

## Meeting Agenda

### Bay Area Infrastructure Financing Authority

*Alfredo Pedroza, Chair*

*Nick Josefowitz, Vice Chair*

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Wednesday, May 25, 2022

9:05 AM

HYBRID (In person option available)

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\*\*\* PLEASE NOTE START TIME OF 9:05 a.m. \*\*\*

The Bay Area Infrastructure Financing Authority is scheduled to meet on Wednesday, May 25 at 9:05 a.m., in the Bay Area Metro Center (HYBRID - 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, Yerba Buena Conference 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/88190761522>

Or iPhone one-tap: US: +13462487799,,88190761522# or +16699006833,,88190761522#

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: 881 9076 1522

International numbers available: <https://bayareametro.zoom.us/j/88190761522>

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](mailto: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.

## 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. Pledge of Allegiance

## 3. Compensation Announcement

## 4. Chair's Report

## 5. Consent Calendar

- 5a. [22-0737](#) Minutes of the April 27, 2022 meeting.

Action: Authority Approval

Attachments: [5a - 22-0737 - April 27 BAIFA Draft Minutes.pdf](#)

- 5b. [22-0802](#) BAIFA Resolution No. 032 Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Authority Approval

Attachments: [5b - 22-0802 - BAIFA Reso-32 AB 361.pdf](#)

## 6. Public Hearing

- 6a. [22-0738](#) Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment

A public hearing on proposed changes to BAIFA's Toll Facility Ordinance to enable tolling-related pilots, allow modifications to violation penalty amounts and exceptions by board resolution, and to define the Executive Director's authority in an emergency.

Action: Public Hearing

Presenter: Pierce Gould

Attachments: [6a - 22-0738 - Public Hearing for Proposed BAIFA Toll Facility Ordinance Amendment](#)  
[6a - 22-0738 - Attachment A- Presentation.pdf](#)  
[6a - 22-0738 - Attachment B - Proposed BAIFA Toll Facility Ordinance Amendment](#)

## 7. Public Comment / Other Business

## 8. Adjournment / Next Meeting

The next meeting of the Bay Area Infrastructure Financing Authority is scheduled to be held on June 22, 2022. 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](http://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.

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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)

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**File #:** 22-0737      **Version:** 1      **Name:**

**Type:** Minutes      **Status:** Authority Approval

**File created:** 4/6/2022      **In control:** Bay Area Infrastructure Financing Authority

**On agenda:** 5/25/2022      **Final action:**

**Title:** Minutes of the April 27, 2022 meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [5a - 22-0737 - April 27 BAIFA Draft Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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**Subject:**  
Minutes of the April 27, 2022 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*

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Wednesday, April 27, 2022

9:50 AM

REMOTE (In person option available)

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#### Call Meeting to Order

#### 1. Roll Call / Confirm Quorum

- Present:** 13 - Chair Pedroza, Vice Chair Josefowitz, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Connolly, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Liccardo, Commissioner Papan, Commissioner Schaaf, Commissioner Spering and Vice Chair Worth
- Absent:** 5 - Commissioner Canepa, Commissioner Fleming, Commissioner Miley, Commissioner Rabbitt and Commissioner Ronen

Non-Voting Member Present: Commissioner Giacomini

Non-Voting Member Absent: Commissioner El-Tawansy

#### 2. Chair's Report

**2a.**     [22-0544](#)     BAIFA Resolution No. 10, Revised. Revisions to BAIFA Governing Rules

Revises BAIFA Resolution No. 10 for consistency with the amendment to the joint exercise of power agreement, subject to approval of the amendment by Metropolitan Transportation Commission (MTC) and Bay Area Toll Authority (BATA).

**Action:** Authority Approval

**Presenter:** Lisa Klein

**Upon the motion by Commissioner Ahn and seconded by Vice Chair Josefowitz, the Authority unanimously adopted BAIFA Resolution No. 10, Revised. The motion carried by the following vote:**

- Aye:** 12 - Chair Pedroza, Vice Chair Josefowitz, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Connolly, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Papan, Commissioner Schaaf, Commissioner Spering and Vice Chair Worth
- Absent:** 6 - Commissioner Canepa, Commissioner Fleming, Commissioner Liccardo, Commissioner Miley, Commissioner Rabbitt and Commissioner Ronen

### 3. Consent Calendar

Upon the motion by Commissioner Worth and seconded by Commissioner Dutra-Vernaci, the Authority unanimously approved the Consent Calendar by the following vote:

**Aye:** 12 - Chair Pedroza, Vice Chair Josefowitz, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Connolly, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Papan, Commissioner Schaaf, Commissioner Spering and Vice Chair Worth

**Absent:** 6 - Commissioner Canepa, Commissioner Fleming, Commissioner Liccardo, Commissioner Miley, Commissioner Rabbitt and Commissioner Ronen

3a. [22-0523](#) Minutes of the March 23, 2022 meeting

**Action:** Authority Approval

3b. [22-0524](#) BAIFA Resolution No. 030 Providing for Remote Meetings Pursuant to Assembly Bill 361

**Action:** Authority Approval

3c. [22-0540](#) MTC Express Lanes Quarterly Report: Annual Year Fourth Quarter (October - December 2021)

**Action:** Information

**Presenter:** Stephen Wolf

### 4. Information

4a. [22-0545](#) BAIFA Introduction and Upcoming Topics

Overview of BAIFA responsibilities and major topics for consideration by BAIFA in the remainder of 2022, in light of the amendment to the BAIFA joint powers agreement for consideration by MTC and BATA in April 2022.

**Action:** Information

**Presenter:** Lisa Klein and Stephen Wolf

Commissioner Liccardo arrived during agenda item 4a.

**4b.**     [22-0537](#)     I-880 Express Lanes Toll Discount Program Pilot Update

Update on the status of the I-880 Express Lanes Toll Discount Program Pilot, including the proposed public outreach plan and evaluation plan.

**Action:** Information

**Presenter:** Pierce Gould and Lysa Hale

Rich Hedges was called to speak.

Howard Wong 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 at 9:50 a.m. on May 25, 2022. 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)

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**File #:** 22-0802      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Authority Approval

**File created:** 4/15/2022      **In control:** Bay Area Infrastructure Financing Authority

**On agenda:** 5/25/2022      **Final action:**

**Title:** BAIFA Resolution No. 032 Providing for Remote Meetings Pursuant to Assembly Bill 361

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [5b - 22-0802 - BAIFA Reso-32 AB 361.pdf](#)

Date	Ver.	Action By	Action	Result
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**Subject:**  
BAIFA Resolution No. 032 Providing for Remote Meetings Pursuant to Assembly Bill 361

**Recommended Action:**  
Authority Approval



**Bay Area Infrastructure Financing Authority**  
**BAIFA**

May 25, 2022

Agenda Item 5b - 22-0802

**BAIFA Resolution No. 32 Providing for Remote Meetings Pursuant to AB 361**

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**Subject:**

Approval of BAIFA Resolution No. 32 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. 32 are found in the attached. 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. 32, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

**Attachments:**

- Attachment A: BAIFA Resolution No. 32



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Therese W. McMillan

Date: May 25, 2022  
Referred By: BAIFA

ABSTRACT

Resolution No. 32

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 May 25, 2022.

Date: May 25, 2022  
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. 32

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

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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 May 25, 2022.

## Legislation Details (With Text)

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<b>File #:</b>	22-0738	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>		Public Hearing	
<b>File created:</b>	4/6/2022	<b>In control:</b>		Bay Area Infrastructure Financing Authority	
<b>On agenda:</b>	5/25/2022	<b>Final action:</b>			
<b>Title:</b>	Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment				

A public hearing on proposed changes to BAIFA's Toll Facility Ordinance to enable tolling-related pilots, allow modifications to violation penalty amounts and exceptions by board resolution, and to define the Executive Director's authority in an emergency.

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

**Attachments:** [6a - 22-0738 - Public Hearing for Proposed BAIFA Toll Facility Ordinance Amendment.pdf](#)  
[6a - 22-0738 - Attachment A- Presentation.pdf](#)  
[6a - 22-0738 - Attachment B - Proposed BAIFA Toll Facility Ordinance Amendment.pdf](#)

Date	Ver.	Action By	Action	Result
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**Subject:**

Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment

A public hearing on proposed changes to BAIFA's Toll Facility Ordinance to enable tolling-related pilots, allow modifications to violation penalty amounts and exceptions by board resolution, and to define the Executive Director's authority in an emergency.

**Presenter:**

Pierce Gould

**Recommended Action:**

Public Hearing

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

**May 25, 2022**

**Agenda Item 6a - 22-0738**

**Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment**

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**Subject:**

A public hearing on proposed changes to BAIFA's Toll Facility Ordinance to enable tolling-related pilots, allow modifications to violation penalty amounts and exceptions by board resolution, and to define the Executive Director's authority in an emergency.

**Background:**

In July 2016, BAIFA adopted a toll ordinance, as required by statute, so that it could enforce toll violations on the I-680 Express Lanes in Contra Costa County. BAIFA's toll ordinance specifies its tolling rules and violation enforcement practices. Since then, BAIFA has amended its toll ordinance twice to add new express lanes and change select tolling rules.

In November 2021, staff presented the outline of a toll ordinance amendment that would enable tolling-related pilots, reduce violation penalties and allow future changes by resolution, and define emergency powers. In December 2021, staff paused the amendment process to allow further conversations with other Bay Area Express Lanes operators on reduced violation penalties. In March 2022, staff updated BAIFA on its plans to proceed with the amendment process while continuing to work with Bay Area Express Lanes operators on a reduced violation penalty. In April 2022, staff promoted the opportunity for public comment on the proposed amendment (including in Spanish and Chinese) through newspaper public notices, an MTC press release, information on the MTC and 511 websites, emails to local legislators, government and community-based organizations, and a paid social media campaign. Multilingual outreach materials included the amendment text and fact sheets and encouraged the public to use a survey tool to share comments. Staff held a written public comment period from April 20, 2022 through May 24, 2022 at 5:00 p.m.

At BAIFA's May 25, 2022 meeting, staff will give a short presentation and BAIFA will hold a public hearing so that members of the public can provide feedback on the proposed toll ordinance changes remotely or in person (refer to Attachment A for the staff presentation).

The proposed amendment makes the following changes of note:

**Change #1: Enable Tolling Pilots**

This change would allow BAIFA to carry out pilot projects to test alternate tolling and discount policies and new technologies for up to 36 months by board action. Subsequently, for example, the Authority would have the ability to authorize the toll discount pilot for low-income drivers on the I-880 Express Lanes; this approval would be a separate board action.

**Change #2: Allow Modifications to Violation Penalty Amounts and Exceptions by Board Resolution**

This change would allow BAIFA to modify violation penalty amounts and exceptions to the assessment of penalties by board resolution adopted at a public meeting. For example, if approved, staff anticipates asking BAIFA to lower existing violation penalties after discussions with other Bay Area Express Lanes operators. Approval by resolution, which is consistent with the practices of other Bay Area express lanes tolling agencies, preserves the public's ability to comment on proposed changes prior to board approval at a duly noticed BAIFA meeting, while reducing the time and cost to implement changes.

**Change #3: Define Emergency Authority**

This change would define the Executive Director of BAIFA's authority to suspend or reduce tolls or penalties or modify policies in the ordinance like hours of operation or high occupancy vehicle (HOV) requirements to respond to an emergency. An emergency is defined in the proposed ordinance amendment as an Act of God or other threat to public safety or well-being or any declared state of emergency by a government entity of competent jurisdiction.

**Issues:**

The written public comment period ends on May 24, 2022 at 5:00 p.m. A record of comments submitted by May 20, 2022 will be posted on MTC's website before the public hearing at [www.mtc.ca.gov/express-lanes-policies](http://www.mtc.ca.gov/express-lanes-policies). Written public comments submitted from May 21, 2022 through May 24, 2022 at 5:00 p.m. plus comments received at the May 25, 2022 public hearing will be added to MTC's website soon after. At the June 22, 2022 BAIFA meeting, staff will present a summary of public comments received during the public comment period and public hearing and BAIFA will consider adopting the proposed amended and restated Toll Facility Ordinance (refer to Attachment B for the detailed text of the proposed amendment).



The public was encouraged to comment using multi-lingual survey forms developed by staff. Based on 870 survey forms in English and 89 in Spanish received as of April 29, 2022 and May 4, 2022 respectively, staff has some initial general observations.

- Given BAIFA's interest in a toll discount pilot for low-income drivers on the I-880 Express Lanes, staff sought public input on this idea specifically even though BAIFA would need to approve this pilot separately after the toll ordinance amendment. For English survey respondents, a slight majority of people support or are neutral to the idea of a toll discount program pilot. However, many respondents voiced strong support or opposition for the idea. Some think it is fair to help low-income drivers while others think fairness means equal treatment for all. Some people voiced concern about the middle class getting squeezed by tolls and the need for a high-income threshold for eligibility since the Bay Area is expensive. Some people are concerned about fraud in terms of people getting a discount they don't deserve. Some people think toll policies should not incentivize anyone to drive alone. Despite mixed opinions on the idea of a toll discount, there was almost no comment on the idea of BAIFA having the authority to do pilots in general. For Spanish survey respondents, a significant majority support or are neutral to the idea of a toll discount pilot. A fair number of their comments were about pilot rules.
- A significant majority of both English and Spanish respondents support or are neutral to the idea of amending toll violation penalties by BAIFA resolution. Some people reinforced the need for a public process before adjusting penalties, including public outreach, with many ways to weigh in given busy lives. People shared a mix of opinions on whether penalties should be lowered. Some supported high penalties to discourage cheating, while others supported lower penalties for all or income-based penalties for equity reasons. Some mentioned the need for grace and forgiveness for first-time offenders.
- A significant majority of both English and Spanish respondents support or are neutral to the idea of defining the Executive Director's authority in an emergency. Many think it makes sense to cease tolling and open the express lanes to all in an emergency. Many

comments were about the need to define the term ‘emergency’ and set limits on the Executive Director’s authority.

- Many English survey respondents commented they oppose tolls and believe freeways should be free; some strongly opposed all three proposed changes to the toll ordinance as an apparent protest vote. There were some Spanish survey respondents with similar concerns.
- Some English survey respondents commented they do not trust government or its decision-makers.
- Some felt they needed more information to answer the questions.

Staff will provide a more comprehensive analysis at the June BAIFA meeting.

**Recommendations:**

This item is provided for information only in anticipation of the public hearing on the proposed amended and restated Toll Facility Ordinance.

**Attachments:**

- Attachment A: Public Hearing: Proposed BAIFA Toll Facility Ordinance Amendment
- Attachment B: Proposed BAIFA Amended and Restated Toll Facility Ordinance



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Therese W. McMillan

# Public Hearing: Proposed Bay Area Infrastructure Financing Authority Toll Facility Ordinance Amendment

**Pierce Gould**

[pgould@bayareametro.gov](mailto:pgould@bayareametro.gov)

May 25, 2022



**Authorized Bay Area Express Lanes**

- Currently open (MTC)
- Under construction (MTC)
- Future lanes (MTC)
- Currently open (other agencies)
- Under construction and future lanes (other agencies)

- ### Authorized Bay Area Express Lanes
- Currently open (MTC)
  - Under construction (MTC)
  - Future lanes (MTC)
  - Currently open (other agencies)
  - Under construction and future lanes (other agencies)

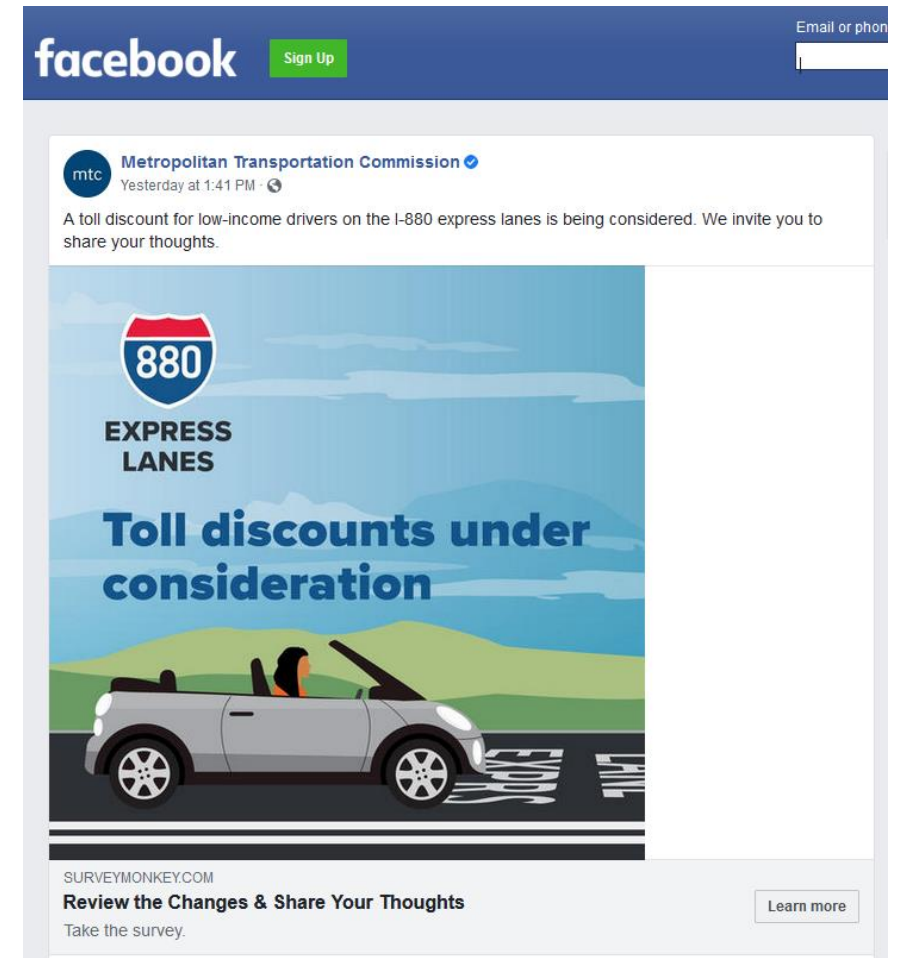
# Opportunity to Listen

- Touch base with public on policies
- Regional consistency across express lanes operators is a goal
- Listening matters, but may take time to incorporate feedback into policy
- Example: Low-income toll discount program pilot



# Multilingual Public Outreach

- Public notices in 5 county newspapers, plus Spanish and Chinese newspapers
- MTC press release
- Information on [MTC website](#) including amendment text and fact sheets
- 511 website promotional advertisement
- Emails to local legislators, government and community-based organizations
- Paid social media campaign
- Encouraged comments via survey form





# Proposed Changes to the Toll Ordinance

1. Enable tolling pilots in general  
(Note: toll discount program pilot would require separate approval)
2. Allow modifications to violation penalty amounts and exceptions by board resolution
3. Define emergency authority
4. Other minor clean-up



# Early Public Comment on Tolling Pilots

- English survey responses (858): slight majority supports or neutral on toll discount program pilot with many having strong feelings
  - Income threshold should align with Bay Area cost of living; concern about fraud
- Spanish survey responses (87): significant majority supports or neutral on toll discount program pilot with less polarization
- Little opposition voiced against having authority for pilots in general



# Early Public Comment on Violation Penalties

- English and Spanish survey responses (853 and 85, respectively): significant majority supports or neutral on amending toll violation penalties by resolution
  - Follow a public process including public outreach and options to weigh in
- Opinions mixed on if toll violation penalties should be lowered
  - High penalties to discourage cheating vs. low or income-based penalties for equity
  - Grace and forgiveness for first-time offenders

# Early Public Comment on Emergency Authority

- English survey responses (858) and Spanish survey responses (84): significant majority supports or neutral on defining emergency authority
  - Cease tolling and open express lane in an emergency; define 'emergency' and set limits on executive director's authority

# Other Observations on Public Comment

- A significant share of English and some Spanish survey respondents stated their opposition to tolls and concern for middle class
- Some English survey respondents stated their distrust of government and decision makers
- Some needed more information to answer questions
- Refer to list of public comments received as of May 20 at:  
[www.mtc.ca.gov/express-lanes-policies](http://www.mtc.ca.gov/express-lanes-policies)

# Toll Ordinance Amendment Schedule

- Public comment from April 20 to May 24
- Public hearing on May 25
- Vote to adopt on June 22 after staff presents summary of all public comments received
- If approved, amended ordinance would take effect July 22
- More information at [mtc.ca.gov/express-lanes-policies](https://mtc.ca.gov/express-lanes-policies)



**BAY AREA INFRASTRUCTURE FINANCING AUTHORITY  
TOLL FACILITY ORDINANCE**

**July 27, 2016**

(as amended and restated January 22, 2020, ~~and~~ September 23, 2020, and June 22, 2022)

**BAY AREA INFRASTRUCTURE FINANCING AUTHORITY  
TOLL FACILITY ORDINANCE**

The Bay Area Infrastructure Financing Authority ordains as follows:

**Section 1. Purpose.**

The purpose of this ordinance is to establish tolls and a toll collection process for the BAIFA toll facilities, to establish civil penalties for the evasion of those tolls or noncompliance with other policies set forth in this ordinance, and to establish a program that addresses how motorists can enroll and participate in BAIFA's toll facility program.

**Section 2. Scope.**

Every motorist entering a BAIFA toll facility shall be subject to and must abide by this ordinance.

**Section 3. Definitions.**

These definitions apply to this ordinance. Unless specifically defined below, the words and phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

"Applicable toll" means the toll for a vehicle entering a BAIFA toll facility established by this ordinance as determined from information collected by the FasTrak® system.

“Attachment A to this ordinance” means Attachment A to this ordinance as amended from time to time pursuant to Section 10.

“Authorized emergency vehicle” means a vehicle satisfying all of the conditions specified in Vehicle Code section 21655.5 or section 23301.5 for an exemption from paying a toll on a BAIFA toll facility.

“BAIFA” means the Bay Area Infrastructure Financing Authority, a joint exercise of powers agency formed under the California Joint Exercise of Powers Act with jurisdiction over the operation of the BAIFA toll facilities.

“BAIFA toll facility” means each high occupancy vehicle lane within the geographic jurisdiction of MTC that is operated by BAIFA as a toll lane and that is listed in Attachment A to this ordinance.

“BAIFA toll facility website” means the website at <http://mtc.ca.gov/express-lanes>.

“BATA” means the Bay Area Toll Authority.

“Caltrans” means the State of California Department of Transportation.

“Clean air vehicle” means a motor vehicle described in Section (b)(5) of Section 166 of Title 23 of the United States Code that displays a valid decal, label or other identifier issued pursuant to Vehicle Code Section 5205.5(a) or any other California law that enables toll-free or reduced-rate passage on the BAIFA toll facilities.

“CTOC” means the California Toll Operators Committee.

“Discount” means a reduced-rate toll expressed as a percent of the full toll.

“FasTrak®” or “FasTrak® system” means the electronic toll collection system administered by BATA for the BAIFA toll facilities, as well as the electronic toll collection systems administered by other members of CTOC.

“FasTrak® Account” means an account by that name established with BATA or any other CTOC member.

“FasTrak Flex® toll tag” means a FasTrak® toll tag featuring a switch for indicating the number of occupants in the vehicle.

“FasTrak® toll tag” means a FasTrak® electronic toll payment device issued by BATA (or any other member of CTOC) that meets the specifications of California Code of Regulations Title 21. “FasTrak® toll tag” includes non-revenue FasTrak® toll tags and FasTrak Flex® toll tags.

“High occupancy vehicle” means a vehicle with the minimum number of occupants specified by BAIFA for entering a BAIFA toll facility zone as a high occupancy vehicle as set forth in Attachment A to this ordinance and as displayed on BAIFA signs and other official signs or traffic control devices.

“Hours of operation” of a BAIFA toll facility zone means the hours when BAIFA is operating the BAIFA toll facility on any day within the maximum hours of operation set forth in Attachment A to this ordinance and as displayed on BAIFA signs and other official signs or traffic control devices. The hours of operation of a BAIFA toll facility zone shall not extend beyond the hours when the zone is otherwise restricted to use by high occupancy vehicles.

“HOV 3+” means a high occupancy vehicle requirement of three or more occupants.

“HOV 2+” means a high occupancy vehicle requirement of two or more occupants.

“Motorist” means the registered owner, rentee, lessee, or driver of a vehicle.

“MTC” means the Metropolitan Transportation Commission.

“Non-revenue FasTrak® toll tag” means a FasTrak® toll tag that does not result in a toll being charged.

“Over-the-road bus serving the public” means a bus that is characterized by an elevated passenger deck located over a baggage compartment and that serves the public.

“Pay-by-plate” means use of on-road vehicle license plate identification recognition technology to accept payment of tolls in accordance with BATA or CTOC policies.

“Penalty” means the monetary amounts assessed as civil penalties for each Violation, including the unpaid tolls and the toll evasion penalty, and shall constitute a toll evasion penalty under Vehicle Code Section 40252.

“Public transportation vehicle” means a public transportation vehicle as defined in Section 166 of Title 23 of the United States Code that meets BAIFA’s requirements for identifying public transportation vehicles specified at the BAIFA toll facility website.

“Segment” means two or more zones of a BAIFA toll facility that are designated as a BAIFA toll facility segment by the executive director of BAIFA.

“Vehicle Code” means the California Vehicle Code.

“Violation” has the meaning assigned in Section 8.2.

“Zone” means the portion of each BAIFA toll facility listed in Attachment A to this ordinance as a zone.

#### **Section 4. Timing.**

4.1 The tolls and Penalties for Violations imposed by this ordinance shall apply to motorists entering a BAIFA toll facility zone from and after the date and time when BAIFA opens the BAIFA toll facility zone for use by the public as a toll facility, unless explicitly stated otherwise in Attachment A to this ordinance.

4.2 Subject to board approval at a duly noticed public meeting, BAIFA may carry out pilot projects on one or more toll facilities not to exceed 36 months in duration to test tolling and

discount policies and new technologies that may deviate from the policies and technologies specified in this ordinance.

## **Section 5. Toll Tag or Pay-by-Plate Account Required.**

5.1 Every motorist traveling in a BAIFA toll facility during its hours of operation is required to be in a vehicle with either (1) a properly-mounted and properly-functioning FasTrak® toll tag on board, or (2) valid vehicle license plates properly attached pursuant to Vehicle Code Section 4850.5 or 5200, and, in either case, being associated with a valid FasTrak® account having a balance sufficient to pay the applicable toll. Every motorist traveling in a BAIFA toll facility during its hours of operation is required to pay the applicable toll using that FasTrak® account.

5.2 To be “properly-mounted” means that, except as specified in Section 5.3, the FasTrak® toll tag shall be located in or on the vehicle in a location so as to be accurately read by the FasTrak® system and be visible for the purposes of enforcement at all times while the vehicle is located in the BAIFA toll facility.

5.3 A motorcyclist shall use any one of the methods specified in Vehicle Code Section 23302(a)(3) to comply with the requirement to have a properly-mounted FasTrak Flex® toll tag, as long as the FasTrak Flex® toll tag is able to be read by BAIFA’s detection equipment.

5.4 Every motorist entering a BAIFA toll facility during its hours of operation and having a FasTrak Flex® toll tag must use the toll tag to accurately declare the number of occupants in the vehicle or, if permitted under Section 7, accurately indicate toll-exempt or Discount status.

5.5 A license plate account surcharge as specified in Attachment A to this ordinance shall apply to pay-by-plate toll payments.

## **Section 6. Tolls.**

6.1 Each motorist entering a BAIFA toll facility during its hours of operation who is not entitled to an exemption from tolls under Sections 7.1(B) through (F), inclusive, or Sections 7.4 or 7.5, shall be charged the then-applicable toll. The tolls charged by BAIFA are intended to manage the demand to use BAIFA toll facilities by varying the toll amount that is charged as established from time to time by the executive director of BAIFA. The amount charged may be determined pursuant to a methodology approved by the executive director of BAIFA, but the resulting tolls shall not be less than the minimum tolls set forth in Attachment A to this ordinance; provided, however, that the executive director of BAIFA may elect to reduce the minimum toll per zone during off-peak hours if the executive director determines, in consultation with Caltrans, that such reduction is necessary to alleviate traffic congestion in the non-tolled lanes. The current tolls upon entering a BAIFA toll facility zone or segment shall be displayed on BAIFA signs. BAIFA reserves the right to adjust tolls dynamically and in real-time. As such, the toll applicable to a motorist entering a BAIFA toll facility zone or segment is the toll displayed on the last BAIFA pricing sign before such motorist enters the zone or segment. Further, the total toll charged is determined based on the zones or segments of the BAIFA toll facility in which such motorist is detected. General information about tolls for BAIFA toll facilities is available online at the BAIFA toll facility website.



## Section 7. Exemptions from Tolls; Discount Tolls.

7.1 The following vehicles are exempt from paying tolls imposed by this ordinance.

- (A) vehicles entering a BAIFA toll facility outside the hours of operation of that facility.
- (B) high occupancy vehicles.
- (C) motorcycles.
- (D) public transportation vehicles and over-the-road buses that serve the public.
- (E) California Highway Patrol vehicles policing a BAIFA toll facility.
- (F) authorized emergency vehicles.

7.2 To enjoy the exemption from tolls afforded under Section 7.1(B), (C), (D), (E) or (F), every motorist entering a BAIFA toll facility during its hours of operation who is entitled to that exemption must use a properly-mounted FasTrak Flex® toll tag to accurately indicate a toll-exempt status or follow such other methods for indicating eligibility for exemption as shall be specified by BAIFA at the BAIFA toll facility website. Otherwise, such motorist entering a BAIFA toll facility during its hours of operation shall be charged the applicable toll.

7.3 Motorists having a properly-mounted, non-revenue FasTrak® toll tag are exempt from paying tolls and Penalties for Violations imposed by this ordinance.

7.4 Two-occupant vehicles traveling in a HOV 3+ BAIFA toll facility shall pay the applicable discounted toll, if any, specified for vehicles with two persons in Attachment A to this ordinance. To be eligible for the discounted toll, two-occupant vehicles must use a properly-mounted FasTrak Flex® toll tag to accurately indicate their occupancy status (by switching the tag to the '2' setting) or follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website. An exception is for class I vehicles designed by the manufacturer to be occupied by not more than two persons, including the driver; in this case, if the vehicle is occupied by two persons, the vehicle qualifies as toll-exempt, but must use a properly-mounted FasTrak Flex® toll tag switched to the '3+' setting or follow such other methods for indicating eligibility for exemption as shall be specified by BAIFA at the BAIFA toll facility website.

7.5 Motorists driving clean air vehicles shall be eligible to claim the discounted toll, if any, specified for clean air vehicles in Attachment A to this ordinance. ~~Prior to the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic, clean air vehicles must: (i) use a properly-mounted FasTrak Flex® toll tag to accurately indicate clean air vehicle status (by switching the tag to the '2' or '3+' setting), (ii) use a properly-mounted FasTrak®-CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (iii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website. Upon the opening of BAIFA's I-880 Oakland to Milpitas toll facilities to paying traffic,~~ Clean air vehicles on all BAIFA toll facilities must (i) use a properly mounted FasTrak® CAV toll tag accurately declaring the number of occupants in the vehicle (by switching the tag to the '1', '2' or '3+' setting), or (ii) follow such other methods for indicating eligibility for the discount as shall be specified by BAIFA online at the BAIFA toll facility website.

## Section 8. Enforcement and Penalties.

8.1 This ordinance adopts and incorporates by this reference, as though fully set forth herein, the administrative procedures and penalties in Article 4, Chapter 1 of Division 17 of the Vehicle Code as amended from time to time hereafter. The processing of notices of toll evasion violations

and notices of delinquent toll evasion violations shall be conducted in accordance with those procedures and penalties by BATA, as the processing agency for BAIFA within the meaning of Section 40253 of the Vehicle Code. The FasTrak® Regional Customer Service Center Policies set forth in Attachment A to BATA Resolution No. 52, Revised, as amended from time to time, shall be applicable to the BAIFA toll facilities and this ordinance (except to the extent they conflict with the provisions of this ordinance) and are hereby adopted and incorporated by reference into this ordinance as though fully set forth herein.

8.2 It shall be a Violation to:

- (A) fail to comply with Section 5.1;
- (B) fail to comply with Section 5.2;
- (C) fail to comply with Section 5.3; or
- (D) fail to comply with Section 5.4.

8.3. The Penalties for Violations under this ordinance shall be the penalties set forth in Attachment A to this ordinance. The exceptions to the assessment of Penalties are also set forth in Attachment A. Penalties and exceptions to the assessment of Penalties may be updated from time to time by a resolution of BAIFA adopted at a duly noticed public meeting. Upon adoption, updated Penalties and exceptions will be effective and deemed incorporated into this ordinance. Attachment A shall be updated to reflect any changes adopted through Resolution and posted on the agency website. Penalties shall not exceed the amounts established under Vehicle Code Section 40258, as may be amended from time to time, as the maximum penalties for civil toll evasion violations.

8.4 Vehicle occupancy violations while in the BAIFA toll facilities, including using a FasTrak Flex® toll tag to declare an occupancy status for toll exempt or discounted tolls when such declaration is not permitted hereunder, and other moving violations while in the BAIFA toll facilities, including entry into a BAIFA toll facility by a vehicle that is not authorized by the laws of the State of California to travel in such facility, are subject to citation by the California Highway Patrol.

8.5 BAIFA may use any lawful method to verify compliance with requirements for Discount and toll-exempt trips in the BAIFA toll facilities. Toll violations, including using a FasTrak Flex® toll tag to declare an occupancy status for toll exempt or discounted tolls when such declaration is not permitted hereunder, are subject to enforcement by BAIFA, as detailed in Sections 8.1 and 8.2 or as specified by BAIFA online at the BAIFA toll facility website, with Penalties as provided in Section 8.3.

8.6 BAIFA or BATA may access data saved electronically by the toll system in order to investigate Violations under this ordinance. Such data may include, but is not limited to, the vehicle license plate number, FasTrak Flex® toll tag setting, and FasTrak® toll tag account number, as permitted by law.

## **Section 9. Emergencies**

The executive director of BAIFA may suspend or reduce tolls or Penalties or modify hours of operation, HOV requirements or any other policy set forth in this ordinance to respond to an emergency for its duration until BAIFA's next meeting, at which time BAIFA will evaluate the executive director's action and determine whether to continue the executive director's action or take some other action. An emergency is defined as an Act of God or other threat to public

safety or well-being or any declared state of emergency by a government entity of competent jurisdiction.

**Section 109. Severability.**

The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance, shall not be affected thereby.

**Section 1~~10~~. Amendment.**

The provisions of this ordinance, including Attachment A to this ordinance, may be amended from time to time in accordance with the procedures set forth in Section 50020 and following of the California Government Code or, as specified herein, by resolution of BAIFA. The concurrence in or consent to any such amendment by any federal or State of California entity with jurisdiction over highways shall be obtained before that amendment is adopted, but only to the extent expressly required by federal or California law.

**Section 1~~21~~. Delegated Authority.**

Any action permitted to be taken or decision permitted to be made by the executive director of BAIFA hereunder may be taken or made by a designee of the executive director.

**Section 1~~32~~. Effective Date.**

This amended and restated ordinance will take effect and be in force 30 days after its adoption; and the existing Toll Facilities Ordinance shall remain in full force and effect at all times until this amended and restated ordinance becomes effective. Upon adoption, this amended and restated ordinance shall be signed by the Chair of the governing board of BAIFA and a summary shall be published by the Secretary of BAIFA once, within 15 days of its adoption, in a newspaper of general circulation printed and published in the City and County of San Francisco, California, and in a newspaper of general circulation in each of Alameda County, Contra Costa County, and Solano County, California.

**BAY AREA INFRASTRUCTURE FINANCING AUTHORITY**

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Alfredo Pedroza~~Scott Haggerty~~, Chair

The above ordinance was first adopted by the Bay Area Infrastructure Financing Authority at a regularly-scheduled meeting of BAIFA held in San Francisco, California, on July 27, 2016, and amended and restated by the Authority at a regularly-scheduled meeting of BAIFA held in San Francisco, California, on January 22, 2020, and further amended and restated by the Authority at ~~a~~ regularly-scheduled meetings of BAIFA held in San Francisco, California and at other remote locations, on September 23, 2020 and June 22, 2022.

ATTACHMENT A TO  
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY TOLL FACILITY ORDINANCE

**Facilities and Tolls**

Under the Bay Area Infrastructure Financing Authority Toll Facility Ordinance, the minimum toll per zone, the hours of operation, and Discounts available for high occupancy vehicles (HOVs) and clean air vehicles for each BAIFA toll facility listed below shall be as set forth in this table:

BAIFA Toll Facilities and Zones	Minimum Toll per Zone	Maximum Hours of Operation	HOV Requirement and Occupancy Discount*	Clean Air Vehicle Discount*
<b>I-680 San Ramon to Martinez</b> Five zones southbound <del>**</del> : <ol style="list-style-type: none"> <li>1. Monument Zone: Marina Vista Avenue to Monument Boulevard</li> <li>2. South Main Zone: Monument Boulevard to South Main Street</li> <li>3. El Cerro Zone: South Main Street to El Cerro Boulevard</li> <li>4. Crow Canyon Zone: El Cerro Boulevard to Crow Canyon Road</li> <li>5. Alcosta Zone: Crow Canyon Road to Alcosta Boulevard</li> </ol> Two zones northbound: <ol style="list-style-type: none"> <li>6. Crow Canyon Zone: Alcosta Boulevard to Crow Canyon Road</li> <li>7. Livorna Zone: Crow Canyon Road to Livorna Road</li> </ol>	\$0.50	Monday to Friday from 5AM to 8PM	100% for two or more persons (HOV 2+)	<del>100% until the I-880 Oakland to Milpitas Toll Facility opens to paying traffic, at which time the CAV Discount shall be</del> 50%
<b>I-880 Oakland to Milpitas</b> Six zones southbound: <ol style="list-style-type: none"> <li>1. Washington/238 Zone: Hegenberger Road to Washington Avenue/238</li> <li>2. Tennyson Zone: Washington Avenue/238 to Tennyson Road</li> <li>3. Alvarado-Niles Zone: Tennyson Road to Alvarado-Niles Road</li> <li>4. Thornton Zone: Alvarado-Niles Road to Thornton Avenue</li> <li>5. Auto Mall Zone: Thornton Avenue to Auto Mall Parkway</li> <li>6. Dixon Landing Zone: Auto Mall Parkway to Dixon Landing Road</li> </ol> Five zones northbound: <ol style="list-style-type: none"> <li>7. Auto Mall Zone: Dixon Landing Road to Auto Mall Parkway</li> <li>8. Mowry Zone: Auto Mall Parkway to Mowry Avenue</li> <li>9. Decoto/84 Zone: Mowry Avenue to Decoto Road/84</li> <li>10. Whipple Zone: Decoto Road/84 to Whipple Road</li> <li>11. Hesperian/238 Zone: Whipple Road to Hesperian Boulevard/238</li> </ol>	\$0.50	Monday to Friday from 5AM to 8PM	100% for three or more persons (HOV 3+)  50% for two persons, with the exception of 100% for two persons in a class 1 vehicle designed by the manufacturer to be occupied by no more than two persons, including the driver.	50%

*\*Discounts cannot be combined across discount categories; for example, a two-person clean air vehicle on I-880 cannot receive a 100% discount (50% for two persons plus 50% for clean air vehicle).*

~~\*\*Under this September 23, 2020 amended and restated ordinance, the I 680 Express Lane is being extended from Martinez to Walnut Creek in the southbound direction, adding three new toll zones: Monument, South Main and El Cerro. Once the three new zones open to toll-paying traffic, the El Cerro Zone will be from South Main Street to El Cerro Boulevard and the Crow Canyon Zone will be from El Cerro Boulevard to Crow Canyon Road. Until the three new zones open to toll-paying traffic, the southbound Crow Canyon Zone is from Rudgear Road to Crow Canyon Road and the Minimum Toll per Zone, Maximum Hours of Operation, HOV Requirement and Occupancy Discount and Clean Air Vehicle Discount in the southbound direction apply only from Rudgear Road to Alcosta Boulevard.~~

For all BAIFA toll facilities, the surcharge for “pay-by-plate” transactions shall be \$0.

## Penalties for Violations

### All Violations

1<sup>st</sup> Notice  
Toll + \$25 penalty

2<sup>nd</sup> Notice  
Toll + \$70 penalty

### Exceptions:

1. If the violation is determined to be the fault of the toll agency.
2. For 1<sup>st</sup> time offense, a non-customer can open a FasTrak® account prior to DMV registration hold or collections and the ~~\$25~~ penalty will be waived.
3. For FasTrak® account holders in good standing, toll-only will be posted to the account balance. If the account balance is less than the amount of the toll, the account balance must be brought to the replenishment threshold opening balance amount prior to posting the violation toll amount.

A processing fee will be applied to violations sent to the Department of Motor Vehicles (DMV) for a registration hold in the amount of the DMV recording fee authorized pursuant to Vehicle Code Section 4773 (currently \$3, as said amount may subsequently be revised by the DMV).