

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

January 25, 2022

Agenda Item 4a - 23-0110

Express Lanes Payment Plan

Subject:

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

Background:

The BAIFA express lanes currently operate on I-680 in Contra Costa County and I-880 in Alameda County. BAIFA contracts with the Bay Area Toll Authority (BATA) for back office and customer service operations provided through the FasTrak[®] Regional Customer Service Center (RCSC). Under this agreement, the RCSC processes express lanes toll transactions for FasTrak account holders and sends toll violation notices to those without an account. BATA provides these services for all express lanes operators in the Bay Area.

Since 2021, BATA has been developing and implementing an Equity Action Plan, a strategy to make the Bay Area tolling program more equitable. This effort responds to Commissioners' desire to address the need for customers to be able to manage debt, to urgently focus on those who need debt relief most, and to include baseline data and cost/benefit analyses in assessments of potential policy changes. BATA has already made several policy changes that affect toll bridge and express lanes customers alike: reducing tag deposits, reducing the pre-paid balance for cash-paying customers to open a FasTrak account, and eliminating cash payment network fees to make it more accessible and affordable to become a FasTrak customer and manage accounts. This work has been reported to the BATA Oversight Committee over several meetings: May 2021, October 2021, November 2021, January 2022, April 2022, June 2022, October 2022, and December 2022.

In 2022, Bay Area express lanes operators worked together to reduce express lanes violation penalties uniformly and on a common timeframe. For transactions on or after October 3, 2022, express lanes violation penalties are \$10 for the first notice plus \$20 for the second notice.

AB 2594 was signed into legislation in September 2022. The new legislation includes new requirements for and incorporates many practices already in place in California and Bay Area toll facilities, as presented in [Item 5a](#) at the October 2022 BATA Oversight Committee meeting. The adoption of a payment plan for low-income individuals is one of the new requirements of California toll operators.

While each express lanes operator has the authority to implement its own payment plan, Bay Area operators acknowledge the importance of regional consistency across customer-facing operating policies and have engaged with BATA in discussions on how to implement a single payment plan through BATA. Operators have reached consensus at a staff level to implement the payment plan on the same timeframe as the toll bridges and with the same policies, which are identified in Attachment A. Qualifying people would be able to enter a single payment plan with a single set of rules for violations incurred across all Bay Area toll bridges and express lanes.

Next Steps

Staff will return to BAIFA in the spring to amend the toll ordinance by resolution to make the exceptions to penalties consistent with the policies of the payment plan. The process of amending the ordinance by resolution was adopted by BAIFA in the June 2022 toll ordinance amendment. Other operators intend to present to their boards in a similar timeframe.

At the December 2022 BATA Oversight Committee meeting, staff outlined in [Item 5a](#) the outreach strategy staff will conduct from July to November 2023 to make the public aware of the payment plan. The strategy is two-pronged, with a general outreach to the broader Bay Area and targeted outreach to Equity Priority Communities.

Since the pandemic began in March 2020, BATA has delayed sending unpaid violation notices to the Department of Motor Vehicles (DMV) for registration holds or to collections, while all other express lanes operators have resumed sending violation notices to DMV. BAIFA is following BATA's lead on timing, which is dependent on the timing of the payment plan; BATA staff will present a plan for the release of DMV holds at BATA Oversight in the spring.

Issues:

None identified.

Recommendations:

This item is presented for information only.

Attachments:

- Attachment A: Payment Plan Policies

A handwritten signature in black ink that reads "Andrew B. Fremier". The signature is written in a cursive style with a large initial "A" and "F".

Andrew B. Fremier