

The Opinion Pages | OP-ED CONTRIBUTOR

Highway Robbery Targets the Poor

By PETER FUNT MAY 17, 2017

SACRAMENTO — Despite its status as one of the nation's more progressive states, California is speeding backward by promoting what amounts to a highly regressive tax on motorists. It involves what critics call the Lexus Lanes.

The latest example is along heavily traveled Interstate 680 connecting Sacramento and San Jose, where crews are refashioning what used to be known as high-occupancy vehicle lanes and making them what are now called express lanes. It is a textbook case of government turning a good thing into an unfair thing.

Across the nation, H.O.V. lanes are designed to encourage car-pooling, which reduces congestion and pollution. Generally, vehicles with two or more occupants are entitled to use the faster H.O.V. lanes. Express lanes, however, allow any single-occupant vehicle to use the faster lanes by paying a fee.

In Southern California, a roughly eight-mile stretch of Highway 91 was converted to the program last month, creating an express lane covering 21 miles. The fee for privileged passage in rush hour can be more than \$20 each way.

Most regions still allow vehicles with two or more occupants to use the faster lanes free, but on Highway 91 even that deal has changed. Free travel on 91 now requires at least three occupants, not two — except during peak hours eastbound, when no free travel is permitted. It's a complete distortion of the H.O.V. concept.

The shift to fee-based express lanes comes as many municipalities face the fact that despite H.O.V. lanes, single-occupancy travel is increasing steadily. Some 73 percent of Los Angeles residents are driving to work alone, according to a 2016 report.

As traffic jams mount, Southern California authorities continue to raise fees. This month the maximum express rate on Interstate 10 was increased to \$1.80 per mile from \$1.70. Motorists who don't pay face a minimum fine of \$238.

Outside Washington, D.C., Virginia operates about 40 miles of high-priced express lanes. A news release says the goal is to "provide faster, more predictable travel options." Never discussed is the inherent unfairness of the programs.

Like California, Virginia uses so-called dynamic pricing to adjust express lane tolls depending on traffic volume. It states that the top rate is "approximately \$1 per mile"; however, rates rise without limit in the case of especially clogged traffic, such as might result from a major accident. Rates during busiest periods have climbed dramatically, sometimes reaching \$30 for a single trip.

How could anyone earning minimum wage possibly afford \$1 or more per mile — above and beyond the costs of owning and operating a car — to get to work speedily?

Yet in the Bay Area around San Francisco, a 550-mile network of express lanes is planned, with construction continuing through 2035. In Central Florida, eight express lane projects are underway.

Express roads have been around for more than a decade, but the spike in construction is because of aggressive marketing by tech companies that have improved automatic collection systems. These businesses partner with local governments and share in the revenue.

The new technology requires motorists to obtain transponders for their vehicles, because all tolls are collected electronically. The devices are free, but the process of obtaining them can be like excessive voter-registration procedures: It can be more difficult to participate if you're on a budget and don't have a credit card.

If fairness, not government greed, were considered, the transponders could easily be used to adjust tolls progressively, based on the value of a car: A Lexus owner would pay more than someone driving a Kia. However, such common sense seems too much for even liberal legislators to consider.

(In addition to being unfair, express lanes are being cited as a safety risk. State Senator Frank Artiles, Republican of Miami, introduced legislation to ban the programs, but his bill died this month in committee. "It's clear that it's not safe," Mr. Artiles told ABC's Miami affiliate, citing highway patrol statistics about an increased number of accidents in the narrow express lanes. He added, "I truly believe that it's only a moneymaking scheme.")

Transportation officials in Los Angeles County recently decided to study whether even more toll increases are needed to relieve the congestion that currently plagues express lanes. But raising tolls on lanes that were previously intended for car-poolers only increases the inequity.

Taxpayer-funded facilities — be they libraries, parks or highways — should not be segregated according to one's ability to pay an additional fee. What's next? A fee for which motorists without a disability can buy their way into prized handicapped-parking spots?

Defenders of express lanes argue that the system actually promotes fairness by making quicker travel available to everyone, not just those willing to car-pool.

In fact, express lanes are speeding our journey down the road — already far too well traveled — toward being a nation of haves and haves-less.

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