

**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.