of this proposal, and will ask that it be added to the work scope for the HOT lane study being done by the Research Council.

Additional suggestions that were made by the group include clearer markings or color coding plates that provide for HOV exemptions, and that someone contact the City of Alexandria to see if they have any problems with the proposed legislation (Pierce will do this). The discussion of connectivity (hours, occupancy) of the HOV system in general will have to be addressed in a separate forum.

Marc Copeland will send a draft report to the group around August 4th.

Appendix C: HOV Conviction Data

Select HOV Conviction Statistics



Select HOV Conviction Statistics

	Year	2002	2001	2000	1999
Total HOV Convictions		16,949	18,235	19,343	21,074
VSP Summons Issued		12,500	15,640	13,337	13,989
Estimated VSP Convictions ***		12,250	15,327	13,070	13,709
Difference, Total Convictions vs. Summons Issued		4,449	2,595	6,006	7,085
Difference, Total Convictions vs. Estimated VSP Convictions		4,699	2,908	6,273	7,365

*** Estimated VSP convictions are based on a 98% conviction rate

Appendix D: Other Cities & States HOV Enforcement Methods
(Source: Puget Sound Regional Council)

HOV Lane Enforcement

	First Offense	Second Offense	Third Offense	Fourth Offense	Nature of Violation
Phoenix	\$354	-	-	-	Moving violation, three points
L.A./San Diego	\$271	\$406	\$675	-	Moving violation, one point
Dallas	\$251	-	-	-	Moving violation, insurance premium may increase
Houston	\$140	-	-	-	Non-moving violation, no points
Honolulu	\$102	\$177	\$227	-	Moving violation, points imposed by insurance company
Minneapolis	\$105	-	-	-	Moving violation, points imposed by insurance company
Atlanta	\$101	\$126	\$176	-	Moving violation, one point
Pittsburgh	\$100	-	-	-	No points
Northern Virginia	\$80	\$130	\$280	\$530	Non-moving violation, no points
Washington State	\$86	-	-	-	Moving violation, zero or one point (depending on insurance policy)
Florida	\$78	-	-	-	No points
New Jersey	\$76	-	-	-	Moving violation, two points
New York	\$70	-	-	-	Moving violation, two points
Maryland	\$50	-	-	-	One point (two if violation results in accident)
Boston	\$50	-	-	-	Moving violation, one point
Denver	\$45	-	-	-	Non-moving violation, no points
Nashville	\$40	-	-	-	Non-moving violation, no points

Appendix E: HOV Use Data

	Fall of 2002 HOV One Day A.M. Counts				
	Total Vehicles	Total Persons	Non-HOV Vehicles	Conventional Lanes Persons	Conventional Lanes Vehicles
I-395					
Peak Period (6:00-9:00)	7700	24,260	26%	22,020	19,770
Peak Hour (6:45-7:45)	2760	9,140	6%	8090	7340
I-95 (at Newington)					
Peak Period (6:00-9:00)	7570	22,400	35%	21,840	18,880
Peak Hour (6:30-7:30)	3120	10,520	13%	8050	7230
I-66 Inside the Beltway					
Peak Period (6:30-9:00)	7940	13,860	38%	n/a	
Peak Hour (7:15-8:15)	3470	6370	28%	n/a	
I-66 Outside the Beltway					
Peak Period (5:30-9:30)	4880	10,780	14%	18,940	17,450
Peak Hour (6:00-7:00)	1580	3760	9%	5670	5410
DTR at Hunter Mill Road					
Peak Period (6:30-9:00)	3220	5800	28%	15,800	14,790
Peak Hour (7:00-8:00)	1500	2840	20%	6580	6070

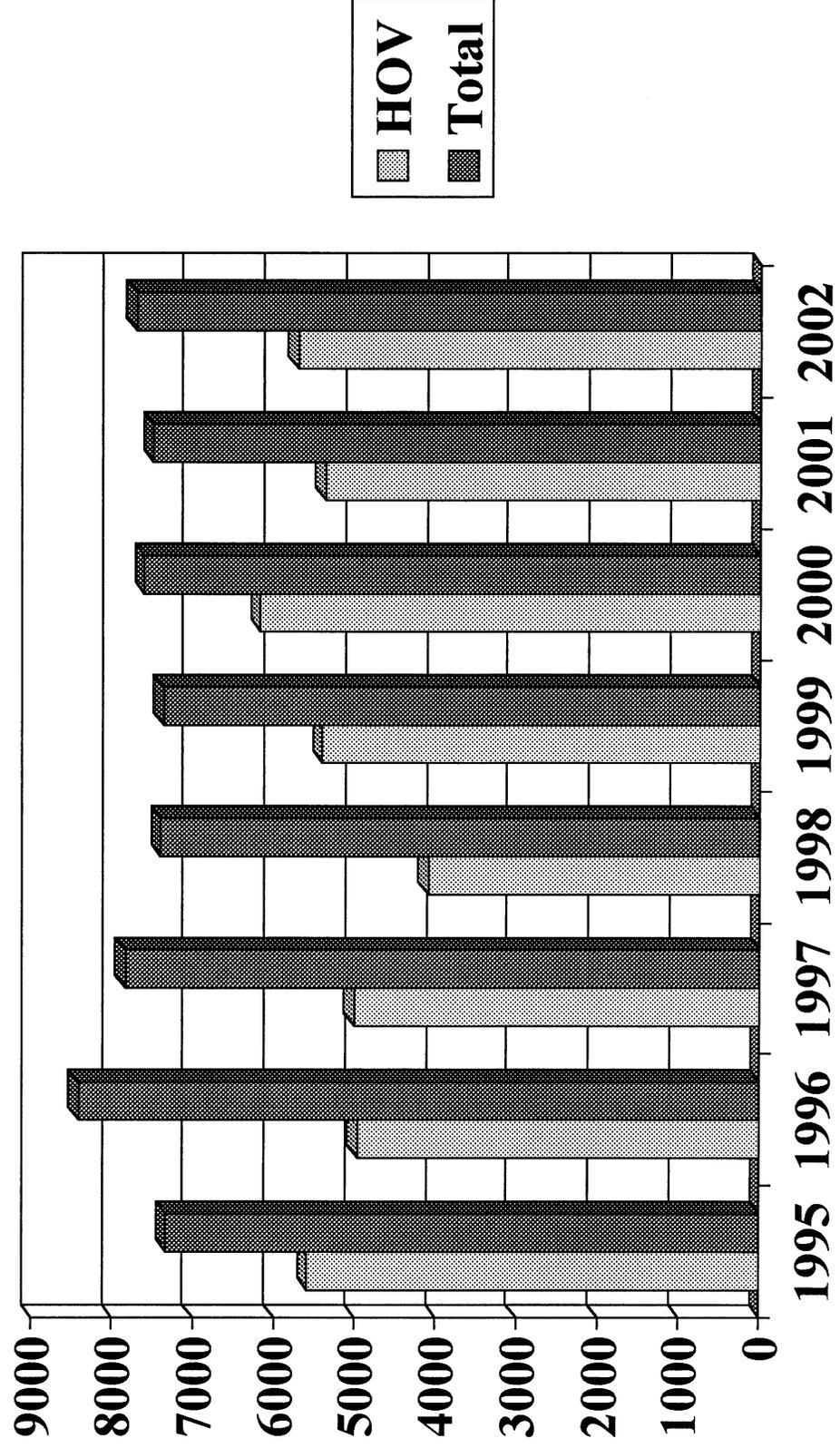
*Total vehicles includes cars, vans, transit buses, trucks

**non-HOV vehicles include motorists who are allowed to use the HOV lanes without the required occupancy (alternative fuel vehicles, police vehicles, taxis, Dulles Airport users) as well as violators.

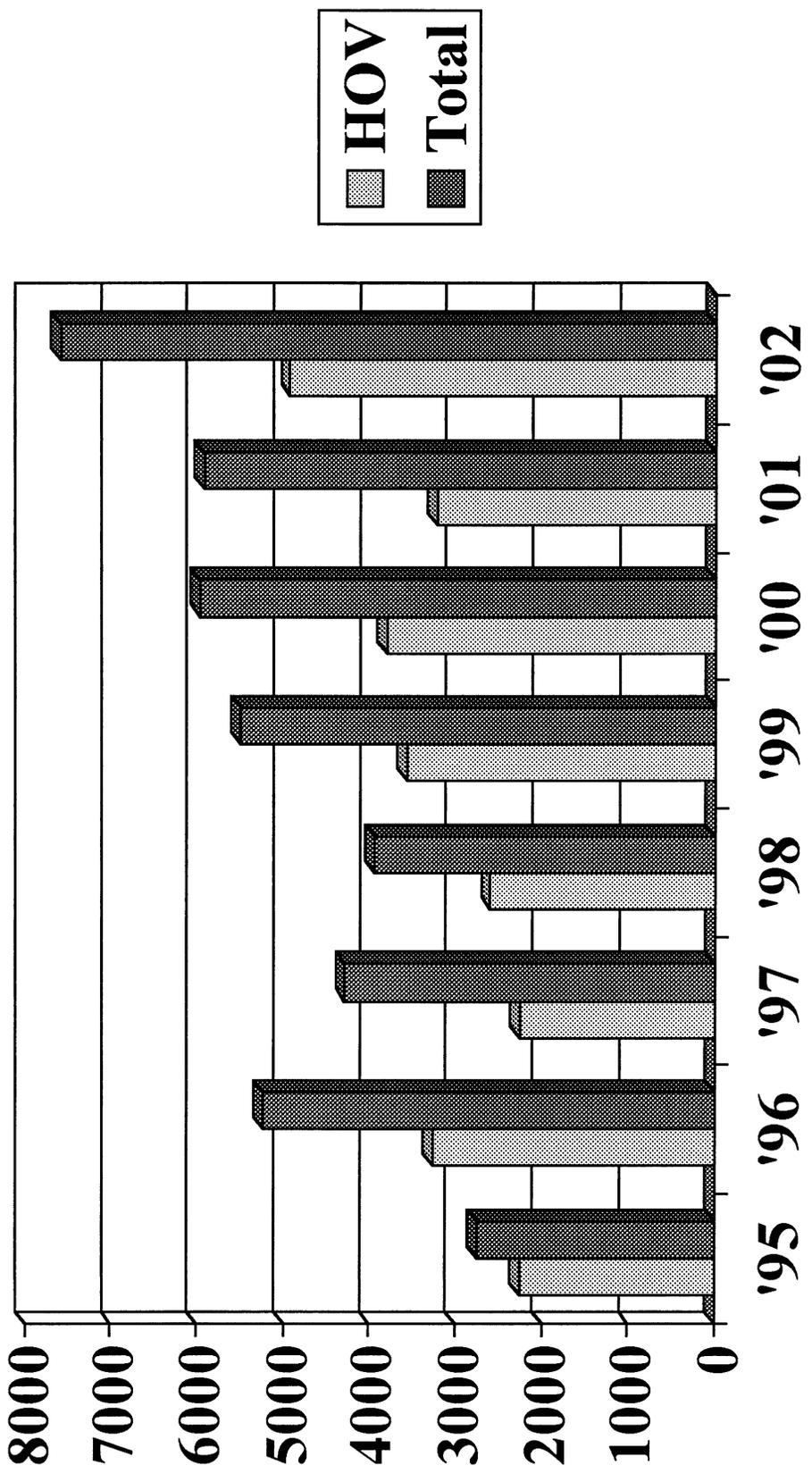
Draft 6/1/03

p/pardo_vj/excel/HOV info from fall 2002.xls

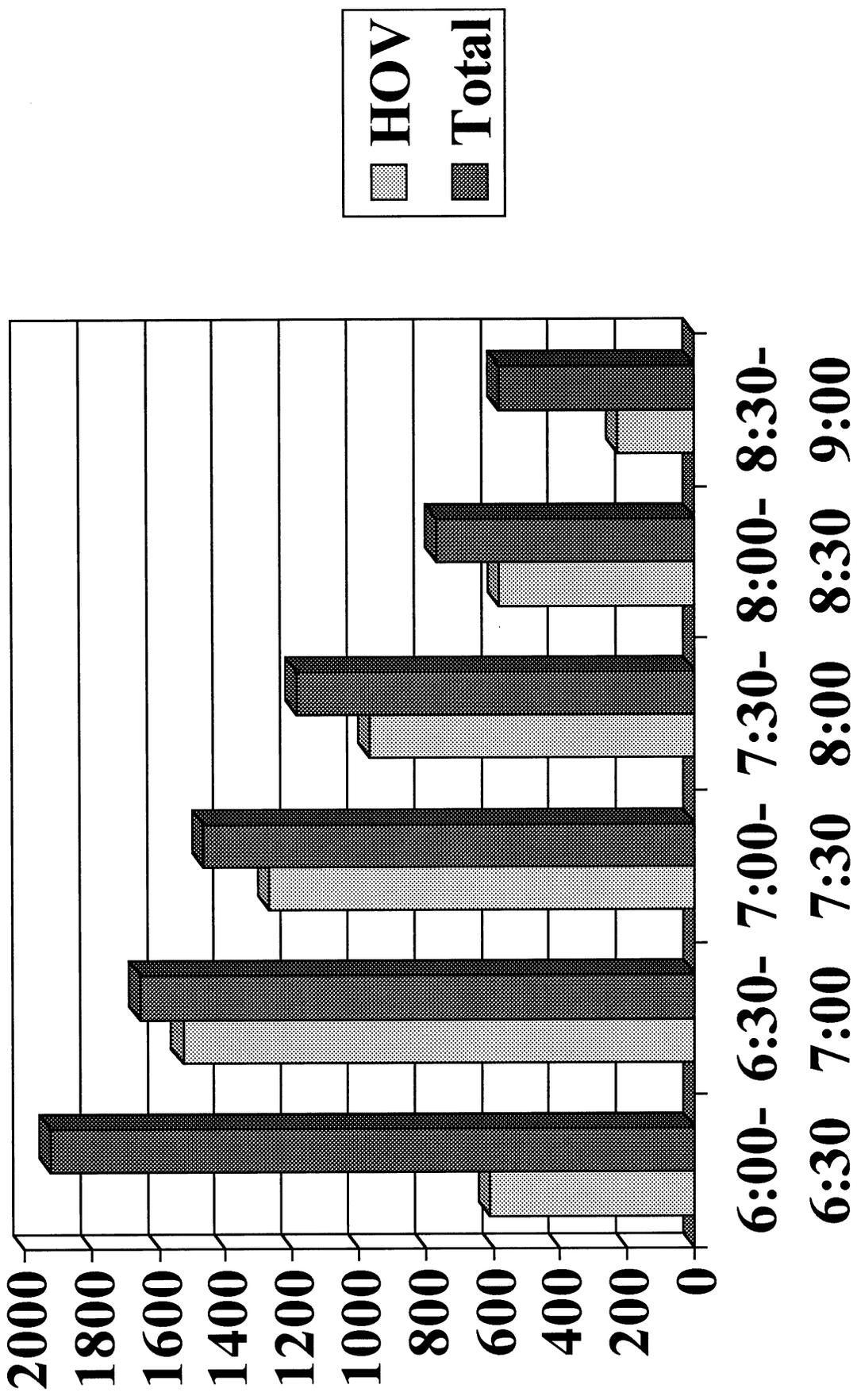
HOV Lane Vehicle Volumes on I-395 during Peak Restricted Period



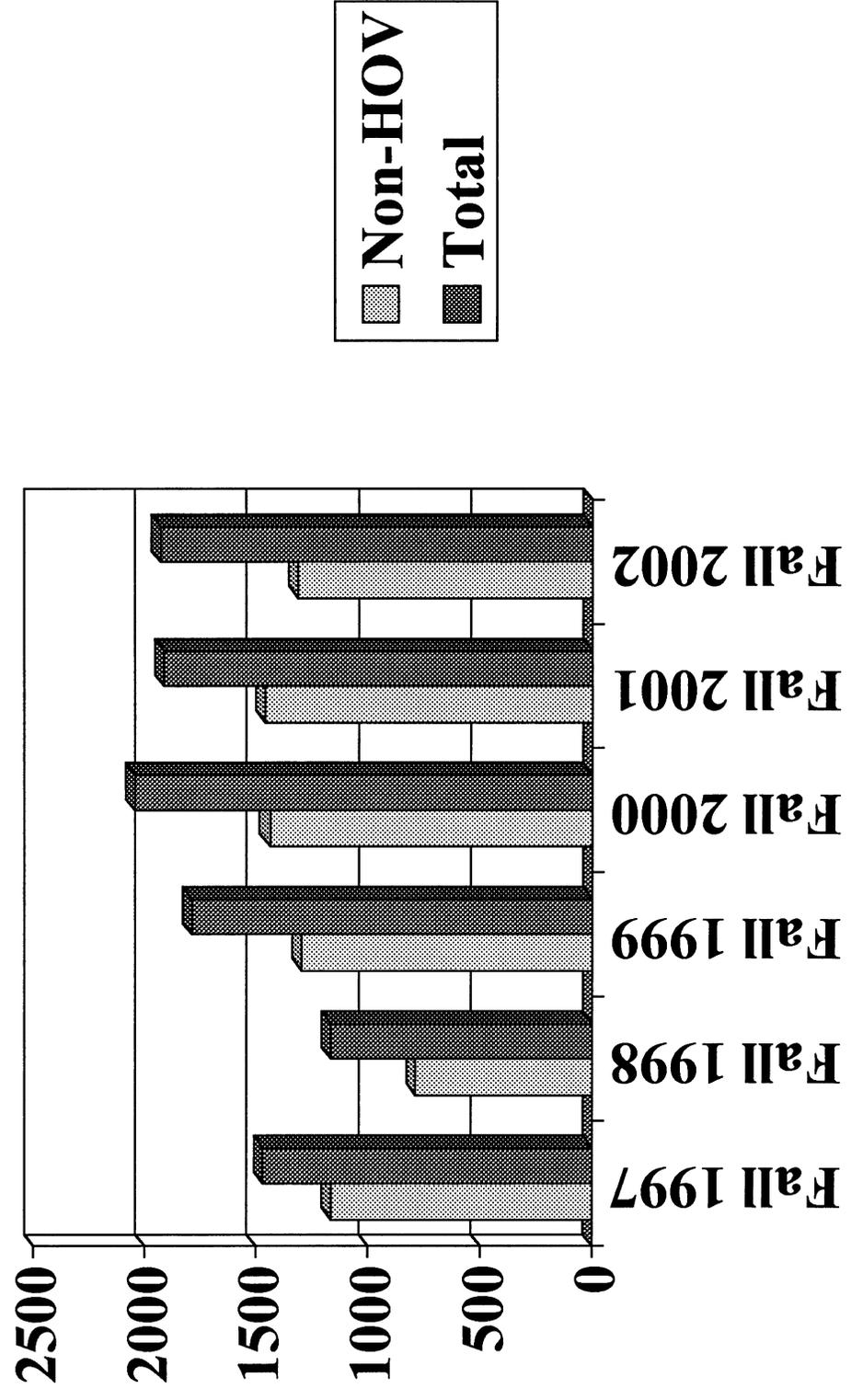
Vehicles on I-95 HOV Lanes during Peak Restricted Period



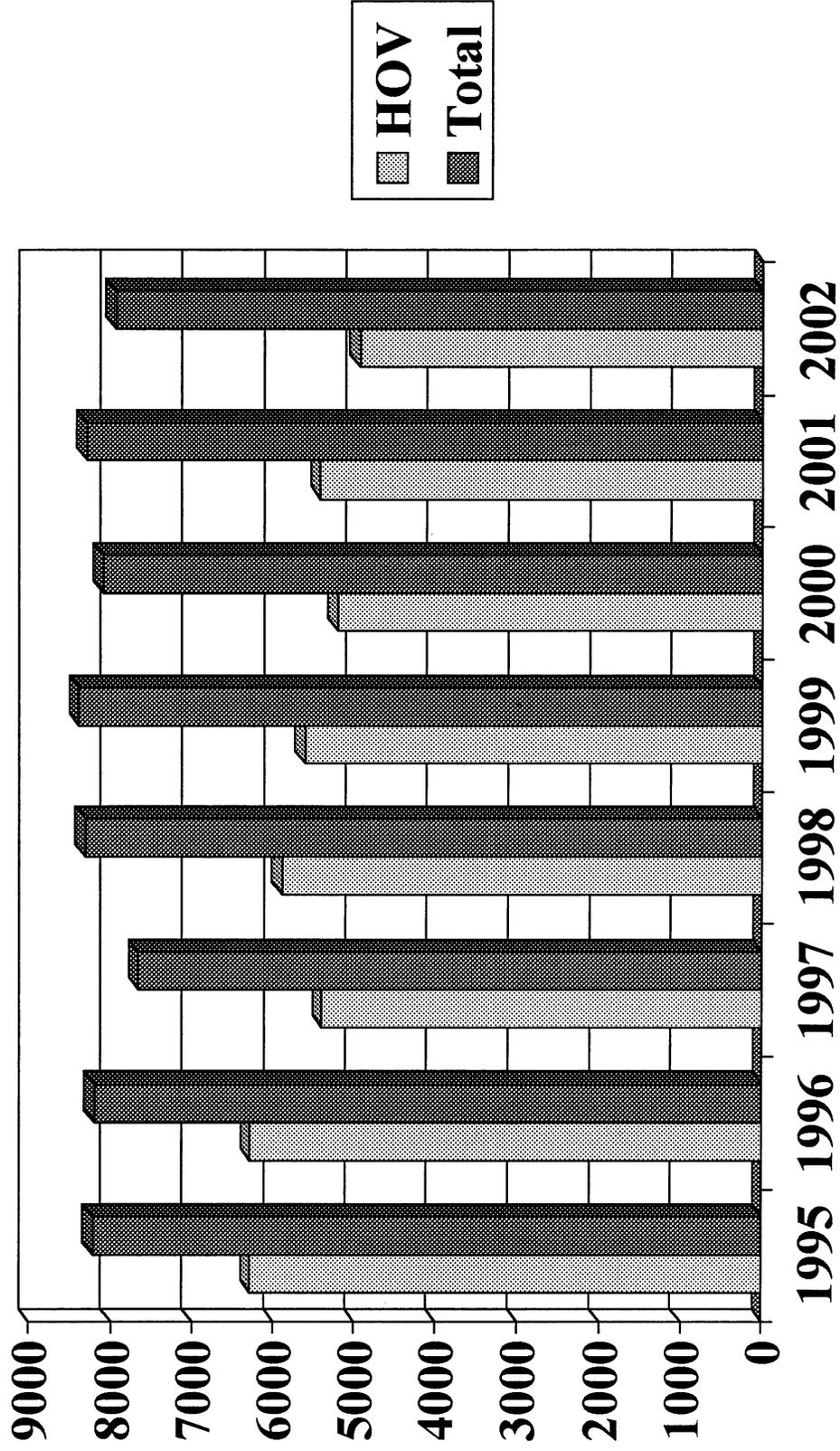
2002 Vehicles on I-95 HOV Lanes



HOV Lane Volumes at Newington from 6:00-6:30 a.m.

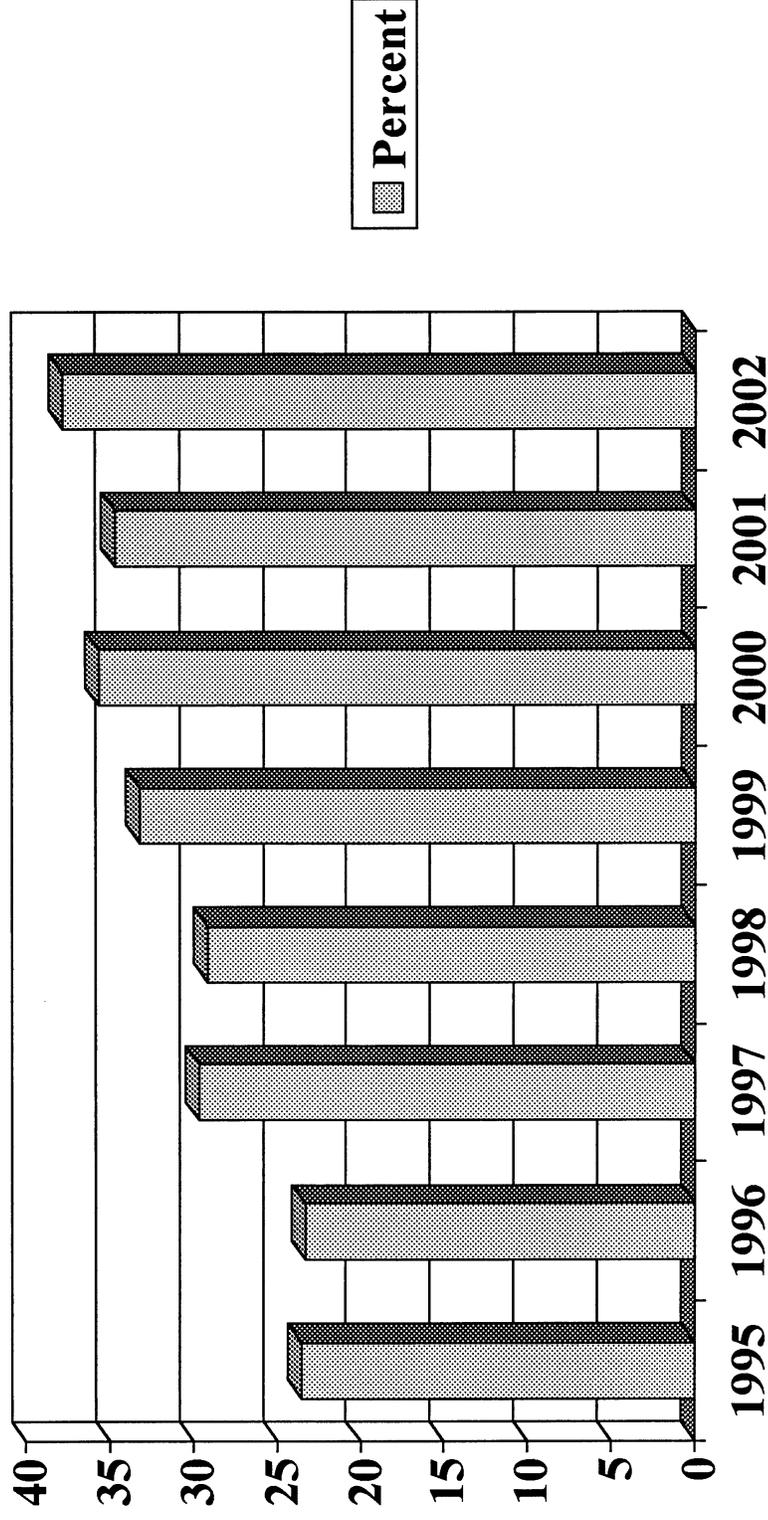


HOV Lane Vehicle Volumes on I-66 inside the Beltway during Peak Restricted Period

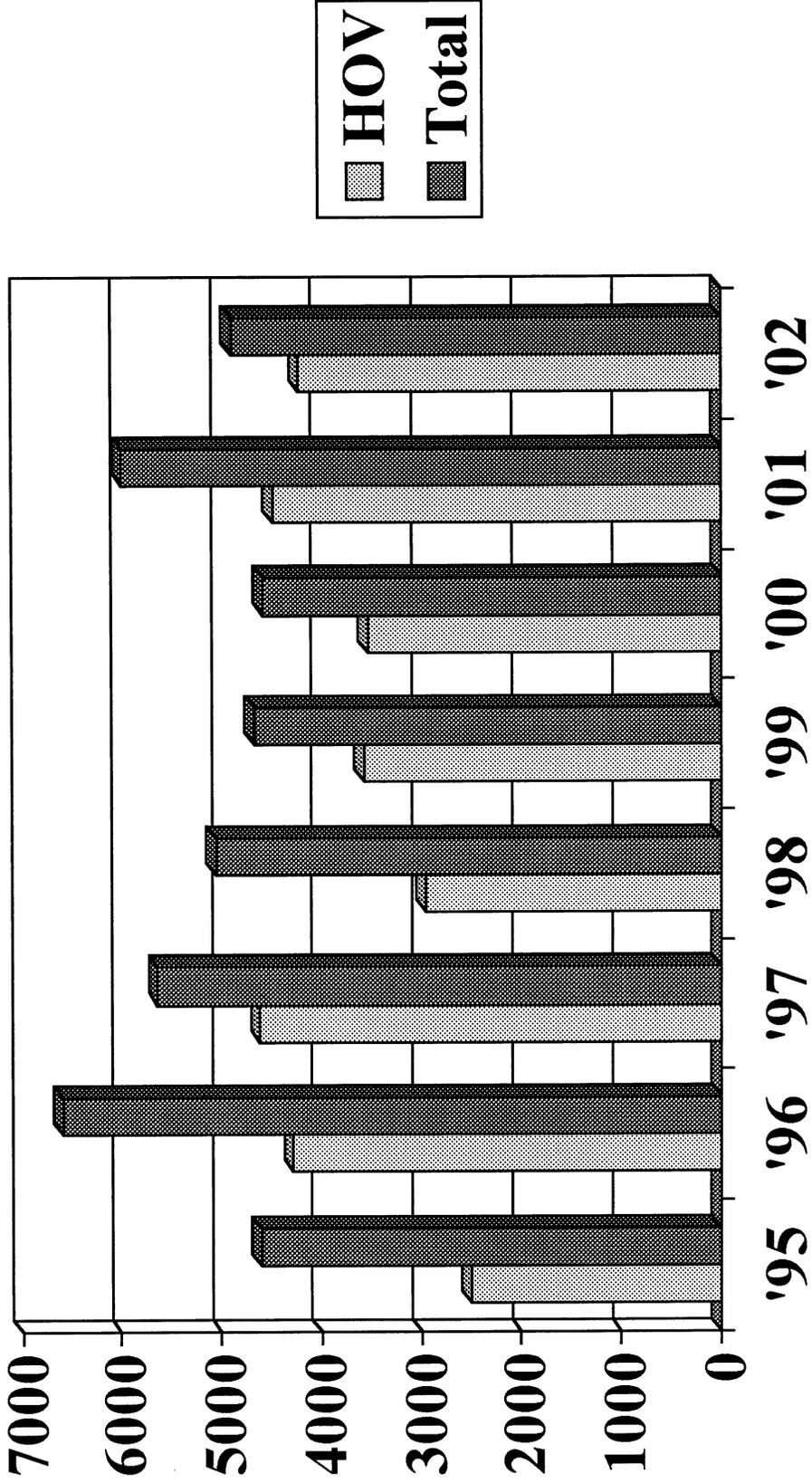


I-66 Non-HOV Vehicles

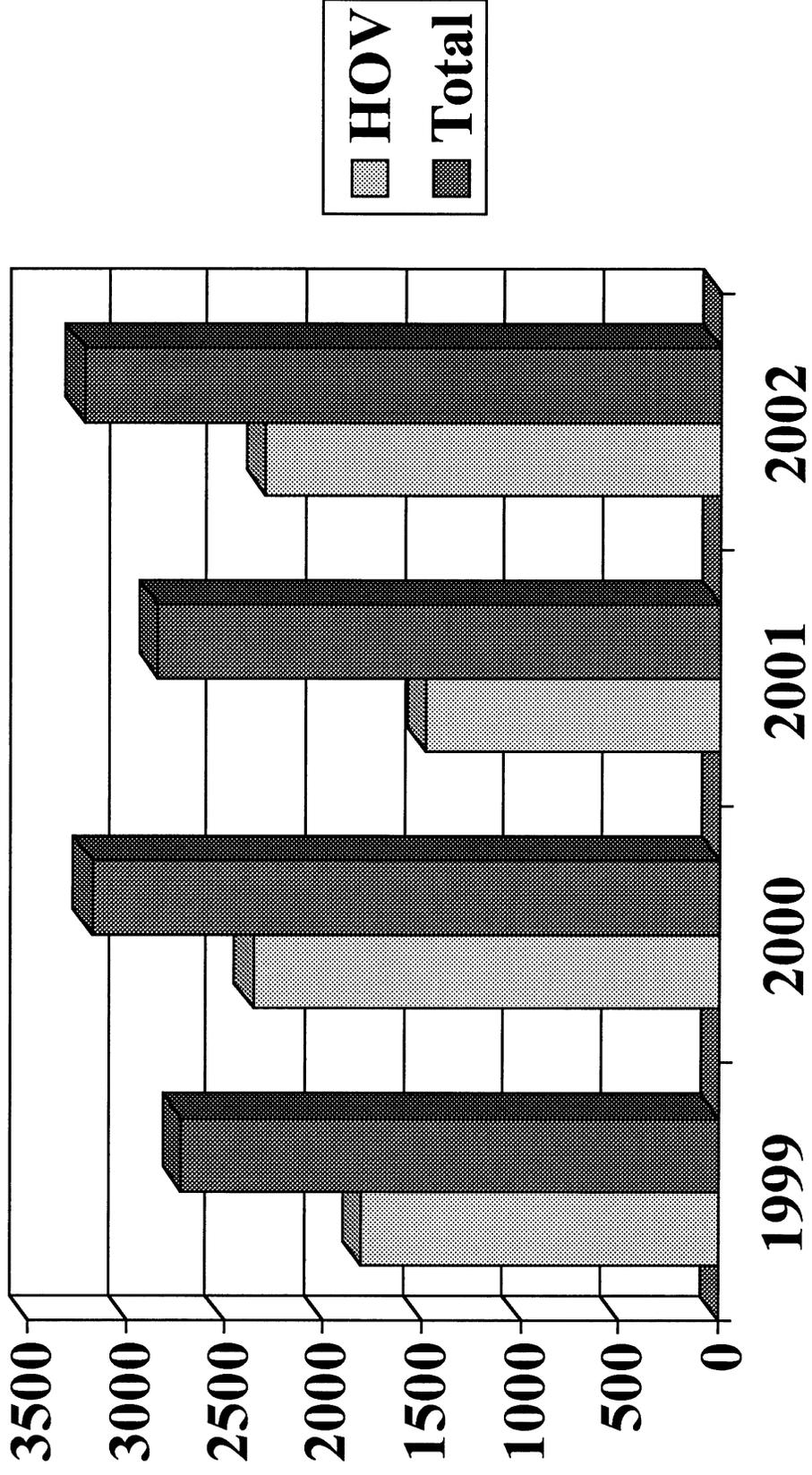
Inside the Beltway



Vehicles on I-66 HOV Lane outside the Beltway during Peak Restricted Period



Vehicles on the DTR HOV Lane at Hunter Mill during Peak Restricted Period



Appendix F: Clean Special Fuel License Plate Data

- **Appendix F.1:** Clean Special Fuel License Plate Data by Garaged Jurisdiction/Origination Year
- **Appendix F.2:** Clean Special Fuel License Plate Data by Garaged Jurisdiction/Fuel Type
- **Appendix F.3:** Emissions Inspection Program (EIP) Jurisdiction Percentages

Appendix F.1: Clean Special Fuel License Plates by Garaged
Jurisdiction/Origination Year

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 BY GARAGED JURISDICTION / ORIGINATION YEAR
 AS OF APRIL 27, 2003

JURISDICTION	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	TOTAL
* ALEXANDRIA	0	0	0	0	0	0	0	15	61	56	132
CHARLOTTESVILLE	0	0	0	0	0	0	0	0	2	2	4
CHESAPEAKE	0	0	0	0	0	0	0	3	5	1	9
COVINGTON	0	0	1	0	0	0	0	0	0	0	1
* FAIRFAX CITY	0	0	0	0	0	0	0	0	9	5	14
* FALLS CHURCH	0	0	0	0	0	0	0	3	8	2	13
FREDERICKSBURG	0	0	0	0	0	0	2	3	14	7	26
HARRISONBURG	0	0	0	0	0	0	0	0	0	2	2
LEXINGTON	0	0	0	0	0	0	0	0	0	2	2
* MANASSAS	0	0	0	0	0	0	0	1	22	12	35
* MANASSAS PARK	0	0	0	0	0	0	0	0	0	1	1
NEWPORT NEWS	0	2	0	0	0	0	0	2	1	0	5
NORFOLK	2	8	2	8	0	2	1	1	3	0	27
RICHMOND CITY	0	0	0	0	0	0	0	0	1	0	1
SALEM	0	0	0	0	0	0	0	1	0	0	1
STAUNTON	0	0	0	0	0	0	0	0	0	0	0
SUFFOLK	0	1	0	0	0	0	0	0	0	2	3
VIRGINIA BEACH	0	0	0	0	0	1	1	2	13	2	19
WILLIAMSBURG	0	0	0	0	0	0	0	0	2	1	3
WINCHESTER	0	0	0	0	0	0	0	1	4	1	6
TOTAL ALL CITIES	2	11	3	9	0	3	4	32	145	96	305

The jurisdictions shown are the only ones that have vehicles registered with clean special fuel plates at this time.

* Jurisdictions that are subject to emissions inspections pursuant to Va. Code section 46.2-1178 C. Vehicles utilizing hybrid, compressed natural gas, electric, liquified natural gas, liquified petroleum gas and natural gas fuel types are exempt from emissions inspections as determined by the Department of Environmental Quality pursuant to Va. Code section 46.2-1177.

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 BY GARAGED JURISDICTION / ORIGINATION YEAR
 AS OF APRIL 27, 2003

JURISDICTION	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	TOTAL
* ALBEMARLE	0	0	0	0	0	0	0	0	0	2	2
ARLINGTON	0	0	1	0	0	0	1	17	89	60	168
AUGUSTA	0	0	0	0	0	0	2	0	0	0	2
BEDFORD COUNTY	0	0	0	0	0	0	0	1	0	0	1
BUCKINGHAM	0	0	0	0	0	0	0	0	0	1	1
CAROLINE	0	0	0	0	0	0	1	2	1	2	6
CHESTERFIELD	0	0	0	0	0	0	0	3	8	4	15
CLARKE	0	0	0	0	0	0	0	1	3	1	5
CULPEPER	0	0	0	0	0	0	0	0	6	2	8
CUMBERLAND	0	0	0	0	0	0	0	0	1	0	1
* FAIRFAX COUNTY	34	1	7	7	0	3	9	126	583	335	1,105
FAUQUIER	1	0	0	0	0	1	0	5	41	19	67
FREDERICK	5	0	3	0	0	0	0	0	4	5	17
GILES	0	0	0	0	0	0	0	0	0	1	1
GOOCHLAND	0	0	0	0	0	0	1	0	0	0	1
GREENE	0	0	0	0	0	0	0	0	0	1	1
GREENSVILLE	0	0	0	0	0	0	0	0	0	1	1
HANOVER	0	0	0	0	0	0	0	2	0	1	3
HENRICO	0	0	0	0	0	0	0	2	2	2	6
HENRY	0	0	0	0	0	0	0	0	1	0	1
HIGHLAND	0	0	0	0	0	0	0	1	0	0	1
JAMES CITY	0	1	0	0	0	0	0	1	2	0	4
KING AND QUEEN	0	0	0	0	0	0	0	0	0	1	1
KING GEORGE	0	0	0	0	0	1	0	2	5	9	17
KING WILLIAM	0	0	0	0	0	0	0	0	0	1	1
LANCASTER	0	0	0	0	0	0	0	1	0	1	2
* LOUDOUN	0	0	0	0	0	0	5	18	92	68	183
LOUISA	0	0	0	0	0	0	0	0	2	1	3
LUNENBURG	0	0	1	0	0	0	0	0	1	1	3
MADISON	0	0	0	0	0	0	0	0	0	2	2
NELSON	0	0	0	0	0	0	0	1	1	0	2
ORANGE	0	0	0	0	0	0	0	4	3	5	12
PRINCE EDWARD	0	0	0	0	1	0	0	0	0	1	2
* PRINCE WILLIAM	0	0	0	1	0	0	8	53	292	195	549
RAPPAHANNOCK	0	0	0	0	0	0	0	1	3	1	5
SHENANDOAH	0	0	0	0	0	0	0	1	2	1	4
* SPOTSYLVANIA	0	0	1	0	0	0	2	26	77	33	139
STAFFORD	0	0	4	0	1	3	8	28	191	104	339
WARREN	0	0	0	0	0	0	0	1	3	5	9
WESTMORELAND	0	0	0	0	0	0	0	1	3	1	5
YORK	0	0	0	0	0	0	0	0	2	0	2
TOTAL ALL COUNTIES	40	2	17	8	2	8	37	298	1,418	867	2,697

The jurisdictions shown are the only ones that have vehicles registered with clean special fuel plates at this time.

* Jurisdictions that are subject to emissions inspections pursuant to Va. Code section 46.2-1178 C. Vehicles utilizing hybrid, compressed natural gas, electric, liquified natural gas, liquified petroleum gas and natural gas fuel types are exempt from emissions inspections as determined by the Department of Environmental Quality pursuant to Va. Code section 46.2-1177.

Appendix F.2: Clean Special Fuel License Plates by Garaged
Jurisdiction/Fuel Type

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 BY GARAGED JURISDICTION / FUEL TYPE
 AS OF APRIL 27, 2003

JURISDICTION	ETHANE	HYBRID	COMPRESSED			LIQUIFIED		LIQUIFIED	
			NATURAL GAS	ELECTRIC	HYDROGEN	NATURAL GAS	METHANE	PETROLEUM GAS	NATURAL
* ALEXANDRIA	1	128	0	1	1	0	0	0	1
CHARLOTTESVILLE	0	4	0	0	0	0	0	0	0
CHESAPEAKE	0	8	0	1	0	0	0	0	0
COVINGTON	0	0	0	0	0	0	0	0	1
* FAIRFAX CITY	0	14	0	0	0	0	0	0	0
* FALLS CHURCH	0	13	0	0	0	0	0	0	0
FREDERICKSBURG	0	25	0	1	0	0	0	0	0
HARRISONBURG	0	1	0	1	0	0	0	0	0
LEXINGTON	0	2	0	0	0	0	0	0	0
* MANASSAS	1	34	0	0	0	0	0	0	0
* MANASSAS PARK	0	1	0	0	0	0	0	0	0
NEWPORT NEWS	0	3	0	0	0	0	0	0	0
NORFOLK	0	3	5	2	0	0	0	0	17
RICHMOND CITY	0	0	0	1	0	0	0	0	0
SALEM	0	1	0	0	0	0	0	0	0
STAUNTON	0	0	0	0	0	0	0	0	1
SUFFOLK	0	2	0	0	0	0	0	0	1
VIRGINIA BEACH	0	13	3	2	0	0	0	0	1
WILLIAMSBURG	0	3	0	0	0	0	0	0	0
WINCHESTER	0	4	1	1	0	0	0	0	0
TOTAL ALL CITIES	2	259	9	10	1	0	0	0	24

The fuel types listed are the only ones that are associated with vehicles registered with clean special fuel plates at this time. Vehicles utilizing other fuel types are eligible for clean special fuel plates.

The jurisdictions shown are the only ones that have vehicles registered with clean special fuel plates at this time.

* Jurisdictions that are subject to emissions inspections pursuant to Va. Code section 46.2-1178 C. Vehicles utilizing hybrid, compressed natural gas, electric, liquified natural gas, liquified petroleum gas and natural gas fuel types are exempt from emissions inspections as determined by the Department of Environmental Quality pursuant to Va. Code section 46.2-1177.

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 BY GARAGED JURISDICTION / FUEL TYPE
 AS OF APRIL 27, 2003

JURISDICTION	ETHANE	HYBRID	COMPRESSED		LIQUIFIED		LIQUIFIED		NATURAL
			NATURAL GAS	ELECTRIC	HYDROGEN	NATURAL GAS	METHANE	PETROLEUM GAS	
* ALBEMARLE	0	2	0	0	0	0	0	0	0
ARLINGTON	0	159	3	1	3	0	0	1	1
AUGUSTA	0	2	0	0	0	0	0	0	0
BEDFORD COUNTY	0	1	0	0	0	0	0	0	0
BUCKINGHAM	0	1	0	0	0	0	0	0	0
CAROLINE	0	6	0	0	0	0	0	0	0
CHESTERFIELD	0	14	1	0	0	0	0	0	0
CLARKE	0	4	0	1	0	0	0	0	0
CULPEPER	0	8	0	0	0	0	0	0	0
CUMBERLAND	0	1	0	0	0	0	0	0	0
* FAIRFAX COUNTY	6	1,001	20	18	10	5	3	1	41
FAUQUIER	0	63	0	0	1	0	2	0	7
FREDERICK	0	7	1	1	0	1	0	0	0
GILES	0	1	0	0	0	0	0	0	0
GOOCHLAND	0	1	0	0	0	0	0	0	0
GREENE	0	1	0	0	0	0	0	0	0
GREENSVILLE	0	1	0	0	0	0	0	0	0
HANOVER	0	3	0	0	0	0	0	0	0
HENRICO	0	5	0	0	0	0	0	0	1
HENRY	0	1	0	0	0	0	0	0	0
HIGHLAND	0	1	0	0	0	0	0	0	0
JAMES CITY	0	3	0	0	0	0	0	0	1
KING AND QUEEN	0	1	0	0	0	0	0	0	0
KING GEORGE	0	14	0	1	0	0	0	0	2
KING WILLIAM	0	1	0	0	0	0	0	0	0
LANCASTER	0	2	0	0	0	0	0	0	0
* LOUDOUN	1	168	6	2	5	0	0	0	1
LOUISA	0	3	0	0	0	0	0	0	0

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 BY GARAGED JURISDICTION / FUEL TYPE
 AS OF APRIL 27, 2003

JURISDICTION	ETHANE	HYBRID	COMPRESSED			LIQUIFIED			LIQUIFIED		
			NATURAL GAS	ELECTRIC	HYDROGEN	NATURAL GAS	METHANE	PETROLEUM GAS	NATURAL		
LUNENBURG	0	1	0	0	0	0	0	1	0	0	
MADISON	0	1	0	0	0	0	0	1	0	0	
NELSON	0	1	0	0	1	0	0	0	0	0	
ORANGE	0	12	0	0	0	0	0	0	0	0	
PRINCE EDWARD	0	1	0	1	0	0	0	0	0	0	
PRINCE WILLIAM	15	514	7	9	0	1	0	0	1	2	
RAPPAHANNOCK	0	5	0	0	0	0	0	0	0	0	
SHENANDOAH	0	3	0	1	0	0	0	0	0	0	
SPOTSYLVANIA	1	131	2	4	0	0	0	0	0	1	
STAFFORD	4	305	18	5	0	2	0	0	1	4	
WARREN	0	9	0	0	0	0	0	0	0	0	
WESTMORELAND	0	5	0	0	0	0	0	0	0	0	
YORK	0	1	1	0	0	0	0	0	0	0	
TOTAL ALL COUNTIES	27	2,464	59	44	20	9	4	8	62		

The fuel types listed are the only ones that are associated with vehicles registered with clean special fuel plates at this time. Vehicles utilizing other fuel types are eligible for clean special fuel plates.

The jurisdictions shown are the only ones that have vehicles registered with clean special fuel plates at this time.

* Jurisdictions that are subject to emissions inspections pursuant to Va. Code section 46.2-1178 C. Vehicles utilizing hybrid, compressed natural gas, electric, liquified natural gas, liquified petroleum gas and natural gas fuel types are exempt from emissions inspections as determined by the Department of Environmental Quality pursuant to Va. Code section 46.2-1177.

Appendix F.3: Emissions Inspection Program (EIP) Jurisdiction Percentages

VIRGINIA DEPARTMENT OF MOTOR VEHICLES
 CLEAN FUEL PLATE DATA
 EMISSIONS INSPECTION PROGRAM (EIP) JURISDICTION PERCENTAGES
 AS OF APRIL 27, 2003

EIP JURISDICTION	TOTAL	PERCENTAGE OF GRAND TOTAL
ALEXANDRIA	132	4.39 %
FAIRFAX CITY	14	0.47 %
FALLS CHURCH	13	0.43 %
MANASSAS	35	1.16 %
MANASSAS PARK	1	0.03 %
ARLINGTON	168	5.59 %
FAIRFAX COUNTY	1,105	36.75 %
LOUDOUN	183	6.09 %
PRINCE WILLIAM	549	18.26 %
STAFFORD	339	11.27 %
EIP TOTAL	2,539	84.44 %

***Appendix G:** Copy of Letter from Captain Tom Martin & Thomas F. Farley to the Secretaries of Transportation & Public Safety Requesting Approval for Implementing the “No Excuses” Campaign*



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

PHILIP A. SHUCET
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)
June 24, 2003

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

The Honorable John W. Marshall
Secretary of Public Safety
202 North Ninth Street, Room 613
Richmond, Virginia 23219

The Honorable Whittington W. Clement
Secretary of Transportation
202 North Ninth Street, Room 523
Richmond, Virginia 23219

Gentlemen:

On June 5, the first meeting of the Northern Virginia HOV Enforcement Task Force occurred. The Task Force is on schedule to provide short-and long-term recommendations to you by August 15.

The Task Force is making an immediate recommendation to strictly enforce existing HOV regulations in the I-66 and I-95 corridors. While the most immediate impacts would be felt in the I-95 corridor, the Task Force believes it is important to maintain a consistent message in both corridors.

The Task Force is seeking your approval to refine and implement the attached HOV enforcement and communications plan. Implementation would begin on July 16 of this year.

The Task Force will continue its work in the other assigned areas and report back to you by August 15.

Thank you for your favorable consideration.

Sincerely,

Lt. Tom Martin
Virginia State Police

Sincerely,

Thomas F. Farley
Virginia Department of Transportation

/es

Attachment

Copy: Colonel W. Gerald Massengill
Mr. Philip A. Shucet
Ms. Karen J. Rae

**VDOT and Virginia State Police
Proposed HOV Enforcement and Communications Plan
June 17, 2003**

Increasing congestion on the I-95 and I-66 HOV lanes at the beginning of the HOV time period has increased the need for enforcement. Currently, many commuters driving alone believe they can use the HOV lanes without penalty as long as they enter the lanes before the restriction begins. Others simply believe they will not get caught. The congestion that results during the first half hour of the restricted period serves as a disincentive to carpoolers since the HOV lanes operate at the same slow pace as the regular lanes.

The goal of this program is to reduce congestion on the HOV lanes during the first half-hour of the restricted period in order to provide carpoolers with consistent and predictable travel times.

I-95 Situation

- According to 2002 traffic counts, between 6:00 and 6:30 a.m., **68 percent of vehicles in the HOV lanes south of Newington are non-HOV**. This is because non-HOVs are permitted to enter the HOV lanes up until 6 a.m. as long as they exit at the next available exit after 6 a.m. Since construction was completed on the 19-mile I-95 HOV extension in 1997, signs on the HOV lanes have warned non-HOVers in the HOV lanes after 6 a.m. to exit at the next available exit (Newington, the Franconia-Springfield Parkway, the Pentagon or the 14th Street Bridge). For a non-HOVer entering the HOV lanes at Triangle, the next exit is 16 miles.
- From 6:30 to 7:00 a.m., only 8 percent of the vehicles on the HOV lanes at this location are non-HOV.
- Over the past five years, the number of HOV vehicles has increased 61 percent and **the number of non-HOV vehicles has increased 66 percent during the first half hour.**
- **HOV vehicle volumes overall have grown by 90 percent** since construction began at the Springfield Interchange. The non-HOV vehicles on the HOV lanes have grown as well, by 93 percent since 1998.

**I-95 HOV Lanes at Newington
6:00-6:30 a.m.**

<u>Two HOV lanes</u>	<u>1998</u>	<u>2000</u>	<u>2002</u>	<u>Change from 1998</u>
HOV-3 vehicles	380	600	610	61%
Non-HOVs	790	1440	1310	66%

I-66 and Dulles Toll Road Situation

Both I-66 and the Dulles Toll Road have very high violation rates during the first half hour of the restricted period. However, the HOV restrictions begin at 5:30 a.m. on I-66 outside the Beltway and at 6:30 a.m. on the Dulles Toll Road and I-66 inside the Beltway. To accommodate and encourage growth in carpooling in these corridors, these facilities will be included in the morning enforcement effort.

STRATEGY

- Announce that enforcement will begin promptly at the beginning of the restricted period effective July 16, 2003.
- Provide clear explanation of HOV restrictions while showing violations will not be tolerated. Explain, for example, that a driver who enters the HOV lanes at Route 234 in Prince William County and plans to exit at the Pentagon (a 30-mile trip) will need to enter the HOV lanes at 5:30 a.m. in order to be out of the lanes by 6 a.m.
- Use overhead message signs and portable message signs to alert motorists that HOVs will be strictly enforced at the beginning of the restricted period.

Examples:

**HOV STRICTLY
ENFORCED
AT 6 A.M.**

**HOV VIOLATORS
TICKETED AT
AT 3:30 P.M.**

In order to ensure that motorists are made aware of this effort, VDOT will hold a press conference, issue a news release, conduct radio advertising and contact Dr. Gridlock. The press conference will feature Tom Farley and a representative of the Virginia State Police and will be held on July 14, two days before the enforcement effort begins. VDOT and VSP will issue a joint news release to be sent to all media and posted on relevant Web sites. Ten-second radio ads will air during the first two weeks of the stepped up enforcement. And lastly, Dr. Gridlock will be contacted for his input, since he fields many complaints concerning HOV enforcement.

Appendix H: "No Excuses" Press Release



Virginia Department of Transportation

NEWS RELEASE



FOR IMMEDIATE RELEASE

July 14, 2003

Contact: Joan Morris

703 383-2465, 703 826-9789 pager

Virginia Cracking Down on HOV Violators

"No excuses" approach begins July 16

The Virginia Department of Transportation and Virginia State Police today announced a **"No Excuses"** enforcement effort on HOV lanes throughout Northern Virginia due to an increasing number of violators in the lanes and to ensure the benefits of the HOV lanes are protected.

"The HOV system in Northern Virginia is one of the most successful in the country," said VDOT Northern Virginia district administrator Tom Farley. "But the number of HOV violators is increasing and has reached such a magnitude that it's affecting not just HOV users, but all commuters, ultimately slowing everyone down."

Beginning Wednesday, July 16, Virginia State Police will step up enforcement on the HOV lanes. Patrols will be spread out on I-95, I-395, I-66 and the Dulles Toll Road and all will adopt a **"No Excuses"** attitude with violators.

"If you are driving alone on the HOV lanes when the restrictions are in place, you are a violator, no excuses," said Captain Tom Martin of the Virginia State Police. "Even if you enter the HOV lanes a couple of minutes before the restriction begins, you are a violator. No excuses. If you were planning to exit at the next available exit, you are a violator. No excuses. If you are caught in the HOV lanes because you weren't clear about the HOV rules, you are a violator. No excuses."

"HOV lanes are a critical tool in combating our gridlock which is near worst in the nation, but HOV lanes will only work if motorists cooperate," said Lon Anderson, AAA Mid-Atlantic spokesman. "Some gentle persuasion from our police, we expect, will help foster more cooperation. That said, we don't want to see motorists ticketed, so we are urging them to obey the law."

-more-

The number of vehicles using the HOV lanes has almost doubled in the last four years. On a typical week day morning on I-95, the HOV lanes now carry more people than the regular lanes. The four regular lanes carry 21,840 people in 18,800 vehicles while at the same time the two HOV lanes carry 22,400 people in 7,570 vehicles. In addition, commuters in the HOV lanes can count on a reliable, consistent commute each day. Cars in the regular lanes can often take more than twice as long to cover the same distance.

“The time saving benefits of properly functioning HOV lanes must be preserved for carpoolers, vanpoolers and bus riders or they might switch back to driving alone which would slow down everyone’s commute,” said Charlene “Gus” Robey, program manager with the Virginia Department of Rail and Public Transportation. “The HOV lanes also play a large part in efforts to reduce air pollution in the region.”

In May, Virginia Secretary of Transportation Whittington Clement and Secretary of Public Safety John Marshall convened a task force to find and recommend solutions to improve HOV enforcement in Northern Virginia. The task force includes VDOT, Virginia State Police, Virginia Department of Motor Vehicles, Fairfax County, AAA-Mid Atlantic and the Metropolitan Washington Airports Authority. By August 15, the task force will report to the secretaries on a number of areas including tougher sanctions.

“Increased enforcement is part of the answer to this problem. It is not the only answer,” Farley said.

Overhead highway message signs will warn commuters that HOV violators will be ticketed at the start of the restriction period. VDOT and State Police are also running radio spots to spread the word on the “No Excuses” enforcement.

Commuters interested in forming carpools to legally use the HOV lanes have a number of resources to help them. HOV hours and rules are available on VDOT’s Web site at VirginiaDOT.org. HOVCalculator.com shows how many minutes commuters can save on their morning commute by using a park-and-ride lot to access the HOV lanes. Commuter Connections, at **1-800-745-RIDE**, can help commuters find carpool partners, a vanpool or a bus to get to work.

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Appendix I: Draft Legislative Proposals

- **Appendix I.1:** Increased Fines & Assignment of Demerit Points for HOV Violations in Planning District Eight
- **Appendix I.2:** Elimination of Unimplemented Exemption for Government-owned Clean Special Fuel Vehicles

Appendix I.1: Increased Fines & Assignment of Demerit Points for
HOV Violations in Planning District Eight

DRAFT LEGISLATION RELATED TO HOV LANE VIOLATIONS IN NOVA

1 § 33.1-46.2. Designation of high-occupancy vehicle lanes; use of such lanes; penalties.

2 A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas
3 during peak traffic periods, the Commonwealth Transportation Board may designate one or
4 more lanes of any highway in the interstate, primary, or secondary highway systems as high-
5 occupancy vehicle lanes, hereinafter referred to in this section as HOV lanes. When lanes have
6 been so designated and have been appropriately marked with such signs or other markers as the
7 Board may prescribe, they shall be reserved during periods designated by the Board for the
8 exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with
9 respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and
10 enforce restrictions on the use of such HOV lanes. Any highway for which the local
11 jurisdiction receives highway maintenance funds pursuant to § 33.1-41.1 shall be deemed to be
12 within the exclusive jurisdiction of the local governing body for the purposes of this section.
13 HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants
14 as determined by the Board or, for HOV lanes designated by a local governing body, by that
15 local governing body. Notwithstanding the foregoing provisions of this section, no designation
16 of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

- 17 1. Emergency vehicles such as fire-fighting vehicles, ambulances, and rescue squad vehicles,
- 18 2. Law-enforcement vehicles,
- 19 3. Motorcycles,
- 20 4. a. Transit and commuter buses designed to transport 16 or more passengers, including the
21 driver,

DRAFT LEGISLATION RELATED TO HOV LANE VIOLATIONS IN NOVA

22 b. Commuter buses and motor coaches operating under irregular route passenger certificates
23 issued under § 46.2-2010 and any vehicle operating under a certificate of Public Convenience
24 and Necessity or as a common carrier of passengers under § 46.2-2075 or § 46.2-2080,

25 5. Vehicles of public utility companies operating in response to an emergency call,

26 6. Until July 1, 2006, vehicles bearing clean special fuel vehicle license plates issued
27 pursuant to § 46.2-749.3, or

28 7. Taxicabs having two or more occupants, including the driver.

29 In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and
30 HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes
31 impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs
32 along or above the affected portion of highway.

33 The Commissioner of VDOT shall implement a program of the HOV facilities in the
34 Hampton Roads Planning District beginning not later than May 1, 2000. This program shall
35 include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic
36 when an incident resulting from nonrecurring causes within the general lanes occurs such that a
37 lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV
38 restrictions for the facility will be reinstated when the general lane is no longer blocked and is
39 available for use.

40 The Commissioner shall maintain necessary records to evaluate the effects of such openings
41 on the operation of the general lanes and the HOV lanes. He shall report on the effects of this
42 program. This program will terminate if the Federal Highway Administration requires
43 repayment of any federal highway construction funds because of the program's impact on the
44 HOV facilities in Hampton Roads.

DRAFT LEGISLATION RELATED TO HOV LANE VIOLATIONS IN NOVA

45 B. In designating any lane or lanes of any highway as HOV lanes, the Board, or local
46 governing body as the case may be, shall specify the hour or hours of each day of the week
47 during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at
48 whatever intervals along the lanes the Board or local governing body deems appropriate. Any
49 person driving a motor vehicle in a designated HOV lane in violation of this section shall be
50 guilty of a traffic infraction which shall not be a moving violation and on conviction shall be
51 fined \$50. However, violations committed within the boundaries of Planning District Eight
52 shall be punishable as follows:

53 For a first offense, by a fine of \$50;

54 For a second offense, by a fine of ~~\$100~~\$200;

55 For a third offense within a period of two years of the second offense, by a fine of ~~\$250~~\$500;

56 and

57 For a fourth or subsequent offense within a period of three years of the second offense, by a
58 fine of ~~\$500~~\$1,000.

59 Upon a conviction under this section, the court shall furnish to the Commissioner of the
60 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such
61 conviction which shall become a part of the person's driving record. Notwithstanding the
62 provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this
63 section except that violations punished as a second, third, fourth or subsequent offense as
64 provided herein for violations committed in Planning District Eight, shall be assessed three
65 demerit points.

66 C. In the prosecution of an offense, committed in the presence of a law-enforcement officer,
67 of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-

DRAFT LEGISLATION RELATED TO HOV LANE VIOLATIONS IN NOVA

68 occupancy vehicles, proof that the vehicle described in the HOV violation summons was
69 operated in violation of this section, together with proof that the defendant was at the time of
70 such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable
71 presumption that such registered owner of the vehicle was the person who committed the
72 violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in
73 open court under oath that he was not the operator of the vehicle at the time of the violation. A
74 summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such
75 rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or
76 leasing company.

77 D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this
78 section is served in any county, city, or town, it may be executed by mailing by first-class mail
79 a copy thereof to the address of the owner of the vehicle as shown on the records of the
80 Department of Motor Vehicles. If the summoned person fails to appear on the date of return
81 set out in the summons mailed pursuant to this section, the summons shall be executed in the
82 manner set out in § 19.2-76.3.

83 No proceedings for contempt or arrest of a person summoned by mailing shall be instituted
84 for his failure to appear on the return date of the summons.

85 E. Notwithstanding § 33.1-252, high-occupancy vehicles having three or more occupants
86 (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles
87 Toll Road) without paying a toll.

88 F. Notwithstanding the contrary provisions of this section, the following conditions shall be
89 met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be
90 changed to HOV-3 or any more restrictive designation:

DRAFT LEGISLATION RELATED TO HOV LANE VIOLATIONS IN NOVA

91 1. The Department shall publish a notice of its intent to change the existing designation and
92 also immediately provide similar notice of its intent to all members of the General Assembly
93 representing districts that touch or are directly impacted by traffic on Interstate Route 66.

94 2. The Department shall hold public hearings in the corridor to receive comments from the
95 public.

96 3. The Department shall make a finding of the need for a change in such designation, based
97 on public hearings and its internal data and present this finding to the Commonwealth
98 Transportation Board for approval.

99 4. The Commonwealth Transportation Board shall make written findings and a decision based
100 upon the following criteria:

101 a. Is changing the HOV-2 designation to HOV-3 in the public interest?

102 b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will
103 facilitate the flow of traffic on Interstate Route 66?

104 c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act
105 Amendments of 1990?

106 G. [Repealed.]

Appendix I.2: Elimination of Unimplemented Exemption for
Government-owned Clean Special Fuel Vehicles

DRAFT LEGISLATION TO THE CLEAN SPECIAL FUEL PLATES STATUTE

1 **§ 46.2-749.3. Special license plates for clean special fuel vehicles.**

2 The owner of any motor vehicle, except a motorcycle, that may utilize clean special fuel may
3 purchase special license plates indicating the motor vehicle utilizes clean special fuels. Upon
4 receipt of an application, the Commissioner shall issue special license plates to the owners of
5 such vehicles.

6 ~~For those motor vehicles required by law to display official government use license plates,~~
7 ~~the Commissioner shall provide by regulation for the issuance, display, and fee for issuance of~~
8 ~~an alternative device indicating that the vehicle displaying the device is a clean special fuel~~
9 ~~vehicle. For the purposes of § 33.1-46.2, vehicles displaying such a device as provided in such~~
10 ~~regulation shall be treated as vehicles displaying special license plates issued under this section.~~

11 As used in this section, "clean special fuel" means any product or energy source used to
12 propel a highway vehicle, the use of which, compared to conventional gasoline or reformulated
13 gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon
14 monoxide or particulates or any combination thereof. The term includes compressed natural
15 gas, liquefied natural gas, liquefied petroleum gas, hydrogen, hythane (a combination of
16 compressed natural gas and hydrogen), and electricity.

