

Meeting Agenda

Bay Area Infrastructure Financing Authority

Alfredo Pedroza, Chair

Nick Josefowitz, Vice Chair

Wednesday, February 22, 2023

9:45 AM

HYBRID (In-Person Option Available)

The Bay Area Infrastructure Financing Authority is scheduled to meet on Wednesday, February 22, 2023 at 9:45 a.m. or immediately following the 9:40 a.m. BATA meeting, in the Bay Area Metro Center (Hybrid with In-person option available). In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with the recently signed Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants. A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor). In-person attendees must adhere to posted public health protocols while in the building. The meeting webcast will be available at <https://mtc.ca.gov/whats-happening/meetings/live-webcasts>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Attendee Link: <https://bayareametro.zoom.us/j/89293628772>

Or iPhone one-tap: US: +13462487799,,89293628772# or +12532050468,,89293628772#

Or Join by Telephone: (for higher quality, dial a number based on your current location) US:

+1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or

+1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or

877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 892 9362 8772

International numbers available: <https://bayareametro.zoom.us/j/89293628772>

Detailed instructions on participating via Zoom are available at:

<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>. Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9". In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

BAIFA Roster:

Alfredo Pedroza (Chair), Nick Josefowitz (Vice Chair), Margaret Abe-Koga, Eddie Ahn, David Canepa, Cindy Chavez, Carol Dutra-Vernaci, Dina El-Tawansy*, Victoria Fleming, Dorene M. Giacomini*, Federal D. Glover, Matt Mahan, Nate Miley, Stephanie Moulton-Peters, Sue Noack, Gina Papan, David Rabbitt, Hillary Ronen, James P. Spering, Sheng Thao, Vacant*

***Non-Voting Members**

1. Call to Order / Roll Call / Confirm Quorum

Quorum: A quorum of this Authority shall be a majority of its regular voting members (10).

2. Chair's Report

3. Consent Calendar

- 3a. [23-0234](#) Minutes of the January 25, 2023 meeting
- Action:** Authority Approval
- Attachments:** [3a 23-0234 January 25 2023 Draft BAIFA Minutes.pdf](#)
- 3b. [23-0250](#) BAIFA Resolution No. 45 Providing for Remote Meetings Pursuant to Assembly Bill 361
- Action:** Authority Approval
- Attachments:** [3b 23-0250 BAIFA Resolution 45 AB361.pdf](#)

4. Authority Approval

- 4a. [23-0249](#) BAIFA Resolution No. 46 - Committee Structure
- Recommendation to establish standing committees to assist with Bay Area Infrastructure Financing Authority (BAIFA) business by providing detailed review and recommendations to the Authority on matters related to tolling.
- Action:** Authority Approval
- Presenter:** Lisa Klein
- Attachments:** [4a 23-0249 BAIFA Resolution 46 Committee Structure.pdf](#)
- [4a 23-0249 BAIFA Resolution 46 Committee Structure Presentation.pdf](#)

4b. [22-1337](#) I-680 Express Carpool Check Smartphone App Pilot

Update on the status of the I-680 Contra Costa Express Lanes carpool verification smartphone app pilot, including outreach approach and equity considerations, and request for approval of Phase I of the pilot, which would allow carpooling participants enrolled in the pilot to use the I-680 Contra Costa Express Lanes with the app and a registered license plate in lieu of a FasTrak® account.

Action: Authority Approval

Presenter: Sarah Burnworth

Attachments: [4b 22-1337 I-680 Express Carpool Check Smartphone App Pilot.pdf](#)
 [4b 22-1337 I-680 Express Carpool Check Presentation.pdf](#)

5. Public Comment / Other Business

6. Adjournment / Next Meeting

The next meeting of the Bay Area Infrastructure Financing Authority is scheduled to be held at 9:35 a.m. on Wednesday, March 22, 2023 at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Authority meetings by completing a request-to-speak card (available from staff) and passing it to the Authority secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Authority may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Authority meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Título VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Authority members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Authority. Actions recommended by staff are subject to change by the Authority.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0234 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 1/12/2023 **In control:** Bay Area Infrastructure Financing Authority

On agenda: 2/22/2023 **Final action:**

Title: Minutes of the January 25, 2023 meeting

Sponsors:

Indexes:

Code sections:

Attachments: [3a_23-0234_January_25_2023_Draft_BAIFA_Minutes.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:
Minutes of the January 25, 2023 meeting

Recommended Action:
Authority Approval



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes

Bay Area Infrastructure Financing Authority

Alfredo Pedroza, Chair

Nick Josefowitz, Vice Chair

Wednesday, January 25, 2023

9:45 AM

HYBRID (In-Person Option Available)

Chair Pedroza called the meeting to order at 12:32 p.m.

1. Roll Call / Confirm Quorum

Present: 15 - Commissioner Abe-Koga, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Fleming, Commissioner Glover, Vice Chair Josefowitz, Commissioner Mahan, Commissioner Miley, Commissioner Papan, Chair Pedroza, Commissioner Rabbitt, Commissioner Ronen and Commissioner Spering

Absent: 1 - Commissioner Thao

Non-Voting Member Present: Commissioner Giacomini

Non-Voting Member Absent: Commissioner El-Tawansy

2. Chair's Report

There was nothing to report.

3. Consent Calendar

Upon the motion by Commissioner Chavez and seconded by Commissioner Spering, the Authority unanimously approved the Consent Calendar by the following vote:

Aye: 15 - Commissioner Abe-Koga, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Fleming, Commissioner Glover, Vice Chair Josefowitz, Commissioner Mahan, Commissioner Miley, Commissioner Papan, Chair Pedroza, Commissioner Rabbitt, Commissioner Ronen and Commissioner Spering

Absent: 1 - Commissioner Thao

3a. [23-0071](#) Minutes of the December 21, 2022 meeting

Action: Authority Approval

3b. [23-0074](#) BAIFA Resolution No. 44 Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Authority Approval

- 3c. [23-0109](#) MTC Express Lanes Quarterly Report: Annual Year Third Quarter (July-September 2022)

Action: Information

Presenter: Barbara Laurenson

- 3d. [23-0107](#) Amendments to Agreements for the San Mateo 101 Express Lanes
i. Cooperative Agreement Amendment - San Mateo 101 Express Lanes Toll System: San Mateo County Express Lanes Joint Powers Authority (SMCELJPA), the San Mateo County Transportation Authority (SMCTA) and the City/County Association of Governments of San Mateo County (C/CAG)

ii. Funding Agreement Amendment - San Mateo 101 Express Lane Civil Construction: San Mateo County Transportation Authority (SMCTA) (\$800,000)

Action: Authority Approval

Presenter: Beth Zelinski

4. Information

- 4a. [23-0110](#) Express Lanes Payment Plan

An update on the status of introducing a payment plan for Bay Area express lanes.

Action: Information

Presenter: Stephen Wolf

- 4b. [23-0091](#) Committee Structure

Presentation of a proposed structure for standing committees to provide detailed review and recommendations to the Authority on matters related to tolling.

Action: Information

Presenter: Lisa Klein

Veda Florez was called to speak.

5. Public Comment / Other Business

6. Adjournment / Next Meeting

The next meeting of the Bay Area Infrastructure Financing Authority is scheduled to be held on February 22, 2023. Any changes to the schedule will be duly noticed to the public.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0250 **Version:** 1 **Name:**

Type: Resolution **Status:** Consent

File created: 1/17/2023 **In control:** Bay Area Infrastructure Financing Authority

On agenda: 2/22/2023 **Final action:**

Title: BAIFA Resolution No. 45 Providing for Remote Meetings Pursuant to Assembly Bill 361

Sponsors:

Indexes:

Code sections:

Attachments: [3b_23-0250_BAIFA_Resolution_45_AB361.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:
BAIFA Resolution No. 45 Providing for Remote Meetings Pursuant to Assembly Bill 361

Recommended Action:
Authority Approval

Bay Area Infrastructure Financing Authority
BAIFA

February 22, 2023

Agenda Item 3b - 23-0250

BAIFA Resolution No. 45 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of BAIFA Resolution No. 45 Regarding Remote Meetings Pursuant to AB 361

Background:

AB 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings prospectively for 30 days following the Bay Area Infrastructure Financing Authority's action.

Issues:

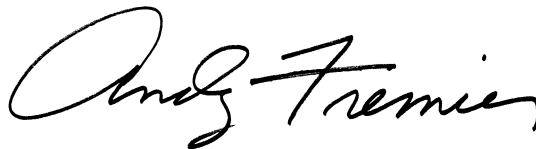
Findings in support of Resolution No. 45 are found in the attached resolution. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Bay Area Infrastructure Financing Authority is requested to adopt Resolution No. 45, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- Attachment A: BAIFA Resolution No. 45



Andrew B. Fremier

Date: February 22, 2023
Referred By: BAIFA

ABSTRACT

Resolution No. 45

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Bay Area Infrastructure Financing Authority (BAIFA) during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the BAIFA Summary Sheet dated February 22, 2023.

Date: February 22, 2023
Referred By: BAIFA

RE: Findings Pursuant to AB 361 to Continue Virtual Public Meetings for the Bay Area Infrastructure Financing Authority (BAIFA), During the COVID-19 State of Emergency

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 45

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Bay Area Infrastructure Financing Authority (BAIFA) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a

result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Bay Area Infrastructure Financing Authority hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of BAIFA, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with AB 361.

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Infrastructure Financing Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on February 22, 2023.

Legislation Details (With Text)

| | | | | | |
|----------------------|---|----------------------|---|---|--|
| File #: | 23-0249 | Version: | 1 | Name: | |
| Type: | Resolution | Status: | | Authority Approval | |
| File created: | 1/17/2023 | In control: | | Bay Area Infrastructure Financing Authority | |
| On agenda: | 2/22/2023 | Final action: | | | |
| Title: | BAIFA Resolution No. 46 - Committee Structure | | | | |

Recommendation to establish standing committees to assist with Bay Area Infrastructure Financing Authority (BAIFA) business by providing detailed review and recommendations to the Authority on matters related to tolling.

Sponsors:

Indexes:

Code sections:

Attachments: [4a 23-0249 BAIFA Resolution 46 Committee Structure.pdf](#)
[4a 23-0249 BAIFA Resolution 46 Committee Structure Presentation.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:

BAIFA Resolution No. 46 - Committee Structure

Recommendation to establish standing committees to assist with Bay Area Infrastructure Financing Authority (BAIFA) business by providing detailed review and recommendations to the Authority on matters related to tolling.

Presenter:

Lisa Klein

Recommended Action:

Authority Approval

**Bay Area Infrastructure Finance Authority
(BAIFA)**

February 22, 2023

Agenda Item 4a - 23-0249

BAIFA Resolution No. 46 - Committee Structure

Subject:

Recommendation to establish standing committees to assist with Bay Area Infrastructure Financing Authority (BAIFA) business by providing detailed review and recommendations to the Authority on matters related to tolling.

Background:

BAIFA is a joint powers authority created in 2006 by the Metropolitan Transportation Commission (MTC) and Bay Area Toll Authority (BATA) to finance the State contribution to the toll bridge seismic program. BAIFA was modified in 2011 and 2013 to implement and operate MTC's Express Lane Network, which was authorized by the California Transportation Commission. In April 2022, MTC and BATA approved changes to the BAIFA board composition so BAIFA could, in addition to continuing its responsibilities for MTC's express lanes, address evolving opportunities: serve as the tolling authority for State Route 37 (SR 37), subject to authorization by the state; provide a more robust forum for facilitating regional tolling coordination; and more effectively serve as a regional transportation conduit financing entity (e.g., financing BART rail car replacement). Specifically, BAIFA board membership was expanded from its previous composition, a subset of the Commission reflecting the counties in the MTC Express Lanes Network, to be co-terminus with the MTC board.

At the time of the change, there was a recognized desire to establish committees through future action by the BAIFA board. The purpose of committees is to allow for more in-depth review and recommendations to the full BAIFA board, particularly related to tolling. BAIFA's financing activities are expected to be more limited for the immediate future, and thus would be handled directly by the full board.

Committee Structure:

Staff recommends BAIFA establish two standing committees to recognize the two distinct roles BAIFA has when it comes to tolling.

Regional Tolling Policy Committee

This committee would provide a forum to facilitate seamless tolling through advisory policy coordination and planning such as: regional approaches to toll violation penalties and payment plans, equity programs or toll discounts; and potentially, Next Generation Freeway tolling. This committee could also potentially inform regional network planning and priorities for funding opportunities in close coordination with MTC's express bus planning efforts. Staff expects this committee would meet on an as needed basis likely, three to six times a year.

Commissioners have long advocated for coordination among express lane operators and with BATA to provide a better customer experience. While express lane operators have achieved largely consistent policies through coordination at the staff level, this forum would provide further scaffolding via direct discussion among board members. It would also be a forum to consider similarities and difference among toll bridges, express lanes and other types of tolling. It is worth underscoring this is an advisory role; policy recommendations would be subject to approval and implementation by each tolling agency.

Committee membership would include one commissioner representing each Bay Area county as selected by the Chair, plus the commissioner representing CalSTA (non-voting). This is a slight adjustment from the proposal presented in January, in which staff recommended the committee include representatives of each authorized tolling entity (eight total with the future authorization of SR 37). However, staff is recommending this more direct approach since tolling already touches residents and workers in every county and is a core regional strategy in Plan Bay Area 2050

Network and Operations Committee

This committee would focus on the delivery and operation of facilities where BAIFA has or may in the future have tolling authority – the MTC Express Lanes Network and SR 37, subject to authorization. Staff expects this committee would meet monthly to review and refer items to the full board for approval, as appropriate. Examples of items that would come before this committee include: approval of facility-specific toll rates, discounts, equity programs and toll ordinances; annual budget and long-range financial planning;

matters related to delivery, operations and maintenance of tolling; and use of toll revenue for operations and maintenance, network buildout and eligible uses of excess (net) revenue. (As a reminder, state law restricts use of MTC express lane revenue to the MTC facility/corridors. SR37 tolling authorization would similarly restrict revenue to the SR 37 facility/corridor.)

Staff also recommends the BAIFA board delegate to the Network and Operations Committee the approval of contract actions and interagency agreements.

Committee membership would include one commissioner representing each county in the BAIFA tolled facilities, plus the commissioner representing CalSTA (non-voting). While BAIFA awaits tolling authority for SR 37, membership would be as follows:

MTC Express Lanes

- Alameda County
- Contra Costa County
- Solano County

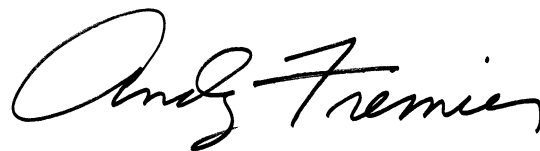
Three at large members to be appointed by the Chair. When BAIFA is authorized to toll SR 37, the three at large seats would be designated for Marin, Sonoma and Napa counties.

Recommendation:

Staff recommends the Authority approve Resolution No. 46 establishing the Regional Tolling Policy Committee and the Network and Operations Committee.

Attachment:

- BAIFA Resolution No. 46
- Presentation



Andrew B. Fremier

Date: February 22, 2023
Referred By: BAIFA

ABSTRACT

Resolution No. 46

This resolution authorizes the creation of a BAIFA Regional Tolling Policy Committee and a BAIFA Network and Operations Committee, as the Authority's standing committees.

Further discussion of this subject is contained in the BAIFA Summary Sheet dated February 22, 2023.

Date: December 21, 2022
Referred By: BAIFA

RE: Creation of BAIFA Standing Committees

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 46

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated as of August 1, 2006, as amended September 28, 2011, March 27, 2013, and April 27, 2022 (the “Agreement”), which Agreement creates and establishes the Bay Area Infrastructure Financing Authority (“BAIFA”); and

WHEREAS, the Metropolitan Transportation Commission (“MTC”) has been authorized by the State of California to develop and operate high-occupancy toll lane facilities constituting the Bay Area Express Lane Network (“Project”) pursuant to California Streets and Highways Code section 149.7 (“Express Lanes Statute”); and

WHEREAS, BAIFA is in the process of seeking authorization from the State to operate tolling on State Route 37 between Sears Point and Mare Island; and

WHEREAS, BAIFA wishes to promote coordination with other agencies that operate toll facilities in the Bay Area to provide seamless experience for drivers; and

WHEREAS, BAIFA wishes to establish two standing committees now, therefore, be it

RESOLVED, that the BAIFA Network and Operations Committee and the BAIFA Regional Tolling Policy Committee are hereby created; and, be it further

RESOLVED, the responsibilities of the BAIFA Network and Operations Committee are as set forth in Attachment A to this resolution, hereto and incorporated herein by this reference, and may be amended from time to time as BAIFA deems appropriate; and, be it further

RESOLVED, the responsibilities of the BAIFA Regional Tolling Policy Committee are as set forth in Attachment B to this resolution, hereto and incorporated herein by this reference, and may be amended from time to time as BAIFA deems appropriate.

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Infrastructure Financing Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on February 22, 2023.

Standing Committee: Network and Operations Committee

Committee Functions

Committee functions listed below relate to tolled facilities BAIFA is authorized to develop and operate (BAIFA toll facilities).

| Function | Delegated Authority |
|--|----------------------------|
| Oversee development, operations and performance of BAIFA toll facilities, including but not limited to toll rates and toll enforcement | Recommend to BAIFA |
| Review financial reports, audits and general stewardship of BAIFA toll facilities | Approval Authority |
| Review annual BAIFA budget | Recommend to BAIFA |
| Review fund allocations on contracts, interagency funding agreements, personal services contracts, and purchase orders not delegated to the Executive Director, or designee. | Approval Authority |
| | |
| Review and evaluate applications or commitments for allocation of funds, including but not limited to toll revenues from BAIFA toll facilities | Recommend to BAIFA |

Composition of Committee Membership

Membership: Unless otherwise approved by BAIFA: six (6) voting commissioners and one (1) non-voting commissioner as follows. A quorum shall be four (4) voting members of the Committee.

- One commissioner representing either Alameda County or the Cities of Alameda County
- One commissioner representing either Contra Costa County or the Cities of Contra Costa County
- The commissioner representing Solano County
- Three at-large representatives, appointed by the Chair*
- The commissioner representing CalSTA (non-voting)

* To be designated for commissioners representing Marin, Sonoma and Napa counties upon BAIFA's authorization to operate tolling on State Route 37.

The BAIFA Network and Operations Committee meeting's regular date and time will be established by resolution by BAIFA and published on the agency website. The meeting date and time is subject to change by the Committee as its work load warrants.

Standing Committee: Regional Tolling Policy Committee

Committee Functions

Committee provides a forum for discussion of coordinated approaches to regional tolling by the region's tolling agencies, including BAIFA.

| Function | Delegated Authority |
|--|----------------------------|
| Recommend approaches to regional toll policy coordination | Recommend to BAIFA |
| Review regional express lane plans, network planning and funding opportunities | Recommend to BAIFA |

Composition of Committee Membership

Membership: Unless otherwise approved by BAIFA: nine (9) voting commissioners and one (1) non-voting commissioner, as follows. A quorum shall be five (5) voting members of the Committee.

- One commissioner representing each Bay Area county, as selected by the Chair
- The commissioner representing CalSTA (non-voting)

The BAIFA Regional Tolling Policy Committee meeting's regular date and time will be established by resolution by BAIFA and published on the agency website.. The meeting date and time is subject to change by the Committee as its work load warrants.



EXPRESS LANE
FASTRAK ONLY TOLL
TO Whipple Rd 2.50
TO Hesperian Blvd 7.50
HOV3+ FREE W/FT FLEX

Alvarado Blvd EXIT 22
Fremont Blvd NORTH
EXIT ONLY

BAIFA Committee Recommendation

Bay Area Infrastructure
Financing Authority
February 22, 2023

BAIFA Reconfiguration April 2022

BAIFA board is co-terminus with MTC board

Responsibilities include:

Express Lanes

- Provide a forum that facilitates seamless regional tolling and network planning through coordinated policy and strategic planning (advisory)
- Deliver and operate MTC's express lane network in Alameda, Contra Costa and Solano counties (authorized by CTC)

SR 37

- Serve as SR 37 Tolling Authority – Deliver and operate tolling on Sears Point – Mare Island segment (when authorized)

Regional Transportation Conduit Financing, e.g., BART car replacement

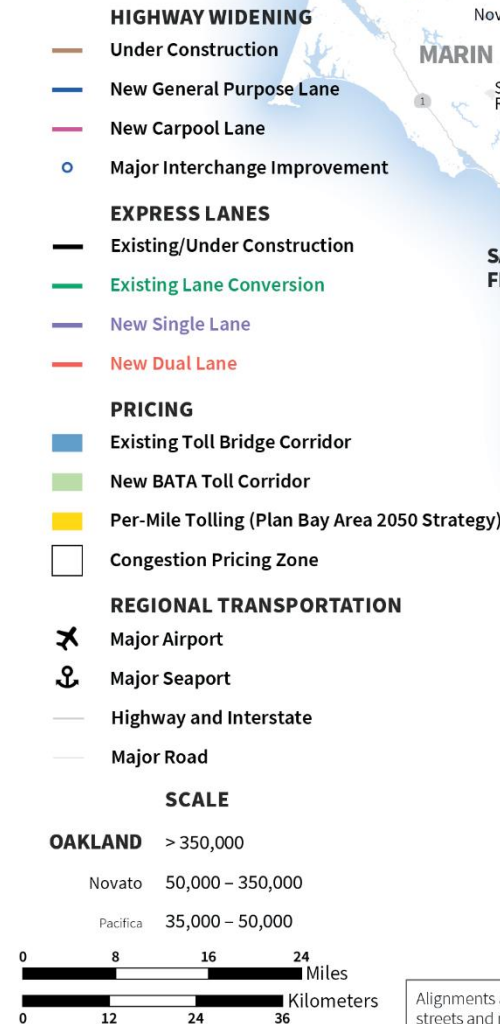
Committee structure TBD by action of BAIFA board

Seamless Regional Tolling

Develop advisory, regional policy approaches

- Toll policy: HOV requirements, discounts, equity, violation penalties, etc.
- Potentially, regional network planning, in close coordination with regional transit planning

Plan Bay Area 2050 Pricing Investments



Source: TomTom North America, 2019
Map Author: PB, 5/22

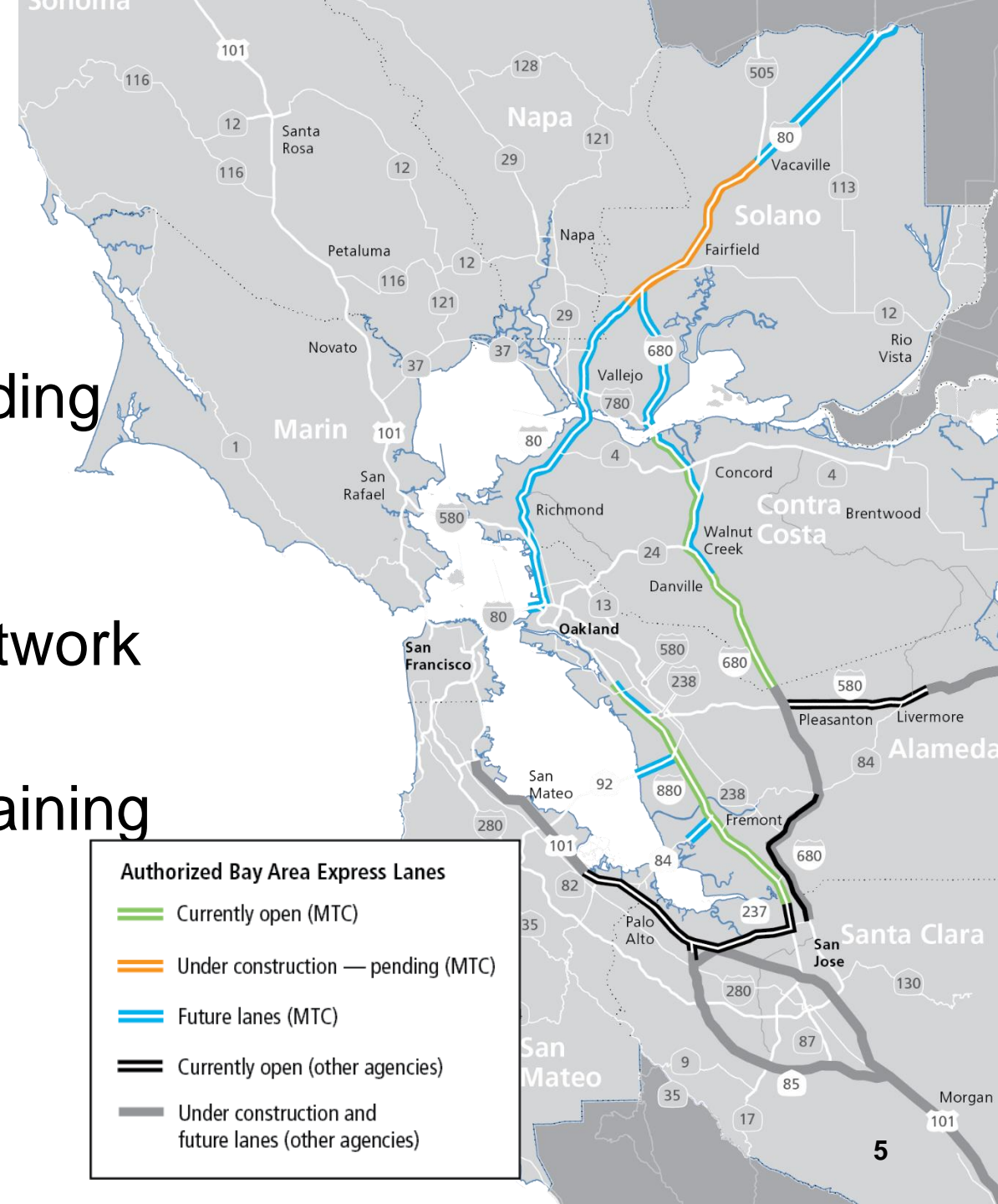
Seamless Tolling Landscape

Understand synergies and conflicts in tolling policies and develop advisory policy

| | BATA | SR 37 (pending authorization) | Express Lanes Voluntary alignment among operators |
|----------------------------|--|--|--|
| Toll Rates | Based on statute and number of axles. Must cover debt service, O&M and Rehab and Regional Measures | Likely aligned with BATA | Based on congestion |
| Discounts | HOV: 50% Clean air vehicles: 50% | TBD | HOV: free or 50% Clean air vehicles: 50% |
| Violation Penalties | \$5 + \$10 Low-income payment plan | Likely aligned with BATA | \$10 + \$20 Low-income payment plan |
| HOV Hours | Peak periods (match express lanes in future?) | TBD | 5 AM to 8 PM (same as tolling) |
| HOV Occupancy | HOV 2+/HOV 3+ Consultation with Caltrans | TBD Consultation with Caltrans | HOV 2+/HOV 3+ Consultation with Caltrans |
| Equity | Reduced fees and penalties; payment plan; mobile app; language support | Build on BATA and express lanes. Pursue option for low-income discount | Pilots underway (BAIFA and San Mateo) |

Deliver and Operate MTC's Express Lane Network

- Approve toll rates and policies, including discounts and equity programs
- Adopt toll ordinance (toll violations)
- Deliver, operate and maintain the network
- Direct toll revenue: O&M, asset management, network buildout, remaining revenue, etc.
- Adopt annual budget and long-range financial plan



Deliver and Operate State Route 37 Tolling Sears Point to Mare Island (when authorized)

In consultation with the SR 37 Policy Committee

- Approve toll rates, including discounts
- Adopt toll ordinance (toll violations)
- Deliver, operate & maintain toll system
- Direct toll revenue: O&M, interim and ultimate projects, other eligible corridor expenses



Recommended Committees

| | Regional Tolling Policy Committee Coordinated policy & planning (advisory forum) | Network and Operations Committee Delivery & operation of MTC Express Lane Network & SR 37 (when authorized) | Full BAIFA Board |
|-------------------|--|---|--|
| Membership | One commissioner for each Bay Area county CalSTA (non-voting) | One commissioner for each county in a BAIFA toll facility MTC express lanes: ALA, CC, SOL Three at-large representatives; seats will be designated when SR 37 tolling is authorized: MRN, NAP, SON CalSTA (non-voting) | Same as MTC |
| Freq | As needed, likely 3- 6 times annually | Monthly | Monthly |
| Scope | Recommendations for consideration by BAIFA, BATA and other toll operators (e.g., toll policy and Express Lanes Strategic Plan) | Policy, technical and financial recommendations to BAIFA board (e.g., toll rates, discounts, violations, budget and use of toll revenue) Approvals for implementation and operation contracts and for service agreements | Issue transportation financing Approve advisory policy approaches from Toll Policy Committee Approve policy, technical and financial items from Network & Operations Committee |

Examples

| Violation Penalties | <ul style="list-style-type: none"> • Review potential for coordinated approach by Regional Tolling Policy Committee • Approval of coordinated approach by BAIFA board (if desired) • Approval for implementation by various boards, e.g., each EL operator board would approve penalties for their Express Lanes; BATA and GGBHTD would each approve for their toll bridges |
|--|---|
| SR 37 Toll Schedule and Toll Ordinance | <ul style="list-style-type: none"> • Review in context of coordinated approach by Regional Tolling Policy Committee • Hearing and recommendation to BAIFA by Network and Operations Committee • Approval by BAIFA board |
| BAIFA Annual Budget BAIFA Express Lanes Long-Range Financial Plan | <ul style="list-style-type: none"> • Review by Network and Operations Committee • Approval by BAIFA board |
| Contracts for Express Lanes or SR 37 | <ul style="list-style-type: none"> • Review and approval by Network and Operations Committee |
| BART Car Financing | <ul style="list-style-type: none"> • Review and approval by BAIFA board |

Legislation Details (With Text)

| | | | | | |
|----------------------|--|----------------------|---|---|--|
| File #: | 22-1337 | Version: | 1 | Name: | |
| Type: | Report | Status: | | Authority Approval | |
| File created: | 8/17/2022 | In control: | | Bay Area Infrastructure Financing Authority | |
| On agenda: | 2/22/2023 | Final action: | | | |
| Title: | I-680 Express Carpool Check Smartphone App Pilot | | | | |

Update on the status of the I-680 Contra Costa Express Lanes carpool verification smartphone app pilot, including outreach approach and equity considerations, and request for approval of Phase I of the pilot, which would allow carpooling participants enrolled in the pilot to use the I-680 Contra Costa Express Lanes with the app and a registered license plate in lieu of a FasTrak® account.

Sponsors:**Indexes:****Code sections:**

Attachments: [4b 22-1337 I-680 Express Carpool Check Smartphone App Pilot.pdf](#)
[4b 22-1337 I-680 Express Carpool Check Presentation.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Subject:

I-680 Express Carpool Check Smartphone App Pilot

Update on the status of the I-680 Contra Costa Express Lanes carpool verification smartphone app pilot, including outreach approach and equity considerations, and request for approval of Phase I of the pilot, which would allow carpooling participants enrolled in the pilot to use the I-680 Contra Costa Express Lanes with the app and a registered license plate in lieu of a FasTrak® account.

Presenter:

Sarah Burnworth

Recommended Action:

Authority Approval

Bay Area Infrastructure Financing Authority
BAIFA

February 22, 2022

Agenda Item 4b - 22-1337

I-680 Express Carpool Check Smartphone App Pilot

Subject:

Update on the status of the I-680 Contra Costa Express Lanes carpool verification smartphone app pilot, including outreach approach and equity considerations, and request for approval of Phase I of the pilot, which would allow carpooling participants enrolled in the pilot to use the I-680 Contra Costa Express Lanes with the app and a registered license plate in lieu of a FasTrak® account.

Background:

Since 2018, the Commission has encouraged staff to explore new technologies to improve compliance with occupancy requirements in express lanes. Better compliance with occupancy requirements results in better lane performance benefitting carpools, buses and those who choose to pay to drive in the lanes. Today, carpool drivers use a FasTrak Flex® toll tag to declare the number of people in their vehicles, which results in their accounts being tolled at full price or the carpool discount. Occupancy enforcement is done in the field by the California Highway Patrol (CHP), but is limited by CHP's other duties and inherent challenges associated with verifying occupancy manually. Looking ahead, MTC is evaluating the use of a smartphone app that allows users to self-verify their carpool status. The app uses smartphone optical sensors and machine learning to determine the number of real faces present at the beginning and end of each trip. Testing the technology in the field is a step in evaluating whether this technology may someday complement or replace toll tag technology to verify toll-free or discounted travel in express lanes.

A Request for Proposals (RFP) was issued in November 2019, and in May 2020 the MTC Operations Committee awarded a contract to RideFlag Technologies (Rideflag) to pilot its smartphone app. The pilot, called the Express Carpool Check Smartphone App Pilot, was delayed due to the pandemic but is now nearing readiness for deployment.

Pilot Concept:

Phase 1 of the pilot involves recruiting approximately 500 volunteers who carpool in the I-680 Express Lanes between Martinez and San Ramon (which was the only operating express lane run by the Bay Area Infrastructure Financing Authority (BAIFA) when the vendor procurement was issued). Participants will use RideFlag's smartphone app to report the number of people in their carpool. MTC will test two versions of the RideFlag app: the first only counts the number of real faces at the beginning and end of the trip but does not check if they are the same people. The second compares facial geometry/measurements taken at the beginning and end of the trip to determine if the people are likely the same. Facial geometry/measurements are deleted at the end of each trip. For both versions, the app stores similar information as the existing toll system. The app vendor and the toll system both store account information (e.g., name, email, phone number and license plate) and trip data (including entry and exit, trip date and time). However, the carpool app vendor stores the number of verified people and the realness and match probabilities while the toll system records the toll tag switch setting.

Phase 1 pilot objectives are to assess the functionality and accuracy of the technology, gauge user acceptance and ease of use, assess privacy concerns, inform full deployment potential, and assess future customization opportunities. The pilot will run for approximately three to six months, during which time participants will be incentivized to provide periodic feedback through an online survey. At the end of the pilot, volunteers may be asked if they would like to participate in focus group meetings, which may be compensated.

If the pilot is deemed successful by MTC, staff may propose a Phase 2 pilot that could include integration with the FasTrak® back office system and/or broader deployment on express lanes (in coordination with other express lane operators). MTC would continue to investigate the policy and technical requirements for fully deploying such a system within the context of state law.

Equity Considerations:

With the Executive Director's introduction of MTC's Equity Platform in October 2019, staff are already considering equity more purposefully in the context of this Phase 1 pilot. Staff selected a

consultant, Center for Neighborhood Technology (CNT), from MTC's equity bench to review and provide recommendations on pilot structure, technology usability, recruitment/outreach, and evaluation. On July 22, 2022, staff presented to MTC's Policy Advisory Council Equity & Access Subcommittee to provide an early look at pilot plans and will return to the Subcommittee or full Policy Advisory Council with pilot results, as requested. Following selection of the equity consultant and based on what we heard from the Equity & Access Subcommittee, staff are considering comments related to privacy, accessibility, reverification, and safety. Staff are also focusing on outreach and recruitment to Equity Priority communities, including low income, Black, Indigenous, people of color (BIPOC), and those who speak a language other than English, with the goal of expanding pilot participation and access to express lanes for those who are not currently FasTrak[®] account holders. Staff recommends allowing enrolled participants who are not currently FasTrak[®] account holders to use a smartphone app and a registered license plate in lieu of a FasTrak[®] account to help recruit and solicit feedback from historically marginalized communities for this pilot project. Participants who are FasTrak[®] account holders will be instructed to use both the smartphone app and their FasTrak Flex[®] toll tag while participating in the pilot.

Pilot Approval:

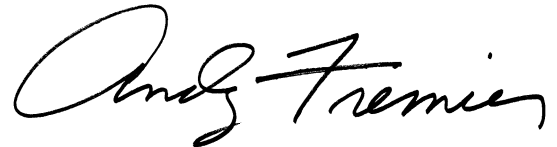
The BAIFA Toll Facility Ordinance, which specifies rules for using the lanes and penalties for violating these rules, requires all users to have a valid FasTrak[®] account. On June 22, 2022, BAIFA adopted an amendment to the Toll Facility Ordinance allowing BAIFA to carry out pilot projects to test alternative tolling and discount policies and new technologies for up to 36 months by board action. In accordance with the amended Toll Facility Ordinance, Section 4.2, staff seeks approval of this pilot to allow enrolled participants to use the I-680 Contra Costa Express Lanes with the app and a registered license plate in lieu of a FasTrak[®] account for a period not to exceed six months. Although the pilot is anticipated to last three months, six months will provide additional time in case further outreach or other minor adjustments to the pilot timeline are needed. The participants will use the lane while carpooling and thus will be eligible for toll free travel.

Recommendations:

Staff recommends that the Authority approve Phase I of the Express Carpool Check Smartphone App Pilot which would allow carpooling participants to use the I-680 Contra Costa Express Lanes with the Express Carpool Check Carpool Verification Smartphone App and a registered license plate in lieu of a FasTrak[®] account for a period not to exceed six months.

Attachments:

- Attachment A: PowerPoint

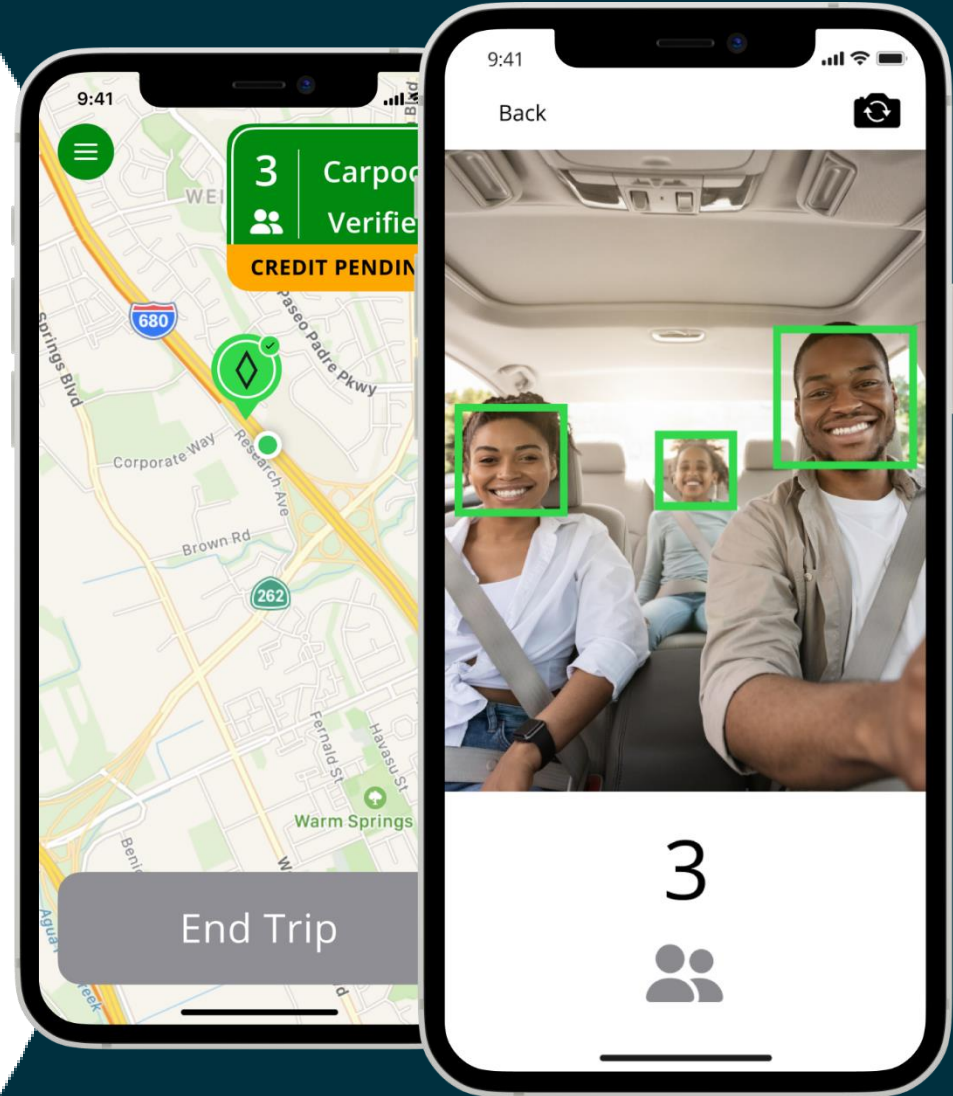
A handwritten signature in black ink, reading "Andrew B. Fremier". The signature is fluid and cursive, with the first name "Andrew" written in a large, looping script, and "B. Fremier" following in a similar but slightly more compact style.

Andrew B. Fremier

Express Carpool Check Smartphone App Pilot

February 22, 2023

BAIFA
BAY AREA INFRASTRUCTURE
FINANCING AUTHORITY



Key Points

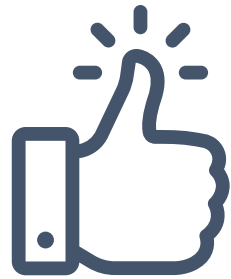
1. How the app works and how our pilot approach has evolved
2. What it may take to fully deploy the technology
3. Request for approval of I-680 Express Lanes carpool verification pilot

Why: Reducing Carpool Violations in Express Lanes

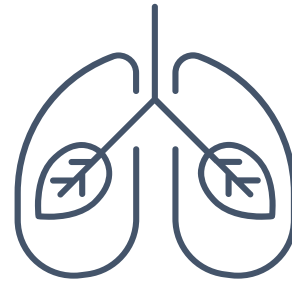
On average, 1 in 5 carpool lane users are violating occupancy requirements



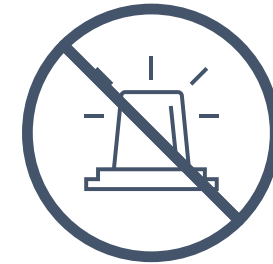
Reliable travel times
for carpools and
transit



Reduce
congestion and
increase public
confidence



Support regional goals
of reducing
greenhouse gas
emissions



Reduce need for
CHP field enforcement

Opportunities at Full Scale

- Automated system to reduce enforcement need, human bias
- Transition from punitive to incentive approach
- Possibility to phase out switchable transponder



First Step: Phase 1 Pilot

- **Does app-based carpool verification work?**

How the App Works

before driving

when parked

Facial geometry
deleted at end of
trip

Home

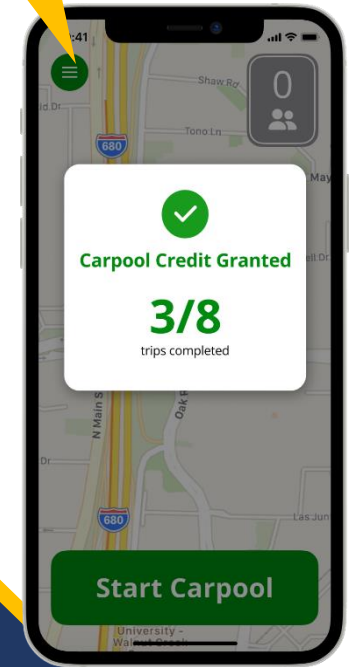
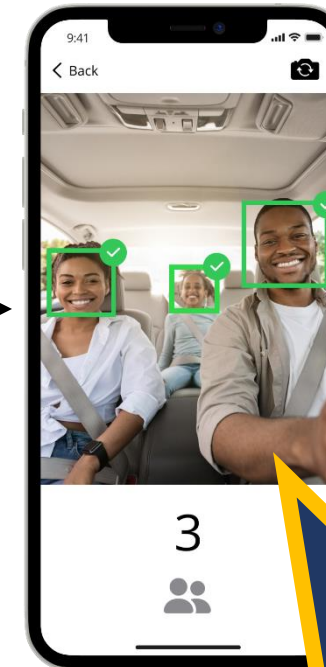
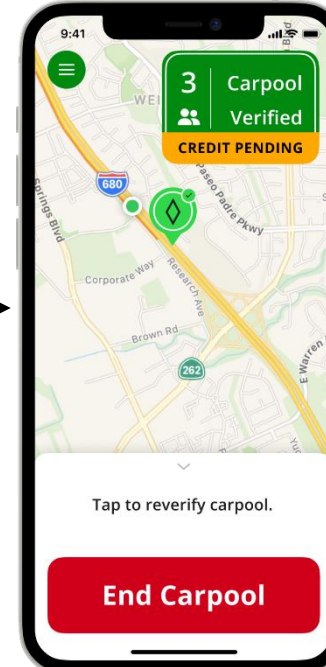
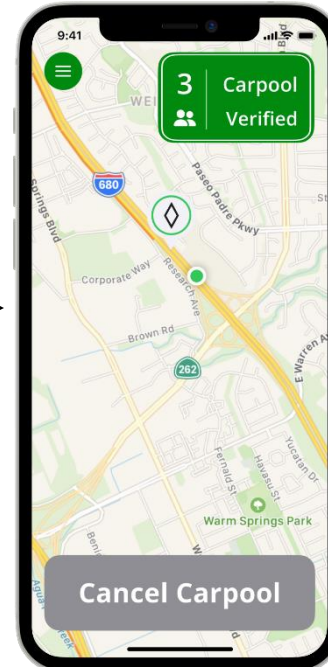
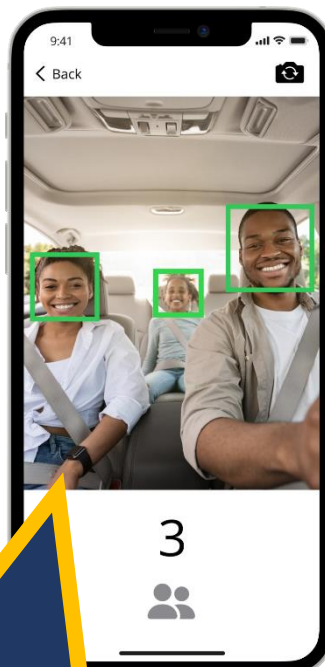
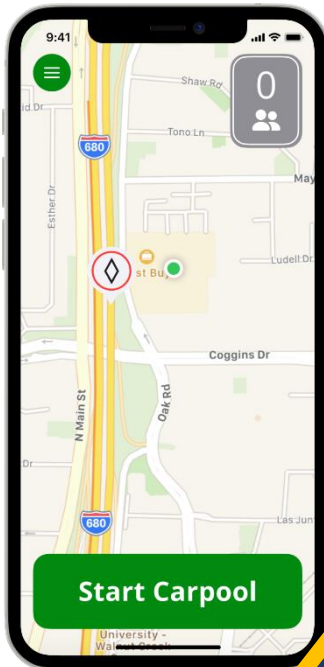
Verification
Camera

Ready to Carpool

Reverification
Required

Reverification
Camera

Carpool Credit
Granted



Camera determines number
of real faces & facial
geometry, no image captured

Generates realness and
match probabilities to validate
carpool

Use of Facial Geometry

Facial geometry is used to confirm that carpool occupants at the beginning of the trip are likely the same as at the end of a trip.

The app's use of facial geometry differs from facial recognition in key ways:

- App captures only geometry/outline of face
- No image captured or stored
- Facial geometry never leaves the phone, and is erased upon completion of each trip
- Confirms likely match instead of exact match
- Cannot be used to identify a person or reconstruct a face

Stored Data Similar to Fastrak®

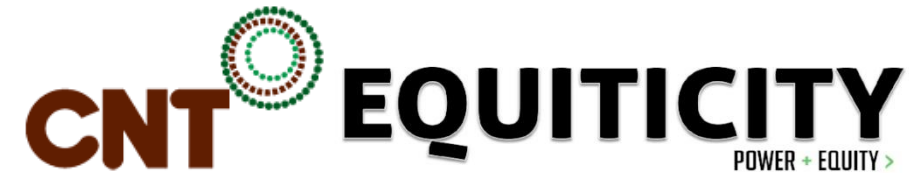
| Stored Data | Fastrak® | App |
|---|----------|-----|
| Account Information (e.g. license plate, transponder, phone number) | ✓ | ✓ |
| Highway Trip (entry and exit points) | ✓ | ✓ |
| Trip Date and Time | ✓ | ✓ |
| Toll Tag Switch Setting | ✓ | |
| Number of Verified People and Realness/Match Probability | | ✓ |



Equity: What We've Learned

What's Important

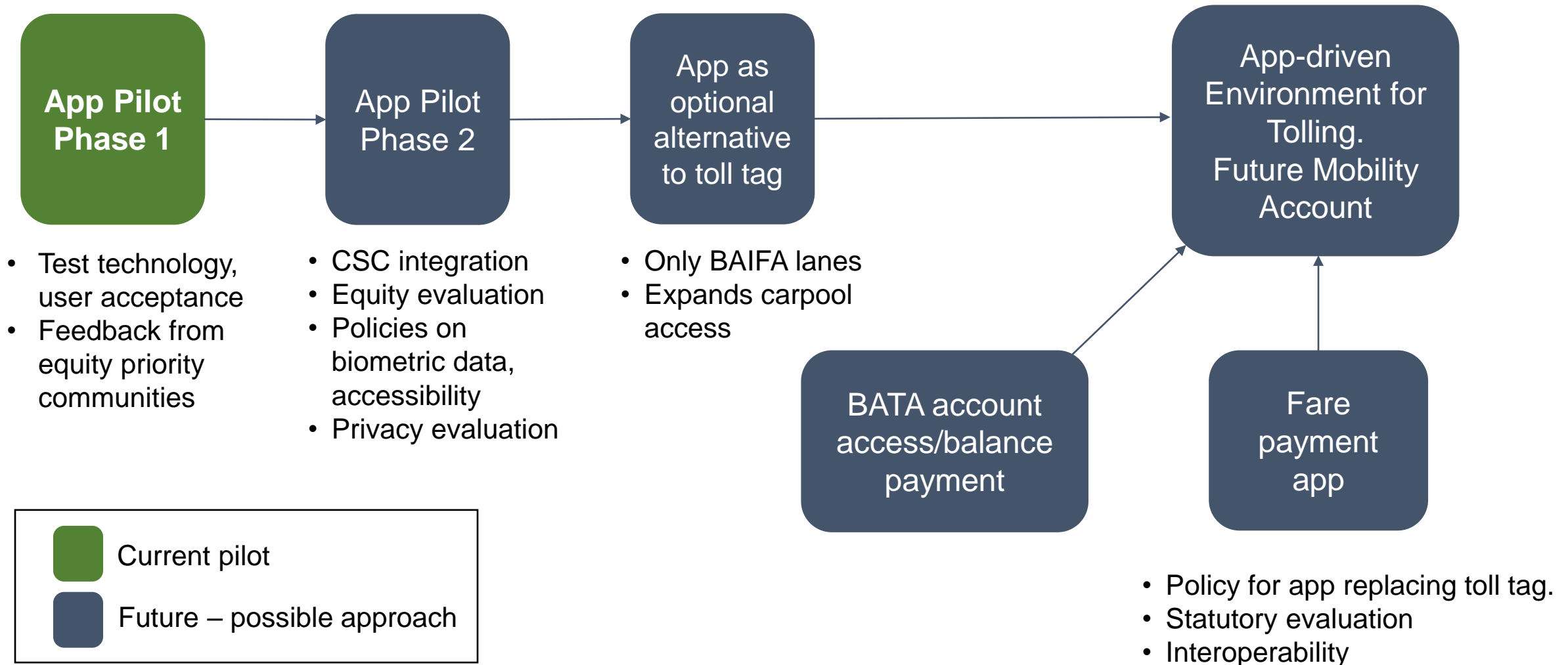
- Privacy & accessibility
- Access to Express Lanes
- Encourage Equity Priority Community participation in the pilot



**MTC Policy Advisory Council
Equity & Access Subcommittee**



Initial Step to Explore App-Driven Solutions



Phase 1 Smartphone App Pilot Approval

Approval of an I-680 Express Lanes pilot allowing enrolled carpools to use a smartphone app and valid license plate in lieu of a Fastrak® account

- ✓ Limited-term pilot (approx. 6 months)
- ✓ ~ 500 volunteers
- ✓ Participation agreement to address privacy

Phase 1 Pilot Estimated Timeline

| Activity | Feb 2023 | Mar 2023 | Apr 2023 | May 2023 | Jun 2023 | Jul 2023 | Aug 2023 | Sept 2023 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Pre-Pilot (Internal/Agency staff) | | | | | | | | |
| Review/Finalize Participation Agreement | | | | | | | | |
| BAIFA Approval of Pilot | | | | | | | | |
| Pilot Period | | | | | | | | |
| Post-Pilot Evaluation | | | | | | | | |